CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SIXTH CONGRESS, SECOND SESSION.

VOLUME X.



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CONGRESSIONAL RECORD,

FORTY-SIXTH CONGRESS, SECOND SESSION.

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PROCEEDINGS AND DEBATES OF THE FORTY-SIXTH CONGRESS.

SECOND SESSION.

IN SENATE.

MONDAY, *December* 1, 1879.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Forty-sixth Congress commenced this day.

The Senators assembled in the Senate Chamber in the Capitol at Washington City.

The VICE-PRESIDENT of the United States (Hon. WILLIAM A. WHEELER, of New York) took the chair and called the Senate to order at twelve o'clock noon.

SENATORS PRESENT.

The following Senators were present:

From the State of—

Alabama—John T. Morgan.
Arkansas—Augustus H. Garland and James D. Walker.
California—Newton Booth.
Colorado—N. P. Hill and Henry M. Teller.
Connecticut—William W. Eaton and Orville H. Platt.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Wilkinson Call.
Georgia—John B. Gordon.
Illinois—John A. Logan.
Indiana—Joseph E. McDonald.
Iowa—William B. Allison and Samuel J. Kirkwood.
Kansas—John James Ingalls and Preston B. Plumb.
Kentucky—James B. Beck.
Louisiana—Benjamin F. Jonas.
Maine—Hannibal Hamlin.
Maryland—James B. Groome.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Thomas W. Ferry.
Minnesota—Samuel J. R. McMillan and William Windom.
Mississippi—Blanche K. Bruce.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Algernon S. Paddock and Alvin Saunders.
New Hampshire—Henry W. Blair and Edward H. Rollins.
New Jersey—John R. McPherson and Theodore F. Randolph.
New York—Roscoe Conkling and Francis Kernan.
Ohio—George H. Pendleton and Allen G. Thurman.
Oregon—James H. Slater.
Pennsylvania—James Donald Cameron and William A. Wallace.
Rhode Island—Henry B. Anthony and Ambrose E. Burnside.
Tennessee—Isham G. Harris.
Texas—Richard Coke and Samuel B. Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—John W. Johnston.
West Virginia—Henry G. Davis and Frank Hereford.
Wisconsin—Matt H. Carpenter.

PRAYER.

Rev. J. J. BULLOCK, Chaplain to the Senate, offered the following prayer:

Almighty and most merciful God, our Heavenly Father, we adore Thee as the only true and living God, the creator, the preserver, and the supreme ruler of the universe. We thank Thee, O God, for all thy providential blessings to us. They are more in number than the stars of heaven and the sands of the sea-shore. Especially do we thank Thee for Thy kind preservation of us since last we met together in this Chamber, and that we are permitted to enter upon the duties and responsibilities of another session of this venerable body, under circumstances of great mercy, in the enjoyment of reason, and of health and every needed blessing.

It hath seemed good unto Thee, O God, in Thine inscrutable providence, to remove by the hand of death from this body one of its members. We pray that Thou wouldst bless his afflicted family. Sustain them in their sore bereavement and comfort them with the consolations of our most holy religion. And may we be deeply impressed, by this solemn event, of our own mortality, of the shortness and uncertainty of life, and of the importance of being prepared for our departure; for we know neither the day nor the hour when we shall be called hence.

And, O God, we invoke Thy blessing to rest upon another member of this body, whom Thou hast sorely stricken, in removing by death from his companionship the partner of his joys and his sorrows. We invoke Thy blessing to rest upon him in his sore affliction. And if there be any other members upon whom Thou hast laid Thy afflicting hand, we pray that Thou wouldst remember them in great mercy and sanctify their afflictions to them.

We commit ourselves and all that are dear to us to Thy guidance and protection. We implore Thy grace, and the forgiveness of all our sins. We pray for our rulers, for the President and the Vice-President, the Senators and Representatives in Congress, and for all others in authority. Guide their councils and lead them to the adoption of such measures as shall redound to Thy glory and to the best interests of our common country. Be Thou their guide and support through all the trials and changes of life; be with them in the solemn hour of death; and finally receive us all into Thine everlasting kingdom, through the riches of grace in Christ, our Redeemer. Amen.

NOTIFICATION TO THE HOUSE.

Mr. THURMAN offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Messrs. BAYARD and ANTHONY were appointed.

HOUR OF MEETING.

Mr. WALLACE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

REPORT OF SECRETARY OF SENATE.

The VICE-PRESIDENT laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from March 25, 1879, to June 30, 1879, and a statement of property in his possession belonging to the United States December 1, 1879; which was ordered to lie on the table and be printed.

REPORT OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT also laid before the Senate the annual report of the Sergeant-at-Arms of the Senate, communicating, in obedience to law, a statement of property in his possession belonging to

the United States December 1, 1879; which was ordered to lie on the table and be printed.

Mr. DAVIS, of West Virginia. I desire that the communications connected with the Senate expenditures may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, when appointed.

The VICE-PRESIDENT. The communications will lie on the table for the present, to be referred to that committee when appointed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate the report of the clerk of the Court of Claims, communicating, in obedience to law, a statement of the judgments rendered by that court during the year ending November 29, 1879; which was ordered to lie on the table and be printed.

RECESS.

Mr. THURMAN, (at twelve o'clock and thirty-five minutes p. m.) I move that the Senate take a recess for three-quarters of an hour.

Mr. EDMUNDS. I would suggest to the Senator from Ohio to name half an hour. It is likely that the Senate may be able to proceed with business by that time.

Mr. THURMAN. My experience is that when we have taken a recess for half an hour under circumstances like the present we have had to extend the time. I think we may as well take a recess for three-quarters of an hour at once.

Mr. EDMUNDS. Very well; I do not insist on my suggestion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate take a recess for three-quarters of an hour.

The motion was agreed to; and at the expiration of the recess (at one o'clock and twenty minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

Mr. GEORGE M. ADAMS, the Clerk of the House of Representatives, appeared at the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is now ready to proceed to business. I am also directed to inform the Senate that the House of Representatives has appointed Mr. J. D. C. ATKINS, of Tennessee; Mr. GEORGE A. BICKNELL, of Indiana, and Mr. JAMES A. GARFIELD, of Ohio, a committee on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

DARIEN CANAL—MONROE DOCTRINE.

Mr. BURNSIDE. Mr. President, I desire to give notice that tomorrow, immediately after the morning hour, I shall ask the indulgence of the Senate whilst I address a few remarks upon a resolution which I introduced last June touching the interoceanic canal, and reaffirming the Monroe doctrine. I promise not to detain the Senate to exceed half an hour.

PRESIDENT'S ANNUAL MESSAGE.

Mr. BAYARD. Mr. President, the committee appointed by the Senate to wait upon the President of the United States, in conjunction with a similar committee appointed by the House of Representatives, and to inform him that a quorum of both Houses was present and ready to receive any communication from him, have performed the duty assigned them, and have been informed by the President that he would communicate his message in writing at once.

At one o'clock and forty-five minutes p. m., Mr. W. K. RODGERS, the Private Secretary of the President of the United States, appeared at the bar of the Senate, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary, and handed to the Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate, Mr. JOHN C. BURCH, read the message, as follows:

Fellow-citizens of the Senate and House of Representatives:

The members of the Forty-sixth Congress have assembled in their first regular session under circumstances calling for mutual congratulation and grateful acknowledgment to the Giver of all good for the large and unusual measure of national prosperity which we now enjoy.

The most interesting events which have occurred in our public affairs since my last annual message to Congress are connected with the financial operations of the Government directly affecting the business interests of the country.

I congratulate Congress on the successful execution of the resumption act. At the time fixed, and in the manner contemplated by law, United States notes began to be redeemed in coin. Since the 1st of January last they have been promptly redeemed on presentation, and in all business transactions, public and private, in all parts of the country, they are received and paid out as the equivalent of coin. The demand upon the Treasury for gold and silver in exchange for United States notes has been comparatively small, and the voluntary deposit of coin and bullion in exchange for notes has been very large. The excess of the precious metals deposited or exchanged for United States notes over the amount of United States notes redeemed is about $40,000,000.

The resumption of specie payments has been followed by a very great revival of business. With a currency equivalent in value to the money of the commercial world, we are enabled to enter upon an equal competition with other nations in trade and production. The increasing foreign demand for our manufactures and agricultural products has caused a large balance of trade in our favor, which has been paid in gold, from the 1st of July last to November 15, to the amount of about $59,000,000. Since the resumption of specie payments there has also been a marked and gratifying improvement of the public credit. The bonds of the Government bearing only 4 per cent. interest have been sold at or above par, sufficient in amount to pay off all of the national debt which was redeemable under present laws. The amount of interest saved annually by the process of refunding the debt, since March 1, 1877, is $14,297,177. The bonds sold were largely in small sums, and the number of our citizens now holding the public securities is much greater than ever before. The amount of the national debt which matures within less than two years is $792,121,700, of which $500,000,000 bear interest at the rate of 5 per cent., and the balance is in bonds bearing 6 per cent. interest. It is believed that this part of the public debt can be refunded by the issue of 4 per cent. bonds, and, by the reduction of interest which will thus be effected, about eleven millions of dollars can be annually saved to the Treasury. To secure this important reduction of interest to be paid by the United States, further legislation is required, which, it is hoped, will be provided by Congress during its present session.

The coinage of gold by the mints of the United States during the last fiscal year was $40,986,912. The coinage of silver dollars since the passage of the act for that purpose up to November 1, 1879, was $45,000,850, of which $12,700,344 have been issued from the Treasury, and are now in circulation, and $32,300,506 are still in the possession of the Government.

The pendency of the proposition for unity of action between the United States and the principal commercial nations of Europe to effect a permanent system for the equality of gold and silver in the recognized money of the world leads me to recommend that Congress refrain from new legislation on the general subject. The great revival of trade, internal and foreign, will supply during the coming year its own instructions, which may well be awaited before attempting further experimental measures with the coinage. I would, however, strongly urge upon Congress the importance of authorizing the Secretary of the Treasury to suspend the coinage of silver dollars upon the present legal ratio. The market value of the silver dollar being uniformly and largely less than the market value of the gold dollar, it is obviously impracticable to maintain them at par with each other if both are coined without limit. If the cheaper coin is forced into circulation it will, if coined without limit, soon become the sole standard of value, and thus defeat the desired object, which is a currency of both gold and silver, which shall be of equivalent value, dollar for dollar, with the universally recognized money of the world.

The retirement from circulation of United States notes, with the capacity of legal tender in private contracts, is a step to be taken in our progress toward a safe and stable currency, which should be accepted as the policy and duty of the Government, and the interest and security of the people. It is my firm conviction that the issue of legal tender paper money based wholly upon the authority and credit of the Government, except in extreme emergency, is without warrant in the Constitution, and a violation of sound financial principles. The issue of United States notes during the late civil war with the capacity of legal tender between private individuals was not authorized except as a means of rescuing the country from imminent peril. The circulation of these notes as paper money for any protracted period of time after the accomplishment of this purpose was not contemplated by the framers of the law under which they were issued. They anticipated the redemption and withdrawal of these notes at the earliest practicable period consistent with the attainment of the object for which they were provided.

The policy of the United States, steadily adhered to from the adoption of the Constitution, has been to avoid the creation of a national debt, and when, from necessity in time of war, debts have been created, they have been paid off on the return of peace as rapidly as possible. With this view and for this purpose, it is recommended that the existing laws for the accumulation of a sinking fund sufficient to extinguish the public debt within a limited period be maintained. If any change of the objects or rates of taxation is deemed necessary by Congress, it is suggested that experience has shown that a duty can be placed on tea and coffee, which will not enhance the price of those articles to the consumer, and which will add several millions of dollars annually to the Treasury.

The continued deliberate violation by a large number of the prominent and influential citizens of the Territory of Utah of the laws of the United States for the prosecution and punishment of polygamy

demands the attention of every department of the Government. This Territory has a population sufficient to entitle it to admission as a State, and the general interests of the nation, as well as the welfare of the citizens of the Territory, require its advance from the territorial form of government to the responsibilities and privileges of a State. This important change will not, however, be approved by the country while the citizens of Utah in very considerable number uphold a practice which is condemned as a crime by the laws of all civilized communities throughout the world.

The law for the suppression of this offense was enacted with great unanimity by Congress more than seventeen years ago, but has remained until recently a dead letter in the Territory of Utah because of the peculiar difficulties attending its enforcement. The opinion widely prevailed among the citizens of Utah that the law was in contravention of the constitutional guarantee of religious freedom. This objection is now removed. The Supreme Court of the United States has decided the law to be within the legislative power of Congress, and binding as a rule of action for all who reside within the Territories. There is no longer any reason for delay or hesitation in its enforcement. It should be firmly and effectively executed. If not sufficiently stringent in its provisions it should be amended; and, in aid of the purpose in view, I recommend that more comprehensive and more searching methods for preventing as well as punishing this crime be provided. If necessary to secure obedience to the law, the enjoyment and exercise of the rights and privileges of citizenship in the Territories of the United States may be withheld or withdrawn from those who violate or oppose the enforcement of the law on this subject.

The elections of the past year, though occupied only with State offices, have not failed to elicit in the political discussions which attended them all over the country new and decisive evidence of the deep interest which the great body of citizens take in the progress of the country toward a more general and complete establishment, at whatever cost, of universal security and freedom in the exercise of the elective franchise. While many topics of political concern demand great attention from our people, both in the sphere of national and State authority, I find no reason to qualify the opinion I expressed in my last annual message, that no temporary or administrative interests of government, however urgent or weighty, will ever displace the zeal of our people in defense of the primary rights of citizenship, and that the power of public opinion will override all political prejudices, and all sectional and State attachments, in demanding that all over our wide territory the name and character of citizen of the United States shall mean one and the same thing, and carry with them unchallenged security and respect. I earnestly appeal to the intelligence and patriotism of all good citizens of every part of the country, however much they may be divided in opinions on other political subjects, to unite in compelling obedience to existing laws aimed at the protection of the right of suffrage. I respectfully urge upon Congress to supply any defects in these laws which experience has shown and which it is within its power to remedy. I again invoke the co-operation of the executive and legislative authorities of the States in this great purpose. I am fully convinced that, if the public mind can be set at rest on this paramount question of popular rights, no serious obstacle will thwart or delay the complete pacification of the country, or retard the general diffusion of prosperity.

In a former message I invited the attention of Congress to the subject of the reformation of the civil service of the Government, and expressed the intention of transmitting to Congress as early as practicable a report upon this subject by the chairman of the civil service commission.

In view of the facts that during a considerable period the government of Great Britain has been dealing with administrative problems and abuses in various particulars analogous to those presented in this country, and that in recent years the measures adopted were understood to have been effective, and in every respect highly satisfactory, I thought it desirable to have fuller information upon the subject, and accordingly requested the chairman of the civil service commission to make a thorough investigation for this purpose. The result has been an elaborate and comprehensive report.

The report sets forth the history of the partisan-spoils system in Great Britain, and of the rise and fall of the parliamentary patronage, and of official interference with the freedom of elections. It shows that after long trials of various kinds of examinations, those which are competitive and open on equal terms to all, and which are carried on under the superintendence of a single commission, have, with great advantage, been established as conditions of admission to almost every official place in the subordinate administration of that country and of British India. The completion of the report, owing to the extent of the labor involved in its preparation, and the omission of Congress to make any provision either for the compensation or the expenses of the commission, has been postponed until the present time. It is herewith transmitted to Congress.

While the reform measures of another government are of no authority for us, they are entitled to influence to the extent to which their intrinsic wisdom and their adaptation to our institutions and social life may commend them to our consideration.

The views I have heretofore expressed concerning the defects and abuses in our civil administration remain unchanged, except in so far as an enlarged experience has deepened my sense of the duty both of officers and of the people themselves to co-operate for their removal. The grave evils and perils of a partisan-spoils system of appointment to office and of office tenure are now generally recognized. In the resolutions of the great parties, in the reports of Departments, in the debates and proceedings of Congress, in the messages of Executives, the gravity of these evils has been pointed out and the need of their reform has been admitted.

To command the necessary support, every measure of reform must be based on common right and justice, and must be compatible with the healthy existence of great parties, which are inevitable and essential in a free state.

When the people have approved a policy at a national election, confidence on the part of the officers they have selected, and of the advisers who, in accordance with our political institutions, should be consulted in the policy which it is their duty to carry into effect, is indispensable. It is eminently proper that they should explain it before the people, as well as illustrate its spirit in the performance of their official duties.

Very different considerations apply to the greater number of those who fill the subordinate places in the civil service. Their responsibility is to their superiors in official position. It is their duty to obey the legal instructions of those upon whom that authority is devolved, and their best public service consists in the discharge of their functions irrespective of partisan politics. Their duties are the same, whatever party is in power and whatever policy prevails. As a consequence, it follows that their tenure of office should not depend on the prevalence of any policy or the supremacy of any party, but should be determined by their capacity to serve the people most usefully, quite irrespective of partisan interests. The same considerations that should govern the tenure should also prevail in the appointment, discipline, and removal of these subordinates. The authority of appointment and removal is not a perquisite, which may be used to aid a friend or reward a partisan, but is a trust to be exercised in the public interest, under all the sanctions which attend the obligation to apply the public funds only for public purposes.

Every citizen has an equal right to the honor and profit of entering the public service of his country. The only just ground of discrimination is the measure of character and capacity he has to make that service most useful to the people. Except in cases where, upon just and recognized principles, as upon the theory of pensions, offices and promotions are bestowed as rewards for past services, their bestowal upon any theory which disregards personal merit is an act of injustice to the citizen, as well as a breach of that trust subject to which the appointing power is held.

In the light of these principles it becomes of great importance to provide just and adequate means, especially for every department and large administrative office, where personal discrimination on the part of its head is not practicable, for ascertaining those qualifications to which appointments and removals should have reference. To fail to provide such means is not only to deny the opportunity of ascertaining the facts upon which the most righteous claim to office depends, but, of necessity, to discourage all worthy aspirants by handing over appointments and removals to mere influence and favoritism. If it is the right of the worthiest claimant to gain the appointment, and the interest of the people to bestow it upon him, it would seem clear that a wise and just method of ascertaining personal fitness for office must be an important and permanent function of every just and wise government. It has long since become impossible, in the great offices, for those having the duty of nomination and appointment to personally examine into the individual qualifications of more than a small proportion of those seeking office; and, with the enlargement of the civil service, that proportion must continue to become less.

In the earlier years of the Government, the subordinate officers were so few in number that it was quite easy for those making appointments and promotions to personally ascertain the merits of candidates—party managers and methods had not then become powerful agencies of coercion, hostile to the free and just exercise of the appointing power.

A large and responsible part of the duty of restoring the civil service to the desired purity and efficiency rests upon the President, and it is my purpose to do what is within my power to advance such prudent and gradual measures of reform as will most surely and rapidly bring about that radical change of system essential to make our administrative methods satisfactory to a free and intelligent people. By a proper exercise of authority, it is in the power of the Executive to do much to promote such a reform. But it cannot be too clearly understood that nothing adequate can be accomplished without co-operation on the part of Congress and considerate and intelligent support among the people. Reforms which challenge the generally accepted theories of parties, and demand changes in the methods of departments, are not the work of a day. Their permanent foundations must be laid in sound principles, and in an experience which demonstrates their wisdom and exposes the errors of their adversaries. Every worthy officer desires to make his official action a gain and an honor to his country, but the people themselves, far more than their officers in public station, are interested in a pure, economical, and vigorous administration.

By laws enacted in 1853 and 1855, and now in substance incorporated in the Revised Statutes, the practice of arbitrary appointments

to the several subordinate grades in the great Departments was condemned, and examinations as to capacity, to be conducted by departmental boards of examiners, were provided for and made conditions of admission to the public service. These statutes are a decision by Congress that examinations of some sort as to attainments and capacity are essential to the well-being of the public service. The important questions since the enactment of these laws have been as to the character of these examinations, and whether official favor and partisan influence, or common right and merit, were to control the access to the examinations. In practice, these examinations have not always been open to worthy persons generally who might wish to be examined. Official favoritism and partisan influence, as a rule, appear to have designated those who alone were permitted to go before the examining boards, subjecting even the examiners to a pressure from the friends of the candidates very difficult to resist. As a consequence the standard of admission fell below that which the public interest demanded. It was also almost inevitable that a system which provided for various separate boards of examiners, with no common supervision or uniform method of procedure, should result in confusion, inconsistency, and inadequate tests of capacity highly detrimental to the public interests. A further and more radical change was obviously required.

In the annual message of December, 1870, my predecessor declared that "there is no duty which so much embarrasses the Executive and heads of Departments as that of appointments; nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for the public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States." Congress accordingly passed the act approved March 3, 1871, "to regulate the civil service of the United States and promote the efficiency thereof," giving the necessary authority to the Executive to inaugurate a civil-service reform.

Acting under this statute, which was interpreted as intended to secure a system of just and effectual examinations under uniform supervision, a number of eminently competent persons were selected for the purpose, who entered with zeal upon the discharge of their duties, prepared, with an intelligent appreciation of the requirements of the service, the regulations contemplated, and took charge of the examinations, and who, in their capacity as a board, have been known as the "civil service commission." Congress for two years appropriated the money needed for the compensation and for the expense of carrying on the work of the commission.

It appears from the report of the commission, submitted to the President in April, 1874, that examinations had been held in various sections of the country, and that an appropriation of about $25,000 would be required to meet the annual expenses, including salaries involved in discharging the duties of the commission. The report was transmitted to Congress by special message of April 18, 1874, with the following favorable comment upon the labors of the commission: 'If sustained by Congress, I have no doubt the rules can, after the experience gained, be so improved and enforced as to still more materially benefit the public service and relieve the Executive, members of Congress, and the heads of Departments from influences prejudicial to good administration. The rules, as they have hitherto been enforced, have resulted beneficially, as is shown by the opinions of the members of the Cabinet and their subordinates in the Departments, and in that opinion I concur." And in the annual message of December of the same year similar views are expressed, and an appropriation for continuing the work of the commission again advised.

The appropriation was not made, and, as a consequence, the active work of the commission was suspended, leaving the commission itself still in existence. Without the means, therefore, of causing qualifications to be tested in any systematic manner, or of securing for the public service the advantages of competition upon any extensive plan, I recommended in my annual message of December, 1877, the making of an appropriation for the resumption of the work of the commission.

In the mean time, however, competitive examinations under many embarrassments have been conducted within limited spheres in the Executive Departments in Washington and in a number of the custom-houses and post-offices of the principal cities of the country with a view to further test their effects, and in every instance they have been found to be as salutary as they are stated to have been under the administration of my predecessor. I think the economy, purity, and efficiency of the public service would be greatly promoted by their systematic introduction wherever practicable throughout the entire civil service of the Government, together with ample provision for their general supervision in order to secure consistency and uniform justice.

Reports from the Secretary of the Interior, from the Postmaster-General, from the postmaster in the city of New York, where such examinations have been some time on trial, and also from the collector of the port, the naval officer, and the surveyor in that city, and from the postmasters and collectors in several of the other large cities, show that the competitive system where applied has in various ways contributed to improve the public service.

The reports show that the results have been salutary in a marked degree, and that the general application of similar rules cannot fail to be of decided benefit to the service.

The reports of the Government officers, in the city of New York especially, bear decided testimony to the utility of open competitive examinations in their respective offices, showing that "these examinations, and the excellent qualifications of those admitted to the service through them, have had a marked incidental effect upon the persons previously in the service, and particularly upon those aspiring to promotion. There has been, on the part of these latter, an increased interest in the work, and a desire to extend acquaintance with it beyond the particular desk occupied, and thus the *morale* of the entire force has been raised. * * * The examinations have been attended by many citizens who have had an opportunity to thoroughly investigate the scope and character of the tests and the method of determining the results, and those visitors have, without exception, approved the methods employed, and several of them have publicly attested their favorable opinion."

Upon such considerations, I deem it my duty to renew the recommendation contained in my annual message of December, 1877, requesting Congress to make the necessary appropriation for the resumption of the work of the civil-service commission. Economy will be promoted by authorizing a moderate compensation to persons in the public service who may perform extra labor upon or under the commission, as the Executive may direct.

I am convinced that if a just and adequate test of merit is enforced for admission to the public service and in making promotions, such abuses as removals without good cause and partisan and official interference with the proper exercise of the appointing power, will in large measure disappear.

There are other administrative abuses to which the attention of Congress should be asked in this connection. Mere partisan appointments, and the constant peril of removal without cause, very naturally lead to an absorbing and mischievous political activity on the part of those thus appointed, which not only interferes with the due discharge of official duty, but is incompatible with the freedom of elections. Not without warrant in the views of several of my predecessors in the presidential office, and directly within the law of 1871, already cited, I endeavored, by regulation made on the 22d day of June, 1877, to put some reasonable limits to such abuses. It may not be easy, and it may never perhaps be necessary, to define with precision the proper limit of political action on the part of Federal officers. But while their right to hold and freely express their opinions cannot be questioned, it is very plain that they should neither be allowed to devote to other subjects the time needed for the proper discharge of their official duties, nor to use the authority of their office to enforce their own opinions or to coerce the political action of those who hold different opinions.

Reasons of justice and public policy, quite analogous to those which forbid the use of official power for the oppression of the private citizen, impose upon the Government the duty of protecting its officers and agents from arbitrary exactions. In whatever aspect considered, the practice of making levies for party purposes, upon the salaries of officers, is highly demoralizing to the public service and discreditable to the country. Though an officer should be as free as any other citizen to give his own money in aid of his opinions or his party, he should also be as free as any other citizen to refuse to make such gifts. If salaries are but a fair compensation for the time and labor of the officer, it is gross injustice to levy a tax upon them. If they are made excessive in order that they may bear the tax, the excess is an indirect robbery of the public funds.

I recommend, therefore, such a revision and extension of present statutes as shall secure to those in every grade of official life or public employment the protection with which a great and enlightened nation should guard those who are faithful in its service.

Our relations with foreign countries have continued peaceful. With Great Britain there are still unsettled questions, growing out of the local laws of the maritime provinces and the action of provincial authorities, deemed to be in derogation of rights secured by treaty to American fishermen. The United States minister in London has been instructed to present a demand for $105,305.02 in view of the damages received by American citizens at Fortune Bay, on the 6th day of January, 1878. The subject has been taken into consideration by the British government, and an early reply is anticipated.

Upon the completion of the necessary preliminary examinations the subject of our participation in the provincial fisheries as regulated by treaty will at once be brought to the attention of the British government with a view to an early and permanent settlement of the whole question, which was only temporarily adjusted by the treaty of Washington.

Efforts have been made to obtain the removal of restrictions found injurious to the exportation of cattle to the United Kingdom.

Some correspondence has also occurred with regard to the rescue and saving of life and property upon the lakes, which has resulted in important modifications of the previous regulations of the Dominion government on the subject, in the interest of humanity and commerce.

In accordance with the joint resolution of the last session of Congress, commissioners were appointed to represent the United States at the two international exhibitions in Australia, one of which is now in progress at Sidney and the other to be held next year at Melbourne. A desire has been expressed by our merchants and manufacturers interested in the important and growing trade with Australia that an increased provision should be made by Congress for the representa-

tion of our industries at the Melbourne exhibition of next year, and the subject is respectfully submitted to your favorable consideration.

The assent of the Government has been given to the landing on the coast of Massachusetts of a new and independent transatlantic cable between France, by way of the French island of St. Pierre, and this country, subject to any future legislation of Congress on the subject. The conditions imposed, before allowing this connection with our shores to be established, are such as to secure its competition with any existing or future lines of marine cable, and preclude amalgamation therewith, to provide for entire equality of rights to our Government and people with those of France in the use of the cable, and prevent any exclusive possession of the privilege as accorded by France to the disadvantage of any future cable communication between France and the United States which may be projected and accomplished by our citizens. An important reduction of the present rates of cable communication with Europe, felt to be too burdensome to the interests of our commerce, must necessarily flow from the establishment of this competing line.

The attention of Congress was drawn to the propriety of some general regulation by Congress of the whole subject of transmarine cables by my predecessor in his message of December 7, 1875, and I respectfully submit to your consideration the importance of congressional action in the matter.

The questions of grave importance with Spain, growing out of the incidents of the Cuban insurrection, have been, for the most part, happily and honorably settled. It may reasonably be anticipated that the commission now sitting in Washington, for the decision of private cases in this connection, will soon be able to bring its labors to a conclusion.

The long standing question of East Florida claims has lately been renewed as a subject of correspondence, and may possibly require congressional action for its final disposition.

A treaty with the Netherlands, with respect to consular rights and privileges, similar to those with other powers, has been signed and ratified, and the ratifications were exchanged on the 31st of July last. Negotiations for extradition treaties with the Netherlands and with Denmark are now in progress.

Some questions with Switzerland, in regard to pauper and convict emigrants, have arisen, but it is not doubted that they will be arranged upon a just and satisfactory basis. A question has also occurred with respect to an asserted claim by Swiss municipal authorities to exercise tutelage over persons and property of Swiss citizens naturalized in this country. It is possible this may require adjustment by treaty.

With the German Empire frequent questions arise in connection with the subjects of naturalization and expatriation; but the imperial government has constantly manifested a desire to strictly maintain and comply with all treaty stipulations in regard to them.

In consequence of the omission of Congress to provide for a diplomatic representative at Athens, the legation to Greece has been withdrawn. There is now no channel of diplomatic communication between the two countries, and the expediency of providing for one, in some form, is submitted to Congress.

Relations with Austria, Russia, Italy, Portugal, Turkey, and Belgium continue amicable, and marked by no incident of especial importance.

A change of the personal head of the government of Egypt has taken place. No change, however, has occurred in the relations between Egypt and the United States. The action of the Egyptian government in presenting to the city of New York one of the ancient obelisks, which possess such historic interest, is highly appreciated as a generous mark of international regard. If prosperity should attend the enterprise of its transportation across the Atlantic, its erection in a conspicuous position in the chief commercial city of the nation will soon be accomplished.

The treaty recently made between Japan and the United States in regard to the revision of former commercial treaties, it is now believed, will be followed by similar action on the part of other treaty powers. The attention of Congress is again invited to the subject of the indemnity funds received some years since from Japan and China, which, with their accumulated interest, now amount to considerable sums. If any part of these funds is justly due to American citizens, they should receive it promptly; and whatever may have been received by this Government in excess of strictly just demands should in some form be returned to the nations to whom it equitably belongs.

The government of China has signified its willingness to consider the question of the emigration of its subjects to the United States with a dispassionate fairness, and to co-operate in such measures as may tend to prevent injurious consequences to the United States. The negotiations are still proceeding, and will be pressed with diligence.

A question having arisen between China and Japan about the Lew Chew Islands, the United States Government has taken measures to inform those powers of its readiness to extend its good offices for the maintenance of peace, if they shall mutually deem it desirable and find it practicable to avail themselves of the proffer.

It is a gratification to be able to announce that, through the judicious and energetic action of the military commanders of the two nations on each side of the Rio Grande, under the instructions of their respective governments, raids and depredations have greatly decreased, and in the localities where formerly most destructive have now almost wholly ceased. In view of this result, I entertain a confident expectation that the prevalence of quiet on the border will soon become so assured as to justify a modification of the present orders to our military commanders as to crossing the border, without encouraging such disturbances as would endanger the peace of the two countries.

The third installment of the award against Mexico under the claims commission of July 4, 1868, was duly paid, and has been put in course of distribution in pursuance of the act of Congress providing for the same. This satisfactory situation between the two countries leads me to anticipate an expansion of our trade with Mexico and an increased contribution of capital and industry by our people to the development of the great resources of that country. I earnestly commend to the wisdom of Congress the provision of suitable legislation looking to this result.

Diplomatic intercourse with Colombia is again fully restored by the arrival of a minister from that country to the United States. This is especially fortunate in view of the fact that the question of an interoceanic canal has recently assumed a new and important aspect, and is now under discussion with the Central American countries through whose territory the canal, by the Nicaragua route, would have to pass. It is trusted that enlightened statesmanship on their part will see that the early prosecution of such a work will largely inure to the benefit, not only to their own citizens and those of the United States, but of the commerce of the civilized world. It is not doubted that should the work be undertaken under the protective auspices of the United States, and upon satisfactory concessions for the right of way and its security by the Central American governments, the capital for its completion would be readily furnished from this country and Europe, which might, failing such guarantees, prove inaccessible.

Diplomatic relations with Chili have also been strengthened by the reception of a minister from that country.

The war between Peru, Bolivia, and Chili still continues. The United States have not deemed it proper to interpose in the matter further than to convey to all the governments concerned the assurance that the friendly offices of the Government of the United States for the restoration of peace upon an honorable basis will be extended, in case the belligerents shall exhibit a readiness to accept them.

Cordial relations continue with Brazil and the Argentine Republic, and trade with those countries is improving. A provision for regular and more frequent mail communication, in our own ships, between the ports of this country and the nations of South America seems to me to deserve the attention of Congress, as an essential precursor of an enlargement of our commerce with them and an extension of our carrying trade.

A recent revolution in Venezuela has been followed by the establishment of a provisional government. This government has not yet been formally recognized, and it is deemed desirable to await the proposed action of the people, which is expected to give it the sanction of constitutional forms.

A naval vessel has been sent to the Samoan Islands to make surveys and take possession of the privileges ceded to the United States by Samoa in the harbor of Pagopago. A coaling station is to be established there, which will be convenient and useful to United States vessels.

The subject of opening diplomatic relations with Roumania and Servia, now become independent sovereignties, is at present under consideration, and is the subject of diplomatic correspondence.

There is a gratifying increase of trade with nearly all European and American countries, and it is believed that with judicious action in regard to its development, it can and will be still more enhanced, and that American products and manufactures will find new and expanding markets. The reports of diplomatic and consular officers upon this subject, under the system now adopted, have resulted in obtaining much valuable information, which has been and will continue to be laid before Congress and the public from time to time.

The third article of the treaty with Russia, of March 30, 1867, by which Alaska was ceded to the United States, provides that the inhabitants of the ceded territory, with the exception of the uncivilized native tribes, shall be admitted to the enjoyment of all the rights of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes are subject to such laws and regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

Both the obligations of this treaty and the necessities of the people require that some organized form of government over the Territory of Alaska be adopted.

There appears to be no law for the arrest of persons charged with common-law offenses, such as assault, robbery, and murder, and no magistrate authorized to issue or execute process in such cases. Serious difficulties have already arisen from offenses of this character, not only among the original inhabitants, but among citizens of the United States and other countries, who have engaged in mining, fishing and other business operations within the Territory. A bill authorizing the appointment of justices of the peace and constables, and the arrest and detention of persons charged with criminal offenses, and

providing for an appeal to United States courts for the district of Oregon, in suitable cases, will at a proper time be submitted to Congress.

The attention of Congress is called to the annual report of the Secretary of the Treasury on the condition of the public finances.

The ordinary revenues from all sources for the fiscal year ending June 30, 1879, were $273,827,184.46; the ordinary expenditures for the same period were $266,947,883.53; leaving a surplus revenue for the year of $6,879,300.93.

The receipts for the present fiscal year ending June 30, 1880, actual and estimated, are as follows: Actual receipts for the first quarter, commencing July 1, 1879, $79,843,663.61; estimated receipts for the remaining three-quarters of the year, $208,156,336.39; total receipts for the current fiscal year, actual and estimated, $288,000,000. The expenditures for the same period will be, actual and estimated, as follows: For the quarter commencing July 1, 1879, actual expenditures, $91,683,385.10, and for the remaining three-quarters of the year the expenditures are estimated at $172,316,614.90; making the total expenditures $264,000,000, and leaving an estimated surplus revenue, for the year ending June 30, 1880, of $24,000,000. The total receipts during the next fiscal year ending June 30, 1881, estimated according to existing laws, will be $288,000,000, and the estimated ordinary expenditures for the same period will be $278,097,364.39; leaving a surplus of $9,902,635.61 for that year.

The large amount expended for arrears of pensions during the last and the present fiscal year, amounting to $21,747,249.60, has prevented the application of the full amount required by law to the sinking fund for the current year; but these arrears having been substantially paid, it is believed that the sinking fund can hereafter be maintained without any change of existing law.

The Secretary of War reports that the War Department estimates for the fiscal year ending June 30, 1881, are $40,380,428.93, the same being for a less sum of money than any annual estimate rendered to Congress from that Department during a period of at least twelve years.

He concurs with the General of the Army in recommending such legislation as will authorize the enlistment of the full number of twenty-five thousand men for the line of the Army, exclusive of the thirty-four hundred and sixty-three men required for detached duty, and therefore not available for service in the field.

He also recommends that Congress be asked to provide by law for the disposition of a large number of abandoned military posts and reservations, which, though very valuable in themselves, have been rendered useless for military purposes by the advance of civilization and settlement.

He unites with the Quartermaster-General in recommending that an appropriation be made for the construction of a cheap and perfectly fire-proof building for the safe storage of a vast amount of money-accounts, vouchers, claims, and other valuable records now in the Quartermaster-General's Office, and exposed to great risk of total destruction by fire.

He also recommends, in conformity with the views of the Judge-Advocate General, some declaratory legislation in reference to the military statute of limitations as applied to the crime of desertion.

In these several recommendations I concur.

The Secretary of War further reports that the work for the improvement of the South Pass of the Mississippi River, under contract with Mr. James B. Eads, made in pursuance of an act of Congress, has been prosecuted during the past year with a greater measure of success in the attainment of results than during any previous year. The channel through the South Pass, which, at the beginning of operations in June, 1875, had a depth of only seven and one-half feet of water, had, on the 8th of July, 1879, a minimum depth of twenty-six feet, having a width of not less than two hundred feet and a central depth of thirty feet. Payments have been made in accordance with the statute as the work progressed, amounting in the aggregate to $4,250,000; and further payments will become due as provided by the statute in the event of success in maintaining the channel now secured.

The reports of the General of the Army and of his subordinates present a full and detailed account of the military operations for the suppression of hostilities among the Indians of the Ute and Apache tribes, and praise is justly awarded to the officers and troops engaged for promptness, skill, and courage displayed.

The past year has been one of almost unbroken peace and quiet on the Mexican frontier, and there is reason to believe that the efforts of this Government and of Mexico to maintain order in that region will prove permanently successful.

This Department was enabled during the past year to find temporary though crowded accommodations, and a safe depository for a portion of its records, in the completed east wing of the building designed for the State, War, and Navy Departments. The construction of the north wing of the building, a part of the structure intended for the use of the War Department, is being carried forward with all possible dispatch, and the work should receive from Congress such liberal appropriations as will secure its speedy completion.

The report of the Secretary of the Navy shows continued improvement in that branch of the service during the fiscal year. Extensive repairs have been made upon vessels, and two new ships have been completed and made ready for sea.

The total expenditures of the year ended June 30, 1879, including specific appropriations not estimated for by the Department, were $13,555,710.09. The expenses chargeable to the year, after deducting the amount of these specific appropriations, were $13,343,317.79; but this is subject to a reduction of $283,725.99, that amount having been drawn upon warrants, but not paid out during the year. The amount of appropriations applicable to the last fiscal year was $14,538,646.17. There was, therefore, a balance of $1,479,054.37 remaining unexpended and to the credit of the Department on June 30, 1879. The estimates for the fiscal year ending June 30, 1881, are $14,864,147.95, which exceeds the appropriations for the present fiscal year $361,897.28. The reason for this increase is explained in the Secretary's report. The appropriations available for the present fiscal year are $14,502,250.67, which will, in the opinion of the Secretary, answer all the ordinary demands of the service. The amount drawn from the Treasury from July 1 to November 1, 1879, was $5,770,404.12, of which $1,095,440.33 has been refunded, leaving as the expenditure for that period $4,674,963.79. If the expenditures of the remaining two-thirds of the year do not exceed the proportion for these four months, there will remain unexpended at the end of the year $477,359.30 of the current appropriations. The report of the Secretary shows the gratifying fact that among all the disbursing officers of the pay corps of the Navy there is not one who is a defaulter to the extent of a single dollar. I unite with him in recommending the removal of the Observatory to a more healthful location. That institution reflects credit upon the nation, and has obtained the approbation of scientific men in all parts of the world. Its removal from its present location would not only be conducive to the health of its officers and professors, but would greatly increase its usefulness.

The appropriation for judicial expenses, which has heretofore been made for the Department of Justice in gross, was subdivided at the last session of Congress, and no appropriation whatever was made for the payment of the fees of marshals and their deputies, either in the service of process or for the discharge of other duties; and, since June 30, these officers have continued the performance of their duties, without compensation from the Government, taking upon themselves the necessary incidental outlays, as well as rendering their own services. In only a few unavoidable instances has the proper execution of the process of the United States failed by reason of the absence of the requisite appropriation. This cause of official conduct on the part of these officers, highly creditable to their fidelity, was advised by the Attorney-General, who informed them, however, that they would necessarily have to rely for their compensation upon the prospect of future legislation by Congress. I therefore especially recommend that immediate appropriation be made by Congress for this purpose.

The act making the principal appropriation for the Department of Justice at previous sessions has uniformly contained the following clause: "And for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled, 'An act to amend an act approved May 30, 1870, entitled "An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes," or any acts amendatory thereof or supplementary thereto.'"

No appropriation was made for this purpose for the current year. As no general election for members of Congress occurred, the omission was a matter of little practical importance. Such election will, however, take place during the ensuing year, and the appropriation made for the pay of marshals and deputies should be sufficient to embrace compensation for the services they may be required to perform at such elections.

The business of the Supreme Court is, at present, largely in arrears. It cannot be expected that more causes can be decided than are now disposed of in its annual session, or that by any assiduity the distinguished magistrates who compose the court can accomplish more than is now done. In the courts of many of the circuits, also, the business has increased to such an extent that the delay of justice will call the attention of Congress to an appropriate remedy. It is believed that all is done in each circuit which can fairly be expected from its judicial force. The evils arising from delay are less heavily felt by the United States than by private suitors, as its causes are advanced by the courts when it is seen that they involve the discussion of questions of a public character.

The remedy suggested by the Attorney-General is the appointment of additional circuit judges and the creation of an intermediate court of errors and appeals, which shall relieve the Supreme Court of a part of its jurisdiction, while a large force is also obtained for the performance of circuit duties.

I commend this suggestion to the consideration of Congress. It would seem to afford a complete remedy, and would involve, if ten additional circuit judges are appointed, an expenditure, at the present rate of salaries, of not more than $60,000 a year, which would certainly be small in comparison with the objects to be attained.

The report of the Postmaster-General bears testimony to the general revival of business throughout the country. The receipts of the Post-Office Department for the fiscal year ended June 30, 1879, were $30,041,982.86, being $764,465.91 more than the revenues of the preceding year. The amount realized from the sale of postage-stamps, stamped envelopes, and postal cards was $764,465.91 more than in the preceding year, and $2,387,559.23 more than in 1877. The ex-

penditures of the Department were $33,449,899.45, of which the sum of $376,461.63 was paid on liabilities incurred in preceding years.

The expenditures during the year were $801,209.77 less than in the preceding year. This reduction is to be attributed mainly to the operation of the law passed June 17, 1878, changing the compensation of postmasters from a commission on the value of stamps sold to a commission on stamps canceled.

The amount drawn from the Treasury on appropriations in addition to the revenues of the Department was $3,031,454.96, being $2,276,197.86 less than in the preceding year.

The expenditures for the fiscal year ending June 30, 1881, are estimated at $39,920,900, and the receipts from all sources at $32,210,000, leaving a deficiency to be appropriated for out of the Treasury of $7,710,900.

The relations of the Department with railroad companies have been harmonized, notwithstanding the general reduction by Congress of their compensation, by the appropriation for special facilities, and the railway post-office lines have been greatly extended, especially in the Southern States. The interests of the railway-mail service and of the public would be greatly promoted and the expenditures could be more readily controlled by the classification of the employés of the railway-mail service as recommended by the Postmaster-General, the appropriation for salaries, with respect to which the maximum limit is already fixed by law, to be made in gross.

The Postmaster-General recommends an amendment of the law regulating the increase of compensation for increased service and increased speed on star routes, so as to enable him to advertise for proposals for such increased service and speed. He also suggests the advantages to accrue to the commerce of the country from the enactment of a general law authorizing contracts with American-built steamers carrying the American flag, for transporting the mail between ports of the United States and ports of the West Indies and South America at a fixed maximum price per mile, the amount to be expended being regulated by annual appropriations in like manner with the amount paid for the domestic star service.

The arrangement made by the Postmaster-General and the Secretary of the Treasury for the collection of duty upon books received in the mail from foreign countries has proved so satisfactory in its practical operation that the recommendation is now made that Congress shall extend the provisions of the act of March 3, 1879, under which this arrangement was made, so as to apply to all other dutiable articles received in the mails from foreign countries.

The reports of the Secretary of the Interior and of the Commissioner of Indian Affairs, setting forth the present state of our relations with the Indian tribes on our territory, the measures taken to advance their civilization and prosperity, and the progress already achieved by them, will be found of more than ordinary interest. The general conduct of our Indian population has been so satisfactory that the occurrence of two disturbances, which resulted in bloodshed and destruction of property, is all the more to be lamented.

The history of the outbreak on the White River Ute reservation in Western Colorado has become so familiar by elaborate reports in the public press that its remarkable incidents need not be stated here in detail. It is expected that the settlement of this difficulty will lead to such arrangements as will prevent further hostile contact between the Indians and the border settlements in Western Colorado.

The other disturbance occurred at the Mescalero agency in New Mexico, where Victoria, the head of a small band of marauders, after committing many atrocities, being vigorously chased by a military force, made his way across the Mexican border and is now on foreign soil.

While these occurrences, in which a comparatively small number of Indians were engaged, are most deplorable, a vast majority of our Indian population have fully justified the expectations of those who believe that by humane and peaceful influences the Indian can be led to abandon the habits of savage life and to develop a capacity for useful and civilized occupations. What they have already accomplished in the pursuit of agricultural and mechanical work, the remarkable success which has attended the experiment of employing as freighters a class of Indians hitherto counted among the wildest and most intractable, and the general and urgent desire expressed by them for the education of their children, may be taken as sufficient proof that they will be found capable of accomplishing much more if they continue to be wisely and fairly guided. The "Indian policy" sketched in the report of the Secretary of the Interior, the object of which is to make liberal provision for the education of Indian youth, to settle the Indians upon farm-lots in severalty, to give them title in fee to their farms inalienable for a certain number of years, and, when their wants are thus provided for, to dispose by sale of the lands on their reservations not occupied and used by them, a fund to be formed out of the proceeds for the benefit of the Indians, which will gradually relieve the Government of the expenses now provided for by annual appropriations, must commend itself as just and beneficial to the Indians, and as also calculated to remove those obstructions which the existence of large reservations presents to the settlement and development of the country. I therefore earnestly recommend the enactment of a law enabling the Government to give Indians a title in fee, inalienable for twenty-five years, to the farm lands assigned to them by allotment. I also repeat the recommendation made in my first annual message, that a law be passed admitting Indians who can give satisfactory proof of having, by their own labor, supported their families for a number of years, and who are willing to detach themselves from their tribal relations, to the benefit of the homestead act, and to grant them patents containing the same provision of inalienability for a certain period.

The experiment of sending a number of Indian children, of both sexes, to the Hampton Normal and Agricultural Institute, in Virginia, to receive an elementary English education and practical instruction in farming and other useful industries, has led to results so promising that it was thought expedient to turn over the cavalry barracks at Carlisle, in Pennsylvania, to the Interior Department for the establishment of an Indian school on a larger scale. This school has now one hundred and fifty-eight pupils, selected from various tribes, and is in full operation. Arrangements are also made for the education of a number of Indian boys and girls belonging to tribes on the Pacific slope in a similar manner, at Forest Grove, in Oregon. These institutions will commend themselves to the liberality of Congress and to the philanthropic munificence of the American people.

Last spring information was received of the organization of an extensive movement in the Western States, the object of which was the occupation by unauthorized persons of certain lands in the Indian territory ceded by the Cherokees to the Government for the purpose of settlement by other Indian tribes.

On the 29th of April I issued a proclamation warning all persons against participation in such an attempt, and by the co-operation of a military force the invasion was promptly checked. It is my purpose to protect the rights of the Indian inhabitants of that Territory to the full extent of the executive power. But it would be unwise to ignore the fact that a Territory so large and so fertile, with a population so sparse and with so great a wealth of unused resources, will be found more exposed to the repetition of such attempts as happened this year, when the surrounding States are more densely settled and the westward movement of our population looks still more eagerly for fresh lands to occupy. Under such circumstances the difficulty of maintaining the Indian Territory in its present state will greatly increase, and the Indian tribes inhabiting it would do well to prepare for such a contingency. I therefore fully approve of the advice given to them by the Secretary of the Interior on a recent occasion, to divide among themselves in severalty as large a quantity of their lands as they can cultivate; to acquire individual title in fee, instead of their present tribal ownership in common, and to consider in what manner the balance of their lands may be disposed of by the Government for their benefit. By adopting such a policy they would more certainly secure for themselves the value of their possessions, and at the same time promote their progress in civilization and prosperity, than by endeavoring to perpetuate the present state of things in the Territory.

The question whether a change in the control of the Indian service should be made, was in the Forty-fifth Congress referred to a joint committee of both Houses for inquiry and report. In my last annual message I expressed the hope that the decision of that question, then in prospect, "would arrest further agitation of this subject, such agitation being apt to produce a disturbing effect upon the service, as well as the Indians themselves." Since then, the committee having reported, the question has been decided in the negative by a vote in the House of Representatives.

For the reasons here stated, and in view of the fact that further uncertainty on this point will be calculated to obstruct other much needed legislation, to weaken the discipline of the service, and to unsettle salutary measures now in progress for the government and improvement of the Indians, I respectfully recommend that the decision arrived at by Congress at its last session be permitted to stand.

The efforts made by the Department of the Interior to arrest the depredations on the timber lands of the United States have been continued, and have met with considerable success. A large number of cases of trespass have been prosecuted in the courts of the United States; others have been settled, the trespassers offering to make payment to the Government for the value of the timber taken by them. The proceeds of these prosecutions and settlements, turned into the Treasury, far exceed in amount the sums appropriated by Congress for this purpose. A more important result, however, consists in the fact that the destruction of our public forests by depredation, although such cases still occur, has been greatly reduced in extent, and it is probable that if the present policy is vigorously pursued and sufficient provision to that end is made by Congress, such trespasses, at least those on a large scale, can be entirely suppressed, except in the Territories where timber for the daily requirements of the population cannot, under the present state of the law, be otherwise obtained. I therefore earnestly invite the attention of Congress to the recommendation made by the Secretary of the Interior, that a law be enacted enabling the Government to sell timber from the public lands without conveying the fee, where such lands are principally valuable for the timber thereon, such sales to be so regulated as to conform to domestic wants and business requirements, while at the same time guarding against a sweeping destruction of the forests. The enactment of such a law appears to become a more pressing necessity every day.

My recommendations in former messages are renewed in favor of enlarging the facilities of the Department of Agriculture. Agriculture is the leading interest and the permanent industry of our people.

It is to the abundance of agricultural production as compared with our home consumption and the largely increased and highly profitable market abroad which we have enjoyed in recent years that we are mainly indebted for our present prosperity as a people. We must look for its continued maintenance to the same substantial resource. There is no branch of industry in which labor, directed by scientific knowledge, yields such increased production in comparison with unskilled labor, and no branch of the public service to which the encouragement of liberal appropriations can be more appropriately extended. The omission to render such aid is not a wise economy; but, on the contrary, undoubtedly results in losses of immense sums annually that might be saved through well-directed efforts by the Government to promote this vital interest.

The results already accomplished with the very limited means heretofore placed at the command of the Department of Agriculture is an earnest of what may be expected with increased appropriations for the several purposes indicated in the report of the Commissioner with a view to placing the Department upon a footing which will enable it to prosecute more effectively the objects for which it is established.

Appropriations are needed for a more complete laboratory, for the establishment of a veterinary division, and a division of forestry, and for an increase of force.

The requirements for these and other purposes, indicated in the report of the Commissioner under the head of the immediate necessities of the Department, will not involve any expenditure of money that the country cannot with propriety now undertake in the interests of agriculture.

It is gratifying to learn from the Bureau of Education the extent to which educational privileges throughout the United States have been advanced during the year. No more fundamental responsibility rests upon Congress than that of devising appropriate measures of financial aid to education, supplemental to local action in the States and Territories, and in the District of Columbia. The wise forethought of the founders of our Government has not only furnished the basis for the support of the common-school systems of the newer States, but laid the foundations for the maintenance of their universities and colleges of agriculture and the mechanic arts. Measures in accordance with this traditional policy for the further benefit of all these interests, and the extension of the same advantages to every portion of the country, it is hoped, will receive your favorable consideration.

To preserve and perpetuate the national literature should be among the foremost cares of the national legislature. The library gathered at the Capitol still remains unprovided with any suitable accommodations for its rapidly increasing stores. The magnitude and importance of the collection, increased as it is by the deposits made under the law of copyright, by domestic and foreign exchanges, and by the scientific library of the Smithsonian Institution, call for building accommodations which shall be at once adequate and fire-proof. The location of such a public building, which should provide for the pressing necessities of the present, and for the vast increase of the nation's books in the future, is a matter which addresses itself to the discretion of Congress. It is earnestly recommended as a measure which should unite all suffrages, and which should no longer be delayed.

The joint commission created by the act of Congress of August 2, 1876, for the purpose of supervising and directing the completion of the Washington National Monument, of which commission the President is a member, has given careful attention to this subject, and already the strengthening of the foundation has so far progressed as to insure the entire success of this part of the work. A massive layer of masonry has been introduced below the original foundation, widening the base, increasing the stability of the structure, and rendering it possible to carry the shaft to completion. It is earnestly recommended that such further appropriations be made for the continued prosecution of the work as may be necessary for the completion of this national monument at an early day.

In former messages, impressed with the importance of the subject, I have taken occasion to commend to Congress the adoption of a generous policy toward the District of Columbia. The report of the commissioners of the District, herewith transmitted, contains suggestions and recommendations, to all of which I earnestly invite your careful attention. I ask your early and favorable consideration of the views which they express as to the urgent need of legislation for the reclamation of the marshes of the Potomac and its eastern branch, within the limits of the city, and for the repair of the streets of the capital heretofore laid with wooden blocks, and now by decay rendered almost impassable, and a source of imminent danger to the health of its citizens. The means at the disposal of the commissioners are wholly inadequate for the accomplishment of these important works, and should be supplemented by timely appropriations from the Federal Treasury.

The filling of the flats in front of the city will add to the adjacent lands and parks now owned by the United States a large and valuable domain, sufficient, it is thought, to reimburse its entire cost, and will also, as an incidental result, secure the permanent improvement of the river for the purposes of navigation.

The Constitution having invested Congress with supreme and exclusive jurisdiction over the District of Columbia, its citizens must of necessity look to Congress alone for all needful legislation affecting their interests, and as the territory of this District is the common property of the people of the United States, who, equally with its resident citizens, are interested in the prosperity of their capital, I cannot doubt that you will be amply sustained by the general voice of the country in any measures you may adopt for this purpose.

I also invite the favorable consideration of Congress to the wants of the public schools of this District, as exhibited in the report of the commissioners. While the number of pupils is rapidly increasing, no adequate provision exists for a corresponding increase of school accommodation, and the commissioners are without the means to meet this urgent need. A number of the buildings now used for school purposes are rented, and are, in important particulars, unsuited for the purpose. The cause of popular education in the District of Columbia is surely entitled to the same consideration at the hands of the National Government as in the several States and Territories, to which munificent grants of the public lands have been made for the endowment of schools and universities.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *December* 1, 1879.

The VICE-PRESIDENT. The message, with the accompanying documents, will lie on the table and be printed.

FINANCIAL REPORT.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1879; which was ordered to lie on the table and be printed.

DEATH OF SENATOR CHANDLER.

Mr. FERRY. Mr. President, the sorrowful duty devolves on me of announcing to the Senate of the United States the recent and sudden death of my late colleague, ZACHARIAH CHANDLER of Michigan, which occurred in the city of Chicago on the 1st day of November just passed.

In making this announcement, it is not my purpose now to speak of the character and services of one so long and so notably a member of this body; but at some suitable time I will invite the Senate to express, by resolution and by eulogy, its sense of the irreparable loss the nation sustains in the death of so distinguished a citizen.

Mr. President, as a mark of respect for the memory of a Senator present at our last adjournment but absent now forevermore, I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 1, 1879.

This being the day designated by the Constitution, the members of the House of Representatives of the Forty-sixth Congress assembled in their Hall for their second session.

At twelve o'clock m. the Speaker, Hon. SAMUEL J. RANDALL, a Representative from the State of Pennsylvania, called the House to order.

PRAYER.

The Chaplain, Rev. W. P. HARRISON, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee that in Thy gracious providence these Thy servants, the Representatives of the people, have been permitted to assemble together once more and to resume their labors.

O Thou who art the source of all wisdom and knowledge and truth give to these Thy servants the spirit of a sound mind and judgment and true patriotism, that they may ever keep in view steadily those interests of the people committed to their care. And may Thy divine wisdom and goodness guide them in all their deliberations.

Bless Thy servants, the President and the Vice-President of the United States, the officers and members of the Senate, the officers of this House and all its members, all departments of the Government and all sections of our common country. And may peace, under the blessing of God, and prosperity prevail everywhere throughout our land.

These and all Thy gifts and blessings we ask in the name of Jesus Christ, our Redeemer. Amen.

ROLL-CALL.

The SPEAKER. This being the time fixed by the Constitution for the opening of the second session of the Forty-sixth Congress, the Clerk will now call the roll of members to ascertain whether a quorum is in attendance, and he will also call the names of the Delegates from the several Territories.

The Clerk then called the roll, and the following members answered to their names:

MAINE.

Thomas B. Reed.
William P. Frye.
Stephen D. Lindsey.
George W. Ladd.
Thompson H. Murch.

NEW HAMPSHIRE.

Joshua G. Hall.
James F. Briggs.
Evarts W. Farr.

VERMONT.

Charles H. Joyce. Bradley Barlow.
James M. Tyler.

MASSACHUSETTS.

Benjamin W. Harris. William A. Russell.
Walbridge A. Field. William Claflin.
Selwyn Z. Bowman. Amasa Norcross.
George B. Loring. George D. Robinson.

RHODE ISLAND.

Nelson W. Aldrich. Latimer W. Ballou.

CONNECTICUT.

Joseph R. Hawley. John T. Wait.
James Phelps. Frederick Miles.

NEW YORK.

James W. Covert, John M. Bailey.
Daniel O'Reilly. Walter A. Wood.
Simeon B. Chittenden. John Hammond.
Archibald M. Bliss. John H. Starin.
Nicholas Muller. Warner Miller.
Samuel S. Cox. Joseph Mason.
Edwin Einstein. Frank Hiscock.
Anson G. McCook. Elbridge G. Lapham.
Fernando Wood. Jeremiah W. Dwight.
James O'Brien. John Van Voorhis.
Levi P. Morton. Richard Crowley.
John H. Ketcham. Henry Van Aernam.
John W. Ferdon.

NEW JERSEY.

Hezekiah B. Smith. Charles H. Voorhis.
Miles Ross. Lewis A. Brigham.

PENNSYLVANIA.

Henry H. Bingham. John I. Mitchell.
Charles O'Neill. Alexander H. Coffroth.
Samuel J. Randall. Frank E. Beltzhoover.
William D. Kelley. Seth H. Yocum.
Alfred C. Harmer. Morgan R. Wise.
William Ward. Russell Errett.
Hiester Clymer. Thomas M. Bayne.
Reuben K. Bachman. William S. Shallenberger.
Robert Klotz. Harry White.
John W. Ryon. Samuel B. Dick.
John W. Killinger. J. H. Osmer.
Edward Overton, jr.

MARYLAND.

J. Fred. C. Talbott. Eli J. Henkle.
William Kimmel. Milton G. Urner.
Robert M. McLane.

VIRGINIA.

R. L. T. Beale. John Randolph Tucker.
John Goode. John T. Harris.
Joseph E. Johnston. Eppa Hunton.
George C. Cabell. James B. Richmond.

NORTH CAROLINA.

Joseph J. Martin. Robert F. Armfield.
Walter L. Steele. Robert B. Vance.

SOUTH CAROLINA.

George D. Tillman.

GEORGIA.

Philip Cook. William H. Felton.
Henry Persons. Alexander H. Stephens.
James H. Blount. Emory Speer.

ALABAMA.

Thomas H. Herndon. Thomas Williams.
Hilary A. Herbert. William H. Forney.
William J. Samford. William M. Lowe.
Charles M. Shelley.

MISSISSIPPI.

Henry L. Muldrow. Charles E. Hooker.
Van H. Manning. James R. Chalmers.
H. D. Money.

LOUISIANA.

E. John Ellis. Joseph B. Elam.
Joseph H. Acklen. Edward W. Robertson.

OHIO.

Benjamin Butterworth. A. J. Warner.
Thomas L. Young. Gibson Atherton.
J. Warren Keifer. George W. Geddes.
Benjamin Le Fevre. William McKinley, jr.
William D. Hill. James Monroe.
Frank H. Hurd. Jonathan T. Updegraff.
Ebenezer B. Finley. James A. Garfield.
Henry S. Neal. Amos Townsend.

KENTUCKY.

Oscar Turner. Joseph C. S. Blackburn.
James A. McKenzie. Philip B. Thompson, jr.
John W. Caldwell. Thomas Turner.
J. Proctor Knott. Elijah C. Phister.
Albert S. Willis.

TENNESSEE.

Robert L. Taylor. John M. Bright.
Leonidas C. Houk. John F. House.
George G. Dibrell. John D. C. Atkins.
Benton McMillin. Charles B. Simonton.

INDIANA.

William Heilman. Abram J. Hostetler.
Thomas R. Cobb. Godlove S. Orth.
George A. Bicknell. William H. Calkins.
Jeptha D. New. Calvin Cowgill.
Thomas M. Browne. Walpole G. Colerick.
William R. Myers. John H. Baker.
Gilbert De La Matyr.

ILLINOIS.

William Aldrich. James W. Singleton.
George R. Davis. William M. Springer.
Hiram Barber. Adlai E. Stevenson.
John C. Sherwin. Joseph G. Cannon.
Robert M. A. Hawk. Albert P. Forsythe.
Thomas J. Henderson. William A. J. Sparks.
Philip C. Hayes. William R. Morrison.
Greenbury L. Fort. John R. Thomas.
Benjamin F. Marsh. Richard W. Townshend.

MISSOURI.

Martin L. Clardy. Alfred M. Lay.
Erastus Wells. Samuel L. Sawyer.
R. Graham Frost. Gideon F. Rothwell.
Lowndes H. Davis. John B. Clark, jr.
Richard P. Bland. William H. Hatch.
James R. Waddill. Aylett H. Buckner.

ARKANSAS.

Poindexter Dunn. Jordan E. Cravens.
William F. Slemons. Thomas M. Gunter.

MICHIGAN.

Edwin Willits. Mark S. Brewer.
Jonas H. McGowan. Omar D. Conger.
Julius C. Burrows. Roswell G. Horr.
John W. Stone. Jay A. Hubbell.

FLORIDA.

Noble A. Hull.

TEXAS.

John H. Reagan. Roger Q. Mills.
Olin Wellborn. Columbus Upson.

IOWA.

Moses A. McCoid. James B. Weaver.
Hiram Price. William F. Sapp.
Thomas Updegraff. Cyrus C. Carpenter.
Nathaniel C. Deering.

WISCONSIN.

Charles G. Williams. Peter V. Deuster.
Lucien B. Caswell.

MINNESOTA.

Mark H. Dunnell. William D. Washburn.
Henry Poehler.

OREGON.

John Whiteaker.

KANSAS.

John A. Anderson. Thomas Ryan.
Dudley C. Haskell.

WEST VIRGINIA.

Benjamin Wilson. John E. Kenna.
Benjamin F. Martin.

NEVADA.

Rollin M. Daggett.

NEBRASKA.

Edward K. Valentine.

NEW MEXICO.

Mariano S. Otero.

UTAH.

George Q. Cannon.

WASHINGTON.

Thomas H. Brents.

ARIZONA.

John G. Campbell.

IDAHO.

George Ainslie.

MONTANA.

Martin Maginnis.

WYOMING.

S. W. Downey.

The SPEAKER. The roll-call shows that two hundred and thirty-two members have answered to their names and that a quorum is present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that a quorum of that body had assembled and was ready to proceed to business.

It further announced the passage of a resolution providing for the appointment of a committee on its part, to join such committee as may be appointed on the part of the House, to wait upon the President and inform him that a quorum of each House had assembled, and that Congress was ready to receive any communication he may be pleased to make, and that Mr. BAYARD and Mr. ANTHONY had been appointed as such committee on its part.

MEMBERS-ELECT.

The SPEAKER. Before proceeding to any further business the Chair presents from the Clerk the following communication.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C., December 1, 1879.

SIR: I have the honor to hand you herewith credentials of Representatives-elect to the Forty-sixth Congress, received by me since the adjournment of the last session, as follows:

Certificate of the election of Hon. Horace Davis as a Representative from the first congressional district of California.

Certificate of the election of Hon. H. F. Page as a Representative from the second congressional district of California.

Certificate of the election of Hon. Campbell P. Berry as a Representative from the third congressional district of California.

Certificate of the election of Hon. Romualdo Pacheco as a Representative from the fourth congressional district of California.

Certificate of the election of Hon. William G. Thompson as a Representative from the fifth congressional district of Iowa, to fill vacancy caused by the death of Hon. Rush Clark.

Very respectfully,

GEO. M. ADAMS, *Clerk.*

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

The SPEAKER. The credentials of the member-elect from the first district of California will be read by the Clerk.

The Clerk read as follows:

STATE OF CALIFORNIA,
Executive Department.

To all to whom these presents shall come, greeting:

Whereas the secretary of state has certified to me that at the general election held in this State on the 3d day of September, 1879, Horace Davis received the highest number of votes cast in the first congressional district for Representative to the Forty-sixth Congress of the United States:

Now, therefore, I, William Irwin, governor of the State of California, do certify that at the said election Horace Davis was duly elected for the first congressional district a Representative to the Forty-sixth Congress of the United States from the State of California.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed this the 10th day of November, 1879.

[SEAL.] WILLIAM IRWIN,
Governor.

By the governor:
THOMAS BECK,
Secretary of State.

The SPEAKER. The remaining credentials of the members-elect from the State of California will not be read unless desired, but will be spread upon the RECORD and the Journal.

There was no objection, and it was ordered accordingly.

The remaining certificates are as follows:

STATE OF CALIFORNIA,
Executive Department.

To all to whom these presents shall come, greeting:

Whereas the secretary of state has certified to me that at the general election held in this State on the 3d day of September, 1879, H. F. Page received the highest number of votes cast in the second congressional district for Representative to the Forty-sixth Congress of the United States:

Now, therefore, I, William Irwin, governor of the State of California, do certify that at the said election H. F. Page was duly elected for the second congressional district a Representative to the Forty-sixth Congress of the United States from the State of California.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed this the 10th day of November, A. D. 1879.

[SEAL.] WILLIAM IRWIN,
Governor.

By the governor:
THOMAS BECK,
Secretary of State.

—

STATE OF CALIFORNIA,
Executive Department.

Whereas the secretary of state has certified to me that at a general election held in this State on the 3d day of September, A. D. 1879, C. P. Berry received in the third congressional district the highest number of votes cast for and was duly elected as a Representative to the Forty-sixth Congress of the United States from the State of California:

Now, therefore, I, William Irwin, governor, do hereby certify that C. P. Berry was on said 3d day of September, A. D. 1879, in the third congressional district, State of California, duly elected a Representative to the Forty-sixth Congress of the United States.

In testimony whereof I, William Irwin, governor of the State of California, have hereunto set my hand and caused the great seal of the State to be affixed this the 10th day of November, 1879.

[SEAL.] WILLIAM IRWIN,
Governor.

By the governor:
THOMAS BECK,
Secretary of State.

—

STATE OF CALIFORNIA,
Executive Department.

To all to whom these presents shall come, greeting:

Whereas the secretary of state has certified to me that at the general election held in this State on the 3d day of September, 1879, Romualdo Pacheco received the highest number of votes cast in the fourth congressional district for Representative to the Forty-sixth Congress of the United States:

Now, therefore, I, William Irwin, governor of the State of California, do certify that at the said election Romualdo Pacheco was duly elected for the fourth congressional district a Representative to the Forty-sixth Congress of the United States from the State of California.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed, this the 10th day of November, A. D. 1879.

[SEAL.] WILLIAM IRWIN,
Governor.

By the Governor:
THOMAS BECK,
Secretary of State,
By WM. A. BECK,
Deputy.

The SPEAKER. The Clerk will now read the credentials of the member-elect from the State of Iowa.

The Clerk read as follows:

STATE OF IOWA, *ss.*

To whom it may concern:

This is to certify that at a general election holden on the 14th day of October, A. D. 1879, William G. Thompson was elected to the office of Representative in Congress from the fifth congressional district of said State for the remainder of the term ending the 3d day of March, A. D. 1881, to fill a vacancy caused by the death of Rush Clark.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Iowa.

Done at Des Moines this 17th day of November, in the year of our Lord one thousand eight hundred and seventy-nine, of the Independence of the United States the one hundred and fourth, and of this State the thirty-third.

[SEAL.] JOHN H. GEAR.

By the Governor:
J. A. HILL,
Secretary of State.

Mr. STEPHENS. I move that the members-elect whose credentials have just been presented to the House, be sworn in.

Mr. FERNANDO WOOD. Mr. Speaker, I hold in my hand the certificate of election of Waldo Hutchins, elected on the 4th of November last to represent the twelfth district of the State of New York, and to fill the vacancy occasioned by the death of Alexander Smith, who died immediately after his election in 1878. I ask this certificate be read, and that Mr. Hutchins be sworn in as a member.

It may be well for me to state here, Mr. Speaker, that the State canvassers in my State will not meet until the 12th of December, and if the technical demand and usage of the House be complied with, Mr. Hutchins cannot take his seat until that time. But as the certificate of the district or county canvassers shows him to have been elected by thirty-five hundred majority, and as there is no question in the case whatever, I see no good reason why Mr. Hutchins should be deprived of his seat from now until the 12th of this month; and therefore I ask the certificate be read by the Clerk, and that Mr. Hutchins be sworn in with the other new members.

Mr. GARFIELD. I desire to ask a question for information. If I understand the statement made by the gentleman from New York, there is no certificate of election in this case, by the governor; is there?

Mr. FERNANDO WOOD. There is not. As I stated, the State canvassers have not yet met.

Mr. GARFIELD. Do I understand the gentleman as stating that there is no contest?

Mr. FERNANDO WOOD. There is no contest; there is no notice of any contest.

Mr. GARFIELD. Was there any opposing candidate at all?

Mr. FERNANDO WOOD. Yes, sir.

Mr. GARFIELD. I would not be willing, for one, to allow it to be drawn into a precedent that we should have any one sworn in without the presentation of a certificate. But if gentlemen around me are satisfied there is no contest, and no question about the election of Mr. Hutchins, I suppose there will be no objection to the course proposed by the gentleman from New York; but it would certainly be unwise to establish as a precedent that a man should be sworn in who brings no regular certificate.

Mr. FERNANDO WOOD. If there was any question in the case whatever, or any doubt about it, I would not present Mr. Hutchins to be sworn in.

Mr. LAPHAM. I desire to say a word. I suppose this can only be done, if done at all, by unanimous consent, and that cannot create a precedent. I have no doubt of the facts stated by the gentleman from New York in regard to the election of Mr. Hutchins, and that he is entitled to take his seat here. I see no objection to his being sworn in at this time.

The SPEAKER. The Chair would suggest that that portion of the paper presented by the gentleman from New York which has reference to the election of Mr. Hutchins be read so that it may make a part of the record.

Mr. GARFIELD. The giving of the consent asked can be suspended until the paper is read.

The Clerk read as follows:

The whole number of votes given for the office of Representative in Congress, twelfth congressional district, for the unexpired term of Alexander Smith, deceased, was 23,867, of which Waldo Hutchins received 13,543; Nicholas Smith received 10,146; scattering, 19.

Mr. CONGER. What authority certifies to that state of facts?

The SPEAKER. The certificate will be read.

The Clerk read as follows:

STATE OF NEW YORK,
Westchester County Clerk's Office, ss:

I hereby certify that I have compared the foregoing with the original statement remaining on file and of record in this office, and that the same is a correct transcript therefrom and of the whole of such original, and a duplicate of which has been forwarded to the State canvassers at Albany, New York.

Witness my hand and official seal at White Plains, this 28th day of November, 1879.

[SEAL] JOHN M. ROWELL, *Clerk.*

The SPEAKER. The Chair hears no objection to the swearing in of Mr. Hutchins.

Mr. GARFIELD. Let it be understood that there is no question raised about it, and that this case does not form a precedent.

The SPEAKER. The gentlemen whose certificates have been read will be kind enough to come forward and qualify.

Mr. WALDO HUTCHINS, Mr. C. P. BERRY, Mr. HORACE DAVIS, Mr. H. F. PAGE, Mr. ROMUALDO PACHECO, and Mr. WILLIAM G. THOMPSON then appeared and qualified by taking the oath of office prescribed in section 1756 of the Revised Statutes.

NOTIFICATION OF ORGANIZATION.

Mr. FERNANDO WOOD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House notify the Senate that a quorum of the

House of Representatives has appeared, and that the House is ready to proceed to business.

Mr. ATKINS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make.

The SPEAKER appointed as members of the committee on the part of the House, Mr. ATKINS of Tennessee, Mr. BICKNELL of Indiana, and Mr. GARFIELD of Ohio.

PRIVILEGE OF THE FLOOR.

The SPEAKER. The Chair asks unanimous consent of the House that he may have the privilege of inviting on the floor, during their brief stay in this city, two members of the British Parliament, Mr. Albert Pell and Mr. C. S. Read.

There was no objection.

RECESS.

Mr. ATKINS. I move that the House take a recess for thirty minutes.

The motion was agreed to; and accordingly (at twelve o'clock and forty-five minutes p. m.) the House took a recess for thirty minutes.

The recess having expired, the House resumed its session.

Mr. BLOUNT. I move that the House take a further recess for thirty minutes in order to give time to the committee to report.

The motion was agreed to; and the House accordingly took a further recess for thirty minutes.

The recess having expired, the House resumed its session.

MESSAGE FROM THE PRESIDENT.

Mr. ATKINS. Mr. Speaker, the joint committee appointed to wait upon the President and inform him that the two Houses are ready to receive any communication he may be pleased to make have discharged that duty, and he desires us to say to the two Houses that he will send a communication to them immediately.

Mr. RODGERS, Private Secretary of the President, having been announced at the bar, said:

Mr. Speaker, I am directed by the President of the United States to deliver to the House of Representatives a message in writing.

The SPEAKER. The Clerk will read the message just received from the President of the United States.

The Clerk read the annual message.

[It will be found in the proceedings of the Senate.]

Mr. FERNANDO WOOD. I submit the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the annual message of the President and the accompanying documents be referred to the Committee of the Whole and be printed.

Mr. FERNANDO WOOD. This resolution which I have offered implies that the message shall be printed in pamphlet form for the use of the House. I suppose there will be no objection to that.

The SPEAKER. The resolution just read is the ordinary resolution to print the usual number of copies. If additional copies are desired the printing must be provided for by a formal resolution, which, under the law, would go to the Committee on Printing.

Mr. FERNANDO WOOD. Where the printing is in excess of the usual number, then, I understand, it is a matter for the Committee on Printing. My resolution simply provides that the message and documents be referred and printed; by that I mean printed in pamphlet form.

The SPEAKER. The effect of the resolution, if adopted, will be to provide for the printing of the usual number of copies.

The resolution was adopted.

Mr. SPRINGER. I move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted, by unanimous consent, as follows:

To Mr. CONVERSE, for three days, on account of important business;

To Mr. SMITH, of Georgia, for fifteen days, on account of important business;

To Mr. HAMMOND, of Georgia, for thirty days, on account of sickness; and

To Mr. KING, until the 8th instant.

The motion to adjourn was then agreed to; and accordingly (at three o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Abner Smead, M. D., of Baker City, Oregon, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. CHITTENDEN: The petition of business men of New York City and Brooklyn, New York, for reduction of postage on business circulars to the present newspaper rates of two cents per pound, when delivered at the post-office in packages of five pounds or more—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of James Belger, major United States Army, for the correction of certain errors in an act of Congress restoring him to his rank in the Army—to the Committee on Military Affairs.

Also, the petition of Martin F. Conway, for compensation and mileage as a member of the Thirty-sixth Congress—to the Committee of Elections.

Also, the petition of E. B. Fellows, esq., of New York, and 79 others, citizens of the United States, for the improvement of the Harlem River—to the Committee on Commerce.

By Mr. DEUSTER: The petition of Herman J. Shulteis, late first lieutenant and regimental commissary of subsistence of the First Regiment Wisconsin Cavalry, for a pension—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of Cynthia Spradlin, for the correction of the military record of Jacob M. Spradlin, late private Company G, Sixth Tennessee Infantry—to the Committee on Military Affairs.

Also, the petition of the trustees, officers, and members of Strawberry Plains (Tennessee) Presbyterian church, for compensation for their church building destroyed by the United States Army—to the Committee on War Claims.

By Mr. HOUSE: Papers relating to the claim of Frederick Smith for $300, alleged to have been erroneously collected from him by the Government—to the Committee of Claims.

Also, papers relating to the claim of Thomas Chadwell, administrator of the estate of E. H. Childress, deceased, for compensation for rent of property by the United States Quartermaster's Department, under contract—to the Committee on War Claims.

By Mr. JAMES: Papers relating to the claim of Augustus Bockes for the refunding of taxes paid on salary as a State officer—to the Committee of Ways and Means.

By Mr. KETCHAM: The petition of Lawson N. Fuller, esq., and other citizens of the United States, for the improvement of Harlem River—to the Committee on Commerce.

By Mr. McCOOK: The petition of Nicholas H. Brigham, esq., and others of New York City, and 79 others, citizens of the United States, for the improvement of Harlem River—to the same committee.

By Mr. McLANE: The petition of R. M. McLane, for the passage of an act of Congress for the prevention of the adulteration of food, and especially of the article of coffee—to the same committee.

By Mr. MULLER: The petition of John M. Glover (accompanied by draft of resolution) that the investigations ordered by Rules 85 and 103 of the House may be promptly and vigorously pressed, and that all needful authority and facilities be given the committees charged by said rules with said duties—to the Committee on Appropriations.

By Mr. NEAL: The petition of Alfred F. Cumpston, late captain Company K, Fifth Regiment West Virginia Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Papers relating to the claim of Passed Assistant Paymaster Joseph T. Addicks, United States Navy, for relief from accounting for $975, stolen from the United States steamer Ashuelot by deserters—to the Committee on Naval Affairs.

IN SENATE.

TUESDAY, *December* 2, 1879.

LA FAYETTE GROVER, a Senator from the State of Oregon, and ROBERT E. WITHERS, a Senator from the State of Virginia, appeared in their seats to-day.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a letter of the Attorney-General, transmitting the annual report of the Department of Justice for the year 1879; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the Legislature of the State of New Hampshire relative to closing up the Centennial Exhibition; which was ordered to lie on the table and be printed, to be referred to the Committee on Finance, when appointed.

Mr. CARPENTER presented the petition of Mary Josephine West, widow of William C. West, deceased, late a commander in the United States Navy, praying to be allowed a pension; which was ordered to lie on the table, to be referred to the Committee on Pensions, when appointed.

He also presented certain papers in the case of Thornton Smith, praying to be allowed a pension; which were ordered to lie on the table, to be referred to the Committee on Pensions, when appointed.

He also presented the petition of Robert C. Murphy, late colonel of the Eighth Regiment of Wisconsin Infantry Volunteers, praying that he may be honorably discharged from the service by the Secretary of War as of even date with the order of President Lincoln, October 24, 1863, revoking his order of dismissal without trial on the recommendation of Generals Halleck and Grant on the 16th of January, 1863;

which was ordered to lie on the table, to be referred to the Committee on Military Affairs, when appointed.

Mr. KERNAN presented the petition of Hon. Smith Ely, jr., ex-mayor of the city of New York, and 76 others, citizens of the United States, praying for an appropriation for the improvement of the Harlem River; which was ordered to lie on the table, to be referred to the Committee on Commerce, when appointed.

Mr. GROOME presented the petition of Mary E. Armbrester, widow of Jerome Armbrester, late of Company C, Purnell Legion, Maryland Volunteer Infantry, praying to be allowed a pension; which was ordered to lie on the table, to be referred to the Committee on Pensions, when appointed.

Mr. PENDLETON presented certain papers to accompany Senate bill No. 691 for the relief of Jared Gardner; which were ordered to lie on the table, to be referred to the Committee on Pensions, when appointed.

Mr. LOGAN presented the petition of numerous citizens and soldiers of Lorain County, Ohio, praying for the passage of the bill for the equalization of bounties to soldiers; which was ordered to lie on the table, to be referred to the Committee on Military Affairs, when appointed.

Mr. WALLACE presented the petition of the Pennsylvania Coal Company, by its treasurer, E. H. Mead, and 82 others, citizens of the United States, praying for an appropriation for the improvement of the Harlem River; which was ordered to lie on the table, to be referred to the Committee on Commerce, when appointed.

Mr. HOAR presented the petition of P. C. Bacon and 41 others, citizens of Worcester, Massachusetts, praying for an appropriation for the improvement of the Harlem River; which was ordered to lie on the table, to be referred to the Committee on Commerce, when appointed.

CLERK TO CENSUS COMMITTEE.

Mr. PENDLETON, from the Select Committee on the Tenth Census, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee to make provision for taking the Tenth Census be authorized to employ a clerk for this Congress, at the usual compensation.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 728) extending the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive, to the port of Chicago in the State of Illinois; which was read twice by its title, and ordered to be referred to the Committee on Finance, when appointed.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 729) for the relief of George W. Spates, of Maryland; which was read twice by its title, and ordered to be referred to the Committee on Claims, when appointed.

Mr. TELLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 730) for the relief of Mrs. S. A. Wright; which was read twice by its title, and ordered to be referred to the Committee on Patents, when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 731) for the relief of Major Junius T. Turner; which was read twice by its title, and ordered to be referred to the Committee on Military Affairs, when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 732) granting a pension to George W. Leamy; which was read twice by its title, and ordered to be referred to the Committee on Pensions, when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 733) granting an increase of pension to William Shelley; which was read twice by its title, and ordered to be referred to the Committee on Pensions, when appointed.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 734) to protect life and property and to prevent accidents and delaying of mails on railroads and steamboats operated by steam-power within the jurisdiction of the United States of America; which was read twice by its title, and ordered to be referred to the Committee on Post-Offices and Post-Roads, when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 735) extending the jurisdiction of the circuit court of the United States, and for other purposes; which was read twice by its title, and ordered to be referred to the Committee on the Judiciary, when appointed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 736) authorizing the extension of letters-patent to inventors and patentees, or their lawful representatives, and for other purposes; which was read twice by its title, and ordered to be referred to the Committee on the Judiciary, when appointed.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 737) to relieve certain ships and vessels from compulsory pilot fees; which was read twice by its title, and ordered to be referred to the Committee on Commerce, when appointed.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 47) authorizing the Secretary of the Interior to certify school lands to the State of Kansas; which was read twice by its title, and ordered to be referred to the Committee on Public Lands, when appointed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 48) for the management of the construction of the Nicaragua Interoceanic Canal; which was read the first time by its title.

Mr. GORDON. I ask that the joint resolution be read at length for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Whereas the project for the construction of an interoceanic canal in Nicaragua is recognized as a necessity for the prosperity of the commerce of the world and the development of the maritime and commercial interests of the United States; and

Whereas such an enterprise must of necessity be considered as of international utility under the protection of the Government of the United States: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States pledges to accord full and entire protection to the company to which shall be granted the concession by the government of Nicaragua for the construction of said interoceanic canal, and will secure to said company the peaceful enjoyment of the rights conceded by such grant.

Mr. GORDON. Mr. President, I give notice that I shall ask the Senate to consider this joint resolution at an early day. In the mean time I ask that it be referred to the Committee on Commerce when appointed.

The VICE-PRESIDENT. The joint resolution will be referred to that committee when appointed.

PERMANENT APPROPRIATIONS.

Mr. DAVIS, of West Virginia, submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That the Secretary of the Treasury furnish the Senate at an early day a tabulated statement showing the receipts and expenditures for each fiscal year from 1865 to 1879, inclusive, an account of appropriations under title 41, sections 3687 to 3692, inclusive, of the Revised Statutes, known as permanent annual appropriations, and all other permanent annual appropriations that are paid from the Treasury, separating as far as practicable the expenditures by each Department and the items thereof, especially as to captured and abandoned property, salaries and expenses of steamboat inspectors, collection of customs duties, mints, expenses of the public debt, and fees of supervisors of elections.

PRESIDENT'S ANNUAL MESSAGE.

Mr. ANTHONY. In the absence of the Senator from Maryland [Mr. WHYTE] I offer a resolution, which I ask may be laid on the table, to be referred to the Committee on Printing, when appointed.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That 3,000 additional copies of the President's message, without the accompanying documents, be printed for the use of the Senate.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. JONAS submitted the following resolution; which was read:

Resolved, That the Commissioner of the General Land Office be requested to communicate to the Senate as soon as practicable a list of all the located private land claims in the State of Louisiana which have not been confirmed by Congress, or commissioners, or courts acting under authority of Congress, showing the situation of such claims with regard to parishes, streams, towns, or other objects by which their locality may be approximately ascertained; their designation by section, township, range, and area; when surveyed by the United States; by whom possessed or supposed to be possessed, or claimed or supposed to be claimed, and any other information in his possession which he may deem necessary to the just and final adjustment of such claims by Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLISON. The resolution ought to go to the Secretary of the Interior.

Mr. HOAR. I desire to call the attention of the Senator from Louisiana to the form of his resolution, and ask him whether it should not be a direction to the head of the Department and not be a request to a subordinate?

Mr. COCKRELL. Let the first part of the resolution be altered so as to read, "the Secretary of the Interior be directed" instead of "the Commissioner of the General Land Office be requested."

Mr. JONAS. Very well. Let it be modified in that way.

The VICE-PRESIDENT. The resolution will be so amended, and as thus amended the question is on agreeing to the resolution.

The resolution was agreed to.

BILL RECOMMITTED.

On motion of Mr. PENDLETON, it was

Ordered, That the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment be taken from the Calendar and recommitted to the Committee on Indian Affairs, when appointed.

DARIEN CANAL—MONROE DOCTRINE.

Mr. BURNSIDE. Mr. President, I desire now to submit the remarks of which I gave notice yesterday, upon Senate joint resolution No. 43.

The VICE-PRESIDENT. The Senator from Rhode Island, pursuant to notice given by him yesterday, calls up for present consideration the joint resolution which he has indicated.

Mr. BURNSIDE. I move that the Committee on Foreign Relations be discharged from the further consideration of the joint resolution (S. R. No. 43) in relation to the construction of a canal across the Isthmus of Darien by European powers.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island, upon which he is entitled to the floor.

Mr. BURNSIDE. Mr. President, I have requested that the joint resolution introduced by me in June last and referred to the Senate

Committee on Foreign Relations might be temporarily withdrawn from the consideration of that committee that I may briefly state my reasons for introducing it, especially as these reasons have been misunderstood, and misstated in Europe, as well as in our own country. I will ask the Secretary to read the preamble and joint resolution.

The VICE-PRESIDENT. The joint resolution will be reported.

The Chief Clerk read as follows:

Whereas the people of this Union have for upward of fifty years adhered to the doctrine asserted by President Monroe, "as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future 'occupation' by any European power:" Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of these States would not view, without serious inquietude, any attempt by the powers of Europe to establish, under their protection and domination, a ship-canal across the Isthmus of Darien, and such action on the part of any European power could not be regarded "in any other light than as the manifestation of an unfriendly disposition toward the United States."

Mr. BURNSIDE. This, Mr. President, is simply a re-enunciation of what is known as the Monroe doctrine, a cardinal principle of American policy which has for upward of half a century secured us from foreign interference in or foreign control of the affairs of the western continent. This doctrine was embodied in the annual message of President Monroe to the Eighteenth Congress, which first met in this city on the 1st day of December, 1823. At that time the Russians wanted to extend their dominions on the Pacific coast of North America so far southward as to include California, and King Ferdinand of Spain, who had been reinstated upon his throne by French bayonets, after having been banished by his disaffected subjects, was endeavoring to form an alliance with other European powers which would force back to their allegiance the revolted colonies of Spain in South America. Against this and similar demonstrations President Monroe formally protested, declaring to the potentates of the Old World that the United States would not tolerate the extension of their despotic machinations and intrigues to the New.

This Monroe doctrine, Mr. President, has been the safeguard of these United States, and has been appropriately designated as the club of Hercules and the shield of Telamon, the former to ward off the armed intervention of European powers, and the latter to protect this continent from colonial encroachment. Acting upon its provisions, the United States should maintain its position as the governing power on this continent, and should carefully but positively exercise its prerogatives. While we as a nation do not propose to unnecessarily interfere with the course of any independent American power, or of any colonial government dependent upon a European power, we should bear in mind that we are the dominant power on the North American continent.

Providence established our Republic in the wilderness, separated by the broad Atlantic from the intrigues and the corruptions of the Old World, which would have smothered the bright flames of liberty. Our fathers were permitted to achieve their independence, and in our day there has been an internal struggle for the perpetuity of the Union which has resulted in a firmer consolidation of the national power. We have not only maintained the position given us by our forefathers as against foreign powers, but we have suppressed the most gigantic rebellion known to history. We have also passed through a fierce struggle relating to the succession to the chief office of the nation, a struggle which in any other country would have resulted in revolution, possibly anarchy. We settled the trouble by legislative action on the part of the people's representatives, and the people have acquiesced in and ratified that action.

Having perfected and strengthened our own existence, having attained a high standard of moral and intellectual excellence, and having developed an unequaled mechanical, agricultural, and mining prosperity, we must not permit any infringement of our rights on this continent, or suffer any steps to be taken on any part of it which will interfere with progressive independence, civil or religious. Should any of the western governments now dependent upon European powers successfully renounce their allegiance we should regard them as our political wards, and should encourage them in maintaining their independence; but we should not, and could not, allow them to take any step backward in the march of freedom and civilization. Should they attempt to establish a government less free than the one which they have cast off we should at once intervene and see that they make an advance instead of a retrograde movement.

That the colonies of Great Britain on our northern frontier will take any step looking to independence at present is hardly probable, but in the course of time two adjacent populations, generally of the same origin, speaking the same language and having a common interest, must gravitate toward each other. Substantially, they are moving in the same channel that we are, and we need give ourselves no uneasiness as to the result of the problem which they are working out. With respect to Mexico and other governments near our southern border there is an entirely different state of affairs. Mexico is chronically in a distracted condition, and although it was respected by the United States when our flag floated in triumph over its capital, and subsequently delivered, in large part, by the friendly offices of the United States from foreign intervention, it sometimes appears incapable of self-government, and we may find it our unpleasant but imperative duty to control it by some process.

In my opinion, Mr. President, the time is not far distant when this Government will have to take a new departure in its management of contiguous or newly acquired territory. We should not necessarily invest with all the rights and immunities of citizenship people who may fall under our protection or control, and who are not qualified to exercise the duties of that citizenship, and some system of protection will necessarily be adopted by us to meet future exigencies in the management of such territories. We do not and should not desire acquisition of territory, but we must have peace on our borders. Our right to pursue Mexican marauders into their own territory when the Mexican authorities are not capable of controlling them has about been conceded. At all events, governmental armed forces have been authorized and directed to pursue these marauders into Mexico. This can only be a temporary expedient. The government of Mexico must acquire strength enough to control its citizens and prevent them from encroaching upon our rights, or we must assume the responsibility of controlling them ourselves. The herdsman never attempts to control a wild mule by seizing its hind legs. He takes him by the head. We cannot control Mexico by handling and regulating its frontier. As for myself, Mr. President, I hope that the day is far distant when internal dissension and inability to handle its own frontier will compel us to take it by the head. If the latter emergency should arise the United States should not hesitate to meet it. There is no "holy alliance" on this continent, no "balance of power;" but the United States should exercise the governing and directing power. As I said of governments dependent upon European powers who may throw off their allegiance, that they should not be allowed to take a step backward, so I say of independent governments on this continent; they should not be allowed to take a step backward in the march of civil and religious liberty.

Mr. President, one of the most impressive sermons that I ever listened to was delivered by Bishop Howe, of Pennsylvania, many years ago, and before he had attained the high position which he now so ably fills. His text was taken from one of the psalms, and read as follows:

Because they have no changes, therefore they fear not God.

In the most eloquent language he portrayed the great danger which rich and prosperous communities were in of forgetting the great source of all their worldly benefits, contenting themselves with luxurious ease and allowing the very blessing which had been showered upon them to make them, in their selfishness, forget God. The Good Father has enabled us to establish upon this continent a great and free government. He has increased our riches, our intelligence, and our strength. With this he has imposed upon us certain duties, and we should not, as a people, wrap ourselves in the robes of luxury and ease, and declare ourselves content, no matter what may be going on in other governments on this continent. A duty rests upon us to see that this American land shall be devoted to freedom, and if we fail in the performance of that duty, a retribution will surely fall upon us.

At the present time, Mr. President, we should bear in mind that the Monroe doctrine not only declares that the American governments are not to be considered as subjects of future colonization by any European power, but that we should not view any interference, on the part of those powers, for the purpose of suppressing the existing independent States of America, or, to quote the exact words, "or controlling in any other manner their destiny, in any other light than as the manifestation of an unfriendly disposition toward the United States."

The construction of an interoceanic ship-canal by European capitalists, under the protection of a European government or by the authority of a European charter, would not only enable that government to control the destiny of the independent states through which it would pass, either Panama or Honduras or Nicaragua, but it would be dangerous to the peace and safety of the United States. An interoceanic canal will really be a maritime highway between the numerous seaports on the Atlantic and Pacific coast of the United States, and it appears to me that wisdom and justice require that the Government of the United States should control that highway. It should be open to our commercial marine in times of peace, and to our naval vessels in times of war, without any European jurisdiction. The construction of an interoceanic canal with European capital, under the protection of a European power or under a European charter, would be an obtrusive interference with our home affairs, which could but justly excite resentment, and which the citizens of the United States would never tolerate.

The contingency of a construction of an interoceanic canal, by any of the governments through whose territory it may pass, need hardly be discussed, because none of them have the financial resources necessary to its construction; yet had they the power, physically and financially, to construct the work, the duty of the United States would be none the less imperative to see that the control of it should rest with this Government. But it has been asserted, Mr. President, that no matter who may construct an interoceanic canal its control will be a question of power. In other words, that the European governments will, if they see fit, control by force of arms this American naval thoroughfare.

Sir, that would be an impossibility. When the Monroe doctrine was originally promulgated we were just recovering from a war which had cost much blood and treasure, which had disarranged our

industries, checked our commerce, and increased our taxation. The European powers at that time had large accumulations of capital, and a surplus of population, from which war would relieve them, so that a declaration of hostilities would not have interrupted their ordinary pursuits or have materially affected their national credit. Yet Mr. Monroe and his supporters did not hesitate. They did not request European governments to let this continent alone, but they defiantly asserted that any such interference could not be regarded "in any other light than as the manifestation of an unfriendly disposition toward the United States." The people, without distinction of party, rallied around the banner thus unfurled, on which was inscribed "No foreign intervention," with a zealous confidence previously unknown.

How different is the condition of our country now! Our population has been enhanced by the natural increase, as well as by millions of the toilers of other lands who have come here to enjoy the blessings of civil and religious liberty. Iron rails bind the vast area of our territory, in every direction, while strong arms and honest hearts are successfully toiling in the mines, in the manufactories, and in the broad fields for their livelihood, and are thus augmenting our national wealth. To such perfection has the inventive genius of the land carried the machinery used for agricultural and mechanical purposes that it would be possible for the women of America, in case of urgent need and patriotic call, to produce almost every desired supply of subsistence, clothing, and equipment. But few of the men would be required to do the heavy work in the founderies, in the manufactories, and in the field. The main part of the work could be done by patriotic women. This would enable an unparalleled body of men to take the field; and it is estimated that we could raise, arm, equip, and subsist an army of five million of men. We could by modern appliances in the way of torpedoes, floating batteries, &c., render access to our harbors by foreign ships impossible. What foreign power or powers could send a force to the American continent and effect any lodgment, in the face of such a body of national defenders and such means of national defense? It would be impossible to even collect such a fleet of transports as would be required to bring over such a hostile army of invasion to our shores.

I am well aware, Mr. President, that the Monroe doctrine has never been enacted by Congress and placed upon the national statute-book, but it has been recognized as a prominent feature of the unwritten law of the land, which has governed our nation in its international relations. It has been intimated that the author of the Monroe doctrine was Mr. Canning, but there is a letter written in October, 1823, to President Monroe by Ex-President Jefferson, to whom he had applied for advice, which disposed of the intimation that this great American principle was adopted at the suggestion of a British statesman. Mr. Jefferson wrote:

> Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to interfere with cisatlantic affairs.

Daniel Webster said in Congress on the 11th of April, 1826, speaking of the promulgation of the Monroe doctrine:

> I have understood from good authority that it was considered, weighed, and distinctly approved by the President's advisers at that time.

The Cabinet was then composed of John Quincy Adams, Secretary of State; William H. Crawford, of Georgia, Secretary of the Treasury; John C. Calhoun, Secretary of War; Samuel L. Southard, Secretary of the Navy, and William Wirt, Attorney-General.

Henry Clay, then Speaker of the House of Representatives, offered a joint resolution which gave a legislative indorsement to President Monroe's declarations, and the debates at either end of the Capitol show in what high estimation the doctrine was held by the leading Senators and Representatives. Its promulgation was regarded as a new departure for our Republic. John C. Calhoun said later in life, January 14, 1846, that "no man can view with stronger feelings of indignation than I do the improper interference of European powers with the nations of this continent."

Daniel Webster said in his great speech, April 11, 1826, on the Panama congress:

> I concur entirely with the gentleman from Pennsylvania [Mr. Hemphill] that this declaration of Mr. Monroe was wise, seasonable, and patriotic.

James Buchanan declared that—

> This declaration was re-echoed by millions of freemen; it was received with enthusiasm in every part of the Union; it answered the purpose for which it was intended.

Even the liberal statesmen of England acquiesced in the principles promulgated by Mr. Monroe. The prime minister of Great Britain, Mr. Canning, one of the most enlightened statesmen of his age, used the following language:

> It concerned the United States, under aspects and interests as immediate and commanding as it did or could any of the states of Europe. They were the first power on that continent, and evidently the leading power. They were connected with Spanish America by their position, as they were with Europe by their relations; and they also stood connected with those new states by political relations. Was it possible they could see with indifference their fate decided only by Europe? Could Europe expect such indifference? Had no new epoch arrived in the relative position of the United States toward Europe which Europe must acknowledge? Were the great political and commercial interests which hang upon the destinies of the new continent to be canvassed and judged in this hemisphere [Europe] without the co-operation, or even knowledge, of the United States?

This Monroe doctrine, Mr. President, has never lost its hold upon the pride and patriotic affections of the American people. Again and again has it been cited by our Secretaries of State, in defense of our national diplomatic positions, and referred to by our diplomats as defining our line of duty. In 1853, when Louis Napoleon was strengthening his newly erected throne by restoring the martial glories of the French Empire, the venerable General Cass, then a United States Senator, thus alluded to the feelings entertained toward the United States in Europe, as a sign of the times worthy of serious consideration:

> We cannot—
>
> Said the veteran statesman of Michigan—
>
> disguise from ourselves that our progress and prospects, while they are a reproach to many of the governments of the Old World, have excited their enmity by the contrasts they exhibit, and by the dangerous example they offer to the oppressed masses, inviting them to do as we have done, and to become free as we are free. He who does not know that there is not a government in Europe which is a friend to our institutions has much to learn of the impression that our past, our present, and our probable future are producing among them. But what we have to apprehend is plans for arresting our extent and prosperity, the seizure of positions by which we might be annoyed and circumscribed, and the creation of an influence, of schemes of policy offering powerful obstacles to our future advancement.

In ten years from the utterance of this prediction it was fulfilled by the appearance of French troops in Mexico to support the government of the ill-starred Maximilian. Hon. William H. Seward, then Secretary of State, protested vigorously against this armed interference in the politics of our sister republic; and he also opposed a scheme for establishing a colony in Mexico by Dr. William M. Gwin and associates, which he asserted "the United States Government could not look upon with satisfaction, as martial or political enemies on the opposite banks of the Rio Grande." If it was true that the people of this country would not tolerate a colony in Mexico, can it be possible that they will permit the European powers, or any company under European protection or influence, to construct and control an interoceanic canal across the Isthmus, which would be so useful in times of peace, and so indispensable in times of war? The establishment of such a great public work in such a manner would be fatal to the preservation and development of those American ideas on which are founded the hopes of the social welfare and the enlightened progress of the entire continent of North America.

Congress should act upon this grave question without delay, ere any foreign power makes a demonstration for the control of the interoceanic canal; and a grave responsibility will rest upon us should we now abandon to the chance of circumstances the maintenance of our supremacy on this continent. In adopting such a joint resolution as I have had the honor to present, the United States Government will exercise a right incontestably belonging to it, will sustain the honor of the Republic, will advance the cause of progressive, civil, and religious liberty, and will receive the support of the people. We have had enough of internal agitation and of sectional strife. Let us now reaffirm and stand by the Monroe doctrine, which can but meet the sympathy and the conviction not only of the true-hearted citizens of this Republic, but of the lovers of liberty throughout the world.

I now, Mr. President, withdraw my motion to relieve the committee from the further consideration of this resolution.

The VICE-PRESIDENT. The motion of the Senator from Rhode Island is withdrawn.

EXECUTIVE SESSION.

Mr. GARLAND. If there is no further legislative business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at one o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 2, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

The following additional members appeared to-day: JAMES B. BELFORD of Colorado, HORATIO G. FISHER of Pennsylvania, AMAZIAH B. JAMES of New York, WILLIAM H. KITCHIN of North Carolina, BURWELL B. LEWIS of Alabama, EDWARD L. MARTIN of Delaware, and THADDEUS C. POUND of Wisconsin.

ORDER OF BUSINESS.

Mr. PRICE. I ask unanimous consent to offer a resolution at this time——

Mr. FERNANDO WOOD. I call for the regular order of business.

The SPEAKER. The regular order is the morning hour, which will begin——

Mr. COX. I ask unanimous consent of the House that there be a call of States this morning for bills and joint resolutions as of Monday. Many members have bills prepared for introduction, and they might as well be referred now.

Mr. PRICE. Will the gentleman from New York [Mr. Cox] yield to me to offer a resolution?

Mr. COX. I have asked unanimous consent that the States be called for bills and joint resolutions.

Mr. FERNANDO WOOD. I hope that the regular order will be proceeded with. I think it is better that the business of the House shall proceed regularly, at least at the beginning of the session.

Mr. COX. Does my colleague [Mr. FERNANDO WOOD] object to having bills introduced to-day?

Mr. FERNANDO WOOD. I do not object to anything; but I would rather have the regular order, and must call for it.

The SPEAKER. The call for the regular order the Chair must recognize as in the nature of an objection to the proposition of the gentleman from New York, [Mr. COX.] Several gentlemen have applied to the Chair for permission to ask unanimous consent of the House to offer resolutions for reference only, to which there would probably be no objection. If the regular order is demanded the Chair will have to proceed with it.

Mr. FERNANDO WOOD. I do not desire to object to the introduction by unanimous consent of propositions which will give rise to no debate. But I give notice that I shall call for the regular order after that has been done by a few members.

NICARAGUA INTEROCEANIC CANAL.

Mr. ELLIS, by unanimous consent, introduced a joint resolution (H. R. No. 121) in regard to the Nicaragua Interoceanic Canal; which was read a first and second time.

The preamble and joint resolution were read, as follows:

Whereas the project for the construction of an interoceanic canal by way of Nicaragua is recognized as a necessity for the prosperity of the commerce of the world and the development of the maritime and commercial interests of the United States; and,

Whereas such an enterprise must of necessity be considered as of international utility under the protection of the Government of the United States: Therefore,

Be it resolved, &c., That the Government of the United States pledges to accord full and entire protection to a company which shall be granted the concession by the government of Nicaragua for the construction of said interoceanic canal, and will secure to said company the peaceful enjoyment of the rights conceded by such grant.

Mr. ELLIS. I move that the joint resolution be printed and referred to the Committee on Commerce.

Mr. COX. The Committee on Foreign Affairs has control of that subject by the reference of a bill introduced by a colleague of the gentleman at the last session.

Mr. REAGAN. When that bill was referred I suggested that it ought to go to the Committee on Commerce. The gentleman from New York [Mr. COX] suggested that the bill might come up for action, subject to reference to the Committee on Commerce. There was implied consent at least that the Committee on Commerce should have jurisdiction of the bill, and understanding that the gentleman from New York would not object I did not contest the reference.

The SPEAKER. The question of reference is for the House to determine.

Mr. COX. If I remember rightly a vote was taken upon the reference of the bill to the Committee on Foreign Affairs; and it was so referred by the House. I am entirely content, however, that the committee of which the gentleman from Texas is chairman should have control of this bill, with the understanding that the Committee on Foreign Affairs shall report back the former proposition without action.

Mr. REAGAN. My memory, Mr. Speaker, does not exactly agree with that of the gentleman from New York. I think I raised the question that the proposition should go to the Committee on Commerce; and it was suggested that, as it would not come up for action, it might go to the Committee on Foreign Affairs. On that ground I waived any objection to the reference to that committee.

The SPEAKER. The Chair understands that this is a new joint resolution. The gentleman from Louisiana [Mr. ELLIS] asks that it may go to the Committee on Commerce. The gentleman from New York, as the Chair understands, moves an amendment to refer it to the Committee on Foreign Affairs.

Mr. COX. I withdraw any objection to the reference proposed by the gentleman from Louisiana.

The SPEAKER. There being no further objection, the joint resolution will be referred to the Committee on Commerce.

The joint resolution was referred accordingly, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. PRICE. I ask unanimous consent to offer for adoption the resolution which I send to the desk.

The Clerk read as follows:

Whereas eleven months of trial has demonstrated conclusively that the resumption of specie payments entered upon on the 1st day of January, 1879, has been a success equal to the hopes of the most sanguine friends of that measure; and

Whereas it has been equally well and fully established during the same period that as a nation we have the ability to keep in circulation at par with coin $350,000,000 of United States notes, commonly called greenbacks; and

Whereas under the operation of these, in connection with the coinage of the silver dollar, the financial and commercial interests of the country in the last eleven months have attained a degree of prosperity unequaled in any similar period in the last twenty years; and

Whereas any agitation of the financial question at this time would have a tendency to unsettle public confidence and produce unrest and distrust in the business affairs of the country: Therefore,

Resolved, That in the opinion of this House sound policy demands and safe legislation requires that no change be made at this session of Congress in reference to any of the measures referred to, but that in view of the present prosperous condition of the country financially we should "let well enough alone."

The SPEAKER. To what committee does the gentleman desire to refer this resolution?

Mr. PRICE. I would prefer to have a vote upon it if the House will consent. [Cries of "Vote!" "Vote!" and "Oh, no."]

The SPEAKER. The statement made by the gentleman from New York [Mr. WOOD] was that he would ask for the regular order except as to propositions which gentlemen desired to refer by unanimous consent.

Mr. PRICE. Then let the resolution go to the Committee on Banking and Currency, if gentlemen are afraid to vote upon it.

The resolution was referred to the Committee on Banking and Currency.

IMMIGRATION.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 2408) to regulate immigration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

IMPROVEMENT OF TENNESSEE RIVER.

Mr. DIBRELL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish to this House a certified copy of the contract entered into by the late George Williams, of Iowa, for work upon the improvements in the Tennessee River at Muscle Shoals, together with a copy of the claim filed by said Williams or his heirs, the names of the engineers appointed to re-examine said work, with a copy of their report, together with all testimony on file in support of or touching said claim, and the authority upon which he paid said award.

CLAIM OF JAMES A. BRIGGS.

Mr. THOMPSON, of Kentucky, by unanimous consent, introduced a joint resolution (H. R. No. 122) in relation to the claim of James A. Briggs; which was read a first and second time.

Mr. THOMPSON, of Kentucky. I ask the reference of this joint resolution to the Committee on the Judiciary.

Mr. CONGER. Let the joint resolution be read.

The SPEAKER. It will be read.

The Clerk read as follows:

Be it resolved by the Senate and House of Representatives, &c., That the claim of James A. Briggs, administrator of Charles M. Briggs, deceased, for cotton alleged to have been taken by United States authorities in Washington County, Mississippi, in the year 1863, sold, and the proceeds covered in the Treasury of the United States, be, and the same is hereby, referred to the United States Court of Claims for settlement; and the jurisdiction of said court is hereby extended to embrace the hearing and settlement of said cause, anything to the contrary in the organic law of said court or the rules of practice made in pursuance thereof notwithstanding.

Mr. CONGER. This resolution should go to the Committee on War Claims.

Mr. THOMPSON, of Kentucky. The subject has been before the Committee on War Claims, and has been once before the Committee on the Judiciary. The difficulty is that neither the Court of Claims nor the southern claims commission has any jurisdiction of this question. The matter should go to the Committee on the Judiciary that they may report some remedy by a change in the organic law of the court.

Mr. CONGER. I think we should have a report from the Committee on War Claims as to the disposition to be made of this class of claims against the Government. If that committee shall report favorably to the House consenting to this reference to the Judiciary Committee, it can then be done.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] introducing this bill for relief moves that it be referred to the Committee on the Judiciary.

Mr. CONGER. And I move to amend that motion by referring it to the Committee on War Claims.

The SPEAKER. And the gentleman from Michigan moves that it be referred to the Committee on War Claims.

Mr. CONGER. I ask for a division of the House.

The question was taken; and upon a division there were—ayes 85, noes 88.

Mr. CONGER. Mr. Speaker, as this is the commencement of this kind of action in reference to these war claims, I demand the yeas and nays on my motion to refer to the Committee on War Claims.

The yeas and nays were ordered.

Mr. DUNNELL. I ask that the bill be again read.

The bill was again read.

The question was taken; and it was decided in the affirmative—yeas 115, nays 111, not voting 66; as follows:

YEAS—115.

Aldrich, N. W.	Burrows,	Farr,	Houk,
Aldrich, William	Butterworth,	Ferdon,	Hubbell,
Anderson,	Cannon,	Forsythe,	Joyce,
Bailey,	Carpenter,	Fort,	Keifer,
Baker,	Caswell,	Frye,	Kelley,
Ballou,	Chittenden,	Garfield,	Killinger,
Barber,	Claflin,	Godshalk,	Ladd,
Bayne,	Conger,	Hammond, John	Lapham,
Belford,	Cowgill,	Harmer,	Lindsey,
Bicknell,	Crowley,	Harris, Benj. W.	Loring,
Bingham,	Daggett,	Haskell,	Marsh,
Blake,	Davis, George R.	Hawk,	Martin, Joseph J.
Bowman,	Davis, Horace	Hawley,	Mason,
Brewer,	Deering,	Hayes,	McCoid,
Briggs,	Dunnell,	Hellman.	McCook,
Brigham,	Dwight,	Henderson,	McGowan,
Browne,	Einstein,	Horr,	McKinley,

Miles,	Page,	Stevenson,	Voorhis,
Miller,	Pound,	Stone,	Waddill,
Mitchell,	Price,	Thomas,	Wait,
Monroe,	Reed,	Thompson, Wm. G.	Ward,
Morton,	Richardson, D. P.	Townsend, Amos	Warner,
New,	Robinson,	Tyler,	Washburn,
Norcross,	Russell, W. A.	Updegraff, J. T.	Weaver,
O'Neill,	Ryan, Thomas	Updegraff, Thomas	White,
Orth,	Sapp,	Urner,	Williams, C. G.
Osmer,	Shallenberger,	Valentine,	Willits,
Overton,	Sherwin,	Van Aernam,	Yocum.
Pacheco,	Starin,	Van Voorhis,	

NAYS—111.

Acklen,	Dunn,	Le Fevre,	Scales,
Armfield,	Elam,	Lewis,	Shelley,
Atherton,	Felton,	Lowe,	Simonton,
Atkins,	Finley,	Manning,	Singleton, J. W.
Bachman,	Forney,	Martin, Benj. F.	Slemons,
Beale,	Frost,	Martin, Edward L.	Smith, Hezekiah B.
Beltzhoover,	Geddes,	McKenzie,	Speer,
Blackburn,	Goode,	McLane,	Springer,
Bliss,	Gunter,	McMillin,	Steele,
Blount,	Harris, John T.	Mills,	Talbott,
Bright,	Hatch,	Morrison,	Taylor,
Buckner,	Henkle,	Muldrow,	Thompson, jr., P. B.
Cabell,	Herndon,	Muller,	Tillman,
Caldwell,	Hill,	Murch,	Townshend, R. W.
Chalmers,	Hooker,	Myers,	Tucker,
Clardy,	Hostetler,	Nicholls,	Turner, Oscar
Clark, John B.	Hull,	O'Brien,	Turner, Thomas
Clymer,	Hunton,	O'Reilly,	Upson,
Cobb,	Hurd,	Persons,	Vance,
Coffroth,	James,	Phelps,	Wellborn,
Colerick,	Johnston,	Phister,	Wells,
Cook,	Jones,	Poehler,	Whiteaker,
Cox,	Kenna,	Reagan,	Williams, Thomas
Cravens,	Kimmel,	Ross,	Willis,
Davis, Loundes H.	Kitchin,	Rothwell,	Wilson,
De La Matyr,	Klotz,	Ryon, John W.	Wise,
Deuster,	Knott,	Samford,	Wood, Fernando.
Dibrell,	Lay,	Sawyer,	

NOT VOTING—66.

Aiken,	Dick,	House,	Richmond,
Barlow,	Dickey,	Humphrey,	Robertson,
Berry,	Ellis,	Hutchins,	Robeson,
Bland,	Errett,	Jorgensen,	Russell, Daniel L.
Bouck,	Evins,	Ketcham,	Singleton, O. R.
Boyd,	Ewing,	King,	Smith, A. Herr
Bragg,	Field,	Lounsbery,	Smith, William E.
Calkins,	Fisher,	McMahon,	Sparks,
Camp,	Ford,	Money,	Stephens,
Carlisle,	Gibson,	Morse,	Whitthorne,
Clark, Alvah A.	Gillette,	Neal,	Wilber,
Converse,	Hall,	Newberry,	Wood, Walter A.
Covert,	Hammond, N. J.	O'Connor,	Wright,
Crapo,	Hazelton,	Pierce,	Young, Casey,
Culberson,	Henry,	Prescott,	Young, Thomas L.
Davidson,	Herbert,	Rice,	
Davis, Joseph J.	Hiscock,	Richardson, J. S.	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. STEELE. My colleague, Mr. DAVIS, who is absent on account of important business, is paired with Mr. DICK, of Pennsylvania.

Mr. KIMMEL. My colleague, Mr. HENRY, is paired with Mr. A. HERR SMITH, of Pennsylvania.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. REED, of Maine; and my colleague, Mr. SMITH, with Mr. JORGENSEN, of Virginia.

Mr. ACKLEN. My colleague, Mr. KING, is absent by leave of the House.

Mr. CLARK, of Missouri. I desire to announce that my colleague, Mr. BLAND, is paired with Mr. FISHER, of Pennsylvania, and also that Mr. MCMAHON, of Ohio, is paired with Mr. HISCOCK, of New York.

Mr. NEAL. I am paired with Mr. CARLISLE. If he were present, I should vote in the affirmative.

Mr. YOUNG, of Ohio. I am paired with my colleague, Mr. EWING. If he were present, I should vote in the affirmative.

Mr. HARMER. My colleague, Mr. DICK, is paired with Mr. DAVIS, of North Carolina.

Mr. MCMILLIN. My colleague, Mr. YOUNG, is paired with Mr. GODSHALK, of Pennsylvania.

Mr. FRYE. Mr. ROBESON, of New Jersey, is paired with Mr. GIBSON, of Louisiana.

The vote was then announced as above recorded.

The SPEAKER. The bill accordingly is referred to the Committee on War Claims, and ordered to be printed.

Mr. CONGER. I move to reconsider that vote, and that the motion to reconsider be laid on the table.

The SPEAKER. The bill having been introduced by unanimous consent, cannot be brought back by a motion to reconsider.

Mr. CONGER. But this has been done by a vote of the House.

The SPEAKER. It was introduced by unanimous consent, and the rule will not allow it to come back on a motion to reconsider.

Mr. FERNANDO WOOD. Except in the case of bills and resolutions introduced by unanimous consent and referred without debate, I shall demand the regular order as against everything else.

MEDICAL AND SURGICAL HISTORY.

Mr. BENNETT, by unanimous consent, introduced concurrent resolution authorizing the printing and binding of 4,000 copies of the Medical and Surgical History of the War; 1,000 for the use of the Senate, and 3,000 for the use of the House.

The SPEAKER. That resolution, under the law, will be referred to the Committee on Printing.

It was accordingly so referred.

KANSAS SCHOOL LANDS.

Mr. RYAN, by unanimous consent, introduced joint resolution (H. R. No. 123) authorizing the Secretary of the Interior to certify school lands to the State of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MINTHORNE TOMPKINS.

Mr. TUCKER, by unanimous consent, introduced (by request) a bill (H. R. No. 2409) for the relief of Minthorne Tompkins; which was read a first and second time, and referred to the Committee of Ways and Means.

FEES OF UNITED STATES JUDICIAL OFFICERS, ETC.

Mr. YOUNG, of Ohio, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary, and ordered to be printed:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three Senators and five Representatives be appointed to investigate the present system of salaries, fees, or compensations allowed to officers of the United States circuit and district courts, to ascertain whether any, and, if any, what abuses now exist, or may have existed, under the present system, and to report by bill or otherwise what legislation may be necessary to correct the same.

AMENDMENT OF THE CONSTITUTION.

Mr. WHITE, by unanimous consent, introduced a joint resolution (H. R. No. 124) proposing an amendment to the Constitution; which was read a first and second time.

Mr. GARFIELD. Let the resolution be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of each House concurring therein,) That the following article is hereby proposed as an amendment to the Constitution, and when ratified by the Legislatures of three-fourths of the several States shall be valid to all intents and purposes as a part of the Constitution, to wit:

SECTION 1. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different Departments of the Government and interest on the public debt. All other appropriations shall be made by bills containing only items of appropriation relating to the subject-matter of the bill.

SEC. 2. The President may disapprove any item or items of a bill appropriating money, embracing distinct items, and the part of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the provisions and rules prescribed for the passage of bills over the President's veto.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. WHITE also, by unanimous consent, introduced a bill (H. R. No. 2410) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF PAPER MONEY.

Mr. FORT, by unanimous consent, submitted the following resolution; which was referred to the Committee on Banking and Currency, and ordered to be printed:

Resolved, That any attempt to withdraw or to change the legal status or equality of any of the paper money issued by the United States, or to reopen, by legislation, currency questions that have been settled by decisions of the Supreme Court and universally adopted and approved by the people, would be injudicious and mischievous, and could only result in disturbing reviving business and in retarding returning prosperity, and could do no possible good; and this House is emphatically opposed to any legislation for any such purpose.

IMPROVEMENT OF ARANSAS PASS, ETC.

Mr. UPSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce, and ordered to be printed:

Resolved, That the Secretary of War, if not incompatible with the public interest, furnish the House of Representatives the examinations and surveys made by or under the supervision of Major Howell, in compliance with the provisions of the river and harbor act of June 18, 1879, as to Aransas Pass and Bay, up to Rockport and Corpus Christi, Texas, and Corpus Christi Pass and Channel; also, report of the board of engineer officers appointed to consider the plan, and practicability of the expenditure of the appropriations made for the improvement of Pass Covallo and Aransas Pass, and the estimates for the improvements of said passes; and, also, the last engineer's report of the survey, plan, and estimate of the cost of the improvement of Pass Brazos, Santiago.

STAFF OFFICERS OF THE NAVY.

Mr. BRIGHT, by unanimous consent, introduced (by request) a bill (H. R. No. 2411) to make staff officers in the Navy equal before the law; which was read the first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY HULL.

Mr. ACKLEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on War Claims:

Resolved, That any papers now before the Committee on War Claims in the case of Henry Hull, of Pattersonville, Louisiana, be withdrawn from any further consideration by said committee.

JOHN WILLIAMS.

Mr. ACKLEN also, by unanimous consent, introduced a bill (H. R. No. 2412) for the relief of John Williams, of Assumption Parish, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

GEORGE W. SPATES.

Mr. URNER, by unanimous consent, introduced a bill (H. R. No. 2413) for the relief of George W. Spates, of Maryland; which was read a first and second time, and referred to the Committee on War Claims.

MRS. S. A. WRIGHT.

Mr. URNER also, by unanimous consent, introduced (by request) a bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright, widow of George Wright, deceased; which was read a first and second time, and referred to the Committee on Patents.

JUNIUS T. TURNER.

Mr. URNER also, by unanimous consent, introduced a bill (H. R. No. 2415) for the relief of Mr. Junius T. Turner; which was read a first and second time, and referred to the Committee on Military Affairs.

R. A. HURLEY ET AL.

Mr. URNER also, by unanimous consent, introduced (by request) a bill (H. R. No. 2416) for the relief of R. A. Hurley, J. M. Hurley, Edwin Hurley, and Lucinda J. Delashmutt, brothers and sister, and only heirs of A. F. Hurley, deceased, late A. F. Hurley & Co., Utah Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

APPOINTMENT OF NAVAL CONSTRUCTORS.

Mr. HARMER, by unanimous consent, introduced a bill (H. R. No. 2417) to provide for the appointment of naval constructors, and assistant naval constructors, with rank and pay as officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LOCATION OF MINERAL CLAIMS.

Mr. BELFORD, by unanimous consent, introduced a bill (H. R. No. 2418) concerning the location of mineral claims; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

MINERAL LANDS.

Mr. BELFORD also, by unanimous consent, introduced a bill (H. R. No. 2419) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

UTE RESERVATION IN COLORADO.

Mr. BELFORD also, by unanimous consent, introduced a bill (H. R. No. 2420) to abolish the Ute reservation in the State of Colorado and to remove the Ute Indians from said State; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL BONDED MERCANTILE BUREAU.

Mr. SINGLETON, of Illinois, by unanimous consent, introduced a bill (H. R. No. 2421) to incorporate the national bonded mercantile bureau; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONUMENT TO GENERAL F. P. BLAIR.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 2422) authorizing the donation of twelve condemned bronze cannon to aid in the erection of a monument to the memory of General Francis P. Blair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM CURR.

Mr. FINLEY, by unanimous consent, introduced a bill (H. R. No. 2423) for the relief of William Curr, late a private of Company D, Fifteenth Regiment Ohio Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

DAVID F. JONES.

Mr. FINLEY also, by unanimous consent, introduced a bill (H. R. No. 2424) granting a pension to David F. Jones, private Company D, Eighty-second Ohio Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ASSISTANT ATTORNEY-GENERAL FOR POST OFFICE DEPARTMENT.

Mr. HOUK, by unanimous consent, introduced a bill (H. R. No. 2425) to further regulate and define the duties and compensation of the Assistant Attorney-General for the Post Office Department, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO CONSTITUTION.

Mr. McCOID, by unanimous consent, introduced a joint resolution (H. R. No. 125) proposing an amendment to the Constitution of the United States, giving Congress power to grant and protect trademarks; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

C. E. PRICE.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 2426) to authorize Dr. C. E. Price, United States Army, to receive the pay allowed by law for discharging the duties of physician to the Hoopa Valley Indian reservation; which was read a first and second time, and referred to the Committee on Indian Affairs.

NATIONAL GOLD BANKS.

Mr. PAGE also, by unanimous consent, introduced a bill (H. R. No. 2427) authorizing the conversion of national gold banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GALLIPOLIS A PORT OF DELIVERY.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No 2428) to constitute the city of Gallipolis, in the State of Ohio, a port of delivery; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MOODY PATTERSON.

Mr. NEAL also, by unanimous consent, introduced a bill (H. R. No. 2429) granting a pension to Moody Patterson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZA J. FOUT.

Mr. NEAL also, by unanimous consent, introduced a bill (H. R. No. 2430) for the relief of Eliza J. Fout, widow of Jeremiah Keeton, late of Company D, Second Virginia Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

ALFRED F. CUMPSTON.

Mr. NEAL also, by unanimous consent, introduced a bill (H. R. No. 2431) granting a pension to Alfred F. Cumpston; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RAILWAY COMMERCE.

Mr. SAPP, by unanimous consent, introduced a bill (H. R. No. 2432) to regulate commerce by railroad among the several States; which was read a first and second time.

Mr. SAPP. I ask that this bill be referred to the Committee on Railroads and Canals.

Mr. ACKLEN. I suggest that the bill should properly go to the Committee on Commerce.

Mr. SAPP. I am willing it should go to that committee.

The bill was referred to the Committee on Commerce, and ordered to be printed.

DAVIS ISLAND DAM.

Mr. ERRETT, by unanimous consent, introduced a bill (H. R. No. 2433) for continuing the work on Davis Island dam, and appropriating the sum of $75,000 therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN H. MERRILL.

Mr. LINDSEY, by unanimous consent, introduced bills (H. R. Nos. 2434, 2435, 2436) for the relief of John H. Merrill; which were severally read a first and second time, and referred to the Committee on Claims.

PERSONS IMPRESSED IN THE NAVY.

Mr. BROWNE, (by request,) by unanimous consent, introduced a bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service; which was read a first and second time, and referred to the Committee on Naval Affairs.

ROBERT NEWMAN.

Mr. FORSYTHE, by unanimous consent, introduced a bill (H. R. No. 2438) granting a pension to Robert Newman; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY MILLS.

Mr. FORSYTHE also, by unanimous consent, introduced a bill (H. R. No. 2439) granting a pension to Henry Mills; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STATUE TO MAJOR-GENERAL GEORGE G. MEADE.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 2440) to authorize the Secretary of War to transfer to the Fairmount Park Art Association eighty condemned or captured bronze cannon, to be used in the erection of an equestrian statue to the late Major-General George Gordon Meade; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY S. PORTER.

Mr. ROBINSON, (by request,) by unanimous consent, introduced a bill (H. R. No. 2441) for the relief of Mrs. Mary S. Porter, of Oxford, Massachusetts, widow and sole heir at law of Samuel Stafford, deceased, late of New Orleans, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

ROBERT VINCENT.

Mr. ALDRICH, of Illinois, by unanimous consent, introduced a bill (H. R. No. 2442) granting a pension to Robert Vincent; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SELECTION OF JURORS IN UTAH.

Mr. YOUNG, of Ohio, by unanimous consent, introduced a bill (H. R. No. 2443) relating to the selection of jurors in Utah Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

He also, by unanimous consent, introduced a bill (H. R. No. 2444) relating to the crime of bigamy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DEPUTY MARSHALS.

Mr. HARRIS, of Virginia, by unanimous consent, introduced a bill (H. R. No. 2445) to amend and re-enact section 2021 of the Revised Statutes of the United States so as to authorize the circuit courts of the United States to appoint an equal number of deputy marshals from each political party, such deputy marshals to be designated by the respective political parties; which was read a first and second time.

Mr. HARRIS, of Virginia. Mr. Speaker, I am opposed to the whole section, but as it has been shown that we cannot procure its repeal I am for so amending it that the democratic party may be represented as well as the republican party in the force of deputy marshals authorized by that section. I move that this bill be referred to the Committee on the Judiciary and be printed.

The motion was agreed to.

L. H. AND A. HERSHFIELD.

Mr. MAGINNIS, by unanimous consent, introduced a bill (H. R. No. 2446) for the relief of Lewis H. Hershfield and Aaron Hershfield, of Helena, Montana Territory; which was read a first and second time, and referred to the Committee on Coinage, Weights, and Measures.

POSTMASTER AT OCEAN GROVE, NEW JERSEY.

Mr. ROSS, by unanimous consent, introduced a bill (H. R. No. 2447) for the relief of the postmaster at Ocean Grove, New Jersey; which was read a first and second time, and referred to the Committee of Claims.

BENJAMIN F. WORRELL.

Mr. ROSS also, by unanimous consent, introduced a bill (H. R. No. 2448) for the relief of Benjamin F. Worrell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MILITARY CONCERTS AND DRESS PARADES.

Mr. SPEER introduced a bill (H. R. No. 2449) to prohibit military concerts and dress parades of the Army on the Sabbath day; which was read a first and second time.

Mr. COX. I would like to hear that bill read.

Mr. WHITE. I would like myself to hear that bill read.

The bill was read. It requires the Secretary of War to prohibit in time of peace all band concerts and dress parades in the United States Army on the Sabbath day.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON THE CONSUMPTION OF WHISKY.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Ways and Means:

Resolved, That the Committee of Ways and Means be directed to inquire into the expediency of imposing a tax on the consumption of whisky, alcohol, high wines, and beer, in lieu of the tax now imposed on their manufacture, distillation, and production, sufficient to raise the revenue needed by the Government; and that said committee report by bill or otherwise.

STATE MILITIA.

Mr. BUCKNER also, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Militia:

Resolved, That the Committee on the Militia be directed to inquire into the expediency of organizing, arming, and disciplining the militia of the several States and Territories, and for governing such part of them as may be employed in the service of the United States; and that said committee report by bill or otherwise.

MARY WADE.

Mr. BELTZHOOVER, by unanimous consent, introduced a bill (H. R. No. 2450) granting a pension to Mary Wade, mother of Jennie Wade; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MOUNT SAVAGE IRON COMPANY.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 2451) for the relief of the trustees of the Mount Savage Iron Company; which was read a first and second time, and referred to the Committee on War Claims.

HIRAM GRAVES.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 2452) for the relief of Hiram Graves; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BRIDGET SHERLOCK.

Mr. HOSTETLER, by unanimous consent, introduced a bill (H. R. No. 2453) for the relief of Bridget Sherlock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY SEELICK.

Mr. JOYCE, by unanimous consent, introduced a bill (H. R. No. 2454) granting a pension to Mary Seelick; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JONAH DAWSON.

Mr. JOYCE also, by unanimous consent, introduced a bill (H. R. No. 2455) granting a pension to Jonah Dawson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH S. POWERS.

Mr. JOYCE also, by unanimous consent, introduced a bill (H. R. No. 2456) granting a pension to Elizabeth S. Powers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNUAL REPORT OF SECRETARY OF THE TREASURY.

The SPEAKER, by unanimous consent, laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year 1879; which was laid on the table, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the chief clerk of the Court of Claims, transmitting, in pursuance of section 1057 of the Revised Statutes, a statement of all judgments rendered by said court for the year ending November 29, 1879; which was referred to the Committee on Appropriations.

RESUMPTION OF SPECIE PAYMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting copies of letters, contracts, circulars, documents, and accounts pertaining to the resumption of specie payment and refunding the national debt during the period from March 1, 1877, to October 31, 1879; which was referred to the Committee on Appropriations.

CENTENNIAL EXHIBITION.

The SPEAKER also, by unanimous consent, laid before the House a resolution of the Legislature of the State of New Hampshire, in reference to the closing up of the centennial international exhibition held in Philadelphia in 1876; which was referred to the Committee on Appropriations.

DAVIS ISLAND DAM.

The SPEAKER also, by unanimous consent, laid before the House a resolution of the Pittsburgh Chamber of Commerce, relative to the Davis Island dam; which was referred to the Committee on Commerce.

PAYMENTS BY SHIPPING COMMISSIONERS.

Mr. COX. I ask leave to offer for adoption the following resolution, which I have modified:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement of all moneys paid into the Treasury under the act of June 7, 1872, title 53, Revised Statutes, since the time of its enactment, by the respective United States shipping commissioners.

Mr. WHITE. Let that resolution lie over.

Mr. DUNNELL. The resolution ought to go to the Committee on Commerce.

The SPEAKER. Objection is made to the adoption of the resolution.

Mr. COX. The object of this resolution is to furnish information in reference to a bill now pending before the Committee on Commerce. I want the information sent to that committee.

The SPEAKER. Under the rule this resolution, if referred to the Committee on Commerce, would be reported back within six days.

Mr. COX. The bill is already before the committee; and I want to furnish information for their action. I presume gentlemen have no objection to having information.

Mr. DUNNELL. I think the resolution had better follow the usual course—go to the committee and be reported back.

Mr. COX. It may never come back.

The SPEAKER. Under the rule the committee must report it back within six days.

Mr. COX. Then let it be referred.

The resolution was referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUMPHREY, for ten days, on account of sickness in his family; and

To Mr. DAVIDSON, for ten days.

Mr. PHISTER. I ask indefinite leave of absence for my colleague, Mr. CARLISLE, who is detained at home by important business.

There being no objection, leave was granted.

WIDOW OF CAPTAIN GEORGE W. YATES.

Mr. WILLITS, by unanimous consent, introduced a bill (H. R. No. 2457) to authorize payment to the widow of Captain George W. Yates, killed at the Custer massacre, for the loss of a horse; which was read a first and second time, and referred to the Committee of Claims.

MILITARY EXPENSES OF STATES IN THE WAR OF 1812.

Mr. HARRIS, of Virginia. I ask unanimous consent that the second Tuesday in January next be fixed for the consideration of the bill (H. R. No. 2272) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812.

Mr. WILLITS. Is that bill on the Calendar?

The SPEAKER. It is in Committee of the Whole House.

Mr. HARRIS, of Virginia. I hope my friend will not object to fixing a time for the consideration of the bill.

The SPEAKER. Does the gentleman from Michigan [Mr. WILLITS] object to fixing a day?

Mr. WILLITS. Is not this a private bill?

Mr. FINLEY. Does not this request require unanimous consent?

The SPEAKER. It does.

Mr. FINLEY. Then I object.

Mr. FERNANDO WOOD. I move that the House adjourn.

The motion was agreed to; and accordingly (at one o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Edward D. Stevens, for a pension—to the Committee on Invalid Pensions.

By Mr. COX: Memorial of the Commissioners of Emigration of the State of New York, urging the necessity for legislation for the protection of arriving immigrants, and the care of such among them as may become sick or disabled—to the Committee on Foreign Affairs.

Also, resolutions of the State Board of Charities of the State of New York, relating to the sending of blind, crippled, lunatic, and other infirm paupers, by cities or towns in different governments of Europe, to the United States—to the same committee.

Also, the petition of Robert C. Murphy, that he may be honorably discharged from the United States service by the Secretary of War as of even date with the order of President Lincoln of October 24, 1863, revoking his order of dismissal—to the Committee on Military Affairs.

By Mr. DEUSTER: Memorial of Ezra Sprague, ex-chaplain One hundred and nineteenth Regiment New York Volunteers, concerning the government of the National Home near Milwaukee, Wisconsin—to the same committee.

By Mr. ERRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring an appropriation for the completion of Davis Island dam—to the Committee on Commerce.

By Mr. GARFIELD: The petition of Dr. A. G. Leland and 165 others, citizens of Ohio, that a pension be granted William Augustus Searles—to the Committee on Invalid Pensions.

By Mr. JOYCE: The petition of Elizabeth S. Powers, for a pension—to the same committee.

By Mr. McGOWAN: The petition of E. L. Smith and others, soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. NEW: The petition of Daniel W. Cheeseman, late assistant treasurer of the United States at San Francisco, for compensation for the sale of internal-revenue stamps—to the Committee of Claims.

By Mr. SLEMONS: The petition of a committee of sail-makers of the United States Navy, that naval sail-makers be restored to their former places in the naval service—to the Committee on Naval Affairs.

By Mr. VOORHIS: The petition of soldiers of the late war, from New Jersey, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WILLITS: The petition of Joseph Premo, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *December* 3, 1879.

JAMES E. BAILEY, a Senator from the State of Tennessee; M. C. BUTLER and WADE HAMPTON, Senators from the State of South Carolina; CHARLES W. JONES, a Senator from the State of Florida; MATT W. RANSOM, a Senator from the State of North Carolina; and DANIEL W. VOORHEES, a Senator from the State of Indiana, appeared in their seats to-day.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM MICHIGAN.

Mr. FERRY. Mr. President, I rise to a privileged question. The vacancy in the Senate caused by the death of my late colleague, Zachariah Chandler, has been filled by the executive of the State of Michigan by the appointment of Henry P. Baldwin, whose credentials I send to the Clerk's desk to be read and placed on the files of the Senate, after which I shall ask that the oath be administered to my colleague-elect, who is now present.

The credentials were read.

The VICE-PRESIDENT. The Senator appointed will please come forward, and take the oath of office.

Mr. BALDWIN advanced to the Vice-President's desk, escorted by Mr. FERRY, and the oath prescribed by the act of July 2, 1862, having been administered to Mr. BALDWIN, he took his seat in the Senate.

COMMITTEES OF THE SENATE.

On motion of Mr. WALLACE, it was

Ordered, That so much of the forty-sixth rule of the Senate as requires the appointment of the standing and other committees of the Senate to be made by ballot be suspended.

Mr. WALLACE. I now offer the following resolution:

Resolved, That the following be the standing committees of the Senate during the present session:

STANDING COMMITTEES.

On Privileges and Elections—Messrs. Saulsbury, (chairman,) Hill of Georgia, Kernan, Bailey, Houston, Vance, Cameron of Wisconsin, Hoar, and Logan.

On Foreign Relations—Messrs. Eaton, (chairman,) Johnston, Morgan, Hill of Georgia, Pendleton, Hamlin, Conkling, Kirkwood, and Carpenter.

On Finance—Messrs. Bayard, (chairman,) Kernan, Wallace, Voorhees, Beck, Morrill, Ferry, Jones of Nevada, and Allison.

On Appropriations—Messrs. Davis of West Virginia, (chairman,) Withers, Beck, Wallace, Eaton, Windom, Allison, Blaine, and Booth.

On Commerce—Messrs. Gordon, (chairman,) Ransom, Randolph, Hereford, Coke, Conkling, McMillan, Jones of Nevada, and Baldwin.

On Manufactures—Messrs. Grover, (chairman,) McPherson, Williams, Rollins, and Dawes.

On Agriculture—Messrs. Johnston, (chairman,) Davis of West Virginia, Gordon, Slater, Paddock, Sharon, and Blair.

On Military Affairs—Messrs. Randolph, (chairman,) Cockrell, Maxey, Grover, Hampton, Burnside, Plumb, Cameron of Pennsylvania, and Logan.

On Naval Affairs—Messrs. McPherson, (chairman,) Whyte, Jones of Florida, Vance, Farley, Anthony, Blaine, Cameron of Pennsylvania, and Ferry.

On the Judiciary—Messrs. Thurman, (chairman,) McDonald, Bayard, Garland, Lamar, Davis of Illinois, Edmunds, Conkling, and Carpenter.

On Post-Offices and Post-Roads—Messrs. Maxey, (chairman,) Saulsbury, Bailey, Houston, Farley, Groome, Ferry, Hamlin, and Kirkwood.

On Public Lands—Messrs. McDonald, (chairman,) Jones of Florida, Grover, McPherson, Walker, Plumb, Paddock, Booth, and Hill of Colorado.

On Private Land Claims—Messrs. Edmunds, (chairman,) Allison, Windom, Davis of Illinois, and Jonas.

On Indian Affairs—Messrs. Coke, (chairman,) Pendleton, Walker, Slater, Williams, Allison, Ingalls, Saunders, and Logan.

On Pensions—Messrs. Withers, (chairman,) McPherson, Groome, Call, Farley, Ingalls, Kellogg, Platt, and Kirkwood.

On Revolutionary Claims—Messrs. Anthony, (chairman,) Dawes, McMillan, Jones of Florida, and Hill of Georgia.

On Claims—Messrs. Cockrell, (chairman,) Hereford, Harris, Groome, Houston, McMillan, Cameron of Wisconsin, Teller, and Hoar.

On the District of Columbia—Messrs. Harris, (chairman,) Whyte, Withers, Butler, Vance, Ingalls, Rollins, McMillan, and Paddock.

On Patents—Messrs. Kernan, (chairman,) Coke, Slater, Call, Booth, Hoar, and Platt.

On Public Buildings and Grounds—Messrs. Jones of Florida, (chairman,) Saulsbury, Vest, Dawes, and Morrill.

On Territories—Messrs. Garland, (chairman,) Butler, Vest, Slater, Saunders, Kellogg, and Logan.

On Railroads—Messrs. Ransom, (chairman,) Lamar, Eaton, Grover, Williams, Pendleton, Jonas, Dawes, Teller, Saunders, and Windom.

On Mines and Mining—Messrs. Hereford, (chairman,) Hampton, Vest, Farley, Cameron of Pennsylvania, Plumb, and Hill of Colorado.

On the Revision of the Laws—Messrs. Wallace, (chairman,) Kernan, Davis of Illinois, Hoar, and McMillan.

On Education and Labor—Messrs. Bailey, (chairman,) Gordon, Maxey, Randolph, Lamar, Burnside, Morrill, Bruce, and Sharon.

On Civil Service and Retrenchment—Messrs. Butler, (chairman,) Whyte, Beck, Walker, Teller, Rollins, and Baldwin.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Hill of Georgia, (chairman,) Davis of West Virginia, and Jones of Nevada.

On Printing—Messrs. Whyte, (chairman,) Ransom, and Anthony.

On the Library—Messrs. Voorhees, (chairman,) Ransom, and Edmunds.

On Rules—Messrs. Morgan, (chairman,) Cockrell, and Blaine.

On Engrossed Bills—Messrs. Conkling, (chairman,) Jones of Nevada, and Withers.

On Enrolled Bills—Messrs. Vance, (chairman,) Call, and Rollins.

On the Improvement of the Mississippi River and its Tributaries—Messrs. Lamar, (chairman,) Cockrell, Harris, Jonas, Blaine, Kellogg, and Bruce.

On Transportation Routes to the Seaboard—Messrs. Beck, (chairman,) Johnston, Voorhees, Hampton, Cameron of Pennsylvania, Windom, and Blair.

The resolution was agreed to.

Mr. WALLACE. I offer the following resolution in relation to the select committees:

Resolved, That the following select committees be appointed for the present session, and that each committee thus created shall be, and is, vested with all the powers and authorities heretofore given by the Senate to each of the select committees on the respective subjects to which they relate:

SELECT COMMITTEES.

To Examine the Several Branches of the Civil Service—Messrs. Vest, (chairman,) Eaton, Gordon, Logan, and Hamlin.

To take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the United States—Messrs. Morgan, (chairman,) Bayard, Thurman, Johnston, Garland, Davis of Illinois, Edmunds, Conkling, and Teller.

To Investigate the Finance Reports, Books, and Accounts of the Treasury Department—Messrs. Davis of West Virginia, (chairman,) Beck, Whyte, Ingalls, and Dawes.

To make provision for taking the Tenth Census—Messrs. Pendleton, (chairman,) Morgan, Kernan, Harris, Davis of Illinois, Morrill, and Cameron of Wisconsin.

To investigate and report the best means of preventing the introduction and spread of epidemic diseases—Messrs. Harris, (chairman,) Lamar, Garland, Jonas, Paddock, Sharon, and Platt.

To inquire into alleged frauds in the late elections—Messrs. Wallace, (chairman,) Bailey, Garland, McDonald, Kernan, Teller, Kirkwood, Hoar, and Blair.

To examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory—Messrs. Kirkwood, (chairman,) Dawes, Plumb, Bailey, and Morgan.

To inquire into all claims of citizens of the United States against the government of Nicaragua—Messrs. Hamlin, (chairman,) Conkling, Kirkwood, Eaton, and Morgan.

On the Freedmen's Savings and Trust Company—Messrs. Bruce, (chairman,) Cameron of Wisconsin, Gordon, Withers, and Garland.

The resolution was agreed to.

REPORT OF PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the annual report of the Public Printer for the year ending June 30, 1879; which was ordered to lie on the table, and be printed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate the seventeenth

annual report of the Comptroller of the Currency; which was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Treasurer of the United States, transmitting a copy of his accounts as to post-office expenditures rendered to and adjusted by the Sixth Auditor of the Treasury for the fiscal year which ended June 30, 1879; which was ordered to lie on the table.

He also laid before the Senate a communication from the Treasurer of the United States, transmitting, in compliance with section 311 of the Revised Statutes of the United States, copies of the accounts rendered to and settled with the First Comptroller for the fiscal year ending June 30, 1879.

The VICE-PRESIDENT. The documents from the Treasurer are very voluminous, and if there be no objection the Chair will refer the question of printing them to the Committee on Printing. The Chair hears no objection, and that reference is ordered.

PETITIONS AND MEMORIALS.

Mr. GARLAND presented the petition of Thomas W. King, late private in Company A, First Dragoons, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of J. E. England and others, citizens of Lonoke and Jefferson Counties, Arkansas, praying the establishment of a mail-route from Lonoke, Arkansas, on the Memphis and Little Rock Railroad, to Plum Bayou post-office, in Jefferson County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT presented the petition of Joseph Lamatte and other Menomonee and Stockbridge Indians who served in the Union Army, of Kershena, Wisconsin, praying for the passage of the bill for the equalization of bounties; which was referred to the Committee on Pensions.

Mr. JONAS presented the petition of Eliza E. Hebert, of Louisiana, praying compensation for property taken by the United States troops during the late war; which was referred to the Committee on Claims.

Mr. DAWES presented the petition of Margaret Miller, of Stockbridge, Berkshire County, Massachusetts, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. HAMLIN. I present the petition of John Flynn, of Bangor, Maine, an individual who served in the late war, and who was very severely disabled, praying for an increase of pension. I desire particularly to invite the attention of the Committee on Pensions to the consideration of this subject. This is one of those cases where it is very difficult to draw the line as to which class of pension the pensioner is entitled to receive at the present time. This petitioner lost an arm. If he had lost the other arm the law would have given him a pension at a certain rate; the other arm was disabled, but not so disabled that he requires the constant attendance of another person, and he does not get that sum; but he is so disabled that he thinks, and I think, his is a case that might be made exceptional, and that he ought to have an increased pension. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING presented the petition of S. D. Babcock, president of the Chamber of Commerce of the State of New York, and other citizens of New York, praying for an appropriation for the improvement of the Harlem River; which was referred to the Committee on Commerce.

Mr. LOGAN presented the petition of James Reynolds, an inmate of the National Military Home at Dayton, Ohio, praying to be allowed a pension; which was referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 738) providing for the judicial ascertainment of claims against the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 739) to pay John Hunter for part of Hart Island, in Westchester County, State of New York, condemned and taken for light-house purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 740) to authorize the payment of customs duties in legal-tender notes; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 741) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. BECK. Finance or Commerce?

The VICE-PRESIDENT. Does the Senator from Kentucky desire the bill to be referred to the Committee on Commerce?

Mr. BECK. I think, as the bill relates to foreign-built ships, it ought to go to the Committee on Commerce; but I am not sure.

The VICE-PRESIDENT. The bill will take that reference, if there be no objection.

Mr. BECK. I should rather have it referred to the Finance Committee, but I believe it ought to go to the Committee on Commerce.

Mr. MORRILL. Do I understand that the reference of the bill is to be changed from the Committee on Finance to the Committee on Commerce?

The VICE-PRESIDENT. The Chair understood the Senator from Kentucky to indicate that.

Mr. MORRILL. I think that would be a very wrong reference. The bill ought to go to the Committee on Finance.

Mr. BECK. I prefer that it should go to that committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 742) for the relief of Mary A. Lord; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 743) authorizing a contract to be made for the leasing of meadow land adjacent to Fort Mifflin, in the State of Pennsylvania, in consideration of the repair and maintenance of the river bank upon the leased premises; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 744) to amend article 103 of the Rules and Articles of War; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 745) for the relief of Major James Belger; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 746) to amend sections 2770 and 2774 of the Revised Statutes of the United States so as to allow change of destination of a vessel and cargo; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 747) for the relief of Harlow L. Street; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 748) granting a pension to Thomas E. Brawner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 749) for the relief of certain persons locating homesteads upon the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 750) to authorize the Secretary of the Navy to receive by donation a site for, and to construct, a marine hospital at Nebraska City, on the Missouri River; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 49) in relation to United States Treasury notes; which was read the first time by its title.

Mr. BAYARD. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Finance, as follows:

Resolved, &c., That from and after the passage of this resolution the Treasury notes of the United States shall be receivable for all dues to the United States, excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the petition and papers of Stephen A. McCarty, praying to be restored as lieutenant-commander in the Navy, be taken from the files of the Senate and referred to the Committee on Naval Affairs.

On motion of Mr. GROOME, it was

Ordered, That the papers relating to the claim of George W. Maher be taken from the files of the Senate and referred to the Committee on Claims, to accompany Senate bill No. 690.

CLERK TO CENSUS COMMITTEE.

Mr. PENDLETON submitted the following resolution; which was read:

Resolved, That the clerk to the select committee to make provision for taking the Tenth Census, authorized by resolution of the Senate of the 2d instant, be paid by the Secretary of the Senate out of the miscellaneous items of the contingent fund of the Senate.

Mr. PENDLETON. I ask the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE-PRESIDENT. Under the rule the resolution will be read the second time and considered as in Committee of the Whole.

The resolution was read the second time and considered as in Committee of the Whole.

The resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

On motion of Mr. BUTLER, it was

Ordered, That the Committee on Civil Service and Retrenchment be authorized to have printed for its use the testimony taken by it at Newport in pursuance of the

resolutions of last session directing inquiry in relation to certain matters in the State of Rhode Island.

LEGAL-TENDER NOTES.

Mr. INGALLS submitted the following resolution; which was ordered to lie on the table, and be printed:

Resolved, That in the opinion of the Senate the present volume of United States notes should not be reduced, and that said notes ought to continue to be a legal tender in the payment of debts.

TRUST FUNDS OF UTE INDIANS.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas an agreement was made on the 13th day of September, 1873, between the United States and the confederate bands of the Ute Nation for the cession of certain lands in Colorado, which agreement was ratified April 29, 1874; and

Whereas the fourth article of said agreement was in words as follows: "The United States agrees to set apart and hold as a perpetual trust for the Ute Indians a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of $25,000 per annum, which sum of $25,000 per annum shall be disbursed or invested at the discretion of the President, as he may direct, for the use and benefit of said Ute Indians annually;" and

Whereas the said Ute Indians claim that only a portion of the money due under said agreement has been paid to them, and that there is a large amount due and unpaid: Therefore,

Be it resolved, That the President of the United States be, and he is hereby, requested to inform the Senate whether such payments or investments have been made in accordance with the fourth article of said agreement, and, if any portion of the money due under said agreement has been paid or invested for the benefit of said Indians, at what time and in what manner such payments were made, or in what way invested, and what amount, if any, there is due the said Indians under said agreement.

IMPROVEMENT OF TAUNTON RIVER.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with any information in his Department relative to the improvement of Taunton River, in the State of Massachusetts, with estimates of the cost of such improvement as will secure eleven feet of water in said river at mean high tide from Wier Bridge, in the city of Taunton, to the mouth of said river.

PERMANENT APPROPRIATIONS.

Mr. DAVIS, of West Virginia. Yesterday I offered a resolution calling upon the Secretary of the Treasury for certain information. I move now that the resolution be taken up for action.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. DAVIS, of West Virginia, on the 2d instant:

Resolved, That the Secretary of the Treasury furnish the Senate, at an early day, a tabulated statement showing the receipts and expenditures for each fiscal year, from 1865 to 1879 inclusive, on account of appropriations under title 41, sections 3687 to 3692 inclusive, of the Revised Statutes, known as permanent annual appropriations, and all other permanent annual appropriations that are paid from the Treasury, separating, as far as practicable, the expenditures by each Department and the items thereof, especially as to captured and abandoned property, salaries and expenses of steamboat inspectors, collection of customs duties, mints, expenses of the public debt, and fees of supervisors of elections.

Mr. DAVIS, of West Virginia. Mr. President, I wish to submit but a very few remarks.

The resolution offered by myself yesterday and which is now before the Senate looks to information, with the intention of following it by a bill to repeal all permanent annual appropriations except those relating to the interest on the public debt.

It is known that the Revised Statutes, and subsequent statutes, now give the different Departments power to expend large sums of money in what are known as permanent annual appropriations, which Congress is not called upon, from year to year, to pass upon. For some years, since 1865 probably, those appropriations have amounted to more than the regular annual appropriations made by Congress. I believe the present year the Secretary estimates this amount, excluding interest on the public debt, at over $60,000,000.

It appears to me that so large a sum ought not to be paid without the attention of Congress being called to it annually. In fact the Secretary of the Treasury in his report, which has just been placed on our tables, calls the attention of Congress to the subject, and he himself favors the repeal of many of those acts. The intention of the resolution offered by myself is to call from the Secretary information relating to these large amounts that have been expended annually without the notice of Congress, with the purpose of following it by a bill to repeal all permanent annual appropriations except those relating to the interest on the public debt.

Mr. CONKLING. Is this the same resolution we had at the last session?

Mr. DAVIS, of West Virginia. No, sir; this resolution never has been before Congress that I know of heretofore, nor has anything similar to it been before Congress.

Mr. CONKLING. When was it introduced?

Mr. DAVIS, of West Virginia. Yesterday, and printed, and it is now upon the tables of Senators.

My friend from Kentucky [Mr. BECK] suggests that I shall read what the Secretary of the Treasury says himself on this subject in his report, which has just been sent to Congress. After making other suggestions, the Secretary recommends—

That all appropriations, except for the interest of the public debt, be limited to a period not exceeding two years, and that their expenditure be strictly confined to the period of time for which they are appropriated; and that all permanent and indefinite appropriations, made more than four years ago, except that for the public debt, be repealed.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. ANTHONY. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 3, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The following additional members appeared to-day: Messrs. GABRIEL BOUCK, of Wisconsin; WILLIAM W. CRAPO, of Massachusetts; JOSEPH J. DAVIS, of North Carolina; DANIEL M. HENRY, of Maryland; WILLIAM LOUNSBERY, of New York; DANIEL L. RUSSELL, of North Carolina; and WASHINGTON C. WHITTHORNE, of Tennessee.

CORRECTION OF THE JOURNAL.

The Journal of yesterday was read.

Mr. BURROWS. Mr. Speaker, I notice by the reading of the Journal that my name is not recorded as having voted on the reference of a bill introduced yesterday by the gentleman from Kentucky [Mr. THOMPSON] to the Committee on War Claims.

The SPEAKER. The gentleman's name is not recorded.

Mr. BURROWS. I was here and voted in the affirmative.

The SPEAKER. The result will not be changed, and the Journal will be corrected accordingly.

The Journal, as corrected, was then approved.

BILLS AND JOINT RESOLUTIONS.

Mr. COX. I move by unanimous consent that the States be called for bills and joint resolutions as on Monday, in order that bills and joint resolutions may be introduced, referred, and ordered to be printed.

There was no objection, and it was ordered accordingly.

WADDINGTON HARBOR, NEW YORK.

Mr. FRYE (by request of Mr. JAMES, of New York) introduced a bill (H. R. No. 2458) for continuing the improvements in Waddington Harbor, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE also (by the same request) introduced a bill (H. R. No. 2459) to survey and improve the navigation of the Grass River at Massena, Saint Lawrence County, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIG OLIVE FRANCES.

Mr. MURCH introduced a bill (H. R. No. 2460) for the relief of the owners and officers of the brig Olive Frances; which was read a first and second time, and referred to the Committee of Claims.

REFUNDING NATIONAL DEBT.

Mr. FERNANDO WOOD introduced a bill (H. R. No. 2461) respecting the refunding the national debt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ROBERT C. MURPHY.

Mr. COX introduced a bill (H. R. No. 2462) for the relief of Robert C. Murphy, late Colonel Eighth Regiment Wisconsin Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

MAJOR JAMES BELGER.

Mr. COX also introduced a bill (H. R. No. 2463) for the relief of Major James Belger; which was read a first and second time, and referred to the Committee on Military Affairs.

COUNCIL ON ART MATTERS.

Mr. COX also introduced a joint resolution (H. R. No. 126) establishing a council on art matters; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

DANIEL J. BENNER.

Mr. BELTZHOOVER introduced a bill (H. R. No. 2464) for the relief of Daniel J. Benner, of Gettysburgh, Pennsylvania; which was read a first and second time, and referred to the Committee of Claims.

EQUALIZATION OF PENSIONS.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2465) to equalize and fix the rate of pensions of soldiers and sailors disabled in the late war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE L. WILLIAMS.

Mr. COFFROTH introduced a bill (H. R. No. 2466) granting a pension to George L. Williams; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL D. LONG.

Mr. COFFROTH also introduced a bill (H. R. No. 2467) granting a pension to Daniel D. Long; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY H. FISHER.

Mr. COFFROTH also introduced a bill (H. R. No. 2468) granting a pension to Henry H. Fisher; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. I. M'CONNELL.

Mr. COFFROTH also introduced a bill (H. R. No. 2469) granting a pension to A. I. McConnell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FAYETTEVILLE, PORT OF ENTRY.

Mr. RUSSELL, of North Carolina, introduced a bill (H. R. No. 2470) to create a new collection district in North Carolina, and to make Fayetteville a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF TENNESSEE RIVER.

Mr. DIBRELL introduced a bill (H. R. No. 2471) appropriating $200,000 to improve the Tennessee River, to be made available immediately; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REMOVAL OF PONCA INDIANS.

Mr. DE LA MATYR, by unanimous consent, submitted a resolution to appoint a committee to investigate the removal of the Ponca Indians: which was referred to the Committee on Indian Affairs.

JOHN SPICER.

Mr. SPRINGER introduced a bill (H. R. No. 2472) for the relief of John Spicer, of Ottawa, Illinois; which was read a first and second time, and referred to the Committee on War Claims.

JOHN A. BARNES.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 2473) granting a pension to John A. Barnes, late a private Company D, Sixtieth Regiment Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS RILEY.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 2474) to increase the pension of Thomas Riley, late private Company L, Seventh United States Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAINT CHARLES HARBOR, MISSOURI.

Mr. FROST introduced a bill (H. R. No. 2475) to improve the harbor at Saint Charles, Missouri, and the channel of the Missouri River at that point; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. DAVIS, of Missouri, introduced a bill (H. R. No. 2476) for the improvement of the Mississippi River at Minton's Point, in the State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF HENRY M. SHREVE, DECEASED.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 2477) for the relief of the heirs of Henry M. Shreve, deceased; which was read a first and second time, and referred to the Committee of Claims.

STEAMBOAT FORESTER.

Mr. HULL introduced a bill (H. R. No. 2478) to change the name of the steamboat Forester to Minnehaha; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDINGS AT BROWNSVILLE, TEXAS.

Mr. UPSON introduced a bill (H. R. No. 2479) to provide for the procuring of a site and the erection of a building thereon at Brownsville, Texas, for the United States court, post-office, custom-house, and other Government offices, or to procure grounds with a building or buildings thereon, and alter and repair the same for the purposes aforesaid; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS VS. BONDHOLDERS.

Mr. WEAVER introduced a bill (H. R. No. 2480) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN KANSAS.

Mr. ANDERSON introduced a bill (H. R. No. 2481) to create an additional land district in the State of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 2326 OF REVISED STATUTES.

Mr. DAGGETT introduced a bill (H. R. No. 2482) to amend section 2326, title 32, of the Revised Statutes; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

CARRYING OF MAILS, ETC.

Mr. VALENTINE submitted a resolution asking information from the Postmaster-General touching the carrying of mails and increase of service in the West; which was referred to the Committee on the Post-Office and Post-Roads.

UTE INDIANS IN COLORADO.

Mr. BELFORD submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and is hereby, requested to transmit to this House at an early day copies of all correspondence had by letter or telegram since the 1st day of January, 1879, by N. C. Meeker, late Indian agent at the White River agency, with the Secretary of the Interior or Commissioner of Indian Affairs, and also copies of all correspondence by letter or telegram had by Governor Pitkin, General Hatch, General Adams, and Special Agent Pollock with the Secretary of the Interior and the Commissioner of Indian Affairs concerning the Ute Indians in the State of Colorado.

The SPEAKER. The call has now been completed.

MONUMENT AT YORKTOWN, VIRGINIA.

Mr. GOODE, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas on Monday, the 29th day of October, 1781, it was "*Resolved*, That the United States in Congress assembled will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and his most Christian majesty, and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his excellency General Washington, commander-in-chief of the combined forces of America and France; to his excellency the Count de Rochambeau, commanding the auxiliary troops of his most Christian majesty in America, and his excellency the Count de Grasse, commanding in chief the naval army of France in Chesapeake;" and

Whereas that resolution has not been carried into effect, and the pledge of the nation made nearly one hundred years ago remains yet unfulfilled; and

Whereas it is eminently proper that the centennial anniversary of the decisive victory achieved by Washington and the continental army, with the assistance of their French allies, at Yorktown, should be appropriately celebrated by the American people on the spot where it occurred: Therefore,

Resolved, That a select committee of thirteen be appointed by the Speaker, whose duty it shall be to inquire into the expediency of appropriating a suitable sum to be expended under the direction of the Secretary of War in erecting at Yorktown, in Virginia, the monument referred to in the aforesaid resolution of Congress, and of making the necessary arrangements, in conjunction with the authorities of the State of Virginia, for an appropriate celebration by the American people on the 19th day of October, 1881, for the surrender of the British forces under Lord Cornwallis; and that said committee have leave to report by bill or otherwise at any time.

IMPROVEMENT OF DAN RIVER.

Mr. CABELL, by unanimous consent, introduced a bill (H. R. No. 2483) for the improvement of Dan River, in the States of Virginia and North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

D. H. BAILY.

Mr. HUNTON. I ask unanimous consent to offer for consideration at this time the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish this House without delay with all correspondence of the State Department with John S. Mosby and Julius Stahel relative to the consulate at Hong-Kong while filled by D. H. Baily, so far as the same may not be inconsistent with the interests of the public service.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. FRYE. Under the rules the resolution would go to a committee.

The SPEAKER. It can be adopted by unanimous consent; otherwise, under the rule, it would be referred to a committee, and would come back within one week.

Mr. HUNTON. I will say to my friend from Maine the object of the resolution is to get the correspondence only so far as compatible with the interests of the public service.

Mr. FRYE. I will not make the objection; but I think the rule is a good one.

There being no objection, the resolution was agreed to.

IMPROVEMENT OF RED RIVER.

Mr. ELLIS, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to furnish to this House, at a date as early as possible, full information as to the amounts appropriated by Congress for the improvement of Red River within the past four years; in what manner said appropriations have been expended; what balance remains; what progress has been made in the improvement, especially of the mouth of said river; and what plan of operations, if any, has been adopted by the engineers looking to the further improvement of the mouth of said river and the complete removal of the mud blockade at the mouth which for four months past has wholly suspended the navigation of said river.

ORDER OF BUSINESS.

The SPEAKER. The Chair is advised that several members have come into the Hall since their States were called, and desire to introduce bills for reference only. The Chair will recognize them now for that purpose.

TRANSFER OF INDIAN OFFICE TO WAR DEPARTMENT.

Mr. FINLEY introduced a bill (H. R. No. 2484) to transfer the Office of Indian Affairs from the Interior to the War Department; which

was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARINE HOSPITAL IN BALTIMORE, MARYLAND.

Mr. KIMMEL introduced a bill (H. R. No. 2485) to provide for the construction of a marine hospital in Baltimore, Maryland; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

WASHINGTON, CINCINNATI, AND SAINT LOUIS RAILROAD COMPANY.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 2486) to authorize the Washington, Cincinnati, and Saint Louis Railroad Company to construct a narrow-gauge railroad from tide-water to the cities of Saint Louis and Chicago; which was read a first and second time.

Mr. HARRIS, of Virginia. I desire to state that I introduce this bill by request, without meaning to thereby express approval or disapproval of any of the principles of the bill. I move that it be referred to the Committee on Railways and Canals, and be printed.

The motion was agreed to.

JOHN B. NIX.

Mr. GUNTER introduced a bill (H. R. No. 2487) for the relief of John B. Nix, of Miller County, Arkansas; which was read a first and second time, and referred to the Committee on Public Lands.

UNITED STATES CIRCUIT COURT, WILMINGTON, NORTH CAROLINA.

Mr. RUSSELL, of North Carolina, introduced a bill (H. R. No. 2488) to provide for the holding of terms of the circuit court of the United States at the city of Wilmington, North Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTY ON TIN.

Mr. WHITE introduced a joint resolution (H. R. No. 127) declaring the meaning of section 2504 of the Revised Statutes, imposing a duty on tin and terne plate; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

GEORGE W. WELSH.

Mr. SHALLENBERGER introduced a bill (H. R. No. 2489) to reimburse George W. Welsh, of Beaver Falls, Pennsylvania, part owner of steamboat Pine Bluff, burned by United States troops in 1863; which was read a first and second time, and referred to the Committee on War Claims.

BILLS OF LADING.

Mr. MORTON introduced a bill (H. R. No. 2490) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REFUNDING THE NATIONAL DEBT.

Mr. GARFIELD introduced a bill (H. R. No. 2491) to facilitate the refunding the national debt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. SOPHIA A. MORGAN.

Mr. HISCOCK introduced a bill (H. R. No. 2492) granting an increase of pension to Mrs. Sophia A. Morgan, widow of Brevet Brigadier-General Charles H. Morgan, late of the United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. McCOOK introduced a bill (H. R. No. 2493) to amend section 2505 of the Revised Statutes; which was read a first and second time, and referred to the Committee of Ways and Means.

JOSHUA GIBSON.

Mr. CALKINS introduced a bill (H. R. No. 2494) for the relief of Joshua Gibson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DEPUTY COLLECTOR AT LAKE CHARLES, LOUISIANA.

Mr. ACKLEN. I ask unanimous consent to introduce for consideration at this time the bill which I send to the Clerk's desk.

The SPEAKER. The bill will be read.

The bill authorizes the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Calcasieu Parish, Louisiana, with power to enter and clear all vessels coming to that port.

Mr. HUBBELL. I object.

Mr. GARFIELD. That should go to the Committee of Ways and Means.

Mr. ACKLEN. This bill has been before the Committee on Commerce and has already been favorably acted upon by that committee. I have been authorized by a unanimous report of the committee to present this bill to this House for action. It is necessary that it should be acted upon promptly. A deputy collector at that port is very much needed at the present time.

The SPEAKER. Does the gentleman present this as a report from the committee?

Mr. ACKLEN. I have been authorized to report it, but I desire to ask unanimous consent at this time to have it acted upon.

Mr. GARFIELD. I did not understand exactly what the gentleman said. Does he report this as from his committee?

Mr. ACKLEN. Yes.

Mr. GARFIELD. Is the gentleman authorized to report it now?

Mr. ACKLEN. I have been authorized by the unanimous action of the Committee on Commerce to report this bill in its present form.

Mr. GARFIELD. When did the committee authorize the reporting of this bill?

Mr. ACKLEN. At the extra session.

Mr. GARFIELD. If gentlemen around me who belong to the Committee on Commerce see no objection to this bill, I suppose I ought not to raise one. These gentlemen know about the matter; I do not.

Mr. CONGER. I suppose that even as a report from a committee this bill could not come in during the first six days of the session.

The SPEAKER. That point would not operate against the bill; but its consideration requires unanimous consent because reports from committees are not in order at this time. The six-day rule, however, would not apply against reports from committees, if made during the morning hour.

Mr. CONGER. The bill is subject, at any rate, to a point of order, as it creates a new office and authorizes a new salary. I would like an opportunity to examine the bill. I do not know but that it may be right.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] objects to the consideration of the bill. That is his right.

ACCOUNTS OF FIRST COMPTROLLER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Treasurer of the United States, transmitting, in compliance with section 311 of the Revised Statutes, fair and accurate copies of the accounts rendered to and settled with the First Comptroller for the fiscal year which ended June 30, 1879; which was laid on the table and ordered to be printed.

ACCOUNTS OF TREASURER OF THE UNITED STATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Treasurer of the United States, transmitting a copy of the Treasurer's accounts rendered to and adjusted by the Sixth Auditor of the Treasury for the fiscal year which ended June 30, 1879; which was laid on the table and ordered to be printed.

ANNUAL REPORT OF ATTORNEY-GENERAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting his annual report for the year 1879; which was laid on the table and ordered to be printed.

ANNUAL REPORT OF COMPTROLLER OF THE CURRENCY.

The S PEAKER also, by unanimous consent, laid before the House the seve nteenth annual report of the Comptroller of the Currency; which was referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. FERNANDO WOOD. I move that the House do now adjourn.

The question being taken on agreeing to the motion, there were—ayes 84, noes 38.

Mr. REAGAN. I ask for the yeas and nays. I do not know why we might not as well work now as next summer.

The yeas and nays were not ordered, only twelve voting therefor.

So the motion to adjourn was agreed to; and accordingly (at one o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Henry W. Birkey, M. D., to be reinstated in the United States Navy as an assistant surgeon—to the Committee on Naval Affairs.

By Mr. BAKER: The petition of Frederick W. Miller, of Elkhart, Indiana, to be reimbursed the amount of money-order funds and stamps burglariously stolen from the post-office at Elkhart, Indiana—to the Committee of Claims.

By Mr. BELTZHOOVER: The petition of A. H. Jenks, of York, Pennsylvania, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Elizabeth Welsh, of York, Pennsylvania, that her name be placed on the pension-roll—to the same committee.

By Mr. BRIGGS: The petition of Ezra M. Smith and 21 others, citizens of Peterborough, New Hampshire, that John R. Miller be reimbursed the amount of money-order funds and stamps burglariously stolen from the post-office at Peterborough, New Hampshire—to the Committee of Claims.

Also, the petition of John R. Miller, postmaster at Peterborough, New Hampshire, of similar import—to the same committee.

By Mr. CABELL: The petition of citizens of Henry and Franklin Counties, Virginia, for the establishment of a post-route between Waidsborough and Oak Level, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. DIBRELL: Papers relating to the claim of Eliza H. Powers, for compensation for services rendered the United States during the late war—to the Committee of Claims.

By Mr. HENKLE: The petition of Sarah B. F. Mayo, widow of Isaac Mayo, deceased, formerly a captain in the United States Navy, to be placed on the pension-roll from the date of Captain Mayo's death—to the Committee on Invalid Pensions.

By Mr. HOSTETLER: The petition of citizens of Lawrence County,

Indiana, that soldiers of the late war be paid the difference between the value of greenbacks and gold at the time of payment, with 6 per cent. interest, compounded semi-annually—to the Committee on Military Affairs.

By Mr. JOYCE: The petition of Franklin Roys and 64 other Vermont soldiers of the late war, for the equalization of bounties—to the same committee.

By Mr. KEIFER: The petition of Samuel T. McMoran, of Saint Paris, Ohio, and 35 others, of similar import—to the same committee.

By Mr. LINDSEY: The petition of R. T. Jones and others, citizens of Winthrop, Maine, that a pension be granted Andrew P. Batchelder—to the Committee on Invalid Pensions.

By Mr. McCOOK: The petition of Joseph Delavan and 65 other honorably discharged soldiers, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of E. A. Farr, relative to the claim of S. O. Baker for compensation for supplies furnished the United States Army—to the Committee on War Claims.

By Mr. O'CONNOR: The petition of Charleston County, South Carolina. for the establishment of a post-route between Cainhoy and Charleston, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON, of Kentucky: The petition of Mary L. Cleveland, widow of John H. Cleveland, deceased, a soldier of the war of 1812, for arrears of pension—to the Committee on Revolutionary Pensions.

By Mr. VANCE: A paper relating to the establishment of post-routes from Collettsville, via Mulberry Valley, to Globe; from Fairview, via Arden, Z. T. Hunter's, and Avery's Creek, to Lee Brittain's; from Ashville to Riceville, via Beaver Dam and Hawk Creek, all in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON: Papers relating to the claim of Samuel D. Hayslip for compensation for property destroyed by the United States Army—to the Committee on War Claims.

IN SENATE.

THURSDAY, *December* 4, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

JOINT COMMITTEE ON PRINTING.

The VICE-PRESIDENT appointed Mr. WHYTE, Mr. RANSOM, and Mr. ANTHONY, under the requirement of section 3756 of the Revised Statutes of the United States, as members on the part of the Senate of the Joint Committee on Public Printing.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Colonel John Gibbon, Seventh Infantry, dated April 16, 1879, calling attention to the fact that the citizen volunteers who participated in the battle of Big Hole, Montana, have not yet been remunerated for their services, and that no provision has been made to pension the wounded or widows and children of those killed, &c.; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting copies of reports from Captain William Mills and Lieutenant William J. Turner, Second Infantry, of work performed by Company A, Second Infantry, on the Mullan wagon-road, between Fort Cœur d'Alene and the summit of the Cœur d'Alene Mountains, in Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT GOVERNMENT.

The VICE-PRESIDENT laid before the Senate a letter from the president of the board of commissioners of the District of Columbia, transmitting for the consideration of Congress a civil code of law and procedure for the District of Columbia, prepared under the direction of the attorney for the District, in accordance with a provision in the act of March 3, 1879, making appropriations for sundry civil expenses of the Government; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting a letter from Major James M. Moore, quartermaster United States Army, and a memorial of Colonel Rufus Ingalls and other officers of the Quartermaster's Department, remonstrating against the passage of the bill (S. No. 192) to correct the date of commissions of certain officers in the Quartermaster's Department; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. RANDOLPH presented the petition of George R. Hall and others, soldiers in the late war and citizens of New Jersey, praying the passage of what is known as the equalization bounty bill; which was referred to the Committee on Pensions.

He also presented the petition of Wadson & Co., of Paterson, New Jersey, and the petition of O. H. Bartles and 97 other citizens of New Jersey, praying for an appropriation for the improvement of Harlem River; which were referred to the Committee on Commerce.

Mr. SAUNDERS presented the petition of H. C. Osterhous, J. R. Ratcliff, Daniel Hopkins, and 100 others, praying the passage of a law to equalize the bounties of soldiers; which was referred to the Committee on Pensions.

Mr. DAVIS, of West Virginia, presented additional papers in support of the application of David H. Myers, late of Company A, Second New Jersey Cavalry, praying for a pension; which were referred to the Committee on Pensions.

Mr. BUTLER presented the petition of D. F. and G. T. Arthur and others, citizens of South Carolina, praying for the establishment of a weekly mail-route from Columbia, Richland County, South Carolina, to Witts Mills, Orangeburgh County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 336) granting a pension to Philip Braunstetter, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 427) granting a pension to Frank Donohue, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 552) granting a pension to Marshall D. Ellis, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Samuel M. Thatcher, late private Company I, Seventy-first Pennsylvania Volunteers, praying to be allowed a pension, submitted a report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. WITHERS. I am also instructed by the Committee on Pensions, to whom was referred the petition of David H. Myers, praying to be allowed a pension, to submit an adverse report thereon, no application having been made to the Pension Bureau.

The VICE-PRESIDENT. The report will be printed and the committee discharged from the further consideration of the petition.

Mr. KIRKWOOD, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were ordered to be printed, and the bills were postponed indefinitely, namely:

A bill (S. No. 154) granting a pension to John Smith;

A bill (S. No. 277) granting a pension to A. L. Anderson; and

A bill (S. No. 412) granting a pension to John H. Ferrell.

He also, from the same committee, to whom was referred the petition of Zenas Herrick, praying to be allowed arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 477) for the relief of General Ward B. Burnett, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Phœbe A. Grivet, praying for an increase of pension, submitted an adverse report thereon, which was ordered to be printed, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Squire Moon, first lieutenant Company G, Second Regiment United States Dragoons, praying to be allowed a pension, submitted an adverse report thereon, which was ordered to be printed, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 342) granting a pension to Charles Reed, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were ordered to be printed, and the bills were postponed indefinitely, namely:

A bill (S. No. 184) granting a pension to Robert L. Hancock;

A bill (S. No. 260) granting a pension to Nathaniel Aiken;

A bill (S. No. 362) granting a pension to Martha A. Williamson; and

A bill (S. No. 535) granting a pension to William H. Miller.

He also, from the same committee, to whom was referred the bill (S. No. 475) granting a pension to Henry J. Churchman, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom were referred the following petitions, submitted adverse reports thereon; which were ordered to be printed, and the committee were discharged from their further consideration, namely:

The petition of Margaret Cahill, praying to be allowed a pension;

The petition of Henry Williams, praying to be allowed a pension;

The petition of Jacob S. Hunt, praying to be allowed a pension; and

The petition and papers relating to the application of Amelia Parsons, widow of Nathan Parsons, for a pension.

He also, from the same committee, to whom was referred the petition of Commodore William B. Whiting, praying an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 751) granting a pension to William B. Whiting.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Colonel Crafts J. Wright, late colonel of the Thirteenth Regiment Missouri Volunteers, praying to be allowed an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 752) granting an increase of pension to Crafts J. Wright.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 376) granting a pension to Hiram Johnson, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 341) granting a pension to Peter Getert, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 499) granting a pension to Lee R. Seaton, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 367) granting an increase of pension to Isabel L. Evans, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of James Rose, private Ninth Light Battery Wisconsin Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 754) to authorize the relocation and improvement of the military wagon-road from Sidney, Nebraska, via Forts Robinson and Sheridan, to the Sioux Indian reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 755) for the relief of Paul McCormick; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 756) for the relief of William T. Pate & Co.; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 757) for the relief of Gallus Kerchner; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 758) for the relief of James M. Bacon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 759) for the relief of G. W. Thompson and others; which was read twice by its title, and referred to the Committee on Finance.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 760) to facilitate the refunding of the national debt; which was read twice by its title, and referred to the Committee on Finance.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 761) fixing a limitation on suits on the bonds of officers, agents, and employés of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 762) for the relief of Josiah H. Pillsbury; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Post-Offices and Post Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 763) to make an additional article of war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 764) for the relief of H. M. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 765) to amend sections 2324, and 2325 of the Revised Statutes of the United States, concerning mineral lands; which was read twice by its title and referred to the Committee on Mines and Mining.

Mr. PLATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 766) for the relief of Gilbert Jessup; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Patents.

PAPERS WITHDRAWN AND REFERRED.

Mr. HARRIS. I ask for the following order:

Ordered, That the memorial and accompanying papers of Payne, James & Co., be taken from the files of the Senate and referred to the Committee on Claims.

I ask leave to present a supplementary petition of the same parties, stating some additional facts and praying that the prayer of the original petition be granted.

The order was agreed to; and the additional papers were referred to the Committee on Claims.

On motion of Mr. GROOME, it was

Ordered, That the petition of Sarah B. F. Mayo, widow of Isaac Mayo, deceased, late captain in the Navy of the United States, be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. GARLAND, it was

Ordered, That the papers in the case of Henry Page, of Arkansas, be withdrawn from the files and referred to the Committee on Finance.

On motion of Mr. JONES, of Florida, it was

Ordered, That the papers in the case of Mrs. Ellen C. Long be taken from the files of the Senate and referred to the Committee on Claims.

DOCUMENTS FOR MEMBERS OF THE PRESS.

Mr. MORGAN (by request) submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the superintendent of the Senate document-room be directed to furnish each member of the press whose name appears in the Congressional Directory as the duly authorized representative of a daily newspaper with one copy of every bill, resolution, and document printed for the use of the Senate.

CLERK TO COMMITTEE ON REMOVAL OF NORTHERN CHEYENNES.

Mr. KIRKWOOD submitted the following resolution; which was read:

Resolved, That the clerk to the select committee to examine into the circumstances connected with the removal of the Northern Cheyenne Indians from the Sioux reservation to the Indian Territory, authorized by resolution of the Senate of the 3d instant, be paid by the Secretary of the Senate out of the miscellaneous items of the contingent fund of the Senate.

Mr. KIRKWOOD. I ask the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE-PRESIDENT. Under the rule, the resolution will be read the second time and considered as in Committee of the Whole.

The resolution was read the second time and considered as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I take it the resolution is only intended to run during the present session.

Mr. KIRKWOOD. That is all, of course. The committee is limited to the present session.

Mr. DAVIS, of West Virginia. But I notice the resolution does not specify the fact that it is limited to this session. I have no objection to the resolution, but think it proper that it should be limited to the present session.

Mr. ALLISON. Insert the words "during the session."

Mr. DAVIS, of West Virginia. I think the words "during the session" ought to be inserted.

Mr. KIRKWOOD. Let it be so amended. The resolution authorizing the committee fixes its existence for the session, and of course it follows that the pay of the clerk expires with the session.

The VICE-PRESIDENT. The resolution will be so amended if there be no objection.

The resolution was reported to the Senate as amended, and the amendment was concurred in. The resolution was ordered to a third reading, read the third time, and passed.

WAR CLAIMS.

Mr. DAVIS, of West Virginia. I offer the following resolution:

Resolved, That the Secretary of the Treasury furnish the Senate a tabulated statement showing, by States, the total amounts paid for each fiscal year from 1866 to 1879, inclusive, for claims growing out of the late war.

If there is no objection, I ask its immediate consideration. If Senators prefer, I would just as soon have it go over and be printed.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. DAVIS, of West Virginia. I understand that one or two Senators near me have some amendments to offer, and I ask that the resolution be printed and that it lie on the table, to give Senators an opportunity to prepare amendments to it.

The VICE-PRESIDENT. The resolution will be printed and laid on the table.

INTEROCEANIC CANAL.

Mr. EATON submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the President of the United States be requested to transmit to

the Senate copies of all correspondence between this Government and any foreign government since February, 1869, respecting a ship-canal across the isthmus between North America and South America, together with copies of any project of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative.

FINANCIAL LEGISLATION.

Mr. CARPENTER submitted the following resolution; which was ordered to lie on the table and be printed:

Whereas the resumption of specie payments, the circulation of gold, silver, and greenbacks as lawful money of the United States under existing laws, and the reasonable expectation that the present condition of the finances of the country will not be disturbed by precipitate legislation, have been followed by restoration of business confidence, revival of all the industries of the country, and the inauguration of general prosperity; and

Whereas stability of financial policy is essential to the successful conduct of business affairs: Therefore,

Resolved, That in the opinion of the Senate any legislation during the present session of Congress materially changing the existing system of finance would be inexpedient.

ADJOURNMENT TO MONDAY.

On motion of Mr. THURMAN, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

EXECUTIVE SESSION.

Mr. THURMAN. If there is no further morning business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fifteen minutes spent in executive session the doors were reopened; and (at twelve o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 4, 1879.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

EXTRA PAY OF CAPITOL POLICE.

Mr. DUNNELL. I ask unanimous consent to introduce, for action at the present time, a joint resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Clerk of the House be, and is hereby, authorized and directed to pay to those members of the Capitol police who did duty at the time of the passage of joint resolution entitled "Joint resolution to pay the employés of the House of Representatives borne on the annual roll one month's extra pay," one month's extra pay at the same compensation as then paid them by law; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BLOUNT. I will ask the gentleman whether this comes from the Committee of Accounts?

Mr. DUNNELL. I will state for the information of the gentleman from Georgia——

The SPEAKER. The gentleman from Minnesota [Mr. DUNNELL] asks unanimous consent to make a statement, the right to object to the resolution being reserved. If there be no objection, the gentleman will proceed.

Mr. DUNNELL. At the last session of Congress a joint resolution was passed, approved July 1, 1879, giving one month's extra pay to the employés of the House. Before making any further remarks I will ask that this joint resolution be read so that the fitness of the proposition which I now submit may be more clearly seen.

The Clerk read as follows:

[PUBLIC RESOLUTION—No. 19.]

Joint resolution to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House be, and he is hereby, authorized and directed to pay to the employés of the House borne on the annual roll, one month's extra pay at the same compensation as now paid them by law, and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved July 1, 1879.

Mr. DUNNELL. It will be remembered, Mr. Speaker, that I opposed the passage of the resolution just read; but it was passed, and all the employés of the House were paid under its provisions except the members of the police force. Now, this simply makes equal the pay of these employés of the House to that which the other employés were paid under that resolution. I insist the police officers of the House are just as much the employés of the House as the clerks or messengers or other employés who were paid under that resolution. And I think it unjust, although I do not question the propriety of the decision made by the Clerk of the House that under that resolution he could not pay the police force, yet I think it is but simple justice to this branch of the service of the House that they shall be paid equally with the others. The resolution I offer has for its purpose to do equal justice to all employés of the House, and I trust there will be no objection to it.

Mr. BLOUNT. I think it should go to the Committee of Accounts.

Mr. DUNNELL. I think the gentleman from Georgia, if he understands my proposition, will not object to its adoption at this time.

Mr. WARNER. It ought to go to the Committee of Accounts.

The SPEAKER. This requires unanimous consent, and the gentleman from Georgia and the gentleman from Ohio object, unless it goes to the Committee of Accounts.

Mr. DUNNELL. I consent, then, that the resolution be so referred.

The joint resolution (H. R. No. 128) was introduced, read a first and second time, and referred to the Committee of Accounts.

RAILROAD MONOPOLIES, ETC.

Mr. AIKEN. Mr. Speaker, I ask unanimous consent at this time to present a memorial and to ask that it be printed in the RECORD.

Mr. GARFIELD. I do not know the nature of the memorial and do not wish to make any captious objection, but it is only right I should state to the House that if we begin reading memorials not privileged to be read we may have all the memorials and petitions presented to the House spread upon the RECORD.

The SPEAKER. That is the object the gentleman has so far as the present memorial is concerned. It will now be read so the House may understand what it is, and when read the gentleman from South Carolina asks that it be printed in the RECORD.

Mr. GARFIELD. If read now it will go into the RECORD by virtue of having been read in the open House. If it does not come under the rule as being from the Legislature of a State or from some body whose petition or memorial is entitled to go into the RECORD, I shall have to object.

Mr. AIKEN. It does not come from the Legislature of a State, but it does come from a body equally competent to present petitions here, and one which appeals very seldom to this House for any help or aid. It comes from an association of men who have formed and organized a corporate body known as the National Grange of the Patrons of Husbandry of America; and in their name I am instructed to ask this body to have that petition printed in the RECORD. It will not occupy two squares in the columns of the RECORD.

Mr. GARFIELD. Has this been to the gentleman's committee? Is the gentleman chairman of the Committee on Agriculture?

Mr. AIKEN. It has not been presented to the Committee on Agriculture, nor is it asked that it should go before that committee; but it is asked that it shall be printed in the RECORD. It does not come from the Committee on Agriculture.

Mr. GARFIELD. I withdraw my objection.

Mr. AIKEN. I ask, then, that the petition be read.

Mr. GARFIELD. I made the objection, not knowing what the paper was; but now that its object has been stated, I withdraw my objection.

The SPEAKER. The Chair was advised of the nature of the proposition when he asked the House for unanimous consent.

Mr. AIKEN. I believe I have now the unanimous consent to present the petition.

The SPEAKER. There is no further objection, and the paper will be read.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioners, the National Grange of the Patrons of Husbandry, assembled in annual session at Canandaigua, New York, do most respectfully and earnestly call your attention to the following grievances, from which we pray for relief from your honorable bodies:

First. The transportation companies engaged in the interstate commerce of the United States have so far exceeded their chartered rights and franchises that to-day their management is without exception illegal and arbitrary.

Second. The frequent and unreasonable fluctuations in their rates of transportation, both of freight and passengers, are whimsical and unnecessary.

Third. Railroads are common carriers, built by the people for the common weal, and should not be tolerated as arbitrary and crushing monopolies.

Fourth. Organized combination among these transportation companies destroys the possibility of legitimate competition and oppresses the industrial classes of our country.

Fifth. These monopolies, annually growing more powerful and defiant, have not been and are not restrained by effective congressional legislation.

Your memorialists would therefore urge upon your honorable bodies the enactment of such laws as will relieve a burdened and oppressed people from these unlawful exactions.

Done under the seal of the order, by instructions from the National Grange.

J. J. WOODMAN, Michigan,
HENRY JAMES, Indiana,
WILLIAM G. WAYNE, New York,
D. WYATT AIKEN, South Carolina,
Executive Committee.

The petition was referred to the Committee on Commerce, and ordered to be printed.

HARBOR MASTER, LAKE HURON.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 2495) to provide a harbor master for the harbor of refuge of Lake Huron, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CENSUS.

Mr. HERBERT, by unanimous consent, introduced a bill (H. R. No. 2496) to amend the act of March 3, 1879, in relation to the census of 1880; which was read a first and second time, referred to the Select Committee on the Tenth Census, and ordered to be printed.

PRESENTATION OF CLAIMS.

Mr. TOWNSHEND, of Illinois, by unanimous consent, submitted

the following resolution; which was referred to the Committee on the Judiciary, and ordered to be printed:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized and directed to inquire as soon as practicable into the expediency of proposing an amendment to the Constitution of the United States for the purpose of limiting the time of presentation of claims against the United States to six years from the time same may have accrued, and that said committee report by joint resolution or otherwise.

ASSISTANT COMMITTEE CLERK.

Mr. SPEER, by unanimous consent, from the Committee of Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Elections be authorized to employ an assistant clerk for such time during this session of the House as the committee may deem necessary, to be paid out of the contingent fund of the House at the rate of $6 per day during the time actually employed.

CYRUS C. CLARK.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 2497) for the relief of Cyrus C. Clark, paymaster in the Army; which was read a first and second time, and referred to the Committee on the Judiciary.

MERRITT LEWIS.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 2498) granting increase of pension to Merritt Lewis, late of Company K, Seventh Michigan Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REFRIGERATING SHIP.

Mr. GOODE. I ask, by unanimous consent, to submit the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this body as soon as practicable a detailed statement of all action and proceedings taken by the National Board of Health under or in connection with "an act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating ship for the disinfection of vessels and cargoes, and for other purposes," approved April 18, 1879, together with all action and proceedings of the board of engineer officers appointed to examine and report upon the plan submitted, with copies of all papers relating thereto, and the reasons why no contract has been made for the purchase or construction of a refrigerating ship as provided for by the said act.

Mr. CONGER. Mr. Speaker, what committee has charge of that subject?

Mr. GOODE. I will say to the gentleman from Michigan the resolution merely asks for information which it is important the Committee on Epidemic Diseases should have.

Mr. CONGER. This will require a good deal of copying and other labor. Let the committee take the subject under consideration, and if they shall report to this House the fact that the committee does desire to have this information, then we can adopt the resolution.

Mr. GOODE. I have no objection to that course being taken.

The resolution was referred to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

GERMAIN H. MASON.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 2499) for the relief of Germain H. Mason, of Michigan; which was read a first and second time, and referred to the Committee on the Judiciary.

FREEDMEN'S SAVINGS.

Mr. O'CONNOR, by unanimous consent, introduced a bill (H. R. No. 2500) to return to the freedmen of the South their savings deposited in the Freedmen's Savings and Trust Company; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SUBSTITUTION OF GREENBACKS FOR NATIONAL-BANK NOTES, ETC.

Mr. GILLETTE, by unanimous consent, introduced a joint resolution (H. R. No. 129) in opposition to retiring greenbacks and in favor of substituting them for national-bank notes and in favor of the free coinage of silver; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALBERT V. CONWAY.

Mr. TUCKER, (by request,) by unanimous consent, introduced a bill (H. R. No. 2501) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substitute trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TOLEDO PUBLIC BUILDING.

Mr. HURD, by unanimous consent, introduced a bill (H. R. No. 2502) for the construction of a public building for the use of the United States at Toledo, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN H. W. RILEY.

Mr. DAVIS, of California, by unanimous consent, introduced a bill (H. R. No. 2503) for the relief of John H. W. Riley; which was read a first and second time, and referred to the Committee on Naval Affairs.

WILLIAM T. PATE AND COMPANY.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 2504) for the relief of William T. Pate & Co.; which was read a first and second time, and referred to the Committee of Ways and Means.

GALLUS KERCHNER.

Mr. NEW also, by unanimous consent, introduced a bill (H. R. No. 2505) for the relief of Gallus Kerchner, of North Vernon, Indiana; which was read a first and second time, and referred to the Committee of Claims.

PORT OF SAINT LOUIS, MISSOURI.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 2506) extending the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive, to the port of Saint Louis, Missouri; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EMMA M. CHILD.

Mr. HAMMOND, of New York, by unanimous consent, introduced a bill (H. R. No. 2507) to grant a pension to Emma M. Child, widow of Willard A. Child, sergeant of the Tenth Regiment of Vermont Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NIGHT INSPECTORS, NEW YORK.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs at the port of New York; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. FERNANDO WOOD. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and distributing the annual message of the President of the United States to the several committees of the House.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. REAGAN, of Texas, in the chair.

Mr. FERNANDO WOOD. I am directed by the Committee of Ways and Means to report from that committee the resolution which is now in the hands of the Clerk.

The Clerk read as follows:

Resolved, That so much of the President's message and the accompanying documents as relates to funding the public debt, to the sinking fund, to the public finances, and to the tariff be referred to the Committee of Ways and Means.

That so much as refers to the appropriations and the expenditures be referred to the Committee on Appropriations.

That so much as relates to the elective franchise and the courts of the United States be referred to the Committee on the Judiciary.

That so much as relates to foreign affairs and to the submarine cables be referred to the Committee on Foreign Affairs.

That so much as relates to the coinage of silver dollars and to international coinage be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the currency be referred to the Committee on Banking and Currency.

That so much as relates to the Territories of Utah and of Alaska be referred to the Committee on the Territories.

That so much as relates to naval affairs be referred to the Committee on Naval Affairs.

That so much as relates to military affairs be referred to the Committee on Military Affairs.

That so much as relates to civil service be referred to the Select Committee on Reform in the Civil Service.

That so much as relates to postal affairs be referred to the Committee on the Post-Office and Post-Roads.

That so much as refers to Indian affairs be referred to the Committee on Indian Affairs.

That so much as relates to depredations upon the timber lands be referred to the Committee on Public Lands.

That so much as relates to the subject of rivers and harbors and the navigation laws be referred to the Committee on Commerce.

That so much as relates to the providing additional facilities to the Department of Agriculture be referred to the Committee on Agriculture.

That so much as relates to a new building for the Library be referred to the Joint Committee on the Library.

That so much as relates to national education be referred to the Committee on Education and Labor.

That so much as relates to the Washington Monument and to the affairs of the District of Columbia be referred to the Committee for the District of Columbia.

The CHAIRMAN. The question is on the adoption of the resolution.

Mr. WILLITS. I move to amend the resolution by providing that so much of the message as relates to the question of polygamy in the Territory of Utah be referred to the Committee on the Judiciary.

Mr. FERNANDO WOOD. The practice has always been to refer to the Committee on the Territories all questions relating to the Territories, and there are but two Territories referred to in the President's message, Utah and Alaska. I have no special wish on the subject myself; I am merely acting as the organ of the committee, but I believe the resolution is correct in that regard.

Mr. WILLITS. It may be very proper, Mr. Chairman, to refer to the Committee on the Territories all questions in regard to the organization of Territories. But here is a question which has nothing to do with the organization of a Territory as such. It is a question, in my opinion, which ought to be referred to the Judiciary Committee, especially when we look at the way in which the question is presented to us by the message of the President.

Mr. GARFIELD. I suggest to the chairman of the committee that this is entirely a legal question. It does not relate at all to ordinary territorial matters but has to do with the whole judicial system of

the country. I think the gentleman from New York had better allow the amendment.

Mr. FERNANDO WOOD. I am compelled to say that in one regard I differ entirely from both the gentlemen who have spoken. I believe the question of polygamy in Utah is one directly connected with the local legislation of that Territory, and that the power of the Federal Government, while in a political sense it extends to the Territories, does not extend to any religious or social question or custom. I am entirely indifferent, however, as to what reference may be made of that portion of the message, and will accept the change proposed by the gentleman from Michigan.

Mr. GARFIELD. All right.

The question being taken on the amendment offered by Mr. WILLITS, it was agreed to.

The resolution, as amended, was agreed to.

Mr. FERNANDO WOOD. I move that the committee rise and report the resolution, as amended, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. REAGAN reported that the Committee of the Whole on the state of the Union had had under consideration the President's annual message, and had directed him to report a resolution relating to the distribution thereof.

The resolution reported by the committee was read.

Mr. FERNANDO WOOD. I move that the resolution be adopted.

The question being taken, the resolution was adopted.

Mr. FERNANDO WOOD moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ATOMIC STEAM COAL GAS COMPANY, DISTRICT OF COLUMBIA.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 2509) to incorporate the Atomic Steam Coal Gas Company, of the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

IMPROVEMENT OF PEARL RIVER.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 2510) for the improvement of Pearl River, in the State of Mississippi, from Jackson, the capital of the State, to its mouth, and for clearing out of obstructions at mouth of same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 2511) to amend the statutes in relation to immediate transportation of dutiable goods; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

INCREASE OF PENSIONS ACT.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. No. 2512) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATUE OF MAJOR-GENERAL CUSTER.

Mr. BINGHAM also, by unanimous consent, introduced a joint resolution (H. R. No. 130) to authorize the erection of a statue to the late Brevet Major-General George A. Custer, United States Army; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

THOMAS LITTLE.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 2513) to authorize the restoration of Thomas Little to the rank of captain; which was read a first and second time, and referred to the Committee on Military Affairs.

MUNICIPAL GAS COMPANY, DISTRICT OF COLUMBIA.

Mr. MORTON, by unanimous consent, introduced a bill (H. R. No. 2514) to incorporate the Municipal Gas Company of the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

ADJOURNMENT OVER.

Mr. FERNANDO WOOD. As there appears to be no further business I move that the House do now adjourn.

Mr. STEPHENS. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. GARFIELD. I suggest to the gentleman from New York that he agree to that motion.

Mr. FERNANDO WOOD. To-morrow is private bill day, and there are a great many reports to be made. I desire that an opportunity should be given for making those reports.

The question being taken on the motion to adjourn over, there were—ayes 113, noes 48.

Mr. FINLEY. I call for the yeas and nays.

The yeas and nays were not ordered, only 21 voting therefor, not one-fifth of the last vote.

So the motion to adjourn over was agreed to.

The SPEAKER. Pending the motion to adjourn, the Chair desires to present certain executive communications.

REFUND OF CUSTOMS DUTIES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of the various sums of money refunded as customs duties during the fiscal year ended June 30, 1879; which was referred to the Committee of Ways and Means, and ordered to be printed.

MULLAN WAGON-ROAD.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting recommendation for an appropriation of $30,000, to be expended on the Mullan wagon-road between Forts Missoula and Cœur d'Alene; which was referred to the Committee on Military Affairs.

FORT RANDALL MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting petition of residents of Mix County, Dakota Territory, praying that a portion of the Fort Randall military reservation may be opened to settlement; which was referred to the Committee on Military Affairs.

JAMES E. MACKLIN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting petition of Second Lieutenant James E. Macklin, Eleventh United States Infantry, for restoration to the original rank held by him in the Twenty-second Infantry; which was referred to the Committee on Military Affairs.

PHILLIP LONEY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting petition of Phillip Loney, late sergeant Company F, Ninth Infantry, for reimbursement of $553; which was referred to the Committee on Military Affairs.

WILLIAM M'GREGOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of William McGregor, orderly sergeant United States Army, for legislation granting him pecuniary aid; which was referred to the Committee on Military Affairs.

EXPENDITURES OF WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of expenditures of the War Department and its bureaus for the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the War Department.

LAKE-SURVEY CHARTS.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending such legislation as will authorize that moneys realized from the sale of lake-survey charts may be expended in printing new charts; which was referred to the Committee on Appropriations.

JOHN H. MARSHALL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the claim of John H. Marshall to be repaid the sum of $300, paid by way of commutation money as a drafted man; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COFFROTH, for next week, on account of important business; and

To Mr. BERRY, for one week, on account of sickness.

The motion of Mr. WOOD was then agreed to; and accordingly (at twelve o'clock and fifty-five minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BELTZHOOVER: The petition of Lewis W. Detrich, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of inspectors of customs in New York, for repeal of certain laws relative to the compensation of said inspectors—to the Committee on Appropriations.

By Mr. BOUCK: The petition of Andrew Blesch, for a pension—to the Committee on Invalid Pensions.

Also, the petition of George J. Whitman, for an increase of pension—to the same committee.

By Mr. BREWER: The petition of Charles M. Craswell, governor, and the senators and representatives of the Legislature of the State of Michigan, for an increase of the pension of Merritt Lewis—to the same committee.

By Mr. COLERICK: Papers relating to the pension claim of Albert N. Jack, late private in Company B, Eleventh Indiana Cavalry Volunteers—to the same committee.

By Mr. COX: The petition of inspectors of the New York custom-house for the repeal of certain laws relative to the compensation of said inspectors—to the Committee of Ways and Means.

By Mr. CRAVENS: The petition of James R. Lafferry, for pay as captain Company B, Fourth Arkansas Cavalry, from October 5, 1864, to June 30, 1865, and three months' pay proper—to the Committee on Military Affairs.

By Mr. ELLIS: The petition of Mrs. Mary E. Bouligny, widow, and heirs of John E. Bouligny, deceased, in regard to certain lands granted by Congress to said widow and heirs—to the Committee on Private Land Claims.

By Mr. HAMMOND, of New York: The petition of Emma K. Childe, for a pension—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of the officers and privates of three companies of Tennessee national volunteers and home guards, for compensation for military service rendered in 1863—to the Committee on Military Affairs.

Also, the petition of Lieutenant J. P. Green, late second lieutenant Second Tennessee Cavalry, for pay from date of commission to date of muster—to the same committee.

Also, the petition of A. P. Rambo, for additional pay as an officer in the United States Army—to the same committee.

Also, the petition of Sarah C. King, for the removal of suspension of pension granted her as dependent mother—to the Committee on Invalid Pensions.

Also, the petition of Thomas Smith, for a pension—to the same committee.

Also, papers relating to the claim of H. L. Bradley for compensation for dwelling-house torn down by order of Major-General Burnside in 1863—to the Committee on War Claims.

Also, papers relating to the claim of Robert D. Jourolman of similar import—to the same committee.

Also, papers relating to the claim of Benjamin Fahnstock for compensation for property injured by the United States Army—to the same committee.

By Mr. MARTIN, of West Virginia: The petition of Richard Jackson, for a pension—to the Committee on Invalid Pensions.

By Mr. MORTON: The petition of Judge Henry P. McGowan, of New York, and 77 other citizens of the United States, for the improvement of Harlem River—to the Committee on Commerce.

By Mr. O'NEILL: The petition of James Peak, late sergeant of Company L, Second Regiment Pennsylvania Heavy Artillery, for a pension—to the Committee on Invalid Pensions.

By Mr. O'REILLY: The petition of carpenters in the United States Navy, for assimilated rank—to the Committee on Naval Affairs.

By Mr. WHITTHORNE: The petition of John P. C. Reed, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of Thomas S. Fogg, of similar import—to the same committee.

By Mr. WILSON: The petition of Wesley Stroud, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. YOUNG, of Ohio: The petition of Capt. A. L. Anderson, asking to be retired upon his rank in the Regular Army—to the same committee.

IN SENATE.

MONDAY, *December* 8, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ANGUS CAMERON, a Senator from the State of Wisconsin; DAVID DAVIS, a Senator from the State of Illinois; WILLIAM P. KELLOGG, a Senator from the State of Louisiana, and JOHN S. WILLIAMS, a Senator from the State of Kentucky, appeared in their seats to-day.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting an extract from official records of the post of Fort Stevens, Oregon, to be considered in connection with papers heretofore submitted in answer to a resolution of the Senate of February 11, 1879, requesting an examination to be made into the claim of F. G. Schwatka, sr., for seizure of his donation claim at Point Adams, Oregon; which was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in further compliance with a resolution of the Senate of June 4, 1879, information showing the circumstances which led to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of June 30, 1879, the report of a board of engineer officers relating to a bridge across the Detroit River at or near Detroit, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes, a statement of the names of consular officers not citizens of the United States to whom salaries have been paid during the fiscal year ending June 30, 1879, together with the circumstances under which they were appointed; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes, a statement of such fees as have been collected, accounted for, and reported by the various diplomatic and consular officers of the United States during the year ending December 31, 1878, together with the rates or tariffs of fees, and a full list of consular officers in commission in December of that year; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting the petition of Captain H. W. Brotherton, Fifth Infantry, and Captain A. C. Girard, assistant surgeon United States Army, praying compensation for losses sustained by them in the burning of their quarters during the night of December 12, 1878, at Fort Keogh, Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McDONALD presented the memorial of John R. McLean, of Cincinnati, Ohio, in relation to the taking of illegal fees in the clerk's office of the circuit court of the United States for the southern district of Ohio; which was referred to the Committee on the Judiciary.

Mr. McMILLAN presented the petition of J. A. W. Johnson and others, citizens of Lillian, Minnesota, and the petition of John R. Taggert and others, citizens of Atwater, Minnesota, praying for the extension of the post-route from Atwater to Bird Island, in that State; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William Pfaender, late lieutenant-colonel Second Regiment Minnesota Cavalry Volunteers, praying compensation for personal property destroyed by fire while in command of the post at Fort Ridgely, January 19, 1865; which was referred to the Committee on Military Affairs.

Mr. BECK presented the petition of Sarah K. T. Baker, of Kentucky, praying compensation for rent of premises and wood used by United States officers in Bourbon County in that State during the late war; which was referred to the Committee on Claims.

Mr. GARLAND presented the petition of William E. Woodruff, of Little Rock, Arkansas, praying for an amendment of the pension laws so as to grant him arrears of pension; which was referred to the Committee on Pensions.

Mr. HEREFORD presented the petition of Henry Williams, late private Fortieth Missouri Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of C. Bohn, of Virginia, praying for the passage of a law granting him the privileges of keeping a stationery store at Fortress Monroe; which was referred to the Committee on Claims.

Mr. BALDWIN presented the petition of the Central Agricultural Society of Wayne County, Michigan, praying for a donation of a part of the Dearborn arsenal grounds in that county for school and horticultural purposes; which was referred to the Committee on Military Affairs.

Mr. JONAS presented the petition of Henrietta Wilson, widow of Henry Wilson, late colonel Seventh United States Infantry, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Chauncey Tyler and others, merchants and citizens of New Orleans, Louisiana, who have suffered losses of goods and paid war premiums by reason of depredations committed by confederate cruisers during the late war, praying that the remainder of the Geneva award fund, or so much as may be necessary, shall be applied to reimburse them for their losses; which was referred to the Committee on the Judiciary.

Mr. KIRKWOOD presented the petition of Wallis Pattee, late lieutenant Company A, Fourteenth Regiment Iowa Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of W. W. Saxton, late first lieutenant Twenty-fourth United States Infantry, praying for restoration to his rank in the Army; which was referred to the Committee on Military Affairs.

Mr. HAMLIN presented the petition of John F. Sprague and others, citizens of Howard plantation and the town of Monson, in the county of Piscataquis, Maine, praying for the establishment of a mail-route from Greeley Falls to Monson, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLAIR presented the petition of John Moulton and sixty others, of New Hampshire, soldiers in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented the petition of John Thornley, medical director, United States Navy, praying for the passage of a law authorizing the President of the United States to reinstate him to his former position in the Navy; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 71) to repeal section 1218 of the Revised Statutes of the United States, reported it without amendment.

Mr. DAVIS, of Illinois. The Committee on the Judiciary, to whom was referred the bill (S. No. 112) for the promotion of justice in the

Army and Navy by permitting appeal from courts-martial to United States courts, have unanimously directed me to report adversely.

The report was agreed to, and the bill postponed indefinitely.

WATER SUPPLY OF THE DISTRICT.

Mr. HARRIS. I am instructed by the Committee on the District of Columbia, who were directed by resolution of the Senate of June 6, 1879, to investigate the best means of securing to the citizens of Washington and Georgetown an adequate supply of pure water, to submit a report thereon, and move that it be printed for the use of the committee, and recommitted to the Committee on the District of Columbia.

The motion was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. RANSOM, from the Committee on Printing, to whom was referred the resolution to print 3,000 additional copies of the President's message, without the accompanying documents, for the use of the Senate, reported it with an amendment, to insert after the word "message" the words "with the reports of the heads of Departments and;" so as to make the resolution read:

Resolved, That 3,000 additional copies of the President's message, with the reports of the heads of Departments, and without the accompanying documents, be printed for the use of the Senate.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendment reported by the committee was agreed to.

The resolution, as amended, was agreed to.

BILLS INTRODUCED.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado, and their removal and settlement elsewhere; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 767) to authorize certain improvements of the channel of the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 768) for the reclamation of arid and waste lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 769) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 770) for the relief of Willis N. Arnold; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 771) to establish a labor commission; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 772) to remove the Ute Indians from Colorado; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 773) making appropriations for a military wagon-road from Niobrara, in Knox County, Nebraska, via the new military post recently located near the mouth of the Minnecadusa, to Fort Robinson, in said State; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 774) regulating divorce in the Territories of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 775) for the relief of John Hensley; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 776) for the relief of Daniel E. Moor; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 777) for the relief of James P. Lindsley; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 778) for the relief of A. J. Henson; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 779) for the relief of E. C. Fuller; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 780) for the relief of R. Vaughn; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 781) for the relief of J. H. Baker; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 782) for the relief of L. W. Vaughn; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 783) for the relief of James Martin and brothers; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 784) for the relief of John W. Cadwell; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 785) for the relief of C. W. Cooper; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 786) for the relief of William M. Hardin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 787) to amend the act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879; which was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 788) authorizing the Secretary of War to issue to the Governor's Guards, a volunteer company of South Carolina militia, seventy-five rifles; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 789) for the improvement of the navigation of the Savannah River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 790) for the relief of S. D. Castleman; which was read twice by its title, and referred to the Committee on Claims.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 791) for the relief of F. G. Schwatka, sr.; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 792) to encourage and aid the education of the colored race in the several States and Territories; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. WALKER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 793) for the adjustment of the claim of the State of Arkansas against the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 794) to provide for a building suitable for a post-office, for the accommodation of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 795) to abrogate the power of the executive officers of the United States in allowing indemnity locations or scrip for confirmed unsatisfied private land claims under section 3 of the act of Congress approved June 2, 1858, (United States Statutes at Large, volume 11, pages 294, 295, chapter 81,) and to vest that power in the courts of the United States; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 796) to amend section 3469 of the Revised Statutes, relative to offers of compromise of claims in favor of the United States; which was read the first time by its title.

Mr. GARLAND. I ask that the bill lie on the table and be printed, subject to my call. I wish to make some explanation in regard to it.

The bill was read the second time by its title, and ordered to lie on the table.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 797) granting a pension to Henry C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 798) regulating the employment of civilian clerks for disbursing officers of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 799) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 800) granting a pension to Thomas J. An-

thoney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 801) for the relief of Martha E. Brown and Jesse W. W. Flenner, minor heir of First Lieutenant Joseph L. Flenner, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 802) for the relief of William Holloway; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 803) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 804) for the relief of Nellie P. Wallingford, widow of John O. Wallingford; which was read twice by its title, and referred to the Committee on Pensions.

SMITHSONIAN INSTITUTION REGENTS.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 50) filling the existing vacancies in the Board of Regents of the Smithsonian Institution; which was read the first time by its title.

Mr. HAMLIN. I ask the Senate to consider the joint resolution at the present time.

The joint resolution was read the second time at length, as follows:

Resolved, &c., That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the reappointment of Asa Gray, of Massachusetts; Henry Coppeé, of Pennsylvania; John Maclean, of New Jersey; and Peter Parker, of the city of Washington, whose terms have expired.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAMLIN. I will state the reasons for the passage of this resolution. Before the annual meeting of the Regents of the Institution shall take place in January, the term of office of these four persons will expire, and they are to be reappointed by resolution of the House and Senate. If we take a recess, as we probably shall before the board will convene, it will be destitute of these four Regents. I take it there can be no opposition to the reappointment of these four gentlemen, who have rendered eminent and distinguished service to the Institution. I believe the reappointment meets the concurrence of all the Regents as well as of Professor Baird.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PONCA INDIANS.

Mr. DAWES submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and what, legislation is necessary to enable the Ponca Indians to prosecute, in the courts of the United States, their claim to lands under treaties and statutes of the United States, and report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I ask my colleague to incorporate in that a resolution which I had proposed to offer, directing the select committee on the removal of the Northern Cheyennes to inquire into the circumstances of the removal of the Ponca Indians, and whether they are not entitled to be restored to their lands.

Mr. DAWES. I will accept that amendment.

Mr. HOAR. I will put it in writing, Mr. President.

The amendment having been reduced to writing was agreed to, and the resolution as amended adopted, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire whether any, and what, legislation is necessary to enable the Ponca Indians to prosecute in the courts of the United States their claim to lands under treaties and statutes of the United States, and report by bill or otherwise.

Resolved further, That the special committee on the removal of the Northern Cheyennes be instructed to ascertain and report the circumstances of the removal of the Ponca Indians from their reservation, and whether said Indians are not entitled to be restored thereto.

UTE INDIANS.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to transmit to the Senate copies of all correspondence, by letters or telegrams, between the Secretary of the Interior, the Commissioner of Indian Affairs, and N. C. Meeker, late Indian agent at White River agency, since the 1st day of January, 1879; and also copies of all correspondence, by letters or telegrams, between the said Secretary of the Interior, Commissioner of Indian Affairs, and General Hatch, General Adams, the governor of Colorado, and Special Agent Pollock, of and concerning the Ute Indians in Colorado.

MINING CAMPS ON UTE RESERVATION.

Mr. TELLER submitted the following preamble and resolution; which were considered by unanimous consent, and agreed to:

Whereas the Commissioner of Indian Affairs in his report to the Secretary of the Interior, for the year 1879, uses the following language: "For thus intruding upon white settlements the Indians could easily find justification by pointing to the numerous mining camps which have been located on their reservation in direct violation of treaty provisions, namely: 'The United States now solemnly agrees that no persons except those herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.' This was also expressly reaffirmed in what is known as the Brunot agreement of 1873. This infraction of the treaty greatly irritated the Utes, and was undoubtedly one of the causes which eventually led to active hostilities:" Therefore,

Be it resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what number of mining camps have been located on the Ute Indian reservation in Colorado; when and at what points such mining camps have been located; what efforts, if any, have been made to remove such mining camps, and whether such camps are now in existence, or were in existence on the 1st day of September, 1879; and that he transmit to the Senate all correspondence of and concerning the location and continuance of such mining camps on said reservation.

THE CURRENCY.

Mr. VOORHEES submitted the following preamble and resolutions, which were ordered to lie on the table and be printed:

Whereas the restoration of silver money to the lawful currency of the country, by act of Congress of February 28, 1878, was demanded with singular unanimity by the American people, and is now sustained by the public interests and by the full force of an intelligent public opinion; and

Whereas by the act of May 31, 1878, the circulation of United States legal-tender notes, commonly known as greenbacks, was fixed at the amount then in existence, to wit, $346,000,000, and the Secretary of the Treasury was prohibited from reducing it below that amount by any process or upon any pretext whatever; and

Whereas the aforesaid United States legal-tender note or greenback circulation, having been accepted by the Government for custom duties, became at once, and is now, equal in value to gold, and in certain transactions at a premium over both the precious metals; and

Whereas these financial measures, forced upon the present Administration, and adopted by Congress over its most strenuous opposition, have restored the confidence of the business world in the character, the amount, and the stability of the money of this country, thereby creating a general revival of trade and of business prosperity: Therefore,

Be it resolved, That the Senate has heard with profound astonishment and deep regret the proposition of the President of the United States in his recent annual message, and of the Secretary of the Treasury, to inaugurate a new and uncalled-for financial agitation, with a view to the destruction of the most necessary currencies now in use in the hands of the people.

Resolved, As the sense of the Senate, that such an agitation is detrimental to the public interests, calculated to unsettle all values, confuse and disturb business, shake public and private confidence, and that it calls for immediate and unqualified condemnation.

Resolved, That the true interests of the country require the free and unlimited coinage of both gold and silver on conditions of exact equality; and that it is the part of a wise financial policy to maintain the United States legal-tender-note-circulation, commonly known as greenbacks, in volume, not less than now exists, and to preserve its legal-tender quality unrestricted as to amount, and unimpaired in legal effect.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BECK, it was

Ordered, That Warren Mitchell be authorized to withdraw from the files of the Senate the papers in regard to his claim, after leaving copies thereof in the office of the Secretary of the Senate, there having been an adverse report thereon.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers in the claim of W. T. Pate & Co. be taken from the files of the Senate and referred to the Committee on Finance.

Ordered, That the petition and papers in the claim of Paul McCormick be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HOAR, it was

Ordered, That the petition of James King, and all papers accompanying the same, be taken from the files of the Senate and referred to the Committee on Pensions.

Ordered, That the petition of Theophilus P. Chandler, with the papers accompanying the same, be taken from the files and referred to the Committee on Claims.

DEATH OF REPRESENTATIVE LAY.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed resolutions upon the announcement in that body of the death of Hon. ALFRED M. LAY, late a Representative from the State of Missouri.

The message also announced that the House had passed a concurrent resolution providing for the appointment of a special joint committee of seven Members of the House of Representatives and three Senators, to take order for superintending the funeral and to escort the remains of the deceased to his late residence in Missouri, and that the Speaker had appointed as such committee on the part of the House Mr. JOHN B. CLARK, of Missouri; Mr. WILLIAM R. MORRISON, of Illinois; Mr. W. D. HILL, of Ohio; Mr. H. H. BINGHAM, of Pennsylvania; Mr. J. R. CHALMERS, of Mississippi; Mr. W. H. CALKINS, of Indiana; and Mr. THOMAS RYAN, of Kansas.

Mr. VEST. Mr. President, I move that the Senate now proceed to the consideration of the resolutions received from the House of Representatives announcing the death of Hon. ALFRED M. LAY.

The VICE-PRESIDENT. The resolutions will be laid before the Senate.

The resolutions of the House of Representatives were read by the Chief Clerk, as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. ALFRED M. LAY, late a Representative from the State of Missouri.

Resolved by the House of Representatives, (the Senate concurring,) That a special joint committee of seven Members and three Senators be appointed to take order for superintending the funeral and to escort the remains of the deceased to his late residence in Missouri; and the necessary expense attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That, as a mark of respect to the memory of the deceased, this House do now adjourn.

The VICE-PRESIDENT. The question is on concurring in the resolution of the House for the appointment of a joint committee.

The resolution was concurred in; and the Vice-President appointed as the committee on the part of the Senate Mr. VEST, Mr. WALKER, and Mr. KIRKWOOD.

Mr. VEST. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at twelve o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 8, 1879.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D., as follows:

Almighty God, our Heavenly Father, it hath pleased Thee once more in Thy mysterious providence to remove from our midst one of the members of this House, in the prime of life and usefulness. O God, our Father, teach us so to number our days that we may apply our hearts unto wisdom. Truly our life is as the grass that withereth in a day, and as the flower of the field it passeth away. May we, the living, lay this lesson to heart, and fear Thy name, O God, and keep Thy commandments; and so live as to glorify Thee in this present life, that we may have the happy assurance of eternal life hereafter.

We invoke Thy blessing upon the officers and the members of this House. O God, direct them and keep them. And bless our country, and its Chief Magistrate, and rulers of all degrees, and people of all classes and sections and interests.

And these and all blessings we ask in the name of Jesus Christ, our Redeemer. Amen.

The Journal of Thursday last was then read and approved.

DEATH OF HON. A. M. LAY.

Mr. CLARK, of Missouri. Mr. Speaker, it is my painful duty to announce to the House of Representatives that my colleague, Mr. A. M. LAY, died this morning at the National Hotel, in this city.

It is not my purpose at this time to speak as the love I bore my late colleague would prompt me to do. At some future time I will invite the House to consider some resolutions in that regard. I now move the adoption of the resolutions I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. ALFRED M. LAY, late a Representative from the State of Missouri.

Resolved by the House of Representatives, (the Senate concurring,) That a special joint committee of seven Members and three Senators be appointed to take order for superintending the funeral and to escort the remains of the deceased to his late residence in Missouri, and all necessary expenses attending the execution of this order shall be paid out of the contingent fund of this House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That, as a mark of respect to the memory of the deceased, this House do now adjourn.

The resolutions were adopted unanimously.

The SPEAKER announced the following as the committee on the part of the House under the second resolution above stated: JOHN B. CLARK, jr., Missouri; WILLIAM R. MORRISON, Illinois; W. D. HILL, Ohio; H. H. BINGHAM, Pennsylvania; J. R. CHALMERS, Mississippi; W. H. CALKINS, Indiana, and THOMAS RYAN, Kansas.

[Subsequently the following changes were made in the foregoing committee: Mr. SPARKS, of Illinois, for Mr. MORRISON, of Illinois; Mr. OVERTON, of Pennsylvania, for Mr. BINGHAM, of Pennsylvania; Mr. HENDERSON, of Illinois, for Mr. CALKINS, of Indiana; and Mr. FROST, of Missouri, for Mr. Ryan, of Kansas.]

And then, in pursuance of the foregoing resolutions, (at twelve o'clock and twelve minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of William J. Frazier, relative to the Fort Leavenworth military prison—to the Committee on Appropriations.

Also, the memorial of C. H. Waddell, relative to the transfer of the Indian Bureau to the War Department—to the Committee on Indian Affairs.

Also, the petition of Margaret Montgomery, mother of Thomas W. Montgomery, late private Company G, Eighty-second Regiment Pennsylvania Volunteers, for arrears of pay, bounty, and pension—to the Committee on Invalid Pensions.

By Mr. ALDRICH, of Illinois: Papers relating to the pension claim of Robert Vincent—to the same committee.

By Mr. ATHERTON: The petition of William T. Morehead, for the correction of his military record—to the Committee on Military Affairs.

By Mr. ATKINS: Papers relating to the claim of F. L. Sidebottom for compensation for property taken, used, and destroyed by the United States Army—to the Committee on War Claims.

By Mr. BAKER: The petition of Joanna Judge, widow of Peter Judge, deceased, late of the Fourth New York Heavy Artillery, that the record of the death of said Judge be changed so as to show that he died from exposures incident to the service—to the Committee on Military Affairs.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, asking for a special appropriation for Davis Island Dam—to the Committee on Commerce.

Also, resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring the appointment of a committee of Government engineers to examine the work done on Davis Island Dam and to report upon the loss likely to ensue if further appropriations are not made to continue said work—to the same committee.

By Mr. BEALE: The petition of Mary J. Toulson, for compensation for a vessel seized by United States authorities during the late war—to the Committee on War Claims.

Also, the petition of citizens of Northumberland County, Virginia, for the erection of a light-house on Dameron's shoals, in Chesapeake Bay—to the Committee on Commerce.

By Mr. BELTZHOOVER: the petition of Mary E. Ahl, widow of David Ahl, deceased, for the extension of a patent for a splint for the treatment of fractures and dislocation of bones and joints—to the Committee on Patents.

By Mr. BLACKBURN: The petition of 1,000 citizens of Henry and Franklin, Counties, Kentucky, for an appropriation for the improvement of the Kentucky River—to the Committee on Commerce.

Also, the petition of the heirs of George Berry, deceased, for the half pay for services rendered by him during the Revolution, as mate in the Virginia State navy—to the Committee on Revolutionary Pensions.

By Mr. BLOUNT: A paper relating to the division of the southern judicial district of Georgia into two divisions—to the Committee on the Judiciary.

By Mr. BROWNE: The petition of 40 citizens and ex-soldiers, that soldiers of the late war be paid the difference between the value of greenbacks and gold at the time of their payment—to the Committee on Military Affairs.

By Mr. CANNON, of Illinois: The petition of H. M. Chadwick, J. J. Bales, and others, of similar import—to the same committee.

By Mr. COX: The petition of Charles W. Torrey and E. Nostrand, that such measures be adopted as will prevail upon the government of Venezuela to afford them pecuniary damages for wrongs and injuries they have suffered on account of the acts of said government—to the Committee on Foreign Affairs.

By Mr. CRAVENS: Papers relating to the claim of William Moss, for compensation for mail service—to the Committee of Claims.

By Mr. DE LA MATYR: The petition of William H. Pfrimmer, for pay as a wagon master in the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of W. D. Plowden, for compensation for valuable services rendered the United States Army during the late war as a spy—to the same committee.

By Mr. DEUSTER: The petition of Patrick Murphy, George K. Wood, John Brink, and 15 other disabled soldiers, for an increase of pension from $24 to $30 per month, for loss of leg above the knee and arm above or below the elbow—to the Committee on Invalid Pensions.

By Mr. ERRETT: The petition of Esther Yost, surviving daughter of a soldier of the war of 1812, for a pension—to the Committee on Revolutionary Pensions.

By Mr. FERDON: The petition of soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GEDDES: Papers relating to the pension claim of Sylvador Jackson—to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of E. D. Cornick, for compensation for the use and occupation of property by the United States Government during the late war—to the Committee on War Claims.

Also, the petition of Fred. N. Gray, administrator of Nathaniel Gray, deceased, for compensation for services rendered by said decedent as assistant keeper at White Shoal light-house station, in the year 1861—to the Committee of Claims.

Also, the petition of W. H. Morris & Sons and others, merchants, factors, and consumers, of Norfolk, Virginia, connected with the production and marketing of the American cotton crop, against the further extension of the patent for iron cotton tie-buckles, No. 5333, granted George Brodie, March 22, 1859—to the Committee on Patents.

By Mr. HASKELL: The petition of Miles Baker and others, citizens of Baxter Springs, Kansas, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Adam Woolf, surveyor and collector of customs, and United States disbursing agent for the port of Nashville, Tennessee, for an increase of pay—to the Committee of Ways and Means.

Also, the petition of Whittle P. Price, for a pension—to the Committee on Invalid Pensions.

Also, the petition of L. D. Hogle, for arrears of pension—to the same committee.

By Mr. LOUNSBERY: The petition of John B. Hoog, for a pension—to the same committee.

By Mr. MAGINNIS: Papers relating to the claim of Paul McCormick, for additional compensation under a contract with United States authorities—to the Committee of Claims.

By Mr. McGOWAN: The petition of Elijah Smith and 20 others, soldiers of the late war, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. NEW: The petition of Gallus Kerchner, for compensation for stone delivered to and used by the United States on the arsenal grounds at Indianapolis—to the Committee of Claims.

By Mr. POEHLER: The petition of Thomas Knudson, James McMannus, and others, citizens of Minnesota, for the repeal of the duty on herrings—to the Committee of Ways and Means.

By Mr. TUCKER: The petition of J. D. Morrison, to be refunded moneys wrongfully collected from him by United States revenue officials—to the same committee.

By Mr. UPSON: Papers relating to the claim of Daniel Murphy for compensation for rent of property in San Antonio, Texas, after August 1, 1865, by United States authorities—to the Committee of Claims.

Also, papers relating to the claim of the heirs of Edward Dwyer, deceased, for $671.19, the amount of a check drawn by J. R. Bartlett, late commissioner on the Mexican boundary commission—to the same committee.

By Mr. VANCE: The petition of citizens of West North Carolina, that the place of holding the United States district court be changed from Statesville to Morganton, North Carolina—to the Committee on the Judiciary.

By Mr. VAN VOORHIS: The petition of citizens of Rochester, New York, against the passage of the free leaf-tobacco bill—to the Committee of Ways and Means.

By Mr. FERNANDO WOOD: The petition of Van Tassell Conklin, late corporal Company K, One hundred and seventy-third New York Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petition of soldiers and sailors of the late war, of Luzerne County, Pennsylvania, that soldiers and sailors of the late war be paid the difference between the value of greenbacks and gold at the time of their payment for their services—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *December* 9, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

JAMES T. FARLEY, a Senator from the State of California, BENJAMIN H. HILL, a Senator from the State of Georgia, and ZEBULON B. VANCE, a Senator from the State of North Carolina, appeared in their seats to-day.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting a letter from the Second Assistant Postmaster-General, calling attention to the insufficiency of the appropriation for the inland mail transportation for the present fiscal year, and asking that the sum of $2,000,000 be reappropriated out of the unexpended balances of former appropriations for that purpose; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of Lieutenant-General P. H. Sheridan as to the stations of troops in order to control the squatter emigration threatening the Indian Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from H. T. Crosby, chief clerk and superintendent of the War Department building, reporting the additional expense of caring for and heating the Department since the removal to the new building; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Superintendent of the Military Academy at West Point, New York, together with an estimate amounting to $5,185.73, to pay cadets admitted to that academy May 1, 1876, from date of admission to the date from which they received pay; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair presents the petition of the general assembly of the Presbyterian Church of the United States, officially signed, representing over five thousand churches and over half a million communicants, praying for a commission of inquiry concerning the alcoholic liquor traffic. These petitioners desire that their petition be printed at large in the RECORD. The Chair hears no objection.

The petition is as follows:

SARATOGA, *May* 26, 1879.

To the honorable the United States Senate and House of Representatives:

The general assembly of the Presbyterian Church of the United States of America, (representing over five thousand churches and over half a million of communicants,) in session at Saratoga Springs, New York, respectfully ask you to provide for the appointment of a commission of inquiry of five or more competent persons, whose duty it shall be, first, to inquire and take testimony as to the results of the traffic in alcoholic liquors in connection with crime, pauperism, the public health, the moral, social, and intellectual well-being of the people; second, concerning license and prohibitory legislation in the several States of the Union; and, third, to recommend what additional legislation, if any, would be beneficial on the part of Congress to suppress, in the sphere of national authority, the traffic in alcoholic liquors as beverages.

In behalf of the general assembly.

HENRY H. JESSUP,
Moderator.

EDWIN F. HATFIELD,
Stated Clerk.

The above petition was passed in general assembly by a unanimous vote, and with great enthusiasm.

EDWIN F. HATFIELD,
Stated Clerk.

The petition was referred to the Committee on Finance.

Mr. CAMERON, of Pennsylvania, presented the petition of Thomas Munroe and 116 others, citizens of Schuylkill County, Pennsylvania, soldiers in the late war, praying the speedy passage of what is known as the equalization-bounty bill; which was referred to the Committee on Military Affairs.

Mr. BAILEY presented the petition of A. M. Duggan and others, citizens of East Tennessee and veterans of the Mexican war, praying for the passage of a law pensioning the surviving soldiers and sailors of that war; which was referred to the Committee on Pensions.

Mr. WINDOM presented a memorial of the Board of Trade of Minneapolis, Minnesota, remonstrating against the construction of the proposed bridge across the Detroit River at Detroit, Michigan; which was referred to the Committee on Commerce.

Mr. HOAR. I present the petition of William Giles Dix, of Peabody, Massachusetts, who represents that "the time has come when the doctrine of State sovereignty, logically a begging of the question and historically a lie, should be eradicated from the civil structure of the United States, and when the principle and the fact of national sovereignty, claiming the direct allegiance of all and directly guarding the rights of all, should be thoroughly and forever confirmed by organic law, beyond the reach of doubt, denial, or defiance." He makes a respectful petition for a national convention to form a new constitution. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. INGALLS. I present the petition of W. E. Harris and others, ex soldiers and sailors of the late war, who represent that they were paid in a depreciated currency, worth during the greater part of their service from forty to seventy cents on the dollar in coin, and praying that Congress may pass a law paying them the difference between the value of greenbacks and gold at the time of payment, with 6 per cent. interest, compounded semi-annually. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS presented a petition of the Kansas Freedman's Relief Association, praying that contributions of merchandise for charitable purposes from England and Ireland may be admitted free of duty; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 53) making appropriations for the erection of suitable posts for the protection of the Rio Grande frontier, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 744) to amend article 103 of the Rules and Articles of War, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 106) for the relief of sufferers by loss of the Government steamer J. Don Cameron, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 559) donating condemned cannon and cannon-balls or field-pieces to William L. Curry Post, No. 18, Grand Army of the Republic, for their place of burial, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 128) for the relief of Edward Shields and others, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

(S. No. 468) for the relief of John W. Cheeks, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 252) for the relief of Frank A. Page, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 480) for the relief of William P. Patrick, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL. In April, 1879, the bill (S. No. 345) authorizing the President of the United States to appoint James Shields, of Missouri, a brigadier-general in the United States Army on the retired list, was introduced, and referred to the Committee on Military Affairs. Since that time General Shields has died, and the Committee on Military Affairs have directed me to report the bill back to the Senate, and ask to be discharged from its further consideration. I move that the committee be discharged.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 368) for the relief of Emanuel Klauser, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 325) for the relief of Henry Page, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 244) releasing Frank Soule, late collector of internal revenue for the first district of California, and his sureties, from liability on his official bond, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 111) for the relief of the city of Macon, Georgia, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 523) for the relief of Charles H. Nichols, late superintendent of the Government Hospital for the Insane, asked to be discharged from its further consideration, and that it be referred to the Committee on the Revision of the Laws; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 84) for the interchange of subsidiary silver coins and United States notes, asked to be discharged from its further consideration; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 492) to authorize the Secretary of the Treasury to issue $10,000,000 of 4 per cent. bonds for the payment of arrearages of pensions, asked to be discharged from its further consideration; which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 805) for the relief of John H. Merrill; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 806) for the relief of John H. Merrill; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 807) for the relief of John H. Merrill; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of Illinois, asked and by unanimous consent obtained, leave to introduce a bill (S. No. 808) to secure service of process in United States courts in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 809) for the relief of Duncan M. V. Stuart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 810) granting a pension to Annie P. Newlin; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 811) referring the claim of William T. Duvall against the United States to the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 812) for the relief of William Pfaender, late lieutenant-colonel of the Second Regiment Minnesota Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 813) to amend section 1402 of the Revised Statutes relative to the appointment of assistant naval constructors; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 814) for the relief of Henry M. Shreve; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 816) for the relief of Theodore F. Hartridge and William G. Christopher, sureties on the official bond of Felix G. Livingston, collector of customs at Fernandina, Florida; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

Ordered, That the petition and accompanying papers of James Garland, a soldier in the war of 1812, be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. GARLAND, it was

Ordered, That the papers in the case of Silas F. Field be taken from the files and referred to the Committee on Finance.

Ordered, That the papers in the case of F. X. Croixon be taken from the files and referred to the Committee on Indian Affairs.

Ordered, That the papers in the case of the estate of John Waters be taken from the files and referred to the Committee on Claims.

On motion of Mr. PLATT, it was

Ordered, That leave be granted to Gilbert Jessup to withdraw his petition and papers from the Secretary's office upon filing copies of the same, there having been an adverse report.

REPORT ON IRON, STEEL, ETC.

Mr. WALLACE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the report of the board to test iron, steel, and other metals, be printed for the use of the Senate.

WAR CLAIMS.

Mr. DAVIS, of West Virginia. I offered a few days ago a resolution calling for certain information from the Treasury Department. I move that it be taken up for consideration.

The motion was agreed to; and the Senate proceeded to consider the following resolution submitted by Mr. DAVIS, of West Virginia, on the 3d instant:

Resolved, That the Secretary of the Treasury furnish the Senate a tabulated statement showing by States the total amounts paid for each fiscal year from 1866 to 1879, inclusive, for claims growing out of the late war.

Mr. COCKRELL. I move to strike out of the words "eighteen hundred and sixty-six" the last figure "six," and insert "four," so as to read "from 1864 to 1879, inclusive."

Mr. EDMUNDS. I should like to hear the resolution read again.

The VICE-PRESIDENT. It will be again reported.

The Chief Clerk read the resolution.

Mr. EDMUNDS. I do not know what is the object of this resolution. It will involve a great deal of expense, but of course there can be no theoretic objection to obtaining any kind of information that anybody wants, if there is any value in it——

Mr. DAVIS, of West Virginia. Will the Senator allow me to say, as the mover of the resolution, that I should like to hear what he says? I should be glad to hear what the Senator has to say.

Mr. EDMUNDS. The Senator is as badly off in respect of me as I am in respect of the resolution—we cannot understand each other. I was saying that of course there is no theoretic objection to obtaining any information upon any possible subject, because information is valuable even to the Senate—we do not possess it all yet, I suppose—but the expense of eliminating items of one State from another by States, (which would cover the Army and Navy expenses and everything else, I suppose,) will necessarily be very large. It may be that the value of the information will justify the expense; but if we are to have it at all, it appears to me that we ought to have it from the beginning of the war, from 1861, so that the whole relations of expense to the various States—which appears to be the point of the resolution—may be seen, instead of cutting it off as from the end of the war. If this merely means private claims under acts of Congress, then, of course, there would be found very few cases comparatively before the end of the war, but there were many of all sorts nevertheless, during the period of the war—claims under contracts; claims for transportation; claims for quartermaster stores; claims for damages to property taken for forts, and so on. If then the information be of sufficient value to warrant the expense of getting it, the call ought to be for all that information so that one report, in order that we shall not do it over again, will cover the whole subject of the expenses of the war. I shall be glad to see it myself, I confess, but it would be very expensive to obtain.

I wish to move, therefore, if this resolution is to pass, to so change the date as to include the period of time from the beginning of the rebellion down to the present time. I presume the Senator would have no objection to that.

Mr. DAVIS, of West Virginia. Mr. President——

The VICE-PRESIDENT. An amendment is already pending, offered by the Senator from Missouri, [Mr. COCKRELL,] to strike out "1866" and insert "1864."

Mr. DAVIS, of West Virginia. It will be noticed that the original

resolution as introduced commences at 1866, and is intended to cover what are known as private claims. It has nothing to do with the expenses of the war for transportation and other such things as the Senator from Vermont has named, which were all closed up, or nearly so, at that time. The writer of the resolution intentionally avoided going further back than 1866, fearing that it would involve a great deal of labor to report all claims during the war.

Mr. CONKLING. Does the resolution, if I may inquire, refer merely to private claims?

Mr. DAVIS, of West Virginia. That is the intention. The intention of the resolution is to ascertain the amount of claims paid, separating the aggregates for the various States by States. It will be noticed that it is the total amount for each State which is called for; it is not the individual claims. The resolution so reads. It is not to name any person or any number of claims. There may have been five hundred claims; but the total amount is made up for each fiscal year, as I understand. It has to be made up for each fiscal year, and furnishing that information, I apprehend, will give very little trouble, and perhaps not cover in print as much as one side of a sheet of paper. The intention is to ascertain the facts. There has been a great deal said about the amount of claims that have been paid growing out of the war, their dates running along from about 1870, or later, up to the present time. The intention of the resolution is to ascertain the facts as to each year, that we may know how much was paid.

I have no objection to the amendment proposed by the Senator from Vermont, except that it will give a great deal of labor to go through all the accounts during the war, because in many cases the expenses of transportation and other things will have to be separated from the total expenses of the War Department. It is well known that the accounts during the war were kept, necessarily, more in a lump than they have been since. There has been much more system since 1866 or 1864 than there was during the war, from the necessity of the case, and great allowance should be made for it. It makes no difference to me how far you go back, but it will impose a great deal of labor on the Treasury Department, as I understand, to require it to state the claims paid during the war.

Mr. DAWES. Mr. President, I do not quite understand the resolution. It asks for a tabulated statement by States of the claims growing out of the war. I do not know whether the Senator means "by States" the residence of the person who makes the claim, or the States in which the claim originated, and the cause of the claim. If the sole purpose of the resolution is to ascertain exactly where the residence of the person making the claim is, it seems to me a trifle of no sort of consequence, but in what State and for what cause the claim originated may be an interesting item in statistics and very valuable and instructive. To publish in a tabulated statement what particular State the individual who makes a claim happens to reside in, does not seem to have any instruction in it at all. What the claim was, and out of what it grew, and therefore upon what ground it is made upon the Government, I see is full of instruction; but the claimant may reside to-day in one State and to-morrow in another. Whether the author of the resolution desires to know in what State the claimant happened to reside when the claim accrued, or in what State he happened to reside when he made the claim, or in what State he happens to reside now, when the resolution is offered, does not seem to be expressed in the resolution itself. I would like to know just whether the anxiety for information is as to where the claimant resides now who made a particular claim upon the Government growing out of the war, or as to where he happened to reside when the claim arose, or whether the anxiety is to know as to the character of the claim, the cause out of which it grew, and the justice of the claim upon the Government. The latter has some instruction in it of value; but where the claimant has happened to choose, during the fifteen years that have transpired since the war, to take up his abode, does not seem to me to have any valuable information in it. I should like to have the author of the resolution more specific in regard to the information that is to be obtained.

Mr. DAVIS, of West Virginia. I take it that the residence of the claimant was made known at the time the claim was made, and I do not see how the Senator can construe the resolution in any other way. Wherever the person receiving the claim resided at the time he received it I judge would be his residence.

Mr. EDMUNDS. I should like to ask the Senator from West Virginia what is the point of this resolution in the respect that he refers to? Of what use to us in legislation will it be to ascertain that there have been paid to citizens of the State of Vermont $10,000 since the so-called late war, and to citizens of West Virginia $15,000, and so on? If, as the Senator from Massachusetts says, we are to have a statistical history of these claims, which will show their nature and source and all that, it would be interesting undoubtedly, and it might be very cheerful reading; but I confess I do not see the economic advantage to the public of separating by States the aggregates of the sums that have been paid; for that is what the Senator now says he wants, not names of cases but aggregates apportioned among the States, as if it were a dividend that had been made that ought to be equalized in some way. Although of course I do not suspect the Senator from West Virginia of any such thing, it may be that somebody who drew this resolution, as I understood the Senator to say he did not——

Mr. DAVIS, of West Virginia. The Senator is mistaken.

Mr. EDMUNDS. Ah, I beg pardon. It may be, then, if somebody else had drawn the resolution (it cannot be possible the Senator from West Virginia had any such idea in his mind) that he would be glad to have for what are called stumping purposes on some future occasion the means of saying, "why, it appears from the report of the Secretary of the Treasury that the State of Vermont has got $10,000 and the State of West Virginia has only got $5,000;" and to state possibly still further "there is a great cry about the danger of the allowance of claims against this Government, and here is the proof to show that only a very small sum, a few millions of dollars have been allowed." Possibly it may be a part of the duty of Congress to furnish stump material of that kind, but I did not know it. For any legislative purpose, as I said, I do not see the value of this information in this form. If it be for the purpose of understanding the nature, the sort of claims that we have allowed, how far we have been imposed upon or have committed errors, then what the Senator from Massachusetts says has a great deal of weight.

But, Mr. President, I am not one of those who are opposed to obtaining any kind of information that the Senate is willing to have the people pay the expense of getting. Now the Senator from West Virginia appears to be willing to charge the Treasury with this expense, be it much or little; but if we are to have the information at all I think we ought to have it all. Therefore I move to amend the amendment of the Senator from Missouri so as to make it read instead of "1864," "the 4th day of March, 1861."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont to the amendment of the Senator from Missouri.

Mr. DAVIS, of West Virginia. I shall not oppose the amendment of the Senator from Vermont. I think that probably the information which will come will be useful. I should not oppose an amendment, if one were offered, such as was suggested by the Senator from Massachusetts. I think with him that it would be instructive to know just to whom, and when, and under what circumstances some of the claims were paid; but the Senator from Massachusetts has made no motion to amend, and I shall not cumber the resolution any further.

Mr. DAVIS, of Illinois. Will the Senator from West Virginia consent to insert "private claims?"

Mr. DAVIS, of West Virginia. I have no objection.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Missouri, [Mr. COCKRELL.]

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

Mr. DAVIS, of West Virginia. I should like to say a word. It has been suggested by Senators—and perhaps it would be well to have it so—that "private claims" should be inserted. The intention was not to include the necessary expenses of the war. Nothing of that kind was thought of by the mover of the resolution, but it was to embrace "claims" in the proper sense of the word.

Mr. ALLISON. Arising out of the war?

Mr. DAVIS, of West Virginia. Arising out of the late war and by the war. The resolution so states.

Mr. DAVIS, of Illinois. To insert "private claims" would make it much more distinct.

Mr. DAVIS, of West Virginia. There has been objection made to naming the States. My friends on the other side appear to be very sensitive about "the States." Apparently they do not want the information so as to know what States have received claims. One of the Senators talks about stump material. It is more than possible that that has been talked of on the stump by my friends on the other side of the Chamber. I should not have referred to that, but my friend from Vermont reminded me of it.

Mr. EDMUNDS. I hope there is nothing wrong about it.

Mr. DAVIS, of West Virginia. I should not be surprised if my friends on the other side would prefer that this information should not come officially to the Senate and the country, but that it should rest just where it is now, for them to suppose and talk as they choose. It appears to me that it would be very little trouble, indeed, to furnish this information by States, and from the dates that the mover of the resolution intended. My own idea is that a clerk in a day perhaps could compile the information, because it is by fiscal years, and all he would have to do would be to take the summary at the end of each fiscal year; but as amended by my friends on the other side it may require some considerable labor.

Mr. DAWES. Mr. President——

The VICE-PRESIDENT. The Chair will first dispose of the amendment moved by the Senator from Missouri [Mr. COCKRELL] as amended. The question is on agreeing to the amendment as amended.

The amendment, as amended, was agreed to.

Mr. DAWES. Does the Senator from West Virginia mean to say that the propriety of passing upon claims here in this body depends at all upon the State in which the claimant happens to reside at the time the claim is made? Does he propose to institute any such sort of rule as that hereafter in the Senate, that the inquiry is to be from what State the claimant comes, or is he to address himself to the merits of the claim? Suppose it should turn out that the State of West Virginia should be found upon this tabulated statement to have

a very undue share of the claimants who had presented claims and had them allowed, does he mean to say that ought to have a feather's weight in determining hereafter upon a claim that might come from West Virginia? What, then, can be the purpose of ascertaining just what may be the State of residence at this moment or at the time when a claim has been presented of the claimant? My friend from West Virginia seems to be more anxious to ascertain where a man resided who presented his claim than to ascertain the merits of the claim itself. I do not know any other reason which has been urged for the passage of this resolution that leads to any other conclusion than that; and it passes my comprehension.

If there is to be a new rule established and the first inquiry that goes to the Committee on Claims or any other tribunal passing upon the merits of a claim is, what State did this man come from, the Senator of course in his frankness (and no Senator's frankness equals that of the Senator from West Virginia) will declare to the Senate that hereafter such a rule as that is to be established. I never thought myself of inquiring whence came a claimant. I have some anxiety at some times in inquiring as to the merits of the claim itself.

I wish the Senator would so shape his resolution of inquiry as to give us some information as to the nature and character of the vast claims upon the Treasury which have been allowed during this time. I care little whether they came from the State of West Virginia or from the State of Massachusetts. There does not occur to me now the residence of a solitary claimant. My friend has had some anxiety aroused in his breast about the residence of a claimant, and none thus far expressed as to the character of the claim itself. I press upon the Senator, whether it may seem to him to be worth considering at all or not, that this hunt after the residence of the claimant is valueless compared with the character of the claim itself.

Mr. GARLAND. I should like to hear the amendment of the Senator from Vermont read.

The CHIEF CLERK. The amendment is to strike out "1864" and insert "March 4, 1861;" so as to make the resolution read:

Resolved, That the Secretary of the Treasury furnish the Senate a tabulated statement showing by States the total amounts paid for each fiscal year from March 4, 1861, to 1879, inclusive, for claims growing out of the late war.

Mr. CONKLING. "Private claims" the mover was willing to put in, I understand.

Mr. GARLAND. I would suggest to the Senator from Vermont that I think the proper amendment would be to date the call from the time that there was actual war. If I understand the resolution correctly, it calls for a statement of claims growing out of the war. There was no war on the 4th of March, 1861. I have not the statutes by me now, but I know what the Supreme Court has decided as to the time when war legally commenced. The proclamation of President Lincoln calling out troops bears date April 15, 1861. Then on the 19th of April, 1861, he issued a proclamation declaring the ports of certain States to be blockaded; and on the 29th of April, 1861, he issued a proclamation extending the state of blockade to the ports of the other seceded States. Then came the act of Congress of July 13, 1861, authorizing the President to interdict all trade and commerce between the adhering and the seceded States. Putting these together, with the decisions of the Supreme Court in the Protector, 12 Wallace, and in Brown *vs.* Hyatt, 15 Wallace, it is clear that the war commenced in legal contemplation either on the 19th or on the 27th of April, 1861, as the case may have been; and the act of July 13, 1861, so recognized the existence of a state of war.

I am not opposed to the purpose of the Senator from Vermont if I understand it, for I think with him that we ought to go as far back as possible and get all the information there is, if any is needed on this subject at all, so as to cover the whole period of time. So I would suggest an amendment to the effect that it go back to the time of the actual beginning of the war. The Senate will recollect that there was no war on the 4th of March, 1861, and there was not any actual demonstration of war until probably about the middle of April. I am favorable to the proposition of getting information as far back as the period of time which was the beginning of the war, and I would suggest the fixing of that time accurately as the date which should be embraced in the resolution.

Mr. EDMUNDS. There is no special objection to that, only it would be more convenient to begin perhaps at the beginning of an administration. But I do not remember any act of Congress which recognized a state of war in the public sense at all; Congress took a different view of it. I suppose the Senator's point is really to have the information beginning at the time actual hostilities, by whatever name they were called, commenced. I think the first proclamation of President Lincoln was on the 15th of April, 1861; and if it is more agreeable to Senators I have no objection to saying "the 15th of April" instead of "March 4th." It will not make any essential difference for the reason that the number of claims between, if there were any, growing out of a state of disturbance would have been very trifling indeed. As I say, if it is more agreeable I have no objection to changing the date to the 15th of April, 1861.

The VICE-PRESIDENT. The Chair hears no objection to inserting "the 15th of April, 1861."

Mr. EDMUNDS. It rather strikes me on reflection that this resolution, instead of being limited to private claims, ought for valuable public objects, as far as there is any value in it at all, to cover, by States, all expenses, public as well as private, that were paid out of the Treasury of the United States. It would be a very interesting public document hereafter to have grouped together year by year the total expenses of the so-called late war, so that those who pay the taxes and those who make the laws can see how heavy are the burdens, aside from those of life and society and misery and sorrow, that follow from events of the kind referred to in this resolution. It would be very instructive indeed, and I hope the Senator from West Virginia will so modify his resolution as to have from the Secretary of the Treasury—he says it is all made up by fiscal years and can be very easily done, and I take that for granted; I believe he has been in the Treasury now for three or four years looking over the books—such information as will enable us to see at a glance in this tabulated statement how much to the 1st of July, 1861, the total expenditure was, public and private, and so to July 1, 1862, and 1863, and 1864, and 1865, and since. I suggest to the Senator that while we are about it we had better cover the whole subject and have it all together.

Mr. CONKLING. Mr. President, has the morning hour expired?

The VICE-PRESIDENT. It has. The resolution goes over.

Mr. CONKLING. That will give us time to perfect this resolution.

Mr. DAVIS, of West Virginia. I think we can dispose of it now.

Mr. CONKLING. I think another day would be better.

Mr. DAVIS, of West Virginia. An amendment has been suggested covering private claims. Has that been inserted?

The VICE-PRESIDENT. It has been.

Mr. DAVIS, of West Virginia. Now let the Secretary read the resolution, so that we can understand what it is.

The VICE-PRESIDENT. The resolution may be reported if there be no objection; but the morning hour has expired, and the Chair understands the Senator from New York as objecting to its further consideration.

Mr. CONKLING. I do not like to object; but I think it had better lie over, so that we may look at it.

Mr. DAVIS, of West Virginia. I ask the Senator if there is any other business?

Mr. CONKLING. There is the regular order.

Mr. DAVIS, of West Virginia. This is the regular order on the Calendar.

The VICE-PRESIDENT. It is on the calendar of resolutions to be considered during the morning hour.

Mr. DAVIS, of West Virginia. It will only take a moment.

EXECUTIVE SESSION.

Mr. DAVIS, of Illinois. Is there anything before the Senate?

The VICE-PRESIDENT. The calendar of general orders is before the Senate.

Mr. DAVIS, of Illinois. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-six minutes spent in executive session the doors were reopened, and (at one o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 9, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

TERM OF PRESIDENT AND REPRESENTATIVES.

Mr. POUND. I ask unanimous consent to introduce a joint resolution, which I ask may be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the following article is hereby proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of said Constitution, to wit:

ARTICLE —.

SECTION 1. From and after the 4th day of March, A. D. 1885, the President and Vice-President of the United States of America shall hold their offices respectively during the term of six years; and no person shall be eligible to the office of President or Vice-President for more than one term consecutively.

SEC. 2. From and after the 4th day of March, A. D. 1885, members of the House of Representatives of the Congress of the United States shall serve for a term of three years.

There being no objection, the joint resolution (H. R. No. 131) was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the resolution of the House of Representatives for the appointment of a special joint committee to take order for superintending the funeral of Hon. ALFRED M. LAY, late a Representative from the State of Missouri, and to escort the remains of the deceased to his late residence in said State, and had appointed as the committee on the part of the Senate Mr. VEST, Mr. WALKER, and Mr. KIRKWOOD.

The message also announced that the Senate had passed a joint

resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 50) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

ORDER OF BUSINESS.

Mr. HUBBELL. I ask unanimous consent that the States may be called as of Monday for the introduction of bills and resolutions.

There being no objection, it was ordered accordingly.

JOHN R. MILLER.

Mr. BRIGGS introduced a bill (H. R. No. 2515) for the relief of John R. Miller, postmaster at Peterborough, New Hampshire; which was read a first and second time, and referred to the Committee of Claims.

CENTENNIAL EXHIBITION OF 1876.

Mr. BRIGGS also presented joint resolutions of the Legislature of New Hampshire, in reference to closing up the centennial international exhibition held in Philadelphia, A. D. 1876; which were referred to the Committee on Appropriations, and ordered to be printed.

SCHOONER MARY E. CASWELL.

Mr. HALL introduced a bill (H. R. No. 2516) to change the name of the schooner Mary E. Caswell, of Star Island, Isle of Shoals, to that of Albert Woodbury; which was read a first and second time, and referred to the Committee on Commerce.

PENSIONS.

Mr. JOYCE introduced a bill (H. R. No. 2517) amending chapter 73 of the act approved February 28, 1877, relating to the pensions of soldiers who have lost one hand and one foot; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NELSON LYON AND JEREMIAH S. JAMES.

Mr. JOYCE also introduced a bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James; which was read a first and second time, and referred to the Committee on Patents.

PENSIONS.

Mr. CRAPO introduced a bill (H. R. No. 2519) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received while in the United States service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK DRONEY.

Mr. ROBINSON introduced a bill (H. R. No. 2520) granting a pension to Patrick Droney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DWIGHT HALL.

Mr. PHELPS introduced a bill (H. R. No. 2521) for the relief of Dwight Hall, of Wallingford, Connecticut; which was read a first and second time, and referred to the Committee of Ways and Means.

JOHN B. HOAG.

Mr. LOUNSBERY introduced a bill (H. R. No. 2522) for the relief of John B. Hoag; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL REVENUE.

Mr. FERNANDO WOOD introduced a bill (H. R. No. 2523) to amend the laws relating to internal revenue; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

IMPORTATION OF CLASSICAL ANTIQUITIES, ETC.

Mr. FERNANDO WOOD also introduced a bill (H. R. No. 2524) in relation to the importation of classical antiquities and ancient coins and medals; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TREATY-MAKING POWER.

Mr. FERNANDO WOOD also introduced a joint resolution (H. R. No. 132) relating to the treaty-making power; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

COLONEL HENRY MOORE.

Mr. COX introduced a bill (H. R. No. 2525) for the relief of Henry Moore, late colonel Forty-seventh New York Volunteers; which was read a first and second time, and referred to the Committee on War Claims.

PENSIONERS.

Mr. BLISS introduced a bill (H. R. No. 2526) for the relief of certain pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. KELSEY AND OTHERS.

Mr. BLISS also introduced a joint resolution (H. R. No. 133) referring to the Court of Claims the claim of James E. Kelsey, John Laughlin, Theron Kelsey, and others, against the United States for damages done to the schooner C. and C. Brooks; which was read a first and second time, and referred to the Committee on Naval Affairs.

SHIP-CARPENTERS, NAVY.

Mr. O'REILLY introduced a bill (H. R. No. 2527) to authorize assimilated rank to warrant officers of the United States Navy known as ship-carpenters; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STEAMER KATE SUTTON.

Mr. VAN VOORHIS introduced a bill (H. R. No. 2528) to change the name of the steamer-yacht Kate Sutton, of Buffalo, to that of Lorraine, of Oak Orchard; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNTY.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 2529) to enable soldiers who have been discharged for promotion to receive bounty under the law of 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET REAGAN.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 2530) to give Margaret Reagan a pension; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING AT ROCHESTER, NEW YORK.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 2531) for a public building at Rochester, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN ROSECRANTS.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 2532) to give a pension to John Rosecrants; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OBADIAH B. LATHAM AND OLIVER S. LATHAM.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 2533) in addition to an act for the relief of Obadiah B. Latham and Oliver S. Latham, approved March 3, 1863; which was read a first and second time, and referred to the Committee of Claims.

MAJOR FRANK O. CHAMBERLAIN.

Mr. LAPHAM introduced a bill (H. R. No. 2534) for the relief of Major Frank O. Chamberlain, postmaster at Canandaigua, New York; which was read a first and second time, and referred to the Committee of Claims.

ROWLAND WARD.

Mr. LAPHAM also introduced a bill (H. R. No. 2535) granting an increase of pension to Rowland Ward, late a private in Company E, Fourth New York Heavy Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CORN-SHELLER PATENT.

Mr. LAPHAM also introduced a bill (H. R. No. 2536) extending letters-patent granted to Caleb J. Legg for an improvement in corn-shellers on the 22d of September, 1863; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SMITH E. G. RAWSON.

Mr. STARIN introduced a bill (H. R. No. 2537) for the relief of Smith E. G. Rawson; which was read a first and second time, and referred to the Committee on Patents.

BARKER, WILLIAMS, BANGS, ETC.

Mr. HISCOCK introduced a bill (H. R. No. 2538) for the relief of Barker, Williams & Bangs, Barker & Williams, W. W. and E. T. Williams, and W. W. Williams; which was read a first and second time, and referred to the Committee on Commerce.

MINT AT NEW YORK CITY.

Mr. MULLER introduced a bill (H. R. No. 2539) to establish a mint of the United States at New York City, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WAR OF 1812.

Mr. DWIGHT introduced a bill (H. R. No. 2540) to amend an act granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes, approved March 9, 1879; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

ELIZABETH H. ROGERS.

Mr. VAN AERNAM introduced a bill (H. R. No. 2541) granting a pension to Elizabeth H. Rogers, widow of Captain Marshall Rogers of the One hundred and fourth New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH E. MOORE.

Mr. BRIGHAM introduced a bill (H. R. No. 2542) for the relief of Joseph E. Moore, of Jersey City, New Jersey; which was read a first and second time, and referred to the Committee of Claims.

BRIDGET T. HOPPER.

Mr. BRIGHAM also introduced a bill (H. R. No. 2543) for the relief of Bridget T. Hopper, of Jersey City, New Jersey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEAGUE ISLAND NAVY-YARD, PHILADELPHIA.

Mr. HARMER introduced a bill (H. R. No. 2544) for the erection of a dry-dock at League Island navy-yard, Philadelphia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HARMER also introduced a bill (H. R. No. 2545) to amend Section 1556 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CAPTAIN W. J. KOUNTZ.

Mr. BAYNE introduced a bill (H. R. No. 2546) for the relief of Captain W. J. Kountz; which was read a first and second time, and referred to the Committee of Claims.

MARY A. STEECE.

Mr. BAYNE also introduced a bill (H. R. No. 2547) increasing the pension of Mary A. Steece, widow of Tecumseh Steece, late lieutenant of the United States Navy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARTHA NEIL.

Mr. GODSHALK introduced a bill (H. R. No. 2548) granting a pension to Martha Neil; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EDWARD H. MITCHELL.

Mr. GODSHALK also introduced a bill (H. R. No. 2549) granting a pension to Edward H. Mitchell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEWIS BLUNDIN.

Mr. GODSHALK also introduced a bill (H. R. No. 2550) granting a pension to Lewis Blundin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CLAIMS FOR HORSES, ETC.

Mr. SHALLENBERGER introduced a bill (H. R. No. 2551) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE REVISED STATUTES.

Mr. KELLEY introduced a bill (H. R. No. 2552) to amend section 2981 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. KELLEY also introduced a joint resolution (H. R. No. 134) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. KELLEY also introduced a joint resolution (H. R. No. 135) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF CERTAIN CITIZENS.

Mr. O'NEILL introduced a bill (H. R. No. 2553) for the relief of certain citizens of the United States relative to a private land grant; which was read a first and second time, and referred to the Committee on Private Land Claims.

BENJAMIN F. MILLARD.

Mr. CLYMER introduced a bill (H. R. No. 2554) for the relief of Benjamin F. Millard, late first lieutenant Second Louisiana Cavalry, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT TO THE REVISED STATUTES.

Mr. OSMER introduced a bill (H. R. No. 2555) to amend section 4895 of the Revised Statutes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES W. TRACY.

Mr. OVERTON introduced a bill (H. R. No. 2556) authorizing the President of the United States to reinstate Charles W. Tracy on the active list in the Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

DANIEL J. BENNER.

Mr. BELTZHOOVER introduced a bill (H. R. No. 2557) for the relief of Daniel J. Benner, of Gettysburgh, Pennsylvania; which was read a first and second time, and referred to the Committee on War Claims.

JOHN M. MUSSELMAN.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2558) for the relief of John M. Musselman, of Fairfield, Adams County, Pennsylvania; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

WAR LOSSES IN PENNSYLVANIA.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2559) to reimburse the State of Pennsylvania for moneys paid by said State for losses sustained by citizens thereof during the war of the rebellion, and to pay to the said State the balance of the claims of citizens thereof for such losses as are now on file in the office of the auditor-general of the said State; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ST. CLAIR A. MULHOLLAND.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2560) granting an increase of pension to St. Clair A. Mulholland, late colonel One hundred and sixteenth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT TO THE CONSTITUTION.

Mr. BELTZHOOVER also introduced a joint resolution (H. R. No. 136) proposing an amendment to the Constitution of the United States of America; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPRESENTATIVES OF MICHAEL MEENAN.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 2561) granting pensions to the widow and minor children of Michael Meenan, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RICHARD P. BLACKISTONE.

Mr. HENKLE introduced a bill (H. R. No. 2562) for the relief of Richard P. Blackistone; which was read a first and second time, and referred to the Committee of Claims.

JOHN W. RAILEY.

Mr. HENKLE also introduced a bill (H. R. No. 2563) for the relief of John W. Railey; which was read a first and second time, and referred to the Committee on War Claims.

GEORGE L. RAILEY.

Mr. HENKLE also introduced a bill (H. R. No. 2564) for the relief of George L. Railey; which was read a first and second time, and referred to the Committee on War Claims.

MRS. REBECCA T. SCOTT.

Mr. HENKLE also introduced a bill (H. R. No. 2565) granting arrears of pension to Mrs. Rebecca T. Scott, widow of Major John B. Scott, of the Fourth Artillery, United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. PARKER.

Mr. HENKLE also introduced a bill (H. R. No. 2566) for the removal of the political disabilities of William H. Parker, of Maryland; which was read a first and second time, and referred to the Committee on the Judiciary.

E. K. SNEAD.

Mr. TUCKER introduced a bill (H. R. No. 2567) for the relief of E. K. Snead, deceased, and his sureties, for the loss of certain books of special stamps and coupons; which was read a first and second time, and referred to the Committee of Ways and Means.

WILLIAM J. LEE.

Mr. BEALE (by request) introduced a bill (H. R. No. 2568) for the relief of William J. Lee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM SHARP.

Mr. GOODE introduced a bill (H. R. No. 2569) to remove the political disabilities of William Sharp, of Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

HEIRS OF WILLIAM WARD.

Mr. GOODE also introduced a bill (H. R. No. 2570) for the relief of the heirs of William Ward; which was read a first and second time, and referred to the Committee of Claims.

EDUCATION OF COLORED PEOPLE.

Mr. GOODE also (by request) introduced a bill (H. R. No. 2571) to encourage and aid the education of the colored people in the several States and Territories by the appropriation of the unclaimed bounties and pay of the colored soldiers; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MARY W. JONES.

Mr. HUNTON introduced a bill (H. R. No. 2572) granting a pension to Mary W. Jones; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

TRADE-MARKS.

Mr. ARMFIELD introduced a bill (H. R. No. 2573) to authorize registration and protection of trade-marks; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. VANCE introduced a bill (H. R. No. 2574) to amend section

572 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STATE MILITARY ACADEMY, SOUTH CAROLINA.

Mr. O'CONNOR introduced a bill (H. R. No. 2575) to restore the property known as the State Military Academy, or Citadel, in the city of Charleston, South Carolina, to the State of South Carolina; which was read a first and second time, and referred to the Committee on Military Affairs.

PERUVIAN BARK.

Mr. FELTON introduced a bill (H. R. No. 2576) to admit into this country free of customs duty cinchona or Peruvian bark, together with all the alkaloids and preparations of said bark; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CRIMINAL PROSECUTIONS.

Mr. FELTON also introduced a bill (H. R. No. 2577) to repeal section 1022 of the Revised Statutes, and further to protect innocent people against unjust criminal prosecution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHEROKEE ARTILLERY COMPANY, GEORGIA.

Mr. FELTON also introduced a bill (H. R. No. 2578) authorizing the Secretary of War to furnish the Cherokee Artillery Company, of Rome, Georgia, with a battery and equipments; which was read a first and second time, and referred to the Committee on Military Affairs.

STEPHEN MILLER.

Mr. LEWIS introduced a bill (H. R. No. 2579) for the relief of Stephen Miller, of Tuscaloosa, Alabama; which was read a first and second time, and referred to the Committee of Claims.

SUPERVISORS OF THE CENSUS.

Mr. SHELLEY introduced a bill (H. R. No. 2580) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses" by the appointment of two supervisors for each division, one from each of the two leading political parties; which was read a first and second time, referred to the Committee on the Census, and ordered to be printed.

CIRCUIT-COURT COMMISSIONERS.

Mr. SHELLEY also introduced a bill (H. R. No. 2581) to regulate the appointment of the commissioners of the circuit court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SAMFORD introduced a bill (H. R. No. 2582) to require river and harbor appropriations to be properly expended; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT VICKSBURGH, MISSISSIPPI.

Mr. CHALMERS introduced a bill (H. R. No. 2583) making an appropriation for a Government building to be used as a post-office and bonded warehouse at Vicksburgh, in the State of Mississippi; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDINGS AT NATCHEZ, MISSISSIPPI.

Mr. CHALMERS also introduced a bill (H. R. No. 2584) making an appropriation for a Government building to be used as a post-office and bonded warehouse at Natchez, in the State of Mississippi; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

DREDGE AND SNAG BOAT.

Mr. CHALMERS also introduced a bill (H. R. No. 2585) to construct a dredge-boat and snag-boat, to have its headquarters at Greenville, Mississippi; which was read a first and second time, and referred to the Committee on Levees and Improvements of the Mississippi River.

S. G. MITCHELL AND E. J. MAHAN.

Mr. CHALMERS also introduced a bill (H. R. No. 2586) for the relief of Sophia G. Mitchell and Eliza Jane Mahan, for hearing in the Court of Claims; which was read a first and second time, and referred to the Committee on the Judiciary.

MEANING OF THE WORD "DOLLAR."

Mr. CHALMERS also introduced a joint resolution (H. R. No. 137) on the meaning of the word "dollar;" which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

UNMAILABLE MATTER.

Mr. MONEY introduced a bill (H. R. No. 2587) declaring certain kinds of matter unmailable, and defining the duties of the Postmaster-General in connection therewith; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAILS TO MEXICO AND CENTRAL AMERICA.

Mr. ELLIS introduced a bill (H. R. No. 2588) to provide for carrying out the provisions of section 4007 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. ELLIS also introduced a bill (H. R. No. 2589) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed and unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858, (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81,) and to vest that power in the courts of the United States; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DANIEL WILBER.

Mr. ELLIS also introduced a bill (H. R. No. 2590) to retire Ordnance Sergeant Daniel Wilber, United States Army, on full pay and allowance; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN A. WALKER.

Mr. FINLEY introduced a bill (H. R. No. 2591) for the relief of John A. Walker; which was read a first and second time, and referred to the Committee on Military Affairs.

MICHAEL CALLETS.

Mr. BUTTERWORTH introduced a bill (H. R. No. 2592) for the relief of Michael Callets; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH BAUER.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 2593) granting a pension to Elizabeth Bauer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZA BURROUGHS.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 2594) granting a pension to Eliza Burroughs, of Clearmont, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GOLD AND SILVER.

Mr. HURD introduced a bill (H. R. No. 2595) to restore to gold and silver their full monetary power; which was read a first and second time, (the first time in full at the request of Mr. HURD,) referred to the Committee on Banking and Currency, and ordered to be printed.

M. M. HERR.

Mr. HURD also introduced a bill (H. R. No. 2596) to pay M. M. Herr for services rendered the House of Representatives at the extra session of the Forty-sixth Congress; which was read a first and second time, and referred to the Committee on Appropriations.

TAXATION OF LEGAL-TENDER NOTES.

Mr. WARNER introduced a bill (H. R. No. 2597) to make United States legal-tender notes subject to taxation the same as other money or authorized currency of the United States; which was read a first and second time, (the first time in full at the request of Mr. WARNER,) referred to the Committee of Ways and Means, and ordered to be printed.

CHARLES W. FOULK.

Mr. WARNER also (by request) introduced a bill (H. R. No. 2598) for the relief of Charles W. Foulk; which was read a first and second time, and referred to the Committee of Claims.

DONATION OF CONDEMNED CANNON.

Mr. GARFIELD introduced a bill (H. R. No. 2599) granting condemned cannon to the Grand Army of the Republic; which was read a first and second time, and referred to the Committee on Military Affairs.

ALFRED PLOMMER.

Mr. HILL introduced a bill (H. R. No. 2600) granting a pension to Alfred Plommer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUPREME COURT, DISTRICT OF COLUMBIA.

Mr. BLACKBURN introduced a bill (H. R. No. 2601) to amend an act entitled "An act to create an additional associate justice of the supreme court of the District of Columbia and for the better administration of justice in said District;" which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

FREE IMPORTATION OF SALT.

Mr. McKENZIE introduced a bill (H. R. No. 2602) abolishing all duties on the importation of salt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MASACH FINN.

Mr. CALDWELL introduced a bill (H. R. No. 2603) to place upon the pension-roll the name of Masach Finn, late corporal in the Fifty-second Kentucky Mounted Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALLEN BRADSHAW.

Mr. CALDWELL also introduced a bill (H. R. No. 2604) for the relief of Allen Bradshaw, of Barren County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WOODWARD GREEN.

Mr. CALDWELL also introduced a bill (H. R. No. 2605) for the relief of Woodward Green, of Barren County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

M. B. W. CAMP.

Mr. CALDWELL also introduced a bill (H. R. No. 2606) for the relief of M. B. W. Camp, of Barren County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM E. MORFORD.

Mr. KNOTT introduced a bill (H. R. No. 2607) for the relief of William E. Morford; which was read a first and second time, and referred to the Committee of Claims.

ANNA WEHE.

Mr. KNOTT also introduced a bill (H. R. No. 2608) granting a pension to Anna Wehe, of Newport, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN TAYLOR & SON.

Mr. KNOTT also introduced a bill (H. R. No. 2609) for the relief of John Taylor & Son, of Newport, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH R. HULL.

Mr. KNOTT also introduced a bill (H. R. No. 2610) granting a pension to Elizabeth R. Hull; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. F. KINNEY.

Mr. KNOTT also introduced a bill (H. R. No. 2611) for the relief of J. F. Kinney; which was read a first and second time, and referred to the Committee of Claims.

PETER MARCH AND OTHERS.

Mr. KNOTT also introduced a bill (H. R. No. 2612) for the relief of Peter March, Frederick Kimmerly, David Vaughn, Barney Schooley, Eliza Scott, (widow of Joseph Scott,) Phebe C. Clement, (widow of Isaac M. Clement,) Frederick Smith, Owen McNabb, and Thomas Miller; which was read a first and second time, and referred to the Committee on War Claims.

FEMALE ACADEMY, RICHMOND, KENTUCKY.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 2613) for the relief of the female academy located at Richmond, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

MARY A WEATHERBY.

Mr. WILLIS introduced a bill (H. R. No. 2614) for the relief of Mrs. Mary A. Weatherby, of Louisville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JACOB KLOTTER.

Mr. WILLIS also introduced a bill (H. R. No. 2615) for the relief of Jacob Klotter, of Louisville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

L. C. TORREY.

Mr. WILLIS also introduced a bill (H. R. No. 2616) for the relief of L. C. Torrey; which was read a first and second time, and referred to the Committee on War Claims.

MRS. MARTHA NEWMAN.

Mr. WILLIS also introduced a bill (H. R. No. 2617) for the relief of Mrs. Martha Newman; which was read a first and second time, and referred to the Committee on War Claims.

H. S. SAUNDERS.

Mr. WILLIS also introduced a bill (H. R. No. 2618) for the relief of H. S. Saunders; which was read a first and second time, and referred to the Committee on War Claims.

HONORABLY DISCHARGED UNITED STATES SOLDIERS.

Mr. TAYLOR introduced a bill (H. R. No. 2619) for the relief of honorably discharged soldiers from the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZA W. THORNBURGH.

Mr. HOUK introduced a bill (H. R. No. 2620) to provide a pension for and place the name of Mrs. Eliza W. Thornburgh on the United States pension-roll, and to prescribe the manner of payment thereof, &c.; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALLEN W. MONROE.

Mr. BICKNELL introduced a bill (H. R. No. 2621) for the relief of Allen W. Monroe; which was read a first and second time, and referred to the Committee on Military Affairs.

ISAAC THEODORE EARL.

Mr. DE LA MATYR introduced a bill (H. R. No. 2622) granting a pension to Isaac Theodore Earl; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ESTATES IN THE DISTRICT OF COLUMBIA.

Mr. DE LA MATYR also introduced a bill (H. R. No. 2623) to regulate estates in the District of Columbia and in the Territories of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

JACOB M'CONLEY.

Mr. BROWNE introduced a bill (H. R. No. 2624) granting a pension to Jacob McConley, private Seventh Indiana Battery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM HUFFMAN.

Mr. BROWNE also introduced a bill (H. R. No. 2625) granting a pension to William Huffman, private Company G, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PETER MAITHER.

Mr. BROWNE also introduced a bill (H. R. No. 2626) granting a pension to Peter Maither, private Company B, Eighth Regiment Ohio Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT M. HART.

Mr. BROWNE also introduced a bill (H. R. No. 2627) for the relief of Robert M. Hart, late a private in Company D, Fifty-seventh Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

PATRICK CUSICK.

Mr. BROWNE also introduced a bill (H. R. No. 2628) for the relief of Patrick Cusick, private Company D, Ninth Regiment Indiana Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY E. MILLIS.

Mr. BROWNE also introduced a bill (H. R. No. 2629) restoring the name of Mary E. Millis, of Franklin County, Indiana, to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. BROWNE also introduced a bill (H. R. No. 2630) to amend section 4900 of chapter 1 of Title 60, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

STATISTICS.

Mr. BROWNE also introduced a joint resolution (H. R. No. 138) requiring the Superintendent of the United States Census to prepare and transmit to the Bureau of Statistics, or statistical departments of the several States and Territories, copies of the statistical information collected in such States or Territories; which was read a first and second time, referred to the Committee on the Census, and ordered to be printed.

COSTS OF SUIT IN CERTAIN ACTIONS.

Mr. BAKER introduced a bill (H. R. No. 2631) to regulate the costs of suit in certain actions to recover damages for the infringement of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CIRCUIT COURTS OF THE UNITED STATES.

Mr. BAKER also introduced a bill (H. R. No. 2632) to regulate the jurisdiction of the circuit courts of the United States in suits of a civil nature at common law and in equity; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACTIONS FOR DAMAGES.

Mr. BAKER also introduced a bill (H. R. No. 2633) to limit the liability to actions for damages of purchasers of articles whose manufacture and sale infringe a patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RETIREMENT OF NATIONAL-BANK NOTES.

Mr. MYERS introduced a bill (H. R. No. 2634) to retire national-bank circulation and to substitute therefor United States Treasury notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired.

Mr. BELFORD. I hope, Mr. Speaker, that the call of States and Territories shall proceed until all have been called.

Mr. CONGER. I understood that to be the agreement this morning when the call was begun.

The SPEAKER. It was a call of States and Territories as of Monday, and the hour has expired.

Mr. CONGER. There can be no objection, I think, to continuing the call.

The SPEAKER. The Chair hears no objection, and the call will proceed.

ALMIRA FARNSWORTH.

Mr. CALKINS introduced a bill (H. R. No. 2635) for the relief of Mrs. Almira Farnsworth; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN R. SMITH.

Mr. COLERICK introduced a bill (H. R. No. 2636) granting arrears of pension to John R. Smith, late first lieutenant of Company B, Twelfth Regiment of Indiana Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHANNA MEEHAN.

Mr. COLERICK also introduced a bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and minor children; which was read a first and second time, and referred to the Committee on Invalid Pensions.

APPRAISEMENT OF IMPORTED GOODS.

Mr. MORRISON introduced a bill (H. R. No. 2638) to simplify the appraisement of goods, wares, and merchandise imported into the United States and subject to *ad valorem* duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TAX ON NATIVE WINES.

Mr. MORRISON also introduced a bill (H. R. No. 2639) to amend sections 3246 and 3328 of the Revised Statutes of the United States, in relation to the tax on native wines; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CAROLINE STIEF.

Mr. MORRISON also introduced a bill (H. R. No. 2640) to place on the pension-roll the name of Caroline Stief; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CLARA BROSCH.

Mr. BARBER introduced a bill (H. R. No. 2641) for the relief of Clara Brosch; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. H. HOOPER.

Mr. BARBER also introduced a bill (H. R. No. 2642) for the relief of J. H. Hooper; which was read a first and second time, and referred to the Committee of Claims.

MARY MEIGHAN.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 2643) granting a pension to Mary Meighan, widow of Peter Meighan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EMELINE M. DODSON.

Mr. STEVENSON introduced a bill (H. R. No. 2644) granting a pension to Emeline M. Dodson, of McLean County, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANN GREGORY.

Mr. STEVENSON also introduced (by request) a bill (H. R. No. 2645) for the relief of Ann Gregory, widow of Charles N. Gregory, deceased; which was read a first and second time, and referred to the Committee on the Judiciary.

COMPANY E, FIRST REGIMENT ILLINOIS CAVALRY VOLUNTEERS.

Mr. SPARKS introduced a bill (H. R. No. 2646) for the relief of the soldiers of Company E, First Regiment of Illinois Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN NICHOLS.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 2647) granting a pension to John Nichols, late of Company A, Sixty-fifth Regiment of Indiana Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALLEN HARPER.

Mr. FORT introduced a bill (H. R. No. 2648) for the relief of Allen Harper, of Illinois; which was read a first and second time, and referred to the Committee on War Claims.

NATIONAL BANK, PONTIAC, ILLINOIS.

Mr. FORT also introduced a bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue $500 in new notes to the National Bank at Pontiac, Illinois, to replace a like amount which have never been signed; which was read a first and second time, and referred to the Committee on Banking and Currency.

MIRIAM V. KINNEY.

Mr. FORT also introduced a bill (H. R. No. 2650) granting a pension to Miriam V. Kinney; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SUSAN Y. ATWATER.

Mr. HENDERSON introduced a bill (H. R. No. 2651) granting a pension to Susan Y. Atwater; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY OWINGS.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 2652) granting a pension to Henry Owings, a survivor of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

CITIZEN WAGON MASTERS.

Mr. CANNON, of Illinois, also introduced a joint resolution (H. R. No. 139) in relation to the payment of citizen wagon masters in the United States service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES W. KENNEDY.

Mr. SPRINGER introduced a bill (H. R. No. 2653) granting a pension to James W. Kennedy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN SCHAUB.

Mr. SPRINGER also introduced a bill (H. R. No. 2654) granting a pension to John Schaub, Company G, Seventeenth Missouri Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNA M. WYATT.

Mr. SPRINGER also introduced a bill (H. R. No. 2655) granting a pension to Anna M. Wyatt, widow of Henry Hulett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY WALSH.

Mr. SPRINGER also introduced a bill (H. R. No. 2656) granting a pension to Mary Walsh, widow of Nicholas Walsh; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DEBATES OF CONGRESS.

Mr. WELLS introduced a bill (H. R. No. 2657) to prohibit the reporting or publication at the public expense of the debates of Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PUBLIC ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BILLS OF LADING, ETC.

Mr. FROST introduced a bill (H. R. No. 2659) to facilitate the negotiation of bills of lading and other commercial instruments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SYMPATHY WITH IRELAND.

Mr. FROST also introduced a joint resolution (H. R. No. 140) expressing sympathy for the suffering of the Irish people and for their attempt to secure the blessings of self-government; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PHEBE A. SUMMERS.

Mr. BUCKNER introduced a bill (H. R. No. 2660) for the relief of Phebe A. Summers, widow of Andrew J. Summers, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES W. GIVEN.

Mr. BUCKNER also introduced a bill (H. R. No. 2661) for the relief of James W. Given, of Pike County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH A. YOUNG.

Mr. BUCKNER also introduced a bill (H. R. No. 2662) for the relief of Joseph A. Young, of Pike County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FOREIGN-BUILT SHIPS.

Mr. BUCKNER also introduced a bill (H. R. No. 2663) to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. BUCKNER also introduced a bill (H. R. No. 2664) to amend an act entitled "An act to provide for the resumption of specie payments," and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT SAINT JOSEPH, MISSOURI.

Mr. FORD introduced a bill (H. R. No. 2665) to provide for the erection of a public building in the city of Saint Joseph, in the State

of Missouri; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

HOMESTEADERS AND PRE-EMPTORS.

Mr. GUNTER introduced a bill (H. R. No. 2666) for the benefit of homesteaders and pre-emptors of public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BERRY JOHNSON.

Mr. GUNTER also introduced a bill (H. R. No. 2667) for the relief of Berry Johnson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB YOES.

Mr. GUNTER also introduced a bill (H. R. No. 2668) for the relief of Jacob Yoes; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PETER GRAHAM.

Mr. GUNTER also introduced a bill (H. R. No. 2669) for the relief of Peter Graham; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACKSON J. NEWBERRY.

Mr. GUNTER also introduced a bill (H. R. No. 2670) for the relief of Jackson J. Newberry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY JANE M'NEELY.

Mr. GUNTER also introduced a bill (H. R. No. 2671) for the relief of Mary Jane McNeely; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JONATHAN SMITH.

Mr. GUNTER also introduced a bill (H. R. No. 2672) for the relief of Jonathan Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALVAH W. HICKS.

Mr. GUNTER also introduced a bill (H. R. No. 2673) granting a pension to Alvah W. Hicks, of Cincinnati, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REMOVAL OF INDIANS TO INDIAN TERRITORY.

Mr. CRAVENS introduced a bill (H. R. No. 2674) to prohibit the removal of Indians from the States or other territory of the United States to the Indian Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

DAVID WEST.

Mr. CRAVENS also introduced a bill (H. R. No. 2675) to grant an increase of pension to David West, of Pope County, Arkansas; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. SLEMONS introduced a bill (H. R. No. 2676) to repeal section 3412 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COURT-HOUSE IN TEXARKANA, ARKANSAS.

Mr. SLEMONS also introduced a bill (H. R. No. 2677) appropriating money to build a post-office in the town of Texarkana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF BAYOU BARTHOLOMEW.

Mr. SLEMONS also introduced a bill (H. R. No. 2678) appropriating money for the improvement of the Bayou Bartholomew, in the States of Louisiana and Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

D. B. SCOFIELD.

Mr. HUBBELL introduced a bill (H. R. No. 2679) for the relief of D. B. Scofield as contractor on mail-route 12834, in the State of Michigan; which was read a first and second time, and referred to the Committee of Claims.

GEORGE GOULD.

Mr. HUBBELL also introduced a bill (H. R. No. 2680) for the relief of George Gould, of Stephenson, Menominee County, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS PULLING.

Mr. HUBBELL also introduced a bill (H. R. No. 2681) for the relief of Thomas Pulling, of Big Rapids, Mecosta County, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL H. MORRISON.

Mr. HUBBELL also introduced a bill (H. R. No. 2682) for the relief of Daniel H. Morrison, a soldier enlisted in the service of the United States at Camp Blair, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM HENRY LE ROY.

Mr. HUBBELL also introduced a bill (H. R. No. 2683) for the relief of William Henry Le Roy, late private in Company E, Twenty-second Regiment Michigan Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN WALTER CLIFFORD.

Mr. HUBBELL also introduced a bill (H. R. No. 2684) for the relief of Captain Walter Clifford, Seventh Regiment United States Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

LIGHT-HOUSES, ETC.

Mr. HUBBELL also introduced a bill (H. R. No. 2685) making an appropriation for the erection of a light-house on Squaw Island, Lake Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HUBBELL also introduced a bill (H. R. No. 2686) to appropriate money for rebuilding the light-house at Eagle River, Lake Superior, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HUBBELL also introduced a bill (H. R. No. 2687) to appropriate money for the erection of a keeper's dwelling at the light-house at Pere Marquette, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KEEPER'S DWELLING AT THE LIGHT-HOUSE, PENTWATER.

Mr. HUBBELL also introduced a bill (H. R. No. 2688) to appropriate money for the erection of a keeper's dwelling at the light-house at Pentwater, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF WILLIAM A. BURT.

Mr. HUBBELL also introduced a bill (H. R. No. 2689) for the relief of the heirs of the late William A. Burt, inventor of the "solar compass" adopted and used in the public surveys of the United States; which was read a first and second time, and referred to the Committee on Public Lands.

SAMUEL W. ABBOTT.

Mr. HUBBELL also introduced a bill (H. R. No. 2690) for the relief of Samuel W. Abbott, postmaster at Menominee, Michigan; which was read a first and second time, and referred to the Committee of Claims.

PUBLIC BUILDING AT MARQUETTE, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 2691) to provide for a building for the use of the Federal courts, post-office, customs, internal revenue, land, and other civil offices in the city of Marquette, Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIGHT-HOUSE, ETC., ROUND ISLAND, MICHIGAN.

Mr. HUBBELL also introduced a bill (H. R. No. 2692) to appropriate money for the erection of a light-house and steam fog-signal on Round Island, in the Straits of Mackinac, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REUBEN GOODRICH.

Mr. HUBBELL also introduced a bill (H. R. No. 2693) for the relief of Reuben Goodrich; which was read a first and second time, and referred to the Committee of Claims.

NANCY M. RICHMOND.

Mr. STONE introduced a bill (H. R. No. 2694) granting a pension to Nancy M. Richmond; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARBOR OF REFUGE, SAND BEACH, MICHIGAN.

Mr. CONGER introduced a bill (H. R. No. 2695) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GOLD CERTIFICATES.

Mr. NEWBERRY introduced a bill (H. R. No. 2696) to authorize the issue of $30,000,000 gold certificates, and to establish a redemption fund therefor; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SILVER CERTIFICATES.

Mr. NEWBERRY also introduced a bill (H. R. No. 2697) to authorize the issue of $20,000,000 silver certificates, and to establish a redemption fund therefor; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DETROIT, MACKINAW AND MARQUETTE RAILROAD COMPANY.

Mr. NEWBERRY also introduced a bill (H. R. No. 2698) granting right of way to the Detroit, Mackinaw and Marquette Railroad Company through lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

FEES OF EXAMINING SURGEONS.

Mr. BREWER introduced a bill (H. R. No. 2699) fixing the fees of

examining surgeons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK QUINN.

Mr. BREWER also introduced a bill (H. R. No. 2700) granting a pension to Patrick Quinn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REMOVAL OF CAUSES, ETC.

Mr. CULBERSON introduced a bill (H. R. No. 2701) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOLDIERS AND SAILORS OF THE MEXICAN WAR.

Mr. CULBERSON also introduced a bill (H. R. No. 2702) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF SPECIE PAYMENT ACT.

Mr. JONES introduced a bill (H. R. No. 2703) to repeal an act entitled "An act to provide for specie payments, and for other purposes;" which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REVISED STATUTES OF THE UNITED STATES.

Mr. JONES also introduced a bill (H. R. No. 2704) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOSEPH CLYMER.

Mr. WELLBORN introduced a bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas; which was read a first and second time, and referred to the Committee of Claims.

TRIALS BEFORE COMMISSIONERS OF THE UNITED STATES.

Mr. WELLBORN also introduced a bill (H. R. No. 2706) relating to preliminary trials before commissioners of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF JEFFERSON WEST.

Mr. UPSON introduced a bill (H. R. No. 2707) for the relief of the heirs of Jefferson West; which was read a first and second time, and referred to the Committee on Indian Affairs.

EMILY E. HITCHCOCK.

Mr. UPSON also introduced a bill (H. R. No. 2708) granting a pension to Emily E. Hitchcock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. E. LABATT.

Mr. UPSON also introduced a bill (H. R. No. 2709) for the relief of J. E. Labatt; which was read a first and second time, and referred to the Committee on Military Affairs.

DANIEL MURPHY.

Mr. UPSON also introduced a bill (H. R. No. 2710) for the relief of Daniel Murphy, of Fort Davis, Texas; which was read a first and second time, and referred to the Committee of Claims.

HEIRS OF EDWARD DWYER.

Mr. UPSON also introduced a bill (H. R. No. 2711) for the relief of the heirs of Edward Dwyer; which was read a first and second time, and referred to the Committee of Claims.

HEIRS OF FRANCIS GUILBEAU, DECEASED.

Mr. UPSON also introduced a bill (H. R. No. 2712) for the relief of the heirs of Francis Guilbeau, deceased, of San Antonio, Texas; which was read a first and second time, and referred to the Committee of Claims.

UNITED STATES CIRCUIT COURT OF IOWA.

Mr. SAPP introduced a bill (H. R. No. 2713) providing the times and places of holding the circuit court of the United States in the district of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRE-EMPTION SETTLERS, CALIFORNIA.

Mr. SAPP also (by request) introduced a bill (H. R. No. 2714) to indemnify pre-emption settlers on the Soscol ranch, in the State of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

NATIONAL BANKS—RESERVES.

Mr. PRICE introduced a bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BANK DEPOSITS.

Mr. PRICE also introduced a bill (H. R. No. 2716) in reference to bank deposits; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SOLDIERS APPLYING FOR PENSIONS.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 2717) regulating proof of disability of soldiers applying for pension when such disability was received in prison; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES LARKIN.

Mr. THOMPSON, of Iowa, also introduced a bill (H. R. No. 2718) granting a pension to James Larkin, late a private Company D, Third United States Infantry, (old war;) which was read a first and second time, and referred to the Committee on Invalid Pensions.

THIRTY-SEVENTH IOWA INFANTRY.

Mr. THOMPSON, of Iowa, also introduced a bill (H. R. No. 2719) granting a pension to the surviving officers and members of Thirty-seventh Iowa Volunteer Infantry, known as the Greybeards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYMPATHY FOR THE IRISH.

Mr. GILLETTE introduced a joint resolution (H. R. No. 141) expressing sympathy for the Irish, and asking the President to urge upon the English government measures for their relief from landlord rule; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARLOTTE M. HUNTER.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 2720) for the relief of Charlotte M. Hunter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARMY OFFICER'S RECORD.

Mr. DEUSTER introduced a bill (H. R. No. 2721) to amend an Army officer's record; which was read a first and second time, and referred to the Committee on Military Affairs.

HERMAN J. SCHULTEIS.

Mr. DEUSTER also introduced a bill (H. R. No. 2722) granting a pension to Herman J. Schulteis, late first lieutenant and regimental commissary of subsistence, First Wisconsin Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AUGUSTIN OLVERA.

Mr. PACHECO introduced a bill (H. R. No. 2723) for the relief of Augustin Olvera; which was read a first and second time, and referred to the Committee of Claims.

SETTLERS ON THE PUBLIC LANDS.

Mr. PAGE introduced a bill (H. R. No. 2724) for the relief of certain settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CUSTOMS DUTIES.

Mr. PAGE also introduced a bill (H. R. No. 2725) to amend existing customs duties, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM D. HALEY.

Mr. PAGE also introduced a bill (H. R. No. 2726) for the relief of William D. Haley; which was read a first and second time, and referred to the Committee on Military Affairs.

FRANK SOULÉ.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 2727) releasing Frank Soulé, late collector of internal revenue for the first district of California, and his sureties from liability on his official bond; which was read a first and second time, and referred to the Committee of Ways and Means.

SYLVESTER S. BEDAL.

Mr. DUNNELL introduced a bill (H. R. No. 2728) for the relief of Sylvester S. Bedal; which was read a first and second time, and referred to the Committee on Military Affairs.

EDWIN PARLIMAN.

Mr. POEHLER (by request) introduced a bill (H. R. No. 2729) for the relief of Edwin Parliman; which was read a first and second time, and referred to the Committee on Military Affairs.

THOMAS PETTIJOHN.

Mr. POEHLER also introduced a bill (H. R. No. 2730) granting a pension to Thomas Pettijohn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. REBECCA HALL.

Mr. HASKELL introduced a bill (H. R. No. 2731) granting a pension to Mrs. Rebecca Hall, widow of George R. Hall; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSIAH H. PILLSBURY.

Mr. ANDERSON introduced a bill (H. R. No. 2732) for the relief of Josiah H. Pillsbury; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

TIMBER ON WESTERN PRAIRIES.

Mr. ANDERSON also introduced a bill (H. R. No. 2733) amending an act to amend the act entitled "An act to encourage the growth of timber on western prairies," approved March 13, 1874; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLES M. COEN.

Mr. WILSON introduced a bill (H. R. No. 2734) for the relief of Charles M. Coen; which was read a first and second time, and referred to the Committee of Claims.

THOMAS MARTIN.

Mr. WILSON also introduced a bill (H. R. No. 2735) for the relief of Thomas Martin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN FISHER.

Mr. WILSON also introduced a bill (H. R. No. 2736) granting a pension to John Fisher, guardian of the minor heirs of William Dakin, deceased, late private Company G, Sixth West Virginia Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM C. PARKER.

Mr. WILSON also introduced a bill (H. R. No. 2737) granting a pension to William C. Parker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES CATHER.

Mr. WILSON also introduced a bill (H. R. No. 2738) for the relief of James Cather, of Greenville, West Virginia; which was read a first and second time, and referred to the Committee on War Claims.

JOSEPH R. SHANNON.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 2739) to pay the amount of the claim of Joseph R. Shannon, of Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

WEST VIRGINIA WAR CLAIMS.

Mr. KENNA introduced a bill (H. R. No. 2740) to recognize and pay certain claims due by the State of West Virginia to citizens thereof for services rendered the United States in the late war and which are properly chargeable to the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTOE AND MISSOURIA RESERVATION.

Mr. VALENTINE introduced a bill (H. R. No. 2741) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribe of Indians, in the States of Nebraska and Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MILITARY WAGON-ROAD, NEBRASKA.

Mr. VALENTINE also introduced a bill (H. R. No. 2742) to authorize the relocation and improvement of the military wagon-road from Sidney, Nebraska, via Forts Robinson and Sheridan, to the Sioux Indian reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLORADO SCHOOL LANDS.

Mr. BELFORD introduced a bill (H. R. No. 2743) to enable the State of Colorado to take lands in lieu of sixteenth and thirty-sixth sections found to be mineral lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

UTE INDIAN RESERVATION.

Mr. BELFORD introduced a joint resolution (H. R. No. 142) to create a commission to negotiate with the Ute Indians for the extinguishment of their title to the Ute reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FOG-SIGNALS AND LIGHT-HOUSES IN WASHINGTON TERRITORY.

Mr. BRENTS introduced a bill (H. R. No. 2744) for the purchase of a site and the erection of a fog-signal and light-house at Point Robinson, in Puget Sound, in Washington Territory; also a bill (H. R. No. 2745) for the purchase of a site and the erection of a fog-signal and light-house at Sandy Point, Puget Sound, Washington Territory; also a bill (H. R. No. 2746) for the purchase of a site and the erection of a fog-signal and light-house at Miller's Point, at the north end of Saratoga Passage, on Puget Sound, Washington Territory; which were severally read a first and second time, and referred to the Committee on Commerce.

SNAG-BOAT FOR PUGET SOUND.

Mr. BRENTS also introduced a bill (H. R. No. 2747) for the construction and manning of a snag-boat for Puget Sound and its tributaries; which was read a first and second time, and referred to the Committee on Commerce.

DENNIS STORRS AND OTHERS.

Mr. BRENTS also introduced a bill (H. R. No. 2748) for the relief of Dennis Storrs, Marvin Minnick, and others, of Washington Territory; which was read a first and second time, and referred to the Committee on Commerce.

SNAG-BOAT FOR PUGET SOUND.

Mr. BRENTS also presented a joint resolution of the Legislature of Washington Territory, for an appropriation to construct and keep a snag-boat on the waters of Puget Sound; which was referred to the Committee on Commerce.

LIGHT-HOUSE AT MILLER'S POINT, PUGET SOUND.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying for a light-house on Miller's Point at the north end of Saratoga Passage on Puget Sound; which was referred to the Committee on Commerce.

DUTIES ON FOREIGN IMPORTS.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying Congress to reduce the tariff on foreign imports; which was referred to the Committee of Ways and Means.

NOCKSACK RIVER, WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint resolution of the Legislative Assembly of Washington Territory, relating to the removal of a jam from the Nocksack River, in Whatcom County, Washington Territory; which was referred to the Committee on Commerce.

SURVEY OF WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint memorial of the Legislature of Washington Territory, asking the authorization of a survey and scientific examination of said Territory; which was referred to the Committee on Mines and Mining.

INCREASE OF MEMBERS OF TERRITORIAL LEGISLATURES.

Mr. BRENTS also presented a joint resolution of the Legislative Assembly of Washington Territory, praying Congress for an increase of members in the Legislative Assembly of the Territory of Washington; which was referred to the Committee on Territories.

OREGON AND WASHINGTON INDIAN WAR.

Mr. BRENTS also presented a joint resolution of the Legislative Assembly of Washington Territory, praying Congress for a bounty to the soldiers of the Oregon and Washington Indian war of 1855 and 1856; which was referred to the Committee on Military Affairs.

GREEN RIVER AND PUGET SOUND RAILROAD.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, asking aid in the construction of a railroad from Green River to Puget Sound; which was referred to the Committee on the Pacific Railroad.

LIMITS OF WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint remonstrance of the Legislative Assembly of Washington Territory, against the annexation of any portion of said Territory to the State of Oregon; which was referred to the Committee on Territories.

SEATTLE AND WALLA WALLA RAILROAD COMPANY.

Mr. BRENTS also presented a memorial of the Legislative Assembly of the Territory of Washington, asking aid by land grant to the Seattle and Walla Walla Railroad and Transportation Company; which was referred to the Committee on the Pacific Railroad.

SETTLERS ON PUBLIC LANDS.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying relief for certain settlers on odd sections supposed to be within railroad limits; which was referred to the Committee on Public Lands.

MILITARY TELEGRAPH IN WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, for aid in the construction of a military telegraph between Pomeroy and Fort Colville, in said Territory, with a connecting line to Camp Cœur d'Alene, in Idaho Territory; which was referred to the Committee on Military Affairs.

VOLUNTEERS IN NEZ PERCÉ WAR.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying for relief for the volunteer soldiers in the Nez Percé Indian war of 1877; which was referred to the Committee on Military Affairs.

IMPROVEMENT OF COLUMBIA RIVER.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying for an appropriation of a sum sufficient to complete the canal and locks at the cascades and falls on the Columbia River; which was referred to the Committee on Commerce.

LAND OFFICE IN WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, relating to establishing a land office at Goldendale; which was referred to the Committee on Public Lands.

DENNIS STORRS AND OTHERS.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying for the relief of Dennis

Storrs and others; which was referred to the Committee on Commerce.

MILITARY POST IN WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, relative to the establishment of a military post in Yakima County; which was referred to the Committee on Military Affairs.

LAND DISTRICT IN WASHINGTON TERRITORY.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of the Territory of Washington, praying for the establishment of the Yakima land district; which was referred to the Committee on Public Lands.

SETTLERS WITHIN RAILROAD LIMITS.

Mr. BRENTS also presented a joint memorial of the Legislative Assembly of Washington Territory, praying reduction in the price of land to permanent settlers within railroad limits in said Territory; which was referred to the Committee on Public Lands.

LOUIS VOLIN.

Mr. BENNETT introduced a bill (H. R. No. 2749) for the relief of Louis Volin, of Yankton, Dakota Territory; which was read a first and second time, and referred to the Committee of Claims.

TOWN SITES IN DAKOTA.

Mr. BENNETT also introduced a bill (H. R. No. 2750) supplemental to the provisions of sections 2387 to 2394, inclusive, chapter 8, title 32, Revised Statutes of the United States, relating to town sites in the Territory of Dakota entered under the provisions of said sections; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

The SPEAKER. Gentlemen who were not in their seats when their States were called will now have an opportunity to present bills or resolutions.

ROBERT J. SMITH.

Mr. NICHOLLS introduced a bill (H. R. No. 2751) for the relief of Robert J. Smith; which was read a first and second time, and referred to the Committee of Claims.

ROBERT HEDIAN.

Mr. KLOTZ introduced a bill (H. R. No. 2752) for the relief of Robert Hedian, late of Company I, Fifty-eighth Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE ANDREWS.

Mr. LADD introduced a bill (H. R. No. 2753) for the relief of George Andrews; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JUDGMENTS IN UNITED STATES COURTS.

Mr. MANNING introduced a bill (H. R. No. 2754) to give effect to judgments and decrees rendered in the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS D. ISOM.

Mr. MANNING also introduced a bill (H. R. No. 2755) for the payment of $600 to Thomas D. Isom, of Oxford, Mississippi, for rent of judges' official chamber; which was read a first and second time, and referred to the Committee of Claims.

JAMES H. ANDERSON.

Mr. MANNING also introduced a bill (H. R. No. 2756) for the relief of James H. Anderson, of Tunica County, Mississippi; which was read a first and second time, and referred to the Committee of Claims.

SAMUEL COLLINS.

Mr. MANNING also introduced a bill (H. R. No. 2757) for the relief of Samuel Collins, colored, of Water Valley, Mississippi, which was read a first and second time, and referred to the Committee of Claims.

ESTATE OF J. R. BOWLES.

Mr. MANNING also introduced a bill (H. R. No. 2758) for the relief of the estate of J. R. Bowles, deceased; which was read a first and second time, and referred to the Committee on War Claims.

MISSISSIPPI NORTHERN JUDICIAL DISTRICT.

Mr. MULDROW introduced a bill (H. R. No. 2759) to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the district courts of the United States therein in future; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. L. HATCH.

Mr. COVERT introduced a bill (H. R. No. 2760) for the relief of A. L. Hatch, a citizen of the State of New York; which was read a first and second time, and referred to the Committee of Claims.

LAND COMMISSION PRINTING.

Mr. CONVERSE introduced a joint resolution (H. R. No. 143) authorizing certain printing for the land commission; which was read a first and second time, and referred to the Committee on Printing.

AMENDMENT OF REVISED STATUTES.

Mr. WADDILL introduced a bill (H. R. No. 2761) to amend sections 2304, 2305, 2306, 2307, 2308, and 2309 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

IMPOST TAX ON PISTOLS.

Mr. COOK introduced a bill (H. R. No. 2762) to levy an import tax on pistols; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SPECIFIC TAX ON PISTOLS.

Mr. COOK also introduced a bill (H. R. No. 2763) to levy a specific tax on pistols manufactured in the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. WARNER introduced a concurrent resolution providing for a select committee of the two Houses to investigate questions relating to interstate commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM G. THOMPSON.

Mr. CRAPO introduced a bill (H. R. No. 2764) granting a pension to William G. Thompson, minor son of William G. Thompson, captain of First Regiment of Massachusetts Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MONUMENT TO ELISHA B. SMITH AND OTHERS.

Mr. WILBER introduced a bill (H. R. No. 2765) for the donation of condemned cannon to aid in the erection of a monument to Brevet Brigadier-General Elisha B. Smith and others, of Chenango, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS, IOWA.

Mr. PRICE introduced a bill (H. R. No. 2766) relating to the terms of the circuit and district courts for the United States in and for the district of Iowa; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDGAR B. LAMPHIER.

Mr. OSMER introduced a bill (H. R. No. 2767) granting a pension to Edgar B. Lamphier; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRAUDS IN BILLS OF LADING, ETC.

Mr. WHITE introduced a bill (H. R. No. 2768) to facilitate the negotiations of bills of lading and of other commercial instruments, and to punish frauds therein; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARINE SCHOOLS.

Mr. GIBSON introduced a bill (H. R. No. 2769) to amend an act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BOEHM BROTHERS.

Mr. BLISS introduced a bill (H. R. No. 2770) to refund duplicate taxes to Boehm Brothers, of New York; which was read a first and second time, and referred to the Committee of Ways and Means.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I am instructed, Mr. Speaker, to report from the Committee of Ways and Means a resolution fixing the adjournment over the Christmas holidays.

INTERSTATE-COMMERCE BILL.

Mr. REAGAN. I hope the gentleman will not press that until I can have an opportunity to ask the House for an order to reprint a bill.

Mr. FERNANDO WOOD. I do not object to that, if the gentleman has unanimous consent.

Mr. REAGAN. I am directed by the Committee on Commerce, Mr. Speaker, to ask the House to make an order that the bill known as the interstate-commerce bill shall be reprinted, and that double the usual number of copies shall be printed for the use of the members of the House.

There was no objection, and it was ordered accordingly.

IMMIGRATION.

Mr. COX. I ask unanimous consent, Mr. Speaker, to report back from the Committee on Foreign Affairs a bill (H. R. No. 2408) to regulate immigration, and to move that the bill and accompanying report be ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

SOLDIERS OF THE BLACK HAWK WARS.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I ask unanimous consent at this time to present a memorial to Congress in reference to the

soldiers of the Black Hawk war, in order that it may be printed in the RECORD.

Mr. WHITE. What is it about?

Mr. TOWNSHEND, of Illinois. It is in relation to pensions for soldiers who served in the Black Hawk war.

Mr. WHITE. Does it relate to any other subject?

Mr. TOWNSHEND, of Illinois. It is simply a memorial of the Black Hawk war soldiers themselves.

The SPEAKER. Is there objection to the printing of the memorial in the RECORD?

There was no objection, and it was ordered accordingly.

The memorial is as follows:

The survivors of the Black Hawk Indian war who escaped with their fire-locks held an adjourned meeting October 2, 1879, at the court-house, Springfield, Illinois, there being some twenty-four of the old Indian trailers present.

The meeting was called to order by the president, L. D. Masters, of Petersburgh, who took occasion in a few remarks to refer to the struggles of the early pioneers of that day in driving from the borders of Illinois the renowned Indian Black Hawk and his warriors.

The secretary, General John A. McClernand, then read the minutes of the meetings held on January 8 and June 12. He also informed those present that he had corresponded with numerous survivors of that memorable war, now residents of the different Western States, with a view of collecting facts in relation to the companies and regiments to which they belong, which would be necessary in case Congress should see fit to place them on the pension-rolls.

A request was then made that those who were not in attendance at the former meetings come forward and have their names recorded by the secretary.

In response the following were enrolled:

Andrew W. Tice, Jacksonville; age, sixty-six.
Colonel Williams, Springfield; age, seventy-one.
I. B. Williams, New City, Sangamon County; age, sixty-nine.
Robert P. Langley, Taylorville; age, sixty-seven.
George Power, Cantrall, Sangamon County; age, eighty-two.
Uriah Allen, Sharpsburgh, Christian County; age, seventy.

Colonel Dick Taylor, of Chicago, chairman of the committee to draft a memorial to Congress, asking that body to recognize and place upon the pension-roll the few remaining survivors, reported the following; which was unanimously adopted by the meeting:

"On behalf of ourselves and other survivors of the Indian war traditionally known as the Black Hawk war we respectfully submit the following memorial:

"Our members are scanty, and some of us are tottering upon the verge of the grave. A few more days or months, or years at most, must end the mortal career of all of us.

"We belong to the early class of pioneers whose youth preceded the era of common schools, now brought to the homes of the generations that have grown up in our sight. Necessity made us men of action rather than of the learning of schools. We have played our part in the wilderness and in the presence of those dangers which are incident to early settlements. Our knowledge, such as it is, comes of the book of nature and stern experience. Our language, therefore, must be void of ornament and literary attractions. Our only habit and care is to speak plainly and truthfully.

"Great changes have transpired in our midst. Many of us knew Wisconsin, Minnesota, Kansas, Nebraska, Arkansas, and a considerable portion of Missouri when those regions were a howling wilderness. Some of us knew Illinois in her territorial form, and when her population was mainly confined to the district bounded by the Kaskaskia and Ohio Rivers, and scarcely exceeded forty thousand; when savage tribes roamed over the central and northern portions of the now State of Illinois; when the imperial domain of Illinois was the home of ferocious beasts; when her rivers were hardly otherwise disturbed than by the wild goose and wild duck.

"How great the revolution! Capital, art, and enterprise have been sleeplessly busy. The shores of our rivers are crowded with stirring cities and towns. A great city has sprung up on our lake border which has laid its giant hands upon the commerce of the world and challenges the wonder of mankind. Green fields and golden harvests have succeeded to the rank grass and gloomy forests which once held undisputed sway from Cairo to Fort Dearborn. Schools, colleges, and universities glisten upon the fair bosom of the Prairie State as diamonds upon the fair bosom of the blushing virgin. All this we have seen; in all this we have taken an humble but willing part. We have seen still more. We have seen a mighty civil war shake the land; armies marshaled in deadly strife, and nations looking on aghast. In this lamentable war those of us who were still able for the service of the fiery field took part for the Union, while the rest, in their constrained retirement, sympathized with its cause.

"Happily the Union survives, and peace, with its halcyoned wings, is returned to soothe the happiness of excited and belligerent men. Thanks for this. May liberty, union, fraternity, and peace remain forever.

"Our object is not to ask what you in duty cannot grant, but crave of you to extend to us that equality which is equity. Some of us are bowed down by years and infirmity. Some of us are unable to provide for ourselves. Again, some of the widows of our dead comrades are destitute of what is due and necessary to old and helpless age. Both we and they are few in numbers. We pray that you will put such of us as we have mentioned on the pension-roll, and thus smooth their short road to the dark river which, when once crossed, is never recrossed."

A committee, composed of Messrs. Constant, Major Stuart, and Judge Solomon, was appointed to see that a copy of the records of the Black Hawk war was obtained from the Department at Washington, with a view of obtaining the company and regiment to which each member had belonged.

Several addresses were made by the members present, and the meeting then adjourned, to convene on the first Thursday in October, 1880, unless they should be called together in the mean time by the president and secretary.

SOLDIERS' UNION OF WEST VIRGINIA.

Mr. WILSON. I hope there will be no objection to my presenting at this time a joint resolution and asking for its passage.

Mr. FERNANDO WOOD. I do not yield for any proposition which does not come in by unanimous consent.

Mr. WILSON. If I do not get unanimous consent for the introduction and passage of the joint resolution, I will withdraw it or have it referred to a committee.

Mr. FERNANDO WOOD. What is it about?

Mr. WILSON. Congress granted condemned bronze cannon to the Soldiers' Union of West Virginia; but, owing to some technical objection growing out of the phraseology of the bill, the Secretary of War did not feel authorized to deliver those cannon, and this joint resolution I offer is for the purpose of correcting that defect, and making the grant to the Soldiers' Union of West Virginia effectual. As gentlemen well know, the practice is common to grant condemned cannon to soldiers' cemeteries throughout the Union. Soldiers' unions everywhere have received the benefit of such grants of condemned cannon.

The SPEAKER. Is there objection to the introduction of the joint resolution?

Mr. WILSON. It will not take a minute.

The SPEAKER. The Chair hears no objection.

The Clerk read as follows:

Resolved by the Senate, &c., That an act entitled "An act granting condemned bronze cannon to the Soldiers' Union of West Virginia," approved June 20, 1878, be construed to authorize the Secretary of War to furnish to the governor of West Virginia, for the use of the Soldiers' Union of that State, bronze condemned cannon belonging to the United States, to inclose the monument of that union in the city of Wheeling.

Mr. GARFIELD. It ought to be a bill and not a resolution; anything which appropriates property of the United States should be in the form of a bill.

Mr. WILSON. But this simply construes an act already passed. It does not appropriate any property of the United States.

Mr. GARFIELD. It needs a law to construe a law. If the law which this construes was passed as a joint resolution, then let this go as a joint resolution; but if it was a bill, then this should be put in the form of a bill.

The SPEAKER. In giving construction to a law already passed it has been usual to put it in the form of a joint resolution.

Mr. WILSON. I have no objection to changing the resolution to a bill.

The SPEAKER. The Chair hears no further objection.

Mr. WILSON then, by unanimous consent, introduced a bill (H. R. No. 2771) to construe an act entitled "An act granting condemned bronze cannon to the Soldiers' Union, of West Virginia; which was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PRESENTATION OF MEMORIAL.

Mr. AIKEN. I ask, Mr. Speaker, to have a memorial asking for amendment of the patent laws read at the Clerk's desk.

Mr. GARFIELD. We had one read the other day, and I object. Let it go through the usual course.

Mr. AIKEN. It is the usual courtesy of the House, whenever a question is made, to have a memorial read. This comes from a body having a constituency four-fold larger than that of any legislator in America.

Mr. GARFIELD. I object.

ADJOURNMENT OVER HOLIDAYS.

Mr. FERNANDO WOOD. Mr. Speaker, I am directed by the Committee of Ways and Means to report the following resolution:

Resolved by the House of Representatives, (the Senate concurring therein,) That when the two Houses adjourn on Tuesday, the 23d of December, 1879, they stand adjourned until twelve o'clock m. on Tuesday, January 6, 1880.

I demand the previous question.

Mr. BLOUNT. I hope the gentleman will yield to me to make a brief statement.

Mr. FERNANDO WOOD. I yield one minute to the gentleman from Georgia.

Mr. BLOUNT. I simply desire to say that the Committee on Appropriations hope to be able to report during this week the pension, fortifications, and Military Academy bills, and to have them passed at least by Friday of next week, the 19th. If so, it is possible the Committee of Ways and Means may see proper to bring about an earlier adjournment—on Friday the 19th instead of the Tuesday following.

Mr. GARFIELD. We cannot hear the gentleman's proposition.

Mr. BLOUNT. I was saying that the Committee on Appropriations hope that the House will have passed by the 19th instant the pension, fortifications, and Military Academy bills, which are the only bills the committee will be able to report before the adjournment. It is well known we had not the estimates and could not have them under the law until the first Monday of December. Therefore we will not be able to pass other appropriation bills before the adjournment. We may pass these by the 19th; and in that event it may be thought proper that we should adjourn on Friday, the 19th, instead of the following Tuesday, the 23d.

Mr. FERNANDO WOOD. The committee in considering this question thought it was very desirable that both Houses should remain in session long enough to accomplish all the business possible. We shall be very glad, indeed, if those appropriation bills shall be reported and passed, as stated by the gentleman from Georgia. At the same time there are other bills upon which gentlemen desire action. I insist on the demand for the previous question on the resolution.

Mr. STEELE. Did the gentleman from New York call for the previous question before or after he made his remarks?

The SPEAKER. He called for the previous question immediately after having the resolution read.

Mr. STEELE. Is the resolution open to amendment?

The SPEAKER. It is if the previous question is not sustained.

Mr. STEELE. Other members of this House are quite as much entitled to be consulted upon matters of this kind as the gentleman from New York.

Mr. VANCE. I would like to suggest to the gentleman from New York that if we adjourn on the 23d many of us will not have time to get home and be with our families on Christmas Day. I hope the

gentleman will at least agree to change the date in the resolution to the 22d.

Mr. FERNANDO WOOD. There is nothing in the resolution that will prevent any gentleman, on his own individual responsibility, leaving before the date specified. But because there are gentlemen who want a little longer time to get home that is no good reason why the rest of us should not remain here and work as long as we can. I must therefore insist on the demand for the previous question on my resolution.

The question being put on seconding the demand for the previous question, there were—ayes 56, noes 116.

Mr. FERNANDO WOOD. I think we might as well have the yeas and nays.

Mr. SPRINGER. I suggest that the yeas and nays cannot be called on this question. The House has refused to second the demand for the previous question, and the resolution is now, therefore, open to amendment.

Mr. FERNANDO WOOD. I call for tellers.

Tellers were not ordered, only 23 voting therefor, not one-fifth of a quorum.

So the previous question was not seconded.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] is recognized.

Mr. FERNANDO WOOD. I would like the gentlemen who oppose the resolution in its present form to state some other day which would be more acceptable.

Mr. REAGAN. I desire to amend the resolution by providing that Congress shall assemble on the 2d of January.

The SPEAKER. The Chair has recognized the gentleman from Georgia.

Mr. BLOUNT. I was in hopes it would be agreeable to the gentleman from New York to let this matter be referred back to the Committee of Ways and Means, so that in again reporting it they might have the advantage of seeing what was the condition of business in the House. If the gentleman from New York does not agree to that course, I move to amend by striking out "Tuesday, the 23d," and inserting in lieu thereof "Friday, the 19th."

Mr. REAGAN. I desire to say one word before the question is taken on the amendment of the gentleman from Georgia. I shall at the proper time offer an amendment, not changing the day proposed in the resolution for adjournment, but providing that we shall meet again on the 2d of January. In reference to the amendment proposed by my friend from Georgia, I wish to say that there are many of us who are at such a distance from our homes that we cannot well go to them during the holidays. During the recess we are left here at considerable expense, and gentlemen are not here to join us in committee labor. It is much better for us, it seems to me, to take only such time for the recess as is necessary for gentlemen who find it convenient to go home for the holidays, so that we may resume and finish our work as speedily as possible. It is better we should make a recess reasonably short, and get through our work at a season of the year when it is pleasant to work, than to have a prolongation of the session into the extreme heat of summer. For that reason I hope we will adjourn on the 23d, and, after the amendment of the gentleman from Georgia has been acted upon, I propose to offer an amendment that we meet again on the 2d of January.

The SPEAKER. The gentleman from Texas can offer that amendment after the present amendment is disposed of. The remedy of the gentleman would be to vote down the proposition of the gentleman from Georgia, and then offer the amendment he has indicated.

The gentleman from North Carolina [Mr. VANCE] rose a short time ago. For what purpose?

Mr. VANCE. I desired to offer the amendment which has been offered by the gentleman from Georgia.

The question being taken on Mr. BLOUNT's amendment, the Speaker stated that the "ayes" appeared to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HUBBELL. I would like to have the resolution reported again. I wish to know what it provides as to the House convening again.

The SPEAKER. The resolution as reported from the Committee of Ways and Means made the adjournment for the holidays extend from the 23d instant to the 6th of January. The amendment of the gentleman from Georgia, on which the yeas and nays have been ordered, is to strike out "Tuesday, the 23d," and insert "Friday, the 19th."

The question was taken; and there were—yeas 125, nays 103, not voting 63; as follows:

YEAS—125.

Aldrich, N. W.	Claflin,	Dick,	Henry,
Aldrich, William	Clardy,	Dwight,	Herbert,
Atherton,	Clark, John B.	Einstein,	Herndon,
Bachman,	Clymer,	Errett,	Hiscock,
Baker,	Colerick,	Evins,	Hooker,
Ballou,	Converse,	Forney,	Horr,
Beale,	Cowgill,	Fort,	Hubbell,
Bingham,	Cox,	Godshalk,	Hull,
Blackburn,	Crapo,	Harmer,	Hurd,
Blount,	Crowley,	Harris, Benj. W.	Jones,
Brigham,	Daggett,	Hatch,	Keifer,
Butterworth,	Davis, Joseph J.	Hawley,	Kelley,
Cannon,	Davis, Loundes H.	Hayes,	Kimmel,
Chalmers,	De La Matyr,	Henkle,	Kitchin,
Knott,	O'Connor,	Scales,	Vance,
Ladd,	O'Neill,	Shelley,	Van Voorhis,
Le Fevre,	Orth,	Singleton, O. R.	Voorhis,
Lindsey,	Osmer,	Sparks,	Waddill,
Lounsbery,	Overton,	Speer,	Wait,
Lowe,	Pacheco,	Springer,	Warner,
Martin, Joseph J.	Page,	Starin,	Washburn,
McCook,	Persons,	Steele,	Wells,
McLane,	Poehler,	Talbott,	White,
Miles,	Prescott,	Taylor,	Whiteaker,
Miller,	Reed,	Thomas,	Williams, Thomas
Mitchell,	Richardson, D. P.	Thompson, P. B.	Willits,
Muldrow,	Richmond,	Tillman,	Wood, Walter A.
Murch,	Robertson,	Townsend, Amos	Wright,
Myers,	Robinson,	Turner, Oscar	Young, Casey.
Newberry,	Ross,	Tyler,	
Nicholls,	Russell, William A.	Updegraff, J. T.	
Norcross,	Ryon, John W.	Valentine,	

NAYS—103.

Acklen,	Cravens,	Henderson,	Richardson, J. S.
Aiken,	Culberson,	Hill,	Samford,
Anderson,	Davis, George R.	Hostetler,	Sapp,
Armfield,	Davis, Horace	Houk,	Sawyer,
Barber,	Deering,	House,	Shallenberger,
Bayne,	Deuster,	Joyce,	Sherwin,
Berry,	Dibrell,	Kenna,	Simonton,
Bicknell,	Dunn,	King,	Singleton, J. W.
Blake,	Dunnell,	Klotz,	Slemons,
Bouck,	Elam,	Lapham,	Stevenson,
Brewer,	Ellis,	Lewis,	Stone,
Briggs,	Farr,	Marsh,	Thompson, W. G.
Bright,	Felton,	Martin, Benj. F.	Townshend, R. W.
Browne,	Ferdon,	McCoid,	Tucker,
Buckner,	Finley,	McGowan,	Turner, Thomas
Burrows,	Forsythe,	McKenzie,	Updegraff, Thomas
Cabell,	Frye,	McMillin,	Upson,
Caldwell,	Garfield,	Mills,	Weaver,
Calkins,	Geddes,	Monroe,	Wellborn,
Carpenter,	Gibson,	Morse,	Whitthorne,
Caswell,	Gillette,	Morton,	Williams, C. G.
Chittenden,	Goode,	New,	Willis,
Cobb,	Gunter,	Phelps,	Wilson,
Conger,	Hall,	Phister,	Wise,
Cook,	Harris, John T.	Price,	Wood, Fernando.
Covert,	Haskell,	Reagan,	

NOT VOTING—63.

Atkins,	Ewing,	Ketcham,	Rice,
Bailey,	Field,	Killinger,	Robeson,
Barlow,	Fisher,	Loring,	Rothwell,
Belford,	Ford,	Manning,	Russell, Daniel L.
Beltzhoover,	Frost,	Martin, Edward L.	Ryan, Thomas
Bland,	Hammond, John	Mason,	Smith, A. Herr
Bliss,	Hammond, N. J.	McKinley,	Smith, Hezekiah B.
Bowman,	Hawk,	McMahon,	Smith, William E.
Boyd,	Hazelton,	Money,	Stephens,
Bragg,	Heilman,	Morrison,	Urner,
Camp,	Humphrey,	Muller,	Van Aernam,
Carlisle,	Hunton,	Neal,	Ward,
Clark, Alvah A.	Hutchins,	O'Brien,	Wilber,
Coffroth,	James,	O'Reilly,	Yocum,
Davidson,	Johnston,	Pierce,	Young, Thomas L.
Dickey,	Jorgensen,	Pound,	

So the amendment was agreed to.

During the call of the roll, the following announcements were made:

Mr. COVERT. I desire to state that Mr. MONEY, of Mississippi, is necessarily absent from the House on a committee.

Mr. SAWYER. My colleague, Mr. FROST, is paired with Mr. DICK, of Pennsylvania.

Mr. HARMER. My colleague, Mr. A. HERR SMITH, is paired with Mr. SMITH, of New Jersey.

Mr. WHITTHORNE. My colleague, Mr. ATKINS, is detained from the House by illness, and I understand is paired with Mr. BAKER, of Indiana.

Mr. HAYES. My colleague, Mr. HAWK, is confined to his room by sickness.

Mr. BLOUNT moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. REAGAN. I move to further amend the concurrent resolution by striking out the word "sixth" and inserting the word "second" as the day in January when Congress is to meet again.

The amendment was not agreed to.

The concurrent resolution, as amended, was then adopted.

Mr. FERNANDO WOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UTE OUTBREAK.

Mr. SCALES, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Indian Affairs:

Resolved, That the Committee on Indian Affairs investigate and report to this House the origin of the recent outbreak of the Utes at the White River agency, in Colorado, and to this end that said committee be authorized to send for persons and papers.

INTERNATIONAL REMONETIZATION OF SILVER.

Mr. WARNER, from the Committee on Coinage, Weights, and Measures, reported the following; which was read, considered, and adopted:

Whereas by the act of June 21, 1879, the sum of $20,000 was appropriated "for

negotiations with foreign governments, with a view to the international remonetization of silver."

Be it resolved, That the Secretary of State be directed to inform the House what action, if any, has been taken, and what progress made, to secure the co-operation of other governments with the United States in the full remonetization of silver, and to furnish copies of instructions given to our ministers abroad, and of communications from any of such ministers or from foreign governments in relation thereto, so far as not inconsistent with the public interest.

Mr. WARNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. CLYMER. I ask unanimous consent to have taken from the Speaker's table for consideration at this time Senate joint resolution No. 50, filling existing vacancies in the Board of Regents in the Smithsonian Institution.

The joint resolution provides that the existing vacancies in the Board of Regents of the Smithsonian Institution of the class other than members of Congress shall be filled by the reappointment of Asa Gray, of Massachusetts; Henry Coppee, of Pennsylvania; John Maclean, of New Jersey, and Peter Parker, of the city of Washington, whose terms have expired.

Mr. GARFIELD. I think there will be no objection to the passage of that joint resolution.

There being no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. CLYMER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPREME COURT REPORTS.

Mr. HARRIS, of Virginia. I move that the House now resolve itself into Committee of the Whole for the purpose of considering House bill No. 1493, defining the duties of the reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

Mr. FINLEY. Is that the bill on the Calendar?

The SPEAKER. It is, and first on the Calendar in Committee of the Whole.

Mr. HARRIS, of Virginia. I will state that the object of the bill is to enable the people of the United States to obtain the Supreme Court Reports at $1.50 a volume, instead of $5 a volume as now.

The motion of Mr. HARRIS, of Virginia, was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering House bill No. 1493, defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

The bill was read, as follows:

Be it enacted, &c. That said reporter shall, when required by the said Supreme Court of the United States, attend its sessions and consultations, and, under its direction, report and prepare for publication its decisions, and such other decisions as it may designate.

SEC. 2. That it shall cause to be reported, with as much brevity as practicable, its decisions, whether made in the disposing of a motion or otherwise, that determines any theretofore unsettled or new and important, or modifies any theretofore settled, question of law, or that gives construction to any statute of the United States, or of any State or Territory, or of any treaty made by the United States with any foreign nation or Indian tribe, together with such other of its decisions as may be deemed of public interest and importance.

SEC. 3. That it shall be the duty of said reporter, immediately after the decision of any case to be reported, to prepare for publication a report thereof, under the direction and supervision of said court, and in general conformity with the plan hitherto adopted and pursued, and when he shall have so prepared a sufficient number of decisions to form a volume of the size of the volumes of said reports known as "Wallace's Reports," he shall also prepare an index and table of contents of said volume, and deliver the said reports with said index and table of contents to the Public Printer, who shall cause the same to be printed with all reasonable dispatch: *Provided*, That no argument of counsel shall be published with said report, other than a brief of the points made and the authorities cited and relied upon by said counsel, unless specially ordered by said court.

SEC. 4. That said Public Printer shall cause said reports to be printed upon good white paper, and bound in law leather, in style not inferior to said "Wallace's Reports," and shall deliver 300 copies thereof to the Secretary of the Interior, to be by him distributed as provided for by law, and the remainder he shall sell to such persons as may desire to purchase the same at a price not exceeding 10 per cent. in addition to the cost of printing and binding said reports: *Provided*, No person shall be permitted to purchase said reports for resale, unless he shall give bond in the penal sum of not less than $1,000 to the United States, to be approved by the judge of any United States court, with good and sufficient security, that he will not sell the same at a greater price than the cost of printing and binding, with 25 per cent. thereof added.

SEC. 5. Said Public Printer shall publish an edition of 2,000 copies of each volume of said reports, and when said edition is exhausted, as aforesaid, a second edition of 1,000 copies, or larger, if the demand for the same makes it necessary.

SEC. 6. Said reporter shall receive for his services, from the Treasury, an annual salary of $4,500 when his reports of said decisions shall constitute but one volume, and an additional sum of $500 when there is printed and published more than one volume per year; but said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer.

SEC. 7. That sections 681 and 682 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. HARRIS, of Virginia. Mr. Chairman, in the last Congress this bill met the unanimous approbation of the Committee on the Judiciary, and I was then directed to report it, but no opportunity was offered. At the last session of the present Congress the bill was unanimously reported by the Committee on the Revision of the Laws. I will explain the principal changes which the bill makes in the present law; and I desire the attention of the committee, because most of the members are lawyers, and when they understand this measure will appreciate the necessity of its passage.

The Revised Statutes, section 681, at present provide that—

The reporter shall cause the decisions of the Supreme Court made during his office to be printed and published within eight months after they are made; and, within the same time, shall deliver three hundred copies of the volumes of said reports to the Secretary of the Interior. And he shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver, in like manner and time, three hundred copies.

I desire to call attention specially to the following provision:

SEC. 682. The reporter shall be entitled to receive from the Treasury an annual salary of $2,500 when his report of said decisions constitutes one volume, and an additional sum of $1,500, when, by direction of the court, he causes to be printed and published, in any year, a second volume. But said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding $5 a volume.

Now, the committee will observe that the section which I have just read allows the reporter a salary of $4,000, and besides gives him virtually the copyright of the reports. He, and he alone, has the right to sell them, the only condition being that the price shall not exceed $5 per volume.

I am informed by the publisher of Wallace's Reports that under the pending bill the reports can be printed, published, and bound in a style equal in every respect to Wallace's Reports, and can be sold to the public for $1.50 a volume. This gentleman knows the cost of publication, for he was the contractor with the Supreme Court reporter for the publication of these volumes. He had them published, I believe, by Little & Brown, or some other firm. He got his pay; the publishers obtained theirs; and the Supreme Court reporter received the balance.

The present system of publishing these reports constitutes a monopoly which ought not to be recognized by the Government. The reporter of the Supreme Court ought not to be allowed to let out the publication of these reports. The matter is one which the Government ought to take into its own hands. We all know the importance of giving to the country cheap legal literature. We know that the land is full of young lawyers, who are not able to pay the exorbitant price of $5 a volume for Supreme Court Reports. I doubt not gentlemen will all remember that last spring when this bill was introduced Wallace's Reports went down to $3 a volume. I recollect finding upon my desk a printed notice of Morrison & Company that they would thereafter sell Wallace's Reports for $3 a volume.

Now, the bill before the Committee of the Whole proposes to give the reporter of the Supreme Court a salary of $5,000—a salary equal to that received by members of Congress. I think this salary is ample in every respect; it gives the reporter adequate compensation.

The bill further provides against resale of these volumes at exorbitant prices. It requires that every bookseller purchasing these volumes for the purpose of resale shall give bond and security, with a penalty of $1,000, that he will not sell the books at a price exceeding 20 per cent. advance upon what he pays, so that if he pays $1.50 or $1.60 per volume, the books will not cost the profession throughout the country more than $1.75 or $1.80 per volume. This is a consideration which I think ought to weigh with members of this House. The furnishing of these reports cheaply is now a desideratum. Before the war, when there was not so much litigation in the Supreme Court, it was not so important; but now no lawyer's library is complete without the decisions of the Supreme Court. Under the present system we are paying to the publisher and the reporter unnecessarily large sums, thereby requiring members of the legal profession to pay the present exorbitant prices for these reports.

This bill provides that the reports shall be sold by the Public Printer at a price not exceeding 10 per cent. advance upon the cost of printing and binding, thus fully protecting the interests of the Government.

Mr. MORSE. How much does the reporter now receive?

Mr. HARRIS, of Virginia. Four thousand dollars, and the perquisites derived from the contract with the publishers.

Mr. TOWNSHEND, of Illinois. How much are those perquisites?

Mr. HARRIS, of Virginia. I do not know. Sometimes, I am told, they amount to six, seven, or eight thousand dollars. There is no censure to be attached to the reporter in this matter; he only receives what the present law entitles him to receive; but I say the law is wrong and ought to be changed. I hope it will be the pleasure of the committee to pass this bill.

Mr. FRYE. I desire to ask the gentleman from Virginia [Mr. HARRIS] a question or two; because, from the hasty reading of the bill, I could not gather all that is in it. Is it precisely the same bill authorized to be reported to the House by the Judiciary Committee in the last Congress?

Mr. HARRIS, of Virginia. I think it is the same bill, without the crossing of a *t* or the dotting of an *i*; I am sure it is the bill which my friend from Maine [Mr. FRYE] favored during the last Congress.

Mr. FRYE. Does the bill contain a provision requiring the style of paper, printing, and binding to be kept up to the present style of the Supreme Court Reports?

Mr. HARRIS, of Virginia. I read from the fourth section of the bill:

That said Public Printer shall cause said reports to be printed upon good white paper, and bound in law leather, in style not inferior to said "Wallace's Reports."

Mr. FRYE. What is the salary fixed by the bill for the reporter?

Mr. HARRIS, of Virginia. Five thousand dollars.

Mr. FRYE. Did not the Judiciary Committee agree to fix the salary at $4,000?

Mr. HARRIS, of Virginia. I am not advised about that; but I think not. The provision of the present bill in regard to salary is this:

Said reporter shall receive for his services, from the Treasury, an annual salary of $4,500 when his reports of said decisions shall constitute but one volume, and an additional sum of $500 when there is printed and published more than one volume per year.

We know there will be two volumes in the future as there have been in the past; and therefore it will be $5,000 if there are two volumes, and $4,500 if there is but one volume a year.

Mr. LAPHAM. Will the gentleman from Virginia allow me to make a suggestion?

Mr. HARRIS, of Virginia. Certainly, sir.

Mr. LAPHAM. As the language now stands in the bill it is ambiguous. I move to insert between the word "published" and the word "more" the words "two or;" so it will read "published two or more volumes a year."

The question was taken, and the amendment was agreed to.

Mr. GARFIELD. I desire to ask the gentleman from Virginia whether the wording of the bill is not such as rather to induce an increase of the number of volumes, offering, as it were, a sort of premium to make the number greater? It seems to me anything that would lead to including in these reports unimportant decisions, and thus swelling the number of volumes, would be rather against than in favor of good legislation. I think there is sense in what Carlyle said once, "that the golden age of literature would be when men were paid for what they did not write," and I am inclined to believe that the golden age of law reporting will be when men are paid for a large part of what they did not put into these reports. [Laughter.] I make the suggestion.

Mr. HARRIS, of Virginia. My friend from Ohio has not read the bill.

Mr. GARFIELD. I know it; I am only making this suggestion.

Mr. HARRIS, of Virginia. The law says he shall do it under the direction and supervision of the Supreme Court. Now, does the gentleman from Ohio think that the Supreme Court of the United States, in order to give $500 a volume to the reporter, will consent to the publication of an unnecessary number of reports? The reporter has no power to report except under and by direction of the Supreme Court.

Mr. FRYE. And there is a further limitation in the bill.

Mr. HARRIS, of Virginia. Yes, sir; there is another provision in the bill, that no argument of counsel shall be published with the report other than a brief of the points made and the authorities cited and relied upon by said counsel, unless specially ordered by the court.

The CHAIRMAN. The amendment suggested by the gentleman from Virginia will be agreed to, if there be no objection.

There was no objection, and it was ordered accordingly.

Mr. BAKER. I wish to ask the gentleman from Virginia, if I heard the reading of the bill correctly, where it is made obligatory on the Public Printer to make the binding of these books equal to the binding of Wallace's Reports. The only thing required is in respect to the paper, that they should be on good white paper, but nothing is required in respect to the typographical execution of the work. If I am correct in my hearing of the bill, that is the true construction of it; and I suggest whether or not the bill ought not to be so amended as to require not only the paper but the typographical execution as well as the binding to be equal to Wallace's Reports.

Mr. HARRIS, of Virginia. The words of the bill are that they shall be published in a style not inferior to Wallace's Reports, which includes every requisite to make a volume as good as Wallace's Reports.

Mr. BAKER. May I trouble the gentleman to read that portion of the bill which speaks in reference to white paper?

Mr. HARRIS, of Virginia. The bill provides that the Public Printer shall cause said reports to be printed on good white paper. That is distinctly provided for. Then they are to be bound in law leather, and to be of a style not inferior to Wallace's Reports.

Mr. BAKER. Exactly. Now, Mr. Chairman, that provision in reference to the style refers back to the question of binding, and I suggest that the language of the bill be amended so as to provide that these reports shall be printed on white paper and in type, as well as binding, in no way inferior to Wallace's Reports.

Mr. HAWLEY. That is, that they should be equal in press-work?

Mr. BAKER. Yes, sir; in press-work, paper, as well as binding. I move to amend by inserting "paper, press-work, and binding" after the words "style and type not inferior to Wallace's Reports."

Mr. HARRIS, of Virginia. I think that will answer.

Mr. HAWLEY. Press-work should be included.

Mr. HARRIS, of Virginia. Will the gentleman from Connecticut frame an amendment, and I will accept it. He is much more familiar with printers' terms than I am.

Mr. BAKER. I think the word "typography" is a better one: "paper, typography, and binding."

Mr. HARRIS, of Virginia. According to the suggestion of my friend from Connecticut, who is familiar with terms used by printers, I move that the language of the bill be amended, so as to read, "that said Public Printer shall cause said reports to be published, in paper, press-work, and binding, in a style not inferior to Wallace's Reports."

The amendment was agreed to.

Mr. ROBINSON. I should like to ask of the gentleman in charge of this bill why it is that Wallace's Reports are taken as the standard, and not the present series of Otto's Reports? It must be known to the gentleman from Virginia as well as other members of the House who are lawyers that a volume of Otto's contains about one hundred pages more than a volume of Wallace's; and by mere inspection of the press-work, paper, and binding any gentleman will discover that Otto's Report is a decidedly superior work in execution and preparation.

Mr. HARRIS, of Virginia. I accept Otto as an amendment to Wallace. [Laughter.]

Mr. FRYE. It is a good suggestion.

Mr. ROBINSON. If he takes Otto as a standard, which is the best book, I have nothing further to say.

The amendment was agreed to.

Mr. ROBINSON. The amendment should be made in two places.

The CHAIRMAN. It will be made wherever the change is necessary.

Mr. HARRIS, of Virginia. I now move that the committee rise and report the bill with the recommendation that it do pass.

Mr. TALBOTT. I have an amendment to offer.

Mr. HARRIS, of Virginia. I hope my friend will not interrupt the harmony of the committee with any new amendment, and from the look of the manuscript which he has before him he has entirely too much.

Mr. TALBOTT. No, sir; I propose to strike out all after the word "report," in line 9, to the word "added," in line 15; and my reason for that is this: It is there provided that no person shall be permitted to purchase said reports for resale, unless he shall give bond in the penal sum of not less than $1,000 to the United States, to be approved by the judge of any United States court. It often happens that a person may want to deal in a hundred or may be in five volumes of these reports. Now, is it right that such a man should not be permitted to deal in a few volumes of United States reports without first filing with the United States judge a bond in the penal sum of $1,000? That is what I object to in this bill. I do not believe it is right, I do not believe it is just, I do not believe it is proper that any man shall be called upon to give a bond before he can buy or sell any book published under like circumstances in this country.

Mr. HARRIS, of Virginia. I insist on my motion that the committee rise and report the bill.

Mr. TALBOTT. I insist upon my amendment.

The CHAIRMAN. The Chair desires to state that the effect of the motion of the gentleman from Virginia, if pressed, will be to leave the bill in Committee of the Whole. The bill, under the rules of the House, must be first considered by sections, and if he moves that the committee rise, the bill will be left in committee.

Mr. HARRIS, of Virginia. I withdraw my motion.

The CHAIRMAN. The bill will be read by sections for amendment.

Mr. HARRIS, of Virginia. Is it not within the power of the committee by a majority vote to dispense with the reading of the bill?

The CHAIRMAN. It can only be done by the committee rising and going into the House and there suspending the rules.

Mr. FINLEY. Let me make a parliamentary inquiry. I wish to inquire whether it is in order, when the bill has been read by sections, to offer a substitute for the bill as it is now before the committee?

The CHAIRMAN. It will be in order.

Mr. FINLEY. I desire to offer a substitute, after the bill has been read by sections.

The CHAIRMAN. It is in order for the gentleman from Ohio to move his substitute now, if he wishes to do so, but the committee must first proceed to consider the bill by sections before the question can be put upon striking out and inserting.

Mr. FINLEY. I desire to be heard for a few moments on my substitute whenever it is proper. I ask that my substitute be read at this time.

The Clerk read as follows:

That said reporter shall, when required by the said Supreme Court of the United States, attend its sessions and consultations, and, under its direction, report and prepare for publication its decisions, and such other decisions as it may designate.

SEC. 2. That it shall cause to be reported, with as much brevity as practicable, its decisions, whether made in the disposing of a motion or otherwise, that determines any theretofore unsettled or new and important, or modifies any theretofore settled, question of law, or that gives construction to any statute of the United States, or of any State or Territory, or of any treaty made by the United States with any foreign nation or Indian tribe, together with such other of its decisions as may be deemed of public interest and importance.

SEC. 3. That it shall be the duty of said reporter, immediately after the decision of any case to be reported, to prepare for publication a report thereof, under the direction and supervision of said court, and in general conformity with the plan hitherto adopted and pursued, and when he shall have so prepared a sufficient number of decisions to form a volume of the size of the volumes of said reports known as "Wallace's Reports" he shall also prepare an index and table of contents of said volume, and cause said reports to be published in all respects as provided in sections 681 and 682 of the Revised Statutes, except that so much of sec-

tion 682 as reads as follows, to wit: "That the volumes of said reports shall be sold by him to the public for a price not exceeding $5 per volume," be, and the same is hereby, amended to read as follows: "That the volumes of said report shall be sold by him to the public at a price not exceeding $3 per volume."

Mr. FINLEY. I move, Mr. Chairman, to strike out all after the enacting clause of the pending bill, and to insert as a substitute what has just been read by the Clerk.

The CHAIRMAN. It will be considered as pending, but under the rules of the House the original bill must first be considered by sections.

Mr. THOMAS. Is it in order to move to strike out "Wallace" and insert "Otto" in the substitute?

The CHAIRMAN. The substitute is not now before the House. The Clerk will read the first section of the pending bill.

The Clerk read as follows:

That said reporter shall, when required by the said Supreme Court of the United States, attend its sessions and consultations, and, under its direction, report and prepare for publication its decisions, and such other decisions as it may designate.

No amendment was offered.

The second section was read, as follows:

SEC. 2. That it shall cause to be reported, with as much brevity as practicable, its decisions, whether made in the disposing of a motion or otherwise, that determines any theretofore unsettled or new and important, or modifies any theretofore settled, question of law, or that gives construction to any statute of the United States, or of any State or Territory, or of any treaty made by the United States with any foreign nation or Indian tribe, together with such other of its decisions as may be deemed of public interest and importance.

Mr. HOUK. I move after the word "tribe," in line 8, to insert the words "and none other."

Mr. HARRIS, of Virginia. I hope that amendment will not be adopted.

The amendment was disagreed to.

Mr. WHITE. I move to strike out these words:

Whether made in the disposing of a motion or otherwise, that determines any theretofore unsettled or new and important, or modifies any theretofore settled, question of law, or that gives construction to any statute of the United States, or of any State or Territory, or of any treaty made by the United States with any foreign nation or Indian tribe, together with such other of its decisions as may be deemed of public interest and importance.

Now, Mr. Chairman, one word in regard to that amendment. The law as it is, as I understand it, leaves such decisions to be reported as the Supreme Court shall direct. This proposition changes that law by the insertion of the words just read, the effect of which will be to require reports to be made on certain subjects—and who is to judge of those subjects? The question is as to—

A motion or otherwise that determines any theretofore unsettled or new and important, or modifies any theretofore settled, question of law.

Now, who is to determine that? The court or the reporter? Then it concludes with this clause:

Together with such other of its decisions as may be deemed of public interest and importance.

I submit this undertakes to change existing law, but practically makes no change whatever except that it leaves the question open to confusion instead of making the law as specific as it now exists. I therefore move to amend by striking out these words, so as to leave the matter to be controlled by the court.

Mr. REED. I do not undertake to say whether this is a change of the law or not; but if it is a change, it is certainly a change for the better. The tendency in all our American reports is to size rather than to anything else, and all the efforts which we have been making to cheapen reports have only resulted in making the library necessary for a lawyer more expensive than it would have been if the matter had been left to the natural law of supply and demand, instead of the States attempting to help out the provision made. I believe we would be better off to-day if there was no State assistance given in regard to reports. We should have more law and less padding. And I think that now it would be a good idea to abolish this whole matter of a reporter of the Supreme Court, and let persons as a matter of enterprise of their own make the reports. We should then have a selection of cases got up on better principles. But if we are going to have the cases published by the Government, and there can be such a thing as a limitation upon them to cases where new matters of law are decided, for Heaven's sake make that limitation. There is no danger that under that law we shall not get enough into the reports. The judges would have sufficient affection for the work of their own hands to use all reasonable diligence to get it into the reports. I believe if there can be any restriction to this thing it is a good idea to apply it.

The question being taken on Mr. WHITE'S amendment, it was not agreed to.

The Clerk read section 3, as amended, as follows:

SEC. 3. That it shall be the duty of said reporter, immediately after the decision of any case to be reported, to prepare for publication a report thereof, under the direction and supervision of said court, and in general conformity with the plan hitherto adopted and pursued; and when he shall have so prepared a sufficient number of decisions to form a volume of the size of the volumes of said reports, known as "Otto's Reports," he shall also prepare an index and table of contents of said volume, and deliver the said reports, with said index and table of contents, to the Public Printer, who shall cause the same to be printed with all reasonable dispatch: *Provided*, That no argument of counsel shall be published with said report other than a brief of the points made and the authorities cited and relied upon by said counsel, unless specially ordered by said court.

The Clerk read section 4, as amended, as follows:

SEC. 4. That said Public Printer shall cause said reports to be published in paper, press-work, binding, and style not inferior to said Otto's Reports, and shall deliver three hundred copies thereof to the Secretary of the Interior, to be by him distributed as provided for by law, and the remainder he shall sell to such persons as may desire to purchase the same at a price not exceeding 10 per cent. in addition to the cost of printing and binding said reports: *Provided*, No person shall be permitted to purchase said reports for resale, unless he shall give bond in the penal sum of not less than $1,000 to the United States, to be approved by the judge of any United States court, with good and sufficient security, that he will not sell the same at a greater price than the cost of printing and binding, with 25 per cent. thereof added.

Mr. HARRIS, of Virginia. My friend from Connecticut [Mr. HAWLEY] suggests a further amendment to this section in the line of that already adopted. It is to insert after the word "paper" in the amendment the word "type," so that it will read, "published in paper, type, press-work, binding, and style." I accept that amendment.

The amendment was agreed to.

Mr. TALBOTT. I renew my amendment to strike out all after the word "reports," in line 9, to the word "added," inclusive, in line 15. I ask the Clerk to read the words proposed to be stricken out.

The Clerk read as follows:

Provided, No person shall be permitted to purchase said reports for resale unless he shall give bond in the penal sum of not less than $1,000 to the United States, to be approved by the judge of any United States court, with good and sufficient security, that he will not sell the same at a greater price than the cost of printing and binding, with 25 per cent. thereof added.

Mr. TALBOTT. I will state my reason for offering that amendment. I do not think that Congress ought to impose the obligation upon any person to file a bond in $1,000 before he can buy a few copies of the United States Supreme Court Reports for sale. Anybody who wants them can go to the Public Printer and can buy them. They get on the market and are for sale. Twenty-five per cent. is a very small profit for any person to make, if you take into consideration the length of time they would probably have to be kept on hand and the cost of transportation to the point where the copies may be deposited for sale. I am satisfied in my own mind this is not just legislation. These reports should be open for purchase and sale, and the man who is able to bond should be on no better footing than the man who is not able to bond.

I hope the amendment I have offered will be adopted by the committee. Anybody who wants the books can go and buy them at cost. If he does not, and if they get on the market, he takes his chance of getting them with the rest of the world. I submit, therefore, to the committee that that part of the section should be stricken out.

Mr. HARRIS, of Virginia. In reply to what has been said by the gentleman from Maryland, I beg to suggest that the committee could not undertake to say who should buy these books. The bill therefore provides that after the Public Printer shall have delivered three hundred copies to the Secretary of the Interior—

The remainder he shall sell to such persons as may desire to purchase the same, at a price not exceeding 10 per cent. in addition to the cost of printing and binding said reports.

By this bill we limit the number to what we suppose the demand will be and allow anybody to purchase, but with a proviso. Without such a proviso a wholesale bookseller would buy up every book that is printed, and thus monopolize the trade, and the lawyers throughout the country would at last have to pay five or six dollars a volume instead of $5, as now. We therefore require every bookseller who proposes to sell these books to give bond that he will not sell at a greater profit than 25 per cent. This provision gives an ample profit to the bookseller, does no injustice to anybody, and prevents a monopoly being established in the sale of these books.

Mr. TALBOTT. The proviso says:

At a greater price than the cost of printing and binding, with 25 per cent. thereof added.

There is no allowance made for the transportation of the books.

Mr. FINLEY. I would like to ask the gentleman from Virginia a question. Does he know that the Public Printer adds 15 per cent. above the actual cost price on every job of work that is done in the Government Printing Office?

Mr. HARRIS, of Virginia. That has nothing to do with this question.

Mr. FINLEY. It has a great deal to do with this question. The gentleman said a moment ago that these books would be furnished at cost of labor and material, which would not exceed one dollar fifty cents a volume. Now if you can get at the cost, and if it be true that the Public Printer adds 15 per cent. to the actual cost price——

Mr. HARRIS, of Virginia. What does he add it for?

Mr. FINLEY. He says he adds it for wear and tear of machinery.

Mr. HARRIS, of Virginia. Then you ought to have an investigating committee. You have one and can see to that. I cannot attend to the printing office; but I understand from the former publishers of this book, Morrison & Company, that the book will not cost over $1.50 a volume under this bill. And the Printer is authorized to sell to such persons as may desire to purchase these books at a price not exceeding 10 per cent. in addition to their cost. It is impossible for the House to define the cost of the printing and binding of these books. I am satisfied that the Public Printer will do what is right in the matter. If he is an honest man he will charge no more than the law allows; and if he does, then my friend can get up an investigating committee for him.

Mr. ROBINSON. I move to strike out the last word, for the purpose of making a remark on this provision, which, it seems to me, will fall entirely short of accomplishing what is aimed at if left in its present shape.

The difficulty is this: If the Public Printer publishes these books and sells them to a bookseller, say to the Morrisons, here in Washington, they may take them and sell them to the booksellers throughout the country for whatever price they may choose to ask; and then we who may want to buy the report will not be benefited. The committee have sought to restrict the purchaser for sale by providing that he shall not ask more than 25 per cent. profit. Now, how will that work? Suppose that the Public Printer shall sell to a bookseller the entire edition of this report, an edition of two thousand copies, and that bookseller gives the bond here required. Then he takes these two thousand copies and delivers them to the Morrisons, here in this city. What is to prevent them from charging whatever percentage of profit they may choose? Does anybody pretend that this provision will prevent the second purchaser, who has bought from another party, from selling these reports at whatever price he may choose to put upon them? He will not give any bond; he is not bound to the United States. He will simply go into the book store and purchase ten or twenty copies, and then sell them at $5 a copy if he chooses to ask that much and can get it.

Mr. TOWNSHEND, of Illinois. The language of the bill reaches every one.

Mr. HARRIS, of Virginia. The answer to the gentleman from Massachusetts [Mr. ROBINSON] is plain. If the Morrisons, or any one else, should so far violate the spirit of the law as to monopolize all these books, and hold them, without being bound by any bond, what is easier than for the Public Printer, under a resolution of Congress, to print so many thousand more copies, and so guard the printing as to throw all of Mr. Morrison's books on his hands and prevent him from reselling them at any high price?

Mr. ROBINSON. The gentleman from Virginia [Mr. HARRIS] is asking me a question.

Mr. HARRIS, of Virginia. No, I am only showing that your objection is not a practical one. This bill provides that no man shall buy these reports for resale, whether from the Public Printer or from any one else, and charge more than 25 per cent profit. If he buys for resale he must give this bond. Under this bill we try to protect the people against booksellers and publishers. The bill is so guarded, I think, that there can be no fraud committed under it upon the public. Gentlemen more learned in the law than I am, and better acquainted with the operations of printing, binding, and publishing, have taken great care to perfect this clause of the bill, and I think it cannot be bettered now in this hasty manner.

Mr. ROBINSON. The gentleman says the correction of the difficulty would be for Congress to give authority for printing another edition. But in the mean time the lawyers of the country will be waiting for their reports, unless they pay the exorbitant prices that may be asked for them.

I do not believe it is in the power of this Congress to provide that no man, no matter how far removed he may be from the Public Printer, shall buy one of these books, no matter if it has passed through twenty hands, and sell it for more than 25 per cent. profit.

There is a practical difficulty here which I think ought to be reached, but this proviso does not reach it. The suggestion made by the gentleman from Maryland [Mr. TALBOTT] is a sound and pertinent one, in my opinion. It seems to me that this proviso should be carefully guarded; at present it does not cover the ground.

Mr. HARRIS, of Virginia. I am willing to guard it, as well as any man can, to make it whatever may be needed. What amendment does the gentleman propose?

Mr. ROBINSON. I have not prepared one.

Mr. HARRIS, of Virginia. Let my friend suggest an amendment that will make it more guarded and I will agree to it. Otherwise I must ask a vote on the provision.

Mr. ROBINSON. Provide that no person shall be permitted to purchase said reports from the Public Printer.

Mr. HARRIS, of Virginia. Oh, no.

Mr. ROBINSON. That is not what the gentleman wants. Now, if you put this bill in operation you will not accomplish anything.

Mr. TALBOTT. There is no penalty proposed.

Mr. ROBINSON. No penalty at all.

[Here the hammer fell.]

The CHAIRMAN. The time for debate upon the pending amendment has expired.

Mr. TALBOTT. I withdraw the amendment.

Mr. FINLEY. I renew it. The remark of the gentleman from Virginia [Mr. HARRIS] respecting my having charge of an investigating committee is a very gratuitous remark. I have but this to say: If his bill will not bear discussion, if it needs the assistance of personal remarks of that kind——

Mr. HARRIS, of Virginia. Why, Mr. Chairman, there was nothing on earth further from my intention than to make any allusion to my distinguished friend from Ohio, [Mr. FINLEY.] I was not thinking of saying anything unkind to him. I was thinking merely of his aptness and ability and experience as a printer, and I was certain that he would investigate this matter very well.

Mr. FINLEY. I thank the gentleman very kindly. I have this to say: Whatever my powers of investigation may be, I did in the course of an investigation in the Forty-fifth Congress obtain some insight into the manner in which the public printing was done; and I now say with all kindness to the gentleman from Virginia that I can see no reason why the Government must have the monopoly of printing the Supreme Court reports. By the provision of this bill we give to the Public Printer or the Government the entire monopoly of printing and distributing the Supreme Court reports, at a greater expense, as I could show, if I had time, than the present cost of the work. To begin with, the salary of the Supreme Court reporter is at present $2,500 a year; this bill proposes to make it $4,500. Is not that correct? Now by this bill we do not throw this work open to competition, but give the Public Printer the entire monopoly of the publication and sale.

The gentleman argues (and I believe it is the only argument he presented) that we should pass this bill in order that the Government may furnish to lawyers their law-books cheaply. It is not my duty as a legislator, according to my view, to act for the benefit of the lawyers of the United States. I am here to take care of the interests of the Government, and not to permit lawyers to get their books cheaply while the Government suffers. I can show by reports which I have before me—by reports of the Public Printer himself—that he has been in the habit of making exorbitant charges. By the report which I hold in my hand, and which I will make a part of my remarks, it appears that he charged the Patent Office $3.50 for binding Webster's Dictionary, and $7.50 for binding a volume much smaller than Webster's Dictionary; yet the binder swears that the binding for all the Departments is charged for at only 15 per cent. above the actual cost. The following table, taken from the books and reports of the Public Printer, shows the prices charged Departments for binding alone:

Cost of binding certain books and documents for the Departments, as shown from the books of the Public Printer.

Date.	Number of books.	Total cost.	Cost per volume.
WAR DEPARTMENT.			
Ordnance Bureau:			
1876—October 3	9	$20 00	$2 22
October 25	1	2 50	2 50
November 24	6	12 00	2 00
November 25	4	19 20	4 80
November 29	8	17 50	2 18
1877—January 3	1	2 50	2 50
January 5	2	4 00	2 00
January 25	1	5 00	5 00
January 26	6	21 00	3 50
February 8	7	14 50	2 07
February 13	3	5 75	1 91
March 1	1	5 00	5 00
March 22	3	4 50	1 50
April 4	1	3 00	3 00
Surgeon-General:			
1876—May 13	50	162 00	3 24
July 22	*2	19 24	†9 62
December 14	2	16 00	8 00
September 7	1,000	2,186 50	2 19
December 20	50	150 00	3 00
March 10	110	330 00	3 00
INTERIOR DEPARTMENT.			
November 8	200	463 50	2 31
November 8	4	11 75	2 93
November 21	6	18 00	3 00
April 10	20	64 00	3 22
February 19	7	16 00	2 28
March 6	150	388 00	2 60
March 10	92	147 25	1 60
June 8	117	213 00	1 82
June 13	1	3 50	3 50
August 19	188	345 25	1 83
November 28	50	137 50	2 72
December 9	10	121 03	1 21
January 3	1	2 00	2 00
February 3	42	115 00	2 75
March 23	37	55 50	15
Specifications and drawings:			
November 20	900	1,698 30	1 88
December 4	35	198 99	5 68
December 4	2	14 50	7 25
December 11	18	99 00	5 50
December 11	79	190 00	2 41
December 14	38	87 00	2 24
December 26	360	456 25	1 52
Patent Office:			
Volume 10 Specification Trade-Mark	.....	.....	7 50
Heads of Patents	.....	.....	7 25
Patent Office Reports	.....	.....	1 50
Webster's Dictionary	.....	.....	3 50
Official Patent Office Gazette	.....	.....	{1 30 {1 15

* Sets. † Per set.

Now, I want to know what is the gentleman's authority for saying that under this bill we shall get these books for $1.50 a volume. The binding alone, at the rate the Government binder has been charging, will amount on each volume to more than double that sum. You may look all through the Public Printer's reports, and you will find this statement sustained.

Now, why should we give to the Public Printer this monopoly, or

why should the Government have it and pay an additional sum to the Supreme Court reporter for his services, when under the provisions of the law as it now stands the work can be done at a much less rate? The substitute which has been read embraces the first two sections of the committee's bill and the law as it now stands, with this modification:

That the books shall be furnished at a rate not exceeding $3 a volume, instead of $5, the price authorized by the existing law.

Under the present law the Secretary of the Interior is provided with 300 copies of these reports free of charge. I believe that is the provision on page 127 of the Revised Statutes; at any rate I know such is the practice, for I am informed on good authority that the Secretary of the Interior receives 300 copies of each volume free of charge. The $1,500 paid to the Supreme Court reporter for the second volume is covered by that item.

[Here the hammer fell.]

Mr. BAKER. I believe the gentleman who last addressed the committee has been making some observations touching the Public Printer.

The CHAIRMAN. Does the gentleman from Ohio [Mr. FINLEY] withdraw his formal amendment?

Mr. FINLEY. I withdraw it.

Mr. BAKER. I propose to strike out the whole of the proviso and insert in lieu thereof these words:

Provided, That said Public Printer shall not be permitted to sell said reports for resale; nor shall he sell more than one copy of said reports to any one person or firm.

I do not think, Mr. Chairman, that there is any occasion for any limitation such as is contained in the proviso of this bill. I have no doubt at all that this matter will regulate itself. It seems to me that it is a very poor compliment to the intelligence of members of the bar in this country to suppose that when they are permitted, by simply making application to the Public Printer, to obtain copies of these reports at a price not exceeding 10 per cent. advance on the cost of production, they will not be able to protect themselves and their interests against the booksellers of the country. I think they will be entirely able to protect themselves in this regard. I believe, however, that the proviso of the bill furnishes no protection whatever against the wrong sought to be corrected. I do not believe it will at all protect the bar against the booksellers of the country in purchasing these volumes. The real remedy, it seems to me, is to make it obligatory upon the Public Printer, when there shall be a public demand equal to say one hundred copies or any other number that may be designated, to strike off an additional edition. If this were done, the public would be protected. This proviso would not prevent a man from purchasing these volumes and passing them through one, two, three, or half a dozen hands; and the ingenuity of American tradesmen will be equal to the occasion, so that the difficulty sought to be remedied will be utterly beyond the reach of this provision.

In addition to that, I do not believe it is within our power, or if within our power that it is a wise exercise of power on the part of Congress, to undertake to say that parties who purchase from the Government any article which the Government furnishes shall not be permitted to sell that article in open market for whatever price they may be able to obtain. It is interfering with the private business of private individuals in a manner that, for one, I am not willing to consent to. I do not think the injury sought to be remedied is sufficient to justify the invasion of the ordinary rights of a citizen in the transaction of his private business. I now withdraw the formal amendment.

Mr. BAYNE. I concur with those who think the proviso to the fourth section should be stricken out.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BAYNE. But I offer an amendment to the amendment.

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk.

Mr. BAYNE. I move, as an amendment to the amendment, to strike out the last word. When I have the opportunity to do so, I give notice that I shall offer an amendment to the fifth section, which, I think, will obviate the difficulties which gentlemen suppose may be encountered under the circumstances by booksellers buying up the edition and selling copies afterward at an increased price.

I think that the proviso to the fourth section should be stricken out altogether, and that no limitation whatever should be placed upon the trade in these books, or in anything else which may be the subject of trade in this country. The amendment which I propose to offer to the fifth section at the proper time will read, "That said Public Printer shall publish an edition of two thousand copies of each volume of the said reports, and when said edition is exhausted, as aforesaid, a second edition of one hundred copies, or larger, and so on, as the demand for the same makes it necessary."

Mr. HARRIS, of Virginia. The gentleman merely substitutes one hundred for a thousand.

Mr. BAYNE. Yes, sir; and I insert the words "so on," so the Public Printer may accommodate the public demand. In the event of booksellers taking up the two thousand copies originally issued or printed, all that will be necessary will be for lawyers to apply to the Public Printer for a new edition, and he will be able, in compliance with this section, to supply that demand as it may arise. Thus any effort on the part of booksellers to monopolize this trade would be absolutely defeated without placing upon the trade any such restriction like that contained in this proviso to the fourth section. I withdraw the formal amendment to strike out the last word.

Mr. BROWNE. I move to strike out the last line of the pending section. It strikes me, Mr. Chairman, the whole difficulty grows out of the fact that we have uniformly given these reporters the exclusive right to publish the reports of the decisions of our courts. This has been given to these reporters as a part of the emoluments of their office. The only practical solution of the difficulty, in my judgment, is this——

Mr. HARRIS, of Virginia. I cannot hear the gentleman from Indiana.

Mr. BROWNE. I have said that the difficulty in all these matters of reporters has arisen from the fact that we have uniformly given reporters, as part of the emoluments of their office, the exclusive right to publish these reports and put them upon sale. The solution of the trouble, in my opinion, is this: We ought to pay the reporters a fixed compensation, and then provide that the Public Printer shall publish so many copies at cost as to supply the different departments of the Government, and no more than that, and then leave the market perfectly free to every book-publisher in the country to procure and publish these reports. Let there be competition. Let publishers publish these reports as they publish Robinson Crusoe, or anything else. If it were possible to amend the bill in that way I should be pleased to see it done, so as to give these reporters so much salary, which I believe is already provided for in this bill, and then to provide that the Public Printer shall print so many copies as ought to be distributed, and then allow anybody to publish as many copies as they please at whatever price they shall see fit. By this competition we should get these at what they are worth.

If the copyright be not given to the reporter of the Supreme Court, or this bill does not give the exclusive right to the Public Printer to publish them, I see no objection to the bill as it is——

Mr. HARRIS, of Virginia. It does not.

Mr. BROWNE. Except that I think there should be no restriction on the sale of these reports by the imposition of bonds upon vendors, or anything of that kind. I withdraw my formal amendment.

The CHAIRMAN. The pending question is on the amendment of the gentleman from Maryland, [Mr. TALBOTT.]

Mr. REAGAN. I desire to say a word.

The CHAIRMAN. Debate is not in order.

Mr. REAGAN. I move to strike out the last word of the section. I only wish to say that the discussion indicates we have lost sight of one thing which is generally regarded in the publication of these reports of the decisions of the Supreme Court and of the decisions of the various State courts, and that is the evidence these reports furnish that they contain the law as adjudicated and are issued under proper authority. If there should be a private publication of these decisions of the Supreme Court, one not authorized by the court or under the law, that publication would not be accepted in any court as evidence of the law, as it could not be considered an official report. Hence, we must keep in view that which adds to our convenience and necessity in the administration of the law in the different courts. I suppose that is the theory upon which the various States as well as the Federal Government act in providing for the supervision of the printing of the decisions of State courts as well as the decisions of the Supreme Court of the United States. When so printed under proper supervision they come with the authority which is necessary that they contain the law as determined by the several courts.

Mr. HARRIS, of Virginia. One word in reply to my friend from Ohio. He says this constitutes the Public Printer a monopoly. A monopoly, how? The Public Printer is an officer of the Government, paid a salary, and he can receive not one cent for any labor he performs, whether little or much, beyond that salary. He has no further control over the matter than to do as the law provides.

Mr. FINLEY. I beg the gentleman's pardon. I said that the Government would have the monopoly.

Mr. HARRIS, of Virginia. My friend says the Government would have the monopoly. The Government ought to have the right, as these reports are to be published under its authority, and the price should be fixed at a rate which would make them easily accessible to everybody.

Now, Mr. Chairman, this proposition was drawn with great care by the committee, and guarded in every possible way. I believe that every attempt to amend it will only make it worse; and I hope, therefore, all amendments will be voted down by the Committee of the Whole.

Mr. REAGAN. I withdraw my formal amendment.

Mr. DAVIS, of North Carolina. I wish to offer an amendment.

The CHAIRMAN. Does the gentleman move to amend the amendment of the gentleman from Maryland?

Mr. DAVIS, of North Carolina. It is an amendment to the bill as reported. It strikes out all after the word "reports," in line 9, and inserts what I send to the Clerk's desk.

The Clerk read as follows:

Strike out all after the word "reports," in line 9, and insert "and when transmitted by mail, express, or freight the cost of transportation; and said Public Printer shall not, by himself or through another, sell said reports at a greater price than hereinbefore prescribed."

Mr. DAVIS, of North Carolina. Now, Mr. Chairman, the necessity for this proviso grows out of the fact that the Public Printer cannot sell to purchasers direct all over the country. The object of my

amendment is to enable him to do so by adding the cost of freight or transportation to the original cost and the 10 per cent. That will bring these books within the range of every purchaser all over the Union at a reasonable rate, and will obviate the necessity, as I think, for the proviso altogether.

The CHAIRMAN. The Chair desires to state that the amendment of the gentleman from North Carolina, being an amendment to the text which is proposed to be amended by the gentleman from Maryland, is in order, and will be entertained at this time.

The committee divided, and there were—ayes 20, noes 41; no further count being asked.

So the amendment of Mr. DAVIS, of North Carolina, was rejected.

The amendment of Mr. TALBOTT was then rejected.

The Clerk read the fifth section, as follows:

SEC. 5. Said Public Printer shall publish an edition of 2,000 copies of each volume of said reports, and when said edition is exhausted, as aforesaid, a second edition of 1,000 copies, or larger, if the demand for the same makes it necessary.

Mr. BAYNE. I offer an amendment to that section, so as to make it read as follows:

Said Public Printer shall publish an edition of 2,000 copies of each volume of said reports, and when said edition is exhausted as aforesaid, a second edition of 1,000 copies, or larger, and so on, as the demand for the same makes it necessary.

The amendment was rejected.

Mr. BARBER. I move to add to the fifth section, after the word "necessary," as follows:

And it shall be the duty of said Public Printer to keep on hand for sale at all times, as nearly as may be, a supply of not less than 250 copies of each volume of said reports.

The amendment was adopted.

Mr. BROWNE. I move to add the following proviso:

Provided, Nothing in this act contained shall be construed as prohibiting the publication of the reports by other publishers.

Mr. HARRIS, of Virginia. I think that should be voted down.

The amendment was agreed to.

Section 6 was then read, as follows:

SEC. 6. Said reporter shall receive for his services, from the Treasury, an annual salary of $4,500 when his reports of said decisions shall constitute but one volume, and an additional sum of $500 when there is printed and published two or more than one volume per year; but said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer.

Mr. MCMILLIN. I move to amend by striking out that section and in lieu of it inserting the following.

The Clerk read as follows:

Said reporter shall receive for his services, from the Treasury, an annual salary of $4,000, and said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer.

Mr. MCMILLIN. The only change my amendment makes in the bill as reported is in the amount of the salary proposed to be paid. The gentleman from Ohio [Mr. FINLEY] has stated that by this bill the salary paid by the Government to the reporter is $5,000 a year, instead of $2,500 a year. I have talked to several members of the committee, and, so far as I have been able to ascertain, there is no doubt that $4,000 will insure us the most efficient service, or service as efficient as can be procured. It ought to be our object to economize so far as we can in these matters. My amendment also guards against an objection urged against the bill in an interrogatory by the gentleman from Ohio, [Mr. GARFIELD,] when he asked if the effect of the bill would not be (when it provides in one contingency for a salary of $4,500 and in another contingency for a salary of $5,000) to cause a disposition on the part of the reporter to unnecessarily swell the number of the reports. I say that is guarded against by my amendment. I hope it will be adopted. It puts the salary at a figure that, it seems to me, is not exorbitant on the one hand nor penurious on the other, and I think it will give us satisfactory service.

Mr. FINLEY. I stated that under the law the salary of the reporter now is $2,500 a year. Now, understand me. For the first volume the salary of the reporter is $2,500 a year. He gets an additional sum for the second volume. But, mark you, under section 683 there is required to be furnished to the Secretary of the Interior three hundred volumes gratis. Now, take the price of the three hundred volumes, and you see that pays the cost of the additional salary; so that it really leaves now the salary of the reporter at $2,500 a year.

I concur in the amendment of my friend from Tennessee. I really think the salary should be less. This law has been in operation since 1842. Is there any reason why we should increase the salary of the reporter now from $2,500 a year to $4,500, when we do not increase his labors? Can any gentleman give me a reason for our doing so?

The CHAIRMAN. The Chair would suggest to the gentleman from Ohio that it is only in order at this time to oppose the amendment of the gentleman from Tennessee.

Mr. FINLEY. Will it be in order to move an amendment to the amendment?

The CHAIRMAN. It will.

Mr. FINLEY. Then I move to amend the amendment so as to make the amount $3,500.

Mr. TOWNSHEND, of Illinois. If the gentleman from Ohio will permit me I desire to ask him a question. The present salary is $2,500 as has been stated, and the three hundred volumes furnished the Secretary of the Interior would cover the $1,500 extra. Does the gentleman from Ohio not know that the reporter now receives a large perquisite, or rather a large profit from the publisher on every volume? It is asserted that he receives somewhere in the neighborhood of $7,000 or $8,000 a year.

Mr. FINLEY. That does not cost the Government anything, does it? What, then, does it matter to us?

Mr. HARRIS, of Virginia. It costs the purchaser something.

Mr. FINLEY. We are here to represent the interests of the Government, and not the purchasers. It is no argument to say this reporter has made a profit on the work from somebody else; and if it were, that argument would hold good as to this second sale which the gentleman from Virginia was talking about some time ago. The question is, what is a fair salary for the reporter for the duties he performs? And until some gentleman can give me some reason why the salary of the reporter should be changed from $2,500 to $4,500, and in one contingency to $5,000, I insist we should get it down to a reasonable figure.

But, Mr. Chairman, in my humble judgment this bill as now reported by the committee is not for the best interests of the Government. I insist that by the Government taking the publication and sale of these books we shut out competition. Why should not the publication and sale of these reports be open to competition as every other business is? Why should the Government furnish all the material and pay an increased price to a reporter in order that the lawyers over the country may get their books cheaper? For that is the only argument I have heard—that lawyers might get their books cheaper.

A MEMBER. That is a good argument.

Mr. FINLEY. The gentleman says that is a good argument. It is a good argument to a lawyer who wants to sponge upon the Government. [Laughter.]

Now, Mr. Chairman, before I sit down I want the House to understand what my substitute is. I have taken the bill of the gentleman from Virginia and copied it down to the word "reports" in line 8 of the third section. Then my bill strikes out all this machinery giving the publication to the Public Printer, and re-enacts the present law. It simply re-enacts the present law with an amendment making the price not to exceed $3 per volume. Now, I am willing that that should be made $2 a volume, or any price gentlemen wish that may be a reasonable price. That will leave the law as it now stands. It will furnish lawyers—if that is your argument—with these reports at a fair price, and it takes away all this machinery of allowing the Government to make this publication. Why, sir, the Public Printer, in order to publish these reports, will be compelled to keep on hand from year to year matter set up in type, and a quantity of expensive material, in order to publish these reports, to an amount not less than $2,000 a year at least.

[Here the hammer fell.]

Mr. HARRIS, of Virginia. My friend forgets that under the law as it now stands the reporter is given first $2,500 a year, and then $1,500 additional if more than one volume a year is published. It always has averaged two volumes a year, and therefore he gets the highest rate of compensation. In addition to that he gets a royalty from the publisher with whom he makes a contract, which swells his compensation to many thousands a year. The gentleman may say what he pleases about this being a bill for the benefit of lawyers. It is a bill for the benefit of the people, and is intended to take away from the reporter and publishers the exorbitant profit they now make, and to allow the people to have this book at the cost of its printing and binding, with 10 per cent. added.

This compensation which is fixed in the bill gives the reporter no profit at all upon the book; he derives no compensation from the sale of his books, although the other reporters may have obtained from ten to twelve thousand dollars a year, for all we know; I have no doubt the average has been from ten to twelve thousand dollars a year. We propose to strike that down, and to make a fixed salary for the reporter of $4,500 a year, with $500 more should he have the additional labor of preparing a second volume. We think that compensation is not too much.

Mr. BROWNE. Allow me to make a suggestion. I think if the gentleman will consent that so much of this sixth section be stricken out as provides for an additional $500 of compensation in the event of the publication of two volumes of these reports in the same year, that will be satisfactory to this committee.

Mr. HARRIS, of Virginia. I will state to this committee that the Committee on the Judiciary and also the Committee on the Revision of the Laws investigated this question carefully. This Supreme Court reporter must employ clerical help at his own expense. We did not think this compensation too much. I have no personal feeling in the matter; the committee can dispose of the question as it may see fit.

Mr. WRIGHT. I move that the committee now rise.

Mr. HARRIS, of Virginia. This is next to the last section of the bill; I hope the committee will not rise.

The CHAIRMAN. The Chair will state that no further discussion is in order until the two amendments now pending shall have been disposed of. Pending the consideration of those amendments, the gentleman from Pennsylvania [Mr. WRIGHT] moves that the committee now rise.

Mr HARRIS, of Virginia. Let us finish this bill before we rise.

The question was taken upon the motion that the committee rise; and upon a division there were ayes 103.

Mr. HARRIS, of Virginia. I give it up.

Mr. CONGER. That is manly.

No further count being called for, the motion of Mr. WRIGHT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had under consideration the bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports, and had come to no resolution thereon.

Mr. COX. I move that the House now adjourn.

FUNERAL SERVICES OF HON. A. M. LAY.

The SPEAKER. The Chair desires to announce that the funeral services of the late member from Missouri, Mr. A. M. Lay, will take place this evening at 7.30 o'clock, at the National Hotel, in this city. The members of the House are invited to attend.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PIERCE, indefinitely, on account of sickness.

D. M. HAMLIN.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk be directed to pay out of the contingent fund of the House compensation at the legal rate to D. M. Hamlin for services performed during the month of July, 1879, as watchman on the Capitol police force, for which services he has not heretofore been paid.

ELECTION CONTESTS, RECORDS, ETC.

Mr. SPRINGER. I am directed unanimously by the Committee of Elections to report for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That 50 copies of the printed notices of contests, records, and briefs in contested-election cases be bound for the use of the Committee of Elections.

The SPEAKER. Will the gentleman state what will be the cost of this? Under the law, should any work of this kind cost more than $500, the resolution providing for it must first be considered by the Committee on Printing.

Mr. SPRINGER. I do not think it can cost over $50. Twenty-five cents a copy would be the usual price; perhaps this may amount to $25.

The resolution was then adopted.

ADDITIONAL FORCE FOR PENSION BUREAU, ETC.

Mr. WAIT. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on Invalid Pensions inquire, and report to the House as early as practicable, what amount of additional force may be made immediately useful in the Pension Office, and in the office of the Adjutant-General and Surgeon-General, in advancing the settlement of pension claims, with an estimate of the expense of such force in each of said offices.

The House must be fully aware that for the last year there has been very great delay in obtaining replies from the Pension Bureau to the original applications for pensions and the payment of arrearages under the law of the last Congress. From careful inquiry, I have become satisfied that the delays, so far as the Commissioner and his assistants are concerned, are unavoidable. They have very much more work thrown upon them than they have time and physical ability to perform. I am confident that these delays result from the want of a sufficient clerical force, not only in the Pension Bureau, but in the offices of the Adjutant and Surgeon Generals. Such being the fact, Mr. Speaker, I look upon it as our imperative duty to remove this embarrassment at once by putting a sufficient number of clerks in these several offices to perform the work demanded by the greatly increased number of applications. I therefore offer this resolution, and with it a letter addressed to me by the Commissioner of Pensions in response to certain inquiries which I addressed him on the subject, and ask that it be printed in the RECORD.

There was no objection, and it was so ordered.

The resolution was referred to the Committee on Invalid Pensions.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., December 8, 1879.

DEAR SIR: In compliance with your verbal request of last evening for a statement of the weekly mail receipts in this office, I have the honor to forward the receipts of last week.

There were received at the office:

Invalid Army claims	1,952
Widows, &c	404
Navy claims	37
Old war	10
War of 1812	70
Bounty land	20
Claims for increase	361
Applications for arrears	251
Additional evidence and reports	6,535
Departmental letters	384
Congressional letters	523
Letters of inquiry	1,981
Miscellaneous letters	5,749
Total claims	3,105
Letters and reports	15,172
Letters sent out	8,786

Very respectfully,

J. A. BENTLEY, *Commissioner.*

Hon. JOHN T. WAIT, *House of Representatives.*

Mr. SPARKS. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from New York, [Mr. COX,] that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Edgar N. Black, for the passage of an act authorizing the Secretary of War to contract with him for the erection of a dike near Fort Mifflin—to the Committee on Military Affairs.

By Mr. AIKEN: The petition of the National Grange of the Patrons of Husbandry of the United States, for the amendment of the patent laws—to the Committee on Patents.

By Mr. ANDERSON: The petition of citizens of Kansas, that soldiers of the late war be paid the difference between the value of gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

By Mr. ARMFIELD: The petition of citizens of Statesville, North Carolina, against the extension of the cotton-tie patent of George Brodie—to the Committee on Patents.

By Mr. ATHERTON: The petition of Mrs. Martha Ann Lachman, for compensation for services rendered during the late war—to the Committee on War Claims.

By Mr. BENNETT: The petition of Henry M. Williams, that steam plowing machinery and tackle be placed on the free list—to the Committee of Ways and Means.

Also, the petition of 104 citizens of the Red River Valley of the North, for an appropriation for the improvement of said river—to the Committee on Commerce.

By Mr. BLACKBURN: The petition of certain soldiers, for equalization of pay—to the Committee on Military Affairs.

By Mr. BRENTS: A paper relating to the establishment of post-routes from Walla-Walla, via Mullan Bridge, Palouse Ferry, Upper Cow Creek, Crab Creek and Lower Spokan Bridge, to Walker's Prairie; from Wallula to Ainsworth; from Yakima City to Cottage Glen; from Benton to Maple Valley; from Seattle, via the wagon-road to Laurel Shade on Lake Washington, thence on said lake to Samamish River and the Samamish Lake to Squak Prairie, and thence to Fall City; from Pomeroy to Columbia Center; from Battle Ground to North Fork; from Hayes to North Fork; from Skagit, via Mount Vernon, to Sterling; from New Dunginess to Sequim; from Goldendale, via New Lebanon and Oak Flat, to Alder Creek, all in Washington Territory—to the Committee on the Post-Office and Post-Roads.

Also, a bill for the improvement of Nooksack River, in Washington Territory—to the Committee on Commerce.

Also, the petition of citizens of Washington Territory, for a post-route from Seattle to Fall City, Washington Territory—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCKNER: The petition of Phebe A. Summers, for a pension—to the Committee on Invalid Pensions.

Also, the petition of James W. Givens, for a pension—to the same committee.

By Mr. BURROWS: The petition of citizens of Berrien and Cass Counties, Michigan, that arrears of pensions be granted to soldiers now receiving or who may receive pensions—to the Committee on Invalid Pensions.

By Mr. CABELL: A bill for the improvement of New River, between the Lead Mines and the Mouth of Wilson, in the State of Virginia—to the Committee on Commerce.

By Mr. CALKINS: The petition of Clem Studebaker and others, of South Bend, Indiana, for the transmission of printed business circulars at newspaper rates—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK, of Missouri: A bill for the improvement of the Missouri River, at Glasgow, Missouri—to the Committee on Commerce.

Also, a bill for the improvement of the Missouri River at Cedar City, Missouri—to the same committee.

By Mr. COBB: The petition of Conrad Baker and others, for the construction of an elevator in the public buildings at Indianapolis, Indiana—to the Committee on Public Buildings and Grounds.

Also, the petition of soldiers of Indiana, for the passage of the equalization-bounty bill—to the Committee on Military Affairs.

By Mr. COVERT: The petition of Parson & Sons' Company, of Flushing, New York, for the transmission of printed business circulars at newspaper rates—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of H. D. Hoyt and 41 others, that soldiers and sailors be paid in the same money the bondholder received—to the Committee on Military Affairs.

By Mr. CRAPO: The petition of William G. Thompson, minor son of William G. Thompson, late captain of First Regiment Massachusetts Artillery, for a pension—to the Committee on Invalid Pensions.

By Mr. CRAVENS: The petition of David West, for an increase of pension—to the Committee on Revolutionary Pensions.

By Mr. DAVIS, of California: The petition of the custom-house night-watchmen, of San Francisco, for an increase of pay—to the Committee of Ways and Means.

By Mr. DEUSTER: The petition of Louis Leibscher, Philip Altpeter and others, weiss-beer brewers of Milwaukee, Wisconsin, for the re-exemption of weiss beer of an alcoholic strength not exceeding 2½ per cent.—to the same committee.

By Mr. DIBRELL: The petition of Beverly Kennon, for an appropriation of $15,000 to construct a counterpoise battery for the protection of cannon for coast defense and the field; also on board iron-plated vessels for river and harbor defense—to the Committee on Military Affairs.

By Mr. DICK: The petition of J. H. Coggswell and 40 other soldiers, of Titusville, Pennsylvania, for the equalization of bounties—to the same committee.

Also, the petition of citizens of Crawford County, Pennsylvania, that a pension be granted Ferdinand Duchanais—to the Committee on Invalid Pensions.

By Mr. FINLEY: The petition of John A. Walker, for compensation as an officer in the United States Army, in the late war—to the Committee on Military Affairs.

By Mr. FORNEY: The petition of Samuel Noble, for compensation for cotton which he contracted to deliver to the United States January 6, 1865, afterward seized by United States authorities—to the Committee on the Judiciary.

By Mr. GARFIELD: The petition of 45 soldiers of Ohio, for the passage of a law to pay to Union soldiers the difference between the then pay as received in paper and its gold value—to the Committee on Military Affairs.

By Mr. HARMER: The petition of the passed assistant engineers of the Navy, for increased pay—to the Committee on Naval Affairs.

By Mr. HENKLE: The petition of William H. Parker, for the removal of his political disabilities—to the Committee on the Judiciary.

Also, the petition of Richard P. Blackistone, for compensation for damages sustained by him in the seizure and use of a vessel and cargo, his property, by the United States authorities—to the Committee of Claims.

Also, papers relating to the claim of John W. Railey for compensation for property taken by officers of the Freedmen's Bureau—to the Committee on War Claims.

Also, the petition of George L. Railey, of similar import—to the same committee.

Also, papers relating to the claim of the owners of the schooner Addie B. Bacon, damaged by a collision with the United States ram Alarm—to the Committee of Claims.

By Mr. HERNDON: A bill to appropriate $500,000 for the improvement of Mobile Harbor—to the Committee on Commerce.

By Mr. HOUK: The petition of M. M. Corbett, for pay for services rendered the United States as a provost marshal for Jefferson County, Tennessee, during the late war—to the Committee on War Claims.

Also, the petition of Eli Sharp, for the removal of a suspension of pension—to the Committee on Invalid Pensions.

By Mr. KEIFER: The petition of J. J. Scarff and 60 others, of New Carlisle, Ohio, for the equalization of soldiers' bounties—to the Committee on Military Affairs.

By Mr. KLOTZ: The petition of Robert Hedian, for bounty and pay of a second lieutenant from date of his commission—to the same committee.

Also, the petition of George W. Dreisbach, guardian, &c., for a pension—to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of Rowland Ward, for an increase of pension—to the same committee.

Also, the petition of Frank O. Chamberlain, postmaster at Canandaigua, New York, that he be relieved from accounting for $1,033.09 money and postage-stamps belonging to the Government, stolen by burglars from said office on the 10th of September, 1879—to the Committee of Claims.

Also, the petition of Caleb J. Legg, for an extension of a patent for corn-shellers, No. 40052; and also for extension of a patent for corn-huskers, No. 48077—to the Committee on Patents.

By Mr. McCOID: The petition of Willard Griswold, for a pension—to the Committee on Invalid Pensions.

By Mr. ORTH: The petition of soldiers of Indiana, that soldiers of the late war be paid the difference between the value of greenbacks and gold at the time of their payment—to the Committee on Military Affairs.

By Mr. PACHECO: The petition of William H. Davis, for compensation for property destroyed by the United States Army during the late war—to the Committee on War Claims.

By Mr. PAGE: A bill making an appropriation for the improvement of the San Joaquin River, in the State of California—to the Committee on Commerce.

By Mr. PERSONS: A bill to appropriate $170,000 for the improvement of the Chattahoochee River—to the same committee.

By Mr. PHELPS: A bill making an appropriation for the improvement of the navigable channel of the Connecticut River, between Hartford and Middletown, in the State of Connecticut, pursuant to a recent survey and report thereon to the War Department—to the same committee.

Also, a bill making an appropriation to extend and complete the dredging of the channel in Milford Harbor, in the State of Connecticut—to the same committee.

By Mr. PHISTER: The petition of soldiers, to be paid the difference between gold and Treasury notes in which they received their pay—to the Committee on Military Affairs.

By Mr. POEHLER: The petition of Lizzie Bailey, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Thomas Pettijohn—to the same committee.

By Mr. ROBERTSON: Papers relating to the claim of Turner Merritt, for compensation for cotton taken by United States authorities—to the Committee on War Claims.

By Mr. ROSS: The petition of soldiers of New Jersey, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. SHELLEY: A bill to appropriate the sum of $10,000 for the survey of the Cohaba River in the State of Alabama—to the Committee on Commerce.

By Mr. SINGLETON, of Illinois: The petition of 67 soldiers of Illinois, to be allowed a sum equal to the difference in value between greenbacks and gold at the time of their payment, with interest—to the Committee on Military Affairs.

By Mr. SLEMONS: A bill making appropriations for the improvement of Saline River in the State of Arkansas—to the Committee on Commerce.

Also, a bill making an appropriation for the improvement of Little River in the State of Arkansas—to the same committee.

Also, a paper relating to the establishment of a post-route from Pine Bluff to Benton, Arkansas—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Papers relating to the claim of George A. Wilson, for compensation for a horse lost while in the United States service—to the Committee on War Claims.

By Mr. STEVENSON: The petition of Ann Gregory, for compensation for property improperly confiscated—to the Committee on the Judiciary.

By Mr. STONE: The petition of Nancy M. Richmond, for a pension—to the Committee on Invalid Pensions.

By Mr. TAYLOR: The petition of A. J. Marshall, of Green County, Tennessee, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. THOMAS: The petition of Mrs. M. E. Carrico, guardian, &c., for compensation for property taken by the United States Army—to the Committee on War Claims.

By Mr. THOMPSON, of Iowa: The petition of A. White and 45 others, of Edenville, Iowa, for legislation to prevent the adulteration of articles of food—to the Committee of Ways and Means.

By Mr. TOWNSHEND, of Illinois: The petition of Harvey Nance, W. O. Gowdy and others, citizens of Illinois, that a pension be granted John Nichols—to the Committee on Invalid Pensions.

By Mr. VAN AERNAM: The petition of Cornelius H. Latham, for arrears of pension—to the same committee.

By Mr. VANCE: The petition of citizens of North Carolina, late soldiers in the United States service, for legislation that will place them on a footing with the bondholder—to the Committee on Military Affairs.

By Mr. WASHBURN: Memorial of the Board of Trade of Minneapolis, Minnesota, remonstrating against the erection of a bridge at Detroit, Michigan—to the Committee on Commerce.

Also, the petition of E. A. Cramsie and others, ex-soldiers in the late war, to be paid the difference between the value of gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

Also, the petition of Henry Basiot and others, settlers on the Fort Ripley reservation, Minnesota, in reference to pre-emption of lands resided upon by them in said reservation—to the Committee on Public Lands.

Also, the petition of Anne C. Livingston, for compensation for damages done to property by the United States Army—to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of the heirs of Colonel William P. Kendrick, for pay and pension due said Kendrick—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of John Werner and 22 others, ex-Union soldiers, of Hillsdale County, Michigan, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. WILSON: The petition of Henry C. Shallcross, for extra compensation for services as mail-carrier—to the Committee of Claims.

Also, the petition of John W. Ramsburg, for compensation for property taken for the use of the United States Army during the late war—to the Committee on War Claims.

Also, the petition of Joseph P. Jones, for indemnity for injuries received at Parkersburgh custom-house, West Virginia—to the Committee of Claims.

IN SENATE.

WEDNESDAY, *December* 10, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ABSENCE OF SENATOR WHYTE.

Mr. GROOME. I desire to state to the Senate that the absence of my colleague [Mr. WHYTE] from his seat in this Chamber is unavoid-

able. He has been since the opening of this session, and still is, detained at his home by sickness.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report from Lieutenant-Colonel Thomas Lincoln Casey, of the Corps of Engineers, concerning the progress made up to the present time in the construction of the north wing of the building for the State, War, and Navy Departments, and a programme of operations for the completion of that wing of the building; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the petition of Susan Jeffords, mother of Edmond Jeffords, late private Company F, First Regiment Maine Heavy Artillery, praying for a pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present a petition signed by a large number of citizens of New York, formerly soldiers, praying for the passage of the bill known as the bill to equalize bounties. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. KERNAN presented the petition of Abram M. McCollum, of New York, praying for an amendment to the pension laws, so as to allow soldiers who have received pensions for the loss of limbs to receive an additional pension for other serious wounds; which was referred to the Committee on Pensions.

Mr. BLAIR. I present the petition of the National Temperance Society, praying for the appointment of a commission of inquiry into the alcoholic liquor traffic. The petition is brief, and I ask that it be read.

The VICE-PRESIDENT. If there be no objection the petition will be reported at length.

The petition was read, and referred to the Committee on Finance, as follows:

To the United States Senate and House of Representatives:

Your petitioners, citizens of the United States, respectfully ask that you will provide, by appropriate legislation, for the appointment by the President of the United States of a commission of inquiry concerning the alcoholic liquor traffic, its relations to public revenue and taxation, to crime, pauperism, the public health, morals, education, and the general welfare of the people; and also the results of license, restrictive and prohibitory legislation in the several States, and in the District of Columbia and the Territories.

Mr. HILL, of Georgia, presented the petition of Lorenzo J. Curtis and others, citizens of Pennsylvania, Union soldiers in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. PLUMB presented the petition of E. L. Maxwell and others, citizens of Kansas, praying for the passage of the bill (S. No. 619) for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas; which was referred to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, presented additional papers to accompany the bill (S. No. 558) for the relief of the heirs of Henry E. Muhlenberg; which were referred to the Committee on Finance.

HOLMAN AND FAIRBANKS.

Mr. BAYARD. I am instructed by the Committee on Finance to report back the bill (S. No. 618) for the relief of Herman Holman and Crawford Fairbanks, of the city of Terre Haute, Indiana, with an amendment in the nature of a substitute, and recommend its adoption. In view of the character of the business to which it relates, I ask the Senate to proceed to the immediate consideration of the bill.

Mr. CONKLING. Let it be read for information.

The VICE-PRESIDENT. The bill will be reported at length.

The CHIEF CLERK. The amendment reported is to strike out all after the enacting clause of the bill and to insert:

That the Commissioner of Internal Revenue be, and he is hereby, required to adjust and settle the claims for deficiency tax assessed by said Commissioner against said Holman and Fairbanks, as distillers, for deficiencies which it is claimed occurred at their distillery in said city of Terre Haute during the months of October, 1878, and January, 1879, upon the following basis, to wit: Said Commissioner shall first ascertain the capacity that was actually used by said distillers during each of said months, which shall be determined by the tubs actually filled and emptied by them during each month. He shall then ascertain the actual amount of grain mashed by them during each of said months, and the yield of spirits per bushel from such grain for each month. He shall next ascertain whether any accidents which were unavoidable occurred during either or both of said months, in the breaking or destruction of machinery or in the scarcity of water at their distillery, which prevented or delayed them in the mashing of grain or in the filling or emptying of tubs at the proper time. If he shall find that any such accidents did occur he shall next ascertain the amount of loss that said distillers sustained thereby for each of said months. He shall next ascertain if said distillers fully accounted to the Government for all the spirits produced by them at their distillery during each of said months, and, if so, whether the amount so produced each month, after deducting from the capacity or amount charged against them all losses and detention sustained by accident as aforesaid, if any accidents occurred, was equal to 80 per cent. of the capacity actually used by them for each of said months; and if he shall so find, he shall then abate the assessments, in whole or in part, made against said distillers for said months, which are as follows: For the month of October, a sum not exceeding $13,198.50; and for the month of January, a sum not exceeding $5,795.06; and no assessment for deficiency tax for these months shall be made against them, except as herein provided. But if said Commissioner shall find that said distillers did not make 80 per cent. of the capacity used by them during each of said months, after making the proper deductions for accidents as aforesaid, if any occurred, during either or both of said months, then he shall change the assessments made for said months so as to conform them to the amount of deficiency that he shall find due against them for each of said months; and they shall then be assessed by him for the amounts of deficiency so found due against them for each month, and not otherwise.

The VICE-PRESIDENT. The Senator from Delaware, reporting this bill from the Committee on Finance, asks for its present consideration. Is there objection?

Mr. CONKLING. I should like to inquire if there is a written report in this case?

Mr. BAYARD. I was about to state that there is a report, concurred in by the entire committee, which I can have read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CONKLING. I think we might hear the report read and reserve an objection.

The VICE-PRESIDENT. The report will be read, and then objections called for.

The Chief Clerk read the following report, this day submitted by Mr. BAYARD from the Committee on Finance:

The Committee on Finance, to whom was referred the bill (S. No. 618) for the relief of Herman Holman and Crawford Fairbanks, having had the same under consideration, submit the following report:

The memorial of Messrs. Holman and Fairbanks, distillers, of Terre Haute, Indiana, sets forth at some length the particulars of their business during the period (October, 1878, and January, 1879) in which the tax now complained of was levied on them for deficiencies in production.

The Commissioner of Internal Revenue has been heard before the committee in reply, and the report of his trusted and expert subordinate has also been laid before the committee.

The statements of the petitioners and of the Commissioner do not materially vary, and the important fact is conceded and established to the satisfaction of the committee that all lawful taxes have, in fact, been fully paid by Messrs. Holman and Fairbanks on all the spirits actually distilled by them, including the period of the alleged deficiency.

But the Commissioner is fully sustained by your committee in his construction and administration of the law as he finds it on the statute-book, and which compels him to assess and collect tax upon the registered capacity of the distillery.

The facts disclosed, however, warrant your committee in recommending an abatement of the tax so assessed for discrepancy between registered capacity on actual production, because of the unavoidable accidents to the machinery, which despite every endeavor on their part, reduced their actual production and yet prevented the distillers giving that formal and immediate notice of temporary reduction in their registered capacity of distillation, which was required by law.

On the conceded ground that no fraud was intended and none committed, but that the petitioners conducting an extended business and have a long record of honesty and good citizenship accorded them, your committee report the accompanying bill for their relief, and recommend its prompt passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Finance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CONKLING. I venture to ask one question about this claim, not wishing to object to it, and with no knowledge of it. Is it a case in which the Commissioner of Internal Revenue or any other official violated the law, or was the law observed?

Mr. BAYARD. I will state the case precisely. Taxes were assessed upon the registered capacity of this distillery; but, owing to breakage in the machinery of the distillers, which by no care could they remedy, the actual production was less than the registered production. Of that the Commissioner of Internal Revenue and his agents are fully satisfied, and have so stated to the committee, as the committee have stated in their report. But the law compelled the Commissioner of Internal Revenue to assess the tax according to the registered capacity of the distillery. In so doing the amount of tax which he levied was upon a greater amount of spirits than actually was produced, as he is satisfied. The discrepancy was caused by the impossibility of notifying him from time to time as the capacity of the distillery was in fact lessened, although the registration remained untouched.

The taxes were levied and assessed, and they will be collected unless this relief is given; and it should be given at once, because in January the taxes must be paid. It is for that reason that I think the Senate should proceed to give relief at once, because if it does not do it now it will be too late to do it at all. The whole committee are satisfied, and the Commissioner of Internal Revenue is satisfied, that every dollar has been paid to the Government by this large concern in all its history of business, (and I may here say that they pay millions of dollars annually to the internal revenue,) and this is merely to correct an error which has unavoidably occurred under the hardship of the law.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 817) to authorize the erection of a statue in honor of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Library.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 819) to authorize the laying of a telegraphic cable from the main land in Rhode Island to Block Island; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 820) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON, of Wisconsin, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 821) fixing the compensation of enlisted men in the Signal Service, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 822) to regulate the pay of night inspectors of customs at the port of San Francisco; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 823) in relation to the port and harbor of New York and the waters near the same; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 824) to recognize and pay certain claims due by the State of West Virginia to citizens thereof for services rendered the United States in the late war, and which are properly chargeable to the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 825) to incorporate the Municipal Gas Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 826) for the relief of several persons impressed into the United States naval service; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 827) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 828) extending the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes of the United States to the port of Saint Louis, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 829) extending the provisions of section 2997 of the Revised Statutes of the United States to the ports of Kansas City and Saint Joseph, in the State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 830) for the relief of Thomas H. Bradley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAMLIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 831) for the relief of certain employés of the United States Government in the District of Columbia; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 832) for the relief of the Mechanics and Traders' Bank of New Orleans, Louisiana; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the petition of George E. Payne, with the accompanying papers, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. EDMUNDS, it was

Ordered, That the petition and papers of George W. Saulpau be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. SAUNDERS, it was

Ordered, That the petition and papers of George Wright, on the files of the Senate, be referred to the Committee on Patents.

Ordered, That the petition and papers of Junius T. Turner, on the files of the Senate, be referred to the Committee on Military Affairs.

DUTY ON TEA AND COFFEE.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to the Senate any information in the possession of his Department touching the effect upon the revenues of the United States of the act of Congress approved May 1, 1872, entitled "An act repealing the duty on tea and coffee;" and also touching the effect of said act upon the cost of said articles, respectively, to the consumers thereof.

CLAIMS TRIBUNAL.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Claims be instructed to consider the expediency of establishing a permanent tribunal which shall have jurisdiction of the matters ordinarily referred to said committee, and to report by bill or otherwise.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the joint resolution (S. R. No. 50) providing for filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Friday, the 19th of December, 1879, they stand adjourned until twelve o'clock on Tuesday, January 6, 1880; in which the concurrence of the Senate was requested.

The message further announced that the House had passed a bill (H. R. No. 2771) to construe an act entitled "An act granting condemned bronze cannon to the Soldiers' Union of West Virginia;" in which it requested the concurrence of the Senate.

WAR CLAIMS.

The VICE-PRESIDENT. Will the Senate consider for the remainder of the morning hour the calendar of resolutions and concurrent resolutions?

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of the resolution which was under consideration yesterday.

The motion was agreed to; and the Senate resumed the consideration of the resolution submitted by Mr. DAVIS, of West Virginia, on the 3d instant, which, as heretofore amended, reads as follows:

Resolved, That the Secretary of the Treasury furnish the Senate a tabulated statement showing by States the total amounts paid for each fiscal year from the 15th of April, 1861, to 1879, inclusive, for private claims growing out of the late war.

The VICE-PRESIDENT. The question is, will the Senate agree to the resolution as amended?

Mr. MORRILL. I have an amendment that I desire to offer. I move to add to the resolution the following words:

And also a like statement of all such claims which have been presented to and rejected by the Treasury Department, or which may now be pending therein.

Mr. DAVIS, of West Virginia. It appears to me that Senators want to load the resolution with different amendments so that the information sought cannot be obtained. What does the Secretary of the Treasury know about bills or claims pending before Congress? The resolution originally only embraced a time commencing one or two years after the expiration of the war. It was amended on the suggestion of the Senator from Vermont, [Mr. EDMUNDS,] which was accepted by myself, so as to include all private claims that were allowed during the war. Now the Senator from Vermont [Mr. MORRILL] wants to know what claims are pending and what have been rejected. It would probably take the Department a year to get up that information, and I do not know how many clerks it would require. Those claims have been disposed of, set aside and rejected. The original resolution only seeks to ascertain the total amounts that have been paid by fiscal years. Here are half a dozen bills passed by Congress, which I have before me, giving by States the very information that is asked for, or a part of it at least, and it is tabulated by States; the amount paid in each State being stated separately.

I have no wish to discuss this resolution, but I suggest to my friends on the other side that if they want further information they had better introduce a separate resolution and ask the Department for it, and not try to load down the resolution I have offered in order to prevent the information asked for being furnished to the Senate.

Mr. MORRILL. Mr. President, obviously the information asked for by the resolution is very curious and will receive a considerable amount of attention; but I think the information which I have proposed to call for as an amendment is even more curious and will attract greater attention. I am very anxious to see what claims have been presented and rejected, and also what may be now pending in the Department. I can conceive of no possible objection to adding what I have proposed to the resolution; and as we are after curious information, I hope my friend from West Virginia will at least gratify me by allowing this amendment to be added to his original resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Vermont, [Mr. MORRILL.]

The question being put, there were on a division—ayes 24, noes 27.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let the original resolution be read and also the amendment.

The resolution as amended, and the amendment proposed by Mr. MORRILL were read.

The Secretary called the roll.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from Alabama, [Mr. HOUSTON.] If he were here, I should vote "yea."

The result was announced—yeas 25, nays 33; as follows:

YEAS—25.

Allison,	Conkling,	Hoar,	Rollins,
Anthony,	Davis of Illinois,	Ingalls,	Saunders,
Baldwin,	Dawes,	McMillan,	Teller,
Blair,	Edmunds,	Morrill,	Windom.
Booth,	Ferry,	Paddock,	
Burnside,	Hamlin,	Platt,	
Cameron of Wis.,	Hill of Colorado,	Plumb,	

NAYS—33.

Bailey,	Farley,	Kernan,	Thurman,
Bayard,	Garland,	McDonald,	Vance,
Beck,	Groome,	McPherson,	Voorhees,
Butler,	Hampton,	Maxey,	Wallace,
Call,	Harris	Morgan,	Williams,
Cockrell,	Hereford,	Pendleton,	Withers.
Coke,	Hill of Georgia,	Ransom,	
Davis of W. Va.,	Johnston,	Saulsbury,	
Eaton,	Jonas,	Slater,	

ABSENT—13.

Blaine,	Grover,	Kirkwood,	Vest,
Bruce,	Houston,	Lamar,	Walker,
Cameron of Pa.,	Jones of Florida,	Logan,	Whyte.
Carpenter,	Jones of Nevada,	Randolph,	
Gordon,	Kellogg,	Sharon,	

So the amendment was rejected.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

The VICE-PRESIDENT. Will the Senate consider this morning the calendar of general orders?

Mr. INGALLS. I ask that the first bill on the Calendar, the bill (S. No. 349) for the relief of the Central Branch Union Pacific Railroad Company, be indefinitely postponed. It has been twice read, and lies upon the table at my request.

The VICE-PRESIDENT. To this the Chair hears no objection; and that order will be entered.

HOLIDAY RECESS.

Mr. DAVIS, of West Virginia. A resolution has just come from the House fixing the time for the holiday recess.

The VICE-PRESIDENT. The Chair will lay before the Senate the concurrent resolution of the House of Representatives.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That when the two Houses adjourn on Friday, December 19, 1879, they stand adjourned until twelve o'clock on Tuesday, January 6, 1880.

Mr. DAVIS, of West Virginia. If any Senator desires a reference of the resolution, of course there will be no objection. If no Senator desires a reference, I ask that the Senate concur in the resolution.

Mr. MAXEY. I move that the resolution be referred to the Committee on Appropriations.

The VICE-PRESIDENT. The question is on the motion of the Senator from Texas to refer the resolution to the Committee on Appropriations.

The motion was not agreed to.

The VICE-PRESIDENT. The question is on concurring in the resolution of the House of Representatives.

The question being put, there were on a division—ayes 26, noes 16.

Mr. EATON. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. McDONALD. Was there not a motion pending to refer the resolution to the Committee on Appropriations?

The VICE-PRESIDENT. That motion was voted down, and the yeas and nays are ordered on the passage of the resolution.

Mr. McDONALD. I should like to move to reconsider the vote by which the Senate refused to send the resolution to the Committee on Appropriations. I did not vote on that question.

Mr. CONKLING. There was no division on the question, and the Senator has a right to move to reconsider.

The VICE-PRESIDENT. No record of that vote was made, and any Senator can move a reconsideration.

Mr. McDONALD. I move to reconsider the vote by which the Senate refused to refer the resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana to reconsider the vote by which the Senate refused to refer the resolution to the Committee on Appropriations.

The motion to reconsider was not agreed to; there being on a division—ayes 16, noes 23.

The VICE-PRESIDENT. The Secretary will call the roll on concurring in the resolution of the House of Representatives.

The Secretary called the roll.

Mr. GARLAND. I wish to state on behalf of my colleague [Mr. WALKER] that he is absent on committee duty of the Senate.

Mr. COCKRELL. My colleague, [Mr. VEST,] the junior Senator from Iowa, [Mr. KIRKWOOD,] and the Senator from Arkansas [Mr. WALKER] are absent attending the remains of the late Hon. A. M. Lay, of Missouri, to Jefferson City for interment, and they will be absent for several days.

The result was announced—yeas 35, nays 21; as follows:

YEAS—35.

Allison,	Cameron of Pa.,	Hill of Colorado,	Platt,
Anthony,	Cockrell,	Hill of Georgia,	Ransom,
Baldwin,	Davis of Illinois,	Hoar,	Saulsbury,
Bayard,	Davis of W. Va.,	Ingalls,	Saunders,
Beck,	Dawes,	Johnston,	Wallace,
Booth,	Farley,	Jones of Florida,	Williams,
Burnside,	Groome,	Kernan,	Windom,
Butler,	Harris,	Logan,	Withers.
Call,	Hereford,	Morgan,	

NAYS—21.

Bailey,	Ferry,	Maxey,	Teller,
Blair,	Garland,	Morrill,	Vance,
Cameron of Wis.,	Hamlin,	Paddock,	Voorhees.
Coke,	Jonas,	Pendleton,	
Conkling,	McDonald,	Rollins,	
Eaton,	McMillan,	Slater,	

ABSENT—20.

Blaine,	Grover,	Kirkwood,	Sharon,
Bruce,	Hampton,	Lamar,	Thurman,
Carpenter,	Houston,	McPherson,	Vest,
Edmunds,	Jones of Nevada,	Plumb,	Walker,
Gordon,	Kellogg,	Randolph,	Whyte.

So the resolution was concurred in.

HOUSE BILL REFERRED.

The bill (H. R. No. 2771) to construe an act entitled "An act granting condemned bronze cannon to the Soldiers' Union of West Virginia," was read twice by its title, and referred to the Committee on Military Affairs.

WAR CLAIMS.

Mr. MORRILL. I offer the following resolution, which may as well be acted on at once:

Resolved, That the Secretary of the Treasury furnish to the Senate a tabulated statement showing by States the total amount of claims growing out of the late war which have been presented to and rejected by the Treasury Department from March 4, 1861, to March 4, 1879, inclusive; and also of all like claims which may there be now pending.

Mr. DAVIS, of West Virginia. Let that lie over.

The VICE-PRESIDENT. The resolution will lie over.

EXECUTIVE SESSION.

Mr. GARLAND. If there is no other legislative business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened; and (at one o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 10, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

GERMAN NATIONAL BANK OF CHICAGO.

Mr. PRICE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the testimony taken by the Committee on Banking and Currency by authority of this House in the case of the German National Bank of Chicago be printed for the use of said committee.

REMOVAL OF INDIANS.

Mr. WHITEAKER, by unanimous consent, reported back from the Committee on Indian Affairs, with amendments, the bill (H. R. No. 351) authorizing the Secretary of the Interior to negotiate with the Warm Spring, Umatilla, Chippewa, Ute, and certain other tribes of Indians in the United States for the extinguishment of their title to the lands now occupied by them, and for their removal to and consolidation upon certain other reservations established by law; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

WILLIAM H. HOWARD.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No. 2772) granting a pension to William H. Howard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES P. HUNTER.

Mr. HAWK also, by unanimous consent, introduced a bill (H. R. No. 2773) granting a pension to James P. Hunter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EMILY C. ATCHISON.

Mr. HAWK also introduced a bill (H. R. No. 2774) granting a pension to Emily C. Atchison; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ESTHER M. CAREY.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 2775) granting a pension to Esther M. Carey, mother of William B. Carey, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TAXATION OF DISTRICT STREET RAILWAYS.

Mr. NEAL also, by unanimous consent, submitted the following resolution; which was referred to the Committee for the District of Columbia.

Resolved by the House of Representatives of the United States, That the commissioners of the District of Columbia be, and they are hereby, directed to transmit to this House, as soon as practicable, the following specific information, namely: the amount assessed for the special improvement of the various streets and avenues in the cities of Washington and Georgetown, in the District of Columbia, against the

several street railways in said cities, giving the number of streets and avenues over which the railways are or have been run in each of said cities, the number of square yards occupied by each railway, and the amount assessed on each street or avenue; likewise the amounts actually paid by each of the said street railways and the amount charged per square yard thereto on account of such assessments; and likewise whether any compromise has been made with any of such street railways in respect to such assessments and the terms of such compromise, the date thereof, if any such were made, and the amounts paid by such railways thereunder, and how many of the said commissioners were parties thereto, and whether any of said commissioners are now or were heretofore stockholders in any of the said railways, and if so, who; also whether any person who has held, heretofore, the office of commissioner of the District of Columbia has been a stockholder in said street railways; and also whether a less sum per square yard along the line of any such street railways has been charged to any of the said street railways than to private citizens of the two cities aforesaid.

REIMBURSEMENT TO EX SOLDIERS, SAILORS, ETC.

Mr. WEAVER. I ask unanimous consent to present a petition signed by about twenty thousand ex-soldiers or their immediate friends, asking for certain relief. I ask that the body of the petition without the names be read and printed in the RECORD, and that the petition be referred to the Committee on Military Affairs. I have already introduced a bill in accordance with the prayer of the petition. At the proper time I propose to address the House in behalf of these petitioners.

The Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned petitioners, having served faithfully the Government of the United States in the late war of the rebellion, as will be seen by our records in the War and Navy Departments, ask to lay before your honorable body a statement of our grievances and to petition for relief.

First. We would remind your honorable body that we were paid in a depreciated currency, worth during the greater part of our terms of service from forty to seventy cents on the dollar in coin.

Second. The Government has since declared that the payment of the bondholders in the same money that the soldiers were paid in would be dishonesty and repudiation.

Third. We do not believe that the bondholders have a claim either in law or equity better than the men who offered their lives that the nation might live.

Therefore we believe that the Government is honestly and justly indebted to the soldiers for the difference between the value of greenbacks and gold at the time of payment, with 6 per cent. interest, compounded semi-annually, and that Congress should provide for the payment of such sums as may be found due to each soldier, sailor, or marine, or their lawful heirs, with interest as above, in a full legal-tender greenback, not to be fundable into bonds of any rate or class.

Therefore we, the undersigned soldiers and sailors, do respectfully petition your honorable body to pass a law covering the above points at once, and thus give immediate and direct relief to one million of the defenders of our Government in its hour of trial and danger, and indirectly to forty millions of American citizens by reason of the impetus given to all industrial pursuits. For this act of justice and relief to all the people we shall ever pray.

There being no objection, the body of the petition was ordered to be printed in the RECORD, and the petition referred to the Committee on Military Affairs.

JAMES S. CLARK AND EDWARD FULTON.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 2776) for the relief of James S. Clark and Edward Fulton; which was read a first and second time, and referred to the Committee on the Judiciary

SOMERVILLE & DAVIS.

Mr. REAGAN, by unanimous consent, introduced a bill (H. R. No. 2777) for the relief of Somerville & Davis, of Galveston, Texas; which was read a first and second time, and referred to the Committee of Ways and Means.

SAN ANTONIO ARSENAL.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 2778) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POLYGAMY.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 2779) proposing an amendment to the Federal Constitution prohibiting polygamy in the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BURROWS. I ask that this proposed article of amendment be read.

The Clerk read as follows:

ARTICLE —.

SECTION 1. Polygamy shall not exist within the limits of the United States, or in any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

M. M. HERR.

Mr. HURD, by unanimous consent, introduced a joint resolution (H. R. No. 144) to pay M. M. Herr for services as assistant sergeant-at-arms for the first session of the Forty-sixth Congress; which was read a first and second time, referred to the Committee of Accounts, and ordered to be printed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. GILLETTE, by unanimous consent, introduced a bill (H. R. No. 2780) establishing a government for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JAMES A. GUTHRIE.

Mr. DEERING, by unanimous consent, introduced a bill (H. R. No. 2781) granting arrears of pension to James A. Guthrie; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RED WING AND TRENTON TRANSIT COMPANY.

Mr. POEHLER, by unanimous consent, introduced a bill (H. R. No. 2782) to authorize the Red Wing and Trenton Transit Company to erect a bridge across the east channel or slough of the Mississippi River, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMITTEE CLERK.

Mr. FERDON, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved That the Committee on War Claims be authorized to employ an assistant clerk during the Forty-sixth Congress, to be paid from the contingent fund of the House, at the rate of $6 per diem.

JOHN A. COAN.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. No. 2783) for the relief of John A. Coan; which was read a first and second time, and referred to the Committee of Claims.

HIRAM W. LOVE.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 2784) to refer the claim of Hiram W. Love, of the State of Iowa, to the Court of Claims; which was read a first and second time, and referred to the Committee of Claims.

POLITICAL CONTRIBUTIONS.

Mr. FERNANDO WOOD. Mr. Speaker, I demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour, which now begins at six minutes after one o'clock. The unfinished business of the morning hour is the consideration of a bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. This comes over from the last session, and the Chair will cause the Journal to be read, so it may be seen by members what is the exact situation of the question.

The Clerk read as follows:

The Speaker then proceeded, as the regular order of business, to call the committees for reports, and announced the first business in order under said call to be the bill of the House (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes, reported from the Committee on Reform in the Civil Service, on the 12th instant, as a substitute for the bill of the House (H. R. No. 293) to prohibit officers of and claimants against, or contractors under the United States, from contributing money for political purposes, the pending question being the demand of Mr. HOSTETLER for the previous question;

When,

Mr. HOSTETLER withdrew the said demand, and yielded the floor to Mr. MCLANE.

During the debate, Mr. MCLANE was called to order by Mr. HAWLEY for words spoken in said debate;

When,

Mr. MCLANE having explained the same, the Speaker held the words in question not to be in violation of the rules.

Mr. CALKINS appealed from the decision of the Chair.

Pending which,

Mr. COX moved that the said appeal do lie on the table;

When,

Mr. CALKINS withdrew the said appeal.

Mr. MCLANE thereupon resumed and concluded his remarks. At the expiration of which Mr. HOSTETLER renewed the demand for the previous question on the said bill.

Pending which the morning hour expired.

Mr. CONGER. I ask that the bill may be read.

The bill was read, as follows:

To prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Be it enacted, &c., That it shall not be lawful for any officer, clerk, or employé of the Government of the United States to contribute or pay to any committee or person, or into any fund, any money, property, or other valuable for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his salary or compensation for any political purpose, or give, lend, advance, or pay any money, property, or valuable thing, with the intent, assent, permission, knowledge, or understanding that the same may be applied to such purpose; and any of said officers, clerks, or employés who shall violate any of the provisions of this section shall be immediately dismissed from the office, clerkship, or employment which they may hold.

SEC. 2. That it shall be the duty of each of the heads of Departments of the Federal Government to issue, and keep posted, a standing order in their respective departments, prohibiting the officers, clerks, and employés in said departments from violating any of the provisions of the first section of this act.

SEC. 3. That it shall not be lawful for any head of Department or other superior officer of the Federal Government to collect, or permit or allow any other person to collect or receive, from any officer, clerk, or employé in his Department or under his supervision, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or other valuable thing, with the knowledge, intent, understanding, or permission that the same shall or may be used for any political purpose; and any person who shall violate any of the provisions of this section, or any head of Department who shall fail or refuse to promulgate the order as mentioned in the second section of this act, or who shall fail or refuse to dismiss from office or employment any officer, clerk, or employé in his Department who shall violate any of the provisions of the first section of this act, on the same coming to his knowledge, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a period of not less than one month nor more than six months, and, in the discretion of the court, by a fine of not more than $5,000.

SEC. 4. That any person having a contract with the United States, or any officer thereof, or who shall have had such contract within three months previous, or who shall have such contract within three months thereafter, who shall pay or contribute, either directly or indirectly, any money, property, or other valuable thing for any political purpose, shall be deemed to have forfeited all rights, and the same

shall thereby be rendered null and void, and all officers of the Government are hereby prohibited from executing any contract with any party so offending; and that any person having any pending claim against the United States, or before any Department or officer of the Government thereof, who shall pay or contribute any money, property, or other valuable thing for any political purpose, shall thereby forfeit said claim, and all right to recover or receive anything on the same.

The SPEAKER. The gentleman from Indiana [Mr. HOSTETLER] is entitled to the floor.

Mr. DUNNELL. Mr. Speaker, I wish to ask the gentleman from Indiana whether he intends to admit any further amendment than what has already been offered? There is a verbal correction which I think he will consent to. The bill in one place uses the expression "Government of the United States" and afterward the "Federal Government." I suggest the word "Federal" should be stricken out, and after the word "Government" the words "of the United States" should be inserted, so as to make the entire bill harmonious, at least in its phraseology. If we are to pass this proposition, and it shall become a law, we want to have it well constructed. I do not think there will be any objection to that amendment.

Mr. HOSTETLER. I have no objection to the amendment.

The SPEAKER. The Chair hears no objection, and the amendment is agreed to. The question now is on seconding the demand for the previous question on the engrossment and third reading of the bill.

Mr. CONGER. Is that the question now pending?

The SPEAKER. That is the question now pending.

Mr. CONGER. I ask the gentleman from Indiana to allow a certain length of time for debate on this bill.

Mr. HOSTETLER. In response to the gentleman from Michigan I have to say that we have offered several times to make this a special order and to have a special time fixed for its consideration, but so far we have failed to come to any agreement with the other side of the House. The object that we had in view was to fix a time for amendments and discussion of the bill. I have had no objection at any time to such a course being taken, but it has been constantly refused by the other side of the House, and therefore the previous question was called. If the gentleman will designate a day for the consideration of this bill, and for its consideration from day to day until disposed of, I shall have no objection to agreeing to it.

Mr. CONGER. I presume there will be no objection to making some arrangement as to the time for the consideration of this question. I desire, however, to say to the gentleman from Indiana, that the objection to fixing a day was made during the extra session, and it was then made because of the opinion of some gentlemen of the House that the extra session was called for a particular purpose—the consideration of the appropriation bills—and therefore our friends here were opposed to any and all legislation on general subjects other than those appropriation bills. And they did persistently object because they wished, as I have stated, to adhere to the consideration of the one subject for which Congress was called together in extra session. Now that we are in regular session, we only desire there shall be opportunity for debate and amendment of whatever bills may be presented. Speaking for myself, Mr. Speaker, I consider this bill the most direct and barefaced attack upon the rights of American citizens that has ever been made by the boldest man who ever presented a bill to take away the rights of the citizens.

Mr. HOSTETLER. Mr. Speaker——

Mr. CONGER. Now, in order that we may have time to amend it and discuss it, I have made this inquiry of the gentleman from Indiana.

The SPEAKER. Does the gentleman from Michigan indicate a day?

Mr. CONGER. I would prefer, if the Chair please, that the bill be referred to the Committee of the Whole on the state of the Union, where it may be fully discussed. I am willing to fix a day in the Committee of the Whole when it shall be considered.

Mr. HOSTETLER. Why not agree on a day now?

Mr. CONGER. I only speak for myself.

Mr. HOSTETLER. Fix the day in the House.

Mr. GARFIELD. I suggest that we now agree on a day convenient to all, when the bill shall be considered in the Committee of the Whole, for that is the place where the fuller debate can take place under the five-minute rule.

Mr. WILSON. Say next Tuesday?

Mr. GARFIELD. I think the gentleman will find it difficult to get any debate on any other subject than an appropriation bill before the Christmas holidays.

Mr. WILSON. Let us try it.

Mr. GARFIELD. I suggest some day after the holidays.

Mr. McLANE. I suggest that we go into the Committee of the Whole and take it up after the bill now pending there has been disposed of.

Mr. CONGER. I desire to say to the gentleman having control of this bill, that there are several of our friends here who wish to speak on the bill, and who have not given it that attention or made the preparation they regard as necessary or desirable, and I think it is important enough to give them sufficient time for that examination.

Mr. HOSTETLER. Let us agree on a day now.

Mr. GARFIELD. Any day after the holidays will be agreeable to gentlemen here.

Mr. KEIFER. Say the 8th of January.

Mr. GARFIELD. Yes; let us say the 8th of January; Jackson's day is a good day.

Mr. McLANE. For my part I beg gentlemen of the committee not to send this bill to the Committee of the Whole. We have it now in the morning hour and can dispose of it without prejudice to any other business.

Mr. KEIFER. But we have not had a morning hour this session.

Mr. GARFIELD. The morning hour is no place for the consideration of so important a bill.

The SPEAKER. The Chair would suggest it be made a special order in the House for some future day.

Mr. GARFIELD. If a day be fixed for its consideration in the House, then it should be as in Committee of the Whole, so as to get the advantage of the five-minute debate.

The SPEAKER. That can be done.

Mr. FRYE. I suggest the 1st day of April as an appropriate day. [Laughter.]

Mr. COX. I hope my friends will not consent to have this bill sent to the Committee of the Whole on the state of the Union, for that would be equivalent to its death. I know gentlemen may desire to have more opportunity to debate it, but we do not know when it will come up, or when it will be disposed of, and I hope we will therefore pursue the matter now in the morning hour and end it at once. Gentlemen have had all the vacation to study this bill and all its ramifications in politics, the President has had the opportunity to practice on it, and men who are connected with our Government know all about it. We know all about it, and let us end it.

Mr. CONGER. The gentleman from New York has been a member of the House so long and a member of the Committee on Rules so long that I am surprised at his suggestion that it is possible for him to end it this morning in the morning hour. I know of no way by which it can be ended in the morning hour. [Laughter.]

Mr. COX. Not if the gentleman shall not observe the rules—not if the gentleman shall insist on filibustering. But we can end it, or at least we can do our duty by endeavoring to end it in the morning hour.

Mr. CONGER. The gentleman has had some observation and experience with these bills in the morning hour, and for the sake of harmony, for which I am always a distinguished advocate, [laughter,] I have proposed to fix a day when this shall be considered. Gentlemen who are unfriendly to the bill or its amendment oppose that.

The SPEAKER. This debate, the Chair thinks, is going beyond the rule.

Mr. COX. I know my friend from Michigan, Mr. Speaker, is a man who is friendly to harmony on the principle that "a discreet discord maketh a comely concordance." [Laughter.] I declare to this House from my experience here that when you send a bill of this kind to the Committee of the Whole, it is sending it to a place where it will know no waking except a waking in the Irish sense of the term, which means death. [Laughter.]

I should like to have the gentleman from Indiana go on with the bill now, and I am sure there is not the same motive nor the same reason on the part of that side of the House during this long session to delay it by filibustering as there was during the extra session. I hope the gentleman will go on with the bill now.

Mr. CONGER. I hope the proposition to fix a day in the Committee of the Whole on the state of the Union will be adopted. The Committee of the Whole has been suggested because there debate will be freer under the five-minute rule. If taken up in the House under the five-minute rule, perhaps the same object could be accomplished. I have no question about that.

The SPEAKER. The Chair has caused to be examined the record as to special orders, and finds that if this bill goes over beyond the holidays it can be assigned for Wednesday, the 7th day of January, which is undisposed of.

Mr. CONGER. I have no objection to that.

Mr. HAYES. Fix its consideration for that day.

The SPEAKER. In the House?

Mr. CONGER. As in Committee of the Whole.

Mr. GARFIELD. If gentlemen will allow me, I will say a single word. There has never been and there is not now any opposition on this side of the House to the consideration of this bill when it may be open for debate and amendment. What we have always objected to is a forcible pressure of this bill in the morning hour, where there could be no adequate opportunity for amendment or debate. I think the suggestion of fixing a day for debate on this bill in the Committee of the Whole or in the House as in Committee of the Whole under the five-minute rule, and the bill to be considered from day to day until disposed of, will meet with no objection on this side of the House, and I presume it will be agreeable also to gentlemen on the other side.

The SPEAKER. The Chair will, then, on that day recognize the gentleman from Indiana in charge of the bill, if unanimous consent be given to this proposition, which the Chair will state: That this bill be taken out of the morning hour and assigned for consideration immediately after the reading of the Journal on the 7th of January, and that it be proceeded with from day to day until disposed of.

Mr. GARFIELD. Let us not say after the reading of the Journal; let it be after the morning hour.

The SPEAKER. The Chair will, then, state the proposition modified in that way. It is to take this bill out of the morning hour and have it assigned as a special order in the House as in Committee of

the Whole after the morning hour, on the 7th day of January, and from day to day thereafter until disposed of. Is there objection? [After a pause.] The Chair hears none. The Chair will, then, on that day recognize the gentleman from Indiana [Mr. HOSTETLER] in charge of the bill.

Mr. ROBINSON. I ask that the bill reported as a substitute be reprinted.

The SPEAKER. The gentleman from Massachusetts asks that the bill be reprinted. The Chair hears no objection. The bill which has been read is the House bill No. 2266, which is a substitute reported by the committee for the original bill, No. 293, as introduced and referred. It is sufficient, the Chair thinks, to print the substitute.

Mr. BUCKNER. Is there no time limited when the vote will be taken on this bill?

The SPEAKER. It will be in the power of the House at any time to order the previous question whenever the majority thinks a sufficient time has been had for debate and a sufficient opportunity for amendment. The majority of the House has power over its own legislation.

Mr. CONGER. But I think the understanding was, or we gain nothing by this arrangement, that the bill should be at least open for amendment and debate for a certain length of time.

The SPEAKER. This order does not restrict the debate. It merely makes the assignment of the bill for a day when it will be open for debate.

Mr. CONGER. Our sole object was that we should have a time fixed for amendment and debate.

The SPEAKER. The Chair thinks that is the object of the gentleman from Indiana also.

Mr. CONGER. It should be mentioned in the order.

The SPEAKER. It is not usual to put such an understanding in the motion.

Mr. CONGER. The understanding is that the bill shall be debated as in Committee of the Whole?

The SPEAKER. If it is considered in the House as in Committee of the Whole it will be governed by the rules regulating the Committee of the Whole.

Mr. CONGER. As to amendments?

The SPEAKER. Except that the previous question can be called.

Mr. CONGER. We will reserve our remedies, then.

The SPEAKER. The Chair has no doubt of that.

ORDER OF BUSINESS.

The SPEAKER. The bill which has just been assigned for consideration on the 7th of January came up in the morning hour to-day under Rules 136 and 56. This being a new session, the Chair will now call the committees for reports, commencing at the beginning of the list of committees, the Committee of Elections.

R. H. CAIN.

Mr. CALKINS. I am directed by the Committee of Elections to report back the memorial of Hon. R. H. Cain, accompanied by a report in writing thereon. This is a report on a memorial for expenses in a contest. I think there is nothing necessary to be read except the report.

The Clerk read the report, as follows:

The Committee of Elections, to whom was referred the memorial of Hon. R. H. Cain, asking compensation for expenses incurred in a contest for his seat in the last House, have had the same under consideration, and beg leave to report that they have unanimously agreed that said Cain should be paid the sum of $175 in full for all claims on account of such contest.

They therefore recommend that the same be referred to the Committee on Appropriations for provision for the payment thereof.

W. H. CALKINS,
For Committee.

The report was adopted.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair desires to ask, at the request of the gentleman from New York, [Mr. EINSTEIN,] that Mr. J. H. Puleston, a member of the British Parliament, be allowed to come on the floor.

There was no objection.

DOORKEEPER FOR THE COMMITTEE OF WAYS AND MEANS.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported the following:

Resolved, That the Committee of Ways and Means be authorized to employ a doorkeeper, to act also as messenger, to be paid out of the contingent fund of the House, and who shall receive the same compensation as is now paid to messengers employed by the Doorkeeper of the House, and who shall hold office until otherwise ordered by the House.

The question was upon adopting the resolution.

Mr. FERNANDO WOOD. I will state that this is the unanimous report of the Committee of Ways and Means, and is in accordance with the precedents established by the last four Congresses.

Mr. SCALES. Is it in order to move to refer this resolution to the Committee of Accounts?

The SPEAKER. It is.

Mr. SCALES. Then I make that motion.

Mr. FERNANDO WOOD. I am aware that under ordinary circumstances that would be the proper course. But I submit to the gentleman from North Carolina [Mr. SCALES] that, in view of the fact that for four Congresses past the Committee of Ways and Means have reported a like resolution to this, and this is now the unanimous report of the committee, it is hardly worth while to refer it to the Committee of Accounts.

Mr. SCALES. I think the regular course has been to refer all such matters as this to the Committee of Accounts. I have great confidence in the committee over which the gentleman from New York presides, and have no idea it would recommend anything improper. Still, I think it better that all these things should go to the Committee of Accounts.

Mr. FERNANDO WOOD. Very well; I will consent to that.

The resolution was accordingly referred to the Committee of Accounts.

LAKE CHARLES, LOUISIANA.

Mr. ACKLEN, from the Committee on Commerce, reported a bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill authorizes the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Calcasieu Parish, State of Louisiana, who shall have power to enter and clear all vessels coming to that port.

Mr. ACKLEN. I think it entirely unnecessary to detain the House by any explanation of this matter. This bill is simply one providing for the appointment of a deputy collector at the port of Lake Charles, Louisiana, who shall be authorized to enter and clear vessels. Lake Charles is situated in the parish of Calcasieu, State of Louisiana. It is a port where a number of vessels plying between that port and Galveston, as well as a number of foreign vessels, enter for the purpose of obtaining lumber principally. Under the present law such vessels are obliged to go about one hundred and seventy-five miles, to the port of Brashear, to obtain a clearance.

It has been deemed best, and the Secretary of the Treasury has written a letter recommending, that Congress authorize him to appoint a deputy collector at that port for the purpose indicated in the bill which has been just read by the Clerk.

Mr. WHITE. Does the gentleman say that the Secretary of the Treasury recommends the passage of this bill?

Mr. ACKLEN. Yes. Does the gentleman desire to have read the letter of the Secretary of the Treasury?

Mr. WHITE. I do.

Mr. ACKLEN. I will send up to the Clerk's desk, and ask to have read, the letter of the Secretary of the Treasury in relation to this subject.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 15, 1879.

SIR: This Department is in receipt of a letter, dated the 14th instant, from Hon. JOSEPH H. ACKLEN, stating that your committee has under consideration House bill No. —, providing for a port of entry at the town of Lake Charles, in Calcasieu Parish, Louisiana, and that the sub-committee, of which he is chairman, have reported unanimously, as a substitute for said bill, a bill providing that "the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector at Lake Charles, Calcasieu Parish, State of Louisiana, who shall have the power to enter and clear all vessels coming to that port."

In reply, I have the honor to state that the terms of the bill reported by Mr. ACKLEN fully answer the purpose for which it appears to have been framed, viz: to allow the direct exportation of lumber from the place above mentioned, and that this Department has no objection to its passage.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. JOHN H. REAGAN,
Chairman Committee on Commerce,
House of Representatives, Washington, D. C.

Mr. ACKLEN. I desire to call the attention of gentlemen on the other side of the House to the fact that this does not constitute Lake Charles a port of entry, but simply permits the Secretary of the Treasury to appoint a deputy collector at that place for the clearance of vessels.

Mr. DUNNELL. Let the bill be again read.

The bill was again read.

Mr. DUNNELL. There seems to be no provision in this bill for the payment of this collector. Is he to be paid under some general law?

Mr. ACKLEN. Under a general law; $3 a day.

The SPEAKER. All customs officers are paid out of a permanent appropriation.

Mr. REAGAN. I would suggest to the gentleman from Minnesota [Mr. DUNNELL] that this Lake Charles exports lumber very largely; that is its chief export. At the present time owners of vessels have to go, as has been stated, about one hundred and seventy-five miles to obtain a clearance. The object of this bill is to facilitate the clearance of vessels.

Mr. WHITE. It appears that at many ports we have collectors whose salaries are greater than the revenue derived from those ports. I do not understand from the reading of the letter of the Secretary of the Treasury that he recommends the passage of this bill; he simply states that he has no objection to its passage. I would like to know of the gentleman from Louisiana [Mr. ACKLEN] what is the probable amount of revenue likely to be received from this port, should this bill

pass. And what would be the salary of the officer to be appointed? Is it to be $3 a day for the time employed?

Mr. ACKLEN. The facts which the gentleman desires from me are clearly set forth in the printed report which is in the hands of the Clerk. I can summarize them by stating that a great many million feet of lumber are shipped from this port directly to Europe; a large quantity is also shipped to Galveston and Central America. I cannot tell the gentleman the exact amount of revenue that might arise under these circumstances; but he will bear in mind that it was in this parish where occurred some time ago what was termed the Calcasieu log war. Many of the difficulties which arose at that time might have been avoided if this port had then had a deputy collector authorized to enter and clear vessels. This would have avoided the necessity of sending them one hundred and seventy-five miles to the port of Brashear.

Mr. WHITE. This bill will not give facilities for stealing Government lumber?

Mr. ACKLEN. Not at all.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. ACKLEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNLADING OF FOREIGN VESSELS.

Mr. WAIT. I am unanimously directed by the Committee on Commerce to report a bill (H. R. No. 2786) relating to the unlading of foreign vessels.

The bill was read a first and second time. It provides that the provisions of section 2771 of the Revised Statutes be so amended as to allow any vessel not of the United States to unload at any port of delivery in a customs collection district after due entry of such vessel and cargo at a port of entry in the same district.

Mr. WAIT. I desire to make a brief explanation of the effect of this bill, and the evil which it is intended to remedy. Parties who are importing various products of the West India Islands into my own State (and I presume the same thing exists in other States) are frequently compelled to employ foreign vessels to bring their goods into this country, not being able, when they purchase these articles in foreign ports, to obtain the services of American vessels. These foreign vessels, on arriving at the United States, are obliged under the provisions of existing laws to unlade at a port of entry, and then it is necessary, by lighters, railroad communication, or otherwise, to carry the cargoes to a port of delivery, if such port of delivery is the place to which the goods are consigned. Let me show how harshly this law operates in my own district. New London, in my State, is a port of entry; Norwich is a port of delivery. Now, we have at Norwich a large mercantile establishment, which is constantly importing merchandise of different kinds from the West India Islands. Frequently this house is unable to obtain American vessels to bring those various goods to this country, and are obliged to employ the services of foreign vessels. On the arrival of any one of these vessels at New London it is compelled under the existing law to which I have referred, and which was enacted in 1799, to unlade its cargo there and put it on board of an American vessel to be carried fourteen miles up the river to the port of delivery, where the storehouses of the importers to whom the same is consigned are situated. Now, in order to obviate difficulties of this kind, embarrassing and I may say oppressive in their results, the bill provides that when a foreign vessel arrives at a port of entry it can, after the due entry of the vessel and cargo at such port, without unlading, go to the port of delivery and there deliver its cargo to the consignees.

Mr. CONGER. Will the gentleman from Connecticut [Mr. WAIT] yield to me for a moment?

Mr. WAIT. Yes, sir.

Mr. CONGER. It seems to me, Mr. Speaker, that there are two very serious objections to the passage of this bill. It is general in its terms, and would therefore apply to all the ports of delivery in the United States. Under this bill a foreign vessel may enter the Mississippi River, and if it can reach ports up the river it may go to every port of delivery on the river or its tributaries, thus taking away to that extent the carrying trade of our own vessels on those rivers. These foreign vessels may enter the Saint Lawrence, pass up the Welland Canal, and deliver at any port of delivery on our lakes, thus not only interfering with the carrying trade of our own vessels from foreign countries to our ocean ports, but taking away the trade of our own vessels wherever the foreign craft can reach.

For myself, I am opposed to any bill which takes away the carrying trade of American vessels in American waters. This is an objection which in my estimation seems to be fatal to this bill, unless greater restrictions be introduced. There is another objection. If a foreign vessel may land and unload at one interior port different from the port of entry, it may land at all ports of delivery; and in this way the coasting trade as well as the interior carrying trade of the country may be usurped. I submit that the gentleman does not desire by this bill to open the way for throwing into the hands of foreign vessel-owners all the interior carrying trade of our lakes and rivers.

For some years past the carrying trade of our great lakes has been conducted at a uniform loss to the vessel-owners. This fall, for the first time during many years, the shipping interests have had a little revival, and have for the first time in many years made something above expenses—something in the way of profit. This is true on the Mississippi and its tributaries; it is true on the Hudson; it is especially true on the great lines of commerce upon the lakes.

Such a law as this tends to throw into the hands of the foreign ship-owners the carrying trade more or less taken from our own people. It tends to give a portion of the coasting trade of our ocean ports to foreigners.

I ask the gentlemen who have charge of the bill to allow it to be recommitted, so those guards may be thrown around its provisions which may by examination be deemed proper. I think in some sense such guards should be adopted.

There is no particular reason why an Atlantic port of delivery may not receive directly, without unloading at the port of entry, a shipment of goods. It can be properly guarded so as not to injure our shipping or so as not to tend toward an infringement of the rights of American shippers. The bill, it seems to me, is now fatal or at least very dangerous to the shipping interests of the United States. While it might accommodate this port or that port, while it might accommodate this consignee or that consignee, is undoubtedly true, nevertheless it should be guarded as that it shall not, while meeting a few exceptional cases, throw wide open the doors to the injury which I can foresee to our shipping interests. While I am not opposed to a proper bill to meet these special circumstances which gentlemen desire, I do hope this bill will be recommitted in order that it may be prepared with better guards against the injuries I have pointed out.

Mr. REAGAN. Mr. Speaker, the bill before the House, has been very fully considered by the Committee on Commerce. It presents in part the question raised by the gentleman from Michigan; but it does not go to the extent he seems to suppose, of authorizing foreign ships to engage in the coast trade of the United States. It does this much, that where vessels come to this country sometimes laden for different ports, as in the case suggested by the gentleman from Connecticut, it enables them to discharge cargoes of imported goods, but not of domestic products, at more than one port; and not compel the merchants to whom the goods are consigned to receive them at a port distant from the one for which they are intended, and impose on them thereby the expense of reshipment to the port of destination from the first port to which the vessel arrives.

It does not affect the coasting trade so far as taking up commerce at any American port or landing at an American port by a foreign ship. That cannot be done under this bill, but where a cargo comes consigned to more than one port it does permit an innovation upon the existing law to the extent of permitting that vessel to discharge her cargo at more than one port.

Mr. CONGER. May I ask the gentleman, in order to illustrate this, one question?

Mr. REAGAN. Certainly.

Mr. CONGER. On the Mississippi River there are but two ports of entry until you reach Saint Paul, one at New Orleans and the old port of entry, before Louisiana was annexed to this Union, at Natchez. The other ports on the Mississippi River, and the other ports on the Ohio River, are Louisville, Saint Louis, Cincinnati, and Memphis, but all these are ports of delivery. I ask the gentleman whether there is anything to prevent a vessel from the West Indies, or from any foreign port, laden with a cargo for New Orleans, Natchez, Memphis, Saint Louis, or any place on those rivers where it is supposed foreign vessels can navigate or be towed, from landing its cargo along the whole length of those rivers?

Mr. REAGAN. I do not think there is anything in the bill which would prevent that; but I desire to say this, Mr. Speaker, that in looking to practical legislation which shall benefit our commerce and cheapen transportation to our people it is not best to be governed in our consideration of such propositions by an extreme supposable case, but, on the contrary, we should take the practical effect which the law will have.

It is not very probable that foreign vessels would take cargoes up the Mississippi and its tributaries. They may come to New Orleans, but it is not likely they would receive cargoes and undertake the dangerous navigation of our inland waters to deliver them at other places than the chief ports of entry, nor is it probable that sailing vessels, which bear the larger part of this merchandise, would go to the expense of being towed, which would cost more than the freight they receive.

Now, then, while I do not propose in this bill to disturb the law as it exists protecting our own ship-owners in the monopoly of the coasting trade, we do propose in the interest of the people, without material interference in any way with the interest of American ship-owners, to say that as to foreign cargoes when sent to this country, if consigned to more than one port, they may be discharged at the ports to which they are consigned without driving the consignees to the expense of having them unloaded at one port and then of reshipment by vessel or railroad to the various ports of their destination.

It is simply a question of practical convenience. The gentleman from Connecticut [Mr. WAIT] has found it in his district a matter of

inconvenience to compel the consignees to receive their cargoes at ports distant from the one at which the vessel originally arrives. Everywhere it is found the same. The committee have considered the subject very carefully, and I do not think there was any opposition to the bill as reported. Its practical effect is to cheapen the cost of transportation while it injures nobody.

Mr. WAIT. Now, Mr. Speaker, the firm of J. M. Huntington & Co. are the only merchants in the West India trade at the port of Norwich, paying in fact three-quarters if not nine-tenths of all the duties collected in that district, and there are times when it is impossible for them to obtain the service of American ships at the islands, and they are compelled to put the goods which they desire to bring into this country on board of foreign vessels, the service of which they may be able to secure in the ports from which they make their importations. They come now to New London, and under the operation of this law, which has until within a year or two been virtually a dead letter upon the statute-book, not having been regarded or enforced by the collector, they are compelled to unload their vessels at that port of New London and lighter up fourteen miles to Norwich, subjecting them to the expense on every cargo of from two to three hundred dollars. I learn from the collector at New London that under the administration of all his predecessors, so far as he can learn by inquiry, the unlading of foreign vessels at the port of Norwich, after due entry of the same at the port of New London, was sanctioned by the Treasury Department. The duties on the cargo were paid at the port of entry upon the arrival of the vessel and the production of the manifest and invoice, and then she was permitted to proceed to the port of delivery. And this equitable, and I may say just, construction of the statute worked no injury to the Government; every dollar of duties was paid and the Department not subjected to any additional expense.

I can illustrate the embarrassments under which importers labor in my State by another case. On the Connecticut River the port of entry is at the city of Middletown, some forty miles up the river. Now there are goods imported which are to be delivered at the port of entry at Saybrook, near the mouth of the river, and under the operation of this law of 1799 if such goods are brought into this country in foreign vessels the consignees are compelled to carry the same in such vessel up to Middletown, there unload them, and then lighter them down or send them down by railroad forty miles to the place where they are intended to be delivered.

The committee were unanimous in proposing this legislation, believing it to be eminently proper, and I have a letter from the Norwich importers, to which I have referred, which I ask may be read, as it presents their claims for relief in clear and intelligent terms.

The Clerk read as follows:

NORWICH, CONNECTICUT, *May* 2, 1879.

DEAR SIR: We have duly received your valued communications, advising us of the fact that the bill to allow foreign vessels to unlade at ports other than ports of entry has been introduced by you and referred to your committee. We wish to express to you our thanks for this action, referring as it does to cases in which we are particularly interested, and beg to add that we believe the bill is intended to promote the commercial interests of every port in the country. For instance, we now know of a case where a foreign vessel is reported as bound to Saybrook, Connecticut. The port of entry for the district in which Saybrook is located is Middletown; so, if the law is enforced in this case, the entire cargo must be unloaded at Middletown, a port to which the vessel probably could not proceed on account of shoal water, or if she could, the cargo would be up the Connecticut River, about forty miles from its proper destination, causing great and unnecessary expense. In our own case, as we have already told you, we are subjected to an expense of about $200 for lighterage on every cargo we import in foreign vessels, to say nothing of delay which may cause us to lose favorable turns in the market besides the damage to goods resulting from this unnecessary reshipment. We sincerely hope the bill may be passed this session, thus relieving us from the expense and annoyance to which we are subjected.

Very truly, yours,

J. M. HUNTINGTON & CO.

Hon. JOHN T. WAIT, M. C.,
Washington, D. C.

Mr. DUNNELL. I ask the gentleman whether the Treasury Department has recommended this action?

Mr. WAIT. In reply to the gentleman from Minnesota I beg leave to submit a letter which I have received from the Treasury Department relating to this proposed change of the law, and advising it as demanded in justice to many of our leading importers.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 28, 1879.

SIR: In a communication to the Department, of the 21st of February last, you request that authority be given to certain foreign vessels that come with cargoes and make entry at New London, Connecticut, to unlade and deliver their cargoes at Norwich, in the same district. Since the receipt of your letter the collector at New London has been informed that the Department has no authority to grant such permission, the statutes (see section 2771, R. S.) expressly forbidding every vessel not of the United States to unlade elsewhere than at a port of entry.

This provision of law was enacted, it is to be presumed, for the purpose of confining the coastwise carrying trade of foreign cargoes to American vessels. A foreign vessel is compelled to unlade at a port of entry so much of her cargo as may be destined to a port of delivery; the transportation of the cargo thence to a port of delivery is thus made to inure to the benefit of a vessel of the United States.

As a general rule, the law is in this respect beneficial. But there are instances in which it works great hardships; for example, when an American citizen imports in a foreign bottom dutiable freight found in a foreign port whence no American vessel sails. In this case, to require the American importer to unlade an entire cargo at a port of entry in order to transport the same but a few miles in an American vessel, is of itself a check on the natural course of trade and may subject him to expenses which are burdensome and unjust. The statutes already allow a foreign vessel to unlade a part of her cargo at one port of entry and to proceed to another port of entry to unlade the residue.

I see no objection, therefore, to allowing foreign vessels to unlade at ports of delivery after entry of the vessel and cargo at a port of entry subject to the decision of the Department, and I transmit herewith the draught of a joint resolution to that effect.

Very respectfully,

H. S. FRENCH,
Assistant Secretary.

Hon. JOHN T. WAIT,
House of Representatives.

Mr. BARBER. Suppose one portion of a vessel's cargo is for Mobile and another for New Orleans and another for Memphis, and the vessel enters at New Orleans, is it to be allowed to take the other portions of the cargo to Mobile and Memphis?

Mr. WAIT. The port of entry and port of delivery must be within the same district. You cannot enter your vessel with your cargo at a port of entry in one district and then go into two or three other different districts and ports of delivery. The bill in express language guards against any such procedure. You can only unlade at a port of delivery in the district in which the port of entry is situated.

Mr. BARBER. Is there restriction on that?

Mr. WAIT. Yes, sir; as I have just stated in unequivocal language.

Mr. ACKLEN. Mr. Speaker, gentlemen should have an opportunity to read the debate on this proposition, and in order that they may do so I now make the point of order that the morning hour has expired.

Mr. WARNER. Let the bill be printed and recommitted.

Mr. CONGER. I think the letter from the Department shows so clearly what I attempted to say about infringing upon the coasting trade that it will be well to have the bill printed before it is again considered.

Mr. ACKLEN. I insist on the point of order that the morning hour has expired.

Mr. WAIT. I agree with the gentleman from Michigan that it is perfectly proper that the bill should be printed, and I will have the accompanying report printed with it as part of my remarks. But I do not want this matter to be delayed week after week in the House, when such delay would result in very great embarassment and pecuniary injury to prominent merchants in the district I represent. I am confident that Congress on an examination of all the evidence in this case and the statute referred to will grant the relief the bill proposes.

The report is as follows:

The Committee on Commerce, to whom was referred House resolution No. 3, being a joint resolution relating to the unlading of foreign vessels, beg leave to report:

That they have had said resolution under consideration, and also certain correspondence and other evidence brought before them, and find the following facts: That by section 2771 of the Revised Statutes, being an act of Congress passed in 1799, it was provided that vessels which are not vessels of the United States shall be admitted to unload only at ports of entry established by law. Your committee presume that the object aimed at by that legislation was to confine the coastwise carrying trade of foreign cargoes to American vessels. Though this law in its operation may as a general rule be beneficial to American commerce, yet there are many cases in which it works great hardship to American citizens who are importers of foreign products. In cases where the American merchant imports his goods in a foreign bottom, he being unable at the time to obtain the service of an American vessel in which to import the same, and the port of entry, though in the same collection district, is some miles distant from the port of delivery, he is compelled to unlade his cargo at the former port and to transport the same to the latter by lighters or perhaps by railway conveyance, and so is subjected to expenses which are unnecessary, burdensome, and unjust. The bill reported by your committee so alters section 2771 of the Revised Statutes of the United States as to allow any vessel not of the United States to unlade at any port of delivery in a customs collection district after the due entry of said vessel and cargo at a port of entry in the same district.

Your committee would therefore respectfully recommend the passage of the accompanying bill for a public act instead of the resolution referred to them.

The SPEAKER. The morning hour has expired.

SUPREME COURT REPORTS.

Mr. HARRIS, of Virginia. I move that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of House bill No. 1493, defining the duties of the reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of House bill No. 1493, defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports. The Clerk will report the pending amendment.

The Clerk read the substitute offered by Mr. MCMILLIN for the sixth section, as follows:

Said reporter shall receive for his services, from the Treasury, an annual salary of $4,000, and said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer;

with an amendment to the amendment, proposed by Mr. FINLEY, to strike out "$4,000" and insert "$3,500."

Mr. LOWE. I offer the amendment to the sixth section which I send to the desk.

The Clerk read as follows:

In section 6, line 2, insert "$3,000" in place of "$4,500;" so that it will read:

"SEC. 6. Said reporter shall receive for his services, from the Treasury, an annual salary of $3,000 when his reports of said decisions shall constitute but one volume, and an additional sum of $500 when there is printed and published two or more than one volume per year; but said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer."

Mr. LOWE. I simply desire to perfect the original section. The amendment is made in the interest of economy, and, as such, I think should commend itself to the House. If this amendment shall be adopted, then the House can choose between the sixth section, as amended, and the substitute of the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. KEIFER. I do not understand the gentleman in charge of the bill agrees to this amendment.

Mr. HARRIS, of Virginia. By no means.

Mr. KEIFER. There is a rumor here that he acquiesces in it.

Mr. HARRIS, of Virginia. No, sir. The committee fixed the compensation at the lowest amount at which it was believed to be possible to obtain the talent necessary to do the work in the way in which it should be done. The committee is aware that it requires talent and great legal learning to do this work properly, and they do not think a man of talent competent for the work can be procured for a less sum than that named in the bill. I hope the amendment will be voted down.

Mr. LOWE. I can inform the gentleman from Virginia that there are several gentlemen in my district who are quite competent to do this work, and who would do it for the salary named in my amendment.

Mr. KEIFER. I think that the amount named in the bill is certainly not a large salary for a competent man. There may be an impression on the part of some gentlemen that the reporter has little to do outside of mere clerical work. That is a great mistake. It frequently requires a great deal of careful examination to get at the real points of the case. I understand, also, it is necessary for the reporter to make up the syllabi of the cases by means of which the lawyers can get at the real points without reading the entire opinion.

Mr. FRYE. As a member of the Judiciary Committee I examined this bill somewhat at the time when it was introduced in the Forty-fifth Congress, and I remember perfectly well that my proposition was that the salary should be fixed at $4,000. I differ from the gentleman from Virginia [Mr. HARRIS] and the gentleman from Ohio, [Mr. KEIFER.] I believe that $4,000 will hire to-day competent reporters of the decisions of the Supreme Court of the United States. I mean that there are four thousand men in the United States entirely competent to be reporters of the decisions of the Supreme Court who can be hired for $4,000 a year. Now, sir, in the State of Maine the supreme court stands equal to the supreme court of any State in this Union, and there is not a member of the bench in Maine to-day whom I would not recommend conscientiously as a judge of the supreme judicial court of the United States. And yet, sir, those judges at the outside do not get a salary over $2,500 a year. And you may take the average salaries of the judges of the several States in this country North—I do not know how it is South—and they will not exceed $3,000 a year. The idea that you cannot get a reporter to report properly the decisions of the Supreme Court for $4,000 a year is, in my opinion, absurd. I am in favor of a fair, reasonable, liberal salary, and I am in favor of the amendment offered by the gentleman from Tennessee [Mr. MCMILLIN] fixing that salary at $4,000 a year. I conscientiously believe that to be ample and liberal.

Mr. KEIFER. I understand the gentleman from Maine [Mr. FRYE] to be speaking to an amendment not now pending.

Mr. FRYE. I beg pardon of the committee; I thought the same amendment was pending now that was pending last evening.

Mr. KEIFER. The proposition now pending is to fix the salary of the reporter at $3,000 a year.

Mr. FINLEY. My amendment is to make it $3,500.

Mr. KEIFER. The gentleman from Maine has been speaking in favor of $4,000 a year.

Mr. FRYE. Yes; I am in favor of $4,000 a year, but not of $3,500.

Mr. KEIFER. I have heard this argument in favor of low salaries before. It is very common for a man to say that he can hire hands for a dollar a day when they ought to have $2. We have a great many people in our State who talk that sort of thing before the public, when they are talking economy. Now I do not believe there are four thousand men in Ohio who ought to be compelled to work for $4,000 a year, performing this labor and living in the city of Washington. The gentleman may say that the judges of the supreme court in his State are not paid $4,000 a year; but I do not think he will say they ought not to be paid $5,000 a year.

Mr. FRYE. I did not say that four thousand competent men could be found in Ohio. My judgment is that a large number of the competent men of Ohio are already in office. [Great laughter.]

Mr. KEIFER. I am very glad to say that that remark has not the merit of novelty. I heard that same thing when I first came to Congress, and heard it from the other side of the House, stated substantially in that language. I will, however, give the gentleman the credit of repeating it, for it seems to please members all around me.

If the judges of the supreme court of the State of Maine are what the gentleman says they are, competent men, and I have no doubt they are, I would like to know if he thinks they are paid enough when they are paid but $2,500 a year.

Mr. FRYE. What are the judges of the supreme court of Ohio paid?

Mr. KEIFER. They are paid $3,500 a year each; and that is too little.

[Here the hammer fell.]

The question was then taken upon the amendment of Mr. LOWE, to make the salary of the reporter of the Supreme Court $3,000 a year instead of $4,500; and upon a division it was not agreed to—ayes 43, noes 80.

Mr. BROWNE. Is this sixth section still open to amendment?

The CHAIRMAN. It is. There is a substitute pending for the section.

Mr. BROWNE. I wish to move an amendment to the original section.

The CHAIRMAN. That is in order.

Mr. BROWNE. I move to amend the section by striking out the words "when his reports of said decisions shall constitute but one volume, and an additional sum of $500 when there is printed and published more than one volume per year;" so that the section if amended will read:

Said reporter shall receive for his services, from the Treasury, an annual salary of $4,500, but said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer.

That fixes the salary of the reporter of the Supreme Court at $4,500 a year, and leaves no part of his compensation contingent upon the publication of a second volume of reports in the same year. I have heard much said by gentlemen about the necessity of suitably compensating talent; that it is necessary to pay a very considerable sum in order to secure men who are competent to perform the duties of the office.

Now, I remember the time when the salary of a member of the American Congress was but $3,000 a year. It was increased to $5,000 a year, and we then obtained precisely the same men, of the same order of ability. Subsequently it was increased to $7,500 a year, and the same men were returned to Congress; that is to say, all of them that could get back.

The point I desire to make is this: you may to-day reduce the pay of members of the American Congress to $2,500 a year, and every man of you will want to get back to Congress; every one of you. A gentleman near me suggests that we should have it as it is in the British House of Commons; that members should serve gratuitously. Well, sir, even if we did that, the services of some of us would be tolerably dear.

Mr. FRYE. You speak for no one but yourself. [Laughter.]

Mr. BROWNE. I speak for nobody but myself. What I want to say is that I am in favor of paying the reporter of the Supreme Court, as all other officers of the Government, a fair compensation for the services he performs. We obtain for the supreme bench of the different States the highest order of judicial talent in those States for a sum less than $4,500 a year. The very best lawyers in each State are on the supreme bench of that State. They are men who in their brains forge these judicial opinions; not simple clerks or prothonotaries, but men whose brain-power is called into requisition for the purpose of making the opinions. If you procure judicial talent fit to make judicial opinions to be placed upon the record for $4,500 a year, why is not that sum enough to pay the clerk of the court who merely superintends the printing of its opinions? I admit that in some instances he prepares a syllabus of the case; but with that exception he is not required to exercise any thought at all, or none of any consequence.

I say that for all purposes of superintending the printing of the reports of the Supreme Court of any year in a volume, and for the purpose of preparing a syllabus of each case in the volume, $4,500 a year is ample to secure the very best order of ability for the purpose.

[Here the hammer fell.]

The question was then taken on the amendment of Mr. BROWNE, and it was agreed to.

The question being taken on the amendment of Mr. FINLEY, to strike out $4,000 in the substitute of Mr. MCMILLIN and insert in lieu thereof $3,500, it was not agreed to, there being—ayes 48, noes 75.

The question recurring on the substitute of Mr. MCMILLIN, it was read, as follows:

Said reporter shall receive for his services, from the Treasury, an annual salary of $4,000; but said salary shall only be paid when he causes said decisions to be delivered as aforesaid to said Public Printer.

The substitute was agreed to, there being—ayes 96, noes 46.

Mr. WHITE. I move to amend by adding to section 6 the following:

The opinions only of the majority giving the judgment of the court shall be published in such reports.

[Cries of "Oh, no!"]

Mr. Chairman, gentlemen around me say "oh, no!" I simply offer this amendment as indicating my own view. The purpose of this bill seems to be to cheapen the United States Reports. With this view the second section sought to confine this publication to such cases

only as raised new questions, or questions of general public interest. The purpose of that provision was to decrease the size of the volumes.

In the State of Pennsylvania we have by law prohibited the publication of dissenting opinions with the report of the decisions of the court. This system has worked well and receives the approbation of the judges and the profession.

The publication of the dissenting opinions which may be delivered is calculated, it seems to me, to confuse the profession. All that is desired by the profession is the opinion of the court pronouncing the judgment in the case.

Mr. BROWNE. Mr. Chairman, I think that every lawyer will agree that the dissenting opinion of the court is frequently the more important of the two. It frequently has more sense in it and the people take more stock in it. Take the Dred Scott case, which has become historical by this time. We of the North at least believe that the more valuable of the opinions in that case were the opinions of the minority of the court. The object of publishing the decisions of the Supreme Court is more than simply to furnish the public and the profession with the judgment of the court in the case. It is desired in most cases to see the reasonings by which the court arrived at its conclusion. It is very important to the profession that the minority opinion should go upon the record and be published in the report.

Mr. WHITE. My friend from Indiana [Mr. BROWNE] is trying to awaken the dying embers of the war—a thing which we are all opposed to. [Laughter.] There is nothing in my amendment which prohibits the announcement of a dissenting opinion. It will become a part of the record, and can be published by private enterprise if desired. The record will be accessible to any gentleman who happens to be interested in the case or in the principle which it decides.

Mr. BROWNE. Let me say to the gentleman that the opinion of the minority is as much a part of the proceedings of the court as the opinion of the majority, and it is as much entitled to appear in the report. It would be a very marvelous thing for us to exclude from our reports of judicial opinions the reasoning of the minority of the court.

The question being taken on the amendment of Mr. WHITE, it was not agreed to; there being ayes 2, noes not counted.

The Clerk read the next section of the bill, as follows:

SEC. 7. That sections 681 and 682 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. REAGAN. I move *pro forma* to amend by striking out the last word, in order that I may say something in regard to an amendment which I believe was adopted to the proviso of the fourth section. The change which was made in that respect will, I fear, operate so as to embarrass the general purpose of the bill. The bill itself seems to me to have been very well framed; but I desire to call attention to two features which I believe we ought to consider carefully before voting on the amendment in the House. I call attention to these points now, because I presume that in the House debate will be cut off by the previous question.

The CHAIRMAN. The Chair would inform the gentleman from Texas that no amendment was adopted to the proviso of the fourth section.

Mr. REAGAN. An amendment was adopted somewhere providing for a different mode of selling the books from that contemplated in the proviso.

Mr. HARRIS, of Virginia. No; the gentleman is mistaken. The gentleman from Maryland [Mr. TALBOTT] withdrew the amendment which he offered.

The CHAIRMAN. The bill was not amended in the manner the gentleman indicates.

Mr. REAGAN. I may be mistaken about the extent and character of the amendment; but, in the discussion on this subject, the view seemed to be taken that the printing of the Supreme Court reports should be placed upon the basis of any other private enterprise. I think that is a mistaken view. In order to secure official reports, which shall be accepted as authority, the States and the Federal Government assume to control and direct the manner in which the reports shall be published, so that they may be correctly gotten up and may be relied on as authority.

While abolishing in this bill the royalty which the reporter has heretofore had, we limit his compensation to the amount provided in the bill itself. My fear is, that in fixing the salary at $4,000 we have gone too low. That salary might perhaps do where living is cheaper than in Washington, or where the office of reporter requires less professional skill. For the responsible position of reporter of the Supreme Court we desire a man equal in legal attainments and character to those we have had heretofore; a man who shall render satisfaction to the Court and the country in the preparation of the reports. I fear that a compensation of $4,000 will not command the services of an able lawyer of high talent.

It was observed by several gentlemen that we should leave the matter open, so that the reports may be printed by anybody. But if the reports be simply printed by private parties, while they may be read with the consent of the Court for its information, they cannot be quoted as authority. They would lack the official sanction which now belongs, in the courts of the States and the United States, to reports made under proper authority.

A gentleman states that there is an amendment providing that nothing in this bill shall prevent private parties from publishing these reports. I simply wish to say, if this is adopted, that when you present those reports to a court it may hear them read as advisory, but it will not take them as the opinion of the Supreme Court of the United States, because they do not bear any official character of published reports of the decisions of that court. Every lawyer is aware of that, and hence it should not be allowed to embarrass this bill by requiring the publication of the reports of the Supreme Court as a mere matter of private speculation. There is something higher and more important in it, and they should be published so that when a lawyer cites decisions from them to another court they should bear on their face the authority that they are exactly what they allege—that they are really and actually the decisions of the Supreme Court of the United States. Then the courts will receive them and act upon them. If that amendment is adopted, I think it will work badly in many respects; that is, if any one does not take the distinction between official reports and those published by private authority.

The CHAIRMAN. The question now recurs on the substitute of the gentleman from Ohio, [Mr. FINLEY,] which the Clerk will read.

The substitute was again read.

Mr. FINLEY. Mr. Chairman, I desire to explain very briefly to the House again the nature of the substitute which I have proposed for the pending bill. It will be observed, from the reading of the substitute, that I have adopted so much of the pending bill as provides specifically for the duties of the reporter of the decisions of the Supreme Court of the United States. Then I strike out the remaining portion of the bill, and, in lieu of it, insert the law as it now stands upon the statute-book, with a slight change.

I want to know, sir, and I ask gentlemen to tell me, what reason there is for changing the present law, which has stood since 1842? What is it? Under the present law we employ a Supreme Court reporter and pay him a salary of $2,500 a year. That is all the expense charged against the Government. What does the reporter do? He is bound under the law to prepare these reports for publication. That is part of his duties. He is bound to prepare these reports for publication and to see that the decisions are reported accurately and carefully, and he is empowered to let out the publication to private publishers, open to competition.

It is provided in the law that the Government shall have the benefit of three hundred copies, worth $1,500, free of expense, so that under the law all the expense the Government has to bear is the sum of $2,500 to the Supreme Court reporter. The Government gets three hundred copies for nothing. Gentlemen come in and ask us to change that law, and to put an additional burden on the Government. They want first to make the Government pay $4,500 for a reporter, and then to assume the additional expense of supplying the materials and employing additional clerical force and hands at the Government Printing Office in printing these reports for distribution. The Government is to print the reports at its own expense and assume the duty of selling them.

The only reason given for this increase of expenses is that gentlemen say that lawyers will then get their books cheaper. If the lawyers do the Government will suffer. In short, the effect will be the establishment of a Government book publishing business in order that lawyers may get their books cheaper.

I am somewhat surprised to hear such doctrine advocated by the gentleman from the Old Dominion, the democratic State of Virginia. It is in the direction of the centralization of power in this Government. First, we have a Government Printing Office, then a Government bindery, then a Government book making and selling establishment; the latter in order that lawyers may get their books cheaper. It would be in the same line of argument to insist on starting Government shoe-shops, in order that members of Congress could get their shoes cheaper; or a Government clothing establishment, in order that they might get their clothes cheaper.

I want gentlemen who advocate this bill when they go home to tell their constituents that they have increased the cost of publication of these books from $2,500 to $4,500 a year and imposed upon the Government the duty of printing them. I want them also to state why they have done this. Was it for the benefit of the Government? Was it in any manner to benefit anybody else than the lawyers of the country? I am a lawyer myself, and if I were speaking from a lawyer's stand-point for my individual benefit I would want the Government to print these books for me in order that I might get them cheaper, provided the Government would do it; but I do not believe, as a representative of the tax-payers, that I am voting as I should when I vote to increase the expense of the Government in order that lawyers or any other class of people should get their books cheaper.

The CHAIRMAN. The gentleman's time has expired.

Mr. DEUSTER. I move to strike out the last word, and will yield to the gentleman from Ohio the five minutes to which I am entitled under the rule.

Mr. FINLEY. Mr. Chairman, I thank the gentleman. I have but a few words more to say. I will come now to the proposition whether we really would get these books cheaper under the pending bill, and I will for the present waive all other points. Do you get your books cheaper? The gentleman says so. He says that some book manufacturer has told him so. I dispute that proposition. Here is a statement of the cost of the publication of a series of fifty-three court re-

ports, which I hold in my hand, and I ask gentlemen's attention to it. It is as follows:

Cost of the publication of a series of fifty-three court reports.

Report.	Volumes taken as a basis of calculation.	Average number of words in a volume.	Selling price.	Price it would be if it contained as much as Otto.	Per cent. higher than Otto.	Per cent. cheaper than Otto.
Otto	All 6	350,000	$4 00	.....	.....	(*)
Wallace	Last 6	270,000	5 00	$6 50	62.5	.....
Court of Claims	Last 6	325,000	5 00	5 40	35	.....
McArthur	Both	305,000	5 50	6 30	56	.....
Blatchford	Last 6	260,000	6 00	8 00	100	.....
Benedict	Last 6	240,000	8 00	11 50	187.5	.....
Bissell	Last 6	230,000	6 00	9 00	125	.....
Dillon	All 4	265,000	6 00	7 90	97.5	.....
Sawyer	All 4	300,000	6 00	7 00	75	.....
Alabama	Last 6	350,000	5 00	5 00	25	.....
Arkansas	Last 6	260,000	5 00	6 70	67.5	.....
California	Last 6	290,000	5 00	6 00	50	.....
Colorado	All 3	270,000	7 50	9 70	142.5	.....
Connecticut	Last 6	250,000	4 50	6 30	57.5	.....
Delaware, Houston	All 4	265,000	10 00	13 20	230	.....
Florida	Last 6	280,000	6 00	7 50	87.5	.....
Georgia	Last 6	300,000	7 00	8 00	100	.....
Illinois	Last 6	280,000	2 25	2 80	.....	30
Indiana	Last 6	250,000	3 50	4 90	22.5	.....
Iowa	Last 6	290,000	5 00	6 00	50	.....
Kansas	Last 6	295,000	4 00	4 75	18.75	.....
Kentucky	Last 6	325,000	5 00	5 35	33.75	.....
Louisiana	Last 6	480,000	8 50	6 20	55	.....
Maine	Last 6	270,000	4 00	5 15	28.75	.....
Maryland	Last 6	260,000	5 00	6 70	6.75	.....
Massachusetts	Last 6	300,000	4 50	5 25	31.25	.....
Michigan	Last 6	265,000	3 00	4 00	.....	.....
Minnesota	Last 6	220,000	5 00	7 95	98.75	.....
Mississippi	Last 6	350,000	6 00	6 00	50	.....
Missouri	Last 6	285,000	3 00	3 70	.....	7.50
Missouri appeals	All 3	245,000	5 00	7 15	78.75	.....
Montana	Last 6	275,000	6 00	7 60	90	.....
Nebraska	Last 6	215,000	2 50	4 07	1.75	.....
Nevada	Last 6	190,000	2 50	4 60	15	.....
New Hampshire	Last 6	385,000	4 50	4 10	2.50	.....
New Jersey, law	Last 6	240,000	5 00	7 30	82.50	.....
New Jersey, equity	Last 6	250,000	5 00	7 00	75	.....
New York court of appeals	Last 6	260,000	1 10	1 50	.....	†62.50
Barbour	Last 6	265,000	4 50	5 90	4.75	.....
Abbott's Pr.	Last 6	220,000	5 00	8 00	100	.....
North Carolina	Last 6	245,000	4 50	6 40	60	.....
Ohio	Last 6	260,000	2 50	3 37	.....	15.75
Oregon	Last 6	205,000	4 50	7 65	91.25	.....
Pennsylvania	Last 6	353,000	4 50	4 45	11.25	.....
Rhode Island	Last 6	285,000	5 50	6 75	68.75	.....
South Carolina	Last 6	275,000	5 00	6 35	58.75	.....
Tennessee	Last 6	205,000	3 50	5 90	4.75	.....
Texas	Last 6	290,000	5 50	6 60	65	.....
Texas court of appeals	All 4	310,000	5 00	5 60	40	.....
Vermont	Last 6	325,000	4 50	4 85	21.25	.....
Virginia	Last 6	300,000	6 00	7 00	75	.....
West Virginia	Last 6	285,000	3 50	4 25	6.25	.....
Wisconsin	Last 6	265,000	2 50	3 70	.....	‡75

* Volumes 1–19 Wallace sold when published at $6; volumes 20–23 at $5. This comparison is too favorable to Wallace.

†New York court of appeals. The State gets the last volume at 48 cents; lawyers pay $1.10. Former volumes were $2.50. The low price is due to reckless competition among booksellers.

‡Last volume only; former volumes $4.50 each.

The New York Reports are got by the State at 48 cents, the lawyers buy it at $1.10, former volumes at $2.50. There is ruinous competition between rival publishers and reports are sold less than cost.

Morrison asks $5 for Court of Claims Reports printed by Public Printer, and certainly much less matter (and inferior in execution) than the Otto Reports.

Out of these fifty-three reports there are only four cheaper than the price which my substitute fixes.

Gentlemen talk about a dollar and fifty cents a volume for these reports. Why, the paper in the books is worth more than that money. The binding is from $1.50 to $2. If the Government purchases the material and does the work, and sells these books to the lawyers at a dollar and a half per volume, then a Public Printer would have to steal in some other way from the Government in order to make it up, because it cannot be done for that money. I say that if we go to any bookbinder, to any printer, and ask the cost of the material, the cost of labor, of binding—to get the cost in the aggregate—you will find these books cannot be sold for $1.50 a volume, or anything like it. If we are to take the rate at which the Public Printer has charged, and it is a fair standard to measure by, we will find the binding in many cases has cost two, three, four, four and a half, and even five dollars a volume. The Public Printer has charged, as his reports to Congress show, those as the prices for binding books of a like size.

Mr. FIELD. I am favorable to this proposition, but I want to ask why the words "and such other decisions as it may designate" in the sixth line of the first section should not be stricken out?

Mr. FINLEY. I have no objection to that amendment. I copied so much of the bill reported by the committee as is embraced in the first two sections and a part of the third. The amendment suggested has been consented to, and I have no objection to its being adopted to my substitute.

Mr. FIELD. The second question I desire to ask the gentleman from Ohio is why not add the words "by the court" in the ninth line of the second section?

Mr. FINLEY. I am willing to accept that amendment.

Mr. FIELD. And the third question is why not strike out "Wallace's Report" and insert "Otto's Report?"

Mr. FINLEY. That has already been done.

Mr. FIELD. But not in the gentlemen's substitute.

Mr. FINLEY. It has been adopted to the original text, and I am entirely willing it should be adopted to my substitute.

One word further, Mr. Chairman. Now, bear in mind, you put this printing in the hands of the Public Printer. He is to hire additional clerks and workmen and purchase additional material in order to furnish additional volumes. We increase the salary of the Supreme Court reporter from $2,500 to $4,500, while we receive no additional service from him. The lawyers over the country may receive the benefit, but the Government does not receive any additional benefit. The only answer why the law should be changed is that the Supreme Court reporter, in letting out the printing of these reports, has heretofore made a royalty. Well, what of it? What difference is that to us? It does not cost the Government a dime more. We actually get his labor for $2,500 a year and receive three hundred copies of the report without cost to the Government. It is now proposed to saddle all this on the Government, to let the Government do the work and to pay additional salary to the Supreme Court reporter in order that lawyers may get their reports cheaper and prevent the reporter from making a royalty.

The CHAIRMAN. The gentleman's time has expired. The bill has been gone through and the substitute is now before the committee.

Mr. FINLEY. I now ask the gentleman from Massachusetts to indicate the amendments which he desires to offer.

Mr. FIELD. My first amendment is to strike out in the first section the words "and such other decisions as it may designate."

The amendment was agreed to.

Mr. FIELD. In the second section, in the ninth line, I move after the word "deemed" to insert the words "by the court."

The amendment was agreed to.

Mr. FIELD. In the third section, I move to strike out the words "Wallace's Report" and insert "Otto's Report."

The amendment was agreed to.

Mr. HARRIS, of Virginia. I desire to say one word in reply to my friend from Ohio, [Mr. FINLEY.] The only material change he proposes to make in this bill is to take away the power of Congress over the subject in having the work done at the public printing office and leave it a matter between the reporter and the publishers; and then he limits the price to $3 a volume. What is the effect of that? The effect of it is to leave it just where it is now, except that we curtail the price $2 a volume, which is a confession on the gentleman's part, from his large knowledge of public printing, that the publishers of those books and that reporter have been making at least $2 per volume more profit than they ought to make out of the country or the profession. The gentleman talks about lawyers, and says we are legislating in the interest of lawyers. I think it is not very graceful for a brother member, who is a lawyer himself, to talk before this House about lawyers in a way to stir up strife in regard to his own profession. But, admitting what the gentleman says; admitting that we stand here as advocates of the profession, I stand here as the advocate of the lawyers of the country, while the gentleman from Ohio stands here as the advocate of one lawyer, the reporter, and wants that reporter to put in his pocket the profits which I propose to distribute among the whole profession throughout the country. When the gentleman gets home I think he will find who is thought to be the friend of the lawyers. I believe the lawyers will tell him that he stood on the floor of this House advocating a great monopoly to enrich one lawyer at the expense of all the other lawyers of the country.

So much for that argument. As for what the gentleman has said about the cost, I have no means of knowledge as to what the work will cost precisely. I estimated it at $1.50 or $2 a volume. This book which I hold in my hand is perhaps twice as large as the volume of reports. Its cost is $2.61. Ten per cent. added to that makes the price $2.90. Now, if that can be furnished for $2.90 it is fair to infer the other can be at $1.50 or $2. Two dollars and ninety cents is the price of this book printed by the Government, in paper, type, style, and in every other way equal to the Otto Reports. I infer, then, that these reports can be printed for less than $2 a volume.

As to the three hundred volumes, the law as it is now provides there shall be 10 per cent. added; the three hundred volumes are to be distributed among all the Departments of the country according to the law as it now stands. That 10 per cent. over cost, as estimated by the committee, will bring back to the Government more than the cost of the three hundred volumes and will then pay the additional cost to the reporter. But my friend does not state it fairly. He says a reporter only gets $2,500 a year. The gentleman knows or ought to know that the law says the reporter shall receive $2,500 a year for the first volume and if there be more than one volume $1,500 more.

Mr. FINLEY. If the gentleman will permit me, I explained yesterday that we give that additional $1,500, but I said the cost of these three hundred volumes compensates for that.

Mr. HARRIS, of Virginia. Yes, but the gentleman stated just now, and wanted it to go to the country, that the reporter only gets $2,500 a year as his pay, while he gets $4,000 as a fixed salary, and all the surplus profits on the publication of these reports. The law, as I now propose it, will reduce his salary perhaps 50 per cent. or more, thus saving to the country, instead of spending the money of the country, this 10 per cent. profit required to be paid by the lawyers, and every one else, which will more than pay the increased salary and buy the three hundred copies. This is the first time during my long service with my friend from Ohio on this floor that I have seen him indifferent to the rights of the people and making himself on this floor an advocate of a great monopoly between the publisher and the reporter of the court. I hope the committee will vote down the substitute.

Mr. WAIT. May I make an inquiry of the gentleman from Virginia?

Mr. HARRIS, of Virginia. I will hear the gentleman.

Mr. WAIT. I ask the gentleman if it is not a fact that reports of the court of appeals of the State of New York are published and sold broadcast, everywhere, at $1.50 a volume?

Mr. LOUNSBERY. The price is eighty cents.

Mr. WAIT. I mention the price at which I have purchased them after paying the bookseller's profit upon them. They are published on fine paper, the typography is excellent, and they are bound in the very best law style.

Mr. HARRIS, of Virginia. In reply to my friend from Connecticut, I will say that I believe it is the universal practice of all the States that the Legislatures thereof shall take control, and do take control of their supreme court reports. My State fixes the price at $5 because it wants to make a profit. It does make a profit. It sells the reports at a profit, and not at cost. New York sells its reports at cost, much less, I am informed, than a dollar a volume. And our Government, in taking control of this subject, is but following the example of all the courts in the country.

Mr. MANNING. I move to strike out the last word. I am not quite sure that the gentleman from Virginia [Mr. HARRIS] is correct in supposing there is any great monopoly involved in this matter. I have taken the trouble to inquire into and ascertain, so far as was necessary, the facts to enable me to form a correct judgment upon the merits of this bill. I have learned what surprised me very much, and what doubtless will surprise the gentleman from Virginia [Mr. HARRIS] and many other gentlemen on this floor, that barely fifteen hundred copies of each volume of the Supreme Court Reports are sold in the United States.

Mr. HARRIS, of Virginia. Because the price of them is so high that they are not purchased.

Mr. MANNING. I think there ought to have occurred to the gentleman a sufficient answer to that criticism on my remark. If the price is so high, who is affected by the small sale? Who is interested in the fact that but fifteen hundred copies are sold? Why, sir, it is the very man at whom you strike by your proposed bill. If the price was three dollars or two and a half a volume, according to your argument, a great many more copies would be sold.

Now, the reporter of the Supreme Court is the man to be benefited by the increased sale which you say will follow a reduction of the price. The greater the sales the smaller the profits. That is the standard of business conformed to by shopkeepers all over the country. I think if the reporter of the Supreme Court is a business man he will consult his own interest in that way.

The fact being that but fifteen hundred copies of the reports are sold, there can be but very little room for a great monopoly. Of those fifteen hundred copies, perhaps only one hundred copies are bought by the State of Virginia. One hundred and fifty copies would be a very liberal estimate of the number of copies taken by the Old Dominion. Now, take the State of Virginia, or the State of Illinois, or any other great State of the country, and you will find that the reporters of the States, respectively, sell more copies of the State Reports than are sold of the Supreme Court Reports by the reporter of that court.

Now, in regard to the matter of getting those reports more cheaply, I do not agree to the argument of the gentleman from Ohio [Mr. FINLEY] that we are here legislating in our own behalf, and therefore, as lawyers, should not legislate at all. I would be quite as willing to protect lawyers as anybody else, and would not hesitate to vote for legislation in the interest of lawyers, because, forsooth, I am myself a lawyer. But let me call the attention of gentlemen to an illustration. I do not know precisely what are the terms of the law touching the publication of the reports of the Court of Claims; but I do know that the Public Printer in this city publishes those reports pursuant to law; and I know, moreover, that the very first bookseller into whose store you go will probably charge you $5 for a copy of that report, when it is hardly half so large as Otto's Report, and is not comparable to it in execution. Still you can go to Mr. Otto and obtain a volume of his report for $4.

Mr. MCMILLIN. Will the gentleman allow me——

Mr. MANNING. In a moment. Now, if $4 a volume is the price which Mr. Otto receives for a book executed in splendid style, and which compares most favorably with reports published in this country up to this time, better, I am sure, than Wallace's Reports, larger and more neatly executed, and you have to pay $5 for each volume of the Court of Claims Reports, although printed by the Government, and not so large or well executed, how do you reach the conclusion that you will be secure from the danger of high prices if you impose upon the Public Printer the duty of printing the Supreme Court Reports? He now publishes the reports of the Court of Claims, and those reports find their way into booksellers' hands who demand $5 a volume; whereas Mr. Otto, taking care of his own interests without any legislation, sells his reports for $4 a volume. I will now yield to the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. MCMILLIN. I desire to ask the gentleman if he does not know this to be the fact, that the Supreme Court reporter gets a royalty on every volume that is sold?

Mr. MANNING. Unquestionably he does. In order to appreciate the remark, however, we have to consider the number of volumes sold.

Mr. MCMILLIN. What is his royalty—how much a volume?

Mr. MANNING. You will have to confer with the people who print the book or Mr. Otto; I am not advised.

Mr. MCMILLIN. And is not that royalty in addition to the $4,000 a year he receives from the Government?

Mr. MANNING. Unquestionably it is. And I will say this for the benefit of the gentleman from Tennessee, [Mr. MCMILLIN,] that I am not now, and I hope I never shall be, in favor of paying the smallest sums to lawyers for performing professional services. I am not in favor of the lowest price for services on the bench or as a Supreme Court reporter. I am in favor of paying that sum which will command good talent, and secure the services of men who will perform effective work.

I did not intend, Mr. Chairman, to go thus much into this matter, but merely to record myself against this legislation. I believe that we had better let the matter stand as it now is. I will vote for the substitute of the gentleman from Ohio [Mr. FINLEY] because that seems to be designed to prevent any new and questionable experiment.

I now withdraw my formal amendment.

The question recurring on the substitute of Mr. FINLEY as amended it was not agreed to, there being—ayes 29, noes 106.

Mr. HARRIS, of Virginia. I move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 1493) defining the duties of the reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports, and had directed him to report the same back with sundry amendments, and with a recommendation that it be passed as amended.

Mr. HARRIS, of Virginia. I call for the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the previous question was seconded; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendments reported from the Committee of the Whole were read and concurred in.

The bill, as amended, was ordered to be engrossed for a third reading, and was accordingly read the third time.

The question being on the passage of the bill,

Mr. HARRIS, of Virginia, called for the previous question.

The previous question was seconded and the main question ordered.

Mr. FINLEY. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had adopted without amendment the resolution of the House providing for an adjournment of the two Houses from December 19, 1879, till January 6, 1880.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires unanimous consent to lay before the House certain executive and other communications.

There was no objection.

GOVERNMENT PROPERTY IN THE CAPITOL.

The SPEAKER laid before the House an inventory of property belonging to the United States in possession of the Clerk of the House of Representatives on the 1st day of December, 1879; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House the annual report of the Clerk of the House of Representatives, communicating a list of employés, &c., and a report of contingent expenses of the House of Representatives from July 1, 1878, to June 30, 1879; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House an inventory of public property in possession of the Doorkeeper's department December 1, 1879; which was referred to the Committee of Accounts.

The SPEAKER also laid before the House an inventory of public documents in the folding-room of the House of Representatives November 30, 1879; which was referred to the Committee of Accounts.

PUBLIC BUILDING IN BALTIMORE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, showing the action taken by that Department with reference to the purchase of property in the city of Baltimore as a site for the post-office and court-house, as provided by the act of June 18, 1879; which was referred to the Committee on Public Buildings and Grounds.

SALE OF KANSAS INDIAN LANDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, calling attention to legislation heretofore requested for payment of certain newspaper accounts for advertising sale of Kansas Indian lands; which was referred to the Committee on Indian Affairs.

CONSULAR REPORTS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a statement of such fees as have been collected, accounted for, and reported by the various diplomatic and consular officers of the United States during the year ending December 31, 1878; also, a statement of the names of consular officers not citizens of the United States to whom salaries have been paid during the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the State Department.

CONTINGENT FUND OF THE STATE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting, in compliance with sections 193 and 209 of the Revised Statutes, a detailed statement of the manner in which the contingent fund of the Department of State for the year ending June 30, 1879, has been expended; a statement of the expenditures from the contingent fund for the expenses of foreign intercourse; and a precise analytical statement of all moneys disbursed by the disbursing clerk of this Department during the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

UNION AND CENTRAL PACIFIC RAILROADS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury upon the subject of the sinking fund of the Union and Central Pacific Railroad Companies, as contemplated in the act of May 7, 1878; which was referred to the Committee on the Pacific Railroads.

LIGHT-HOUSE, POINT CONCEPCION, CALIFORNIA.

The SPEAKER also laid before the House a letter from the chairman of the Light-House Board, recommending an appropriation of $38,000 for the repair of the light-house structure at Point Concepcion, California; which was referred to the Committee on Appropriations.

DREDGING OF DETROIT RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of a board of engineer officers on the dredging of the Detroit River; which was referred to the Committee on Commerce, and ordered to be printed.

CARE OF WAR DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the necessity for increased force, in order to properly care for the War Department building, &c; which was referred to the Committee on Appropriations.

RAILWAY MAIL SERVICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, relative to an additional appropriation for the railway mail service; which was referred to the Committee on Appropriations.

WORK ON STATE, WAR, AND NAVY DEPARTMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a special report of Lieutenant-Colonel Thomas L. Casey, Corps of Engineers, concerning work on the north wing of the State, War, and Navy Departments building, and requesting a special appropriation for the same; which was referred to the Committee on Appropriations.

INLAND MAIL TRANSPORTATION.

The SPEAKER also laid before the House a letter from the Postmaster-General, calling attention to the insufficiency of the appropriation for inland mail transportation for the present year, and asking that $2,000,000 be reappropriated out of the unexpended balance of former appropriations for that purpose during the last four years; which was referred to the Committee on Appropriations.

COMPANY E, FIFTH CAVALRY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Company E, Fifth Cavalry, for relief on account of losses sustained by fire; which was referred to the Committee on Military Affairs.

PAYMENT OF CADETS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Superintendent of the Military Academy, with an estimate of appropriation for the pay of certain cadets; which was referred to the Committee on Military Affairs.

CAPTAIN BROTHERTON AND ASSISTANT SURGEON A. C. GIRARD.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Captain D. H. Brotherton, Fifth Infantry, and Captain and Assistant Surgeon A. C. Girard, United States Army, for relief on account of losses sustained by the burning of their quarters; which was referred to the Committee on Military Affairs.

COLONEL JAMES BELGER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the case of Colonel James Belger, United States quartermaster; which was referred to the Committee on Military Affairs.

SQUATTER EMIGRATION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Lieutenant-General P. H. Sheridan as to the stations of troops in order to control the squatter emigration threatening the Indian Territory, &c.; which was referred to the Committee on Military Affairs.

SUSPENDED ENTRIES OF PUBLIC LAND.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a list of suspended entries of public land that have been confirmed or rejected by boards of equitable adjudication; which was referred to the Committee on Public Lands.

UNITED STATES PROPERTY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in reference to real property acquired by the United States; which was referred to the Committee on the Judiciary.

WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, lists of five hundred and twelve claims arising under the act of July 4, 1864, examined and allowed by the proper accounting officers since January 6, 1879, amounting to $104,063; which was referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF TESTIMONY.

On motion of Mr. WRIGHT, by unanimous consent, the testimony taken by the Committee to inquire into the Causes of the present Depression of Labor was ordered to be printed.

MRS. MYRA CLARK GAINES.

Mr. WHITTHORNE, by unanimous consent, presented a request for the withdrawal from the files of the House of the papers in the case of Mrs. Myra Clark Gaines, no adverse report having been made thereon save only as to a part of her claim; which request was referred to the Committee on Private Land Claims.

And then, on motion of Mr. BUCKNER, (at three o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CAMP: The petition of business men of Macedon, New York, that printed business circulars be sent through the mails at the same rates as newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. CONVERSE: The petition of Gottleib Schreyer, for extension of a patent for an axle-skein—to the Committee on Patents.

By Mr. DUNN: The petition of Mary A. Lanford, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. ELLIS: Papers relating to the claim of G. P. Work for compensation for carrying United States mails—to the Committee of Claims.

By Mr. FIELD: Papers relating to the claim of William S. Sampson, jr., for pay for services as light-house clerk from February 1 to December 31, 1864—to the Committee on War Claims.

By Mr. FISHER: The petition of John Dougherty, that Congress appropriate one hundred and sixty acres of land to each shareholder of the United States Farm and Factory Colony when five thousand or more shares shall be subscribed and $101 per share each paid thereon, a board of directors elected, and a location chosen where sufficient lands shall be subject to pre-emption—to the Committee on Public Lands.

By Mr. HARMER: Papers relating to the pension claim of K. R. Warrington—to the Committee on Invalid Pensions.

By Mr. HASKELL: The petition of the Kansas Freedman's Relief Association, that contributions of merchandise from England and Ireland may be admitted free of duty—to the Committee of Ways and Means.

Also, papers relating to the pension claim of George W. Leamy—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Richard Dillon for compensa-

tion for extra expenses incurred and services rendered as assistant superintendent of the Freedman's Bureau in North Carolina—to the Committee of Claims.

Also, papers relating to the bill providing for the sale of certain New York Indian lands in Kansas—to the Committee on Indian Affairs.

By Mr. HAWK: Papers relating to the pension claims of Mrs. Emily A. Atchison, W. W. Church, William H. Howard, and William H. Scribner—to the Committee on Invalid Pensions.

Also, the petition of internal-revenue storekeepers at Sterling, Illinois, for a reduction in the hours of employment—to the Committee of Ways and Means.

By Mr. HENRY: The petition of 37 citizens of Queen Anne and Caroline Counties, Maryland, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. HOUK: The petition of W. M. Piper, for compensation as deputy provost-marshal during the late war—to the Committee on War Claims.

Also, the petition of David F. Manly, for correction of his muster as second lieutenant Company B, First Tennessee Light Artillery—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of J. W. Ware, for himself and other heirs of Colonel Morgan Alexander, that they be paid the amount due said Alexander for services rendered as a revolutionary soldier—to the Committee on Revolutionary Pensions.

By Mr. JOYCE: The petition of S. B. Davis, for the passage of the bill to increase the pensions of certain disabled soldiers—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: Papers relating to the pension claim of Mrs. B. W. Kennon—to the same committee.

By Mr. MARTIN, of West Virginia: The petition of William F. Wilson, for compensation for services rendered at the United States armory at Harper's Ferry—to the Committee of Claims.

By Mr. MITCHELL: The petition of soldiers of Tioga County, Pennsylvania, for equalization of bounties of soldiers of the late war—to the Committee on Military Affairs.

By Mr. MONROE: A paper relating to the pension claim of S. S. Parker—to the Committee on Invalid Pensions.

By Mr. MULDROW: The petition of Elizabeth T. Conner, for compensation for cotton seized by United States Treasury agents—to the Committee on War Claims.

Also, the petitions of William Bell, Mary P. Irby, and Solomon D. Sessums, for compensation for cotton seized after June 30, 1865—to the same committee.

By Mr. NEAL: The petition of Esther M. Carey, for a pension—to the Committee on Invalid Pensions.

By Mr. ROBINSON: The petition of Patrick Murphy and 18 others, disabled soldiers, for increase of pension—to the same committee.

By Mr. SINGLETON, of Illinois: The petition of Elizabeth Lubrick, only surviving daughter of a revolutionary soldier, for a pension—to the Committee on Revolutionary Pensions.

By Mr. STEVENSON: The petition of soldiers of Illinois, for pay of difference between the value of gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

By Mr. UPSON: A paper relating to the establishment of a post-route from Uvalde to Rio Frio, Texas—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: The petition of Mendon Grange, of Monroe County, New York, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. WEAVER: The petition of G. L. Kneeland and 20,000 others, ex-Union soldiers, to be restored to equal rights with the holders of Government bonds—to the Committee on Military Affairs.

By Mr. WILLIS: The petition of James B. and Richard Kitchen, that they be allowed to prosecute a claim for compensation for property taken by the United States Army—to the Committee on War Claims.

By Mr. WRIGHT: The petition of W. H. Anderson and 43 others, soldiers of the late war, of Western Pennsylvania, for the passage of a law allowing them the difference between the value of gold and greenbacks which they received in payment for their military service—to the Committee on Military Affairs.

IN SENATE.

THURSDAY, *December* 11, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WITHERS. By request I present the memorial of William B. Whiting, a commodore on the retired list of the United States Navy, proposing a confederacy of all the governments on this continent. I do not know to what committee it should properly be referred. I will leave it to your judgment, Mr. President, to state to what committee the memorial had best be referred.

The VICE-PRESIDENT. The Chair will refer it to the Committee on the Judiciary.

Mr. INGALLS presented the petition of William C. Shimoneck, late private in the Third Regiment United States Infantry, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of the Kansas Freedman's Relief Association, praying for the passage of a law to allow certain goods to pass the custom-house free of duty; which was referred to the Committee on Finance.

Mr. BOOTH presented additional papers in the case of the application of William H. Davis, of Oakland, Alameda County, California, for compensation for the destruction and use of certain wharves and warehouses owned by him at San Diego, California, in 1862, by certain officers and troops of the United States; which were referred to the Committee on Claims.

UTE INDIANS.

Mr. ALLISON. The Committee on Indian Affairs instruct me to report back favorably the joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado, and their removal and settlement elsewhere, with two amendments. As this is a matter of importance, I ask unanimous consent that the resolution may be considered this morning.

The VICE-PRESIDENT. The joint resolution will be reported subject to objection.

The joint resolution was read.

The VICE-PRESIDENT. If there is no objection the joint resolution is before the Senate as in Committee of the Whole.

Mr. ALLISON. I ask that the amendments may be reported.

The CHIEF CLERK. The first amendment reported by the Committee on Indian Affairs is, in line 10, to strike out the words "and to obtain their consent to" and insert the word "for;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and empowered, through a commission of five persons to be appointed by the President, or by direct negotiation, as he may deem best, to enter into an agreement with such of the Ute Indians in Colorado as have not, by acts of hostility against the United States or otherwise, forfeited their rights under existing treaties, for the extinguishment of their title to their reservation in said State, for their removal and settlement in the Indian Territory or elsewhere.

Mr. COCKRELL. I object to the present consideration of the joint resolution. I prefer that it should lie over until we can examine it. Let it be printed. It involves a very serious question. I do not know how this measure is, but there are one or two bills which propose to remove the Utes down to the Indian Territory; and I give notice now that there will be bitter opposition to any such movement.

Mr. ALLISON. I will say to the Senator that we have amended the joint resolution so as to exclude that idea.

Mr. DAVIS, of West Virginia. I suggest to the Senator from Iowa that the joint resolution be printed with the amendments.

Mr. ALLISON. I, of course, have no objection to that course.

Mr. COCKRELL. Let us examine it. I prefer to have it examined. Once or twice bills have passed that we did not fully understand and I prefer to have the joint resolution printed.

Mr. ALLISON. I desire to say one word in reference to the matter before it is passed over. The Committee on Indian Affairs were unanimous in making this report. The two Senators from Colorado agreed with reference to it. The idea suggested by the Senator from Missouri is excluded from the joint resolution. I have no objection, however, if any Senator desires an opportunity to examine it, that it may go over until to-morrow morning and be printed.

The VICE-PRESIDENT. All bills and joint resolutions, when reported with amendments, are printed under the rule.

Mr. COCKRELL. It is not a good way of doing business to ask the Senate to proceed to the consideration of reports from committees at the time the reports are made. It has only been done in exceptional cases; and now, as a warning, I give notice that I shall generally object to all such applications.

Mr. ALLISON. I want to thank the Senator from Missouri for his courtesy in reference to this joint resolution. I stated when I asked unanimous consent that it was important the joint resolution should pass before the holidays. It must pass both Houses, and we have only a few days remaining before the holiday recess. That was the reason why I asked unanimous consent in the hearing of the Senator from Missouri.

Mr. TELLER. The joint resolution as introduced had the cause of objection in it made by the Senator from Missouri. It provided that these Indians might be removed to the Indian Territory. The committee now have stricken that out and stricken out one other provision that I consider objectionable. There can be no objection to the Secretary of the Interior having an opportunity to negotiate and report. Inasmuch as these Indians are on their way here, will be here during the holidays, before Congress reconvenes, it does seem to me that this joint resolution ought to pass now, so that it may get through the other House and authority be given, if the authority is at all necessary. Then when the agreement is made, it must be submitted to Congress, and if there is any objectionable provision in it, it can be stricken out or it can be modified. I hope the Senator from Missouri will withdraw his objection.

Mr. COCKRELL. The Senator from Colorado knows that I am one of the best-natured men in the world, but I do not think the RECORD will show that I ever did withdraw an objection when I once made it.

Mr. TELLER. I want the Senator to make a precedent of that kind.

The VICE-PRESIDENT. Objection being made, the joint resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 833) to amend certain sections of the Revised Statutes concerning taxes upon banks and bankers; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 834) making appropriation for necessary repairs and internal improvement of the United States custom-house in the city of Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 835) for the relief of Mrs. Sultana S. Farrell; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 836) directing the removal of obstructions from the harbor at the Delaware breakwater; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 837) to donate twelve condemned bronze cannon to the Blair Monument Association of Saint Louis, Missouri; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENDLETON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 838) for the relief of George P. Webster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 839) authorizing corrections to be made of errors in prize-lists; which was read twice by its title, and referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That the petition of M. P. Jones, and all papers accompanying the same, be taken from the files of the Senate.

Ordered, That the petition of Alonzo Gesner, and all papers accompanying the same, be taken from the files of the Senate.

On motion of Mr. BOOTH, it was

Ordered, That the papers in connection with Senate bill 1430 of the Forty-fifth Congress be taken from the files of the Senate, and referred to the Committee on Patents.

On motion of Mr. ROLLINS, it was

Ordered, That the papers in the case of the claim of Harriet Flagg, now on file in the office of the Secretary of the Senate, be withdrawn and referred to the Committee on Pensions.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That the papers of Lieutenant Francis V. Greene be taken from the files of the Senate and referred to the Committee on Foreign Relations.

Mr. HARRIS. I offer the following order:

Ordered, That the memorial of William H. Sneed, of Knoxville, Tennessee, be taken from the files of the Senate and referred to the Committee on Claims.

I desire to state in respect to that order that in the expiring hours of the last session of the Forty-fifth Congress a verbal adverse report was made, but made in the absence of the evidence referred to by the original petition. I accompany the order by a petition stating those facts as the reason why I ask for the order.

The VICE-PRESIDENT. The order will be granted on the condition imposed by the rules.

COMMITTEE MESSENGERS.

Mr. WALLACE. I offer the following resolution, and ask for its present consideration:

Resolved, That the Sergeant-at-Arms be directed to appoint three additional messengers to the Senate, who shall be assigned by him to the Committees on Revolutionary Claims, Private Land Claims, and Engrossed Bills.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SAULSBURY. I desire to say that I shall vote against the resolution. In doing so I am not opposed to the committees having this assistance from the force of the Sergeant-at-Arms, to be selected by themselves, provided that selection can be made out of the present force under the charge of the Sergeant-at-Arms; but I am opposed to any increase of the force under the Sergeant-at Arms, because, in my judgment, it is now sufficiently large. It is a little more than double what it was in 1860, and it is fully as large as we inherited from our friends on the other side of the Chamber when they went out of power in this body.

Believing that there is no necessity for an increase of the force of the Sergeant-at-Arms, and that such an increase would be improper, I cannot vote for the resolution in the form in which it has been offered. I am in favor of awarding to the three committees that have been given to the minority the right of selecting out of the present force such persons as they may desire to serve under the Sergeant-at-Arms in attendance on their committees. There are men in the employ of the Sergeant-at-Arms in harmony with the majority of those committees, and it is perfectly right that they select men in harmony with their own political views to serve as messengers to their committees. I certainly would not deny them that privilege but I cannot vote to increase the force of the Senate in order to extend that courtesy to the other side, when my own convictions are that instead of increasing we ought to reduce the force of employés now in this body. Therefore I shall vote against the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

HULMAN AND FAIRBANKS.

Mr. BAYARD. I move to reconsider the vote by which the bill (S. No. 618) for the relief of Herman Holman and Crawford Fairbanks was passed yesterday. The object is to correct a single vowel in the name of one of the parties concerned.

The VICE-PRESIDENT. The Chair hears no objection, and the votes by which the bill was ordered to be engrossed and read a third time and passed will be regarded as reconsidered. The bill is again in the Senate, and the Senator from Delaware proposes an amendment.

Mr. BAYARD. I move that wherever the name of Herman Holman is spelled "Holman" it be amended so as to be spelled "Hulman." The "o" should be "u."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAYARD. I move that the title of the bill be amended in conformity with the amendments made in the body of the bill.

The VICE-PRESIDENT. The title will be so amended.

ADJOURNMENT TO MONDAY.

On motion of Mr. BAYARD, it was

Ordered, That when the Senate adjourns to-day it adjourn to meet on Monday next.

RIO GRANDE FRONTIER.

Mr. MAXEY. I ask unanimous consent to take up Senate bill No. 53, a bill of importance which I think ought to be considered at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 53) making appropriations for the erection of suitable posts for the protection of the Rio Grande frontier.

Mr. MAXEY. The Journal of the Senate shows that a bill having in view the same object as the bill now under consideration passed without division at a former session of the Senate. The object was recommended by the President, by the Secretary of War, and by the commanding general of the Department of Texas. It passed the Military Committee of the Senate unanimously and the Senate, as stated, and went to the House, but, after reference to committee, was not reported back to the House, and of course passed out with that Congress. The pending bill was therefore introduced in the form in which it had passed the Senate before, and a full report of the Committee on Military Affairs, to which it was referred, accompanies the bill as amended by the committee. The report is as follows:

The Committee on Military Affairs, to which was referred Senate bill 53, making appropriation for the erection of suitable posts for the protection of the Rio Grande frontier, respectfully submits the following report:

A bill (S. 414) having in view the same object was reported favorably from this committee on the 11th day of December, 1877, and passed the Senate without division on the 31st of January, 1878, and was sent to the House the same day, but no final action was taken by that body during the Forty-fifth Congress.

The great national importance of adequate protection to the Rio Grande border, fronting Mexico, by sufficient military force and additional posts, was brought to the attention of Congress by the President in his annual message of December 3, 1877. The committee makes the following extract from said message:

"The revolution which recently occurred in Mexico was followed by the accession of the successful party to power and the installation of its chief, General Porfirio Diaz, in the presidential office. It has been the custom of the United States, when such changes of government have heretofore occurred in Mexico, to recognize and enter into official relations with the *de facto* government as soon as it should appear to have the approval of the Mexican people, and should manifest a disposition to adhere to the obligations of treaties and international friendship. In the present case such official recognition has been deferred by the occurrences on the Rio Grande border, the records of which have been already communicated to each House of Congress, in answer to their respective resolutions of inquiry. Assurances have been received that the authorities at the seat of the Mexican government have both the disposition and the power to prevent and punish such unlawful invasions and depredations. It is earnestly to be hoped that events may prove these assurances to be well founded. The best interests of both countries require the maintenance of peace upon the border, and the development of commerce between the two republics.

* * * * * * *

"While I do not anticipate an interruption of friendly relations with Mexico, yet I cannot but look with some solicitude upon a continuance of border disorders as exposing the two countries to initiations of popular feeling and mischances of action which are naturally unfavorable to complete amity. Firmly determined that nothing shall be wanting on my part to promote a good understanding between the two nations, I yet must ask the attention of Congress to the actual occurrences on the border, that the lives and property of our citizens may be adequately protected and peace preserved.

* * * * * * *

"Disturbances along the Rio Grande, in Texas, to which I have already referred have rendered necessary the constant employment of a military force in that vicinity. A full report of all recent military operations in that quarter has been transmitted to the House of Representatives in answer to a resolution of that body, and it will, therefore, not be necessary to enter into details. I regret to say that these lawless incursions into our territory by armed bands from the Mexican side of the line, for the purpose of robbery, have been of frequent occurrence, and in spite of the most vigilant efforts of the commander of our forces the marauders have generally succeeded in escaping into Mexico with their plunder. In May last, I gave orders for the exercise of the utmost vigilance on the part of our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them. General Ord, commanding in Texas, was directed to

invite the co-operation of the Mexican authorities in efforts to this end, and to assure them that I was anxious to avoid giving the least offense to Mexico. At the same time he was directed to give notice of my determination to put an end to the invasion of our territory by lawless bands, intent upon the plunder of our peaceful citizens, even if the effectual punishment of the outlaws should make the crossing of the border by our troops in their pursuit necessary. It is believed that this policy has had the effect to check somewhat these depredations, and that with a considerable increase of our force upon that frontier, and the establishment of several additional military posts along the Rio Grande, so as more effectually to guard that extensive border, peace may be preserved, and the lives and property of our citizens in Texas fully protected."

The Secretary of War, under date December 1, 1877, in a letter addressed to the chairman of this committee, says:

"In my opinion the preservation of peace and order along the boundary between this country and Mexico is a matter of sufficient importance to justify a considerable expenditure of money. Not only is it important to protect the people of the great and rapidly growing State of Texas from depredation, but it is also vastly important that every cause of difficulty between this country and Mexico should be removed, to the end that friendly relations may continue.

"It is not necessary that 'defensive works,' in the technical sense of these terms, should be erected along the Rio Grande, but the proposition to add a number of additional small military posts along that frontier is, as it seems to me, worthy of very favorable consideration by Congress. Raids into Texas from the Mexican side of the line are generally made by small parties for purposes of plunder only.

"If our posts were increased so as to be within forty or fifty miles of each other, on the line from Fort Brown to Fort Duncan, a small garrison of infantry at each post, with small bodies of cavalry to patrol the intervening distances, might, I think, protect the people of Texas from these raids.

"This would require three or four additional posts on that line."

General Sherman, commanding the Army, under date March 31, 1879, says:

"I certainly will favor any proposition to build suitable posts along the Rio Grande frontier, because it forms a national boundary and is likely to be permanent. * * * It may be well to build a new post between Ringgold Barracks and McIntosh, and another between McIntosh and Duncan. Should more be needed, I should prefer small block-houses connected with the larger posts by the telegraph, which would give prompt notice of the coming of any raiding party. It surely is to the national interest that the property on that frontier be made so safe that men would be encouraged to settle up all the lands, and thus form communities strong enough to guard their own interests. You may always count on me to favor any plan which will accomplish this result. Now is a good time, because matters on that frontier are exceptionally quiet and satisfactory."

General E. O. C. Ord, commanding Department of Texas, under date March 15, 1879, says:

"As to the needs of my department, I stated to the Military and Appropriations Committees of the House of Representatives that since I had reduced the number of posts in this department I had been re-enforced with twenty companies, and had sent out three, and that having quartered one of the seventeen additional I had now sixteen companies without quarters; that at lowest estimates it would take an average of $13,000 to quarter each of these companies; that I wanted to build three new posts; could get along with, perhaps, two; this to cover advancing line of frontier settlements; that in past four years I had received scarcely any money to quarter my troops.

* * * * * * *

"You can say that in the last four years the frontier of the State within which it is safe for families to settle has advanced from one hundred and fifty to two hundred miles toward the Staked Plains and the Rio Grande, and a new line of posts along certain parts of this new frontier, and to protect it from reservation Indians on the north and from Apaches from Mexico, on the south, is necessary."

The statement is made clearly by General Ord, in the above extract, that he has sixteen companies without quarters.

Surely common prudence demands that these troops should not be thus exposed unnecessarily to the inclemencies of the weather.

General Sherman, in another portion of the same letter from which the extract herein is taken, and which is addressed to Mr. MAXEY, of the committee, says:

"I assure you that I have no intention to reduce the military strength a particle in Texas; on the contrary, the changes contemplated there will rather increase the force, by putting *full* regiments in place of such as have been there ten years and are reduced in strength."

It is manifest to every intelligent man, whether he has military education and experience or not, that wisdom and sound policy demand that peace should be preserved along the Rio Grande border; that the people along that frontier should be protected from incursions of Mexican banditti and savage Indians, which have so long cursed the border and a few years ago well-nigh depopulated it.

The wise policy of affording all the protection in the power of the Government, with its limited military force, which has been pursued for a few years past, had manifested itself in greater peace and quiet there than had been enjoyed for many years before, and a conclusive evidence of its wisdom is the fact stated by General Ord, that within the last four years the frontier within which it is safe for families to settle has advanced from one hundred and fifty to two hundred miles toward the Staked Plains and the Rio Grande.

General Sherman, appreciating the wisdom of this policy, gives the distinct assurance that he will not diminish but rather increase the force. General Ord states that he has sixteen companies without quarters, and that at lowest estimates it will take an average of $13,000 to quarter each of these companies. A simple calculation shows that the sum of $208,000 at the lowest estimate is necessary to quarter these companies.

The statement of facts given is the strongest argument.

For many years past, as shown by the reports of the State Department, by the messages of the President, by investigations under the authority of the House of Representatives, and by the report forwarded by the State Department to the Senate during the third session of the Forty-fourth Congress, in compliance with its resolution, it is abundantly and conclusively established that murder, robbery, and arson have been carried on along that border with a high hand by Mexican and Indian raiders.

It is hoped and believed there is a change for the better. The committee has reason to believe that the Mexican authorities are manifesting a greater disposition than they have heretofore exhibited to do what they can on their side of the line to prevent these lawless incursions into our territory, and that they are not only willing but anxious that the authorities of this Government shall keep such protecting military force on our frontier as will, with their aid, prevent raiding on our territory in the future.

Adequate protection of the frontier is the best security for peace.

It will encourage settlements, so that in a few years the strength of the settlements will itself go far toward effectually and permanently stopping these raids.

Besides, raids, and of consequence bad blood and collisions, once effectually checked, commerce along the border between the two countries will spring up, and commerce itself is a handmaid of peace.

In addition to the foregoing recommendations, I make the following extract from a letter from the honorable Secretary of War to H. B. Banning, chairman of the House Committee on Military Affairs:

"WAR DEPARTMENT,
"*Washington City, February* 19, 1879.

"SIR: In reply to your favor of yesterday, I have the honor to inclose a report of the General of the Army upon the subject of the establishment of additional military posts in the vicinity of the Rio Grande border.

"I am of opinion that at least four additional military posts along the line of the Rio Grande should be constructed, and recommend the appropriation of $200,000 for that purpose.

"General Ord estimates that at least that sum will be required, and I concur with him in that opinion.

* * * * *

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"*Secretary of War.*

"Hon. H. B. BANNING,
"*Chairman Committee Military Affairs, House of Representatives.*"

Thus, in the judgment of the committee, the bill proposed is, from the standpoint of protection, peace, and commerce, a wise and economic measure.

Attention is also invited to the urgent renewal of his recommendation for this appropriation made by General Ord in his annual report to the General of the Army, October 1, 1879, page 93 of the report of the General of the Army to the Secretary of War.

Wherefore the committee reports back Senate bill 53, with such amendments as may be deemed prudent for the better protection of the Government, which amendments are shown by the bill as reported; and as amended recommend that the bill do pass.

Mr. DAVIS, of West Virginia. I ask my friend whether any appropriation was made in the general appropriation bill for that purpose?

Mr. MAXEY. No, sir. The bill is for a special appropriation, was not embraced in the general bill, and the attention of Congress was called to the matter by the President in his message December 3, 1877, and by the Secretary of War, and by the commanding general of the Department of Texas, as shown by the report of the committee; and I will give some reasons in addition to those fully set out in the report why this bill should pass.

For the last two or three years we have had upon the frontier of Texas comparative peace and greater security of life and property than we have had since the State entered into the Union, growing out of the fact that the Government has furnished better military protection than we had had theretofore, and this protection was supplemented by that furnished by the State of Texas. I will read some additional reasons, as set forth in the report of General Ord, commander of the military department, October 1, of the present year, and found on page 93 of the report of the General of the Army:

Of the thirteen sub-posts, or camps, eight have been established in the district of the Pecos by the district commander, under instructions from these headquarters of April 30, 1878, with a view of making safe the mail-route and settlements in its vicinity, by forcing the Indians from that region, and keeping them out of it. The intended result has, practically, been accomplished. All Indians penetrating the country have been so hotly pressed by the troops as to prevent their doing much damage—only three murders by marauders during the year. Last year there were seventeen in the region referred to.

The good order in Mexico, and the cessation of raids from that country, has enabled a considerable portion of the troops, held in reserve to carry out the order of the President, dated June 1, 1877, to cross the border in pursuit of raiders, to be diverted for use in exploring our own wild country, and occupying the water-holes frequented by raiding bands from our own Indian reservations. Cut off from water, the Indians cannot traverse the country.

Statement of expeditions and scouts, and the distances marched—total, 40,100 miles; an increase over that in last report of 18,740 miles. The activity of the troops in field service is thus indicated at a glance.

* * * * * * *

By reason of revolutions the Mexican population along the river is of a mongrel character. Deserters from the contending forces; Mexican soldiery sent to the border and there disbanded; remnants of bands of wild, raiding, or refugee Indians, who formerly found safety in the deserts and unexplored mountains of Mexico or Texas, and who have gradually learned to trade and mix with the people of its border towns; and smugglers—all go to swell the lawless element. To such a population, ordinary treaties or modes of administering justice will not apply, especially when it is considered that under the treaty of extradition now in force the local district judges are commissioners to extradite, and elected by a population more or less liable for extraditable offenses committed on the opposite side. The conclusion is reasonable that when the existing treaty was made the character and number of the border refugees was not understood. Moreover, under its provisions neither country is bound to extradite its own citizens, and, generally, to evade the penalties of the treaty, citizenship to suit their necessities can be proven by offenders.

The country in the vicinity of the banks of the Rio Grande is peculiar, and as little understood as is the character of the people. Along the lower river, ascending to Camargo, it is a rich valley, thickly timbered in the bottoms, with sheep and cattle ranches inland from the timber. Thence to Laredo it is broken with small patches of good land. Above Laredo to the mouth of the Pecos it is a cactus belt, with streams few and far between, with little cultivation, except near San Felipe—there only by irrigation. The cactus belt and the plateau are well adapted to sheep-raising. Above the mouth of the Pecos to the valley of San Elizario and El Paso, where again there are irrigable lands, the river cuts its way through wild and craggy mountain ranges and along the beds of immense cañons. Between the mountain ranges are plains, valleys, and gorges, rapidly undergoing exploration on the Texas side, and found well adapted to grazing. The ranges are much better supplied with water than was supposed, and in proportion as they are explored valuable discoveries of precious metals result.

From the mouth of the river to El Paso the population of the border counties is, with few exceptions, Mexican or of Mexican origin. Americans are pushing west and northwest, and as soon as the new military road—much nearer the river—from Fort Clark to Fort Davis, now under construction by the troops of this department, shall have been opened quite a number of cattle ranches will be established near and north of the Rio Grande and along the Pecos.

I beg now to call the attention of the Senate specially to the following extract from General Ord's report, namely:

I need not say that it is very disheartening to the officers to be compelled through the cold winters and hot summers of West Texas to keep their wives and children in tents, shanties, or brush huts, or to have them packed in attics. The want of quarters for so many necessarily crowds all the others, and a glance at the amount of service—40,100 miles of scouts and expeditions, 18,740 miles more than last year—performed by the troops in a country like West Texas ought to secure to them some comfort after a return from their long and weary marches over trackless wastes. One result of such discomfort, even under rather favorable circumstances, is that

of eleven officers who reached the department with four batteries of artillery only four remain, and only one of them has his family with him.

I have as earnestly as is consistent with propriety urged the necessity of an appropriation of $200,000 for four additional posts needed to replace those which have been vacated and others which it is proposed to vacate as rapidly as the larger settlements get beyond them or the protection of new settlements may require. The erection of four posts would provide quarters for the eleven companies now unprovided.

I beg to call the attention of the Senate to the following table showing subposts and scouting camps in the Department of Texas:

Subposts and scouting camps existing September 30, 1879.

Subpost or camp.	Garrisoned from—	District.	Remarks.
Santa Maria, Texas	Fort Brown	Rio Grande.	The camps in the district of the Pecos have been established by the district commander, under the instructions of the commanding general of April 30, 1878, with a view of making the mail-route safe and the settlements in its vicinity by forcing the Indians from that region and keeping them out of it.
Edinburgh, Texas	Fort Ringgold	Rio Grande.	
Camp at Pecan Springs, Texas.	Fort Clark	Nueces.	
Camp on the Nueces, Texas.	Fort Clark	Nueces.	
Camp on the Pecos, Texas	Fort Clark	Nueces.	
Camp at Grierson Springs, Texas.	Fort Concho	Pecos.	
Camp Charlotte, Texas	Fort Concho	Pecos.	
Camp at Eagle Springs, Texas.	Fort Davis	Pecos.	
Camp at Seven Springs, Texas.	Fort Davis	Pecos.	
Camp at Pine or Bull Springs, Texas.	Fort Davis	Pecos.	
Camp at Rainbow Cliffs, Texas.	Fort Stockton	Pecos.	
Camp at Frazier's ranch, Texas.	Fort Stockton	Pecos.	
Camp at Escondidos, Texas	Fort Stockton	Pecos.	

The Secretary of War in his letter of February 19, 1879, states, as shown in the committee's report:

I am of opinion that at least four additional military posts along the line of the Rio Grande should be constructed, and recommend the appropriation of $200,000 for that purpose.

General Ord estimates that at least that sum will be required, and I concur with him in that opinion.

We have comparative peace along our border now, resulting from protection. The troops in that department have done this vast amount of over forty thousand miles of scouting in all sorts of weather and undergoing hardships difficult to appreciate by those not familiar with the frontier and its deprivations. They are without quarters, and it is an act of justice and humanity to these soldiers who are so well doing their duty to make suitable provision. I think there can be no question in the mind of any Senator that it ought to be done, and I confidently submit this bill to the judgment of the Senate.

The VICE-PRESIDENT. The amendments of the Committee on Military Affairs will be reported.

The CHIEF CLERK. In line 5, after the word "of," it is proposed to insert "acquiring sites and;" and in line 6, after the word "erecting," to insert "thereon;" so as to read:

That the sum of $200,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of acquiring sites and erecting thereon such military posts on or near the Rio Grande frontier as may be deemed necessary by the Secretary of War for the adequate protection thereof.

The amendment was agreed to.

The CHIEF CLERK. It is also proposed to add at the end of the bill the following proviso:

Provided, That none of said appropriation shall be used for the purposes aforesaid until a valid title to said sites be vested in the United States: *And provided further*, That the State of Texas shall duly release and relinquish to the United States the right to assess or tax said sites, or any of them, or any improvements placed thereon for military purposes, so long as the United States shall remain the owner thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande frontier."

PETER GETERT.

Mr. INGALLS. I move the present consideration of Senate bill No. 341. It is a private bill reported from the Committee on Pensions.

The motion was agreed to; and the bill (S. No. 341) granting a pension to Peter Getert was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Peter Getert, of Company C, Sixteenth Regiment Iowa Volunteers, and pay him a pension at the rate of $—— per month from and after the passage of the act.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. INGALLS December 4, 1879:

The Committee on Pensions, to whom was referred Senate bill No. 341, report:

Peter Getert was a member of Company C, Sixteenth Regiment Iowa Volunteers. He enlisted November 12, 1862, and was discharged November, 1875. The records of the War Department fail to show treatment for any disease while in the service. He claims pension by reason of scurvy and rheumatism contracted while a prisoner of war at Andersonville in 1864. He furnishes evidence that he was sound and healthy when enlisted and at the time of his capture.

Two of his comrades testify to an attack of scurvy while at Andersonville, which soon after his exchange developed into extensive ulceration of the left leg, which has continued to the present time, accompanied by inflammatory rheumatism of an aggravated type.

The board of examining surgeons at Muscatine, Iowa, certify, June 5, 1878, that they had carefully examined Getert, and found him suffering from disease of left leg, caused either by scurvy or varicose veins. They concluded that his disability originated in the service of the United States, in the line of duty.

They fixed the rate of his incapacity at three-fourths; and concurring with them, the committee recommend that the bill do pass, with an amendment in the sixth line by inserting the word "six" before "dollars" in line 7.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Pensions in their report, to insert "six" before "dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HIRAM JOHNSON.

Mr. INGALLS. I move the present consideration of Senate bill No. 376, likewise a private bill reported from the Committee on Pensions.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 376) granting a pension to Hiram Johnson.

The bill was reported from the Committee on Pensions, with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hiram Johnson, late private in Company A, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension, from and after the passage of this act, for scrotal hernia, the rate of disability to be ascertained and determined by the Commissioner of Pensions under existing laws.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. INGALLS December 4, 1879:

The Committee on Pensions, to whom was referred Senate bill 376, report:

Hiram Johnson was a private Company A, Seventy-ninth Illinois Volunteers. He enlisted July 15, 1862, and was discharged March 2, 1863, upon surgeon's certificate of disability, resulting from scrotal hernia. He applied for pension November 17, 1869, and his claim was rejected April 4, 1877, upon the ground that the hernia existed before enlistment. There is evidence tending to show that Johnson had scrotal hernia in childhood, but this appears to have been cured. The soldier was carefully examined at the time of his enlistment, and accepted as a sound, healthy recruit. This action on the part of the Government ought to be regarded as conclusive upon the question. The evidence is clear that while marching, in the night, in October, 1862, near Perryville, Kentucky, he fell into a ditch, and was so badly ruptured that he was compelled to retain the parts with his hands in order to continue the march to Nashville, where he remained in general hospital till discharged, as above stated. The disability has continued to the present time, but the committee are unable to determine the degree; the latest evidence on this point being the certificate of an examining surgeon in 1872, at which date his incapacity was rated at one-half.

The committee therefore report the accompanying bill, leaving the determination of this point to the Commissioner, as a substitute for bill 376, with the recommendation that it do pass.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. CHURCHMAN.

Mr. INGALLS. I move the present consideration of Senate bill No. 475.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 475) granting a pension to Henry J. Churchman. It directs the Secretary of the Interior to place on the pension-roll the name of Henry J. Churchman, late a surgeon in the Fourth Division, Seventeenth Army Corps, United States Volunteers, and to pay him a pension of $—— per month from and after the passage of the act.

Mr. DAVIS, of West Virginia. I desire to ask the Senator whether these bills that we are now passing come from the Committee on Pensions, and whether they are recommended by that committee?

Mr. INGALLS. That is a very extraordinary question for the Senator from West Virginia to ask.

Mr. DAVIS, of West Virginia. Whether it is or not, I do ask it.

Mr. INGALLS. If the Senator supposes that I am endeavoring to pass bills on my private responsibility here, he is entirely unfamiliar with my course in this body.

Mr. DAVIS, of West Virginia. I did not know that the Senator's responsibility was greater than that of any other member of the body. The question, I think, was a very civil and polite one, and as much so as I knew how to address to a Senator. If the Senator thinks proper to answer it in an individual way, I cannot help it. I will ask the question of the chairman of the committee.

Mr. WITHERS. The chairman responds that all these bills reported from the Pension Committee are the unanimous action of that committee, and are recommended by every member of it.

Mr. DAVIS, of West Virginia. Mr. President, that is all I wanted to know, and I certainly had a right to ask the question.

The VICE-PRESIDENT. The Chair will call the attention of the

Senator from Kansas to the fact that there is a blank in the bill, and no amendment is proposed by the committee to fill it.

Mr. INGALLS. The blank in the bill was purposely left by the committee, for the purpose of enabling the Commissioner of Pensions to insert the amount to which the pensioner may be found entitled after an examination as provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. HAMLIN. I want to submit a query, whether the bill will authorize the Commissioner to fill the blank by any sum whatever? It seems to me that the bill grants nothing to the applicant unless the language shall be changed.

Mr. INGALLS. The bill is entirely correct.

Mr. HAMLIN. I have no objection to it. I only make the suggestion.

Mr. INGALLS. The Commissioner of Pensions has the right under existing law to order the beneficiary of the bill to appear before an examining surgeon for the purpose of ascertaining the degree of disability and the rate of pension to which he would be entitled. There was no evidence before the committee that authorized them, in their judgment, to pronounce the amount he ought to receive, and they therefore left the blank in order that the Commissioner might by proper medical evidence ascertain the amount the beneficiary ought to receive.

The VICE-PRESIDENT. The question is on the passage of the bill.

Mr. SAULSBURY. I think the Senator having charge of these bills ought to make some explanation in reference to their merits before we are called upon to vote on them. Outside of the Committee on Pensions I suppose there is no person who knows specially anything about the merits of the claim of the party to a pension.

Mr. INGALLS. There is a written report.

Mr. SAULSBURY. That is all true, but we have been here but a very short time, and we have not had time to take up these printed reports and examine them. It would be a matter of very little inconvenience to the Senator having charge of these bills briefly to state the basis on which the bills are brought in, and we ought to have that information succinctly stated in order to vote intelligently on them. I hope, therefore, the Senators who propose these pension bills to our consideration will state briefly the merits on which these parties are entitled to relief.

Mr. INGALLS. The report is brief. Let it be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. INGALLS December 4, 1879:

The Committee on Pensions, to whom was referred Senate bill No. 475, report:

Henry J. Churchman was a surgeon in the United States Army, who alleges that while with Sherman on his march to the sea he was injured by riding a rough horse, which caused urethral stricture, resulting in cystitis, which continues even unto this day, disqualifying him from participating in the active affairs of life. His claim was rejected at the Pension Office because the records failed to show the origin of the disability or its treatment in hospital, and that claimant was unable to furnish evidence, by affidavit of an officer or otherwise, that he was treated while in the service. Under the rules, the action of the Commissioner was correct, but the case appears to have unusual claims to equitable consideration. Dr. Churchman seems, from many testimonials on file, to be a gentleman of unusually high character and of most exemplary life. The evidence establishes incontrovertibly the fact that he was in perfect health prior to and at the date of his enlistment. He left the service in July, 1865, and the testimony of Dr. Carpenter shows that within one month thereafter he was treated for the diseases for which he now claims pension. He has since that time been continuously under the care of the most eminent surgeons in New York, Philadelphia, and Virginia, and remains an incurable invalid.

The only question for the committee to consider is whether the claimant did contract stricture and cystitis while in the military service of the United States and in the line of duty, and from the cause alleged.

All the other conditions necessary to establish his claim are satisfactorily proved, but upon this point the affidavit of Dr. Churchman is the only evidence. Had there been other proof, the case would have been admitted by the Commissioner. Under all the circumstances, the committee regard the claim as one which appeals strongly to the exercise of their discretionary powers, and they therefore recommend that the bill do pass.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

WILLIAM B. WHITING.

Mr. INGALLS. I move the present consideration of Senate bill No. 751.

The VICE-PRESIDENT. The bill will be reported.

The Chief Clerk read the bill (S. No. 751) granting a pension to William B. Whiting, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, under the class of persons who have lost the use of both feet, the name of William B. Whiting on the retired list of officers of the Navy, and to pay him a pension from and after the passage of this act.

Mr. COCKRELL. I shall not give my consent to the present consideration of that case until I first hear an explanation from the Senator reporting it. This, I understand, establishes the precedent that an officer upon the retired list drawing three-quarters pay, 75 per cent. of his regular pay, shall also be placed on the pension-roll. If it is to be made applicable to one, it must be made applicable to all. As I understand the cause of placing officers in the Navy and in the Army upon the retired list, it is on account of their disability; and the very cause and reason for a pension is thereby excluded. I do not think the principle is right that both a pension and three-quarters pay should be allowed to officers of the Army or Navy.

Mr. INGALLS. Will the Senator hear the report read?

Mr. SAULSBURY. Let the report be read.

Mr. COCKRELL. I have examined the report recently and the provisions of the statutes. I have them before me. I have read the report and the section of the statutes. I should not have made the objection I did without knowing to what I was objecting.

The VICE-PRESIDENT. The Chair understands the Senator from Missouri to object to the present consideration of the bill.

Mr. COCKRELL. I should like to have some explanation on that particular point. My recollection is that the question was brought up in the Senate some years ago and objection made, and the Senate refused to establish such a precedent.

Mr. INGALLS. Let the report be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. INGALLS December 4, 1879:

The Committee on Pensions, to whom was referred the petition of W. B. Whiting, report:

The petitioner entered the naval service of the United States as midshipman, February 2, 1829; was promoted to be lieutenant September 8, 1841; was placed on the retired list as lieutenant under the act of February 28, 1855, in consequence of physical injuries, for which he now asks a pension. His claim has been rejected by the Commissioner, upon the ground that the disability for which pension is asked did not originate in the line of duty. His physical condition is deplorable. While under verbal orders to join the Japan expedition, in 1852, he was thrown from a carriage, suffering dislocation of the spine, resulting in paralysis, which renders him a helpless invalid, unable to stand, and requiring the constant care of an attendant to lift him from his bed to a chair.

The committee are of opinion that the disability of which Commodore Whiting complains did occur in the line of duty, and the only remaining question is whether, being upon the retired list, he is also entitled to pension for the same injury which caused his retirement. Section 4724 reads: "No person in the * * * Navy * * * shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service."

The case of Commodore Whiting comes clearly withing the provisions of the statute. He was subsequently to his injury employed in a lower grade of the service, and, but for that injury, would have had full pay instead of retired pay, and would have remained in the line of promotion.

The committee therefore report a bill for his relief, with the recommendation that it do pass.

The VICE-PRESIDENT. The Chair understands the Senator from Missouri to object to the present consideration of the bill.

Mr. COCKRELL. I do not object if there is sufficient explanation given in regard to it.

Mr. INGALLS. There can be no explanation of this bill given other than that which is contained in the report which has just been read. I understand the objection of the Senator from Missouri to rest upon what he conceives to be the state of the law, that an officer in the Army or Navy who is retired and is drawing retired pay, is not the subject of pension. Section 4724, upon which he relies in support of that position, is exactly in opposition to his views. It reads:

No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

That is to say, if the disability for which the pension is to be granted does occasion his employment in a lower grade or in the civil branch of the service, then he may have a pension notwithstanding he is upon the retired list. The case of Commodore Whiting comes precisely within both these conditions. The disability was received while he was in the service of the Government, and in consequence of the disability that he received he was subsequently employed in a lower grade of the service, and has since become so entirely helpless in consequence of paralysis, resulting from injury to the spine, that he is unable to do anything.

It is clear, therefore, that under the most rigid interpretation of this statute the case of Commodore Whiting is plainly within the law. I trust that the Senator from Missouri will not insist upon any technical objections based upon the statute, because it was in evidence before the committee that the commodore is in a condition of great suffering and of destitution. This measure has been pending before Congress for several years, and it has been postponed from time to time upon the request of various Senators, notably the late Senator from California, Mr. Sargent, who urged exactly the same view now presented by the Senator from Missouri. In consequence of these objections relief has been postponed from time to time, and if it is postponed much longer it will come too late.

I ask the Senate to vote upon this question. It is a simple one. From my statement of the facts of the case, it is clearly within the statute, and I therefore hope that the measure may not be longer postponed, but may receive the favorable consideration of the Senate.

Mr. COCKRELL. Will the Senator from Kansas, before he takes his seat, answer the question how many officers of the Army and Navy upon the retired list are now upon the pension-roll?

Mr. INGALLS. I cannot answer that question; it was not an issue in this case; and it is utterly immaterial to the proper consideration of Commodore Whiting's claim whether there is one or there are a thousand officers on the retired list. The only question is whether under existing provisions of law he is entitled to a pension, and not how many officers are on the retired list drawing a pension.

Mr. WITHERS. I wish to state, in addition to the very clear exposition of the facts of the case which has been made by the Senator from Kansas, that this is a case peculiar in its merits. It has been examined by the Pension Committee with great care on two different occasions, and the result has been a unanimous report in favor of

granting the relief asked. It not only comes directly within the provisions of the law which has just been quoted, but the case is in itself one which appeals very strongly not merely to our sense of justice but to our sympathies, inasmuch as this gentleman has, in consequence of this injury, been reduced to the most deplorable condition possible to conceive. There is almost an absolute paralysis of his whole body. He cannot feed himself; he cannot move; he requires the constant attendance of another person to enable him to meet the requirements necessary to the existence of life itself; and in this condition, thus paralyzed, thus diseased, thus suffering, thus in penury, he comes before us with a case which presents every condition that is required by the law, and I am astonished to find that such hostility is manifested to giving him this justice, to which he is clearly entitled under the provisions of the law itself.

Mr. COCKRELL. How much is he now drawing?

Mr. WITHERS. I do not know how much he is now drawing. As chairman of the Pensions Committee it was not my duty to investigate the question of whether he was now drawing pay or how much. He is on the retired list, and the amount of pay provided by law for the grade which he holds on that list he receives, I presume. The question which the committee considered was simply this: whether this case as presented to us was of such a character as brought him within the provisions of the pension code. The committee decided unanimously that it did come within those provisions. The Pension Bureau, as the report states, rejected the case because, according to their conclusion, the disability was not received in the line of duty; they thought there was no proof of it. But the facts of the case show that it was received in the line of duty, for this reason: that no officer can be placed upon the retired list of the Navy for disability unless that disability was incurred in the line of duty. The case was investigated when he was placed upon the retired list, and it was decided by the naval board that he did receive the injury in the line of duty, and he was placed on that list in consequence thereof. Therefore that matter has been settled officially, and the committee believe correctly, the evidence before them being, to their minds, conclusive on that point.

Mr. COCKRELL. Do I understand the distinguished chairman of the Committee on Pensions to say to the Senate that no man can go upon the retired list except for disability?

Mr. WITHERS. No, sir; I stated no such thing.

Mr. COCKRELL. I understood that to be the proposition.

Mr. WITHERS. The Senator from Missouri misunderstood me. I stated that no officer could be placed upon the retired list for injury unless such injury was received in the line of duty.

Mr. COCKRELL. Is there any evidence that this officer was placed on the retired list for injury received and not for length of service?

Mr. WITHERS. There is.

Mr. COCKRELL. It is not so stated in the report.

Mr. WITHERS. It is not stated in the report, nor was it necessary to state it in the report; but the facts were before the committee to establish that he was placed upon the retired list for this very disability which then existed in comparatively a small degree, but which has been progressive from that time to the present.

Mr. COCKRELL. Mr. President, I have asked the distinguished chairman of the Committee on Pensions and the distinguished Senator from Kansas to tell me how much compensation this officer is now receiving upon the retired list. They neither one deign to give the Senate that information. We know by law that he is receiving 75 per cent. of the pay of the rank and grade upon which he was retired. We do not know that amount.

The chairman of the Committee on Pensions has said that the Commissioner of Pensions refused to grant this pension because the injury was not received in the line of duty. The report of the Committee on Pensions says:

> His claim has been rejected by the Commissioner, upon the ground that the disability for which pension is asked did not originate in the line of duty. His physical condition is deplorable. While under verbal orders to join the Japan expedition, in 1852, he was thrown from a carriage, suffering dislocation of the spine, resulting in paralysis, which renders him a helpless invalid, unable to stand, and requiring the constant care of an attendant to lift him from his bed to a chair.

That is the line of duty in which this injury was received. Probably absent, receiving a verbal order to report to some point for duty, he was thrown from a carriage, without the attendant circumstances of that injury being given to us; and it is called an injury in the line of duty!

I have asked each of these Senators having charge of the bill whether there are any other officers upon the retired list in the Army or Navy who are drawing pensions, and neither one of them will deign to answer. They dare not answer. This is a bold precedent; it is transgressing the rules of the Senate and the statute law upon that question.

Mr. WITHERS. Will the Senator permit me? The Senator is mistaken when he says that neither of us deigns to answer. I heard him answer distinctly that the Senator from Kansas was not aware whether there were or were not such cases. I myself certainly am not, but I am informed by a Senator that there are several. Therefore it is not a bold departure from the existing regulations, and I think even if it were, provided it comes within the conditions of the law, we had as well establish the precedent now as at any other time if a case arises requiring it.

Mr. COCKRELL. Mr. President, I have no names given and I presumed that the Committee on Pensions would be thoroughly conversant with this matter and able to give any information desired in regard to it.

Mr. WITHERS. I can give any information in regard to this case.

Mr. COCKRELL. I want to know, then, what officers of the Army and Navy on the retired list are drawing pensions.

Mr. WITHERS. Has that any connection with this case? I say I hold myself prepared from an examination of the matter to give to the Senate any information required as to the merits of this particular case. Now, I do not concede that it affects the merits of this case at all whether there are twenty or five who are receiving pensions who are also on the retired list; nor if I could give the names of all such persons would it affect the merits of this question. The Committee on Pensions are not accustomed to go into such extended examinations and ramify their inquiries so widely as the question of the Senator would seem to indicate. They confine their examination to the specific case before them, and if that comes within the provision of the law they recommend the granting of a pension.

Mr. COCKRELL. We do not desire the Committee on Pensions to ramble all over creation, but we do expect them to give us a reason why they undertake to introduce a new precedent here, and I charge that this is a violation of the precedents of the Senate, and a violation of the statute; and the late distinguished Senator from California, Mr. Sargent, defeated this very bill in one or two Congresses. This is not the first time it has been before the Senate and received a check.

Now, if the Senate has established the precedent that an officer in the Army or Navy on the retired list shall also be entitled to a pension, I have not one word to say in opposition to this bill. But if this is the first case, if this is to be the exception, I shall protest against it as wrong, as wrong to hundreds and thousands of the disabled soldiers of our country who are only drawing a few dollars' pay, and are just as helpless and just as poverty-stricken as any of the officers upon the retired list of the Army or Navy, and who are pleading for an increase of their pensions, but their pleas and their cries are not heard by the Committee on Pensions or by Congress. They in their poverty, in their paralysis, and in their distress, are entitled to as much consideration as the officers upon the retired list of the Army and Navy, and I for one propose to do equal and exact justice to all.

Mr. WITHERS. If the Senator from Missouri can show that the statute forbids the payment of this pension I will vote against it. On the contrary the very statute upon which he relies, the very provision which he has quoted, provides precisely for such a case as this, and it is under the provision and operation of that law that this pension is claimed.

Sir, I defend the Committee on Pensions from any imputations which may be made that they are influenced by any other considerations than those of justice and equity. We do not consider the claims of officers as superior to those of privates. We examine every case upon its merits; and the Senator from Missouri is entirely mistaken in his assertion that this bill has been defeated before this body. That is also an error. If the Senator would examine the facts connected with the case he would probably be a little more guarded in the breadth of his declarations.

Mr. VOORHEES. Mr. President, the simple question before the Senate, raised by the Senator from Missouri, is whether an officer on the retired list is prohibited from receiving a pension. The Senator from Virginia, the distinguished chairman of the Committee on Pensions, made the statement which I desired to make when I rose, that if the Senator from Missouri can show by the law that because a man is on the retired list, either from the infirmities of age or disabilities incurred in the service, he is prohibited from receiving a pension, we should like to see the law.

We have talked here about precedents. Without being able to name the cases, I can state that it is true that there are many officers on the retired list who likewise draw pensions. Why should it not be so? Suppose a man in the prime of life is stricken while in the line of duty with disability either on the battle-field or elsewhere, and he has to be put on the retired list. He at once loses a portion of his pay. Therefore, according to the Senator from Missouri, he ought not to receive a pension, although he has been so unfortunate as to be stricken from the active service and the pay of an active officer by disease or wounds incurred in the service; yet the pension law should not apply to such a case! That would not be equity even. It is not only not law, but it is not the equity.

Again, take the case of a man who has served long and is finally retired by reason of age. Age is one of the disabilities incurred in the line of duty. Age is one of the disabilities incurred in the service of one's country. When that disability becomes so great that at a stated period it is thought best by law to retire him to quiet and give his duties to those more able to perform them, shall it be said that therefore he is denied the benefit of the pension laws if in addition to the infirmities of age he has other disabilities acquired in the service of his country?

On every hypothesis and every mode of reasoning the Senator from Missouri is wrong. In his appeal for economy he is led into a channel in which he cannot sustain himself.

Mr. COCKRELL. Will the Senator from Indiana permit me to correct one statement?

Mr. VOORHEES. Yes, sir.

Mr. COCKRELL. I am not doing this in the interest of economy; I am doing it in the interest of justice and right in this case and to the maimed and pensioned soldiers of the country who are only drawing six or eight dollars a month.

Mr. VOORHEES. Fetch up your maimed soldiers and see whether I will not go as far as you will. I have not generally been behindhand in that respect. But I do not see why Commodore Whiting should be denied the benefit of the pension laws because of others that are flying around in the mind of the Senator from Missouri.

Mr. BECK. I desire to have the Senator from Indiana inform us what pay this officer is receiving now.

Mr. VOORHEES. I can answer just in this way: I am not well enough advised as to his rank or as to the pay of the various ranks in the Navy to answer directly, but I can say that he is receiving the reduced pay of a retired officer. Because he is on the retired list he is not receiving full pay, and he is losing that part of his pay because of these injuries received in the service of his country. He is docked, he is discounted, he receives less money than he did before this injury, and this pension that it is proposed to give him will not make him equal.

Mr. BECK. I asked the question supposing that that would be one of the things which the Committee on Pensions would inquire into, because if he receives a couple of thousand dollars a year already he is not quite so much an object of charity as he would be otherwise. I should like to know that fact.

Mr. VOORHEES. In answer to the Senator from Kentucky, I will state that whether he be an object of charity or not he has received his injuries in the line of duty, and, unless the law says that he is prohibited by reason of being on the retired list, he is as much entitled to a pension as any man whose claim was ever presented to this Government.

Mr. SAULSBURY. It seems to me that section 4724, which has been referred to in the debate, on a fair construction of it, does not cover the case now before the Senate. That section is this:

> No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

That evidently contemplates a person drawing a pension and still in the service in some grade at the time, and does not contemplate a person upon the retired list; and therefore the question asked by the Senator from Missouri was, it seems to me, a very pertinent one. If this gentleman was in the naval service, and was drawing his pay in a lower grade than that in which he was wounded, then he might draw both a pension and the pay of the grade to which he had been reduced by reason of his disability; but the section under consideration does not meet the case of a person who is upon the retired list at all, and therefore we may be establishing a precedent that may come home here to plague us.

I know nothing about this case except what has been stated here in debate; but we ought to be careful not to establish a precedent which may hereafter compel us, in justice to other persons in the same position, to give a pension to men who are now drawing their pay upon the retired list. It seems to me that the policy of the Government has been, when a person is disabled in the military or naval service from any cause, whether from age or inability, longer to serve in the line in which he has been serving, to place him upon the retired list, giving him a certain per cent. of his full pay, and that was considered to be a proper equivalent for the services which he had rendered. This section evidently does not contemplate anything in reference to a person upon the retired list. It is only a person who has been wounded in the service, and by reason of that wound is compelled to take service in a lower rank or in the civil branch, that is referred to; and under these circumstances he may be entitled to a pension, as well as to the pay of the rank to which he has been reduced. That is my construction of the statute, and therefore it does not meet the case now before the Senate.

Mr. WITHERS. I am sorry to differ with the distinguished Senator from Delaware; but if this case does not come specifically within the letter of the law I know nothing about the proper construction of the English language. It is true that the policy of pensioning officers who are on the retired list has not been adopted by this Government as a rule; but there are exceptional cases which are specifically provided for, in which this pensioning is allowable. This case is one of those exceptional cases. The evidence is conclusive upon the point. If gentlemen are dissatisfied with the policy of the law which permits this thing to be done their remedy is to repeal the law, and not make this man a victim of their hostility to the provisions of the law.

Mr. ALLISON. May I ask the Senator a question?

Mr. WITHERS. Certainly.

Mr. ALLISON. I understand this gentleman is a retired commodore, and as such receives $3,750 a year.

Mr. WITHERS. I do not know what he receives.

Mr. ALLISON. That is the pay of a retired commodore.

Mr. INGALLS. How much?

Mr. ALLISON. Three thousand seven hundred and fifty dollars per annum.

Mr. BECK. Can the Senator from Iowa tell us how much the bill proposes to give him? I cannot find out what he draws now or what it is proposed to give him.

Mr. INGALLS. Thirty dollars a month.

Mr. ALLISON. I ask whether the committee regard $3,750 as such inadequate pay as that it should be increased, and if so, how much?

Mr. WITHERS. In answer to the Senator I will state that I think in the first place he is mistaken as to the amount of pay that is received by this gentleman, but that can be ascertained by reference to the regulations.

Mr. COCKRELL. The pay of a commodore is, at sea, $5,000; on shore, $4,000.

Mr. WITHERS. Then he receives three-fourths of $4,000, which is a less amount than the Senator from Iowa stated.

Mr. ALLISON. That would be $3,000. A commodore put on the retired list is likely to be put on at the highest rate of his grade.

Mr. WITHERS. In addition to that I would say that this claim is not predicated upon the fact of the amount he receives being greater or less, but upon the fact that the law does not make the amount of pay an obstacle to receiving pension. It simply provides the conditions in which an officer who is on the retired list may likewise receive a pension. Among these conditions nothing is said as to the amount of his pay. But if this injury was received in the line of duty, and if in consequence of this injury it became necessary that he should be employed in the civil service or in a lower grade of the naval service than that which he would otherwise have been entitled to, he is entitled to the pension, and both these conditions exist in this case. The injury was received in the line of duty; it has required his employment in a lower grade of the service, and therefore he comes entirely within the provisions of the law, in the judgment of the committee, and they unanimously report in favor of passing the bill.

Mr. LOGAN. Will the Senator allow me to ask him a question, for I am certainly bothered on this section? Do I understand that the officer to whom this pension is proposed to be granted is now employed in a lower grade of duty than the grade he has in the Navy?

Mr. WITHERS. Not at present; but in consequence of this injury he was for a time employed in a lower grade of service, because his physical condition prevented his employment on the active list at his full grade. For years he has been absolutely incapacitated from discharging any duty.

Mr. LOGAN. Did that grade in which he was employed change his pay in the Navy?

Mr. WITHERS. Yes, sir.

Mr. LOGAN. In what respect?

Mr. WITHERS. It changed his pay in this respect, that he was detailed for duty in some rather semi-clerical department of business which did not give him the full pay to which he would have been entitled by virtue of the increased rank he would have held if he had remained on the active list.

Mr. LOGAN. If that is the case, in my judgment his condition does not fill the requirements of the law. As I read the law—at least I gather this from it—where an officer of the Army or Navy has been so disabled that his employment must be in a grade lower, that is to say, so that he will not draw the pay of the grade he had at the time, then he may have a pension. Now, the employment of an officer or the detailment of an officer to perform any duty, no matter what, unless his rank is changed, does not change the rate of his pay; so that if this officer continued to hold his rank, it made no difference as to the detail by the Navy Department or by the Executive of the Government, his pay on the roll would be the same.

I understand the meaning of this law to be that where an officer is so disabled that his employment must be of such a nature that he cannot receive the pay of his grade he may have a pension. That, in my judgment, is the proper consideration of this statute. I merely asked the question for the purpose of understanding that particular point in this case.

Mr. WITHERS. My investigation of the case convinced me from the papers presented that in consequence of the injury which this officer had received he was placed upon the retired list and was subsequently employed in the discharge of duties of a lower grade than the one to which he would have been entitled if he had remained in the service, and the pay also. I would mention to the Senators who have had reference to that subject, that my recollection is that the pay of officers in the Navy on the retired list is fixed by the rank they held at the time they were retired, and that although they may subsequently receive promotion in rank there is no corresponding increase of their pay. It is simply a brevet advance in rank and not an actual one, and the pay of the officer does not correspond to the nominal rank.

Mr. LOGAN. I think I can show the Senator, if he will allow me, that that construction of the law would certainly be very unfortunate. It is a very simple thing to get promotion in the Army or Navy by brevet, as it carries no pay. That is no evidence that the party's rank would be increased otherwise than by brevet. In fact we find, as far as the Navy is concerned, that it has been common to promote officers to the rank of commodore. We have a long list of such cases, and we are told the promotion carries with it no pay. Then the fact that a person has received an injury that authorizes his retirement to the retired list, if by promotion by way of brevet he has been advanced in rank, would entitle him, according to the construction the Senator gives, to the retired pay of the higher rank and to a pension also. That would be a very unfortunate construction of this statute.

I understand the rule applicable both to the Army and the Navy to be this, that the pension-roll was made for soldiers disabled in the service of their country, and for officers disabled in the service of their country who are not entitled to be placed on the retired list. In other words, men who could not be placed on the retired list—for instance, volunteer officers of the Army—may have pensions; but the retired list was made for those in the regular United States service, both in the Army and the Navy, in lieu of the pension-roll, and their retired pay was given them much beyond the sum allowed on the pension-roll and in lieu of that. The theory of the law is that a retired officer is not entitled to pension, but his retirement is substituted for pension. The idea of retirement and that of pension do not go together. There is, however, one exception, and that is where the rank of the officer, by virtue of his wounds or disability, must be reduced; that is to say, where his employment must be such that his rank does not give him the pay it ordinarily calls for. The employment of this officer had nothing to do with the change of his pay. He drew the same amount of money that his rank entitled him to, whether wounded or not wounded. I mean the pay provided for him on the retired list. That is provided for all, applicable to all.

If you are to give a man a pension because he is on the retired list, and say that by placing him on the retired list his rank or pay is reduced, then you can pension every man who is on the retired list both of the Army and Navy to-day, because the pay of every one of them is reduced as a matter of course, for the reason that the retirement pay is only three-fourths of the pay of the actual rank. So by this construction every man on the retired list of the Army and Navy would be just as legitimately entitled to a pension as this officer on that construction of the statute.

Mr. WITHERS. The Senator's construction of the law is a very remarkable one. There is certainly nothing in the law which justifies the construction that he places upon it. The law says nothing about reduced pay; and as to his theory that pensions were designed simply and only to apply to those who could not be placed upon the retired list, it is clearly untenable by the provisions of the section quoted, because it distinctly declares that officers on the retired list shall be entitled to pensions. Therefore his whole theory falls to the ground in the face of the specific provision of the law. The condition upon which an officer on the retired list is entitled to a pension is not made dependent upon the amount of pay; but simply two conditions are necessary, one that the injury must have been received in the line of duty, the second that in consequence of such injury he is unable to fulfill the duties of the position which he originally held, so that if employed he must be employed in a lower grade of service. That is exactly the condition, as the evidence in this case shows, of this gentleman, Commodore Whiting. At the time he was retired he was not a commodore, and the rank of commodore which he now holds is simply, if not distinctly by law so declared, a brevet rank; it assimilates it in this, that it is a promotion as to rank but involves no promotion as to pay.

Mr. LOGAN. Will the Senator allow me to put a case to him that will illustrate my position probably more clearly than what I have said? We have what is called the Soldiers' Home near this city. A major-general of the Army is retired. He draws three-quarters pay, which amounts probably to $4,000 per annum. He is assigned to duty as governor of the Soldiers' Home. That is duty in a lower grade than the grade of major-general in the Army. Will the Senator say that this law can be construed on that account, because his station is lower, to give him a pension besides his retired pay? Will he say that is the meaning of it? Can that be the meaning of the law?

Mr. WITHERS. If the Senator desires an answer now, I will say that there is another condition precedent which the Senator loses sight of. Not only must the rank be less than the one which he previously enjoyed, but the disability which he incurred must have been incurred in the line of duty. If the law is incorrect in this, if the theory of the law is erroneous, the Pensions Committee are not responsible for it; they can only enforce the law as it stands, and after repeated investigation of this case, and repeated discussion of it, and the fullest amount of evidence probably filed in any case that I have had under my supervision certainly, these points are distinctly sustained.

Now, the remedy, I repeat, should be to repeal the law if the law is defective. If it is wrong; if the principle should be established that no officer on the retired list, either of the Army or the Navy, shall under any circumstances receive a pension, enact that as the law, and repeal the existing provision which prescribes the conditions and circumstances under which an officer on the retired list is entitled to a pension.

Mr. LOGAN. I will say to the Senator that the presumption of the law is that when a man is retired he performs no duty whatever. The presumption of law is that a man retired is wholly retired from service. Then, if the retired list is given in lieu of the pension-roll, and men on it are wholly retired from the service, there ought to be at least some degree of similarity between the pension-roll and the retired list. When a man is pensioned the presumption is that he is disabled from the performance of duty. So of the retired list. One is given to the soldier or the officer who is not entitled to retirement; the retired pay to the one that is entitled to retirement, and only in a certain case can he be pensioned. That is in a case where the man's station is degraded. What is the station? The rank. The rank of this man was not degraded. He holds the same rank on the retired list as he did on the active list; that is, the rank or station which he holds. The same rank pertains to him and the same pay, except that it is changed to the retired pay; but it means where he has been forced to civil service or where he is assigned, as he may be if he applies, to perform certain duties of a lower grade. In fact, some men who are retired are placed entirely outside of the pale of the law so far as that is concerned, so that they cannot be called on to perform any duty of any character whatever.

Mr. WITHERS. According to the construction of the law now made by the Senator from Illinois, this gentleman comes legitimately within its provisions. The facts are just these: This gentleman was retired from active service and placed on the retired list some years before the war began. During the last war, under the exigencies of the service requiring a large increase in the officers of the Navy, and Army too, according to my recollection—but the Senator from Illinois will no doubt be better posted in regard to it than I am—many officers were taken from the retired list and placed on the active list; and this gentleman who would have been thus restored to the active list but for his physical disability was detailed for duty in the Observatory, these duties having been previously discharged by and appertaining to a lower grade in the service than that which he had formerly held. Therefore, under the Senator's own construction of the law, the case comes precisely within it.

Mr. LOGAN. The Senator misunderstands me entirely. This officer was not retired on a lower grade. He was retired on his actual rank. The meaning of the law is this——

Mr. WITHERS. Look at the law.

Mr. LOGAN. I am looking at the law and you will find in your own report that the law is quoted in this way, which is correct: that no officer on the retired list "shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service." That is to say, where an officer is not wholly retired, where he is continued in the service and the disability occasions him to perform a lower grade of service, that is, where he himself goes on duty under the law, he may have a pension; but where he is retired and placed on the retired list, where he is retired with his rank and is not degraded, he is not employed in a lower rank or a lower station and he cannot have a pension. He may by application himself perform other duties that he gets other pay for. That does not degrade him; it does not affect his rank at all. If he is wholly retired from the service so that he cannot be called into service at all, I ask if this law would apply?

Mr. WITHERS. No, sir; it would not.

Mr. LOGAN. Then, if it would not apply to a man who is wholly retired because he is so thoroughly disabled that he can perform no duty, I would ask why should it apply to a man who can perform duty?

Mr. WITHERS. Simply because the law so prescribes.

Mr. LOGAN. I do not so understand it. I think it would be a very bad precedent; and if this bill shall pass before this session shall close there will be a number of bills to give pensions to Army officers that are retired from wounds, disabled, totally disabled, some of them performing clerical duties and other duties. They will ask for pensions; and why not give them to them? Under this construction of the statute they are as much entitled as this man. If the precedent is once established there will be no end to granting pensions to officers who are retired, both in the Army and Navy, which was never contemplated by the law.

Mr. COCKRELL. Mr. President, we have asked information in regard to this matter which the Committee on Pensions has not been able to give. I find quite a number of the Senators disagreeing with the Committee on Pensions as to their construction of the law. I have asked the question as to whether any officers of the Army and Navy on the retired list have been pensioned. I have not had the names of any officers given to me yet.

Mr. INGALLS. I am able to give one now. The Commissioner of Pensions, in a case identical with this, I am advised, held that the law was as the committee now assert it to be, and granted a pension to Commodore James F. Miller, who was then upon the retired list. That information has recently come to me. I would say further, if the Senator from Missouri will allow me just one moment, that in the case which is now before us an application was made to the Commissioner of Pensions for relief under the law, and the only reason why it was rejected was, not because being a retired officer he was not pensionable, but because it did not clearly appear to the Commissioner that the disability for which he asked a pension was incurred in the line of duty. The Commissioner of Pensions never asserted that Commodore Whiting was not pensionable, but that he did not make out a case under the law which would authorize him to grant a pension on the ground that his disability was incurred in the line of duty. Had Commodore Whiting been able to establish to the Commissioner that one fact, that this disability was incurred in the line of duty, he would have been placed upon the pension-roll without the necessity of coming to Congress for relief.

Mr. COCKRELL. Mr. President, as I had started to state, and which the Senator has not answered, we are not furnished with any list of the names of officers upon the retired list of the Navy or Army

who are drawing pensions, and with the precedent in their respective cases. We are not furnished with a statement of the amount of money which Commodore Whiting is now drawing monthly from the Treasury on the retired list of the Navy. There has been a controversy in regard to that.

Mr. INGALLS. I can furnish that if the Senator desires it.

Mr. COCKRELL. It is not in the report here; I am only speaking of what has been presented for our action. It is not definitely stated by the committee, as I understand, what amount will be drawn under this bill. I understood the Senator from Kansas to say that it would be $30 a month. I now desire to ask him, if this bill should become a law, whether this officer would draw pay as a lieutenant or not; or of what rank or grade would he draw pay; and whether a lieutenant of the Navy only draws $30 per month as pension?

Now, in view of the fact that we have not this information, I would suggest to the Senator from Kansas that the bill lie over until Monday, and I for one, whether the committee get it or not, will get the information which I desire. It can be very easily obtained; and if those of us who are offering opposition to the present consideration of this bill are mistaken, I for one shall certainly withdraw any objections I may have. I am satisfied that my objections are now good. The objections of the Senator from Illinois, [Mr. LOGAN,] I think, are good; and so those of other Senators, especially the Senator from Delaware, [Mr. SAULSBURY.] I simply desire time for further investigation, and I ask that the case may lie over until Monday.

Mr. INGALLS. With the understanding that the case may be resumed on the assembling of the Senate on Monday, I have no objection to that course being pursued.

The VICE-PRESIDENT. Is there objection to that proposition? The Chair hears none. The bill is postponed until Monday.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. GARLAND. Senate bill No. 711, amending the charter of the Freedman's Savings and Trust Company, and for other purposes, was reported on the 21st of last June by myself from the Select Committee on the Freedman's Savings and Trust Company. In view of the investigation now proceeding before that committee, I am instructed by it to ask that the bill be recommitted. I make that motion.

The motion was agreed to.

UTE INDIANS.

Mr. COCKRELL. I ask the Senate now to proceed to the consideration of the joint resolution reported by the Committee on Indian Affairs this morning and to which I made objection. I simply desire to offer an amendment additional to those offered by the committee, and to which I hope there will be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado, and their removal and settlement elsewhere.

The bill was reported by the Committee on Indian Affairs with amendments, namely: in line 10, after the word "and," to strike out "to obtain their consent to" and insert "for;" and in line 11, after the word "settlement," to strike out "in the Indian Territory or;" so as to read:

For the extinguishment of their title to their reservation in said State, and for their removal and settlement elsewhere.

The amendments were agreed to.

Mr. COCKRELL. Now I desire to offer an additional amendment. I move to strike out the word "elsewhere" and insert "in some suitable place not in the Indian Territory."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH L. LEWIS'S WILL.

Mr. BAYARD. I move that the bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis be recommitted to the Committee on the Judiciary.

The motion was agreed to.

ARSENAL PROPERTY AT CHARLESTON.

Mr. BUTLER. I move that the Senate proceed to the consideration of the joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute for use and accommodation of said school.

Mr. MORRILL. I desire to inquire of the Senator from South Carolina if the Secretary of War has made any communication to the Committee on Military Affairs in relation to the propriety of surrendering this property?

Mr. BUTLER. He has; the matter was referred to him.

Mr. MORRILL. Is there a report made by the committee on the subject embodying that fact?

Mr. BUTLER. Yes, sir; the committee reported an amendment, which is made after having referred the joint resolution to the Secretary of War, and the Senator from Vermont will find that the transfer is recommended not only by the Secretary of War but by General Sherman, General Augur, General Hunt, and all the officers who have been consulted on the subject. General Sherman very cordially recommends it. It is only a temporary transfer pending the abandonment by the Government of this arsenal which has been occupied by troops, but they have been taken away. General Sherman is of opinion that it will be better preserved by being turned over to this school than by being left in charge of a sergeant.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Military Affairs was, to strike out all after the resolving clause of the joint resolution and to insert:

That the Secretary of War be, and is hereby, authorized and directed to lease and deliver possession, upon such terms and conditions as to him may seem best, for the use of or in the interest of the Government, to the trustees of the Holy Communion Church Institute, the property known as the "Arsenal," situated in the city of Charleston, State of South Carolina, together with all the buildings, rights, and appurtenances thereto belonging, to be had and held by said trustees for the use and accommodation of said school for such time as said lease may run, if not theretofore required by the Secretary of War.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to make such terms and arrangements with said trustees for the care and protection of said property during its occupancy by said school, and for the redelivery of possession to the Government when thereto required, as will best subserve the interests of the Government: *Provided*, That the Government shall not be required to pay for any improvements that may be placed on said grounds during the continuance of said lease.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK SOULÉ.

Mr. BOOTH. I move that the Senate proceed to the consideration of Senate bill No. 244.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 244) releasing Frank Soulé, late collector of internal revenue for the first district of California, and his sureties from liability on his official bond.

Mr. BOOTH. I move to strike out all after the word "service," in line 12, in the following words:

And the proper officer of the Treasury Department be, and he is hereby, authorized and directed to dismiss any and all suits that may have been instituted and are now pending against the sureties aforesaid upon said bond.

And in lieu thereof to insert:

And from any judgment which has been obtained thereon in favor of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at two o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 11, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

FORTIFICATION BILL.

Mr. FERNANDO WOOD. I demand the regular order of business.

Mr. BAKER. I rise, Mr. Speaker, to make a privileged report from the Committee on Appropriations.

The SPEAKER. The gentleman from New York will yield for a moment to the gentleman from Indiana to report one of the general appropriation bills.

Mr. FERNANDO WOOD. Certainly.

Mr. BAKER, from the Committee on Appropriations, by unanimous consent, reported a bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes; which was read a first and second time.

Mr. BAKER. I ask, Mr. Speaker, that the bill may be ordered to be printed, and recommitted; and I now give notice that to-morrow, after the morning hour, I shall move to go into the Committee of the Whole on the state of the Union, for the purpose of taking it up and putting it on its passage.

Mr. WHITTHORNE. I reserve all points of order.

The bill was ordered to be printed and recommitted.

SUPREME COURT REPORTS.

Mr. HARRIS, of Virginia. I ask by unanimous consent, Mr. Speaker, to have read a letter which I have received in reference to the discussion which took place yesterday in the House on the question of the reports of the decisions of the Supreme Court of the United States.

Mr. FERNANDO WOOD. I do not object if it shall not give rise to objection or discussion.

Mr. HARRIS, of Virginia. It will not. I ask that the letter be read.

The Clerk read as follows:

SIR: In reply to your telegram of yesterday asking for the probable cost of publishing the opinions of the Supreme Court, I have the honor to reply as follows: Three thousand copies of the book, similar in size and style to volume 7 Otto's Report, will cost as follows:

Composition	$723 00
Press-work	220 50
Folding, gathering, &c	159 00
Paper	658 98
Binding	1,800 00
Total	$3,561 48

I find on looking over this book some engravings. I have not included in my estimate any amount for engraving, but engraving of this character costs about $8 per page.

Yours, respectfully,

A. F. CHILDS, *Chief Clerk.*

Hon. J. T. HARRIS,
House of Representatives.

Mr. HARRIS, of Virginia. I desire to call attention to the fact stated in that letter that it will cost for the printing of reports of the Supreme Court only about $1.18 a volume.

REGULATION OF TRADE-MARKS.

Mr. McCOID. I ask, by unanimous consent, to report back from the Committee on Manufactures joint resolution (H. R. No. 125) proposing an amendment to the Constitution of the United States; and I move that the accompanying report be printed and recommitted with the joint resolution.

The SPEAKER. The gentleman from Iowa gives notice, so the House may be apprised of the fact, that he proposes to bring back the joint resolution by a motion to reconsider. That requires unanimous consent.

Mr. McCOID. The committee wish to have leave to report at any time.

Mr. FERNANDO WOOD. What is the subject-matter?

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States:

ARTICLE —.

SECTION 1. Congress, for promotion of trade and manufactures, and to carry into effect international treaties, shall have power to grant, protect, and regulate the exclusive right to adopt and use trade-marks.

That this amendment shall be valid when ratified by the Legislatures of three-fourths of the States.

Mr. FERNANDO WOOD. I object.

The SPEAKER. Does the gentleman object to receiving the report and ordering its printing and recommittal?

Mr. FERNANDO WOOD. No; but I do object to this question being brought back under a motion to reconsider.

The SPEAKER. Then the gentleman from Iowa can report when his committee is called.

The report was ordered to be printed and, with the joint resolution, recommitted, not to be brought back by a motion to reconsider.

The report of the committee is as follows:

The Committee on Manufactures, to whom was referred House resolution No. 125, having had the same under consideration, do make the following report thereon:

The joint resolution proposes an amendment to the Constitution of the United States of great and immediate importance. The amendatory article proposed is as follows:

"ARTICLE —.

"SECTION 1. Congress, for promotion of trade and manufacture, and to carry into effect international treaties, shall have power to grant, protect, and regulate the exclusive right to adopt and use trade-marks."

The occasion for the proposal of such an amendment, as is probably well known to every member of the House, is peculiar. Under the eighth section of article 1 of the Constitution Congress assumed the power granted by this amendment by the act of July 8, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights." That portion of said act material to this subject is as follows:

"Any person or firm domiciled in the United States, and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements:

"First. By causing to be recorded in the Patent Office a statement specifying the names of the parties, and their residences and place of business, who desire the protection of the trade-mark; the class of merchandise and the particular description of goods comprised in such class by which the trade-mark has been or is intended to be appropriated; a description of the trade-mark itself, with fac-similes thereof showing the mode in which it has been or is intended to be applied and used, and the length of time, if any, during which the trade-mark has been in use.

"Second. By making payment of a fee of $25 in the same manner and for the same purpose as the fee required for patents.

"Third. By complying with such regulations as may be prescribed by the Commissioner of Patents."

Under these statutes it was further provided that such trade-marks should remain in force for thirty years, subject to indefinite renewals. The common-law remedies for infringement were also enacted.

In August, 1876, further protection was given to the grantees of trade-marks by providing for the punishment of the fraudulent use, sale, and counterfeiting of such commercial symbols by fine and imprisonment.

Under these statutes the United States has registered trade-marks as follows:

Trade-marks registered and fees received by Patent Office in trade-mark cases.

	Cases.		
In 1871	509		
In 1872	531		
In 1873	534		
In 1874	648		
In 1875	1,035		
In 1876	1,081		
In 1877	1,416		
In 1878, (to October)	1,336		
	7,090, at $25,		$177,250
Remainder of 1878		$4,600	
To December 9, 1879		26,875	
			31,475
			208,725
Registered in 1870, 121 cases, at $25			3,025
Total registered, 7,785; total receipts			211,750

And has received in fees the sum of $211,750. Has entered into treaty obligations for the mutual protection of trade-marks with Great Britain, June 1, 1879; the Austria-Hungarian Empire, June 1, 1872; Belgium, July 30, 1869; France, April 16, 1869; the German Empire, June 1, 1872; Russia, January 27, 1868; Brazil, June 17, 1879.

The business men of the world have awakened to the fact that manufacture and trade require national and international control and protection of genuine commercial signatures to identify and distinguish property made and marketed by cosmopolitan tradesmen. At this juncture the commercial world is astonished to find that alone among the nations the United States has no power to grant, protect, or regulate trade-marks. This has been finally determined by the recent decision of the Supreme Court of the United States at the October term, 1879, in the cases of The United States *vs.* Emil Stifflins; Same *vs.* Adolph Witteman; Same *vs.* W. W. Johnson, F. E. McNamara, and N. S. Reeder.

As but a limited number of copies of that decision has been published, and it is so able and comprehensive as to be incapable of a satisfactory synopsis, your committee has deemed it best to set out the entire opinion. [See opinion attached.]

This, then, is the occasion which has arisen for the proposed change in the fundamental charter of the Government.

There arises two questions as to the propriety and necessity of the amendment:

First. Is the subject of sufficient importance to demand of the States this additional grant of constitutional power to the General Government?

Second. Is it a matter of such character as to require the legislative control of the National Government, instead of being left to the local legislation of the several States?

In answer to the first question, your committee deem it necessary to add but little to the facts already stated in the history of congressional and international action upon the subject.

The following considerations may be added:

The paramount interest of the Government to protect the innocent purchasers of manufactured goods from deception, frauds, and countless impositions. The beneficial effects of encouraging the establishment and maintenance of good commercial character on part of manufacturers protected by law. The stimulating and energizing the trade and commerce of our own people, giving them equal chances with citizens of other nations.

Trade-marks are now universally regarded as necessary to business. They have grown into use with the growth of civilization and progressive trade. All manufactures, all kinds of business adopt and use them. They are the ensigns of honor and popularity under which business men ship their goods from State to State and nation to nation. And now our commerce challenges the competition of the most prosperous countries. We are fast becoming the merchants; and our ingenious, industrious, and enterprising people, above all others, need this commercial proprietary protection.

As to the second question, your committee regard this as peculiarly the subject of national legislative control.

Nothing could be more detrimental to the interests of manufacture, trade, and commerce than the unharmonious local and conflicting legislation which would necessarily arise if this subject should be left to the States. The interest and safety of all demand that it, along with the power of making war, peace, and treaties, of taxation, regulating commerce and coining money, of granting patents and copyrights, should be vested in the General Government.

No one State could adequately protect her own citizens, much less the citizens of other States. The mere civil rights existing at common law are insufficient and impractical. No criminal law of a State can be framed comprehensive enough to cover violations of the rights of persons injured.

The treaty-making power, of which this becomes an incident, belongs solely to the General Government.

The various countries of the world have assumed national control of this subject. Austria passed a law granting and protecting trade-marks December 7, 1858, with general provisions and penalties such as our present laws of Congress. Bavaria has had such a law since 1840. In Belgium trade-marks are governed by the decree of 1801, the law of 1803, and decree of 1810. Great Britain has the "merchandise marks act" of 1862. France passed such a law June 23, 1857. Prussia, Sardinia, Spain, Würtemberg, each have protective laws.

The subject is not local. A trade-mark is ubiquitous. It knows no State line. It is of the essential nature of a patent and a copyright, in the method of its grants, regulation, and protection.

In the interest of revenue and economy of government it is also an important national subject. It is a source of considerable revenue.

The Government has already received at the hands of grantees of trade-marks under the laws now declared unconstitutional $——. This sum must be refunded in justice to such parties unless the consideration for its receipt is made good by the adoption of this amendment and legislation under it.

All these rights are now suspended and await action. Many of the State Legislatures meet this winter, and may ratify the proposed amendment at once.

Your committee therefore, in view of these facts, regard this resolution of immediate importance and recommend its passage before adjournment for vacation.

OPINION OF THE COURT.

"Mr. Justice Miller delivered the opinion of the Court.

"The three cases whose titles stand at the head of this opinion are criminal prosecutions for violations of what is known as the trade-mark legislation of Congress.

The first two are indictments in the southern district of New York, and the last is an information in the southern district of Ohio. In all of them the judges of the circuit courts in which they are pending have certified to a difference of opinion on what is substantially the same question, namely, are the acts of Congress on the subject of trade-marks founded on any rightful authority in the Constitution of the United States.

"The entire legislation of Congress in regard to trade-marks is of very recent origin. It is first seen in sections 77 to 84, inclusive, of the act of July 8, 1870, entitled 'An act to revise, consolidate, and amend the statutes relating to patents and copyrights.' The part of this act relating to trade-marks is embodied in chapter 2, title 60, sections 4937 to 4947 of the Revised Statutes.

"It is sufficient at present to say that they provide for the registration in the Patent Office of any device in the nature of a trade-mark to which any person has by usage established an exclusive right, or which the person so registering intends to appropriate by that act to his exclusive use; and they make the wrongful use of a trade-mark, so registered, by any other person, without the owner's permission, a cause of action in a civil suit for damages. Six years later we have the act of August 14, 1876, (19 U. S. Statutes, 141,) punishing by fine and imprisonment the fraudulent use, sale, and counterfeiting of trade-marks registered in pursuance of the statutes of the United States, on which the informations and indictments are founded in the cases before us.

"The right to adopt and use a symbol or device to distinguish the goods or property made or sold by the person whose mark it is, to the exclusion of the use of that symbol by all other persons, has been long recognized by the common-law and chancery courts of England and of this country, and by the statutes of some of the states. It is a property right for which damages may be recovered in an action at law, and the violation of which will be enjoined by a court of equity, with compensation for past infringement. This property and the exclusive right to its use were not created by the act of Congress and do not now depend upon that act for their enforcement. The whole system of trade-mark property and the civil remedies for its protection existed long anterior to the act of Congress and remain in full force since its passage.

"These propositions are so well understood as to need no citation of authorities or elaborate argument to prove them.

"The property in trade-marks and the right to their exclusive use, resting on the laws of the States in the same manner that other property does, and depending, like the great body of the rights of person and of property, for their security and protection on those laws, the power of Congress to legislate on the subject, to establish the conditions on which these rights shall depend, the period of their duration, and the legal remedies for their protection, if such powers exist at all, must be found in some clause of the Constitution of the United States, the instrument which is the source of all the powers that Congress can lawfully exercise.

"In the argument of these cases this seems to be conceded, and the advocates for the validity of the acts of Congress on this subject point to two clauses of that instrument, in one or in both of which, as they assert, sufficient warrant may be found for this legislation.

"The first of these is the eighth clause of section 8 of the first article of the Constitution. That section, manifestly intended to be an enumeration of the powers expressly granted to Congress and closing with the declaration of a rule for the ascertainment of such powers as are necessary by way of implication to carry into efficient operation those expressly given, authorizes Congress, by the clause referred to, "to promote the progress of science and useful arts by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.'

"As the first and only attempt by Congress to regulate the right of trade-marks is to be found in the act to which we have referred, entitled 'An act to revise, consolidate, and amend the statutes relating to patents and copyrights,' terms which have long since become technical as referring the one to inventions and the other to writings of authors, it is a reasonable inference that this part of the statute also was, in the opinion of Congress, an exercise of the power found in that clause of the Constitution. It may also be safely assumed that until a critical examination of the subject in the courts became necessary, it was mainly if not wholly to this class that the advocates of the law looked for its support.

"Any attempt, however, to identify the essential characteristics of a trade-mark with inventions and discoveries in the arts and sciences, or with the writings of authors, will show that the effort is surrounded with insurmountable difficulties.

"The ordinary trade-mark has no necessary relation to invention or discovery. The trade-mark recognized by the common law is generally the growth of a considerable period of use, rather than sudden invention. It is often the result of accident rather than design, and when under the act of Congress it is sought to establish it by registration, neither originality, invention, discovery, science, or art is in any way essential to the right conferred by that act. If we should endeavor to classify it under the head of writings of authors the objections are equally strong. In this, as in regard to inventions, there is required originality. And while the word writings may be liberally construed, as it has been, to include original designs for engravings, prints, &c., it is only such as are original, and are founded in the creative powers of the mind. The writings which are to be protected are the fruits of intellectual labor, embodied in the form of books, prints, engravings, and the like. The trade-mark may be, and generally is, the adoption of something already in existence as the distinctive symbol of the party using it. At common law the exclusive right to it grows out of the use of it, and not its mere adoption. By the act of Congress this exclusive right attaches upon registration. But in neither case does it depend upon novelty, upon invention, upon discovery, or upon any work of the brain. It requires no fancy or imagination, no genius, no laborious thought. It is simply founded on priority of appropriation. We look in vain in the statute for any other qualification or condition. If the symbol, however plain, simple, old, or well known, has been first appropriated by the claimant as his distinctive trade-mark, he may by registration secure the right to its exclusive use. While such legislation may be a judicious aid to the common law on the subject of trade-marks, and may be within the competency of legislatures whose general powers embrace that class of subjects, we are unable to see any such power in the constitutional provision concerning authors and inventors and their writings and discoveries.

"The other clause of the Constitution supposed to supply the requisite authority in Congress is the third of the same section, which, read in connection with the granting clause, is as follows:

"'The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.'

"The argument is that the use of a trade-mark—that which alone gives it any value—is to identify a particular class or quality of goods as the manufacture, produce, or property of the person who puts them in the general market for sale; that the sale of the article so distinguished is commerce; that the trade-mark is therefore a useful and valuable aid or instrument of commerce, and its regulation by virtue of the above provision of the Constitution belongs to Congress, and that the act in question is a lawful exercise of this power.

"It is not every species of property which is the subject of commerce, or which is used or even essential in commerce, which is brought by this clause of the Constitution within the control of Congress. The barrels and casks, the bottles and boxes in which alone certain articles of commerce are kept for safety, and by which their contents are transferred from the seller to the buyer, do not thereby become subjects of congressional legislation more than other property. (Nathan *vs.* Louisiana, 8 How., 73.) In the case of Paul *vs.* Virginia (8 Wallace, 168) this court held that a policy of insurance made by a corporation of one State on property situated in another was not an article of commerce, and did not come within the purview of the clause of the Constitution we are considering. 'They are not,' says the court, 'commodities to be shipped or forwarded from one State to another, and then put up for sale.' On the other hand, in the case of Almy *vs.* The State of California, (24 How., 169,) it was held that a stamp duty imposed by the Legislature of California on bills of lading for gold and silver transported from any place in that State to another out of the State was forbidden by the Constitution of the United States, because such instruments were a necessity to the transaction of commerce, and the duty was a tax upon exports.

"The question, therefore, whether the trade-mark bears such a relation to commerce in general terms as to bring it within congressional control, when used or applied to the classes of commerce which fall within that control, is one which, in the present case, we propose to leave undecided. We adopt this course because when this court is called on in the course of the administration of the law to consider whether an act of Congress, or any other department of the Government, is within the constitutional authority of that department, a due respect for a co-ordinate branch of the Government requires that we shall decide that it has transcended its powers only when that is so plain that we cannot avoid the duty.

"In such cases it is manifestly the dictate of wisdom and judicial propriety to decide no more than is necessary to the case in hand. That such has been the uniform course of this court in regard to statutes passed by Congress will readily appear to any one who will consider the vast amount of argument presented to us assailing such statutes as unconstitutional, and will count, as he may do on his fingers, the instances in which this court has declared an act of Congress void for want of constitutional power.

"Governed by this view of our duty, we proceed to remark that a glance at the commerce clause of the Constitution discloses at once what has been often the subject of comment in this court and out of it, that the power of regulation there conferred on Congress is limited to commerce with foreign nations, commerce among the States, and commerce with the Indian tribes. And while bearing in mind the liberal construction that commerce with foreign nations means commerce between citizens of the United States and citizens and subjects of foreign nations, and commerce among the States means commerce between the individual citizens of different States, there still remains a very large amount of commerce, perhaps the largest, which, being trade or traffic between citizens of the same State, is beyond the control of Congress.

"When, therefore, Congress undertakes to enact a law which can only be valid as a regulation of commerce, it is reasonable to expect to find on the face of the statute, or from its essential nature, that it is a regulation of commerce with foreign nations, among the several States, or with the Indian tribes. If it is not so limited, it is in excess of the power of Congress. If its main purpose be to establish a regulation applicable to all trade, to commerce at all points, especially if it is apparent that it is designed to govern the commerce wholly between citizens of the same State, it is obviously the exercise of a power not confided to Congress.

"We find no recognition of this principle in the chapter on trade-marks in the Revised Statutes. We would naturally look for this in the description of the class of persons who are entitled to register a trade-mark, or in reference to the goods to which the trade-mark should be applied. If, for instance, it described persons engaged in a commerce between the different States, and related to its use in such commerce, it would be evident that Congress believed it was acting under the clause of the Constitution which authorizes it to regulate commerce among the States. So if, when the trade-mark has been registered, Congress had protected its use on goods sold by a citizen of one State to another, or by a citizen of a foreign state to a citizen of the United States, it would be seen that Congress was at least intending to exercise the power of regulation conferred by that clause of the Constitution. But no such idea is found or suggested in this statute. Its language is: 'Any person or firm domiciled in the United States, and any corporation created by the United States, or of any State or Territory thereof,' or any person residing in a foreign country which by treaty or convention affords similar privileges to our citizens, may by registration obtain protection for his trade-mark. Here is no requirement that such person shall be engaged in the kind of commerce which Congress is authorized to regulate. It is a general declaration that anybody in the United States, and anybody in any other country which permits us to do the like, may, by registering a trade-mark, have it fully protected. So, while the person registering is required to furnish 'a statement of the class of merchandise, and the particular description of the goods comprised in such class, by which the trade-mark has been or is intended to be appropriated,' there is no hint that it is goods to be transported from one State to another, or between the United States and foreign countries. Section 4939 is intended to impose some restriction upon the Commissioner of Patents in the matter of registration, but no limitation is suggested in regard to persons or property engaged in the different classes of commerce mentioned in the Constitution. When we come to the remedies provided by the act for infringement of the rights of the owner of the registered trade-mark, there is no restriction of the right of action, or suit, to a case of trade-mark used in foreign or interstate commerce.

"It is therefore manifest that no such distinction is found in the act, but that its broad purpose was to establish a universal system of trade-mark registration, for the benefit of all who had already used a trade-mark, or who wished to adopt one in the future, without regard to the character of the trade to which it was to be applied or the locality of the owner, with the solitary exception, that those who resided in foreign countries which extended no such privileges to us were excluded from them here.

"It has been suggested that if Congress has power to regulate trade-marks used in commerce with foreign nations and among the several States, these statutes shall be held valid in that class of cases, if no further. To this there are two objections: First, the indictments in these cases do not show that the trade-marks which are wrongfully used were trade-marks used in that kind of commerce. Secondly, while it may be true that when one part of a statute is valid and constitutional and another part is unconstitutional and void, the court may enforce the valid part where they are distinctly separable so that each can stand alone; it is not within the judicial province to give to the words used by Congress a narrower meaning than they are manifestly intended to bear in order that crimes may be punished which are not described in language that brings them within the constitutional power of that body. This precise point was decided in the case of the United States *vs.* Rees, 97 U. S. R., 221. In that case Congress had passed a statute punishing election officers who should refuse to any person lawfully entitled to do so the right to cast his vote at an election. This court was of the opinion that, as regarded the section of the statute then under consideration, Congress could only punish such denial when it was on account of race, color, or previous condition of servitude.

"It was urged, however, that the more general description of the offense included the more limited one, and that the section was valid where such was in fact the cause of denial. But the court said, through the Chief-Justice: 'We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is constitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting words that are not there now. Each of the sections must stand as a whole or fall altogether. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only. * * * To limit this statute as now asked for

would be to make a new law, not to enforce an old one. This is no part of our duty.' If we should, in the case before us, undertake to make by judicial construction a law which Congress did not make, it is quite probable we should do what, if the matter were now before that body, it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the rights which parties would hold, in some instances under the act of Congress and in others under State law. (Cooley on Cons. Limitation, 178, 179; Commonwealth *vs.* Hitchings, 5 Gray, 485.

"In what we have here said we wish to be understood as leaving the whole question of the treaty-making power of the General Government over trade-marks and the duty of Congress to pass any laws necessary to carry such treaties into effect untouched.

"While we have, in our references in this opinion in the trade-mark legislation of Congress, had mainly in view the act of 1870, and the civil remedy which that act provided, it was because the criminal offenses described in the act of 1876 are, by their express terms, solely referable to frauds, counterfeits, and unlawful use of trade-marks which have been registered under the provisions of the former act. If that act is unconstitutional, so that the registration under it confers no lawful right, then the criminal enactment intended to protect that right falls with it.

"The questions in each of these cases, being an inquiry whether these statutes can be upheld in whole or in part as valid and constitutional, must be answered in the negative, and it will be so certified to the proper circuit courts."

ADMISSION TO THE FLOOR.

Mr. DAVIS, of Illinois. Mr. Speaker, I ask by unanimous consent that the delegates to the National Board of Trade, now in session in this city, be admitted to the privilege of the floor of the House during the remainder of their stay in this city.

Mr. WILSON. There is also a river commission in this city, composed of half a dozen of gentlemen from various parts of the United States, and I ask that they also be allowed admission to the floor of the House.

Mr. AIKEN. I object.

SOLICITOR AND JUDGE-ADVOCATE-GENERAL.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 2788) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN K. DIXON.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. No. 2789) honorably mustering out of the service John K. Dixon, late a private Company K, Eleventh Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

COMMITTEE ON APPROPRIATIONS.

Mr. BLOUNT. I ask by unanimous consent that the Committee on Appropriations and its sub-committees have leave to sit on the business of that committee during the sittings of the House.

There was no objection, and it was ordered accordingly.

DEALERS IN LEAF-TOBACCO.

Mr. TOWNSHEND, of Illinois. I ask by unanimous consent to submit the following resolution for action at this time:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to this House any information in the possession of that Department showing the number of licensed dealers in leaf-tobacco and the amount of internal revenue collected from such dealers during the fiscal year ending June 30, 1879, under and by virtue of section 3244 of the Revised Statutes, specifying separately the number of retail dealers in leaf-tobacco and the amount of revenue received from such dealers.

Mr. DUNNELL. I think that resolution should go to the Committee of Ways and Means.

Mr. TOWNSHEND, of Illinois. It only asks for information.

The SPEAKER. The gentleman from Minnesota objects to action on the resolution at this time, and if there be no objection it will be referred to the Committee of Ways and Means. Under the rule, if referred to that committee report will have to be made upon it within six days.

Mr. TOWNSHEND, of Illinois. I do not wish it to be referred to the Committee of Ways and Means, as it is simply a resolution of inquiry.

The SPEAKER. The Chair has no other course to suggest as the gentleman from Minnesota now objects to the present consideration of the resolution, and unless the gentleman consents to its reference it will not be before the House.

Mr. TOWNSHEND, of Illinois. Let it be referred, then, to the Committee of Ways and Means.

The resolution was received, and referred to the Committee of Ways and Means.

COLORED EXODUS.

Mr. SHELLEY, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on Education and Labor:

Whereas large numbers of citizens of certain States of the Union have been induced through the false representations and machinations of certain persons to leave their homes for the purpose of emigrating to other States; and

Whereas said persons so emigrating have failed for want of funds to reach their destination, and have become a charge upon the several communities where they have been compelled to stop in their journey, being without food or proper clothing in many instances: Therefore,

Resolved, That a special committee of five be appointed to investigate the causes of said emigration and report such measures to this House as will afford the relief the exigencies of the case demand, and that said committee have leave to sit during the recess of Congress, have the right to send for persons and papers, and employ a stenographer; the expenses of said committee to be paid out of the contingent fund of the House, upon vouchers filed by the chairman thereof.

FRAUDULENT CLAIMS.

Mr. MANNING. I desire to introduce the following resolution of inquiry and to ask for its present consideration.

The Clerk read as follows:

Whereas the Secretary of the Treasury in his annual report for the year 1877, referring to the payment of claims against the Government, said "most of these claims are paid out of what are classed as permanent annual appropriations contained in section 3689, Revised Statutes, which do not come under the annual supervision of Congress. These appropriations, though declared to be annual, have been used for the payment of claims, however old, including nearly every case of fraudulent or exaggerated claims paid by this Department:" Therefore,

Resolved, That the Secretary of the Treasury be directed to report to this House what fraudulent claims have been paid by the Treasury Department from the appropriations authorized by section 3689, Revised Statutes, and what fraudulent claims, if any, have been paid from other appropriations since June 22, 1874, up to and including the date of his said annual report; the amount and date of each fraudulent claim paid during the time above mentioned, specifying the appropriation from which paid, the nature of each claim, to whom paid, and what recommendations have been made or action taken or ordered by the Treasury Department to recover any money thus paid, with the date of such recommendations, action, or orders, and a statement of the result, if any, of such recommendations, actions, or orders in each case; and also to furnish this House with the evidence upon which said statement of fraud is predicated.

Mr. CALKINS. Members here have only been able to hear in the confusion a sentence or two of that resolution, and I think at least before the question is put to the House the resolution should be again read. I reserve my right to object.

The SPEAKER. The gentleman shall lose no right.

The resolution was again read.

Mr. FERNANDO WOOD. I demand the regular order of business.

The SPEAKER. To the exclusion of this resolution?

Mr. FERNANDO WOOD. I think we should have the regular order.

The SPEAKER. Let the resolution be referred, and it can come back within six days under the rule, being a resolution for information from one of the Departments.

Mr. MANNING. I have no other course left me, although I should like to have the resolution considered at this moment. I regard it as of great importance, and I do not see why there should be any objection from any quarter to its adoption at this time.

Mr. FERNANDO WOOD. There will be objection.

The SPEAKER. Under the rule, whatever committee the resolution is referred to will be compelled to report it back within one week.

Mr. MANNING. Very well. I ask that the resolution be referred to the Committee of Ways and Means.

The resolution was so referred.

PRINTING FOR LAND COMMISSION.

Mr. SINGLETON, of Mississippi. I desire to make a report from the Committee on Printing. The committee have had under consideration the joint resolution referred to them (H. R. No. 143) authorizing certain printing for the land commission, and have unanimously directed me to report a substitute (H. R. No. 145) therefor, with the recommendation that it do pass. I ask the Clerk to read the proposed substitute.

The Clerk read as follows:

A joint resolution authorizing certain printing for the land commission.

Be it resolved, &c., That the Public Printer be, and he is hereby, authorized and required to print, upon requisition of the chairman of the public land commission, created by the act of March 3, 1879, for the purpose of codifying the laws relating to the public lands, and for other purposes, such letters, testimony, and documents as may be necessary for the performance of the duties prescribed for said commission: *Provided*, That the cost of such printing shall not exceed the sum of $2,000: *Provided further*, That the number of copies printed of said letters, testimony, and documents shall not exceed two hundred.

Mr. SINGLETON, of Mississippi. If necessary, I will make a brief explanation in regard to this resolution. I do not know that an explanation is really necessary. On the 3d of March last a commission was raised for the purpose of codifying the land laws. They have taken a great deal of testimony, and it is very important it should be printed to aid them in the work they have to accomplish. Unless this is done it will be almost impossible for them to do that work within the prescribed time. This is an appropriation of $2,000 for that purpose.

There being no objection, the joint resolution was read three times, and passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PANAMA CANAL.

Mr. ACKLEN, by unanimous consent, introduced a joint resolution (H. R. No. 146) authorizing the President of the United States to appoint a commission of engineers to examine the surveys of the contemplated canal across the Isthmus of Panama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed a bill (S. No. 618) for the relief

of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana; in which the concurrence of the House was requested.

Mr. FERNANDO WOOD. I now insist on the demand for the regular order.

UNLADING OF FOREIGN VESSELS.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-five minutes past twelve o'clock. The unfinished business coming over from yesterday is the bill (H. R. No. 2786) relating to the unlading of foreign vessels, reported by the gentleman from Connecticut [Mr. WAIT] from the Committee on Commerce.

Mr. WAIT. I yield three minutes to the gentleman from Louisiana, [Mr. ACKLEN.]

Mr. ACKLEN. The gentleman from Michigan [Mr. CONGER] on yesterday objected to the bill now under consideration that it would interfere with the American shipping interests, and that it would seriously prejudice the coastwise trade if it should become a law. I think that the bill is simply the practical solution of a very interesting question.

It is hardly probable, as suggested by the gentleman from Michigan, that a vessel entering at the port of New Orleans would be likely to proceed up to the different ports of delivery on the Mississippi River to discharge its cargo. It would be hardly probable that a vessel would be put to such an expense. The same reasoning would be equally good as applied to the coastwise trade. I cannot see under those circumstances why objections should be urged to the passage of this joint resolution on such grounds. It is true that it is somewhat of an innovation upon the old law of 1799, but it is an innovation that will result in practical good. I think, Mr. Speaker, that under those circumstances there should be no objection to the passage of this joint resolution, which has received the unanimous support of the Committee on Commerce.

Mr. DUNNELL. I understood yesterday that the gentleman from Connecticut having this bill in charge was quite willing it should be recommitted and printed; and I think that was the understanding come to. This seems to me a very important bill, and I am unwilling to vote on it until I see it in print, and until it has been fully discussed.

The SPEAKER. There was an interchange of suggestions about the printing and recommitment of the bill, but no understanding was come to. The House is bound by action, not by debate.

Mr. REAGAN. This bill presents a single question which is easily comprehended, and the committee has agreed to recommend its passage as it is now reported. If the House does not desire it, it may as well vote it down now as at any other time. If the House does desire it, let it pass the bill now.

The only question that arises upon the bill is this: Under the law as it now stands, a vessel importing goods discharges its cargo at the port at which it first arrives. The object of this bill is to enable the vessels bringing cargoes to more ports than one to discharge cargo at the ports to which the merchandise is consigned. It does not authorize any interference with the coasting trade, as recognized by our present legislation, to the extent of permitting such vessels to take up merchandise at one American port and carry it to another. They cannot do that. It is only a question of whether they may discharge cargo at more ports than one. The reason for that is so easily understood that further investigation is not necessary, it seems to me, to determine whether the House shall assent to this proposition or not.

A vessel may have consignments of goods to Baltimore and to Norfolk. If she arrives, as the law is now, first at Norfolk the entire cargo must be discharged at Norfolk and the consignees of the portion of the cargo for Baltimore would be required to pay the charges for storage and reshipment and freight to Baltimore, which would be added to the cost of transportation. Now, if the vessel as is proposed by this bill be enabled to discharge the part of her cargo consigned to Norfolk at that port, and the part of the cargo consigned to Baltimore at that port, this saves to the consignees the expenses connected with a reshipment of the cargo designed for the second port. I mention these two ports merely by way of illustration.

It was urged yesterday that under the provisions of this bill a cargo consigned to different ports on the Mississippi and its tributaries might pass along up the Mississippi River. Now we understand that practically foreign vessels coming from foreign ports, loaded with cargoes for this country, are generally consigned to the most convenient external ports of the country. It is not to be supposed that they will incur the expense and the danger of navigation in order to pass into the interior waters of the country to discharge their cargoes there. Therefore, while that may be a possible thing it is not at all a probable thing.

The proposition here is simply to relieve, to the extent proposed by this bill, the commerce of our country from some of the burdens now imposed upon it. If there is a subject which above all others should command the serious attention of this House, it is the commercial condition of this country and its commercial interests. This is a small step but a proper one in the direction of cheapening commerce to our people, without interfering with the coast trade proper. Under this bill no foreign vessel can take up merchandise at one American port and carry it to another. All the power given under this bill is simply to enable such foreign vessels to discharge the cargoes brought from foreign countries at the different ports to which such cargoes may be consigned.

A vessel may come with consignments of cargo to Boston and New York. Under the law as it now stands, when that vessel arrives at the port of Boston, for instance, it must discharge its entire cargo there, and then may have to go to New York in ballast, while the consignees of the New York portion of the cargo will have to meet the expense of storage in Boston and reshipment from Boston to New York.

I have stated all there is in this bill. I understand very well that there is a strong feeling against any interference with the law which secures to American vessels the coastwise trade of the United States. We do not propose by this bill to take away that trade at all, to attack it in any degree. We propose only to change the law so as to cheapen the commerce of the country and to save to our people the expenses of reshipment of foreign merchandise to a second port.

Mr. FERNANDO WOOD. The law as it now stands deprives foreign-built vessels of the American coast trade. Such foreign-built vessels already command three-fourths of the carrying trade of the United States. All the reservation which we have against foreign-built vessels is the law preventing their engaging in this enormous traffic along the coast of the United States.

This bill strikes a blow at the advantages now possessed by American vessels in regard to our coast trade, which advantages are held exclusively in the hands of the owners of American shipping. It is a small step, it is true, as the chairman of the Committee on Commerce [Mr. REAGAN] has said; but it is a dangerous step, and an innovation which I for one will never consent to.

It is proposed in this bill that a foreign-built vessel may discharge a part of its cargo at one port of the United States and then proceed to a neighboring port and discharge the remainder of such cargo. In other words, it is in direct contravention of the statute providing against that very thing.

But I have another objection to this bill. It does not come before the House in the proper manner. In the first place, it should have never been referred to the Committee on Commerce; the subject of the bill is not one coming within the jurisdiction of that committee. It is not their province to consider a question of this character.

Secondly, this bill has never been printed, and members of this House have had no opportunity to examine it. Until that opportunity is given, and we can look at the bill and examine carefully all of its bearings upon this important question of the advantages possessed by American tonnage as against foreign tonnage, I certainly will not consent to its consideration.

Mr. DUNNELL. I had intended myself to raise the point which has been raised by the gentleman from New York, [Mr. FERNANDO WOOD,] that this very important measure comes before the House upon a written bill. From what was said in the debate yesterday, I certainly expected that this bill would be printed in the RECORD of this morning. But for some reason or other it is not even printed in the RECORD. Now I am not willing to vote for a bill of this magnitude which is not printed, and which comes before us in this irregular manner.

We have lived under the present law for more than eighty years. The Secretary of the Treasury speaks of the benefits resulting to the coastwise trade of the United States under the operations of the present law. Now, after we have lived under that law for eighty years, because of a little hardship which may have been felt at New London, it is proposed to repeal this old law, and not so much as to bring in a printed bill for consideration by this House.

Now, I have very great respect for the gentleman from Connecticut, [Mr. WAIT;] but I must insist that this is too important a measure—one affecting, and perhaps very much more than the gentleman himself now apprehends, the revenues of the country and the shipping interests of the country—to be brought in here and pressed for consideration without a printed bill, and even without a report.

I hope the gentleman will consent that this bill be recommitted and printed, and that it shall come before us at the proper time, when we can consider it fully and pass upon it intelligently. There is no necessity for any hurry in the passage of this bill.

Mr. REAGAN. Mr. Speaker, the view presented by the gentleman from New York [Mr. FERNANDO WOOD] raises the only question before the House in connection with this bill. He assumes that it is a blow at the interests of American ship-owners. Surely, if the law now gives to American ship-owners the monopoly of the entire coastwise shipping of this country, this bill does not interfere with that. But the law as it now stands operates not merely to give a monopoly of the coasting trade to American ship-owners, but it operates to compel consignees to consent to an expensive reshipment at their own cost for the benefit of ship-owners. There would be no more justice in retaining the present provision in this respect or in defeating the bill now before us than there would be in passing a law declaring that on consignment of goods to more than one port in this country the Government should give a direct benefit to American ship-owners to the extent of the price of the carriage of those goods from one port to another. This is one of those unjust and odious discriminations against the interests of the great body of the people which clog and load down and cripple our commerce so as to have driven our mercantile marine from the ocean. I trust the time has come when an enlightened and just policy, based upon consideration of public interest and justice, shall control in the legislation of this country, and when our legislation is not to be employed in securing and perpetuat-

ing monopolies for the benefit of a few at the expense of the many. That is precisely the question which comes up now.

I wish to repeat that the bill does not interfere with the coastwise trade in its ordinary sense. It does not permit any foreign-built vessel to take up commerce at one port of the United States and convey it to another. Its only object is to save to consignees the expense of a second shipment of cargoes consigned to more than one port in this country by one ship.

So far as concerns reprinting the bill I have no objection, if the gentleman from Connecticut prefers that course, though for my own part I am ready to vote now.

Mr. CONGER. Mr. Speaker, I expressed yesterday my objections to this bill, so sweeping in its nature and so utterly demoralizing to the interests of American ship-owners and shippers, and all for the purpose of facilitating the transfer of goods from New London to Norwich, a distance of thirteen miles. I will join with the gentleman from Connecticut [Mr. WAIT] in the passage of a bill that shall give all opportunity to foreign or domestic vessels in making that perilous journey between New London and Norwich. [Laughter.]

But, sir, when the gentleman from Connecticut introduces a bill that we have not seen in print, the purport of which we must catch from hearing it read or from examining it as we may; when I find that this bill affects, in my judgment seriously, the coasting trade; when this view is fortified by a letter from the Secretary of the Treasury, asserting that the bill may materially affect the coasting trade; when I do know that it may affect the transportation upon the entire Mississippi, upon the Hudson, upon any river capable of floating foreign ships that come to our ports of entry; when I know that it may affect the transportation from British North America to the United States on the chain of lakes and other waters a thousand miles in extent; when I know, as every man knows, that our shipping interest not only on the ocean but on the rivers and on the lakes has within the last few years been depressed, almost destroyed; when I know that the value of steamboats, barges, schooners, and barks on our lakes has fallen below the cost of construction, or even the cost of repair, it does seem to me that within the first three months in which there has been a revival of that business in which shippers at home and abroad owning American ships begin to have some relief, to pass such a bill as this in this hurried manner would be suicidal.

Sir, I marvel of all things that the gentleman placed at the head of the Committee on Commerce, who should be sensitive, who should be bold, who should be determined in the protection which his course here may give to American commerce, advocates as chairman of that committee the free-trader's doctrine and would for the sake of a few foreign ships ruin still further American shipping and American commerce in American bottoms.

How sad it seemed to me to hear the chairman of the Committee on Commerce bewail the loss that would accrue to foreign ship-owners if this bill should not pass. I have forgotten the duty of a committee on commerce if it be not to protect American commerce, American navigation, American shipping, American ship-owners—to do all it can to bring back to this country its destroyed commerce and carrying trade and not to hold out inducements to foreign ships which are not permitted to American ships.

Let this bill be printed; let it be considered; give members an opportunity to know what it is, what its effect will be. Give to gentlemen who live along the Mississippi, along our great lakes, along our internal waters, an opportunity to know what their constituents may desire in regard to such a bill as this, which gives to the foreign ship-owner privileges which are denied to our own people.

Mr. MCLANE. I wish to call the attention of the gentleman from Michigan, and also of the gentleman from New York, to the fact that this bill does not permit a vessel to go from one port of entry to another port of entry. It simply authorizes a vessel that is duly entered at a port of entry to go and unload at a port of delivery within the same collection district.

Mr. CONGER. I understand that. If the gentleman had listened to my remarks yesterday he would have seen that I gave the greatest force to that proposition when I said that on the Mississippi River New Orleans was the port of entry, and all other ports—and I mentioned them by name—except Natchez, are ports of delivery only; Memphis, Vicksburgh, Saint Louis, and, on the Ohio, Louisville and Cincinnati, are all ports of delivery. If, then, a foreign vessel could navigate the Mississippi and the Ohio, it might be loaded with freight for every single port on those rivers, and, entering at New Orleans, it could carry that freight and deliver it to every one of those ports of delivery. On our lakes the same thing could be done.

Sir, it is an encroachment on the law as it has always stood; it is an encroachment upon the rights of American ship-owners; it gives a premium to the owners of foreign vessels so that goods may be brought in foreign bottoms to the exclusion of American shipping.

Mr. MCLANE. Will the gentleman from Michigan permit me to conclude the explanation I rose to make?

Mr. CONGER. Certainly.

Mr. MCLANE. I was about saying that it has been the practice of this Government during this and every preceding Congress, almost *nem. con.*, without opposition, to grant permission by law when application is made that a vessel, having entered a port of entry with a cargo for ports of delivery within the same collection district, to deliver the same at the port of delivery, deputy collectors being appointed for the same.

Mr. KELLY. I have never heard of it.

Mr. MCLANE. Laws have been passed to authorize it——

Mr. CONGER. On application to the Secretary of the Treasury. Make this bill so, on application to the Secretary of the Treasury. We have a law which provides that where consignment is made to a port of delivery notice may be given at that port of delivery and at the port of entry, in order to get permission to discharge the cargo at that port of delivery. Let this bill follow that law and it will be less objectionable.

Mr. WAIT. Mr. Speaker, I desire to say a few words in reply to the gentleman from Michigan. In the first place, the gentleman is not correct in the assertion that he makes that there is any existing law by which you can now appeal to the Secretary of the Treasury and he can grant permission to a foreign vessel, after it is entered at a port of entry, to proceed forward and unload its cargo at a port of delivery.

It was in response to a letter which I addressed to the Secretary of the Treasury, asking that such permission should be granted to the importing house to which I have alluded, and which was compelled by the exigencies of the case to put their cargo on board of a foreign vessel in a West India port, that the Secretary of the Treasury replied that the statute absolutely forbade his granting my request. I requested him to permit that vessel to go forward and unload its freight at the port of delivery.

It was in response to the letter from me asking such permission that the Secretary stated there was no existing law which could in any manner be so construed as to authorize him to grant this permission to an importer of foreign goods bringing the same into the United States in a foreign vessel. It was because of the fact of that very embarrassment—that there was not any law granting relief in such cases—that this proposed legislation was sought by parties in interest, and, in fact, on the suggestion of the officers of the Treasury Department. In introducing the resolution, which was referred to the Committee on Commerce, I acted on a full and clear understanding with the Assistant Secretary of the Treasury, as shown by his letter to me, published in the RECORD of this morning, that the legislation asked for by the resolution was important to the commercial interests of the country and required to relieve importers from the difficulties, and I may say injustice, under which they suffer. It is not the town of Norwich or parties that import foreign products into ports in my district that alone suffer from the operation of statutes enacted nearly a century ago and adapted to an entirely different condition of things in this country.

Navigation on the Connecticut River is embarrassed in the same way that the navigation and importation of goods on the river Thames are injuriously affected. The same embarrassment I presume exists in regard to the Hudson River. The importer may bring in goods to be delivered at some port of delivery up that river thirty miles or more from the city of New York, which is a port of entry, but under the present law he is required to unload the goods at the port of entry and thence transport the same to the port of delivery by lighters or railroad. If this bill should pass and become a law then a foreign vessel laden with imported goods for Hudson City or the city of Poughkeepsie, which places are situated up the North River, assuming that these cities are ports of delivery and the residence and place of business of the parties to whom the goods are consigned, the consignor may enter the vessel and cargo at the port of entry and afterward go forward and deliver the goods to the consignee at the port of delivery. The existing law, if enforced by the collector at the port of New York, would compel the vessel to unload its cargo in the harbor of that city and then by river craft or railroad conveyances to carry the goods to Hudson City or Poughkeepsie.

It is not my State alone which suffers; it is not the business on the Connecticut or Thames River alone that is unfavorably affected; it is not alone the importing house which I have alluded to that is embarrassed by the operation of this law; but importing merchants doing business at ports of delivery in other States on navigable rivers where there is foreign commerce suffer in like manner. I have no fear whatever that the coasting trade of this country, whether carried on on the seaboard, on rivers, or on lakes, will suffer any injury whatever from the legislation now proposed, nor is it the intent of parties interested in the passage of the proposed bill to invade the rights of American ship-owners.

A word with regard to the printing of the bill. In the remarks which I made yesterday to the House I said that I was entirely willing that the bill should be printed in the RECORD, and as I understand the report of the same it is substantially. My remarks then were, "I concur with the gentleman from Michigan that it is perfectly proper the bill should be printed, and I will have the accompanying report printed with it as part of my remarks." When I opened the RECORD this morning I expected to find, as the gentleman says that he did, the bill printed in the same, line for line and letter for letter as reported by the committee, and I cannot see how the substance of the bill as printed varies essentially from the bill as drafted and reported by the committee. The remarks of gentlemen who discussed the bill appear in full in the columns of the RECORD, and the letters of Assistant Secretary French and the importers at Norwich are also published entire, but the bill as printed,

it may be claimed, is not quite as full in words as the original one presented to the House.

The SPEAKER. It is not usual to print bills in the RECORD unless a special request is made to that effect.

Mr. WAIT. I certainly made the request that the bill, report, and correspondence should all be published in the RECORD, and the meaning of the bill as printed in the same cannot, I think, be misunderstood. What I desire is action on this matter by the House at the earliest time possible.

Mr. GARFIELD. The gentleman will allow me a moment. I wish to suggest this: it is evident this bill either is not understood by the gentlemen debating it, or else there is a very serious question as to whether it ought to pass or not. Certainly, there is a marked difference of opinion among friends here as to the meaning and effect of the bill, and we ought not to be required to act on a measure of this sort until it is in print on our tables. I ask gentlemen to consent either that it be recommitted to the committee, so it may be printed and brought in in a new shape, or they drop its consideration this morning and let it be printed so we may see the whole thing, report and all, before we are asked to pass it.

Mr. McLANE. I propose, with the consent of my colleague on the Committee on Commerce, to move to recommit the bill and have it printed; but before making that motion it is only reasonable I should desire to make a word of explanation to my friend from New York. This bill has no reference whatever to that section of the Revised Statutes to which reference has been made, section 2771. That section of the Revised Statutes forbids a foreign vessel to unload at any other port than ports of entry. That is a law doubtless for the protection of American shipping.

This does not interfere with that. It is simply a law to avoid the numerous special acts we are in the habit of passing to permit vessels having entered at a port of entry to go and unload at ports of delivery in the same district. Such acts are rarely objected to. In the case of the Connecticut River, to which reference has been made by the honorable gentleman from Connecticut who introduced this bill, his object was to avoid the introduction of a special act to cover that case. The proposition now is to pass a general law covering all cases. There is nothing in it but this provision, that, having entered at a port of entry, the vessel may proceed forward and unload its cargo at ports of delivery within the same collection district. It is an economical measure. Our practice now is to appoint an additional officer, with a salary of $500 or $1,000 a year, for vessels which have already entered at a port of entry. This is to avoid that, and to permit a vessel to unload anywhere in one collection district after it has entered at the port of entry. Although I shall cheerfully vote to recommit and print, because I believe every question should be fully understood, yet I do not think I ought to sit still and allow gentlemen to take exception to this because it interferes with the statute referred to. And if gentlemen will observe the section, 2779 of the Revised Statutes, they will perceive that foreign vessels have now the right to go from one port of entry to another port of entry and unload their cargoes, which is a much greater interference with the coasting trade of American vessels than the authority granted by this bill to unload at ports of delivery in the collection district where they have entered at a port of entry.

Mr. FERNANDO WOOD. One reply to my friend from Maryland. That gentleman appears not to see that a collection district may extend for many hundred miles. Take the district in which the city of New York is, and there are ports of delivery within a hundred and fifty miles of that city, the port of entry being New York City. Take the Louisiana collection district, which runs all the way up the Mississippi River. There are various ports of delivery, but only one port of entry, and at those ports of delivery the Government has not stationed its detective officers, who are employed for the purpose of preventing smuggling or any evasion of the revenue laws. Those officers are stationed only at ports of entry.

It may be well for gentlemen to advocate a principle, although in my judgment entirely unintentional, which will permit a foreign vessel to enter goods at one port of entry, and to deliver a portion of the cargo at one port of delivery, and three-quarters of the cargo at other ports of delivery where the Government has not provided proper officers to see the revenue is not defrauded.

I am glad the gentleman has moved to recommit the bill so we may see it in print, and when the proper time arrives for its discussion I hope to be able to show there are very grave objections to the House passing any such law.

Mr. GARFIELD. The Committee of Ways and Means should look into it.

Mr. TOWNSEND, of Ohio. This is an important question, and one not sufficiently understood by the House to vote on it intelligently. It is far-reaching in its results, and affects commerce in different directions. I hope the gentlemen on the committee of which I am a member will submit to the motion to have it recommitted and printed and it can be subsequently reported.

Mr. McLANE. That is the motion I have submitted. I have the floor, as I yielded only to the gentleman from New York.

Mr. TOWNSEND, of Ohio. I thought the gentleman had concluded.

Mr. McLANE. Before the question is put on my motion to recommit, I claim the indulgence of the House to say to the gentleman from New York that, as extensive as may be the collection district of New York, I think he will find that permission has already been granted to the unloading of foreign vessels at ports of delivery in that district.

Mr. FERNANDO WOOD. By act of Congress?

Mr. McLANE. Certainly. That is what I have already explained; special acts.

Mr. FERNANDO WOOD. By special act?

Mr. McLANE. Certainly; and we propose to do away with the necessity of passing any such special acts and to provide a general law covering all such cases and for the purpose of relieving this embarrassment on the part of our merchants to which attention has been called. This bill merely provides that when a vessel has entered a port of entry it may be allowed to proceed to unload its cargo at ports of delivery within the same collection district to which that cargo has been consigned, which interferes much less with the coasting trade in American vessels than the right granted by section 2779 to foreign vessels of going from ports of entry to other ports of entry. I now move to print and recommit the bill.

Mr. COX. I ask the gentleman from Maryland to yield to me for a few moments.

Mr. McLANE. I yield three minutes to the gentleman from New York.

Mr. COX. I desire to say a word. The course of this debate tends to prejudice this bill. Why not unloose all the bands possible, so as to permit the largest liberty of interchange. The principal objection made to this bill is that it will interfere with domestic ship-owners. It is said they will not have the same opportunity, if this bill be passed, to do the carrying trade in our inland waters or rivers.

Why, Mr. Speaker, let me say, preliminarily, that by our tariffs we have forbidden our people to build ships; for they can be built cheaper outside of our country. By our navigation laws we forbid our people to buy ships abroad. We are the only nation in the world that has that prohibition. It is worse than a mere restriction.

Now, sir, when a measure is reported here, in the line of economy to the shipper, to the consignee, to the consumer, and to all engaged in commerce; and when a modicum of liberty is to be allowed by this bill, gentlemen under some trepidation raise the old question of the sanctity of our navigation laws. The Assistant Secretary of the Treasury, Mr. French, says something about this bill that looks like progress:

> In this case, to require the American importer to unlade an entire cargo at a port of entry in order to transport the same but a few miles in an American vessel, is of itself a check on the natural course of trade, and may subject him to expenses which are burdensome and unjust.

And this we can all see in the illustration given yesterday by my friend from Connecticut [Mr. WAIT] as to his own waters. Now, by section 2771 of the Revised Statutes the House will see that:

> Vessels which are not vessels of the United States shall be admitted to unlade only at ports of entry established by law.

At *ports* of entry; one or more ports of entry. You may unlade the vessel at one port of entry and take the residue of the cargo without breaking the bulk to another port of entry. At the first port of entry it of course goes through all the inspection and detection provided for by law. It pays the duty. Then why can it not go to another port of entry? When that part of its commerce is completed and duties paid, then this bill comes in and says very properly that in the natural course of economic trade the cargo destined to a certain port of delivery may be unloaded there. The unlading is in the interest of free trade.

Where is the harm to revenue or trade in all this? It saves much expense. Why, sir, if our American vessels cannot compete with the world, if we by our inventive genius and machinery cannot rival successfully foreign vessels on our coasts and inland, then it is time we should do as the Secretary of the Treasury himself advised in his last report. If we cannot buy vessels abroad freely, then levy your tariff duty per ton on foreign-bought vessels, as he suggests. Thus allow our people the largest liberty of trade consistent with revenue. Whenever you unloose these bonds of trade, unclasp these shackles on commerce, you help not merely the seaboard cities, not merely your lake cities, not merely your Pacific coast cities, who trade to Japan and China and the Sandwich Islands, but you go further; you promote the paramount agricultural interest, you aid the interest of the great body of our people who produce two and a half billions of values. They do and would send abroad these astounding values. If you would give an impulse to the farm, and enlarge its market; if you would give to the men that have 87½ per cent. of the export trade of this country a chance to buy abroad and bring what they buy here in the cheapest way possible while they send abroad their productions; if you would help to buy as well as to sell in the very highest market in the world, then favor any measure in the line of economy to our trade and of the enlargement of that trade all round the world. This bill does that in a small but significant way.

Mr. KELLEY. Will the gentleman from Maryland yield to me for a moment?

Mr. McLANE. I yield to the gentleman from Pennsylvania three minutes.

Mr. KELLEY. I shall not follow the gentleman from New York [Mr. COX] in his remarks generally, but I beg leave to remind him that Americans can own foreign-built vessels, and use them in our

foreign commerce; and that foreign owners of foreign ships can engage in our foreign commerce. We have reserved simply our internal and coastwise trade to ourselves in order to maintain ship-yards and machine building establishments, as a school for a navy, that we may not be dependent upon England or any other foreign country for ships, engineers, and sailors in time of war.

I desire to say that I think there should be an amendment put into this bill. The gentleman from New York intimates that they have free trade somewhere else. Now, I will ask him if an American ship arrives at one port in England and finds it necessary to go to another, say from Hull to Bristol or from Bristol to Hull, can it do so with entire freedom? Great Britain enjoys without tax our whole light-house system, and yet if an American ship or schooner shall want to pass from Hull to Bristol or from Bristol to Hull, or from any other one British port to another, she must pay extra light dues.

Free trade in England means freedom for British trade, with impositions upon foreign trade. Now we should incorporate into this bill a reciprocity treaty, a provision that those taking advantage of this bill shall have the benefits of our light-house system free, if they come from a nation that grants us freely the benefits of their light-house system. Then you will put American ships on an equality with foreign ships. I say that we are legislating for America, and not for foreign nations, and that he is worse than an infidel who does not look out for his own family.

The question was taken upon the motion of Mr. MCLANE, that the bill be printed and recommitted; and it was agreed to.

Mr. CONGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEAFORD, DELAWARE.

Mr. MCLANE, from the Committee on Commerce, reported a bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Delaware; which was read a first and second time.

The bill authorizes the Secretary of the Treasury to appoint a deputy collector or other officer at Seaford, Delaware, who shall have power to enter and clear all vessels coming to that port, and who shall receive a salary not exceeding $500 per annum.

Mr. MCLANE. This bill is in the usual form which has been adopted where ports of delivery have been made ports of entry. When I addressed the House in explanation of the other bill, I called attention to the fact that the bill which we have just recommitted and ordered to be printed was intended to make such applications as this unnecessary.

This bill is not open to some of the objections taken to the other bill, because by virtue of this law ports of delivery become ports of entry; they are ports of delivery within a collection district, and by law we make them ports of entry. In order that the House may see that there is no change in the practice in regard to such matters which has heretofore obtained, I ask the Clerk to read the letter from the Treasury Department which I send to his desk.

The Clerk read as follows:

TREASURY DEPARTMENT, *June* 26, 1879.

SIR: I am directed by the Secretary to acknowledge the receipt of your letter of the 22d instant, in which you state that the Committee on Commerce have appointed you chairman of a sub-committee to take into consideration a petition of the vessel-owners and masters at Seaford, Delaware, and vicinity for the establishment of a port of delivery at that place, so that vessel-owners can hail from there and have their marine documents issued by the customs officer who may be stationed at said port.

Seaford is not at present a port established by law, but there is a deputy collector stationed there under charge of the collector of customs at Wilmington, Delaware, with a compensation of $3 per day when employed, and not to exceed $498 per year.

As the vessel-owners state that the establishment of a port of delivery at Seaford would inure to their advantage, this Department would have no objection to the creation of such port of delivery, provided the expenses of collecting the revenue from customs would not be increased thereby.

The total expenses now incurred at that place is for the salary of the deputy collector; and the salary of the surveyor to be appointed, if this measure be carried into effect, should not exceed that now paid to the deputy collector, say $500.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

HON. R. M. MCLANE,
House of Representatives, Washington, D. C.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CONGER. As this bill provides not only for the appointment of a deputy collector but also for his salary, the title should be amended so as to read, "and for other purposes;" and I make that motion.

The amendment was agreed to.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOMESTEADS ON LANDS WITHIN RAILROAD LIMITS.

Mr. CONVERSE, from the Committee on Public Lands, reported back with an amendment the bill (H. R. No. 2298) to amend the act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879, be so amended as to read as follows:

That from and after the passage of this act the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler, and any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land grant, and who, by existing laws, shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws, the same as if the surrendered entry had not been made. And the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

The amendment reported from the committee was to add to the bill the following:

And said original act, approved March 3, 1879, is hereby repealed.

Mr. CONVERSE. I desire to make a short explanation of this bill. The law of March 3, 1879, authorized the homesteaders who had selected only eighty acres each, within railroad limits, to select an additional eighty acres for a homestead, without the payment of the registration fee of $5 which is provided by law. It so happens that the provision of the Revised Statutes authorizing a soldier to select an additional eighty acres, where he has selected land within railroad limits, requires him to pay the $5 fee. The law as it now stands, therefore, discriminates unfavorably against the soldier and in favor of the citizen. The Committee on Public Lands thought these small fees ought to be paid by all who add to their homesteads in that way, and thus make the law uniform.

This bill is a simple re-enactment of the present law, leaving out one single sentence which I will now read:

And any person so making additional entries of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted to do so without payment of fees and commissions.

These are the words left out of the present law. Unless further discussion is desired, I will call the previous question on the bill and amendment.

Mr. DUNNELL. I desire to ask the gentleman a question, whether this bill makes provision in relation to those grants which in some instances were for the odd sections, and in other instances for the even sections—whether the bill is sufficiently guarded in that respect. I think that in some cases grants were made to States or railroads for the odd sections and in other instances for the even sections. Now, this bill ought to harmonize to that extent with our legislation touching railroad grants.

Mr. CONVERSE. I will state to the gentleman that at the last session of Congress provision was made for that condition of things. The only cases where the even sections were granted to railroads were cases in the States of Missouri and Arkansas, I believe. At the last session of the present Congress provision was made to remedy such cases. This bill simply harmonizes the whole law on that subject.

Mr. HOOKER. I desire to make a single suggestion. As I understand, in many of the States—probably in others than those to which the gentleman has referred—settlers upon the public lands have unwittingly entered, and the officers of the Government having control of the land offices have permitted the entry of, lands belonging to railroad companies. These lands have been entered by mistake; the fees upon such entry have been paid to the officers of the Government—the register and receiver. It has been discovered afterward that the lands thus entered belonged to sections which had been granted by the Government to railroad companies. The object of the bill of last session, as I understood, was to enable persons who had thus made entries by mistake and paid their money to the Government to make location upon other lands. The bill to which the gentleman refers does not require that persons thus entering other lands shall be required to pay additional fees, because the mistake was made by the officers of the Government as well as by the parties making the entry. I do not see any reason why, under the present bill, an additional fee should be exacted from these parties.

Mr. CONVERSE. I shall be glad to answer my friend from Mississippi in a single word. This bill does not apply to the cases to which he has referred. It applies only to cases where eighty acres have been entered within railroad limits and the party desires to enter eighty acres more, making one hundred and sixty in all. This is the only case to which this bill applies. I ask for a vote.

The question being on seconding the demand for the previous question, it was seconded, and the main question ordered; and under the operation thereof the amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOINT RESOLUTION SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. R. No. 50) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The SPEAKER. The morning hour has expired.

DOORKEEPER FOR COMMITTEE OF WAYS AND MEANS.

Mr. MARTIN, of Delaware, from the Committee of Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee of Ways and Means be authorized to employ a doorkeeper to act also as messenger, to be paid out of the contingent fund of the House, and who shall receive the same compensation as is now paid to messengers employed by the Doorkeeper of the House, and who shall hold office until otherwise ordered by the House.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. COX in the chair) and proceeded to the consideration of business on the Calendar.

Mr. MORRISON. I ask that all prior orders be informally passed over to take up the bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

Mr. CONGER. I object.

CHOCTAW NATION.

The first business on the Calendar was the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation.

Mr. MORRISON. I move that this bill be laid aside.

Mr. CONGER. Let the bill be read first.

The bill was read.

Mr. MORRISON. I observe by the Calendar that this bill has been made a special order for the second Tuesday of January next. I believe it goes over without any motion.

Mr. HOOKER. It will be remembered that when this bill was reported from the Committee on Indian Affairs I proposed that it be set for the 13th of December. Some objection was made, coming, I believe, from the gentleman from Michigan on the other side, [Mr. CONGER;] and at his suggestion the second Tuesday in January was fixed for the consideration of the bill. I suppose it will go over until that day.

The CHAIRMAN. The Chair will state that under Rule 114, when objection is made to the consideration of any bill in Committee of the Whole, the question must be taken without debate. The question is, Shall this bill be laid aside?

The bill was laid aside.

REMOVAL OF CAUSES FROM STATE COURTS.

The next business on the Calendar was the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts.

Mr. MORRISON. I move that this bill be laid aside.

The motion was agreed to.

PUBLIC BUILDINGS.

The next business on the Calendar was a resolution, reported by Mr. MURCH from the Committee on Public Buildings and Grounds, proposing to authorize and direct that committee to inquire into all matters pertaining to the preparation and furnishing of material for the construction of public buildings, &c.

Mr. MORRISON. I move that this resolution be laid aside.

The motion was agreed to.

ENLARGEMENT OF HOUSE RESTAURANT.

The next business on the Calendar was the bill (H. R. No. 2265) to direct the Architect of the Capitol to move the House bathing-rooms for the enlargement of the House restaurant.

Mr. MORRISON. I move that this bill be laid aside.

The motion was agreed to.

CLERK AND MESSENGER FOR SERGEANT-AT-ARMS.

The next business on the Calendar was a resolution reported by Mr. MARTIN, of Delaware, from the Committee of Accounts, proposing to authorize the Sergeant-at-Arms to employ an additional clerk and messenger.

Mr. MORRISON. I move that this resolution be laid aside.

The motion was agreed to.

LOSS BY LEAKAGE OR CASUALTY OF EXPORTED SPIRITS.

The next business on the Calendar was the bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

Mr. MORRISON. This is the bill which I desire the committee to consider.

The bill was read, as follows:

Be it enacted, &c., That where spirits are withdrawn from distillery warehouses for exportation according to law it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employés, occurring during transportation from a distillery warehouse to the port of export; nor shall any assessment be collected for such loss or leakage where the same has not been paid on distilled spirits exported since the 1st day of May, 1878.

SEC. 2. That where the spirits provided for in the preceding section are covered by a valid claim of insurance in excess of the market value thereof, exclusive of the tax, the tax upon such spirits shall not be remitted to the extent of such excessive insurance.

Mr. MORRISON. Mr. Chairman, the bill under consideration is approved and its passage recommended by the Commissioner of Internal Revenue. I introduced it at the extra session. After consideration the Committee of Ways and Means directed it to be reported to the House with a recommendation that it do pass. Under existing laws spirits for export are gauged at the distillery warehouse where they are manufactured. A bond is given for their delivery on the seagoing vessel for shipment, where they are regauged. For any deficiency between these gauges ninety cents per gallon is taxed upon the owner, whether this deficiency and loss is the result of fraud or of leakage, evaporation or unavoidable accident. Spirits for export are chiefly made near the corn-fields of the West, a thousand miles from the sea, and it has been found impracticable, if not impossible, to prevent leakage, evaporation, and other wastage in reaching the seaport. That losses by unavoidable accident will and do occur in the transportation of alcohol as in the transportation of other articles, hardly need to be stated.

The internal-revenue laws impose a tax of ninety cents per gallon on all spirits made and consumed in the country; but no tax can be levied on that made for export because of the provision in our Constitution that "No tax or duty shall be laid on articles exported from any State." To tax that which is actually lost on its way to the seaport without the wrong-doing or neglect of the owner is to lay a tax on articles which are not made for and do not go into consumption here. The manufacturer not only loses his property, but is taxed or fined ninety cents per gallon for a loss which he could not avoid.

The spirit of this provision of the Constitution which forbids a tax or duty on articles exported from any State—if the Constitution yet has a spirit which legislators are bound to respect—applies as well to articles exported from Peoria as from New Orleans, Baltimore, or New York. Within the meaning of this provision protecting from tax or duty exports from any State, the article going through the commercial gate at New York or New Orleans on its way to a foreign market is as much an export freed from tax or duty before as after passing these gates, and as much an export freed from tax or duty as if made and exported directly from one of these gate cities.

That the exporter from Peoria must reach the foreign market in part by railroad or the Mississippi River cannot deprive him of the right to export articles free from tax or duty. There is a statute providing allowance for loss by casualty on the sea. Justice and law demand an allowance for these losses on river and railroad. There was a time in 1868 when all spirits were taxable, and there was no provision of law for their export. And until 1872 the burdens imposed on the export trade in this article were so onerous that none were exported. Since the law of 1872 authorizing deficiency assessments but providing for exporting in bond and without prepayment of taxes to be refunded, the trade had partially revived and had increased from six hundred thousand dollars ($587,413) in 1875, to fifteen millions ($14,837,581) in the last fiscal year.

It is estimated that this industry employs ten thousand men, and consumes the product of one hundred thousand acres of cultivated land, four or five millions of bushels of grain, and adds from four to five millions of dollars annually to the material wealth of the country. In this economic mode fifty-six pounds of corn are put into fourteen pounds of alcohol. We thus cheapen transportation and reach the markets at one-fourth the cost of exporting to foreign markets at least a portion of the one-third of our grain product, for which our tariff-protected friends have so long promised us a market at home. This trade is entitled to a more liberal policy. The manufacturers of spirits in a petition presented to the committee complain that while no spirits were being exported from this country because of the onerous provisions of the law of 1868, the foreign demand was supplied from other countries than our own. These markets were thus lost to our manufacturers of this article, in which competition is still very close. By treaty arrangements in some, certainly in one, of the best markets, one of our chief competitors has an advantage of twelve cents a gallon over us, by reason of commercial treaties which give Germany advantages in French markets. While this loss by leakage and evaporation is comparatively very small, being less than one-half of 1 per cent., yet it is sufficient to turn the balance against us in closely contested foreign markets and commercial centers.

On this subject the Commissioner of Internal Revenue says in his last annual report what I will ask the Clerk to read.

The Clerk read as follows:

Where the spirits are withdrawn in good faith for exportation, and due diligence

is exercised in their transportation, and losses occur by evaporation or accident in transportation without fraud or negligence on the part of the distiller, owner, or transportation company, or their agents, in my judgment no tax should be levied for any such loss. Such a tax necessarily discourages the exportation of American distilled spirits, and would seem to be contrary to sound public policy; and I have the honor to recommend that existing laws be so amended as to provide that taxes shall not be assessed for deficiencies occurring under the circumstances named.

Mr. MORRISON. The pending bill, Mr. Chairman, while providing the remedy asked for, is believed to be sufficiently well guarded to prevent fraud, for an allowance can only be made "for leakage or loss by unavoidable accident without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employés, and under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe." Of this bill as a remedy for the grievances complained of, I have here a letter from the Commissioner which I will ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 22, 1879.

SIR: I have your note of this date asking for suggestions in regard to the propriety of passing House bill 1955, authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouse for exportation.

In reply, I have to state that in my opinion it would be eminently wise and just to pass this bill allowing for leakage or loss by unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employés, occurring during transportation from distillery warehouses to the port of export of spirits withdrawn from distillery warehouse for exportation.

It is certainly a great hardship on the exporter of alcohol to be required to pay ninety cents per gallon tax upon spirits which have leaked or been lost by unavoidable accident while the same were being transported from the place of manufacture to the port of export. The existing law expressly provides that spirits shall be withdrawn from the distillery warehouse without the payment of the tax, but other provisions of the law require a regauge of the spirits at the port of export and assessments made for deficiencies. Where this deficiency results from fraud or negligence the tax should be paid, but if it is simply an incident of transportation the exporter should not be required to pay the tax.

The exportation of alcohol has become a business of great proportions, and in my opinion American distillers will be able to very largely extend this business, and it seems to me proper to give them the encouragement that this proposed act affords. In regard to that provision of the bill which relieves from assessments from the 1st of May, 1878, I would say that it is a question addressed entirely to the wisdom of Congress, and if passed in its present shape would have the effect of relieving distillers from assessments for losses from which they obtained no advantage and for spirits that never actually went upon the market. The second section of the bill seems to be entirely proper, so as to have whatever insurance may be obtained upon the taxes upon the spirits to inure to the benefit of the Government.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. W. R. MORRISON,
Of Sub-Committee of Ways and Means, House of Representatives.

Mr. MORRISON. I desire now to say a single word as to the provision in relation to deficiency assessments. There was a time when the Commissioner of Internal Revenue believed he had the power, under existing law, to make the allowance provided for in this bill, and when no demand was made; and so it is that these manufacturers come to be in arrears. Afterward it was expected some action would be taken upon this bill at the extra session, but the matter was then left unsettled and undetermined. If it is not right to demand this tax for deficiencies to become due, it is not right to insist on the payment of those already due and yet unpaid. I move that the bill be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. MORRISON. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation, and had directed him to report the same back to the House, with a recommendation that it do pass.

Mr. MORRISON. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. I am instructed by the Committee on Appropriations to report a bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881, and to move that it be printed and recommitted; and I now give notice that to-morrow, as soon as the fortification bill is disposed of, I shall ask the House to put it upon its passage.

The bill was read a first and second time, and ordered to be printed and recommitted.

EQUALIZATION OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 2792) to regulate the assessment, collection, and equalization of taxes and the imposition of licenses in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

HULMAN AND FAIRBANKS.

Mr. FERNANDO WOOD. I move by unanimous consent to go to the Speaker's table and take up a bill (S. No. 618) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana, which came from the Senate this morning.

There was no objection, and the bill was taken up. It directs that the Commissioner of Internal Revenue be, and he is hereby, required to adjust and settle the claims for deficiency tax assessed by said Commissioner against said Hulman and Fairbanks, as distillers, for deficiencies which it is claimed occurred at their distillery in said city of Terre Haute during the months of October, 1878, and January, 1879, upon the following basis, to wit: Said Commissioner shall first ascertain the capacity that was actually used by said distillers during each of said months, which shall be determined by the tubs actually filled and emptied by them during each month. He shall then ascertain the actual amount of grain mashed by them during each of said months, and the yield of spirits per bushel from such grain for each month. He shall next ascertain whether any accidents which were unavoidable occurred during either or both of said months in the breaking or destruction of machinery or in the scarcity of water at their distillery, which prevented or delayed them in the mashing of grain or in the filling or emptying of tubs at the proper time. If he shall find that any such accidents did occur he shall next ascertain the amount of loss that said distillers sustained thereby for each of said months. He shall next ascertain if said distillers fully accounted to the Government for all the spirits produced by them at their distillery during each of said months, and, if so, whether the amount so produced each month, after deducting from the capacity or amount charged against them all losses and detention sustained by accident as aforesaid, if any accidents occurred, was equal to 80 per cent. of the capacity actually used by them for each of said months; and if he shall so find, he shall then abate the assessments, in whole or in part, made against said distillers for said months, which are as follows: for the month of October, a sum not exceeding $13,198.50; and for the month of January, a sum not exceeding $5,795.06; and no assessment for deficiency tax for these months shall be made against them, except as herein provided. But if said Commissioner shall find that said distillers did not make 80 per cent. of the capacity used by them during each of said months, after making the proper deductions for accidents as aforesaid, if any occurred, during either or both of said months, then he shall change the assessments made for said months so as to conform them to the amount of deficiency that he shall find due against them for each of said months; and they shall then be assessed by him for the amounts of deficiency so found due against them for each month, and not otherwise.

Mr. WHITE. Why should not this bill go to the Private Calendar like other private relief bills?

Mr. FERNANDO WOOD. The gentleman from Pennsylvania is not perhaps aware that if this is not passed before the 25th of this month the parties who seek this relief will lose the opportunity of getting it altogether. I will state that the Committee of Ways and Means this morning examined this subject, and have unanimously directed me to make this motion; that the Senate Committee on Finance unanimously reported the bill to the Senate, and the Senate unanimously passed it; and further, that the whole question is left to the Commissioner of Internal Revenue to determine whether these parties have any rights or not, so that there can be no objection to it.

The bill was taken up, read a first and second time, ordered to a third reading; and being read the third time, it was accordingly passed.

Mr. FERNANDO WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted indefinitely to Mr. DICKEY on account of sickness in his family.

JOHN HERBOLD.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petition of Mr. John Herbold, for reimbursement of losses ($552) sustained by him in fulfilling his contract for work on State, War, and Navy Department building; which was referred to the Committee on Public Buildings and Grounds.

DEFICIENCIES IN INDIAN SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the appropriation for transportation of Indian supplies for the current fiscal year; which was referred to the Committee on Appropriations.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior relative to certain deficiencies in the appropriations for the Indian service during the current fiscal year; which was referred to the Committee on Appropriations.

Mr. WHITE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at two o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ATKINS: The petition of J. D. Askew, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. BURROWS: The petition of citizens of Berrien and Cass Counties, Michigan, that soldiers who are now receiving or who may hereafter be entitled to pensions be granted arrears of pension—to the Committee on Invalid Pensions.

By Mr. DIBRELL: The petition of G. W. Saulpau, for compensation for the steamboat Alfred Robb, alleged to have been seized and appropriated by United States military forces during the late war—to the Committee on War Claims.

By Mr. FORD: The petitions of Shelton Atkins and other soldiers, of Marion C. Martin and other soldiers, of George Mattingly and other soldiers, of T. H. Hall and other soldiers, of Daniel Peterson and other soldiers, all of the State of Missouri, for pay of difference between the value of gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

By Mr. HASKELL: The petition of Union soldiers for back pay, who were paid for their services in depreciated currency—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of R. G. Chase & Co., Edgar Parker, and other business men of Geneva, New York, that business circulars and trade lists be sent through the mails at the same rates as newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSEY: The petition of Henry G. Staples and others, that Jefferson Savage be granted an honorable discharge from the United States Army—to the Committee on Military Affairs.

By Mr. MARTIN, of Delaware: A bill to improve the navigation of the Nanticoke River, at Seaford, Delaware—to the Committee on Commerce.

Also, a bill to improve the navigation of Broad Creek from its junction with the Nanticoke River to the town of Laurel, Delaware—to the same committee.

Also, a paper from a committee of citizens of Laurel, Delaware, relating to the improvement of Broad Creek—to the same committee.

By Mr. O'CONNOR: The petition of R. T. Morrison, jr., and others, for the establishment of a post-route between McClellanville and Palmersville, via Butler's Store, Charleston County, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: Resolutions of the Philadelphia Board of Trade, unanimously recommending the passage of what is known as the Hewitt bill for facilitating the negotiation of bills of lading—to the Committee on Commerce.

By Mr. REAGAN: The petition of Somerville & Davis, that the Secretary of the Treasury be directed to adjust their claim for excess of duties paid by them on 1,268 bundles of cotton ties imported by them—to the Committee of Claims.

By Mr. REED: The petition of Marcus A. Hanna, George C. Mountfert, and others, for a life-saving station at Cape Elizabeth, Maine—to the Committee on Commerce.

By Mr. SAWYER: Papers relating to the claim of A. L. H. Crenshaw, for compensation for property taken by United States officials during the late war—to the Committee on War Claims.

By Mr. SPRINGER: The petition of ex-Union soldiers of Illinois, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. THOMPSON, of Kentucky: Papers relating to the pension claim of George Waddel—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of Folks & Winston and others, citizens of Lynchburgh, Virginia, for compensation for property destroyed by the United States Army—to the Committee on War Claims.

By Mr. VAN AERNAM: The petition of 22 ex-Union soldiers of Chautauqua County, New York, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. WEAVER: The petitions of Reuben Sanford, of Oakville, Michigan, and 53 others; of David Weidman, of Randall, West Virginia, and 72 others; of D. C. McKellip, of Nebraska, and 60 others; of G. W. Spaulding, of Pennsylvania, and 44 others; and of John J. Barrett, of New York, and 100 others, ex-Union soldiers, that soldiers of the United States in the late war be placed on an equal footing with holders of Government bonds—to the Committee on Military Affairs.

By Mr. WELLS: The petition of merchants, factors, and others, of Saint Louis, against the extension of the Brodie cotton-tie patent—to the Committee on Patents.

By Mr. WILSON: The petition of Anderson Langford, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Peter Wince, for increase of pension—to the same committee.

Also, papers relating to the claim of John Beam, an insane man, for compensation for a five-eighths interest in the steamer Planter, seized and appropriated by the Government of the United States during the late war—to the Committee on War Claims.

By Mr. WISE: The petition of the soldiers of the twenty-first district of Pennsylvania in the late war, for the equalization of bounties—to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 12, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PAPER CIRCULATING MEDIUM.

Mr. WILBER. I ask unanimous consent to present at this time the petition of John Thompson, of the Chase National Bank, for a more convenient paper circulating medium, and to have it printed in the RECORD.

Mr. CLYMER. I desire to say that heretofore, almost without exception, objection has been made to printing petitions of any kind in the RECORD. I do not wish to be considered captious in this case, but as such has been the practice I must object.

RACHAEL MARTIN.

Mr. RICHMOND, by unanimous consent, introduced a bill (H. R. No. 2793) for the relief of Rachael Martin, postmaster at New Castle, Craig County, Virginia; which was read a first and second time, and referred to the Committee of Claims.

INTEROCEANIC COMMISSION.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 2794) to provide for the appointment of an interoceanic commission to determine the best plan and route for the establishment of communication for trade and commerce between the Atlantic and Pacific Oceans, across the Isthmus of Darien; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RETIRING GREENBACKS, ETC.

Mr. GILLETTE, by unanimous consent, introduced a joint resolution (H. R. No. 147) in opposition to retiring greenbacks and in favor of substituting them for national-bank notes and in favor of the free coinage of silver; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CAPTAIN JOHN WHITEFORD.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 2795) for the relief of Captain John Whiteford, late Company I, First Regiment Arkansas Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. DUNNELL. I demand the regular order.

Mr. FINLEY. I hope the gentleman will not insist now on the regular order, but that he will permit bills to be introduced for reference.

Mr. DUNNELL. We have Monday assigned for the introduction of bills, and I do not think they should be put in every morning of the week. I insist on the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at fourteen minutes past twelve o'clock; and this being Friday, reports from committees of a private nature only are in order.

GEORGE EYSTER.

Mr. DUNNELL, from the Committee of Ways and Means, reported, as a substitute for House bill No. 1448, a bill (H. R. No. 2796) for the relief of George Eyster, assistant treasurer of the United States at Philadelphia, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUND OF TAXES.

Mr. PHELPS, from the Committee of Ways and Means, reported a bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS KEARNEY.

Mr. PHELPS also, from the same committee, reported back, without amendment, the bill (H. R. No. 2188) for the relief of Thomas Kearney; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. B. FARRAR.

Mr. PHELPS also, from the same committee, reported back, without amendment, the bill (H. R. No. 393) authorizing the Commissioner of Internal Revenue to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. A member of the committee has gone to the committee-room to procure another report, which we should like to have the opportunity of making to-day. I suggest that the next committee be called, with the right to the Committee of Ways and Means to make one more report of a private nature.

The SPEAKER. That can be done by unanimous consent.

Mr. FERNANDO WOOD. I ask unanimous consent.

The SPEAKER. The Chair hears no objection.

L. MADISON DAY.

Mr. O'CONNOR, from the Committee of Claims, reported a bill (H. R. No. 2798) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABNER SMEAD.

Mr. HURD, from the Committee on the Judiciary, reported a bill (H. R. No. 2799) to remove the political disabilities of Abner Smead, of Oregon; which was read a first and second time.

The bill was read. It removes all disabilities imposed upon Abner Smead, of Oregon, by the third section of the fourteenth article of the amendments to the Constitution of the United States.

Mr. WILLITS. I would like to have the petition read.

The SPEAKER. The gentleman from Michigan asks that the petition be read. This bill is reported from the committee of which the gentleman is a member. The petition will be read.

The Clerk read as follows:

To the honorable Senate and House of Representatives in Congress assembled:

Your petitioner, Abner Smead, now a resident of Baker City, in the State of Oregon, formerly of Salem, in the State of Virginia, respectfully represents that he served as a commissioned officer in the Army of the United States from 1854 to 1861, and subsequently as a commissioned officer in the confederate army, and in consequence is now under political disability, by reason of section 8, article 14 of the Constitution of the United States.

Since the war your petitioner has performed all the duties incumbent upon him as a peaceable and law-abiding citizen.

Your petitioner therefore respectfully prays that he may be relieved of said political disability, and your petitioner, as in duty bound, will ever pray.

ABNER SMEAD, M. D.

Dated at the city of Washington, D. C., December 1, 1879.

The bill was ordered to be engrossed and read the third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

JOHN M. BROOKE.

Mr. HURD also, from the same committee, reported a bill (H. R. No. 2800) to remove the political disabilities of John M. Brooke, of Virginia; which was read a first and second time.

The petition accompanying the bill was read, as follows:

To the Congress of the United States:

Your petitioner, John M. Brooke, represents that he was a lieutenant in the United States Navy, and tendered his resignation as such on the 20th April, 1861, and entered into the naval service of Virginia, and afterwards of the Confederate States, and served during the war.

Your petitioner respectfully prays that his disabilities incurred under and by virtue of the provisions of the fourteenth amendment be removed by act of Congress, and your petitioner will ever pray, &c.

JOHN M. BROOKE.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

WALTER R. BUTT.

Mr. HURD also, from the same committee, reported a bill (H. R. No. 2801) to remove the political disabilities of Walter R. Butt, of California; which was read a first and second time.

The petition accompanying the bill was read, as follows:

BELLE VIEW RANCHE, BAKERSFIELD, KERN COUNTY, CAL., *May* 30, 1879.

To the honorable Senate and House of Representatives United States:

The undersigned, a native of Virginia, a graduate of the United States Naval Acadamy, and an ex-lieutenant of the United States Navy, having served during the civil war in the confederate navy, prays to have his political disabilities removed.

Very respectfully, your obedient servant,

WALTER R. BUTT.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

G. H. HILL.

Mr. KNOTT, from the Committee on the Judiciary, reported back, without amendment, the bill (H. R. No. 313) to remove the political disabilities of G. H. Hill, of Virginia; which was read a first and second time.

The petition accompanying the bill was read, as follows:

FRONT ROYAL, VIRGINIA, *May* 10, 1879.

To the House of Representatives United States:

Gentlemen: Your petitioner is, by an article of the fourteenth amendment to the Constitution of the United States, debarred from holding any office of honor or trust, having resigned his commission as second lieutenant Company E, Third Artillery, United States Army, and joined the army of the Confederate States; and now most respectfully petitions that said disabilities be removed, and asks that your honorable body now pass a special act granting his petition.

Respectfully, your obedient servant,

G. H. HILL.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in bills and joint resolutions of the following titles:

A bill (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande frontier;

A bill (S. No. 244) releasing Frank Soulé, late collector of internal revenue for the first district of California, and his sureties from liabilities on his official bond;

A bill (S. No. 341) granting a pension to Peter Getert;

A bill (S. No. 376) granting a pension to Hiram Johnson;

A bill (S. No. 475) granting a pension to Henry J. Churchman;

A joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute for the use and accommodation of said school; and

A joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservation in Colorado and their removal and settlement elsewhere.

MASONIC BANK OF PITTSBURGH, PENNSYLVANIA.

Mr. ROBINSON, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania.

The bill was read, as follows:

Whereas on the 7th day of October, 1876, A. B. Carey, paymaster United States Army, did issue his checks upon the United States assistant treasurer at New York, one for $88.03 and one for $88.53, payable to the order of Jefferson McIlwaine; and

Whereas the said Jefferson McIlwaine did, on the 29th day of September, 1876, execute his power of attorney to Hugh McIlwaine, empowering him, the said Hugh McIlwaine, to indorse any checks or drafts issued by the Government made payable to the order of him, the said Jefferson McIlwaine; and

Whereas the Masonic Bank of Pittsburgh did, upon an indorsement of the said checks by the said Hugh McIlwaine, purchase and pay for the same; and

Whereas the Treasury of the United States refuses to redeem said checks because the power of attorney to indorse the same was executed before the checks were issued, instead of after their said issue, as required by law; and

Whereas the person to whose order said checks were issued cannot now be found by the said Masonic Bank: Now, therefore,

Be it enacted, &c., That the assistant treasurer of the United States at New York be, and he is hereby, authorized to waive, in this particular case only, so much of the provisions of section 3477 of the Revised Statutes of the United States as requires powers of attorney to be dated subsequent to the issue of checks, and to pay the same as at present indorsed to the said Masonic Bank of Pittsburgh.

The amendment reported from the committee was to strike out the words "and to pay the same as at present indorsed to the said Masonic Bank of Pittsburgh" and to insert in lieu thereof the following:

And that the certificate of acknowledgment of powers of attorney shall show that the officer taking the acknowledgment at the time thereof read and fully explained the power of attorney to the person acknowledging the same, and to pay said checks as at present indorsed to the said Masonic Bank at Pittsburgh.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ERRETT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARK GRAPESHOT.

Mr. PHELPS, from the Committee of Ways and Means, reported, as a substitute for House bill No. 103, a bill (H. R. 2802) for the relief of the owner of the bark Grapeshot; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SPRINGFIELD AND NEW LONDON RAILROAD COMPANY.

Mr. McCOOK, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company.

The SPEAKER. This is a public bill. Under the rule, only private bills are in order to-day.

Mr. McCOOK. I thought perhaps this bill was rather upon the dividing line between public bills and private bills. I have no personal interest in the measure. Is the point raised that it is a public bill?

The SPEAKER. It is the duty of the Chair to announce the fact, so that the House may act understandingly. The bill can be considered by unanimous consent.

Mr. SAMFORD. Let it be read, the right to object being reserved.

The bill was read, as follows:

Be it enacted, &c., That the right of way by means of a bridge over and across the Water Shops Pond, so-called, belonging to the United States, in Springfield, Massachusetts, is hereby granted to the Springfield and New London Railroad Company, for railroad purposes; the same to be used and enjoyed by said company at the same point and in the same location and extent that a way is now used by said company by means of a bridge heretofore constructed with the approval of

the Secretary of War: *Provided*, That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States: *And provided further*, That the right to repeal, alter, or amend this act is reserved to Congress.

There being no objection, the House proceeded to consider the bill.

The report of the committee was read, as follows:

Mr. Anson G. McCook, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred House Bill No. 55, submit the following report:

In 1875 the Springfield and New London Railroad Company, incorporated under the laws of Massachusetts, and chartered to build a railroad from Springfield, Massachusetts, to New London, Connecticut, made application to Colonel J. G. Benton, commandant at the Springfield national armory, for a right of way by means of a bridge, to be constructed by said company, across Water Shops Pond, owned by the United States and used to furnish power for the machine department of the armory. The company's application was referred to the Secretary of War, and, after a full examination, he gave permission to the company to build the bridge in the proposed location, on condition that the company should apply to the next Congress for the necessary legislation to confirm the right, and, in the event of failure to secure it, to remove the structure whenever notified so to do by the Secretary of War.

In accordance with such permission the bridge was constructed in the autumn of 1875, and has since been in constant use.

At the first session of the Forty-fourth Congress said company presented its petition for the purpose above stated, and the same was referred in the House to the Committee on Military Affairs. In February, 1877, the committee took the subject into consideration, and agreed upon a favorable report; but, in consequence of the unusual interruptions to the regular business of that session, no report was made, and by some oversight all the papers belonging to the case were lost. The failure to secure the needed legislation resulted from no fault or neglect on the part of the company.

In the Forty-fifth Congress, near its close, a bill to the same effect, on the recommendation of the Committee on Military Affairs, was passed in the House without dissent, but no action in the Senate could be secured before final adjournment.

It appears from the statements of the officers of the Government that the said railroad is of benefit to the armory in cheapening freights on coal and other heavy articles, by the construction and operation of a spur track leading directly to the shops, and that the Secretary of War has no desire to revoke the permission granted to said company.

Your committee find that the bill carefully protects the interests of the United States, and they therefore recommend its passage.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. ROBINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DODDRIDGE & DAVIS.

Mr. UPSON, from the Committee on Military Affairs, reported a bill (H. R. No. 2803) for the relief of Doddridge & Davis; which was read a first and second time.

The bill was read. It authorizes and directs the Secretary of War to pay to Doddridge & Davis, bankers, of Corpus Christi, Texas, the sum of $1,827.89, in lieu of check No. 45923 on the assistant treasurer of the United States at New York, dated October 15, 1878, payable to Messrs. Doddridge, Davis & Caden or order, and signed by E. B. Atwood, captain and assistant quartermaster, brevet major United States Army, which check, it is claimed, was indorsed by Doddridge, Davis & Caden to Doddridge & Davis, and by them indorsed, but lost in transmission by mail to the Marine National Bank of the city of New York; was never received by said bank, and never paid. But before the payment herein authorized the Secretary of the Treasury must be satisfied that the check has not been paid, and Doddridge & Davis are reqnired to execute a bond of indemnity to the United States with sufficient securities against the claim of the payees or indorsers of said draft, or of any person or persons in possession of or claiming the same; also to fully indemnify the United States against all loss or damage in the premises; and the Treasury Department is prohibited from paying said lost check to any person.

The report of the Committee on Military Affairs was read, as follows:

Mr. UPSON, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to which was referred House bill No. 2277, for the relief of Doddridge & Davis, bankers, of Corpus Christi, Texas, on account of the loss of a quartermaster's check, beg leave to report:

It appears from the certificate of Captain E. B. Atwood, assistant quartermaster United States Army, dated at San Antonio, Texas, February 10, 1879, that on the 15th of October, 1878, he, as such assistant quartermaster, issued in favor of Messrs. Doddridge, Davis & Caden check No. 45923, on assistant treasurer of the United States at New York, for the sum of $1,827.89, on account of Army transportation. Also, from the affidavit of T. P. Rivera, cashier of the bank of claimants Doddridge & Davis, that on the 21st day of October, 1878, he, as such cashier, received from the firm of Doddridge, Davis & Caden said check, which was duly indorsed by said Doddridge & Davis, and mailed to the Marine National Bank of New York on the day the same was received as aforesaid; that said Marine National Bank gave advice of the non-receipt of said check, and payment of the same was stopped at the office of the assistant treasurer in New York. Also, from the affidavit of John T. Murphy, bookkeeper of said firm of Doddridge, Davis & Caden, that said firm, in due course of business, on the 21st day of October, 1878, received and duly indorsed said check to said Doddridge & Davis. Also, from the affidavit of John D. Fish, cashier of the Marine National Bank of the city of New York, that Doddridge & Davis, of Corpus Christi, Texas, "keep, and have kept, an open account with and at the said Marine National Bank of the city of New York since and prior to the 15th day of October, A. D. 1878; that no such credit has been made to their account as is hereinafter described, to wit:" (here follows a description of the check above referred to;) and that said check he (deponent) believes to have been sent to said bank (referring to said Marine Bank) through the United States mail by said firm of Doddridge & Davis, and to have been lost in transit thereto. And from the letter of the assistant treasurer United States at New York, under date of June 17, 1879, it appears the check in question has not been paid.

Your committee, from the evidence before it, being fully satisfied that the claim for $1,827.89 is just and unpaid, respectfully report the accompanying bill for the payment of the same, and recommend its passage.

Mr. PRICE. Does this bill contain the usual provision for a bond indemnifying the United States against any possible loss?

Mr. UPSON. Yes, sir.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW SITE FOR NAVAL OBSERVATORY.

Mr. MORSE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. No. 674) to locate and purchase a new site for the United States Naval Observatory; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

EDWARD K. WINSHIP.

Mr. BREWER, from the Committee on Naval Affairs, reported back a bill (H. R. No. 91) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN P. M'GILL.

Mr. HARMER, from the Committee on Naval Affairs, reported a bill (H. R. No. 2804) for the relief of John P. McGill; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES DOUGHERTY.

Mr. BICKNELL, from the Committee on Foreign Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate of Londonderry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ACCEPTANCE OF DECORATIONS.

Mr. BICKNELL also, from the same committee, reported back joint resolution (H. R. No. 7) authorizing Francis V. Greene, United States Army, to accept certain decorations conferred on him by the Emperor of Russia, with the recommendation that it do pass.

The joint resolution was read, as follows:

Whereas First Lieutenant Francis V. Greene, of the Corps of Engineers, United States Army, was sent abroad, by order of the President of the United States, for the purpose of observing and reporting to the Government the progress of the late war between Russia and Turkey, and while in the pursuance of that duty of observation was personally exposed under fire in several battles, combats, and skirmishes; and

Whereas the Emperor of Russia has conferred upon the said Lieutenant Greene the following decorations and medals, to wit: First, the decoration of the third class of the Order of Saint Anne, for bravery under fire at the battle of Shipka Pass, August 23 and 24, 1877, and at the assault of Plevna, September 11, 1877; second, the decoration of the fourth class of the Order of Saint Vladimir, for bravery under fire during the passage of the Balkans, December 25 to 31, 1877, and at the battle of Philippopolis, January 15 to 17, 1878; third, the campaign medal, conferred upon all persons present in the campaign: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said Lieutenant Greene be authorized to accept the said decorations; but no title, rights, or privileges of any kind whatsoever shall be conferred upon the said Lieutenant Greene by the said decorations.

The joint resolution was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

Mr. KLOTZ. I demand a division on the passage of that joint resolution.

The House divided; and there were—ayes 81, noes 13.

Mr. KLOTZ. I call for the yeas and nays.

The yeas and nays were not ordered.

So the joint resolution was passed.

Mr. BICKNELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATSEY DAVENPORT.

Mr. TAYLOR, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. No. 1597) granting a pension to Patsey Davenport.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll the name of Patsey Davenport, the mother of William Henry Davenport, who died in the service of the United States and upon whom she was dependent wholly for support, said pension to be at the rate of $8 per month, and to begin at the date of the death of said William Henry Davenport.

Mr. BREWER. Is not that subject to objection?

The SPEAKER. If present action be objected to, it must go to the Committee of the Whole House on the Private Calendar.

Mr. BREWER. So I supposed, and I ask that this bill be referred to the Committee of the Whole House on the Private Calendar so it may be considered with other like bills now there.

The bill was referred to the Committee of the Whole House on the Private Calendar, with the accompanying report, and ordered to be printed.

MARTHA J. ROBINSON.

Mr. HOSTETLER, from the Committee on Invalid Pensions, reported back a bill (H. R. No. 740) granting a pension to Martha J. Robinson; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

WHITEWOOD FLUME COMPANY.

Mr. ACKLEN, from the Committee on Mines and Mining, reported, as a substitute for House bill No. 1078 a bill (H. R. No. 2805) incorporating the Whitewood Flume Company; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

D. M. HAMLIN.

Mr. MORSE, from the Committee of Accounts, reported (as a substitute for a resolution of Mr. SPRINGER referred to that committee on the 9th instant) joint resolution (H. R. No. 148) for the relief of D. M. Hamlin.

The joint resolution was read a first and second time. It authorizes and directs the Secretary of the Treasury to pay to D. M. Hamlin the sum of $56.25, the same being his salary as a member of the Capitol police force from the 8th to the 31st of July, 1879, and that an amount sufficient to pay the same is appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER. As originally presented this was drawn as a resolution of the House, the money to be paid out of the contingent fund. The Committee of Accounts have instead reported a joint resolution providing for the payment of the money out of the Treasury.

Mr. BLOUNT. Why has not the amount provided for in this joint resolution, and which is claimed to be due to this man, been paid? Does it relate to the extra month's pay at the last session or not?

Mr. MORSE. It does not. A word of explanation will satisfy the gentleman that the resolution is right and ought to pass. A member of the Capitol police force was discharged, but in the mean time had received under a resolution of the House a month's pay in advance. On the next day this man Hamlin was appointed to the place, but could not receive any pay, as the pay for that month had been drawn by his predecessor. He was regularly appointed to the service and discharged its duties and is entitled to the pay provided for by the joint resolution I have just reported.

Mr. BLOUNT. Then this does not come under the class of cases asking for a month's extra pay?

Mr. SPRINGER. It does not. I can explain the matter exactly to the gentleman from Georgia. There was a law passed at the last session of Congress allowing the officers on this force to receive one month's pay in advance, and this month's pay was paid in advance to the person who was discharged on the 7th day of the month. Although discharged on the 7th day of the month he had received the pay for the entire month in advance, so that D. M. Hamlin, who was appointed to take his place, and did take his place, on the 8th of the month, could not draw any compensation for the services rendered by him during that month. It is necessary, therefore, this action should be taken in order that he may have the compensation to which he is entitled.

Mr. BLOUNT. Then this is for actual service, and not for extra month's pay.

Mr. MORSE. Exactly so.

Mr. SPRINGER. It is for actual service.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BEALE. I demand the regular order of business.

Mr. SCALES. I ask the gentleman to yield to me before demanding the regular order of business in order that I may move to take up a joint resolution coming from the Senate for reference to the Committee on Indian Affairs.

Mr. BEALE. I yield for that purpose.

UTE INDIAN RESERVATION.

Mr. SCALES. I move by unanimous consent that Senate joint resolution No. 51, authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado, and their removal and settlement elsewhere, be taken from the Speaker's table and referred to the Committee on Indian Affairs, and ordered to be printed.

There being no objection, the joint resolution was taken up, read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARSENAL PROPERTY, CHARLESTON, SOUTH CAROLINA.

Mr. EVINS. I move by unanimous consent that joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston to the trustees of the Holy Communion Church Institute for the use and accommodation of said school be taken from the Speaker's table and referred to the Committee on Military Affairs, and ordered to be printed.

There being no objection, the joint resolution was taken up, read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BEALE. I now demand the regular order of business.

The SPEAKER. The regular order of business being demanded, this being Friday, private business is first in order.

Mr. BRIGHT. I ask to report back from the Committee of Claims sundry bills for the purpose of changing their reference to the Committee on War Claims.

The SPEAKER. The regular order is demanded.

Mr. BRIGHT. If the regular order is demanded, then I move the House resolve itself into the Committee of the Whole on the Private Calendar, this being the day set apart for the consideration of private business.

Mr. BAKER. I move to amend that so that the House shall resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and considering the fortifications appropriation bill.

The SPEAKER. The gentleman from Indiana I suppose intends to report that bill back from the Committee on Appropriations.

Mr. BAKER. Yes, sir; I am instructed to report it back.

The SPEAKER. The motion of the gentleman from Tennessee has preference, but the House can have its wish if it prefers to take up for consideration the appropriation bill. If it should be the wish of the House to go into the Committee of the Whole on the state of the Union to consider a general appropriation bill, then it will vote down the motion of the gentleman from Tennessee; but the Chair under the rule is bound to submit that motion first. If that motion be voted down, the Chair will then recognize the gentleman from Indiana.

Mr. BRIGHT. I hope that motion will not be voted down.

Mr. BAKER. I hope that will be done, as it will not take half an hour to consider the fortifications appropriation bill.

Mr. BRIGHT. I suppose this is not the subject of argument, but I will state there are only a few claims on the Private Calendar, which could be disposed of possibly in half an hour, and then the motion of the gentleman from Indiana could obtain and the House could go on to the consideration of the appropriation bill.

Mr. BAKER. I should like to have the permission of the House to make a statement.

The SPEAKER. The Chair will allow the same time to the gentleman from Indiana that he allowed to the gentleman from Tennessee.

Mr. BAKER. There are two appropriation bills we are instructed to report to the House to-day and to ask for their consideration and passage. I think I can safely assure the House that they will probably not occupy—that is my judgment about it—more than an hour or an hour and a half to pass them and send them to the other end of the Capitol. I trust that course will be pursued, and then the gentleman from Tennessee can dispose of the private business on the Calendar.

Mr. BRIGHT. I should like to make this additional statement: If the suggestion of the gentleman from Indiana be carried out and we first dispose of the appropriation bills, I hope then the House will not interpose objection to going into the Committee of the Whole on the Private Calendar.

The SPEAKER. The House can do that after the fortification bills are disposed of.

Mr. BAKER. And I will aid the gentleman to do that.

Mr. McLANE. I wish to ask a question. I understand there are two fortification bills to be acted on?

Mr. BAKER. That is correct.

Mr. McLANE. Even on the estimate of the honorable gentleman from Indiana it will take an hour and a half to-day, which will to all intents and purposes consume the day. I hope the House will not go into committee on these appropriation bills, but will proceed to the consideration of the private business which regularly comes up on this day.

Mr. BAKER. I do not know how we can occupy the day more profitably than in the discharge of public business.

The question being taken on Mr. BRIGHT's motion, that the House resolve itself into Committee of the Whole on the Private Calendar, there were—ayes 48, noes 95.

So the motion was not agreed to.

FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER. The gentleman from Indiana [Mr. BAKER] is recognized.

Mr. BAKER. Under instructions from the Committee on Appropriations, I report back the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, and move that it be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. BAKER. I move that the House now resolve itself into Committee of the Whole on the state of the Union; and pending that I

move that all general debate on the special order, being the fortifications bill, be limited to five minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. CONVERSE in the chair) and proceeded to consider the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes.

Mr. BAKER. I ask that the first reading of the bill be dispensed with.

There was no objection and it was so ordered.

Mr. BAKER. Before the Clerk proceeds to read the bill by paragraphs for amendment, I desire to avail myself of the five minutes allowed for general debate for the purpose of briefly explaining this bill. The bill, Mr. Chairman, which is reported, making appropriations for fortifications, and the armament thereof, with one single exception, is the same bill that has been reported for the two preceding years. It appropriates for the preservation and repair of the fortifications the sum of $100,000. It provides the sum of $50,000 for the preparation of torpedoes in connection with the harbor defenses of our seaboard. The item for the armament of sea-coast fortifications, including the heavy guns and howitzers for flank defense, projectiles, fuses, gunpowder, &c., has been increased by the sum of $100,000; so that that item in the present bill amounts to $225,000, in place of $125,000 as last year. The Chief of the Ordnance Department recommended to Congress an appropriation of $1,067,000 for this service. That was reduced by the Secretary of War, so that his recommendation, as it came to this House, was for an appropriation of $500,000 for this service. We have recommended from the Committee on Appropriations the sum of $225,000.

One single word by way of general explanation is all that I desire to submit, and that for the purpose of showing why we have increased this item. We found ourselves possessed at the close of the war of some twelve hundred 10-inch smooth-bore cannon and three hundred and twenty-five smooth-bore cannon of 15-inch caliber. It is known to every one that the rapid development in the science of gunnery has been such that guns that fifteen years ago were efficient are to-day entirely valueless for any effective purpose connected with the warfare of to-day. There have been about one hundred and twenty-five of these 10-inch guns converted into 8-inch rifles, and your committee have been assured by the Chief of Ordnance that these 8-inch rifles thus converted from 10-inch smooth-bore guns are equal in energy and efficiency to similar guns of the Armstrong construction. It costs the Department about $5,000 to convert and put in position for effective use a 10-inch smooth-bore cannon; a similar Armstrong gun could not be constructed in this country or imported from England for less than $15,000.

Hitherto the appropriation has been sufficient to enable the Department to convert not more than ten or fifteen guns in the course of the year. It would require, at that rate of conversion, to utilize guns which we now have on hand and which are comparatively valueless as they are, not less than eighty or one hundred years. With the additional appropriation of $100,000 thirty or thirty-five of these can be converted.

If any question arises I hope to be able to explain the matter more fully when we come to the consideration of the bill by paragraphs. Meanwhile I desire to say in conclusion that, at the present rate of conversion, if we should continue our appropriation at the sum of $125,000 it would take not less than twenty years to convert enough of these guns to fortify the batteries and forts of the harbor of New York alone.

[Here the hammer fell.]

Mr. BRIGHT. Will the gentleman from Indiana permit me to ask him a question?

Mr. BAKER. If I have time.

Mr. BRIGHT. My question is whether this bill is the unanimous report of the committee.

Mr. BAKER. I desire to say that the sub-committee that reported this matter were entirely unanimous; and, as I am advised now, the whole committee are unanimously in favor of this bill. I believe I am right in that.

Mr. COBB. The gentleman is not exactly right. I simply stated I would not interpose an amendment, but I do not agree in the report of the committee.

Mr. BAKER. Then there is one gentleman on the committee who is opposed to the report.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the first paragraph, as follows:

That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1881, the same to be expended under the direction of the Secretary of War; also, the following for the armament of fortifications, namely:

Mr. REAGAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "War," in line 9, insert the following:
For batteries for the defense of Galveston Harbor, Texas, $50,000.

Mr. REAGAN. Mr. Chairman, I desire to say a word. Perhaps in the time I have I cannot say all I ought to say. In former years the Secretary of War has reported in favor of an appropriation of an amount of $50,000 for the defense of the entrance to Galveston Harbor, Texas, and in the present estimate the recommendation is renewed.

In the last report of the Chief of Engineers, in summing up what he recommends should be appropriated, he says:

Batteries at entrance to the harbor of Galveston, Texas.—The object of these batteries of heavy guns, recently designed by the board of engineers for fortifications to be placed in Pelican Spit, Galveston Island, and Bolivar Point, is for the defense of the entrance to the harbor at Galveston, a harbor rapidly increasing in commercial importance. No appropriation for the construction of these works has yet been made. Appropriation asked for next fiscal year, $50,000.

Now, it will be seen from an examination of the bill before this committee that it proposes to appropriate only $100,000 for the protection, preservation, and repair of fortifications and other works of defense. We are continually told that it is necessary to preserve existing works of defense, but that economy forbids the idea that we should appropriate anything for any new work; that this is a day of civilization and progress. Galveston Harbor is the chief seaport for a very large extent of country, backed by a population of two million of people, with their commercial interests largely concentrated there. That city is so situated that in case of war, with the present enginery of war, it could be bombarded and burned by any vessel of a hostile power.

Now, if it be said that there is no prospect of war between this country and any other power, the same may be said in reference to every port of the United States. If it be necessary to provide for the defense of other seaport cities, then it is necessary to provide for the defense of Galveston, for it occupies a place of importance in our commerce, and is a place that would be of military importance in case of war.

Now, I ask that this appropriation of $50,000 be made for the purpose of erecting batteries with the kind of guns recommended by our Engineer Corps for the protection of Galveston Harbor.

Mr. FINLEY. I would inquire of the gentleman from Texas [Mr. REAGAN] if his amendment is for an additional appropriation or for the use of that much of the sum recommended by the Committee on Appropriations for the general purpose of fortifications?

Mr. REAGAN. It is for $50,000 for the protection of Galveston Harbor.

Mr. BAKER. I trust that no change will be made in this appropriation bill, so far as the item now under consideration is concerned.

I desire to assure the committee, after the fullest conference with the officers having this matter in charge, that the sum of $100,000 is barely sufficient to enable the Engineer Department of the Army to keep our present works, on which many millions of dollars have been expended, in such a state of repair and preservation as that they shall not go into needless waste and dilapidation. Now, if $50,000 of this amount shall be diverted from the purpose contemplated by this bill to the construction of batteries in the harbor of Galveston——

Mr. REAGAN. I see that the gentleman from Indiana [Mr. BAKER] is proceeding upon the wrong idea. I ask for an additional appropriation of $50,000 for the construction of this new work; not that $50,000 of the amount here proposed shall be used for that purpose.

Mr. BAKER. Then there is a point of order against the amendment, if it is not too late. I did not so understand the amendment when read, or I should have made the point of order upon it at the time. I understood that the amendment was to appropriate $50,000 of the $100,000 contained in this item, and to divert it to another purpose, which would have been in order under the rules. I submit now that the appropriation of $50,000 in this bill for a new and independent work, not in continuation of any existing work, but an appropriation for the commencement of a new work, is certainly subject to the point of order which I now raise. I trust I am not too late in that, for the reason, as I have explained to the Chair, that I did not understand the motion of the gentleman from Texas [Mr. REAGAN] to be to increase the appropriation by $50,000, but to divert $50,000 of the amount here proposed for the purpose indicated.

Mr. REAGAN. I submit that the point of order is too late, after the gentleman has debated the amendment. The point of order should have been made at once, and cannot be made now after time has been taken on both sides in debating the amendment.

The CHAIRMAN. The Chair is of opinion that the point of order is too late; and, besides, no points of order were reserved when this bill was referred to the Committee of the Whole.

Mr. BAKER. Then I desire to oppose the amendment. The proposition is to add $50,000 to the bill for the purpose of starting a new work. I am opposed to that for two or three reasons, which I will briefly state.

In the first place, I am opposed to any general system of constructing fortifications at this time for the harbor defense of our country. I do not believe that we can wisely, in the present transition state of military science touching gunnery, expend any considerable sum of money in this direction. In addition to that, it seems to me that it would be a policy that would bring just animadversion upon Congress if it should enter upon the construction of new works involving so large a sum as $50,000, when other works at other great seaport cities, like Mobile, the mouth of the Mississippi, Charleston, Norfolk, Philadelphia, New York, Boston, and Portland are in such a condition that those cities are practically as defenseless as the city

of Galveston, and where works are already in progress, on the construction of which millions of dollars have been expended, and which, if we are going into a general system of construction of fortifications, ought to be prosecuted to completion as being more needful than at this port of Galveston. I do not know anything about the character of the harbor at Galveston, and would not confidently say anything about that, although I suspect that a large armored vessel would find some difficulty in getting near enough to the city of Galveston to fire a shot into it, or perhaps even near enough to descry the steeples of the city without the aid of a glass. I trust that no change will be made in the bill in this regard.

Mr. BRIGHT. I wish to ask the gentleman from Indiana [Mr. BAKER] a question before he takes his seat. In the $100,000 of appropriation reported by the committee, was any appropriation contemplated for the harbor of Galveston?

Mr. BAKER. Not specially. Nothing was contemplated for any special work.

Mr. BRIGHT. Did it enter into the estimate?

Mr. BAKER. It did not enter into the estimate of $100,000.

Mr. BRIGHT. Did any of the other harbors enter into the estimate?

Mr. BAKER. No, sir. The bill was framed on this simple theory: that we had expended a large sum of money in the construction of forts and batteries, and that at the present time it was not wise to enter upon any new works, but that we should simply appropriate enough money to preserve works already in progress.

Mr. WILSON. I move to amend the amendment of the gentleman from Texas [Mr. REAGAN] by reducing the amount to $25,000. The Secretary of War and the Chief of Engineers have both recommended this work, and I am satisfied that it ought to be done.

Mr. REAGAN. Mr. Chairman, this amendment proposes to reduce the appropriation named in my amendment to $25,000. I wish to say that this project has been twice recommended by the Secretary of War and twice recommended by the Chief of Engineers. They have recommended an appropriation of $50,000 to begin the work. I submit that this is a smaller sum than was ever before recommended to begin a public work of this kind. That is all I have to say on that point. Of course the judgment of the House binds me.

In relation to what was said by the gentleman from Indiana on the other point I desire to say a word before I take my seat. The gentleman says that for places where millions have been spent in fortifying them, it is not proposed by this bill to do more than simply preserve the work already done. Now, is it true, as a matter of public duty and policy, that we cannot build a new fortification without adding to the millions already expended upon old fortifications? My object is to place Galveston on something like an equal footing with other important seaports upon our coast by procuring a small appropriation to commence the building of batteries and the furnishing of guns for the defense of that harbor. If millions have been expended at other places entitled no more to protection than this, it seems to me it forms the most cogent and just reason why the poor sum of $50,000 should be given for this work.

Mr. HAWLEY. My impression is that the gentleman from Texas [Mr. REAGAN] has really advocated his amendment while nominally on the other side; at any rate, I rise to oppose it.

The gentleman says that the Department estimates for Galveston Harbor $50,000 to begin a new fort. That is quite true; but the Department estimates also for a great variety of fortifications, the aggregate of these estimates being $4,028,500, and $50,000 of this amount being for Galveston alone. Now, the Committee on Appropriations has not reported in favor of giving one dollar of these $4,000,000 thus estimated for. We have not, in this respect, adopted the recommendations of the Department in any instance.

The first paragraph of the bill now under consideration appropriates $100,000 "for the protection, preservation, and repair of fortifications and other works of defense." We have along our coast a series of very expensive works which are running down. One hundred thousand dollars is a very small sum to be appropriated for their maintenance. There are many valuable works, one-fourth, one-third or one-half completed. If we are to do anything in the way of strengthening our fortifications, we ought to go on with these works. But the Committee on Appropriations, understanding the public sentiment, and knowing, moreover, that the art of defense is undergoing great changes all the time, so that many of these works are now comparatively useless, has not reported a single dollar to be appropriated in this direction, but only $100,000 to keep in repair the works we already have.

Now the gentleman from Texas, in behalf of his particular locality, desires to take a single item out of these estimates of $4,000,000, and would have us adopt that. If we are going to do anything in that line, I beg that the bill may be recommitted, so that we may appropriate an aggregate of $1,000,000 or $2,000,000 by making provision for many other places the fortification of which is of equal or greater importance. There are places which need $50,000 a great deal more than that harbor, in the judgment of the engineer and ordnance officers. If we do anything at all in this direction, we should revise the whole system and enter upon a thorough plan of sea-coast fortifications. We are now simply temporizing in this matter. The practical thing that the Committee on Appropriations is seeking is to perfect our armament. Fortifications of some sort can be put up very hastily should an emergency arise. It is not certain but that the very best kind are these immense sand or earth works, which can be put up very rapidly. Our chief want is a better supply of good guns, and we will discuss that when we come to the item relating to that subject. In that particular we do make a little increase on former appropriations, but not beyond what we think is needed. We want a better supply of heavy guns; we cannot begin to effectively arm the fortifications we already have. By this little appropriation of $100,000 we simply keep our immense expenditures heretofore made from going to waste. I submit that we should not adopt the amendment of the gentleman from Texas unless we are prepared to go on and make thorough work in the same direction.

The question being taken on the amendment of Mr. WILSON to the amendment of Mr. REAGAN, it was not agreed to.

Mr. CLYMER. I move to amend the pending amendment by striking out the last word. I make this motion simply for the purpose of stating how fully I concur in the views expressed by the gentleman from Connecticut, [Mr. HAWLEY.] The Committee on Appropriations, without a dissenting voice, I think, in regard to this provision of the bill, agreed that it was neither wise nor necessary at this time that the Government should enter upon any general system of the erection of fortifications for the defense of our coast. In our judgment we are not prepared to do so now; and in view of the changes going on in the modes and means of defense, such a policy would be unwise. Hence, in this bill the committee do not propose to appropriate a single dollar for the improvement or enlargement of existing works, or for the erection of new ones.

As was well remarked by the gentleman from Connecticut, [Mr. HAWLEY,] if the Committee of the Whole in this single instance should make an appropriation of even $25,000, it would be better to recommit the bill and allow the Committee on Appropriations, at its leisure, and in its discretion, and in its judgment, to make appropriation for all the works of defense which have been estimated for by the War Department. We cannot agree to this one without injustice to others. We should make appropriations for all of them, or else we must reject the present amendment.

As I have already stated, the committee have not thought proper to make appropriation for any one of them. What we have done, Mr. Chairman, is this: we have provided that our works of defense should be kept in repair, and we have accordingly appropriated the amount considered necessary by the Ordnance Department to do that thing, and nothing more.

Why, sir, our best works—those which we presume to be our best, the works of defense in New York Harbor, for instance—are so unfit, as now constructed, to withstand the attacks which could be made upon them by the improved ordnance of the world, that they are deemed almost valueless by competent authorities, unless millions of money should be spent to strengthen them. They are now mere shells to resist the destructive force of the weight and character of the ordnance which could be brought to bear against them. We are not prepared to enter upon these improvements now. What we most need, sir, is improvement in our cannon, that they should be made more effective; and what we further need is efficiency and greater perfection in our torpedo service; for, sir, in my judgment, and in that of the committee, the best and surest defense for our sea-coast and all our harbors is based upon the protection which the torpedo system promises. It would be impossible to destroy or even disable, it may be, the enormous iron-clads which might be sent to attack us by several European powers by any ordnance which we now have. The effective service alone which it might render would be as auxiliary to the torpedoes. The attacking vessel or vessels might be engaged and fired on from our forts and batteries and so hindered and detained within a certain range that our torpedoes might be exploded with effect.

Therefore, sir, I trust that in this condition of affairs the request made by the gentleman from Texas will not be granted, and that his well-known influence and the general desire here to accommodate him and to do his section kindness will not lead this committee away from doing that which the full Committee on Appropriations deem best for the whole country under existing circumstances.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

Mr. REAGAN. I demand a division of the committee on that amendment.

The committee divided; and there were—ayes 37, noes 60.

So the amendment was rejected.

The Clerk read as follows:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, $225,000.

Mr. REAGAN. Mr. Chairman, I rise for the purpose of deriving some information on this subject. I move to strike out the words "for the conversion of smooth-bore guns."

Mr. BAKER. I wish the amendment of the gentleman from Texas might be read so I can understand it exactly.

Mr. REAGAN. I move simply to strike out the words "smooth-bore guns." I am not conversant with ordnance. I have seen some guns. I understand this appropriation is for the purpose of converting smooth-bore guns into rifled cannon. That is done, I suppose, in the hope we will thereby be able to supersede the necessity for forti-

fications. I appeal to military men who have seen guns, and seen them used, that if you take a smooth-bore gun, with the size of the bore it ordinarily has, and take it in relation to the amount of metal in it, and then rifle it, I ask whether thereby its efficiency is not materially decreased? Why, sir, I would as soon stand before such a gun as by the side of it when fired with a full charge.

If that is not a correct statement, I appeal to gentlemen more familiar with cannon than I am how they are going to give strength to a smooth-bore gun which has been rifled and the size of the bore increased when it is loaded with a heavier projectile in order to fill its caliber?

Mr. HAWLEY. I will, Mr. Chairman, by leave of the gentleman from Indiana, who has charge of this bill, explain this process which the gentleman from Texas very evidently does not understand.

We have now a very valuable lot of old smooth-bore guns, chiefly 10-inch. The gentleman is quite right in saying that if you take a 10-inch gun and weaken it by rifling it will not stand as heavy charge of powder as before, and especially if you should put also a heavier projectile in it. But he does not understand the process. They take these old smooth-bore guns, and, if necessary, ream them out to make a true bore; then they insert a steel tube, reducing the diameter from ten inches to eight inches, and that tubing is rifled.

Now, whether the gentleman thinks or does not think they will stand fire, the fact is that seven or eight hundred heavy charges have been fired out of converted guns of that sort. And it may be added that the projectile fired from them does not vary much in weight from that fired from them before the conversion. In the 10-inch gun, the round ball approximates one hundred and twenty-eight pounds, and while the caliber of the gun is reduced by the tube from ten inches to eight, the projectile used in the rifle is elongated so that it is something like the weight of the round ball.

Mr. BAKER. It weighs one hundred and fifty.

Mr. HAWLEY. My friend says one hundred and fifty pounds; a little larger than the old one, then. It appears by experiment that the guns are strengthened by the steel lining; the caliber is reduced in size.

But there is another important consideration. I was myself prejudiced against this alteration, but am now satisfied that it is practicable and useful. A new factor has come in to make it practicable, very fortunately for us, an improvement in the compounding and manufacture of powder. If you take a charge of the old fine rifle powder—with which the gentleman from Texas was familiar when he used to kill squirrels—that would knock the gun all to pieces, whether smooth-bore or rifle, while it would not send the projectile with remarkable force; but they have now a larger-grained slow-burning powder, and it turns out that they can get a greater projectile force with less pressure per square inch than before by one-half or two-thirds—a great reduction in pressure as shown by close tests. So it is practicable to take these old smooth-bore 10-inch guns, line them with steel tubing rifled, and by using large grained slow-burning powder obtain a greater force of projection with less strain. The gentleman can go to the Sandy Hook proving-ground, as I have done, and see for himself. Besides, Mr. Chairman, they can make breech-loaders of them if necessary.

Mr. REAGAN. I withdraw my amendment.

Mr. BAKER. I wish to say that my friend from Connecticut is mistaken about there being a steel lining in these smooth-bore guns—it is made of wrought iron.

Mr. HAWLEY. True; but experiments have been made in both.

Mr. KITCHIN. I renew the amendment.

The amendment was rejected.

Mr. GARFIELD. I wish to ask a question. We have two systems of torpedoes, one by the Navy and one by the Army. I know, when I used to be more familiar with appropriation bills than I am now, there was always danger of collision between the two systems. I see no reference here to any part of the naval torpedo service and I wish to ask the gentleman whether there has been any arrangement by which appropriation for the naval torpedo system is provided in some other bill. If not, it seems this is exclusively in the Army interests, as it ought to be, but I will be obliged if the gentleman will state the status of the question.

Mr. BAKER. As I understand it this provision applies exclusively to the interests of the Army. That portion intended for the use of the Navy is provided for in another bill.

Mr. CLYMER. In the Navy appropriation bill.

Mr. BAKER. That is my understanding. I desire to say this clause in reference to torpedoes has stood in this shape and has been of this amount, $50,000, for the last four years.

If there is no further amendment to be offered I move the committee rise and report the bill to the House with a recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. BAKER. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. COX, by unanimous consent, was granted leave to print in the RECORD as part of the debates some remarks which he had prepared on the subject of the fortification bill. [See Appendix.]

PENSION APPROPRIATION BILL.

Mr. HUBBELL, from the Committee on Appropriations, reported back a bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881, and moved its reference to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. HUBBELL. I now move that the House resolve itself into the Committee of the Whole on the state of the Union; and, pending that motion, I move that all general debate be closed in five minutes.

The motion was agreed to.

The House then resolved itself into the Committee of the Whole on the state of the Union, Mr. HOOKER in the chair.

Mr. HUBBELL. I move the first reading of the bill for information be dispensed with.

The motion was agreed to.

Mr. HUBBELL. I propose merely to explain the provisions of this bill, so far as there is an increase of appropriations over the sum appropriated in the bill of last year. There was appropriated for pensions for the fiscal year ending June 30, 1880, the sum of $29,366,000. That was exclusive of the amount appropriated for arrears of pensions under the arrearages act. This bill appropriates $32,404,000, making an increase of $3,038,000 over the bill of last year.

This increase is caused by various reasons. We have now on the pension list 125,150 Army invalids; 80,174 Army widows, children, and dependent relatives; 1,844 Navy invalids; 1,772 Navy widows, and children, and dependent relatives; 11,621 surviving soldiers of the war of 1812; 21,194 widows of deceased soldiers of the war of 1812; making a total on the list to-day of 242,755.

During the year up to the date of the Commissioners' report there has been a great increase on the list. There have been added to the list during the year, of new names, 31,346; persons restored for various causes, 908; making a total of additions of 32,254. There have been dropped from the roll during the year for various causes, 13,497, making an increase to the list of the year of 18,757.

In addition to this, and as one reason why this appropriation is provided in this bill, the Commissioner of Pensions informs us in his report that up to the date of his report he estimates there are 200,000 cases pending now in which pensions are claimed, and that by the end of the fiscal year that number will be increased to 250,000. Thus, sir, it must be apparent that there will not only be an increase of names placed upon the roll, but that increase will be much greater than it has been in previous years, for reasons which I will briefly state.

The act of January 25, 1879, not only granted arrears of pensions to persons already on the rolls, but provided that pensions thereafter granted should date from the death or discharge of the person on whose account the claim was granted; and it also repealed section 4717 of the Revised Statutes, which barred claims for pensions unless presented within a given specified time. And the act of March 3, 1879, gave a wider scope to the act of January 25, 1879, by providing that persons should be included within its provisions who were drafted or enlisted to serve in the war of the rebellion but who died or incurred disability from causes originating after the cessation of hostilities and before being mustered out of the service. It must be remembered also that all the persons who will be added from the two hundred thousand claimants whose claims will be pending at the end of the year will receive not only their payment for the year, but payment for all the years intervening between the date of their discharge and the time of the granting of the pension.

The CHAIRMAN. The time allowed for general debate has expired.

Mr. BRIGHT. I ask unanimous consent that the gentleman from Michigan be permitted to complete his statement.

The CHAIRMAN. It is not competent in Committee of the Whole to extend the time even by unanimous consent.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the first paragraph, as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1881, and for other purposes.

Mr. CLYMER. I move to strike out the last word of the paragraph, and yield my time to the gentleman from Michigan, [Mr. HUBBELL.]

Mr. HUBBELL. I desire to add just one word more, in order to state another reason why the Committee on Appropriations recommended the full estimate. The Commissioner in his report informs us that for the fiscal year ending June 30, 1880, there will be a defi-

ciency of $5,000,000 for the Army pensions, and a deficiency of $30,000 for the Navy pensions. These reasons induced the committee to insert in this bill the exact and precise amount estimated by the Department. The bill appropriates $31,475,000 for the Army pensions; $253,000 for fees and allowances; $575,000 for Navy pensions, and $101,000 for fees of examining surgeons.

Mr. BLOUNT. I wish to remark that the deficiency referred to by the gentleman from Michigan did not grow out of any failure on the part of Congress to appropriate the estimates.

Mr. HUBBELL. Not at all. That deficiency occurred for the reason that the estimates for the year were in before the arrearage of pensions bill was passed, and it was no fault of the last House that that deficiency occurred.

Mr. CLYMER. I withdraw the *pro forma* amendment.

The Clerk resumed the reading of the bill, and read the following paragraph:

For fees of examining-surgeons, as provided by the several acts of Congress, $101,000: *Provided*, That a fee of $1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid.

Mr. DUNNELL. I move to strike out the proviso in the paragraph just read. I make this motion that I may ask the gentleman in charge of the bill what the fee now is that he proposes to make $1?

Mr. HUBBELL. It is $1. We only re-enact it.

Mr. DUNNELL. I suggest, then, this proviso is unnecessary. It is simply that a fee of $1, which is now provided for by law, shall be allowed except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid. Whole classes of fees are provided for by general law, and I insist the proviso is simply an unnecessary thing.

Mr. HUBBELL. The fees of examining surgeons were fixed in the last appropriation bill and ended with that appropriation bill.

Mr. CLYMER. If the gentleman will allow me, I will say it was necessary to continue this proviso in this bill because the only law on this subject now is the provision made last year with reference to the appropriation then made. If this proviso is not continued in this bill the fees would go back to what they were formerly, $2 in each case.

The CHAIRMAN. Does the gentleman from Minnesota move to strike out the proviso?

Mr. DUNNELL. After the explanation which has been given, I withdraw the motion to strike out.

Mr. BREWER. I move to amend the pending paragraph by striking out the words "one dollar," in line 27, and inserting in lieu thereof the words "two dollars," as the fee to be allowed examining surgeons. That is the amount which was formerly allowed for examinations.

Mr. BLOUNT. I make the point of order upon the proposed amendment that it will change existing law.

The CHAIRMAN. No reservation of points of order was made upon this bill in the House at the time it was referred to the Committee of the Whole.

Mr. BREWER. I do not desire to take up much of the time of the committee in discussing my proposed amendment. Until the last appropriation bill was passed the Commissioner of Pensions allowed a fee of $2 to examining surgeons. I think that fee was small enough. Since the change was made I have personally received more than fifty letters from different examining surgeons throughout the country, calling my attention to the change made last year, and insisting that the original amount, $2, was a very small sum to be allowed for the services they rendered. It strikes me that that sum was small enough, and I think we should restore the law as it formerly existed.

Mr. WARNER. The reduction of examination fees from $2 to $1 was made, as I understand, by the last appropriation bill, and I have heard no complaint made of the change. I am told that at such places as the Soldiers' Home at Dayton, Ohio, for instance, one hundred or two hundred persons are examined in a single day; and certainly in such cases as those a one-dollar fee is sufficient. I think the amount should be left as reduced by the last appropriation bill, to which this bill corresponds; that is, $1.

Mr. BLOUNT. I simply desire to corroborate what the gentleman from Ohio [Mr. WARNER] has just said. There has been no complaint of the change made last year; none from the Bureau of Pensions and none in the Committee on Appropriations. It was the unanimous opinion of that committee that no practical difficulty has grown out of the change made last year; and I hope there will be no amendment adopted of the kind now proposed.

Mr. BREWER. It is not at all strange that no complaint on that point was made to the Committee on Appropriations. It is an anomaly, or at least it ought to be, for the Committee on Appropriations to attempt to regulate this fee. The subject belongs to the Committee on Invalid Pensions if to any committee. Yet the Committee on Appropriations in this bill are carrying out the same idea which they attempted during the last session of this Congress.

The gentleman from Ohio [Mr. WARNER] says that some two or three hundred persons are examined in a day at the Soldiers' Home in Dayton. Where that is the case perhaps a one-dollar fee is sufficient. But that is not the case all over the country. Take my own town, for instance, where there is an examining surgeon. Perhaps a dozen or two dozen men are examined in the course of a year. Now, the surgeon is compelled to fix a day when he will be in his office, in order to accommodate the men who desire to be examined. That case is entirely different from the one stated by the gentleman from Ohio, where two or three hundred men are right on the ground to be examined.

As I have already said, I have had letters from more than fifty different examining surgeons protesting against the change made on this point in the last appropriation bill. In accordance with their request, I have introduced a bill fixing the amount and have had it referred to the Committee on Invalid Pensions, where the matter properly belongs.

Mr. HUBBELL. I hope this amendment will not prevail. There is no demand for it in the Pension Office. The Commissioner says that the different departments of his office are running well now. I am sure that for every surgeon now appointed as an examining surgeon at the rate fixed by law, twenty could be found willing to take the place at the same rate.

The question was taken upon the amendment of Mr. BREWER; and upon a division there were—ayes 33, noes 60.

No further count being called for, the amendment was not agreed to.

Mr. HUBBELL. I move that the committee rise and report the pending bill to the House with the recommendation that the same do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOOKER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2791) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881, and had directed him to report the same back to the House without amendment, and with the recommendation that it do pass.

Mr. HUBBELL called the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HUBBELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of business on the Private Calendar.

Mr. MILLS. Before that motion is put, I ask consent to introduce some bills for reference.

There was no objection.

J. H. DILLARD.

Mr. MILLS introduced a bill (H. R. No. 2806) for the relief of J. H. Dillard; which was read a first and second time, and referred to the Committee on Military Affairs.

CAPTAIN JOHN G. TODD.

Mr. MILLS also introduced a bill (H. R. No. 2807) referring the claim of the legal representatives of Captain John G. Todd, of Texas, to the Court of Claims; which was read a first and second time, and referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. NEWBERRY for four days, on account of important business; and

To Mr. YOCUM indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers from the files of the House was granted in the following cases, no adverse reports having been presented:

To Mr. PACHECO, in the case of Anna E. Polk;

To Mr. HOUSE, in the case of Jane F. King; and

To Mr. VANCE, in the case of Paulina Jones.

LIEUTENANT F. M. H. KENDRICK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Lieutenant F. M. H. Kendrick, Seventh Infantry, for recognition as second lieutenant Company K, Thirty-First Massachusetts Volunteers, from December 24, 1861, to February 19, 1862, and for reimbursement of certain money; which was referred to the Committee on Military Affairs.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Ordnance, United States Army, relative to condemned cannon for monumental purposes; which was referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MILLS in the chair) and proceeded to the consideration of the Private Calendar.

Mr. DUNNELL. Mr. Chairman, is this objection day?

The CHAIRMAN. It is consideration day.

JULIET LEEF.

The first business on the Calendar was the bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

The bill was read, as follows:

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for indemnity and compensation to Juliet Leef, widow, and the heirs of Henry Leef, deceased, to be paid to them, or to their legal representative, in full for losses and damages sustained by the said Henry Leef in his lifetime, in consequence of the illegal seizure of the bark Mary Teresa by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. BRIGHT. I call for the reading of the report.

The report was read, as follows:

The Committee on Commerce, to whom was referred the memorial of Henry Leef and John McKee, submit the following report:

From the evidence referred to your committee with the memorial of the claimants, it appears that while Henry Leef, a citizen of the United States, was engaged in business in Baltimore as ship-owner and merchant, he became the owner of a vessel which had been wrecked in Chesapeake Bay, condemned, and sold at public auction in the city of Baltimore. This purchase and ownership was immediately made known to the Government of the United States, together with a request for information and instructions from the proper department as to the requisite and necessary formalities of clearance, &c., to enable Henry Leef to send this vessel to a foreign port for sale. By letter from the Secretary of the Treasury, Henry Leef was informed that the vessel, being of foreign build, could not receive papers of any description under the registering or licensing laws of the United States; but he was referred to the consul of the country to which it was proposed to send the vessel for information as to the proper formalities and evidence of ownership. The vessel was accordingly cleared in conformity with the usual formalities, not only in respect to the laws of the United States, but also to those of Brazil, the place of her destination. She reached the port of Pernambuco, where all the requisite and usual formalities of entrance, &c., were complied with, and the customary facilities of the consul of the United States rendered. After landing a portion of her cargo, she proceeded, with a view to a more favorable market, to the port of Bahia, where the usual formalities were complied with in respect to the United States consulate at that port. But it further appears that the consul at this port pronounced her to be confiscated to the Government of the United States, in consequence of her not being furnished with or presenting the necessary registers or papers to prove her nationality, notwithstanding the fullest and most satisfactory proofs of ownership and citizenship, duly authenticated, were presented to the said consul, and by him returned to the Secretary of State of the United States.

Accordingly, the bark Mary Teresa was taken possession of by the consul of the United States in Bahia, and under his directions and authority was sent to the port of Philadelphia, and was delivered up to the authorities of the United States, after which, the particulars of the case having been received at Washington, the vessel was released by the authorities of the United States, and the proceedings of the United States consul disavowed; all which proceedings of the authorities of the United States have involved the memorialists in serious damage and loss, fully set forth in their details in the papers accompanying the memorial.

From the correspondence which took place between our consul, Mr. Tyler, and our minister at Rio, and our then Secretary of State, it appears that our minister disapproved of the conduct of our consul in seizing and detaining the vessel. The consul, however, having determined to carry out his design to treat the vessel as confiscated to the Government, William McKee, as supercargo and representative of the owner, addressed a letter to the consul, in which, after reciting the action of the consul in reference to said vessel, he says:

"I have no recourse but to abandon her, which I hereby do to you, as consul of the United States, and as the representative of the Government thereof; hereby solemnly protesting against you, as consul of the United States and the representative thereof, for the value of the said vessel, the bark Mary Teresa, owned by Henry Leef, of Baltimore, of two hundred and fifty-one tons burden, and for all damages accruing to all and every person concerned in said vessel or cargo, which I estimate at thirty thousand silver dollars."

It thus appears that a wrong has been done by the representative agent of the Government in a foreign land, while in the exercise of his functions, and acting in behalf of and in the name of the United States.

This case has heretofore been five times passed upon and favorably reported to the House; and this committee now, for the sixth time, after a careful review of the evidence, concur with the opinion that it is a case in which Congress should interpose to grant relief.

The committee have examined a large number of cases in which the Government has acknowledged its liability in analogous cases, and select the following as sufficiently conclusive of the past action of the Government:

March 31, 1814. Act to reimburse Samuel Ellis, marshal district of Maine, amount of judgment recovered against him for seizing certain flour.

February 27, 1815. Act to reimburse Joshua Sands, collector of New York, amount of judgment recovered against him for seizing certain vessels.

May 19, 1824. Act to reimburse Archibald Clark, collector at Saint Mary's, amount of judgment recovered against him for detaining ship Apollo.

July 14, 1832. Act to pay the amount of certain judgments recovered against the marshal for the district of Pennsylvania, for seizing certain teas, to the parties interested therein.

March 2, 1833. Act to reimburse Cyrenius Hall, collector at Sandusky, amount of judgment recovered against him for seizing a vessel.

June 30, 1834. Act to reimburse W. C. H. Waddell amount of judgment recovered against him, as marshal, for seizing certain brandies.

July 7, 1838. Act to reimburse David Geletin, collector at New York, amount of judgment recovered against him for seizing the ship American Eagle.

The only other case necessary to refer to is that of John O'Sullivan, whose vessel was seized by John M. Forbes, the commercial and political agent of the Government of the United States at Buenos Ayres. The case was referred to the Secretary of the Treasury, Mr. Woodbury, by the Senate, and, after his report thereon, an act was passed providing for compensation, July 2, 1836. Mr. Woodbury's report will be found in Document No. 5, Twenty-third Congress, second session, and is dated December 8, 1834. The liabilities of the Government for the acts of its agents, as therein maintained, "extend only to such acts as arise from gross negligence in discharge of official duties, or from omission to perform them; and even in these cases the persons suffering should either resort to the agent early, and in a suit with him establish his liability and the amount of damage, *or resort early to the Government*, and make out a very clear case, so that redress might be had by the Government on his personal responsibility on his official bonds and sureties, if any exist;" and the report concludes: "In many cases the Government has refused to indemnify the claimants themselves, the original sufferers, unless first showing, with clearness, gross neglect *or wrong* by the officers in discharge of their official obligations." Mr. Woodbury was of the opinion that the parties had been guilty of *laches*. He says "the vessel was sold in this country in the beginning of the year 1824. The first petition presented to Congress was not until the year 1828."

In the case now presented to the consideration of the House the parties have been prompt in the pursuit of their rights. Within sixty days after the vessel had reached Philadelphia and was discharged, the memorialists had presented their claims to this body.

It would seem to be a proper policy, as well as a duty of the Government, to protect its officers from liability whenever they act in good faith in the assertion of its rights.

Sir William Scott, in the case of the action in adjusting a question of damage arising out of an alleged capture, says:

"It does not appear that Captain Capel is chargeable with having acted from any corrupt or malicious motives; and if, as I believe to be the case, he has acted from a sense of duty and obedience to orders, I can have no doubt will be indemnified upon a proper representation to government."

This is both a strong and peculiar case. The consul at Bahia was the sole representative of the Government at Bahia. There was no appeal from his decision in the custody and management of the vessel. It is better that the Government should hold itself responsible for his acts than, by denying its responsibility, to invite that resistance which the common law justifies in the protection of property against trespassers.

The subject is one of great importance to the protection of our commerce, as is evidenced by the petitions in this case from our principal commercial marts, signed by their most distinguished merchants.

Our Government has not failed to demand indemnity from foreign countries when the rights of our merchants have been violated by their officials, and it would seem that a like indemnity is due to those who have suffered from our own.

Your committee therefore, following the precedent made by a former Congress, in the case of O'Sullivan above cited, report the accompanying bill, and recommend its passage.

Mr. CONGER. Mr. Chairman, the report in this case, so far as I understand it, does not show that the action of the consul was illegal, was grossly negligent or wrong in any respect. It simply shows that when the vessel came back to the United States under the order of the consul it was released and returned to the parties. I think the report should have stated, or perhaps the committee may state orally, the facts in regard to that matter. It is very curious that every case cited in the report, unless it be the last one, was a case of the indemnification of an officer who had been sued and held personally liable for the damages claimed. In this case there is no proof of any damage except from the assertion of the parties. I should be very unwilling to vote for this bill unless from some source I can understand that the action of the consul came within the decision which has been quoted here and within the usual rule of law. If it was a mere exercise of power under a mistake, without gross negligence, without plain wrong, then the authorities cited have no application whatever.

There is nothing to show that there has been any examination or any statement on the part of anybody of the amount of damage. It is inconsistent with my ideas of right that the mere detention of a vessel and sending her back to her own country and releasing her here can have resulted in damage to the amount of $30,000, as claimed, or $20,000, as reported by the committee. Within the last few years that sum would have bought, or more than bought, a vessel of the tonnage mentioned here.

Now, I should like some one who knows about this to inform the House why $20,000 should be paid for sending this vessel back from Brazil to the port where it was owned in the United States, whether with cargo and freight or not, I do not know; but I do know that for the last few years and within the time mentioned in that report, our ships have been lying idle at the docks and could not have been sold for half the sum named here—in many cases not at all. This may be too good a bargain for this vessel. The report shows that the vessel was sent abroad at any rate to be sold in a foreign country. Now the parties may receive more than the value of the vessel and yet retain the ownership. They may eat their cake and still have it, so far as anything appears in this report. If any gentleman is familiar with the facts I hope he will inform the committee that we may not vote away $20,000 for the detention of a small vessel and sending her back safely to her home. I understand the vessel's tonnage was only two hundred and fifty tons.

Mr. BEALE. Mr. Chairman, if I can have the attention of the committee, and especially that of the gentleman from Michigan, [Mr. CONGER,] I will endeavor to give an outline of the history of this case, and I undertake to say in my place that no case of greater hardship is presented in the whole records of congressional legislation than is presented in the case now submitted for consideration.

In 1847 a French bark, Mary Teresa, was wrecked in Chesapeake Bay, condemned, and sold. She was purchased by Henry Leef, a shipbuilder in the city of Baltimore. After he had fully repaired and refitted the vessel, he addressed a letter to the then Secretary of the Treasury, inquiring what papers he must secure in order to send this vessel to a foreign country for sale. Under our license and registry laws the vessel could obtain no papers from our authorities. He was informed that all that was needed would be a bill of sale showing his ownership, and that he must call upon the representative of the government of the country to which he proposed to send the vessel and ascertain what were the formalities of law necessary in that country to accomplish the purpose which he had in view—the sale of the vessel. In pursuance of those instructions the vessel was loaded with a cargo of flour at Baltimore and Richmond, and, under charge of a supercargo empowered to dispose of both cargo and ship, was sent to Pernambuco, in Brazil.

She reached that port, discharged there a part of her cargo, and, finding there was a better market in Bahia, she sailed for that port to discharge the residue. She was there seized by the consul of our Government. It was alleged she was liable to confiscation because of the fact she had no license from the authorities of the United States. The consul communicated with the minister at Rio, and was informed by him that his action was illegal, that he had no authority to seize the vessel; but, notwithstanding the advice of the minister at Rio, he persisted in his purpose and proceeded to seize the vessel. The supercargo surrendered her under protest, protesting against the consul to the United States Government for the illegal seizure of his property. Captains were called upon, as usual in cases of that sort, by the consul, and the vessel was valued. The supercargo fixed the amount of damage which he had sustained at that date at $30,000, as appears in the report which has been submitted.

Mr. CONGER. I ask the gentleman if that was not before she was sent away from that port?

Mr. BEALE. I did not hear the gentleman's question.

Mr. CONGER. Was not the protest made and was not the amount of damages fixed before she had been sent from the port of South America where she was?

Mr. BEALE. No, sir; the protest was made at Bahia, where the vessel was seized.

Mr. CONGER. Yes, sir; and $30,000 damages fixed before she was sent away from that port.

Mr. BEALE. Of course, then was the moment at which the possession of the vessel was turned over to the consul of the United States. That was the proper and only time at which this protest could have been made.

Mr. BROWNE. Will the gentleman from Virginia allow me to ask him a question?

Mr. BEALE. Certainly.

Mr. BROWNE. What was the cargo of the vessel at the time of the seizure?

Mr. BEALE. Flour.

Mr. BROWNE. What became of it?

Mr. BEALE. It was sold.

Mr. BROWNE. By whom?

Mr. BEALE. By the supercargo.

Mr. BROWNE. The vessel was then returned to the United States.

Mr. BEALE. I will proceed to give you that information.

Mr. BROWNE. The question I desire to ask is this: How does the committee reach the opinion as to the amount of damages sustained by the owner of the vessel; what entered into the computation of the committee?

Mr. BEALE. The papers submitted by the consul himself to the Government of the United States, every particle of testimony in regard to the amount of damage, every particle of testimony in regard to the seizure of the vessel—all were furnished by the Secretary of the Treasury, to whom the whole papers were transmitted by the consul in 1847.

Mr. TALBOTT. The gentleman from Virginia makes a mistake; not by the Secretary of the Treasury, but by the Secretary of State.

Mr. BEALE. Yes; I mean by the Secretary of State.

Mr. BARBER. What was the value of the vessel at the time of the seizure?

Mr. BEALE. I think just the value fixed by the report, $20,000.

Mr. BARBER. Did we keep her after we got her over here—did we retain her after we got her home?

Mr. BEALE. If you will bear with me I will give the history further.

Mr. ACKLEN. I beg to correct my colleague. It was $15,000, and not $20,000.

Mr. BEALE. Yes, sir. After the seizure of the vessel by the consul and the surrender by the supercargo to the consul, the latter placed the vessel in charge of a captain and crew and sent her back to the United States. She came to the port of Philadelphia, and the Secretary of State directed she should be returned to the city of Baltimore and handed over to her owner. The vessel was returned to the city of Baltimore. A libel was filed by the crew who had been placed in charge of this vessel at Bahia, and under the direction of the admiralty court the vessel was sold, and the claim, as set up, was credited by the proceeds of the sale after deducting the costs of the court of admiralty and the wages which had been paid to the seamen. After the sale of the vessel at Baltimore the claimant came for relief to Congress, thirty-two years ago, with a petition asking that he should have payment for the damages which he had sustained.

In 1849 Mr. Grinnell, of Massachusetts, reported from the Committee on Commerce a bill giving him the entire amount of damages he had sustained—$26,000. The bill was reported unanimously from that committee.

In the Thirty-first Congress Mr. Daniel, of Virgina, from the same committee, reported a bill giving to the claimant $26,000, the amount of damages he alleged he had sustained. These bills included, in addition to the actual loss by the owner of the vessel, profits which the supercargo expected to make.

In the Thirty-third and Thirty-fourth Congresses Mr. Eustis, of Louisiana, with entire unanimity on the part of the Committee on Commerce, reported a bill giving to this claimant $26,000, which had been reported in his favor originally in 1849.

In 1874, in the Forty-third Congress, this bill was again referred to the Committee of Claims, when Mr. Williams, of Indiana, with the unanimous consent of that committee, reported a bill to the House allowing the petitioner $26,000.

In 1878, in the Forty-fifth Congress, Mr. Roberts, of Maryland, reported a bill in which no fixed sum was allowed, but in which the matter was referred to the Secretary of the Treasury, with direction to settle the amount on the principles of equity and justice.

And now, sir, in 1879, in the Forty-sixth Congress, this bill comes again before this body from the Committee on Commerce, sifted, thoroughly sifted, several different times by committees of this House, but unanimously reported favorably in every instance, I believe, but one.

It is true, and the precedents referred to in the report go to show it, that the general rule established in cases of this character has been that a suit should be instituted by the claimant against the officer of the Government, that the claim should be judicially investigated, and the amount of judgment obtained against the officer should be paid by the Government. And when I first took up this claim I thought that probably was a fatal objection, but the subject had been thoroughly examined by quite a distinguished Senator as early as 1835, who I think lays down correctly the principle which should be adopted in cases of this character; and, as in the case referred to the circumstances were much less strong than in the case we are now considering, I will ask that a portion of the Senate report of 1835 be read.

The Clerk read as follows:

It has certainly been the most common course for individuals claiming redress from Government for the acts of its agents to resort to a court of law in the first instance and fix their liability. Whether this be the safest course for Government, and whether it be one which in ordinary cases should be resorted to before application is made to Congress, need not be discussed, as, admitting the rule to the whole extent put forward by the Secretary, there are exceptions growing out of it which, in the opinion of this committee, cannot be disregarded. And this case, in their opinion, fairly presents one of these exceptions. In little more than a year after the injury complained of the husband of the petitioner and father of the children who are interested in the success of the present demand perished by shipwreck on the southern coast of this continent. His wife was at that time in Europe, where she had accompanied him from the United States in prosecution of a voyage which contemplated first going there and thence to the south seas.

She appears to have been left in humble circumstances with a large family of children; and it is not surprising that so situated she should not have prosecuted her case with the vigor and success which might have attended the efforts of those who are more favorably circumstanced, but in the opinion of the committee a complete exception is established by the fact that no opportunity was presented to her to bring suit in the United States against Mr. Forbes. He remained at Buenos Ayres until his death, and there is no obligation on an American citizen to follow public agents into a foreign country, where they are placed by the Government, in order that a liability be established for which that Government is ultimately to be responsible. The objections to such a course are many, strong, and so obvious that it is deemed unnecessary to set them out in detail.

Mr. BEALE. The committee will perceive that excepts cases from the principle which requires judicial investigation where the fact is that the United States officer who had been guilty of illegal seizure was not within the reach of a suit by the citizen. In this case Mr. Tyler lived in Brazil. He was consul at Bahia, and assuredly there was no obligation whatever on Leef to pursue in the judicial tribunals of Brazil an action against the consul for this illegal seizure. Nor do the practice and precedents of the Government require any such thing to be done. He did what was in his power. Immediately after the occurrence of these events he came before this body with his petition. It was the only door open to him. It was the only means of redress which was possibly available to him; and it does seem to me passing strange that a claim of this character should be opposed, a claim which reaches beyond the mere private interest of the ship-owner and lays hold of a great public interest, for it is to the interest of American shippers that they should be protected in foreign countries. And while our Government has never hesitated to demand of any foreign government ample compensation for any wrong that has been done to an American ship-owner abroad, assuredly we should be equally anxious to protect our own citizens against wrong done by our own Government. I trust that it will be the pleasure of this committee unanimously to do this tardy justice to this dying widow.

Mr. DUNN. I desire to ask the gentleman from Virginia a question.

Mr. BEALE. I yield for a question.

Mr. DUNN. What do the committee find to be the actual damages in this present case?

Mr. BEALE. After sifting the case most thoroughly the committee find the actual damage to be $20,000.

Mr. DUNN. Do they find that to be the value of the property?

Mr. BEALE. The cost of the vessel was $15,000; the actual damage was $20,000. In that amount no speculative or consequential damages are included.

I wish merely to say further that in preference to following the precedent set in the case that has been alluded to, and referring this matter to the Secretary of the Treasury after the claimant had been here for thirty years, we thought it best to undertake judicial functions ourselves and ascertain what was the actual amount of damages the party had sustained, excluding from the amount all speculative or consequential damages.

Mr. McLANE. I should not consider it necessary to add anything to what has been said by the gentleman from Virginia were it not for the inquiry made by the gentleman from Michigan [Mr. CONGER]

as to the manner in which the amount of damages was made up, and as to the evidence before the committee upon that point I desire to say to the gentleman from Michigan that this sum of $20,000 is taken from the account of losses rendered by the claimant, that being the supercargo's claim of $33,000. The committee, as has been stated, rejected the items in that account for consequential damages, such for instance as the difference between the price of flour as he actually sold it at Bahia and the price he might have got for it if he had been allowed to go on with his vessel to the market he was proceeding to or to Rio. But the committee did allow him the actual loss of his vessel at the price it was estimated to be worth in the port of Bahia. That value was ascertained by an appraisement under the direction of the consul at the port of Bahia, and the estimated value of the vessel was $15,000. It was a full-rigged bark, bought in the port or near the port of Baltimore, in Chesapeake Bay, a wreck refitted by Mr. Leef, but because it was a foreign vessel, not entitled to American papers, as he was advised by the Secretary of the Treasury, to whom he made application, but entitled to go to sea as his property, he, an American citizen, having bought the property, went to sea with the custom-house proof that he was a citizen and that the property did belong to him, and as he was further instructed by the Treasury Department—not by the State Department but by the Treasury Department—that it was entitled to take the American flag. That it is true was a disputed question. But although it be a disputed question, masters of vessels have been instructed by the Treasury Department that they commit no offense at least in carrying the flag, the proof of ownership being the only papers they carry.

Now, Mr. Leef went to sea with that proof of ownership, and carried the American flag because the vessel was his property; and the committee have recognized that as an American ship-master he had a right, owning the vessel and carrying the certificate from the custom-house that he did own the vessel, to carry the flag.

Now as to the seizure. The American consul, Mr. Tyler, believed that Mr. Leef had no right to carry the flag and that he had forfeited his vessel because of carrying the flag. I have upon my desk, and will cause to be read if the committee desire to hear it, the entire correspondence between Mr. Tyler, the consul, and the Department of State and the American minister at Rio. The American minister at Rio entreated Mr. Tyler not to send the ship to the United States, pointed out to him the damage he would do to her owner, and treated it as a case in regard to which he had no instructions to give and with which he would not interfere. He advised Mr. Tyler to keep the ship at Bahia until he could receive instructions from the Secretary of State at Washington. Mr. Tyler, however, acting as he had a right to act, independent of his minister, who refused to take it upon himself to interfere, sent her to the port of Philadelphia and reported the case to the Secretary of State. The Secretary of State replied, and I have his letter before me, that it was a case not covered by the law at all, and refused to take possession of the vessel, and turned her over again to Mr. Leef.

Mr. PRICE. I desire to ask the gentleman from Maryland a question at that point about the legality of the selling of the vessel. The point I fail, for one at least, to see is this: It appears that the entire cargo went back to the possession of the owner, and that the vessel, when she was returned to the port of Philadelphia, was turned over to the owner, so that the owner of the vessel came into possession of the vessel and cargo. Now, what I fail to see is where the item of damages comes in. What constitutes the damage?

Mr. McLANE. When I have finished my answer to the gentleman from Michigan I will reply to the inquiry of the gentleman from Iowa, [Mr. PRICE.]

Mr. PRICE. My question is, in what does the damage consist?

Mr. McLANE. I will reply to that. I am now addressing myself to what I understood to be the objection taken by the gentleman from Michigan as to the legality of the seizure. Now, I think that the committee will find this a very clear case. The vessel being the property of Henry Leef, not being entitled to a register, not enabled to go into any trade between this country and a foreign country as an American vessel, he goes off with her to Brazil, because that is a good market for such vessels; and he carried a cargo of flour, because flour was a good cargo to carry to Brazil.

Now, on his way to Brazil he is arrested by the American consul, his ship is taken away from him, and his cargo is sold, as all such cargoes are sold, at a disadvantage. Every practical man knows that a cargo sold under such circumstances is always sold at a disadvantage; there is some loss on the cargo. Now the committee as to the sum of $15,000 did take into consideration the difference between the price of flour at Bahia and the price of flour at Rio Janeiro.

Mr. PRICE. Does it appear what that price was?

Mr. McLANE. I think that the committee in making up the sum took into consideration that item.

Mr. PRICE. It would be satisfactory to the House to know what number of barrels of flour constituted the cargo, and the difference in the price.

Mr. McLANE. I think the difference amounted to about $1,100. I beg the gentleman not to interrupt me until I have answered the other gentleman.

Mr. PRICE. I do not wish to interrupt the gentleman; I merely wish to understand the question.

Mr. McLANE. I will answer the gentleman with pleasure when I have replied to the other gentleman; it will be my duty as well as my pleasure to do so.

As to the point of legality; there is no question at all that the ship was entitled to carry the proof of ownership, and that it is the practice of our Treasury Department to advise American citizens owning foreign-built ships, bought as wrecks or bought in the open market, that when they do go to a foreign port, although they cannot take an American register, they can take a certificate of ownership and carry the American flag.

Now, when the consul of the United States seized this vessel he seized her without authority of law. I beg the committee to give their attention to that point. There is no man on either side of the House who would for a moment hesitate either to give a remedy against a public officer or to compensate the individual wronged. Upon that point the law is clear, and the practice of the Government is clear. Either you yourself sue your public officer upon his bond and pay the damages, or you set the damaged man to sue the public officer.

Now, in this case the public officer was advised; but what remedy had Henry Leef against the consul of the United States in the port of Bahia? This claimant was guilty of no delay. The moment his vessel was returned and the Government of the United States decided that it had been illegally seized he applied to the Government for relief.

The Secretary of State as well as the Secretary of the Treasury recognized that a wrong had been done, but they left it to this legislative body to remedy it. It is an appeal to the grace of the Government. The Committee on Commerce do not understand that there is any other claim in this case but one of grace. There is no other claim presented. It rests with this Congress to give relief to this man or to leave him to pursue the consul of the United States who was at that time at Bahia.

If it be the pleasure of this committee, satisfied that the law was violated, satisfied that a damage was done and done because of the ignorance of its own officer, to refuse this man relief, then they will be doing what no civilized government in the world will justify, although it may imitate the example. It is admitted that where a public officer has violated the law—and I want the attention of the gentleman from Michigan [Mr. CONGER] to what I now say—it is admitted that when a public officer has violated the law, and the man who is damaged sues the public officer and obtains judgment against him, then the Government, without hesitation, appropriates money to indemnify the public officer.

Mr. SMITH, of Pennsylvania. Just at this particular point, allow me to ask the gentleman a question.

Mr. McLANE. Certainly.

Mr. SMITH, of Pennsylvania. Do you maintain that the Government is responsible for the torts of its officers?

Mr. McLANE. I say so.

Mr. SMITH, of Pennsylvania. You do? Very well, then; I will send to the Clerk's desk to be read the opinion of the Supreme Court on that very point, which the gentleman will find in 8 Wallace, page 274.

Mr. McLANE. I did not say legally responsible.

Mr. SMITH, of Pennsylvania. Will you allow that opinion to be read?

Mr. McLANE. I do not mean to say that the Government is legally responsible for the torts of its officers; the Government is not legally responsible. I stated explicitly that this was an appeal to the grace of the Government.

Mr. SMITH, of Pennsylvania. I am speaking of the legal liability of the Government for the acts of its officers.

Mr. McLANE. I do not make any such claim.

Mr. SMITH, of Pennsylvania. On that point, if the gentleman will allow me——

Mr. McLANE. I have made no such claim; it is not necessary to address any such inquiry to me. I stated to the committee what was the practice of all civilized governments, especially of Great Britain. I have here in this very report the opinion of Sir William Scott, where he says explicitly that when an officer acted conscientiously and honorably, though he acted in ignorance of the law, it was the duty of the government to indemnify him when the damaged man obtained a judgment against him. That is what I said.

Mr. SMITH, of Pennsylvania. Will you allow me to have read what the Supreme Court has said on that question?

Mr. McLANE. Certainly I will.

Mr. SMITH, of Pennsylvania. Will the Clerk be kind enough to read what I have marked? Or, rather, I will read it myself for the benefit of the gentleman. I read from the case of Gibbons *vs.* United States:

> But it is not to be disguised that this case is an attempt, under the assumption of an implied contract, to make the Government responsible for the unauthorized acts of its officers, those acts being in themselves torts. No government has ever held itself liable to individuals for the misfeasance, laches, or unauthorized exercise of power by its officers and agents. In the language of Judge Story, "it does not undertake to guarantee to any person the fidelity of any of the officers or agents whom it employs, since that would involve it in all its operations in endless embarrassments and difficulties, and losses which would be subversive of the public interests."

Mr. McLANE. I do not feel it necessary to prolong my remarks in reply——

Mr. SMITH, of Pennsylvania. I thank the gentleman for allowing me to read the ruling of the Supreme Court on this question.

Mr. McLANE. I have stated explicitly that this is no legal claim against the Government; it is a claim appealing to the grace of Congress. But what is very material to it, so far as the law is concerned, is the point I had just made when interrupted by my friend on the right—that if a public officer who has committed a wrong has acted honestly and honorably, though ignorantly, he ought to be indemnified. That is the opinion of Sir William Scott. Now if the officer ought to be indemnified when he has acted honestly, why should not the Government at once extend its grace to the individual when he has been wronged by the officer? The officer in this particular case is the consul. He has given his bond in order that the Government may find its remedy, and sue on the bond where it chooses to pursue the officer for illegal conduct.

I have not thought it necessary, and do not now, to do more than state clearly to the committee how this claim is made up—what are its items. These are, first, the value of the vessel, $15,000; then there is the difference between the price of the cargo at the place where it was sold and at the place where it was intended to be sold, and there are some other items which belong to the expenses of the ship. The claimant presented a claim of something more than $30,000. Former Congresses when they have passed bills of this character have done what this House has several times done—referred the question to the Department for adjudication. The Committee on Commerce in this case thought it a better principle to deal with the actual facts in the case, and not trust any officer of any Department to settle a question resting upon these great principles of equity and justice. We felt that possibly the Department, instead of paying the man $20,000, might pay him $50,000, or that he might receive less than his due. As we had all the items before us we thought it our duty to take the responsibility of fixing the amount. We have the correspondence of the consul, of the Secretary of State, of the minister to Rio, and of the Secretary of the Treasury. This correspondence shows that after there had been received from the Department here authority to carry the flag the vessel was seized by the consul as having no right to carry the flag. The minister at Rio and Mr. Buchanan, the Secretary of State, washed their hands of such conduct on the part of the consul. The case on that point is very clear. The only question which remains is whether Congress chooses upon such a statement to extend its grace. There is no other claim.

Mr. BLOUNT. The gentleman will permit me to ask whether this bill has ever passed the House before?

Mr. McLANE. This bill was originally reported to the House in 1848 by Mr. Grinnell, of Massachusetts, with a favorable report for the full amount of the claim, $30,000. Again, in 1850, it was reported to this House by Mr. Daniel, of Virginia, from the Committee on Commerce, for the full amount claimed. It was again reported favorably in 1860.

Mr. BROWNE. Will the gentleman from Maryland answer me a question?

Mr. McLANE. Certainly.

Mr. BROWNE. I am satisfied that the Government ought to pay this claim if I can only ascertain the amount in which it ought to respond. I understood from the gentleman's remarks that the principal item in the account of damages is the value of the vessel, which is put at the sum of $15,000. I understood from the gentleman from Virginia [Mr. BEALE] that the vessel after being seized was returned to the port of Philadelphia, where the Government refused to receive it; and it then went into the hands of the owners.

Mr. McLANE. The owner protested; but there was a sale made, and the owner got the benefit of the sale.

Mr. CLYMER. What were the proceeds of the sale?

Mr. McLANE. Twenty-five hundred dollars. It must be remembered, Mr. Chairman—I am sure the honorable gentleman from Indiana [Mr. BROWNE] will remember—that a vessel thus sold in this country, without any right to have American papers, would never sell for anything like her value, whatever her condition might be.

Mr. BROWNE. I am satisfied of that. Was the purchase made by the former owner or on his account?

Mr. McLANE. The purchase was not made by the former owner or on his account.

Mr. BARBER. If the vessel was worth $15,000 to take to Brazil in the first instance, why was she not worth $15,000 to take back there?

Mr. BRIGHT. Will the gentleman from Maryland permit me to ask him a question with the view of drawing out the state of the account between the party and the Government. In making out the account, was credit allowed for the proceeds of the vessel?

Mr. McLANE. Yes, sir.

Mr. BRIGHT. And the amount now claimed is the balance?

Mr. McLANE. Yes, sir. I ought to say—perhaps by way of apology for the committee—that they did not present an itemized account to this House, nor did they in fact actually state such an account. They had before them the account already stated by the claimant, amounting to $33,000, and they went along rejecting certain items of this account and allowing others. Thus they reached the sum of a little over $20,000.

Mr. FIELD. I wish to ask a single question. Why is not this claim brought by the administrator of the estate? It is presented by the widow and children, who plainly have no title except through the personal representatives of Mr. Leef; and his creditors, if there are any, would be excluded.

Mr. McLANE. The claim is brought by the widow and children, because, as happens with so many claims, the claimant himself has died while the claim was pending before Congress.

Mr. REED. Will the gentleman from Maryland have the kindness to tell us when this thing occurred? I think one of the misfortunes of the case for us about here is that the report does not give any dates or facts or items, so that it seems to be utterly impossible to know when the circumstances occurred, what they were, what the size of the claim is, or what the items of damage are. We are buying this pig very much in a poke. [Laughter.]

Mr. McLANE. The report and memorial taken together give all the facts. The inquiry of the gentleman on my right brings to my mind the further fact that when this claim was presented in 1848, I myself was then the representative in this House from the city of Baltimore, of which city this Captain Leef was a citizen, and I presented his original memorial.

Mr. REED. That memorial does not seem to be printed, and we are in the dark to-day just as much as we were before.

Mr. McLANE. I find among these papers his original memorial, with my indorsement, and, although I have no more interest in the case than any other member from my city—indeed, not so much—I am able at least to testify to its antiquity.

Mr. WAIT. I should like to inquire of the gentleman from Maryland whether the fact does not appear before the committee that this claim has been presented five different times to Congress and five different times to the Committee on Commerce, and that that committee has reported five times in favor of remunerating this party for the loss sustained by him through the improper conduct of the consul of the United States?

Mr. McLANE. That not only appeared very fully before the committee, but it also appears very fully before this Committee of the Whole, for the facts are as recited in this memorial.

So far as I am concerned, Mr. Chairman, I shall not consume any further time unless it be in answer to some inquiry.

Mr. CONGER. I wish to say a word more on this subject. I made these inquiries because there are two gentlemen in the House now who were members of the House when this case was first presented, my friend from Virginia and my friend from Maryland. I thought there were some friends of the bill who had followed it along through all its wanderings for thirty-two or thirty-four years—forty-two or forty-four years, more accurately.

Mr. REED. Oh, no; you are right; thirty-two years, and that is enough.

Mr. CONGER. Thirty-two years, I am told by my friend, is correct; I hoped they would have been able to give some further information in regard to its merits. I have the memorial of the attorney of Mrs. Leef, which seems to have been embodied in the report, unless the report was this memorial which has been read; of that I am not certain. Once or twice in the wanderings of this bill it has come to my notice on that committee. In 1843 [laughter]—no, not in 1843, but in 1873, it came before the Committee on Commerce. [Laughter.] The long life of the claim and its appearance from time to time entirely confuses one a little about dates. [Laughter.] I recollect very well that the Committee on Commerce, to whom it was referred then, did not report favorably on this bill. My recollection is, they reported adversely to it, and that it was then referred to the Committee of Claims. The bill was introduced, I think, by Mr. Roberts, referring it to the Treasury Department.

Mr. McLANE. No, sir; it never went to any other than the Committee on Commerce. The gentleman from Michigan is mistaken. I have the original documents.

Mr. REED. There was an adverse report.

Mr. McLANE. Never an adverse report.

Mr. HASKELL. Give it up.

Mr. McLANE. The error consists in this, that Mr. Roberts did make a report, and he made it from the Committee on Commerce in 1878——

Mr. CONGER. Yes, sir; he made a report, with an accompanying bill, (but from what committee this paper does not state,) that it be sent to the Treasury Department to have the case examined, and if there were any legal claims against the Government to have them audited and allowed. Whether it went to the Treasury Department, whether it was examined, whether it was rejected, or whether the bill itself passed, I do not know. That would have been at least a proper and safe way to dispose of this old, superannuated account and claim. It has outlived most of those who were contemporary with it in its origin in this House. My friend remains here who introduced it, and one who recollects it thirty-two or thirty-three years ago. They have printed matter before them to refresh their memories; but I wish to say, Mr. Chairman, for one, that it looks to me like an old acquaintance. I have examined it, and it seems to me it should not be passed in this form and in this manner by the committee. I think, sir, when property is taken worth $15,000 and sold for $2,500, and the money is paid over to the owner, then we should not be called upon to pay $20,000 for the vessel. It is a new doctrine, too, that we must make good to shippers of flour what they could get by sending it away off to some other port. It is speculative damages.

Mr. REAGAN. It is a wrong impression made on the mind of the gentleman from Michigan that $2,500 were paid to the owner. I remember it sold for that amount, but that but a small portion went to the owner, the balance going to pay the expenses of the suit in court and the expenses of the crew who brought the vessel from South America to this country, taking charge of it. But a small amount was paid to the owner.

Mr. CONGER. It was sold in this country. It was sold with the knowledge, of course, of Mr. Leef. He could have protected himself if he did not. It was not sold abroad. At all events there is so much doubt if anything is justly due to these parties—and I admit here that I am willing to vote for any bill which shall pay what was due at the time——

Mr. McLANE. The gentleman from Michigan I am sure will let me correct him. The flour was sold at Bahia and the ship was sent back in ballast.

Mr. CONGER. It was sold by the supercargo.

Mr. McLANE. No.

Mr. CONGER. Ah, yes; it was sold by the owner or his agent. It could have been sold in Bahia or in China. He could have shipped it where he chose; but he chose to sell it there, and this Government is not an insurer of flour.

Mr. ACKLEN. That is a small item in the total aggregate amount.

Mr. CONGER. Five thousand dollars?

Mr. ACKLEN. No; $1,100.

Mr. CONGER. Eleven hundred dollars. Then if it is wrong, there is $1,100.

Mr. ACKLEN. Ah, then the total amount of the bill as originally presented was thirty-two thousand some hundred dollars, and the Committee on Commerce have chosen only to allow $30,000. If the gentleman will permit me just one moment——

Mr. CONGER. Not for a speech while I am talking.

Mr. ACKLEN. Then after you are done I wish to say just one word on the subject.

Mr. CONGER. If, then, the owner of this vessel and of this flour thirty-two or thirty-three years ago claimed $12,000 more than this committee find he ought to have claimed, there is some little trace of fraud in that. If it can go to the committee who have reduced it $12,000 with the little attention they have given to it, then with the memory of my friend from Virginia who was perhaps originally acquainted with the facts, and the gentleman from Maryland, who first introduced the claim—with a little jogging of their memory perhaps they will remember what is about right—if it can be recommitted I say to them the probability is it will be reduced $12,000 more. I am not so particular about that myself, but I do not see in his seat that distinguished economist, my friend, Mr. WRIGHT, from Pennsylvania, or else I would be sure he would move this be referred back to the committee that they might make a reasonable and honorable effort to reduce it $12,000 more. But at any rate let it go back to the committee, and let them tell this House just exactly what in law and what in equity are the items for which this Government ought to pay in this case and then I will be satisfied.

Mr. ACKLEN. One moment, Mr. Chairman. I desire only to say to this committee that when this bill was reported to this House by the gentleman from Virginia I reserved the right to make a minority report. After a more careful consideration of the case, reading every paper in connection with it, I satisfied myself fully and thoroughly that the allowance of $20,000 to the widow and heirs of Henry Leef in this case was little enough for the hardships which he had been forced to endure. This vessel was seized in Bahia without authority of law. The actions of the consul there, Mr. Tyler, were disapproved by the minister at Rio and disallowed by the State Department at Washington. Under the circumstances there remained no other course for this claimant to take than the one he has adopted. Now, it will poorly comport with the honor of this Government and the spirit of our institutions to refuse to allow this claim.

The question recurred on laying the bill aside, to be reported to the House with a recommendation that it do pass.

The question was taken; and there were—ayes 74, noes 46.

So the motion was agreed to.

Mr. BLOUNT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MILLS reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar generally, and particularly a bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. BEALE. I demand the previous question on the bill.

Mr. CONGER. I wish to offer an amendment.

The SPEAKER. If the previous question is voted down the gentleman's amendment will be in order.

Mr. CONGER. I addressed the Chair first.

The SPEAKER. The Chair is aware of that fact, but he is compelled to recognize the gentleman from Virginia in charge of the bill, as he was sustained in committee by the bill being reported to the House with a recommendation that it do pass.

The question being taken on seconding the demand for the previous question, there were—ayes 87, noes 60.

So the previous question was seconded.

The main question was ordered, which was on the engrossment and third reading of the bill.

Mr. CONGER. I call for the yeas and nays on the engrossment and third reading.

The yeas and nays were ordered, 36 members voting therefor, more than one-fifth of the last vote.

The question was taken; and there were—yeas 125, nays 76, not voting 90; as follows:

YEAS—125.

Acklen,	Fisher,	Lewis,	Shelley,
Aiken,	Ford,	Lounsbery,	Simonton,
Armfield,	Forney,	Martin, Benj. F.	Singleton, J. W.
Bachman,	Frye,	Martin, Edward L.	Slemons,
Beale,	Goode,	Martin, Joseph J.	Speer,
Bicknell,	Gunter,	Mason,	Springer,
Bingham,	Hall,	McKenzie,	Steele,
Blackburn,	Harmer,	McLane,	Taylor,
Blake,	Harris, John T.	McMillin,	Thompson, P. B.
Bliss,	Haskell,	Mills,	Tillman,
Blount,	Hatch,	Mitchell,	Turner, Oscar
Bright,	Hawley,	Money,	Turner, Thomas
Browne,	Henderson,	Morse,	Tyler,
Cabell,	Henkle,	Morton,	Upson,
Caldwell,	Henry,	Murch,	Urner,
Clardy,	Herbert,	New,	Vance,
Clymer,	Herndon,	Norcross,	Waddill,
Cobb,	Hooker,	O'Connor,	Wait,
Coffroth,	Hostetler,	O'Reilly,	Ward,
Cook,	House,	Persons,	Washburn,
Covert,	Hull,	Phelps,	Wellborn,
Cox,	Hunton,	Phister,	Whitthorne,
Cravens,	Hurd,	Poehler,	Williams, Thomas
Culberson,	Johnston,	Reagan,	Willis,
Davis, Joseph J.	Jones,	Richardson, J. S.	Wilson,
Deuster,	Kenna,	Richmond,	Wise,
Dibrell,	Kimmel,	Robertson,	Wood, Fernando
Dunn,	King,	Robinson,	Wright,
Einstein,	Kitchin,	Rothwell,	Young, Casey.
Elam,	Klotz,	Russell, W. A.	
Evins,	Knott,	Samford,	
Field,	Le Fevre,	Scales,	

NAYS—76.

Aldrich, N. W.	Converse,	Horr,	Reed,
Aldrich, William	Cowgill,	Houk,	Richardson, D. P.
Anderson,	Davis, George R.	Hubbell,	Ryon, John W.
Atherton,	Davis, Horace	Humphrey,	Sawyer,
Baker,	Davis, Lowndes H.	Keifer,	Shallenberger,
Ballou,	Deering,	Kelley,	Sherwin,
Barber,	Dunnell,	Lapham,	Smith, A. Herr
Bayne,	Dwight,	Lowe,	Stevenson,
Bowman,	Errett,	Marsh,	Stone,
Brewer,	Farr,	McCoid,	Thomas,
Briggs,	Felton,	McCook,	Thompson, Wm. G.
Brigham,	Ferdon,	McGowan,	Updegraff, J. T.
Burrows,	Geddes,	McKinley,	Updegraff, Thomas
Cannon,	Gillette,	Miles,	Van Aernam,
Carpenter,	Godshalk,	Monroe,	Warner,
Caswell,	Harris, Benj. W.	Myers,	Weaver,
Claflin,	Hawk,	Osmer,	Wilber,
Colerick,	Heilman,	Page,	Williams, C. G.
Conger,	Hiscock,	Prescott,	Willits.

NOT VOTING—90.

Atkins,	De La Matyr,	Lindsey,	Ryan, Thomas
Bailey,	Dick,	Loring,	Sapp,
Barlow,	Dickey,	Manning,	Singleton, O. R.
Belford,	Ellis,	McMahon,	Smith, Hezekiah B.
Beltzhoover,	Ewing,	Miller,	Smith, William E.
Berry,	Finley,	Morrison,	Sparks,
Bland,	Forsythe,	Muldrow,	Starin,
Bouck,	Fort,	Muller,	Stephens,
Boyd.	Frost,	Neal,	Talbott,
Bragg,	Garfield,	Newberry,	Townsend, Amos
Buckner,	Gibson,	Nicholls,	Townshend, R. W.
Butterworth,	Hammond, John	O'Brien,	Tucker,
Calkins,	Hammond, N. J.	O'Neill,	Valentine,
Camp,	Hayes,	Orth,	Van Voorhis,
Carlisle,	Hazelton,	Overton,	Voorhis,
Chalmers,	Hill,	Pacheco,	Wells,
Chittenden,	Hutchins,	Pierce,	White,
Clark, Alvah A.	James,	Pound,	Whiteaker,
Clark, John B.	Jorgensen,	Price,	Wood, Walter A.
Crapo,	Joyce,	Rice,	Yocum,
Crowley,	Ketcham,	Robeson,	Young, Thomas L.
Daggett,	Killinger,	Ross,	
Davidson,	Ladd,	Russell, Daniel L.	

So the bill was ordered to be engrossed and read a third time.

During the roll-call the following announcements were made:

Mr. SAWYER. My colleague from Missouri, Mr. FROST, is paired with Mr. DICK, of Pennsylvania.

Mr. FINLEY. I am paired with Mr. HAMMOND, of New York.

Mr. COVERT. My colleague from New York, Mr. KETCHAM, is paired with Mr. EWING, of Ohio.

Mr. TOWNSEND, of Ohio. I am paired with Mr. ROSS, of New Jersey.

Mr. CAMP. I am paired with Mr. TUCKER, of Virginia.

Mr. ANDERSON. My colleague from Kansas, Mr. RYAN, has been detained in his room for several days by illness.

Mr. BAYNE. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. FROST, of Missouri, till after the holiday recess.

Mr. WHITTHORNE. My colleague from Tennessee, Mr. ATKINS, is detained from the House by illness.

Mr. STONE. Mr. STARIN, of New York, is paired with his colleague, Mr. MULLER.

The result of the vote was then announced as above recorded.

The bill being engrossed, was accordingly read the third time.

The bill was then passed.

Mr. BEALE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. FERNANDO WOOD. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. COVERT. As an amendment to the proposition of my colleague, I move that when the House adjourns to-day it be to meet on Tuesday next.

The SPEAKER. The question will first be taken on the amendment.

The question being taken on Mr. COVERT's amendment, it was not agreed to.

The motion of Mr. FERNANDO WOOD was agreed to.

GEORGE F. SWANN.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 2808) to pay George F. Swann, administrator of George T. Swann, for proceeds of cotton seized by the military forces of the United States; which was read a first and second time, and, with the accompanying petition, referred to the Committee on War Claims.

MISSISSIPPI VALLEY COMMISSION.

Mr. WILLIS. I ask unanimous consent to present at this time and to have printed in the RECORD the address and resolutions of the Mississippi Valley States commission.

Mr. ALDRICH, of Illinois. I object.

Mr. WILLIS. I hope the gentleman will withdraw his objection. These resolutions relate to a very important subject. They are the report of the delegates appointed by the governors in session a few days ago at Louisville. The document will only make about a column of the RECORD.

The SPEAKER. Is this a body authorized by law?

Mr. WILLIS. No, sir. This is not the commission appointed by law. It is a commission appointed by the governors of the States.

Mr. CONGER. To what subject does the address relate?

Mr. WILLIS. The improvement of the navigation of the Mississippi River and its tributaries.

Mr. ALDRICH, of Illinois. I withdraw the objection.

There being no further objection, the address and resolutions were referred to the Committee on Mississippi Levees, and ordered to be printed in the RECORD. They are as follows:

To the honorable members of the Senate and
House of Representatives in Congress assembled:

GENTLEMEN: The following resolution was passed by the convention for the promotion of American commerce and industry which met in New Orleans, Louisiana, December 3, 1878:

"Whereas, in view of the magnitude of the interests involved in the improvement of the navigation of the Mississippi River and its navigable tributaries, so as to furnish commercial communication between all their parts, and with foreign nations, and to protect the inhabitants on its banks from overflow, to the extent of their practical improvement and the wants of the population upon their borders now and in time to come; and

"Whereas the vast interests that may be thus subserved have not been advanced according to their just requirements nor in any degree comparable to the improvement of other commercial avenues of no greater national importance by the Federal Government, which alone has the jurisdiction and power to accomplish the same: Therefore,

"*Be it resolved*, That this convention recommend to the governors of the respective States bordering upon said river and its navigable tributaries to appoint three commissioners each to represent their respective States in a board of commissioners which shall be permanent and continued so long as there is necessity for the same. This board of commissioners shall inquire into all matters appertaining to the improvement of the navigation of the Mississippi River and its tributaries, and of the improvement of their banks so as to prevent overflow, and of the commerce of the valley of the Mississippi. And it shall be the duty of said commission to disseminate from time to time, through the press or by address to the public, or in any suitable mode, such intelligence among the people so vitally interested as to it may seem desirable upon the subject of the improvements herein proposed. And it shall be the further duty of said commission to gather, collate, and embody such information and facts as to it may seem appropriate and communicate the same to the Congress of the United States, by way of memorial or otherwise, for the purpose of inducing that body to make appropriations for the improvements herein proposed.

"*Be it further resolved*, That, in order to give force and effect to the recommendations made in the first resolution, we request the president of this convention to appoint Mr. Eugene Underwood, of Louisville, Kentucky, a committee of one to address the governors of the States bordering on the Mississippi River and its tributaries, and urge them to comply with the recommendations made in the said first resolution."

The governors of the several States of the Mississippi Valley, in accordance with the above resolution, having appointed commissioners, the same assembled in Louisville, Kentucky, December 2, 1879.

We desire to express our gratification that your honorable bodies have already taken action in the appointment of an engineering commission to survey and report upon a system for the improvement of the Mississippi River and its navigable tributaries. But while we have every confidence that said board will make an exhaustive report, the length of the time which must necessarily elapse before action can be taken thereon, and the pressing necessities for speedy relief to the commerce of the valley, impel us to urge upon you the importance of immediate action in making ample appropriations for the removal of such obstructions in our navigable waters as are without question working serious damage to navigation. We refer especially to obstructions by snags, sunken wrecks, &c., and recommend a large and speedy appropriation for their removal by snag-boats. We would also suggest that a great obstruction exists, especially this year, by bars formed in the river by sand, &c., possibly caused by the wide expanse of rivers and consequent shoaling. To remedy this speedily and effectually, we respectfully recommend the employment of sufficient dredge-boats of approved construction.

We also respectfully recommend that Congress pass, at as early a day as possible, a general law providing for the removal of all sunken boats or vessels, constituting, as they do, one of the greatest hazards to the navigation of our waters. We further recommend that the law provide for a notice to the owners of such sunken vessels that after sixty days, should they fail to remove their sunken or wrecked vessels, they shall be forfeited to the United States Government, which shall take charge of and remove them at the earliest possible time. And we would suggest further that after the sinking of such boat it shall be the duty of the United States officers in charge of the lights in that portion of the river to cause a light and buoy to be placed over such wreck until removed.

We further recommend that for the various public works in connection with our rivers remaining unfinished at the present time, and for the further prosecution of which no adequate appropriation has been made, we urge the propriety of appropriations for their speedy completion and protection from destruction by ice and sudden floods.

Further, we beg to call special attention to the unfinished work on Davis Island dam, near Pittsburgh, in the Ohio River. It is a work of national importance and no delay should be permitted, but liberal appropriations furnished to secure its early completion.

The United States Government has completed a lock and dam on the Monongahela River, near Morgantown, in West Virginia. As a river improvement it is unrivaled for solidity and admirable quality of workmanship; but until the Government constructs another lock and dam to connect with the slack-water navigation already in use to the city of Pittsburgh this model improvement will remain useless. We therefore urge that immediate provision be made for the construction of a lock or dam which will be the closing link in securing free navigation of this river into the heart of a rich agricultural and mineral region in West Virginia.

We fully indorse the action of the Government in the improvement of the navigation of the Mississippi and its navigable tributaries by the removal of obstructions, straightening the channel, and the rebuilding of the old and building of the new wing-dams, as is now to be done, under the efficient management of the Government engineers in charge, as the only way to give immediate relief to the commerce of the river.

That we, as practical men, familiar with the navigation of the Mississippi and tributaries, approve of the system of lights placed along the banks, as being a great benefit, and recommend that the number be increased especially on the Mississippi, until a light has been placed in every deep bend along its banks.

That we further suggest for the consideration of Congress that, for many years past, the engineers of the United States, commencing with Brigadier-General G. K. Warren, major of engineers, have made exhaustive reports of the cost and utility of a reservoir system of the northwestern lakes on the head-waters of the Mississippi River, for the purpose of holding in reserve the accumulations of winter and spring floods, to be used during the season of low-water, the cost of which, according to the well-considered estimates of the engineers, is as nothing compared with the benefits to be derived therefrom. We therefore earnestly request that you will at as early a day as possible make the appropriations required for the consummation of this most desirable system of improvements.

That the works so far prosecuted upon the Upper Missouri, the Upper Yellowstone, and upon the Red River of the North have resulted in great good, and the early completion of these works, as recommended by the United States engineers, is urgently needed.

We therefore ask of Congress such appropriations as may be necessary for these works.

Finally, the work of removing obstructions in the Ohio River at the falls near Louisville is entitled to prompt attention.

Private enterprise among steamboat men has done much, and is still working to secure a channel of comparative safety over these celebrated rapids, but a work of its magnitude can only be successfully carried out by the Government where generosity and ability are alone equal to the task.

To sum all up briefly, the works to which we have called your attention are such that, if successfully finished, will enhance the great carrying interests of our country, add more to its general prosperity than any other, will unite the people of this great valley more closely than ever, and elevate and dignify the commerce of our nation. And we beg that your honorable bodies will give the subject that immediate attention it deserves.

Signed on behalf of the Mississippi Valley commission, at Louisville, December 3, 1879.

EUGENE UNDERWOOD,
President.

PLATT B. WALKER, *Secretary.*

After passing the above report the following resolution, offered by Hon. John Hogan, of Missouri, was passed by the commission:

"Whereas one of our old citizens of the valley of the Upper Mississippi, Captain H. M. Shreve, invented the principle upon which the United States snag-boats have been constructed, and the United States have used said invention without any remuneration to him or his heirs, and knowing that in past times several committees of Congress have recommended that some suitable provision be made, and that so far no definite action has been taken, therefore we respectfully request that Congress, in conformity to various petitions, do act in this behalf, and, though late, remunerate the heirs for the labors of their ancestor."

The following resolution was then offered by Mr. Crooks, and passed:

"*Resolved*, That the president of this commission be requested to send to the President of the Senate and the Speaker of the House of Representatives of Congress copies of the address and resolutions, that they may be laid before their respective bodies that proper action may be had."

PENSIONS FOR WAR OF 1812.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 2809) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows, and for other purposes, approved March 9, 1878; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. HUSTON.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 2810) for the relief of J. M. Huston, of Colbert County, Alabama; which was read a first and second time, and referred to the Committee of Claims.

ORDER OF BUSINESS.

Mr. COFFROTH. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair asks consent to present two papers, which ought to go to the Committee on Appropriations.

There was no objection.

WEIGHTS AND MEASURES CONVENTION, PARIS, 1875.

The SPEAKER laid before the House a letter from the Secretary

of the Treasury, transmitting a letter from the Secretary of State upon the subject of the appropriation of a proper sum to meet the treaty obligations arising under the Weights and Measures Convention of Paris, May 20, 1875; which was referred to the Committee on Appropriations.

POST-OFFICE DEFICIENCIES.

The SPEAKER also laid before the House a letter from the Postmaster-General, relative to certain deficiencies in appropriations for the service of the Post-Office Department for the current fiscal year; which was referred to the Committee on Appropriations.

DOCUMENTS.

Mr. HENRY. I ask consent to submit for consideration at this time a resolution to authorize the Clerk of the House to dispose of printed documents that have accumulated in the document-room.

Mr. DUNNELL. I call for the regular order.

The SPEAKER. The regular order is demanded, which is equivalent to an objection to the resolution of the gentleman from Maryland, [Mr. HENRY.] The regular order is the motion of the gentleman from Pennsylvania, [Mr. COFFROTH,] that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ANDERSON: The petition of 256 citizens of Smith County, Kansas, for the repeal of the law that compels settlers on public lands to pay a publication fee before making final proof—to the Committee on Public Lands.

Also, the petition of 125 ex-soldiers and citizens of Leopa, Clay County, Kansas, that all who served in the late war below the rank of a commissioned officer in the Army or Navy be granted bounty at the rate of $8.33 per month for time of service—to the Committee on Military Affairs.

By Mr. ATKINS: The petition of Mrs. J. E. Robinson, for compensation for property taken by the United States Army during the war—to the Committee on War Claims.

By Mr. BARBER: The petitions of John H. Fitt and others; of Mears, Bates & Company and others, of W. B. Spofford and others; of Captain W. J. Bangs and others; also resolutions of the Legislature of Illinois, asking for appropriations for the construction of a harbor and life-saving station at Waukegan, Illinois—to the Committee on Commerce.

By Mr. BOUCK: The petition of Patrick Murphy and others, for the increase of the pensions of a certain class of pensioners—to the Committee on Invalid Pensions.

By Mr. CONGER: The petition of E. T. Hibbs and 53 others, watchmen and employés in the different Departments of the Government, for a restoration of the former wages allowed by law—to the Committee on Appropriations.

By Mr. CONVERSE: Papers relating to the claim of the heirs of William A. Burt, the inventor of the solar compass, that they be paid a sum adequate to compensate them for the services rendered to the Government by the use of that instrument—to the Committee on Public Lands.

By Mr. DAGGETT: Papers relating to the pension claim of Anna M. Marshal—to the Committee on Invalid Pensions.

By Mr. DEUSTER: The petition of David March, of Milwaukee, Wisconsin, for compensation for goods seized by United States officials during the late war—to the Committee on War Claims.

By Mr. DUNN: Papers relating to the claim of Pleasant H. Thompson, for compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. FELTON: Papers relating to the claim of William Hedgpeth, to be refunded moneys alleged to have been illegally assessed and collected from him by United States revenue officials—to the Committee of Claims.

By Mr. FORSYTHE: The petition of J. R. Palmer and 23 others, citizens of Illinois; of W. T. Ingram and 27 others, ex-soldiers; of Colonel George Dole and 130 others; of B. P. Colville and 42 others, ex-soldiers; and of Joseph Hill and 75 others, citizens of Illinois, that ex-soldiers be restored to an equality with bondholders—to the Committee on Military Affairs.

Also, the petition of J. C. Morgan and 66 others, ex-soldiers of the Union Army, for the passage of the equalization of bounty bill—to the same committee.

By Mr. HENKLE: Preamble and resolutions of the corporation of Annapolis, Maryland, praying that the naval hospital near that city be transferred to the care of the Secretary of the Treasury, to be used as a marine hospital—to the Committee on Naval Affairs.

By Mr. HOSTETLER: The petition of soldiers of Terre Haute, Indiana, who were paid in depreciated currency, for back pay—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Alga S. Roach, to be restored to the pension rolls—to the Committee on Invalid Pensions.

Also, the petition of Samuel Greenlee, for a pension—to the same committee.

By Mr. JOYCE: Papers relating to the claim of Daniel M. Page, to be released from accounting for $420 stolen from him while an officer of the United States Army, pertaining to the Subsistence Department—to the Committee on Military Affairs.

By Mr. LOWE: Papers relating to the claim of James M. Houston, for compensation for stone furnished the United States for the construction of the dam at Fort Colbert Island, Tennessee River—to the Committee of Claims.

By Mr. McKENZIE: The petition of soldiers of Ohio County, Kentucky, for the passage of the equalization-bounty bill—to the Committee on Military Affairs.

By Mr. MORTON: Memorial of sugar importers and refiners of New York and other cities, for the early consideration and revision of the sugar tariff—to the Committee of Ways and Means.

By Mr. O'NEILL: The petition of Edgar N. Black, in reference to the dikes and banks on the Delaware River near Fort Mifflin—to the Committee on Military Affairs.

By Mr. ORTH: The petition of soldiers of Warren County, Indiana, for the passage of the bill equalizing bounties—to the same committee.

Also, the petition of William N. Clift, for a pension—to the Committee on Invalid Pensions.

By Mr. REED: The petition of W. B. Wedgwood, vice-chancellor of the National University, for compensation for services rendered by him—to the Committee on Appropriations.

By Mr. SIMONTON: Papers relating to the claims of Jacob C. Faulks, John E. Lewis, and George S. Reiney, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. SLEMONS: The petition of citizens of Miller County, Arkansas, for a post-route from Texarkana to Finley's, in said county—to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: The petition of William A. Courtenay, agent of Clyde line of steamers, that the Secretary of the Treasury may be authorized to hear and determine the question of refunding certain entrance fees illegally exacted from said line—to the Committee of Ways and Means.

By Mr. VAN AERNAM: The petition of Elizabeth H. Rogers, for a pension—to the Committee on Invalid Pensions.

By Mr. VANCE: A paper relating to the establishment of a post-route from Aquone to Briartown, North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of Kate L. Usher—to the Committee on Invalid Pensions.

By Mr. WARNER: Papers relating to the pension claim of Samuel D. Stiles—to the same committee.

By Mr. WEAVER: The petition of Henry H. Coop and 81 others, of Ottawa, Kansas; of A. Hostettler and 52 others, of Clinton, Indiana; of William Bachelder and 7 others, of Warren, New Hampshire; of N. V. Cole and 10 others, of Michigan City, Indiana; of J. C. Phillips and 34 others, of Wa Keeney, Kansas; of J. D. Parker and 78 others, of Marshalltown, Iowa; of Thomas Craig and 7 others, of Albia, Iowa; of D. P. Fowler and 17 others, of Wood's Corners, Iowa; of M. H. Chamberlin and 30 others, of Winthrop, Iowa; of R. B. Webb and 101 others, of Wellsborough, Pennsylvania, and of C. C. Rugg and 250 others, of Jamestown, New York, all ex-soldiers of the Union Army, that they be restored to equality with bondholders—to the Committee on Military Affairs.

By Mr. WILBER: The petition of citizens of the State of New York, that the proceedings of Congress be published in newspaper form throughout the year and a copy sent free to each family in the United States, that they may receive a portion of said proceedings every week—to the Committee on Printing.

By Mr. WILSON: The petition of Z. T. Woodyard, for a pension—to the Committee on Invalid Pensions.

By Mr. YOUNG, of Tennessee: Papers relating to the claims of Fendall Carpenter and Alexander P. Rose for compensation for property taken by the United States Army—to the Committee on War Claims.

IN SENATE.

MONDAY, *December* 15, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 4690 of the Revised Statutes of the United States, the report of Carlisle P. Patterson, Superintendent of the Coast and Geodetic Survey, showing the progress made in the survey of the Atlantic and Pacific coasts during the year ending June 30, 1879; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with the requirements of the act of Congress approved July 15, 1870, entitled "An act to provide for inventories and accounts of property of the United States in the public buildings and grounds belonging to the United States in

the District of Columbia," a full and complete inventory of all property belonging to the United States in buildings, rooms, offices, and grounds occupied by the Department of the Interior and under its charge; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting a letter from the Auditor of the Treasury for the Post-Office Department, recommending that certain deficiencies in the appropriations for that Department be supplied; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the Mississippi Valley Commission, in favor of the improvement of the navigation of the Mississippi River; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. FERRY presented the petition of Nancy M. Richmond, of Pierson, Michigan, praying for the passage of a law continuing a limited pension of $8 a month granted to her by an act of Congress approved August 18, 1856; which was referred to the Committee on Pensions.

Mr. HAMLIN presented additional evidence in the case of the application of John Smith, of Cumberland County, Maine, for a pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented the petition of Franklin Rives, praying that a contract for publishing the debates of Congress may be awarded to him in accordance with his proposition; which was referred to the Committee on Printing.

Mr. SAUNDERS presented the petition of John A. Brown and 14 others, citizens of Nebraska, soldiers who served in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. GARLAND presented the petition of A. B. Grace and others, citizens of Arkansas, praying for the establishment of a post-route from Centre Point, in Howard County, Arkansas, to Dallas, in Polk County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL presented the petition of George Nicholls and others, citizens of Waitesfield, Vermont, praying for the passage of an act granting arrears of pension to Mrs. Fanny Newcomb; which was referred to the Committee on Pensions.

Mr. BUTLER. I present the petition of the National Grange, Patrons of Husbandry of the United States, praying for an amendment of the patent laws. As this petition is very short I ask that it be read.

The VICE-PRESIDENT. It will be reported at length if there be no objection.

The petition was read and referred to the Committee on Patents, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Existing patent laws do not secure to authors and inventors the exclusive rights guaranteed them by the Constitution. They do not protect from prosecution as infringers innocent purchasers of patented articles sold in the open market, nor do they protect the citizen in the private use of his own invention if an identical invention has been previously patented by another.

Therefore we, the members of the National Grange, representing thirty-two States of this Union, in annual session assembled at Canandaigua, New York, do most respectfully petition your honorable bodies so to amend the patent laws of America as to make the manufacturer or vendor alone responsible for infringement in the sale of patented articles.

And further, so to amend them as to protect from prosecution or penalty parties manufacturing for their own use any article previously patented, provided the parties in such case were not cognizant of the existence of such letters-patent.

And your petitioners would ever pray, &c.

Done by order of and under the seal of the National Grange of the Order of the Patrons of Husbandry of the United States of America.

J. J. WOODMAN, Michigan,
HENLEY JAMES, Indiana,
WILLIAM G. WAYNE, New York,
D. WYATT AIKEN, South Carolina,
Executive Committee.

Mr. VOORHEES. Mr. President, I believe in the sacred right of petition. I believe that this right belongs to all races and conditions of men, and to every form of government. It is the birthright of the poor and lowly as well as of the rich and the exalted. Its exercise is as well secured by the Constitution of the United States to the defenders of the Union as to the associated bankers; to those who fought the battles of the country as to those who speculated at home; to the soldiers who offered their lives for the Government as to the syndicates who have trafficked in its bonds. I therefore present the petition of seven thousand soldiers who served in the Union armies during the war of the rebellion, and in honor of their services and in recognition of their rights as citizens I ask that it may be read. They reside in the States of Indiana, Ohio, Pennsylvania, Missouri, New York, Illinois, Kansas, Kentucky, Arkansas, Michigan, New Jersey, Nebraska, Minnesota, Massachusetts, Connecticut, Wisconsin, and West Virginia. I ask that their petition be read.

The petition was ordered to lie on the table, and was read, as follows:

To the honorable Senate and House of Representatives in Congress assembled:

We, the undersigned petitioners, having served faithfully the Government of the United States in the late war of the rebellion, as will be seen by our records in the War and Navy Departments, ask to lay before your honorable body a statement of our grievances, and to petition for relief.

1st. We would remind your honorable body that we were paid in a depreciated currency, worth during the greater part of our term of service from forty to seventy cents on the dollar in coin.

2d. The Government has since declared that the payment of the bondholders in the same money that the soldiers were paid in would be dishonesty and repudiation.

3d. We do not believe that the bondholders have a claim either in law or equity better than the men who offered their lives that the nation might live.

Therefore, we believe that the Government is honestly and justly indebted to the soldiers for the difference between the value of greenbacks and gold at the time of payment, with 6 per cent. interest, compounded semi-annually, and that Congress should provide for the payment of such sums as may be found due to each soldier, sailor, or marine, or their lawful heirs, with interest as above, in full legal-tender greenbacks.

Therefore we, the undersigned soldiers and sailors, do respectfully petition your honorable body to pass a law covering the above points at once, and thus give immediate and direct relief to one million of the defenders of our Government in its hour of trial and danger, and indirectly to forty millions of American citizens by reason of the impetus given to all industrial pursuits. For this act of justice and relief to all the people we shall ever pray.

Mr. BURNSIDE presented the petition of A. Johnson, attorney, representing three companies of the East Tennessee National Home Guards, United States volunteers, called into service in the year 1863, praying compensation for services rendered the Government of the United States during the late war; which was referred to the Committee on Military Affairs.

Mr. WILLIAMS presented the petition of Lucy E. Mayhugh, widow of William Mayhugh, a teamster in the service of the United States in the late war, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of John Eubank and others, citizens of Adair County, Kentucky, praying for the passage of a law granting pensions to soldiers and sailors of the Mexican war; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of Horace S. Spear, Company I, Fifth Regiment Vermont Volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of Samuel Lecompte, praying for compensation for services as attorney in sundry cases under the revenue laws; which was referred to the Committee on Claims.

He also presented the petition of Elisha M. Luckett, late second lieutenant Company B, Second Regiment Pennsylvania Volunteers, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 221) for the relief of Sewell B. Corbett, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Finance, to whom was referred the bill (S. No. 324) for the relief of Somerville & Davis, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. HILL, of Colorado, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands, reported it with an amendment.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the petition of Nannie Longsdale, Laura Johnson, and Bettie C. Brockett and her husband, Dr. Brockett, asking permission to sue in the Court of Claims to recover the net proceeds of certain captured property, cotton seized in 1863, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the papers relating to the Supreme Ancient and United Order of Brothers and Sisters and Sons and Daughters of Israel of the United States of America and the World at Large, requesting a charter for their organization, reported adversely thereon; and the committee were discharged from the further consideration of the subject.

Mr. SAUNDERS, from the Committee on Territories, to whom was referred the bill (S. No. 550) to extend the northern boundary of the State of Nebraska, reported it with an amendment.

PRINTING OF TESTIMONY.

Mr. SAULSBURY, from the Committee on Privileges and Elections, reported the following resolution; which was considered by unanimous consent, and agreed to:

Ordered, That the Committee on Privileges and Elections be authorized to have printed for its use the testimony taken in Kansas relative to the charges contained in the memorials relative to the election of JOHN J. INGALLS as Senator from the State of Kansas, and such other testimony as may be taken in the said case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

A bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distributing of said reports;

A bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation;

A bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of

the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania;

A bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil;

A bill (H. R. No. 2298) to amend the act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879;

A bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes;

A bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes;

A bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana;

A bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States, for the fiscal year ending June 30, 1881;

A bill (H. R. No. 2799) to remove the political disabilities of Abner Smead, of Oregon;

A bill (H. R. No. 2800) to remove the political disabilities of John M. Brooke, of Virginia;

A bill (H. R. No. 2801) to remove the political disabilities of Walter R. Butt, of California;

A bill (H. R. No. 313) to remove the political disabilities of G. H. Hill, of Virginia;

A bill (H. R. No. 2803) for the relief of Doddridge & Davis;

A joint resolution (H. R. No. 7) authorizing Lieutenant Francis V. Greene, United States Army, to accept certain decorations conferred upon him by the Emperor of Russia;

A joint resolution (H. R. No. 145) authorizing certain printing for the land commission; and

A joint resolution (H. R. No. 148) for the relief of D. M. Hamlin.

The message further announced that the House had passed the bill (S. No. 618) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 50) filling existing vacancies in the Board of Regents of the Smithsonian Institution; and it was thereupon signed by the Vice-President.

BILLS INTRODUCED.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 840) to exempt from taxation competitory prizes won by American citizens in foreign countries; which was read the first time by its title.

Mr. BAYARD. I ask that that bill be read at length and referred to the Committee on Finance.

The bill was read the second time at length and referred to the Committee on Finance, as follows:

Be it enacted, &c., That from and after the passage of this act all prizes, premiums, cups, medals, trophies, and other articles of value won by or awarded in foreign countries to citizens of the United States in public competition shall be admitted free of duty: *Provided*, That this act shall relate so as to cover all such prizes and other articles aforesaid won and imported by citizens of the United States subsequent to January 1, 1878, and any duties paid on the articles aforesaid since the last-mentioned date shall be refunded.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 841) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 842) to establish certain post-roads in Texas; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 843) providing for the delivery of dutiable articles in the mails, and for indemnity for lost registered articles; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 844) for the relief of George H. Boston; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 845) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 846) for the relief of Ira Gill; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 847) to enable Albert Fuller to have a hearing before the Commissioner of Patents; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Patents.

Mr. BALDWIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 848) granting a pension to Frederick R. Bruner, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 849) to authorize the Saint Paul and Chicago Short Line Railway Company to construct a bridge across Lake Saint Croix, and to establish it as a post road; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 850) to provide a commission for the adjudication of damages to the Norwegian bark Atlantic by collision with the United States steam sloop of war Vandalia, and for payment of any award made by said commission; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 851) granting a pension to Martha A. Lachman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 852) for the relief of Commander H. N. T. Arnold, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 853) to pay members of certain military organizations therein named; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 854) to provide for the organization of the Territory of Oklahoma; which was read twice by its title, and referred to the Committee on Territories.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 855) for the relief of Narcissa Gibson, widow of the late Captain Alexander Gibson, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 856) extending the provisions of section 2997 of the Revised Statutes of the United States to the port of Omaha, in the State of Nebraska; which was read twice by its title and referred to the Committee on Commerce.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 857) authorizing the conversion of national gold banks; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 858) for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees and commissions paid on void entries of public lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 859) to authorize the claimants to certain lands in Los Angeles County, California, to submit their claims to the United States district court for that State for adjudication; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Private Land Claims.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 860) making an appropriation for the improvement of Elk River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 861) making an appropriation for continuing the improvement of New River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 862) making an appropriation for continuing the improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 863) making an appropriation for the improvement of Big Sandy River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 864) to amend the act of March 3, 1879, in relation to the census of 1880; which was read twice by its title, and referred to the select committee to make provision for taking the Tenth Census.

THE TREASURY NOTES.

Mr. BUTLER. I offer the following amendment, intended to be proposed to the joint resolution (S. R. No. 49) in relation to United States Treasury notes:

In the third line strike out the words, "passage of this resolution," and in lieu thereof insert, "1st day of January, A. D. 1885;" and on the sixth and seventh lines strike out the word "hereafter" and insert in lieu thereof "thereafter;" so as to read:

That from and after the 1st day of January, A. D. 1885, the Treasury notes of the United States shall be receivable for all dues to the United States excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes thereafter reissued shall bear this superscription.

NEGRO EMIGRATION TO NORTHERN STATES.

Mr. VOORHEES. I offer the following resolution, and ask for its present consideration:

Whereas large numbers of negroes from the Southern States, and especially from the State of North Carolina, are emigrating to the Northern States, and especially to the State of Indiana; and

Whereas it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens toward them in the South: Therefore,

Be it resolved, That a committee of five members of this body be appointed by its presiding officer, whose duty it shall be to investigate the causes which have led to the aforesaid emigration, and to report the same to the Senate; and the said committee shall have power to send for persons and papers, compel the attendance of witnesses, and to sit at any time.

Mr. EDMUNDS. I should like to see that in print.

Mr. CONKLING. I venture to ask to hear it read once more.

The VICE-PRESIDENT. The resolution goes over.

Mr. CONKLING. Has it been objected to?

The VICE-PRESIDENT. The Chair understood the Senator from Vermont to object.

Mr. CONKLING. I was not aware of that. I rose only to ask to have it read again.

Mr. EDMUNDS. It will be printed, I suppose, Mr. President.

The VICE-PRESIDENT. That order will be entered.

CLERK TO COMMITTEE ON EPIDEMIC DISEASES.

Mr. HARRIS. I offer the following resolution, and ask for its present consideration:

Resolved, That the clerk of the Select Committee to investigate and report the best means of preventing the Introduction and Spread of Epidemic Diseases be paid by the Secretary of the Senate out of the "miscellaneous items" of the contingent fund of the Senate from and after the 1st day of January, 1880.

The VICE-PRESIDENT. If there be no objection to the present consideration of the resolution, under the rule it will be read the second time and considered as in Committee of the Whole.

The resolution was read the second time and considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to ask the Senator in charge of that matter, whether (which I suppose to be the fact) this gentleman, the clerk, was authorized to be appointed by the resolution creating the committee?

Mr. HARRIS. Yes, sir.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY PAGE.

Mr. GARLAND. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. No. 325) for the relief of Henry Page. It will take but a few moments.

Mr. WITHERS. I will state that on Thursday last I believe it was understood that a pension bill, which was then under consideration and informally laid aside at the request of the Senator from Missouri, [Mr. COCKRELL,] should be taken up this morning.

The VICE-PRESIDENT. That was the understanding.

Mr. WITHERS. In the absence of the Senator from Missouri, however, who takes an interest in the case, I am willing that the bill of the Senator from Arkansas should be considered, with the understanding that the other bill shall be taken up when that is disposed of.

The VICE-PRESIDENT. It will lie over without prejudice. The Senator from Arkansas asks unanimous consent to consider the bill indicated by him.

Mr. EDMUNDS. Let the bill be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to credit the account of Henry Page, late agent and disbursing officer of the Bureau of Refugees, Freedmen, and Abandoned Lands, with the sum of $904.09, being the amount, with interest, disbursed by him as such officer in good faith to persons falsely producing the discharges of, and identifying themselves as, John West, Alfred Rogers, and Miles Shinn, discharged United States soldiers; and that the proper certificate of credit be issued to said Page, and be received by the United States marshal for the eastern district of Arkansas, in full satisfaction of the judgments against said Page, on account of the aforesaid disbursements, in the circuit court of the United States for the eastern district of Arkansas.

Mr. GARLAND. There is a printed report, which I ask to have read.

The VICE-PRESIDENT. The bill is reported by the Committee on Finance, and the Senator from Arkansas asks that the Senate consider it at this time. Is there objection?

Mr. COCKRELL. Let the report be read for information.

Mr. EDMUNDS. I should like to ask the Senator from Arkansas whether this is a case that was once before the Committee on Claims and decided adversely? There was some such case that was mentioned to me. I merely ask for information.

Mr. GARLAND. This was never before any other committee than the Committee on Finance, and they have twice made a unanimous report in favor of the claim.

Mr. EDMUNDS. It is not the matter, then, to which my attention was called.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. BAYARD from the Committee on Finance, February 11, 1879:

The Committee on Finance, to whom was referred the petition of Henry Page, late disbursing agent of the Bureau of Freedmen, Refugees, and Abandoned Lands in the State of Arkansas, submit the following report:

By the certified copy of the record of the circuit court of the United States for the eastern district of Arkansas, it appears that a special verdict was found in favor of the United States against the said Henry Page and his sureties, to the effect that the said Page, as special agent and disbursing officer, received from the United States the sum of $287.50 on the 23d of June, 1868, with instructions to pay the same to Miles Shinn, a discharged soldier of Company G, One hundred and thirteenth United States Colored Troops, and that on the 13th day of July, 1868, the said defendant in good faith paid the same to a person claiming to be Miles Shinn, and who presented the discharge of and was identified as Miles Shinn by J. T. Daniels, but that the person to whom the said sum of money was paid by defendant was not Miles Shinn, and that the said Miles Shinn has never been paid the said sum of money by the defendant.

"If upon these facts the court is of opinion that the defendant is liable, then we find for the United States, the plaintiff, the sum of two hundred and eighty-seven dollars and fifty cents ($287.50), with 6 per cent. interest from the 13th of July, 1868; but if the court is of the opinion that defendant is not liable, then we find for the defendant."

And in another suit of the United States against the said Henry Page, a similar special verdict for the sum of $130.32 was found against the defendant, subject to the opinion of the court. And also in the case of John West.

Upon the question of the liability of the defendant thus reserved, Judges Dillon and Caldwell divided in opinion, and filed a certificate of division of opinion, so that the case should be carried to the Supreme Court of the United States; but it appears that the petitioner was wholly unable for want of means to carry this case, involving a sum less than $1,000, to the Supreme Court of the United States, by reason of the expense.

It appears by the certificate of Charles C. Waters, United States attorney for the eastern district of Arkansas, whose statements are indorsed by Henry C. Caldwell, the district judge before whom the suits against Page by the United States were tried, that Page had been engaged for a considerable time as disbursing officer, and large sums of public money, amounting in the aggregate to several millions of dollars, had passed through his hands and been faithfully accounted for; and that the payments to the persons falsely personating the three discharged soldiers in question were made by him in perfect good faith, and by the absolute perjury of apparently credible witnesses, and that Page was the victim of a conspiracy which it is difficult to see how he could have avoided.

In view, therefore, of the circumstances of the case, the special verdicts of the juries, and certificate of the district attorney who prosecuted and the district judge before whom the cases were tried, all expressly exonerating Mr. Page from any bad faith in these transactions, and attesting his long and faithful performance of duty in receiving and disbursing millions of the public money, we consider his case meritorious, and that his prayer for relief should be granted, and accompany this report with a bill for his relief.

Mr. GARLAND. Mr. President, to those Senators who have heard the report read, it is unnecessary for me to add anything so far as the merits of the case are concerned; but I wish to state, as a reason for asking early action upon this case in which there have been two unanimous reports already, that Mr. Page since this occurrence has been appointed an agent to the Indian tribes in Colorado, and he has been an acceptable officer in every respect. As the law now stands, in adjusting his accounts with the Department, he being found in arrears to another Department upon that verdict, the Interior Department would have the right to withhold from his compensation so much as is necessary to cover that amount. So that he may not be embarrassed in the settlement of his accounts with the Interior Department, I ask the Senate to pass this bill, which has now been recommended twice by a unanimous vote of the Finance Committee.

The VICE-PRESIDENT. The Chair hears no objection to the present consideration of this bill, and it is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY STATUTE OF LIMITATIONS.

Mr. MAXEY. I ask unanimous consent to take up and put on its passage the bill (S. No. 744) to amend article 103 of the Rules and Articles of War.

The VICE-PRESIDENT. The Senator from Texas asks the Senate to consider at this time the bill he has named.

Mr. CONKLING. What is that?

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended so as to read as follows:

ARTICLE 103. No person shall be tried or punished by a court-martial for any offense committed more than two years, or in case of desertion more than three years, before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation.

The VICE-PRESIDENT. Is there objection to the present consideration of this bill?

Mr. CONKLING. I wish the Senator from Texas would, as he is about to do, tell us what this is, subject to objection. It is new to me. I should like to reserve my right to object.

Mr. MAXEY. Mr. President, the bill proposes to amend article 103 of the Rules and Articles of War. As that now stands, it is construed by the military authorities as not applying to cases of desertion. The Attorneys-General, whenever the question has been submitted to them, have invariably decided that it does so apply. The Judge-Advocate-General gives the same opinion. There is a direct conflict between the military authorities and the legal authorities on that question. The purpose and design of this bill is to place the limitation upon prosecutions for desertion the same as upon those for other offenses; and I will state to the Senator from New York that there is a full report accompanying the bill, which I will ask to have read.

Mr. CONKLING. Has the Senator the section of the statutes before him?

Mr. MAXEY. Yes, sir.

Mr. CONKLING. Will he be kind enough to read that?

Mr. MAXEY. The section is in the report in full. The statute as it now stands reads as follows:

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.—*Revised Statutes*, page 239.

The whole thing turns upon the expression "unless by reason of having absented himself," the law officers deciding that that absenting himself must have been beyond the jurisdiction of the courts, while the military authorities construe it to mean absenting himself from his duty without leave; and it is upon that point that this conflict has arisen which has produced great hardship in the Army.

The bill has been twice unanimously reported from the Military Committee, and it was sent to the House and was reported favorably at the last session by the House committee, but was lost in the House for want of time to take it up. That is the history of it. The report is very full, and I think will be satisfactory to the Senator from New York, if read.

The VICE-PRESIDENT. Is there objection to the consideration of this bill at this time? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. MAXEY. I ask that the report be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY on the 9th instant:

The Committee on Military Affairs, to whom was referred the bill (S. No. 744) to amend the one hundred and third Article of War, respectfully submit the following report:

The one hundred and third Article of War reads as follows:

"ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period."—*Revised Statutes*, page 239.

Does the limitation in article 103 apply to cases of desertion? What is the correct construction of the expression "unless by reason of having absented himself?"

Judge-Advocate-General Holt, "in construing this article, held, in repeated cases, that there was nothing in the article to except desertion from the operation of the limitation, but that the same was included, equally with all other military crimes, within the provision. He held that the word 'absence' was employed in the same sense as in some of the State statutes of limitation, and meant here absence from the jurisdiction of the United States, and he was of opinion that, unless the order for the court was issued within two years after the date of the desertion, the prosecution of the same was barred by the article." (See Annual Report of Judge-Advocate General Dunn for 1877, October 10, 1877, page 3.)

The case of C. K. Thompson was submitted by the Secretary of War June 13, 1871, for the opinion of the Attorney-General, and on the 23d of June, 1871, Hon. B. H. Bristow, Solicitor-General and acting Attorney-General, gave his opinion, which may be found in volume XIII, Opinions of Attorneys-General, page 462. The substance of that opinion and the facts on which it is based may be briefed as follows:

Thompson was enlisted August 21, 1865, for three years; deserted October 2, 1865; was apprehended April 13, 1871, and was confined in Newport Barracks to await trial by general court-martial: *Advised*, That the court-martial has no jurisdiction to try the case, because of the bar presented by the eighty-eighth Article of War. An examination of the eighty-eighth Article of War (2 Statutes at Large page 369; also in Revised Army Regulations 1861, page 513) will show that article 88, upon which the above opinion is based, is in substance and essence the same as article 103 of the present Articles of War. And the Attorney-General refers for support to 1 Opinions, page 383, and 6 Opinions, page 240.

The case of Samuel J. Harris, who enlisted in the Ninth Infantry on the 16th day of August, 1870, and deserted on the 19th day of September, 1870, and who enlisted under an *alias* about one year thereafter in the Sixth Infantry, and about 26th October, 1872, confessed to an officer of that regiment that he was a deserter from the Ninth Infantry, is in point. March 11, 1873, an order was issued for convening a general court-martial for his trial, and on the 24th April following the trial was proceeded with, and he was found guilty. The opinion of the Attorney-General was called for by the Secretary of War, and may be found in volume XIV, Opinions, page 265. In that opinion the Attorney-General, treating of the words, "by reason of having absented himself," says:

"I am inclined to think that it would be fair to hold that the absence contemplated by the article is an absence from the reach or jurisdiction of the military authorities. To avoid the limitation of the article it would seem to be necessary that the accused should not only be absent, but that he should be where the military authorities, by reasonable diligence, could not make him amenable to justice."

And in the same opinion he says:

"Statutes of limitation in criminal matters apply to all cases not expressly excepted from their operation."

Judge-Advocate-General Dunn concurs in the views expressed by the Attorney-General, and by his predecessor, Judge Holt, as hereinbefore quoted. And the committee is advised that in an opinion given by Attorney-General Devens, September 1 last, the doctrine is held that the limitation of two years, as now contained in article 103, applies to desertion. But the committee is advised that these opinions did not and do not find full favor with all the military authorities, and in consideration of this difference of opinion it is deemed advisable by the committee to so frame this important article as to leave its meaning beyond reasonable question.

On this subject the Secretary of War says, in his annual report on the operations of the Department for the fiscal year ending June 30, 1877, on page 21:

"The Judge-Advocate-General earnestly recommends additional legislation which shall fix beyond question a specific period of limitation to prosecution in cases of desertion. The one hundred and third Article of War, fixing the limit of time within which a person shall be liable to be tried and punished by a general court-martial, is construed by the Attorney-General, as well as the Judge-Advocate-General, to include the crime of desertion, while the contrary has been held by some military authorities. * * * As there has been much controversy over this question, it is recommended that it be finally set at rest by precise legislation."

This recommendation, in the opinion of the committee, is wise.

The bill under consideration meets, as the committee believe, the question, and leaves no reasonable ground for dispute as to its construction. The committee fix the limit of three years to prosecution for desertion, leaving the prosecution of all other offenses as now fixed in article 103. It is believed wise to harmonize the laws regulating prosecution for military offenses, as near as may be, with the laws regulating prosecution of criminal offenses before courts of ordinary criminal jurisdiction. The following sections of the Revised Statutes are in point:

"SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed."—*Revised Statutes*, page 103.

Section 1044 puts the limitation for offenses, not capital, at two years. Section 1045 withholds the benefit of these statutes from persons fleeing from justice. And this extraordinary result follows, as set forth in the following extract:

"So, at military law, mutiny, disobedience of orders, and the offering of violence to an officer, which are to be deemed graver offenses than desertion, because at all times punishable with death, while desertion is so punishable in war only, as also cowardice in battle, and various other offenses incident to war, which, being capital, are at least equally grave with desertion, are also all included within the statute of limitation contained in the article under consideration.

"That desertion, an offense unaccompanied by violence, and obviously not the most heinous or most unpardonable that a soldier may be guilty of, should alone, of all military offenses, be excepted from the statutes, would certainly seem to be most unconscionable."—*Judge-Advocate-General's Report of October* 10, 1877, page 5.

In addition to the foregoing report of the Judge-Advocate-General, the committee invite attention of the Senate to his report accompanying that of the Secretary of War at the present session on the same subject. The reasons of the Judge-Advocate-General in favor of the amendment appear to be conclusive.

The committee believe the limitation fixed in the accompanying bill reasonable, and that it removes all doubt as to the construction of article 103, and the committee report the same back to the Senate, without amendment, and recommend its passage.

Mr. EDMUNDS. I wish the Senator from Texas would kindly consent to allow this bill to go over until to-morrow, in order that it may be thought about a little further. I perceive that in the amended article the old words, "or of some other manifest impediment," meaning thereby impediment to bringing the person to trial, are left out; and the consequence, if we pass it in this form, as it strikes me at first blush, will be this: Take the case of an officer, for instance, who has made false accounts, and the fact has been concealed or not discovered until the two years are up, and he has gone on in the administration of his affairs, he is not only not punished in that case because the two years have run, although nobody knew anything of the crime, but he is still left in the Army. It differs, therefore, from the case of an ordinary crime by a citizen upon which the statute of limitations has run; he is merely left as a citizen without any further responsibility about that crime, but in this case the officer would be left in the Army administering public trusts, with no earthly way to get rid of him.

That is the way it strikes me at first. It may be that there are other difficulties to consider in connection with those words, which will be an answer to what I have suggested; and therefore, if the honorable Senator will be kind enough to allow the bill to go over until to-morrow, I shall be very much obliged to him.

Mr. MAXEY. I did not understand precisely the case which was put by the Senator from Vermont. Was it the case of an officer who has defaulted?

Mr. EDMUNDS. Yes.

Mr. MAXEY. These statutes would not prevent recovery for a defalcation. I do not think that objection applies.

Mr. EDMUNDS. That is exactly one reason why I should like to have the bill go over until we can consider whether it does, because I am sure the Senator would agree with me that it should not be the spirit or object of this provision to allow such a thing.

Mr. MAXEY. I am perfectly willing to accommodate the Senator from Vermont. The Senator will see, by turning over to the statute applying to persons in ordinary life, that rape, robbery, arson, the highest crimes known to the law—treason itself, all have a limitation on their prosecution; and I believe none higher than five years. I cannot see that this is worse than those. The only object I had in view was to place the offense of desertion on the equitable plane of those like instances in civil life. But if the Senator desires to have the bill lie over, be it so; I want it investigated fully. If it is not right it ought not to pass. Believing it to be perfectly right, I see no reason why it should not proceed; but I am willing to let it go over to be taken up in the morning.

The VICE-PRESIDENT. The bill will lie over.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes;

A bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881; and

A joint resolution (H. R. No. 148) for the relief of D. M. Hamlin.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty or spirits withdrawn from distillery warehouses for exportation; and

A bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 2799) to remove the political disabilities of Abner Smead, of Oregon;

A bill (H. R. No. 2800) to remove the political disabilities of John M. Brooke, of Virginia;

A bill (H. R. No. 2801) to remove the political disabilities of Walter R. Butt, of California;

A bill (H. R. No. 313) to remove the political disabilities of G. H. Hill, of Virginia; and

A bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil;

A bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana; and

A bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company—to the Committee on Railroads.

A bill (H. R. No. 2298) to amend the act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879—to the Committee on Public Lands.

A bill (H. R. No. 2803) for the relief of Doddridge & Davis—to the Committee on Military Affairs.

A joint resolution (H. R. No. 7) authorizing Lieutenant Francis V. Greene, United States Army, to accept certain decorations conferred on him by the Emperor of Russia—to the Committee on Foreign Relations.

A joint resolution (H. R. No. 145) authorizing certain printing for the land commission—to the Committee on Printing.

SAN ANTONIO ARSENAL.

Mr. MAXEY. I now ask that Senate bill No. 54 be taken up, and I will say that it was reported by the Committee on Military Affairs favorably at the last session and went over for want of time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal. It proposes to appropriate $14,000 to enable the Secretary of War to purchase, inclose, and improve the following described piece of land adjoining the United States arsenal grounds at San Antonio, Texas, namely: All that tract of ground bounded by Arsenal street, Lower Flores street, the United States arsenal, and the San Antonio River, with a frontage on Arsenal street of thirteen hundred and fifty feet, more or less, and on Lower Flores street of one hundred and twenty-five feet, more or less, and containing about three and one-half acres. No part of the money appropriated is to be expended until the requirements of section 355 of the Revised Statutes have been complied with.

Mr. MAXEY. The bill has been twice favorably reported by the Committee on Military Affairs. I have myself in person examined that ground. The storehouses of the arsenal are right along the line of the ground proposed to be bought. It will secure them against fire, because if not purchased by the Government others can purchase it and put up structures thereon. We had the testimony of the ordnance officers who have charge, and all agree in the propriety of it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE SESSION.

The VICE-PRESIDENT. What is the further pleasure of the Senate?

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened; and (at one o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 15, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour will commence at twenty minutes past twelve o'clock. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions on leave for reference to their appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order for reference and printing; also resolutions calling for departmental information, to be referred to their appropriate committees.

Mr. ACKLEN. I ask unanimous consent that the call be continued until all the States and Territories have been called.

There was no objection, and it was so ordered.

J. H. COOK.

Mr. LINDSEY introduced a bill (H. R. No. 2811) for the relief of J. H. Cook, postmaster of Russell, Lucas County, Iowa; which was read a first and second time, and referred to the Committee of Claims.

JERRY GORDON.

Mr. LINDSEY also introduced a bill (H. R. No. 2812) for the relief of Jerry Gordon; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GOVERNMENT EMPLOYÉS IN DISTRICT OF COLUMBIA.

Mr. LINDSEY also introduced a bill (H. R. No. 2813) for the relief of certain employés of the United States Government in the District of Columbia; which was read a first and second time, and referred to the Committee of Claims.

JOSEPH G. AYRES.

Mr. BRIGGS introduced a bill (H. R. No. 2814) for the relief of Joseph G. Ayres, surgeon in the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

LYDIA NICHOLLS.

Mr. HALL introduced a bill (H. R. No. 2815) granting a pension to Lydia Nicholls; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MERRITT BARBER.

Mr. JOYCE introduced a bill (H. R. No. 2816) for the relief of Merritt Barber, captain and late lieutenant United States Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

VERMONT AND NEW YORK STATE BOUNDARY-LINE.

Mr. JOYCE also introduced a bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WARREN K. CHURCHILL.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 2818) for the relief of Warren K. Churchill, postmaster at Elmwood, Plymouth County, State of Massachusetts; which was read a first and second time, and referred to the Committee of Claims.

GEORGE H. BOSTON.

Mr. HARRIS, of Massachusetts, also introduced a bill (H. R. No. 2819) for the relief of George H. Boston, private Company D, Second Massachusetts Infantry; which was read a first and second time, and referred to the Committee of Claims.

JAMES F. SEVERANCE.

Mr. NORCROSS introduced a bill (H. R. No. 2820) for the relief of James F. Severance, of Shelburne Falls, Massachusetts; which was read a first and second time, and referred to the Committee of Claims.

ADELINE A. TURNER.

Mr. MORSE introduced a bill (H. R. No. 2821) granting a pension to Mrs. Adeline A. Turner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DENNIS SULLIVAN.

Mr. MORSE also introduced a bill (H. R. No. 2822) granting a pension to Dennis Sullivan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DUTY ON JUTE, ETC.

Mr. MORSE also introduced a bill (H. R. No. 2823) to repeal the duty on jute, jute butts, and jute rejections; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SHIP-BUILDING AND MANUFACTURING.

Mr. MORSE also introduced a bill (H. R. No. 2824) for the encouragement of American ship-building and American manufacturing; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF LANGLEY B. CULLEY.

Mr. MORSE also introduced a bill (H. R. No. 2825) for the relief of the heirs of the late Langley B. Culley; which was read a first and second time, and referred to the Committee on Naval Affairs.

OTHNIEL T. HOLLIS.

Mr. MORSE also introduced a bill (H. R. No. 2826) granting a pension to Othniel T. Hollis; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE C. BUCKNAM.

Mr. MORSE also introduced a bill (H. R. No. 2827) granting an increase of pension to George C. Bucknam; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES W. ABBOT.

Mr. MORSE also introduced a bill (H. R. No. 2828) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster in the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

RECIPROCITY WITH BRITISH PROVINCES.

Mr. MORSE also introduced a joint resolution (H. R. No. 149) for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 2829) for the benefit of the public schools in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WASHINGTON ASYLUM.

Mr. ALDRICH, of Rhode Island, also introduced a bill (H. R. No. 2830) for the enlargement and improvement of the Washington Asylum; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SCHOOL-BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, also introduced a bill (H. R. No. 2831) to provide for additional public-school buildings in the District of Columbia, and for further relief of the public schools of said District; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HUTCHINS introduced a bill (H. R. No. 2832) to amend sections 5171, 5192, and 5200 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MICHAEL MOONEY.

Mr. COX introduced a bill (H. R. No. 2833) for the relief of Michael Mooney, late ship's carpenter, and in charge of a torpedo-raft; which was read a first and second time, and referred to the Committee of Claims.

THOMAS M'MAHON.

Mr. COX also introduced a bill (H. R. No. 2834) for the relief of Thomas McMahon, of the city of Washington, District Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

GEORGE H. BLACKBURN.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 2835) to increase the pension of George H. Blackburn, of Belmont, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE P. WEBSTER.

Mr. MORTON introduced a bill (H. R. No. 2836) for the relief of George P. Webster; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES RADIGAN.

Mr. PRESCOTT introduced a bill (H. R. No. 2837) granting a pension to James Radigan, late a private in Company G, Fourteenth New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PHILIP J. WIDTMEYER.

Mr. PRESCOTT also introduced a bill (H. R. No. 2838) granting a pension to Philip J. Widtmeyer, late a private in Company G, Fourteenth New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALONZO TICE.

Mr. PRESCOTT also introduced a bill (H. R. No. 2839) granting a pension to Alonzo Tice, late a private in Company G, First New York Veteran Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LAURA HIBNER.

Mr. LAPHAM introduced a bill (H. R. No. 2840) granting a pension to Laura Hibner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDINGS AT ALBANY, NEW YORK.

Mr. BAILEY introduced a bill (H. R. No. 2841) appropriating moneys for the construction of a public building in the city of Albany, to be used for custom-house, post-office, and other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LEWIS K. WHITMORE.

Mr. KETCHAM introduced a bill (H. R. No. 2842) for the relief of Lewis K. Whitmore; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANK W. HARNEY.

Mr. BLAKE introduced a bill (H. R. No. 2843) for the relief of Frank W. Harney; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES E. MONTELL.

Mr. KELLEY introduced a bill (H. R. No. 2844) for the relief of James E. Montell, of Baltimore, Maryland; which was read a first and second time, and referred to the Committee of Ways and Means.

NICHOLAS MARSHALL.

Mr. O'NEILL introduced a bill (H. R. No. 2845) for the relief of Nicholas Marshall; which was read a first and second time, and referred to the Committee of Ways and Means.

WILLIAM TALBERT.

Mr. O'NEILL also introduced a bill (H. R. No. 2846) for the relief of William Talbert, of Washington City, District of Columbia; which was read a first and second time, and referred to the Committee on Naval Affairs.

HEIRS OF FRANÇOIS CAZEAU.

Mr. O'NEILL also introduced a bill (H. R. No. 2847) for the relief of the heirs or legal representatives of François Cazeau; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ENCOURAGEMENT OF AGRICULTURE.

Mr. WISE introduced a joint resolution (H. R. No. 150) for the encouragement of agriculture in the United States of America; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PHILIP P. LAWALL.

Mr. HARMER introduced a bill (H. R. No. 2848) for the relief of Philip P. Lawall; which was read a first and second time, and referred to the Committee on Military Affairs.

PENSION LAWS.

Mr. HARMER also introduced a joint resolution (H. R. No. 151) to construe the pension laws in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL PENSIONS.

Mr. HARMER also introduced a joint resolution (H. R. No. 152) relating to certain naval pensions; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LAVERY.

Mr. BINGHAM introduced a bill (H. R. No. 2849) for the relief of William Lavery; which was read a first and second time, and referred to the Committee of Claims.

PUBLIC BUILDING AT PITTSBURGH, PENNSYLVANIA.

Mr. ERRETT introduced a bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ENSLEY SIMMONDS.

Mr. MITCHELL introduced a bill (H. R. No. 2851) for the relief of Ensley Simmonds, dependent father of George W. Simmonds, deceased, private in Company F, Eighty-first Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PROHIBITION OF OMNIBUS LEGISLATION.

Mr. MITCHELL also introduced a concurrent resolution providing for a new joint rule of the Senate and House of Representatives to prohibit omnibus legislation; which was referred to the Committee on Rules, and ordered to be printed.

MARY A. SIMMONS.

Mr. COFFROTH introduced a bill (H. R. No. 2852) granting a pension to Mary A. Simmons; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH AULTS.

Mr. COFFROTH also introduced a bill (H. R. No. 2853) granting a pension to Elizabeth Aults; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NOAH CATON.

Mr. COFFROTH also introduced a bill (H. R. No. 2854) granting a pension to Noah Caton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RACHEL J. REBER.

Mr. COFFROTH also introduced a bill (H. R. No. 2855) granting a pension to Rachel J. Reber; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM F. M'COY.

Mr. COFFROTH also introduced a bill (H. R. No. 2856) granting a

pension to William F. McCoy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH SHOWMAN.

Mr. COFFROTH also introduced a bill (H. R. No. 2857) granting a pension to Joseph Showman; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES MILLER.

Mr. COFFROTH also introduced a bill (H. R. No. 2858) granting a pension to Charles Miller; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PAUL WALKER.

Mr. COFFROTH also introduced a bill (H. R. No. 2859) granting a pension to Paul Walker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS H. VAUGHN.

Mr. COFFROTH also introduced a bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HERMAN BALDWIN.

Mr. COFFROTH also introduced a bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN H. BLACK.

Mr. COFFROTH also introduced a bill (H. R. No. 2862) granting an increase of pension to John H. Black; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SIMON P. SWEITZER.

Mr. COFFROTH also introduced a bill (H. R. No. 2863) granting an increase of pension to Simon P. Sweitzer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISAIAH W. BUNKER.

Mr. COFFROTH also introduced a bill (H. R. No. 2864) granting an increase of pension to Isaiah W. Bunker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLDIERS AND SAILORS OF THE LATE WAR.

Mr. COFFROTH also introduced a bill (H. R. No. 2865) granting pensions to the soldiers and sailors of the late war of the rebellion, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Subsequently, on motion of Mr. COFFROTH, by unanimous consent, the bill was ordered to be printed in the RECORD. It is as follows:

A bill granting pensions to the soldiers and sailors of the late war of the rebellion, and for other purposes.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll all the surviving enlisted men, including the volunteers and drafted men, of the military and naval service of the United States in the late war of the rebellion, and the surviving widows of such enlisted volunteer and drafted men, and the father or mother dependent for support on any son who was in the service of the United States in said war: *Provided*, That such widow or mother has not remarried.

SEC. 2. Before the name of any person shall be placed on the pension-roll under this act, the applicant must file an application for pension under oath, made before the clerk of a court having a seal, setting forth in said application the name of the company and regiment in which the applicant served; that he was honorably discharged from the service of the United States, and that during the time he was in said service in line of duty he was wounded, injured, or contracted disease, which has entirely or partially disabled him from supporting himself, or himself and family, by manual labor; and that he is in necessitous circumstances; and shall prove by the affidavits of two disinterested and credible witnesses, who reside in the same election district with the applicant, taken under such rules as the Secretary of the Interior may prescribe, that they believe the statement made by the applicant of his service and honorable discharge from the Army or Navy of the United States, and of the wounds, injuries, or disease contracted while in the said service in line of duty to be true; and that they know of their own personal knowledge that the applicant has suffered from said wounds, injury, or disease since his discharge from the Army or Navy; and that the applicant is in necessitous circumstances. The application of the surviving widow shall set forth the service and honorable discharge of her husband; that the cause of his death was wounds, injuries, or disease contracted while in the service of the United States in line of duty, the date of her marriage and the death of her husband; and that she is in necessitous circumstances; and her statement must be supported by affidavits in same manner as the application of a soldier. The application of a father or mother must set forth the service, and the death, or honorable discharge of the son; to what extent they or either of them were dependent on the son for support before he went into the service and up to the time of his death; that he died in the service, or was wounded, injured, or contracted disease while in the line of duty which was the cause of his death; the celibacy of the son, and that the applicant is in necessitous circumstances; and support the application by affidavits in same manner as the application of a soldier. An honorable discharge shall be satisfactory evidence of the soldier's service in the Army or Navy, and its loss shall not deprive any person of the benefit of this act; but other evidence of an honorable discharge may be deemed sufficient.

SEC. 3. That this act shall not apply to any person who is receiving a pension at the rate of $8 or more per month, nor to any person receiving a pension of less than $8 per month, except for the difference now received and the pension allowed by this act. Pensions allowed by this act shall be at the rate of $8 per month for total disability, and $6 per month for partial disability. All pensions under this act shall be paid from and after the passage thereof, for and during the natural lives of the persons entitled thereto.

SEC. 4. Any person who has now filed or hereafter may file an application for pension under the general pension laws heretofore approved, may at any time withdraw said application and file an application under the provisions of this act. And this act shall not be construed to interfere in any way with pension applications now on file or hereafter to be filed under the pension laws now in force.

SEC. 5. Any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury, and shall be punished by a fine of not more than $2,000 and by imprisonment at hard labor not more than five years, and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act: *Provided*, Before any action is taken by the Secretary of the Interior to strike off the name of any person on the pension-roll, notice shall be given to the pensioner and an opportunity be afforded to him to defend his right to the pension granted in pursuance of this act.

SEC. 6. That the provisions of sections 4745, 4746, 4747, 4748, and 4766 of the Revised Statutes of the United States are hereby made a part of this act so far as the same are applicable, and no law or laws now in force which in any way conflict with the provisions of this act shall be applicable to the persons above named, or be so construed as to deprive them of the benefits of this act.

CORRECTION OF PRIZE LISTS.

Mr. BELTZHOOVER introduced a bill (H. R. No. 2866) authorizing corrections to be made of errors in prize lists; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

APPEAL FROM COURTS-MARTIAL.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 2867) for the promotion of justice in the Army and Navy by permitting appeal from courts-martial, in time of peace, to United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SARAH SHEA.

Mr. HENRY introduced a bill (H. R. No. 2868) granting a pension to Sarah Shea; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JESSE T. MYERS.

Mr. HENRY also introduced a bill (H. R. No. 2869) granting a pension to Jesse T. Myers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REMISSION OF DUTY.

Mr. HENRY also introduced a joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained glass window from Munich, Germany, for All Saints church in Saint Michael's parish, Talbot County, Maryland; which was read a first and second time, and referred to the Committee of Ways and Means.

MESSENGERS OF UNITED STATES SUPREME COURT.

Mr. HENRY also introduced (by request) a bill (H. R. No. 2870) for the relief of the messengers of the Supreme Court of the United States; which was read a first and second time, and referred to the Committee of Claims.

DRS. T. OWENS AND W. MARTIN.

Mr. KIMMEL introduced a bill (H. R. No. 2871) authorizing the President of the United States to nominate Drs. Thomas Owens and William Martin assistant surgeons in the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

ANNAPOLIS NAVAL HOSPITAL.

Mr. HENKLE introduced a bill (H. R. No. 2872) to transfer the naval hospital at Annapolis to the care and custody of the Secretary of the Treasury to be used as a marine hospital; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ROMAN CATHOLIC CLERGYMEN OF MARYLAND.

Mr. HENKLE also introduced a bill (H. R. No. 2873) for the relief of the corporation of Roman Catholic clergymen of Maryland; which was read a first and second time, and referred to the Committee on War Claims.

BONDS OF PUBLIC OFFICERS.

Mr. HENKLE also introduced (by request) a bill (H. R. No. 2874) for the better security of the bonds of public officers and others; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFRIGERATING-SHIP.

Mr. GOODE introduced a bill (H. R. No. 2875) to carry into effect the act of Congress approved April 18, 1879, entitled "An act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating-ship for the disinfection of vessels and cargoes, and for other purposes;" which was read a first and second time, referred to the Select Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States, and ordered to be printed.

WILLIAM H. WARD.

Mr. GOODE also introduced a bill (H. R. No. 2876) to remove the political disabilities of William H. Ward, of Norfolk, Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

MEETINGS OF CONGRESS.

Mr. STEELE introduced a bill (H. R. No. 2877) to provide for the meetings of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRINTED MATTER OF STATE AGRICULTURAL DEPARTMENTS.

Mr. VANCE introduced a bill (H. R. No. 2878) to make all printed matter issued by the agricultural department of any State chargeable with the same rates of postage as regular newspapers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN MEEHAN AND JOHN RYAN.

Mr. O'CONNOR introduced a bill (H. R. No. 2879) for the relief of John Meehan and John Ryan, for property taken by the military authorities of the United States Government; which was read a first and second time, and referred to the Committee on War Claims.

ASSISTANT TREASURER UNITED STATES, CHARLESTON.

Mr. O'CONNOR also introduced a bill (H. R. No. 2880) to re-establish the office of assistant treasurer of the United States at Charleston, South Carolina; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SALE OF LANDS FOR DIRECT TAXES IN SOUTH CAROLINA.

Mr. O'CONNOR also submitted a resolution requesting the Secretary of the Treasury to transmit to the House a statement of the moneys covered in the Treasury the proceeds of the sale of lands for direct taxes in the State of South Carolina; which was referred to the Committee of Claims.

COUNTING THE ELECTORAL VOTE.

Mr. SAMFORD introduced a bill (H. R. No. 2881) to regulate the manner of counting votes for President and Vice-President of the United States; which was read a first and second time, referred to the Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President, and ordered to be printed.

COMMISSIONER FOR THE DISTRICT OF COLUMBIA.

Mr. SAMFORD also introduced a bill (H. R. No. 2882) to provide for the election of a commissioner for the District of Columbia by the qualified electors thereof; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JAMES E. COBB.

Mr. SAMFORD also introduced a bill (H. R. No. 2883) to pay James E. Cobb the amount of draft on the United States in favor of George G. Cobb; which was read a first and second time, and referred to the Committee of Claims.

POST-OFFICE BUILDINGS AT OPELIKA AND EUFAULA, ALABAMA.

Mr. SAMFORD also introduced a bill (H. R. No. 2884) to provide for the erection of post-office buildings in the cities of Opelika and Eufaula, in the State of Alabama; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ADAM HARDIN.

Mr. SAMFORD also introduced a bill (H. R. No. 2885) to pay Adam Hardin for losses caused by the United States forces after the surrender in 1865; which was read a first and second time, and referred to the Committee on War Claims.

MATTHEW SPRINGER.

Mr. SAMFORD also introduced a bill (H. R. No. 2886) to grant a pension to Matthew Springer as a wounded soldier of the Mexican war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CONFINEMENT OF CONVICTED PRISONERS.

Mr. HERBERT introduced a bill (H. R. No. 2887) to provide for committing convicted prisoners to the nearest conveniently accessible penitentiary in which the sentence of the court can be executed; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. M. COOK.

Mr. HERBERT also introduced a bill (H. R. No. 2888) to place on the pension-roll the name of A. M. Cook, of Crenshaw County, Alabama, a soldier in the war with Mexico; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES T. JOHNSON.

Mr. MONEY introduced a bill (H. R. No. 2889) for the relief of the legal heirs and representatives of James T. Johnson, deceased, of Carrollton, Mississippi; which was read a first and second time, and referred to the Committee of Claims.

LOTTERIES.

Mr. MONEY also submitted a resolution calling for information concerning the carriage of lottery matter, &c., through the mails; which was referred to the Committee on the Post-Office and Post-Roads.

TIMBER SUITS, MISSISSIPPI.

Mr. HOOKER submitted a resolution calling for information from the Department of Justice as to expenses incurred and expenditures made in the prosecution of timber suits in the southern district of Mississippi; which was referred to the Committee on Expenditures in the Department of Justice.

EDUCATION OF THE COLORED RACE.

Mr. CHALMERS introduced a bill (H. R. No. 2890) to encourage and aid the education of the colored race in the several States and Territories; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

MARINE SCHOOLS.

Mr. ACKLEN introduced a bill (H. R. No. 2891) amending the act approved June 20, 1874, entitled "An act to encourage the establishment of public marine schools;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. MONROE introduced a bill (H. R. No. 2892) to provide a commission on the subject of alcoholic liquor traffic; and a bill (H. R. No. 2893) to provide against the evils resulting from the sale of intoxicating drinks in the District of Columbia; which were severally read a first and second time, referred to the Select Committee on Alcoholic Liquor Traffic, and ordered to be printed.

BOUNTY LANDS.

Mr. HILL introduced a bill (H. R. No. 2894) granting bounty lands to soldiers of the United States who served in the war of 1861; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

IMPORTATION OF MEDICINES.

Mr. HILL also introduced a bill (H. R. No. 2895) to admit free of duty barytes, chemical preparations, and medicines; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REGULATION OF STEAMBOATS, ETC.

Mr. HILL (by request) also introduced a bill (H. R. No. 2896) to protect life and property, and to prevent accidents and delaying of mails on railroads and steamboats operated by steam-power within the jurisdiction of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EXTENSION OF LETTERS-PATENT.

Mr. HILL (by request) also introduced a bill (H. R. No. 2897) authorizing the extension of letters-patent to inventors and patentees or their lawful representatives, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JURISDICTION OF CIRCUIT COURTS.

Mr. HILL also introduced a bill (H. R. No. 2898) extending the jurisdiction of the circuit court of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

QUARTERMASTERS' SUPPLIES.

Mr. FINLEY introduced a bill (H. R. No. 2899) to provide further care and protection to quartermaster supplies; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILVER CERTIFICATES.

Mr. WARNER introduced a bill (H. R. No. 2900) to require silver certificates to be paid out in lieu of coin on demand therefor; which was read a first and second time, (the first reading being in full on demand of Mr. WARNER,) referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

REDEMPTION OF NATIONAL-BANK NOTES.

Mr. WARNER also introduced a bill (H. R. No. 2901) relating to the redemption of national-bank notes; which was read a first and second time, (the first reading being in full on demand of Mr. PRICE,) referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM GAINES.

Mr. McKINLEY introduced a bill (H. R. No. 2902) to place William Gaines, late ordnance sergeant United States Army, on the retired list; which was read a first and second time, and referred to the Committee on Military Affairs.

RAILROAD TRACKS IN WASHINGTON CITY.

Mr. NEAL introduced a bill (H. R. No. 2903) requiring the removal of railroad tracks from certain streets in the city of Washington, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

REFORMATORY INSTITUTION FOR GIRLS.

Mr. NEAL also introduced a bill (H. R. No. 2904) to provide a reformatory institution for girls in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BUTTERWORTH introduced a bill (H. R. No. 2905) to amend section 1244 of the Revised Statutes of the United States, chapter 2, title 14, relating to the Army; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVAH W. HICKS.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 2906) for the relief of Alvah W. Hicks, of Cincinnati, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN REID.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 2907) for the relief of John Reid, of Cincinnati, Ohio; which was read a first and second time, and referred to the Committee on Military Affairs.

ORVILLE BURKE.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 2908) for the relief of Orville Burke; which was read a first and second time, and referred to the Committee on Military Affairs.

ELIZA WHITMORE.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 2909) granting a pension to Eliza Whitmore, widow of Seth H. Whitmore; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISABEL M'DOWELL.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 2910) granting a pension to Isabel McDowell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CORRESPONDENCE BY THE BLIND.

Mr. ATHERTON introduced a bill (H. R. No. 2911) to protect the blind from the payment of exorbitant postage on their correspondence; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

ELIZABETH MILLER.

Mr. ATHERTON also introduced a bill (H. R. No. 2912) for the relief of Elizabeth Miller; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ROYALTY ON PATENTS.

Mr. CONVERSE introduced a bill (H. R. No. 2913) to limit the amount of royalty on patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TIMBER LANDS IN CALIFORNIA.

Mr. CONVERSE also introduced a bill (H. R. No. 2914) to authorize the President to reserve from sale or other disposition certain timber lands in the State of California, and for other purposes; which was read a first and second time, (the first reading being in full on demand of Mr. PAGE,) referred to the Committee on Public Lands, and ordered to be printed.

JOHN AMMAHOE.

Mr. KNOTT (by request) introduced a bill (H. R. No. 2915) for the relief of Mohammed Kahn, otherwise John Ammahoe, late a private in Company E, Forty-third New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

Mr. KNOTT also (by request) introduced a bill (H. R. No. 2916) explanatory of an act directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe, passed June 30, 1876; which was read a first and second time, and referred to the Committee on War Claims.

THOMAS M'KINSTER.

Mr. PHISTER introduced a bill (H. R. No. 2917) for the benefit of Thomas McKinster, late captain in Company D of Fourteenth Regiment Kentucky Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COLONEL SILAS ADAMS.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 2918) for the benefit of Colonel Silas Adams, late quartermaster of the First Kentucky Cavalry; which was read a first and second time, and referred to the Committee of Claims.

JOHN WATSON.

Mr. THOMPSON, of Kentucky, also introduced a bill (H. R. No. 2919) for the benefit of John Watson, of Green County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. F. SCOTT.

Mr. THOMPSON, of Kentucky, also introduced a bill (H. R. No. 2920) for the benefit of W. F. Scott, of Pulaski County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

CUMBERLAND PRESBYTERIAN CHURCH.

Mr. CALDWELL introduced a bill (H. R. No. 2921) for the relief of the Cumberland Presbyterian church, of Russellville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JAMES BOREN.

Mr. CALDWELL also introduced a bill (H. R. No. 2922) for the relief of James Boren, of Simpson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

ALLEN COUNTY, KENTUCKY.

Mr. CALDWELL also introduced a bill (H. R. No. 2923) for the relief of Allen County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

A. GATES LEE.

Mr. OSCAR TURNER introduced a bill (H. R. No. 2924) for the relief of A. Gates Lee, of McCracken County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

R. G. P. WHITE.

Mr. WHITTHORNE introduced a bill (H. R. No. 2925) for the relief of R. G. P. White; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. HOUK introduced a bill (H. R. No. 2926) to extend the provisions of the arrears of pension act approved March 3, 1879, to pensioners under special acts of Congress; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF MILITARY ORGANIZATIONS.

Mr. HOUK also introduced a bill (H. R. No. 2927) to pay members of certain military organizations therein named; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INCOME TAX.

Mr. MCMILLIN introduced a bill (H. R. No. 2928) to levy and collect an income tax; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN FLAHERTY.

Mr. COBB (by request) introduced a bill (H. R. No. 2929) for the relief of John Flaherty, late private in Company G, Fifth Regiment of Infantry, and Company B, Second United States Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

UNITED STATES MINT, INDIANAPOLIS.

Mr. DE LA MATYR introduced a bill (H. R. No. 2930) to establish a branch of the Mint of the United States at Indianapolis, Indiana; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. NEW introduced a bill (H. R. No. 2931) amending section 3022 of Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. NEW also introduced a bill (H. R. No. 2932) amending section 740 of Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CUTLER L. DOBBINS.

Mr. HOSTETLER introduced a bill (H. R. No. 2933) granting a pension to Cutler L. Dobbins; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CARRIE G. HARRISON.

Mr. HOSTETLER also introduced a bill (H. R. No. 2934) granting a pension to Carrie G. Harrison; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARREARS OF PENSIONS.

Mr. HOSTETLER also introduced a bill (H. R. No. 2935) to amend an act entitled "An act to provide that all pensions on account of death or wounds received or disease contracted in the service of the United States during the late war of the rebellion which have been granted, or which shall hereafter be granted, shall commence from the date of the death or discharge from the service of the United States, for the payment of arrears of pensions, and other purposes;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALMIRA TINNEY.

Mr. BROWNE introduced a bill (H. R. No. 2936) granting a pension to Almira Tinney; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NAPOLEON H. RICHTER.

Mr. BROWNE also introduced a bill (H. R. No. 2937) granting a pension to Napoleon H. Richter, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FREDERICK RENT.

Mr. MYERS introduced a bill (H. R. No. 2938) to remove the charge of desertion against Frederick Rent; which was read a first and second time, and referred to the Committee on Military Affairs.

JASPER VANDUYNE.

Mr. MYERS also introduced a bill (H. R. No. 2939) to remove the

charge of desertion against Jasper Vanduyne; which was read a first and second time, and referred to the Committee on Military Affairs.

ARNO VOSS.

Mr. SPRINGER introduced a bill (H. R. No. 2940) for the relief of Arno Voss; which was read a first and second time, and referred to the Committee on Military Affairs.

CENSUS.

Mr. HAWK introduced a concurrent resolution for furnishing duplicate copies of the returns of the tenth census to State bureaus, departments, or commissions of the States and Territories by the supervisors of the several census districts; which was referred to the Select Committee on the Tenth Census, and ordered to be printed.

ISAAC N. WILLHITE.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 2941) granting a pension to Isaac N. Willhite; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OZIAS HART.

Mr. BARBER introduced a bill (H. R. No. 2942) for the relief of Ozias Hart; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M. GULLETT.

Mr. FORSYTHE introduced a bill (H. R. No. 2943) granting a pension to James M. Gullett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY A. STILGBONER.

Mr. FORSYTHE also introduced a bill (H. R. No. 2944) granting a pension to Mary A. Stilgboner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF AARON A. SHERIDAN.

Mr. HAYES introduced a bill (H. R. No. 2945) granting a pension to the heirs of Aaron A. Sheridan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MINT AT SAINT LOUIS.

Mr. WELLS introduced a bill (H. R. No. 2946) to establish a mint at the city of Saint Louis; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

EASTERN DISTRICT OF MISSOURI.

Mr. HATCH introduced a bill (H. R. No. 2947) to divide the eastern district of Missouri into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENJAMIN F. HASKINS.

Mr. CLARDY introduced a bill (H. R. No. 2948) for the relief of Benjamin F. Haskins, late private Company F, Sixteenth Illinois Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

ARREARS OF PENSIONS.

Mr. CLARDY also introduced a bill (H. R. No. 2949) to provide for the payment of arrears of pensions to the widows and minor heirs of persons who died in the United States service during the late war of the rebellion, or who have since died from wounds or injuries received or contracted in such service; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. JAMES M'CALLION.

Mr. CLARDY also introduced a bill (H. R. No. 2950) for the relief of Mrs. James McCallion, of Washington County, Missouri; which was read a first and second time, and referred to the Committee of Claims.

MRS. MARY O'LOUGHLIN.

Mr. CLARDY also introduced a bill (H. R. No. 2951) for the relief of Mrs. Mary O'Loughlin; which was read a first and second time, and referred to the Committee of Claims.

ROSETTA HART AND OTHERS.

Mr. FORD introduced a bill (H. R. No. 2952) for the relief of Rosetta Hart, late Rosetta Scoville, Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians; which was read a first and second time, and referred to the Committee on Indian Affairs.

MRS. JOHANNA M. STIFFINS.

Mr. FORD also introduced a bill (H. R. No. 2953) authorizing the Secretary of the Treasury to pay to Mrs. Johanna M. Stiffins, formerly Johanna M. McKeldie, the sum of $250; which was read a first and second time, and referred to the Committee of Claims.

A. C. LEFFORD.

Mr. GUNTER introduced (by request) a bill (H. R. No. 2954) for the relief of A. C. Lefford; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES P. REDMOND.

Mr. GUNTER also introduced (by request) a bill (H. R. No. 2955) for the relief of Charles P. Redmond; which was read a first and second time, and referred to the Committee of Claims.

H. K. DRAKE & CO.

Mr. GUNTER also introduced (by request) a bill (H. R. No. 3956) for the relief of H. K. Drake & Co., owners of the American steamer Monitor; which was read a first and second time, and referred to the Committee on Foreign Affairs.

POST-OFFICE BUILDING AT TEXARKANA.

Mr. SLEMONS introduced a bill (H. R. No. 2957) appropriating money to build a post-office in the town of Texarkana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DAVIDSON DICKSON AND OTHERS.

Mr. CRAVENS introduced a bill (H. R. No. 2958) for the relief of Davidson Dickson and others; which was read a first and second time, and referred to the Committee of Claims.

LIGHT-HOUSE ON LAKE MICHIGAN.

Mr. HUBBELL presented a joint resolution of the Legislature of the State of Michigan, asking for the establishment of a light-house at the mouth of the Monistique River, on the north shore of Lake Michigan; which was referred to the Committee on Commerce.

VALUELESS PAPERS IN POST-OFFICE DEPARTMENT.

Mr. STONE introduced a bill (H. R. No. 2959) to authorize the Postmaster General to dispose of or destroy certain valueless papers accumulated in the Post-Office Department; which was read a first and second time.

Mr. STONE. I ask that the bill be read at length.

The bill was read at length, and was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BIGAMY.

Mr. WILLITS introduced a bill (H. R. No. 2960) relating to the crime of bigamy and proof thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BIGAMY AND POLYGAMY IN THE TERRITORIES.

Mr. WILLITS also introduced a bill (H. R. No. 2961) to provide for challenges and oaths to jurors in trials for bigamy and polygamy in the Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUFFRAGE IN TERRITORIES.

Mr. WILLITS also introduced a bill (H. R. No. 2962) to further regulate suffrage in the Territories of the United States, and to fix certain qualifications for office; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF MAJOR ROBERT T. ELLIOTT.

Mr. WILLITS also introduced a bill (H. R. No. 2963) for the relief of the heirs and legal representatives of Major Robert T. Elliott, of Michigan; which was read a first and second time, and referred to the Committee on Military Affairs.

LABAN CONNOR.

Mr. BREWER introduced a bill (H. R. No. 2964) granting a pension to Laban Connor, Company E, Eighth Michigan Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JUSTUS BEEBEE.

Mr. BREWER also introduced a bill (H. R. No. 2965) granting a pension to Justus Beebee, of Company G, Eighth Michigan Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING AT GALVESTON, TEXAS.

Mr. JONES introduced a bill (H. R. No. 2966) to provide for a building for United States custom-house and internal-revenue office at Galveston, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAN ANTONIO AND MEXICAN BORDER RAILROAD COMPANY.

Mr. UPSON introduced a bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo, for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican border; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES D. GRANT.

Mr. MILLS introduced a bill (H. R. No. 2968) for the relief of James D. Grant, of Texas; which was read a first and second time, and referred to the Committee of Ways and Means.

J. M. MICOW AND OTHERS.

Mr. PRICE (by request) introduced a bill (H. R. No. 2969) for the relief of J. M. Micow and others; which was read a first and second time, and referred to the Committee of Claims.

E. E. RAWSON AND OTHERS.

Mr. PRICE (by request) also introduced a bill (H. R. No. 2970) for the relief of E. E. Rawson and others; which was read a first and second time, and referred to the Committee of Claims.

DUDLEY BUCK.

Mr. WEAVER introduced a bill (H. R. No. 2971) granting a pension to Dudley Buck, late private Company D, Thirteenth Iowa Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PURCHASE OF GOVERNMENT BONDS.

Mr. GILLETTE introduced a bill (H. R. No. 2972) requiring the Secretary of the Treasury to pay out all gold and silver coin and legal-tender and national-bank notes in the United States Treasury, not required for the current expenses of the Government, in the purchase of Government bonds; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BYRON H. HARKNESS.

Mr. CARPENTER introduced a bill (H. R. No. 2973) for the relief of Byron H. Harkness, postmaster at Humboldt, Humboldt County, Iowa; which was read a first and second time, and referred to the Committee of Claims.

MORGAN EVERTS.

Mr. CARPENTER also introduced a bill (H. R. No. 2974) for the relief of Morgan Everts; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT OF REVISED STATUTES.

Mr. McCOID introduced a bill (H. R. No. 2975) to repeal section 17 of the act of June 14, 1870, and chapter 10, title 35, of the Revised Statutes of 1878, and to remit taxes and penalties thereunder; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

GENERAL FITZ-JOHN PORTER.

Mr. BRAGG introduced a bill (H. R. No. 2976) for the relief of General Fitz-John Porter; which was read a first and second time, and referred to the Committee on Military Affairs.

CIRCUIT COURT JURISDICTION.

Mr. BOUCK introduced a bill (H. R. No. 2977) to amend section 639 of chapter 7 of the Revised Statutes of the United States, entitled "Circuit court jurisdiction;" and a bill (H. R. No. 2978) to amend sections 629 and 639 of chapter 7 of the Revised Statutes of the United States, entitled "Circuit court jurisdiction;" which were severally read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALARY OF COMMISSIONER OF PENSIONS.

Mr. CASWELL introduced a bill (H. R. No. 2979) to fix the salary of the Commissioner of Pensions; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PENSION CLAIMS.

Mr. CASWELL also introduced a bill (H. R. No. 2980) to provide for the examination and adjudication of pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-MARKS.

Mr. CASWELL also introduced a bill (H. R. No. 2981) providing a stamp tax on certain articles, and to afford incidental protection to trade-marks; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INCREASE OF PENSION.

Mr. DEUSTER introduced a bill (H. R. No. 2982) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS RINDSKOPF.

Mr. DEUSTER also introduced a bill (H. R. No. 2983) for the relief of Louis Rindskopf; which was read a first and second time, and referred to the Committee of Ways and Means.

SOLOMON SCHMENGER.

Mr. DEUSTER also introduced two bills (H. R. No. 2984 and H. R. No. 2985) for the relief of Solomon Schmenger; which were severally read a first and second time, and referred to the Committee of Ways and Means.

LAND CLAIMANTS IN CALIFORNIA.

Mr. PACHECO introduced a bill (H. R. No. 2986) to authorize the claimants to certain lands in Los Angeles County, California, to submit their claims to the United States district court for that State for adjudication; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PUBLIC BUILDING, SACRAMENTO, CALIFORNIA.

Mr. PAGE introduced a bill (H. R. No. 2987) appropriating money for the purchase of a site and erection of a building for a post-office and other Government offices in the city of Sacramento, California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS GRAHAM.

Mr. DUNNELL introduced a bill (H. R. No. 2988) granting an increase of pension to Thomas Graham; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

STEAM-VESSELS.

Mr. WASHBURN introduced a bill (H. R. No. 2989) to amend section 4414, chapter 1, title 52, Revised Statutes, concerning the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PIERS AND CRIBS ON THE MISSISSIPPI RIVER.

Mr. WASHBURN also introduced a bill (H. R. No. 2990) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

C. F. HERRS.

Mr. POEHLER introduced a bill (H. R. No. 2991) for the relief of C. F. Herrs; which was read a first and second time, and referred to the Committee of Claims.

FRANCIS C. SHANLEY.

Mr. POEHLER also introduced a bill (H. R. No. 2992) for an increase of pension to Francis C. Shanley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PAYMASTERS' CLERKS IN THE UNITED STATES ARMY.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 2993) regulating the appointment and compensation of paymasters' clerks in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. ANDERSON introduced a bill (H. R. No. 2994) to amend section 2505 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

C. H. HOWARD.

Mr. HASKELL introduced a bill (H. R. No. 2995) for the relief of C. H. Howard, postmaster at Osage Mission, Kansas; which was read a first and second time, and referred to the Committee of Claims.

INDIAN HOSTILITIES IN KANSAS.

Mr. HASKELL also introduced a bill (H. R. No. 2996) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEAMBOAT INSPECTION.

Mr. WILSON introduced a bill (H. R. No. 2997) to amend section 4458 of the Revised Statutes, in relation to steamboat inspection; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES A. PLYMIRE.

Mr. WILSON also introduced a bill (H. R. No. 2998) granting a pension to James A. Plymire, of West Virginia, late of Company K, Eighth Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PATRICK TIERNEY.

Mr. WILSON also introduced a bill (H. R. No. 2999) for the relief of Patrick Tierney; which was read a first and second time, and referred to the Committee on War Claims.

ANNA M. MARSHALL.

Mr. DAGGETT introduced a bill (H. R. No. 3000) for the relief of Anna M. Marshall, widow of Captain P. S. Marshall; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. HUNTON. Mr. Speaker, the hour has arrived at which the Committee for the District of Columbia is entitled to the floor.

The SPEAKER. This being the third Monday of the month, and the hour of two o'clock having arrived, the gentleman from Virginia, [Mr. HUNTON,] chairman of the Committee for the District of Columbia, rises to claim the floor for business of that committee. The Chair recognizes his right so to do.

Mr. BELFORD. I understood that the call of all the States and Territories for the introduction of bills and resolutions was to be completed.

The SPEAKER. There was unanimous consent that the call of States and Territories might be completed. But the Chair thinks that, in view of the positive character of the rulings heretofore given and the uniform practice of the House, the Committee for the District of Columbia is entitled to the floor absolutely at two o'clock on the third Monday of each month; and if the floor be claimed, the Chair must recognize this right. Perhaps the gentleman from Virginia may be willing to have the remaining States and Territories called.

Mr. HUNTON. The call can be just as well concluded after the business of the Committee for the District of Columbia has been disposed of. As the committee is entitled to only one day in each month, we can hardly consent to waive our right.

The SPEAKER. The gentleman from Virginia has the floor.

Mr. TALBOTT. I ask the gentleman from Virginia to yield to me for the purpose of introducing a bill for reference.

The SPEAKER. The gentleman from Virginia claims the floor.

Mr. HUNTON. I will yield for that purpose. I would ask the Chair how long it would take to finish the call of States and Territories for the introduction of bills?

The SPEAKER. There are two more States, and the Territories are to be called.

Mr. HUNTON. Will it take over fifteen minutes?

The SPEAKER. The Chair thinks it will not take ten minutes.

Mr. HUNTON. I will yield for that purpose, then.

DEEPENING THE CHANNEL OF THE SUSQUEHANNA RIVER.

Mr. TALBOTT submitted a resolution directing the Secretary of War to report to the House the cost of deepening the channel of the Susquehanna River at the port of Havre de Grace, in the State of Maryland; which was referred to the Committee on Commerce.

FORFEITURE BY UTE INDIANS.

Mr. BELFORD introduced a joint resolution (H. R. No. 154) authorizing the Secretary of the Interior to declare the rights of the Ute Indians to their reservation forfeited, if the Ute tribe shall fail to deliver up to the United States the Indians engaged in the White River and Mill Creek massacres; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. OTERO introduced a bill (H. R. No. 3001) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

NORTHWESTERN LAND DISTRICT.

Mr. BRENTS introduced a bill (H. R. No. 3002) creating the northwestern land district in Washington Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SURVEY OF LAKES UNION AND WASHINGTON.

Mr. BRENTS also submitted a resolution calling for a report of the topographical survey of Lakes Union and Washington, in Washington Territory, and that 1,000 copies thereof be printed for use of the House; which was referred to the Committee on Printing.

ASSAY OFFICE, ARIZONA.

Mr. CAMPBELL introduced a bill (H. R. No. 3003) to establish an assay office in the Territory of Arizona; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. AINSLIE introduced a bill (H. R. No. 3004) relating to justices of the peace in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ROSALIE LOUIS.

The SPEAKER. Members who were not here when their States were called will now be recognized, if there be no objection.

Mr. HUNTON. I do not object.

Mr. KETCHAM introduced a bill (H. R. No. 3005) granting a pension to Rosalie Louis, widow of Peter Louis, late private Company B, First Regiment United States Sharpshooters; which was read a first and second time, and referred to the Committee on Pensions.

BRANCH MINT, IOWA.

Mr. SAPP introduced a bill (H. R. No. 3006) to establish a branch mint of the United States at Council Bluffs, in the State of Iowa; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ANNA W. JENKINS.

Mr. WARD introduced a bill (H. R. No. 3007) granting a pension to Anna W. Jenkins, minor child of James B. Jenkins, deceased, a sailor in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL KAY.

Mr. WARD also introduced a bill (H. R. No. 3008) granting a pension to Samuel Kay, of South Chester, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SEA PAY TO VOLUNTEER OFFICERS OF THE NAVY.

Mr. WARD also introduced a bill (H. R. No. 3009) granting sea pay to volunteer officers of the Navy mustered out of service under act of Congress approved February 15, 1879; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM D. WOOD, M. D.

Mr. COVERT introduced a bill (H. R. No. 3010) granting a pension to William D. Wood, M. D., late assistant surgeon Sixty-third Regiment New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. SARAH A. HOOPER.

Mr. VANCE introduced a bill (H. R. No. 3011) granting a pension to Mrs. Sarah A. Hooper, of North Carolina; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the following bills; in which concurrence was requested:

An act (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal; and

An act (S. No. 325) for the relief of Henry Page.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 618) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. HATCH. I now present a bill, Mr. Speaker, and move to suspend the rules and put it on its passage.

The SPEAKER. The gentleman from Virginia will give attention.

Mr. HATCH. The gentleman from Virginia did not take the floor.

The SPEAKER. The gentleman from Virginia, by unanimous consent, yielded in order that the call of States and Territories for the introduction of bills and joint resolutions should be completed.

Mr. HUNTON. Yes, sir; and I now claim the floor under the rule in behalf of the Committee for the District of Columbia.

Mr. HATCH. I ask the gentleman from Virginia to yield.

Mr. HUNTON. I cannot.

EMPLOYÉS OF THE HOUSE.

Mr. YOUNG, of Tennessee. I desire to present a resolution to which I presume there will be no objection at this time.

Mr. FERNANDO WOOD. I demand the regular order of business.

Mr. YOUNG, of Tennessee. I ask unanimous consent.

The SPEAKER. The regular order of business being demanded, the gentleman from Virginia must take the floor and proceed with the business for the District of Columbia.

Mr. YOUNG, of Tennessee. Then I ask to introduce a joint resolution for the benefit of the House and Senate employés, and move its reference to the Committee on Appropriations.

The SPEAKER. That resolution should go to the Committee of Accounts. The Chair will state to the gentleman from Tennessee that the chairman of the Committee of Accounts has a report to make on that subject.

Mr. YOUNG, of Tennessee. I did not know that, and I will withdraw the joint resolution.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HUNTON. The business before the House to-day for the District of Columbia is House bill No. 2328, which was under consideration at the adjournment on the last District day. The House, as in Committee of the Whole, was proceeding to consider that bill providing for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes. They had proceeded as far as the sixth section of the bill, and were considering an amendment moved by the gentleman from Alabama, [Mr. SAMFORD.]

The SPEAKER. That is a correct statement, as appears from the Journal. The Clerk will first read the sixth section, and then read the amendment of the gentleman from Alabama, [Mr. SAMFORD.]

The sixth section was read, as follows:

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the 3.65 bonds authorized by act of Congress approved June 20, 1874, and acts amendatory thereto, as may be necessary for the payment of the judgments; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy the judgments; which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date January 1, 1879, and mature at the same time as other bonds of this issue; and for the amount found by the court to be due on any such claim interest shall be allowed from maturity of the same at the rate of 3.65 per cent. per annum; and the gross amount of such bonds heretofore and hereafter issued shall not exceed, in the aggregate, $5,000,000.

Mr. SAMFORD'S amendment was read, as follows:

Add to section 6 the following:

Provided, That the Government of the United States is in no event liable for the payment of the principal or interest of any bonds authorized to be issued under the provisions of this bill.

Mr. HUNTON. I desire, Mr. Speaker, to state my objections to the amendment offered by the gentleman from Alabama. The sixth section provides that when the Court of Claims has passed upon these claims against the District of Columbia they shall be paid in the 3.65 bonds which were authorized by an act passed in 1874, and the amendment of my friend from Alabama provides that in no event shall the Government of the United States be liable for principal or interest of the bonds to pay the claims provided for in this bill. If that amendment of the gentleman from Alabama prevails, then it puts upon a different footing that class of creditors of the District of Columbia

who were not paid by the board of audit from those who were so paid.

The history of the necessity for this legislation is to this effect: In 1874 Congress passed a law establishing a board of audit, and that board of audit was to pass upon all the claims against the old government of the District of Columbia which had just gone out by the passage of that act, and whatever claim so found by the board of audit to be just and proper was to be paid for in 3.65 bonds. In that act this provision was found:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriation as contemplated in this act, and by causing to be levied on the property within the said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, create a sinking fund for the payment of the principal thereof at maturity.

That bill, under which $15,000,000 of 3.65 bonds were issued and are now outstanding against the District government—under that bill the Government of the United States pledged its faith that it would see the proper taxes were levied, not only to pay the interest, but to create a sinking fund to pay the principal at maturity, which was fifty years from the date of the bond. If the amendment of the gentleman from Alabama prevails, which says the Government of the United States is in no sense, in no event, to be liable for either principal or interest, then it puts this class of creditors against the District of Columbia on a worse footing than those who got their claims through the board of audit.

The class of claims to be considered under this bill did not pass the board of audit, because by the act of 1876, I believe it was, Congress, having become alarmed lest the board of audit should pass fraudulent claims against the District of Columbia, dissolved the board of audit; and it left unaudited, unsettled by that board, a large class of claims against the District of Columbia, amounting to one million and some odd thousand dollars.

Those claims still outstanding against the District of Columbia are many of them supposed to be as honest as those that have already been paid; and the object of this bill is to place them upon the same footing—those that are honest and correct as those that have already been audited and paid by the board of audit under the bill of 1874. And I think, sir, that if Congress determines that these bills shall be paid, they ought to be paid in as good currency or in as good bonds as the other class of claims that went through the board of audit before it was dissolved by an act of Congress. For this reason, and to put these claims upon the same footing as the others, I do not think the amendment of the gentleman from Alabama ought to prevail.

Mr. RYON, of Pennsylvania. I desire to ask the gentleman from Virginia one question. How has the amount of these claims to be covered by this bill been ascertained?

Mr. HUNTON. We ascertain it by the report of the commissioners. I have the statement before me, and the amount, it will be recollected, is limited in the bill, the whole amount of the bonds that have been issued and can be issued under this bill, to $15,000,000. But the exact amount is $1,035,242.03, according to the report of the commission.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. HUNTON. With very great pleasure.

Mr. McMILLIN. Were not these debts originally owed by the District?

Mr. HUNTON. Certainly, sir.

Mr. McMILLIN. Will not this act, if the amendment is not adopted, make them the debt of the people of the United States?

Mr. HUNTON. No, sir.

Mr. McMILLIN. Well, then, if the bill will not have that effect, why not put the clause in which makes the thing certain?

Mr. HUNTON. The effect of the bill without the amendment will be to impose upon the Government of the United States the obligation to see that taxes are levied and money collected from the District of Columbia to pay the annual interest and to provide a sinking fund to pay the principal at maturity.

Mr. McMILLIN. Is there not some question in the minds of members of Congress generally as to whether or not the United States is bound for the principal of those bonds that have already been issued?

Mr. HUNTON. That is all the obligation on the part of the Government we can find, to see that this tax is levied and the money collected to pay the principal and interest.

Mr. WARNER. I would like to ask the gentleman from Virginia a question.

Mr. HUNTON. I will hear the gentleman.

Mr. WARNER. When was this indebtedness incurred? In what year?

Mr. HUNTON. It was incurred under the old board of public works in 1871, 1872, and 1873, when they had a legislature in the District of Columbia and a board of public works.

Mr. WARNER. Have these claims ever been rejected by any board authorized to examine and act upon them?

Mr. HUNTON. Those that are under consideration here have never been presented to any board as far as I know; and there will be a provision that where the board of audit has passed upon a claim adversely that will be excluded from the Court of Claims.

Mr. WARNER. Then I understand these claims have never been presented for payment?

Mr. HUNTON. Never been audited.

Mr. WARNER. Were they regularly presented?

Mr. HUNTON. Most of them were; a few were not.

Mr. McMILLIN. I will ask the gentleman from Virginia a further question with his permission, my desire being to get at the facts. Is not the Government, under existing law, liable for one-half of the interest on these bonds?

Mr. HUNTON. Yes, sir.

Mr. McMILLIN. Well, does not this fix the payment of the interest of the debt of the District of Columbia on the people of the United States?

Mr. HUNTON. Only one-half of it. The United States Government is liable for one-half of the annual expenses under the organic law passed in 1877 fixing a permanent government for the District of Columbia; and that act provides that the Government of the United States shall annually pay the interest on these 3.65 bonds, and be allowed for it in the computation between the United States and the District of Columbia under that organic act.

Mr. REAGAN. I would ask my friend from Virginia if that act goes beyond making the United States Government liable for the expenses of the city government, whether it makes it liable for the debt of the District?

Mr. HUNTON. It makes the United States Government liable for nothing in regard to the three-sixty-fives debt for which it was not liable under the act of 1874, to which I have referred.

Mr. McMILLIN. I think that by all manner of means the amendment that is now pending should be adopted, and I will state very briefly my reasons for thinking so. The gentleman from Virginia [Mr. HUNTON] says that the reason why he does not want the amendment adopted is that the bill as it is now framed obligates the United States or Congress to levy the appropriate taxes to meet the indebtedness. Now the amendment that is offered does not preclude that at all. It simply prevents the people of the United States from having to pay either principal or interest of the debt of the District of Columbia; which ought to be prevented. It does not seek to go further. It does not preclude Congress from, at any time, levying the tax necessary to meet the interest on these bonds. If it is the object of Congress to saddle the District debt upon the people of the United States, let us know it. If it is not, then let us adopt this amendment and put the question altogether at rest. I do not think that the amendment can do any harm; on the contrary it makes it certain that we do not want to make our constituents shoulder the burdens of other people.

Mr. NEAL. I do not think the reasons which are given by the gentleman who has just taken his seat [Mr. McMILLIN] ought to influence this House to adopt the amendment which has been proposed here. These debts were contracted when this District was governed by Congress. The board of public works and other boards which were instrumental in contracting these debts were created by Congress; the people of the District had nothing to do with them. The Government of the United States owns at least $90,000,000 of the property in this District, one-half of the property of the District. There is therefore no reason why the Government of the United States should not pay one-half of the debt, of the interest, and of the current expenses of running the government of the District.

In addition to that, the Forty-fifth Congress, in the organic law which now governs this District, provided that one-half of the current expenses and of the present indebtedness of the District should be provided for by the United States. In other words, for every dollar of tax levied upon the people of this District the Government of the United States will pay $1 out of its general treasury.

Mr. McMILLIN. Will the gentleman allow me to ask him one question?

Mr. NEAL. Yes, sir.

Mr. McMILLIN. Are you in favor of your constituents helping to pay the debt of this District and of the interest thereof?

Mr. NEAL. I am.

Mr. McMILLIN. I am not.

Mr. NEAL. I am in favor of my constituents contributing their fair proportion for the payment of one-half of the debt of this District, because my people in common with the rest of the people of the United States own one-half of the property of this District. There is no justice, there is no equity, there is nothing that appeals to a fair and candid mind that will influence me to say that the people of the United States should pay no proportion of the indebtedness of this District or of the current expenses thereof.

Mr. REAGAN. I do not wish the statement made by the gentleman from Ohio [Mr. NEAL] to go without a little further explanation. He assumes that the Government of the United States owns one-half of the property of the District of Columbia, and therefore ought to pay one-half of the taxes of the District. Now, it is true that the Government of the United States owns a great deal of realty in this District, including the grounds occupied by the public buildings and the public parks and the public grounds. It is also true that the Government of the United States takes care of and protects this property at its exclusive expense, and the people of the District are put to no expense therefor.

Now, is it to be assumed that besides the public property improved and protected for the public good and the good of the city one-half of the remainder of the property of this District is the property of

the United States? Surely such a proposition will not be assumed. Those who were in the first session of the Forty-fifth Congress will remember that in determining that the Government of the United States was the owner of one-half of the property of this District the property considered was the realty alone, to the entire exclusion of all the personal property of the city.

And in order to make the Government half-owner of the realty it was charged with the ownership of the public property, which is improved and cared for at the exclusive expense of the Government of the United States, and then it was charged with the ownership of all the streets and avenues and alleys of the city, which are common property to everybody. It was said that the title to the streets and avenues was originally in the Government of the United States, and so it was. But the streets, avenues, and alleys in this city, as in all other cities, are public property, and no particular owner ought to be charged with that property for any purpose.

The basis upon which the determination was reached to make the Federal Government pay half the expenses of this District government rested upon that patent fallacy. The personal property was excluded from consideration. No one will doubt that the personal property in this city is much more in value than the realty. Yet for the purpose of making the Government of the United States responsible for half the debts and of the expenses of the District the whole mass of personal property was excluded from consideration, and the Government was charged with the ownership of the streets, alleys, and avenues of the city.

Now, is there any justice in that? Can any member upon this floor go before his constituents, who will be called upon to pay this tax, and upon such a fallacy defend himself against the charge of injustice and oppression? Can he do it? It is true that a great many of us are removed a great way from our constituents. It may be true that a great many of our constituents do not read our proceedings here or know the character of our acts here. But there is a moral obligation, if there is no political obligation—and I think there is both a moral and a political obligation—that we should do right before the forum of conscience; that we should not tax a citizen of one part of the country for the expenses of a citizen of another part of the country.

I agree that it may be proper for the Federal Government to pay a proportion of the expenses of the government of this District on account of its being the Federal capital, and on account of the fact that a great many of the public officers reside here and have the benefits and conveniencies which flow from the improvements of the District. But when you say that because the Government owns half the realty of this city it ought to pay half the taxes, you must remember that that statement is made in view of the fact that the Government is exclusively responsible for the improvement and care of the whole of its realty, and is charged also with the ownership of the avenues, streets, and alleys of the city, and there is left out of this account the entire personal property of the District. When you consider that, it seems to me the proposition must be seen to be so monstrous that it ought to arrest attention.

Now, I am willing to do what is fair and right; but I see no reason why the citizens of the United States at large should be charged with the ordinary taxes of the citizens of the District of Columbia. On the contrary there are reasons why they should not be so charged. Millions of dollars are annually distributed here, being disbursed by the Treasury to public officials. This is a source of prosperity and growth, an element of convenience and wealth to the city. Instead of creating a ground for a charge upon the people of the rest of the Union to pay the taxes of the people here, it is an equity, it seems to me, in exactly the opposite direction. Hence it was that when the bill providing an organic law for the District was passed, I protested most earnestly against it; and whenever the question has come up since, I have endeavored to call the attention of the House to the injustice and unfairness of that bill or any other bill resting upon that basis, aiming to carry out that provision, or to go farther than the payment of the costs of the city government—the payment for gaslight, for water, for improvement of streets and alleys and avenues, the building of culverts, the provision for drainage. If we are to go beyond all this—if, after paying one-half of these expenses the people of the Union generally are to be loaded with the principal and interest of one-half the debt created by the District when it had its own government, it seems to me this goes beyond all reason and all justice.

Mr. BUCKNER. Mr. Speaker, if this were an original question—if this were a question *de novo*, as to whether this Government or Congress should assume any portion of the debt of the District of Columbia, it would be a very different question from that now presented. The simple question now, as I understand, is whether this Government shall deal in the same manner with all the creditors of this District whose claims grow out of acts of the old board of public works. Shall we treat them all alike? That is the whole question. The question is not whether the Government shall assume the payment of these debts. That question has been settled, to a certain extent, by a former Congress. In 1874 Congress passed an act for the purpose of getting rid of the odious District government—this popular government, with its Legislative Assembly, that had run up the debt of the District to millions and millions of dollars. Congress passed an act to put the District of Columbia in bankruptcy in point of fact. We appointed a District commission to govern the District, and a board of audit to determine the amount of its indebtedness. That board of audit went on and allowed a large amount of claims, and the Government of the United States by act of Congress pledged its faith that it would, by a proportional amount of appropriations and by taxation of the property of this District, guarantee to a certain extent the payment of the indebtedness for which bonds were authorized to be issued.

It is not, therefore, a question whether we shall pay this debt or any part of it, but whether we shall deal out equal justice to all creditors who have claims arising under this act of 1874.

In 1876 Congress, deeming that the board of audit had violated the law, cut short their work while they were in the midst of auditing these claims, leaving outstanding many claims which were entitled to be funded into bonds. In addition to that the District commissioners, by the construction which they had placed upon the law giving them authority, had increased the debt to a much larger extent than was anticipated. They were going on at that time doing a large amount of work. Now, here are parties having certificates which were audited by the board of audit, about which there is no dispute, and here are other parties who did work, but whose claims have not been audited. They come here now and ask that they shall be put upon the same footing precisely as those who have heretofore had their claims allowed, Congress having, in point of fact, done what amounted to a guarantee of this debt.

Now, by an amendment which I have offered to this bill it is provided that by no possibility shall these claims exceed, as I understand, the amount of $1,100,000. These claims are due to these parties as much as were the claims which have already been funded into 3.65 bonds. The simple and only question now is whether we shall deal differently with these parties whose claims are still outstanding from the manner in which we dealt with the other claimants whose indebtedness has been converted into bonds. I say that, without going into the question whether we are to pay one-half or any other portion of the debt of this District, there is no other course for us to pursue than to see that these outstanding claims are audited and, if just, paid. These claims, amounting, as I have said, to $1,100,000, are composed in part of certificates already audited by the board of audit, but never funded into 3.65 bonds, and in part of claims of parties who have done work for the District, expending their money and their labor, but whose claims were not audited by the board of audit. That is the whole case.

Mr. BRIGHT. Will the gentleman before he takes his seat allow me to ask him a question?

Mr. BUCKNER. Certainly.

Mr. BRIGHT. I find that in the act of June 20, 1874, there is a provision against the recognition of any further indebtedness against the District of Columbia.

Mr. BUCKNER. What is the gentleman's suggestion?

Mr. BRIGHT. I say that in the latter clause of the eighth section there is a prohibition against any further recognition of indebtedness on the part of the District of Columbia.

Mr. BUCKNER. I understand the gentleman. By the act of 1874, as I have said, Congress put the District of Columbia into bankruptcy. That act provided for auditing all claims of every description mentioned in the act, which is very explicit.

Mr. BRIGHT. I desire merely to get at the status of the question which is now before Congress and particularly its legal relations to the bill. For the benefit of the gentleman and of the House I beg to read a part of section 8 of the act of 1874:

> No property shall be advertised for sale or sold for the collection of any assessment authorized by the Legislative Assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor," approved on the 26th day of June, 1873, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

I understand that to be an estoppel of the issue of any further certificates of indebtedness.

Mr. BUCKNER. Oh, no, sir. Let me explain. That act merely prohibits the further issue of what were known as sewerage certificates. The very object of the act of 1874 was to settle and adjudicate all these claims against the District.

Mr. BRIGHT. I find that this bill provides for the adjudication of sewerage certificates and all other obligations and indebtedness relating as far back as 1870.

Mr. BUCKNER. Right on that point——

Mr. ALDRICH, of Rhode Island. That has been stricken out of the bill by the amendment.

Mr. BUCKNER. The amendment that was made was this: in line 13, after the word "District," to insert the following:

> *Provided*, Said Court of Claims shall not take jurisdiction of any claim against the District of Columbia which was not presented to the board of audit under the provisions of the act of June 20, 1874, and March 3, 1875, except such claims as have arisen out of contracts made with the District commissioners since the passage of said act of June 20, 1874.

That cuts out all these claims of that kind.

Mr. BRIGHT. I will call the attention of my friend from Missouri to the breadth of jurisdiction conferred in this act which provides for including all outstanding written obligations of the levy court of said District.

Mr. HUNTON. That has been stricken out.

Mr. BRIGHT. It is not in the bill now, then?

Mr. HUNTON. It is not; it was stricken out.

Mr. BRIGHT. As I understand it, then, this provision has been stricken out that the said Court of Claims shall have the same power to proceed in the same manner, &c. Now, so far as I am concerned, there is some confusion in my mind in relation to these bonds, and I should like to inquire further what character of claims are comprehended under this bill, and which are to be submitted to the jurisdiction of the Court of Claims.

Mr. BUCKNER. Under the amendments already made they comprehend, in the first place, that class of claims which were not presented to the board of audit, and, of course, no bond issued in payment of them. It includes those claims where measurements by the District engineer had not been certified, and for work then in progress, but which had not been completed, and which had not been presented to the board of audit. That is one class of claims, and it is about all; because we cut off all claims not presented according to law to the board of audit under the act.

Mr. BRIGHT. What makes the balance?

Mr. BUCKNER. The House at the extra session, in the discussion of this bill, adopted the amendment I have read, which confines the jurisdiction now to the mere allowance of those claims which constitute the class I have mentioned, certificates of the board of audit not funded in 3.65 bonds, and where the measurement of the engineers had not been made on work then progressing. Those are all the items which can be audited.

Mr. BRIGHT. How as to these levy claims? I should like to hear some explanation of them.

Mr. BUCKNER. They are expressly cut out in the bill.

Mr. BRIGHT. I understand the gentleman to say they are cut out.

Mr. BUCKNER. Yes, sir; and the court will have no jurisdiction over them.

Mr. BRIGHT. I wish to say, then, if I understand the object of this bill, it is simply to open the act of 1874 and the act passed in amendment thereto, in order to let in the class of claims provided for in this bill; and in order to test their validity, a jurisdiction has been provided the Court of Claims; to which they shall be referred.

Mr. LOUNSBERY. Mr. Speaker, the exact point presented by the amendment of the gentleman from Alabama has not been met by the debate thus far. The question presented, as I understand it, is simply this: is the United States Government or the District of Columbia the debtor in these bonds? I understand the amendment as presented to be a declaration that the United States Government is not the debtor, but that the District of Columbia is. I am in favor of that position, and it is, in my judgment, a most important one. It is a question that ought to be set at rest and settled now by this House and by this Congress, because if it be determined that the United States Government shall be the debtor—that is, that it shall be liable to pay this debt of the District of Columbia—then let us determine that definitely, so there shall be no doubt or debate upon the question hereafter, and that the creditor lending money for the cancellation of this indebtedness may know that it is being loaned upon the credit of the Government of the United States and not the credit of the District of Columbia. For I believe, Mr. Speaker, that the Government of the United States can borrow money at a cheaper rate of interest than the District of Columbia, and if it is to be the real debtor on the bond let it be so understood and so declared now, in order that we may have the advantage of the loan of money at a less rate of interest.

I am not now, Mr. Speaker, committing myself upon the question whether I should be in favor of the United States assuming this liability of the District or not, but simply desire to have the question presented by the pending amendment so distinctly brought to the attention of the House that it may be enabled to vote understandingly upon it. At the last session of Congress, while this bill was pending, I asked the honorable gentleman from Virginia, the chairman of the committee reporting this bill, whether it was the fact that the United States Government was the debtor upon these bonds. And I understood him to say to the House, and I understood also from other gentlemen of the committee, that under the law the United States Government was not the debtor, but that the obligation rested exclusively upon the District. If that be so, it should now be distinctly declared by this House, so that in the future there may be no question about it.

Mr. GARFIELD. Mr. Speaker, I do not wish to intermeddle in this debate, so far as details are concerned, because I am not familiar with them, and therefore I shall not contribute anything to the enlightenment of the House as to the particular items of this debt. But, sir, some things have been said by gentlemen who have spoken which seem to me to indicate a drift of opinion that this is like any other city, and ought to govern its own interests and pay its own expenses just as the city of Buffalo or the city of Detroit ought to do. I want to call gentlemen's minds to a fact which makes this city stand alone among all the cities of the world. There never was a body of men who would have located or laid out a city as Washington was located or laid out for merely ordinary city purposes. No such thing as this was ever seen on the globe as the location of a city with avenues so broad, so far-reaching, and developed as they are here about the site of this building and the site of the Executive Mansion, making the radii of a wheel or circle for the purpose of defense in case the Capitol or Executive Mansion should ever be assailed.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. BLOUNT. I wish to ask the gentleman from Ohio whether he does not think a community would organize this city on the plan it has been organized if the consideration were the Federal capital, and the millions of dollars which are now spent here were to be spent upon it?

Mr. GARFIELD. Not at all. I will say on that subject what I think will answer the gentleman from Georgia. This city was laid out because a very great event had occurred where Congress was sitting. The revolutionary army became mutinous because they did not have their pay—what had been promised them—and there was such a terror at one time it was thought unsafe to continue the Congress longer in session at that city. An appeal was made to the authorities of the city, but they could do nothing. Appeal was made to the authorities of the State, but they could do nothing. The Congress was there, pilgrims and strangers and guests in a city that could not defend them, and in a State that could not defend them. Now, therefore, the fathers said a situation of that kind requires that we shall have a territory and district of our own, over which no State, no mayoralty, or no city organization can have any control whatever, except what it derives from us. That was the origin of creating a district ten miles square, or less, in which the government should be solely vested in the Congress of the United States, in order that Congress should be as supreme there as it would be on the very floor of its Capitol.

That was the reason, then, of the establishment of this District; and when it had been established under the direction of Washington, whose far-sighted wisdom has marked with his finger-marks all this District, remembering what had occurred in Paris, where they had seen barricades, and mobs, and menace about the Corps Legislatif, he directed his French engineer to lay out this city as you see it, with great diagonal avenues radiating like the spokes of a wheel all about this Capitol, so that if the time should ever come when we were menaced by a mutiny or mob we might fill these great avenues with our artillery to protect the Legislature of the nation, and do the same around the Executive Mansion to protect the President of the United States.

These broad avenues, then, were laid out for the United States, and not for the expectant populations which would stay here. What people of the globe, settling for commercial purposes, would lay out an avenue like that of Pennsylvania avenue, or Massachusetts avenue, or any of the other great avenues of this city? What broad-minded statesmanship can come in and say: let this people pay all the vast expense of this capital? Let it be remembered that this is the only city on the round globe in which the Government owns the fee-simple to every foot of every street and avenue in it. We could to-day, if we pleased, pass a law which should build a solid block of buildings from the western foot of this Capitol to the Treasury, filling either side of the whole of Pennsylvania avenue with buildings, or to make it a canal, and not one man living along the street would have any lawful recourse against us except as we choose as a mere matter of mercy to give it. The citizens who own property on our streets do not own to the middle of the street; they do not own even an easement on the street, except the grace of the imperial power of Congress within this District grants it to them.

Mr. REAGAN. Will the gentleman yield to me to ask him a question?

Mr. GARFIELD. Let me finish what I was about to say. And therefore when gentlemen talk about this as an ordinary city with ordinary assessments, an ordinary people, (and remembering furthermore a large share of the people living here are only accidental and temporary residents,) I say, therefore, it places this city of Washington altogether out of the category of ordinary municipal governments.

When I first came here Congress had treated this city very much as a capricious step-mother would treat an orphan child committed to her charge. Sometimes the capital was helped by Congress, sometimes it was harshly and severely neglected, sometimes a bill was gotten through on the petition of some citizens allowing a certain street to be graded in a certain way and the people graded that street eight, ten, or twelve inches higher than the grade of the neighboring street. There had been no order. There had been no unity. There had been no regularity; but at last we have gotten what I believe to be in this capital now about the best form of municipal government which has ever been devised, a government by commissioners whose legislative power is given to them by Congress. We cannot "farm out" as we tried to do once before legislation for this District to any one else than ourselves; our legislative power cannot be delegated. We must therefore legislate for this District and we must legislate for it in that broad-minded way that the history of the city requires us to do.

One word more and I am done. Up to a few years ago there had been no order, no agreement, no understanding. If a street was to be paved the citizens paid for it and then petitioned Congress to pay for that portion of the pavement which lay in front of a public square or a post-office or other public building on the same street, and it depended altogether upon the graciousness of Congress whether it would pay for that part or leave it unpaid.

Now, at last we have settled down upon an equitable arrangement—it may not be just the most equitable—but an arrangement by which a certain per cent. of all the expenses of running this municipal government shall be paid by the nation that owns so much of the property in the District, and the rest shall be paid by assessments made by general law upon the private property-holders in the city. Now, that is the only decent, just, equitable mode of settling the relations between the nation and those who live here as private citizens. I am not saying now that the adjustment is the exact per cent. that it ought to be; but that it should be a fixed per cent. whereby the laws that govern the people of this District shall be understood to be fixed and regular and not depend upon the daily caprice of what one Congress and another may do is to my mind as clear as any proposition in the world. I am glad to say that the gentlemen who have the thankless task of attending to the interests of the District of Columbia—for it is always more or less an onerous and thankless burden—are determined to carry that principle through and are generally carrying it through in their legislation; and I hope that we who live in remote parts of the country will not treat this committee as we have in times past so often treated them, as a sort of intruders, as men who are trying to make our citizens a thousand miles away pay for something they had no interest in.

The people of my district have an interest in every brick, every stone, every ton of iron, every nail in every public building in this city. It is the capital of a nation, and not a city that is the mere pensioner upon the country of an indulgent Congress. I am glad this committee has stood upon these doctrines, and in so far as this bill conforms to them I am with them for the bill, although, as I said at the outset, I know nothing about the details.

Mr. REAGAN rose.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] desires to ask the gentleman from Ohio a question. Does he yield for that purpose?

Mr. REAGAN. I will not trespass upon the gentleman's courtesy. I thought he was through. I desire to reply to the gentleman from Ohio.

Mr. GARFIELD. I have finished what I desired to say.

Mr. REAGAN. The gentleman from Ohio brings his great ability to support what I believe to be a measure of absolute injustice, and he rests his advocacy of this measure upon a legal proposition which he stated in his discussion of this subject—that is, that the Government owns the streets, alleys, and avenues of this city and may block them all up at any day it pleases. It may be my fault that I do not know whether the distinguished gentleman is a lawyer or not. If I knew he were I would not make the remark I am going to make. If he is not, then I say there is not a respectable lawyer, in my judgment, in America who will risk his reputation on such a statement as he has made—that anybody, Government or private individual, has a right to interfere with the ownership of private property and the use of the public highways of this city by blocking up the streets.

Mr. HUNTON. If the gentleman from Texas will allow me, I desire to inform him that the court has so decided. [Laughter.]

Mr. REAGAN. Before I accept a statement so broad as that, I should like to see the decision on which it is based. There may have been contingencies in which something of that kind has been said; but I do not believe it can be true that owners of private property on the streets and avenues of Washington hold that property at the mercy of somebody else, as to its value and its use. Can it be that the laws will encourage the ownership and possession of property in fee, giving the absolute ownership to the citizen, and then that this citizen, contrary to all law, shall be deprived of the value of that property without just compensation by the Government if the property be taken for public uses? In answer to that question I refer to the provision of the Constitution that no private property shall be taken except for public uses, and not then without just compensation. What is the difference between confiscating the property itself and destroying its value and use? If there is meaning in that provision of the Constitution, if the law may be relied upon to protect a citizen in the possession and use of his property, by what rule of reason, by what principle of law, by what doctrine of the Constitution, can we destroy the use of private property in the hands of a private individual without just compensation rendered by the Government?

I admit, sir, that for public uses we may take away or destroy private property on paying just compensation therefor. But the advocacy the gentleman from Ohio makes of the distribution of the relative amounts the Government and the people of this District shall pay for the expenses of the District is made to rest on the legal fallacy to which I have alluded, and in my judgment, I repeat again, no lawyer of respectability would risk his reputation by assuming that doctrine, and no court could pronounce or enforce it without violating distinctly and plainly the provisions of the Constitution.

That is one point of which the gentleman spoke. I do not propose to follow him in going back to the causes which led to the selection of this city as the capital of the United States. That is not necessary for the purpose now. The other point on which the gentleman dwelt was that he was for some percentage being paid by the Government for the support of the government of the District of Columbia. I take it the gentleman was perfectly safe in that proposition, for I do not suppose there is one member of this House that is not in favor of the Government paying a reasonable percentage of the expenses of the District. That is not the question involved here. No one claims that the Government should pay none of the expenses. The question is, what portion should we pay?

And I was in hopes that the gentleman, with his massive intellect and great experience, would have given us the benefit of his knowledge and information upon this interesting but controverted point, the precise point in issue before this House.

I have assumed that the percentage allowed was, under the circumstances, unjust, and that the mode pursued in ascertaining that percentage was flagrantly unjust. I myself feel, all of us feel, that the General Government should pay some proper percentage of the expenses of this District. But when it is said that the Government shall pay one-half of the expenses of the District, and when the entire personal property of the District is excluded from the estimate on which that percentage is based; when the Government must at its own expense improve all its property, the District not paying one cent for the beautifying and adornment of the public grounds or the grounds that surround the public buildings in this city—the Federal Government from its own Treasury pays every dollar of that expense, the District paying not one cent of it—when the Government pays all the expenses of improving the public grounds, and the fact that it is the owner of those grounds is used as an argument why it should pay one-half of the expenses of the city government, and it seems now one-half of the debts of the city also, it seems to me that is entirely unjust.

And when we ask where its half of the property exists, we are told that it consists of the streets and avenues and alleys which are common to every property-holder in the city and in which every property-holder has a vested right. It might as well be said of the original owner in fee of any tract of land on which a town or city may be laid out that because he was the original owner of that land he would have the right to close up the streets of that town from the use of the subsequent vendees, although they had a title in fee and although the law provides an easement for every owner over every public highway from his property to the outer world.

Now, if there had been a fair estimate of property in this District, if the whole property of this District had been considered, if the proper proportion of the Government had been ascertained without a fictitious arrangement which violates our plain and known knowledge of the facts, it seems to me it would have been better when we come to reason upon this subject. But what is proposed? It is proposed that because the Government owns and has aided in improving the streets and avenues of this city, therefore it shall pay the taxes of the private property-holders whose property is not brought into the estimate at all. How many millions of personal property is there in this city? Yet not one dollar of that property is estimated. Why should we make the people of the country at large pay the taxes of the people of this city, because the Government of the United States owns and aids in improving the streets and alleys which form easements for and is for the benefit of the citizens of this District?

That was the objection I had to this bill. I think the proportion is too high. It seems to me that when we provide for the Government of the United States paying one-half of the expenses of lighting this city, and certainly private citizens have more than three-fourths of the benefit of it; and when we provide that the Government shall pay one-half of the expenses of watering this city, and certainly private owners secure more than three-fourths of the benefits of that; and when the Government must pay one-half of the expenses of improving all the streets, avenues, and alleys, and certainly private individuals enjoy not less than three-fourths of the benefit of them; and when we provide that the Government shall pay one-half of the expenses of the sewerage of this city, and no one will pretend that the Government enjoys more than one-fourth of the benefit of that; and when we provide that in addition to all that it shall pay one-half of the current expenses of the government, including interest on the debt, it seems to me that is too much. That is supplemented by a proposition to fasten upon the Government of the United States a debt created without its authority, without its agency, and by other people. That it seems to me is a violation of every rule of right and reason, and a course of action which no man can go before his constituents and justify.

Mr. COX. I do not undertake to oppose this special section. I suppose that if some men have been paid their claims, others ought to be paid, on a principle which I will not now enunciate.

But I fully agree with the last remark that fell from my distinguished friend from Texas [Mr. REAGAN] concerning the percentage which has been fixed for the expenditures of this District, providing that the National Legislature—the National Legislature with a large N—shall pay one-half of those expenses. Since gentlemen on the other side have come into power they have been bringing into and crystallizing that principle for the government of this District. Now, I never agreed to it. Why should the United States Government be bound to pay one-half of the expenses of this District?

The District authorities here can create an indebtedness. Does my friend from Ohio [Mr. GARFIELD] know that the District authorities here may create the indebtedness, both current and permanent, and we are bound to pay the bill without even the consent of our constituents? That is all wrong. The Government is unwilling, unadvised, a mere looker-on; yet for any purpose—for police, for sewerage, for pavements, for everything that is done here—all the Federal

Government is able to do is to look on, with the poor privilege of sometimes saying, "You may take one-half, since you cannot take all."

Now, Mr. Speaker, it is time that this thing should be fixed. I am tired of making my protest against giving to Washington City its magnificence and its splendor at the expense of our own constituents. Why, sir, when I represented the old Columbus metropolitan district we never thought of asking Cincinnati or Cleveland to assist us in paying our expenses for police, for gas, for sewerage, or anything of that kind. No one in New York City thinks of helping Albany in its local taxation. Yet the whole of the United States is called on again and again to pay one-half of the indebtedness of this District contracted without our consent.

I know this city is getting to be splendid, palatial, magnificent. I know people will erect monuments to those who have made this city grand, glorious, peculiar—the capital of the Nation with a large N. I know, further, that with all this splendor, all this magnificence, all this paradise of avenues and trees and flowers, "the slime of the serpent is over them all."

Mr. ALDRICH, of Rhode Island. Mr. Speaker, the eloquence and arguments of the gentleman from New York [Mr. COX] and the gentleman from Texas, [Mr. REAGAN,] if they have any force whatever, should be addressed to legislation looking to the modification or repeal of the act establishing a permanent form of government for the District of Columbia. They have no proper place in the discussion of this bill. What is the proposition before the House upon which we ask a vote? It is a bill providing that certain claims against the District, some of which are conceded by the commissioners and by everybody upon this floor, so far as I know, to be just, shall be submitted to the jurisdiction of the Court of Claims; and providing, further, that such sums as the Court of Claims shall adjudge to be due upon these claims shall be paid by the commissioners of the District in precisely the same way as similar claims have been paid by them heretofore, namely, by the issue of 3.65 bonds of the District.

Now it is claimed by the gentleman from Alabama [Mr. SAMFORD] and those supporting his amendment that the obligation or liability of the United States is increased by this bill. Sir, the nature and extent of the obligation of the United States were fixed by the original bill providing for the issue of these bonds; and this bill does not propose to modify or change, to lessen or increase it in any way. As I have said, it merely proposes to pay a certain kind of claims in the same manner and with the same kind of bonds as other claims of similar character have been paid heretofore. The obligation of the United States is explicit. The language by which it is defined is as follows:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, create a sinking fund for the payment of the principal thereof at maturity.

This we do not propose to change. On the contrary, if the pending amendment prevails we shall have a class of bonds nominally of the same issue but really of different tenor and security. If gentlemen are so anxious to change the form of government of this District I submit it will be better and more manly for them to do it by a bill for that purpose than to attack it in this indirect manner.

The SPEAKER. The question is on the amendment of the gentleman from Massachusetts [Mr. CLAFLIN] to the amendment of the gentleman from Alabama, [Mr. SAMFORD.]

The amendment of Mr. SAMFORD was read, as follows:

Amend section 6 by adding:
Provided, That the Government of the United States is in no event liable for the payment of the principal or interest of any bonds authorized to be issued under the provisions of this bill.

The amendment of Mr. CLAFLIN was read, as follows:

Strike out the words "or interest."

The SPEAKER. The effect of this amendment is to make the United States responsible for the interest but not for the principal.

The amendment of Mr. CLAFLIN was not agreed to.

The question being taken on the amendment of Mr. SAMFORD, there were—ayes 71, noes 80.

Mr. LOWE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 117, not voting 91; as follows:

YEAS—83.

Atherton,	Cook,	Harris, John T.	Morrison,
Blackburn,	Cox,	Hatch,	Morse,
Blount,	Cravens,	Herbert,	Murch,
Bouck,	Culberson,	Herndon,	Nicholls,
Brewer,	Davis, Joseph J.	Hostetler,	Persons,
Bright,	Davis, Loundes H.	Houk,	Phister,
Burrows,	Dibrell,	House,	Poehler,
Cabell,	Dunn,	Hutchins,	Reagan,
Caldwell,	Elam,	Kitchin,	Richardson, J. S.
Chalmers,	Evins,	Knott,	Richmond,
Clardy,	Felton,	Lounsbery,	Rothwell,
Clymer,	Finley,	Lowe,	Samford,
Cobb,	Ford,	Martin, Benj. F.	Sawyer,
Coffroth,	Forney,	McKenzie,	Scales,
Colerick,	Geddes,	McMillin,	Simonton,
Converse,	Gunter,	Mills,	Singleton, O. R.
Springer,	Tillman,	Vance,	Whitthorne,
Steele,	Townshend, R. W.	Waddill,	Williams, Thomas
Stevenson,	Turner, Oscar	Warner,	Willis,
Thompson, P. B.	Turner, Thomas	Wellborn,	Wise.
Thompson, Wm. G.	Upson,	Wells,	

NAYS—117.

Aiken,	Dunnell,	Klotz,	Ryon, John W
Aldrich, N. W.	Einstein,	Ladd,	Sapp,
Aldrich, William	Ellis,	Lapham,	Shallenberger,
Anderson,	Farr,	Lindsey,	Shelley,
Armfield,	Field,	Manning,	Sherwin,
Bailey,	Forsythe,	Martin, Edward L.	Slemons,
Baker,	Frye,	Martin, Joseph J.	Smith, A. Herr
Ballou,	Godshalk,	Mason,	Speer,
Barber,	Goode,	McCoid,	Stone,
Bayne,	Hall,	McCook,	Taylor,
Beale,	Harris, Benj. W.	McKinley,	Thomas,
Beltzhoover,	Haskell,	Miller,	Townsend, Amos
Bicknell,	Hawk,	Mitchell,	Tyler,
Blake,	Hawley,	Monroe,	Updegraff, J. T.
Bowman,	Hayes,	Morton,	Updegraff, Thomas
Briggs,	Heilman,	Muldrow,	Van Aernam,
Brigham,	Henderson,	Neal,	Voorhis,
Browne,	Henkle,	New,	Wait,
Buckner,	Hiscock,	Norcross,	Ward,
Calkins,	Hooker,	O'Connor,	Washburn,
Camp,	Horr,	O'Reilly,	Whiteaker,
Cannon,	Hubbell,	Osmer,	Wilber,
Carpenter,	Humphrey,	Overton,	Williams, C. G.
Claflin,	Hunton,	Page,	Willits,
Conger,	Hurd,	Phelps,	Wood, Walter A.
Daggett,	Johnston,	Prescott,	Wright,
Davis, George R.	Joyce,	Price,	Young, Casey.
Davis, Horace	Keifer,	Reed,	
Deering,	Kenna,	Robinson,	
De La Matyr,	King,	Russell, Daniel L.	

NOT VOTING—91.

Acklen,	Dick,	Ketcham,	Robertson,
Atkins,	Dickey,	Killinger,	Robeson,
Bachman,	Dwight,	Kimmel,	Ross,
Barlow,	Errett,	Le Fevre,	Russell, William A.
Belford,	Ewing,	Lewis,	Ryan, Thomas
Berry,	Ferdon,	Loring,	Singleton, J. W.
Bingham,	Fisher,	Marsh,	Smith, Hezekiah B.
Bland,	Fort,	McGowan,	Smith, William E.
Bliss,	Frost,	McLane,	Sparks,
Boyd,	Garfield,	McMahon,	Starin,
Bragg,	Gibson,	Miles,	Stephens,
Butterworth,	Gillette,	Money,	Talbott,
Carlisle,	Hammond, John	Muller,	Tucker,
Caswell,	Hammond, N. J.	Myers,	Urner,
Chittenden,	Harmer,	Newberry,	Valentine,
Clark, Alvah A.	Hazelton,	O'Brien,	Van Voorhis,
Clark, John B.	Henry,	O'Neill,	Weaver,
Covert,	Hill,	Orth,	White,
Cowgill,	Hull,	Pacheco,	Wilson,
Crapo,	James,	Pierce,	Wood, Fernando
Crowley,	Jones,	Pound,	Yocum,
Davidson,	Jorgensen,	Rice,	Young, Thomas L.
Deuster,	Kelley,	Richardson, D. P.	

So the amendment was disagreed to.

During the vote the following announcements were made:

Mr. COVERT. I am paired with Mr. RYAN, of Kansas.

Mr. SAWYER. My colleague, Mr. FROST, is paired with Mr. DICK.

Mr. BRAGG. I desire to withdraw my vote, as I understand I am paired with Mr. ROBESON, of New Jersey.

Mr. MYERS. I am paired with Mr. COWGILL, of Indiana.

Mr. HERBERT. My colleague, Mr. LEWIS, is absent from the House on account of sickness.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with my other colleague, Mr. FISHER.

Mr. DEUSTER. I am paired with my colleague, Mr. POUND.

Mr. WILBER. I am paired with Mr. SMITH, of Georgia, on political and financial questions; I do not consider this either, and therefore I shall record my vote.

Mr. KETCHAM. I am paired generally with Mr. EWING, of Ohio, and if he were present I should vote "no" on the pending amendment.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SPARKS, is paired with my other colleague, Mr. FORT, both being absent attending the funeral of Mr. Lay, of Missouri.

On motion of Mr. ALDRICH, of Rhode Island, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HUNTON moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question next recurs on the sixth section.

Mr. SAMFORD. Is further amendment in order?

The SPEAKER. It is.

Mr. SAMFORD. Then I offer the following amendment.

The Clerk read as follows:

At the end of the sixth section add the following:
Provided, The bonds issued by authority of this act shall be of no more binding force as to their payment on the Government of the United States than the 3.65 bonds issued under the authority of act of June 20, 1874.

Mr. SAMFORD. I understand there will be no objection to that. The only object I have in introducing that amendment is that the vote which has just been given may not be taken to be a legislative construction of the validity of these bonds. There is some question,

sir, as to the act of June 20, 1874—a well-grounded difference of opinion—as to the liability of the Federal Government in reference to these bonds.

The amendment I offered a few moments ago having been voted down would leave these bonds open to the construction that the Legislature had them under advisement, and the Federal Government was responsible, not only for the principal, but for the interest. I do not desire the House to be committed to any such construction as that, and therefore I have offered the amendment that they shall be binding on the Government simply to the extent that the original bonds are.

Mr. BLOUNT. I move, *pro forma*, to strike out the last word of that amendment. So far as the details of this bill are concerned, I have not given a great deal of attention to them, and my purpose in rising is not to discuss them. But, sir, like the gentleman from Texas, [Mr. REAGAN,] I do feel that a gross injustice is done to the people of the United States outside of the District, because of the amount they are compelled to expend under present legislation in the support of the government of this city of Washington. The gentleman from Ohio [Mr. GARFIELD] in his remarks was exceedingly clear in many of his statements, especially those in which he said this capital was different from any other city in the world—different from that of any in the United States—and therefore it was absurd to insist that the people here should pay the entire expenses of the government of this District. I say it was exceedingly clear, but the main element of its perspicuity arises from the fact that the statements have never been controverted and never will be by any one in the House, for, sir, we all agree that it stands upon a different footing from any other city in this Union, from any on earth, and that some portion of the expense should be shared by the whole country.

But the gentleman from Ohio commenced his speech by invoking the name of Washington, in connection with the laying out of this humble city as it was in the beginning. Why, sir, mobs in various cities, during our struggle for independence, had been seeking to intimidate Congress in legislation. Mobs in Philadelphia especially had drawn attention to this matter, and it became a consideration of prime importance in the minds of the public men of the country—in the minds of all the members of Congress—not of General Washington alone, but on the part of all of our public men, that the Federal Legislature should be removed from the great cities and placed at a distance from the centers of manufacturing industries, in a quiet, retired place which should be selected and which should be under the absolute control of the Federal Government in order that Federal legislation might be free and untrammeled. A commission was appointed, engineers were selected; and the gentleman does injustice to the scientific men who proposed the plan of this city to ascribe it to General Washington, who simply did what was his duty in communicating that plan to the two Houses of Congress, when it was adopted.

But the gentleman, if he seeks lessons of wisdom for our action here by going back to the fathers, and especially to General Washington himself, ought not to have stopped where he did. I have before me a carefully prepared statement of the expenditures made by the people of the United States for the city and District, from 1800 down to 1871. Why, sir, it would seem almost astounding, in the midst of the eloquence with which we are accustomed to be treated in relation to the debts of this District, when I state the amount of money expended during those seventy-one years, that is from 1800 down to 1871. We find the total amount was only $1,002,785.52. In detail it is as follows:

Statement of expenditures on account of improvements of avenues and streets in the city of Washington, from 1800 *to* 1871, *inclusive.*

Year.	Amount.	Year.	Amount.
1800	$10,000 00	1856	$7,229 58
1823	5,000 00	1857	17,500 00
1824	5,000 00	1858	15,000 00
1832	60,000 00	1859	6,550 00
1833	76,680 00	1860	3,000 00
1834	9,233 70	1861	13,518 87
1838	2,280 00	1862	3,300 00
1842	12,000 00	1863	11,846 13
1843	3,933 26	1864	13,223 66
1846	10,000 00	1865	8,926 58
1848	16,000 00	1866	56,841 88
1849	3,754 11	1867	72,993 69
1850	26,280 50	1868	20,100 00
1851	44,845 64	1869	321,575 00
1852	36,277 33	1870	2,051 76
1853	15,329 37	1871	10,000 00
1854	36,933 77		
1855	17,666 69	Total	1,002,785 52

I have also before me, Mr. Speaker, the report of the commissioners of the District of Columbia, under date of November 26, 1879. How stand the expenditures on the part of the Government in this District during the past year? How do the expenditures for 1879, one year, contrast with the amount of expenditures for the seventy-one years from 1800 to 1871? How do they contrast now with the expenditures of our fathers in the days of virtue, in the days of those great exemplars whom we are told in our action here we should imitate? This report from the office of the commissioners of the District of Columbia is addressed to the President. The receipts into the treasury of the District of Columbia from all sources for the year ending June 30, 1879, are stated to be $3,467,665.52. Appropriations by Congress for general expenses are put down at $1,716,533.23; but in addition there are special appropriations for filling canal; for food, medicine, and medical attendance for poor; water rents and taxes and trust funds, amounting to $134,602.88, or nearly $2,000,000 out of the $3,467,665.52 appropriated by Congress. And this is for a single year. More than one-half of the total sum was paid by the people of the United States. They paid a larger sum than was expended by Congress for the support of the government of this District from 1800 to 1871.

The days of patriotism, perhaps, have grown apace. The time of enterprise came. It came to New York City; it came to Washington City, and the real-estate pool, and rings, and plunderers of the Treasury came upon the scene. Then were gathered and furnished to Congress all the special pleadings which could be urged for extensive appropriations, and nothing but the very excesses committed so arrested the attention of the country that it struck down the old District government. During the Forty-third and Forty-fourth Congresses, while these matters were fresh in the public mind, it was impossible to bind the people of the country to such appropriations, to such proportions of expenditure as we have now established. Time went on, and through the special pleading of men about the corridors of this Capitol, parties interested, there was a one-sided view presented, and, as the gentleman from Texas says, we are now bound to the payment of one-half of the expenditures of this city government.

Because, forsooth, in the original grant this fee-simple right to the streets was reserved to the Federal Government; because it was the policy of Congress to see its territory should remain absolutely under its control, this fact has been seized upon, that these streets which are designed principally for the convenience of the business of this city belong in fee-simple to the Federal Government, is thrust constantly into our faces as evidence that, owning the property, we are under obligation to pay the enormous sums of money which have been called for.

But greater danger has yet to come. When these questions were up in Congress I have seen, as other members have seen, capitalists interested in real estate here crowding about the lobbies. There was once a greater check upon extravagant expenditure—the heavy burden of taxation established a sort of conservatism, but under the principle laid down by the law, in reference to which this city is different from any other in the United States, the people bear but one-half of the burden of taxation, and hence the greater inducement on their part to extravagance in carrying on the affairs of this District. I know not what schemes are ahead of us; I know that circumstances are inviting, and I fear that the time will come, when this city, instead of being the modest capital of a republic, will far surpass in grandeur the capitals of the great kingdoms and empires abroad. There is danger, in my opinion, because of the fact that this Government is bound to the payment of one-half of the expenditures, and it may be that hereafter expenditures may reach a point when those which now excite our complaint will bear the same proportion to the expenditures on the part of the Government in 1879 that the expenditures for that year bear to those for seventy-one years from 1800 to 1871, exceeding in that year, as I have said, the expenditures for the whole period from 1800 to 1871, or for seventy-one years.

I would be glad, sir, if it were proper that this matter here now were in a condition to be discussed from several other stand-points; but, as it is, I am indebted to the courtesy of the gentleman from Virginia for the little time I have occupied. The object I have had in view was to unite my voice with that of the gentleman from Texas in protesting against the absurd and grotesque proposition that we should be bound for one-half of the burdens of taxation that are to be imposed for this District.

Mr. NEAL. Mr. Speaker, the remarks of the gentleman from Georgia would be very proper if we had under consideration an amendment to the act of Congress organizing a government for the District of Columbia; but they have no application to the amendments nor to the bill now before us.

Mr. BLOUNT. I should like to ask the gentleman a question. If they are proper and there is any force in them, is it not time we were providing for a repeal of the very law out of which the necessity for the passage of this proposition originated, so that by such a repeal the people of the United States should be put on a fair and proper footing?

Mr. NEAL. I will answer the gentleman in the course of what I have to say. Governments for the District of Columbia organized by Congress, in which the people had nothing whatever to say, have created this indebtedness which it is proposed shall be audited and paid. The people were not consulted in regard to them, and there is nothing, therefore, fair or honest in saying that they shall be responsible for debts which they could never have created had the power been given to them or the poor privilege accorded to them to say whether or not they should have been created.

I wish to reply briefly to some of the remarks which the gentleman from Texas made on the amendment which was considered prior to the one now pending. These debts, Mr. Speaker, were for sewer

and for street and avenue improvements, in which the people of the United States were just as much interested as the people of the District. It is true, as the gentleman has stated, that assessments were made on the public property, but it is also true that like assessments were made on the property of the people of this District, and they have paid them exactly as the Government of the United States has paid its assessments. But these debts were created for general purposes, purposes for which the property of the United States was just as much benefited as that of individuals, and it is therefore entirely right, and there is a moral obligation resting on us, to provide for payment in such way as that the people of the United States shall pay at least the proportion that their property bears to the entire property of the District.

I shall not undertake myself to say what the public property in the District is worth, but I have here, Mr. Speaker, the statement which was made by the honorable and distinguished gentleman from Georgia, [Mr. STEPHENS,] who I am sorry is not present to-day, at the last session of Congress when this bill was under consideration. He said:

The public property within this city amounts to at least $90,000,000.

Now, then, there was an assessment of the property of the people of this District made within the past year, and the entire assessment of the real and personal property of the people of the District was less than $100,000,000. So that the statement I have made that the public property of the District is equal to one-half the entire property of the District is not very far out of the way. If that be the case, it is nothing more than just, nothing more than right that the public property should bear one-half the burdens.

But that is not the question which fairly comes before us now. The question is, shall we do justice to these contractors who have by reason of the repeal of the law which provided for the auditing of their claims failed to have their claims audited? It was no fault of theirs. The claims were filed within the time allowed by law; but the law was repealed and therefore their claims were not audited. They simply ask the privilege of going before the Court of Claims, prosecuting their claims against the District, and receiving the same justice which has been given to other claimants who have been more fortunate in having their claims audited. I trust that the moral sense of this House will not hesitate a moment to do justice to these men who have been knocking at the doors of Congress for the poor privilege of receiving the pay which is justly due them for labor which they expended years ago.

I move the previous question on the amendment and section.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is first on the amendment offered by the gentleman from Alabama, [Mr. SAMFORD.]

Mr. REAGAN. Let it be again read.

The amendment was again read.

The amendment was agreed to.

The question recurred on the section as amended, and it was agreed to.

Mr. NEAL moved to reconsider the vote by which the section, as amended, was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The Clerk read section 7, as follows:

SEC. 7. In all cases prosecuted under the provisions of this act it shall be the duty of the claimant, after the commencement of said actions, to prosecute them in said court diligently; and after any issue of law or of fact shall be joined in any case, the Attorney-General shall have power to place the same on the trial calendar of said court for trial; and in all cases when any case has been reached in its order on the calendar, and the trial thereof has been unreasonably delayed by the claimant, the said court may, on motion of the Attorney-General, on notice to the claimant, or his counsel, attorney, or solicitor, dismiss said claim; and such dismissal or final judgment on any claim shall be a conclusive bar against any further prosecution of such claim before any court or tribunal whatsoever: *Provided*, That the Secretary of the Treasury shall pay according to the provisions of this act the said judgments from time to time as they may be presented.

Mr. HUNTON. I move the previous question on the seventh section.

The previous question was seconded and the main question ordered; and under the operation thereof the seventh section was agreed to.

Mr. NEAL moved to reconsider the vote by which the seventh section was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ALDRICH, of Rhode Island. I offer as an additional section, which has the approval of the committee, what I send to the desk.

The Clerk read as follows:

SEC. 8. No claim shall be presented to or considered by the Court of Claims under the provisions of this act which was rejected by the board of audit.

The amendment was agreed to.

Mr. NEAL. I offer as an additional section what I send to the desk.

The Clerk read as follows:

SEC. 9. No assignee or transferee of any claim provided for in this bill shall be entitled to prosecute any such claim so assigned to him before said Court of Claims according to the provisions of this bill for any larger amount than was paid to the original owner and assignor for the same, including interest thereon at the rate of 6 per cent. per annum from the transfer of the same to the date of the bonds herein provided for to be issued in payment thereof; and no such assignment shall impair the right of the original owner to prosecute for and receive as herein provided for the amount due him less the amount received by the assignee, as above set forth, according to the provisions of this bill.

Mr. NEAL. I wish to say one word in explanation of this section. The object of it is to provide that persons who have purchased these claims shall receive the money which they paid for them, with interest on them, and that the remainder shall go to the original contractor. The facts are these: These claims have been bought up by speculators at the rate of about forty cents on the dollar. Contractors have been compelled to sell their claims, in order that they might pay their workingmen, and for other purposes. Now, these gentlemen have taken the risk. It is, in a certain sense of the word, a gratuity. I propose in this amendment that they shall receive their money back with interest, and that the balance shall go to pay the original contractors. It seems to me it should commend itself to the fair judgment of every man in this House.

Mr. BARBER. Is the interest to come out of the balance of the claim?

Mr. NEAL. Certainly. The party gets his money back with 6 per cent. interest.

Mr. BLOUNT. I desire to ask the gentleman from Ohio a question. He says these claims have been bought up by speculators. Does he know who those speculators are?

Mr. NEAL. My information, whether correct or not I do not know, is that the First National Bank of New York holds nearly a million dollars of these claims.

Mr. WARNER. It seems to me to be a very strange proceeding which is proposed in this amendment. We authorize those who have purchased these claims at forty cents on the dollar to prosecute the claims in the courts and to receive payment at the forty cents or whatever they may have purchased them for and 6 per cent. interest. Then we go back and authorize a man who has parted with all his property right in the claim to prosecute his claim against the Government for the balance of it. Now, if we could have this done generally in our financial transactions over the country we might, some of us, be very glad. But that is not the way we do our business generally. I move, therefore, as an amendment to the amendment, that the last clause be stricken out; or I call for a division of the amendment.

Mr. REAGAN. Has the gentleman considered the question of what would be the condition of those claims which have been several times transferred between the original claimant and the present holder?

Mr. NEAL. I think the amendment is broad enough to cover all that.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] calls for a division of the amendment; and the question will first be taken upon that portion of the amendment which will now be read.

The Clerk read as follows:

No assignee or transferee of any claim provided for in this bill shall be entitled to prosecute any such claim so assigned to him before said Court of Claims, according to the provisions of this bill, for any larger amount than was paid to the original owner and assignor for the same, including interest thereon at the rate of 6 per cent. per annum from the transfer of the same to the date of the bonds herein provided for to be issued in payment thereof.

Mr. CANNON, of Illinois. I want to say a word on this amendment. I am surprised that the gentleman from Ohio [Mr. NEAL] should offer such an amendment. If I understand the facts, they are about as follows: It is alleged that the District of Columbia owed certain parties, months perhaps years ago, a debt or debts. The District of Columbia or the Government of the United States failed to provide the money with which to pay those debts. The parties to whom those debts were owing saw proper to part with their claims, as has been alleged by the gentleman, at some price or prices satisfactory to them. Who they were on the one hand who sold and on the other hand who bought I do not know and I do not care.

The gentleman now seeks to come in and by this act not only to provide for the payment of that which the District or the Government of the United States, one or both, owed, but also to determine that there shall be paid to the purchasers what they paid for these claims with 6 per cent. interest thereon, and that the balance of the claim shall be paid to those who years ago sold their claims.

That is a proposition for legislative interference the like of which I never heard of any legislative body proposing to engage in before. In paying what we owe we propose not to pay a part of it to the person we owe, but to pay it to a person we do not owe, and then call the debt paid.

We can, if we choose, do this: we can repudiate outright this debt, in whole or in part, if that is what the gentleman wants to do. The gentleman from Ohio [Mr. WARNER] offers an amendment providing that we will pay these contractors just what they paid for these claims, with 6 per cent. interest, and that we will not pay anybody the balance. That amendment is more equitable than the original amendment, and I will vote for it in preference to the amendment of his colleague, [Mr. NEAL.]

Mr. SIMONTON. Do you not think that this amendment would be an impairing of the contracts made between these parties?

Mr. CANNON, of Illinois. Yes, I think so. We might, however, repudiate 60 per cent. of this indebtedness, if you please, and make a present of the amount repudiated to the original vendor of these claims; and that is just what the amendment proposes to do.

The question was upon agreeing to the first clause of the additional section proposed by Mr. NEAL.

Mr. FINLEY. I move, instead of calling for a division of the proposed section, to amend it by striking out these words:

And no such assignment shall impair the right of the original owner to prosecute for and recover, as herein provided for, the amount due him less the amount received by the assignee as above set forth according to the provisions of this bill.

I believe such an amendment will have the preference over a division of the section. I believe it is in order to perfect the section by amendment.

The SPEAKER. A division of the amendment of the gentleman from Ohio [Mr. NEAL] will enable the House to accept or reject either or both of the substantive propositions contained in that amendment. If the House is in favor of striking out the second branch of the proposed amendment, it can vote it down when the question comes to be taken upon agreeing to the second branch.

Mr. FINLEY. Very well.

Mr. NEAL. I now call the previous question on the amendment which I have proposed.

The previous question was seconded and the main question ordered; and under the operation thereof both the first and second branches of the amendment were rejected.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. SIMONTON. On that question I call for the yeas and nays.

The yeas and nays were ordered; there being upon a division—ayes 30, noes 99; one-fifth voting in the affirmative.

Mr. COFFROTH. I move that the House now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 86, noes 73.

Before the result of this vote was announced,

Mr. HUNTON said: I suppose it will satisfy gentlemen on both sides of the House to have the previous question ordered on the passage of this bill, so that it will come up to-morrow morning.

The SPEAKER. The effect of ordering the previous question upon this bill will be to bring it up as unfinished business to-morrow morning, should the House now adjourn. Is there objection?

Mr. SIMONTON. I call for the regular order.

The SPEAKER. The call for the regular order is equivalent to an objection. Upon the motion of the gentleman from Pennsylvania, [Mr. COFFROTH,] that the House now adjourn, there were—ayes 86, noes 73.

Mr. NEAL. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered, only 14 voting in favor thereof.

Mr. NEAL. I call for tellers on the motion to adjourn.

Tellers were ordered; and Mr. NEAL and Mr. SIMONTON were appointed.

The House divided; and the tellers reported ayes 99, noes not counted.

So the motion to adjourn was agreed to.

Before the announcement of the result the following business was transacted:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. POUND, until Thursday next, on account of important business;

To Mr. DAVIDSON, until the 19th instant;

To Mr. WILBER, for Thursday and Friday next, on account of sickness; and

To Mr. BERRY, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted in the following cases, there having been no adverse reports:

To Mr. WILLIS, in the case of B. B. Conner; and

To Mr. GILLETTE, in the case of M. F. Clark.

COAST AND GEODETIC SURVEY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 4690 of the Revised Statutes, the report of the Superintendent of the Coast and Geodetic Survey, for the year ending June 30, 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF TENNESSEE RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting recommendation of special appropriation for improvement of Tennessee River; which was referred to the Committee on Commerce, and, on motion of Mr. CONGER, ordered to be printed.

REPAIR OF POST-OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, recommending an appropriation of $16,365 for the repair of the rooms in the Post-Office Department building lately occupied by the Washington City post-office; which was referred to the Committee on Appropriations.

PUBLIC IMPROVEMENT IN SAN FRANCISCO, CALIFORNIA.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an appropriation to pay the city of San Francisco, California, for the improvement of Bay street; which was referred to the Committee on Military Affairs.

CLERICAL FORCE FOR SUPERVISING INSPECTOR-GENERAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to clerical force in the office of the Supervising Inspector-General; which was referred to the Committee on Appropriations.

SAN ANTONIO ARSENAL.

On motion of Mr. UPSON, by unanimous consent, the bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

Mr. COFFROTH. I call for the regular order.

The vote agreeing to the motion to adjourn was then announced; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Papers relating to the pension claim of Mary B. Dallas—to the Committee on Invalid Pensions.

By Mr. AIKEN: Two petitions of citizens of Laurens County, South Carolina, against the manufacture and sale of intoxicating liquors—to the Committee on the Alcoholic Liquor Traffic.

By Mr. ATKINS: Papers relating to the claims of Samuel Howard, James M. Priddy, F. A. Replogle, and George M. Robinson, for compensation for property taken for the use of the United States Army during the late war—to the Committee on War Claims.

By Mr. BAKER: The petition of citizens of Indiana, for the establishment of a post-route from Adamsville, Cass County, Michigan, to Elkhart, Indiana—to the Committee on the Post-Office and Post-Roads.

Also, the petition of C. C. Buck and 30 others, citizens of Plymouth, Marshall County, Indiana, for the repeal of the law imposing a tax on money deposited in banks and a two-cent tax on checks—to the Committee of Ways and Means.

By Mr. BICKNELL: The petition of James B. Hicks and others, for a post-route from Salem to Little York via West Point Methodist Church, Washington County, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. BLISS: The petition of Charles S. Jones, to be reimbursed his losses incurred by reason of an alleged illegal deprivation of a Government contract, in the year 1873, by W. W. Belknap, then Secretary of War—to the Committee on the Judiciary.

By Mr. BOUCK: The petition of Hon. D. W. Stebbins and others, citizens of Wisconsin, for the establishment of a post-route from Ahuapee to Dykesville, Wisconsin—to the Committee on the Post-Office and Post-Roads.

Also, a bill to provide for the construction of a harbor at Kewaunee, in the county of Kewaunee, in the State of Wisconsin—to the Committee on Commerce.

By Mr. BRENTS: A paper relating to the establishment of post-routes from Neah Bay to Quinelt, and from San Juan to Lime Kiln, Washington Territory—to the Committee on the Post-Office and Post-Roads.

By Mr. BREWER: The petition of Laban Conner, for a pension—to the Committee on Invalid Pensions.

By Mr. BRIGGS: Memorial of Joseph G. Ayers, a surgeon in the United States Navy, relative to his discharge from the volunteer service in the Navy—to the Committee on Naval Affairs.

By Mr. BURROWS: Joint resolution of the Legislature of the State of Michigan, favoring the abolition of polygamy as a condition precedent to the admission of the Territory of Utah into the Federal Union—to the Committee on the Judiciary.

By Mr. CALDWELL: A bill to improve the slack-water navigation of Green River, in the State of Kentucky—to the Committee on Commerce.

By Mr. CALKINS: A bill appropriating $200,000 to aid in the construction and completion of the harbor at Michigan City, Indiana—to the same committee.

By Mr. CANNON, of Illinois: The petition of L. J. Bond and others, that the name of Cyrus S. Huffman may be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. CARPENTER: The petition of Morgan Evarts, for relief from the disabilities imposed by a court-martial in the war of the rebellion—to the Committee on Military Affairs.

By Mr. CLAFLIN: The petition of W. B. Baker and others, that a suitable monument be erected over the grave of Daniel Morgan, who was a major-general under George Washington—to the Committee on Revolutionary Pensions.

By Mr. COFFROTH: The petition of certain soldiers of the National Home at Milwaukee, Wisconsin, for an increase of pension from $24 to $30 per month for persons who have lost a leg or arm—to the Committee on Invalid Pensions.

By Mr. COLERICK: Papers relating to the pension claim of Johanna Meehan and her minor children—to the same committee.

By Mr. COOK: The petition of citizens of Irwin County, Georgia,

for the establishment of a post-route from House Creek to Cintillia, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Memorial of Alice E. De Groot, administratrix, relating to a contract made with certain officials of the United States—to the Committee of Claims.

By Mr. DAVIS, of Missouri: A bill for the improvement of the Saint Francis River, in the State of Missouri—to the Committee on Commerce.

Also, a bill for the improvement of the Black River in the States of Missouri and Arkansas—to the same committee.

By Mr. DEERING: The petition of R. W. Clark, to be paid a part of his salary withheld from him while he was a clerk in the Post-Office Department—to the Committee of Claims.

By Mr. DE LA MATYR: The petitions of E. W. Loring and 60 others, of W. F. Simens and 46 others, of James McConnell and 62 others, of John Blakeman and 40 others, of Wilson Willard and 90 others, of W. E. Crane and 40 others, of John D. Tucker and 132 others, of J. C. Dick and 131 others, of J. S. Woodruff and 18 others, of W. Yates and 17 others, ex-Union soldiers, that they be paid the difference between greenbacks and specie at the time they were originally paid—to the Committee on Military Affairs.

By Mr. DUNNELL: Papers relating to the claim of O. W. Streeter, for compensation for services rendered as a United States Marshal—to the Committee of Claims.

By Mr. FORSYTHE: The petition of General B. Sweet and 130 others, citizens of Palestine, Illinois, that a pension be granted James M. Gullett—to the Committee on Invalid Pensions.

Also, the petition of Mary A. Stilgboner, for a pension—to the same committee.

Also, the petitions of soldiers of the Fourteenth Regiment Illinois Volunteers, and of citizens of Shelbyville, Illinois, that a pension be granted to Mary A. Stilgboner—to the same committee.

By Mr. GOODE: The petition of William H. Ward, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. HARRIS, of Massachusetts: The petition of Warren K. Churchill, postmaster at Elmwood, Massachusetts, to be relieved from accounting for funds burglariously stolen from the post-office at said place—to the Committee of Claims.

By Mr. HASKELL: Papers relating to the claim of C. H. Howard, postmaster at Osage mission, Kansas, to be refunded moneys of which he was robbed—to the same committee.

By Mr. HAYES: A bill providing for the improvement of the Illinois River—to the Committee on Commerce.

By Mr. HEILMAN: The petition of L. W. Kincheloe, for compensation for a barge and other property seized and used by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of Thomas J. Taylor, for pay for services as a scout during the late war—to the same committee.

Also, the petition of soldiers of Indiana, for equalization of pay—to the Committee on Military Affairs.

By Mr. HENKLE: The petition of Dr. William J. C. Duhamel, late acting assistant surgeon, United States Army, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of the Roman Catholic clergy of Maryland for compensation for the destruction of crops and the use of their farm in Charles County, Maryland, by the United States Army during the late war—to the Committee on War Claims.

By Mr. HENRY: The petition of the messengers of the Supreme Court of the United States, for additional compensation—to the Committee of Claims.

Also, papers relating to the petition of Joseph Bradshaw to be refunded taxes improperly collected from him by United States revenue officials—to the same committee.

By Mr. HOUK: Memorial of soldiers of the Mexican war, citizens of East Tennessee, that the soldiers of the war with Mexico be granted pensions—to the Committee on Invalid Pensions.

Also, the petition of James Cox, to be restored to the pension-roll—to the same committee.

Also, the petition of S. D. Blair and others, that the charge of desertion be removed from the military record of Robert Minsey—to the Committee on Military Affairs.

Also, the petition of Patrick Carroll, for compensation for services as assistant librarian of the War Department—to the Committee of Claims.

By Mr. HUMPHREY: The petition of W. H. Woffle and 43 others, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of citizens of the District of Columbia, for the speedy passage of the bill (H. R. No. 1212) providing for the collection of debts under $50—to the Committee for the District of Columbia.

By Mr. JOYCE: The petitions of Mary Armstrong and of Rhoda Locke, for pensions—to the Committee on Invalid Pensions.

By Mr. KENNA: A bill to authorize a further appropriation to continue the improvement of Elk River, in West Virginia—to the Committee on Commerce.

Also, a bill for the improvement of New River—to the same committee.

Also, a bill for the improvement of Big Sandy River—to the same committee.

Also, a bill to authorize a further appropriation to continue the improvement of the Great Kanawha River, in West Virginia—to the same committee.

Also, a bill for the improvement of Guyandotte River—to the same committee.

By Mr. KETCHAM: The petition of Rosalie Lewis, for a pension—to the Committee on Invalid Pensions.

By Mr. MANNING: The petition of James J. Drumgoole, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. MONEY: The petition of Elijah Vandiver, for compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. MORRISON: A bill to restore and improve the channel of the Mississippi River at Merrimac Point, Fish Bend, and Madison, Illinois—to the Committee on Commerce.

By Mr. MULLER: The petition of B. F. Babbitt and others, of New York City, that business circulars may be sent through the mails at the same rates as newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. NEW: The petition of George B. Hansell, that he be paid his transportation from Sitka, Alaska, to which place he was ordered as an officer in the revenue marine, and where he was discharged—to the Committee on Military Affairs.

By Mr. NICHOLLS: A bill to appropriate $125,000, for the improvement of the harbor at Savannah, Georgia—to the Committee on Commerce.

Also, a bill to appropriate $100,000 to the improvement of the harbor at Darien, Georgia, and to improve the navigation of the Altamaha River, in said State—to the same committee.

By Mr. PHISTER: The petition of Thomas McKinster, for arrearage of pension—to the Committee on Invalid Pensions.

By Mr. POEHLER: The petition of C. F. Heers, for compensation for injuries received while an employé of the United States—to the Committee of Claims.

Also, the petition of Francis C. Shanley, for increase of pension—to the Committee on Invalid Pensions.

By Mr. PRESCOTT: The petition of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Verlinda Davis, for a pension—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petition of Richard Tilison and 24 others, citizens of Chariton and Randolph Counties, Missouri, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. SAPP: The petition of soldiers of Iowa, of similar import—to the same committee.

By Mr. SINGLETON, of Illinois: The petition of Henry L. Cabell and others, citizens of Virginia, for an appropriation of $5,000 to erect a monument over the remains of Major-General Daniel Morgan, a distinguished hero of the Revolution—to the Committee on Revolutionary Pensions.

By Mr. TAYLOR: The petition of John L. Bartley, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. THOMPSON, of Kentucky: A paper relating to the pension claim of John Dysche—to the same committee.

Also, the petition of William Spragens and others, asking compensation for the widow of G. D. Ellis, who was killed while in the revenue service of the United States—to the Committee of Claims.

Also, the petition of Mary A. Coffey, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. OSCAR TURNER: Papers relating to the claim of A. G. & B. P. Lee for compensation for property destroyed by the United States Army in Paducah, Kentucky, during the late war—to the same committee.

By Mr. UPSON: A paper relating to the claim of Charles Rassy for compensation for cotton seized by United States officials in 1864—to the same committee.

Also, a paper relating to the pension claim of Emily E. Hitchcock—to the Committee on Invalid Pensions.

By Mr. VANCE: Papers relating to the fire-arms patent claim of William W. Hubbell—to the Committee on Patents.

By Mr. WARD: The petition of 193 citizens of Delaware County, Pennsylvania, for the amendment of the homestead laws, giving further aid to settlers on the public lands and to aid in the development thereof—to the Committee on Public Lands.

By Mr. WARNER: The petition of O. F. Cole, of Leipsic, Ohio, and 90 others, soldiers of the late war, declaring that they were paid in depreciated paper when they were entitled to coin, and asking to have the difference made good to them—to the Committee on Military Affairs.

By Mr. WEAVER: The petition of E. N. Severin and 69 others, ex-Union soldiers, of Knox County, Illinois, and of J. Litenfield and 192 others, ex-soldiers, that the Union soldiers in the late war may be restored to equal rights with holders of Government bonds—to the same committee.

By Mr. WILLITS: The petition of J. B. Galloway and 107 others, ex-soldiers and citizens, of Monroe County, Michigan, for the equalization of bounties—to the same committee.

By Mr. WRIGHT: The petition of Jonas B. Hoppes, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *December* 16, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. DAVIS, of Illinois, presented the petition of Mrs. Virginia Grove, of Pensacola, Florida, praying for the passage of a law granting a pension to Missourie Hiner, widow of David Hiner, late of the United States Navy; which was referred to the Committee on Pensions.

Mr. FERRY presented resolutions of the Board of Trade of Saginaw, Michigan, remonstrating against any change in the tariff laws during the present session of Congress; which were referred to the Committee on Finance.

Mr. PLATT presented the petition of Emily Leonard and 300 others, citizens of Meriden, Connecticut, praying for an amendment to the Constitution of the United States effecting the total separation of Church and State, and protecting all citizens in the enjoyment of equal religious rights and liberties; which was referred to the Committee on the Judiciary.

He also presented the petition of the Higganum Manufacturing Corporation, and others, of Higganum, Connecticut, praying for the passage of a law allowing the transmission of trade-lists through the mails, addressed to individuals, when delivered at the post-office in packages of five pounds or more, at the present newspaper rate of two cents per pound; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McPHERSON presented the petition of James Rawson and others, soldiers of the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. JOHNSTON presented the petition of Daniel Ruggles, of Virginia, praying for an appropriation by Congress, to be expended under the direction of the Department of Agriculture, to make experiments in producing artificial rain-fall; which was referred to the Committee on Agriculture.

Mr. PLUMB presented the petition of J. H. Bross and others, settlers on the Osage trust lands, praying for the passage of the bill (H. R. No. 2326) for the relief of settlers on the Osage trust and diminished reserve lands in Kansas, and for other purposes; which was referred to the Committee on Public Lands.

He also presented the petition of B. L. Adams and others, soldiers of the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. McDONALD presented the memorial of Benjamin Lippencott and others, citizens of Washington, District of Columbia, stockholders in the Capitol, North O Street and South Washington Railway Company, remonstrating against the passage of the bill (S. No. 257) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company; which was referred to the Committee on the District of Columbia.

Mr. KIRKWOOD presented the petition of Joseph B. Shollenbager, late private Company F, Fifth Infantry, Iowa Volunteers, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Patrick Murphy and others, of the National Soldiers' Home, at Milwaukee, Wisconsin, praying for the passage of a law granting an increase of pension from $24 to $30 per month to those who lost a leg above the knee, and an arm above or below the elbow; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin. I present evidence in the matter of the claim of James M. Wilbur, of New York, who prays compensation for furnishing illuminated tiling used in the construction of the New York City post-office and court-house buildings. A bill for the relief of Mr. Wilbur was introduced in this body at the recent extra session and is now in the hands of the Committee on Claims. I move the reference of the papers I now present to that committee.

The motion was agreed to.

Mr. BURNSIDE presented the petition of M. S. Powell and others, soldiers in the late war, praying for the passage of a law granting to soldiers and sailors who served in the late war the difference between the value of greenbacks and gold, with interest at 6 per cent., compounded semi-annually, from the time of payment; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Finance, to whom was referred the bill (S. No. 17) for the relief of Albert Towle, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2803) for the relief of Doddridge and Davis, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB. The Committee on Public Lands have had under consideration the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, and have directed me to report it back with amendments. I am instructed also to ask permission for the committee to submit a written report to accompany the bill, to be presented at a later day.

The VICE-PRESIDENT. To which the Chair hears no objection.

Mr. PLUMB. I am also instructed by the Committee on Public Lands to report back the bill (S. No. 43) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, which is on the same general subject as the preceding bill, with the recommendation that it be indefinitely postponed.

The VICE-PRESIDENT. The bill will be postponed indefinitely if there be no objection.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 840) to exempt from taxation competitory prizes won by American citizens in foreign countries, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1955) authorizing an allowance for loss, by leakage or casualty, of spirits withdrawn from distillery warehouses for exportation, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank, of Pittsburgh, Pennsylvania, reported it without amendment.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 137) to aid the completion of the soldiers and sailors' monument at Chalmette National Cemetery, Louisiana, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of the Legislative Assembly of Montana Territory in favor of the establishment of a cavalry post at or near Henry's Lake, in that Territory, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island, reported it without amendment.

Mr. DAWES, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 820) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island, reported it without amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 296) for the relief of Edward P. Vollum, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 401) for the relief of Peter Meagher, reported it with an amendment, and submitted a report thereon; which was ordered to be printed,

BLAIR MONUMENT ASSOCIATION.

Mr. COCKRELL. I am also directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 837) to donate twelve condemned bronze cannon to the Blair Monument Association of Saint Louis, Missouri, to report it favorably, without amendment; and I ask that it may be considered at the present time. It will only take a moment. The bill simply donates twelve bronze cannon to the Blair Monument Association, if they can be spared without injury to the public service.

Mr. MORRILL. I hope the Senator from Missouri will allow the bill to remain until to-morrow. I should like to consult with him in relation to an amendment for the monument at Bennington, Vermont.

Mr. COCKRELL. There is a separate bill pending for that, and I hope the Senate will not undertake to put in other things. As a matter of course, one objection will carry the bill over.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON IRON, STEEL, ETC.

Mr. RANSOM. I am directed by the Committee on Printing, to whom was referred a resolution to print one thousand copies of the report of the board to test iron, steel, and other metals, to report it with amendments, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution, submitted by Mr. WALLACE on the 9th instant:

Resolved, That 1,000 copies of the report of the board to test iron, steel, and other metals be printed for the use of the Senate.

The amendments reported by the Committee on Printing were, in line 1, after "resolved," to insert a concurrent clause; in line 1, to strike out "1,000" and insert "3,000;" in line 3, to strike out "the Senate" and insert "Congress;" and at the end of the resolution to add

"1,000 for the use of the Senate, and 2,000 for the use of the House;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring,) That 3,000 copies of the report of the board to test iron, steel, and other metals be printed for the use of Congress, 1,000 for the use of the Senate, and 2,000 for the use of the House.

The amendments were agreed to.

The resolution, as amended, was agreed to.

BILLS INTRODUCED.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories; which was read twice by its title, and referred to the Committee on Education and Labor.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 866) for the relief of Sophia G. Mitchell and Eliza Jane Mahon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 867) for the relief of Joseph G. Ayres, a surgeon of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 868) for the relief of the Omaha tribe of Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 869) for the relief of Mrs. Julia L. Williams, administratrix of the estate of William P. Williams, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 870) granting a pension to Louis Christopher Tiedeman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 871) granting a pension to Mary W. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 872) for the better organization of the district court of the United States within the State of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 873) granting a pension to George W. Wickwire; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 874) granting a pension to the surviving officers and members of the Thirty-seventh Iowa Volunteer Infantry, known as the "Graybeards;" which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 875) for the erection of a statue of Joseph Henry, and for other purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BALDWIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 876) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 877) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States; which was read twice by its title.

Mr. DAVIS, of West Virginia. I have a word to say on this bill, and then I shall move its reference.

It will be recollected that in 1836 we had no public debt and there was a surplus in the Treasury of some $40,000,000 or $50,000,000. An act was passed in June, 1836, depositing about $28,000,000 of this amount with the different States. There were twenty-odd States that received a part of the money. That has been charged upon the books of the Treasury, and is now charged to the different States. It stands there now as money deposited in bank, and every statement made by the Treasury from any of its offices has to contain the $28,000,000, either deducted or added, or a note made of it. After consultation with the Secretary of the Treasury and other officers, I have introduced the bill just read by its title. I have here a communication from the Register's office, giving a history of the transaction; and I move that it be printed and referred with the bill to the Committee on Appropriations, as it will require an appropriation.

The VICE-PRESIDENT. The bill, with the accompanying communication, will be printed and referred to the Committee on Appropriations.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 878) to authorize the Worthington and Sioux Falls Railroad Company to extend its road from the village of Sioux Falls, in the Territory of Dakota, in a westerly direction to the east bank of the Missouri River; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 879) to amend an act to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of their country, approved June 17, 1878; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 880) for the relief of J. A. Hodges; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 881) for the relief of Judson S. Post; which was read twice by its title.

Mr. COCKRELL. I introduce this bill by request. I know nothing of the merits of the bill, and am not committed in favor of or against it by its introduction. I move its reference, with the accompanying paper, to the Committee on Naval Affairs.

The motion was agreed to.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 882) for the relief of Isaac A. Hedges; which was read twice by its title, and referred to the Committee on Patents.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 883) for the relief of the widow of John Waters, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 884) to amend section 2441 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 53) referring to the Court of Claims a claim against the United States for the loss of the schooner Bergen; which was read twice by its title, and referred to the Committee on the Judiciary.

PAY OF EMPLOYÉS OF CONGRESS.

Mr. BECK. I ask leave to introduce a joint resolution, and I shall ask unanimous consent for its present consideration.

By unanimous consent leave was granted to introduce a joint resolution (S. R. No. 52) authorizing the payment of the salaries of the employés of Congress on the 19th of December, 1879; which was read the first time by its title.

The VICE-PRESIDENT. The joint resolution will be read the second time at length.

The joint resolution was read the second time, as follows:

Be it resolved, &c., That the Secretary of the Senate and Clerk of the House of Representatives are hereby authorized and directed to pay the employés of the two Houses of Congress on Friday, the 19th instant, for the month of December.

Mr. BECK. I ask that the joint resolution be passed at this time, because our financial clerk advises me that he cannot pay any of these employés until the 1st of January unless this is done. Many of them desire to go home during the recess. He has stated this to me as the reason why it should be done.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ROLLINS, it was

Ordered, That the petition and papers in the case of Mary W. Jones be withdrawn from the files of the Senate.

NEGRO EMIGRATION TO NORTHERN STATES.

Mr. WINDOM. I was very much gratified yesterday when the Senator from Indiana [Mr. VOORHEES] offered a resolution appointing a committee of five to make inquiry as to the causes of the exodus from the Southern States. It was gratifying to me for several reasons. I have long wondered why the honorable Senator from Indiana, with his known sympathy for the oppressed and suffering of all countries, has failed to speak in their behalf, and when I ascertained yesterday from his resolution that at last the sufferings of that people, which have driven many of them from their homes, have moved upon the sympathies of that honorable Senator, I felt that light was dawning upon that subject.

The resolution, however, was not quite so explicit or so practical as I desire it to be, and therefore my purpose in rising now is to offer an additional resolution by way of amendment to the resolution proposed by the Senator from Indiana.

The VICE-PRESIDENT. The proposed amendment will be reported.

The CHIEF CLERK. It is proposed to add at the end of the resolution:

And be it further resolved, That in case said committee shall find that said exodus of colored citizens from the South has been caused by cruel and unjust treatment, or by the denial or abridgment of personal or political rights, they shall further inquire and report to the Senate: First, what, if any, action of Congress may be necessary to secure to every citizen of the United States the full and free enjoyment of all rights guaranteed by the Constitution; second, whether the peaceful adjustment of all sectional issues may not be best secured by the distribution of the colored race, through their partial migration from those States and congressional districts where, by reason of their numerical majority, they are not allowed to freely and peacefully exercise the rights of citizenship; and third, that said

committee inquire and report as to the expediency and practicability of providing such territory or territories as may be necessary for the use and occupation of persons who may desire to emigrate from their present homes in order to secure the free, full, and peaceful enjoyment of their constitutional rights and privileges.

Mr. WINDOM. I move that the amendment be printed and ordered to lie on the table.

The motion was agreed to.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire whether any changes have been made or proposed in the plan originally provided for the north front of the State, War, and Navy Department building, and, if any changes have been so made or proposed, by what authority and the reasons therefor.

REPORT ON FISH AND FISHERIES.

Mr. PADDOCK submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 sets of the five volumes of the Reports of the United States Fish Commission be printed from the stereotype plates, of which 1,000 shall be for the use of the Senate, 1,500 for the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.

LOSS ON SPIRITS FOR EXPORTATION.

Mr. BAYARD. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BAYARD. I will merely say——

Mr. MORRILL. I hope the Senator from Delaware will allow the communication from the Commissioner of Internal Revenue to be read.

Mr. BAYARD. Certainly. I send the communication to the desk, and ask that it be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, May 22, 1879.

SIR: I have your note of this date, asking for suggestions in regard to the propriety of passing House bill No. 1955, authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouse for exportation.

In reply, I have to state that in my opinion it would be eminently wise and just to pass this bill allowing for leakage or loss by unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employés, occurring during transportation from distillery warehouses to the port of export of spirits withdrawn from distillery warehouses for exportation.

It is certainly a great hardship on the exporter of alcohol to be required to pay ninety cents per gallon tax upon spirits which have leaked or been lost by unavoidable accident while the same were being transported from the place of manufacture to the port of export. The existing law expressly provides that spirits shall be withdrawn from the distillery warehouse without the payment of the tax, but other provisions of the law require a regauge of the spirits at the port of export, and assessments made for deficiencies. Where this deficiency results from fraud or negligence, the tax should be paid, but if it is simply an incident of transportation the exporter should not be required to pay the tax.

The exportation of alcohol has become a business of great proportions, and in my opinion American distillers will be able to very largely extend this business, and it seems to me proper to give them the encouragement that this proposed act affords. In regard to that provision of the bill which relieves from assessments from the 1st of May, 1878, I would say that it is a question addressed entirely to the wisdom of Congress, and if passed in its present shape would have the effect of relieving distillers from assessments for losses from which they obtained no advantage, and for spirits that never actually went upon the market. The second section of the bill seems to be entirely proper, so as to have whatever insurance may be obtained upon the taxes upon the spirits to inure to the benefit of the Government.

Very respectfully,

GREEN B. RAUM,
Commissioner.

HON. THOMAS F. BAYARD,
Chairman Committee on Finance, United States Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENTS FOR MINERAL LANDS.

Mr. TELLER. I move to take up Senate bill No. 765, reported from the Committee on Mines and Mining yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands.

The bill was reported from the Committee on Mines and Mining with an amendment, in line 8 of section 1, after the word "located" to insert "the application for patent and;" so as to make the bill read:

That section 2325 of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: *And provided*, That this section shall apply to all applications now pending for patents to mineral lands."

SEC. 2. That section 2324 of the Revised Statutes of the United States be amended by adding the following words: "*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the 1st day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the 10th day of May, A. D. 1872."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TELEGRAPH CABLE IN RHODE ISLAND.

Mr. BURNSIDE. I ask that the Senate proceed to the consideration of the bill (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $15,000 for the purpose of laying a telegraphic cable, under the direction of the Chief Signal Officer of the Army, from the mainland of Rhode Island to Block Island, Rhode Island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF ANIMALS.

Mr. McPHERSON. I ask to take from the Calendar the bill (S. No. 206) relative to the transportation of animals. I call it up for the purpose of making it a special order for another day, not with a view to have it considered to-day. I desire to have it made the special order for January 7.

The VICE-PRESIDENT. The Senator from New Jersey desires that the bill named by him be made a special order for the 7th day of January, immediately after the morning hour, to which the Chair hears no objection.

Mr. McPHERSON. As many amendments were made to the bill at the extra session, I move that the bill be printed, with the amendments, in order that the Senate may plainly understand the action of the body.

The VICE-PRESIDENT. That will be done under the rule.

MILITARY STATUTE OF LIMITATIONS.

Mr. MAXEY. I now ask that Senate bill No. 744, the unfinished business of yesterday, be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 744) to amend article 103 of the Rules and Articles of War.

Mr. MAXEY. The Senate had proceeded yesterday so far in the consideration of this bill as to hear the report of the committee read, and some remarks made by myself as having reported the bill on behalf of the Committee on Military Affairs, and by the Senator from Vermont, [Mr. EDMUNDS,] and also the Senator from New York, [Mr. CONKLING.] The purpose and design of the bill, as I stated yesterday, is to remove what is regarded by some as an ambiguity in the law in respect to deserters; that is to say, whether article 103 of the Rules and Articles of War, which article is a part of section 1342 of the statute, applies to deserters. That article reads:

No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

If that article had been submitted to me for opinion, without any information on my part as to its construction, I would have concluded that the expression "for any offense" was sufficiently broad to have covered the case, and that a deserter could avail himself of the lapse of two years the same as any other offender; that the expression "by reason of having absented himself" had no application, so that it would not prevent the deserter from using the plea in bar; that the words "manifest impediment" referred, as the words would intimate, to some impediment to a trial in its nature manifest, as, for example, that the accused was in custody by virtue of a legal sentence of a court of competent jurisdiction, civil or military, whereby the power of the court-martial to proceed in the trial would not exist. That would be my construction of that language. Take a case where a man is insane and the trial could not be had, or where it would be manifest inhumanity to try him; that would be my view of a manifest impediment. The legal authorities, I believe, have in the main held that the two years' limitation does apply; but the military authorities have held that it does not. Hence, by reason of this ambiguity men are tried who have committed the crime of desertion a great many years ago, far more than two years; and if it be an ambiguity which causes this to be done, then it is the policy of the law-makers of the Government, it seems to me, to remove that ambiguity. That is the object of the bill.

The Senator from Vermont suggested some amendments. I will say to that Senator, for whose legal opinion I have the highest respect, that I care not what amendment he adds so far as I am personally concerned, so that the great purpose of the bill is maintained, which is that a man after the lapse of three years shall not be tried for the crime of desertion. It was submitted by the Senator that perhaps those who were guilty of frauds upon the Government by embezzlement or otherwise might avail themselves of this provision. To that I would reply that in my judgment article 60 of the Rules and Articles of War was designed and intended to cover that class of cases and to place those who embezzled or committed other frauds upon the Government on the same footing as any other trustee. If, however, the Senator believes this bill should be guarded on that point, I say all right, because I am as much opposed as the Senator or anybody else to allowing embezzlers to go scot free. All I desire is that the bill should be clearly and well guarded so as to prevent

the military authorities from trying a man for the crime of desertion after the lapse of three years.

In support of what I have heretofore said, I will submit to the Senate some remarks on the subject made by the Judge-Advocate-General in his annual report for the present year directly bearing upon it. He being the officer particularly charged with the law matters connected with the Army, his opinion it occurs to me ought to be entitled to great weight. I ask the Secretary to read what I have marked from the foot of page 4 to the mark on page 6, so as to let the Senate see what that officer thinks.

The Chief Clerk read as follows:

In connection with this report I desire again to call the attention of the Secretary of War to the amendment of the one hundred and third article of war, which has heretofore passed the Senate, but has failed to go through the House of Representatives, (though favorably reported by its Military Committee,) and the adoption of which, as settling a protracted controversy, is, in my judgment, imperatively called for.

The amended article, as accepted and passed by the Senate, is as follows:

"A bill to amend the one hundred and third article of war.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the one hundred and third of the Rules and Articles of War be, and the same hereby is, amended so as to read as follows:

"ARTICLE 103. No person shall be tried or punished by a court-martial for any offense committed more than two years, or in case of desertion three years, before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation."

I scarcely need again remind the honorable Secretary of the singular anomaly dwelt upon by me in former reports, that while the prosecution of all other military crimes is admitted to be limited by the existing article to the period of two years therein prescribed, the crime of desertion has been heretofore held and treated by the majority of commanders in the Army to be practically unaffected by the limitation, so that a deserter may be brought to trial at any time after his offense, or, in other words, remain liable to arrest and punishment to the end of his life. Thus, under this doctrine and practice, a soldier of the war of 1812, who may have deserted and be still alive, may at any moment be apprehended, tried by court-martial, and sentenced to a term of imprisonment, though by an exemplary and valuable life of more than half a century he may have atoned over and over for the dereliction of his youth. In other words, he remains under a liability from which a soldier guilty of mutiny or cowardice in battle, or a civilian guilty of manslaughter, robbery, rape, arson, or high treason, is exempt under the existing law of the land. "Statutes of limitation," as observed by the United States Supreme Court, "rest upon sound policy, and tend to the peace and welfare of society." Wharton remarks of them that they are "acts of amnesty and grace, to be liberally construed in favor of the defendant," and at the same time "checks imposed by the state itself to exact vigilant activity upon its subalterns." They are, indeed, found in all modern codes as the expression not merely of an enlightened humanity, but of sound sense and practical policy; and for our military laws to exclude from their application any particular class of offenders against military discipline would seem to be unworthy the dignity of the Government, as well as prejudicial to the interests of the military service in inducing a lack of promptness and energy in the arrest and punishment of guilty persons. It is well known to the Secretary of War that it has always been held by the Judge-Advocate-General, (my predecessor in office, as well as myself,) that the existing military statute of limitations—the article of war above mentioned, is a general statute, applying to desertion in the same manner and to the same extent as to all other military offenses, and that the same conclusion has been held and expressed by the honorable Attorney-General in three successive official opinions, and indeed publicly approved and adopted by the Secretary of War in a general order (No. 68) issued from the War Department in 1874. I do not propose, however, to contest here the opposite doctrine above referred to, but, in view of the fact that the same has been repeatedly pronounced against by the highest legal adviser of the Government, and of the fact that, while the construction of the article remains thus in conflict, the due administration of military law must be constantly embarrassed, and injustice and oppression be not unfrequently wrought in individual cases, I desire simply to urge that the grave existing complication and difficulty be fully and finally removed by legislation such as that already initiated. In his annual report of November 19, 1877, the present Secretary of War approved such legislation, and recommended its adoption by Congress. It is earnestly desired that this recommendation may be repeated. At present, indeed, when parties are brought to trial for desertions committed many years before, and sentenced, the President, upon the recommendation of the Judge-Advocate-General, in the majority of cases, intervenes, through the Secretary of War, and, by the exercise of the pardoning power, sets free the prisoner. But this fact, which forcibly illustrates the injustice and impolicy of such trials, shows also that the existing law or practice is most faulty in permitting the same to be had at all.

Mr. MAXEY. By turning to section 1043 of the Revised Statutes, that class of crimes punishable in courts of criminal jurisdiction will be found, the act originally passed on the 30th of April, 1790:

No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

There it matters not what may be the character of the crime, willful murder only excepted, even for the high crime of treason, after the lapse of three years the party cannot be prosecuted. I ask any one who has ever thought of such matters if desertion is a higher crime than treason? And ought there not to be some reason and some harmony in the law? Why should a man because he belongs to the Army suffer for a less offense a higher penalty than one who is not in the Army shall suffer for a greater offense? There is no reason for it in my judgment.

It is known to those who have had much to do with soldiers that there are a great many cases of hardship where in time of service a man's wife, for example, is at the point of death and he wants to go to see her, the orders are imperative that he cannot, but he goes; or a boy desires to see his mother and he becomes so fastened in that desire that he cannot resist the temptation of going. Years may roll by, twenty, thirty, forty, fifty, as the law is construed, and that man may have been a perfectly good citizen in all respects, and yet he is liable to be arrested, tried, and punished for desertion.

It seems to me that is unjust; it seems to me that the law waits until the evidence which a party had for proving his justification or his excuse, or at all events his mitigating circumstances, has passed away, and then springs upon him, and has him convicted and punished. It does not seem to me that that is right. All I desire, as I stated before, is that there should be some guard thrown against such trials.

Now, in reply to what the Senator from Vermont so well said yesterday, (and I recognize his strength as a lawyer,) that this bill as presented does not contain the expression "manifest impediment," let me say, that the bill as presented was most carefully weighed by the Military Committee, as set forth in the report; and our view was, that that expression "manifest impediment" might be used to defeat the very object we are now seeking to accomplish; and, as I stated, giving only some of what would be "manifest impediments," that language could not be construed to include desertion; and without that this other expression, "absenting himself," would not operate to prevent the bar of the limitation.

I am willing, having discharged, as I think, my whole duty in this matter, and having no feeling whatever except to do what I believe to be an act of justice, to have the bill amended as the Senator from Vermont or any other Senator may see proper. So far as I am personally concerned, I can offer no amendment, because I am acting for the committee; but I will make no opposition to any amendment which will protect the point sought to be accomplished, and reach embezzlers or anybody else who attempts to defraud the Government.

Mr. EDMUNDS. Mr. President, I entirely agree with the Senator from Texas in respect to what he has said as to cases of desertion, about which this difference of opinion and difficulty and frequent injustice have occurred. As to the cases of embezzlement and other concealed crimes by officers in the Army, if I correctly understand the Senator, his opinion substantially concurs with mine that they ought not to escape at the end of two years if still in the service.

Mr. MAXEY. I so stated, and I think the case of The United States *vs.* Cook, in 17 Wallace, perhaps, would prevent them availing themselves of the statute.

Mr. EDMUNDS. If they have concealed that embezzlement or have concealed themselves from the reach of the military process, just as in the civil law (as distinguished from military law) in the crimes act of the United States the statute of limitations has always, or at least for a great many years, contained this saving clause now found in section 1045, that—

Nothing in the two preceding sections shall extend to any person fleeing from justice.

The two preceding sections are the limitation sections. So, then, in the civil administration of justice, if a person commits any crime and hides himself, flees from justice so that he cannot be apprehended by reasonable diligence, whether within the United States or without, so that it can be found as a fact that he was not to be got at because he had hidden, he cannot avail himself of the bar of the statute. It is peculiarly so, and would be much worse as it respects officers in the Army. The statutes expressly provide that no officer of the Army, except for desertion, shall be dismissed from the Army, except on a judgment of a court-martial. Very well; an officer of the Army, being a paymaster for instance, embezzles the money of the United States; he so covers up and falsifies his accounts that the fact is not discovered until more than two years, or whatever the limitation is, have elapsed, and it is then discovered. The officer says to the President of the United States, and to all his fellow-officers and to everybody else, "You cannot get me out of the Army for that offense; I will be a paymaster still; I will still take my official place in all processions; I will still disgrace the Army of the United States and mortify and disgrace everybody that is in it, as I form part of it, because I am perfectly secure; you did not find out in season that I had been stealing money for ten or fifteen years till it was too late to prosecute me." Of course that would be a scandal, a gross scandal. As the law now stands this provision of "manifest impediment" saves it in my opinion, and I have never heard any doubt that it did. In a very recent case of a paymaster, a very sad case—I will not mention the name because I do not wish to injure anybody's feelings, he has many friends and a family—the largest part of the offenses of embezzlement were committed much more than two years before the embezzlement was discovered and the order for the trial of the officer was issued. I believe it did happen in that case that there were two or three instances afterwards that would have brought him into limbo, but that was a mere accident.

Now, if I understand the Senator from Texas, he agrees that cases of that kind ought not to be allowed to slip out on the statute; but the case of desertion I entirely agree with him about. I propose, therefore, to meet his views and at the same time to save such cases as I have described of officers not deserters, to amend the bill reported by the Committee on Military Affairs so that the provision will read:

That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

No person—

Then I take the very words of the committee—

No person shall be tried or punished by a court-martial for desertion more than three years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation.

That takes out from the existing one hundred and third article, what will then be the first clause of it, the case of desertion entirely,

and puts it in a subsequent and separate paragraph by itself, so that if added to the one hundred and third Article of War the one hundred and third article will then contain two clauses; first, as to general offenses, fraud, and everything of that kind except desertion, and in that there will be preserved the exception as to the limitation of the manifest impediment to bring the person to trial. Then comes the separate and special provision as to desertion, which does not contain any exception whatever except the one that the committee recommend—absence from the United States.

I move to strike out, in lines 4 and 5, all after the word "amended," and then in line 6 to strike out the words "article 103," and in lines 7 and 8 to strike out the words "any offense committed more than two years, or in case of." So that the expressive part of the paragraph will be added to 103 as a separate paragraph:

No person shall be tried or punished by a court-martial for desertion more than three years before the arraignment of such person for such offense, &c.

I think that will entirely cover the case of desertion and make the bill safe as it respects the other offenses.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. CARPENTER. Let the section be read as it will stand if amended.

The Chief Clerk read as follows:

That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

No person shall be tried or punished by a court-martial for desertion more than three years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation.

Mr. MAXEY. As I understand the Senator from Vermont, and I agree that his idea is a very correct one, the article will read thus: Article 103, paragraph 1, will be just as it reads now; and then paragraph 2 will be that no person shall be tried or punished for desertion more than three years before arraignment, &c.

Mr. EDMUNDS. That states it exactly.

Mr. MAXEY. Two paragraphs instead of one?

Mr. EDMUNDS. Yes, sir.

Mr. MAXEY. I should like to make a suggestion to the Senator from Vermont. I have examined with him this morning the concluding clause of the article relating to embezzlement, which is article 60:

Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States, or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any persons having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person, not having lawful right to sell or pledge the same, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

I desire to suggest to the Senator that if that does not except fiduciaries out of the operation of the statute of limitations it would be well to amend it so that it would.

Mr. EDMUNDS. My impression is that the only effect of that clause which the Senator has read is to make an embezzler—it is not necessary to go over the whole list—who has left the service just as much liable to prosecution as if he had not left it, and if he had not left it the statute of limitations would have run in his favor. Then having left it will not prevent the statute from running. That I think is the true construction of it. It seems to say so. The only thing is that if in cases of this kind any of these people shall have left the service of the United States, they shall nevertheless continue to be liable to be arrested and held by a court-martial in the same manner and to the same extent as if they had not received the discharge or had not been dismissed; but the case of the embezzler I think is saved, as has I believe always been held, by the provision in the one hundred and third article, which is the only limitation provision at all, the exception there which speaks of a case of "manifest impediment." If a man embezzles and it is known and he is within reach, has not concealed himself, and the Government of the United States choose to forgive that offense and let the two years go by without doing anything about it, it raises a very strong presumption that they thought in case of a trial he would have been able to vindicate himself, and therefore there is presumably no embezzlement at all; but in case his embezzlement has been concealed as in the instance I referred to—and there are not a great many others, for fortunately for the Army it very rarely has such cases—or if he has concealed himself, then there comes in the case of "manifest impediment," just analogous to the provision in the civil crimes act against fleeing from justice in that respect.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont.

Mr. MAXEY. I desire to have the whole article read as it will be if amended as suggested by the Senator from Vermont. Then the Senate will understand what we are voting on.

Mr. EDMUNDS. Yes, let article 103 be read and then my amendment.

The Chief Clerk read as follows:

103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

The VICE-PRESIDENT. That is the article as it stands; and to the matter just read the Senator from Vermont proposes to add what will now be read.

The Chief Clerk read as follows:

No person shall be tried or punished by a court-martial for desertion more than three years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation.

Mr. MAXEY. That makes it appear right. One follows the other. I desire to state on the question of limitation that I have construed the purpose of article 60 to be to prevent any military person who defrauded the Government while in its employment from availing himself of the statute of limitations. The bill as we have it now accomplishes all the objects I had in view, and I have no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened; and (at one o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 16, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

SHIP-BUILDING AND MANUFACTURING.

Mr. WISE. Mr. Speaker, before the Journal is approved I desire to call attention to the reference of the bill (H. R. No. 2824) for the encouragement of American ship-building and American manufacturing. This bill, as appears on page 6 of the RECORD, was referred yesterday to the Committee on Commerce. It seems to me it clearly belongs to the Committee on Manufactures. The bill certainly relates primarily to manufactures, and only secondarily to commerce.

The SPEAKER. The bill to which the gentleman calls attention was introduced by the gentleman from Massachusetts, [Mr. MORSE.] It has relation to ship-building, and, in the view of the Chair, belongs properly to the Committee on Commerce. At any rate, the point which the gentleman raises is not within the scope of a correction. The time to have resisted the reference of the bill to the Committee on Commerce was when it was introduced. It was undoubtedly referred to the Committee on Commerce; and therefore no question of the correction of the Journal arises. If there be no objection, the Journal will be approved.

There being no objection, the Journal was approved.

EDWARD GALLAHER.

Mr. STEPHENS, by unanimous consent, introduced a bill (H. R. No. 3012) for the relief of Edward Gallaher; which was read a first and second time, and referred to the Committee of Claims.

INTEROCEANIC SHIP-CANAL.

Mr. KING, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That a select committee of eleven members be hereby appointed, whose duty it shall be to examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the American isthmus; that all petitions, memorials, resolutions, bills, and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans, be referred to this committee, and that they have authority to report to this House, at any time, such legislation as may be best adapted to secure such communication between said oceans.

The resolution was adopted.

Mr. KING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVALID PENSIONS.

Mr. COFFROTH. I ask unanimous consent to present a report from the Committee on Invalid Pensions on the resolution of the House of the 9th instant, for action at this time.

Mr. FERNANDO WOOD. If there be objection, I shall insist on the regular order of business.

Mr. BREWER. I demand the regular order of business.

REPORTS OF COMMITTEES.

The SPEAKER. The regular order of business being demanded, the morning hour now begins at twelve o'clock and fifty-four minutes p. m.; and reports of committees of a public character are in order, the call resting with the Committee on Public Lands.

LAND OFFICE, MONTANA.

Mr. CONVERSE, from the Committee on Public Lands, reported back a bill (H. R. No. 1336) for the establishment of a land office in the Territory of Montana, with amendments.

The bill was read. The first section provides that all that portion of the Territory of Montana which lies east of the one hundred and eighth parallel, which is not now or hereafter may be included in any Indian reservation, be, and the same is hereby, designated as the district of the Yellowstone, and constituted a separate land district, with a United States land office at such place as the President may designate within said district.

The second section provides that the President shall appoint a register and a receiver for said office, who shall be entitled to such compensation as is now provided by law, which compensation shall be paid from the fund appropriated for such purposes.

The amendments were read, as follows:

In line 4, strike out the words "one hundred and eighth parallel" and in lieu thereof insert "twenty-seventh range east of the principal meridian."

In lines 8 and 9, strike out "at such place as the President may designate" and in lieu thereof insert "Miles City."

Mr. CONVERSE. I ask for the reading of the report accompanying the bill.

The Clerk read as follows:

The Committee on Public Lands, to whom was referred H. R. No. 1336, "for the establishment of a land office in the Territory of Montana," have had the same under consideration, and beg leave to report the following amendments:

In section 1, line 4, strike out the words "one hundred and eighth parallel" and insert "twenty-seventh range east of the principal meridian."

In section 1, lines 8 and 9, strike out the words "such place as the President may designate" and insert the words "Miles City."

With these amendments your committee recommend the engrossment and passage of the bill.

Your committee finds that in the county of Custer alone there have been 438,000 acres of public lands surveyed, which are now subject to entry. Miles City is four hundred and forty-eight miles from the present land office to which the lands of Custer County are attached. The settlers usually are obliged to visit the land office before locating, in order to ascertain what lands are subject to entry. The numerous failures of business men in the States, the scarcity of remunerative labor, and the consequent suffering among all classes in the States have caused vast numbers of citizens to seek homes in the far West, and thus an immense tide of emigration is setting in toward the Territories. During the last fiscal year less than nine hundred thousand acres of the public lands were taken under homestead, pre-emption, and cash entries. During the present fiscal year more than three million acres have been taken.

It is a great hardship for such a multitude of citizens, who are seeking homes in the wilderness, to travel so far to a land office after they have found a suitable place in which to pitch their tents and make a habitation and a home for themselves and their families.

Your committee are of opinion that it is the duty, as it has been heretofore the policy, of the Government to render every possible assistance to this class of citizens. The settler is not only obliged to go to the land office to ascertain what lands are subject to entry before he makes his selection, but in case of dispute between settlers about lands, and in all cases of contest, that long journey is to be undertaken. Four hundred miles in a settled country, when there are good roads, and even when there are railroad facilities, is no small undertaking for men in their circumstances; it is much worse in the wilderness. The honorable Commissioner of the Land Office recommends the new land district, with an office at Miles City, and your committee earnestly join in the recommendation.

Mr. CONVERSE. I demand the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. CONVERSE. I yield now five minutes of the hour allotted to me under the rules to the Delegate from the Territory of Montana.

Mr. MAGINNIS. Mr. Speaker, the very complete report of the committee covers all the points in the case, and as I do not want to unnecessarily occupy the time of the House, I content myself with urging the necessity for the establishment of this office for a new land district which will be as large as an ordinary State, which I have been endeavoring to accomplish for some time. The amendments of the committee are proper, and should be adopted.

The amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAKOTA LAND-OFFICE DISTRICT.

Mr. CONVERSE also, from the same committee, reported back, with an amendment, the bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks.

The bill was read. The first section provides that all that portion of the Territory of Dakota lying and being north of the twelfth standard parallel and east of the eleventh guide meridian shall constitute a new land district, to be known as the Grand Forks district.

The second section provides that the President is hereby authorized to appoint, in the manner provided by law, a register and a receiver for said district, who shall be required to reside in Grand Forks, in the county of Grand Forks, until such time as the President may, in his discretion, remove the site of said land office from said Grand Forks; and said register and said receiver shall be subject to the same laws and entitled to the same compensation as is or may be provided by law in relation to existing land offices and officers in said Territory.

The amendment was read, as follows:

In line 5, section 1, strike out "eleventh" and in lieu thereof insert "tenth."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS.

Mr. CONVERSE also, from the same committee, reported back the bill (H. R. No. 1846) relating to the public lands of the United States with the recommendation that it do pass.

The bill was read. The first section provides that when any lands of the United States shall have been entered, and the Government price paid therefor in full, no suit or proceeding, civil or criminal, by or in the name of the United States, shall thereafter be had or further maintained for any trespasses upon, or for or on account of any material taken from, said lands, or on account of any alleged conspiracy in relation thereto, prior to the approval of this act: provided, the defendants in such suits or proceedings begun before such full payment shall exhibit to the proper court or officer the evidence of such entry and payment, and shall pay all costs accrued up to the time of such payment.

The second section provides that persons who have heretofore, under any of the homestead laws, entered lands properly subject to such entry, or persons to whom the rights of those having so entered for homesteads may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying therefor $1.25 per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: provided, this shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

The third section provides that the price of lands now subject to entry which were raised to $2.50 per acre more than twenty years prior to the passage of this act by reason of the grant of alternate sections for railroad purposes is hereby reduced to $1.25.

The fourth section provides that this act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespasses committed or material taken from any of the public lands after the passage of this act shall be entitled to the benefit thereof.

Mr. DUNNELL. I inquire, Mr. Speaker, whether that bill is not subject to the point of order?

The SPEAKER. In what respect?

Mr. DUNNELL. It should be considered in Committee of the Whole.

Mr. ACKLEN. Under section 4 of the bill.

The SPEAKER. The gentleman will indicate distinctly what portion of the bill is subject to the point of order.

Mr. DUNNELL. I have not the bill before me, and I am unable to refer to the clause; but it seems to me to be disposing of the public lands of the United States.

Mr. ACKLEN. The alternate sections, which are fixed by law at $2.50 per acre, are under the provisions of the fourth section of this bill to be disposed of at $1.25. I think that would subject it to Rule 110, requiring the bill to be considered in Committee of the Whole on the state of the Union.

Mr. CONGER. This bill undertakes to provide for the relinquishment of claims for damages where judgments have been obtained on

the payment of costs, without reference to the payment of damages. That, of course, is disposing of the right of property, or the right of money perhaps, of the United States.

The SPEAKER. If there be in any respect relinquishment of right or title to any public lands, it is subject to the point of order.

Mr. DUNNELL. Unmistakably the bill contemplates that very thing. It is really a settlement with those men who have been trespassing on the public lands, and there are very serious objections to the passage of the bill.

The SPEAKER. That is not in the point of order.

Mr. CONVERSE. The whole scope of the bill is simply to settle litigation now pending in the United States courts, and other suits which might be brought for trespass upon the public lands. The land which was valued at $2.50 per acre is now worth less than $1.25 per acre where the timber has been taken off of it. The pending proposition simply authorizes those who have been sued to pay for the land and the costs which have accrued in court, thus allowing the whole business of this litigation to drop.

The SPEAKER. The Chair desires to ask the gentleman from Ohio one question. Does this part with any right or title of the United States to these lands?

Mr. CONVERSE. I understand it does.

The SPEAKER. Then it is subject to the point of order.

Mr. DUNNELL. I should like to be heard a moment on the point of order.

Mr. CONVERSE. I move, then, that the bill be made the special order for to-morrow after the morning hour from day to day until disposed of, and shall be considered in the House as in Committee of the Whole.

Mr. DUNNELL. I object.

The SPEAKER. The motion of the gentleman from Ohio requires unanimous consent, and the gentleman from Minnesota objects.

Mr. HERBERT. I desire to be heard for a moment on the point of order.

The SPEAKER. The point of order has been decided. The Chair will listen, however, and if the gentleman from Alabama can assign sufficient reasons to show that the decision is not right, the Chair will change it.

Mr. HERBERT. I desire to be heard for just a moment. It does not seem to me the bill is subject to the point of order. I understand the Chair to say that if the bill parts with the title to the lands of the United States or proposes to do so, then it is subject to the point of order. That is to say, in other words, if the bill disposes of any portion of the public domain, it ought to be considered in Committee of the Whole. But it does not.

The SPEAKER. Then what is the object of passing the bill?

Mr. HERBERT. The object of passing the bill is to give to persons who desire to enter the public lands the means of doing so under the rules and regulations there laid down.

The SPEAKER. That is disposing of the lands of the United States.

Mr. HERBERT. With all deference to the Chair, I submit that that is not disposing of the lands of the United States; because the land is not disposed of until the persons to whom the privilege is given to buy the lands shall actually go forward and buy them. That is the difference. This bill makes no disposition of the public lands. Every foot of public land that belongs to the United States now will belong to the United States after the passage of this bill.

The SPEAKER. The gentleman from Ohio, [Mr. CONVERSE,] the chairman of the committee, stated distinctly that the bill did part with the right and title of the United States to certain lands; and on that statement the Chair decides the point of order is well taken.

Mr. HERBERT. The gentleman from Ohio concurs with me that I am correct. If the Chair will read the bill he will see it makes no disposition whatever of a foot of public land. It merely lays down rules and prescribes regulations under which lands can be purchased, and then it prescribes the effect of the purchase of the lands; that is all. All the land that belongs to the United States now will belong to it after the passage of the bill, and if persons do not see proper to go forward and enter lands under the bill all the land will continue to belong to the Government as it does now. I do not see how it can be contended for a moment that the bill disposes of the public lands. It does not part with any title that is in the United States.

Mr. PAGE. I submit to the Chair that a bill providing for the sale or disposition of the public lands is not subject to the rule.

The SPEAKER. Undoubtedly it is because the rule speaks of "property" of the United States.

Mr. PAGE. A bill providing for the sale and disposition of the public lands is not such a disposition of the property of the United States as comes within the rule.

The SPEAKER. The rule will be read.

The Clerk read as follows:

112. All proceedings touching appropriations of money and all bills making appropriations of money or property or requiring such appropriations to be made or authorizing payments out of appropriations already made shall be first discussed in a Committee of the Whole House.

Mr. PAGE. Now, the Chair will see that this does not come under the rule at all. There is no money appropriated and no disposition made of the public lands. The bill simply provides the manner in which the public lands may be disposed of. It appropriates no money for that purpose.

Mr. CONVERSE. I wish to explain that when I answered the question addressed to me by the Speaker I merely wished to say that the bill provided that after the parties paid for the lands the lands should be theirs. The entry is made in pursuance of the law, and this bill does not dispose of one foot of land. It settles litigation and authorizes the entry to be made in pursuance of laws already on the statute-book.

Mr. THOMPSON, of Iowa. I wish to inquire whether this bill attempts to settle any questions in relation to the rights of settlers on the Des Moines lands in Iowa now in litigation?

The SPEAKER. Does this bill give a title on the part of the United States to any lands now in litigation in the courts?

Mr. HERBERT. It does not. The bill can in no way come within the provisions of Rule 112. It does not touch appropriations of money. It does not make appropriations of money. It does not require appropriations to be made. It authorizes no payment out of appropriations already made. Nor does it in any manner part with any title whatever that the United States has to the lands belonging now to the Government.

Mr. WHITTHORNE. Will my friend from Alabama permit me to ask him a question?

Mr. HERBERT. Certainly.

Mr. WHITTHORNE. I will state my understanding of the object and purpose of the bill. In a given case the United States has a right of action against A B for trespass committed on the public property, that is for timber taken. Then the United States to that extent has money involved; but the party, in the mode and manner set out in this bill, can defeat, or in other words compromise the suit with the United States Government, and so much money is lost. Am I correct?

Mr. HERBERT. I will reply to that.

Mr. ACKLEN. Mr. Speaker——

The SPEAKER. The gentleman from Alabama.

Mr. ACKLEN. The gentleman from Alabama has spoken three or four times already on the point of order.

The SPEAKER. The Chair has volition how long he will listen on the point of order.

Mr. HERBERT. The gentleman from Tennessee [Mr. WHITTHORNE] says the Government of the United States has money in that land. I ask him as a lawyer if that is a correct proposition? The Government of the United States has nothing whatever except a mere right of action; only that and nothing more. This bill proposes simply a mode of settling these actions that are now pending and suits that may hereafter be brought in relation to trespasses committed prior to the time of the passage of this bill. That is all. The only rule that can apply is this Rule 112 which relates to appropriations solely. It is construed that, if the United States parts with any of its property, in that case——

The SPEAKER. The Clerk will read the second section of the bill; and the Chair thinks the gentleman will not dispute the point.

The Clerk read the second section, as follows:

That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the rights of those having so entered for homesteads, may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying therefor $1.25 per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

Mr. ACKLEN. I desire to call attention to Rule 110, which says that "no motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such proposition shall receive its first discussion in a Committee of the Whole House." Now, it is perfectly clear to me that the section which the Clerk has just read, and also section 3 of the bill, which proposes to reduce to $1.25 an acre land which is now subject to entry at $2.50, make this bill subject to the point of order made by the gentleman from Minnesota, [Mr. DUNNELL.]

The SPEAKER. The Chair thinks that this is a proceeding touching the disposition of property of the United States, and rules that the bill should receive its first consideration in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

FORT RIPLEY RESERVATION.

Mr. WASHBURN, from the Committee on Public Lands, reported back with amendments the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes.

The bill was read as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to turn over to the Department of the Interior all of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, except the following described tracts of land designated in executive order dated August 2, A. D. 1875, to wit: The south half of the southwest quarter and the south half of the southeast quarter of section 6, lot 1, in section 5, the north half of section 7 and the north half of the southwest quarter and the north half of the southeast quarter of section 7, and lot 1, in section 8, in township 131, of range 29.

SEC. 2. All the lands embraced in that part of said Fort Ripley reservation hereby required to be turned over to the Secretary of the Interior shall be subject to entry by actual settlers under the pre-emption and homestead laws as minimum lands,

of the rate of $1.25 per acre, from and after the passage of this act. The rights of all actual settlers entitled to the benefits of the pre-emption or homestead laws who now occupy said lands shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead or pre-emption laws the time such settlers have occupied and improved their said lands shall be allowed.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

The amendments reported from the Committee on Public Lands were as follows:

Add to section 1 of the bill the following:

And a strip or tract of land fifty feet in width from the center of the railroad track on each side of the said track of the Western Railroad Company of Minnesota, as the said track is located and constructed, being a distance of about fifteen miles across said reservation on the east side of the Mississippi, together with a tract of land fifteen hundred feet in length and three hundred feet in width for depot and station purposes at the present location of the Fort Ripley side track. the same being for right of way for said railroad as heretofore granted by acts of Congress in the years 1857 and 1865, and which is hereby granted for that purpose.

Also, add to section 2 the following:

Provided, That all persons who purchased and paid for any of said lands at the sale authorized by the War Department in 1857, and paid therefor the minimum price of $1.25 per acre, shall be entitled to patents for the same without further payments.

Mr. WASHBURN. I ask that the Clerk now read the joint resolution of the Legislature of Minnesota on this subject.

The Clerk read as follows:

A joint resolution asking Congress to pass an act authorizing the lands of the Fort Ripley reservation to be entered under the pre-emption and homestead laws.

Be it resolved by the Legislature of the State of Minnesota, That whereas many persons have settled upon and opened farms on the military reservation of Fort Ripley in this State with the just expectation that they would be enabled to secure the title to said lands in the same manner as the titles are secured by settlers on other public lands of the United States; and

Whereas the said military reservation is no longer used by the Government of the United States for military purposes; and

Whereas the plan that is now being carried out, of appraising and selling said lands in accordance therewith, will do, if consummated, great injustice to all who have settled upon said lands: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That our Senators and Representatives in Congress be, and they are hereby, requested to secure if possible the passage of an act by Congress authorizing the settlement of the lands of said reservation under the pre-emption and homestead laws, with full and complete protection for those who are at this time *bona fide* settlers thereon.

Approved March 1, 1878.

C. A. GILMAN,
Speaker of the House of Representatives.
J. B. WAKEFIELD.
President of the Senate.

STATE OF MINNESOTA, OFFICE OF THE SECRETARY OF STATE,
Saint Paul, March 5, A. D. 1878.

I, J. S. Irgens, secretary of state of the State of Minnesota, hereby certify that the foregoing has been compared with the original on file in this office, and is a true copy.

Witness my hand and the great seal of the State the day and year above written.

[SEAL.] J. S. IRGENS,
Secretary of State.

Mr. WASHBURN. I ask also that the Clerk read the report of the sub-committee, together with the action of the full committee upon the subject.

The Clerk read as follows:

The undersigned sub-committee, to whom was referred House bill No. 1153, with reference to restoring to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, have had the same under consideration, and find that the tract of land referred to was reserved for this purpose in 1849; that, in point of fact, the portion of the reservation on the east side of the river, and included in the bill referred to, has never been used for military purposes or in connection with the military post, which is located on the west side of the Mississippi River, and not embraced in the provisions of this bill. As long ago as 1872, February 24, the Secretary of War, in a communication to the House of Representatives, named this reservation as one "proper to be abandoned" and to be disposed of without injury to the public service. By an act of Congress, approved February 28, 1873, provision was made for the sale of the land included in this reservation, and subsequently a commission was created to appraise the lands and the Secretary of War authorized to sell the same. A board of commissioners was appointed, but has done nothing in the premises.

During the long time that has intervened many settlers have gone upon the reservation and made improvements in the constant expectation that the lands would be in some way brought into market. Under the broad and liberal terms of the various pre-emption and homestead laws that have been enacted by Congress the entire public domain in the State of Minnesota, except certain military and Indian reservations, has been brought within the scope and operation of these enactments, and your committee see no good reason why the provisions of these acts should not apply to the lands embraced in this reservation, especially as the lands are not more valuable than the lands generally in Minnesota, except what value may have been added by the improvements of the settlers.

Your committee would therefore recommend the passage of the bill with the two amendments attached, to wit: one amendment granting right of way through said reservation to the Western Railroad Company of Minnesota, and the other providing for the issue of patents to such persons as have paid $1.25 per acre for any portion of said lands at the sale authorized by the War Department, in the year 1857.

W. D. WASHBURN,
THOS. WILLIAMS,
GEO. L. CONVERSE,
Sub-Committee.

DECEMBER 16, 1879.

The amendments reported from the committee were agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWAMP LANDS IN MINNESOTA.

Mr. WASHBURN, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1737) confirming grants of swamp lands made by the State of Minnesota in aid of the construction of railroads and other internal improvements.

The bill was read, as follows:

Be it enacted, &c., That all grants of swamp lands heretofore, or which may hereafter be, made by the State of Minnesota, in the aid of the construction of railroads and other internal improvements, of lands granted to said State by the act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, and the act entitled "An act to extend the provisions of an act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits to Minnesota and Oregon, and for other purposes," approved March 12, A. D. 1860, be, and the said several grants heretofore or hereafter made by said State of Minnesota are, legalized and confirmed.

SEC. 2. This act to take effect and be in force from and after its passage.

Mr. WASHBURN. I ask that the memorial of the State Legislature of Minnesota upon this subject be read.

The Clerk read as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the members of the Legislature of the State of Minnesota, respectfully represent that doubts exist as to the validity of certain grants made by the Legislature of this State in aid of the construction of railroads of a portion of the swamp lands granted by Congress to the State for the purposes of internal improvement. These legislative acts have been made in good faith, in the full belief that the appropriation of a portion of such lands are a legitimate exercise of the power of disposition, and that a grant of such swamp lands in aid of railroad construction, thereby opening up the State for settlement, developing its resources by the construction of these necessary public improvements, were consistent with the provisions of the grant by Congress and a legitimate execution of the trust; that on the faith of these grants to the several railroad companies these companies have sold portions of said lands to actual settlers, who have paid for and improved the same. The companies have in like good faith mortgaged the lands so granted and not sold, and have realized and expended in the construction of their several lines of road millions of dollars which have been advanced by the purchase of such lands in like good faith, the expenditure of which has secured the construction of hundreds of miles of railroads.

Your memorialists therefore pray that an act of Congress be passed confirming said grant; and we further ask such enactment by your honorable body as will enable the Legislature of this State to make such further disposal of said lands as may by such Legislature be deemed expedient in extending aid to works of internal improvement.

And your memorialists will ever pray, &c.

Approved March 10, 1879.

C. A. GILMAN,
Speaker of the House of Representatiees.
J. B. WAKEFIELD,
President of the Senate.

STATE OF MINNESOTA, OFFICE OF THE SECRETARY OF STATE,
Saint Paul, March 22, 1879.

I, J. S. Irgens, secretary of state of the State of Minnesota, hereby certify that the foregoing has been compared with the original on file in this office and is a true copy.

Witness my hand and the great seal of the State the day and year above written.

[SEAL.] J. S. IRGENS,
Secretary of State.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. COX. Does this bill propose in any way to change the original grant by Congress?

Mr. WASHBURN. It does not.

Mr. COX. There is no change in the original grant, and it leaves the State to apply the proceeds as it pleases?

Mr. WASHBURN. That is correct. All these lands have been granted by the State to railroad companies, and much of them have been sold by those companies to actual settlers.

Mr. COX. Have any of these grants expired as to time?

Mr. WASHBURN. They have not.

Mr. COX. There is no limitation on them?

Mr. WASHBURN. None whatever.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATIONS IN DAKOTA.

Mr. BENNETT, from the Committee on Public Lands, reported back, with an amendment, the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands.

The bill was read, as follows:

Be it enacted, &c., That the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, be, and the same are hereby, abolished, and the Secretary of the Interior is hereby authorized to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands.

The amendment reported by the committee was to add to the bill the following:

Provided, That the rights of all actual settlers entitled to the benefits of the homestead and pre-emption laws of the United States, who now occupy in good faith any portion of the land embraced within any of said reservations, shall date from the day of their actual settlement thereon; and in perfecting their titles

thereto under the homestead or pre-emption laws, the time such settlers have occupied and improved their said lands shall be allowed: *Provided, further*, That when the lands embraced in said reservations shall be surveyed the claims of all such actual settlers shall be made to conform to the lines of the Government surveys.

Mr. DUNNELL. I would like to ask the gentleman one question: whether upon any of these lands there have been any entries under the tree-culture act?

Mr. BENNETT. I think not. There have been no entries on these lands at all.

The question being taken on the amendment reported by the committee, it was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AID TO ACTUAL SETTLERS.

Mr. WRIGHT. I am directed by the Committee on Public Lands to report back without recommendation, for the consideration of the House, the bill (H. R. No. 269) supplemental to an act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862. Without calling for the reading of the bill I ask that it may be fixed as a special order for the 15th of January next.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. I reserve the right to make a point of order on the bill; but in the mean time I call for the reading of the report, if there is one accompanying the bill.

Mr. WRIGHT. I do not ask for the consideration of the bill. It may go to the Committee of the Whole.

Mr. CONGER. From what committee is the bill reported?

The SPEAKER. From the Committee on Public Lands.

Mr. CONGER. Is there a report accompanying the bill?

The SPEAKER. If the bill goes to the Committee of the Whole the report will be printed.

Mr. CONGER. I ask is there a report accompanying the bill?

The SPEAKER. There is.

Mr. CONGER. Does the committee report the bill favorably?

The SPEAKER. The bill is reported back without recommendation.

Mr. CONGER. I make the point of order that the bill must go to the Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania [Mr. WRIGHT] moves that the bill be referred to the Committee of the Whole.

Mr. CONGER. It does not need any motion, if the point is good.

The SPEAKER. The point is good, as the Chair supposes. The bill will be referred to the Committee of the Whole.

USE OF THE MAILS BY LOTTERY COMPANIES, ETC.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back the following resolution; which was read, considered, and adopted:

Resolved, That the Postmaster-General be requested to furnish to the House, if not incompatible with public interests, such evidence and information as the files and records of his Department may contain respecting the extent to which lottery companies or agents make use of the mails for the conduct and circulation of their correspondence and the extent to which the mails are used for the purpose of reply, the methods they employ, and the means taken by the Department to enforce the present statutes against the use of the mails by such companies or agents.

Mr. MONEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHEDULES ON MAIL-ROUTES.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bill No. 2078, a bill (H. R. No. 3013) to provide for regulating the manner of increasing service and expediting schedules on mail-routes; which was read a first and second time, and ordered to be printed.

Mr. MONEY. I ask that it be made a special order for the third Thursday of January next, to be considered in the House as in Committee of the Whole.

Mr. FERNANDO WOOD. After the morning hour.

The SPEAKER. With the qualification suggested by the gentleman from New York, [Mr. FERNANDO WOOD,] the Chair hears no objection to making the order proposed by the gentleman from Mississippi, [Mr. MONEY.] The order will be made.

DELIVERY OF LETTERS.

Mr. MONEY, from the same committee, reported, as a substitute for House bill No. 1533, a bill (H. R. No. 3014) to facilitate the delivery of letters, and the speedy return to the writers thereof of such as are refused or cannot be delivered; which was read a first and second time.

Mr. MONEY. I ask that this bill be put on its passage.

The bill was read, as follows:

Be it enacted, &c., That in order to facilitate the delivery of letters, and the speedy return to the writers thereof of such as are refused or cannot be delivered, the Postmaster-General is hereby authorized and empowered to establish such post-offices as return-letter offices as he may deem necessary for the purposes of this act, and to prescribe such rules and regulations for the government and management of said return-letter offices as he, in his judgment, may deem proper and necessary.

Mr. DIBRELL. I raise the point of order that this bill involves an expenditure of money, and must receive its first consideration in Committee of the Whole.

Mr. MONEY. On the contrary, I think this is a measure of economy.

The SPEAKER. The committee report a substitute, which they propose to have passed instead of the original bill. Perhaps the substitute had better be read.

Mr. DIBRELL. Has not the morning hour expired?

The SPEAKER. It has.

Mr. DIBRELL. I make that point.

The SPEAKER. The morning hour has expired; the bill goes over.

Mr. SCALES. I ask unanimous consent that the morning hour may be continued, so that the committee may get rid of matters they have on hand.

Mr. WHITTHORNE. I object.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. FORNEY. I give notice that I shall call this bill up for consideration to-morrow.

ORDER OF BUSINESS.

Mr. FINLEY. I move to proceed to the consideration of business on the Speaker's table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

An act (S. No. 744) to amend article 103 of the Rules and Articles of War;

An act (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands;

An act (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island;

An act (S. No. 837) to donate twelve condemned bronze cannon to the Blair Monument Association of Saint Louis, Missouri; and

Joint resolution (S. R. No. 52) authorizing the payment of the salaries of the employés of Congress on the 19th of December, 1879.

The message also announced that the Senate had passed, without amendment, a bill of the following title:

An act (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

ORDER OF BUSINESS.

Mr. FINLEY. I moved a few moments ago that the House proceed to the consideration of business on the Speaker's table, but I yield for a moment to the gentleman from North Carolina, [Mr. SCALES.]

NEGOTIATIONS WITH UTE INDIANS.

Mr. SCALES. I ask unanimous consent to report from the Committee on Indian Affairs and put on its passage a joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado and their removal and settlement elsewhere.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized and empowered, through a commission of five persons to be appointed by the President, or by direct negotiation, as he may deem best, to enter into an agreement with such of the Ute Indians in Colorado as have not by acts of hostility against the United States or otherwise forfeited their rights under existing treaties for the extinguishment of their title to their reservation in said State, and for their removal and settlement in some suitable place not in the Indian Territory; and the said Secretary of the Interior shall report his proceedings under this resolution to Congress for its consideration and approval; the expense of such negotiation to be paid by the United States, for which purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SCALES. I ask for the present consideration of the joint resolution.

Mr. TOWNSHEND, of Illinois. I object.

ARSENAL PROPERTY, CHARLESTON.

Mr. DIBRELL. I ask, Mr. Speaker, for unanimous consent to report back from the Committee on Military Affairs Senate joint resolution No. 26, to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute, for the use and accommodation of said school.

Mr. FINLEY. I will yield if it does not take much time.

Mr. DIBRELL. It is a unanimous report from the Committee on Military Affairs.

The joint resolution, which was read, is as follows:

That the Secretary of War be, and is hereby, authorized and directed to lease and deliver possession, upon such terms and conditions as to him may seem best, for the use of or in the interest of the Government, to the trustees of the Holy Communion Church Institute, the property known as the "Arsenal," situated in the city of Charleston, State of South Carolina, together with all the buildings, rights, and appurtenances thereto belonging, to be had and held by said trustees

for the use and accommodation of said school for such time as said lease may run, if not theretofore required by the Secretary of War.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to make such terms and arrangements with said trustees for the care and protection of said property during its occupancy by said school, and for the redelivery of possession to the Government when thereto required, as will best subserve the interests of the Government: *Provided*, That the Government shall not be required to pay for any improvements that may be placed on said grounds during the continuance of said lease.

Mr. BREWER. Is not that bill subject to a point of order?

Mr. DIBRELL. It is a joint resolution which passed the Senate unanimously and was passed by the Military Committee of this House unanimously. It is not subject to a point of order. It makes no appropriation.

Mr. BREWER. There is no appropriation; but it does relinquish our right to the possession of this property.

Mr. DIBRELL. It does not; but, on the contrary, authorizes the Secretary of War to take possession whenever the Government needs it.

The SPEAKER. Does the gentleman insist on the point of order?

Mr. BREWER. I do. We yield the possession of that property to some sectarian school.

Mr. EVINS. The school is not sectarian.

The SPEAKER. The joint resolution goes to the Committee of the Whole. It transfers the property of the United States at the arsenal, temporarily, it is true, but still parts with what may be called the rental.

Mr. EVINS. It simply authorizes the Secretary of War to make a lease on such terms as he may deem fair.

The SPEAKER. It certainly transfers to others than officers of the United States certain property of the United States.

Mr. DIBRELL. I withdraw the joint resolution, and give notice that I shall report it at some future time.

BUSINESS UPON THE SPEAKER'S TABLE.

Mr. FINLEY. I now insist on my motion, that the House proceed to the consideration of business on the Speaker's table.

The House divided; and there were—ayes 20, noes 35.

Mr. FINLEY demanded tellers.

Tellers were ordered; and Mr. FINLEY and Mr. RUSSELL were appointed.

The House again divided; and the tellers reported there were—ayes 26, noes 40.

So the motion was rejected.

UTE INDIANS.

Mr. SCALES. I understand the gentleman from Illinois [Mr. TOWNSHEND] withdraws his objection to the report which I asked to submit a few minutes ago from the Committee on Indian Affairs. If there be no further objection I ask now to report back from the Committee on Indian Affairs Senate joint resolution No. 51, authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado and their removal and settlement elsewhere.

Mr. MILLS. I reserve my right to object.

The SPEAKER. The gentleman has that right.

The joint resolution was read. It authorizes and empowers the Secretary of the Interior, through a commission of five persons to be appointed by the President, or by direct negotiation, as he may deem best, to enter into an agreement with such of the Ute Indians in Colorado as have not, by acts of hostility against the Government of the United States, or otherwise, forfeited their rights under existing treaties, for the extinguishment of their title to their reservation in said State, and to obtain their consent for their removal and settlement in some suitable place not in the Indian Territory; and the said Secretary of the Interior shall report his proceedings under this resolution to Congress for its consideration and approval. The expense of such negotiation to be paid by the United States, for which purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. SCALES. I ask that the amendment reported from the committee be now read.

The Clerk read as follows:

Strike out all after the word "to" in line 9 to the word "and" in line 12, and in lieu thereof insert "so much of their reservation in said State as may be deemed desirable or necessary in the judgment of said commission or Secretary of the Interior, and for their removal and settlement in some suitable place in the State of Colorado: *Provided*, That said commission or the Secretary of the Interior, in any agreement made with the said tribe of Utes for the cession of any part of their reservation in Colorado, shall obtain, before said cession shall be valid, the consent of said Ute tribe of Indians, as provided in section 16 of the treaty made at the city of Washington, on the 2d day of March, 1868, between the Government of the United States and said tribe of Ute Indians: *And provided*, That no agreement made with said tribe of Indians shall be valid unless agreed to by three-fourths of all the adult male Indians who have not forfeited their treaty rights, as aforesaid, occupying or interested in the same: *And provided*, That Congress shall confirm said cession."

Mr. MILLS. I ask whether that amendment is acceptable to the gentleman from Colorado?

Mr. BELFORD. It is not.

Mr. MILLS. Then I object to the present consideration of the joint resolution.

Mr. CONGER. Was not the point of order made on this before?

The SPEAKER. The gentleman from Texas reserved the right to object, and he does now object to the reception of the report.

Mr. SPRINGER. I hope the gentleman from Texas will withdraw his objection to the consideration of the resolution at this time.

Mr. MILLS. I cannot withdraw it.

Mr. BELFORD. I should like to see some disposition made of this question before we take a recess for the Christmas holidays.

Mr. SCALES. The representatives of these Ute Indians are now on their way to this Capitol, and it is important whatever is to be done should be done during the holidays. The Committee on Indian Affairs have been in a hurry to get this report ready for action. I hope the gentleman will withdraw his objection that we may do what we can in that way to settle the difficulty between these Indians and the whites.

Mr. COX. I suggest to my friend from North Carolina that he fix some hour to-morrow for the consideration of this joint resolution.

Mr. MILLS. I have no objection to that if the House will take it up.

Mr. COX. There are other people interested in this difficulty with the Indians besides those on the border and those interested in emigration in this Capitol, whether from North Carolina or the West.

Mr. SCALES. I will state to my friend from New York that this does not raise that question at all. This is only the question of appointing a commission. The question as to how the troubles originated there will come up under another resolution.

Mr. COX. I hope my friend will give us a chance to read it up over night. I will try to help him in all laudable efforts in this Indian business.

Mr. SCALES. If there is no objection, I am willing to say to-morrow after the morning hour.

The SPEAKER. The gentleman from Texas has objected, and the report is not before the House.

Mr. SPRINGER. Is there objection to making this a special order after the morning hour?

Mr. BUCKNER. The Committee on Appropriations have that now.

Mr. SPRINGER. Not to interfere with appropriation bills.

The SPEAKER. The gentleman from Texas objects to the reception of the report.

Mr. SPRINGER. Is there objection to the committee reporting it at a future time by unanimous consent?

The SPEAKER. That can be done, of course. The gentleman from Texas insists upon his objection, and the report is not before the House.

QUARANTINE HOSPITAL, HAMPTON ROADS.

Mr. GOODE. I move the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GARFIELD. What do you want to get at?

Mr. GOODE. A bill to establish a quarantine hospital in Hampton Roads; a bill recommended by the National Board of Health and reported unanimously by the committee, and for which there is great necessity.

Mr. TOWNSHEND, of Illinois. When we get into Committee of the Whole I give notice I shall call up the judicial bill, which has been pending since the last session.

Mr. GOODE. I shall move to pass it by.

The SPEAKER. When the House gets into the committee it will be for the committee to determine what business it will take up.

Mr. HARRIS, of Virginia. I ask my colleague to yield to me to make a report.

Mr. GOODE. I decline to yield.

Mr. GOODE's motion was rejected.

ARTHUR P. RANDALL.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3016) granting a pension to Arthur P. Randall, of Tuscola, Michigan; which was read a first and second time, and referred to the Committee on Pensions.

Mr. COX. I move that the House do now adjourn.

WILLIAM BRYANT.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 3017) granting a pension to William Bryant; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF THE REVISED STATUTES.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 3018) to amend section 4458 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SOLDIERS OF MEXICAN WAR.

Mr. KING also, by unanimous consent, introduced a bill (H. R. No. 3019) to amend an act entitled "An act for the payment to the officers and soldiers of the Mexican war for the three months' extra pay provided for by the act of July 19, 1848;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS IN LOUISIANA.

Mr. KING also, by unanimous consent, introduced a bill (H. R. No. 3020) to divide the State of Louisiana into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZA M. FRICK.

Mr. KLOTZ, by unanimous consent, introduced a bill (H. R. No.

3021) for the relief of Eliza M. Frick, widow of Captain Clarence H. Frick, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEGAL-TENDER ACT.

Mr. MORSE. I ask unanimous consent to present at this time for reference to the Committee on Banking and Currency a petition signed by Charles Francis Adams and 200 others, and I also ask that it may be printed in the RECORD.

Mr. CONGER. What is the subject of the petition?

Mr. MORSE. It is in reference to the legal-tender act.

Mr. CONGER. Let it go through the petition-box.

Mr. MORSE. I know that is the usual course for petitions; but I ask unanimous consent that the petition be read and printed in the RECORD.

The SPEAKER. The gentleman from Michigan objects.

Some time subsequently,

Mr. CONGER said: I withdraw my objection to reading the petition presented by the gentleman from Massachusetts, [Mr. MORSE.]

The petition was read.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the petition be printed in the RECORD.

Mr. McKENZIE. I object.

PAYMENT OF EMPLOYÉS OF CONGRESS.

Mr. HENRY. I ask that by unanimous consent the Senate joint resolution providing for the payment of employés of Congress be taken from the Speaker's table and put upon its passage.

There being no objection, the joint resolution (S. R. No. 52) authorizing the payment of the salaries of the employés of Congress on the 19th of December, 1879, was taken from the Speaker's table and read a first and second time.

The joint resolution was read. It authorizes and directs the Secretary of the Senate and the Clerk of the House of Representatives to pay the employés of the two Houses of Congress on Friday, the 19th instant, for the month of December.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HENRY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATTER ACCUMULATED IN DOCUMENT-ROOM.

Mr. HENRY also, by unanimous consent, from the Committee of Accounts, reported the following preamble and resolution:

Whereas there is at present in the Clerk's document-room of the House a large accumulation of bills, joint resolutions, and stitched documents printed by former Congresses, and not needed for the present or future use of that office, which occupy space much needed for other purposes, and which increase the liability to accident by fire: Therefore,

Resolved, That the Clerk of the House turn over at the Capitol to the superintendent of documents in the Interior Department such of said printed matter as that officer may be able to utilize and desire to receive, and any surplus thereafter remaining shall, under the direction of the Committee of Accounts, be disposed of by the Clerk as waste paper, and the net proceeds of the sale thereof, after paying expenses of sale, be covered into the Treasury.

Mr. TOWNSHEND, of Illinois. Does that refer to papers in the folding-room or in the document-room?

Mr. HENRY. The Clerk's document-room.

The preamble and resolution were agreed to.

Mr. HENRY moved to reconsider the vote by which the preamble and resolution were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEROCEANIC CANAL.

Mr. GIBSON. I ask unanimous consent that all bills referred to the Committee on Commerce which relate to the question of an interoceanic canal be referred to the new committee on that subject authorized to-day.

Mr. ACKLEN. I object.

Mr. GIBSON. I ask that the bill introduced by myself may be so referred—the bill (H. R. No. 2794) to provide for the appointment of an interoceanic commission to determine the best plan and route for the establishment of communication for trade and commerce between the Atlantic and Pacific Oceans across the Isthmus of Darien.

Mr. ACKLEN. I withdraw the objection.

Mr. COX. I hope that all bills relating to that matter which have been referred to the Committee on Foreign Affairs will also be referred to the select committee.

The SPEAKER. The Chair understood the proposition of the gentleman from Louisiana [Mr. GIBSON] was that all bills and papers relating to that subject which had been referred by the House to committees should now, since the establishment and authorization of a select committee having charge of the question, be referred to that committee. The gentleman from Louisiana, his colleague, [Mr. ACKLEN,] objected, but subsequently withdrew the objection.

Mr. ACKLEN. The gentleman informed me it was only his own bill he desired to withdraw.

Mr. COX. There are some bills on the same subject before the Foreign Affairs Committee. I ask that all these bills shall go to the select committee.

Mr. ACKLEN. I must object. I have some bills of my own on that subject before the Committee on Commerce, and I do not desire to have them withdrawn from that committee.

The SPEAKER. The Chair is under the impression that the effect of the order made to-day would be to discharge the Committee on Commerce from the consideration of all bills and papers relating to that subject, and to refer them to the select committee.

Mr. ACKLEN. Was that the action of the House?

The SPEAKER. The order was adopted by a vote of the House.

Mr. GIBSON. It is, then, the order of the House?

The SPEAKER. It is. The Chair will examine the language of the new order to see whether it does not, in fact, discharge the Committee on Commerce and the Committee on Foreign Affairs from the consideration of that subject. The Chair thinks, as he recollects the language, that it is sufficiently comprehensive to do so; but the Chair prefers to examine the language more closely before giving a decision on that point.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 3022) for the improvement of the Mississippi River, and to prevent the erosion of its banks between Islands No. 14 and 15, near the village of Kaskaskia, Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARINE HOSPITAL AT CAIRO.

Mr. THOMAS also introduced a bill (H. R. No. 3023) to provide for the construction of a marine hospital at Cairo, Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETER GALLAHER.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 3024) for the relief of the heirs of Peter Gallaher; which was read a first and second time, and referred to the Committee on Military Affairs.

EDMUND E. SCHREINER.

Mr. UPSON also, by unanimous consent, introduced a bill (H. R. No. 3025) for the relief of Edmund E. Schreiner; which was read a first and second time, and referred to the Committee on Military Affairs.

SUPPLEMENT TO REVISED STATUTES.

Mr. HARRIS, of Virginia. I ask consent to report at this time from the Committee on the Revision of the Laws Senate joint resolution No. 19, to provide for the publication and distribution of a supplement to the Revised Statutes. The House will recollect that the revision of 1873 brings down the general laws of the United States to that period. The second revision of 1878 only brings down the laws of 1873 as they have been amended. All laws of a general nature, which are original and not in amendment of previous acts, are not embraced in the revision of 1878. Hence the reader is deceived; every lawyer who takes the second revision—that of 1878—thinks he has all of the original laws of the country, whereas most of the important laws passed between 1873 and 1878 are omitted from the second revision.

The Senate has passed a joint resolution providing for the publication of a supplement prepared by one of the judges of the Court of Claims of this District. It has been prepared with the very greatest possible care, with an index, copious references to past laws, and decisions of the courts on various subjects. It is a volume prepared by him during the discharge of his duties as judge of the Court of Claims. The Senate, being convinced of the importance of this volume to the country, has passed a resolution for the publication of the supplement, which the Committee on the Revision of the Laws of this House recommend with some slight amendments.

The SPEAKER. The joint resolution will be read; also the amendments reported from the committee, after which objections will be in order to the present consideration of the joint resolution.

The joint resolution provides that the supplement to the Revised Statutes, embracing all statutes general and permanent in their nature, passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index prepared by William A. Richardson, shall be stereotyped at the Government Printing Office; that 6,107 copies shall be printed, bound, and distributed as provided for the distribution of the Revised Statutes, by the joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States passed May 22, 1878, and such additional copies on the orders of the Secretary of State as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created.

The joint resolution further provides that for preparing and editing said supplement there shall be paid to said editor such compensation per copy as shall be fixed by the Secretary of State, not exceeding fifty cents for each copy printed from the stereotyped plates thereof, to be included in the sale price of copies kept for sale; and that to carry into effect the provisions of this joint resolution sufficient money is hereby appropriated from any money in the Treasury not otherwise appropriated.

The amendments recommended by the Committee on the Revision of the Laws were as follows:

In line 8, after the words "Government Printing Office," amend so as to read: "and index and plates, and all right and title therein and thereto shall be in and fully belonging to the Government for its exclusive use and benefit."

In line 9 strike out "one" and insert "three," and between the words "and" and "seven" insert the word "fifty;" so as to provide for publishing 6,257 copies.

In line 14, after "1878," insert "and joint resolution passed December 21, 1878."

In line 20, after the word "supplement," insert "including indexing and all clerical work necessary to fully complete said work, there shall be paid to said editor the sum of $3,500."

Strike out lines 21, 22, 23, and 24.

Mr. CONGER. I desire to ask the gentleman from Virginia, [Mr. HARRIS,] before objection is waived, whether this joint resolution will authorize this compilation or print to be used as laws and statutes of the United States?

Mr. HARRIS, of Virginia. There is no provision of that sort at all. It is supplemental; there is no provision in this resolution to adopt this supplement as the law of the country.

Mr. KEIFER. There ought to be.

Mr. HARRIS, of Virginia. There ought not to be.

Mr. CONGER. Then this will be merely a publication of the laws of the United States by authority of Congress, which cannot be received in court as authority.

Mr. HARRIS, of Virginia. There will be no trouble, if it is published by the authority of Congress.

Mr. CONGER. It is publishing the compilation of a private individual, which will seem to be an authoritative copy of the laws.

The SPEAKER. Does the gentleman object?

Mr. CONGER. I was making this proposition by way of inquiry.

Mr. COX. I object.

Mr. HARRIS, of Virginia. Why object?

Mr. COX. I can give some good reasons for it.

Mr. GARFIELD. I think this bill should be considered by the House.

The SPEAKER. Objection being made, the joint resolution is not before the House.

ADMISSION TO THE FLOOR.

Mr. McCOID. I ask consent of the House that Hon. John Y. Stone, ex-speaker of the house of representatives, Legislature of Iowa, be allowed the privileges of the floor for the next three days.

There was no objection.

CHARLES HEMING.

Mr. LAPHAM, by unanimous consent, introduced a bill (H. R. No. 3026) for the relief of Charles Heming, postmaster at Geneva, New York; which was read a first and second time, and referred to the Committee of Claims.

MINERAL LANDS.

Mr. BELFORD. I ask unanimous consent to have taken from the Speaker's table, for reference to the Committee on Mines and Mining, the bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States concerning mineral lands.

Mr. COX. What has become of the motion to adjourn, which I made about three-quarters of an hour ago?

The SPEAKER. The Chair did not understand the gentleman as insisting upon it.

Mr. COX. I ask a vote on that motion.

The question being taken on the motion to adjourn, there were ayes 101, noes not counted.

So the motion was agreed to.

Before the result of the vote was announced the following business was transacted:

REPORT OF SOUTHERN CLAIMS COMMISSION.

The SPEAKER, by unanimous consent, laid before the House the ninth general report of the commissioners of claims; which was referred to the Committee on War Claims.

FORT BARRANCAS, FLORIDA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to certain tenements adjacent to Fort Barrancas, Florida; which was referred to the Committee on Military Affairs.

WASHINGTON MONUMENT.

The SPEAKER also, by unanimous consent, laid before the House the report of the joint commission for the completion of the Washington Monument, for 1879; which was referred to the Committee on Appropriations.

CLOTHING FOR SOLDIERS OF FIFTH CAVALRY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, recommending the gratuitous issue of clothing to certain soldiers of the Fifth Cavalry; which was referred to the Committee on Military Affairs.

The result of the vote on the motion to adjourn was then announced; and accordingly (at two o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BRAGG: The petition of certain soldiers of the United States in the late war, to be placed, in regard to their pay, on the same footing with the bondholders, whose bonds were purchased and made payable in currency—to the Committee on Military Affairs.

By Mr. BRENTS: The petition of citizens of Washington Territory, for the establishment of a land office at Port Townsend, Washington Territory—to the Committee on Public Lands.

By Mr. BURROWS: Joint resolution of the Legislature of Michigan, opposing the enactment of any law limiting the jurisdiction of the courts of the United States in proceeding against municipal corporations of any State by the citizens of another State—to the Committee on the Judiciary.

By Mr. COLERICK: The petition of Samuel Raby and 26 others, ex-Union soldiers, that soldiers of the United States in the late war be placed on an equal footing with holders of Government bonds—to the Committee on Military Affairs.

By Mr. ERRETT: The petition of Richard Thursby, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HAMMOND, of New York: A paper relating to the pension claim of Solomon Prindle—to the same committee.

By Mr. HENRY: The petition of William L. W. Seabrook, late commissioner of the land office of the State of Maryland, that he be refunded certain internal-revenue tax improperly paid on his salary—to the Committee of Ways and Means.

By Mr. JOYCE: The petition of Patrick Murphy and others, soldiers of the late war, for an increase of pension from $24 to $30 in case of the loss of a leg above the knee or an arm above or below the elbow—to the Committee on Invalid Pensions.

By Mr. MASON: The petition of 30 soldiers of the late war, of Sandy Creek, Oswego County, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. PHISTER: The petition of Dr. A. M. Wallingford and others, that a pension be granted Peter Nangle—to the Committee on Invalid Pensions.

By Mr. STEPHENS: Papers relating to the claim of Edward Gallaher, for compensation for the use of buildings by the Commissary and Medical Departments of the United States Army stationed at Augusta, Georgia, in 1865 and 1866—to the Committee on War Claims.

By Mr. THOMAS: The petition of H. B. Wiley and 40 others, soldiers of the late war, of Johnson County, Illinois, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WHITEAKER: Papers relating to the pension claims of the heirs of James Broadus, of Mary W. Jones, of the heirs of James Monroe, and of Isaac Winans—to the Committee on Revolutionary Pensions.

IN SENATE.

WEDNESDAY, *December* 17, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WASHINGTON MONUMENT.

The VICE-PRESIDENT laid before the Senate a communication from the chairman of the joint commission for the completion of the Washington Monument, transmitting, in compliance with the act of Congress of August 2, 1876, creating the commission, the annual report of Lieutenant-Colonel Thomas L. Casey, Corps of Engineers, United States Army, engineer in charge of the construction of the monument, detailing the work done in the year ending November 30, 1879, a statement of the amount of money expended to date, and tracings exhibiting the work already accomplished.

The VICE-PRESIDENT. This communication, with the accompanying drawings, will be referred to the Committee on Printing.

Mr. MORRILL. Should it not be referred to the Committee on Public Buildings and Grounds?

The VICE-PRESIDENT. The question of printing, under the statute, must go to the Committee on Printing, and the lithographic drawings must be done under their superintendence. If they are ordered to be printed, when printed they will be referred to the Committee on Public Buildings and Grounds.

Mr. ANTHONY subsequently, from the Committee on Printing, reported in favor of printing the document, with the engravings; and the report was agreed to.

The VICE-PRESIDENT. The communication will now be referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. HAMLIN presented the petition of J. T. Jackson and others, citizens of Maine, praying for the establishment of a post-route from Plantation No. 8, Piscataquis County, to Abbott Village in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER presented the petition of A. M. Holland and others, citizens of South Carolina, praying for an appropriation by Congress for the improvement of the navigation of the Savannah River; which was referred to the Committee on Commerce.

Mr. WITHERS presented the petition of Hugh O'Neal, of Washington, District of Columbia, praying for the passage of a law con-

tinuing a pension granted to his wife on account of services rendered to the Government by their son; which, with the papers on the files of the Senate relating to the case, was referred to the Committee on Pensions.

Mr. CALL presented the petition of Milton L. Spau, late second lieutenant Company K, Nineteenth Indiana Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. THURMAN. I present the petition of David Crouse and others, citizens of the State of Ohio, largely engaged in stock-raising, praying that Congress may create a commission, with national authority, to have charge of investigations of the nature and treatment of contagious diseases of domestic animals. These petitioners are among the largest, most respectable, and intelligent farmers of that State; and as the petition relates to a great subject and is very brief, I ask that it may be read, and then referred to the Committee on Agriculture.

The VICE-PRESIDENT. The petition will be read, no objection being heard.

The petition was read, and referred to the Committee on Agriculture, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned citizens of the State of Ohio, being interested in the great agricultural industry of the country, beg most respectfully to direct the attention of your honorable body to the imperative necessity that exists for the creation of a commission, under national authority, to have charge of the investigation of the nature and treatment of contagious diseases of domestic animals, and, with the concurrence and sanction of the Secretary of the Treasury, to adopt and enforce such reasonable rules and regulations as may be necessary to prevent the importation and dissemination of those diseases, as well as to eradicate such as may exist.

In view of the magnitude of the interest we represent and the importance and rapid growth of our live-stock export trade, now imperiled on account of the danger apprehended from this cause by our foreign customers, we most earnestly press upon the attention of our Senators and Representatives in Congress the fact that the necessity for immediate action is most urgent.

We suggest that the commission should consist of not less than three members—say a competent and experienced veterinary surgeon, a practical stock-grower, with an intelligent business man who is familiar with questions connected with commerce in live stock.

The well-known fact that these contagious diseases increase with the increase of domestic animals and the multiplication of facilities for their transportation, it seems obvious that the Government of the United States, representing a larger live-stock interest than that of any other nation in the world, should establish and maintain a permanent commission whose sole duty it shall be to have charge of this subject.

The Commissioner of Agriculture, as well as other heads of Departments at Washington, however competent they may be, would not be able to devote the time necessary for the proper discharge of these onerous duties. We therefore pray your honorable body for the enactment of a law providing for the appointment of such a commission, with an adequate appropriation for its support.

Mr. HEREFORD presented the petition of Henry Miller and others, surviving soldiers of the war of 1812, praying to be allowed pensions; which was referred to the Committee on Pensions.

Mr. VANCE presented the petition of F. Stanly, rear-admiral United States Navy, praying for the passage of a law granting him $150 arrears of pay; which was referred to the Committee on Naval Affairs.

The VICE-PRESIDENT presented a resolution of the National Workingmen's Association, relative to the introduction of labor-saving machinery into the mechanical departments of Government work; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 74) authorizing Lieutenant Z. L. Tanner, of the United States Navy, late commanding Pacific mail steamer City of Peking, to accept a pair of flower vases and a lacquered box from the Japanese government, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. DAVIS, of Illinois, from the Committee on the Judiciary, to whom was referred the bill (S. No. 450) to establish a circuit court of the United States in and for the State of Texas, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CARPENTER, from the Committee on the Judiciary, to whom was referred the bill (S. No. 150) to provide for punishing persons who steal horses, mules, and other property from the Indians, reported it with amendments.

Mr. GARLAND. I am directed by the Committee on the Judiciary to report back the memorial of the Legislature of Nebraska in favor of legislation authorizing the removal of the Santee Sioux Indians from that State, and that the lands heretofore occupied by them be opened up for settlement and sale, with a recommendation that the committee be discharged from its further consideration, as it is a matter properly belonging to the Committee on Indian Affairs. I move that it be referred to that committee.

The motion was agreed to.

Mr. GARLAND. I am also instructed by the Committee on the Judiciary, to whom were referred two other petitions signed by individuals in reference to the same matter, to ask to be discharged from their further consideration, and that they be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. A like order will be made in reference to these petitions.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 103) for the relief of Rosa Vertner Jeffrey, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 22) for the relief of Theophilus P. Chandler, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOOTH. The Committee on Appropriations, to whom was referred the bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881, have directed me to report it without amendment, and I give notice that to-morrow morning I shall ask the Senate to consider it.

Mr. PENDLETON. I am instructed by the Select Committee to make provision for taking the Tenth Census to report a bill, and to ask for its immediate consideration.

The bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, was read the first and second times.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KIRKWOOD. I should be glad to have the bill lie over. I propose myself to offer an amendment to the existing law in regard to the subject of the census, and would like to offer it on this bill.

The VICE-PRESIDENT. One objection takes the bill over.

Mr. PENDLETON. I did not hear the statement of the Senator from Iowa.

Mr. KIRKWOOD. I said that I myself thought of offering an amendment to the census bill, providing that something should be enumerated that I understand is not provided for.

Mr. DAVIS, of Illinois. This has nothing to do with that.

Mr. PENDLETON. The passage of this bill would not preclude any amendment of that kind hereafter.

Mr. CARPENTER. The bill ought to be printed. It is an important bill, and I object to its consideration until it is printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. DAVIS, of West Virginia. I ask unanimous consent, without previous notice, to introduce a bill looking to the repeal of all permanent annual or indefinite appropriations. There are some thirty or forty objects for which such appropriations are now made. There are probably a hundred such acts scattered through various acts passed at different times. I am glad to say that the Secretary of the Treasury, with whom I have had conversation, approves of the repeal of most of them, and probably all of them.

By unanimous consent, leave was granted to introduce a bill (S. No. 886) to repeal certain laws relating to permanent and indefinite appropriations; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 887) to authorize printing at the Government Printing Office for members of Congress; which was read twice by its title, and referred to the Committee on Printing.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 888) to authorize the compilation and printing of the Naval History of the War; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 889) for the relief of William Webster; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 890) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 892) to remove the political disabilities of William S. Maxwell, of Tennessee; which was read twice by its title.

Mr. HARRIS. I accompany the bill by a letter from the party stating the facts. I move the reference of the bill and accompanying letter to the Committee on the Judiciary.

The motion was agreed to.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 893) for the relief of Robert C. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PADDOCK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 894) for the relief of certain employés of the United States courts for the District of Columbia; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 895) to provide increased hospital facilities in the marine-hospital service; which was read twice by its title.

Mr. PADDOCK. At the proper time I shall ask that this be substituted for a bill recently introduced by me on the same subject. I have thought it best to make certain changes in the original bill to make it conform more nearly to the recommendation of the surgeon-general of the marine service; but the object sought to be accomplished is the same in both, and has the cordial approval of the surgeon-general. I move its reference to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 896) for the relief of Cyprian T. Jenkins; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 897) to repeal section 3480 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 898) granting a pension to Mary A. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 899) granting a pension to William O. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 900) to provide for the appointment of a commission to investigate the question of the tariff; which was read twice by its title, and referred to the Committee on Finance.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 901) to establish a district court in and for certain counties in the State of California; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 902) to authorize the restoration of Stephen O'Connor, second lieutenant Twenty-third Infantry, late first lieutenant Twenty-third Infantry, to the rank of first lieutenant United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN. I ask leave to introduce a joint resolution, which I wish to have read at length.

By unanimous consent, leave was granted to introduce a joint resolution (S. No. 54) to forfeit certain public lands granted to aid in the construction of certain railroads and telegraphic lines; which was read the first time, as follows:

Whereas Congress has heretofore granted to States and corporations to aid in the construction of railroads large grants of the public lands of the United States, amounting in the aggregate to more than a hundred million acres, much of it of the most valuable character remaining in the possession of the Government, and said States and corporations have failed to perform the conditions of their respective grants, and have failed or neglected, in whole or in part, to earn said lands by the construction of railroads through them within the time prescribed; and

Whereas large bodies of such conditionally granted lands have been and remain withdrawn from sale, pre-emption, and settlement for the benefit of such States and railroad corporations, which have slept on their rights and privileges, to the manifest detriment of the public welfare and the development of the national resources; and

Whereas justice and public policy require that all such lands should be restored to the public domain and that no further grants or extensions of former grants should now be made: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the public lands which have been granted by Congress to aid in the construction of the following-named railroads and telegraph lines, and hereunder specified, which have not been earned under said grants by construction of the sections of railroad contiguous and adjacent thereto, are hereby declared forfeited to the United States, and the privilege to so acquire title to the same is hereby revoked; and said lands are restored to the public domain, and shall hereafter be disposed of as other public lands of the United States.

Be it further resolved, That the Secretary of the Interior is hereby instructed, within sixty days after the passage of this act, to give public notice of the date, not exceeding thirty days from the date of publication, when said lands hereby restored to the body of the public lands shall be open to settlement, pre-emption, and homestead entry under the laws provided for said purposes.

Statement of public lands which have been granted by Congress to aid in the construction of railroad and telegraph lines.

Name of railroad.	States in which located.	Grant by act— Approved—	Statutes. Volume.	Statutes. Page.	Grant to—	Alternate sections within—	With indemnity within—	Extended by act— Approved—	Statutes. Volume.	Statutes. Page.	Estimated quantity of lands granted.
											Acres.
Gulf and Ship Island	Mississippi	Aug. 11, 1856	11	30	State	6 miles	15 miles				652, 800. 00
[Alabama and Florida]	[Alabama and Florida]	[May 17, 1856]	[11]	[15]	[States]	[6 miles]	[15 miles]				[419, 520. 00]
Coosa and Tennessee	Alabama	June 3, 1856	11	17	State	6 miles	15 miles				132, 480. 00
[Mobile and Girard]	[do.]	[June 3, 1856]	[11]	[17]	[do.]	[6 miles]	[15 miles]				[840, 880. 00]
Coosa and Chattanooga	do	June 3, 1856	11	17	do	6 miles	15 miles				150, 000. 00
[Alabama and Chattanooga, formerly Northeast and Southwest Alabama, and Wills Valley Railroads.]	[do.]	[June 3, 1856]	[11]	[17]	[do.]	[6 miles]	[15 miles]	[Apr. 10, 1869]	[16]	[45]	[897, 920. 00]
Pensacola and Georgia	Florida	May 17, 1856	11	15	do	6 miles	15 miles				1, 568, 729. 87
Florida, Atlantic and Gulf Central	do	May 17, 1856	11	15	do	6 miles	15 miles				183, 153. 99
North Louisiana and Texas, formerly Vicksburgh, Shreveport and Texas Railroad.	Louisiana	June 3, 1856	11	18	do	6 miles	15 miles				610, 880. 00
New Orleans, Baton Rouge and Vicksburgh.	do	Mar. 3, 1871	16	579	Company	20 miles	30 miles				3, 800, 000. 00
Saint Louis and Iron Mountain	Missouri	July 4, 1866	14	83	State	10 miles	20 miles				640, 000. 00
[Little Rock and Fort Smith]	[Arkansas and Missouri.]	[Feb. 9, 1853]	[10]	[155]	[States]	[6 miles]	[15 miles]				[1, 009, 296. 34]
		[July 28, 1866]	[14]	[338]	[do.]	[10 miles]	[20 miles]				
[Detroit and Milwaukee]	[Michigan]	[June 3, 1856]	[11]	[21]	[State]	[6 miles]	[15 miles]				[355, 420. 00]
Houghton and Ontonagon, formerly Marquette and Ontonagon.	do	June 3, 1856	11	21	do	6 miles	15 miles	June 18, 1864	13	137	552, 515. 24
		Mar. 3, 1865	13	521	do	10 miles	20 miles	May 20, 1868	15	252	
North Wisconsin, formerly Saint Croix and Lake Superior and branch to Bayfield.	Wisconsin	June 3, 1856	11	20	do	6 miles	15 miles	May 5, 1864	13	66	1, 408, 455. 69
		May 5, 1864	13	66	do	10 miles	20 miles				
Wisconsin Central, formerly Portage, Winnebago and Superior.	do	May 5, 1864	13	66	do	10 miles	20 miles	Apr. 9, 1874	18	28	1, 800, 000. 00
Saint Paul and Pacific, Saint Vincent extension, formerly branch to Red River of the North.	Minnesota	Mar. 3, 1857	11	195	Territory	6 miles	15 miles	Mar. 3, 1873	17	631	2, 009, 000. 00
		Mar. 3, 1865	13	526	State	10 miles	20 miles	June 22, 1874	18	203	
Saint Paul and Pacific, Brainerd branch, formerly branch to Lake Superior.	do	July 12, 1862	12	625	do	6 miles	15 miles	Mar. 3, 1873	17	631	1, 475, 000. 00
		Mar. 3, 1865	13	526	do	10 miles	20 miles	June 22, 1874	18	203	
Hastings and Dakota	do	July 4, 1866	14	87	do	10 miles	20 miles				550, 000. 00
Oregon Central	Oregon	May 4, 1870	16	94	Company	20 miles	25 miles				1, 200, 000. 00
Atlantic and Pacific	Various	July 27, 1866	14	292	do	Various					42, 000, 000. 00
Texas Pacific	do	Mar. 3, 1871	16	573	do	do					18, 000, 000. 00
		June 22, 1874									
Northern Pacific	do	July 2, 1864*	13	365	do	do					47, 000, 000. 00

* And subsequent acts and resolutions.

The joint resolution was read the second time, and referred to the Committee on the Judiciary.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GROOME. I offer the following resolution, and if there be no objection I ask for its immediate consideration:

Whereas it is desirable to have all reports, communications, and other data concerning the proposed interoceanic canal carefully and fully considered and inquired into and speedily reported upon: Therefore,

Be it resolved, That a special select committee of nine Senators (to be appointed by the presiding officer of the Senate) be appointed, whose duty it shall be to examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the American isthmus; and that all petitions, memorials, resolutions, bills, and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans be referred to this committee; that they have the services of a clerk to be paid out of the contingent fund of the Senate during the sessions, and that said committee have authority to report to the Senate at any time such resolution, bill, or report as may be best adapted to secure such communication between said oceans.

The VICE-PRESIDENT. Is there objection to the present consideration of this resolution?

Mr. PENDLETON. I object.

Mr. RANSOM. Let it lie over.

The VICE-PRESIDENT. Objection being made, the resolution goes over under the rule.

PRINTING OF EVIDENCE.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims to ask for the following order:

Ordered, That the evidence in the matter of the claim of Benjamin Holladay, now pending before the Senate Committee on Claims, be printed.

The order was agreed to.

On motion of Mr. MORGAN, it was

Ordered, That the select committee to examine into the removal of the Northern Cheyennes be authorized to print, for the use of the committee and of the Senate, the testimony as taken in the progress of their investigation.

ADVANCEMENT OF AGRICULTURAL INTERESTS.

Mr. JOHNSTON, from the Committee on Agriculture, to whom was referred the following resolution, submitted by Mr. DAVIS, of West Virginia, on March 25, 1879, reported it, with the recommendation that it pass:

Whereas agriculture is the foundation of nearly all our wealth, and it is mainly through the exportation of its products that we are paying off our large indebtedness, foreign and domestic, and have the present large balance of trade in our favor; and

Whereas, although about one-half of the people of this country are engaged in agricultural pursuits, and all other interests are dependent upon this our leading and most important interest, commercial and otherwise, yet but little has been done by the General Government to promote agriculture, while other less general and important interests have been largely aided: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the petition and papers of George E. Payne be taken from the files of the Senate and referred to the Committee on Claims.

THE CURRENCY AND COINAGE.

Mr. MORGAN. I hold in my hand a resolution which I desire to present to the Senate this morning, and I ask the indulgence of the Senate while I submit some remarks upon it. I will send the resolution to the Clerk's desk and have it read for the information of the Senate.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read as follows:

Resolved by the Senate, That the continuance of the existing volume of United States Treasury notes, with their legal-tender quality preserved, and the maintenance of their equivalency in value with coin, is demanded by the present necessities of trade, commerce, and industry; and that the full restoration of silver coinage to an equality with gold is necessary to secure to the people of the United States a sufficient and permanent supply of money to maintain our national prosperity.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. MORGAN. Mr. President, the resolution which I offer is antagonized in principle to the joint resolution already referred to the Committee on Finance, which was offered by the honorable Senator from Delaware, [Mr. BAYARD,] and which I will read:

That from and after the passage of this resolution the Treasury notes of the United States shall be receivable for all dues to the United States excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

In the city of New York this resolution is strongly supported by the classes that control the large mercantile, commercial, and banking interests of the country.

Their opinions are set forth in a petition to Congress, which has been largely signed, as we are informed, by the newspapers, asking for the passage of the joint resolution of the Senator from Delaware. I will refer to that petition as an expression of public sentiment, and although it has not been presented, I hope there is no impropriety in referring to it, as a popular movement, in advance of its actual presentation here. It is useful, as a public fact, to the proper argument of the resolution that I propose to offer. I will refer to the petition as it appears in the public prints.

In discussing the resolution I propose to offer, the merits of the resolution of the Senator from Delaware and the petitions that support it seem to be drawn directly in question.

Stimulated, if not overborne, by a strong demand for radical legislation in reference to our financial system coming from the great center of banking power, there is danger that we shall go too fast and too far in the assertion of theories that we may hold to with strong convictions, but which cannot be enforced at this time and under existing circumstances without serious injury to the people.

We are too prone to believe that our present prosperity is permanent, and I fear we are too confident that it will be maintained.

Starvation in Ireland and depression in Germany and France and England because of the reduction of their volume of money, shipped to this country to purchase food, have resulted, in the usual manner, in putting the price of labor in those countries down to a very low figure. Already they are beginning to undersell us in our own markets, and they must be able to cripple us seriously in foreign markets. American patriotism, like the patriotism of all other people, is not severely shocked at being permitted to purchase foreign goods at low prices. If foreign countries undersell us here they will get our gold to pay the balance of trade. This condition of affairs may well be expected to come around at no distant day, and it seems to me that it is unwise to refuse to recognize its possibility. When this does occur we shall have need of all the good, sound money we have or can get, and possibly more, to prevent a most calamitous revulsion in every department of trade and production.

The petition to Congress to which I have referred is signed by many of the leading capitalists of New York, and represents largely the best and most successful business talent in that great city. It is entitled to respect because of the character of the signers, and to the gravest consideration because of the importance of the subject to which it refers.

The conspicuous absence of names, on the list of signatures, of men who represent the laboring classes and people engaged in small dealings—having little capital—informs us in the most distinct manner that it is the great capitalists and large dealers who are urging this movement.

The opinions of persons such as these are entitled to great weight, and strong influence is universally and justly accorded to their enlightened judgment in such matters. I do not believe that they are either more or less disinterested in their opinions than other classes of men, but their skill in financial management is not usually diverted from making a suitable provision for their own welfare and directed gratuitously to the interests of other classes. The names that are most prominent in this movement cluster in brilliant constellations around the center of financial power in this country, and are largely found to be in Wall street, Chambers street, and Pine street. Not a large proportion of them are from the agricultural or manufacturing sections of New York. New York possesses and controls a ruling influence over the industries and commerce of near fifty million of people in the United States and many millions in other countries. Its control over the financial condition of the whole country, from ocean to ocean and from the lakes to the Gulf, is almost supreme. It is the great city of "reserves," under our badly regulated system of national banks, and by force of our statutes it is put in control of from 15 to 25 per cent. of all the amount of deposits in all the banks of issue in the United States and Territories. In addition to this, New York is the depository of the surplus and balances of the national banks of all the towns and cities that are not the "reserve cities." Nearly all the paper discounted and nearly all the exchange sold by banks and bankers in the other States is paid in New York. The Treasury Department does all its financiering in New York, and seems to be unable to use the Government money to pay its debts or its bonds to fund its debts without the assistance of a New York syndicate.

This power has been acquired chiefly in legitimate trade, and has grown to these proportions without having excited the jealousy of other great cities, or of the people of other sections. The people everywhere have accorded to New York the most distinguished position in commercial affairs, and there is scarcely an inhabited part of the United States that has not paid, and is not now paying, its tribute to this metropolis. Beyond any other city it has received the support of the agricultural classes, and its miles of great streets, walled in with palatial structures, have been chiefly built out of this tribute-money. Those who sit at its gates in the receipt of customs collect them from every human being in the United States—the consumers of its merchandise—and the collections amount to nearly two-thirds of our entire revenues derived from imports. The vast capital and credit that New York has accumulated, and at all times has controlled, has been derived mainly from commissions upon the sale of crops, profits on merchandise exchanged for these or sold for money, of banking, and dealing in exchange, the income of great lines of railway, speculations in depreciated money, and in stocks and bonds, life and fire and marine insurance, and in subsidies and liberal appropriations from the Federal Government. It is not unexpectedly, therefore, that we find New York always in the lead with reference to those financial measures that are calculated to give increased power to capital; and it is no indication of a bad or dishonest condition of sentiment if those whose capital is chiefly in manufactures and farming lands, and the labor engaged in production should be opposed to giving any undue and forced supremacy to the power of money thus concentrated in one great financial center.

These interests are not naturally at war with each other, and should not be forced by legislation into unnatural conflict, but the strength of both should be united in a generous rivalry to better the condition of all classes. In the absence of productions capital would be useless, and in the absence of capital productions would scarcely exceed the wants of the rudest forms of social existence, and could never furnish a surplus for commercial exchange. If we would find an illustration of these facts we have only to observe how the populous and fertile countries of Central Africa provide the inhabitants with abundant food without the use of capital, and yet never make a move toward civilization because of their ignorance of the uses of money. In the United States, which is not a more fertile country than Africa, the amount of negro labor that is available in the Central African nations would more than double our entire annual productions. It is all useless to civilization, because it is not and cannot be provided with a medium of exchange in the present barbarous condition of its people.

In some respects, even New York may make mistakes. Because New

York is eminently rich in credit and capital it does not follow that her true interests and prosperity depend entirely upon an increase of the purchasing power of money, or of any other power that money may have. Her prosperity depends much more upon increased productions in the country and increased gains to the producing classes than upon her ability to lend money at high rates of interest to a failing people and to buy their property at low prices. This is becoming more obviously true as she drives her railroad enterprises and combinations into every quarter of the country and concentrates an increasing mass of productions in her warehouses. Her customers are found all over the land and her true interests include the prosperity of all parts of the country. This intimate connection between capital and production, it seems to me, should call the attention of the great capitalists of New York to the necessity of the protection and encouragement of the producing classes as well as to the increase of the power of the classes who live by selling productions, lending money, selling goods, dealing in stocks and bonds, banking, insurance, navigation, and by the profit of railroad transportation.

It is my firm conviction, which I state with unaffected deference to the opinions expressed in the petition of these distinguished commercial men, that the resolution which they urge us to adopt must have the effect seriously to embarrass and depress every industry on land and sea in which the producing and manufacturing classes are interested, and that it will have the contrary effect of increasing the wealth of the capitalists by the amount so lost to the great body of the people. I do not impute this purpose and intent to the petitioners, but I believe that they are so dazed with the prospect of increased and well-secured prosperity in their peculiar lines of business, and of the consolidation of their power, that they believe that the measure which will bring such results within their reach must be beneficent to every other interest in the whole country. Their mistake, and it is radical, is in assuming that the money of the country is the only true and legitimate controller and vitalizer of its prosperity, and that all industry is beholden to capital for its success, when the truth is that capital is a mere adjunct of industry—the aggregation of the earnings of industry treasured up in the forms of money and credit—and a means to facilitate the exchange of the fruits thereof.

When the people of this country, or, indeed, of any country, are supplied with a sufficient volume of currency to enable them to make free and rapid exchanges of the fruits of their industry, and have an abiding confidence in that currency, they are in a financial condition that cannot be bettered by any mere legislative expedients to increase the volume of currency, and they must necessarily be injured by such expedients to reduce its volume or its value. And when the rate of interest is in fair proportion with the profits of industry, and prices are remunerative, we have the very best proof that all the financial conditions are in operation that are needful to give proper support and encouragement to all industries and the proper employment of capital. Then it works, and does not speculate. Such is precisely our condition at this time, except that the rate of interest is a little advanced by a speculative demand for money; and I shrink with apprehension from resorting to any form of legislation that may seriously disturb it. That our people are sufficiently supplied with currency is evident from the steady increase of business. Notwithstanding the fact that the sum *per capita* is much below that of many nations not so prosperous, we are managing to outstrip them in progress. Our people have unwavering confidence in our paper money, because they know that its redemption in coin depends upon their own credit; and they feel strong enough and are true enough to make that credit good and available to meet every public debt. It seems that the petitioners are not satisfied of this fact; they mistrust the fidelity of the people. They want a higher rate of interest, and they want a better security for the repayment of their capital when they lend it. They wish to be able to lend national-bank notes to the people, and to pay them for their crops in this currency, but when the people owe them debts they insist upon the right to demand payment in gold, or, at least, in coin, and to deny to them the right to pay their debts in United States notes. They are becoming alarmed at the mass of capital that is accumulating so near to their stock and produce exchanges. Their fear is that it will betray Wall street into spasmodic speculations, and they want a description of money the volume of which shall be entirely within the control of the national banks.

The industrial classes are all content to earn United States legal-tender notes with their hard labors. But at the first moment after the people's credit has lifted this currency to par with gold, and indeed above par, a sudden and furious demand is made for its demonetization by the capitalists of our great monetary metropolis. I confess that I can discern no just cause for this movement at this time. If a reason ever existed why United States legal-tender currency should be abolished, it was when it was below par. It has cost the people untold losses, sorrows, and calamities, to build up the credit of this money, in the face of repressive laws designed to keep it down, and when they have borne it in triumph to assured success, it must be destroyed at the bidding of those who fear its competition in business.

The people believe in the maxim that nothing in the shape of a promise to pay is money, in the true sense, that is not redeemable in coin; that a government that endeavors to pay its debts, as a matter of right, and not of contract, in fiat money, or in promises that are not to be redeemed, cannot have and is not entitled to have credit at home or abroad. And faithfully and patiently they have labored and suffered to act upon this maxim, and to provide for the redemption of all our promises in coin. They will be astonished to find that their honor and credit are suspected at the very moment when they began to redeem greenbacks with coin. The injustice of this reflection upon them becomes very cruel when we recur to the history of our public debt, and to the sacrifices it has cost the people to provide for it. A few of the most prominent facts are sufficient to illustrate the cruelty of this wrongful and unjust suspicion of the people.

In the beginning of our new financial system which sprung from the war greenbacks were the only public debts that we agreed to pay in coin. The great body of our interest-bearing debt was, by express agreement with every bondholder, payable, at our option, in coin or in our legal-tender paper currency. On the 25th of February, 1862, Congress enacted that "United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time as the exigencies of the public interest shall require," and that they shall be receivable in payment of all taxes, except for duties on imports, &c., and of all claims against the United States, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid. That law authorized the issue of one hundred and fifty millions of these Treasury notes and five hundred millions 6 per cent. bonds. On the 1st of March, 1862, Congress authorized the issue of 6 per cent. certificates of indebtedness for the whole amount of audited and settled demands against the United States, and on the 17th of March, 1862, it authorized the issue of any amount of certificates of indebtedness that the Secretary of the Treasury could sell for coin, upon such terms and at such rates as he might deem most advantageous to the public interests. On the 11th of July, 1862, an additional issue of legal-tender notes was authorized to the amount of $150,000,000.

On the 17th of January, 1863, an issue of one hundred millions legal-tender Treasury notes was authorized. On the 3d of March, 1863, bonds to the amount of nine hundred millions, and four hundred and fifty millions in legal-tender Treasury notes, and fifty millions to redeem postal and revenue-stamp currency were authorized. And by a supplementary act of March 3, 1864, bonds were authorized to be issued to the amount of two hundred millions in lieu of those authorized by the act of March 3, 1863, "payable at any period not more than forty years from date in coin." This was the first express provision of law for the payment in coin of any of our bonds, and that was limited to $200,000,000. On the 30th of June, 1864, the issue of four hundred millions was authorized, the interest payable in coin. On the 3d of March, 1865, the Secretary of the Treasury was authorized to issue bonds to the amount of $600,000,000, "and the principal, or interest, or both, may be payable in coin or in other lawful money," at his discretion. So that in all these issues of bonds, the Secretary of the Treasury was required to issue only two hundred millions of bonds payable in coin, and was authorized at his discretion to issue six hundred millions, payable in coin or other lawful money. The great body of the national debt was subject to the provisions of the act of February 25, 1862, making Treasury notes legal tender and lawful money for their payment, and whoever bought these bonds took them subject to this law, which was a part of every such contract. And every bond that was issued contained an express contract providing for the description of money in which it was to be paid. Since these special contracts were made with the bondholders we have changed their terms by converting all of them into bonds payable in coin. This was done by the republican party on the 18th of March, 1869, by act of Congress, on the pretext of strengthening the public credit, and at the cost to our people of an additional burden of debt amounting to near six hundred millions of dollars. And then on the 14th July, 1870, the grip of the vise was thus further intensified, as I will show by reading the statute:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $200,000,000, coupon or registered bonds of the United States, in such forms as he may prescribe, and of denominations of $50, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable semi-annually in such coin, at the rate of 5 per cent. per annum.

At the same time, and largely by this means, the greenback currency, which was redeemable in coin, was left to decline in value for the want of coin with which to redeem it. Under the act of Congress of April 12, 1866, greenbacks were required to be retired by being funded in bonds at the rate of not more than $10,000,000 within the first six months from the passage of the act, and not more than $4,000,000 monthly thereafter.

This process sent up the currency price of new bonds of 1865 from 111 in April, 1865, to 122 in April, 1869, and gold went down from 48 per cent. premium in April, 1865, to 35 per cent. in April, 1869. This was the result of restored confidence in the redeemability of our promises, not by the process of contraction, but through the faith of the people that our promises would at some time be kept. On the 4th of February, 1868, Congress suspended further contraction of the currency, and yet the premium on gold continued to sink from that time until greenbacks became its equivalent of value, in January, 1879. The coin resources of the Government had been set apart under

a legislative mortgage of our customs receipts for the exclusive benefit of the bondholders, whose agreement was to accept greenbacks for much the greater part of their bonds, while the holders of greenbacks that were payable in coin were cut off from all hope of getting coin for them until after the lapse of many years. Of course they went down in the money market, and those who took them at par found them worth little more than about one-third of their face value in gold in July, 1864, while our bonds were selling at 118 in currency. It was the bad faith of the Government toward the people, and not the bad faith of the people toward the Government, that caused this terrible depreciation of the legal-tender currency. I do not claim that when we reach the period of peace and reaction we should have issued legal-tender currency equal in amount to our bonded debt, for the purpose even of converting into a non-interest-bearing debt, for I believe that such a policy would have recoiled upon our industries to an extent almost as injurious as it was to add $600,000,000 to the burden of the debt. But I do claim that the contract should have been allowed to remain as it was originally made, so that we could have had the advantage of the option to pay such part of the debt in greenbacks as we had in circulation in March, 1869.

It was a breach of plighted faith and a gross injustice to create an enormous demand of gold to pay one class of creditors a mere gratuity upon their untaxed bonds, while we caused another class, who held a different class of debts, redeemable in coin, to lose nearly two-thirds of the face value of their debts and pay the taxes to raise the gold for more fortunate people.

If these obligations had been left unchanged, every bondholder would have been the firm ally of every tax-payer, and of every holder of greenbacks in the effort to maintain them at par for gold. When the bondholders were bound by contract to accept greenbacks for their bonds, they were interested to uphold their value. When they were released from this obligation, the position was reversed, and they were more interested to reduce their value as much as possible below the par of gold. And thus our people were "ground beneath the upper and the nether millstone."

But all these advantages were not considered as being enough for the capitalists. They had gained great ascendency over the people, and it had naturally taken a political form. It entered into the State, and demanded a share in the powers of government. It claimed to be able to control the election of a President; and it was. It demanded the further concession to its electoral power that its novated contract, which in express terms was payable "in coin of the standard value of the United States on the 14th day of July, 1870," should be paid only in gold coin. Silver was then legal tender for all sums, and our mines opened up to meet the necessities of an impoverished people almost as the waters rushed from the rock when smitten with the rod of Moses.

Silver was likely to dethrone gold from its imperial dominion, and the capitalist saw the victimized people preparing to supply a silver coinage from their mines for their own deliverance; and the republican party on their demand demonetized silver. How did they do this fatal work? By exactly the means that are now attempted with reference to greenbacks—they simply destroyed its legal-tender quality. That was all they did, and it sunk and died; and when silver money was thus destroyed our bonds could only be paid in gold coin. Every other possible means of payment Congress had destroyed. The people still had United States notes with which they could pay their debts, one to another, because Congress had imparted to them the legal-tender quality. They were below the par of gold, and to that extent they were a constant loss to the people.

Again, when a President was to be elected, the capitalists made another demand upon the republican party, and it was granted. In 1875 they demanded that the volume of greenback currency should be contracted, and that of the national banks expanded. This demand was not made on the grounds that greenbacks were legal-tender currency, far from it. National-bank notes were redeemable in coin or in legal-tender paper money, at the option of the banks, and in these banks capital had established its citadel. The national bank was its keep and stronghold, where no enemy could prevail against capital. Its untaxed bonds drew interest there, and the Government, while paying interest on the whole sum of the bonds, paid to the bondholders, in advance, nine-tenths of that sum in notes to circulate as money, the final redemption of which in coin was guaranteed by the United States. The Government also gave the bondholders bank charters which they could use in any State or Territory, and then the exclusive monopoly of banking in any and every State; and to make this monopoly effectual and more valuable, the Government destroyed by its laws every State bank of issue by a direct tax of 10 per cent. upon its circulation. Greenback currency would have been long since destroyed but for its usefulness to the national banks as a means of redeeming their circulation. While greenbacks were below par, the national banks used them to redeem their circulation and to keep up their reserves. As soon as greenbacks attained the par value of gold, they ceased to be a convenience to the national banks of heavy capital, such as they have in New York, for the redemption of their issues, and they then became an obstruction to their business. They occupy a field of circulation nearly as large as that covered by national-bank circulation, and if they can be driven out the national banks will have all that field to themselves. And so it seems they must go.

For several years very strenuous efforts were made by capitalists to force a contraction of greenback currency, with a view, as they asserted, to bring the sum of that currency within the capacity of the Government to redeem it in gold. It was to their interest then, as it is to the interest of capitalists now, to get the entire volume of legal-tender money under their control, and until gold and silver became abundant, they being compelled to retain some greenbacks with which to supply a fund for the redemption of their own issues, held on to its legal-tender quality, and struck boldly for the contraction of its volume. This outcry against the volume of this currency was always a pretext to satisfy the country with its removal from the field of competition with the national-bank circulation. How could it be expected that any man would believe this pretense while we were constantly increasing the volume of our interest-bearing debt payable in gold, and increasing our national-bank circulation which the Government is as much bound to redeem in gold as it is to redeem greenbacks in gold? All these debts alike rest on the credit of the people, and their credit was as good to sustain greenbacks at par for gold as it was to sustain one thousand seven hundred and ninety millions of bonds at from 2 to 6 per cent. premium over gold, and as it is to sustain the constantly increasing volume of national-bank currency at par. The contraction policy of 1868, which was such a cruel and ruinous visitation upon the country, leaving the whole land strewn with wrecks of families of good and frugal men brought to poverty and want, and the policy now urged in this petition, and in the resolutions it asks us to adopt, to destroy the legal-tender quality of this currency, are alike in principle, and will, as I fear, result in like disasters to the people.

The contraction policy of 1875 did not renew these evils in their full effect for many reasons, one of which was that a series of very hard years had prevented the extension of credit, but the principal reason was that there was a pledge in the act of 1875—the resumption act—that the volume of greenbacks should not be reduced by compulsory funding below three hundred millions, and after January, 1879, the people were permitted to decide for themselves whether they would accept its redemption in coin. When Congress prohibited the destruction of greenbacks and required their reissue, they did not sink in value, but constantly appreciated, and this is the final proof that the people consider them as good as gold under any system of fair treatment.

Whenever any descriptions of money, whether silver or coin certificates, or greenbacks, or State bank issues, have come in competition with the national-bank currency, they have been assailed with violence, and abused with epithets and revilings, and have been either destroyed or else so crippled that they could not exert their proper influence in our national system of finance.

We have now reached the fifth act in the financial tragedy. The first four acts were under the management of the republican party, namely: first, the change of the character of our debt from a "lawful money" contract to a coin contract; second, the change of that coin contract to a gold contract through the demonetization of silver; third, the rapid and forced contraction of the volume of the greenback currency while we were expending the national-bank currency and increasing the public debt; fourth, the bankruptcy of the people and the desolation of the workshops, filling the land with tramps who were once good citizens; and the making bonfires of cities by compelling the employés of great corporation monopolies to fight for the bread they could not otherwise earn. These were the four acts of the tragedy in which the republican party played all the parts. But most of the stock actors grew faint with overwork, and alarmed at the contemplation of the dreadful *denouement* that awaits them, and deserted the stage. Some of the great stars are also alarmed and are now attempting to conceal their deadly splendors in clouds of obscurity, and stand by to watch in utter silence, while others—the democrats—are about to finish the performance.

The fifth act, the destruction of one-half of the legal-tender money that remains to the people, is left to the care of the democratic party, which, it is supposed, will be compelled to complete the tragedy under a threat that, if they refuse, New York will withdraw its support. I prefer to let the republicans play out their programme.

Their President, not the people's President, is already on the boards in the title role of the Great Pretender who comes forth with apparently desperate purpose to destroy the greenback currency which is the child of his own household, but reassures his alarmed confrères by telling them, in a stage whisper, that he is not dangerously in earnest, but only acting a part to frighten the democrats into some wild folly. And their Secretary of the Treasury is stepping cautiously toward the stage to resume his character of "Artful Dodger," if the applause seems to justify the venture. Let them play it out and see whether these greater stars now in total eclipse will also come forth again.

Let them complete their work and appeal to a betrayed and ruined country for their reward.

After incalculable sufferings we have reached the point of resumption, and I rejoice at the fact, but deplore the cost of it. The people of the United States have resumed specie payments. Their confidence in their own credit has inspired all classes with the belief that their promises to pay are as good as coin, and that confidence, and only that, has brought us to resumption; and that confidence alone will enable us to maintain it. We know full well that with about four hundred and eighty millions of coin and bullion in the country we

cannot pay the annual gold interest of $88,000,000 on the national bonded debt and redeem $683,336,000 of paper currency, but we know that we can, under existing laws, meet promptly every demand that will be made upon us for its redemption, and this fact makes every promise of the Government the equivalent of gold.

Has this result been brought about by the pretext of resumption under which we agreed that on the 1st day of last January we would pay coin for greenbacks over a single counter in New York when presented in sums of not less than $50? As well might we say that the smallest outlet to the sea which helps to drain off the water of the Mississippi put into action the myriad fountain-springs that supply its vast volume of water. That act of resumption only indicated a period of time at which our people would give expression to a common consent and understanding that all our promises should be considered as the equivalent of coin.

When our people uttered this great decree, it was impossible that any power could resist its influence, and it will stand good in despite of any effort of Congress to cast a new and darker shadow of discredit on their good faith by declaring that they are not to be trusted with the duty of keeping their promises at par with gold.

The democratic party attempted to provide two aids to resumption, so as to make the burden easier upon the country. They succeeded over the veto of the President in securing the remonetization of silver. They restored to that coin its legal-tender quality, but were prevented from restoring the coinage of silver to its former equality of privilege with gold. Still, what they succeeded in accomplishing was the most efficient, if not the indispensable, preparation for the resumption of coin payment. They fenced in the Treasury with a barricade of silver, and that saved it from exhaustion. It was only when we had made it possible for the Secretary of the Treasury to pay out silver to the holders of our paper currency when they should demand gold that he was ever able to venture to attempt resumption in its restricted form over a single counter in New York.

The democratic party attempted also as a measure to facilitate resumption, and as a measure of justice to the people as well, to compel by law the Secretary of the Treasury to accept our legal-tender paper money at the custom-houses in payment of duties on imports. This measure was opposed by the great body of the republican party and by its President and Secretary of the Treasury, and was defeated. And yet within a very short time after Congress had adjourned the Secretary of the Treasury, by his mere order to his customs officers, required them to violate the express statute and to receive greenbacks in payment of all customs dues. He found himself compelled to accept democratic policy as a necessary means to resumption, but he availed himself of it not through the constitutional powers of Congress, but by usurping those powers to himself and by enacting a law that Congress had just refused to enact.

It is worse than idle for the demonetizers to declaim against instability in our system and the insecurity of the value of money when a Secretary of the Treasury is permitted, without any objection or even a question of his authority, to annul the most important laws governing finance, and to issue orders by which the whole of our customs revenues are required to be received in a sort of money that he is expressly prohibited to take.

I have presented, as I believe, a just and correct view of the situation and of the measures which have enabled us to reach resumption.

If any further legislation is needed now, I believe that it is to amend the statutes so that greenbacks can be received for customs duties, and so relieve the Secretary of the Treasury from the necessity of violating the laws that he is sworn to execute, and to place silver on an equal footing with gold as to all the privileges of coinage.

I have heard but one argument in support of the resolution of the Senator from Delaware. That argument is, that the existing volume of greenback currency was issued and is kept in circulation in violation of the Constitution of the United States; or that, if this is not true, there is a strong current of opinion against its constitutionality, and that our currency should not be kept in any debatable condition.

The President approved the act of May 31, 1878, requiring that United States legal-tender notes after they have been redeemed should be reissued and paid out again and kept in circulation, and in December, 1879, he declares in his message to Congress that not only was that law unconstitutional but that all the laws making United States notes legal tenders that have ever been enacted are in the like category. He thus destroys not only the opinions of every Congress—nine in number—that have met since 1861—opinions that have stood for eighteen years and have been constantly reiterated, and also the opinion of the Supreme Court of the United States—but his own opinions. This is a sad havoc of opinions. But the Secretary of the Treasury, not taking such bold ground of hostility to his own opinions heretofore expressed, furnishes a door of escape from their consequences, which I will read from his report for 1879, pages 11 and 12:

> The note of the United States is now received for all public dues, it is carefully limited in amount, it is promptly redeemed on demand, and ample reserves in coin are provided to give confidence in and security for such redemption. With these conditions maintained the United States note will be readily received and paid on all demands. While they are maintained, the legal-tender clause gives no additional credit or sanction to the notes, but tends to impair confidence and to create fears of overissue.

As if it were not quite as easy to overissue national-bank notes as it is legal-tenders or any other Treasury notes that may not be legal tenders!

> It would seem, therefore, that now and during the maintenance of resumption it is a useless and objectionable assertion of power, which Congress might now repeal on the ground of expediency alone. When it is considered that its constitutionality is seriously contested, and that from its nature it is subject to grave abuse, it would now appear to be wise to withdraw the exercise of such a power, leaving it in reserve to be again resorted to in such a period of war or grave emergency as existed in 1862. The Government derives an advantage in circulating its notes without interest, and the people prefer such notes to coin, as money, for their convenience in use and their certain redemption in coin on demand. This mutual advantage may be secured without the exercise of questionable power; nor need any inconvenience arise from the repeal of the legal-tender clause as to future contracts. Contracting parties may stipulate for either gold or silver coin or current money.

A blessed privilege to a man, you will observe, Mr. President, who has his rights secured in the Constitution of the United States, that he must further secure them, in order that they should be available to him under any circumstances, by an express, special contract!

> In the absence of an express stipulation for coin the reasonable presumption would exist that the parties contemplated payment in current money, and such presumption might properly be declared by law and the contract enforced accordingly.

It would be a wonderful act of Congress for us to pass if we should enact that hereafter there should be a presumption attending every contract that that contract was made with reference to its payment in national-bank notes, and that, unless the contract expressly stipulated otherwise, national-bank notes should be a legal tender, in consequence of that established legal presumption, in the payment of debts. It is a wonder what has become of the Constitution in the contemplation of the Secretary of the Treasury when he states propositions of law like this. I do not know a respectable court in the United States that has ever yet held that the debts created between persons in this country, where we have gold coin, silver coin, and greenback notes which are legal tender, and contracted in view of such a currency as this, were followed by the legal presumption that they were not to be paid in that kind of currency, but that they were to be paid in national-bank notes.

There is such a thing in this country as a final settlement of judicial questions, and when the Supreme Court has settled a question purely judicial in its character I think it is right and proper to let that question rest where they have left it. My right under the Constitution to pay my creditor a debt in paper currency can only be upheld or denied by the judgment of a court, when an act of Congress declares that I have such a right. Neither the executive nor legislative departments can adjudge this question. This right to demand gold or silver coin in payment of debt due me, in which I firmly believe, is an individual right—a right as personal to myself as the right to have my person or papers or property protected from unlawful arrest or seizure or destruction. It is a right of the same class as those named. It is in no sense a political privilege, and Congress has no power to deny it or to treat it as a political privilege.

A question is said to be pending in a case now before the Supreme Court with reference to the constitutionality of our reissued legal-tender paper currency, and it is thought best by some not to risk that eminent tribunal on this question, but to treat it as a political question, which Congress may decide at once by an act depriving that currency of its legal-tender quality.

I must deny the power of Congress to do such a thing so as to prevent any man from paying a debt existing at the time of the passage of such an act in legal-tender notes if he had the constitutional right so to pay it when the debt was created. If a debtor ever had the right under the Constitution to pay his debt in legal-tender paper, Congress cannot take from him that right so as to discharge that debt so long as that currency is in circulation. If Congress can do this it can as well declare that gold and silver shall not be a legal tender for debts already existing, and I do not believe it has that power. To do that would be to deprive a man of his property or his rights by a mere legislative declaration, which is not "by due course of law." If Congress can declare that no gold and silver coins and no paper money shall be legal tender it can put a stop to all payment or collection of debts. If any description of money is made legal tender by act of Congress, and if the act is constitutional, it must necessarily follow that Congress cannot pass a retroactive law which will operate to prevent any debtor from paying his debt, contracted before its passage, in that description of money if he can get it. But the resolution of the honorable Senator from Delaware destroys the legal-tender quality of our greenback currency "from and after the passage of this resolution," and makes no reservation of the right of debtors to pay their debts then existing in that sort of money.

I may safely assume, as I believe, that the private indebtedness of the people of this country, and of our numerous corporations, private, public, and municipal, and of the States, is more than four times greater in amount than all the gold and silver coin and all the paper money now in existence in the United States; and this resolution attempts to destroy the right of all these debtors to pay their debts in money that was legal tender when they were created. It is urged, however, by the friends of this measure, that because our legal-tender notes are redeemable now in coin, that their demonetization will not affect their value. Yet I cannot understand why, if this be so, we should find it necessary, as a measure of relief to the country, to convert greenbacks from a legal-tender currency into a currency through which legal-tender money may be obtained. If no other change than this will occur from the demonetization of greenbacks,

we are controverting here over a mere abstraction—a question of constitutional law that the Supreme Court should decide and must decide, and that is not brought into Congress by the pressure of any public necessity. Without attempting to forecast what may be the effect of such a measure upon our newly dawning prosperity, or to predict the evils that will follow such harsh legislation, I cannot justly refrain from declaring it as my belief that a more serious breach of public faith could not be enacted into a law. All of this vast mass of indebtedness that was contracted since the war, was based upon the solemn pledge of the Government that the creditor should be compelled to receive payment in United States legal-tender notes whenever they were duly tendered to him on or after the maturity of the debt.

To deprive this currency of its legal-tender quality, and yet leave it in circulation as money, as is proposed in the resolution, is to destroy an important element of its value and to cancel the promise of the Government printed on every bill, that it should be legal tender in payment of debts, while they remain in the pockets of the people. I cannot conceive of worse treatment than this. They must stand as they are or be redeemed. The laws under which this currency was created were enacted in time of war, and the necessity so created is regarded by some great jurists as justifying its issue under the constitutional power to declare war and to raise and support the Army and Navy. I may not be convinced, as I am not indeed, that the power thus derived is sufficient to support the act imputing to paper money a legal-tender quality.

It would be better to amend the Constitution and define and make specific the power to create legal-tender paper-money, and confine the power to fixed limits, than to rest it upon the uncertain event of war or other urgent necessity. I am afraid, if this is a war power, and cannot be exercised in time of peace, that some of our inflationists might even be willing to force the country into some foreign or domestic war with a view to an increase of legal tenders and the restoration of financial prosperity, as they view it. It might even be better to have the unlimited power of inflation in the keeping of the national banks, that now possess it under our laws up to the amount of our entire bonded debt, if they choose to use it, rather than risk a war to justify the expansion of legal-tender currency.

But that question has been authoritatively decided by the Supreme Court, which has the right to follow its reasoning, and that is the only tribunal that can finally decide this question, which, as a question of law, can only affect two classes of people, the debtors and creditors.

If there was ever an occasion when the necessity of the rule *stare decisis* was more obvious than in all others, it is in this case. These decisions of the Supreme Court affirming the constitutionality of these laws have become all-pervading laws of property, and have entered into and controlled every transaction in which there is no special contract for payment of a debt in coin or in some commodity, so that it may be said with absolute certainty that almost the entire existing volume of indebtedness among the people was contracted with direct reference to the legal-tender quality of greenbacks.

Because some of us differ in opinion with the Supreme Court on these subjects it is proposed to destroy their jurisdiction to enforce their decision in cases now pending in that court and in all that may come before it, and by joint resolutions to revise their judgment declaring the law as it stood originally to be constitutional. I have endeavored to show that the resolution of the honorable Senator can never constitutionally reach its purpose. It will die of the same infirmity that it proposes to cure. It will perish under the guarantees of the Constitution that provide a due course of law, to be administered in the courts, for the protection of citizens in their personal rights with reference to their rights of property and indebtedness. The statutes upon which this currency rests are still unrepealed, and their constitutionality has been settled by a judicial decree. If there have been any essential changes in these laws let the Supreme Court decide whether they are constitutional enactments. If we declare them unconstitutional we only set the opinion of one Congress against another, against many others indeed that have directed the reissue of this money, and it is our plain duty in such conflicts of opinion to submit the question to the arbitrament of the Supreme Court.

I wish to call the attention of the Senate for a very few minutes to the statutes on this subject, first the act of 1862, which originally ordained and established the greenback system. In the first section it is provided:

> And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and may be reissued from time to time as the exigencies of the public interest shall require.

Every single greenback act that was passed subsequent to that time by the Congress of the United States contained that provision substantially. Whenever a new issue of greenbacks was authorized by law it contained the express provision that they should be reissued by the Secretary of the Treasury as the exigencies of the country might from time to time require.

Was not that part of the constitutionality of the law at the time of its enactment? Did that feature have anything to do with its constitutionality? It had as much to do with the constitutionality of the law as the original provision for the issue of greenbacks had. So that when the Supreme Court decided that that law was constitutional, that law provided for the reissue of the greenbacks, and none of these laws have ever yet been repealed; they stand upon the statute-book, and the act of the last Congress for the reissue of these notes was a mere further declaration of the will of Congress, based upon the original authority contained in the laws themselves, that these notes should be reissued—part of the original law itself, part of the elementary nature of the issue itself, that they might be reissued and should be reissued.

Let us have these great controversies settled for the sake of the public welfare, and let the people know that there is an end of strife concerning them. These questions are too grave to admit of light or passionate treatment, and the use of epithet or denunciation is extremely ill-timed in this discussion. United States legal-tender notes are being bitterly denounced as dishonest money. It is a noteworthy fact, however, that the destruction of this currency for the cause of their dishonesty was never urged while it was below the par of gold. As soon as it has reached that standard and become everywhere the equal of gold, and, indeed, its superior in popular favor, it is assailed for dishonesty. Who are they who thus assail it? Chiefly those who also denounce silver as dishonest money, and who deny to all coin except gold an honest character, and to all paper money except national-bank notes an approximation toward respectability.

The $346,000,000 of United States notes now in circulation perform the same functions as if every dollar they call for was a gold dollar. But its presence reduces the power of gold over the labor and industries and property of the people, and at the same time relieves the people from the necessity of paying a heavy premium to the national banks on $346,000,000 of their issues which will take the place of greenbacks, and it is not a matter of surprise that gold and the national banks are moving in concert to destroy their great rival and regulator. The prize they seek to win is worthy of their best efforts.

It is true that some of the weaker national banks will break if their charter right to redeem their issues in legal-tender notes is taken from them, but the sections of the country from which these petitions come have strong banks that are backed by the concentration of immense capital in the great commercial cities and the failure of the weaker banks elsewhere would only leave open to them a wider field, and a more perfect control of finance and commerce.

I believe that to demonetize greenbacks now would be as fatal to our prosperity as was the demonetization of silver. I cannot understand why the destruction of the legal-tender quality of $346,000,000 of greenbacks would not work as serious mischief to our people as would result from the demonetization of that sum of silver coin. I cannot rid myself of the conviction also that this measure is only the first step in a movement that is designed to re-establish gold as the only full legal-tender coin, and national-bank notes as the only paper currency. The friends of these two projects are always found together, and their movements are in complete harmony.

The political significance of this movement is calculated to excite the gravest apprehensions of danger in some sections of the country.

It is more than intimated in the leading papers that demand the demonetization of the legal-tender currency, that largely capitalized cities control great States having many electoral votes, and unless those who strive to defend the people against the power of monopolies, and the power of privileged classes, will agree to adopt their financial policy, they will be handed over to a party that has always been the friend of privilege and monopoly for political control. I fear that such a coalition will be too easily made.

It appears that the alternative is about to be presented to us that we shall submit to the power of centralized capital to control the prosperity and industries of the people, or the dominion of centralized political power to control their privileges as citizens and their rights as individuals. What we shall do when such an alternative is presented it is only for me to conjecture. But I hope we shall still stand by the people and still endeavor to protect their personal rights and liberties against the encroachments of monopoly and privilege, whether they are supported by the power of money or by the powers of despotic political government. If we yield to this demand, it may again reduce us to poverty and sorrow and haunt our firesides with the gaunt specter of starvation that hovered about them when gold reigned a supreme monarch in the land and all industry was paralyzed.

I am not ready to suddenly dispense with any fiscal agency or any currency that has been proven by experience to be a valuable assistance to the people in their patriotic effort to bear the great burden of our public debt. This debt still hangs over us and demands an annual contribution of $88,000,000 from the people. This debt is as much a part of the war as if hostilities had not yet ceased. Its shadow hangs, like the smoke of the battle-field, over the entire country. If its origin was in a time of extreme necessity, and if its justification as a legal tender is under the law of necessity, so long as that debt remains unpaid the necessity that gave it origin and constitutional sanction remains to support it. Legal-tender notes and national bank notes were both born of the necessities of the times.

If this great sum that we pay for interest was annually contributed to the increase of our wealth, we would soon become the richest people in the world. Even at the moderate rate of interest that we are paying we will have expended in that way more than four times the sum

of the entire debt before we get it paid. We are also paying about $40,000,000 per annum for the use of $337,000,000 of national-bank currency. Of this sum about $13,000,000 are for interest on their bonds deposited to secure the circulation of the national banks, and the remainder is at the low rate of 5 per cent. upon the loan of their issues to the people. I say a low rate, because I believe that every dollar of national-bank issues cost the borrowers at least 10 per cent. per annum. The sum of the loans by the national banks in 1878 was $834,000,000, being more than twice the amount of their circulation, and this sum could not have yielded less than 5 per cent. by way of interest, discount, and exchange. With the national debt still to be paid, and with about one-third of our entire volume of money thus hampered with the price of extortionate interest, it is not unnatural or unjust that the people should be jealous of all attempts to demonetize greenbacks and silver money, which cost them nothing for interest when it issues from the Government.

We cannot keep gold in this country by legislation that relates only to its value as money. If we keep it here, it will be by maintaining the balances of trade in our favor. As soon as these balances of trade are against us our recent acquisitions of gold which we have made, from the same cause, will flow away from us. The notes of the Bank of England and of the Imperial Bank of Germany do not come here to pay balances. Gold, and only gold, comes to pay the balances. If our only paper money is to be the notes of the national banks, not one dollar of them will ever go abroad to pay balances. Neither will United States notes go abroad for this purpose. But when gold shall leave us, as sometimes it must in the discharge of its functions in international commerce, if we have a proper volume of legal-tender paper money, kept at par by the confidence of our people in its redemption in gold or silver coin, we shall not find our industries paralyzed by the absence of gold, and we can keep at work to earn enough again to change the balance of trade in our favor.

Why, then, should we at this time strike down the legal-tender quality of the existing volume of greenback currency that the Supreme Court has decided to be constitutional money? Whether that decision was right or wrong in principle it is an accomplished fact, and it is rashness now to attempt to destroy it. If this policy must be adopted, let it take effect five years hence, and let the people have time to prepare for this contraction, as was done with reference to resumption. It would be cruelty to force them into this strait at this time, and the first panic among the wild men of Wall street or the first material failure in our crops would remand the people to the miseries of 1873–1877. I would not now abolish the national banks, neither would I cripple them in their legitimate business; on the other hand, I would not consent that our bonds should never be paid in order to keep up a supply of capital for those banks.

I would fully respect their charter rights until their charters expire, or until I found that they were abusing them, as was done by some great national railroad corporations, and then, as we did with them, I would control them so that they should not disturb the general welfare.

I would, as soon as might be safe and just, require all banking to be done on terms of equality, and would abolish the monopoly that enables the national banks to draw interest on the fund deposited with the Government to secure their circulation, while the holders of gold and silver are not permitted to bank upon it at all.

I would remove all taxation from the circulation of the national banks so as to cheapen the money to the people. They now pay this tax to the banks, and they in turn pay it to the Government. I was never in favor of a national-bank system, but that it is a useful and safe fiscal agency through which the Government can issue money to the people I must admit, and that it has done good service in regulating exchanges is beyond question. Still the banks, as the laws are now, have the unlimited power of expansion, and when legal-tender paper money is destroyed will have an unrestricted power of contraction, and I believe they should be controlled in the exercise of these powers. They are powerful, and may become dangerous combinations, and I would never increase their power by removing any other currency that will keep them in check, at least while they possess their existing ability to control the value of the labor and property of the people. At this time, when the country is just rising from its disastrous fall in 1873, I must vote against any measure that I am convinced would disturb the financial condition of the country, because there is no existing evil that I can discover that it is necessary to correct by radical legislation, and there is extreme danger that we shall destroy the confidence of our own people in the good faith of the Government in its dealings with them, and thereby put a stop to the progress we are just beginning to make toward a general and assured prosperity.

The VICE-PRESIDENT. What motion does the Senator submit in reference to the resolution?

Mr. MORGAN. I move that it be referred to the Committee on Finance.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. DAVIS, of Illinois. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

PROVIDENCE CUSTOM-HOUSE.

Mr. BURNSIDE. I ask unanimous consent of the Senate to consider the bill (S. No. 820) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOMERVILLE & DAVIS.

Mr. MAXEY. I ask unanimous consent that Senate bill No. 324 be taken up It is a small bill reported by the Finance Committee and will not take a minute I am sure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 324) for the relief of Somerville & Davis. It authorizes the Secretary of the Treasury to adjust the claim of Somerville & Davis, of Galveston, Texas, for excess of duties paid by them on twelve hundred and sixty-eight bundles of cotton-ties imported by them, per steamship China, at the port of Boston, July 29, 1876, and to refund to them the amount found to have been paid in excess of the duties chargeable by law.

Mr. DAVIS, of Illinois. Is there any report in the case?

Mr. MAXEY. There is a report from the Committee on Finance. It is very short and explains the matter.

The Chief Clerk read the following report, submitted by Mr. BAYARD on the 15th instant:

The Committee on Finance, to whom the bill (S. No. 324) for the relief of Somerville & Davis was referred, having had the same under consideration, submit the following report:

The closing sentences of the letter from the Secretary of the Treasury, May 17, 1878, to the then chairman of this committee (Mr. MORRILL, of Vermont) contains a judgment upon this case in which your committee fully concur:

* * * * * * *

"This Department, upon investigating the matter, ascertained that such representations were true, and that the original claim of the importers was corre

"The Department, however, owing to the failure of the importers to bring suit within ninety days from the date of its decision on their appeal, whereby, under section 2931 of the Revised Statutes, such decision became final and conclusive, was unable to grant any relief to the importers in the premises.

"From the foregoing it will be seen that the importers are equitably entitled to have their entry of the said goods reliquidated at a duty of 35 per cent. *ad valorem*, and to have the excessive duties refunded to them, but that, owing to their failure to comply with the requirements of the provisions of law above specified, such course cannot be taken without authority from Congress.

"I think the bill should pass.

"Very respectfully,

"JOHN SHERMAN,
"*Secretary.*"

Wherefore, your committee report the accompanying bill and recommend its passage.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

REMISSION OF DUTIES ON PRIZES.

Mr. BAYARD. I move to proceed to the consideration of Senate bill No. 840.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 840) to exempt from taxation competitory prizes won by American citizens in foreign countries.

Mr. DAVIS, of Illinois. I understand that the House of Representatives always deny the power of the Senate to initiate such legislation as this.

Mr. BAYARD. This is not a question of raising revenue.

Mr. THURMAN. They have made that point, however. I have no objection to the measure itself, but that was a matter upon which we had a reference to a joint committee of conference, and had a long report from Mr. Scott on the part of the Senate managers, and the two Houses could not come to any agreement, one way or the other. I shall vote for the bill, but I rather think its passage here will amount to nothing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. DAVIS, of Illinois. We pass bills too hastily here, Mr. President. I think it is time to adjourn. I move that the Senate do now adjourn.

Mr. LOGAN. I would ask my colleague to withdraw that motion for a moment to allow me, as I was not in during the morning hour, to present some papers.

Mr. DAVIS, of Illinois. I have no sort of objection; but if I yield to my colleague somebody else will ask me to withdraw the motion for some other purpose. He can present his papers to-morrow morning as well as now. I should like to oblige my colleague, but I insist on my motion.

The motion was agreed to; and (at two o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 17, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MINERAL LANDS.

Mr. STEVENSON. I ask unanimous consent to have taken from the Speaker's table, for reference to the Committee on Mines and Mining, the bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Mines and Mining.

JOHN BARRY.

Mr. BERRY, by unanimous consent, introduced a bill (H. R. No. 3027) for the relief of John Barry; which was read a first and second time, and referred to the Committee on Military Affairs.

NATIONAL MAIL STEAMSHIP SERVICE.

Mr. MARTIN, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3028) to provide for the establishment of a national mail steamship service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER AT SIOUX CITY.

Mr. CARPENTER. I ask unanimous consent to introduce a bill making an appropriation for continuing and completing the improvement of the Missouri River at Sioux City, Iowa.

The SPEAKER. Bills of this kind are introduced and referred by being placed in the box at the desk.

REPORT OF HEALTH OFFICER OF DISTRICT OF COLUMBIA.

Mr. HEILMAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print 2,500 copies of the report of the health officer of the District of Columbia for use of said health officer.

FUNERAL EXPENSES OF A HOUSE EMPLOYÉ.

Mr. HERBERT. I ask unanimous consent to submit for immediate adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That there be paid out of the contingent fund of the House to the Sergeant-at-Arms thereof a sum sufficient to pay the proper funeral and expenses of last sickness of Philemon D. Sayre, late an employé of this House: *Provided*, Said sum shall not exceed $500, to be approved by the Committee of Accounts; and there shall be paid out of the same fund, subject to the same approval, three months' pay to Mrs. Caroline N. Sayre, mother of deceased.

Mr. DUNNELL. This resolution would establish a new precedent. I think it should go to the Committee of Accounts.

Mr. HERBERT. I will say to the gentleman that the precedent is already established. A resolution of similar character to this was passed during the third session of the Forty-fifth Congress. This resolution is to provide for the funeral expenses, &c., of the young man who stood at the western door of this Hall during last session and during the last Congress. I ask the gentleman to withdraw his objection.

Mr. DUNNELL. I prefer that the resolution should go to the Committee of Accounts.

Mr. HERBERT. Very well; let it be referred.

The SPEAKER. The resolution will be referred to the Committee of Accounts.

CHINESE IMMIGRATION.

Mr. WILSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs be directed to ascertain and report what legislation, if any, should be had upon the subject of Chinese immigration.

LEGAL-TENDER CURRENCY.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 3029) to restore the legal-tender currency of the United States to the constitutional requirements; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPEAL OF TAX ON BANK CHECKS, ETC.

Mr. BALLOU also introduced a bill (H. R. No. 3030) to repeal section 3418 of the Revised Statutes, levying a tax of two cents on every bank check, draft, or order; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HENRY OSTERHELD.

Mr. O'REILLY, by unanimous consent, introduced a bill (H. R. No. 3031) for the relief of Henry Osterheld, late first lieutenant Sixty-eighth New York Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

OCEAN NATIONAL BANK, NEW YORK.

Mr. BUCKNER. I ask unanimous consent to report from the Committee on Banking and Currency a resolution for adoption.

Mr. FERNANDO WOOD. I demand the regular order.

Mr. BUCKNER. The Committee on Banking and Currency are privileged to report at any time under the rule.

The SPEAKER. That depends on the subject of the report.

Mr. TOWNSHEND, of Illinois. Let the resolution be read.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency is authorized and directed to continue during the present session the investigation of the affairs of the receivership of the Ocean National Bank of New York required under resolution of this House of June 4, 1879; that said committee have power to send for persons and papers, examine witnesses, and commit their testimony to writing, and that the sum of $1,000, or so much thereof as may be necessary, be set aside from the contingent fund of the House, in addition to the sum heretofore set aside, to defray the expenses of said investigation.

The SPEAKER. This is a continuation of an investigation already authorized?

Mr. BUCKNER. It is.

The SPEAKER. The Chair hears no objection to the introduction of the resolution.

The resolution was adopted.

Mr. BUCKNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY POSTS ON THE RIO GRANDE FRONTIER.

On motion of Mr. UPSON, by unanimous consent, a bill (S. No. 53) making appropriations for required sites and the erection of suitable posts for the protection of the Rio Grande frontier was taken from the Speaker's table, read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT SMITH AND ARKANSAS CITY RAILROAD.

Mr. YOUNG, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 3032) to provide for the construction of a railroad and telegraph line from the town of Fort Smith, on the line of the Indian Territory and the line of the State of Arkansas, to Arkansas City, on the line of said Indian Territory and the line of the State of Arkansas, so as to secure to the General Government better postal facilities and a shorter line of travel for the general public; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

DELIVERY OF LETTERS.

Mr. FERNANDO WOOD. I demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour, which commences at nineteen minutes past twelve o'clock m. The first question in order is the unfinished business of yesterday, being a bill (H. R. No. 3014) to facilitate the delivery of letters and the speedy return to the writers thereof of such as are refused or cannot be delivered, reported from the Committee on the Post-Office and Post-Roads by the gentleman from Mississippi [Mr. MONEY] with amendments.

Mr. MONEY. I move the bill and amendments be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The motion was agreed to.

The SPEAKER. Reports are still in order from the Committee on the Post-Office and Post-Roads.

EXEMPTION FROM JURY DUTY.

Mr. JONES, from the Committee on the Post-Office and Post-Roads, reported back a bill (H. R. No. 1534) to exempt postal employés from serving on juries, with the recommendation that it do pass.

The bill, which was read, provides that all persons engaged in any branch of the postal service shall be exempt from serving on juries or from any penalty for neglect thereof.

Mr. JONES. I demand the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JONES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VALUELESS PAPERS—POST-OFFICE DEPARTMENT.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported back favorably a bill (H. R. No. 2959) to authorize the Postmaster-General to dispose of or destroy certain valueless papers accumulated in the Post-Office Department; and the same was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

MRS. A. P. BELL.

Mr. STONE also, from the same committee, reported a bill (H. R. No. 3033) for the relief of Mrs. A. P. Bell, of Bertie County, North Carolina; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. STONE, from the same committee, submitted adverse reports

in the following cases; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 613) for the relief of Ashbrook & Tucker; and

Petition of B. D. Holmes, George W. Roberts, and J. R. B. Bisbee, and 79 other citizens, for the relief of the three first named from liability on a bond for carrying the mails.

TERMS OF UNITED STATES COURT, WEST VIRGINIA.

Mr. KNOTT, from the Committee on the Judiciary, reported back a bill (H. R. No. 1241) to authorize the holding of terms of the United States district court for the district of West Virginia, at Martinsburgh, with the recommendation that it do pass.

The bill, which was read, provides that hereafter terms of the district court of the United States for the district of West Virginia, in addition to those now prescribed by law, shall be held at Martinsburgh on the 1st day of June and the 1st day of December in each year; provided, that when either of said days shall fall on Sunday the term shall be commenced the day following; and provided further, that the terms of court hereby authorized to be held at Martinsburgh shall be held only on condition that all the buildings and necessary conveniences to the holding of said terms shall be furnished by the county of Berkeley free of all cost and expense to the United States.

Mr. KNOTT. Mr. Speaker, the bill just read is the same which was reported from the Committee on the Judiciary at the last session of the last Congress by the gentleman from Michigan, [Mr. CONGER,] and which passed unanimously. The propriety of its passage is seen from the single fact that while there are three places in the State of West Virginia at which the district court of the United States holds its session, the nearest one is over two hundred miles from the town of Martinsburgh where it is proposed the term shall be held under the bill just reported. There can be no objection to it. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL CLERK, JUDICIAL DISTRICT, NORTH CAROLINA.

Mr. KNOTT also, from the same committee, reported back, with an amendment, a bill (H. R. No. 358) to provide for the appointment of an additional clerk in the western judicial district of North Carolina.

The preamble states that whereas, since the passage of the act of Congress of June 4, 1872, which limited the number of the clerks in the western judicial district of the State of North Carolina, a term of the district and circuit courts has been established at Charlotte, in said State. The bill provides that, in addition to the clerks of the district and circuit courts of the United States for the western judicial district of the State of North Carolina now authorized by law, the circuit and district judges of said district shall be empowered to appoint a clerk to said courts who shall reside and keep his office at the city of Charlotte, in said State.

The amendment was read, as follows:

In line 6 strike out the words "shall be" and insert in lieu thereof the following: "are hereby;" so that the clause shall read: "the circuit and district judges of said court are hereby empowered," &c.

The amendment was agreed to.

Mr. ACKLEN. I should like to know whether this is a unanimous report from the Committee on the Judiciary?

Mr. KNOTT. It is.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARIES OF OFFICERS OF THE UNITED STATES COURTS.

Mr. KNOTT also, from the same committee, reported back a resolution of the House, with a substitute.

The SPEAKER. The original resolution will first be read.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three Senators and five Representatives be appointed to investigate the present system of salaries, fees, or compensations allowed to officers of the United States circuit and district courts to ascertain whether any, and if any, what, abuses now exist or may have existed under the present system, and to report by bill or otherwise what legislation may be necessary to correct the same.

The SPEAKER. The Clerk will now read the substitute reported by the Committee on the Judiciary.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three Senators and five Representatives be appointed to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States to ascertain whether any, and if any, what, abuses now exist or have existed or may take place thereunder, and to report by bill or otherwise. That said committee shall have power to employ a clerk and the service of a stenographer, to send for persons and papers, to administer oaths and examine witnesses, and to report at any time.

The substitute was adopted, and the resolution, as amended, was then agreed to.

Mr. KNOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES CIRCUIT AND DISTRICT COURTS AT COLUMBUS, OHIO.

Mr. HURD, from the Committee on the Judiciary, reported back a bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, with amendments.

The bill was read, as follows:

Be it enacted, &c., That the counties of Union, Delaware, Marion, Morrow, Knox, Coshocton, Tuscarawas, Harrison, and Jefferson, heretofore composing a part of the northern district of Ohio, be transferred to, and henceforth form a part of, the southern district of Ohio.

SEC. 2. A term of the circuit court and of the district court for the southern district of Ohio shall be held at Columbus in said State on the first Tuesday of the months of June and December in each year; and one grand jury and one petit jury only shall be summoned, and serve in both of said courts at each term thereof.

SEC. 3. Said southern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the southern district of Ohio. The eastern division shall consist of thirty-three counties, to wit: Union, Delaware, Marion, Morrow, Knox, Coshocton, Tuscarawas, Harrison, Jefferson, Madison, Fayette, Franklin, Pickaway, Ross, Pike, Scioto, Lawrence, Gallia, Jackson, Meigs, Vinton, Athens, Hocking, Fairfield, Licking, Perry, Muskingum, Morgan, Washington, Noble, Monroe, Belmont, and Guernsey; and the western division shall consist of the remaining counties in said district. But no additional clerk or marshal shall be appointed in said district.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. All offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

SEC. 6. Actions or proceedings now pending at Cincinnati, in said district, which would under this act be brought in the eastern division of said district, may be transferred, by the consent of all the parties, to said eastern division; and in case of such transfer, all papers and files therein, with copies of all journal-entries, shall be transferred to the deputy clerk's office at Columbus, and the same shall be proceeded with in all respects as though it originally commenced in the eastern division.

SEC. 7. All grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained issued in either of said divisions may be served and executed in either or both of the divisions.

SEC. 8. This act shall be in force from and after the 1st day of July, A. D. 1879; and all acts and parts of acts inconsistent herewith are hereby repealed.

The amendments were read, as follows:

Section 1, line 3, strike out the word "Marion."

Section 2, strike out the last paragraph commencing "and one grand jury," &c.

In section 3, line 5, strike out the word "Marion."

Section 3, line 4, strike out "33" and insert "32."

In section 8, lines 2 and 3, strike out the words "July" and "1879," and insert respectively "March" and "1880." Change numeral "8" into "9," so it will be section 9.

After section 7 insert a section to read as follows:

SEC. 8. In all cases of removal of suits from the courts of the State of Ohio to the courts of the United States in the southern district of Ohio, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Mr. WARNER. I did not expect this bill to come up at this time, and I would like to have it deferred until some day, say immediately, after the recess. All the counties of the district I represent are embraced in the bill, and although I presume most of them will be convenienced by its passage, some may not be. I have received but one communication relating to the matter; I would like to have time to properly consider the bill. I should therefore like to have the consideration of it by the House postponed until after the recess.

Mr. HURD. The gentleman who introduced the bill desires it should be considered now. The matter was under discussion very thoroughly before the Judiciary Committee, and that committee was unanimously of the opinion the bill should pass. It was introduced at the extra session, and any parties who had any objections had a full opportunity to be heard before the Judiciary Committee, if they desired. And as the interests of that part of Ohio to which it relates are largely concerned in the passage of the bill, I insist on my motion for the previous question. This very bill passed the House in the Forty-fifth Congress after having received the unanimous approbation of the Judiciary Committee of that Congress.

Mr. WARNER. As I only reached my seat while the bill was being read, I wish to inquire if it is before the House by unanimous consent?

The SPEAKER. No, sir. It is before the House as a report from the Judiciary Committee under the regular call of committees. There is no mode of getting rid of it, except by a vote of a majority of the House.

Mr. WARNER. I offer the following amendment to the second section:

After the word "held," in line 2, insert "alternately," and after "Columbus" insert "and Marietta;" so that it will read: "held alternately at Columbus and Marietta."

The SPEAKER. Does the gentleman who reports the bill yield for that amendment?

Mr. HURD. I do not.

The question being taken on seconding the demand for the previous question, there were—ayes 62, noes 19.

So (further count not being insisted on) the previous question was seconded and the main question ordered.

The SPEAKER. The question is first on the amendments; and, with the permission of the House, the Chair will submit them in gross.

Mr. BRIGHT. I would like to hear the bill read again.

The SPEAKER. The Chair will cause the bill to be read as proposed to be amended by the committee, so that the House will understand exactly, if the amendments of the committee are adopted, what will be in the bill as proposed to be passed.

The bill was then read as proposed to be amended.

Mr. BRIGHT. I would like to inquire of the gentleman having this bill in charge if it is a unanimous report of the Judiciary Committee?

Mr. HURD. It is the unanimous report of the Judiciary Committee.

The amendments reported by the committee were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL JUDICIAL DISTRICTS IN GEORGIA.

Mr. ROBINSON, from the Committee on the Judiciary, reported back, as a substitute for House bill No. 1518, to create an additional judicial district for the State of Georgia, and for other purposes, a bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern judicial district, in said State; which was read a first and second time.

The substitute was read, as follows:

Be it enacted, &c., That the counties of Pike, Butts, and Jasper, heretofore composing a part of the northern district of Georgia, be transferred to and henceforth form a part of the southern district of Georgia.

SEC. 2. Said southern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western divisions of the southern district of Georgia. The western division shall consist of forty-three counties, to wit: Bibb, Monroe, Jones, Twiggs, Houston, Crawford, Baldwin, Wilkinson, Laurens, Pulaski, Dooly, Macon, Taylor, Upson, Pike, Butts, Jasper, Putnam, Hancock, Warren, Dodge, Wilcox, Telfair, Sumter, Schley, Marion, Talbot, Harris, Muscogee, Chattahoochee, Stewart, Webster, Lee, Terrell, Randolph, Quitman, Clay, Calhoun, Dougherty, Baker, Early, Miller, and Mitchell. The eastern division shall consist of the remaining counties in said district. No additional clerk or marshal shall be appointed in said district.

SEC. 3. A term of the circuit court and of the district court for the southern district of Georgia shall be held at Macon, in said State, on the first Mondays of May and October in each year.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division. All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. All offenses committed in either of said divisions shall be cognizable and indictable within said division.

SEC. 6. Actions or proceedings now pending at Savannah in said southern district, which would, under this act, be brought in the western division of said district, may be transferred, by the consent of all the parties, to said western division; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the deputy clerk's office at Macon, and the same shall be proceeded with in all respects as though it was originally commenced in the western division.

SEC. 7. In all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 8. All grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

SEC. 9. This act shall be in force from and after the 1st day of July, A. D. 1880. All acts and parts of acts inconsistent herewith are hereby repealed.

Mr. STEPHENS. I wish to make an inquiry of my colleague who represents the city of Macon. I understand from him that this arrangement of the counties between the eastern and western districts meets the concurrence of the leading members of the bar in the eastern portion of the district, particularly of Augusta. Is that so?

Mr. BLOUNT. I understand so from the leading members of the bar in my city, who have communicated with members of the bar in the various sections.

Mr. STEPHENS. In that case I have no objection to the bill.

Mr. ROBINSON. It is the unanimous report of the committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PHILIP FRANCIS RENAULT.

Mr. ATHERTON, from the Committee on War Claims, reported back the bill (H. R. No. 2054) for the relief of the heirs of Philip Francis Renault, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Private Land Claims.

The motion was agreed to.

G. B. URNER.

Mr. ATHERTON, from the same committee, also reported back the petition for the relief of G. B. Urner, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

COMMITTEE ON WAR CLAIMS.

Mr. BAYNE, from the Committee on War Claims, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on War Claims be, and it is hereby, authorized to send for persons and papers whenever in the judgment of the said committee it shall be necessary to obtain additional evidence in regard to any claim before it.

TRADE-MARKS.

Mr. McCOID, from the Committee on Manufactures, reported back with a favorable recommendation the joint resolution (H. R. No. 125) proposing an amendment to the Constitution of the United States.

The joint resolution was read, as follows:

Resolved, &c., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States:

ARTICLE —.

SECTION 1. Congress, for promotion of trade and manufactures, and to carry into effect international treaties, shall have power to grant, protect, and regulate the exclusive right to adopt and use trade-marks.

That this amendment shall be valid when ratified by the Legislatures of three-fourths of the States.

Mr. McCOID. I ask the Clerk to read the report of the committee.

The Clerk read as follows:

The Committee on Manufactures, to whom was referred H. R. No. 125, having had the same under consideration, do make the following report thereon:

The joint resolution proposes an amendment to the Constitution of the United States of great and immediate importance. The amendatory article proposed is as follows:

"ARTICLE XVI.

"SECTION 1. Congress, for promotion of trade and manufacture, and to carry into effect international treaties, shall have power to grant, protect, and regulate the exclusive right to adopt and use trade-marks."

The occasion for the proposal of such an amendment, as is probably well known to every member of the House, is peculiar. Under the eighth clause of the eighth section of article 1 of the Constitution, Congress assumed the power granted by this amendment by the act of July 8, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights." That portion of said act material to this subject is as follows:

"Any person or firm domiciled in the United States and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which, by treaty or convention, affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark, by complying with the following requirements:

"First. By causing to be recorded in the Patent-Office a statement specifying the names of the parties, and their residences and place of business, who desire the protection of the trade-mark; the class of merchandise, and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated; a description of the trade-mark itself, with facsimiles thereof, showing the mode in which it has been or is intended to be applied and used; and the length of time, if any, during which the trade-mark has been in use.

"Second. By making payment of a fee of $25 in the same manner and for the same purpose as the fee required for patents.

"Third. By complying with such regulations as may be prescribed by the Commissioner of Patents."

Under these statutes it was further provided that such trade-marks should remain in force for thirty years, subject to indefinite renewals. The common-law remedies for infringement were also enacted.

In August, 1876, further protection was given to the grantees of trade-marks by providing for the punishment of the fraudulent use, sale, and counterfeiting of such commercial symbols by fine and imprisonment.

Under these statutes the United States has registered trade-marks, as follows:

Trade-marks registered and fees received by Patent Office in trade-mark cases.

	Cases.		
In 1871	509		
In 1872	531		
In 1873	534		
In 1874	648		
In 1875	1,035		
In 1876	1,081		
In 1877	1,416		
In 1878, (to October)	1,336		
	7,090, at	$25,	$177,250
Remainder of 1878	$4,600		
To December 9, 1879	26,875		
			31,475
			208,725
Registered in 1870, 121 cases, at $25			3,025
Total registered, 7,785; total receipts			211,750

And has received in fees the sum of $211,750. Has entered into treaty obligations for the mutual protection of trade-marks, with Great Britain, June 1, 1879; the Austro-Hungarian Empire, June 1, 1872; Belgium, July 30, 1869; France, April 16, 1869; the German Empire, June 1, 1872; Russia, January 27, 1868; Brazil, June 17, 1879.

The business men of the world have awakened to the fact that manufacture and trade require national and international control and protection of genuine commercial signatures to identify and distinguish property made and marked by cosmo-

politan tradesmen. At this juncture the commercial world is astonished to find that, alone among the nations, the United States has no power to grant, protect, or regulate trade-marks. This has been finally determined by the recent decision of the Supreme Court of the United States at the October term, 1879, in the cases of The United States *vs.* Emil Steffins; Same *vs.* Adolph Witteman; Same *vs.* W. W. Johnson, T. E. McNamara, and N. S. Reeder.

As but a limited number of copies of that decision have been published, and it is so able and comprehensive as to be incapable of a satisfactory synopsis, your committee has deemed it best to set out the entire opinion. (See opinion attached.)

This, then, is the occasion which has arisen for the proposed change in the fundamental charter of the Government.

There arise two questions as to the propriety and necessity of the amendment:

First. Is the subject of sufficient importance to demand of the States this additional grant of constitutional power to the General Government?

Second. Is it a matter of such character as to require the legislative control of the National Government instead of being left to the local legislation of the several States?

In answer to the first question your committee deem it necessary to add but little to the facts already stated in the history of congressional and international action upon the subject.

The following considerations may be added:

The paramount interest of the Government to protect the innocent purchasers of manufactured goods from deception, frauds, and countless impositions. The beneficial effects of encouraging the establishment and maintenance of good commercial character on part of manufacturers protected by law. The stimulating and energizing the trade and commerce of our own people, giving them equal chances with citizens of other nations.

Trade-marks are now universally regarded as necessary to business. They have grown into use with the growth of civilization and progressive trade. All manufactures, all kinds of business adopt and use them. They are the ensigns of honor and popularity under which business men ship their goods from State to State and nation to nation. And now our commerce challenges the competition of the most prosperous countries. We are fast becoming the merchants, and our ingenious, industrious, and enterprising people, above all others, need this commercial proprietary protection.

As to the second question, your committee regard this as peculiarly the subject of national legislative control.

Nothing could be more detrimental to the interests of manufacture, trade, and commerce than the unharmonious local and conflicting legislation which would necessarily arise if this subject should be left to the States. The interest and safety of all demand that it, along with the power of making war, peace, and treaties; of taxation, regulating commerce, and coining money; of granting patents and copyrights, should be vested in the General Government.

No one State could adequately protect her own citizens, much less the citizens of other States. The mere civil rights existing at common law are insufficient and impractical. No criminal law of a State can be framed comprehensive enough to cover violations of the rights of persons injured.

The treaty-making power, of which this becomes an incident, belongs solely to the General Government.

The various countries of the world have assumed national control of this subject. Austria passed a law granting and protecting trade-marks December 7, 1858, with general provisions and penalties such as our present laws of Congress. Bavaria has had such a law since 1840. In Belgium trade-marks are governed by the decrees of 1801, the law of 1803, and decree of 1810. Great Britain has the "merchandise-marks act" of 1862. France passed such a law June 23, 1857. Prussia, Sardinia, Spain, Würtemberg, each, have protective laws.

The subject is not local. A trade-mark cannot be localized; it knows no State line. It is of the essential nature of a patent and a copyright in the method of its grant, regulation, and protection.

In the interest of revenue and economy of government it is also an important national subject. It is a source of considerable revenue.

The Government has already received at the hands of grantees of trade-marks, under the laws now declared unconstitutional, $211,750. This sum must be refunded in justice to such parties, unless the consideration for its receipt is made good by the adoption of this amendment and legislation under it.

All these rights are now suspended and await action. Many of the State Legislatures meet this winter, and may ratify the proposed amendment at once.

Your committee therefore, in view of these facts, regard this resolution of immediate importance, and recommend its passage before adjournment for vacation.

Mr. SAMFORD. From what committee does this come?

The SPEAKER. From the Committee on Manufactures.

Mr. SAMFORD. It proposes an amendment to the Constitution?

The SPEAKER. It does, in reference to trade-marks.

Mr. SAMFORD. I think a matter of that importance should go to the Committee on the Judiciary. If an objection will prevent its consideration at this time I will object.

The SPEAKER. An objection will not prevent its consideration now.

Mr. SAMFORD. Then I move its reference to the Committee on the Judiciary.

The SPEAKER. Does the gentleman from Iowa [Mr. McCOID] yield for that motion?

Mr. McCOID. I do not.

The SPEAKER. The gentleman from Iowa has the right to test the sense of the House on seconding the demand for the previous question on this joint resolution. If a majority of the House are opposed to it they can vote down the previous question.

Mr. McCOID. I call the previous question.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 65, noes 50.

Mr. LE FEVRE. I call for tellers.

The SPEAKER. No quorum having voted, the Chair will appoint as tellers the gentleman from Iowa, Mr. McCOID, and the gentleman from Alabama, Mr. SAMFORD.

The House again divided; and the tellers reported there were—ayes 80, noes 70.

So the demand for the previous question was seconded.

The question was taken upon ordering the main question to be now put; and upon a division there were—ayes 75, noes 60.

Before the result of the vote was announced,

Mr. THOMPSON, of Kentucky, called for the yeas and nays.

The yeas and nays were ordered, there being 27 in the affirmative; one-fifth of the last vote.

The question was taken; and there were—yeas 114, nays 95, not voting 82, as follows:

YEAS—114.

Aldrich, William	Davis, Horace	Keifer,	Russell, Daniel L.
Anderson,	De La Matyr,	Lapham,	Russell, W. A.
Atherton,	Deering,	Le Fevre,	Ryan, Thomas
Baker,	Dunnell,	Lindsey,	Ryon, John W.
Ballou,	Dwight,	Loring,	Sawyer,
Barber,	Einstein,	Lowe,	Shallenberger,
Bayne,	Errett,	Marsh,	Sherwin,
Belford,	Farr,	Martin, Joseph J.	Smith, A. Herr
Beltzhoover,	Ferdon,	Mason,	Stone,
Berry,	Field,	McCoid,	Taylor,
Blake,	Ford,	McGowan,	Thomas,
Bowman,	Forsythe,	McLane,	Thompson, Wm. G.
Brewer,	Garfield,	Mitchell,	Townsend, Amos
Briggs,	Gillette,	Monroe,	Tyler,
Brigham,	Godshalk,	Morse,	Updegraff, J. T.
Browne,	Hall,	Murch,	Updegraff, Thomas.
Burrows,	Haskell,	Norcross,	Urner,
Calkins,	Hatch,	O'Neill,	Van Aernam,
Cannon,	Hawley,	Osmer,	Wait,
Carpenter,	Hayes,	Overton,	Washburn,
Caswell,	Hazelton,	Pacheco,	Weaver,
Chittenden,	Heilman,	Page,	Wells,
Claflin,	Henderson,	Pound,	Williams, C. G.
Coffroth,	Hiscock,	Prescott,	Willits,
Conger,	Horr,	Price,	Wise,
Crapo,	Houk,	Reed,	Wood, Walter A.
Crowley,	Hubbell,	Richardson, D. P.	Wright.
Daggett,	Humphrey,	Richardson, J. S.	
Davis, George R.	Joyce,	Robinson,	

NAYS—95.

Acklen,	Elam,	Klotz,	Simonton,
Aiken,	Ellis,	Ladd,	Singleton, O. R.
Armfield,	Evins,	Lewis,	Slemons,
Bicknell,	Felton,	Manning,	Speer,
Blackburn,	Finley,	Martin, Benj. F.	Steele,
Bliss,	Forney,	Martin, Edward L.	Stephens,
Blount,	Geddes,	McMillin,	Talbott,
Bragg,	Goode,	Mills,	Thompson, P. B.
Bright,	Gunter,	Money,	Tillman,
Buckner,	Harris, John T.	Morrison,	Townshend, R. W.
Cabell,	Henry,	Muldrow,	Tucker,
Caldwell,	Herbert,	Muller,	Turner, Oscar
Chalmers,	Herndon,	New,	Turner, Thomas
Clardy,	Hill,	Nicholls,	Upson,
Clymer,	Hooker,	O'Connor,	Vance,
Cobb,	Hostetler,	Persons,	Ward,
Colerick,	Hull,	Phister,	Warner,
Converse,	Hunton,	Richmond,	Wellborn,
Cravens,	Hurd,	Robertson,	Whitthorne,
Culberson,	Johnston,	Ross,	Williams, Thomas
Davis, Joseph J.	Jones,	Rothwell,	Wilson,
Davis, Loundes H.	Kenna,	Samford,	Wood, Fernando
Dibrell,	Kimmel,	Scales,	Young, Casey.
Dunn,	King,	Shelley,	

NOT VOTING—82.

Aldrich, N. W.	Dick,	Kitchin,	Robeson,
Atkins,	Dickey,	Knott,	Sapp,
Bachman,	Ewing,	Lounsbery,	Singleton, J. W.
Bailey,	Fisher,	McCook,	Smith, Hezekiah B.
Barlow,	Fort,	McKenzie,	Smith, William E.
Beale,	Frost,	McKinley,	Sparks,
Bingham,	Frye,	McMahon,	Springer,
Bland,	Gibson,	Miles,	Starin,
Bouck,	Hammond, John	Miller,	Stevenson,
Boyd,	Hammond, N. J.	Morton,	Valentine,
Butterworth,	Harmer,	Myers,	Van Voorhis,
Camp,	Harris, Benj. W.	Neal,	Voorhis,
Carlisle,	Hawk,	Newberry,	Waddill,
Clark, Alvah A.	Henkle,	O'Brien,	White,
Clark, John B.	House,	O'Reilly,	Whiteaker,
Cook,	Hutchins,	Orth,	Wilbur,
Covert,	James,	Phelps,	Willis,
Cowgill,	Jorgensen,	Pierce,	Yocum,
Cox,	Kelley,	Poehler,	Young, Thomas L.
Davidson,	Ketcham,	Reagan,	
Deuster,	Killinger,	Rice,	

So the main question was ordered.

During the roll-call, the following announcements were made:

Mr. SAWYER. My colleague, Mr. FROST, is paired with the gentleman from Pennsylvania, Mr. DICK. My colleague, Mr. WADDILL, is paired with the gentleman from Pennsylvania, Mr. HARMER.

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. McKINLEY.

Mr. COX. I am paired with my colleague from New York, Mr. HAMMOND.

Mr. SINGLETON, of Illinois. I am paired with the gentleman from Connecticut, Mr. MILES.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with my colleague, Mr. FISHER.

Mr. SAPP. I am paired with the gentleman from Kentucky, Mr. McKENZIE. If he were here, I should vote "ay."

Mr. HENDERSON. My colleague, Mr. BOYD, is paired with the gentleman from Missouri, Mr. BLAND. My colleagues, Mr. SPARKS and Mr. FORT, are absent and paired. I do not know how any of these gentlemen would vote.

Mr. DUNNELL. The gentleman from Virginia, Mr. JORGENSEN, is paired with his colleague, Mr. BEALE.

Mr. NEAL. I am paired with the gentleman from Kentucky, Mr. CARLISLE.

Mr. KETCHAM. I am paired with the gentleman from Ohio, Mr. EWING.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL.

The result of the vote was announced as above stated.

Mr. FINLEY. Has not the morning hour expired?

The SPEAKER. The main question has been ordered upon ordering the bill to be engrossed and read a third time; and the bill continues before the House notwithstanding the expiration of the morning hour.

Mr. McCOID. I would like to say something upon this bill.

The SPEAKER. The gentleman having reported the bill is entitled to the floor, notwithstanding the main question has been ordered.

Mr. McCOID. Mr. Speaker, I had hoped that there would be no opposition to this resolution, having been induced so to believe from general consultation with members. The objection made this morning is not to the substance of the resolution; and I have heard no substantial objection from any member either on this floor or out of the House. I believe there is no objection to the substance of the resolution. But it is said that it ought to have come from the Judiciary Committee. I think that is a mistake. The subject of trade-marks is peculiarly a subject within the province of the Committee on Manufactures; and has been so considered by the House, as indicated by the reference of the resolution to that committee. The committee met and considered the resolution; referred it to a sub-committee. That sub-committee gave it careful consideration, both as to the necessity and propriety of the measure and as to the form in which it is presented, and they unanimously made a favorable report to the committee. The full committee, after careful consideration, reported unanimously in favor of the resolution. This measure, then, comes before the House upon a unanimous report of a committee to whom it was referred in regular order by direction of the House. It seems to me that the committee deserves the courtesy and consideration of this House, and that this report ought to be considered sufficient. The only province of the Judiciary Committee would be to consider the form of this resolution—whether it is in proper form for incorporation in the Constitution; whether it complies with the constitutional provisions with reference to amendments.

Now, that matter is easily settled; and it really has been settled. I will state to members of the House that this resolution was submitted to the chairman of the Committee on the Judiciary, [Mr. KNOTT,] and I believe it meets his hearty approval, both as to substance and form. It has met with no objection.

A few words as to the importance of considering at present this unanimous report coming from the committee to whom the subject properly belongs. This winter the Legislatures of twenty-one States meet. Almost all of them will not meet again until two years from this winter; hence the importance of submitting the amendment to the State Legislatures this winter. These bodies meet generally on the 1st of January next. One State Legislature is now in session—perhaps two or three; but one has been in session since November, and will probably soon adjourn. To give this amendment the proper ratification two-thirds of the States must concur. Now, as gentlemen will see, it is no captious, unfair, or precipitate spirit that induces the committee to ask action upon it at this time.

Upon the merits of the question allow me to say a single word. Congress has acted upon the supposition that it had power to legislate upon trade-marks—to grant, regulate, and protect them. Since 1870 our legislation has proceeded upon the supposition that this power was included in the power of Congress to grant patents and copyrights. But the Supreme Court of the United States at its last term has decided that no such power is vested in Congress under the Constitution, either under the clause to which I have just referred or under the clause with reference to commerce or any other clause; so that all the legislation of Congress on this subject has fallen to the ground for want of constitutional power to enact it. In the exercise of this supposed power the Government has issued about eight thousand trade-marks and has received $211,000 in fees. All these trade-marks are now worthless so far as congressional action is concerned, and the money received by the Government as fees is without consideration, and in justice and equity will have to be refunded to the parties by whom it has been paid. Assuming Congress to possess this power, we have entered into treaties with the German empire, with France, with Belgium, with Austria, and other nations. I have some extracts from these treaties. These countries have national laws on the subject of trade-marks. They protect our trade-marks in their countries; and in these treaties we have agreed to protect their trade-marks. But I ask gentlemen to observe that the power to enforce these treaties would not give us the power to protect these trade-marks. I read the language of the treaty with the German Empire with reference to trade-marks.

We agree to give the same protection to the citizens of that empire that we do to citizens of this country. Under this decision of the Supreme Court we have no power to give protection to citizens of this country; and, therefore, we have no power to enforce that treaty in protecting the trade-marks of that nation with whom we have entered into a solemn treaty obligation to meet its concurrent action in that respect.

With France, the terms of the treaty are, "just as if the plaintiff were a subject or citizen of that country." We are to give them that protection. We have no power to give protection to citizens of this country, and therefore no power to give protection to citizens of France any more than to our own citizens.

In the treaty with Austria, the language is this: "Shall give to the injured party ground for such action or proceeding to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff was a citizen of that country." We can give their citizens no protection because we can give our own none. We can give theirs only what we can give our own. So gentlemen will see this grant of power is important in reference to treaties with foreign nations.

It comes home to every man's district, to every man's constituents. I have no doubt there is not a single citizen represented upon the floor of this House who would not urge the immediate passage of this joint resolution. I have letters from various parts of the country urging this action. There is not a member of the House who has made a single objection to it. The form of the resolution is as it should be. I ask gentlemen who have opposed ordering the main question to be put not to carry that opposition to voting against the passage of the joint resolution.

Mr. ARMFIELD. Mr. Speaker, I am opposed to this joint resolution, not because it does not come from the Judiciary Committee, but because I believe it to be totally unnecessary to amend the Constitution of the United States in order to attain the object which the gentleman from Iowa seeks.

It is true, the Supreme Court of the United States has decided that the present trade-mark law is unconstitutional. They place that decision upon the ground that Congress undertook to legislate on the subject of trade-marks under the wrong clause of the Constitution; that Congress undertook to assume jurisdiction over this subject under the clause which allows Congress to grant patents, to grant copyrights to the authors of books, &c. The Supreme Court have decided that a trade-mark has no affinity to patent-rights or to copyrights; and they indicate in that decision what I believe to be perfectly clear, that trade-marks come under the commerce clause of the Constitution, that clause which gives Congress power to regulate commerce between the States and foreign nations.

I have had the honor to present a bill to this House which has been referred to the Committee on Commerce, which, I think, will avoid the constitutional difficulty and fully attain the end the gentleman desires.

Under that clause which allows Congress to regulate commerce between the States and foreign nations, Congress has full power to protect trade-marks so far as they are used in interstate commerce and commerce with foreign nations. And this is all that is necessary. It is no more necessary for the Congress of the United States to protect trade-marks within the boundaries of a State than it is for them to protect the cattle trade of a State or the corn or cotton trade of a State. The law of the States and the common law fully protects a man's right to a trade-mark, and all that is necessary is for Congress to pass a law to protect trade-marks when used in commerce between different States and with foreign nations. My bill, I think, fully covers the ground and attains the end. I do not think it is best, whenever we find Congress lacks some power under the Constitution, to rush in with hot haste to give that power to Congress, without first inquiring whether it is necessary.

Mr. McCOID. I should like to ask the gentleman a question.

Mr. ARMFIELD. Certainly.

Mr. McCOID. Does not the reasoning of the decision of the Supreme Court cover the whole point that trade-marks cannot be regulated under the power to control commerce?

Mr. ARMFIELD. Not at all, as I understand it. I have read the decision, and understand they decided it is only unconstitutional because Congress attempted to regulate commerce within the boundaries of a State. The bill I have prepared, I will state to the gentleman, has been examined by some of the best lawyers of the United States, of both political parties, and every lawyer to whom it has been submitted is of the opinion that it will completely avoid the constitutional objection found in the decision of the Supreme Court of the United States, and that it will insure all necessary protection to trade-marks.

Mr. SAMFORD. Where is it?

Mr. ARMFIELD. In the hands of the Committee on Commerce.

Mr. COX. It is very evident, Mr. Speaker, from the statement made by my friend from North Carolina and the statement of the gentleman from Iowa that this measure needs the revision of the Judiciary Committee. I think the bill of my friend ought also to be referred to that committee, which has its special function to look after these matters connected with constitutional interpretation.

I had something to do with the passage of this bill about trade-marks. It passed without much discussion. Whether it came under that clause in the eighth section about copyright, about authors and inventors, or whether it came under the clause as to commerce, it is no matter now, for the Supreme Court have decided these trade marks, as we at present legalize them, are not constitutional.

Then comes the further question that we have made treaties with foreign powers as to these trade-marks, guaranteeing them under certain conditions. The question arises, is a treaty the paramount law of the land? The Constitution says so. How far has that been interpreted so as to reach trade-marks? These questions need very careful judicial interpretation. This is a fresh decision of the Supreme Court, which comes in collision with a long line of decisions. We have received over $200,000 in payment of fees on this business. Our trade is being disorganized because of this decision. Let us,

therefore, without passing on the merits of either of the bills, refer them to the Judiciary Committee, in order that we may have a judicial and judicious report. I will make that motion, if it be in order, directly.

The SPEAKER. It is not in order.

Mr. HORR. Mr. Speaker, the only objection in private conversation that I have heard to this bill is that it comes from the wrong committee. Now, being a member of the Committee on Manufactures, I desire in the first place to speak for a moment on that point. When I came here I had an exceeding desire that I might get on a committee that should sound big and have little to do; and if our Speaker had the powers of a modern clairvoyant, he could not have hit my case better than he did. [Laughter.] Why, sir, every paper in my district has announced that I am on the important Committee on Manufactures. [Laughter.]

I wish to say, Mr. Speaker, that I feel a little sensitive about this bill. It is the only child that committee has got, [laughter,] and, as near as I can learn, it is the only one they ever have had. [Renewed laughter.] In searching back through the records of that committee we have as yet been unable to find that for the last eighteen years there has ever been anything which was proposed by our committee that did not immediately take its flight to the Judiciary Committee. You can see, therefore, why I am naturally sensitive about this. We considered this an important bill, and if it is to be jeopardized by the fact that it is not in the hands of the right committee, I say we should transfer it in any way to get it in shape, because, if it is to do the country immediate good, it should be passed before the holidays, because the Legislatures are so soon coming together. I suppose every member of this House knows that the decision of the Supreme Court injured largely our great manufacturing interests all over the land. It is not sectional.

Mr. COX. My friend will allow me to make a practical suggestion. I think, from the vote already taken in the House, it is perfectly sure two-thirds will not vote for this measure without some more mature consideration. If my friend from North Carolina wants to kill this bill——

Mr. HORR. From where?

A MEMBER. He said from North Carolina. [Laughter.]

Mr. HORR. No, from Michigan; but I can stand almost anything, Mr. Speaker. [Laughter.]

Mr. COX. My friend, I know his name——

Mr. WRIGHT. What is it?

Mr. COX. I do not want to say, sir. [Laughter.] I was about to suggest to my friend from Michigan that if he wants the bill really passed so as to submit it in time to the State Legislatures—if he wants to relieve the great industry bound up with these trade-marks—he had better allow it to go to the Committee on the Judiciary, for the last vote we have had indicates his bill may be throttled—that this little bantling may be considered illegitimate. [Laughter.]

Mr. HORR. The gentleman should not forget that the vote was taken before I made this explanation. [Laughter.] There is hardly anything I would not yield to my genial little friend from New York. [Laughter.]

Mr. COX. I waive size. [Laughter.]

Mr. HORR. But I am not sure, Mr. Speaker, but his suggestion is a wise one. While we on the Committee on Manufactures, so far as I know, have for this bantling the affection of a parent, we still are willing to yield anything for the sake of its passage. As my friend from Iowa stated, there have already been collected over $200,000 of fees which are now declared, perhaps, illegally collected. Our Government may be asked to refund money paid for something which it could not grant. I do not believe there is a gentleman on either side of this House who does not believe it best that our General Government should have some control over this business of trade-marks. I am not captious about it. What I want is that that course shall be taken which shall result in the passage of this bill, but I yield to older and wiser men in this House, who have had more experience than I have had, to determine what that course shall be.

I do not wish to embarrass the bill by seeking to drive it to a vote at an improper time. All I wish to say is that I believe the manufacturing interests of the country demand that a measure of this kind shall be passed now. I think the decision of the Supreme Court prevents any one absolutely from getting any protection on this question except what can be got by an action at common law. In most cases that remedy is worthless, because the damages in each case of violation are so slight.

The trespasses upon the law are so numerous that it is utterly impossible in that way to get your remedy and have it of any value to the interests that are affected by this law having been declared unconstitutional. I do hope the members of the House will see to it that the measure is not entirely killed here and now, for I believe we all want the same thing.

Mr. McCOID. I wish to say a word in reply to the gentleman on my left, [Mr. ARMFIELD,] who supposes that his bill will bring this within the constitutional power of Congress by making it a regulation of commerce. The Supreme Court has expressly distinguished the difference between articles of commerce and trade-marks. A trade-mark is not an article of commerce. The question of transit from State to State or from nation to nation has no reference to trade-marks. The office of the trade-mark is to distinguish the goods of a certain manufacturer. Because the articles upon which a trade-mark is stamped are shipped in commerce, that does not give Congress the power to regulate a trade-mark; and the Supreme Court has made that express distinction. They refer to the very argument which has been used by the gentleman from North Carolina:

> The argument is that the use of a trade-mark—that which alone gives it any value—is to identify a particular class or quality of goods as the manufacture, produce, or property of the person who puts them in the general market for sale; that the sale of the article so distinguished is commerce. The trade-mark is, therefore, a useful and valuable aid or instrument of commerce, and its regulation by virtue of the above provision of the Constitution belongs to Congress, and that the act in question is a lawful exercise of this power.

Now they take that argument, and expressly say the trade-mark is not included:

> It is not every species of property which is the subject of commerce, or which is used or even essential in commerce, which is brought by this clause of the Constitution within the control of Congress.

They go on to give reasons to show that the power to control commerce does not give the power to control trade-marks. If the gentleman will read that portion of the decision on page 5 of the report he will find that clearly made out by the decision of the Supreme Court.

If I believed that was a good position which the gentleman takes I would see no necessity for passing this resolution. And further, if I believed that if the resolution were referred to the Judiciary Committee that committee would report back before the recess, I would have no objection to that course. If we could include that as an instruction to report back before the recess, or at the assembling of the House after the recess, and thus have some reasonable prospect that the resolution would pass in time to get to the Legislatures, I would not object.

Mr. COX. I ask unanimous consent that both these bills be referred to the Committee on the Judiciary, with leave to report at any time. Whenever the committee come to an agreement they can report. I think the gentleman had better accept that.

Mr. McCOID. I am constrained to consent to something of that kind, because I do not wish to jeopardize the resolution.

The SPEAKER. It is proposed that further proceedings under the ordering of the main question be vacated and that, by unanimous consent, this bill go, with a bill now in the hands of the Committee on Commerce, introduced by the gentleman from North Carolina, [Mr. ARMFIELD,] to the Committee on the Judiciary, with leave to that committee to report thereon at any time. The Chair hears no objection.

The joint resolution was accordingly referred to the Committee on the Judiciary, and the Committee on Commerce was discharged from the further consideration of the bill (H. R. No. 2573) to authorize registration and protection of trade-marks; and the same was also referred to the Committee on the Judiciary, with leave to that committee to report on the joint resolution and bill at any time.

ORDER OF BUSINESS.

Mr. FINLEY. Has the morning hour expired?

The SPEAKER. It has. The gentleman from Alabama [Mr. FORNEY] is recognized.

Mr. FORNEY. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the bill making appropriations for the support of the Military Academy; and pending that motion I move that all general debate on the bill be limited to ten minutes. I will first yield, however, to the gentleman from Mississippi [Mr. SINGLETON] to make a report from the Committee on Appropriations.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi, from the Committee on Appropriations, reported a bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes; which was read a first and second time.

Mr. WARNER. Has that bill been printed?

Mr. SINGLETON, of Mississippi. I have reported the bill from the Committee on Appropriations, and am instructed by the committee to ask that it be printed and recommitted.

The bill was ordered to be printed, and recommitted to the Committee on Appropriations.

LIFE-SAVING SERVICE.

Mr. CONGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to.

> *Resolved*, That the General Superintendent of the Life-Saving Service be requested to furnish the House with a statement of all casualties and disasters to vessels officially reported to have happened on the great lakes within the scope of the operations of the Life-Saving Service since the commencement of the current fiscal year, including the estimated amount of property involved, the estimated amount saved, the estimated amount lost, the number of persons on such vessels, the number of persons saved, the number of persons lost, together with a statement of the services rendered by the life-saving crews and appliances during the same period on said lakes.

HARBOR OF REFUGE AT SAND BEACH, LAKE HURON.

Mr. CONGER. I present a communication from the Engineer Department, regarding the disaster at Sand Beach, Lake Huron, during a recent storm, for reference to the Committee on Commerce, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the communication was referred to the

Committee on Commerce, and was ordered to be printed in the RECORD. It is as follows:

UNITED STATES ENGINEER OFFICE,
26 *Washington avenue, Detroit, Michigan, December* 3, 1879.

GENERAL: I have the honor to transmit herewith, for your information, a copy of a report made to me by my civil assistant at the Sand Beach (Lake Huron) harbor of refuge, on a great disaster, entailing loss of life and property, during the storm of November 19 and 20, 1879.

I beg leave to state, in this connection, that on January 31, 1876, I addressed a communication to the Chief of Engineers, in which I inclosed a draft of an act for the government of this harbor. In reply to this I received a letter from the office of the Chief of Engineers, dated February 10, 1876, asking for the reasons why such an act should be passed. To this I replied by letter, dated February 12, 1876. Since then I have referred to the necessity for a harbor master in my annual reports for 1876, 1877, 1878, and 1879.

Harbor masters are found necessary at all places frequented by vessels, and certainly here one is necessary, where vessels come in only during rough weather, often in quick succession and in great confusion.

Very respectfully, your obedient servant,

G. WEITZEL,
Major of Engineers.

Brigadier-General H. G. WRIGHT.
Chief of Engineers, U. S. A., Washington, D. C.

UNITED STATES ENGINEER OFFICE,
26 *Washington avenue, Detroit, Michigan, December* 2, 1879.

GENERAL: In accordance with your instructions I submit the following report upon the disasters occurring at Sand Beach during the storm of November 19 and 20, 1879, based upon the statements of vessel captains and parties at Sand Beach:

The wrecked craft consisted of the tow-barges Prairie State and Wells, total wrecks, and the steam-barge Whiting, with schooners E. C. Hutchinson and Bahama, and the tow-barge Rayner, more or less damaged by pounding on the reef.

The barges Prairie State, Wells, and Rayner formed part of the tow of the steam-barge Salina, which tow entered the harbor about noon November 19, 1879, taking a position such as to effectually block the remaining portion of the east entrance. It was apparently compelled to take such a position on account of the presence of a number of schooners and barges anchored at the time across the east and northeast side of the harbor, it being impracticable to pull so long a tow between them.

The steam-barge Whiting, with schooners Hutchinson and Bahama in tow, entered the harbor about 5 p. m., and was compelled by the position of the Salina's tow to take a still more exposed position.

Shortly after the entrance of the Whiting and tow the wind shifted from west to nearly north, and suddenly increased to a very severe gale with snow. This shift of wind swung the tows around, and caused the tow-line leading from the Rayner toward the Salina to cross the bows of the Farwell, a barge at anchor, whereupon the line was disconnected from the Rayner, casting her, with the Prairie State and Wells in tow, adrift. Anchors were at once dropped, but failed to stop the barges after gaining headway in the heavy wind then blowing. These three barges were wrecked upon the reef, the Prairie State and Wells becoming at once total wrecks, with the loss of five lives. The final fate of the Rayner is yet uncertain.

The Whiting and tow dragged their anchors before the squall and sea to which they were exposed, and drifted on the reef. Being deeper draught, they grounded before reaching the breakers, where the light-draught barges were breaking to pieces.

The Whiting and tow have been pulled off in a damaged condition.

It seems to be the unanimous opinion of all vessel men who were present or have given the subject attention that the loss of life and property at Sand Beach was due entirely to the lack of control of the craft entering the harbor by a properly authorized harbor master, who would have compelled the craft which first entered to have taken positions far enough inside the harbor to have been entirely out of the way of craft entering afterward. There was ample room under the protection of the completed work for all to lie in safety.

This condition of affairs which, in connection with a sudden and heavy squall, led to such loss of life and property is but a repetition of the jam on the east side of the harbor that frequently occurs from vessels and tows dropping anchor across the east entrance, apparently with the idea of getting out easier. The sinking of the tug Urania inside the harbor, last summer, was due directly to just such a jam on the east side of the harbor.

It seems to be the opinion of prominent vessel men that a harbor master, without a tug of sufficient power to move a vessel from one anchorage to another, would be of little use, and they urge the importance of a Government tug in connection with the harbor master as indispensable to reliable efficiency. I will state, in this connection, that so long as the work of construction is carried on at Sand Beach by the system of hired labor, requiring a tug in the services of the Government, there would be little difficulty in making such a tug answer for both construction and harbor-master work, in case an independent tug could not be secured.

The dragging of the anchors over a portion of the harbor marked upon the lake-survey chart as "mud" suggests a re-examination of this bottom, which I shall undertake the present winter, if ice permits.

Very respectfully, your obedient servant,

C. P. GILBERT,
Assistant Engineer.

General G. WEITZEL,
Corps of Engineers, Detroit, Michigan.

WILLIAM A. COURTNEY.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 3036) for the relief of William A. Courtney; which was read a first and second time, and referred to the Committee of Ways and Means.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs upon the motion of the gentleman from Alabama [Mr. FORNEY] that the House resolve itself into Committee of the Whole for the purpose of considering the Military Academy appropriation bill.

Mr. BLOUNT. I desire to reserve all points of order upon that bill.

The SPEAKER. The bill is now in Committee of the Whole, and it is too late to reserve points of order upon it.

Mr. BLOUNT. It was stated the other day that points of order must be reserved in the House.

The SPEAKER. That is while the bill is in the House. The two bills to which the gentleman undoubtedly refers were reported to the House from the Committee on Appropriations, and that was the time when points of order should have been reserved upon them. Where a bill has already gone to the Committee of the Whole it is beyond the province of any member in the House to reserve points of order upon it, for the bill is not in the House for that purpose. It is illogical to suppose that points of order can be reserved upon a bill while it is in Committee of the Whole. That must be done while the bill is in the House.

The motion of the gentleman from Alabama [Mr. FORNEY] is that the House now resolve itself into Committee of the Whole for the purpose of considering the Military Academy appropriation bill. Pending that motion he moves that all general debate upon the bill be limited to ten minutes.

Mr. WARNER. This bill has just now been laid on our desks for the first time. It is a bill for the appropriation of $1,000,000.

Mr. FORNEY. The gentleman is mistaken; only about $315,000.

Mr. WARNER. Well, the bill provides for appropriating over $300,000. There has been no time for its examination, and I think it should go over until to-morrow at least. I for one do not like to be called upon to vote for an appropriation of this amount without any opportunity whatever to consider it.

The SPEAKER. The remedy is for the House to vote down the motion to go into Committee of the Whole. The first question is upon the motion to limit general debate in Committee of the Whole to ten minutes.

The motion was agreed to.

The motion to go into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COFFROTH in the chair.

MILITARY ACADEMY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes.

Mr. FORNEY. I ask unanimous consent that the first and formal reading of the bill be dispensed with.

Mr. WARNER. I insist upon the reading of the bill. We want a little time to consider it.

Mr. FORNEY. Very well; let the bill be read.

The Clerk then read the bill at length.

The CHAIRMAN. By order of the House all general debate upon the pending bill has been limited to ten minutes. The gentleman from Alabama [Mr. FORNEY] is entitled to the floor.

Mr. FORNEY. I desire to make but a brief statement for the information of the committee in regard to this bill. It is similar to the one passed last year and the one passed the year previous for the same purpose. The total amount recommended to be appropriated by this bill is $314,919; the total amount estimated for by the Department is $398,132.66; the total amount appropriated by the bill of last year was $319,547.33; the amount recommended by this bill is $83,213.66 less than the estimates submitted by the Department.

By the bill of last year the sum of $150,000 was appropriated for the pay of cadets. It has been found that that amount is too small, and a sum sufficient to cover the deficiency will have to be included in the deficiency appropriation bill of this year.

The only change between this bill and the one of last year of any importance is the appropriation by this bill of $25,000 for the purpose of adding some twenty-four rooms to the cadet barracks. The report of the Board of Visitors shows that for the comfort and convenience of the cadets it is necessary to have one hundred and sixty rooms, and that there are now only one hundred and thirty-six. The Board of Visitors recommend that there shall be additional rooms constructed, and an appropriation is made in this bill for that purpose.

We also recommend the appropriation of $10,000 for the purpose of completing the new hospital building. A similar amount was appropriated last year for that purpose. The total amount recommended by this bill is less than the amount appropriated by the bill of last year. When the bill shall be read by paragraphs for amendment, if any gentleman desires any explanation of the items I will give it if within my power.

Under the head of the law department a provision was added to one of the appropriation bills some four or five years ago authorizing the Secretary of War to assign a professor of law from the corps of judges-advocate. Your committee sees no reason why that provision should remain in force, and have changed it in this bill so as to give the Secretary of War a wider field from which to make the selection. He can still assign from the corps of judges-advocate as well as before, but his field by this bill is extended to all the officers of the Army.

If my friend from Illinois, [Mr. CANNON,] who was on the sub-committee that prepared this bill, desires to say anything upon the bill, I will yield to him.

Mr. CANNON, of Illinois. I desire to say but a few words. The Committee on Appropriations is substantially a unit in recommending the passage of this bill. It is true that the estimates of the Department for the Military Academy are $398,132.66, and that the bill recommends the appropriation of $314,919. There is therefore a difference of $83,213.66 between the amount estimated for and the amount recommended to be appropriated by the bill.

This amount consists very largely of certain items which are submitted by the Secretary of War for the consideration of Congress,

but without any special recommendation, as is made for many other items. For instance, there is the sum of $8,480 in the item of pay to cadets. The Secretary of War estimates for three hundred and twelve cadets. If all the districts entitled to be represented under the law were represented, there would be three hundred and twenty-five cadets; but the committee thought that during the ensuing fiscal year there would not probably be more than two hundred and ninety-six in attendance; hence they recommend the appropriation of $160,000.

On page 148 of the estimates there is an estimate for building officers' quarters, for window sash and cadet barracks, and for replacing copper on roof, amounting in the aggregate to $29,505. The committee thought it best not to report an appropriation for these items, believing that the academy could get along without them for the ensuing year.

As has been stated by the gentleman from Alabama [Mr. FORNEY] we do recommend an appropriation of $10,000 to continue the work on the hospital. The Secretary estimates $40,000 to commence the erection of cadet barracks; and the statement is made by the Board of Visitors as well as by the Superintendent in his report that this work ought to be done, for the reason that three students are frequently crowded into one quite small room. Upon full consideration, the committee recommend an appropriation not of $40,000 as estimated, but of $25,000 to commence that work.

So that of this amount of $83,000 less than the estimates recommended, $77,102.84, consists of these five or six items to which I have just referred, leaving a difference of only $6,110.32 on sundry items running through the bill. My own impression from the best examination I have been able to give is that the bill in the main is fair and liberal in its provisions. Perhaps there are some little items amounting to a few hundred dollars which the committee might well have given; but, taking the bill altogether, I think the academy will be able to get along during the next fiscal year with the appropriations recommended by this bill. Perhaps I ought to state that a deficiency may possibly occur in the appropriation for pay of cadets. If there should be more than two hundred and ninety-six cadets during the next fiscal year there would of course be a deficiency at the rate of $540 for each cadet, which would have to be provided for in a deficiency bill. This is all I have to say at this time.

Mr. WARNER. I would like to know from the gentleman in charge of the bill what rank the commandant of cadets holds?

Mr. FORNEY. The present commandant of cadets is a major, but under the Revised Statutes it is provided that he shall have the pay of a lieutenant-colonel.

Mr. WARNER. Then the $2,200 is to give him the pay of a lieutenant-colonel?

Mr. FORNEY. Yes, sir; that is the calculation of the War Department. I called there this morning, and was informed that this is the pay he is entitled to receive under the Revised Statutes. The provision on the subject, which will be found in section 1334, on page 228, is this:

> The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant-colonel.

Mr. WARNER. In lines 20 to 22 I find this item:

> For pay of four assistant instructors of tactics, commanding companies, in addition to pay as second lieutenants, $2,400.

I wish to ask what is the rank of the assistant instructors?

Mr. FORNEY. They receive $600. Young officers are taken from the Army to act as these instructors; and it is said that $600 will cover the expenses of each.

Mr. WARNER. What is the rank of these instructors?

Mr. FORNEY. It is left to the discretion of the Secretary of War whom he will select; I believe they are second lieutenants.

The time allowed for general debate having expired, the Clerk proceeded to read the bill by paragraphs for amendment.

The bill was read through.

Mr. McMILLIN. I move to amend by striking out from the ninth to the twenty-sixth lines, inclusive.

The CHAIRMAN. The bill has been read by paragraphs for amendment, and it is not in order to go back.

Mr. SIMONTON. The announcement was made that the bill would be read by sections; there is certainly only one section in the bill.

Mr. McMILLIN. That was the announcement. There is but the one section. The motion was to consider the bill by sections.

Mr. BLOUNT. I suppose nobody misunderstood the fact that the bill was to be considered according to the usual course, that is, by paragraphs. I do not recollect the precise form of speech used by the gentleman who made the motion.

Mr. McMILLIN. I understood the gentleman to move the question in the only way in which he could be understood; that is, that the bill be read by sections.

Mr. BLOUNT. I did not hear what the gentleman said. I take it for granted that it was understood in the way I have stated.

Mr. FORNEY. What is the motion?

Mr. McMILLIN. To strike out from the ninth to the twenty-sixth line, inclusive. My motion is not out of order, and I wish briefly to give my reasons for it.

Mr. BLOUNT. I submit that the bill is not prepared by sections at all, but simply by paragraphs; it does not purport to be divided into sections.

Mr. McMILLIN. Is there more than one section in the bill?

The CHAIRMAN. The Chair announced that the bill would be read by paragraphs. The present occupant of the chair does not remember what was the form of the motion on going into Committee of the Whole; but it was announced that the bill would be read by paragraphs for amendment.

Mr. McMILLIN. The motion, as I understood, was that we go into Committee of the Whole, and that the bill be considered by sections.

Mr. FORNEY. We of course expected that whenever a paragraph should be read, any amendment desired to that paragraph would then be offered.

Mr. BLOUNT. I submit that by fair construction——

The CHAIRMAN. The amendment of the gentleman from Tennessee [Mr. McMILLIN] is out of order. The direction of the Chair was that the bill be read by paragraphs.

Mr. McMILLIN. I desire to have the motion as taken down by the Clerk read to see what it was.

Mr. BLOUNT. I understood that the bill was to be read through by paragraphs for amendment. It has been read through and that is the end of it.

Mr. SIMONTON. I hope the Chairman will direct the reporter to refer to his notes to see what actually occurred. If the gentleman was misled by the announcement of the Chair he should have an opportunity to move his amendment.

Mr. FORNEY. I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COFFROTH reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. FORNEY. I demand the previous question on the bill.

Mr. McMILLIN. I ask the gentleman to yield to me to move an amendment before he demands the previous question.

Mr. FORNEY. I must insist on my demand.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARSENAL PROPERTY, CHARLESTON.

Mr. DIBRELL. I ask, Mr. Speaker, for unanimous consent to report back favorably from the Committee on Military Affairs Senate joint resolution No. 26, to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute, for the use and accommodation of said school. The gentleman who objected yesterday has withdrawn his objection.

The joint resolution, which was read, is as follows:

> That the Secretary of War be, and is hereby, authorized and directed to lease and deliver possession, upon such terms and conditions as to him may seem best, for the use of or in the interest of the Government, to the trustees of the Holy Communion Church Institute, the property known as the "Arsenal," situated in the city of Charleston, State of South Carolina, together with all the buildings, rights, and appurtenances thereto belonging, to be had and held by said trustees for the use and accommodation of said school for such time as said lease may run, if not theretofore required by the Secretary of War.
>
> SEC. 2. That the Secretary of War be, and he is hereby, authorized to make such terms and arrangements with said trustees for the care and protection of said property during its occupancy by said school, and for the redelivery of possession to the Government when thereto required, as will best subserve the interests of the Government: *Provided*, That the Government shall not be required to pay for any improvements that may be placed on said grounds during the continuance of said lease.

Mr. DUNNELL. I desire to know whether the entire power to revoke this lease resides in the Secretary of War?

Mr. DIBRELL. The resolution gives to the Secretary of War the right to lease the property under such terms as he sees proper, and the Government is not to pay for any repairs put upon it. I desire to say further that this is not a sectarian school nor a political institution nor anything of the kind. The Government vacates the property and allows it to be used by this school, and whenever the Government needs it again it has to be returned to the possession of the United States.

Mr. DUNNELL. Is it of any use to the Government now?

Mr. DIBRELL. None at all.

Mr. DUNNELL. How long has it been in that condition?

Mr. DIBRELL. Troops were withdrawn in April. I ask the report of the Secretary of War be read.

The Clerk read as follows:

> WAR DEPARTMENT,
> *Washington, D. C., April* 1, 1879.
>
> SIR: Acknowledging the receipt of your reference and commendation of the request of Rev. A. Toomer Porter for a lease of the arsenal property at Charleston, South Carolina, for the use of the Holy Communion Church Institute, I have the honor to inform you that I have obtained from the Judge-Advocate-General his

opinion as to the power of the Executive to dispose of this property, and beg to inclose for your information a copy of the same herewith.

Very respectfully, your obedient servant,

G. W. McCRARY,
Secretary of War.

Hon. M. C. BUTLER,
United States Senate.

Mr. BARBER. Is there any limit of time when the Secretary may lease it?

Mr. DIBRELL. It is discretionary with him altogether, so that when the Government needs it again the lease ceases. He can close it whenever he chooses.

The report was received, and the joint resolution was ordered to a third reading; and it was accordingly read the third time.

Mr. CONGER demanded a division on the passage of the joint resolution.

The House divided; and there were—ayes 83, noes 33.

So the joint resolution was passed.

Mr. DIBRELL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, leave of absence was granted to Mr. REAGAN, who is detained at his room by illness.

IMPRESSIONS FROM PORTRAITS AND VIGNETTES.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back a bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes, returned from the Senate with a substitute, with the recommendation that the Senate amendment be concurred in.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing: *Provided*, That the party or parties applying for the same shall deposit in advance, with the Chief of the Bureau of Engraving and Printing, the cost price of said portrait or vignette and 10 per cent. additional.

The substitute was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof:

That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing at such rates and under such conditions as he may deem necessary to protect the public interests.

The amendment was concurred in.

Mr. BUCKNER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. GUNTER. I move to take up a bill from the Speaker's table for consideration at this time.

Mr. CALKINS. I demand the regular order of business.

Mr. FINLEY. I move to go to the business on the Speaker's table.

Mr. BELTZHOOVER. I move the House adjourn.

LAMBERT WICKES.

On motion of Mr. HENRY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Lambert Wickes, no adverse report having been made thereon.

AUGUSTINE HENNESY.

On motion of Mr. HARMER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Augustine Hennesy, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. SINGLETON, of Mississippi, by unanimous consent, was granted leave of absence from the 6th of January next to the 15th.

CHINESE IMMIGRATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the governor of the State of California, transmitting, according to an act of the Legislature of said State, the result of the vote taken to ascertain the wishes of the people of California as to Chinese immigration; which was referred to the Committee on Education and Labor.

And then (at three o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Resolutions of the National Workingmen's Association, relative to the introduction of labor-saving machinery in the Departments of the Government—to the Committee on Education and Labor.

By Mr. BAYNE: A paper relating to the improvement of the Youghiogheny River—to the Committee on Commerce.

By Mr. BOWMAN: Papers relating to the claim of Mrs. Mary E. Twiford, of Norfolk, Virginia, for compensation for services rendered in giving information prior to the landing of the Federal troops engaged in the capture of Norfolk, and for losses sustained from the rebels in consequence—to the Committee on War Claims.

By Mr. BURROWS: Joint resolution of the Legislature of Michigan, favoring the protection of settlers under the general homestead law in the counties of Oceana, Mason, Charlevoix, and Emmet, in the State of Michigan—to the Committee on Public Lands.

Also, resolutions of the Legislature of Michigan, requesting the Congress of the United States and the Parliament of the Dominion of Canada to authorize the building of a bridge across the Detroit River at or near Detroit, Michigan—to the Committee on Commerce.

By Mr. CARPENTER: A bill making an appropriation for continuing and completing the improvement of the Missouri River at Sioux City, Iowa—to the same committee.

By Mr. DEUSTER: The petition of Catharine Koenen, of Milwaukee, Wisconsin, for a pension—to the Committee on Invalid Pensions.

By Mr. ERRETT: Papers relating to the erection of a new custom-house in the city of Pittsburgh, Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. GILLETTE: The petition of John Cunningham and 9 other ex-soldiers, to be restored to equal rights with the holders of Government bonds in the matter of their pay—to the Committee on Military Affairs.

Also, the petition of D. A. Morrison and 8 other ex-soldiers, of similar import—to the same committee.

Also, the petition of Jacob Wolf and 12 other ex-soldiers, of similar import—to the same committee.

By Mr. HUNTON: Papers relating to the claim of the Washington and Ohio Railroad Company, for compensation for railroad supplies purchased for military purposes in 1861—to the Committee on War Claims.

By Mr. LAPHAM: Papers relating to the claim of D. W. Yeckley to be reimbursed the amount of money belonging to the United States stolen from him while post commissary at Fort Seward, for which he has accounted to the Government—to the Committee of Claims.

Also, the petition of Charles L. Hemiup, postmaster of Geneva, New York, to be relieved from accounting for money and stamps which were stolen from the post-office at Geneva by burglars on the 8th of October, 1879—to the same committee.

Also, the petition of Laura Hibner, for a pension—to the Committee on Invalid Pensions.

By Mr. MARTIN, of West Virginia: Papers relating to the claim of James M. Mason for compensation for damages sustained by the granting of an injunction by a United States court restraining him from the use of a ferry—to the Committee of Claims.

By Mr. PHISTER: The petition of H. M. Logan and others, for the removal of the charge of desertion from the military record of Joshua T. Harry—to the Committee on Military Affairs.

By Mr. RUSSELL, of Massachusetts: The petition of Patrick and C. Hogan, for the correction of their military record—to the same committee.

By Mr. SAWYER: Papers relating to the claim of Dr. Edward Dunscomb for compensation for services as an assistant surgeon United States Army—to the Committee of Claims.

By Mr. SIMONTON: Papers relating to the claim of D. M. Jones for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. STEPHENS: The petition of William W. Hubbell, for full satisfaction by payment of his loss and damage, or reasonable royalty, found by the Court of Claims for the use of 528,661 of his patent percussion-shell apparatus by the military service—to the Committee of Claims.

Also, the petition of William W. Hubbell, for payment of a balance of interest on a sum found due in the Court of Claims, for the use of 865,214 of his patent time and impact burning fuses in the naval service—to the Committee on Naval Affairs.

By Mr. THOMPSON, of Kentucky: Papers relating to the claim of A. L. Shotwell for compensation for the steamer Stella Blanche, seized and sunk by United States authorities in 1861—to the Committee on War Claims.

By Mr. WASHBURN: The petition of Frank Griffith and others, ex-soldiers of the late war of the rebellion, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WEAVER: The petition of Charles B. Gillespie and 42 others, of Freeport, Pennsylvania, that the ex-Union soldiers may be restored to equal rights with holders of Government bonds—to the same committee.

By Mr. WILSON: The petition of W. W. Deloe, for arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of Wesley Stroud, that he be granted an honorable discharge from the Army—to the Committee on Military Affairs.

Also, the petition of M. S. and William G. Mepham and Abner H. Shaw, for compensation for the loss of the steamer Minnie, sunk by a collision with the United States monitor Oneta—to the Committee of Claims.

By Mr. WISE: Memorial of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the Youghiogheny water-route to the seaboard—to the Committee on Commerce.

IN SENATE.

THURSDAY, *December* 18, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 358) to provide for the appointment of an additional clerk in the western judicial district of North Carolina;

A bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State;

A bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes;

A bill (H. R. No. 1241) to authorize the holding of terms of the United States district court for the district of West Virginia at Martinsburgh;

A bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks;

A bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale the same as other public lands;

A bill (H. R. No. 1336) for the establishment of a land office in the Territory of Montana;

A bill (H. R. No. 1534) to exempt postal employés from serving upon juries;

A bill (H. R. No. 1737) confirming grants of swamp lands made by the State of Minnesota in aid of the construction of railroads and other internal improvements;

A bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes; and

A bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State.

The message also announced that the House had passed a concurrent resolution for the appointment of a committee of three Senators and five Representatives to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States, to ascertain whether any, and if any, what, abuses now exist or have existed or may take place thereunder.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. No. 26) to transfer the arsenal property in Charleston, South Carolina, to the trustees of the Holy Communion Church Institute, for the use and accommodation of that school; and

A joint resolution (S. R. No. 52) authorizing the payment of the salaries of the employés of Congress on the 19th of December, 1879.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 618) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana; and it was thereupon signed by the Vice-President.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 10th instant, a statement compiled by the Bureau of Statistics showing the annual importations of tea and coffee for the calendar years from 1870 to 1879; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War recommending that the act of Congress approved June 20, 1878, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, be amended by adding to the clause relating to the binding of books for the Departments the words "nor to the library of the War Department;" which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN presented additional papers to accompany the bill (S. No. 76) for the relief of M. F. Clark; which were referred to the Committee on Claims.

Mr. LOGAN presented the petition of A. A. Sims and others, citizens of Illinois, praying for the passage of a law granting a pension to Charlotte Alderman, widow of James Alderman, late private Company E, Twenty-second Regiment Illinois Volunteers; which was referred to the Committee on Pensions.

He also presented the petition of Joseph Minnick and others, inmates of the National Soldiers' Home, praying for the passage of a law granting pensions to those soldiers who lost their eyesight in the late war, and who were unable to procure the testimony required by the present law relating to pensions; which was referred to the Committee on Pensions.

He also presented two petitions of ex-soldiers of the late war, praying for the passage of a bill for the equalization of bounties; which were referred to the Committee on Military Affairs.

Mr. MORRILL presented the annual report and petition of the National Association for the relief of Colored Women and Children, praying for an appropriation of $7,000 to further the work of the association; which were referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HOAR presented the petition of Thomas W. Johnson and others, citizens of Massachusetts, and the petition of William Macfarlane, sr., and others, citizens of Milwaukee, Wisconsin, praying for the passage of a law authorizing the appointment of a commission to examine into and ascertain to what extent machinery and labor-saving processes have entered into the production and distribution of the great products in general use to the displacement of muscle; which were referred to the Committee on Education and Labor.

Mr. HOAR. I present a memorial from the Historical Society of Massachusetts, signed by Robert C. Winthrop, president, Charles Francis Adams, vice-president, and other gentlemen, well-known as distinguished historical scholars, in favor of the erection of a monument at Yorktown. The memorial is very short, and I ask that it be read, and that the names of the signers appear in the RECORD without being read.

The VICE-PRESIDENT. The memorial will be reported at length.

The memorial was read, and referred to the Committee on the Library, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, composing the council of the Massachusetts Historical Society, and by the order and in behalf of said society, respectfully represent:

That on the 29th of October, 1781, the old Congress of the United States passed the following resolution:

"*Resolved*, That the United States in Congress assembled will cause to be erected at York in Virginia a marble column, adorned with emblems of the alliance between the United States and his most Christian Majesty and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his excellency General Washington, commander-in-chief of the combined forces of America and France; to his excellency the Count de Rochambeau, commanding the auxiliary troops of his most Christian Majesty in America, and his excellency the Count de Grasse, commanding in chief the naval army of France in the Chesapeake;"

That, on the 7th of November thereafter, the Congress adopted the following resolution:

"*Resolved*, That the Secretary of Foreign Affairs be directed to prepare a sketch of emblems of the alliance between his most Christian Majesty and the United States, proper to be inscribed on the marble column to be erected in the town of York under the resolution of the 29th of October last;"

That these resolutions have not yet been executed, or, certainly, the column has not been erected;

That less than two years remain before the one hundredth anniversary of the great crowning victory at Yorktown will become the subject of commemoration; and that, while it may already be too late for the completion of such a monument in season for that centennial celebration, there is still ample time for making provision for the laying of the corner-stone on the 19th of October, 1881.

The Massachusetts Historical Society earnestly desire that this pledge of the old Congress should be fulfilled, and that Yorktown may no longer be without a monument of the victory which brought to a triumphant conclusion the war for American independence commenced at Lexington, Concord, and Bunker Hill.

They therefore pray your honorable bodies to make a suitable appropriation for this long-deferred monument, to appoint a commission for procuring the design and executing the work, and to cause all necessary arrangements to be made for the laying of the corner-stone at Yorktown, Virginia, on the day of the centennial commemoration.

For the Massachusetts Historical Society:

ROBERT C. WINTHROP, *President.*
CHARLES FRANCIS ADAMS, *Vice-President.*
GEORGE E. ELLIS, *Vice-President.*
GEORGE DEXTER, *Recording Secretary.*
CHARLES DEANE, *Corresponding Secretary.*
CHAS. C. SMITH, *Treasurer.*
SAMUEL A. GREEN, *Librarian.*
WM. S. APPLETON, *Cabinet-Keeper.*
D. A. GODDARD,
WINSLOW WARREN,
CHARLES W. TUTTLE,
JUSTIN WINSON,
LEVERETT SALTONSTALL,
Executive Committee of the Council.

Mr. GARLAND presented the petition of C. W. Belknap and others, citizens of Monroe County, Arkansas, praying for the establishment of a post-route from Saint Charles to Indian Bay, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BECK presented the petition of B. B. Connor, of Louisville, Kentucky, praying for a reconsideration of his claim for property seized by the United States authorities; which, with the accompanying papers, was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PENDLETON, from the Committee on Indian Affairs, to whom was recommitted the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, reported it with amendments.

Mr. BECK. I am directed by the Committee on Finance to report back a letter from the Secretary of the Treasury, transmitting information in relation to an increase of the appropriation for salaries and expenses of collectors of internal revenue, with a view to the more effectual suppression of the illicit distillation of spirits, referred to

that committee, and to move that it be referred to the Committee on Appropriations, as it deals with the subject of appropriations.

The motion was agreed to.

Mr. BAILEY. The Committee on Post-Offices and Post-Roads, to whom were referred the bill (S. No. 44) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866; the bill (S. No. 246) for the relief of certain postmasters and late postmasters in the State of Kansas; the bill (S. No. 262) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866, and the memorial of Harvey Spalding asking the passage of a law to enable certain postmasters and late postmasters whose pay has been withheld in contravention of section 8 of the act of June 12, 1866, to institute proceedings therefor in the Court of Claims, have instructed me to report a bill as a substitute for the bills named and in response to the memorial, and to submit a report thereon.

The bill (S. No. 903) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June, 1866, was read twice by its title, and the report was ordered to be printed.

RECUSANT WITNESSES.

Mr. SAULSBURY. I am instructed by the Committee on Privileges and Elections to report the following preamble and resolution, and to ask for their present consideration:

Whereas J. V. Admire, E. B. Purcell, George T. Anthony, Len. T. Smith, and Levi Wilson, citizens and residents of the State of Kansas, were duly served with subpœnas in the months of September and October, 1879, issued by the sub-committee of the Senate Committee of Privileges and Elections, then sitting in Topeka, in said State of Kansas, commanding each of them to appear before said sub-committee and then and there testify in reference to the subject-matters then under consideration by said sub-committee, to wit: charges relating to the election of JOHN J. INGALLS, a Senator from said State of Kansas; and

Whereas said Admire, Purcell, Anthony, Smith, and Wilson refused to appear and testify before said sub-committee as required by said subpœnas: Therefore,

Resolved, That an attachment issue forthwith directed to the Sergeant-at-Arms of the Senate, commanding him to bring said J. V. Admire, E. B. Purcell, George T. Anthony, Len. T. Smith, and Levi Wilson forthwith to the bar of the Senate to answer for contempt of a process of this body.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. DAVIS, of Illinois. Had we not better make the writ returnable on the first day the Senate will be in session after the holidays?

Mr. SAULSBURY. We can give instruction to the Sergeant-at-Arms to follow the usual form.

Mr. DAVIS, of Illinois. That is all right. I merely suggested it.

The preamble and resolution were agreed to.

D. M. HAMLIN AND A. F. SLADE.

Mr. DAVIS, of West Virginia. I am directed by the Committee on Appropriations to report with an amendment the joint resolution (H. R. No. 148) for the relief of D. M. Hamlin, which has been passed by the House; and I ask that it may be read for information with the intention of asking for its passage this morning unless there is objection.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. M. Hamlin the sum of $56.25, the same being his salary as a member of the Capitol police force from the 8th to the 31st of July, 1879; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DAVIS, of West Virginia. Let the amendment of the committee be reported.

Mr. EDMUNDS. Before we consider that, I should like to hear explained how it happens that the general appropriation does not provide for this man?

Mr. DAVIS, of West Virginia. If the Senator will allow the amendment reported by the committee to be read, I will then explain. It will only take a moment to read it.

Mr. EDMUNDS. Certainly.

The CHIEF CLERK. The Committee on Appropriations propose to amend the joint resolution by adding:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Andrew F. Slade the sum of $342.50, the same being for services as a riding-page of the Senate at the rate of $2.50 per day from the 17th day of July to the 30th day of November, inclusive, 1879; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DAVIS, of West Virginia. Mr. President, it appears that there was passed a joint resolution during the recent session to pay the employés of Congress one month in advance, which was complied with. One of the policemen of the Capitol left his position soon afterwards and another person took his place, and there has been no provision made for his payment. The man served part of a month, from the 8th to the 30th, and this $51 appropriated by the joint resolution as it came from the House is intended to pay the policeman for the time that he served and for which he could not be paid for want of an appropriation, because the person who left the service had been paid in advance.

Mr. EDMUNDS. May I ask if the person who took this man's place got the month's advance pay?

Mr. DAVIS, of West Virginia. The Senator will bear in mind that I stated in the beginning that we passed a joint resolution at the recent session of Congress allowing the employés of the Senate and House one month's pay in advance. The old officer—I have forgotten his name—received the month's pay in advance and left the service. His place had to be filled, and this provision is to pay the man appointed in his place for the remainder of the month.

Mr. EDMUNDS. It is to pay the man who took the place?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. EDMUNDS. So that the result of the performance is that two men holding the same place are each to be paid in advance for that month?

Mr. DAVIS, of West Virginia. Oh, no; not in advance. The man who took the place of the one who left the service has not been paid, and this joint resolution is brought in for the purpose of paying him.

Mr. EDMUNDS. Exactly; so that the effect of the two operations will be, that on account of the discharge of the man who was in office at the time the Senate passed the resolution, he having got his pay, another man was appointed in his place, and now he is to be paid the month in advance. Is that it?

Mr. DAVIS, of West Virginia. Not quite. The man was not discharged, but left his position after getting his month's pay. That is it.

Mr. DAVIS, of Illinois. He did not perform any duty at all.

Mr. EDMUNDS. Then it amounts to paying two men in the same office for thirty days after the expiration of the session.

Mr. DAVIS, of West Virginia. Twenty-one days I believe is the time.

Mr. WITHERS. It is to pay, not for the full time, but a portion of it.

Mr. EDMUNDS. Yes. I am merely getting at the principle of the thing, because I know we are proceeding upon high conservative principles now. I wanted to understand the propriety—as of course it must be proper—of paying two men this constructive pay for the same office for the same length of time. It must be right on the principles we are proceeding upon!

Mr. DAVIS, of Illinois. The first man was paid and performed no duty at all.

Mr. EDMUNDS. I understand it perfectly.

Mr. DAVIS, of West Virginia. I will state to my friend from Vermont that it results from paying a man in advance of the rendition of the service. Congress ordered it, as a friend on my left suggests, and this results from that mode of doing things.

Mr. McDONALD. When was that order to pay made?

Mr. DAVIS, of West Virginia. Just previous to the adjournment of the extra session.

There is an amendment which will probably require a word of explanation. A riding page has been in service during the recess of Congress for the purpose of delivering messages and postal matter, who, from some cause or other, was omitted, and has not been paid, nor is he on the roll. The service having been performed, the committee thought it was right and proper that he should be paid for the time from July.

The VICE-PRESIDENT. Is there objection to the present consideration of this joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. DAVIS, of West Virginia, the title of the joint resolution was amended so as to read: "A joint resolution for the relief of D. M. Hamlin and Andrew F. Slade."

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 904) for the relief of Major G. W. Candee; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 905) in relation to writs of error from the supreme court of the Territory of Dakota; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 906) providing for a commission to examine into the subject of the tariff, with a view of facilitating legislation in reference thereto; which was read twice by its title, and referred to the Committee on Finance.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 907) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States by reason of Indian depredations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 908) for the relief of Granville T. Pierce; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 909) for reviving and continuing the court

of commissioners of Alabama claims and for the distribution of the unappropriated moneys of the Geneva award; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 910) to amend section 3020 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Finance.

Mr. LOGAN. I ask leave to introduce a bill that has been introduced in the House. I do so at the request of one of my constituents without any committal on my part as to the propriety of the bill passing.

By unanimous consent obtained, leave was granted to introduce a bill (S. No. 911) to declare the legal effect of permits granted by the President of the United States to purchase products of the insurrectionary States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 912) creating the northwestern land district in Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 913) granting a pension to Thomas P. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 914) for the relief of William Bowen, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 915) for the relief of Edgar Huson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks;

A bill (H. R. No. 1336) for the establishment of a land office in the Territory of Montana; and

A bill (H. R. No. 1737) confirming grants of swamp lands made by the State of Minnesota in aid of the construction of railroads and other internal improvements.

The bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands, was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Public Lands.

Mr. EDMUNDS. It ought to be referred to the Committee on Military Affairs, I think. The first question is the propriety of abolishing the military reservation. Of course the chairmen of those two committees can suggest which is the proper reference.

The VICE-PRESIDENT. The Chair will accept the suggestion of the Senator from Vermont, and the bill will be referred to the Committee on Military Affairs.

The following bills from the House of Representatives were read severally by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 358) to provide for the appointment of an additional clerk in the western judicial district of North Carolina;

A bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern judicial district in said State;

A bill (H. R. No. 1241) to authorize the holding of terms of the United States district court for the district of West Virginia at Martinsburgh;

A bill (H. R. No. 1534) to exempt postal employés from serving upon juries; and

A bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern judicial district in said State.

The bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

FEES OF OFFICERS OF COURTS.

Mr. DAVIS, of Illinois. There is a concurrent resolution sent from the House in relation to the appointment of a committee to consider the fees of clerks of courts. I move that that be referred to the Judiciary Committee.

Mr. ALLISON. I should like to hear it read.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution.

The resolution was read, and referred to the Committee on the Judiciary, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three Senators and five Representatives be appointed to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States to ascertain whether any, and if any, what, abuses now exist or have existed or may take place thereunder, and to report by bill or otherwise. That said committee shall have power to employ a clerk and the services of a stenographer, send for persons and papers, to administer oaths, examine witnesses, and to report at any time.

ADVANCEMENT OF AGRICULTURAL INTERESTS.

Mr. JOHNSTON. I ask that the resolution reported by me yesterday from the Committee on Agriculture be taken up and considered.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read the following resolution, reported by Mr. JOHNSTON from the Committee on Agriculture December 17th and submitted originally by Mr. DAVIS, of West Virginia:

Whereas agriculture is the foundation of nearly all our wealth, and it is mainly through the exportation of its products that we are paying off our large indebtedness, foreign and domestic, and have the present large balance of trade in our favor; and

Whereas, although about one-half of the people of this country are engaged in agricultural pursuits, and all other interests are dependent upon this our leading and most important interest, commercial and otherwise, yet but little has been done by the General Government to promote agriculture, while other less general and important interests have been largely aided: Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture, and report, by bill or otherwise, what can or ought to be done by the General Government to better advance, encourage, and foster agricultural interests; and that said committees shall have the power to send for persons and papers.

Mr. EDMUNDS. Is that a resolution offered at this time?

The VICE-PRESIDENT. It was reported yesterday from the Committee on Agriculture. Is there objection to its present consideration?

Mr. EDMUNDS. If it was reported yesterday, the Senator has a right to move its consideration.

Mr. HOAR. I rise to object to the resolution. I suggest to the Senator who submitted the resolution that it is a very serious and a very improper precedent to authorize a committee to send for persons and papers for such purposes, especially a joint committee on most comprehensive subjects that do not involve any special investigation and inquiry of anybody in which any individual is concerned, and it puts all the private citizens and all the private papers of the country at the discretion of the tribunal so created. If that is to be done, certainly the same power should be lodged in the hands of every general and special committee of the Senate.

Mr. DAVIS, of West Virginia. Mr. President——

The VICE-PRESIDENT. The Chair understands that the business of the morning hour is concluded and the Senator from Virginia [Mr. JOHNSTON] moves to proceed to the consideration of the resolution.

Mr. HOAR. I think it had better go over.

Mr. DAVIS, of West Virginia. I rise to inform the Senator that it is presented in regular order and one objection, in my judgment, will not carry it over. However, if there is objection to the resolution and any Senator desires that it shall go over, I as the original mover of the resolution will not object to that course. A similar resolution passed the Senate at the last Congress. It was reintroduced at the extra session and referred to the Committee on Agriculture; it was considered by that committee and reported yesterday.

As to the latter part of the resolution empowering the committee to send for persons and papers, that is not material. The Senator who reported the resolution, the chairman of the Committee on Agriculture, I believe does not care whether that clause remains or not, and I certainly do not care about it. The resolution is not intended to accomplish anything further than to make a general inquiry into the subject of agriculture, and I care nothing about the other portion of it. If the Senator from Massachusetts will make a motion to amend, that part may be stricken out so far as I am concerned.

But let me remind the Senator from Massachusetts that half the people of this country are interested in agriculture, and that it is no small interest. It is a matter that should receive careful and proper attention from Congress. I think it very queer that anything that would foster or aid a pursuit in which half the people of this country are interested and from which the Senator and myself get our bread, and without which we could not live long, should be objected to by any Senator.

Mr. HOAR. The honorable Senator's reproof I accept with some surprise when I remember that, after a long training in the service of the Committee on Agriculture, and having studied that subject very deeply, and set forth the importance of it so eloquently, having his choice whether he should have the charge of that great interest and devote his public life to its advancement, or the petty and inconsiderable interest of appropriations, the mere spending of public money, he selected the latter, and abandoned this vast agricultural field altogether. Therefore, it hardly becomes that Senator to lecture the rest of us for want of devotion to this great interest. My point, however, is, merely as a general matter of policy for the guidance of the Senate, that if any committee desire authority to send for persons and papers they ought to call upon the Senate, stating the particular investigations which they propose; and that it is not in accordance

with sound policy to grant these general powers which allow any tribunal, no matter of whom composed, to send their mandate all over the country to put all the citizens and all the private papers of all the citizens in the country at their command, without any specific matter of investigation having been committed to them by the Senate.

I move to strike out the words "and that said committee shall have power to send for persons and papers."

Mr. JOHNSTON. I think the suggestion of the Senator is very good, and I have no objection at all to the amendment proposed by him to strike out that part of the resolution authorizing the sending for persons and papers. It does not ask to appropriate any money.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. DAVIS, of West Virginia. Mr. President, one word. The Senator from Massachusetts reminds me that I was a member of the Committee on Agriculture. If my recollection serves me right, he was a member also, but he has gone a little further in his desertion than I have. I am still a member of the Committee on Agriculture, and I think the Senator has gotten ahead of me in the matter of desertion a great way. He, I believe, was a member of that committee, but for some mysterious reason or other he is not a member of it now, so that the charge of desertion of agriculture is on that side of the Chamber, and not on this side.

As to the resolution, it was the intention of the mover of the resolution to make some effort for the further development and encouragement of agriculture. I think it has been neglected too long by each House of Congress, and I hope the day is not very distant when some member of the Senate will take the initiative, and go on to do what is justice to the farmers and agriculturists of this country.

The VICE-PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

The VICE-PRESIDENT. Will the Senate agree to the preamble?

The preamble was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 1955) authorizing an allowance for loss, by leakage or casualty, of spirits withdrawn from distillery warehouses for exportation;

A joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute for the use and accommodation of that school; and,

A joint resolution (S. R. No. 52) authorizing payment of the salaries of the employés of Congress on the 19th of December, 1879.

PENSION APPROPRIATION BILL.

Mr. VOORHEES. I desire to call up for action the resolution offered by me on Monday last in regard to the emigration of negroes from the Southern States.

Mr. DAVIS, of West Virginia. Will my friend from Indiana allow me to make a suggestion?

Mr. VOORHEES. Certainly.

Mr. DAVIS, of West Virginia. The pension appropriation bill was reported yesterday from the Committee on Appropriations, and the Senator from California [Mr. BOOTH] has it in charge. It will only take a few moments if the Senator from Indiana will allow that to be passed. It has passed the House, and has been reported favorably from the Senate Committee on Appropriations.

Mr. VOORHEES. A pension bill always has precedence over any business with me.

Mr. DAVIS, of West Virginia. I am obliged to the Senator.

The VICE-PRESIDENT. The Chair would have recognized the Senator from California at the conclusion of the morning hour for the purpose of moving that bill.

Mr. BOOTH. By the direction of the Committee on Appropriations I move that the Senate proceed to the consideration of the pension appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. DAVIS, of West Virginia. Mr. President, this bill came from the Committee on Appropriations, of which I am a member; it was reported unanimously, therefore I do not rise to oppose it. It is reported in accordance with the law, which requires the full amount named in it to be appropriated, according to the estimate of the Commissioner of Pensions, of the sum necessary to pay the pensions. By the indulgence of the Senator from Indiana I should like to say a few words about the system of pensions and the increased appropriations that Congress has seen fit to grant for the last few years.

The previous bill, the act for the fiscal year ending June 30, 1880, appropriated $29,366,000. We passed an arrearages of pensions bill, which required $25,000,000 to be paid out. This bill appropriates $32,404,000, being $3,038,000 more than the act of last year. This increase is due to various causes, including recent legislation.

We now have on our pension list:

Army invalids	125,150
Army widows, children, &c	80,174
Navy invalids	1,844
Navy widows, children, &c	1,772
Surviving soldiers of war of 1812	11,621
Widows of deceased soldiers of war of 1812	21,194
Making the total on the list to-day	242,755

The Commissioner of Pensions estimates that at the end of the present fiscal year, at the same rate of increase that has taken place in the preceding nine months of this year, there will be 250,000 cases pending and not acted upon. The pension-roll was increased during the fiscal year ending June 30, 1879, 18,757 names, and at the same rate for the next year it will be increased between thirty and forty thousand names, showing that the pension-roll is rapidly increasing, and we are constantly enacting new legislation to increase it. Within the next decade, if the same rate of increase continues, the pension-roll will be doubled, and it will require from $60,000,000 to $80,000,000 annually to be appropriated for the payment of pensions.

This pension bill appropriates more money than the entire expense of our Government for any year during the first fifty years of our Government, which period includes the war of 1812 and all other wars up to about 1840. This bill appropriates more money for a single year than the revolutionary soldiers received from beginning to end. We are paying in a single year more money for pensions than the entire revolutionary roll cost the Government. We paid on account of pensions from 1791 to 1860, $78,602,925.01, and between 1800 and 1833, $27,689,134.51. From 1791 to 1870, the entire time our Government was in existence up to 1870, we paid $221,153,156.32 for pensions. In the last eight years we have paid $234,189,522.42, being nearly $13,000,000 more than was paid from the beginning of the Government up to 1870. Fifteen per cent. of the entire revenue of the Government is now being paid for pensions, and, as I said, the roll is increasing at a rapid rate.

The intention of my remarks is only to call the attention of the Senate to the vast amount being paid for pensions and the rapid increase of our pension-roll. I would not deprive any pensioner of his just dues. We ought to be fair to all and liberal to those who have been disabled in the military service of the Government; but there is another class of people, the tax-payers, for whom we ought to have some consideration. Therefore I think we should go a little slowly and consider what we are doing.

It is a fact I believe beyond doubt—I get it from high authority—that the United States is paying about the same amount for pensions that the rest of the world is paying. Great Britain paid in 1878 $12,795,685; France, $12,600,000; Germany, $4,236,855; Austria and Hungary, $627,610; Belgium, $742,000; making the entire amount probably about the same amount that the United States is paying for the present fiscal year.

The VICE-PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed the bill (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes; and it was thereupon signed by the Vice-President.

NEGRO EMIGRATION TO NORTHERN STATES.

Mr. VOORHEES. Mr. President, I move to take up for consideration the resolution submitted by me on Monday last.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. VOORHEES on the 15th instant:

Whereas large numbers of negroes from the Southern States, and especially from the State of North Carolina, are emigrating to the Northern States, and especially to the State of Indiana; and

Whereas it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens toward them in the South: Therefore,

Be it resolved, That a committee of five members of this body be appointed by its presiding officer, whose duty it shall be to investigate the causes which have led to the aforesaid emigration, and to report the same to the Senate; and said committee shall have power to send for persons and papers, compel the attendance of witnesses, and to sit at any time.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Minnesota, [Mr. WINDOM.]

Mr. VOORHEES. Let that be read.

The Chief Clerk read the proposed amendment of Mr. WINDOM, as follows:

And be it further resolved, That in case said committee shall find that said exodus of colored citizens from the South has been caused by cruel and unjust treatment, or by the denial or abridgment of personal or political rights, they shall further

inquire and report to the Senate, first, what, if any, action of Congress may be necessary to secure to every citizen of the United States the full and free enjoyment of all rights guaranteed by the Constitution; second, whether the peaceful adjustment of all sectional issues may not be best secured by the distribution of the colored race through their partial migration from those States and congressional districts where, by reason of their numerical majority, they are not allowed to freely and peacefully exercise the rights of citizenship; and third, that said committee inquire and report as to the expediency and practicability of providing such Territory or Territories as may be necessary for the use and occupation of persons who may desire to emigrate from their present homes in order to secure the free, full, and peaceful enjoyment of their constitutional rights and privileges.

Mr. VOORHEES. Mr. President, I have no purpose to detain the Senate at all upon this subject. I only desire to say in explanation of the course I have pursued that it has been taken from mature consideration. Some months since, nearly a year ago, when the question of migration from the South to the North on the part of the colored people first attracted the attention of the country, I, like others, was disposed not to attach much importance to it, and certainly not much so far as Indiana was concerned. Until recently I held the opinion that it was not a matter of great importance. I find, however, that there is a systematic, determined movement going on of no small dimensions. Large numbers of these people are passing through this city; some of them become stranded here and have to rely on private and public charity to carry them on. It becomes a matter of serious consideration, therefore; and if it be true, as is alleged in many of the newspapers of the country, that these people are being driven from their homes in the South, where they and their ancestors have lived for more than two hundred years, by the injustice and cruelty of the white people there, that fact cannot be known too soon. If, on the other hand, there is a conspiracy on the part of disreputable people, both white and black, to disturb the condition of the black race at the South and make them discontented and unhappy, to point out to them greater advantages elsewhere which do not exist, thus spreading a delusion and a snare before them, getting them to move about, that had better be known, for the exposure of it will be the way to stop it.

This resolution that I have introduced is offered in the utmost good faith, hoping that it will accomplish a good object.

I am told—whether that be the fact or not is one of the matters of inquiry—that upon one farm, a large farm in North Carolina, of some twenty-five hundred acres, there were sixty families residing until quite recently, a few weeks ago, residing contentedly as far as anybody knew, undisturbed as far as anybody knew. They have all gathered up in a sudden sort of hegira and started off to the North, except five families. Fifty-five families have gone.

Now, sir, as to what may be done in Indiana, I am not going to speak. I say for Indiana that it is a broad-hearted, liberal State. We will accept everybody who comes there, black, or white, or red, who comes there in the natural and legitimate order of things; but we no more want this population colonized upon us in large squads, battalions, regiments, divisions, and corps than the people of California want the Chinese landed upon them through organized societies of emigration. What we object to is not to black people coming to Indiana legitimately and orderly in the natural way of emigration, but we do object to Indiana, and every Senator will object for his own State, to its being pointed out and designated as a field for emigrant aid societies to operate upon. If that be going on in Indiana against the people of Indiana, for political purposes or any other purpose, the sooner it is known the better, for it can result in nothing but evil to these people. As a measure of humanity to these deluded people, the sooner it is stopped the better.

Indiana is the fifth State in this Union, well populated, thickly settled. We have no public waste-lands for people to take up cheaply. We have our settlements already made. Of course there is room for more, but no pauper population need expect to find unoccupied lands to squat upon in the State of Indiana. We have laws that protect the black race that is already there, and nothing could be more fruitful of evil to the well-behaved and decent colored population of Indiana than this so-called exodus of this kind of population from the South. I have no hard words to utter of them; but if people who get as far from home as Washington City is from North Carolina and here become stranded without means to get further on expect to acquire rapid fortunes and fulfill visionary plans in their minds when they reach Indiana, they will be wofully mistaken. There are no large vacancies in our fields asking for labor, either. We have fields of labor there, as well, however, supplied by our own people as are those of any other State in this Union. If there are agents going South saying to the negroes down there that they can get so much per day for cultivating land and various things of that kind in Indiana, the sooner these unfortunate people are undeceived the better for them.

Therefore I say, Mr. President, that not as a party measure, but as a measure of justice and humanity, I offer this resolution to have a little investigation. If I were actuated by purely political motives I would welcome this negro emigration. If I desired simply the success of the democratic party in Indiana, I would say to the agents of this movement, "put in a few thousand," and for every one thousand black men you put in there between now and next May—which I believe is the limit, for from May to November is six months, and that is the length of residence that gives a man a right to vote in our State—"we shall gain five thousand votes." I would say, "Bring them on," and the reaction will take care of all political consequences. There is nothing in this movement that benefits any party except the democratic party, so far as its effect on politics is concerned; but I do sincerely believe that there is a movement going on hurtful to the colored race, injurious to them, and liable to bring about those collisions of prejudice in the Northern States that are prejudicial to both races.

Mr. President, a word in regard to the amendment offered by the Senator from Minnesota, [Mr. WINDOM.] Whatever may have been the spirit that dictated his remarks in regard to my motive, I pass that by. Whether his remarks were in compliment or otherwise, matters not. The amendment of the Senator from Minnesota undertakes to instruct the committee in advance. It is to the effect that if the committee finds so and so then they shall be instructed thus and so. I think the better plan is for the committee to ascertain the facts, and then be subject to instruction upon those facts. I think the Senate can instruct the committee in its further duties better after the facts have been ascertained than upon a supposed and hypothetical case in advance. If we find that these people are being driven from their homes in North Carolina and Mississippi and elsewhere by the unjust and cruel conduct of their white fellow-citizens, then it will be for the Senate, upon a full exposition of the case, to give the committee further instructions. I think, however, with all respect to the Senator from Minnesota, that his amendment is premature, for the reason I have stated.

Before taking my seat I will say that upon the suggestion of a Senator, for which I am very greatly obliged, I shall ask leave to strike out the words "compel the attendance of witnesses," because all the power of the committee is contained in the words preceding that clause, giving power to send for persons and papers.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. VOORHEES. I modify it by striking out that clause.

The VICE-PRESIDENT. The resolution will be so modified; and the question now is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

Mr. WINDOM. Only a word or two, Mr. President. When the honorable Senator from Indiana introduced his resolution the other day I was extremely gratified, and took occasion to say so to the Senate. I do not know how the Senator could possibly imagine that my remarks were intended otherwise than as a compliment. The Senator had proposed to institute an inquiry which I thought of very great importance. The proposition seemed to be in the interest of persons who had been driven from their homes by cruel and unjust treatment. After reciting the fact that large numbers of negroes were emigrating from the South, and especially from North Carolina into Indiana, his resolution says:

Whereas it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens toward them in the South.

The ground upon which he bases his proposed inquiry is the current allegation that these things are true. From facts which I have received during the last twelve months, I am disposed to think that the allegation is well founded in many cases. As the Senator based his resolution upon these reports I assumed that similar information to what I had received had come to his ears, and moved his well-known sympathies on behalf of the oppressed, and that his action in this matter was with the intent to expose such violation of justice, and denial of personal rights, and to provide some remedy for them, if proven to exist. His resolution, however, did not go to that extent. It simply proposed the inquiry as to whether these wrongs existed, and whether they were the cause of the exodus from the South, which everybody knows has assumed very considerable proportions. I thought it best to make it practical, and by the amendment proposed that—

In case said committee shall find that said exodus of colored citizens from the South has been caused by cruel and unjust treatment, or by the denial or abridgment of personal or political rights—

the committee shall then proceed to inquire further as to three practical points. First, as to whether Congress cannot do something to protect American citizens in their constitutional rights. Second, as to what will be the probable effect of this voluntary distribution of the colored population upon the sectional issues which have disturbed the country. The third clause of my amendment—and I ask the attention of the Senator from Indiana particularly to that—was designed expressly to aid the Senator in averting what he fears will be a great evil to his State, to wit, that in case the committee upon investigation shall find that these people are driven from their homes by cruel and unjust treatment or by a denial of personal and political rights, they shall then proceed to inquire and report as to the expediency and practicability of providing some Territory or Territories of the United States to which they can go where such rights and privileges will be secure.

Mr. President, the Senator intimates that somebody is seeking to bring these colored people into Indiana for partisan political purposes. If that be true, will not the Senator join me as cordially in the inquiry which I propose to make as I will join him in the inquiry which he proposes? When we shall have ascertained through this committee that these people are compelled to emigrate by the causes upon which he bases his inquiry, shall we not inquire whether they cannot go to some place where they will not meet with the objections which the Senator says exist in Indiana? If it be a political movement that the Senator fears, the proposition which I make will relieve it from all danger in that direction. The original proposition upon this subject made by myself about a year ago was not that these

people should be induced to go to any State of the Union unless invited to do so, but that we should inquire as to the expediency of providing a Territory for them where they would not encounter the prejudice of which the Senator speaks. I believe there is a portion of the Indian Territory that could be set aside for them, and organized in a way to avert all these difficulties. I want the Senator from Indiana to join with me in that investigation. I will vote with him most freely to inquire as to the causes of this great movement. I believe it has assumed proportions sufficiently important to justify, nay, to demand of Congress that some inquiry should be made. But I do not want our action to stop with the mere inquiry as to its causes without attempting any practical relief in case they should find that this movement is caused by the grievous wrongs of which complaint is made.

The political point which the Senator suggests strikes me as being a little peculiar. I know that his democratic friends in the Southern States where these negroes come from are not pleased with the exodus. They want them to stay there, and it is somewhat surprising that the democracy of Indiana should be so displeased with their advent into that State. There seems to be a little division of the democratic party upon that subject. I am surprised, especially in view of the fact that we have always heard that the unanimous southern vote during the last few years was because all the colored people had suddenly come to the conclusion to vote the democratic ticket in those States instead of being prevented from voting at all, as some uncharitable persons have suggested. If these be democratic colored people that our democratic friends from the Southern States dislike so much to part with, why is it that our democratic friends from Indiana so much object to their coming there?

But if both object to their going to Indiana, then let both sides join with me in the inquiry proposed by my amendment as to whether some other place cannot be provided for them, where they will cease to be a terror and a menace to democracy.

I will join with the Senator in voting for his resolution, and I call upon him to assist me in passing the amendment.

Mr. HILL, of Georgia. Mr. President, I wish to say one word upon this resolution. For myself I would say that I am getting tired of all these congressional investigations. It seems to be the fashion of late to appoint an investigating committee of either House of Congress to investigate anything that anybody charges or suspects has happened in any part of the United States. Still, I will not object to the passage of the resolution under the circumstances surrounding me. I will neither approve nor oppose it. Nevertheless my opinion is that this is an evil, if it be an evil, which will settle itself as a great many other evils are settled by time and the good sense of the people. One thing is very certain: the colored man is no longer a ward; he is of age; he does not need a guardian; he must take care of himself, and there is not a man in the whole South that I know of who will not cheerfully admit that the colored man has a perfect right to go where he pleases and settle where he pleases, and follow just such pursuit as he pleases, and nobody that I know of interposes the slightest obstacle in all the Southern States to his free migration or emigration and immigration anywhere.

I know it is customary and has become a common political vocabulary for politicians to talk about the cruel and unjust treatment of the colored people by the southern whites. There is not a particle of foundation for it, and there never was any foundation for it. It was simply intended from the beginning for political capital. Of course I know my friend from Indiana has not used it for that purpose, nor will I charge that the Senator from Minnesota has used it for that purpose; but that is the purpose for which it is used by the newspapers of the country and by the republican politicians generally.

Now, sir, here is a fact that this country ought to know: the colored people of the Southern States are perfectly contented with their situation exactly in proportion to the length of time they have been under the government of what are known as the white people of that country, or the democratic party, if you choose that term. They are contented and prosperous in exact proportion to the length of time they have been free from what we call the carpet-bag governments of those States. Take my own State. We have been free from that government now for eight years. The carpet-bag government or republican government obtained in that State for four years. They lost one year of their lease by fleeing the country. They actually ruled for three years after the military government ceased. What was the result? There was no school fund; there was not a single colored person in all that State educated at the public expense. The democratic party has had possession of that government now for eight years. What is the result? The first year they obtained possession there were six thousand colored children at the public schools. They have increased every year until, in 1878, we had sixty-eight thousand colored children in school at the public expense from taxes raised chiefly by the white people of that State—sixty-eight thousand in public schools and four thousand at private schools, making seventy-two thousand in all. I speak in round numbers. In addition, we have a colored college, at which there are now a large number of pupils, and to which the democratic Legislature for every year appropriates $8,000 from the public treasury. We have several hundred colored teachers, educated for the purpose of teaching in the schools at the public expense, and I am informed the school commissioner thinks the number of colored children that will attend the public schools at the public expense in the year 1879 will be found to approach ninety thousand. Then, in eight years we have increased the number of colored children from nothing to ninety thousand, educated at the public expense during the time that the white people or the democratic party have had possession of the government.

Now, take another chapter. During the period those people (the republican adventurers) had possession of the Government—I will not say the republican party, I am not making a partisan speech; I am stating facts of history, facts of history shown by the public records of that State during the three years the carpet-baggers, as we call them, had possession of the government of Georgia—the colored people accumulated nothing, nor did the whites; all values were uncertain, all property was uncertain, everybody was dissatisfied, nobody, black or white, knew whether anything could be made or would be made or ought to be made in the way of accumulation. Everything was uncertainty and gloom with all races. But there was a change in government. What is the result? Both races began at once to prosper. As I have said, that government has been changed for eight years, and by the tax-books of 1878 the colored people of Georgia alone have returned under their own oaths for taxation property exceeding $5,000,000—between $5,000,000 and $6,000,000—that they have accumulated. In what does this property consist? It consists largely in city property and largely in real estate, in land, and they have some $73,000 of money loaned at interest. They have a large amount of personal property.

Mr. CONKLING. How did they get it, if I may inquire?

Mr. HILL, of Georgia. They acquired it, they made it, they worked for it under the protection of a democratic State government. It was not stolen from them. How could they get it otherwise than by working for it?

Mr. CONKLING. If the honorable Senator will allow me, I will explain my question. I have heard so often in these disquisitions upon the inferiority of race that a black man never would work and never could be made to work unless he was a slave, so that somebody could compel him to work, that I was curious to know whether of their own accord, voluntarily, the colored people of Georgia had amassed a surplus of $5,000,000, at an assessed valuation, and something more. Therefore it was that I ventured to interrupt my honorable friend, full of information upon the subject as he seems to be.

Mr. HILL, of Georgia. The motive of the Senator from New York was entirely correct, and I am glad that he asked the question, and I repeat that the colored people of the State of Georgia have accumulated between five and six million dollars, about six millions really, but they return for taxation five millions. They have accumulated it by their own labor; they have accumulated it honestly; and they have accumulated it because they have lived under a government in which they had confidence and which gave them complete protection in their earnings.

Now, I want to state another fact which is remarkable, and I think the gentlemen on the other side will be glad to hear it, and the whole country ought to be willing to know it, and that is that these colored people in the State of Georgia have returned for taxation over a half million acres of land—over five hundred thousand acres of land which they hold in their own right and which they have accumulated during the time and in the manner stated.

I state these facts for the purpose of showing you that so far from the charges which are made that the white people of the South are inimical to the colored race and treat them cruelly and unjustly being true, the reverse is the truth. When the men who went there for no other purpose but to use the poor negro to procure political office he did not accumulate property, his children were not educated.

Now, I will say this in answer to what the Senator from New York has said. He has heard it said, he informs us, for years that the colored people would not work unless under a master. The colored people are like all other people as we now find them; some of them will work, some of them will not. I concede that there are in Georgia as everywhere else a large number of unthrifty colored people; they generally accumulate about the cities and towns and villages, and they give the country a great deal of trouble and annoyance, no doubt about that, where they are in large numbers. Every southern man knows that, and every man who has traveled in the South knows it to be true. This discontent, this fever of emigration almost always originates with that unthrifty class, with that worthless class. I have myself ever since the war been employing colored people on farms. I know their habits well. I know that those who are on the plantations are at work accumulating property, accumulating land, becoming often themselves proprietors of land. There is no discontent with them. They have absolute protection, just as absolute protection as the whites around them. But among this worthless, unthrifty set that do not wish to work, that gather about the cities and towns and live from hand to mouth, always restless and discontented, you can get up trouble readily, and with them the trouble chiefly exists.

It is not owing to cruel treatment. They are creatures who become discontented and dissatisfied of their own motion, and of course they are available for parties who have designs in using them. This fever of emigration, I shall never forget, obtained in Georgia about the time of the change of our government from the republican to the democratic party, and I do not speak it in any partisan sense. I am merely speaking of the fact. When we passed from the car-

pet-bag government to the home government, to the proper government, about the time of the change from the one to the other in that State, this fever of emigration obtained there. I was in the midst of it, saw it. Nobody obstructed it. The white people generally encouraged it very little and discouraged it very little. Some were willing for the negroes to go, others preferred that they should not go. A large proportion of our people, I think, have concluded that the colored man is the best laborer that we can get for cotton, rice, and sugar, and in the malarial districts I believe they are the best labor we can get, and our people are perfectly willing that they shall remain. But since they have had good government, since they feel perfectly protected in all their rights, since every year they are accumulating property, and have every year their accumulations increased; since every year they find an increasing number of their children going to school and educated at the public expense, they have become just as well contented as the white people, and I have no doubt will go on prosperously.

Mr. President, upon this subject we all ought to banish everything like personal and political feeling. For one, I am a southern man; I was raised in the South, raised under slavery. I was raised to believe it was right, and believed it from my youth. I believe now that no laborer was ever better protected and cared for than the southern slave. I was one of those southern men who believed that the sudden emancipation of the whole negro race would destroy them and destroy our society; I honestly thought so. A large portion of the northern people thought so; the great body of them thought so; the wisest men that ever lived in the North then thought so; we all did; but I confess I was mistaken. The great evils we apprehended from sudden emancipation have not come. The southern people see this, and would not re-enslave the negro if they could. I freely confess that the colored man makes a better citizen with the advantages he has had than I had expected him to make. I confess that he is becoming more self-sustaining, more progressive in education and wealth than I expected, and I rejoice at it, and our southern people encourage him by all means possible, and to this encouragement he chiefly owes his success. A large proportion of them, I admit, are worthless, but the largest proportion are valuable both to themselves and to the community in which they live. They will improve still more rapidly if wicked intermeddlers will cease to disturb them for party purposes.

My own estimate is that more than one-half of the colored people of Georgia vote the democratic ticket. Are you surprised at it? Can any man be surprised at it? During the time of the carpet-bag government they were made to believe that if their old masters, as they were called, obtained possession of the State government they would all be put back into slavery. They have been taught differently; they know differently by actual experience, and as they have learned differently, and find they are getting the most perfect protection they could ask, are prospering to an extent that no similar number of colored people ever prospered in the history of the world, are accumulating more property, are being educated to a larger extent in proportion to population than you can find in any other country on this globe. They are not only contented, but they vote voluntarily, cheerfully, and willingly to sustain in the State government the party that has given them this protection, and under which protection they have been thus able to prosper.

Now, I say the people among whom this colored population live have more interest in their peace, more interest in their quiet, more interest in their prosperity than any other people. We cannot hope to prosper unless these colored people are encouraged and helped, and we are acting upon that, and we have more interest than any other people.

I dare say that this question, like all others, must be left to time, left to those influences that govern human action, and you will find in a short time that the condition of the colored man will be improving everywhere. Still, under the circumstances, while I do not myself feel that there is any necessity for the investigation, if anybody supposes there is good cause for an investigation which will develop the necessity for legislation I will not object. I do not feel like getting up here and saying that I will vote against investigation when it is bruited around that this emigration is caused by unjust and cruel treatment on the part of the white people. I know that that is not true. I know that it is utterly false. I know that if any disinterested committee will go down there they will find that the colored people are prospering, as I said, everywhere in exact proportion to the length of time they have been under democratic rule, and they are perfectly free to vote as they please, and they vote the democratic ticket as freely as I do, and for the same reasons in the main. The worst enemies of the colored people are those politicians who are forever seeking to use them to keep alive sectional passions for party advantage.

Mr. CONKLING. Mr. President, the Senator from Georgia has said several times that he tries to be impartial about this matter; that he does not wish to cherish any personal or partisan feelings about it. After hearing the Senator say that once or twice, while he was talking about how much land, how much property these people had accumulated, I feared that he was going to fail altogether in being as impartial as he meant to be. It seemed to me at that point that he was really in danger of getting into partisan politics. But when he came to allude to the performances in Georgia by which political power has gone from one party to the other, and described it as a change from carpet-bag government to home rule, then I saw that he was absolutely and judicially impartial! Nobody could doubt that; and when he describes what had taken place in that State and has resulted in the overthrow of the republican party and the installation of the democratic party as a change from carpet-bag government to home rule, he is so free from feeling on this subject that whatever he says is likely to be entirely impartial. Having congratulated the Senator upon that, and not meaning to participate in this debate, I make a request, which I rose for the purpose of making, and which is to be allowed at the request of a solicitor in this city who writes me a note, to introduce a bill for reference to the Committee on Patents.

[By unanimous consent, leave was granted to introduce a bill for the relief of Edgar Huson, which will be found among the "Bills Introduced."]

Mr. HILL, of Georgia. I want to say to the Senator from New York that I try to be impartial. I think I am impartial; but I am compelled to tell the truth; and when I tell the truth it discriminates thoroughly against what we call the carpet-bag government.

Mr. CONKLING. I congratulate the Senator on having succeeded in being impartial. I prefaced the very important purpose for which I rose with that congratulation. That was all. [Laughter.]

Mr. VOORHEES. A single word, Mr. President, in regard to the amendment of the Senator from Minnesota. I have stated to the Senator my own opinion fully; that is, that it is premature. I do not object to the scope of the inquiry embraced in his amendment; and I am willing for the Senate, without any further remark upon its merits, to vote upon the question whether the resolution which I have offered shall be amended by the amendment of the Senator from Minnesota, or not.

I can only say in response to the distinguished Senator from Georgia that he, of all men, ought not to object to a movement like this for investigation, for at the very start it has elicited from him most valuable information on the subject; and if the agitation of this question had accomplished no other result than the forcible statement which he has made in regard to the condition of the colored man in Georgia, it would be worth the trouble I have bestowed upon it. I am ready to vote on this question.

Mr. WINDOM. Allow me to express the hope before the vote is taken that the very flattering representation made by the Senator from Georgia as to the prosperous condition of the colored race will somewhat remove the fears of my friend from Indiana as to their becoming citizens of his State.

Mr. VOORHEES. I believe the colored people, if left alone, and not operated upon by improper influences, would everywhere be as they are in the State of Georgia. Whether that be so or not I want to inquire. I only know that there is an unnatural and, as it seems to me, improper movement on the part of the colored race in other places and toward other localities. That is the matter I wish to inquire into. I do not wish to go into discussion at this stage. I do not wish to make statements about matters which are to be subjects of inquiry; therefore I have restrained myself from saying more than I have.

Mr. WINDOM. I hope the Senate will bear in mind in voting on this amendment that the inquiry suggested by my amendment is wholly based upon the event that the committee shall find that this movement is caused by cruel and unjust treatment, or by the denial or abridgment of political rights. The Senator from Indiana says it is premature. I think that if the investigations of the committee shall show these facts, and they shall so find, the sooner we make the additional inquiries proposed the better. I think it is not by any means premature.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "nay."

Mr. FERRY, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. WITHERS.] Were he present, he would vote "nay" and I should vote "yea."

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Colorado [Mr. TELLER] on all political questions. I do not know whether this is a political question or not, but if he were here, I should vote "yea" on the amendment.

Mr. HILL, of Colorado, (when his name was called.) I am paired with the Senator from Arkansas, [Mr. WALKER.] If he were here, I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Alabama, [Mr. MORGAN.] If he were present, I should vote "yea."

Mr. MORRILL, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. WALLACE.] I should vote "yea" if he were present.

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. McPHERSON. On all political questions I am paired with the Senator from Rhode Island, [Mr. BURNSIDE.] If he were here I should vote "nay."

Mr. GARLAND. My colleague [Mr. WALKER] is absent on a duty assigned him by the Senate. I do not know how he would vote on this question if he were present.

Mr. VOORHEES. I have been requested to announce a pair between the Senator from Alabama [Mr. HOUSTON] and the Senator from Pennsylvania, [Mr. CAMERON.] I do not know how they would vote if they were here, but I announce the pair.

The result was announced—yeas 18, nays 25; as follows:

YEAS—18.

Allison,	Carpenter,	Hoar,	Rollins,
Baldwin,	Conkling,	Kellogg,	Saunders,
Blair,	Dawes,	Logan,	Windom.
Booth,	Edmunds,	McMillan,	
Cameron of Wis.,	Hill of Georgia,	Platt,	

NAYS—25.

Bailey,	Davis of W. Va.,	McDonald,	Vance,
Bayard,	Eaton,	Maxey,	Vest,
Beck,	Hampton,	Pendleton,	Voorhees,
Butler,	Harris,	Randolph,	Williams.
Call,	Hereford,	Ransom,	
Coke,	Johnston,	Saulsbury,	
Davis of Illinois,	Jonas,	Slater,	

ABSENT—33.

Anthony,	Gordon,	Kernan,	Teller,
Blaine,	Groome,	Kirkwood,	Thurman,
Bruce,	Grover,	Lamar,	Walker,
Burnside,	Hamlin,	McPherson,	Wallace,
Cameron of Pa.,	Hill of Colorado,	Morgan,	Whyte,
Cockrell,	Houston,	Morrill,	Withers.
Farley,	Ingalls,	Paddock,	
Ferry,	Jones of Florida,	Plumb,	
Garland,	Jones of Nevada,	Sharon,	

So the amendment was rejected.

Mr. WINDOM. I should like to suggest to the Senator from Indiana to insert after the words "unjust and cruel conduct of their white fellow-citizens toward them in the South" the words "and by the denial or abridgment of personal and political rights and privileges;" so as to make the preamble read:

Whereas it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens toward them in the South, and by the denial or abridgement of personal and political rights and privileges.

Mr. VOORHEES. That is, that it is so alleged?

Mr. WINDOM. Yes.

Mr. VOORHEES. I see no objection to accepting it in that form.

Mr. WINDOM. I shall vote for the resolution offered by the Senator from Indiana, and hope it will pass; but I want to state in a single sentence the logic of the vote just taken. It is this, that even if this committee shall find that these people are compelled to leave their homes by reason of unjust and cruel treatment or by reason of the denial or abridgment of personal or political rights guaranteed to them by the Constitution, yet the committee shall not inquire as to any remedy for those grievous wrongs, and that the committee shall not inquire itself or report to Congress whether any remedy can be provided.

The second point is this: Although the Senator's constituents are opposed to the immigration of this class of people into Indiana, yet he will not even inquire as to the expediency of providing any other place for them, notwithstanding the fact that his committee may find that they are actually driven from their present homes by injustice and cruelty.

Now, Mr. President, so far as any political purpose is concerned, I think we have shown by the vote on this side of the Chamber that we have no such motive. If, as the Senator insinuated in the outset, this movement is with a view to colonization in any State for a political purpose, the vote given unanimously on this side of the Chamber shows that the republicans of the Senate do not propose to encourage the effort to carry any State by such colonization. If anybody is responsible for such emigration to the Northern States it is the democrats of the South, whose conduct compels the negroes to leave their homes, and the democracy of the North, who refuse even to inquire as to the practicability of supplying some other place for the victims of persecution and oppression by their party friends.

Mr. VOORHEES. Mr. President, the Senator well knows that when I was on my feet I stated that my objection to his amendment was simply that it was premature. I did not object to the matter of it; I objected to it because it presupposed a state of facts which is not yet ascertained, and thereupon proceeded to instruct this committee. Now, I tell the Senator in the plainest language I can use, that if the facts should be so, and it should be ascertained that these people are driven from their homes by unjust or cruel treatment or by a denial of their rights on the part of their white fellow-citizens, I will be as ready as he to inquire as to and apply a remedy. It is only a question of time. When this committee, if one shall be raised, reports its findings to this body, then I say to the Senator from Minnesota that his resolution amending the one which I had the honor to offer will be free from any objection whatever on my part, and I presume on the part of this side of the Chamber. The objection to his resolution was that it presupposed a state of facts which I say must first be found and laid before the Senate, and then let the Senate instruct this committee to ascertain the proper remedy.

The VICE-PRESIDENT. The amendment of the Senator from Minnesota will be read.

Mr. WINDOM. It was accepted, I think.

The VICE-PRESIDENT. It will be read.

The CHIEF CLERK. At the end of the preamble it is proposed to add the words:

And by the denial or abridgment of their personal and political rights and privileges.

Mr. GARLAND. Mr. President, the power to make these inquiries, if they are to be made at all, as I understand, comes under the provision in the Constitution that empowers Congress to propose amendments to that instrument. From the face of this resolution I am at a loss to know what Congress could do if they found any state of facts in reference to this alleged condition of things; but the power of inquiry under the right to propose amendments to the Constitution must necessarily be unlimited, or, if not unlimited, it cannot be very well restricted, for it is not for us in advance to determine what state of facts will come before the Senate and what will be the conclusion in the mind of the Senate upon that state of facts. Therefore in all investigations of this character it is important that the inquiry be as broad as possible. While not objecting to this investigation under any state of case, in view of this power in Congress and in view of the fact that the inquiry should be broad and fair, involving, if possible, and taking within its range everything any Senator may suggest, I favored the first amendment offered by the Senator from Minnesota and was in hopes it would be unanimously adopted, for I cannot see how it is possible for the Senate in making an inquiry of this sort to restrict its committee, either by a positive or by a negative vote. Let us waive for the time being the consideration of the pertinency of this inquiry, of what may or may not be proved before this committee; when a Senator rises and proposes an amendment that upon a certain state of the case certain actions may be based, which state of the case we have all persistently and consistently denied, yet if it be proved we stand before the country bound to see that some remedy is provided.

The resolution incorporated in the first amendment of the Senator from Minnesota, which has been voted down, comes directly and perfectly within the range of the main resolution of the Senator from Indiana, which I intend to support, because the Senate must not lose sight of this question. What is the necessity of the inquiry at all? If there is a defect in the laws of the country, it should be corrected by Congress in case it has the jurisdiction; and I say as a Senator from the State of Arkansas that if the contingency put forth in the amendment submitted by the Senator from Minnesota is established, I want Congress to go to the uttermost bounds in prescribing some remedy for it, and I would even strain a little to do so. If this inquiry is going to be made at all, let it be made as broad as the land if possible, as broad as the subject can be extended, so that Congress may have the entire subject before it; fix the blame, if blame there be at all, upon the proper persons, and if the power exists to punish, let them be punished.

I do not speak of anything of this character in the State of Arkansas, for from the leading colored gentlemen of that State I have letters informing me that but few have ever left the State, and those few have returned to take up their abode again, consistent with the custom that no man ever left that State yet, white or black, who did not go back there to live again, except one poor individual who died manfully making his way back, but he died before he could reach the confines of the State. [Laughter.]

Now, Mr. President, if we are to make the inquiry, let us make it; and if not, let us vote down the entire proposition and not trouble Congress with it any longer.

Mr. VEST. Mr. President, I simply rise to call the attention of the Senator from Minnesota to the incorrect statement which he has made in regard to the legislation on the subject of the freedmen. By treaties between the Government of the United States and the Indians occupying the Indian Territory, it was distinctly and emphatically provided that a portion of the land inside the Indian Territory should be set apart for the occupation of the freedmen of the South. That was done by the Government at the time the treaties were made, in view of the exodus to which the Senator from Georgia has referred.

At the last session of Congress I had the honor of offering a resolution inquiring of the Department of the Interior what land had been occupied in the Indian Territory by the Indians and by the freedmen of the South. A document is on file now in the Senate, in response to that resolution, showing that no freedmen have ever been taken by the Government from the Southern States and carried to the Indian Territory. That land awaits them to-day, a land peculiarly blessed by Heaven, a land peculiarly adapted to the African race, and I leave it to the gentlemen on the other side of this Chamber to explain why that land has been neglected and why the negroes have been carried to the States of the North; why Indiana, with its climate not adapted to the African race, not adapted to their peculiar idiosyncrasies, is to be selected, when the bounty and largess of the Government has provided a place elsewhere specially adapted to these people?

A word further. I propose to vote for the resolution of the Senator

from Indiana and I do it upon one ground alone, because I know full well if the democratic party votes down that resolution the partisan press of the North in the interest of the republican party will immediately charge that it is voted down to suppress investigation. I believe, in fact, sir, I know, that the statements made in regard to mistreatment and cruelty exercised by the people of the South toward the negroes to be unfounded, false, and even malicious; but in order that the fullest and freest investigation may be had and the true character of this exodus may be made known to the intelligent and impartial public of the United States, I vote for this resolution, and for that reason alone.

The VICE-PRESIDENT. Does the Chair understand the Senator from Indiana to accept the amendment of the Senator from Minnesota?

Mr. VOORHEES. Yes, sir.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. WINDOM. I am very much obliged for the information given by the Senator from Missouri, [Mr. VEST,] and it only proves the expediency of the adoption of the amendment proposed by myself a few moments ago. If there is such a territory as that which can be provided for these people, then the dangers which the Senator from Indiana [Mr. VOORHEES] seems to dread so much can be very easily averted. I think that a committee could accomplish very great good by inquiring into and reporting the condition of that territory and directing these people to it, if they must go, as my amendment was made solely upon that condition—that they are compelled to go. If they must go, then let us turn their attention to that territory open for them. But why did the Senator from Missouri vote against permitting the committee to inquire into that and make a report upon it, so that it might be known to them?

Mr. RANSOM. Mr. President, I will not undertake to answer for the Senator from Missouri, who can answer so well for himself; but I will tell the Senator from Minnesota one reason for the vote that I gave against his amendment to the resolution of the Senator from Indiana. It was, as I conceived, the improper presumption in the amendment of the Senator from Minnesota that the colored people of the South had been treated cruelly and unjustly by the white people of the South.

Mr. WINDOM. Will the Senator allow me to ask him a question just there? Is not that presumption in the resolution offered by the Senator from Indiana? He bases his inquiries upon that assumption, that statement. I simply say that in the event that statement upon which the presumption to act is based is proved, the committee shall inquire as to a remedy.

Mr. VOORHEES. On the contrary——

Mr. RANSOM. Will the Senator from Indiana allow me to answer that question?

Mr. VOORHEES. Yes.

Mr. RANSOM. If that presumption is in the resolution of the Senator from Indiana, why did the Senator from Minnesota assert it in his amendment?

Mr. WINDOM. I simply quoted the language of the Senator from Indiana.

Mr. RANSOM. On the contrary, Mr. President, and with great deference to the Senator from Minnesota, he will allow me to say so, this is an afterthought of his. The Senator from Indiana expressly declared and was most particular to declare that, while he did not specially except to the other matter of the amendment of the Senator from Minnesota, his main objection to that amendment was because it assumed as a fact what he did not believe to be true, and what he did not think could be proved. The Senator from Minnesota keeps his seat, he hears that objection assigned by the Senator from Indiana to his amendment, and he does not undertake to avoid that objection until I state that that is my reason for voting against his amendment. With very great deference, I submit to the Senator from Minnesota that he had not perhaps given that part of his amendment the attention that he has since paid to it.

Mr. President, I may feel perhaps too much upon this question. The State of North Carolina happens to be mentioned, I know with no intention of unkindness, in this resolution by the Senator from Indiana. He has always shown too much good heart, he will allow me to say, toward my people for me to have a dream that he could have for us any but the most generous sentiments, but it is right that I should feel sensitive on this question. It seems that this recent movement from North Carolina has given rise to this resolution, and the Senator from Minnesota takes us to task because we will not vote for a presumption that this charge is true, vote for a presumption which charges that eight millions of people are unjust to four millions of people who live with them. Is that intimation to be taken and embraced by us without a word of protest, when we know the contrary to be the fact? Why, sir, it is a very easy matter to say that eight or ten millions of our people are unjust to their fellow citizens; but should we allow that assumption to pass by unnoticed, uncontradicted, unrebuked, and actually vote that if it should happen to be true, then certain extraordinary legislation is to be adopted? Let the Senator from Minnesota put the cup which he presents to us to his own lips, and ask himself if he would drink of it in the case of Minnesota?

Mr. WINDOM. Does not the Senator propose to vote for the resolution of the Senator from Indiana?

Mr. RANSOM. I do.

Mr. WINDOM. Do you not base it upon the allegation which somebody makes that there is cruel and unjust treatment there which causes this exodus?

Mr. RANSOM. I do. I base it upon further ground also——

Mr. WINDOM. One question further. Then, basing your inquiry upon that ground, in case that allegation is proved true are you not willing to go further and remedy the evil?

Mr. RANSOM. I know, sir, that that allegation will not be proved true, I know it will be shown to be utterly false, and I will not vote a stigma upon my people or the Senator's people upon an assertion that I know is false. That is my answer to the Senator from Minnesota, and that ought to be his answer and would be his answer if Minnesota was thus assailed.

Mr. President, what are the facts in reference to North Carolina, for that is the point I wish to meet? It has been currently stated in the press of the country that these people were fleeing, in the language of the Senator from Minnesota, from injustice. What I may say upon that question the Senator from Minnesota or his friends, the good people elsewhere, might suppose to be influenced by party prejudice, by local association, or by some other prejudice; but I propose now to read to the Senator from Minnesota and to the country testimony in reference to North Carolina which I think he will not dispute.

It is well known, Mr. President, that North Carolina is divided in politics, and I beg leave to inform the Senator that the first district of North Carolina is represented in the other end of this Capitol by a republican, Mr. MARTIN, elected last year, or said to be elected, by the republicans of that district; he now holds his seat in the House of Representatives; he is a fair, a truthful, and, I think, although we differ in politics, a patriotic man. Mr. MARTIN has published his statement in reference to this movement of the colored people. The Senator from Minnesota has seen that statement. It was published in the newspapers of this city ten days ago, and has not been contradicted. Mr. MARTIN denounces these charges as false. At the time Mr. MARTIN made his statement there was in this city a former member of Congress, a distinguished man in North Carolina, whom a great many of our people respect for his social virtues and personal qualities; I mean Hon. William A. Smith, who represented the Raleigh district as a republican in the House of Representatives for several years since the war. He is a republican, was on the republican ticket year before last with Judge Settle of North Carolina for governor, he being the candidate for lieutenant-governor, against my colleague and the present governor of North Carolina, Governor Jarvis. He was second on the republican ticket in that widely-known canvass; he received an almost unanimous colored vote in our State. He is a great popular favorite with the colored people. He has stated in the public prints of this city, and the attention of the Senator from Minnesota has been called to the fact, that there was no truth in these charges against the people of North Carolina, that there was, in Mr. Smith's language, absolute, perfect political and personal liberty there with both races, and that no injustice or wrongs were committed on the colored people, but that they enjoyed every right of Americans without impairment or molestation.

But the testimony does not here stop, sir. There is a distinguished man in North Carolina, well known to the country, well known to Senators on the other side of the Chamber, who now occupies a high Federal position in North Carolina, a short time the republican governor of that State, and a man of high, perhaps the highest authority in North Carolina with the republican party. What does Ex-Governor Holden, of North Carolina, say? He is now by appointment of the President of the United States, and has been for the last eight years, postmaster at the capital of our State, Raleigh. Here is what he says:

> Ex-Governor Holden, postmaster, had heard very little of the exodus, but knew of no oppression of the colored race more so than poor whites. In nine out of ten cases where the negro conducts himself decently and properly he receives justice from the courts and magistrates just as promptly as the white man in this or any other State. He had heard of no cases for a year or two of oppression.
>
> "Are they improved?"
>
> "I think they are improved in all respects, both mentally and physically, and their progress has been wonderfully rapid and continuous. So far as I am informed, no good reason for the exodus has occurred."
>
> "What is the attitude of the whites?"
>
> "The white race of all factions desire to retain them for a number of reasons."
>
> "Have they equal advantages?"
>
> "Yes; they have schools, &c., the same as whites. Outside of natural race prejudice the condition of the blacks compares favorably with the poor whites. I see no reason for any class to be dissatisfied now. Cotton is going up, labor rates are increasing, and the prospects for a new and better era for all are bright."

There is another distinguished republican in North Carolina, appointed United States district attorney by two Presidents of the republican party, approved and confirmed by a republican Senate as republican United States district attorney for North Carolina three or four distinct times. I think he is a personal acquaintance of my friend from Minnesota. I allude to Hon. R. C. Badger, the son of the late George E. Badger, who occupied and honored a seat in this body for so many years.

> Hon. R. C. Badger, well known in the North as a "stalwart" republican, gladly assented to an interview. Said he, "The negro is as well treated here as any place in the world. The race prejudice is being rapidly overcome, and the race, as a race, is improving. This was instanced at the recent colored industrial fair held here. Governor Jarvis, a bitter democrat, Colonel Polk, superintendent of agri-

culture, Major Manley, all democrats, and I made speeches. All were of the opinion that there were decided signs of advancement."

"Why should they leave, then?"

"I know of no reason they should leave this country. I am satisfied that they will all soon be destitute in the North, which is different from this section. Here they never work on Saturdays, and two or three days per week will support anybody. The only result I can see of the exodus is that they are going to suffer by it."

"Was their exhibition creditable?"

"It was very creditable. Their exhibition of hogs, chickens, &c., exceeded that of our State fair. Their needle-work, penmanship, and painting, which are now being taught, showed very great aptitude. It would have been creditable to the whites, who have been enjoying civilization a long time, and was exceedingly creditable to a race enjoying, comparatively, civilization for only fifteen years."

"How about mental progress?"

"Their school systems are constantly improving under the patronage of the State. The only effect"—

I call the attention of the Senator from Minnesota to this—

"The only effect of the exodus will be their ruin."

Now, Mr. President, if it will not weary the Senate, I beg leave to call the attention of the Senator from Minnesota especially to the statement of a colored man in North Carolina of high standing with his race. He deserves great credit for the position which he has attained. He is the editor of a paper in North Carolina conducted by colored people alone. Hear what he says:

O. Hunter, jr., an intelligent colored man, a former slave, and editor of the Industrial Journal, spoke freely and said: "So far as my knowledge goes, I believe the colored people are better off in North Carolina than in any other Southern State. I have been all over the North, and find none better treated. They are treated in those counties affected by the exodus probably better than elsewhere, and I have found them there well contented and happy. Wages have been low and times hard, but that is the case everywhere. In the courts"—

I call the attention of the Senator to this intelligent statement of a candid and influential colored man because it has been charged that in the courts his race did not have justice—

"In the courts we have our own color on the juries and have the same rights and privileges as white men."

"How are they mentally?"

"The mental improvement of my race has been commendable. They have made rapid progress since the emancipation, and feel that they must be well educated to compete with the white race. This is an ambition with the colored people where it is not with the poorer whites. I have noticed that where complaint exists it has been superinduced by bad management and lack of economy, or else chargeable to bad crops and poor markets."

Mr. President, for the last two or three or four weeks this subject has been before the country. These statements of distinguished republicans of both colors have been published to the world; and so far, from all the limits of North Carolina, there has not been made one statement, one breath, that varies the general tenor or truth of this testimony. Why, sir, what are the facts in this case? All the country knows that North Carolina is a democratic State; that it is governed and administered by the democratic party. There is not a township in the State in which colored people live that has not a school-house for their special education; there is not a court-house in the State in which they are not heard, and their every right taken care of. We have already built for them an asylum for the deaf, the dumb, and the blind; we are now building for them at this identical place from which they are going, Goldsborough, an asylum for the insane. They have their military companies in the State; one of them bears the name of my colleague, known as the Vance Guards, all colored. I am in the habit constantly, when at home, of addressing juries composed largely of colored men. I vote at a precinct in which there are 36 white voters and 494 colored voters; I think I state the figures correctly. The question has been, not whether they were allowed to vote, but whether I should.

Mr. President, as a Senator from North Carolina, knowing these facts, seeing them not admitted but gladly proved by the white republicans and the colored republicans of North Carolina, could I keep my seat and vote for an imputation that these charges against that people were true? I have so often said that if I could be a sectional man I would not stay here that I will not repeat it; but if the northern people could understand the sentiment of the southern people upon this question there would be and could be no difficulty between us. Why should we hate these colored people? Have we cause to hate them? It is true they differ with us politically to a very great extent, but we do not blame them for that difference. We hope to correct it, but we do not blame them for their error. Every reason, every consideration, every duty, every interest should and does make us friends.

After two hundred years of what was known as African slavery we surrendered back to you four millions of colored people whom we had received ignorant, benighted victims of superstition and barbarism, from a land across the sea, the most intelligent, improved and Christian community of colored people on the earth. At the end of two hundred years of this bondage that is held up to universal execration, we returned them to you, and you declared by your most solemn judgment that they were fit to be free American citizens and capable of exercising every right of citizenship—even the sacred right and duty of the ballot. And now after that war of ruin and all this revolution, at the end of fourteen years from the surrender of the armies, we show you this people and prove by their own testimony and all concurrent history in every art and in every duty that makes good society they are making advancement. Ought not the picture to satisfy you? I have no reproaches to make against my fellow-countrymen of the North—and when I use that term I mean it—but I ask you Senators not to travel always south, but go a little farther on the Northern and on the Union Pacific Railroad and look at the population that you have had in your charge. I invoke history here to-day as my witness, and invoke the world to compare the Indians whom you have particularly managed and the negroes whom we have controlled, and to declare which is the best picture. You behold on the one side, four, five, six millions of negroes peaceful, and they ought to be happy, improving in all the arts of life, American citizens, and you contemplate on the other side the race whose destiny has been chiefly in your hands, gradually disappearing from the face of the earth, "with their hands raised against all men and the hands of all men raised against them."

If the Senate desires proof before their eyes of the disposition and opinion of the southern people on this question, what stronger evidence could be offered than the distinguished Senator from Georgia has in this debate manifested? When interrogated by the Senator from New York as to his opinion of the capacity of the colored men for government—you heard the words of the Senator—did he go back to old idols? Did he return to the false gods? No; but he declared with a candor worthy of him, in his place in the Senate, his advanced opinion on that question, "that he believed there were in this colored people the elements of great improvement;" and he would not permit any charge of inconsistency to make him deny that great truth. The Senator from New York is not now in his seat; but can it be supposed that the southern people deny capacities of intelligence and improvement to the colored race, when we taxed ourselves to provide for them schools and institutions of learning to that extent that a late impartial newspaper article truly declared that their school-houses dotted the hills in North Carolina.

I ask pardon of the Senate for having taken up so much of its time. It was, I believe, unnecessary. I do not believe that anything said in the newspapers, I do not believe that anything said even upon this floor at this time, I do not believe that anything that may be written in the books at this hour would impair the character which North Carolina and her people have for truth, for lawfulness, for justice to all men, and for invincible and supreme love of liberty. I hope that for two hundred years that character has been too well established to be broken down by any accident, by any misstatement, by any prejudice. But as her son and one of her Senators on this floor, I was unwilling that an intimation should go out that seemed, for a second even, to cast a cloud upon her good and great name.

Mr. HOAR. Mr. President, this discussion has been a very interesting one to me, and I think it will be a very interesting one to the people of the country. The Senator from North Carolina has avowed his intention to vote for the resolve offered by the Senator from Indiana. That resolve affirmed as a fact that "large numbers of negroes from the Southern States, and especially from the State of North Carolina, are emigrating to the Northern States, especially to the State of Indiana." I suppose, therefore, we have the testimony of a Senator who says he knows the fact so well, and who does undoubtedly know the fact which he asserts so well, that large numbers of the people of his State are in process of emigration, as asserted. They are leaving a warm climate to which they are adapted; they are leaving the homes where they and their ancestors have been so well treated for two hundred years, seeking a cold climate and a strange place. They are men so situated that three days in the week of labor—if I correctly understood the Senator—are enough to furnish them all the necessaries and comforts of life.

Mr. RANSOM rose.

Mr. HOAR. Did I misunderstand the Senator?

Mr. RANSOM. I did not state that. I will state it, however; but it was stated by Mr. R. C. Badger, of Raleigh, North Carolina.

Mr. HOAR. That is true; it was stated in a statement which the Senator read, but which I understood him to indorse. These are intelligent American citizens. Whatever opinion to the contrary has existed in the past under some policy, under the operation of measures that somebody set in motion, the opinion of anybody who denied that at the South has changed; and now it is agreed that these laborers, so well off, so contented at home, with school-houses awaiting their children, enjoying all the civil rights of citizens, able to live in comfort by three days' work in a week, and fully and thoroughly understanding their own interest, are leaving North Carolina in large numbers——

Mr. BAILEY. Will the Senator from Massachusetts permit me to interrupt him for a moment?

Mr. HOAR. Yes, sir; when I have put the question which I was about to put. Now, will the Senator from North Carolina, who understands the question so well, go a little further and inform the Senate what it is that occasions this great emigration of intelligent men who understand their interest so well?

Mr. BAILEY. In order that the Senator may get an answer to the whole question, will he allow me to suggest at this time, Mr. President, that there are colonies of emigrants from the State of Massachusetts moving out to or about to move out to the State of Tennessee? They are migrating for the purpose of farming in some portions of my State, colonies of persons who have been born and reared and educated in the State of Massachusetts, where they have school-houses, where they have laws by which they are protected, and from which they receive all the protection that can be given by civilization to men as a security for the fruits of their labor. They are coming out,

however, to-day to Tennessee in great numbers, in numbers much greater than the number of these emigrants from the State of North Carolina. Will the Senator from Massachusetts tell me how and why men shall leave the State of Massachusetts, where they have school-houses and churches and civilization and laws for their protection in all their personal and political rights, leave the homes of their fathers, leave the associates of their childhood, leave the men with whom they have mixed and mingled in the affairs of life, and go out away down into that despised South, into the State of Tennessee? In the one case it is alleged that political and other causes have been operative; in the other nothing of the kind is said. The Senator from Massachusetts would be surprised to hear that these men were driven from home on account of the abridgment or denial of personal or political rights. That statement has been made in regard to negro emigration from the State of North Carolina. We wish to show by this resolution that it is as equally without foundation as a charge would be that these men of Massachusetts are leaving their homes, leaving their firesides, to seek among a strange people and in a strange land new homes, and in a hot climate.

Mr. HOAR. Exactly. Mr. President, the Senator from Tennessee has anticipated what I was about to say in regard to that point. Ever since the opening of our western Territories to settlement emigration of this kind has been on its way. The State which the emigration seeks has sought to encourage and create the spirit which has moved the emigrant westward. About our railroad stations, in our newspapers, in our village libraries to-day, the States of the West and of the South, or the land-agents who desire to have those States populated, are circulating the advertisements and the inducements to this emigration. The State of Ohio was colonized by people from my own county. But, for the first time in the history of the country, a Senator representing the State which emigration so seeks gets up and asserts or intimates that, in his judgment, it will be discovered that all these emigrants are making a great mistake, and that if they expect to find what has been held out to them they will be disappointed. Now, I would like to have the Senator from North Carolina, in answer to my question, inform me what it is that induces these emigrants from North Carolina to seek such a disappointment as the Senator from Indiana says awaits them in that State.

Mr. RANSOM. Mr. President, I sympathize with the great desire of the Senator from Massachusetts, and it always gives me pleasure to answer him.

If I have said anything that has led the Senator from Massachusetts to believe that I had been guilty of the very gross absurdity of intimating that the colored people of the South had reached that point of civilization and intelligence at which they cannot be imposed upon or misled, I have been very unhappy. I will endeavor to give the Senator my impression of this movement.

With very great deference to the Senator from Minnesota, let me say that the first breath I ever heard of it came from him in a casual debate in the Senate over a year ago, when he suggested that the blacks should go to some Territory, of which he and the Senator from Kansas were speaking, then occupied by the Indians, and afterward in that elaborate argument which he presented to the Senate upon the same question. Since then it has been agitating the minds of the colored people throughout the South; there is no doubt about it. It naturally made a great impression upon them. The colored people regard the Senators from the North, the republican party of the North, they have looked to them and they still look to them as their leaders.

Mr. HOAR. Will the Senator permit me? Do I understand him to say that these colored people whom he has described were persuaded by the Senator from Minnesota and other northern Senators that they were not well off in North Carolina?

Mr. RANSOM. I could answer that question very promptly. If they were not persuaded it was only because they did not believe what northern Senators told them, for if the Senator from Massachusetts had done his distinguished peer by his side [Mr. WINDOM] the honor to listen to his speech made in this Chamber in the last Congress he would have known that that Senator so declared in that speech. He held up a picture of southern outrage toward the black people in that speech which has never been surpassed even in this body for its horrid colors.

Mr. DAWES, (in his seat.) And deceived the blacks themselves?

Mr. RANSOM. I do not know about that; I am afraid it did. It was well calculated to deceive a confiding, simple, and good people.

Mr. DAWES. They do not know when they are well treated?

Mr. RANSOM. I do not know about that, sir; I think they do; but I think an ignorant man can always be misled. I repeat, an ignorant man can always be misled; and I will not do myself the injustice to say in this presence by artful, by false, by insidious statements. It may be a jest for the senior Senator from Massachusetts to speak lightly on this question; I do not know that it affects him; but I have seen him on this floor when the great Commonwealth of Massachusetts was assailed manifest very intense feeling, and I think he would have received, at least he ought to have received, with very little tolerance a suggestion of levity when a question affecting the honor of his State was before the Senate.

Yes, Mr. President, unfortunately the colored people of the South are easily deceived. Unfortunately they have been horridly deceived, and I am very afraid they will still continue to be deceived. If they were not deceived I ask the Senator from Massachusetts now, (and I speak to the senior Senator, I speak to the volunteer in this debate,) sitting here as a Senator from the great State of Massachusetts, occupying a chair that has been filled by Webster, by Sumner, and other great Massachusetts Senators, if in the face of the statements that I have read here from leading republicans of North Carolina, undisputed statements, statements from the intelligent colored men, my statement, if you will, and all contemporaneous history upon this question, he is prepared to say upon what is called current rumor that these people are treated badly in North Carolina? I ask him if he proposes to take the statement of Governor Holden, of Mr. Badger, of Mr. MARTIN at the other end of the Capitol, of Hon. William A. Smith, of Colonel Humphries, of every leading republican of North Carolina who has opened his lips upon the subject, or still to believe a calumny against that people without an indorser? That is the question, sir. I ask him if he is prepared to-day to dispute our friendship for those people when we give them education, when they say themselves that they sit upon our juries, when we give them asylums for their unfortunate, the deaf, the dumb, the blind, and the insane? I ask him in the face of the statements of their first men if he will rise upon the floor of the Senate without authority, without any responsible testimony, and say that he believes the colored people of North Carolina are treated badly?

The Senator from Massachusetts who sits nearest me [Mr. HOAR] asked, is it not strange that these people should leave the balmy climate of the South; is it not strange they should leave the graves of their ancestors, their beautiful little school-houses, and in the dead of winter go off to the cold North, the cheerless North, to find an unwelcome home in Indiana? That is the argument. It has already been met. That argument, as my friend from Tennessee [Mr. BAILEY] said, would unjustly blacken with infamy every one of the great New England States, for you know they have settled up the great Northwest. It would have blackened long since the character of North Carolina and Virginia, who sent their sons all over the continent.

Let me ask the Senator from Massachusetts if this is the first time in the history of a people that he has known them to act unwisely? I ask him how many popular movements history records which were unjustifiable and disastrous? How many grand movements were mad, were insane, that no historian has been found wild enough to approve? If there is any truth in the old story read in Homer and Virgil the Trojan war was the wildest error. What will the Senator say of the Crusades? Ah! what will he say of the late civil war in this country?

The VICE-PRESIDENT. If the Senator will suspend, the Chair will announce his signature to an enrolled bill and joint resolutions.

[The announcement was made, as appears on page 155.]

Mr. HOAR. The sensitive Senator from North Carolina, naturally and properly sensitive upon this question——

Mr. RANSOM. The Senator has broken into my remarks. I had not finished what I commenced to say.

Mr. HOAR. I thought the Senator had concluded.

Mr. RANSOM. No; the Chair called me to my seat in order to announce enrolled bills signed.

Mr. HOAR. If the Senator will pardon me, I rose merely to call his attention to the fact that he was in the course of his remarks misunderstanding my position.

Mr. RANSOM. Very well, sir.

Mr. HOAR. If the Senator will permit me I will say what I have to say now.

Mr. RANSOM. I wanted to finish what I was saying, sir.

Mr. HOAR. The Senator represents me as having addressed an argument to the Senate. I have done no such thing. I have addressed an inquiry for information to the Senator himself, the Senator having avowed his purpose to vote for a resolution which affirmed as a fact that large numbers of the natives of his State were—I will not use the term "fleeing," because it is not used in the resolution—emigrating from his State, and which affirmed as a fact that the currently alleged explanation of that emigration was that they were treated unjustly and cruelly by their white fellow-citizens. In those two facts—first, the existence of the emigration in large numbers; secondly, the currency of the allegation that it is from this cause that they are emigrating—the Senator avows his concurrence. He admits those things to be true, and he rose to give the Senate some information in explanation of those two facts. He stated the condition of the colored people in North Carolina to be, I do not know that he used the word "contented," but to be such as would make anybody contented—prosperous, enjoying all their rights, schools for their children, asylums for their deaf and dumb and insane, and able to earn in three days of the week all the necessaries and comforts of life.

That, the Senator says, is their condition; and I rose simply to ask him, as he was informing the Senate on the general subject, if he would not inform the Senate what was the cause of this emigration; to which he replied that it was caused by the misrepresentation of some dishonest and designing persons to these people. I asked him whether that misrepresentation was a misrepresentation as to the excellence of their condition at home, and I am not quite sure that I understood his answer. If I did, he said it was. I should like to say also to the Senator that it is true that great emigrations have taken place in all history and in our own history, but they never have taken

place to my knowledge without some cause adequate to move and stir and excite large masses of men. Now, what is the cause adequate to move and excite and stir this large mass of intelligent American citizens, in the Senator's judgment?

Mr. RANSOM. Now, Mr. President, I hope without further interruption either from the Senator himself or from his colleague, I trust I may be allowed to answer that question.

Mr. DAWES. Will the Senator allow me right here——

Mr. RANSOM. Yes, I will allow the Senator right here. I could not allow him anywhere else.

Mr. DAWES. The Senator has taken as a grievance a remark which I made in my seat.

Mr. RANSOM. Oh, no.

Mr. DAWES. I beg him to understand that I am the furthest possible from any intent to stir up his sensibilities, or to be provoked into an attack upon his State.

Mr. RANSOM. Ah!

Mr. DAWES. I have no intention of making any attack upon his State; but the Senator himself appealed to me a moment ago to say something about his State, and when I try to get the floor then he says he hopes I will wait.

Mr. RANSOM. Oh no, sir.

Mr. DAWES. If my dear friend from North Carolina will only be patient, the explanation of the remark I made in my seat I will try to make to the Senate, if he will indicate at what time it will please him best.

Mr. RANSOM. Mr. President, I find it very hard to please the Senators from Massachusetts. One scarcely asks me a question before the other springs up with another. I will answer both of them.

Mr. DAWES. I do not ask any question.

Mr. RANSOM. Very well; the Senator put one a while ago. Let the Senator wait. The junior Senator from Massachusetts asked me the cause of this movement among the southern colored people. I was answering him, and I will continue that answer. I might ask a question of the Senator from Massachusetts. That is a custom that we have not quite learned in the genial climate in which I live; but I will do it. I would like to know why the exodus has left Kansas and is now directed to Indiana? That is the inquiry which I suggest to the Senator from Massachusetts. Last year the movement was across the Mississippi, but now it is from North Carolina to Indiana. Will the Senator from Massachusetts tell me what is carrying these black people to Indiana?

Why do they go through Ohio? What carries them to Indiana? Why do none of them go to republican States? Are the New England people now stopping in Indiana? Oh, no; they are going out to the farthest limit of the great West—to Dakota, to Colorado, all over this continent; but the colored man is suddenly diverted from Kansas and goes to Indiana to stop there. We all know that there is to be an election in this country next year, a presidential election, and that Indiana is a pivotal State, and that the democrats hold that State now by ten or fifteen thousand majority.

I have shown, Mr. President, that no cause exists for this emigration in the condition of these people in North Carolina. I ask the Senator from Massachusetts why are they leaving their old homes, why are they leaving their people, why are they leaving a land in which they have justice and plenty and going to Indiana? Tell me why Indiana is the selected State for their immigration.

Mr. WINDOM. I think I can answer the Senator upon the principle stated by the Senator from Georgia [Mr. HILL] perhaps. He said they are so fond of democratic rule, and that is about the only democratic State left in the North, and hence I suppose they seek it; they are fond of democratic rule.

Mr. RANSOM. Ah, Mr. President, that is trifling with a great question.

Mr. McDONALD. I will say to the Senator from Minnesota that they are more fond of democratic charity than they are of republican charity.

Mr. RANSOM. Some things are so striking that they have to be noticed a little more perhaps than they ought to be; but how will my friend from Minnesota appear in history when he gets up and says that these people are fleeing from democratic oppression in North Carolina to seek democratic love in Indiana?

Mr. WINDOM. I explained it upon the philosophy and logic of the honorable Senator from Georgia, not mine, assuming that the Senator from North Carolina would think more of his statement than of mine.

Mr. RANSOM. If the Senator from Minnesota would only follow the logic of the Senator from Georgia, I should be very happy; but he does assign it as a reason, when I am putting a grave question to the Senator from Massachusetts, and now will it go out to the people of the United States that when the interrogatory is put why these people go to Indiana, the Senator from Minnesota, if I may be pardoned for saying so, the great Moses of the exodus, says they are going there to be oppressed by the democrats.

Mr. WINDOM. I did not say so.

Mr. RANSOM. Well, the Senator inferred it, did he not? What other reason has he, has any Senator, assigned for the selection of Indiana and the abandonment of Kansas?

Mr. President, let us look at the question a little further. I did not intend to go into these details before the Senate. My purpose was to leave that to the press, to leave that to be discussed upon the stump. But from where do you find this exodus? From North Carolina, where the universal concurrent unexceptional testimony is that they are as well treated as they are anywhere upon the face of the earth, the colored editor says as well as they are anywhere on the globe. Then there is no cause for their leaving North Carolina. But they are going to Indiana, where they are wanted and only wanted for one purpose. They are not wanted there, my friend from Indiana says, to work the fields; for they have excellent and abundant labor. They are not wanted there to build railroads, for they have them already built. They can be wanted there but for one purpose—to carry Indiana for the republican candidate for the Presidency in 1880.

Mr. WINDOM. Why not by general law provide a Territory for them, as I suggested a year ago in a resolution which the Senator and his associates voted down?

Mr. RANSOM. The Senator from Minnesota again shifts the issue. I ask him why they have been carried to Indiana, and he wheels around and asks me why will you not then carry them to the Territories? I would let them go where they please, stay in North Carolina if they will, go to Indiana if they will, go to the Territories if they think proper. I leave it to them. I trust, if the Senator from Minnesota will allow me, that I never will live long enough to think of a constitutional proposition expressed and embodied in the resolution of that distinguished Senator to provide for the peace of this country, to provide for everlasting sectional amity, by distributing population equally through the different congressional districts of the Union.

Mr. WINDOM. It distributes itself. It was partial distribution that was referred to in the resolution I offered.

Mr. RANSOM. The Senator proposed to raise a committee to report to the Senate if the right way to settle the great sectional issue was not the partial distribution of population among the congressional districts in which there was an excess or deficiency of population.

Mr. President, let us look a little further at this matter. Whence does this exodus come? I want to satisfy the Senator from Massachusetts. You cross the Potomac; you have passed through Maryland. There are a great many black people in Maryland. You cross through Virginia. There are a great many black people in Virginia. You strike North Carolina, and you go nearly one hundred miles. You go ninety miles through the State before you take up your people for Indiana. In other words, Senators, you go to the most densely populated place, where there is the largest supply of colored voters, and there you commence your colonization. You come down through Maryland, through Virginia; you pass on from Petersburgh to Weldon; you go ninety-two miles in the State of North Carolina before you commence your canvass for these people. You take from that thickly settled section of black people, the first dense settlement of black people which you reach, and there you take your emigrants and carry them to Indiana.

Mr. VANCE. From the second congressional district.

Mr. RANSOM. You take them from the second congressional district of North Carolina, as my colleague says, with nine thousand republican majority in it. You have asked me the question, and I ask you why they are leaving North Carolina? Their own people say it is wrong. Every leading white republican in North Carolina says that it is wrong. The republican member of Congress at the other end of the Capitol, I repeat, says it is wrong. The late republican member says it is wrong. Your district attorney says it is wrong. Your late governor says it is wrong; and without exception, from the intelligent white and black people of North Carolina, you hear it said there is no cause for it. I ask you for the cause, and then I ask you why they go to Indiana and not to some other State?

Mr. President, I ask pardon of the Senate for having detained it so long.

Mr. McPHERSON. The pending resolution evidently will provoke a great deal of discussion. I only rise to call the attention of the Senate to the fact that we have some very important business in executive session, and I therefore move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I hope that——

The VICE-PRESIDENT. The motion to go into executive session is not a debatable one. The question is on the motion of the Senator from New Jersey.

The question being taken, there were on a division—ayes 17, noes 20; no quorum voting.

Mr. McPHERSON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 30; as follows:

YEAS—16.

Allison,	Cameron of Wis.,	Ingalls,	McPherson,
Baldwin,	Coke,	Jonas,	Maxey,
Blair,	Conkling,	Kirkwood,	Morrill,
Booth,	Hill of Colorado,	Logan,	Paddock.

NAYS—30.

Bailey,	Eaton,	Johnston,	Slater,
Bayard,	Farley,	McDonald,	Vance,
Beck,	Garland,	McMillan,	Vest,
Butler,	Hampton,	Pendleton,	Voorhees,
Cockrell,	Harris,	Platt,	Williams,
Davis of Illinois,	Hereford,	Randolph,	Windom.
Davis of W. Va.,	Hill of Georgia,	Rollins,	
Dawes,	Hoar,	Saulsbury,	

ABSENT—30.

Anthony,	Ferry,	Kellogg,	Teller,
Blaine,	Gordon,	Kernan,	Thurman,
Bruce,	Groome,	Lamar,	Walker,
Burnside,	Grover,	Morgan,	Wallace,
Call,	Hamlin,	Plumb,	Whyte,
Cameron of Pa.,	Houston,	Ransom,	Withers.
Carpenter,	Jones of Florida,	Saunders,	
Edmunds,	Jones of Nevada,	Sharon,	

So the Senate refused to proceed to the consideration of executive business.

Mr. DAWES. Mr. President, the Senator from North Carolina was so anxious when he set out that I should say something and so desirous of having somebody from Massachusetts attack his State, that having failed to induce my colleague to assault his State, he turned around with a direct invitation to me and pressed it so hard that I was led into an involuntary comment upon his speech, which seemed to me to be the essence of the whole matter. It seemed, I should judge from his appearance, that the Senator manifested some feeling. I did not intend to say a word and do not now mean to do so beyond this: The Senator concluded his speech by abandoning his solicitude about his own State and turning his attention entirely to the State of Indiana, towards which the emigrants from his State are going, and expressed intense anxiety for the welfare of Indiana and a desire that something might be done to prevent this lasting injury to that State by emigrants from his own State going there. If these emigrants are of the character that the Senator says they are, and I do not doubt it, I should think the Senator would be less solicitous about the effect upon Indiana than he seems to be. I have nothing to do with Indiana especially. If they are such industrious citizens, intelligent, capable of working out such results as the Senator from North Carolina says they are, so that they can acquire a competence and compete with the white people in his State at public fairs by only three days' labor in a week, I should think he would congratulate the State of Indiana upon such an acquisition to its thrifty and economical and industrious accumulating population. I should suppose so; but the Senator does not seem to take that view of it. He says there is some black design upon the future welfare of the State of Indiana by the emigration of the best citizens of North Carolina into that State, and then he turns around and wants to know if I would not defend my State if it was assaulted? I would, if it was assaulted in that way; I certainly would.

It is true, as the Senator from Tennessee [Mr. BAILEY] has said, that a great many of the good people of Massachusetts—the best blood of Massachusetts is going every day into not only Tennessee, but every State in this Union, and it has been so for fifty years.

Mr. BAILEY. Will the Senator permit me to ask him whether the emigrants from his State go out from there and go into the free State of Tennessee, where there is freedom of opinion, where there is freedom of action, where there is freedom of election, where there is universal suffrage, in order to escape from the laws of the State of Massachusetts and from a discrimination made between citizens there?

Mr. DAWES. Is not the Senator willing that I should make my speech? I told him that the people of Massachusetts are going into Tennessee; that they are carrying their energy, their enterprise, their industry, their frugality, their capital into that State and availing themselves of the natural wealth and water-power and facilities for development and growth in that State which my State does not afford; and so they are going into every State in this Union.

Mr. BAILEY rose.

Mr. DAWES. Let me have the floor. There is not a State in this Union into which the capital and blood and energy of New England have not forced themselves to develop the latent energies and wealth of those States, and has the State of Massachusetts complained of that? Has the State of Massachusetts set up an outcry against it? The law which governs emigration is a law above all attempts here by committees of investigation, clothed or hampered as they may be by instructions to interfere. People go to Tennessee, they go to North Carolina, they go to Michigan, they go to Minnesota, they go to Illinois and to Iowa from Massachusetts, because they believe they are going to better their condition by going.

Mr. BAILEY. Will the Senator permit me to say that we welcome the citizens of his State to Tennessee?

Mr. DAWES. I know it.

Mr. BAILEY. And moreover to suggest here that we never believe in Tennessee that they are compelled to flee from political or other persecution in Massachusetts?

Mr. DAWES. I have not intimated that they did.

Mr. BAILEY. Not at all; but it has been intimated on the floor of the Senate that these citizens of North Carolina who leave their homes and seek new homes elsewhere are driven out by a denial or an abridgment of their political rights.

Mr. DAWES. Who intimates it?

Mr. WINDOM. That is the question.

Mr. DAWES. Who intimates it? The Senator from North Carolina says that the Senator from Minnesota is to blame for all this.

Mr. RANSOM. Oh, no!

Mr. DAWES. He says the good citizens of North Carolina were in peace and happiness and frugality beyond all measure; there they were in Georgia surpassing all calculation and comprehension in the improvement of their condition and their intelligence, becoming educated by the thousands; there they were in Tennessee and all these States in the belief, and in the intelligent belief, that they were in the best possible condition until the Senator from Minnesota here in his seat deluded and deceived them, and led them to the strange conclusion that they were maltreated down there. Whether they are maltreated, whether they enjoy political rights, or personal rights, or whether they have opportunity to better their condition or not, they will judge for themselves; and the more the Senators from those States assure the people of the United States of their ability to better their condition there, of their opportunity to educate themselves and their children; and the more they tell the people of the United States that they avail themselves of these conditions, the more the people of the United States will inquire what it is, then, that induces them to leave their homes, to leave their opportunities——

Mr. RANSOM. And go to Indiana?

Mr. DAWES. To leave their climate, so congenial to them, and to face all the hardships and all the disadvantages of cold northern climates, and seek a new home and new associations and new opportunities for the sake of new advantages. The more we are told by these Senators of the better condition of these people at home, the more intense will be the conviction on the part of the people of the United States that there is some power——

Mr. RANSOM. Mr. President——

Mr. DAWES. There is some cause——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield?

Mr. DAWES. Certainly I do.

Mr. RANSOM. Only for one second. I do not wish to interrupt the Senator, but I hope while he is on his feet and taking so much pains to explain what he said, that he will feel called upon to answer the question that I put to him, whether he himself would state here that he did not believe the statements made by the republican witnesses whom I have read, and would rather take up this idle rumor of prejudice to the effect that the negroes are treated with injustice in North Carolina. I put that question again to the Senator from Massachusetts, and I will try to hold him to it.

Mr. DAWES. Mr. President, the Senator wants to know why I do not take the statements of other people rather than his own. It was his own statement here upon this floor that led me to make a remark which hurt the Senator so seriously. It was his statement here, substantiated by the statements that he brought in of others, political friends of these colored people and of myself, that they were enjoying these privileges, supplemented by his remark that somebody had so deceived them that they were not conscious of their own condition and welfare.

Mr. RANSOM. If the Senator from Massachusetts will allow me, then I will ask him if the statement that I have read here from his political friends of both colors in North Carolina, substantiated, if he will have it so, by one of the Senators, and no doubt by both of them, from that State, is to be discarded by him, and he still insist upon his theory without bringing a witness or any testimony before the country.

Mr. DAWES. Mr. President, for the purposes of this argument I am willing to admit the statement that there is in the mind of the colored man when he leaves North Carolina no idea of a political character in his emigration from that State.

Mr. RANSOM. That was not the question.

Mr. DAWES. I take the testimony of the Senator from North Carolina as brought in here, the statement of the Republican member in the House, and the other gentlemen that he named, and the statement of himself and his colleague, if his colleague makes the statement, that these colored men enjoy all their political rights in North Carolina, and I still ask him what it is that moves men in bodies and in masses who enjoy all their political rights there, enjoy all the opportunities to better their physical and mental condition in the home of their fathers and in the home of their own blood and children, to seek a home in the inclement climate of Northern States? What is it, sir? I come back to the point that the more the Senator impresses it upon the public that they do enjoy all these opportunities, the more the public will demand an answer to the question "Why do these people move?" They are intelligent, my friend from North Carolina says.

Mr. RANSOM. Partially.

Mr. DAWES. They have every opportunity, the Senator from Georgia says, for public schools; their children attend the public schools almost as much, if not quite as much, as the white children do.

Mr. RANSOM. Now, Mr. President, the Senator and I come face to face. He asks me again, and asks for an answer, in the face of this statement by his republican friends and party associates, in the face of the statement made by the most intelligent colored men in North Carolina, in the face of the universal statement made by democrats from that State, why is it that these colored people are going away. I answer and tell him that they are imposed upon, they are deluded, they are fooled; and I ask him to tell the country why it is that they go to Indiana.

Mr. DAWES. Mr. President, they are imposed upon; they are deluded! What is the imposition; what is the delusion, if they enjoy all their rights at home? Who makes a man believe he is deprived of his rights who knows he is enjoying them? Who deceives them?

What is it that they are deceived in? Is it in the fact that they do not enjoy political rights, or is it in the fact that they do not enjoy the rights of every other citizen to acquire property and to the fulfillment of contracts and the protection of life and property like other men?

Mr. RANSOM. Will the Senator from Massachusetts allow me again?

Mr. DAWES. Certainly.

Mr. RANSOM. It happens that the most ignorant of them are the ones who are deluded. The intelligent colored men of North Carolina, the men whose statement you can rely upon, all tell their colored brethren not to go. And because I have said here that these people were improving, because I have said they enjoy advantages of education and all their political and personal rights, what is to be thought of the argument of the Senator from Massachusetts, who assumes that I have said the colored people were so smart and so intelligent that they could not be fooled? I have never intimated such a thing; I have never dreamed of it. On the contrary, I have the evidence before my eyes that they are now being fooled, and very sadly fooled at that.

Mr. DAWES. So I understand, Mr. President; so I have repeated; so I have accepted the declaration of the Senator. The Senator now says that it is only a portion of these people who are so deluded and deceived, and that is the ignorant and weak, but that the intelligent and influential colored people of his State are not so deceived. But is there any considerable body of the free citizens of North Carolina who have lived there these last ten years, or indeed ever since the war, in such abject ignorance and poverty and degradation, in spite of all this improvement held out and proffered and tendered to them, that they even do not know their opportunities there, and are induced by some such wild statements as the Senator from Minnesota made here a year ago—so ignorant themselves that they cannot read, many of them I suppose—to take up their line of march without money enough to get further than the city of Washington, and endure all the hardships and privations and toils and disappointments and sufferings attendant upon such travel under a delusion that they can better their condition in Indiana or any other State? Last year when an attempt to stop emigration was made the trouble was that they were going to Kansas. Now, some of them seem to have been attracted to Indiana. The law which moves them is a law that my friend from North Carolina no more than myself can have any control over. A man in the United States of common intelligence will seek to better his condition as long as he has life and energy and hope; and no considerable body of men in any State will take up their homes and their household gods and move to another State or plant a colony in the unsettled regions of the West unless they are impelled by a rational and intelligent expectation that they are going to better their condition; and now, whether that expectation arises in North Carolina from one motive, in Tennessee from another, in Massachusetts from another, in Georgia from another, it is the law that governs the American people, and the only stay to it is to attempt in our domestic policy, each of us within the borders of our own State, to make life there so attractive, so useful to those who enjoy it, that they will have no temptation to seek a home elsewhere. If my friend from North Carolina will take that in kindness from me, and look into the philosophy of the law which governs this subject, and address himself to such means as will make North Carolina and all its latent energies and hidden wealth tend to develop and tend to present attractive opportunities to those who live there, and to those who do not live there to go and make a home there, and to make them find when they are there, no matter whether they come from abolition Massachusetts or from any other State, that they go to a home where they are welcome, and that the opportunities and facilities that exist in North Carolina are theirs in common and free enjoyment with all the citizens of North Carolina, there will be no complaint that men are emigrating in any body from that State. I do not mean to charge at all that there is any lack of this in North Carolina. The Senator from North Carolina shall not provoke me into an attack upon his State or its institutions, or its people or their treatment of one another. I look upon this as a great question, not applicable to North Carolina alone, not applicable to the State of Tennessee or the State of Massachusetts——

Mr. RANSOM. I know the Senator does not mean the inference that his remark is liable to. I know the Senator cannot think and will not say that I have endeavored to provoke him into any attack upon North Carolina.

Mr. DAWES. Of course if the Senator says he did not intend to, he did not.

Mr. RANSOM. I said nothing the Senator could have construed in that way.

Mr. DAWES. If the Senator says he did not intend to do it, he did not so intend; and I want him to understand as fully and as frankly from me that I have not intended any such thing in any remark I have made either in my seat or on the floor. I wish I could discuss this question without its particular application to the State of North Carolina or any other State. It is a great question, the question of emigration to this country and migration from State to State in this country. It makes more homogeneous the population of this country, makes more stable its institutions, gathers around them braces and supports from all parts of the country, and is one great hope of its perpetuity. I wish the people of the South could dwell with the people of the North and the people of the North with the people of the South, and the people of the East with the people of the West, and the people of the West with the people of the East. Then with common instincts and common purposes and common hopes and common efforts they would all alike stand around common institutions, and those institutions would be safe.

Mr. WINDOM. Mr. President, I am not unmindful of the fact that the Senate is weary of this discussion, and therefore I shall be very brief in what I want to say.

The Senator from North Carolina addressed himself for nearly half an hour to myself, apparently criticising some attack which he seemed to imagine I had made upon his State. I want to say to that honorable Senator that neither in the amendment which I offered nor in the remarks which I made did I once refer to the State of North Carolina. If anybody owes an apology to the Senator from North Carolina for an attack upon his State it is the honorable Senator from Indiana. He was the only Senator upon this floor who assumed that anything of this kind existed in North Carolina, and he made that assumption the ground upon which he demanded an investigation. The amendment I offered did not mention the name of the honorable Senator's State, and in discussing it I was particular not to mention it; and yet, instead of addressing himself to the honorable Senator from Indiana and criticising him for attacking his State, he addressed myself, who had been guilty of no offense whatever in that direction, and I say now——

Mr. RANSOM. Nothing can be more gratifying to me than to hear that from the Senator from Minnesota.

Mr. WINDOM. The Senator would have been equally gratified without my making the remark if he had simply read the RECORD to-morrow containing what I have said. The Senator does me a very high honor. I am an exceedingly modest man. The great difficulty I have always encountered in the Senate and in the House of Representatives has been my modesty; and to-day I think that modesty has been more shocked than at almost any other time in my public life. The Senator pays me a compliment never yet due to any mortal man so far as I know. Peter the Hermit and Moses himself could hardly have been entitled to the extraordinary compliment by which he has honored me to-day. He and the honorable Senator from Georgia paints a most glowing picture of the happiness of the negroes in their southern homes, their prosperity, their contentedness, and the generous and humane treatment they received from almost everybody. Why, sir, according to these Senators, there were five millions of them in the midst of their old friends, living in harmony and blissful content with their old masters, daily growing richer and more intelligent, school-houses and churches going up on every hill-top for their benefit, $5,000,000 having been accumulated since the war by the race in a single State; the race able to earn more in three days out of six than the white race could earn in the entire week; and yet in the midst of all that contentment and prosperity an humble individual like myself suddenly enters upon the scene, makes a speech of an hour in length in the Senate, when lo! the scene changes, a whole race is convinced that this happiness and prosperity is a sham, and by tens of thousands they start for new homes, in an untried and distant country, alleging as they go that they are driven out by cruel and unjust treatment on the part of those very humane and philanthropic persons whose lives seem to have been devoted mainly to making the negro happy.

Mr. President, Peter the Hermit had to make a good many speeches before he could start the crusades. I came in here in my modest way, simply suggested a committee of inquiry as to whether we could not settle our sectional disputes by the voluntary emigration of a portion of the colored race from the South by organizing a territory to which they could go. I argued that question, and presented the reasons why I thought sectionalism would be eliminated from politics thereby; and, lo and behold, almost the entire African population at the South, as if moved by an irresistible impulse, began to talk about migrating to escape evils which they never thought of until I deluded them by that wonderful speech. So says the Senator from North Carolina. When the Senator from Massachusetts asked him to explain why it is that these people go, he answers it is because the Senator from Minnesota in a little remark made upon an appropriation bill, and subsequently in a speech delivered on that subject, put the idea into their heads, and all at once these innocent, well-treated, loving people, who were so contented with their homes and doing so well, suddenly start off by thousands and tell hideous tales of outrage and suffering to which they have been exposed. If this statement be true, and I have no doubt he believes it to be true, and if the statements made by other Senators are true, surely, if measured by its results, it must have been the most remarkable speech on record.

I want to show the Senator, as he is seeking for the cause of this thing and attributing so much to that speech, that long before it was delivered there was a much stronger presentation of the subject made by the honorable Senator from Delaware, now in his seat, [Mr. BAYARD,] and the honorable Senator from Kentucky, [Mr. BECK,] and Mr. Frank P. Blair, of Missouri. Those gentlemen were appointed some seven years ago to investigate certain charges of outrage in the South; I think it was the Ku-Klux investigation. They spent a long time in that country. They went among their friends and party associates and thoroughly examined that question; they took evidence

of a great many witnesses, and when they came back what did they tell the negroes of the South and the whole country? They said:

> The truly sincere and rational humanitarian looks with sorrow upon the future status of the poor, deluded negro; for, in the near state of things which is to come, when the two great parties which now exist shall have passed away, he sees either the *exodus* or the *extinction* of this disturbing element in the social and political condition of the more powerful race.

Here was the unanimous report of a democratic committee, telling the negroes that the only alternative for them was "exodus" or "extinction." The negro took the hint. When he was told by the honorable Senator from Delaware and the honorable Senator from Kentucky that he must either leave or die, he thought it was best to leave. He has had about enough of the "extinction," and he seems now inclined to try the "exodus."

Why does not the honorable Senator from North Carolina go back a little to this report made seven years ago by his own party friends, in which much stronger language was used than can be found in that speech which he says caused this exodus? I am not trying to evade any responsibility for it. There is not one word uttered in that speech but what I would repeat to-day, not one word that is not true, as I believe. I made no attack on the Senator's constituents then; I made no attack on anybody in the South except upon those men who committed the most diabolical massacre that history records—I mean the Chisholm massacre in the State of Mississippi. I made no attack upon anybody else.

The whole pith and point of that speech was just this, that so long as human nature was what it is, and there was a majority of colored people in certain States or congressional districts of the South, so long there would be trouble in those districts, because the white people would not permit the colored people to rule them; that their hatred of "negro rule" was the one thing which they could not or would not overcome. And that if by reason of the voluntary distribution of the people from districts where a majority of colored people existed that fear of negro rule could be removed, then this prejudice against the colored race would be removed also, and that the negro, as a voter, would then stand in Mississippi and in other States where there are colored majorities precisely as they do now in Maryland, in Delaware, in West Virginia—that they would soon become an element in politics, to be protected and courted by both sides, precisely as they have been in old Virginia recently. I suggested it as a proper subject of inquiry merely. I advised no negro to go. Now I say they have a perfect right to go to Indiana, to Minnesota, to Kansas, or any place else where any free American citizen wishes to go.

The Senator from North Carolina has several times urged upon the Senator from Massachusetts this question: Why do these people go to Indiana? I will answer that question. Because they want to go to Indiana. That is reason enough; but I will answer it further. The Senator smiles. If there were anything political in this movement, what does the Senator think of these facts? From seven to ten thousand of them went to Kansas, where everybody knows there is forty thousand republican majority.

Mr. INGALLS Sixty thousand.

Mr. WINDOM. Well, sixty thousand republican majority. So far as I know, not five hundred have gone to the democratic State of Indiana. Now, if there are any parties behind this thing moving and directing this emigration for political purposes, why did they direct from seven to ten thousand of them into republican Kansas and only four or five hundred thus far into Indiana?

The Senator from Indiana and my friend from North Carolina were not at all alarmed, so far as the States of the North were concerned, when these thousands were moving last spring to Kansas, but when four or five hundred select that grand and attractive State of Indiana the party seems to be terror-stricken. My honorable friend from Indiana never thought of investigating the invasion of Kansas by the seven to ten thousand; but the few who have moved to Indiana seem to inspire him with terror.

I can tell the Senator what my information is as to why they have gone to Indiana. An organization existed in his State looking to the emigration of the colored race. Why it existed I will not now say; I do not know. I am only informed that such is the fact. These colored people sent two colored men to act as their agents, in finding new homes. They went into the State of Indiana and elsewhere and they were so pleased with that State, so well represented by the honorable Senator across the way, that they selected it as their home and were offered employment if they would come there. They went back and reported that employment could be had; and that Indiana, though democratic, was a good State to move to, and a few of them have gone. That is the whole story as I am informed. But why does the Senator from North Carolina think it so strange they should go to Indiana? Is there anything so offensive, so obnoxious in Indiana that he thinks nobody would want to go there, unless persuaded to do so for political purposes? I think the honorable Senator from North Carolina owes an apology to the honorable Senator from Indiana for attacking his State rather than that the apology should come from the other side. I feel quite confident that the Senator from Indiana is waiting to apologize to the Senator from North Carolina for the attack upon his State contained in the original resolution, and I therefore yield to him for that purpose.

Mr. VOORHEES. My apology will consist in stating for the second time that the Senator knows perfectly well that I never assumed in my resolution what he says I assumed; that is, that these people are treated with injustice and cruelty in North Carolina. He knows that the only assumption of fact is what the resolution states, that it is currently alleged that they are thus treated, and therefore I ask for an investigation. Whether I believe that statement to be true or not is another question; but I do not intend to be tempted now into the field of debate upon that matter. But with all the skill and acumen the Senator from Minnesota has, he cannot pretend that he is ignorant of what is assumed in the resolution and what is not. It is not assumed that the people of North Carolina have treated this race with injustice and cruelty; it is assumed, however, that they have been charged with such treatment—that is all; and instead of apologizing to the Senator from North Carolina, I have no apology to make to him at all. On the contrary, I propose to investigate an accusation against his State that he demands no apology for.

I might have much to say upon other points, but I do not desire to embark in debate at this time, and the Senator from Minnesota can have all that field now to himself. What may come hereafter is another matter. I think that I can speak for Indiana upon some points that have been thrown out here, but I will not detain the Senate now. I do not intend to be placed in the false position of assuming in resolutions that these people have been treated unjustly and cruelly in the South. There is no assumption or statement of fact expressed or implied in the resolution, except that it is alleged against the people of the South that they are treating the colored people with injustice and cruelty, and therefore I ask this investigation.

Mr. WINDOM. Mr. President, the resolution of the Senator says "it is currently alleged."

Mr. VOORHEES. Yes, "currently alleged."

Mr. WINDOM. In the first place it says:

> Large numbers of negroes from the Southern States, and especially from the State of North Carolina, are emigrating to the Northern States, and especially to the State of Indiana.

That the Senator states as a fact, and then he assumes, he says—

> Whereas it is currently alleged that they are induced to do so—

To do what? Induced to leave the South and induced to leave the State of North Carolina by reason of—

> the unjust and cruel conduct of their white fellow-citizens toward them in the South.

Now, here is a current allegation which he quotes as the very foundation of his resolution, which must have had such currency and which must have had such weight, I assume, upon the mind of the honorable Senator that he thought many people would believe it, or else he would not have proposed to investigate it. He assumes that it has that currency, that it has that weight in the public mind that it is worth while to investigate it. I fancy from the remarks of the Senator from North Carolina and the Senator from Indiana that this proposition to investigate it is not to prove, even if it exists, this current allegation, but to show that it does not exist, for when I propose, if you do prove it, to do something about it, you say that is assuming something. On the other hand, then, you assume that it does not exist; it is denied on the floor that there is any such thing proved; and yet you propose to investigate it. The very party that proposes to investigate it charges that there is nothing in it, and I apprehend intends to prove that there is nothing in it, if it can find witnesses who will so swear. But I hope the resolution will pass.

Mr. HILL, of Georgia. I have no desire to prolong the discussion. I think much more has been said than is either wise or proper; but I desire to say one thing. The Senator from Minnesota has called attention to a report made by a committee of Congress sent out in the year 1871, I think, of which the Senator from Delaware [Mr. BAYARD] and the Senator from Indiana [Mr. VOORHEES] were members, in which they said in effect that the destiny of the negro was "exodus or extinction." It ought to be remembered by that Senator that at the time this committee went South, in almost every Southern State the republican party was in control and had been for several years through their carpet-bag agents, and the condition of things was deplorable. A set of men had gone down there and taken possession at a time when a large portion of the white men were disfranchised and all the negroes indiscriminately enfranchised, and they sought to use the poor uneducated colored race for the purpose of political and pecuniary gain for themselves, and they sought to accomplish that purpose by keeping up a perpetual irritation between the races, white and black, by seeking to make the colored people believe that the white people were their enemies; and their only object in doing it was to give themselves an opportunity of robbing and plundering both races. Every dollar we raised for the public education of whites and blacks in Georgia was appropriated by these people to their own use. The colored people could not prosper nor, indeed, could the whites either, in such a condition of affairs.

In that condition of things that report was written. I say here, with a conscious sense of the obligations resting on me, that I do believe if those governments had continued over those States, sustained as they were by the military power of the United States under republican rule, the destiny of the negro would have been inevitably exodus or extinction. Nothing has saved the colored race but the fact that the people who then had control of those States have been driven out of that control; and the colored people know it, the col-

ored people see it; the colored people see that that has been their salvation; the statistics I gave the Senate this morning from the State of Georgia were given for that purpose. During the three years those people had control of the government of Georgia not a colored man was educated, nor was a colored man fortunate enough to progress in material improvement in any sense. It would have been exodus or extinction; but they were saved, saved because the governments of those States passed into the hands of intelligence and virtue and property. As a friend reminds me, the moneys that were appropriated for the schools in Georgia were actually taken to pay the members of a republican Legislature a most extravagant per diem. But, sir, when those governments passed away, and gentlemen took possession of the State governments who were interested in building up the black and white race alike, who were interested in the prosperity of everybody in the country, then everybody in the country prospered; black and white prospered alike, and the results I have given to the Senate. And they are not results stated by me, they are official results which appear on the official records of the State of Georgia, and they are true.

Now, the Senator from Minnesota says, notwithstanding all that, there are a great many colored people leaving some portions of the Southern States. Why is it? I stated in the first remarks I made that, in spite of all the benefits we had extended to those people, in spite of the fact that they have equal protection under the law, absolutely equal protection, and many of them have availed themselves of the protection extended and have improved both in education and material prosperity to an extent I was not prepared to believe they would, which I confess, nevertheless I said to the Senate what is true, that a large proportion of the colored race is thriftless and worthless; they do not avail themselves of these privileges; they gather about cities and towns; and every man who lives in that country knows that they live by every means that is improper, and live poorly at that. They are restless, they are dissatisfied, they are ready to go anywhere where something is promised them without labor. They can be induced to get up an excitement at any time in the way of emigration.

I make charges on nobody; I simply say it is the work of individuals; I will not say it is the work of the great republican party of the North, but I will say that we do have evidence that republican political agents have been among them for the purpose of creating dissatisfaction and getting them to emigrate by making wild promises of what they could get in Kansas and now what they can get in Indiana. I have seen colored people myself who have said that these agents have told them that by going to Kansas or some Northern State the Government would give them land, and the Government would give them the first year's support, and the Government would equip their farms for them, and some of them said they were in addition to that to get fabulous wages. It would astonish the Senate if I were to tell them what some of these poor people have said was whispered into their ears by these agents. What the motives of the agents are I do not know; but we believe that in the year preceding a presidential election and a new census there are men in the South, black and white, who would try to stir up these people, many of them who are thus thriftless and worthless, to go to the North for the purpose of increasing the republican vote in certain doubtful States and in lessening southern representative population. It may be true or it may be false. I do not mean to charge one way or the other. But these colored people, as every man who knows them knows, are a very credulous race, especially when they are thriftless, especially when they are worthless, especially when they are not willing to provide for themselves by honest labor. They are willing to listen to the whispers of anybody who will tell them that in some distant country they can live and live splendidly without labor. It has been even represented to them that they should be on a perfect social equality with the whites in those States to which they have been invited to go. I will not say these things are true. I am not going to make a political attack; but I do say these statements have been made; we know they have been made. They have stirred up this dissatisfaction. I regret it; we regret it, and everybody ought to regret it. I will not charge any party with it. I state the facts as they are. But these people, I say, are credulous; many of them, in the language of the Senator from North Carolina, are deluded, deluded by these means, deluded by these visionary promises, and we all know that many of them who have gone there under these delusive promises are now wending their way back in absolute want and poverty; and it is but a question of time which shall be the largest tide of emigration, those who are going buoyed up by the delusive hope of these designing persons who are deceiving them or the tide of those coming back under a sad realization of their deception and falsehood.

Notwithstanding all that, I deprecate this discussion as wholly unnecessary. So far as I am concerned, as I said before, while I did not vote for this resolution, yet, as the people of the South are charged with being guilty of cruel and unjust treatment to these colored people as the cause of this exodus, which I know to be untrue, I will not oppose it. If we vote against it gentlemen will say we are afraid of the investigation. Have your investigation if you want it. Have it if you see proper. I do not believe in these perpetual investigations by Congress; but if you choose to have it, have it, but wait until the facts come in before you indulge in these charges, direct or implied, against the southern people.

Mr. INGALLS. Mr. President, I do not sympathize with what is known as the exodus movement. I believe that anything like a transfer of the negro population of the South to the North *en masse* would be injurious to the negroes, injurious to the North, injurious to the South, and inflict upon the communities where they might go burdens that they could not sustain. But an observation made by the Senator from Georgia renders it necessary that I should make a single remark. It is a historic fact that so far as this movement has been organized hitherto, the great bulk of the migration has been toward the State which I represent. The exodus of the colored people to Kansas up to this time has been the great fact to which the attention of the country has been called. The emigration to Indiana is an incident, trivial, inconsequential, compared with that great movement from the lower portion of the Mississippi Valley that poured its deluge upon our plains in the early part of the current year. Not less than seven thousand of those people under some great controlling impulse abandoned their homes, their possessions, their associates, and came to Kansas for the purpose of seeking homes and identifying themselves with a new people.

Now, sir, it has been repeatedly stated during this debate to-day by the Senator from Georgia and by the Senator from North Carolina that there was some secret, sinister, mysterious political influence by which these people were sought to be transferred from the South for the purpose of overcoming democratic majorities in the North. It is a sufficient answer to that to call attention to what has been stated so well by the Senator from Minnesota, that the republican majority of Kansas is far greater than that of any other State in the Union.

Mr. HILL, of Georgia. If the Senator from Kansas will allow me a moment, I desire to be explicit—perhaps I was not—on this subject. I believe that the exodus, to which he alludes, a year ago, when the direction was to Kansas, did not have this political significance. I watched as well as I could the reasons given for the dissatisfaction of the colored people and the inducement offered them to go to Kansas. I did not discover that it was political, so far as affecting the vote of Kansas was concerned; but I do believe it was in a large measure due to dissatisfied persons in the South, in Mississippi especially, who had been defeated for political offices there. I will say to the Senator that when I spoke of the fact of the emigration being intended to affect political results, as some people believe, I did not make the charge; but a great many do believe it, and that is the testimony of some of the colored people now. I referred to the belief that this emigration has been seized upon by persons since that time, by these political agents who have gone through the South, and they are diverting this emigration to Indiana for the purpose I suggested. I do not believe that the purpose of the emigration to the Senator's State was to control the political majority in that State; but I will state to him further that I do believe, and we have reason for believing, that one other political object of this attempted exodus of the negro population from the South was to lessen the population of the South so as to affect southern representation in Congress under the next census. We believe that a great many have had that purpose in view. That threat has been openly made. I tell the Senator from Kansas that threat has been made to the South frequently, that the negroes would be induced to leave the South and thereby deprive the Southern States of the additional representation that they acquired in Congress and in the electoral college by reason of the enfranchisement of the colored race. It was a visionary scheme, I grant. I believe, though, that to a certain extent it operated, and that persons seeking to accomplish these various political ends made false representations to these colored people, and thereby excited them. Of course I do not suppose that all the mass of negroes who went there would change the political complexion of the Senator's State.

Mr. INGALLS. Of course the remarks of the Senator from Georgia exonerate him fully from the inference that I was drawing; but it was not alone in a political sense that it was declared that improper influences were being brought to bear upon the colored people of the South to induce them to leave their homes in Mississippi and Louisiana and emigrate to the Western and Northwestern States. It was stated, as he himself has said to-day, that agents were at work throughout the Southern States circulating documents that conveyed delusions, promises that could not be fulfilled, holding out to them solicitations that were unwarranted, in consequence of which they were induced to leave their homes and take their residence in the North.

Mr. President, we have in Kansas an association called the Kansas Freedman's Relief Association, through whom this emigration was controlled after its arrival, by whom efforts were made to so distribute it in different portions of the State that the emigrants might receive employment. In various ways assistance was extended to these people to save them from the consequences of their own improvidence. They took a large amount of testimony. I have myself conversed with a great many of the emigrants, and I say to the Senator from Georgia and the Senator from North Carolina that I have yet to see or hear of the first colored man who left the South under any other anticipation than that he might get protection for his political and civil rights and a fair day's wages for an honest day's work.

Mr. BAILEY. Will the Senator permit me? A great many black people have migrated from the State of Tennessee to Kansas. Recently from my own town, the village of Clarksville, not less than one hundred went to his State. Will the Senator say that he has ever heard of a single emigrant from Tennessee who complained that

he was not protected in that State in his life, his liberty, and in his property?

Mr. INGALLS. The Senator from Tennessee misunderstood me. I said I had yet to find the first emigrant from the South who did not say that he came to the State of Kansas for the purpose of obtaining protection of his political and civil rights and a fair day's wages for an honest day's work. I made no imputation against any State. I said that if any delusion was brought to bear upon these people, it was the delusion that they might be able to better their condition. I have conversed, as I stated, with a great many of them. There are colonies all over my State. There are colonies up the Arkansas Valley. There is a colony in Graham County, which has a post-office called Nicodemus, where there are some four or five hundred colored emigrants, I think from Tennessee and Kentucky. They are a self-sustaining, industrious, law-abiding class of people, who came there as any other emigrants come, for the purpose of bettering their condition, and for nothing else; and when these statements are made——

Mr. BAILEY. I understood the Senator to intimate that they were compelled to flee from the South in order to gain the protection or freedom that exists in Kansas.

Mr. INGALLS. I did not say that. I certainly had no intention of conveying that idea at all. In the debate that was had here last spring we were told that agents were traversing the South with chromos depicting the delights to which they would be welcomed when they came to Kansas, that they would have forty acres of ground and white servants to wait on them, and a mule, and a coon-dog, and everything else that conduces to the happiness of the African mind.

Mr. President, I took the opportunity, man by man, as I had occasion, to talk with emigrants from every State represented in this exodus, and I never found a man who did not come there with the desire of getting fair wages for an honest day's work. There never was one, so far as my observation goes, who did not come there for the purpose of going to work and getting a home for himself and his family and enjoying the privileges of education and protection in his political rights. There was one man from Georgia—I call the attention of the Senator to this fact—who, when I asked him what the condition of affairs was in that State, corroborated very largely what that Senator has said about the educational advantages there. He said the democracy had made liberal provision for the education of the colored people, that they had a good public-school system, that they had a university, but he said that there was a convict system in operation in Georgia that was practical slavery. He alluded to one instance within his knowledge where a negro, for the offense of stealing a biscuit, was sentenced to ten years in the penitentiary, and a white man who had shot a negro in cold blood in the same town was sentenced to the penitentiary for two years. He alleged that there were thirteen hundred convicts at that time in Georgia, and of those there were only just white men enough to be overseers over the rest, and that they were farmed out on the plantations in gangs, and kept by overseers exactly as they were in the days of slavery, and that the lessees were getting rich upon that system of convict labor. He complained of it. He said that was one of the reasons why the colored people in that part of the South desired to leave; that they were not equal under the law; that the laws were not equally administered; that there was one law for the white man and another for the black man. With regard to North Carolina and other States, similar complaints are made, not that there is systematic personal violence, but that there is a practical inequality of political rights and rights under the law that compelled them to move as any other people would move under similar circumstances.

Now, sir, I say again that I do not sympathize with this movement. I believe it is injurious; I believe it is harmful to the South and the North; that this great problem which confronts us must be wrought out as all other great problems are, by time and mutual forbearance and calm judgment. But when the assertion is repeatedly made that these men are seduced by agents sent from Kansas or elsewhere for the purpose of changing political majorities, that improper representations are made, and that they are the victims of unscrupulous imposition, I feel that I must rise to resent the imputation, because I speak from observation of vast numbers of these people who have emigrated, and from personal familiarity with the statements that have been made to me by many colored men from different States whose opinions I am sure are entitled to entire confidence.

Mr. McMILLAN. May I ask the Senator from Kansas what the condition of the emigrants is who have gone into his State?

Mr. INGALLS. The emigrants who have gone to the State of Kansas, numbering about seven thousand, went there for the avowed purpose of going to work. They asked nothing but a chance to go to work. They did not ask for farms; they did not ask for mules nor for servants to wait upon them; they wanted to go to work on farms, to saw wood, to do anything that would enable them to earn the little pittance necessary to keep their families together. They have been distributed over all portions of the State as farm hands wherever they could be employed; and, so far as I have heard, they are industrious and obedient; they are giving satisfaction to their employers, and are contented with their condition. If any considerable number have ever expressed a desire to leave the State and return to those from which they emigrated, it has not come to my knowledge.

Mr. HILL, of Georgia. Mr. President, the colored man the Senator met in Kansas made a pretty fair statement to that Senator, according to the Senator's report of it, but it was incorrect in some particulars. I am only astonished that the Senator from Kansas put the interpretation upon the colored man's statement which he seems to have placed upon it. For instance, he seems to state it as a wonderful monstrosity that there was a system of convict labor in Georgia which was equivalent to slavery or like slavery. Now, the convict labor in Georgia is precisely like the convict labor in every other State where there is a penitentiary; there is no difference. I thought the Senator from Kansas was lawyer enough to know that in this country servitude for crime was recognized by the Constitution.

Mr. INGALLS. I hope the Senator from Georgia does not intend to trifle with this.

Mr. HILL, of Georgia. Oh, no; I do not.

Mr. INGALLS. I merely made that observation for the purpose of showing what impression was in the mind of my informant as to the injustice he complained of in Georgia. I was not giving my view of it, but the view of my informant.

Mr. HILL, of Georgia. But how is it an injustice in Georgia to make a convict work whether he wants to or not? Convicts are made to work everywhere.

Mr. INGALLS. That is very true; but the statement made by my informant was that the convicts sent to the penitentiary for a long term of years for trivial offenses were farmed out to contractors who kept them upon remote plantations, chained them together, subjected them to the most cruel hardships by inhuman overseers, and in that respect they were treated with inequality before the law.

Mr. HILL, of Georgia. If the colored man said to the Senator from Kansas that there was one law for the punishment of larceny by a white man in Georgia, and another law for the punishment for larceny by a colored man, he said what was not true.

Mr. INGALLS. He did not say that.

Mr. HILL, of Georgia. The law is the same. We have precisely the same law in Georgia in every respect for the colored man and for the white man, and the terms of punishment are precisely the same for the white man and the black man. If a man commits a larceny in Georgia and is sentenced to the penitentiary, he has to work under overseers, whether he is white or black.

Mr. McMILLAN. Will the Senator explain the instance stated by the Senator from Kansas, where the murder of a negro was punished by imprisonment for two years, and a petty theft stated by the Senator from Kansas by a black man was punished by ten years' imprisonment in the penitentiary?

Mr. HILL, of Georgia. There is not one particle of truth in the statement. If the parties were convicted of the same crime they met the same punishment. I think I can see that the negro did not draw the distinction that the Senator from Minnesota and the Senator from Kansas ought readily to have drawn; and that is, that in all the States and under the common law there are differences in punishment for one convicted of the principal crime and one as a mere accessory to it. Doubtless, too, the negro did not know the difference between murder and manslaughter. There may have been occasions of that sort. Besides, the convicted colored man may have taken nothing but a biscuit, so far as I know, in the case alluded to; but I suppose if you would get the record of that case, you would find that that colored man was convicted of burglary, and not larceny. The colored man did not draw the distinction between burglary and larceny. I need not tell the Senator that burglary is the breaking into and entering a house with intent to steal therefrom, or commit a felony therein. The crime is committed if he breaks and enters, whether he gets a biscuit or not. If he breaks and enters the house with intent to steal, he is guilty of burglary; and if he did it at night-time the crime is greater than if he did it in the day-time; and I presume if you examine into the character of that case you will find that that is just the truth.

But I will state to the Senator again, and I want the country to know it, that the colored man gets in every respect in Georgia equal justice with the white man.

One more word. The Senator from Kansas said that there were thirteen hundred convicts in the penitentiary in Georgia, and a large majority of them, I think he said all but about two hundred, were colored men. There is a great deal of truth in that. That is a fact. The proportion of men who are convicted of crime in Georgia, I am sorry to say, especially of these offenses of burglary and larceny, largely predominate with the colored race. It is not because there is any disposition on the part of the white people to do them injustice, but because there is an unfortunate proclivity in that race to commit these crimes. Just as I said a moment ago these thriftless and worthless colored people, that are unwilling to work on plantations and earn a good living by hard labor, gather about the towns and cities and live from hand to mouth and by every means possible. They, we all know, give police officers and everybody else an immense deal of trouble. They do commit a great many of these offenses, and the only way to protect ourselves from them when we detect them and convict them is to punish them; and that is not peculiar to Georgia, if I understand it.

Of these colored people, whatever may be their motive, the fact is true that three or four colored people will commit these crimes where one white man does. There are as many white people in the penitentiary of Georgia now as there were before the war. Before the

war the number of our convicts in the penitentiary, being altogether white, (no colored men then being sent to the penitentiary for crimes of that sort,) was only from one hundred and fifty to two hundred. There was then some such small number of people in the penitentiary, and we kept them confined within walls and compelled them to do work within walls because there were few of them. We have just about as many white men now. White men commit crimes just about as they did; but under the emancipation rule, where the colored man is a free man and liable to the same punishment that the white man receives, he has to go to the penitentiary; and a great many of them, I am sorry to say, are going, but they go chiefly from the class to which I allude, and it is unfortunately a very common thing there. To go to the penitentiary is one of the fruits of freedom and equality.

That condition of things has necessitated a system of confinement which did not obtain before the war. As I have said, when the number of convicts was small we could confine them within walls without any difficulty and keep them employed, always there, though, let me say to the Senator from Kansas, under overseers. I never heard of a penitentiary being conducted without overseers in my life. But since the war, when the number has increased from one or two hundred convicts in the penitentiary to thirteen hundred, and we all apprehend it will go still higher, it became almost impossible to keep these convicts in any one penitentiary within walls; there were too many. You cannot keep them employed; it is impossible; and that is a question which has troubled the southern people very much.

Georgia is trying an experiment, it is but an experiment, by which we farm them out. That is to say, persons lease these convicts, white and black alike, there is no difference, and work them on farms, on railroads, in mines, and on public works of various kinds. My own opinion is, and I have so advised the people of Georgia, that we ought to work them on public works altogether, but a majority have differed with me, and they adopted a system by which they are farmed out to planters. One of my nearest neighbors, that is in the region of the State where I plant myself, has a large number of these convicts on plantations.

Now, I want to say to the Senator from Kansas that the colored convicts, a majority of them, a large portion of them certainly, are delighted with this change. They would much rather work out in the open fields, in the open air, on farms, at labor to which they are accustomed, than to be kept in close confinement. They much prefer it. I want to say to the Senator from Kansas that it is a literal truth that in the case of the very gentleman to whom I refer, who is a gentleman in every sense and who has charge of these convicts, so kind is his treatment, so considerate is his treatment, that convicts whose terms have expired have been known to ask him to continue them in his employ in this same method. Of course these cases are few and exceptional. With a great many of our people the question arises now whether in truth when they get into the hands of persons such as the one of whom I am speaking the punishment is sufficient to deter them from crime. We punish convicts to deter them from repeating the commission of crimes. We have known colored people in Georgia to commit crimes—your trivial crimes of burglary and larceny—for the express purpose of getting back into the penitentiary. That is true. These cases, too, are few and exceptional.

But I will say, at the same time, that is not true of all those who farm these convicts. There is a difference. Some have had these convicts in charge who have been charged with cruel treatment. The Legislature took the subject under consideration at the last session, and I am sure the gentlemen on the other side would be delighted to know the determination on the part of the representatives of the people to remedy the evil if it existed. If it did exist I think it has been remedied, for the people of Georgia are determined that no injustice, no cruelty, no improper treatment shall be visited on these people, even though they be criminal. Unjust punishments they will not allow. In some cases where that charge was made the matter was thoroughly investigated by the Legislature. But in the case to which I allude it is a literal truth. A gentleman whom I know well, and the only one I do know who has anything to do with these convicts, at least whose management I know anything about, is exceedingly kind to them. You talk about their overseers; the colored people go to the fields under what are called "trusties," convicts themselves—often colored convicts—whom the manager is willing to trust, and he sends them miles away, driving wagons, without any chains upon them. The great trouble in some respects with some men is the question whether the punishment is sufficient to deter the convicts from crime.

I will again say, however, that I myself am not satisfied with this system of farming out. It is a problem we have got to solve, what we shall do with these convicts. We desire to treat them humanely; we desire to adopt the best system. We get one man to farm them who does well; another man who farms them does not do so well. The consequence is constant dissatisfaction. What shall be the result I do not know, but this I do know, that the people of Georgia will treat these criminals with all the humanity their situation will permit, and whatever will be the law under any circumstances for the white race will also be the law for the colored race, for there is no distinction.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the adoption of the resolution.

Mr. ALLISON. I ask the Senator from Indiana to modify his resolution by striking out "and especially from the State of North Carolina" and "and especially to the State of Indiana," so as to make the inquiry a general one, without invidious distinctions against North Carolina or in favor of Indiana, or against either.

Mr. VOORHEES. I have a sincere purpose to get the resolution passed, and I would do almost anything that would result in that; but how many more speeches would be grafted on any change I do not know. The resolution as it stands is general and special both. It calls for an investigation of the emigration of negroes from the Southern States, and especially from the State of North Carolina, to the Northern States, and especially to the State of Indiana.

I have the greatest possible esteem for the Senator from Iowa, and I know the tender care and jealous concern he has for the State of North Carolina. He regrets extremely the invidious distinction which I have given here in the resolution. I know the two Senators from North Carolina feel deeply obliged to him, and also to the Senator from Minnesota, for calling upon me to strike out objectionable matter to North Carolina! The North Carolina Senators I have no doubt by this time are satisfied that I am a sort of public enemy to the State of North Carolina. If, however, it would facilitate the action of the Senate upon this question to make the inquiry simply a general one, I would have no objection to it. The reason why North Carolina was especially named, and Indiana likewise, was because a system of emigration has been going on, to my personal knowledge, through this city since I have been here in the last two weeks from North Carolina to Indiana. That is the reason why those two States were mentioned. As a matter of course, if the resolution calls for a general investigation of this subject as to all points South from which emigration is proceeding and as to all points North to which it is tending, it would cover just what the resolution covers now, it would be no change; and if the Senator from Iowa will say to me that with that modification I can get a vote by his assistance this evening I will accept it. That would be an object. I want to make a square trade.

Mr. ALLISON. I would say to the Senator from Indiana that if he will allow the amendment to be made which I have proposed, I shall vote for his resolution, and vote for it without debate.

Mr. VOORHEES. Let it be made, then.

The PRESIDING OFFICER. The Senator from Indiana modifies his resolution as suggested by the Senator from Iowa.

Mr. VOORHEES. Let the Secretary read it as modified.

The PRESIDING OFFICER. The Secretary will report the resolution as modified.

The Chief Clerk read as follows:

Whereas large numbers of negroes from the Southern States are emigrating to the Northern States; and

Whereas it is currently alleged that they are induced to do so by the unjust and cruel conduct of their white fellow-citizens toward them in the South, and by the denial or abridgement of their personal and political rights and privileges: Therefore,

Be it resolved, That a committee of five members of this body be appointed by its presiding officer, whose duty it shall be to investigate the causes which have led to the aforesaid emigration, and to report the same to the Senate; and said committee shall have power to send for persons and papers, and to sit at any time.

Mr. JONAS. Mr. President, before the vote is taken I desire to state briefly the reasons why I shall vote against the resolution, especially after the amendment which the Senator from Indiana has just accepted.

In the first place, I do not believe that the colored people are emigrating from the Southern States to Northern States. It is possible at this time that emigration is going on from North Carolina to Indiana, but I deny that emigration from other Southern States to other Northern States is in progress at all. Such an exodus might have occurred last year, but there is none at present, and therefore I deny the premises.

But, Mr. President, I shall vote against the resolution because I do not consider it a proper and legitimate subject for congressional inquiry. I believe the colored man to be a citizen as I am, to have the same power of volition that I have, to have a right to go where and from whence he pleases without molestation or without congressional aid. If he chooses to leave North Carolina and to go to some State where he can better his fortune, so much the better for him. If he leaves North Carolina and goes to some other State and makes a mistake, and locates in a worse country, so much the worse for him; and he only shares the fate which has met thousands of emigrants before in this country.

I do not think that the subject either of colored or white migration from one section of the country to another or from one State to another forms a proper subject of congressional inquiry, and therefore I shall vote against the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. DAVIS, of Illinois. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of Illinois. I voted against the proposition of the Senator from Minnesota [Mr. WINDOM] upon the ground that I was opposed to all this investigation. The Senator from Louisiana [Mr. JONAS] has expressed my views upon this subject entirely. I agree with him that Congress ought not to do anything with this subject at all. With him I do not know that there is any exodus now except from North Carolina to Indiana, but I think it is outside of the proper

and legitimate action of Congress to investigate what are the motives that induce these people to go from one State to another. I think it is outside of our legitimate functions and purposes to order congressional investigation upon this subject at all. Suppose you make the inquiry, what will be the result? You will get a report signed by three or four one way and two or three the other, and it will satisfy nobody.

How can you prevent these people from going from one State to another? There is emigration going on all the time. Are we to inquire into the motive of men for going from one place to another? What have we to do with their motive? I do not think we have anything to do with it at all. It agitates the country, gets up political excitement, and does no earthly good.

Mr. MCMILLAN. I understand that this resolution comes from our friends on the other side of the Chamber, and it is because they desire the investigation that I am willing to vote for it. It does not come from any desire on my part, I am sure.

The PRESIDING OFFICER. The yeas and nays are ordered, and the Secretary will call the roll on the passage of the resolution.

The Secretary proceeded to call the roll.

Mr. HARRIS, (when his name was called.) I am paired, at least upon general questions, with the Senator from Vermont, [Mr. EDMUNDS.] I do not know how he would vote on this question; but, unless my vote should become necessary to make a quorum, I shall decline to vote. I should vote "yea" if I voted at all.

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Alabama, [Mr. MORGAN.]

Mr. MCPHERSON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. MORRILL, (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. WALLACE] on all political questions. If I were at liberty to vote, I should vote "yea."

Mr. PADDOCK, (when his name was called.) On political questions I am paired with the Senator from Florida, [Mr. JONES.] I do not know how he would vote on this resolution, and therefore I refrain from voting.

Mr. RANSOM, (when his name was called.) I am paired on all political questions with the Senator from Rhode Island, [Mr. ANTHONY,] and that pair was left with my friend from Vermont, [Mr. MORRILL.] I see that he observes the pair in his own case, and I will observe it in mine.

Mr. DAVIS, of Illinois. I do not see how this can be a political question. Most of the republicans are voting for the resolution, and most of the democrats are voting the other way; and how it is a political question I should like to know.

Mr. RANSOM. I am governed by the Senator from Vermont.

Mr. MORRILL. I am inclined to think that if the Senator from Rhode Island [Mr. ANTHONY] were present, he would vote "yea."

Mr. RANSOM. Upon that statement of the Senator I shall vote "yea," which is the vote I should have given.

The roll-call was concluded.

Mr. MCMILLAN. I desire to announce to the Senate that the Senator from Michigan [Mr. FERRY] and the Senator from Virginia [Mr. WITHERS] are paired upon this question. I do not know how either Senator would vote. Both are absent from the Chamber.

Mr. HILL, of Georgia. I was requested by the Senator from Maryland [Mr. GROOME] to state that he is paired with the Senator from Maine [Mr. HAMLIN] on political questions. I do not know whether this is a political question, or how either of them would vote.

Mr. BECK. My colleague [Mr. WILLIAMS] is paired with the Senator from California, [Mr. BOOTH.]

Mr. COCKRELL. How would your colleague vote?

Mr. BECK. I do not know.

Mr. VOORHEES. I have been requested to announce a pair between the Senator from Alabama [Mr. HOUSTON] and the Senator from Pennsylvania, [Mr. CAMERON.] How they would vote I do not know.

The result was announced—yeas 25, nays 12; no quorum voting.

Mr. DAVIS, of Illinois. Let us go into executive session.

Mr. HOAR. Let us get a quorum.

Mr. VOORHEES. I move a call of the Senate.

Mr. HOAR. I hope the Senator from Tennessee [Mr. HARRIS] will consent to vote, which may relieve the difficulty. The Senator from Tennessee said that he would vote if necessary to make a quorum.

Mr. PADDOCK. My pair with the Senator from Florida [Mr. JONES] is upon political questions. I doubt not upon this question he would vote as I should, "yea," and therefore I vote "yea."

Mr. HARRIS. If my vote is necessary to make a quorum, I will take the responsibility of recording it.

Mr. RANSOM. I wish this resolution to be passed, but I should like to ask the Chair if it is competent, after a vote has been announced by the Chair, to make a quorum until the yeas and nays have been called again? That is the point of order I suggest.

Mr. HARRIS. Under the rule, I apprehend not.

Mr. HILL, of Georgia, and others. By unanimous consent it can be done.

Mr. RANSOM. Of course, if there is no objection, it can be done.

Mr. HARRIS. I propose to record my vote in the affirmative in order to make a quorum.

Mr. MORRILL. There is no objection to that.

The PRESIDING OFFICER. The Chair hears no objection to receiving the vote of the Senator from Tennessee.

The result was again announced—yeas 27, nays 12; as follows:

YEAS—27.

Allison,	Garland,	McDonald,	Rollins,
Bailey,	Hampton,	McMillan,	Saunders,
Baldwin,	Harris,	Paddock,	Vance,
Blair,	Hoar,	Pendleton,	Vest,
Butler,	Johnston,	Platt,	Voorhees,
Cameron of Wis.,	Kirkwood,	Randolph,	Windom.
Dawes,	Logan,	Ransom,	

NAYS—12.

Beck,	Davis of W. Va.,	Hereford,	Maxey,
Call,	Eaton,	Jonas,	Saulsbury,
Davis of Illinois,	Farley,	Kellogg,	Slater.

ABSENT—37.

Anthony,	Conkling,	Ingalls,	Teller,
Bayard,	Edmunds,	Jones of Florida,	Thurman,
Blaine,	Ferry,	Jones of Nevada,	Walker,
Booth,	Gordon,	Kernan,	Wallace,
Bruce,	Groome,	Lamar,	Whyte,
Burnside,	Grover,	McPherson,	Williams,
Cameron of Pa.,	Hamlin,	Morgan,	Withers.
Carpenter,	Hill of Georgia,	Morrill,	
Cockrell,	Hill of Colorado,	Plumb,	
Coke,	Houston,	Sharon,	

So the resolution was agreed to.

BENNINGTON MONUMENT.

Mr. MORRILL submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be instructed to inquire as to the propriety of rendering some aid or contribution to the monument proposed to be erected on the revolutionary battle-ground at Bennington, Vermont.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate adjourn.

Mr. LOGAN. Let us have an executive session.

Mr. MCPHERSON. I move to proceed to the consideration of executive business.

Mr. MORRILL. I withdraw the motion to adjourn.

The PRESIDING OFFICER. The motion to adjourn is withdrawn. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at five o'clock and three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 18, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SARAH E. DUNHAM.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No. 3037) granting a pension to Sarah E. Dunham; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. TRAVIS.

Mr. BURROWS introduced a bill (H. R. No. 3038) for the relief of John W. Travis, postmaster at Hartford, Van Buren County, Michigan; which was read a first and second time, and referred to the Committee of Claims.

PERSONAL EXPLANATION.

Mr. WEAVER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. In the New York Tribune of yesterday there is a paragraph reflecting on my character as a Representative of the people. I wish to have the paragraph read and to be heard on it as a question of privilege.

The SPEAKER. The gentleman has that right under the rule.

Mr. FERNANDO WOOD. Before the gentleman from Iowa proceeds I desire at this early stage of the session to say that heretofore this rising to questions of privilege has sometimes been extended to the introduction of remarks of a character entirely irrelevant to the personal explanation. I do not of course mean to apply this to my friend from Iowa, but I mean to say that hereafter when the House accords the privilege to a member to rise to a personal explanation as a question of privilege he must be confined to the personal explanation.

Mr. WEAVER. I believe I have the floor.

The SPEAKER. The gentleman from Iowa states that the article he has sent to the desk affects his character as a Representative, and the Chair is bound to take his word for that until the contrary appears.

Mr. WEAVER. The gentleman from New York [Mr. FERNANDO WOOD] need not be so sensitive. I send to the Clerk a copy of the New York Tribune, and ask him to read the paragraph I have marked.

The Clerk read as follows:

Mr. WEAVER declines to disclose the terms of the resolution, but that is, perhaps, not very important, because his financial views are well known. It is alleged that this gentleman is the author of the numerous petitions which are being received here purporting to come from ex-Union soldiers. These petitions are all alike, and pray for the passage of a law to pay to all discharged soldiers the difference between the value of the greenbacks in which their wages were paid and the value of gold at the time the payments were made. Mr. WEAVER is the medium by which the petitioners communicate with the House.

Mr. WEAVER. There is a very plain imputation there that I am the author of the petitions and that they are spurious. I wish to state to this House that I am not the author of those petitions, neither am I the exclusive medium of their presentation to this House. They are signed by the persons petitioning this Congress with their own hands in every instance, and their residences and the regiments to which they belonged are plainly specified. These petitions have also been received, I am informed, by a large number of members of Congress, and have been placed on record on our files. I hurl back the imputation as a slander by this Wall street journal upon myself and the brave men who have petitioned for equal rights with the holders of Government bonds.

Now, sir, I need not state in conclusion, what is painfully understood by the entire people of the United States, that at the death of Horace Greeley the New York Tribune lost its reputation both for honesty and intelligence.

The SPEAKER. That is not a matter of personal privilege. [Laughter.]

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I demand the regular order, but am willing to yield for the introduction of bills for reference.

PATENTS.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 3039) to amend the statutes in relation to patents for improvements, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

GREEN S. DUKE.

Mr. SPEER, by unanimous consent, introduced a bill (H. R. No. 3040) for the relief of Green S. Duke, of Jackson County, Georgia; which was read a first and second time, and referred to the Committee of Ways and Means.

PATENT LAWS.

Mr. YOUNG, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 3041) to amend the patent laws of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SANDY HOOK BAR, NEW YORK.

Mr. MULLER, by unanimous consent, introduced (by request) a bill (H. R. No. 3042) to create a permanently deep, wide, and straight channel through Sandy Hook bar at the port of New York, for the purpose of forming an improved commercial outlet; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOANS ON REAL ESTATE.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 3043) to authorize national banks to make loans on real estate; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPEAL OF SECTION 3412 REVISED STATUTES.

Mr. GIBSON also, by unanimous consent, introduced a bill (H. R. No. 3044) to repeal section 3412 of the Revised Statutes of the United States, the same being section 122 of the national-bank act; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INTERSTATE FREIGHTS AND PASSENGERS.

Mr. ACKLEN, by unanimous consent, introduced a bill (H. R. No. 3045) for the regulation of interstate freights and passengers and to relieve the same from the restriction of local quarantines; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MYRA CLARK GAINES.

Mr. HAWLEY, by unanimous consent, introduced a bill (H. R. No. 3046) for the relief of Myra Clark Gaines; which was read a first and second time, and referred to the Committee of Claims.

RENTS PAID BY THE GOVERNMENT.

Mr. THOMAS TURNER, by unanimous consent, submitted a resolution directing an inquiry into the rents paid by the United States Government; which was referred to the Committee on Expenditures on Public Buildings.

LEAF-TOBACCO.

Mr. TOWNSHEND, of Illinois. On the 11th instant, a week ago, I introduced a resolution of inquiry, which was sent to the Committee of Ways and Means. That committee has not made a report, and I ask that the committee be discharged and the resolution adopted.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to this House any information in the possession of that Department showing the number of licensed dealers in leaf-tobacco and the amount of internal revenue collected from such dealers during the fiscal year ending June 30, 1879, under and by virtue of section 3244 of the Revised Statutes, specifying separately the number of retail dealers in leaf-tobacco and the amount of revenue received from such dealers.

Mr. TOWNSHEND, of Illinois. Under the rules of the House, as I understand, if after six days the committee to which a resolution of inquiry is referred fails to report, then the resolution comes before the House for action.

Mr. CONGER. That matter is before a committee for investigation. I object.

The SPEAKER. The fair construction of the rule is that the committee should report within one week on a resolution calling for departmental information. The gentleman from Illinois desires to call the attention of the House to the fact that the committee has not reported back the resolution.

Mr. TOWNSHEND, of Illinois. That is what I wish to bring to the attention of the House.

Mr. CONGER. That does not give the gentleman the right to introduce a resolution against objection.

The SPEAKER. He does not ask that.

Mr. CONGER. That does not do away with the rule in regard to the introduction of resolutions.

The SPEAKER. No; the breaking of a rule by a committee does not give any right to a member.

Mr. CONGER. I object to the introduction of the resolution to-day.

The SPEAKER. The gentleman objects; and the Committee of Ways and Means will be kind enough to take notice that the rule requires them to report upon the resolution within one week.

Mr. TOWNSHEND, of Illinois. I would inquire if I have not the right to ask the House to act upon the resolution, the committee having failed to comply with the rule?

The SPEAKER. As the Chair understands, the regular order has been demanded, except as to the introduction of bills for reference. Perhaps the gentleman from Illinois [Mr. TOWNSHEND] will refer the Chair to some rule which gives him the right he now seeks to exercise.

Mr. TOWNSHEND, of Illinois. I have no desire at all to reflect upon the committee.

The SPEAKER. In all probability it is an oversight.

Mr. TOWNSHEND, of Illinois. But I appeal to my friend from Michigan [Mr. CONGER] to allow this resolution to be adopted. It is simply a resolution for information, nothing more. The Secretary of the Treasury can answer it in a very short time, and I am anxious to obtain the information.

The SPEAKER. The Chair thinks the suggestion to the committee will be sufficient.

Some time subsequently,

Mr. CONGER withdrew his objection.

There being no further objection, the resolution was adopted.

ADMISSION TO THE FLOOR.

Mr. McLANE asked and obtained unanimous consent that James L. McClure, a member of the Legislature of the State of Maryland, be admitted to the floor of the House for to-day.

ORDER OF BUSINESS.

The SPEAKER. The Chair understands the gentleman from New York [Mr. FERNANDO WOOD] to insist upon the regular order.

Mr. FERNANDO WOOD. I will yield to any member to submit a proposition to the House which can come in by unanimous consent.

SIGNAL OFFICE REPORTS.

Mr. WILSON (by request) introduced a joint resolution (H. R. No. 155) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

UNION RAILROAD DEPOT, WASHINGTON.

Mr. HUNTON introduced a bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to designate and prepare a site for a union railroad depot in the city of Washington, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ISAAC A. HEDGES.

Mr. CLARDY introduced a bill (H. R. No. 3048) for the relief of Isaac A. Hedges; which was read a first and second time, and referred to the Committee on Patents.

PURCHASERS OF PATENTED ARTICLES.

Mr. COLERICK introduced a bill (H. R. No. 3049) protecting innocent purchasers of patented articles from actions for damages; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. WRIGHT submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the House 3,000 copies of the report and testimony of the select committee to inquire into the causes which produced the depressions of the industries of the country and of labor.

MAJOR G. W. CANDEE.

Mr. URNER introduced a bill (H. R. No. 3050) for the relief of

Major G. W. Candee; which was read a first and second time, and referred to the Committee on Military Affairs.

G. W. BELT.

Mr. KEIFER introduced a bill (H. R. No. 3051) for the relief of George W. Belt; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB BARNHART.

Mr. KEIFER also introduced a bill (H. R. No. 3052) for the relief of Jacob Barnhart, late of the Tenth Regiment Ohio Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. GIBSON submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Levees and Improvements of the Mississippi River be authorized to proceed and appoint sub-committees to proceed down the Mississippi River to its mouth, at such times as the committee may determine, for the purpose of acquiring a knowledge of its peculiar conditions and wants, and to gather information relative to the best methods for its improvement; that the sub-committee be also authorized to employ a stenographer and to take testimony, and that the expenses be paid out of the contingent fund of the House.

Mr. GIBSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVENUE LAWS.

Mr. MORSE introduced a bill (H. R. No. 3053) to repeal Schedule C of the internal-revenue law, act of June 30, 1864; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ARKANSAS.

Mr. SLEMONS introduced a bill (H. R. No. 3054) for the adjustment of the claims of the State of Arkansas against the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOSEPH TRESSLER.

Mr. COFFROTH introduced a bill (H. R. No. 3055) granting a pension to Joseph Tressler; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GENERAL D. C. THOMAS.

Mr. BICKNELL introduced a bill (H. R. No. 3056) to increase the pension of General D. C. Thomas; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TELEGRAPHIC CONNECTION WITH BLOCK ISLAND.

Mr. ALDRICH, of Rhode Island. I ask unanimous consent to have taken from the Speaker's table, for present consideration, the bill (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island. This bill, I am sure, will excite no discussion or opposition.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed. It appropriates $15,000 for the purpose of laying the telegraphic cable, under the direction of the Chief Signal Officer of the Army, from the mainland of Rhode Island to Block Island, Rhode Island.

Mr. ALDRICH, of Rhode Island, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1955) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation.

FRANK SOULE.

On motion of Mr. DAVIS, of California, by unanimous consent, the bill (S. No. 244) releasing Frank Soule, late collector of internal revenue for the first district of California, and his sureties from liability on his official bond was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means.

ORDER OF BUSINESS.

Several members demanded the regular order.

The SPEAKER. The regular order being called for, the morning hour commences at twenty-five minutes before one o'clock. The call rests with the Committee on Agriculture.

SALES OF LEAF-TOBACCO.

Mr. HATCH. I am directed by the Committee on Agriculture to report back, without amendment, the bill (H. R. No. 933) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax. I ask that this bill be made a special order——

Mr. CONGER. I desire that the bill may be read, so as to see whether it is subject to a point of order. I wish to reserve any point.

The bill was read.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] reports this bill from the Committee on Agriculture, and asks that it may be made a special order—for what day?

Mr. HATCH. For the 13th of January next, after the morning hour, in the House as in Committee of the Whole, and from day to day thereafter until disposed of.

Mr. CONGER. This bill affects the revenues of the Government, and is subject to the point of order that it must receive its first consideration in Committee of the Whole.

The SPEAKER. Does the gentleman make that point?

Mr. CONGER. I do. I want the bill to go to the Committee of the Whole.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] states that he desires the bill to receive its first consideration in Committee of the Whole. The gentleman from Missouri [Mr. HATCH] might modify his proposition so as to make the bill a special order in Committee of the Whole, letting the bill now go there. That would obviate the objection of the gentleman from Michigan.

Mr. HATCH. At what time does the gentleman propose that the bill shall be taken up? Before the recess or afterward?

Mr. CONGER. There would be no great opportunity for the consideration of the bill before the holiday recess so far as I can see. Let it take its place on the Calendar. There are not many bills before this, as I understand.

The SPEAKER. The bill known as the Choctaw bill is a special order for the 13th of January.

Mr. HATCH. I am willing to give the fullest and fairest opportunity for the discussion of the bill. I prefer that the motion I have made should be adopted.

The SPEAKER. The gentleman from Michigan objects unless the bill be first discussed in Committee of the Whole. His objection affects that part of the motion of the gentleman from Missouri which proposes that the bill be considered in the House as in Committee of the Whole. The Chair suggests that the gentleman had better modify that part of his motion.

Mr. DIBRELL. The proposition of the gentleman from Missouri is that the bill be considered in the House as in Committee of the Whole. Will not that answer the purpose of the gentleman from Michigan?

The SPEAKER. That is what the Chair understands the gentleman from Michigan to object to.

Mr. CONGER. Yes, sir, that is what I object to.

Mr. HATCH. I will accept the suggestion of the gentleman from Michigan. Let the bill be first discussed in Committee of the Whole.

Mr. CONGER. I apprehend that the fixing of special days for propositions which are to continue from day to day will embarrass us in the consideration of business of a public nature. In this particular case I think the bill had better go to the Committee of the Whole.

The SPEAKER. The gentleman from Missouri agrees to that; and the Chair will state the proposition again so that the House may be fully advised. The gentleman from Missouri reports this bill from the Committee on Agriculture, and moves that it be referred to the Committee of the Whole House on the state of the Union; and he now asks that it shall be called up as a special order on the 13th day of January, and shall continue from day to day until disposed of.

Mr. CANNON, of Illinois. What is the effect of that?

The SPEAKER. The effect of adopting the proposition would be that the bill would immediately go to the Committee of the Whole on the state of the Union, and on the day indicated the Chair would recognize the gentleman from Missouri to move to go into Committee of the Whole to reach that bill.

Mr. CONGER. Does it go on the Calendar?

The SPEAKER. It goes on the Calendar, of course.

Mr. CONGER. I do not see any particular reason why we should give this bill a preference from day to day over other bills.

The SPEAKER. The proposition of the gentleman from Missouri is a practical mode of informing the House that on the day indicated he means to make an effort to have the House go into Committee of the Whole for the consideration of this bill. The House at that time by a majority vote can refuse to agree to the motion, which would be practically a vacation of the order.

Mr. CONGER. My proposition is that the benefits of this bill, if it passes, cannot be enjoyed before next summer or next fall. There is plenty of time for its consideration in regular order before it can affect any interests. Therefore if it takes its place on the Calendar that is all that can be asked.

Mr. FERNANDO WOOD. I wish to make another suggestion to my friend from Missouri, that he except reports from the Committee of Ways and Means and reports from the Committee on Appropriations. Otherwise I shall be compelled to object to fixing a day and making it a special order from day to day until disposed of.

Mr. HATCH. I have no objection to that. I accept the suggestion of the gentleman from New York.

Mr. CANNON, of Illinois. I object to any special order if anything is to be taken by it.

The SPEAKER. Does the gentleman object to making it a special order at all?

Mr. CANNON, of Illinois. I do object.

Mr. HATCH. Mr. Speaker, I have accepted the suggestion of the gentleman from New York; that does away with naming a day.

The SPEAKER. The gentleman from Illinois objects to its being made a special order at all.

Mr. HATCH. I withdraw the day named and let it go upon the Calendar.

The SPEAKER. The probability is it will be reached, as there are but few bills there.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of joint resolution (H. R. No. 148) for the relief of D. M. Hamlin, with amendments, in which concurrence was requested.

It further announced the passage of the following bills, in which concurrence was requested:

An act (S. No. 324) for the relief of Somerville & Davis;

An act (S. No. 820) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island; and

An act (S. No. 840) to exempt from taxation competitory prizes won by American citizens in foreign countries.

It further announced the adoption of the resolution that 3,000 copies of the report of the board to test iron, steel, and other metals be printed for the use of Congress—1,000 for the use of the Senate and 2,000 for the use of the House; in which concurrence was requested.

INTERSTATE MIGRATION.

Mr. STEELE. I am directed by the Committee on Agriculture to report back adversely a bill (H. R. No. 1058) to encourage interstate migration and for other purposes, with a written report; and I ask that the bill and report be read.

The bill was read, as follows:

That the Commissioner of Agriculture be, and is hereby, authorized and directed to cause to be prepared and published, from time to time, a report containing all facts and information of any value to immigrants or people seeking a new home; and to embody therein all reliable facts and information in regard to all vacant and unsettled land belonging to the United States Government, railroads, or other corporations.

SEC. 2. That he, if he finds it necessary, shall cause said territory or land to be examined in regard to soil, water, natural resources, and its accessibility by water or railroad, and also, if said land belongs to corporate companies, shall cause the validity of its title to be ascertained, and the result to be embodied in said report.

SEC. 3. That such facts also be embodied therein that will tend to encourage interstate migration of citizens of the United States, and that said report be accompanied with a good map or maps of the various States and Territories indicating the public and private land situate therein open to purchase or settlement.

SEC. 4. That he shall cause to be printed and published also a monthly report containing facts and information in regard to where public or private work of any extent is to be undertaken, the amount of labor required, and a synopsis of wages paid for manual labor, as well as skilled, of the most prominent trades, to be ascertained and noted for the first day of every month, as well as the average price of the most common articles used, namely, farm implements, clothing, and agricultural products, from at least three different localities of each of the various States and Territories; and that said monthly report shall be forwarded to all postmasters for distribution, or to individual citizens upon application, post-free, and at the discretion of the Commissioner of Agriculture.

SEC. 5. That all postmasters, collectors, and other employés of the United States Government agencies are, upon reasonable application, hereby directed to furnish, under oath, to the Commissioner of Agriculture, all such facts and information of interest or value from their respective localities required by him for the compiling of the said monthly report.

SEC. 6. That to defray the expenses of collecting the aforesaid facts and information, and preparation of said report, there is hereby appropriated —— dollars, or as much of this amount as will be necessary, subject to the order of the Commissioner of Agriculture.

SEC. 7. This act shall take effect from its passage.

Mr. BUCKNER. Is there any report accompanying that bill?

Mr. STEELE. There is a written report, which I ask to be read.

Mr. FERNANDO WOOD. I make the point of order this involves an appropriation and must have its first consideration in the Committee of the Whole.

Mr. STEELE. Let the report be read.

The SPEAKER. The report will be read, and the right of the gentleman from New York to object will be reserved.

The report was read, as follows:

The Committee on Agriculture, to whom was referred House bill numbered 1058, entitled "A bill to encourage interstate migration and for other purposes," have considered the same, and ask to report it back to the House with a unanimous recommendation that it do not pass.

The bill in question imposes very large additional burdens upon the Commissioner of Agriculture; and while it is clearly within the province of Congress to prescribe the duties of that officer, in the opinion of the committee no labors should be placed upon him unless they are strictly germane to the purposes for which his bureau was established. By the provisions of this proposed statute, he is required, at incalculable expense, trouble, and time, to investigate and report upon the mineral, agricultural, and all other resources of all the lands in all the States and Territories of the United States which, in the will of the owners, may probably or possibly become the subjects of transfer. That the public lands open for entry and settlement should be surveyed and described, so that the Government may be able to effect sales and realize the value thereof, the committee believe would not be objectionable; but they are very far from thinking that it is any part of the duty of the United States to become a broker for the sale of the private property of individuals or of those corporations to which a donation of the public domain has been granted. Apart from the fact that such a course would be a great departure from propriety, if not from legitimate power, the time required for carrying out the provisions of the bill would be extraordinary, and the expense incident thereto would probably far exceed all the appropriations which have ever been made or which ought to be made in the next half century or more for the support of the Agricultural Department.

If the committee have not misconceived the scope of the bill, it is one of the most comprehensive propositions which was ever submitted to the consideration of a deliberative body. So far as the "encouragement of interstate migration" is concerned, that apparently being the leading purpose, the committee can see no great objection to it, if Congress will confine itself to a legitimate and proper mode, which perhaps would be a simple execution of the guarantee of the Constitution, giving "equal rights, privileges, and immunities to the citizens of the several States." But they who own property which they wish to sell should be willing to undergo all the trouble and expense necessary to effect their desires, and thus further what they may judge to be their interests, without calling on either the Federal or State governments to become the agencies by which they can dispose of their estates. Ordinarily the holders of real estate, and especially the large corporations, have found no difficulty in extolling the value of their property and finding purchasers for such parts of it, as have any special advantages, either real or supposed. It would probably be far better for the seller to leave him to his own resources as an auctioneer; because he would, doubtless, see points of attraction which might be invisible to a sworn employé—particularly if he recognized the obligations of an oath that would enable him to indulge in all those venial exaggerations which the possession of property for sale is generally supposed to suggest.

But in investigating the objects of the bill, and seeking an elucidation of any mysteries which may enshroud the suggestive phrase "other purposes," which forms a conspicuous part of the title, the committee have brought into use all their powers of analysis. They have endeavored, in a spirit of fairness, to construe the provisions by giving the language employed a natural interpretation, by which they hoped to ascertain at least a few of the "other purposes" contemplated, having no confidence in their power to understand all of them.

The first section of the bill requires the Commissioner of Agriculture to have "prepared and published, from time to time, a report containing all facts and information of any value to immigrants or persons seeking a new home; and to embody therein all reliable facts and information in regard to all vacant and unsettled land belonging to the United States, railroads, or other corporations." It would be interesting to somebody, we suppose, but hardly to the people of this country generally, to know what the Commissioner might think to be "all facts and information of any value to immigrants" or anybody else. What standard of value would he adopt? Could he say that any "fact" would have no value? Now, as there are in this world more than ten thousand million of facts, the report, if confined to this branch of the subject, would doubtless be a document somewhat voluminous in its character. It would hardly afford much relief to "the horny-handed son of toil" who stands as the embodiment and representative of American agriculture to learn, as he would do, that he was obliged by the second clause of the first section of this bill to "embody all the reliable facts in regard to all the vacant and unsettled lands of the United States, of railroads, and other corporations." The committee may be in error, but it is due to candor to state that they had hitherto supposed all "facts" were "reliable"—at least as "facts;" but whether they are or not, if all "facts" strictly "reliable" should be collated and published, the corporations, the happy recipients of governmental favor, would find, if their chartered existence should last for a thousand years, that they were the owners of more books of "facts" than acres of real estate. To remotely approximate an illustration of the kinds of "reliable facts" which the report would embody, the committee think it would contain "facts" in regard to winter and summer, spring and autumn, humidity and aridity, springs, branches, brooks, rivers, lakes, bays, gulfs, oceans, hills, valleys, mountains, waterfalls, rocks, soil, trees, vegetables, fruits, flowers, grasses, corn, wheat, cotton, potatoes, rye and the distilled juice thereof, cattle, hogs, sheep, goats, horses, mules, (and an animal which our respect for the American Congress forbids us to name,) raccoons, opossums, minks, muskrats, skunks, prairie dogs, "the elephant and the kangaroo," including the occultations of the planets and the respiratory organs of the man in the moon, "the yaller janders" and the "shakin' agur," and more than nine hundred and ninety-nine millions of other "facts" which the committee have not time at present to enumerate. After a careful and laborious calculation, the committee are of the opinon that it would require nearly a thousand years for the present Commissioner, with his well-known energy, to obtain and publish all the "facts," the cost of which would exceed a thousand billions of dollars, and when obtained, though officially "reliable," they would be of little service to the present generation, for at the date of completion of the great work at least one-half of the people and one-third of the present Congress would be dead, despite the attractive forces of official position.

The committee, while acknowledging that although such a labor would be patriotic, are not prepared to recommend such extreme devotion to the interests of posterity.

The second section of the bill, *inter alia*, requires the Commissioner, in case the lands examined shall be the property of corporations, to institute legal investigations and legal proceedings to determine the validity of the title by which they are held, and the result of such investigations or proceedings shall be embodied in his report. In this we are expected to have a voluminous if not a glorious combination of the law and the facts. Doubtless this would afford some amusement and profit to the lawyers who might have the good fortune to be employed, as well as provide comfortable fees to the marshals, sheriffs, and clerks. This part of the report alone would make a work of such extraordinary magnitude that human life would be too short to examine it, human patience would stand aghast at the prospect of a bare possibility of the struggle, and human endurance would die from hopeless despair.

The third section requires, in addition to all the other "facts," an embodiment in the same report of some "facts" besides, which "will encourage interstate migration," and that "good maps of the States and Territories shall accompany it," which shall "indicate the public and private lands situated therein open to purchase or settlement." The committee respectfully suggest that after an immigrant had spent a hundred or more years in reading all the facts he would hardly have life enough left to indulge in the pastime of geographical investigation. The very contemplation of this mighty work produces a complete exhaustion of physical power, and the committee, moved in part by a tender regard for the well-being of the Commissioner, earnestly invoke Congress not to put an end to his valuable existence by placing upon him a load which will crush him into atoms.

But the end is not yet; the endless catalogue of "woes unnumbered" is not exhausted. We have not completed and never can complete the "unspeakable grief." Besides all the foregoing kinds of "facts," and very many others that are not foregoing, the stalwart pack-horse of official burdens must publish a monthly report, in which he shall set forth every place within the territorial jurisdiction of the United States "where either public or private work of any extent is to be undertaken, the amount of labor required, the wages paid, the most prominent trades, and the prices of the most common articles used," &c., which must be "sent to all postmasters for distribution, and to private citizens, upon application, post free." Now, in such a dire contingency as this, what would become of the railway postal routes, to say nothing of the "star service," your committee confess, in all humility, that they are unable to see. Even courting, that delightful chitchat which tries the nerves of bashful lovers, would have to be done by telegraph, to the great joy of operators, for the mails could take nothing but Government reports.

The committee admit that they may have possibly misconstrued the objects, and especially the "other purposes," of the bill; but they have made an honest effort to comprehend them. The entire scope and purview of the bill are so large that despite all their labors a veil of mystery shrouds their magnificent proportions to such an extent that the provisions are more incomprehensible to finite minds than that part of the soliloquy of Macbeth just before the "fatal entrance of Duncan

under his battlements," in which Shakspeare makes this henpecked husband say that at the "taking off" of a king who "had borne his faculties so meek and been so clear in his great office"

"Pity, like a naked new-born babe,
Striding the blast, or heaven's cherubim, hors'd
Upon the sightless couriers of the air,
Shall blow the horrid deed in every eye,
That tears shall drown the wind;"

or even that remarkable question which puzzled the brains of a Georgia debating society: "Whether at public elections the votes of faction predominate more by internal suggestions or the bias of jurisprudence?"

But if this bill shall become a law, and in the marvelous dispensations of Divine Providence the Commissioner shall ever finish the Herculean task, when he comes to take an admiring view of the stupendous pile which his genius and patience and energy have brought together, he must be excused if, with beaming eye and swelling bosom, he exclaims, in the exuberance of his pride:

"Exegi monumentum aere perennius
Regalique situ pyramidum altius."

Respectfully submitted.

WALTER L. STEELE,
For Committee.

The SPEAKER. The bill will be laid upon the table, and the report ordered to be printed.

Mr. CONGER. I make a point of order that this should go to the Committee of the Whole on the state of the Union. If half the matters alluded to in this report are true, then the bill ought not to be laid upon the table.

The SPEAKER. The bill is reported adversely, and the usual proceeding in such cases is that the bill be laid upon the table and the accompanying report ordered to be printed.

Mr. CONGER. I know such is the usual proceeding, but there ought to be an exception in this case.

The SPEAKER. If the gentleman objects, and moves its reference to the committee, he has that right.

Mr. CONGER. The report makes me anxious to have the matter go to the Committee of the Whole on the state of the Union, for that committee certainly should consider such matters as are referred to in it.

Mr. REAGAN. Why should it go to the Committee of the Whole on the state of the Union?

The SPEAKER. It is any member's right to move its reference to the Committee of the Whole. Bills reported adversely are constantly sent to the Committee of the Whole on the Private Calendar.

Mr. REAGAN. I think we can do something else than discuss migration.

The SPEAKER. The House might be willing to reverse the adverse recommendation of the committee.

The bill was referred to the Committee of the Whole on the state of the Union, and the report ordered to be printed.

INVESTIGATION OF DEPARTMENT OF AGRICULTURE.

Mr. LE FEVRE. I am directed by the Committee on Agriculture to report back the following resolution, with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Speaker of the House may, and he is hereby directed to, appoint a select committee, consisting of five members of this House, to be selected from the Committee on Agriculture, to take into consideration such measures as may tend to promote the agricultural interests of the country, to investigate the system and workings of the Department of Agriculture, and report, by bill or otherwise, such additional legislation as may be deemed necessary for the promotion of the Department of Agriculture and the advancement and protection of agricultural interests. Said committee may sit during the recess, and shall have power to send for persons and papers, to employ a clerk, stenographer, and such other persons as may be necessary to such investigation. And in order to defray the expenses of said investigation the Clerk of the House is directed to pay to the Sergeant-at-Arms of the House, out of the contingent fund of the House, the sum of $3,000, whose receipt shall be a good and sufficient voucher to the Clerk in the settlement of his accounts. The aforesaid sum of money, or so much thereof as may be necessary, shall be disbursed on vouchers approved by the chairman of said committee, and the Sergeant-at-Arms shall make report to this House in detail of the manner in which said sum has been expended, accompanied by vouchers, which report, when examined and approved by the Committee of Accounts, shall be deemed a sufficient settlement of his accountability therefor, and any unexpended balance in his hands shall be paid by him into the Treasury to the credit of the fund from which it is paid.

Mr. CONGER. Does that make an appropriation?

The SPEAKER. If it does make an appropriation it goes to the Committee of the Whole. The gentleman will state his point of order.

Mr. CONGER. The Chair has stated it.

The SPEAKER. The Chair has been advised the money is to be paid out of the contingent fund of the House.

Mr. CONGER. If it comes out of the contingent fund of the House it requires an appropriation.

Mr. LE FEVRE. The money has already been appropriated to the contingent fund.

The SPEAKER. It has never been held to be subject to the rule requiring subject-matters to be referred to the Committee of the Whole. The practice of the House is to the contrary where the money is to be paid out of the contingent fund or from money already appropriated.

Mr. CONGER. Then I should like to move an amendment to the resolution. I do not see why we should not allow this investigation to be made under the Committee on Agriculture instead of making a special committee. I think we have already special committees enough.

The SPEAKER. The Chair thinks under the resolution the Committee on Agriculture is to have this power.

Mr. CONGER. But the resolution gives additional power to send for persons and papers, to which I see no objection, but I see no necessity for a special committee.

The SPEAKER. The gentleman from Michigan suggests that instead of a select committee the matter be referred to the entire Committee on Agriculture.

Mr. CONGER. Yes, sir; the investigation shall take place by the standing Committee on Agriculture, instead of making, as the resolution proposes, a special committee.

Mr. LE FEVRE. The resolution merely proposes a selection by the Speaker from the Committee on Agriculture for the puposes for this investigation. But I have no objection to the modification suggested by the gentleman from Michigan.

The SPEAKER. There being no objection, that modification will be made. The resolution is before the House.

Mr. DUNNELL. I do not understand the agreement.

The SPEAKER. The modification of the resolution is to the effect that the investigation shall be made by the Committee on Agriculture instead of providing for a special committee for that purpose.

Mr. DUNNELL. But the phraseology of the resolution must be very much changed in order to confer on the Committee on Agriculture what is proposed to be done in the resolution. A new resolution ought to be introduced rather than the adoption of the pending resolution with the amendments suggested.

Mr. BUCKNER. It seems to me this work cannot be done except during the vacation of Congress, as I understand it, and this special committee is to be organized for the purpose of going through the country taking testimony and making the investigation suggested.

Mr. LE FEVRE. There is nothing in the report indicating anything of the kind. It is proposed that this committee shall look into the system and working of the Department of Agriculture and to report by bill or otherwise such legislation as may be deemed best for the advancement and promotion of agriculture.

Mr. BUCKNER. But the resolution provides for sitting during the recess.

Mr. LE FEVRE. The bill was offered at the beginning of the last session and was sent to the Committee on Agriculture.

Mr. DUNNELL. It provides also the committee shall have power to send for persons and papers. I am willing this power should be conferred on the Committee on Agriculture.

Mr. BUCKNER. It seems to me this power now belongs to the Committee on Agriculture when in session.

The SPEAKER. The gentleman from Minnesota suggests the words "to sit during recess" be stricken out.

Mr. LE FEVRE. That is proper. As I have said, the resolution was introduced during the extra session and referred to the Committee on Agriculture.

The SPEAKER. The Chair hears no objection to that amendment. If it is necessary that the committee should sit during the recess it can come in at the end of this session and ask for that power.

Mr. AIKEN rose.

Mr. LE FEVRE. Have I the floor?

The SPEAKER. The gentleman has the floor and will proceed.

Mr. WILLIS. I desire to offer the following amendment:

Add to the resolution these words:

And to consider the propriety of consolidating or reorganizing the public gardens or conservatories of this city, or their total abolition.

Mr. LE FEVRE. I accept that amendment.

The amendment was agreed to.

Mr. LE FEVRE. I now demand a vote on the resolution.

Mr. AIKEN. In this section of the Hall, owing to the confusion, we have been unable to hear what is the question before the House, or the remarks made by the gentleman from Ohio. I simply desire to know whether the resolution has been offered by the gentleman from Ohio or whether it is a report from the Committee on Agriculture.

The SPEAKER. It is a report from the Committee on Agriculture.

Mr. AIKEN. Will the Chair please have the resolution again read.

The SPEAKER. The resolution, as amended, will be read.

The Clerk read as follows:

Resolved, That the Committee on Agriculture be authorized to take into consideration such measures as may tend to promote the agricultural interests of the country, to investigate the system and workings of the Department of Agricultnre, and to consider the propriety of consolidating or reorganizing the public gardens or conservatories of this city or their total abolition, and report by bill or otherwise such additional legislation as may be deemed necessary for the promotion of the Department of Agriculture and the advancement and protection of agricultural interests. Said committee shall have power to send for persons and papers, to employ a clerk, stenographer, and such other persons as may be necessary to such investigation. And in order to defray the expenses of said investigation the Clerk of the House is directed to pay to the Sergeant-at-Arms of the House out of the contingent fund of the House the sum of $3,000, whose receipt shall be a good and sufficient voucher to the Clerk in the settlement of his account. The aforesaid sum of money, or so much thereof as may be necessary, shall be disbursed on vouchers approved by the chairman of said committee, and the Sergeant-at-Arms shall make report to this House in detail of the manner in which said sum has been expended, accompanied by vouchers, which report when examined and approved by the Committee of Accounts shall be deemed asufficient settlement of his accountability therefor, and any unexpended balance in his hands shall be paid by him into the Treasury to the credit of the fund from which it is paid.

Mr. LE FEVRE. Mr. Speaker, in presenting this resolution I have in view but one object, and that is of great importance and vast pro-

portions. I have frequently seen it stated, and without investigating the matter myself I am inclined to accept the statement as true, that one-half the people of this country is either directly engaged in agricultural pursuits, or in business closely allied and dependent in a measure upon the labors and productions of the farmer. This being true, it would seem that the legislation of this country has been sadly at fault, as but little if any national legislation has ever been enacted for the protection of the farmer and the advancement of the great interests which he alone represents. All other interests are amply guarded and fostered, but this one of agriculture seems to have been left to take care of itself. And to a great extent it has taken care of itself. Where else on the broad face of the earth has any country taken such rapid strides forward? In what other country has the forests been subdued and the waste places been made to bloom as in our own? With all the fostering care of the monarchies of the Old World for those engaged in agricultural pursuits, our hardy yeomen have outstripped them in everything—in the reclamation of lands, in the invention of labor-saving machinery, in the production of the soil; and this, allow me to say, without any protection from the General Government; in other words, our farmers have advanced and prospered in spite of our neglect. How much more rapidly might they have advanced had we extended to them the same encouragement, the same protection, and the same fostering care as that enjoyed by those engaged in a like calling in the older countries of the world?

Notwithstanding recent depression in business, the area devoted to agricultural cultivation and use is every year extending and expanding. Of the cereals and all those staples of the garden and the farm necessary for the sustenance of our people the increase during the past few years has been wonderful; so great, indeed, that the production is almost beyond calculation. The following brief table fully illustrates the extent and importance of the cereal crops of the country; they are given but for two years, but this is sufficient to illustrate the great yearly increase both in the amount of land cultivated and the productions:

Total number of acres and bushels of the cereal crops of the United States.

Products.	1877.		1878.	
	Acres.	Bushels.	Acres.	Bushels.
Indian corn	50, 369, 113	1, 342, 538, 000	51, 008, 000	1, 371, 000, 000
Wheat	26, 277, 546	364, 194, 146	32, 208, 000	422, 000, 000
Rye	1, 412, 902	21, 170, 100	1, 621, 000	25, 800, 000
Oats	12, 826, 148	406, 394, 000	13, 176, 000	411, 855, 000
Barley	1, 614, 654	34, 441, 400	1, 790, 000	42, 000, 000
Buckwheat	649, 923	10, 177, 000	673, 000	12, 247, 000
Total	93, 150, 286	2, 178, 934, 646	100, 476, 000	2, 284, 902, 000

Think of the vast interests affected by these productions! Not only our own country is abundantly supplied but our surplus is almost large enough to supply all Europe. In these productions the laboring-man is given employment; in their preparation for market the mechanic finds ready work at remunerative wages; but the middleman, the merchant, the railroads, and the speculators get the profits. Take, for instance, the history of the transportation of wheat from the West to the Atlantic seaboard for last year and the present season. The transportation of wheat from the West last year to the cities of the eastern seaboard was less than six cents per bushel, while this year it has been advanced more than double that amount. And mark you this action of the railroads has been taken when there was an enormous crop to be transported against a limited one last year. This crop had to be removed; the railroad corporations understood this, took advantage of the situation, raised their prices to more than double former rates, and thereby imposed a heavy and outrageous tax upon the farmer. The distance to market was no greater this year than last, but the crop was larger and *must be marketed*. This the railroad companies knew, hence this extortionate tax upon the producer. Herein is where the farmer and the laboring-man need protection—protection against the combinations which capital alone can make. And this, Mr. Speaker, is one of the principal points to be investigated by this proposed committee.

It is hardly worth while for me to dwell on this subject. Our country is of vast extent, and our climate and soil is capable of producing everything necessary for the comfort and well-being of our people in the greatest abundance. We raise many things in limited quantities which we can raise in greater abundance. We import vast quantities of sugar, for the payment of which we export vast sums of gold. We can do better than this; we can raise our own sugar and keep our gold at home. How and where? Let this committee investigate and determine, and present such protective measures as may be necessary. The production of sugar in unlimited quantities will soon follow. So with everything except those articles which can only be produced in the tropics, and they are principally luxuries which we can do without.

There is no interest of greater importance to us as a people than that of agriculture, nor any for the advancement of which Congress can afford to legislate more freely or more liberally. The improvement of the methods of practical agriculture by the application of scientific knowledge is of great importance. It is our duty as legislators to provide means liberally for the investigation of subjects of such interest as individual enterprise cannot reach. In this connection permit me to refer to our live-stock interests.

In 1875 we had in the United States (estimated) 11,149,800 horses and mules, 27,870,700 head of cattle, 35,935,300 head of sheep, and 25,726,800 head of swine. In 1877 Great Britain and Ireland had but 6,115,491 cattle, 30,000,000 sheep, and 2,422,832 head of hogs. It will be seen from these figures how much greater our interests in live stock are than those of the people of Great Britain, and yet that government has a most stringent law for the protection of its domesticated animals from the spread and ravages of contagious and infectious diseases. Our interests are greater than they were in 1875, but if there has been no increase in the numbers of farm animals we have to-day at least 100,000,000 head of the four principal classes of farm stock named above. If we average these at the low sum of $3 per head we have a money value of $300,000,000. These animals are all subject to deadly contagious and infectious diseases, and unless some general protective law can be passed the increase of loss to the farming community must be at an alarming ratio with each recurring year. An eminent veterinarian, in summing up the losses occasioned by the ravages of pleuro-pneumonia among cattle in Europe, says that England imported lung fever of cattle in 1842, just one year before it was brought to the United States, where it has continued up to the present time. Up to 1869 it is estimated that Great Britain had lost, almost exclusively from this disease, 5,549,780 head of cattle, worth £83,616,854, or, say, $400,000,000. For the succeeding nine years, up to 1878, the losses have been equally as heavy, making a total loss of perhaps $500,000,000 in deaths alone, without counting the contingent expenses of deteriorated health, loss of markets, progeny, crops, disinfection, quarantine, &c. And yet England has a contagious-disease (animals) act. What might have been the losses from this one isolated disease had it not been surrounded with all the safeguards of a law drawn with the greatest care and carried out with the strictest fidelity?

About twenty-five years ago a disease made its appearance among hogs in some of the great hog-growing States of the West. It attracted but little attention at first, but as it continued to spread from one State to another, and seemed to become more fatal with every recurring year, farmers and stock-growers, and occasionally a physician and surgeon, would devote a little attention to a cursory investigation of the malady, but no definite results were obtained until very recently—not until Congress made an appropriation to commence and carry forward an investigation which should result in revealing the true nature and cause of this disease. The investigation has not yet been completed, but the infectious and contagious character of swine plague has been determined beyond question. For several years past the losses from this disease have been estimated at from $20,000,000 to $25,000,000 per annum. The disease has prevailed in this country for near a quarter of a century, and if we place the annual losses during the past decade at $15,000,000 per annum, we have a total loss, sustained principally by the farmers of the country, of $150,000,000. For the other fifteen years of the comparative infancy of the disease the losses no doubt amounted to as much more, making the total loss from this one disease of $300,000,000. Already several European governments have prohibited the importation of our smoked meats because of the prevalence of this disease among swine, and in all probability others will soon follow. Here, then, is another disease of a purely contagious character, which it seems is even more destructive than that of pleuro-pneumonia among cattle. What can we do to protect the farmers of the country against the ravages of these destructive diseases? They must be eradicated in some way, or else our great stock interests will speedily be destroyed. No individual enterprise or combination of farmers can make headway against such epidemics as these. It is only through a combination of all the people, aided by a stringent law, that any good can be effected. Money will be required, which Congress should grant willingly. But in making such appropriations we must see that its disbursement is put in the hands of proper persons. We might appropriate millions here, and unless the appropriations are properly guarded they might be foolishly and lavishly frittered away without the accomplishment of any good whatever. And this brings me to the consideration of the last clause of the resolution which I have submitted for the consideration of this House.

Without intending any disrespect, or knowing the reasons therefor, I state a fact when I say that there seems to be a want of confidence existing between the members of this House and the head of the Department of Agriculture. Whether the fault lies with the Commissioner of Agriculture or with my colleagues on this floor is a matter of which I am ignorant; but let the fault rest where it may, it is a fact patent to a large majority of the members of this House. I therefore state only what is generally known when I give expression to this fact, and, without inquiring into any of the reasons underlying this misunderstanding, I say it is due to the Commissioner of Agriculture as well as to myself and my colleagues on this floor that an investigation of the system and working of the Department over which he presides should be had. So far as I know to the contrary, the Commissioner of Agriculture is active and efficient in the discharge of his duties, and guards carefully the interests of the Government. Some months

ago I had business transactions with him myself, and in this case I thought he was overzealous in protecting the interests of the Government at my expense. This transaction, however, has had no influence in the introduction of this resolution. I introduce it solely in behalf of the great interests of agriculture, which can be greatly subserved by bringing that Department in harmony with the legislative branch of the Government. If there is anything wrong with the system under which the Department is being conducted, let us know it that we may be able to intelligently apply a remedy. If further legislation is necessary to give dignity and add confidence to the Department, let us know that. I am satisfied that this Department, if properly managed and properly aided, can be of immense advantage to the agricultural interests of the country, and for one I am ready to vote it all the aid, materially and otherwise, that is necessary to bring it up to the highest standard of usefulness.

Mr. AIKEN. Is that report open to amendment?

The SPEAKER. It is, if the previous question is not sustained. The previous question, if sustained, shuts off amendments under the rule.

Mr. AIKEN. I hope the previous question will not be sustained.

The question being taken on seconding the demand for the previous question, there were—ayes 62, noes 34.

So (further count not being insisted on) the previous question was seconded and the main question ordered; which was on the adoption of the resolution as amended.

Mr. SINGLETON, of Illinois. I call for the yeas and nays on the adoption of the resolution.

On the question of ordering the yeas and nays, there were ayes 22, more than one-fifth of the last vote.

Mr. TOWNSHEND, of Illinois. Let the other side be counted.

The other side was counted; and there were noes 100.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered.

Mr. WHITE. I call for tellers on the yeas and nays.

Tellers were not ordered, only 19 voting therefor, not one-fifth of a quorum.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MARTIN, of Delaware. Upon that I ask for a division.

The question being taken, there were—ayes 77, noes 26.

So (further count not being called for) the resolution was adopted.

Mr. LE FEVRE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UTE INDIAN RESERVATION IN COLORADO.

Mr. SCALES. I am instructed by the Committee on Indian Affairs to report back the joint resolution (H. R. No. 142) to create a commission to negotiate with the Ute Indians for the extinguishment of their title to the Ute reservation, and as a substitute therefor the Senate joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado and their removal and settlement elsewhere, with an amendment thereto.

The amendment was read.

Mr. CONGER. I make the point of order that the joint resolution requires an appropriation and must have its first consideration in Committee of the Whole.

Mr. SCALES. That is true; but I hope the gentleman from Michigan will not insist upon that point of order.

Mr. CONGER. I think the resolution itself is so faulty that it should not be passed in its present shape.

Mr. SCALES. I trust the gentleman will allow the House to consider the joint resolution. It is of great importance and is so judged by the Department. Before the Chair rules on the point of order I desire to be heard for a few moments.

Mr. CONGER. I have no objection to that if the point of order be reserved.

The SPEAKER. All the gentleman's rights will be reserved.

Mr. SCALES. A short time ago we were on the eve of a very bloody war in the Ute Territory. By the prompt action of the Secretary of the Interior a temporary peace has been brought about. This is for the purpose of securing that peace and making it permanent. It proposes the removal of these Ute Indians only with their own consent—that consent which the treaty requires. We follow the treaty strictly. It is proposed that we should thus get those Indians out of the way of the miners. There never can be anything like permanent peace in that country until this is done. Representatives of those Indians are now on their way to this capital, and the Secretary of the Interior simply asks that he may have a commission appointed or may be authorized himself to negotiate a peace on terms which look to permanency with this tribe when they shall come here.

And I will say for the information of the House that this is not at all final. It is all subject to the approbation of the House, when the Secretary of the Interior shall hereafter make his report as to what he has done. There is nothing in the joint resolution, it seems to me, to which any gentleman can object. It simply gives the Secretary power to avert a cruel and bloody war which has already been commenced. I do hope that objection will not be made, but that the House will consider the joint resolution now, and will allow the Secretary of the Interior to do this. And if it shall be found that anything wrong has been done to the Indian, or that any money has been improperly appropriated, the House will then have its remedy by approval or disapproval.

Mr. SAMFORD. I wish to ask the gentleman how it is that this cannot be done without an appropriation?

Mr. SCALES. Because if you have a commission you have to pay them.

Mr. CONGER. While the point of order is pending I cannot discuss this bill. I will only say that on its face it is absurd. It provides that the House shall confer the treaty-making power of this nation, by a special act requiring a treaty to be negotiated, on an officer of the Government not recognized by the Constitution or by the laws as having any authority to make treaties; and then it provides that a treaty thus irregularly made by an unauthorized power shall not be a treaty unless confirmed by the House of Representatives, which under the Constitution has nothing to do with the confirmation of treaties in any manner whatever.

There is another point about it. This bill provides that the consent to be obtained shall be given only for those Indians of the tribe who are not connected with warlike operations, and the decision of that point is left to whoever it may be. Now, there may be two Indians or ten Indians come here and assert that they are the only Indians of the tribe who are friendly; and their assent to any proposition of this kind will violate and destroy the solemn obligation heretofore given by the United States that these Indians shall have their reservation forever.

Sir, we know how the Indians have been driven from their reservations; how the pledges of the United States have been and are violated from day to day and from year to year. The world knows that these violations of the treaty obligations of the United States have led to more wars and more massacres and murders than anything else, and those violations have been committed for the purpose of getting from the Indians lands which are desired by the whites.

For fifty years in British North America, where there are Indians of all classes and grades, there has never been an Indian war. Why? Because the British government has dealt justly with the Indians in all that stretch of territory from Labrador to the Pacific Ocean. There never has been a war there among the Indians because the government has adhered to its promises to the Indians and has protected them in their reservations.

In our country a frontier war with the Indians is got up by a few men, and then a petition is presented to Congress to take from the Indians their lands and to fix the conditions upon which those lands shall be taken, so that the rights of the Indians shall in no manner be protected.

I object to this whole system of wholesale plunder of the Indians. I am not one of those who believe that the best Indian is a dead Indian. I am not one of those who believe that it conduces to the honor of the Government or the peace of the United States to violate every obligation that we may make with the Indians within our borders.

Mr. BLOUNT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BLOUNT. Then I call for the regular order.

Mr. BELFORD. I ask consent of the House to submit a few remarks at this time in reply to what has been said by the gentleman from Michigan, [Mr. CONGER.] This is a matter in which my State is deeply interested.

Mr. BLOUNT. It will come up to-morrow in the morning hour.

Mr. SCALES. If this joint resolution is to be passed at all before the holidays it must pass to-day. I have waited until to-day for the purpose of obtaining an opportunity to report this bill from the Committee on Indian Affairs in my own right, and not be required to ask the unanimous consent of the House to report it. There is nothing in the joint resolution to which the gentleman from Michigan [Mr. CONGER] or any other man can object, I do not care what his love for the Indian may be. I hope the House will give its consent to consider this joint resolution at this time.

The head of one of the great Departments of this Government considers this a matter of very great importance, and I hope the House will pay that much respect to him as to pass this joint resolution, so as to give him an opportunity to settle this question of peace or war with the Indians. I hope the House will give unanimous consent that the consideration of this subject may be continued now until disposed of.

Mr. BLOUNT. There is no use in our continuing the debate upon this subject, with the point of order pending made by the gentleman from Michigan, [Mr. CONGER.]

Mr. SCALES. Then I ask that it be considered in the House as in Committee of the Whole.

Mr. CONGER. I have no objection to the discussion being continued, but I reserve my right to insist upon the point of order if I shall choose to do so.

Mr. BLOUNT. Then I object to further debate upon it while the point of order is pending.

Mr. SPRINGER. I do not see the necessity for any further debate. I think we should act upon this joint resolution at once. It is, as the gentleman from North Carolina [Mr. SCALES] has said, a matter of such supreme moment that we should not delay action upon it until after the holidays. Now is the time to give this matter definite and

final consideration. I hope, therefore, that unanimous consent will be given to consider this joint resolution in the House at this time.

Gentlemen who live in the Eastern States of this country can have no idea of the anxiety and distress of mind to which the people of the Western States are subjected on account of threatened Indian hostilities. Every measure that will tend to settle these troubles should receive the immediate consideration of the House. I hope the House will consider this proposition on its merits at this time.

Mr. CONGER. On that point let me say this: let the majority of this House provide a sufficient force in our Army to protect the frontier settlements. Let them bring in a bill of that kind, and we can pass it to-day.

Mr. SPRINGER. The Army is ample now for that purpose.

Mr. WILSON. The necessity is providing officers who in good faith will carry out the treaties of the Government.

The SPEAKER. Does the gentleman from Michigan [Mr. CONGER] insist upon his point of order?

Mr. CONGER. I do.

The SPEAKER. Then the joint resolution will be referred to the Committee of the Whole on the state of the Union.

Mr. SCALES. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the joint resolution just referred.

The SPEAKER. The Chair will entertain the motion to go into Committee of the Whole, but it is for the committee itself to determine what business they will proceed to consider.

ENROLLED BILLS SIGNED.

Pending the motion to go into Committee of the Whole,

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute for the use and accommodation of said school; and

Joint resolution (S. R. No. 52) authorizing payment of the salaries of the employés of Congress on the 19th of December, 1879.

ORDER OF BUSINESS.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. REAGAN in the chair) and proceeded to the consideration of the Public Calendar.

REMOVAL OF CAUSES FROM STATE COURTS.

The next business on the Calendar was the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts.

Mr. SCALES. I move that this bill be laid aside.

The motion was agreed to.

PUBLIC BUILDINGS.

The next business on the Calendar was a resolution, reported by Mr. MURCH from the Committee on Public Buildings and Grounds, proposing to authorize and direct that committee to inquire into all matters pertaining to the preparation and furnishing of material for the construction of public buildings, &c.

Mr. SCALES. I move that this resolution be laid aside.

The motion was agreed to.

ENLARGEMENT OF HOUSE RESTAURANT.

The next business on the Calendar was the bill (H. R. No. 2265) to direct the Architect of the Capitol to move the House bathing-rooms for the enlargement of the House restaurant.

Mr. SCALES. I move that this bill be laid aside.

The motion was agreed to.

CLERK AND MESSENGER FOR SERGEANT-AT-ARMS.

The next business on the Calendar was a resolution reported by Mr. MARTIN, of Delaware, from the Committee of Accounts, proposing to authorize the Sergeant-at-Arms to employ an additional clerk and messenger.

Mr. SCALES. I move that this resolution be laid aside.

The motion was agreed to.

SALE OF PROPERTY IN NEW YORK CITY.

The next business on the Calendar was the bill (H. R. No. 2268) to authorize the sale of certain property in the city of New York; which, on motion of Mr. SCALES, was laid aside.

COMMERCIAL RELATIONS.

The next business on the Calendar was the following resolution, reported on the 13th of June last by Mr. RUSSELL, of Massachusetts, from the Committee on Commerce:

Resolved, That the sub-committee of the Committee on Commerce to whom has been referred the resolution of the House of Representatives adopted on the 4th instant on the subject of the commercial relations of the country, and who are authorized to inquire by what means our foreign trade may be best promoted and foreign markets opened to American products and manufactures, have leave to sit at such times and places as shall seem to them expedient during the recess of Congress, to administer oaths and take testimony, to employ a clerk and stenographer at a fair compensation; and for the purposes aforesaid the sum of $2,500 be, and is hereby, appropriated, to be paid out of the contingent fund of the House of Representatives, for the use of said committee, on the requisition of the chairman, whose receipt shall be a good and sufficient voucher therefor.

Mr. SCALES. I move that this resolution be laid aside.

Mr. ACKLEN. I trust that the committee will not decide to lay this resolution aside. On the 4th of last June this House adopted a resolution authorizing a sub-committee of the Committee on Commerce to make an inquiry into the commercial relations of this country——

Mr. SCALES. Mr. Chairman, is debate in order?

The CHAIRMAN. It is not.

Mr. SCALES. I insist on my motion.

Mr. ACKLEN. It is for the committee to decide whether they will pass this over.

Mr. SCALES. It is; but debate is not in order.

Mr. ACKLEN. A single objection to laying a subject aside necessitates a vote of the committee on its consideration.

The CHAIRMAN. The Clerk will read the rule which governs the Committee of the Whole in this proceeding.

The Clerk read as follows:

In Committee of the Whole on the state of the Union bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill a majority of the committee shall decide without debate whether it shall be taken up and disposed of or laid aside.

The motion of Mr. SCALES to lay the resolution aside was agreed to.

REIMBURSEMENT FOR EXPENSES IN WAR OF 1812.

The next business on the Calendar was the bill (H. R. No. 2272) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which, on motion of Mr. SCALES, was laid aside.

IMPROVEMENT TO TWELVE-MILE BAYOU, ETC.

The next business on the Calendar was the bill (H. R. No. 1915) to improve the navigation of Twelve-Mile Bayou and the lakes between Shreveport, Louisiana, and Jefferson, Texas, and for other purposes; which, on motion of Mr. SCALES, was laid aside.

QUARANTINE HOSPITAL, HAMPTON ROADS, VIRGINIA.

The next business on the Calendar was the bill (H. R. No. 2332) to provide for the establishment of a quarantine hospital in Hampton Roads, Virginia; which, on motion of Mr. SCALES, was laid aside.

DUTIES ON IMPORTED MERCHANDISE.

The next business on the Calendar was the bill (H. R. No. 167) to explain the Revised Statutes relative to duties on imported merchandise; which, on motion of Mr. SCALES, was laid aside.

UNITED STATES COURTS IN INDIANA.

The next business on the Calendar was the bill (H. R. No. 2384) amendatory of and supplementary to the act providing for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana, approved June 18, 1878; which, on motion of Mr. SCALES, was laid aside.

CLAIMS AGAINST GOVERNMENT OF NICARAGUA.

The next business on the Calendar was the resolution presented on the 30th of June last by Mr. ACKLEN, providing for the appointment of a select committee of five members to inquire into claims of citizens of the United States against the government of Nicaragua.

Mr. SCALES. I move that this resolution be laid aside.

Mr. ACKLEN. I object. I would like a vote of the Committee of the Whole on the question.

Mr. SCALES. I insist that debate is not in order.

Mr. ACKLEN. Will the gentleman permit the reading of a report in this case?

The CHAIRMAN. That would be in the nature of debate.

The motion of Mr. SCALES to lay aside the resolution was agreed to.

COLLECTION OF THE REVENUES.

The next business on the Calendar was a joint resolution (S. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, ought to be made in the mode of guarding or collecting the revenue and appropriating the money so collected; which, on motion of Mr. SCALES, was laid aside.

GOVERNMENT OBSERVATORY.

The next business on the Calendar was the bill (H. R. No. 674) to locate and purchase a new site for the United States Naval Observatory; which, on motion of Mr. SCALES, was laid aside.

LEAF-TOBACCO.

The next business on the Calendar was the bill (H. R. No. 933) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax; which, on motion of Mr. SCALES, was laid aside.

INTERSTATE IMMIGRATION.

The next business on the Calendar was the bill (H. R. No. 1058) to encourage interstate immigration and for other purposes; which, on motion of Mr. SCALES, was laid aside.

NEGOTIATIONS WITH UTE INDIANS.

The next business on the Calendar was the joint resolution (S. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado, and their removal and settlement elsewhere.

The joint resolution was read, as follows:

Be it resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized and empowered, through a commission of five persons to be appointed by the President, or by direct negotiation, as he may deem best, to enter into an agreement with such of the Ute Indians in Colorado as have not, by acts of hostility against the United States or otherwise, forfeited their rights under existing treaties, for the extinguishment of their title to their reservation in said State, and to obtain their consent to their removal and settlement in the Indian Territory or elsewhere. And the said Secretary of the Interior shall report his proceedings under this resolution to Congress for its consideration and approval. The expense of such negotiation to be paid by the United States, for which purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment reported by the Committee on Indian Affairs was read, as follows:

Strike out in lines 9 to 12 the following words: "Their reservation in said State and for their removal and settlement in some suitable place not in the Indian Territory," and insert in lieu thereof the following:

So much of their reservation in said State as may be deemed desirable or necessary in the judgment of said commission or Secretary of the Interior, and for their removal and settlement in some other suitable place in the State of Colorado: *Provided*, That said commission or Secretary of the Interior, in any agreement made with said tribe of Utes for the cession of any part of their reservation in Colorado, shall obtain, before said cession shall be valid, the consent of said Ute tribe of Indians, as provided in section 16 of the treaty made at the city of Washington on the 2d day of March, 1868, between the Government of the United States and said tribe of Ute Indians: *And provided*, That no agreement made with said tribe of Indians shall be valid unless agreed to by three-fourths of all the adult male Indians who have not forfeited their rights as aforesaid, occupying or interested in the same: *And provided*, That Congress shall confirm said cession.

Mr. SCALES. Mr. Chairman, I am not disposed to cut off debate; but I take it for granted that everybody understands this question. Therefore, if it be agreeable to the committee, I will ask that general debate be closed, by unanimous consent, in twenty minutes. It can then run on under the five-minute rule if gentlemen think proper; but I ask now unanimous consent that general debate be closed in twenty minutes.

Mr. CONGER. Let the debate run on awhile to see whether it is likely to be prolonged.

Mr. SCALES. I ask unanimous consent in committee to close the debate in twenty minutes.

Mr. HOOKER. It cannot be done in committee.

Mr. FERNANDO WOOD. Many of the members desire to discuss this bill, and I doubt whether twenty minutes will suffice.

Mr. SCALES. What longer time, then, does the gentleman mention?

Mr. BRIGHT. The committee has not power to fix the time for closing debate. The debate can run on until the committee rises.

Mr. SCALES. I move the committee rise, then, for the purpose of fixing the time for closing debate.

Mr. CONGER. I doubt whether you will get in committee again if you rise now. The gentleman had better go on discussing the bill.

Mr. SCALES. I will go on with it for the present, and I give notice that if I find the debate continues too long, I shall then move that the committee rise for the purpose of closing it. I yield, in the first place, to the gentleman from Illinois [Mr. SPRINGER] for ten minutes.

Mr. SPRINGER. Mr. Chairman, there is no proposition more easily demonstrated than this, "The Utes must go." The time has arrived in the progress of this country when civilization has reached the very border of the Ute reservation. A large and populous settlement of industrious and hardy pioneers has already reached the reservation line, and such is the disposition of the white people on the line of that reservation, and such are the probabilities of frequent crossing by Indians and whites of the imaginary line dividing them, that all efforts to preserve peace on that border will prove futile in the future unless the Indians are removed.

We must meet this question now as legislators—meet it squarely and candidly, dealing justly with the Indians as well as the whites, having in view the imperative necessities of the case.

It will not do for gentlemen to say that the Government of the United States desires to drive these Indians step by step from the reservations until they are driven off the continent. The gentleman from Michigan [Mr. CONGER] a few moments ago said that we were driving the Indians from one reservation to another with a view to their final expulsion from the country. He does not seem to remember that the State which he has now the honor in part to represent was, but a few short years ago, in the possession of the Indians; and he seems to have forgotten how his constituents came into the possession of it; how the State of Michigan became a State of this Union, represented by members upon this floor, freed from the presence of Indians. He does not state those facts. I might go over the history of the country from the time of the landing of the Pilgrims at Plymouth Rock, and the Cavaliers at Jamestown, and follow their tread over the continent, and the history is the same from that time to the present.

The Indian has been all the time going westward; he must continue to go; he must be civilized or give way to civilization. There cannot exist on the continent at the same time and in the same place civilization and barbarism. "Westward the course of empire takes its way;" its march is as irresistible as that of Sherman's to the sea. No Indian treaties, no Interior Department regulations, no Indian Bureau contrivances can stop the onward flow of white emigration or prevent Anglo-Saxon civilization from occupying every foot of land on the continent. Do what we may, enact whatever laws the wisdom of Congress may devise, organize peace commissions as numerous as the tribes of Indians themselves, indulge in sentimental speeches and overflow with sympathetic tears over the wrongs of the poor Indian as much as we may, yet the intrepid march of the white pioneer will gradually settle down upon every acre of the public domain, and the savage Indian must go. There is an irrepressible conflict between civilization and barbarism; the result of this conflict is written upon every page of our country's history. Civilization has triumphed; it will continue to triumph; barbarism must give way. Our progress is irresistible; such is the lesson of the past; as legislators we must recognize it and act accordingly. Expressions of sympathy for "Lo, the poor Indian," will not solve the difficulties of the situation.

We must provide by suitable legislation for having these Indians removed in such a manner as will as far as possible conserve the public good and do justice to them. I do not believe in treating with Indians on the ground that they are our equals. That time has passed; it is a fruitless policy. It has been demonstrated all through the history of the country that treaty negotiations with the Indians have resulted in cheating them. Therefore I propose a different policy in regard to them. It is the policy of regarding the whole of the land within the limits of the jurisdiction of the United States as public domain, and treating the Indians as they are defined to be under the fourteenth amendment of the Constitution of the United States, as citizens of the United States. And, sir, as citizens they must be taught to obey the law. They must understand that when they kill innocent people they are guilty of murder and must suffer the consequences. Ever since the history of Indian warfare began down to the present time there has not been a more cruel, a more wanton, or a more unprovoked massacre than that which recently occurred at the Milk River agency, when the Meekers and others were slaughtered in cold blood by Ute savages. And after our Army had gone there, having nothing but peaceable motives toward law-abiding Utes, they were set upon by the Indians in ambush and many of our bravest officers and soldiers were killed with an utter disregard of civilized warfare. Yet there are Representatives in Congress who say we must protect these Indians while they are killing and murdering our people on the frontier and attacking our Army at every opportunity.

To show you, Mr. Chairman, we should not treat with these Indians as equals, I ask that an extract from the proceedings of the recent conference held at Los Pinos, as published by the Associated Press on the 9th instant, may be read for the information of the committee.

The Clerk read as follows:

On Saturday, at noon, the Utes came into the agency and took seats inside the agency building. Jack, Colorow, and twelve other White River Utes, and of course Ouray, were present. When the Indians and the commissioners had taken seats, General Hatch addressed the Indians, setting forth the full demands of the commissioners, their right to make the demands, and the patience already exercised with the Utes. "To-day," he said, "is your last chance. We will wait no longer. We want your final answer, and we want no evasions." The list of the Utes charged by the agency women in taking part in the massacre was then read, and the question put by General Hatch, "Will you surrender the men whose names are in this paper, to be tried, and if guilty punished, and if innocent acquitted?" The question was put twice, and, after a consultation, evasive answers were returned both times. When the question was repeated the third time, Ouray replied, without consulting the other Utes, "How do we know that these Indians you name were at White River at the time of the massacre, or, even if they were there, we do not know they were concerned in it. These women mentioned names which came first to their lips, whether they know them to have been present or not. We cannot depend on what they say." "That is what we depend on," said General Hatch.

A MENACING SCENE.

General Adams then addressed the Indians, making a speech of over an hour's duration, saying, among other things, that the commissioners did not want to punish Colorow, Jack, and others who took part in the Thornburgh fight, but the cowardly dogs who participated in the massacre of the unarmed men at the agency, closing by saying, "We want those Utes and we will have them."

The Indians held a consultation in low tones among themselves, but did not seem inclined to reply at all, when General Hatch again rose and asked if the guilty Indians were to be surrendered, saying he had made the last appeal.

No one moved or spoke for a few moments, when Colorow lighted a big pipe—the "pipe of peace." Each Indian present drew his knife and laid it on his knees, the question of peace or war being the one pending. Colorow then passed the pipe to the next man without smoking, and it went round the circle. When the circle was finished he jumped to his feet, straightened up to his full height, pulled his belt around until the knife sheath was in front, and snatching his knife out, threw it quivering and ringing upon the floor. Instantly every Indian present laid his hand upon his knife or pistol, the whites following their example. The two parties stood fronting and defying each other for some moments, each waiting for the other to make a forward move. There were but six white men in the room, while the Indians numbered twenty-five, though there were fifteen soldiers in an adjoining room.

OURAY'S CONDITION.

Finally Ouray spoke: "We cannot deliver up those Indians unless they are tried in Washington; they must not be tried in Colorado. The Colorado people are all our enemies, and to give them up to be tried in this State would be to surrender them to a mob who would hang them. We will bring those twelve men here for you to see, and then those whom you decide guilty shall be taken to Washington, and the President shall determine their guilt or innocence. Douglass will have to go; we know he was in the White River troubles, and you shall decide who else. Upon this condition and no other will we surrender the twelve men."

The chief spoke with great arrogance and boldness.

Mr. SPRINGER. Mr. Chairman, our Government now numbers forty millions of people. We have twice whipped Great Britain,

once Mexico, and recently put down a rebellion which called a million of men on either side into the field at one time. Is it not humiliating to Anglo-Saxon blood to witness the spectacle which is described in the paper which the Clerk has just read? A few half-savages, representing tribes numbering but about three thousand all told, insulting the representatives of a great government like ours! And we must submit. We must accede to their demands. We must allow them to flourish their knives and pistols, and threaten the lives of our commissioners, who were merely demanding the surrender of those guilty of murder. I am tired of trifling with the Indians. The whole policy of making treaties with them is wrong. They are citizens of the United States, and must be treated as other citizens. I would deal justly with them; but the law-making power must be the judge of what is just to them. I would advise measures of kindness coupled with firmness. Let us teach them agriculture and the useful arts; allow them to locate homesteads upon the public domain, the same as white people; and teach them, above all things, that they must work or starve.

What was the cause of the recent massacre of the Meekers and agency employés at White River agency? The sum of poor Meeker's offending was the bringing of agricultural implements into the reservation, and the plowing up of the ground in the vicinity of the agency buildings. This gave mortal offense to the poor Indian, and he resorted to his old and usual remedy of murder and the torch. The soldiers were ambushed and cruelly slaughtered. Can a great Government like this submit to such outrages upon its citizens and soldiery? The Utes have violated the provisions of the treaty; we are no longer bound to observe it. But let us do better than that. Let us cease making treaties to be violated as often as made, and proceed to legislate in the interest of white men as well as Indians, and do justice to both.

It is impossible, Mr. Chairman, longer to keep the peace on the border of the Ute reservation. The east line is merely an imaginary one. The Utes do not care to observe it, and the whites, impelled by rumors of rich mines within the reservation, cannot longer be restrained from crossing over and taking their chances of danger. The Utes never use the pick or the shovel. They have no use for implements of manual labor. They prefer the chase. If any work is to be done, the squaws must do it. The red lords of the tribe are too lazy to work themselves, and will not allow white men to dig for gold or silver on their reservations.

The Ute reservation is as large as the State of Indiana. There are only about three thousand Indians in all, and each family has on an average about twenty-five thousand acres of land. In addition to this princely estate, we pay the Ute tribes annually about $78,000 in clothing, provisions, and money. We furnish these Indians an immense domain for a hunting-ground; we deal them out food and clothing, and try to teach them agriculture and peaceful arts; we send agents to pay them their annuities and deal out their rations and supplies. Our agents are murdered. Our agricultural implements are burned, and our Army attacked and our peace commissioners insulted and defied; yet there are newspapers and members of Congress who plead for the Ute Indians as if they were the most outrageously treated beings in the world.

The Utes have no just cause of complaint against the whites or the Government. They have been treated like lords and princes, and fed and clothed at the expense of the Government, and our kindness has been met with outrages and our bounty returned with murder of our agents and the slaughter of our soldiers. Let us now remove them from their present reservation. A suitable reservation can be found elsewhere, large enough for their wants and out of the reach of white settlements. In making provision for their removal I would consult their interests and not their votes. The Representatives of the people of the United States are capable of doing justice to the Utes, without asking them whether they will obey the laws we make or not. They must obey as other citizens do, and we must deal fairly with them as we do with other citizens. We do not ask the colored people or white people or naturalized citizens what kind of laws they would like to have. We should pass just laws for all, without regard to race, color, or previous condition.

I am opposed, therefore, to the House committee's amendment to the Senate resolution. While I am opposed on principle to treating with any Indian tribes, for the reason that they are citizens and must be dealt with as such, yet I will favor the Senate resolution, in order that every effort on our part may be made to secure the peaceful removal of the Utes from their present reservation. They must go, sooner or later. If we provide for their removal now we may avert an Indian war and save the lives of many of both races. Their removal is only a question of time. They cannot exist with civilization crowding their borders and breaking over their lines. Following the fate of all their race who have refused to become civilized, they must go. It is to their interest to go. It is manifest destiny that they should go. Let us, then, provide that their going be peaceful, and make as liberal a provision for them in the future as justice and humanity could possibly require.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate was received by Mr. BURCH, its Secretary, announcing the passage of a bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881. It further announced the adoption of a resolution that the Committees on Agriculture of the respective Houses be, and they are hereby, instructed to consider generally the subject of agriculture and report by bill or otherwise; in which concurrence was requested.

UTE INDIANS.

Mr. SCALES. I now yield for ten minutes to the Representative from Colorado.

Mr. BELFORD. Mr. Chairman, I sincerely hope this House will give me its attention, in order that I may present some facts in connection with this question. The Ute reservation in the State of Colorado embraces twelve million acres of ground, an area of country equal, I believe, to the States of Massachusetts, Rhode Island, and Vermont. That vast extent of country is occupied by three thousand Utes, giving to each man, woman, and child of the Ute tribe four thousand acres of land. The resolutions sent down from the Senate provided that a commission composed of five persons should be appointed to negotiate with the Ute tribe of Indians for their removal from the State of Colorado and their settlement elsewhere, but prohibiting their transfer to the Indian Territory. The Committee on Indian Affairs in the House have recommended an amendment to the effect that the commission shall be authorized to negotiate with the Utes for a reduction of this vast extent of territory, but that the negotiation shall not include the transfer of the Utes to the Uintah reservation, or the Territory of New Mexico.

I, for one, am opposed to the House amendment for the reason I believe if these Indians are continued in the State of Colorado that next year will witness a renewal of the conflict that has attracted the attention of the country during the past few months. I desire to say now to the gentleman from Michigan that he cannot point his finger to one single complaint ever made by a single Indian in the State of Colorado against the treatment he received at the hands of the citizens of that State. I challenge him or any other gentleman on this floor, I challenge any officer of the Interior Department to produce a single complaint ever filed by the Ute Indians against the citizens of Colorado. The only complaint they ever made was this, that Father Meeker attempted to educate them in the art of agriculture; that he plowed two acres and a half of ground out of twelve million acres, and for that reason they killed him. And that is the only ground of complaint that has been urged by the Indians. It was the only ground urged by the Indian council in their conference with the governor of the State of Colorado.

It seems to me that the House should adopt the original Senate resolution, that this commission should be allowed to negotiate with the Ute Indians for their transfer to the Uintah reservation or to the Territory of New Mexico. If they are sent to the Uintah reservation every man, woman, and child in the Ute tribe will or can receive seventy-six acres of first-class arable land. In addition to this they can receive four hundred and seventy-six acres of the best pastoral land in that country. And I have no doubt that if the question was submitted to the Ute tribe to-day they would consent to their removal from the State of Colorado to the Uintah reservation. If this House, however, declares this vast reservation, embracing twelve million acres of ground, shall not be reduced, then as certain as God reigns above us, and we should not ignore the fact, next spring the teeming thousands who will pour into Colorado across the line of this reservation will prospect those mountains for rich mineral wealth, and this Government, in my judgment, has not power to arrest the progress of that great tide. The men who have carved out the path of empire across those plains never will halt at the line of this reservation; and if the Government desires to rescue these Indians from war and to save the settlers in the State of Colorado, this House must provide some method which will contemplate and secure the removal of the Ute Indians from the State of Colorado.

When I left that State I crossed five great States in reaching the capital of our country, and I announce it to be the truth, which no man can gainsay, that every acre of land in every one of those States was stolen from the Indians; and now gentlemen stand here in the name of God and humanity and say, while our fathers robbed and plundered the Indians, we want you to belong to the goody-goody class of people in the West. [Laughter and applause.] And I say to the gentleman from Michigan that the report of the Commissioner of Indian Affairs, I think for 1878, shows that more frauds have been practiced against the Indians in the State of Michigan by citizens of that State than have been practiced in any Western State or Territory. [Laughter and applause.] And when he comes here and reads me lessons and my people lessons on this subject I simply commend to his attention the report of the Commissioner of Indian Affairs on this subject.

Now, Mr. Chairman, one word more. I charge it to be a fact that during the last summer the Ute Indians started fires all over the State of Colorado. They burned hundreds of miles of the best timber lands in that State. They destroyed untold millions of the wealth of our people, and I say the time has come when these Indians should be treated by this Government as other Indians have been treated. If I have not forgotten the history of this country the Cherokee Indians, years ago, were forced from the State of Georgia and located in the Indian Territory. They had homes in that State; they had school-

houses in that State; they had churches in that State; and yet they were not consulted about their removal, but were tied to the tails of horses and dragged to the Indian Territory. Take the case of the Poncas. In the face of four distinct treaties on the subject this Government undertook their removal to the Indian Territory without consulting Congress at all. And now, when we come here and say that we are willing to make a fair and honorable agreement that will effect an honorable solution of this Indian question, we are told by the Committee of the House on Indian Affairs that Congress shall not consent to a reduction of this vast reservation unless three-fourths of the Indians will consent.

Mr. SCALES. May I ask the gentleman a question?

Mr. BELFORD. Yes, sir.

Mr. SCALES. Is not that in accordance with the treaty made by this Government with those Indians?

Mr. BELFORD. I say, whether it is in accordance with the treaty or not, they have violated the treaty. Its obligations are mutual. That treaty provides that they shall remain on their reservation; and I say that during the last summer they left their reservation. They fired almost the entire State of Colorado. They have murdered thirty or forty citizens outside of the Meeker massacre.

[Here the hammer fell.]

Mr. SCALES. I yield fifteen minutes to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. I had the honor to offer the amendment to the resolution of the Senate which is embodied in the report made by the committee of the House, and I did so because I thought it was our duty in treating with these Indians to treat with them according to existing treaty stipulations. My distinguished friend from Illinois [Mr. SPRINGER] in speaking upon this question has seen fit to refer to and to have read the Press Association dispatches in reference to the negotiations now going on with the Utes of the White River agency. The gentleman does not understand this bill at all. It does not apply to them. It applies to the reservation held in Southern Colorado, out of which several years ago you got quite a considerable portion of their territory. It expressly by its terms embraces alone that portion of the Ute tribe of Indians who by no hostile act have forfeited the rights to which by treaty stipulations they are entitled.

If the gentleman from Illinois means to carry into the treatment of this question with reference to all the tribes, the five semi-civilized tribes in the Indian Territory and the savage tribes of the plains, the theory which he proclaims, then it is a theory which has for its basis a robbery of the Indian of every foot of land which has been left to him by the treaties your own Government has made with him. The same policy which would prompt the gentleman from Illinois to sanction the proceeding which is now being attempted because some portion of the Ute tribe have been guilty of depredations, and therefore to deprive them all of their land, would lead him to side with the policy of those people who undertook to take possession of that territory which had been set apart for the five semi-civilized tribes, and which was forfeited last year, although the whole power of the Government had been pledged to protect these Indians in what they were entitled to under treaty stipulations. If the theory of the gentleman from Illinois is to prevail with regard to the treatment of the Indian question, then it involves the infringement of every treaty stipulation, the abrogation of every law which you have passed in order to secure these people in the little remnant of that vast territory which they have ceded to you, and which you have sold, and the money obtained for which you have placed in the Treasury of your country and hold there as an evidence of the liberality of the Indians to the Government of the United States.

But, sir, to confine myself to this resolution and the report of the Committee on Indian Affairs, the gentleman from Colorado says that this involves the question of the extirpation of the Southern Utes of Colorado, and that there is no power in the Government to prevent it. Sir, if you take that theory to be the true one, then the gentleman from Colorado, siding with the gentleman from Illinois, proposes, in violation of the most solemn treaty stipulations, to rob these people of the territory which has been ceded to them by the Government of the United States, to rob them of rights which by most solemn treaties the Government has pledged itself to respect. I now send to the Clerk's desk and ask that there be read from the treaty made even so late as ten years ago, in 1868, with this Ute tribe of Indians, the second and sixteenth sections, that the House may understand what are the obligations of the Government of the United States to these Indians.

The Clerk read as follows:

ART. 2. The United States agree that the following district of country, to wit, commencing at that point on the southern boundary-line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same; running thence north with said meridian to a point fifteen miles due north of where said meridian intersects the fortieth parallel of north latitude; thence due west to the western boundary-line of said Territory; thence south with said western boundary-line of said Territory to the southern boundary-line of said Territory; thence east with said southern boundary-line to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as, from time to time, they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.

ART. 16. No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article 7 of this treaty.

Mr. HOOKER. It will be observed that by the second article of the treaty, which I have caused to be read for the information of this committee, that portion of territory ceded to the Indians in Southern Colorado was to be theirs forever. And they were so careful in making this treaty as to stipulate that they should not be deprived of it, as the committee will observe from the sixteenth article which has been read, except by the consent of three-fourths of the adult males of the tribe.

When they made this treaty giving concessions to the Government they believed they were getting something substantial for what they then yielded. They believed, as did the five civilized tribes when they ceded that vast empire which east of the Mississippi has formed State after State in columnal sovereignty, supporting your sovereign Union and constituting now the greatest and most powerful portion of that region of country—they believed that the Government was in earnest when it said, in the emphatic but figurative language of the then President of the United States, that that territory should be theirs "while grass grows and water flows." So the Utes thought when they ceded their territory; they believed they were making a compact with a government honest enough to do what was right. If the honorable gentleman from Illinois [Mr. SPRINGER] and the honorable gentleman from Colorado [Mr. BELFORD] think that this Government is powerless to carry out this treaty, I would ask them to state why it is powerless to carry out this treaty.

Mr. BELFORD. Will the gentleman allow me to ask him a question?

Mr. HOOKER. Yes; but I will say, however, that that is a bad way to answer one.

Mr. BELFORD. I want the gentleman to point if he can to a single instance in history where any government ever allowed a race of people like these Indians to stand in the way of the development of its mineral wealth and of its citizens who desired to develop it.

Mr. HOOKER. I can only say that this Government, under treaties written on paper and signed by its authorized agents, has so stipulated with these tribes. And if they were a powerful nation, with great armies at their back, and could point their cannon at your shores and demand justice, you would not dare to take the position you now do with reference to these feeble Indian tribes.

I hold that whatever may be the power of the Government of the United States, it is at least powerful enough to do what is right, to see that justice is done, even though the people who demand it do so only in the name of law and moral right, and not because they have the physical power to compel you to carry out your treaty obligations.

I offered this amendment because I felt that now, at this time, when it is true that the Utes of White River reservation have committed depredations upon the agent and the employés of the agency, and had massacred a portion of our Army—I felt that it was an ignoble spectacle to submit my country to now, because one portion of the Ute Indians have committed depredations upon your people, and had massacred a portion of your Army—it was an ignoble spectacle for a great people to say that we will seize this occasion in order to rob the Southern Utes of their territory, when in all their history, so far as I understand it, they have never presented an instance of opposition to the people of the United States, or to the treaties which have been made between the people of the United States and themselves.

I believe that it is not proper now that the Secretary of the Interior or the Commissioner of Indian Affairs, acting for the Government of the United States, should at this particular juncture seek to do that which only eighteen months ago was directed to be done when a commission was appointed to treat with these Southern Utes of Colorado, and when, according to the report of the Commissioner of Indian Affairs, which I have before me, they declined to cede a portion of their territory. Then it was never pretended that this Government ought to ask these Indians to do anything else than to make such cession as to them might seem proper to be made voluntarily, in accordance with the treaty stipulations already made.

Mr. SAMFORD. I desire to ask whether the amendment offered by the gentleman from Mississippi carries out, in letter and spirit, the existing treaty?

Mr. HOOKER. It does *in totidem verbis*. It carries out the stipulations of the second article of the treaty, and it is more particularly designed to carry out the stipulations of the sixteenth article with reference to these people, who no doubt feel that the spirit expressed by the gentleman from Illinois [Mr. SPRINGER] would follow them, whether they were in Colorado, or whether, according to the humanity of the gentleman from Colorado, they were removed for the time being to some new Territory, to become there in turn an obstacle in the way of civilization, and thus to be brushed away without reference to treaty stipulations and the solemn compacts and agreements of our Government.

You are temporizing with the question when you undertake this

proceeding. You are doing it at a time when, in my judgment, it is not manly to do it with reference to these Southern Utes. If they have to be treated with hereafter, let them be treated with. Let them give their free assent before they are deprived of a single rood of land which by solemn treaty stipulations you have said shall be theirs, and which you have so secured to them that it cannot be yielded unless three-fourths of the adult members of the tribe agree.

One word more and I am done. It has been said by the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Colorado [Mr. BELFORD] that because of the value of these lands, their rising value, they must be ceded; that the tide of Anglo-Saxon civilization is sweeping over this continent, and that the Indians must yield to it as savage tribes have ever yielded. I say, Mr. Chairman, that such a proposition comes with bad grace from the Representatives of a Government which has pledged its power by solemn constitutional amendment and solemn legislative enactments that the recently emancipated people of this country belonging to the African race shall receive forever the protection of the Government in the new rights, the new duties, the new powers, with which they are invested as citizens. When you extend this protection to members of the African race, shall you say that the Indian, though he is connected with you on every page of your history, and his beautiful language has named your States, your rivers, your Territories, your towns, your hamlets, and your valleys from where the first ray of the morning sun gilds the spray of Niagara to where his last parting ray sinks into the golden gates of California, is to be robbed of what he has merely because he is weak and powerless and incapable of protecting himself? [Applause.]

Mr. SCALES. I now yield five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. Mr. Chairman, this debate has wandered far from the report of the Committee on Indian Affairs. The resolution as reported by that committee does not contemplate the abrogation of a single treaty right. It does not contemplate the removal of the Indians from their present home; it simply proposes that under existing treaty stipulations a commission may be appointed to treat with these Indians and secure their agreement—that is the language of the resolution—for a parting with such portion of their reservation as may be deemed necessary for the preservation of peace. It contemplates paying the Indians whatever their land may be worth, and relocating this tribe upon some other portion of their present reservation.

The necessity of a measure of this kind will be readily seen when I state that the city of Leadville, in Colorado, is only twenty-five miles from this Ute reservation, and at that city there is an assessed valuation of $100,000,000 of property; that in the Ute reservation a large number of miners are already prospecting, and cannot be kept out from the recesses and defiles of those mountains; that the Indians themselves in some instances have wandered off their reservations to commit outrages; that between the whites and the Indians there is to-day a war. The object of this resolution is to provide for a meeting between representatives of the Government and the Indians, to secure by peaceful negotiation their assent to such disposition of those mineral lands as shall allay the prevailing excitement, prevent war, and secure equal and exact justice to the Indians. That is all there is in this resolution. There is no chance under it to violate a single treaty stipulation; there is no chance under it to rob the Indians. It simply seeks to relocate them by their own agreement upon another portion of their reservation.

In answer to the gentleman from Mississippi [Mr. HOOKER] who alluded to the Southern Utes, I desire to say that this resolution takes in the whole Ute reservation and the whole Ute tribe within the State of Colorado—not only those that have been at war, but those that have been at peace. It also provides that, before any agreement is made, three-fourths of all the Indians who have a right to agree under treaty stipulations shall agree to this new treaty or agreement between the Government and the Indians.

It is utterly impossible—it has been found impossible in a dozen cases preceding this—to keep the miners of Colorado and Wyoming off these mineral lands. It has been found impossible to maintain an army there adequate for the protection either of the whites or of the Indians. We have objected to the removal of these Indians because their reservation, as now occupied, is high up in the mountains; and although from its location on the map it may seem to be in the same latitude as my State, yet its climatic conditions are those of the northern part of the United States. In a great portion of the Ute reservation you are liable to have a frost every night. To locate these Indians on any southern territory, or in any other place than their own homes, was regarded by the committee as unwise, and they provided, therefore, their reservation should be diminished and that they should be located upon a smaller portion of it. The process contemplated is the process by which every Indian reservation has been diminished since the organization of the Government.

[Here the hammer fell.]

Mr. SCALES. I will now yield for ten minutes to the gentleman from Ohio, [Mr. FINLEY.]

Mr. CONGER. How much of the hour is there remaining?

The CHAIRMAN. Twenty minutes.

Mr. FINLEY. I thank the gentleman from North Carolina for his courtesy.

Mr. SCALES. Does anybody else want the floor?

Mr. CONGER. Does the gentleman from North Carolina yield the floor?

Mr. SCALES. I did yield the floor to the gentleman from Ohio, but he has declined to take it.

Mr. FINLEY. I understood the gentleman from Michigan to make the point of order that the time for debate had expired; and I supposed, therefore, I could not go on. I was not tenacious about making a speech.

Mr. CONGER. No; I merely inquired how much time was left.

Mr. FINLEY. Then I misunderstood the gentleman entirely.

Mr. BRIGHT. After the expiration of the first hour, I presume the question will be open to general debate.

Mr. CONGER. I desire to obtain the floor when the gentleman from North Carolina concludes his hour.

Mr. CANNON, of Illinois. I ask the gentleman from North Carolina to yield to me for a question.

Mr. SCALES. I will yield for that purpose.

Mr. CANNON, of Illinois. Having heard this resolution, having heard the eloquent speech of the gentleman from Mississippi [Mr. HOOKER] and the statement of facts by the gentleman from Kansas, I wish to ask the gentleman from North Carolina whether he does not think the Committee on Indian Affairs ought not to be censured for not having reported a resolution which would fit the speech of my friend from Mississippi. [Laughter.]

Mr. HOOKER. I hope the gentleman will make that motion, if he thinks that is the proper way to get at it.

Mr. SCALES. Mr. Chairman, I must say that I do not think any speech that has been delivered meets the question before the House except to a certain extent the remarks submitted by the gentleman from Kansas who has just taken his seat. I do not think that it is a subject that affects the Indians or the emigrants. I do not think that this is an occasion upon which outrages upon the Indians should be developed and elaborated, nor do I regard it as a time when we should talk about what perils and difficulties the emigrants who have gone to the West have been subjected to. That question is not now before the House. I do not propose to discuss it. At some future time and on some future occasion, Mr. Chairman, I hope to have a bill in the House upon which gentlemen will be allowed to give all their views, when the question of public policy in regard to the course to be pursued toward these Indians may arise, but until then I propose to confine myself to the resolution before the House.

Mr. Chairman, what is it—and I beg gentlemen to give me their attention for the few moments I have—what is it that is proposed by this resolution? The gentleman from Michigan objected to the resolution because it proposes to tie the hands of the treaty-making power. I want to say in answer to that objection that this is not a proposition to make a treaty. The time for making treaties with the Indians is past. That power has been repealed. Under no law now in existence in this country can we treat with any Indian tribe. But the resolution in that regard is just the resolution that came to us from the Secretary of the Interior. It is his language, sir, and they—the President and the Secretary of the Interior—do not object to it, and we adopt the exact language used by the Secretary himself. His resolution, however, comprehended all the territory in our vast domain where in his discretion he might think proper to locate these Utes. That resolution was introduced into the Senate, and that body excepted only from its comprehensiveness the Indian Territory. In that shape and condition it came back to the House. It was then referred to the Committee on Indian Affairs; and was considered with due regard, sir, to the rights of the Indians, and while chairman of that committee, I wish to say here and now that I shall, on all proper occasions, stand by the rights of the Indians, and endeavor to do what I can to protect what I consider a down-trodden and helpless race. At the same time, Mr. Chairman, I believe there are duties we owe to our own citizens, duties to this Government, and my policy is to so harmonize them that we can develop the great interests of this Government and yet secure the Indians in all their rights and all their property. In order to secure these Indians, what does the committee do? And if any gentleman is squeamish on the subject I ask that he shall read carefully what we recommend. We recommend, and that is the amendment, that the Indians shall not go beyond the borders of Colorado. We recommend that their consent shall be taken in the very words of the treaty which they made about ten years ago; that nothing shall be done except by their free consent thus obtained. We recommend that nothing shall be done except by their free consent, and then after that is done the matter shall come before Congress for its approval or disapproval. What is there objectionable in that? Why all this talk?

Mr. TUCKER. Is that in the amendment?

Mr. SCALES. It is, sir. It is a part of the resolution. It must come back to Congress.

Mr. TUCKER. That the consent of Indians shall be had, according to the terms of the treaty?

Mr. SCALES. Yes, sir; according to the terms of the treaty. As the gentleman from Mississippi [Mr. HOOKER] told you in so many words, it is exactly and identically the language used in the treaty with those Indians.

There is another fact I will state to the House. My friend, the gentleman from Mississippi, says he does not think this is the proper time for it. Why? Two years ago we made a treaty with these Indians,

or a contract, by which they agreed of themselves to cede all this territory and to give the Secretary the right to locate them anywhere upon our domain. But now they are in difficulty with the Government; now some of them are under arrest, some of them are in duress; and so careful was this committee that they should not be imposed upon that we said not a step should be taken until three-fourths of them should consent to it and unless it should be brought back to Congress for approval.

Mr. HOOKER. Will my friend let me correct him in regard to one statement?

Mr. SCALES. We will disagree about that. I think we disagreed in the committee on that question; and I hope the gentleman will not interrupt me, because my time is very short.

Now, Mr. Chairman, that is all of this question. We are now to determine what we shall do. War is going on. Peace has not been settled. The Secretary of the Interior asks that he be allowed now, after there has been this interval between peace and war; now when there is a chance to settle this difficulty permanently; now when we will be able perhaps to open those mines to American emigration; now when the Indians are willing, if they are willing, to give them up and take other lands more applicable to them on account of agricultural qualities—the Secretary of the Interior, I say, asks us now that he may have the opportunity of settling this question permanently. He asks that all causes of difficulty shall be withdrawn. He asks to be allowed to do that which will protect your territory at Leadville, to protect the mines in that country not valuable to the Indians, to open up that entire country, if they consent to it. And what harm is done? Who is imposed on? Whose rights are sacrificed? Not even the feelings of the Indians, because we say, "You shall not be taken from your homes; you shall not be taken from your burial grounds; you shall still live in the country where your fathers lived; you shall still linger, if you please, around your burial grounds; you shall still be buried with the Indians of the past, if you so desire. It is for you to say. Your consent is necessary, and it cannot be done without your consent."

And it is not to be complete then, Mr. Chairman, and cannot be completed until Congress shall say it is proper and right and justice has been done to these Indians.

The CHAIRMAN. The gentleman's time has expired.

Mr. SCALES. I move that the committee rise and report this bill to the House.

Mr. CONGER. I guess not.

Mr. TUCKER. Would it not be more regular to have the resolution read and acted on?

Mr. CONGER. It cannot be reported to the House while I have an amendment to offer.

The CHAIRMAN. If the committee should rise now the bill would be left in committee, as it has not yet been considered by sections.

Mr. SCALES. I hope by unanimous consent we will proceed under the five-minute rule to debate the proposition.

Mr. CONGER. I have the floor, and ask to be recognized in my own right to an hour.

The CHAIRMAN. The committee can only rise and report the bill to the House by unanimous consent.

Mr. SCALES. I move the committee rise, for the purpose of cutting off debate.

Mr. CONGER. I am on the floor, and the Chair recognized me.

The CHAIRMAN. The gentleman's remedy is to vote down the motion.

Mr. CONGER. I claim the floor, having been recognized by the Chair.

Mr. SCALES. Hear me for a moment.

Mr. CONGER. Not until I am recognized and have the floor, and then I will yield for a question.

The CHAIRMAN. The Chair will have to put the motion submitted by the gentleman.

Mr. CONGER. The gentleman did not have the floor to make the motion.

Mr. SCALES. I did have the floor and did not yield it.

Mr. CONGER. I move to strike out the last word; and the rule forbids the reporting of a measure while an amendment is pending.

The CHAIRMAN. The gentleman can do that. The motion to rise is equivalent to a motion to adjourn and must be put.

Mr. CONGER. I have brought on this debate by my objection in the House. The gentleman from North Carolina has had his hour.

The CHAIRMAN. The motion is not debatable.

Mr. CONGER. The gentleman from North Carolina has had his hour and now he attempts in violation of all ordinary courtesy to cut off all debate on this side.

The CHAIRMAN. The motion is not debatable.

Mr. GARFIELD. I submit that while a motion to rise is not debatable, a motion to rise and report a bill to the House is debatable.

Mr. SCALES. That is not the motion.

The CHAIRMAN. The motion is that the committee rise for the purpose of limiting debate.

Mr. GARFIELD. That of course is not debatable.

The question being put on the motion of Mr. SCALES, that the committee rise for the purpose of limiting debate, there were—ayes 55, noes 59.

So the committee refused to rise.

Mr. CONGER. Mr. Chairman, what is there in this resolution passed by the Senate, examined by a committee of this House, and sent to the Committee of the Whole for discussion that should make the gentleman in charge of it, after having given to his friends every opportunity to defend it, refuse the same opportunity to gentlemen on the other side?

Mr. SCALES. Will the gentleman allow me one word?

Mr. CONGER. No, sir; not now.

Mr. SCALES. I hope the gentleman will not do me injustice. I did no such thing. I gave the floor to gentlemen representing both sides.

Mr. CONGER. The gentleman asked the committee to rise for the purpose of closing debate. And I venture to say he did not even know the gentleman from Mississippi [Mr. HOOKER] would so eloquently and forcibly oppose this resolution. What is there in it which demands such secrecy, such haste, and the prevention of discussion? The gentleman may explain that when he has the floor again.

It is remarkable, sir, that the only advocates of this measure, the distinguished gentleman from Illinois [Mr. SPRINGER] and the gentleman from Colorado, the State most interested in this matter, have fortified this bill by referring to all that has occurred since the discovery of this continent that is wrong and injurious and rascally to the aborignal tribes of this country.

Mr. SPRINGER. Will the gentleman allow me?

Mr. CONGER. Not now.

Mr. SPRINGER. The gentleman stated I am in favor of the amendment. I am not. I am opposed to the amendment reported by the committee.

Mr. CONGER. The gentleman is in favor of the bill.

Mr. SPRINGER. And I think the gentleman from Colorado also is opposed to the pending amendment.

Mr. CONGER. He is in favor of the bill. Now what kind of bill is it that requires this hasty passage, that requires the forbiddal of debate, that requires the gathering around it all the brilliant and world-renowned rascalities that have been practiced upon the Indians since the discovery of America to this date, to sanction it, to enforce it, to pass it? Sir, there are some things in the history of this country as regards the conduct of the American people toward the Indian tribes which in the view of the civilized world we palliate as best we can. We deny them as often as we may; we recur to them with regret and with shame. Yet to-day on this floor members of this House recur to them as a reason, as an inducement, as an incentive for the perpetration of an additional wrong to the Indian race.

Now, sir, what is this resolution? The gentleman who introduced it has undertaken to state what it is. What is this resolution and what does it amount to? What lies beyond it? What is concealed? This great nation had made a treaty with a mountain tribe of Indians ten or eleven years ago by which they were permitted to go far up into unknown mountains, reported to be almost uninhabitable by civilized man, and to remain there, driven up from the frontiers, driven up from their passage out upon the plains, driven away from all lands that ten or eleven years ago the avarice and greed of white men might desire. They were so driven away and allowed to live in the fastnesses of their mountain homes. To-day the enterprise and avidity of our race have discovered treasures of silver and treasures of gold in the neighborhood of these mountains. The miners are prospecting. They have actually, as is said to-day, found rich minerals within twenty-five miles of the Ute reservation. Ah, sir, sometimes in former years we have waited till our miners or our agriculturists have stepped over the lines and have found mines or have found valleys to cultivate before we undertook to drive the Indians away. But we are becoming bolder and bolder year by year. As soon as the white man comes within sight of the mountains, as soon as he comes to the foot-hills twenty-five miles off, the committee appointed to protect the Indians in their rights brings in a bill to remove the Indians from their reservation. Our people have not yet passed into the reservation; the miners have not yet gone into the mountain, they are twenty-five miles off——

Mr. HASKELL. Will the gentleman from Michigan allow me to correct him by stating that the city of Leadville is within twenty-five miles of the Ute lands; it has one hundred millions of assessed valuation, and already the mountains west of Leadville and in the reservation are filled with adventurous miners hunting new mines.

Mr. CONGER. I am glad the gentleman has made the admission, for I misunderstood him before. The treaty which has been read declares that none but Indians—friendly Indians—shall go upon that reservation. Why have miners gone upon this reservation in violation of the treaty? Why have citizens of the United States violated the treaty? Because they can make a disturbance there and because they can excite Indians to warfare there, and because it is necessary to excite the Indians to warfare in order that they may rush to this Congress to demand that the Indians be driven from their reservation. The history of the past and the history of the present run together on all fours. It is a repetition over and over again of the same treatment of the Indians.

Mr. BELFORD. May I ask the gentleman a question?

Mr. CONGER. Yes, sir.

Mr. BELFORD. I say that the people of Colorado never gave these Indians any occasion whatever for the late disturbance; and I

challenge the gentleman to show a single fact pointing in that direction.

Mr. CONGER. The gentleman from Colorado said he would ask a question, but he has made an assertion which he made before. The gentleman from Kansas says that miners are already all over that reservation.

Mr. BELFORD. The gentleman is not correct in so stating.

Mr. CONGER. I thought he was not correct, but I did not dispute it myself. [Laughter.] I was feeling my way so as to draw from the representative of those hills and those mountains of Colorado a denial of the statement of the gentleman who dwells upon the plains of Kansas.

Mr. HASKELL. And I now assert what I asserted before, that miners are on this reservation to-day.

Mr. CONGER. Now whom shall we believe? [Laughter.] I do not enter into this question of veracity between these gentlemen. My friend from Kansas [Mr. HASKELL] may probably be able to stand upon the plains of Kansas, and from the enormous height from which he looks may be able to see away off into the mountains of Colorado better than the gentleman from Colorado [Mr. BELFORD] himself, although he comes from the mountains themselves. [Continued laughter.]

I say again that if there be any trouble there it has arisen from the violation of the treaty made within the last eleven years, and the violation, too, by citizens of the United States. And it seems that the Government of the United States has taken no pains whatever to enforce that treaty and to keep out of that reservation those who have no business to go there.

Why, sir, the very battle to which allusion has been made here was caused by sending an armed force into that reservation contrary to treaty stipulations and without notice. It may be said they were sent there to preserve peace and protect our own citizens. But the necessity for that was because individuals, miners or others, went over and upon the reservation in violation of treaty stipulations. It was because of that that these troubles have arisen. And I venture to assert here in the presence of the House that a fair investigation will show that more than nineteen-twentieths of all the Indian troubles within the borders of the United States, from the commencement of this Government until now, have been occasioned by violations of treaty stipulations on the part of citizens of the United States. This is but another instance of the same kind. They come so frequently that we are accustomed to look upon them as trivial matters.

This House has already decided that they will not make treaties with the Indians; yet this bill provides for all but in name a treaty, an agreement. Now, notwithstanding what the gentleman in charge of this bill says, I assert here that the provisions of this bill are in violation of the treaty itself. The treaty says that this territory shall not be taken from these Indians under any pretense whatever, unless three-fourths of all the adult Indians in such territory shall consent thereto. Now, what does this bill say? It says that three-fourths of the Indians in such territory, meaning only that part which the Government proposes to take, and not including Indians who have no right, as the bill says, to a voice on this subject, on account of their connection with these warlike operations, shall decide this matter. The report makes more than two-thirds of the Ute Indians defenders of these warlike operations of the Utes. What does that leave? A quarter or a third at most of all the Indians interested in that territory to determine whether this territory shall be given up. That is the iniquity of this bill. It is a violation of treaty obligations. There is no force of reasoning or of explanation whatever that can take that out of this bill.

Mr. HASKELL. It is in the treaty.

Mr. CONGER. It is not in the treaty.

Mr. HASKELL. The treaty provides that if they want to cede their lands they can do so.

Mr. CONGER. I know that; but there is excluded by this bill from any voice in this matter all those Indians connected with warlike operations.

Mr. HASKELL. They are excluded by the treaty.

Mr. CONGER. They are not excluded by the treaty of 1868. I heard the articles of that treaty read a moment ago, and, so far as I remember, there is nothing of that kind in it. This bill proposes to make a different provision from the treaty provisions. I condemn this bill, because this House has no right, this Congress has no right, to resolve that we shall make an agreement in the nature of a treaty to break another treaty made with any power. I oppose this bill because its very advocates say that these Indians must be removed because they are in the way of the white men. I oppose it because it provides that these Indians shall be located in some other portion of Colorado. Where else in Colorado can they be permitted to go? Shall they go upon the agricultural lands? Shall they have their homes among the whites, where there are already great business centers? We know that cannot be done with safety. I oppose this bill because it is the duty of the United States, with the strong arm of its power, to protect the Indians in their reservations, to keep out all intruders until some provision shall be made in regard to those reservations, according to the usual forms of law.

This is not the first time that a measure of this kind has been hurried through Congress at the instigation of Senators and Representatives of a State in order to satisfy the greed and desire of those who want Indian lands. Let this matter remain until we come together again, until we can know what is right and what is just, and how this Government may honorably and fairly fulfill its treaty obligations.

Sir, if we have not now the means to protect the Indians there, let us increase our means for that purpose. I have said, and it has been said on this floor hundreds of times, that we needed an increase of the Army for the purpose of protecting our citizens and enforcing our laws, and enforcing the obligations of our treaties. Yet we send a little band of men into a mountainous region—one hundred and forty men only—among the defiles of the mountains, without any particular object in view, and with no prospect of passing through the mountains without a collision, and we leave them there to be ambushed and slaughtered.

The one redeeming circumstance connected with that massacre, as with all other massacres of our brave troops, is the desperate and heroic courage of our officers and our men—the glory that they have added to our arms in those far-off mountains where they fought and fell. Besides this there is the additional circumstance that they were rescued from peril by the intrepidity, the gallantry of colored troops of the United States.

So far as I am concerned I oppose the principle of this resolution. I oppose this mode of treating with the Indians. I oppose attacks upon their rights in any and all forms. I may say here that since the Pontiac war of 1673 there never has been an Indian war or an Indian outbreak in the State of Michigan, either under British or American rule. The Indians of Michigan have not been imposed upon and wronged even by the Government of the United States. Under the treatment they have received from our State they have all, with the exception of one or two small bands, dissolved their tribal relations and become citizens of Michigan. They are voters there. They own their lands in severalty. What the gentleman from Colorado [Mr. BELFORD] alludes to in this connection I know not, unless it be the fact that when it was provided by law that the Indians should have the right to select land in severalty and that the remainder of their land should be sold for their benefit, there were white men there as there are in Colorado who sought to strip the Indians by fraud and collusion of the land or of the money which they would receive for it. When that occurred, Michigan men, instead of standing up on the floor of Congress and defending this advance of rascality upon the rights of the Indians, denounced it and stopped it. The contrast is remarkable between the conduct of my colleagues from Michigan when the rights of Indians were invaded there, and that of the Representative from Colorado when it is sought to sweep a whole nation of Indians from their old reservation.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GODSHALK] for five minutes, or as much longer time as he may desire.

Mr. GODSHALK. Mr. Chairman, the discussion of this question has disclosed the fact that another strip of land ceded to the Indians is wanted by the people of Colorado; and, sir, they propose to take it in a very summary and unusual way. They seem to think that "might makes right." They tell us that the people of Colorado have resolved to take that land from the Indians, and that there is no power in this Government to restrain them. Whether that be so or not, (I do not believe it is so,) I ask whether that is the right way to proceed in a matter of so much importance as this? There is a better way. William Penn found it when treating with the Indians in Pennsylvania, and his wise and humane conduct toward the Indians was rewarded by long years of peace and security. There was no trouble with the Indians there, from the very fact that they were recognized as human beings, that they were treated as people who had some rights.

I object altogether to the mode of proceeding now proposed. If we are to recognize the principle that "might makes right," I object to invoking the treaty-making power of Congress to enforce such a doctrine. It is all wrong. About ten or eleven years ago we made a treaty with these Indians, ceding to them this territory which we now think of taking from them. It is now proposed, with the civilized world as lookers on, to dispossess them in this summary way—almost without consulting them. Why, sir, the treaty we then made was to last forever; it was by its terms perpetual. And now, because there is something in that country worth stealing, (to use plain language,) because the people there suppose there is great mineral wealth in the adjoining mountains, it is proposed that the representatives of a civilized and Christian nation, which we claim to be, shall proceed in this summary manner to dispossess those Indians without regard to their treaty rights. I hope the joint resolution will not pass.

Mr. HASKELL. Mr. Chairman, allow me to explain just a moment with reference to the provisions of the treaty. On page 984 of the revised Indian treaties, I find in the treaty with the Utes this language:

> If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they willfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

Now let me read section 2080 of the Revised Statutes:

> Whenever the tribal organization of any Indian tribe is in actual hostility to

the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

Thus by our statutes it is provided that when any Indian commits a wrong against a white man or any other person subject to the authority of the United States he ceases to be under the protection of the tribe and must, upon demand, be delivered up to the United States. Then here is the further sweeping provision in the treaty that whenever this tribal organization is at war with the United States the President may, by proclamation, abrogate all treaty obligations with them. We are to-day proposing to treat with these Utes, paying full regard to existing treaty stipulations; not one line of any existing treaty is to be abrogated by the action of this commission. Yet under the treaty we have the right to demand that any Indian engaged in war upon the United States shall be delivered up to the United States authorities—shall be surrendered from the control of the tribal organization and shall be punished by the United States. More than that, whenever this tribal organization is at war with the United States, as it is to-day, the President is empowered to abrogate by proclamation existing treaties. Yet when we stand here and advocate a resolution conforming to all treaty stipulations, violating none, framed in the interest of the Utes, framed in the interest of the "poor Indians" whom the gentleman from Michigan so eloquently defends, framed for the purpose of saving their property and lives, we are charged with attempting a violation of treaty obligations, when in fact that whole tribe to-day are legally in the hands of the President of the United States to be dealt with as felons.

Mr. CONGER. That is just as much as to say, Mr. Chairman, the proposition is plain, that there is nobody there to make this agreement with, and that the whole tribal organization were in opposition to the United States.

Mr. HOOKER. That is not true in point of fact, for, sir, the Southern Utes never have been in rebellion against the authority of the United States.

Mr. CONGER. The proposition of the gentleman is that the refusal of these men to deliver up the Utes connected with the massacre makes such a state of warlike opposition to the United States as would exclude them from acceding to this agreement, and, therefore, there is nobody left perhaps but these Indians who are coming to Washington to deed away all this great reservation. The more this unfolds itself the more perfect the iniquity becomes, and the more the advocates of this measure defend it the more it seems to me apparent that there is a rascality lying hidden in its provisions and a wrong to these Ute Indians which honest men should condemn and avoid.

Mr. BELFORD. The original resolution was prepared by the Secretary of the Interior, and do you charge the Secretary of the Interior with a rascally scheme? Do you intend to impute to the Secretary of the Interior the fact that he has sent down to the Senate a rascally scheme, and asked us to indorse it?

Mr. CONGER. When the gentleman brings to me a request from the Secretary of the Interior to him to defend him then I will answer.

Mr. BELFORD. I say that the resolution was prepared in the Interior Department and sent to the Senate from that Department, and it ill becomes the gentleman to assail the republican administration publicly and to charge it with fraud. [Laughter and applause.]

Mr. CONGER. If the gentleman's statement in regard to the origin of this resolution is not more founded upon fact than some of his statements in regard to the Ute Indians and the encroachments of the whites upon them, then he must remodel it.

Mr. BELFORD. It is nevertheless the fact that this is the pet measure of Secretary Schurz. I desire to say that it came to the House and Senate in order that the Indians might have an opportunity to consent to a reduction of their reservation. But I understand the gentleman from Michigan to take the position before the House to-day that under no circumstances shall that reservation in the State of Colorado be reduced.

Mr. CONGER. Oh, no; I never took any such position.

Mr. BELFORD. That is the position the gentleman occupies.

Mr. CONGER. I take the position that we must comply with our treaty stipulations; and if you want the Indians to surrender their rights under the treaty, then let it be understood that every one of them shall have the right to pass upon this question, and if three-fourths of the adults, as provided in the treaty, desire either to remove from their reservation entirely, or to surrender a part of it and go elsewhere, then we have at least kept within treaty stipulations. But by the gentleman's own statement—and I venture to say the Secretary of the Interior never would make that proposition—by the gentleman's own statement all those who engaged in warlike operations or sanctioned them against the United States, notwithstanding the treaty, are precluded from voting on this question.

Mr. HOOKER. The treaty expressly excludes all hostile Indians and includes by express terms those who have kept peace with the Government.

Mr. CONGER. I now yield for five minutes to the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman, I am not desirous of saying anything to the committee on this subject, for I have been inclined to vote for this resolution. But I dislike very much to assume in a resolution that we may pass in this Congress that title guaranteed to this tribe of Indians is forfeited by acts of hostility or otherwise, to use the exact language of the resolution itself. I do not know what act of hostility would forfeit title to lands owned by this tribe of Indians. But we assume by the form of our resolution that all those persons who have been guilty in any way of acts of hostility in any degree have forfeited all their rights and interest in these lands.

Mr. HASKELL. Why, sir, section 2080 expressly provides that if the tribal organization of the Ute Indians enters into any hostility against the authority of the United States, then the President may by proclamation abrogate all treaties. That would abrogate all rights under this treaty.

Mr. KEIFER. I understand that the treaty may be abrogated under certain circumstances; but the gentleman's proposition is to stand by the treaty, and have the President of the United States stand by the treaty, but at the same time say that a certain portion of this tribe of Indians shall have no voice in executing the treaty.

Mr. HASKELL. That was clemency on the part of the committee and of the Secretary and Congress, that we should not take all the right we possessed under the law, but that we should treat these Indians more leniently and more righteously than we were by law entitled to treat them. I was simply debating a question of law raised against me. But we went on broader ground. We refused to recognize, and so did the President, that these hostile acts on the part of these Ute Indians abrogated the treaty with those Indians, and we simply declared that every Indian not in hostility to the United States shall have a chance to come in here and vote on this agreement, and that three-fourths should be secured before any transfer could be made.

Mr. KEIFER. I have been fortunate enough to stir up the gentleman a little on this subject. But I do not see his point. I fail to see it. I understand the committee to be entirely in favor of recognizing this treaty and working out some scheme by which they may have these Indians, not only those guilty of hostility toward the United States, but all the others dispossessed of their rights. That was the act of mercy and grace on the part of the committee, that they let anybody in at all to speak for this tribe of Indians; that they propose to take all their lands from them by negotiating with a few; I do not know whether they are those who could not fight or would not fight, the cowards of the tribe, or what they were, but they are the persons with whom this negotiation is to be made. They are to let such persons as may be chosen by the President of the United States or the Secretary of the Interior go on and determine who they shall hear and whose vote they shall take, and who they shall consult in determining whether they will take away the title of these Indians to their reservation itself. If we can get upon any plan by which these lands may be fairly receded to the United States and this tribe of Indians removed to another place where they are willing to go, I am inclined to think that would be right.

Mr. HASKELL. I will make that point clear.

Mr. KEIFER. I will yield to the gentleman.

Mr. HASKELL. Under the treaty with these Ute Indians it is provided if any one shall commit any crime he shall practically be disfranchised—cut off from the tribe, and they are to deliver him up, turn him over to the United States Government. That is in the treaty. That is the agreement. Now, I say in treating with these Indians under the treaty for their land we will treat with all those who have not by the terms of their treaty cut themselves off from their treaty rights and I say that is an act of leniency on the part of the committee, for under section 2080 of the Revised Statutes the power is lodged in the President, if he chooses to exercise it, when the tribal organization is engaged in war to abrogate the treaties with that tribe and wipe out every one of them. The committee did not desire to have the President, the Secretary, or Congress abrogate the treaty or steal the lands, but under the provisions of the treaty to agree with them about a recession of a portion of their reservation.

Mr. WILLITS. I should like to know whether——

Mr. CONGER. I will yield ten minutes more to the gentleman from Ohio.

Mr. WILLITS. I should like to know whether any facts exist in this case which would warrant the President in abrogating that treaty?

Mr. HASKELL. They do.

Mr. WILLITS. I should like to inquire whether the tribal organization of Utes have ever been at war with the Government.

Mr. HASKELL. They are now, to-day.

Mr. WILLITS. I do not understand that to be so.

Mr. HASKELL. In the last council of the Utes, the proceedings, which were read to this House to-day, showed that a declaration of war was made by Ouray, Colorow, and Jack, head chiefs of the Ute tribe.

Mr. WILLITS. Did the commissioner so understand it?

Mr. HASKELL. They flung on the floor of the council-room their knives drawn; they refused to smoke the pipe of peace in solemn council. What is that but a declaration of war?

Mr. WILLITS. Did the commissioner understand that was a declaration of war?

Mr. HASKELL. It was a declaration of war and refusal to comply with their treaty stipulations, and the council broke up.

Mr. WILLITS. It was broken up with the distinct understanding that they would obey their treaty obligations and give up the guilty men. They did everything asked of them.

Mr. HASKELL. But on condition that they should be tried outside of Colorado.

Mr. WILLITS. I understand they recognized the obligations of their treaty, and I deny there was any declaration of war.

Mr. HASKELL. And since that council they have refused to bring in the men, and there is not one of them that has been brought in.

Mr. WILLITS. That is a question of fact.

Mr. KEIFER. All this I suppose is a part of my speech.

Mr. FINLEY. It has been very well put in.

Mr. KEIFER. I do not understand, however, that my friend from Kansas [Mr. HASKELL] has made this point entirely clear. It may be to himself and to others here, but it is not so to me. I think the distinguished gentleman is very widely mistaken in undertaking to state to the House in Committee of the Whole what constitutes a declaration of war on the part of a tribe of Indians.

The CHAIRMAN. The committee will come to order. Gentlemen in the aisles will please be seated.

Mr. TALBOTT. I move that the committee rise and report progress.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] has the floor.

Mr. KEIFER. I was about to say that I must take issue with the distinguished gentleman and soldier from Kansas as to what constitutes a declaration of war by a tribe of Indians.

Mr. HASKELL. I was talking about the Utes.

Mr. KEIFER. I do not propose to discuss that question, because it is not very germane to this debate; but I will say that I do not believe a few Indians throwing down their knives upon the floor, when they are disputing about certain matters, constitutes a declaration of war that has the effect to take the tribal rights——

Mr. HASKELL. That is good Ute law.

Mr. KEIFER. That has the effect to take away from them entirely the tribal rights under United States treaties. I say it is not good Ute law. But the gentleman is mistaken in the fact, because during the negotiations that were going on there was a dispute upon the question as to where these hostile Indians were to be tried; and they threw down their knives merely to indicate that they were at issue with the commissioners of the United States upon that one point; and they did not then dispute, and have not since disputed, the fact that these hostile Indians ought to be delivered up to the United States courts for trial somewhere.

Mr. HASKELL. May I ask the gentleman a question?

Mr. KEIFER. Pardon me; I should be allowed to use one-fourth of my time myself. And they are to-day sending hostile Utes to the Secretary of the Interior, to be tried, as I understand, in the city of Washington. The gentleman, then, is mistaken as to that.

Now, to come back to the question before the committee, I do not understand that we are acting faithfully when we declare that it is for these persons who may be appointed by the President of the United States to determine what Indians of this tribe have forfeited their rights under the treaty of the United States. I do not understand that the treaty undertakes to define what character of hostility operates to forfeit the rights of an entire tribe. And, sir, I understand the article of the treaty which has been referred to by gentlemen who are in favor of this resolution simply provides what tribal hostility may operate to destroy the rights of the Indians under the treaty, and gives the President of the United States the right to declare the treaty void and thenceforth of no force.

Mr. SCALES. Will the gentleman allow me——

Mr. KEIFER. In one moment. Now gentlemen propose that a commission shall go out, appointed by the President of the United States, who may consult with the women and the boys and the cowards and the skulkers that are about there, and carry away that entire reservation, the United States at the same time standing up and claiming that it is enforcing treaty rights. If the President of the United States thinks and believes that the Ute Indians have forfeited their rights under this treaty let him so declare. Let gentlemen act boldly about this matter, and not undertake to deal with a certain class of persons who shall speak for the whole tribe.

Mr. SCALES. If the gentleman from Ohio will allow me, I think it is very evident that we cannot get to a vote this evening. With the permission, therefore, of the gentleman, I will move that the committee rise. He will have the floor when the House again goes into Committee of the Whole.

Mr. KEIFER. I have no objection to that.

Mr. FRYE. Before the gentleman stops I will make a suggestion which will perhaps save all difficulty about this matter. I suggest that the Ute Indians be stricken out from the resolution, and that the Fusionist tribes of Maine be inserted in their place. [Laughter.]

Mr. KEIFER. The other day my distinguished friend from Maine was disposed to be facetious about Ohio. But his conscience has pricked him, and he now comes and attacks his own State. I am willing to agree to the course suggested by the gentleman from North Carolina, reserving my right to the floor.

Mr. HASKELL. I would like the gentleman to answer one question.

Mr. KEIFER. I will when I again take the floor and have an opportunity of knowing more about it.

Mr. CONGER. How much time have I left?

The CHAIRMAN. Fifteen minutes.

Mr. SCALES. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole on the state of the Union had had under consideration the joint resolution (S. R. No. 51) authorizing the Secretary of the Interior to negotiate with the Ute Indians for the relinquishment of their reservations in Colorado and their removal and settlement elsewhere, and had come to no resolution thereon.

CORRECTION IN SUNDRY CIVIL APPROPRIATION ACT.

Mr. BLOUNT, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. R. No. 156) to correct an error in the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes; which was read a first and second time.

The joint resolution was read, as follows:

Be it resolved, &c., That the clause in the first section of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, approved March 3, 1879, which makes an appropriation "for payment of retained percentages on contracts made during the fiscal year ending June 30, 1876, for paving roadways in Capitol grounds, $2,217.94," is hereby so amended as to read "for payment of retained percentages on contracts made during the fiscal year beginning July 1, 1876, for paving roadways in Capitol grounds, $2,217.94."

Mr. BLOUNT. I will simply state that this is to correct an error in the sundry civil bill, which grew out of an error, perhaps typographical, in the Book of Estimates. It is a unanimous report. If further explanation be desired, I will have read the communications from the Department on the subject. If not, I will have them printed in the RECORD.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The following are the communications from the Treasury Department:

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., November 26, 1879.

SIR: I beg leave to call the attention of your honorable committee to a clerical error made in the following paragraph of the sundry civil appropriation bill, approved March 3, 1879:

"For payment of retained percentages on contracts made during the fiscal year ending June 30, 1876, for paving roadways in Capitol grounds, $2,217.94."

The amount thus appropriated is not available, as the language of the act should have been for payment of retained percentages on contracts made during the fiscal year beginning July 1, 1876.

The contracts for which this percentage was intended were all made in September, 1876, and provided that the retained percentages should be paid three years after date of contract.

I respectfully ask that an amended act be passed relating to this matter, so that the money may be available for the purpose intended.

I am, very respectfully,

EDWARD CLARK,
Architect United States Capitol.

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations,
House of Representatives.

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,
Washington, D. C., November 5, 1879.

SIR: The reserved percentages for work done on paving roadways during the year 1876 are now nearly due and payable. In examining the appropriation for sundry civil expenses, approved March 3, 1879, I find that in the paragraph relating to these reservations a clerical error has been made, namely: for retained percentages on contracts made during the fiscal year ending June 30, 1876, instead of fiscal year beginning July 1, 1876.

As this is a clerical error, and as there were no contracts made before for roadways, I hope that by referring this matter to the Comptroller permission may be given to use this money without getting an amendatory act of Congress for this purpose.

Very respectfully,

EDWARD CLARK,
Architect United States Capitol.

R. JOSEPH, Esq.,
Disbursing Agent for the Office of the Architect United States Capitol.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., November 8, 1879.

SIR: Acknowledgment is made of your reference to this office of a letter of Hon. Edward Clark, Architect of the Capitol, dated the 5th instant.

The language of the clause in the sundry civil act approved March 3, 1879, referred to in that letter, is not ambiguous, and the words "ending June 30, 1876," cannot be construed to mean "ending June 30, 1877."

Amendatory legislation will be required.

Yours, respectfully,

A. G. PORTER, *Comptroller.*

R. JOSEPH, Esq.,
Disbursing Clerk for the Office of the
Architect of the United States Capitol, Interior Department.

CAROLINE V. SAYRE.

Mr. SMITH, of Pennsylvania, from the Committee of Accounts, reported back, with a favorable recommendation, the following resolution:

Resolved, That there be paid out of the contingent fund of the House to the Sergeant-at-Arms thereof a sum sufficient to pay the proper funeral and expenses of last sickness of Philemon D. Sayre, late an employé of this House: *Provided*, Said sum shall not exceed $500, to be approved by the Committee of Accounts; and there shall be paid out of the same fund, subject to the same approval, three months' pay to Mrs. Caroline V. Sayre, mother of deceased.

Mr. STEVENSON. I would inquire whether it has been customary to pay accounts of this kind? I have never known it.

Mr. SMITH, of Pennsylvania. I would say in regard to the inquiry of the gentleman that I have consulted with persons in reference to

this matter, and am informed that for the last twenty years it has been customary to pay expenses of this kind. Last session we passed a resolution of a similar character in reference to Mr. Douglas, the colored man who had charge of the water-closet. We also passed another resolution in reference to Mr. Lennox, one of the employés of this House. If gentlemen desire it, I will have them read.

Many MEMBERS. That is not necessary.

Mr. STEVENSON. Let them be printed in the RECORD for the information of the House.

There was no objection.

The resolutions referred to are as follows:

Resolved, That there be paid out of the contingent fund of the House to the Sergeant-at-Arms thereof a sum sufficient to pay the proper funeral and expenses of last sickness of Robert W. Lennox, late an employé of this House: *Provided*, Said sum shall not exceed $500, to be approved by the Committee of Accounts; and there shall be paid out of the said fund, subject to the same approval, three months' pay to Mrs. James Lennox, mother of said deceased.

Resolved, That there be paid out of the contingent fund of the House to Nancy Douglas, widow of H. Douglas, late an employé of this House, a sum equal to his pay for three months, and the proper funeral expenses.

The resolution reported by Mr. SMITH, of Pennsylvania, was then adopted.

M. M. HERR.

Mr. SMITH, of Pennsylvania, also, from the Committee of Accounts, reported a joint resolution (H. R. No. 157) for the relief of M. M. Herr; which was read a first and second time.

The joint resolution directs the Secretary of the Treasury to pay to M. M. Herr the sum of $605 for services as assistant sergeant-at-arms to the House of Representatives during the first session of the Forty-sixth Congress.

Mr. SMITH, of Pennsylvania. I will state that this joint resolution is necessary in order that the money may be obtained from the Treasury. The House has already passed a simple resolution of the House, but the Comptroller of the Treasury refuses to audit the account. This joint resolution is for the purpose of putting the matter in the proper shape to secure payment.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL PAGE FOR DOORKEEPER.

Mr. WEAVER submitted the following resolution; which was referred to the Committee of Accounts:

Resolved by the House of Representatives, That the Doorkeeper is hereby authorized to employ an additional page for the convenience of the House, and that his services be paid for out of the contingent fund of the House.

REPORTS OF HEALTH OFFICERS.

Mr. WILSON (by request of Board of Health) introduced a bill (H. R. No. 3057) granting the passage through the mails at pound rates of all publications issued in print and at regular intervals by health boards and health officers throughout the country; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMPROVEMENT OF ALLEGHENY RIVER.

Mr. WHITE. I ask consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to inform the House at as early a day as practicable the manner, in detail, of the expenditure of the money appropriated by the Forty-fifth Congress for the improvement of the navigation of the Allegheny River in the State of Pennsylvania, and also the amount of money which may be necessary to complete the improvements already commenced, and also the amount which may be necessary to improve the navigation of said river from Olean, in the State of New York, to the headwaters of the Ohio River at Pittsburgh.

Mr. DUNNELL. That resolution ought to go to the Committee on Commerce.

Mr. WHITE. I beg the gentleman not to object.

The SPEAKER. Objection being made to its present consideration, the resolution will be referred to the Committee on Commerce.

PUBLIC LANDS FOR EDUCATIONAL PURPOSES.

Mr. MCMILLIN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Education and Labor:

Resolved by the House of Representatives, That the Committee on Education and Labor be, and is hereby, directed to prepare and report a bill for the sale and distribution of the proceeds of the public lands among the various States and Territories for educational purposes.

RAILROAD LANDS.

Mr. MARTIN, of West Virginia, by unanimous consent, introduced a joint resolution (H. R. No. 158) to forfeit certain public lands granted to aid in the construction of certain railroad and telegraph lines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY HIRD.

Mr. BRAGG submitted the following resolution; which was read, considered, and adopted:

Resolved, That the summary report of the commissioners of claims upon the case of the estate of Mary Hird, of Louisiana, be printed as an appendix to the ninth general report of the said commissioners.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House now adjourn.

Mr. COX. I desire to offer a resolution for the convenience of members.

Mr. MILLS. I withdraw the motion.

CENSUS.

Mr. COX submitted the following resolution:

Resolved, That 1,000 copies of the census law be printed for the use of the members of the House, accompanied with a statement of the division of supervisor districts made by the Superintendent of the Census.

Mr. DUNNELL. The number ought to be 2,000.

Mr. COX. I have no objection to that. Members want it.

Mr. KEIFER. It should not be less than 2,000.

Mr. COX. I will modify the resolution so as to make the number 2,000.

The resolution, as modified, was then adopted.

WITHDRAWAL OF PAPERS.

Mr. DWIGHT asked leave to withdraw from the files of the House papers in the case of James Byers, George W. Grigg, and John Nolan; which request was referred to the Committee of Claims, there having been an adverse report in the Forty-third Congress.

APPROPRIATIONS FOR GOVERNMENT OF DISTRICT OF COLUMBIA.

The SPEAKER, by unanimous consent, laid before the House a letter from the commissioners of the District of Columbia, transmitting estimates of appropriations for the support of the government of the District for the year ending June 30, 1881; which was referred to the Committee on Appropriations.

AID FOR COLORED WOMEN AND CHILDREN.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the National Association for the relief of Destitute Colored Women and Children, praying the appropriation of $7,000 for the aid of said society; which was referred to the Committee on Appropriations.

HARVEY B. KILBORN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting papers in the case of Harvey B. Kilborn and recommending the passage of the bill granting him a pension; which was referred to the Committee on Invalid Pensions.

WRIGHT'S PATENT SAFETY LINCHPIN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the claim of Mrs. S. A. Wright for compensation for the use by the Government of George Wright's patent safety linchpin for artillery carriages; which was referred to the Committee on Patents.

DENNIS HARRIGAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Dennis Harrigan, private Company D, Fourth Artillery, to be placed on the retired list; which was referred to the Committee on Military Affairs.

FORT MISSOULA MILITARY RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the military reservation at Fort Missoula, Montana; which was referred to the Committee on Military Affairs.

HARLOW L. STREET.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the transfer to the supernumerary list and muster-out of service of First Lieutenant Harlow L. Street, First United States Cavalry; which was referred to the Committee on Military Affairs.

INTERNAL IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of examination of Waukegan Harbor, Illinois; of Oconto River, Wisconsin, and of Wolf River, Wisconsin, from Semple's Bridge to Sawano; which was referred to the Committee on Commerce, and ordered to be printed.

INTERNATIONAL EXPOSITION OF MILLING MACHINERY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the admission free of duty of articles for exhibition at the international exposition of milling machinery, to be held June 1, 1880, at Cincinnati, Ohio; which was referred to the Committee of Ways and Means.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

Mr. SAMFORD moved that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Lydia Peak, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Mary Picot, for a pension—to the same committee.

Also, the petition of Jeremiah Gift, for the payment of certain back pay alleged to be due him for services in the war of 1812—to the Committee on Revolutionary Pensions.

Also, the petition of Andrew D. Parret, for a pension—to the same committee.

By Mr. ACKLEN: The petitions of Charles A. Whitney, president Morgan's Louisiana and Texas Railroad and Steamship Company, New Orleans, Louisiana; of E. D. Morgan and James A. Raynor, trustees and receivers New Orleans and Mobile Railroad; of John T. Terry, president of Texas and New Orleans Railroad of 1874; of Norman Webb, general superintendent Selma, Rome and Dalton Railroad, Selma, Alabama; of A. L. Rives, vice-president and general manager Mobile and Ohio Railroad; of N. Monsarrat, general manager Memphis, Paducah and Nashville Railroad, Paducah, Kentucky; of Roswell Miller, general superintendent Cairo and Vincennes Railroad, Cairo, Illinois; of Rudolph Fink, general manager Memphis and Little Rock Railroad, Little Rock, Arkansas; of George Noble, general superintendent Texas and Pacific Railroad, Marshall, Texas; of John B. Peck, general superintendent South Carolina Railroad, Charleston, South Carolina; of A. B. Hawkins and S. Conant, receivers Jacksonville, Pensacola and Mobile Railroad, Tallahassee, Florida; of M. Burk, general superintendent Mississippi and Tennessee Railroad, Memphis, Tennessee; of G. J. Foreacre, general manager Atlanta and Charlotte Air Line, Atlanta, Georgia; of George W. Adams, general superintendent Macon and Brunswick Railroad, Macon, Georgia; of Theodore Hartman, general superintendent Little Rock and Fort Smith Railroad, Little Rock, Arkansas; of L. P. Grant, general superintendent Atlanta and West Point Railroad, Atlanta, Georgia; of Charles L. Schlatter, general superintendent, treasurer, and director Brunswick and Southwestern Railroad, Brunswick, Georgia; of W. G. Raoul, general superintendent Montgomery and Eufaula Railroad, and general superintendent Southwestern Railroad of Georgia, Macon, Georgia; of J. W. Thomas, general superintendent Nashville, Chattanooga and Saint Louis Railroad, Nashville, Tennessee; of Cecil Gabbitt, president and general manager Western Railroad of Alabama, Montgomery, Alabama; of W. K. Ackerman, president Illinois Central Railroad, Chicago, Illinois; of A. F. Ravenele, president Northeastern Railroad Company, Charleston, South Carolina; of J. W. Green, general manager Vicksburgh, Shreveport and Pacific Railroad, Monroe, Louisiana; of Henry Fink, receiver Atlantic, Mississippi and Ohio Railroad, Lynchburgh, Virginia; of C. M. McGhee, vice-president East Tennessee, Virginia and Georgia Railroad, Knoxville, Tennessee; of R. G. Fleming, general superintendent Port Royal and Augusta Railroad, Augusta, Georgia; of George W. Parker, general manager Cairo Short Line, Alton and Terre Haute Railroad, Saint Louis, Missouri, for the passage by Congress of a general law to relieve interstate freights and passengers from the unjust restrictions and discriminations of State and local quarantines—to the Committee on Commerce.

By Mr. ATKINS: The petition of citizens of Hickman and Humphreys Counties, Tennessee, for an appropriation to improve the navigation of Duck River—to the Committee on Commerce.

By Mr. BERRY: The petition of T. G. Morgan, for the consideration by Congress of his claim presented in the Forty-fifth Congress—to the Committee of Claims.

By Mr. BLAKE: The petition of Gustav L. Freche and others, for a reduction of the tax on weiss-beer—to the Committee of Ways and Means.

Also, the petition of May S. Powell and others, for the equalization of the pay of soldiers of the late war—to the Committee on Military Affairs.

By Mr. BOUCK: A bill to provide for the construction of a harbor at Kewaunee, Wisconsin—to the Committee on Commerce.

By Mr. COBB: A bill appropriating $25,000 for the improvement of the Patoka River, in the State of Indiana—to the same committee.

By Mr. DUNNELL: The petition of citizens of Minnesota, for the establishment of a post-route from Fairmont to Saint James, Minnesota—to the Committee on the Post-Office and Post-Roads.

By Mr. ERRETT: A paper containing a statement of the business of the United States district court of the western district of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. HAWK: The petition of Mrs. Sarah E. Dunham, for a pension—to the Committee on Invalid Pensions.

By Mr. HAWLEY: The petition of Mrs. Myra Clark Gaines, that she be authorized to institute suit in the Court of Claims to have certain land claims adjudicated—to the Committee of Claims.

By Mr. HENKLE: The petition of William Dadds, of Annapolis, Maryland, to be indemnified for property destroyed in Annapolis during the war by order of General B. F. Butler—to the Committee on War Claims.

By Mr. MONROE: The petition of George W. Crouse, A. L. Conger, Lewis Miller, D. L. King, and other leading manufacturers of Akron, Ohio, that business circulars and trade-lists may be sent through the mails at the newspaper rate of two cents a pound—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL: The petition of William S. Stockton, that his name be placed upon the rolls as first lieutenant Company F, Seventy-first Regiment Pennsylvania Volunteers, and for compensation as such—to the Committee on Military Affairs.

By Mr. REED: The petition of B. J. Willard and others, for a life-saving station in Portland Harbor—to the Committee on Commerce.

By Mr. STONE: The petition of Lulie Benham and 27 others, residents of Palo, Michigan, for legislation to prevent the encroachments of white settlers upon Indian Territory—to the Committee on Indian Affairs.

By Mr. WAIT: The petition of Mrs. Betsey A. Mower, widow of Major-General Joseph A. Mower, of the United States Army, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The petition of F. T. McLowrine, for compensation for property taken for the use of the United States Army during the late war—to the Committee on War Claims.

IN SENATE.

FRIDAY, *December* 19, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

The VICE-PRESIDENT appointed Mr. VOORHEES, Mr. VANCE, Mr. PENDLETON, Mr. WINDOM, and Mr. BLAIR as the select committee to investigate the causes which have led to the emigration of negroes from the Southern States to Northern States, under the resolution of the Senate adopted yesterday.

BILL INTRODUCED.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 916) to authorize the United States to secure a title to certain military and timber reservations; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

SITE OF ENGRAVING BUREAU.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire as to the necessity of enlarging the site on the south side of the building for the Bureau of Engraving and Printing, the probable cost of the same, and report thereon to the Senate by bill or otherwise.

ADJOURNMENT.

Mr. THURMAN. It is obvious that there is no quorum here, and I think there is no probability that there will be one to-day. I move that the Senate adjourn.

The motion was agreed to.

The VICE-PRESIDENT. By concurrent resolution of the two Houses of Congress, the Senate stands adjourned until Tuesday, January 6, 1880, at twelve o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 19, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

VENTILATION OF THE HALL.

Mr. LORING. I present, Mr. Speaker, a report from the advisory board charged with carrying out, through the Architect of the Capitol Extension, certain changes in the heating, lighting, and ventilating apparatus of the Hall of the House of Representatives; and I also desire to move a suspension of the rules and the adoption of two resolutions to carry out the recommendations of that report.

The SPEAKER. That can only be done by unanimous consent. Does the gentleman desire the report which he presents read to the House?

Mr. LORING. I do; and then I shall ask for unanimous consent to introduce for action at this time two resolutions touching the subjects treated of in that communication.

The Clerk read as follows:

WASHINGTON, D. C., *December* 17, 1879.

SIR: The advisory board charged with carrying out, through the Architect of the Capitol Extension, certain changes in the heating, lighting, and ventilating apparatus of the Hall of the House of Representatives, by resolution of the House, dated February 27, 1879, has the honor to report:

That the plans prepared by the Architect, in accordance with the recommendations of the previous commission on this subject, having been approved by the advisory board on the 18th of April, work was commenced immediately after the adjournment of the extra session of Congress, and has been carried on through the summer under the immediate direction of the Architect of the Capitol Extension.

For architectural reasons, it was deemed expedient to place the mouth of the duct for the fresh supply of air at some distance from the point where this supply duct would have emerged on the terrace. In doing this it was found necessary to move a sewer, and to make special arrangements for a large gas-main supplying

Capitol Hill. This, together with a somewhat greater cost than was anticipated for decorating the lobby in the rear of the Speaker's chair, has made it impossible to complete all the work contemplated in the original recommendations of the board, from the amount of money appropriated for that purpose.

It is the opinion of the board that some additional registers, to be covered by stationary sofas or seats, are still wanting on the floor of the Hall. It is also considered desirable that there should be in the engineer's room means of registering the velocity of the air which is entering, also that which is passing out of the Hall. This is to be effected by means of small stationary anemometers, registering at a distance by means of electricity. It is also desirable that additional ventilating flues should be connected with the lobby in the rear of the Speaker's chair, and that still further change should be made in the upholstering of the seats in the gallery.

With the changes already made it is found that from 15 to 20 per cent. more air can be introduced into the Hall, without causing perceptible draughts, than could be done last year. It is desirable, however, to still further increase this quantity, and to give the engineer the means of knowing at all times precisely what work his machinery is doing in the way of air supply, as well as the temperatures in different parts of the Hall.

That this work may be completed during the recess of the Christmas holidays, it is respectfully recommended that the sum of $4,000 be appropriated for that purpose.

In its final report, which will be presented during the present session, the board will probably recommend some means for getting rid of the carpet on the floor of the Hall, which is a source of great discomfort and some danger to health, but as this will probably involve the relaying of at least a portion of the Hall in hard wood, and the use of some material to replace the carpet, for the purpose of deadening sound, which work cannot be carried out during the brief interval of the Christmas recess, the board will not make any recommendation on this subject at present.

Respectfully submitted.

ABRAM S. HEWITT,
Chairman Advisory Board on the Ventilation of the Hall of the House of Representatives.
GEO. B. LORING,
Of Advisory Board on Ventilation.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

Mr. SAMFORD. Is that a report of any committee?

The SPEAKER. It is a communication from a commission established by law, having for its object the better ventilation of this Hall.

The report was laid on the table and ordered to be printed.

Mr. LORING. I now ask the Clerk to read the resolutions which I have submitted.

The Clerk read as follows:

Resolved, That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of the contingent fund of the House of Representatives, to be expended under the direction of the advisory board charged with the ventilation of the Hall of the House of Representatives, for completing the work and procuring electric registering anemometers, and other recording instruments necessary for the ventilation of the Hall, in accordance with the recommendations contained in their report, this day submitted to the House of Representatives.

Resolved, That the Committee of Accounts be requested, and hereby authorized, to instruct the Clerk of the House of Representatives to furnish during the recess of Congress the lobby and corridor in the rear of the Hall of the House, and also the east vestibule of the House, for use as a reception-room.

Mr. CONGER. Let the Clerk read again that last resolution. I do not understand it.

Mr. LORING. I demand the previous question on the adoption of the resolutions.

The resolutions were again read.

Mr. GARFIELD. Before the gentleman demands the previous question I wish to make an inquiry.

Mr. LORING. I will withdraw the demand for the previous question and yield to the gentleman for that purpose.

Mr. GARFIELD. I ask the gentleman to state in his own way the exact purport of the resolutions. There was much confusion in the House during the time the resolutions were read, and I know there are a number of gentlemen present who desire exactly to know what it is that is proposed to be done.

Mr. LORING. If there is no objection, I will state simply what the object of the report and resolves is. As members of the House are well aware, the effort to ventilate this House, during the recess of Congress, has been eminently successful. They are also aware that it is not yet perfect, and the advisory board having the matter in charge recommend certain additional changes. They desire especially to avoid the draught through the floor, in reference to which members complain, and in order to do that the ventilating grates in the floor must be enlarged to balance with those in the ceiling of the House. The advisory board also desire that certain regulating apparatus shall be added to the ventilation, and in order to accomplish this and make it perfect, according to the best scientific rules of ventilation, the board estimates that an additional sum of $4,000 will be necessary. That is the object of the report of the board, and of the first resolve which I have offered.

The second resolve simply provides, Mr. Speaker, for furnishing the room in the rear of the Speaker's chair in order that it may be a comfortable and sightly room for the use of the members of the House. It also provides, at the suggestion of some of the officers of the House, that in the east end of this wing shall be provided a room as a substitute for the reception-room recently occupied by the ladies calling upon members of the House. It is considered, I understand, by the Sergeant-at-Arms that some such substitute should be provided, and that resolve has been added in order that that provision may be made. I am ready to answer any other question which the gentleman may propound.

Mr. GARFIELD. I wish to ask whether it is the purpose of the board to convert that hall in the east end of the wing into a room in the way of constructing a new partition or anything of that sort?

Mr. LORING. It is not.

Mr. GARFIELD. What is to be done, then?

Mr. CLYMER. It is a mere matter of furniture.

Mr. GARFIELD. The gentleman will be good enough to explain why it seems to be necessary to build so high a tower down yonder on the grounds. Is that a part of this ventilating machinery?

Mr. LORING. I desire to state to the gentleman from Ohio that that is for the admission of pure air and not for the egress of air—to avoid what is considered in Washington, indefinitely, malaria; I only know it came near killing me, but exactly what it is I cannot tell. We understand for these northern men who come down here it is necessary to get air from heaven and not from the earth. This tower was built to come as near heaven as possible. [Laughter.]

Mr. GARFIELD. I understand the necessity of building a tall chimney to get draught for fire, but I do not see why we should disfigure our beautiful grounds by the erection of an immense chimney in the center of them unless science says we have to go up to heaven to get pure air. If so, I suppose we shall have to do it.

Mr. LORING. It was the edict of science. The health of members was considered of more importance, Mr. Speaker, than the beauty of these grounds. That is all of it.

Mr. STEPHENS. Now let us have the question on the resolution.

Mr. PRICE. I suggest to the mover of the resolution that by the language used we not only establish as a reception-room the vestibule in the east end of this wing, but also the corridors in the rear of the Speaker's chair. The language of the resolution makes the room in the rear of the Speaker's chair a reception-room as well as the east corridor.

The SPEAKER. The Chair hopes not.

Mr. PRICE. I say the language of the resolution makes it so.

Mr. CLYMER. Let the last resolution be again read.

The Clerk read as follows:

Resolved, That the Committee of Accounts be requested, and hereby authorized, to instruct the Clerk of the House of Representatives to furnish during the recess of Congress the lobby and corridor in the rear of the Hall of the House, and also the east vestibule of the House, for use as a reception-room.

Mr. PRICE. It covers them both. The copulative conjunction "and" has the effect to make the lobby and corridor, as well as the east vestibule, into a reception-room.

Mr. CLYMER. Let the resolution then be modified so as to provide that the lobby in the rear of the Hall of the House shall be for the use of members only.

Mr. PRICE. But the resolution does not say that.

Mr. CLYMER. I ask the gentleman from Massachusetts to accept that amendment.

Mr. LORING. Certainly I will accept that amendment.

Mr. CLYMER. That the lobby in the rear of the Hall of the House be for the use of members only. The gentleman consents to the modification of the resolution in that way.

The SPEAKER. The resolution will be now read as modified.

The Clerk read as follows:

Resolved, That the Committee of Accounts be requested, and hereby authorized, to instruct the Clerk of the House of Representatives to furnish during the recess of Congress the lobby and corridor in the rear of the Hall of the House for the use of the members only, and also the east vestibule of the House for use as a reception-room.

Mr. TOWNSHEND, of Illinois. I suggest a further amendment to include the clerks—that is for the use of members and clerks only.

Mr. CLYMER. There is no necessity for that.

The SPEAKER. Does the gentleman accept that modification?

Mr. LORING. I do not. I understand that the room will be under the control of officers of the House.

Mr. SPRINGER. That is understood.

The resolutions were adopted.

Mr. LORING moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR AT MICHIGAN CITY, INDIANA.

Mr. CALKINS. I desire to have a correction made in the RECORD, so as to show the introduction of a bill by myself on Monday last immediately after the introduction of bills by my colleague, Mr. HOSTETLER. It was a bill appropriating $200,000 to aid in the completion of the harbor at Michigan City, Indiana, and was referred to the Committee on Commerce.

The SPEAKER. Bills appropriating for rivers and harbors go into the box under the rule.

GENERAL INDEX OF JOURNALS.

Mr. STEPHENS, by unanimous consent, from the Committee on Rules, made a report in writing on the general index of the Journals of Congress; which was ordered to be printed and laid on the table.

Mr. STEPHENS also, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee on Rules are instructed to report whether the system adopted by them for the general index of the Journals of Congress can be applied to indexing the current publications of Congress, and to report such measures as may appear to them necessary for that purpose or for otherwise improving the methods of indexing the current publications.

REVISION OF RULES.

Mr. MILLS. I desire to inquire of the Chair when the Committee on Rules will report on the revision of the rules?

The SPEAKER. The Chair is able to say that the Committee on Rules will make that report to-day. The gentleman from Kentucky [Mr. BLACKBURN] has the report, and will make it during the morning. He is also authorized to make a statement to the House on the subject.

SAINT JOHN'S CATHEDRAL, INDIANAPOLIS.

Mr. DE LA MATYR, by unanimous consent, introduced a bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's Cathedral, of Indianapolis, Indiana; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOSEPH H. BODINE.

Mr. DE LA MATYR also, by unanimous consent, introduced a bill (H. R. No. 3059) granting an increase of pension to Joseph H. Bodine; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NICARAGUA CLAIMS.

Mr. ACKLEN. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Speaker appoint the select committee of five members provided for by resolution now on the Public Calendar, the same having been favorably reported and a like committee having been appointed on the part of the Senate to inquire into the claims of citizens of the United States against the government of Nicaragua and to examine those filed in the Department of State, and to report to this House.

Mr. KEIFER. There will be time enough for that after the recess.

Mr. ACKLEN. The committee if appointed now would be able to work during the holidays. There is no expense connected with it.

Mr. KEIFER. I think it will be time enough to consider that resolution when we come to it.

Mr. ACKLEN. I trust that the gentleman from Ohio will not object.

Mr. KEIFER. I do object.

The SPEAKER. The gentleman objects, and the resolution is not before the House.

EXPENSES OF SUB-COMMITTEE OF COMMERCE.

Mr. ACKLEN. I ask unanimous consent to offer for present consideration the resolution which I now send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House is hereby directed to pay out of the contingent fund upon the vouchers of the chairman of the sub-committee of commerce appointed by resolution of this House, adopted June 4, the expenses paid and incurred by him and other members in carrying out said resolution, not to exceed $700.

A MEMBER. Let that go to the Committee of Accounts.

Mr. ACKLEN. I ask for the present consideration of the resolution. I will say in the absence of the gentleman from Massachusetts [Mr. RUSSELL] that a portion of these expenses has been paid by certain members of that committee already, and other portions have been incurred by members of the committee under resolution of this House. I think under those circumstances objection will not be made.

Mr. BREWER. I object.

Mr. ACKLEN. Does the gentleman object to the resolution going to the Committee of Accounts?

Mr. BREWER. I do not.

The resolution was referred to the Committee of Accounts.

REVISION OF RULES.

Mr. BLACKBURN. I am directed by the Committee on Rules to report to this House the proposed revision of its rules that has been drafted in obedience to a resolution passed by this House at its first session, and in conjunction therewith to submit a report explanatory of the changes suggested and submitted. I am directed by the committee to say further, Mr. Speaker, that it is its purpose now simply to ask that the House shall direct this revision and report to be printed and recommitted to the committee, so that within the next few days each member of the House can be provided, whether here in the city or by having it mailed to his address at home, with a copy of the proposed revision and may thus be afforded an opportunity of examining it during the holidays. At some time after the reassembling of the House the Committee on Rules have determined to ask the House to set a day when it will resolve itself into Committee of the Whole House under such restrictions as to debate as to the House may seem proper to take up and consider, at such length as it may choose, the proposition submitted by the Committee on Rules which I hold in my hand for a revision of the terms on which the legislation of this House shall be conducted.

The report I make is the unanimous report of the Committee on Rules, the several members of that committee reserving to themselves the right to offer amendments where they deem it proper upon the consideration of the report. I ask that the report and the proposed revision may be printed and recommitted.

Mr. CALKINS. I wish to ask a question of the gentleman from Kentucky for information with regard to the printing of the report and of the rules as revised: whether the committee ask in the report that the rules proposed to be changed shall be printed along with the rules as revised, or whether simply the revision as reported by the committee shall be printed.

Mr. BLACKBURN. In answer to the gentleman from Indiana I will say that the suggestion he makes has not been adopted or recommended or asked for by the committee, for this reason: the Manual with which each member of the House is now provided shows precisely what the rules are as they stand to-day. We ask to have printed simply the proposed revision of the rules. The comparison can be made by each member, by taking the Manual of the rules as they now stand and comparing it with the proposed revision submitted by the committee.

And I will say, Mr. Speaker, that the journal clerk of the House will be able to furnish each member who will make the request of him, at his home, or in this city, or at any address he may give him, a printed copy of this revision within the next three or four days, provided the House shall order the report and proposed revision to be printed.

Mr. CALKINS. Then I understand that the Committee on the Rules——

Mr. BLACKBURN. I will explain further, if the gentleman will permit me, that the report which the committee submit in conjunction with this proposed revision is simply by way of explanation. The sole object and purpose of that report is to explain to the House and to each member of it the changes made in the rules as at present by those which we now propose, and the reasons that have operated upon the committee in suggesting the proposed changes.

Mr. CALKINS. With the permission of the gentleman, I want to make this observation; because if the committee have considered that question I shall not attempt to undertake to get the House to change their report. But I had hoped that the committee would allow the rules to be printed along with the amendments which are suggested by the committee, so that at a glance each member of the House could see precisely what change is proposed or suggested to be made. The House knows that each member is now full of work. We have but little time at best to perform the duties which we are called upon to perform here. And in my judgment every moment's time that we can save would certainly be of advantage.

I only want to say one further word, and that is that each member of the House knows that the rules of the House are its life-blood, and as far as possible every member ought to understand those rules. It is for that purpose that I made the suggestion.

Mr. BLACKBURN. I do not want the House to remain unadvised as to any action that may have been taken or any purpose that may be held by the Committee on Rules. I am very sure that the action the committee have taken in thus submitting this revision of the rules and its report, and asking to have them both printed so that they may be in the hands of members during the two or three weeks of vacation we are to have, and then its foreshadowed action asking to have this House go into Committee of the Whole and take one day or one week, or whatever time it may choose, for the fullest investigation, discussion, and interchange of opinion, will sufficiently demonstrate the fairness of purpose on the part of the committee. I will say to the gentleman from Indiana [Mr. CALKINS] that it was not possible, in the judgment of the committee, to adopt the suggestion he has made. The rules as they now stand number one hundred and sixty-six. In the proposed revision submitted to the House those rules are cut down to forty, in round numbers, and occupy seven of the ordinary pages of proof print which I have sent to the Clerk's desk. Owing to this abbreviation, owing to the material changes made in the revision, as compared with the present system of rules, it was deemed by the committee impossible to print the rules as they stand at present, together with those now proposed by them, so as to make the one stand as an amendment or change of the other.

The Manual which each member holds to-day contains every rule which this House has adopted and which is now in force. The revision of the rules now submitted by the committee for printing contains every rule that the House will have if that report and revision shall be adopted for its government. The report which accompanies this revision of the rules explains in detail what has been done with regard to every present existing rule, whether it has been abrogated or altered, and if altered, in what respect, as well as the history of each rule itself, and the motives that have induced the committee to suggest the proposed change.

I think the House will find that, whatever judgment it shall pronounce when it comes to consider the work done and submitted to it, every opportunity has been afforded and will be afforded, and will be insisted upon by the Committee on Rules, to have the fullest, fairest, and freest discussion that we can possibly get. After the House shall have made its order upon the motion which I have submitted, I have the ordinary resolution which I desire to submit, simply to expedite the matter, directing the Public Printer to go on during the holidays and print the ordinary number of copies (which I believe is two thousand) of the Digest for the second session of this Congress.

Mr. REAGAN. I wish to inquire of the gentleman from Kentucky [Mr. BLACKBURN] if it is supposed that the ordinary number will be sufficient to answer the purpose?

Mr. BLACKBURN. When I spoke of two thousand copies as the ordinary number, I referred to the Digest for this session of Congress.

Mr. REAGAN. I am speaking of the report of the committee. I

suggest whether it is not desirable that an extra number of copies of this revision be printed.

Mr. BLACKBURN. I accept the suggestion of the gentleman; and if the House shall order the proposed report and revision to be printed, as I trust it will, I hope that double the usual number will be printed.

Mr. HOOKER. I desire to ask the gentleman from Kentucky what time he proposes to fix for taking up this report for consideration by the House.

Mr. BLACKBURN. In answer to the gentleman I will say that the Committee on Rules have indicated very plainly to me, in directing me to make this report, that, after the opportunity which each member will have during these two or three weeks' vacation to examine the revision, it is the purpose of the committee, immediately upon the reassembling of Congress, to ask the House to fix a day, as soon as may be, when it will go into Committee of the Whole for the purpose of taking up and considering, at such length as it pleases, this revision.

Mr. HOOKER. As this revision proposes, as I understand, changes of the most radical character in the rules for the governance of the House, I suggest that we had better fix the day of the reassembling of Congress, and by order of the House give a preference to the consideration of this matter until the House shall have passed upon the report.

Mr. FRYE. In answer to the suggestion made a few moments ago by the gentleman from Indiana, [Mr. CALKINS,] I desire to say that the committee considered the proposition made by him; and it was found to be an utter impossibility to adopt any such proceeding. Take, for instance, the rules defining the duties of the Speaker. They run all over our present book of rules. We have taken those scattered provisions and embodied them in one rule, very much abridging the rules as now existing and changing them in many respects.

In the report which has been prepared we have pursued precisely the course that is pursued in laying out a map for the guidance of a pilot. The report contains references to every rule which has been touched by the committee, so that any boy fifteen years of age can take our present rules and the revision which we report and without the slightest difficulty can trace all the changes right through.

Mr. CALKINS. If the report of the committee will serve the purposes of comparison as well as an annotated copy of the revision, I am satisfied. In order to get a further explanation, I ask the gentleman whether or not a marginal annotation referring to each rule that has been changed would not greatly facilitate inquiry as to the changes which are proposed.

Mr. FRYE. I am satisfied that it would not. No man who reads the report would think for a moment of asking any more than the report contains. It certainly furnishes all the information that is necessary.

While on the floor, I wish to suggest to the gentleman from Kentucky [Mr. BLACKBURN] whether it is not better now to fix the day when we shall proceed to the consideration of these new rules. The vacation about to begin will afford ample opportunity to every member to examine critically the report and the rules which we submit to-day for the action of the House. For one I am desirous that we shall commence the consideration of these rules as soon as possible after our return. I believe that a thorough discussion of this report in Committee of the Whole, taking it up rule by rule, will give to members a better understanding of the rules than experience under the present rules would give a member after a service of four years. I hold that this discussion will serve an admirable purpose, even though you reject every rule reported, by informing us what the rules are. I would like to feel convinced to-day that the House will occupy one solid week—every day of a whole week—in considering the rules now reported. I believe that it would be a week well spent. If the gentleman from Kentucky regards the proposition favorably, I would like to have a day fixed on which the consideration of this report shall commence.

Mr. BLACKBURN. Then, Mr. Speaker, unless some member of the Committee on Rules shall object, I will indicate to the House now that if it shall agree to the motion that this report and proposed revision be printed and recommitted, I will ask that the 7th day of January next (the day after the reassembling of Congress) be fixed as the day on which this report shall be taken up.

Mr. GARFIELD. I think that day is already engaged.

The SPEAKER. The 9th of January is the earliest unoccupied day except the 6th, the day on which the House will reassemble.

Mr. FRYE. We had better fix the 9th.

The SPEAKER. The Chair suggests that the 6th had better be fixed; the subject could be resumed on the 9th.

Mr. GARFIELD. I think there will hardly be a full attendance of members on the 6th.

Mr. BLACKBURN. In response to inquiries made around me I desire to state that the wish and purpose of the committee is, that when the House shall resolve itself into Committee of the Whole for the consideration and discussion of this proposed revision there shall be no impediment offered, no objection made, to any amendment that any member may see fit to offer to any rule, it being considered that we go through this report just as we do through the general appropriation bills. Thus every member will have the fullest opportunity to correct any defect that the revision may contain.

To testify the earnestness of the committee to obtain a prompt consideration of this subject, I notify the House that if the report and revision be ordered to be printed and recommitted, I will at once move that the House shall, on Tuesday the 6th day of January, the day on which Congress reassembles, take up this report for consideration, or then fix a day in its pleasure to proceed to dispose of it. I move that it shall be on the 6th day of January.

Mr. GARFIELD. Will the gentleman from Kentucky let me offer this as a suggestion? If we do that, we have two difficulties in our way: first, the uncertainty of having a quorum on that first day, or rather the certainty there is we shall have but a slim attendance in the House; and, secondly, the certainty the two following days in having the consideration of this subject interrupted by business already set apart as special orders for those days. I therefore think it would be better to fix the 9th of January, the first day of open time in the House, and I ask the gentleman to say the 9th of January next, after the morning hour, and from day to day after the morning hour, to the exclusion of all other business until concluded.

A MEMBER. What day in the week is that?

Mr. WHITE. Friday.

A MEMBER. But that is private bill day.

Mr. GARFIELD. This is of more importance than private bills. Let us waive all other business after the morning hour until this has been concluded. Let us say to the exclusion of all other orders.

Mr. WHITE. Make it the 9th, then.

Mr. FRYE. If the gentleman from Kentucky will allow me, I will say that I don't like this postponement to the 9th of January. If you set down the consideration of the revision of the rules on the first day the House meets after the recess, members will return here. It is an unjust commentary upon the fidelity of members of Congress to say that after the lapse of a three weeks' vacation they cannot get here on the day appointed for the end of that vacation. Now, I believe if you fix the consideration of the revision of the rules for the first day, members will come here. [Cries, "That is right!"]

Mr. GARFIELD. If you fix it for the first day, then for three days afterward it will be interrupted by other business to the consideration of which those days have been mortgaged.

Mr. FRYE. I take it the House will postpone the other business.

The SPEAKER. The Chair would suggest that it be taken up and considered to the exclusion of all other orders until completed.

Mr. GARFIELD. If the House shall make it a special order after the morning hour, and to the exclusion of all other orders, then the difficulties I have suggested will be obviated, and I cheerfully consent.

Mr. FRYE. Let the assignment be for the 6th of January, after the morning hour, to run from day to day until disposed of, to the exclusion of all other business.

Mr. BLACKBURN. That, I think, is the best arrangement we can make, and consequently I make that motion.

Mr. CONGER. I ask the gentleman, in order that we may have an accessible and permanent record in the future, that this report of the Committee on Rules be printed in the RECORD; that is, that it shall be printed in the RECORD as well as in other print.

The SPEAKER. The gentleman from Kentucky moves to recommit the report; to that the Chair hears no objection, and the report is received and recommitted.

The gentleman from Kentucky now moves that double the number of copies usually printed of bills shall be printed of this report; and, further, that on the 6th day of January next, after the morning hour, it shall be made the special order, to the exclusion of all other business.

Mr. BLACKBURN. Yes, sir; that is exactly my motion.

Mr. GARFIELD. And from day to day until disposed of.

The SPEAKER. And from day to day until disposed of.

Mr. CONGER. I suggest also, Mr. Speaker, that it be printed in the RECORD as well as in the usual print.

Mr. BLACKBURN. If the gentleman will listen to a suggestion on my part, I think he will withdraw that request.

Mr. CONGER. Let me say this, that very often in looking for the history of a change in the rules we have easy access to the RECORD, when we could not perhaps find the document printed in the usual way. Now, this is one of the most important changes ever proposed in our rules—the most important that has occurred for many years—and I do not understand why there should be any objection to having it printed in the RECORD so we may see it, and so it may be easily accessible to members.

Mr. BLACKBURN. If the gentleman will bear with me for a moment I will state the objection I have to his suggestion. Now, as double the usual number of copies of the committee's report and revision is proposed to be ordered by the House to be printed for the use of members, and as this is the last day of the session of the House prior to the adjournment for the holidays, if the report and revision as submitted this morning should be printed in the RECORD to-morrow morning, there would be no way to correct errors typographically or otherwise, which now remains to us in the printed copies the House orders for the use of members. Like the gentleman from Michigan, I would like to have the report and revision printed in the RECORD, but I do not see any way of providing absolutely against mistakes, if that revision is to appear in to-morrow's RECORD.

Mr. HUBBELL. Let me make a suggestion, that when the report is read in the House after the recess it will go in the RECORD as a matter of course.

Mr. BLACKBURN. I agree to the suggestion of publishing the report and revision in the RECORD on the 6th day of January.

The SPEAKER. There is no RECORD on the 6th day of January. It can be printed in the RECORD of the 7th, which will contain the proceedings of the 6th.

Mr. HUBBELL. Well, let it be published on that day in the RECORD.

Mr. CONGER. I agree to that.

Mr. HUBBELL. If it is read on that day it will necessarily go into the RECORD on the next day.

The SPEAKER. The report of the committee has been received, accepted, and recommitted, and the House is now asked to make it the special order for the 6th day of January, after the morning hour, and from day to day until disposed of, to the exclusion of every other order. The Chair hears no objection, and it is ordered accordingly.

On motion of the gentleman from Michigan, [Mr. CONGER,] it is now proposed that this report shall be printed in the RECORD of the 7th of January. Is there objection to that request?

There was no objection, and it was ordered accordingly.

Mr. BLACKBURN. I now ask, Mr. Speaker, the adoption of the usual resolution providing for the printing of two thousand copies of the Digest of the second session of the Forty-sixth Congress, and I will state to the House that the reason for entering that order at this time is to expedite the printing and delivery of the Manual and Rules as revised to members as soon as that revision has been perfected by the House. If that order be not made at this time, and we shall allow three weeks to intervene, and the order is not made until after the House reassembles, I am informed that such is the pressure of work at the Public Printing Office, we will not be able to get our copies of the Manual for this session before April or May next.

Mr. CONGER. Do we need any more copies of the old Manual for the use of members?

Mr. BLACKBURN. The gentleman does not understand my proposition. The printing of Jefferson's Manual will be completed by the time the House shall have done its work, whatever it may be, on this revision of the rules, and the book will be in an advanced state, so that the only object in adopting the order I propose is to hasten the completion and delivery of the Manual, with the revised rules, to the members of the House.

Mr. CONGER. It is proposed, then, to have in the Manual, which the gentleman asks us to order to be printed, whatever amendments the House may make.

Mr. BLACKBURN. Yes, sir, to contain whatever revision of the rules shall be adopted by the House.

Mr. GARFIELD. If the gentleman will allow me, the point is just this: The Digest, as it stands, is based on the rules of the House as they now are. As now printed it will be almost valueless to us if we shall adopt the new rules, because nobody could find by any of the numbers in that Digest the proper reference. There will have to be a complete reproduction of the Digest to make proper reference to opinions already settled and to the numbers of the new rules.

Mr. BLACKBURN. Let me suggest to the gentleman the object of this resolution now offered is simply to direct the Public Printer to go on with the printing of the two thousand copies. The Public Printer will only proceed to print the Constitution of the United States and Jefferson's Manual, which, of course, apply to the present and all future rules. He will only do that part of the work until the House shall have completed its revision, and then that will be all which will remain to be printed to complete the work.

Mr. WHITE. That is all right.

Mr. FRYE. One word before this matter is disposed of. There was some confusion when the gentleman made his announcement some time ago, and I simply desire to repeat that the members of the House who desire a copy of the report and the revision of the rules can have it sent wherever they direct, on leaving their names with the journal clerk, Mr. Smith.

Mr. BLACKBURN'S motion was agreed to.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island; and

An act (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881.

COMMITTEE ON INTEROCEANIC SHIP-CANAL.

The SPEAKER announced the appointment of the following committee on interoceanic ship-canal:

J. FLOYD KING, of Louisiana; JAMES W. SINGLETON, of Illinois; W. C. WHITTHORNE, of Tennessee; BENJAMIN F. MARTIN, of West Virginia; OSCAR TURNER, of Kentucky; JOHN C. NICHOLLS, of Georgia; WALDO HUTCHINS, of New York; H. F. PAGE, of California; OMAR D. CONGER, of Michigan; WILLIAM P. FRYE, of Maine, and DUDLEY C. HASKELL, of Kansas.

COMMITTEE ON YORKTOWN CELEBRATION.

The SPEAKER also announced the appointment of the following committee on the Yorktown celebration:

JOHN GOODE, of Virginia; J. G. HALL, of New Hampshire; GEORGE B. LORING, of Massachusetts; N. W. ALDRICH, of Rhode Island; JOSEPH R. HAWLEY, of Connecticut; NICHOLAS MULLER, of New York; LEWIS A. BRIGHAM, of New Jersey; SAMUEL B. DICK, of Pennsylvania; E. L. MARTIN, of Delaware; J. F. C. TALBOTT, of Maryland; JOSEPH J. DAVIS, of North Carolina; JOHN S. RICHARDSON, of South Carolina, and HENRY PERSONS, of Georgia.

VACANCIES ON COMMITTEES.

The SPEAKER also announced the following appointments to fill vacancies:

Hon. WALDO HUTCHINS, of New York, on the Committee on Education and Labor; and on the Committee on Expenditures in the Treasury Department, to fill a vacancy occasioned by the resignation of Mr. MORRISON.

Hon. C. P. BERRY, of California, on the Committee on Public Lands and on the Committee on Mines and Mining.

Hon. HORACE DAVIS, of California, on the Committee on Coinage, Weights, and Measures; and on the Committee on Expenditures in the Navy Department, to fill a vacancy occasioned by the resignation of Mr. H. S. NEAL.

Hon. ROMUALDO PACHECO, of California, on the Committee on Private Land Claims and on the Committee on Public Expenditures.

Hon. WILLIAM G. THOMPSON, of Iowa, on the Committee on Mines and Mining and on the Committee on Enrolled Bills.

Hon. HORACE F. PAGE, of California, on the Committee on Education and Labor and on the Committee on Expenditures in the Department of Justice.

Hon. POINDEXTER DUNN, of Arkansas, on the Committee on Public Lands, in place of Mr. STEELE, and Hon. WALTER L. STEELE, of North Carolina, on the Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President, in place of Mr. DUNN, by an arrangement between the gentlemen.

Hon. JAMES B. BELFORD, of Colorado, on the Committee on Mines and Mining.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] demands the regular order.

Mr. KENNA. I ask the gentleman to yield to me that I may make a report and a request.

Mr. BRIGHT. I yield to the gentleman provided it is to cause no debate.

Mr. KENNA. No debate is required. The action I ask for will be by unanimous consent.

Mr. BRIGHT. Then I yield to the gentleman.

STEAMBOAT BILL.

Mr. KENNA. Under instructions from the Committee on Commerce I ask unanimous consent to be allowed to report at this time House bill No. 1029, known as the steamboat bill, and I ask that it be made the special order for the first Tuesday in February, to be considered in the House as in Committee of the Whole, and that the accompanying report be printed.

The SPEAKER. After the morning hour and from day to day thereafter until disposed of?

Mr. KENNA. Yes, sir.

Mr. BLOUNT. I must object unless the gentleman excepts appropriation bills.

Mr. KENNA. Of course it is not expected that it is to antagonize appropriation bills. None of us desire that. I agree to the restriction suggested by the gentleman.

There being no objection, the bill (H. R. No. 1029) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, was reported from the Committee on Commerce, and, with the accompanying report, ordered to be printed and recommitted and made the special order for the first Tuesday in February, 1880, after the morning hour, to be considered in the House as in Committee of the Whole.

NAVIGATION OF ALLEGHENY RIVER.

Mr. WHITE. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War is hereby requested to inform the House, at as early a day as practicable, the manner in detail of the expenditure of the money appropriated by the Forty-fifth Congress for the improvement of the navigation of the Allegheny River in the State of Pennsylvania, and of the amount which may be necessary to complete the plan of the improvements already commenced, and also the results of the survey of such river from the mouth of French Creek to Olean, New York, and of the amount necessary to improve the navigation of such river from Olean, New York, to the headwaters of the Ohio at Pittsburgh.

Mr. FIELD. I object.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

Mr. STEPHENS. I move that the House do now adjourn.

Mr. KEIFER. I suggest that the gentleman yield for bills for reference.

The SPEAKER. The Chair is under obligation to recognize a num-

ber of gentlemen, and understands that the gentleman from Georgia withdraws his motion to adjourn.

Mr. STEPHENS. I do; but only for the introduction of bills for reference.

Mr. COX. The gentleman cannot make the withdrawal of his motion conditional.

Several members called for the regular order.

The SPEAKER. If the motion is not withdrawn and the regular order is demanded, a vote must be taken on the motion to adjourn.

Mr. BRIGHT. I understand that the motion is withdrawn.

The SPEAKER. The gentleman did not withdraw it except conditionally, and if the regular order is demanded that vacates the condition.

Mr. BRIGHT. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The question being taken on the motion to adjourn, there were—ayes 57, noes 71.

So the House refused to adjourn.

Mr. PRICE. I call for the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. KEIFER. I understand the gentleman from Tennessee [Mr. BRIGHT] will yield to let bills be introduced for reference.

The SPEAKER. The gentleman has not the power to yield, the regular order being demanded. The morning hour begins at fifteen minutes past one o'clock. This being Friday, reports from committees of a private nature are in order.

Mr. STEPHENS. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 84, noes 45.

Mr. PRICE, Mr. SPRINGER, and others called for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 32; more than one-fifth of the last vote.

Mr. WILSON. Count the other side.

The other side being counted, there were noes 97.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 65, not voting 119; as follows:

YEAS—107.

Aiken,	Davis, Joseph J.	Joyce,	Shelley,
Armfield,	Deuster,	Keifer,	Sherwin,
Barber,	Dunn,	Kimmel,	Simonton,
Berry,	Ellis,	Knott,	Singleton, J. W.
Bingham,	Errett,	Manning,	Slemons,
Blackburn,	Evins,	Martin, Benj. F.	Speer,
Blount,	Felton,	McLane,	Starin,
Bouck,	Ferdon,	McMillin,	Stephens,
Bragg,	Field,	Mills,	Stone,
Brewer,	Forney,	Mitchell,	Talbott,
Briggs,	Frye,	Morrison,	Taylor,
Browne,	Garfield,	Morse,	Tillman,
Burrows,	Gunter,	Muldrow,	Townsend, Amos
Cabell,	Haskell,	Muller,	Tyler,
Calkins,	Hatch,	Neal,	Updegraff, Thomas
Cannon,	Hawk,	Norcross,	Urner,
Carpenter,	Hawley,	Pacheco,	Van Aernam,
Chittenden,	Henderson,	Page,	Vance,
Clardy,	Henkle,	Poehler,	Washburn,
Clymer,	Herbert,	Pound,	Weaver,
Cobb,	Herndon,	Reagan,	Wellborn,
Cook,	Hooker,	Richardson, D. P.	White,
Cox,	House,	Richardson, J. S.	Williams, C. G.
Cravens,	Hubbell,	Ross,	Willits,
Culberson,	Humphrey,	Rothwell,	Wood, Walter A.
Daggett,	Hunton,	Ryan, Thomas	Young, Casey.
Davis, Horace	Jorgensen,	Samford,	

NAYS—65.

Acklen,	Dunnell,	Lowe,	Thompson, P. B.
Anderson,	Elam,	Marsh,	Thompson, Wm. G.
Atherton,	Farr,	McCoid,	Townshend, R. W.
Barlow,	Ford,	McKenzie,	Turner, Oscar
Bayne,	Gibson,	Monroe,	Updegraff, J. T.
Belford,	Gillette,	New,	Upson,
Bicknell,	Goode,	Nicholls,	Voorhis,
Bowman,	Hall,	Osmer,	Whitthorne,
Brigham,	Hill,	Persons,	Willis,
Bright,	Hostetler,	Phelps,	Wilson,
Buckner,	Houk,	Price,	Wise,
Caldwell,	Jones,	Robinson,	Wood, Fernando
Coffroth,	Kenna,	Sapp,	Wright,
Conger,	King,	Sawyer,	Young, Thomas L.
Davis, George R.	Klotz,	Shallenberger,	
De La Matyr,	Lapham,	Springer,	
Deering,	Le Fevre,	Thomas,	

NOT VOTING—119.

Aldrich, N. W.	Caswell,	Dwight,	Hazelton,
Aldrich, William	Chalmers,	Einstein,	Heilman,
Atkins,	Claflin,	Ewing,	Henry,
Bachman,	Clark, Alvah A.	Finley,	Hiscock,
Bailey,	Clark, John B.	Fisher,	Horr,
Baker,	Colerick,	Forsythe,	Hull,
Ballou,	Converse,	Fort,	Hurd,
Beale,	Covert,	Frost,	Hutchins,
Beltzhoover,	Cowgill,	Geddes,	James,
Blake,	Crapo,	Godshalk,	Johnston,
Bland,	Crowley,	Hammond John	Kelley,
Bliss,	Davidson,	Hammond, N. J.	Ketcham,
Boyd,	Davis, Lourdes H.	Harmer,	Killinger,
Butterworth,	Dibrell,	Harris, Benj. W.	Kitchin,
Camp,	Dick,	Harris, John T.	Ladd,
Carlisle,	Dickey,	Hayes,	Lewis,
Lindsey,	Murch,	Richmond,	Tucker,
Loring,	Myers,	Robertson,	Turner, Thomas
Lounsbery,	Newberry,	Robeson,	Valentine,
Martin, Edward L.	O'Brien,	Russell, Daniel L.	Van Voorhis,
Martin, Joseph J.	O'Connor,	Russell, W. A.	Waddill,
Mason,	O'Neill,	Ryon, John W.	Wait,
McCook,	O'Reilly,	Scales,	Ward,
McGowan,	Orth,	Singleton, O. R.	Warner,
McKinley,	Overton,	Smith, A. Herr	Wells,
McMahon,	Phister,	Smith, Hezekiah B.	Whiteaker,
Miles,	Pierce,	Smith, William E.	Wilber,
Miller,	Prescott,	Sparks,	Williams, Thomas
Money,	Reed,	Steele,	Yocum.
Morton,	Rice,	Stevenson,	

During the call of the roll the following announcements were made:

Mr. ARMFIELD. I desire to state that my colleague, Mr. KITCHIN, is paired with my colleague, Mr. ARMFIELD.

Mr. COFFROTH. My colleagues, Mr. BACHMAN and Mr. FISHER, are paired.

Mr. SIMONTON. My colleague, Mr. DIBRELL, is paired with Mr. MCGOWAN, of Michigan.

Mr. THOMPSON, of Kentucky. My colleague, Mr. PHISTER, is paired with Mr. KEIFER, of Ohio.

Mr. CLYMER, (having voted.) I voted through inadvertence. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. I do not know how he would vote if here. I desire to withdraw my vote.

Mr. DAVIS, of North Carolina. I was requested by Mr. LINDSEY, of Maine, to state that he was paired with Mr. RYON, of Pennsylvania.

Mr. CABELL. My colleague, Mr. JOHNSTON, is paired with Mr. WAIT, of Connecticut.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SPARKS, who is absent on the committee to attend the funeral of Mr. LAY, is paired with my colleague, Mr. HENDERSON.

Mr. MONROE. I have been requested to state that Mr. PIERCE, of New York, is paired with Mr. SINGLETON, of Mississippi.

Mr. RUSSELL, of North Carolina. I am paired with my colleague, Mr. STEELE. If he were here, I should vote "no."

Mr. HILL. My colleague, Mr. EWING, is paired with Mr. KETCHAM, of New York.

Pending the announcement of the result,

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports of surveys of Chattahoochee, Etowah, and Duck Rivers; also a letter from the Secretary of War, transmitting a report of surveys and examinations made with a view to the improvement of the entrance to Nantucket Harbor, Massachusetts; which were severally referred to the Committee on Commerce.

The result of the vote was then announced as above stated.

Accordingly, (at one o'clock and forty minutes p. m.,) in obedience to the concurrent resolution of the two Houses, the House adjourned until Tuesday, January 6, 1880, at twelve o'clock m.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BOUCK: Resolutions of the Chamber of Commerce of the city of Milwaukee, Wisconsin, for the improvement of the harbor at Grand Haven, Michigan—to the Committee on Commerce.

By Mr. BUCKNER: A paper relating to the establishment of a post-route from Duncan's Bridge to Clarence, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: The petition of Samuel Bromberg, late consul at Hamburg, to be reimbursed for consular and other services rendered the United States Government—to the Committee on Foreign Affairs

By Mr. CRAVENS: Papers relating to the claim of Bishop E. Fitzgerald, for compensation for property taken and destroyed by the United States Army during the late war—to the Committee on War Claims.

By Mr. DUNNELL: The petition of A. K. Norton and 20 others, citizens of Minnesota, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. ELAM: Papers relating to the claim of Mrs. E. Jane Ralston for compensation for property used and damaged by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of John Orsborne for compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. GARFIELD: The petition of 250 ex-soldiers, of Defiance, Ohio, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. HARRIS, of Virginia: The petition of Andrew J. Baugher, of Port Republic, Virginia, for compensation for stock driven off by order of General Sheridan during the late war—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the pension claim of J. J. Gibbs—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Strawberry Plains High School, Tennessee, for compensation for the destruction of the buildings and furniture of said institution by Federal troops during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Captain Paul Sturm for compensation for services rendered as an officer in the United States Army—to the Committee on Military Affairs.

Also, papers relating to the claim of Dr. G. R. Brandon for compensation for property taken by United States forces during the late war—to the Committee on War Claims.

By Mr. HUMPHREY: The petition of the Chamber of Commerce of Milwaukee, Wisconsin, for aid to improve the harbor of Grand Haven—to the Committee on Commerce.

By Mr. KING: A paper relating to the establishment of a post-route from New Carthage to Kellogg, Louisiana—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOID: A communication from Edward Johnston, relating to the construction of a dry-dock in or near the Des Moines Rapids Canal—to the Committee on Commerce.

By Mr. MORSE: Papers relating to the pension claim of Mrs. Adeline A. Turner—to the Committee on Invalid Pensions.

By Mr. O'NEILL: The petition of Catharine A. Wiggin, for a pension—to the same committee.

By Mr. RUSSELL, of North Carolina: The petition of soldiers of the civil war, that they be paid as the bondholders have been paid—to the Committee on Military Affairs.

By Mr. STARIN: The petition of James K. Welch, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: A paper relating to the establishment of a post-route from Mockeson, Tennessee, to Lexington, Alabama—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: The petition of Henry S. Cohn, for pay as second lieutenant United States Army—to the Committee on Military Affairs.

Also, the petition of Eugene O. Sullivan, for a pension—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *January* 6, 1880.

PRAYER.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following prayer:

Almighty and ever-living God, we bless and adore Thee as our creator, our preserver, and our most bountiful benefactor. We rejoice that Thou art on the throne, and that Thy kingdom ruleth over all. We thank Thee, O God, for Thy manifold blessings to us. Especially do we thank Thee for Thy watchful providence over us since last we met together in this Chamber, and that we are permitted to enter upon the duties and responsibilities of a new year under circumstances of great mercy.

O God, it hath seemed good unto Thee, in Thine inscrutable providence, to remove by the hand of death another member of this venerable body from the scene of his honors, his labors, and his responsibilities into the future and eternal world. We pray that our hearts may be deeply touched by this sad dispensation of Thy Providence, and that we may be reminded of our own mortality and of the necessity of being ever prepared for our departure, for we know not when we shall be called hence. We invoke Thy especial blessing to rest upon the bereaved family of the deceased Senator. Comfort them in the hour of their affliction; bind up the broken-hearted; and may this affliction be sanctified to them.

We invoke Thy blessing to rest upon our rulers, upon the President, the Vice-President, the Senators and Representatives in Congress, and upon all others in authority. May they rule in the fear of God and for the good of our common country. Watch over us during all our appointed time upon earth, choose all our changes for us, be with us in the last sad change that awaits us upon earth, and finally receive us into Thy kingdom above, we ask for Christ our Redeemer's sake. Amen.

THE JOURNAL.

The Journal of the proceedings of Friday, December 19, 1879, was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the final report of the Hot Springs commissioners, together with schedules showing the names of the parties in whose favor awards were made, the number and valuation of lots, and a list of persons to whom certificates were issued for property condemned; which was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the act of June 18, 1878, a letter from the Chief of Engineers, forwarding a report from Colonel J. H. Simpson, Corps of Engineers, of a survey and examination made to estimate damages to riparian owners of lands in front of the town of Venice, Illinois, by reason of Government improvements on the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting, with other papers connected with the subject, the petition of Captain Joseph Conrad, Eleventh Infantry, brevet colonel United States Army, praying for the passage by Congress of a bill authorizing his retirement as of the grade of colonel; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also presented the petition of Philip Tarble and others, members of the Saint Regis tribe of Indians, praying for the passage of a law allowing them to remain on their reservation; which was referred to the Committee on Indian Affairs.

He also presented resolutions of the United States Veterinary Medical Association in favor of an appropriation by Congress to be used in the eradication of the lung plague of cattle in the United States; which were referred to the Committee on Agriculture.

He also presented resolutions of the American Social Science Association in favor of the passage of a bill providing that hereafter the metric denominations of weights and measures shall be introduced into and made obligatory in the service of the custom-houses; which were referred to the Committee on Finance.

Mr. KERNAN presented the petition of Patrick Murphy and 18 other soldiers of the late war, praying for the passage of a law granting an increase of pension from $24 to $30 per month to those soldiers who lost a leg above the knee or an arm above or below the elbow; which was referred to the Committee on Pensions.

He also presented the petition of M. M. Jones, of Utica, New York, praying for a pension; which was referred to the Committee on Pensions.

Mr. DAVIS, of Illinois, presented the petition of Jacob Beck and others, citizens of Williamsville, Illinois, praying for the passage of a law to enable every poor family on this continent to obtain a good, comfortable home of their own by paying 4 per cent. per annum on the cost of the improvements only for a period of twenty-five years; which was referred to the Committee on Public Lands.

He also presented the memorial of James McCartney and others, citizens of Fairfield, Illinois, remonstrating against the extension of the patent known as the Hedges patent and the Cook patent on evaporators; which was referred to the Committee on Patents.

Mr. WITHERS presented the petition of T. W. Tansill, late quartermaster and commissary of the Mexican boundary commission, praying to be allowed certain pay and emoluments claimed to be due him while in the service of that commission; which was referred to the Committee on Claims.

Mr. ROLLINS presented the petition of Asa C. Ham and others, soldiers of the late war, praying that the act of March 3, 1863, providing bounty to soldiers discharged by reason of wounds, be amended so as to include all soldiers discharged by reason of sickness or other disability contracted in the service; which was referred to the Committee on Military Affairs.

Mr. HARRIS presented the petition of Caroline A. Nicholson, widow of the late A. O. P. Nicholson, of Tennessee, praying that the balance of salary due her late husband as United States Senator from that State be paid to her; which was referred to the Committee on Claims.

Mr. BECK presented the petition of J. A. Hodges, of Kentucky, praying compensation for property furnished the United States Army during the late war; which was referred to the Committee on Claims.

Mr. CARPENTER presented the petition of Patrick Murphy and others, soldiers in the late war, praying for an increase of pension for loss of leg above the knee or arm above or below the elbow from $24 to $30 per month; which was referred to the Committee on Pensions.

He also presented the petition of Frederick Wedemeyer and 32 others, soldiers of the late war, praying for the passage of a law allowing to every soldier of the United States Army who has served twenty years a pension equivalent to three-fourths of the full pay of the grade which he held at the date of his discharge; which was referred to the Committee on Pensions.

He also presented the petition of William Coventry H. Waddell, late marshal of the United States for the southern district of New York, praying for the passage of a law granting him compensation for services rendered by him as marshal; which was referred to the Committee on the Judiciary.

Mr. LOGAN presented the memorial of Thomas W. Scott and others, citizens of Wayne County, Illinois, remonstrating against the extension of the Cook patent used in the manufacture of the products of sugar-cane, &c.; which was referred to the Committee on Patents.

He also presented the petition of David Swing and others, citizens of Colorado, praying for the passage of a law granting one section of land in the Ute reservation in Colorado to Susan, wife of Chief Joseph, for her kindness to the whites in the recent massacre at White River; which was referred to the Committee on Indian Affairs.

He also presented the petition of George K. Wood and others, inmates at the National Soldiers' Home at Milwaukee, Wisconsin, praying that an increase of pension from $24 to $30 per month be granted to soldiers of the late war who lost a leg above the knee or an arm above or below the elbow; which was referred to the Committee on Pensions.

Mr. BOOTH presented resolutions of the land committee of the board of regents of the University of California, in favor of the passage

of a law by Congress empowering that board to invest funds arising from the sale of lands from the congressional grant in United States 4 per cent. bonds; which were referred to the Committee on Education and Labor.

Mr. VEST presented the petition of David Earnest and others, soldiers of the late war and citizens of the States of Illinois, Missouri, Ohio, and Kentucky, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of J. W. Passmore, president of the Saint Louis and Texas Railway Company, praying for the passage of a law removing the tariff duty on steel rails; which was referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of Kansas City, Missouri, in favor of an additional appropriation for the improvement of the Missouri River; which were referred to the Committee on Commerce.

Mr. COCKRELL. I present a similar memorial of the Board of Trade of Kansas City, and move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ALLISON presented the petition of Westphal, Hinds & Co. and others, citizens of the United States, praying the passage of a law reducing the specific duty upon sheet zinc from two and one-fourth cents to one cent per pound; which was referred to the Committee on Finance.

Mr. CONKLING presented the memorial of Thomas Delany and others, citizens of New York, remonstrating against the passage of Senate bill (No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the memorial of owners and agents of steam and sailing vessels on the northern lakes, remonstrating against the construction of a swing-bridge across the channel of the Detroit River near the city of Detroit, Michigan; which was referred to the Committee on Commerce.

He also presented the petition of Isaac J. Covert and others, citizens of Ovid, New York, praying for the passage of a law authorizing a grant of land in Texas for the cultivation of tea and coffee and the raisin-grape by a company designated the Texas Tea Company; which was referred to the Committee on Public Lands.

He also presented a memorial of ship-owners of the city of New York, in favor of an amendment to the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was referred to the Committee on Finance.

He also presented the memorial of the Commercial Mutual Insurance Company and others, underwriters of the city of New York, in favor of an appropriation by Congress for the removal of certain obstructions in the harbor midway between Brooklyn and Governor's Island; which was referred to the Committee on Commerce.

Mr. DAVIS, of Illinois, presented resolutions of the Bureau of Labor Statistics of the State of Illinois, in favor of supplying States and Territories in which bureaus of statistics may be established duplicate copies of the returns of the tenth census for the State or Territory in which such bureaus may be situated; which were referred to the Select Committee to make provision for taking the Tenth Census.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. R. No. 156) to correct an error in the act "making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes;" and

A joint resolution (H. R. No. 157) for the relief of M. M. Herr.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island; and

A bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881.

BILLS INTRODUCED.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 917) providing for the ascertainment of and compensation for patented inventions used in the Springfield breech-loading system by the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 918) for the relief of certain volunteer officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 919) to establish a court of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 920) supplementary to an act entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia," approved June 12, 1860; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 921) making an appropriation to improve the Little Kanawha River in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 922) making an appropriation for continuing the improvement of the Monongahela River in the States of West Virginia and Pennsylvania; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 923) granting a pension to Morven M. Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 924) disposing of the public lands covered by and included in meandered lakes, bayous, or streams at the time the public lands were surveyed, and which were not included in such survey; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 925) to provide for the reappraisement and sale of the abandoned military reservation at Fort Smith, Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 926) to authorize the Secretary of War to construct a bridge across the Potomac River at or near the Three Sisters Islands; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 927) for the relief of William Beddo; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 928) for the relief of J. G. Halsell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 929) to repeal section 4724 of the Revised Statutes of the United States, and to provide that no person on the retired list of the Army, Navy, or Marine Corps shall draw a pension; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 930) for the relief of Millie E. Hays, widow of John Hays; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 931) to admit free of duty all articles intended for exhibition at the millers' international exhibition of milling and mill machinery, to be held at Cincinnati, Ohio, commencing May 31, 1880; which was read twice by its title, and referred to the Committee on Finance.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 932) for the relief of sufferers by the wreck of the Government transport bark Torrent; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 933) for the relief of Edward S. Farrow; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 934) making an appropriation for the improvement of the Coquille River; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 935) making an appropriation for the improvement of the bar and entrance to Yaquinna Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 936) making an appropriation for continuing the improvements at Coos Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 937) appropriating $500,000 for continuing the work of constructing locks at the Cascades, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 938) authorizing the Astoria and Winnemucca Railroad Company to construct bridges across Young's Bay or River and Lewis and Clarke's River, in the State of Oregon; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Commerce.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was read twice by its title, and referred to the Committee on Finance.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 940) to amend an act approved July 2, 1862, entitled "An act donating lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was read twice by its title, and referred to the Committee on Education and Labor.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 941) for the relief of the State University of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 942) releasing the title of the United States in a certain parcel of land to the assignees of John Cutler; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 943) to authorize Dr. Curtis E. Price, of the United States Army, to receive the pay allowed by law for discharging the duties of physician to the Hoopa Valley Indian reservation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 944) for the relief of John Grierson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 945) to transfer certain claims from the Executive Departments to the Court of Claims for adjudication; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 946) for completing the work of improving the Missouri River at and near Kansas City, Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 947) fixing the compensation of United States district attorneys, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 948) limiting the compensation of clerks of the district and circuit courts when one person holds both offices; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 949) fixing compensation of United States marshals and deputies, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 950) granting arrears of pension to Nancy Eubank; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 951) to pay W. W. Walden for building destroyed by fire while occupied by United States troops; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 55) in relation to the returns of the tenth census; which was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WINDOM, it was

Ordered, That the papers in the case of W. Webster be taken from the files of the Senate and referred to the Committee on Claims.

DEATH OF SENATOR HOUSTON.

Mr. MORGAN. Mr. President, I rise for the purpose of making known to the Senate the death of my colleague, Hon. GEORGE S. HOUSTON, of Alabama, who died on the last day of the last year at his home in Athens, Alabama, in the midst of his family and his friends, honored and regretted by all the people of that State. At some other time I shall ask the Senate to consider some resolutions commemorative of the virtues of my late colleague.

At this moment of time it seems to be required of me, as a painful duty, that I should make some contradiction of a statement which was made public on the day of his burial, to the effect that he and I were not on speaking terms—a gentleman for whom I had the highest personal regard, and in whose political opinions and mine there was perfect accord upon all subjects, so far as I am aware. I had received, as I was informed by his family, his most tender and kindly expressions of regard, even up to almost the very hour of his death. He was a noble, good man, in whose friendship I did sincerely rejoice and whose respect was to me one of the greatest boons of my personal as well as my political life.

Having said this much on that part of the subject, I will now, Mr. President, move that the Senate adjourn.

The VICE-PRESIDENT. Before the Chair puts the question, he desires to state that in the recess of the Senate, assuming that his action would meet the approbation of the Senate, he appointed Mr. MORGAN, Mr. EATON, Mr. ALLISON, Mr. BLAIR, and Mr. COKE as a committee on the part of the Senate to attend the funeral of the late Senator HOUSTON in Alabama, and if his action meets the approbation of the Senate it will be noted upon the Journal. The Chair hears no objection. The question is, Will the Senate now adjourn?

The motion was agreed to; and (at twelve o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 6, 1880.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday, December 19, 1879, was read and approved.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair, on behalf of the gentleman from Georgia, [Mr. NICHOLLS,] asks that Ex-Chief-Justice O. A. Lochrane, of the supreme court of Georgia, be invited to a seat on the floor of the House during his stay in the city.

Mr. WHITE. I have no objection to the request as to this particular gentleman; but in order to be consistent with myself, I object as a matter of principle.

ORDER OF BUSINESS.

Mr. COX. I ask unanimous consent that the States and Territories be called for bills and joint resolutions as of Monday.

The SPEAKER. The gentleman proposes simply to proceed with and conclude the full call of States and Territories?

Mr. COX. That is all.

The SPEAKER. The gentleman from New York [Mr. COX] asks unanimous consent that there may be to-day a morning hour, as of Monday, for the introduction of bills and joint resolutions, and that the call of States and Territories be finished, even though it should extend beyond one hour.

Mr. HOOKER. I rise to a parliamentary inquiry: Is not the special order for to-day the consideration of the report of the Committee on Rules?

The SPEAKER. That would come up in Committee of the Whole after the morning hour. Still, if the gentleman wants to reach that business it is his right to object.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at twelve minutes past twelve o'clock. The call of committees for reports rests with the Committee on Indian Affairs.

INVESTIGATION OF THE UTE OUTBREAK.

Mr. SCALES. I report back from the Committee on Indian Affairs, with a favorable recommendation, the following resolution, on which I demand the previous question:

Resolved, That the Committee on Indian Affairs investigate and report to the House the origin of the recent outbreak of the Utes at the White River agency, in Colorado, and to this end that said committee be authorized to send for persons and papers.

The previous question was seconded, there being—ayes 68, noes 9.

The question being taken on ordering the main question, there were—ayes 83, noes 23.

Mr. CLAFLIN. I make the point that no quorum has voted.

Tellers were ordered; and Mr. SCALES and Mr. CLAFLIN were appointed.

The House divided; and the tellers reported—ayes 89, noes 30.

Mr. DUNNELL. I make the point that no quorum has voted.

Mr. SCALES. I doubt whether there is a quorum in the House. I see no other course than to move a call of the House.

The SPEAKER. The gentleman might call the yeas and nays on ordering the main question.

Mr. SCALES. Very well. I call for the yeas and nays.

Mr. WILSON. I ask that the resolution be again read.

Mr. SCALES. Before the resolution is read I hope I may be allowed to say just one word.

Mr. WHITE. If the House could have some information as to the probable cost of this investigation there might not be the opposition which is now manifested.

Mr. SCALES. If I can be allowed one moment I will make an explanation which I think will be satisfactory.

The SPEAKER. Does the gentleman from Minnesota [Mr. DUNNELL] consent that the gentleman from North Carolina shall make an explanation?

Mr. DUNNELL. I am willing that the gentleman should make his explanation, but I do not withdraw my point.

Mr. KEIFER. We object to the gentleman's explanation unless the whole subject be opened to debate.

Mr. HOOKER. I hope the gentleman from North Carolina will be heard.

The SPEAKER. The Chair understood the gentleman from Ohio [Mr. KEIFER] to object unless debate be allowed to both sides.

Mr. SCALES. I can explain this matter in a few moments. I think there is a misapprehension on the part of some members as to what we design by this resolution. It does not provide for a roving commission, but simply an investigation by the Committee on Indian Affairs in their own chamber as to the causes of the recent outbreak

among the Utes. This is a very serious question, which has claimed the attention of the country; and, so far as I have read the public prints, the country demands some action on our part looking into this matter, in order that we may settle the question as to where the blame really belongs. Now, Mr. Speaker——

Mr. KEIFER. I object to further debate. I am, however, perfectly willing that there should be debate if it be made general; in fact I desire it.

Mr. SCALES. I call for the yeas and nays on ordering the main question.

Mr. WILSON. I ask that the resolution be again read.

The resolution was again read.

Mr. WILSON. What will be the cost?

Mr. SCALES. But a small amount—just the cost of some witnesses.

The House divided; and there were ayes 76; more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 141, nays 39, not voting 111; as follows:

YEAS—141.

Aiken,	Cravens,	Kenna,	Sawyer,
Armfield,	Culberson,	Kimmel,	Scales,
Atherton,	Daggett,	Klotz,	Sherwin,
Bachman,	Davidson,	Knott,	Simonton,
Barber,	Davis, Horace,	Martin, Benj. F.	Singleton, J. W.
Bayne,	Davis, Loundes H.	Martin, Edward L.	Slemons,
Beale,	De La Matyr,	Martin, Joseph J.	Smith, A. Herr
Belford,	Deering,	McCoid,	Sparks,
Beltzhoover,	Deuster,	McKenzie,	Speer,
Berry,	Dunn,	McLane,	Stephens,
Bicknell,	Elam,	McMahon,	Stevenson,
Bingham,	Errett,	McMillin,	Taylor,
Blackburn,	Felton,	Mills,	Thomas,
Bland,	Field,	Money,	Thompson, P. B.
Bliss,	Fisher,	Morrison,	Tillman,
Blount,	Ford,	Morton,	Townshend, R. W.
Bowman,	Forney,	Myers,	Tucker,
Boyd,	Fort,	New,	Turner, Oscar
Bright,	Geddes,	Nicholls,	Updegraff, Thomas
Buckner,	Gillette,	Norcross,	Upson,
Burrows,	Goode,	O'Connor,	Valentine,
Cabell,	Gunter,	Orth,	Vance,
Caldwell,	Hammond, N. J.	Osmer,	Waddill,
Calkins,	Harmer,	Pacheco,	Washburn,
Cannon,	Harris, John T.	Page,	Weaver,
Carlisle,	Hatch,	Persons,	Wellborn,
Caswell,	Hazelton,	Phister,	Whiteaker,
Chalmers,	Henderson,	Pound,	Whitthorne,
Clardy,	Herbert,	Price,	Williams, Thomas
Clark, John B.	Hill,	Reagan,	Willis,
Clymer,	Hooker,	Richardson, J. S.	Wilson,
Cobb,	Hostetler,	Robertson,	Wood, Fernando
Coffroth,	House,	Robinson,	Wright.
Covert,	Hunton,	Rothwell,	
Cowgill,	Jones,	Russell, W. A.	
Cox,	Joyce,	Sapp,	

NAYS—39.

Anderson,	Dunnell,	Lapham,	Shelley,
Blake,	Ferdon,	McCook,	Stone,
Bouck,	Hammond, John	Monroe,	Thompson, W. G.
Bragg,	Haskell,	Neal,	Tyler,
Brigham,	Hawk,	O'Neill,	Updegraff, J. T.
Carpenter,	Hawley,	Overton,	Ward,
Chittenden,	Herndon,	Prescott,	Williams, C. G.
Claflin,	Houk,	Ryan, Thomas	Willits,
Cook,	Keifer,	Samford,	Wood, Walter A.
Davis, George R.	Kelley,	Shallenberger,	

NOT VOTING—111.

Acklen,	Farr,	Ladd,	Richmond,
Aldrich, N. W.	Finley,	Le Fevre,	Robeson,
Aldrich, William	Forsythe,	Lewis,	Ross,
Atkins,	Frost,	Lindsey,	Russell, Daniel L.
Bailey,	Frye,	Loring,	Ryon, John W.
Baker,	Garfield,	Lounsbery,	Singleton, O. R.
Ballou,	Gibson,	Lowe,	Smith, Hezekiah B.
Barlow,	Godshalk,	Manning,	Smith, William E.
Brewer,	Hall,	Marsh,	Springer,
Briggs,	Harris, Benj. W.	Mason,	Starin,
Browne,	Hayes,	McGowan,	Steele,
Butterworth,	Heilman,	McKinley,	Talbott,
Camp,	Henkle,	Miles,	Townsend, Amos
Clark, Alvah A.	Henry,	Miller,	Turner, Thomas
Colerick,	Hiscock,	Mitchell,	Urner,
Conger,	Horr,	Morse,	Van Aernam,
Converse,	Hubbell,	Muldrow,	Voorhis,
Crapo,	Hull,	Muller,	Van Voorhis,
Crowley,	Humphrey,	Murch,	Wait,
Davis, Joseph J.	Hurd,	Newberry,	Warner,
Dibrell,	Hutchins,	O'Brien,	Wells,
Dick,	James,	O'Reilly,	White,
Dickey,	Johnston,	Phelps,	Wilber,
Dwight,	Jorgensen,	Pierce,	Wise,
Einstein,	Ketcham,	Poehler,	Yocum,
Ellis,	Killinger,	Reed,	Young, Casey
Evins,	King,	Rice,	Young, Thomas L.
Ewing,	Kitchin,	Richardson, D. P.	

So the main question was ordered to be now put.

During the vote the following announcements were made:

Mr. SCALES. My colleague, Mr. DAVIS, is detained at home by important business; so also is my colleague, Mr. STEELE; and my colleague, Mr. KITCHIN, is paired with Mr. MARTIN, of North Carolina, on all political questions.

Mr. ROBERTSON. My colleague, Mr. GIBSON, is paired with Mr. MARSH, of Illinois.

Mr. HILL. My colleague, Mr. FINLEY, is paired with Mr. BRIGGS, of New Hampshire.

Mr. MONEY. My colleague, Mr. MULDROW, is absent by leave of the House; and my other colleague, Mr. MANNING, is absent on account of sickness.

Mr. BLISS. My colleague, Mr. O'REILLY, is paired with my colleague, Mr. HISCOCK.

Mr. HUNTON. My colleague, Mr. JOHNSTON, is detained from his seat by severe illness.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. HEILMAN, of Indiana.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SPRINGER, is paired with Mr. CALKINS, of Indiana. I have been requested to announce that Mr. FINLEY, of Ohio, is paired with Mr. BRIGGS, of New Hampshire.

On motion of Mr. SCALES, by unanimous consent, the reading of the names was dispensed with.

The House divided; and there were—ayes 83, noes 29.

So the resolution was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WHITE RIVER AGENCY.

Mr. SCALES also, from the Committee on Indian Affairs, reported back favorably the following resolution:

Resolved, That the Secretary of the Interior be, and is hereby, requested to transmit to this House at an early day copies of all correspondence had by letter or telegram since the 1st day of January, 1879, by N. C. Meeker, late Indian agent at the White River agency, with the Secretary of the Interior or Commissioner of Indian Affairs; and also copies of all correspondence by letter or telegram had by Governor Pitkin, General Hatch, General Adams, and Special Agent Pollock with the Secretary of the Interior and the Commissioner of Indian Affairs concerning the Ute Indians in the State of Colorado.

Mr. SCALES demanded the previous question on the adoption of the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMANDA M. COOK.

Mr. DEERING, from the Committee on Indian Affairs, reported back a bill (H. R. No. 1076) for the relief of Amanda M. Cook with the recommendation that it do pass.

The SPEAKER. The bill and report will be printed and referred to the Committee of the Whole House on the Private Calendar.

Mr. DEERING. I prefer to have the bill considered at this time.

The SPEAKER. That is the gentleman's right.

The bill, which was read, directs the Secretary of the Interior to deduct from any annuities due or to become due to the Cheyenne or Arapahoe Indians the sum of $2,000, and pay the same to Amanda M. Cook, formerly Amanda M. Fletcher, whose mother was killed and herself captured by the Cheyenne and Arapahoe Indians in the Territory of Wyoming in August 1865, while *en route* from the State of Illinois to California.

Mr. DEERING. I ask that the report accompanying the bill may be read.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred House bill No. 1076, for the relief of Amanda M. Cook, have had the same under consideration, and report as follows:

It appears from a letter of the Commissioner of Indian Affairs, dated February 11, 1876, and other evidence on the subject, the father of Amanda M. Cook, while *en route* from Henry County, Illinois, to California with his family, was, in August, 1865, attacked at or near Rock Creek, in Wyoming Territory, by hostile bands of Cheyenne and Arapahoe Indians; that his property to the amount of several thousand dollars was either taken or destroyed, his wife murdered, and his two daughters taken and held as captives. Amanda M. Cook, then fourteen years of age, was held for nearly a year by those Indians, during which time she was "horribly abused and compelled to do all the drudgery of the camp, subject to frequent beatings, and suffering daily the unaccustomed privations of a wandering Indian life." The evidence proves that the Cheyenne and Arapahoe Indians in council admitted the charge. (See letter of Commissioner of Indian Affairs above referred to.)

It is proper to further state that in the Forty-fifth Congress a similar bill (H. R. No. 2633, for relief of the same person) was introduced, referred to the Committee on Indian Affairs, was favorably reported by the committee and passed both Houses of Congress, but through lack of time it failed to reach the President for his approval.

The committee, in view of the foregoing facts, and in accordance with the precedent established by action on House bill No. 1697, Forty-fifth Congress, for the relief of Catherine and Sophia Germain, report the bill to the House with the recommendation that it pass.

Mr. DEERING. Mr. Speaker, I wish to say a word only in regard to this bill. As will be seen by the report, this bill passed both Houses of the Forty-fifth Congress, but failed to reach the President through lack of time. The Committee on Indian Affairs are now unanimous in reporting favorable action and recommending its passage. The bill is just, and ought to pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DEERING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION TO THE ACTIVE LIST OF THE NAVY.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. No. 673) to regulate applications for restoration to the active list of the Navy.

The bill was read. It provides that all applications of officers of the Navy for restoration to the active list, or for advancement to positions on the active list, and also similar applications on the retired list, as well as pay therein, shall be made to the Secretary of the Navy, who shall thereupon order a board of officers, not below the grade of the applicant, to investigate his case and report thereon; and said report, with the recommendation thereon of the Secretary of the Navy, shall be forwarded to Congress for its action thereon. No such application shall be made except as herein provided.

Mr. BLOUNT. I would like to have the gentleman state the object of this bill.

Mr. WHITTHORNE. The object of the bill is to provide that before the two Houses of Congress are called upon to act on any application for restoration to the active or retired list of the Navy the matter shall be inquired into under the orders of the Secretary of the Navy in the first instance, and that he shall report all the facts in connection with the application to Congress before any action here is had. It is done in order to economize time, and in order that all of the facts may be known by Congress in acting upon these numerous applications to be restored to one or the other of these lists in the Navy. It does economize time, and it is the belief of the committee that it will redound to the interest and efficiency of the Navy itself. The last House committee reported a similar bill, which was unanimously passed. This bill is the unanimous report of the present committee.

Mr. ACKLEN. May I ask the gentleman from Tennessee a question? How many officers are to compose this board which is to be appointed by the Secretary of the Navy? The bill, as I have understood from the reading of it, makes no provision as to the number. Is that left to the discretion of the Secretary?

Mr. WHITTHORNE. Yes, sir; that is left to the discretion of the Secretary of the Navy. He simply reports the facts to Congress, and this action takes away no right possessed by any officer.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHITTHORNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC MARINE SCHOOLS.

Mr. ELAM, from the Committee on Naval Affairs, reported back favorably the bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston.

The bill was read. It provides that the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, be, and the same is, amended so that it shall extend to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ELAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX. Mr. Speaker, has the morning hour expired?

The SPEAKER. There are four minutes of the morning hour yet remaining.

Mr. BLACKBURN. Mr. Speaker, I will ask the gentleman from New York, [Mr. COX,] as the morning hour is now about to expire, and as his committee cannot get much advantage from it, to allow me to report back, in obedience to instructions from the Committee on Rules, the proposed revision of the rules of the House, with amendments and report accompanying the same, which has hitherto been reported to the House and ordered to be printed and recommitted. I ask leave to report it back to the House at the expiration of the morning hour in obedience to the order of the House taken on the last day of the session, before the holidays, that I may call it up as a special order.

Mr. COX. I do not desire to urge any business of the Committee on Foreign Affairs in the few minutes remaining of this hour; but I wish it to be understood that the committee does not lose any part of the two hours to which it is entitled.

The SPEAKER. The Chair asks unanimous consent of the House to vacate the four minutes remaining of the morning hour. In that way the committee will still have its privilege of reporting for two hours. The Chair supposed that the House took considerable interest in getting back the report of the Committee on Rules and hence recognized the gentleman from Kentucky.

There being no objection, the remainder of the morning hour was vacated.

Mr. STEPHENS. Do I understand that the gentleman from Kentucky embraces in his motion the printing of the report according to the understanding, so that it may appear in the RECORD to-morrow morning?

The SPEAKER. That was the order of the House before the adjournment.

Mr. BLACKBURN. Under the order of the House the report will appear in the RECORD of to-morrow.

Mr. STEPHENS. I only wanted that to be understood by the House.

NAVIGABLE WATERS OF CALIFORNIA.

Mr. BERRY, by unanimous consent, introduced a bill (H. R. No. 3060) for the protection and improvement of the navigable waters of California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES SHIPPING COMMISSIONERS.

Mr. REAGAN. I desire to make a privileged report from the Committee on Commerce. That committee, to which was referred a resolution presented by the gentleman from New York, [Mr. COX,] asking for information from the Treasury Department, reports back the same with a favorable recommendation.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be directed to communicate to this House a statement of all moneys paid into the Treasury under the act of June 7, 1872, (title 53, Revised Statutes,) since the time of its enactment by the respective United States shipping commissioners.

The resolution was adopted.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOUNTY-LAND WARRANTS.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No. 3061) to authorize the Secretary of the Interior to issue patents for lands upon which have been located bounty-land warrants; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JAMES A. BROCKMAN.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 3062) granting a pension to James A. Brockman, late a private Company A, Fifteenth Regiment Iowa Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MILITARY RESERVATIONS OF FORT ABERCROMBIE, ETC.

Mr. BENNETT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Senate be requested to return to the House the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands.

ICE HARBOR AT PARKERSBURGH, WEST VIRGINIA.

Mr. WILSON, by unanimous consent, introduced a bill (H. R. No. 3063) to provide for the construction of an ice harbor in the Little Kanawha River at Parkersburgh, West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

W. S. MAXWELL.

Mr. WHITTHORNE, by unanimous consent, introduced (for Mr. ATKINS) a bill (H. R. No. 3064) to remove the political disabilities of W. S. Maxwell; which was read a first and second time, and referred to the Committee on the Judiciary.

INTEROCEANIC CANAL.

Mr. REAGAN, by unanimous consent, from the Committee on Commerce, reported back the joint resolution (H. R. No. 146) authorizing the President of the United States to appoint a commission of engineers to examine the surveys of the contemplated canal across the Isthmus of Panama; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Select Committee on the Interoceanic Ship-Canal.

The motion was agreed to.

Mr. REAGAN also, by unanimous consent, reported back from the same committee the bill (H. R. No. 2794) to provide for the appointment of an interoceanic commission to determine the best plan and route for the establishment of communication for trade and commerce between the Atlantic and Pacific Oceans across the Isthmus of Darien; and moved that the committee be discharged from the consideration of the same, and that it be referred to the Select Committee on the Interoceanic Ship-Canal.

The motion was agreed to.

TRADE-MARKS.

Mr. REAGAN also, by unanimous consent, from the same committee, reported back the bill (H. R. No. 2573) to authorize registration and protection of trade-marks; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

REVISION OF RULES.

Mr. DUNNELL. I demand the regular order.

The SPEAKER. The regular order being demanded, the gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. I now report back from the Committee on Rules the revision of the rules and the accompanying report, and move that the same be referred to the Committee of the Whole on the state of the Union; and I further move that the House now resolve itself into Committee of the Whole on the state of the Union.

The report was received and referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The question is on the motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the report just referred.

Mr. BLACKBURN. Before that motion is put, I desire to state that neither of the members of the minority side of this House belonging to the Committee on Rules is present to-day. It is not, however, the purpose of the Committee on Rules, in proceeding to the consideration of this revision at this time, to touch any matter upon which there is or has been any difference of opinion whatever among the members of the committee. I desire simply, in obedience to the instructions of the committee, to indicate its readiness to proceed with the consideration of this matter upon such subjects and points as there is likely to be no division of opinion upon.

I take it that the report will have to be read when we come to consider this subject in Committee of the Whole. Then if it be the pleasure of the committee at any time, in consequence of the absence of the members of the minority, to discontinue the consideration of the report, I am instructed by the Committee on Rules to say that it will also be its pleasure to stop whenever that point shall be reached.

Mr. DUNNELL. I would like to ask the gentleman from Kentucky [Mr. BLACKBURN] if it is his purpose at this time to fix a limitation of the general debate upon this report? How is this debate to proceed? Is there to be a time for general debate?

Mr. BLACKBURN. I take it it will be the pleasure of the House to have some limitation put on the debate. It is certainly the purpose of the committee to accommodate itself in all regards, in the motions it may submit, to the pleasure of the House. But I should judge that the five-minute rule will apply to the proceedings of the Committee of the Whole upon this matter. And so far as the members of the committee may find it necessary to make explanations of any portions of the report submitted by it, they will have to take their chance. I doubt whether it will be found necessary for any one member to occupy more than five minutes' time upon any one point that may be raised. Unless the House shall indicate a different wish, I do not know but what it would be well, in order to test the sense of the House, to move that the five-minute rule shall apply to the consideration of this report in the Committee of the Whole House.

Mr. REAGAN. I hope no such order will now be made. There is a very grave matter to be acted upon contained in this report.

Mr. BLACKBURN. If the gentleman will only indicate any time that will be satisfactory——

Mr. DUNNELL. I had supposed the gentleman from Kentucky [Mr. BLACKBURN] would indicate the length of time to be consumed in general debate. I am myself very well satisfied that there are rules which have been reported favorably upon by the Committee on Rules that cannot be fully and fairly discussed under the five-minute rule. I think it would be unfair to confine any man in the presentation of his views upon even a single rule to five minutes. I only desired that the gentleman would indicate the mode or manner in which he proposed to conduct the consideration of this subject.

Mr. STEPHENS. I trust the gentleman from Kentucky [Mr. BLACKBURN] will let us go into Committee of the Whole, for the discussion of these rules without any limitation as to time, until the House shall have become satisfied with the general discussion.

The SPEAKER. The committee can at any time rise and obtain an order from the House upon that point.

Mr. BLACKBURN. I am perfectly willing to agree to that.

Mr. STEPHENS. I am for the most unrestricted and unlimited discussion of this subject. Let us go into Committee of the Whole, and leave the question of limitation of debate to be determined hereafter.

Mr. BLACKBURN. I will say to the House that I am sure it is the pleasure of the Committee on Rules that any amount of time the House may desire shall be taken for the discussion of this proposed revision. I do not, myself, think it would be well to fix the time for general discussion arbitrarily in advance. I at least prefer, and I am sure the other members of the committee do, that the House shall resolve itself into Committee of the Whole and take one day or one week, if it pleases, for general discussion; and that whenever the time shall have been satisfactorily employed in general discussion which may be desired, then the committee can rise and go back into the House and obtain its order for the application of the five-minute rule.

The SPEAKER. The Chair does not understand the gentleman to make any motion for the limitation of debate.

Mr. BLACKBURN. I do not.

Mr. DUNNELL. I am satisfied.

The SPEAKER. The question is upon the motion to go into Committee of the Whole.

Mr. CALKINS. Before that motion is put, I desire to ask the Clerk——

The SPEAKER. If the gentleman will submit the request to the Chair, the Chair will make the inquiry of the Clerk.

Mr. CALKINS. Very well, I will ask the Chair to inquire of the Clerk whether or not, in the original motion submitted by the gentleman from Kentucky [Mr. BLACKBURN] before the holiday recess, it was not provided that the discussion of these rules should proceed in the House as in Committee of the Whole?

The SPEAKER. The Chair can answer that question; it was not so provided. The gentleman will see at once that the present occupant of the chair would desire to be upon the floor when these rules were discussed, and such an order as he indicates might render that difficult.

Mr. CALKINS. That need not prevent it, for the Chair could call anybody else to preside.

The question was then taken upon the motion of Mr. BLACKBURN; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the report made by the Committee on Rules, which report the Clerk will now proceed to read.

Mr. TOWNSHEND, of Illinois. Is it not first in order that the business upon the Calendar preceding the report shall be set aside in order to reach the report?

The CHAIRMAN. The Chair understands the order of the House to have been to resolve itself into Committee of the Whole for the purpose of considering this report, which report was made the special order for to-day.

Mr. TOWNSHEND, of Illinois. I beg pardon of the Chair; that was not part of the motion of the gentleman from Kentucky, [Mr. BLACKBURN.] His motion was simply to go into Committee of the Whole.

The CHAIRMAN. The present occupant of the chair, who was not in the House when the first order was made, is informed that this subject was made a special order for to-day to the exclusion of all other business.

Mr. STEPHENS. And from day to day.

The CHAIRMAN. And from day to day until completed.

Mr. HARRIS, of Virginia. I propose that by unanimous consent we dispense with the reading of this long report, which is upon the desk of every member. We know that the reading of reports in this way gives very little information, because so few members listen.

The CHAIRMAN. The gentleman from Virginia [Mr. HARRIS] asks unanimous consent that the reading of the report be dispensed with.

Mr. BARBER. I object.

The Clerk proceeded to read the report; but was interrupted by

Mr. BARBER, who said: I withdraw my objection to dispensing with the reading.

There being no further objection, the reading of the report was dispensed with.

The report, which on the 19th of December last was ordered to be printed in the RECORD of to-day, is as follows:

The Committee on Rules, in pursuance of the resolution of the 25th of June ultimo, authorizing them to sit during the then coming recess "for the purpose of revising, codifying, and simplifying the rules of the House," ask leave to submit the following report:

The urgent necessity of a thorough revision of the rules of the House cannot be better illustrated and shown than by the simple statement of the fact that of the present one hundred and sixty-six rules sixty-three of that number, or portions thereof, were adopted prior to the year 1800, and that in the only revision and rearrangement of the rules ever made since that time at all approaching thoroughness, not less than thirty rules which were practically obsolete, in whole or in part, were allowed to remain among the standing rules of the House of Representatives.

In view of this fact, the committee decided that a complete revision and codification of the rules was not only a parliamentary but a practical business necessity, demanded both by the gradual change in parliamentary law and practice which has taken place since Jefferson's Manual was the standard recognized American authority, and by reason of the increased representation in the House, and the very large increase of business transacted, which can be best illustrated by the statement of the fact that in the Sixth Congress, which convened December 2, 1799, and expired March 3, 1801, with sixteen (16) States in the Union, having one hundred and forty-one (141) Representatives in the House, (one for every 33,000 inhabitants,) there were 298 bills introduced and reported and 347 petitions presented, while in the Forty-fifth Congress, which convened October 15, 1877, and expired March 3, 1879, with thirty-eight (38) States in the Union, having two hundred and ninety-three (293) Representatives in the House, (one for every 133,000 inhabitants,) there were 6,579 bills introduced and reported and 10,467 petitions presented.

The committee determined at the very threshold of their labors—it being, indeed, the first conclusion reached by them—that their reported revision should be the unanimous action and agreement of the committee, leaving intact only such rules as the committee could not agree unanimously to adopt or amend, reserving, however, to each member of the committee the right, individually, to offer such amendments as he might, on further consideration of the subject, deem proper or desirable; and the accompanying proposed code of standing rules for conducting business in the House of Representatives is, therefore, the unanimous report of the Committee on Rules. In submitting the same, it is proper to remark that the rights and privileges of the political minority of the House have in no respect been restricted or abridged therein, and that political or partisan considerations never entered into or disturbed its deliberations, or once divided the committee in respect to a single item or paragraph. The objective point with the committee was to secure accuracy in business, economy of time, order, uniformity, and impartiality, and to prepare, if possible, a simple, concise, and non-partisan code of rules, which should neither surrender the right of a majority to control and dispose of the business for which it is held responsible, or, on the other hand, to invade and restrict the powers of a minority to check temporarily, if not permanently, the action of a majority believed to be improper or unconstitutional, and to attain, if possible, the great underlying principle of all the rules and forms by which the business of a legislative assembly is governed, whether constitutional, legal, or parliamentary in their origin, namely, "to subserve the will of the assembly

rather than to restrain it, to facilitate and not to obstruct the expression of its deliberate sense."

As a second conclusion the committee decided to arrange the proposed rules in such order as would make their connection and subject correspond, as nearly as practicable, consolidating in one rule the various provisions relating to the same subject, now embraced in several rules scattered about without regard to uniformity or system; and the order in which they have been arranged is as follows, namely:

1. Duties of the Speaker;
2. Election of officers;
3. Duties of the Clerk;
4. Duties of the Sergeant-at-Arms;
5. Duties of Doorkeeper;
6. Duties of Postmaster;
7. Duties of Chaplain;
8. Of the members;
9. Questions of privilege;
10. Of committees;
11. Powers and duties of committees;
12. Delegates;
13. Calendars;
14. Decorum and debate;
15. Calls of the roll and House;
16. On motions—their precedence;
17. Previous question;
18. Reconsiderations;
19. Of amendments;
20. Of amendments of the Senate;
21. On bills;
22. Of petitions and memorials;
23. Of Committees of the Whole House;
24. Order of business;
25. Miscellaneous rules.

As a necessary sequence of this action the next conclusion of the committee was that each distinctive subject should, so far as practicable, be disposed of in one rule, with subdivisions in the nature of clauses, to be numbered, respectively, 1, 2, 3, &c., the rule itself being designated by Roman numerals, as, for instance, "Clause 1, Rule V, or Clause 5, Rule III," and so known and described in the proceedings of the House, thereby preserving that feature of the rules which treats each item of the general appropriation and tariff bills as clauses, and also the principle of Rule 46 relating to division of a question, which may be briefly stated as follows, namely: that a question may be divided upon the demand of any member whenever it shall comprehend propositions in substance so distinct that one being taken away a substantive proposition shall remain for the decision of the House. This plan has enabled the committee to reduce the rules from 166, their present number, to 45, without, it is believed, in the slightest degree sacrificing the qualities of clearness and conciseness, to secure so large a reduction of quantity or volume, and will enable members to readily refer, not only to a particular provision of any rule, but to everything connected directly with the matter sought for.

With this preliminary statement of the general plan on which the committee proceeded, the disposition made in the revision reported, of each of the present rules of the House, will now be given, with such explanation as may be deemed necessary and proper.

TOUCHING THE DUTY OF THE SPEAKER.

Under the head of "Touching the duty of the Speaker" are now grouped nine rules, which are consolidated into and appear as Rule I in the revision, as follows, namely:

Rule 1, as clause 1.
Rule 2, as clauses 2 and 4.
Rule 3, as first part of clause 5.
Rule 4, as last part of clause 5.
Rule 5 incorporated in clauses 1, 3, and 7.
Rule 6 is incorporated with Rule 155, and, as amended, transferred to the rules under the head of "Miscellaneous," and appears as Rule XXIII.
Rule 7 appears as clause 6.
Rule 8 is divided, the first portion of the same appearing as clause 4, new Rule I, and the last portion transferred to and appearing in clause 3, new Rule III.
Rule 9 appears as clause 2.

No substantial or important changes have been made in these rules. They have simply been abbreviated, rearranged, and consolidated.

OF THE CLERK AND OTHER OFFICERS.

Under this head are grouped rules from 10 to 28, inclusive, providing for the election and prescribing the duties of the various officers of the House. These have been reduced to four in number, and appear as follows, namely:

Rule 10, which provides for the election of a Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster, has been retained with amendments, one striking out the word "appointed" and inserting in lieu thereof the word "chosen," another inserting the word "Chaplain," who has hitherto been elected as a matter of custom, which the committee deem proper to crystallize into a rule, and a third striking out the words "and the appointees of the Doorkeeper and Postmaster shall be subject to the approval of the Speaker." Whatever may have been the occasion of this provision it has long been obsolete, and for that reason the committee recommend that it be dropped. A clause is also added authorizing each of the above-named officers to appoint all of the employés of his department provided for by law, there being no provision either of law or rule in this respect. Relating as it does directly to the organization of the House, the rule has been adopted by the committee as Rule II.

Rule 11 has been dropped, being both obsolete and unnecessary.
Rule 12 has been retained intact and transferred under the head of "Miscellaneous" rules. It there appears as Rule XL.
Rules 13 and 19 appear as clause 2, Rule III.
Rules 14, 15, 16, 17, 18, and 21, as clause 3, Rule III.
Rule 20 has been dropped, the subject-matter being provided for by law. (See act of June 20, 1874, which imposes on the Secretary of State the duty of preparing an index to the acts passed each session.)
Rule 22 appears in clause 1, Rule IV.
Rule 23 appears as clause 2, same rule.
Rule 24 is dropped, for the reason that by the act of June 20, 1874, Revised Statutes, section 53, it is provided that the Sergeant-at-Arms shall receive, directly or indirectly, no fees, other compensation, or emolument whatsoever, for performing the duties of his office or in connection therewith.
Rule 25 is incorporated in new Rule IV, and appears as last part of clause 1.
Rule 26, as amended, appears as clause 3, Rule IV. The principal changes made are: first, the amendment requiring the Sergeant-at-Arms to attend in person the House during its sittings; second, the amendment increasing his bond from ten, the present limit, to fifty thousand dollars; third, the amendment making him and his bondsmen responsible for the moneys received by him for disbursement of expenses of select committees; and, fourth, the amendment providing that no member of Congress shall be accepted as bondsman.
Rule 27 appears as new Rule V, with the addition of Rule 166, as the duties prescribed therein more properly belong to the Doorkeeper, and have been so transferred.
Rule 28 appears as Rule VI, with the additional requirement that the Postmaster shall be held responsible for the safe delivery of mail to members, officers, and employés of the House.
An additional rule has been created, numbered VII, requiring the Chaplain to attend at the commencement of each day's session, and open the same with prayer.

OF THE MEMBERS.

Under this head are grouped rules from 29 to 33, inclusive. These have been consolidated, save one, and appear, as amended, as new Rule VIII, as follows:

Rules 29, 30, 31, and 33 have been substantially incorporated in the proposed Rule VIII, clause 1.
Rule 32 has been transferred, and appears in clause 1, Rule XXII.

The principal changes made under this head are as follows:

First. The committee propose a second call of the roll, when the names of those not voting on the first are again called over, and after that is completed no member shall be allowed to vote;

Second. That no member outside the railing inclosing the seats shall be counted; and

Third. That pairs shall not hereafter be announced by members, but that after the completion of the second roll-call the Clerk shall read a list of pairs handed him by members, which list shall be printed in the CONGRESSIONAL RECORD following the names of those not voting, which last provision appears as clause 2, Rule VIII.

The committee believe that these changes will not only greatly facilitate the calling of the roll, which now occupies half an hour, but that it will insure greater accuracy, a matter of the first importance when the House is closely divided politically.

OF CALLS OF THE HOUSE.

Under this head appear Rules 34 to 37, inclusive. These have been consolidated into one rule and numbered XV, and appear as follows, namely:

Rule 34 appears as clause 2.
Rule 35, as clause 1.
Rule 36, as clause 2.
Rule 37, as the last part of clause 2.

The principal changes herein made provide for a second call of the roll, and drop what may be termed the penalty system for absenteeism. Sections 40 and 41 of the Revised Statutes provide for a deduction of pay of a member for absence without leave, and section 53 provides that the Sergeant-at-Arms shall receive no fees whatever for performing the duties of his office or in connection therewith. The rule has been for many years a dead letter, and for that reason the committee recommend that it be dropped entirely.

ON MOTIONS, THEIR PRECEDENCE, ETC.

Under the above head are Rules 38 to 50, inclusive. The committee consolidated these into one rule, numbered XVI, composed of eight clauses.

Rule 38 appears in clauses 1 and 2.
Rule 39 appears in the same clauses.
Rule 40, as clause 2.
Rule 41, as clause 3.
Rule 42, as clause 4.
Rule 43 has been transferred to another rule, and appears as clause 2, Rule XIII.
Rule 44, as clause 5.
Rule 45, as the last part of clause 5.
Rule 46, as clauses 6 and 7, Rule XVI.
Rule 47 has been dropped as both obsolete and unnecessary, being otherwise provided for in the present and proposed rules.

Rule 48. The last portion of Rule 48, to wit: "No bill or resolution shall, at any time, be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House," was adopted September 15, 1837, (first session Twenty-fifth Congress.) As then reported by the Committee on Rules it contained, after the word resolution where it occurs the second time, the words "the substance of." These words were stricken out by a close vote, and the practice of the House has since permitted the *substance* of any bill or resolution pending before the House to be offered as an amendment or substitute for the pending proposition.

The committee believe the correct principle to be the proposition reported by the Committee on Rules in the Twenty-fifth Congress, excluding an amendment which contained the substance of any other bill or resolution pending before the House. The rules and practice of the House of Commons, from which this proposition was substantially taken, restricted the right of substituting one subject for another to motions for reading (that is, of proceeding to the consideration of) the orders of the day, thus giving the House an opportunity to select the particular subject it would first consider, and preventing the practical inconvenience that would result from public business being obstructed by substantive motions which had no connection with the orders of the day. Under the present rule "a bill or resolution pending before the House" may be moved as an amendment to a pending proposition, if germane, by simply changing a word or two in no sense important or material, thereby accomplishing indirectly what the rules prohibit doing directly; a species of parliamentary legerdemain that certainly ought not to be countenanced or permitted by a rule.

Rule 49 has been retained substantially intact. A proviso has been added that a motion to reconsider made during the last six days of a session shall be disposed of when made, thus placing it beyond the power of a single member, voting with the prevailing side for the purpose of placing himself in a situation to make the motion, to arrest business which a majority have decided to dispatch.

Rule 50 has been dropped as unnecessary, being otherwise provided for by way of amendment.

The principal changes recommended by the committee with respect to the foregoing rules are as follows:

First. The order of motions has been changed by making the motion to fix the day to which the House shall adjourn first in order, thereby conforming to the practice of the House since the Twenty-ninth Congress, by the addition of a motion for a recess next in order to a motion to adjourn, and by making the demand for the previous question non-debatable, which is a transfer of the first clause of Rule 133.

The order of reference of a subject has been changed so as to provide that the question of reference of any proposition offered by a member shall be put *first* to a standing committee and *second* to a select committee, while the order of reference of a proposition reported by a committee shall be put in the same order as now provided in Rule 43.

This change will secure the preliminary consideration by a standing or select committee of the House of all matters of proposed legislation, as provided in the first paragraph of Rule XI.

The hour of actual adjournment is hereafter to be entered on the Journal instead of the hour at which the motion is made, thus preventing the anomaly of the Journal stating a motion of adjournment at, say, three p. m., while proceedings might be (and indeed have been) had, delaying actual adjournment for two hours.

ORDER OF BUSINESS OF THE DAY.

Under this head now appear rules from 51 to 56, inclusive, while another rule, 130, which properly belongs to this subject, appears under another head. The above rules have been grouped and consolidated into one, and appear in the revision as Rule XXIV, as follows, namely:

Rule 51, providing for and regulating the call of committees, appears as clause 2, or so much thereof as is essential to the plan proposed by the committee, hereafter explained.

Rule 52 is substantially provided for by the last paragraph of clause 2, the contingency therein provided for being rare, and at best of doubtful propriety as a matter of practice.

Rule 53 has been dropped, being otherwise provided for in clause 1.

Rule 54, regulating the disposition of business on the Speaker's table, is embraced in clause 5, without substantial change.

Rule 55 is dropped, being otherwise provided for by present Rule 145 and proposed Rule XXVIII.

Rule 56 appears as clause 4, without change, except that it is slightly condensed.

The present order of business, under the practice, has become somewhat cumbrous, and, besides possessing an element of uncertainty as to the time of transacting the business therein provided for, is in some respects so incongruous as to lead to confusion, and in some instances to errors, as to the exact status of business.

In the revision submitted by the committee it is proposed to have a daily call of all the committees, all business reported, save that to which no objection is made to its "present consideration," to go to the Committee of the Whole House, whether public or private, and to a House Calendar composed only of bills not making appropriations of money.

This plan secures two desirable objects, namely:

1st. The printing of all bills and accompanying reports, thus giving time for their examination by members before consideration; and

2d. Saves unnecessary waste of time in preventing, by what is known as "filibustering" in the morning hour, the consideration of a bill reported by a committee, thus blocking the way against reports from other committees to which little or no objection would be made.

Numerous instances might be cited, during the past few years, where the "morning hour" has been consumed by dilatory motions for days, and even weeks, thus making it possible at the close of a session to defeat action on an important bill, which could only be reported by unanimous consent or by a suspension of the rules by a two-thirds vote, which vote might not be obtained.

The change made as to the time of disposing of business on the Speaker's table so as to immediately follow the disposition of the unfinished business pending at the last adjournment is really not a departure from the present rule and practice as to that class of business, but rather a transfer of the unfinished business from its present rank of being first in order after the reading of the Journal to follow the call of committees, which plan the committee believe will be found more satisfactory than the present practice.

The committee then provide that after unfinished business—if there be any—and business on the Speaker's table is disposed of, motions shall then be in order as follows, namely:

1st. To go into the Committee of the Whole House on the state of the Union for the consideration, first, of bills raising revenue and general appropriation bills, and then to other business on its Calendar.

2d. To proceed to the consideration of the House Calendar of public bills not appropriating money or raising revenue.

3d. On Friday, after the morning hour, a motion to go into the Committee of the Whole House for the consideration of the Private Calendar.

The committee believe this plan will be found more satisfactory than the present order of business, as it gives precedence in each day's sitting of the House and Committee of the Whole House to business of a necessary public character, and enables the committees to promptly report on all matters which they have matured or agreed upon.

OF DECORUM AND DEBATE.

Under this head are rules from 57 to 66, inclusive, which have been consolidated into one, (No. XIV,) and are disposed of as follows, namely:

Rule 57 appears as clause 1.

Rule 58, as the last part of clause 1.

Rule 59, as the first part of clause 2.

Rule 60, as clauses 2 and 3 of Rule XIV, and clauses 5 and 6 of new Rule XXIII.

Rule 61, as clause 4, Rule XIV.

Rule 62, as clause 5.

Rule 63, as clause 6.

Rule 64 has been dropped as obsolete.

Rule 65 appears as clause 7.

Rule 66 has been retained with a slight amendment making the rule more definite, and appears as Rule XXV.

There have been few changes of importance made in this group of rules. They have been greatly condensed as well as simplified, and have been adapted to the later practice of the House, which, by reason of the greatly increased representation, as well as amount of business transacted, is essentially different from that in vogue when most of these rules were adopted. It was not until 1847 that the House took a decided step toward abridging or restricting debate, the representation having increased from 141 in 1800 to 223 in 1847, and from that time the tendency has been, without exception, to restrict rather than to enlarge or extend the limits of debate, and this remark applies also to the Committee of the Whole House on the state of the Union.

On the 19th of March, 1860, the House adopted an amendment providing that debate might be closed at any time after the five minutes debate on proposed amendments had taken place, thus enabling a majority to get a bill out of the Committee of the Whole House on the state of the Union, after a reasonable time had been occupied in debating amendments. This was adopted at the same time with an amendment to the present one hundred and twenty-third rule, the effect of which was to prevent a practice of doubtful propriety, by which the friends of a bill were in the habit of taking it out of the Committee of the Whole by adopting a recommendation to strike out the enacting clause without permitting either debate or amendment, and upon reaching the House to disagree to the said recommendation, and then, under the operation of the previous question, passing the bill. The main provisions of the present rule have been retained, with slight modifications.

OF COMMITTEES.

Under the subhead "Of committees," commencing with Rule 67 and ending with Rule 103, are thirty-seven rules, while under the head of "Miscellaneous" are seven rules, numbered, respectively, 148, 150, 151, 152, 153, 156, and 160, prescribing the duties of committees created since January 21, 1864, save one rule, (151,) which further prescribes the duties of the Committee of Ways and Means.

All these rules are consolidated and combined in two, numbered, respectively, X and XI, which embrace and cover all the matters of powers and duties of the several standing and joint committees of the House, as will hereafter appear in detail. The titles of the several committees have been made uniform, all being in the revision submitted "Committee on," four of the present titles being "Committee *of*," namely: Elections, Ways and Means, Claims, and Accounts, and one being "Committee *for* the District of Columbia."

The arrangement or order of call of committees is also slightly changed, the proposed order being arranged with general reference to the amount, character, and importance of the business referred to or reported by the several committees, preference being given to those committees having exclusively the consideration of public business. The position of a committee in regard to the call of committees is, however, under the plan submitted in the new rule, which contemplates a daily call of all the committees, a matter of but slight importance. All business, except that to the consideration of which there is no objection, when reported, is to be referred to a calendar or to the Committee of the Whole House, all committees thus being placed on an absolute equality, save that the Committees of Elections, Ways and Means, Appropriations, Printing, Accounts, and Enrolled Bills shall have the right to report at any time, as provided in clause 47 of Rule XI.

Rule 67, as originally adopted April 17, 1789, directed that the Speaker should appoint all the committees, except in cases where they consisted of more than three members, in which case they were chosen by ballot. On the 13th of January, 1790, it was changed to its present form, though the method of selecting committees therein prescribed has not been resorted to for many years past, it having been the practice until the Thirty-sixth Congress for the House to adopt an order "that the Speaker be authorized to appoint the regular standing committees."

The Committee on Rules have accepted the latter practice of the House, and in the first clause of Rule X provide for the appointment by the Speaker, at the commencement of each Congress, of the standing committees of the House, unless otherwise specially ordered by the House.

Rule 68 has been left intact, and appears as clause 3, Rule X.

Rules 69, 70, 71, and 72 have been dropped, for the reason that they are either obsolete by long practice, unnecessary, or otherwise provided for.

Rule 73 is incorporated in Rule X, and appears as clause 4.

Rule 74 is also incorporated in Rule X, and appears in clause 1.

Rule 75 appears as clause 1, Rule XI.

Rules 76 and 77, which prescribe and define the duties and powers of the Committee on Appropriations, are consolidated, and appear as clause 3, Rule XI. It is believed that the same fully embraces and comprehends all that is essential in the two rules named. The last portion of Rule 76, relating to appropriations to carry into effect treaties, is dropped as unnecessary, as providing for an extraordinary contingency, which can be best provided for by special action when the occasion should arise. The first clause of Rule 77 is dropped for the reason that it has been obsolete for the last twenty years, and the time of reporting the general appropriation bills may properly be left to the discretion of the committee, which may be instructed by the House in that regard should occasion arise therefor.

The second clause of the same rule has been dropped, (for the reason that the titles of the general appropriation bills are fixed by law, see Revised Statutes, section 11,) except the concluding portion, giving the committee the right to report for commitment at any time. The last clause of the same rule is dropped for the reason that it is a detail which ought properly to be left to the discretion of the committee.

Rule 78 appears as clause 27, Rule XI, and has been made more definite.

Rule 79 appears as clause 7 of Rule XI, with the additional provision that the Committee on Commerce shall mature and report the bill known as the "river and harbor bill" for reference to the Committee on Appropriations.

The committee deem it proper to present fully the reasons which influenced them to make this recommendation, but will do so as concisely as possible.

The "river and harbor" appropriation bill, although not one of the "general appropriation" bills, (see Rule 77,) has for many years past been one of the regular annual appropriation bills, and has been usually reported by the Committee on Commerce. Prior to and during the late war the Committee of Ways and Means reported all the general appropriation bills. On the 2d of March, 1865, (second session, Thirty-eighth Congress,) the Committee on Appropriations was created, and by Rules 76 and 77 their powers and duties were prescribed.

The authority of the Committee of Ways and Means to report a general appropriation bill at any time, conferred on the 19th of March, 1860, was transferred to the Committee on Appropriations at the time the committee was created, and the latter committee was also clothed with all the powers and privileges with respect to general appropriation bills possessed by the former. Up to that time no general river and harbor appropriation bill had ever been reported by the Committee of Ways and Means, although it had reported in a sporadic way bills for the repair, preservation, completion, or construction of certain public works on rivers and harbors.

In the Fortieth Congress, as appears from the statement of Mr. DAWES, on the 8th of February, 1873, (third session, Forty-second Congress,) the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. DAWES, representing the Committee on Appropriations, and the Committee on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (Forty-fourth and Forty-fifth) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.

The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills," (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included,) that they should have entire charge of *all* those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of *one* of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on the Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

Rule 80 appears as clause 13, Rule XI.

Rule 81, as clause 12.

Rule 82, as clause 30.

It will be noted that the committee propose to abolish what is generally known as "District of Columbia day," namely, the third Monday of each month from the hour of two o'clock p. m., and place the Committee on the District of Columbia on precisely the same footing as other committees. The purpose of the Committee on Rules was to secure as complete uniformity and equality among the committees as was possible, giving preference only to revenue and general appropriation bills and to necessary business—such, for instance, as printing for the use of the House or two Houses, perfection of legislation by permitting the Committee on Enrolled Bills to report at any time, and also giving the same privilege to the Committee on Accounts, which is proper, as directly concerning and affecting the autonomy of the House. The committee are of opinion that the proposed abolition of "District of Columbia day" will not result in the least degree to the prejudice of the interests of the District or obstruct or retard the business reported from the Committee on the District of Columbia. It simply gives that committee the same opportunity to reach business reported by it that it affords all the committees, and

instead of having only a part of one day in each month, as at present, it will by this plan have a chance to reach its business on at least four days out of a "possible five."

Rule 83, as clause 4.

Rule 84, as clause 28.

Rule 85 has been dropped entirely, for the reason that the committees on expenditures in the several Departments are separately required to do with the accounts and expenditures of each Department what the Committee on Public Expenditures is required to do with all. It follows, of course, without argument, that the last-named committee cannot "examine into the state of the several public Departments" as thoroughly as a committee appointed specially and solely to examine into the "accounts and expenditures" of a particular Department, and for this reason, as well as to avoid unnecessary labor as well as possible conflict of authority, the committee recommend that after the present Congress the said committee shall not be again appointed.

Rule 86 appears as clause 29.

Rule 87, as clause 10.

Rule 88, as clause 23.

Rule 89, as clause 11.

Rule 90, as clause 9.

Rule 91, as clause 15.

Rule 92 has been changed by dropping the title of Revolutionary Pensions, and creating in lieu thereof the Committee on Pensions, and giving it jurisdiction of pensions of all the wars of the United States other than of the late civil war. It appears as clause 26.

Rule 93 appears as clause 25.

Rule 94, as clause 16.

Rule 95, as clause 24.

Rule 96, as clause 19.

Rule 97, which formerly prescribed the duty of the Committee of Revisal and Unfinished Business, was virtually rescinded by the resolution of July 25, 1868, abolishing the said committee and creating the Committee on the Revision of the Laws.

The first-named committee was created by resolution of December 14, 1795, (second session, Third Congress,) as follows, namely:

"It shall be the duty of the Committee of Revisal and Unfinished Business to examine and report what laws have expired or are near expiring and require to be revised or further continued; also to examine and report from the Journal of last session all such matters as were then depending and undetermined."

On the 25th of July, 1868, (second session, Fortieth Congress,) Mr. Elihu B. Washburne, from the Committee on Rules, reported the following resolution, namely:

"*Resolved*, That the rules be amended so as to provide for the appointment, at the commencement of the next session, and at the commencement of each Congress thereafter, of a standing committee on the revision of the laws, to consist of nine members, and that so much of the rules as provides for a committee of revisal and unfinished business is hereby rescinded."

This rule was adopted without division.

This change was made in anticipation of the report to Congress of the commissioners appointed under the act of June 27, 1866, "to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time such commissioners shall make the final report of their doings."

By the act of May 4, 1870, the above-named act was revived and extended for three years, and was again extended by the act of March 3, 1873; and under authority of the last-named act Mr. Butler, from the joint committee appointed thereunder to provide for the preparation and presentation to Congress of the revision of the laws of the United States, on the 11th of December, 1873, (first session, Forty-third Congress,) submitted a printed report, which was referred to the Committee on the Revision of the Laws.

That committee, on the 14th of January, 1874, by Mr. Poland, its chairman, submitted a report, which was considered from day to day until April 2, 1874, which finally became a law on the 22d of June, 1874.

It was the evident purpose of the Committee on Rules which reported the resolution of July 25, 1868, abolishing the Committee on Revisal and Unfinished Business and creating the Committee on Revision of the Laws, to restrict that committee to take charge of and report upon such revisions and compilations of the laws as did not require changes in jurisprudence.

At the time the Committee on Revisal and Unfinished Business was created there were but two standing committees of the House, namely, Claims and Commerce, the practice then being to create select committees, to whom were referred the President's messages and such general subjects of legislation as might be proposed from time to time. From January 7, 1802, (first session, Seventh Congress,) the date of the appointment of the Committee of Ways and Means as a standing committee, to the present time, additional standing committees have been created, until there are now forty-five standing committees, whose duties and powers are specifically described and defined, and which embrace and cover all the duties imposed on the Committee on Revisal and Unfinished Business.

The resolution which created the committee does not designate or specify its duties, indeed none whatever were prescribed, but its title was supposed to sufficiently define the same, especially as the commission appointed under the act of June 27, 1866, was expected to report during the following Congress.

It may further be added that the rule prescribing the duties and defining the powers of the Committee on the Judiciary would, under the well-known rule of law that the specification of one power excludes another, exclude the claim of any other committee to jurisdiction of any "matters or things touching judicial proceedings."

For these reasons the committee recommend that the duties of that committee be limited to the revision and codification of the Statutes of the United States, the duty of the Committee on the Judiciary being to consider "subjects relating to judicial proceedings, civil and criminal law."

Rule 98 appears as clause 42.

Rule 99, as clause 43.

Rule 100, as clause 45.

Rule 101 has been modified, the first clause being retained for manifest reasons, the Committee on Enrolled Bills having nothing but completed legislation to report, and the right of the Committee on Printing to report at any time being confined to printing for the use of the House or the two Houses by a subsequent rule.

Rule 102 has been incorporated in Rule XI, and appears as clauses 33, 34, 35, 36, 37, 38, and 39.

Rule 103, which prescribes and defines the duties of the committees named in the preceding rule, appears as clause 32, Rule XI, and is believed to therein embrace and cover all the essential points of the old rule.

OF COMMITTEES OF THE WHOLE.

Under this head are grouped Rules 104 to 114, inclusive, which have been consolidated into one rule, and appear as Rule XXIII.

Rule 104 has been dropped, being substantially provided for in clause 6, Rule XXIV, and clause 3, Rule XXIII. The first part of this rule is inconsistent with the present rule providing that the morning hour shall only be dispensed with by a two-thirds vote.

Rule 105 appears as clause 1.

Rule 106, as clause 2.

Rule 107 has been dropped as obsolete. It was adopted in 1789, at a time when all bills were in manuscript, and not printed as at present.

Rules 108 and 109 have also been dropped as obsolete, and being otherwise provided for.

Rule 110 appears in clause 3.

Rule 111 has been dropped as obsolete and unnecessary.

Rule 112 appears in clause 3, with the addition of the words, "or releasing any liability to the United States for money or property," which is designed to cover a class of legislation hitherto not required to be first considered in the Committee of the Whole House.

Rule 113 appears as clause 8, with the exception of the last portion relating to debate, which has been dropped.

Rule 114 appears as clause 4, in connection with Rule 129, which has been consolidated with it.

The committee propose that when a bill is reached on the Calendar of the Committee of the Whole House on the state of the Union, and objection is made to its consideration, the House shall decide whether or not the bill shall be passed over, instead of the committee deciding that question, as the rule now provides. When a bill is reported from a standing or select committee of the House and committed to the Committee of the Whole House, it is thereby given a position on the Calendar entitling it to precedence over business reported later by other committees, and ought not to be displaced therefrom except by the House which fixed that position. Such, indeed, is the rule of the House now, as will appear by reference to Rule 116, which requires that all "bills shall be dispatched in order as they were introduced, unless where the *House* shall direct otherwise."

The committee believe that this change will expedite business, save the large amount of time now wasted in struggles to secure precedence of a particular bill, and give to the friends of each bill on the Calendar an opportunity to test the sense of the House as to whether or not it shall be taken up for consideration in its order. The committee cannot better illustrate the importance of securing a uniformity of proceeding in business than by quoting what Mr. Jefferson says on this point, namely: "A settled order of business is, however, necessary for the government of the presiding officer and to restrain individual members from calling up favorite measures or matters under their special patronage out of their just turn. It is useful also for directing the discretion of the House when they are moved to take up a particular matter to the prejudice of others having priority of right to their attention in the general order of business."

By clause 6, Rule XXIV, preference is given to bills raising revenue and general appropriation bills over other business. The last clause of Rule 114 has been dropped, for the reason that if the Calendar be proceeded with in order, there will be little or no occasion to make a bill a "special order."

In the Committee of the Whole House it is proposed that bills on the Private Calendar shall be taken up in order and disposed of. No good reason appears to the committee why the present artificial distinction should be kept up with respect to bills on the Private Calendar. The bills thereon are reported from at least two-thirds of the committees of the House, and the distinction of "objection" and "consideration" days now existing creates an inequality that has often worked great injustice to equally deserving claimants. It is at least a doubtful question whether one member should possess the power by his single objection to nullify, even temporarily, the recommendation of a standing committee of the House which has perhaps unanimously reported the bill to which objection is made. If a member is in possession of information in regard to a private bill which convinces him that it ought not to pass, he will have opportunity during its consideration to impart that information to the Committee of the Whole House, where the debate is rarely restricted. The fact that it has been favorably reported by a committee, which it is presumed has carefully and thoroughly examined the whole subject, certainly gives to the bill at least what may be termed the *prima facie* right of consideration, and for this reason the committee propose that where objection is made to the consideration of a public bill the question shall be decided by the House without debate. Finally, it may be urged that there can be no good reason for perpetuating a system which, in addition to facilitating the passage of certain bills solely by reason of their accidental position on the Calendar, creates confusion and leads to errors in the consideration of the Private Calendar. For these reasons the committee recommend the incorporation of Rule 129 with the present Rule 114, and as amended they appear as clause 4, Rule XXIII.

OF BILLS.

Under this head are now grouped rules from 115 to 127, inclusive. The committee have consolidated them into one rule, numbered XXI, and they appear as follows: Rules 115, 116, 117, and 118 are incorporated in clauses 1 and 2 of Rule XXI and clause 1 of Rule XXIV.

Rule 119 has been dropped for the reason that general appropriation bills have been, with bills for raising revenue, constituted a class and given preference in the order of business, and making any of them a special order would in no respect facilitate their consideration and disposition.

Rule 120 has been retained intact, the committee not being unanimous as to its amendment.

Rule 121 has been dropped as unnecessary, being substantially provided for by another rule. (See clause 6, Rule XVI.)

Rule 122 has been dropped as obsolete and being provided for by law.

Rule 123 is retained intact.

Rule 124 is dropped as unnecessary, being otherwise provided for. (See clause 4, Rule XVI, fixing order of motions.)

Rule 125 is also dropped as unnecessary, it being a reasonable supposition that the Clerk of the House would, without specific requirement to that effect, see that all bills passed by the House were properly engrossed, a matter of far less importance than their correct enrollment in a "plain, round hand," for which no provision is made.

Rule 126 is also dropped as unnecessary, being otherwise provided for. (See clause 1, Rule XVII.)

Rule 127 appears as clause 3, Rule III.

LOCAL OR PRIVATE BUSINESS.

Under this head are two rules, namely, 128 and 129, which have been disposed of as follows, namely:

Rule 128 is retained intact and appears as Rule XXVI.

Rule 129 is dropped for reasons stated in regard to the disposition of Rule 114.

OF BILLS ON LEAVE AND RESOLUTIONS.

Under this head appears but one rule, (130,) although it may be said to really comprehend three distinct propositions and subjects. In the revision it has been transferred to and incorporated with the rules under the head of "ORDER OF BUSINESS," where it properly belongs. The provisions of the present rule have been retained, save that portion of the rule first adopted in 1838, providing for the consideration of resolutions introduced on the call of States. The committee have so framed the revision submitted as to secure the consideration by a standing or select committee of *every* proposition presented to the House, save such as are submitted under a suspension of the rules, and have accordingly dropped that portion of the rule which permits a resolution to be submitted on the second call of States, and, by securing the previous question, without permitting debate or amendment, bring the House to a direct vote thereon, thus avoiding the necessity of its lying over, as would be the case if debate should arise thereon. The order of the call of States has been arranged alphabetically, there now being no rule or provision on the subject. Another rule (52) provides that in the morning hour, after reports of committees have

been "presented and disposed of," the Speaker "shall call for resolutions from the Members of each State and Delegate from each Territory, *beginning with Maine* and the Territory last organized, alternately."

This rule was adopted January 14, 1829, (second session, Twentieth Congress,) while the first part of Rule 130, providing for a call of States and Territories for "bills on leave," was not adopted until February 6, 1838, (second session, Twenty-fifth Congress,) and without any rule to that effect the order of the call of States and Territories for resolutions was followed, except the feature or provision of alternation between "Maine and the Territory last organized." At the time of the adoption of this rule, Maine was next to the last State admitted to the Union. The Territory of Michigan was then the "Territory last organized," and this rule was probably adopted with the view of affording the amplest opportunity for the Representatives of the youngest States and Territories to present the wants and wishes of their people, it then being in order to present a bill (due notice having been given thereof, as provided in Rule 115) on the call of States for resolutions.

As there has been no restriction on the introduction of bills for many years, and as all bills introduced under this call are "referred, without debate, to appropriate committees," the initial point of the call becomes a matter of slight importance, and the committee have accordingly provided that the States shall be called alphabetically as the names of members are, by Rule 35, (adopted April 7, 1879,) required to be called, thus making the rules uniform and harmonious in this respect.

OF PETITIONS AND MEMORIALS.

Under this head but one rule (131) appears, and the only change made therein is to provide that the Clerk, who has entire custody of the petitions and memorials presented under the rule, and who is required to make a list of the same for publication in the Journal, shall furnish a transcript thereof to the official reporters of debates for publication in the RECORD, and also providing that all petitions and memorials inappropriately referred may be properly referred by the committee having possession of the same in the same manner as originally presented.

The last clause of Rule 165 requires the official reporters "to prepare a list of the memorials, petitions, and other papers, with their reference, presented under Rule 131, without requiring a brief statement of their contents, as the last-named rule is construed to require. The committee were of opinion that a transcript of the Journal entries as to petitions and memorials furnished for publication in the RECORD would secure greater uniformity and better methodize their disposition, and accordingly recommend the changes proposed. It appears as Rule XXII.

OF THE PREVIOUS QUESTION.

Under this head appear two rules, namely, 132 and 133, which, as amended, appear as Rule XVII, clauses 1, 2, and 3.

The committee are of opinion that the operation of the previous question should be modified in one respect, namely, that it should not be so sweeping and comprehensive as at present; and they accordingly recommend that its effect shall be to bring the House to a direct vote upon the immediate question or questions on which it has been ordered. It is therefore proposed that the previous question may be asked and ordered upon a single motion, a series of motions in order under the rules, an amendment or amendments, or may be made to embrace all authorized motions or amendments, and its effect shall be to carry the bill to its engrossment and third reading, and then, on renewal, to its passage or rejection. The committee also propose that, pending a motion for or after the previous question has been ordered on the passage of a bill, it shall be in order for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee, thus affording the amplest opportunity to test the sense of the House as to whether or not the bill is in the exact form it desires.

As pertinent to the subject the committee append a statement of the history of the previous question.

The previous question was recognized in the rules established April 7, 1789, and could be demanded by five members, (the parliamentary law places it in the power of two members—one to move, the other to second.) On the 23d December, 1811, it was placed on a footing with the yeas and nays—that is, at the command of *one-fifth of the members* present. It remained so until the 24th February, 1812, when the rule was changed to its present form of a *majority*. According to the former practice, the previous question brought the House to a direct vote on the *main* question; that is, to agree to the main *proposition*, to the exclusion of all amendments and incidental motions; but on the 14th of January, 1840, it was changed to embrace, first, *pending* ameadments, and then the main proposition.

The original intent of the previous question was to ascertain the sense of the House, in the early stages of a subject, as to the propriety of entertaining the matter; and, if decided affirmatively, the debate went on; if decided negatively, the debate ceased, and the subject passed from before the House without motion or further question. This was the practice of Congress under the Confederation; and it is still the practice in the British Parliament. Now, by the practice of the House, as well as by the terms of the rule, it is reversed; if the motion for the previous question is decided in the affirmative, debate ceases, and the House proceeds to vote; if in the negative, the proceedings go on as if the motion for the previous question had not been made. Until the revision of the rules in *March*, 1860, whenever the previous question was seconded and the main question ordered, pending a motion to postpone, the motion to postpone was cut off.

OF ADMISSION TO THE FLOOR.

Under this head is Rule 134, which has been rearranged and made more comprehensive, and amended by adding to the list of persons to be admitted the President, and clerks of committees, when business from their committees is under consideration. A clause has also been added making it out of order for the Speaker to entertain a request for the suspension of this rule. The committee propose, however, to set aside a portion of the west gallery for the accommodation of distinguished visitors and others to be admitted only on the cards of members. As there are only a sufficient number of seats on the floor to accommodate the Members and Delegates entitled to occupy them, it follows that the admission to the floor of those not entitled to its privileges will have the effect to frequently deprive members of their seats, especially those sitting on the outer circle or row, and will also add to the noise and confusion caused by private conversation and moving about of the three hundred and fifty persons usually present on the floor during the sittings of the House. As the practice in regard to admission to the floor has been varying, it is deemed proper to give a *résumé* thereof.

The first rule for the admission within the Hall of other than members was adopted on the 7th January, 1802, and was confined to "*Senators*, officers of the general and State governments, foreign ministers, and such persons as members might introduce." On the 11th January, 1802, an attempt was made to amend so as to exclude persons "introduced by members," which failed. On the 8th November, 1804, a proposition was made to confine the privilege to *Senators*, which also failed. On the 17th December, 1805, *officers of State governments* were excluded. On the 1st February, 1808, a proposition was made to admit ex-members of Congress and the judges of the Supreme Court. After a good deal of debate it was rejected. On the 11th February, 1809, the rule was enlarged so as to admit judicial officers of the United States, as also ex-members of Congress. On the 25th February, 1814, those who had been heads of Departments were admitted. On the 10th February, 1815, officers who had received the thanks of Congress were included; on the 12th January, 1816, the Navy commissioners; on the 21st February, 1816, governors of States and Territories; March 13, 1822, the President's secretary. On the 26th January, 1833, the rule was further enlarged by admitting "*such persons as the Speaker or a member might introduce*," and on the 10th December, 1833, the House, by a vote almost unanimous, rescinded that amendment. On the 23d of December, 1857, soon after removing into the new hall in the south wing of the Capitol extension, the privilege of admission was restricted to "members of the Senate, their Secretary, heads of Departments, President's private secretary, the governor for the time being of any State, and judges of the Supreme Court of the United States." On the 19th of March, 1860, it was adopted in its present form, excepting the last clause, a proposition to admit ex-members having been rejected. The last clause, adopted March 2, 1865, was intended to prevent persons not entitled to the privilege of the Hall from occupying the cloak and other adjoining rooms. January 29, 1878, the House adopted the following resolution, by yeas 155 to nays 92, namely: "*Resolved*, That the rule in regard to the admission of persons to the privileges of the floor be enforced, and the Speaker is requested to discontinue the practice of issuing passes, which has been indulged in by common consent." (See Journal, first session, Forty-fifth Congress, pages 316 and 317.)

As amended it appears as new Rule XXXIV.

OF REPORTERS.

Under this head appears but one rule, (135.) It confers upon the Speaker authority to admit under certain conditions to the reporters' gallery stenographers and reporters to take down the debates. The committee recommend that the rule be abbreviated by striking out all after the word "chair," in line 3, and inserting in lieu thereof the words "under such regulations as he may from time to time prescribe." It is not the purpose of the committee to modify in any respect the requirements of the present rule, but, on the contrary, to give more authority to the Speaker respecting the reporters' gallery than the present rule confers. The words "and proceedings" have been inserted after the word "debates" in line 2, and as amended embraces, it is believed, everything essential to secure the proper disposition of seats therein and control of persons so admitted. A clause has also been added authorizing the Speaker to assign two seats on the floor to Associated Press reporters and regulate the occupation of the same, which merely embodies in a rule the resolution of the House of January 11, 1867, (second session, Thirty-ninth Congress,) providing that reporters of the Associated Press and reports made by them should be under the same rules and regulations as the reporters and reports of the Globe, now the RECORD. As amended it appears as clause 2, Rule XXXVI.

UNFINISHED BUSINESS OF THE SESSION.

Under this head appears Rule 136. The first part thereof was adopted March 17, 1848, (first session, Thirtieth Congress,) which, on the 14th of August following, became a joint rule. The last clause was adopted March 16, 1860, prior to which date it had been the practice for the House at the close of a first session of a Congress to adopt a similar provision, and this amendment was adopted to avoid the necessity of passing a similar resolution at every session. The first clause of the rule is identical with the former twenty-first rule, and the second clause with the present fifty-ninth rule of the Senate. In the revision it appears as Rule XXVII.

MISCELLANEOUS.

Under this head appear rules from 137 to 166, which have been severally disposed of as follows, namely:

Rule 137, providing for a secret session, has been retained, though greatly abbreviated, it being thought that occasion might arise when it would be desirable, and as modified it appears as Rule XXX.

Rule 138 has been retained intact, and appears as Rule XXXVII.

Rule 139 has also been dropped for the reason that the subject-matter is provided for in the present Rule 100, which appears as clause 45, Rule XI.

Rule 140. The first clause of this rule has been dropped for the reason that the subject-matter is provided for by law, (see Revised Statutes, sections 1764 and 1765,) and the last clause is retained without change and appears as Rule XLIII.

Rule 141 has been retained, with an amendment making it applicable only to papers "other than one upon which the House is called to give a final vote," thus reaffirming or recognizing the right of a member to demand the reading of a paper on which he is called to vote. This is the long-established rule and practice of the English Parliament, and the committee quote as pertinent what is said on the subject by one of the most distinguished English writers on parliamentary law, Mr. Hatsel. He says:

"Where papers are laid before the House or referred to a committee, every member has a right to have them once read at the table before he can be compelled to vote on them, but it is a great though common error to suppose that he has a right, *toties quoties*, to have acts, journals, accounts, or papers on the table read independently of the will of the House. The delay and interruption which this might be made to produce evince the impossibility of the existence of such a right. There is, indeed, so manifest a propriety of permitting every member to have as much information as possible on every question on which he is to vote, that when he desires the reading, if it be seen that it is really for information, and not for delay, the Speaker directs it to be read without putting a question, if no one objects; but if objected to, a question must be put." It appears in the revision as Rule XXXI.

Rule 142 has been dropped as obsolete, there being indeed little or no occasion for the use of the motion "to postpone indefinitely." The motion has been retained in clause 4 of Rule XVI, without recommendation to the House, for the reason that the committee were not unanimous in favor of its exclusion.

Rule 143 has also been dropped as being both obsolete and in contravention of other rules of later date.

Rule 144 has been retained intact, though the occasions will be rare when Jefferson's Manual can be cited on a point not provided for by a rule or decision of the House. Compiled as it was for the use of the Senate exclusively, and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House. It appears as Rule XLIV.

Rule 145 has been substantially retained, modified, of course, so as to be in harmony with the order of business prescribed by Rule XXIV, and, as amended, appears as Rule XXVIII.

Rule 146. The first part of this rule has been dropped as unnecessary, as being fully covered by the following rule, which has been retained intact. The last part of the rule has been transferred to Rule III, and appears as clause 1.

Rule 147, as above stated, has been retained intact, and appears as Rule XLV.

Rule 148 appears as clause 6, Rule XI.

Rule 149 has been substantially provided for by the last part of clause 2, Rule VIII.

Rule 150 appears as clause 20, Rule XI.

Rule 151, as clause 2, Rule XI.

Rule 152, as clause 5, Rule XI.

Rule 153, as clause 18, Rule XI.

Rule 154 has been dropped, for the reason that by the act of February 12, 1868, the allowance for stationery and newspapers is fixed at $125 for each session.

Rule 155 has been substantially retained and appears as Rule XXXIII.

Rule 156 has been dropped, for the reason that it was practically void, the House having, December 15, 1875, (first session, Forty-fourth Congress,) abolished the Committee on Freedmen's Affairs, whose duties it prescribed.

Rule 157 has been dropped, for the reason that the committee believe it should either be a joint rule or enacted into a law, and will make further recommendation as to this rule to carry out this view.

Rule 158 has been retained, with an amendment providing that the said messages shall be entered in the Journal and published in the RECORD of that day's

proceedings. Such has been the practice for many years, the rule being practically nullified, and, as it stands, of little value. It appears as Rule XLI.

Rule 159 has been retained intact, and appears as Rule XLII.

Rule 160 appears as clause 22, Rule XI.

Rule 161 has been retained intact, and appears as clause 8, Rule XVI.

Rule 162 has been substantially retained, being made more specific, and appears as Rule XII.

Rule 163 has been retained, with additional provisions prescribing the time and manner of drawing seats. These additional provisions are substantially those observed for many years past, and it is believed furnish every safeguard for a fair and impartial drawing. It appears as Rule XXXII.

Rule 164 has been considerably changed, it appearing that it did not meet all the requirements as to the custody and disposition of papers presented to the House. The rule is, and has been since its creation, a dead letter, it being the custom, except during the last Congress, to grant all requests for the withdrawal of papers, whether there were adverse reports or not, and in cases where there were adverse reports and the request for withdrawal was "referred to the committee which last considered the case," no written report was ever made thereon.

The committee have adopted substantially the Senate rule on this subject, with certain necessary additional provisions conferring on the Clerk authority to do what has long been done without specific direction.

Rule 165. The first part of this rule has been retained, with an amendment inserting the words "for cause" after the word "removal," and the words "and the manner of the execution of their duties," and the last part has been dropped, being provided for in clause 1, Rule XX. As amended it appears as Rule XXXVI, clause 1.

Rule 166 has been incorporated in Rule V, prescribing the duties of the Doorkeeper, and appears as the last part of clause 3.

Seven new rules have been created and new propositions have been added to existing rules as follows, namely: Clause 3 of Rule XIV, and clause 2 of Rule XVIII, and Rules XIX, XX, XXIX, XXXII, XXXV, XXXVIII, and XXXIX.

Clause 3 of Rule XIV has been added for the purpose of covering a point not provided by the present rules, though settled by repeated decisions of the House on appeal or otherwise. It is intended to provide that where debate extends beyond the day on which the measure is reported, the member reporting the same shall, as the organ of the committee, have an additional hour in which to close debate, and this privilege is not given him in his individual right at all, but solely as the representative of the committee.

Clause 2 of Rule XVIII is added for the purpose of preventing a member from bringing back into the House, on a motion to reconsider, any matter which he has obtained unanimous consent to introduce or submit for reference or to report from a committee for printing and recommitment. Such proceeding being a matter of favor and courtesy outside of the regular order of business, it is certainly not proper that undue advantage should be taken of that consent by bringing up out of order any matter so introduced, submitted, or reported.

Rule XIX merely embraces in the form of a rule that which has long been the practice of the House without rule. Speaker Macon decided, in the Ninth Congress, that if a motion to amend the original matter was *first* submitted, it was not then in order to submit an amendment in the nature of a substitute. This decision was reversed by Speaker Polk, in the Twenty-fourth Congress, which was sustained on appeal by a decisive vote, and the practice has since been in accordance with the latter decision.

Rule XX provides that any Senate amendment shall be subject to the point of order that it shall be first considered in the Committee of the Whole House; if originating in the House it would be subject to that point, thereby securing absolutely as to all legislation the principle of the present Rule 112, which is retained substantially unchanged as clause 3, Rule XXIII.

Rule XXIX merely crystallizes into a rule the practice of the House since the Thirty-first Congress, when Speaker Cobb decided that the report of a committee of conference was so highly privileged as to be in order pending a motion for a call of the House. Since that time it has been the practice of the House to receive a conference report at any time as a question of high privilege, and proceeds upon the theory that as such reports usually settle the differences between the two Houses and perfects legislation so far as Congress can, they should have precedence of new or proposed legislation. It may also be added that giving a conference report precedence over all other business is a parliamentary courtesy to the Senate, which may desire to promptly dispose of the subject and is prevented by non-action of the House, it being necessary that the report should be first made to the House *agreeing* to the conference.

Rule XXXII puts into the standing rules that which is required to be done by resolution at the commencement of the first session of each Congress, to which is added the present Rule 163, providing that no proposition for a second drawing of seats shall be in order during the same Congress.

Rule XXXV provides for and regulates admission to the galleries. The committee are of opinion, in view of the strictness of the rule as to admission to the floor, that some place should be assigned in one of the galleries for members of State Legislatures and governments, members or delegates of boards of trade, chambers of commerce, and the like, visiting the Capitol, the north gallery being occupied—especially in winter—almost exclusively by visitors whose punctuality of arrival is only exceeded by the pertinacity with which they adhere to the most eligible seats. For this reason the committee propose that that portion of the west gallery now assigned for the use of the families of members be assigned for the use of visitors of the classes above referred to, to be admitted on the card of members, and that the southerly half of the east gallery be assigned *exclusively* for the use of the families of members, (which shall include their visitors,) in which the Speaker shall control one bench.

Rule XXXVIII adds a requirement as to the disposition of papers referred to committees, and will effect a necessary reform in this regard, besides guaranteeing greater security to the files of the House.

Rule XXXIX provides that papers shall not be withdrawn from the files of the House without its leave, and that in all cases where leave is given to withdraw papers certified copies shall be left with the Clerk. It also adds a requirement as to the disposition of papers in cases which have been provided for by law, and merely confers specifically upon the Clerk authority to do that which has long been done without provision therefor.

In order to furnish all possible information in regard to the reported revision and proposed code of rules, and for convenience of reference, a statement is herewith appended showing the sources from which the several rules and clauses of the "revision" were derived, namely:

Source of clauses of the "revised rules."

RULE I.

DUTIES OF THE SPEAKER.

Clause 1.—From present Rules 1 and 5.
Clause 2.—From present Rules 2 and 9.
Clause 3.—From present Rule 5.
Clause 4.—From present Rules 2 and 8.
Clause 5.—From present Rules 3 and 4.
Clause 6.—From present Rule 7.
Clause 7.—From present Rule 5.

RULE II.

ELECTION OF OFFICERS.

From present Rule 10.

RULE III.

DUTIES OF THE CLERK.

Clause 1.—From present Rule 146.
Clause 2.—From present Rules 13 and 19.
Clause 3.—From present Rules 14, 15, 16, 17, 18, 20, and 21.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

Clause 1.—From present Rules 22 and 25.
Clause 2.—From present Rule 23.
Clause 3.—From present Rule 26.

RULE V.

DUTIES OF OTHER OFFICERS.

Clause 1.—From present Rule 27.
Clause 2.—From present Rule 27.
Clause 3.—From present Rule 27.

RULE VI.

From present Rule 28.

RULE VII.

New rule.

RULE VIII.

OF THE MEMBERS.

Clause 1.—From present Rules 29, 30, 31, and 33.
Clause 2.—New rule.

RULE IX.

QUESTIONS OF PRIVILEGE.

New rule.

RULE X.

OF COMMITTEES.

Clause 1.—From present Rules 67 and 74.
Clause 2.—From present Rule 67.
Clause 3.—From present Rule 68.
Clause 4.—From present Rule 73.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

Clause 1.—From present Rule 75.
Clause 2.—From present Rule 151.
Clause 3.—From present Rules 76 and 77.
Clause 4.—From present Rule 83.
Clause 5.—From present Rule 152.
Clause 6.—From present Rule 148.
Clause 7.—From present Rule 79.
Clause 8.—No duties heretofore assigned this committee.
Clause 9.—From present Rule 90.
Clause 10.—From present Rule 87.
Clause 11.—From present Rule 89.
Clause 12.—From present Rule 81.
Clause 13.—From present Rule 80.
Clause 14.—No duties heretofore assigned this commmittee.
Clause 15.—From present Rule 91.
Clause 16.—From present Rule 94.
Clause 17.—No duties heretofore assigned this committee.
Clause 18.—From present Rule 153.
Clause 19.—From present Rule 96.
Clause 20.—From present Rule 150.
Clause 21.—No duties heretofore assigned this committee.
Clause 22.—From present Rule 160.
Clause 23.—From present Rule 88.
Clause 24.—From present Rule 95.
Clause 25.—From present Rule 93.
Clause 26.—From present Rule 92.
Clause 27.—From present Rule 78.
Clause 28.—From present Rule 84.
Clause 29.—From present Rule 86.
Clause 30.—From present Rule 82.
Clause 31.—No duties heretofore assigned this committee.
Clause 32.—From present Rule 103.
Clause 33.—From present Rule 102.
Clause 34.—From present Rule 102.
Clause 35.—From present Rule 102.
Clause 36.—From present Rule 102.
Clause 37.—From present Rule 102.
Clause 38.—From present Rule 102.
Clause 39.—From present Rule 102.
Clause 40.—From present Rule 102.
Clause 41.—From present Rule 102.
Clause 42.—From present Rule 98.
Clause 43.—From present Rule 99.
Clause 44.—New rule.
Clause 45.—From present Rule 100.
Clause 46.—New rule.
Clause 47.—New rule.

RULE XII.

DELEGATES.

From present Rule 162.

RULE XIII.

CALENDARS.

Clause 1.—New rule.
Clause 2.—Partly from present Rule 43.

RULE XIV.

DECORUM AND DEBATE.

Clause 1.—From present Rule 57.
Clause 2.—From present Rules 59 and 60.
Clause 3.—New Rule.
Clause 4.—From present Rule 61.
Clause 5.—From present Rule 62.
Clause 6.—From present Rule 63.
Clause 7.—From present Rule 65.

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

Clause 1.—From present Rule 35.
Clause 2.—From present Rules 34, 36, and 37.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

Clause 1.—From present Rule 39.
Clause 2.—From present Rule 38.

Clause 3.—From present Rule 41.
Clause 4.—From present Rule 42.
Clause 5.—From present Rules 44 and 45.
Clause 6.—From present Rule 46.
Clause 7.—From present Rules 46 and 48.
Clause 8.—From present Rule 161.

RULE XVII.

PREVIOUS QUESTION.

Clause 1.—From present Rule 132.
Clause 2.—From present Rule 132.
Clause 3.—From present Rule 133.

RULE XVIII.

RECONSIDERATION.

Clause 1.—From present Rule 49.
Clause 2.—New rule.

RULE XIX.

OF AMENDMENTS.

New rule.

RULE XX.

OF AMENDMENTS OF THE SENATE.

New rule.

RULE XXI.

ON BILLS.

Clause 1.—From present Rules 115, 116, 117, and 118.
Clause 2.—From present Rules 116, 117, and 118.
Clause 3.—From present Rule 120.
Clause 4.—From present Rule 48.
Clause 5.—From present Rule 115.

RULE XXII.

OF PETITIONS AND MEMORIALS.

Clause 1.—From present Rule 131.
Clause 2.—From present Rule 131.

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

Clause 1.—From present Rule 105.
Clause 2.—From present Rule 106.
Clause 3.—From present Rules 110, 111, and 112.
Clause 4.—From present Rule 114.
Clause 5.—From present Rule 60.
Clause 6.—From present Rule 60.
Clause 7.—From present Rule 123.
Clause 8.—From present Rule 113.

RULE XXIV.

ORDER OF BUSINESS.

Clause 1.—From present Rule 130.
Clause 2.—From present Rule 51.
Clause 3.—From present Rule 51, as amended.
Clause 4.—From present Rule 56.
Clause 5.—From present Rule 54.
Clause 6.—New rule.

RULE XXV.

PRIORITY OF BUSINESS.

From present Rule 66.

RULE XXVI.

PRIVATE BUSINESS.

From present Rule 128.

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

Present Rule 136.

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

Present Rule 145.

RULE XXIX.

CONFERENCE REPORTS.

New rule.

RULE XXX.

SECRET SESSION.

From present Rule 137.

RULE XXXI.

READING OF PAPERS.

From present Rule 141.

RULE XXXII.

DRAWING OF SEATS.

Clause 1.—New rule.
Clause 2.—New rule, except last three lines from Rule 163.

RULE XXXIII.

HALL OF THE HOUSE.

From present Rule 155.

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

From present Rule 134.

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

New rule.

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

Clause 1.—From present Rule 165.
Clause 2.—From present Rule 135.

RULE XXXVII.

WITNESSES.

Present Rule 138.

RULE XXXVIII.

PAPERS.

New rule.

RULE XXXIX.

WITHDRAWAL OF PAPERS.

Partly from present Rule 164.

RULE XL.

BALLOT.

Present Rule 12.

RULE XLI.

MESSAGES.

From present Rule 158.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Present Rule 159.

RULE XLIII.

QUALIFICATIONS OF OFFICERS.

From present Rule 140.

RULE XLIV.

JEFFERSON'S MANUAL.

Present Rule 144.

RULE XLV.

Present Rule 147.

As briefly summarizing the work of the committee, it may be stated that in the revision herewith reported and appended thirty-two of the present rules have been dropped entirely, twelve have been retained intact, and one hundred and twenty-two have been retained in some respect or feature, though necessarily greatly condensed and abbreviated; and in concluding their labors by its submission, the committee can only add the expression of hope that its consideration by the House may be governed by the same spirit of mutual concession and compromise that existed in the Committee on Rules from its first to its final meeting.

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further ordered.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of the House, and decide all questions of order subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say *Ay*;" and after the affirmative voice is expressed, "As many as are opposed say *No*." If he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative. If he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore*, to act during his absence.

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

2. He shall make, and cause to be printed and delivered to each member, or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the dates of such orders and proceedings, which statement shall be printed.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the Legislature of every State and Territory; preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest all writs, warrants, and subpœnas issued by order of the House; certify to the passage of all bills and joint resolutions; and make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend in person the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety.

RULE V.

DUTIES OF OTHER OFFICERS.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall and be responsible to the House for the official conduct of his employés.

2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, report the same to the House, which shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

3. Fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain, and allow no person to enter the room over the hall of the House during its sittings.

RULE VI.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF THE MEMBERS.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him by members, which list shall be published as a part of the proceedings immediately following the names of those not voting.

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint at the commencement of each Congress, the following standing committees, namely:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of fifteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of eleven members.
On Coinage, Weights, and Measures, to consist of eleven members.
On Commerce, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of eleven members.
On Military Affairs, to consist of eleven members.
On Naval Affairs, to consist of eleven members.
On the Post-Office and Post-Roads, to consist of eleven members.
On the Public Lands, to consist of eleven members.
On Indian Affairs, to consist of eleven members.
On the Territories, to consist of eleven members.
On Railways and Canals, to consist of eleven members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of eleven members.
On Public Buildings and Grounds, to consist of eleven members.
On Pacific Railroads, to consist of eleven members.
On Levees and Improvement of the Mississippi River, to consist of eleven members.
On Education and Labor, to consist of eleven members.
On the Militia, to consist of eleven members.
On Patents, to consist of eleven members.
On Invalid Pensions, to consist of eleven members.
On Pensions, to consist of eleven members.
On Claims, to consist of eleven members.
On War Claims, to consist of eleven members.
On Private Land Claims, to consist of eleven members.
On the District of Columbia, to consist of eleven members.
On Revision of the Laws, to consist of eleven members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.

Also the following joint standing committees, namely:

On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time.

3. The first-named member of each committee shall be the chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of their number elect a chairman.

4. The chairman shall appoint the clerk of his committee, subject to their approval, who shall be paid at the public expense, the House having first provided therefor.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating,

1. To the election of members: to the Committee on Elections;

2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations;

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. To banking and currency: to the Committee on Banking and Currency;

6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations;]

8. To agriculture: to the Committee on Agriculture;

9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs;

10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;

11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs;

12. To the post-office and post-roads other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;

13. To the lands of the United States: to the Committee on the Public Lands;

14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;

15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

17. To the manufacturing industries: to the Committee on Manufactures;

18. To the mining interests: to the Committee on Mines and Mining;

19. To the public buildings and occupied or improved grounds of the United States other than appropriations therefor: to the Committee on Public Buildings and Grounds;

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

21.

to the Committee on Levees and Improvements of the Mississippi River;

22. To education and labor: to the Committee on Education and Labor;

23. To the militia of the several States: to the Committee on the Militia;

24. To patents: to the Committee on Patents;

25. To the pensions of the civil war: to the Committee on Invalid Pensions;

26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

27. To private and domestic claims and demands whatsoever, other than war claims, against the United States: to the Committee on Claims;

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

29. To private claims to lands: to the Committee on Private Land Claims;

30. To the District of Columbia: to the Committee on the District of Columbia;

31. To the revision and codification of the statutes of the United States: to the Committee on Revision of the Laws;

32. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows:

33. In the Department of State: to the Committee on Expenditures in the State Department;

34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

35. In the War Department: to the Committee on Expenditures in the War Department;

36. In the Navy Department: to the Committee on Expenditures in the Navy Department;

37. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

38. In the Interior Department: to the Committee on Expenditures in the Interior Department;

39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

40. To public buildings: to the Committee on Expenditures on the Public Buildings;

41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee on Accounts;

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;

44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;

46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills, and said committee shall have leave to report at any time;

47. The following-named committees shall have leave to report at any time on the matters herein stated, namely: the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

RULE XII.

DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, namely: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Territories; and Mines and Mining; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.

RULE XIII.

CALENDARS.

1. There shall be three calendars of business reported from committees, namely:

First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property;

Second. A House calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, namely: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided, without debate, in the following

order, namely: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

RULE XIV.

OF DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once the Speaker shall name the member who is first to speak, and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon, and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this rule.

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the Journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XVIII.

RECONSIDERATION.

1. When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

RULE XIX.

OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

RULE XXI.

ON BILLS.

1. Bills and joint resolutions introduced for reference, and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

2. Bills and joint resolutions on their passage shall be read the first time by the title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read the third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

4. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

5. All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

RULE XXII.

OF PETITIONS AND MEMORIALS.

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the official reporters of debates for publication in the RECORD.

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

1. In all cases in forming a Committee of the Whole House the Speaker shall leave his chair after appointing a chairman to preside.

2. Whenever a Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

4. In Committee of the Whole House on the state of the Union the bills on the Calendar shall be taken up in their order, but when objection is made to the consideration of a bill, a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present.

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

6. The House may, by the vote of a majority of the members present, at any time after the five minutes debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with a recommendation to strike out the enacting words, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.

8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning, during a session of Congress, all the States and Territories shall be called in their alphabetical order for bills, joint resolutions, and memorials of State and territorial Legislatures, and House resolutions, for reference, and, on this call only, resolutions of inquiry directed to the heads of the Executive Departments shall be in order, to be submitted and referred to the appropriate committees, which shall report thereon to the House within one week.

2. On all days other than Monday, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business, but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

4. After the hour shall have been devoted to reports from committees, the consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed, and at the same time each day thereafter, other than Monday, until disposed of; and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order.

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, which, prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communications.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

6. Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions, in the following order, namely:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

RULE XXV.

Miscellaneous rules.

PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

RULE XXVI.

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports, which originated in the House, and at the close of the next preceding session which remained undetermined, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended, except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on every Monday after the call of States and Territories shall have been completed, and during the last six days of a session.

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

RULE XXX.

SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

RULE XXXI.

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

RULE XXXII.

DRAWING OF SEATS.

1. The Clerk shall, at the commencement of each Congress, place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper, and, at an hour to be fixed by the House, shall proceed in its presence to draw from said box, one at a time, the said slips of paper, and as each is drawn shall announce the name of the Member or Delegate thereon, who shall thereupon choose his seat for the present Congress.

2. Before said drawing shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during the same Congress.

RULE XXXIII.

HALL OF THE HOUSE.

The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House by resolution agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President of the United States and his private secretary, judges of the Supreme Court, members of Congress and members-elect, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule.

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the official reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the official reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign two seats on the floor to Associated Press reporters, and regulate the occupation of the same.

RULE XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses summoned to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of five cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

RULE XXXVIII.

PAPERS.

The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence or testimony taken by such committee, under the order of the House, during the said Congress.

RULE XXXIX.

WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if so withdrawn therefrom certified copies thereof shall be left in the office of the Clerk; but, when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

RULE XL.

BALLOT.

In all other cases of ballot than for committees a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballotings blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

RULE XLI.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the RECORD of that day's proceedings.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker, and by him submitted to the House for reference.

RULE XLIII.

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House any violation of this rule.

RULE XLIV.

JEFFERSON'S MANUAL.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

RULE XLV.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

The CHAIRMAN. The gentleman from Kentucky [Mr. BLACKBURN] is entitled to the floor.

Mr. BLACKBURN. Mr. Chairman, for myself I do not desire, at least at this stage of the proceedings, to occupy the time of the House with any elaborate explanation of the motives which actuated or the purposes which controlled the Committee on Rules in the revision which they submit. Accompanying this proposed revision is a very full and elaborate explanation, in which the rules that have been omitted, as well as those which have been incorporated in the present revision, or modified, are noted and the reasons for the changes given. I think it will generally be found that the questions which will naturally come up, and which members will very properly submit, will in most cases be answered by consulting the report. I know that some very material alterations are proposed, which will necessarily, or at least naturally, evoke discussion. When that time shall come the committee will be prepared to give the reasons which have influenced their action. Until then I shall ask that the Clerk be per-

mitted to proceed with the reading of the proposed rules by paragraphs, it being my understanding that under the order of the House the Committee of the Whole will now consider these rules clause by clause. The rules as reported are subdivided into clauses, which I take it will be considered separately, as paragraphs of a general appropriation bill are considered in Committee of the Whole. The committee reserves to each member of the committee the right to offer, during the consideration of this report, such amendments as he may choose. The committee further reserves the right (of which I now give notice) to offer, as a committee, certain amendments, not very material, but which they deem proper to be offered, as we proceed.

Mr. KEIFER. I desire to inquire of the gentleman whether, if we pass over these rules on this reading, it will be agreed that we may go back to offer amendments at any subsequent time?

Mr. BLACKBURN. I cannot without the authority of the committee agree to that.

Mr. KEIFER. The reason I suggest it is that the gentlemen on this side of the House who belong to the committee are absent, and there may be some very important amendments which they would like to suggest, for which purpose it might be necessary to go back. I desire very much that this arrangement be made. I think it will lead to no difficulty.

Mr. BLACKBURN. I can see how the adoption of the gentleman's suggestion might lead us into inextricable confusion. This system of rules, as reported, must be considered as a whole. Its symmetry (if, indeed, it be entitled to claim any symmetrical proportion at all) may be seriously marred, if not absolutely destroyed, by alteration in some material point. I surely need not repeat that it is not the purpose of the members of the committee, or any one of them, to take any advantage whatever of the absence of their colleagues representing the minority of the committee; nor do I believe that until rule numbered 13 in this revision is reached we shall touch a single thing on which there was not absolute and perfect unanimity. If either of the absent members of the committee shall, upon their return, say that any action adverse to their views or conclusions has been taken by the Committee of the Whole in their absence upon any point I certainly should be the first to propose to reopen the question, and in this I think I speak for all the members of the committee now present.

Mr. KEIFER. The gentleman misunderstood my inquiry. I did not ask that much. What I did desire was an arrangement by which the members of the committee now absent, or others at their instance, might be permitted to offer amendments to any part of the rules that might have been passed on during their absence. I would hardly ask on their behalf that we should go back and reconsider every matter that might have been voted upon. It seems to me that my proposition is quite fair.

Mr. BLACKBURN. The gentleman from Ohio and myself, I am sure, can come to an agreement on this point. I do not wish to deprive the absent members of the Committee on Rules of the fullest opportunity to submit any suggestions in the nature of amendment that they may wish to offer, whether they affect matters which have not been reached on their return or matters which we have passed upon. But I do insist, and if the gentleman from Ohio will reflect a moment he will see, that if we leave the matter open for every member of the House at his pleasure to go back and offer amendments to clauses and paragraphs which have been discussed, closed, settled, and passed, our work may prove almost interminable.

Mr. KEIFER. I have not asked that at all. I ask that independent propositions which have not been considered in the absence of these gentlemen may be offered afterward.

Mr. BLACKBURN. I understand, then, that the gentleman from Ohio simply wishes to secure to the absent members of the Committee on Rules, and not to members generally, this right.

Mr. KEIFER. Not to members of the House generally.

Mr. BLACKBURN. To that I readily assent.

Mr. ROBINSON. Will the gentleman from Kentucky allow me to make a suggestion? This report of the Committee on Rules has for the first time reached my hands this morning. Although I left my address with the Clerk of the House, I received under the frank of the gentleman from Kentucky the proposed rules simply, without any report. Therefore I have before me this morning for the first time twenty-seven closely printed pages, explaining in detail the changes recommended, with various references and annotations. It is utterly impossible, I think, for most members who have not given special attention to this subject to proceed at once to the consideration of this body of rules, without any explanatory remarks and without any opportunity thus far to examine the report. It was understood, Mr. Chairman, as I thought, at the last day of the session that we were to have a printed copy of the committee's report sent to us.

Mr. BLACKBURN. Mr. Chairman, I only wish to say to the gentleman from Massachusetts that he received it just as soon as it came from the Public Printer. The fact that the report of the committee did not go out at the same time as the proposed revision of the rules was not the fault of any member of the committee or of its clerk, but because it was simply impossible to get it earlier from the Public Printer.

Mr. ROBINSON. Then, it having been impossible to give us the report at the time it was supposed, and having only the revised rules before us and not the report of the committee, it seems to me the House is in no condition to consider this matter this morning. We should, I think, have some time to read and consider the committee's report before we are called upon to act upon the revised rules.

Mr. BLACKBURN. As I have indicated, it was the opinion of the Committee on Rules there was to be no division or difference of opinion to be apprehended until Rule No. 13 as numbered in this revision should be reached, and if it be the pleasure of this House, if it be the pleasure of this committee to postpone the further consideration or to withhold consideration of this revision until to-morrow, I am sure the Committee on Rules has no disposition to hasten action at all.

Mr. ROBINSON. I agree, Mr. Chairman, it would be irregular to go back and retrace the steps already taken, but at the same time it is exceedingly unfortunate that we should have proceeded to the consideration of this subject this morning without having the report of the Committee on Rules before us. That committee of course has given it most careful attention; its members have acted with unanimity, and they are prepared, of course, to discuss the whole question. It is only fair, however, that the other members of the House should have some time to consider it.

Mr. BLACKBURN. To that the committee do not object.

Mr. ROBINSON. While it is not proper to go back, it is altogether wiser to postpone further action until to-morrow.

Mr. CANNON, of Illinois. The time is to be consumed in general debate on the subject.

Mr. ROBINSON. No; the proposition is to read the rules, rule by rule, and pass upon them.

Mr. COX. Although this matter is before the House to-day it is not well, in my judgment, to commence the discussion now, but we should allow it to go over until to-morrow. Nor should I like to agree that only two members of this House, members of the Committee on Rules, who are absent, one I believe in Maine looking after that State, and the other in Ohio looking after something, [laughter,] that those two men should be the only members privileged to make amendments at any stage of this business. It is very important business we have before us, the consideration of our rule of conduct, and I think my friend from Kentucky will facilitate the matter by allowing it to go over until to-morrow, as it is the special order from day to day until disposed of, having all the advantage of the most favored legislation. I will make the motion that the committee rise for that purpose if I have the consent of my friend.

Mr. BLACKBURN. Certainly. Mr. Chairman, I am glad to have the sense of the committee tested by the motion being made that the committee now rise with the view of postponing the consideration of this proposed revision of the rules until to-morrow..

Mr. COX. That is all.

Mr. BLACKBURN. But I will say it was my purpose to proceed with these rules clause by clause and paragraph by paragraph, insisting, where a paragraph had been passed and agreed to, the subject was closed so far as that paragraph was concerned, until discussion was reached or difference of opinion had in the House, when I myself would have moved the committee rise in order to postpone the further consideration of the whole subject until to-morrow.

Mr. COX. Let it go over until to-morrow.

Mr. BLACKBURN. But I am willing to have the motion made by the gentleman from New York that the committee now rise in order that this matter may go over until to-morrow.

Mr. COX. I will not take the matter out of the charge of my friend for a single moment, as I do not wish to antagonize him or the committee.

Mr. BLACKBURN. I was not disposed to make the motion myself; but I am willing the sense of the committee should be tested.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the report of the Committee on Rules on the proposed revision of the rules, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave was granted to Mr. URNER for one week and to Mr. FINLEY for two weeks, on account of important business.

MARGARET B. FRANKS.

On motion of Mr. BOUCK, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Margaret B. Franks, no adverse report having been made thereon.

DEATH OF HON. GEORGE S. HOUSTON.

Mr. FORNEY. Mr. Speaker, it becomes my painful duty to announce to this House the death of Hon. GEORGE S. HOUSTON, late United States Senator from the State of Alabama. He died at his residence at Athens, Alabama, on the 31st of last December. I desire, sir, to present the following resolutions; and I shall further ask that the House, at some future day, set apart some time for the consideration of appropriate memorial resolutions:

The Clerk read as follows:

Resolved, That the members of the House of Representatives have heard with profound sorrow of the death of Hon. GEORGE S. HOUSTON, late Senator of the United States from the State of Alabama, and tender to his bereaved family their sincere sympathy and condolence.

Resolved, That, as a testimony of the respect they bear the memory of the deceased, this House do now adjourn until twelve o'clock to-morrow.

The resolutions were unanimously adopted; and accordingly (at one o'clock and forty-three minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of James McMullin, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Theodore Artzt—to the same committee.

By Mr. ACKLEN: The petition of Lolotte Plummer, for a pension—to the same committee.

By Mr. ANDERSON: The petition of citizens of Phillips County, Kansas, for division of the northwestern land district of said State and the creation of a new land district—to the Committee on Public Lands.

Also, papers relating to the claims of Henry J. and Amzi W. Byers for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. BICKNELL: The petition of John C. Headley and others, for a post-route from Nashville, Indiana, to Bloomington, via Kent's Mill—to the Committee on the Post-Office and Post-Roads.

By Mr. BLACKBURN: Papers relating to the claim of D. W. Price and Thomas Akers for compensation for one hundred and forty-one barrels of whisky seized and sold by United States authorities in the year 1868—to the Committee of Claims.

By Mr. BLISS: The petition of the marine insurance companies of the city of New York, for the removal of the shoal in the East River opposite South Ferry—to the Committee on Commerce.

By Mr. BOUCK: The petition of Julia Maynard, a member of the Winnebago tribe of Indians, that she be paid her share of the fund belonging to said tribe—to the Committee on Indian Affairs.

Also, the petition of citizens of Kewaunee County, Wisconsin, for a harbor at Kewaunee, Wisconsin—to the Committee on Commerce.

Also, the petition of soldiers of Winnebago County, Wisconsin, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BOWMAN: Papers relating to the claim of Charles F. Carr, for compensation as an informer against Edward A. Long, chief clerk in the light-house department in Boston, Massachusetts—to the Committee of Claims.

By Mr. BRAGG: The petition of soldiers in the National Home at Milwaukee, Wisconsin, for an increase of pension in case of loss of leg above the knee and of arm above the elbow—to the Committee on Invalid Pensions.

Also, the petition of Stiles & Givens and others, of Fond du Lac, Wisconsin, for the repeal of the special stamp-tax on medicine and perfumery—to the Committee of Ways and Means.

By Mr. BRENTS: Papers relating to the petition of Lieutenant F. H. E. Ebstein, to be relieved from accounting for certain Government funds lost on a sunken steamer—to the Committee on Military Affairs.

By Mr. CALKINS: The petition of Hon. H. Wasen and others, for the passage of the Baker bill restricting and fixing damages against users of patented articles—to the Committee on Patents.

By Mr. CARLISLE: The petition of General William O. Butler and other citizens of Carroll County, Kentucky, for an appropriation for the improvement of the Kentucky River—to the Committee on Commerce.

By Mr. CARPENTER: The petition of citizens of Monona County, Iowa, that Sioux City be made one of the places for holding United States circuit courts in the district of Iowa—to the Committee on the Judiciary.

By Mr. COX: The petition of Louis Magnus, for a pension—to the Committee on Invalid Pensions.

By Mr. HORACE DAVIS: The petition of Thomas Foley, that he be paid his losses incurred by the capture during the war of a vessel by the cruiser Shenandoah out of the Alabama award fund—to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of John W. Murtaugh and 80 others, of Minnesota, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

Also, the petition of Bernard McCormick and others, that Congress provide for the payment to the late defenders of the Union of the difference between the pay received and gold—to the Committee on Appropriations.

Also, the petition of Samuel E. Adams, master of the State Grange of Minnesota, that the Department of Agriculture be made a separate department, and that the Commissioner of Agriculture be a Cabinet officer—to the Committee on Agriculture.

By Mr. ERRETT: The petition of Jane Grey Swisshelm, for the suppression of polygamy and barbarism among the Indians—to the Committee on Indian Affairs.

Also, a paper containing a statement of the business of the United States circuit court for the western district of Pennsylvania at Pittsburgh—to the Committee on the Judiciary.

By Mr. FELTON: The petition of J. J. Coulter, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. FORT: The petition of Patrick Murphy, of the Soldiers' Home at Milwaukee, Wisconsin, and 18 others, for increase of pension from $24 to $30 per month for all who have lost a leg above the knee—to the Committee on Invalid Pensions.

By Mr. HERNDON: The petition of citizens of Alabama, for the establishment of a post-route from Gaston, via Bevill's Store, to Tompkinsville, Alabama—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUK: Papers relating to the claim of Joseph Perkins for compensation for work done on Rock Island arsenal—to the Committee of Claims.

By Mr. JONES: The petition of Rosanna Dischenger, that her claim for supplies furnished the United States be acted upon by the Committee of Claims, or that it be referred to the claims commission—to the same committee.

By Mr. LAPHAM: The petition of soldiers of New York, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. LOWE: Papers relating to the claim of William M. Beasley for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. BENJAMIN F. MARTIN: The petition of Jesse F. Phares, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John Snider, for a pension—to the same committee.

By Mr. McMAHON: The petition of J. A. McMahon, for the passage of bills granting pensions to Francis Curran, Henry Madden, and Clark Royal—to the same committee.

Also, the petitions of Peter Faulkner, Janus H. Hamlin, John Hazlewood, Elizabeth Percy, Samuel Richner, and Ralph O. Twitchell, for pensions—to the same committee.

Also, papers relating to the pension claim of Carl Brutchie—to the same committee.

Also, the petition of Joseph Minnick and 24 other blind men, for pensions—to the same committee.

Also, the petition of J. A. McMahon, for the passage of a bill relieving John F. McDonald from the charge of desertion—to the Committee on Military Affairs.

Also, the petition of Jacob Wittenbach, for the correction of his military record—to the same committee.

Also, papers relating to the claim of August Penslee, for compensation for a horse lost while in the United States service—to the same committee.

By Mr. MONROE: The petition of soldiers of Medina County, Ohio, for the passage of the equalization bounty bill—to the same committee.

Also, the petition of citizens of Oberlin, Ohio, that the payments made to soldiers during the war be increased to gold values—to the same committee.

Also, the petition of J. C. Lockwood and other merchants of Milan, Ohio, against the construction of a swing-bridge over the Detroit River—to the Committee on Commerce.

Also, the petition of Ryan, Johnson & Co., R. B. Hubbard & Co., and other ship-owners and merchants, of Sandusky, Ohio, of similar import—to the same committee.

By Mr. O'CONNOR: The petition of Mary C. Ringgold, for increase of pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Memorial of H. J. Deily, for the enactment of a law providing for the appointment of a commissioner to aid in increasing our trade with Brazil—to the Committee of Ways and Means.

By Mr. ORTH: The petition of Lyman M. Butler, for a pension—to the Committee on Invalid Pensions.

By Mr. REAGAN: The petition of citizens of Galveston, Texas, for the passage of the bill to prevent discriminations in railroad freights—to the Committee on Commerce.

By Mr. THOMAS RYAN: The petition of soldiers of Kansas, that they be paid the difference between the value of gold and the greenbacks in which they were originally paid—to the Committee on Military Affairs.

Also, two petitions of Kansas Union soldiers, for the equalization of bounties—to the same committee.

By Mr. SHALLENBERGER: Memorial of Forsythe Post, Grand Army of the Republic, favoring the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, the petition of 82 disabled soldiers, inmates of the National Home, near Dayton, Ohio, for increase of pensions of persons having lost an arm or leg—to the same committee.

By Mr. SIMONTON: The petition of Austin Goodall, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. STEPHENS: Memorial of William Wheeler Hubbell, upon the subject of the suspension of the further coinage of silver, legal-tender notes, bimetallic coinage, and an increase of the volume of United States money—to the Committee on Coinage, Weights, and Measures.

Also, a communication of S. B. Sanborn, secretary of the Social Science Association of Massachusetts, inclosing resolutions of that association addressed to Congress upon international coinage and other kindred subjects—to the same committee.

By Mr. STONE: The petition of Foster, Stevens & Co. and other

business men, of Grand Rapids, Michigan, for a reduction of the specific duty upon sheet-zinc—to the Committee of Ways and Means.

By Mr. RICHARD W. TOWNSHEND: The petition of John L. Handly and 24 citizens, of Wayne County, Illinois, against the extension of Hedge's patent on cane-mills and Cook's patent on evaporators—to the Committee on Patents.

By Mr. TUCKER: The petition of receivers of the Atlantic, Mississippi and Ohio Railroad, for the reduction of the duty on steel rails—to the Committee of Ways and Means.

By Mr. WASHBURN: Resolutions of the State Grange of Minnesota, against abolishing the Department of Agriculture, and that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. WILSON: The petition of James Singleton and other discharged soldiers of the late Union Army, assigning reasons against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WALTER A. WOOD: The petition of Peter A. Allendorf, for compensation for potatoes lost through acts of officers of the United States Army in 1864—to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *January* 7, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WILLIAM SHARON, a Senator from the State of Nevada, appeared in his seat to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 673) to regulate applications for restoration to the active list of the Navy;

A bill (H. R. No. 1076) for the relief of Amanda M. Cook; and

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston.

The message also requested the return to the House of the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands.

HOUSE BILLS REFERRED.

The following joint resolutions, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Appropriations:

A joint resolution (H. R. No. 156) to correct an error in the act "making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes;" and

A joint resolution (H. R. No. 157) for the relief of M. M. Herr.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, relative to the construction of a bridge across the Ohio River at Beaver, Pennsylvania, by the Pittsburgh and Lake Erie Railroad Company; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting an estimate, amounting to $8,000, for collection and payment of bounty, prize-money, and other claims of colored soldiers and sailors for the fiscal year ending June 30, 1881; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the medical director of the Department of the Missouri, suggesting that the act making appropriations for the subsistence of the Army for the current fiscal year be amended so as to authorize the selling of subsistence supplies to companies, detachments, and hospitals at cost prices, not including cost of transportation, upon the certificates of officers commanding companies or detachments or in charge of hospitals; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, recommending legislation to provide for the acquisition by the United States of the title to the land upon which Fort Stockton, Texas, is situated; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of December 6, 1879, copies of all correspondence by letter or telegram between the Secretary of the Interior and N. C. Meeker, late Indian agent at White River agency, since the 1st of January, 1879; and also copies of all correspondence between the Secretary of the Interior and General Hatch, General Adams, the governor of Colorado, and Special Agent Pollock concerning the Ute Indians in Colorado; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, stating that in transmitting the correspondence with reference to the Ute Indians in Colorado, as called for by Senate resolution of December 8, 1879, he had retained two letters received from General Adams, the one concerning the testimony taken by the Ute Commission, and the other touching negotiations with the Utes in reference to their reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BAYARD. I present the petition of Charles C. Stockley and 88 others, citizens of Georgetown, Delaware, without reference to party affiliation, praying for the passage of a resolution providing for the abolition of the compulsory legal-tender power of the Treasury notes of the United States. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. BAYARD presented the petition of George F. Brady and 35 others, citizens of Delaware City and New Castle, Delaware, praying for the repeal of the compulsory legal-tender power of United States Treasury notes; which was referred to the Committee on Finance.

Mr. KIRKWOOD presented the petition of Robert C. H. Denbow and 36 others, citizens of Iowa, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the memorial of Seth Smith and others, citizens of Iowa, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. WINDOM. I present the petition of J. D. Palmer and 51 others, citizens of the counties of Fillmore and Moore, Minnesota, praying that Congress will "refuse the continuation of the patent on the Cook evaporators and cane-mills now manufactured by the Blymer Company of Cincinnati, Ohio," alleging that in their judgment the extension of the patent would be greatly detrimental to the cane-growing interests of the State of Minnesota and the Northwestern States. I move its reference to the Committee on Patents.

The motion was agreed to.

Mr. PADDOCK presented the petition of George A. Robertson and others, citizens of Nebraska, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of William Solliday and others, citizens of Dawson County, Nebraska, praying for the passage of a law extending the provisions of what is popularly known as the "soldiers' additional eighty acres law" so as to include all the citizens who have taken only eighty acres as a homestead; which was referred to the Committee on Public Lands.

He also presented resolutions adopted at a meeting of the citizens of Yankton, Dakota Territory, in favor of an appropriation of $25,000 by Congress for the improvement of the harbor at the city of Yankton and of the channel of the Missouri River in that vicinity; which was referred to the Committee on Commerce.

Mr. MAXEY presented the petition of Stewart Mitchell and others, citizens living in the vicinity of Walnut Grove, Red River County, Texas, praying the extension of mail-route No. 31638 through to Clarksville, Texas; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HILL, of Georgia, presented additional papers to accompany the bill (S. No. 111) for the relief of the city of Macon, Georgia; which were referred to the Committee on Claims.

Mr. KERNAN presented the petition of Marietta Mattison, of Oswego, New York, praying for the passage of a law authorizing the extension of a patent for improvements in machinery for packing flour; which was referred to the Committee on Patents.

Mr. DAVIS, of Illinois, presented the petition of William J. Morris, of Jersey County, Illinois, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. GROOME presented the petition of Reese Lammey, of Maryland, praying for the passage of a law granting him a pension on account of services rendered by his late son, Captain John R. Lammey, Sixth Wisconsin Infantry; which was referred to the Committee on Pensions.

He also presented the petition of John E. Wilson and 33 others, citizens of Cecil County, Maryland, soldiers who served in the Union Army during the late war, praying the passage of the bill known as the "equalization of bounties bill;" which was referred to the Committee on Military Affairs.

Mr. BALDWIN presented the petition of William E. Phillips and 46 others, citizens of Michigan, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Buhl, Ducharme & Co., and others, merchants of Detroit, Michigan, praying for the reduction of the specific duty on sheet-zinc; which was referred to the Committee on Finance.

He also presented the petition of H. A. Hayden, president of the Jackson, Lansing and Saginaw Railroad Company, praying that the specific duty on steel rails shall be not to exceed $10 per ton; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 307) for the relief of L. C. Cantwell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 417) for the relief of John C. Comfort, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 24) for the relief of John S. Logan, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 212) for the relief of John M. Dorsey and William F. Shepard, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 952) for the relief of James Burke; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 953) for the relief of Kimberly Brothers; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 954) to promote the immediate and rapid construction of the International and Great Northern Railroad of Texas from San Antonio, Texas, to the Rio Grande; which was read twice by its title, and referred to the Committee on Railroads.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 955) granting a pension to William S. Fultz, of Muscatine County, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 956) granting a pension to John Hubbell, of Muscatine County, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 957) granting a pension to Charles Reed, of Muscatine County, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 958) granting a pension to Peter Gettert, of Muscatine County, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 959) granting a pension to Diedrick Blanck, of Muscatine County, Iowa; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 960) for the relief of Marietta Mattison; which was read twice by its title, and referred to the Committee on Patents.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 961) for the relief of Henry Head, of Quincy, Illinois; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 962) to establish a United States court in the Indian Territory, and for other purposes; which was read twice by its title.

Mr. LOGAN. I ask that the bill be referred to the Committee on Territories.

Mr. EDMUNDS. I do not see the chairman of the Committee on the Judiciary here. I think that all bills for establishing United States courts have always gone to the Committee on the Judiciary. Of course I have no personal interest in the reference, but I think the bill had better go there.

Mr. LOGAN. The only reason why I ask its reference to the Committee on Territories is because a bill of like character was referred prior to this time to that committee and reported on, although the bill was not acted upon by Congress. For that reason I asked the reference of this bill to the Committee on Territories.

Mr. EDMUNDS. I think I ought to move, Mr. President, as I do not see the chairman here, (although I am not in a majority of the committee, but I assume if it is not a political question I may make the motion,) to amend the motion of my friend so as to refer the bill to the Committee on the Judiciary, where I think it ought to go regularly.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont, that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 963) granting a pension to Theodore Rauthe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 964) to limit the time within which claims in behalf of or against the United States shall be prosecuted; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 965) for the relief of D. T. Kirby; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 967) to extend the jurisdiction of the northern district of Texas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 968) to equalize the price of lands between the Seminole and Creek tribes of Indians, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army; which was read twice by its title, and referred to the Committee on Printing.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 57) for the relief of Lewis Winters; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. PENDLETON. I desire to give notice of an amendment which I intend to propose to the joint resolution (S. R. No. 49) in relation to Treasury notes. I ask to have it printed and referred to the Committee on Finance.

Mr. ANTHONY. Let the proposed amendment be read.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. At the end of the resolution it is proposed to add:

And said notes shall not be available for any of the reserves required to be kept by the national banks, but all such reserves shall be kept in coin.

Mr. EDMUNDS. That is to be printed, I believe.

The VICE-PRESIDENT. It will be printed and referred to the Committee on Finance.

Mr. PENDLETON submitted an amendment intended to be proposed by him to the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories; which was referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the papers in the case of Jacob and Elizabeth Sener be taken from the files of the Senate and referred to the Committee on Claims, to accompany Senate bill No. 354.

On motion of Mr. BUTLER, it was

Ordered, That the petition and papers of James Burke be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Julia E. Seeley be withdrawn from the files of the Senate, there being no adverse report.

On motion of Mr. PENDLETON, (in behalf of Mr. THURMAN,) it was

Ordered, That the papers of Mrs. Mary Hepperton be taken from the files of the Senate and referred to the Committee on Pensions.

MISSOURI RIVER IN NEBRASKA.

Mr. SAUNDERS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to the Senate such information as he may be in possession of regarding the condition of the Missouri River between Omaha and Plattsmouth, in Nebraska, and that such report include estimate of the probable expense of improving the navigation of said river between said points.

FUNERAL OF SENATOR HOUSTON.

Mr. MORGAN. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the expenses incurred by the committee appointed to attend the funeral obsequies of the late Hon. George S. Houston be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. EDMUNDS. Was this committee appointed by the Senate? The sad event the resolution refers to occurred during the recess.

Mr. MORGAN. The committee was appointed by the Vice-President, and yesterday the action of the Vice-President was approved by the Senate.

Mr. EDMUNDS. Ah! I did not know but that the resolution needed a little amendment as a mere technical thing. I think it is all right too.

The VICE-PRESIDENT. The Chair appointed the committee, assuming that his action would meet with the approval of the Senate.

Mr. EDMUNDS. Undoubtedly. My only object was to see that there should be no technical difficulty at the Treasury. I think it is all right.

The VICE-PRESIDENT. The Chair announced the fact and had it journalized.

The resolution was read the second time, considered as in Committee of the Whole, reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF AGRICULTURE AND COMMERCE.

Mr. WINDOM. I offer a resolution, and ask that it be read, printed, and laid on the table.

The resolution was read, as follows:

Resolved, That the Committee on Appropriations be instructed to inquire as to the expediency of establishing an additional executive department of the Government, to be called the Department of Agriculture and Commerce, which shall embrace within its jurisdiction agriculture, domestic and foreign commerce, manufactures, mines and mining, public lands, geological and other surveys, railroads, and statistics; and that said committee report its conclusion by bill or otherwise.

The VICE-PRESIDENT. The resolution will be printed and laid on the table.

Mr. WINDOM. I want to say before the resolution passes from the Senate that I have long believed that such an organization of the Government as is proposed in the resolution would greatly promote the important industrial interests to which it refers. I shall take occasion at an early day, with the consent of the Senate, to make some remarks upon the resolution.

Mr. DAVIS, of West Virginia. As the Senator from Minnesota, who has had long experience in both Houses of Congress, has introduced a resolution looking to the establishment of a department of agriculture and commerce, I wish to say that I agree with that Senator and believe that the country long since has demanded such a department. In fact I have had it in contemplation for some time to introduce a bill looking to the same object, and as the Senator has asked that his resolution lie upon the table so that he may make some remarks on it in future, I will introduce a bill and ask that it take the same course that his resolution will take.

The Senator from Minnesota comes from a district of our country that represents agriculture to a very great extent, and when we take into consideration that upon the crops, be they good or bad, the country shapes its course and business for the year, I think there is no subject that deserves the attention of Congress more than that of commerce and agriculture. It will be recollected that twenty or thirty years ago, from 1850 to 1860, our own vessels carried 75 per cent. or more of the commerce of the United States. To-day they carry less than 25 per cent. There is something wrong there, and I believe the attention of the country and Congress cannot at too early a day be called to the vast subject of agriculture and commerce.

Mr. President, I ask leave to introduce a bill, and I wish to have it lie on the table for the present, with a view to its taking the same course as the resolution of the Senator from Minnesota.

By unanimous consent, leave was granted to introduce a bill (S. No. 966) to establish a department of agriculture and commerce; which was read twice by its title, and ordered to lie on the table.

Mr. CARPENTER. As I understand that the Senator from Minnesota and the Senator from West Virginia propose soon to discuss this question, I shall esteem it a great favor if in that discussion they will point out what clause of the Federal Constitution gives Congress any power to establish an agricultural department or a mining department; what power Congress has over those two branches of industry more than it has over shoemaking and milling; and why the latter should not be embraced in that department, if such a department can be constructed.

Mr. WINDOM. I will say to the Senator that manufactures are embraced in my resolution. I suppose that general term includes shoemaking.

NEGRO EXODUS INVESTIGATION.

Mr. VOORHEES submitted the following resolution:

Resolved, That the committee appointed to investigate the exodus of negroes from the Southern to the Northern States be authorized to employ a clerk and such other attendants as may be necessary, to be paid from the miscellaneous items of the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. DAVIS, of West Virginia. I have no objection to the resolution, but I will say to my friend from Indiana that the term "other attendants" embraces a very large scope; and unless he wishes, as has been the rule, to confine it to a certain number, I would suggest to him to say what other attendants are needed.

Mr. VOORHEES. I can only say in reply that is not for me to state in advance what will be necessary on this subject; but I assure the Senator from West Virginia that he will not be disappointed in the effort of the committee to conduct its proceedings with strict economy.

Mr. DAVIS, of West Virginia. That is sufficient.

There being no objection, the resolution was read the second time, and considered as in Committee of the Whole.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN TRUST FUNDS.

Mr. PENDLETON. I move to take from the Calendar the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

Mr. TELLER. I should like to know what committee the bill comes from and how it gets here.

The VICE-PRESIDENT. The bill is reported from the Committee on Indian Affairs. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment in line 11, after the word "semi-annually," to strike out the words "at the rate of 5 per cent. per annum" and insert "at the rate per centum which is required by treaty stipulation or by act of Congress, or, in cases where the rate is not stipulated, at 4 per cent.;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to deposit to the credit of the proper nation or tribe, in the Treasury of the United States, any and all sums belonging to the Indian trust fund now held or which may hereafter be received by him as Secretary of the Interior and trustee of various Indian tribes, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits in lieu of investments; and the United States shall pay interest thereon semi-annually at the rate per centum which is required by treaty stipulation or by act of Congress, or, in cases where the rate is not stipulated, at 4 per cent., from the respective dates of deposit; such payments to be made in the usual manner, as each may become due, without further appropriation by Congress.

Mr. KIRKWOOD. Is there any report from the committee accompanying the bill?

The VICE-PRESIDENT. There is no written report accompanying the bill.

Mr. KIRKWOOD. It is something I do not understand from the reading of the bill.

Mr. PENDLETON. I will explain it to the Senator from Iowa with great pleasure.

Mr. EDMUNDS. Will the Senator from Ohio, seeing there was so much noise that it was impossible to hear the bill read, before he goes on to explain it, allow the bill and amendment to be again read, so that we can all hear them?

Mr. PENDLETON. Certainly.

The Chief Clerk again read the bill and amendment.

The VICE-PRESIDENT. The question is upon agreeing to the amendment.

Mr. EDMUNDS. Now, I should like to hear the explanation of the Senator from Ohio. I thought we were to hear the Senator from Ohio explain the condition of this matter.

Mr. PENDLETON. The bill is reported from the Committee on Indian Affairs in accordance with a recommendation made both by the Commissioner of Indian Affairs and the Secretary of the Interior. The necessity for it exists in the fact that by the laws, as they have heretofore stood, the Secretary of the Interior is obliged to invest in bonds of the United States the funds which he may have belonging to the Indians. Some of those funds were invested in bonds bearing interest at the rate of 6 per cent. per annum. By law all these funds, where there is no express rate stipulated, are to be invested in bonds bearing interest at 5 per cent. It has so happened that the 5 and 6 per cent. bonds have been called in, and the Secretary of the Interior is left with these bonds on his hands and the interest stopped. He therefore has recommended, and I think very wisely, that the funds shall be deposited in the Treasury of the United States, inscribed there as a permanent loan under the law, and that interest at the rate stipulated in the treaty or law shall be paid without any annual appropriation. That is the intent of the bill and its provision.

Mr. CONKLING. Will the Senator state what the funds are?

Mr. PENDLETON. I have here a list of the various funds held by the Secretary of the Interior. I should say, without pretending to give exactly accurate information, that there are funds belonging to thirty or forty different tribes under treaties made and laws passed at various periods in the past, by which funds have been set aside for the benefit of the Indians—funds arising from the sale of parts of their reservations or under treaty stipulations, whatever they may be.

Mr. CONKLING. Were all those funds invested in bonds?

Mr. PENDLETON. Not all of them; but originally they were to be invested at the discretion of the Secretary of the Interior in any bonds he saw fit. As the Senator probably remembers, a great many years ago a scandal arose from the fact that there was a defalcation in some of the bonds, and the Government of the United States lost a large amount of bonds that had been bought, not Government bonds or State bonds, but other bonds which were held in the Indian Department for their benefit.

Mr. KIRKWOOD. Are all the funds now invested in Government bonds?

Mr. PENDLETON. Certainly most of them. I am not prepared to say that none others are, but I believe none others are. I have a volume of papers here, correspondence from the Secretary of the Interior, and the results of examination as to what these various funds

are, and the rates of interest at which they were invested or were directed to be invested.

Mr. DAVIS, of Illinois. Fixed by treaty?

Mr. PENDLETON. Some of them fixed by treaty.

Mr. DAVIS, of Illinois. And by law?

Mr. PENDLETON. And some of them fixed by law. The original bill sent to the Committee on Indian Affairs provided that all these funds should bear interest at the rate of 5 per cent.; but the committee thought that that was not a proper provision, but that the rate should be that which was prescribed by treaty or prescribed by law, and in case there were no provision as to the rate of interest, that it should be 4 per cent. This bill comes to the Senate with the unanimous recommendation of the Committee on Indian Affairs.

Mr. KIRKWOOD. If it should so be that a portion of these funds now are not in Government bonds, what would become of those securities under this bill?

Mr. PENDLETON. The Secretary of the Interior would be at liberty to change the investment. The bill provides that this change shall be made whenever in his judgment it is thought best to do so. It may happen that some of these funds are invested in 4 per cent. bonds. It would not be necessary immediately to make a change in that case. Some of them were invested in 5 per cent. bonds, which were called in, and it was found that several hundred thousand dollars were upon his hands, and he had to reinvest in 4 per cent. bonds in order to prevent them lying there without producing any interest. It becomes necessary in a case like that, as the Senator can well see, that a special appropriation for the deficiency will have to be made.

Mr. KIRKWOOD. My inquiry looked to the possibility that some of the bonds might not be Government bonds, but such bonds as the Senator indicated the funds were formerly invested in. If any of them are there now what is to become of them?

Mr. PENDLETON. They can be sold and the money deposited in the Treasury for the benefit of the Indians; and that is the course that will be pursued.

Mr. CONKLING. Will the Senator allow me to inquire if this is the same bill which was considered in the Senate, I believe, about a year ago?

Mr. PENDLETON. I have no knowledge on that point.

Mr. PADDOCK. At the last session of the Forty-fifth Congress.

Mr. ALLISON. I will answer the Senator from New York with the permission of the Senator from Ohio.

Mr. PENDLETON. Certainly.

Mr. ALLISON. It is substantially the same bill, except when that bill was before the Senate it was objected by Senators that it might be in violation of treaty stipulations, and one of the treaties was read showing that in some instances we had agreed to pay 6 per cent. interest. The bill before the Senate a year ago provided that in all cases 5 per cent. only should be paid, and the bill was amended, I believe, in accordance with the tenor of the provision now, that treaty stipulations should be adhered to where they had been made and were still in force.

Mr. CONKLING. The Senator will pardon me, did the bill thus amended pass the Senate?

Mr. ALLISON. As amended, but it never passed the House. Now, if the Senator from Ohio will allow me——

Mr. PENDLETON. Certainly; the Senator is more familiar than I am with the history of the bill.

Mr. ALLISON. As I understand this bill it simply provides that where money comes into the Treasury, by the payment of bonds or otherwise, it shall be deposited in the Treasury and draw the rate of interest prescribed in the treaties with the several tribes, if a special rate is prescribed. There are some treaties where no rate is fixed, but in 1855 it was provided by law that where there was no special treaty stipulation the rate should be 5 per cent.; and in a number of treaties made since that time the rate has been fixed at 5 per cent. That law stands in full force; so that I think if this bill should pass we should be obliged to pay 5 per cent. interest upon all those treaty funds.

I wish to say in reply to my colleague, who made an inquiry with reference to other investments, that I do not understand this bill will apply to any money belonging to Indian tribes except that which is paid in in the regular course of bonds falling due. There is a large amount of bonds of the State of Arkansas and the State of Tennessee and of corporations in those States still held in trust by the Indian Bureau. I do not understand that those could be sold under the provisions of this bill; but the Government is regularly paying interest upon those bonds, as though the interest were paid to it regularly upon them, by making appropriations annually for the payment of the interest.

Mr. TELLER. I should like to ask the Senator from Iowa a question. I ask him if it is not contemplated by the bill that all of the trust funds shall be placed to the credit of the Indians? Is not that the statement of the bill? I ask the Senator how he excepts the great number of State bonds, as I find here, the bonds of Arkansas, Tennessee, Florida, Virginia, and various others? How does he except them under the language of the bill?

Mr. ALLISON. I do not except them under the language of the bill. I only state that where the Government now holds bonds, for example of the State of Arkansas, it is paying by regular appropriation the interest upon those bonds just as though the interest was regularly paid into the Treasury, although not one dollar is paid. But this bill only contemplates, as I understand it, that where money is paid in on account of these bonds it shall be simply passed to the credit of the Indian Bureau in the Treasury, and not paid.

Mr. TELLER. I should like to ask the Senator from Iowa another question, as he is familiar with this matter. As to the State bonds held in trust for the Chickasaws and Cherokees and other Indians, did the Indians invest their money in those bonds by their own option, or was it provided by treaty stipulation that the money should be put in that form?

Mr. ALLISON. A number of the treaties provide that these investments shall be made in the discretion of the Government. That discretion was exercised by the purchase of worthless bonds, and the Government has continuously paid the interest on those bonds regularly to the Indian tribes for more than twenty years, or for fifteen years at any rate.

Mr. TELLER. If that is in the discretion of the Government and the Government made a bad speculation, I should not feel very bad if the Government lost. If, however, it was provided for by treaty and it was understood and agreed that the Government should with this money buy a certain class of bonds, then the Indians ought to lose if the investment turns out unprofitable.

Mr. ALLISON. There were no treaties made with the Indians by which certain bonds were directed to be purchased; but the Government was made trustee of these funds and invested them in bonds that proved to be worthless. The Government has constantly paid the interest on those bonds from that time.

Mr. TELLER. If the Government does pay the interest, under those circumstances, there will be no great harm done, I guess.

Mr. CONKLING. The Senator from Iowa adverted to an act which provided that whenever a treaty was blank as to the rate of interest, that rate should be 5 per cent. When was that act passed?

Mr. ALLISON. I do not remember the exact date of it. It was probably about 1855.

Mr. CONKLING. My recollection is that it was at least fifteen years ago, I think more.

Mr. ALLISON. Perhaps more.

Mr. CONKLING. Is the Senator advised whether treaties have been made with Indians since, in which the rate of interest is left blank?

Mr. ALLISON. I cannot answer definitely, but I can say that there are such treaties.

Mr. CONKLING. Assuming that to be so, I wish the Senator would explain the effect of the words: "Or in cases where the rate is not stipulated, at 4 per cent. from the respective dates of deposit." What is to be the operation of this act upon a treaty which names no rate of interest, but which was made leaving that rate blank after an act of Congress had been passed declaring that in all such cases it should be 5 per cent.? What is the reason, in other words, that, in effect, that is not a treaty stipulation? If an act of Congress declares that there being no rate named the rate shall be held and deemed 5 per cent., and a treaty has been made naming no rate, why is it not, in effect, a stipulation in the treaty that the rate shall be 5 per cent.? and if so, upon what principle is it, if we intend to observe treaty stipulations, that we propose this morning to declare that in all such cases hereafter the rate shall be not 5 per cent., but 4 per cent.?

Mr. ALLISON. I should say that in the case indicated by the Senator the rate would be 5 per cent., because the law, a law now in force, prescribes that the rate shall be 5; and this bill preserves that law.

Mr. CONKLING. My honorable friend would not be willing, I think, to put a statute upon the book which he intended to treat in that way, because then the words which I have read to him would mean nothing: "or in cases where the rate is not stipulated" in the treaty——

Mr. ALLISON. Or by law.

Mr. CONKLING. "At 4 per centum." Now the Senator says he would commit to the court or somebody else to construe this language and to say whether, in spite of a statute which on its face certainly does by implication repeal or attempts to repeal a prior statute, the prior statute does not still live and prevail over this. The Senator says he thinks it does. I will not differ with him, because I do not think that it behooves a Senator perhaps to express an opinion on such a point when with the bill before us we can make it absolutely certain so that there will be no possibility of mistake and no need of the expression. If the Senator thinks that the court in construing this act would make the exception, and he means that the court shall make the exception, then I submit that manifestly we ought to adopt terms apt and appropriate to signify that intention, and not pass words which will leave a cloud of uncertainty which the court may dissipate if it can, and the Senator thinks it will, in a particular way. If I were going to express an opinion, I should think there would be a great deal of doubt about it.

Mr. ALLISON. For myself I should be entirely willing that the latter provision should be stricken out.

Mr. CONKLING. I do not wish to interfere with the bill; the Senator knows more about it than I do. I say this only by way of making a suggestion, knowing that if there be anything in it Senators instructed in the subject will make such provision as they think wise.

Mr. PENDLETON. The Senator can move to strike out those words.

Mr. CONKLING. The Senator from Iowa said that this bill passed the Senate, and I thought he was right. On reflection I am satisfied he was mistaken about that. It came up in the Senate and was discussed; attention was called to the points which have been adverted to this morning; and the bill was recommitted to the committee. The Senate never voted on it; and it came back afterward with this proposed amendment; so that it has never received the action of the Senate except that the recommittal of the bill, as Senators will remember, took place because of the kind of objection which we are at this moment considering. It was recommitted because the Senate, as far as it expressed any judgment, expressed the opinion that nothing should be done to unsettle or disparage treaty stipulations or the faith of the Government in observing them; and now it seems to me, looking at this bill only for a moment that the words to which I have called attention would appear still to infringe upon that idea.

The VICE-PRESIDENT. The Chair desires to remind the Senator from Ohio that there is a special order for to-day, being the bill (S. No. 206) relative to the transportation of animals, which is now entitled to precedence.

Mr. McPHERSON. Will this bill take a long time?

Mr. PENDLETON. I did not suppose it would. I am not in a condition, however, to say whether it will take a long time or not. I did not suppose originally it would give rise to any discussion.

Mr. McPHERSON. I am willing to wait a while.

Mr. PENDLETON. I hope it will be finished within a very few moments.

The VICE-PRESIDENT. The bill will be continued under consideration without prejudice to the special order, if there be no objection.

Mr. EDMUNDS. Mr. President, it may be desirable in order that we can fully understand this business, to see what the state of the law is about these trust funds. On the 10th of June, 1876, Congress passed an act upon the subject, which I will ask the Secretary to read.

The Chief Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof; and it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustee for various Indian tribes. And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty stipulations or by acts of Congress when requested so to do by the Secretary of the Interior: *Provided*, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned.

Mr. EDMUNDS. It will be seen, Mr. President, that the depositary of all these trust funds is already the Treasurer of the United States, who is to invest and reinvest according to the provisions of the various treaty stipulations, which are one thing as to one tribe and another thing as to another, and so on. That is all right and as it should be, and it has been done, so that the Secretary of the Interior now has not the lawful custody of any of these trust funds except those that come in by way of income, which is to be expended by him according to the provisions of the respective treaties. As to some of them the money is to be paid over bodily to the Indians, and as to others, a part is devoted to schools and whatever it may be,—various special uses named in the treaties.

Now then the effect of this bill will be evidently one of two things, or perhaps both, but probably chiefly this first one that I name, if it means anything as of course it does; and that is, that the income, being the only sums that the Secretary of the Interior now receives at all, is to be deposited to the credit of these respective Indian tribes and is to draw interest. As income, it is not entitled to draw interest because the Secretary of the Interior is bound by the treaty and by this act of Congress, which merely transfers the management in a certain sense and does not change anything else, to pay the income, the annual interest over to the tribe, or to pay it for the use of the tribe, according to the provisions of the particular treaty. Therefore, so far as this bill relates to the interest that is received on these stocks, bonds, &c., a list of which now in the Treasury I have in my hand, it is a thing that we ought not to do. The United States ought not to undertake to pay interest on these temporary deposits which are merely the interest belonging to the Indians and which by treaty stipulation we were not bound to pay interest on at all, but only to pay over through the Secretary of the Interior to the Indian tribes or for its benefit according to the stipulations of the respective treaties. That is the way it seems to me.

Then if this bill is not supposed to refer to income (as it clearly must in point of law because it says the Secretary of the Interior shall deposit "any and all sums belonging to the Indian trust funds now held or which may hereafter be received by him as Secretary of the Interior" in the Treasury of the United States to the credit of the proper tribe and that these deposits shall draw interest,) what is to be its effect? These sums ought not to draw interest at all, as it appears to me, where they are made up merely of the annual income which we have not agreed to pay interest upon but which we have agreed to pay over through the Secretary of the Interior to the proper parties or for their benefit according to the treaty. If this means, as it seems to do in point of law, to provide for something in the nature of an investment of accumulating interest, I do not see what obligation we are under to do it. If it means, on the other hand, or further that these trust funds, as the principal falls due on these investments, instead of being reinvested according to the treaty which in a given case I will suppose to be to require the United States through the Secretary of the Interior, or the Treasurer of the United States now, to invest them in the best securities that he can so as to make the most out of them possible by way of income for the use of the beneficiary, then is it right to say by an act of Congress and without the consent of the Indians that we will absorb this fund ourselves and, as the Senator from New York has said, where a special rate has not been agreed upon that we will invest arbitrarily at 4 per cent. because we choose to borrow it ourselves at the lowest possible rate of interest? Would that be right? The duty of a trustee plainly is, even if he is the trustee of an Indian, to do the best he can for the benefit of his beneficiary; and if he can invest in a good State bond at 5 per cent. instead of investing in a United States bond at 4 per cent. he ought to do it; if he can invest in a United States bond at 4 per cent., instead of leaving the money in the Treasury at 4 per cent., and that bond has a long time to run and is going to produce a premium, every principle of equitable law as well as every principle of morality will require him, whether he was the Treasurer of the United States or a private trustee, to make that investment according to the spirit of the treaty in the bonds of the United States in that case that may have twenty or thirty years to run so that his constituent can get the benefit of the value of a long investment as a corresponding advantage against the low rate of interest that is named on the face of the bond.

This bill provides in simple and specific terms, apparently, that all sums which hereafter fall due are to be kept in the Treasury of the United States in lieu of investment, and where the treaty does not provide specifically for the rate of interest, then only the sum of 4 per cent. shall be paid, though it may not be five years, it may not be three, or even one year, before the rate of interest for perfectly immaculate securities which we are bound to invest in for these unprotected persons will be 5 per cent. or more, and though the money could honestly and readily be made for them at that rate. Is it right to tie this up absolutely and say we will keep this money ourselves and pay only 4 per cent. on it, without the benefit of long time to run, without the benefit of the advantage of the value of premium, &c., that the trust fund might get? That is a question which I think ought to be considered.

Then there is another suggestion that I should like to make to the committee while I am upon the subject of the form of this bill. Of course that can be readily corrected if there is anything in it. The fourth line says that these sums, whatever they are, shall be deposited "to the credit of the proper nation or tribe." That makes "the proper nation or tribe" on the books of the Treasury the person and the only person that can draw the money; and in a given case, the treaty with the proper nation or tribe provides not that it shall be paid over to the council of the Indians, the headmen or whatever they are, but it shall be paid out by the Secretary of the Interior for certain special purposes for their benefit, and yet you have tied it up on the books of the Treasury, so that the Secretary of the Interior cannot draw a cent of the money, cannot devote it to the uses the treaty had provided, and you have merely left it to the mercy of agents, the headmen of Indians who are somewhat thick around Washington sometimes, to take and do whatever happens to be done with it, as we know what is done with Indian moneys sometimes. It will be seen that the act of 1876 provided against that, and that the income of these moneys should be paid over to the Secretary of the Interior in trust to be devoted to the purposes and in the manner the treaties provided. If this bill is to pass, I suggest that it would be well to make the same provision for this income that is made for the income under the act of 1876.

Mr. GARLAND. I should like to ask the Senator who reported the bill if there is a written report accompanying it.

Mr. PENDLETON. There is none.

Mr. GARLAND. About a year ago, Mr. President, a bill similar to this was reported from the Committee on Indian Affairs—a bill I believe that had passed the House—and at that time, as the RECORD will show, the various questions which have been raised this morning were discussed pretty much at length, besides several others of very great importance, and this subject, though apparently this morning when the bill was read was of little importance, grows in importance as we discuss it, it grows heavier as we handle it.

At the last discussion, about a year ago, I think, the question as to the good faith of the trustee and what he was compelled to do—the same point now raised by the Senator from New York and the Senator from Vermont—was considered; and when the history of these various investments was produced and gone into, finding that they had been in this kind of stock and the other kind of stock, and at this rate of interest and the other rate of interest, finally some Senator, I do not recollect who now, stated the proposition that the United States ought not to be compelled in any instance to pay on an investment of this sort more than the rate of 4 per cent. Some Senators insisted that she should not be compelled to pay exceeding 3

per cent. interest The main difficulties which at that time presented themselves to my mind from the remarks made by the Senator from Texas who sits to my right [Mr. MAXEY] have been obviated by this bill, but at last taking it altogether we are now disposing of the investments of these people, I will not say in an *ex parte* manner, but somehow to suit ourselves, and we are not dealing with them under this bill as we should. They should have some voice in this matter. We should not pass a law here on our own motion limiting them in this manner or the other. We should not make their investments any better than they were; and we should not make them any worse.

A very serious question is presented by this bill, whether the United States should be compelled to pay as a constant investment 4 per cent. Other questions that have been raised so well by the Senator from New York and the Senator from Vermont deserve consideration. At the time of the discussion to which I have adverted I had traced to a considerable extent the history of these investments and the different treaties and the different laws on the subject, which I have not now at my desk, but I have it at my room; and as the Senator from Ohio who reports this bill sees at once many questions that are presented by it, I hope that he at least will agree to let it lie over until to-morrow or some day when we can look into it as it should be, and, if possible, not too late to give us the benefit of a written report upon it.

The more we consider this subject the greater grow the questions involved. The Senator from Iowa, who reported the bill last year, recollects a great many difficulties that were then suggested, and the bill came in then apparently as free of objection as this bill. I make the suggestion for a postponement now because I am not prepared to enter into the discussion; and in view of the statements which have been made I think the bill should be passed over until it can be considered a little more thoroughly.

Mr. PENDLETON. I certainly for myself (and I have no doubt I can speak for the members of the committee) am entirely willing that the suggestion of the Senator from Arkansas shall be adopted, and the bill laid over to any time that is agreeable to the Senate or indefinitely that it may be called up by myself or any other gentleman.

The VICE-PRESIDENT. The bill will be passed over.

Mr. PENDLETON. I desire, however, before that course is taken to say a word or two in relation to some remarks that have been made.

The law of the 10th of June, 1876, to which the Senator from Vermont [Mr. EDMUNDS] called the attention of the Senate, seems to me to provide rather for a mere physical custody of the bonds and stocks than to give to the Secretary of the Treasury or to the Treasurer of the United States any control over them except so far as is necessary to their preservation. That law speaks of the Treasurer as the custodian of the bonds; the Treasurer is to collect the interest, and he is to give a certificate of deposit to the Secretary of the Interior showing that he has the custody of the bonds, and showing also that he has collected periodically the interest upon them; and there is an express stipulation that if any change is made in the investment, any sale or purchase, that it shall be done by the Secretary of the Treasury upon the request and by the direction of the Secretary of the Interior. And there is a further stipulation that no provision of the law shall in any way interfere with the control of the Interior Department over the funds provided by treaty or law for the benefit of the Indians.

I desire further to say that the intention of the committee was as far as possible to guard the rights of the Indians. It was not their intention to give an effect such as the Senator from New York [Mr. CONKLING] thought might arise from the bill—that of providing that where a law had prescribed that the blank in the treaty should be supplied by interest at 5 per cent. yet the fund should hereafter bear only 4. I hardly think the bill would bear that interpretation.

Mr. CONKLING. My honorable friend will pardon me. I did not suppose that was the design; I only called the Senator's attention to the possibility of that effect.

Mr. PENDLETON. I did not misunderstand the Senator on that question; and I wanted to enter *ex gratia* a disclaimer of any intent of that kind on the part of the committee. Their desire was to guard as closely as they could the rights of the Indians in these funds and to provide that the funds should be kept safe against all fluctuations of bonds and stocks and that the interest provided by treaty or provided by law in the absence of treaty stipulation should faithfully hereafter be carried out.

I desire also before I take my seat, Mr. President, to have read at the Secretary's desk the representation of the Cherokee Indians praying for the passage of this bill, and stating the reasons why they desire it shall pass.

The VICE-PRESIDENT. The paper will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *May* 23, 1879.

SIR: We desire to present through you to the Senate our prayer for speedy favorable action on the bill submitted to you by the honorable the Secretary of the Interior in reference to placing the funds belonging to Indians, as inscribed debt in the Treasury of the United States bearing 5 per cent. interest. As will be seen by a report from the Secretary, which accompanied draught of bill, the greater portion of the Indian funds are already invested in that way, at that rate of interest, and that has really been the policy, and the purchase of stocks of fluctuating value the exception. As Indian nations cannot profit by the rise of stocks, so should they not be subject to loss on account of their fall. Reductions of the principal of the permanent funds to pay premiums has no authority in law, and is in plain violation of treaty. So far as the rate of interest is concerned, the agreement when the investments were made was not less than 5 per cent., the act of 1834 regulating it. The treaty being made subject to the law, and was of the nature of an agreement, that rate was also recognized by many treaties, and by all the laws under which the bulk of the Indian funds are already placed in inscribed debt in the Treasury. We do not think you will be disposed by an arbitrary act to change this existing status where we have no voice in this reduction of the value of our property.

Again, while the Government sells bonds for 4 per cent. she by law exempts them from all taxation, general, State, or local. It is justly estimated that this exemption is worth at least 2 per cent., and it is a usual correct financial estimate to place the interest of this character of investments at 6 per cent. when compared with other investments. Of this exemption we have no benefits, and can have none, and this reduction is forced on us by giving us really less than to the citizens of the States. In addition we would add that as the greater portion of these funds are permanent investments for benevolent institutions or educational interests, your honorable bodies ought not thus to cripple and weaken them.

Very respectfully,

W. P. ADAIR,
DANIEL H. ROSS,
Cherokee Delegation.

Hon. RICHARD COKE,
Chairman Indian Committee, United States Senate.

Mr. ALLISON. Before the bill goes over I wish to say a single word in regard to the law now in force, and in response to what was said by the Senator from Vermont. He seems to think that we ought to give the Secretary of the Interior the discretion to buy just such State bonds or municipal bonds as he may think will afford the best rate of interest and be the best investment. We tried that during some former administrations, and we found that investments good at the time they were made proved utterly worthless ten or fifteen years afterward, and the policy of the Government has been for many years to invest these trust funds wholly in United States bonds. The difficulty is that we have now a statute requiring the Government to invest in stocks bearing 5 per cent. interest, and those stocks cannot be purchased except at a premium, and the Indians affected by these trust funds object to the Government paying large premiums for 5 per cent. bonds. Hence these laws and treaties are in the way, and for that reason this bill is proposed by the Interior Department. I am entirely willing, of course, that it shall go over, so that every Senator may have a chance to investigate it thoroughly.

Mr. TELLER. Before the bill goes over I desire to call the attention of the committee to the fact that under this bill, as was suggested by the Senator from Vermont, the unpaid interest in the hands of the proper authorities will also go into this permanent fund, which ought not to be. There is now in the hands of the proper authorities a large amount of money due to Indians in Colorado if they have any right to it at all, if they have not forfeited their treaty rights—a large amount of money that ought to have been paid to them years ago. That is held now, and that would go to their credit as a permanent fund and interest be paid on it. The bill ought to be so amended that nothing but the principal shall go in. The unpaid interest that may be in the Treasury waiting to be paid out should not go in, but I think as the bill stands it would go in.

The VICE-PRESIDENT. The bill will go over, subject to the call of the Senator from Ohio.

EXECUTIVE MESSAGES.

A message was received from the President of the United States, by Mr. PRUDEN, one of his secretaries, transmitting a draught of a bill submitted by the board of commissioners of the District of Columbia to provide for the reclamation of the marshes in the harbor of the cities of Washington and Georgetown, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

A message was also received from the President of the United States, transmitting, in compliance with a resolution of the Senate of December 3, 1879, a letter from the Secretary of the Interior showing what payments have been made to the Ute Indians in accordance with the fourth article of an agreement made with them September 3, 1873; which was referred to the Committee on Indian Affairs, and ordered to be printed.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 8th ultimo, all correspondence concerning the location and continuance of mining camps on the Ute Indian reservation in Colorado; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 8th ultimo, copies of correspondence relative to the trespasses of white settlers on the Ute Indian reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

TRANSPORTATION OF ANIMALS.

The VICE-PRESIDENT. The Senate will now proceed to the consideration of the special order, being the bill (S. No. 206) relative to the transportation of animals.

Mr. ALLISON. That is a very important bill. I trust the Senator from New Jersey will not press it on the consideration of the Senate

to-day. I should like to look over it myself. Perhaps it can be taken up to-morrow.

Mr. McPHERSON. I have no objection to the bill lying over. I supposed every Senator was sufficiently advised as to the provisions of the bill, which has been pending for a long time. It was discussed during the extra session, and considered and amended.

Mr. ALLISON. I should not like to have the bill voted on to-day.

Mr. McPHERSON. I have already said all I propose to say on the merits of the measure. If the Senator desires to have the bill laid over until to-morrow, I have no objection to its being the special order for to-morrow.

The VICE-PRESIDENT. If there be no objection the bill will go over until to-morrow without prejudice. To this the Chair hears no objection.

JOHN GAULT, JR.

Mr. BECK. I desire to ask the Senate to take from the Calendar Senate bill No. 105.

There being no objection, the bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry, was considered as in Committee of the Whole.

It provides for the payment to John Gault, jr., late a major in the Twenty-eighth Regiment Kentucky Infantry Volunteers, of the pay and allowances of a major of infantry from August 16, 1862, to April 15, 1863, deducting therefrom any moneys paid him for any other position held during that period.

Mr. EDMUNDS. Let us hear the report.

The VICE-PRESIDENT. The report will be read.

Mr. BECK. I was about to say that the bill passed the Senate unanimously at the last Congress, and was reported unanimously by the committee of the House, and is again reported unanimously by the Committee on Military Affairs through the Senator from Texas, [Mr. MAXEY.]

The Chief Clerk read the following report, submitted by Mr. MAXEY December 9, 1879:

The Committee on Military Affairs, to whom was referred the bill (S. No. 105) for the relief of John Gault, jr., late major of the Twenty-eighth Kentucky Volunteer Infantry, respectfully report as follows:

The bill provides for pay and allowances to said Gault as major of infantry from August 16, 1862, to April 15, 1863, deducting therefrom any moneys paid him for any other position held during that period. Major Gault presents a commission from the Commonwealth of Kentucky as major Twenty-eighth Kentucky Volunteer Infantry, to take rank as such from November 6, 1861, yet it is quite clear that this was a floating commission, and the proceedings in respect to the commissions of Colonel Boone, Lieutenant-Colonel Johnson, and Major Gault were unusually irregular even in those days of conspicuous irregularity. (See communication of Adjutant-General Townsend, United States Army, on file in this case, dated March 23, 1872, namely:)

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*March* 23, 1872.

"Respectfully returned to the Secretary of War.

"This case has been before the Department several times. The facts, in Gault's own words, appear to be as follows:

"'On October 6, 1861, a Colonel Boone was authorized by General Anderson to raise a regiment. On this authority Boone authorized A. Y. Johnson as lieutenant-colonel and myself as major. We proceeded at once to the duties, and on November 6, 1861, was ordered on active service by General Sherman. Remained in active service until January 7, 1862, when at New Haven, Kentucky, we held an election for field officers, which resulted in the election of Boone as colonel, Johnson as lieutenant-colonel, and myself as major; but when Boone went to Frankfort, Kentucky, they informed him that he could not draw pay as colonel, and if he was commissioned colonel, Johnson and myself would get the pay, and he would get none until the regiment was full. They then issued commissions to Boone as lieutenant-colonel, and Johnson as major, and left me to fill up the regiment.'

"The official records do not show that he was engaged in recruiting and other services until a vacancy occurred for him as major, when, on April 15, 1863, he was mustered in that grade.

"The records of this office show that no vacancy existed for Gault as major until March 14, 1863, the date of acceptance of the resignation of Major A. Y. Johnson, of that regiment; further, although Gault appears on the return of regiment for January, 1863, (the first which bears his name,) his name is not borne on any roll of field and staff prior to March and April, 1863.

"Copies of letters from this office giving adverse decisions in this case, dated December 30, 1862, and March 27, 1863, together with indorsements of August 5 and November 18, 1862, are herewith.

"The complications in the case have arisen from the contest for place, and such contests were numerous during the rebellion.

"E. D. TOWNSEND,
"*Adjutant-General.*"

This plan of making a man colonel if that suits, and lieutenant-colonel if that don't suit, and so on, is revelation to the committee supposed to be conversant with the methods, regular and irregular, resorted to during the war.

It appears, however, that Lieutenant-Colonel Johnson was captured July 12, 1863, and Colonel Boone, August 12, 1862, and remained prisoners until exchanged in February, 1863, when, very shortly after, Johnson resigned.

It is also clear that Major Gault was put on duty as major by the general commanding United States forces in Kentucky, by an order dated August 16, 1862, and did perform those duties in command of the regiment, both field officers being prisoners as aforesaid. The order of assignment is as follows:

"Special Orders No. 30.

"HEADQUARTERS UNITED STATES FORCES IN KENTUCKY,
"*Louisville, August* 16, 1862.

"[Extract.]

* * * * * * *

"Major John Gault, of the Twenty-eighth Regiment Kentucky Volunteers, is hereby ordered to report to Colonel J. D. Bruce at Bowling Green. He will take command of the battalion of his regiment at that post.

* * * * * * *

"By command of Brigadier-General Boyle.

"H. C. McDOWELL, *A. A. G.*"

He continued thus to serve as a field officer till his actual muster, April 15, 1863.

The committee has examined carefully the report of the House committee, as follows:

"[House report No. 477, Forty-fifth Congress, second session.]

"Mr. BRAGG, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. 4287:

"The Committee on Military Affairs, to whom was referred the memorial of John Gault, jr., asking pay for services as major in the volunteer service, submit the following report:

"It appears from the memorial and evidence filed in its support that the Twenty-eighth Regiment Kentucky Volunteer Infantry was organized in defense of the Union on the 8th day of October, 1861, under the authority of General Robert Anderson, then in command of the Department of the Cumberland.

"That John Gault, jr., assisted in the raising and organizing such regiment, and was elected the major thereof; that the regiment, before it was filled up so as to entitle it to its full quota of field officers, went upon duty by command of Brigadier-General W. T. Sherman, who had assumed command of that department on the 6th day of November, 1861.

"That the claimant attended upon such regiment, assuming and performing voluntarily the duties of major of such regiment, and so continued to discharge the duties until his muster as major, which did not occur until April 15, 1863, and from which last date the claimant has received pay only.

"That the claimant, though performing the duty voluntarily, did so upon the understanding and belief that the authority had been given by the War Department to muster a full quota of field and staff officers for the volunteer regiments in Kentucky, without regard to their being below the minimum.

"The evidence in support of the claim does not show any recognition of Major Gault as an officer of the United States until August 16, 1862, when, by Special Orders No. 30, headquarters United States forces in Kentucky, by command of Brigadier-General Boyle, the claimant, John Gault, jr., as major of the Twenty-eighth Kentucky Volunteer Infantry, by name, was assigned to the command of the battalion of his regiment.

"All the prior services performed do not of themselves imply any knowledge on the part of Government officers having authority that in issuing orders to or receiving the services of the regiment they were using, directing, or receiving service from Major Gault, but were incidental to orders issued to and service done by the regimental organization, irrespective of the person holding or claiming to hold the office of major.

"On the 7th of November, 1862, by Special Orders No. 77, headquarters United States forces, Bowling Green, Kentucky, Major Gault was detailed by name for duty on board of survey; and from thence until he was in fact mustered, April 15, 1863, he continued discharging his duties, recognized by the military authorities of the United States, and in good faith believing he was entitled to and would be recompensed therefor by the Government.

"That a portion of the time in which he was so serving the Government he was in full command of his regiment, and the only field officer with it; the colonel being detached and the lieutenant-colonel being a prisoner.

"That the delay in his muster and the commencement of the allowance of pay to the claimant grew out of the fact that the regiment was below minimum strength, and when the claimant could have been mustered, the officer who nominally held the position the claimant in fact filled was in prison, and could not be mustered out so that Major Gault could be mustered in.

"Your committee are of opinion, upon these facts, that in justice and equity, as well as upon principles governing common-law liability, from the date when the Government knowingly accepted and availed itself of the services of Major Gault, he supposing in good faith that in the rendition of such service the Government was bound to and would repay him, with the pay and allowances of the grade in which his service was rendered and accepted, the claimant is entitled to receive the pay and allowances of a major of infantry; and report herewith a bill allowing John Gault, jr., the pay and allowances of a major of infantry from August 16, 1862, to April 15, 1863, and recommend that the same do pass."

Whatever irregularity there may have been in the issuance of commissions, Gault is not responsible for it. He could not claim or exercise the rank of major while the duly commissioned major was with the regiment, yet both Boone and Johnson, the proper field officers, and, as the committee think, lieutenant-colonel and major, were captured. The regiment or battalion, whichever it was, was without a field officer. The commander of the United States forces then did, August 16, 1862, recognizing the fact that Gault held a commission as major, order him to duty in that capacity, and he did perform those duties, no one questioning his right.

It seems, therefore, in justice and equity, he should be paid for his services; and the committee therefore report back said bill without amendment, and recommend its passage.

Mr. EDMUNDS. I should like to ask the Senator in charge of this bill whether Major Gault was, before he was elected major, a captain, or whether he was simply a citizen in the formation of the regiment, and, therefore, held no other military office?

Mr. BECK. I am not familiar with the previous history of the case. The Senator from Texas who made the report had all the papers, and knows a great deal more about it than I do.

The Senator from Vermont will observe that Mr. Gault is not allowed anything for his service prior to the 16th of August, 1862, when in fact by order of the commanding general he was made major of that regiment. From that time on the regularity of his action is fully recognized, as I think the report clearly shows. Prior to that date, I am not able to answer any question about the case.

Mr. EDMUNDS. I think the only point about it would be this: Supposing this gentleman had been captain and captain at the top of the list, if his colonel and lieutenant-colonel, there being no major, had left the command of the regiment for any cause, he would succeed to the command as the oldest captain. Now, then, if in all other cases where similar accidents of war made it necessary for an inferior officer to perform the duties of a superior one, that inferior officer was paid the pay of the higher office the duties of which he was performing, clearly this gentleman ought to be paid also; but if other inferior officers being obliged to command in a higher grade on account of the casualties of war have not been allowed upon the general principles of law or justice the higher pay, then this gentleman ought to take the same fate as the others. If, on the other hand, he was a simple citizen who had been elected, joining this regiment, to the office of major in the first instance, and performed its duties as it is said he did, then clearly he ought to be paid. I should like to know what the practice was in reference to captains and other inferior officers who performed the duties of higher grades, as to pay.

Mr. MAXEY. The report in the case as it has come before the Senate was submitted by myself on behalf of the Committee on Military Affairs. There is a large record accompanying the case. I went through it with great care. My recollection of the point made by the Senator from Vermont is this: that under the authority of the governor of the Commonwealth of Kentucky, which I believe has always been exercised by him, permission was given to these field officers, Boone and Johnson and the claimant Gault, to raise a regiment. They went on for the purpose of recruiting this regiment. Unless they recruited up to ten companies it was not a regiment. They failed to get as many as ten companies, but got enough to make a battalion. Boone went to get his commission and could not get it because he had not raised the full quota. The matter stood in that way until at New Haven, on the Louisville and Nashville road, John Morgan made a raid and captured both Boone and Johnson. That being done on the 16th of August, 1862, the commander of the United States forces issued an order directing John Gault, by the title of major, to take command of the regiment. He did take command of the regiment, and did continue in command of it from that time on until the 15th of April, 1863, or the date fixed in the bill when he was mustered out. It is in proof that he commanded the regiment without any complaint from anybody. Everybody recognized him. He performed the service, and he has not got the pay. That is the only point in the case.

Mr. EDMUNDS. Then as I understand this gentleman did not hold any other military rank of any kind?

Mr. MAXEY. Not at all.

Mr. EDMUNDS. Then he ought to be paid.

Mr. MAXEY. He held a commission from the governor of Kentucky, and was put on duty under that commission with the consent of everybody and by the order of the commander of the forces. Therefore I think the claim is just.

Mr. EDMUNDS. I think it is also, because the question of an inferior officer performing the duties of a higher grade does not arise in this case.

Mr. MAXEY. That does not arise in this case. He went on under his commission and was assigned to the command.

Mr. EDMUNDS. That is satisfactory.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DODDRIDGE & DAVIS.

Mr. MAXEY. I ask unanimous consent to take up House bill No. 2803. The only object of the bill is to authorize the issue of a duplicate for a draft lost in transmission through the mail. The bill fully guards the Government.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2803) for the relief of Doddridge & Davis. It directs the Secretary of the Treasury to pay to Doddridge & Davis, bankers, of Corpus Christi, Texas, $1,827.89 in lieu of check No. 45923 on the assistant treasurer of the United States at New York, dated the 15th of October, 1878, payable to Messrs. Doddridge, Davis & Caden, or order, and signed by E. B. Atwood, captain and assistant quartermaster, brevet major United States Army, which check, it is claimed, was indorsed by Doddridge, Davis & Caden to Doddridge & Davis, and by them, Doddridge & Davis, indorsed, but lost in transmission by mail to the Marine National Bank of the city of New York, was never received by the last-named bank, and was never paid. The Secretary of the Treasury is first to be satisfied that the check has not been paid; and further, that Doddridge & Davis are to execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payees in, or the indorsees of, the draft, or the claim of any person or persons in possession of or claiming the same; and also to fully indemnify the United States against all loss and damages in the premises. And the Treasury Department of the United States is prohibited from paying the lost check to any person.

Mr. EDMUNDS. Let us hear the report.

Mr. MAXEY. The report shows the facts fully, and I will state to the Senator that the evidence in my hand now fully sustains the report.

The Chief Clerk read the following report submitted by Mr. MAXEY on the 16th of December, 1879:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2803) for the relief of Doddridge & Davis, respectfully submit the following report:

The relief proposed is to authorize the issuance of duplicate of draft No. 45923, drawn by E. B. Atwood, captain and assistant quartermaster, October 15, 1878, to order of Doddridge, Davis & Caden, on the assistant treasurer of the United States at New York, for the sum of $1,827.89, and indorsed by Doddridge, Davis & Caden to Doddridge & Davis. This draft was alleged to have been lost in transmission through the mail to the Marine National Bank of the city of New York, and was never received and never paid. The facts are sufficiently set forth in the report of the House Committee on Military Affairs, and said report is hereby adopted, as follows:

"Mr. UPSON, from the Committee on Military Affairs, submitted the following report:

"The Committee on Military Affairs, to which was referred House bill No. 2277, for the relief of Doddridge & Davis, bankers, of Corpus Christi, Texas, on account of the loss of a quartermaster's check, beg leave to report:

"It appears from the certificate of Captain E. B. Atwood, assistant quartermaster United States Army, dated at San Antonio, Texas, February 10, 1879, that on the 15th of October, 1878, he, as such assistant quartermaster, issued, in favor of Messrs. Doddridge, Davis & Caden, check No. 45923, on assistant treasurer of the United States at New York, for the sum of $1,827.89, on account of Army transportation; also, from the affidavit of T. P. Rivera, cashier of the bank of claimants, Doddridge & Davis, that, on the 21st day of October, 1878, he, as such cashier, received from the firm of Doddridge, Davis & Caden said check, which was duly indorsed by said Doddridge & Davis, and mailed to the Marine National Bank of New York on the day the same was received as aforesaid; that said Marine National Bank gave advice of the non-receipt of said check, and payment of the same was stopped at the office of the assistant treasurer in New York; also, from the affidavit of John T. Murphy, bookkeeper of said firm of Doddridge, Davis & Caden, that said firm, in due course of business, on the 21st day of October, 1878, received and duly indorsed said check to said Doddridge & Davis; also, from the affidavit of John D. Fish, cashier of the Marine National Bank of the city of New York, that Doddridge & Davis, of Corpus Christi, Texas, 'keep, and have kept, an open account with and at the said Marine National Bank of the city of New York since and prior to the 15th day of October, A. D. 1878; that no such credit has been made to their account as is hereinafter described, to wit,'" (here follows a description of the check above referred to;) "and that said check he (deponent) believes to have been sent to said bank (referring to said Marine Bank) through the United States mail by said firm of Doddridge & Davis, and to have been lost in transit thereto; and from the letter of the assistant treasurer United States at New York, under date of June 17, 1879, it appears the check in question has not been paid.

"Your committee, from the evidence before it, being fully satisfied that the claim for $1,827.89 is just and unpaid, respectfully report the accompanying bill for the payment of the same, and recommend its passage."

The House bill is drawn in compliance with section 3646 of the Revised Statutes, and provides for bond of indemnity, with sufficient sureties, against claim of payees, indorsers, or any other person in possession or claiming the same, and to indemnify the United States against all loss and damage in the premises, with provision against payment of the lost check, and passed the House December 12, 1879. Wherefore, the committee reports the bill back without amendment, and recommends its passage.

Mr. EDMUNDS. I should like to inquire what is the difficulty, under the section of the Revised Statutes referred to in the report, in these gentlemen or the Marine Bank, if that was the one to which the draft was indorsed, getting a duplicate?

Mr. MAXEY. Section 3646 of the Revised Statutes referred to in the report authorizes the proper officers of the United States Government on whom a draft is drawn to issue a duplicate in case of loss, provided the draft does not exceed in amount $1,000; but where it exceeds $1,000 it is not in the power of the proper department to issue a duplicate, and hence it becomes necessary to get relief by special act of Congress. In this case the papers which I hold in my hand show that the parties did make application, and that the Quartermaster-General declined to issue a duplicate because the draft being for more than $1,000 it was not in his power to issue a duplicate, and the only relief therefore must be had through an act of Congress.

Mr. EDMUNDS. The Senator is correct. Was this check indorsed by Doddridge & Davis in blank, or was it indorsed payable to the order of the Marine Bank?

Mr. MAXEY. To the order of the Marine Bank.

Mr. EDMUNDS. The report did not state whether it was a blank indorsement or not.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MCPHERSON. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will withdraw the motion for a moment. There are a number of bills reported which we can act upon. It is only two o'clock. We can have an executive session afterward.

Mr. MCPHERSON. I will state to the Senator from Missouri that we have a large number of cases to consider on the executive calendar.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey.

The question being put, there were on a division—ayes 21, noes 12; no quorum voting.

Mr. HARRIS. I call for the yeas and nays on the question.

The yeas and nays were ordered; and being taken resulted—yeas 38, nays 13; as follows:

YEAS—38.

Allison,	Coke,	Jonas,	Rollins,
Anthony,	Davis of Illinois,	Kernan,	Saulsbury,
Bailey,	Davis of W. Va.,	Kirkwood,	Saunders,
Baldwin,	Eaton,	Logan,	Vance,
Bayard,	Edmunds,	McMillan,	Voorhees,
Blair,	Ferry,	McPherson,	Walker,
Bruce,	Gordon,	Morgan,	Windom,
Call,	Hereford,	Morrill,	Withers.
Cameron of Wis.,	Ingalls,	Paddock,	
Carpenter,	Johnston,	Pendleton,	

NAYS—13.

Beck,	Harris,	Plumb,	Teller,
Butler,	Hoar,	Ransom,	Vest,
Cockrell,	Maxey,	Slater,	Williams.
Garland,			

ABSENT—24.

Blaine,	Farley,	Hill of Georgia,	Platt,
Booth,	Groome,	Jones of Florida,	Randolph,
Burnside,	Grover,	Jones of Nevada,	Sharon,
Cameron of Pa.,	Hamlin,	Kellogg,	Thurman,
Conkling,	Hampton,	Lamar,	Wallace,
Dawes,	Hill of Colorado,	McDonald,	Whyte.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-three minutes spent in executive session the doors were reopened, and (at two o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 7, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. ACKLEN. Mr. Speaker, I rise to correct the Journal. On page 4 of the RECORD, I am recorded as not having voted on the resolution introduced from the Committee on Indian Affairs yesterday, to investigate the late Ute outbreak. I was present and voted in the affirmative.

The SPEAKER. The Chair remembers distinctly that the gentlemen was present and voted.

Mr. ACKLEN. I ask that the correction be made.

The SPEAKER. The correction will be made accordingly.

The Journal was then approved.

ORDER OF BUSINESS.

Mr. DUNNELL. I ask unanimous consent that the States and Territories be called to-day for bills and joint resolutions as of Monday.

Mr. COX. I call for the regular order.

The SPEAKER. The Chair thinks this would be the regular order.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman from Minnesota [Mr. DUNNELL] that he will include in his motion resolutions for reference.

Mr. DUNNELL. I have no objection to that.

The SPEAKER. The Chair will state the motion. The gentleman from Minnesota moves that one hour, or longer if necessary in order to include all the States and Territories, be devoted to the introduction of bills, joint resolutions, House resolutions, and resolutions of inquiry addressed to the Departments under the rules for reference only.

Mr. TOWNSHEND, of Illinois. And resolutions of instruction to committees.

The SPEAKER. If they be House resolutions they will, of course, be referred under the rule.

Mr. TOWNSHEND, of Illinois. That is satisfactory.

Mr. COX. Will this interfere with the morning hour?

The SPEAKER. It will not; the morning hour will immediately follow.

Mr. COX. Then I have no objection.

Mr. KEIFER. I desire to know whether these resolutions are purely for reference?

The SPEAKER. For reference only. If there be no objection the resolution of the gentleman from Minnesota will be considered as adopted by unanimous consent. The Chair hears no objection.

HENRY HEAD.

Mr. SINGLETON, of Illinois. I ask unanimous consent to withdraw from the files of the House certain papers for the relief of Henry Head, House bill No. 923 of the Forty-fourth Congress.

Mr. CLYMER. Has there been any adverse report?

The SPEAKER. The Chair will examine into the matter.

MORNING HOUR.

The SPEAKER. The morning hour begins at thirteen minutes past twelve o'clock m., and the call will begin with the State of Maine.

ELIZA G. CHANDLER.

Mr. JOYCE introduced a bill (H. R. No. 3065) granting an increase of pension to Eliza G. Chandler; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DISABLED SOLDIERS AND SAILORS.

Mr. JOYCE also introduced a bill (H. R. No. 3066) extending the provisions of the act approved June 17, 1878, for the relief of certain totally disabled and helpless volunteer soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RHODA LOCKE.

Mr. JOYCE also introduced a bill (H. R. No. 3067) granting a pension to Rhoda Locke, dependent mother of Henry Locke, late a private in Company —, Sixth Vermont Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARCUS F. TUCKER.

Mr. JOYCE also introduced a bill (H. R. No. 3068) granting a pension to Marcus F. Tucker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLDIERS' WIDOWS AND ORPHANS.

Mr. JOYCE also introduced a bill (H. R. No. 3069) to extend the operation of chapters 23 and 187 of the acts of the third session of the Forty-fifth Congress to the widows and orphans of soldiers who may have died while in the service or in consequence of wounds received or disease contracted by such soldiers in the service of the United States during the late war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LUCY A. DOHERTY.

Mr. LORING introduced a bill (H. R. No. 3070) authorizing Mrs. Lucy A. Doherty to make application to the Commissioner of Patents for an extension for the term of seven years of the patent for an improved table tray or waiter; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LOUIS MAGNUS.

Mr. COX introduced a bill (H. R. No. 3071) granting a pension to Louis Magnus, late a private in Company G, Second New York Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SUITS AGAINST UNITED STATES.

Mr. LAPHAM introduced (by request) a bill (H. R. No. 3072) to authorize suits against the United States in certain cases, and regulating the proceedings therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EZRA MILLER.

Mr. VOORHIS introduced a bill (H. R. No. 3073) for the relief of Ezra Miller; which was read a first and second time, and referred to the Committee on Patents.

ARREARS OF PENSIONS.

Mr. COFFROTH introduced a bill (H. R. No. 3074) to regulate the payment of arrears and accrued pensions of deceased pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF BOUNTIES.

Mr. COFFROTH also introduced a bill (H. R. No. 3075) amending the act in relation to the payment of bounties, approved April 22, 1872; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. WEIMER.

Mr. COFFROTH also introduced a bill (H. R. No. 3076) granting a pension to William R. Weimer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN L. WILLIAMS.

Mr. COFFROTH also introduced a bill (H. R. No. 3077) granting a pension to John L. Williams; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LYDIA BOYLE.

Mr. COFFROTH also introduced a bill (H. R. No. 3078) granting a pension to Lydia Boyle; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REBECCA R. HIPSLEY.

Mr. COFFROTH also introduced a bill (H. R. No. 3079) granting a pension to Rebecca R. Hipsley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES MILLER.

Mr. COFFROTH also introduced a bill (H. R. No. 3080) to remove the charge of desertion from the military record of Charles Miller, late a private in Company F, One hundred and forty-second Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES NEWBERRY.

Mr. COFFROTH also introduced a bill (H. R. No. 3081) granting a pension to James Newberry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH ALBRIGHT.

Mr. COFFROTH also introduced a bill (H. R. No. 3082) restoring the name of Elizabeth Albright to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE OGLINE.

Mr. COFFROTH also introduced a bill (H. R. No. 3083) restoring the name of George Ogline to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM HENRY.

Mr. COFFROTH also introduced a bill (H. R. No. 3084) granting a pension to William Henry, of Company D, Fifty-fourth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M. SINGER.

Mr. COFFROTH also introduced a bill (H. R. No. 3085) granting a pension to James M. Singer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANKLIN PILE.

Mr. COFFROTH also introduced a bill (H. R. No. 3086) granting a pension to Franklin Pile; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ADAM YAHNER.

Mr. COFFROTH also introduced a bill (H. R. No. 3087) granting a pension to Adam Yahner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL M'NULTY.

Mr. COFFROTH also introduced a bill (H. R. No. 3088) granting a pension to Daniel McNulty; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABRAHAM HOWARD.

Mr. COFFROTH also introduced a bill (H. R. No. 3089) granting a pension to Abraham Howard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE W. BETTS.

Mr. COFFROTH also introduced a bill (H. R. No. 3090) granting a pension to George W. Betts; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DOUBLE POSTAL CARDS AND LETTER ENVELOPES.

Mr. COFFROTH also submitted the following resolution; which was read, and under the rule referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to report to this House his reason for not having complied with the thirty-second section of the "act making appropriations for the service of the Post-Office Department," approved March 3, 1879, which authorized the Postmaster-General to introduce and furnish for use a double postal card, on which shall be placed two one-cent stamps, said card to be so arranged for the address that it may be forwarded and returned; and also in regard to the double letter envelope.

PHILADELPHIA POST-OFFICE BUILDING.

Mr. O'NEILL introduced a bill (H. R. No. 3091) to appropriate for present use $100,000 for going on with the construction of the post-office building in the city of Philadelphia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PERMANENT EXHIBITION AT RIO JANEIRO.

Mr. O'NEILL also introduced a bill (H. R. No. 3092) providing for the appointment of a commissioner to the permanent exhibition at Rio Janeiro; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SALE OF FIRE-ARMS TO UNCIVILIZED INDIANS.

Mr. BELTZHOOVER introduced a bill (H. R. No. 3093) to prevent and punish the sale or furnishing of fire-arms or fixed ammunition to uncivilized Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LORENZO D. EVERLY.

Mr. WISE introduced a bill (H. R. No. 3094) granting a pension to Lorenzo D. Everly, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARVEY COBURN.

Mr. WISE also introduced a bill (H. R. No. 3095) granting a pension to Harvey Coburn, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES GLOVER.

Mr. WISE also introduced a bill (H. R. No. 3096) for the relief of James Glover; which was read a first and second time, and referred to the Committee on War Claims.

JOHN W. GREGORY.

Mr. WRIGHT introduced a bill (H. R. No. 3097) for the relief of John W. Gregory; which was read a first and second time, and referred to the Committee of Ways and Means.

JACOB GINDER.

Mr. KLOTZ introduced a bill (H. R. No. 3098) granting a pension to Jacob Ginder, father of David H. Ginder, captain Company I, Eighty-first Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAROLINE BOLL.

Mr. KLOTZ also introduced a bill (H. R. No. 3099) granting a pension to Caroline Boll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL B. HUTCHINSON.

Mr. KLOTZ also introduced a bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson, guardian of Mary Ann Shurlock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNA M. GERST.

Mr. BAYNE introduced a bill (H. R. No. 3101) granting a pension to Anna M. Gerst; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SUSAN R. JOHNSON.

Mr. BAYNE introduced a bill (H. R. No. 3102) granting a pension to Susan R. Johnson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABRAHAM ALSTEAD.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 3103) for the relief of Abraham Alstead, late a second lieutenant of Company A, Fifty-fifth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH GRIFFITH.

Mr. WARD introduced a bill (H. R. No. 3104) granting a pension to Sarah Griffith, widowed mother of T. Hanford Griffith, late of Company H, Ninety-seventh Regiment of Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BENEFICIARY COLLEGE IN THE DISTRICT OF COLUMBIA.

Mr. OSMER introduced a bill (H. R. No. 3105) to establish a national beneficiary college in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

WASHINGTON AND OHIO RAILROAD COMPANY.

Mr. HUNTON introduced a bill (H. R. No. 3106) for the relief of the Washington and Ohio Railroad Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS STRIDER.

Mr. HUNTON also introduced a bill (H. R. No. 3107) for the relief of Thomas Strider, of Winchester, Virginia; which was read a first and second time, and referred to the Committee of Claims.

ODD FELLOWS IN THE DISTRICT OF COLUMBIA.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

I. WILKINSON.

Mr. GOODE introduced a bill (H. R. No. 3109) to remove disabilities of I. Wilkinson, of Richmond, Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

MRS. KATE L. USHER.

Mr. VANCE introduced a bill (H. R. No. 3110) granting a pension to Mrs. Kate L. Usher; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RELIEF FOR WIDOWS, ETC., OF INDIANS.

Mr. SCALES (by request) introduced a bill (H. R. No. 3111) to authorize the Secretary of the Interior to reimburse the widows and orphans of certain Indians killed; which was read a first and second time, (the first reading being in full upon the demand of Mr. SCALES,) referred to the Committee on Indian Affairs, and ordered to be printed.

W. B. HAMER.

Mr. O'CONNOR introduced a bill (H. R. No. 3112) for the relief of W. B. Hamer, second lieutenant Fifth Artillery, United States Army; which was read a first and second time, and referred to the Committee of Claims.

ELIZABETH ANN PORTER.

Mr. CHALMERS introduced a bill (H. R. No. 3113) to increase the pension of Elizabeth Ann Porter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COIN CERTIFICATES.

Mr. CHALMERS also introduced a bill (H. R. No. 3114) to regulate coin certificates; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. ACKLEN introduced a bill (H. R. No. 3115) for the regulation of interstate freights and passengers, and to relieve the same from the restrictions of local quarantines; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY BRADLEY AND JOHN LEJEAN BLAIZE.

Mr. ACKLEN also introduced a bill (H. R. No. 3116) confirming the titles of certain lands in Louisiana to the representatives of Henry Bradley and John Lejean Blaize; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

NICHOLAS LEVEMBER.

Mr. ACKLEN also introduced a bill (H. R. No. 3117) for the relief of Nicholas Levember, of Louisiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING AT BATON ROUGE, LOUISIANA.

Mr. ROBERTSON introduced a bill (H. R. No. 3118) making an appropriation for a Government building, to be used as a post-office and revenue office, at Baton Rouge, in the State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CITIZENSHIP.

Mr. NEAL introduced a bill (H. R. No. 3119) to provide for the restoration to citizenship of such citizens of the United States as have become naturalized as subjects of Great Britain; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MODENA SMITH.

Mr. NEAL also introduced a bill (H. R. No. 3120) to authorize the Secretary of the Interior to place upon the pension-roll the name of Modena Smith, widow of Robert Smith, deceased, late private in Company B, Fifth Regiment of United States Colored Troops; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM I. THOMAS.

Mr. NEAL also introduced a bill (H. R. No. 3121) to authorize the Secretary of War to remove the charge of desertion from William I. Thomas, and to grant him an honorable discharge; which was read a first and second time, and referred to the Committee on Military Affairs.

WILLIAM SEARLES.

Mr. NEAL also introduced a bill (H. R. No. 3122) to authorize the Secretary of War to remove the charge of desertion from William Searles, and to grant him an honorable discharge; which was read a first and second time, and referred to the Committee on Military Affairs.

JOSEPH CARTWRIGHT.

Mr. NEAL also introduced a bill (H. R. No. 3123) to authorize the Secretary of the Interior to place upon the pension-roll the name of Joseph Cartwright; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARCHIBALD A. STANLEY.

Mr. NEAL also introduced a bill (H. R. No. 3124) granting a pension to Archibald A. Stanley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT SICK.

Mr. NEAL also introduced a bill (H. R. No. 3125) granting a pension to Robert Sick; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PAUL DUMAS.

Mr. MONROE introduced a bill (H. R. No. 3126) granting a pension to Paul Dumas; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

ROBERT P. WALKER.

Mr. KEIFER introduced a bill (H. R. No. 3127) granting a pension to Robert P. Walker, late private Company H, Ninety-fourth Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

UNION TOWNSHIP MONUMENTAL ASSOCIATION.

Mr. KEIFER also introduced a bill (H. R. No. 3128) to donate condemned ordnance to the Union Township Monumental Association, Milford Centre, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DUTIES ON COTTON THREAD.

Mr. HILL (by request) introduced a bill (H. R. No. 3129) fixing the duties on cotton thread; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DUTIES ON LINEN FABRICS.

Mr. HILL also (by request) introduced a bill (H. R. No. 3130) fixing the duty on linen fabrics; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ABOLITION OF COURT OF CLAIMS.

Mr. HILL also (by request) introduced a bill (H. R. No. 3131) to abolish the Court of Claims of the United States of America, and to enlarge the jurisdiction of the circuit court of said United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONFIRMATION OF OHIO LAND TITLES.

Mr. HILL also (by request) introduced a bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Private Land Claims.

WILLIAM P. MORAN.

Mr. KNOTT introduced a bill (H. R. No. 3133) for the relief of William P. Moran; which was read a first and second time, and referred to the Committee on Expenditures in the Navy Department.

BRITISH REGISTERED SCHOONER ALONZO.

Mr. CARLISLE (by request) introduced a bill (H. R. No. 3134) for the relief of the British registered schooner Alonzo; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MRS. AMANDA J. EVERHART.

Mr. WILLIS introduced a bill (H. R. No. 3135) granting a pension to Mrs. Amanda J. Everhart; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. HANNAH MEYER.

Mr. WILLIS also introduced a bill (H. R. No. 3136) granting a pension to Mrs. Hannah Meyer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY S. COHN.

Mr. WILLIS also introduced a bill (H. R. No. 3137) granting a pension to Henry S. Cohn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

Mr. WILLIS also introduced a bill (H. R. No. 3138) for the relief of Henry S. Cohn; which was read a first and second time, and referred to the Committee on Military Affairs.

CHARLES GILBERT.

Mr. BICKNELL introduced a bill (H. R. No. 3139) granting a pension to Charles Gilbert; which was read a first and second time, and referred to the Committee on Invalid Pensions.

D. T. KIRBY.

Mr. MYERS introduced a bill (H. R. No. 3140) for the relief of D. T. Kirby; which was read a first and second time, and referred to the Committee on Military Affairs.

ELIZABETH KURTZ.

Mr. COBB introduced a bill (H. R. No. 3141) granting a pension to Elizabeth Kurtz, widow of David Kurtz, a soldier in the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

THEODORE LEVERON.

Mr. COBB also introduced a bill (H. R. No. 3142) for the relief of Theodore Leveron; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF ARTHUR W. GRAY, DECEASED.

Mr. COBB also introduced a bill (H. R. No. 3143) for the relief of the widow and heirs of Arthur W. Gray, deceased, a surgeon in the Twenty-fourth Regiment of Indiana Volunteer Infantry in the late rebellion; which was read a first and second time, and referred to the Committee on War Claims.

HIRAM A. BENEFIELD.

Mr. COBB also introduced a bill (H. R. No. 3144) for the relief of Hiram A. Benefield, of Sullivan County, Indiana; which was read a first and second time, and referred to the Committee on War Claims.

JOHN M. LORD.

Mr. COBB also introduced a bill (H. R. No. 3145) for the relief of John M. Lord, of Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN CALVERT.

Mr. COBB also introduced a bill (H. R. No. 3146) for the relief of John Calvert, of Sullivan County, Indiana; which was read a first and second time, and referred to the Committee on War Claims.

MARTHA BASTIAN.

Mr. COBB also introduced a bill (H. R. No. 3147) for the relief of Martha Bastian, of Sullivan County, Indiana; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

DEXTER GARDNER.

Mr. COBB also introduced a bill (H. R. No. 3148) for the relief of Dexter Gardner, of Knox County, Indiana; which was read a first and second time, and referred to the Committee on War Claims.

ZIBA WHITLEY.

Mr. COBB also introduced a bill (H. R. No. 3149) for the relief of Ziba Whitley, of Martin County, Indiana, who was a sergeant in Company B, Eightieth Regiment Indiana Volunteer Infantry; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

CITY DISTILLING COMPANY, PEKIN, ILLINOIS.

Mr. STEVENSON introduced a bill (H. R. No. 3150) for the relief of the City Distilling Company, of Pekin, Illinois; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ABOLITION OF FOREIGN MISSIONS, ETC., OF THE UNITED STATES.

Mr. TOWNSHEND, of Illinois, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs be hereby authorized and directed to inquire into the expediency of abolishing all envoys extraordinary and ministers resident of the United States to foreign countries, and report to this House as soon as practicable.

FRANCIS W. MAXWELL.

Mr. SPARKS introduced a bill (H. R. No. 3151) for the relief of Francis W. Maxwell, first sergeant Company I, Eightieth Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

INFRINGEMENT OF PATENTS.

Mr. SHERWIN introduced a bill (H. R. No. 3152) to fix the time within which an action for the infringement of a patent may be commenced; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FLAGS OF THE UNITED STATES FOR ADVERTISING PURPOSES.

Mr. BARBER (by request) introduced a bill (H. R. No. 3153) to prevent the use of the flag of the United States for advertising purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. WADDILL introduced a bill (H. R. No. 3154) to provide for the organization of the Territory of Oklahoma; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

IRON MOUNTAIN BANK.

Mr. CLARDY introduced a bill (H. R. No. 3155) for the relief of the Iron Mountain Bank of Saint Louis, Missouri; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN BLACK.

Mr. GUNTER introduced a bill (H. R. No. 3156) for the relief of John Black, late assistant Indian agent; which was read a first and second time, and referred to the Committee on Indian Affairs.

PRICE OF PUBLIC LANDS IN ARKANSAS.

Mr. CRAVENS introduced a bill (H. R. No. 3157) to reduce the price of public lands in the State of Arkansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GRANTS OF PUBLIC LANDS.

Mr. DUNN introduced a bill (H. R. No. 3158) to grant certain lands to the States, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MONEYS RECEIVED FOR PUBLIC LANDS.

Mr. SLEMONS introduced a bill (H. R. No. 3159) making appropriation for the payment of moneys received by the Government for lands in excess of the price at which said lands were held under the graduation act; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

INTERNATIONAL AND GREAT NORTHERN RAILROAD OF TEXAS.

Mr. REAGAN introduced a bill (H. R. No. 3160) to promote the immediate and rapid construction of the International and Great Northern Railroad of Texas from San Antonio, Texas, to the Rio Grande; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

TREATY WITH MEXICO.

Mr. MILLS introduced a joint resolution (H. R. No. 159) requesting the President of the United States to invite the government of Mexico to enter into a treaty, &c.; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TREATY WITH BRAZIL.

Mr. MILLS also introduced a joint resolution (H. R. No. 160) requesting the President of the United States to invite the Brazilian government to enter into a treaty, &c.; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REMOVAL OF INDIANS.

Mr. MILLS also introduced a bill (H. R. No. 3161) directing the President to prohibit the Indians on reservations from going into Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DEFENSE OF TEXAS FRONTIER.

Mr. MILLS also introduced a bill (H. R. No. 3162) making appropriations to pay the State of Texas for money expended by said State in the defense of its frontier, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECOINAGE OF TRADE-DOLLAR.

Mr. CULBERSON introduced a bill (H. R. No. 3163) to authorize the recoinage of the trade-dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MILITARY QUARTERS IN TEXAS.

Mr. UPSON introduced a bill (H. R. No. 3164) to authorize the purchase of a tract of land and erect quarters for officers and troops in San Antonio, Texas, and making appropriations therefor; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES C. CRESSON.

Mr. UPSON also introduced a bill (H. R. No. 3165) placing the name of Charles C. Cresson upon the retired list of the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

MRS. ELLA P. MURPHY.

Mr. UPSON also introduced a bill (H. R. No. 3166) for the relief of Mrs. Ella P. Murphy, widow of Patrick Murphy, deceased; which was read a first and second time, and referred to the Committee on Indian Affairs.

A. M. BRYSON.

Mr. DEERING introduced a bill (H R. No. 3167) granting a pension to A. M. Bryson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PETER ENGELDINGER.

Mr. McCOID introduced a bill (H. R. No. 3168) for the relief of Peter Engeldinger, late private Company F, Eighth Iowa Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

WINNEBAGO INDIANS IN WISCONSIN.

Mr. HAZELTON introduced a bill (H. R. No. 3169) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits and to promote their civilization; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. PAGE introduced a bill (H. R. No. 3170) to restrict the immigration of Chinese to the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PAYMENTS ON VOID ENTRIES OF PUBLIC LANDS.

Mr. PAGE also introduced a bill (H. R. No. 3171) for the relief of certain settlers on the public lands and to provide for the repayment of certain fees and commissions paid on void entries of public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MINING DÉBRIS.

Mr. PAGE also introduced a joint resolution (H. R. No. 161) for the appointment of a commission to investigate the *débris* question in the State of California; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

JOHN R. WOLFSKILL.

Mr. BERRY introduced a bill (H. R. No. 3172) for the relief of John R. Wolfskill, of Yolo County, California; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM M'ELROY.

Mr. BERRY also introduced a bill (H. R. No. 3173) for the relief of William McElroy, late first lieutenant United States infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT OF REVISED STATUTES.

Mr. BERRY also introduced a bill (H. R. No. 3174) to amend section 2324 of the Revised Statutes; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

JAMES C. BARNES.

Mr. BERRY also introduced a bill (H. R. No. 3175) for the relief of James C. Barnes and others; which was read a first and second time, and referred to the Committee of Claims.

BOUNTIES TO SOLDIERS.

Mr. BERRY also introduced a bill (H. R. No. 3176) regulating bounties to soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POINT CONCEPCION LIGHT-HOUSE.

Mr. PACHECO introduced a bill (H. R. No. 3177) for the improvement and repair of Point Concepcion light-house and dwelling; which was read a first and second time, and referred to the Committee on Appropriations.

STATE UNIVERSITY OF CALIFORNIA.

Mr. DAVIS, of California, introduced a bill (H. R. No. 3178) for the relief of the State University of California; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LAND CLAIMS IN CALIFORNIA.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 3179) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California, and to provide jurisdiction to determine those rights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PACHECO introduced a bill (H. R. No. 3180) to release certain lands in Tulare County, California, to the assignees of John Cutler; which was read a first and second time, and referred to the Committee on Public Lands.

JOHN REED.

Mr. DUNNELL introduced a bill (H. R. No. 3181) granting an increase of pension to John Reed, a soldier in the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

WILLIAM THOMAS.

Mr. DUNNELL also introduced a bill (H. R. No. 3182) granting a

pension to William Thomas; which was read a first and second time, and referred to the Committee on Invalid Pensions.

B. W. SUTHERLIN.

Mr. DUNNELL also introduced a bill (H. R. No. 3183) granting a pension to B. W. Sutherlin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES H. THEU.

Mr. DUNNELL also introduced a bill (H. R. No. 3184) granting a pension to James H. Theu; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. SWEARINGEN.

Mr. DUNNELL also introduced a bill (H. R. No. 3185) granting a pension to William H. Swearingen; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WRECK OF THE GOVERNMENT BARK TORRENT.

Mr. WHITEAKER (by request) introduced a bill (H. R. No. 3186) for the relief of sufferers by the wreck of the Government transport bark Torrent; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LOCKS AT CASCADES, OREGON.

Mr. WHITEAKER also introduced a bill (H. R. No. 3187) appropriating $500,000 for continuing the work of constructing locks at the Cascades, Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ASTORIA AND WINNEMUCCA RAILROAD.

Mr. WHITEAKER also introduced a bill (H. R. No. 3188) to authorize the Astoria and Winnemucca Railroad Company to construct bridges across Young's Bay or River and Lewis and Clarke's River, in the State of Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 3189) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN KANSAS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3190) to establish an additional land district in the State of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

FORT DODGE MILITARY RESERVATION.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PHILIP D. CAMPBELL.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3192) granting a pension to Philip D. Campbell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM LEMMONS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3193) granting a pension to William Lemmons; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CYRUS E. PRUITT.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3194) granting a pension to Cyrus E. Pruitt; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS M. GREEN.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3195) for the relief of Francis M. Green; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. S. EASTLICK.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3196) for the relief of A. S. Eastlick; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. H. WILSON.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3197) for the relief of W. H. Wilson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISAAC PATCH.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3198) for the relief of Isaac Patch; which was read a first and second time, and referred to the Committee on Military Affairs.

HARRY FONES.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 3199) for the relief of Harry Fones; which was read a first and second time, and referred to the Committee on Military Affairs.

O. D. SEMERT.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3200) for the relief of O. D. Semert; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN S. FRIEND.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3201) for the relief of John S. Friend; which was read a first and second time, and referred to the Committee on Indian Affairs.

SYLVANUS SANFORD.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3202) for the relief of Sylvanus Sanford; which was read a first and second time, and referred to the Committee on War Claims.

SARAH A. M. CHAMBERLAIN.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3203) granting a pension to Sarah A. M. Chamberlain and minor children; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOAB SPENCER AND JAMES R. MEAD.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3204) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians; which was read a first and second time, and referred to the Committee of Claims.

DAVID MORROW.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3205) for the relief of David Morrow; which was read a first and second time, and referred to the Committee of Claims.

CHRISTOPHER WEIDNER.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3206) for the relief of Christopher Weidner; which was read a first and second time, and referred to the Committee on Indian Affairs.

HIRAM C. HENDERSON.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3207) for the relief of Hiram C. Henderson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. MORGAN.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3208) for the relief of William H. Morgan; which was read a first and second time, and referred to the Committee on War Claims.

JOHN H. GRAY.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3209) granting a pension to John H. Gray; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN DAVID L. PAYNE.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3210) granting a pension to Captain David L. Payne; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AARON H. FULLER.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3211) to grant a pension to Aaron H. Fuller; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH MARKLE.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 3212) to grant a pension to Sarah Markle; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. J. MULLER.

Mr. HASKELL introduced a bill (H. R. No. 3213) for the relief of A. J. Muller, Allen County, Kansas; which was read a first and second time, and referred to the Committee of Claims.

LAND GRANT AND RAILROADS.

Mr. HASKELL also introduced a bill (H. R. No. 3214) to amend section 13 of the act of Congress approved July 12, 1876; which was read a first and second time, and, with the accompanying papers, referred to the Committee on the Post-Office and Post-Roads, and the bill ordered to be printed.

HENRY NEAL.

Mr. HASKELL also introduced a bill (H. R. No. 3215) granting an increase of pension to Henry Neal; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

A. F. M'CLURE.

Mr. WILSON introduced a bill (H. R. No. 3216) granting relief to A. F. McClure, late a soldier in Company I, First Pennsylvania Reserve Cavalry; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

JOSIAH HART.

Mr. WILSON also introduced a bill (H. R. No. 3217) granting a pension to Josiah Hart; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MILITARY WAGON ROAD FROM NIOBRARA TO DEADWOOD.

Mr. VALENTINE introduced a bill (H. R. No. 3218) making appropriation for a military wagon road from the Niobrara River, in Nebraska, via the Rosebud agency, to Deadwood, Dakota Territory;

which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ROAD FROM NIOBRARA TO FORT ROBINSON.

Mr. VALENTINE also introduced a bill (H. R. No. 3219) making appropriation for a military wagon road from Niobrara, in Knox County, Nebraska, via the military post recently located near the mouth of the Minnecadusa, to Fort Robinson, in said State; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUIS F. BOYER.

Mr. VALENTINE also introduced a bill (H. R. No. 3220) for the relief of Louis F. Boyer; which was read a first and second time, and referred to the Committee on Military Affairs.

MRS. N. C. MEEKER AND OTHERS.

Mr. BELFORD introduced a joint resolution (H. R. No. 162) authorizing the Secretary of the Interior to pay to Mrs. N. C. Meeker, to the heirs of Frank Dresser, to heirs of William H. Post, and to Miss Nannie I. Elliott, certain sums of money out of the Ute Indian annuity, for injuries sustained by them at the hands of the Ute Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LAND LAWS, ALASKA.

Mr. BRENTS introduced a bill (H. R. No. 3221) to extend the land laws of the United States over the Territory of Alaska; which was read a first and second time, referred, with the accompanying papers, to the Committee on Public Lands, and the bill ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BENNETT introduced a bill (H. R. No. 3222) to amend section 5391 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

E. A. WILLIAMS.

Mr. BENNETT also introduced a bill (H. R. No. 3223) for the relief of E. A. Williams, of Bismarck, Dakota Territory; which was read a first and second time, and referred to the Committee of Claims.

FIRST JUDICIAL DISTRICT, DAKOTA.

Mr. BENNETT also introduced a bill (H. R. No. 3224) providing additional compensation to the judge of the first judicial district of the Territory of Dakota, to be paid by the counties composing the district; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

TERRITORY OF PEMBINA.

Mr. BENNETT also introduced a bill (H. R. No. 3225) establishing the Territory of Pembina, and providing a temporary government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CONVERSION OF NATIONAL GOLD BANKS.

Mr. MAGINNIS (by request) introduced a bill (H. R. No. 3226) authorizing the conversion of national gold banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARTHA ALLEN LACHMAN.

Mr. ATHERTON introduced a bill (H. R. No. 3227) for the relief of Martha Allen Lachman; which was read a first and second time, and referred to the Committee on War Claims.

STENOGRAPHER TO SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. ATHERTON also introduced a bill (H. R. No. 3228) to provide a stenographer to the supreme court of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETIRED LIST, ARMY OF THE UNITED STATES.

Mr. ATHERTON submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to report to this House the number, rank, names, and annual pay, of each officer of the Army of the United States on the retired list of said Army, the total amount which has been paid to each retired officer as aforesaid, and the aggregate amount paid to retired officers since said retired Army list was created.

MRS. MOURNING ROGERS.

Mr. ELAM introduced a bill (H. R. No. 3229) granting a pension to Mrs. Mourning Rogers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. ELAM also introduced a bill (H. R. No. 3230) to amend section 941 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPORTATION OF FOREIGN WARES AND MERCHANDISE.

Mr. ELAM also introduced a bill (H. R. No. 3231) to provide for an increase in the importations of foreign wares and merchandise subject to *ad valorem* duties, for additional facilities in the collection of custom dues on the same, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DUTIES ON IMPORTED MERCHANDISE.

Mr. COVERT introduced a bill (H. R. No. 3232) providing for the reduction of duties on imported merchandise; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. COVERT also introduced a bill (H. R. No. 3233) to amend sections 2504 and 2505 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DUTY ON STEEL RAILS.

Mr. COVERT also introduced a bill (H. R. No. 3234) to reduce the duty on steel rails; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ADALINE P. LOY.

Mr. BRAGG introduced a bill (H. R. No. 3235) granting a pension to Adaline P. Loy, widow of Joseph F. Loy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE W. MEYERS.

Mr. GEDDES introduced a bill (H. R. No. 3236) granting an honorable discharge to George W. Meyers, Company F, Sixty-fifth Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES L. M'CLARREN.

Mr. GEDDES also introduced a bill (H. R. No. 3237) granting a pension to James L. McClarren, Company H, Twenty-third Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS SNELL.

Mr. STEVENSON introduced a bill (H. R. No. 3238) for the relief of Thomas Snell, of De Witt County, Illinois; which was read a first and second time, and referred to the Committee on the Judiciary.

MRS. MARY M. MURPHY.

Mr. McKENZIE introduced a bill (H. R. No. 3239) for the benefit of Mrs. Mary M. Murphy, of Hopkins County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

AARON M. KENDALL.

Mr. GILLETTE introduced a bill (H. R. No. 3240) granting an increase of pension to Aaron M. Kendall; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. B. HOWE.

Mr. GILLETTE also introduced a bill (H. R. No. 3241) granting an increase of pension to W. B. Howe, of Des Moines, Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. L. SMITH.

Mr. STONE introduced a bill (H. R. No. 3242) for the relief of J. L. Smith; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM KELLY.

Mr. STONE also introduced a bill (H. R. No. 3243) granting an increase of pension to William Kelly; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REIMBURSEMENT OF MASSACHUSETTS.

Mr. BOWMAN introduced a bill (H. R. No. 3244) to reimburse the State of Massachusetts for certain expenditures for coast defense; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL O. UPHAM.

Mr. BOWMAN also introduced a bill (H. R. No. 3245) for the relief of Samuel O. Upham, of Waltham, Massachusetts; which was read a first and second time, and referred to the Committee of Claims.

LEAVITT CARD-CANCELING AND POST-MARKING MACHINE.

Mr. BOWMAN also introduced a bill (H. R. No. 3246) making appropriations for the use of the Leavitt card-canceling and post-marking machine by the Post-Office Department; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JACOB AND ELIZABETH SENER.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 3247) for the relief of Jacob Sener and Elizabeth Sener; which was read a first and second time, and referred to the Committee of Claims.

HENRY MULLEN.

Mr. SMITH, of Pennsylvania, also introduced a bill (H. R. No. 3248) for the relief of Henry Mullen, as first lieutenant of Company A, One hundred and ninety-first Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

GRANT OF SWAMP LANDS.

Mr. THOMAS introduced a bill (H. R. No. 3249) granting certain

swamp lands to the county of Randolph, State of Illinois; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

E. AND W. BUDER.

Mr. THOMAS also introduced a bill (H. R. No. 3250) granting relief to E. and W. Buder, Cairo, Illinois; which was read a first and second time, and referred to the Committee on War Claims.

DISTRICT LAND OFFICE AT PORT TOWNSEND.

Mr. BRENTS presented a joint memorial of the Legislative Assembly of Washington Territory, relative to the establishment of a district land office at Port Townsend; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

THOMAS I. MILLER.

Mr. BRENTS also introduced a bill (H. R. No. 3251) for the relief of Thomas I. Miller, of Washington Territory; which was read a first and second time, and referred to the Committee on Military Affairs.

LIEUTENANT FREDERICK H. E. EBENSTEIN.

Mr. BRENTS also introduced a bill (H. R. No. 3252) for the relief of First Lieutenant Frederick H. E. Ebenstein, Twenty-first Infantry, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN P. KIRBY.

Mr. BRENTS also introduced a bill (H. R. No. 3253) granting a pension to John P. Kirby, of Washington Territory; which was read a first and second time, and referred to the Committee on Invalid Pensions.

He also introduced a bill (H. R. No. 3254) for the relief of John P. Kirby, of Washington Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

CLERKS FOR TERRITORIAL DISTRICT COURTS.

Mr. BRENTS also introduced a bill (H. R. No. 3255) amending section 1871 of the Revised Statutes so as to authorize the appointment and payment of one clerk of the district courts of the Territories for each subdistrict; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SPOKANE LAND DISTRICT, WASHINGTON TERRITORY.

Mr. BRENTS also introduced a bill (H. R. No. 3256) creating the Spokane land district in Washington Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour for receiving and considering reports from committees now begins at twenty-nine minutes past one o'clock. Reports are in order from the Committee on Foreign Affairs.

IMMIGRATION.

Mr. COX. I am directed by the Committee on Foreign Affairs to report back, with amendments, the bill (H. R. No. 2408) to regulate immigration, and I ask that the same be put upon its passage.

The bill was read, together with the amendments reported from the Committee on Foreign Affairs.

Mr. RICE. I desire to make the point of order that this bill should receive its first consideration in Committee of the Whole, as it makes an appropriation.

The SPEAKER. The gentleman will indicate that portion of the bill on which he bases his point of order.

Mr. RICE. It is the second section.

Mr. COX. There is no doubt about the bill being obnoxious to that point of order.

Mr. SPARKS. I understand the gentleman from New York [Mr. COX] admits that the point of order is well taken.

The SPEAKER. The Chair will decide upon that point. Will the gentleman from Massachusetts [Mr. RICE] direct the attention of the Chair to the particular portion of the bill on which he bases his point of order?

Mr. RICE. It is the second section of the bill, which I will read:

That there shall be, and the same is hereby, appropriated annually the sum of $250,000, which shall be a separate fund in the Treasury Department, under the name of "the immigrant fund," for the purposes of discharging all liabilities that may be incurred by the United States under this act and under section 4 thereof.

The SPEAKER. The Chair sustains the point of order.

Mr. COX. I would like to make a motion now, that this bill (which is a very important one, and its passage demanded for various reasons which it is not necessary for me to state) shall be made the special order in the House, as in Committee of the Whole, for Tuesday, the 27th day of January, 1880, after the morning hour, and from day to day until disposed of.

Mr. WILSON. Not to interfere with appropriation bills.

Mr. COX. That is always understood.

Mr. PAGE. If the House shall fix that day for the consideration of this bill, will the gentleman yield for amendments to be offered?

Mr. COX. With all the grace that I am possessed of.

The SPEAKER. The proposition of the gentleman from New York [Mr. COX] requires unanimous consent.

Mr. RICE. I shall make no objection to that. I desire only to call the attention of the House to the important character of the bill.

Mr. KENNA. How long does the gentleman from New York [Mr. COX] expect that the House will take in considering and disposing of this bill?

Mr. COX. I have no doubt it will be passed in one day if members of the House will but read the bill and the report, which have been on their files for nearly a month. We could dispose of it in the House now in an hour if members only had the information already provided for them by printing.

Mr. KENNA. My object in asking the question is simply this: there is a special order already made for the 2d day of February. I have no objection to this bill being made a special order, but I would not like a special order made for any day which would continue and pass the day fixed for the other special order.

Mr. COX. There is no doubt that this bill can be disposed of before the 2d day of February. I have examined the Calendar and have consulted with the Clerk, and the day I have suggested is one which I think will give us full time to dispose of this bill without interfering with any other special orders which may have been made.

The SPEAKER. The bill to which the gentleman from West Virginia [Mr. KENNA] alludes is made a special order from day to day until disposed of, is it not?

Mr. KENNA. It is.

The SPEAKER. Then, if it be not reached on the day fixed, it will come up in its order when this matter shall have been disposed of.

Mr. KENNA. If that be the parliametary ruling, I have no objection.

The SPEAKER. The Chair will restate the proposition of the gentleman from New York, [Mr. COX.] It is that unanimous consent be given that instead of this bill going to the Committee of the Whole on the state of the Union on the point of order, it be made a special order for the 27th day of January, after the morning hour, and from day to day until disposed of.

Mr. HAWLEY. In the House, as in Committee of the Whole?

The SPEAKER. Certainly.

Mr. COX. I have endeavored to avoid, in the selection of the day I have indicated, all other days for which special orders have been made.

The SPEAKER. The Chair has decided that under the point of order the bill must go to the Committee of the Whole. The gentleman from New York [Mr. COX] now asks that in lieu of that action (in fact the effect of his proposition would be that the gentleman from Massachusetts [Mr. RICE] shall withdraw his point of order) Tuesday, the 27th day of January, after the morning hour, be fixed for the consideration of this bill in the House, as in Committee of the Whole, the consideration to be continued from day to day until the bill shall have been disposed of.

Mr. CONGER. If no point of order has been made——

The SPEAKER. The gentleman from Massachusetts [Mr. RICE] raised the point of order.

Mr. CONGER. I think this bill had better go to the Committee of the Whole, and if the point of order is withdrawn I will renew it.

The SPEAKER. Then the gentleman from Michigan [Mr. CONGER] objects to the proposition of the gentleman from New York.

Mr. COX. I hope my friend from Michigan [Mr. CONGER] will not object to the arrangement I have proposed. It will give every advantage for debate and amendment.

I will say to my friend that unless something is done in regard to this matter pretty soon, all the system worth having in regard to immigration will very likely fail.

Mr. CONGER. Well, I understand the object of this bill. The gentleman well knows that for years some of its provisions have been opposed in this House. I think it had better go to the Committee of the Whole, where it can have full discussion and be open to amendment.

The SPEAKER. The Chair would suggest to the gentleman from New York [Mr. COX] that there is not much now in Committee of the Whole.

Mr. CLYMER. Let it go to the Committee of the Whole.

Mr. COX. As I have taken some pains to prepare this matter, and it is now in print, I think there might be some courtesy and fairness exhibited toward those who have labored upon this subject.

Mr. CLYMER. You can get at it in Committee of the Whole at any time.

Mr. COX. We would never reach it in Committee of the Whole in time to be of any use.

The SPEAKER. To-morrow after the morning hour it will be in order to move to go into Committee of the Whole.

Mr. COX. Not while the special order in regard to the revision of the rules is pending, I presume.

The SPEAKER. Whenever the gentleman from New York makes that motion the Chair will recognize him.

Mr. COX. Then I agree to that suggestion, though I do not like to interfere with the chairman of the Committee on Rules, the Speaker of the House.

The SPEAKER. Objection being made, the gentleman from New York withdraws his motion and the bill goes to the Committee of the Whole.

Mr. COX. I ask that double the usual number of copies of this

bill be printed, with the amendments recommended by the committee.

Mr. PAGE. I ask also that an amendment which I desire to offer may be printed in connection with the bill.

The SPEAKER. Does the gentleman from New York agree to that?

Mr. COX. Yes, sir; I accept that as a part of my motion.

There being no objection, the order to print was made.

PENSIONS TO SOLDIERS OF MEXICAN WAR, ETC.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported a bill (H. R. No. 3257) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read a first and second time.

Mr. COFFROTH. I ask that the bill be read at length.

The bill was read, as follows:

A bill granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including militia and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 with Mexico, who served thirty days in the Creek war of 1835 and 1836, or in the Florida war with the Seminoles from 1835 to 1842, or the Black Hawk war of 1832, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and who shall subscribe an oath to support the Constitution of the United States, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of $8 or more per month, nor to any person receiving a pension for less than $8 per month, except for the difference between the pension now received and $8 per month. Pensions under this act shall be at the rate of $8 per month, except as herein provided as to persons now receiving a pension for less than $8 per month. All pensions under this act shall be paid from and after the passage of this act for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of an honorable discharge may be deemed sufficient; and that when any person has been granted a land-warrant under any act of Congress for and on account of service in the said wars, such grant shall be *prima facie* evidence of his service and honorable discharge, but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was fraudulently granted or obtained.

SEC. 4. That the provisions of sections 4745, 4746, 4747, 4748, and 4766 of the Revised Statutes of the United States are hereby made a part of this act so far as the same are applicable; and no law or laws now in force which in any way conflict with the provisions of this act shall be applicable to the survivors of the wars above mentioned, or be so construed as to deprive them of the benefits of this act.

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment of the Constitution of the United States.

Mr. COFFROTH. I desire that the second Tuesday of February next be fixed for the consideration of this bill.

The SPEAKER. The Chair would advise the gentleman to go on with the consideration of the bill now.

Mr. CONGER. I make the point that the bill should go to the Committee of the Whole.

The SPEAKER. The Chair recognizes the gentleman's point, although it comes rather late.

Mr. CONGER. I was waiting to hear the proposition made on the other side; I could not hear what was said.

The SPEAKER. What is the request of the gentleman from Pennsylvania, [Mr. COFFROTH?]

Mr. COFFROTH. I ask that the bill be referred to the Committee of the Whole, and that the second Tuesday of February next, after the morning hour, be fixed for its consideration, and that it shall continue from day to day until disposed of.

Mr. BREWER. I object to fixing a day.

The SPEAKER. The Chair thinks the bill would have a better position by simply being referred to the Committee of the Whole.

Mr. COFFROTH. I call for the previous question on the bill.

The SPEAKER. The point of order is made that the bill must receive its first consideration in Committee of the Whole, where the previous question does not prevail.

Mr. COFFROTH. Do gentlemen on the other side object to fixing a day?

The SPEAKER. There was objection. The gentleman from Michigan [Mr. BREWER] objected.

Mr. COFFROTH. Then let the bill go to the Committee of the Whole on the state of the Union, to take its place upon the Calendar.

The SPEAKER. The Chair sustains the point of order raised by the gentleman from Michigan, [Mr. CONGER,] and the bill goes to the Committee of the Whole on the state of the Union.

ADDITIONAL CLERKS FOR SETTLEMENT OF PENSION APPLICATIONS, ETC.

Mr. COFFROTH. I desire to report from the same committee, by their unanimous direction, a bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

The bill, which was read a first and second time, (the first reading being in full,) is as follows:

A bill authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of $100 per month each, for service in the Pension Department; and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding $13,900.

That the Secretary of War be, and he is hereby, authorized to appoint seventy additional clerks, forty for the office of the Surgeon-General, at a salary of $83.33⅓ per month each, and thirty clerks for the office of the Adjutant-General, at a salary of $100 per month each; and purchase furniture for the use of said clerks in the office of the Surgeon-General, at a cost not exceeding $1,000; and that said clerks shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions.

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, to wit: $61,900 for the use of the Pension Department, and $39,000 for the use of the War Department; total, $100,900.

Mr. ACKLEN. I think this bill had better take the same course as the other.

The SPEAKER. Does the gentleman make the point of order that the bill should go to the Committee of the Whole?

Mr. ACKLEN. Yes, sir.

Mr. HAWLEY. It is very important we should go on with the consideration of this bill at once. Work is so far behind in the Pension Office at present that even applications cannot be recorded as they come in.

Mr. ACKLEN. I withdraw my point of order.

Mr. MARTIN, of Delaware. I renew the point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. COFFROTH. Is it in order, Mr. Speaker, to move to go into Committee of the Whole for the consideration of this bill?

The SPEAKER. It is not. We are now in the morning hour.

MINERAL LANDS.

Mr. STEVENSON. I am instructed by the Committee on Mines and Mining to report back with a favorable recommendation the bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands. I ask for the present consideration of the bill.

The bill was read, as follows:

That section 2325 of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits: *And provided*, That this section shall apply to all applications now pending for patents to mineral lands."

SEC. 2. That section 2324 of the Revised Statutes of the United States be amended by adding the following words: "*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the 1st day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the 10th day of May, A. D. 1872."

Mr. DUNNELL. Mr. Speaker, I should like to hear the sections of the Revised Statutes read as they will stand if amended as proposed by the pending bill.

Mr. STEVENSON. The object of this bill, I will state to the gentleman from Minnesota, is to provide that the parties conversant with the facts may make the required affidavits. As the statute now exists it requires affidavits to be made by the owner or claimant. This bill provides that affidavits may be made by the persons who are familiar with the facts.

Mr. WILSON. What affidavits?

Mr. STEVENSON. The affidavits in regard to the location of the claims.

Mr. BELFORD. If the gentleman from Illinois will allow me, I will make a statement in regard to this matter.

Mr. STEVENSON. I will yield to the gentleman from Colorado for that purpose.

Mr. BELFORD. Mr. Speaker, the mining act of 1872 provides, among other things, that where a miner obtains a patent from the Government of the United States the applicant for the patent shall "post" on the claim a notice of his intention to apply for such Government patent. It further requires that at the end of sixty days he shall file his affidavit as to the fact of "posting" this notice. The Land Office has construed that act so that the affidavit must be made by the principal and cannot be made by his agent, so that if a man resides in Pennsylvania or in New York, and has a mining claim in the State of Colorado or Nevada or California which he desires to have patented, he cannot make the affidavit because he is not cognizant personally of the posting of the notice. This bill simply provides that where he has a lawful authorized agent in any one of those States the affidavit required to be made by the statute may be made by the agent instead of by the principal. That is the whole purport and object of this bill, to allow the affidavit to be made by the agent who is conversant with all the facts.

If the present construction of the Land Office is to obtain it will be almost impossible for any gentleman who is resident of another State, and who desires to obtain a patent to a mining claim in Colorado, or Nevada, or California, or elsewhere, to procure such

patent. It is to get rid of that mischief the present bill has been introduced.

I will state further, Mr. Speaker, that this bill was reported from the Committee on Mines and Mining in the Senate, and passed that body without objection.

Mr. WILSON. How are those claims originally acquired—the gentleman speaks of valid claims?

Mr. BELFORD. They are originally acquired as follows: I go on a mountain and discover a lode—dig down ten feet deep or deeper, and obtain a well-defined mine, and I then put up at the mouth of the shaft a statement that on a certain day I discovered the lode. I acquired the right to fifteen hundred feet in length by three hundred feet in width by virtue of that discovery.

When I shall have done that, Mr. Speaker, I shall have acquired a complete, absolute, indefeasible title against everybody in the world except the Government of the United States.

Mr. WILSON. Now, one other question. Can this original location be made by the agent, or must it be made by the party himself?

Mr. BELFORD. The original location may be made—that is, the discovery may be made either by the agent—that is, by some agent I have employed to prospect for mineral land for me—or I can take the pick and discover the lode myself. The Land Office, however, construes that when I make an application for a patent for Government land, in order to get title from the Government, although my title against every other citizen of the United States is absolute and indefeasible, I, the principal, must make the affidavit.

Mr. WILSON. That point I understand. Now, one more question. If the amendment of the Revised Statutes shall be made as proposed by this bill, would it not put it in the power of a few gentlemen to form a combination and employ their agents to take up all the mineral lands in the West, or take them up to a very large extent?

Mr. BELFORD. No, sir; nothing of the kind can possibly arise under this bill. It simply goes to a state of facts which occurred long after the party had acquired absolute title to the mineral land against everybody except the United States.

Mr. CLYMER. I desire to ask the gentleman from Colorado one question.

Mr. BELFORD. Certainly.

Mr. CLYMER. I desire to ask the gentleman whether, under existing law, there is any limitation as to the number of claims any one individual may make or take up?

Mr. BELFORD. There is no limitation under the act of 1872; none whatever.

Mr. CLYMER. I desire to have that thing settled.

Mr. BELFORD. I desire to say this is the most important bill in reference to western titles and western interests which has been before this House; for if the present construction of the Land Office shall remain, requiring claimants to make affidavits, then I say no man in this country who has a dollar's worth of mining property in Colorado or Nevada or California can acquire from this Government a title for the same, unless he shall go there from day to day and watch that the notice shall be posted and remain posted upon the claim all the while. This simply provides that the agent shall make that affidavit, and no more.

Mr. STEVENSON. Mr. Speaker, I demand the previous question upon the bill.

Mr. WILSON. One word, Mr. Speaker——

Mr. PAGE. Let me say a word before the gentleman demands the previous question.

Mr. STEVENSON. If the morning hour has not expired, I yield to the gentleman from West Virginia.

The SPEAKER. The morning hour has not expired.

Mr. WILSON. Mr. Speaker, I always make it a rule of conduct on this floor as far as I can to follow when I can the report of a committee, but it seems to me if this amendment of the Revised Statutes should be adopted it will put it in the power of a few capitalists to employ their agents without number to canvass that entire mineral region in our western country and acquire those valid claims just described by the gentleman from Colorado, [Mr. BELFORD.] It puts it in the power of those capitalists to send out their agents to make affidavits that the notice required by the law was duly posted, and thus put it in the power of a few men to form combinations by which they may acquire a large portion of that great western mineral region. It puts it beyond the power of an ordinary man to compete with the capitalist in acquiring such property. I am opposed to all such combinations. I am opposed to this bill because I think it is in the interest of capital.

Mr. STEVENSON. I desire to say in reply to the gentleman from West Virginia [Mr. WILSON] that his fear of combinations is entirely unnecessary and groundless in this case. This bill is not for the purpose of placing it in the power of any combination to take up these lands, but is simply provided as a matter of convenience, as has been explained by the gentleman from Colorado, [Mr. BELFORD.]

I now yield to the gentleman from California.

Mr. PAGE. I desire to say a very few words in reference to this bill. The objections that have been urged against it, in my judgment, are not good.

The law as it now stands discriminates against a non-resident of California, Nevada, or Colorado. Every person, whether he resides in those States or any other State, is compelled to comply with the local mining laws before he can make his application for a patent, and that, in my opinion, answers the objections made by the gentleman from West Virginia, [Mr. WILSON.]

You can no more, after this bill passes, make combinations in West Virginia or in Washington to take up these mining lands in Colorado than the people of Colorado can now, or any person going there and remaining there. Your present law would be subject to the same objection so far as this point is concerned, and this bill merely, as I understand it, gives only the same right to make application for a mining claim to citizens of other States that is now possessed by a citizen of Colorado. That is all there is of it.

Mr. DUNNELL. I should like to ask the gentleman from California a question.

Mr. PAGE. Certainly.

Mr. DUNNELL. What does the gentleman mean by the term "local mining laws," which he has used?

Mr. PAGE. I mean such laws as the residents of a mining locality may make for themselves. Residents of every mining region or locality get together and establish a set of mining laws which are kept in a book provided for this purpose. You will find it described in section 2324 of the Revised Statutes, and the law recognizes these local regulations as binding upon the miners in that region. They may establish under these laws a limit to the amount of mining lands to be taken up, or provide for more work to be done in one locality than another; but they have to comply with these local laws before they can obtain or make an application for a patent under the United States laws.

Mr. DUNNELL. There is just one suggestion that occurs to me. The gentleman from Colorado, [Mr. BELFORD,] as well as the gentleman from California, [Mr. PAGE,] states that it is a hardship that a gentleman from West Virginia or from Washington should not be able by his agent to acquire title to the mining lands as they are now required by the law. I will ask the gentlemen if this is any greater hardship than that which is now imposed upon them under the homestead or pre-emption laws?

Mr. PAGE. Yes, sir.

Mr. DUNNELL. If I am a homesteader I must live on the property for five years before acquiring title.

Mr. PAGE. But you do not pay the Government anything.

Mr. DUNNELL. I know I do not pay the Government anything in this instance.

Mr. PAGE. But here you pay the Government $5 per acre for these lands under the mining law, and it is a well known fact that in Montana, Colorado, Arizona, New Mexico, and Nevada a large portion of the mining land or the valuable mines are held by parties east of the Mississippi River. If you wish to discriminate against yourselves; if you wish to deprive your own capitalists seeking investments in the western country in mines of the power to do so, then you will oppose the passage of this bill, and then you will compel every man to go there in person before he can acquire any title.

Mr. DUNNELL. I would like to ask the gentleman from California where the demand for the passage of this bill comes from—whether it is from the East or from the West?

Mr. PAGE. I would say to the gentleman that this demand has been universal, so far as I know, since the decision of the Commissioner of the General Land Office, which is of recent date. Since then it has been urged by the whole people, East and West, that this bill should be passed.

Mr. STEVENSON. I demand the previous question on the bill. If any gentleman desires to discuss it after the main question is ordered, I shall have no objection to yield a portion of my hour.

The previous question was seconded and the main question ordered to be now put.

Mr. STEVENSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEVENSON. I yield five minutes to the gentleman from Montana, [Mr. MAGINNIS.]

Mr. MAGINNIS. I do not care at all to speak on this bill, but I want to meet the objection raised by my friend from West Virginia, [Mr. WILSON.] The bill does not in any manner enlarge the power of anybody to take up more or less mining territory. It does not enlarge or contract anybody's power at all in that particular. As has been stated, all claims are taken up under local mining land laws which are made law by the laws of the United States, and they are made smaller or larger according as the people of the district desire. Of course those claims when so taken up under our laws can be held forever with just as good a title as the title of the United States. The law makes the title just as good.

Of course in opening up great mining enterprises and forming companies to work them people like to have a valid title. Well, up to this time this law has been executed—there never has been any question about it—and these mines have been taken up in this way. Notices have been filed and patents obtained. But in the hunting for technicalities, which seems to distinguish the clerks of some of our Departments, this new rule has been made and it is sought to pass this law simply for the purpose of bringing the practice back to where it was.

Mr. REAGAN. I wish to ask the gentleman from Montana a question that I may rightly understand this bill.

Mr. MAGINNIS. I yield to the gentleman.

Mr. REAGAN. I wish to ask him if, with this amendment, a min-

ing company in New Orleans or in New York can send out its agent and take up as much of the mining lands as it pleases without any one but the agent of the company going into the mining region.

Mr. MAGINNIS. If the law passes, Mr. Speaker, it will not in the least affect that question one way or the other.

Mr. REAGAN. Ah! Does it not affect it in this way: that, as the law now is, the principal must make the affidavit and perform the acts necessary and to acquire the title himself, while if this passes it will be sufficient for the agent to do so?

Mr. MAGINNIS. Not at all.

Mr. REAGAN. I mean, to acquire the United States title.

Mr. MAGINNIS. Yes; but not to acquire the ownership of the property at all.

Mr. REAGAN. I want to get at this, because it seems to me the bill now under consideration opens the way to let companies and speculators absorb the mining lands, and thus place at a disadvantage those who go to buy the claims.

Mr. MAGINNIS. If that were so it would be a grave objection to the bill, and one that would weigh very much with me, because, as gentlemen who know my record are well aware, I have always been opposed to all sorts of monopolies in mines or public lands. But I would like the gentleman from Texas to explain to me how it would work in that direction.

Mr. PAGE. If the gentleman from Montana will yield to me I will say that the miners in any mining locality make their own laws, and those are the only laws recognized by the United States Government. I think that is a sufficient answer to the gentleman from Texas, because the miners will make laws for their own protection at least.

Mr. REAGAN. I do not understand how that would affect the question I am presenting: that when an agent is permitted to take up the mining lands any company may organize itself and send its agent and take up and occupy as much of the mining lands as it pleases.

Mr. MAGINNIS. It cannot take up more than it is permitted to take now. Nobody can go and take up mining lands except under the local mining land laws.

Mr. REAGAN. But then he must appear personally, and there is a great difference between appearing personally and sending an agent to represent a wealthy company and obtain occupation of these lands.

Mr. MAGINNIS. Is there anything in the law which prevents them doing that now?

Mr. REAGAN. There is in the necessity of going there and making the selection and affidavit. There is the difference between a principal going himself and an agent representing a principal without any direct control over him.

Mr. ARMFIELD. With the permission of the gentleman from Montana I will state that I have a bill which I am instructed by the Committee on Mines and Mining to report for passage and which meets the objection of the gentleman from Texas. It provides that no person shall have more than one prospecting location in the same mining district at the same time. Having located one claim he cannot locate another.

Mr. REAGAN. If the bill of the gentleman from North Carolina, [Mr. ARMFIELD,] were passed first, we would then understand this better.

Mr. CLYMER. I am very loath to oppose my judgment to what seems to be the judgment of gentlemen more directly interested in the mining interests of this country. Yet, it does seem to me that this proposed legislation would change what has been the policy of the Government on this subject. The law now in force, by requiring the person taking up a claim of three hundred feet to make affidavit to that effect, in effect offers a reward for pioneers and those who go into the wilderness to make discoveries which will add to our wealth. The requirement is that the person must be there on the ground; must be able to swear to a certain state of facts which will be conclusive evidence of title.

Now, if we pass this bill it is very clear that under it any combination of individuals, any corporation or association, may send out prospectors all over the Territories, and instead of the members of the corporation being there in person and making explorations they can send out these agents to do it for them and thereby preclude individual citizens of the country from acquiring titles to property which is of so much value. I fear that there is a general tendency all over this country, in our legislation here and in the legislation of the States, to consolidate power and property in the hands of the few to the exclusion of the many. While I do not pretend to understand the entire scope of this proposed legislation, I must regard it as a step in that direction.

I would have this measure carefully examined in order that we may see whether by it we will not be depriving the hardy pioneers of the country from going out and making fortunes for themselves; whether we are not providing that all the vast mineral wealth of this country may be put into the hands of corporations and associations. I do not say that I understand this proposed legislation; but without understanding it, and for fear that it may have that effect, I propose to vote against it.

Mr. CALKINS. I desire to say——

Mr. WILSON. Has the morning hour expired?

The SPEAKER. This bill is now in the House, and the previous question having been ordered upon it, it is taken from the operation of the morning hour.

Mr. TOWNSHEND, of Illinois. Is debate in order, the previous question having been ordered?

The SPEAKER. It was agreed by the gentleman from Illinois [Mr. STEVENSON] that if the previous question was ordered on the bill debate should be allowed upon it.

Mr. STEVENSON. Will the Chair pardon me? I did not understand the statement of the Chair distinctly.

The SPEAKER. The Chair stated that the previous question was ordered on this bill at the instance of the gentleman from Illinois [Mr. STEVENSON] having it in charge, with the understanding, assented to by the House, that there should be time allowed for debate after the main question was ordered; and with that understanding by the House the main question was ordered.

The debate having been entered upon, it would seem that under the equity of the rule it would run for one hour; of course it could not run longer than that. The Chair, therefore, has been recognizing gentlemen to speak upon the bill, and will continue to do so for one hour. The Chair understands that was the arrangement proposed by the gentleman himself.

Mr. STEVENSON. That is correct. I yield five minutes to the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. If the point made by the gentleman from Texas [Mr. REAGAN] and the gentleman from Pennsylvania [Mr. CLYMER] is a good one, it is a point against the law as it now stands, and not against the measure which is before the House. It is now the law that a man may enter as many mining claims as he can get men to stake off for him. The only difficulty is—but before coming to that I will say that as the law has heretofore been administered agents and attorneys of persons have been allowed to go before the Land Office and make affidavit of their locations and of their location stakes, and by that means commence the process of obtaining a patent. But by a late decision of the Commissioner of the General Land Office, as I understand, it is held now that no one but the actual absolute owner of the claim or mine will be allowed to make that first affidavit. Am I not right in that?

Mr. MAGINNIS. That is so; but it does not require the hardy pioneer or discoverer to do so.

Mr. CALKINS. That is what I am coming to now. As was well said by the gentleman from Colorado, [Mr. BELFORD,] the man making that first affidavit holds his claim against all the world except the United States. He may sell his location certificate to A, B, or C, living in Pennsylvania or New York, but he has yet no patent; he sells only his right under his location certificate.

Mr. MAGINNIS. Sells the property.

Mr. CALKINS. That carries with it the property, because he or his agent can go there and maintain possession against all the world. Now he wants a patent. His agent in Colorado or California, wherever he may be, who knows the facts about the location, the sticking of the stakes and all that, is by this late decision of the Commissioner of the General Land Office prohibited from making that affidavit for the owner; and the owner, not knowing the facts personally himself, cannot obtain any patent.

Now this bill is proposed for the purpose of meeting that difficulty, and that alone. The gentleman from Pennsylvania [Mr. CLYMER] and the gentleman from Texas, [Mr. REAGAN,] in their objection to this bill, misapprehend the point entirely. Their point, if it is a good point, is a point against the law as it now stands.

Mr. REAGAN. Will the gentleman allow me a word? The gentleman states correctly, I presume, the decision of the Commissioner of the General Land Office; but the law requires, as I understand, that the person making the claim must be there in his own proper person—must risk his own scalp out among the Utes——

Mr. CALKINS. Oh, no; under the present law that is not the case at all.

Mr. REAGAN. I will ask the gentleman, as he seems familiar with the provisions of the bill now pending, whether under its operation the power and privilege are not given to corporations remote from the mining country to take up and occupy by their agents the mining country indefinitely?

Mr. CALKINS. No, sir. This bill does not touch that question at all. The effect of the bill is this: if I go into the mountains to-day, as suggested by the gentleman from Colorado, and stake off my claim, then come here to Washington and sell it to the gentleman from Texas before the patent is issued, this bill allows the gentleman's agents in Colorado to make affidavit of the original location for the purpose of applying for a patent. This is all the bill does.

Mr. REAGAN. Does not the bill permit the perfecting of the patent without the original owner going there at all?

Mr. CALKINS. Under the bill, if the agent makes affidavit of the original location, the owner need not be present; nor is it right that he should be required to be present. As the matter now stands there is a prohibition against any miner disposing of his claim until he gets a patent. This bill is designed to enable miners and men who have taken up claims to dispose of their claims and to allow the agents of persons who purchase them to perfect the title and get the patent. That is all there is in the bill.

I think with the gentleman from North Carolina [Mr. ARMFIELD] that probably a bill ought to be passed restricting the right of taking up claims in certain districts. For myself, when such a measure comes up, if it is framed so as to meet my views, I shall be very glad

to support it. But this bill touches only the single point of allowing a man who is the agent of another and who has knowledge of the facts to make the affidavit.

Mr. REAGAN. If the friends of this bill would consent to let action upon it be postponed until the other bill is passed, I do not know that I should object.

Mr. CALKINS. I hope my friend from Texas will not insist on anything of that kind when the fact is so plain that this bill does not touch at all the point to which he alludes. The other proposition is an independent measure, which can stand upon its own footing, and will not affect this bill one way or another.

Mr. McMILLIN. May I ask the gentleman one question?

Mr. CALKINS. Certainly.

Mr. McMILLIN. Will not this bill, if passed, facilitate the entering of land and procuring title thereto by those who are not residents of the mining region?

Mr. CALKINS. Not at all; no farther than such has always been the practice. Until this recent decision the practice, as I understand, has always been—I am only speaking from common repute, for I do not personally know anything about the matter—the practice has always been in the Land Department to allow agents of the owner to file the preliminary affidavit of location upon which the patent would issue. But the decision recently made overturns the practice that has obtained in the Land Department for years back. This bill is designed simply to obviate that; to reinstate the practice which had obtained from time immemorial.

Mr. HASKELL. Will the gentleman yield to me a moment?

Mr. CALKINS. With pleasure.

Mr. STEVENSON. I believe the time which I allowed to the gentleman from Indiana [Mr. CALKINS] has expired; and I have agreed to yield to my colleague, [Mr. SPRINGER.]

Mr. SPRINGER. Mr. Speaker, I think there is misapprehension among members of the House as to the provisions of this bill. It proposes to amend section 2325 of the Revised Statutes in respect to the final application for a patent. Under this section, as construed by the Land Department, it is now required that at the expiration of the sixty days of publication the claimant shall file his affidavit showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. This bill provides simply that the agent of the claimant may go and post the notice and make the affidavit. That is all there is in the bill. It does not authorize any new location; it does not change the law a particle with regard to locating and securing mining property.

Mr. SPARKS. Why cannot the owner make affidavit as well as the agent?

Mr. SPRINGER. He could do so if he would take the cars in New York or Illinois or wherever his home may be and go out into the mining country for the purpose of posting a notice on the property so as to be able to swear from actual observation and acts on his part that it had been done. And I conceive that to be a hardship. It is not necessary the owner should go on the ground. Cannot he send a party to post the notice that he has applied for a patent? The practice in all that region is that anybody who discovers a deposit of mineral is entitled to locate a claim on it. The law respects the first discoverer, whoever he may be. He may be a man in Massachusetts or Pennsylvania or elsewhere. The law gives every man the right to discover a mineral deposit or vein. The law recognizes the right of every man who discovers it to own it. Every man must discover it in order to own it. This does not interfere with that law at all. This law stands as before, requiring $100 or $500 of work to be done prior to the application for a patent from the General Government. This simply provides that the person who desires to avail himself of a patent to this property may make affidavit through his agent that the notice required under the statute has been posted on the ground. The rule has been from time immemorial the common-law rule which every gentleman recognizes, that what a man does by another he does by himself.

Mr. CLYMER. That is not the rule under the homestead law, but the man making the claim has to reside upon the land itself.

Mr. SPRINGER. The homestead law requires that he shall live there, but the mining law does not require the discoverer of a mine shall live on the mine. It is a different thing from a homestead. The homestead law requires the man to live there.

Mr. CLYMER. But the law of the United States requires that if he wants to obtain a patent for mineral land he must locate it himself.

Mr. SPRINGER. No, the law does not require any such thing. No law of that kind is in existence. There is not a mining claim in a dozen patented by the person who discovered it. Discovery is not affected in the least by this. It is the miner who goes into the mountains and valleys and discovers the lode, and we recognize the right of that man to sell his property, the right he has already acquired, to anybody who wishes to purchase it from him. They do sell them. There is not one case in a dozen where the original discoverer makes application for patent for the mining claim he has discovered. His affidavits are put on file. The person who applies for the patent simply goes with his affidavits and makes his claim. The last statute requires he should post a notice on the mining land that he has applied for a patent, so as to notify all the world that if there are any adverse claimants they shall come forward and make known their adverse claim to the Land Office while the patent is being applied for. This does not change that right in any way whatever.

[Here the hammer fell.]

Mr. STEVENSON. I will yield now for five minutes to the gentleman from Colorado.

Mr. BELFORD. Mr. Speaker, I have resided in a mining district for ten years, and I claim I am somewhat familiar with the local and national laws affecting the taking up of mining property. I should like to make to this House an explanation of the mode of acquiring such property, and just how far this act affects the acquisition of any such property. The miners assemble together, and you may call it a miners' meeting, and there they adopt certain rules and regulations declaring that a man, by sinking a shaft, shall acquire a right to so much mineral property. Our legislation has recognized those rules and regulations of the miners, so that if I sink a shaft and uncover a vein I can sell that property to anybody, as I have thereby acquired complete and perfect title against everybody but the United States. In 1872, Congress recognized the right of the miners to establish those rules and regulations, and recognized the title of the miner to the property when acquired by virtue of those rules and regulations. It was provided that, after I had acquired a valid title to a mining claim against the whole world, except the Government of the United States, I might obtain from the Government a patent therefor. I could acquire the title whether I was the original discoverer of the lode, or whether I had acquired title by virtue of purchase or devise. Yes, sir; that is the fact.

The law requires, in addition, that I shall post a notice that I will make application for a Government patent on the ground, on the claim. That notice is to be posted upon the claim; and, in addition to that, it is to be published for sixty days in the leading paper of the district.

Now, Mr. Speaker, bear in mind that my title is absolutely perfect against everybody but the Government of the United States—absolutely perfect before I obtain this patent. The only object of a patent is to secure a quitclaim of the rights of the United States to the miner, the Government recognizing all the time the miner's right under the local rules and regulations. Suppose I buy a mine from John Doe or Richard Roe; and suppose, before I purchased it, that John Doe posted the notice on the claim and went to New York or Washington and sold me his right, and I desired to obtain the patent in order to convince some one in England, or France, or New York, or Pennsylvania, that he had a complete and perfect title, not only against every other citizen, but against the Government. All the original discoverer could do was simply to swear to the fact that the notice was posted for sixty days upon the claim. That is all there is of it. It does not enable him to acquire title to any other property. It does not enlarge his right. It does not modify his right. It simply provides that the agent who knows the fact may swear the notice was posted.

The gentleman talks about homestead laws. A man is not required to reside on a mining claim. When he sinks his shafts ten feet deep, or deeper, and uncovers a vein and shows the ore, all that is required of him is to do ten dollars' worth of work each year on his claim until the patent issues therefor. Now, I say this bill has the support of every hard-working miner in the State of Colorado.

I have thousands of petitions from the various counties in that State, signed by the men who have opened up that magnificent mineral domain to the attention of the world. They ask Congress to pass this act and allow the agent to make the affidavit as to the mere fact of posting when the principal himself was not present in person when the notice was put up, and was not there all the time to see that it was continued on the board for the period of sixty days. I say to the gentleman that this is a righteous and a just act, and ought to be passed in the interest of the hard-handed and heroic miners of the West. There is no speculation in it; there is no fraud in it; it is not in the interest of corporations, but it is in the interest of the honest purchasers of these mining claims in the West. If the House votes it down it will do an act of great injustice to the people of Colorado, California, and Nevada.

[Here the hammer fell.]

Mr. STEVENSON. I now yield five minutes to the gentleman from Texas.

Mr. REAGAN. Mr. Speaker, chapter 6 of the Revised Statutes provides the means by which the miners, those men who have gone as pioneers into the mountains to search for mineral wealth, are enabled to get together and adopt regulations which are to be a law among themselves, and under which they may obtain titles and avoid conflicts in reference to titles. The first objection which occurs to me in connection with this bill—and I confess I have not studied it sufficiently to be well advised in regard to it—is that its effect will be to extend the operations of these local mining laws and regulations made by the miners to the country at large, and thus give corporations and men who never saw the mines, who never went into the mining region, who never incurred any of its dangers, its labors, or its perils which these men have undergone—to give those great capitalists the power to enjoy the advantages of these local regulations which it was the intention of the Government to allow the miners, those occupying the mines, to make for their own interests. If that be so, it seems to me to be enlarging the operation of those

local laws too far. I can conceive when the people were going in great numbers into the mining region they needed some regulations which could not be reached by specific acts of Congress; and no doubt it was wise to allow them to adopt regulations having the force of laws among themselves with reference to the mode of acquiring titles to mineral lands.

I dislike the idea of extending the operation of these laws to corporations or monopolies so as to enable them to take up and hold and use in their corporate capacity—or individuals remote from these lands—the large body of the mineral lands of this country in opposition to the interests of that energetic and hardy class of pioneers referred to by the gentleman from Colorado whose rights it was intended should be protected.

Now, Mr. Speaker, in addition to that, there is a little misapprehension as to the extent to which the provision as to this affidavit will interfere with the existing law. We have been told by several gentlemen that the bill only means that the affidavit in relation to the sixty-day occupation should be made. But the language of this bill goes further than that. Perhaps I ought to read it. The first section provides:

That section 2325 of the Revised Statutes of the United States be amended by adding thereto the following words: "*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section—

That is section 2325——

Mr. SPRINGER. The application requires to be made by the claimant.

The SPEAKER. The gentleman from Texas declines to be interrupted.

Mr. REAGAN. The section proceeds:

By the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits.

One of the provisions of this section 2325 contains this expression:

At the expiration of the sixty days of publication the claimant shall file his affidavit showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication.

But then there are other affidavits in this section and the agent may make any of them. It is the preceding section to this which authorizes the miners to make local regulations.

The miners of each mining district may make regulations not in conflict with the laws of the United States or with the laws of the State or Territory in which the district is situated governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements, &c.

That is the provision to which I referred in my opening remarks; one of the provisions of the legislation intended to enable the miners themselves that go out into the mining regions where the Government have not by any fixed system of laws provided the mode of obtaining their title—to enable these miners, the men on the ground, the men who seek the minerals to make the necessary regulations for themselves.

Mr. MAGINNIS. That has come down from the old Spanish miners through Mexico and California.

Mr. REAGAN. I do not yield; my time is limited. I am aware of what the gentleman says, that customs have grown up in the mining regions which the Government has permitted to become laws.

Mr. MAGINNIS. And they are recognized as laws.

Mr. REAGAN. Yes; and recognized as laws. But that was for the benefit of the actual miners, and not for the benefit of mammoth corporations in the city of New York or anywhere else. It was not intended to enable them by their agents, without any labor or any expense or personal inconvenience, to absorb these mines, taking them away from the men who go up into those regions to develop, by their own energy and skill, the mineral wealth of this country.

Mr. STEVENSON. I yield three minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. CANNON, of Illinois. I ask the gentleman from Illinois to yield me, in the first place, one minute, that I may ask the gentleman from Texas a question.

Mr. STEVENSON. I yield to the gentleman one minute.

Mr. CANNON, of Illinois. I ask the gentleman from Texas this question: if it is not true that these mineral lands are developed by the capital of the country; whether more money has not been spent in that way by outside capital than by those in the mining districts themselves; and if it is not in the interest of the miners that they should have the fullest and fairest chance to sell these mining claims; and if anybody needs protection, whether it is not the capitalist himself, and not the miner?

Mr. REAGAN. There is a good deal of the gentleman's interrogatory which I could not answer in the affirmative. It is not true that outside capitalists have invested more in the mining districts than the miners themselves. But the gentleman from Illinois and myself proceed on different theories. His object seems to be to protect these companies and monopolists who seek their own interest and not the interest of the people. My object is to give the greatest encouragement to hardy miners themselves to go into those regions and develop the mining wealth of the country unfettered by the action of capitalists and monopolists.

Mr. HASKELL. The mining laws of the United States as they stand on our statute-books are simply the old mining laws established by the original miners themselves and which were afterward placed upon the statutes of the United States and made the law of the land. None of the processes by which title is to be acquired to a piece of mineral land is touched by this contemplated act; not one. Not a single iota of mining law by which title is acquired to a single claim is affected by this law.

Now, what is this bill? Simply this: that when a man has acquired title to a claim, when he has conformed to the law of the land, to the law that the miners themselves have instituted, and he desires to sell it, with this final certificate that gives him the patent of the United States Government and perfects his title he may sell a good title; that he may have that affidavit made by an agent instead of being compelled to travel across the country himself. Let me give an illustration. When I came to take my seat in Congress this session I came with three gentlemen from Colorado who owned a mine in the old county of Gilpin, where I used to live. They had worked that mine for ten years. They were the owners of that mine. They had opened it and had put up many thousands of dollars' worth of machinery.

They had had an offer to buy their mine, and they started to New York to sell it, having owned and worked it for eight or ten years. When they arrived at Saint Louis they learned for the first time, never having had their attention called before to this ruling of the Department, that their agent, who had been with them from the first and was then in Colorado, could not make this little final affidavit by which they could obtain their patent at Washington. The result was that one of those men had to retrace his steps, going all the way to Colorado, so as to be able to swear to the little affidavit which his agent was just as competent to swear to as himself.

That is all there is in this bill. It simply provides that when a man owns a mining property in Colorado, after he has complied with the law, after he has become the hardy pioneer which the gentleman from Texas [Mr. REAGAN] alludes to, when he wants to sell that property, when some of these bloated monopolists offer him a big price for it, he can have his agent make this little affidavit, which will give him his United States patent to the land. There is nothing wrong in the bill, and I venture to say that there is not one miner in Colorado but what, if he were here, would vote for its passage. It is the simplest, plainest, most inoffensive measure that was ever offered in Congress.

[Here the hammer fell.]

Mr. STEVENSON. I now yield three minutes to the gentleman from Dakota, [Mr. BENNETT.]

Mr. BENNETT. There is just one simple question involved in this whole bill, and that relates purely and simply to the rule of evidence, and nothing else. It establishes the principle that the man who is in possession of the facts may make affidavit to those facts.

As the law now stands, the man who owns a mine must be present and see that the notice required is posted and kept posted for the time required by the statute before he can make the affidavit which will entitle him to the patent of the United States. Now, all the work which is necessary to be done on the mine prior to the patenting of the land may be done by the employés of the owner himself, and he need never be upon the mine for a single day if he is purchaser of the mine from the discoverer. Now, any one of those employés or agents knows whether the necessary work has been done, and whether the notice has been kept posted, and he is the party in possession of the facts, and is capable of establishing those facts by the proper affidavit before the Land Office.

There is no analogy whatever between this case and that of the homesteader, as the gentleman from Pennsylvania [Mr. CLYMER] intimates. In the case of a homestead the man is required to live upon the land he has homesteaded during a period of five years, and the law presumes that no man knows so well as the man himself who has lived on the homestead. Therefore the law requires his individual affidavit in preference to that of any other party.

But this is not the case in mining matters at all. What harm can there be in this bill? Can it affect the locators of these mines, the hardy pioneers who discover these mines, and who have been talked about on this floor? Not at all. The object of the mining law and of this proposed legislation is the development of the mineral resources of the country rather than the retarding of them. The great proportion of our richest mines in this country, as every gentleman knows who has been at all in the mining region, has been discovered by men who do not possess the means or the ability to develop those mines, for their development requires much capital. Not one prospector or discoverer of a mine out of ten has the means to develop these mines to that condition where he will be enabled to secure a patent from the Government of the United States.

Therefore they are legitimate property for barter and trade, and these discoverers sell their rights to these mines to men who are able to develop them. But the law now requires that those men who are able to put money into these mines and to develop these mineral resources shall stay upon the mines and complete everything necessary before they can apply for the patents from the Government. This bill simply provides that they can do this by their agents, and that when the necessary development has been accomplished the agents may make the necessary affidavits to establish the facts.

In what other matter is it required or insisted upon that facts necessary to be established may not be established by any man who is a competent witness to testify to those facts? That is all there is in

this case. It simply provides that the necessary facts may be established before the land office by any competent witness, in order to enable the owner of the mine to secure the patent. There certainly should be no objection to the passage of this bill.

Mr. STEVENSON. I now yield three minutes to the gentleman from Pennsylvania, [Mr. WRIGHT.]

Mr. WRIGHT. I am satisfied from what I have heard in regard to this bill that it is for the benefit of the man who makes the discovery of the mining lode and who operates it. If it were for the benefit of the speculators, if it were for the purpose of letting capitalists come in and acquire these lands, then I should oppose the bill. But, as I understand the matter from the remarks of the gentleman from Colorado [Mr. BELFORD] and of the gentleman from Kansas, [Mr. HASKELL,] I think it is right and proper that the man who makes the discovery of valuable ores shall have facilities for transferring his title, his personal right, in order that he may obtain an advantage from his discovery. I do not think that the man who purchases the right from him should be compelled to travel from an eastern city to the spot where the mine is located, in order that he shall be able to himself make such proof as this bill provides for. It adds an additional burden to him. It is a privilege that ought to be secured to him by legislation. So long as the right, the equity of the case is not affected, so long as the question is one with regard merely to the transfer of title, why ought not the man who discovers the mineral have an opportunity to do by an agent what the law now requires him to do in person?

When the discussion on this bill opened and I had listened only to the remarks of my colleague [Mr. CLYMER] and the gentleman from Texas [Mr. REAGAN] I was under the impression that there might be in this bill what is called a "snake in the grass," but I am now satisfied that the bill, as it stands, is for the benefit of the man who does the work, who makes the improvement, and I will not stand in my place here to vote against giving him proper facilities for transferring his title. That is something which this House ought not to do by the rejection of this measure. At the opening of this debate I was, as I have said, opposed to the bill on principle, but having heard all that has been said, I am satisfied that the measure is in the interest of the man who discovers the minerals, and we ought to give him all proper facilities for transferring his title.

Mr. STEVENSON. I yield three minutes to the gentleman from Louisiana, [Mr. ACKLEN.]

Mr. ACKLEN. Mr. Speaker, I feel it incumbent upon me, a member of the Committee on Mines and Mining, to say that the objections raised by the gentleman from Texas [Mr. REAGAN] and the gentleman from Pennsylvania [Mr. CLYMER] to this bill were all considered in the committee and were unanimously overruled. The questions presented in the bill have been clearly, succinctly, and concisely set forth by the gentleman from Indiana [Mr. CALKINS] and the gentleman from Colorado, [Mr. BELFORD.] The bill involves nothing that can be objectionable to any member of the House who has a thorough understanding of the question. It proposes simply to permit the man who has discovered the mine to dispose of that property, and to enable purchasers in the East to obtain their patents without the necessity of being constantly present in order to make affidavit, as required under the decision which the Commissioner of the General Land Office has lately made.

Mr. REAGAN. I ask the gentleman whether, under the present law, the miner has not the same facilities for disposing of his property that he would have under this bill?

Mr. ACKLEN. No, sir. The gentleman totally misunderstands the case. Prior to the late decision of the Commissioner of the Land Office the miner could dispose of his property and the patent would have been issued upon proper affidavit by the agent; but under the late decision of the Commissioner it is impossible for the miner to dispose of his property and for the purchaser to perfect his title and obtain the patent unless he can personally make the affidavit required under the decision of the Commissioner. That presents the entire question in a nutshell, and it is no use to go outside the record to raise technical objection. I trust members in the consideration of this measure will confine themselves solely to the point at issue.

Mr. REAGAN. Did I understand the gentleman to say that under existing laws the miner could not dispose of his property?

Mr. ACKLEN. The gentleman must have been deficient in his usual acuteness if he so misunderstood me. I said that the miner could not dispose of his property and the purchaser could not perfect his title. The miner can dispose of the property *per se* without any difficulty. The laws of the United States have nothing to do with that; the local mining laws govern that matter. The difficulty is as to perfecting the title, obtaining the patent.

Mr. REAGAN. The bill proposes to give facilities to an owner who was never on the spot—to a corporation it may be in New York.

Mr. ACKLEN. In this connection I trust the gentleman from Texas will bear in mind the fact that to operate these mines of the West the capital of the East is always necessary. The miners who go out West and discover mineral wealth are generally poor. They cannot operate mines as they now have to be operated, with expensive machinery. After discovering a mine, they desire to dispose of the property; and to deny to the purchaser the right to obtain a patent except upon making affidavit upon personal knowledge of the facts, is simply a great blow at the mining interests of the West.

[Here the hammer fell.]

The SPEAKER. The time allowed for debate on this bill has now expired. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading, and was accordingly read the third time.

Mr. STEVENSON. I demand the previous question.

The previous question was seconded and the main question ordered; which was upon the passage of the bill.

Mr. REAGAN. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 29, not voting 83; as follows:

YEAS—179.

Acklen,	Davis, George R.	Ketcham,	Sawyer,
Aldrich, William	Davis, Horace	Killinger,	Scales,
Anderson,	Davis, Joseph J.	Kimmel,	Shallenberger,
Armfield,	Deering,	Klotz,	Shelley,
Atherton,	De La Matyr,	Lapham,	Sherwin,
Bailey,	Deuster,	Le Fevre,	Singleton, J. W.
Baker,	Dick,	Lewis,	Smith, A. Herr
Ballou,	Dunn,	Loring,	Speer,
Barber,	Elam,	Lowe,	Springer,
Bayne,	Errett,	Manning,	Stevenson,
Beale,	Felton,	Marsh,	Stone,
Belford,	Ferdon,	Martin, Benj. F.	Talbott,
Beltzhoover,	Field,	Martin, Joseph J.	Taylor,
Berry,	Fisher,	McCoid,	Thomas,
Bicknell,	Ford,	McGowan,	Thompson, P. B.
Blake,	Forney,	McKinley,	Thompson, W. G.
Bland,	Fort,	McLane,	Tillman,
Bliss,	Geddes,	Mills,	Townsend, Amos
Bouck,	Gillette,	Mitchell,	Townshend, R. W.
Bowman,	Godshalk,	Money,	Tucker,
Boyd,	Goode,	Monroe,	Tyler,
Brewer,	Gunter,	Morton,	Updegraff, J. T.
Brigham,	Hammond, John	Muldrow,	Updegraff, Thomas
Browne,	Harmer,	Murch,	Upson,
Buckner,	Harris, Benj. W.	New,	Valentine,
Burrows,	Harris, John T.	Newberry,	Vance,
Butterworth,	Haskell,	Nicholls,	Voorhis,
Cabell,	Hatch,	Norcross,	Waddill,
Calkins,	Hawk,	O'Connor,	Wait,
Cannon,	Hawley,	Osmer,	Ward,
Carpenter,	Hayes,	Overton,	Warner,
Caswell,	Hazelton,	Pacheco,	Washburn,
Chittenden,	Henderson,	Page,	Weaver,
Claflin,	Henry,	Persons,	Wellborn,
Cobb,	Herbert,	Phister,	White,
Coffroth,	Herndon,	Pound,	Whiteaker,
Colerick,	Hooker,	Prescott,	Williams, C. G.
Conger,	Houk,	Price,	Williams, Thomas
Cook,	House,	Rice,	Willis,
Covert,	Hunton,	Richardson, D. P.	Willits,
Cowgill,	James,	Richardson, J. S.	Wood, Fernando
Cravens,	Jones,	Robinson,	Wood, Walter A.
Culberson,	Joyce,	Rothwell,	Wright,
Daggett,	Keifer,	Ryan, Thomas	Yocum.
Davidson,	Kelley,	Sapp,	

NAYS—29.

Aiken,	Clymer,	McMillin,	Turner, Oscar
Blackburn,	Davis, Loundes H.	Myers,	Turner, Thomas
Blount,	Dunnell,	Neal,	Whitthorne,
Bright,	Hostetler,	Reagan,	Wilson,
Caldwell,	Kenna,	Robertson,	Wise.
Chalmers,	Martin, Edward L.	Ross,	
Clark, Alvah A.	McKenzie,	Simonton,	
Clark, John B.	McMahon,	Sparks,	

NOT VOTING—83.

Aldrich, N. W.	Farr,	King,	Richmond,
Atkins,	Finley,	Kitchin,	Robeson,
Bachman,	Forsythe,	Knott,	Russell, Daniel L.
Barlow,	Frost,	Ladd,	Russell, W. A.
Bingham,	Frye,	Lindsey,	Ryon, John W.
Bragg,	Garfield,	Lounsbery,	Samford,
Briggs,	Gibson,	Mason,	Singleton, O. R.
Camp,	Hall,	McCook,	Slemons,
Carlisle,	Hammond, N. J.	Miles,	Smith, Hezekiah B.
Clardy,	Heilman,	Miller,	Smith, William E.
Converse,	Henkle,	Morrison,	Starin,
Cox,	Hill,	Morse,	Steele,
Crapo,	Hiscock,	Muller,	Stephens,
Crowley,	Horr,	O'Brien,	Urner,
Dibrell,	Hubbell,	O'Neill,	Van Aernam,
Dickey,	Hull,	O'Reilly,	Van Voorhis,
Dwight,	Humphrey,	Orth,	Wells,
Einstein,	Hurd,	Phelps,	Wilber,
Ellis,	Hutchins,	Pierce,	Young, Casey
Evins,	Johnston,	Poehler,	Young, Thomas L.
Ewing,	Jorgensen,	Reed,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

Mr. SAMFORD. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. ROBERTSON. My colleague, Mr. GIBSON, is paired with Mr. MILES, of Connecticut.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is detained at home by the death of his mother-in-law.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. HEILMAN, of Indiana.

Mr. BALLOU. My colleague, Mr. ALDRICH, is paired with Mr. SAMFORD, of Alabama.

Mr. MONROE. Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York. I do not know how either would vote.

Mr. BAILEY. My colleague, Mr. MILLER, is paired with Mr. ELLIS, of Louisiana.

Mr. OVERTON. Mr. DWIGHT, of New York, is paired with Mr. JOHNSTON, of Virginia.

On motion of Mr. SAPP, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. STEVENSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EIGHTH OF JANUARY.

Mr. WRIGHT. I rise, Mr. Speaker, to a privileged question, and move that when this House adjourns to-day it adjourn to meet Friday next. To-morrow is the 8th day of January, and we ought to pay some regard to the memory of one of the great men of this nation.

Mr. MARTIN, of Delaware. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 120, not voting 91; as follows:

YEAS—80.

Armfield,	Ford,	Lowe,	Singleton, J. W.
Barber,	Forney,	Manning,	Smith, A. Herr
Bicknell,	Geddes,	Martin, Joseph J.	Springer,
Blackburn,	Gillette,	McLane,	Talbott,
Bliss,	Goode,	McMillin,	Taylor,
Boyd,	Gunter,	Money,	Townshend, R. W.
Butterworth,	Harris, John T.	Monroe,	Turner, Thomas,
Cabell,	Hatch,	Morrison,	Upson,
Carlisle,	Hazelton,	Muldrow,	Vance,
Clark, John B.	Herbert,	Muller,	Waddill,
Coffroth,	Herndon,	Murch,	Weaver,
Cook,	Hill,	Myers,	Wellborn,
Covert,	Hooker,	Nicholls,	Whiteaker,
Cox,	House,	Persons,	Whitthorne,
Culberson,	Hurd,	Prescott,	Williams, Thomas
Davidson,	Jones,	Robertson,	Willis,
Davis, Joseph J.	Keifer,	Ross,	Wilson,
De La Matyr,	Kenna,	Rothwell,	Wise,
Elam,	Kimmel,	Shelley,	Wright,
Felton,	Le Fevre,	Simonton,	Yocum.

NAYS—120.

Acklen,	Conger,	Ketcham,	Richardson, J. S.
Aiken,	Cowgill,	Killinger,	Robinson,
Aldrich, William	Cravens,	Klotz,	Ryan, Thomas
Anderson,	Daggett,	Lapham,	Sawyer,
Bailey,	Davis, George R.	Lewis,	Scales,
Baker,	Davis, Horace,	Marsh,	Shallenberger,
Ballon,	Davis, Loundes H.	Martin, Benj. F.	Sherwin,
Bayne,	Deering,	Martin, Edward L.	Sparks,
Beale,	Deuster,	McCoid,	Speer,
Belford,	Dick,	McKenzie,	Stevenson,
Beltzhoover,	Dunn,	McKinley,	Stone,
Blake,	Dunnell,	McMahon,	Thomas,
Blount,	Ferdon,	Mills,	Thompson, P. B.
Bouck,	Field,	Mitchell,	Thompson, W. G.
Bowman,	Fisher,	Morton,	Tillman,
Bragg,	Godshalk,	Neal,	Townsend, Amos
Brigham,	Hammond, John	New,	Tucker,
Bright,	Harmer,	Newberry,	Turner, Oscar
Browne,	Harris, Benj. W.	Norcross,	Tyler,
Buckner,	Haskell,	O'Connor,	Updegraff, J. T.
Burrows,	Hawk,	Osmer,	Valentine,
Caldwell,	Hawley,	Overton,	Voorhis,
Calkins,	Hayes,	Pacheco,	Wait,
Cannon,	Henderson,	Page,	Ward,
Carpenter,	Henry,	Phister,	Warner,
Chalmers,	Hostetler,	Pound,	Washburn,
Chittenden,	Houk,	Price,	White,
Clark, Alvah A.	Hunton,	Reagan,	Williams, C. G.
Cobb,	James,	Rice,	Willits,
Colerick,	Kelley,	Richardson, D. P.	Wood, Fernando.

NOT VOTING—91.

Aldrich, N. W.	Errett,	Joyce,	Robeson,
Atherton,	Evins,	King,	Russell, Daniel L.
Atkins,	Ewing,	Kitchin,	Russell, W. A.
Bachman,	Farr,	Knott,	Ryon, John W.
Barlow,	Finley,	Ladd,	Samford,
Berry,	Forsythe,	Lindsey,	Sapp,
Bingham,	Fort,	Loring,	Singleton, O. R.
Bland,	Frost,	Lounsbery,	Slemons,
Brewer,	Frye,	Mason,	Smith, Hezekiah B.
Briggs,	Garfield,	McCook,	Smith, William E.
Camp,	Gibson,	McGowan,	Starin,
Caswell,	Hall,	Miles,	Steele,
Claflin,	Hammond, N. J.	Miller,	Stephens,
Clardy,	Heilman,	Morse,	Updegraff, Thomas
Clymer,	Henkle,	O'Brien,	Urner,
Converse,	Hiscock,	O'Neill,	Van Aernam,
Crapo,	Horr,	O'Reilly,	Van Voorhis,
Crowley,	Hubbell,	Orth,	Wells,
Dibrell,	Hull,	Phelps,	Wilber,
Dickey,	Humphrey,	Pierce,	Wood, Walter A.
Dwight,	Hutchins,	Poehler,	Young, Casey,
Einstein,	Johnston,	Reed,	Young, Thomas L.
Ellis,	Jorgensen,	Richmond,	

So the motion was disagreed to.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague, Mr. KITCHIN, who is detained at home by important business, is paired on all political questions with my other colleague, Mr. MARTIN.

Mr. HILL. My colleague, Mr. FINLEY, is paired with Mr. BRIGGS, of New Hampshire.

Mr. ROBERTSON. My colleague, Mr. GIBSON, is paired with Mr. MILES, of Connecticut.

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

Mr. SAMFORD. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. CLARK, of Missouri. My colleague, Mr. FROST, is detained at home by sickness.

Mr. ARMFIELD. My colleague, Mr. STEELE, is detained at home by necessary and important business.

Mr. TOWNSHEND, of Illinois. Mr. FINLEY, of Ohio, is paired with Mr. BRIGGS, of New Hampshire.

Mr. HUNTON. My colleague, Mr. JOHNSTON, who is detained from the House by sickness, is paired with Mr. DWIGHT, of New York.

Mr. CLYMER. On this question I am paired with Mr. CLAFLIN. If he were here, I should vote "ay."

Mr. MONROE. Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York.

On motion of Mr. HOUSE, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

REVISION OF THE RULES.

Mr. BLACKBURN. I move to go into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of the special order.

Mr. KEIFER. I hope the gentleman will not press it at this time, as the two gentlemen representing the minority of the Committee on Rules are absent, and both may be present to-morrow.

Mr. BLACKBURN. I am simply acting in obedience to the order of the Committee on Rules to indicate to the House it is ready to proceed to the consideration of its report. As the gentleman notes the absence of both the republican members of that committee, and as it is now past four o'clock, it is not my pleasure to press this matter on the attention of the House; and I am perfectly willing to test the sense of the House on a motion to adjourn.

Mr. COFFROTH. I move the House adjourn.

The SPEAKER. The Chair suggests to the gentleman from Kentucky to withdraw his motion.

Mr. BLACKBURN. I withdraw my motion, then.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BACHMAN until Tuesday next, on account of the death of his mother-in-law; and to Mr. KING until the 12th instant.

HENRY HEAD.

On motion of Mr. SINGLETON, of Illinois, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Henry Head, no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. No. 2803) for the relief of Doddridge & Davis.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry.

And then, on motion of Mr. COFFROTH, (at four o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of James Kane, late first lieutenant Company E, Thirteenth Pennsylvania Cavalry, for an honorable discharge—to the Committee on Military Affairs.

By Mr. ATHERTON: The petition of members of the bar of the supreme court of the District of Columbia, that the office of stenographer for said court be created—to the Committee for the District of Columbia.

By Mr. BAYNE: A communication from Lieutenant F. A. Mahan, relating to appropriations for the improvement of Davis Island Dam at Pittsburgh, Pennsylvania—to the Committee on Commerce.

By Mr. BELTZHOOVER: The petition of soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. BENNETT: The petition of citizens of Dakota Territory, for an increase of the salary of the judge of the first judicial district of said Territory—to the Committee on the Territories.

By Mr. BRAGG: The petition of Henry B. Eastman, for compensation as an officer in the United States Army, and for extra services—to the Committee on Military Affairs.

By Mr. BRENTS: Resolutions of the Board of Trade of Portland, Oregon, favoring the improvement of the Lower Columbia River—to the Committee on Commerce.

Also, the petition of citizens of Washington Territory, for the payment of the claim of Dennis Storrs and others, for pay for work done in improving the navigation of certain streams in said Territory—to the same committee.

Also, the petition of settlers of Washington Territory within the

Northern Pacific Railroad limits, for relief—to the Committee on the Pacific Railroad.

Also, the petition of citizens of Washington Territory, for the establishment of a military post in Yakima Valley, in said Territory—to the Committee on Military Affairs.

Also, the petition of citizens of Washington Territory, for the creation of a new land district in said Territory—to the Committee on Public Lands.

By Mr. CARLISLE: The petition of Jacob Stephens, for compensation for injuries received while engaged as a laborer in the post-office and court-house at Covington, Kentucky—to the Committee of Claims.

By Mr. CHITTENDEN: The petition of W. H. Schiefflin & Co., for the return of moneys illegally collected as customs duties—to the Committee of Ways and Means.

By Mr. ALVAH A. CLARK: Two petitions of citizens of New Jersey, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. JOHN B. CLARK, JR.: A bill to improve the Missouri River, opposite Booneville, Missouri, and appropriating $20,000 for the purpose—to the Committee on Commerce.

By Mr. COWGILL: The petition of 700 citizens of Cass County, Indiana, for the construction and maintenance of a ship-canal connecting the waters of Lake Erie and the Wabash River—to the Committee on Railways and Canals.

By Mr. HORACE DAVIS: Papers relating to the claim of J. H. W. Riley for compensation for work done on the dry-dock at Mare Island—to the Committee on Naval Affairs.

By Mr. DE LA MATYR: The petitions of Benjamin F. Hoefgers and 198 others; of Thomas D. Childers and 108 others; of W. H. St. John and 38 others; of J. A. McCorkle and 18 others, and of F. M. Huff and 40 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

By Mr. FERDON: Papers relating to the claim of Thomas Crary, postmaster at Parksville, New York, to be reimbursed the amount of postage-stamps stolen from the post-office at said place—to the Committee of Claims.

By Mr. FISHER: The petition of citizens of Pennsylvania, against the passage of Senate bill 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. FORT: The petition of Joseph Hunter and others, for additional compensation as soldiers, making their pay received equal to gold—to the Committee on Military Affairs.

By Mr. JOHN HAMMOND: The petition of citizens of Essex and Clinton Counties, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. HASKELL: Papers relating to the claim of C. H. Howard, postmaster at Osage Mission, Kansas, to be reimbursed the amount of Government funds robbed from said office—to the Committee of Claims.

Also, a paper relating to the Kansas military claims—to the Committee on Military Affairs.

By Mr. HAWK: Papers relating to the pension claim of William W. Church—to the Committee on Invalid Pensions.

By Mr. HENKLE: The petition of John H. and Charles Rowland, for pay of rent for buildings used by the Quartermaster's Department United States Army at Norfolk, Virginia—to the Committee on War Claims.

By Mr. HILL: The petition of Amos Stukey and others, of Paulding County, Ohio, for a post-route from Gilbert's Mills to Pleasant Point, Ohio—to the Committee on the Post-Office and Post-Roads.

Also, the petition of Harvey Wheeler, W. T. Exline, and 100 other citizens and soldiers of Van Wert, Ohio, for the equalization of bounties of soldiers of the late war—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Mrs. Mary Chanaberry, for the removal of the suspension of her pension—to the Committee on Invalid Pensions.

Also, the petition of Mrs. Mary Gossett, that her pension claim be settled upon the same proof that two bounty payments were based upon in the office of the Second Auditor—to the same committee.

By Mr. JONES: A bill making appropriation of $200,000 for improvement of the Gulf Bar at the mouth of Brazos River, State of Texas—to the Committee on Commerce.

Also, the petition of citizens of Galveston, Texas, for an appropriation to build a custom-house in said city—to the Committee on Public Buildings and Grounds.

Also, the petition of citizens of Galveston, Texas, for additional appropriations for the improvement of Galveston Bar and Harbor—to the Committee on Commerce.

By Mr. JOYCE: The petitions of Ex-Governor Paul Dillingham and others and of Hon. E. P. Watson and others, citizens of Vermont, for an appropriation to build a monument at Yorktown, Virginia—to the Committee on the Yorktown Monument.

Also, the petition of J. H. Dyer, Peter Teague, and 54 others, soldiers of the late war, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Hon. George Nichols, secretary of state of Vermont, that a pension be granted to Mrs. Rhoda Locke—to the Committee on Invalid Pensions.

Also, the petition of E. H. Vincent and others, that a pension be granted to Marcus F. Tucker—to the same committee.

By Mr. KELLEY: Papers relating to the pension claim of William H. Richardson—to the Committee on Invalid Pensions.

By Mr. KNOTT: The petition of M. Embrey and others, that soldiers of the late war receive additional pay—to the Committee on Banking and Currency.

Also, the petition of William L. Smith and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of Thomas M. Bybee, for the correction of his military record—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of Andrew Burgess, William Roundtree, and John T. Hall, for compensation for services rendered as firemen in the new United States jail in the District of Columbia—to the Committee of Claims.

By Mr. EDWARD L. MARTIN: A bill to improve the navigation of the Mispillion River, in Delaware—to the Committee on Commerce.

Also, the petition of William A. Scribner and 150 others, citizens of Milford, Delaware, for the improvement of the Mispillion River—to the same committee.

Also, a bill to improve the navigation of Broadkill River, in Delaware—to the same committee.

Also, the petition of Hon. James Ponder and 50 others, citizens of Milton, Delaware, for the improvement of the navigation of Broadkill River, Delaware—to the same committee.

By Mr. McCOID: Papers relating to the claim of Mrs. M. H. Purinton for compensation for services rendered as a nurse during the late war—to the Committee on War Claims.

By Mr. McCOOK: The petition of E. Dedrick and other discharged soldiers, for additional pay—to the Committee on Military Affairs.

By Mr. NICHOLLS: The petition of L. J. Guilmartin & Co. and other merchants of Savannah, Milledgeville, and Eatonton, Georgia, against the extension of the iron cotton-tie buckle patent—to the Committee on Patents.

By Mr. O'CONNOR: The petition of W. B. Homer, second lieutenant Fifth Artillery, United States Army, for relief for losses sustained by fire which destroyed the Government quarters on the night of November 30, 1879, at Fort Barrancas, Florida—to the Committee of Claims.

By Mr. OSMER: The petition of 84 citizens of Pennsylvania, for the payment to soldiers of the late war of the difference between the value of greenbacks and gold at the time of payment—to the Committee on Military Affairs.

By Mr. PHISTER: The petition of Captain Alex. Bruce, and 120 other Union soldiers, of Lewis County, Kentucky, for the passage of the equalization bounty bill, for the amendment of the land bounty grant bill, and against the "sixty courts pension bill"—to the Committee on Invalid Pensions.

Also, the petition of N. S. Dudley and 68 other Union soldiers, of Fleming County, Kentucky, for the passage of the equalization bounty bill—to the same committee.

By Mr. SAWYER: Petition of the Board of Trade of Kansas City, Missouri, in relation to the improvement of the Missouri River at and near Kansas City, Missouri—to the Committee on Commerce.

By Mr. SHELLEY: The petition of Francis M. Bilhartz, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John Hamilton, for compensation for materials used by United States forces during the late war—to the Committee on War Claims.

By Mr. SPARKS: The petition of soldiers and sailors of Ramsey, Fayette County, Illinois, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. SPRINGER: The petition of soldiers of the late war, for additional pay—to the same committee.

By Mr. TAYLOR: The petition of Mrs. Ann Lyons, for a pension—to the Committee on Revolutionary Pensions.

By Mr. TYLER: The petition of Ex-Governor Frederick Holbrook and other citizens of Vermont, for an appropriation to build a monument at Yorktown, Virginia—to the Committee on the Yorktown Monument.

By Mr. UPSON: A bill to provide for the improvement of Pass Cavallo, Texas—to the Committee on Commerce.

Also, a bill to provide for the improvement of Aransas Pass, Texas—to the same committee.

Also, a bill to provide for the improvement of Pass Brazos Santiago, Texas—to the same committee.

By Mr. VANCE: The petition of citizens of North Carolina, for a post-route from Patterson, via Mulberry, to Globe, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. VOORHIS: The petition of Ezra Miller, for the extension of a patent for an improvement in car-couplings—to the Committee on Patents.

By Mr. WHITEAKER: A bill making an appropriation for the improvement of Coquille River—to the Committee on Commerce.

Also, a bill making an appropriation for the improvement of the bar and entrance to Yaquinna Bay, Oregon—to the same committee.

Also, a bill making an appropriation for continuing the improvement at Coos Bay, Oregon—to the same committee.

By Mr. WHITTHORNE: The petition of William Turman, guardian

of William W. Brewer, to authorize a duplicate of a lost draft, which was issued for arrears of pension due said minor—to the Committee of Ways and Means.

Also, a bill to establish a post-route from Brick Church to Triggs, in Giles County, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLITS: The petition of Sidney Francisco and 22 others, veterans of the late war, of Deerfield and Petersburgh, Michigan, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of Amanda J. Everhart, for a pension—to the same committee.

Also, the petition of Mrs. Hannah Myer, for a pension—to the same committee.

Also, papers relating to the claim of the German National Bank, to be reimbursed amount of contents of a registered letter destroyed by fire—to the Committee of Claims.

Also, a bill for continuing the improvements at the falls of the Ohio and Louisville and Portland Canal—to the Committee on Commerce.

IN SENATE.

THURSDAY, *January* 8, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. No. 673) to regulate applications for restoration to the active list of the Navy; and

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston.

The bill (H. R. No. 1076) for the relief of Amanda M. Cook was read twice by its title, and referred to the Committee on Indian Affairs.

MILITARY RESERVATIONS IN DAKOTA.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives for the return of the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands; and by unanimous consent the request was ordered to be complied with, and the bill returned to the House of Representatives.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th of December, 1879, approved and signed the following joint resolutions:

A joint resolution (S. R. No. 26) to transfer the arsenal property in the city of Charleston, South Carolina, to the trustees of the Holy Communion Church Institute for the use and accommodation of said school;

A joint resolution (S. R. No. 50) filling existing vacancies in the Board of Regents of the Smithsonian Institution; and

A joint resolution (S. R. No. 52) authorizing payment of the salaries of the employés of Congress on the 19th of December, 1879.

The message also announced that the President had, on the 24th of December, 1879, approved and signed the act (S. No. 618) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, requesting that appropriate legislation may be had to enable his Department to appropriate the proceeds of the labor of prisoners confined in the Leavenworth military prison toward the support of the prison; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BECK presented the petition of William Cassius Goodloe, William C. P. Breckenridge, John A. Prall, M. C. Johnson, and others, citizens of Lexington, Kentucky, praying for the passage of a bill appropriating the income arising from certain bounties and pensions to colored soldiers for the education of the colored race, and for aid therefrom to establish a normal colored school in that city; which was referred to the Committee on Education and Labor.

Mr. FERRY presented the memorial of John D. Graham and 8 others, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of H. Koning and others, citizens of Grainfield, Kansas, praying for an amendment of the homestead act of March 3, 1879, so as to entitle those settlers who have taken eighty acres after the passage of that law to eighty additional acres; which was referred to the Committee on Public Lands.

Mr. FERRY. I present the petition of Ira Reynolds and 578 others, citizens of Dayton, Ohio, praying for the issue of $346,000,000 of legal-tender notes, when their constitutionality shall have been decided, to be made redeemable in coin and to be taken for all custom duties and other dues. I move the reference of this petition to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of S. B. Hotchkiss and 63 others, citizens of Edinborough, Pennsylvania, praying for the passage of what is known as the "equalization bounty bill;" which was referred to the Committee on Military Affairs.

Mr. HEREFORD presented the petition of Jesse F. Phares, of Randolph County, West Virginia, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of John Snider, of Randolph County, West Virginia, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SLATER presented the petition of General Joseph Lane and 101 others, veterans of the Mexican war, praying Congress to grant pensions to the soldiers of that war; which was referred to the Committee on Pensions.

Mr. KERNAN presented the petition of John H. Fralich, of Brooklyn, New York, praying for the passage of a law granting him relief on account of a forged signature on a draft to his order upon which money was drawn by another; which was referred to the Committee on Finance.

Mr. BUTLER presented the petition of J. J. Woodman, of Michigan, and other officers of the National Grange of the Patrons of Husbandry, assembled in annual session at Canandaigua, New York, praying the enactment of such laws as will relieve a burdened and oppressed people from the unlawful exactions of railroad companies; which was referred to the Committee on Commerce.

Mr. WALLACE. I present the petition of Drexel & Co. and other leading business men of Philadelphia, praying for the passage of the joint resolution abolishing the legal-tender quality of United States notes. In presenting this petition, Mr. President, I desire to say that the gentlemen who sign it represent the leading commercial, banking, and shipping interests of the State of Pennsylvania, and that their opinion on this subject is entitled to great weight on the part of the Senate. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. JONAS presented the petition of Lucas E. Moore & Co. and others, ship-owners and agents of New Orleans, and the petition of E. F. Lockmeyer & Co., agents of the North German Lloyd's, and others, of New Orleans, praying for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue law; which were referred to the Committee on Finance.

Mr. BAYARD presented the petition of Andrew C. Gray and 70 others, citizens of New Castle, Delaware, praying for the withdrawal of the compulsory legal-tender power of the United States Treasury notes; which was referred to the Committee on Finance.

Mr. WINDOM presented a resolution of the Chamber of Commerce of Fargo, Dakota Territory, in favor of an appropriation by Congress for the construction of a lock and dam over the Red River of the North at Goose Rapids; which was referred to the Committee on Commerce.

Mr. INGALLS. I present the petition of Commodore William B. Whiting, praying for the passage of the bill (S. No. 751) granting a pension to William B. Whiting. As that bill has been reported from the Committee on Pensions, and is upon the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. INGALLS. I also present the petition of Charles D. Potter and many other Union veterans who served in the war, from Ohio, Illinois, New York, and elsewhere, praying for the equalization of bounties; and I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS presented the petition of John Wandley and others, citizens of Elk County, Kansas, and the petition of L. A. Carnes and others, soldiers of the late war, from the States of Illinois, Indiana, and Kansas, praying for the passage of a law for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the petition of Patrick Murphy and others, disabled soldiers of the late war, praying for the passage of a law increasing from $24 to $30 per month the pension allowed to those soldiers who lost a leg above the knee or an arm above or below the elbow; which was referred to the Committee on Pensions.

He also presented the petition of A. Franklyn Howland and others, soldiers of the late war, praying for the passage of a law increasing the pensions to those pensioners who are totally helpless; which was referred to the Committee on Pensions.

He also presented the petition of Charles F. Walthers and others, citizens of Arago, Nebraska; the petition of F. W. Samuelson and others, citizens of Humboldt, Nebraska; the petition of George M. Squiers and others, citizens of Richardson County, Nebraska; the

petition of W. J. Richardson and others, citizens of Hiawatha, Brown County, Kansas; the petition of John W. Holt and others, citizens of Falls City, Richardson County, Nebraska; the petition of M. S. Moore and others, citizens of Kansas and Nebraska; the petition of J. D. Hunter and others, citizens of Falls City, Richardson County, Nebraska; and the petition of William McWain and others, citizens of Rulo, Richardson County, Nebraska, praying for the passage of a law authorizing the sale of the lands of the Iowas, Sacs, and Fox Indians in Kansas and Nebraska, and for the removal of the tribes now occupying them to the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. VEST presented the memorial of S. B. Sturtevant and others, farmers and merchants of Missouri and Illinois, remonstrating against the extension of the patent known as the Hedges patent and the Cook patent on evaporators; which was referred to the Committee on Patents.

Mr. LOGAN presented the petition of Maria C. Fitzhugh and Anna C. Carroll, legal representatives of Daniel Carroll, deceased, and owners of Duddington Place, destroyed by the board of public works, praying to be indemnified therefor; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. KIRKWOOD, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 762) for the relief of Josiah H. Pillsbury, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, reported it with amendments.

HOT SPRINGS COMMISSION.

Mr. PLUMB. I am instructed by the Committee on Public Lands to report for the consideration of the Senate a joint resolution touching the Hot Springs reservation in the State of Arkansas.

The joint resolution (S. R. No. 58) touching the Hot Springs reservation, in the State of Arkansas, was read the first time by its title.

Mr. PLUMB. I am instructed by the committee to ask of the Senate the present consideration of the joint resolution. I desire, therefore, that it be read for information.

The joint resolution was read the second time at length, as follows:

Be it resolved by the Senate and House of Representatives, &c., That the time allowed the Secretary of the Interior to instruct the United States land officers at Little Rock, Arkansas under section 10 of the act of March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," be extended for the period of sixty days from the passage of this resolution, and all further proceedings under said act be suspended until that time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. EDMUNDS. I should like to have the joint resolution explained by somebody.

Mr. PLUMB. On the 6th day of this month there was referred to the Committee on Public Lands a letter from the Secretary of the Interior embracing the report of what is known as the Hot Springs commission. By the law under which this commission was proceeding the 14th day of the present month is the last day on which the Secretary is authorized to proceed to give the necessary instructions to the land officers at Little Rock to make the entry of the lands according to the report of the commission. In the same report are embodied very serious charges against the clerk of the commission, affecting, in fact, a very considerable portion of the work of the commission. This matter having been referred to the Committee on Public Lands, the committee thought that while it was not informed at the present time sufficiently to be able to say what legislation may be necessary to meet the charges thus made, it would be eminently proper that time should be given in order that the subject thus presented to Congress in the letter of the Secretary may be investigated. They therefore ask that the time within which these instructions shall be issued by the Secretary of the Interior be extended sixty days, which would give just that time from the 14th of January for Congress to take such action as may be necessary for investigating the report of the commission.

Mr. EDMUNDS. And in the mean time to suspend proceedings?

Mr. PLUMB. In the mean time to suspend proceedings.

Mr. EDMUNDS. That is all right; go ahead.

Mr. PLUMB. That is the effect of the joint resolution, and all of it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 969) to amend section 13 of the act of Congress approved July 12, 1876; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 970) for the relief of Thomas U. Rothrock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 971) relative to claims of certain northern creditors; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 972) granting a pension to Mrs. Anna I. Guest; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 973) to establish the judicial district of Oklahoma; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 974) to repeal the twenty-second section of the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," and to declare the rights and privileges and lands granted in said twenty-second section to the New Orleans, Baton Rouge and Vicksburgh Railroad Company forfeited, and that the said twenty-second section be re-enacted in favor of the New Orleans Pacific Railway Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 975) granting a pension to James O. McKenna; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 976) for the relief of Ezra Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 977) for the relief of Benjamin F. Worrell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 978) to create an additional land district in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 979) for the relief of Captain Elias R. Ottinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 980) for the relief of Dr. George F. Heideman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 981) to authorize the Commissioner of Patents to hear and determine the application of Herman Miller for the extension of his patents; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 982) granting a pension to Spencer W. Tryon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 983) for the relief of Horace A. W. Tabor; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 984) to regulate the fees of the clerks of the circuit and district courts of the United States in Colorado; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 985) granting a pension to Mrs. Mary Leggett; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 3035) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1881, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the petition and accompanying papers of E. Conrey and certain other northern creditors be withdrawn from the files of the Senate and referred to the Committee on Claims.

Mr. LOGAN. I ask for the following order at the request of a gentleman here in the city, one of my constituents, not knowing whether there have been reports in the cases or not:

Ordered, That the papers in the case of Joseph N. Lewis be taken from the files of the Senate and referred to the Committee on Claims.

Also, the papers in the case of Arent B. Sorenson, for like reference.

Also, the papers in the case of Arthur Connell, for like reference.

RECUSANT WITNESSES.

The Sergeant-at-Arms of the Senate, RICHARD J. BRIGHT, esq., appeared at the bar of the Senate, having in his custody Len. T. Smith,

Levi Wilson, and E. B. Purcell, arrested by order of the Senate for contempt of a process of the body.

The VICE-PRESIDENT. On the 18th day of December last the Senate, at the instance of the Committee on Privileges and Elections, issued a writ of attachment against certain persons summoned as witnesses, residing in the State of Kansas, which was made returnable to-day. If it be the pleasure of the Senate, the return of the Sergeant-at-Arms of his action in the premises will now be read.

The Sergeant-at-Arms advanced to the Vice-President's desk and handed his return to the Vice-President.

The VICE-PRESIDENT. The Secretary will read the return of the Sergeant-at-Arms.

The Chief Clerk read as follows:

WASHINGTON, D. C., *January* 8, 1880.

In obedience to the within warrant I have arrested and taken into custody Leonard T. Smith, Levi Wilson, and E. B. Purcell, and now produce them at the bar of the Senate.

Respectfully,

R. J. BRIGHT,
Sergeant-at-Arms, United States Senate.

Hon. WILLIAM A. WHEELER,
President of the Senate.

The VICE-PRESIDENT. The Secretary will report the action of the Senate upon which the attachment was issued.

The Chief Clerk read as follows:

UNITED STATES OF AMERICA, *ss:*

The Senate of the United States of America to Richard J. Bright, esq., Sergeant-at-Arms of the Senate of the United States, greeting:

By virtue of a resolution of the Senate of the United States, passed on the 18th day of December, 1879, in the following words, to wit:

"Whereas J. V. Admire, E. B. Purcell, George T. Anthony, Len. T. Smith, and Levi Wilson, citizens and residents of the State of Kansas, were duly served with subpœnas in the months of September and October, 1879, issued by the sub-committee of the Senate Committee on Privileges and Elections, then sitting in Topeka, in said State of Kansas, commanding each of them to appear before said sub-committee and then and there testify in reference to the subject-matters then under consideration by said sub-committee, to wit, charges relating to the election of JOHN J. INGALLS, a Senator from said State of Kansas; and

"Whereas said Admire, Purcell, Anthony, Smith, and Wilson refused to appear and testify before said sub-committee as required by said subpœnas: Therefore,

"*Resolved*, That an attachment issue forthwith directed to the Sergeant-at-Arms of the Senate, commanding him to bring said J. V. Admire, E. B. Purcell, George T. Anthony, Len. T. Smith, and Levi Wilson forthwith to the bar of the Senate to answer for contempt of a process of this body:"

You are hereby commanded to arrest forthwith J. V. Admire, E. B. Purcell, George T. Anthony, Len. T. Smith, and Levi Wilson, wheresoever they may be found, and have their bodies at the bar of the Senate to answer for a contempt of the authority of the sub-committee of the Committee on Privileges and Elections, one of the standing committees of the Senate, and also for a contempt of the authority of the Senate of the United States in refusing to obey an order of the sub-committee of the Committee on Privileges and Elections to appear before the said sub-committee after being duly summoned thereto; and this shall be your warrant for so doing.

Hereof fail not, and make return of this warrant, with your proceedings thereon indorsed, on or before the 8th day of January, A. D. 1880.

In witness whereof I have hereunto set my hand and affixed the seal of the Senate of the United States the 19th day of December, in the year of our Lord 1879, and of the Independence of the United States of America the one hundred and fourth.

[SEAL.]

W. A. WHEELER,
Vice-President of the United States and President of the Senate.

The VICE-PRESIDENT. The witnesses may be seated.

The Sergeant-at-Arms conducted the witnesses to seats in the area on the right of the Vice-President's desk.

The VICE-PRESIDENT. Mr. Leonard T. Smith will please present himself.

Mr. Leonard T. Smith advanced to the area in front of the Vice-President.

The VICE-PRESIDENT. What reason have you to allege why you should not be adjudged in contempt of the authority of the Senate of the United States for not obeying its process?

The WITNESS, (L. T. Smith.) When I received the telegram from Topeka I was out on the line of the road. I am building forty miles of road where there is no telegraph line. I got home on Sunday morning and received the telegram asking me to appear before the committee. On Monday morning I answered the telegram by saying that I had important business in Saint Louis on Tuesday and would have to leave Monday to get there to attend a meeting of some parties from New York; and I stated that I would report on Wednesday or Thursday; that I knew nothing about the election whatever. I was in New York at the time Senator INGALLS was elected.

The VICE-PRESIDENT. Is that all?

The WITNESS. That is all.

The VICE-PRESIDENT. Is the reason alleged by the witness sufficient for his non-attendance as a witness before the Committee on Privileges and Elections?

Mr. SAULSBURY. Mr. President, I desire to say that I hold in my hand the return upon the subpœna which was served upon the witness, in the following words:

I made service of the within subpœna through my deputy, J. S. Collins, selected by James I. Christie, by reading same to the within named Len. T. Smith at his residence in Leavenworth, Kansas, at 6.05 o'c. a. m., and on Chas. H. Miller * * * on this sixth day of October, 1879.

R. J. BRIGHT,
Sergeant-at-Arms, Senate of the U. S.

The WITNESS. I wish to explain that. I got home on Sunday morning, and received a telegram. Monday morning I also had a subpœna. That is correct, and that is the explanation of it.

The VICE-PRESIDENT. What is the further pleasure of the Senate in relation to this witness?

Mr. SAULSBURY. I desire to ask if the witness is willing now to appear before the committee to testify in the case in which he is summoned.

The WITNESS. Certainly.

The VICE-PRESIDENT. The witness has said so.

Mr. HOAR. I suggest that there is no sufficient return of a service of the subpœna made known to the Senate. An officer cannot return that he made service by his deputy. The personal knowledge of the officer making the service is necessary to hold the person subpœnaed.

Mr. HILL, of Georgia. I will say that all that is necessary now is for the Senate to know whether the witness is willing to go before the committee and answer the questions which may be propounded.

The VICE-PRESIDENT. The witness says he is willing to do so.

Mr. HILL, of Georgia. Then I take it that ought to be satisfactory to the Senate.

The WITNESS. I should like to have my telegram read, if the Senator has it.

Mr. SAULSBURY. I have the telegram to which the witness refers, and his statement, I think, is correct in reference to the telegram.

The VICE-PRESIDENT. It will be read.

The Chief Clerk read as follows:

LEAVENWORTH, *October* 6, 1879.

To Senator SAULSBURY, *Chairman:*

Know nothing whatever about the election of Senator INGALLS. Was in New York at time election. Have important business in Saint Louis Wednesday morning. If you still want me, I can get there Thursday.

L. T. SMITH.

The VICE-PRESIDENT. Are there any further proceedings against Mr. Smith?

Mr. SAULSBURY. I intend to offer a resolution to discharge the witness from the rule of attachment upon his appearing before the committee and testifying. I have a resolution of that kind which includes all the witnesses, which I thought I would offer, and I therefore defer the presentation of it for the present.

Mr. TELLER. It seems to me the witness ought to be discharged. He certainly has not been properly summoned. We have nothing to do with the question whether he will appear or not. If the committee want him let them summon him. He should be discharged without any condition.

Mr. MCMILLAN. I understand the witness to be before the Senate now upon an attachment. That implies contempt, upon the part of the witness, of the Senate of the United States. It appears here, upon revelations from the Committee on Privileges and Elections, that the witness never was summoned and that the action of the Senate was ill-advised. The Senate has no right to bring a citizen of the United States before its presence for contempt, and then send him away upon any condition or without acknowledging the error.

I move that the witness be discharged on the ground that the service was not sufficient.

Mr. DAVIS, of Illinois. The witness said he was summoned. He said he was summoned Monday morning.

The WITNESS. Oh, yes; I was summoned.

Mr. HOAR. I submit respectfully to the very learned and distinguished Senator from Illinois that no court can take the confession of a witness that he was summoned as a substitute for a lawful return. There is no return before the Senate of the proper service of this subpœna. The Sergeant-at-Arms says that somebody else served it.

Mr. HILL, of Georgia. I have but one word to say upon this subject. It is a little strange to me, as the witness is here and professes a willingness to answer, that anybody should want to discharge him without condition. If the witness is absolutely discharged, he will be under no obligation to appear before the committee further.

Mr. TELLER. The committee can summon him.

Mr. HILL, of Georgia. Must the committee summon him again? Is that necessary? Is not the rule plain and explicit that he should be turned over to the committee, and discharged when he appears before the committee and answers? He is discharged by the Senate when he appears and answers. He is not discharged until he does appear and answer. Is it not a little singular that a question should be made as to whether the witness has been summoned, when the witness appears before the Senate and admits that he received the subpœna, and says he makes no point on it? The witness seems to be a very honorable man. He says he makes no point on that. He admits that he was subpœnaed; he admits that he was summoned. I cannot understand why there should be any hesitation in following the rule. It is not derogatory to the witness now; it is not to his detriment at all. The Senate will observe its own dignity and propriety, and simply discharge the witness upon his appearing before the committee and making answer as required; which I have no doubt the witness will do with pleasure, as he has said he is willing to do it; and if the witness is willing to do it why should the Senate hesitate?

Mr. MCMILLAN. I think there is something more here than a mere matter of form. This gentleman before the Senate is an American citizen. The Senate of the United States has sent an officer to arrest him and bring him in the custody of the officer before the Senate of the United States. He appears here without counsel. He is a gentleman I have never met before, but, so far as I know anything of him, he is entitled to the rights of an American citizen. The return of the

officer here does not show that there was any service of a summons upon this witness, and therefore the Senate had no right to issue an attachment. The Committee on Privileges and Elections had these facts before them when they reported to the Senate that the witness was in contempt. The error is on the part of the Committee on Privileges and Elections in leading the Senate into the mistake of issuing an attachment when there appeared to have been no service, so far as that fact is concerned, upon which an attachment could issue. For that reason I care not whether the witness says he was served or not; he is here without counsel, and it is the duty of the Senate to protect him. For an American citizen to be brought before this body under these circumstances is a matter of such importance that the Senate should correct its error and say to this gentleman that he is discharged; and if the committee wish to summon him again let them do it regularly, or, if the witness sees proper to appear voluntarily, let him do so.

Mr. DAVIS, of Illinois. I certainly have no feeling about this matter. The Senator from Massachusetts [Mr. HOAR] wishes the strict rules of law enforced here, before you can take any action, in relation to the service of the summons. It may be that this subpœna was not in due form of law; that Mr. Christie ought to have served it; that his deputy ought to have returned that he served it; and that Christie had no authority to return what was done by his deputy; but, in point of fact, the witness got notice and he acknowledges that he got notice by sending the telegram which he did to the committee. The simple fact for the Senate to inquire into, as I understand, is whether the witness really had notice to appear. If he had not answered in any way at all, and only the return read had been made to the committee, there might be a different state of the case; but he does, by his telegram, acknowledge that he was served; and he says here to-day that he was served on Monday morning. I do not say that this service was in due form of law; it is not required that it should be. Anybody can serve a subpœna for a witness to appear before a committee, it seems to me. If in a court of justice it really appears that a man was subpœnaed by any officer, although the return may be improperly made, the court, if the man does not appear, will see that some action is taken in reference to it. I think that this is purely a technical matter. Whether the man should be discharged or not is another question. That he was really notified that he should appear before the committee is not only evident by the telegram which he sent, but by his admission to-day.

Mr. HOAR. Mr. President, the honorable Senator from Illinois seems to me not to address himself to the question which is now before the Senate. The proposition of the honorable chairman of the Committee on Privileges and Elections is that the witness shall be discharged when he has testified in a pending cause before that committee. That is a clear implication of an order to continue his present custody until that testimony is completed. The Senate, therefore, is asked to make an order, in substance, that this man shall remain in custody until he has testified. That testimony may last a week, it may last a month, it may last the entire session; it depends solely upon the discretion of the Committee on Privileges and Elections, upon the condition of their business, and upon the length of their inquiry. Now that is a pretty serious question. What is the foundation upon which the validity of this order to keep this gentleman in custody for an indefinite period depends? It is that he has disobeyed a lawful summons of the Senate. In order that a summons should be lawful it must first have issued from lawful authority, and next have been communicated to the citizen by lawful authority; and there is but one proper evidence of that communication to the citizen by lawful authority, and that is the official return of the officer who did the act. You cannot prove the service of a subpœna from any court by the admission of the man that he has been served with a subpœna. The learned Senator says that the court will do what is proper if they learn in any way that a subpœna has been served; and undoubtedly they will; but I do not believe that that learned Senator ever in his life imprisoned a man or ordered him into custody without a proper return of the service of a subpœna.

Mr. DAVIS, of Illinois. I have myself fined witnesses who acknowledged that a subpœna had been served upon them when the subpœna was lost.

Mr. HOAR. That is a very different thing. Proof of the contents of a lost return or a lost instrument is allowed; there must have been one.

Mr. DAVIS, of Illinois. When a man acknowledges that he was served with a subpœna as a witness, I do not believe any court in Christendom would refuse to punish him for willful disobedience.

Mr. HOAR. Would it punish him without a proper return? I take issue with the learned Senator on that proposition.

Mr. THURMAN. Will my friend allow me to interrupt him?

Mr. HOAR. Certainly.

Mr. THURMAN. He seems to know a great deal more about this case than I do. I have heard no statement yet as to whether there was a subpœna served or not. The resolution of the Senate ordering an attachment recites that the witness was duly served, and the Senate seems to have acted upon it, and declared that there was a service.

Mr. HOAR. That was merely with reference to putting the man upon his defense.

Mr. THURMAN. He ought not to have been arrested if there had been no service of the subpœna.

Mr. HOAR. Undoubtedly he ought never to have been arrested.

Mr. THURMAN. This reads this way——

Mr. HOAR. The Senator will permit me to conclude the statement before he proceeds.

Mr. THURMAN. Certainly.

Mr. HOAR. What I was about saying, Mr. President, is this: we have the return of the Sergeant-at-Arms, not that he summoned this man, but that somebody else did. We have therefore no return by the officer who actually had the legal authority to communicate the order of the Senate to this witness, and who undertook to exercise that legal authority. Now I submit that although that might be a sufficient ground in the discretion of a court for a postponement because the party was not in default, yet when you come as we now come to the question of authorizing a future and indefinite imprisonment or custody, the essential fact is wanting of a due return of an official act by the officer who is said to have summoned this witness.

Mr. GARLAND. Mr. President——

Mr. SAULSBURY. In order that the facts of this case may be understood correctly, I desire, if the Senator from Arkansas will allow me, to read the subpœna and the deposition of Mr. Collins who served it, and then the return of the Sergeant-at-Arms, because the party who made the service was regularly appointed by the Sergeant-at-Arms.

Mr. GARLAND. Certainly I give way for that purpose.

Mr. THURMAN. Let us have that read.

Mr. EDMUNDS. Let the Secretary read it.

Mr. SAULSBURY. Let the Secretary read the subpœna, the appointment of Mr. Collins to serve that subpœna, and then the return of the Sergeant-at-Arms upon it, which will place all the facts of the case before the Senate.

The Chief Clerk read as follows:

UNITED STATES OF AMERICA,
Congress of the United States:

To George T. Anthony, Charles H. Miller, Levi Wilson, Len. T. Smith, greeting:

Pursuant to lawful authority you are hereby commanded to appear before the sub-committee of the Committee on Privileges and Elections forthwith at their committee-room at the court-room, Topeka, Kansas, then and there to testify what you may know relative to the subject-matters under consideration by said committee.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

Given under my hand, by order of the committee, this 4th day of October, in the year of our Lord 1879.

ELI SAULSBURY,
Chairman Committee.

To RICHARD J. BRIGHT,
Sergeant-at-Arms of the Senate of the United States.

[Indorsement.]

SENATE OF THE UNITED STATES,
Office of the Sergeant-at-Arms.

I do appoint and hereby empower J. S. Collins to serve this subpœna, and to exercise all the authority in relation thereto with which I am vested by the within order.

R. J. BRIGHT,
Sergeant-at-Arms of the Senate of the United States.

WASHINGTON, D. C., *October* 6, 1879.

I made service of the within subpœna, through my deputy, J. S. Collins, by reading the same to the within-named Len. T. Smith, at his house in Leavenworth, Kansas, at 6.05 o'c. a. m., and on Charles H. Miller, at his residence in Leavenworth, Kansas, at 6.20 o'c.; on George T. Anthony, at his residence in Leavenworth, Kansas, at 7 o'c. a. m., and on Levi Wilson, at 8.20 o'c. a. m., in Leavenworth, Kansas, on this 6th day of October, 1879.

R. J. BRIGHT,
Sergeant-at-Arms Senate of the United States.

Mr. SAULSBURY. Now, in order to complete the record of this case, I desire the Secretary to read the telegram of Mr. Smith in response to the service, showing that service was acknowledged by him.

The Chief Clerk read as follows:

LEAVENWORTH, KANSAS, *October* 6, 1879.

Senator SAULSBURY, *Chairman:*

Know nothing whatever about the election of Senator INGALLS. Was in New York at the time election. Have important business in Saint Louis Wednesday morning. If you still want me I can get there Thursday.

L. T. SMITH.

Mr. SAULSBURY. I desire to state that this service has been made, as I am informed, in the way in which service is always made by the Sergeant-at-Arms. It is utterly impossible for the Sergeant-at-Arms to go in person to every part of the country and make personal service upon every witness summoned; and he has commissioned and deputized the party named in the indorsement on that subpœna to make the service, and then the Sergeant-at-Arms to whom the subpœna is directed makes return of it. That, I am told, has been the universal practice, and this return is in exact conformity with the practice which has obtained in the Senate.

This is all I desire to say about it. I have no feeling in the matter one way or the other. The witness acknowledges that he was served, and therefore there ought to be an end of the controversy.

Mr. GARLAND. Mr. President, the witness is here in arrest under a rule of the Senate to show cause why he should not be committed for contempt. The process, as it has been shown and read, is regular, and all questions raised by the Senator from Minnesota and his motion are now precluded. If he meant to rely on strict technical rules of law, he should have presented a motion to quash the writ

and discharge the witness for want of authority to have issued the writ, or for any informality of any sort in the writ. But the witness is before the Senate, and the single question is, what will the Senate do with him? He has been interrogated upon this matter, and I think he has purged himself of contempt as plainly as any witness ever did in a court of justice. He has even gone beyond that and signified his willingness to go before the committee; and the question is, what will the Senate do with the witness?

I offer as an amendment to the proposition of the Senator from Minnesota, that the witness, having purged himself of contempt, be discharged from the rule. There is no necessity for any condition to be imposed on him to testify before the committee, because the writ under which he appears here is still continued and holds him to go before the committee. That writ, or that process, whatever you choose to call it, is not exhausted. The one question is, what will the Senate do with him now? Either discharge him or punish him. Holding as I do that he has purged himself fully and completely, I think he should be discharged from the rule. That process still holds him to go before the committee. If he fails to go there, he is amenable to another arrest. I offer the amendment to the proposition submitted by the Senator from Minnesota.

Mr. SAULSBURY. I will accept the suggestion of the Senator from Arkansas.

The VICE-PRESIDENT. Will the Senator from Arkansas state his amendment again?

Mr. GARLAND. That the witness, having purged himself of contempt, be discharged under the rule.

Mr. HILL, of Georgia. Mr. President, the remarks made by some of the gentlemen on the other side seem to indicate that in their opinion the Committee on Privileges and Elections were in some way at fault in this matter, that they have ordered the violation of the great privileges of an American citizen without due consideration, have brought him in here when he had not been served with a subpœna, when he was not in contempt, brought him under attachment of this body. I should not care so much for that, but that the charge comes from one of the members of the committee. The Senator from Massachusetts himself is a member of that committee. He, if my recollection serves me correctly, was present when the chairman of the committee was instructed to ask for the attachment against this witness. The evidence was satisfactory to every member of that committee that the witness was in default, and the Senator from Massachusetts, as well as every other member of that committee, if I remember correctly, instructed the chairman to ask for the authority for his arrest; and now that Senator comes in to bear testimony to the Senate and the country that this committee had ordered an arrest of an American citizen who had not been served with a subpœna, and therefore could not be in contempt, and he rests this charge against the committee, including himself, upon a mere technicality, which the Senate has heard.

Now, sir, I assume that when the Committee on Privileges and Elections ordered or instructed their chairman to apply for this attachment, they did it upon satisfactory evidence that the attachment ought to issue. The evidence was satisfactory to me at the time as a member of that committee. It is satisfactory to me yet. I think the committee acted properly, wisely, and justly, both to the Senate and to the witness. I assume that the Senator from Massachusetts ought to have been satisfied and was satisfied at the time, or he would not have united in this order. We have no evidence before us now which was not before us then. If the Senator was not satisfied with the evidence then, he ought then in the committee to have objected to this order by the committee asking for an attachment. He did not object, and I must say as far as I am concerned as a member of that committee that the committee acted properly; they acted upon proper evidence; they were satisfied that the witness had been subpœnaed and that he had not appeared. They had nothing to do with the reasons of the witness for failing to appear, whether sufficient or insufficient; whether in contempt or otherwise, whether he was justified in refusing to appear or not was a question which would be presented when the witness himself came before the bar of the Senate and rendered his excuse. He has rendered his excuse honorably; he has made no point on the legality of the service or the sufficiency of the service; he makes none now. He admits that he was served, and before the Senate declares that he did not intend to be in contempt. He says he was willing to answer, but could not answer at the time.

Mr. HOAR. Will the Senator from Georgia answer why, then, keep him in custody?

Mr. HILL, of Georgia. I will come to that. I will answer one point at a time. The witness comes here and says that he is ready to answer, that he did not intend to commit any contempt, and evidently the entire Senate is ready to accept his excuse as sufficient, and so the case is purged of any intentional contempt. Every member of the Committee on Privileges and Elections is satisfied that this witness did not intend to be in willful contempt of the subpœna of the committee or the authority of the Senate. Why, then, these technicalities? Why go behind all this and behind the order for the attachment and assail the committee for having applied for an attachment either without evidence or without satisfactory evidence? and why does a member of that committee join in the charge, when he himself voted to instruct the chairman to ask for the attachment? If my recollection serves me, he was present; there was no objection in the committee; there was no point made such as is made here, but all the committee were satisfied that the evidence was ample to authorize this attachment; and whether the witness was willfully in contempt or not would be determined when the witness should appear and render his excuse. As I have said, he has appeared, he has rendered his excuse, and it is satisfactory to everybody.

Now, then, the question is, what shall be done? Practically I think there is no difference between the motion made by the chairman of the committee, the Senator from Delaware, and the suggestion made by the Senator from Arkansas. There is a vast difference between the motion made by the Senator from Arkansas and that made by the Senator from Minnesota. The Senator from Minnesota in his motion seeks to implicate the committee as in fault and the Senate as in fault for having made this arrest; for if this gentleman has been attached contrary to law and without evidence, not only is the Committee on Privileges and Elections in fault but the Senate is in fault for having ordered the attachment. If there was any member of the Senate who had reason to doubt at the time that this witness was in default he should have risen and demanded the evidence that he was legally served before the attachment issued. Nobody did it. But the witness, I repeat, is ahead of his defenders. He makes no such point as these volunteer defenders of the privileges of an American citizen so eloquently present to the country. He admits that he did not appear; he admits that he was served; he admits that he ought to have appeared. He says he could not appear at the time, and gives his reasons. He now says "I am willing to appear." He makes no charge against the committee; he makes no charge against the Senate. He is content. Why should not others be content?

I am satisfied entirely with the position taken by the Senator from Illinois, [Mr. DAVIS.] The witness was legally served; he was served by due authority, and he was served by due agency. Now, all we want is not to keep this witness in custody. Gentlemen make another technical point, and the Senator from Massachusetts says that to discharge the witness upon his testifying is to keep him in custody. Not so. We discharge him absolutely from the contempt, and that discharges him from the arrest. Nobody proposes to do otherwise. That is the difference between the motion of the Senator from Arkansas, which was promptly accepted by the chairman of the committee, the Senator from Delaware, and the motion of the Senator from Minnesota. The motion of the Senator from Minnesota would seem to discharge the witness from the subpœna itself. That is the effect of the motion, for it says the subpœna was illegal.

Mr. McMILLAN. Oh, no.

Mr. HILL, of Georgia. Yes; you say the subpœna was not legally served, and you absolutely propose by your motion to discharge the witness from the subpœna itself.

Mr. McMILLAN. Will the Senator from Georgia allow me to correct the statement he has made? I do not say that my motion will discharge him from the service of the subpœna, but that no return is before the Senate which shows a legal service of the subpœna, and therefore there was no right to arrest him as being in default.

Mr. HILL, of Georgia. I suppose the Senator has given the witness notice that he is under no legal obligation to remain and go before the committee; but he would not put on record a declaration telling the witness "You are not subpœnaed, you are not under service, you are not even under obligation to go before the committee." He would not put that on the record; but he makes an argument in the hearing of the witness which, if true, would justify the witness in marching out of this Chamber and going back to Kansas without appearing before the committee at all, and the committee would have to go through the sublime exhibition of issuing another subpœna, and having it technically correct, and having the Sergeant-at-Arms himself follow the witness to Kansas and serve it, and bring him back at the expense of the Government. That is a gallant way to defend the rights of an American citizen!

Nobody wants to keep this witness in custody, and the speech of the Senator from Massachusetts on that subject was wholly unnecessary. That Senator's experience ought to satisfy him, so far as arrest is concerned, that it is based on the charge of contempt. That is the foundation of the attachment. When this Senate unanimously adjudge, as I dare say they are ready to adjudge, that the witness is not in contempt, he is discharged from the attachment, he is discharged from the arrest, but he is not discharged from the subpœna.

Mr. TELLER. Nobody claims it.

Mr. HILL, of Georgia. Then you claim nothing, and there is no difference between us. Nobody upon the Committee on Privileges and Elections proposes to keep the witness in custody one minute after we are satisfied he is not in contempt, for you have no right to arrest him and hold him in custody except upon the ground that he is in contempt, and nobody proposes to do that, nobody has proposed to do that. All we ask is, and we wish to give the witness notice, and let him take notice—all we ask is, that when we admit that these witnesses have purged themselves of contempt they shall proceed to give their testimony before the committee. As I said in the very last remarks I made, I thought the answer of this witness was amply sufficient and ought to be accepted. When we say he is not in contempt he is discharged from arrest; the Sergeant-at-Arms has no longer any custody over him; but the subpœna remains good, and under that subpœna he must appear before the committee and testify; not carried there by the Sergeant-at-Arms, not carried there as a prisoner.

I have deemed it necessary to make these few remarks. It seems to me this whole debate is on issues that amount to nothing. Nobody, as I say, wants to keep this witness in custody one moment after his contempt is purged. We all admit that it is purged; we all admit that his excuse is entirely acceptable. He is to be discharged from the attachment, discharged from the custody of the Sergeant-at-Arms, remaining under obligation simply to appear before the committee under a subpœna which he admits he received, and upon the legality of the service of which he makes no point. That is all there is in it.

Mr. HOAR. Mr. President, the Senator from Georgia discusses a grave question of constitutional liberty with the *argumentum ad hominem*, without answering, indeed conceding the proposition which I submitted to the Senate that it was improper to order the continuance of the custody of this citizen. He thinks he has said something when he——

Mr. HILL, of Georgia. If the Senator will allow me, I do not know a man on this floor who has proposed to continue the custody of this witness after we admit that he is purged from contempt.

Mr. HOAR. The order to which the Senators on this side addressed themselves, proposed by the chairman of the Committee on Privileges and Elections, was a resolution that this gentleman be discharged after his testimony before the committee should have been given. That may be this afternoon; it may be next week; it may be next month; and if it happens this afternoon in this case——

Mr. HILL, of Georgia. The Senator will allow me to ask, discharged from what? The statement was distinctly made that he should not be discharged from the obligation to appear before the committee. What is the obligation to appear before the committee? It is not the attachment; it is not the contempt; it is the subpœna. We discharge him from the obligation to appear before the Senate under the attachment. He is before the Senate in contempt. We purge him of that, and simply let him go before the committee.

Mr. HOAR. Does not the learned Senator from Georgia know that this gentleman is under arrest?

Mr. HILL, of Georgia. I do know that he is.

Mr. HOAR. Now let me finish my question.

Mr. HILL, of Georgia. You asked me a question.

Mr. HOAR. Does the Senator not know that he appears at the bar of the Senate under arrest, and that the resolution which the Senator from Delaware proposed is a resolution to discharge him from that arrest at a contingent time in the future? Now, if that be true——

Mr. HILL, of Georgia. Will you allow me to answer that? The issue between us is only one of fact. I say no, I do not know any such thing. I do know that this witness is before the Senate under arrest upon a charge of being in contempt, and he is attached and brought here for that supposed contempt. I do know that the gentlemen on this side of the House propose to discharge him from that arrest, propose to admit that he is not in contempt, and we only ask that he be not discharged from the obligation to attend before the committee on the subpœna.

Mr. HOAR. That is just what the gentlemen on that side of the House, unless it be the Senator from Arkansas whose proposition I did not hear, have not said. They have not said, "Resolved, that the witness has purged himself from the alleged contempt," or "is not in contempt, and be discharged from custody," but that he be required to appear hereafter and testify. They have said in the order proposed—and that is the one which we attacked; and the Senator from Georgia agrees with me at every step, if I understand him now, in principle——

Mr. HILL, of Georgia. I say to the Senator from Massachusetts, as I said before, that I see there is only an issue of fact before us, and it is because we do not look at the facts from the same direction. I say here I have not heard any resolution read at all in this case except the one; none has been offered yet. The chairman of the committee gave notice that he would offer one to cover all the witnesses when he could hear the excuses of the other two—there are three witnesses. He also gave notice that he was perfectly willing to accept the suggestion of the Senator from Arkansas as his resolution. Now, what is that? It is what we all say. I did say I would object to the discharge of this witness from appearing before the committee.

Mr. McMILLAN. The Senator from Georgia will allow me to correct him. There has been a resolution offered, and an amendment offered to that, and a substitute or an amendment to the original proposition, and they have all been under discussion here during this time.

Mr. HILL, of Georgia. There may have been a resolution offered by the Senator from Minnesota.

Mr. McMILLAN. By the Senator from Delaware as chairman of the committee.

Mr. HILL, of Georgia. I beg pardon.

Mr. SAULSBURY. I beg pardon. I have offered none.

The VICE-PRESIDENT. The Senator from Minnesota is mistaken on that point. The Senator from Delaware gave notice of a resolution.

Mr. HILL, of Georgia. And I say to the Senator from Massachusetts, we are all willing that this witness be discharged from the arrest; he is purged of the contempt. It is admitted that he is not in contempt, and he ought to be discharged; but he should appear before the Committee under his subpœna, not under the attachment for contempt, and testify.

Mr. HOAR. Then, Mr. President, the Senator from Georgia now agrees that the resolution of which the Senator from Delaware gave notice shall be abandoned.

Mr. HILL, of Georgia. I have never heard that resolution read, and I never have supposed that the honorable Senator from Delaware would continue the man in custody.

Mr. HOAR. Then the honorable Senator from Georgia is talking about something he has not heard, and does not know anything about; I speak with entire respect.

Mr. HILL, of Georgia. I will say to the Senator that I have been debating his argument when he charged that the service was not good—that the witness ought not to have been arrested and brought here.

Mr. HOAR. I resume the floor, Mr. President. The witness is brought before the Senate in custody, and when the witness had completed his statement the chairman of the committee called for the reading of the return of the officer upon which the proceedings that led to the custody were based, and thereupon the Senator from Delaware gave notice that when other witnesses who were also at the bar had made their statements he would offer a resolution applicable to all the cases, and the Senate was proceeding to pass from the consideration of the case of this witness, and thereupon the Senator from Minnesota suggested that he should make a different motion, that the witness be discharged from the arrest—not from the obligation of the subpœna but from the arrest—and on that the debate proceeded.

The point I made was that the Senate could not properly continue for a moment the imprisonment or the custody or restraint of this citizen, because the only evidence proper to be considered here that he had ever been served with a subpœna was the return of the Sergeant-at-Arms that somebody else did it. That is not a technicality. It is the question of the legality of the imprisonment and custody and arrest of a citizen.

Now, the honorable Senator from Georgia says that the members of the Committee on Privileges and Elections made no objection to the original order. Every Senator knows how those things go. The sub-committee who went to Kansas reported that certain witnesses had disobeyed a subpœna lawfully served. On that report nobody objected to their proceeding to make their application to the Senate. The return of the officer was not produced in the committee. It is heard for the first time here at the bar. In a very important case the supreme court of Massachusetts held that for such a purpose the Sergeant-at-Arms of the Senate could not make a deputy lawfully unless he was expressly authorized thereto by a vote of the Senate itself, and no such authority has appeared here or so far as I know has been given. The case of Sanborn *vs.* Carleton was a case growing out of the John Brown riots, where the Senate of the United States, on motion of Mr. Mason, of Virginia, undertook to order an arrest.

The Sergeant-at-Arms of the Senate undertook to arrest by deputy Mr. Sanborn, a distinguished scholar and man of letters in Massachusetts, for a refusal to appear and testify in regard to the John Brown investigation. A *habeas corpus* issued from the supreme court of Massachusetts, and the unanimous opinion of that bench was delivered by Chief Justice Shaw. I will read the marginal note of the decision:

A warrant issued by order of the Senate of the United States for the arrest of a witness for contempt in refusing to appear before a committee of the Senate, and addressed only to the Sergeant-at-Arms of the Senate—

Which is the case with this subpœna—

cannot be served by deputy.

So that we have disclosed for the first time the absence of any proper and lawful service of the subpœna; and certainly no Senator will claim that for the purpose of punishment, of a continuance of the custody of the witness, the admission made unadvisedly and without knowledge of the law, that he had received notice of the subpœna, can take the place of a legal service.

Mr. President, on that point I understand the learned Senator from Georgia and I have expressed no disagreement. He deems the point a technical one. I deem it a substantial one, substantial not only with reference to the rights of American citizens, but with reference to the due and orderly proceedings of the Senate in the future.

Mr. HILL, of Georgia. I was engaged and did not hear the point read by the Senator from Massachusetts from the Massachusetts case. I will say to the Senator that the only point I made upon him in my argument, and upon the Senator from Minnesota, was that they denied that this witness was here properly; they denied that the return was proper; they denied that he had been legally subpœnaed, and they seemed to indicate that the Committee on Privileges and Elections, as well as the Senate, had all been in default in ordering this witness to be arrested.

Mr. HOAR. Nothing was said on that subject by any Senator. The imagination of the learned Senator from Georgia finds charges or attacks on the committee. This point is disclosed for the first time on the reading of the papers. It appears for the first time to me, it undoubtedly for the first time appears to him, and the Senator agrees——

Mr. HILL, of Georgia. I have not given way for a speech; I have the floor now.

Mr. HOAR. I do not so understand.

The VICE-PRESIDENT. The Senator from Massachusetts has not yielded the floor.

Mr. HILL, of Georgia. I thought the Senator had concluded and taken his seat, and that then the floor was awarded to me.

Mr. HOAR. I only yielded to the Senator for a moment, as he desired to correct me.

What I have to say is this, Mr. President: that the point is a question of the due and orderly proceeding of the Senate. The Senator agrees that the custody, which in the resolution of which the Senator from Delaware gave notice it was proposed to continue for an indefinite period, ought not to be continued at all.

Mr. HILL, of Georgia. Now, Mr. President, I think I have the floor, and I will say that I did not hear the decision read by the Senator from Massachusetts in the case from Massachusetts; but I will guarantee now——

Mr. HOAR. I will read it now, if the Senator wishes.

Mr. HILL, of Georgia. I would be glad to hear it.

Mr. HOAR. The marginal note is this:

A warrant issued by order of the Senate of the United States for the arrest of a witness for contempt in refusing to appear before a committee of the Senate, and addressed only to the Sergeant-at-Arms of the Senate, cannot be served by deputy.—15 *Gray's Reports*, 399.

Mr. HILL, of Georgia. That refers to a warrant, not a subpœna; and the Committee on Privileges and Elections, I will say in their defense, drew that identical distinction, and when we ordered the warrant to issue under the attachment, we ordered it to be served by the Sergeant-at-Arms himself, and gave him orders not to do it by deputy. We did not have that case before us as I remember, but we drew the very distinction that the court in Massachusetts drew. But when it comes to serving a subpœna, that is a very different thing. That is a very convenient method of giving witnesses notice to appear before a committee. It would be an absurd thing to say that a subpœna could not be served by a deputy of the Sergeant-at-Arms.

Mr. HOAR. The Senator will permit me to suggest that whoever serves the subpœna must be the man to make the return. The point here is that the Sergeant-at-Arms returns that somebody else made the service.

Mr. HILL, of Georgia. That is what I call the gentleman's technicality. The Sergeant-at-Arms here returns a fact that he has executed a subpœna by his deputy, Collins.

Mr. TELLER. How do you know that Mr. Collins made the service?

Mr. HILL, of Georgia. It is presumed that all official acts are regular. If the gentleman wants to make up an issue of fact here now as to whether Mr. Collins served the subpœna and whether the return is correct, let him do so, but I decline to enter into that. I thought his issue just now was on the correctness of the return, assuming it to be true. Now he wants to make an issue upon the fact of it. The witness himself makes no such issue. The witness himself admits that he got his subpœna, and he makes no point on it, but the honorable Senator over the way wants to join on the issue of fact as to whether Collins, the deputy of the Sergeant-at-Arms, did serve it; and the Senator from Massachusetts wants to confound the execution of a warrant for the arrest of a person with the service of a subpœna to attend before a committee.

Mr. TELLER. I desire to ask the Senator if he will yield for a question?

Mr. HILL, of Georgia. Yes, sir.

Mr. TELLER. Was there any evidence before the Senate worthy of the attention of any deliberative body that such service had been made?

Mr. HILL, of Georgia. Yes, sir.

Mr. TELLER. Was the statement of Mr. Christie that somebody else had made service or done something else, worthy of the attention of the Senate upon a question involving the rights of a citizen?

Mr. HILL, of Georgia. The evidence before the committee was satisfactory to the Senate; I presume it was satisfactory to the Senator himself, or he would have made known his dissatisfaction.

Mr. TELLER. I should like to say that on all such questions we usually vote as the committees request, and if I voted for this order I voted for it under the assumption that the committee would not present here a case where there was not proof of service.

Mr. HILL, of Georgia. Mr. President, I was going to say that the evidence which the Senate had was the recital of facts contained in the resolution offered by the committee. Every fact recited by that committee is true, and the witness himself does not make issue upon a single one of those facts. That was the evidence the Senate had. It was the facts recited by the committee. Has the witness said that a single fact recited by the committee was not true? No. He says they are true as far as the service is concerned. Now, the Senator from Massachusetts says that I have imagined a case and answered it. I must be a visionary man indeed if the RECORD of this day's proceedings (and I insist that the Senator shall let it remain, and I dare say he will) does not bear me out. That RECORD will show that the Senator from Massachusetts in his opening speech made his whole point upon the legality of the service of the subpœna, and made an issue with the Senator from Illinois on that very question, the Senator from Illinois insisting that the subpœna was properly served. Now he wants to say that he makes no issue of the kind. Mr. President, the only reason why I take part in this debate is this——

Mr. MCMILLAN. In the absence of the Senator from Massachusetts——

Mr. HILL, of Georgia. I do not wish to be interrupted further.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. HILL, of Georgia. The Senator from Massachusetts knew that I had the floor, and I was not saying anything which he would regret to hear.

Mr. MCMILLAN. Very well, sir; I do not wish to interpose.

Mr. HILL, of Georgia. The interruption, then, was wholly unnecessary. I was going to add that all I have to say in this case is that I do not wish the idea to go out, authorized by anybody in this Senate, that either the Committee on Privileges and Elections or the Senate has improperly brought a prisoner to the bar of the Senate. This witness is here; he is justly here. The committee did its duty; the Senate did its duty. The witness did not appear before the committee as he ought to have done, but he has rendered to the Senate an excuse, which is satisfactory to the Senate and which the Senate accepts, and, therefore, purges him of contempt; but it does not discharge him from the obligation to appear before the committee. I say, therefore, the Senate was right in bringing this witness here; entirely right in all the steps necessary to bring him here. It has violated no privilege of an American citizen; it has violated no law. The subpœna was legally served. The service was legally returned. The witness was in contempt, for what reason the Senate did not know. The attachment was legally ordered; the arrest was legally made. The witness has been legally brought to the bar of the Senate—a manly witness he is. He makes no issue upon the legality of any of these preceding steps. He says "they are all correct, and I am ready to answer," and this whole debate is sprung upon the matter because of the overanxious zeal of gentlemen to defend the privileges of an American citizen when the citizen himself does not complain that they have been violated. And the Senator from Massachusetts likens a warrant to a subpœna and the service of a warrant to the service of a subpœna. Now, sir, we all agree that this witness shall be discharged from the contempt; he is not to be kept in custody, because we are satisfied with his excuse; but we had a right to bring him here and get that excuse; and when he is discharged from that contempt, let him appear before the committee under the force of the subpœna and testify, as he says he is willing to do. That is the whole case.

Mr. DAVIS, of Illinois. It seems to me, Mr. President, that this debate has proceeded far enough. The Senate, as I should judge, intend to discharge this witness. My friend, the Senator from Massachusetts, said that when I was up I did not address myself to the question. I felt no particular interest in the question, as I saw the Senate would discharge this gentleman, except that it should be put on the right ground. Now he has purged himself of the contempt of the Senate by saying that he did not intend willfully to disobey the summons of the committee. My friend, the Senator from Massachusetts, wished to put it upon the ground that he was not properly served with the subpœna, and he has introduced a decision from the supreme court of Massachusetts that a warrant to arrest a man must be served by the Sergeant-at-Arms and not by his deputy. I said that in all courts—I spoke particularly of courts where I have been in the western country, not in the eastern country—a subpœna is not served as a warrant; it is served frequently by verbal deputation; and when a witness comes into court and says that he did receive notice to appear and give his testimony, he is held to be in contempt of the court if he does not appear to give his testimony. This gentleman was served. Admit that the return ought to have been made by the deputy, that he served it, then the Sergeant-at-Arms could have added that he had deputized that person to serve the writ; that would have been held unquestionable. Concede that what was done was wrong, that this gentleman was not bound to appear upon such a service, yet he does say that he received that summons, and he sent a telegram to the committee that important business called him to Saint Louis and that he could not possibly appear until Thursday.

It was the duty of the committee to have sent this gentleman word by telegram, or in any other proper way, that he must come at once if they could not wait until Thursday, and there is no evidence that he would not have responded to that. But his important business took him to Saint Louis. He says he was served, got the summons, sent the telegrams, had to go to Saint Louis, was willing to appear before the committee at that time, but got no reply to his telegram. Now, why should we discuss here the question whether this subpœna was properly served or not when he has purged himself of the contempt, and it is evident that the Senate accept that as a reasonable excuse and do not want to hold him in further custody?

Mr. MCMILLAN. Mr. President, it seems to me that there is a great deal of anxiety to get rid of this witness upon the ground that he has purged himself from contempt. As I look upon it, the committee are very anxious to get rid of this witness; and they attribute here to two Senators on this side of the Chamber, who have expressed themselves in favor of the absolute discharge of the witness, a resort to technicalities. Now, sir, any legal right which protects the liberty of a citizen cannot be a technicality. The citizen has the right to rest upon the fact that all the forms of law must be complied with before he shall be deprived of his liberty, and in this case it appears to the Senate that those forms of law were not complied with. It does not appear in legal form that the subpœna upon which this attach-

ment rests was served upon the witness. Upon a defective return you cannot presume the truth of any fact on which his arrest depends. The Sergeant-at-Arms, if he served the subpœna, must return it; and if another person served it, the Sergeant-at-Arms cannot certify that fact to the Senate. True, any person can serve a subpœna, as the Senator from Illinois remarked; but if an officer of the law serves a subpœna, his official return is the evidence of that fact; and if a private individual serves a subpœna, the return of the officer is not evidence of it; and if a court issues an attachment against a witness as being in contempt upon a defective return, the attachment is void, and the officer has no right to arrest the witness. The arrest itself is void, and the witness in this case, having been brought before the Senate in custody, has a right to demand that he be discharged because the forms of law have not been complied with, and the Senate has no right to say that it will discharge him because he has purged himself of contempt. He was not in contempt, because the forms of law have not been complied with, and those forms of law are for the protection of the rights of American citizens.

Mr. President, these arrests are common in these days—so much so that it seems all that is necessary to be done is to take a man in custody. True, this is a case in which the witness has made statements here which would relieve him from contempt under any circumstances; and that is the very reason why we can consider calmly the question whether or not he is legally under arrest. If the witness had not made such a showing here, if he were really in contempt of the Senate, then we perhaps might overlook some of these matters in punishing him by what would be a deserved punishment of contempt. But I insist, Mr. President, that the witness not having been arrested legally, the Senate should discharge him for that reason, and not because he has purged himself from contempt.

Mr. CARPENTER. Mr. President, this is a very important matter, and one which will undoubtedly receive the very careful and deliberate determination of the Senate. It is not a new thing to see a man brought into the Senate for contempt of the Senate. I recollect one instance in which two gentlemen had been subpœnaed before a committee and refused to answer a proper question; the Senate imprisoned them, held them "in durance vile" in the grandest room in the Capitol for some two days I think, where they received their friends, their families, and all the attention that politeness could show them; and at the end of two days the Senate was so penitent that it declined to proceed further, and without requiring an answer to the question, which was admitted on all hands to have been a proper one, and which the witnesses appearing before the committee refused to answer, the Senate discharged them. I do not remember that any resolution of thanks was passed to the witnesses, but the whole proceeding was an expression of the gratitude of the Senate at being able to get rid of the thing in so easy a way.

I understand this witness to have made an explanation which would purge him of any contempt whatever by showing that he had no intention to disobey the subpœna or do anything that would authorize his arrest on general principles. I do not know that he is connected with the press in any way. That is against him, but otherwise he is entitled to the same treatment as any other citizen of the United States. Now, as I understand the case, and as I understand the temper of the Senate, everybody is disposed to discharge this man from any further imprisonment. It would seem to be a case where the Senate should act as speedily as possible; and to enable them to do so I will not consume further time.

Mr. TELLER. Mr. President, it seems to me that the Senate should meet the question fairly whether we properly issued this attachment. That is what it seems to me the most of the Senate is not disposed to do. We can only attach a witness who is summoned before a committee of the body authorized to take testimony upon proof that he was summoned. Now, I submit to every Senator, if he will just think a moment, that there never was any proof presented to the Senate that Mr. Smith was summoned. When Mr. Christie came here with his return he said that Mr. Collins, his deputy, had served such a summons, which was no evidence at all, and the Senate proceeded prematurely, hastily, unwisely, and illegally, and the Senate might just as well admit it, and to prevent just such occurrences as it has been suggested by the Senator from Wisconsin did take place some time ago, the Senate ought to proceed carefully when it makes an order for arrest.

Now, it is possible that there was a due service upon this man; but suppose he came here and said he had not been served, the Senate would have been without any evidence that he had been served. That kind of evidence or that kind of a return which we have here would not do before a justice of the peace anywhere; and we should have been found here then freely admitting that we had improperly, illegally, and hastily issued a warrant. We have done that beyond a question in this case, and the fact that the witness says he was summoned does not make any difference. In this case probably it is not a very serious thing, but it is sometimes a very serious thing to arrest a man, bring him from Kansas or Texas or Colorado in the custody of an officer of the law for a supposed contempt of the Senate, and all these attachments ought to be carefully considered.

The honorable Senator from Georgia says he has no doubt I voted for the order. I presume I did. I have been in the habit of supposing that when a committee as important as the Committee on Privileges and Elections came before the Senate and said they had proof that a man was in contempt, a *prima facie* case, I could rely upon their judgment and their knowledge and their love of fair play that they would not do it unless they had the proof. I discover that next time when a case of this kind is presented to the Senate it will be my duty to see to the evidence and not leave it to any committee.

Mr. SAULSBURY. Mr. President, I have not joined in the discussion simply because I did not desire to aid the gentlemen on the other side of the Chamber in keeping this prisoner under arrest. My object has been to discharge him at the earliest possible moment, and I have a resolution now in my hand to that effect, which I shall offer if there is nothing now pending before the Senate.

The VICE-PRESIDENT. There is a pending question. The question pending before the Senate is on the motion of the Senator from Minnesota [Mr. MCMILLAN] that the witness at the bar be discharged without conditions, to which the Senator from Arkansas [Mr. GARLAND] proposes an amendment.

Mr. SAULSBURY. I now offer this as a substitute for the motion of the Senator from Minnesota——

The VICE-PRESIDENT. The Chair will put the questions in their order.

Mr. EDMUNDS. Let the proposition be read for information.

The VICE-PRESIDENT. The proposition of the Senator from Delaware will be read for information.

The Chief Clerk read as follows:

Whereas Leonard T. Smith, now in custody of the Sergeant-at-Arms under an attachment for contempt in refusing obedience to a summons to appear before a committee of the Senate, has purged himself of contempt and expressed his willingness to appear before the Committee on Privileges and Elections and answer such proper questions as may be put to him: Therefore,

Resolved, That said Leonard T. Smith be discharged from arrest, and that he appear before said Committee on Privileges and Elections and testify under the subpœna served upon him.

The VICE-PRESIDENT. The Chair will state the question. The immediate question is on the amendment proposed by the Senator from Arkansas, that the witness at the bar, having purged himself from contempt, be discharged from the rule of the attachment. Is the Senate ready for the question?

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the motion of the Senator from Minnesota as thus amended.

Mr. SAULSBURY. Is not my motion in order as a substitute for that?

The VICE-PRESIDENT. Certainly.

Mr. SAULSBURY. I offer it as a substitute.

The VICE-PRESIDENT. It will be read.

The Chief Clerk read as follows:

Whereas Leonard T. Smith, now in custody of the Sergeant-at-Arms under an attachment for contempt in refusing obedience to a summons to appear before a committee of the Senate, has purged himself of contempt and expressed his willingness to appear before the Committee on Privileges and Elections and answer such proper questions as may be put to him: Therefore,

Resolved, That said Leonard T. Smith be discharged from arrest, and that he appear before said Committee on Privileges and Elections and testify under the subpœna served upon him.

The VICE-PRESIDENT. The Chair understands this to be substituted for the amendment just adopted by the Senate on the motion of the Senator from Arkansas.

Mr. GARLAND. The Senators who voted for the amendment I had the honor of offering cannot consistently vote for the substitute offered by the Senator from Delaware, for two reasons. In the first place, the proceedings are all of record, and it is not necessary to restate them at all by way of preface to the order for discharge. The action of the Senate always comes in the shape of a simple resolution as to what shall be done with the party under arrest, and it is totally unnecessary to preface it with a statement that he has done this, that, or the other. First he was examined and made a statement, which was clear and explicit, about which there is no contest. He is either entitled to his discharge under the rule, or he should be dealt with further by the Senate.

Mr. HILL, of Georgia. Will the Senator from Arkansas allow me? I do not want any unnecessary prolongation of the debate. I state to him that I am informed and believe there are precedents for the resolution as offered by the Senator from Delaware, and it is copied *verbatim* from the customary resolution in this body and the other House. It always has that recital giving the reason why the party is discharged.

Mr. GARLAND. The simple question comes up on the return, "What have you to say, Mr. Witness?" He has had his say. Now what will the Senate do? There are but two things for the Senate to do; either to discharge him, or to deal with him further. If you discharge him you must discharge him absolutely; you cannot impose any conditions upon him that he shall appear before the committee. That is the committee's further business; and if he fails, after they have done with him, then it is a matter to come before the Senate on a further notification from the committee; and it is perfect nonsense (I say it with all due submission) to talk about conditions. He must be discharged or dealt with in the way of punishment under this particular process; and if he has conditions imposed on him the Sergeant-at-Arms, if he holds him, is liable to an action for false imprisonment.

There is no way of avoiding it; there is no escape from the conclusion. The Senate has nothing to do with the continuation of the process. It is still operative; it continues to hold the witness. If he fails now to appear before the committee the committee can notify

the Senate of it, and then it will be time enough for the Senate to act upon it when the question comes up. But we are now absolutely punishing him in advance and anticipitating a further contempt from him, which we cannot do.

The only alternative now is this: that he is either in contempt or he is not. If he is in contempt he must be punished; if he is not in contempt he must be discharged absolutely, and his further contempt hereafter will be duly taken care of when the Senate is notified of it.

Mr. HILL, of Georgia. It seems to me that the Senate is unusually technical this morning; I have never seen it so technical. We propose to discharge the witness from arrest. He says he is willing to go before the committee. There is nothing in the resolution of the Senator from Delaware that he go before the committee. It simply recites the fact that he go before the committee as he has expressed a willingness to do, that is all; it is not taking charge of him. But the argument has been made that he is discharged not only from the arrest but from the subpœna, because it was not legally served; therefore the recitation in the resolution that he appear before the committee is not improper at all, but simply negatives the idea that he is discharged from the subpœna. As to the preface upon which the Senator from Arkansas makes such criticism, it is the preface which has been adopted in the Senate from time immemorial, word for word.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. THURMAN. May I ask what is the question before the Senate?

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Delaware, which will be read.

The Chief Clerk read the amendment of Mr. SAULSBURY.

The VICE-PRESIDENT. The Chair will state, for the information of the Senator from Ohio, as he was not in the Senate at the time, that the Senate has already adopted the amendment of the Senator from Arkansas [Mr. GARLAND] to the effect that the witness at the bar having purged himself from contempt be discharged from the rule of attachment.

Mr. THURMAN. So I understand. Mr. President, it seems to me that it is wholly immaterial which we adopt, that of the Senator from Delaware or the motion made by the Senator from Minnesota as amended by the Senator from Arkansas. There are several precedents that I can recollect for just such a resolution as that offered by the Senator from Delaware. On the other hand I quite agree with the Senator from Arkansas that there is no necessity for all that. Here is a gentleman who has intended no contempt of the Senate. Every Senator for an hour has been satisfied that he ought to be discharged. If he is discharged, it is simply from the arrest and the charge of contempt; it leaves the service of the subpœna upon him perfectly good and he is bound to attend the committee; and therefore it seems to me it is a matter of no sort of moment whether we take the motion of the Senator from Minnesota as amended on the motion of the Senator from Arkansas or whether we take this substitute. The outcome will be precisely the same in either case. I hope we may vote.

The VICE-PRESIDENT. The question is on the amendment, by way of substitution, of the Senator from Delaware.

The question being put, it was declared that the amendment appeared to be rejected.

Mr. HILL, of Georgia. I do not know that it is material, but we are simply following the forms of the Senate. I call for a division.

The VICE-PRESIDENT. A division is called for on the amendment of the Senator from Delaware.

The question being put, the ayes were 14——

Mr. HILL, of Georgia. I withdraw the call for a division. I fear there will be no quorum.

The VICE-PRESIDENT. The amendment is rejected. The question is on the motion of the Senator from Minnesota as amended by the amendment of the Senator from Arkansas.

The motion was agreed to *nem. con.*

The VICE-PRESIDENT. The witness at the bar is discharged from the rule of attachment.

Levi Wilson was next called, and advanced to the area in front of the Secretary's desk.

The VICE-PRESIDENT. Mr. Wilson, what reason have you to allege why you should not be adjudged in contempt of the authority of the Senate of the United States?

The WITNESS. Mr. President, my excuse for refusal to appear before the committee at Topeka, in obedience to the summons that was served upon me, is that it was caused by sickness in my family at the time. I regretted it very much. It was not done through any disrespect of the Senate. I am now here and ready to answer the questions that may be required.

The VICE-PRESIDENT. The Senate has heard the answer of the witness. What is its further pleasure?

Mr. SAULSBURY. I move that the same resolution which was adopted in the other case be applied to this case.

The VICE-PRESIDENT. The Senator from Delaware moves that the witness at the bar be discharged from the rule of attachment.

The motion was agreed to.

The VICE-PRESIDENT. The witness is discharged from the rule of attachment.

E. B. Purcell was next called, and advanced to the area in front of the Secretary's desk.

The VICE-PRESIDENT. What reason have you, sir, to allege why you should not be adjudged in contempt of the authority of the Senate of the United States?

The WITNESS. I really do not know that I have any very good excuse. At the time my business interests were large in the State of Kansas, and I thought at that time probably they would suffer somewhat by attending the committee. I am here now, and willing to testify.

The VICE-PRESIDENT. The Senate has heard the reason alleged by the witness. What is its pleasure?

Mr. SAULSBURY. I move that he be discharged, as in the other cases.

The VICE-PRESIDENT. The Senator from Delaware moves that a like order be entered as in the other cases in the case of this witness.

The motion was agreed to.

The VICE-PRESIDENT. The witness is discharged from the rule of attachment.

Mr. SAULSBURY. Mr. President, two of the witnesses named in the attachment now in the hands of the Sergeant-at-Arms have not appeared, both of whom have telegraphed or written letters giving reasons why they could not be here to-day, and expressing their purpose to be here in a few days. One of them makes as an excuse the sickness of his father-in-law, and sends the certificate of the attending physician to the effect that his presence is required at home. I move, therefore, that the Sergeant-at-Arms have further time to make return so far as George T. Anthony and J. V. Admire are concerned.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. COCKRELL. I move to proceed to the consideration of Senate bill No. 22, for the relief of Theophilus P. Chandler.

Mr. MCPHERSON. I ask if it is not time for the special order?

The VICE-PRESIDENT. It is.

Mr. DAVIS, of Illinois. I would ask the Senator from New Jersey to postpone the special order until to-morrow. There will be a good deal of debate on his bill, and we have had a pretty full discussion this morning, and I think the Senate is tired, and a good many members are out. I will move an executive session if there is nothing further to be done. I submit that motion.

Mr. COCKRELL. I believe my motion is pending.

The VICE-PRESIDENT. The motion for an executive session is a privileged motion.

Mr. DAVIS, of Illinois. I shall make no objection to the consideration of the bill of the Senator from New Jersey to-morrow.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-seven minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

On motion of Mr. ALLISON, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

Mr. CARPENTER. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 8, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MONUMENT TO GENERAL HERKIMER.

Mr. PRESCOTT. Mr. Speaker, I hold in my hand a communication in the nature of a petition from Hon. Horatio Seymour in reference to House bill No. 165, which was introduced to consummate a resolution of the Continental Congress of October 4, 1777, in reference to the erection of a monument to the memory of General Herkimer. I ask unanimous consent that the same be printed in the RECORD and referred to the Committee on Military Affairs.

There was no objection, and it was ordered accordingly.

The communication is as follows:

UTICA, *December* 10, 1879.

DEAR SIR: There is a desire on the part of the citizens of the valley of the Mohawk to erect a monument to the memory of General Herkimer.

There is one difficulty in the way. At the time of his death, Congress, struck with his heroism and the value of his services, desired to show the gratitude of the whole country and to put up a monument which would prove the feeling of all the States with regard to his bravery and patriotism. The following is a copy of the resolution passed on the 4th day of October, 1777:

"*Resolved*, That the governor and council of New York be desired to erect a monument, at continental expense, of the value of $500, to the memory of the late Brigadier Herkimer, who commanded the militia of Tyron County, in the State of New York, and was killed fighting gallantly in defense of the liberty of these States."

This resolution was sent by the President of Congress to the governor of New York, and others, with the following letter:

"YORK TOWN, PA., *October* 5, 1777.

"GENTLEMEN: I have the honor to transmit to you the inclosed resolves of Congress, from which you will perceive it is their desire that a monument should be

erected to the memory of the late Brigadier-General Herkimer, and that they request you will take proper measures for carrying the resolve into execution. They have for this purpose voted $500.

"Every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of the country reflects real honor on those who pay the grateful tribute; and by holding up to others the prospects of fame and immortality, will animate them to tread in the same path.

"I have the honor to be, gentlemen, your most obedient and very humble servant,

"JOHN HANCOCK, *President.*

"His Excellency G. CLINTON, *Governor*, and
"The HONORABLE COUNCIL *of the State of New York.*"

If the money to put up a monument is raised in the valley of the Mohawk without the co-operation of the General Government, after the express desire of the Continental Congress that all the States should show their gratitude, it will be felt that the memory of General Herkimer has been robbed of the honors the patriots of the Revolution wished to have conferred upon him. In this case it would only tell of the pride of this part of New York in his heroism and its gratitude for his self-sacrifice. We ask, therefore, that Congress will, by keeping the pledge of our fathers, give to the monument the dignity of representing the gratitude of the American people. We wish that all we may do by our efforts or subscriptions shall be subordinated to this aspect of the work.

As the matter now stands the action of the Continental Congress is an embarrassment. It is an injustice to the memory of a patriot, a violation of a sacred pledge, and a stain upon the honor of our country. We are sure members of Congress from all parts of our Union will be happy at this centennial period to make a suitable appropriation. While the action of our Government has been so liberal toward those who fought for the Union, it should give at least a pittance to prove that it honors those who gave life to that Union. The battle of Oriskany was of great importance in its relationship to that of Saratoga, which was a turning point in the revolutionary struggle—a battle in which there were men from most if not all of the original colonies, North and South, fighting for a common cause. There was no contest in the Revolution more fierce and bloody, with a greater ratio of loss of life, than that fought out at Oriskany.

There was one fact almost without parallel in the history of war which showed the spirit of the patriots. When they were pushed to the extremity in their desperate fight with the fierce Iriquois, their enemies were re-enforced by the tories. It would seem that this would have crushed out the last hope of the patriots, but the sight of these hated foes inflamed them with a rage and courage which made them irresistible; they beat back two forces, where before they had only a doubtful struggle to hold their ground against one.

The question comes up, Why has Congress put off to this late day the performance of its pledges? No one has ever questioned its duty; but when the subject has been before it other objects have been attached to the bill, and it has been overlaid in a way that has led to its withdrawal. We have nothing to say about the duty of our Government with regard to monuments. We should not appeal to it at this time but for the embarrassment alluded to. Whatever may be right with respect to the resolution of the Continental Congress, it should be allowed to stand by itself, and it is to be hoped that no one man will be so ungenerous as to use it for other purposes, however proper they may be in themselves. I send you a copy of the Centennial Celebration of New York. It contains a full account of the battle of Oriskany, and shows its events and importance. These have been overlooked in most histories, as it was fought in what was a wilderness at the time. It may correct many misunderstandings.

I send the book for another reason. It not only excites our pride as citizens of New York that it was the field of so many battles, but also our gratitude to the patriots from the North and South that fought on our soil to drive off invading foes and to establish the liberty of our common country.

We rejoice as citizens of this State that its history shows the courage and patriotism of the soldiers of all the colonies and of all the States.

I am, truly yours, &c.,

HORATIO SEYMOUR.

Hon. C. D. PRESCOTT,
Member of Congress.

DEALERS IN LEAF-TOBACCO.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported back the following resolution, with a favorable recommendation:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to communicate to this House any information in the possession of that Department showing the number of licensed dealers in leaf-tobacco and the amount of internal revenue collected from such dealers during the fiscal year ending June 30, 1879, under and by virtue of section 3244 of the Revised Statutes, specifying separately the number of retail dealers in leaf-tobacco and the amount of revenue received from such dealers.

The resolution was adopted.

DEATH OF WILLIAM HINCKS.

The SPEAKER. The Chair begs leave to lay before the House at this time, as a mark of respect to a valued and faithful officer of this body, who served for many years as one of the official reporters of debates, the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, January 6, 1880.

SIR: I have the honor to transmit herewith preamble and resolutions adopted by the official reporters of debates on the death of their late colleague, William Hincks, of Cohasset, Massachusetts.

I am, with sincere regard, your obedient servant,

J. J. McELHONE.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, December 19, 1879.

At a meeting of the official reporters of the debates and proceedings of the House of Representatives, held this day, the following preamble and resolutions were unanimously adopted:

Whereas William Hincks, one of our associates, died in the city of Washington July 21, 1879, during the recess of Congress; and

Whereas for nearly thirty years he had served honorably and faithfully as one of the official reporters, first of the Senate and afterward of the House, bringing to the discharge of his duties, always responsible and exacting and frequently surrounded with grave difficulties, a mind disciplined by liberal education and informed by wide reading and large experience of public affairs, together with singular skill and success in the use of his special art; and

Whereas he never allowed personal, religious or political bias to influence his official action, but with unvarying fidelity maintained his character as an honest and upright man: Therefore,

Be it resolved, That the decease of our late colleague has caused us unfeigned sorrow and regret, and now, in justice to his memory, we place of record our recognition of the high standing he bore in his profession and the integrity and ability which during a long career characterized his conduct.

Resolved, That a copy of these proceedings be transmitted to the honorable the Speaker of the House of Representatives; and furthermore that a copy, properly engrossed and signed, be sent to the family of the deceased.

The SPEAKER. The Chair suggests that this communication be referred to the Committee on Appropriations and that it be printed in the RECORD.

Mr. CONGER. Will it not go into the RECORD, having been read?

The SPEAKER. The Chair thinks the reading of it takes it into the RECORD. The Chair suggests to the gentleman from Michigan that he move the reference of the communication to the Committee on Appropriations.

Mr. CONGER. I make that motion and also move that the communication be printed.

The motion was agreed to.

JESSE HICKEN.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 3259) granting a pension to Jesse Hicken; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZA M'CONNEL.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 3260) granting a pension to Eliza McConnel; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH DOUGHERTY.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARRY E. WILLIAMS.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 3262) granting a pension to Harry E. Williams; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARGARET E. WEST.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 3263) granting a pension to Margaret E. West; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABNER HOOPES.

Mr. WARD also, by unanimous consent, introduced a bill (H. R. No. 3264) granting a pension to Abner Hoopes; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TAXATION IN DISTRICT OF COLUMBIA.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 3265) to provide a mode of taxation for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PRINTING FOR COMMITTEE OF WAYS AND MEANS.

Mr. FERNANDO WOOD, by unanimous consent, from the Committee of Ways and Means, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee of Ways and Means be authorized to have printed any documents for the use of said committee that they may deem necessary in connection with subjects relating to the revenue and the public debt being considered by said committee.

TIMOTHY EARLE.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 3266) for the relief of Timothy Earle; which was read a first and second time, and referred to the Committee on Patents.

JOHN W. M'CLANAHAN.

Mr. McKENZIE, by unanimous consent, introduced a bill (H. R. No. 3267) granting a pension to John W. McClanahan, of Henderson County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

D. T. BENNETT.

Mr. McKENZIE also, by unanimous consent, introduced a bill (H. R. No. 3268) granting a pension to D. T. Bennett, of Union County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN L. MEREDITH.

Mr. FISHER, by unanimous consent, introduced a bill (H. R. No. 3269) granting a pension to John L. Meredith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BENJAMIN H. CUSTER.

Mr. FISHER also, by unanimous consent, introduced a bill (H. R. No. 3270) for the relief of Benjamin H. Custer; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

MARTIN RAFF.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 3271) for the relief of Martin Raff; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DEPOT BUILDING AT OMAHA.

Mr. VALENTINE, by unanimous consent, introduced a joint res-

olution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE BUILDINGS IN OPELIKA AND EUFAULA.

Mr. STONE, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 2884) to provide for the erection of post-office buildings in the cities of Opelika and Eufaula, in the State of Alabama; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

HENRY B. RUPE.

Mr. BROWNE, by unanimous consent, introduced a bill (H. R. No. 3272) for the relief of Henry B. Rupe; which was read a first and second time, and referred to the Committee of Claims.

MARTIN L. BUNDY.

Mr. BROWNE also, by unanimous consent, introduced a bill (H. R. No. 3273) for the relief of Martin L. Bundy; which was read a first and second time, and referred to the Committee on Military Affairs.

STEAM-YACHT E. R. BRYANT.

Mr. VAN VOORHIS, by unanimous consent, introduced a bill (H. R. No. 3274) to change the name of the steam-yacht E. R. Bryant, of Rochester, to Summerland; which was read a first and second time, referred to the Committee on Commerce, and and ordered to be printed.

SLOOP-YACHT MARIAH.

Mr. VAN VOORHIS also, by unanimous consent, introduced a bill (H. R. No. 3275) to change the name of the sloop-yacht Mariah, of Rochester, New York, to that of Tourist; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH B. RODDEN.

Mr. HAMMOND, of New York, by unanimous consent, introduced a bill (H. R. No. 3276) for the relief of Joseph B. Rodden, late of Company K, Sixteenth Regiment New York Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

ADAM EPPENBERGER.

Mr. POEHLER, by unanimous consent, introduced a bill (H. R. No. 3277) granting a pension to Adam Eppenberger; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAINT JAMES MISSION, WASHINGTON TERRITORY.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 3278) for the relief of the mission of Saint James, in Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ALEXANDER W. M'CONNELL.

Mr. TAYLOR, by unanimous consent, introduced a bill (H. R. No. 3279) to reopen the claim of Alexander W. McConnell, of Tennessee, before the commissioners of claims; which was read a first and second time, and referred to the Committee on War Claims.

EARL S. RATHBURN.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 3280) granting a pension to Earl S. Rathburn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DE LA MATYR, for to-day;

To Mr. FORD, for to-day; and

To Mr. MURCH, for to-day and to-morrow, on account of important business.

STAR SERVICE DEFICIENCY.

Mr. BLACKBURN, from the Committee on Appropriations, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Appropriations be, and hereby is, instructed and directed to inquire into the causes and the extent of the probable deficiency of the postal star service for the fiscal years 1879 and 1880, and the facts which relate to said deficiency; and that the said committee, or any sub-committee it may appoint, shall have power to send for persons and papers, call and examine witnesses, administer oaths, sit during the sessions of the House, and generally to inquire and report thereon.

ORDER OF BUSINESS.

Mr. BEALE. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at nineteen minutes before one o'clock. The business in order during the morning hour is the call of committees for reports of a public nature. The call rests with the Committee on Mines and Mining.

LOCATION OF MINERAL CLAIMS.

Mr. ARMFIELD, from the Committee on Mines and Mining, reported as a substitute for House bill No. 2418 the bill (H. R. No. 3281) concerning the location of mineral claims; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That hereafter any person desirous of prospecting and exploring the public domain of the United States lying within the limits of the State of Colorado, for the discovery of deposits of gold and silver-bearing ores, which do not outcrop or appear on the surface of the ground, may locate a mining claim fifteen hundred feet in length, and not exceeding six hundred feet in width, which location may be made by marking the boundaries of the same on the surface of the ground by at least six substantial stakes, one at each corner of the claim and one at the center of each side line. After the making of said location, the party making the same shall commence work within ten days to explore and define the mineral deposit, which may be done either by the sinking of a discovery-shaft or by an open cut, cross-cut, or tunnel; and so long as he shall prosecute his work of exploration and discovery with reasonable diligence, the said location shall be valid, but a suspension of work for the period of thirty days before perfecting his title, as hereinafter provided, shall operate as a forfeiture of his rights to said claim, and the same shall be open to relocation in the same manner as if no location of the same had ever been made. No person discovering a mineral deposit under this act shall have the right to follow it beyond the point where it is intersected by the vertical plane of the exterior lines of the claim, nor shall any person under the provisions of this act be allowed to locate a second claim in the same mining district until he has perfected his title to the first located claim by discovery of the mineral deposits therein, or unless he shall elect to abandon his said located claim. Within ten days after discovering the mineral deposit the locator shall record in the office of the county clerk and recorder a certificate of location, containing the name of the claim, the name of the locator, the date of the location, and a sufficient description to identify the claim. Persons locating claims under this act shall be required to perform the same amount of annual labor, and shall be allowed to patent their claims, as is provided in the act of May 10, 1872.

Mr. MAGINNIS. Does the bill refer to Colorado alone?

Mr. ARMFIELD. Yes, sir; it is a general bill, I believe.

Mr. MAGINNIS. Then I make a point of order on the bill.

Mr. BELFORD. It applies to Colorado alone.

Mr. MAGINNIS. If it applies exclusively to Colorado, I do not wish to make any point of order; if the bill is general in its provisions, I do.

The SPEAKER. So far as the Chair caught the reading of the bill, it is a public bill.

Mr. MAGINNIS. Then I make the point of order that it disposes of public mining lands and ought to receive its first consideration in the Committee of the Whole.

The SPEAKER. Does the gentleman from North Carolina [Mr. ARMFIELD] contest the point of order?

Mr. ARMFIELD. I do not concede the point; the Chair will decide whether it is well taken.

Mr. REAGAN. Before the point of order is decided, I wish to call the attention of the Speaker in connection with the point to section 2320 of the Revised Statutes, which provides for the location of mining claims the same in length and in breadth as those provided for in this bill. As I understand, the bill proposes merely to change the law so that the claim shall follow exterior boundaries instead of following the vein of the mineral. As the existing law already appropriates this land, I submit to the Chair whether a modification of the law, such as the bill proposes, subjects the bill to the point of order.

Mr. MAGINNIS. The change mentioned by the gentleman from Texas [Mr. REAGAN] constitutes the greatest departure from the policy of the United States in regard to mineral lands that has ever been proposed in this House; I refer to the proposed change in the law so that claims shall be bounded by exterior lines instead of following the vein. Now, as the bill certainly makes disposition of public lands and public property, I think the point of order is good.

Mr. BELFORD. I desire to be heard on this point of order.

The SPEAKER. The Chair will hear the gentleman very briefly.

Mr. BELFORD. The act of 1872 provides that no prospector shall make a location on a mineral vein until he first discovers the mineral. This bill simply changes the provisions of that act so as to allow the miner to make location on the mineral land of the United States prior to the discovery of the mineral; and it provides, further, that so long as he shall work his claim with reasonable diligence he shall be protected in the exercise of that right as against anybody else. The only essential change which the bill works in the act of 1872 is to allow the miner to make a location prior to the discovery of the mineral.

Now, I desire to state to the gentleman from Montana [Mr. MAGINNIS] that in no respect does the bill affect the question of lode claims. It applies only to those mineral deposits which do not appear on the surface—that class of mineral deposits the discovery of which can only be made by sinking a shaft into the bowels of the earth to the depth of two or three hundred feet.

Mr. MAGINNIS. There are hundreds and hundreds of lode claims that do not make any appearance on the surface. The bill is not sufficiently specific.

Mr. BELFORD. The gentleman states that the bill changes the existing law in this, that under the act of 1872 you can follow the vein in its course, although it may enter the adjoining land. But in Colorado it has been held by the circuit court of the United States and the district court of the United States that this provision applies only to those well-defined lodes having hanging walls and foot walls; that it does not apply to such deposits of minerals as have been found to exist in the "Little Pittsburgh" and other mineral claims of that sort. Now, the object of the bill is to allow the miner to sink his shaft down to where the mineral deposit is found, and while he is so doing protect him in the exercise of that right. This is really the only change made in the act of 1872.

Mr. MAGINNIS. Does the gentleman state that this bill applies only to Colorado?

Mr. BELFORD. Yes, sir.

Mr. MAGINNIS. Then I withdraw my point of order.

Mr. BELFORD. I am perfectly willing, so far as I am concerned, that the bill should go to the Committee of the Whole House.

Mr. CALKINS. I renew the point of order. I think the bill should go to the Committee of the Whole.

The SPEAKER. The point of order is raised and not resisted by the gentleman from North Carolina——

Mr. ARMFIELD. I do not concede the point of order.

The SPEAKER. The Chair understood the gentleman to concede the point of order.

Mr. HASKELL. I rise to a parliamentary inquiry. I desire to have the Chair state to the House the specific ground upon which the gentleman from Indiana [Mr. CALKINS] makes this point of order. The bill contains no appropriation of money and by specific grant disposes of no public land.

The SPEAKER. But does it not provide a way by which the Government of the United States shall part with the title to lands in which it now has an interest?

Mr. HASKELL. It does not, only in so far as it amends existing law which provides the ways and means for this parting with title.

The SPEAKER. Does not the gentleman from Kansas suppose, for instance, the homestead act, which provided a way in which public lands should be disposed of, would be subject to the point of order?

Mr. HASKELL. Possibly it would.

The SPEAKER. What is the distinction between mineral lands and other lands of the United States?

Mr. HASKELL. My understanding of the point of order raised here in reference to the disposition of public lands is that it would lie only against those bills which themselves provide for the passing of title from the United States. This bill does not do that.

The SPEAKER. It provides a way by which the citizens of the United States can go and possess public lands of the United States having mineral deposits thereon. The Chair gives the benefit of the doubt, if there be any in this case, to the Government, and therefore sustains the point of order.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

EDUCATION.

Mr. GOODE, from the Committee on Education and Labor, reported back favorably a bill (H. R. No. 334) to apply the proceeds of the sales of public lands to the education of the people, &c.; which was referred to the Committee of the Whole on the state of the Union.

SUPPLEMENT TO REVISED STATUTES.

Mr. HARRIS, of Virginia, from the Committee on the Revision of the Laws, reported back joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes with sundry amendments.

The joint resolution provides that the supplement to the Revised Statutes embracing the statutes general and permanent in their nature passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index, prepared by William A. Richardson, be stereotyped at the Government Printing Office.

That 6,107 copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes by the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States," passed May 22, 1878, and such additional copies, on the order of the Secretary of State, as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created; that for preparing and editing said supplement there shall be paid to said editor such compensation, per copy, as shall be fixed by the Secretary of State, not exceeding fifty cents for each copy printed from the stereotype plates thereof, to be included in the sale-price of copies kept for sale.

And that to carry into effect the foregoing provisions sufficient money is hereby appropriated from any money in the Treasury not otherwise appropriated.

The SPEAKER. The Clerk will now read the amendments reported from the committee.

The Clerk read as follows:

The committee to which was referred Senate resolution 19, providing for the publication and distribution of a supplement to the Revised Statutes, report the same with the following amendments:

In line 8, after the word "office," amend so as to read: "and index and plates, and all right and title therein and thereto shall be in, and shall fully belong to, the Government of the United States for its exclusive use and benefit."

In line 9 strike out "one" and insert "three," and between the words "and" and "seven" insert "fifty."

In line 14, after "seventy-eight," insert "and joint resolution passed December 21, 1878."

In line 20, after the word "supplement," insert "including indexing and all clerical work necessary to fully complete said work, there shall be paid to said editor the sum of $3,500."

Strike out lines 21, 22, 23, and 24, as follows:

And that to carry into effect the foregoing provisions sufficient money is hereby appropriated from any money in the Treasury not otherwise appropriated.

Mr. HARRIS, of Virginia. I demand the previous question on the resolution and amendments.

Mr. WHITE. May I ask the gentleman from Virginia whether this should not have the sanction of the Committee on Printing?

Mr. HARRIS, of Virginia. I think not, sir. It refers to the codification of the laws, and therefore, I think, comes properly from the Committee on the Revision of the Laws.

Mr. WHITE. Can my friend tell us exactly what will be the expense of this publication?

Mr. HARRIS, of Virginia. I am not prepared to say, neither do I think any gentleman in this House can be prepared to say what will be the precise expense of printing any document or pamphlet or bill or resolution offered here in this House.

Now, Mr. Speaker, we know this, that from 1873 to the present time there has been no codification of the original general laws of the United States. The second edition of the revision of 1878 only brought down such laws previous to 1873 as had been amended. It entirely omits all the original laws passed between 1873 and 1878.

The casual reader—almost every lawyer in the country when he gets hold of the revision called the second edition, dated in 1878—thinks he has the whole laws of the United States down to that time, when the truth is that the original and general laws passed between 1873 and 1878, are wholly omitted from that revision. It only contains the laws previous to 1873 and those which were amended between those two periods I have mentioned.

Mr. WHITE. Is it the intention, Mr. Speaker, to make this a separate volume?

Mr. HARRIS, of Virginia. Yes, sir.

Mr. WHITE. Or to publish it in connection with the Revised Statutes hereafter?

Mr. HARRIS, of Virginia. It will be a continuation. It will be a volume, of what size I am not prepared to say, but a separate volume, commencing in 1873 and coming down to and including the present session of Congress.

Mr. WHITE. Does the gentleman from Virginia think that it is wise to pass this without reference to the Committee on Printing?

Mr. HARRIS, of Virginia. I do undoubtedly, or else I would not have reported it. The Senate unanimously passed the joint resolution.

Mr. KEIFER. I wish to ask the gentleman from Virginia a question, whether there is anything in the resolution which authorizes this proposed volume to be read in the courts?

Mr. HARRIS, of Virginia. No, sir.

Mr. KEIFER. Otherwise it may be a publication of little value to the country.

Mr. HARRIS, of Virginia. The great danger in that, Mr. Speaker, and it has arisen before, is that inaccuracies and errors may creep into the revision which no committee can have time during the session of Congress to examine or to correct. Some of our troubles under the revision of 1878 have grown out of the fact that laws which have been repealed have again crept into the statutes, and have become the subject of discussion in the courts, some holding that they had been repealed, others holding that they were still in force. Therefore we propose to avoid that simply by a codification, leaving the laws to stand as they are, with no effort on our part to modify or change them in any respect.

There is no reasonable man in the country who gets hold of the Revised Statutes or of the Statutes at Large published by authority of Congress who ever questions them unless there is ground to do so; and then the courts call for the originals as enrolled and on file in the State Department. No act of assembly published by a State has an enacting clause that it shall be the law of the land. It is so taken and so held by the courts until the contrary appears. I think the Senate acted wisely in not incorporating a clause making this the law of the land.

Mr. KEIFER. If the gentleman will permit me, I will say to him that I do not intend to require it shall be read in the courts as final and conclusive of what the law is; but there should be something that would make it *prima facie* evidence of what it contains; otherwise it will stand exactly on the footing of any private publication. I am opposed to voting money for a publication of what might be called a private compilation of the statutes of the United States covering the period mentioned unless we have something in this resolution which gives this publication some sort of authority to be used and read in the courts, such as has been given in relation to the Revised Statutes. In all the States there is just such authority. Most of the constitutions of the States require a publication to be made of the laws which are passed; and yet you may go to the secretary of state, who is usually the custodian of the original act, and there find out if there is a mistake in the publication and correct it. And look, too, this is a publication by the Government of the United States of a private compilation of statutes. It has not even the indorsement of the committee that it is right and correct in any form in the world; in other words, it is such a publication as may be prepared by any person in the country, distinguished or otherwise, and we are asked to give it our indorsement. If this supplement has been so correctly prepared, and if the committee is ready to say that this is correct—not absolutely correct, but accurate in its compilation, not in its revision—if they say to the House that it is accurate in this respect, then they will say it shall be published by the Government to be

used by Government officers all over the country as an authority until the contrary is shown.

Now, I think it will be an exceedingly bad thing to pass this resolution without some such provision in it. I am not, Mr. Speaker, prepared to say what form of language ought to be used in making an amendment, but I will be very glad if the gentleman who reports the resolution will agree to insert some language that will give some authority to this publication, which is going to cost the Government a great deal of money.

Mr. HARRIS, of Virginia. I desire to say one word in reply to my friend from Ohio. The Committee on the Revision of the Laws expressly provides by the amendment that this work is not to be considered a work of private enterprise. It provides that the stereotype plates shall belong to the Government, and that it shall be the work of the Government, and not of the publisher or the author of the compilation.

In regard to the other point, I will say that the chairman of the Committee on the Revision of the Laws of the Senate and myself held various conferences on the subject of this codification of the laws, which will form a volume of considerable size. No member of Congress can attend to his duties and compare every section and every line, word for word, with the original text of the enrolled bills; but we did so compare this compilation in the main so as to be satisfied of its entire accuracy, as well as of the notes and references to all the decisions which have been had on the subject; and I venture the prediction, sir, that no supplementary code has ever been published by act of Congress that has proved so valuable and so easy of reference as this will be to the lawyers and courts of the country. But we deliberately avoided, for the reason that there might be some inaccuracy in it, the making the code as it was the law of the land and to be received in evidence. That it will be received as *prima facie* evidence every lawyer knows; and my friend from Ohio sticks in the bark in making an objection which he himself would never make to a court of justice. If he believed the law was correctly incorporated he never would ask the court to call for the original enrolled act or the certificates kept by the officers of the two Houses. My friend would never do any such thing, and no lawyer of respectability would do it. The compilation therefore practically answers all the purposes for use in the courts that would be attained if it were adopted as the law of the land, and the course adopted obviates any objection on account of any inaccuracy there may be in it.

Mr. KEIFER. I think the gentleman who has charge of this resolution makes a very singular confession, or very singular confessions rather, when he says every respectable lawyer in this country would receive this supplement when published as *prima facie* evidence of the law of the land, and when he says here before this House that he and his committee are afraid to say that the published volume is *prima facie* evidence that it contains the statutes of the country. He tells us they are afraid to say that, and yet he says every lawyer and every judge in this country will be prepared to act upon this compilation in the administration of the law.

Now all I have asked and all I desire is to have a simple addition to this resolution, which will make this publication evidence in the courts to the extent of being *prima facie* evidence, and only that, that these statutes are a proper compilation of the laws of the United States. But the gentleman from Virginia says he will not go that far; and yet he says that the committee, as I understand him, have taken the pains to say by the resolution that this is not a mere private publication. I think my friend will hardly want to stand on that It is a private publication; it is without indorsement anywhere, save and except the indorsement of the compiler, who has made the compilation, without previous authority of the United States, as a purely private enterprise. The compiler may be entirely competent to do this work, and to do it well; but he brings it here to Congress and asks Congress to take his work and print it for him—not indorse it, but print it for him at the expense of the Government and for the use of the Government, but without saying whether it is accurate or not. I think the precedent is an exceedingly bad one. It is a purely private enterprise to which Congress is to lend itself, and for which it is to furnish the money to carry it out.

I cannot see any objection to the insertion of an amendment in proper language which will make this compilation *prima facie* evidence. If the gentleman will go that far I shall be very glad to vote for the resolution; but without such an amendment I think we ought not to adopt it.

Mr. HARRIS, of Virginia. I have no objection to accepting an amendment of that character.

Mr. KEIFER. Let the gentleman prepare the amendment in language which will be satisfactory to himself.

Mr. HARRIS, of Virginia. I suggest that the gentleman prepare it himself. I yield now to my colleague on the committee, the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. MCMILLIN. I do not agree with the gentleman from Ohio that there is danger in the printing of this edition of the Revised Statutes. Still the committee reporting the measure think it proper to accept the amendment which the gentleman from Ohio proposes. The question has been asked as to the cost of this compilation, and it has been stated by the chairman of the committee that it is impossible to tell what the cost will be. We know this: that the volume will not be half so large as the volume of the Revised Statutes, which costs less than $3 a volume.

There is an important amendment proposed by the committee in this respect. The resolution as it comes from the Senate proposes to give to the compiler fifty cents royalty on each volume that is printed. In lieu of that the salary is given here of $3,500, and that will be a saving in the cost of the work of at least $10,000.

The work is very much needed, but we should not make it law without further investigation. It comes to the committee in manuscript form, and no committee with the other duties that devolve upon them can give the work the investigation necessary to their indorsing the compilation as evidence. After it is before the committee in a printed form, after it has been used and discussed in the courts and examined by members of Congress, with the work before them in a printed instead of a manuscript form, we will be able to say whether it is accurate, and next session will be better able to make any amendments that may be necessary in the way of indorsement than we now are.

Mr. HARRIS, of Virginia. I now yield to the gentleman from Massachusetts, [Mr. FIELD.]

Mr. FIELD. I agree perfectly with what has been said by the gentleman who has just sat down, [Mr. MCMILLIN.] I have taken some pains to examine this compilation. I believe it to be one of great value. I know it will be published by some one, and I think it ought to be published by the United States. The gentleman who has compiled it is a man of the largest experience in that matter, having for more than twenty-five years had something to do with the statutes of Massachusetts. I am opposed to the amendment of the gentleman from Ohio, [Mr. KEIFER.] I am opposed to anything being made law that is not enacted by Congress to be law. The best evidence of the laws are the rolls in the Department of State. The acts published by the authority of Congress are legal evidence of the existence of those laws.

In the so-called revision of the United States Revised Statutes, which was made by a commissioner authorized by act of Congress, and who reported to the Secretary of State, the commissioner was authorized to incorporate *verbatim* certain amendments to the statutes and to refer to others. We did say that that revision should be legal but not conclusive evidence of the laws, and that in case of any discrepancy between it and the Statutes at Large the latter should prevail.

But in the case of this compilation which has been made by a very competent gentleman, which many persons have examined but which none of us have read through, which is not reported to the House in form and printed so that members may read it through, I am not in favor of making it of any legal authority whatever. When it has been printed and after it shall have been tested and examined, if gentlemen choose then to give it such authority they can do so. Until then I propose to have this compilation make its way on its own authority. I am very jealous about making anything law that we do not fully understand, or confusing in any way the text of the laws of the United States. I do not care to consider what the effect may be of making it *prima facie* evidence of the land or in what manner that *prima facie* evidence may be overcome, whether by the printed statutes or only by the rolls in the Department of State. I hope the resolution as reported by the committee will pass.

Mr. BRIGHT. I am willing to support the joint resolution with a proviso added which I deem necessary as a matter of caution, that there should be no mistake, that there shall be no misconstruction of the exact meaning and purports of the acts which we now propose to publish. I think there ought to be a proviso added to this effect: that nothing herein contained shall be construed to change or alter any existing law.

I think such a proviso is necessary from the fact that complaints were made by the judiciary and by the public. I believe that there were certain omissions or some interpolations and changes of law in the revision of the statutes which were not intended at the time of the adoption of the Revised Statutes. In order to obviate the difficulty and to put the matter beyond any dispute I ask that the amendment I have indicated may be adopted.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. BRIGHT] cannot now come in. The amendments reported from the committee must first be voted on under the rule and then the amendment proposed by the gentleman from Ohio, [Mr. KEIFER.]

Mr. BRIGHT. I hope the gentleman having charge of the joint resolution [Mr. HARRIS, of Virginia] will accept the amendment I have indicated.

The SPEAKER. The amendments reported from the committee will be first voted on, and will now be read by the Clerk.

The first amendment was to insert, after the words "Government Printing Office," the words "and the index, the plates, and all right and title therein and thereto shall be in and fully belong to the Government for its exclusive use and benefit."

The amendment was agreed to.

The second amendment was to change the number of copies to be printed from "6,107" to "6,357."

The amendment was agreed to.

The third amendment was to insert, after the words "passed May 22, 1878," the words "and joint resolution passed December 21, 1878."

The amendment was agreed to.

The next amendment was to insert, after the word "supplement," the words "including indexing and all clerical work necessary to

fully complete said work, there shall be paid to said editor the sum of $3,500."

The amendment was agreed to.

The last amendment reported from the committee was to strike out the following:

And that to carry into effect the foregoing provisions sufficient money is hereby appropriated from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The SPEAKER. The question will now be taken upon the amendment proposed by the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. I propose to add to the joint resolution the following:

The publication herein authorized shall be taken to be *prima facie* evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein.

I wish to state for the information especially of the gentleman from Tennessee [Mr. BRIGHT] that there can be no sort of inference that this amendment would change existing law; it could by no means change existing law. There can be no inference of that kind from it; but, upon the contrary, it is simply making this publication *prima facie* evidence of the laws of the country.

Mr. BRIGHT. I do not understand that the amendment the gentleman has offered will affect in any way the amendment which I desire to propose.

Mr. KEIFER. I understood the gentleman to desire to have an affirmative proposition that this publication should not be taken to affect or change any existing law. The amendment I have proposed will have no such effect.

Mr. BRIGHT. The amendment I desire to offer is independent of the one which the gentleman from Ohio [Mr. KEIFER] has submitted, and looks to another point.

Mr. KEIFER. I misunderstood the proposed amendment of the gentleman.

Mr. BRIGHT. I offered mine as an independent proposition.

Mr. WHITE. I suggest to my friend from Ohio [Mr. KEIFER] to add to his amendment the words found in the Revised Statutes:

And shall not preclude reference to, nor control in case of any discrepancy the effect of, any original act as passed by Congress since the 1st day of December, 1873.

That is in the Revised Statutes, and I propose that it be added to the amendment of the gentleman from Ohio.

Mr. KEIFER. I have no objection to the addition of that clause, though I do not think it necessary.

Mr. BRIGHT. The amendment which I have proposed will cover the point suggested by the gentleman from Pennsylvania, [Mr. WHITE.]

The SPEAKER. Does the gentleman from Pennsylvania move his proposition as an amendment to the amendment of the gentleman from Ohio?

Mr. WHITE. I do.

Mr. KEIFER. I accept the amendment, although I do not think it necessary.

The SPEAKER. The gentleman from Ohio accepts the amendment proposed by the gentleman from Pennsylvania. The proposition as now modified will be read.

The Clerk read as follows:

Insert after line 21 the following:
The publication herein authorized shall be taken to be *prima facie* evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein; but shall not preclude reference to, nor control in case of any discrepancy the effect of, any original act as passed by Congress since the 1st day of December, 1873.

The question being taken on the amendment of Mr. KEIFER as modified, it was agreed to—there being ayes 75, noes 28.

The SPEAKER. The amendment of the gentleman from Tennessee [Mr. BRIGHT] will now be read.

The Clerk read as follows:

Add to the resolution the following:
Provided, That nothing herein contained shall be construed to change or alter any existing law.

Mr. HARRIS, of Virginia. There is no objection to that, on the part of the committee.

The amendment was adopted.

The joint resolution, as amended, was ordered to a third reading, read the third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT JUDGE WESTERN DISTRICT OF MICHIGAN.

Mr. PHISTER. I am unanimously directed by the Committee on Expenditures in the Department of Justice to report back adversely the bill (H. R. No. 987) to provide for payment of certain expenses of the district judge of the western judicial district of Michigan.

The SPEAKER. This bill is reported adversely, and if there be no objection it will be laid on the table and the accompanying report ordered to be printed.

Mr. CONGER. Let the bill go to the Committee of the Whole.

Mr. PHISTER. I call the attention of the gentleman from Michigan [Mr. STONE] who introduced this bill to the fact that this is a unanimous report against the bill. Unless discussion be desired I move that the bill be laid on the table, and ask a vote on that question.

Mr. CONGER. Let it be laid on the table without being followed by the motion to reconsider and table.

The motion of Mr. PHISTER to lay the bill on the table was agreed to.

EXPENDITURES IN TREASURY DEPARTMENT.

Mr. WILSON, from the Committee on Printing, submitted a report; which was read, as follows:

The Committee on Printing, to whom was referred the petition of John M. Glover, chairman of the Committee on Expenditures in the Treasury Department in the Forty-fifth Congress, asking execution of the order of the last House for the printing of the report of said committee with accompanying evidence, report thereon as follows:

That on the 3d day of March, 1879, the House ordered that the report made by the Committee on Expenditures in the Treasury Department and the accompanying testimony should be printed. On the same day Mr. CONGER entered a motion to reconsider, which was not disposed of, and Congress adjourned.

The Clerk of the House, feeling doubt on the subject, preferred to await such action by the present House as would relieve him of responsibility in the matter, and the order to print is still unexecuted.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That the order of the House March 3, 1879, for the printing of the report of the Committee on Expenditures in the Treasury Department with the accompanying evidence be executed, and that said report and evidence take their place in the series of reports of committees to the House in the Forty-fifth Congress.

O. R. SINGLETON.
B. WILSON.

Mr. WILSON. I move the previous question on the adoption of the report.

Mr. DUNNELL. I ask the gentleman from West Virginia [Mr. WILSON] to state how voluminous this report is.

Mr. WILSON. I do not know. The Committee on Printing, on examining the subject, ascertained that a former House, more familiar with this record than this House, ordered, upon the motion of the committee that had taken the evidence, that the report be printed. This report which the former House regarded as important enough to be printed has not been printed, the former order having failed through a mere technicality. The Committee on Printing recommend that the former action of the House be now executed.

Mr. DUNNELL. I desire to inquire whether the report which it is now proposed to print is precisely the report which was presented in the last Congress by the honorable gentleman from Missouri, Mr. Glover?

Mr. WILSON. In so far as we know or have reason to believe, it is.

Mr. DUNNELL. I wish to inquire further whether any expurgations have taken place?

Mr. WILSON. None so far as I know or have reason to believe.

Mr. CONGER. Mr. Speaker, it has been stated here publicly in this House that that report was not in the possession of the House or any committee; that it never had been in the possession of the House. In order that we may know what the report is before voting upon the question of printing, I demand the reading of the report which it is proposed to print. The Chair sustained a similar demand on a former occasion, as he will recollect.

Mr. WILSON. I will state, Mr. Speaker, that I do not know where the report is. It has not been before the Committee on Printing; we did not deem it important to have it there. We simply found that the order made by a former House had not been executed.

Mr. CONGER. There never was an order of a former House to print this report.

Mr. WILSON. The former House, as I understand, did make an order to print, which, by reason of some technicality—I think on account of a motion of the gentleman from Michigan to reconsider—was never executed.

Mr. CONGER. The order never became consummated by the action of the House. In view of the history of this report, and the fact that no member of the House, no committee, has been able to see the report, I and other members have the right to know what the report is. I demand the reading of the report.

Mr. WILSON. If the previous question is sustained, I am perfectly willing to give the gentleman ample opportunity.

Mr. WHITE. I raise the point that the morning hour has expired.

Mr. REAGAN. This report is one which occupied a good deal of attention outside of the House as well as in it. It is an examination by a committee of this House of the operation and service of the Treasury Department. It contains evidence which, if true, ought to go on the records as the report of this committee, and it ought to be printed. That ought to have been done, in my judgment, long ago. For we ought to presume, at least, that a committee of this House, charged by its authority to make investigation, had performed its duty. The presumption is in favor of its having performed its duty. That report contains information which, if true, concerns this whole country in a high degree, and ought to be printed.

Mr. WHITE. I raise the point of order that the morning hour has expired.

The SPEAKER. The morning hour has expired, and this goes over until the next morning hour.

Mr. WILSON. It is the first thing in order to-morrow.

The SPEAKER. To-morrow is private bill day.

Mr. WILSON. Then it will be the first thing in order Saturday.

REVISION OF THE RULES.

Mr. BLACKBURN. I move the House resolve itself into the Com-

mittee of the Whole on the state of the Union, to proceed with the consideration of the report made by the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The Clerk will proceed to read the report by paragraphs or clauses.

Mr. REAGAN. Is the reading by paragraphs to be considered conclusive of action on each paragraph?

The CHAIRMAN. The House has not yet made any order limiting debate, and under the rule the Clerk is obliged to proceed to read by paragraphs or clauses for consideration. There will be no limit to debate, except that no gentleman can address the committee for more than one hour.

Mr. REAGAN. At some time after there is limitation placed upon the debate I desire to be heard.

Mr. BLACKBURN. We are not going to debate it generally at all.

Mr. REAGAN. I think at the outset before limitation is put on debate I shall ask to be heard on a portion of the report.

Mr. BLACKBURN. I inquire whether under the rule each paragraph as reported by the Clerk will not stand as adopted by the committee unless amendment is offerred to it?

The CHAIRMAN. It will. There will be, if any gentleman desires it, opportunity for general debate on the whole report.

Mr. BLACKBURN. I understand there has been no limit put upon the debate.

The CHAIRMAN. None.

Mr. BLACKBURN. But that, as the Clerk proceeds to read these rules paragraph by paragraph, they will stand as agreed to, although the debate remains unlimited, unless they amend the paragraph as the Clerk goes on?

The CHAIRMAN. The gentleman is correct.

Mr. SPARKS. I understood that the report was to be read entirely through. Was not that the order of the House?

Mr. BLACKBURN. No; we are now proceeding to consider the rules paragraph by paragraph.

Mr. RANDALL, (the Speaker.) The plan is to take up the report paragraph by paragraph, unless some gentleman wishes to speak at length. If some gentlemen wish to speak at length on the general character of the report, then they have now that right.

Mr. SPARKS. I understand that to be correct; but when you commence reading the report by paragraphs we are then under the five-minute rule.

The CHAIRMAN. No; unless the House so orders.

Mr. REAGAN. Mr. Chairman, I propose to occupy the time of the House for a few moments in a general discussion of one portion of this report of the Committee on Rules. Now, on page 5 of the Revised Rules, Rule XI, clause 7, provides:

7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

The Committee on Rules in reporting this, on pages 9, 10, and 11 of the report, give the reasons at length which induced them to recommend this change. On page 10 of the report it is stated by the committee:

In the Fortieth Congress, as appears from the statement of Mr. DAWES, on the 8th of February, 1873, (third session, Forty-second Congress,) the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. DAWES, representing the Committee on Appropriations, and the Committee on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (Forty-fourth and Forty-fifth) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.

The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills," (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included,) that they should have entire charge of all those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of one of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on the Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

After reading another paragraph or two of the report I will look to this. It is said in the paragraph preceding that—

The authority of the Committee of Ways and Means to report a general appropriation bill at any time, conferred on the 19th of March, 1860, was transferred to the Committee on Appropriations at the time the committee was created, and the latter committee was also clothed with all the powers and privileges with respect to general appropriation bills possessed by the former. Up to that time—

That is up to March, 1860—

no general river and harbor appropriation bill had ever been reported by the Committee of Ways and Means, although it had reported in a sporadic way bills for the repair, preservation, completion, or construction of certain public works on rivers and harbors.

I observe, sir, the language here employed describing the character of the bills reported from the Committee of Ways and Means is the same as is always in the caption of bills of appropriations for rivers and harbors. I am persuaded that the Committee on Rules was mistaken as to a matter of fact in relation to the history of this character of bills in this respect, for I find by examination of the statutes and of the Journals of Congress through its various sessions that on the 27th of April, 1816, the Committee on Commerce reported the river and harbor bill, which became a law. In 1823, the same committee reported the river and harbor bill, which also became a law. On the 26th of May, 1824, a like bill was reported by the Committee on Commerce, which became a law. On March 2, 1827, a like bill was reported from the same committee, which also became a law.

So, then, I now come to reports made by the Committee of Ways and Means. I am speaking now of certain bills reported which became laws, leaving out of view all bills reported from either committee which never became laws. On the 19th of May, 1828, the Committee of Ways and Means reported a river and harbor bill, which became a law, and it continued through eleven successive years, down to 1838, to report like bills, which passed into laws.

Again, in 1847 it reported the river and harbor bill, and in 1853 it again reported the river and harbor bill, which became laws. It reported thirteen bills from 1828 to 1853 for the improvement of rivers and harbors which became laws, and appropriated therein $7,555,784. Now, with these facts before us, it is apparent that the Committee on Rules was mistaken in the assumption that the Committee of Ways and Means had never reported the river and harbor bill except "in a sporadic way," as they mention.

I have referred to bills passed upon reports and recommendations from the Committee on Commerce from 1816 down to 1827. Again, on the 11th of June, 1844, the Committee on Commerce reported the river and harbor bill, which became a law. In 1845 the same committee reported a like bill, which also became a law. In 1852 it reported the river and harbor bill, which became a law. In 1856 the same Committee on Commerce reported the river and harbor bill, which also became a law, and so in 1864 the same committee reported another. From June 23, 1866, down to 1879, the Committee on Commerce reported fourteen bills, perhaps fifteen, one in 1857 failing to become a law, for the improvement of rivers and harbors.

All the bills reported by the Committee on Commerce for the improvement of rivers and harbors up to and including 1876 aggregate the sum of $51,358,982. Add to this the aggregate of appropriations for 1878 and 1879, which I set down at about $8,000,000 for each year—I have not the exact figures before me—which leaves between sixty-seven and sixty-eight millions of dollars of the money appropriated for this purpose, having been appropriated on reports from the Committee on Commerce.

This would seem to establish the position that the Committee of Ways and Means for a long time—for a great part of the time during the history of the Government—did report bills of this class; and that for many years subsequent to this the reports upon which those appropriations have been made have uniformly come from the Committee on Commerce.

But it is insisted by the committee that the Committee on Appropriations should report this bill. Among the reasons given for this are the following:

The Committee on Rules are of opinion, in consideration of the fact that the Committee on Appropriations are required under the rules "to report the general appropriation bills," (in which class the river and harbor appropriation bill should, by reason of long custom and practice, be included,) that they should have entire charge of *all* those bills, in order that they might the more fairly and fully control the entire question of appropriation of revenue for carrying on the several departments of the Government. It follows as a logical sequence that, if any other committee is to take charge of *one* of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made.

For these reasons the Committee on Rules have made the foregoing recommendations with respect to the river and harbor bill, believing that no good or valid reason exists why the Committee on Commerce should originate and have complete control of the river and harbor bill that does not apply with equal force to the theory that the Committee on Military Affairs should originate and control the Army, the Committee on Naval Affairs the naval, the Committee on Indian Affairs the Indian, the Committee on the Post-Office and Post-Roads the Post-Office, the Committee on Foreign Affairs the consular and diplomatic, or the Committee on Invalid Pensions the pension appropriation bill.

Now, Mr. Chairman, without discussing for the present the question of whether it would be advantageous to the legislation of Congress to refer the bills appropriating moneys for the different branches of the public service to the committees representing these several branches of the service, I propose to inquire whether it is true that the Committee on Commerce, acting upon the subject of a river and harbor bill, occupies upon that subject the same relation to the Com-

mittee on Appropriations that the other committees would occupy in the contingency mentioned here.

I will premise what I have to say on that subject by stating that there is no bill which comes before Congress that requires so much labor, so much time, and so much constant application on the part of the committee preparing it as the bill appropriating money for rivers and harbors. In the first place the consideration of this subject devolves upon the Committee on Commerce the necessity of the examination of two large volumes of reports of the Engineer Bureau and generally the examination of special reports which would make one or two additional volumes; and the hearing of members of the House and of the Senate, and of deputations from the various portions of the country desiring the improvement of their navigable waters; so that in order to consider this bill properly and intelligently, with justice to the commercial and shipping interests involved, and to know how to meet the necessities of this branch of the service, there is involved an incessant daily labor of three or four months. Can it be said in reference to the appropriations for any other department of the public service that this amount of labor, this amount of consideration, is required before a proper conclusion can be reached upon an appropriation bill? In reference to other departments of the service we have the estimates of the respective Departments and detailed statements of the wants of the service and of the laws under which appropriations and disbursements are to be made. But this committee is charged with the duty, not of executing existing law, as in the case of appropriations for other Departments of the Government, but of originating and asking for the passage of a law to promote the commercial interests of the country. There is that broad, clear distinction between the two lines of duty.

Now then, looking further at the question practically, at the means of considering such a bill, is it possible that the Committee on Appropriations, burdened with its extensive duties in considering the wants of the service in all the Departments of the Government, can have time to give the investigation and labor necessary to the preparation of this bill? I presume there is not one member of this House who believes it possible or practicable for the Committee on Appropriations to give that consideration to this subject which its importance and the very necessity of the case require. If it is not practicable therefore for the committee so to do, the question presented in the rules involves the consideration of the further question as to whether appropriations of this character are to be desired as beneficial to the general interests of the country.

Mr. STEVENSON. I would like to ask the gentleman from Texas a question.

Mr. REAGAN. I will hear the gentleman.

Mr. STEVENSON. I desire to ask the gentleman from Texas why it is that this bill alone of all appropriation bills is reported and passed under a suspension of the rules without an opportunity on the part of members to offer amendments or to discuss the bill? That has been the custom for years in this House, as I understand, and I desire the gentleman to explain why this appropriation bill, unlike all others, shall pass in that particular way.

Mr. REAGAN. Mr. Chairman, when I have finished what I have to say in the line of remark I am now endeavoring to present, I shall take pleasure in answering the question of my friend from Illinois; and if I should omit to do so I will be obliged if he will call my attention to it, for I shall be happy to give an explanation upon that point, but not in this connection.

I was endeavoring to show that it was practically impossible for the Committee on Appropriations to consider this bill, and that the recommendation of the Committee on Rules, in that view of the question, really involves the consideration of the question as to whether appropriations of this description are desirable; whether they are beneficial; whether they promote the commercial interests, and with them the agricultural and manufacturing interests of the country; whether they benefit the producers and the manufacturers of the country, and whether they benefit also the consumers of the country by cheapening transportation, by reducing the rates of insurance, and in the various ways in which these appropriations are supposed to benefit the commerce and the general welfare of the country. If it is concluded by the House that it is desirable to have such appropriations, then the question arises, How shall we have them made? Will you intrust the preparation of a bill for this purpose to a committee that you know in advance cannot give to it the labor and consideration necessary to the preparation of a measure that will satisfy the House and the country?

But I may be answered that it is proposed in the revision of the rules that the Committee on Commerce shall go through this labor, that it shall report a bill, and that that bill shall be referred to the Committee on Appropriations. To me, Mr. Chairman, there is something in this feature of the recommendation that is singular, to say the least of it. Is it to be assumed that any one committee of this House, and especially a committee which has charge of questions relating to the commerce of the country, the mightiest interest that affects the people of this land, is to assume the subordinate position of acting as amanuenses and clerks for another committee of this House; that it is to devote three or four months of labor, day and night, morning and evening, to the preparation of a bill to be by it referred to the Committee on Appropriations, which in as many hours as we devote months to it may determine whether we have wisely, honestly, patriotically discharged our duty to the country in the framing of such a bill? Is it possible that it is contemplated that any committee of this House would assume that position? The committee which did that would be guilty of the self-confessed degradation of going through the work of reporting a bill and submitting it, not for the revision of this House, which has the rightful authority to revise all proposed legislation, but to the revision of a committee which, however able and earnest and honest it may be, cannot possibly have time to consider the subject.

These are some of the considerations which induce me to think that the recommendation of the Committee on Rules is not wise, that it is not for the best interest of the country. If a charge is to be made in this respect, if the House is not willing to confide this important measure to the Committee on Commerce, I invoke the members to take it from that committee and give it to the Committee on Appropriations, and let that committee go through the labor of preparing such a bill, if it can. I ask that the House shall adopt no such rule as would require one of the committees of this House to become the clerk of another committee of this House. I cannot speak for any one else; for myself I do not feel that I was sent here to act as clerk for any member or any committee, and if I retain my reason and my self-respect I surely shall never do so.

Are these appropriations useful to the country? We have the history of this subject from 1816 to this time. We have before us the history of appropriations amounting to seventy-odd millions of dollars, for the improvement of rivers and harbors; for the deepening of the inlets to harbors and for removing obstructions from them; for deepening the channels of rivers and removing obstructions from them; for cheapening transportation and thereby benefiting the producers and consumers of the country; for reducing the rate of insurance by removing dangers, and thereby cheapening the cost of transportation and benefiting the whole American people. That is the idea upon which we proceed in the preparation of these bills. In my opinion it is a proper subject of legislation, and a useful class of appropriations, upon the supposition, of course, always that the appropriations are wisely and justly made and properly applied and administered.

If we are not to make such appropriations, if it is unwise to have them, then the House ought to say so. But if it be wise to have them, then the House ought to adopt that course which will secure the making of these appropriations in the best possible manner. And that, I submit to the House, is the issue involved in this proposed new rule. I doubt not it will be developed that this new rule will be sustained by every member who doubts the propriety and the policy of this class of appropriations.

I was asked by my friend from Illinois [Mr. STEVENSON] why it was that these bills had been reported to the House and passed under a suspension of the rules, and without debate and consideration by the House or in Committee of the Whole. Before I answer that question I have this suggestion to make, which may be deserving of some consideration by those who have the same inquiry in mind which my friend from Illinois has made.

If the Committee on Commerce shall be required to report to the Committee on Appropriations, then the Committee on Appropriations reporting the bill to the House may secure its passage by a majority vote. Now, I would certainly oppose any scheme which would authorize a majority of the members of this House to pass such a bill under a suspension of the rules.

However, if a report from the Committee on Appropriations should not be passed under a suspension of the rules, but should be open to debate and amendment, we should then witness probably what it has been supposed all the time we would witness should such bills be open to free debate and amendment. They would soon be so loaded down with additional appropriations that no member of the House would vote for them, and in that way all such appropriations would be defeated.

Mr. STEVENSON. If that is true, is not that then a committee taking legislation out of the control of the House and trusting all such legislation as this to a committee of the House?

Mr. REAGAN. I will say to my friend from Illinois [Mr. STEVENSON] that the passing of this class of legislation under a suspension of the rules is not and has not been a favored practice with me, as I have often mentioned in this House; and I will have more to say on that subject as I go along. It is an exception to the rule of legislation; it is not the way in which I would desire to see any bill passed. It has been assumed that these appropriations are necessary, and that if these bills are brought before the House subject to debate and amendment they would be so loaded down with amendments increasing the appropriation that no member would vote for the bill, and thus all appropriations would be defeated.

I admit that this is a supposition and speculation. I have not known that it has been tested. I have been inclined to see, and I am now inclined to see, the question tested as to whether this House would so load down such a bill. I am yet inclined, as I have been in the past, to see if we report this session an appropriation bill for rivers and harbors whether that bill can go before a Committee of the Whole House and be open for free debate and amendment without being so loaded down. That is a matter yet to be demonstrated.

Mr. STEVENSON. I desire to ask the gentleman from Texas [Mr. REAGAN] whether he wishes to be understood as saying that he is afraid to trust the House with legislation of this character? If I

understand his position, it is that this legislation is a matter of such sacred character that it must be left entirely in the hands of a committee; that it is unsafe to trust the House with it, for fear it will appropriate unnecessarily large amounts or defeat the bill.

Mr. REAGAN. I am sorry my friend so thoroughly misunderstands my proposition. He surely could not have been listening carefully to what I have said. I was stating what had influenced the House to adopt this course, and not my opinion. I was giving my opinion as to the influences operating upon this House from year to year to induce it to adopt the course referred to in the passage of these bills.

I would leave nothing unsaid that I ought to say, and shall not do so unless it be by accident. When I have finished the point or two which I desire to present, if I have time I would be glad to answer any question that gentlemen may desire to ask; but as I am somewhat unaccustomed to public speaking I am sometimes a little disconcerted by the asking of questions while endeavoring to present my argument.

Mr. Chairman, I was saying that for myself I would desire to see a river and harbor bill put before this House for consideration in detail—first, to ascertain by practical experiment whether the supposition is correct, that that plan would defeat the passage of the bill; next, and as high as that perhaps, looking to the policy of this character of appropriations, that one such bill, at least, should come before the House and be open to free debate and amendment, because it would do much to give this House correct information as to the basis upon which such bills are framed. I understand, sir, why members dislike to vote upon a bill which they are not permitted to debate or amend. I think it is a reasonable feeling; I do not object to it; and in reporting such bills to be passed under a suspension of the rules I have been controlled by the sentiment of the House and the committee that any other course would be dangerous to the public interests by defeating such a measure.

Mr. Chairman, it will be remembered that the Committee on Rules made a report on this subject during the late extra session of Congress, providing that it should require three-fourths of the members to suspend the rules and pass a river and harbor bill. That question was brought up for consideration in this very Congress; and the action of this House was so clear and emphatic that it seems to me it ought to have been regarded as an instruction to the Committee on Rules. I have not before me the report of that committee; I am informed that it was not printed; hence I cannot state precisely the recommendation of the Committee on Rules on this subject, but upon my motion the House adopted as a substitute for the rule recommended by the committee the following:

Hereafter the Committee on Commerce shall have the same privilege to report bills making appropriations for improvement of rivers and harbors that is accorded to the Committee on Appropriations in reporting general appropriation bills.

That proposition was adopted on the 9th of April last, after a sharp and interesting debate, by a vote of 146 yeas and 97 nays, and it seems to me the action taken at that time ought to have been regarded by the Committee on Rules as the voice of this House upon that subject, for if we regard here the rule, *stare decisis*, it settled the question for this House by an overwhelming majority. It settled the question of jurisdiction of this subject, which had been a controverted one for forty years between the Committee of Ways and Means, the Committee on Roads and Canals, and the Committee on Commerce. Thirty years ago those three committees engaged in a most interesting discussion on this subject, each committee claiming jurisdiction of it. I believe my friend from Maryland [Mr. McLANE] was a member of the Committee on Commerce at that time. It was then determined by the House that the Committee on Commerce should have jurisdiction of the question.

At various periods there have been controversies on the reference of bills, petitions, &c., to committees. In the Forty-fourth Congress the point was made by Mr. Jones, then a Representative from Kentucky and chairman of the Committee on Roads and Canals, that that committee should have jurisdiction of this subject. The question was submitted to the Speaker, Mr. Kerr holding the position at that time, and was decided by him in favor of retaining the jurisdiction in the hands of the Committee on Commerce.

Many members will recollect the earnest contest and somewhat prolonged debate in the Forty-fifth Congress in which the Committee on Roads and Canals in a formal report, sustained by able argument, claimed jurisdiction of this subject; when the House upon full debate and careful consideration awarded the jurisdiction of the matter to the Committee on Commerce.

I thus present the several adjudications or decisions made at different times up to the one made on the 9th of April last, fixing finally by a rule of the House the question of jurisdiction and conferring on the Committee on Commerce the same powers and privileges in reporting a river and harbor bill that are conferred on the Committee on Appropriations in reporting a general appropriation bill.

In view of the history of this subject it seems to me that the recent action of the House at the extra session ought to have been regarded as an instruction to the Committee on Rules which should have prevented them, so soon after a decision of the question, from asking the reversal of the rule and a change of jurisdiction, especially from asking that any committee of the House be made clerk to another committee, to go through months of work to be passed upon in as many hours by another committee, the latter determining whether the former in the exercise of their duties as members of the committee of the House had performed those duties faithfully, patriotically, and honestly.

It is only necessary to refer to the files and records of this House to understand the importance of the character of this committee on commerce. It is only necessary to review the bills acted upon and reported by it to understand that its duty is to consider questions of the highest possible interest to the whole American people.

It is to be taken for granted that the Speaker of the House in organizing a committee with such responsible and important duties will assign to the discharge of those duties gentlemen who have capacity to comprehend the great interests this committee is required to consider and patriotism enough to discharge the duty faithfully to the House and to the country. No committee of this House has more responsible duties to perform; certainly not the Committee on Appropriations, which simply takes the estimates of the Departments, adds, subtracts, and divides, sees how much it can cut down, without studying specially the great and peculiar interests of each Department—a committee without power to consider these subjects as they ought to be considered by the several committees who have charge of the different branches of the service. I accord to the members of the Appropriations Committee the merit of ability and industry, as we all do. I know the difficulty of the labors they have to perform. I approve their efforts to reduce in every reasonable and proper way the expenditures of the Government, but I do not consider it the very acme of statesmanship to reduce appropriations in all cases. Instead of looking to the greatest possible reduction of expenditures in all cases, I think it devolves upon Congress to consider the wants of the public service, the interests of the country, and to provide for those wants by appropriating the money necessary to give efficiency to the various Departments of the Government.

I have stated these several reasons, and have desired to do so before we entered upon the five-minute debate, and especially because I regarded the question presented in these amendments to the rules as one of no ordinary interest to the whole country.

There is another statement in regard to the suspension of the rules which I might have made in response to my friend from Illinois. The passage of a bill under a suspension of the rules is not the passage of a bill in violation of the rules or in disregard of the will of the House. It is the passage of a bill under the rules of the House according to the will of the House as prescribed by the rules, and is the will of the House; and if the Committee on Commerce shall be able to frame a bill which will command the support and approval of two-thirds of the members of this House, then it cannot probably be very far wrong.

Now, going back to another point, I did not say all I ought to have said when speaking of my desire to see one such bill discussed by this House. Every time the river and harbor bill has come up we have had various suggestions made here on this floor about our appropriating money to improve dry creeks and suggestions that we should macadamize them instead of providing for their navigation; that we have appropriated money for pretended creeks and rivers where there were none. And the newspapers of the country, no wiser than members of Congress, have echoed this statement all over the country. I want one bill to come before this House to put a quietus to that sort of demagogy and misrepresentation. I wish to state now, because we shall probably hear it here again and I want to state in advance of hearing it again, that since I have been on the committee, now for five years, it has never made an appropriation to improve navigable waters that were not navigated by steam-vessels before the appropriation was made. It has never made an appropriation to improve navigable waters until after a survey had been made by the Engineer Corps and the improvement of the river recommended and an estimate given of the cost of the proposed improvement. This ought to be an answer to that flippant demagogism so frequently heard through the country in the press and so often heard upon this floor.

I make this statement in the presence of the present committee and believe it is true in reference to the action of former committees. My understanding is that it has always been the rule not to make an appropriation except for navigable waters after survey made by the Engineer Corps and estimate of the cost and recommendation of the work; so that if the committee, listening to the reports of the engineers, listening to the demands of the interest of commerce, see proper to ask for an appropriation to improve the navigation for the benefit of that commerce, it is because they believe it will benefit the public interests and promote the general welfare of the country.

Now, in conclusion, Mr. Chairman, I desire to say that in my judgment the proposed change of the rule involves distinctly the question whether we shall have such appropriations made in the future. If it is the sense of this House they are not proper appropriations to be made, if it is the sense of the House the public welfare is not promoted by them, if it is the sense of the House the commerce of the country, its agriculture, its mining, its manufactures, all its interests, are not promoted by it, then let it squarely decide we shall have no such bill; or, if it thinks it should be killed by indirection, then let this committee determine to take it out of the hands of the Committee on Commerce and put it into the hands of a wet-nurse who will be certain to strangle it.

Mr. McLANE. With the permission of the gentleman from Texas, I wish to call his attention to the inquiry made by our friend from Illinois. The objection taken to the river and harbor bill in that inquiry

was that it was a bill to be passed under a suspension of the rules. I would like the chairman of the Committee on Commerce to explain more fully to the committee that there is no provision in the old or newly proposed rules providing for any such passage of the river and harbor bill. The passage of a river and harbor bill under a suspension of the rules is precisely the same as the passage of the Army bill, or the Navy bill, or any other appropriation bill, under a suspension of the rules, and can be ordered at the pleasure of the House. There is nothing in the rule which gives to the Committee on Commerce the preparation of an appropriation bill for rivers and harbors any authority for the passage of the bill under a suspension of the rules. Such a mode of passing the bill is subject to the order of the House when the committee reports. The inquiry, therefore, as to why a river and harbor bill should pass under a suspension of the rule is not pertinent to the question of whether the Committee on Commerce should report it or not.

The river and harbor bill is to be passed as every other bill is to be passed, either as the order of business provides or by a vote of two-thirds, which takes it out of the order of business

Mr. MILLS. Let me say to the gentleman from Maryland that the sundry civil appropriation bill was passed last year under a suspension of the rules, and on motion of the Committee on Appropriations itself.

Mr. McLANE. Certainly; and over and over again appropriation bills have been passed by suspension of the rules.

Mr. SPARKS. That is so, of course; but does the gentleman approve of it?

Mr. McLANE. I not only approve it, Mr. Chairman, but time and again, if bills were not passed under a suspension of the rules, they would not be passed at all.

Mr. SPARKS. Then the gentleman is in conflict with the chairman of the Committee on Commerce, because he does not approve of it.

Mr. McLANE. No, sir; the chairman of the Committee on Commerce said to the gentleman from Illinois that he was not in favor of a general rule which would enable us to pass the river and harbor bill under a suspension, and I am not advocating any such general rule. On the contrary, I am taking the distinction that there is no such rule applying to the river and harbor bill.

Mr. SPARKS. I beg pardon, but I understood the chairman of the Committee on Commerce to state distinctly that he was opposed to the principle.

Mr. BLACKBURN. The practice.

Mr. SPARKS. The practice and the principle of passing appropriation bills under a suspension of the rules.

Mr. McLANE. So am I, Mr. Chairman. To the inquiry as now put by the gentleman from Illinois, as to whether we should pass appropriation bills under a suspension of the rules, as a general thing every man would give a negative reply. It is only in peculiar cases to be judged of by this House, to be judged of by two-thirds of this House, when an appropriation bill should be passed under a suspension of the rules. And what I say to my friend from Illinois is that the river and harbor bill should stand precisely as every other appropriation bill stands.

Mr. SPARKS. Does not the gentleman from Maryland know that in the Forty-fourth and Forty-fifth Congresses no river and harbor appropriation bill was passed which was not passed under a suspension of the rules? Hence they have made it the rule, and not the exception to the rule, to pass it in that way.

Mr. McLANE. As to the last Congress and the Congress before that, it was not my good fortune to be the colleague of the gentleman from Illinois. What I say has reference to a long series of years; and though the gentleman may be able to indicate the Forty-fifth or Forty-fourth Congress, I can reply to him that if he will take the ten preceding Congresses he will find that river and harbor appropriation bills were debated as freely as any other appropriation bills. And now, with the permission of the gentleman from Texas, the chairman of the Committee on Commerce, I should like to call the attention of my honorable friend to this fact, that appropriation bills, as the session progresses and the crisis comes, are not only obliged to be passed under a suspension of the rules, but they are obliged to be passed without being read when they come from the committees of conference.

Mr. BLOUNT. I should like to ask the gentleman a question.

Mr. McLANE. Let me conclude this point first, as I am interested in presenting my own views of the matter. The gentleman from Illinois takes exception to the explanation that I make. Now I think I have answered him frankly and fully. Like the chairman of the Committee on Commerce, I am opposed to any general rule or to any general practice which would pass any appropriation bill under a suspension of the rules.

Mr. SPARKS. If the gentleman will allow me one moment. I think he misunderstands the position of these conference committees.

Mr. McLANE. That is another question.

Mr. SPARKS. There never has been a conference report acted upon without reading what was the action of the committee of conference. We know that in conference certain points are reconciled, but those points have always been fully explained to the House before action was taken on the report itself. In the conference committee they have the general bill and the action on that bill by both Houses.

Mr. McLANE. The reference I made to the conference committee and the conference report has nothing to do with my reply to the gentleman from Illinois on the question of suspending the rules. It was but an analogy, an illustration, and I shall not follow out that point. I merely want to make perfectly clear that the chairman of the Committee on Commerce is not at all in conflict with the gentleman from Illinois; that they are both in favor of passing these bills in the usual way under the order of business prescribed by the House; and that when those bills are passed under a suspension of the rules it is for some special reason which commends that course to the discretion of the House, so that the House determines they shall be passed by a two-thirds vote, and this power the House will possess under the old rules as under the new rules proposed by the Committee on Rules.

Mr. REAGAN. How much time have I left?

The CHAIRMAN. The gentleman from Texas has eight minutes of his time remaining.

Mr. SPARKS. Before the gentleman proceeds will he permit me to ask him whether he discussed the question why the river and harbor bill should be given to the Committee on Commerce, and why the Army appropriation bill, the Navy appropriation bill, and the Indian appropriation bill should not be prepared by the Committees on Military Affairs, Naval Affairs, and Indian Affairs respectively?

Mr. REAGAN. I did discuss that point and drew the distinction between the river and harbor bill and those other bills on account of the kind of work and on the ground that the river and harbor bill is not merely the execution of a law, but that it originates a law.

Mr. SPARKS. And your conclusion was that the Committee on Commerce ought to have this bill, while the other committees ought not to have the bills I have named.

Mr. REAGAN. I did not pass upon that question. At the proper time I propose to offer an amendment to Rule XI, striking out the words:

But they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations.

And I shall move further to amend by inserting after the word "commerce," in the seventh clause of the rule, the following:

And the Committee on Commerce shall have the same privilege to report all bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting the general appropriation bills.

That is simply the rule of the House as it now stands by the action of this House.

I desire to say in conclusion, Mr. Chairman, that while I am combating the propriety of this recommendation of the Committee on Rules, I recognize the fact that they have rendered a great service to this House in their laborious effort to give us a revision of the rules which will simplify the performance of our duties and relieve us of the embarrassment we often experience under the rules as they now are. I do not wish to be understood because I question the propriety of this recommendation that I do not consider we are under a debt of gratitude to this committee for the labor they have bestowed in the preparation of the revision of the rules now submitted.

Mr. SPRINGER. Before the gentleman from Texas concludes his remarks, will he permit me to ask him a question? I wish to inquire whether he is willing to vote for an amendment which will provide that the river and harbor bill must be considered in Committee of the Whole except by unanimous consent of the House?

Mr. REAGAN. No, sir; I am not. I will not vote for that, because I do not think this is a subject which ought to be discriminated against. I think it is a meritorious matter, and I desire it shall occupy the same relation to the action of the House as other business that comes before it.

Mr. SPRINGER. Will the gentleman vote for a proposition requiring all bills appropriating money to be considered in Committee of the Whole except by unanimous consent of the House?

Mr. REAGAN. I would not vote to change the rule as it has existed in that respect, and as it is proposed still to exist under the report of the committee.

Mr. SPRINGER. Then I will have to insist on the river and harbor bill going to the Committee on Appropriations.

Mr. GARFIELD. I care a great deal more, Mr. Chairman, about this codification of the rules as a whole than I do about any particular rule in it. I would rather that any one rule here should be dropped out altogether and the rest saved than that we should go into such a controversy about any one rule as to imperil the passage of the whole.

The Committee on Rules found themselves in this situation: Here were ninety years of parliamentary usage and a number of rules added from Congress to Congress, and from session to session of the same Congress, until they made a sort of aggregation lying together without any order except such as accident might have given to it. To simplify these rules, to get all the rules pertaining to each subject together in one place, to lop off inconsistencies, to make the rules cohesive and simple, was the great object of the committee. In order to do that we agreed that no controverted thing should go in. If any member of the committee objected we followed the rules as they stood. By that means alone we were enabled to get up our report at all. But we met several unsettled questions about which the House itself has differed in its own action, and we found it necessary to report something to cover cases of that kind. This rule to which

the gentleman from Texas has spoken was one of those controverted cases, and we knew it would always be controverted until by some decisive action one way or the other the House settled it; and for the sake, therefore, of bringing it to an issue we all agreed to submit this form of the rule.

Now I hope that we will not stop on the threshold and go at the rule in relation to the Committee on Commerce, but that we will consider this report by paragraphs, take up each rule as we reach it, confine ourselves to it and act upon it, and thus go on *seriatim*, sticking to the thing before us and settling each as we go. In that way, and in that way alone, we will get through this code. I believe we shall then have done a great service, not only to this House but to all Houses that shall come after us, if we can get this codification through in fair shape.

I will not, therefore, at this time, enter generally upon the controversy raised by the gentleman from Texas, [Mr. REAGAN.] I know he speaks with great feeling and deep interest; and I occupy a standpoint so nearly like his own on one feature of the case that I can speak in full sympathy with him. I believe in the river and harbor legislation of this country. I believe in promoting and improving the great internal water courses of the country. I am proud of the fact that at the beginning of our great civil war, when the future and the unity of this country were threatened and in doubt, we began the business of opening these great water-ways to commerce; and $125,000,000, in round numbers, (I believe I speak within bounds,) have been paid out since 1861 for the purpose of opening our vast rivers and harbors to the commerce of the United States and of the world.

That is a glory that we ought to be proud of; and to go on with that work and culminate finally in making a perfect chain of water-ways wherever our great navigable rivers are, to open up all our harbors and to light all our coasts, is a glory for the Republic to win.

Therefore I do not speak in any view of this case as hostile to the river and harbor appropriation bill; and in no sense of the case, therefore, does my opposition depend upon any disposition to restrict or defeat any appropriation for that purpose. I speak upon another and larger view than that of rivers and harbors.

There are two committees of this House that stand, if I may so speak, with their backs to each other and facing in opposite directions. One is the Committee of Ways and Means. That committee faces out upon all the business of this country from which a revenue can be had. They ask the nation this one question, Where can we get a revenue to supply the machinery of this Government, to fill the Treasury as it ought to be filled? And they apply to all of the people of this country, to all its wealth, to all its trade, to all its commerce, and ask what contributions shall be gathered and how they shall be gathered from the people.

But that committee wants one thing before they start out upon this inquiry—they want the figures, the sum total. And they turn to the other committee which stands back to back to them, the Committee on Appropriations, and inquire of that committee how much money must we give you to run this Government for the coming year? And they get the figures from the Committee on Appropriations. That committee says to them, we will require so many millions of dollars. Thereupon the Committee of Ways and Means turns to the nation and asks for a contribution. It passes a law that tells how much the burden shall be and how that burden shall be distributed.

Now, if it is important that the Committee of Ways and Means shall know that sum total before they begin to legislate, it is equally important that some one great fiscal committee of this House shall be able to give them the figures. Now, shall it be given them by one committee, or shall the Committee of Ways and Means hunt through all the committees of this House in order to find out what the figure of our taxation is to be?

In my view, the harmony and unity of the fiscal machinery of this Government requires that these two great committees shall stand back to back; the one of them facing the people and its industries, the other facing the machinery of the Government and its necessities. One shall say that to run this great machine requires so much money in the aggregate, to be distributed in the following way. The other shall say that to get that aggregate of money requires such a tax internal, and such a tax external, to be distributed in such and such manner. The unity of our fiscal affairs must not, therefore, be broken up.

I have in this statement given the reasons that induced me to agree to the report as presented in this Rule XI. The same reasoning that would turn over the river and harbor appropriation bill to the Committee on Commerce would also turn over the Army appropriation bill to the Committee on Military Affairs, the naval appropriation bill to the Committee on Naval Affairs, the Indian appropriation bill to the Committee on Indian Affairs, the pension appropriation bill to the Committee on Invalid Pensions, and so on down through the whole list.

Now, Mr. Chairman, it is a fact within the experience of every member who has been here long, that the Committee on Appropriations always finds itself confronted with a demand from each of the committees having a special subject in charge for larger appropriations than the Committee on Appropriations think should be made. There never was a time within my knowledge since I have been here when the Committee on Military Affairs did not resist the tendency of the Committee on Appropriations to cut down the appropriations for the Army. The Committee on Naval Affairs has always been found resisting the reduction of the naval appropriation bill. For this reason, I say that if each of these several committees had charge of getting up the appropriation bills on these several subjects, the amount of the bills would be very large; they would outgrow the grasp of the House, and there would be no unity in the appropriations of public money.

Let me state the practice which prevailed during the four years I was chairman of the Committee on Appropriations. That committee went over the field, and looking at all the estimates as they came from the Departments, making all the examinations we could make, we said: "There should be appropriated for the coming year, say, $290,000,000; we think we can cut the expenditures of the Government down to that figure; but to do this the Army must have so much, the Navy so much, and rivers and harbors so much." Thereupon the Committee on Appropriations informed the Committee on Commerce that the Government could afford to pay, say, $5,000,000 for rivers and harbors; and the Committee on Commerce, having that great and complex subject in hand, were asked to tell how the money ought to be distributed. The Committee on Commerce drafted the bill distributing the amount. That bill was referred to the Committee on Appropriations, and if it did not exceed the total amount which the Committee on Appropriations believed could be spared, the Committee on Appropriations reported it back and requested the Committee on Commerce to take charge of it and carry it through the House. This is the way the work was done during the four years of my chairmanship of the Committee on Appropriations.

Mr. McLANE. Will the gentleman permit me a moment?

Mr. GARFIELD. Certainly.

Mr. McLANE. Upon the illustration of the gentleman, referring to the Army and Navy, I wish to make a single suggestion. In view of the present rules of the House, and in view of those we are about to adopt if we approve this report, does not the gentleman from Ohio understand that if the Committee on Military Affairs reported to-day and Congress passed into law a bill increasing the Army to the extent of ten thousand men the Committee on Appropriations would be obliged to appropriate for the support of those ten thousand men?

Mr. GARFIELD. Certainly, in obedience to law.

Mr. McLANE. Precisely, and without any discretion on the part of the Committee on Appropriations. The Committee on Military Affairs having reported to this House the addition of ten thousand men to the Army, the Appropriations Committee, having nothing to do with the deliberations which induced the report, would be obliged to report the necessary appropriations. Now I wish to ask the gentleman a question in this connection. Suppose the river and harbor bill being in issue, the Committee on Commerce report a provision authorizing the improvement of a harbor which has never been included in any previous law; would not the Appropriations Committee upon the same principle be bound to report an appropriation for that river and harbor improvement? The Committee on Commerce having had referred to it a memorial for the improvement of that river or harbor, and having reported a bill for the improvement, would not the Committee on Appropriations be bound by the same principle to provide the money for that improvement?

Mr. GARFIELD. I think I comprehend the question, at least in part. The gentleman will notice this distinction: the Army is established by law; but the law which creates the Army does not appropriate the money for its support. The Navy is created by law; but that law makes no appropriation. The Military Academy is established by law; pensions are fixed by law. All the eleven regular appropriation bills appropriate money in accordance with existing law, which the Appropriations Committee is bound to obey. But the river and harbor bill is the only law for the improvement of a particular harbor. For instance, there is no standing law requiring that $3,000,000 should be appropriated to deepen the channel at Hell Gate. The only law on the subject is the appropriation which we annually make. This is the reason why the river and harbor bill stands as an exception.

If we adopt this rule as it stands in the report before us, two-thirds of the House can still suspend the rules and pass the river and harbor bill just as has been done heretofore; and they doubtless will do it. But we are now making a rule for the normal orderly course of events under the rules; and if two-thirds of the House are not in favor of suspending the rules and allowing the bill to be passed upon the report of the Committee on Commerce, as has usually been done, then the bill will go as indicated in this rule.

Mr. McLANE. The gentleman will pardon me; but he has not answered my question.

Mr. GARFIELD. Then I am very unfortunate. I will endeavor to do so, if the gentleman will indicate wherein I have failed.

Mr. McLANE. The point I suggested to the gentleman from Ohio was this: the present law for the organization of the Army provides, we will assume, for twenty-five thousand men. That is the only law which authorizes the Committee on Appropriations to appropriate for the Army. Now, suppose we pass another law providing for ten thousand additional men. By the passage of that law we impose upon the Committee on Appropriations the obligation to report the appropriation for the support of those men. Now, the analogy I submitted

to the gentleman was this: the moment Congress passes a law for the improvement of a river or harbor we impose upon the Committee on Appropriations the obligation to appropriate money for that improvement. If this be true (and here is where the gentleman from Ohio did not reply to my question) then, as a matter of course, the Committee on Commerce originates a law, and having originated the law it can very well leave to the Committee on Appropriations the duty of merely appropriating the money to carry it out. If this rule had presented the case in that view I should have offered no opposition. Does the gentleman understand? If this proposed rule allowed the river and harbor bill to be perfected by the Committee on Commerce as it permits the Army organization to be perfected by the Committee on Military Affairs, I should make no objection. It is the Military Committee, not the Appropriations Committee, that decides how many soldiers we shall have. The Military Committee having decided how many soldiers we shall have, the Committee on Appropriations has nothing to do but to appropriate the money. It has no discretion whatever. It cannot reduce the pay of the soldiers as fixed by law. The law reported by the Military Committee fixes the number of soldiers; and the Committee on Appropriations appropriates the money to pay them according to the rates of pay provided by law.

No gentleman will gainsay that if this rule had provided that the money for the improvement of rivers and harbors should be appropriated in the report of the Committee on Appropriations no exception could be taken to it, provided the Committee on Commerce was left to its proper responsibility of providing what rivers and harbors should be improved. That issue has not been presented before, and in my humble judgment it is the only issue in question. And the rule recommended to our adoption makes no such provision. It strikes between these two opposite principles and it does it, as the gentleman from Texas, chairman of the Committee on Commerce, has very well said, in such a way that it degrades one committee, and not only degrades it but wastes its labor.

I shall not go further into the question, however, because I really want the gentleman from Ohio to give me a candid reply to the question I have addressed to him.

Mr. GARFIELD. Mr. Chairman, candor is a rare quality, and we are not all equal to it, but the best I can do I will. If the Committee on Commerce proposes a general law declaring what harbors ought to be improved and what ought not to be improved, and about how much money ought to be the plan for expenditure on any given harbor, I think that would be a good thing, and that would be wholly within the purview of the Committee on Commerce. But that should be disassociated from the appropriation, because if, for instance, the Committee on Commerce should say here is a harbor that ought to be built in the course of the next ten years, costing $10,000,000, then the Committee on Appropriations should say how much would do this year toward it. That would be wise, but I would not by any means ask a rule which would cripple the Committee on Commerce in that direction. I do not think this rule does that.

I wish to remind the gentleman that there are only eleven regular annual appropriation bills recognized by the rule. The river and harbor bill is not authorized by the rules as one of the regular bills, for the very reason that it is not provided by a fixed statute law, and I believe the best settlement which could be made of this controversy would be that a general law should be passed under the auspices of the Committee on Commerce declaring what rivers and what harbors should be declared to be by law in the line of appropriation, and then let the Committee on Appropriations make such appropriation for that year and for that purpose as they could.

Mr. BUCKNER. Is not that the practice in reference to public buildings?

Mr. GARFIELD. Yes, sir. I think the rule which prevails in regard to public buildings, might wisely be adopted in regard to harbors. For instance, under the advice of our engineers laid before Congress in the estimates, the Committee on Commerce might say that at Buffalo, New York, there shall be completed as soon as, in the judgment of Congress, the money can be spared, a harbor to cost half a million of dollars.

Mr. McLANE. That is just what I ask.

Mr. GARFIELD. And fix it by law so the Committee on Appropriations can all work to that end on one plan. The rule is not inconsistent with that. If the gentleman will put that into the rule, I will be glad to sustain him. At any rate, I say in conclusion, I would rather this rule should all go out, lose it in any form, than lose the body of rules we have before us.

Mr. KENNA. I wish to ask the gentleman from Ohio why an exception is made by this report to this river and harbor bill?

Mr. GARFIELD. For the reason the whole eleven appropriation bills are now fixed by statute law; and the river and harbor bill stands outside of law and is a sort of law to itself. It was thought by the committee that as there was a struggle every winter here over it as to where it should go, and as there is no fixed rule of the House about it, it was best to make this general rule. The rule the gentleman from Texas quoted a little while ago was only the rule for that Congress. It did not become a general rule to bind this Congress.

Mr. RANDALL, (the Speaker.) We have not acted in variance to that judgment at all, for we have inserted here that the Committee on Commerce shall make up that bill.

Mr. GARFIELD. We have here for the first time in our general rules conferred on the Committee on Commerce the power to make up this bill. They never had that power before by general rule. They have it here for the first time, and the only objection they make is that they shall be compelled to refer it to the Committee on Appropriations.

Mr. HOOKER. Mr. Chairman, I am glad that the Committee on Rules, to whom was referred various propositions looking to the amendment of the rules, have been so nearly unanimous in the views they entertain as to the necessity of a change in the rules as they at present exist. Those of us who have been here for the past five or six years have observed that the rules as they are now in force seemed to be designed as impediments in the way of legislation rather than as aids to it. We all feel the necessity, therefore, that there should be a change in the rules of the House, and a radical change, in order that a set of rules may be adopted which should have for their object the furthering of the legislation of the country and not the impeding of it.

And in addition to that, Mr. Chairman, it is well known to all the old members of the House who have served here for years that the rules of this House differ so materially from the parliamentary rules which govern deliberative bodies throughout the world, including the Parliament of England and the Assembly of France, as well as the Legislatures of our own States—that they may be said to be in that regard *sui generis*. They are not so in any other deliberative assembly that I am aware of, other than the House of Representatives of the Congress of the United States, and therefore the necessity has forced itself upon us to constitute a committee for the purpose of changing these rules.

They have made their report upon the subject. They have reduced the number of the rules from one hundred and odd to about forty-six in number. They are comprised upon the pages of this report of this committee, within eleven or twelve pages—the entire number of rules necessary for the government of the House—and I doubt not the report of the committee will receive the approbation of the House and be adopted by it. They have, however, Mr. Chairman, not adopted some of the suggestions that some of us had the honor of making at the extra session of Congress as well as at the beginning of this session. I had the honor myself to submit a series of resolutions, which were referred to the Committee on Rules, embracing my views of the subject and contained in this book, which I will send to the Clerk's desk and ask him to read.

The Clerk read as follows:

Mr. HOOKER. I offer as a substitute for the pending proposition what I send to the desk.

The Clerk read as follows:

"*Resolved*, That the committee to revise and reform the rules of this House be, and they are hereby, instructed to report at an early day an amendment of the rules of the House so as to provide—

"First. That the Committee on Military Affairs shall receive the estimates and report the bills for the annual support of the Army of the United States, and receive the estimates and report the bill for the annual support of the Military Academy at West Point.

"Second. That the Committee on Naval Affairs shall receive the estimates and report the appropriation bills for the annual support of the Navy of the United States.

"Third. That the Committee on Foreign Affairs shall receive the estimates and report the appropriation bill for the maintenance and support of the diplomatic and consular system of the United States.

"Fourth. That the Committee on Indian Affairs shall receive the estimates and report the appropriation bill for carrying out the treaties and obligations of the Government of the United States with the various Indian tribes.

"Fifth. That the Committee on the Post-Office and Post-Roads shall receive the estimates and make the appropriation for support of the Post-Office Department of the Government.

"Sixth. That the Committee on Commerce shall receive the estimates of the Engineer Department and introduce the annual appropriation bill for improvement of rivers and harbors.

"Seventh. That the Committee on Invalid Pensions shall report the appropriation bill for the payment of pensions.

"Eighth. That the Committee on Appropriations shall receive the estimates and report the appropriations for the legislative, executive, and judicial departments of the Government, and the sundry civil service bill and all deficiency bills.

"Ninth. That the Committee on Public Buildings and Grounds be authorized to report all appropriation bills for such public buildings as the needs of the Government may require."

I have now caused to be read, Mr. Chairman, the resolutions which I received permission of the House to offer, and which were referred to the Committee on Rules, in order that I might thus possess the committee of the views I entertained as to the amendments which were necessary.

When I come to look at this report of the committee, and get to Rule XI, I find that so far from distributing the powers of the House to the respective committees named as above, they have on the contrary made a report the object and purpose of which seems to be to deprive the Committee on Commerce of the right to do what alone, under the rules as they now exist, they can do—report to the House itself.

And it is proposed that this committee, whose bills have usually been passed under the spur of the previous question without debate, shall report to the Committee on Appropriations, or at least whatever they do report from the Committee on Commerce shall undergo the investigation of the Committee on Appropriations before it shall receive the consideration of the House.

Now, what is the argument that is offered for giving to the Appropriations Committee the consideration of the question of what amount you shall appropriate for the Navy, or for the Military Academy, or

for the Post-Office, or Indian affairs? What, I say, is the argument offered? I have heard none, sir, except the graphic figure used by the gentleman from Ohio [Mr. GARFIELD] who has just addressed the committee, in which he says that the two great committees, the Committee of Ways and Means and the Committee on Appropriations, stand, as it were, back to back, the one with its face confronting toward the people providing the means for carrying on the Government, and the other with its face confronting toward the great heads of the Departments to respond to their demands.

I say, sir, so far from these being the functions of these two great committees, I have sat in this House, not so long as the gentleman from Ohio, but I have sat here long enough to see that that great committee which ought to stand at the very head of the committees of this House with reference to the great interests of the people in determining the mode, and means, and ways in which the Government shall be supported has been dwarfed in its importance as every other committee has been dwarfed, and the House itself has simply shrunk, if I may use the expression, into a committee whose functions are to pay out the money of the people in accordance with the estimates of the heads of Departments. I say, sir, that the Committee of Ways and Means has functions second in importance to those of no other committee of this House and that it should not, in the language of the gentleman from Ohio, look merely to what the Committee on Appropriations may say, but that in its own judgment and in its own wisdom it should look to the condition of the material interests of the people of the country and the necessity of lifting from them the great burden of taxation which has paralyzed every industry and almost crushed the energies of the people. I say that committee should look to the question as to what the people can stand in the first place in the shape of taxation and what the Government in the exercise of the most rigid economy may require.

Nor does it follow that the Committee of Ways and Means should limit its consideration alone to what the Government may need now. It ought to adopt a system of taxation with reference to the income from imposts on foreign goods and with reference to the internal affairs of the country as low as can possibly be adopted consistently with keeping up the credit of the Government and carrying on its ordinary fiscal expenditures.

I do not see, therefore, that there can be any committee whose importance can be greater than that of the Committee of Ways and Means; and if the Appropriations Committee is to stand behind the Committee of Ways and Means and dictate the amount of the taxation and the manner and mode in which it shall be laid, then you may as well dispense with the Committee of Ways and Means as you have virtually dispensed with the operations and functions of many of the other committees. Those committees have separate and independent functions to perform and ought to exist independently; and the same reasons that I have urged with regard to these two committees may be applied to every committee of this House.

Why is it that the committee to which are referred the estimates for the support of the Army and of the Military Academy is not as competent to determine the amount of the appropriation to be made and recommended to the House as the Appropriations Committee? What peculiar virtue has the Appropriations Committee that it should possess itself of information upon those questions over and above the information which is possessed by the committee that should investigate every question relating to the Army, determine every soldier to be brought into the field, determine the modes of equipment, determine the points at which the Army is to be stationed and everything else in reference to its equipment and employment? Why is it that the Committee on Appropriations possesses more power than the Committee on Military Affairs to determine what ought to be appropriated for the Army? And the same reasoning may be applied to the Committee on Naval Affairs, to the Committee on Post-Offices, and to every other committee in the House.

Why is it that a particular committee styled the Appropriations Committee should know better than the Naval Committee, with my friend from Tennessee [Mr. WHITTHORNE] at its head, what amount is necessary to be raised for the support of the Navy?

It is said by the gentleman from Ohio [Mr. GARFIELD] that if you distribute thus the powers of the Appropriations Committee, restricting that committee to the consideration of the legitimate subjects belonging to it, namely, the appropriations for the legislative, executive, and judicial expenditures of the Government, the appropriations for the civil-sundry service, and the appropriations in the deficiency bill, which are the functions that properly belong to the Appropriations Committee, and if those three committees having in charge the Army and its support, the Navy and its support, the postal service and its support, are to report the appropriation bills for those branches of the service—that if you thus divide the powers of making appropriations in the hands of the various committees you will increase the amount of the appropriations.

It may be, Mr. Chairman, that such would be the result, but it might be a wise increase of the expenditures instead of an injudicious one; for sometimes a foolish economy is more to be blamed than a lavish expenditure; and yet I am in favor of restricting the expenditures to the lowest amount possible in the interest of the people who pay the taxes. I am at the same time not in favor of crippling any department of the Government by a niggardly dispensing of the taxes which the people pay. I see no reason, therefore, why each committee in this House having charge of the consideration and study of the branch of the public service intrusted to it, together with the estimates for its support, should not make its own report to the House of the amount which is necessary for the support of the respective Departments which fall under their care, and I have heard no reason offered why they should not possess it.

I am sure there can be no wisdom in one recommendation which I find in this report of the Committee on Rules, namely, the proposition that when the Committee on Commerce makes its report that report shall go to the Committee on Appropriations. The Committee on Commerce, Mr. Chairman, is an important committee; it has been so for a long period of time, and I am unwilling to see its powers now diminished or suspended, as it were, by referring its work to another committee. It was stated by the distinguished gentleman from Ohio that since 1862 for the improvement of the rivers and the harbors all along our Atlantic and Pacific coasts, and in the interior, $125,000,000 had been expended; and yet, sir, if I am right in my recollection of the estimates, of these $125,000,000 expended only about five or ten millions have been expended in the great valley of the Mississippi, where you have more rivers and more river frontage and more navigation than in every other portion of this land. It has gone elsewhere, and we do not now want to see the powers of the Committee on Commerce, which has this subject in charge, crippled by being placed under the necessity of reporting to any other committee.

That great valley of the Mississippi has received, comparatively speaking, little of the paternal care and regard of this Government; and yet when we look at its vast extent, embracing as it does twenty-four States and six Territories, holding within it navigable waters of fourteen thousand miles in extent and with five thousand miles of operating railway, constituting the great conduit pipe by which the great commerce of the West floats down the Father of Waters to the Gulf of Mexico, thence to be distributed to the starving millions of the Old World—when we look at these waters bearing upon their surface a greater amount of commerce than is borne anywhere else, I say that I would be unwilling to see the powers of the Committee on Commerce, which have been directed in some degree to the development of these great resources, diverted to any other committee.

I have said that that region constituted one of the vastest regions of our country. It should be remembered that it embraces seven-tenths of the population of the United States. It embraces every variety of climate, from where the first sources of the Mississippi start from the mountains to where it empties its vast waters into the Gulf of Mexico. It embraces that great agricultural region out of which you have carved Territory after Territory, and State after State, until now, in columnar grandeur, supporting the great entablature of the Union, it extends from the Atlantic to the Pacific Ocean. That region constitutes the means by which you must develop the great resources of this great people, and we do not now want that this Government shall pause in its work, or that any amendment shall be made to the rules of the House which shall cripple the powers, destroy the utility, and prevent the investigation and consideration of this subject by this committee.

What sense is there in asking that the Committee on Commerce shall report to any other body than this House? That committee is created by the House for the purpose of considering and investigating this very subject. Why should it report its labors to any other committee? Why should its work undergo investigation by any other committee? Why should any other committee say what this harbor requires or what that river needs? Why should any other committee be called upon to pass upon the fact whether the Committee on Commerce has properly considered the question?

I may be permitted further to say that so far as I am individually concerned I have never particularly desired, and have rather been opposed to, the passage of bills coming from this committee under the spur of the previous question, and more particularly as that previous question has been administered under our rules as they now exist.

In almost all parliamentary bodies where the previous question prevails, in the old country and in this, the ordering of the previous question cuts off debate by every one. Here the practice prevails that discussion shall be had for a limited time after the previous question has been ordered, for an hour on the part of the person reporting the bill to open the debate and an hour to close it. I say I have been rather opposed to this, because I believe that this is a form of the assembly of the people of the United States who meet here to discuss questions of great interest to them, whether relating to river and harbor bills or to one measure or another. This is the arena of debate, of investigation, and of discussion.

I have been taught for one that the conflict of mind with mind serves rather to elicit truth, to illustrate facts, and to endear great principles to the hearts of the people. I have not been afraid of discussion, and I am not afraid of discussion when the Committee on Commerce shall report its bill. Let such bill pass upon its merits, as every other bill should pass, after full, free, and untrammeled discussion, wherever the subject involved is of sufficient magnitude to require it.

The appropriations recommended by the committee are often large, amounting to many millions of dollars. While I am in favor of retaining all the powers of that committee, of referring to them the

subject of the improvement of rivers and harbors, and having their judgment upon the necessity of such improvement and the amount of appropriations required for that purpose, let that subject be discussed in the House, and let the House pass upon it. If at any time they prepare a bill making appropriations for the improvement of rivers and harbors, let that bill take its place upon the Calendar as other bills.

It may be said that sometimes the House will fail to pass such a bill. That may be so. It did fail to pass one at the second session of the Forty-fourth Congress; not, however, for the reason that it was canvassed, that it was discussed. The distinguished gentleman from New York who then represented on this floor the city of New York, Hon. Elijah Ward, whom all of us who were associated with him here remember with so much pleasure for his great ability and for the zeal and care with which he studied every question presented to him, was notified by the friends of the bill that if he did not permit discussion to be had and amendments to be offered, however reluctant they might be to oppose a measure reported by a gentleman holding so high a position before the House, they would defeat his bill. They did defeat it; and that created a necessity for the large river and harbor appropriation bill reported at the next session of Congress.

I say, therefore, Mr. Chairman, that in my judgment this eleventh rule ought to be so amended that the several committees of this House—the Naval Committee, the Military Committee, the Postal Committee, the Committee on Indian Affairs, and so on through the entire list—who are required in the line of their duties to investigate and study particular subjects at every meeting of the committee from the beginning of the Congress to its close, should have power to pass upon the question of appropriations for their particular Department, subject alone to the revision of that body by whose authority and under whose instructions they act. Each committee should report the amounts necessary to carry on the Department under its charge, and that report should be considered by the House without the intervention of any other committee.

I know that we are obliged to trust much to committees. We trust largely to the Committee of Elections—too much, I am afraid. We trust largely to committees on other subjects. But it is the duty of the House, the deliberative assembly of the people, to investigate and ascertain the true interests and wants of the country; and therefore this proposition that the Committee on Commerce, or any other committee, shall report to the Committee on Appropriations is an unwise departure from the true principle of legislation which ought to govern us in the adoption of rules which may exist for a hundred years.

In acting upon these rules my desire is simply to facilitate and enlighten the legislation of the House. I know of no partisan views in connection with this question. I think that this proposition to cripple the powers of a committee as to the amount which ought to be appropriated for a matter that it has passed upon should be struck out; that each of the great committees of the House should report directly to the House, giving its reasons, presenting its facts and figures, challenging the judgment of the House, inviting opposition and discussion.

I have said enough to indicate my views. When these rules shall come up for discussion *seriatim*, as I have suggested to my friend from Kentucky, when this particular rule shall come up separately, I shall take occasion to offer the amendment which I have indicated. Whatever other members of the House may think, I shall insist that the great committees of the House should be in the first place the investigators of the subjects confided to them; should consider how the Army is to be constituted, how the Navy is to be constituted, &c., and that then the question should be left to the decision of the House, which can make reductions if there should be proposed any appropriations in excess of those which prudence, economy, and good judgment demand.

Mr. RANDALL, (the Speaker.) Mr. Chairman, it was not my intention in the discussion of the new rules to enter further into the debate than might be necessary to explain to the House by illustration the effect which the operation of any proposed rule would have in the matter of facilitating business. But I feel it incumbent upon me here to-day, in view of what has been said, to state that there was not on the part of any member of the Committee on Rules the least intention to enlarge or abridge the powers of any committee of this House, or to suggest even by inference anything derogatory to any committee. If I had supposed that our report, even by implication, could have had any such effect, I never would have given the report my sanction.

Some gentlemen have gone so far as to say that by this report the Committee on Commerce is degraded. I deny it. On the contrary, I assert that the Committee on Rules has followed the wish of the House in giving to the Committee on Commerce the preparation of the river and harbor bill. We have simply said that in our judgment the manner of making up and considering such bills, and as to the extent usually appropriated having been the subject of public criticism, that a change in this respect was needed. We have not, even in the rules, proposed to debar the House from the right to suspend the rules and pass the river and harbor bill by the two-thirds vote heretofore allowed; we have simply confined ourselves to an admonition to the House, respectful in the highest degree, that, first, the time has come when the appropriations for rivers and harbors, which are "a law unto themselves," should have fuller consideration in the body called upon to take the responsibility of their passage; and, secondly, that the amounts appropriated heretofore have been in excess of the public requirements. In illustration of this and in answer to the proposition which is to be made later, that the preparation of the general appropriation bills should be divided among many committees, I want to show the effect during ten years of the separation of the river and harbor bill from the other bills known as general appropriation bills.

The general appropriation bills are framed in obedience to law, and no legislation changing law can be put on such a bill unless it be in the direction of economy. That is a power which, so far as my influence extends, I never wish to see destroyed or changed, for it is one tending to the protection of the people against extravagant expenditures. It involves the control of the people over the amount of money that is to be expended; and it should never be given up.

I desire the Clerk to read a statement of the appropriations made for rivers and harbors during the last ten years. By this statement it will be seen how under this mode of separate legislation these appropriations have gradually increased till they have become excessive in amount. The Committee on Rules thought it desirable to provide a remedy, so that the Committee on Appropriations should say practically how much money should be appropriated in a given year for rivers and harbors. Neither was there enmity in the Committee on Rules toward the improvement of rivers and harbors. Only these two points were considered: first, the manner in which these bills have been passed; secondly, their amount.

The Clerk read as follows:

First session, Forty-first Congress, year ending June 30, 1870	$2,000,000
Second session, Forty-first Congress, year ending June 30, 1871	3,945,000
Third session, Forty-first Congress, year ending June 30, 1872	4,407,500
Second session, Forty-second Congress, year ending June 30, 1873	5,588,000
Third session, Forty-second Congress, year ending June 30, 1874	6,102,900
First session, Forty-third Congress, year ending June 30, 1875	5,218,000
Second session, Forty-third Congress, year ending June 30, 1876	6,643,517
First session, Forty-fourth Congress, year ending June 30, 1877	5,015,000
Second session, Forty-fourth Congress, year ending June 30, 1878. No appropriation. Bill reported, (H. R. No. 4617.) Did not pass.	
First session, Forty-fifth Congress. No appropriation. Extra session. No bill.	
Second session, Forty-fifth Congress, year ending June 30, 1879	8,201,700
Third session, Forty-fifth Congress, year ending June 30, 1880	7,846,600
	54,968,217

Mr. REAGAN. I will ask from the gentleman from Pennsylvania permission to contrast those figures with others which I have here, and which do not at all agree with those which have been read by the Clerk, some being higher and some being lower.

Mr. RANDALL, (the Speaker.) The figures read by the Clerk were made by an able officer of this House, and if they are not correct I do not know where we are to get correct statements of appropriations made by Congress.

Mr. REAGAN. The statement which I have here is drawn up from the law itself, and, with the gentleman's permission, I wish the figures to go in along with those given by him, in order that they may be contrasted together.

Mr. RANDALL, (the Speaker.) I do not object to the gentleman making the statement he desires.

Mr. REAGAN. The appropriation of March 3, 1871, instead of two millions and odd dollars, was $4,407,500. The appropriation of June 10, 1872, instead of $3,000,000, was $5,538,000. The appropriation of March 3, 1873, instead of the amount given, was $6,102,900. The appropriation of June 23, 1874, was $5,193,000, and the appropriation of March 3, 1875, $6,643,517.

Mr. RANDALL, (the Speaker.) I have only to say, Mr. Chairman, that the figures which I have presented I obtained from an officer of the House and I believe them to be authentic. Whether they are exactly correct or absolutely authentic or not, they show one thing, and that is the constant increase from year to year of these appropriations for the improvement of rivers and harbors until, from two millions in the first session of the Forty-first Congress, they have gone up (second session of the Forty-fifth Congress) to eight and a quarter millions of dollars a year. And it must be recollected that these appropriations do not include the sums of money voted for the Eads jetties, which is a separate matter.

Mr. KENNA. The gentleman is mistaken as to one appropriation bill, the one before the last, which includes a large sum for payment to Mr. Eads.

Mr. RANDALL, (the Speaker.) There may be an exception of that one item.

Mr. KENNA. It is an appropriation of nearly one million of dollars, a very large sum of money.

Mr. RANDALL, (the Speaker.) But how much preceding and since that has been appropriated to Mr. Eads not appropriated in the river and harbor appropriation bills?

Mr. KENNA. I believe this is the only one.

Mr. RANDALL, (the Speaker.) How much is the whole appropriation to Mr. Eads?

Mr. KENNA. Several millions; but I cannot give the exact amount.

Mr. RANDALL, (the Speaker.) About five millions, I believe. I do not wish to go into any general discussion of this matter, but I do

wish to say to this House that the figures presented warn us against the adoption of any proposition looking to the division of the duties of the Committee on Appropriations.

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. BARBER. Why would not the same end be accomplished if we were to require the Committee on Appropriations to ascertain and report to this House the amount available at an early day in the session for the purpose of improving the rivers and harbors; and let that go to the Committee on Commerce to inform them of the greatest amount available for the purpose?

Mr. RANDALL, (the Speaker.) That would be a great deal better, and then the Committee on Commerce could conform to that amount of money which was thought could be expended out of the public funds for that purpose. There is really no good reason why some such provision should not be made by amendment of the rules.

But, Mr. Chairman, what I wish to say is this, that if you undertake to divide all these appropriations and have many committees, where there ought to be but one, you will enter upon a path of extravagance you cannot foresee the length of or the depth of, until we will find the Treasury of the country bankrupt.

I should not have said so much except, perhaps, to impress upon the attention of every member of this House that the Committee on Rules, in discharge of the duties confided to them, have acted only from the most conscientious motives and from no disposition whatever to secure the enlargement of one committee to the derogation or abridgment of the powers of another. Such a thing never was spoken of or thought of in that committee, much less adopted as a rule to control its action. The whole revision of the rules was entered upon solely and simply in the discharge of a great public duty which ninety years of experience in government had proved to be absolutely essential and now required.

It will be seen in the proposed rules that we have given to unobjectionable legislation every possible facility, and, furthermore, that to all general legislation which does not provide for payment out of the Treasury of money we give an advantage which it never yet has had and cannot have under existing rules.

Mr. REAGAN. I wish to ask the gentleman if he will allow me to make just one suggestion at this point?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. REAGAN. It has, no doubt, escaped the gentleman's attention that one reason existing for the increase of appropriations for rivers and harbors is this: that up to the Forty-fourth Congress substantially nothing was appropriated for waters in the Southern States. Since the Forty-fourth Congress up to now the appropriations covered the territory of the whole Union, and necessarily that has increased the amount of the appropriations. And beside that the settlement and extension of population have demanded an increase of appropriations.

Mr. RANDALL, (the Speaker.) That I admit is a reason for an increase of the appropriations, but still I maintain, Mr. Chairman, that the amount of money expended for this purpose, without discussion or amendment, is much greater than it should be, even in the view the gentleman from Texas presents. If we limited the amount every year for the improvement of rivers and harbors so as not to be burdensome upon the people I have no doubt it would be agreed to and accepted by all sections of the country.

Mr. MILLS. May I ask the gentleman from Pennsylvania a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. MILLS. Have not the appropriations for rivers and harbors generally run much below the estimates of the engineers? Have not those appropriations been much more below the estimates of the engineers than appropriations in reference to the disbursements under other Departments of the Government.

Mr. RANDALL, (the Speaker.) One is regulated by law, the other not; that is, the estimates for carrying on the service of the several Departments of the Government are regulated by law, the other is not. Let me say to the gentleman from Texas that if we had followed the estimates of the Engineer Corps I fear we should have had a bankrupt Treasury long ago. I suppose the gentleman from Texas can answer as well as I can the question how far in excess the estimates of the engineers have been over the amounts appropriated for the improvement of rivers and harbors, but I incline to believe they will be found to be enormous.

Mr. MILLS. You mean for the whole amount of work contemplated.

Mr. RANDALL, (the Speaker.) I mean to say that the estimates of the Engineer Corps, which I say are enormous, have been far in excess of the amount appropriated by Congress.

Mr. MILLS. That will show that the works for which appropriations were made were necessary for the development of our commerce.

Mr. RANDALL, (the Speaker.) Any member of Congress, I believe, can go up to the Engineer Bureau and have an estimate made for any particular work desired in his district. If he cannot get it there, all he has to do is to come down here and make his application for a survey, almost in manner as we do with post-routes, through the petition-box, for the House never refuses such an application by a member, and in that way secure a report and estimate from the Engineer Bureau.

Mr. CONGER. I think the Speaker is entirely mistaken in the statement just made. As I understand, these surveys by the board of engineers are not made unless ordered by the House.

Mr. RANDALL, (the Speaker.) All a member has to do in order to get a survey and report from the board of engineers is to make application as I have suggested. I never have known in a single instance where such an application has been refused.

Mr. CONGER. They are ordered by law.

Mr. RANDALL, (the Speaker.) Yes, but did the gentleman ever hear of a mail-route being refused in this House, or application for survey of a proposed public improvement?

Mr. CONGER. These surveys are included in the river and harbor appropriation bills.

Mr. RANDALL, (the Speaker.) I know they are, but they are secured in the way I have mentioned.

Mr. CONGER. The engineers, in the discharge of their duty, report to this House the expense of making proposed improvements.

Mr. MILLS. They report against a great many.

Mr. RANDALL, (the Speaker.) As I have stated, any member may secure a survey. I have never heard of an instance where a survey, when asked by a member to be made for an improvement in his district, was refused.

Mr. CONGER. A large number of those asked for are reported against, as our experience has shown.

Mr. O'NEILL. Let me suggest to my colleague that if he should go up to the Engineer's Department to see how much by his individual exertion he could get the Engineer Corps to recommend should be appropriated for the improvement of the Delaware and Schuylkill Rivers, he would find that he would come away very much disappointed.

Mr. RANDALL, (the Speaker.) I never went there in behalf either of the Delaware or Schuylkill River.

Mr. O'NEILL. Nor any other.

Mr. RANDALL, (the Speaker.) I want to tell the gentleman that my course in this House in respect to appropriations was to strike my own home as deeply as I struck anybody else's.

Mr. O'NEILL. That is just where we object to the conduct of my colleague, the Speaker, the member from the third district of the State of Pennsylvania.

Mr. RANDALL, (the Speaker.) I am afraid if the House had taken the gentleman's judgment as to the expenditure of public money we should have had to make a higher tariff.

Mr. O'NEILL. I want to say that this constant democratic advocacy by the member from the third district of Pennsylvania of retrenchment has not been in accordance with the wishes of his constituents or those of the people of Pennsylvania.

Mr. RANDALL, (the Speaker.) Then why do I come back? [Laughter.]

Mr. O'NEILL. I will answer why it is the gentleman comes back. It is in consequence of his individual and personal exertions. But I want to say in reference to this very advocacy of retrenchment which my colleague says is for the people—I think that was his remark—in the progress of this country and in the great growth of its commerce it is for the people to say through the Committee on Commerce of this House, and the Committee on Commerce as much represents the people as does the Committee on Appropriations—it is for the people to say through that committee how many millions of dollars they will annually expend on the river and harbor improvements of the country.

Mr. RANDALL, (the Speaker.) My friend has always been an advocate of resumption.

Mr. O'NEILL. Always.

Mr. RANDALL, (the Speaker.) Now, I maintain that democratic economy was the real road to and produced resumption.

Mr. O'NEILL. Well, I would like to know where the Speaker has stood in reference to resumption. In New York he has been on both sides. In Pennsylvania I do not know where he has been, for during the whole of the last campaign his whole time was devoted to patching up the difficulties in New York State between Tilden and Tammany.

Mr. RANDALL, (the Speaker.) And I should have been glad if I had succeeded.

Mr. O'NEILL. I have no doubt the gentleman would have been glad if he had succeeded. But he did not succeed; and I refer him to the depressed vote on account of his absence in his own district, running down from 3,000 in November, 1878, to a little over 800.

Mr. RANDALL, (the Speaker.) When I run again I will try and bring it up.

Mr. O'NEILL. Perhaps not. I ask you, Mr. Chairman, just to indulge me one moment further.

Mr. COX. I rise to a point of order. I wish to know what the divisions in New York have to do with the revision of the rules.

Mr. O'NEILL. Perhaps, Mr. Chairman, I have had more experience on the Committee on Commerce than any other member at present in this House. I had the honor to be on that committee in the Thirty-eighth Congress, and subsequently to the Forty-second Congress. The gentleman who presided over that committee in the earlier period of my service in this House and my membership on that committee was Hon. Elihu B. Washburne. There never was a nobler man, or one truer to the interests of the country, and in the advocacy by Mr. Washburne, as chairman of that committee, of the improvement of

rivers and harbors justice was done to the country with a due regard to the condition of the Treasury.

Mr. McCOOK. I wish to ask the gentleman a question. Is this intended as a Washburne boom? [Laughter.]

Mr. O'NEILL. I wish to do justice to the men who stood by the improvements of the country as demanded by the people. The gentleman who succeeded Mr. Washburne as chairman of that committee was Hon. Thomas D. Eliot, of Massachusetts, also a man whose career in Congress was very distinguished. Subsequently to him another distinguished member was chairman of that committee, Hon. Nathan Dixon, of Rhode Island.

Now, sir, take the chairmanship of the committee to-day. I am sure that that committee and its chairman can be intrusted with this great work of making up the river and harbor bill. The Speaker selected the members of the committee; and taking the fifteen members of that committee—or take fourteen members of that committee, leaving myself out—I will say they will compare favorably in point of industry and patriotism and well-doing as representatives of the people who sent them here with the individual members of the Committee on Appropriations, and that they are just as fit to pass upon this bill as the latter committee.

Mr. RANDALL, (the Speaker.) The proposed rule so accepts.

Mr. O'NEILL. Yes; but their report is to be submitted to the Committee on Appropriations. Why, sir, such men as Mr. Washburne and Mr. Eliot and Mr. Dixon, who, in succession, were chairmen of that committee, would not for a moment have tolerated in this House that their work upon a river and harbor bill should have been reviewed by a Committee on Appropriations or the Committee of Ways and Means, which had charge of appropriations in those earlier Congresses. Until the present Vice-President, Mr. WHEELER, was made chairman of the Committee on Commerce such a thing was unknown as that that committee should be compelled to consult the Committee on Appropriations as to what they had done. I happened to be a member of the Committee on Appropriations at that time, and I recollect with what amazement and surprise, to me at least, the proposition was received that the Committee on Commerce, a co-ordinate committee of this House, should have to come into the room of the Committee on Appropriations and ask them whether we should appropriate one, two, three, or four millions of dollars for the improvement of the harbors and rivers of the country.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I resume the floor and yield to the gentleman from West Virginia, [Mr. KENNA.]

Mr. KENNA. I thank the gentleman from Pennsylvania [Mr. RANDALL] for his courtesy in yielding to me a portion of his time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] has thirty minutes of his hour remaining.

Mr. KENNA. And that is more than I shall consume. I had desired, however, to submit a few observations upon this proposed amendment as reported by the committee while the discussion is not limited, as I understand it soon will be, under the five-minute rule.

What is known as the river and harbor appropriation bill differs in some material particulars from every other appropriation bill that comes before the House. Of all the members who compose the House of Representatives there is not one who does not recognize the fact that the regular appropriation bills are essential to the maintenance of the different Departments of the Government, and of the Government itself. Every member will concede that all of those bills in some shape must and ought to be passed.

It is not so with reference to what is known as the river and harbor appropriation bill. There is a respectable minority in this House, more respectable in character than in numbers, which is opposed upon principle to the passage of any river and harbor bill, or of any bill for any sort of internal improvements whatever. Hence it is that those who favor the carrying on of the general system of improving rivers and harbors which is now in progress in this country find in this House, when they come to it with a river and harbor appropriation bill, an element of opposition which is not found in antagonism to any other appropriation bill that comes before us; hence, also, the danger indicated by the gentleman from Texas, [Mr. REAGAN,] that when a river and harbor appropriation bill comes here, should it be considered in Committee of the Whole, those representing particular sections in whose behalf amendments may be offered, combining with that element which represents no particular section desiring such improvements, for these constitutional scruples generally travel by dry land, will succeed in loading down the bill with amendments, and making the appropriation amount to such a sum that in the end if passed at all it will be an enormity, and if defeated it will be defeated as an entirety, and merit and demerit will stand and go down together.

That is the only good reason I now see, or have ever seen, in opposition to bringing this bill into Committee of the Whole for consideration. I say now to those gentlemen who have constitutional scruples against the passage of any such bill, that if they will devote themselves to the perfection of the river and harbor appropriation bill, with a view to secure as good and proper a bill as possible, instead of devoting their attention to its absolute defeat by any sort of parliamentary device that can be resorted to, they will accomplish their purpose much better and do the country more satisfactory service than they will ever do by any effort to strangle this bill through the adoption of an amendment to the rules dangerous to its safety.

Mr. STEVENSON. The gentleman from West Virginia [Mr. KENNA] has suggested to the minority that it would be well for them to attempt to perfect the river and harbor appropriation bill. I would ask that gentleman how they are to perfect the river and harbor appropriation bill, when they are not permitted to discuss it or to offer any amendment to it?

Mr. KENNA. Without meaning to be at all unkind in my reply to the gentleman, I would suggest to him that it cannot be perfected by any combination to kill it or smother it by means of amendments to the rules. And if the gentleman will kindly give me his attention, while I recount one or two instances in which that has been attempted, he will understand better what I mean. In doing so, I desire to be distinctly understood as meaning no reflection upon any gentleman for his efforts in that direction.

Soon after I came here the first effort made to defeat the river and harbor appropriation bill was a proposition to transfer the jurisdiction of it from the Committee on Commerce to the Committee on Railways and Canals. The proposition was one dividing the jurisdiction of the subject of rivers and harbors; giving the jurisdiction of harbors to the Committee on Commerce and the jurisdiction of rivers to the Committee on Railways and Canals. That proposition was the first upon which I had the honor to address the House. It was resisted ably by the chairman of the Commerce Committee and others, and it will be remembered it was ingloriously defeated.

It was not very long after, I think perhaps the last session of the same Congress or the extra session of this Congress, that a proposition was brought here so to amend the rules as to make it require a three-fourths majority of members on this floor to pass a river and harbor bill under a suspension of the rules. That proposition met its quietus very promptly, and instead of doing harm to the prospects of the river and harbor appropriation bill it resulted in so amending the rules as to enable that bill to come in as other appropriation bills are allowed to come, commanding the floor at any time.

Whatever may have been the intention, whatever may have been the purpose, and I do not intend to reflect upon either, the effect of this proposition now before us is not so much to lead to the perfection of the river and harbor appropriation bill, and to render it more acceptable to the public sentiment of the country, as to lead to its strangulation and its death.

In this connection I would say to gentlemen that there is a power in this land and there is a power in this House that believes in this system of internal improvements, that believes in the propriety of appropriating public money raised by taxation in one way or another to the improvement of the commercial highways of the country in the advancement of the nation's prosperity, the transportation of its products, and the remunerative employment of its laborers. There is a power in this land which makes this demand, and a power in this House which will see to it that this demand shall find a favorable response. The river and harbor bill will be passed. It will be passed in the best shape possible to be given to it by hard labor and intelligent investigation. It will be prepared in a spirit of fairness and of patriotism, and I have no doubt it will be hereafter as, so far as my personal knowledge extends, it has been heretofore, a good and proper bill worthy of the support of the House and of the great object for which every dollar it embraces is intended.

Now, Mr. Chairman, a word or two in comment upon some remarks made by the gentleman who preceded me, [Mr. RANDALL.] It is suggested that an exception ought to be made with respect to this particular bill. All the other appropriation bills go to the Committee on Appropriations. This one, even according to this proposed amendment, must go to the Committee on Commerce in the first instance, and afterward to the Committee on Appropriations for revision. Why, sir, in the preparation of the last two river and harbor bills (and I imagine the work will be equally as great in the preparation of those to come hereafter) the Committee on Commerce had to read from seventeen hundred to two thousand printed pages of engineers' reports, besides voluminous manuscript pages, relating to these works. In the first session of the Forty-fifth Congress three solid months were devoted by that committee to the preparation of this bill. In the last Congress, through the intervention of a sub-committee and after considerable labor devoted by the full committee to a revision of its work, the bill was prepared in a somewhat shorter time.

If this bill should go to the Committee on Appropriations at all, it should go there for intelligent revision. That committee can make no intelligent revision of it in less time than it required the Committee on Commerce intelligently to prepare it. After the expenditure of two or three months in the preparation of the bill by the Committee on Commerce, the Committee on Appropriations, as every member knows, cannot give to the bill the same investigation which has been required in its preparation.

Then comes the proposition that the Committee on Appropriations shall ascertain the amount that can be devoted to these purposes—shall fix a gross sum. How will this scheme operate? The Committee on Appropriations cannot fix the sum in advance, because whatever may be the condition of the public Treasury they cannot, if the theory advanced here be correct, know until the other appropriation bills are prepared what sums should properly be embraced in this bill. They cannot take the bill prepared by the Committee on Commerce

and reduce it in gross or *pro rata*, because in doing so they would do such violence to certain works and improvements as to cause an absolute waste in expenditure and an absolute abandonment of object.

Suppose a bill were brought in appropriating eight or nine millions of dollars; suppose the Committee on Appropriations should say the amount ought to be cut down to five million and should reduce it accordingly; suppose they make the reduction *pro rata*, applying the ratio of reduction to each item. Now, a particular work may be just on the eve of completion, but in such a condition as to be exposed in its incomplete state to the fury of the winds and the waves which wait for no man and for no appropriation. The cutting down of the appropriation in such a case would have the effect not only of making the appropriation a waste, but would probably consign the work itself and the amount already expended on it to destruction by the fury of the elements. If reduction be made at all, it ought to be applied only to such works as are in a condition to stand the reduction. The reduction ought not to be made in gross or *pro rata*, but ought to be made after intelligent investigation, such as the Committee on Appropriations, whatever may be its ability, cannot, with its other duties, command the time to make.

I am opposed to this entire theory. When a committee having special charge of a subject has spent day after day and night after night, going through from seventeen hundred to two thousand pages of printed reports and innumerable manuscript bundles, in order to arrive at a definite and intelligent comprehension of its merits, why should their work be referred to another committee, (I care not what committee,) in order that such committee may arbitrarily say, "The condition of the country, or it may be the condition of some political campaign, is such that the reduction of expenditures is required," thus cutting down the appropriations without any regard to the merits of the bill in whole or in any of its parts? I am unalterably opposed to any such scheme with reference to this or any other bill that may be pending in this House.

Mr. Chairman, it has been suggested with some apparent point that since 1861 these appropriations have greatly increased. One gentleman who favors this report has told us that they have amounted in the aggregate to $125,000,000; and he congratulates the House and the country upon the fact that the Congress of the United States has appropriated this sum to purposes for which it has been so well expended and which are so intimately connected with the prosperity of the country. I am in accord with that sentiment. But as we are told that there has been a gradual increase in these appropriations from year to year, I ask what great system requiring the expenditure of money, initiated in 1861, and embracing the various items and the large interests which are involved in the undertaking to improve the rivers and harbors of this country, could have gone on through ten years without a more marked increase of expenditure in proportion to its importance than is shown by the record presented?

After an experience of more than two years devoted to the close investigation of subjects connected with the rivers and harbors of this country, I say now, with the knowledge which that investigation has afforded me of the manner in which Government money is lost by the failure to prosecute diligently these public works and their consequent destruction by storm and tide and flood, that I would conscientiously, and with a clear conviction of patriotism and of duty, vote an appropriation of $50,000,000 every year that the Treasury could stand it for the prosecution of these great works until they were completed. It would give transportation to our commodities, employment to our people, and prosperity to the country.

Mr. TOWNSEND, of Ohio. I wish to ask the gentleman whether it is not true that the amounts appropriated by this House for rivers and harbors have every year been increased in the Senate?

Mr. KENNA. I had intended to come to that. It is true that in the Senate, where this bill is considered as in Committee of the Whole section by section, it has every year in my experience been increased from one to two millions of dollars; and this shows that the methods by which the House has dealt with it have been in the line of economy.

Mr. REAGAN. I ask the gentleman to permit me to correct the statement made by the gentleman from Ohio [Mr. GARFIELD] this morning, and which has been quoted by the gentleman from West Virginia.

Mr. KENNA. I yield for that purpose, as I always desire, if mistaken, to be set right.

Mr. REAGAN. The gentleman from Ohio stated that $125,000,000 in the aggregate had been appropriated for the improvement of rivers and harbors. In that statement the gentleman is not entirely accurate. There has been appropriated only between seventy-five and eighty millions for such purposes—less than eighty millions.

Mr. KENNA. Mr. Chairman, I have not taken the pains to ascertain definitely the exact amount appropriated, and for the purposes of this argument it makes no difference, but I have no doubt the gentleman from Texas is correct. As I have already stated, I now repeat that if the amount had been twice as much or thrice as much I should cheerfully, for one, have taken the responsibility of voting the money necessary for supporting a proper system of improvements of rivers and harbors in this country.

Why, sir, we have heard a discussion upon this floor running over months upon questions affecting this Government and its financial policy, and more than once I have heard, and with surprise, from members taking part in that discussion, a statement attributing the prompt payment by France of her immense war indemnity to Prussia solely and exclusively to the financial system of the French people. Take the engineer's map of France, Mr. Chairman, and it will show you in different colors—in green and in red and in blue and in yellow—every water course, natural and artificial, which that country can boast. There can be seen at a glance every water course whose navigation has been opened up to commerce by the expenditure of the public money. Every water route capable of improvement has received attention to such an extent as to make it navigable to the highest attainable degree. So, sir, you will find there is hardly a producer in the whole of France who cannot from his very door ship the product of his labor by convenient and cheap water transportation to any market he may desire. That is the great secret of the prosperity which reaches the door of every peasant throughout the length and breadth of that land, and which enabled those people to surprise the civilized world by the payment of millions as of a farthing.

Mr. REAGAN. France, with a territory much less than Texas, has appropriated annually about $10,000,000 for the improvement of its navigable rivers.

Mr. KENNA. I had not expected, Mr. Chairman, to occupy the time of the House so long. What I have said I have said hastily, but I stand by it. It is right. It is in the interest of the improvement of our commercial highways, and to that extent in behalf of the great commerce of this country. It is patriotic and just. In conclusion I would add that I have done more in the patriotic endeavor to build up this country by voting these appropriations in the last year or two for the improvement of its commercial highways and the advancement of its general prosperity than I accomplished in the whole time I was among the "confederate brigadiers" attempting to tear it down. [Laughter and applause.]

Mr. RANDALL, (the Speaker.) I will yield now, Mr. Chairman, five minutes of my time to the gentleman from Illinois, [Mr. STEVENSON,] and then five minutes to the gentleman from Indiana, [Mr. CALKINS,] and I believe I am also under obligation to yield five minutes to the gentleman from Tennessee.

Mr. MILLS. Will not the gentleman yield to a motion to rise?

Mr. BLACKBURN. We are within ten minutes of finishing this hour, and I hope the gentleman will not insist on his motion to rise.

Mr. STEVENSON. Mr. Chairman, I intend to occupy the attention of this committee simply to say in the beginning of my remarks that for one I appreciate and indorse the labors of the Committee on Rules. I have felt, as almost all the members of the House have felt who are little accustomed to legislation, the necessity for some revision of the rules of this House. I think this committee has discharged its duty faithfully. They have placed it in the power of the House at least so the majority can carry on legislation and be held responsible by the country for that legislation.

Passing from that point, believing, as I do, the report of this committee should be adopted as a whole, I believe by far the most important service the Committee on Rules has rendered to the House and the country is in reporting the rule by which appropriations for rivers and harbors shall come before the House for discussion. The gentleman from Texas, [Mr. REAGAN,] to whom I propounded the question, has not answered it up to this moment, and he never will answer it till he goes to his grave, why it is these appropriations for rivers and harbors should be held so sacred that seven or eight millions of dollars every year should be voted out of the Treasury of the United States for this purpose, and no member of this House, no member of it not a member of that Committee on Commerce, should be permitted to discuss that river and harbor appropriation bill or to offer an amendment to it. In the language of the gentleman from Texas upon his motion, I am compelled, year after year, to vote this appropriation of seven or eight millions of dollars without any power on the part of myself or any other member to ascertain why or wherefore or for what purpose these appropriations are inserted—to ascertain whether they are advantageous or proper, or otherwise.

Mr. REAGAN. Let me interrupt the gentleman.

Mr. STEVENSON. I have only five minutes.

Mr. REAGAN. It is only for the purpose of stating that the river and harbor bills are always printed when reported to the House from the Committee on Commerce, and if one-third of the members of the House desire it the bill must be considered in the Committee of the Whole on the state of the Union.

Mr. STEVENSON. I understand that the rights of the minority are sacred, and that a minority, even one-third or less, of this House has the right to be heard on this bill. But the gentleman from Texas, the chairman of the Committee on Commerce, I understand to say virtually that while the rights of the minority are sacred on all other questions, upon this alone they are not to be held sacred; that by a two-thirds vote their rights are to be done away with and the river and harbor bill passed without opportunity for discussion or amendment, without the power of amendment, and absolutely without the power even of having the bill read.

Without reading, without discussion, without amendment, we are required to vote on that bill as a law, or to vote against some appropriations which we think are proper to be made.

Mr. REAGAN. I desire to ask the gentleman whether it is one of the sacred rights of the minority that one-third shall rule two-thirds?

Mr. STEVENSON. No, sir. We do not propose that one-third shall

rule two-thirds of the House, but we do say that when you bring before the House a bill appropriating $8,000,000 out of the Treasury, we should have the right to know for what specific purpose the appropriations are to be made, and we should have the right to offer amendments and the right to discuss them.

We insist, whether we are one-third or one-twentieth of the House, that we should have the right of amendment and discussion of so important a measure, and that the number can make no sort of difference as far as the question of right is involved.

Mr. CALKINS. I am much obliged to the gentleman from Pennsylvania for yielding to me for five minutes. I will say, however, that I desire to speak to only one point that has been raised in this discussion, and five minutes will be entirely inadequate even to the few remarks which I desire to make. I want to speak as to the power that is placed in these committees. I am of the opinion that if the theory which it seems the Committee on Rules adopted in presenting this report to the House is correct, then all appropriation bills should go to the Committee on Appropriations; but if the theory upon which they acted is wrong, then the appropriation bills should be divided, as has been suggested, and sent to the proper committees.

Now, the gentleman from Ohio, always strong in his statements, presents the strongest view evidently which can be taken of the theory which has been adopted by this committee, that there should be two great fiscal committees, as he expressed it, with their backs to each other. He had better say under the rules as presented that they propose one great fiscal committee to obliterate all of the other committees, a committee to put all the other committees upon their backs, I think would have been a more proper designation. It is the power of the committee which I object to and the question which I desire to discuss at the proper time.

Mr. Chairman, but one word further. I will say here there is no reason that I can divine why the Committee on Military Affairs or the Committee on Naval Affairs or on Commerce should take charge of all the business pertaining to their respective Departments except the one single duty of appropriating money. The Committee on Invalid Pensions know as well as the Committee on Appropriations how much money is required to run that bureau. The Committee on Military Affairs know as well as the Committee on Appropriations how much money is required to run the Army. The Committee on Naval Affairs certainly know as well as the Committee on Appropriations how much money is required to run the Navy; and why is it that all the duties pertaining to these several Departments—for these committees are clothed with the power of presenting bills to the House in connection with them—should be in the committees except the one important question of saying how much money shall be expended upon them? There is a reason for it, and the reason exists simply in this: it places under the control of a few men of this House the absolute power to say how far we shall go, and no farther. Under the rule referred to by the eminent gentleman from Pennsylvania, (and I believe he is the father of the rule,) the committee may go into the House and say we present a bill appropriating so much money, and not a single member on the floor shall have power to say that that appropriation may be increased. It may be decreasd, but not by a majority vote, but by two-thirds of the House. That is a power that I say should not dwell in any committee of this House, and the theory adopted by this Committee on Rules is all wrong. The report had better be amended so as to say that all but the fifteen members of the Committee on Appropriations may resign, and that committee shall go on and run the Government. That is precisely what it says, expressed only in terser language.

[Here the hammer fell.]

Mr. CONGER. I take the floor, and will give way for a motion that the committee rise.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the return, in compliance with the request of the House, of the bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and preemption entry and sale, the same as other public lands.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House was requested:

Joint resolution (S. R. No. 58) touching the Hot Springs reservation in the State of Arkansas.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FARR, until Saturday, the 10th of January, on account of important business; and

To Mr. TALBOTT, for to-morrow.

ACCOUNTS OF DISBURSING OFFICERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting reports of inspection of money accounts of disbursing officers, to accompany report of the Inspector-General of the United States Army for the year 1879; which was referred to the Committee on Military Affairs.

BONDS OF DISMAL SWAMP CANAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a notice published by the trustees of certain bonds of the Dismal Swamp Canal; which was referred to the Committee on Railways and Canals.

FORT STOCKTON, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending legislation to provide for the purchase of the land occupied by Fort Stockton, Texas; which was referred to the Committee on Military Affairs.

LEAVENWORTH MILITARY PRISON.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending legislation authorizing that the proceeds of the labor of prisoners confined in the Leavenworth military prison be applied toward the support of the prison; which was referred to the Committee on Military Affairs.

FIRST UNITED STATES LETTERS-PATENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, recommending the appropriation of $500 for the purchase of the first letters-patent issued by the United States; which was referred to the Committee on Appropriations.

BOUNTY, ETC., TO COLORED SOLDIERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimate for expenses of collection and payment of bounty, &c., to colored soldiers, &c.; which was referred to the Committee on Appropriations.

SALE OF SUBSISTENCE SUPPLIES.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the sale of subsistence supplies to companies, detachments, and hospitals; which was referred to the Committee on Appropriations.

A. P. HYATT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting request of A. P. Hyatt for permission to own and operate a ferry across the Missouri River at Fort Buford, Dakota; which was referred to the Committee on Military Affairs.

CAPTAIN JOSEPH CONRAD.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting petition of Captain Joseph Conrad, Eleventh Infantry, for retirement as of the grade of colonel; which was referred to the Committee on Military Affairs.

MRS. CATHARINE SMITH.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the claim of Mrs. Catharine Smith; which was referred to the Committee on War Claims.

HOT SPRINGS RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting annual report of receipts and expenditures on account of water rents, Hot Springs reservation, Arkansas, for the fiscal year ending June 30, 1879; which was referred to the Committee on Public Lands.

LEAF-TOBACCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in reply to a resolution of the House of Representatives of December 18, 1879, information showing the number of licensed dealers in leaf-tobacco and the amount of internal revenue collected from such dealers during the fiscal year which ended June 30, 1879; which was referred to the Committee of Ways and Means.

RICHARD SUGGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the claim of Richard Suggs; which was referred to the Committee of Claims.

ALASKA TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending the passage of an act to provide for the appointment of justices of the peace for the Territory of Alaska, and to extend the criminal laws of Oregon to said Territory; which was referred to the Committee on the Territories.

GENERAL E. O. C. ORD.

The SPEAKER also laid before the House a letter from the Secrerary of War, transmitting report of General E. O. C. Ord, commanding military department of Texas, in answer to a resolution of House of Representatives dated June 25, 1879; which was referred to the Committee on Military Affairs.

MARSHES OF THE POTOMAC.

The SPEAKER also laid before the House the following:

To the Senate and House of Representatives:

I have the honor to transmit herewith a draught of a bill summitted by the board of commissioners of the District of Columbia, entitled "A bill to provide for the

reclamation of the marshes in the harbors of the cities of Washington and Georgetown, and for other purposes," together with the accompanying letter of the president of the board requesting its transmission to Congress.

The bill embraces a plan for the reclamation of the marshes of the Potomac River and its eastern branch within the limits of the city of Washington, and is carefully framed with a view to economy in the prosecution of the work. The attention of Congress is again invited to the urgent need of legislation for this important work, which has been so long delayed.

The improvement contemplated is essential to the health of those who reside, whether permanently or temporarily, at the capital, and to the safe and convenient navigation of the waters in its vicinity by vessels employed in the service of the Government and for the purposes of commerce. It is a measure of more than local benefit. The capital of the nation should be relieved from every disadvantage which it is practicable to remove, and should possess every attraction with which it can be invested by the intelligent and fostering care of those who are intrusted with its immediate supervision. The people of the country will sustain and approve the efforts of their representatives in the discharge of this responsibility.

R. B. HAYES.

EXECUTIVE MANSION, *December* 19, 1879.

The SPEAKER. This communication, with accompanying papers, will be referred to the Committee for the District of Columbia.

Mr. CONGER. I think the message, with the accompanying documents, should be printed.

Mr. WARNER. In the RECORD?

Mr. CONGER. No; but as a document for the use of the House.

The message and accompanying documents were accordingly referred to the Committee for the District of Columbia, and ordered to be printed.

Mr. WARNER. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of soldiers of the Fourth Arkansas Cavalry, for pay and bounty—to the Committee on Military Affairs.

By Mr. ATHERTON: The petition of John Coad and 100 other citizens of Ohio, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone liable for infringement—to the Committee on Patents.

Also, the petition of L. Coman and 175 others, citizens of Ohio, for the protection of the people of the States from the extortions of railway and other transportation monopolies by preventing fluctuating and oppressive rates for freight and passengers where the subject is beyond the reach of State legislation—to the Committee on Railways and Canals.

Also, the petition of J. R. Williams and 85 other ex-soldiers of the war for the Union, citizens of Ohio, for the passage of the Weaver bill to put the soldier, in respect to his pay, on an equality with the holders of Government bonds—to the Committee on Military Affairs.

Also, the petition of W. H. H. McIlyar and 41 others, ex-soldiers of the war for the Union, of Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of J. H. Smith and 108 citizens of Ohio, for the establishment of a post-route from Otsego to New Concord, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT: Memorial of citizens of Yankton, Dakota Territory, for an appropriation for the improvement of the Missouri River at that place—to the Committee on Commerce.

Also, the petition of E. S. Tyler, John P. Knight, A. R. Dalrymple, W. J. Anderson, W. C. Hillman, W. F. Jones, S. H. Morgan, Thomas W. Gaffney, John E. Haggert, and 720 others, citizens of the valley of the Red River of the North, for an appropriation for the improvement of said river by the construction of a lock and dam at Goose Rapids—to the Committee on Commerce.

By Mr. BERRY: The petition of citizens of California, for a post-route from Huron, via Crainhagens and Fresno Hot Springs, to Pacheco, California—to the Committee on the Post-Office and Post-Roads.

Also, the petition of P. D. Wigginton and 48 others, for the establishment of a post-route from Merced to Central Point, California—to the same committee.

By Mr. BLACKBURN: The petition of citizens of Owen County, Kentucky, for an appropriation for the improvement of the Kentucky River—to the Committee on Commerce.

By Mr. BRAGG: The petition of W. E. Hancock, for payment for loss of a horse while on recruiting service—to the Committee on Military Affairs.

By Mr. BREWER: The petition of Hon. P. K. Perrin, Hon. Adam Beattie, and 60 others, citizens and ex-soldiers of Clinton County, Michigan, against the passage of Senate bill No. 496, relating to a revision of the pension laws—to the Committee on Invalid Pensions.

Also, a paper relating to the pension claim of Joseph W. Seeley—to the same committee.

By Mr. CALDWELL: The petition of J. S. Bruton, Alvin Lewis, and other citizens and soldiers of Cumberland and Clinton Counties, Kentucky, for the passage of the bill equalizing bounties of soldiers of the late war—to the Committee on Military Affairs.

By Mr. CARPENTER: The petitions of citizens of Clay, Plymouth, Sioux, Cherokee, and Lyon Counties, Iowa, that Sioux City be made one of the places for holding the circuit court for the district of Iowa—to the Committee on the Judiciary.

By Mr. CHALMERS: A paper relating to the snag-boat service on the western rivers—to the Committee on Naval Affairs.

By Mr. ALVAH A. CLARK: The petition of John Merlette, for an extension of a patent for pneumatic springs—to the Committee on Patents.

Also, the petition of citizens of New Jersey, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. COWGILL: The petition of John M. Davis and 8 other soldiers, that soldiers and sailors be paid the difference in value between gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

By Mr. DAGGETT: Papers relating to the Indian depredation claim of John S. Luff—to the Committee of Claims.

By Mr. FORT: The petitions of Captain William Starling and others, and of F. M. Hoyt and others, ex-soldiers, for additional pay to the amount of difference between greenbacks and gold—to the Committee on Military Affairs.

By Mr. JOHN HAMMOND: The petitions of Lewis Johnson, Mrs. Mary Ann May, Ruhanna Nelson, Oliver Rouse, and W. H. Whipple, for pensions—to the Committee on Invalid Pensions.

Also, papers relating to the pension claims of R. W. Livingston and Ann Jane Mackey—to the same committee.

Also, the petition of Joseph B. Rodden, for relief—to the Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petitions of Staples & Phillips and 31 other business men and firms of the city of Taunton, Massachusetts, and of Lewis Williams and 350 other citizens of the same city, for an appropriation for the improvement of Taunton River—to the Committee on Commerce.

Also, the petition of the Boston and Hingham Steamboat Company, for the construction of a channel for steamboats on the route between Boston and Nantasket Beach—to the same committee.

By Mr. HENRY: The petition of Richard C. Lewis, to be paid for certain clothing issued to freedmen in the employ of the United States—to the Committee of Claims.

By Mr. HERNDON: The petition of Wiley H. Brown, of Alabama, that interest improperly paid by him be refunded—to the Committee on the Judiciary.

By Mr. HOUK: The petition of Millia Staples, that her name be placed on the pension-roll—to the Committee on Invalid Pensions.

Also, the petition of George W. Carden, for compensation for property taken by the United States Army—to the Committee on War Claims.

By Mr. BENJAMIN F. MARTIN: Papers relating to the revolutionary claim of Daniel Bedinger—to the Committee on Revolutionary Pensions.

By Mr. McGOWAN: Resolutions of the common council of the city of Detroit, Michigan, requesting Congress to grant arrears of pensions to the Mexican pensioners—to the Committee on Invalid Pensions.

By Mr. McMAHON: A paper relating to the pension claim of Lewis Mangum—to the same committee.

By Mr. MORRISON: Memorial of B. F. Williams and 40 other ex-soldiers, for payment of the difference between the value of currency in which they were paid and coin, and to be put on equality with bondholders—to the Committee on Military Affairs.

By Mr. NICHOLLS: Memorial of Colonel Charles L. Schlatter, general superintendent of the Brunswick and Albany Railroad, with reference to a reduction of the duty on steel rails—to the Committee of Ways and Means.

Also, an official statement of the marine and export trade of the port of Darien for the years 1876, 1877, 1878, and 1879, with accompanying letter of the Hon. W. Robert Giguilliot—to the Committee on Commerce.

By Mr. OVERTON: The petition of A. M. Card and 10 other soldiers of the late war, that they be paid the difference between the value of greenbacks and gold at the time they were paid for their services as soldiers—to the Committee on Military Affairs.

By Mr. POUND: The petitions of J. R. Luce and 280 other ex-soldiers, and of A. J. Smith and 34 other ex-soldiers, for the passage of the equalization bounty bill—to the Committee on Invalid Pensions.

By Mr. THOMAS RYAN: The petition of Union soldiers of Kansas, of similar import—to the Committee on Military Affairs.

Also, the petition of Kansas soldiers for the passage of the Weaver bill—to the same committee.

By Mr. SHELLEY: The petition of John Hamilton, of Baltimore, Maryland, for compensation for quartermaster stores used by United States troops—to the Committee on War Claims.

By Mr. JAMES W. SINGLETON: A bill making an appropriation for the improvement of the harbor of Quincy, Illinois—to the Committee on Commerce.

By Mr. TAYLOR: The petition of Alvira Trent, for a pension—to the Committee on Invalid Pensions.

By Mr. WADDILL: Papers relating to the bounty claim of the Fifteenth and Sixteenth Missouri Cavalry—to the Committee on Military Affairs.

By Mr. WAIT: The petition of Edward Haile, that his claim for compensation for cotton seized by United States officials be referred to the Court of Claims—to the Committee of Claims.

Also, the petition of James Walker and others, citizens of Connecticut, for the improvement of the harbor at Block Island, Rhode Island—to the Committee on Commerce.

By Mr. WILLIS: The petition of citizens of Kentucky, for the improvement of the Kentucky River—to the same committee.

By Mr. FERNANDO WOOD: The petition of the Wabash, Saint Louis and Pacific Railroad Company, that the duty on steel rails be made specific at $10 per ton—to the Committee of Ways and Means.

By Mr. WRIGHT: The petition of William T. Reed and 71 others, soldiers of the late war, of Luzerne County, Pennsylvania, for the passage of a bill to allow them the difference between the paper money they received for services and gold coin—to the Committee on Military Affairs.

By Mr. YOCUM: The petition of soldiers of the war of the rebellion, that their pay be made equal to that of the bondholder—to the same committee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 9, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SAILING REGULATIONS.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Navy be instructed to report to this House the rules prescribed by the Navy Department for the guidance of naval vessels at sea; whether in his opinion the same are in conflict with the existing rules for the guidance of merchant vessels; and, if so, wherein such conflict exists; and also what measures are in his opinion necessary to be taken to establish a system of international rules which shall apply to all naval and merchant vessels at sea.

R. GORTHY AND C. GREEN.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 3282) for the relief of Robert Gorthy and Calvin Green; which was read a first and second time, and referred to the Committee on the Judiciary.

FREEDMEN'S SAVINGS AND TRUST COMPANY.

Mr. O'CONNOR, by unanimous consent, presented a memorial signed by more than 1,000 people of the city of New Berne, North Carolina, praying for the passage by Congress of the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings and Trust Company; which was referred to the Committee of Ways and Means, having charge of the bill on that subject.

HOT SPRINGS RESERVATION.

Mr. CONVERSE. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate joint resolution No. 58, touching the Hot Springs reservation, in the State of Arkansas.

Mr. KEIFER. I must object to that.

Mr. CONVERSE. I will state to the House that by the terms of the law of March 3, 1877, the commissioners who were appointed to examine the title to the Hot Springs reservation were required to make a certain report, and within thirty days of the filing of that report the Commissioner of the General Land Office is required to submit the land for sale. Now, there are parties interested in the reservation who desire still further time for a hearing of their claims, and they ask a delay of only sixty days in subjecting these lands to final sale. That is all there is in the joint resolution. The thirty days will be out on the 11th of this month, so that if any action is to be had at all it must be had to-day or to-morrow.

Mr. KEIFER. I have no objection to the reference of the joint resolution, but I do object to its present consideration.

Mr. CONVERSE. I hope the gentleman will withdraw his objection. If this joint resolution is to be passed at all it should be passed now. It gives only a delay of sixty days in subjecting these lands to sale.

Mr. COX. Does it undertake to interfere with the present condition of things except by postponing the sale?

Mr. CONVERSE. Not at all.

Mr. COX. Then I see no objection to it.

Mr. KEIFER. I insist upon my objection.

The SPEAKER. The Chair would suggest that the joint resolution might be referred to the Committee on Public Lands, with the right to report it back at any time.

Mr. CONVERSE. I ask that.

Mr. KEIFER. I have no objection to that.

The joint resolution was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands with authority to report the same back at any time.

PENSIONS TO SOLDIERS OF THE MEXICAN WAR.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 3283) granting pensions to certain soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GAULT, JR.

On motion of Mr. WILLIS, by unanimous consent, the bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment Kentucky Volunteer Infantry, was taken from the Speaker's table, read twice, and referred to the Committee on Military Affairs.

BEVERLY TUCKER.

Mr. LOWE, by unanimous consent, introduced (for Mr. FORSYTHE) a bill (H. R. No. 3284) for the relief of Beverly Tucker, District of Columbia; which was read a first and second time, and referred to the Committee of Claims.

ESTATE OF DR. JOEL C. FRAZIER.

Mr. CARLISLE. The Committee of Ways and Means, to whom was referred the bill (H. R. No. 614) for the relief of the estate of Dr. Joel C. Frazier, deceased, late of Harrison County, Kentucky, have directed me to ask that the committee be discharged from the further consideration of the bill, (which has been erroneously referred,) and that it be referred to the Committee on War Claims.

There being no objection, it was ordered accordingly.

SCHOONER W. P. COX.

Mr. MARTIN, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3285) changing the name of the schooner W. P. Cox to Annie V. Minor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

W. SCOTT WHITNEY.

Mr. HAMMOND, of New York, by unanimous consent, introduced a bill (H. R. No. 3286) for the relief of W. Scott Whitney for services as second lieutenant in the Second Regiment of New York Veteran Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

UNSURVEYED LANDS, RANDOLPH COUNTY, ILLINOIS.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 3287) granting to the county of Randolph, in the State of Illinois, certain public unsurveyed lands within said county on certain conditions; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RELIEF OF COLORED EMIGRANTS.

Mr. RYAN, of Kansas, by unanimous consent, introduced a bill (H. R. No. 3288) for the relief of colored emigrants; which was read a first and second time.

Mr. RYAN, of Kansas. I hope that, by unanimous consent, this bill may receive present consideration. Its object is to relieve some contributions from abroad, now in bond in New York, from import duties assessed against them by the Government.

The SPEAKER. Bills of this character usually go to the Committee of Ways and Means, but the Chair will state to the House the request of the gentleman that this bill be considered now.

Mr. RYAN, of Kansas. It is important that this relief be extended at once, if at all. Let the bill be read.

The SPEAKER. The bill will be read, the right to object being reserved.

The Clerk read as follows:

Be it enacted, &c., That all clothing and other articles, being charitable contributions, or the avails of charitable contributions, imported in good faith for the relief or aid of colored persons who may have emigrated from their homes to other States, not for sale, and all such articles imported and now in bond, shall be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That such articles shall be delivered only to State or municipal corporations, or to some society or institution established for charitable purposes: *And provided further*, That the importers or consignees of such articles shall give such security as the Secretary of the Treasury shall prescribe for the payment of lawful duties on such articles should any of them be sold or used contrary to the provisions and intent of this act. This act shall take effect from its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FERNANDO WOOD. I think the bill should be referred. It is in line with many other bills of a similar character. The Committee of Ways and Means are now examining into this question. If this bill be found correct we will report it back early next week. I hope the gentleman will consent to let it take the course I suggest.

Mr. RYAN, of Kansas. I must consent if there is objection; but I had hoped unanimous consent would be given that these contributions might be made available at once for these indigent people.

Mr. FERNANDO WOOD. There is no disposition on my part to oppose the object which the gentleman has in view, but only to protect the Treasury from possible wrong.

The SPEAKER. Objection being made to present consideration, the bill will be referred.

Mr. RYAN, of Kansas. I want to say——

The SPEAKER. There are so many gentlemen desiring to be recognized that the Chair cannot allow debate upon a question of this kind.

Mr. RYAN, of Kansas. Perhaps the gentleman from New York will withdraw his objection when I state that this bill was prepared at the Treasury Department by the law officer of that Department.

The SPEAKER. The Chair recognizes the gentleman from New York as objecting. One objection is fatal to the request.

KNIGHTS OF WISE MEN.

Mr. HOUSE, by unanimous consent, introduced a bill (H. R. No. 3289) to incorporate the Supreme Grand Lodge Knights of Wise Men; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERSTATE QUARANTINE.

Mr. ACKLEN, by unanimous consent, reported from the Committee on Commerce the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be authorized to have printed the papers and documents, for the use of said committee, relating to the interstate quarantine bill now before said committee.

KIMBERLY BROTHERS.

Mr. GOODE, by unanimous consent, introduced a bill (H. R. No. 3290) for the relief of Kimberly Brothers; which was read a first and second time, and referred to the Committee on Expenditures in the Navy Department.

ALLOWANCE OF CLAIMS.

Mr. BRAGG, from the Committee on War Claims, reported back a bill (H. R. No. 3291) for allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, and ordered to be printed and recommitted.

FOREIGN AFFAIRS.

Mr. WILSON. Mr. Speaker, I desire to ask unanimous consent to report a resolution from the Committee on Foreign Affairs, which it is important for the business before that committee should be adopted at this time.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be authorized to have printed any documents for the use of said committee which it may deem necessary in connection with subjects under consideration.

There was no objection, and the resolution was received and adopted.

PRIVATE BILLS.

Mr. SPRINGER. These reports from committees will be in order in the morning hour, and I hope gentlemen will not anticipate. I ask now to call up Senate amendment to House joint resolution No. 148——

Mr. BRIGHT. I object, and call for the regular order.

The SPEAKER. The regular order being demanded by the gentleman from Tennessee, [Mr. BRIGHT,] chairman of the Committee of Claims, the morning hour now begins at twelve o'clock and thirty-one minutes, and this being Friday reports are in order from committees of business of a private nature only, the call resting with the Committee of Accounts.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 2803) for the relief of Doddridge & Davis; when the Speaker signed the same.

CHANGE OF REFERENCE.

Mr. BRIGHT, from the Committee of Claims, reported back the following cases; and the same were referred to the Committee on War Claims:

A bill (H. R. No. 430) for the relief of the Mobile Marine Dock Company;

A bill (H. R. No. 632) for the benefit of Alexander Drake, of Wolfe County, Kentucky;

The petition of John B. Slack, for relief; and

The petition of William Wood, for relief.

JACKSON GRUBB.

Mr. O'CONNOR, from the Committee of Claims, reported back favorably a bill (H. R. No. 710) to refund to Jackson Grubb internal-revenue taxes wrongfully collected; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

D. L. PAYNE.

Mr. BOWMAN, from the Committee of Claims, to whom was referred a resolution of the House for the payment to D. L. Payne of $400 for extra services as messenger of the House during the Forty-fifth Congress, reported the same back adversely; and it was laid on the table, and the accompanying report ordered to be printed.

Mr. BOWMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE OF CLAIMS.

Mr. BRIGHT. The gentleman from New York [Mr. COVERT] who is a member of the Committee of Claims, and intrusted with reports to submit from that committee, has just stepped out; and I hope, by unanimous consent, permission will be granted to him hereafter to submit any reports he may have ready from that committee.

There was no objection, and it was ordered accordingly.

TELEPHONE IN HOUSE LOBBY.

Mr. ACKLEN, from the Committee on Commerce, reported the following resolution for present consideration:

Resolved, That permission is hereby given to the National Telephone Company to put a telephone in the lobby of the House of Representatives for the use of members and clerks of committees, providing the work of placing said telephone in said lobby shall entail no expense upon the House.

Mr. ACKLEN. I think, Mr. Speaker, it is unnecessary for me to say anything on that subject, as the resolution fully explains itself. No expense is to be entailed upon the House whatever. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. ACKLEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPAGATION OF SALT-WATER FISH.

Mr. BEALE, from the Committee on Commerce, reported back adversely House bills Nos. 1355 and 1858, to protect the propagation of salt-water fish; and the same were laid on the table, and the accompanying report ordered to be printed.

W. S. MAXWELL.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported back favorably a bill (H. R. No. 3064) to remove the political disabilities of W. S. Maxwell, of Tennessee.

The bill, which was read, provides (two-thirds of each House concurring therein) that all the political disabilities imposed upon W. S. Maxwell, of the State of Tennessee, by the third section of the fourteenth article of amendments to the Constitution of the United States are hereby removed.

Mr. GARFIELD. I ask for the reading of the petition accompanying this bill.

The petition was read, as follows:

STATE OF TENNESSEE,
Decaturville, Decatur County.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The humble petition of W. S. Maxwell, a citizen of the county of Decatur, State of Tennessee, would respectfully represent that he is laboring under the disabilities imposed by section 3 of article 14 of the amendments to the Constitution of the United States.

In consideration of the premises, your petitioner would humbly pray that his said disabilities be removed, and as in duty will ever pray, &c.

W. S. MAXWELL.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

WILLIAM SHARP.

Mr. HARRIS, of Virginia, also, from the Committee on the Judiciary, reported back favorably a bill (H. R. No. 2569) to remove the political disabilities of William Sharp, of Virginia.

The bill, which was read, provides (two-thirds of each House concurring therein) that all the political disabilities imposed by the fourteenth amendment to the Constitution of the United States on William Sharp, of Virginia, are hereby removed.

The petition was read, as follows:

NORFOLK, VIRGINIA, *November* 29, 1879.

To the Congress of the United States:

On the secession of Virginia in April, 1861, I resigned my commission as a lieutenant in the United States Navy and entered the service of the Confederate States.

I respectfully request the removal of my political disabilities.

Very respectfully, your obedient servant,

WILLIAM SHARP.

Mr. WRIGHT. I move, Mr. Speaker, to amend that bill by adding, after the name of the party, "and all other persons."

The SPEAKER. The Chair would suggest to the gentleman that that motion would not be in order to-day, as this being Friday, private-bill day, the amendment would attach to a private bill that which would make it general in its character.

Mr. WRIGHT. I think we have already had about enough of this sort of farce here.

The SPEAKER. The Chair desires to say that he coincides with the gentleman.

Mr. WRIGHT. We ought to have a general bill covering all such cases.

The SPEAKER. The Chair is precisely of the same opinion as the gentleman from Pennsylvania.

Mr. HARRIS, of Virginia. I demand the regular order.

The SPEAKER. The regular order is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

W. H. PARKER.

Mr. HARRIS, of Virginia, also, from the Committee on the Judiciary, reported back favorably a bill (H. R. No. 2566) to remove the political disabilities of W. H. Parker, of Maryland.

The bill, which was read, provides (two-thirds of each House concurring therein) that all political disabilities imposed by the fourteenth amendment to the Constitution of the United States on William H. Parker, of Maryland, are hereby removed.

The petition was read, as follows:

MARYLAND AGRICULTURAL COLLEGE, COLLEGE STATION,
Prince George's County, Maryland, April 5, 1869.

To the honorable members of the Senate and House of Representatives in Congress assembled:

Your petitioner, William H. Parker, formerly an officer in the United States Navy, and recently in the service of the Confederate States, respectfully prays that by

joint resolution of your honorable bodies or otherwise the political disabilities imposed on him by the fourteenth amendment of the Constitution may be removed.

WILLIAM H. PARKER.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

REFUND OF TAXES.

Mr. LAPHAM, from the Committee on the Judiciary, reported back favorably House bill No. 166, to provide for the refunding of certain taxes in conformity with a decision of the Supreme Court.

The bill, which was read, provides that the Commissioner of Internal Revenue be, and is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to refund all taxes collected upon "the capital employed by any person in the business of banking," which come within the principles of the decision by the United States Supreme Court in the case of Bailey, collector, *vs.* Clark and others, anything in any act to the contrary notwithstanding, provided that applications for such refund shall be made in conformity with the existing regulations of the Treasury, and shall be presented to the Commissioner of Internal Revenue within one year from the passage of this act.

Mr. LAPHAM. As this is the unanimous report from the committee, I ask for its present consideration.

Mr. DUNNELL. Is that a private bill?

The SPEAKER. The Chair will examine it.

Mr. LAPHAM. The bill relates to the claims of a very few persons in a single collection district in the city of New York.

The SPEAKER. The Chair will cause to be read the paragraph in the Manual as to the line of distinction between public and private bills.

The Clerk read as follows:

[The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice of Parliament, and also of Congress, to consider as private such as are "for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality." To be a private bill, it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill; but a bill granting pensions to such persons as a class, instead of as individuals, is a public bill. Bills for the incorporation of companies, and whose operations are confined within the District of Columbia, have been treated as private; but where such companies are authorized to have agencies and transact business outside the limits of the District, they are treated as public. Bills granting lands for railroads have always been held to be public; while a bill authorizing the extension of a railroad into the District of Columbia, or conferring certain privileges upon such an incorporation, has been held to be private.]

Mr. LAPHAM. I ask the attention of the Chair to the facts stated in the report as showing the character of this bill. As I have stated, it relates solely to the claims of a few individuals in a single collection district in the city of New York who were compelled to pay under protest revenue taxes on borrowed money which the collector of the district treated as part of the capital of bankers. The question came to the Supreme Court of the United States, and was decided adversely to the action of the collector. Under an arrangement between the claimants and the United States district attorney for the southern district of New York a single suit was agreed upon. The object of this bill is to provide for the refunding of taxes in the other cases which were precisely of the same character.

The SPEAKER. The Chair desires to ask the gentleman from New York whether the bill does not provide generally for a refunding of taxes under the circumstances stated?

Mr. LAPHAM. Perhaps if there were any other cases of the same kind in the United States it would; but there are none. The facts show there is not another district in the State of New York where this rule of taxation was adopted.

The SPEAKER. Still the bill is in its language general.

Mr. GARFIELD. While the language of the bill is general, the question may still arise whether the subject-matter of the bill is itself general. The committee tells us the subject-matter is particular and individual. I think this might without any injustice be treated as a private bill.

Mr. LAPHAM. It is really a private bill, as the report will show if it is read.

The SPEAKER. The report will be read

The report of the Committee on the Judiciary was read, as follows:

That in the years 1869 and 1870 certain taxes were imposed and collected by the collector of internal revenue in the thirty-second collection district of New York upon sums of borrowed money, claimed to be capital of certain bankers and brokers in business in said district, which taxes were claimed to be illegal at the time, and were paid under protest; that the said collection district is the only one in the United States where such rule of taxation was adopted. After the payment of such taxes under protest, as before stated, an action was commenced against the collector of the district by one of the persons making such payment. Thereupon an arrangement was made with the United States district attorney for the southern district of New York that all claims for taxes so claimed to have been illegally collected should abide the event of the case so commenced; and upon the faith of that arrangement the remaining parties omitted to commence actions. The action so commenced was finally decided in the October term of the Supreme Court of the United States in the year 1874, and was in favor of the plaintiff and against the legality of said taxes. In the mean time, and in June, 1872, Congress passed an act providing that claims for taxes to be refunded must be presented to the Commissioner of Internal Revenue within two years from the time of collection; so that before the decision of the court was made all the claims of the parties were barred by said statute.

Your committee, under the circumstances surrounding the case, and in view of the fact that these cases are exceptional and confined to a single collection district, and the claimants have been guilty of no laches in the premises, recommend the passage of the bill. A similar bill was passed by the Forty-fourth Congress and approved on the 27th February, 1877.

The SPEAKER. The Chair is very much in doubt on the point, but he gives the benefit of the doubt to the reserving of this day for private bills only. The Chair thinks that the bill in its scope is a public one. Although it is only intended to reach a class of cases in a particular district, it would still apply to any other cases of the same character.

Mr. FERNANDO WOOD. I would like to ask my colleague a question. Does he state that a mode of taxation was adopted in the thirty-second collection district of New York which was not adopted in other districts?

Mr. LAPHAM. It was adopted in no other district in the United States. I have the affidavit of the then Commissioner of Internal Revenue on that point, in which he states that this is the only instance in which this class of capital was sought to be taxed.

The SPEAKER. As the Chair understands the scope of the bill, it is that in this particular collection district there have been large amounts of taxes paid under a cetain rule of taxation, and the bill proposes to refund these taxes to the individuals who paid them. But the terms of the bill are general, although it is stated that it will apply only to that particular district, and they are general as relating to the tax-payers of that district. The Chair is therefore inclined to believe that this does not belong to the class of bills for which Friday ought to be reserved. And, in addition, the bill is subject to the point of order, even if allowed to come in.

Mr. LAPHAM. I ask that by unanimous consent the bill be considered now.

Mr. TOWNSHEND, of Illinois. If the bill is to be considered now I raise the point of order that it must have its first consideration in Committee of the Whole, because it calls for an appropriation.

The SPEAKER. The gentleman from New York desires to report the bill by consent, and then the point of order is made by the gentleman from Illinois that it must go to the Committee of the Whole.

Mr. LAPHAM. I have no objection to its going on the Calendar. Under the ruling of the Chair I understand it goes on the public calendar.

The SPEAKER. Yes; the public calendar.

There being no objection, the bill was received, and was referred to the Committee of the Whole on the state of the Union.

CHANGES OF REFERENCE.

Mr. BRAGG, from the Committee on War Claims, reported back the following bills and petitions, and the committee was discharged from the further consideration of the same, and they were referred to the Committee on Naval Affairs:

The bill (H. R. No. 875) for the relief of John B. Slack;

The bill (H. R. No. 985) for the relief of Joseph Sawyer;

The bill (H. R. No. 1356) for the relief of J. H. Merrill;

The petition of Andrew Jones, praying for the allowance of a claim in his favor against the Government; and

The petition of Jesse Durnell, second-class pilot, United States Mississippi Squadron, for difference between second and first class pilot's pay.

JOSEPH B. CAMPBELL.

Mr. BRAGG, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R No. 1800) for the relief of Joseph B. Campbell, captain in the Fourth Artillery, United States Army; which, with the accompanying report, was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

JAMES M. RUBY.

Mr. BRAGG also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1128) for the relief of James M. Ruby; which, with the accompanying report, was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

WILLIAM GAINES.

Mr. McCOOK, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list.

The bill provides that William Gaines, late ordnance-sergeant United States Army, shall be placed on the retired list of the Army with the full pay and allowance of an ordnance-sergeant for and during his natural life, he having served faithfully and honorably in the Army of the United States for more than fifty-one years, and having been an ordnance-sergeant for over thirty-three consecutive years of said service, and having participated in the siege of Fort Meigs, the defense of Fort Stevenson, and the battle of the Thames in the war of 1812.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. McCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McCOOK. I ask that the report accompanying the bill just passed be printed in the RECORD.

There was no objection, and it was so ordered.

The report is as follows:

Mr. McCOOK, from the Committee on Military Affairs, to whom was referred bill H. R. No. 2902, to place William Gaines, late an ordnance-sergeant United States Army, on the retired list, submits the following report:

William Gaines was born in Frederick City, Maryland, in 1799, and when a mere boy removed to the State of Kentucky. When twelve years of age, he was present with his uncle at the battle of Tippecanoe, and in 1812, when but thirteen years of age, he enlisted as a drummer-boy in Captain Armstrong's company of the Twenty-fourth Infantry, at Knoxville, Tennessee. After serving against the Creek Indians he marched with his company through the States of Kentucky and Ohio, was engaged in the defense of Forts Meigs and Stephenson in July and August, 1813, and took part in the battle of the Thames, October 5, 1813. After the declaration of peace, he was engaged on recruiting service in the city of New York, and on the 23d of November, 1816, re-enlisted in the Army. His record in the Adjutant-General's Office (attached and made a part of this report) commenced from that date, and it shows that he served continuously until his final discharge in 1866, a period of over fifty-one years. For over thirty-three years he served as an ordnance-sergeant, holding that rank at the date of his discharge. He is now an occupant of the Soldiers' Home near this city, and he is believed to be the only survivor of the gallant defenders of Fort Stephenson, under Colonel Croghan.

In March, 1879, an act was approved placing Lewis Seffman, ordnance-sergeant, on the retired list with full pay and allowances, after forty years' continuous service as such ordnance-sergeant and fifty-three years' service in the Army; and in view of this precedent, as well as the long and faithful services of Sergeant Gaines, your committee recommend the passage of the bill.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with favorable recommendations, the following bills; which, with the accompanying reports, were referred to the Committee of the Whole on the Private Calendar, and ordered to be printed:

A bill (H. R. No. 2855) granting a pension to Rachel J. Reber;
A bill (H. R. No. 2853) granting a pension to Elizabeth Aults;
A bill (H. R. No. 3076) granting a pension to William R. Weimer;
A bill (H. R. No. 2862) granting an increase of pension to John H. Black;
A bill (H. R. No. 1890) granting a pension to Ellen Gillespie;
A bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin;
A bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn;
A bill (H. R. No. 3077) granting a pension to John L. Williams;
A bill (H. R. No. 1465) granting a pension to Levi Leidam;
A bill (H. R. No. 2864) granting an increase of pension to Isaiah W. Bunker;
A bill (H. R. No. 2467) granting a pension to Daniel D. Long;
A bill (H. R. No. 2859) granting a pension to Paul Walker;
A bill (H. R. No. 1806) granting a pension to Michael Lingenfelter;
A bill (H. R. No. 2468) granting a pension to Henry H. Fisher;
A bill (H. R. No. 2854) granting a pension to Noah Caton;
A bill (H. R. No. 2039) granting a pension to Jacob J. Smith;
A bill (H. R. No. 2857) granting a pension to Joseph Showman;
A bill (H. R. No. 2856) granting a pension to William T. McCoy;
A bill (H. R. No. 2290) granting a pension to William Bowman;
A bill (H. R. No. 2469) granting a pension to A. J. McConnell;
A bill (H. R. No. 1464) granting a pension to Edmund Eastman;
A bill (H. R. No. 3021) granting a pension to Eliza M. Frick;
A bill (H. R. No. 1469) granting a pension to Mary Ann McCarrol;
A bill (H. R. No. 2450) granting a pension to Mary Wade, mother of Jennie Wade;
A bill (H. R. No. 238) for the relief of J. J. Purman;
A bill (H. R. No. 228) granting a pension to George W. Leamy;
A bill (H. R. No. 225) granting a pension to Melissa Wagner;
A bill (H. R. No. 229) granting a pension to Thomas Lowry;
A bill (H. R. No. 3099) granting a pension to Caroline Boll;
A bill (H. R. No. 3098) granting a pension to Jacob Ginder;
A bill (H. R. No. 3261) granting a pension to Elizabeth Dougherty;
A bill (H. R. No. 3100) granting relief to Samuel B. Hutchinson;
A bill (H. R. No. 1460) granting an increase of pension to James P. Sayer;
A bill (H. R. No. 254) granting an increase of pension to James M. Boreland;
A bill (H. R. No. 2041) granting a pension to James Aaron;
A bill (H. R. No. 253) to increase the pension of Captain Samuel C. Schoyer;
A bill (H. R. No. 3259) granting a pension to Jesse Hicken;
A bill (H. R. No. 3260) granting a pension to Eliza McConnel;
A bill (H. R. No. 3264) granting a pension to Abner Hoopes;
A bill (H. R. No. 3262) granting a pension to Harry E. Williams;
A bill (H. R. No. 3263) granting a pension to Margaret E. West; and
A bill (H. R. No. 271) granting an increase of pension to Mrs. Mary B. Dallas.

Mr. COFFROTH, from the same committee, reported a bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States Army; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. DAVIS, of Illinois, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, orderded to be printed:

A bill (H. R. No. 2643) granting a pension to Mary Meighan, widow of Peter Meighan;
A bill (H. R. No. 2474) to increase the pension of Thomas Riley, late private Company L, Seventh United States Cavalry;
A bill (H. R. No. 863) granting a pension to George W. Woodward; and
A bill (H. R. No. 864) granting an increase of pension to Mrs. Frances M. Wilkinson.

Mr. DAVIS, of Illinois, from the same committee, reported back a bill (H. R. No. 1650) for the relief of Edward T. Brownell, and moved that the Committee on Invalid Pensions be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

Mr. HOSTETLER, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 746) for the relief of Anna E. Hallowell;
A bill (H. R. No. 748) granting a pension to Rebecca S. Allen;
A bill (H. R. No. 751) granting a pension to Harvey Burk; and
A bill (H. R. No. 753) granting a pension to Thomas J. Jackson.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair, on behalf of the gentleman from New York, [Mr. VAN VOORHIS,] asks that Hon. Alfred Bell, of New York, an ex-member of the Legislature of that State, be admitted to the privileges of the floor during his stay in the city.

Mr. WILSON. I make the same request in regard to Hon. William N. Chancellor, of Parkersburgh, West Virginia, a member of the Legislature of that State.

The SPEAKER. If there be no objection these requests will be granted.

There was no objection.

D. M. HAMLIN.

Mr. SPRINGER. Has the morning hour expired?

The SPEAKER. It has.

Mr. SPRINGER. Then I ask unanimous consent to have taken from the Speaker's table, for concurrence in amendments from the Senate, the joint resolution (H. R. No. 148) for the relief of D. M. Hamlin.

The amendments of the Senate were read, as follows:

After line 6 insert the following:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Andrew F. Slade the sum of $342.50, the same being for services as riding-page of the Senate, at the rate of $2.50 per day, from the 17th day of July to the 30th day of November, inclusive, 1879; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Amend the title so as to read:

Joint resolution for the relief of D. M. Hamlin and Andrew F. Slade.

There being no objection, the amendments were concurred in.

ADJOURNMENT TILL MONDAY.

Mr. WOOD. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The question being taken on agreeing to the motion, there were—ayes 127, noes 38.

Mr. THOMPSON, of Kentucky. I call for the yeas and nays.

The yeas and nays were not ordered.

So the motion of Mr. WOOD was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. COX in the chair,) and proceeded to the consideration of the Private Calendar.

The CHAIRMAN. This is consideration day, and not objection day.

CHARLES CLINTON.

The first business on the Private Calendar was the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, out of any money in the Treasury not otherwise appropriated, the sum of $5,850, being the amount of public money stolen from his office on the 1st day of May, 1871, and refunded by him to the Government of the United States.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred the bill (H. R. 1542) for the relief of Charles Clinton, beg leave to report:

That a similar bill was unanimously reported from the committee at the third session of the Forty-fifth Congress, but was not reached for consideration in the House. The report then made states the facts connected with this claim so clearly and succinctly that we prefer to adopt it rather than prepare a new statement. It is as follows:

"That they have given full consideration to the bill providing for the relief of Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, and of all the facts connected therewith.

"It appears from the information furnished from the Treasury Department that on the morning of the 1st of May, 1871, the sum of $5,850 was stolen from the office of the assistant treasurer at New Orleans by some party unknown, and that immediately thereafter the amount was refunded by the assistant treasurer to the Government.

"It appears from the testimony submitted to the committee that a thorough examination of all the facts and into the business of the office of the assistant treas-

urer by the special agents of the Treasury exonerated the cashier and employés of the office in New Orleans, and the assistant treasurer himself, from all fault or blame.

"It is made to appear that, in addition to the usual duties of the assistant treasurer, he was required by the Secretary of the Treasury to take charge of all the internal-revenue stamps to be sold throughout the Southwest, and to sell the same from his office, without being allowed any increase of force, although the assistant treasurer frequently applied for authority to employ a clerk to take special charge of this business, and informed the Secretary that without an increase of the employés he could not conduct the office satisfactorily.

"The Secretary replied that no appropriation had been made for this purpose, and that therefore the request of the assistant treasurer could not be complied with.

"It appears that while the cashier was engaged for a moment in attending to the duties of his office away from the counter, on which were several packages of money lying, some thief fished up one of them by reaching over the barrier in front of the counter and immediately disappeared.

"There is no suspicion, or grounds of suspicion, against the assistant treasurer or his cashier, or the employés of the office.

"It appears that the assistant treasurer was a zealous and careful officer, and that the cashier was also diligent and faithful. Large sums of money passed through this office, and every dollar was faithfully accounted for. There was never at any time any complaint.

"It is also made to appear by the testimony before your committee that the assistant treasurer exercised due diligence and watchful care over the appointments and over the actions of his subordinates.

"The proof absolutely excludes any presumption of fraud or misconduct on the part of the assistant treasurer or his subordinates, or any privity or knowledge on the part of the assistant treasurer whatever."

Your committee therefore recommend the passage of the accompanying bill.

Mr. PRICE. I ask the gentleman who reported this bill what sort of funds were taken in this case, money or stamps?

The CHAIRMAN. This bill was reported from the Committee of Ways and Means by the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. TUCKER. The gentleman from Kentucky is not now in his seat; I have sent for him.

Mr. PRICE. I will state my reason for asking this question. The report discloses the fact that this property, whatever it was, was allowed to lie unguarded where any man who had not the fear of the law before his eyes could take it up and walk off with it. Yet the report goes on to say that there was great vigilance and efficiency in the administration of the office. That will do to tell somebody who has never been called upon to handle and take care of money. This money was placed where it could be reached by some outsider. When the money is gone, this officer comes here and asks to be reimbursed; and the statement is made that he has been very careful.

The CHAIRMAN. If there be no objection, the bill will be laid aside, to be reported to the House with a recommendation that it pass.

Mr. PRICE. I do not know about that, for, Mr. Chairman, I am not prepared to sit here and allow a bill of that sort to be laid aside with the recommendation that it do pass without knowing more about it than we do about this bill. The report to the contrary notwithstanding, there was clearly a want of care on the part of the officer having charge of these funds.

Mr. BRIGHT. I rise for the purpose of saying that this question cannot be disposed of by any single objection on the part of the gentleman from Iowa. The report of the committee is before the House for consideration, and the bill is only to be disposed of by a majority vote.

The CHAIRMAN. The gentleman is correct. This is not objection day, and this bill is to be disposed of in the ordinary way. The pending question is, Shall the bill be laid aside to be reported to the House on a recommendation that it do pass?

Mr. BARBER. I think, Mr. Chairman, we are entitled to know more about this case than we seem to do; and for one I should like to know whether the mode and manner in which this money disappeared as set forth in the report is a matter of fact or mere theory.

The question was submitted to the committee.

The CHAIRMAN. By the sound the motion to lay aside and report to the House does not seem to be agreed to.

Mr. BRIGHT. Before proceeding any further, I ask that this bill shall be passed over for the present until the gentleman from Kentucky, [Mr. CARLISLE,] who reported it from the Committee of Ways and Means, has had an opportunity to be present, when perhaps he will be able to give to the House such information as may, together with the report, satisfy the committee the bill ought to pass.

The CHAIRMAN. There being no objection, the bill will be passed over for the present.

SAMUEL LORD, JR.

The next business on the Private Calendar was an act (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

The bill, which was read, authorizes the Secretary of the Treasury to deliver up to Samuel Lord, jr., receiver of the president, directors, and company of the State Bank of Charleston, South Carolina, the following bonds, now in the Treasury of the United States, to wit: bonds numbered 812, 821, 836, and 837, each for the sum of $1,000, being coupon bonds issued by the State of South Carolina in aid of the Blue Ridge Railroad Company, and signed by R. F. W. Allston, governor, and T. G. Pickens, comptroller-general, under an act of the General Assembly of South Carolina, ratified on the 21st day of December, 1854, which were the property of the said president, directors, and company of the State Bank, to be administered by the said Samuel Lord, jr., receiver, as he may be directed by the proper court in South Carolina, under which he holds his appointment of receiver as aforesaid. It further authorizes and directs the Secretary of the Treasury to pay to the said receiver of said bank, out of any money in the Treasury not otherwise appropriated, the sum of $479, collected of the coupons for interest on said bonds, and heretofore covered into the Treasury of the United States, to be administered by said receiver as hereinbefore provided.

Mr. PRICE. I ask for the reading of the report accompanying that bill.

The report was read, as follows:

That the State of South Carolina, by virtue of a law passed in 1854, issued bonds to the amount of $1,000,000 in aid of the Blue Ridge Railroad; that, upon such issue being made, the president, directors, and company of the State Bank of Charleston, South Carolina, a corporation created under the laws of that State prior to the year 1854, purchased one hundred of such bonds, each being for $1,000, and indorsed and numbered from 801 to 900, (both inclusive.) The bonds so purchased continued the property of the bank, and in the possession of its officers, from the time of their purchase until 27th of February, 1865. On the day last named the bonds, with other papers and property of the bank, were in the custody of its cashier (Benjamin M. Lee) for safe-keeping, at a country house near Lynch's Creek, Kershaw district, South Carolina, and were then taken from him by a detachment of the forces of the United States under the command of General W. T. Sherman.

In April, 1866, D. Heaton, a special agent of the Treasury Department, transmitted from New Berne, North Carolina, to the Secretary of the Treasury, four of said bonds, numbered 812, 821, 836, and 837, stating that they had been turned over to him (Heaton) as captured property by the provost marshal of New Berne, North Carolina.

The bonds are now in the Treasury Department; and the sum of $479, which has been collected of the coupons for interest on the bonds, has been covered into the Treasury of the United States.

In 1869, the said corporation being insolvent, a receiver of its property and effects was appointed, and Samuel Lord, jr., is now such receiver.

The committee is of the opinion that the receiver is entitled to such bonds, and to the amount collected for interest thereon and covered into the Treasury.

They therefore report to the Senate, with an amendment, the said bill, and recommend its passage.

The bill was laid aside, to be reported to the House on a recommendation that it do pass.

CALVIN BRONSON.

The next business on the Private Calendar was a bill (H. R. No. 2269) for the relief of Calvin Bronson.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Calvin Bronson $11,211 out of any money in the Treasury not otherwise appropriated.

The report of the committee was read, as follows:

The facts of the case are briefly these: By act of Congress of June 30, 1864, the tax on smoking-tobacco (the subject of this claim) was twenty-five cents per pound; by act of Congress of 3d March, 1865, the tax on same was made thirty-five cents per pound, to take effect on 1st April, 1865. The said lot of tobacco was manufactured in the month of March, 1865, returned to the assistant assessor under the terms of act of June 30, 1864, and the assessment was then made of twenty-five cents per pound, which assessment was handed to Collector Raymond, of the Toledo district, and by him collected.

After the act of 3d March, 1865, went into effect an additional assessment was made of ten cents per pound more, amounting to $11,211, which the claimant vigorously resisted until forced to pay the same.

In June, 1865, the revenue officials (in that revenue district) seized a large amount of tobacco belonging to the said Calvin Bronson, on the ground that he had in May, 1864, made a pretended sale to his brother, David Bronson, to avoid a higher rate of taxation which had been imposed by the first act of 30th June, 1864.

Mr. Bronson, the claimant, immediately came to Washington and requested the Commissioner of Internal Revenue to send a special agent to Toledo to examine and report on the grounds of this seizure. Messrs. Payne and Hawley, special agents, were appointed for that purpose and sent to Ohio, who, after thorough examination, reported, among other things, "that there was no fraud whatever in Mr. Bronson, and the seizure of his factory and tobacco was entirely unnecessary."

The claimant therefore insisted that this tax of ten cents additional on his smoking-tobacco was utterly illegal, but paid the same to get his factory and tobacco restored to him, and then appealed to the Internal Revenue Commissioner at Washington, which appeal has been pending until recently.

Under this appeal the said claim of Bronson was allowed by both the Commissioner and Solicitor of the Internal Revenue Department, and sent to the Secretary of the Treasury for approval, when the same was returned by a Mr. Gaines, a subordinate of the Treasury Department, upon the ground "that while the same was illegally collected, it was covered by an adjustment in the nature of a compromise, which, while it was not strictly a compromise under the law, in consequence of not having the Secretary of the Treasury's approval, it would yet be inequitable for the claimant thus to claim it."

Mr. HURD. Mr. Chairman, the gentleman from Louisiana [Mr. GIBSON] who reported this bill being absent, I will endeavor to make a statement to the House in reference to this case, being familiar with the facts and knowing the gentleman for whose relief the bill has been proposed. In March, 1865, Calvin Bronson, the claimant, was the owner of a large quantity of smoking-tobacco which had been manufactured in that month and was liable to taxation under the law passed in June, 1864. The tax was twenty-five cents per pound. After the tax had been paid a law was passed, which took effect in March, 1865, increasing the tax on smoking-tobacco to thirty-five cents per pound. The officers of the internal revenue insisted that Mr. Bronson was liable to the additional tax of ten cents. He resisted the payment of the tax upon two grounds: first, that the law in force at the time the tobacco was manufactured fixed it at twenty-five cents only; and, secondly, that the matter had altogether been closed. But, notwithstanding his resistance, the taxation was insisted upon, and it was paid by him under protest.

Afterward, the property of Mr. Bronson was seized upon the allegation that, in 1865, he had made a fraudulent conveyance of it to his brother, for the purpose of evading the law which had raised the tax. This seizure was altogether independent of the transaction referred to in this bill. The matter was referred to the Treasury Department, and, after a careful examination by agents appointed

for that purpose, it was decided the seizure was unlawful, and the property was restored to Mr. Bronson. But the revenue officials at the time of the settlement still required that he should pay this additional ten cents on the tobacco.

Mr. SAPP. Will the gentleman yield to me for a question?

Mr. HURD. Yes, sir.

Mr. SAPP. Is this to reimburse the party for illegal taxes or as damages by virtue of the seizure of his property?

Mr. HURD. It is to return to him the tax which has been illegally collected from him.

Mr. BAKER. I would like to ask the gentleman from Ohio a question.

Mr. HURD. I have only been stating the case. If the gentleman will wait until I finish it, I will yield to him.

Mr. BAKER. I desire simply to say to the gentleman from Ohio that there is only one question raised by the report which has been read upon which I have any difficulty, and that is the point which relates to the compromise alleged to have been made. The committee state only that the compromise which was made by this claimant with the Government and by virtue of which, as I understand, his property was released from seizure was in consideration in some way, as I take it, of this agreement, not to press this claim on his part against the Government. But they state only there was such a compromise; and yet for some reason which is unexplained by them they do not consider the compromise thus made by the Government with the claimant is now binding on the claimant. I would like to know on what ground it is insisted here that the compromise thus alleged by this report to have been made with the claimant fourteen years ago should at this time on any equitable consideration be set aside.

Mr. HURD. It was on this point I was about directing the attention of the House, when the gentleman from Indiana interrupted me. As the report of the committee and my statement has demonstrated, the tax which this claimant was obliged to pay was an illegal one, and the seizure of his property in no wise connected with the payment of this particular tax was an illegal one. The officers of the Government so reported and the Treasurer of the United States so found. But at the time this declaration was made this claim that this money should be returned to him was still refused; the Government, recognizing the fact that the property had been illegally seized, still held that having possession of the money it would retain it.

Now, whatever may have been the compromise between Mr. Bronson and the Government, it certainly results in this situation, that the Government had taken advantage of an unlawful act—of an illegal seizure of the property of the claimant—to compel him to consent to pay the money, or rather to withhold a claim for money which was in the Treasury of the United States. And by well-established principles of law which govern the contracts and relations of private individuals, it seems to me that the Government cannot insist on its right to hold this money at all. If it were the case of an individual asking for relief from an individual under similar circumstances, not only would the party be compelled to refund the money which had thus been extorted, but the individual who had been guilty of the extortion would be liable to indictment at common law. And I cannot believe the Government of the United States will make itself a party to a crime by taking money in this unlawful way from a private citizen.

The gentleman says or intimates it is rather late in the day this claim should be presented to the House. Mr. Bronson has been asking for relief at the hands of the House of Representatives and of Congress ever since this money was extorted from him. In the last Congress the Committee of Ways and Means unanimously reported in favor of the return of the money to him. The Committee of Ways and Means in this House at an early day made a similar report, and I insist under these circumstances the party thus unlawfully deprived of his money ought to receive it back.

Mr. BAKER. Mr. Chairman, whenever any citizen of this country has his property wrongfully seized by the Government there is open to him, as there is to any other individual in any private business relation, two methods of adjusting the difficulty in which he finds himself. One of them is by appealing to the courts, and the other by effecting an amicable settlement of the matter. It seems in this case, when Mr. Bronson's property had been illegally seized, in order to get the restoration of that property without the necessity of invoking the aid of the court, he saw fit to make some adjustment with the Government as a condition of that release which looked to the relinquishment of the claim which he had for $11,000, and which he was seeking to recover.

The report of the Committee of Ways and Means, which I hold in my hand, shows that the claimant effected such a compromise as that, and he received the benefit of that compromise by the surrender of his legal right. It is, I submit again, as the gentleman from Ohio said or intimated, a little late in the day, after fourteen years have passed from the time this compromise was effected, for Mr. Bronson to come here asking Congress to relieve him from the compromise that he voluntarily made.

Mr. Chairman, in the private relations of life, where a party invokes the clemency of his adversary and enters into a compromise of a litigated matter, it is rather late in the day for him, fourteen years after the compromise has been concluded, to appeal to the tribunals of his country for the purpose of obtaining relief from a compromise that he went into with his eyes open when he had it in his power to refuse the compromise, and, by appealing to the courts that were always open, reclaim from the possession of the officers of the Government, on the ground that they had wrongfully seized his property, the possession of it back to himself. I submit that it will hardly do to take the money out of the Treasury at this late day on the bare suggestion that is made by the committee that the compromise was an unfortunate one on the part of Mr. Bronson, because the Government had possession of his property wrongfully.

Mr. SAPP. Will the gentleman yield to me for a question?

Mr. BAKER. Certainly.

Mr. SAPP. Is there any doubt that this tax was illegal? And if it was illegal ought not the man to have his money back again?

Mr. BAKER. Whether the tax was illegal or not is a matter about which I am not certainly advised, and about which I do not propose to enter into any discussion. I assume, Mr. Chairman, that, whether the tax was illegal or not, when Mr. Bronson set himself up as a judge in his own case at the time the question was sought to be compromised by him with the Government he knew as much about it as anybody else, and knew whether or not he was surrendering on a sufficient consideration legal rights that he then possessed. That is the ordinary case of any suitor or of any man who claims he has been injured and who has it in his hands, sitting as a judge in his own case, to determine whether under all the circumstances it is wise and expedient for him to effect a compromise; and if he does do it, I submit that there is no principle of law, and no principle of justice either, that is more familiar or more wisely exerted than that a party thus compromising shall not be heard to allege that he might have recovered more if he had gone into the courts by standing on his naked legal rights.

I submit that we ought always to scrutinize with the utmost nicety these aged claims, these claims that have grown hoary with age, and more especially so when the showing that is made by the man himself who comes asking relief is that, on sufficient ground which satisfied his own judgment, he, being judge of his own case, determined it against himself. Under such circumstances I submit he ought not to be heard at this late day to say he made an unwise decision.

Mr. SAPP. Will the gentleman yield to me for another question?

Mr. BAKER. Yes, sir.

Mr. SAPP. Does the gentleman insist, if the Government has this man's money wrongfully, that it is right for the Government to hold on to it?

Mr. BAKER. I submit, Mr. Chairman, that in the administration of the money of the people this House is not to be governed by any ideas of equity that are to be found in the uncertain and conflicting notions which gentlemen may have as to what equity is. We are to be governed here, I submit, wherever we can find any fixed and certain legal rules for the government of our own conduct, by the administration of wise and settled rules. And whatever may be my notion about it, whether I believe that the tax was wrongfully levied in the first instance or not, whether I believe that the seizure of the next year was wrongful or not, that is a matter of no moment in my judgment. We are not here to give away the people's money, or to vote it away on any idle speculations as to what might have been equitable or inequitable at the time this transaction was closed. In point of fact and in point of law this man had the remedy in his own hands, and, having the remedy, he elected to make a settlement with the Government, and it is too late for him to-day to say, "It is true I adjusted this matter with the Government; it is true I got possession of my property by virtue of that settlement; and yet, having obtained the benefit of the compromise on my part, I insist that the Government shall recognize my repudiation of the other part of the contract that was entered into."

Mr. BRIGHT. Mr. Chairman, I do not think that there is any difficulty in getting to a correct conclusion in relation to this matter. I think the facts as well as the justice of the matter and the law of the case are too plain for debate. We find that under the act of April 30, 1864, there was an assessment of this tobacco. There was a subsequent law, taking effect April 1, 1865, which increased the assessment upon tobacco. The first assessment surely was according to law. The tax was paid and the obligation of the individual was discharged from the operation of the law. The subsequent law could not react upon the tax that existed before that; and the subsequent assessment being retroactive and illegal was not entitled to take the property or require the payment of an additional tax. Therefore the conclusion is irresistible that the tax was illegal.

Then the second proposition presents itself: shall the Government hold on to the illegal gain of which it has possessed itself through the illegal act of one of its officials? So far as the presentation of the question is concerned, every one would be bound to say that the Government would have no right to hold on to it unless it did so by some principle of law or by some concession of the individual himself. And in order to protect the Government it is insisted that the individual entered into a compromise with the Government by which he relinquished his right to a restitution of this tax.

Now, what are the facts in relation to that matter? In the first place, the tax was paid under protest. In the second place, the Government had made seizure of his property, and he was called upon to act under those circumstances. Now, is that a fair compromise in law? I maintain that there is not a court in the country that would

sustain it as a compromise in fact, because that involves the ingredient of a free, voluntary, and uncoerced consent to the same thing by both contracting parties.

Mr. SAMFORD. Will the gentleman allow me to ask him a question?

Mr. BRIGHT. Certainly.

Mr. SAMFORD. Do I understand the gentleman to say that this arrangement was coerced out of Mr. Bronson, in order that his property should be released by the Government?

Mr. BRIGHT. I will explain.

Mr. SAMFORD. Then another question in that same connection. How was Mr. Calvin Bronson induced to surrender his claim against the Government, in order to get the Government to release the property of his brother, David Bronson, to whom he had sold this tobacco?

Mr. BRIGHT. I will answer the gentleman (to break the thread of my argument) that there was an investigation of the facts in relation to the question of fraud and the charge that was made against this individual, and the matter was determined in favor of the claimant, who now comes before Congress asking for relief.

Mr. SAMFORD. No, sir; the decision was in favor of his brother.

Mr. BRIGHT. I do not understand the report of the committee in that way. I do not understand in that way the report of the commission which was appointed by the Government to ascertain the facts. But I will proceed with the argument that I was making in relation to the facts of the compromise. I maintain that there was no valid compromise made between the Government and this individual.

Mr. SAPP. Will the gentleman allow me to ask him a single question?

Mr. BRIGHT. Certainly.

Mr. SAPP. Is it not true that this tax was paid under protest by the parties at the time?

Mr. BRIGHT. That is what I have stated, that it was paid under protest, and that fact enters as one of the ingredients of the compromise. The party understood that it was an illegal payment that he had made. The Government had seized upon his property.

Now, if I can have the attention of the committee for a few moments, without being further interrupted, I think I can demonstrate upon well-established principles of law that this claimant is entitled to relief. I maintain that there was no compromise cutting him off from presenting his claim to the Congress of the United States. Why so? Simply because according to all the principles of law it was a coerced and involuntary promise, if you see proper to call it by that name. Here was the power and the principle of the *vis major*, of a superior force, which brought the individual to the feet of power. And in order that he might secure the greater right he surrendered for the time being the right that he might present in another form and under different circumstances.

Mr. BAKER. Will the gentleman allow me to ask him a question?

Mr. BRIGHT. Certainly.

Mr. BAKER. How happens it that this man Calvin Bronson was brought under what you are pleased to call the *vis major*, when we consider the fact——

Mr. BRIGHT. Ask your question and I will try to answer it, but do not make an argument.

Mr. BAKER. By virtue of the fact that the next year Calvin Bronson sold his property, and thereupon the Government seized it as being transferred under a fraudulent sale. Now, how happens it that Bronson, having sold his property to his brother, was brought under the *vis major*, as you term it?

Mr. BRIGHT. In answer to that question, if everything assumed by the Representative from Indiana [Mr. BAKER] be true——

Mr. BAKER. The report says so.

Mr. BRIGHT. If it be true, as assumed by the gentleman or as shown by the report, and the tax was not collected under a law which authorized the collection of a tax, then it would have been illegal upon the part of the Government under any circumstances of the case. The Government is not to be permitted to shelter itself in a wrong. Whether the property belonged to the one or belonged to the other, it would be a false issue upon the part of the Government and a begging of the question, in order to shelter itself against the consequences of an illegal act. There is nothing that can purge this Government of the illegal act, as must be admitted, unless there is something voluntary upon the part of the party claiming to be wronged which releases the Government.

I find nothing of that sort in this case. I find that the Government has in its Treasury money which does not belong to it; I find the Government here convicted of extortion practiced upon one of its citizens; and I maintain that the Government has no right to protect itself from reimbursement under a legal technicality and quibble. Upon any ground, it is wrong—wrong in morals, wrong in law, and wrong as a precedent. The superior power ought not to avail itself of its mere power in order to oppress and rob one of its citizens. Surely it has power enough to collect its revenues, to levy its tributes, without overleaping the law which authorizes the collection of such revenues. I maintain that the Government is bound to make restitution in this case—whether to one or the other of these individuals, let Congress determine, if there is any election to be made.

Mr. GARFIELD. I wish to ask the attention of the committee to one feature of this case. I perfectly agree with my friend from Indiana that where a compromise recognized under the law has been made in accordance with the law a party to that compromise has no redress, and probably no right to redress. But the compromise clause of the internal-revenue laws refers to cases where there has been a violation of the law, and where the Department under its power of compromise agrees to take less than the whole amount of the penalty. When such a compromise has been made and a portion of the money paid, which the Government consents to be satisfied with, although it could have enforced the payment of more, that compromise is of course binding; and it would be an act of exceedingly bad faith for a party under such circumstances to come here and say, "I ought not to have had anything put upon me in the way of penalty, and I want you to pay it all back," although perhaps there might even be a case where we ought to make repayment if our officers had made a mistake and done wrong.

But the spirit of the compromise provision of the internal-revenue laws is such as I have described. This is not a case coming under that provision at all. Here the law imposed an increased internal-revenue tax of ten cents a pound on tobacco, to take effect on the 1st day of April, 1865. This party, being a manufacturer at Toledo, Ohio, manufactured during the month of March a large amount of tobacco, and paid upon it a tax of twenty-five cents a pound, as required by law. Some weeks after that payment the question arose in the minds of officers of the Government whether that tobacco was not manufactured later than the date alleged, and whether the manufacturer ought not to have paid the additional ten cents a pound. Resolving all doubts in favor of the Treasury, they assessed upon him the additional tax of ten cents per pound, amounting in the aggregate to $11,211. He protested that he had paid the tax fully and properly; that the tobacco was manufactured before the law went into effect; that he had paid the full amount of the tax as required by law. But the officers of the Government, having the power in their hands, in order to force matters, seized a large quantity of his manufactured tobacco, made at a later date, on the claim that he had sold it to his brother in a pretended sale for the purpose of getting his property in such a position that the Government could not have recourse to it for the collection of the tax.

Now the man was in this situation: the Government had illegally commanded him to pay $11,211, and had seized a large amount of his property, which it held. It is true you may call it his brother's property, but if the claim of the Government was just, of course his brother can come back on him and make him pay all that the brother would lose by the assessment of this additional tax. So that in reality, so far as this question is concerned, this was his own property. This man was in such a situation that he must be deprived of the use of his property to a very large amount, or, to have it released, must pay this tax under protest. He says: "I will pay this unjust and illegal assessment, will pay it under protest, if you will give me back this other property." Paying the money under protest, he reserved his right to appeal. He did appeal, and after a full investigation the Internal Revenue Department decided that there was no fraud on his part, that the property ought not to have been seized, and that the additional assessment of ten cents per pound, making $11,000, was itself improper and illegal.

When that report of the Commissioner of Internal Revenue was sent to the Secretary of the Treasury, who ordinarily would simply have issued his warrant to pay back the $11,000, the Secretary was confronted with the papers which were drawn in the former compromise. The law very properly forbids the Treasury Department to pay back any money in a case where a compromise has been made. The Secretary of the Treasury says, "I am not technically justified in drawing my warrant for the payment of this man, although I agree with the Internal Revenue Department that the seizure and the additional assessment were improper; but technically I cannot cure the injustice."

Under these circumstances nothing remained to this citizen but to come here for relief. In all cases of this kind we are a court of equity. Every pension bill coming before us is a bill in equity; for if the law technically gave the soldier a pension he could go to the office of the Commissioner and get his money without asking us to pass a special act. He comes here to get equity, because the letter of the law does not give him what his real rights demand. In the same way this claimant comes here saying that the Government improperly seized this property, which we admit; he says, and we admit, that the Government improperly levied and collected from him $11,211, which we hold in the Treasury. It is his money; it never was ours; the law never gave it to us; but an overzealous though perhaps a very industrious and proper officer, thinking that he would resolve all doubts in favor of the Treasury, collected the money and put it into the Treasury.

Mr. BAKER. I wish to ask the gentleman whether he thinks it would be wise for the House to pass a bill setting aside a compromise where the committee reporting the bill do not state the nature of the compromise or the grounds upon which it was inequitable?

Mr. GARFIELD. Very likely there ought to have been a fuller statement; and it might not be wise to make payment if we did not happen to know that this case was before the Committee of Ways and Means in the last Congress, and a bill was then unanimously reported in favor of this claimant. It was again before the commit-

tee at the last session of this Congress, and a second unanimous report was made in favor of the claimant.

Mr. ROBINSON. Will the gentleman from Ohio permit me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. ROBINSON. I wish to put a question to the gentleman from Ohio, in order that I may get exactly at the facts in this case. Now, is it the fact that the factory and tobacco were seized and held because this party declined to pay the extra ten cents?

Mr. GARFIELD. No, sir.

Mr. ROBINSON. Or because of some other offense he had committed the year before.

Mr. GARFIELD. No, sir.

Mr. ROBINSON. I desire to know because I think the report is singularly unfortunate in its statement in this regard.

Mr. GARFIELD. The two were not necessarily connected, except that the seizure was of property belonging to the same person. He had those two irons in the fire, as it were, at once. One claim was to get back an improper assessment of money which he had been called upon to pay, and the other was to get back his property which had been improperly seized. These officers said to him, "We have got you again." He replied, "I will pay this unjust tax under protest if you will give me back my property." They gave him back his property under this protest on his part. But investigations by the proper officers of the internal revenue show, first, that the seizure of his property was improper in the one case, and, secondly, that the additional assessment of tax was improper and illegal in the other. We are here now to right the remaining wrong, and we should do it.

Mr. TUCKER. Mr. Chairman, as I reported this bill in the last Congress, and as it has been reported at this Congress by the gentleman from Louisiana [Mr. GIBSON] who is now absent, I think it well I should make a remark or two in relation to it. As has been well said by my friend from Ohio, [Mr. GARFIELD,] the report from the Committee of Ways and Means in both instances was unanimous. But leaving that out of view, sir, the case stands thus: It is admitted now by the Treasury Department that under the law the ministerial officers of the Government had no right to collect this $11,000 from this man. It is his property that the Government has no right to. It was wrong to take it from him. That is admitted.

Pending the claim for the $11,000, they seized his property upon an allegation that he had fraudulently sold it to another party in order to avoid the payment of the increased tax. That was another claim entirely; but this very vigorous and conscientious officer of the Internal Revenue Department wanted to run the two claims against him together in order to be certain of getting one of them. He said: "We will hold your property now for fraudulent conveyance to avoid the payment of the increased tax, and we will hold you for $11,000 of tax on the other tobacco." He paid the $11,000 of tax on the tobacco, upon the condition they should let him have his tobacco factory back again, together with the other tobacco, as he said they were breaking up his business by holding on to his property. The Government officers took the $11,000 and let him have his property back in order that he might go on with his business.

He then asked that a commission should be sent from the Treasury Department to inquire into the alleged fraudulent sale of his property. The report of that commission is quoted in the report of the Committee of Ways and Means which has just been read. The officers of the Treasury on that commission state there was no ground for the seizure of the property, because there had been no fraudulent sale. Then examination was made as to whether the additional tax of ten cents was due, and they likewise reported that no such tax was due. So, sir, on both of these claims by reason of which the Government had seized this property, they reported, in the first place, that the seizure on the ground of a fraudulent sale of the property was unjust, and they also reported that the claim made by the Government for an additional tax was likewise unlawful and unjust. But the man, in order to get his property back, had paid the amount of the unjust claim into the Treasury. Now, in God's name, are we going to hold property we have obtained by duress of the citizen, which property does not belong to us? That is the question.

I have no particular interest in this matter. It comes from the State of Ohio, and we all know that Ohio gets generally what it wants. [Laughter.] Why, sir, my distinguished friend from Ohio [Mr. GARFIELD] has recently secured not so much what he wished for himself as what he richly merited from his party. [Applause.]

All I mean to say now is that here is an humble citizen of Ohio who comes to this great Government and says: "You have got $11,000 of my money which you are not entitled to and which you admit does not belong to you, and, for God's sake, I ask you to give it back to me." Why should we higgle as to whether we shall give it back or not? I hope there will be no such question before this committee.

I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was accordingly laid aside, to be reported to the House with the recommendation that it do pass.

EXPERT SERVICES, METRIC SYSTEM.

The next business on the Private Calendar was the bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress.

The bill, which was read, provides that the sum of $350 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to pay the bills of June 18 and June 28, 1878, for expert services rendered by William Wheeler Hubbell to the Forty-fifth Congress, respecting the application of the system of metric weights and measures.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

PAY OF EX-EMPLOYÉS OF THE HOUSE.

The next business on the Private Calendar was the bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, and George T. Rogers.

The bill, which was read, provides that the sum of $2,852.43 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Clerk of the House of Representatives of the United States to pay the claims hereinafter named:

To John N. Reed, $1,215.77.
To A. D. Anderson, $534.
To John A. Dugan, $756.
To E. T. Keightley, $166.66
To George T. Rogers, $180.

All of the said claims being for services rendered by the claimants to the House of Representatives during the Forty-fifth Congress. And that, whenever the said amount is available, the Clerk of the House of Representatives pay out the said amounts to said claimants respectively.

Mr. DUNNELL. I would like to ask the gentleman who reports this bill to state how it happens that these sums of money are due to these parties and remain unpaid; whether they performed the services stated as the result of an appointment, or performed them without appointment? I would like to know how this claim comes before the House.

Mr. COVERT. Mr. Chairman, briefly stated, the circumstances out of which these claims grow are as follows: all of these claimants, I believe, or perhaps with one exception, had been appointed to positions by the late Doorkeeper of the House, and had acted in the capacity of messengers for committees.

It is in the recollection of perhaps almost every member of this body, all who were members of the Forty-fifth Congress, that trouble arose in reference to excessive appointments made by the Doorkeeper, and a number of removals followed as a result of the discovery that more appointments had been made to positions than the law warranted. It was under these circumstances that the men enumerated in this bill were appointed by the chairmen of the various committees mentioned in the report which accompanies the bill, and performed services for these different committees.

I am very frank in making the statement, sir, that the Committee of Claims have not been able to find in their examinations of the facts bearing on this case any direct authority on the part of this House to the chairmen of the various committees to make the appointments in question. And the committee, in presenting the report accompanying this bill, have been very careful not to state that a valid legal claim exists on the part of these claimants for the amount they ask in consideration of the services rendered. But the committee do say that they believe, from all the facts and the testimony before them, that the services were actually rendered in good faith by the claimants by the express request of the chairmen of the several committees, and, as I have said, that the services were valuable, and that the committees, and therefore the House itself, received the full benefit of these services. Hence the committee are of the opinion, and so report to the House, that a just and equitable claim exists on the part of all these claimants for the amount specified in the bill.

This in brief covers the facts of the case.

Mr. DUNNELL. I ask that the report be read.

The report is as follows:

The Committee of Claims, to whom was referred the petition of certain employés of the House of Representatives (including John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, and George T. Rogers) for compensation for services alleged to have been rendered, have had the same under consideration, and submit the following report:

1. CLAIM OF JOHN N. REED.

The claimant was, on November 1, 1877, appointed as a messenger to the House of Representatives by the then Doorkeeper, was sworn as such messenger, and assigned to duty. In December following he was assigned as messenger and laborer to the room of the Committee on the Pacific Railroad. On or about January 16, 1878, the claimant was dropped from the rolls of the Doorkeeper by reason of the existence of more names on the roll of that officer than was allowed by rule. The claimant, at the time of so being dropped from the roll, was informed that the chairman of the Committee on the Pacific Railroad wished him to continue as messenger and laborer to that committee. The committee told the claimant to continue his services until some one was appointed by the Doorkeeper to take his place.

From that time claimant acted as the sole messenger and attendant upon said committee down to March 4, 1879. In this connection your committee desire to append the following, from the Committee on the Pacific Railroad for the Forty-fifth Congress:

"HOUSE OF REPRESENTATIVES,
"*Washington, D. C., February* 20, 1879.

"DEAR SIR: John N. Reed was appointed a messenger by Mr. Polk, November 1, 1877. He was assigned to the room of the Committee on the Pacific Railroad December 1, 1877. No other messenger, laborer, or page has waited upon that committee since. Mr. Reed has discharged every duty. Mr. Reed was assured that his name would be placed upon the regular roll, but was dropped January 15, 1878. The Committee on the Pacific Railroad were very constantly in session during the last session. Many questions of great importance were discussed, large crowds of people, and

many attorneys, attending its sessions throughout the session of Congress. Some one had to attend the committee, not only for the purpose of making and keeping up fires, cleaning the room, attending to the lights, &c., but in carrying messages. Mr. Reed was constant in his attendance and discharge of all these duties, and no one could have been more diligent in the discharge of every service pertaining to his duty. Mr. Reed has also discharged, at the present session, the duties of the same position to Mr. Hewitt's committee, "on the cause of depression in labor," which held its meetings in the room of the Committee on the Pacific Railroad.

"The undersigned members of the committee feel that Mr. Reed should be paid, more especially as the Committee of Accounts have examined into the question and recommend the same.

"Respectfully submitted.

"J. B. ELAM.
"NATHAN COLE.
"W. W. RICE.
"J. W. THROCKMORTON.
"L. B. CASWELL.
"JNO. F. HOUSE.
"J. K. LUTTRELL.
"H. W. BLAIR.
"JAS. R. CHALMERS.
"G. M. LANDERS.

"Messrs. MORRISON and O'NEILL are not present; I believe they would join in the recommendation.

"J. W. THROCKMORTON.

"Hon. J. D. C. ATKINS,
"*Chairman Committee on Appropriations.*

"My position as clerk of the Committee on the Pacific Railroad places me in possession of all facts connected with the services rendered by John N. Reed to said committee during the Forty-fifth Congress, and I certify that he punctually discharged all the duties of messenger, laborer, and page from December 1, 1877, to March 4, 1879; that such services were absolutely indispensable, and that no other person to my knowledge was ever assigned to the performance of them, and that said Reed continued his attendance on the committee with the tacit approbation of its members and a general assurance that he should be paid customary wages.

"THOMAS S. BELL,
"*Clerk Committee on the Pacific Railroad.*"

The claimant asks the payment of $1,275.56 for his services so rendered. The Committee of Accounts of the Forty-fifth Congress examined the claim and reported it with a favorable recommendation to the Committee on Appropriations, there being no fund at the disposal of the former committee from which the amount could be paid. The Forty-fifth Congress adjourned before final action could be had upon the matter. Your committee think the claim of Mr. Reed a just and equitable one, and therefore report it back with favorable recommendation.

2. CLAIM OF A. D. ANDERSON.

The services of this claimant, as clerk, were engaged by the House Committee on Mississippi Levees, of the Forty-fifth Congress, to assist them in getting together statistics for and in the preparation of a valuable and elaborate report in connection with the navigation, tonnage, and capacities of the Mississippi River and its tributaries, which was thereafter submitted to the House. These services extended over a period of three months, namely, February, March, and April, 1878, the committee having no other clerk to aid them in their labors. The services are reported by the chairman of that committee to have been rendered, and to have been reasonably worth the sum of $6 per day. In this connection, your committee desire to reproduce the report and statement of the clerk of the Committee of Accounts:

"HOUSE OF REPRESENTATIVES,
"*Washington, D. C., June 5*, 1879.

"*To whom it may concern:*

"On the journal of the Committee of Accounts of the Forty-fifth Congress, of Wednesday, June 12, 1878, there is the following record:

"After a statement by Mr. YOUNG and Mr. ROBERTSON, of the Committee on Mississippi Levees, concerning the valuable clerical services which that committee had received from Mr. A. D. Anderson, it was agreed that Mr. Robertson should offer an amendment to the sundry civil bill providing for the payment of Mr. Anderson as clerk to the committee for February, March, and April, 1878, and that this committee (of Accounts) would recommend its adoption.

"The amount allowed was $534; 89 days, at $6.

"The Committee of Accounts for the Forty-sixth Congress, to whom this claim was referred on the 18th of April ultimo, considering that they had no jurisdiction thereof, asked to be discharged from its further consideration, and that it be referred to the Committee of Claims.

"Very respectfully,

"JAMES A. DIFFENBAUGH,
"*Clerk to Committee of Accounts, House of Representatives,*
"*Forty-fifth and Forty-sixth Congresses.*"

Your committee regard the claim, amounting to $534, as being just and equitable, and therefore report it back with favorable recommendation.

3. CLAIM OF E. T. KEIGHTLEY.

This claim is for services rendered by the claimant to the Committee of Accounts of the Forty-fifth Congress. Mr. Keightley had, before the rendition of the services in question, acted as an assistant doorkeeper, at a salary of $2,000 per year. After the termination of his services in this connection, he was employed by the Committee of Accounts of the Forty-fifth Congress. The chairman of that committee certifies: "In view of the fact that Mr. Keightley was in almost constant attendance on the committee, furnishing evidence and giving assistance in connection with the negotiation and adjustment of various accounts of the late Doorkeeper, the Committee of Accounts refer the resolution" (providing for this payment of the claim for one month's services, at the rate of $2,000 per year) "to the Committee on Appropriations, with a favorable recommendation."

The claim amounts to $166.66. Your committee refer back the claim with favorable recommendation.

4. CLAIM OF JOHN A. DUGAN.

The claimant acted as the sole and only clerk to the Committee on Expenditures in the Treasury Department of the Forty-fifth Congress for a period extending from November 1, 1877, to March 6, 1878, one hundred and twenty-six days. The claim in its entirety is for $756, and is reported as being correct by the chairman of the committee. The claim was examined by the Committee of Accounts of the Forty-fifth Congress, and the following certificate given:

"This claim is undoubtedly correct, and should be paid. There is not any fund from which it can be paid by the Committee of Accounts.

"CHAS. B. ROBERTS,
"*Chairman Committee of Accounts.*"

It was afterward brought before the Committee on Appropriations, but was mislaid in some manner while before that committee, and was never acted upon. Your committee report back the claim with a favorable recommendation.

5. CLAIM OF GEORGE T. ROGERS.

The claim of this claimant is based upon the following facts:

During the last session of the Forty-fifth Congress the Committee on Expenditures in the State Department were engaged in an investigation of charges against George F. Seward. The work of the committee in connection with these charges was not concluded on the adjournment of that Congress, and leave was granted for the committee to sit during recess.

The committee employed the services of the claimant to aid them in this work during recess, and the services extended over the month of November, 1878.

The committee report the services to have been necessary and of the value of the amount charged, $180. The claim was examined by the House Committee of Accounts of the Forty-fifth Congress, and favorably reported. That Congress, however, adjourned before definite action could be had upon the matter.

Your committee think the claim an equitable one, and, therefore, report it back with favorable recommendation.

In conclusion, your committee recommend the passage of the accompanying bill, making provision for the payment of the foregoing claims.

Mr. BRIGHT (pending the reading of the above report) said: Mr. Chairman, I think this case or claim of John N. Reed which has been read is perhaps a fair sample of the others. The same principle is involved, I conceive, in all of the others, in which case it is scarcely necessary that the remainder of the report should be read. I therefore move to dispense with the further reading of the report.

There was no objection, and it was ordered accordingly.

Mr. SPRINGER. I move, at the end of line 15, to insert the following words: "to Benjamin P. Gaines, the sum of $90."

I will state, Mr. Chairman, that this places the two clerks of the committee referred to upon exactly the same footing, and is in accordance with the recommendation of the committee. But the committee could not pay, owing to the fact that the House was not in session at the time, except for one-half of the month, and this allows Mr. Gaines for the other half, and places him on the same footing with Mr. Rogers.

The amendment was adopted.

The bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

Mr. FORT. I desire also to offer an amendment to the bill. It is to pay Mr. Charles Ford the sum of $87 for services performed as an attendant at the door during the administration of the former Doorkeeper, Mr. Polk. The bill is now before the Committee of Claims, but may not be reached for months, and perhaps not this session, so I desire to incorporate the claim in this bill. There is no question about the services of this young man, which he performed in the galleries of the Hall, and for which he was not paid, for the reason that his name was left off the roll at the time the former Doorkeeper had some trouble with his accounts, and before our present Doorkeeper took charge of the roll. He did his work faithfully and well and ought to be paid. There is no question at all about his having performed the service and earned the money, but he never received the money and it should be paid. He is a poor boy, not now here, is going to school, and needs his money. I may say that I have no special interest in the matter, of course, except to see justice done a worthy employé of this House. The appointment of this young man was made by the former Doorkeeper—not of this side of the House.

Mr. BRIGHT. By what authority was he employed?

Mr. FORT. He was on the regular roll by appointment of the former Doorkeeper, Mr. Polk.

Mr. BRIGHT. What evidence is there as to the length of his service and the value of it?

Mr. FORT. I have no evidence here to present except that of every member who served in the last Congress. Every member's wife who entered the gallery knows that he was there performing the service and performed it well.

Mr. BRIGHT. How do you arrive at the amount proposed?

Mr. FORT. The sum of $87 is the balance he would be entitled to for services, and is for time for which he received no compensation. If one of the reading clerks of this House [Mr. Pettit] was permitted to make a statement he could inform the House very clearly that this doorkeeper was entitled to his money. If Mr. BLACKBURN or Mr. MCKENZIE, of Kentucky, were present they could state that this young man was employed and had not been paid; but I regret that they are both absent from the Hall at this time.

The amendment of Mr. FORT was agreed to.

Mr. SPRINGER. I suggest that the title be amended so as to include the additional names.

The title was amended; and the bill, as amended, was laid aside, to be reported favorably to the House.

G. V. HEBB.

The next business on the Private Calendar was the joint resolution (H. R. No. 97) to pay G. V. Hebb $55, reported by Mr. SAMFORD from the Committee of Claims.

The joint resolution was read, as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, instructed to pay George V. Hebb the sum of $55, balance due him as an employé of the House during the Forty-fifth Congress.

For the payment of said claim the sum of $55 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The report was read, as follows:

The Committee of Claims, to whom was referred the petition of George V. Hebb for compensation for services rendered as doorkeeper during the Forty-fifth Congress, respectfully report:

That said committee have had the same under consideration, and find that the petitioner served for the time he states as an employé of the House, and is entitled to the sum of $55 in full payment of balance due him.

Wherefore your committee recommend the passage of the accompanying resolution.

Mr. BRIGHT. I will state that the claim of Mr. Hebb goes on all

fours with the claims of the gentlemen embraced in the bill last considered.

The bill was laid aside to be reported favorably to the House.

ROBERT ERWIN.

The next business on the Private Calendar was the bill (H. R. No. 385) to amend the act entitled "An act for the relief of Robert Erwin," reported by Mr. LAPHAM from the Committee on the Judiciary.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims is hereby empowered and directed to hear and determine the claims of Robert Erwin, for property taken from him by the military authorities of the United States, mentioned in the act of which this is amendatory, notwithstanding any former adjudication of said court; and if said court shall find from the evidence that the said Erwin was the owner of the said property, or any part thereof, by him claimed, at the time the same was seized as aforesaid, then said court shall ascertain and determine the amount of the proceeds of such property remaining in the Treasury of the United States, and subject to its judgment, under the provisions of the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property," &c. After the amount of such proceeds shall have been so ascertained by the court in either case, said court shall proceed to distribute the amount between the said Erwin and such of his creditors in bankruptcy as shall come in, and after such reasonable notice of the pendency of this suit to the creditors of said Erwin and of said Erwin & Hardee, who proved their claims in said bankruptcy proceedings, as the court shall order, to be personally served upon them, and as said court may decide are equitably and justly entitled to participate; and in making such distribution, the said court shall proceed as a court of equity, and shall be governed, both as to the law and evidence, by the rules and laws governing proceedings in equity in the circuit courts of the United States, and shall render judgment in favor of said Erwin, and of such of his creditors in bankruptcy, for such sum as they may be entitled to receive respectively according to law and equity, and to the provisions of this act and of the act of which this is amendatory: *Provided*, That the parties shall have the same right to appeal as in other cases in said Court of Claims; but the proceedings on appeal shall be conducted as in appeals in equity causes from the circuit courts of the United States.

Mr. SMITH, of Pennsylvania. Let the report be read.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 385) for the relief of Robert Erwin, respectfully submit the following report:

The evidence submitted to your committee in relation to the claims of Robert Erwin shows the following facts:

On the 5th day of February, 1877, an act of Congress entitled "An act for the relief of Robert Erwin" became a law. That act authorized the Court of Claims to take jurisdiction, under the provisions of the act of Congress approved March 12, 1863, commonly called the "captured and abandoned property act," of the claims of Robert Erwin for property alleged to have been taken from him. The act of February 5, 1877, was passed after an examination of all the facts and circumstances relating to the claims, and a report of the same from this committee. This committee were unanimously of the opinion that the claimant was entitled to the relief prayed for, and that the bill ought to pass, on the ground of accident and mistake of his agent or attorney in not presenting his petition to the Court of Claims within the time limited by law; the failure to present his petition being without fault or neglect on the part of the claimant. In pursuance of the authority of that statute, the claimant presented his claim to the Court of Claims, and testimony was taken, and one of the causes (there being two of them) was heard. But in consequence of complications in the case arising from the fact that the firm of Erwin & Hardee, of which the claimant was a member, were adjudicated bankrupts by the United States district court for the southern district of the State of Georgia, the Court of Claims dismissed the petition of the claimant.

On the 31st day of December, 1868, the said firm of Erwin & Hardee filed their petition in bankruptcy in that court, and were, on the 15th day of January, 1869, adjudicated bankrupts. Robert Erwin was discharged as a bankrupt on the 12th day of January, 1870. In the schedules of property filed with their petition, the individual claims of Robert Erwin, arising from the seizure and sale of the property mentioned in the proceedings in this case, were included. An assignee was regularly appointed in the case on the 5th day of February, 1869, and he proceeded to wind up the affairs of the estate. Afterward, and in May, 1872, a special application was made to the court by the said assignee for permission to sell some uncollectible assets remaining on hand. Among those assets so held were the claims against the United States, which are the subject-matter of this petition.

At that date, and at the time of the adjudication in bankruptcy, these claims were barred by limitations prescribed by law. Leave was granted by the court to make the sale, but the assignee in making the sale did not proceed according to the manner prescribed by the order of the court, and from this fact the difficulties arose in the Court of Claims.

The sale by the order of the court was required to be made at public auction, but the sale was made by the assignee, after consultation with and upon the advice of the creditors, at private sale to Erwin, the claimant. On the 22d day of November, 1872, the petitioner made an offer, in writing, to the assignee for the assets so remaining unsold, which was submitted to all the creditors except one, and upon their advice and consent the proposition of the petitioner was accepted on the 7th day of December, 1872, and the money—$3,100—was by him paid over to the assignee.

At the time of the sale to Erwin the assignee delivered to him the books of account, papers, &c., relating to the matters and things sold.

The money paid by the petitioner for these assets was subsequently divided by the assignee and the register in bankruptcy among the creditors, and each one of them received his *pro rata* share thereof.

All of the creditors except perhaps two or three knew that the claims for the property in question were included, and were intended to be included, in this sale to Erwin, and received the money with that knowledge.

The Court of Claims, after the case had been argued, decided that Erwin, in consequence of the bankruptcy proceedings, was not entitled to recover the proceeds of the property remaining in the Treasury, and further held that he did not become reinvested with his title to the proceeds of the property in the Treasury by virtue of the sale made to him by the assignee in bankruptcy.

Pending the proceedings in that court, the original assignee, who made the sale and transfer to Erwin, resigned his office, and another assignee was appointed in his stead. This new assignee appeared in the Court of Claims and made claim to the proceeds of the property by virtue of his office as assignee in bankruptcy of Erwin & Hardee. In this action he appears to have been supported, and is still supported, by at least one, if not more, of the creditors of the estate, notwithstanding the sale to Erwin. The Court of Claims refused to entertain his petition, and thus the case stands so far as the Court of Claims is concerned.

The petitioner, soon after the decision of the court, presented his petition to this House, praying an amendment to the original act passed for his relief.

Your committee are of the opinion that whatever sums of money may be in the Treasury arising from the sale of the property of Robert Erwin should not be paid to the assignee in bankruptcy, because to pay these claims to him and permit the bankruptcy court to distribute the fund according to the equities existing between Erwin and his creditors would involve an expense in fees and commissions of several thousand dollars. This expenditure, in the opinion of your committee, is unnecessary. The Court of Claims has now before it nearly all of the testimony in the cases, and it will involve no material increase in the expense to authorize and direct that court to distribute the fund which may be ascertained to be in the Treasury, and the Court of Claims is just as competent to make such distribution, according to equity and justice in view of all the circumstances and acts of the parties in the case, as any other court; and, therefore, for the purpose of preserving the fund intact and reducing the expenses and saving the extraordinary costs of a bankruptcy proceeding, your committee recommend the accompanying bill, and that the same do pass.

Mr. MCMAHON. Before this bill passes I desire to call the attention of the House to the litigation that took place in regard to this claim, and the decision of the Supreme Court of the United States upon it, which is found in 97 U. S. Reports S. C., p. 392. I read the following from the decision of the Supreme Court:

Upon the second point, that the claim in controversy was purchased by the appellant at the private sale of the assignee, we think the evidence insufficient. It appears from the copy of the schedules of the bankrupts' property, prepared by the register for the use of the assignee, that the sheet showing the claim against the United States for three hundred and eighty-two bales of cotton had, in some unexplained way, been removed, so that he had no knowledge of the existence of the claim when he sold the remaining assets to the appellant. The receipt given by him shows that he considered that he was selling the assets of the firm only, and not of either of the separate partners. We are clear that it was not his intention to sell the claim against the Government. There was a want of concurrence of minds to any such transaction, which was essential to give it validity.

I would ask the gentleman from New York whether after this party had prosecuted his claim against the United States Government in the court of last resort, and had there had his claim denied because of some doubtful transaction in the case, we ought now to give him a second chance.

Mr. LAPHAM. I will answer the gentleman from Ohio by saying it appears clearly in this case that all the creditors of this firm except one, with full knowledge that this claim was embraced in the sale to the claimant, accepted their division of the amount paid by him, and gave their discharges in full. The bill, as it originally came to the committee, was amended by the committee for the express purpose of providing for the only creditor who did not thus assent and receive his share of the money, a Mr. McBurney, who appeared in person before the committee. As thus amended, the bill protects every man who has any right to question the right of the claimant to this fund. The Court of Claims was authorized by the act to which this is supplementary, notwithstanding the decision to which the gentleman from Ohio [Mr. MCMAHON] refers, to adjudicate upon this claim, and would have awarded to the claimant the amount of the money which is conceded to be in the Treasury, belonging to some one, but for the fact of the proceedings in bankruptcy and the difficulty arising out of the rights of the assignee in bankruptcy to this fund. And the object of this amendment simply is to enable the Court of Claims, which is now possessed of all the facts in this case, to complete the investigation and do complete justice between the creditors of this firm.

Now, if the gentleman from Ohio is disposed to antagonize this bill upon the facts here disclosed, I have only to make this suggestion: This is a bill in which Hon. Mr. STEPHENS, of Georgia, is very deeply interested. He has sent me a postal card stating that he is unable by reason of indisposition to be here to-day, and that if there is any antagonism to this bill he prefers to have it stand over without prejudice until he can have an opportunity to be heard; but I trust there will be no opposition to the bill. It was the unanimous report of the Judiciary Committee in the Forty-fifth Congress, it is the unanimous report of the Judiciary Committee now, and as such it seems to me that it should incur no opposition whatever.

The bill was laid aside, to be reported favorably to the House.

C. R. FAULKNER.

The next business on the Private Calendar was the joint resolution (H. R. No. 103) to pay C. R. Faulkner $32.50, in full for services as messenger in the Forty-fifth Congress, reported from the Committee of Claims by Mr. BARBER.

The joint resolution was read, as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, instructed to pay C. R. Faulkner the sum of $32.50, balance due him as an employé of the House during the Forty-fifth Congress. For the payment of said claim the sum of $32.50 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The report was read, as follows:

The Committee of Claims, to whom was referred the claim of C. R. Faulkner for services as a messenger of the House of Representatives during the Forty-fifth Congress, respectfully report:

That said committee have had the same under consideration, and find that the petitioner served from February 1 to February 13, 1878, as an employé of the House, and is entitled to the sum of $32.50 therefor in full payment of the balance due him.

Wherefore your committee recommend the passage of the accompanying resolution.

Mr. BARBER. I move that this joint resolution be laid aside, to be reported favorably to the House.

The motion was agreed to.

CATHARINE I. GILLIS.

The next business on the Private Calendar was the bill (H. R. No. 2377) for the relief of Catharine I. Gillis; reported from the Committee on the Judiciary by Mr. KNOTT.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the captured and abandoned property fund, the

sum of $14,582.04 to Catharine I. Gillis, of New York, in full satisfaction of the claim of the estate of Thomas H. Gillis, deceased, (of which she is administratrix,) for the proceeds of the sale of one hundred and three bales of upland cotton and five bales of sea-island cotton, seized and sold by the authorities of the United States, and the net proceeds thereof covered into the Treasury of the United States; which said claim was sold and assigned to said Thomas H. Gillis in his life-time by John H. Ryan, the owner thereof.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the petition of Catharine I. Gillis, of New York, have had the same under consideration, and submit the following report:

A statement of the facts of the case will be conveniently presented in the language of the Court of Claims:

"FINDINGS OF FACT AND CONCLUSIONS OF LAW.

"This case having been heard before the Court of Claims, the court, upon the evidence, finds the facts to be as follows:

"1. In March, A. D. 1865, one John H. Ryan, of Charleston, South Carolina, was the owner of one hundred and three bales of upland cotton and five bales of sea-island cotton, which were during that month seized at said Charleston by military officers of the United States, turned over to the agents of the Treasury Department, transported to New York, and there sold, and the net proceeds thereof covered into the United States Treasury, amounting to the sum of $130.33 per bale for the upland cotton and $231.61 per bale for the sea-island cotton.

"2. Some time in October or November, A. D. 1866, said Ryan transferred the legal title to his claim against the United States for the proceeds of said cotton so covered into the Treasury to Thomas H. Gillis, of New York, and assented to the bringing of this action thereon in the name of said Gillis.

"3. After the institution of this action, said Thomas H. died, and Catharine I. Gillis was duly appointed administratrix on his estate by the surrogate court of the county and State of New York, on the 16th day of July, A. D. 1868, and has since been admitted by the court to prosecute this suit as such administratrix.

"4. The transfer of the claim, as set forth in the second finding, was made through one Van Ness, at New York, under a power of attorney from said Ryan, and contract, the full terms of which have not been proved. But it appears that said Ryan (since deceased) assented to and affirmed said transfer. Subsequently, a controversy arose between the present claimant and the administrator of said Ryan as to an equitable interest, set up by said administrator, in some portion of the money which might be recovered. Since this action was instituted a compromise has been made between said claimant and said Ryan's administrator, by which it is agreed that a certain part (but how much it does not appear) of the amount recovered shall be paid over to said administrator by the claimant's attorney of record.

"*Conclusion of law.*—The claimant is entitled to recover $13,423.99 as the proceeds of one hundred and three bales of upland cotton, and $1,158.05 as the proceeds of five bales of sea-island cotton; in all, the sum of $14,582.04."

On the 26th of March, A. D. 1877, the Court of Claims rendered judgment for the claimant, as follows:

"The court, upon due consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Catharine I. Gillis, administratrix of Thomas H. Gillis, deceased, do have and recover of and from the United States the net proceeds of one hundred and three bales of upland cotton, amounting to $13,423.99, and the net proceeds of five bales of sea-island cotton, amounting to $1,158.05, making in the aggregate the sum of $14,582.04.

"By the court."

Upon appeal, the Supreme Court of the United States reversed the judgment of the Court of Claims upon the following grounds, which are stated in the words of the court:

"If we are right in the opinion we have expressed, that claims against the United States cannot be assigned so as to enable the assignee to bring suit in his own name in the Court of Claims, it is enough for the present case. But there is another reason why claims for the proceeds of captured and abandoned property cannot be assigned so as to give the assignee a standing in that court. It is found in the act giving the court jurisdiction of such claims. Not every person is permitted to sue for such proceeds. The act declares that "any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims, and on proof to the satisfaction of the court of his ownership of said property, &c., receive the residue of such proceeds." It is thus plain that only he who can claim as an owner of the property captured or abandoned, and who can prove such ownership, is permitted to sue and recover. The assignee of a claim for the proceeds is not such an owner of the property captured. That the ownership claimed and required to be proved is that which existed at the time of the capture is quite plain. (Carroll *v.* United States, 13 Wall., 153.) The owner of that into which the property has been converted is not necessarily the one who was the owner of the property itself. It is thus evident that Congress did not intend to give any assignee of the proceeds a right to sue for them. And there were very substantial reasons for withholding such a privilege.

"The judgment of the Court of Claims is reversed, and the record is remitted, with instructions to dismiss the claimant's petition."

Inasmuch as the finding of facts shows that a valid and undisputed claim exists, and that the representatives of the deceased assignor and assignee are agreed as to the distribution of the proceeds of this cotton, the committee are of the opinion that the prosecution of the action in the name of the assignee, instead of the assignor—which the Supreme Court, reversing numerous decisions of the Court of Claims, have held to be a mistake—ought not to deprive the parties in interest of their property; and they respectfully recommend the passage of the accompanying bill.

Mr. HURD. In the absence of the chairman of the Committee on the Judiciary, [Mr. KNOTT,] I have been requested by him to make a statement of the facts in this case to the House. The original owner of the captured property involved in this case was one John H. Ryan, of Charleston, South Carolina. He assigned his claim to Thomas H. Gillis, of New York, who brought action before the Court of Claims within the time fixed by law. During the pendency of the action the plaintiff died, and the action was revived by making Catharine I. Gillis, his administratrix, the party in his stead.

The case was heard and adjudicated by the Court of Claims, the amount found due the plaintiff being fixed at the sum of $14,582.04. The cause was carried by appeal to the Supreme Court of the United States, which court reversed the judgment of the Court of Claims upon the ground that under the statute it was not competent for an assignee of a claim for captured property to maintain an action. That decision reversed a large number of decisions which before that time had been rendered in the Court of Claims, although it did not affect them, as the amounts of money found due under those decisions had been paid to the various claimants.

There is no dispute between the representatives of the assignor and the representatives of the assignee as to the distribution of this claim. And the Committee on the Judiciary was unanimous in the opinion that it was unjust to compel the assignee to retire from the court, and to compel the assignor to maintain an action for the recovery of a claim which had already been adjudicated upon by the court. The recommendation of the Committee on the Judiciary in the bill now submitted to the House is that the amount of money thus ascertained to be due be paid directly to the administratrix of the assignee, Mrs. Gillis. It seems to me there can be no objection to this course, and I therefore move that the bill be laid aside, to be reported favorably to the House.

The question was taken upon the motion of Mr. HURD; and upon a division there were ayes 90, noes not counted.

So it was ordered that the bill be laid aside, to be reported favorably to the House.

THOMAS LANGTON.

The next bill upon the Private Calendar was the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan, reported from the Committee on the Judiciary by Mr. KNOTT.

The bill was read, as follows:

Be it enacted, &c., That fifty-two acres of the southeast fractional quarter of the northeast fractional quarter of section 23, in township 6 south, of range 6 east, in the county of Monroe, State of Michigan, belonging to Thomas Langton, be discharged of and from all lien, claim, or title on the part of the United States thereon and thereto, under and by virtue of the levy of a succession tax upon the estate of Alfred Potter, deceased, and the sale of the above-described land to the United States for said tax: *Provided*, That one-fourth of the amount of the tax assessed against said land upon the non-payment of which said land was sold, and interest thereon of 6 per cent. per annum from the day of the sale, be paid into the Treasury of the United States within ninety days from the passage of this act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BRIGHT. I now move that the committee rise and report to the House.

The motion was agreed to, upon a division—ayes 62, noes 27.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the business on the Private Calendar, and had directed him to report sundry bills to the House with various recommendations.

SUPPLEMENT TO REVISED STATUTES.

Mr. HARRIS, of Virginia. I ask consent to have a clerical error corrected in the amendment adopted by the House yesterday to the joint resolution of the Senate, No. 19, to provide for the publication and distribution of a supplement to the Revised Statutes. The error was made by referring to the line of the printed bill instead of the line of the manuscript bill. I ask consent that the amendment which I send to the Clerk's desk be adopted in lieu of the amendment which was adopted by the House on yesterday.

The amendment was read, as follows:

In line 18 of Senate joint resolution No. 19, to provide for the publication and distribution of a supplement to the Revised Statutes, after the word "supplement," insert the words "including indexing and all clerical work necessary to fully complete said work, there shall be paid to said editor the sum of $3,500;" and strike out all after the word "supplement," in line 18 of the bill, down to and including line 21.

There being no objection, it was ordered accordingly.

CALVIN BRONSON.

The first bill reported favorably from the Committee of the Whole was the bill (H. R. No. 2269) for the relief of Calvin Bronson; which was ordered to be engrossed for a third reading, read the third time, and passed.

METRIC SYSTEM.

The next bill reported favorably from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress; which was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT ERWIN.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 385) to amend the act entitled "An act for the relief of Robert Erwin."

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MCMAHON. I desire to ask the gentleman from the Committee on the Judiciary who reported this bill [Mr. LAPHAM] whether before that committee made their report it had before it and considered the decision of the Supreme Court to which I referred when this bill was under consideration in Committee of the Whole.

Mr. LAPHAM. I do not think that the attention of the Judiciary Committee was ever called to the adjudication of the Supreme Court to which the gentleman has referred. But at any rate this bill is so drawn as to permit every creditor of the firm to appear in the Court of Claims and participate according to his equitable rights in the fund. There is no possibility of danger to the rights of creditors; and none others than the creditors have any interest in the question. The bill in my opinion is so framed as to protect entirely the rights

of every creditor. As I have before stated, it appears from the testimony taken by the Judiciary Committee that all the creditors except one participated in the distribution of the fund created by the purchase made by this claimant, who paid $3,100 for this claim. They received their dividends out of the proceeds thus arising.

Mr. McMAHON. The gentleman is mistaken about their having received a dividend out of the proceeds of the sale of this claim. It has been adjudicated by the highest legal tribunal that this claim was never sold legally, and therefore nothing ever passed to the hands of the assignee.

Mr. LAPHAM. I am aware of that; yet Mr. Erwin paid $3,100 for the claim.

Mr. McMAHON. Not for this claim but for the allotment of uncollected claims.

Mr. LAPHAM. For this and other claims; and the creditors with the knowledge that this claim was embraced in the sale received their dividends. But at any rate the bill is so drawn that every creditor will be entitled to notice and hearing in the distribution of the fund.

Mr. McMAHON. If the gentleman says he is satisfied as a lawyer that the creditors are provided for in this bill, I do not see any objection to its passage.

Mr. LAPHAM. The committee so considered.

Mr. McMAHON. But I do object to the committee reporting that this man is the owner of a claim upon a certain purchase, when it has been judicially determined that upon such purchase he acquired no title.

Mr. LAPHAM. The bill provides specifically that—

After the amount of such proceeds shall have been so ascertained by the court in either case, said court shall proceed to distribute the amount between the said Erwin and such of his creditors in bankruptcy as shall come in, and after such reasonable notice of the pendency of this suit to the creditors of said Erwin and of said Erwin & Hardee, who proved their claims in said bankruptcy proceedings, as the court shall order, to be personally served upon them, and as said court may decide are equitably and justly entitled to participate; and in making such distribution, the said court shall proceed as a court of equity, and shall be governed, both as to the law and evidence, by the rules and laws governing proceedings in equity in the circuit courts of the United States.

I think the bill amply protects the rights of all the creditors.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE BILLS PASSED.

House joint resolutions and bill of the following titles, reported from the Committee of the Whole without amendment and with a favorable recommendation, were severally ordered to be engrossed for a third reading, read the third time, and passed:

Joint resolution (H. R. No. 97) to pay G. V. Hebb $55;

Joint resolution (H. R. No. 103) to pay C. R. Faulkner $32.50, in full for services as messenger in the Forty-fifth Congress; and

A bill (H. R. No. 2377) for the relief of Catharine I. Gillis.

House bill of the following title, reported from the Committee of the Whole with an amendment, was taken up, the amendment concurred in, and the bill, as amended, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, and George T. Rogers.

Mr. PRICE. I move to amend the title of this bill by adding the names "Benjamin P. Gaines and Charles Ford."

The amendment was agreed to.

The following Senate bills, reported from the Committee of the Whole with a recommendation that they be passed, were ordered to a third reading, read the third time, and passed:

A bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States; and

A bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan.

Mr. WILLITS moved to reconsider the vote by which the bill (S. No. 594) was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BRIGHT. As there are, I believe, some bills in regard to which the motion to reconsider and lay on the table was not made, I move in each of these cases to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EASTERN BAND OF NORTH CAROLINA CHEROKEES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior relative to certain taxes on land belonging to the eastern band of North Carolina Cherokees; which was referred to the Committee on Indian Affairs.

MAJOR G. W. CANDEE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report relative to the bill (H. R. No. 3050) for the relief of Major G. W. Candee, paymaster United States Army; which was referred to the Committee on Military Affairs.

CONTINGENT FUND OF TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 193 of the Revised Statutes, a report of contingent expenses of said Department for the fiscal year ending June 30, 1878; which was referred to the Committee on Expenditures in the Treasury Department.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PRESCOTT for one week, on account of important business.

POSTAL REVENUE.

Mr. MONEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the honorable Postmaster-General be, and he is hereby, requested to inform the House at his earliest convenience what effect clauses 4 and 5 of section 232 of the postal laws and regulations have upon the postal revenue; and also under what section of the law classifying mail matter and regulating rates of postage thereon said regulation 232 was ordered by the Postmaster-General.

B. N. EWING.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 3293) for the relief of B. N. Ewing, postmaster at Minier, Tazewell County, Illinois; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

And then, on motion of Mr. PAGE, (at three o'clock and forty-eight minutes p. m.,) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of citizens of Philadelphia, for the abolition and repeal of the compulsory legal-tender power now given by law to United States Treasury notes—to the Committee on Banking and Currency.

By Mr. ATHERTON: The petition of John W. Hays and others, citizens of Ohio and ex-soldiers of the war for the Union, for the passage of the Weaver bill, to put the soldier, in respect to his pay, on an equality with the owners of Government bonds—to the Committee on Military Affairs.

By Mr. BROWNE: The petition of 25 ex-volunteer soldiers of Indiana, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of James Woodward, for a pension—to the same committee.

Also, the petition of 65 citizens of Indiana who served in the volunteer army of the United States, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. CALKINS: The petition of R. W. Budd and others, ex-Union soldiers, of Pulaski County, Indiana, for payment of dues, being the difference between the value of gold and silver and greenbacks at the time when they were paid in the latter money—to the same committee.

By Mr. JOSEPH G. CANNON: The petitions of J. S. Powell and others, and of W. R. Heyde and others, of similar import—to the same committee.

Also, the petition of S. C. Langdon, postmaster at Deland, Illinois, to be relieved from accounting for postage-stamps stolen from said office—to the Committee of Claims.

Also, the petitions of Henry Wells and others, and of William Sheets and others, of Vermillion County, Illinois, for equalization of bounties—to the Committee on Military Affairs.

By Mr. CARPENTER: The petition of citizens of Ida County, Iowa, that Sioux City be made one of the places for holding the United States circuit court for the district of Iowa—to the Committee on the Judiciary.

Also, the petition of F. Hess, of Iowa, for a grant of lands in the Rocky Mountains, to enable him to erect an observing station for astronomical observations—to the Committee on Public Lands.

By Mr. CLAFLIN: The petition of Darius A. Bolles and 180 others, of Massachusetts, soldiers in the late war, for the equalization of bounties paid soldiers—to the Committee on Military Affairs.

By Mr. COFFROTH: The petition of citizens of Wilmore, Pennsylvania, that a pension be granted to William Crum—to the Committee on Invalid Pensions.

By Mr. COLERICK: The petition of William Boone, for a pension—to the same committee.

Also, the petition of John R. Smith, for a pension—to the same committee.

By Mr. COX: The petition of George W. Hope and 9 others, for an increase of pension—to the same committee.

Also, the petition of Belinda McDonald, for arrears of pension—to the same committee.

By Mr. CROWLEY: The petition of William Pool and 84 others, of Niagara Falls, New York, for a survey of and appropriation for the improvement of the navigation of Niagara River—to the Committee on Commerce.

Also, the petition of William G. Winslow and others, of Buffalo, New York, against the construction of a proposed swing-bridge over the Detroit River at Detroit—to the same committee.

Also, the petitions of A. C. Colby and others, and of Walter Shaw

and others, of Niagara County, New York, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. EINSTEIN: The petition of Ford, Glover & Hight, and other citizens of Rome, Georgia, against the extension of iron cotton-tie patent, No. 5333—to the Committee on Patents.

By Mr. FORT: The petition of John Lyons and other ex-soldiers, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HILL: The petition of J. L. Burkholder, Martin Bowman, and 80 other citizen soldiers of Putnam County, Ohio, for the passage of the bill of Mr. WEAVER, of Iowa, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. HOOKER: The petition of the special police and watch who guard the United States Treasury, for additional compensation—to the Committee on Appropriations.

By Mr. HUNTON: The petition of T. A. Von Tagen and others, citizens of the District of Columbia, for the passage of a law for the protection of fish in the waters of the District of Columbia—to the Committee for the District of Columbia.

By Mr. JOYCE: The petition of Ex-Governor John B. Page and others, citizens of Vermont, for an appropriation to build a monument at Yorktown, Virginia—to the Committee on Yorktown Celebration.

By Mr. KEIFER: The petition of James Ross and 50 others, soldiers of the Union Army, for the equalization of bounties to soldiers in the late war—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of Armstead Goodlow, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. MANNING: The petition of Mrs. R. C. A. Falconer, for compensation for cotton taken by the United States Treasury Department since the war—to the Committee of Claims.

By Mr. JOSEPH J. MARTIN: Papers relating to the claim of Samuel T. Carron for compensation for property taken and used by the United States Army—to the Committee on War Claims.

By Mr. McCOOK: The petition of John Jeffrey and 556 others, employés of the New York custom-house, that there be restored to them the amounts of pay withheld, contrary to law, for ten months from December 1, 1875, to October 1, 1876—to the Committee on Appropriations.

Also, the petition of James F. Rose, a blind man and a soldier of the late war, for a pension—to the Committee on Invalid Pensions.

By Mr. McGOWAN: The petition of P. B. Loomis, of Jackson, Michigan, that the duty on steel rails be fixed at a sum not exceeding $10 the ton—to the Committee of Ways and Means.

By Mr. McMILLIN: The petition of G. W. Coulter, L. T. Smith, S. V. Bowden, and other citizens of Fentress County, Tennessee, for the establishment of a post-route from Jamestown to Glen Mary, Tennessee—to the Committee on the Post-Office and Post-Roads.

Also, the petition of J. M. Ray, W. H. Bilberry, C. C. Mathews, J. C. Taylor, and others, for the establishment of a post-route from Oak Hill to Triplet's Hill, Tennessee—to the same committee.

By Mr. McKENZIE: The petition of soldiers of Christian County, Kentucky, for the passage of the Weaver bill relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. MILLS: The petition of the officers and representatives of the Houston and Texas Central Railroad Company, for the reduction of the duty on steel rails to $10 per ton—to the Committee of Ways and Means.

By Mr. MITCHELL: The petition of late Union soldiers, of Lycoming County, Pennsylvania, against the passage of Senate bill No. 496, relating to the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. O'NEILL: A statement of the objects of the National Bonded Collection Agency, showing reasons for desired legislation—to the Committee of Ways and Means.

By Mr. PAGE: Papers relating to the claim of Thomas S. Bridges for compensation for services as acting commissary of subsistence at Fort Bragg, California—to the Committee on Military Affairs.

By Mr. PHELPS: The petition of soldiers of Fairfield and Litchfield Counties, Connecticut, for the passage of the equalization bounty bill—to the same committee.

By Mr. PHISTER: The petition of Mary Jane Conrad, for a pension—to the Committee on Invalid Pensions.

By Mr. PRESCOTT: The petition of 625 United States soldiers of the late war, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. SIMONTON: The petition of Fendall Carpenter, for compensation for property taken and used by the United States Army—to the Committee on War Claims.

Also, papers relating to the claim of Thomas H. Webb for compensation for quartermaster stores taken for the use of the United States Army—to the same committee.

By Mr. JAMES W. SINGLETON: The petition of citizens of Quincy, Illinois, for a reduction of the duty on zinc—to the Committee of Ways and Means.

Also, the petition of 65 soldiers of the eleventh congressional district of Illinois, for the passage of the Weaver bill relating to pay of soldiers—to the Committee on Military Affairs.

By Mr. STEELE: The petitions of John M. Robinson, president of the Raleigh and Gaston Railroad, and of the Raleigh and Augusta Air-Line Railroad, for a reduction of the duty on steel rails—to the Committee of Ways and Means.

By Mr. STONE: The petition of C. J. Poore and 122 other citizens of Michigan, late soldiers and sailors, that Congress make provision for the payment of arrears due them by reason of military service—to the Committee on Appropriations.

By Mr. THOMAS: The petition of Martin G. Kelso and 62 others, citizens of Illinois, for the equalization of the pay of soldiers of the late war, and for placing them upon an equal footing with bondholders—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: The petition of owners and agents of steam and sail vessels on the northern lakes, against the construction of a bridge over the Detroit River at Detroit, Michigan—to the Committee on Commerce.

By Mr. THOMAS TURNER: The petition of citizens of Kentucky, for the improvement of the Kentucky River and its tributaries—to the same committee.

By Mr. TYLER: The petitions of Luke P. Poland and others, and of Ex-Governor Horace Fairbanks and others, citizens of Vermont, for an appropriation to build a monument at Yorktown, Virginia—to the Committee on Yorktown Celebration.

By Mr. THOMAS UPDEGRAFF: The petition of Martin P. Jordan, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. CHARLES G. WILLIAMS: The petition of John Thomas, for a pension—to the same committee.

By Mr. FERNANDO WOOD: The petition of the president of the Missouri Pacific Railroad Company, for a reduction of the duty on steel rails—to the Committee of Ways and Means.

By Mr. WRIGHT: The petition of George W. Madox and others, citizens of New York and soldiers of the late war, for an allowance of the deficiency between the value of paper money received by them as pay for services and gold coin—to the Committee on Military Affairs.

By Mr. YOCUM: The petition of soldiers of the Union Army in the war of the rebellion, for the equalization of bounties—to the same committee.

IN SENATE.

MONDAY, *January* 12, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1879, copies of reports of Major H. M. Robert, Corps of Engineers, of the results of surveys and examinations made under his direction for a harbor of refuge at the entrance to the Portage Lake and Lake Superior Ship-Canal, and of Bayfield and Ashland Harbors, Wisconsin, and Manistique River, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1879, reports of the results of surveys made under the direction of Lieutenant-Colonel George Thom, Corps of Engineers, of Moose-a-bec Bar, Jonesport, and Cathance River, Maine, and at the outlet of Lake Winnepesaukee; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of March 3, 1879, a letter from the Chief of Engineers and accompanying report of Captain C. J. Allen, Corps of Engineers, giving an account of the construction of the sluice-way at the Falls of Saint Anthony, and urging the importance of immediate repairs to the apron built by the United States for the preservation of the Falls; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of March 3, 1879, a letter from the Chief of Engineers and accompanying reports from Major G. L. Gillespie, Corps of Engineers, of examinations and surveys of Cowlitz River, Washington Territory, of Umpqua River, and of Alsea Harbor and Bar, Oregon, and a report from the same officer of a survey of the bar at the mouth of the Columbia River made in compliance with the requirements of the river and harbor act of June 18, 1878; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1879, a letter from the Chief of Engineers and an accompanying report from Captain A. Mackenzie, Corps of Engineers, of an examination and survey of Cuivre River, Missouri; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of June 18, 1878, a letter from the Chief of Engineers and accompanying reports from Major William H. H. Benyaurd, Corps

of Engineers, of a survey made under his direction of the falls on Red River, near Alexandria, Louisiana; and also the examinations of Black River, Arkansas, Tehula Lake, and Yalla-Busha River, Mississippi, in compliance with the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act of June 18, 1878, a letter from the Chief of Engineers and accompanying report from Major W. P. Craighill, Corps of Engineers, of a survey made on the peninsula of Maryland and Delaware, with the view to the construction of a ship-canal connecting the Delaware and Chesapeake Bays; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting estimates of appropriation required, with tracings of plans, for the construction of officers' quarters at Fort Omaha, Nebraska; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the petition of the State National Bank of Boston, praying for the passage of a law to waive the statute of limitations as a bar to an action now begun against the United States to recover $60,000, the balance of $100,000 of gold certificates, due on a certain receipt. This petition relates to a very important matter, and there is the draft of a bill with it. I move that this petition and the accompanying draft of a bill be printed and referred to the Committee on Claims.

The motion was agreed to.

Mr. ANTHONY presented the petition of Timothy Earle, of Valley Falls, Rhode Island, praying for the passage of a law authorizing the extension of his patent for an improvement in an egg-beater; which was referred to the Committee on Patents.

Mr. FERRY presented the petition of H. J. Gregory and 81 other citizens of Michigan, praying for the establishment of a post-route from Gull Lake to Hickory Corners, in Kalamazoo County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. I present the petition of the Indian delegates of the Indian Territory, praying for the forfeiture of certain conditional land grants of lands of the Indians claimed by certain railroad companies. I move its reference to the Committee on the Judiciary to be considered in connection with the joint resolution (S. R. No. 54) to forfeit certain public lands granted to aid in the construction of certain railroads and telegraphic lines.

The motion was agreed to.

Mr. HARRIS presented the petition of F. W. Peyton, administrator, &c., of James D. Morton, deceased, of Breckinridge County, Kentucky, praying compensation for a boat lost while in the service of the Government during the late war; which was referred to the Committee on Claims.

He also presented the petition of Percy H. Hall and 23 other citizens of the District of Columbia, praying that their names may be stricken from a memorial heretofore referred to the Committee on the District of Columbia, remonstrating against the proposed amendment to the charter of the Capitol, North O Street and South Washington Railway Company, the petitioners having signed the memorial under a misapprehension of facts; which was referred to the Committee on the District of Columbia.

Mr. HAMLIN. I present the memorial of A. R. Reed and others, of the town of Waldoborough, in the State of Maine, relating to what is known as the Geneva award fund, and the memorial concludes by asking Congress speedily to pass some legislation which will give to all rightful claimants upon the said fund an immediate and convenient opportunity to present their claims to some properly constituted tribunal.

I ask the indulgence of the Senate for a single moment while I invite the attention of the Judiciary Committee to as prompt and early action as may be possible upon this subject. It is one which has long invited the attention of Congress, and I believe I am fully justified in saying that if a little earlier action had been had, or if the measure of legislation to be acted on had been matured at a little earlier day in the session, so that the Senate could have considered the subject when it was not pressed by appropriation bills and other measures, which absolutely prevented a full and fair consideration of it, I think some action might have been reached before this time. It is an important question, and I ask—nay, I invoke—the Judiciary Committee of this body to give to the subject its attention as early as is practicable in view of their other duties. I have no doubt they are desirous of so doing. Its importance is so great that I have felt justified in thus inviting attention to it. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. BALDWIN presented the memorial of George W. Bates and 23 others, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of claims for pensions; which was referred to the Committee on Pensions.

Mr. DAWES presented the petition of Oakes A. Ames and Oliver Ames, executors of the estate of Oakes Ames, deceased, and Lemuel Shaw and others, executors of the estate of Samuel Hooper, deceased, praying for the passage of a law reimbursing them for certain money paid into the Treasury of the United States for property illegally seized by the Government during the late war; which was referred to the Committee on the Judiciary.

Mr. CALL presented the petition of William Lilley, of the city of Washington, praying the extension of his patent for an evaporating saucer for promoting the growth of house plants; which was referred to the Committee on Patents.

Mr. GROOME presented the petition of Robert F. Bratton and 29 others, citizens and firms of Somerset County and Baltimore City, Maryland, praying for a survey of the water passage between Deal's Island and Little Deal's Island, Somerset County, Maryland, with a view to cleaning and digging out the same; which was referred to the Committee on Commerce.

Mr. WALLACE presented the petition of P. A. Keller and 20 other citizens of Philadelphia, praying the passage of the joint resolution providing for the abolition and repeal of the compulsory legal-tender power now given by law to the Treasury notes of the United States; which was referred to the Committee on Finance.

Mr. BURNSIDE. I present the petition of Mahlon C. Frambes and others, owners of the schooner T. P. Lerned, praying compensation for the loss of that vessel in Hatteras Inlet, North Carolina, in January, 1862, while in the service of the Government. As I was personally cognizant of the circumstances attending this case, I shall do myself the honor to appear before the committee and state the facts. I move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. PENDLETON presented the petition of G. W. Neville, mayor of Xenia, Ohio, and others, citizens of Ohio, praying that Wilberforce University, in that State, may receive a proper proportion of the unclaimed volunteer colored soldiers' bounty; which was referred to the Committee on Education and Labor.

Mr. DAVIS, of Illinois, presented the petition of John Garrison and 85 other soldiers and sailors of the late war, of Casey, Illinois, praying the passage of an act giving them the difference between the value of greenbacks and gold at the time they received their pay, with 6 per cent. interest, compounded semi-annually; which was referred to the Committee on Finance.

Mr. VOORHEES presented the petition of W. J. Hoggath and 140 other Union soldiers, of Orange County, Indiana, praying for the passage of a law granting them the difference between greenbacks and gold at the time of their payment while in the Union Army; which was referred to the Committee on Finance.

He also presented the petition of Abner S. Pinchin and others, members of the Union Soldiers' Association, of De Kalb County, Indiana, praying to be paid the difference between greenbacks and gold at the time of their payment as soldiers during the late war; which was referred to the Committee on Finance.

Mr. PADDOCK presented the memorial of John Hammond and others, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. ALLISON. I present the affidavit of John S. Corlett, and a petition numerously signed by citizens of the town of Webster, Hamilton County, Iowa, in which Mr. Corlett lives, praying that he may be granted a pension. This matter has been before the Pension Committee for some time, and has been twice favorably reported upon. I move that these papers be referred to the Committee on Pensions, to accompany the bill now before that committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, reported it with amendments.

Mr. GROOME. I am instructed by the Committee on Pensions, to whom was referred the petition of Mrs. Thomas Hendrickson, widow of Major Thomas Hendrickson, praying to be granted a pension, to submit a report thereon, recommending that the claim for a pension be referred to the Commissioner of Pensions.

The report was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. GROOME, from the Committee on Claims, to whom was referred the bill (S. No. 46) for the relief of Frank Rinquet, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 139) granting a pension to Henry A. Armstrong, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hannah L. Stearns, praying to be allowed a pension on account of services rendered by her husband, Benjamin F. Stearns, in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Isaac Vansant, praying an increase of pension for services rendered and injuries received in the war of 1812, submitted an adverse

report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of citizens of Pennsylvania, praying that a pension be granted to Aaron Snyder, late a private in Company A, Two hundred and second Regiment Pennsylvania Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 8) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 332) authorizing the appointment of William English to a second lieutenancy in the Army, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 188) correcting the military muster-in of James G. Howard, late captain of Company E, Forty-ninth Kentucky Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the memorial of the Legislative Assembly of the Territory of Montana, in relation to a military telegraph, and praying the construction of a line of telegraph from Fort Ellis to Fort Buford, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 317) for the relief of Captain J. B. Campbell, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 517) for the relief of Francis S. Davidson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MAXEY. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 159) to provide for the sale of a certain portion of the Fort Leavenworth military reservation, to report it with an amendment. Accompanying the bill will be found a report which I ask to have printed, and also a map, if it can be found. There is a map which was with the papers, and if found I want it printed as a part of the report.

The VICE-PRESIDENT. The report will be printed as desired.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 315) granting a pension to Henry Stanley Wetmore, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 35) granting a pension to Herman Netterfield, submitted an adverse report thereon, which was ordered to be printed, and moved that the bill be postponed indefinitely.

Mr. McMILLAN. I ask that that bill be placed on the Calendar.

Mr. KIRKWOOD. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee, which will be printed.

Mr. KIRKWOOD also, from the Committee on Pensions, to whom was referred the petition of James Preston, praying for the passage of a law placing his name on the pension-rolls, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. KIRKWOOD. I have in my hand, from the same committee, two other bills, Nos. 673 and 879, upon the subject of the bill just reported, and as that bill contains all that is sought by the others, I am instructed to report them back and ask to be discharged from their further consideration.

The order was agreed to; and the following bills were postponed indefinitely:

A bill (S. No. 673) for the relief of soldiers and sailors becoming totally disabled in the service of the country; and

A bill (S. No. 879) to amend "An act to increase the pension of certain pensioned soldiers and sailors who have lost both their hands, or both their feet, or the sight of both eyes, in the service of the country," approved June 17, 1878.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 152) for the relief of Thomas Lucas, reported it without amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 198) for the relief of Captain Bird L. Fletcher, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 747) for the relief of Harlow L. Street, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EDMUNDS. On the 7th of January the Senate, on my motion, referred to the Committee on the Judiciary the bill (S. No. 962) to establish a United States court in the Indian Territory, and for other purposes. My honorable friend from Illinois [Mr. LOGAN] had moved that it be referred to the Committee on Territories, but it appeared to me from the title of the bill that it was purely a judicial bill. I afterward learned from him, and on looking at it, that the chief and leading part of the bill related to territorial matters, land grants, &c. I am therefore authorized by the Committee on the Judiciary to ask to be discharged from its further consideration and to move that it be referred to the Committee on Territories.

The motion was agreed to.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 74) authorizing Lieutenant Z. L. Tanner, of the United States Navy, late commanding Pacific mail steamer City of Peking, to accept a pair of flower-vases and a lacquered box from the Japanese government, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the memorial of the Legislature of Nebraska, in relation to Indian depredations on the Niobrara River in that State, and praying for the establishment of a military post east of Fort Robinson for the better protection of settlers in that portion of the State, have considered the same, and ask to be discharged from its further consideration on the ground that during the last extra session provision was made by the Army appropriation bill for the establishment of the post desired by the memorialists.

Mr. PADDOCK. That is correct.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the memorial.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the memorial of Alexander S. Brownlow, late a private in Company I, Eighth Regiment Tennessee Cavalry Volunteers, praying to have his name placed on the rolls of that company and regiment and for the removal of the charge of desertion from his military record, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 731) for the relief of Major Junius T. Turner, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 986) for the relief of Thomas I. Miller; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 987) for the relief of Thomas W. Beale; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 988) for the relief of James B. Sinclair; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 989) to authorize the Secretary of the Interior to allot lands in severalty to Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 990) for the relief of John H. McBlair; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 991) granting a pension to D. H. Myers; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler, widow of Ex-President Tyler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 993) to incorporate the Capitol Hill and Potomac Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I ask leave to introduce a bill for the relief of George J. Wardwell, and also his petition in support of the bill. I know nothing of the merit of the bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 994) for the relief of George J. Wardwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 995) to authorize the appointment of com-

missioners to ascertain and report losses sustained by citizens of the United States on account of Indian depredations and to adjust claims arising therefrom; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 996) for the relief of Monroe Donoho; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 997) for the relief of the estate of George M. Hamner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 998) for the relief of Columbus Reed; which was read twice by its title, and referred to the Committee on Claims.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 999) to provide for the appointment of official stenographers for the circuit and district courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1000) granting increase of pension to Mary V. Wilt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1001) to authorize the auditing of certain unpaid accounts in the Indian Bureau; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1002) in relation to the Japanese indemnity fund; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1003) to amend an act entitled "An act to amend the laws relating to internal revenue;" which was read twice by its title, and referred to the Committee on Finance.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 59) repealing part of section 4693 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 60) authorizing the transfer of so much as may be necessary of Bedloe's Island, New York Harbor, from the War Department to the Treasury Department, to be used for marine-hospital purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 61) for the relief of the widow and children of John W. Judson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BAILEY, it was

Ordered, That the petition of J. A. Hodges, with the accompanying papers, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. KERNAN, it was

Ordered, That the petition of Colonel Peter Clasgens be withdrawn from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. GROOME, it was

Ordered, That the papers in the case of Thomas H. Bradley be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That S. Rosenfeld & Co., of Baltimore, Maryland, have leave to withdraw the papers in their case from the files of the Senate.

TERRITORIAL GOVERNMENT FOR ALASKA.

Mr. BUTLER submitted the following resolution; which was referred to the Committee on Territories:

Resolved, That the Committee on Territories be, and is hereby, instructed to inquire into the expediency and propriety of providing a territorial government for the Territory of Alaska, and that said committee report by bill or otherwise.

REPORT ON THE ECLIPSE OF 1879.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879, of which 1,500 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 148) for the relief of D. M. Hamlin.

The message further announced that the House had passed the following bills:

A bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States;

A bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan; and

A bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands.

The message further announced that the House of Representatives had passed the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, with amendments, in which the concurrence of the Senate was requested.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 385) to amend the act entitled "An act for the relief of Robert Erwin;"

A bill (H. R. No. 2269) for the relief of Calvin Bronson;

A bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress;

A bill (H. R. No. 3064) to remove the political disabilities of W. S. Maxwell, of Tennessee;

A bill (H. R. No. 2569) to remove the political disabilities of William Sharp, of Virginia;

A bill (H. R. No. 2566) to remove the political disabilities of W. H. Parker, of Maryland;

A bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list;

A bill (H. R. No. 2377) for the relief of Catharine I. Gillis;

A joint resolution (H. R. No. 97) to pay G. V. Hebb $55; and

A joint resolution (H. R. No. 103) to pay C. R. Faulkner $32.50, in full for services as messenger in the Forty-fifth Congress.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2803) for the relief of Doddridge & Davis; and it was thereupon signed by the Vice-President.

THEOPHILUS P. CHANDLER.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (S. No. 22) for the relief of Theophilus P. Chandler, reported favorably from the Committee on Claims.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It relieves Theophilus P. Chandler, late assistant treasurer of the United States at Boston, from all liability for the acts of Julius F. Hartwell, late disbursing clerk and cashier in the office of that assistant treasurer, in loaning or advancing the moneys or funds of the United States to Mellen, Ward & Co., and from all liability to account for any moneys or funds of the United States which were loaned or advanced by Hartwell to Mellen, Ward & Co., the same having been without the default or negligence of Chandler.

The bill was reported to the Senate without amendment.

Mr. DAVIS, of Illinois. If the report is short let it be read.

Mr. COCKRELL. As several Senators have asked me questions in regard to this bill, I will state that a similar bill which was pending in the Forty-fifth Congress was reported favorably by the Senator from Massachusetts [Mr. HOAR] from the Committee on Claims, was favorably considered by the Senate, and sent to the House. The claimant for relief here, Mr. Chandler, was assistant treasurer of the United States at Boston. A clerk in the employ of the office before his appointment, and who was continued after that time, and for whose selection Mr. Chandler was in no wise responsible, was guilty of using the funds and speculating in them. They were gold certificates. It was impossible for the Treasurer to ascertain what they were. When the detection of the clerk came about, by the efforts of the assistant treasurer, he was duly prosecuted and punished. These gold certificates were returned to the Treasury, and the officer supposed there would be no liability on his part. But afterward, in a suit brought by other parties, these gold certificates were identified and recovered from the assistant treasurer, and now he is technically responsible for them. The object of the bill is simply to relieve him from this responsibility.

Mr. DAVIS, of West Virginia. I will ask the Senator before he takes his seat what is the amount involved and whether this bill has been before the Senate previously?

Mr. COCKRELL. Four hundred and eighty thousand dollars was the amount of the gold certificates given out. The parties bringing suit have sustained claims against the United States for the recovery of gold certificates to the amount of something like $400,000, which the assistant treasurer turned in and which he supposed was the end of his liability in the matter. A similar bill was before the Senate in the last Congress, reported favorably on the 18th of December, 1878, passed by the Senate on the 19th of January, 1879, sent to the House, and no final action was taken by the House.

Mr. DAVIS, of West Virginia. I will ask the Senator, for information, if there is a recommendation from the Department for or against the passage of this bill, or if the Department has been consulted in regard to the matter?

Mr. COCKRELL. I will say to the Senator that I have never made a report to the Senate, and never expect to do so, where any question involving the action of a Department comes up, that I do not first refer it to the Department and get the opinion of the Department. Generally I concur with the Department, but sometimes I do not. In this case the matter was referred to the Department, and the whole proceeding was laid before the Committee on Claims.

Mr. HOAR. I will state that this bill was very fully explained at the last regular session of the Senate, and after full explanation

passed the Senate by a unanimous vote. Everybody was satisfied who heard the explanation.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. C. CANTWELL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (S. No. 307) for the relief of L. C. Cantwell.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to L. C. Cantwell, postmaster at Richmond, Ray County, Missouri, $327.46, being the amount of money-order and postage funds in his possession belonging to the United States totally destroyed by a cyclone on the 1st day of June, 1878, without any fault whatever of Cantwell, and since fully paid by him to the United States.

Mr. COCKRELL. Let the report be read. It is very short.

The Chief Clerk read the following report, submitted by Mr. COCKRELL January 7:

The Committee on Claims, to whom was referred bill (S. No. 307) for the relief of L. C. Cantwell, have duly considered the same, and submit the following report:

In the third session of the Forty-fifth Congress, on February 10, 1879, the petition of claimant, with a bill for his relief similar to the present one, was introduced in the House of Representatives, and referred to the Committee of Claims, where no action was had. On February 17, 1879, a bill precisely similar to the present bill, with accompanying papers, was introduced in the Senate and referred to the Committee on Claims, which reported the said bill back to the Senate favorably without amendment, on February 19, 1879, and for want of time no action was had in the Senate. The said favorable report is as follows, to wit:

"The claimant, L. C. Cantwell, is, and for many years has been, the postmaster at Richmond, in Ray County, Missouri, and is a gentleman of high character and standing. Prior to June 1, 1878, he had built at his own expense a very comfortable building of frame-work for the post-office, and had fitted it up in first-rate style for the convenience of the business and patrons of the office. On June 1, 1878, about four p. m., a cyclone of most wonderfully destructive power swept over and through Richmond, destroying everything in its pathway, killing a large number of citizens, men, women, and children, and wounding many more. The post-office building was in its pathway and totally destroyed, together with its contents. The building was smashed into kindling-wood, and the contents of the office, money-order funds, postage funds, stamps, stamped envelopes, postal cards, &c., were taken up by the cyclone and almost totally destroyed. Some letters were found over thirteen miles distant from the office. The Post-Office Department has given Mr. Cantwell credit for the losses of stamps, stamped envelopes, &c., sustained. Mr. Cantwell at once made a full report of all losses to the Post-Office Department, and then made a detailed report under oath of the items of his losses, in response to a call from the Department; then the Department sent out to Richmond, Missouri, a special agent, Warren P. Edgarton, to make a personal investigation and report, and who did make a full report. Upon the application of your committee, copies of all these letters, reports, and affidavits were furnished, with an accompanying letter from General Brady, Second Assistant Postmaster-General. From these it is found that Mr. Cantwell had on hand in said building $94.06 of money-order funds and $255 of postage funds, making $349.06 in all, and that of this amount $21.60 were recovered, leaving the sum of $327.46 as the balance of the money-order and postage funds totally lost and destroyed, and for which he has fully accounted to the Post-Office Department and paid in full, and which should be refunded to Mr. Cantwell.

"The bill directs the payment of said sum to Mr. Cantwell, and your committee recommend the passage of the bill."

Your committee have again examined the bill and the accompanying papers, and find the foregoing report true and correct and fully sustained by the evidence and reports from the Post-Office Department. Your committee, therefore, adopt the foregoing report and report the same back to the Senate with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. LOGAN AND W. L. SHADWICK.

Mr. COCKRELL. I now move the present consideration of the bill (S. No. 24) for the relief of John S. Logan, which has also heretofore been acted upon by the Senate and passed.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John S. Logan, of Louisville, Kentucky, $1,000, being money which the Western Bank of Missouri advanced to purchase military supplies for the United States troops under Colonel John Edwards, of which the claimant is the assignee.

The bill was reported from the Committee on Military Affairs with an amendment, to insert after the word "Kentucky," in line 4, the words, "and W. L. Shadwick."

The amendment was agreed to.

Mr. McDONALD. Is there a report accompanying the bill?

Mr. COCKRELL. There is. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. HARRIS January 7:

The Committee on Claims, to which was referred the bill (S. No. 24) for the relief of John S. Logan, and accompanying petition and papers of John S. Logan and W. L. Shadwick, having carefully examined the same, adopt the following report, which was submitted to the Senate at the first session of the Forty-fourth Congress:

"In 1861 Colonel John Edwards raised a force in Southern Iowa and Northern Missouri of some twelve or fourteen hundred men, reported to General Pope, then in command in Missouri, the object of said force being to protect the Iowa southern border, to aid in keeping open the Hannibal and Saint Joe Railroad, and for the public service generally. This force remained in the field during the months of August, September, and October of that year, a part being stationed at Saint Joe and a part at Chillicothe, in said State of Missouri. This force was organized and called into the service to meet a recognized emergency, and the men were without clothing except such as they had on their persons at the time of enlistment. They were even destitute of shoes, clothing, or supplies, became dissatisfied, somewhat mutinous, and threatened to abandon the service. The officers were without funds or means to supply or meet their wants and demands. To meet the emergency, they borrowed from the Western Bank of Missouri $1,000, and gave therefor an order on the Iowa State treasury. This money was all used for clothing and supplies to these troops, the amount thus paid for clothing being subsequently deducted from the pay of each officer and soldier. The demand (the bank having gone into liquidation) was afterward purchased by these petitioners.

"Demand was made upon the State of Iowa, and payment refused, because vouchers were not presented showing the disposition made of the money; it being required that, as there was no authority technically to borrow this money, the State would not pay, except upon proper vouchers showing how and to whom this money was paid. It is understood that all the other expenses attending the raising and taking care of this independent force have been paid by the State and reimbursed by the Government. But this claim has been rejected for the reasons stated. It also appears that Colonel Edwards and his commissary, who also acted as quartermaster, soon after this occurrence, were called to other fields of active service, and that it was some years before their whereabouts could be ascertained. Finally statements were obtained from them, which are found in the record, fully supporting the findings and statements above set out. The claim has never been paid either by the State of Iowa or the United States.

"It seems to your committee that this is a just and meritorious claim. We concede that it would have been more satisfactory to your committee if vouchers had been presented showing that this money was used in good faith and actually for the benefit of the troops. But this is next to impossible at this late day. And especially would it be a great hardship to require this of the present claimants. Then, too, it will be seen at once that no one would expect that the vouchers, if presented, would show that this identical thousand dollars was applied to their payment.

"We admit that the delay has been great; but the circumstances seem to be exceptional, and we therefore recommend the allowance of the claim, ($1,000.)"

The committee recommends that the bill be amended by inserting after the word "Kentucky," in the fourth line, the words "and W. L. Shadwick;" and that, when so amended, the bill pass.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John S. Logan and W. L. Shadwick."

LOSS OF STEAMER J. DON. CAMERON.

Mr. MAXEY. I move that Senate bill No. 106 be taken up and considered.

The motion was agreed to; and the bill (S. No. 106) for the relief of sufferers by loss of the Government steamer J. Don. Cameron was considered as in Committee of the Whole. It directs the Secretary of War to examine into, ascertain, and determine the losses of private property of the officers, enlisted men, and laundress of the Fifth Regiment of United States Infantry, by reason of the sinking of the Government steamer J. Don. Cameron, in the Missouri River, on or about the 18th of May, 1877; and appropriates $31,000, or so much thereof as may be necessary, to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the claimants the amount of their losses as allowed and approved.

The bill was reported from the Committee on Military Affairs with an amendment, to insert after the word "act," in line 15, the words "not to exceed the amount for baggage allowed to said officers, soldiers, and laundress by law and the Army Regulations;" so as to read:

To enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the claimants the amount of their said losses, as allowed and approved under authority of this act, not to exceed the amount for baggage allowed to said officers, soldiers, and laundress by law and the Army Regulations: *Provided*, That the award of the Secretary of War for such losses shall be final, and the payment thereof to the several claimants shall be held and taken as a complete relinquishment and satisfaction of all claims for damages sustained by them by reason of the sinking of the said Government steamer J. Don. Cameron, as aforesaid.

The amendment was agreed to.

Mr. McDONALD. Is there a report in that case?

Mr. MAXEY. Yes, sir; there is a report that I made on behalf of the committee, which is quite elaborate and sets out fully the reasons for the action of the committee. If the Senator from Indiana wishes it I shall have the report read.

Mr. McDONALD. I should like either to have the report read or a statement of the facts made.

Mr. MAXEY. It will be briefer perhaps to make a statement.

During the trouble in the Black Hill country, or the Sitting Bull war, the Fifth Regiment of Infantry, then stationed at Fort Leavenworth, in Kansas, were ordered to move up into that country for the purpose of aiding in that campaign. They left behind them all their baggage except such as was absolutely neccessary for the campaign. Subsequently they were ordered by the War Department to remain in that country. They did so. Their baggage and their families, &c., were then at Fort Leavenworth. Under the regulations, which are part of the law, it was the duty of the Government to furnish a certain amount of transportation to this regiment to remove their baggage, families, &c., to their new quarters. The amount to which they are entitled is not fixed by the bill. For the purpose of removal, the baggage, the families &c., were placed on the steamer J. Don. Cameron. There is a statute which makes it punitory to employ a pilot to travel on a river not licensed to travel on that river. There is a penalty attached to a pilot who accepts such service, and a penalty attached to the party who employs that pilot. It appears in evidence that neither the pilot nor any of that crew had traveled upon the Missouri River above Fort Leavenworth or Omaha. It further appears that there were no compartments, no bulkheads in that boat; that the boat was in every sense of the word utterly untrustworthy; and it was the most outrageous negligence, in my judgment, to have sent anybody's baggage or any living being on that boat.

Just below Sioux City the boat struck a snag in about twenty feet of water, running at full speed, striking the snag diagonally and breaking it in two, and sunk in twenty minutes, carrying down everything.

I hold that the granting to these people of transportation is as much a part of their contract as the granting of their pay, and it is but common justice to furnish at least a reasonably safe means of transportation. The utter unfitness of the boat, as well as the fact that neither the pilot nor any of the crew was licensed to travel on that river, fully appears in evidence; and by reason of this gross negligence the whole property was lost.

This bill provides that the Secretary of War shall say what these officers and men were justly entitled to send on that boat under the Army Regulations, and whatever amount it is ascertained that they lost which they were entitled to when this computation shall be made by him shall be the allowance made.

Mr. DAVIS, of Illinois. The report had better be read. It is a pretty important matter.

Mr. MAXEY. I would prefer myself that the report should be read.

The VICE-PRESIDENT. The report will be read.

Mr. MAXEY. Before the report is read I will further state that the matter was before the Senate at a former session and the bill passed unanimously.

The Chief Clerk read the following report, submitted by Mr. MAXEY December 9, 1879:

The Committee on Military Affairs, to whom was referred Executive Document No. 54, "letter from the Secretary of War, transmitting a petition of certain officers of the Fifth Infantry United States Army, praying to be reimbursed for losses sustained by the sinking of the Government steamer Don. Cameron," have had the same under consideration, and submit the following report:

The record shows that in the year 1877 the Quartermaster's Department of the United States Army constructed two steamboats at Jeffersonville, Indiana, for the purpose of navigating the Upper Missouri River and its tributaries, in the transportation of public property and materials for the erection of Forts Keogh and Custer in the Territory of Montana.

In July, 1876, shortly after the Custer massacre, the Fifth Regiment United States Infantry was ordered from Fort Leavenworth, Kansas, for active field service in the campaign against the hostile Indians under Sitting Bull and Crazy Horse. During that summer and autumn and the winter campaign of 1876 and 1877 the officers of this regiment were compelled to leave their private property, except such as was necessary for an active field campaign against the Indians, at Fort Leavenworth, in Kansas. When this campaign had terminated in the suppression of Indian hostilities in the Northwest the officers of the Fifth Regiment of Infantry were stationed, in the spring of 1877, at what was known as Tongue River cantonment, at the mouth of Tongue River, Montana, where their services were deemed necessary by the commanding general of the Army.

The following is the law regulating the allowance of baggage to officers in changing stations:

"OFFICERS' BAGGAGE.

"Paragraph 1097, Revised Army Regulations, is modified as follows:

"The baggage to be transported is limited to camp and garrison equipage and officers' baggage. Officers' baggage shall not exceed (mess-chest and all personal baggage included) as follows:

	In the field.	Changing stations.
	Pounds.	*Pounds.*
Major-general	1,000	2,500
Brigadier-general	700	2,000
Field-officers	500	1,800
Captains	200	1,500
Subalterns	150	1,000

"These amounts shall be reduced *pro rata* by the commanding officer when necessary, and may be increased by the Quartermaster-General on transports by water when proper, in special cases.

"By order of the Secretary of War.

"E. D. TOWNSEND,
"*Adjutant-General.*

"Official.

"_____,
Assistant Adjutant-General.

"NOTE.—Made a part of the law by act of July 28, 1866. (The United States vs. Williamson, 23d Wall., 411.) And see specially the thirty-seventh section of same act, vol. 14, United States Statutes at Large, pages 337, 338."

From this it will be seen that the specified amount may be increased by the Quartermaster-General. On the 3d of March, 1877, the Quartermaster-General, by the following letter, increased the allowance of baggage for the Fifth Infantry, as authorized as above quoted by Army regulations:

"WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, March* 3, 1877.

"COLONEL: Referring to letter from this office to you of the 13th ultimo, in relation to the building of boats for service on the Yellowstone and Bighorn Rivers, you are respectfully informed that the Secretary of War directs that the transportation of the company baggage, laundresses, enlisted men, officers' families, and property of the Fifth Infantry, now at Fort Leavenworth, be done by the boats (now building at Jeffersonville) to go up the Missouri River.

"The regimental quartermaster of the Fifth Infantry reports that transportation will be required for officers' families, some twenty persons in number, twenty soldiers, and that children of soldiers will swell the list to about two hundred persons, while the property to be shipped is estimated at one hundred and fifty tons. Please give orders to the boats accordingly.

"Very respectfully, your obedient servant,

"M. C. MEIGS,
"*Quartermaster-General.*

"Lieutenant-Colonel JAMES A. EKIN,
"*Deputy Quartermaster-General, United States Army,*
"*Jeffersonville, Indiana.*

"Official.

"G. W. BAIRD,
"*First Lieutenant and Adjutant Fifth Infantry.*"

This letter shows that the Secretary of War, through the Quartermaster-General, had directed the transportation of the companies' baggage, laundresses, enlisted men, and officers' families and property of the Fifth Infantry then at Fort Leavenworth to be performed by the boats then building at Jeffersonville, Indiana.

It further appears, both from the official reports and the affidavits of Lieutenant F. H. Hathaway, John A. Ross, quartermaster-sergeant Fifth Infantry, and Private Leonard B. Whitbeck, Company K, Fifth Infantry, hereinafter quoted, and the affidavit of G. W. Baird, first lieutenant and adjutant Fifth United States Infantry, also exhibited, that Hathaway was the regimental quartermaster of the Fifth Infantry; that on the 10th of May, 1877, he embarked at Fort Leavenworth on the United States steamer J. Donald Cameron, bound for the military post at Tongue River, Montana, where his regiment was stationed, said post being reached by steaming up the Missouri River, thence up the Yellowstone to the mouth of Tongue River; that said boat was laden with some public property and the private effects, household goods, and baggage of a number of the officers of the Fifth Infantry, who, as will be seen by the letter of General Miles, were going to a remote section, where supplies, necessaries, and comforts of their families and themselves could not be obtained, and hence they were compelled to lay in more than the usual quantity transported by officers on change of ordinary station; that on the 18th of May, 1877, about noon, while the said steamer was running at the usual rate of speed up stream, she struck a snag about two feet in diameter with such force as to puncture the boat and break off the snag, some twenty or more feet long, at the bottom of the river; that the water poured through the hole made by the snag in such quantities as to sink the steamer in eighteen feet water and in about twenty minutes after striking the snag, and that all the property of the officers of this regiment then on the boat was submerged and lost. General Terry, commanding the Department of Dakota, under date of May 24, 1877, ordered a board of officers to be convened consisting of Major George W. Candee, Pay Department; Major William B. Hughes, Quartermaster-General's Department; and Captain William A. Elderkin, Subsistence Department, to assemble at Sioux City, Iowa, on the 26th day of May and to proceed thence to the wreck of the steamer J. Donald Cameron to examine into the circumstances of the sinking of that vessel, to ascertain and report the extent of the damage and determine whether any person or persons were responsible for such damages. This board, after examining into all of these matters and taking a large amount of testimony and making a full and complete investigation, submitted and reported that the following points were fully established by the evidence, namely:

First. That the steamer J. Donald Cameron was not properly constructed for the safe navigation of the Upper Missouri River, in that she was not provided with proper bulkheads or water-tight compartments, and that the sinking of said steamer at the time and under the circumstances would not have occurred but for these defects in her construction.

Second. That John S. Ritchie, employed by Lieutenant-Colonel J. A. Ekin, deputy quartermaster-general, United States Army, as master and pilot of said steamer J. Donald Cameron, was not a regularly licensed pilot upon the Missouri River, and had never been up said river above Omaha, Nebraska; that J. C. Woodruff, employed by Lieutenant-Colonel J. A. Ekin, deputy quartermaster-general, United States Army, as pilot of said United States steamer J. Donald Cameron, was not a regularly licensed pilot upon the Missouri River, and had never been upon said river. The committee refer to the report of said board on file in the papers of this case.

Your committee here quote sections 4438, 4442, 4446, and 4463 of the Revised Statutes of the United States relating to navigation:

"SEC. 4438. The board of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam-vessels. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot on any steamer who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of $100 for each offense.

"SEC. 4442. Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license, for the term of one year, to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this title.

"SEC. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of $100, or to the revocation of his license.

"SEC. 4463. No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any vessel, on her voyage, is deprived of the services of any licensed officer without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied until others licensed can be obtained."

From the facts ascertained and reported by the board of survey, sustained by the affidavits of Lieutenant Hathaway and others, hereto appended, and the letter of General Miles, also exhibited, your committee are of opinion—

First. That the order increasing the amount of baggage to officers was, in this change of stations, properly issued.

Second. That no other transportation than by the steamer designated for the baggage was furnished by the Government.

Third. That the pilot in charge of the Don. Cameron was not a licensed pilot for navigating the Missouri River; that the captain of the boat, the chief mate, and the other officers were wholly unacquainted with said part of said river.

Fourth. That the boat was unseaworthy.

Fifth. That the navigation of the Missouri River between Omaha, Nebraska, and Sioux City, Iowa, is dangerous, so much so that it has been styled "the graveyard of steamboats."

Sixth. That some of the officers whose property was lost had insured the same, but payment of these policies has been successfully resisted on the ground, as the committee is advised, of *gross neglect* on the part of the Government officials in officering the boat with men wholly ignorant of those waters and not licensed to navigate the same, and on the further ground that the boat was *unseaworthy*.

Your committee therefore conclude that the Government was guilty of gross neglect in the construction of this boat for the navigation of the Missouri and Yellowstone Rivers, known to be dangerous waters, without the construction of water-tight bulkheads or compartments in the hold, or steam capstans about the deck, both of which are regarded as necessary and usual in the construction of steamboats for the navigation of those waters.

The Government was further guilty of gross neglect in sending this boat up the Missouri River officered and manned by men unacquainted with those waters, and in charge of a pilot who was not regularly licensed for the navigation of that river.

The navigation laws of the United States are enacted with a view to protect life and property on the high seas and on our navigable waters, and to establish such rules and regulations as have been demonstrated by experience to be conducive to the public good. The Government is as much bound by these laws as the citizen, and may not avoid them without incurring responsibility. In this case it appears, to the satisfaction of your committee, that the officers representing the Government and having this transportation in charge not only disregarded the navigation laws, but neglected the usual and necessary prudence in the construction of the boat, which the most ordinary observation would have shown was utterly unfit, and un-

worthy the dangerous service of navigating the Upper Missouri River. The officers and men of the Fifth Infantry and their families had no option but to embark upon this boat at the imminent risk of life and property, and, therefore, in no way contributed to the carelessness and gross negligence through which their property was lost. While it is true the Government cannot, in law, be held to be an insurer, yet the Government cannot, more than the citizen, escape or avoid the penalties and liabilities which the law imposes upon gross negligence; and it is submitted that the law of insurance has nothing to do with the case.

There are several precedents established by Congress where compensation has been made for losses incurred under somewhat like circumstances. Your committee deem it proper to cite the following acts bearing upon the case herein considered:

"An act for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.

"*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled*, That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates who, on the 21st day of December, 1853, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, and to Lieutenant Francis Key Murray, and other officer or seaman of the United States Navy who was on board the said steamship, under orders, a sum equal in amount to his pay and allowances for eight months.

"SEC. 2. *And be it further enacted*, That if any such officer, non-commissioned officer, musician, or private shall have died before receiving such payment from any cause consequent upon said disaster, his widow, if one survive him, and if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased. And that the widows and minor children of those officers, non-commissioned officers, and privates who perished by this disaster, or who died from disease in consequence thereof, shall be allowed pensions in the same manner in all respects as if the said officers, non-commissioned officers, and privates had been killed in battle. (10 Stat., 269.)

"Approved March 27, 1854."

"An act for the relief of certain officers of the Third United States Artillery, who suffered by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the proper accounting officers of Treasury of the United States be, and are hereby, authorized to settle with the first lieutenants of the Third United States Artillery who lost their personal effects by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875, at a sum not to exceed $600 each, and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"Approved January 30, 1877."

"An act relative to the burial of the officers and others of the United States Navy who perished by the wreck of the United States steamer Huron, and for other purposes.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized, at such time as in his discretion may be proper, to have removed to the Naval Cemetery at Annapolis, Maryland, and have buried there the remains of the officers and others who perished by the wreck of the United States steamer Huron on the 23d of November, 1877, and which have been, or may hereafter be, buried on the coast of North Carolina: *Provided*, That the relatives of any such deceased officers, and others who prefer that the remains of such be taken to their homes within the United States, shall have such privilege extended to them, and the expenses thereof shall be borne by the United States: *And provided further*, That the expense of removal incurred by the relatives of those whose bodies have already been removed shall be reimbursed to them, and the sum of $6,000, or so much thereof as may be found necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out the provisions of this act. And the benefit of the provisions of this act as far as applicable is hereby extended to those of the wrecking steamer B. and J. Baker who were lost in the attempt to rescue the crew of the steamer Huron.

"Approved December 15, 1877."

It is submitted that if these salutary acts for the benefit of persons who had suffered by disaster, and the heirs, &c., of such, were well grounded, surely those who suffered by such gross negligence as existed in this case have a valid claim to relief.

"TERRITORY OF MONTANA,
"*Custer County, ss:*

"Personally appeared before me, G. M. Miles, United States commissioner for the District of Montana, Lieutenant F. H. Hathaway, Fifth United States Infantry, who, being sworn according to law, deposes and says that, on the 10th day of May, 1877, he embarked at Fort Leavenworth, Kansas, on the United States steamer J. Donald Cameron, a Government river transport, with a detachment of soldiers belonging to the Fifth Infantry, together with the families of some of the officers of the said regiment, and servants and other persons, bound for the military post at Tongue River, Montana Territory, to be reached by steaming up the Missouri and Yellowstone Rivers. The said boat was laden additionally with some public property, and the private effects, household goods, and baggage of a majority of the officers of the said regiment.

"That upon examining the said vessel deponent discovered that there was no water-tight bulkheads or compartments in the hold or steam capstans about the deck, both of which essential features deponent believes are necessary and usual in steamboats navigating the rivers mentioned; that the said steamer J. Donald Cameron was built, owned, and run by the Government, and that no officer on the said steamer had ever navigated the Missouri River north of Omaha, Nebraska, to his knowledge and belief; that on the 18th day of May, 1877, about noon, while the said steamer was running at usual rate of speed up-stream, she struck a snag, about two feet in diameter, with such force as to penetrate the bow and to raise the deck over the forecastle, and to break off the snag, some twenty-five or thirty feet long, at the bed of the river; that the water poured through the hole made by the snag with such force as to sink the said steamer in ten and eighteen feet of water in about twenty minutes' time; that with the snag stuck fast in the bow it was impossible to head in to the shore, and it became necessary to back in as close as possible; that the boat did not reach a point nearer than thirty or forty feet from the shore, and there sunk in deep water, with all the property of the following-named officers on board, namely: Colonel N. A. Miles, Major George Gibson; Captains D. H. Brotherton, Simon Snyder, James S. Casey, Samuel Ovenshine, E. P. Ewers, and Andrew S. Bennett; Lieutenants Mason Carber, Frank D. Baldwin, E. L. Randall, Henry Romeyn, George W. Baird, T. F. Forbes, F. H. Hathaway, D. Q Rousseau, H. K. Bailey, W. H. C. Bowen, O. F. Long, and C. P. Thompson, all of the Fifth United States Infantry; that all the property of the said officers, excepting a few personal effects in trunks and packages on the cabin deck, were submerged and lost or damaged by the said wreck. Deponent further states that, in his opinion, if the said steamboat had been fixed with water-tight compartments the boat and property lost and damaged might have been saved; and that the place of said wreck was on the west bank of Missouri River, at the Winnebago Indian reservation, Nebraska, about forty miles below Sioux City, Iowa.

"F. H. HATHAWAY,
"*First Lieutenant Fifth United States Infantry.*

"Sworn to and subscribed before me this 14th day of December, 1878.

"G. M. MILES,
"*United States Court Commissioner.*

"Personally appeared before me John A. Ross, quartermaster-sergeant Fifth Infantry, and private Leonard B. Whitbeck, Company K, Fifth Infantry, who, having heard the foregoing affidavit read, depose that they were on the said steamboat Cameron at the time of her wreck, and that the statements and facts as set forth are true, to the best of their knowledge and belief.

"JOHN A. ROSS.
"LEONARD WHITBECK.

"Sworn to and subscribed before me this 14th day of December, 1878.
[SEAL.]

"G. M. MILES,
"*United States Court Commissioner.*"

"DISTRICT OF COLUMBIA,
"*Washington City, County of Washington, ss:*

"George W. Baird, first lieutenant and adjutant Fifth Infantry, having been duly sworn, on his said oath deposes and says: In the summer of 1876 the Fifth Regiment United States Infantry, stationed at Fort Leavenworth, Kansas, was ordered on a campaign against the hostile Sioux Indians in the Territory of Montana; that the families of the officers, together with all their household furniture and all of their personal effects not necessary for a campaign in the field, was left; that the property, consisting of personal baggage, household furniture, &c., belonging to the officers of the regiment, remained at Fort Leavenworth until on or about the 11th day of May, A. D. 1877, when the same was shipped on board of the United States steamer J. Don. Cameron, for the station of the regiment at the mouth of Tongue River, on the Yellowstone, Territory of Montana; that prior to said shipment deponent obtained insurance on a portion of his property so shipped to the amount of $500, and that portion so insured, together with nearly all of the remainder of his property so shipped, was lost by the sinking of said boat on or about the 18th day of May, A. D. 1877; that upon application to the insurance company for payment of the policy the same was rejected, on the ground that the steamer was not properly officered, in that the pilot in charge of the same was not skillful or acquainted with those waters.

"Deponent further says it was currently reported at the time, and generally believed by the officers of the regiment, that the pilot in charge of said boat was not skillful or acquainted with the navigation of the Missouri River between Omaha, Nebraska, and Sioux City, Iowa.

"Deponent further says that, from general repute, the navigation of the Missouri River between Omaha, Nebraska, and Sioux City, Iowa, is the most difficult and dangerous of any portion of that river; that the point in that river above referred to is generally termed by persons acquainted with the navigation of the river 'the grave-yard of steamboats.'

"Deponent further says that, from personal knowledge, he knows that it is the custom of persons navigating those waters to employ two pilots on each steamer, one of whom at least has had long experience in navigating that river.

"G. W. BAIRD,
"*First Lieutenant and Adjutant Fifth United States Infantry.*

"Sworn and subscribed before me this 15th day of January, A. D. 1879.
[SEAL.]

"RUTLEDGE WILLSON,
"*Notary Public, District of Columbia.*"

"WASHINGTON, D. C., *January* 23, 1879.

"SIR: I have the honor to state, regarding the loss of property belonging to the officers of my regiment, that in July, 1876, immediately after the Custer massacre, my regiment was suddenly ordered from Leavenworth, Kansas, to Montana; the officers could only take what was required for hard field service; they were engaged in the campaign against Sitting Bull and Crazy Horse during that summer and autumn, and the severe campaign of the winter of 1876 and 1877. On the opening of spring their property was put upon the Government steamer Don. Cameron, a steamboat in many respects utterly unsuited for service upon the most dangerous river in the United States. It was built without bulkheads; its officers were either incompetent or unacquainted with the river, which, at least, is considered unsafe, and that portion of the Missouri River below Sioux City has undoubtedly wrecked more steamboats than any body of water in the country.

"The loss of property was particularly hard upon the officers and their families, as many of them lost everything they had in the world except the clothes they were wearing. The valuable service they were rendering at the time to the Government was not only most severe and dangerous but very expensive, and as they had no alternative but to submit their property to the safety of a Government boat, it would seem but just and right that the Government should sustain the loss that they can ill afford to bear, as the loss was occasioned through no fault of theirs.

"Some of the officers had insured their property, but, on the grounds of gross neglect on the part of the Government officials in putting this boat upon the Missouri River, the insurance company refuses to pay any part of the insurance thereupon; they are obliged to look to the Government for assistance. To show what other losses the officers have sustained and the kind of service they are engaged in, I would add that during the past two years that the regiment has been on the Yellowstone it has lost one officer killed, one officer died from exposure, two disabled by wounds received in battle, and three have, by disease contracted in the line of duty, been obliged to leave their commands and are now under medical treatment.

"I have the honor to be, very respectfully, your obedient servant,

"NELSON A. MILES,
"*Colonel and Brevet Major-General United States Army.*

"Hon. S. B. MAXEY,
"*United States Senator.*"

The premises considered, your committee are clear that the petitioners are entitled to relief, and therefore report the accompanying bill, authorizing and directing the Secretary of War to examine into and ascertain the losses herein occurring, and making an appropriation of the amount reported necessary to enable him to pay the adjusted claims therefor, and recommend passage of the same.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROSA VERTNER JEFFREYS.

Mr. CAMERON, of Wisconsin. Mr. President——

Mr. MCPHERSON. I call for the regular order.

The VICE-PRESIDENT. The special order is the bill (S. No. 206) relative to the transportation of animals.

Mr. CAMERON, of Wisconsin. I desire to call up Senate bill No. 103, reported unanimously by the Committee on Claims, and I think it will not occupy more than a moment.

Mr. McPHERSON. If it will not occupy very long I shall not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 103) for the relief of Rosa Vertner Jeffreys. It provides for the payment to Rosa Vertner Jeffreys of $844, the balance in full compensation for the use and occupation by the military authorities of the United States, in the years 1862, 1863, 1864, and 1865, of certain property in Lexington, Kentucky, devised to her, and formerly owned by Daniel Vertner, now deceased.

Mr. DAVIS, of West Virginia. I know nothing of the present merits of this case, but I recollect once having been a member of the Committee on Claims when a similar claim passed the committee and passed the Senate. Now I ask the Senator from Wisconsin if this is another claim, or is it the same original claim?

Mr. CAMERON, of Wisconsin. It is the original claim, and the committee report only in favor of the payment of rent, nothing for damages to the property.

Mr. COCKRELL. There is nothing for the loss of household goods?

Mr. CAMERON, of Wisconsin. Nothing for damage done to the property, but merely an allowance for rent of the property. I think the committee originally reported in favor of paying a much larger sum.

Mr. DAVIS, of West Virginia. I was about to ask the Senator whether he saw the report made at the time the claim was originally presented, made by the Committee on Claims.

Mr. CAMERON, of Wisconsin. I have examined that report.

Mr. DAVIS, of West Virginia. And do I understand the Senator that it is certain nothing was paid under the report of the committee three or four years ago?

Mr. CAMERON, of Wisconsin. Not a dollar has ever been paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF ANIMALS.

The VICE PRESIDENT. The special order of the day is the consideration of the bill (S. No. 206) relative to the transportation of animals.

Mr. THURMAN. I do not wish to antagonize this bill. On the contrary I am in favor of the object of the bill, very earnestly in favor of it. I am very well aware of the labor that has been bestowed upon it by the committee that reported it. But there are some persons who think the bill can be improved, and who would like to be heard in reference to it, or to have their views presented. I think there are some lawyers in the Senate, too, who think that there are legal questions involved in this bill which require some consideration; that even if the power exists in Congress to pass this bill, and which was asserted in the bill to which this is amendatory, yet in regard to the judicial proceedings involved in this bill there is some room for amendment, in fact some necessity for it.

Under these circumstances, I hope the Senator from New Jersey will allow the bill to lie over for a few days until these suggestions can be heard and considered. There is no danger of the bill being overslaughed or delayed unnecessarily so as not to pass when it shall finally come up. No doubt as the original bill passed before with scarcely any objection, a majority will pass it now. There is no danger to the bill by being postponed. I should be glad if the Senator having it in charge would agree that it may be postponed until this day week; but if he will not agree to that, then I hope he will agree to a postponement to, say, Thursday.

Mr. McPHERSON. The Senator from Ohio is perfectly aware that since the passage of the existing law in 1873, which was discovered to be faulty and loose in its construction so that it was impossible to secure the reforms designed by that law, there has been an effort made to improve the law. Various committees of the House and also of the Senate have held this bill under consideration, or bills having a like object, and various bills have been prepared. I will say to the honorable Senator that it seems to me that in a case of this importance, while such gross and unnatural cruelties are being perpetrated day after day, the neglect of the Senate to adopt some remedial legislation almost approaches criminality.

I have postponed this bill at the request of Senators day after day, because if anything in the shape of improvement can be made in the bill I am as anxious for that improvement as any member of the Senate. But there are conflicting interests; there are the railroad interests; there are the humane interests, and there is the interest of the stock-shippers themselves in the matter. This bill has been prepared by all the interests which have heretofore been antagonistic, so far as I can learn. I do not know that it includes every railroad in this country, but I do know that three of the most important trunk lines in the United States, those that do perhaps more than one-half of the live-stock transportation of the country, have been consulted, and I have the privilege of saying that they entirely concur in the provisions of the bill inasmuch as some legislation is necessary. While they would prefer that we enact no legislation affecting this question at all, at the same time they are desirous, if any legislation is had, that it shall be of the character here presented.

I do not wish to urge this bill before the Senate until every Senator is ready to meet the case. I believe the bill has been so carefully prepared that it will challenge criticism. If the Senator from Ohio will name any day when he is willing the bill shall come before the Senate and be discussed and receive the judgment of the Senate, I shall be perfectly satisfied.

Mr. DAVIS, of Illinois. He has named Monday.

Mr. McPHERSON. I think that is too far off.

Mr. DAVIS, of Illinois. Then he named Thursday.

Mr. THURMAN. I wanted to make my motion acceptable to the Senator from New Jersey. I think myself that if the Senator will consider that at this period of the session we usually adjourn over, at least from Friday to Monday, he will see that he gains nothing by requiring us to take up the bill during this week. I am not the only Senator who is troubled about the bill by a great deal. I hope that the Senator will agree that the bill may be postponed until this day week and be the special order then. I make that motion.

Mr. McPHERSON. I shall make no objection. I desire that the wishes of every Senator should be consulted.

The VICE-PRESIDENT. The order, then, is, the Chair understands, by general consent, that this bill be made the special order for Monday next after the morning hour. It is so ordered.

Mr. DAVIS, of West Virginia. One word before that order is made. Mr. President, the Senator from New Jersey observed that but one Senator had made objection. There are several Senators who make objection to the present consideration of the bill. It is a bill, if I understand it correctly, that the stockmen themselves object to. I am informed by stockmen that it will be very detrimental to their interests, and that they prefer to take such railroads as suit them and suit their business. In other words, they want their business to be treated as a business transaction, so that they can ship their cattle in such way as will suit them and suit those who transport the cattle and those who buy them.

The VICE-PRESIDENT. The bill is made the special order for Monday next.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WINDOM. I move to take up House bill No. 3015, known as the Military Academy bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes.

Mr. WINDOM. I ask that the amendments of the Committee on Appropriations be considered as they are recited in the reading of the bill. There are only two or three of them.

The VICE-PRESIDENT. That order will be observed.

Mr. WINDOM. I will state in a very few words the comparison between this bill and the one for the current year.

The amount of the bill as it passed the House was $314,919; the amount added by the Senate Committee on Appropriations is $12,933.12; total of the bill as reported, $327,852.12.

The amount of the estimates for 1881 is $398,132.66. The appropriation for the current year, 1880, is $319,547.33. This bill is, therefore, less than the estimates by $70,280.54, and it exceeds the act of 1880 by $8,304.79.

There are only three items of increase proposed by the Committee on Appropriations. The first is for the pay of professors, $315.25. That amendment is made necessary by the fact that two of the professors will be entitled to increased pay during the year 1881, and this is to make up the amount of their pay allowed by law.

The second amendment proposed is for completing new hospital for cadets, for which the Senate committee propose to add $11,617.84; and the third is for repairing roof of cadet barracks, $1,000.

These are, I believe, all the amendments of any importance proposed, and I ask that they be acted on as the bill is read; but I believe that order has been made.

The VICE-PRESIDENT. It has been.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was in lines 8 and 9, after the word "thousand," to strike out "dollars" and insert "$315.28;" so as to make the clause read:

For pay of professors, $28,315.28.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in line 125, after the word "dollars," to strike out the following proviso:

Provided, That the Secretary of War may, in his discretion, assign any officer of the Army as professor of law.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in line 179, after the word "cadets," to strike out "$10,000" and insert "$21,617.84;" so as to make the clause read:

For completion of main building and one wing for the new hospital for cadets, $21,617.84.

The amendment was agreed to.

The Chief Clerk concluded the reading of the bill. The next amendment of the Committee on Appropriations was, after line 183, to insert:

For repairing roof of cadet barracks, $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. SAULSBURY. I wish to make an inquiry of the gentleman having charge of this bill. I see on lines 8 and 9 that there is an appropriation for the pay of professors, twenty-eight thousand and some hundred dollars, and on lines 40 and 41:

For additional pay of professors for length of service, $7,500.

It may be all right, but I should like to understand it.

Mr. WINDOM. The addition on lines 8 and 9 of $315 is required in order to pay the regular salary of two officers whose grade will be increased, one in March and the other, I think, in April, 1881. Under the law a service of ten years at the academy authorizes a certain grade, which will be reached by two of the officers during the year for which this appropriation is made, and unless the addition recommended by the Committee on Appropriations be granted the amount appropriated will not pay their full salary.

On lines 40 and 41, to which the Senator refers, we appropriate for the additional pay of professors for length of service $7,500. That is under an entirely different statute, and is what is called the longevity pay. It is the 10 per cent. allowed for length of service; the other is the increased salary by reason of promotion.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ALBERT TOWLE.

Mr. FERRY. I ask for the consideration of Senate bill No. 17.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 17) for the relief of Albert Towle. It provides for the payment of $365 to reimburse Albert Towle, postmaster at Beatrice, Nebraska, for revenue stamps stolen from his office at that place on the night of October 25, 1869.

Mr. FERRY. This bill has been twice passed by the Senate, and the Committee on Post-Offices and Post-Roads have examined it closely. The report of the committee can be read if desired. I have an amendment to offer. Since the bill passed before Mr. Towle has died, and I ask that in line 5, after the word "reimburse," the words "the heirs of" be inserted.

Mr. THURMAN. Ought it not to be "the legal representatives of?"

Mr. FERRY. The amendment I moved was suggested by the Senator representing the State.

Mr. THURMAN. If it is a mere money claim it ought to go to the administrator or executor. There may be creditors.

Mr. PADDOCK. I am willing to accept the modification.

Mr. FERRY. I propose to modify the amendment by accepting the suggestion of the Senator from Ohio. I move to insert "the legal representatives of."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. FERRY, the title of the bill was amended so as to read: "A bill for the relief of the legal representatives of Albert Towle."

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 385) to amend the act entitled "An act for the relief of Robert Erwin;"

A bill (H. R. No. 2377) for the relief of Catharine I. Gillis;

A bill (H. R. No. 2566) to remove the political disabilities of William A. Parker, of Maryland;

A bill (H. R. No. 2569) to remove the political disabilities of William Sharp, of Virginia; and

A bill (H. R. No. 3064) to remove the political disabilities of W. S. Maxwell, of Tennessee.

The following joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Appropriations:

A joint resolution (H. R. No. 97) to pay G. V. Hebb $55; and

A joint resolution (H. R. No. 103) to pay C. R. Faulkner $32.50, in full for services as messenger in the Forty-fifth Congress.

The bill (H. R. No. 2269) for the relief of Calvin Bronson was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant United States Army, on the retired list was read twice by its title, and referred to the Committee on Military Affairs.

SUPPLEMENT TO REVISED STATUTES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes; which were referred to the Committee on the Revision of the Laws.

EXECUTIVE SESSION.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-one minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 12, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday was read and approved.

PROPAGATION OF SALT-WATER FISH.

Mr. ACKLEN. Mr. Speaker, the Journal of Friday notes the fact that Mr. BEALE, from the Committee on Commerce, when that committee was called, reported back, by unanimous consent, adversely House bills Nos. 1355 and 1858, to protect the propagation of salt-water fish. The RECORD, which I have in my hand, does not show that he asked unanimous consent; but it was so. I am aware that the Chair is bound by the Journal, but the gentleman from Virginia is in his seat and I desire to know whether these bills, which were public bills and not private bills, when presented from the Committee on Commerce were not by unanimous consent of the House, and whether the Chair at the time did not ask whether there was any objection. The reason I mention this is that I desire to have these bills go to the public calendar. There is no objection on the part of the gentleman who reported the bills to having them go to the Calendar, and if the House is willing they should take that course it will avoid the necessity of my entering a motion to reconsider.

The SPEAKER. At the time of the presentation of those two reports it was seen they were bills of a public character, but no objection was made to the reception of the report from the Committee on Commerce. They were adverse reports, however, and the Speaker called the attention of the gentleman from Virginia to the fact that under the rule a written report must accompany matters reported back adversely. The gentleman from Virginia stated that he would present a report at a future time, and the Clerk now informs the Chair that the adverse report has been filed.

Mr. ACKLEN. I ask if the gentleman from Virginia is willing that these bills shall go to the public calendar? If he is, then it will avoid the necessity, as I have already stated, of my entering the motion to reconsider.

Mr. BEALE. In reply to the gentleman from Louisiana I will say that I did not ask unanimous consent to report those bills. I reported them and no objection was interposed to the reception of the report. I have no objection, however, that they shall go to the public calendar, for it was not my purpose to deprive my friend from Louisiana of the opportunity of offering his adverse report.

The SPEAKER. But these bills came before the House with an adverse report.

Mr. BEALE. The gentleman wants, as I understand, to offer a minority report.

The SPEAKER. The gentleman can do that now after the morning hour, and the Chair will recognize him for that purpose.

Mr. ACKLEN. Very well. I shall ask the Chair to recognize me for that purpose and that the bills shall go to the public calendar.

The SPEAKER. The bills are on the table, and have not been sent to the private or the public calendar. They were reported back adversely and were laid upon the table and the adverse report ordered to be printed.

Mr. ACKLEN. I will ask, then, that they shall be referred to the public calendar. I believe they were laid upon the table, and now, after the gentleman's statement that he did not ask for unanimous consent, I shall ask for their reference to the public calendar.

The SPEAKER. If he did not ask unanimous consent he got it without asking, because what he proposed could only be done by unanimous consent. As there was no objection unanimous consent, as is customary, was taken for granted.

Mr. ACKLEN. Then it is not correct, as stated in the Journal, that "on motion of Mr. BEALE, by unanimous consent," &c.

The SPEAKER. The gentleman from Virginia [Mr. BEALE] received unanimous consent, or he could not have done what the Journal states.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was received, by Mr. PRUDEN, his private secretary; and also the announcement that he had approved and signed bills of the following titles:

An act (H. R. No. 1955) authorizing an allowance for loss, by leakage or casualty, of spirits withdrawn from distillery warehouses for exportation; and

An act (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

MORNING HOUR.

The SPEAKER. The morning hour begins at twenty minutes past twelve o'clock; and this being Monday, the first business in order is the call of States and Territories, beginning with the State of Maine,

for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call resolutions for information from Departments and memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

DAVID G. HUTCHINSON.

Mr. LADD introduced a bill (H. R. No. 3294) granting a pension to David G. Hutchinson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DENNIS SULLIVAN.

Mr. BRIGGS introduced a bill (H. R. No. 3295) granting an increase of pension to Dennis Sullivan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANK T. HILL.

Mr. BRIGGS also introduced a bill (H. R. No. 3296) granting a pension to Frank T. Hill, private of Company C, Eleventh Regiment New Jersey Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALFRED G. FIFIELD.

Mr. BRIGGS also introduced a bill (H. R. No. 3297) granting an increase of pension to Alfred G. Fifield, private Company C, Twelfth Regiment New Hampshire Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABIGAIL S. TILTON.

Mr. HALL introduced a bill (H. R. No. 3298) granting arrears of pension to Abigail S. Tilton; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

GEORGE J. WARDWELL.

Mr. JOYCE introduced a bill (H. R. No. 3299) for the relief of George J. Wardwell; which was read a first and second time, and referred to the Committee on Patents.

REDUCTION OF TAX ON DEPOSITS.

Mr. BALLOU introduced a bill (H. R. No. 3300) to reduce the tax on deposits, subject to payment, with persons and associations engaged in the banking business; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MARCUS S. REED AND QUINCY REED.

Mr. HARRIS, of Massachusetts, introduced a bill (H. R. No. 3301) for the relief of Marcus S. Reed and Quincy Reed, of South Abington, in the State of Massachusetts; which was read a first and second time, and referred to the Committee on the Judiciary.

CONDEMNED ORDNANCE, MASSACHUSETTS.

Mr. HARRIS, of Massachusetts, also introduced a bill (H. R. No. 3302) granting condemned ordnance for monumental purposes to Posts Nos. 73 and 78, Grand Army of the Republic, in the District of Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMPENSATION OF PENSION AGENTS.

Mr. ROBINSON introduced a bill (H. R. No. 3303) in relation to the compensation and expenses of pension agents; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. CAREY.

Mr. FIELD introduced a bill (H. R. No. 3304) for the relief of John B. Carey, late a private Company E, Twenty-fourth Regiment of Massachusetts Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

STATE NATIONAL BANK OF BOSTON.

Mr. MORSE introduced a bill (H. R. No. 3305) for the relief of the State National Bank of Boston, Massachusetts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFUNDING OF NATIONAL DEBT.

Mr. FERNANDO WOOD introduced a bill (H. R. No. 3306) to facilitate the refunding of the national debt; which was read at length, referred to the Committee of Ways and Means, and ordered to be printed.

NATIONAL JAIL AND PRISON.

Mr. CHITTENDEN (by request) introduced a bill (H. R. No. 3307) for a national jail and prison; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETER A. ALLENDORF.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 3308) for the relief of Peter A. Allendorf; which was read a first and second time, and referred to the Committee on War Claims.

JOHN T. NEALE.

Mr. MULLER introduced a bill (H. R. No. 3309) for the relief of John T. Neale, late employé of the department of the Provost-Marshal-General; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. BAILEY introduced a bill (H. R. No. 3310) to amend section 1517 of the Revised Statutes, in relation to admission into the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM HENRY WARD.

Mr. CAMP introduced a bill (H. R. No. 3311) for the relief of William Henry Ward; which was read a first and second time, and referred to the Committee on Patents.

MARY F. AIKEN.

Mr. CAMP also introduced a bill (H. R. No. 3312) for the relief of Mary F. Aiken; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEADSTONES OVER SOLDIERS' GRAVES.

Mr. COX introduced a bill (H. R. No. 3313) to amend the act of February 3, 1879, as to headstones over the graves of soldiers, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENT TO THOMAS JEFFERSON.

Mr. COX also introduced a joint resolution (H. R. No. 164) as to the monument to Thomas Jefferson; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

TRANSFER OF BEDLOE'S ISLAND, NEW YORK.

Mr. COX also introduced a joint resolution (H. R. No. 165) as to the transfer of a part of Bedloe's Island, New York Harbor, for marine-hospital purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANCIS L. DALLON.

Mr. COVERT introduced a bill (H. R. No. 3314) for the relief of Francis L. Dallon, late marshal of the United States for the eastern district of New York; which was read a first and second time, and referred to the Committee of Ways and Means.

DR. HENRY D. HALL.

Mr. COVERT also introduced a bill (H. R. No. 3315) granting a pension to Dr. Henry D. Hall, late assistant surgeon Sixty-third Regiment New York State Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROSE A. CAMERON.

Mr. COVERT also introduced a bill (H. R. No. 3316) for the relief of Rose A. Cameron, administratrix of the estate of David A. Cameron, deceased; which was read a first and second time, and referred to the Committee of Claims.

SECTION 2504 OF REVISED STATUTES.

Mr. BLAKE introduced a bill (H. R. No. 3317) to correct the text of section 2504 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EXEMPTION FROM TAXATION.

Mr. CLYMER introduced a bill (H. R. No. 3318) to exempt promissory notes issued for wages from taxation; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JAMES BRUIEN.

Mr. SHALLENBERGER introduced a bill (H. R. No. 3319) granting a pension to James Bruien; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INCREASE OF PENSIONS.

Mr. COFFROTH introduced a bill (H. R. No. 3320) to amend the act approved June 18, 1874, entitled "An act to increase pensions in certain cases," to further increase and regulate certain pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA BAER.

Mr. COFFROTH also introduced a bill (H. R. No. 3321) granting a pension to Barbara Baer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHRISTIAN PAUL.

Mr. COFFROTH also introduced a bill (H. R. No. 3322) granting a pension to Christian Paul; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHAMBERS C. MULLIN.

Mr. YOCUM introduced a bill (H. R. No. 3323) granting a pension to Chambers C. Mullin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. ANNIE ARBUTHNOT.

Mr. HARMER introduced a bill (H. R. No. 3324) granting a pension to Mrs. Annie Arbuthnot; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OFFICIAL STENOGRAPHERS.

Mr. RYON, of Pennsylvania, introduced a bill (H. R. No. 3325) to

provide for the appointment of official stenographers for the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM SHELLEY.

Mr. URNER introduced a bill (H. R. No. 3326) granting an increase of pension to William Shelley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WINFIELD SCOTT SCHLEY.

Mr. URNER also introduced a bill (H. R. No. 3327) for the relief of Winfield Scott Schley; which was read a first and second time, and referred to the Committee on Naval Affairs.

JOHN OWENS.

Mr. GOODE introduced a bill (H. R. No. 3328) to remove the political disabilities of John Owens, of Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

STEPHEN H. MYERS.

Mr. KLOTZ introduced a bill (H. R. No. 3329) for the relief of Stephen H. Myers, of Somerset County, New Jersey; which was read a first and second time, and referred to the Committee on War Claims.

LOUIS ROTHERMEL.

Mr. KLOTZ also introduced a bill (H. R. No. 3330) for the relief of Louis Rothermel, of Luzerne County, Pennsylvania; which was read a first and second time, and referred to the Committee on War Claims.

SHIP-CANAL IN SOUTH CAROLINA.

Mr. O'CONNOR introduced a bill (H. R. No. 3331) making an appropriation for the opening of a ship-canal connecting the waters of the Ashley and Cooper Rivers, which empty in Charleston Harbor, South Carolina; which was read a first and second time.

Mr. O'CONNOR. I move that this bill be referred to the Committee on Commerce.

Mr. CABELL. The bill belongs properly to the Committee on Railways and Canals, and I move its reference to that committee.

Mr. O'CONNOR. I have no objection.

The bill was accordingly referred to the Committee on Railways and Canals.

LIGHT-HOUSE IN GEORGETOWN HARBOR, SOUTH CAROLINA.

Mr. RICHARDSON, of South Carolina, introduced a bill (H. R. No. 3332) providing for the erection of a light-house at the mouth of Sampit River, Georgetown Harbor, South Carolina; which was read a first and second time, and referred to the Committee on Commerce.

AUGUSTA E. YURK.

Mr. SPEER introduced a bill (H. R. No. 3333) granting a pension to Augusta E. Yurk; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANTOINE BOLSIUS.

Mr. HAMMOND, of Georgia, introduced a bill (H. R. No. 3334) to put the name of Antoine Bolsius on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

M'PHERSON BARRACKS, ATLANTA, GEORGIA.

Mr. HAMMOND, of Georgia, also introduced a bill (H. R. No. 3335) to authorize the purchase of McPherson Barracks, near Atlanta, Georgia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERM OF JURORS.

Mr. HERBERT introduced a bill (H. R. No. 3336) to prescribe the time of service of jurors; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENJAMIN HART.

Mr. HERBERT also introduced a bill (H. R. No. 3337) for the relief of Benjamin Hart; which was read a first and second time, and referred to the Committee on the Judiciary.

BRIDGE ACROSS ALABAMA RIVER.

Mr. SHELLEY introduced a bill (H. R. No. 3338) to authorize the construction of a bridge across the Alabama River at or near Selma, Alabama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. SAMFORD introduced a bill (H. R. No. 3339) to repeal subdivision 15 of section 563 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OCEAN MAIL SERVICE.

Mr. ELLIS introduced a bill (H. R. No. 3340) to provide for ocean mail service between the United States and certain foreign ports, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DR. COLUMBUS REID.

Mr. ELLIS also introduced a bill (H. R. No. 3341) for the relief of Dr. Columbus Reid; which was read a first and second time, and referred to the Committee on War Claims.

A. W. KIZER.

Mr. ROBERTSON introduced a bill (H. R. No. 3342) for the relief of A. W. Kizer, of the State of Louisiana; which was read a first and second time, and referred to the Committee of Claims.

JOHN MILLAR.

Mr. MONROE introduced a bill (H. R. No. 3343) for the relief of John Millar, late private Company F, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH H. WILLIAMS.

Mr. BUTTERWORTH introduced a bill (H. R. No. 3344) for the relief of Joseph H. Williams, of Clermont County, Ohio; which was read a first and second time, and referred to the Committee of Claims.

AMENDMENT OF REVISED STATUTES.

Mr. WARNER introduced a bill (H. R. No. 3345) to amend section 3571 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

He also introduced a bill (H. R. No. 3346) to repeal sections 5193 and 5194 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

SOLDIERS' MONUMENT AT MARIETTA, OHIO.

Mr. WARNER also introduced a bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREE COINAGE OF GOLD AND SILVER.

Mr. WARNER also introduced a bill (H. R. No. 3348) to stop paper inflation and provide for needed increase of volume of currency by free coinage of gold and silver and gold and silver certificates; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

At Mr. WARNER'S request the bill was read *in extenso*.

TREASURY AS MEMBER OF NEW YORK CLEARING-HOUSE.

Mr. WARNER also submitted the following resolution; which was referred to the Committee on Coinage, Weights, and Measures:

Resolved, That the Secretary of the Treasury be directed to report when and under what conditions the United States Treasury became a member of the New York clearing-house; and whether or not said clearing-house accepts Treasury certificates payable in silver coin in settlements of balances or whether the settlement of balances in standard silver dollars or silver certificates is prohibited by the rules of said clearing-house.

ISAAC R. HILL.

Mr. ATHERTON introduced a joint resolution (H. R. No. 166) for the relief of Isaac R. Hill; which was read a first and second time, and referred to the Committee of Claims.

W. R. SNOOK.

Mr. HILL introduced a bill (H. R. No. 3349) granting a pension to W. R. Snook, of Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALFRED PLUMMER.

Mr. HILL also introduced a bill (H. R. No. 3350) granting a pension to Alfred Plummer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REV. PAUL E. GILLEN.

Mr. HURD introduced a bill (H. R. No. 3351) for the relief of Rev. Paul E. Gillen; which was read a first and second time, and, with the accompanying petition, referred to the Committee on Military Affairs.

UNITED STATES COURTS, NORTHERN DISTRICT OF OHIO.

Mr. HURD also introduced a bill (H. R. No. 3352) in relation to the district and circuit courts of the northern district of Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF COURT OF CLAIMS.

Mr. KNOTT introduced a bill (H. R. No. 3353) to repeal an act entitled "An act to restrict the jurisdiction of the Court of Claims," &c., approved July 4, 1864, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECRETARIES AND CLERKS, UNITED STATES NAVY.

Mr. KNOTT also introduced a bill (H. R. No. 3354) to repeal a portion of the act of May 4, 1878, making appropriations for the naval service of the United States for the fiscal year ending June 30, 1879; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY R. PENSEY.

Mr. KNOTT also introduced a bill (H. R. No. 3355) for the relief of Henry R. Pensey, of the State of Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM H. BROWN.

Mr. KNOTT also introduced a bill (H. R. No. 3356) for the relief of

William H. Brown, of Hodgensville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

FINNIS E. WOODWARD.

Mr. KNOTT also introduced a bill (H. R. No. 3357) for the relief of Finnis E. Woodward, of Glendale, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM PRITCHARD.

Mr. KNOTT also introduced a bill (H. R. No. 3358) for the relief of William Pritchard, of Shady Grove, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

BEN. A. STITH.

Mr. KNOTT also introduced a bill (H. R. No. 3359) for the relief of Ben. A. Stith, of Elizabethtown, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JOHN P. M'CLURE.

Mr. KNOTT also introduced a bill (H. R. No. 3360) for the relief of John P. McClure, of the State of Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

CHARLES D. SWIM.

Mr. PHISTER introduced a bill (H. R. No. 3361) for the relief of Charles B. Swim, of Rowan County, Kentucky; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES F. CASTLE.

Mr. PHISTER also introduced a bill (H. R. No. 3362) granting a pension to James F. Castle, of Carter County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AARON BURTON.

Mr. PHISTER also introduced a bill (H. R. No. 3363) granting a pension to Aaron Burton, of Carter County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT BRYANT.

Mr. PHISTER also introduced a bill (H. R. No. 3364) granting a pension to Robert Bryant, of Lawrence County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY JANE CONRAD.

Mr. PHISTER also introduced a bill (H. R. No. 3365) granting a pension to Mary Jane Conrad, of Maysville, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NANCY BALL.

Mr. PHISTER also introduced a bill (H. R. No. 3366) granting a pension to Nancy Ball, of Lawrence County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MATHEW LANHAM.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 3367) granting a pension to Mathew Lanham, of Casey County, Kentucky; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

EXPENSES OF TRANSPORTING MILITIA, KENTUCKY.

Mr. THOMPSON, of Kentucky, also introduced a bill (H. R. No. 3368) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUTENANT CHARLES L. RUGG.

Mr. CARLISLE introduced a bill (H. R. No. 3369) granting a pension to Lieutenant Charles L. Rugg, of Newport, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY E. JEFFRAYS.

Mr. CARLISLE also introduced a bill (H. R. No. 3370) granting a pension to Mary E. Jeffrays, widow of the late Thomas R. W. Jeffrays, surgeon of the Ninth Regiment Kentucky Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH M'KAY.

Mr. CARLISLE also introduced a bill (H. R. No 3371) granting a pension to Elizabeth McKay, of Covington, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. G. WILLIAMS.

Mr. CALDWELL introduced a bill (H. R. No. 3372) for the relief of A. G. Williams, of Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM M. BARNETT.

Mr. CALDWELL also introduced a bill (H. R. No. 3373) for the relief of William M. Barnett, of Simpson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

CLEMENT FISHER.

Mr. CALDWELL also introduced a bill (H. R. No. 3374) for the relief of Clement Fisher, of Simpson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

C. T. AND T. R. EUBANKS.

Mr. CALDWELL also introduced a bill (H. R. No. 3375) for the relief of C. T. and T. R. Eubanks, of Franklin, Simpson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

M. B. MASELEY.

Mr. THOMAS TURNER introduced a bill (H. R. No. 3376) for the relief of M. B. Maseley, of Irwin, Estill County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

RETAIL TOBACCO DEALERS.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 3377) for the benefit of those who produce tobacco on a small scale; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDIN TRUETT AND SAMUEL P. SMITH.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 3378) placing the names of Redin Truett and Samuel P. Smith, of Jackson County, Kentucky, upon the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MONUMENT TO ZACHARY TAYLOR.

Mr. WILLIS introduced a joint resolution (H. R. No. 167) for the erection of a monument over the grave of Zachary Taylor, near Louisville, Kentucky; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

B. E. MULFORD.

Mr. WILLIS also introduced a bill (H. R. No. 3379) for the relief of B. E. Mulford, postmaster at Anchorage, in the State of Kentucky; which was read a first and second time, and referred to the Committee of Claims.

HAMILTON T. FIGG.

Mr. WILLIS also introduced a bill (H. R. No. 3380) for the relief of Hamilton T. Figg, of Louisville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

B. F. GUTHRIE.

Mr. WILLIS also introduced a bill (H. R. No. 3381) for the relief of B. F. Guthrie, administrator, Louisville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

MOORE & SERB.

Mr. WILLIS also introduced a bill (H. R. No. 3382) for the relief of Moore & Serb, of Jefferson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

TRANSFER OF REAL ESTATE TO THE NAVY DEPARTMENT.

Mr. WHITTHORNE introduced a bill (H. R. No. 3383) to authorize the transfer of certain real estate herein described to the Navy Department; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

POSTAL ROUTES.

Mr. DIBRELL introduced a bill (H. R. No. 3384) declaring all public roads postal routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ELIZA E. WIER.

Mr. DIBRELL also introduced a bill (H. R. No. 3385) granting a pension to Eliza E. Wier, of McMinn County, Tennessee, from 4th March, 1866, to 4th March, 1878; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALEXANDER D. STONE.

Mr. DIBRELL also introduced a bill (H. R. No. 3386) granting a pension to Alexander D. Stone, late of Company M, Fourth Tennessee Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH CLAYTON.

Mr. DIBRELL also introduced a bill (H. R. No. 3387) directing the Commissioner of Pensions to cause the payment of the pension due to Elizabeth Clayton, of Polk County, Tennessee, from 9th March, 1878; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

WILLIAM BAIN.

Mr. DIBRELL also introduced a bill (H. R. No. 3388) directing the pension agent at Knoxville, Tennessee, to pay William Bain his pension under act of 9th March, 1878; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

JOHN LYTLE.

Mr. BRIGHT introduced a bill (H. R. No. 3389) for the relief of John

Lytle, administrator of William F. Lytle, deceased, of Rutherford County, Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

ELIZABETH S. GRANT.

Mr. BRIGHT also introduced a bill (H. R. No. 3390) for the relief of Elizabeth S. Grant, widow and executrix of James H. Grant, of Rutherford County, Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

PAYMENT OF BOUNTY.

Mr. TAYLOR introduced a bill (H. R. No. 3391) to pay certain soldiers $100 bounty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. COUKEN.

Mr. TAYLOR also introduced a bill (H. R. No. 3392) granting a pension to Mary A. Couken; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES HUGHES.

Mr. TAYLOR also introduced a bill (H. R. No. 3393) granting a pension to James Hughes, of Ervin, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE W. LUTTRELL.

Mr. TAYLOR also introduced a bill (H. R. No. 3394) granting a pension to George W. Luttrell, of Rheatown, Greene County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PAYMENT OF MAIL CARRIERS.

Mr. McMILLIN introduced a bill (H. R. No. 3395) to pay those who have not been compensated for carrying the United States mails in certain Southern States prior to the late war; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAMES B. BELL.

Mr. BICKNELL introduced a bill (H. R. No. 3396) granting a pension to James B. Bell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BERNARD BRADY.

Mr. BICKNELL also introduced a bill (H. R. No. 3397) granting a pension to Bernard Brady; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS FERGUSON.

Mr. COBB introduced a bill (H. R. No. 3398) granting a pension to Thomas Ferguson, of Spurgeon, Pike County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BENJAMIN F. RICHARDSON.

Mr. COBB also introduced a bill (H. R. No. 3399) granting a pension to Benjamin F. Richardson, late a private in Company E, Sixty-fifth Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL B. HATFIELD.

Mr. COBB also introduced a bill (H. R. No. 3400) granting a pension to Daniel B. Hatfield, late a corporal in Company G, Ninety-seventh Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NATHAN WYATT.

Mr. BAKER introduced a bill (H. R. No. 3401) granting a pension to Nathan Wyatt, of Springfield, De Kalb County, Indiana, late a private in Company C, Thirteenth Regiment Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. LUCY MEEKER.

Mr. CALKINS introduced a bill (H. R. No. 3402) for the relief of Mrs. Lucy Meeker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEWIS HOLMES.

Mr. CALKINS also introduced a bill (H. R. No. 3403) granting a pension to Lewis Holmes, of Ulster, Bradford County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM BOONE.

Mr. COLERICK introduced a bill (H. R. No. 3404) granting a pension to William Boone, late a private in Company F, Eighty-eighth Regiment Indiana Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHICAGO, BURLINGTON AND QUINCY RAILROAD.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 3405) to authorize the Postmaster-General to compensate the Chicago, Burlington and Quincy Railroad Company for facilitating the transportation of overland mails under agreement; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

ANN ATKINSON.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 3406) granting a pension to Ann Atkinson, of Washington, District of Columbia; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

TRIENNIAL COMMANDERY OF KNIGHTS TEMPLAR AT CHICAGO.

Mr. ALDRICH, of Illinois, also introduced a joint resolution (H. R. No. 168) authorizing the Secretary of War to loan certain tents, flags, &c., to the triennial committee of Knights Templar at Chicago; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNIE L. KELLETT.

Mr. HAYES introduced a bill (H. R. No. 3407) granting a pension to Annie L. Kellett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HANNAH WALSH.

Mr. THOMAS introduced a bill (H. R. No. 3408) granting a pension to Mrs. Hannah Walsh, widow of Thomas Walsh, deceased, late a private in Company A, Fifty-eighth Regiment Illinois Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM C. ORR.

Mr. THOMAS also introduced a bill (H. R. No. 3409) granting a pension to William C. Orr, late a private of Company F, Tenth Regiment Missouri Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS JEFFERS.

Mr. FORSYTHE introduced a bill (H. R. No. 3410) granting a pension to Thomas Jeffers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NATIONAL-BANK CIRCULATION.

Mr. FORSYTHE also introduced a bill (H. R. No. 3411) to increase the circulation of the national banks and to relieve them from the payment of the tax or duty on their circulation, to liquidate the national debt, and strengthen the public credit; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ABEL VARNEY.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 3412) granting a pension to Abel Varney; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SPECIAL-REQUEST ENVELOPES.

Mr. SPRINGER introduced a bill (H. R. No. 3413) concerning special-request envelopes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALFRED H. LOWE.

Mr. MORRISON introduced a bill (H. R. No. 3414) for the relief of Alfred H. Lowe, late first lieutenant Twenty-seventh Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM F. KENAGA.

Mr. FORT introduced a bill (H. R. No. 3415) granting a pension to William F. Kenaga; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLOTTE T. CLARK.

Mr. FORT also introduced a bill (H. R. No. 3416) granting a pension to Charlotte T. Clark; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CORK BARK.

Mr. HATCH introduced a bill (H. R. No. 3417) to provide for the importation of corks and cork bark, manufactured, free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BRANCH MINT AT KANSAS CITY, MISSOURI.

Mr. SAWYER introduced a bill (H. R. No. 3418) to establish a branch mint of the United States at Kansas City, in the State of Missouri; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LAWSON MOORE.

Mr. SAWYER also introduced a bill (H. R. No. 3419) for the relief of Lawson Moore, of Clinton County, Missouri; which was read a first and second time, and referred to the Committee on War Claims.

JAMES BRIDGER.

Mr. SAWYER (by request) also introduced a bill (H. R. No. 3420) for the relief of James Bridger, of Jackson County, Missouri; which was read a first and second time, and referred to the Committee of Claims.

SARAH E. STARLING.

Mr. SAWYER also introduced a bill (H. R. No. 3421) granting a pension to Sarah E. Starling, widow of John P. Starling, of Pleasant

Mount, Miller County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL BUNCH.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 3422) granting a pension to Samuel Bunch, Dauphine, Osage County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LAWRENCE LONG.

Mr. WELLS introduced a bill (H. R. No. 3423) to confirm to Lawrence Long, or his legal representatives, a grant of land made to him; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Private Land Claims.

WILLIAM H. MOORE AND ANN E. MITCHELL.

Mr. WELLS also introduced a bill (H. R. No. 3424) for the relief of William H. Moore and Ann E. Mitchell for depredations committed by Cheyenne Indians; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Indian Affairs.

MISSOURI WAR CLAIM.

Mr. WELLS also introduced a bill (H. R. No. 3425) to authorize the Secretary of the Treasury to examine the evidence of debts claimed to be due, or of payments made by the State of Missouri to, the officers and privates of the militia forces of said State for military services performed in the suppression of the rebellion in full concert and co-operation with the authorities of the United States, and subject to their orders, and to make report thereof to Congress; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MRS. E. D. W. HATCH.

Mr. BLAND introduced a bill (H. R. No. 3426) for the relief of Mrs. E. D. W. Hatch, of Phelps County, Missouri; which was read a first and second time, and referred to the Committee on War Claims.

EXAMINATION OF NATIONAL BANKS.

Mr. BUCKNER introduced a bill (H. R. No. 3427) in relation to the examination of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SMOKING-TOBACCO.

Mr. BUCKNER also introduced a bill (H. R. No. 3428) to amend section 3362 of Revised Statutes, relating to smoking-tobacco; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SUSAN M. HOLLAND.

Mr. FORD introduced a bill (H. R. No. 3429) granting a pension to Susan M. Holland and children, of Agency, county of Buchanan, in the State of Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARRIS & HODGE.

Mr. ROTHWELL introduced a bill (H. R. No. 3430) for the relief of Harris & Hodge, of Brunswick, Missouri; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

MAJOR JOSEPH M'GEE.

Mr. ROTHWELL also introduced a bill (H. R. No. 3431) granting a pension to Major Joseph McGee, of Daviess County, Missouri, late major First Missouri Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EQUALIZATION OF HOMESTEADS.

Mr. GUNTER introduced a bill (H. R. No. 3432) to equalize homesteads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ACTUAL SETTLERS.

Mr. GUNTER also introduced a bill (H. R. No. 3433) to graduate and reduce the price of the public lands to actual settlers and cultivators; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REPEAL OF TAX ON DOMESTIC WINES.

Mr. SLEMONS introduced a bill (H. R. No. 3434) for the repeal of the law imposing special tax on domestic wines; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

THOMAS D. BUMGARNER.

Mr. CRAVENS introduced a bill (H. R. No. 3435) for the relief of Thomas D. Bumgarner, late private Company F, Third Regiment Arkansas Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

TAXATION OF SAVINGS-BANKS.

Mr. NEWBERRY introduced a bill (H. R. No. 3436) to amend the act relating to internal revenue, approved March 1, 1879, in reference to taxation of savings-banks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. WILLITS introduced a bill (H. R. No. 3437) to extend the jurisdiction of the district and circuit courts of the United States for the punishment of crimes over Indian reservations within the limits of any State or organized Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADA L. HARRISON.

Mr. BURROWS introduced a bill (H. R. No. 3438) granting a pension to Ada L. Harrison; which was read a first and second time, and ferred to the Committee on Invalid Pensions.

TRANSFER OF INDIAN BUREAU.

Mr. WELLBORN introduced a bill (H. R. No. 3439) to transfer the office of Indian Affairs from the Interior to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ADVERTISEMENT OF MAIL LETTINGS.

Mr. UPSON introduced a bill (H. R. No. 3440) to alter, amend, and repeal parts of an act entitled "An act to regulate the advertising of mail lettings, and for other purposes," approved May 17, 1878, and to prohibit and punish the subletting or transfer of any mail contract; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

THOMAS M. SHIRLEY.

Mr. CULBERSON introduced a bill (H. R. No. 3441) for the relief of Thomas M. Shirley, of the State of Texas; which was read a first and second time, and referred to the Committee on the Judiciary.

PAYMENT FOR TRANSPORTATION OF UNITED STATES MAILS.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 3442) to provide for the payment of the amount due the Burlington, Cedar Rapids and Northern Railway Company for the transportation of United States mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HARVEY SMITH.

Mr. DEERING introduced a bill (H. R. No. 3443) granting a pension to Harvey Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE R. ROBINSON.

Mr. WEAVER introduced a bill (H. R. No. 3444) granting a pension to George R. Robinson, late private Thirteenth Iowa Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DUDLEY BUCK.

Mr. WEAVER also introduced a bill (H. R. No. 3445) granting a pension to Dudley Buck, late private Company D, Thirteenth Iowa Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. JANE E. JOHNSON.

Mr. WEAVER (by request of Mr. GILLETTE) also introduced a bill (H. R. No. 3446) granting a pension to Mrs. Jane E. Johnson, mother of late Captain C. P. Johnson, Company A, Seventeenth Iowa Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH GRAVES.

Mr. WEAVER also introduced a bill (H. R. No. 3447) granting a pension to Elizabeth Graves, of Ottumwa, Iowa, mother of late Major A. C. Graves, enrolled in State militia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF PENSION LAWS.

Mr. CARPENTER introduced a bill (H. R. No. 3448) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COUNTING VOTES FOR PRESIDENT AND VICE-PRESIDENT.

Mr. UPDEGRAFF, of Iowa, introduced a bill (H. R. No. 3449) fixing the time for counting the votes for President and Vice-President, and providing for a contest of their election; which was read a first and second time, referred to the Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President, and ordered to be printed.

LEWIS A. KENT.

Mr. BRAGG introduced a bill (H. R. No. 3450) for the relief of Lewis A. Kent, late captain of Company G, Sixth Regiment Wisconsin Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE W. BROWER.

Mr. BRAGG also introduced a bill (H. R. No. 3451) for the relief of George W. Brower; which was read a first and second time, and referred to the Committee on Military Affairs.

HEROMYOUS MERKLEY.

Mr. BOUCK introduced a bill (H. R. No. 3452) granting a pension to Heromyous Merkley, late a private in Company C of the First Wis-

consin Heavy Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SILVER CERTIFICATES.

Mr. CASWELL introduced a bill (H. R. No. 3453) providing for the issue of silver certificates in the denominations of one and two dollars and quarter and half dollars, in place of silver coin in the Treasury; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. BERRY introduced a bill (H. R. No. 3454) for the restoration of the Klamath River Indian reservation in the State of California to the public domain; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

C. GREEN AND H. C. TRAINOR.

Mr. PAGE introduced a bill (H. R. No. 3455) for the relief of Christopher Green and Hugh C. Trainor; which was read a first and second time, and referred to the Committee of Claims.

CHINESE IMMIGRATION.

Mr. DAVIS, of California, introduced a bill (H. R. No. 3456) to restrict Chinese immigration; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PRESIDIO RESERVATION.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 3457) authorizing the city and county of San Francisco to use the Presidio reservation as a park and highway; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUDITING OF INDIAN ACCOUNTS.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 3458) authorizing the auditing of certain unpaid accounts in the Indian Bureau; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

POST-OFFICE BUILDING AT SAN FRANCISCO.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 3459) to erect a post-office building at San Francisco, California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FOG-SIGNAL AT FORT POINT.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 3460) to establish a fog-signal at Fort Point, San Francisco, California; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM S. GRANT.

Mr. DUNNELL introduced a bill (H. R. No. 3461) for the relief of William S. Grant; which was read a first and second time, and referred to the Committee on War Claims.

SECTION 3020 OF REVISED STATUTES.

Mr. WHITEAKER introduced a bill (H. R. No. 3462) to amend section 3020 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. WHITEAKER also introduced a bill (H. R. No. 3463) to amend the act of March 3, 1879, entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RILEY H. SMITH.

Mr. WILSON introduced a bill (H. R. No. 3464) granting a pension to Riley H. Smith, of West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LOUISA A. A. HAYES.

Mr. WILSON also introduced a bill (H. R. No. 3465) for the relief of Louisa A. A. Hayes; which was read a first and second time, and referred to the Committee on War Claims.

SOLOMON WYCKOFF.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 3466) granting a pension to Solomon Wyckoff, of Mannington, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JONATHAN B. DAVIS.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 3467) granting a pension to Jonathan B. Davis, of Mannington, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAUSES IN COURT OF CLAIMS.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 3468) to restore certain causes to the docket of the Court of Claims, and to provide for the hearing thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

D. W. DODSON.

Mr. VALENTINE introduced a bill (H. R. No. 3469) for the relief of D. W. Dodson; which was read a first and second time, and referred to the Committee on Indian Affairs.

FEES OF CLERKS OF UNITED STATES COURTS IN COLORADO.

Mr. BELFORD introduced a bill (H. R. No. 3470) to regulate the fees of the clerks of the circuit and district courts of the United States in Colorado; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINERAL BUREAU.

Mr. BELFORD also introduced a bill (H. R. No. 3471) to create a mineral bureau at the seat of Government; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

PROBATE COURT OF NEW MEXICO.

Mr. OTERO introduced a bill (H. R. No. 3472) enlarging the jurisdiction of the probate court of New Mexico Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALASKA.

Mr. BRENTS introduced a bill (H. R. No. 3473) to extend the internal-revenue laws of the United States over the Territory of Alaska; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TERRITORIAL PRISON, ARIZONA.

Mr. CAMPBELL introduced a bill (H. R. No. 3474) making appropriations for the completion of the territorial prison at Yuma, in the Territory of Arizona; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MARY COLLINS.

Mr. AINSLIE introduced a bill (H. R. No. 3475) granting a pension to Mary Collins; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JEREMIAH FAHER.

Mr. MAGINNIS introduced a bill (H. R. No. 3476) for the relief of Jeremiah Faher; which was read a first and second time, and referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been concluded. The Chair is advised that there are many gentlemen now present desiring to introduce bills who were not in their seats when their States were called. If there be no objection the Chair will now recognize them for the purpose of introducing bills for reference.

C. BOYD.

Mr. O'NEILL introduced a bill (H. R. No. 3477) for the relief of C. Boyd, captain Seventeenth Regiment United States Infantry, and brevet lieutenant-colonel United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

EXTENSION OF UNITED STATES MINT, PHILADELPHIA.

Mr. O'NEILL also introduced a bill (H. R. No. 3478) appropriating ground in the city of Philadelphia for public purposes, the extension of the United States Mint; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN G. TERRY.

Mr. BLISS introduced a bill (H. R. No. 3479) granting a pension to John G. Terry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RICHARD H. BIRMINGHAM.

Mr. BLISS also introduced a bill (H. R. No. 3480) for the relief of Richard H. Birmingham, late sergeant Company A, Sixty-ninth Regiment New York State Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

F. Z. TUCKER.

Mr. BLISS (by request) also introduced a bill (H. R. No. 3481) for the relief of F. Z. Tucker; which was read a first and second time, and referred to the Committee on the Judiciary.

NOAH D. CLARK.

Mr. VAN AERNAM introduced a bill (H. R. No. 3482) granting a pension to Noah D. Clark; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN SCOTT.

Mr. PHELPS introduced a bill (H. R. No. 3483) granting an additional pension to John Scott, Company D, Twentieth Regiment Connecticut Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY C. DE AHNA.

Mr. PHELPS also introduced a bill (H. R. No. 3484) for the relief of Henry C. De Ahna; which was read a first and second time, and referred to the Committee on Appropriations.

JOHN H. SMITH.

Mr. CAMP introduced a bill (H. R. No. 3485) granting a pension to John H. Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MALINDA THURSTON AND NANCY LITTLETON.

Mr. PAGE introduced a bill (H. R. No. 3486) for the relief of Malinda Thurston and Nancy Littleton; which was read a first and second time, and referred to the Committee on Indian Affairs.

JAMES FORSYTH HARRISON.

Mr. URNER introduced a bill (H. R. No. 3487) granting a pension to James Forsyth Harrison; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EXPENSES OF ARMY PAYMASTERS.

Mr. BALLOU introduced a bill (H. R. No. 3488) in relation to expenses of paymasters of the United States when traveling on duty with troops or escorts ordered for the protection of public funds or property; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPTORS OF RAM ALBEMARLE.

Mr. BAILEY introduced a bill (H. R. No. 3489) for the relief of the captors of the ram Albemarle; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES B. SINCLAIR.

Mr. BAILEY also introduced a bill (H. R. No. 3490) for the relief of James B. Sinclair, of the United States Army; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

WALKER A. NEWTON.

Mr. HARMER introduced a bill (H. R. No. 3491) for the relief of Walker A. Newton, of Philadelphia, Pennsylvania; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

PUBLIC BUILDING, SYRACUSE.

Mr. HISCOCK introduced a bill (H. R. No. 3492) to provide for the erection of a public building at Syracuse, New York, for the use of United States courts and accommodation of internal-revenue officials, and for other Government purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TERMS DISTRICT COURT, NORTHERN DISTRICT, NEW YORK.

Mr. HISCOCK also introduced a bill (H. R. No. 3493) to amend the Revised Statutes fixing the times and places for holding terms of the district court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BENJAMIN F. DOBSON.

Mr. HOSTETLER introduced a bill (H. R. No. 3494) granting a pension to Benjamin F. Dobson, late a private in Company I, Nineteenth Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. SARAH K. T. BAKER.

Mr. BLACKBURN introduced a bill (H. R. No. 3495) for the payment of the claim of Mrs. Sarah K. T. Baker, formerly Sarah K. Troutman, for rent of building, fuel, and subsistence; which was read a first and second time, and referred to the Committee on War Claims.

CONSULATE AT HONG-KONG.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

In answer to resolution of the House of the 3d of December, 1879, relative to the consulate at Hong-Kong, I transmit herewith a report from the Secretary of State with its accompanying papers.

R. B. HAYES.

WASHINGTON, *January* 12, 1880.

Mr. HUNTON. I offer the following resolution, disposing of the message just read.

The Clerk read as follows:

Resolved, That the message of the President of the United States and accompanying papers relative to the consulate at Hong-Kong be referred to the Committee on Expenditures in the State Department, with instructions to investigate and report on the same, with power to send for persons and papers, and to report at any time by bill or otherwise.

The resolution was adopted.

Mr. HUNTON. I beg leave to state that in the report of the Secretary of State which accompanies the message just referred the Secretary of State reports that one of the letters embraced in the correspondence called for is, for some reason unknown to him, missing. I have a printed copy of that letter and ask leave to append it to that report so it may be printed with the other papers.

There was no objection, and it was ordered accordingly.

PROPAGATION OF SALT-WATER FISH.

Mr. ACKLEN. I now offer a substitute for House bills 1355 and 1858, to protect the propagation of salt-water fish, together with a minority report; and I move that those bills, which were laid upon the table, be taken up and referred, together with my substitute, to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The SPEAKER. The Chair desires to know whether the gentleman from Louisiana and the gentleman from Virginia agree to this?

Mr. ACKLEN. Yes, sir.

There was no objection, and it was ordered accordingly.

PENSION INVESTIGATION.

Mr. HARMER. I move to suspend the rules and adopt the resolution which I send to the Clerk's desk, for the appointment of a committee to inquire into the method and manner of the payment of pensions and bounties to soldiers.

The Clerk read as follows:

Whereas it is a matter of public record that soldiers' claims for pension to the number of two hundred thousand are now pending in the Pension Office and unsettled; and

Whereas it is asserted by the Commissioner of Pensions that under the present system many fraudulent claims have been allowed and the settlement of meritorious claims delayed; and

Whereas it is alleged that bounty and back pay due under existing law to soldiers who have served in the armies of the United States are due and unpaid: Therefore,

Be it resolved by the House of Representatives of the United States of America, That a committee of seven members of this House be appointed by the Speaker whose duty it shall be to examine and inquire into the method and manner of the payment of pensions, arrears of pensions, bounty, and back pay, and to ascertain whether any irregularities exist in the payment of the same.

And the said committee shall have further power to investigate any subject of complaint that may be lodged with them concerning the payment, rejection, or suspension of pensions, bounty, and back pay; to examine witnesses, to send for persons and papers, to employ a clerk, and to report the result of said investigation to this House, with a view to the enactment of such additional legislation as may correct existing defects, and as may be deemed necessary to protect the pensioners and soldiers of the Government in their rights.

And be it further resolved, That the expenses of said committee shall be paid out of the contingent fund of the House, upon vouchers signed by the chairman of the said committee.

Mr. GARFIELD. In the reading of the resolution, I notice the words "back pay" and "bounty." Now, those do not come under the Pension Bureau.

Mr. HARMER. I know they do not; but it is a matter, nevertheless, competent for inquiry.

Mr. GARFIELD. I wish the gentleman would let it be printed and lie over so we may see it. It is an important resolution.

Mr. HARMER. I prefer to have action on the resolution at once. It is a matter which should not be delayed.

Mr. GARFIELD. It may be all right, but I should like to know a little more about it than I do now before voting on it.

The resolution was again read.

Mr. BUCKNER. I suggest to the gentleman from Pennsylvania that the Committee on Pensions be charged with this subject instead of any special committee.

Mr. HARMER. The pressure of business before the Committee on Pensions makes it necessary that a special committee should be appointed for this purpose, and I think the chairman of the Committee on Pensions will agree with me in saying that this resolution ought to be adopted for the appointment of a special committee.

Mr. GARFIELD. I should like to ask my friend from Pennsylvania whether, in his judgment, it may not tend to block the progress of the payment of claims for arrears of pensions now going forward? I do not know as well as the gentleman the scope of the resolution, but I should be sorry to see anything done which would for the time being block the wheels of the machinery for the payment of pensions to soldiers. It seems to me a committee like this to investigate the Third Auditor's Office, that is, the whole business of bounty and back pay, and to go into the whole question of pensions, and especially to examine rejected claims, will substantially stop all progress of the office while their papers are being overhauled. And query, whether we ought to go, without fuller knowledge than we now have, into any investigation which may actually stop the payment of pensions so much needed by soldiers? I ask my friend simply that he may allow this resolution to lie over, so we may have an opportunity to look into it and see exactly what it proposes to do.

Mr. HARMER. There is in view the adoption of a system which may guard the Government against fraud and at the same time protect the soldier in his rights. I will read an extract from the report of the Commissioner of Pensions.

If new, original claims continue to be presented as rapidly during the remaining months of the fiscal year as they have been for the past nine months, (and there appears no reason for expecting a falling off in the receipts,) there will be pending in the office at the close of the year more than two hundred and fifty thousand unsettled cases.

* * * * * * *

Besides being cumbersome and expensive, the present system is an open door to the Treasury for the perpetration of fraud.

Now, Mr. Speaker, it is for the purpose stated in that extract from the report of the Commissioner of Pensions that I offer this resolution. It is not an attack at all upon the Pension Bureau or the Commissioner of Pensions, and I desire that it should not be regarded in any such light.

Mr. WAIT. I should like to ask the gentleman a question. To what extent does he propose to go in this matter of investigating rejected claims? Where is to be the limit? How many are to be examined into? Are all the claims which have been rejected within the last two or three years to be investigated, or is there to be some

limit? I do not understand under this resolution there is to be any limit.

Mr. HARMER. That is a matter for the committee to decide after it has been appointed.

Mr. SAPP. Let me ask the gentleman whether the appointment of this committee will stop the payment of claims for pensions and arrears of pensions until the committee has concluded its investigations?

Mr. WAIT. This looks, Mr. Speaker, like the establishment of a court of review upon the Pension Department, to pass upon decisions of the Commissioner of Pensions.

Mr. HARMER. I do not see how this will interfere with the general business of the Commissioner of Pensions. I demand the yeas and nays.

Mr. WILLIAMS, of Wisconsin. Let this lie over for a week. I understand the Commissioner of Pensions does not object to any investigation, and certainly I do not, but desire to vote for it if there be proper ground for it; but the question with us here is whether this mixing up of so many subjects—back pay and bounty—with pensions which are not adjusted in that bureau will not impede the payment of arrears of pensions and block the business of the office. Will not my friend, the gentleman from Pennsylvania, let this go over a week until we can examine it, or at least until it is printed in the RECORD, so we can see what it is, when, if not amenable to this objection, we will all vote for it?

Mr. HARMER. Mr. Speaker, would I lose my place for the consideration of this resolution if I allowed it to lie over until next Monday?

The SPEAKER. If the House by unanimous consent agreed to the printing of the resolution and to postpone it until next Monday, the Chair would of course recognize that order.

Mr. HARMER. Then I hope that will be done.

Mr. WHITTHORNE. No; let the resolution be passed now.

Mr. HARMER. I have no objection to that; that is, to its postponement until next Monday, if it can then be considered and acted on.

Mr. WHITTHORNE. I have no question about the merit of the resolution, and it should be voted on at once.

Mr. GARFIELD. It is a strong resolution. There are a good many points in it, and we should precisely know the scope and direction of anything which affects so nearly so large a number of suitors of the Government. I would be glad, for one, to have an opportunity to look through and see whether in my judgment it will stop the current business of payment of pensions and bounties. If it will, I should like to have it modified so it will not. If it is merely to get a better system, if it is merely to correct abuses—and I am sure my friend has that in mind—then if it is not in shape to do that, and nothing more, we can easily put it in shape. I hope, therefore, it will lie over.

Mr. WARNER. I do not understand that this resolution will impede or delay for an hour the payment of pensions or the adjustment of claims for pensions. I understand the scope of the resolution to embrace simply an inquiry into the present method of adjusting pension claims, the cause of delay, and whether fraudulent claims are allowed or not. I am in favor of the resolution; I am satisfied an inquiry will do good, and I am in favor, also, of a vote upon it at this time.

Mr. TOWNSHEND, of Illinois. I have experienced considerable trouble in ascertaining the state of claims in the Pension Office. I believe the interests of meritorious pensioners demand some inquiry of this character, and I for one desire we shall have action on the resolution at once. While I am anxious to guard the Treasury from unjust claims, I shall, however, insist upon speedy action and fair treatment of the just claims for pension of all the brave defenders of the Republic in all our past wars. If the delay and difficulty which has been experienced in the consideration of such claims is due to anything wrong in the Pension Office, or to the inefficiency of its force or the system adopted, I want it exposed and remedied.

Mr. HARMER. If an agreement such as is proposed can be arrived at, I have no objection to the resolution lying over till next Monday.

Mr. COFFROTH. I hope the House will pass the resolution. The Committee on Invalid Pensions is now overworked, the number of cases pending before that committee being very large. I hope the House will pass this resolution, and that a special committee may be organized to do the work which it requires.

Mr. KELLEY. Is debate in order?

The SPEAKER. Not if it is objected to.

Mr. KELLEY. Then I object.

Mr. WHITTHORNE. I wish to ask just one question of my friend from Pennsylvania, [Mr. HARMER,] whether the Commissioner of Pensions is in favor of this investigation or not?

Mr. HARMER. I had an interview with the Commissioner of Pensions on the matter of offering this resolution. He raised no objection whatever to it, but thought it the proper thing to do, and that Congress should take some action to relieve him from the unfortunate condition of things in his office.

The SPEAKER. The question is on suspending the rules and adopting the resolution.

Mr. WILSON. I ask that it may be again read.

The resolution was again read.

Mr. GARFIELD. I call for a division. I think we can wait till next week and act more intelligently then.

Mr. HARMER. I call for the yeas and nays.

The yeas and nays were ordered, 54 members voting therefor.

The question was taken; and there were—yeas 186, nays 54, not voting 51; as follows:

YEAS—186.

Acklen,	Davis, Joseph J.	Klotz,	Russell, W. A.
Aldrich, William	Davis, Loundes H.	Knott,	Ryan, Thomas
Andeason,	De La Matyr,	Ladd,	Ryon, John W.
Atherton,	Deering,	Le Fevre,	Sawyer,
Bailey,	Deuster,	Lewis,	Shallenberger,
Baker,	Dibrell,	Lowe,	Sherwin,
Ballou,	Dick,	Marsh,	Singleton, J. W.
Bayne,	Dunn,	Martin, Benj. F.	Smith, A. Herr
Belford,	Dunnell,	Martin, Edward L.	Smith, William E.
Beltzhoover,	Dwight,	Martin, Joseph J.	Sparks,
Berry,	Einstein,	Mason,	Speer,
Bicknell,	Elam,	McCoid,	Springer,
Blackburn,	Errett,	McGowan,	Starin,
Blake,	Farr,	McKenzie,	Steele,
Bland,	Field,	McKinley,	Stevenson,
Boyd,	Fisher,	McLane,	Stone,
Brewer,	Ford,	McMahon,	Taylor,
Briggs,	Forney,	McMillin,	Thomas,
Brigham,	Forsythe,	Miles,	Thompson, Wm. G.
Bright,	Fort,	Mills,	Townshend, R. W.
Browne,	Geddes,	Mitchell,	Tucker,
Burrows,	Gillette,	Monroe,	Turner, Oscar
Cabell,	Godshalk,	Morrison,	Turner, Thomas
Caldwell,	Goode,	Morse,	Tyler,
Calkins,	Harmer,	Morton,	Updegraff, J. T.
Camp,	Harris, John T.	Muldrow,	Updegraff, Thomas
Cannon,	Hatch,	Murch,	Upson,
Carpenter,	Hawk,	New,	Urner,
Caswell,	Hawley,	Nicholls,	Van Aernam,
Chittenden,	Hayes,	Norcross,	Vance,
Clardy,	Hazelton,	O'Connor,	Van Voorhis,
Clark, John B.	Heilman,	O'Neill,	Waddill,
Clymer,	Henderson,	Orth,	Wait,
Cobb,	Herbert,	Osmer,	Warner,
Coffroth,	Hooker,	Overton,	Washburn,
Colerick,	Hostetler,	Persons,	Weaver,
Conger,	Houk,	Phelps,	Wellborn,
Converse,	House,	Phister,	Whitthorne,
Covert,	Hull,	Pound,	Willis,
Cowgill,	Hunton,	Price,	Wilson,
Cox,	Jones,	Richardson, D. P.	Wise,
Crapo,	Jorgensen,	Richmond,	Wood, Fernando
Cravens,	Joyce,	Robertson,	Wright,
Daggett,	Kelley,	Robeson,	Yocum,
Davidson,	Kenna,	Robinson,	Young, Thomas L.
Davis, George R.	Ketcham,	Rothwell,	
Davis, Horace	Kimmel,	Russell, Daniel L.	

NAYS—54.

Aiken,	Evins,	Keifer,	Sapp,
Barber,	Felton,	Lapham,	Scales,
Beale,	Ferdon,	McCook,	Shelley,
Bliss,	Garfield,	Miller,	Simonton,
Blount,	Gunter,	Money,	Slemons,
Bowman,	Hall,	Muller,	Thompson, P. B.
Bragg,	Harris, Benj. W.	Newberry,	Tillman,
Buckner,	Haskell,	Pacheco,	Townsend, Amos
Butterworth,	Herndon,	Page,	Wells,
Carlisle,	Hill,	Poehler,	Williams, C. G.
Clark, Alvah A.	Hiscock,	Reagan,	Williams, Thomas
Cook,	Horr,	Rice,	Willits.
Crowley,	Hubbell,	Richardson, J. S.	
Culberson,	Hurd,	Samford,	

NOT VOTING—51.

Aldrich, N. W.	Frost,	Kitchin,	Singleton, O. R.
Armfield,	Frye,	Lindsey,	Smith, Hezekiah B
Atkins,	Gibson,	Loring,	Stephens,
Bachman,	Hammond, John	Lounsbery,	Talbott,
Barlow,	Hammond, N. J.	Manning,	Valentine,
Bingham,	Henkle,	Myers,	Voorhis,
Bouck,	Henry,	Neal,	Ward,
Chalmers,	Humphrey,	O'Brien,	White,
Claflin,	Hutchins,	O'Reilly,	Whiteaker,
Dickey,	James,	Pierce,	Wilber,
Ellis,	Johnston,	Prescott,	Wood, Walter A.
Ewing,	Killinger,	Reed,	Young, Casey.
Finley,	King,	Ross,	

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was adopted.

During the roll-call the following announcements were made:

Mr. BOUCK. I am paired with Mr. CLAFLIN, of Massachusetts. Mr. CLAFLIN is absent, sick.

Mr. CALKINS. I am paired with Mr. MANNING, of Mississippi. I am assured that, if present, he would vote "ay;" and as I am also in favor of the resolution, I therefore vote "ay."

Mr. HUNTON. My colleague from Virginia, Mr. JOHNSTON, is still detained from the House by sickness.

Mr. SPRINGER. Mr. MANNING, of Mississippi, is absent on account of sickness in his family. He is paired with Mr. CALKINS, of Indiana; but both gentlemen being on the same side of this question, Mr. CALKINS has voted in the affirmative.

Mr. COFFROTH. My colleague from Pennsylvania, Mr. BACHMAN, is at home attending the funeral of his mother-in-law.

Mr. MONROE. Mr. SINGLETON, of Mississippi is paired with Mr. PIERCE, of New York.

Mr. BLISS. My colleague from New York, Mr. O'REILLY, is paired with my colleague, Mr. PRESCOTT. I do not know how either gentleman would vote.

Mr. HARMER. My colleague from Pennsylvania, Mr. BINGHAM, is unavoidably absent from the House.

Mr. CLARK, of Missouri. My colleague, Mr. FROST, is at home sick.

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

Mr. DWIGHT. My colleague from New York, Mr. HAMMOND, is paired with Mr. SMITH, of New Jersey.

The result of the vote was then announced as above recorded.

DUTY ON STEEL RAILS.

The SPEAKER. The Chair, on behalf of the gentleman from New York [Mr. MORTON] who to-day presented a petition from the Union Pacific Railroad Company and others, asking for a reduction of the duty on steel rails, submits the request to the House that the petition may be referred to the Committee of Ways and Means instead of the Committee on Appropriations, the former committee having charge of that subject.

There was no objection, and it was so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 148) for the relief of D. M. Hamlin and Andrew F. Slade.

JOHN N. REED, A. D. ALEXANDER, AND OTHERS.

Mr. SPRINGER. On Friday last the House passed a bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Alexander, and others. Several amendments were made to the bill appropriating sundry amounts for the benefit of other persons. Those amendments were inserted in the body of the bill, but the aggregate amount appropriated by the bill was not changed. The aggregate as now stated in the bill is $2,852.43; with the additions of the items inserted by amendments the aggregate should be $3,029.43. Before that bill is sent to the Senate I ask unanimous consent that the error in the aggregate may be corrected.

Mr. ACKLEN. Is that the bill to which several amendments were made last Friday, appropriating other amounts for sundry persons?

The SPEAKER. It is.

Mr. ACKLEN. I suppose the error must have occurred from the amounts of those amendments not having been included in the aggregate.

The SPEAKER. As the Chair understands it, the statement of the gentleman from Louisiana [Mr. ACKLEN] is correct.

Mr. ACKLEN. I do not suppose there will be any objection to correcting that error.

There was no objection, and it was so ordered.

REPEAL OF DUTY ON SALT.

Mr. HATCH. I move to suspend the rules and pass the bill which I send to the Clerk's desk, a bill to provide for the importation of salt free of duty.

The bill was read, as follows:

Be it enacted, &c., That no duty shall be levied or collected, directly or indirectly, on the importation of salt brought into any port of the United States; but salt, fine or coarse, in bulk, or in bags, sacks, barrels, or other packages, may be imported free of duty.

SEC. 2. That all laws or regulations of the Treasury Department in conflict with this act be, and the same are hereby, removed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Mr. CONGER. Is this a report from a committee?

The SPEAKER. It is not. It is submitted in the individual right of a member of the House.

Mr. CONGER. If it is subject to objection I object to it.

The SPEAKER. The motion is to suspend the rules and pass the bill as read.

Mr. CONGER. Is a bill of this importance to be acted upon without any opportunity for debate or discussion?

The SPEAKER. Debate is not in order. If the gentleman objects to the passage of the bill his remedy is to vote in the negative.

Mr. CONGER. I think I have another remedy. I move that the House now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 84, noes 96.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 128, not voting 66; as follows:

YEAS—97.

Aldrich, N. W.	Conger,	Hayes,	Miller,
Aldrich, William	Cowgill,	Henderson,	Mitchell,
Anderson,	Crapo,	Hiscock,	Monroe,
Atherton,	Crowley,	Horr,	Morton,
Bailey,	Davis, George R.	Hubbell,	Newberry,
Ballou,	Davis, Horace	Jorgensen,	O'Neill,
Barber,	Deering,	Joyce,	Osmer,
Bayne,	Dick,	Keifer,	Overton,
Beltzhoover,	Dunnell,	Kelley,	Price,
Blake,	Dwight,	Kenna,	Rice,
Boyd,	Farr,	Lapham,	Richardson, D. P.
Brewer,	Ferdon,	Lindsey,	Robinson,
Briggs,	Field,	Martin, Benj. F.	Russell, W. A.
Brigham,	Fisher,	Mason,	Ryan, Thomas,
Burrows,	Garfield,	McCoid,	Ryon, John W.
Butterworth,	Godshalk,	McCook,	Sapp,
Camp,	Hall,	McGowan,	Shallenberger,
Carpenter,	Harmer,	McKinley,	Smith, A. Herr
Clymer,	Harris, Benj. W.	McLane,	Starin,
Coffroth,	Hawk,	Miles,	Stone,
Thompson, Wm. G.	Valentine,	Washburn,	Yocum,
Townsend, Amos	Van Aernam,	Williams, C. G.	Young, Thomas L.
Tyler,	Van Voorhis,	Willits,	
Updegraff, J. T.	Wait,	Wilson,	
Urner,	Warner,	Wise,	

NAYS—128.

Acklen,	Davis, Loundes H.	Kimmel,	Scales,
Aiken,	Deuster,	Klotz,	Shelley,
Baker,	Dibrell,	Ladd,	Sherwin,
Beale,	Dunn,	Le Fevre,	Simonton,
Belford,	Einstein,	Lewis,	Singleton, J. W.
Berry,	Elam,	Lowe,	Slemons,
Bicknell,	Evins,	Martin, Edward L.	Sparks,
Blackburn,	Ford,	McKenzie,	Speer,
Bland,	Forney,	McMahon,	Springer,
Bowman,	Forsythe,	McMillin,	Steele,
Bragg,	Fort,	Mills,	Stevenson,
Bright,	Geddes,	Money,	Taylor,
Browne,	Gillette,	Morrison,	Thomas,
Buckner,	Goode,	Morse,	Thompson, P. B.
Cabell,	Gunter,	Muldrow,	Tillman,
Caldwell,	Harris, John T.	Muller,	Townshend, R. W.
Cannon,	Hatch,	Murch,	Tucker,
Carlisle,	Hawley,	Myers,	Turner, Oscar
Caswell,	Hazelton,	New,	Turner, Thomas
Chalmers,	Henkle,	Nicholls,	Updegraff, Thomas
Clardy,	Herbert,	Norcross,	Upson,
Clark, Alvah A.	Herndon,	Orth,	Vance,
Clark, John B.	Hill,	Phelps,	Waddill,
Cobb,	Hooker,	Phister,	Weaver,
Colerick,	Hostetler,	Poehler,	Wellborn,
Converse,	Houk,	Reagan,	Wells,
Cook,	House,	Richardson, J. S.	Whiteaker,
Covert,	Hull,	Richmond,	Whitthorne,
Cox,	Hunton,	Robertson,	Williams, Thomas
Cravens,	Hurd,	Rothwell,	Willis,
Culberson,	Jones,	Samford,	Wood, Fernando
Davis, Joseph J.	Ketcham,	Sawyer,	Wright.

NOT VOTING—66.

Armfield,	Ewing,	Kitchin,	Reed,
Atkins,	Felton,	Knott,	Robeson,
Bachman,	Finley,	Loring,	Ross,
Barlow,	Frost,	Lounsbery,	Russell, Daniel L.
Bingham,	Frye,	Manning,	Singleton, O. R.
Bliss,	Gibson,	Marsh,	Smith, Hezekiah B.
Blount,	Hammond, John	Martin, Joseph J.	Smith, William E.
Bouck,	Hammond, N. J.	Neal,	Stephens,
Calkins,	Haskell,	O'Brien,	Talbott,
Chittenden,	Heilman,	O'Connor,	Voorhis,
Claflin,	Henry,	O'Reilly,	Ward,
Daggett,	Humphrey,	Pacheco,	White,
Davidson,	Hutchins,	Page,	Wilber,
De La Matyr,	James,	Persons,	Wood, Walter A.
Dickey,	Johnston,	Pierce,	Young, Casey.
Ellis,	Killinger,	Pound,	
Errett,	King,	Prescott,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. BOUCK. I am paired with Mr. CLAFLIN, of Massachusetts.

Mr. HARMER. Mr. BACHMAN is paired with Mr. WHITE.

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

Mr. DWIGHT. Mr. HAMMOND, of New York, is paired with Mr. SMITH, of New Jersey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of an act (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, with amendments in which concurrence was requested.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. No. 17) for the relief of the legal representatives of Albert Towle;

A bill (S. No. 22) for the relief of Theophilus P. Chandler;

A bill (S. No. 24) for the relief of John S. Logan and W. L. Shadwick;

A bill (S. No. 103) for the relief of Rosa Vertner Jeffreys;

A bill (S. No. 106) for the relief of sufferers by loss of the Government steamer J. Don. Cameron; and

A bill (S. No. 307) for the relief of L. C. Cantwell.

REPEAL OF DUTY ON SALT.

Mr. WILSON. I desire to make a privileged report.

Mr. HATCH. I demand the regular order of business.

The SPEAKER. The regular order being demanded, the question recurs on the motion to suspend the rules and pass the bill for the repeal of the duty on salt.

The SPEAKER stated that by the sound two-thirds did not seem to vote in favor of the suspension of the rules.

Mr. MARTIN, of Delaware. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 115, nays 116, not voting 60; as follows:

YEAS—115.

Aiken,	Blackburn,	Cabell,	Clark, Alvah A.
Anderson,	Bland,	Caldwell,	Clark, John B.
Atherton,	Blount,	Calkins,	Cobb,
Baker,	Bragg,	Cannon,	Colerick,
Beale,	Bright,	Carlisle,	Converse,
Berry,	Browne,	Chalmers,	Cook,
Bicknell,	Buckner,	Clardy,	Covert,

Cox,	Herndon,	Mills,	Slemons,
Cravens,	Hill,	Money,	Sparks,
Culberson,	Hooker,	Morrison,	Speer,
Davidson,	Hostetler,	Muldrow,	Springer,
Davis, Joseph J.	Houk,	Myers,	Steele,
Davis, Loundes H.	House,	New,	Stevenson,
Deuster,	Hull,	Nicholls,	Taylor,
Dibrell,	Hunton,	O'Connor,	Thompson, P. B.
Dunn,	Hurd,	Orth,	Tillman,
Evins,	Jones,	Phister,	Townshend, R. W.
Felton,	Kimmel,	Poehler,	Tucker,
Forney,	Knott,	Richardson, J. S.	Turner, Oscar
Forsythe,	Ladd,	Richmond,	Turner, Thomas
Fort,	Le Fevre,	Robertson,	Upson,
Geddes,	Lewis,	Rothwell,	Vance,
Goode,	Lowe,	Samford,	Waddill,
Gunter,	Marsh,	Sapp,	Wellborn,
Harris, John T.	Martin, Edward L.	Sawyer,	Wells,
Hatch,	McKenzie,	Scales,	Whitthorne,
Henderson,	McLane,	Shelley,	Willis,
Henkle,	McMahon,	Simonton,	Wood, Fernando.
Herbert,	McMillin,	Singleton, J. W.	

NAYS—116.

Acklen,	Dick,	Klotz,	Russell, William A.
Aldrich, N. W.	Dunnell,	Lapham,	Ryon, John W.
Aldrich, William	Dwight,	Lindsey,	Shallenberger,
Bailey,	Einstein,	Mason,	Sherwin,
Ballou,	Errett,	McCoid,	Smith, A. Herr
Barber,	Farr,	McCook,	Starin,
Bayne,	Ferdon,	McGowan,	Stone,
Belford,	Field,	McKinley,	Thomas,
Beltzhoover,	Fisher,	Miles,	Thompson, Wm. G.
Blake,	Frye,	Miller,	Townsend, Amos
Bowman,	Garfield,	Mitchell,	Tyler,
Boyd,	Godshalk,	Monroe,	Updegraff, J. T.
Brewer,	Hall,	Morse,	Updegraff, Thomas
Briggs,	Harmer,	Morton,	Urner,
Brigham,	Harris, Benj. W.	Murch,	Valentine,
Burrows,	Hawk,	Neal,	Van Aernam,
Butterworth,	Hawley,	Newberry,	Voorhis,
Camp,	Hayes,	Norcross,	Van Voorhis,
Carpenter,	Hazelton,	O'Neill,	Wait,
Caswell,	Hiscock,	Osmer,	Warner,
Clymer,	Horr,	Overton,	Washburn,
Coffroth,	Hubbell,	Page,	Wilber,
Conger,	James,	Phelps,	Williams, C. G.
Cowgill,	Jorgensen,	Price,	Willits,
Crapo,	Joyce,	Reagan,	Wilson,
Crowley,	Keifer,	Rice,	Wise,
Davis, George R.	Kelley,	Richardson, D. P.	Wright,
Davis, Horace	Kenna,	Robeson,	Yocum,
Deering,	Ketcham,	Robinson,	Young, Thomas L.

NOT VOTING—60.

Armfield,	Finley,	Kitchin,	Ross,
Atkins,	Ford,	Loring,	Russell, Daniel L.
Bachman,	Frost,	Lounsbery,	Ryan, Thomas
Barlow,	Gibson,	Manning,	Singleton, O. R.
Bingham,	Gillette,	Martin, Benj. F.	Smith, Hezekiah B.
Bliss,	Hammond, John	Martin, Joseph J.	Smith, William E.
Bouck,	Hammond, N. J.	Muller,	Stephens,
Chittenden,	Haskell,	O'Brien,	Talbott,
Claflin,	Heilman,	O'Reilly,	Ward,
Daggett,	Henry,	Pacheco,	Weaver,
De La Matyr,	Humphrey,	Persons,	White,
Dickey,	Hutchins,	Pound,	Whiteaker,
Elam,	Johnston,	Prescott,	Williams, Thomas
Ellis,	Killinger,	Pierce,	Wood, Walter A.
Ewing,	King,	Reed,	Young, Casey.

So (two-thirds not having voted in favor thereof) the rules were not suspended and the bill was not passed.

During the roll-call the following announcements were made:

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine. If he were present, I should vote in the affirmative.

Mr. MULDROW. My colleague, Mr. MANNING, is absent on account of sickness in his family. If he were present, he would vote in the affirmative.

Mr. ELAM. I am paired with Mr. MARTIN, of West Virginia.

Mr. WILLIAMS, of Alabama. I am paired with Mr. RYAN, of Kansas.

Mr. BOUCK. I am paired with Mr. CLAFLIN, who is absent on account of sickness. If he were present, I should vote "ay."

Mr. CALKINS. I am paired with Mr. MANNING, of Mississippi; but I am assured he would vote in the affirmative, and I therefore record my vote.

Mr. HARMER. Mr. BINGHAM is paired with Mr. KING, of Louisiana.

Mr. HENKLE. Mr. TALBOTT is detained unavoidably from the sitting of the House.

Mr. HILL. My colleague, Mr. FINLEY, is paired with Mr. BRIGGS, of New Hampshire.

The vote was then announced as above recorded.

HONG-KONG CONSULATE.

Mr. HUNTON entered a motion to reconsider the vote taken this morning in reference to the consulate at Hong-Kong; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES B. WELCH.

On motion of Mr. FISHER, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of papers in reference to the bill (H. R. No. 201) for the relief of John B. Welch; and the same were referred to the Committee of Claims.

HARBOR AT DELAWARE BREAKWATER.

Mr. MARTIN, of Delaware. I move to suspend the rules and pass a bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater.

Mr. SPRINGER. I move the House adjourn.

The SPEAKER. The effect of that motion will be to take this over to Monday next.

Mr. SPRINGER. I withdraw the motion to adjourn.

Mr. MARTIN, of Delaware. Let the bill be read.

The Clerk read as follows:

A bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater.

Be it enacted by the Senate and House of Representatives, &c., That the Secretary of War be, and he is hereby, directed to cause to be removed from the harbor at the Delaware breakwater and the entrance thereto and in the main ship-channel of the Delaware Bay and River several vessels which were sunk in the year 1877, and now forming obstructions endangering the safety of vessels entering said harbor; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

Mr. CONGER. Mr. Speaker, there should be inserted in that bill a clause providing for giving reasonable notice to the owners of said vessels to remove the same. I do not think the Government should assume the liability of removing these vessels until such notice has been given to their owners.

Mr. O'NEILL. There may be some difficulty in finding some of these owners. The bill is just, however, and should be passed.

Mr. MARTIN, of Delaware. In response to the statement of the gentleman from Michigan, I have only to say that I imagine there never will be any claim made against the Government of the United States on the part of the owners of these vessels.

Mr. HARRIS, of Virginia. Then why not accept the amendment of the gentleman from Michigan?

Mr. MARTIN, of Delaware. I have no objection to accept the amendment if that will secure the passage of the bill.

Mr. CONGER. Then I suggest the insertion of the words "that reasonable notice shall be given to the owners of these vessels to remove the same."

Mr. REAGAN. That does not remove the difficulty. There must be authority given to the Government. After notice has been given these vessels must be declared derelict so as to avoid any claim on the part of their owners.

Mr. MARTIN, of Delaware. Mr. Speaker, these vessels were sunk three or four years ago in the main channel of the harbor at the Delaware breakwater, and they have ever since been subjected to the action of the water and the ravages of insects until they have now become utterly worthless hulks. These hulks obstruct the entrance to that important harbor, upon which the Government of the United States has expended over $3,000,000 in its construction. The number of vessels and the value of the commerce making use of this harbor are enormous, and unless steps be taken at once to remove these obstructions the expenditure hitherto made from the Treasury might as well have been thrown into the sea.

The SPEAKER. Debate is not in order.

Mr. FORT. This bill should go to the Committee on Commerce.

Mr. MARTIN, of Delaware. It has been already before the Committee on Commerce. It passed this House and the Senate in the Forty-fifth Congress, but was, through some inadvertence, dropped out of the conference report adopted at that time. The United States Engineer reports that unless this work of removing these obstructions is done immediately the harbor will become valueless.

The SPEAKER. The Chair understands the gentleman from Delaware to accept the modification suggested by the gentleman from Michigan.

Mr. MARTIN, of Delaware. Certainly, if that is the only objection to the bill.

Mr. REAGAN. I rise for the purpose of suggesting that the provision be extended so that notice shall be given that if the owners of these wrecks do not raise them the Government will raise them and sell what is reclaimed.

Mr. CONGER. I move to insert the words "after reasonable notice to the owners of such vessels to remove the same."

The SPEAKER. Those words will be inserted as a modification of the bill.

Mr. REAGAN. The object of giving notice is that if the owners do not remove the vessels then the Government shall treat them as derelict property, and become the owner of them when they are raised.

Mr. MARTIN, of Delaware. I call for the regular order of business.

The rules were suspended, two-thirds having voted in favor thereof, and the bill was passed.

And then, on motion of Mr. BLOUNT, (at four o'clock and two minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ACKLEN: The petitions of G. Jordan, vice-president and general manager Houston and Texas Railroad; of H. M. Hoxie, vice-president and manager Galveston, Houston and Henderson Railroad;

of Peyton Randolph, general superintendent of W., C. V., M. and G. S. Railroad; of H. M. Hoxie, general superintendent International and Great Southern Railroad; of Charles P. Ball, general superintendent of Alabama and Great Western Railroad; of J. A. Woodson, general superintendent of Little Rock, M. R. and T. Railroad; of John M. Bridges, superintendent Alabama Central Railroad; of Edward L. Tyler, vice-president Mobile and Montgomery Railroad, to relieve interstate freights and passengers from the restrictions of State and local quarantines—to the Committee on Commerce.

By Mr. AIKEN: The petition of citizens of Washington, District of Columbia, for the incorporation of Lincoln Lodge, No. 2, Brotherhood of Labor—to the Committee for the District of Columbia.

By Mr. WILLIAM ALDRICH: The petition of Ann Atkinson, for a pension—to the Committee on Revolutionary Pensions.

By Mr. ANDERSON: The petition of citizens of Smith County, Kansas, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BAILEY: Papers relating to the claim of John Ahearn for pay for supplies furnished the United States Army during the late war—to the Committee on War Claims.

By Mr. BAKER: The petition of Abner F. Pinchen and 70 others, late soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of the Union Soldiers' Association of Butler, Indiana, that soldiers and sailors of the late war be paid the difference between the value of their pay at the time they received it and coin—to the Committee of Ways and Means.

By Mr. BEALE: The petition of William H. Pinn, for pay for services rendered as a laborer in the Forty-fourth and Forty-fifth Congresses—to the Committee of Claims.

Also, memorial of the mayor and common council of Fredericksburgh, Virginia, for an appropriation to improve the Rappahannock River—to the Committee on Commerce.

By Mr. BLACKBURN: The petition of Sarah K. T. Baker, for compensation for rent and for wood used by United States officials during the late war—to the Committee on War Claims.

By Mr. BLISS: Papers relating to the bill providing for the erection of certain public buildings in Brooklyn, New York—to the Committee on Public Buildings and Grounds.

Also, the petition of Joseph Bamberger, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. BRAGG: The petition of soldiers of Wisconsin, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of soldiers of Wisconsin, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BRIGGS: Petition of Harriet P. Blake, for a pension—to the same committee.

By Mr. BRIGHT: Papers relating to the claim of the Presbyterian church in Murfreesborough, Tennessee, for pay for church building taken down and used by United States authorities during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Newcomb Thompson for pay for property destroyed by United States authorities during the late war—to the same committee.

Also, the petition of William Lowery, to be restored to the pension-roll—to the Committee on Invalid Pensions.

By Mr. CABELL: The petitions of citizens of Henry and Patrick Counties, Virginia, for the establishment of a post-route from Taylorsville, via Gunville, to Angelic Falls, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL: Papers relating to the claims of Volney S. Boisseau, of A. Drain, of Logan M. Dishman, of Asberry Dawson, of James Herndon, of W. L. Hadspeth, of William A. McElwain, and of W. L. Peddicord, (accompanied by draughts of bills,) for compensation for property taken for the use of the United States Army during the late war—to the Committee on War Claims.

By Mr. CALKINS: The petition of S. T. Hale and others, for the establishment of a post-route from New Carlisle, Indiana, to Three Oaks, Michigan—to the Committee on the Post-Office and Post-Roads.

Also the petition of Captain S. P. Connor, for a change in the law relative to fees of postmasters—to the same committee.

Also, the petition of Isaac T. Lloyd, W. H. West, and 30 other ex-Union soldiers and citizens of Hanna Township, La Porte County, Indiana, for the payment to said soldiers of the difference between gold and silver and greenbacks during the years 1861-'65—to the Committee on Military Affairs.

Also, the petition of Lewis N. Gooden and other ex-Union soldiers of Union Mills, Indiana, of similar import—to the same committee.

Also, the petition of ex-soldiers and pensioners, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill to provide for removing obstructions and the improvement of navigation of the Colorado River in the Territory of Arizona—to the Committee on Commerce.

By Mr. CARLISLE: Papers relating to the claims of John Armstrong and L. M. Northcutt for pay for property taken and destroyed by the United States Army during the late war—to the Committee on War Claims.

By Mr. CARPENTER: Papers relating to the Indian depredation claim of Gustave Elsberg and Jacob Amberg—to the Committee on Indian Affairs.

Also, the petitions of citizens of Buena Vista County, Iowa, and of the board of supervisors of Lyon County, Iowa, to have Sioux City made one of the places for holding the district and circuit courts for the district of Iowa—to the Committee on the Judiciary.

By Mr. CLARDY: The petition of Eugene F. Weigle and other soldiers of the United States in the late war of the rebellion, against the passage of the so-called Weaver bill—to the Committee on Military Affairs.

By Mr. COBB: A bill appropriating $75,000 for the improvement of White River, in the State of Indiana—to the Committee on Commerce.

Also, resolutions of the Mexican Veteran Association of the State of Indiana, adopted at a meeting held at Indianapolis on the 8th of January, 1880, relating to pensioning Mexican soldiers—to the Committee on Invalid Pensions.

Also, a bill appropriating $250,000 for the improvement of the Wabash River—to the Committee on Commerce.

By Mr. COFFROTH: The petition of Union soldiers of Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. COOK: The petition of citizens of Georgia, for a post-route from Vienna to Redfields, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. COVERT: The petition of S. L. M. Barlow and others, for the improvement of Hempstead Harbor, New York—to the Committee on Commerce.

By Mr. COX: The petition of Jonas P. Levy, of New York, for indemnity and remuneration for losses sustained by him in Mexico—to the Committee on Foreign Affairs.

Also, the petition of manufacturers and merchants of the city of New York, for the passage of an act of Congress to give effect to the treaty obligations of the United States in relation to trade-marks—to the Committee on the Judiciary.

By Mr. CRAPO: The petition of George S. P. Bradford, that the pay of ordnance-sergeants be fixed at $75 per month; that assimilated rank be given to them and provision made for retiring them after a given period of service—to the Committee on Military Affairs.

By Mr. DAVIDSON: The petition of John P. Wall, mayor of the city of Tampa, Florida, and 112 others, for an appropriation for the improvement of the mouth of Hillsborough River and Tampa Bay, Florida—to the Committee on Commerce.

Also, the petition of T. P. Bradley, J. B. Carrin, and 50 others, citizens of Taylor County, Florida, for the establishment of a post-route from Cedar Keys to Deadman Bay, Florida—to the Committee on the Post-Office and Post-Roads.

Also, a bill making an appropriation for the improvement of the Suwannee River in the State of Florida—to the Committee on Commerce.

Also, a bill making an appropriation for the improvement of the harbor at Cedar Keys, Florida—to the same committee.

Also, a bill making an appropriation for the improvement of the harbor at Pensacola Florida—to the same committee.

Also, a bill making an appropriation for the improvement of the Caloosahatchee River, Florida—to the same committee.

Also, a bill making an appropriation for the improvement of the mouth of Apalachicola River and Bay in the State of Florida—to the same committee.

Also, a bill making an appropriation for the improvement of Tampa Bay and the mouth of Hillsborough River, in the State of Florida—to the same committee.

Also, a bill making an appropriation for the improvement of the Escambia River in the State of Florida—to the same committee.

Also, the petition of A. J. Murat, collector of customs, and 165 other citizens of Apalachicola, Florida, for an appropriation for the improvement of Apalachicola Bay—to the same committee.

By Mr. HORACE DAVIS: The petition of citizens of San Francisco, California, for the establishment of a fog-horn at Fort Point—to the Committee on Appropriations.

By Mr. LOUNDES H. DAVIS: Papers relating to the claim of Lindsay Murdoch for salary and fees as collector of internal revenue—to the Committee of Ways and Means.

By Mr. DEERING: The petition of 61 soldiers of Chickasaw County, Iowa, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. DIBRELL: The petition of O. M. Thurman, of Tennessee, for compension for supplies furnished the United States Army during the late war—to the Committee on War Claims.

Also, the petition of George W. Lemons, for an increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Jasper Isom, for a pension—to the same committee.

By Mr. DICK: Papers relating to the claim of Charles Hoffman for pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. DUNNELL: The petitions of E. H. S. Dartt and 50 others and of George F. Pixley and 10 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of E. B. Grant and 10 others, for the equalization of bounties—to the Committee on Appropriations.

Also, the petition of George F. Pixley and 10 others, of Minnesota, for the passage of the interstate commerce railroad bill—to the Committee on Commerce.

Also, the petition of S. H. Grannis and 70 others, of Blue Earth County, Minnesota, that a pension be granted to J. H. Thew—to the Committee on Invalid Pensions.

By Mr. DWIGHT: The petition of George Grant, John E. Schuyler, and 18 other citizens of Schuyler County, New York, that the payments made to soldiers in greenbacks be made equal to gold, with interest compounded semi-annually from the time of payment—to the Committee on Banking and Currency.

By Mr. ELAM: The petition of Dr. J. B. Sullivan, that the Committee of Claims be authorized to review his claim for property taken by the United States Army—to the Committee on War Claims.

By Mr. FERDON: The petition of ex-soldiers of New York, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. FIELD: The petition of the Boston Marine Society, of Boston, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

By Mr. FORT: The petition of Daniel Robinson and other ex-soldiers, for additional pay to the extent of the difference between greenbacks and gold—to the Committee on Military Affairs.

By Mr. FRYE: The petition of James W. Chaplin, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Jerry Foley, of Lewiston, Maine, for restoration to the rolls and an honorable discharge from the Army—to the Committee on Military Affairs.

Also, the petition of T. J. Southard and others, at Richmond, Maine, for certain improvements in the Kennebeck River—to the Committee on Commerce.

Also, the petition of Betsey Elwill, for a pension—to the Committee on Revolutionary Pensions.

By Mr. GARFIELD: The petition of James W. Lang and 68 others, citizens of Kenton, Ohio, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. GOODE: Papers relating to the claim of Elizabeth F. Page, widow of Captain Hugh N. Page, formerly of the United States Navy, for a certain sum of money due her late husband—to the Committee on Naval Affairs.

By Mr. HALL: The petitions of R. O. Greenleaf, J. F. Blackburn, and 20 others, citizens of New Hampshire, and of 53 others, citizens of the United States, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. JOHN T. HARRIS: The petition of Mrs. Ann Peck, for a pension—to the Committee on Invalid Pensions.

By Mr. HASKELL: A paper relating to the manner of electing and counting the votes for President and Vice-President of the United States—to the Committee on the state of the laws respecting ascertainment and declaration of result of the election of President and Vice-President.

Also, the petition of C. Geiselman and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Military Affairs.

By Mr. HATCH: The petition of ex-soldiers of the United States Army in the late war, of Macon County, Missouri, of similar import—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of 50 ex-soldiers of Illinois, of similar import—to the same committee.

By Mr. HENKLE: The petition of Major Josiah B. Colony, for arrears of pension—to the same committee.

Also, resolutions of the corporation of Annapolis, Maryland, asking the erection in Annapolis of a monument to the memory of Baron De Kalb—to the Committee on the Library.

By Mr. HOOKER: A bill for the improvement of the navigation of the Big Black River in the State of Mississippi—to the Committee on Commerce.

By Mr. HOSTETLER: The petition of soldiers of the late war, of Centre Point, Indiana, to be paid the difference between the value of greenbacks, at the time of payment, and gold, with 6 per cent. interest, compounded semi-annually—to the Committee on Military Affairs.

By Mr. HULL: Memorial from the mayor and council of the town of Tampa, Florida, in relation to the channel at that place, and asking for an appropriation—to the Committee on Commerce.

By Mr. HURD: The petition of Howard Chamberlain and others, of Arcadia, Ohio, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. JOYCE: The petition of George W. Hendee, ex-governor, and others, citizens of Vermont, for an appropriation to build a monument at Yorktown, Virginia—to the Committee on Yorktown Celebration.

By Mr. KNOTT: The petition of John C. Mattingly and others, of Cloverport, Kentucky, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of Patrick Rooney and others, of New Haven, Kentucky, of similar import—to the same committee.

By Mr. LADD: The petition of citizens of Presque Isle, Maine, for the improvement of Aroostook River—to the Committee on Commerce.

Also, the petitions of citizens of Fort Fairfield and of citizens of Caribou, Maine, for the improvement of the channel of Aroostook River—to the same committee.

By Mr. LAPHAM: The petition of Captain John Whiteford, for pay as a captain in the United States Army from September 1, 1863, to May 16, 1864—to the Committee on Military Affairs.

By Mr. MASON: The petition of Martin W. Gibbs, N. A. Beadle, John F. Box, and 41 other ex-soldiers of the war for the Union, of Oswego County, New York, for the passage of the equalization of bounty bill—to the same committee.

By Mr. McCOID: The petition of soldiers of Iowa, for additional pay for services during the late war—to the same committee.

By Mr. McKINLEY: The petition of Alfred Wright, president of Alliance and Lake Erie Railroad, that the duty on steel rails may be made specific and not exceed $10 per ton—to the Committee of Ways and Means.

By Mr. McKENZIE: The protest of soldiers of Ohio County, Kentucky, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. McMAHON: The petitions of Barry T. Campbell and Michael Sex, for pensions—to the same committee.

By Mr. MITCHELL: The petition of Captain Seth Lewis and 51 other ex-Union soldiers of Potter County, Pennsylvania, against the passage of Senate bill No. 496, proposing a change in the method of settling pension claims—to the same committee.

By Mr. MORSE: The petition of the Marine Society of Boston, Massachusetts, for the improvement of Scituate Harbor, Massachusetts—to the Committee on Commerce.

By Mr. MORTON: The petition of the Union Pacific, the Kansas Pacific, the Denver Pacific, the Colorado Central, the Utah Northern, and other railway companies, for the reduction of the duty on steel rails to $10 per ton—to the Committee on Appropriations.

By Mr. MULLER: The petition of John T. Neale, for a pension—to the Committee on Invalid Pensions.

By Mr. MURCH: The petition of 46 citizens of New York, who served in the Army and Navy, that they be paid the difference between their pay in depreciated paper and gold—to the Committee on Military Affairs.

By Mr. NEWBERRY: The petition of James McMillan and 40 others, citizens of Detroit, and of C. C. Drake and 170 citizens of Wayne County, Michigan, for the passage of an act authorizing the construction of a bridge across the Detroit River at Detroit, Michigan—to the Committee on Commerce.

Also, the petition of Joseph Sawyer, for pay for property lost on the steamer Tawah, destroyed during the war—to the Committee on Naval Affairs.

By Mr. NICHOLLS: Memorial of the city council and citizens of the city of Saint Mary's, Georgia, for an appropriation to improve the bar and harbor of St. Mary's, Georgia—to the Committee on Commerce.

Also, a bill to appropriate $100,000 for the improvement of the bar and harbor of Saint Mary's, Georgia—to the same committee.

By Mr. O'CONNOR: Memorial of citizens of South Carolina, asking for aid in the construction of a ship-canal across "Charleston Neck," Charleston, South Carolina, uniting the waters of the Ashley and Cooper Rivers—to the Committee on Railways and Canals.

By Mr. O'NEILL: The petition of C. Boyd, late captain Seventeenth Regiment United States Infantry, and brevet lieutenant-colonel United States Army, for restoration to the Army—to the Committee on Military Affairs.

By Mr. OVERTON: The petition of Charles L. Finney and 42 other ex-volunteer soldiers of Wyoming County, Pennsylvania, against the passage of Senate bill 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Henry C. De Ahna, that he be paid the pay and emoluments for the full term to which he was appointed as collector of customs in Alaska Territory—to the Committee on Appropriations.

By Mr. PHISTER: The petition of Robert Bryant, of Lawrence County, Kentucky, and 145 others, that a pension be granted said Bryant—to the Committee on Invalid Pensions.

Also, the petition of Aaron Burton and 165 others, citizens of Carter County, Kentucky, that a pension be granted said Burton—to the same committee.

Also, the petition of S. Roberts and 118 others, citizens of Lawrence County, Kentucky, for a pension for Nancy Ball—to the same committee.

Also, the petition of James F. Castle and 184 others, of Carter County, Kentucky, that a pension be granted said Castle—to the same committee.

By Mr. POEHLER: The petition of C. B. Jackson, Coleman Bloomer, and 28 others, Union soldiers in the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. POUND: The petition of Thomas Roberts and 17 others, ex-soldiers, of Wisconsin, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of the Women's Anti-Polygamy Society of Utah Territory, that GEORGE Q. CANNON, Delegate from said

Territory, be expelled from the House of Representatives, for alleged violations of the laws relating to polygamy—to the Committee on the Judiciary.

By Mr. REAGAN: The petition of 128 citizens of Texas, for an appropriation of $100,000 for the improvement of Sabine Pass, Texas—to the Committee on Commerce.

Also, the petition of the Louisiana Pilots' Association, against the passage of any law changing the present laws regulating their duties—to the same committee.

By Mr. JOHN S. RICHARDSON: The petition of citizens of South Carolina, for the establishment of a marine hospital at Georgetown, South Carolina—to the Committee on Naval Affairs.

Also, the petition of citizens of South Carolina, for an appropriation for the improvement of the Waccamaw River—to the Committee on Commerce.

Also, the petition of citizens of South Carolina, for the removal of obstructions in Georgetown Harbor and in the Pedee and Waccamaw Rivers—to the same committee.

By Mr. ROTHWELL: The petition of Harris & Hodge, for pay for carrying United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. RUSSELL: The petition of Henry C. Richardson, for compensation for property captured from him by Nez Percé Indians—to the Committee on Indian Affairs.

Also, the petition of Nathaniel Spooner and others, to make Scituate Harbor, Massachusetts, a harbor of refuge—to the Committee on Commerce.

By Mr. SHERWIN: The petition of soldiers of Garden Prairie, Illinois, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of Asa Cobb and 30 others, of Batavia, Illinois, for the equalization of bounties—to the same committee.

By Mr. SIMONTON: The petition of L. A. Williams, and others, for a post-route from Covington to Randolph, Tennessee—to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Kenton, Tennessee, for the passage of the Reagan railroad bill—to the Committee on Commerce.

By Mr. JAMES W. SINGLETON: Memorial of the mayor, common council, and citizens of Quincy, Illinois, for an adequate appropriation to improve the harbor at Quincy—to the same committee.

By Mr. SPEER: Memorial of W. P. Price, president, and trustees of the North Georgia Agricultural College, to be relieved from responsibility for the loss of certain arms and ordnance stores of the United States destroyed by fire—to the Committee on Military Affairs.

By Mr. SPRINGER: The petition of James B. Wright and others, citizens of Christian County, Illinois, for the passage of laws to alleviate the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petitions of S. H. Gold, John Henderson, and others, of Morgan County, Illinois; of the Grand Army of the Republic of Petersburgh, Illinois, and of James Payne, of Plainview, Illinois, and others, soldiers of the late war, against the passage of Senate bill No. 496, increasing the number of pension surgeons—to the Committee on Invalid Pensions.

Also, the petition of James B. Wright and others, citizens of Christian County, Illinois, for the passage of acts amending the patent laws—to the Committee on Patents.

By Mr. STARIN: The petition of 21 citizens and ex-soldiers of Saratoga County, New York, against the passage of the sixty district courts bill, known as Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of citizens of De Witt County, Illinois, for the passage of a bill granting pensions to soldiers of the Black Hawk war—to the same committee.

By Mr. STONE: The petition of M. Richmond and 19 others, citizens of Michigan, late Union soldiers, against the passage of Senate bill No. 496, relating to pension claims—to the same committee.

By Mr. TAYLOR: The petition of Hannah E. Oliver, for a pension—to the same committee.

By Mr. THOMAS: The petition of G. W. Burton and other soldiers of Illinois, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. P. B. THOMPSON, JR.: The petition of James S. Chrisman, to be reimbursed expenses incurred in his contested-election case in the Thirty-sixth Congress—to the Committee of Claims.

Also, the petition of citizens of Pulaski County, Kentucky, for the establishment of an additional judicial district in the State of Kentucky—to the Committee on the Judiciary.

Also, the petition of Allen G. Bernard, for a pension—to the Committee on Invalid Pensions.

Also, the petition of A. M. Judd, administrator of Job Sharp, for pay for quartermaster stores taken for the use of the United States Army during the late war—to the Committee on War Claims.

By Mr. WILLIAM G. THOMPSON: The petition of James B. Henderson and 22 others, soldiers of the late war, for the equalization of pay—to the Committee on Military Affairs.

By Mr. TUCKER: Papers relating to the claim of J. H. Rives for pay of expenses incurred in collecting the public revenues—to the Committee of Ways and Means.

Also, papers relating to the claim of Charles W. Button for compensation for advertising property levied on by United States revenue officials—to the Committee of Claims.

Also, papers relating to the claim of John Kelly for compensation for property taken by United States forces during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Moses Lacy for pay of rent of property occupied by the Quartermaster's Department of the United States Army during the late war—to the same committee.

Also, papers relating to the claim of John P. Wright for pay for publishing proposals for carrying United States mails—to the Committee of Claims.

By Mr. THOMAS TURNER: The petition of citizens of New Castle, Kentucky, for the improvement of the Kentucky River—to the Committee on Commerce.

By Mr. URNER: Papers relating to the claim of William M. Maynadier to be reimbursed an amount of money stolen from his safe belonging to the Government while he was a paymaster in the United States Army—to the Committee on Military Affairs.

By Mr. WAIT: The petition of L. Blackstone and others, against the further extension of the iron cotton-tie buckle patent—to the Committee on Patents.

By Mr. WARNER: The petition of John Bareman, of Monroe County, Ohio, and 200 others, for the amendment of the revenue laws so as to permit the manufacture of apple-jack from one's own orchard and for one's own use without a license—to the Committee of Ways and Means.

Also, the petition of Thomas Battin, for an increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Isaac Norman and 33 others, assistant messengers and laborers on the pay-roll of the Treasury Department of the United States, to be paid as messengers and assistant messengers, according to the actual service they perform—to the Committee on Appropriations.

Also, the petition of J. M. Groce and 39 others, soldiers of Washington County, Ohio, to be placed on an equal footing with those who loaned the Government money by having their pay made equal to gold—to the Committee on Military Affairs.

Also, the petition of R. R. Dawes and others, citizens of Marietta, Ohio, for donation of four condemned cannon for the soldiers' monument at Marietta, Ohio—to the same committee.

By Mr. WEAVER: The petitions of William Brandon, of Charles City, Iowa, and 47 others; of Isaac Sleppy, of Nolo, Pennsylvania, and 122 others; of W. J. Stowe, of Fulton Star, Kansas, and 33 others; of R. H. Bower, of Tiffin, Ohio, and 14 others; of G. L. Brown, of Beaver Meadows, New York; of T. L. Howe, of Chillicothe, Illinois, and 103 others; of J. W. Thompson, of Princeton, Illinois, and 31 others; of Jacob Free, of Caldwell, Kansas, and 39 others; of Adam Mancker, of Rock Island, Illinois, and 6 others; of O. H. Swingley, of Mount Morris, Illinois, and 19 others; of William E. Munn, of Thayer, Kansas, and 12 others; of John C. Taylor, of Irwin, Pennsylvania, and 47 others; of A. O. Knod, of Mount Morris, Illinois, and 13 others; of W. D. Lomax, of Abingdon, Kansas, and 177 others; of B. E. Scott, of Fountain, Kentucky, and 69 others; of Daniel Wilkins, of Rock Island, Illinois, and 32 others; of Abram Van Patton, of Malta, Illinois, and 40 others; of J. H. Horton, of Ithaca, New York, and 114 others; of N. W. Currier, of Halford, New York, and 40 others; of Henry Saar, of Cayotte, Kansas, and 40 others; of J. Carro, of Scottsville, Kansas, and 33 others; of Dennis McSweeney, of Atwood, Pennsylvania, and 50 others; of Horatio T. Slater, of North Pharsalia, New York, and 8 others; of A. J. Roberts, of Cedar Rapids, Iowa, and 50 others; of J. B. Barnard, of Garrettville, Ohio, and 30 others; of Hezekiah Gidsperan, of Scottsville, Kentucky, and 40 others; of N. J. Lytle, of Newton, Iowa, and 51 others; of Luke H. Carrington, of Whitehall, New York, and 18 others; of William H. Baker, of Dresserville, New York, and 30 others; of Jacob Birch, of Arcanum, Ohio, and 34 others; of John H. Lack, of Spearville, Kansas, and 15 others; of Philip Alleman, of Cleveland, Ohio, and 80 others; of William Waye, of Portsmouth, Michigan, and 30 others; of James H. Hosey, of Woodbury, Kentucky, and 38 others; of Leonard H. Pursell, of Jewell, Kansas, and 51 others; of S. P. Tufts, of Centralia, Illinois, and 30 others; of S. B. Brown, of Jewell, Kansas, and 9 others; of L. A. Saim, of Jewell, Kansas, and 4 others; of Robert Highland, of Venita, Indian Territory, and 10 others; of Daniel Rice, of Fairmount, Illinois, and 9 others; of T. D. Mayhem, of Point Peninsula, New York, and 29 others; of William Ogden, of Ogden, Illinois, and 10 others; of William H. Carroll, of Havensville, Kansas, and 33 others; of D. L. Sims, of Riverside, Iowa, and 26 others; of Solomon M. King, of Illinois, and 44 others; of A. D. Strong, of Ashtabula, Ohio, and 8 others; of H. P. Lamson, of Warsaw, Indiana, and 134 others; of James O. Harshnis, and 17 others; of Joseph Cooper, of Rock Island, Illinois, and 8 others; of J. W. Davis, and 13 others; of W. R. Ledford, of Martinstown, Iowa, and 23 others; of Oliver D. Tripp, of London, Illinois, and 15 others; of Alfred Smith, of Pennsylvania, and 29 others; and of John G. Towney, of Dayton, Ohio, and 927 others, that the soldiers and sailors of the late war may be placed on an equal footing with the holders of Government bonds—to the Committee on Military Affairs.

Also, the petition of B. E. Sargeant, of Mount Pulaski, Illinois, for pay for services rendered as a soldier in the late war of the rebellion—to the Committee of Claims.

Also, the petition of Elizabeth Graves, for a pension—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The petition of George S. Nevils, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of J. B. Cypert, guardian, &c., for a pension—to the Committee on Invalid Pensions.

Also, the petition of Allen Vandiver and others, citizens of Lewis County, Tennessee, for a post-route from Newburgh to Tony, in said county—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: The petition, and papers relating thereto, of Mary Griffith, for a pension—to the Committee on Invalid Pensions.

By Mr. WILLITS: Papers relating to the pension claim of Margaret Mills—to the same committee.

By Mr. WILSON: The petition of Henry Howell and others, soldiers, opposing the passage of Senate bill No. 496, relating to pension claims—to the same committee.

By Mr. FERNANDO WOOD: The petition of Catharine Silvey, for a pension—to the same committee.

By Mr. WALTER A. WOOD: The petition of citizens of New York, against the passage of Senate bill No. 496, relating to pension claims—to the same committee.

By Mr. YOCUM: The petition of soldiers of the Union Army, to be placed on the same footing with the bondholder—to the Committee on Military Affairs.

Also, the petition of Martin Philips and 16 others, soldiers of the Union Army, of similar import—to the same committee.

IN SENATE.

TUESDAY, *January* 13, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

WILLIAM PINKNEY WHYTE, a Senator from the State of Maryland, appeared in his seat to-day.

EULOGIES ON SENATOR CHANDLER.

Mr. FERRY. Mr. President, I desire to state that it was my expectation to ask the Senate to set apart Thursday of this week for the delivery of eulogies upon the life and character of my late colleague, Zachariah Chandler. To meet the convenience and request of several gentlemen who desire to participate, the time will be deferred. I will at an early period ask the Senate to designate some other day for the eulogies to be delivered.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting letters from the First Assistant Postmaster-General, the superintendent of the money-order system, the disbursing clerk, and the superintendent of the Post-Office Department, recommending an appropriation of $101,036.30 to cover various specified deficiencies in the appropriations for that Department; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, calling the attention of Congress to an extract from a report of the Adjutant-General, recommending that the appropriation "for the purpose of examining the rebel archives and having copies furnished for the Government" be increased; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the memorial of A. J. Cottrell and others, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of C. W. Hill and others, citizens of Iowa, praying for the passage of a law granting a pension to Samuel Moore, late a private in Company A, Thirty-seventh Regiment Iowa Volunteer Infantry; which was referred to the Committee on Pensions.

He also presented the petition of the Grand Lodge of Good Templars of the State of Iowa, officially signed, representing a membership of six thousand, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois, presented the petition of L. D. White and others, citizens and business men of Quincy, Illinois, praying for a reduction of the duty on zinc; which was referred to the Committee on Finance.

Mr. BUTLER presented the petition of Thomas W. Lang, James Chestnut, and 158 other citizens of South Carolina, praying an appropriation to remove obstructions in and to straighten the channel of the Wateree River, in that State; which was referred to the Committee on Commerce.

Mr. KERNAN. Mr. President, I present a petition of citizens of the State and city of New York, praying the passage of the joint resolution pending before a committee of this body which provides that after its passage United States Treasury notes shall not be a legal tender in payment of private debts. This petition, as I have had the names counted, is signed by over fifteen hundred individuals and firms. The petitioners are of all classes of our citizens, I believe. It is signed by Lucius Robinson, the late governor; by Sanford E. Church, the chief-justice, and other justices, of both political parties, of the court of appeals, and by citizens engaged in various kinds of business, and who are interested in almost all our varied business industries. They represent, I believe, largely all classes of our people, and nearly all the business industries of our State. Indeed I think I may state that this petition represents the views of a majority of the citizens of the State of New York, and of its great commercial city. The memorialists are of the two principal political parties. They state in substance in this memorial that they believe the measure referred to if enacted into a law would encourage every legitimate business enterprise; would revive confidence in permanent investments, give extended employment to laborers in all industrial pursuits, and secure them a just reward for their toil; and that it would be a sheet-anchor to stability in every department of business, and discourage that spirit of uncertainty which breeds disastrous fluctuations in prices. I move that the petition be referred to the Committee on Finance, and I ask for it that consideration which it seems to me the character of the signers of all classes entitles it to receive.

The motion was agreed to.

Mr. SAULSBURY. I present the petition of Emory Temple and 77 others, citizens of the State of Delaware; the petition of John A. Casender and 25 others, citizens of Kent County, Delaware, and the petition of D. J. Cummins and 35 others, citizens of Kent County, Delaware, to the same effect as that just presented by the Senator from New York, [Mr. KERNAN.] I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. COKE presented the petition of J. N. Sawyer and others, citizens of Galveston, Texas, praying for the passage of an act to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was referred to the Committee on Commerce.

Mr. JONAS presented the petition of the president and directors of the New Orleans Pacific Railroad Company, praying for the passage of a law reducing the duty on imported steel rails; which was referred to the Committee on Finance.

Mr. WITHERS presented the petition of Mrs. Julia G. Tyler, widow of Ex-President Tyler, praying to be allowed a pension; which was referred to the Committee on Pensions, to accompany the bill (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler, widow of Ex-President Tyler.

Mr. BLAIR presented the petition of William Green and other citizens of Manor Dale, Pennsylvania, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. CARPENTER presented the petition of J. A. Watrous and W. A. Gordon, representing the Temple of Honor of Wisconsin, consisting of eight thousand members, praying for a national commission of inquiry concerning the alcoholic liquor traffic, its relations to public revenue and taxation, to crime, pauperism, the public health, morals, education, and the general welfare of the people, and also the results of license, restrictive, and prohibitory legislation in the several States and in the District of Columbia and the Territories; which was referred to the Committee on Finance.

Mr. FERRY. I present a like petition on the subject of the liquor traffic from the Pennsylvania State Temperance Union, signed by James Black, president. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. DAWES. I present a like petition on the subject of the liquor traffic, signed by the Grand Temple of Honor and Temperance of Massachusetts, representing eleven hundred and fifty-four members, which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL. I present a similar petition from the New Jersey State Temperance Alliance, signed by the president and secretary, praying for a commission of inquiry concerning the alcoholic liquor traffic. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. VEST presented the petition of Helen M. Fiedler, widow and executrix of Ernest Fiedler, late a citizen of the city of New York, praying Congress to constrain the government of Brazil to make compensation for the charter of the steamer Circassian in 1867; which was referred to the Committee on Foreign Relations.

Mr. PLUMB presented the petition of James Brown and others, citizens of North Branch, Kansas, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. FARLEY presented the petition of William Evans, formerly a seaman on the ship Sonora when captured by the Alabama, praying to be allowed compensation for the loss of his property and time in consequence of that capture; which was referred to the Committee on the Judiciary.

Mr. RANSOM presented a petition from the Grand Lodge of Good Templars of the State of North Carolina, officially signed, representing four thousand members, praying for a commission of inquiry con-

cerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. JONES, of Florida, presented the petition of John P. Wall, mayor, and the councilmen of the town of Tampa, Florida, praying Congress to make an appropriation for the purpose of deepening and cleaning out the channel leading from the mouth of Hillsborough River into the bay of the same name at that place; which was referred to the Committee on Commerce.

Mr. BAYARD presented the petition of Henry M. Philler and others, members of the Grand Division of the Sons of Temperance of the State of Pennsylvania, numbering forty-five hundred and seventy-five members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WINDOM. I present a like petition of the Union Temple of Honor and Temperance of Minnesota, officially signed, representing sixty members. I move its reference to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands have had under consideration the bill (S. No. 619) for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas, and have instructed me to report it with an amendment. If I can be indulged, I ask that it may be considered now.

Mr. ALLISON. Let it be reported for information.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the consideration of the bill at this time?

Mr. MORRILL. I dare say the bill is all right, but it is clearly not such a bill as ought to pass upon the immediate report of a committee.

Mr. DAVIS, of Illinois. It ought to go on the Calendar.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. PLUMB. I should like to state for the information of the Senator from Vermont that this bill was drawn by the Secretary of the Interior, or under his direction.

Mr. MORRILL. No matter by whom drawn, we ought to have time to look it over and see what it is.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 942) releasing the title of the United States in a certain parcel of land to the assigns of John Cutler, reported it with amendments.

Mr. WALLACE, from the Committee on Finance, to whom was referred the memorial of Lansford P. Yandell and others, sureties on the bond of Henry L. Norvell, late collector of internal revenue for the second district of Tennessee, praying to be relieved from liability as such sureties, submitted a report thereon, accompanied by a bill (S. No. 1004) for the relief of the sureties of Henry L. Norvell.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 6) to establish a land district in Jamestown, in the Territory of Dakota, reported adversely thereon, and the bill was postponed indefinitely.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 142) for the relief of John M. McClintock, reported it without amendment.

Mr. CARPENTER. The Committee on the Judiciary, to whom was referred the bill (S. No. 216) to extend the jurisdiction of the Supreme Court of the United States, have instructed me to report it adversely. I call the attention of the Senator from Maryland [Mr. WHYTE] to this report.

The VICE-PRESIDENT. Does the Senator from Maryland desire the bill to be placed on the Calendar?

Mr. WHYTE. Yes, sir.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

MILLERS' INTERNATIONAL EXHIBITION.

Mr. BAYARD. The Committee on Finance, to whom was referred the bill (S. No. 931) to admit free of duty all articles intended for exhibition at the millers' international exhibition of milling and mill machinery, to be held at Cincinnati, Ohio, commencing May 31, 1880, have instructed me to report it without amendment, and I am instructed to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all articles which shall be imported for the sole purpose of exhibition at the millers' international exhibition of milling and mill machinery, to be held at Cincinnati, Ohio, commencing May 31, 1880, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe. But all such articles as shall be sold in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties imposed on like articles by the revenue laws in force at the date of importation. In case any articles thus imported shall be sold or withdrawn for consumption without payment of duty as required by law, all the penalties prescribed by law shall be applied and enforced against such articles and against the persons who may make such sale or withdrawal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater; and

A bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, George T. Rogers, Benjamin P. Gaines, and Charles Ford.

The message also announced that the House had passed the joint resolution (S. R. No. 58) touching the Hot Springs reservation, in the State of Arkansas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 148) for the relief of D. M. Hamlin and Andrew F. Slade; and it was thereupon signed by the Vice-President.

BILLS INTRODUCED.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1005) for the relief of the widow and children of Dr. Lemuel H. Draper; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1006) for the relief of Andrew T. McReynolds; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1007) to provide for the payment of certain expenses of the district judge of the western judicial district of Michigan; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1008) for the relief of William A. Winder; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1009) for the relief of Richard Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1010) regulating the authentication and use of proxies in meetings of shareholders in national banking associations; which was read twice by its title, and referred to the Committee on Finance.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1011) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, and referred to the Committee on Finance.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1012) to declare forfeited certain lands granted to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1013) for the relief of William Henry Ward; which was read twice by its title, and referred to the Committee on Patents.

Mr. SAULSBURY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1014) in relation to telegraphic communications; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1015) for the relief of Silas F. Feild, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1016) authorizing the President of the United States to nominate Drs. Thomas Owens and William Martin for assistant surgeons in the Navy not in the line of promotion; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1017) granting an increase of pension to Jerry Robinson, late commissary-sergeant First Regiment United States Colored Troops; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1018) to establish an additional land district in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1019) to prohibit clerks of the Federal courts from collecting fees in any common-law action for copying the papers filed in such cause in a book styled "The Final Record," and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1020) for the relief of B. F. Rockefellow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 62) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. WITHERS submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers relating to the claim of John L. Williams be taken from the files of the Senate and referred to the Committee on Indian Affairs.

On motion of Mr. DAVIS, of Illinois, it was

Ordered, That the papers relating to the matter of Senate bill No. 3, third session, Forty-fifth Congress, be withdrawn from the files of the Senate and referred to the Committee on Private Land Claims.

On motion of Mr. ALLISON, it was

Ordered, That the papers relating to the heirs of John Rice Jones be withdrawn from the files and referred to the Committee on Private Land Claims.

On motion of Mr. JONAS, it was

Ordered, That the papers in the case of George Wright be withdrawn from the files of the Senate.

On motion of Mr. PLUMB, it was

Ordered, That the papers in regard to the claim of Eliza Howard Powers be withdrawn from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. GARLAND, it was

Ordered, That the papers in the case of Mrs. Thomas Hendrickson and her petition for a pension be withdrawn from the files, to be referred to the Commissioner of Pensions, in accordance with the report of the Committee on Pensions touching such petition.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, George T. Rogers, Benjamin P. Gaines, and Charles Ford was read twice by its title, and referred to the Committee on Appropriations.

REFUNDING THE NATIONAL DEBT.

Mr. MORRILL submitted the following resolution; which was read:

Resolved, That the Committee on Finance be instructed to inquire as to the practicability of refunding any part of the outstanding national debt at a less rate than 4 per cent. interest; and also as to whether or not more effective provisions can be made by which *bona fide* subscriptions for sums in moderate amounts may be made available; and report by bill or otherwise.

Mr. MORRILL. I desire to give notice that day after to-morrow, Thursday, immediately after the morning business, I shall seek the floor to submit some remarks on the resolution. I move that it lie on the table for the present, and be printed.

The motion was agreed to.

CRAFTS J. WRIGHT.

Mr. INGALLS. I move that the Senate proceed to the consideration of Senate bill No. 752.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 752) granting an increase of pension to Crafts J. Wright. It directs the Secretary of the Interior to pay to Crafts J. Wright, late colonel Thirteenth Regiment Missouri Volunteers, a pension at the rate of $30 per month in lieu of that which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT put the question, and declared that the ayes appeared to prevail.

Mr. COCKRELL. I ask for a division upon the motion to go into executive session. We are not through with the morning business, and I hope we shall not go into executive session until that is concluded.

The question being again put, there were on a division—ayes 25, noes 8; no quorum voting.

Mr. ANTHONY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. EDMUNDS. No debate.

Mr. DAVIS, of West Virginia. I suggest if the Senator from Missouri merely wants to make a report——

Mr. EDMUNDS. Debate is not in order, Mr. President.

The VICE-PRESIDENT. The motion is not debatable.

Mr. DAVIS, of West Virginia. I am making a suggestion, which I think will let us out of the difficulty.

The VICE-PRESIDENT. The Senator from Vermont objects to debate.

Mr. DAVIS, of West Virginia. If there is objection that ends it; but my suggestion would have removed the difficulty.

The VICE-PRESIDENT. The yeas and nays are ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when Mr. HAMPTON'S name was called.) I beg leave to state that my colleague [Mr. HAMPTON] has been called home by a severe family affliction and is unable to be present. On all political questions he is paired with the Senator from Kansas, [Mr. PLUMB.]

The roll-call having been concluded, the result was announced—yeas 28, nays 25; as follows:

YEAS—28.

Allison,	Carpenter,	Hoar,	Rollins,
Anthony,	Davis of Illinois,	Ingalls,	Saunders,
Baldwin,	Dawes,	Kirkwood,	Sharon,
Blair,	Edmunds,	Logan,	Voorhees,
Bruce,	Ferry,	McMillan,	Wallace,
Burnside,	Garland,	McPherson,	Windom,
Butler,	Hamlin,	Paddock,	Withers.

NAYS—25.

Bailey,	Hereford,	Maxey,	Vest,
Bayard,	Hill of Georgia,	Pendleton,	Walker,
Beck,	Johnston,	Plumb,	Whyte,
Cameron of Wis.,	Jonas,	Slater,	Williams.
Cockrell,	Jones of Florida,	Teller,	
Davis of W. Va.,	Kernan,	Thurman,	
Groome,	McDonald,	Vance,	

ABSENT—22.

Blaine,	Eaton,	Hill of Colorado,	Platt,
Booth,	Farley,	Jones of Nevada,	Randolph,
Call,	Gordon,	Kellogg,	Ransom,
Cameron of Pa.,	Grover,	Lamar,	Saulsbury.
Coke,	Hampton,	Morgan,	
Conkling,	Harris,	Morrill,	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-seven minutes spent in executive session the doors were reopened.

UNITED STATES COURTS IN OHIO.

Mr. BAYARD. I move that the Senate adjourn.

Mr. THURMAN. I ask the Senator from Delaware to yield to me to have considered a bill which is merely a local matter.

Mr. BAYARD. Certainly.

Mr. THURMAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 4, to strike out "Tuscarawas" from the list of counties proposed to be transferred to the southern district of Ohio.

The amendment was agreed to.

The next amendment was, in section 3, line 4, to strike out "thirty-two" and insert "thirty" before "counties," as the number of counties to constitute the eastern division of the southern district, and in line 7 to strike out "Scioto" and "Lawrence" from the list of counties constituting that division.

The amendment was agreed to.

The next amendment was, in section 5, to strike out all after the first word, "all," in the following words:

Offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

And in lieu thereof to insert:

Prosecutions for crimes or offenses hereafter committed in either of the subdivisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. ALLISON. I wish to ask the Senator from Ohio what disposition is made with reference to the clerks of the courts.

Mr. THURMAN. The bill adds no clerks at all, and no officer of any kind or description.

Mr. ALLISON. The bill makes provision for courts to be held at Columbus. Is the clerk of the present circuit court to act as clerk of the circuit court sitting there?

Mr. THURMAN. The clerk of the circuit court simply acts by deputy there. The clerk is authorized to appoint deputies now, as many as he pleases.

Mr. ALLISON. And the clerk of the district court the same?

Mr. THURMAN. The clerk of the district court the same.

The bill was ordered to a third reading, read the third time, and passed.

EMANUEL KLAUSER.

Mr. BAYARD. I renew my motion that the Senate adjourn.

Mr. COCKRELL. I hope the Senator from Delaware will withdraw that motion. I am satisfied that the Senate is not quite so completely exhausted in the consideration of business that it is not able to take up and dispose of some of the work of its committees. There is now on the Calendar Senate bill No. 368, for the relief of a soldier from Illinois. It passed in the Forty-fourth Congress through the Senate; it passed in the Forty-fifth Congress through the Senate; it is now upon the Calendar of the Forty-sixth Congress. I had some hope that we might get it through in time this Congress for consideration in the House. If the Senator from Delaware will withdraw his motion I will move that the Senate proceed to the consideration of that bill.

Mr. BAYARD. I withdraw the motion for that purpose.

The VICE-PRESIDENT. The bill comes up as a matter of course. No motion is necessary, it being on the Calendar of General Orders and its consideration called for when nothing else is pending.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 368) for the relief of Emanuel Klauser. It directs the Secretary of War to remove the charge of mutiny against Emanuel Klauser, late corporal Company H, Fifty-fourth Illinois Infantry Volunteers, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER MEAGHER.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (S. No. 401) for the relief of Peter Meagher, who is now an infirm soldier in the Soldiers' Home here. The bill provides that he shall receive a slight compensation for services performed in Florida in unloading a large quantity of coal from naval vessels.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to add:

In full compensation for the services of himself, and of Louis Helt, Victor Helmkamph, William M. Kinsman, James Riley, Edward F. Riley, F. Richards, and Charles Wilber.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Peter Meagher, out of any money in the Treasury not otherwise appropriated, the sum of $170 for labor performed in unloading coal from the schooners My Rover, Althea, and Jonathan May, and the bark David G. Wilson, at Long Key, Tortugas, Florida, in full compensation for the services of himself, and of Louis Helt, Victor Helmkamph, William M. Kinsman, James Riley, Edward F. Riley, F. Richards, and Charles Wilber.

The amendment was agreed to.

Mr. ALLISON. I should like to hear the report read in that case.

The Chief Clerk read the following report, submitted by Mr. COCKRELL December 16, 1879:

The Committee on Military Affairs, to which was referred the bill (S. No. 401) for the relief of Peter Meagher, have duly considered the same, and submit the following report:

In the Forty-fifth Congress a bill (H. R. No. 4419) precisely similar to the present bill was passed by the House of Representatives and reported to the Senate, where no final action was had upon it. In the House of Representatives, Forty-fifth Congress, second session, the report No. 634, made on the then pending bill, was as follows, to wit:

"It appears from the facts presented and the correspondence hereto annexed that Peter Meagher was a sergeant in Company M, First United States Artillery, in the year 1861; was stationed at Fort Jefferson, Florida. That in the months of June, July, and August of said year several vessels arrived at the post, under charter from the Navy Department, loaded with coal for the use of the Navy; that no provision had been made for unloading these vessels, and no laborers could be obtained except from the troops. Major Arnold, then commanding the post, entered into an arrangement with the said Peter Meagher, promising extra pay to himself and such soldiers of the command as would volunteer, when off duty, to unload these vessels.

"It is shown that the work was executed by these men in a satisfactory manner, and a correct account kept and rendered for the time occupied for performing the same. The rolls show that Peter Meagher was employed thirty-seven and one-half days, at $2 per day; that he employed a number of men to assist at $1 per day, and that he paid the following-named laborers, as per accompanying vouchers, namely:

Louis Helt, 8 days, at $1 per day	$8 00
Victor Helmkamph, 8¾ days, at $1 per day	8 75
William M. Kinsman, 12¾ days, at $1 per day	12 75
James Riley, 5½ days, at $1 per day	5 50
Edward F. Riley, 25½ days, at $1 per day	25 50
French Richards, 20 days, at $1 per day	20 00
Charles Wilber, 14½ days, at $1 per day	14 50
Total paid out	95 00
Due Peter Meagher for 37½ days, at $2 per day	75 00
Total amount due	170 00

"That the foregoing account is correct; that the services were performed with the advice of Major Louis G. Arnold, commanding Fort Jefferson; that it was impossible to procure other laborers at the time to perform this work; that the men were promised pay for the work done; and that the above amount, under the arrangement made between Major Arnold and Peter Meagher, is fairly due to the men who performed this work is beyond reasonable doubt.

"Your committee therefore recommend the passage of the accompanying bill."

In the Forty-fifth Congress, Mr. COCKRELL, to whom the case was referred, addressed a letter to the Secretary of the Navy, and received the following reply:

"NAVY DEPARTMENT,
"*Washington, February* 18, 1879.

"SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, inclosing H. R. No. 4419, for the relief of Peter Meagher, and the report of the House Naval Committee thereon, and requesting such information as the Department may be able to furnish in relation to the claim of Meagher.

"In 1876, Mr. Meagher presented his claim to the Department, and with it such evidence as he had in his possession in support thereof. The files and records were examined for the purpose of confirming or refuting his statements, but very little was found to throw any light on the subject. It was ascertained that in the months of May and June, 1861, that cargoes of coal (1,358 tons) were shipped from Philadelphia to Tortugas, for the naval service, and duly receipted for by Lieutenant Benson, of the Army, stationed there.

"This is believed to be the coal for which Meagher claims compensation for unloading.

"The proofs presented, and subsequently withdrawn by him, were not such as to warrant the Department in paying the claim, especially as it was one of fifteen years' standing, and the appropriations from which the money could have been taken were long since exhausted.

"He renewed his claim in 1877, and the Department, on the 24th of November of that year, wrote him that it could only pay out money as the law directs; that is, for necessary work done by order of naval officers; that when work was done without such order and it was necessary for the Government, it was a charge against the United States and not the Navy Department; that the remedy was in the hands of Congress, which would provide for the payment of said bills when they were shown to be right.

"The Naval Committee of the House have examined the facts and correspondence presented to them, and seem to be satisfied of the correctness of the account, and recommend the passage of the bill.

"I am unable to present anything from the records which would aid the Claims Committee of the Senate in determining its course of action.

"The claimant had the appearance and bearing of a man of truth and honesty.

"I inclose a copy of the opinion of the late Naval Solicitor, John A. Bolles, dated March 1, 1876, in the case, by which the Department was mainly governed in its refusal to pay the claim.

"Very respectfully,

"R. W. THOMPSON,
"*Secretary of the Navy.*

"Hon. F. M. COCKRELL,
"*Committee on Claims, United States Senate.*"

Your committee have carefully examined the facts in the case and find the foregoing report substantially correct, and find that Peter Meagher, the claimant, is entitled in his own right to $75 for 37½ days' work at $2 per day, and as assignee of Lewis Helt for 8 days, and of Victor Helmkamph for 8¾ days, and of William M. Kinsman 12¾ days, and of James Riley 5½ days, and of Edward F. Riley 25½ days, and of F. Richards for 20 days, and of Charles Wilber 14½ days, being 95 days in all, at $1 per day, is entitled to $95, making, in all, $170.

Your committee recommend the adding of the following words at the end of said bill: "In full compensation for the services of himself and of Louis Helt, Victor Helmkamph, William M. Kinsman, James Riley, Edward F. Riley, F. Richards, and Charles Wilber," and, as amended, recommend the passage of the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. COCKRELL. I understand that there is a matter which is of some moment and on which action failed to be had in the executive session, and I move that for a few moments now the Senate proceed to the consideration of executive business, as I see the Senate is determined to adjourn very soon any way, and I think in a moment the business that is desired to be transacted can be disposed of in executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at two o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 13, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. GARFIELD. I find that in the list of yeas and nays on the Journal, on the motion yesterday to suspend the rules and pass the bill for the repeal of the duty on salt, I am recorded as not voting. I wish the correction to be made. I voted against the motion.

The SPEAKER. The correction will be made.

Mr. DIBRELL. My colleague from Tennessee, [Mr. ATKINS,] who is confined to his room by sickness, requests me to state that if he had been present yesterday he would have voted in favor of the bill repealing the duty on salt.

Mr. NICHOLLS. My colleagues from Georgia, Mr. SMITH and Mr. PERSONS, were absent on important business yesterday when the vote was taken on the bill to repeal the duty on salt. Had they been present, they would have voted in the affirmative.

The Journal of yesterday was then approved.

HOT SPRINGS RESERVATION IN ARKANSAS.

The SPEAKER. The gentleman from Ohio [Mr. CONVERSE] who had leave to report at any time from the Committee on Public Lands the Senate joint resolution touching the Hot Springs reservation, claims that right now.

Mr. CONVERSE. I report back from the Public Lands Committee the Senate joint resolution (S. R. No. 58) touching the Hot Springs reservation in the State of Arkansas, with the recommendation that the same do pass. I demand the previous question.

The joint resolution was read, as follows:

Resolved, &c., That the time allowed the Secretary of the Interior to instruct the United States land officers at Little Rock, Arkansas, under section 10 of the act

of March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," be extended for the period of sixty days from the passage of this resolution, and all further proceedings under said act be suspended until that time.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FURNITURE OF HOUSE OF REPRESENTATIVES.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] desires to make a report from the Committee on Appropriations touching the comfort of members. The Chair takes leave to recognize him for that purpose.

Mr. BLOUNT. I desire to report from the Committee on Appropriations a bill to provide for a deficiency in the appropriation for furniture and repairs of the same for the House of Representatives for the fiscal year ending June 30, 1880. I ask that the bill be read, and also the accompanying letter.

The bill was read, as follows:

Be it enacted, &c., That the sum of $4,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to meet the deficiency in the appropriation for furniture and repairs of the same for the House of Representatives for the fiscal year ending June 30, 1880.

The Clerk read the letter of the Clerk of the House of Representatives, as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 13, 1880.

SIR: The recent changes made in the rooms and apartments belonging to the House of Representatives has rendered necessary the fitting up and refurnishing of a number of additional rooms, and therefore requires a larger expenditure than usual for "furniture and repairs of same."

The amount appropriated for that purpose for the fiscal year ending June 30, 1880, is now well nigh exhausted, and it is estimated that an additional sum of $5,000 will be required to meet the demands of the House in this regard during balance of the present fiscal year.

The House on the 19th of December last, by resolution, directed that the lobby and corridor in rear of the Hall of the House should be at once furnished. A number of committees have also asked for additional articles of furniture not yet supplied, and as neither the order of the House nor the wants of the various committees can be attended to in advance of the necessary appropriation, therefore the importance of early provision for the wants of the House in this regard is too apparent for further comment.

Very respectfully, your obedient servant,

GEO. M. ADAMS, *Clerk.*

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations.

[Amount of bill presented to Clerk for repairs in ventilation of Hall, $736.40, which amount cannot, under section 1876 of Revised Statutes, be paid out of contingent fund.]

Mr. BLOUNT. I desire to state that the appropriation which was made for the purpose indicated in the letter just read was $7,000, being $3,000 less than the amount which has been usual for a great many years. I mention this as a reason additional to those which have been stated by the Clerk.

There being no objection, the bill (H. R. No. 3497) was received, read three times, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WORKS FOR COMMITTEE OF WAYS AND MEANS.

Mr. GARFIELD. I desire to make a report from the Committee of Ways and Means. I am instructed by that committee to report the resolution which I send to the desk and to ask for its adoption. It is the unanimous report of the committee.

The Clerk read as follows:

Resolved, That the Librarian of Congress be directed to purchase such works on finance and political economy as may be directed by the Committee of Ways and Means, to be kept in the room of said committee, at a cost not to exceed $500 and to be paid out of the contingent fund of the House of Representatives.

Mr. SAMFORD. I object.

The SPEAKER. Does the gentleman from Alabama object to the introduction of the resolution?

Mr. SAMFORD. My objection is to its passage.

Mr. GARFIELD. I think the gentleman cannot object to its introduction, because the committee has the right to report at any time.

The SPEAKER. The Chair thinks not, on that subject; but the gentleman from Alabama does not object to its introduction.

Mr. SAMFORD. I object to the introduction of the resolution.

The SPEAKER. The gentleman did not do so at the time. Still, if the gentleman states that he intended his objection to be to the introduction of the resolution, the Chair will entertain it.

Mr. GARFIELD. I desire to make a very brief statement. The Committee of Ways and Means has before them the whole question of tariff and of internal-revenue taxation, and it is almost impossible for that committee, with justice to other members of the House, to get proper access even to such books on the subject as are in the library. It is a want which has been long felt by all previous committees, and it is especially felt by this committee, who expect to go pretty fully into that class of subjects, and they feel that they ought to have at their command and at their disposition a class of books covering the statistics of finance and political economy, and the whole subject of tariff and taxation. They ask the House, therefore, to order the purchase, to the amount of $500, of books, which shall be the property of the library, and under the control of the librarian, except to this extent: that they shall be deposited in the Committee of Ways and Means, but marked and stamped as library property. It is a proposition that seems to me to be in the interest of good and intelligent law-making, and it is the unanimous request of the Committee of Ways and Means that this be done.

Mr. SAMFORD. I would not be understood as making any objection to this resolution, because it may be necessary; but the purpose of my objection is this: we have just passed a joint resolution appropriating $4,000 as a deficiency to supply the contingent fund of the House that was rendered necessary because of the frequent appropriations made out of the contingent fund of the House. My objection was to the appropriation of this amount until there shall be a fund to pay it. The object of the resolution may be very proper; I do not know anything about it; but having had to appropriate a few moments ago $4,000 to supply a deficiency in the contingent fund of the House it seems to me that we ought not to pass this resolution with so much rapidity.

Mr. GARFIELD. The gentleman from Alabama must see that this does not come out of the fund he is referring to. And furthermore, in the next regular appropriation bill the Committee on Appropriations will doubtless make such addition to the contingent fund as will cover the use of this $500, so that it will in no way cripple or interfere with any other interest. If there be no further objection I ask the adoption of the resolution.

Mr. SAMFORD. I must insist upon my objection.

The SPEAKER. Does the gentleman state that he rose and objected to the introduction of the resolution?

Mr. SAMFORD. I state that I rose and objected; and the purpose of my objection was to defeat the passage of the resolution.

The SPEAKER. The gentleman had no right to object to the consideration of the resolution after it is introduced. The right of a single member to object is to the introduction of the resolution.

Mr. GARFIELD. Let us have a vote; that will test it.

Mr. SAMFORD. I have no objection to its consideration, but I am not willing that it shall pass unanimously.

Mr. BUCKNER. I would like to inquire of the gentleman from Ohio [Mr. GARFIELD] what is the purpose of the Library of Congress? And having that library, why should any and every committee of this House be supplied with books to enable it to discharge its special duties? I admit that the Committee of Ways and Means is an important committee, but it is not more important than other committees in many respects. If that committee is to have a library for its own use, other committees will call for special libraries, and we will be entering upon an entirely new field of expenditure, and one not at all necessary for the proper discharge of the duties of any committee of this House.

There is a library here now, kept up at large expense, in which is every book published in the United States, and probably all of any importance published in Europe, and several copies of many of those books are in that library. Now, why should we go to the expense of furnishing any particular committee with books which have already been purchased and incorporated in our library, and which are subject to the call of any member or any committee of this House? I think the adoption of such a resolution as this will be entering upon an unnecessary expenditure at this time.

Mr. GARFIELD. It is not for the casual reading of a book that the Committee of Ways and Means is asking this. What is wanted is that such provision be made that, in the midst of a discussion upon a tariff bill or a tax bill, in which is needed at the very moment whatever light can be had from the books published upon the subject, especially such works as relate to the practice of other governments, the committee may have at its hand, in its room, ready to be referred to at once, all the facts which can enlighten them at points where otherwise they might make blunders.

The gentleman from Missouri [Mr. BUCKNER] says that these books are already in the Library of Congress. If we should call for any given book from the library it is more than likely that it would have been taken out by some one of the three hundred and odd Members and Delegates of this House or of the seventy-six Senators. If the Committee of Ways and Means is to have proper tools to use on this most delicate and difficult and important subject of taxation, such tools as they can use for the best advantage of the country, then they ought to have a complete "kit of tools," so to speak, at their hands ready for their immediate use.

The Committee on the Judiciary have a much larger set of books and one much more extensive than this which the Committee of Ways and Means now ask for. It would be an outrage that the law committee of the House should not have all the means and appliances which they need to properly discharge their duties.

The Committee of Ways and Means occupies, of course, one field of duty entirely apart from any other and all other fields of legislation of this House. I make this statement of the case, and hope not to detain the House with any extended discussion. If any other gentleman desires to ask any question——

Mr. HOUSE. Has any similar appropriation ever been made for any other committee of this House?

Mr. GARFIELD. Certainly; for the Committee on the Judiciary.

Now, if I can give any further information upon this subject or any information upon any scientific point, such as "Hyperia in nectocalyx of Abyla pentagona," I will be glad to give it, so far as I am able. [Laughter.] If there be no further inquiry made, I will call the previous question.

Mr. BUCKNER. I move that the resolution be referred to the Committee of Accounts.

The SPEAKER. The gentleman can accomplish his purpose only by voting down the demand for the previous question.

The previous question was seconded, on a division—ayes 101, noes 53; and the main question was then ordered.

The question was upon the adoption of the resolution.

Mr. BUCKNER and Mr. MARTIN, of Delaware, called for the yeas and nays.

The yeas and nays were ordered, on a division—ayes 32, noes 118; more than one-fifth in the affirmative.

The question was taken; and there were—yeas 172, nays 67, not voting 52; as follows:

YEAS—172.

Acklen,	Davis, Horace,	Ketcham,	Richmond,
Aldrich, N. W.	Davis, Joseph J.	Kimmel,	Robertson,
Aldrich, William	De La Matyr,	Ladd,	Robinson,
Anderson,	Deering,	Lapham,	Russell, Daniel L.
Baker,	Dunn,	Le Fevre,	Russell, W. A.
Ballou,	Dunnell,	Lindsey,	Ryan, Thomas
Barber,	Dwight,	Loring,	Sapp,
Bayne,	Einstein,	Manning,	Scales,
Belford,	Ellis,	Marsh,	Shallenberger,
Beltzhoover,	Evins,	Mason,	Shelley,
Bicknell,	Farr,	McCoid,	Sherwin,
Blackburn,	Felton,	McCook,	Slemons,
Blake,	Ferdon,	McKenzie,	Smith, William E.
Bliss,	Field,	McKinley,	Springer,
Bowman,	Fisher,	McLane,	Steele,
Brewer,	Frye,	Miles,	Stevenson,
Briggs,	Garfield,	Miller,	Stone,
Brigham,	Geddes,	Mills,	Talbott,
Bright,	Gillette,	Money,	Townsend, Amos
Browne,	Godshalk,	Monroe,	Tucker,
Burrows,	Goode,	Morrison,	Turner, Thomas
Butterworth,	Gunter,	Morse,	Tyler,
Calkins,	Hall,	Muldrow,	Updegraff, J. T.
Camp,	Harmer,	Muller,	Updegraff, Thomas
Cannon,	Harris, Benj. W.	Murch,	Upson,
Carlisle,	Harris, John T.	New,	Valentine,
Carpenter,	Haskell,	Newberry,	Van Aernam,
Caswell,	Hawk,	Nicholls,	Voorhis,
Chalmers,	Heilman,	Norcross,	Van Voorhis,
Chittenden,	Henderson,	O'Connor,	Ward,
Clark, Alvah A.	Henry,	O'Neill,	Warner,
Clymer,	Herbert,	Orth,	Washburn,
Conger,	Herndon,	Osmer,	Weaver,
Converse,	Hiscock,	Pacheco,	Wells,
Cook,	Horr,	Persons,	Williams, C. G.
Cowgill,	Houk,	Phelps,	Willis,
Cox,	Hubbell,	Phister,	Willits,
Crapo,	Hull,	Pochler,	Wilson,
Cravens,	Hurd,	Pound,	Wood, Fernando
Crowley,	James,	Price,	Wood, Walter A.
Culberson,	Jorgensen,	Rice,	Wright,
Davidson,	Keifer,	Richardson, D. P.	Yocum,
Davis, George R.	Kelley,	Richardson, J. S.	Young, Thomas L.

NAYS—67.

Atherton,	Dibrell,	Killinger,	Sparks,
Beale,	Dick,	Lewis,	Speer,
Berry,	Elam,	Lowe,	Taylor,
Bland,	Errett,	Martin, Benj. F.	Thomas,
Blount,	Ford,	Martin, Edward L.	Thompson, P. B.
Bouck,	Forsythe,	McMahon,	Thompson, W. G.
Boyd,	Frost,	McMillin,	Tillman,
Bragg,	Hatch,	Myers,	Townshend, R. W.
Buckner,	Hayes,	Reagan,	Turner, Oscar
Cabell,	Hill,	Ross,	Vance,
Caldwell,	Hooker,	Rothwell,	Waddill,
Clardy,	Hostetler,	Ryon, John W.	Wellborn,
Clark, John B.	House,	Samford,	Whiteaker,
Cobb,	Hunton,	Sawyer,	Whitthorne,
Coffroth,	Jones,	Simonton,	Williams, Thomas
Colerick,	Joyce,	Singleton, J. W.	Wise.
Davis, Loundes H.	Kenna,	Smith, A. Herr	

NOT VOTING—52.

Aiken,	Finley,	Kitchin,	Pierce,
Armfield,	Forney,	Klotz,	Prescott,
Atkins,	Fort,	Knott,	Reed,
Bachman,	Gibson,	Lounsbery,	Robeson,
Bailey,	Hammond, John	Martin, Joseph J.	Singleton, O. R.
Barlow,	Hammond, N. J.	McGowan,	Smith, Hezekiah B.
Bingham,	Hawley,	Mitchell,	Starin,
Claflin,	Hazelton,	Morton,	Stephens,
Covert,	Henkle,	Neal,	Urner,
Daggett,	Humphrey,	O'Brien,	Wait,
Deuster,	Hutchins,	O'Reilly,	White,
Dickey,	Johnston,	Overton,	Wilber,
Ewing,	King,	Page,	Young, Casey.

So the resolution of Mr. GARFIELD was agreed to.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague, Mr. ARMFIELD, is absent by reason of indisposition, and is paired with the gentleman from Ohio, Mr. KEIFER.

Mr. COVERT. I am paired with my colleague from New York, Mr. HAMMOND. If he were present, I should vote "no."

Mr. FORNEY. I am paired with the gentleman from Connecticut, Mr. WAIT.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is detained at home in consequence of a death in his family.

Mr. BLISS. My colleague, Mr. O'REILLY, is paired with the gentleman from Maine, Mr. REED.

Mr. ACKLEN. My colleague, Mr. KING, is paired with the gentleman from New York, Mr. HAMMOND.

Mr. MARTIN, of North Carolina. I am paired with my colleague, Mr. KITCHIN. If he were present, I should vote in the affirmative.

Mr. ROBERTSON. My colleague, Mr. GIBSON, is paired with the gentleman from Connecticut, Mr. HAWLEY.

Mr. McLANE. The gentleman from Virginia, Mr. JOHNSTON, is absent on account of sickness, and is paired with the gentleman from New York, Mr. DWIGHT.

Mr. DWIGHT. My colleague from New York, Mr. HAMMOND, is paired on all political questions with the gentleman from Louisiana, Mr. KING.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with the gentleman from Ohio, Mr. FINLEY.

The result of the vote was announced as above recorded.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL J. WARNER.

Mr. BRIGHT, by unanimous consent, introduced a bill (H. R. No. 3498) to restore Samuel J. Warner, Shelbyville, Tennessee, to the pension-rolls; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CLAIMS AGAINST NICARAGUA.

Mr. ACKLEN. I ask unanimous consent that the report of the Committee on Foreign Affairs in relation to the claims of certain citizens against the government of Nicaragua be referred to the Committee of the Whole and ordered to be printed.

There being no objection, it was ordered accordingly.

ARCHIBALD HUNLEY.

Mr. SPARKS, by unanimous consent, introduced a bill (H. R. No. 3499) granting relief to Archibald Hunley; which was read a first and second time, and referred to the Committee on Military Affairs.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. BREWER, by unanimous consent, presented a petition of the General Assembly of the Presbyterian Church of the United States, representing over five thousand churches and over half a million of communicants, adopted at Saratoga, New York, with much enthusiasm and officially signed, asking for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on the Alcoholic Liquor Traffic, and ordered to be printed in the RECORD. It is as follows:

SARATOGA, *May* 26, 1879.

To the honorable the United States Senate and House of Representatives:

The General Assembly of the Presbyterian Church of the United States of America (representing over five thousand churches and over a half a million of communicants) in session at Saratoga Springs, New York, respectfully ask you to provide for the appointment of a commission of inquiry, of five or more competent persons, whose duty it shall be, first, to inquire and take testimony as to the results of the traffic in alcoholic liquors, in connection with crime, pauperism, the public health, the moral, social, and intellectual well-being of the people; second, concerning license and prohibitory legislation in the several States of the Union; and, third, to recommend what additional legislation, if any, would be beneficial on the part of Congress to suppress, in the sphere of national authority, the traffic in alcoholic liquors as beverages.

In behalf of the general assembly,

HENRY H. JESSUP, *Moderator.*

EDWIN F. HATFIELD,
Stated Clerk.

TRADE-MARKS.

Mr. COX, by unanimous consent, presented a petition of manufacturers and merchants of the city of New York, in regard to the pressing necessity for legislation whereby the treaty obligations of the United States concerning trade-marks may be given effect; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, manufacturers and merchants of the city of New York, respectfully present this their petition, and pray that the same may be considered at an early day.

They respectfully show that there exists a pressing necessity for legislative action whereby the treaty obligations of the United States concerning trade-marks may be given effect.

The United States have entered into treaties for the protection of commercial marks with France, Great Britain, the German Empire, Austria, Belgium, Brazil, and other nations. By a recent decision of the Supreme Court the acts of Congress which made operative these treaties have been annulled, and the solemn covenants of the nation thus practically ignored. It has, unhappily, become necessary for the United States to open the way to the cancellation of treaties by virtue of which alone our citizens are enabled to protect the reputation of their goods in a number of foreign countries.

The consequences of the perhaps probable abrogation of these treaties would be very prejudicial to the interests of a large number of American citizens; their credit and reputation abroad would be impaired. We fear that unless other laws are enacted by the United States many of the most important markets of Europe and Asia will be thrown open to unlawful competition, to the great and perhaps permanent injury of the American producer and merchant.

The products of the United States are sold in foreign markets chiefly by the names of the manufacturers. This is true of our agricultural implements, sewing-machines, pianos and organs, proprietary medicines, carpets, and other leading articles. To take from the American manufacturer the exclusive right to mark his name upon his goods sold in these markets would be to jeopardize all he has accomplished in the past and to render improbable any future developments. We

believe that this very grave contingency is imminent. We pray that it may be averted by the enactment of a law such as will meet the just demands of the nations to whose people the United States have promised reciprocal protection.

We have been advised that it is said in the opinion of the Supreme Court announcing the decision herein referred to that the court wished "to be understood as leaving the whole question of the treaty-making power of the General Government over trade-marks, and the duty of Congress to pass any laws necessary to carry such treaties into effect, untouched." We respectfully show, therefore, that there is probably no constitutional objection to the course we point out.

We earnestly pray that the facts we touch upon may receive the careful consideration which their important bearing upon American commerce demands. We believe it will appear to your honorable bodies that there is great necessity for the action which we respectfully urge. It may seem to the superficial observer that the protection of trade-marks is of inconsiderable moment; but reflection will demonstrate that the right of the manufacturer to identify and individualize his products lies at the root of his success, and that unless he may own and enjoy the exclusive right to use his trade-marks, the loss of his individuality is inevitable.

Considerations of our duty as a nation, too, should move us to take steps to correct what may be interpreted to be a want of appreciation of our responsibilities to other powers. We have promised the commercial nations of the world what we have qualified to their prejudice, and have set aside that which we pledged ourselves to observe.

We respectfully and earnestly pray that such action as is just and reasonable may be speedily taken.

Tiffany & Co.,	Cazade, Crooks & Reynaud,
Colgate & Co.,	Edw'd Blackburn & Co.,
H. B. Claflin & Co.,	John Osborn, Son & Co.,
The Singer Manufacturing Company,	Ives, Beecher & Co.,
McKesson & Robbins,	E. and J. Burke,
The Mason & Hamlin Organ Company,	E. Lamontague,
Tarrant & Co.,	Ansonia Brass and Copper Company,
Phelps, Dodge & Co.,	Ansonia Clock Company,
Fred'k de Bury & Co.,	W. H. Schefflin & Co.,
Renauld, Francois & Co.,	Dodge & Olcott,
H. K. & F. B. Thurber & Co.,	D. M. Stiger & Co.,
Acker, Merrall & Condit,	Lanman & Kemp,
F. H. Leggett & Co.,	Young, Ladd & Coffin,
Henry Welsh,	Jesse Oakley & Co.,
Austin, Nichols & Co.,	B. T. Babbitt,
E. C. Hazard & Co.,	And others.

JOSIAH FOLSOM.

Mr. COFFROTH, by unanimous consent, introduced a bill (H. R. No. 3500) for the relief of Josiah Folsom, of Pennsylvania; which was read a first and second time, and referred to the Committee of Claims.

W. W. WALDEN.

Mr. ROTHWELL, by unanimous consent, introduced a bill (H. R. No. 3501) to pay W. W. Walden for building destroyed by fire while occupied by United States soldiers; which was read a first and second time, and referred to the Committee on War Claims.

COMMISSIONERS OF CIRCUIT COURTS.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. No. 3502) extending the jurisdiction of commissioners of the circuit courts of the United States, and providing for the more summary conviction of persons guilty of offenses punishable by fines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair asks unanimous consent to present certain executive communications for reference to committees.

There was no objection.

PAYMENTS BY SHIPPING COMMISSIONERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House of the 6th instant directing the Secretary of the Treasury to communicate a statement of all moneys paid into the Treasury under the act of June 7, 1872, by the respective shipping commissioners; which was referred to the Committee of Ways and Means.

REBEL ARCHIVES.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending increase of appropriation for the purpose of examining the rebel archives and having copies furnished for the Government; which was referred to the Committee on Appropriations.

SLUICE-WAY AT FALLS OF SAINT ANTHONY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the construction of the sluice-way at the Falls of Saint Anthony; which was referred to the Committee on Commerce.

IMPROVEMENT OF RED RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report in relation to the improvement of the Red River; which was referred to the Committee on Commerce.

BUILDINGS AT FORT OMAHA, NEBRASKA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimates for buildings at Fort Omaha, Nebraska; which was referred to the Committee on Military Affairs.

PORT OF SAN DIEGO, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending purchase of site of the port of San Diego, Texas; which was referred to the Committee on Military Affairs.

FORT PREBLE, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an appropriation for the purchase of certain property at Fort Preble, Maine; which was referred to the Committee on Military Affairs.

USE OF MAILS FOR LOTTERY PURPOSES.

The SPEAKER also laid before the House a letter from the Postmaster-General, in reply to a resolution of the House calling for information regarding the use of the mails for lottery purposes; which was referred to the Committee on the Post-Office and Post-Roads.

POST-OFFICE DEFICIENCY.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting estimates of appropriations to supply deficiency in the appropriations for the support of the Post-Office Department for the current fiscal year; which was referred to the Committee on Appropriations.

LOUISIANA PRIVATE LAND CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report on Louisiana private land claims; which was referred to the Committee on Private Land Claims.

NAVY DEPARTMENT CONTINGENT FUND.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting an account of the expenditures of the contingent fund of that Department for the year ending June 30, 1879; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in compliance with the requirement of the act of March 3, 1879, transmitting the annual report of operations of the National Board of Health for the past year; which was referred to the Committee on Epidemic Diseases, and ordered to be printed.

STATE DEPARTMENT EMPLOYÉS.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a list of employés of that Department; which was referred to the Committee on Expenditures in the State Department.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States;

An act (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan; and

An act (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands.

LEAVES OF ABSENCE.

Leave of absence was granted, by unanimous consent, in the following cases:

To Mr. KING, until the 16th instant; and

To Mr. SMITH, of New Jersey, for two weeks, on account of important business.

MORNING HOUR.

The SPEAKER. The morning hour now begins at one o'clock and thirty minutes p. m., and the first question in order is the unfinished business coming over from the last morning hour, a resolution reported from the Committee on Printing, which the Clerk will read.

The Clerk read as follows:

Resolved, That the order of the House of March 3, 1879, for the printing of the report of the Committee on Expenditures in the Treasury Department, with the accompanying evidence, be executed, and that said report and evidence take their place in the series of reports of committees to the House in the Forty-fifth Congress.

Mr. CONGER. Mr. Speaker——

Mr. WILSON. I will submit the demand for the previous question.

Mr. CONGER. I believe I have the floor.

Mr. WILSON. I had yielded the floor to the gentleman from Michigan only for an inquiry. I now claim the floor, and, when the gentleman is aware of the information I desire to give to the House, I think he will desist from all further opposition to the adoption of this resolution.

The SPEAKER. The gentleman from West Virginia had the floor as he reported the resolution, and was, therefore, in charge of the subject.

Mr. CONGER. I was on the floor and demanded the reading of the paper referred to.

The SPEAKER. And just at that juncture the morning hour expired.

Mr. CONGER. I had the floor and was making that demand. I now demand that the paper be read.

Mr. SPRINGER. I rise to a question of order: that it is not in order to demand the reading of the paper to be printed. And for this reason the gentleman from Virginia [Mr. HARRIS] on the last meeting of the House reported a resolution for the printing of a new edition of the Revised Statues——

Mr. GARFIELD. We cannot hear.

Mr. SPRINGER. I say that the gentlemen from Virginia, at the

last meeting of the House, when committees were called, reported a resolution providing for the printing of a copy of the Revised Statutes, a new edition of the Revised Statutes. Now, will any gentleman claim it was the right of any individual member of this House to call for the reading of a book which was to be printed before we could take a vote on the order that it should be printed. Such a thing is unknown in legislative bodies, and would utterly obstruct legislation by placing it in the power of any one member to consume the time of the session in calling for the reading of papers.

The rule is this:

The proposition to be voted on may be read on the demand of any member.

But in this case the proposition to be voted on is the resolution submitted by the committee. That any member has a right to demand the reading of before he can be called upon to vote upon it. But, sir, if we should assume that any member may call for the reading of a paper the printing of which is provided for, then it is in the power of any member to obstruct the business of the House, and to demand the reading of a book of any kind the printing of which may be ordered by a resolution of the House. It is within the province of this House by a majority vote to order that report to be read, but the privilege only goes to the extent of moving that the report itself be read before being printed.

The SPEAKER. The Chair thinks it would not be in order to call for the reading of the testimony at all. The point is the same as that made at the time of the electoral commission, and the Chair adheres to the decision then made.

Mr. CONGER. I should like to be heard on the proposition.

The SPEAKER. The report is another question.

Mr. WILSON. I desire to raise this point: whether it is necessary to have the report sought to be printed within control of the Clerk.

Mr. HOOKER. I desire to know whether that report is in possession of the committee which reports this resolution for the purpose of printing.

Mr. WILSON. It is not. I desire to raise the question now as to whether it is necessary that the report shall be in the custody of the House before its printing can be ordered.

I desire to send to the Clerk's desk to have read——

Mr. CONGER. I rise to a question of order.

The SPEAKER. The Chair will hear the gentleman in due time; the gentleman is not suffering at all. [Laughter.]

Mr. WILSON. I desire to send to the Clerk's desk——

Mr. CONGER. I am not suffering at all, Mr. Speaker.

The SPEAKER. I did not use the expression in any disrespectful way.

Mr. CONGER. I presume not.

The SPEAKER. But in a proper spirit. The Chair meant that the gentleman should not lose any right he had to be heard.

Mr. CONGER. I simply wish to know whether the point of order was raised in reference to the testimony.

The SPEAKER. The Chair decided that it was not competent for a member to demand the reading of the testimony. The question as to the reading of the report has not yet been decided. The gentleman from Illinois did not raise that point but rather believed, or expressed the belief, that it was competent to call for the reading of the report.

Mr. SPRINGER. No, sir; my objection went to the reading of the report as well as the reading of the evidence. The only paper the reading of which can be demanded is the resolution.

The SPEAKER. The gentleman from Mississippi makes a request to know of the gentleman from West Virginia whether the report is in possession of the committee.

Mr. WILSON. In answer to that question, and giving the House further information, I desire to have read the dispatch which I send to the Clerk's desk. It is in response to a telegram I sent to Mr. Glover, on Thursday of last week, informing him that I believe his report would be printed if it were here.

Mr. HOOKER. I ask an answer to my question.

Mr. WILSON. It is not in the possession of the committee.

Mr. HOOKER. It is a simple question and only requires an answer yes or no.

Mr. WILSON. Let the Clerk read the dispatch.

The Clerk read as follows:

LA GRANGE, MISSOURI, *January* 9, 1880.

To Hon. BENJAMIN WILSON,
Washington, D. C.:
Have ordered report sent from New York to Washington.
JOHN M. GLOVER.

Mr. WILSON. I desire now to have read a letter of the file clerk.

Mr. ACKLEN. Will the gentleman answer one question which I wish to put to him? Why was this report sent to New York.

Mr. WILSON. I have no idea.

Mr. ACKLEN. It was printed in the New York Sun. Did it not appear in the New York Sun—appear there in full with the heading and title of the House of Representatives and number attached?

Mr. WILSON. I understand the report, or part of it, was published in the New York papers during the last year. I desire further to say there has been considerable clamor throughout the country on the part of the press to have this report printed.

Mr. BLACKBURN. Will the gentleman from West Virginia yield to me for a moment?

Mr. WILSON. Yes, sir.

Mr. BLACKBURN. I suggest to the gentleman from West Virginia that he withdraw his demand for the yeas and nays and let a motion be made to recommit this resolution to the Committee on Printing. It is evident from the statement of the gentleman and the telegram he has had read at the desk that this report, the printing of which he has asked for, is not now and never has been in the custody of a committee of this House or of any officer of this House. If the gentleman from West Virginia will now withdraw his demand for the previous question I will move to recommit the resolution to the Committee on Printing.

Mr. WILSON. I shall do so in the event it shall be held by the Chair that the order to print the paper cannot be made in the absence of the paper itself.

The SPEAKER. The Chair is not called on to rule on any such question. That is a matter for the House to judge, whether they will order a paper to be printed which is not in their possession. The Chair declines to rule on any such point as that.

Mr. WILSON. I demand the previous question.

The SPEAKER. The question is on seconding the demand for the previous question.

Mr. CONGER. The Chair stated that I would be protected in my rights; and I expected with a great deal of confidence that the Chair would permit me to be heard on the point of order before putting the question.

Mr. WILSON. I withdraw the call for the previous question at the instance of gentlemen all around who are favorable to printing the report if we can get it here. They express the opinion that it should be under the control of the House when the order to print shall be made.

The SPEAKER. If the gentleman from West Virginia withdraws the call for the yeas and nays the Chair will then be bound to recognize the gentleman from Michigan.

Mr. WILSON. I do not withdraw the call for the previous question except to let the gentleman from Kentucky make his motion.

Several MEMBERS. You cannot withdraw it conditionally.

The SPEAKER. The Chair will hear the gentleman from Michigan.

Mr. CONGER. When the proposition was made in the Forty-fifth Congress to print this report, it was made in a manner which was very peculiar, as will appear if the matter is ever discussed in this House. It was made in a kind of surreptitious manner. I moved under the rules, as I had the right to do, to reconsider the vote by which the report was ordered to be printed, and that motion was pending when the life of the Forty-fifth Congress expired. The report therefore was not in fact ordered to be printed by that Congress. It was not then in the possession of that Congress, as the report of the statements made at the time will show. It has never been in the possession of Congress. It has never been reported to Congress. It has never been read by its title. It never has been read by any member of the Forty-fifth or the Forty-sixth Congress, unless what may have been published in the newspapers be that report, and members may have read it there.

Now my point is that Congress has not that paper; that there is no such paper upon which this House can act; that no such document has ever been referred to a committee of this Congress; and the gentleman who reports from a committee that some document be printed stands in his place here and says that he has not the document; that he never had it; that he never has seen it; and that the only knowledge he has of it is by a telegram that somewhere between New York and the capital such a document may be passing.

This House, then, is asked to vote that a paper which never had existence as a document belonging to any Congress be printed. I insist, sir, that the Chair cannot entertain the motion to print the document until it is presented to this House, that I may see it, that others may see it, that it may be read by its title, that it may be known what is to be printed. I ask, therefore, that the report be read. I submit, Mr. Speaker, that the very rules reported by the Committee on Rules, designating a different course from that heretofore observed in regard to the reading of documents, recognize the fact, as it has always been recognized by the Chair heretofore, that if called for a report which it is sought to print must be read.

The SPEAKER. The Chair has not decided anything else.

Mr. CONGER. I know that, but I am speaking to my demand that the report be read; not the testimony, but the report which is asked to be printed here. I am astonished that there should be found members of this House who will claim that any unknown document, never in the possession of the House, never in the possession of a committee of the House, and never in the possession of a member of this House, on motion may be ordered to be printed for any purpose. If it may be, all the old safeguards that have been thrown around the printing, even the reports of committees, are thrown aside.

I have no remarks to make upon the report or upon its substance, its form or its manner. I leave that to others who may be familiar with its contents. But I stand upon this proposition, that this House, and I as a member of this House, shall not be called under the operation of the previous question or in any other manner to vote money to print a report of the existence of which we only have hearsay knowledge and hearsay testimony.

Now, having said this I have said all I feel called on to say in support of my proposition and my demand that the report of a committee asked to be printed shall be read. That has always been the practice of the House, and if I recollect aright it has been the ruling

of the present Speaker that such testimony shall be submitted to the House before he can rule directly upon it. That is all I have asked. The report cannot be read because the gentleman reporting this resolution says he has it not in his possession; the committee has not the report, has never had it, has never even seen it.

What is to be printed under this order, should it be made? What is there in the report? What check is there upon printing any amount of matter that may be incorporated into anything that hereafter may be called a report, ordered to be printed, unless it can be put into the possession of the House, given to the Clerk, and have the proper *indicia* placed upon it, so as to identify the papers and show the order of the House?

Mr. WILSON. It is proper that I should make this remark in vindication of the Committee on Printing: we were not called upon to examine this report nor to read the evidence accompanying it. We found that a previous Congress had made an order to print what is commonly known as the "Glover report." That order, as I understand, was defeated by a motion of the gentleman from Michigan [Mr. CONGER] to reconsider the vote ordering the printing. The Clerk held, and I believe very properly, that that motion to reconsider held up the printing of the report.

Now, all that the Committee on Printing was called upon to do was to direct that the former order of the House in this respect should be executed. No gentleman on the floor of the House asked us to read the report. It was not contemplated in the resolution that we should do that. We did all that was expected of us, all that we could do, when we reported the resolution which we have reported.

Mr. HAYES. This is the celebrated "Glover report," that we have heard so much about. I desire to ask the gentleman from West Virginia [Mr. WILSON] two or three questions in regard to this matter. The first is, whether this report has ever been before the Committee on Printing, if it has ever been in the possession of the Committee on Printing?

Mr. WILSON. I have never seen it, and the letter from the Clerk, which has been read, indicates that it never was in possession of the Clerk of the House.

Mr. HAYES. What purports to be this report was printed in the New York Sun. I want to ask the gentleman if the report, as printed in the New York Sun, is the report which he proposes shall be printed for the use of the House?

Mr. WILSON. I do not know, sir.

Mr. HAYES. Another question. In reply to a question propounded by the gentleman from Minnesota [Mr. DUNNELL] the other day, the gentleman from West Virginia said that, so far as he knew and to the best of his knowledge and belief, this report was the same that was offered to this House in the Forty-fifth Congress. Now I want to ask the gentleman if he has examined the report that he now proposes to have printed, if he has ever compared it with the report that was presented to the Forty-fifth Congress?

Mr. WILSON. The gentleman from Illinois [Mr. HAYES] does not ask that question in order to obtain any information for himself; it is in order to obtain information for others, perhaps.

Mr. HAYES. It is for the information of the House.

Mr. WILSON. The gentleman knows as well as he knows any fact, because I have told him so repeatedly, that this report has never been before our committee; I have never seen it. I suppose it is the same report that was submitted to this House in the Forty-fifth Congress. I cannot imagine that Mr. Glover or any other gentleman would tamper with the report.

Mr. HAYES. I asked the question for this reason: I have it on very reliable authority, on authority that is sufficient to convince me that the statement is true, (and, besides that, I find that a large proportion of gentlemen on this side of the House believe it,) that very important portions of this report have been eliminated; very important parts of it have been cut out. And if I am permitted to make the statement, I will say that such testimony comes to me from gentlemen who have examined the report and know all about it. And there is other testimony to the effect that the report the printing of which is now asked for by the gentleman from West Virginia is not by any means the same report which was presented to this House in the Forty-fifth Congress.

Mr. BLACKBURN. I move that this resolution be recommitted to the Committee on Printing.

Mr. REAGAN. I desire to offer an amendment to that motion.

Mr. BLACKBURN. I will hear the amendment read, but I do not yield to have it offered. I desire to call the previous question on my motion to recommit.

Mr. REAGAN. I ask that the amendment I propose be read.

The amendment was read, as follows:

And that the Committee on Printing be directed to inquire how this House and the committee which made the report in this case lost possession of this report, who now has possession of it, and how that possession was obtained, and to report the facts to this House.

Mr. HAYES. That is right.

Mr. BLACKBURN. I am willing to admit that amendment, and I call the previous question on my motion as modified.

The motion to recommit, with instructions as read, was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL PRINTER.

Mr. WILSON, from the Committee on Printing, reported back, with a favorable recommendation, the bill (H. R. No. 2170) to provide for the election of a Congressional Printer.

The bill was read, as follows:

Be it enacted, &c., That the Senate shall elect some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office.

SEC. 2. That the person so elected shall be deemed an officer of the Senate, and shall be designated "Congressional Printer." He shall superintend the printing and binding of the Journals and such other documents as shall be ordered by each House of Congress, and shall superintend the execution of all the printing and binding for the respective Departments of the Government now required by law to be executed at the Government Printing Office, and shall, in all respects, be governed by the laws in force in relation to the Public Printer and the execution of the printing and binding.

SEC. 3. That from and after the passage of this act, and the election of a Congressional Printer in pursuance thereof, the office of Public Printer shall be abolished; and the salary of the said officer shall be at the rate of $3,600 a year.

SEC. 4. That as soon as practicable after the election of said Congressional Printer, he shall cause to be prepared a complete invoice of all the material, type, presses, leather, paper, utensils, fixtures, furniture, stock, horses, wagons, carriages, harnesses, and personal property of every description whatever under his charge and belonging to the Government; said invoice shall be verified by the oath or affirmation of the Congressional Printer, reported to Congress, and printed. And thereafter, at the beginning of each fiscal year, or as soon thereafter as practicable, he shall cause a new inventory of all of the said personal property then in his possession to be taken. Said inventory shall be verified by the oath or affirmation of the Congressional Printer, and published as a part of his annual report to Congress.

SEC. 5. This act to take effect from and after the date of its passage.

Mr. CONGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CONGER. My point of order is that this bill must receive its first consideration in Committee of the Whole, as it creates an office and makes provision to pay the salary of such officer.

Mr. WILSON. If the Chair shall be of opinion that the creation of the office of Congressional Printer makes this bill liable to a point of order——

The SPEAKER. The Chair would like to hear the gentleman speak in contravention of that point of order.

Mr. WILSON. The chairman of the Committee on Printing, the gentleman from Mississippi, [Mr. SINGLETON,] is not in this city. Without discussing the point of order, I am willing that this bill shall be postponed to some future day and until the chairman of the committee shall return. I prefer to have a day fixed for its consideration. I have conferred with the Clerk and find that the first Thursday in February has not been assigned for the consideration of any bill.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] now asks unanimous consent that the first Thursday in February be assigned for the consideration of this bill.

Mr. CONGER. Let the point of order be settled first.

Mr. SPRINGER. I desire to say a word upon the point of order. The point is, as I understand, that this bill should have its first consideration in Committee of the Whole for the reason that it creates a new office, which involves an expenditure of money out of the Treasury.

The SPEAKER. And provides for the payment of money out of the Treasury. That is the point.

Mr. SPRINGER. Does it appropriate money? I do not understand that it does. I would like to have the provision of the bill on that subject read.

The Clerk read as follows:

SEC. 3. That from and after the passage of this act and the election of a Congressional Printer in pursuance thereof, the office of Public Printer shall be abolished; and the salary of the said officer shall be at the rate of $3,600 a year.

Mr. SPRINGER. Rule 112, under which this point is raised, provides that—

All proceedings touching appropriations of money and all bills making appropriations of money or property or requiring appropriations to be made or authorizing payments out of appropriations already made, shall be first discussed in the Committee of the Whole House.

Now, this bill does neither of these things.

The SPEAKER. Does it not require an appropriation of money?

Mr. SPRINGER. It does not. It does not make any appropriation.

Mr. HAYES. How will the Congressional Printer get his salary, unless the money be appropriated for the purpose?

Mr. SPRINGER. This bill proposes to abolish one office, and provides that the salary now paid to the incumbent of that office shall be paid to another officer. It makes no appropriation at all, but the appropriation heretofore made for the payment of the Public Printer will inure to the incumbent of the new office. The money is already appropriated till the end of the present fiscal year for the payment of the Public Printer.

The SPEAKER. Even in that view of the case, would not the bill authorize money to be taken out of an appropriation already made?

Mr. SPRINGER. The appropriation for the payment of the Public Printer is already made.

Mr. HAYES. But not for the payment of a Congressional Printer.

Mr. SPRINGER. This bill makes no appropriation. The creating of a new office without appropriating any salary therefor does not bring the provision within the rule. We cannot pass any law that does not involve an expenditure of money. Even the printing of the enactment in the Revised Statutes requires an expenditure of money. Will any gentleman say that we must consider a bill in Committee of the Whole House simply because it involves an expenditure of money? That is not the object of this rule. The object is that appropriation

bills proper—general appropriation bills—bills appropriating money or requiring money to be appropriated, shall receive their first consideration in a Committee of the Whole House. The rule does not affect general legislation which simply involves expenditures in the future.

The SPEAKER. The Chair thinks that the gentleman from Illinois himself has over and over again made the point of order in exactly the present form—that the bill creates an office, provides for a payment out of the Treasury from appropriations already made, and thus "touches the appropriation of money" as provided for in the rule.

Mr. SPRINGER. The Chair is mistaken in the statement that I have made points of order similar to that which I am now contesting.

The SPEAKER. Does the gentleman say for an instant that this is not a bill "touching the appropriation of money?"

Mr. SPRINGER. It does not increase the appropriations already made, or any expenditures hereafter to be made. It does not involve any appropriation in addition to those already made. That is my point—that it does not provide for any new expenditure, and therefore does not come within the letter or spirit of the rule.

The SPEAKER. The Chair thinks that he must maintain his consistency and thereby maintain what ought to be the wish of the gentleman from Illinois. He rules that the point of order is well taken.

The bill was accordingly referred to the Committee of the Whole.

INVESTIGATION INTO THE DEPRESSION OF LABOR.

Mr. WILSON, from the Committee on Printing, reported back the following resolution, with a recommendation that it be adopted with an amendment:

Resolved, That there be printed for the use of the House 3,000 copies of the report and testimony of the select committee to inquire into the causes which produced the depression of the industries of the country and of labor.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred the accompanying resolution, having had the same under consideration, respectfully report that the printing of the usual number of the report and testimony referred to has been ordered; that the object of printing the additional 3,000 copies is to meet the public demand for the same, which cannot be supplied in any other way. The committee report back the said resolution with the recommendation that the same be amended by striking out "3,000" and inserting "2,000" in lieu thereof, and that thus amended it do pass.

If the printing shall be ordered, it will cost $813.22 for the 3,000 copies, and a proportionately less amount if 2,000 copies shall be printed.

Mr. CONGER. I would like to know what this report is. At any rate, I make the point of order that it should go to the Committee of the Whole, as it involves an expenditure of money.

The SPEAKER. It is provided by law that where the printing of any documents will cost more than $500 it must be provided for by concurrent resolution of the two Houses. The Chair is, however, in doubt whether the point made by the gentleman from Michigan can be raised against a resolution authorizing the printing of documents for the use of the House. It has never been the practice to treat such resolutions in that way.

Mr. CONGER. But the report says this will cost $800, which is more than the limit of the law.

Mr. WILSON. The whole cost of three thousand copies will be $800.

Mr. CONGER. And that exceeds the $500 which is the limit of the law.

Mr. WILSON. Two-thirds of that will be over $500, and I am willing to amend the report so the printing shall not exceed $500, as I understand that to be the limit.

Mr. CONGER. Oh, no; you cannot amend the report.

The SPEAKER. The Clerk will read the provision of the statute.

The Clerk read as follows:

SEC. 1395. All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds $500, shall be by concurrent resolution, which shall, upon its transmission to either House, be immediately referred to the Committee on Printing of the House to which it is sent.

Mr. CONGER. This will cost over $800.

The SPEAKER. The Chair understands this is over $500.

Mr. WILSON. Yes, sir.

The SPEAKER. The requirements of the law have been complied with in every respect in reference to this matter and the Chair has never known of the point of order being raised against the printing of public documents in this way, and yet a strict construction of the rule, or that clause of Rule 112 which includes propositions authorizing payments out of appropriations already made—as the appropriation has already been made out of which this money is to be paid for printing of this document—it would bring it within the technical language of the rule. Therefore the Chair is compelled to sustain the point of order, and the resolution is referred to the Committee of the Whole on the state of the Union.

PRESIDENTIAL ELECTION.

Mr. BICKNELL. I am directed by the Select Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President to report back favorably a bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States, relating to presidential elections, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, and to move that it be printed; and further, that it shall be considered on the 29th of January in the House after the morning hour, not to interfere with appropriation bills, and from day to day until disposed of.

Mr. CONGER. Let the bill be read before the time is fixed for its consideration. It is an important subject, and I should like to hear the bill read.

The bill was read.

Mr. BICKNELL. I now renew the motion that I have made, that the bill should be printed and made the special order for the 29th day of January next after the morning hour in the House, not to interfere with appropriation bills, and from day to day until disposed of.

Mr. CONGER. I ask that the gentleman shall accompany his motion with a request, also, that there shall be printed for the use of members of the House the sections of the Revised Statutes which are repealed by this bill.

Mr. BICKNELL. I have no objection to that.

Mr. KENNA. If this be made the special order for the day named, I should like to have it understood that it is not to interfere with a special order already made by the House for the second day of February; that is, of the bill revising the navigation laws of the country, commonly known as the steamboat bill. It is a matter of some importance, and if passed at all by the House it should be passed at an early day in order to give time for its consideration in the Senate. I hope it may be understood that, if this be made the special order for the day requested, it shall not interfere with that other special order.

The SPEAKER. It will not interfere with that order, because, all special orders standing upon an equality, the one of earlier date takes precedence.

Mr. KENNA. If I understand the Chair correctly, although this bill should run beyond the 2d day of February, it will still hold its place.

The SPEAKER. The steamboat bill, to which the gentleman alludes, would come up first.

The Chair will state again the proposition of the gentleman from Indiana, so that there may be no mistake about it. He moves that the bill be printed, and its consideration set for the 29th of January, and from day to day thereafter until disposed of, after the morning hour, not to interfere with appropriation bills; and, in connection with that, the gentleman from Michigan proposes that there shall be printed, for the use of members, the statutes of the United States which may be repealed or affected.

Mr. KEIFER. I desire to inquire whether this bill is to be considered in the Committee of the Whole?

The SPEAKER. The gentleman from Indiana stated in the House.

Mr. BICKNELL. Yes, sir; in the House.

The SPEAKER. It is not subject to the point of order that it shall have its first consideration in the Committee of the Whole on the state of the Union.

Mr. KEIFER. Let it be considered in the House as in Committee of the Whole.

The SPEAKER. That was not the gentleman's suggestion.

Mr. BICKNELL. The proposition was to have it in the House.

The SPEAKER. The House can cut off debate or regulate debate at any time.

Mr. KEIFER. I hope it will be considered in the House as in Committee of the Whole. I desire an opportunity to examine into this matter. I have no desire to delay action upon it.

Mr. BICKNELL. I do not hear very distinctly the statement made by the gentleman from Ohio.

The SPEAKER. The gentleman asks that this matter may be considered in the House as in Committee of the Whole.

Mr. BICKNELL. The committee reporting this measure preferred that it should be considered in the House.

Mr. KEIFER. It will be in the House if my suggestion is adopted.

Mr. ACKLEN. It will be open for debate under the five-minute rule.

Mr. KEIFER. It may be under the five-minute rule——

The SPEAKER. The House can regulate the debate.

Mr. BICKNELL. I have understood from several gentlemen that they desire an opportunity to debate this at length.

Mr. KEIFER. If the gentleman reporting this measure to the House does not object to allowing ample debate upon it, I have no objection to the adoption of his suggestion.

Mr. BICKNELL. The object of the committee is to have the bill fully discussed before the House.

Mr. KEIFER. I desire to be heard on it myself.

The SPEAKER. If there be no objection, the proposition of the gentleman from Indiana reporting this measure will be considered as agreed to.

There was no objection, and it was ordered accordingly.

ENROLLED RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 58) touching the Hot Springs reservation in the State of Arkansas; when the Speaker signed the same.

MORNING HOUR.

Mr. FERNANDO WOOD. Mr. Speaker, has the morning hour expired?

The SPEAKER. There are a few minutes of the morning hour yet remaining.

Mr. FERNANDO WOOD. I am willing, then, to admit that the morning hour has expired.

The SPEAKER. That will have to be done by unanimous consent. [After a pause.] The Chair hears no objection. This will give the Committee of Ways and Means two full hours hereafter.

SPEEDY DELIVERY OF LETTERS.

Mr. MONEY, by unanimous consent, from the Committee on the Post-Office and Post Roads, reported back a bill (H. R. No. 1533) to facilitate the delivery of letters and the speedy return to the writers thereof of such as are refused or cannot be delivered, with amendments; which, with the accompanying report, were ordered to be printed.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair, and proceeded to consider the report of the Committee on Rules.

Mr. DUNNELL. Mr. Chairman, I think it will be conceded by the whole House that the Committee on Rules has reported for our consideration a codification and revision of the present rules that will not fail to receive our commendation. While I had my doubts, when this committee was authorized to revise the rules, as to the propriety of the action taken, I now confess that the rules as received from that committee and now before us incline me to receive the report of the committee with much favor, and if the action of the committee shall result in giving us substantially the code that is reported with the rules reclassified and arranged under appropriate heads, I think we shall very soon congratulate ourselves that this work has been done. It is true, nevertheless, that we shall not agree in all the rules that have been presented for our acceptance.

Whatever may be the ultimate action of the House when we come to the adoption of this report, whether it shall contain precisely the rules which have been reported or not, there is one thing, Mr. Chairman, I think we ought to insist upon in the adoption not only of each individual rule and clause under it, but of the report as a whole: that there shall be absolute clearness in every rule which we adopt; that there shall lurk about no rule any ambiguity, any uncertainty, or anything which will leave a doubt in any gentleman's mind as to what the rule may mean.

We have in our present code many rules about which members of the House do and will disagree; concerning which we are not certain what will be the ruling of the Speaker. Now it seems to me that our good old English tongue is fully capable of clearly expressing the meaning of each individual rule and clause that we propose to adopt. I had rather have a bad rule, or a rule vicious perhaps to some extent in its consequences, but such that it shall be clearly understood in advance what must necessarily be the ruling under it, than to have a better rule adopted for the guidance of the House about which there shall be more or less uncertainty and more or less of doubt. Very many of the contests which we have had in this House have been upon the construction of a rule, and we have sometimes fought for days over a question, the whole of which turned upon the probable or possible construction that might be given to a rule.

I submit, Mr. Chairman, that when we come down to business, and take up these rules one by one, and all the clauses under them, we owe it to ourselves, we owe it to those who shall come after us, to insist that there shall be the utmost certainty as to the necessary ruling that must take place under that rule; that the rules shall be absolutely clear of all ambiguity, of all doubt, and of every possible uncertainty.

This report does not lessen so very much the number of rules. We have about as many rules and clauses under those rules in this new code as there are in the present. Some ten or eleven of our present rules have been dropped as obsolete; but we have substantially the present rules of the House rearranged, properly codified, and in a shape in which they can be easily found.

I have made this general preliminary remark with regard to the sentiment which should prevail in the House in the adoption of these rules. Some of the new rules that are recommended will in my judgment, if adopted, work a wonderful reform in the transaction of our business. We are to have henceforth three calendars. I believe that to be a very great improvement. And I might refer to some other matters which are brought out in this report and which will not be overlooked by those who are called upon to advocate the recommendations of the committee. It was my purpose, Mr. Chairman, and is now, to call attention to some rules which I hope the House will change, and the first rule to which I will call attention is the rule that was adopted by the Forty-fourth Congress and which is found on page 38 of this report as clause 3 of Rule XXI. I will ask the Clerk to read it.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. DUNNELL. We are all familiar with the history of this rule, which was adopted in the Forty-fourth Congress. Very much has been said upon it at various times while reports from the Committee on Appropriations have been before the House or the Committee of the Whole. I think if we will look at this rule candidly and seriously we shall find that it is absolutely oppressive, undemocratic, and wholly hostile to the genius of the Government itself. We are sent here as representatives of the people. Among other things, we are called upon to appropriate money to meet the expenses of the Government. We are not only to appropriate money to carry out the existing law, but we are also called on to appropriate money, from time to time, as the public interests may require. We are here responsible to the people who sent us. We are the representatives of the people. We are the people in Congress assembled, with the power, under the Constitution, to originate appropriation bills. We are not only responsible in the popular signification of that term, but we are so under the Constitution itself, and never before in the history of the Government has there been found among the rules of this House a rule like the one to which I call attention. It is simply this, that a majority of one committee, composed of eleven or thirteen or fifteen men, the bare majority of that committee may absolutely and completely control the appropriations of Congress itself. It denies to the minority of the committee, it denies to the minority of the House, it denies to the majority of the House, and to the whole House the power either to obey the law or to meet public demands. A law says that an examining surgeon shall have one dollar and a half for examining a pensioner. The Committee on Appropriations comes in with a report, voted by a majority of that committee, and says that that surgeon shall receive $1, and only $1.

I use this as an illustration, because in the present session we have seen this actually done in the report which came from the Committee on Appropriations for the payment of pensioners.

Now, this may be carried to any extent. The law says that the President shall receive $50,000 annually as his salary. It is in the power of a mere majority of the Committee on Appropriations to say he shall be paid $25,000, and it is utterly impossible for anybody in the House to change the result which the Committee on Appropriations has arrived at, unless it be to make it still less.

We are here at the mercy of a single committee, putting its strong hand upon and closing our mouths. No man, either on the right or on the left of the Speaker, can make a motion to increase the amount reported by the committee not simply to what it ought to be in fact, but up to the point at which the law fixes it.

During the last four or five years, since this rule has been in operation, we have seen many such instances where the public good called for a given sum to meet a particular demand, yet the Committee on Appropriations has said that that sum should not be granted.

By what authority should any one committee thus close the power of this House, which is the representative power of the nation? The people who pay taxes, who bear the burdens of the Government, ask us to appropriate money that the Government may thereby provide for the material interests of all the people. I say it is a bad system of legislation which denies to the House the power to regulate the amount of money appropriated. It is disrespectful, it is derogatory to ourselves. And I venture to say that the gentleman who is the reputed father of that rule has never found the original of it in any legislative manual on the face of the earth. It is a rule known only to the Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses of the United States; it never before had a being elsewhere. I think the time has come in our financial affairs and in an intelligent comprehension of the demands of the present hour when we should trust this House of Representatives.

I believe that the majority of the House should be held responsible; I believe that the majority will be and ought to be held responsible. They will be held accountable with this rule or without it. In a democratic government like ours, to deny to the representatives of the people their right to legislate for the people as their interests may demand is unworthy of either side of the House. I hope to see that clause stricken out and that rule cease to exist.

The majority of this House can control every appropriation bill and every item in every appropriation bill; they are bound to do it. If they are in the minority on any one item, then they will not be held responsible; but the party voting the item will be held to answer for it by the people.

In my judgment we have arrived at a time when we may act with broader views than we acted ten or twelve years ago, just after the close of the war. We were cramped then; we were oppressed with burden and with debt. But we have got beyond the burden. The national debt to-day is not such a burden that Congress cannot act wisely, broadly, and liberally in the discussion of all questions and in the action upon them.

Members have spoken about appropriating four, five, or six millions of dollars for the improvement of the water-ways of this grand Republic. What are $6,000,000 when we consider all the harbors and lakes and navigable waters of this majestic Republic? What are $6,000,000, with all our vast resources and our unblemished credit? There are nations with half the resources which we have and with half our wealth, developed and undeveloped, which every year do thrice what we do for their material interests—yes, for their harbors and rivers.

The people of this country have ceased to criticise their public servants in the appropriation of money which clearly has in view the real development of the country. I do not believe that the people will sustain a Congress in a wasteful expenditure of money. But the people are keenly alive to the present material interests of the country. That man is a statesman who votes liberally—not wastefully, but liberally—and intelligently for the development of those material interests, rather than the man who cavils how this bill or that bill may affect the party record that he shall array before his constituents at home.

That rule which we have been acting under, and which we are compelled to act under to-day, is arbitrary and illiberal. It ought to give way to the pressing necessities of the people. This House, in its intelligence and in its responsibility to the people, should be intrusted with voting away the money of the people. We are in a financial condition to do it. What we need to-day is the development of our material resources, is the attraction of the attention of the people away from the sophistries of mere partisanship to those questions which lift up and make prosperous the people, and so make them happy and contented with the Government under which they live.

I have said enough upon that single rule. The next rule to which I wish to call attention is the seventh clause of Rule XI, to be found on page 32 of the report, which reads:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

* * * * * * *

7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

Mr. Chairman, it has been my honor to serve for four years upon the Committee on Commerce. Not only while a member of that committee, but since then, I have never wavered in my belief that it was for the interests of the Government and of the Treasury itself that the Committee on Commerce should prepare and report for passage a river and harbor appropriation bill. This question has been ably argued by the gentleman from Texas, [Mr. REAGAN,] the chairman of the Committee on Commerce, and very clearly and forcibly by the gentleman from West Virginia, [Mr. KENNA,] a member of that committee, as well as by other members; and perhaps I need say nothing further upon this point. I am, however, constrained to say that the Committee on Commerce alone can prepare for report to this House a bill for the improvement of rivers and harbors. No matter how much wisdom the Committee on Appropriations may possess, no matter how laborious that committee may be, from the very circumstances surrounding it it is absolutely incapable of making or preparing a river and harbor appropriation bill.

There is hardly a bill or resolution going to the Committee on Commerce which does not itself instruct that committee relative to this very work. The entire work of that committee eminently fits it to prepare bills to be passed by this House and by Congress for the improvement of the rivers and harbors of the country. The amount of labor performed by that committee is simply enormous. The amount of pages of finely printed matter which that committee is compelled to read averages from twelve hundred to two thousand. This work must be performed by that committee before it can make an enlightened report and present it to this House upon the subject of the improvement of the rivers and harbors of this great country. As one gentleman on this floor has truly said, the Committee on Appropriations cannot report back a river and harbor bill with one hour's less labor than the Committee on Commerce have spent in preparing it. The ground must be gone over. When it is gone over the committee is prepared to report the bill; until the ground is gone over no committee can be prepared to make it. If this be true, no revising committee can prepare that bill without going over the entire ground in precisely the manner in which it has been gone over by the Committee on Commerce.

It has been stated as one reason why the Committee on Appropriations should consider this bill and report it back to the House is that if the Committee on Commerce should report a bill appropriating $8,000,000, the Appropriations Committee might report it back providing for an expenditure of $6,000,000. But when a bill comes back thus reduced by the Committee on Appropriations, great injustice may be done to some improvements. Every item must be considered thoroughly by the committee before passing or reporting the bill. I join with the gentleman from Texas [Mr. REAGAN] in denouncing the attempt that has been made on this floor and in the newspapers of the country to characterize the river and harbor bill as a gigantic fraud or "steal." I say that no bill goes through this House that can be better defended in honest, clear, open-handed debate than the river and harbor bills which have been passed here within the last four or five years. Take the sundry civil appropriation bill, which comes from the Committee on Appropriations——

Mr. DAVIS, of North Carolina. May I ask the gentleman a question?

Mr. DUNNELL. Yes, sir.

Mr. DAVIS, of North Carolina. If the river and harbor appropriation bill can be so well defended, will the gentleman say why it cannot come before the House for discussion in Committee of the Whole?

Mr. HARRIS, of Virginia. It goes there under the rules.

Mr. DUNNELL. Mr. Chairman, it can go to the Committee of the Whole as it has gone frequently in the past. There is nothing in the rules now that prevents it from going to the Committee of the Whole. There is no reason why it may not go there. It can go there and undergo discussion as well as some other reports which come before the House and from the Committee on Appropriations.

I was about to refer to the sundry civil appropriation bill. Frequently there is added to this bill by the conference committee a sum almost as large as we are in the habit of appropriating for rivers and harbors. We are not allowed to discuss those amendments incorporated into the bill upon the report of the conference committees; and let me tell the gentleman from Georgia, [Mr. BLOUNT,] a member of the Committee on Appropriations, who now honors me with his attention, that within the last three years there have been found in sundry civil appropriation bills items which would not stand half the scrutiny that the river and harbor bill has received.

Mr. BLOUNT. And if the gentleman will allow me I will say that those items came generally from the republican Senate.

Mr. DUNNELL. Very well. I am speaking of a mode of legislation. I am not charging upon the House or the Senate or any part of Congress a result that may be inevitable.

I think that what has been said against the Committee on Commerce in the past has been unjust. These reports have been made as the result of a great labor. It may be said, perhaps, that now and then we have provided for the improvement of a river having too little dignity as a navigable stream; yet in no instance, as the gentleman from Texas said the other day, have we ever appropriated a dollar for the improvement of a river that has not been examined by the Engineer Department of the Government, pronounced upon favorably, and an appropriation recommended.

Mr. KELLEY. If the gentleman will allow an interruption, it seems pertinent to say here that the river Clyde, the great shipbuilding river of the world, has taken a century and a quarter to make. It was a mere purling rivulet through a marsh when, one hundred and twenty-five years ago, the apparently mad experiment of making it a navigable river was begun, and from time to time small appropriations for the same object have been made; so that now, when any nation wants to speak of its future prosperity as a commercial nation, with its own marine and marine establishments, it says that a particular river will be the Clyde of its country. And I apprehend that many of the appropriations now made by the Congress of the United States as small beginnings, and which are severely criticised, are like the early movements to convert the rivulet into the great commercial river of Scotland.

Mr. DUNNELL. I thank the honorable gentleman from Pennsylvania for his admirable illustration. I will not spend any more time or ask the attention of the committee longer to this point. It has been so ably discussed that I do not doubt what the action of the House will be on that clause.

I now ask attention to another rule only for a moment. Clause 2, Rule XXII, reads as follows:

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

This may not seem an important matter, and yet I allude to it. A member of the House deposits a petition in the box. He makes perchance a wrong direction of the petition. It goes into the hands of another committee. He makes a false direction to the petition inadvertently. He may have a choice where the petition shall go. It goes into the hands of a committee, and it is then to be reported back by that committee and sent arbitrarily to such a committee as this committee may select. My own judgment is the present rule is far preferable. The Committee of Ways and Means, as it found yesterday in its session, has possession of a bill which ought to have gone to another committee. It is better the committee should report it back and let the House determine where it should go. I do not believe that my petition or my memorial should be at the mercy of a committee to which I may accidentally have sent it. I do not think that rule is an improvement at all.

One other rule I will refer to before I leave the subject. According to a custom which for aught I know has prevailed since the foundation of the Government, there comes to this House and Congress, as a high court of equity, a large class of private claims. I voted in the last Congress very cheerfully for the bill presented by the gentleman from New York, Mr. Potter, creating a court of claims which should relieve Congress from the adjustment of these private claims. Evidently these new rules make very slight provision for the Private Calendar. Evidently the Committee on Rules was not anxious to enlarge the action of the House on the Private Calendar.

Now, sir, I think there is no disgrace to-day under which so much labor, or under which we any more labor, than we do in denying to the citizens of the country the honest payment of honest claims. If we refuse to take care of these claims, claims like the pension cases which come to us from every section of the country, claims that the law will not allow but which equity says ought to be paid, and so long as we thus hold to these cases just so long ought we to go to the Private Calendar and give them honest attention and honest treatment.

The business of Monday, Tuesday, Wednesday, and Thursday cannot be set aside except by a two-thirds vote. That is a good rule.

It works well. It has been adopted since I have been a member of this House. I am in favor of it; and, sir, all the more rigidly we follow the rules, the less will our business be blocked and the more we may do for the country. When we come to Friday, a bare majority, by these new rules, is allowed to dispense with that day altogether. I say that Friday should be sacredly set apart for private business, and the same vote to postpone it should be required as is required for the postponement of public business. We should transact the private business of the country on Friday, and that day should be protected by a rule as stringent as that which protects the other days of the week.

I served two years on the Committee of Claims in this House, during the Forty-third Congress. I know, and every gentleman who has served on that committee knows, what a terrible gauntlet every bill has to run in order to secure a favorable report. There are men in the other branch of this Government, as well as in this, who have said that if they had a claim against the Government, no matter how just, they would not prosecute it, the difficulty of getting justice from the Government was so very great. It has been to our dishonor that we have asked men to defend the country, to uphold it with money, with blood, and with life itself, and then have turned round and allowed their claims against the Government to be thrust aside to gratify the whim of those who are too economical to be just. We ought to be just to every man and woman who has a claim against the Government.

Mr. Chairman, glory comes to the country that is just, glory comes to any government or any administration that is humane—that legislates for its constituent elements because they are a part and a parcel of the government.

We forget the genius of our Government when we say to this man or to that man, "Go your way." We are in no need of any such kind of conduct. We are amply rich and amply able to do justice to every man, from whatsoever section he comes, and we are amply able to do justice to every rising, growing interest of this grand country of ours.

I yield ten minutes to the gentleman from New York, [Mr. LAPHAM.]

Mr. LAPHAM. Mr. Chairman, it is not my purpose to engage in any general discussion of the questions involved in the report of the committee now under consideration. I shall confine myself substantially to the expression of my views in support of that portion of the report which requires what is known as the river and harbor bill to pass the ordeal of the Committee on Appropriations before it is considered by the House. My experience as a member of this House began with the Forty-fourth Congress, and each of the river and harbor appropriation bills which has been passed since that time has been passed under a motion to suspend the rules, without opportunity for discussion or amendment.

I was one of those, Mr. Chairman, who entered a written protest against the passage of the first bill of that character in the first session of the Forty-fourth Congress, and I have seen abundant reason since that time for adhering to the position then taken by those who joined with me in that protest that this class of appropriations should be open for discussion and amendments the same as every other class of appropriation bills.

Those who are familiar with political history will remember that in the palmy days of the democratic party it was the settled doctrine that the General Government should not engage in works of internal improvements. While I concede that the modified condition of the times demands a departure to some extent from that line of policy, I am yet of the opinion that every question for the improvement of a river or a harbor should be able to stand upon its own merits, should be able to endure the ordeal of discussion, should be open to amendment and consideration. Nor do I subscribe to the idea which seems to prevail so extensively here that no one is interested in this question except the particular member whose harbor is to receive a benefaction from Congress. I am interested in proper appropriations for the harbor of the city of New York as well as the members who have the honor to represent that portion of my State. Indeed, in a great sense I am interested with every other citizen in having all proper appropriations for every river and every harbor throughout the entire country which requires such appropriations.

It is a mistaken opinion that the member residing in the county of Monroe, in the district adjoining mine, shall go to the room of the Committee on Commerce and there say what he thinks should be given to the mouth of the Genessee River, and that no other Representative is interested in that question, nor shall it be open to discussion when reported to the House.

Mr. HUBBELL. I would like to ask the gentleman from New York a question. Suppose, under the revised rules, a river and harbor bill should be sent to the Committee on Appropriations, would not then a motion to suspend the rules be in order to pass the bill, precisely in the same manner as now?

Mr. LAPHAM. Most unquestionably that could be done, and that is the point which I was about to consider. What would be thought of a proposition made here to take a general appropriation bill out of the Committee of the Whole and pass it under the force of the previous question? If the House by its action on the proposal of the Committee on Rules so far reconsiders the obnoxious practice of the last four sessions of Congress as to have this class of appropriations go to the Committee on Appropriations, I take it the House would never be led to adopt a practice which has thus far prevailed to prevent the consideration of this, like other bills, in the Committee of the Whole. Undoubtedly that power exists and will exist wherever and from whatever committee this recommendation comes. But, Mr. Chairman, after the Committee on Commerce has examined this question and considered what rivers and what harbors ought in their opinion to be provided for, it is yet a question whether the condition of the Treasury will justify the appropriations recommended, and that question is one mainly, if not exclusively, for the consideration of the Committee on Appropriations.

I trust, sir, while I shall have the honor of a seat here I shall never again be called upon to witness the example of a President of the United States, in obedience to what he considered his duty as the Executive of the nation, charged with the execution of the laws, to send back to the House his approval of a river and harbor bill coupled with a declaration which he deemed he was bound in honor and conscience to make, that he would not expend the money provided in such bill any further than he deemed it warranted by the public necessities. Let this class of appropriations be guarded so carefully and adopted with such care and deliberation that they shall receive, as all appropriations ought to receive, the assent of the country and of those charged with the execution of the laws. It is this hasty, inconsiderate legislation which has grown up under this practice that is aimed at by the amendment under consideration, and, Mr. Chairman, let me say in conclusion, it meets with my hearty approval.

Mr. DUNNELL. I yield the balance of my time to the gentleman from Illinois, [Mr. BARBER.]

Mr. BARBER. I would like to inquire how much time is left.

The CHAIRMAN. There are eight minutes of the hour remaining.

Mr. BARBER. I understand the Committee on Rules to invite the fullest discussion. I suppose I shall be governed by these rules if they are adopted. I therefore shall not offer any apology for obtruding my views on the House at this moment.

If I can understand the argument which has been urged in support of the proposed rule in regard to appropriations for the internal improvements of the country, it is that we need a committee, a standing committee of this House, to stand between the Treasury and the natural incapacity and greed of this body in its collective aggregation. Now, I might understand the force of this argument if we were living under the old system of confederation, when the legislative functions were committed entirely to one body; but, sir, our fathers devised checks and safeguards against hasty and inconsiderate legislation. They adopted the dual system. They vested the legislative functions in a House of Representatives and in a Senate. It was the chief design of the latter body to afford a check on the hasty and inconsiderate action of the Representatives, who were supposed to stand nearest the people; and with a view to this precise point, the distribution of the public revenues, in order to prevent the spoliation of the lesser States by the greater, there was given to each State equal representation upon the floor of that illustrious body. Nor did they stop there. They went further, and armed the executive authority of this Government with the veto power—the power which can require the reconsideration by this House of every measure which they shall see fit to pass.

Now, sir, what in effect is this proposition? It is to create here in our midst a little senate of our own. It seems to me that that is entirely unnecessary. The facility with which distinguished members graduate from this House into the other renders it entirely superfluous. We can still get the benefit of their matured wisdom. Nor do I deem it necessary, Mr. Chairman, that we bring in here this much despised veto power which was so very distasteful to our friends on the other side during the past session and exalt it as one of our *penates*.

There is an impression in the country at large, a very general impression, that our rules are simply contrived to strangle, to stifle, and to paralyze the legislative energies of this House. I have heard them compared to the double-entry system of bookkeeping which has been described as an invention of the devil to cheat honest men. It has been frequently said—I have read it in public journals within the last week—that gentlemen of marked ability are not found on this floor. It would ill become me to pronounce an opinion upon that point. I would not be considered an impartial or a competent judge. But I do say this as the result of my observation, that if a man wants to become a splendid cipher, if he wants to get a magnificent position of unimportance, if he wants to become a real nonentity, let him come to Congress and let him get safely ensconced on the tail end of an average committee, and his hopes will be realized. [Laughter.]

Now, I hope to have an opportunity to vote in favor of the proposition of the eloquent gentleman from Mississippi, [Mr. HOOKER.] I believe we should distribute these powers among the various committees, develop the ability to determine what appropriations are needed, and educate the House so we can know something about the river and harbor bill, and then we will not have our inability to comprehend the requirements of the situation thrown into our faces, as proposed here, by delegating the power intrusted to us as a House to one standing committee.

I find, Mr. Chairman, [looking at his watch,] that eight minutes is a longer time than I supposed it was. [Laughter.]

Mr. UPDEGRAFF, of Ohio. You have half your time left. [Laughter.]

Mr. BARBER. I shall not without reason consume the balance of the time, but will gracefully yield the floor.

Mr. WHITTHORNE. Mr. Chairman, I do not propose to occupy the attention of the committee for any long period of time, and I only seek the floor at the present time for the purpose of announcing that, taking the labors of the Committee on Rules, as they have reported the amended rules to the House, and comparing these rules with our existing rules, I am in favor of that report.

It has been my fortune, Mr. Chairman, to be a member of this House for a number of years, and I venture to say I have never seen a better exposition of confusion worse confounded than is to be witnessed in the administration of our present rules. As I have often said, if I were endeavoring to find out how not to do a thing, I would take for my guide in that regard the present rules of the House of Representatives. No man, I care not what position he may have upon the floor, knows how, when, or under what circumstances to get at any question unless he first ascertains what is the will and wish of the Speaker of the House; and in order to do that, he must know that the Speaker is clear and cool-headed and consistent with himself.

I appeal to every gentleman upon the floor if this is not the fact in the administration of our present rules. Their number is large, and in my judgment they are not consistent with themselves, and are incapable of intelligent comprehension; and it was in view of this fact that a codification or revision of them became necessary.

Now, taking the labor of that committee as a whole, and looking as I do to what I believe to be, or ought to be, the object of all parliamentary rules—that is to say, the object of parliamentary rules should be to insure an intelligent consideration and dispatch of the business brought before the body of which those rules are the law of action—looking as I do at what should be that object, I must approve generally the report of this committee, because I think those rules should be few and such as can easily be understood and can be readily enforced. Those rules should be such as will aid the majority of the body in arriving at a conclusion of its business, having due regard to the rights of the minority.

I take, however, some exceptions to different rules which have been reported to this body by the Committee on Rules. I will say for that committee that it has reported the clearest, the simplest, and the most comprehensive set of rules that I ever saw for the guidance of a parliamentary body. Their work is entitled to the approbation of all who have studied parliamentary history. Compare the rules which this committee now reports with those at present existing. As between the two my judgment must pronounce in favor of those now reported. Under them I believe that every proposition of the humblest member of this body can receive its due consideration; I cannot say that that can be done under the present rules. Under the proposed rules as reported every committee can bring its work before the House; that cannot be done under existing rules. Under the rules as proposed it will be impossible for one or two members, as I have often witnessed upon the floor of this House, to keep the work of any committee which has taken months for preparation from being considered by this House. Under these proposed rules, therefore, the people who stand behind us by petitions, memorials, and bills will have an opportunity to be heard; they will have their day in court.

I observed particularly one or two remarks made by my friend from Minnesota, [Mr. DUNNELL.] A few moments ago he referred to what he deemed the injustice of the House of Representatives toward the private claims of the people. Sir, my experience does not accord with that of the eloquent gentleman from Minnesota. Too much of the time of this House is given to class, to special, to individual legislation. With your Private Claims Committee on the one hand and the Committee on Appropriations with its usurped jurisdiction on the other, the great public interests of this country have been made to suffer. We should put a check on this special and private legislation.

The gentleman refers to the honest claimant that comes here. It is not the claims of such men that receive the most of our consideration. The honest claimant whom the gentleman describes is very seldom seen at our doors. There comes here a class of persons under the garb of those honest claimants who are too frequently here, who too frequently take up the time of this House.

These new rules are rules for the people, for the public interest; rules which if enforced will give every class of the people an opportunity to be heard. And in this connection I will read an amendment which I propose to offer in due time, and which when offered I trust will receive the favorable consideration of the House. It is this:

That Thursday in every week shall be set apart for the consideration of business on the House Calendar unless otherwise determined by a majority of the House.

Now, I submit to my friend from Minnesota [Mr. DUNNELL] that we should put the public business of the country on the same footing that we have put private claims. I think that should be made one of the new rules of this House. I have noted in this report the exceptions which I take to it, as I have considered it, I think, with an endeavor to take an impartial view of it.

I will now come to the subject of reports from the Committee on Commerce. I agree with my friend from Texas, [Mr. REAGAN,] the chairman of that committee, and with his associates upon the committee, that its duties should be performed as they now are, independently of other committees. I will ask him, however, to add a provision to the rule that the Speaker shall not entertain a motion to suspend the rules for the passage of the river and harbor appropriation bill, but that the House shall have an opportunity to pass in review upon the labors of that committee.

Now, I will give the reason why I shall support a proposition to let the labor of considering the improvement of rivers and harbors remain with the Committee on Commerce. It is new and independent legislation, not already fixed by law. Before I get through I will endeavor to show what I consider to be the proper functions of the Committee on Appropriations.

When I first entered Congress, in the Forty-second Congress, General Coburn, of Indiana, was a member of the Committee on Appropriations. He at that time proposed to divide the labors of that committee as is now proposed by the gentleman from Pennsylvania [Mr. SHALLENBERGER] and by others. At that time I was heartily in favor of that proposition. But during all these years that I have been here my experience and observation have led me to believe that if we turn loose a half dozen committees upon the subject of appropriations it will be impossible to control the amount of those appropriations. I believe that it is for the interest of the people that the subject of appropriations should be committed mainly to one committee. I say this not out of any feeling with respect to my own committee, because if I considered that I should be jealous of its rights and should speak jealously of its intelligence and its power of comprehending the duty before it. But, speaking in the interest of the people, in the interest of the public Treasury, in the interest of a proper control of public expenditures, I must say, what has been forced upon me contrary to my original convictions, that it is the duty of this House to have the subject of appropriations controlled by one committee. And why? Not that the Committee on Appropriations shall originate any legislation, not that they shall bring into the House any new items, but that they shall be confined to what the law requires. And I, for one, announce to the House that I would be willing to strike out in Rule XXI the last words of clause 3, thus confining the Committee on Appropriations to the provisions of the existing law, and not permitting them to report matters over which they have no legislative jurisdiction whatever.

Mr. Chairman, I sought the floor for the purpose merely of giving utterance to these views, and expressing the hope that in passing upon all these questions the House will look to the ills that we are seeking to fly from, and will take shelter under these rules which promise an intelligent consideration and dispatch of public business.

I yield to my friend from Texas, [Mr. MILLS.]

Mr. MILLS. Mr. Chairman, I only desire to occupy a few minutes. I have been a member of this House for some years, and ever since I have been here have been seeking to bring about some revision of our rules. I was glad, therefore, when the House adopted the resolution authorizing this revision to be undertaken. The report submitted by the committee presents to us a choice between the new and the old code. If it were left to me to decide which of these codes I would take, supposing that the new rules must be adopted without amendment, I should without hesitation prefer the old, objectionable as they are.

Under an amendment of the rules adopted by the House at the commencement of this Congress the Committee of Ways and Means, the Committee on Coinage, Weights, and Measures, and the Committee on Banking and Currency, three committees certainly that deal with the most important questions submitted to our consideration, were authorized, as the public interest required they should be, to have priority over the other committees in reporting public business for the consideration of the House.

To the Committee of Ways and Means belongs the duty of reporting all bills affecting our revenue; to the Committee on Coinage, Weights, and Measures, everything affecting our coined money; and to the Committee on Banking and Currency, all subjects affecting the paper money. On these subjects the people of the United States are now demanding some sort of reform which they contend is necessary to their prosperity. In fact, monetary questions are now engaging the attention of the people of the civilized world. No country seems to have a monetary system with which it is perfectly satisfied, and I am sure that a large body of our own people are not satisfied with the present monetary system of the United States with silver demonetized. A large number of our constituents believe that silver ought to be a part of the permanent money of the United States, unlimited in its coinage and unlimited in its monetary functions. I apprehend that those who thus think will not rest until they shall find some means to have their views incorporated into the statutes of the United States.

Now, under this new rule what becomes of the Committee on Coinage, Weights, and Measures? What becomes of the "dollar of our fathers," which has created such a great sensation in the country within the last three or four years? Where does this committee go? It is retired ignominiously to the rear. Adopt these rules, and where does the business of the Committee on Coinage, Weights, and Measures find a place on the Calendar of this House? At the tail of all other business. This committee has no precedence in the House. The Committee on Banking and Currency share the same fate. Both of these committees are deprived of the priority given them by existing rules. After the Committee on Coinage, Weights, and Measures or the Committee on Banking and Currency has reported a bill (and they only report when their turn comes on the roster) their report goes to the foot of the public calendar, to be reached after all other business on that calendar shall have been swept away.

The rule works on the other side of the question with equal force. Suppose a majority of this House should think it impolitic and unwise to continue the coinage of the silver dollar in limited quantities, and should desire a change of the law in that respect, as the present Secretary of the Treasury desires, and as a large part of the people of the United States unquestionably desire, how is that object to be effected? Under the new rules you could never change that legislation by any regular method of proceeding; the present status of the coinage laws must remain.

What about your tariff? Some people want an increase of tariff duties. There are bills lying on the table of the Committee of Ways and Means proposing to increase duties on various articles, and there are some proposing a reduction of duties. Under the present rules, when the Committee of Ways and Means reports to this House a measure affecting the tariff it can invoke the will of the House to set a day for its consideration, and to be continued from day to day until disposed of. Can this be done under the new rules? The Committee of Ways and Means may report in preference to other committees; it may report at any time; but it cannot move to take the bill up for consideration until the morning hour has expired and until the unfinished business succeeding the morning hour shall have been disposed of. Who here does not know that sometimes for a month at a time we have never had a morning hour? Who fails to remember the struggles we have had upon some measures in the morning hour which could not be taken out of it? In addition to that, the unfinished business coming over is piled in the way, and must be disposed of before we can reach the great questions affecting the revenues of the Government.

Now, as to questions of appropriation. There seems to be among some of our statesmen a mistaken view of their duties and responsibilities, and of the rights, privileges, and responsibilities of their fellow-members on this floor. I beg to assure gentlemen that the majority on this floor are not held responsible to the minority for their conduct. When gentlemen assume that none but the Committee on Appropriations is worthy to be intrusted with the expenditure of the money of the people of the United States they assume a prerogative nowhere conferred upon them. Who has given to them the right to say that the Committee on Naval Affairs cannot faithfully, patriotically, justly, and wisely frame and report appropriations for the Navy Department? Why should the Committee on Appropriations have charge of this work in preference to the Committee on Naval Affairs? Why should the Committee on Appropriations prepare the Army appropriation bill in preference to the Military Committee, or the Post-Office appropriation bill in preference to the Post-Office Committee? There are but two arguments that have been used on this floor to justify the proceeding—one a very plausible argument by the gentleman from Ohio, [Mr. GARFIELD,] a gentleman who can throw around a fallacy more force than any man I ever heard in my life. He is a gentleman whose genius and great ability I have always admired. He comes to the House and tells us that there are two great committees of the House standing back to back, one raising the revenue and the other disbursing it; one saying how much taxation shall be collected from the people, the other how the revenue thus derived shall be expended.

Why, sir, the Committee on Appropriations expends year by year, while the Constitution forbids you to make an appropriation passing beyond the term of two years; but is it so with the Committee of Ways and Means? The laws we have on our statute-books which give into our Treasury money that supports the Government are permanent laws, not made every two years like the appropriations for the disbursements of the Government. There is no parallel between the two. Every committee of this House which has to deal with a question of money knows as well as the Committee on Appropriations what amount of money comes into the coffers of the Government and what permanent laws remain upon the statute-book. The Committee of Ways and Means does not have to levy to meet the views of the Committee on Appropriations every Congress. The laws are in force constantly, constantly bringing money into the Treasury. So that objection is exploded.

The other reason is that other committees cannot be trusted; they are not sufficiently economical. Now, sir, it may be that the Speaker in his wisdom in the appointment of the committees of this House during this Congress has selected for the Committee on Appropriations the most economical, the most wise, the most just, the most patriotic gentlemen in this House. But these rules are not for this House alone; they are, in defiance of constitutional authority, to go into other Congresses; they are made the rules of succeeding Congresses, notwithstanding the Constitution says that every House shall make its own rules. They are to go forward in their operation and to be thrown over all future Congresses. It may be in some future Congress there shall be a Committee on Naval Affairs or a Committee on Military Affairs or a Committee on the Post-Office and Post-Roads which will equal in virtue, in patriotism, in wisdom, and in love of economy the present Committee on Appropriations. I say nothing to the detriment of that committee. It is as good as any we have. But the argument is unfair and unjust. And why? It assumes to arraign all the other committees of this House for extravagance, for want of economy, for want of patriotism, and tries them before its own tribunal. No gentleman has a right to arraign another for any course he may pursue as a member of Congress. The constituent only has the right to call to account. I do not answer to any committee of this House. I do not answer even to my party in this House for what I do if I go beyond what they believe to be my duty. If I do not advocate and vote for measures they believe I ought to sustain and support, I am not responsible to them; my constituents only can call me to account. At that tribunal I bow and to that judgment I submit. But I do not bow to the self-assumed authority of any committee on this floor.

It was argued that we will have less expenditure of money—there will be less money expended—if you will put it in the hands of this committee; that somehow or other, as soon as they are appointed, the Committee on Appropriations becomes supereminently economical, and less money will be expended by them. I do not know that that is so. I cannot say it will be wise to leave our harbors all dammed up, our commerce having no means of communication. I do not know that would be a part of great wisdom or statesmanship. I believe in liberal expenditures by the Government. If there is no other objection save that, I am sure the argument is not sustained that concentrates all the appropriations of this House into the hands of the Committee on Appropriations.

But there are sometimes exceptions to that rule. I served once on the Committee on Naval Affairs. I remember we reported a bill to this House cutting down appropriations in the Navy Department below those which had been reported by the Committee on Appropriations. I have a very distinct recollection of being antagonized by the Committee on Appropriations and of being defeated. So it does not always follow the Committee on Appropriations are going to deal more economically with the public funds than any other committee of this House.

Mr. BLOUNT. May I ask the gentleman whether it was the Committee on Appropriations that defeated the bill? Was it not rather the House that defeated it than the Committee on Appropriations?

Mr. MILLS. My impression is that the Committee on Appropriations turned their backs and saw us die in the House without giving us aid or comfort.

Mr. BLOUNT. It was before the House still. It was here in this House, and it was not because of want of sympathy on the part of members of that committee.

Mr. MILLS. We did not have the support of the Committee on Appropriations, and our bill was defeated in the House. A great deal of this opposition to different committees of this House making appropriations results from a hereditary hostility to this Government making appropriations for the improvement of rivers and harbors. There are a great many democrats on this floor who have inherited the faith of their fathers and the democratic doctrine long years ago, when it was an open question of how the Constitution of the United States should be construed, some holding it should receive a literal construction, that this Government had no power that could not be found in an express grant of words. Then the democratic party held to that doctrine; but since that time we have had a broader interpretation of the Constitution. It is held now the Government can do some things by implied power as well as express power, and the Government has gone on year by year extending the power of the Federal Government, so that to-day it is far beyond the doctrine of our fathers thirty, forty, or fifty years ago. It is now the accepted doctrine among the mass of our people, democrats and republicans, although I do not know much about republicans—I know it is so with most of the democrats where I live—that it is the rightful duty of this Government to improve the lakes, rivers, and harbors, so that the products of the labor of its people may find cheap and easy transportation to market. That is the democracy, as I understand it, of the present day.

There is one other simple objection to the report of the Committee on Rules. I do not know whether that will be amended or not. I have been trying to get the rules so arranged that when a member of Congress desires information from the Departments he can get it during his congressional term. I have frequently failed during two years to get information about the Indians on the frontier. If I offer a resolution calling on the Secretary of the Interior to know something about the Indians on the frontier, some gentleman who is a little dyspeptic rises and objects, and my resolution lies over as it requires unanimous consent before I can get it adopted. A short time ago, when we were amending the rules, I had that amendment offered, or at least it was amended on my motion, that a resolution of inquiry should be referred to a committee and reported within a week and acted on. Now how is it? A resolution is referred to a committee when you offer it, within a week it is to be reported, and then it is to take its place upon the Calendar way down at the foot with five hundred before it. If I were to ask to introduce a resolution asking for information in reference to the Indians now invading Texas from Fort Sill or Fort Stanton reservation, and the committee were to report it was a harmless resolution, and the Secretary might answer it without detriment to the public service, it would go upon the Calendar, and then, some time about the time this Congress would expire, I could have the resolution sent to the Secretary of the Interior for his answer. That is another objection I have to these rules. There may be others, but I will not stop now to consider them, but will yield to my friend from North Carolina, [Mr. DAVIS.]

Mr. DAVIS, of North Carolina. Mr. Chairman, I desire to say only a few words upon the matter now pending before the committee.

The Committee on Rules have made a report, after mature consideration, and I am, sir, very reluctant to criticise that report or object to any of its conclusions. The feature of the report which seems to have created more discussion than any other is that which relates to the jurisdiction of the Committee on Commerce over the question of the improvement of rivers and harbors. The old rule referred to that committee for consideration all matters that might be committed to it by the House. The rule as proposed not only gives that committee all the power it possessed under the old rule, but goes still further and authorizes it to prepare the river and harbor bill, and then provides, after its preparation, that it shall be reported to the House and then referred to the Committee on Appropriations for their consideration and supervision. Now, sir, the Committee on Rules had in view some plan whereby the river and harbor bill shall be more thoroughly discussed than it has been heretofore, and in that object I am in hearty sympathy with them; but I must say that my conclusion is that the reference of the report made by the Committee on Commerce to any other committee for its revision will not attain the end desired, because that committee, if it desires so to do, may secure action on the bill under a suspension of the rules, which is the evil sought to be avoided. The complaint is that the Committee on Commerce has hitherto reported the river and harbor bill and procured its passage, under a suspension of the rules, without debate and without offering any opportunity for amendments or for discussion.

What I desire is to see every appropriation bill brought before the House for consideration in Committee of the Whole. I am opposed to the passage of any appropriation of any kind whatever without having it first read item by item, with power to move amendments, and therefore I should be glad to see Rule 112 as it now stands in the rules (clause 3, Rule XXIII, as provided in this revision of the rules) amended so as to provide that this rule shall not be suspended except by unanimous consent.

Gentlemen say that would be giving one man too much power. No. When it goes to the Committee of the Whole the majority of that committee can dispose of it as it thinks proper. Let the bill be considered there; let it be read item by item; let every portion of it be discussed, and then we shall have proper action on it.

We all know—I do not know that there is any impropriety in my saying so—that there has been some reason for the difference in the mode of considering the river and harbor bill from other bills. Why does that reason exist? It is in the fact—and we all know it to be a fact—that the river and harbor bill has been pretty uniformly an omnibus bill, a bill in which the interests of different States and different Representatives and their constituents are put, and put in a skillful way, so as to carry the omnibus with all its freight, good and bad, successfully through, to the great damage of the Treasury.

That we know to be the fact with regard to river and harbor bills; and I venture this assertion, that there has not been a river and harbor bill considered here in which at least one-half of the appropriations would not have been rejected if they could have stood by themselves upon their own merits, and which were only carried through by being in the omnibus with other measures. I regard this system of legislation as vicious, and I wish to see it remedied.

My friend from West Virginia [Mr. KENNA] thinks that this proposition originates in hostility to rivers and harbors. For one I disclaim any such hostility. The gentleman says that "these constitutional scruples generally travel by dry land." Now, as to that I will say that I have no constitutional scruples about proper appropriations for rivers and harbors. But I do have scruples as a Representative here about the manner in which these bills have been passed. I say let the measure come before the House to be discussed, and if any portion of the bill cannot stand the scrutiny of the House let it fail, as it ought to fail. That is all I desire with regard to that.

Perhaps I ought to say, Mr. Chairman, that in declaring that this is an omnibus bill I am only stating a fact of history, and I do not wish to be understood as criticising what has hitherto taken place in any spirit of hostility to the action of the Committee on Commerce. Perhaps they could not have done any better. Perhaps the Appropriations Committee could not do any better. I am doubtful whether they could do any better, and for that reason I am in favor of letting the bill go directly from the Committee on Commerce to the Committee of the Whole on the state of the Union, to be there considered and passed upon item by item, upon its merits. We shall thus, I think, get rid of a vast deal of vicious legislation.

The gentleman from Minnesota [Mr. DUNNELL] said there was no bill introduced into this House that could undergo discussion better than these river and harbor bills. If that is true, why object to their going where they can be discussed? Why object to their going where every clause shall be read by itself? I venture this assertion, that while the river and harbor bill may stand discussion better than any other, there has not been a river and harbor bill for the last ten years which would, if discussed item by item, command the support of half the members on this floor for one-half of its provisions; I mean if every part is considered separately. And yet it passes through under a suspension of the rules by a two-thirds vote.

Mr. ACKLEN. Will the gentleman yield to me for one remark?

Mr. DAVIS, of North Carolina. Yes, sir.

Mr. ACKLEN. There is nothing in the rule as it has stood to prevent the river and harbor bill going to the Committee on Appropriations.

Mr. SPARKS. But the gentlemen of the Committee on Commerce move to suspend the rules. That is what they do.

Mr. DAVIS, of North Carolina. And it is just to meet that that I wish to put in the new rule an amendment declaring that this rule shall not be suspended except by a unanimous vote.

Mr. ACKLEN. Then I understand the gentleman to discriminate against the river and harbor bill, and in favor of the other appropriation bills.

Mr. DAVIS, of North Carolina. If the gentleman from Louisiana had listened to me he would have heard very differently. If he will do me the favor to read my remarks, he will see that I am opposed to the passage of any appropriation bill under a suspension of the rules, but I desire that every bill shall go into the Committee of the Whole and be acted upon item by item, on its merits.

Mr. ACKLEN. The gentleman's remarks were in reference to the river and harbor bill. The gentleman from Louisiana gave him his undivided attention.

Mr. DAVIS, of North Carolina. I spoke in the outset with reference to all appropriation bills, and if I have confined my remarks mainly to the river and harbor bill it is because that bill has been the omnibus bill, and that bill especially illustrates an evil which I desire to see remedied in this House.

In the last regular session there were motions to suspend the rules and pass appropriation bills, made by the chairman of the Committee on Appropriations, and some of them were passed under the suspension of the rules; but they were so passed greatly to the dissatisfaction of some of us, and I believe my good friend from Texas [Mr. MILLS] among the number.

Mr. MILLS. Oh, no! I voted for them.

Mr. DAVIS, of North Carolina. I hold that all those measures ought to be considered in the Committee of the Whole. It was said in regard to those bills coming from the Appropriations Committee that were passed under a suspension of the rules that we did not have time to discuss them. I hold, Mr. Chairman, that every measure that ought to pass here deserves time for its consideration, and if we have not time to consider we ought not to have time to pass it, especially if it relates to an expenditure of money. No appropriation bill involving the expenditure of millions ought to pass without due consideration, and hence I trust the rules will be so amended as to make it imperative that every appropriation bill shall be considered in Committee of the Whole and that this shall not be dispensed with except by unanimous consent.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] has twenty minutes of his time remaining. To whom does he yield?

Mr. WHITTHORNE. I yield to the gentleman from Indiana, [Mr. BROWNE.]

Mr. BROWNE. I desire to tender to the Committee on Rules my thanks, that in the revision they have reported they have put the code in a form so compact that a man can read it in an ordinary lifetime, and then they have put it in language in the main so terse and clear that a man of ordinary intelligence can form an idea of what was intended.

I shall vote for the revision as it stands if the House shall not conclude to amend it. But I think the report ought to be amended in at least two important particulars.

I have been, ever since I have occupied a seat in this House, opposed to committing the entire subject of appropriations to a single committee, and upon this question I desire to speak plainly, and I hope I will offend no one.

It has appeared to me, and I think it has so struck almost all the younger members of this body, that the Committee on Appropriations have absorbed and monopolized the whole business of legislation.

It is insisted, indeed the only forcible logical argument I have heard in defense of giving the whole subject of appropriations to a single committee is, that that method will give us a more economical administration of the affairs of this Government, that it will tend to retrench expenditure, whereas if you give the different subjects of appropriation to several committees the tendency will be to extravagance. Sir, it strikes me that the very opposite of that will be the result.

Now, if it be the object of legislation to go into the several Departments of the Government, to examine them thoroughly and completely to ascertain wherein there are abuses, and to cut off improper expenditures here and there wherever they may exist—if such investigation is to be complete and thorough, it strikes me that it is impossible for a single committee to take charge of all those subjects and give them such examination and attention as their importance may require.

To illustrate: It is insisted by a very large number of gentlemen here, and with much force, that the subject of appropriations for the improvement of rivers and harbors should be committed to the Committee on Commerce. Why? Because that is a subject which requires research and investigation. In order that the committee may comprehend that subject they should know the extent of our coasts, our inlets and bays, our rivers and harbors, and they should ascertain to some extent the importance of each to the commerce of the nation. That subject being committed to a single committee, it can investigate it and comprehend it and make intelligible appropriations for it. Now I concede that there is much of force in that argument. But will the gentlemen who insist upon it tell me why the Commit-

tee on Commerce is any better qualified to make appropriations for rivers and harbors than is the Committee on Military Affairs to make appropriations for the support of the Army, or the Committee on Naval Affairs for the maintenance of the Navy? Why is it that the Committee on Commerce shall appropriate for rivers and harbors, and at the same time you will deny to the Committee on the Post-Office and Post-Roads the right to investigate and report the necessary appropriations for the Post-Office Department?

Sir, there is an appropriateness in submitting the various subjects of appropriations to these independent and important committees. I believe that if this House will make the experiment it will find my prediction to be true, that you will have a more intelligent and more thorough and more economical administration of the Government, if you will give to each of the committees the duty of preparing the appropriation bills for the particular department that by the rules is committed to the consideration of that committee. If you will give to the Committee on Military Affairs the duty of preparing the appropriation bill for the maintenance of the Army, that committee will examine the military departments of the Government, will ascertain the number of troops, the number and rank of the officers, the number of clerks in the department, the number of military posts, and everything pertaining to the military establishment of the country. If any abuses exist they will ascertain them and will be ready to correct them.

It is simply absurd to assume that a single committee of this House can know more of everything that is being done by the different Departments of the Government than would be ascertained if that work was separated and the subjects relating to each particular branch of the Government committed to separate and distinct committees. I assume that every committee of this House is the peer of the Committee on Appropriations. I assume that every member of each of the committees of this House is the equal of each individual member of the Committee on Appropriations; that each is as anxious as the other that there shall be an honest and economical administration of the Government.

And instead of the system which I have indicated leading to extravagance, my belief is that each committee will vie with the others in bringing its work before this House so as to show that it has done something in the way of lessening the burdens of the people. It will be a race of economy and not of extravagance, in my honest opinion.

I know, as the commander of the left flank of the Committee on Military Affairs, that it will be my pride to assist that committee in making appropriations that may be committed to it, and to bring into this House a work that shall commend itself not only to the House, but to the country, and I believe that same spirit would animate every member of every other committee.

I confess to you, Mr. Chairman, that I feel somewhat sensitive upon that subject. People at home judge of the standing of their Representatives by the frequency with which they appear on the floor of this House and the frequency with which their names occur in the Associated Press dispatches. Consulting that record, the people have been inclined to believe that this Congress is composed of about fifteen men and that they all happen to be members of the Committee on Appropriations. Now, I am opposed to that. And I am opposed to it for another reason, in stating which I certainly intend no reflection upon any one. In looking over the committee to which has been assigned this important duty of making appropriations I find the names of perhaps the most distinguished persons in the legislative annals of the nation, certainly the names of those men to whom the leadership of the several political parties may with propriety have been assigned; yet when we commit practically the whole business of legislation to a single committee, and then give the selection of that committee under the rule to the Speaker, where it may and where it ought to belong, we simply create in that committee a little aristocracy and make the Speaker the autocrat of a republic. That is all there is of it.

It gives him the power to make and unmake men. Whatever there may be of mettle in a man, whatever may be his ability, whatever he might accomplish if he had opportunity, under this arrangement he has no opportunity unless he happens to be one of a fortunate few. I am opposed to this. I am opposed to it in behalf of the younger members of the House, those who have not been or may not be permitted to serve their constituencies for many years—those gentlemen who, as is suggested by a friend near me, have only placed their feet on the mountain-top and are looking over into the promised land. I am in favor of giving these men opportunity; and I do hope that this House may inaugurate this reform and give it a trial at least for a time. Let us see whether we cannot adopt a system which will give to the people a more efficient and economical administration of the Government. I have faith that such will be the result. I shall therefore vote for the amendment to transfer the several subjects of appropriation to the different committees, and until this rule is adopted I shall vote with all my heart to give the Committee on Appropriations the exclusive control of the appropriations for rivers and harbors. If the appropriations for the Army must go to the Committee on Appropriations I would send the rivers and harbors also to that committee. If they are to have charge of the appropriations properly belonging to any other committee, let them appropriate for all. I would send the river and harbor bill to the Committee on Appropriations for another reason: because I believe that out of the $55,000,000 appropriated for this purpose during the last ten years one-half might as well have been taken to those rivers and harbors and sunk to the bottom.

Mr. DUNNELL. I suppose the gentleman is merely expressing an opinion.

Mr. BROWNE. I am simply expressing an opinion; that is all. My friend from Minnesota [Mr. DUNNELL] is an advocate for the improvement of rivers and harbors in his section, and if he can get $100,000 for them is willing to give four or five millions to everybody else. Let him be made chairman of a committee sent out to find what has become of the $125,000,000 expended in this way within the last twenty years, and he cannot schedule a proper appropriation for fifty millions of it.

Mr. ACKLEN. Did I understand the gentleman to say that unless the appropriation bills were distributed to the various committees which he has mentioned he would propose to send the river and harbor bill to the Committee on Appropriations?

Mr. BROWNE. That is precisely what I said.

Mr. ACKLEN. Does the gentleman believe that the river and harbor bill should go to the Committee on Appropriations?

Mr. BROWNE. No, sir.

Mr. ACKLEN. Then why would you send it there?

Mr. BROWNE. Simply because——

Mr. ACKLEN. Because you cannot get the others referred as you want them.

Mr. BROWNE. Because I simply want that bill to share the common fate. I do not want to discriminate in its favor—to give it a preference over all others. If it be the sense of this House that the Committee on Appropriations may appropriate for everything else, I take it for granted it may appropriate for rivers and harbors also. I will send the river and harbor bill to that committee for another reason—so that I can secure the influence of the gentleman from Louisiana [Mr. ACKLEN] and his friends in doing what is just to the other committees of this House. The gentleman has my answer.

[Here the hammer fell.]

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules revising the rules of the House, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 368) for the relief of Emanuel Klauser;

An act (S. No. 401) for the relief of Peter Meagher;

An act (S. No. 752) granting an increase of pension to Crafts J. Wright; and

An act (S. No. 931) to admit free of duty all articles intended for exhibition at the millers' international exhibition of milling and mill machinery, to be held at Cincinnati, Ohio, commencing May 31, 1880.

REFUNDING THE NATIONAL DEBT.

Mr. SHALLENBERGER, by unanimous consent, introduced a bill (H. R. No. 3503) to authorize the refunding of the national debt, for reducing the burden of annual interest thereon, and to improve the public credit; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PATENT FOR PRINTING-MACHINES.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 3504) authorizing the extension of letters-patent No. 38200, granted to William Bullock, April 4, 1863, for improvements in printing-machines; which was read a first and second time, and referred to the Committee on Patents.

REBECCA ADAMS.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 3505) granting relief to Rebecca Adams, widow of John L. Adams, deceased; which was read a first and second time, and referred to the Committee on Indian Affairs.

IMPROVEMENT OF SUSQUEHANNA AT HAVRE DE GRACE.

Mr. REAGAN, from the Committee on Commerce, reported back, with a favorable recommendation, the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be directed to communicate to the House, as soon as practicable, the amount of money necessary to deepen the channel of the Susquehanna River at the port of Havre de Grace, in the State of Maryland; and also to report any obstructions in said river that tend to fill up the channel above or below said port, and the cost of removing the same.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF ALLEGHENY RIVER, PENNSYLVANIA.

Mr. REAGAN, from the same committee, reported back, with a favorable recommendation, the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and is hereby, requested to inform the House, at as early a day as practicable, of the manner in detail of the expenditure of the money appropriated by the Forty-fifth Congress for the improvement of the navigation of the Allegheny River in the State of Pennsylvania; and also the amount of money that may be necessary to complete the improvements already commenced, and also the amount which may be necessary to improve the navigation of said river from Olean, in the State of New York, to the headwaters of the Ohio River at Pittsburgh.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREEDMAN'S BANK DEPOSITORS.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to present at this time the petition of a large number of depositors in the Freedman's Bank, and to ask by unanimous consent that it be printed in the RECORD.

Mr. HAZELTON. I object, and demand the regular order of business.

CORRECTION OF ENROLLMENT.

The SPEAKER. The Chair desires to ask the House to make an order in reference to House bill No. 1305, abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands, which by resolution of the House was recalled from the Senate to correct an error in its engrossment. That error has now been corrected, and the Chair has the corrected bill in his hands. The practice requires the House shall direct the Clerk to forward the same to the Senate as corrected. If there is no objection that will be done.

There was no objection, and it was ordered accordingly.

TAKING OF THE CENSUS.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. No. 3506) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses;" which was read a first and second time, referred to the Committee on the Census, and ordered to be printed.

And then, on motion of Mr. SAPP, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAYNE: The petition of Emily Bullock and others, for the passage of an act authorizing the extension of letters-patent No. 38200, for improvement in printing-machines—to the Committee on Patents.

By Mr. BEALE: The petition of Clement A. Peck, to be refunded certain money deposited in the bank of W. T. Smithson, which was seized by United States authorities—to the Committee of Claims.

Also, the petition of C. R. Dulaney, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of Colonel C. A. Ellis, for an investigation of his treatment as an officer in the United States Army, and for redress—to the Committee on Military Affairs.

By Mr. BOUCK: The petition of officers of the Grand Temple of Honor of Wisconsin, representing eight thousand members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. CABELL: The petition of Edward Booker, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. CALDWELL: The petition of John P. Burchett, F. M. Pittman, and other soldiers, of Clinton County, Kentucky, to have their pay for services in the Army made equal to gold—to the Committee on Military Affairs.

By Mr. CARPENTER: The petition of pensioners of Sioux Rapids, Iowa, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of citizens of Dickinson County, Iowa, that Sioux City be made one of the places for holding district and circuit courts of the United States for the district of Iowa—to the Committee on the Judiciary.

By Mr. CHALMERS: Papers relating to the claim of Ralph P. Miller, for pay for property taken by the United States Army—to the Committee on War Claims.

By Mr. CROWLEY: The petition of James F. Fitts and others, of Lockport, New York, soldiers of the late war, for the passage of an equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of Laura M. Lord, for a pension—to the Committee on Invalid Pensions.

Also, the petition of the Lumberman's Association of Tonawanda, New York, for a survey of the Niagara River from Buffalo to Tonawanda, New York—to the Committee on Commerce.

Also, the petition of Robert McVey, sergeant in the Third United States Artillery, for an act increasing his pay—to the Committee on Military Affairs.

By Mr. DEUSTER: Papers relating to the claim of John A. Sutter for pay for lands alleged to have been taken from him unjustly by the Government—to the Committee of Claims.

Also, papers relating to the revolutionary claim of Charles Fierer—to the Committee on Revolutionary Pensions.

By Mr. EWING: Papers relating to the Las Pulgas rancho land claim—to the Committee on Private Land Claims.

By Mr. FRYE: The petition of George Gwynn, for pay for losses incurred under a contract with Government officials in 1864—to the Committee on War Claims.

By Mr. GARFIELD: The petition of 550 soldiers of Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of D. A. Prentice and 49 others, citizens of Ohio, for the enactment of such laws as will protect persons innocently infringing upon patents—to the Committee on Patents.

Also, the petition of J. M. Van Guilder and 45 others, citizens of Ohio, for such legislation as will alleviate the oppression imposed by transportation monopolies—to the Committee on Commerce.

By Mr. GOODE: Papers relating to the claim of Dr. A. G. Tebault, for pay for services rendered and medicine furnished to refugees, freedmen, and others—to the Committee on War Claims.

By Mr. HAYES: The petition of George Burgkart, for the restoration of certain land—to the Committee on Private Land Claims.

By Mr. HOSTETLER: The petition of soldiers of Huron, Indiana, who served in the Union Army during the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. HURD: The petition of Eugene Winchester and others, against the construction of a bridge across Detroit River at Detroit, Michigan—to the Committee on Commerce.

Also, the petitions of Henry Libe and others, of Attica, Ohio, and of John C. Wickam and others, for the passage of the Weaver bill relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. KELLEY: The petition of the Pennsylvania State Temperance Union, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

By Mr. KENNA: The petition of J. Shultz, to be reimbursed his losses sustained while performing a contract for the improvement of the Great Kanawha River—to the Committee on Commerce.

By Mr. LAPHAM: The petition of soldiers and citizens of New York, for the increase of the pensions of those who have lost limbs—to the Committee on Invalid Pensions.

Also, the petition of the Friends' Temperance Union of the Society of Friends, of New York, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. LORING: The petition of B. H. Silsbee, of Salem, Massachusetts, that the harbor of Scituate, Massachusetts, be made a harbor of refuge for vessels in distress—to the Committee on Commerce.

By Mr. MASON: The petition of J. J. Hoyt and 33 others, of Oswego County, New York, soldiers of the late war, for an allowance of the deficiency between the value of paper money received by them as pay for services and gold coin—to the Committee on Military Affairs.

By Mr. McMAHON: The petition of John McCalliff, for a pension—to the Committee on Invalid Pensions.

By Mr. MULLER: The petition of Charles B. Meyer, of New York, for relief from the loss of a distillery illegally seized by United States officials—to the Committee of Ways and Means.

By Mr. OVERTON: The petition of Colonel Victor E. Piollet and 19 others, citizens of Bradford County, Pennsylvania, for the enactment of a law to regulate interstate commerce—to the Committee on Commerce.

Also, the petition of Hon. V. E. Piollet and 18 others, citizens of Bradford County, Pennsylvania, for the amendment of the patent laws—to the Committee on Patents.

By Mr. POEHLER: The petition of Levi L. Courtier and other ex-soldiers of Minnesota, that they be paid the difference between the value of gold and greenbacks received by them as pay from the Government during the late war—to the Committee on Military Affairs.

Also, the petition of P. S. Bateman and others, that a pension be granted John T. Harrington, a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. ROSS: The petition of ex-soldiers of New Jersey, for additional pay—to the Committee on Military Affairs.

By Mr. SHALLENBERGER: The petition of Isaiah Barr and 16 ex-soldiers of Lawrence County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. SIMONTON: Papers relating to the claims of Elisha Nelson, of Alexander Utley, and of James E. Wood, for compensation for property taken by the United States Army during the late war—to Committee on War Claims.

By Mr. STARIN: The petition of ex-soldiers of Fulton County, New York, urging early action on certain pension bills of soldiers who have lost limbs—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: The petition of Mark Belson, against the passage of Senate bill No. 496, relating to pension claims—to the same committee.

By Mr. WADDILL: The petition of citizens of Missouri, for the passage of the bill (H. R. No. 2761) amending certain sections of the Revised Statutes relating to homesteads—to the Committee on Public Lands.

Also, the petition of ex-soldiers and citizens of Missouri, that soldiers of the late war be paid the difference between the value of greenbacks and gold at the time of payment for services as soldiers—to the Committee on Military Affairs.

By Mr. WELLS: The petition of Isaac H. Sturgeon and others, for the passage of an act requesting the President of the United States to invite all governments of the world having maritime commerce to appoint delegates to represent them in a convention to be held in Philadelphia, July 4, 1880, in relation to the construction of a ship-canal across the Isthmus of Darien—to the Committee on Commerce.

By Mr. WILSON: The petition of G. Morris, administrator of S. J. Morris, deceased, to be reimbursed the amount paid by him for certain real property and furniture purchased by him at a sale made by the United States marshal for the eastern district of Virginia under a confiscation proceeding against Dr. Orlando Fairfax, and from which he was ejected by an order of the district court—to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, *January* 14, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, relative to the joint resolution of Congress for the relief of Bushrod B. Taylor and others, showing the appointment of the board of three officers, as required by the resolution, and their conclusions relative to the cases brought to their notice; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BECK. I present the petition of Mrs. William W. Bruce, Cassius M. Clay, Mary S. Hoyt, Jacob Smedley, George E. Spencer, and other citizens of the State of Kentucky, county of Fayette, and city of Lexington, praying for the following amendment to the national Constitution:

ARTICLE XVI.

The right of suffrage in the United States shall be based on citizenship, and shall be regulated by Congress; and all citizens of the United States, native or naturalized, shall enjoy this right equally, without any distinction founded on sex.

I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. BECK. I also present the petition of Charlotte B. Walsh, Amelia Stewart, J. D. Walsh, J. M. Huff, and other citizens of Ashland, Boyd County, Kentucky, and the petition of Annie Laurie Quinby, of Newport, Campbell County, Kentucky, praying for a like amendment of the Constitution. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. BECK presented the petition of Horace P. Gaines, James Turner, John H. Jackson, and William Taylor, a committee on the part of the colored depositors of Lexington, Kentucky, praying for the passage of an act to reimburse the depositors for losses sustained by the failure of the Freedman's Bank; which was referred to the Select Committee on the Freedman's Savings and Trust Company.

Mr. WILLIAMS. I present the petition of Elizabeth H. Duvall and others, citizens of Cadiz, Trigg County, Kentucky, and the petition of Mrs. S. S. Bennett and others, citizens of Richmond, Madison County, Kentucky, to the same effect as those presented by my colleague relative to an amendment of the Constitution. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WILLIAMS presented the petition of Benoni Mills and John C. Weddle, late privates in the First Kentucky Cavalry Volunteers, praying indemnity for property lost in the military service of the United States; which was referred to the Committee on Claims.

The VICE-PRESIDENT. The Chair presents the petition of Mary E. Hughes, of Savona, New York, and the petition of Elizabeth Schoonmaker, of New York, of similar import to those just presented by the Senators from Kentucky, relative to an amendment of the Constitution with regard to suffrage. They will be referred to the Committee on the Judiciary.

Mr. ALLISON. I present the petition of Mrs. A. E. Morris and others, of Dubuque, Iowa; the petition of Anna B. Ross, of West Liberty, Iowa; the petition of Mrs. M. B. Hamilton Harvey, of Ringgold, Iowa; the petition of Emily Gibson Booth, of West Liberty, Iowa, and the petition of Mary V. S. Cowgill, of West Liberty, Iowa, praying for an amendment to the Constitution for the removal of their political disabilities. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. KIRKWOOD. I present the petition of Mary G. Townshend, Lydia P. Cowgill, Almira Jepson, E. M. Jepson, William D. Hamill, D. E. Mackey, and others, citizens of West Branch, Cedar County, Iowa, praying for an amendment to the Constitution of the United States in the particular mentioned in the petitions which have been presented this morning. These people are my neighbors, living in the adjoining county. I know many of them. They are most excellent and respectable citizens. I move that their petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAWES. I present the petition of S. R. Urbino and others, citizens of Newton, Middlesex County, Massachusetts, and the petition of Mrs. J. G. Ford and others, citizens of Enfield, Hampshire County, Massachusetts, praying for a like amendment to the Constitution. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. FERRY. I present the petition of Mrs. J. M. Brown, Mrs. M. A. Blackman, Mrs. E. C. Hendricks, Mrs. E. A. Thompson, Lydia F. Conway, Grace Anderson, S. H. Blackman, Chandler Richards, and others, citizens of Paw Paw, Van Buren County, Michigan; the petition of Ella S. Hopkins, Lou. C. Wise, Clara V. Hale, George W. Hopkins, Daniel Wise, Charles A. Andrews, and others, citizens of Bear Lake, Manistee County, Michigan; and the petition of Mrs. S. W. Fowler, Mrs. D. C. Pelton, S. W. Fowler, J. A. Brown, M. D., and others, citizens of Manistee, Manistee County, Michigan, praying for a like amendment to the Constitution of the United States. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN presented the petition of H. I. Glowacki and others, citizens of Batavia, New York, praying for the passage of the joint resolution, now pending before the Committee on Finance, depriving United States Treasury notes of their legal-tender power in the payment of private debts; which was referred to the Committee on Finance.

He also presented the petition of P. J. Reuss, M. D., of New York, praying that the pension paid him under special act approved June, 1878, be increased from a half to a full pension, and also that he be paid arrears of pension, under the act of January 25, 1879; which was referred to the Committee on Pensions.

He also presented the petition of the Grand Lodge of Good Templars of the State of New York, officially signed, representing four hundred and fifty lodges and twenty-five thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. KERNAN. I present the petition of Rebecca P. Thorn, of Galen, Wayne County, New York; the petition of Sarah Allerton, of Bath, Steuben County, New York; and the petition of Phœbe M. Varney and others, citizens of North Collins, Erie County, New York, praying an amendment of the Constitution by which women who are citizens shall be allowed to vote. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. HARRIS presented the petition of the Grand Lodge of Good Templars of the State of Tennessee, officially signed, representing a membership of ten thousand, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of Harvey E. Aden, of Henry County, Tennessee, praying for the passage of a law granting him compensation for certain quartermaster stores furnished the Army of the United States during the late war; which was referred to the Committee on Claims.

Mr. PENDLETON presented the petition of Matilda Wallace and others, citizens of Hammondville, Jefferson County, Ohio; the petition of Mrs. J. A. Newton and others, citizens of Willoughby County, Ohio; the petition of Mrs. B. P. Ludlow and others, citizens of Auburn, Geauga County, Ohio; the petition of S. A. Miller and others, citizens of Mount Gilead, Monroe County, Ohio, and the petition of Nettie Helman and others, citizens of Minerva, Stark County, Ohio, praying for an amendment to the Constitution guaranteeing to women the right to vote; which were referred to the Committee on the Judiciary.

He also presented the petition of Delilah Phelps; the petition of Mrs. J. P. Angier; the petition of Sarah A. Bissell; the petition of Emma C. Mott, and the petition of Mary J. Barker, all of the city of Toledo, Ohio, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Mary B. Gleason, of Toledo, Ohio, and the petition of Louisa Southworth, of Cleveland, Ohio, praying for an amendment to the Constitution guaranteeing to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. BAYARD presented the petition of John Guthrie and 65 other citizens of Wilmington, Delaware, praying for the passage of a law to repeal the compulsory legal-tender power of United States Treasury notes; which was referred to the Committee on Finance.

Mr. BAYARD. I also present the petition of Joseph P. Comegys, John W. Hall, and others, citizens of Delaware, praying for the passage of Senate resolution No. 49, in relation to United States notes, and coupled with it is a resolution of the general board of directors

of the Farmers' Bank of Delaware and its branches favoring the same action. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I present the petition of the shareholders of the Central and South American Cable Company, praying for facilities to establish telegraphic communication between the United States and Central and South America via the Gulf of Mexico, the Isthmus of Tehuantepec, and the Pacific Ocean. I have with this petition a resolution instructing the Committee on Commerce to make certain inquiries, and also a request that the petition be printed. It seems to me that under the rules of the Senate the more proper motion for me to make is that the resolution and the petition go together to the Committee on Foreign Relations, and I shall ask that committee to decide whether the petition ought to be printed or not, and whether the resolution is appropriate to order. I make the motion for reference.

The motion was agreed to.

Mr. CONKLING presented the petition of ship-owners of Boston, Massachusetts, praying for the passage of a bill to amend the law relative to the seizure of vessels for breach of the revenue laws; which was referred to the Committee on Finance.

Mr. CONKLING. I present resolutions adopted at the annual meeting of the Society of the Fifth Army Corps, at Albany, New York, in June last, touching the case of Major-General Fitz-John Porter. These resolutions, adopted by men who served with General Porter, and by men, I may say, of all political persuasions, extol him greatly, and express the confident belief that he should be relieved from the visitation which has fallen upon him as an officer. I move that these resolutions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING. I present a petition signed by a number of citizens of the State of New York, who were soldiers and sailors, who have lost an arm above the elbow or a leg below the knee, praying that their pensions be increased from $24 to $30 a month. I move that this petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING. I present four several memorials signed numerously by citizens of New York, who were soldiers in the late war, remonstrating against the passage of Senate bill No. 496, and pointing out how unjustly, as they think, it would operate. I move the reference of these memorials to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING. I present the petition of Emma Hughes, a citizen of the State of New York, living in the town of Savona, representing that she is an owner of real estate and is annually taxed for the support of pauperism and crime while she has no power to suppress vice or regulate taxation, and praying for the removal of her political disabilities. I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present a like petition of Harriet E. Beech, a citizen of the city of New York, and I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present four petitions, which together are signed by a great number of women who are citizens of the State of New York, praying for an amendment to the Constitution, the words of which are proposed in the petition. I will not read the proposed amendment, but it is designed to confer the right of suffrage equally upon all citizens without distinction founded on sex. I move the reference of these petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAVIS, of Illinois. I present the petition of Abbie B. Trego and others, citizens of Orion, Henry County, Illinois, and the petition of Norman McLeod and others, citizens of Chicago, Cook County, Illinois, couched in pretty much the same language as those last presented by the Senator from New York, [Mr. CONKLING,] praying that the right of suffrage be conferred on women by an amendment to the Constitution. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. ANTHONY presented the petition of Catharine Cornell Knowles and others, citizens of East Greenwich, Rhode Island, praying for an amendment to the Constitution denying the right of the United States or of any State to abridge suffrage on account of sex; which was referred to the Committee on the Judiciary.

Mr. BALDWIN presented the petition of Mary McDiarmid and others, citizens of Pleasanton, Manistee County, Michigan; and the petition of Hattie A. N. Taylor and others, citizens of Constantine, Saint Joseph County, Michigan, praying for an amendment to the Constitution guaranteeing to women the right of suffrage; which were referred to the Committee on the Judiciary.

Mr. VOORHEES presented the petition of Florence Hardin, of Pendleton, Madison County, Indiana, praying for the removal of her political disabilities so that she may exercise her right to vote, all State constitutions and statute laws to the contrary notwithstanding which was referred to the Committee on the Judiciary.

Mr. SAUNDERS presented the petition of Lucy L. Cornell, of Hebron, Thayer County, Nebraska, and the petition of Kate T. F. Cornell, of Alexandria, Thayer County, Nebraska; the petition of Mrs. J. B. Vawtrey and other citizens of the towns of Alexandria, Carleton, and Belvidere, Thayer County, Nebraska, praying for an amendment to the Constitution guaranteeing to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. SAUNDERS. I also present the petition of Sarah A. Church and several others, of Thayer County, Nebraska, representing that they are real-estate owners and that they are annually taxed heavily for the support of pauperism and crime, while they assert that at the same time they have no power to suppress vice or to regulate taxation; and they pray for the removal of their political disabilities. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. BUTLER presented the petition of E. G. Hoffman, late private Fifth New York Volunteers, Duryea's Zouaves, praying for a pension; which was referred to the Committee on Pensions.

Mr. FARLEY. I present the petition of Lucy A. Brimblecome, Anna Jacobs, Lizzie Saul Woodthams, and a number of other ladies of Santa Clara County, California, praying for an amendment to the Constitution guaranteeing to women the right to vote. I will say that while I present the petition by request, I do not concur in the prayer of the petitioners. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. VEST. I present the petition of Annie K. Irvine, the petition of Kate Schatz, and the petition of Elizabeth Evans, citizens of Oregon, Holt County, Missouri, similar in character to those which have been presented this morning, praying for an amendment to the Constitution giving women the right to vote. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. COCKRELL. I present the petition of Mrs. Elizabeth Andrews, Jessie Wyatt, and other citizens of Saint Louis, Missouri, and the petition of Lucy A. Christian, Annie K. Irvine, and others, citizens of Oregon, Missouri, praying for the same amendment to the Constitution stated in the petitions just presented by my colleague. I move the reference of these petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. PADDOCK. I present the petition of E. J. Hughes and others, and the petition of Anna Schermerhorn, Lizzie S. Moore, and others, citizens of Nebraska, praying for an additional article of amendment to the Constitution which shall be known as article XVI, and read as follows:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, or for any reasons not equally applicable to all citizens of the United States.

I move the reference of the petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. PADDOCK. I also present the petition of Barbary J. Thompson, the petition of Clara A. Thompson, and the petition of Susan E. Fergusson, of Thayer County, Nebraska, making the same prayer. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PADDOCK. I also present a petition signed by 150 citizens of the same county, among whom I discover the names of prominent men of the county, making a like prayer. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. BOOTH presented the petition of Mary Jewell and others, citizens of Healdsburgh, Sonoma County, California, praying for an amendment to the Constitution guaranteeing to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. BURNSIDE. I present the petition of Frederic A. Hinckley, Martha W. Greene, Anna E. Aldrich, and others, citizens of Providence, Rhode Island, praying for an amendment to the Constitution guaranteeing to women the right to vote. I desire to say that the signers of this petition are men and women of high respectability and intelligence. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALLACE. I present the petition of Lucretia Mott and others, citizens of Philadelphia, praying for an amendment to the Constitution guaranteeing to all citizens of the United States, native or naturalized, the right to vote without any distinction of sex. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALLACE. I present five individual petitions from citizens of the city of Philadelphia and of Crawford County, Pennsylvania, praying for the removal of political disabilities without any distinction founded on sex. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. WALLACE presented the petition of the Grand Lodge of Good Templars of the State of Pennsylvania, officially signed, representing twelve thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HOAR. I present the petition of Elizabeth G. Hedge and others,

citizens of Hyde Park, Norfolk County, Massachusetts, and the petition of Hannah Wilbur and others, citizens of Worcester, Worcester County, Massachusetts, praying for a sixteenth amendment to the national Constitution to the effect that all citizens of the United States shall enjoy the right of suffrage, without any distinction founded on sex. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PLUMB presented the petition of Anna C. Wait and others, citizens of Lincoln, Lincoln County, Kansas, praying for an amendment to the Constitution guaranteeing to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. WHYTE presented the petition of A. Shumaker & Co. and other ship-owners and merchants of Baltimore, and the petition of C. Morton Stewart & Co. and other merchants of Baltimore, praying for the passage of an act amending the law relative to the seizure and forfeiture of vessels for the breach of the revenue laws; which were referred to the Committee on Finance.

Mr. McDONALD presented the petition of Mrs. Z. G. Wallace, of Indianapolis, Indiana, praying for the removal of her political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of Francis Atkinson and others, citizens of Oxford, Benton County, Indiana, praying for an amendment to the Constitution guaranteeing to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented the petition of Mira P. Sturgis and others, citizens of New Gloucester, Cumberland County, Maine, praying for an amendment of the national Constitution guaranteeing to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. THURMAN presented the petition of Delia S. Morris and others, citizens of Kent, Portage County, Ohio; the petition of Mayde M. Flower and others, citizens of Alliance, Stark County, Ohio; the petition of W. G. Meyers and others, citizens of Lawrence and Beach City, Ohio; the petition of Lizzie N. Vogenitz and others, citizens of New Comerstown, Tuscarawas County, Ohio; the petition of J. H. Philleo and others, citizens of Parkman, Geauga County, Ohio; and the petition of Eva L. Pinney and others, citizens of Newbury, Geauga County, Ohio, praying for an amendment to the Constitution guaranteeing to women the right to vote; which were referred to the Committee on the Judiciary.

He also presented the petition of Matilda J. Berra; the petition of Mary J. Cravens; the petition of Elizabeth R. Collins; the petition of Martha A. Stebbins; the petition of Rosa S. Segur; the petition of Eliza N. Bailey, and the petition of Elizabeth M. Hawley, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 578) granting an increase of pension to Samuel B. Davis, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the memorial of the "old settlers" of Western Cherokee Indians, praying for a settlement and payment of the balance claimed to be due them from the United States under the treaties of 1835, 1836, and 1846, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of William Longnecker, asking compensation for the use and occupation of certain houses by the Army of the United States in 1865 and 1866, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. COCKRELL. The Committee on Claims, to whom was referred the memorial of Abby A. Ham and Abby S. Vose and others, heirs of James S. Ham, deceased, and of John W. Vose, of Providence, Rhode Island, praying for an issue of United States bonds in lieu of stolen bonds, have instructed me to report it back to the Senate recommending that the prayer of the petitioners be not granted, and that the claim be not allowed. I call the attention of the Senator from Rhode Island [Mr. ANTHONY] to the case, as the petitions were presented by him. I ask that the adverse report be printed.

The VICE-PRESIDENT. Under the rule all adverse reports are printed.

Mr. BURNSIDE. I ask that the case be placed on the Calendar with the adverse report of the Committee on Claims.

Mr. COCKRELL. I have no objection to its being placed on the Calendar, but the case went through the same process under a different name in the Forty-fourth Congress. I shall simply ask, when it is reached on the Calendar, that it may be considered and disposed of, so that it may not be pending eternally here in the Senate.

Mr. ANTHONY. I think that the case has not heretofore been reported adversely upon.

Mr. COCKRELL. I state a fact which the records of the Senate show, and I would not state it unless it were a record fact. Judge Wright, chairman of the Committee on Claims of the Senate in the Forty-fourth Congress, reported it adversely.

The VICE-PRESIDENT. The Chair would inquire of the Senator from Missouri if there is a bill accompanying the report?

Mr. COCKRELL. There is no bill; there is simply a memorial on which we report. There were two bills in the Forty-fourth Congress, but there has been no bill introduced this Congress.

The VICE-PRESIDENT. Then the case cannot be placed on the Calendar. The committee will be discharged from the further consideration of the petition.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 298) for the relief of Van B. Bowers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 52) for the relief of John N. Reed, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the bill (S. No. 877) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States, reported it with an amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 455) for the relief of Reuben S. Jones, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of George W. J. Crawford, of Benton County, Mississippi, praying compensation for property taken and appropriated by United States military forces during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 76) for the relief of M. F. Clark, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory, reported it without amendment.

ROADWAYS IN CAPITOL GROUNDS.

Mr. WALLACE. I am directed by the Committee on Appropriations to report back without amendment the joint resolution (H. R. No. 156) to correct an error in the "Act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes." I ask the Senate to proceed to its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It amends the clause in the first section of the "Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, which makes an appropriation "for the payment of retained percentages on contracts made during the fiscal year ending June 30, 1876, for paving roadways in Capitol grounds, $2,217.94," so as to read: "for payment of retained percentages on contracts made during the fiscal year beginning July 1, 1876, for paving roadways in Capitol grounds, $2,217.94."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1021) to carry into effect the second and sixteenth articles of the treaty between the United States and the Great and Little Osage Indians, proclaimed January 21, 1867; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1022) for the relief of Dr. John B. Read; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1023) for the relief of settlers on what are known as the Osage Indian trust lands, in Southern Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1024) for the relief of Tappan S. Carter; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1025) fixing the relative rank and pay of certain officers on the retired list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1026) for the relief of Daniel J. Benner;

which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1028) in relation to the claims of States against the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1029) for the relief of Major William M. Maynadier, paymaster United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1030) for the relief of Joseph L. Stevens, postmaster at Manchester, New Hampshire; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 63) referring to the Court of Claims the claim of James E. Kelsey, John Loughlin, Theron Kelsey, and others against the United States for damages done to the schooner C. and C. Brooks; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, George T. Rogers, Benjamin P. Gaines, and Charles Ford; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, George T. Rogers, Benjamin P. Gaines, and Charles Ford; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WHYTE, it was

Ordered, That the papers relating to the claim of Jacob and Elizabeth Sener be taken from the files of the Senate and referred to the Committee on Claims, to accompany Senate bill No. 354.

On motion of Mr. JONAS, it was

Ordered, That the papers in the case of Thomas M. Simmons be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of the Mechanics and Traders' Bank of New Orleans, Louisiana, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the papers in the case of Samuel B. Brightman be withdrawn from the files of the Senate and referred to the Committee on Pensions.

DORSEY AND SHEPARD.

Mr. CAMERON, of Wisconsin. I ask for the consideration of the bill (S. No. 212) for the relief of John M. Dorsey and William F. Shepard.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the payment of $9,021.33 to John M. Dorsey, and of $3,746.66 to William F. Shepard, in full settlement for beef and supplies furnished certain volunteer troops by Dorsey, Shepard, and one S. B. Wallace, while the troops were engaged in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

The VICE-PRESIDENT. This bill is favorably reported from the Committee on Claims, which proposes an amendment——

Mr. EDMUNDS. Let us hear the report read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk proceeded to read the report submitted by Mr. COCKRELL on the 7th instant, as follows:

The Committee on Claims, to whom was referred Senate bill No. 212, entitled "A bill for the relief of John M. Dorsey and William F. Shepard," have considered the same, and submit the following report thereon:

This bill has been three times favorably reported in the Senate and once in the House of Representatives. The bill passed the Senate February 17, 1876. No adverse report has ever been made upon it.

We adopt the report of Mr. Pratt, made to the Senate from this committee February 11, 1875, and recommend the passage of the bill.

Mr. CAMERON, of Wisconsin. Let the Clerk read what appears on the first page of the report made by Mr. Pratt on the 11th of February, 1875.

Mr. EDMUNDS. Yes, read that, for what was just read did not give us a great deal of substantial information.

Mr. CAMERON, of Wisconsin. That report fully states the facts, and after it is read I think the Senator from Vermont will be satisfied that the bill ought to pass.

The Chief Clerk proceeded to read from the report submitted by Mr. Pratt on the 11th of February, 1875, embodied in the report of January 7, 1880, as follows:

The Committee on Claims, to whom was referred the bill (S. No. 1073) for the relief of John M. Dorsey and William Shepard, submit the following report:

The bill directs the payment to John M. Dorsey of $9,088, and to William Shepard $3,788, in full settlement for beef and supplies furnished the troops by Wallace, Dorsey & Shepard, and by S. B. Wallace, in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

The bill is based on the petition of Dorsey and Shepard to Congress, which is sworn to by Dorsey, and is substantially as follows in its statements: That in the spring of 1860 they were engaged in business in said Territory, when great alarm existed among the inhabitants of the western portions of Utah in consequence of the depredations of the Pi-Ute Indians; that an irregular force of about one hundred of the best citizens was organized, and armed with such weapons as they could procure, and went out from Virginia and Carson Cities to chastise the Indians; that the expedition fell into ambush, and about sixty of the citizens, including Major Ormsby, their commander, were killed, and the others dispersed; that great excitement and alarm followed among the citizens, and it was feared the neighboring towns would be attacked, the Indians having assembled in large force. There were no troops, arms, or government nearer than Salt Lake, five or six hundred miles distant. Under these circumstances the governor of California and the United States officer in command of the Department of the Pacific sent forward to Virginia City arms and ammunition in charge of proper officers. Two or three hundred volunteers also came along with the United States troops. The citizens of Virginia City and its vicinity united with these volunteers and regular troops and organized a regiment, and selected Colonel John C. Hays to take command. The troops thus organized and commanded marched against the Indians, and, after some severe fighting, conquered a peace.

The memorial further states that upon the organization of this force it was without quartermaster or commissary supplies; and in order to obtain them Richard N. Snowden was appointed commissary, and as such entered into a verbal contract with said Wallace and the petitioners to furnish certain supplies; that in conformity therewith the three named furnished them to the amount of $12,868, which was certified to and vouchers therefor issued by said Snowden as commissary. One for the sum of $1,528 was issued to S. B. Wallace; one to John M. Dorsey, S. B. Wallace, and William Shepard for $5,050; and a third one to the three last-named parties for $6,190; that Wallace died in 1862, but before his death assigned to Dorsey all his right, title, and interest in all of the certified accounts; that Dorsey is the just owner of the first-mentioned account (that for $1,528) and of two-thirds of the other two, amounting in the aggregate to $9,088, and that Shepard is the owner of one-third of the last two, amounting to $3,780. The petitioners close by saying they furnished these supplies for the purposes stated in good faith, believing that they would be paid in a short time, and that the prices charged were low for the time, places, and circumstances.

At the suggestion of the sub-committee having this bill in charge, Mr. Dorsey has appended an affidavit to the memorial, and in this he swears that he is one of the claimants therein; that he knows all the statements made therein are true of his own knowledge; that the supplies were actually furnished as stated; that the amount claimed is justly due, the charges reasonable, and that no part thereof has been paid him or any of the other parties; that the amount of money subscribed by the citizens of Virginia City and vicinity had been exhausted, and this fact was the reason and necessity for Colonel Hays and Colonel Snowden making the verbal contract with claimants to furnish said supplies; and had they not, in conjunction with Jordan and McPike, furnished the necessary supplies, the expedition must have failed.

Mr. Dorsey further states in explanation of the long delay in bringing the claim before Congress that it had been duly filed in the War Department, which had finally ruled that there was no law which authorized its payment; that it was then put into the hands of agents, who did nothing; that neither of the claimants possessed the pecuniary means to come to Washington; that about the year 1865 the triplicate vouchers were placed in the hands of Hon. D. R. Ashley, then a member of Congress from Nevada, to present to Congress, but he lost all the papers; that circumstances and sickness in his family prevented him from coming to Washington until recently, and from employing agents. He closes by saying much of his evidence is among the papers in the claim of McPike, which was allowed at the last session of Congress and has been paid.

The following papers are furnished by the War Department in regard to these claims, and sufficiently explain themselves:

The United States of America to S. B. Wallace, Dr.

To supplies furnished the expedition under command of Colonel Jack Hays against the Pi-Ute Indians, in the Territory of Utah, as follows:

To 600 pounds of flour, at 70 cents..... $420 00

Mr. EDMUNDS. The Clerk need not read the mere items. Anything the War Department states about the claim I should like to hear; but the details are of no consequence. Is there anything from the War Department?

Mr. CAMERON, of Wisconsin. There is on page 3 of the report. The Senator desires the Clerk to read what the War Department report in regard to the claim.

The Chief Clerk read as follows:

WAR DEPARTMENT, *December* 10, 1869.

The Secretary of War, in compliance with the request of the Committee on Claims of the United States Senate, dated April 1, 1869, has the honor to furnish all the information in possession of the War Department relative to the war against the Pah-Utah Indians in the year 1860, and to return to said committee the list of claims against the United States arising out of said war.

WM. W. BELKNAP,
Secretary of War.

List of claims for the war against the Pah-Utah Indians in 1861——

Mr. EDMUNDS. I do not care about the list. Does the War Department say anything about the justice of the thing and that it actually took place?

Mr. CAMERON, of Wisconsin. There is no question about the fact that it actually did take place. There was an Indian uprising, and there was no military force anywhere nearer than San Francisco, unless, perhaps, at Salt Lake City. Under those circumstances, the governor of California, in conjunction with the United States military commander at that place, sent arms to Virginia City, and some volunteers came from California. Citizens of that part of Utah Territory, now in the State of Nevada, volunteered and joined themselves with the force that came from California. They organized themselves into a regiment, selected officers, and appointed a commissary. There were no supplies for these troops, and the men who now make this claim furnished a portion of the supplies, the larger portion of them in fact. There is no question about the facts of the case.

Mr. EDMUNDS. Did the United States in any way ever recognize or adopt this military expedition? Did they ever pay these troops or do anything about it; or was there a subscription or a fund raised by the citizens to pay for this private organization and its existence?

While I am up, I will state the difficulty that occurs to my mind. This may be, and very likely is, a just case in and of itself; that is,

these gentlemen did furnish these supplies; but whether they furnished them on the credit of the United States is, perhaps, open to question; or, if they did, whether they had any right to do so. Of course, in an extreme case, we are sometimes obliged to adopt private acts and foot the bill; but it is a very dangerous step to take, because recognizing the validity of this claim as against the United States, would seem to imply that we recognize the validity of the claims of all these volunteers for military service, and so on. In other words, it amounts to an adoption by Congress, a ratification, of this proceeding by these citizens in their own defense. If we are to apply that to all the United States and to all the turbulence that exists in various parts of the United States from time to time, we are taking a very serious step. I merely throw out that view by way of inquiry that we may see where we are likely to land; that is all.

Mr. CAMERON, of Wisconsin. This claim, with some others, was presented to the Government of the United States, to the proper Department. After long consideration the Department decided that there was no law under which payment could be made, and the claims were referred to Congress. So far as I know, the volunteers upon that occasion have made no claim against the United States. Only those who furnished the commissary supplies for the expedition have made claims, and a portion of those claims have been paid; indeed all have been paid except this one. The whole amount was very small, being about $12,000 or $15,000. I think there is no question whatever about the justice of the claim.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Claims, which will be read.

The CHIEF CLERK. In line 10 it is proposed to strike out "B" and insert "S;" so as to read "S. S. Wallace."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURTS IN OHIO.

Mr. THURMAN. The bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, passed the Senate yesterday. It has been discovered that there is a clerical error in our amendments to it. I move that a message be sent to the House requesting the return of the bill.

The motion was agreed to.

EDWARD P. VOLLUM.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. No. 296) for the relief of Edward P. Vollum.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to add:

And that the aggregate amount allowed shall not exceed the sum of $700.

So as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to ascertain the value of the property lost by Assistant Surgeon Edward P. Vollum, of the United States Army, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Oregon Territory, when she was wrecked, on the 21st November, 1856; and the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service, and that the aggregate amount allowed shall not exceed the sum of $700.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS OF TOTALLY DISABLED PENSIONERS.

Mr. KIRKWOOD. I move that the Senate proceed to the consideration of the bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all soldiers and sailors who are now receiving a pension of $50 per month, under the provisions of "An act to increase the pension of soldiers and sailors who have been totally disabled," approved June 18, 1874, shall receive, in lieu of all pensions now paid them by the Government of the United States, $72 per month.

The bill was reported from the Committee on Pensions, with an amendment, to strike out section 2 in the following words:

That this act shall take effect from and after the 17th day of June, 1878.

And in lieu thereof to insert:

All pensioners whose pensions shall be increased by the provisions of this act from $50 per month to $72 per month shall be paid the difference between said sums monthly, from June 17, 1878, to the time of the taking effect of this act.

Mr. COCKRELL. Is there a report accompanying the bill?

Mr. KIRKWOOD. There is.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. KIRKWOOD, from the Committee on Pensions, January 12:

The Committee on Pensions, to whom was referred bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are entirely helpless from injuries received or disease contracted while in the United States service, have considered the same, and report:

By an act approved June 18, 1874, it was provided:

"That section 4 of the act entitled 'An act to revise, consolidate, and amend the laws relating to pensions,' and approved March 3, 1873, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require aid and attendance of another person, by the loss of the sight of both eyes or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of $50 per month; and this shall be in lieu of a pension of $31.25 per month granted to such person by said section: *Provided*, That the increase of pension shall not be granted by reason of any of the injuries herein specified, unless the same have resulted in permanent, total helplessness, requiring the regular personal aid and attendance of another person."

This act was altered by an act approved June 17, 1878, which is as follows:

"An act to increase the pension of certain pensioned soldiers and sailors who have lost both their hands or both their feet or the sight of both eyes in the service of the country.

"Whereas it is apparent that the present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That on and after the passage of this act all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of $72 per month.

"Approved June 17, 1878."

It appears from inquiry at the Pension Office "that on June 17, 1878, the names of seven hundred and thirteen pensioners were borne on the pension-rolls at $50 per month," and that "since that date the pensions of three hundred and seventy-seven pensioners have been increased to $72, and five original allowances have been made at that rate under the act of June 17, 1878."

Your committee are fully satisfied that the pensioners who under the act of June 18, 1874, were entitled to receive $50 per month, and whose pensions were not increased to $72 per month by the act of June 17, 1878, are fairly and justly entitled to receive the same benefits conferred on their comrades by the act last named.

Your committee recommend that the bill be amended by striking out section 2 and inserting in lieu thereof, as follows:

"SEC. 2. All pensioners whose pensions shall be increased by the provisions of this act from $50 per month to $72 per month shall be paid the difference between said sums monthly from June 17, 1878, to the time of the taking effect of this act."

And that the bill so amended be passed.

Mr. COCKRELL. I should like to have an explanation of the probable number that would be affected by the bill, and the class of persons to which they belong. I could not catch the exact number in hearing the report.

Mr. KIRKWOOD. I will explain the bill very briefly. There were three bills introduced looking to the same object, one presented by the Senator from Illinois, [Mr. LOGAN,] one by the Senator from Kansas, [Mr. INGALLS,] and one by myself. The Committee on Pensions directed me to report back the bill introduced by the Senator from Kansas, which has been done.

In 1874 an act was passed by Congress increasing from $31.25 per month to $50 per month the pensions of soldiers who were totally disabled, rendered so totally helpless as to require the constant aid of another person to take care of them. Among this class were those who had lost both feet, both hands, or both eyes. But, outside of those, there was a large number of persons, if anything, more helpless than they—men who were paralyzed, who were utterly unable to move about, to do anything for themselves, and who constantly required the attendance of another person. In 1878 a bill came from the House to the Senate increasing the pensions of those who had lost both feet, both hands, or both eyes, to $72 per month, but leaving their comrades, who were perhaps more helpless than they in many cases, without any increase of pension at all. When that bill was pending here I called the attention of the Senate to the unjust discrimination made against a portion of the men whose pensions had been increased in 1874, the paralytic or those who from any cause were totally helpless and required the constant attendance of another person. It was replied to me that it was a House bill, and if we did not pass it as it came to us, but sent it back to the House, it might fail wholly; and that those who were not provided for by that bill could be provided for in an independent bill, which bill is now here. That is all there is of it.

Mr. COCKRELL. Does not the second section give all these pensioners pay, whether they were disabled or not, from June, 1878.

Mr. KIRKWOOD. No, sir.

Mr. COCKRELL. Ought there not to be a restriction in the bill so that those who are totally disabled shall receive the increased pay from the date of their total disability?

Mr. KIRKWOOD. By inquiry at the Pension Office I find that there are seven hundred and thirteen of these totally disabled pensioners altogether. Of that number three hundred and seventy-seven have had their pension raised to $72 per month, leaving the others unprovided for.

Mr. COCKRELL. Three hundred and seventy-seven who lost both arms, both legs, or both eyes?

Mr. KIRKWOOD. Yes. This bill provides that those whose pensions were not increased by the act of 1878 shall have the increase, and that they shall have it from the date of the act of 1878, placing them in all respects upon an equality with those who were provided for by the act of 1878.

Mr. COCKRELL. Then the bill is restricted to those who were totally disabled at that time?

Mr. KIRKWOOD. To those only who were totally disabled and required the attendance of another person to care for them.

Mr. COCKRELL. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands; and

A bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture and repairs of the same for the House of Representatives for the fiscal year ending June 30, 1880.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States;

A bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan;

A bill (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands; and

A joint resolution (S. R. No. 58) touching the Hot Springs reservation in the State of Arkansas.

EXECUTIVE SESSION.

Mr. WALLACE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and theSenate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1305) abolishing the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture and repairs of the same for the House of Representatives for the fiscal year ending June 30, 1880, was read twice by its title, and referred to the Committee on Appropriations.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at one o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 14, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

JOHN B. HART.

Mr. SHALLENBERGER, by unanimous consent, introduced a bill (H. R. No. 3507) granting a pension to John B. Hart; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MUSCLE SHOALS, TENNESSEE.

Mr. DIBRELL, by unanimous consent, from the Committee on Military Affairs, reported back the following resolution; on which he demanded the previous question:

Resolved, That the Secretary of War be, and is hereby, requested to furnish to this House a certified copy of the contract entered into by the late George Williams, of Iowa, for work upon the improvements in the Tennessee River at Muscle Shoals, together with a copy of the claim filed by said Williams or his heirs, the names of the engineers appointed to re-examine said work, with a copy of their report, together with all testimony on file in support of or touching said claim, and the authority upon which he paid said award.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. DIBRELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN S. LOGAN AND W. L. SHADWICK.

On motion of Mr. FORD, by unanimous consent, the act (S. No. 24) for the relief of John S. Logan and W. L. Shadwick was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

L. C. CANTWELL.

On motion of Mr. FORD also, by unanimous consent, the act (S. No. 307) for the relief of L. C. Cantwell was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

THEOPHILUS P. CHANDLER.

On motion of Mr. MORSE, by unanimous consent, the act (S. No. 22) for the relief of Theophilus P. Chandler was taken from the Speaker's table, read a first and second time, and referred to the Committee of claims.

ELI B. PARKER.

Mr. JOYCE, by unanimous consent, introduced a bill (H. R. No. 3508) granting a pension to Eli B. Parker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALBERT J. DICKINSON.

Mr. JOYCE also, by unanimous consent, introduced a bill (H. R. No. 3509) granting a pension to Albert J. Dickinson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

YORKTOWN CELEBRATION.

Mr. JOYCE. I ask unanimous consent, Mr. Speaker, to present a memorial relating to the Yorktown monument, and, if there be no objection, that it be referred and also printed in the RECORD.

There was no objection, and the memorial was referred to the Select Committee on the Yorktown Celebration, and ordered to be printed in the RECORD.

It is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, residents of the city of Chicago, and born in New England, view with satisfaction the present movement to erect a national monument at Yorktown. The war of the Revolution, begun in New England, culminated in New York, and closed with the southern campaign, ending in the triumph at Yorktown. The three sections into which the country was then divided, New England, the Middle States, and the South, each bore its share in the sacrifices and earned the honors of the struggle. It is fitting that the nation should recognize in this centennial period the chief points in the great contest, and aid in erecting appropriate monuments to attest its gratitude to the men whose efforts made that nation possible. The battle of Bennington was second to none of these in importance. Burgoyne's expedition, planned in cabinet council at London, to cut off New England, then one-third of the country, from the rest of the colonies was likely to prove successful; and, but for the spontaneous rising of the men of New Hampshire, Vermont, and Western Massachusetts to resist it and defeat the attempt to seize the stores at Bennington, it would have been so. The brilliant victory of New England yeomen over disciplined forces aroused every section of the country to renewed effort, reinforced the northern army by the thousands, and thus insured the success of the Saratoga battles resulting in the capitulation of Burgoyne and his whole army. Consequent on this was the French alliance, without which there would have been no southern campaign and no victory at Yorktown. To the victory of Bennington, one of the most brilliant in the annals of that war, must be therefore accorded in large measure the achievement of the independence of America. An effort has been begun to so recognize it by erecting an imposing memorial structure at Bennington. The nation can do no less than to cordially second so praiseworthy an effort. That the Congress now in session will so legislate as to accomplish this object, as well as the Yorktown project, your petitioners will ever pray.

CORYDON BECKWITH.
EDWARD S. ISHAM.
C. B. LAWRENCE.
MARSHALL FIELD.
NORMAN WILLIAMS.
CHARLES HITCHCOCK.
ELBRIDGE G. KEITH.
C. M. HENDERSON.
MARK SKINNER.
WM. H. BRADLEY.
H. H. NASH.
GEO. C. CLARKE.
H. N. HIBBARD.
T. B. BLACKSTONE.

PAYMENT OF AWARDS.

Mr. BRAGG, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 3510) directing the payment of certain awards in favor of parties therein named; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

ENOCH DAVIS.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 3511) for the relief of Enoch Davis, private Company G, Sixth Iowa Veteran Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

MATTHEW M'DONNELL.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 3512) granting a pension to Matthew McDonnell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISSUE OF RAILROAD BONDS, DAKOTA TERRITORY.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 3513) legalizing an election held in the city of Yankton, Territory of Dakota, at which the proposition to issue bonds of the said city in aid of the construction of a certain railroad was submitted, and authorizing and directing the issuance of said bonds pursuant to said election; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

H. V. PHILPOTT.

Mr. MILLS, by unanimous consent, introduced a bill (H. R. No. 3514) for the relief of H. V. Philpott; which was read a first and second time, and referred to the Committee of Claims.

EQUALIZATION OF BOUNTIES.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I ask unanimous consent to have read a memorial from some soldiers.

The memorial was read.

Mr. TOWNSHEND, of Illinois. I ask that that memorial be inserted in the RECORD.

Mr. MARTIN, of Delaware. I object.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. The memorial having been read to the House, I ask whether it is not proper that it should go into the RECORD, and whether one single objection can cut it out?

The SPEAKER. The gentleman could not object until the memorial was read.

Mr. TOWNSHEND, of Illinois. It was read, and no objection was raised to it.

The SPEAKER. The Chair has decided that where bills have been read they do not necessarily go into the RECORD, and the same rule by analogy would apply to memorials.

Mr. TOWNSHEND, of Illinois. Who objects?

The SPEAKER. The gentleman from Illinois will permit the Chair to illustrate. Often on Monday bills are demanded to be read for the sake of consuming time. If those bills which are read were to go into the RECORD, the RECORD would be enormously burdened. And besides, it is a favor to a member to have his memorial read, as it gives to the House information in reference to the subject on which the member presenting it asks for action of the House. That is the gain secured by having the paper read. A member cannot object until he knows what it is, and he can only know whether it is a matter to which his objection will lie when the substance of what is presented to the House, as in the case of this memorial, has been read for information. The Chair understands that to be the position of the gentleman from Delaware to-day.

Mr. TOWNSHEND, of Illinois. I ask the gentleman to withdraw his objection.

The memorial was received, and referred to the Committee on Military Affairs.

Subsequently Mr. MARTIN, of Delaware, withdrew his objection.

The memorial is as follows:

PETITION.

To the honorable Senate and House of Representatives in Congress assembled:

The petition of the soldiers who served in the Union Army during the war of the rebellion respectfully represents:

That whereas it is conceded that the passage of what is known as the equalization bounty bill is a measure of justice, recognized already by its passage several times in the House of Representatives, and that the present is the opportune time to pass this bill, for the Treasury is overflowing with funds which could be devoted to no nobler purpose than to discharge an obligation to the men who in its hour of need stepped forward to save it from destruction; we therefore most respectfully, yet earnestly, beg of your honorable bodies without delay to pass this bill, and thus perform an act for which you will ever merit our thanks and gratitude.

And your memorialists will ever pray.

J. M. Jackson, Emma, Illinois, Eighty-seventh Regiment; Hurly McCallister, Emma, Illinois, Seventh Illinois Cavalry; R. N. Johnson, Norris City, Illinois; J. E. Brown, Springerton, Illinois; Danl. Berry, assistant surgeon, Thirty-seventh Illinois; W. B. Maybery, Norris City, Illinois, Sixth Illinois Cavalry; Thos. I. Porter, Norris City, Illinois, Twenty-ninth Illinois Infantry; James Wall, Norris City, Illinois, Twenty-sixth Indiana Volunteers; Thomas Richeson, Norris City, Illinois, Fortieth Illinois; John J. Glassouch, Cottonwood, Illinois, Twenty-ninth Illinois; George H. Kinelebe, Middlepoint, Illinois, Eighty-ninth Illinois; William S. Eubanks, Roland, Illinois, Seventh Illinois Cavalry; Joseph W. Burres, Roland, Illinois, Eighty-seventh Illinois; Carcol McGhee, Roland, Illinois, Twenty-ninth Illinois; John McGhee, Roland, Illinois; Robert McGhee, Norris City, Illinois, Seventh Illinois Cavalry; William Rory, Roland, Illinois, Seventh Illinois Cavalry; Jacob C. Bloodworth, Roland, Illinois, Twenty-ninth Illinois; Henry Wakeford, Norris City, Twenty-ninth Illinois; Hezekiah O'Neal, Norris City, Illinois, Eighty-seventh Illinois; Calvin Trail, Norris City, Illinois, One hundred and thirty-sixth Illinois; John L. Zeller, Roland, Illinois. One hundred and twenty-fifth Indiana; T. W. Garrett, Norris City, Illinois; W. F. Forester, Roland, Illinois; W. C. Wilson, Middlepoint, Illinois; J. W. Forester, Middlepoint, Illinois; H. G. Forester, Middlepoint, Illinois; A. S. Forester, Middlepoint, Illinois; G. W. Finkhover, Middlepoint, Illinois; John Greer, Middlepoint, Illinois; Ezekiel Nesler, Middlepoint, Illinois, Eighty-seventh Illinois; C. W. Hamilton, Middlepoint, Illinois; S. W. McMullin, Middlepoint, Illinois; A. Pearce, Middlepoint, Illinois; G. R. Pearce, Middlepoint, Illinois; H. C. Pierson, Middlepoint, Illinois; J. M. Pearce, Middlepoint, Illinois; Conrad Wessel, Middlepoint, Illinois, Fifty-first Ohio; Willis Cox, Norris City, Illinois, Eighteenth Illinois; H. T. Blackard, Roland, Illinois, One hundred and twentieth Illinois; W. J. Smith, Middlepoint, Illinois, First Illinois; James B. McGhee, Middlepoint, Illinois; John M. Smith, Norris City, Illinois; Homer Inbodero, Roland, Illinois; Philip F. Orr, Roland, Illinois; Lycurgus W. Rowe, Norris City, Illinois, Eighty-seventh Illinois; John F. Hill, Norris City, Illinois; E. S. Boyd, Norris City, Illinois; William Boyd, Norris City, Illinois.

PENSIONS.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 3515) to amend the act entitled "An act amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows, and for other purposes," approved March 9, 1878; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JOHN TAYLOR & SON.

Mr. COFFROTH, by unanimous consent, from the Committee on Invalid Pensions, reported back a bill (H. R. No. 2609) for the relief of John Taylor & Son, of Newport, Kentucky; and the same was referred to the Committee on Military Affairs.

CHANGE OF NAME OF YACHT.

Mr. MORSE, by unanimous consent, introduced a bill (H. R. No. 3516) to change the name of the yacht Effie Mary to that of Effie; which was read a first and second time, and referred to the Committee on Commerce.

ANN SMITH.

Mr. MORSE also, by unanimous consent, introduced a bill (H. R. No. 3517) granting a pension to Ann Smith, widow of the late Levi Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GARFIELD, for two days; and

To Mr. RYON, of Pennsylvania, indefinitely, on account of sickness in his family.

PROTECTION OF RIO GRANDE FRONTIER.

Mr. UPSON, by unanimous consent, from the Committee on Military Affairs, reported back the bill (S. No. 53) making appropriations for acquiring sites and the erection of suitable posts for the protection of the Rio Grande frontier; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at thirty minutes past twelve o'clock and reports from committees are in order. The call rests with the Committee of Ways and Means.

IMPORTATION OF CLASSICAL ANTIQUITIES.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported back with an amendment the bill (H. R. No. 2524) in relation to the importation of classical antiquities and ancient coins and medals.

The bill was read, as follows:

Be it enacted, &c., That no duty be levied or collected on any objects of classical antiquity imported into the United States, or on any coins or medals, but the same shall be wholly exempt from duty.

SEC. 2. That all provisions of law inconsistent herewith are hereby repealed.

The amendment of the committee was read, as follows:

In the fourth and fifth lines of the first section strike out the words "or on any coins or medals."

Mr. FERNANDO WOOD. Let the report be read.

The report of the committee was read, as follows:

The Committee of Ways and Means, to whom was referred House bill No. 2524, respectfully report:

There has been developed of late years among our intelligent and cultivated citizens a taste for the study of archæology, that is, of objects pertaining to the habits, customs, and the arts of antiquity.

A number of most valuable and beautiful collections of this kind have been brought into this country, where in all probability they will permanently remain, and become an important means of instruction in the development of American art, by affording our workmen an opportunity of becoming acquainted with the best forms of antiquity.

By antiquities is understood all objects made by man prior to A. D. 800, and include of course those extraordinary remains of a prehistoric people which are now attracting so much attention in the ethnological and historical world—and also those beautiful works of art which are daily brought to light from ancient tombs and the ruins of long-buried cities.

Objects of art subsequent to A. D. 800 are not comprehended under the term of "classical antiquities," but are denominated "curiosities."

Importations here of "antiquities" have now been unfortunately checked by the different constructions placed upon doubtful provisions of our tariff act.

In the list of free articles (volume 1 Revised Statutes, section 2505, page 484) is found "cabinets of coins, medals, and all other collections of antiquities."

In the same free list (page 489) are admitted collections specially imported and "not intended for sale."

The celebrated Castellani collection, although imported, was ruled by the Treasury Department that so far as respected the antique portion of it it "undoubtedly" belonged to the first-mentioned paragraph, and was therefore admitted without the payment of duty.

Another collection imported since that time by M. Fouardent into New York was entered and passed free, while a precisely similar collection recently brought into the same port by the same person has been decided by the Treasury authorities to come within the purview of the second paragraph, being "for sale," and subjected to a heavy duty. We thus see that the stone celts of the prehistoric period, valuable only to the ethnologist, are placed in the same category with the most expensive productions of modern luxury.

If this latter construction is to remain the law, the anomaly will be presented that while other countries rich in antiquities are passing laws prohibiting the exportation of their art treasures, we are doing all in our power to prevent their importation. These classical antiquities can of course interfere in no manner with any productions of American industry.

On the contrary, they will have a direct tendency to refine the taste of the American workman, and thus make him the better fitted to produce at home many articles of manufacture for which at present we have to depend upon foreign artists.

Your committee therefore report the following amended bill.

The amendment of the committee was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ACKLEN. I call the attention of the gentleman from New York to the necessity for changing the title of the bill, that it may be in accordance with the amendment just adopted.

Mr. FERNANDO WOOD. Let the title be changed accordingly.

The title was amended by striking out the words "and ancient coins and medals."

Mr. FERNANDO WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF DUTY ON AN ALTAR.

Mr. FERNANDO WOOD also, from the Committee of Ways and Means, reported back, with a favorable recommendation, a bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar, from Rome, Italy, for the Saint John's cathedral of Indianapolis, Indiana.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit or refund, as the case may be, the duties paid or accruing upon an altar from Rome, Italy, for Saint John's cathedral of Indianapolis, Indiana, arrived, or about to arrive, in the port of New York; said altar being designed for said cathedral and not for sale.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DE LA MATYR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMISSION OF DUTY ON A STAINED-GLASS WINDOW.

Mr. FERNANDO WOOD also, from the Committee of Ways and Means, reported back, with an amendment, the joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained-glass window from Munich, Germany, for All Saints' church, in Saint Michael's parish, in Talbot County, Maryland.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit or refund, as the case may be, the duties paid or accruing upon a stained-glass window from Munich, Germany, for All Saints' church, in Saint Michael's parish, in Talbot County, Maryland, arrived, or about to arrive, in the port of Baltimore.

The amendment of the committee was read, as follows:

In the seventh and eighth lines of the joint resolution amend by striking out the words "arrived or about to arrive," and insert "imported or about to be imported."

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENRY moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NIGHT INSPECTORS OF CUSTOMS.

Mr. FERNANDO WOOD also, from the Committee of Ways and Means, reported back, with an amendment, the bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs at the port of New York.

The bill was read, as follows:

Be it enacted, &c., That on and after December 1, 1879, the compensation to inspectors of customs employed under section 2733 of the Revised Statutes for service at night at the port of New York shall be, and is hereby made, $3 for each night.

SEC. 2. That all acts or parts of acts being inconsistent with the above act are hereby repealed.

The amendment of the committee was read, as follows:

In the sixth and seventh lines of the first section amend by striking out the words "at the port of New York."

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FERNANDO WOOD. Let the title be amended.

The title was amended by striking out the words "at the port of New York."

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported back the bill (H. R. No. 3018) to amend section 4458 of the Revised Statutes, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Commerce.

The motion was agreed to.

THE MILLERS' INTERNATIONAL EXHIBITION.

Mr. MORRISON, from the Committee of Ways and Means, reported a bill (H. R. No. 3518) to authorize the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty; which was read a first and second time.

The bill provides that all articles which shall be imported for the sole purpose of exhibition at the millers' international exhibition, to be held in the city of Cincinnati in the year 1880, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury shall prescribe; provided that all such articles as shall be used in the United States or withdrawn for consumption therein at any time after such importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of importation; and further provided that in case any article imported under the provisions of this act shall be withdrawn for consumption or shall be sold without payment of duty as required by law, all the penalties prescribed by the revenue laws shall be applied and enforced against such articles and against persons who may be guilty of such withdrawal or sale.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MORRISON. I ask to have read some communications which I send to the Clerk's desk.

The Clerk read as follows:

TREASURY DEPARTMENT, *December* 17, 1879.

SIR: I have the honor to transmit herewith a copy of a communication addressed to this Department, under date of the 16th instant, by Mr. George Bain, president of the Millers' National Association of the United States, in which he states that an international exposition of milling machinery will be held on June 1, 1880, at Cincinnati, to which foreign inventors and dealers have been invited to exhibit their machinery in motion. Request is made therein that this Department issue orders for the free entry of such machinery, if within its power; and if not within its power, that the matter be brought to the attention of Congress.

The laws now in force do not authorize this Department to admit the articles to free entry for the purpose named; but, in accordance with the request of Mr. Bain, the copy of his letter is transmitted, with the recommendation that it receive favorable consideration at the hands of Congress.

Very respectfully,

JOHN SHERMAN,
Secretary of Treasury.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives, Washington, D. C.

SAINT LOUIS, MISSOURI, *December* 16, 1879.

SIR: The Millers' National Association of the United States will, on June 1 next, hold an international exposition of milling machinery in Cincinnati, and I have invited foreign inventors and dealers to exhibit their machinery in motion. The association desires to ask you to permit such foreign machinery to come in bond, as it did to the Centennial Exhibition; and if the power to issue such an order is not in your hands, will you kindly bring the matter to the attention of Congress at your early convenience?

Very respectfully, your obedient servant,

GEORGE BAIN,
President Millers' National Association.

To the honorable the SECRETARY OF THE TREASURY.

The bill was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT V. CONWAY.

Mr. TUCKER, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to issue to Albert V. Conway, substituted trustee to John Vanzant, under and according to the will of James Vanzant, deceased, late of Washington City and District of Columbia, registered bonds of the United States, according to the provisions of the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, and at the rate of 4 per cent. interest thereon per annum, in lieu of the following certificates of registered bonds of the United States, redeemed or assigned upon forged assignments, to wit: No. 7406, act of March 3, 1865, and No. 26273, act of March 3, 1865, consols of 1865, each for $1,000, the property of said Albert V. Conway, trustee, substituted in place of said John Vanzant: *Provided, however*, That it shall be stipulated in each of said certificates issued under this act that no interest shall accrue or be payable upon either of them until and except from the death of Mary A. Boyd, who is entitled to a beneficial interest in said original bonds for her life, under the will of said James Vanzant, deceased. And the Secretary of the Treasury is directed to require satisfactory proof of the death of said Mary A. Boyd before paying any interest on said bonds issued under this act.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL-BANK RESERVES.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back, with a favorable recommendation, the bill (H. R. No. 2715) requiring the reserves of the national banks to be kept in gold and silver coins of the United States.

The bill was read, as follows:

Be it enacted, &c., That the national-bank act be, and it is hereby, so amended as to require every banking association to keep, in gold or silver coins of the United States, one-half of the reserve fund now required by law.

SEC. 2. Any banking association failing to comply with the requirements of the first section of this act shall not be allowed to increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion of coin has been restored. And the Comptroller of the Currency may notify any association whose lawful-money reserve shall be below the amount and proportion of coin as above required to be kept on hand to make good such reserve, and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money in the proportion aforesaid, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association as provided in section 5234.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MARTIN, of Delaware. I desire to offer an amendment to the bill.

Mr. BUCKNER. I cannot yield for an amendment. I am directed by the committee to move the previous question upon the engrossment and third reading of the bill.

Mr. MARTIN, of Delaware. Let the amendment be read.

Mr. BUCKNER. I have no objection to the reading of the amendment.

The amendment was read, as follows:

Insert the following after section 1:

SEC. 2. *And be it further enacted*, That from and after the passage of this act the Treasury notes of the United States shall be receivable for all dues to the United States excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

Mr. BUCKNER. I cannot yield for that amendment to be offered. I call the previous question.

Mr. WHITTHORNE. Will my friend from Missouri [Mr. BUCKNER] allow me to ask him a question?

Mr. BUCKNER. Certainly.

Mr. WHITTHORNE. What will be the effect of the enactment of this bill into law upon the line of discounts now being made by the banks in the country? Will it tend to contraction or not? I have a fear that it will.

Mr. BUCKNER. If the House will give me its attention for a few moments I will explain the change which the committee propose by the passage of this bill to make in the present law upon the subject of bank reserves. As the law now stands there are two classes of national banks; one the banks in New York City and what are called the reserved cities, some ten or a dozen, which are required to keep 25 per cent. in amount of their actual deposits in legal-tenders, &c. The banks that are non-reserve, or what are known as country banks, are required to keep 15 per cent. of their deposits in legal-tenders, &c.

This bill affects only one-half of these reserves. It requires that one-half of the reserves on deposits, not on circulation, shall be kept in the gold and silver coins of the United States. There is no other change except the one requiring them to keep in coin one-half of the reserves now required by law on deposits. That is all the change that is proposed to be made.

Mr. Speaker, it is a very natural inquiry, what is to be the effect of this change of the law upon the national banks and their reserves? That question I will answer by incorporating in my remarks a statement from the Comptroller of the Currency, the substance of which I will briefly recite. It shows that on October 2, 1879, when the latest return was made from the non-reserve or country banks, those institutions, all of them, had coin in excess of the demands which this bill if enacted would make upon them. In other words, they have more than enough coin to constitute one-half of their reserve as required by this bill. The New York banks also have an excess of $22,000,000 more than this bill would require them to have as their reserve; and the other reserve banks have an excess of something like $400,000. The country banks are required to keep a reserve of only 15 per cent. Their coin reserve as returned in October last was $3,765,338, more than one-half of this 15 per cent. Hence, whether this bill be regarded as a wise measure or not, it will not and cannot affect the interests of the banks in regard to their reserves. The statement of the Comptroller of the Currency is as follows:

Statement of the cash reserve required and held by the national banks in New York City, and in the other reserve cities, as shown by the reports of their condition on December 12, 1879, and of the national banks in the States and Territories, as shown by the reports of their condition on October 2, 1879.

New York City, December 12, 1879:	
Specie	$49,493,110
Legal-tender notes	7,654,877
United States certificates of deposit	2,310,000
Amount held	59,457,987
Amount required	54,881,638
Other reserve cities, December 12, 1879:	
Specie	14,049,276
Legal-tender notes	17,708,554
United States certificates of deposit	8,315,000
Amount held	40,072,830
Amount required	27,260,200
States and Territories, October 2, 1879:	
Specie	11,474,961
Legal-tender notes	29,628,096
United States certificates of deposit	735,000
Amount held	41,838,057
Amount required	15,419,246
United States:	
Specie	75,017,347
Legal-tender notes	54,991,527
United States certificates of deposit	11,360,000
Amount held	141,368,874
Amount required	97,561,084

Mr. WHITTHORNE. The gentleman from Missouri has not, as I understand, answered my inquiry, which was whether in his opinion this bill would tend toward contraction or expansion of the line of discounts now allowed by the banks of the country?

Mr. BUCKNER. It cannot possibly have any effect in that direction.

Mr. WHITTHORNE. Will my friend indulge me right here in one remark upon that point?

Mr. BUCKNER. Certainly; I will hear the gentleman.

Mr. WHITTHORNE. We are about to put through hurriedly a measure which, as I think, the House does not understand; nor has the gentleman answered definitely the inquiry which I have propounded to him, which seems to me a material one in regard to the business of the country.

Allow me to say, Mr. Speaker, that a turning-point in the policy to be pursued by this House in regard to the currency of the country is whether we shall depend upon the banks to furnish the solid basis for the convertibility of our currency, or shall depend for that purpose upon the Treasury of the United States. In passing upon this bill we are about to take a position upon that question unconsciously to the House and I believe unconsciously to the committee. I announce for one that I stand ready to abide by the fortune of the greenback of this country—to make the Treasury of the United States the authority to which we shall look for the conversion of our currency. I am not willing to depend for this purpose upon the Shylocks, the bankers and brokers of the country. I fear that this measure, if adopted, will turn us over to the bankers and brokers.

Mr. BUCKNER rose.

Mr. BRIGHT. Before the gentleman from Missouri resumes his remarks I call for the reading of the bill. I think it has not been heard by members generally.

The bill was again read.

The SPEAKER. The gentleman from Missouri demands the previous question.

Mr. REAGAN. I hope the gentleman will not demand the previous question, but will permit a motion to send the bill to the Committee of the Whole.

Mr. WEAVER. What objection has the gentleman from Missouri to allowing this bill to be referred to the Committee of the Whole on the state of the Union? It is a very important bill and ought not to be passed without due consideration. I think the bill ought to be referred as I have indicated.

Mr. BUCKNER. I have no authority to consent to such a reference. The bill is a very plain one, and it seems to me does not require any great amount of discussion. So far as regards the intimation of my friend from Tennessee [Mr. WHITTHORNE] that the bill may militate against the national greenback currency, I will say to him that the effect of the bill will be to withdraw that currency from the banks and put it in circulation, substituting a silver reserve for a greenback reserve. This would be the direct effect.

Mr. WEAVER. It may have that effect in one direction, while it may have a very deleterious effect in another. My impression is that the bill should be referred to the Committee of the Whole.

The SPEAKER. The gentleman from Missouri demands the previous question.

Mr. FRYE. I would like to make one inquiry.

Mr. BUCKNER. I yield to the gentleman for that purpose.

Mr. FRYE. Is there any objection on the part of the gentleman reporting this bill to having it go over until the morning hour of to-morrow? It has not been printed, or if printed, the attention of members has not been especially called to it, and they have not carefully examined it. I confess that I am not prepared to vote on the bill at present, and I judge from conversation which I hear around me that a great many other members are not prepared to vote upon it. The question has not been discussed heretofore at any length. I therefore ask the gentleman whether there is any objection to allowing the bill to go over till the morning hour of to-morrow, so that we may have time to read it?

Mr. BUCKNER. If it is the wish of members that the bill go over till to-morrow morning, I have no objection.

The SPEAKER. The gentleman asks unanimous consent that this bill may go over until the morning hour of to-morrow, to come up as unfinished business in that hour. Is there objection?

Mr. BRIGHT. Is that made with the understanding that the previous question shall be pending?

The SPEAKER. The Chair would reserve the same rights to the gentleman from Missouri he now has and among them would be his right, having reported the bill, to test the sense of the House by demanding the previous question.

Mr. BUCKNER. I ask that the bill be printed in the RECORD.

Mr. BRIGHT. It will not operate to supersede the motion if it be in order to refer to the Committee of the Whole on the state of the Union.

The SPEAKER. The previous question will cut off any other motion. That is the object, and a gentleman reporting the bill under the practice of the House has always had that right.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry. I wish to know whether this bill cannot be sent to the Committee of the Whole on a point of order?

The SPEAKER. It is now too late, if it was subject to any point of order.

Mr. TOWNSHEND, of Illinois. Why?

The SPEAKER. Because it has been before the House and discussed.

Mr. TOWNSHEND, of Illinois. The bill has simply been read, and the gentleman having it in charge would not yield to a point of order.

Mr. FERNANDO WOOD. All points of order were reserved on my motion on the second reading of the bill.

The SPEAKER. That was too late, but the Chair is perfectly willing to take the responsibility of deciding the point of order.

Mr. BUCKNER. I ask that the bill be printed in the RECORD.

The SPEAKER. The gentleman from New York will state what point of order it was that he made.

Mr. TOWNSHEND, of Illinois. I make the point of order that it changes existing law.

Mr. FERNANDO WOOD. I reserved all points of order. Besides it affects the revenue.

The SPEAKER. The effect of the bill the House must judge of. The Chair overrules the point of order.

Mr. SIMONTON. I rise to a parliamentary inquiry.

The SPEAKER. State it.

Mr. SIMONTON. In case the House votes down the motion pending, will then a motion to refer to the Committee of the Whole be in order?

The SPEAKER. The present condition of this bill is the motion asking unanimous consent that it may go over until to-morrow morning as unfinished business.

Mr. SIMONTON. In order that I may act intelligently on that suggestion, I ask the parliamentary inquiry whether, if we vote down the motion of the gentleman from Missouri, it will then be in order to refer the bill to the Committee of the Whole House on the state of the Union?

The SPEAKER. It would either to-day or to-morrow.

Mr. FERNANDO WOOD. Unless the gentleman from Missouri consents to the proposition of the gentleman from Maine, I must insist that the great doubt now existing——

The SPEAKER. The gentleman from Missouri has expressed his willingness to accept the suggestion of the gentleman from Maine.

Mr. FERNANDO WOOD. Then, I withdraw my objection and I hope the bill will take that course.

The SPEAKER. There being no further objection, this bill will be considered as the unfinished business and first in order in the morning hour to-morrow.

Mr. WILSON. I object.

Mr. WARNER. I hope that a vote will not be pressed on this bill this morning. I think we should have some time for its consideration.

Mr. COX. What is the present question? Is it the demand for the previous question?

The SPEAKER. It is.

Mr. FRYE. I hope the gentleman from West Virginia will withdraw his objection, because it only compels us to occupy fifteen minutes of time in a dilatory way.

Mr. WILSON. If it is the manifest purpose to call the yeas and nays to consume the morning hour this morning, so the bill may go over until to-morrow, then I withdraw my objection.

Mr. FRYE. I understand the gentleman withdraws his objection.

The SPEAKER. Is there further objection?

Mr. COX. I hope my friend from Missouri will occupy the fifteen minutes in explaining this bill, and then we will have it up to-morrow for further consideration and vote.

Mr. REAGAN. I desire to make an inquiry in order to get the opinion of the gentleman from Missouri.

Mr. BUCKNER. You can get it to-morrow. I hope there will be no objection to the bill going over as unfinished business, to come up in the morning hour to-morrow.

Mr. REAGAN. Mr. Speaker, with the consent of the gentleman from Missouri, I will try to call his attention to a point which I think should be explained.

The SPEAKER. There may be other committees wishing to report. Or, indeed, the Committee on Banking and Currency may have further reports to make in this morning hour.

Mr. BUCKNER. It has. But I will hear the question.

Mr. REAGAN. I understand the object of the bill is to withdraw greenbacks from the banks.

Mr. BUCKNER. That may be the effect, but it is not the object of the bill.

Mr. REAGAN. To substitute coin in place thereof.

Mr. BUCKNER. Yes.

Mr. REAGAN. Has the gentleman considered the question that if he forces the bank reserves to be held in coin sufficient coin cannot be conveniently secured by the Government without an additional sale of bonds to meet the interest on the public debt?

Mr. BUCKNER. They have an excess over the amount they are required to keep to the extent of some twenty-odd millions of dollars.

Mr. REAGAN. Excess of coin?

Mr. BUCKNER. Yes, sir.

Mr. REAGAN. Recently I noticed in the statistics that they only have $30,000,000 among the whole of them.

Mr. BUCKNER. As I stated in my opening remarks upon a report I received from the Comptroller of the Currency of the latest date, the banks of the United States have some $26,000,000 in excess of the reserves which they are required to keep.

Mr. REAGAN. I only say, then, that if that is the effect developed by the Treasury Department there has been a most extraordinary progress in that direction, because only a year since there were only thirty millions in all.

Mr. BUCKNER. That may be so, but the fact is as I have stated.

The SPEAKER. The Chair understands this bill goes over until to-morrow morning, to come up then as unfinished business.

There was no objection, and it was ordered accordingly.

Mr. FRYE. Let it be printed in the RECORD.

The SPEAKER. There being no objection, the bill will be printed in the RECORD.

The bill is as follows:

Be it enacted, &c., That the national-bank act be, and it is hereby, so amended as to require every banking association to keep, in gold or silver coins of the United States, one-half of the reserve fund now required by law.

SEC. 2. Any banking association failing to comply with the requirements of the first section of this act shall not be allowed to increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion of coin has been restored. And the Comptroller of the Currency may notify any association, whose lawful money reserve shall be below the amount and proportion of coin as above required to be kept on hand, to make good such reserve, and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money in the proportion aforesaid, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association as provided in section 5234.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

NATIONAL BANK AT PONTIAC, ILLINOIS.

Mr. FORT, from the Committee on Banking and Currency, reported back a bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue $500 in new notes to the national bank at Pontiac, Illinois, to replace a like amount which have never been signed, with amendments.

The bill, which was read, provides that the Comptroller of the Currency be authorized to issue to the National Bank of Pontiac, Illinois, $500 of circulating notes of said bank, of the denomination of $5, in place of twenty-five impressions of plate 5–5–5–5, bank numbers 741–764, Treasury numbers 252111–252135, whenever satisfactory proof shall be presented to him that said notes were stolen from said bank without the signature of either of the officers of said bank; provided that if said unsigned notes, or any portion of them, shall, inadvertently or otherwise, be redeemed at the Treasury of the United States, the bonds now held as security for the circulating notes of said bank shall be held subject to the payment of the amount of such notes so redeemed.

The amendments were read, as follows:

Strike out thirteenth, fourteenth, and fifteenth lines, and in lieu thereof insert the following:

"Said bank shall first give a good and sufficient bond in the penal sum of $1,000 to the United States, with sureties to be approved by said Comptroller, indemnifying the Government in case said."

Insert between the tenth and eleventh lines the following:

"That said bank shall first give a good and sufficient bond in the penal sum of $1,000 to the United States, with sureties to be approved by said Comptroller, indemnifying the Government in case said."

Mr. FORT. Mr. Speaker, $500 in unsigned bills of the National Bank of Pontiac, Illinois, were stolen. They had neither the signature of the president nor of the cashier. The pending proposition provides only that when to the satisfaction of the Comptroller of the Currency the bank shall prove those bills were stolen before being signed, and further give a bond in the sum of $1,000 to the United States to indemnify the Government in case any should be inadvertently redeemed hereafter, then $500 in new bank bills shall be furnished. As I have already stated, the bills were stolen before being signed. I have the testimony here, which perhaps it is not necessary to read, in which there is exhibited one of the bills stolen before being signed. It was taken by a bank in Toledo and returned to the bank at Pontiac. The signature of the cashier was forged, but forged so badly that the name was spelled wrongly. This is the only one of the $500 of bills which has yet made its appearance. No harm possibly can come from the passage of this act. It has been reported unanimously from the committee. These bills were stolen three or four years ago, as the testimony shows, and the amount provided for here is only to be supplied to the bank in case proof shall be made that the bills were stolen before being signed, and further that the bank shall file a bond in the sum of $1,000 to indemnify the Government in case any one of the bills should be hereafter inadvertently redeemed.

Mr. CONGER. Is any provision made for protecting the innocent holders of these bills that are in circulation?

Mr. FORT. There can be no innocent holder of these bills. There are none of these bills in circulation that anybody has ever seen. The one that I have mentioned here is the only one that has yet made its appearance.

Mr. CONGER. I understand the bill you have was in circulation with a forged signature.

Mr. FORT. I will state for the information of the gentleman that at the time these bills were stolen there were other bills stolen which had the signature of the president of the bank upon them. We do not seek to have other impressions given for those bills that were signed by one of the officers, but only for the bills that were not signed by any officer. They were in fact simple pieces of paper. They were blanks, and not bills at all. We do not ask to have returned any bills that had the signature of either officer to them.

Mr. NEWBERRY. I desire to ask the gentleman from Illinois a question.

Mr. FORT. I yield to the gentleman for a question.

Mr. NEWBERRY. What is the use of a bond of a thousand dollars to the Government? How is the Government liable to lose a dollar?

Mr. FORT. That provision is inserted out of abundant caution, and for the purpose of saving the Government. If it should turn out that some officer in the Treasury had inadvertently redeemed one of the bills, then we provide that the Government in that case shall not be the loser.

Mr. NEWBERRY. If the officer of the Government improperly redeems, then the officer would be the loser. How is the Government to lose a dollar? I do not understand of what use the thousand-dollar bond can be.

Mr. FORT. In reply to the gentleman, I will say that the bond can certainly do no harm. This provision is put in to satisfy other gentlemen who might think that some day the Government might be the loser. We wish to make it doubly sure it can never lose a single cent.

Mr. NEWBERRY. The probable loser will be some innocent person to whom that bill, with a forged signature, will be passed. If there was a provision to indemnify an innocent holder, it might be of some avail.

Mr. FORT. The gentleman might say the same of any counterfeit bill that may go into circulation.

Mr. NEWBERRY. You have there all the insignia of a good bill, except the signature of a bank officer. Now, by the fault of the bank officers, probably by their negligence, those bills are in circulation with forged signatures. The innocent holder of those bills will suffer, not the Government, not the bank; but some person who takes the bill. Now I suppose the Government has given the proper seals. The registry is all right, I suppose. The seal of the Government is all right. There is nothing wanting but the signature of a bank officer, and nobody ever looks at a signature when he takes a bank-note. Nobody knows who the officers are. And if the issuing of these bills is owing to the negligence of the bank, I would say it is a matter of doubtful propriety to issue new bills to the bank.

Mr. FORT. I wish to add that I called upon the Comptroller of the Currency and consulted with him about this bill, and he gave it as his opinion that it was eminently right and fair and just that it should pass. It can do no individual any harm; and the provision about the bond was put in for the reason that we desire to satisfy everybody. The gentleman from Michigan, if he chooses, can move to strike that out.

Mr. DEERING. I have an amendment which I desire to offer.

The SPEAKER. Does the gentleman from Illinois admit the amendment?

Mr. FORT. I will hear it read.

The Clerk read as follows:

Amend the bill by adding as follows:

That the same provisions and privileges of this bill be extended to the Osage National Bank, at Osage, Iowa, and that $9,000 stolen unsigned bills be restored in like manner, the bond to be *pro rata*.

Mr. FORT. I cannot admit that amendment, because there is no proof here in support of it. I have the proof in this case. I insist on the demand for the previous question.

Mr. DEERING. I hope that motion will be voted down.

Mr. BROWNE. I hope it will be voted up.

The question being taken on seconding the demand for the previous question, there were—ayes 71, noes 9.

Mr. ALDRICH, of Rhode Island. I make the point that a quorum has not voted.

Mr. BLACKBURN. Has the morning hour expired?

The SPEAKER. The morning hour has expired, and this bill will go over until to-morrow's morning hour.

Mr. PRICE. Before or after the other bill?

The SPEAKER. After the disposition of the bill reported by the gentleman from Missouri, [Mr. BUCKNER.]

Mr. PRICE. I think the Chair is right in that decision. The bill in charge of the gentleman from Missouri it was ordered by the House should come up as unfinished business in the morning hour.

The SPEAKER. The Chair decides that the bill in charge of the gentleman from Illinois [Mr. FORT] will follow the other bill.

Mr. MCMILLIN. Will the bill just reported be inserted in the RECORD?

The SPEAKER. It will.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill and joint resolution of the following titles:

A bill (H. R. No. 2791) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1881; and

A joint resolution (H. R. No. 148) for the relief of D. M. Hamlin and Andrew F. Slade.

PETITIONS FOR CONSTITUTIONAL AMENDMENT.

Mr. FRYE. There are a number of petitions from ladies of the United States asking the adoption of a certain constitutional amendment, which petitions they desire may be presented from the floor of the House rather than by being placed in the box for petitions. I ask unanimous consent that these petitions may be referred from the floor.

The SPEAKER. When does the gentleman desire to have it done?

Mr. FRYE. Now.

Mr. STEELE. I object.

TESTING IRON AND STEEL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I have the honor herewith to transmit the final report of the board for testing iron, steel, and other metals, with the accompanying papers. These papers constitute the remainder of the reports made by the board, which were transmitted by me to the House of Representatives on the 15th of June, 1878, (H. R. Ex. Doc. No. 98, Forty-fifth Congress, second session.)

The United States testing machine at Watertown arsenal, constructed for the board, is reported as being of great value in the determination of data and the solution of problems of interest to the people of the whole country, and the special attention of Congress is called to the necessity of an appropriation to enable the War Department to make use of it. An estimate of $20,000 for the purpose was submitted to Congress in the last Book of Estimates, (see page 82,) and an appropriation of that sum is respectfully recommended.

The act of July 31, 1876, (chap. 246, 19 Statutes, page 119,) made an appropriation for completing the experiments in testing iron, steel, and other metals, and provided that the board should be discontinued from and after the expenditure of the amount appropriated. In accordance with this legislation the board ceased to exist on the 30th of June, 1879.

R. B. HAYES.

EXECUTIVE MANSION, *January* 14, 1880.

The message, with the accompanying documents, was referred to the Committee on Military Affairs, and ordered to be printed.

COMMISSIONERS OF INTERSTATE COMMERCE.

Mr. MCCOID, by unanimous consent, introduced a bill (H. R. No. 3519) to establish a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIANAPOLIS A PORT OF DELIVERY.

Mr. DE LA MATYR, by unanimous consent, introduced a bill (H. R. No. 3520) to establish a port of delivery at Indianapolis, in the State of Indiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISRAEL WARNER.

Mr. DE LA MATYR also, by unanimous consent, introduced a bill (H. R. No. 3521) granting a pension to Israel Warner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BROTHERHOOD OF LABOR.

Mr. AIKEN, by unanimous consent, (and by request,) introduced a bill (H. R. No. 3522) to incorporate Lincoln Lodge No. 2, Brotherhood of Labor in the United States of America; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RETIRED LIST OF THE NAVY.

Mr. BLISS also, by unanimous consent, introduced a bill (H. R. No. 3523) fixing the relative rank and pay of certain officers on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDMUND T. RYAN.

Mr. BLISS also, by unanimous consent, (and by request,) introduced a bill (H. R. No. 3524) for the relief of Edmund T. Ryan; which was read a first and second time, and referred to the Committee on Military Affairs.

STENOGRAPHER FOR COURTS OF THE DISTRICT.

Mr. ATHERTON. I desire to call the attention of the House to the fact that a memorial presented here from the members of the bar of this District, relating to the appointment of a stenographer for the Supreme Court of the District, was inadvertently referred to the Committee for the District of Columbia, while the bill presented at the same time upon the same subject was referred to the Committee on the Judiciary. I ask that the Committee for the District of Columbia be discharged from further consideration of that memorial and that it be referred to the Committee on the Judiciary.

There was no objection, and it was so ordered.

ELLIOTT & REMLEY.

Mr. STEELE, by unanimous consent, (and by request,) introduced a bill (H. R. No. 3525) for the relief of Elliott & Remley, of Charlotte, North Carolina; which was read a first and second time, and referred to the Committee of Claims.

UNITED STATES TREASURY—NEW YORK CLEARING-HOUSE.

Mr. WARNER. I am directed by the Committee on Coinage, Weights, and Measures, to which was referred the resolution which I hold in my hand, calling for information from the Secretary of the Treasury, to report the same back, with a recommendation that it be adopted.

The SPEAKER. The committee has the right to report at any time.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to report when, under what law, and under what conditions the United States Treasury became a mem-

ber of the New York clearing-house; and whether or not said clearing-house accepts Treasury certificates payable in silver coin in settlements of balances, or whether the settlement of balances in standard silver dollars or silver certificates is prohibited by the rules of said clearing-house.

Mr. BREWER. I desire to know whether this resolution comes from the committee.

The SPEAKER. It was referred originally to the Committee on Coinage, Weights, and Measures, and is now reported back in obedience to the rule.

Mr. WARNER. And it is a unanimous report.

Mr. PAGE. I do not understand whether the resolution comes here as the report of the committee.

The SPEAKER. This is a resolution of inquiry addressed to one of the Departments and was referred—on Monday last, as the Chair presumes—under the provisions of the rule, to the Committee on Coinage, Weights, and Measures, which by another branch of the rule is required to report back such resolutions within one week. This resolution is now reported back in pursuance of the rule.

Mr. PAGE. Is the resolution recommended by the committee?

The SPEAKER. Unanimously, as the gentleman reporting it states.

The resolution was adopted.

Mr. WARNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was ageeed to.

TESTING IRON AND STEEL.

Mr. CONVERSE. I desire to call the attention of the Chair to an erroneous reference. The President's special message in relation to tests of iron and steel ought to have gone, I imagine, to the Committee on Manufactures, not to the Committee on Military Affairs. These tests are not made for purposes of war, but with reference to the mechanic arts.

The SPEAKER. The Chair presumes that the reason this subject was referred to the Committee on Military Affairs was that these tests have been made at United States arsenals and the report comes from Army officers. The Chair will, however, recognize the gentleman to make a motion that the President's message relating to this subject be referred to the Committee on Manufactures.

Mr. CONVERSE. I make that motion.

The motion was agreed to.

IMPROVEMENT OF GROUNDS SOUTH OF THE CAPITOL.

Mr. HUNTON. I am instructed by the Committee for the District of Columbia to ask consent for the introduction and passage of a joint resolution with regard to the improvement of the grounds south of the Capitol.

The joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, was read. It appropriates $20,000 for the purpose of employing the poor of the District in the work of filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and provides that the commissioners of the District shall determine the plan of the work, shall see that it is properly conducted, and shall disburse the money.

Mr. CONGER. Reserving all points of order, I ask, is there any written report accompanying this resolution?

Mr. HUNTON. No, sir.

Mr. CONGER. Does the resolution refer to grounds owned by private persons?

Mr. HUNTON. Oh, no; these grounds belong to the Government.

Mr. REAGAN. I desire to say——

The SPEAKER. The Chair desires to say to the gentleman from Michigan who reserved the point of order that if debate be entered upon the Chair will not permit the point of order to be made.

Mr. REAGAN. I want to say to the House before this subject is acted on——

The SPEAKER. The bill is accompanied with a letter from the commissioners of the District, which perhaps had better be read.

The Clerk read as follows:

SIR: The commissioners have the honor to invite the attention of your committee to the condition of the unfilled portion of the old canal south of the Capitol, and which is a nuisance prejudicial to health and property.

The recovery of the land occupied by this canal would add a valuable tract to the property of the Government. This could now be done very economically, and would at the same time furnish employment to hundreds of willing laborers, who otherwise will become largely dependent for support during the winter upon public charity. The commissioners recommend an appropriation of $20,000 for this purpose, the amount appropriated by joint resolution of February 10, 1879, having been insufficient for the completion of the work as contemplated.

By order of the board.

Very respectfully,

J. DENT, *Chairman.*

Hon. EPPA HUNTON,
Chairman House Committee on District of Columbia.

Mr. REAGAN. I wish to ask what portion of the old canal is to be filled up?

Mr. HUNTON. The portion south of the Capitol, being in extent about half a mile. A part of this work was done last winter under an appropriation similar to this, passed by a similar vote. The making of this appropriation will be an act of charity to the poor of this District, as it will prevent their becoming chargeable to the public. In addition to this, the sanitary condition of the city requires that this work be done. The ground belongs to the Government of the United States, and its improvement will increase the value of the property.

There being no objection, the joint resolution was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

USE OF THE MAILS FOR LOTTERY PURPOSES.

Mr. MONEY. I am directed by the Committee on the Post-Office and Post-Roads to ask that the communication of the Postmaster-General in reply to the resolution of the House calling for information in regard to the use of the mails for lottery purposes be printed.

There being no objection, the order to print was made.

DEATH OF HON. RUSH CLARK, LATE MEMBER FROM IOWA.

Mr. PRICE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the special order for Saturday, the 31st day of January, 1880, at two o'clock p. m., shall be the presentation of suitable resolutions in reference to the death of Hon. Rush Clark, late a member of this House, and the expression by members of the esteem in which he was held by his associates on this floor.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the report of the Committee on Rules in regard to the revision of the rules.

Mr. SPRINGER. Pending the motion, I desire to know from the acting chairman of the Committee on Rules [Mr. BLACKBURN] when he proposes to limit the general debate on this proposed revision. Can we not now agree upon some time for closing general debate?

Mr. BLACKBURN. In answer to that inquiry, Mr. Speaker, I will say it was the purpose of the Committee on Rules, as stated to the House at the time this report was first submitted for consideration, to accommodate its action to the pleasure of the House. It does not appear that the House is yet content with the unlimited debate, judging from the list filed with the Chairman of the Committee of the Whole for recognition. It is a matter I cannot undertake to answer as to when it will be the pleasure of the House to apply the five-minute rule to this debate.

Mr. SPRINGER. I move, with the consent of the gentleman, that all general debate be limited to two hours. [Cries of "No!" "No!"] Then I will modify it so that it be limited to the present day.

Mr. CONGER. It was announced when this report was made that there would be no restriction upon the debate on the revision of the rules until all who desired to speak had the opportunity to do so.

The SPEAKER. The Committee on Rules has not introduced this proposition.

Mr. CONGER. So I understand. That proposition was made to the House, and I presume members have depended on it and that they would not be cut off from general debate.

The SPEAKER. The gentleman from Michigan objects to any limitation at this time.

Mr. SPRINGER. But I have a right to move the limitation.

The SPEAKER. The Chair has recognized the gentleman.

Mr. SPRINGER. I move all general debate on the rules be limited to this day's session.

Mr. CONGER. I move that be laid on the table. That does not carry the bill with it.

The SPEAKER. The shorter way is to vote directly on the proposition, and the Chair thinks there will be no difficulty.

Mr. SPRINGER. I desire to state that this day's session may be continued so as to have an evening session, during which the gentlemen can participate in the general debate.

The House divided, and there were ayes 15, noes not counted.

So the motion was disagreed to.

Mr. SPRINGER. I move that all general debate be limited to to-morrow's session. It is a good time to come to some determination on this subject.

The motion was disagreed to.

Mr. BLACKBURN. I now ask for a vote on my motion to go into the committee.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

DEPRESSION OF LABOR.

Mr. WILSON. Mr. Chairman, by the consent of the gentleman from Kentucky having in charge the report now pending, I ask by unanimous consent to take up the resolution reported yesterday from the Committee on Printing to provide for the printing of the testimony taken before the Committee on the Depression of Labor in the Country. I know I can only succeed by unanimous consent, but it will not take five minutes' time, perhaps not three. The work of one of the committees of this House is obstructed for the want of the printed evidence. The House saw fit to appoint that committee, and they have gone through the country and taken a large amount of evidence. They cannot now proceed with their labors until that is printed. I ask unanimous consent to take up the resolution and pass it.

Mr. TOWNSHEND, of Illinois. That cannot be done in Committee of the Whole.

Mr. WILSON. Only by unanimous consent.

The CHAIRMAN. The committee is acting under an order of the House, which is that it shall consider the report of the Committee on Rules to the exclusion of everything else. The gentleman from West Virginia asks unanimous consent to take up a certain other matter.

Objection was made.

REVISION OF THE RULES.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I desire the attention of the House but for a short time in order to present my objections to some of the rules presented for our consideration. I will say first, however, that I have found much in the report of the committee to commend. It has simplified, harmonized, and condensed the rules in such way as to command the admiration of those who have heretofore experienced difficulties resulting from the perplexities of the system under which we have been operating.

The question concerning the duties of the Appropriations Committee has been sufficiently discussed; therefore I will not ask the attention of the committee in that regard.

I wish, however, to bring to the attention of the committee this fact, that one who has been familiar with the machinery by which the functions of this House have been performed in years past will discover, on examination of this revision, that the committee has so arranged the work of committees that there will be, in effect, but three committees which will have anything of importance to do. It has so arranged the jurisdiction of the committees of this House that there will be three bonanza committees. I allude to the jurisdiction conferred upon the Appropriations, Ways and Means, and the wonderfully enlarged jurisdiction which has been conferred upon the Judiciary Committee.

If you will take the report of this committee in connection with the arguments of its advocates, it will be seen that, if its work is adopted and strictly construed, every bill of any conceivable nature that may be introduced into this House, if it is insisted upon, must legitimately go to one or other of these three committees. I lay the proposition down broadly and propose to show the House that, by the statement of gentlemen who are on the Committee on Rules, and by the report itself, that every bill brought into this House, if these rules are adopted, can be legitimately claimed by the Committee of Ways and Means, the Committee on Appropriations, or the Judiciary Committee. Now let me prove the truth of this statement.

The gentleman from Ohio [Mr. GARFIELD] the other day said to the House that the Ways and Means Committee should have jurisdiction over all questions providing the revenues of the Government, and that the Committee on Appropriations shall have jurisdiction over the method and manner in which expenditures of the Government shall be made. Now, Mr. Chairman, I wish to call attention to the fact that under this revision every bill that does not belong to these two committees would properly go to the Committee on the Judiciary; and, if this report be adopted, it will be entirely useless for the House to keep at least forty-two of the forty-five standing committees provided for, with their clerks and other expensive appendages.

On page 32 of the report it will be found that jurisdiction has been assigned to the Judiciary Committee as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

* * * * * * *

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary.

Subjects relating to judicial proceedings, subjects relating to law, criminal and civil, shall go to this committee under that rule. Is it possible to conceive of a bill that can come before this House which does not in some form relate to law, civil or criminal? If a gentleman brings in a bill here providing a pension for a wounded soldier, some of those who serve upon the Judiciary Committee can very properly insist that it relates to the pension law, and therefore it must go to the Judiciary Committee for its consideration. If one should bring in a bill in relation to granting extension of a patent or to a change in the laws relating to patents, some gentleman on the Judiciary Committee would perhaps be quick upon his feet and insist that that bill relating, as it would, to the law of patents, should be referred to the Judiciary Committee.

Any measure of any kind whatever, under the wording of the proposed rule, would go to the Judiciary Committee, because we cannot pass a bill in Congress which does not in some way relate to civil or criminal law. Every bill passed and finally adopted and signed by the Executive is a law. I say, therefore, Mr. Chairman, that if these three committees are to absorb the jurisdiction of all the other committees of the House it will be very proper for us to abolish all of the other committees, and then, in order to save the wounded feelings of those who are deprived of positions which they now enjoy and give all something to do, I would suggest that all the members of the House be divided out on those three committees. All will then stand upon an equality—the equality advocated by Jeremy Bentham: "Everybody to count for one, and nobody to count for more than one." This revisal has greatly, and I think unwisely, enlarged the powers and jurisdiction of the Committee on the Judiciary beyond what was ever conferred on it in any Congress of the past. During the last extra session the question arose between the Committee on Revision of the Rules and the Committee on the Judiciary as to rightful jurisdiction over a bill introduced by myself and referred to the former committee. In discussing then this question I called attention to the history of the rules establishing these committees and the practice of the House in referring business to them.

The history of the Judiciary Committee shows that it was created in 1813 and its jurisdiction defined to extend and relate alone to judicial proceedings. That has remained as the only definition of its power and jurisdiction to this day, as will be seen by reference to the present rules.

I ask that the Clerk shall read in this connection the eighty-third rule, which has been in force since the origin of that committee.

The Clerk read as follows:

RULE 83. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or shall come in question, and be referred to them by the House, and to report their opinion thereon, together with such propositions relating thereto as to them will seem expedient.

Mr. TOWNSHEND, of Illinois. That is the only extent of the jurisdiction heretofore conferred on the Judiciary Committee, "such petitions and matters or things touching judicial proceedings as shall be presented." Prior to 1813 there was no Judiciary Committee. The functions performed by that committee since its creation pertained to the old Committee on Revisal and Unfinished Business, a committee to which the Committee on the Revision of the Laws is the successor. Now the Committee on Rules so enlarges the jurisdiction of the Judiciary Committee as to give it the powers which rightly belong to all the committees except the Committees on Appropriations and Ways and Means by adding to their jurisdiction "all subjects relating to civil or criminal law."

Mr. Chairman, I once before insisted in this House that by strict construction of the rules in connection with the practice of this House the jurisdiction of the Judiciary Committee is not more extensive than that of the Committee on the Revision of the Laws. The Committee on the Revision of the Laws was created in 1869. I will send to the Clerk's desk and have read the resolution creating the committee, in order to show that it is the successor of the old Committee of Revisal and Unfinished Business, a committee which had had an existence from 1795 down to 1869, at the time of the creation of its successor.

The Clerk read as follows:

Resolved, That the rules be amended so as to provide for the appointment at the commencement of the next session, and at the commencement of each Congress thereafter, of a standing Committee on the Revision of the Laws, to consist of nine members, and that so much of the rules as provides for a Committee of Revisal and Unfinished Business is hereby rescinded.

Mr. TOWNSHEND, of Illinois. That was the resolution rescinding the powers conferred on the Committee of Revisal and Unfinished Business and giving jurisdiction to the Committee on the Revision of the Laws. Under the operation of that resolution, in 1870, 1871, 1872, &c., bills of various kinds were referred to the Committee on the Revision of the Laws; not bills simply limited to a revision and codification of the statutes, but a variety of bills amending the Statutes of the United States. Mr. Poland, of Vermont, was chairman of the committee in 1870 and 1871. One bill that I have in my mind's eye now was in regard to the bankrupt law. It was acted upon by the committee, reported to the House, debated, and adopted. Another bill that I now recollect was for the purpose of regulating the practice in appeals from the circuit to the Supreme Court of the United States. The bill was in charge of Mr. Butler, of Massachusetts, who was a member of that committee. It was reported to the House, debate on it extended through several days, and was finally enacted into law. And no member of this House ever questioned the jurisdiction of the Committee on the Revision of the Laws over such matters. I will not consume time in particularizing other bills which have been considered by that committee.

Now, Mr. Chairman, what work does this revisal mark out for the Committee on the Revision of the Laws? If you will turn to page 33 of the report you will find that the only jurisdiction provided for in these rules for that committee is this:

The revision and codification of the statutes of the United States.

The Committee on Rules has emasculated the Committee on the Revision of the Laws; nay, it has annihilated it, and all the power it has stripped from the Committee on the Revision of the Laws it has conferred on its rival, the Judiciary Committee. We know well the difficulties and the delay in procuring action on bills referred to the Judiciary Committee in the last Congress. Why was it so? Simply because that committee was overcrowded with business. Now this Committee on Rules comes in here and would still further delay the transaction of business in the Judiciary Committee by dumping into its committee-room every bill which might very properly, under the rule as it has heretofore existed, be sent to the Committee on the Revision of the Laws. I am simply desirous now of calling the attention of the House to this question, and letting it be known that at the proper time an amendment will be offered to this rule giving to the Committee on the Revision of the Laws what in my judgment has heretofore properly belonged to it; and that is not only the revision and codification of the statutes, but also the right to consider all bills which are brought in here looking to an amendment of the statutes.

When that is done we still leave an abundance of work to the

Judiciary Committee. I am perfectly willing that the powers of the Committee on the Revision of the Laws shall be limited to that extent—a revision and codification of the statutes and amendments of existing statutes. I have made these remarks in no unkind spirit toward the Judiciary Committee. I have made them in order to expedite properly the business coming before this House. We have on this committee gentlemen of good legal attainments, and who, in my judgment, are as capable of passing upon questions of the nature indicated as the gentlemen who sit upon the Judiciary Committee. As a matter of common sense, answer me the question, Why should you keep in existence a committee, with a clerk and all the outfit of an ordinary committee, and so arrange the rules that it shall have nothing whatever to do, while another committee of this House is overburdened and overcrowded with work? I will not say that all the members of the Judiciary Committee are desirous that it shall have charge of matters which properly belong to other committees.

Some of the members of that committee are very liberal, and are perfectly willing that other committees of this House shall have a fair share of business for their consideration. But there are members of that committee who have manifested an itching desire to encroach on the domain of other committees, and especially that of the Committee on the Revision of the Laws.

I will particularize an instance. In the last Congress, in October, 1877, I introduced a bill repealing the law authorizing the removal of causes from State into Federal courts. It was a bill of deep importance to the people of the section which I have the honor in part to represent. It was indeed a bill of deep importance to every section of this country. That bill lay in the hands of the Judiciary Committee from October, 1877, until the expiration of the Forty-fifth Congress, that is to say, for two years, without being reported back to this House. When this House met in March last I introduced that bill again, had it referred to the Committee on the Revision of the Laws, and in less than sixty days the bill had received consideration in the committee and was before this House for consideration and action.

As soon as the bill came in here a former member of the Committee on the Judiciary, who is at present a member of the Committee on Rules, [Mr. FRYE,] leaped to his feet and raised an objection to the consideration of the bill because it had not come from the Committee on the Judiciary, the Committee on the Judiciary under the rule having power and jurisdiction only over questions concerning judicial procedure. Yet that gentleman was not willing that any bill relating to the judicial department of the Government or the courts should be considered by any other committee than the Judiciary Committee.

Gentlemen here will remember the struggle that ensued between the Committee on the Revision of the Laws and the Committee on the Judiciary with regard to the proper control of that bill. The decision of the House finally gave the control of it to the Committee on the Revision of the Laws, and the bill is now pending before the House for action.

It seems, however, that there is still a jealous spirit on the part of some of the members of the Committee on the Judiciary with regard to this very bill, for I learn from the public prints that they are having a somewhat similar question under consideration in the Judiciary Committee. I cannot imagine any other reason for the action of the Judiciary Committee on that question when its members know full well it is before us, has been quite fully debated, and stands at the head of the public calendar to-day, and which will doubtless be considered by this House as soon as this report of the Committee on Rules shall have been disposed of.

My only purpose now is to draw the attention of the House to this question and to say for one that if it is to be the settled policy of the House that all important interests are to be considered and disposed of by these three bonanza committees, for one I will insist that we shall abolish all the other committees of this House and save to the tax-payers of the country the many thousands of dollars which will be uselessly expended in providing clerks, &c., for which we will have nothing to do.

I now yield to the gentleman from Maryland, [Mr. MCLANE.] I would inquire of the Chair how much time I have left?

The CHAIRMAN. There is forty minutes of the gentleman's hour remaining.

Mr. TOWNSHEND, of Illinois. I yield twenty minutes to the gentleman from Maryland, [Mr. MCLANE.]

Mr. MCLANE. Mr. Chairman, I do not think as badly of the old rules as some gentlemen who have addressed the committee. Nevertheless I appreciate fully the value of this condensation of the rules, and I should be very sorry to take any course in regard to this report which would endanger its adoption by this House.

But in so far as the twenty-first rule has been criticised in connection with the rules distributing work to the various committees, I do not feel that full justice has been done to the amendment proposed by the chairman of the Committee on Commerce, [Mr. REAGAN.] The report of the Committee on Rules treats the bill making appropriations for the improvement of rivers and harbors as a general appropriation bill; and it argues that because it is a general appropriation bill it should take the course of all other general appropriation bills and go to the Committee on Appropriations. Now, what could have possessed the Committee on Rules to make such a statement to this House I am at a loss to understand.

The twenty-first rule defines what are the general appropriation bills. That rule, which is an old rule of the House, and now reported for our adoption, designates as general appropriation bills and the bills which shall go to the Committee on Appropriations such bills as appropriate money for purposes authorized by law. That is why there is no reflection upon any other committee when such bills are allowed to go to the Committee on Appropriations.

The Army appropriation bill, the naval appropriation bill, and the Post-Office appropriation bill go to the Committee on Appropriations without any reflection at all upon the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on the Post-Office and Post-Roads; because those three committees have already brought to the attention of the House the laws which require the appropriations of money for those purposes to be made. The laws organizing the Army, the Navy, and the Post-Office Department are reported to this House from those three committees, the Committee on Military Affairs, the Committee on Naval Affairs, and the Committee on the Post-Office and Post-Roads. The Committee on Appropriations bring in the bills making the appropriations required by those laws, and such bills are known as general appropriation bills.

Now, the river and harbor appropriation bill of itself for the first time authorizes the appropriation of money and also the improvement of rivers and harbors. The circumstances connected with that bill are anomalous. A simple provision authorizing the improvement of a harbor or the improvement of a river does not carry with it any knowledge of how much money shall be appropriated for that purpose in that particular year. But the Army appropriation bill and naval appropriation bill give the House all the information it wants in that respect.

The Committee on Military Affairs report a bill authorizing the construction of a certain number of forts. The Committee on Naval Affairs reports a bill authorizing the building of a certain number of steamships for the Navy. Then the Departments of the Government estimate from year to year what is wanted for the erection of those forts and for the construction of those steamships.

But when we come to the subject of the improvement of rivers and harbors from year to year, the sums appropriated for that purpose, as also the expediency of the works themselves, depend upon the surveys. The same inquiry which enables the Committee on Commerce to designate what particular river and what particular harbor shall be improved will enable that committee, in its discretion, to designate how much money shall be expended in that particular year for the improvement of that particular harbor and that particular river. And if a general reduction from the estimates is necessary that committee indicates it, and it always is necessary. There never was in the history of any Congress a river and harbor appropriation bill passed that was not reduced in amount from the estimates, whether that reduction refers to particular works or to the general number of works for which surveys have been ordered, which are always in excess of the number of works ultimately appropriated for and sanctioned by the committee. Those surveys being made at the request of any member of this House, under an order or resolution of the House, a resolution may be passed through this House at any time requiring information from the Department concerning the cost of improving a certain river or harbor. But the House is in no sense committed to appropriate money for that improvement. That proposed improvement is analyzed by the Committee on Commerce with the survey, and is left out altogether, or a portion of the estimated amount is appropriated and a partial improvement authorized.

The river and harbor improvement appropriation bill is altogether an anomalous bill, bearing no relation at all to a general appropriation bill, which, according to the twenty-first rule, appropriates money for objects already authorized by law, and none others, while the river and harbor bill necessarily authorizes by law the construction of the work in question, while it appropriates at the same time and in the same bill the amounts necessary for the construction of the work in the particular fiscal year for which the appropriation is made. It not only bears no relation to it technically—for, as I have said, this twenty-first rule defines what are appropriation bills—but it is impossible for any other committee than that which authorizes the improvement itself to fix the amount to be appropriated. The two things go together. It is an appropriation bill. That is all that can be said about it; and under the rules of this House it goes to the Committee of the Whole. It has no privilege to be passed under a suspension of the rules. If this point had not been so fully developed I would go into it again; because at the very last, after full explanation had been made, an honorable gentleman on my right referred to this river and harbor bill as a vicious bill, because it could be passed without discussion. Why, sir, the rules recommended for our adoption permit no such thing. They require the bill making appropriations for rivers and harbors to go to the Committee of the Whole, as every other appropriation bill goes. That bill has no privilege whatever that every other bill has not.

It may be true that if such be the pleasure of the House when it comes to consider the river and harbor bill, discussion may not be permitted for one reason or another. But it is, and always will be, the pleasure of this House to pass other bills without permitting discussion. I have no disposition to conceal my own opinion as to why this House has chosen at times to pass a river and harbor bill under a suspension of the rules. It would be very idle to conceal it, because

year after year the explanation is made on the floor of this House, before the motion to suspend the rules is adopted. The reason is, that the bill is brought to this House after having been matured by the committee, and if two-thirds of the members are in favor of the bill as reported, then as a matter of course it is passed under a suspension of the rules, to prevent the bill being loaded down with other propositions. If this bill has ever been passed by the House under a suspension of the rules, it has been in the interest of economy. No gentleman doubts that this has been the motive for thus passing it.

Mr. SPARKS. Allow me a moment. Is there not the additional motive of preventing the striking out or amending of objectionable features as well as to prevent loading the bill down? The bill may contain a great many items, many of which a member might approve while others he might wish to oppose, and if possible have struck out, giving his support only to such items as he approves. Is not this a part of the consideration?

Mr. McLANE. Mr. Chairman, practically I suppose that is not part of the consideration. I suppose that practically the question is precisely as I have stated it—that the reason influencing this House in suspending the rules to pass the river and harbor appropriation bill is to prevent additions being made to it.

But, Mr. Chairman, I do not mean to dwell upon that point as being at all pertinent to what I have to say about the rule. I only wanted to say that there is nothing in the rule which authorizes the river and harbor bill to be passed under a suspension of the rules. I only wanted to call attention to the fact that the question of the suspension of the rules rests with the House, in its own discretion, precisely as it rests with the House to pass any other bill under a suspension of the rules. I rose for a very different object. I rose to call attention to the fact that the river and harbor bill is not a general appropriation bill. I rose to call attention to the further fact that the twenty-first rule is a rule which designates what are general appropriation bills. Now, I say that if the twenty-first rule stood as originally in force, no complaint would have been made against the Committee on Appropriations as having absorbed the business of this House. That twenty-first rule as originally framed confined the Committee on Appropriations to objects already authorized by law. This I say in vindication of the rule and as the answer to those who have alleged that the Committee on Appropriations has absorbed the legislation of the country.

I am very anxious to make myself understood upon this point. The river and harbor appropriation bill is a bill peculiarly proper for the Committee on Commerce to perfect. Nobody takes any exception to this position. Every gentleman who has addressed the committee has conceded that the preparation of the river and harbor bill ought to be confided to the Committee on Commerce. The point taken by the Committee on Rules is that after this bill has been perfected by the Committee on Commerce it should go to the Committee on Appropriations. The Committee on Rules fell into what I consider a most extraordinary error of saying it ought to go there for the reason it is a general appropriation bill. I desire to say that it is not a general appropriation bill at all. This I show by calling the attention of the committee to the twenty-first rule, which is an old rule, and which it is proposed to re-enact. That rule is:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Under that rule the Army and Navy bills, and the Post-Office bill, and bills for the erection of public buildings, are framed by the Committee on Appropriations. A certain number of post-offices in the country have been authorized by law to be built. They are authorized by law as reported by the Committee on the Post-Office and Post-Roads, and by law certain ships have been authorized to be constructed, and they have been authorized under laws reported from the Committee on Naval Affairs. So with ports; so with ordnance; so with public buildings; so with all the great expenditures of the Government, including the pay of soldiers. They have always been authorized by laws reported to this House from appropriate and proper committees. When these objects have been authorized by law, then, and not till then, have the Committee on Appropriations any right to report a bill concerning the Army, or the Navy, or the Post-Office. If we had stopped there—and there is where we stood originally—if we had stopped there the Committee on Appropriations would have had less to do than any committee in this House; it would have had no original responsibility or discretion at all; but in the interests of economy, entirely in the interests of economy, the latter part of the twenty-first rule was adopted, and that permits the Committee on Appropriations, as it permits every individual member of this House, to move amendments to these general appropriation bills, if they are germane and are already authorized by law and if they tend to reduce expenditures. And it is only when an object has been authorized by law and when the amendment does tend to reduce expenditures that the Committee on Appropriations can do anything at all beyond the appropriation of money for objects authorized by existing laws.

There is, therefore, no reason at all why we should make war on the Committee on Appropriations. We can very well leave that committee to provide the means for carrying on this Government in the manner, and only in the manner, which the law of the land authorizes, restricting them to the privilege of making amendments germane to objects authorized by law and reducing expenditures. And I for one would not disturb them in the possession of this power, and I do not believe there is a man in this House who would desire to take away from them that power.

Mr. BLOUNT. Will my friend allow me to ask him a question?

Mr. McLANE. Yes, sir.

Mr. BLOUNT. Is it not competent for any member of this House to restrain the Committee on Appropriations within the limits just stated?

Mr. McLANE. Perfectly; but I think the statement I have made to the House is sufficient for my argument that the Committee on Appropriations can do nothing but bring in bills appropriating money to carry out objects already authorized by law or to amend those bills by reducing expenditures, providing the amendment is germane to an object already authorized by law.

The CHAIRMAN. The gentleman's twenty minutes are up.

Mr. McLANE. My friend will allow me to go on—he gave me the whole of his time.

Mr. TOWNSHEND, of Illinois. Certainly.

Mr. McLANE. Now, with that explanation of why I had no war to make on the Committee on Appropriations, I feel at liberty to recur to the rule which undertakes to confine the Committee on Commerce to the preparation of a bill and then requiring the submission of it to the Committee on Appropriations.

Mr. Chairman, if it be the pleasure of this House to do what it never has done, submit one committee to the supervision of another, then let it take a mode more intelligent; not only more intelligent, but in much better taste than the mode prescribed in this new rule. Let them authorize the Committee on Commerce to prepare a river and harbor bill without appropriating the money. Let them confine the Committee on Commerce to the preparation of a river and harbor bill proper. Let that committee go over the estimates and the surveys and report to this House what the exigencies of commerce demand, what rivers require improvements, what harbors require improvements, and let them submit precisely such a bill as the Committee on Military Affairs or the Committee on Naval Affairs would, and then let the Department estimate directly to the Committee on Appropriations for the money necessary to improve these rivers and these harbors.

Let the Committee on Commerce by law designate what rivers and what harbors ought to be improved, and then let the Government estimate for the money necessary to carry on those improvements, year by year. Then you will not submit the Committee on Commerce to be supervised by your Committee on Appropriations. You leave your Committee on Commerce precisely where you leave your Army, your Navy, and your Post-Office Committee. They will bring in a law which authorizes a certain expenditure of money in the construction of certain public works, and because the law authorizes it, it then becomes the duty, under the twenty-first rule, of the Committee on Appropriations to appropriate the money. They have no discretion about it except in so far as Rule XXI gives them discretion, which is to reduce the appropriations. The House would then be going intelligently to reach its results without degrading the Committee on Commerce. Doubtless, if it be the pleasure of the House to sustain the Committeee on Appropriations in reducing those expenditures, that is legitimate, just as we can reduce the expenditures for the Army under this twenty-first rule. It is for that I want the attention of the committee.

The law authorizes now a certain expenditure for the Army and a certain expenditure for the Navy. Very well; it is entirely competent for the Committee on Appropriations to move to reduce the expenditures now authorized by law. That is doubtless what a large and very respectable number of gentlemen would like to do in reference to the river and harbor bill. My appeal is, to such of them as want to reduce appropriations, to proceed in a parliamentary manner and with proper respect to the committees of this House, and, what is more material, paying proper attention to the rules of this House. That is why I make my criticism on the report of this Committee on Rules that they should, in the very moment they are revising these rules and giving us this perfect code, utterly ignore one of the most important rules they have given for our consideration, and that is the twenty-first rule.

Now, sir, one word more as to that twenty-first rule, and that is addressed to those gentlemen who would take away from the Committee on Appropriations this general business of the House. I wish to make my special point on that rule that once the object being defined by law that committee has no power over it except to reduce expenditures; and in that view of the case I for one would make no war on it, because it always rests with the House to approve or disapprove the recommendation of the committee. The only thing the Committee on Appropriations can do is to recommend to the House to spend less money than has been estimated for; and that is a very great and important duty which ought not to be taken away from any committee that has been charged with the preparation of the general appropriation bills for the support of the Government, as the House should never lose for a moment its prompt and intelligent control of the national expenditures.

If it proposes to take away too much and reduce expenditures injudiciously, it is in our power to reject their economic recommendation and to adhere to the estimate, but they can originate no reform

or appropriation of money—in my judgment they can originate no economy even. The only economy they can recommend to the consideration of this House, is economy on objects authorized by law and estimated for by the Government, and that is a power which I, for one, will never assail. But while I will never assail the committee which is charged with retrenchment or authorized at all events to propose retrenchment, I would give to it no more jurisdiction than is given by the twenty-first rule. As it stands in the report of the Committee on Rules you degrade the Committee on Commerce by sending for revision to the Committee on Appropriations the work which has occupied it fivefold the time which can be bestowed on it by the Committee on Appropriations in the process of revision.

Mr. THOMPSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. McLANE. With pleasure.

Mr. THOMPSON, of Iowa. If the only thing the Committee on Appropriations can suggest is the spending of less money, cannot any gentleman of this House propose the same thing?

Mr. McLANE. I did not hear the inquiry.

Mr. THOMPSON, of Iowa. Cannot any intelligent gentleman ask the same thing from the House as the Committee on Appropriations?

Mr. McLANE. Certainly he can; and I think I have already stated what is substantially an answer to the question, if I understand it.

Mr. FRYE. I should like to ask the gentleman a question: whether or not he would favor a rule like this: It shall not be in order for the Speaker to entertain any motion for the suspension of the rules and the passage of the river and harbor bill until that bill has been first considered in the Committee of the Whole?

Mr. McLANE. Mr. Chairman, the answer I mean to make to that question may be unsatisfactory, although I think it ought not to be so considered. I would cheerfully apply that rule to the river and harbor bill if there was any good reason which required it to be applied to all other appropriation bills, but I do not think it would be easy to take from this House the right to suspend the rules for the passage of any bill. I do not think it would be judicious, and nobody knows it better than the gentleman from Maine, whose experience is much greater than mine, much greater than most other gentlemen in this House; and I need not say to him that there are constantly occurring exigencies which make it a necessity to suspend the rules for the passage of appropriation bills.

Mr. FRYE. Therefore the gentleman is in favor of the rule standing precisely as it does now in relation to that bill?

Mr. McLANE. No; I propose to strike out of that paragraph which defines the duty of the Committee on Commerce so much of it as requires the reference of the river and harbor bill to the Committee on Appropriations.

Mr. FRYE. I understand the gentleman is in favor of the old rule in relation to that.

Mr. McLANE. I am; certainly. I do not think it can be changed as proposed in the report of the Committee on Rules.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] has ten minutes of his time remaining.

Mr. TOWNSHEND, of Illinois. I yielded the whole of my time that remained to the gentleman from Maryland, [Mr. McLANE.]

The CHAIRMAN. The Chair recognizes the gentleman from Virginia, [Mr. CABELL.]

Mr. CABELL. Mr. Chairman, I shall endeavor to occupy but a short portion of the time of the committee. I had intended to discuss at length some of the questions involved in the report of the Committee on Rules, but I find that there is such a general desire to close this debate that I shall be as brief as I can.

The distinguished Committee on Rules have, as was to be expected, not given entire satisfaction by their report. Indeed, it is impossible that they should have done so. Many of the members of this House entertain the idea, Mr. Chairman, that the business of this House should be better and more equally distributed than it is. Many of us believe that all matters relating to military affairs should be referred to the Military Committee, and that that committee should recommend appropriations for military purposes to the House. We believe, too, that the Naval Committee should make the recommendation for appropriations for all naval purposes. We believe that the Commerce Committee should recommend appropriations for those matters relating to harbors; and that all other committees charged with important duties wherein appropriations are involved, or to which they relate, should recommend such appropriations to the House. I agree with many gentlemen who have preceded me in regard to this matter, and as that question has been fully discussed I will not detain the House longer with reference to it.

The Committee on Rules, Mr. Chairman, in its wisdom has seen fit—as indeed it has done in the case of many other committees—to impinge upon the rights, the privileges, and the prerogatives of that committee over which I have the honor to preside; and it is particularly in behalf of that committee that I speak to-day. And I ask the attention of the House to what I shall submit, because in part I shall express the ideas, I think, of many gentlemen upon this floor in regard to the distribution of the labors of Congress. We all know that many of the rules of this House are rules of obstruction rather than rules of facilitation. I shall not allude further to that subject as relating to other committees, but I will say that in the report made by the honorable Committee on Rules it has been deemed best to alter one of the rules of this House, namely, Rule 94, by striking out from the rule that portion of it which relates to the "improvement of the navigation of rivers," thereby depriving the Committee on Railways and Canals of the powers and jurisdiction which have pertained to that committee since 1831, which powers and jurisdiction, I will here say, have very many times by the orders or practice of the House been accorded to the Committee on Commerce, now presided over by my distinguished friend from Texas, [Mr. REAGAN.]

I was somewhat amused the other day, when this discussion commenced, that the first voice of lamentation should come from the Committee on Commerce—that committee which I will not say ruthlessly but certainly without regard to the rights and interests of the Railway Committee, and without thinking of the infringement upon our rights, or how, perhaps, it might reflect upon us, has, for a series of years, I will not say usurped but deprived us of a part of our jurisdiction and taken it to themselves.

In the general principle of absorption which has prevailed in behalf of many of the committees of this House the Committee on Commerce has caught the infection, and has for a number of years absorbed a great part of the business and duties of the Committee on Railways and Canals. I do not complain particularly of gentlemen who now compose the Committee on Commerce in regard to that matter. They have simply been following precedents laid down for them by their predecessors and by the House itself. The trouble has been going on for years, and now that we have come to the consideration of the revision of our rules it seems to me to be a good time to put a check to a bad practice, and to make such changes, such alterations and amendments as will tend to facilitate business and advance the legislation of the country.

Prior, Mr. Chairman, to the Twenty-second Congress matters relating to the improvement of rivers and harbors were generally assigned to a special committee selected at each Congress for the purpose, and designated as the Committee on Roads and Canals.

The Committee on Commerce was created in 1795, and that committee, it is true, sometimes had the consideration of the improvement of the navigation of rivers, as well as of harbors, for a long series of years. So had the Ways and Means Committee. But in process of time, when business commenced to accumulate, when Congress was cumbered with much thinking, and much working too, it was found that other means would have to be resorted to than through existing committees to compass the vast amount of business submitted for the consideration of Congress. The House, as I have stated, had special committees to inquire into matters of the kind of which I have spoken until the time of the Twenty-second Congress, when the Committee on Roads and Canals, now Railways and Canals, was erected into one of the standing committees of this House. After that, for seven long years not a bill in relation to the improvement of the navigation of rivers was referred to the Commerce Committee.

In the second session of the Twenty-third Congress the Roads and Canals Committee submitted two general bills for the improvement of navigation of rivers. In the Twenty-fourth and Twenty-fifth and Twenty-seventh Congresses they also submitted general bills for the improvement of the navigation of rivers, that matter not having been at all interfered with by the Committee on Commerce. The Committee on Commerce during that time were reporting general bills for the improvement of harbors and matters relating to the outgoing commerce of the country. They gave no consideration whatever to the question of the improvement of the navigation of rivers.

And so it continued up to the time of the Twenty-eighth Congress. Perhaps I should say that during the Twenty-third Congress the question arose, brought before the House by a gentleman by the name of Bayliss, I believe, in regard to the improvement of the great Taunton River and the removal of obstructions from and the placing of buoys in its channel. A contest upon the subject arose at that time and it was discussed in the House fully. The two rules, Rule 79, relating to the Committee on Commerce, and Rule 94, relating to the Committee on Roads and Canals, were both fully discussed and considered. The determination of the House at that time was to refer the matters relating to the placing of buoys upon the river to the Committee on Commerce, and the matters relating to the removal of obstructions from the channel of the river to the Committee on Roads and Canals. In that way, or rather through that discussion, we have a construction placed upon the powers and jurisdiction of the two contesting committees at a period contemporaneous with the establishment of the Committee on Roads and Canals.

After that for years there was no question and no dispute about the jurisdiction of the two committees. They worked harmoniously together until comparatively a few years ago. The distinction between the rights and privileges of the two committees, which each for a long time observed, seemed to be this: that all questions relating to the improvement of harbors, looking to the sea-going or outward-bound commerce of the country, were referred to the Committee on Commerce; and those questions that related to the internal navigation of the country and the improvement of the navigation of rivers were referred to the Committee on Roads and Canals.

In former years, so far as we are informed, little or no conflict arose between the different committees of the House, but each performed its duties industriously and efficiently in perfect harmony with the other, and each from time to time extended the hand of assistance to the other, whenever required or as opportunity was afforded. There

has been the most perfect friendliness between the two committees, on Commerce and on Railways and Canals, so far as I am informed; and I trust as it ever has been so it will continue to be.

For the chairman of the Committee on Commerce and its genial members I have the kindest and warmest feelings of regard. It is with no purpose to attack that committee that I now speak. It is in conformity with that general wish which I and others entertain that the business of this House shall be so distributed that each committee can compass and complete its work without unnecessary labor and delay, so that each committee may aid the other, and that the business of this House and the people be facilitated and perfected in a manner honorable to Congress and beneficial to the country.

Upon examination I find that the first time the Committee on Commerce reported a general bill for the improvement of rivers and harbors was during the existence of the Twenty-eighth Congress. At that time that committee reported a general bill for the purposes named, which bill I believe was referred to the Committee of Ways and Means. The Committee of Ways and Means reported in favor of the appropriation, in pursuance of the recommendations made by the Committee on Commerce.

It is proper, however, to note that the report from the Commerce Committee just mentioned was induced by the fact that, for some special reason, that portion of the President's message relating to the improvement of the western lakes and rivers was referred by the House for the action of that committee.

Before that period the Committee on Roads and Canals had reported general bills to the House for the improvement of rivers, and those bills were also referred to the Committee of Ways and Means, and that committee made the appropriations pursuant to the recommendation, or included the action of the committee in the report from Commerce, and thus made up in fact what became a river and harbor bill. In this way was this business conducted.

Since the adoption of Rule 94 I can see no warrant of authority for the Committee on Commerce ever to have taken jurisdiction of the improvement of the navigation of rivers. Prior to that time I can well understand why bills on that subject were submitted to the Committee on Commerce, and why that committee reported upon them. I have not a question that such matters were referred to the Commerce Committee, because it was the duty of that committee to consider propositions more nearly akin to the improvement of the navigation of rivers than any other existing or standing committee of the House.

I think and believe, therefore, that in process of time the Committee on Commerce overstepped the rule, overstepped the bounds of its appointment, and entered upon a work which had been set apart, subsequently to 1831, for the Committee on Roads and Canals, afterward called the Committee on Railways and Canals.

I stated awhile ago that up to the Twenty-eighth Congress the Committee on Commerce had never reported a general bill for the improvement of rivers and harbors. At that time I think they reported such a bill, and it was perhaps enacted into law. That committee assumed from year to year to bring in other river and harbor appropriation bills without any contest up to the first session of the Thirty-second Congress.

At that session a Representative from the State of Illinois, Governor Yates, I believe, introduced a bill for the improvement of the Illinois River, and asked that it be referred to the Committee on Railways and Canals. Mr. Seymour, of New York, then a Representative on this floor, objected to that reference and asked that the bill be referred to the Committee on Commerce. There was an extended discussion of the question, and hours were spent in its consideration. The House divided; tellers were had, and the yeas and nays called; and at last, by a vote of 113 to 70, the jurisdiction of the Committee on Railways and Canals was sustained, and the bill was referred to that committee.

Mr. REAGAN. If my friend will allow me, I will call his attention to what I think he will see are some errors in his statement. He has stated that the Committee on Commerce never reported a bill for the improvement of rivers and harbors until the Twenty-eighth Congress. A reference to the records of the House will show that the act of April 27, 1816, for the improvement of rivers and harbors, was reported to the House by that committee and passed by the House; also the act of March 3, 1823, the act of May 26, 1824, and the act of March 2, 1827, all bills for the improvement of rivers and harbors, which were reported to the House by the Committee on Commerce and passed by the House. Then, by the act of June 11, 1844, a bill was passed upon its report; by the act of March 3, 1845, a bill was passed upon its report, and so on down.

I beg further to say, while endeavoring to correct statements of fact, that so far as the Journals and the laws show I have never found, after a pretty full examination, a case in which a bill for the improvement of rivers and harbors has been reported to this House from the Committee on Roads and Canals.

Mr. CABELL. Mr. Chairman, my friend the distinguished gentleman from Texas is correct in part, but errs greatly, I think, in other portions of his remarks. It is true, as he alleges, that the Committee on Commerce as early as 1816 and subsequently reported general bills for the improvement of rivers and harbors. That fact does not come in conflict with anything that I have said—certainly not in conflict with anything I have intended to say.

The Committee on Roads and Canals, now the Committee on Railways and Canals, was not designated as a standing committee of this House until 1831. Prior to that time of course all matters in reference to the improvement of the navigation of rivers were, as I have said, considered by other committees; sometimes by the Committee of Ways and Means, sometimes by the Committee on Commerce, and sometimes by special committees constituted for that purpose.

But I say that my friend falls into a mistake by overlooking this fact: that never until the Twenty-eighth Congress was a river and harbor bill passed upon its presentation to the House by the Committee on Commerce. It is true, as my friend alleges, that the Committee on Commerce presented general bills for the consideration of Congress, but as a general thing, from 1831 down to the Twenty-eighth Congress, that committee presented only general bills in relation to the improvement of harbors necessary for the safety and protection of the commerce of the country. The Commerce Committee did not assume to present bills for the improvement of the navigation of rivers until many years subsequent to the last-named date. But when the Committee on Roads and Canals was established, in 1831, that committee considered questions in regard to the navigation of rivers and made general reports, which reports, like the general reports from the Committee on Commerce, were referred to the Committee of Ways and Means, which, as the financial committee of the House, took the reports into consideration, and in its judgment recommended that the matters of interest reported by its associate Committee on Roads and Canals should have appropriations made for them to such extent as a prudent administration of the finances of the country would permit.

Mr. Chairman, the questions to which I have invited the attention of the committee are important. We are now revising the rules of the House. From a large majority of the committees comes up the wail that three or four other favored committees are absorbing the powers and prerogatives of all the rest. Why, sir, I have heard it asserted on this floor to-day that we might as well have but three or four committees of the House; that Congress had as well be disbanded until the gentlemen comprising these favored committees should make up their reports and send for us to come here—for what purpose? Not to consider the bills, not to add to or subtract anything from them, but to be coerced into their passage just as they come from the hands of our superiors. I entertain, however, the highest respect for our privileged committees, as also a wonderful appreciation of their powers of absorption.

I have undertaken to make a plain statement of the matter in controversy; and I say it is an important question to every member of this House, because the rights of all are assailed to a more or less extent. If in the disposition of this question this House is not ready to mete out to the committee over which I have the honor to preside fair and equal justice, would it be wrong in me to hope that the active projectors of the wrong may be overtaken by a somewhat similar fate?

But let us look at these rules. The rule in reference to the Committee on Commerce declares that—

> It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters and things touching the commerce of the United States as shall be presented or shall or may come in question and be referred to them by the House.

That is the present rule regarding the powers of the Committee on Commerce. It defines and limits its powers and jurisdiction. I would not take away one atom of power from that committee. I would rather give it additional power and jurisdiction. I am willing to accord to it the right to report appropriations for the improvement of harbors, and I am willing that their bills embracing such appropriations shall come directly before the House for its action. I am not willing that my distinguished friend from Texas and his committee shall be made clerks for the Committee on Appropriations. I will join him in his effort to free himself and his committee from the vast and absorbing power of the Appropriations Committee. But while I am willing to do this, I ask my friend the chairman of the Committee on Commerce and his magnanimous associates on that committee to recollect that while they seek not to be overshadowed by the Appropriations Committee, they should not endeavor to overshadow the Committee on Railways and Canals and take from us the power and jurisdiction which belong to us under the rules of the House.

I am willing to accord to the Commerce Committee all of its rights, powers, privileges, and prerogatives. I am willing to aid in warding off any indignity offered or coercion attempted upon it, but I am unwilling that it should transcend its powers as defined and limited by Rule 79—I am unwilling that it should overleap its proper jurisdiction and take from the Railway Committee the rights which are plainly accorded to it under another rule of the House.

Mr. KENNA. Do I understand the gentleman as maintaining that under Rule 79 the Committee on Commerce have not jurisdiction of the river and harbor bill?

Mr. CABELL. I say it has jurisdiction of the improvement of harbors, but I say distinctly that it has not jurisdiction over the question of the improvement of the navigation of rivers, and never has rightfully had such jurisdiction since the year 1831, when the Committee on Roads and Canals was instituted as a standing committee of this House.

Mr. KENNA. Without desiring to interrupt the course of the gentleman's remarks, let me put another question in this connection. Apart from the fact that the House, on more than one occasion when the question of the jurisdiction of the Committee on Commerce under that rule has been under discussion, has decided that this jurisdiction does belong to it, I desire to ask the gentleman whether the language of the rule conferring upon the Committee on Commerce jurisdiction of matters relating to improvements of the commerce of the country is not at least as broad as the language of the Constitution itself which confers jurisdiction of the subject upon Congress? In other words, if the provision of the Constitution authorizes the Congress of the United States to make appropriations for the improvement of rivers running between States, does not the clause of the rule giving to the Committee on Commerce jurisdiction of all matters relating to commerce extend equally far, if not farther?

Mr. CABELL. I do not think it does, Mr. Chairman; but even if it did I say to my friend from West Virginia that the powers and the duties accorded to it aforetime by the Rule 79 of this House were taken from the Committee on Commerce on the adoption of the Rule 94, which relates to the duties and business of the Committee on Railways and Canals. I admit and I grant, and it needed not my distinguished friend to remind me, that the practice of the House has been different from that which I now claim. I concede that it has been different, and that is one of the matters of which I complain. The perversions of a rule of the House are the questions to which I would call the attention of members, and ask them to regard the laws of the House and the rule already constituted and made for our government. I ask them to do justice in the premises, and see that the rights of each committee are respected, and that each is allowed to perform its proper functions in the mode prescribed by law.

Mr. DAVIS, of North Carolina. They have only the right to consider what is referred to them by the House and report their opinion.

Mr. CABELL. That is true. I read the law under Rule 79, but my friend has stated that the practice of the House has been frequently to refer these questions to the Committee on Commerce.

Mr. KENNA. The gentleman misunderstands the purport of my question. I made no allusion whatever to what the practice of the House has been; although it has been, as a matter of fact, as the gentleman states, at least of late years, to refer these matters to the Committee on Commerce. What I desire to direct his attention to is this, if I am not interrupting him too long: The language of the Constitution giving Congress power to regulate commerce has been construed by numberless bills to embrace the power to make appropriations for the improvement of rivers. Now, if the language of the Constitution giving power to Congress carries with it the power to improve these rivers, why is it and how is it, I wish to ask him, understanding him as I do to deny this jurisdiction of the Commerce Committee—I ask why is it and how is it the language of the rule requiring matters relating to commerce does not confer this same jurisdiction on that committee? It seems to me it is a broader provision which defines the jurisdiction of this committee than the provision in the Constitution which confers jurisdiction over this subject to Congress. It was to that question and not to the practice I desired to call the attention of the gentleman.

Mr. CABELL. I think I understand the gentleman. As I said before, I think the language of the Constitution and the inference to be drawn from that clause of it relating to commerce are much broader and plainer than those contained in Rule 79, defining the duties of the Commerce Committee. That grand old instrument the Constitution has been so frequently tampered with of late years that a very latitudinous construction can now be placed upon most of its provisions. Such great latitude of construction does not befit a rule of this House. It is not, however, a question of constitutional construction that we have here, but a question of legislative intendment. I do not choose, therefore, to enter upon a constitutional argument of the subject at this time, because the facts involved in the case are sufficient for the purposes that I have in view.

Mr. McKENZIE. Practice is more important than theory.

Mr. CABELL. Yes, as my friend suggests, practice is much more important here than any constitutional inference which we might draw from what has been said or what has been written. But, Mr. Chairman, I wish to call the attention of the House, having read this Rule 79, in reference to the duties of the Committee on Commerce, to Rule 94 relating to the business, the powers, and the prerogatives of the Committee on Railways and Canals. Here is the rule, and to that I would invite the careful attention of gentlemen. Just here, my friend has asked me why it is that in the contests that have taken place before the House the advantage has been held by the Committee on Commerce? Why, I will say to my friend, that in more than three to one of the contests which have taken place the victory has remained with the Committee on Railways and Canals. Sometimes, it is true, the Committee on Commerce prevailed. But why did it prevail? I mean it in no unkindness and as no reflection upon any one; but the fact of the business is, that when the Commerce Committee came along with its bill for rivers and harbors, there was such a splendid presentation for a great many members of this House that they never thought of or cared about Rule 94, but rushed pell-mell up to the ballot-box, as it were, and registered their votes against the Committee on Railways and Canals and in favor of the Committee on Commerce. [Laughter.]

Mr. KENNA. I hope my friend was not himself guilty in that sense.

Mr. CABELL. No; "not by a large majority." [Laughter.] Not at all. Never did I engage in anything of the kind. The plain English of the whole matter is—and my friend will pardon me and bear with me when I make the assertion—that whenever the river and harbor bill was brought into this House a general state of demoralization ensued. We forgot all propriety, and most of us jumped at the conclusions to which the Committee on Commerce after much labor had arrived, and rushed the bills they presented in thundering haste through the House. A friend asks why is this? The reason is that the most of us have got a little something in that bill, and that, it may be, is the reason why it gets through so readily.

Mr. ACKLEN. I would like to ask the gentleman a question. Is that the reason why the gentleman voted for the bill?

Mr. CABELL. I never voted for one in my life, that I remember.

Mr. ACKLEN. Then, does the gentleman suppose that that is the reason why other gentlemen voted for the bill?

Mr. CABELL. Well, now, that is crowding an American citizen a little more than is agreeable. [Laughter.] I think I may be excused from answering that question, and under the Constitution, Mr. Chairman, I shall decline to answer it.

Mr. McKENZIE. It is only a matter of opinion any way.

Mr. CABELL. Yes, as my friend states, it is only a matter of opinion, and I do not *know* anything on earth about it.

But, Mr. Chairman, I will now read to the House Rule 94, and I wish to call the particular attention of the committee to it, because it is still one of the rules of this House. This is one of the rules proposed to be changed by the report from the Committee on Rules, and I will say just here, that at the proper time I shall offer an amendment to the report of the committee restoring to this the Committee on Railways and Canals all of its rights and privileges, and when I do that I will give to the House my reasons for restoring these powers and prerogatives to that committee. But to the rule. Rule 94 reads as follows:

> It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to roads and canals and the improvement of the navigation of rivers as shall be presented or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Now, the rule in regard to the Committee on Commerce provides that the Commerce Committee shall take into consideration matters relating to commerce and give its *opinion* thereon. "Give its *opinion* thereon." The rule in relation to Railways and Canals instructs that committee—not by inference or implication, but in direct and positive language—to take into consideration matters relating to roads and canals and all matters relating to the navigation of rivers and to "report thereon." What can be plainer? What can be more distinct?

Now, at the time Congress enacted that rule it evidently designed to define as well as limit the rights and duties of this committee. Moreover, as this Rule 94, in reference to railways and canals, was adopted after Rule 79, by all fair inference and legal construction it repealed every portion of Rule 79 to which it was in any degree repugnant. That is a plain construction of a familiar principle of law, as I conceive. I would here repeat, Mr. Chairman, for I do not wish to be misunderstood upon this point, that I do not deny that during the existence of the Special Committee of Roads and Canals, as appointed at each session of Congress, and before that committee was made a standing committee of the House, the Commerce Committee may have considered questions relating to the improvement of the navigation of rivers in common or in connection with the Roads and Canals Committee, but after the latter was made a standing committee all subjects embraced in Rule 94 were referred to it. And Roads and Canals, afterward Railways and Canals, exercised its powers, privileges, and jurisdiction as prescribed by the rule Congress after Congress for many years, unchallenged by any other committee except in the instance mentioned, in perfect harmony with the other committees of the House, reporting its bills for the improvement of rivers just as the Commerce Committee reported for the improvement of harbors, the reports from both committees being afterward sent to the Ways and Means Committee, with the view of securing such appropriations as that committee might consider that the nature of the subjects might require and the ability of the country permit.

Now, Mr. Chairman, when you look to the rules of the House, rules which exist here to day, it is for this House to say whether or not it will change them, alter or violate them so as to permit one committee to absorb those powers and privileges which belong to another. Many gentlemen complain of the Appropriations Committee, but I have no unkind word to say of that hardly-worked and well-abused committee. It is true that it forms a little congress in itself. It has, in my judgment, improperly absorbed much of the work belonging to other committees of the House. For the good that we can do many of us had as well be somewhere else as in this House until that committee makes report of its conclusions. But, at last, whose fault is it that these things are so? We complain of the action of the Appropriations Committee reaching out after and absorbing, as it does, many of the powers and duties which should be distributed among the various committees of the House; but you have a remedy and ought to apply it. A grand opportunity for the correction of wrong is afforded by the report from the Committee on Rules. And I say to the members now, when you come to the main work in hand let justice

be executed and the law fairly dealt out as between the committees. Let the rules adopted be so plain that no committee can fail to understand its power or mistake its privileges. Just here I will say to my able friend [Mr. REAGAN] and his associates of the Commerce Committee—and I say it in all kindness—that when, as now, you come to ask for justice you should be required to do it yourselves. There is a familiar principle of the chancery court that when a man comes into court asking equity he should be required, if he is not disposed that way, to do equity himself.

The first question in my opinion that should be propounded to our friends upon the Committee on Commerce, when they indicate by amendment the relief they wish, is this: Before you are relieved from the absorption of your powers by any other committee, are you willing to turn those powers which do not belong to you, and which you have improperly "absorbed" for years, back to the committees from which you have taken them? And the Committee on Commerce should be required to give back to us our legitimate work. That is right; it is proper; it is just. Why should not this be done? Every gentleman from the Committee on Commerce who has addressed this House has told you of the importance of that committee. They have told you how hard and how laboriously they have worked, and I will bear them witness it is one of the hardest-worked of the committees in this House. It is an able committee; it is an honorable committee; it is a good committee, but I should like to know, in the name of all that is good, why a committee that is so hard-worked and dreadfully pressed should desire to take voluntarily upon its shoulders such a vast amount of labor that does not justly and rightfully belong to it? Why do you wish to go and shoulder a mountain of labor, when you have got more than you can stagger under already?

Sir, just a few months ago the cry came up from that splendid committee, the Commerce Committee, that they were overworked; burdened by labors coming upon them from one end of the land to the other, thrust upon them by members representing this country in all its different parts. They have brought here and piled into the Commerce Committee room heaps of work until one bill lay upon another like Ossa upon Pelion. The committee said "All that work is piled upon us; we do not know what to do; we cannot stagger along under the burden unless we get help." "Help!" cries the Committee on Commerce, "Help!" and the Committee on Rules was appealed to and it gave to the Committee on Commerce four or five other members, until it is now one of the largest committees of the House. To do what? To perform these Herculean labors. To do that mighty work which at its desire and solicitation is confided to it. Now I say to my friends on the Commerce Committee send us what belongs to the Committee on Railways and Canals and we will divide that vast business with you, and, instead of your tottering along under your load, we will let you come along here with your harbor bill smiling, lively, and, as a friend beside me says, "happy and free." [Laughter.]

I can well understand how some of these gentlemen might say in reply: "Why do you want this when you could not get the bill through? We have our omnibus bill; we come here and hold it *in terrorem* over the House and say, you must pass it." We can simply reply: "Why cannot the Railways and Canals Committee, which is composed of men just as liberal, though not as able perhaps, as those on the Commerce Committee—why cannot we get up an omnibus bill too? [Laughter.] We can imitate your noble example. We may not have the sagacity to blaze out a path for ourselves; but we can follow the good example you have set, and put just as much money as you ever did in a bill for the improvement of the navigation of rivers." And when we come in with that omnibus bill we, too, in our turn, may be in the gay and happy and felicitous state in which we often find our friends of the Commerce Committee when they come in with their omnibus bill for the improvement of rivers and harbors. [Laughter.]

But I see, Mr. Chairman, I have but little time left, and I will take the chances hereafter under the five-minute rule of saying further what I desire. I have promised to some of my friends that I would give them part of the time which I had, and I will close my argument here upon this question by asking the careful and the prayerful attention of this House to the subject of my remarks, [laughter,] if, indeed, they can give or will give such consideration to a measure of this kind.

Mr. MCKENZIE. That is asking too much of us. [Laughter.]

Mr. CABELL. It is asking a good deal, I know; it is crowding the brethren more perhaps than I have any right to do, [laughter;] but at the same time I wish them to consider this matter carefully and at the proper time give us help, for I shall present an amendment which will give my committee no more than belongs to us under the present rules, and will ask for no more than we are entitled to have. I shall ask this House to restore that rule for the good of the country, for the interests of the House, for the facilitation of business, and for the doing of justice.

I now yield seven minutes to the gentleman from Pennsylvania, [Mr. FISHER.]

The CHAIRMAN. The gentleman from Virginia [Mr. CABELL] has but ten minutes remaining.

Mr. CABELL. Then I yield five minutes to the gentleman from Pennsylvania, and the remaining five minutes to the gentleman from North Carolina, [Mr. SCALES.]

Mr. SCALES. If I am only to have five minutes I will not claim that time at present.

Mr. CABELL. Then I yield ten minutes to my friend from Pennsylvania.

Mr. FISHER. It is not my purpose to cast any reflection upon the Committee on Rules, who have brought in this new code for the consideration of the House. But, sir, as a member of the Committee on Railways and Canals, I desire to speak very briefly in regard to the new rule—clause 16 of Rule XI:

Subjects relating to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

This rule is substituted for Rule 94, which I ask the Clerk to read.

The Clerk read as follows:

94. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. FISHER. Now, Mr. Chairman, in December, 1877, when this subject was under consideration in Congress, the distinguished gentleman from Texas [Mr. REAGAN] who is now the chairman of the Committee on Commerce, as he was then, made the point that matters pertaining to rivers may be referred to the Committee on Railways and Canals or may be referred to the Committee on Commerce. Now, sir, I hold that under Rule 94 it is mandatory that these matters should be referred to the Committee on Railways and Canals. The rule does not say "may be," but it says "shall be referred." The gentleman takes as authority for their jurisdiction, and quotes, section 8 of article I of the Constitution.

Section 8 of article I of the Constitution of the United States gives to Congress only the right to regulate commerce; it does not give that right to the Committee on Commerce. We of the Committee on Railways and Canals have just as much right to regulate commerce as has the Committee on Commerce. We are all equals here, all members of this body, and it is not for the Committee on Commerce to regulate commerce, but the Constitution says that Congress shall regulate commerce.

Now, I hold that if we have had these matters referred to the Committee on Commerce for twenty-five or thirty years, that does not necessarily give the jurisdiction of them to that committee. These rules are re-enacted by every Congress. The Forty-sixth Congress, when it convened in its first session, re-enacted these rules. I care not what has been the practice of the House in regard to the matter. If the Committee on Railways and Canals has the right to consider this subject, as I say it has under this rule, then I do not think it just or proper that the authority should be usurped by the Committee on Commerce.

When this revision of the rules first came up for consideration the Committee on Commerce was the first to cry out against it; and why? Because that committee objected to the Committee on Appropriations having supervisory action over its work. Yet that committee has not said that it was unwilling to appropriate to itself the work properly belonging to the Committee on Railways and Canals.

I hold that since 1795, when this Committee on Commerce was first called into being, the internal commerce of this country has increased a thousand per cent.; yes, more than a thousand per cent. The duty of the Committee on Commerce is not to appropriate $14.50 to remove some obstruction from Stump Creek. It is not the duty of the Committee on Commerce to appropriate a hundred dollars to remove a sand-bar from Squantum Run. I desire that the committee shall rise up to the dignity of its position. Its duty is to digest measures for millions and millions of internal and external commerce. Let those gentlemen consider the question of interstate commerce. Let them report measures for fostering our foreign commerce and building up the country, as they should do.

In our State constitution of Pennsylvania there is a provision which I desire to have read by the Clerk. It is section 3, article 3, of that constitution.

The Clerk read as follows:

No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Mr. FISHER. Now, sir, this appropriation bill which comes from the Committee on Commerce is an omnibus bill. The objections to measures of similar character made it necessary for us in the State of Pennsylvania to put in our new constitution the section which has just been read by the Clerk. And I am very glad to know that my distinguished colleague from Philadelphia [Mr. KELLEY] has introduced into this House a proposed constitutional amendment similar to that, and one which will obviate the difficulties which we have encountered in passing such appropriation bills, into which matters and items of appropriation are put for the purpose of obtaining votes for the support of the general bill and not for the good of any of our great commercial centers. Our great cities of Philadelphia, New York, Boston, Charleston, and other sea-coast cities, as well as our large inland cities, will always receive necessary support and proper appropriations.

[Here the hammer fell.]

Mr. OSCAR TURNER. Mr. Chairman, after according to the Committee on Rules great credit for the wisdom and labor they have bestowed upon our system of rules I shall advance a few remarks by

way of giving notice of two amendments which I desire to offer. In regard to the discussion which has occupied so much of the time of this committee, in the contest between the Committee on Appropriations and the Committee on Commerce, I shall have nothing to say.

There are two distinct propositions which I desire to offer, and which have not been commented upon by any one. Inasmuch as they are new I desire to call the attention of the committee to them at this time in order that members may have an opportunity to reflect upon them before we reach the five-minute debate.

In the history of every legislative body that I have ever read there is to be found some remedy for one of the evils which I now desire to point out. A member upon this floor may offer a public bill, and although a large majority of this House may be in favor of that bill, yet if the committee to which that bill is referred is opposed to it, there are no means afforded by our rules by which that member can ever bring that measure to a vote before this House.

I have talked with old parliamentarians, with men as thoroughly versed in parliamentary rules perhaps as any gentleman upon this floor. They all agree upon one point, that if a bill is referred to a committee which is opposed to it and that committee does not see proper to report that bill back to the House, they can hold it up, and the only remedy is for the member to offer a resolution of this House instructing that committee to report back that bill. Now, at first blush that would seem to be a proper remedy. But it amounts to nothing at all, because you can never offer such a resolution or make such a motion except upon a Monday after all the States and Territories have been called through for the introduction of bills and joint resolutions, before the expiration of the hour, and when during the remainder of that hour a second call is made for individual resolutions. Such a call as that has not occurred more than once in ten years. I have been assured by members who have been upon this floor for the last twelve or fifteen years that they never knew an instance of such a call to occur except once, and then when a motion was made it was lost by the interposition of a motion to adjourn, because it had no place on the Calendar and no place provided for it under the rules of this House. I say this thing is all wrong, and that there ought to be some remedy for it in the rules of this House.

Surely when a man comes here under a pledge to his constituents that he will advocate a certain public measure which he believes for their good, and when the matter may have been an issue in the contest between him and his opponents, he ought to have some opportunity to secure a vote of the members of this House upon that question. It ought not to be smothered by a committee, and the member presenting the measure ought not to be prevented from obtaining an expression of the members of this House upon the proposition. It is his right as a Representative to have a vote of the House upon it. But under these new rules and under the old rules no opportunity is afforded him of asserting this high prerogative; a personal right it ought to be, and a privileged one.

I am not wedded to any particular plan in regard to this matter, because I confess that I am very inexperienced in regard to parliamentary law. It has seemed to me, as has been said by many members here, that the rules of this House have been constructed to prevent the progress of business and to keep it in the hands of a few individuals, rather than to promote its transaction. This has seemed so to me ever since I have had the honor of a seat on this floor. But, sir, I care nothing about the particular plan I have pointed out, provided some experienced parliamentarian will offer a better one. The rules as they now stand afford no remedy. It seems that the committee making this report did not have their attention directed to this point at all, or if they did they desired to afford no remedy for this evil. Hence, with the advice of some experienced parliamentarians, I have drawn up an amendment which I believe will afford a remedy and give to every member an opportunity of having an expression of the views of this House upon any public bill. I send it to the Clerk that it may be read for information.

The Clerk read as follows:

Add to Rule XXIV the following:

When a public bill, resolution, or proposition shall have been referred to a standing or select committee of the House and no report has been made thereon for thirty days, it shall be in order for the member who introduced said bill, resolution, or proposition, on any Monday, after the call of the States and Territories for bills and joint resolutions, to offer a resolution or move to place said bill, resolution, or proposition on the proper calendar, which resolution shall then be considered, and, if decided in the affirmative, the bill, resolution, or proposition shall be placed on the Calendar, and the committee discharged from further consideration of the same.

Mr. OSCAR TURNER. At the proper time, Mr. Chairman, I shall offer this amendment, the effect of which will be to give to any member introducing a proposition, after the committee has had possession of it for thirty days and failed to make any report upon it, an opportunity of having the committee discharged and the measure placed upon the Calendar, thereby enabling it to be taken up and the merits of the question voted upon by the House.

It may be urged as an objection to this proposition that it might take up too much of the time of the House. Why, sir, this proposition will not give the measure in question any precedence. It is merely provided that after it has been in the hands of the committee for thirty days the member on any Monday after the call of States may offer a resolution (and it will be for the House to say whether it will adopt it or not) providing that the measure shall be placed upon the Calendar, and afterward, if it is the will of the House, it can be taken up and considered. If the House should think there are more important measures demanding attention, it can pass by the proposition or bill on the Calendar—an every-day practice.

This proposed amendment simply puts it in the power of members to have an expression of the sentiment of this House. If we do not provide a rule of this kind, a bill of a public character may be stifled in a committee though *an overwhelming majority may be in favor of it.* Under the rules as now existing, or the new rules as now reported, there are no means which enable us to take a bill, proposition, or resolution away from a committee if they are opposed to it and will not report it. I say that a remedy ought to be afforded. I am not wedded to this particular plan. It is the best I can conceive of, but any amendment or substitute that may be offered, and is suitable to reach this evil, I will very cheerfully accept.

Mr. Chairman, there is one other amendment which I desire to offer about which there may be some contrariety of opinion. In regard to the other I think there will be none. Clause 3 of Rule XXIII, as embraced in this revision, provides that—

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

That is very good so far as it goes; but I would like to add, "and upon all such bills, motions, or propositions, the yeas and nays shall be taken in the House upon their final passage, and they must be voted for by a majority of all the members elected, and the vote entered on the Journal."

I am aware of the constitutional provisions to which I see the honorable chairman is referring; but I take it (and I have investigated this question) that my proposition does not interfere with the constitutional question. The Constitution provides that upon the demand of one-fifth of the members present the yeas and nays shall be taken upon any proposition. In view of that provision, we cannot of course adopt any rule which would require more than one-fifth for the taking of the yeas and nays. But we have the right to provide that the yeas and nays shall be taken upon the call of two members; and we have the right to make it the imperative duty of the Speaker to order the yeas and nays upon any particular class of legislation. That would not be in violation of the Constitution.

I will submit one further consideration on the constitutional view. These rules must now be adopted by a majority of the House, which, of course, is more than one-fifth; and if we adopt a fixed rule it will govern us in regard to the yeas and nays and will be entirely in accordance with the Constitution and will draw the attention of members to these important bills affecting the rights of the tax-payers and force them to vote upon the record. It is the right of the people to know how their representatives have voted.

Mr. Chairman, I know very well it may be said that the calling of the yeas and nays would not influence any member upon this floor, that we all have a sufficient degree of patriotism in this House to induce us to act for the public good without the responsibility of a yea-and-nay vote, but every day's experience teaches us exactly the reverse. How often upon a mere motion of adjournment have you seen in this House a rising vote carry the question, but when the yeas and nays were demanded, when the constituency of the honorable gentlemen were brought before them face to face, you found the motion for adjournment fail by a signal majority? It is a thing of every-day occurrence; and I am here to discuss that question on its true merits, and present the facts as they really are in practice in this House.

How is it in regard to these appropriations? Why, sir, the country is groaning under burdens of taxation. You remember as well, Mr. Chairman, as I do, and as well as every gentleman on this floor, especially those on this side of the Chamber, that we made the last presidential canvass upon the doctrine of retrenchment and reform. It was the battle-cry of every man in the canvass. Then, I say, it is our duty as the representatives of the people to do all we can to reduce the expenditures of this Government and bring about retrenchment and reform. I say the adoption of this amendment will do more toward it than any rule we could adopt; it will save millions of dollars every session of Congress. That all these important bills shall be referred to the Committee of the Whole is all very well in its place, to let them be considered by the Committee of the Whole, but when they come into the House on their final passage let the yeas and nays be called, and let the people know who has voted for them and who has voted against them; and I require a majority to vote instead of only a few members, as is frequently the case, upon bills appropriating millions of dollars collected from the masses by taxation—frequently unjust and discriminating against the agricultural class—in favor of monopolist and capital.

Why, sir, by turning to the constitutions of the different States in this Union it will be seen that the experiment has been actually tried. I will refer first to the constitution of the State of Virginia, the mother of States and of statesmen. She relied upon the patriotism, upon the frugality and honesty of her representatives, and required no yeas and nays until 1850. Then, sir, when the new constitution was adopted in that State—and I call the attention of the members of that State to the point, and I hope to have their aid—then

it was they placed in their constitution the provision which I will send to the Clerk to be read.

The Clerk read as follows:

SEC. 27. On the passage of every act which imposes, continues, or revives a tax, or creates a duty or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the vote shall be determined by yeas and nays, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of the members elected to each house shall be necessary to give it the force of a law.

Mr. OSCAR TURNER. Now, the committee will see that, after a long experience, the State of Virginia was forced to incorporate that into her constitution. It has proved of vast benefit in controlling the expenditures of that State and in securing a proper system of economy. Not only the State of Virginia has adopted this provision in her constitution, but the Empire State of New York has also adopted a similar provision. In New York they tried the patriotism, they tried the frugality and economy of the members until they adopted their new constitution, when, in 1873, they were forced and compelled to incorporate that same amendment into their constitution, and it is to-day the fundamental law of that State. I ask the Clerk to read it.

The Clerk read as follows:

On the passage, in either house of the Legislature, of any act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals; and three-fifths of the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

Mr. OSCAR TURNER. The committee will observe that the convention which framed that amendment was not willing to leave it simply to the question of yeas and nays, requiring a majority to vote for it, but required that three-fifths of the members of both Houses should be in their seats and constitute a quorum for the consideration of an appropriation bill. That is the safeguard which was thrown around the rights of the people, to protect them against taxation, in the great Empire State; and I hope that the members here from that State will aid in giving to the whole people of the United States a little of that same wholesome protection provided by that provision of their State constitution.

But, sir, we know that in this House the calling of the yeas and nays on an appropriation bill, instead of being the general rule, has been for years past the exception to the rule. They are hardly ever called, and the Journals show it. Appropriation bills for thirty or forty *millions* of money will pass through the House without the consideration or attention of many of the members, only a few voting, rarely a majority. There is no call for the yeas and nays, and the attention of the members is not drawn to the fact. Now I ask the Clerk to read from the constitution of the State of Wisconsin, on page 2038.

The Clerk read as follows:

SEC. 8. On the passage in either house of the Legislature of any law which imposes, continues, or renews a tax, or creates a debt or charge, or makes, continues, or renews an appropriation of public or trust money, or releases, discharges, or commutes a claim on demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the journal, and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

Mr. OSCAR TURNER. The committee will see that it is almost identically the same provision that is to be found in the constitution of the State of New York, not only requiring the vote of a majority by yeas and nays, and then that they shall be entered upon the journal, but requiring the presence of three-fifths of the members to constitute a quorum for the consideration of appropriation bills or when disposing of the public money. I will now ask the Clerk to read from the constitution of Pennsylvania, on page 1573.

The Clerk read as follows:

SEC. 4. Every bill shall be read at length on three different days in each house. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Mr. OSCAR TURNER. Mr. Chairman, it will be seen from this section of the law how far that great State has gone upon this question. That is under a recent amendment to the constitution. Experience had taught them, as it has taught us here, that they must resort to some expedient of this sort to fix the responsibility and to invite the attention of members to these appropriation bills. I will now ask the Clerk to read from the constitution of the State of Maryland, page 845.

The Clerk read as follows:

SEC. 19. No bill shall become a law unless it be passed in each house by a majority of the whole number of members elected, and on its final passage the ayes and noes be recorded.

Mr. OSCAR TURNER. The committee will see that the State of Maryland has gone a step beyond the others. In the case of New York, in the case of Virginia, and in the case of Wisconsin, it has been confined simply to appropriation bills, but in the State of Maryland this requirement applies to every bill. None can become the law unless the yeas and nays are called, a majority voting in favor of the bill, and the names recorded on the journal of the house. I think it is right and I should be willing to go that far.

It might be urged as an objection that we have such a vast amount of legislation that it would consume too much time to call the yeas and nays upon all. But surely we can take the time, when voting away the money of the people and voting to impose a tax upon them, to ask the yeas and nays on these appropriation bills and force a majority to vote or let the bills fail, and let the people see how we vote.

I will ask the Clerk now to read from the constitution of my own State, the State of Kentucky.

The Clerk read as follows:

SEC. 40. The General Assembly shall have no power to pass any act or resolution for the appropriation of any money, or the creation of any debt exceeding the sum of $100, at any one time, unless the same, on its final passage, shall be voted for by a majority of all the members then elected to each branch of the General Assembly, and the yeas and nays thereon entered on the journal.

Mr. OSCAR TURNER. Now, gentlemen of the committee will observe that there is a difference here; still, the power is given to the Legislature to fix the responsibility. That constitution was adopted in 1850. There the Legislature was allowed without the yeas and nays to incur a debt not over $100.

It may be changed, however, and I will accept an amendment from any gentleman who may see proper to offer it, if the amount is not too large. But I want to test the sense of the House on the question that we fix a minimum sum, and beyond that the yeas and nays shall be demanded and recorded. In the constitution of Kentucky it is fixed at $100. My own inclinations would be to go beyond that and follow the example of Pennsylvania, Maryland, Virginia, and all those other States that require yeas and nays on all bills of appropriations.

I do not know, Mr. Chairman, how many States have been taught by sad experience that it was wise to adopt this provision, to fix this responsibility upon their representatives, because I have not had time to examine the constitution of every State in this Union. I have had read these provisions of the constitutions indicated simply because they fell under my observation, and I desire to invite the attention of this House to-day to them to show I am not erratic in what I propose—that it was no erratic idea of mine, but that on the contrary the difficulty is one that has been pointed out, and the remedy is one that has been adopted and found to act wisely and judiciously.

Well, sir, if it is right in those States to incorporate that provision in their constitutions, if they have been forced to it by many years of experience, I will ask the Representatives of the people upon this floor why it is not right we should have the same safeguards here? Why is it we should have the unlimited power of voting away millions of the money of the people, and yet on the public records of the country there should be nothing to show what gentlemen participated in it and who discharged their duty to the satisfaction of their constituents? If this provision is right in a State, if it is found to be a wise provision, then why would it not be a wise provision here? Why would it not exercise a wholesome influence, and why would it not be beneficial to guard the rights of the whole people from congressional burdens of taxation? They are as onerous as if imposed by a State Legislature, and more so, because they are counted by millions instead of hundreds of dollars.

In my opinion, Mr. Chairman, this would be a step in the right direction; and when gentlemen say they are in favor of retrenchment and reform, I say let them come up and vote for this amendment, and show to the country that they are in earnest. Let us have the yeas and nays upon these appropriation bills, and then you will find that every member of this House will take a deep interest in these measures when they come up, simply because he will have to face the music when he goes home and stands before his constituents. Hence it is I propose to offer that amendment. I know that some gentlemen may argue the matter and may urge that perhaps the constitutional objection is in the way. But, sir, I have conversed with men learned in the Constitution and laws of this country, and upon that question I believe there is among them no difference of opinion, but they agree that it does not militate or conflict in any way with the Constitution if we make it a general rule that the yeas and nays shall be called in every case upon appropriation bills. Many of the States give the power to two members to call for the yeas and nays. I do not know but that may be a very good provision. But I simply want the constitutional provision of old Virginia. Experience drove them to the adoption of that clause in their constitution that the yeas and nays should be called upon all appropriation bills, and I hope I will have the aid of my friends from that State.

Mr. LAPHAM. What party is proposing in Virginia to scale their debt to-day?

Mr. OSCAR TURNER. I did not rise for the purpose of entering into any partisan debate upon this question. I rose here to advocate amendments which I thought were for the public good and the interest of the people of all parties, and for which I expected the support of gentlemen on the other side of this House as well as upon this side, and not to indulge in criminations or recriminations of a partisan character.

Mr. HOUK. Is it a partisan measure to scale the debt?

Mr. OSCAR TURNER. I hear it said by gentlemen around me that it is republicans who desire to scale the debt. How that is I do not know and do not care.

Mr. HOUK. I asked the question whether it is a partisan measure.

Mr. OSCAR TURNER. Well, I am informed it is the republicans who are urging it. I do not know whether that is true or not. [Laughter.]

Mr. Chairman, when gentlemen ask me why, instead of offering this amendment to the rules, I do not offer a joint resolution proposing an amendment to the Constitution, I desire to say this: the fact is, I have drawn an amendment to the Constitution of the United States, which I hold in my hand, and which I shall offer at the proper time to the House, on this subject, embodying the provisions of the Virginia constitution. But, sir, even if it should be the sense of the House that this amendment, which I shall offer in the House as soon as the opportunity is presented, should be made to the Constitution of the United States, still in my judgment this wise provision should be incorporated in those rules. The amendment to the Constitution of the United States would be a long time in being matured. Even if adopted by the House and by the Senate it would be a long time before it would be acted upon by three-fourths of the States. In the mean time we would be going on with appropriations.

But if a provision be incorporated as an amendment into these rules that have been reported by this able committee, it would give vitality to the principle at once, throw around the people the necessary protection, fix the responsibility upon members who vote away the public money here, and enable their constituents to know who it was that voted away their money. It would have the effect of drawing our attention to these bills. In every respect it would be a wholesome provision, and I can see no reason why we should not adopt it as an amendment to the rules.

At the proper time I will offer the amendment to the Constitution, but in the meanwhile I do hope that I may have for this amendment to the rules the aid of the members from the different States which have adopted this provision. I have read here a list of States whose Representatives alone upon this floor could almost carry this amendment. The great State of Pennsylvania has incorporated it into her constitution. The States of Virginia, and of Maryland, Minnesota, Wisconsin, Kentucky, and Tennessee have done so, and doubtless many others. Let the Representatives of these States come to the rescue. Let them incorporate the same principle into these rules which wisdom has taught them to incorporate into the constitutions of their own States, and let us have the benefit of it here. Let us not wait for an amendment to the Constitution of the United States, but let us give vitality to the principle while we can by the amendment to the rules that have been reported to this House.

Mr. Chairman, I did not desire to trespass upon the time of the committee, but as these two propositions were entirely novel in their character, and as no comment has been offered upon either proposition or amendment suggested by myself, and which I give notice I will offer, I have deemed it my duty to give notice of these two amendments and to invite the attention of the members of this body to those two questions, and especially to the last, hoping before this debate closes to have the voice upon them of other gentlemen who are far more experienced than myself. Having done this briefly, I now express my obligation to the Chairman and committee for the attention they have given to me in offering these crude and off-hand remarks. I believe I have fifteen minutes of my time remaining.

The CHAIRMAN. The gentleman has twenty minutes of his hour remaining.

Mr. OSCAR TURNER. I do not desire to trespass further on the indulgence of the committee, as it is nearly five o'clock. If any gentleman desires what remains of my time I will give it to him.

Mr. SHALLENBERGER obtained the floor.

Mr. BLACKBURN. I would inquire of the gentleman from Pennsylvania [Mr. SHALLENBERGER] if he desires to take the floor in his own right, or to occupy the remainder of the time of my colleague from Kentucky, [Mr. OSCAR TURNER?]

Mr. SHALLENBERGER. I prefer to take it in my own right.

Mr. BLACKBURN. Then will the gentleman yield for a motion that the committee now rise?

Mr. SHALLENBERGER. I will do so, retaining my right to the floor.

The CHAIRMAN. The gentleman will be entitled to the floor when the committee again resumes consideration of this subject.

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, requested the House of Representatives to return to the Senate the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The message also announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 156) to correct an error in the "Act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes."

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 212) for the relief of John M. Dorsey and William F. Shepard;

An act (S. No. 296) for the relief of Edward P. Vollum; and

An act (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service.

UNITED STATES COURTS AT COLUMBUS, OHIO.

The SPEAKER laid before the House the following:

IN SENATE OF THE UNITED STATES, *January* 14, 1880.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. No. 582) to provide for circuit and district courts at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The SPEAKER. The uniform practice of the House has been to grant such requests of the Senate, and if there be no objection the Chair will direct that the bill be returned to the Senate.

There was no objection, and it was so ordered.

LICENSED DEALERS IN TOBACCO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to licensed dealers in tobacco; which was referred to the Committee of Ways and Means.

STATUE TO ADMIRAL FARRAGUT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, recommending an appropriation of $10,000 to enable him to fulfill his contract with Mrs. Vinnie Ream Hoxie for a statue of Admiral Farragut; which was referred to the Committee on Appropriations.

ARANSAS BAY, ETC., TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of Major C. W. Howell, Corps of Engineers, on Aransas Pass and Bay, up to Rockport and Corpus Christi, Texas, and Corpus Christi Pass and Channel; also report on improvement of Aransas Pass and Pass Carvallo, and report on survey of Brazos Santiago, Texas; which was referred to the Committee on Commerce.

CAPTAIN JOHN C. WHITE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the request of Captain John C. White, First Artillery, for relief from accountability for loss of public property by fire; which was referred to the Committee on Military Affairs.

MILITARY STOREHOUSE AT OMAHA, NEBRASKA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the erection of a storehouse, &c., at Omaha, Nebraska; which was referred to the Committee on Military Affairs.

COMMANDER BUSHROD B. TAYLOR AND OTHERS.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting the report of the board appointed under authority of a joint resolution approved February 5, 1879, to examine into the case of Commander Bushrod B. Taylor and other officers of the Navy; which was referred to the Committee on Naval Affairs.

NAVY DEPARTMENT EMPLOYÉS.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in compliance with law, a list of the civil employés of said Department; which was referred to the Committee on Expenditures in the Navy Department.

EXECUTIVE COMMUNICATIONS.

Mr. SPARKS. In regard to the communication a few moments ago presented as coming from the War Department and referred to the Committee on Military Affairs, I desire to direct attention in the way of inquiry as to whether or not those communications ought to be addressed to the Speaker and come through the House, or to the committee or member of the committee in response to whose inquiries they are addressed. If they are to be treated as executive documents, and come through the House, it will produce much confusion and delay of business in that committee, as it would in any other committee. I speak of this matter as affecting action in the Committee on Military Affairs because of my connection with that committee, but the principle involved applies of course to the other committees as well as to it.

The SPEAKER. The Clerk will read Rule 159.

The Clerk read as follows:

Estimates of appropriations, and all other communications from the Executive Departments intended for the consideration of any of the committees of the House, shall be addressed to the Speaker, and by him submitted to the House for reference.

Mr. SPARKS. Does not that rule apply only to what are known as executive documents, such as original communications of an Executive Department of the Government to Congress, or to answers to inquiries made by order of the House?

The SPEAKER. The Chair is inclined to think that, under the rule which has been read, every communication coming from a Department of the Government relating to public business should come

through its official channel, and not through an individual member of the House or of any committee of the House.

Mr. SPARKS. If the Chair decides the question in advance, of course that ends it.

The SPEAKER. It is very plain that a record of all such communications should be preserved, and the only way to preserve that record correctly is to make it on the Journal of the House.

Mr. SPARKS. My opinion is that the answer to any inquiry addressed to the Secretary of War, for example, by order of the House should necessarily come to the Speaker of the House, as should also any original communication which the Secretary of War or any head of Department should desire to submit to Congress. But if I as an individual member of the House, or as a member of a committee or sub-committee, deem it proper to address a letter for information to the Secretary of War, it seems to me that the answer to that inquiry certainly should come to me and not to the House. For example, a committee or sub-committee charged with the examination of some trivial matter pending before a committee or sub-committee addresses a letter to the head of one of the Executive Departments for such information as may be necessary to a proper understanding of the matter in hand, should the answer to such communication come to the Speaker and through the House in order to get into the hands of that sub-committee? or ought it not to come directly to the committee? It seems to me that adopting the former will produce confusion and delay the transaction of the business of our committees, and is entirely unnecessary.

The SPEAKER. Yet that is the rule.

Mr. SPARKS. The rule obviously relates to executive documents. To treat these communications as executive documents seems to me to be in conflict with the rule itself. My point is that these kinds of letters are not executive documents, and that the rule relates purely to executive documents.

Mr. BLOUNT. If the gentleman will allow me, I will ask whether the result of the ruling of the Speaker would not be that no member of this House could communicate directly with any Department of the Government?

Mr. SPARKS. I think so; certainly.

The SPEAKER. The Chair does not make any ruling; he executes the rule.

Mr. BLOUNT. I understand that; but the question here is upon the construction of the rule. It has been the practice, I know, of the several committees to communicate directly with the Departments by letter or otherwise, and it seems to me there is much in the distinction made by the gentleman from Illinois [Mr. SPARKS] between communications made by the Departments to committees of the House for their information and communications made in response to a direct application of the House itself.

The SPEAKER. The advantage arising from this mode of getting information from the Departments is that when the information comes in it can be printed by order of the House. The printing cannot be done except by order of the House.

Mr. SPARKS. We are now speaking of communications which are not in any proper sense executive documents, which are generally printed. The communications of which we are speaking are those in response to inquiries made directly to the Department by a committee, or members of a committee, in reference to business before it. The Committee on Military Affairs, for instance, may have under consideration a bill restoring an officer to his former rank. We want to know what his record is. A sub-committee makes the inquiry of the War Department. What is desired is simply information touching the matter in hand. Any member might obtain this information for himself by going in person to the Department and making the necessary inquiry. Now, why may not a letter be addressed, and save going in person? The response to such inquiry is not an executive communication at all, and does not need to be printed.

Now, Mr. Speaker, the point raised is an important one. Some days ago, on behalf of the committee I represent, I addressed a communication to the Secretary of War on this subject, and to-day had a personal interview with him in relation to it. I am quite sure that he desires to meet the view which I have here taken, yet he is confronted with this rule, a proper construction of which he of course would desire to have for his guidance.

My construction of the rule is that it relates alone to executive communications, such as original communications coming from the Departments to Congress and communications for which either House of Congress may call upon any of these Departments for information. These, as I understand it, must come to the Speaker. But if in the discharge of my routine business as a member of a committee I want to get information from a Department, I can go to the Department in person and get it, or I can address the head of that Department by letter and be answered directly on the subject without such answer coming through the House. This is my view of it, and I would like to have the question settled here and now.

The SPEAKER. The Chair is very loth to make any expression which may limit in any degree the facility of communication between members of this House and the several Executive Departments. But this discretion would seem to be left with the departmental officer; and if in reply to a question from a member of a committee or from a sub-committee he chooses to send his communication through the House, the Chair is at a loss to know how it can be prevented. The document now in question is a communication from the Secretary of the Navy as to certain officers of the Navy who were retired, as the Chair understands, by joint action of the two Houses——

Mr. SPARKS. Who addressed the inquiry to him?

The SPEAKER. It is the report of a board.

Mr. SPARKS. That is an executive communication.

The SPEAKER. The Chair thinks so.

Mr. SPARKS. I do not of course direct my remarks to any particular case. What I would like to have the Speaker rule—and I think it is the correct ruling, or I would not ask him to make it——

The SPEAKER. The Chair would not like to rule incorrectly.

Mr. SPARKS. And I would not like for him to do so. What I ask the Chair to rule is, that only executive documents come within the rule just read, and I think such ruling would not be "incorrect."

The SPEAKER. The Chair has nothing to rule upon except what comes into his possession officially. When a communication from an executive officer of the Government is addressed to the Speaker of the House, then only the Chair takes cognizance of it. The Chair supposes that communications passing between members of this House and executive officers of the Government are unlimited in number. He recollects that when chairman of the Committee on Appropriations endeavoring to cut down the expenses of the Government he sought information from every officer who was accessible.

Mr. SPARKS. I have been in the habit of doing that myself, and the replies did not come through the House; and the Chair, I presume, does not think they ought to have done so, which settles the question in my favor, if I understand him.

The SPEAKER. In regard to inquiries made by the present occupant of the chair as a member of the Committee on Appropriations, he did not ask that the answers should come through the Speaker of the House.

Mr. CLYMER. The Chair will recollect that we are now talking with the Departments by telephone almost every hour of the day, and if the Chair should now rule that replies from executive officers in regard to public business must come through the House, an officer questioned by telephone may say, "I cannot address anybody but the Speaker."

The SPEAKER. The Chair only rules upon papers addressed to him officially.

Mr. CLYMER. But this ruling might make Department officers think that they should not answer our inquiries except through the Speaker of the House.

The SPEAKER. The Chair has no knowledge, of course, of communications passing between members of the House and the Executive Departments; but when papers are addressed to the Chair he must present them to the House.

Mr. WHITTHORNE. This communication of the Secretary of the Navy is properly and legally addressed to the Speaker of the House. In replying to inquiries of the Committee on Naval Affairs, or sub-committees of that committee, the Secretary of the Navy has always observed the rules of courtesy and propriety; and there has been no complaint upon the part of any member of the committee. This to which he has replied to-day is in response to an act of Congress.

Mr. SPARKS. Then, of course, it is an executive document.

Mr. WHITTHORNE. Yes, sir.

The SPEAKER. In response to what?

Mr. WHITTHORNE. In response to an act of Congress.

The SPEAKER. So the Chair thought. It is the report of a board created by an act of Congress.

Mr. SPARKS. I know nothing of this case referred to by the gentleman from Tennessee, and I am not speaking of that kind of cases. It is an executive document, it seems; if so it certainly ought to come to the Speaker. But I am speaking of letters addressed by committees or sub-committees to heads of Departments for information, &c. The answers to these, I insist, ought to be made directly to said committees, and not to the Speaker.

J. C. IRWIN.

On motion of Mr. HASKELL, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of J. C. Irwin, no adverse report having been made thereon.

F. G. BISHOP.

Mr. MITCHELL, by unanimous consent, introduced a bill (H. R. No. 3526) granting additional compensation to F. G. Bishop, of the State of Pennsylvania; which was read a first and second time, and referred to the Committee of Claims.

And then, on motion of Mr. CALKINS, (at four o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of certain soldiers of the late war, that Congress do not pass Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of the Grand Division of Sons of Temperance of

Pennsylvania, representing four thousand five hundred and seventy-five members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of Mrs. L. B. Hawley, for a pension—to the Committee on Revolutionary Pensions.

Also, memorial of Henry M. Hoyt, governor; William P. Schell, auditor-general, and A. C. Noyes, State treasurer, of Pennsylvania, for the passage of House bill No. 2272, entitled "A bill to provide for the recomputation of accounts between the United States and the several States and the city of Baltimore growing out of moneys expended by the several States and the city of Baltimore in the war of 1812 with Great Britain"—to the Committee of Claims.

By Mr. NELSON W. ALDRICH: The petition of J. N. A. Griswold and 70 other citizens and firms, for the improvement of the harbor at Newport, Rhode Island—to the Committee on Commerce.

By Mr. ATHERTON: The petition of B. Swaim and 75 others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of William Juryman and 37 other ex-soldiers and citizens of Ohio, to be paid the difference between the value of greenbacks and gold at the time of payment for services as soldiers—to the Committee on Military Affairs.

By Mr. BALLOU: The petition of the Grand Temple of Honor and Temperance of the State of Pennsylvania, representing one thousand members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BENNETT: The petition of soldiers of Dakota Territory, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. BLISS: A bill for the improvement of Buttermilk Channel, in the East River, between Governor's Island and South Ferry, Brooklyn, New York—to the Committee on Commerce.

By Mr. BRIGHT: The petition of C. B. Anstell, executor of the estate of W. L. Sargent, for payment of a claim left out of an appropriation bill by inadvertence—to the Committee of Claims.

By Mr. CONGER: The petitions of William Hewitt and 34 other soldiers of Hadley, Michigan; and of E. Hathaway, Alex. Klock, and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of William D. Wilkins and 39 others, officers and soldiers of the Mexican war, for arrears of pension to Mexican war pensioners—to the same committee.

By Mr. DUNN: The petition of citizens of Lonoke County, Arkansas, for the establishment of a post-route from Lonoke to Jacksonville, Arkansas—to the Committee on the Post-Office and Post-Roads.

By Mr. FORT: The petition of William A. Long and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HENKLE: The petition of John S. Maury, for the removal of his political disabilities—to the Committee on the Judiciary.

Also, papers relating to the claim of Albert Greenleaf, William Flinn, and Samuel Brown for extra pay for services while in the employ of the Government on the Mexican coast—to the Committee of Claims.

By Mr. HUBBELL: The petition of Thaddeus L. Waters and 21 other soldiers of Newago County, Michigan, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

Also, the petition of S. McClanathan, Edgar Pierce, and 30 other surviving soldiers of the war of the rebellion, of Mecosta County, Michigan, for the immediate passage of the equalization of bounty bill—to the same committee.

By Mr. HUTCHINS: The petition of William S. Carr, for the extension of a patent for improvement in water-closets—to the Committee on Patents.

Also, the petition of citizens of Yonkers, New York, in behalf of the widow of William H. Post, massacred at White River agency—to the Committee on Indian Affairs.

By Mr. JOYCE: The petition of Eli B. Parker, for a pension—to the Committee on Invalid Pensions.

By Mr. KILLINGER: Papers relating to the claim of W. K. Verbeke for pay for provisions, &c., furnished the United States Army during the late war—to the Committee on War Claims.

By Mr. McKINLEY: The petition of J. L. Leeper and 194 others, citizens of Stark County, Ohio, for such laws as will prevent fluctuations in freight and unjust discriminations in transportation charges—to the Committee on Commerce.

Also, the petition of Levi Stump, esq., and 180 others, citizens of Stark County, Ohio, for the amendment of the patent laws so as to protect innocent users of patented articles and to make the manufacturer and vendor alone responsible for infringement—to the Committee on Patents.

By Mr. McMAHON: The petition of James L. Purdy, to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. MILLER: The petition of the Grand Lodge of Good Templars of New York, representing four hundred and fifty lodges and twenty-five thousand members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. NICHOLLS: Papers relating to the claim of Meyer Newmark for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. PHELPS: Papers relating to the claim of A. D. Cook & Co. for the remission of a forfeiture—to the Committee of Claims.

Also, papers relating to the claim of Robert C. Narramore, late postmaster at Derby, Connecticut, to be relieved from accounting for Government funds stolen from the post-office at said place—to the same committee.

By Mr. PRICE: The petition of the Women's Christian Temperance Union of the District of Columbia, representing one hundred and forty members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. THOMAS RYAN: The petition of soldiers of Kansas, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. SIMONTON: The petition of the Grand Lodge of Good Templars of the State of Tennessee, having a membership of ten thousand, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. A. HERR SMITH: The petition of the governor, auditor-general, and treasurer of the State of Pennsylvania, for the passage of House bill No. 2272—to the Committee of Claims.

By Mr. STEPHENS: The petition of E. P. Alexander, president of the Georgia Railroad Company, for a change in the present duty on imported steel rails—to the Committee of Ways and Means.

By Mr. TAYLOR: The petition of Nelson McLaughlin, for pay for services rendered to and moneys paid out for the United States during the late war—to the Committee on War Claims.

Also, two petitions of citizens of Tennessee, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of citizens of Tennessee, for the pensioning of Mexican soldiers—to the same committee.

By Mr. VANCE: Papers relating to the claim of William Wheeler Hubbell for pay for shells and fuses used by the United States—to the Committee of Claims.

By Mr. WARNER: The petition of C. C. Jones and 54 others, of Batesville, Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Resolutions of the Chamber of Commerce of Fargo, Dakota Territory, relative to a lock and dam at Goose Rapids on the Red River of the North, Dakota Territory—to the Committee on Commerce.

By Mr. WILBER: The petition of 58 Union soldiers, of Oneonta, New York, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of citizens of Kentucky, for the passage of the bill for the relief of depositors in the Freedman's Bank—to the Committee of Ways and Means.

Also, the petition of J. B. Wilder, president of the Louisville, Cincinnati and Lexington Short Line Railroad, for a reduction of the duty on steel rails—to the same committee.

By Mr. WILSON: Papers relating to the claim of Jennie K. Moore for pay for fees, &c., due her late husband as clerk of the district court for the western district of Virginia—to the Committee of Claims.

WOMAN SUFFRAGE—SIXTEENTH AMENDMENT.

The following additional petitions were presented at the Clerk's desk, under the rule, and referred to the Committee on the Judiciary:

By Mr. WILLIAM ALDRICH: The petition of Mrs. Sarah G. Deal, Mrs. W. E. McGarvey, and others, of Chicago, Illinois, for a sixteenth amendment to the Constitution of the United States, prohibiting Congress or any State from abridging the right of citizens of the United States to vote on account of sex or for any reason not equally applicable to all citizens of the United States.

By Mr. BALLOU: The petition of Catharine C. Knowles, G. Freeborn, Mary P. Vaughan, Solomon R. Knowles, John W. Cornell, and others, citizens of East Greenwich, Rhode Island, of similar import.

By Mr. BERRY: The petition of Mary Jane Jewett, Katharine Rixon, D. G. Jewett, Andrew Rixon, and others, citizens of Healdsburgh, California, of similar import.

By Mr. BLACKBURN: The petition of Charlotte B. Walsh, Amelia Stewart, J. D. Walsh, J. M. Huff, and others, citizens of Ashland, Kentucky, of similar import.

By Mr. BOWMAN: The petition of S. R. Urbino, Mrs. Lavinia B. Urbino, Eliza M. Moore, Charles N. Wood, Sarah F. Bassett, and others, citizens of Newton, Massachusetts, of similar import.

By Mr. BRAGG: The petition of Mrs. Emma A. Hatch, Mrs. R. S. Palmer, Louise O. Harris, Orin Hatch, Raymond Tallmadge, and others, citizens of Fond du Lac, Wisconsin, of similar import.

Also, the petition of H. A. Ancutt, M. D., D. M. E. Stewart, Ham T. Kling, James S. Westcott, D. D., M. C. Parker, and others, citizens of Marathon County, Wisconsin, of similar import.

By Mr. BURROWS: The petition of Mrs. J. M. Brown, Mrs. M. Blackman, Mrs. E. C. Hendricks, S. H. Blackman, Chandler Richards, and others, citizens of Van Buren County, Michigan, of similar import.

By Mr. CAMP: The petition of Rebecca P. Thorn, Caroline Bowen, George McWhaf, Seth Bowen, and others, citizens of Wayne County, New York, of similar import.

By Mr. CONGER: The petition of Hattie A. N. Taylor, M. E. Mitchell, Elizabeth Houser, H. L. Barry, S. C. Culp, A. B. George, and others, citizens of Saint Joseph County, Michigan, of similar import.

By Mr. CONVERSE: The petition of W. G. Myers, Sarah J. Myers, L. E. Taggart, Kate A. Sterling, Amos Woodling, Rebecca P. Raff, and others, citizens of Stark County, Ohio, of similar import.

By Mr. COX: The petition of Clemence S. Lozier, M. D., Lillie Devereux Blake, Abraham W. Lozier, M. D., Mary F. Mann, M. D., Madam Demorest, and others, citizens of the city of New York, of similar import.

By Mr. DICK: The petition of Emily K. Barber, Minerva J. Winton, Matilda Post, Alexander Singley, Abner P. Preston, and others, citizens of Crawford County, Pennsylvania, of similar import.

By Mr. FORD: The petition of Lucy A. Christian, Annie K. Irvine, William Kancher, Lucy S. Kancher, and others, citizens of Holt County, Missouri, of similar import.

Also, the petition of Susanna Ellis, Rebecca Keller, R. T. Ellis, G. W. Keller, and others, citizens of Holt County, Missouri, of similar import.

By Mr. FORSYTHE: The petition of Rebecca Haney, T. F. Brackney, M. M. Cooper, and others, citizens of Moultrie County, Illinois, of similar import.

By Mr. GEDDES: The petition of Lizzie N. Vogenitz, Melissa C. Little, Elsie Davidson, Israel B. Vogenitz, William Ferguson, and others, citizens of Tuscarawas County, Ohio, of similar import.

By Mr. BENJAMIN W. HARRIS: The petition of Elizabeth G. Hedge, Dr. Sarah E. Brown, A. Judson Rich, Walton C. Bryant, William J. Stewart, and others, citizens of Hyde Park, Massachusetts, of similar import.

By Mr. HASKELL: The petition of Anna C. Wait, Mrs. Emily Riggs, Mrs. Hattie Cruson, C. T. Pickett, Horace Truman, and others, citizens of Lincoln County, Kansas, of similar import.

By Mr. HENDERSON: The petition of Abbie B. Trego, Susan W. Blackfan, H. S. Trego, J. H. Lippincott, Mrs. E. J. O'Neil, J. T. Fields, and others, citizens of Henry County, Illinois, of similar import.

By Mr. KEIFER: The petition of J. H. Philleo, B. C. Lyman, O. C. Smith, Maria Burt, and others, citizens of Geauga County, Ohio, of similar import.

Also, the petition of Mrs. B. P. Ludlow, Mary E. Messenger, Delia Ludlow, J. A. Noony, B. F. Ludlow, and others, citizens of Geauga County, Ohio, of similar import.

Also, the petition of Mrs. J. A. Newton, Mrs. L. M. Allen, G. C. Newton, E. H. Brown, and others, citizens of Willoughby, Ohio, of similar import.

Also, the petition of Mrs. Elizabeth Andrews, Jesse Hyatt, Nathan H. Merritt, Willard Brown, and others, citizens of Saint Louis, Missouri, of similar import.

Also, the petition of Nettie Helman, Emma Burford, Mary E. Hoops, D. Yengling, J. D. Peterson, and others, citizens of Stark County, Ohio, of similar import.

Also, the petition of Eva L. Pinney, Anna M. Greene, Ellen Munn, Erastus Hodges, Edward Bosworth, and others, citizens of Geauga County, Ohio, of similar import.

By Mr. McKINLEY: The petition of Delia S. Morris, M. A. Felt, Belle D. Berrenger, Edward Morris, G. M. Austin, and others, citizens of Kent, Portage County, Ohio, of similar import.

Also, the petition of Mayde M. Flower, Mary E. Gaskill, R. C. Flower, A. H. Kendall, and others, citizens of Stark County, Ohio, of similar import.

Also, the petition of M. R. Erwin, Jennie J. Erwin, Sarah Hufford, Reuben Erwin, W. H. Belt, and others, citizens of Stark County, Ohio, of similar import.

By Mr. MILLER: The petition of Mary A. Hazen and others, of Lewis County, New York, of similar import.

Also, the petition of Mary Meteyard, Ellen C. Bayliss, Henry Meteyard, Samuel Bayliss, and others, citizens of Erie County, New York, of similar import.

Also, the petition of Phebe M. Varney, Anne B. Tayler, James A. Varney, James Stevens, and others, citizens of Erie County, New York, of similar import.

By Mr. MORRISON: The petition of J. T. and A. T. Fields and 90 other men and women, of Rock Island County, Illinois, of similar import.

By Mr. MURCH: The petition of Lavina M. Snow, Sarah J. Hussey, Mrs. Lucy A. Snow, James Adams, Nelson P. Spear, and others citizens of Knox County, Maine, of similar import.

By Mr. ORTH: The petition of H. P. Chancellor, Frances Atkinson, and others, citizens of Benton County, Indiana, of similar import.

By Mr. PRICE: The petition of Mary G. Townsend, Lydia P. Cowgill, Elmira Jepson, Wm. D. Hammell, D. E. Mackey, and 200 others, citizens of Cedar County, Iowa, of similar import.

By Mr. REED: The petition of Mira P. Sturgis, Catharine W. Thompson, Abby G. Stevens, Amos H. Nevins, Lucius C. Curtis, and others, citizens of Cumberland County, Maine, of similar import.

By Mr. SPRINGER: The petition of Norman MacLeod, Christina Milne MacLeod, Samuel T. Croft, Helen E. Robinson, Sadie Vassar, and others, of Chicago, Illinois, of similar import.

By Mr. JONATHAN T. UPDEGRAFF: The petition of Matilda Wallace and others, citizens of Jefferson County, Ohio, of similar import.

By Mr. VALENTINE: The petition of Anna Schermerhorn, Lizzie S. Moore, Delia Holcomb, J. W. Moore, H. H. Williams, and others, citizens of Nunckolls County, Nebraska, of similar import.

Also, the petition of Mrs. Kate T. F. Cornell, Mrs. J. B. Vawtry, U. Cornell, Rev. J. B. Vawtry, Lucy W. Rand, and others, citizens of Thayer County, Nebraska, of similar import.

Also, the petition of Mrs. Susan E. Ferguson, Mrs. Barbara J. Thompson, Mrs. Jane Studley, Edward S. Post, J. H. Hunt, and others, citizens of Hebron, Belvidere, and Superior, Nebraska, of similar import.

By Mr. WARNER: The petition of S. A. Miller, M. A. Smith, C. D. Ensign, Abraham Coe, Rev. H. S. Canfield, and others, citizens of Monroe County, Ohio, of similar import.

By Mr. WASHBURN: The petition of Anna B. Underwood, Harriet B. Sargeant, Mary Cary Hulett, J. M. Underwood, A. F. Wilson, and others, citizens of Lake City, Nebraska, of similar import.

By Mr. WEAVER: The petition of Mrs. A. E. Morris, Mrs. C. I. Parkinson, Mrs. Mary M. Hewett, and others, citizens of Dubuque, Iowa, of similar import.

By Mr. CHARLES G. WILLIAMS: The petition of Mary J. Plummer, Eva Grout, D. L. Plummer, John N. Mansin, Mrs. M. W. Bentley, and others, citizens of Marathon County, Wisconsin, of similar import.

By Mr. WILLITS: The petition of Mrs. S. W. Fowler, Mrs. D. C. Pelton, S. W. Fowler, J. A. Brown, and others, citizens of Manistee, Michigan, of similar import.

Also, the petition of Ella S. Hopkins, Lan. C. Wise, Clara V. Hale, George V. Hopkins, Daniel Wise, and others, citizens of Bear Lake, Michigan, of similar import.

By Mr. FERNANDO WOOD: The petition of John D. Wood, Catharine Salfelder, Jane Cogan, William A. Warwick, and others, citizens of New York City, of similar import.

By Mr. BARBER: The petition of Elizabeth B. Harbert, of Evanston, Illinois, for the removal of her political disabilities.

By Mr. CAMP: The petitions of Rebecca P. Thorn, of Galen, New York; of Emma Hughes, of Savona, New York; of Mary E. Hughes, of Savona, New York; of Elizabeth Schoonmaker, of the city of New York; of Sarah Allerton, of Bath, New York; of Harriet E. Beach, of the city of New York; and of Emma R. Still, M. D., of the city of New York, of similar import.

By Mr. CARLISLE: The petition of Annie Laurie Quimby, of Newport, Kentucky, of similar import.

By Mr. CONVERSE: The petitions of Mary J. Barker, of Elizabeth R. Collins, of Martha A. Stebbins, of Rosa L. Segur, of Elizabeth M. Hawley, of Eliza N. Bailey, of Mary J. Cravens, of Matilda J. Berra, of Delilah Phelps, of Mrs. J. P. Angier, of Mrs. Mary B. Gleason, of Anna C. Mott, and of Sarah A. Bissell, of Toledo, Ohio, of similar import.

By Mr. DE LA MATYR: The petition of Mrs. Z. G. Wallace, of Indianapolis, Indiana, of similar import.

By Mr. DICK: The petitions of Ann Y. Castle, of Minerva J. Winton, and of Emily K. Barber, of Steuben, Pennsylvania, of similar import.

By Mr. FORD: The petitions of Kate Schartz, of Annie K. Irvine, and of Elizabeth Evans, of Oregon, Missouri, of similar import.

By Mr. HENDERSON: The petitions of Jane Hamilton Wright, and of Hannah J. Coffee, of Rural, Illinois, of similar import.

By Mr. KELLEY: The petition of Julia Foster, of Philadelphia, Pennsylvania, of similar import.

By Mr. MURCH: The petition of Lavinia M. Snow, of Rockland, Maine, of similar import.

By Mr. MYERS: The petition of Florence Hardin, of Pendleton, Indiana, of similar import.

By Mr. O'NEILL: The petition of Elizabeth A. Stockton Corson, of Philadelphia, Pennsylvania, of similar import.

By Mr. PRICE: The petitions of Mrs. M. B. Hamilton Hawley, of Mount Ayer, Iowa; of Mary V. S. Cowgill, of Anna B. Rorr, and of Emily Gibson Booth, of West Liberty, Iowa, of similar import.

By Mr. ROSS: The petitions of Mrs. Susan Post Leggett and Mrs. Margaret W. Leggett, of Elizabeth, New Jersey, of similar import.

By Mr. VALENTINE: The petitions of Kate T. T. Cornell, of Alexandria, Nebraska; of Susan E. Ferguson, of Sarah J. Church, of Hannah G. Huse, of Lucy L. Carroll, Clara A. Thompson, and Barbara J. Thompson, of Hebron, Nebraska, of similar import.

IN SENATE.

THURSDAY, *January* 15, 1880.

Prayer by the Chaplain, REV. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 194 of the Revised Statutes, a report of the names of clerks and other persons employed in the War Department, and offices thereof, from December 1, 1878, to November 30, 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the chief clerk and superintendent of the War Department building, reporting that the sum of $500 will be required to meet a deficiency in the appropriation for contingent expenses of the office of the Adjutant-General for the remainder of the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of Captain William H. Penrose, Third Infantry, with indorsements thereon, relative to the reopening of the Mullan wagon-road from Fort Missoula to the summit of the Cœur d'Alene Mountains, Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McPHERSON presented the petition of S. H. Cornell and others, of Vineland, Cumberland County, New Jersey, praying for an amendment to the Constitution providing that the right of suffrage in the United States shall be based on citizenship and shall be regulated by Congress, and that all citizens of the United States, native or naturalized, shall enjoy this right equally, without any distinction founded on sex; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Susan Port Leggett and others, citizens of Elizabeth, New Jersey, representing that they are real-estate owners and are annually taxed heavily for the support of pauperism and crime, while they have no power to suppress vice or regulate taxation, and praying for the removal of their political disabilities; which was referred to the Committee on the Judiciary.

Mr. McMILLAN presented documentary evidence in support of the claim of certain Sioux Indians who served in the Army of the United States for relief from the operation of the act of Congress approved February 16, 1863, to be considered in connection with the bill (S. No. 566) to restore to certain scouts and soldiers of the United States Army of the Sioux Nation of Indians the money and annuities belonging to them confiscated and forfeited to the United States under an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians, approved February 16, 1863; which was referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented the petition of John and Julia A. Beeson, of Utica, La Salle County, Illinois, praying for the establishment of a system of international arbitration, instead of war, and for the appropriation of $50,000, or so much thereof as may be necessary, for a board of arbitrators, to be composed of women as well as men, to be nominated by Mrs. Elizabeth Thompson, founder of the Co-operative Aid Association of New York, and Alfred Love, president of the Universal Peace Union, of Philadelphia; which was referred to the Committee on Foreign Relations.

He also presented the petition of A. J. Hay and 50 other citizens of Susquehanna County, Pennsylvania, praying for the amendment of the patent laws so as to protect innocent users of patented articles from prosecution as infringers; which was referred to the Committee on Patents.

He also presented the memorial of James J. Edmonds and 98 others, citizens of Pennsylvania and soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of the Grand Temple of Honor and Temperance of Pennsylvania, officially signed, representing one thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of C. A. Dean and 53 other citizens of Susquehanna County, Pennsylvania, praying for the enactment of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

He also presented the petition of Julia T. Foster, of Philadelphia, Pennsylvania; the petition of Elizabeth A. Stockton Carson, of Philadelphia, Pennsylvania; the petition of Catharine E. Saulsbury, of Philadelphia, Pennsylvania; and the petition of Minerva J. Winton, of Steuben, Crawford County, Pennsylvania, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

He also presented the petition of Emily K. Barber and others, citizens of Steuben, Crawford County, Pennsylvania, praying for an amendment to the Constitution guaranteeing to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. BALDWIN presented the petition of B. F. Sweet and others, citizens of Michigan, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. GROOME. I present the petition of the Hodges Brothers and 85 others, of the city of Baltimore, praying for the abolition and repeal of the compulsory legal-tender power now given by law to the Treasury notes of the United States. In presenting this petition I desire to say that the names signed to it embrace many of the leading business men and business houses of the city of Baltimore. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. JONAS presented the petition of the Auxiliary Sanitary Association of New Orleans, officially signed, praying for the passage of the bill now pending to authorize the Secretary of the Treasury to contract for the construction of the necessary ships for the disinfection of vessels and cargoes; which was referred to the Select Committee to Investigate and Report the Best Means of Preventing the Introduction and Spread of Epidemic Diseases.

Mr. TELLER presented the petition of T. A. Pearson, S. S. Woodbury and others, citizens of Jefferson County, Colorado, praying for an amendment of the patent laws so as to make the manufacturer for sale or the vendor responsible for infringements and protect from penalty any person manufacturing patented articles for his own use; which was referred to the Committee on Patents.

He also presented the petition of W. F. Reynolds and others, citizens of Jefferson County, Colorado, praying for the passage of a law to prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

He also presented the petition of John Ross, chief, and others of the Eastern Band of North Carolina Cherokees, praying for the passage of a law directing the President to execute the treaty of 1865–'66, according to article 12 of the same; which was referred to the Committee on the Judiciary.

Mr. HAMLIN presented the petition of P. C. Merryman and others, citizens of Brunswick, Maine, praying for the passage of a law for the distribution of the Geneva award fund; which was referred to the Committee on the Judiciary.

Mr. ROLLINS presented the petition of T. Cornelius Cornell, an inmate of the Soldiers' National Home at Augusta, Maine, praying for the passage of a law granting him compensation for clothing lost by fire while in the military service of the United States during the late war; which was referred to the Committee on Claims.

Mr. INGALLS presented the petition of Lewis Mayo and others, citizens of Leavenworth, Kansas, praying for the passage of a law granting a pension to Frederick Weller, a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of H. H. Spaulding and others, soldiers of the late war, praying for the passage of a law granting them the difference between greenbacks and gold at the time of payment; which was referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, presented the petition of Charles Webb, administrator of the estate of Christopher C. Brand, of Norwich, Connecticut, praying for an extension of letters-patent for an improvement in fire-arms; which was referred to the Committee on Patents.

Mr. BRUCE presented the petition of Armstead Goodlow, late private Company E, Twenty-third Regiment United States Colored Troops, praying for arrearages of pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of A. J. Fields and others, citizens of Rural, Rock Island County, Illinois, and the petition of Rebecca Haney and others, citizens of Arthur, Moultrie County, Illinois, praying for an amendment to the Constitution guaranteeing to women the right to vote; which were referred to the Committee on the Judiciary.

He also presented the petition of Jane Hamilton Wright and the petition of Hannah J. Coffee, citizens of Rural, Rock Island County, Illinois, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 843) providing for the delivery of dutiable articles in the mails, and for indemnity for lost registered articles, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2785) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater, reported it without amendment.

Mr. HOAR, from the Committee on Patents, to whom was referred the memorial of Charles J. E. Thompson, of Providence, Rhode Island, praying for the extension of his patent for a new and improved connecting link for chain cables, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 663) granting a pension to John J. Fritschy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 609) granting a pension to James E. Hargrove, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Joseph F. Thomasson, of Wayne County, Illinois, praying to be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Menomonee Indians, praying for the passage of an act for the equalization of bounties; the petition of soldiers in the late war, of New Jersey, praying for the passage of what is known as the equalization bounty bill; and the petition of H. C. Osterhaus, J. R. Ratcliff, Dan Hopkins, and others, praying the passage of a law to equalize the bounties of soldiers, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to.

Mr. BALDWIN, from the Committee on Commerce, to whom was referred the bill (S. No. 144) for the relief of Horace J. Gambrill, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Railroads, to whom was referred the bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

UNITED STATES NOTES AS A LEGAL TENDER.

Mr. ALLISON. The Committee on Finance direct me to report back the joint resolution (S. R. No. 49) in relation to United States Treasury notes. The committee have made a verbal amendment to the joint resolution, changing the title so as to read: "A joint resolution relating to the legal-tender quality of the United States notes," unanimously agreeing to it; and with such amendment direct me to report the joint resolution adversely. I understand there is a minority report to be presented; otherwise I should ask for the indefinite postponement of the resolution. I ask that it be laid on the table for the present, and printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. BAYARD. I present from the same committee the views of the minority, accompanied by a resolution; and as the expression of the minority is very short, I ask the indulgence of the Senate to let it be read.

The Chief Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned, believing the industrial, commercial, and financial prosperity of a country, in order to be enduring and secure, must be based upon a money of actual and intrinsic value, and that our Government has no power and is incompetent to endow its paper obligations with such value, and the United States Treasury notes in existence and in circulation being now redeemable in gold and silver coin at the option of the holder, do therefore recommend the withdrawal of the present compulsory legal-tender power from such Treasury notes, by the passage of the subjoined joint resolution.

T. F. BAYARD.
FRANCIS KERNAN.

Admitting the principle of the resolution as to the power of the Government to make paper legal tender, I reserve my action upon the resolution as to the time of the withdrawal of the power given heretofore.

WM. A. WALLACE.

Reserving the right of amendment.

JUSTIN S. MORRILL.

Joint resolution in relation to United States notes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this resolution all United States notes shall be receivable for all dues to the United States, excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

Mr. BAYARD. I ask that the views of the minority and the joint resolution be printed.

The VICE-PRESIDENT. That order will be made.

Mr. ALLISON. My intention was to have both reports placed upon the Calendar, as I understand it is proposed to have some discussion upon the question.

The VICE-PRESIDENT. The Chair understood the Senator from Iowa to desire the report to be laid on the table, which will give it the same parliamentary effect as to have it placed on the Calendar.

Mr. ALLISON. My associates think it had better go on the Calendar regularly, and therefore I ask that that course be taken.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar, with the adverse report of the committee.

BILLS INTRODUCED.

Mr. McPHERSON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1031) for the relief of Edward T. Benton; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1032) for the relief of Nathaniel G. Smith; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1033) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1034) to amend section 2334 of the Revised Statutes, as to publication of mining notices; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. VANCE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1035) to regulate the practice of dentistry in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1036) for the relief of Edmund T. Ryan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS. I have been requested to introduce a bill approving the building of the Union Railroad of the District of Columbia. I do not know anything about its provisions and do not wish to be committed to it.

By unanimous consent, leave was granted to introduce a bill (S. No. 1037) approving the building of the Union Railroad of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1038) to increase the pension of Edward Howard; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1039) to authorize the restoration of William McGee to the rank of second lieutenant in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1040) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1041) for the relief of the heirs of Christopher C. Brand; which was read twice by its title, and referred to the Committee on Patents.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1042) to release the Memphis and Little Rock Railroad Company from such of the conditions of the several acts of Congress approved February 9, 1853, and July 28, 1866, as unjustly affect said corporation; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1043) to authorize the Secretary of the Interior to certify to the Memphis and Little Rock Railroad Company public lands to which said company is entitled under the several acts of Congress approved February 9, 1853, and July 28, 1866; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT TO BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, George T. Rogers, Benjamin P. Gaines, and Charles Ford; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That the petition of Eliza S. Conklin and Joseph Stafford, with the accompanying papers, in reference to the patent of D. S. Stafford, be taken from the files of the Senate and referred to the Committee on Patents.

Ordered, That the petition and papers of William W. Ross be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HARRIS, it was

Ordered, That the papers in the petitions and claims of J. M. Micon, Robert Stevenson, L. T. Green, R. W. Corbin, Mrs. M. I. Donahue, N. Boydon, Masonic Hall Company of Atlanta, Georgia, E. Rouff, H. Halfire, administrator, N. C. Boynton, and E. C. Clements, respectively, be taken from the files of the Senate (there having been no adverse report in either case) to be used in the House of Representatives, where bills are now pending for the relief of said claimants.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Thomas Worthington be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of John Taylor be taken from the files and referred to the Committee on Claims.

ALLOTMENT OF ROOMS IN THE CAPITOL.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas a difference of opinion exists between the officers of the Senate and

House of Representatives in regard to the allotment of the rooms in the Capitol lately occupied by the Court of Claims: Therefore,

Resolved, That the Committee on Public Buildings and Grounds of the Senate be instructed to examine into the rights of the Senate as to said rooms, to confer with the Committee on Public Buildings and Grounds of the House of Representatives, and to report by bill or otherwise.

COMPROMISE OF CLAIMS.

Mr. GARLAND. I move that the bill (S. No. 796) to amend section 3469 of the Revised Statutes, relative to offers of compromise of claims in favor of the United States, be taken from the table and referred to the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments;

A bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs;

A bill (H. R. No. 2524) in relation to the importation of classical antiquities;

A bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's cathedral of Indianapolis, Indiana;

A bill (H. R. No. 3518) to authorize the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty;

A joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained-glass window from Munich, Germany, for All Saints' church, in Saint Michael's parish, in Talbot County, Maryland; and

A joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

THE SURPLUS-REVENUE DEPOSITS.

Mr DAVIS, of West Virginia. I ask that Senate bill No. 877, relative to the deposits made with certain States, which I reported from the Committee on Appropriations yesterday, be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 877) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States.

Mr. DAVIS, of West Virginia. There is an amendment reported by the Committee on Appropriations, which I ask shall be read and voted on.

Mr. THURMAN. Mr. President, I do not wish to be considered a very old man, but the hearing of this bill takes my memory back to a time when there was great agitation in the country over the subject of what was called the distribution of the surplus money of the United States. We were in a very different condition then from what we are now. Instead of owing more than we could pay, we had some forty millions, or nearly so, of money in the Treasury that we did not know what to do with. So a bill was introduced to distribute that money among the States. The bill was opposed vehemently upon the ground that Congress had no right to raise money by Federal taxation to be distributed to the several States; that Congress had no such constitutional power; that the raising of revenue for State purposes belonged to the States, and the raising of revenue by Congress was simply for Federal purposes. To avoid that constitutional objection to the bill its supporters changed the measure, and instead of making it an outright gift to the States, passed an act to deposit the surplus revenue with the States in proportion to their representation in Congress.

The bill thus altered, having been changed into a mere deposit bill, became a law. Some of the States refused to receive the money for a while. The old Commonwealth of Virginia refused for a good while to receive it; but at last, when all her sisters had surrendered their virtue in the premises, she gave way too, and took her share; and so in time it came to pass that every State had a large slice of this money. My own State, if I recollect aright, got some $2,000,000, and then sent it to the county commissioners, to be loaned out to the people on good bond and security and real-estate mortgages. How much it cost the State to get it back never will be found out. Whether she ever did get it all back I do not know. The thing has gone on in this way until now, when we have a bill before us that proposes in effect to release all the claim of the United States upon the several States for this money.

I suppose as a matter of course the bill will pass. Everybody nearly will be willing to relieve his own State from the indebtedness to the General Government; but when you do that you affirm the principle which was yielded when the law originally passed, and, in effect, assert the principle that the Federal Government can raise money by taxation to be given as a gratuity to the States.

Mr. President, I cannot, for one, vote for this bill. I cannot vote for it, because I do not believe that Congress has any such power. It is not a case in which the Government of the United States releases a claim against an insolvent debtor; that it might do; but it is a case in which the Government, having deposited money with States that are solvent, and that could repay it, says: "We will release you from all payment; we will make this what the framers of the original act admitted could not be constitutionally done; we will make it a gift from the Federal Government to the States." I cannot vote for the bill.

Mr. JOHNSTON. I should like to make an inquiry of the Senator from West Virginia. I wish to get some information in regard to the item of $2,198,427.99, which appears to have been deposited with the State of Virginia. My impression is that the State of Virginia never received the money, but that during the war, when a State government was established at Wheeling which claimed to be the restored government of Virginia, this identical money was taken from the General Government and handed over to that State government of West Virginia. My understanding is that the old State of Virginia never got it. What is the fact in regard to that deposit?

Mr. DAVIS, of West Virginia. I intended to make a statement in regard to the bill; but the Senator from Ohio and the Senator from Virginia have anticipated me a little. In reply to the question of my friend from Virginia I will state that I have no knowledge on that particular point. I have made no inquiry in regard to that deposit. I have always been of the opinion that the State of Virginia, many years ago, received her portion of the money; but whether she did or not I am unable to say. I called upon the Register of the Treasury for information, and the assistant register answered that the States had received their equal proportion; but as to the circumstances under which any particular State received it I am not informed. My friend may be right in supposing that the proportion allotted to Virginia was paid during the war. I know not whether that was the case or not.

Mr. President, I will give a very brief history of the $28,000,000 which was deposited with the States. In 1836, under the lead of Mr. Calhoun, I believe, certainly with the indorsement of Mr. Calhoun and Mr. Clay, this amount of surplus revenue was deposited with the States. At that time there was a surplus of between forty and fifty million dollars in the Treasury. The Government owed no debt, and that amount was supposed to be entirely too much to have on hand. Therefore the act required that all of the surplus, less $5,000,000, should be deposited with the States, twenty-six in number at that time. Subsequently, in 1837, I think, a year or two afterward at any rate, there was an act passed providing that Congress should make a call upon the States before the money should be collected. From that time to this day there has been no action by Congress. No call has been made upon the States, although, as all know, we have passed through two or more wars, during one of which particularly money was very badly wanted.

This amount, $28,000,000 in round numbers, stands as a charge on the books of the Treasury Department against the different States as a deposit with them, and every statement made by the Treasury Department, where the amount of cash in the Treasury is involved, must be accompanied by a note stating whether the figures include or exclude the deposit with the States. I have here a pamphlet from the office of the Treasurer. I notice that on the first page this sum of $28,000,000 appears three times; and that is about the average all through the pamphlet. Whenever the Department speaks of the cash in the Treasury, this item of $28,000,000 comes up.

There is still another consideration. It confuses the accounts to a very great extent from the fact that one officer, perhaps the Treasurer, will report the cash in the Treasury less the $28,000,000, and the Register, or the Comptroller, or the Secretary will report that there is a certain other amount of cash in the Treasury because he considers this money as there, being treated as a deposit in a bank, for which the Treasurer is accountable. Thus this item has probably been a million times handled in the Treasury Department since the deposit was made, making constant work and rendering many explanations necessary.

I presume no one believes that this money will ever be collected. I doubt very much whether it could be collected. Nobody, I presume, at this day supposes that the Government will attempt to collect from the States what it deposited with them or gave to them in 1836. It is more a question of convenience to the Treasury Department in order to prevent work and complication than anything else that caused me to introduce the bill. The bill, I will say, was considered by the committee and unanimously reported.

Mr. MAXEY. I will ask the Senator in charge of the bill if there is a written report accompanying it?

Mr. DAVIS, of West Virginia. The only report, if it may be called a report, is a letter from the Assistant Register of the Treasury, giving a statement of the facts connected with the deposit.

Mr. MAXEY. I will ask the Senator if the States which received this money on deposit have ever asked to be relieved from their indebtedness?

Mr. DAVIS, of West Virginia. The deposit was made a very long time ago, and I do not know whether any State has ever asked to be relieved from its indebtedness or not. I will answer the Senator from Texas frankly, however, by saying that, so far as I know, there has

been no appeal made from any State to be relieved from its indebtedness to the General Government on account of this deposit.

Mr. MAXEY. I ask, twenty-six States having received this money, and as there are now thirty-eight States in the Union, and the indebtedness belongs to the United States, what equity there is in relieving the debtors from debts which they undoubtedly justly owe, after having had the use of the money for all these long years without interest? I wish to know upon what equity the bill is based?

Mr. DAVIS, of West Virginia. I am very well aware that the State of Texas was not included among those with whom the deposit was made.

Mr. MAXEY. No; it was not.

Mr. DAVIS, of West Virginia. Therefore the question comes from the Senator with very good grace.

Mr. MAXEY. I supposed that every Senator knew that Texas was not admitted into the Union until 1845, and the deposit was made in 1836.

Mr. DAVIS, of West Virginia. In answer to the question propounded, I will state that this money was collected from the very States among whom it was distributed. There was a surplus in the Treasury. The Government owed no money. This surplus belonged to the people of the States just as much as the people belong to the Government, and it was for those people to say what should be done with their own money at that time. No one will question that the twenty-six States then in the Union had a right to dispose of the surplus revenue as they thought best. They thought best to distribute it among the States rather than to let the Government become extravagant by having an overflowing Treasury and wasting it.

Mr. MAXEY. I call the attention of the Senator to the fact that the legislation to which he has referred shows that the States received this money to be returned on call, so that it was not a gift but a deposit.

Mr. DAVIS, of West Virginia. That is true of the original act, but the Senator will observe the act of 1837 required further action upon the part of Congress before the deposit could be called.

Mr. THURMAN. Mr. President, the proposition in 1836 first was to distribute the proceeds of the public lands among the several States. I am speaking now simply from recollection, but I do not think I am mistaken. I think it was a bill introduced by Mr. Clay, of Kentucky, to distribute the proceeds of the public lands among the several States.

Mr. DAVIS, of West Virginia. I will say to the Senator that Mr. Clay supported it. The bill was introduced by Mr. Calhoun.

Mr. THURMAN. I am not particular about that. It is not material which one it was. I was referring to the original proposition. To that objection was made that a large portion of the public lands of the United States had been granted to the United States upon the express trust that their proceeds were to be employed to pay the debt of the revolutionary war. It was then, in answer to that, alleged that the proceeds had been applied as far as was necessary for that purpose; but an examination showed that, counting the expense of extinguishing Indian title, of surveys and the like, no such amount had been realized from these lands as was sufficient to pay the revolutionary debt and the other objects of the trust on which the State of Virginia, and some other States perhaps, ceded their lands to the Government.

The result of that discussion was that the bill was changed, and instead of being a bill to deposit the proceeds of the public lands it took the form of a bill to deposit all the money that should be in the Treasury after a certain day in January, with the exception of a reserve of $5,000,000, with the several States according to their representation in the Congress of the United States. It was, therefore, entirely cut loose from the proceeds of the public lands, and was just simply making the States the depositaries of the United States in respect of all surplus moneys that might be in the Treasury on the 1st of January, 1837. The provision was "that the money which shall be in the Treasury on the 1st day of January, 1837," should be deposited with the States. It was simply making the States a depositary of that money—all the surplus which should be in the Treasury on that day, less five millions, which were to be retained in the Treasury. And to show how completely it was a mere deposit bill, certificates were to be given by the States for the return of this money, and it was provided:

> That when said money or any part thereof shall be wanted by the said Secretary to meet appropriations by law the same shall be called for, in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding $10,000 from any one State in any one month, without previous notice of thirty days, for every additional sum of $20,000, which may at any time be required.

That gave the Secretary of the Treasury a right to call on the States to repay this money. Afterward, in October, 1837, the transfer of the fourth installment was postponed, and that was all the legislation on the subject, I think.

Mr. KERNAN. It was also provided then that the money must be called for by Congress before its return should be required.

Mr. THURMAN. That the deposit already made should remain until otherwise directed by Congress. That left it still a mere deposit with the States.

Now, Mr. President, what is it that this bill before us proposes? It proposes to utterly release, as I take it, all claims of the United States to that money. Certainly that is the object of the bill, for the amendment reported by the committee is this:

> And all laws or parts of laws authorizing a call upon the States to repay said money be, and they are hereby, repealed.

There can be no doubt, then, about the object of this bill; and there could not be any doubt about it for another reason, because it is said—

> That the proper accounting officers of the Treasury be, and they are hereby, authorized to credit the account of the Treasurer of the United States with the amount of money standing to his debit upon the books of the Treasury Department, now unavailable by reason of the deposit of surplus revenue with the States, authorized by section 13 of the act of June 23, 1836, chapter 115, as hereinafter stated, the amounts—

That is the amounts that are to be thus credited—

> To be charged to an appropriation which is hereby created for the purpose.

Well, that leaves no doubt about it. This is a release by the United States of all claim to that money thus deposited with the States; and therefore I repeat it brings up the naked question, Can the Congress of the United States raise money by taxation to divide up among the States? I say not, and I cannot vote for the bill. In thus antagonizing the bill I may be supposed to be somewhat brave, as my own State of Ohio is involved to the amount of over two million dollars. I think if I was a Senator from some of the Southern States on whom direct taxes were levied, or sought to be levied, under a law that was utterly impossible of execution at the time it was passed and when the taxes were assessed, but who are now to be called on to pay those taxes into the Treasury, I should stop and hesitate a little before I gave up this claim. But I do not put it on that ground at all. I say the Constitution does not authorize us to collect money by Federal taxation to divide up among the States, and I am compelled to vote against the bill.

Mr. KERNAN. I wish to make an inquiry of the committee. I ask them whether the bill without the amendment reported would perforce release the States?

Mr. DAVIS, of West Virginia. It was the intention of the bill to relieve the States entirely; I will be frank with the Senator. On reflection, to make it certain we proposed the amendment.

Mr. KERNAN. I thought, on hastily reading the bill as introduced, merely authorizing the Treasurer to be credited with this deposit instead of having it standing on the books as though he was chargeable with it, it would not have that effect, and I could not see any objection to allowing it to be credited on the books to the Treasurer. I admit the amendment releases the States.

Mr. ALLISON. The original bill provided for an appropriation to cover these several amounts; and the object of the amendment was to make it perfectly clear and plain that it was the intention of this bill to release the several States from liability for these sums.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations, which will be read.

The CHIEF CLERK. At the end of the bill it is proposed to add:

> And all laws or parts of laws authorizing a call upon the States to repay said money be, and they are hereby, repealed.

The question being put on the amendment, there were on a division—ayes 25, noes 7; no quorum voting.

Mr. DAVIS, of Illinois. There is a quorum present.

The VICE-PRESIDENT. Evidently.

Mr. DAVIS, of West Virginia. If the Chair takes another division, I think there will be a quorum.

Mr. TELLER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. I desire to ask if the morning hour has not expired.

The VICE-PRESIDENT. The morning hour has expired.

Mr. MORRILL. I desire to say to my friend from West Virginia that I should like to take the floor upon the resolution which I introduced on Tuesday.

Mr. DAVIS, of West Virginia. At present?

Mr. MORRILL. Yes, sir.

Mr. DAVIS, of West Virginia. Certainly. It is usual and proper that I should give way under the circumstances. I think the Senator gave notice yesterday that he desired to speak to-day.

The VICE-PRESIDENT. The bill goes over until to-morrow.

SENATOR FROM ALABAMA.

Mr. MORGAN presented the credentials of Luke Pryor, appointed by the governor of Alabama a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of George S. Houston.

The credentials were read, and the oath prescribed by the act of July 11, 1868, having been administered to Mr. PRYOR, he took his seat in the Senate.

COMMITTEE SERVICE.

Mr. MAXEY. I move that the President of the Senate be authorized to fill the vacancies on the standing committees occasioned by the death of the late Senator Houston.

The motion was agreed to.

REFUNDING THE NATIONAL DEBT.

Mr. MORRILL. I ask for the reading of the resolution introduced by me.

The Chief Clerk read the following resolution, submitted by Mr. MORRILL on the 13th instant:

Resolved, That the Committee on Finance be instructed to inquire as to the practicability of refunding any part of the outstanding national debt at a less rate than 4 per cent. interest; and also as to whether or not more effective provisions can be made by which *bona fide* subscriptions for sums in moderate amounts may be made available; and report by bill or otherwise.

Mr. MORRILL. Mr. President, the main question about the further refunding of that portion of the public debt which soon becomes due or redeemable is to determine the rate of interest the future loan shall bear. Of course the lowest rate at which the loan will float at par is the one that should be chosen. We cannot decently offer the terms of a bankrupt: the alternative of *this* or *nothing*. The difficulty seems to be that our present four percents have risen to a small percentage above par, but not so much as to make a three-and-a-half per cent. equivalent to par. What effect a large amount of bonds suddenly thrown upon the market at lower rates of interest would have upon their current price is somewhat doubtful, but an increased supply ordinarily brings some depression in the price of all commodities, and in this case a like result could hardly be avoided.

To dispose of a national loan at less than par and thus add to the aggregate of the public debt is not to be thought of; to offer a loan on terms that our own people may refuse would hardly seem more prudent. The value of a United States loan bearing a rate of interest less than 4 per cent. would appear to be sufficiently tested by that of the 3.65 per cent. loan, amounting to $13,500,000, and running fifty years, of the District of Columbia, where the United States Government has not only guaranteed the interest but has also pledged its faith to see that a sinking-fund is provided for the gradual payment of the principal. This has been done, which should make the loan practically as good as any loan of the General Government can be, and yet it is selling to-day at much less than par, or at 87½ cents on the dollar, with five months of accrued interest, or 1¼ per cent., leaving it at 85¾ cents net. A loan at 3.50 by the main responsible party would naturally bring less than a loan at 3.65 per cent. interest. The additional obligation of the District may not add much to the value of United States securites, but it should not diminish it much.

The question remains whether it would not be wiser at this time to refund with bonds which will bring a premium, by that much reducing the public debt, and thus obtain financially all the advantage possible in a lower rate of interest? The lowest rate of interest that can be expected to hold our public securities at par, year after year, it appears to me cannot be much less than 4 per cent. All the concessions now obtainable below that rate would be secured even though a higher rate were to be nominally provided.

In offering any proposition by which the refunding of that portion of the public debt bearing 5 or 6 per cent. interest is contemplated, it is proper to inquire as to whether or not our refunding acts have operated advantageously, and whether they may not be susceptible of improvement. Under the existing laws our bonds could not be sold for less than par, but ¼ of 1 per cent. has been appropriated for expenses and for commissions. The sales and exchanges lately effected, as will appear by the monthly report of the loan division* of the Treasury Department, have amounted to $740,845,950, and the half of 1 per cent. on this sum would be $3,704,229.75; but the amount expended was only $2,591,922.26; leaving unexpended $1,112,307.49. This, I believe, is the first instance where any considerable part of the 1 per cent. or of the ¼ of 1 per cent. appropriations have been unused and saved.

The whole of the 4 per cent. loan issued since January 1, 1878, was free for everybody who chose to take it. There has been since no syndicate monopoly, but subscriptions have been received at par and accrued interest, according to the terms announced in Treasury circulars, of any amount not less than $50, from any person or party who might deposit the same in depositary national banks. These banks, under statute provisions, were required to furnish security in United States bonds equal in amount to such deposits, being invited to become the financial agents of the Government, and public notice was given that the money received for subscriptions would remain on deposit, but subject to the order of the Treasurer of the United States, to meet calls for the redemption of the 5-20 and 10-40 bonds. The commissions offered January 1, 1879, were ½ of 1 per cent. on not exceeding $1,000,000; over that, and not above ten million, ¼ of 1 per cent., and on amounts in excess of ten million an additional $\frac{1}{16}$ of 1 per cent.

These terms were soon modified by the circular of April 16, 1879, inviting subscriptions at a premium of ½ of 1 per cent. above par and accrued interest, and limiting all commissions to ¼ of 1 per cent. *Uncalled* 10-40 bonds were to be allowed a premium of ½ of 1 per cent. and ¼ per cent. commission. Very few of this class, however, were received.

It will be seen that no banks were especially selected, except by subscribers to the loan, to receive deposits; but when so made they were allowed to remain until required for the payment of called bonds. The Government had to make sure of funds in advance to pay for bonds called, and in that way unavoidably lost three months' interest; but the time allowed was fixed by law, and, while it might have been a little less, it was much shorter than is usually fixed by other governments. It is very questionable whether refunding could have proceeded more rapidly without encountering serious difficulties. No other so large a loan of any country has been funded or refunded in shorter time.

It turned out, from a conjunction of fortunate circumstances, that the subscribers to the 4 per cent. loan made well by it, but the banks which negotiated the largest amounts made less than $\frac{8}{10}$ of 1 per cent. profit, though the bonds are now quoted in the market at 3 to 3¾ per cent. above par, or 2½ to 3¼ per cent. advance above what was realized by the Government. This rise is recent, and for a considerable time it was doubtful whether there would be a rise or fall. There are few other stocks of any description, good or bad, that have not advanced more. Once during the past year there was a fall of the four percents to 98 per cent., or 2 per cent. below par; and but for the recovery of the market the subscribers would have met with a loss. The Rothschilds, when the bonds fell, objected to taking some five millions they had bargained for, but were required to take them after a little delay. For the risk run, the actual gain would hardly be considered by business men as too much; and some credit may fairly be due to the subscribers for their aid both in advancing and maintaining the value of the loan in the market. The amount received by France for her 5 per cent. loan in 1872 was, for each $100 only $84.50, and that now sells at 114, or, what was disposed of at 15½ per cent. below par, now brings 14 per cent. above par. Frenchmen do not revile their government for this advance in the value of their securities, known to be due to the growing solidarity of their Republic, and Americans cannot greatly regret to see the credit of our Government 2 or 3 per cent. above par, so long as no more interest is to be paid, whatever the market price may be. But the higher the premium the higher of course will be the premium that will be insisted upon in the terms of the next issue.

The methods by which Great Britain obtained loans at 3 per cent., now forming the bulk of her public debt, were the most improvident feats of statesmanship in the history of that government. Take one example out of many similar transactions that might be cited: A loan of no less than £36,000,000 ($180,000,000) was bargained for in 1815, where it was stipulated that every subscriber of £100 ($500) should be entitled to £174 ($870) of 3 per cent. stock and £10 ($50) of 4 per cent. stock. Here was an artificial capital of £84 ($420) created and to be added to a perpetual debt for every £100 ($500) advanced. There is high British authority (McCulloch) for stating that this loan, without any doubt, might have been procured by an addition of ¼ or ½ per cent. to the interest without any increase of the principal. The amount of money raised by Great Britain from 1793 to 1816 on stock issued was $2,600,550,000, (reckoning $5 to the pound;) but the stock actually issued bearing 3 per cent. interest was 33 per cent. more, or $3,881,000,000, together with frequent long annuities. There was no way left open by which this great burden could be reduced except by payment of the principal, and that then was as much out of the question as it is now. Consols are below par, but the 3 per cent. interest must continue to be paid on the whole amount issued.

That is not the American policy, which is to issue no bonds without a full equivalent at par, and to make them redeemable at the option of the Government in less time than that at which they are made absolutely payable, so that the advantage can be gained of any lower rates of interest by refunding, if lower rates should be obtainable.

Assuming the interest-bearing debt of the United States of $1,786,686,850 to be invested in 4 per cent. bonds, and that an annual payment of thirty millions shall be paid and invested as a sinking fund, with a semi-annual reinvestment of interest at 4 per cent., and the whole debt would be extinguished in less than thirty-one years. A much smaller sum would extinguish the debt in less than fifty years. Mortgages which are never to be paid are millstones on the necks of the people.

It must be borne in mind that a loan of $800,000,000, to run fifty years at 3½ per cent. interest, would be far more expensive to the country than the same loan at 4 per cent. for thirty years. That is to say, we should be required to pay fourteen hundred millions of interest on the 3½ per cent. loan, instead of nine hundred and sixty millions on the 4 per cent. loan. A long fifty-year loan is thus soon stripped of all attractions.

It may be said that a measure of this sort places great power in the hands of the Secretary of the Treasury, and it is true that executory power must be lodged in his hands. Somebody, to that extent, must be trusted, and it is fairly inferable from the past that the trust will be discharged with fidelity and discretion. No blunders have been charged in the past, and that is some security for the future. Secretary Chase, more largely trusted than any other Secretary before or since, was never contented to execute any financial measure without being clothed with the very largest latitude of discretion, and he did not lose the confidence of the people by its exercise.

The immense loans authorized by Congress from 1861 to 1865 placed almost unlimited power in the hands of the Secretary of the Treasury, except that the mere amount of each loan was fixed. He had placed at his disposal coupon and registered bonds, or Treasury notes bearing simple interest or compound, but never less than 6, often 7 or 7.3 per cent., and sometimes payable, as he chose to make it, annually

*See appendix A.

or semi-annually, or at maturity. The term of time to run was often left to be fixed by him, longer or shorter, ten or twenty years, thirty or forty years, and the whole were to be disposed of, at the discretion of the Secretary, on the terms deemed most advisable. He was not restricted to sales at par, and 1 per cent. was appropriated for expenses and commissions.

The justification of this extreme latitude was existing war. Our later refunding laws follow the more cautious conditions of peace and abound with limitations. The power of the Secretary is reduced to the minimum; if he cannot do any good, he has little discretion left to do harm.

The operations of refunding are all exposed to the broadest light, and leave a record at every step. The recent funding operations have been accomplished in accordance with laws previously passed by Congress. The resumption of specie payments was also in accordance with the law passed in 1875. The Secretary of the Treasury is entitled to the credit of executing these laws with skill and good temper. I am not here to praise him, but I am willing to trust him with power to repeat his work.

What have we the right to expect from the discretion of the Secretary? Why, that he shall be skillful enough to get as much for a 4 per cent. bond as it will bring in the market. He cannot lawfully dispose of them at less than par, nor at more than 4 per cent. interest, but it may be feared that he will not get as large a premium as might be had, or less than Congress might secure. If Congress could make an offer with the omnipotence to enforce its acceptance, much less than 3½ per cent. might be offered; but the Secretary must exchange, or first sell and then buy bonds. If he cannot sell new bonds, he cannot buy old ones, and the old bonds are more difficult to be obtained than gold. He has, until the bonds become due, the hard task of exchanging bonds which will bear a low rate of interest for those bearing a higher rate, and yet, if he were to part with bonds at par that would fetch a premium, he would deserve impeachment. No Secretary of the Treasury is without ambition, and the reputation of any Secretary would be lost were he to dispose of United States securities at less than their market value at the time of the transaction. One hundred millions of the four-and-a-half percents were withdrawn when it was seen that the market would sustain the four percents.

It may be argued, as there are about $200,000,000 of the bonds redeemable in 1881 now held in the Treasury as security for the national banks, that the banks, at least, would be compelled to exchange that amount on whatever terms Congress pleases to prescribe. National banks are institutions for the public benefit, but the stockholders cannot be expected to manage them at a positive loss. From time to time a considerable number have surrendered their charters or their circulation for the reason that the latter, being 90 per cent. upon the amount of bonds deposited for security, and further subject to reduction on account of the reserve required and taxes imposed, was no longer serviceable. But a 3½ per cent. bond deposited with the United States Treasurer as security for the note-holders of national banks would be a heavy reduction of the security now required. The notes of the national banks should be kept secure beyond any contingency, and if bonds of less value are substituted a greater margin must be required.

The taxes, State and United States, paid by national banks in the States of New York, Ohio, Tennessee, Illinois, Wisconsin, Kansas, and Nebraska, in 1878, were 3½ per cent. or more—considerably more in New York; and in the cities of New York, Albany, Chicago, and Milwaukee they were 5 per cent. or over. Subject to these restrictions and these heavy taxes, if based upon bonds at 3½ per cent. interest, it is not improbable that a large surrender of banking privileges would be inevitable.

There is no doubt that at last the reputation won by the United States as a debt-paying Government assures to us loanable funds on better terms than are obtainable by any other first-class political power, save that which shares with us the representation of the Anglo-Saxon race. If Great Britain has a fractional advantage in the rate of interest paid, it arises—

First. From the capital accumulated in by-gone centuries, now confined to the old and narrow field of the sea-girt islands; and,

Second. To the idea of perpetual non-payment of the principal, coupled with a prompt payment of the interest forever. The traditions of the American people are strongly opposed to the bondage of a perpetual debt, and they mean to have what we owe paid off, as it has been done in times past, within a reasonable time. If we were to consent to issue a loan redeemable a century hence, or even a half century hence, possibly slightly better terms might be secured; but not enough better to compensate for the endurance, through such a protracted period, of an inflexible load of taxation. The United States propose to stop all interest—not by repudiation, but by an honest payment of the principal.

Nearly all of the numerous governments in South America have become defaulters. Beginning by promising high rates of interest, these republics end by paying absolutely nothing. The list of these dishonored debts is deplorable; and the contagion, not yet looked after by any board of health, has reached, I regret to see, our own southern borders. The outlook is not much better in Turkey, Greece, Egypt, and Spain; and the discontent hovering around the great powers of Europe, five of which, in time of peace, maintain over two millions of men in their regular armies in addition to navies, indicate very clearly that their national debts must increase and ought to be diminished.*

No loans have recently been negotiated by any government on the European continent on better terms than we have just obtained. To reach our present standing of credit, the task has been prolonged and difficult. To maintain it, will require perpetual vigilance. Our debt in 1866 was very large, or over $2,700,000,000. More than one-fourth part of this, within thirteen years, has been paid off and has disappeared—leaving the debt, less cash in the Treasury, January 1, 1880, at only $2,011,798,504—and the interest, reduced from $143,781,591.91 in 1867, will stand at $88,877,410 in 1880; or, if some refunding measure should pass, soon at some millions less. Through good report, and through evil, a revenue has been raised equal to payment of interest and to the large diminution of the principal. We have also, by steady reductions of all expenditures, save pensions, put ourselves in light-marching order, and support an army of less than twenty-five thousand men, or but six men where Germany or France, with less population, supports over one hundred. As a people we have been blessed with much more than the average prosperity among men, and our systems of taxation have proven to be no hinderance to that prosperity. Finally, by a resumption of specie payments, we have furnished additional evidence of our unyielding purpose to extinguish the public debt by full and honest payment, and not otherwise, and above all not to leave it forever as an incubus upon the thrift of future ages.

To do this in the least oppressive way the payments must be extended over a series of years and absorb only a limited share of the annual surplus accumulations of the people. If our credit is good enough to obtain a loan at not over 4 per cent. interest, or an exchange of bonds with a low rate of interest for debts bearing a higher rate, the earliest opportunity should be seized to accomplish the object, and thus make sure of promptly diminishing the public burdens. That opportunity, it is believed, is now presented. Some millions of our debt will be absolutely due in less than one year, and, with what will be redeemable in less than eighteen months, amounts to $772,761,700, upon which we pay $41,381,298.50 interest annually; but if funded at 4 per cent. the annual charge would be only $30,910,468, and the yearly saving effected would be $10,470,830.50. That portion of debt due within one year must be paid. The remainder, it is true, is at our option, and may be paid if we provide the means, or renewed and exchanged, provided the holders accept of the terms offered. They may feel that they can do better, or that we may do worse. The parties must be in accord to insure our success. There is no pressing exigency upon the Government that excites patriotic sympathy, and, while the security is ample, men will invest elsewhere if better terms are offered. We can pay our debts, but we can not pay them with 3½ per cent. bonds, unless the party of the second part will accept them.

Great differences in the fortunes of mankind often arise from doing or not doing the right thing at the right time. If it is practicable to refund that portion of our debt which now bears a high rate of interest at 4 per cent. or less it may be hazardous to postpone it. It is not certain that so large a sum can at once be so placed; but our recent experience strongly indicates that it can be. The time is short, but a popular example having been set is contagious. If it can be done, no considerable risk should be run by delay. The increased uses for money now springing up have rarely been more multiplied nor the supplies more abundant. The abounding profits of farming for 1879 will call out an immense outlay for land and stock the coming season. Manufacturing enterprises everywhere are slowly but surely reviving. Mines and mining perhaps never attracted wider ventures. Trade and commerce are buoyant. More miles of railroad, it has been determined, will be this year constructed than in any previous year, notwithstanding railroads involving $243,000,000 of debt and capital were wrecked and foreclosed within the year past. With all the renewed activity in businesss affairs the absorption of idle capital is proceeding so rapidly that other investments with larger returns are likely to command as much or more favor than even the most popular United States securities. Against so much powerful and varied competition the Government may not be able, though it should make the attempt, to dictate the terms upon which it will continue to be a borrower.

In youthful States the supply of capital is rarely equal to the demand, and the rate of interest is always greater than in older communities, or greater in America than in Europe. The rewards of labor and the profits of trade, as well as the rapidly increasing value of real estate, justify the extreme terms offered in new settlements by borrowers, who take the risk of blanks along with numerous and tempting prizes. Virgin soils barely "tickled with the hoe" of the farmer become pregnant with fruitful crops. Capital in the valley of the Hudson River, or of the Ohio, cannot be so profitably employed as in the valley of the Columbia River, or of the Upper Missouri. Mortgages on real estate can be negotiated on cheaper terms

* Russia, the army of, in time of peace is 768,427
Austria, the army of, in time of peace is 267,332
Italy, the army of, in time of peace is 199,357
Germany, the army of, in time of peace is 419,014
France, the army of, in time of peace is 430,703

in Connecticut than in Kansas. Rates that would ruin a Connecticut farmer lead to fortune on lower-priced but more fertile soils. When California and Australia were pouring forth an inexhaustible flood of gold the rate of interest freely paid in the respective localities was most exorbitant. It is in Amsterdam and London that money is cheapest—not at Duluth or Leadville. In Cincinnati and Baltimore even ground rents—secure, unless the bottom of the world drops out—are never less than 6 per cent. interest. If we here seem to suffer the penalty of being young, we at least may claim all of its advantages; and those who as pioneers pay dearly for money seldom fail to work it hard enough to more than compensate for its cost. In fact, a low rate of interest is not an infallible test of prosperity, but often indicates that no profitable employment for capital can be found, and that all industries are dead. Long may it be before we reach that era of decadence when capital finds no more profitable employment in Cincinnati and Chicago than at Genoa and Venice.

But suppose that in the refunding process we put the limit of interest at 3½ per cent., to be paid on bonds issued in exchange for those bearing 5 or 6 per cent., it may happen that only a small fraction, or none at all, of our outstanding securities would be offered in exchange, not because the credit of the Government is not the best, but because our people have too little hoarded wealth to allow it to slumber on such meager returns, and because they can find more remunerative employment for their savings in other comparatively safe investments. The Treasury Department, with no further legislation, or with unavailable legislation, may be in the awkward position of having no funds to meet national obligations large in amount and possibly overdue. If a 3½ per cent. loan should be offered and mainly rejected, it would then be found that a rejected suitor is not a popular favorite, and even a 4 per cent. loan might drop on a reluctant market.

The task before us of paying or refunding $791,121,700, even with the financial tide all in our favor, is one of colossal proportions, requiring great tact and diligence on the part of the Treasury Department by which, not only to achieve success, but to avoid any disturbance of foreign exchange or stringency in the supply of money in financial centers. Any considerable delay may bring a change of circumstances, a dislocation of trade or of the money market, or of danger-signals of a war in Europe, which would interrupt the whole plan. All of our present surroundings urge us to act promptly. We now have the benefit of recent funding experience, and if we have steered clear of all practical difficulties in what has been done we may feel safe on the same track and by the same legal methods of repeating operations so beneficial and so creditable to the Government.

A Government loan even at 4 per cent. is most certainly lower than any other in our whole history since the Declaration of Independence. Have our people become so suddenly holders of such large masses of wealth that we may rely upon the absorption of whatever loans and at whatever price we may throw upon the market? So late as 1873 nobody would have ventured to suggest that a loan could be floated at anything less than 4 per cent. The fall in the rate of interest was because the industries of the world had little use for money. It has been a drug. Since that time it will not be seriously maintained that capital has made any large accretions. Almost the only savings which were made for five years must be credited to that strict economy which was brought home to every family of an almost universal curtailment of expenditures. Workingmen during many seasons had not full employment. Dividends, of railroads, banks, furnaces, and manufactories, were not earned, and if not earned they are not here to be permanently absorbed in a 4 per cent. loan. The year 1879 was a year of prosperity, but the assumption that we have made such prodigious strides in the accumulation of wealth as to be able to carry our public debt at less than two-thirds of the cost we have been paying I fear is wholly unwarranted, and if it should be listened to will be regarded as fatal to all present relief from the old rates of interest we must continue to pay on a large amount of the public debt.

The production and imports of gold, the restoration of specie payments, and the expansion of national banks has no doubt added more than $200,000,000 to the money of the country, but only a very small part of this will find its way into a Government loan. Until this is absorbed stock-brokers will be jubilant. Brief adverse exchanges, however, would demolish their castles in Spain.

Upon an examination of the national loans negotiated within the last twenty years by foreign governments, few, if any, will be found bearing a less rate of interest than 4 per cent., many are higher, and they have often been issued at less than par or facilitated by large and handsome commissions. Many 5 per cent. securities now sell in open market for less than par. Those of Italy bring only 79 cents on the dollar, but they are subject to the deduction of a tax. Those of Hungary sell at 80. Austrian 4 per cent. gold rentes sell at 70; Brazilian five per cents sell at 95; Massachusetts five percents, payable 1888, bring 103; French 5 per cent. rentes, in perpetuity, their most popular security, sell at 114, which would yield to investors, at that price, over 4⅜ per cent. interest, or nearly 4½ per cent.; Canadian six percents, payable 1884, sell at 108; and none of the Canadian four percents bring par unless guaranteed by the imperial government. Russia recently offered a 5 per cent. loan at 92 cents on the dollar, but it was not taken; and a previous 5 per cent. loan brings only 79 cents on the dollar, which would yield 6¼ per cent. interest to investors.

Of course, I regard the securities of the United States as far better than any among this long list; but foreigners would not concede so much, being filled with distrust as to whether a government controlled by universal suffrage will, or will not, for any lengthy period, steadily provide the means to pay debts; and from the fact that some States of the Union have failed to do this, an argument is drawn that the whole will in time, through the ascendency of popular demagogues, be no better than any of the parts. But for my part, I shall not reply to this, as I do not desire to build up a credit in order to run in debt abroad.

It is, however, very plain, if European investors prefer their own securities, that they will yield a larger nominal return than United States 4 per cents.

Even if it were certain that the remainder of our debt could be refunded abroad at a half per cent. less than at home, as it cannot be unless we take in payment something besides gold, the policy of accepting such terms is open to serious dispute. The drain upon the resources of the country for large sums of money to be annually sent and spent out of the country is surely far greater than it would be on the same amount disbursed at home. It is the old question presented by absentee landlords, it is the grievance of Ireland, and it will scarcely be denied that large expenditures of land rent abroad will impoverish any people. It not only deprives the land of the benefit of that fertility bestowed by some modified return of its productions, but it largely contributes to adverse exchanges, and constantly drains the country of its hard cash. Very obviously there is a considerable difference in favor of holding our national debt at home, and a difference, though not mathematically computable, quite worthy of the attention of Congress. Submit the question to our own people, and I do not doubt they would almost unanimously agree that we should better consult their interests to place our debt at home at 4 per cent. rather than at a half per cent. or even 1 per cent. less abroad.

These are the main points to which I wished to draw attention, and they are submitted for whatever they may be worth.

The only reason I have to offer for bringing this subject to the attention of the Senate at this time is, that in my judgment time is of great importance. Something can be done now, and it may be that by waiting less can be done. It is possible that a loan bearing interest at a rate between 3½ and 4 per cent. interest might find favor, but it would involve risk and delay, and at last nothing less than absolute success would vindicate its merits. Others may have better reasons to give for different conclusions, and, if they should have, they will receive careful consideration, as, more than anything else, my desire is to promote such measures only as will surely best serve the great interests of our country.

APPENDIX A.

Monthly statement for the Secretary.

Expenses of the 4 per cent. negotiations to date:	
Commissions paid to syndicate	$386,369 68
Commissions paid under the circulars	1,563,214 65
Extra force employed	139,952 71
Extra compensation paid	9,968 53
Engraving plates and printing bonds and certificates	308,465 38
Transportation by express, messengers, &c	163,357 04
Incidental expenses	20,594 25
Total amount expended	2,591,922 26
Total amount of subscriptions to the 4 per cent. consols of 1907 to date	697,937,700 00
Amount exchanged for five-twenties and ten-forties	2,895,500 00
Amount refunding certificates sold	40,012,750 00
Total	740,845,950 00
One-half of 1 per cent. appropriation on the above amount	3,704,229 75
Amount expended from this fund	2,591,922 26
Remaining unexpended	1,112,307 49
Total amount of bonds "called" account of 4 per cent. loan	707,450,450 00
Amount redeemed	694,060,050 00
Amount matured and unpaid	13,390,400 00

UNITED STATES COURTS IN OHIO.

Mr. THURMAN. Mr. President——

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Ohio to the fact that the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, recalled at his instance from the House of Representatives, has been returned.

Mr. THURMAN. I move to reconsider the vote by which that bill was passed and by which the amendments were ordered to be engrossed and the bill to be read a third time.

The motion was agreed to.

Mr. THURMAN. I move now to reconsider the vote by which the words "thirty-two," in the third section of the bill, line 4, were stricken out and the word "thirty" inserted.

The motion was agreed to.

Mr. THURMAN. I move now, in line 5, section 3, to strike out the word "Tuscarawas."

The amendment was agreed to.

Mr. THURMAN. I now move to insert in place of the word "thirty-two" the word "twenty-nine," which is the right number.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments;

A bill (H. R. No. 2508) to regulate the compensation of night inspectors of customs;

A bill (H. R. No. 2524) in relation to the importation of classical antiquities;

A bill (H. R. No. 3058) authorizing the remission or refunding of duty on an altar from Rome, Italy, for the Saint John's cathedral of Indianapolis, Indiana;

A bill (H. R. No. 3518) to authorize the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty; and

A joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained-glass window from Munich, Germany, for All Saints' church, in Saint Michael's parish, in Talbot County, Maryland.

The joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

DELAWARE BREAKWATER.

Mr. SAULSBURY. I desire to call up the bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater, which was reported this morning.

Mr. DAVIS, of West Virginia. I believe the bill I had in charge is before the Senate; but I have no objection to its being laid aside informally so that this bill can be taken up. I make no objection to the bill of the Senator from Delaware being taken up.

The VICE-PRESIDENT. The bill called for by the Senator from Delaware is not at the desk. It will be here in a few moments.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. SAULSBURY. I hope that will not be done.

The motion was not agreed to.

The VICE-PRESIDENT. The Senator from Delaware asked the Senate to consider at this time the bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to direct the Secretary of War to cause to be removed from the harbor at the Delaware breakwater and the entrance thereto, and in the main ship-channel of the Delaware Bay and River, several vessels which were sunk in the year 1877, and now forming obstructions endangering the safety of vessels entering the harbor, after reasonable notice to the owners of such vessels to remove the same; and appropriates $25,000, or so much thereof as may be necessary, for that purpose.

Mr. ALLISON. I desire to ask from what committee that bill comes?

The VICE-PRESIDENT. The Committee on Commerce.

Mr. SAULSBURY. It has passed the House, and has met the approval of the Committee on Commerce of the Senate. I have a plat in my hand showing the location of the obstructions, and a list of the vessels that were sunk during a storm in the harbor of the Delaware breakwater in October, 1877. There are seven or eight of those vessels in that harbor which have been built by the Government, at an expense of between two and three million dollars, endangering the entire commerce of the coast, and all foreign commerce seeking refuge in that harbor. The matter has long been neglected. I have been for two years trying to get it attended to. The House of Representatives has now passed the bill which came here yesterday, and when the Committee on Commerce took it into consideration, I believe the vote was unanimous for passing the bill without further delay.

Mr. ALLISON. It is a matter that usually comes in the bill known as the river and harbor bill. Of course there are a great many such matters that require attention.

Mr. SAULSBURY. The Department has had a survey made, and ascertained the location of these obstructions, but it had no money at its command to remove them.

Mr. ALLISON. I do not object to the bill at all.

Mr. SAULSBURY. I do not think there can be any objection to it.

Mr. FERRY. I hope, if the Senator from Delaware succeeds in getting his bill through the Senate and finally passed, that he will not lose his interest in the general river and harbor bill.

Mr. SAULSBURY. I will vote for all proper appropriations in a bill of that kind, and I will oppose all that are improper. That is my position.

Mr. FERRY. What does the Senator say?

Mr. SAULSBURY. I will vote to improve all harbors in which the general commerce of the country is interested, but if you ask me to vote appropriations for every creek throughout the country I say, as I have said before, that I shall not feel at liberty to do it.

Mr. FERRY. That was not particularly the point. What I should like to know from the Senator is whether this is an indication that appropriations for rivers and harbors are to take the specific form of special bills instead of a general bill at this session.

Mr. SAULSBURY. I do not know what it indicates. I have put this in because it is a matter in which the general commerce of the country is interested. Sometimes in that harbor during the approach of a storm two hundred sail of vessels will take refuge in the course of twelve or fourteen hours. The whole commerce of the country, the coasting trade, and also our foreign commerce are interested in the preservation of that harbor by the removal of the wrecks that are now in it. The people of my own State have but very little interest in the matter. We have comparatively but very little interest in commerce. The city of Wilmington has some, but apart from the city of Wilmington our State has very little interest. The commerce of the country, however, is deeply interested. I went to the Department myself a year ago and obtained a plat of the harbor with the location of these wrecks, and I know that the Department, if they had had the means at command and felt at liberty, would have done the work. They told me they had not the money; and they also felt some hesitation for fear a claim might be made by insurers. That is obviated by this bill by requiring reasonable notice to be given to the owners to remove the wrecks that have been there now for over two years. I do not think there can be any possible objection to this bill.

Mr. FERRY. My suggestion was not in the nature of an objection to this bill; but it was only to note the special character of it, and to call the attention of the Senator to the fact that there are other places of general interest to the country, and I was fearful that when the general bill came up the Senator from Delaware, having secured this bill with my help and that of others—I am disposed to support the bill—might lose sight of the general interest, and lose all interest in the passage of the general bill. I have accomplished all that I intended by calling the attention of the Senator to the subject.

Mr. SAULSBURY. I say to the Senator from Michigan that if he makes a proper bill for the improvement of rivers and harbors, in which the general commerce of the country is involved, I will aid him, but I shall not pledge myself to support any bill in order to pass this. I shall support such bills as in my judgment are right, and I shall oppose such as in my judgment are wrong.

Mr. FERRY. I do not suppose the Senator from Delaware, any more than myself, would support a bill that was not right in his judgment, but passing special bills for special places is a new feature in legislation upon appropriations for rivers and harbors. I might cite cases of general interest on the inland lakes that are of nearly as much general importance as this case which the Senator presents from Delaware. I might also allude to the fact that property largely has been destroyed the last season at points that I might mention. My purpose was simply to call the attention of the Senate, and especially of my friend from Delaware, to the passage of this bill, and to emphasize the point, in order that when the general bill comes before the Senate I may have at least the co-operation of my friend from Delaware to help the inland lakes upon the principle of general interest, as well as the sea-coast.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

On motion of Mr. DAVIS, of West Virginia, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

LAND DISTRICT IN DAKOTA.

Mr. PADDOCK. I move that the Senate proceed to the consideration of House bill No. 1307, which will occupy but a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 15, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ELIZABETH PULLING.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 3527) granting a pension to Elizabeth Pulling, of Big Rapids,

Mecosta County, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LIGHT-HOUSE, MANISTIQUE, MICHIGAN.

Mr. HUBBELL also, by unanimous consent, introduced a bill (H. R No. 3528) to appropriate money for the construction of a light-house at Manistique, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STEPHEN W. THOMPSON.

Mr. HUBBELL also, by unanimous consent, introduced a bill (H. R. No. 3529) granting a pension to Stephen W. Thompson, of Freeman, Lake County, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PURCHASE OF LAND, PROVIDENCE, RHODE ISLAND.

On motion of Mr. ALDRICH, of Rhode Island, by unanimous consent, an act (S. No. 820) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island, was taken from the Speaker's table, read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CORRECTION.

Mr. STEELE. I rise to correct the RECORD. The RECORD of yesterday states that on the proposition of the gentleman from Maine [Mr. FRYE] to give some undue advantages to the female suffragists of the country Mr. DAVIS, of North Carolina, objected. Now, whether Mr. DAVIS or myself has the more reason to complain of this case of mistaken identity I cannot indicate. If there are any glories in the achievement I want them all, and if there are any responsibilities I take them all. [Laughter.]

The SPEAKER. The gentleman [Mr. STEELE] is the one who made objection. The Chair recollects that distinctly.

Mr. STEELE. There is no doubt about it.

The SPEAKER. The correction will be made accordingly.

LOCATION OF MINERAL CLAIMS.

On motion of Mr. STEVENSON, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of a bill (H. R. No. 2418) concerning the location of mineral claims, and the same was recommitted to the Committee on Mines and Mining, not to be brought back on a motion to reconsider.

WORTHINGTON AND SIOUX FALLS RAILROAD COMPANY.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 3530) to authorize the Worthington and Sioux Falls Railroad Company to extend its road from the village of Sioux Falls, in the Territory of Dakota, in a westerly direction, to the east bank of the Missouri River; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MRS. JOHN B. HALE AND OTHERS.

Mr. MARTIN, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 3531) for the relief of the widow of John B. Hale, Spencer D. Gray, Lemuel Griggs, Malachi J. Brumsy, J. Munden, Lewis White, and George W. Wilson; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

THOMAS G. CORBIN.

Mr. HARMER, by unanimous consent, introduced a bill (H. R. No. 3532) for the relief of Thomas G. Corbin; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

TELEPHONE IN HOUSE LOBBY.

Mr. ACKLEN. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized to appoint an expert laborer to take charge of the telephone which this House has directed to be placed in the lobby for the use of the members and committees, and that said laborer be paid out of the contingent fund until the regular appropriations are made.

The SPEAKER. The resolution will be referred to the Committee of Accounts.

Mr. ACKLEN. I ask for the adoption of the resolution at this time, as there can be no objection to it. The House has already directed the erection of the telephone in the House lobby.

Mr. BUCKNER. I shall object unless the resolution goes to the Committee of Accounts.

Mr. DUNNELL. I thought this telephone was to be erected and run without expense to the House.

Mr. ACKLEN. I have no objection to the reference of the resolution.

The resolution was referred to the Committee of Accounts.

SILAS K. HAINES.

Mr. MARTIN, of West Virginia, by unanimous consent, introduced bill (H. R. No. 3533) granting a pension to Silas K. Haines, of Preston County, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EXPEDITION TO ARCTIC SEAS.

Mr. WHITTHORNE, by unanimous consent, from the Committee on Naval Affairs, reported back, as a substitute for House bill No. 1823, a bill (H. R. No. 3534) to authorize and equip an expedition to the Arctic seas; which was read a first and second time, and, with the accompanying report, recommitted, and ordered to be printed.

UTE OUTBREAK.

Mr. BELFORD, by unanimous consent, submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be directed to transmit to this House at an early day a copy of the testimony taken by Generals Hatch and Adams, special agents of that Department, touching the late outbreak of the Ute Indians in the State of Colorado.

PROTECTION OF NAVIGATION.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 3535) to protect and promote the navigability of the navigable rivers of the United States, and to prevent the deposit of sawdust or other material in said rivers to the injury of navigation, and to punish persons guilty of depositing such material therein; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MEMPHIS AND LITTLE ROCK RAILROAD.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. No. 3536) to release the Memphis and Little Rock Railroad Company from such of the conditions of the several acts of Congress approved February 9, 1853, and July 28, 1866, as unjustly affect such corporation; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LAND GRANT RAILROAD.

Mr. DUNN also, by unanimous consent, introduced a bill (H. R. No. 3537) to authorize the Secretary of the Interior to certify to the Memphis and Little Rock Railroad Company public lands to which said company is entitled under the several acts of Congress approved February 9, 1853, and July 28, 1866; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BERLIN FISH EXHIBITION.

Mr. DEUSTER, by unanimous consent, introduced a joint resolution (H. R. No. 170) concerning the international fish exhibition to be held in Berlin, Germany; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MEYER NEWMARK.

Mr. NICHOLLS, by unanimous consent, introduced a bill (H. R. No. 3538) for the relief of Meyer Newmark, and to reimburse him for hospital supplies furnished to the troops of General Sherman's army while in the occupation of Savannah, Georgia; which was read a first and second time, and referred to the Committee of Claims.

SITE FOR UNITED STATES NAVAL OBSERVATORY.

Mr. MORSE, by unanimous consent, submitted a report, to accompany House bill No. 674, relating to a new site for the United States Naval Observatory; which was ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

DEPOSITORS IN FREEDMAN'S BANK.

Mr. O'CONNOR, by unanimous consent, submitted resolutions adopted at a meeting of the colored people held in the city of Macon, in the State of Georgia, memorializing Congress to pass the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings and Trust Company; which was referred to the Committee of Ways and Means.

WILLIAM H. DODGE.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 3539) for the relief of William H. Dodge; which was read a first and second time, and referred to the Committee on Public Lands.

EDWARD HOWARD.

Mr. HOUK, by unanimous consent, introduced a bill (H. R. No. 3540) for the relief of Edward Howard, and to correct his pension certificate; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF ASBURY DICKINS.

Mr. HAWLEY, by unanimous consent, introduced a bill (H. R. No. 3541) for the relief of the heirs of Asbury Dickins; which was read a first and second time, and referred to the Committee of Claims.

BINDING BILLS, ETC., IN DOCUMENT-ROOM.

Mr. STEPHENS. I ask unanimous consent to submit the resolution which I send to the desk, for reference to the Committee of Accounts.

The Clerk read as follows:

Resolved, That the Doorkeeper be, and he is hereby, instructed to arrange as many sets of bills and resolutions of the Senate and House of Representatives as the files in the document-room will furnish, providing that not exceeding ten sets shall be arranged for any session; and when so arranged the Public Printer is hereby authorized and directed to bind the same. Two sets shall be deposited in the document-room, and the balance in the library of the House of Representatives; but no person shall be allowed to take them therefrom. After executing this order, the Doorkeeper is authorized to dispose of, as waste paper, all surplus bills and resolutions prior to the Forty-fifth Congress.

Mr. BLOUNT. I suggest that that resolution should go to the Committee on Printing.

Mr. STEPHENS. I desire to have it referred to the Committee of Accounts.

The resolution was referred to the Committee of Accounts.

ENTRIES OF PUBLIC LANDS.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 3542) to confirm certain entries of the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MESSENGER TO OFFICIAL REPORTERS OF DEBATES.

Mr. MARTIN, of Delaware, by unanimous consent, submitted a resolution providing for the payment of a messenger to the official reporters of debates; which was referred to the Committee of Accounts.

PUBLIC LAND COMMISSION.

The SPEAKER, by unanimous consent, laid before the House a letter from the president of the public land commission, asking an appropriation of $20,000 to complete the work of said commission; which was referred to the Committee on Appropriations.

MARINE HOSPITAL SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, submitting the draught of a bill to increase the efficiency of the marine hospital service; which was referred to the Committee on Naval Affairs.

PUBLIC BUILDING AT CLARKSBURGH, WEST VIRGINIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from Hon. Henry M. Matthew, governor, Hon. J. J. Jackson, judge of the United States district court, and other citizens of West Virginia, urging an appropriation for the erection of a public building at Clarksburgh, in said State.

Mr. WILSON. I move that that communication be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

NATIONAL-BANK RESERVES.

Mr. BUCKNER. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at thirty-one minutes past twelve o'clock; and the House resumes the consideration of the bill (H. R. No. 2715) requiring the reserves of the national banks to be kept in gold and silver coins of the United States, reported by the gentleman from Missouri, [Mr. BUCKNER,] from the Committee on Banking and Currency, and which, by unanimous consent, comes over from the morning hour of yesterday.

Mr. PRICE. This bill now under consideration, and to which much opposition appeared to manifest itself when it was last up, makes no change in the law as to the amount of reserves required to be kept by national banks. But it does provide that one-half of the reserves now required to be kept shall be kept in gold or silver coins of the United States. That is the first section of the bill. The second section of the bill is the law as it stands to-day, and as it has stood since 1864.

I suppose that if any objection could come to this bill at all it would come from gentlemen who are interested in the national banks, but if it accomplishes anything it accomplishes this thing, that it distributes the gold and silver coins of the Government of the country among the two thousand and odd national banks now spread all over this country. I am not aware, sir, that this is either approved or disapproved by the national banks. I have heard nothing from them on the subject. I do know, however, that since 1872 the national banks of this country have been doing a very good thing for the currency of the country, in this, that they have increased the coin of the reserve fund more than threefold.

In 1872, when the reserve required to be kept by law was $141,000,000—I give the round numbers without giving fractions—the one-half of it to be kept in coin if this bill had been a law would have been $70,500,000. They held at that time $10,200,000 only. That is eight years ago; if this bill had been a law then the national banks would have been short of coin $60,300,000.

In October of this year the amount of reserve required by law to be held by the banks under the present law was $159,000,000. One-half of that in coin would have been seventy-nine and a half millions. The national banks held on the 2d day of last October $42,000,000 of coin, having increased their coin reserve in eight years from $10,000,000 to $42,000,000, and that without any law requiring or compelling them so to do, showing a gain in the reserve fund of coin voluntarily made by the national banks of $22,800,000. I have given these figures, Mr. Speaker, in round numbers, leaving the fractions off, and I am not giving them without having the authority before me for doing so. I have a statement from the Comptroller of the Currency, dated the 6th of December, which gives me the amount of reserve required by law to be held by the national banks, and which gives the amount of reserve they do hold in coin and currency; so that I speak from the record when I make this statement.

Now, with this state of facts before this House and the country, the only question to be settled by us in the discussion of this bill and in the disposal of it is this: will it advance the confidence of the people in the national-banking system and will it add to the security and permanency of the institution by requiring this amount to be kept in coin, or will the country be just as well satisfied to let the banks pursue their own course in the future as they have done in the past, relying upon their business capacity and integrity for the kind of funds they shall keep as a reserve? That is the only question to be settled by this bill, whether it be voted up or voted down. I presume it is well known that I am not in favor of any change of law either as to the quantity or quality of paper we are using in this country as a circulating medium.

Mr. Speaker, on the second day of the present session I had the honor to present to this House the following preamble and resolution:

Whereas eleven months of trial has demonstrated conclusively that the resumption of specie payments, entered upon on the 1st day of January, 1879, has been a success equal to the hopes of the most sanguine friends of that measure; and

Whereas it has been equally well and fully established during the same period that, as a nation, we have the ability to keep in circulation at par with coin $350,000,000 of United States notes, commonly called greenbacks; and

Whereas, under the operation of these in connection with the coinage of the silver dollar, the financial and commercial interests of the country in the last eleven months have attained a degree of prosperity unequaled in any similar period in the last twenty years; and

Whereas any agitation of the financial question at this time would have a tendency to unsettle public confidence and produce unrest and distrust in the business affairs of the country: Therefore,

Resolved, That, in the opinion of this House, sound policy demands and safe legislation requires that no change be made at this session of Congress in reference to any of the measures referred to; but that, in view of the present prosperous condition of the country financially, we should "let well enough alone."

I offered this, Mr. Speaker, because I believed then, and believe now, that any agitation of this question at this time could not by possibility result in any good to the nation, and that the chances were largely in favor of doing much harm, and because I believed it to be very important that the country should be assured at the commencement of the session that there would be no tinkering with the currency. Every person who has given any thought to this subject, or has observed the working of our financial system, or I might say systems, for we have had many, cannot have failed to see that frequent changes, or even threatened changes in our financial policy causes unrest, uncertainty, and want of confidence, which have a tendency to check investments and to cause capital to be locked up, thus lessening the demand for labor, consequently checking production and producing stagnation to a greater or less extent in all branches of business. About these facts there can be no honest controversy. We have passed through this experience too often for any one to dispute them.

But we are told that the United States notes are a debt, and ought to be paid. I answer by admitting that they are a debt, and by asserting without fear of successful contradiction that any person holding them can and will be paid on demand. If the holder will not demand payment, that is no fault of the Government. If an individual holds my check or my due-bill, bearing no interest, and refuses to allow me to redeem it in coin, I am certainly not to blame. This is the position of the Government to-day. She says to every holder of one of her due-bills, come and take your pay in gold or silver, the constitutional money of the country and of the world, and the holders of the due-bills say "No; we prefer to hold these due-bills because you (the Government) have demonstrated your ability and willingness to pay them, and as long as that condition of things exists we prefer to hold the due-bills, because they are more convenient." This feature of the question being disposed of, the objectors say, "Well, let these United States notes remain then, but take away their legal-tender quality," and we are assured, with every show of earnestness and honesty, that these notes will be just as good without that quality as with it. Now, if these notes are to be just as good as to quantity and quality after the legal-tender feature is destroyed, can any one tell what has been gained? No one claims that taking away the legal-tender feature will make them any better, but thousands of people think they know that it would make them very much worse. If it be the intention to keep them in circulation after they are deprived of their legal-tender power, every person knows that they cannot by possibility be any better, and the chances are largely in favor of their being much worse. But if it be the intention to retire them, then why not have the courage to say so, and let the people know that Wall street and Beacon street have triumphed? If the legal-tender United States greenback, the child of the republican party, is to be buried, allow it at least a Christian funeral with all its well-earned honors. If it did not command our armies and carry the flag to victory, it fed and clothed those who did. It furnished the sinews of war, and held high office during the conflict for the life of the nation, and now, when victory perches upon our banners and white-winged peace spreads her pinions over the nation, prosperous financially beyond any period of our history, let us do no act and speak no word calculated to degrade to the ranks one who has held such high and honorable position.

Born of affliction and struggling for life and growth and development against a host of enemies who ought to have been its friends, it fought its way onward and upward until it gained its majority and was counted of full age at seventeen years. Entering the contest in its youth it took its seat low down on the thirty-fourth step from the bottom of the stairway, where it took one hundred steps to reach the platform upon which were seated its elder brothers of gold and silver; it worked its way steadily upward a step at a time, until to-day it stands side by side on the platform, confessedly the equal of either. I am the last man, sir, to advocate the issuing or circu-

lating of paper that cannot be converted at the will of the holder into gold or silver, the constitutional money of the world, but no commercial nation ever did or ever can exist without a paper circulation, and now, having paper that we have demonstrated beyond a doubt is interchangeable with and convertible into coin, at par, wisdom speaks in thunder tones to us, saying "let well enough alone." It has been well said by another (and I adopt the language) that—

We are just emerging from a period of panics, popular alarms, and demagogic agitation in regard to the money question. The popular pulse is not entirely regular yet. There is a considerable amount of smoldering popular heresy which needs only to be fanned by opposition that it may again flame up into a blaze. There is a time for all things, and assuredly this is not the time for radical and stringent financial changes. Further than this there is no call for the change.

The question of how much paper promises (for there is no paper money, and under our Constitution never can be) a nation can safely carry is one about which many fair-minded men honestly differ. Before 1860 we never had over $215,000,000 of paper in circulation, and not one dollar of it was ever at par with coin in all parts of the United States. By the force of circumstances we were compelled to issue paper to be used in place of money, more than three times as much as we had ever had in circulation before; and that this paper might have credit, and that those who took it in payment for labor, material, or property of any kind might not be the losers, the Government said it should be a legal tender in the payment of debts, and pledged the faith of the Government to make it as good as gold or silver. That pledge was honestly made, but many good men had grave fears as to the ability of the Government to redeem the pledge thus made. Some men of all parties said it could not be done, and almost all the men of one political party said it could not and would not be done, and the republican party was arraigned in unmeasured terms for involving the nation in such a gigantic financial blunder.

But, Mr. Speaker, in all the days of all the years since the first United States note, commonly called greenback, was issued the republican party has labored in season and out of season to make good that promise, and when the sun rose on the morning of the 1st day of January, 1879, it saw the pledge redeemed and the promise fulfilled. Doubt had given place to certainty, the theory had crystallized into a fact, and to-day we have $600,000,000 of paper at par with coin on every foot of American soil over which the flag floats, a state of affairs which had never occurred since the birth of this nation, in view of all which, prudent men say, "Let well enough alone."

And now, in this connection, I wish to call the attention of the House and the country to another fact not generally understood.

The published reports of the officers of the Government tell us that we have $699,598,087 of paper currency in this country, which amount is made up of $346,742,366 of United States notes, $15,674,303 of fractional currency, and $337,181,418 of national-bank notes. I am not here to call in question the correctness of these reports as taken from the books. The books show that so much of the different descriptions of paper has been issued and so much retired, leaving the balance as the reports show. This is the only way that an officer can make his report. But while this is true, it is equally true that these reports do not show the facts. I am here to-day to assert most positively that there is no such amount of paper currency in existence in this country.

These reports show between fifteen and sixteen millions of fractional currency outstanding as a part of the paper currency of the country. For about four years the Government has been engaged in retiring and destroying this currency. From 1875 to 1876 eight millions were redeemed and canceled; from 1876 to 1877 fourteen millions; from 1877 to 1878 four millions, and from 1878 to 1879 less than three-quarters of one million. Why this falling off from fourteen millions from 1876 to 1877 to less than three-quarters of a million for the year ending June 30, 1879? There is but one answer to this question, and that is, that there was almost none of it in existence to be redeemed. But if we allow that there is still in circulation one million and a half of this fractional currency, which in my judgment is more than the fact justifies, still we have a balance of fourteen millions standing on the books and exhibited in the official reports as being part of our circulating medium, when in reality there is not one dollar of it in existence. Why, sir, about two millions of this fractional currency which we are counting as the money of the country is three and five cent notes, not one cent of which has been issued since 1866. Does any one pretend to say that there are $1,000 of these outside of the tomb of the Capulets? This same rate of loss on the United States notes and national-bank notes, all of which is a gain to the Government and a reduction of the paper currency, would amount to hundreds of millions; but this would not be a fair statement of the case, for notes of large denomination are more carefully guarded and the loss consequently less. But if the loss is one-fifth as much as on the fractional currency it would amount to about forty-three millions of dollars.

To this must be added whatever of loss there has been on the old demand notes, and the one and two years notes of 1863, about $150,000 of which are shown by the books to be still outstanding, and to all these must be added nearly $300,000 which have been deducted from new notes issued in place of old notes which were mutilated, making in all something over $57,000,000 less paper circulating as money in the country than the official statements show, and this is going on regularly and steadily every day of every week. This, sir, is a gradual retirement of the United States notes by natural causes and natural laws—so gradual, so imperceptible as to cause no shock to business, no cause of alarm, because the increase of the precious metals from foreign countries and from the products of our own mines is more than supplying the place of the paper thus deducted from its volume.

Mr. Speaker, among all the foolish and senseless things said in reference to the retirement of the United States notes, or depriving them of their legal-tender quality, the most foolish and the most senseless is the assertion made by some that the movement is made at the instance and in the interest of the national banks. Why, sir, the national banks could by possibility gain nothing by degrading or destroying the United States notes. Banking is free; it is not as it once was, a monopoly; anybody and everybody can be a banker under the national-bank act, provided they have any money to bank on. It has happened sometimes in the years of the past that men could bank under State laws without money, but as a rule somebody had to suffer; but under the national-bank act a bank cannot be started without money, and if a national bank breaks the notes of that bank are as good after as before the bank failed—a condition of affairs that never existed under any other system of banking in this country. Under this system the bill-holder is always safe.

The national banks have to-day over $330,000,000 of circulation scattered all over the States of this Union, and at par everywhere without any reference to the location of the bank whose name it bears. These notes of the national banks are all redeemable in United States legal-tender notes, and as a consequence are seldom or never presented for redemption, because ordinarily the one answers the purposes of trade and commerce as well as the other; but if the United States notes are either degraded or destroyed, then national-bank notes must be redeemed in coin, or not redeemed at all. Prudent bankers, in this condition of affairs, will take in sail; in other words, will call in their circulation. This causes contraction of an unhealthy character; and contraction of this kind in the past has produced stagnation in business, with all its attendant results; and so long as the same causes produce the same effects the future will be as the past. Bankers would be compelled, in order to insure safety to themselves, to furnish less accommodation to customers, and all branches of business would necessarily be curtailed in the same proportion. National banks most certainly have nothing to gain by making any change in the present status of the United States legal-tender notes, and therefore all national banks, unless it be some in New York, and possibly in some other of the large cities where the silver dollar has been tabooed, will unite in saying "let well enough alone."

I have said, Mr. Speaker, in the preamble which I offered, that the coinage of the silver dollar should be considered as a factor in estimating the present prosperous condition of the country. This silver dollar seems to trouble a great many of our would-be financiers. When the bill for its resurrection (for it had been dead and buried by its enemies for several years) was under consideration in this House many persons of all parties prophesied that if it became a law the premium on gold would be largely increased. The funding of the national debt in 4 per cent. bonds would cease, and resumption of specie payments would be very much embarrassed, and possibly entirely defeated. These were the arguments made and the reasons given why the bill should not become a law. I did not then, and I do not now, call in question the good motives or honest intentions of the men who took this ground. We who favored the passage of the bill contended that these things would not only not happen, but that the very reverse in every instance would be the result. Now, Mr. Speaker, we have passed the point where mere opinion, speculation, and theory were our guiding stars. We no longer grope in darkness, or even the twilight of uncertainty. The silver bill became a law. The silver dollars, that were said to contain more enemies than the Trojan horse, have been admitted within the gates of commerce, and yet no armed enemies have made their appearance to destroy the commerce of the country. On the contrary, all the business interests of the country are in a more flourishing condition since than before the passage of that law. The premium on gold instead of going up has gone down out of sight. The funding of the national debt in 4 per cent. bonds has been carried forward more rapidly and on better terms for the Government than ever before, and such is the credit of the Government since the silver dollar became a part of the circulating medium that there is serious talk of putting a 3½ per cent. bond on the market, and resumption that was to be so much embarrassed by the coinage of the silver dollar is an assured fact to-day beyond cavil or controversy. In short, sir, every prediction made by those who opposed the coinage of the silver dollar has been proven by the logic of events to be utterly without foundation. What they were pleased to call solid arguments have proven to be as "unsubstantial as the baseless fabric of a vision."

And yet, sir, notwithstanding all this formidable array of facts against them, the enemies of the silver dollar continue to carp about the short dollar, the light dollar, the clipped dollar, and the snide dollar. Some of these men now say, in order to cover their retreat and maintain a show of consistency, that if we will put enough silver in it to make what they are pleased to call an honest dollar they have no objection to the silver dollar. Well, suppose we undertake to find out just how many grains of silver at the bullion value is equal to the coined gold dollar, and suppose we succeed with the price of

bullion to-day. To-morrow bullion goes up or down in price; then we must change again; and so on from week to week and month to month, until we should have as many kinds of dollars as there are months in the year. But we are told that unless we put more silver in the dollar it will be the cheaper dollar, and will drive out the gold, and we will be left with an exclusive silver coin, and other nations will have all the gold. Now, Mr. Speaker, this is mere theory, mere assertion, without one solitary fact to sustain it. But, on the contrary, all the facts of history and all the experience of nations are on the other side. I assert, and challenge contradiction, that our dollar has more silver in it, as compared with the gold dollar, than the dollar of any other nation on the globe, unless we count Mexico and Spain. We give 16 of silver to 1 of gold, and other nations do not.

France gives 15½ of silver to one of gold, which, of course, makes their silver dollar a cheaper dollar than ours, and yet with 15½ of silver to 1 of gold it has not driven the gold out of France, for I find from the last report of the Director of our Mint that France has $425,844,850 in silver, nearly all of which is an unlimited tender, and has also $733,400,000 of gold, and in the last few years the gold of France, as I find on examination of carefully prepared statistical tables, instead of being driven out by the cheap silver dollar, has been increasing. Now, sir, if this proves anything, it proves that instead of having too little we have too much silver in our dollar; and if these gentlemen who are clamoring for increasing the weight or stopping the coinage of the silver dollar will look at the volume of coin in our own country, they will find that we have more gold to-day than we had the day we commenced to coin the silver dollar.

As an evidence that gold has been increasing every hour since we commenced to coin the silver dollar, and to prove also that there is no surplus of paper with which to carry on the business of the country, I submit a carefully prepared statement taken from a recent publication on this subject, which says:

> The supply of United States notes in the Treasury is running very low. Only $29,973,454 are reported on hand December 1, and of this amount there ought to be in the fund for retirement of notes of national banks, $12,948,084, and in the fund for the redemption of bank-notes, $15,757,835; total, $28,705,919. Those who insist that the volume of United States notes should be immediately contracted ought to explain how it is that the balances in the Treasury and in the banks are so very low, while gold accumulates steadily in both stores, if there is no legitimate and permanent demand for as large a volume of notes in preference to coin as we now have in use. It seems to us, we must confess, that the people of this country have a right to ask that they shall be permitted to use good notes, redeemable on demand, in preference to the coin on deposit in the Treasury, if they find those notes convenient and really useful in their business.
>
> On the day of resumption the Treasury held over $69,582,505 in United States notes, and it has paid out nearly $40,000,000 of them during eleven months. This sum has not gone into any of the banks of which we have returns. The following shows the amounts of legal-tenders and of gold held by the Treasury and the banks of this city, Boston, and Philadelphia, except that a part of the "legal tender" now reported by the Philadelphia banks consist of gold; the specie not being separately reported, since January 1, by those banks:

	Legal-tenders.		Gold coin and bullion.	
	Jan. 1.	Dec. 1.	Jan. 1.	Dec. 1.
United States Treasury	$69, 582, 505	$29, 973, 454	$135, 382, 639	$160, 443, 437
New York	41, 832, 600	16, 771, 700	20, 986, 200	52, 310, 700
Philadelphia	15, 873, 233	14, 958, 053	1, 057, 515	.....
Boston	6, 126, 800	3, 546, 700	3, 851, 900	3, 347, 200
Total	133, 415, 138	65, 249, 907	161, 278, 254	216, 101, 337

> Legal-tenders amounting to more than $68,165,231—for part of the amount now reported for Philadelphia consists of gold—have disappeared from these reserves since January 1. Where have they gone? Not to other banks, apparently, for the demand for notes in the interior continues very urgent. Gold amounting to more than $77,000,000 has come in from abroad, and only about $54,823,083 has been added to the stores here named, so that it is probable that a considerable sum has gone into circulation. But notwithstanding this, and notwithstanding an increase of $16,295,804 in the national-bank circulation since January 1, and a decrease of $5,446,310 in the amount of bank-notes held by the Treasury, the enormous amount of $68,000,000 in legal-tenders has been in some way absorbed in the circulation. Would it not be proper to explain these facts before meddling with the currency?

In adopting this statement of figures I am not to be understood as advocating any increase of the volume of United States notes, or of any other kind of paper not interchangeable with and convertible into coin at the will of the holder. My object is simply to prove that there is no danger to be apprehended from what we have, and that the history of the last eleven months demonstrates the fact beyond doubt or controversy that while we have been adding $2,000,000 of silver dollars to our circulating medium per month, gold instead of being driven from has been driven to us, at the rate of about $7,000,000 per month, and therefore I indorse the statement that it would be proper to explain "these facts before meddling with the currency."

If the political and financial life of this Government continues until it is terminated by a surfeit of silver dollars, it will be the oldest and most prosperous nation recorded in the annals of time. Why, sir, do gentlemen who oppose the coinage of the silver dollar under safe and wholesome restrictions know whereof they affirm when they ask for legislation unfriendly to it? Have they coolly and without prejudice tested their statements by the figures? I imagine they have not, because the figures if fairly treated would show them their mistake.

From the best and most carefully collected information on the subject, the silver production of the world is less than $100,000,000 annually. Of this amount, we are informed by the Director of our own Mint, after careful investigation, that India and China have taken on an average for the last twenty-five years $47,000,000 annually, and that $28,060,000 in gold and silver are annually consumed in the manufactures and for ornamentation. If one-half of this last amount, $14,000,000, is of silver, we have a total of $61,000,000, or more than six-tenths of the whole silver product of the world that does not enter into the money circulation of the civilized countries of the world combined. France, as I have already shown, has $425,844,850 of silver at par with gold. This is about $12 *per capita* of her population. The same rate or proportion would give us about $600,000,000 of silver. If therefore we continue to coin $2,000,000 per month, it would require about eighteen years to give us as much silver *per capita* as France has. And, sir, who can tell what the population of these United States will be in eighteen years? And who is prepared to say that we cannot use as much silver in the industries and commerce of our country as France can? We have a greater diversity of soil, climate, and productions than she has. The energy, enterprise, and industry of our people are certainly not inferior to theirs. Taking all these facts and figures into the account, it is certainly very safe to say that for many years to come we are in no danger from an oversupply of silver.

Before passing from this branch of the subject allow me to say that we have not only much less silver *per capita* than France, but we have also very much less silver as compared with gold. Of the coin of France about 60 per cent. is gold and 40 per cent. silver. Of the coin of the United States about 74 per cent. is gold and 26 per cent. silver.

During the discussion on the silver bill, and ever since, the enemies of the silver dollar have pointed with seeming triumph to the action of Germany and England in reference to silver, and have sought to give an importance and prominence to the action of these governments to which they never were entitled.

Sometimes Germany demonetizes gold and makes her money of account out of silver, and sometimes she demonetizes silver and favors gold as the better money. This I presume she has a perfect right to do, but I fail to see why our Government should follow her vascillating bourse on the money question. In the summer of 1878 we sent commissioners to Paris, to meet commissioners from the principal European nations, to fix upon some standard which should govern the value of gold and silver coin as between those nations, but that commission failed to accomplish anything mainly because Germany and England had not then learned that there was any wisdom on financial questions on the sundown side of the Atlantic. They had doubtless heard that somebody had said that "Westward the course of empire takes its way" but they did not believe it, and treated it merely as an outburst of poetic fancy. But we have brought the bread and meat question to bear upon them to such an extent that they find their gold leaving them and taking up its abode on this side of the ocean, in the land of silver and silver dollars, and now we hear the late governor of the Bank of England, who was one of the representatives of the English government at the conference in Paris, and who was at that time a violent monometallist, saying, "I am gone over to bimetallism and am going to attack the solid ramparts of monometallism." This is an indication of the change that has taken place and is progressing among the financiers of England. This same man has since written a pamphlet in which he acknowledges that the views held by him at the conference at Paris have undergone an entire change.

Germany, that demonetized silver only a few years since, and who it was said would, by throwing her hundreds of millions of silver upon the market, drive all the commercial nations of the world to a single gold standard, is beginning to see her folly and has suspended the further sale of silver, and the fact is beginning to dawn on some of her statesmen that they committed an egregious blunder when they demonetized silver. The Imperial Bank of Germany held on the 15th of November, 1879, $81,250,000 of silver, and I find, from an article taken from the board of trade returns from London, that England imported in the month of October last $2,818,645 of silver. So that it is pretty evident that England and Germany, the two leading nations favoring the single gold standard, are taking the back track in good earnest and at a rapid pace.

Mr. Speaker, experience is said to be a dear school, but that a certain class of people will learn in no other. Germany has taken some lessons in that school recently which, according to the testimony of her own officers, have cost her, since she demonetized silver and has been endeavoring to establish a single gold standard, about $18,000,000. In contrast with this our Government has made, by remonetizing silver and coining it, a clear profit, in the year ending June 30, 1879, of $2,983,682.05, which is just about the rate per annum that Germany has lost. Or, to state the matter more plainly, Germany demonetizes silver and loses about $3,000,000 annually; the United States restores silver to the coinage and uses it as money and makes a clear profit of about the same amount per annum. Twenty years of this sort of business would make us $60,000,000 richer and Germany $60,000,000 poorer, and yet the anti-silver men are not happy.

I am here to-day to assert with a confidence that admits of no shadow of doubt, that in no country and in no age of the world has

there been so great a change and such rapid strides in the direction of permanent prosperity as has taken place in our own country since we commenced to coin the silver dollar and to resume specie payments.

Gentlemen may, if they please, attribute this to other causes than those to which I have referred, but the fact that coinage resumption and prosperity go hand in hand, that they are coexistent and coextensive, cannot and will not be denied. This fact being admitted, be the causes what they may, the streams of prosperity sing and the breezes of increased and increasing hope and confidence whisper in all the departments of business and in all the marts of commerce "let well enough alone." It is only a few years, Mr. Speaker, since the land was covered with an army of tramps. They were as numerous and as destructive as the locusts of ancient Egypt. Legislative bodies of the different States spent hours in solemn council to devise ways and means to abate the nuisance; and not long since my venerable friend from the twelfth Pennsylvania district crossed the continent with a chosen band to discover, if possible, the cause and the cure for this affliction. But, sir, where are all the tramps to-day? You find no mention of them. They have not silently folded their tents and stolen away to some more favored clime; no, sir, they are in the workshops or the pork-packing establishments of the country, or constructing new railroads, or in the factories, or in the iron mines, or in the hundreds of other places of industry, making good wages, and testifying to the good times which we now have, and they all say "let well enough alone."

Yesterday our iron furnaces all over the land were idle. Their blackened walls spoke of bankruptcy and ruin. The men whose business it was to operate them saw their families suffering for food and clothing. To-day these same furnaces are all aglow with life and activity. The fires, long since extinguished, have been rekindled; the operatives are working full time at good wages, and are unable to supply the demand for their products. Distress and desolation have had to flee before the onward march and resistless force of prosperity. Ships that lay rotting at our wharves have weighed their anchors, and the sails of commerce have again spread their white wings on lake and ocean. Where a short time ago silence reigned supreme, and distress and desolation seemed to hold sway, is now heard the busy hum of industry. Cheerfulness and hope have taken the place of gloom and despondency, and from all these different avocations and interests the cry comes up, "Let well enough alone."

Mr. LEWIS obtained the floor.

Mr. BRIGHT. Before the gentleman proceeds, I desire to inquire of the Chair whether he takes the floor in his own right or under the control of the chairman of the Committee on Banking and Currency, [Mr. BUCKNER?]

The SPEAKER *pro tempore*, (Mr. MILLS.) The Chair holds that the gentleman takes the floor in his own right.

Mr. LEWIS. I desire to consume but a few minutes of the time of this House, to remove what I consider to be some grave misapprehensions concerning the true merits of this bill. The only change it proposes to make in the existing law is to require the national banks to make one-half of their reserves of specie, of coin. As the law now exists, if it should be to the interest of the national banks and against the interests of the people, as the gentleman from Tennessee [Mr. WHITTHORNE] urged yesterday, to have their reserves entirely in specie, the law now permits it. All that the present law requires is that the banks shall have lawful money for their reserves. Gold coin and the standard silver dollar are lawful money. As the law now is it is within the power of the national banks to have every dollar of their reserves in specie, if they so choose.

Mr. WHITTHORNE. Right here will the gentleman permit me to ask him a question?

Mr. LEWIS. Not now. You certainly do not deny that that is the law; if you do, you will have an opportunity to make your statement.

Mr. WHITTHORNE. I am afraid I will not have the opportunity.

Mr. LEWIS. Now if that is not a correct view of the law, and if the term "lawful money" does not include gold and silver coin, (and I do not think any man on this floor will stultify himself by so asserting,) then I consider it eminently wise that at least a part of the reserves of the banks should be made up of the money of the world.

What is the object of a bank reserve? Why does the law provide, and why does every sound treatise on the law of banking say, that there should always be an ample reserve sustained by the banks? It is in order that a fund may be provided to pay certain liabilities of the banks at once and upon any emergency. The fundamental principle of all sound banking is that such reserves should exist.

In 1825, when there was a heavy strain upon the money market of London, so soon as it was discovered that the reserves of the Bank of England were reduced to less than two millions of pounds, that strain was precipitated into a panic and a financial crisis followed.

In 1857, when a similar strain was made upon the market and upon the Bank of England, and it became apparent to the public that the reserves of that bank had become largely reduced, another panic was the result.

In 1866, when there was a heavy strain upon the markets of London, which is the great center of exchange for the world, and that strain was precipitated into a panic by the failure of Overend, Gurney & Co., what saved England, what saved this country, what saved the world from being precipitated into a disastrous money convulsion? It was alone the fact that the Bank of England had taken a lesson from the experience of the past, and had kept its reserve up at large figures, and so was able to meet the demand. That dispersed the panic in less than three months, and confidence was fully restored.

So I say that a wise principle of banking demands that there should be a proper reserve kept in the banks. The wisdom or the unwisdom, if I may be allowed the expression, of the national-banking system has nothing to do with this question. The speech of the gentleman from Iowa [Mr. PRICE] as I consider, has nothing to do with this question.

There is but one question to be considered, and that is how shall the reserves of the banks of this country be made up? If those banks should exist until the expiration of their charters, then it is to the best interests of the people of this country that their system of banking should be wisely conducted. So far as the immediate and the material interests of the people are concerned, it is as much our duty to see that these banks are carried on upon a wise system of finance as it is that we should carry on any other system of legislation which affects their interests.

Gentlemen may say, What is the objection, then, for these reserves to be continued wholly in legal-tender paper money? There are several objections to it. If another panic is precipitated upon this country how is it to come? I suppose it is the part of statesmen to attempt to foresee an evil and to provide against it. If a panic in this country is to come it will be when the balance of trade is reversed against us, and a heavy drain of specie from this country ensues, and a consequent heavy strain shall come upon our money markets and upon our banks. When that strain shall come the only protection for the people against a panic will be a specie reserve, or such a reserve as is acknowledged to be money throughout the world.

Now, while the national banks are permitted to have their reserve in legal-tender paper money alone, if a demand should come upon them for specie they would be induced to part with their specie, because of the profits that the demand for foreign shipment would enable them to make, and because they would still have their legal reserve in paper money with which to meet their own liabilities. Thus, by reason of the large issue of paper money which, since the revival of business, is being circulated among our people by the national banks, our people would find themselves in possession of a mass of paper for which they could not command specie, and there might be entailed upon them irreparable loss.

Mr. BLAND. Will the gentleman allow me a question?

Mr. LEWIS. I cannot allow myself to be interrupted. If my thoughts are worth anything on this question, I wish to present them connectedly.

Now, in order to provide against a panic and against this drain of specie if a panic should come again in this country, we ought to require these banks by law to have at least one-half of their reserves in specie, instead of allowing them, according to the present law, to have the whole of their reserve in paper money, which is not the money of the world. In this way we shall help to create that sense of security which is always the antidote, and the only antidote, of panic. It is the publication through the world of the bank accounts showing a healthy reserve that always produces this sense of security. It can be produced in no other way. It is based on confidence among business men derived from the publication of the bank accounts, showing a healthy reserve, consisting of the money of the world.

There is another contingency which we should take into consideration. The Supreme Court of the United States is not constituted now as it was when the legal-tender cases were decided; and besides we do not know but that some of the judges who then pronounced opinions in that case have since seen reason to change their views upon this great question of the legal-tender qualities of paper money. Now, if the banks are allowed by law to retain this paper money as their only reserve and paper should be declared by the decision of the Supreme Court of the United States no longer a legal tender in payment of debts, what would be the condition of the people? What is a reserve worth unless it be a reserve of legal-tender money. A reserve of anything else is mockery and nonsense. The money constituting the reserve must be a legal tender. Now, if a decision should be precipitated upon this country declaring the greenback currency no longer a legal tender, we should, with this vast quantity of paper money afloat without a sufficient coin reserve, be remanded again to a condition in which our currency would be inconvertible, irredeemable—a condition which I do not believe is desired by the great mass of the American people, however much it may be a pet theory of certain wild financial *doctrinâires* who have written and spoken on this subject.

I submit that these considerations ought to be sufficient to induce this House to require that at least one-half of the reserve of the banks should consist of silver and gold, the money of the world. There is, it seems to me, no force in the argument with reference to contraction. How can you possibly contract when you let out into circulation money in place of that which you require shall be held as a reserve? The law would not operate in that way, even if the argument were sound, because we know that the banks, as shown by their reports, have more than enough specie to constitute one-half of their reserves. Nor is there anything in the argument that this measure would be dangerous to the business interests of the country by cre-

ating a great and unusual demand upon the part of the banks for specie. This bill would not require them to draw in their paper in order to furnish themselves with specie; and the debtors of the banks would not be pressed in any way, because, as I have said, there is already specie enough in the vaults of the banks to meet the requirements of this bill.

Now, with all due deference to my friend from Tennessee, [Mr. WHITTHORNE,] I say that his argument yesterday that the convertibility of the paper money into specie should be carried on alone at the Treasury of the United States is incomprehensible to me. I thought it was the interest of the people to have easy access to points of redemption. That certainly was the object of the national banking law in establishing eighteen of the larger cities of the Union as redemption cities and requiring the banks in those cities to have a larger reserve than the country banks. How can it possibly play into the hands of "the Shylocks, the bankers and brokers," (using the expression of the gentleman from Tennessee,) if we require the banks to pay specie at their own counters upon the demand of the bill-holder or depositor? It is the interest of the people that these banks should be required to pay specie, if desired, upon their bills or deposits at their own counters; and such a requirement cannot possibly play into the hands of "the Shylocks, the bankers and brokers." These are very convenient terms to be used in this House to excite the prejudices of the people, yet we know that this class must exist so long as the love of gain remains the controlling passion among men. We ought to restrain them, but we can never destroy them so long as human nature continues as we now find it, and as it has been found in all ages. And we must look to the protection of the people. I say, so far as sound banking is concerned, the enlightened self-interest of the banks and the great material interests of the people are mutual, if not identical, in the maintenance of a wholesome, sufficient reserve; and so long as these banks exist we should see that they are carried on upon wise and sound financial principles. Nothing which I have said was intended to discriminate against our present greenback money. I am the firm friend of this currency, and the unyielding opponent of all who wish to abate one jot or tittle from its present volume and efficiency. Nor is there anything in this bill to excite the apprehensions of the friends of the greenbacks.

Mr. KNOTT. Has the morning hour expired?

The SPEAKER. It has.

Mr. BUCKNER. Very well, let this subject go over until the next morning hour.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. KNOTT, by unanimous consent, from the Committee on the Judiciary, reported, as a substitute for House bill No. 2701, a bill (H. R. No. 3543) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875; which was read a first and second time, ordered to be printed and recommitted.

REVISION OF THE RULES.

Mr. FERNANDO WOOD. I now demand the regular order of business.

Mr. BLACKBURN. I move the House resolve itself into Committee of the Whole on the state of the Union, to resume the consideration of the report of the Committee on Rules.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The committee resumes the consideration of the revision of the rules reported from the Committee on Rules, and the gentleman from Pennsylvania [Mr. SHALLENBERGER] is entitled to the floor.

Mr. SHALLENBERGER. Mr. Chairman, I am heartily in favor of the revision of the rules proposed by the Committee on Rules, and I desire to echo the strongest language I have heard on this floor in indorsement of the labors of the committee. In clearness and conciseness of statement and arrangement I think they must commend themselves to the intelligent judgment of every member upon this floor, and I should regret extremely if any words of mine to-day should have a tendency in the slightest degree to prejudice the rules as a whole.

I shall not discuss them in general. I shall confine myself simply to Rule XI as reported by the Committee on Rules. I did not expect we should have the opportunity of general debate. It was my impression that we should be confined in the discussion to a particular rule as it came up, and that nothing whatever could be said on Rule XI until we came to it in regular order. Believing, as I did, that I had amendments to that rule which might commend themselves to the judgment of the House after due consideration, and not expecting that I should be able to get them before the members of the House in regular order until the rule had been reached, I gave to the printer a few days before this discussion commenced, on the 7th of this month, an indication of my purpose and the scope of the proposed amendments. The result shows that Rule XI has been, in the minds of many members as well as in my own, the objective point in the discussion.

I now ask the Clerk to read Rule XI as reported by the committee, to include the last clause which I propose to amend, and then read the amendments which I propose, so that they may go into the RECORD and be fairly considered.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections;
2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;
3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations;
4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;
5. To banking and currency: to the Committee on Banking and Currency;
6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;
7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations;]
8. To agriculture: to the Committee on Agriculture;
9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs;
10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;
11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs;
12. To the Post-Office and post-roads, other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;
13. To the lands of the United States: to the Committee on the Public Lands;
14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;
15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;
16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;
17. To the manufacturing industries: to the Committee on Manufactures;
18. To the mining interests: to the Committee on Mines and Mining;
19. To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;
20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;
21.
to the Committee on Levees and Improvements of the Mississippi River;
22. To education and labor: to the Committee on Education and Labor;
23. To the militia of the several States: to the Committee on the Militia;
24. To patents: to the Committee on Patents;
25. To the pensions of the civil war: to the Committee on Invalid Pensions;
26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;
27. To private and domestic claims and demands whatsoever, other than war-claims, against the United States: to the Committee on Claims;
28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;
29. To private claims to lands: to the Committee on Private Land Claims;
30. To the District of Columbia: to the Committee on the District of Columbia.

Mr. SHALLENBERGER. I now ask the Clerk to read the amendments which I propose.

The Clerk read as follows:

RULE XI.

Clause 3.—Amend clause 3 by adding the words "And the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage."

Clause 7.—Amend clause 7 so as to read: "To commerce: to the Committee on Commerce; and this committee shall receive the estimates and report the annual appropriation bill for the improvement of rivers and harbors, for reference to the Committee on Appropriations."

Clause 9.—Amend clause 9 by adding the words "And this committee shall report the consular and diplomatic appropriation bill, for reference to the Committee on Appropriations."

Clause 10.—Amend clause 10 by striking out the words "other than appropriations for its support," and adding to the clause the words "and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations."

Clause 11.—Amend clause 11 by striking out the words "other than appropriations for its support," and adding to the clause the words "and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations."

Clause 12.—Amend clause 12 by striking out the words "other than appropriations for its support," and adding the words "and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations."

Clause 14.—Amend clause 14 by adding the words "and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations."

Clause 19.—Amend clause 19 by striking out the words "other than appropriations therefor," and adding the words "and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations."

Clause 25.—Amend clause 25 by adding the words "and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations.

Clause 30.—Amend clause 30 by adding the words "and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations."

Mr. SHALLENBERGER. It will be observed by these amendments, Mr. Chairman, that I propose to leave with the Committee on Appropriations all independent subjects relating to appropriations. I propose to leave with them and under their entire control as heretofore the legislative, executive, and judicial bill, the sundry civil bill, the fortifications bill, and all deficiency bills.

In addition to the work that will be required of the Appropriations

Committee in originating and reporting these several bills, I propose that they shall take the bills as reported by the several committees and referred to them by the House, not for the purpose of tearing them to pieces as has been suggested would be the fate of the river and harbor bill, by several gentlemen on this floor, notably by the honorable gentleman from Texas, the gentleman from Minnesota, and the gentleman from West Virginia. I do not ask that the Appropriations Committee shall take the bill of the Committee on Commerce, most carefully prepared after months of exhaustive investigation and labor, and wholly destroy the integrity of their work and report a new bill and have control of it on the floor of the House.

It will be observed, Mr. Chairman, that my proposition sends to the Committee on Appropriations a perfected bill for the rivers and harbors. It directs the Committee on Appropriations to report back that bill with such recommendations as the general expenditures of the Government in their judgment require them to make, and that thereupon the committee in which that bill originated shall have charge of it upon its passage.

Now, Mr. Chairman, I protest against the assumption that no bill should be sent to any committee, any second committee of this House, unless that bill can receive at the hands of that second committee as full and as exhaustive an examination as was bestowed upon it by the committee originally having charge of it. Such objection literally enforced would deny to the Committee of the Whole supervision of a bill. It is not for the purpose of receiving a critical examination and consideration as to its details, but rather as to its general character and scope and aggregate amount, together with the probable claims of other appropriation bills yet to be reported, that I would have the Appropriations Committee advise the House whether that bill, as a whole, can safely be passed; whether the general expenditures of the Government will justify it; whether the revenues of the next fiscal year will permit it?

This was the plan substantially followed in the Fortieth Congress, as appears from the report accompanying the present revision, from which I quote:

> In the Fortieth Congress, as appears from the statement of Mr. DAWES, on the 8th of February, 1873, (third session, Forty-second Congress,) the Committee on Appropriations, being busily engaged with other matters, permitted the Committee on Commerce to originate and report the river and harbor appropriation bill, and, by an arrangement made in a conference between Mr. DAWES, representing the Committee on Appropriations, and the Committee on Commerce, the latter committee was permitted to prepare and report the said bill for reference to the Committee on Appropriations, which committee agreed, after consideration, to report it back to the House with such recommendations as they believed the general expenditures of the country required them to make, and that course has several times been pursued since that agreement, although it is true that during the preceding two Congresses (Forty-fourth and Forty-fifth) the Committee on Commerce has exclusively had control and charge of the river and harbor bill.

Now, it will be observed that the Committee on Rules do not object to that action. They have tacitly approved it.

Again, Mr. Chairman, my distinguished friend from Ohio, [Mr. GARFIELD,] one of the members of this Committee on Rules, in a speech made in this House on January 8, says:

> Let me state the practice which prevailed during the four years I was chairman of the Committee on Appropriations. That committee went over the field, and looking at all the estimates as they came from the Departments, making all the examinations we could make, we said: "There should be appropriated for the coming year, say, $290,000,000; we think we can cut the expenditures of the Government down to that figure; but to do this the Army must have so much, the Navy so much, and rivers and harbors so much." Thereupon the Committee on Appropriations informed the Committee on Commerce that the Government could afford to pay, say, $5,000,000 for rivers and harbors; and the Committee on Commerce, having that great and complex subject in hand, were asked to tell how the money ought to be distributed. The Committee on Commerce drafted the bill distributing the amount. That bill was referred to the Committee on Appropriations, and if it did not exceed the total amount which the Committee on Appropriations believed could be spared, the Committee on Appropriations reported it back and requested the Committee on Commerce to take charge of it and carry it through the House. This is the way the work was done during the four years of my chairmanship of the Committee on Appropriations.

It will thus be seen that my amendments are not in conflict with the former practice of this House. They are not even in antagonism to the report of this Committee on Rules as relating to one committee. They propose to treat several important committees, with slight modification, just as the Committee on Rules advise in relation to the Committee on Commerce, and as the distinguished gentleman from Ohio fully indorsed when chairman of the Committee on Appropriations.

Now I ask, if the river and harbor bill was considerately treated then, why can it not be considerately treated now? And why cannot several of the general appropriation bills be considerately treated in the same way?

I do not propose, Mr. Chairman, to go quite to the extent that my distinguished friend from Ohio did. I do not think it needful that we should instruct the Committee on Appropriations that they should divide up the expenditures of the Government and insist that each of these several committees shall restrict itself to that sum; because if we admit that, then we presume that the Committee on Appropriations know in advance of any investigation just what each Department of the Government may need for the next fiscal year. I think they do not. I think the growing necessities of this country may present themselves so forcibly to my distinguished friend from Texas [Mr. REAGAN] that he might report a very discreet bill of a much larger amount than he did last year. And I think again my distinguished friend the chairman of the Committee on Military Affairs may see in the legislation of last year, or in the legislation recently enacted, something which increases the expenses of the Army.

Now, the Committee on Appropriations cannot possibly be expected to have special knowledge of those facts, hence they should not arbitrarily limit the expenditures in that way. But I would have this, Mr. Chairman, I would have it understood that these several committees, charged with the same responsibility before the House and the country that the Committee on Appropriations has been and still will be, to examine all the estimates of expenditures as well as probable revenues of the Government, should compare notes with the Committee of Ways and Means, should compare notes with the Committee on Appropriations, should ask for all the information they can get from the Departments of this Government, and by any and every means in their power as intelligent legislators ascertain about what share of the public expenditure they might claim. Then I apprehend, Mr. Chairman, that when this bill should have been so reported back to the House by the Committee on Appropriations it would be found that there had been close consultation between the Appropriations Committee and the Committee on Commerce and the Army Committee and the Naval Committee and the Committee on Public Buildings and Grounds, on which I have the honor to serve, and other committees.

Mr. Chairman, I think that the effect of these amendments which I propose will be, first, to expedite the appropriation bills by reason of simultaneous action on the part of committees.

Secondly, I imagine in the preparation of these bills we will enlist members of the House who are intimately acquainted with every law under which the appropriation is made.

Third, the effect will be to insure a more thorough and critical examination of the estimates sent by the different Departments. How many members on this floor, Mr. Chairman, know what the estimates of the Departments are which were made to this House at the present session of Congress? How can the Committee on Appropriations assure the country that they honestly believe just such a sum, and no more, is needed to execute in its multiform details a law which the Military Committee spent months in maturing; say, for instance, an increase of the Army, together with a readjustment of the pay of soldiers and of officers of the Army? They must depend absolutely upon the representations and calculations of the bureau officers. These officers are doubtless both honest and intelligent; but then they are not held responsible to the country, as are the members of this House, for an intelligent and economic disbursement of the public money.

Here again, Mr. Chairman, I am sustained both in logic and in illustration by a former distinguished member of this House, a member of the Military Committee—General Schenck—who when this Appropriations Committee was formed March 2, 1865, made some brief but very effective remarks precisely in the line I am now following, and illustrated them by reference to some legislation which the Military Committee had been perfecting for months, looking to the increase of the pay of officers and soldiers of the Army. They had spent days and weeks of anxious toil upon it. It passed the House and went to the Senate. The Senate had a bill before it of somewhat similar import. The Senate examined the House bill and proposed not to take it up, but they ingrafted upon the appropriation bill in the Senate their own bill, and it came to the House. It went to a committee of conference, and passed the House, and all the labor of months, spent so industriously and so intelligently by this Military Committee of the House, I apprehend, was wasted.

Now, Mr. Chairman, we are told that the Committee on Commerce differs very widely from other committees of the House in this: that it is a law unto itself, that it makes report for appropriations not specially authorized by law, and that all other appropriations are strictly and clearly limited and defined by law. Hence, what might be proper for the river and harbor appropriation bill would be wholly unnecessary for other appropriation bills. Now, let us examine this. I admit it to be true that the river and harbor appropriation bill does both legislate and appropriate. In that respect that committee differs widely from the Committee on Public Buildings and Grounds, which is now confined, in the discretion of the House, strictly to legislation. But I fail to see why the Committee on Public Buildings and Grounds should not have the same consideration in the House, under the rules, as the Committee on Commerce; why it may not legislate and appropriate independently of other committees, and why it should not, by a similar method, report and pass a general bill. If it is proper for one committee it is proper for both. Under the conditions I suggest it is proper for all.

I want first to examine the question whether it be true, as asserted on this floor by the gentleman from Ohio [Mr. GARFIELD] and reiterated by so many others, that other appropriation bills simply estimate for that which is strictly and clearly defined by law. I say they do not. And in this connection I desire to call attention to section 169 of the Revised Statutes, which reads as follows:

> Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, does that strictly limit the Committee on Appropriations either as to the number of employés or their salaries? I take it it does

not. That committee has the unquestioned right to come to this House and propose any additional number of clerks which they choose, at any compensation they may see proper. And they have done it; done it discreetly, done it wisely, perhaps.

Now, will you undertake to say, or will my distinguished friend, the chairman of the Committee on Appropriations, [Mr. ATKINS,] undertake to say that he knows more about the Post-Office Department, its increase of business, its need of additional employés, its need of additional money for the star-route service, or for any other service, than does the chairman of the Committee on the Post-Office and Post-Roads, or than do the members of the Post-Office Committee, who are in daily contact with that Department, daily considering and maturing the legislation which is made absolutely necessary by the growing wants of the Department?

To illustrate, I will refer to a circumstance which occurred during the last Congress, and my distinguished friend from Minnesota [Mr. DUNNELL] took a leading part in it, and will remember it. The Committee on Appropriations considered an estimate for a certain force of additional employés needed in the General Land Office, and their salaries, and reported a trifling increase. It came to the attention of myself and of Mr. DUNNELL that this was wholly inadequate to bring up the business of that office, which had been hanging back for years and years on account of vastly increased demands upon the office, so that titles to land could not be given, though absolutely demanded by the business interests of the far West.

That subject was presented to the Committee on Appropriations clearly and succinctly by the gentleman to whom I have referred, and by myself and others. That committee at once saw the justice of it, they accepted the amendment, and it was passed.

Now, I say that what occurred then will occur and must occur in every one of the Departments of this Government and in every branch of the public service. There is a large discretion to be vested originally in some one committee of this House in preparing a specific appropriation bill. Which committee shall have it? The committee that knows all about it or the committee that can know but little about it, comparatively, for lack of time?

I will quote another section of the Revised Statutes, section 3664:

> Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

I take it that the statutes presume that when these bureau officials, these Department officers, so careful, so correct, so conscientious, so intelligent as they generally are, send their estimates to Congress, it is expected and required of us as custodians of the public money that we shall critically examine those estimates, cut them down or increase them. Now, how can we do that if as a committee intrusted with the duty we know little about the inner workings of that branch of the service? In this same connection I desire to refer to one of the old rules which has been left in this revised code. I refer to clause 3 of Rule XXI, which reads:

> No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, do you not see that when the limitation fixed by law for the cost of a public building as reported by the Committee on Public Buildings and Grounds has been reached, the Committee on Appropriations can and do proceed indefinitely to continue appropriations? Why should they not consult, at least, the committee which authorized the building and ask it to name the amount for their consideration?

Here again it is not true that the Committee on Appropriations will only appropriate for that which is definitely fixed by law.

Now, Mr. Chairman, the Committee on Appropriations does not as a matter of fact know the cause and the cure of these large deficiency bills which are introduced at every session of this House upon the report of some Departments of the Government unless they choose to make a special investigation. That investigation is perfectly proper, but consumes the time of the Appropriations Committee, already inadequate, and might be avoided if each committee would give more attention to the preparation of the bills originally passed. They ought to be able to foresee whether a deficiency would be probable under the bill they are about to report; and, if so, they can correct it so that this House shall not appropriate for deficiencies year after year.

But I will not dwell on these points. I now pass to a statement of the reasons why I insist upon the final review of the work of all these committees by the Committee on Appropriations without destroying the original bill and without taking charge of it upon its passage. In doing so I propose no degradation of any committee of this House; nor do I think the Committee on Rules have purposed any degradation of any committee; but I do propose that each bill shall be reported not to another committee but to this House, the bill to be in charge of the House just as the most important messages from the Chief Executive of this nation are in charge of the House, to be referred by the House for specific information and report touching certain questions which the Committee of the Whole House should understand before it can intelligently vote upon these bills. The Committee of the Whole must know, for instance, what other bills which are in progress and to come before it are likely to demand and require. It must know what the aggregate revenues of the Government will be for the next fiscal year and the estimated expenditures as they shall be ascertained. It must, in a word, know whether any excessive importance or unsafe enlargement is given to any special bill. Now, the Committee of the Whole must delegate this inquiry to somebody or some committee.

And, Mr. Chairman, can you name a committee of the House more likely to be in possession of the facts, more likely to deal impartially, intelligently, and justly with all these bills, than the Committee on Appropriations? I think that the committee should have charge of precisely this duty, to give to the Committee of the Whole when it shall come to discuss any particular bill a general review of all the bills, showing the relative importance of the particular measure then presented and the probable effect its passage will have upon other great demands to which the Government may be subjected. This is all that I propose for the Committee on Appropriations; nothing more.

Now, Mr. Chairman, I might say that I am not ashamed to act as clerk of a committee. I do it in a certain sense when as a sub-committee of one I report to a sub-committee. That sub-committee reports to the full committee, and that full committee reports to the House. I do not see anything necessarily degrading in the fact that one committee, officially as well as severally and personally, should report to another committee; yet we do not ask this in the amendments I propose. We ask that a committee of this House, standing upon terms of equality with every other committee of the House, shall report to the House, and the House shall simply submit its bill for comparison and report to a committee which may impartially consider all bills.

Now, Mr. Chairman, one word as to the so-called "unity" which the proposed revision of the rules gives to all the bills of this House, which was dwelt upon so eloquently by my distinguished friend from Ohio, [Mr. GARFIELD.] Look, for instance, at my own committee, the Committee on Public Buildings and Grounds. We have before us now, and have had before us for some time, a bill providing for a public building in the city of Pittsburgh. We have given exhaustive examination to the needs of the Government in that city. We have taken into consideration the size of the city, its immense business, the increasing demand for accommodations for public business. We have made this examination not only in relation to the city of Pittsburgh, but we have considered the requirements of that city in connection with the requirements of every large city in this broad land. For we do not propose to be local in the distribution of public moneys. We propose to consider so fully, so exhaustively the demands of the several cities of this country (just as the Committee on Commerce are doing with reference to the various rivers and harbors) as to be able to say to the House that we believe that this city ought to have a public building not to exceed in cost a specified sum of money. We propose when the time comes to report other bills equally meritorious.

And I will add that we hope before this Congress shall adjourn to report with a favorable recommendation every meritorious bill properly sustained by evidence of public need that is now before us. Why? Simply because we rely upon what the Secretary of the Treasury has told us the needs of public buildings already in progress will be. He states to us at our request how much money will be needed to continue the public buildings already in progress. He states to us in addition to that, as doubtless he states to the Committee on Appropriations, about what aggregate amount in his judgment can reasonably be allowed for all appropriations for buildings and grounds during the next fiscal year. Now, taking the difference between the total and that which he estimates as needful to continue the present buildings, we have arrived at the conclusion that we can safely report in favor of the construction of a public building in the city of Pittsburgh not to exceed in cost $750,000, and that the available funds this year will justify us in reporting an expenditure of $150,000 which will provide the foundations for that building fully protected for the next winter, the ground having been purchased and donated years ago.

Now, having done this, having carefully gone over all this ground, how can there be unity in the action of the several committees when we cease to have any control whatever of appropriations for that public work the moment the building is authorized by law? Next year the estimate comes from the Secretary of the Treasury for money to continue that work. We see it not; know nothing of it. It goes to the Committee on Appropriations and is passed. The next year another estimate comes and it goes to the Committee on Appropriations and is passed. The next year and the next year and so on when the Committee on Public Buildings and Grounds wake up perchance they find a million and a half has been appropriated to the city of Pittsburgh instead of $750,000. Law for it—where? Unity of purpose between the committees in comparing the claims and needs of the country and in discreet and judicious action? It cannot be. I do not undertake to say that the committee on Public Buildings and Grounds might not or would not have done the same thing. However, if there is any one thing I have resolved to do in my official relations to this committee it is to recommend so far as I can all

appropriations which I think to be right and to take all responsibility before this House for the aggregate as well as the initial sum recommended. If the Committee on Appropriations chooses to exceed or diminish the appropriations our committee might recommend, then the responsibility rests with them, and the House would decide the question more intelligently.

I am giving a supposable case, of course, Mr. Chairman—a supposable case under our present rules—nay, an actual illustration of more than one public building which now stands in the way of legitimate appropriations for greatly needed buildings elsewhere because of incongruous legislation and appropriations heretofore. I hold there can be no conceivable reason why the Committee on Commerce should carefully consider the needs of the Ohio River at Pittsburgh and recommend appropriations therefor year after year while the Committee on Public Buildings and Grounds, with one of the safest and most intelligent chairmen upon this floor, shall be required to exhaustively consider the needs of the public service present and prospective for public buildings in the city of Pittsburgh, involving much larger expenditures of the public money perhaps, and then be refused absolutely any supervision or control over the appropriations therefor. It is utterly unfair and inconsistent; my amendments will correct it. I blame no one but the rules for this condition of affairs. The architect is bound to employ to the best advantage whatever money the Committee on Appropriations desire him to have. I do not blame the Appropriations Committee, because they invariably hold in check the appealing Representative from the district interested and seek by ascertaining in the moment of time available, but which is wholly inadequate, the actual necessities of the case. I blame no one, as I have said, but the rules. But I plead for this change which will place these several committees in charge of these several branches of the public service upon an equality.

I cannot accept the statement that the guarded distribution of labor among the committees, which I suggest, will necessarily increase expenditures. Two committees endanger an appropriation of doubtful propriety more than one; one committee, more than a sub-committee or a conference committee like that one referred to by General Schenck.

It is worth a trial, Mr. Chairman. Now is the time and the only time within the past fifteen years when this wholesome practice could well be inaugurated, advocated by General Schenck so warmly at the time the Appropriations Committee was formed, tested and approved for four years by the gentleman from Ohio, [Mr. GARFIELD,] in connection with one committee, and finally recommended, with slight variation by the present Committee on Rules, to be applied to the Commerce Committee. A most commendable feature of this revised code of rules is that it places the committees of the House upon something like an equality in the presentation of business. Now let that equality extend to the preparation of business and then we shall have less trouble in forming our committees, less jealousy between our committees, less conflict upon the floor and consequent waste of time in perpetually seeking to obtain, in violation of rule, that equitable distribution of responsibilities and labor which a national House of Representatives thoroughly democratic in its instincts will ever insist upon.

Mr. WRIGHT. It is not my purpose, Mr. Chairman, to find fault with the report of the Committee on Rules. I think they have discharged their duties well. They have made the first step in advance in the simplification of the mode and manner of transacting intelligently the business of this House. I have been a member of this House for many years, commencing a great way back, and, with all the attention I was able to bestow on the subject of understanding the rules as they now are, I must confess my utter inability to be able to comprehend them.

I remember a conversation I had many years ago with Mr. Calhoun on the subject of the rules. I made the inquiry of him whether they could not be simplified, and his reply to me was that the rules of the House were mostly shaped in the way in which they are to prevent bad legislation and to protect the rights of the minority. Now, that is a very good reason. The rights of the minority of the House of Representatives of the United States ought to be fully protected against any improper or hasty legislation. But I submit, sir, it takes a man with more brains than I have, more perseverance than I have, and more discrimination than I have to comprehend the one hundred and sixty-six rules which we have now and under which we are legislating.

Mr. DAVIS, of North Carolina. And more time.

Mr. WRIGHT. Yes, and more time, as my friend from North Carolina suggests to me, than one can bestow, and discharge his other duties. I do not want, therefore, to find any fault with the committee which has had this subject under consideration. They have had a work of immense labor. The men composing that committee are men of large experience on the question of parliamentary law. They have made report with marked ability, and, while there may be some amendments which ought to be incorporated in the report, I would be the last one who would stand in the way of defeating the report of that committee by amendments which might be offered to-day, even if, in my judgment, they may be superior to portions of it.

I was always of the opinion, Mr. Chairman, that the Committee on Appropriations had more power than it ought to have. I was a member of this House when the Committee on Appropriations was created. It was done, I think, in 1861, and it was whispered around—how true it was, I will not pretend to say—that it was mostly inaugurated for the purpose of accommodating a very distinguished man from Pennsylvania. That was Mr. Thaddeus Stevens—a great man beyond all doubt. He had his prejudices, he had peculiar opinions, but he had a noble and generous heart, and there are few men whom I have met in the long political experience I have had who had my respect more fully than Mr. Thaddeus Stevens.

It was said at the time that this was done to preserve for him a permanent place, but I apprehend that that is a slander upon the man. It was deemed proper at that time when such vast sums of money were to be expended by the Government, that the Committee of Ways and Means should be relieved of a portion of its burdens. Now, in looking over the report of the committee there is nothing in it that I can take exception to, or that I deem exception can be taken to on the part of any member of this House, except that part which refers to the river and harbor bills. That is a subject that touches all parts of the country, and this is a matter in my judgment which should come under a more thorough discussion by the Committee of the Whole. That is the popular throne after all that is said and done, and where discussion should not be trammeled, the more appropriate place to deposit the power that disposes of seven or eight millions of dollars of the money of the people than the Committee on Appropriations, eminent as they may be and selected of the very best material in the House. Therefore I agree with the remarks of my friend from Kentucky [Mr. OSCAR TURNER] yesterday with regard to a full discussion and opportunity, where large sums of money are appropriated, of affording to every member of the House an opportunity to record his vote in regard to the expenditure of these vast sums. That is the true doctrine.

After all that is said and done, Mr. Chairman, what are we to understand by the rules of the House as we may rightly conceive what the rules ought to be, that is to expedite legislation and to deal in a proper manner with the rights of the minority as well as of the majority? Therefore, that system which gives opportunity for full debate ought to be had. That is the system of rules that this House ought to adopt. And I venture to say from my place, as an old member of this House, that the forty-six rules offered to us by this Committee on Rules as a substitute for the one hundred and sixty-six rules under which we are and have been legislating is a wonderful improvement, and there ought to be no small reason intervening between the adoption of the report of that committee as a substitute for the rules we now have and have been acting under.

Now I can readily conceive why the Committee on Appropriations should have charge, and very properly, too, wherever the report of the expenditure of money comes through one of the public Departments of the Government. I say at once that that is proper, either to go before the Committee of Ways and Means or the Committee on Appropriations—perhaps the Committee on Appropriations would be the best designation for it. Wherever a report for an expenditure comes from a Department it is right and proper that the Committee on Appropriations should have the control, the exclusive control, of that subject. But where the appropriation comes from any other committee of the House, where the sum required is not designated by any of the Departments whatever, in my judgment the Committee of the Whole ought to have the exclusive control of the subject, and that it ought not to go to the Committee on Appropriations. But what most engages the attention of the House is the river and harbor bills.

There is no Department of the Government which makes an estimate for an expenditure of money to be appropriated for the improvement of rivers and harbors. That question goes legitimately to the Committee on Commerce, and in my judgment they should have exclusive control of it, and whenever it passes from the hands of that committee it ought not to go to the Committee on Appropriations, but to the Committee of the Whole House, where every member can have an opportunity of expressing his opinions with regard to appropriations recommended by the committee. And now, with that single exception, or with an amendment of that kind—and, if I understand the temper of this House, I think it is manifest that it is the wish of members that the river and harbor bill should not go to the Committee on Appropriations—I say with that single exception I am willing to take the report of the committee, because I believe that there are merits in it of the very highest order and character; that it is the work of men of superior intelligence and long practical experience in this House, and that is one strong argument at least why the House should adopt it.

But there is another reason that is beyond, a strong and powerful reason: that the Committee of the Whole have full opportunity, when coming to vote an appropriation of seven or eight millions of dollars, of having it fully and particularly discussed. There should be a full and fair opportunity for debate, as my friend contended yesterday, on this subject.

Now we have this report before us, do not let us be so divided as to defeat the object that the committee had in reporting these rules, because it is a great improvement upon the system that we have adopted here and under which this House has been governed for years and years. They cannot be understood by the great majority of the House. They are too complicated. They are a mystery.

I do not know but what I possess about as much intelligence as would come up to the ordinary standard of a member of Congress.

[Laughter.] But I confess to you frankly that I am but a child here. I go to the Speaker for information. I cannot comprehend the language he gives me, and yet it is parliamentary. [Laughter.] Everything that appears in the book of rules is parliamentary; but it is a parliamentary language, Mr. Chairman, that is Greek to me. It is Greek to every man unless he devotes weeks and months and years to comprehend this matter.

Mr. DAVIS, of North Carolina. And a stumbling-block to many.

Mr. WRIGHT. And a stumbling-block to nine-tenths of the members of this House, and particularly so to me.

We meet here to pass laws. Ought we not to have a system of rules we can comprehend so that we may know when to make a motion? Ought we not to have a regular line of proceeding with regard to matters that are upon our Calendar? When anything goes to the Committee of the Whole you might as well, as a general thing, consider it in its legislative grave; you cannot exhume it. When you desire to do something that long, bony finger is outstretched with the words, "I object;" and those words, "I object," issuing from the tongue that belongs to the body which owns the bony finger, can hold two hundred and ninety-two men at bay. Is that civilization? [Laughter.] Is that equality in this Chamber? The other day a single objection was made to a small matter I had in charge and it went to the Committee of the Whole because there was a small appropriation in it. It was a question which had not been raised here for the last ten years, but there happened to be a laboring-man in the case and therefore the objection comes. The committee of which I have the honor to be chairman desired to report certain testimony, but objection was made and it had to go to the Committee of the Whole. For twenty years no such report had ever gone to the Committee of the Whole. But labor and the rights of laboring-men never had and I am afraid never will have much of a standing in this Chamber. We shall see.

Now, what I want to get at is this, that no man under the rules of the House shall have the power to stop the wheels of legislation. I would like to have the majority of the Chamber govern, and I would like to have the opportunity of so presenting a question to the Chamber that the majority of the House would have an opportunity to decide it. It is a mere matter of accident that you get up a bill under the rules as they now are. Under the rules as they are now reported to us the order of business is properly arranged; one class of business is put upon one calendar; another class is put upon another calendar, and there is a way and a method of reaching legislation—a great innovation upon bad customs; the dawn of better days, I hope.

But, sir, let it remain as it is, and at best the whole system of parliamentary law, as provided by the rules of this House and as carried out, is a stumbling-block to the members who compose the body. I have been somewhat amused at some of my colleagues, who I know have had much less time and experience in legislative life than I have, who know fifty times as much about the rules as I do. Why? Because they have abandoned all other things that required their attention in the House and gone into the study of the rules. [Laughter.] This book of rules is the Sanscrit of American parliamentary literature. [Laughter.]

Now, sir, the system, as I understand this report, is simplified, and common men like myself can understand it. Any member of the House, under the new rules, will be able to understand what he is about. Therefore, I say, do not let the opportunity slide of amending a bad system and adopting the report of the committee. If the committee find a majority of the House not disposed to let this question of rivers and harbors go to the Committee on Appropriations, but preferring it should be submitted to the Committee of the Whole House, I believe if the Committee on Rules will yield that much we can have almost entire unanimity upon the subject.

Having been here some eight or nine years, and having been during that period of time endeavoring to know how to do things, I find myself but a child three years old. [Laughter.] I can go to the Chair and can whisper in his ear, "How is this thing to be done?" I can go to the Clerk, in front of the Speaker's desk, and ask him, "How is this thing to be done? What *finesse* is to be resorted to to accomplish it? What principle of tactics shall I pursue?" He proceeds to explain it, and when he is through I know just as little about it as when I asked the question. [Laughter.] That is not the correct thing, I submit, with regard to the system of carrying on American legislation.

I apprehend there are two main points that ought to engage our attention seriously. One is that our rules must be so shaped that upon voting upon large sums of money the yeas and nays should be recorded upon the Journal. That cannot be accomplished unless, perhaps, the chairman of the Committee of the Whole gives his assent. That cannot be done, it is said, because there are only one or two ways in which it can be reached, and you are too late; you did not apply in time, or some other excuse. Therefore it is very seldom in our legislation here that you have an opportunity to have the votes recorded upon some of the most important measures that engage our attention. Why, I have known $30,000,000 at the present session to be appropriated out of the Treasury without a division even, or the power to call the yeas and nays. Now, even were it possible that there might be entire unanimity with regard to such a vast appropriation, still the yeas and nays should be recorded. The people of the country are entitled to this information.

Does any gentleman say that there is no necessity for recording them? If any man desires to vote "ay" let it be seen; and if he has a disposition to vote "no" let his name stand out, even if alone, like Lot's wife upon the borders of the Dead Sea when she started for the plain. Even such a one should have an opportunity to put his name on the record. [Laughter.]

I believe I have said about as much as I ought to say. I am not one of those, Mr. Chairman, who when they obtain the floor do not know when to stop. When I have said what I want to say then I stop; and I do not need to have the clock run against me. It is a wise man who knows when to stop. Having made these few remarks upon this question let me in conclusion say, as the oldest member in point of years in this House, as I believe I am——

Mr. WILLIS. The ladies will not believe it. [Laughter.]

Mr. WRIGHT. No, the ladies will not believe it; but that don't change the fact. Let me say, as the oldest member in point of years in this House, and also as a member who has had some years of experience here, that it is my judgment the report of this Committee on Rules gives us an opportunity to begin a reform. I will vote for the adoption of this report, even if this House shall refuse to strike out that part of it relating to harbors and rivers, which under these rules will of necessity go to the Committee on Appropriations, but trust to an opportunity hereafter to make the amendment.

Here is the report of a system of rules, which is in the line of progress and of advance. Let us adopt the report of the committee. It does not meet every objection that may be raised to it, but it has so many good things in it that we can well close our eyes to the small matters contained in it to which there may be some objection.

Now, my friend from North Carolina [Mr. SCALES] may have ten minutes of my time if he promises to keep in order and behave himself. [Laughter.]

Mr. SCALES. I will promise to do so. With the consent of the gentleman from Pennsylvania [Mr. WRIGHT] I will yield to the gentleman from Michigan [Mr. HORR] for ten minutes, and take my ten minutes afterward.

Mr. WRIGHT. I have no objection to that.

Mr. HORR. Will the Chair inform me how much time I have under this arrangement?

The CHAIRMAN. The Chair understands the gentleman will have ten minutes.

Mr. HORR. Mr. Chairman, I wish to say that in looking over the report of this Committee on Rules I have come to conclusions which differ so widely from those expressed in the speeches which have been already made that I have felt it to be my bounden duty before this debate shall close to present to this House some of my objections to the wild report of the Committee on Rules.

I propose to speak, Mr. Chairman, as other members have done in behalf of the committee of which I am a member. [Laughter.] I represent the great Committee on Manufactures. Upon a careful examnation of these new rules I find that they, like the old rules, almost entirely ignore that very important committee. Why, sir, in looking over the history of the committees of this House I find that the Committee on Manufactures is one that comes down to us from the fathers. It was created away back in 1819, while your Committee on Appropriations was not born until 1865. [Laughter.] What do you think of that?

And yet it is proposed that your Committee on Appropriations shall run this House and leave this great Committee on Manufactures nothing to do. Why, sir, the House the other day took the only bill which our committee has had for eighteen years and referred it to the Committee on the Judiciary. [Laughter.]

Now upon examining the different committees of this House and their duties, I wish to say that I am satisfied that a large number of them should first report to the Committee on Manufactures before they report to the House at all. [Renewed laughter.] I have a list here of the different committees. There is the Committee of Elections. Now one would naturally think that that committee should never report to or have anything to do with the Committee on Manufactures. But if gentlemen will only reflect a minute upon the great amount of *manufactured* evidence which is brought before that committee [laughter] they will see at once that it should first report to the Committee on Manufactures in order that we may revise their work. Should they not? Certainly they should.

Next, there is the great Committee of Ways and Means, that towers so above all the rest and that stands "back to back" with the Committee on Appropriations. Well, I have got a couple of committees that I am going to back up together before I get through. [Great laughter.] There is the question of the tariff. That question affects every manufacturing interest in this whole land; and, consequently, before the Committee of Ways and Means undertakes to strike down any of the manufacturing interests of this country it should have the benefit of the wisdom of a committee that devotes itself to the study of manufactures. [Laughter.]

I see I shall have to hurry, because my time is limited [Cries of "Go on!" "Go on!"] There is the Committee on Appropriations. I confess it staggered me at first to see in what manner the action of that committee should be made contingent upon the action of the Committee on Manufactures. But upon looking back over the work of that committee in the past, I find that they have devoted much time to the making and the manufacturing of Presidents, by means of riders upon

their appropriation bills, &c. [Laughter.] Now, all political action and manufactures of that sort should first have the revision of our old committee, and not be permitted to be decided by this new bantling that was born only in 1865. [Renewed laughter.]

Again, there is the Committee on Banking and Currency; and here I am very clear about it. [Laughter.] I want to appeal to the center of this House, to the great phalanx of my greenback friends.

Why, sir, if we should pass the bill to issue $450,000,000 of paper money for the benefit of the soldiers who had to take greenbacks during the war instead of gold, and if we should add thereto the $573,000,000,000 provided for by bills already introduced into this House, the question will cease to be a question of finance, and will reduce itself to a simple question of manufacturing capacity. [Laughter.] Thus it comes clearly within the duties of the great committee to which I belong. Hence I think the Committee on Banking and Currency should be compelled to report to us for advice in regard to making machinery, &c., to supply the great want of this nation as to a proper circulating medium.

But I must hasten on. I come next to the Committee on the Pacific Railroads. The road-bed and the building of the track of these railroads should certainly have the care and attention of our honorable chairman. Again, there is the Committee on Commerce. Now, I believe that they should report to the Committee on Appropriations, but to our committee first. [Laughter.] I hope they will not be sensitive about it, because after they once get to reporting to the Committee on Manufactures they will get, as it were, used to it, and it will not go so hard with them after that. [Laughter.] Look at the great interests represented by the Committee on Commerce—the jetties, the levees, the light-houses, the docks and piers that are building in this age of commerce, every one of which calls into power this business or manufacturing element of our committee. That is clear, certainly. If the Committee on Rules, with our honorable Speaker at its head, had thought of it, undoubtedly they would have provided that the Committee on Commerce should report to us.

Then comes the Committee on the Judiciary. I have some malice against them, because they stole the only bill we ever had. [Laughter.] It might appear that the effort to find some work of theirs which should properly be referred to us would be almost fruitless; but I do find that they are in the habit of "manufacturing" replies to veto messages. Now, that is clearly a matter in which they should have the supervising care of the Committee on Manufactures.

The Committee on Agriculture, I am satisfied, should be abolished and combined with our committee. I do not want to take up any time on that. [Laughter.]

Then comes the great Committee on Military Affairs. In regard to them I submit the same argument as in regard to the Committee on Commerce. It is well enough for them to report matters pertaining to expenditures of moneys directly to the Committee on Appropriations; but, sir, those great interests which tend to the building of forts, the erection of breastworks and arsenals, the manufacturing of shot and shell, concern deeply the manufacturing elements of this country, and should have the guardian care of this committee which has been so long ignored in this House. [Laughter.]

Now I come to the Committee on the Militia. That is a committee of which I am proud. I think they should stand pre-eminent, side by side with the Committee on Manufactures. You know, sir, that in the early part of this debate a distinguished gentleman in a very eloquent manner put the Appropriations Committee "back to back" with the great Committee of Ways and Means. Now, I should think that we should stand these two boys, the Committee on the Militia and the Committee on Manufactures, together in the same way. [Laughter.] It will be seen that the business of the Committee on the Militia pertains to war, to destruction, to tearing down. The business of the Committee on Manufactures is to build up, to repair the waste-places. The Committee on the Militia has to do with glistening sabers, fixed bayonets, columbiads, field-guns, and all the implements of war. The Committee on Manufactures has its arms full of implements of peace, including the implements of agriculture, if we can abolish the useless Committee on Agriculture. Thus we hold in our hands the implements that pertain to peaceful civilization. These two committees naturally stand facing in opposite directions, one looking toward war and blood, the other turning toward peace and industry. Is it not clear? [Laughter.]

I need not say that the remarks I have made in reference to the great Military Committee of the House apply equally to the Committee on Naval Affairs. My distinguished friend [Mr. WHITTHORNE] must see this, and I have no doubt that he will yield without any argument on the subject.

I now come to a rather difficult committee to deal with, the Committee on Foreign Affairs. I have sought everywhere for something which this committee does which should enable us to claim some rights for our committee. It has troubled me a good deal. I consulted the chairman of the committee himself for aid, but he would not assist me. As near as I can make out the facts by my reading the Committee on Foreign Affairs for the last two years has been largely engaged in enabling the gentleman from New York [Mr. COX] to "manufacture" witticisms. Look, if you please, at his speech on green corn, which I read with so much interest, when delivered in a former Congress. I have a long acquaintance with that gentleman, through books only.

I came here with the highest respect for him, because I had followed him through Rome and Naples and Malta and Venice and Athens and Smyrna and Constantinople and Geneva, and the awful majesty of the Alps, when reading his book entitled The Buckeye Abroad. I had also followed him through Corsica, Algiers, and Spain, in that matchless work, Winter Sunbeams, and consequently I came here full of high hopes that the gentleman would give me great entertainment. When my seat was drawn I was unlucky; I got a seat over there under the green baize, and when the distinguished gentleman used to get up to speak I could not hear a syllable he said. This leads me to suggest another rule which ought to be adopted, one whereby members when they speak can get the ear of the House.

Mr. Chairman, if you knew how I have suffered, if you knew the good things in the speeches of the gentleman from New York which I lost when I first came here, you would know how to sympathize with me. [Laughter.] Finally I managed to overcome the difficulty. I learned to know by the expression of the gentleman's countenance when he was going to say a good thing, so I laughed and cheered, and the next morning I looked up the RECORD to find out whether I had laughed in the right place, and came to be astonished at the accuracy with which I had hit it. [Great laughter.]

I have one or two things more to say, and then I shall have done with this important question. I now come to deal directly with the Committee on Rules themselves. I desire to state to the Committee on Rules that if they had in the first place submitted their work to the Committee on Manufactures we should not have been in the tangle we are in to-day. The Committee on Rules undoubtedly have capacity for originating, they are men of keen intellect, but when they come to build up the structure, there is where it seems to me they lack; we have only to look at the way their work has been handled for the last four or five days to see where they failed. Why, sir, it has become perfectly appalling, and I do think, but I may be mistaken about this, that if they had availed themselves of the building capacity of our Committee on Manufactures this trouble might have been avoided. [Laughter.]

There is one other special committee which I must touch on and then I am done, and that is the one headed by my distinguished friend from Pennsylvania, [Mr. WRIGHT,] a committee which went in search of general depression last summer. [Laughter.] I had an impression when that committee was organized that it was for the purpose of humiliating the committee of which I am a member, [laughter,] and therefore if they come to any bad end it is no more than I had expected, [laughter,] for, sir, men when they seize upon something which does not by right belong to them are rather apt to fail.

I have studied the history of that search after general depression which was made by that committee. I followed them during the summer to Chicago. Well, Chicago was an unfortunate city to look for the "general," because every industry in Chicago was on the boom, every single enterprise in the State of Illinois was looking up. I believe they did take the testimony of a few individuals and then wended their ways gently to Salt Lake City. [Laughter.] They thought perhaps among the Mormons they should find the manufacturing element at its lowest ebb. [Great laughter and applause.]

Why, Mr. Chairman, they even scaled the Sierras and brought up on the slopes of the beautiful Pacific, and there they irrigated the sand-lots. [Laughter.] One convention had the impudence to nominate our revered friend for President of the United States—not according to his wishes, but in spite of them. [Laughter.] There have been candidates before him in this country who have been nominated for that office when they did not desire to be.

But the committee came back without finding anything. If they had referred at the start to the Committee on Manufactures we should have helped them out. If they wanted to find general depression they should have gone into Ohio and looked among our democratic brethren there just after the election. [Laughter.] The depression would have been discovered there with well-defined symptoms. Why, sir, the gentleman could have found the same thing among his democratic brethren in Pennsylvania. And just after the election there—but I am not going to trace his wanderings further.

All I have to say in conclusion, Mr. Chairman, is that this is a serious subject, and I do hope when we get through with the investigation of the report of this Committee on Rules justice at least may be done this old time-honored committee which I have the honor to represent. [Laughter and applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and the transfer of certain counties from the northern to the southern district of said State, with an amendment, in which concurrence was requested.

It further announced the passage of a bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater, without amendment.

REVISION OF THE RULES.

Mr. WRIGHT. How much time have I left?

The CHAIRMAN. Twenty minutes.

Mr. WRIGHT. I yield it all to the gentleman from North Carolina, [Mr. SCALES.]

Mr. SCALES. Mr. Chairman, I am sorry that this debate has

assumed the shape it has. I regret that any issue has been made with the Committee on Commerce. I regret that committee seems to entertain the idea that any attack was made upon it by anybody. I do not understand the report of the Committee on Rules in that way, and I do not believe it can be tortured to mean any such thing. I take pleasure in saying that anything I shall say is not meant, even to the slightest extent, in derogation of the Committee on Commerce. I know many of those gentlemen, and there is not a committee in the House which I believe deserves and has more the confidence of the House than the Committee on Commerce. That that committee has labored faithfully, honestly, and conscientiously to discharge their whole duty I have never entertained a doubt, and if I considered this report in any way as an attack upon that committee, I would be one of the first to come to its defense, and especially to the defense of my old friend, the chairman of that committee, whom I have so long and so favorably known. But I do not so consider it; and I do not think it can be fairly so considered or interpreted by anybody.

If, then, sir, it is not an attack on that committee, let us next inquire what is the question that this House is called upon to decide so far as that committee is concerned. I understand it to be simply this, and I hope I may have for a moment the attention of the chairman of that committee, to see if we cannot find some common ground upon which we can both stand; I am anxious, Mr. Chairman, whenever different views are entertained on any subject and a discussion is had, first to find out the points, if any, of agreement between us, and invoke their aid in coming to a conclusion.

I understood my friend to say the other day—and it was what I expected of him, and what I thought he ought to say, and what I am convinced he will repeat now—that, as an individual member of this House, any bill, from any committee, appropriating a large amount of money for any purpose, ought to have its consideration in Committee of the Whole House, where it may be discussed and amended. I understood that to be the position that my friend occupied, and I was gratified with it, but not surprised. Any gentleman of this House who has observed his course, and all must have done so, heretofore, on all subjects, and has witnessed how often and how long, like a great rock, he has stood up and dashed back the waves of extravagance which so often threaten to overthrow us, will not be surprised at his admission.

Then, if I am not mistaken in this, the gentleman from Texas, the gentleman from West Virginia, and all of the other gentlemen on the Committe on Commerce agree that it is desirable that no appropriation reported to this House shall be passed without full consideration in Committee of the Whole. Now, sir, is this right or wrong? If that is right, and we agree, we have taken an important step in reaching a just conclusion.

Now, sir, the history of these bills for the last four or five years will prove, and the developments of this extended debate will prove that under the rules as they exist no bill will ever be reported by that committee except upon a suspension of the rules, and it will become a law without debate or amendment, or even an opportunity for either. Will any gentleman on that committee dare now say that he expects to pass a bill at this session or at any future time, except by a suspension of the rules, which smothers all debate, all amendments, and all investigation by the House? This is a great wrong.

Then, sir, if I am correct in this, here is the position we are in: No bill from the Committee on Commerce will ever pass this House unless by a suspension of the rules, and yet we all agree that it ought not to be done. Now, sir, is there no remedy for this? Is it not possible to frame a rule which will remedy it? Is it not to be expected that this House will consider that question maturely, and so frame its rules that they shall understand what they are doing, and yet do what the great interests of this country require for the rivers and harbors? I think so. All agree that something ought to be done, and surely it can and will be done.

I beg for a moment to read what my friend from Texas said the other day. He says: "I will premise what I have to say on this subject by stating that there is no bill which comes before Congress that requires so much labor." I grant it. "So much time." I grant it. "And so much constant application on the part of the committee preparing the bill appropriating the money for rivers and harbors." I grant all of that, sir. It is a laborious committee; it is an honored committee; it is a committee that I am willing to trust, but I ask that committee if they will tell the House and the country that the bill which has taken them, by their own admission, three months or four months or six months to consider and prepare should be passed in this House under a suspension of the rules in less than half an hour? Will my friend go to his constituents, will he go to the people of this great country, and say that a bill so important, requiring so much time and so much labor from one of the most intelligent committees of this House, should pass the House in less time than half an hour? A bill, too, which scatters $8,000,000 all over the country.

What do we know about it? What opportunity have the members for being informed as to the bill which they present? Just think of this, and let us pause that we may consider it. The fact cannot be denied, and no gentleman will dare do it. If it takes them three months, surely we cannot understand it or act intelligently on it in half an hour. It is impossible.

I think we have agreed that something ought to be done on all hands. The Committee on Rules have offered a remedy, and if there is no better we will take that. I am willing myself to take this report from the Committee on Rules, with some slight amendments, just as it is. I commend them for it, and I say, in my judgment, that it is the best thing for economy that can be done—economy of time and economy of money.

And I trust that when we come to decide this question we will decide it outside of what our particular districts may want in the way of commerce, that we will decide with a view of having legislation brought into this House under that old honored rule which ought never to be abolished and ought never to be ignored: *that every appropriation shall be considered in Committee of the Whole.* It is an old rule. I trust it will be a perpetual one.

I hold in my hand a bill reported by the Committee on Commerce. I have not a word to say about the appropriations in it. I know there was no corruption. I know it was well considered by that committee. But I appeal to every member who hears me—I appeal to every gentleman who voted for it, and I ask him to tell the country honestly and truly, did he know one thing about anything in this bill except the appropriation for his own particular district? Not one; and yet it passed the House by a two-thirds majority. Why, Mr. Chairman? I ask the House why? I ask the country why it was done? It was done because every State was provided for; and a two-thirds vote was gotten because every State was provided for, and that, too, when the member in most cases who voted for it knew nothing of the merits of the works in any other State than his own. That is the truth. I speak it because it is the truth, and I mean no reflection upon anybody. Of course I do not allude to the members of the Committee on Commerce. I believe they do know. But I speak of those gentlemen who are not on that committee. Some gentleman says I am mistaken. Tell me how it is that a bill that has required the attention for three long months of the Committee on Commerce shall be mastered in this House by any man, I care not how great his intellect, in half an hour, and then you may show I am mistaken, and not till then. It is no mistake.

Mr. KENNA. If the gentleman will allow me, I would like to make a suggestion in connection with his present line of remark.

Mr. SCALES. I yield to the gentleman.

Mr. KENNA. It has been, so long as I have been here, the uniform practice in reference to the river and harbor bill after its preparation has been completed by the Committee on Commerce, to have it printed and recommitted and the printed bill distributed so as to put it at the disposal of every member of the House. The reports of the engineers are already printed, so that they are at the disposal of every member of the House. And I submit in connection with the observation of the gentleman from North Carolina that there is no reason, under the system under which that bill has heretofore been passed, why every member of this House who desires and will take the pains cannot inform himself about every single item in that bill. I know how difficult it is for members with the various duties which press upon them to do that. But there is no reason why any member cannot do that if he desires.

Mr. MILLS. May I say in addition to my friend from North Carolina, he knows very well and all of us know the great body of our legislation is on the reports of committees. There is very little discussion in the House on any question. We have mostly to take the reports of committees. My friend saw in the last Congress, and so did I, a bill from the Committee of Ways and Means fixing a debt of seven or eight hundred millions of dollars upon the people of the United States, and which was put through the House under the gag law, and no man was permitted to offer an amendment. What is the difference between that and suspending the rules and passing the river and harbor bill by a two-thirds majority?

Mr. SCALES. My friend asks me what is the difference between passing the river and harbor bill under suspension of the rules and passing such a bill as that he refers to under the operation of the gag law. Ordinarily there is no justification for doing either, and I am against both. That is my answer. One wrong is not made right by another.

Mr. MILLS. That is the practice.

Mr. SCALES. If it is the practice it is a bad practice, and the sooner my friend from Texas joins me in condemning it and putting an end to it the better it will be for his constituents and the country.

Mr. MILLS. I have always contended for the largest debate on all of these questions.

Mr. SCALES. I am glad the gentleman is a convert; and I ask him to bring his distinguished abilities to support and aid the passing of this rule, which I am sure will be of vast service to the country.

Mr. MILLS. If the gentleman will join me I will make an effort to repeal the rule that permits any bill to pass by a two-thirds vote under suspension of the rules. But I am not disposed to discriminate especially against the river and harbor bill.

Mr. SCALES. If I cannot repeal the thing entirely I will go to the utmost extent of my ability in endeavoring to limit it.

Mr. MILLS. But I will not repeal that part of the system which benefits my constituents and leave that portion that is against their interests.

Mr. SCALES. Neither should I. Any limitation is better than nothing for all our constituents. I find I have spoken longer than I intended. I will make just one further remark.

My friend from West Virginia [Mr. KENNA] says the reports of the engineers and the reports of the committee are in the possession of the House some time before action. Now, my friend knows very well that so much time is occupied in the preparation of the river and harbor bill that the Committee on Commerce is at work on it until just before, and never more than four or five days before, it comes before this House. Members, therefore, have not the opportunity of reading carefully the bill, much less the reports of the engineers, under the pressure of other duties. But if my friend will join me in reporting this to the House, then when I get up and ask why this or that appropriation is recommended in Michigan, or any other State, he will answer, as I know he will be able to do, because he is always posted in the duties intrusted to his committee, and then I can vote intelligently and this House can vote intelligently. But without it my friend condemns me to darkness, and forces me to vote without any opportunity of knowing what I am voting for.

Mr. KENNA. I know how thoroughly sincere my friend is in his opposition to this measure, and partly on that account I would like, if it will not annoy him, to make one further suggestion.

Mr. SCALES. Certainly.

Mr. KENNA. Under the rules of the House as they now stand the Committee on Commerce may report a river and harbor appropriation bill, as the Committee on Appropriations may report any regular appropriation bill, at any time for reference to the Committee of the Whole for consideration. But under the proposed change of the rules, as embodied in the report of the Committee on Rules, they cannot do that. They must bring their bill in here in one of two ways, either for reference to the Committee on Appropriations for revision by that committee——

Mr. SCALES. I cannot permit my friend to make an argument to sustain his side of the question; I have yielded only for a question.

Mr. KENNA. I was about to state that under the proposed change of the rules the Committee on Commerce could bring in the river and harbor appropriation bill in only one of two ways: either for reference to the Committee on Appropriations for revision by that committee, or under a suspension of the rules. Now, that is the point to which I wish to call the attention of the gentleman. The Committee on Commerce, if this proposed amendment to the rules be adopted, can never get their bill into the Committee of the Whole House except through the Committee on Appropriations. And I submit to the gentleman now that it never will go there through that channel.

Mr. SCALES. I do not understand my friend to be willing to submit that appropriation bill for debate in Committee of the Whole. If he should be, I think it likely that he can have a provision of the rules to that effect passed by the House. If he is willing to do that, I think his object can be accomplished. But my friend from West Virginia said the other day that there was a power in this House that was determined to make these appropriations. I was sorry to hear him say that; I was sorry to hear that there was a power in this House always to pass such a bill without light or without information and without the power of objection.

Mr. KENNA. Oh, Mr. Chairman——

Mr. SCALES. And then I could not but remember how that power was obtained. Sir, there is nothing from which we ought to guard ourselves so much in this Hall as against ourselves.

> When self the wavering balance shakes,
> 'Tis rarely right adjusted.

Mr. KENNA. I am sure the gentleman does not desire to do me injustice.

Mr. SCALES. I cannot yield further.

Mr. KENNA. Allow me to state that what I said was that there was a power in this country demanding these appropriations, and that there was a power in this House that would respond to that demand in the passage of these bills. I did not say that they would be passed in this way or in any other way, but upon the merits of the question, for the improvement of the commercial highways of the country.

Mr. SCALES. If I have done my friend any injustice, I will withdraw my remarks. I understood him to say that there was a power in this House that could and would respond to that demand, and I show that that was the only way in which that power can be created in this House.

Mr. WARNER. Will the gentleman allow me to ask him one question affecting the practical working of the rule as proposed by the committee?

Mr. SCALES. I am not on that question now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCALES. I am sorry for it.

Mr. KENNA. If I can take the floor in my own right, I will be glad to do so for the purpose of yielding to the gentleman from North Carolina, [Mr. SCALES.] I have taken up some of his time by interruptions, and do not want to shorten the time he may need for presenting his argument.

The CHAIRMAN. The gentleman can take the floor in his own right, no other gentleman claiming it.

Mr. KENNA. I do so only for the purpose of yielding further time to the gentleman, if he desires it.

Mr. SCALES. I am very much obliged to my friend; I shall want only a few minutes.

I wish to call the attention of this House to one other consideration. We were told the other day, and it has not been controverted, that these appropriations have been increasing year by year until they have gone up from one million to nearly ten millions of dollars. I believe that is not controverted.

Mr. REAGAN. Between seven and eight millions, I believe, is the highest figure.

Mr. SCALES. Very well, from one million to seven or eight millions. That has been done in a very short series of years. How has it been done? Has it been done by enlightened legislation? It has been, I admit, so far as that honorable committee is concerned. But has it been done by enlightened legislation of this House? Have you, my friend, who have so long and efficiently served the country, [Mr. SINGLETON, of Illinois,] done your duty in that regard? Yes, just as far as you could do it. The rules of the House denied you an opportunity to call for the necessary information; you have not looked into this matter, because you were shackled by the rules of the House and could not shake them off.

Mr. REAGAN. Will the gentleman allow me a word in reference to the amount?

Mr. SCALES. That is not material. There has been an increase, and I am not particular about the amount.

In view of this increase which has been going on, I ask the House and the country whether it is not time to reverse these rules.

These expenditures are but a rivulet now, and the committee may now be trusted to look after and govern it. But another day is coming. This country is enlarging. Extravagance is growing every year. Extravagance is getting almost to be the virtue and economy the vice in the legislation of this country. The day will come when this rivulet will become a torrent, sweeping everything before it, when my friend from Texas and my friend from West Virginia will be on another field of action. The day will come when your precedent will be repeated here and have all the sanction of law. The day will come when a bill will be offered in this House that will appropriate two hundred million, yea, five hundred million, dollars, and no man will have the power to raise his voice against it. You are setting the example now, and you may repent it in sackcloth and ashes. You are making that precedent, and you know not to what it will come. I know this, that in the course of six or eight years these bills have increased in amount from $1,000,000 to $8,000,000. I know that the same process which appropriates $8,000,000 can appropriate $50,000,000; and the same process which appropriates $50,000,000 can appropriate $500,000,000. I call upon gentlemen to pause. I ask the House to avail itself of the present opportunity.

The Committee on Rules has done a noble and good work, and I ask gentlemen from all parts of the country to assist in it—in no hostility to river and harbor bills, in no hostility to every proper national work of internal improvement, but with the single view of protecting this country against irresponsible and reckless legislation.

Mr. SINGLETON, of Illinois. Will the gentleman from North Carolina, before he takes his seat, allow me to ask him a question?

Mr. SCALES. Certainly.

Mr. SINGLETON, of Illinois. Does the gentleman know of any rule by which the will of two-thirds of the members of this House can be or ought to be defeated?

Mr. SCALES. Mr. Chairman, I do not know of any rule by which the will of two-thirds of this House ought to be defeated. But I am asking this House now to so amend its rules as not to allow even two-thirds to act without debate and amendment.

I am submitting that even two-thirds of the House ought not to pass an appropriation bill of this kind without giving the Representatives of the people the opportunity of discussing it and showing that it is right.

Mr. SINGLETON, of Illinois. May I ask the gentleman one other question?

Mr. SCALES. Yes, sir.

Mr. SINGLETON, of Illinois. When two-thirds of the members of this House have combined, as is charged, for a particular purpose, such as the passage of a river and harbor bill, what is the use of discussing a foregone conclusion? The gentleman speaks of a combination for that particular purpose. Now, does he propose to take up the time of the House discussing for weeks and months a proposition that must pass under this combination which he charges against the friends of river and harbor improvements?

Mr. SCALES. I most assuredly do. If men will sin, let them sin against light and knowledge. I propose that we consider the measure in Committee of the Whole and give gentlemen every opportunity to know what they are doing, and if they fail they must answer to their constituents.

Mr. SINGLETON, of Illinois. I think it probable that two-thirds of the House have as much light as one-third.

Mr. SCALES. But the two-thirds have not the light, and they deliberately determine that they will not have it nor permit the one-third who want it to have it. When a man knows his own district is provided for he is, I fear, little concerned about the light which should fall upon the balance.

Mr. KENNA. Mr. Chairman, it was not my purpose in taking the floor to do anything more than yield to the gentleman from North Carolina, [Mr. SCALES,] in order to enable him to finish his remarks, as I had interrupted him during his own time. Having the opportunity, however, I will say a word in reply to what the gentleman has said in his comments on remarks of mine on this subject. Noth-

ing could have been further from my intention in making the statement that there was a power in this country demanding, and a power in this House which would co-operate with that demand for appropriations for the improvement of our rivers and harbors than to intimate that there was any combination or understanding existing on the subject, or that there was any purpose either in the House or out of it to aid appropriations other than those which are wise, expedient, and just. If I was so understood, I was very grossly and unfortunately misunderstood.

In reference to the effect of the proposed amendment which has been discussed by the gentleman from North Carolina, I have said to him, and I repeat, that under the rules as they now exist the Committee on Commerce may bring the river and harbor bill into the House for reference to the Committee of the Whole for consideration at any time. They can do this, and I have no doubt that upon any proper occasion they will be glad to do it. But under this proposed amendment to the rules they cannot do it, no matter if every member of the committee desires such a course to be taken.

Mr. SCALES. Would the gentleman be willing to amend the rules so that the Committee on Commerce, instead of sending their bill before the Committee on Appropriations, shall be compelled to bring it before the House and have it discussed in Committee of the Whole? I would join him in advocating such a rule.

Mr. KENNA. That depends, Mr. Chairman, upon what the gentleman means by the word "compelled." If he means to suggest the adoption of any rule which would prevent the House, by a two-thirds majority, from doing what they pleased within the limits of the Constitution, I am opposed to it in reference to the river and harbor bill or any other bill. I see no reason why a majority embracing two-thirds of the members of the House should not have control of any subject coming here at any time to dispose of it in their own manner; and I see no reason why, under their responsibility to the country, their judgment and conviction of right should not better be consulted than the judgment and conviction of a mere minority of one-third of the members on this floor.

Mr. SCALES. I do not want to do my friend injustice, but if what he states now is in accordance with what he stated the other day, then I did him injustice. I understood him to say that it was a matter which was desirable that all these appropriation bills should go before the Committee of the Whole; that that rule was a good one in itself. Does he think so now?

Mr. KENNA. The gentleman did not misunderstand me. I think the rule which requires the consideration of appropriation bills first in the Committee of the Whole is a good one. I have no desire to change it. I have no objection to its standing as the rule in reference to the river and harbor bill, as well as to the other bills; but I do say, at the same time, and with perfect consistency with the idea that the rule shall exist, that it should be in the power of two-thirds of this House to suspend that rule and pass the river and harbor bill or any other bill on any proper occasion, when such motion to suspend shall command the support of such a majority.

Mr. SCALES. One other question, and I will not interrupt the gentleman any further. If the gentleman should become satisfied as I am that no river and harbor bill can be presented to the House in the future except by a suspension of the rules, would he then be in favor of any rule or any means by which it could be forced to the Committee of the Whole.

Mr. KENNA. Ah! Mr. Chairman, that changes the phase of this entire discussion. If it be meant by this proposition to adopt a rule which shall require that bill to be disposed of in the anomalous way proposed, for the purpose of defeating it—and I have already called the attention of the House to that object—then I can well understand why a minority of one-third of this House, and even less, should struggle, in opposition to this bill, for a control which would lead to its suppression and its death. We would then have the spectacle of a bill commanding the support of over two-thirds of the members on this floor and yet failing because one-third, and a mere faction, desired its defeat. There are those, I am aware, who are anxious to say practically by these rules that no river and harbor bill shall pass. But I do not occupy that position in reference to the improvement of the commercial highways of this country.

I will say further to the gentleman that the very object which he desires to accomplish, as I understand him, the consideration of this bill in the Committee of the Whole, can best be accomplished by the rule as it now stands. It cannot be accomplished at all as the rule is proposed to be amended. As one member of the Committee on Commerce and one member of other committees on this floor, I now say to him and I say to this House I shall never consent to devote my time and whatever of energy and ability I may possess to the preparation of any bill and then report it for revision by another committee which I know cannot in the nature of things have the same opportunity to investigate and understand its merits which I myself enjoyed. I will not do it; and I believe on that subject I represent the sentiments of every member on that committee, and I believe, sir, I may safely say the sentiments of every member of every other committee. I do not believe any intelligent committee of this House, and they are all so, will ever allow itself willingly to be put in that position.

Mr. SPARKS. If that were made the rule, would you not observe the rule?

Mr. KENNA. I would either obey the rule or invoke the power, namely, a two-third majority of this House, to suspend it. In this particular case I should move such suspension if I got the floor to do it, and if I could not command the floor, I should do all I could to induce some other member to take the floor for that purpose. That rule as you propose to amend it I should never fail to move to suspend.

Mr. SPARKS. You say you would not now do it for reference to any other committee, but that you would do it if it were the rule?

Mr. KENNA. No; I would not do it if it were the rule.

Mr. SPARKS. Then you would be revolutionary.

Mr. KENNA. No, sir; I would not be revolutionary. It would not be revolutionary to suspend that rule any more than to suspend any other, and I would not be anything more than in the line of propriety; because I should have the right, and could enjoy it as far as my vote and influence would extend, to offer a bill under a suspension of the rules, instead of having it smothered by reference to a committee that would never have time to give it the consideration it deserved.

Mr. Chairman, there are some other things which have been said on this subject of which I think some notice should be taken. One is an undercurrent of insinuation running through this whole debate insofar as it has been indulged in by gentlemen who are hostile to the river and harbor bill, to the effect that there is a purpose in the preparation of that bill and a purpose in offering it under a suspension of the rules to prevent any intelligent investigation of it on the part of members on this floor and to avoid the opportunity by the House in Committee of the Whole to look into every item embraced in it.

If I can have the attention of the House for a few moments longer I think I can satisfy the House how erroneous such an impression is, and how great injustice it does to the members of the committee engaged in the preparation of that bill. It has been fully stated here that the intelligent preparation of the river and harbor bill involves the examination of a vast amount of printed and manuscript matter in the reports of the engineers. It has been correctly stated that the preparation involves so much time and so much labor that it is impossible to report the bill at an early day in the session. Now, take the rules as they have existed heretofore until the amendment made in the last session of the last Congress. Take, for illustration, the short session of Congress, embracing three months. The Committee on Commerce was unable in the last short session to prepare the bill for presentation to the House until about the middle of February. Under the rules they were unable to report it at any time even for reference to the Committee of the Whole for consideration. They were unable to report it except when the Committee on Commerce was regularly called for reports, and the condition of the Calendar was then such that there was no prospect of the committee being called, and as a matter of fact it was not again called during that session.

Now, sir, under the rules of the House and the very necessities of the case, what was to be done with that bill? It had either to be brought here under a motion to suspend the rules and pass it or it had to die in the committee of its creation. It has not within my own experience and observation been always the choice of the Committee on Commerce to bring the bill into the House in that manner, but they have been obliged to do it from necessity. They have been obliged to do it under the condition of the rules in order to have it considered; and I warn gentlemen who are opposed to that system that if we adopt this proposed amendment to the rule it will not better the situation. It will place that committee where at least in every short session of Congress that bill must of necessity be offered here and passed in that way or be allowed to die in committee.

And I say further, Mr. Chairman, that in the interest of investigation by this House, and in the interest of those who desire that this bill shall go to the Committee of the Whole for consideration, it is far better to vote down this proposed amendment and leave it within the power of the Commerce Committee, as they now enjoy it under the rule, to bring that bill in at any time for consideration in Committee of the Whole. Under that system they may, and I doubt not on all proper occasions when there is time enough to do it and the House desires it they will, have an opportunity to consider the bill in that way; but under the rule proposed for our adoption that committee, so far as I believe or desire, never will report the bill for reference to another committee. The only course left open to the bill under this amendment will be its passage under a suspension of the rules.

I have desired the House to understand that the passage of the bill in the manner described has been oftentimes the result of necessity, a necessity enforced by a condition of the rules secured by members entertaining a hostile spirit toward that bill, thus forcing the very issue they themselves desired to avert and avoid. And I predict that the extreme antagonism manifested here toward the river and harbor bill will again fail to be productive of good results.

Mr. McLANE. May I interrupt the gentleman to ask him a question?

Mr. KENNA. Certainly.

Mr. McLANE. I want to call the attention of the gentleman from West Virginia to the point that the Committee on Commerce, and the amendments proposed by the chairman of that committee for the consideration of this House, not only have no reference to the mode of passing the bill, but he disclaims all purpose of asking a suspension of the rules; that he distinctly stated to this House that the

rules, the old and the new rules, permit this House to pass the bill under a suspension of the rules or not, as the House pleases, but for himself he did not propose to pass the bill under a suspension of the rules.

Mr. KENNA. I understand it to be a fact that the chairman of the committee has indicated a desire in that direction, but on that subject I must say, so far as I am concerned individually, I desire to make no committal whatever. I prefer to adapt my action to the occasion that may confront me.

Mr. McLANE. That is all right. I wish the gentleman from West Virginia to speak for himself in reference to this subject of suspending the rules.

Mr. KENNA. If the gentleman will pardon me, I have not undertaken to speak for anybody else.

I shall be as willing as any member on this floor, at any time when I believe the time of the House and the circumstances surrounding the subject will justify it, to bring that bill here as any other bill is brought here for consideration in the Committee of the Whole. From my observation in connection with the preparation of the bill, it can as well stand that test as any bill which is passed by Congress.

But if the period of the session shall be advanced, and the time necessary for the preparation of the bill and the condition of the Calendar shall make it necessary for the bill to be brought here and offered under a motion to suspend the rules and passed in that way or not at all, I am unwilling to say that I shall not support its passage, as it has been done heretofore. I should unhesitatingly do so if the bill itself commended itself to my support. I can see no reason, for the life of me, why it is not as proper and right that I shall vote for a bill that I want passed under a suspension of the rules as readily as in any other way. If I am for it, I am for it, and I will vote accordingly. How much time have I left?

The CHAIRMAN. The gentleman has forty minutes of his hour remaining.

Mr. KENNA. I yield five minutes to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. One would think, Mr. Chairman, from hearing the remarks of my friend from North Carolina, [Mr. SCALES,] and perhaps of other gentlemen on this floor, that it was the rule of this House only to pass upon measures after mature deliberation and free discussion. I imagine that that is a grave mistake. The legislation in this House is carried through under the operation of the previous question, saving alone appropriation bills. Every gentleman knows very well how foolish it is to attempt to withstand the chairman of a committee when he comes into the House and says he is ordered by his committee to call the previous question on a measure. The thumb-screws are put on, and every one of us has to vote with the best light he can, but without any discussion.

What is the difference between that sort of legislation and permitting a gentleman, on his own responsibility, to answer to his constituents to vote for suspending the rules? My objection to suspending the rules arises from the fact that a gentleman has not the opportunity to inform himself how he should vote on a question. We see how it is on "wash-day," as it is called, when, on every Monday, political party questions are submitted, when party lines are to be defined, when party traps are to be set, one party trying to catch another, we are compelled to vote under the rule on measures without knowing anything about the measures we are called to vote upon. On a matter of appropriation, and that alone, as it has to go generally to the Committee of the Whole, we have the exalted privilege of a five-minute debate, and then we must vote. But what happens if we offer an amendment? Let any man endeavor to antagonize his party and offer an amendment; let him have the temerity to suppose a committee of this House is even fallible on a question it has reported, and soon he hears the crack of the party whip, soon he sees the chairman and other members of the committee going around and calling the party to whip down the revolutionary spirit that has arisen in the ranks. If he dares to question the infallibility of the committee that has made the report, what is the result? He is voted down. His party all sustain the report of the committee. What, then, is the use of the discussion? What is the use, under such circumstances, of mocking a man with the right to offer an amendment when it is impracticable for him to have it ingrafted on a bill, no matter how much it may be required by the interests of his constituents.

We are told about the great error of passing improvident legislation. Some gentlemen appear to arrogate to themselves the right to call a two-thirds majority of the House to its bar and to lecture them about improprieties in legislation. I beg gentlemen to remember that so far as I am concerned I recognize but one tribunal in this country as having jurisdiction to call me to account for any improprieties I may commit on this floor. I answer to my constituents, and to them alone, and no gentleman, I care not what may be his influence, has a right to charge me with being guilty of improvident legislation. If he is disposed to do so he arrogates to himself a power that does not belong to him.

Mr. KENNA. I yield five minutes of my time to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I sympathize very much in the view of the gentleman from North Carolina [Mr. SCALES] when he expresses the wish that this House may be enabled to consider the river and harbor bill, and any other bill appropriating large sums of money, in Committee of the Whole, where it would be subject to free debate and amendment. I expressed as much in the opening remarks I made on this subject, and I understand why it is that gentlemen should urge a special exception to the general rule on the subject and insist that this particular bill should be acted upon in the Committee of the Whole. That no doubt results from the practice of the House for a number of years past in suspending the rules and passing this bill.

That practice has called attention to this matter; the large amount of money involved in these appropriations has called attention to it; the various interests affected by it have called attention to it. Hence I am not surprised that gentlemen have their minds especially directed to something that will compel the placing of this particular bill in the Committee of the Whole. But, while I repeat that I sympathize with that feeling and think that good may result from the bill being required to be considered in Committee of the Whole, I must now express myself, as I did in my opening remarks upon this subject, that I had rather an express rule was not made discriminating against the Committee on Commerce in reporting this particular bill, but that the rule may stand as to reports from this committee as it stands in regard to reports from the Committee on Appropriations and the other committees; that the rules may be suspended if two-thirds have demanded it; or, if one-third of the House thinks it proper, the bill shall be carried into the Committee of the Whole.

I think, as I have already said, that at least good may come from the consideration of a bill like this in Committee of the Whole; good may come in more ways than one. In the first place, that will give this House an opportunity to understand the principles upon which such a bill is made up. In the second place, it will give the House an opportunity to correct errors in the bill itself, and to make it a more perfect bill. And in the next place, it will protect the Committee on Commerce itself. When eleven men, or, as it is now, fifteen men, are charged with the duty of preparing such a bill as this, I recognize the fact that there is much human nature lodged in every breast, and that partiality to local interests can hardly be excluded from human consideration. Therefore it has seemed to me, and I say it so seems to me now, that this bill ought to go to the Committee of the Whole.

I am perfectly willing to say now that if it be the judgment of this House, should we of the Committee on Commerce be charged this session with the duty of reporting such a bill, I would be glad to see it go before the Committee of the Whole for free discussion and amendment. Besides, the committee may by an error of judgment, by accident, or otherwise, be induced to make appropriations which may not be clearly warranted by the spirit of the Constitution. When we get such a bill before the Committee of the Whole members will have an opportunity to consider all such questions, and if we have fallen into the error of attempting to extend our work too far, then this House will correct those errors.

I say this because many gentlemen have expressed their anxiety that there be a special rule requiring that to be done. Now, while I do not desire such a special rule, because it would seem to be invidious, and also, it seems to me, it would be unnecessary, I supplement that statement with the statement that, so far as I as an individual am concerned, I desire to see the river and harbor appropriation bill go before the Committee of the Whole for consideration, and I desire it for many reasons which seem to me to be good.

Mr. KENNA. I now yield ten minutes of my time to the gentleman from Illinois, [Mr. SPARKS,] after which I will yield the remainder of my hour to the gentleman from Ohio, [Mr. WARNER.]

Mr. SPARKS. I had not thought of troubling the House with any remarks of mine upon this subject. My conviction has been that all of these appropriation bills ought to come from one general committee, namely, the Committee on Appropriations. But the Committee on Commerce, for some inscrutable reason, has arrogated to itself the making up and presenting to this House of what is known as the river and harbor appropriation bill. Why it is that that special subject belongs to the Committee on Commerce more than the naval appropriation bill does to the Committee on Naval Affairs, or the Army appropriation bill to the Committee on Military Affairs, or why, in fact, there is as good reason for that appropriation bill to go to that committee as there is that the other bills which I have named should go to those respective committees, I certainly am unable to see. It seems to me that the Committee on Agriculture would have as much right to take charge of the river and harbor bill as the Committee on Commerce.

Mr. REAGAN. If my friend will allow me, and I do not interrupt him too much——

Mr. SPARKS. I have only ten minutes' time.

Mr. REAGAN. I will state one reason which the gentleman will recognize, and it is a reason which I have already stated. It is that the consideration of this bill and the making it up would be a practical impossibility to the Committee on Appropriations, charged with all their other duties. It is nearly impossible for that committee to do that work and at the same time perform the other duties assigned to it.

Mr. SPARKS. I have had a little experience, Mr. Chairman, in the making up of appropriation bills. I cannot see why the Committee on Appropriations cannot just as well make up a bill containing ap-

propriations for the improvement of rivers and harbors as it can any other appropriation bill, and in fact it was originally intended that all of these bills should be prepared and reported by that committee, including the river and harbor. Now, sir, to prepare bills making appropriations for the Army and for the Navy, or any of the other bills, requires much labor and diligent research to obtain necessary information touching the subject to be appropriated for, and I do not see any difference in the method by which information can be obtained with respect to the river and harbor bill. The heads of the Departments supply most of the information necessary for all of these different subjects. It is the business of the Committee on Appropriations to look over not only the estimates sent to them by the Departments, but to satisfy themselves upon the subjects in hand, and from any and all sources to get all the attainable information needed to thoroughly understand the subject, and not rely upon estimates, which are known to be very imperfect. Why not, therefore, get this information with respect to the river and harbor bill as well as any other subject?

I do not think there is anything in that argument. I do not see any reason for this discrimination, unless, indeed, the Committee on Commerce has something in its composition that makes it peculiarly qualified to perform this business better than any other equal number of gentlemen. Those gentlemen seem to be sensitive about preparing a bill which shall go to the Committee on Appropriations. Sir, the river and harbor bill belongs to the Committee on Appropriations under your rules and under the practice of this House. Why not, therefore, (unless it is deemed best to reform this whole subject,) let it remain in that committee? It is insisted that the character of the work necessary to get up this bill is not adapted to the Appropriations but is peculiarly adapted to the Commerce Committee. I cannot understand that. Why, sir, the Committee on Appropriations will simply have to investigate the subject, prepare and report the bill, and the Committee on Commerce can do no more. Why take it away from the committee and give it in charge of another committee, without you do the same thing with the other bills I have mentioned? I can see no reason in this.

But, sir, I do not care to discuss that matter further. I have thought that some general provision might possibly be advantageously made which would allow all appropriation bills to be matured by the committees charged with the respective subjects committed to them, namely: the naval appropriation bill by the Committee on Naval Affairs; the Army appropriation bill by the Committee on Military Affairs; the Indian bill by the Indian Committee; the postal bill by the Post-Office and Post-Roads Committee, &c., and, if you please, the Committee on Commerce prepare the river and harbor appropriation bill, and then have all those bills referred to the Committee on Appropriations, which committee, having the estimated aggregate expenditures and the estimated aggregate receipts before them, can cut their garment according to their cloth. I have thought that such a rule as this might be really beneficial in our legislation. But I care little about it, for the present rule on that subject has been tried, and has worked reasonably well, while a change would necessarily involve an experiment.

But this discussion has gone beyond all that; and it was of this I wanted to speak a moment. I have sat here and heard gentlemen insinuate that members who have opposed these river and harbor bills have been demagoging. I have seen these bills go through this House and become laws when, in my judgment, three-quarters of the money appropriated by them might just as well have been sunk in the bottom of the sea. That is "my opinion," as the gentleman from Indiana [Mr. BROWNE] stated the other day. Bills of this kind making appropriations of over $8,000,000 have been passed through this House, under suspension of the rules, without discussion and without the privilege of amending them.

Now, sir, I would like by some amendment of the rules to change this wild, reckless manner of legislating on a subject that involves so much of interest to the people, and from whom such large sums of money are thus extravagantly taken.

I do not charge these honorable gentlemen with combination; but I want to state a fact that is patent to every member of this House, and that is that "combinations" are easily formed upon a bill of this kind. You get [turning to Mr. SINGLETON, of Illinois] $50,000 for Duck Creek in your region, and you vote for the whole bill. Another member gets $100,000 for Elk Creek, and he votes for the whole bill.

Mr. SINGLETON, of Illinois. If I live on Duck Creek am I not a better judge of the wants of that stream than men who live in a remote part of the country?

Mr. SPARKS. But if Duck Creek properly requires an appropriation of $50,000, it does not follow that Elk Creek should have $100,000; and yet under the combination you must and do vote for the whole bill. I am not charging any gentleman with wrong. I am simply stating a fact within the knowledge of every member of the House—that bills have gone through this House appropriating millions of dollars upon that principle.

Here is my friend from Louisiana, [Mr. ROBERTSON.] He wants to improve the Mississippi River. I believe that $25,000,000 could be appropriated for that purpose at this hour with benefit to the whole country. I am willing to vote such an appropriation, but I do not want to appropriate money for the Kiskiminetas, or the Wicomico, or Conemaugh, or Acquia Creek, and every other little stream or moist piece of ground extending from some man's house down to the river adjacent.

Under this system a bill is presented here, to be voted upon under a suspension of the rules, embracing appropriations differing vastly in merit—some which ought to be made and some which clearly ought not; and the bill not being subject to amendment nor even discussion, members are called upon to vote for or against it as a whole. Now, I may be desirous to vote millions of money for improvements which I think ought to be made—such as improvements of the great arteries of commerce; but if I vote for these appropriations, I must also vote to spend millions uselessly on these little creeks. Now, sir, I will not do this and ought not to be called upon to do it. These measures ought to be presented in such shape that a member can put himself on record against those things which he conceives to be great wrongs, and at the same time have a chance to vote for appropriations which he believes to be right.

Yet when we oppose these measures after they come from the Committee of Commerce, who arrogate to themselves the reporting of these bills, we are charged with demagoging. I beg members to scrutinize a list which will be presented of the vast sums appropriated in this way in these bills. So much is appropriated for this creek and so much for the other, and you will find that the larger portion of this money is for these minor streams. The State of West Virginia has received one million and a quarter of dollars in the way of appropriations for little streams. The great State of Illinois has not received one-tenth of that sum, yet we pay a much larger amount in the way of taxes than West Virginia does.

Mr. KENNA. Allow me to ask the gentleman what is his familiarity with West Virginia streams?

Mr. SPARKS. I stated the amount appropriated for streams in West Virginia to be about $1,250,000.

Mr. KENNA. I am not talking about the amount, but as to the gentleman's knowledge of what he is pleased to call the "little streams of West Virginia."

Mr. SPARKS. I thought the gentleman was asking as to the amount; and I stated that $1,250,000 had been appropriated for streams in West Virginia.

Mr. KENNA. As to the amount, I think the gentleman is correct; but as to the character of the streams, I believe he is incorrect.

Mr. SPARKS. At any rate, then, I have stated the amount correctly. Now, the gentleman thinks that we ought to appropriate millions of the people's money for those streams. I am one of those old-fashioned democrats who do not believe in that doctrine. I do not think we ought to improve the road to every man's house and the creek that passes by his door. I think, in other words, Mr. Chairman, [Mr. CARLISLE,] as you expressed it here once, that we ought not to macadamize the beds of these little creeks. I do not think we ought to have appropriated $1,250,000 for the streams of West Virginia.

I think it is a great injustice that we should be called upon either to vote for such appropriations or to vote against the improvement of our great inland sea, the Mississippi River. I want to vote a proper appropriation for this object. I know that improvements on this great river ought to be made; that the people demand it. But when I am called upon to vote for it, I find it incorporated in a bill with other appropriations aggregating a vast amount, three-quarters of which, in my opinion, ought not to be appropriated, and I cannot vote for it.

And I must therefore be placed on the record in voting against the improvement of what has been properly denominated the great "inland sea" of the continent. Gentlemen say we must take the bitter with the sweet in these combinations. They are formed for that very purpose. One man is to get his share and another his, and so on through all those who are interested in the bill. I do not want my share. I do not think it is right to get it by that kind of bargain and sale. I do not think it is right to pass these bills in that way, but do think we should bring them in and have them fully considered in Committee of the Whole, so we might vote for such as we want to vote for and against those we ought to vote against.

I yield the balance of my time to the gentleman from Ohio.

Mr. WARNER. Mr. Chairman, I did not expect to occupy any time of the committee in discussing the rules, but I rose a few moments ago to ask my friend from North Carolina a question affecting the practical working of the rule in question as reported by the Committee on Rules. The Committee on Commerce, we will suppose, has had under consideration the matter of rivers and harbors and has decided on an appropriation of $7,000,000, to be distributed among two hundred different works. They have spent weeks, and perhaps months, in investigating these several works, in ascertaining what will be required to finish certain works and to carry on others, as recommended by engineers in charge. They report their bill to the Committee on Appropriations, and that committee says there ought to be only five millions appropriated. Now, how will the Appropriations Committee distribute their five millions? Will it go to work and spend weeks and months, perhaps, as the Commerce Committee has, to determine how it ought to be appropriated or how it ought to be distributed, or will it simply cut the appropriations down *pro rata* 30 per cent. If so, then works that were intended to be completed under the recommendation of the Committee on Commerce would be

only two-thirds or three-quarters completed under the recommendation of the Committee on Appropriations, and would be required to go over another year, adding expense and incurring, perhaps, loss, if not endangering the whole work.

While on the floor, Mr. Chairman, I will add that in the discussion of this question the objections raised have all seemed to turn upon the idea that some impediment, some obstruction other than the will of this House, is necessary in order to prevent extravagant appropriations for our rivers and harbors. I desire to ask attention for a moment to this point. We were informed by the gentleman from Texas at the outset of this debate that we have appropriated from the foundation of our Government down to this time about $75,000,000 for all our rivers and harbors. Now, we have some thousands of miles of sea-coast line, thousands of miles of lake and river boundaries, and tens of thousands of miles of rivers navigated by steam; and there have been appropriated from the discovery of the continent until now $75,000,000 for the improvement of this vast extent of coast-line and rivers; and gentlemen call that extravagance!

Why, Mr. Chairman, there is one building in this District which, when it is completed, will cost almost one-fifth of that entire sum. The construction of such a building is an expenditure. It may be a beautiful structure, an ornament and all that, and it may serve to shelter grandly a thousand or two clerks, but it does not in turn create any new wealth. On the other hand, the people of this country have appropriated in a single generation between four thousand and five thousand millions of dollars to construct iron highways, and they spend every year from one to two hundred millions to improve them. What has been the result of that kind of improvement—of that sort of expenditure? Why, it has enabled us to produce and distribute within the United States $7,000,000,000 of products annually. Could we do this without the railroad system, created at so great a cost? Surely not. We could hardly produce and distribute five thousand millions. This expenditure, then, enables us, the people of this country, to increase the products of the United States by not less than two thousand millions' worth of products per annum, more than would be possible without this expenditure and these improvements. In other words, new powers, new economic forces have been created which add to the national wealth not less than two thousand millions a year.

Ten millions of dollars, Mr. Chairman, would make the Ohio River, I believe, navigable for ten months in the year, from Pittsburgh to Louisville. Ten millions thus expended to make that great river navigable ten months in the year would cheapen transportation probably 25 per cent. or more. That again would be equivalent to adding two or three millions per annum, if not more than that, to our national wealth. The expenditure of money, then, in a way to create new forces, which in turn go to work to re-create wealth, is quite different from the appropriation and expenditure of money for purposes which are mere outlays, like the erection of costly buildings for instance.

Therefore I think we should rather reproach ourselves with having followed a policy penny wise and pound foolish in having spent but $75,000,000 in a century on our thousands of miles of water highways and our coast lines than complain of extravagance. To spend ten millions in the improvement of thousands of miles of river highways is not extravagant when twenty times that is required and expended to improve our railway system. Railways are owned, it is true, by private corporations. Rivers are not so owned, and, I am glad, cannot be, and we must look to Congress for a wise expenditure for their improvement. The highest interests of the country demand it, and it will pay. If, therefore, it is the object of those who oppose the independent action of the committee having this work in charge to defeat appropriations for such internal improvements, then I am opposed to the proposed change in the rules which gives supervisory power to the Appropriations Committee. I am in favor of such judicious expenditure in this way as will tend to increase production and cheapen the distribution of wealth.

On one other point permit me to say a word. I am in favor of full and free discussion of all appropriation bills in this House, and I am not in favor of stifling debate on any matter of importance. I am in favor of discussing these appropriation bills when they come to us from the Committee on Commerce or from any other committee; but I do not see the necessity of a reference of bills matured by arduous labor and much time in the Committee on Commerce to the Committee on Appropriations before they can be reported to this House; and because that plan is intended to obstruct legislation, and, as I believe, discussion too, I oppose it.

I move that the committee rise.

Mr. ACKLEN obtained the floor, and yielded to Mr. BLACKBURN, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules revising the rules of the House, and had come to no resolution thereon.

JANE FISHER.

Mr. WILSON, by unanimous consent, introduced a bill (H. R. No. 3544) granting a pension to Jane Fisher, guardian of the infant heirs of William Dakin, deceased, late private Company G, Sixth Regiment West Virginia Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OFFICIAL POSTAL GUIDE.

Mr. WILSON also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 2,000 additional copies of the United States Official Postal Guide be printed, 500 for the use of the Senate and 1,500 for the use of the House.

PUBLIC BUILDING, LOUISVILLE, KENTUCKY.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. No. 3545) to provide for the erection of a public building in the city of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MONTGOMERY HOWARD.

Mr. WILLIS also, by unanimous consent, introduced a bill (H. R. No. 3546) for the relief of Montgomery Howard, late colonel Twelfth Regiment Kentucky Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY HOWARD.

Mr. WILLIS also, by unanimous consent, introduced a bill (H. R. No. 3547) granting a pension to Mary Howard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY A. LAND.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 3548) granting a pension to Mary A. Land, widow of Reason M. Land, late private in Sixth Illinois Heavy Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROSA VERTNER JEFFREYS.

On motion of Mr. BRAGG, by unanimous consent, Senate bill No. 103, for the relief of Rosa Vertner Jeffreys, was taken from the Speaker's table, read a first and second time, and referred to the Committee on War Claims, not to be brought back by a motion to reconsider.

JAMES HALL.

Mr. HENDERSON. I ask unanimous consent to offer the following resolution for reference to the Committee on Appropriations:

The Clerk read as follows:

Resolved, That there be paid to James Hall out of the contingent fund of the House of Representatives the sum of $474, for services rendered as laborer under the Doorkeeper from November 3, 1877, to June 30, 1878.

The SPEAKER. This resolution should go to the Committee of Accounts if it provides for payment for services rendered during the present Congress. If for services during the preceding Congress it should go to the Committee of Claims, but the Chair will refer it to whatever committee the gentleman desires.

Mr. HENDERSON. I was requested to have the resolution offered and to ask that it go to the Committee on Appropriations.

The resolution was referred to the Committee on Appropriations.

TITLES IN HOT SPRINGS.

Mr. CONVERSE, by unanimous consent, introduced a bill H. R. No. 3549) for the establishment of titles in Hot Springs, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ROBERT S. MURPHY.

Mr. HILL, by unanimous consent, introduced a bill (H. R. No. 3550) for the relief of Robert S. Murphy, of Antwerp, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 156) to correct an error in the act making appropriations for sundry civil expenses of the Government, for the year ending June 30, 1880, and for other purposes.

DEFICIENCY ESTIMATES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations required to complete the service of the fiscal year ending June 30, 1880, and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

MULLAN WAGON-ROAD, MONTANA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report relative to the reopening of the Mullan wagon-road, Montana Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

OLD NAVY DEPARTMENT BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting deficiency estimate for heating, &c., of the old Navy Department building; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BRIGHAM until Monday next, on account of sickness in his family.

Mr. REAGAN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: A bill making an appropriation for the improvement of the harbor of Newport, Rhode Island—to the Committee on Commerce.

By Mr. ANDERSON: The petition of citizens of Kansas, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of ex-soldiers of the United States Army, of Doniphan County, Kansas, for payment of the difference between gold and greenbacks at the time of settlement of their accounts against the Government—to the Committee on Military Affairs.

By Mr. ATHERTON: The petitions of David Stewart and other soldiers of Ohio, of Asher Lalover and other soldiers of Ohio, of Jacob A. Swingle and other soldiers of Ohio, that they be paid the difference between the value of gold and greenbacks received by them as pay from the Government during the late war—to the same committee.

By Mr. BELTZHOOVER: The petition of Wesley D. Oyler and other soldiers of the late war, for the equalization of bounties—to the same committee.

By Mr. BLOUNT: The petition of citizens of Newton County, Georgia, for the improvement of Yellow River—to the Committee on Commerce.

By Mr. BROWNE: The petition of 75 ex-Union soldiers of Indiana, that the pay of the volunteer soldier be made equal to coin—to the Committee on Military Affairs.

By Mr. CALDWELL: Papers relating to the claim of Henry K. Sanger for pay for services and expenses as United States depositary at Detroit—to the Committee of Claims.

By Mr. CALKINS: Papers relating to the claim of the University of Notre Dame du Lac, of Saint Joseph County, Indiana, to be refunded an amount paid on certain imported articles—to the same committee.

Also, the petition of Charles M. Cegrave, relative to delays in the Pension Office of pension claims—to the Committee on Invalid Pensions.

By Mr. CLAFLIN: The petition of the National Temperance Society, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. COFFROTH: Memorial of Henry M. Hoyt, governor, Hon. William Schell, auditor-general, and Hon. A. C. Noyes, state treasurer, of Pennsylvania, for the passage of House bill No. 2272, entitled "A bill to provide for the recomputation of accounts between the United States and city of Baltimore growing out of moneys expended by the several States and the city of Baltimore in the war of 1812 with Great Britain"—to the Committee of Claims.

By Mr. CULBERSON: Papers relating to the claim of George A. Daily and others, that he be credited in the settlement of his accounts with the Government with the amount of money stolen from him while postmaster at Honey Grove, Texas, belonging to the Government—to the same committee.

By Mr. DE LA MATYR: The petition of Charles L. Nichols and 5 others, for an amendment of the Constitution relating to the powers, duties, and manner of electing the President and Vice-President of the United States—to the Committee on the Judiciary.

Also, the petition of E. C. Frost and 114 others, for the repeal of the resumption act, paying the coin in the Treasury on the bonded debt, and for the substitution of national currency for the national-bank currency—to the Committee on Banking and Currency.

Also, the petition of the Mexican Veteran Association of Indiana, that soldiers of the Mexican war be put on an equal footing with soldiers of the late civil war in the matter of pensions—to the Committee on Invalid Pensions.

Also, the petition of John M. Wheeler and 12 others, of G. H. Wesseler and 55 others, and of W. H. Starr and 202 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

By Mr. DUNNELL: Papers relating to the claim of Annie W. Osborn, for pay for property destroyed by fire at Fort Ripley, Minnesota—to the same committee.

Also, papers relating to the pension claim of Annie W. Osborn—to the Committee on Invalid Pensions.

By Mr. FORSYTHE: The petition of W. H. Wells and 53 others, citizens of Sangamon and Montgomery Counties, Illinois; of D. Q. Tratler and 18 others, citizens of Jersey County, Illinois; and of John Hill and 25 others, citizens of Montgomery County, Illinois, for the passage of the bill regulating interstate commerce—to the Committee on Commerce.

Also, the petition of J. H. McGuire and 53 others, citizens of Illinois, for the passage of a law placing them upon an equality with Government bondholders—to the Committee on Military Affairs.

Also, the petition of W. C. Wilson and 31 others, citizens of Jackson County, Illinois; of Henry G. Conrad and 36 others, citizens of Shelby County, Illinois, of similar import—to the same committee.

Also, the petitions of R. G. Dunlap and 23 others, citizens of Montgomery County, Illinois, and of M. J. Thompson and 51 others, citizens of Sangamon and Montgomery Counties, Illinois, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. FRYE: The petition of A. J. Darling and others, that the name of Joshua R. Sharey be placed on the pension-roll—to the Committee on Invalid Pensions.

Also, the petition of W. A. Tobie and others, that the name of Joseph St. Clair be placed on the pension-roll—to the same committee.

By Mr. GUNTER: The petition of Eliza G. Wentworth, for pay for a steamboat taken by the Government during the war—to the Committee on War Claims.

By Mr. HARMER: The petition of the governor, auditor-general, and State treasurer, of the State of Pennsylvania, for the passage of House bill No. 2272, entitled "A bill to provide for recomputation of the accounts between the United States and the several States and the city of Baltimore, in the war of 1812 with Great Britain"—to the Committee of Claims.

By Mr. HILL: The petition of E. P. Hooker and others, citizens of Ohio; of W. C. Holgate and others, citizens of Defiance County, Ohio; and of Adam Wilhelm and 50 others, citizens of Defiance County, Ohio, for the construction of a ship-canal between the Ohio River and Lake Erie, through the States of Ohio and Indiana via the Wabash River—to the Committee on Railways and Canals.

By Mr. HUBBELL: The petition of R. Kitchen and 34 others, of South Manitou Island, for a post-route from Glen Arbor, via Manitou, to Bass post-office—to the Committee on the Post-Office and Post-Roads.

Also, the petition of John Cleland and 10 others, soliders of the late rebellion, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of M. W. Scranton and 39 others, citizens of Sault de Saint Marie, for a harbor of refuge at Grand Marias, Lake Superior—to the Committee on Commerce.

By Mr. HULL: The petition of citizens of Orange County, Florida, for a post-route from Sanford to Pendryville, Florida—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY: The petition of John Myers and others, of Modina, Wisconsin, against the passage of Senate bill No. 496, relative to pensions—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: The petition of Daniel Ruggles, for the consideration by Congress of his invention for producing rain—to the Committee on the Library.

By Mr. JOYCE: The petition of ex-soldiers of the late war, for the early passage of the bills providing for the increase of the pensions of certain pensioners—to the Committee on Invalid Pensions.

Also, the petition of George J. Wardwell, for the extension of a patent for a stone-cutting machine—to the Committee on Patents.

By Mr. MAGINNIS: The petition of Hannah M. Wright, for a pension—to the Committee on Invalid Pensions.

By Mr. McCOID: The petition of Edward Johnston, of Keokuk, Iowa, relating to a dry-dock at that place—to the Committee on Commerce.

By Mr. MILLER: The petition of L. D. Jourdan and others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. MORSE: The petition of Glidden Williams and others, for additional legislation for the disbursement of the money now in the Treasury known as the Geneva award—to the Committee on the Judiciary.

Also, the petition of Mrs. H. C. Willard, for a pension—to the Committee on Invalid Pensions.

By Mr. MURCH: The petition of Atwell Winslow and 11 others, soldiers of the late war; and of John F. Lord and other soldiers, for the payment by the Government to them of the difference between gold and greenbacks at the time they were paid—to the Committee on Military Affairs.

By Mr. NORCROSS: The petition of the Grand Temple of Honor and Temperance of Massachusetts, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, the petitions of Mrs. J. G. Ford, of W. H. H. Markham, of Kate Markham, of J. G. Ford, of John Crouther, and others, of Enfield, Massachusetts, for a sixteenth amendment to the Constitution of the United States prohibiting Congress or any State from abridging the right of citizens of the United States to vote on account of sex, or for any reason not equally applicable to all citizens of the United States—to the Committee on the Judiciary.

By Mr. OVERTON: The petition of C. A. Dean and 53 others, citizens of Susquehanna County, Pennsylvania, for the passage of a law to regulate commerce between the States—to the Committee on Commerce.

Also, the petition of C. A. Dean and 50 others, citizens of Susquehanna County, Pennsylvania, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Wesley M. Cooper, for the amendment of the bounty laws—to the Committee on Military Affairs.

By Mr. ROSS: The petition of the New Jersey State Temperance Alliance, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. ROTHWELL: The petition of George W. Newcome and 38 other Union soldiers in the war of the rebellion, to restore to them the difference between the value of greenbacks and gold at the time of their payment—to the Committee on Military Affairs.

By Mr. SAMFORD: The petition of W. S. Green, receiver and general superintendent of the Savannah and Memphis Railroad, for a reduction of the duty on steel rails to not exceeding $10 per ton—to the Committee of Ways and Means.

By Mr. SHERWIN: The petition of Robert P. Boggs, for a pension—to the Committee on Invalid Pensions.

By Mr. STARIN: The petition of 17 citizens and ex-soldiers of Fulton County, New York, for the passage of certain pension bills relating to loss of limbs—to the same committee.

By Mr. STEVENSON: The petition of citizens of McLean County, Illinois, late soldiers in the Union Army, for the passage of the Weaver bill relating to the pay of soldiers—to the Committee on Military Affairs.

Also, the petition of soldiers of Illinois who served in the Union Army during the war of the rebellion, for the equalization of bounties—to the same committee.

By Mr. AMOS TOWNSEND: The petition of Louisa Southworth, for the removal of her political disabilities—to the Committee on the Judiciary.

By Mr. THOMAS TURNER: The petition of citizens of Kentucky, for the improvement of the Kentucky River—to the Committee on Commerce.

By Mr. VAN VOORHIS: Papers relating to the claim of Nehemiah Osburn for balance alleged to be due for building Baltimore court-house—to the Committee of Claims.

By Mr. CHARLES G. WILLIAMS: The petition of Mary E. Walker, M. D., that a claim of hers that has twice passed the Committee of Claims unanimously be put upon its passage at once—to the Committee on War Claims.

By Mr. WILLIS: The petition of Mary Howard, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Montgomery Howard, late lieutenant-colonel Twelfth Kentucky Volunteers, for pay for expenses incurred in organizing the Twelfth Kentucky Volunteers prior to muster into the United States service—to the Committee on War Claims.

By Mr. WISE: The petition of 50 soldiers of the twenty-first congressional district of Pennsylvania, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. WALTER A. WOOD: The petition of John B. Perry, that aged soldiers and sailors be pensioned—to the Committee on Invalid Pensions.

Also, the petition of O. L. Whitcomb and others, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. WRIGHT: The petition of William McIntyre and 23 others, citizens of Walker's Mills, Pennsylvania, for the passage of the Wright amendment to the homestead act—to the Committee on Public Lands.

Also, the petition of John O. Exley and 104 others, citizens of Weston, Illinois; and of Patrick Dunn and 537 others, citizens of Troy, New York, of similar import—to the same committee.

By Mr. YOCUM: The petition of R. H. Duncan and 34 others, for protection from unjust patent laws—to the Committee on Patents.

Also, the petition of M. L. Rishel and 34 others, for protection against unjust discriminations in freight charges—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 16, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PAY, ETC., OF ARMY OFFICERS ON RETIRED LIST.

Mr. SPARKS, by unanimous consent, from the Committee on Military Affairs, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, directed to report to this House the number, rank, names, and annual pay of each officer of the Army of the United States on the retired list of said Army, the total amount which has been paid to each retired officer as aforesaid, and the aggregate amount paid to retired officers since said retired Army list was created.

GRAND LODGE OF ODD FELLOWS OF THE DISTRICT OF COLUMBIA.

Mr. KLOTZ. I ask unanimous consent to report back from the Committee for the District of Columbia, with a favorable recommendation, the bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia. I desire the present consideration of the bill, and also ask unanimous consent to be permitted to make a statement, not to occupy more than one minute.

The SPEAKER. The bill will be read, after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia be, and they are hereby, authorized to negotiate a loan or loans not to exceed the sum of $50,000, at a rate of interest not exceeding 6 per cent. per annum, and to secure the payment thereof by a mortgage or deed of trust on certain grounds in the city of Washington, designated on the plat of said city as lot No. 11, and part of lot No. 10, in square No. 457, together with the buildings thereon, known as Odd Fellows' Hall, the proceeds to be applied to the liquidation of an existing debt on said property, in accordance with regulations heretofore prescribed by the said Grand Lodge for the management thereof: *Provided*, That the mortgagee or beneficiary under the mortgage or deed of trust authorized by this act shall not be held accountable for the due application or non-application of the proceeds of said loan.

Mr. KLOTZ. I merely wish to say to the House that the Grand Lodge of Odd Fellows of the District of Columbia owe $50,000, for which they are now paying 8 per cent. interest. They have made an arrangement to fund the debt at 6 per cent., and they simply ask permission to make a mortgage to secure the payment of the interest. There is no objection to the bill. It has passed the Committee on the District of Columbia unanimously, and I ask its passage.

Mr. ACKLEN. What lots are these which they propose to mortgage?

Mr. KLOTZ. They are the property of the Grand Lodge.

Mr. ACKLEN. Why do they come to Congress for this authority?

Mr. KLOTZ. They are required to have the power from Congress to issue bonds.

Mr. ACKLEN. I have no objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KLOTZ moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HORATIO D. NELSON.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 3551) granting a pension to Horatio D. Nelson, of Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELI M. RAGER.

Mr. COWGILL, by unanimous consent, introduced a bill (H. R. No. 3552) for the relief of Eli M. Rager, late first lieutenant of Company D, Forty-seventh Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

THOMAS FAGAN.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 3553) granting a pension to Thomas Fagan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STEPHEN GARDNER.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 3554) granting a pension to Stephen Gardner, of Davisville, Sanilac County, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 3555) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, and referred to the Committee on Private Land Claims.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at seventeen minutes past twelve o'clock. This being Friday, the first business in order during the morning hour is the call of committees for reports of a private nature. The call rests with the Committee on Invalid Pensions.

PENSION LAWS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back the joint resolution (H. R. No. 151) to construe the pension laws in certain cases, with an amendment to the title.

Mr. CONGER. Let that joint resolution be read.

The joint resolution was read, as follows:

Resolved, &c., That the provisions of the pension laws shall be construed to include civil engineers in the naval service, as commissioned officers of the Navy, according to their relative rank, to be defined by the President, which shall be commensurate with the duties and responsibilities of their office and length of service, and named in their commissions; and that the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Georgie E. Stratton, widow of Civil Engineer Franklin A. Stratton, late of the United States Navy, and allow and pay her the pension provided by law for widows of staff officers ranking with commanders, from and after July 17, 1879, the date of her said husband's death from disease contracted while in the naval service of the United States and in the line of duty.

Mr. CONGER. That seems to be a mixture of public bill and private bill.

The SPEAKER. At the beginning of the reading it seemed to the Chair to be a public bill; but at the end it seems to be a private bill.

Mr. CONGER. It is a double bill; one portion public and the other private.

The SPEAKER. The Chair concurs with the gentleman. The first part of the bill seems to be of a public nature, but the real object of

the bill, as is apparent by the amendment to the title reported by the committee, is for the benefit of an individual.

Mr. CONGER. I should like to have the bill go to the Committee of the Whole.

Mr. COFFROTH. I am willing to have it go to the Committee of the Whole on the Private Calendar.

Mr. CONGER. It should go on the public calendar.

Mr. COFFROTH. It is really for the benefit of an individual.

Mr. CONGER. The public part of the bill should be considered in Committee of the Whole on the Public Calendar.

Mr. COFFROTH. Very well, let it go to the Committee of the Whole on the Public Calendar.

The bill was accordingly referred to the Committee of the Whole on the Public Calendar.

PENSION BILLS.

Mr. COFFROTH also, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 1463) granting a pension to Edward H. Leib;

A bill (H. R. No. 3017) granting a pension to William Bryant;

A bill (H. R. No. 2548) granting a pension to Martha Neil;

A bill (H. R. No. 3487) granting a pension to James Forsyth Harrison;

A bill (H. R. No. 3544) granting a pension to John Fisher, guardian of the infant heirs of William Dakin, deceased, late private Company G, Sixth Regiment West Virginia Infantry; and

A bill (H. R. No. 1470) granting a pension to Francis H. Bird.

Mr. CALDWELL, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 624) granting a pension to Robert S. Goodall;

A bill (H. R. No. 660) for the relief of Mrs. Mary A. Seaborn;

A bill (H. R. No. 2608) granting a pension to Anna M. Wehe, of Newport, Kentucky;

A bill (H. R. No. 591) for the relief of Eliza K. Ashley, widow of John P. Ashley, deceased;

A bill (H. R. No. 1569) granting a pension to William H. Walker;

A bill (H. R. No. 2301) granting a pension to James Kitchen; and

A bill (H. R. No. 1938) granting a pension to John H. McBrayer.

Mr. CALDWELL also, from the same committee, reported a bill (H. R. No. 3556) to place upon the pension-roll the name of P. S. Rush, captain Company K, Thirteenth Regiment Kentucky Infantry Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. TAYLOR, from the same committee, reported a bill (H. R. No. 3557) granting a pension to Peter Julius; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETLER, from the same committee, reported back, with favorable recommendations, bills of the following titles; which were severally referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2120) granting a pension to Bernard Brady;

A bill (H. R. No. 745) granting a pension to Colby Hornaday;

A bill (H. R. No. 2637) granting a pension and arrears of pension to Johanna Meehan and children, heirs of Patrick Meehan;

A bill (H. R. No. 2636) granting arrears of pension to John R. Smith, late first lieutenant in Company B, Twelfth Regiment Indiana Cavalry Volunteers;

A bill (H. R. No. 2123) granting a pension to Albert L. Jack; and

A bill (H. R. No. 1953) for the relief of Henry C. Groomes.

Mr. HOSTETLER also, from the same committee, reported a bill (H. R. No. 3558) for the relief of Charlotte M. Coward, widow of Captain Joel M. Coward; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks.

L. H. HERSHFIELD & BROTHER.

Mr. VANCE, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother; which was read a first and second time.

Mr. VANCE. I ask that this bill be put on its passage.

The bill was read. It provides that the Secretary of the Treasury shall cause to be issued to L. H. Hershfield & Brother, bankers, of Helena, Montana, or their order, a duplicate check for the sum of $2,476.81, which check shall be paid out of the Treasury, in lieu of check No. 1578, issued to said L. H. Hershfield & Brother in payment of bullion bar No. 1034, by Russell B. Hamson, assayer in charge of the United States assay-office at Helena, Montana, and payable by the assistant treasurer of the United States at New York, which check was lost in transmission; provided that Hershfield & Brother shall execute a good and sufficient bond in double the amount, in manner and form as prescribed by section 3646 of the Revised Statutes in case of checks not exceeding in amount $1,000.

Mr. SAMFORD. I think this bill should take its place on the Private Calendar.

The SPEAKER. If the gentleman makes the point of order, the bill must go to the Committee of the Whole on the Private Calendar.

Mr. VANCE. What is the point of order?

The SPEAKER. The point, as the Chair understands, is that the bill takes money out of the Treasury of the United States.

Mr. VANCE. I think the point of order is not well taken. The bill provides merely for issuing a new draft in lieu of one issued by the assayer at Helena, Montana, and lost in course of transmission through the mails. This draft was issued in payment for a bullion bar; and the money for such purchases has already been set apart. This bill does not make any new appropriation of money from the Treasury.

The SPEAKER. Nevertheless this legislation is necessary to get the money out of the Treasury. If that is not the object, what is the purpose of the bill?

Mr. VANCE. The purpose is to pay for bullion which has already been received at the mint in Philadelphia; and these parties are lying out of the use of their money. The money to pay this draft is already in the hands of the assistant treasurer in New York.

The SPEAKER. The money is in the custody of an officer of the United States, but to authorize payment by him this legislation is necessary.

Mr. VANCE. But if the draft had been regularly received at New York, the money would already have been paid.

The SPEAKER. And then this legislation would not have been necessary.

Mr. WARNER. The payment of this money is already authorized by law. This bill only authorizes the issuing of a duplicate draft.

The SPEAKER. But this legislation does in fact take out of the Treasury money which could not be taken out except by a bill of this kind.

Mr. SAMFORD. If the bill provides merely for issuing a duplicate draft, I believe there is a general law covering cases of that kind.

The SPEAKER. Rule 112 is very comprehensive. The Chair will cause it to be read.

The Clerk read as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

The SPEAKER. This bill comes within the terms of the rule. It contemplates the payment of money out of appropriations already made.

Mr. VANCE. Of course I will not undertake to argue the point with the Speaker; but if the amount involved were less than $1,000 the officer of the Government would be authorized to issue a duplicate draft without any legislation.

The SPEAKER. The Chair, in ruling upon a question of this kind, does not recognize any distinction between one dollar and a million dollars. While not doubting the equity of the proposed legislation, he must, when called upon to decide a point of this kind, follow the rule. The bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. SAMFORD. Mr. Speaker, from the representations which have been made to me by the gentleman from North Carolina, I am now satisfied of the propriety of the passage of the measure which I objected to awhile ago, and therefore withdraw the point of order.

The SPEAKER. The bill will be again read, and the Chair will ask for objection.

The bill was again read.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NELSON LYON AND JEREMIAH S. JAMES.

Mr. VANCE also, from the Committee on Patents, reported back without amendment a bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James.

The bill, which was read, authorizes and directs the Commissioner of Patents to correct the patent dated the 9th day of July, 1872, numbered 128843, and erroneously granted to Joseph Barsaloux, Jeremiah S. James, and Nelson Lyon, as joint inventors, for an invention which was in fact made by said Barsaloux as sole inventor, and of which, at the time of the issue of the said patent, said James and Lyon were assignees of the entire and exclusive right, title, and interest. The correction shall be made upon the face of the patent, or a certified copy thereof, and by proper certificate thereof, appended thereto, and when corrected the patent shall show that the grant is to said Jeremiah S. James and Nelson Lyon, jointly, their heirs and assigns, as assignees of said Joseph Barsaloux. The said patent when corrected, as herein authorized, shall be as good and valid as if it had been originally granted and issued in such corrected form. It shall run for the term of seventeen years from and after the date of the 9th

day of July, 1872; but no person shall be held liable for the infringement thereof prior to the date of such correction, which date, with a reference to this act, shall be entered upon the face of the patent, or stated in such certificate, and shall be noted in the records of the Patent Office.

Mr. VANCE. There is a report which accompanies the bill, which can be read if any gentleman desires it. The case, however, is a very clear one.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL KERNAN.

Mr. SAMFORD, from the Committee of Claims, reported back adversely the petition of Daniel Kernan for relief; which was laid on the table and the report ordered to be printed.

GEORGIA REVOLUTIONARY WAR CLAIMS.

Mr. SAMFORD. I am directed, Mr. Speaker, by the Committee of Claims to report a bill (H. R. No. 3560) to refund to the State of Georgia certain money expended by the said State for the common defense in 1777, and to move that it be referred to the Committee of the Whole on the Private Calendar, and, with the accompanying documents, ordered to be printed.

The SPEAKER. It is a public bill, and should be referred to the Committee of the Whole House on the state of the Union.

Mr. SAMFORD. It pertains only to the State of Georgia.

The SPEAKER. And that makes it a public bill.

Mr. SAMFORD. It is not a bill of a general nature, but only in reference to the claim of one State, the State of Georgia.

The SPEAKER. Bills where States are involved in a claim against the United States have been held to be public bills.

Mr. SAMFORD. I am not familiar with the rule on that subject.

The SPEAKER. It will go to the Committee of the Whole on the Public Calendar.

Mr. SAMFORD. I have no objection.

The SPEAKER. It is reported to-day by unanimous consent and will be received, no objection being made, and sent to the public calendar.

The bill was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying documents, ordered to be printed.

DIRECT TAX SALES, SOUTH CAROLINA.

Mr. BRIGHT. I have been directed, Mr. Speaker, by the Committee of Claims, to report back the following resolution and move its adoption.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House of Representatives a statement of whatever sums of money may be covered in the Treasury, the proceeds of the sale of lands for direct taxes in the State of South Carolina, sold under "An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes."

Mr. CONGER. That is a public and not a private matter.

Mr. BRIGHT. It was referred to the Committee of Claims, and I have been instructed to report it back for the action of the House.

The SPEAKER. It is a House resolution, but relates to a public matter.

Mr. CONGER. I withdraw my objection.

The resolution was adopted.

Mr. BRIGHT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM A. AND ADELICIA CHEATHAM.

Mr. O'CONNOR, from the Committee of Claims, reported a bill (H. R. No. 3561) for the relief of William A. and Adelicia Cheatham for money illegally assessed and paid the Government under protest; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK J. TAYLOR.

Mr. DAVIS, of Missouri, from the Committee of Claims, reported back adversely the petition of Frank J. Taylor, praying for compensation for services rendered as stenographer to the Committee on Epidemic Diseases in Memphis, Tennessee, and moved that that committee be discharged from the further consideration of the same.

The motion was agreed to; and the petition was laid upon the table and the adverse report ordered to be printed.

ALVA H. HICKS.

Mr. DAVIS, of Missouri, also, from the same committee, reported back adversely the bill (H. R. No. 714) for the relief of Alvah W. Hicks; and the same was laid upon the table, and the accompanying report ordered to be printed.

FRANK L. DONNELLY.

Mr. DAVIS, of Missouri, also, from the same committee, reported back adversely the petition of Frank L. Donnelly for relief; which was laid upon the table, and the accompanying report ordered to be printed.

INTERSTATE COMMERCE.

Mr. REAGAN. Mr. Speaker, I am directed by the Committee on Commerce to ask for the reprinting of the usual number of House bills Nos. 1028 and 2432, to regulate interstate commerce.

There was no objection, and it was ordered accordingly.

ELIAS C. BOUDINOT.

Mr. LAPHAM, from the Committee on the Judiciary, reported back favorably the bill (H. R. No. 966) to permit Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims; which, with the accompanying report, was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

DANIEL J. BENNER.

On motion of Mr. BRAGG, by unanimous consent, the Committee on War Claims was discharged from the further consideration of a bill (H. R. No. 2557) for the relief of Daniel J. Benner, of Pennsylvania, and the same was referred to the Committee on Military Affairs, not to be brought back by a motion to reconsider.

JOHN B. SLACK.

On motion of Mr. BRAGG, the Committee on War Claims was discharged from the further consideration of the petition of John B. Slack, and the same was referred to the Committee on Naval Affairs, not to be brought back by a motion to reconsider.

HEIRS OF NEHIMIAH STOKELY.

On motion of Mr. THOMPSON, of Kentucky, the Committee on War Claims was discharged from the further consideration of the petition of the heirs of Nehimiah Stokely, and the same was referred to the Committee on Revolutionary Pensions, not to be brought back by a motion to reconsider.

MYRA CLARK GAINES.

Mr. GUNTER, from the Committee on Private Land Claims, made the following report:

The Committee on Private Land Claims, to whom was referred the motion to withdraw the papers in the case of Myra Clark Gaines from the files of the House, respectfully report that the motion be granted to withdraw said papers from the files, without leaving a copy of the same, no adverse report being made, save one as to part of her claim.

There was no objection, and the motion was granted accordingly.

CHARLES W. ABBOT AND W. W. BARRY, UNITED STATES NAVY.

Mr. MORSE, from the Committee on Naval Affairs, reported back, with a favorable recommendation, House bill No. 2828, for the relief of Pay Director Charles W. Abbot and Passed Assistant Paymaster W. W. Barry, of the United States Navy; which, with the accompanying report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

NAVAL ASYLUM, PHILADELPHIA.

Mr. MORSE also, from the same committee, by unanimous consent, reported back, with a favorable recommendation, House bill No. 64, to authorize the assignment of a rear-admiral on the retired list of the Navy to duty as governor of the naval asylum at Philadelphia; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

WAR BONDS OF THE STATE OF CALIFORNIA.

Mr. DEERING, from the Committee on Indian Affairs, reported back, with a favorable recommendation, House bill No. 1729, for the payment of certain Indian war bonds of the State of California.

The bill was read.

Mr. DEERING. I ask that the report be read.

Mr. BREWER. The bill is subject to the point of order, and it seems to me there is no necessity to take up time in reading the report. I make the point of order that the bill makes an appropriation.

Mr. DEERING. Let the bill go to the Private Calendar.

The SPEAKER. The Chair sustains the point of order.

The bill was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. W. RILEY.

Mr. BREWER, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2503) for the relief of John H. W. Riley, of California; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PERSONS IMPRESSED INTO THE UNITED STATES NAVAL SERVICE.

Mr. BRIGGS, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MIDSHIPMEN IN THE NAVY.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back a resolution of the House requesting the Secretary of the Navy to report the condition of the Naval Academy as regards the probable number of midshipmen who will enter the Navy during the present year, the entire number of midshipmen in the Navy, and

whether or not the number is sufficient for the service; accompanied by a report in writing.

The report of the committee was read, as follows:

In their consideration of the resolution the committee referred it to the Secretary of the Navy, whose reply is herewith submitted as a part of this report, and furnishes, as will be seen, a complete and full answer to the information sought by the resolution of the committee, and in the opinion of the committee no further action in reference thereto is required.

Mr. CONGER. Let the letter of the Secretary of the Navy be read.

Mr. WHITTHORNE. The letter is rather a lengthy one.

Mr. CONGER. Then let the letter be printed with the report.

Mr. WHITTHORNE. I move that the committee be discharged from the further consideration of the resolution, that the same be laid upon the table, and that the accompanying report, with the letter of the Secretary of the Navy, be printed.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Illinois, [Mr. SPARKS,] who was temporarily absent when his committee was called, desires to make a report from the Committee on Military Affairs.

SOLDIERS' MONUMENT ASSOCIATION OF BIRMINGHAM, CONNECTICUT.

Mr. SPARKS, from the Committee on Military Affairs, reported, as a substitute for House bills No. 2259 and No. 2171, a bill (H. R. No. 3562) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized to deliver, if the same can be done without detriment to the Government, four condemned cannon and thirty-six cannon-balls to the order of the Soldiers' Monument Association of Birmingham, Connecticut, to be used in connection with a soldiers' monument now in process of erection by said association, and, if the same can be done without detriment to the Government, he is also directed to deliver to the said association four condemned bronze cannon, to be used in casting the statue of a soldier to surmount such monument.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPARKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORTON MONUMENTAL ASSOCIATION.

Mr. BROWNE, from the Committee on Military Affairs, reported back, with an amendment, the joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association.

The joint resolution was read, as follows:

Resolved, That the Secretary of War be, and he is hereby, authorized and directed to give to the Morton Monumental Association of the United States so many condemned and unserviceable cannon and cannon-balls as may be required for casting a statue of Oliver P. Morton, late a Senator from Indiana, to be erected at the city of Indianapolis, Indiana.

The amendment of the committee was read, as follows:

Strike out the words "so many condemned and unserviceable cannon and" and insert "four condemned and unserviceable bronze cannon and thirty-six."

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWNE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BRIGHT. Has the morning hour expired?

The SPEAKER. It has.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater.

OFFICE OF AUDITOR OF RAILROAD ACCOUNTS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting copy of a letter from the Auditor of Railroad Accounts relative to a deficiency in his office; which was referred to the Committee on Appropriations.

IMPROVEMENT OF MONONGAHELA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the Monongahela River, West Virginia; which was referred to the Committee on Commerce.

HARBOR OF NEWBURYPORT, MASSACHUSETTS.

The SPEAKER also laid before the House a letter from the Secretary of War, requesting appropriations for the removal of obstructions in the harbor at Newburyport, Massachusetts; which was referred to the Committee on Commerce.

SAINT MARY'S RIVER, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of a survey for the improvement of the Saint Mary's River; which was referred to the Committee on Commerce.

Mr. CONGER. I move that the report be printed.

The motion was agreed to.

WAR DEPARTMENT EMPLOYÉS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of messengers, watchmen, and laborers of the War Department for restoration of their former rate of pay; which was referred to the Committee on Appropriations.

PREVENTION OF EPIDEMIC DISEASES.

The SPEAKER also laid before the House a letter from the president of the National Academy of Sciences, transmitting a report relating to the prevention of epidemic diseases; which was referred to the Select Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

NATIONAL CEMETERY AT VICKSBURGH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a request for an appropriation to complete the road from Vicksburgh, Mississippi, to the national cemetery near that city; which was referred to the Committee on Military Affairs.

CHANGE OF REFERENCE.

Mr. WEAVER. The petitions of many soldiers in relation to House bill No. 2480, for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds, now pending before the Committee on Military Affairs, have been referred by mistake to the Committee on Banking and Currency. I ask consent that they be taken from the files of that committee and referred to the Committee on Military Affairs, where they belong.

There was no objection, and it was so ordered.

ADJOURNMENT TO MONDAY.

Mr. FERNANDO WOOD. With the permission of the gentleman from Tennessee, [Mr. BRIGHT,] I desire to suggest to the House that if they wish a session to-morrow it might be well to devote it to the conclusion of the general debate upon the report of the Committee on Rules now pending in Committee of the Whole. I think it very desirable that we shall come to a disposition of that question as soon as possible. I understand that there are several gentlemen who desire yet to be heard in the general debate. If there be no objection I would propose that the session of to-morrow be devoted to that purpose.

Mr. WEAVER. I think it would be very inconvenient to have a session to-morrow for debate on the report of the Committee on Rules. Would it not be well to adjourn over to-morrow?

Mr. PAGE. I would like to inquire of the gentleman who has charge of the report of the Committee on Rules how much longer he intends to allow the general debate to run?

The SPEAKER. That gentleman is not now in his seat. The Chair, perhaps, is able to answer the question. The Committee on Rules desire that general debate shall close on Tuesday next. It is possible that some members of the Committee on Rules may wish to speak on that day.

Mr. PAGE. That would not affect the debate under the five-minute rule?

The SPEAKER. It would not.

Mr. FERNANDO WOOD. Unless the House can come to some conclusion as to what time they will close general debate on the report of the Committee on Rules, it is likely that the debate will run for a week longer. In the interest of legislation, which we are now prepared to enter upon to a very great extent, I think it is desirable that the general debate shall be concluded, allowing the members of the Committee on Rules who may desire to do so an opportunity on Tuesday to make such reply as they may see proper to the arguments which have been made upon their report. If the House will not agree to that proposition, I will then submit the motion that when the House adjourns to-day it be to meet on Monday next.

Mr. WEAVER. I must object to a session on to-morrow for debate on the report of the Committee on Rules.

Mr. FERNANDO WOOD. Then I move that when the House adjourns to-day it be to meet on Monday next.

Mr. WRIGHT. Is that motion debatable?

The SPEAKER. It is not.

Mr. HAWLEY. Does that proposition contain any sort of understanding in relation to the debate on the report of the Committee on Rules?

The SPEAKER. It does not.

The question was taken on the motion of Mr. FERNANDO WOOD; and upon a division there were—ayes 129, noes 29.

Before the result of the vote was announced,

Mr. WRIGHT and others called for the yeas and nays.

The yeas and nays were not ordered, there being but 19 in the affirmative; not one-fifth of the last vote.

Mr. PRICE. That is nine more than was required on another occasion a great while ago when only ten were called for. [Laughter.]

So the motion of Mr. FERNANDO WOOD was agreed to.

Mr. FERNANDO WOOD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF ARMY OFFICERS.

Mr. SINGLETON, of Illinois, by unanimous consent, introduced a bill (H. R. No. 3563) to amend chapter 2, section 1244, of the Revised Statutes, for the retirement of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole for the purpose of considering the business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. KENNA in the chair.

CHARLES CLINTON.

The CHAIRMAN. To-day being consideration day, the first bill upon the Calendar for consideration is House bill No. 1542, for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, out of any money in the Treasury not otherwise appropriated, the sum of $5,850; being the amount of public money stolen from his office on the 1st day of May, 1871, and refunded by him to the Government of the United States.

Mr. CARLISLE. I ask that the report be read.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 1542) for the relief of Charles Clinton, beg leave to report:

That a similar bill was unanimously reported from the committee at the third session of the Forty-fifth Congress, but was not reached for consideration in the House. The report then made states the facts connected with this claim so clearly and succinctly that we prefer to adopt it rather than prepare a new statement. It is as follows:

"That they have given full consideration to the bill providing for the relief of Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, and of all the facts connected therewith.

"It appears from the information furnished from the Treasury Department that on the morning of the 1st of May, 1871, the sum of $5,850 was stolen from the office of the assistant treasurer at New Orleans by some party unknown, and that immediately thereafter the amount was refunded by the assistant treasurer to the Government.

"It appears from the testimony submitted to the committee that a thorough examination of all the facts and into the business of the office of the assistant treasurer by the special agents of the Treasury exonerated the cashier and employés of the office in New Orleans, and the assistant treasurer himself, from all fault or blame.

"It is made to appear that, in addition to the usual duties of the assistant treasurer, he was required by the Secretary of the Treasury to take charge of all the internal-revenue stamps to be sold throughout the Southwest, and to sell the same from his office, without being allowed any increase of force, although the assistant treasurer frequently applied for authority to employ a clerk to take special charge of this business, and informed the Secretary that without an increase of the employés he could not conduct the office satisfactorily.

"The Secretary replied that no appropriation had been made for this purpose, and that therefore the request of the assistant treasurer could not be complied with.

"It appears that while the cashier was engaged for a moment attending to the duties of his office away from the counter, on which were several packages of money lying, some thief fished up one of them by reaching over the barrier in front of the counter and immediately disappeared.

"There is no suspicion, or grounds of suspicion, against the assistant treasurer or his cashier, or the employés of the office.

"It appears that the assistant treasurer was a zealous and careful officer, and that the cashier was also diligent and faithful. Large sums of money passed through this office, and every dollar was faithfully accounted for. There was never at any time any complaint.

"It is also made to appear by the testimony before your committee that the assistant treasurer exercised due diligence and watchful care over the appointments and over the actions of his subordinates.

"The proof absolutely excludes any presumption of fraud or misconduct on the part of the assistant treasurer or his subordinates, or any privity or knowledge on the part of the assistant treasurer whatever."

Your committee therefore recommend the passage of the accompanying bill.

Mr. CARLISLE. Immediately after the occurrence of this loss the Secretary of the Treasury directed a special agent of that Department to investigate the circumstances attending it. I hold in my hand the report of that agent, which I hope will also be read, as it will furnish to the committee, I believe, all the information which can be afforded on this subject.

The Clerk read as follows:

OFFICE SPECIAL AGENT UNITED STATES TREASURY DEPARTMENT,
New Orleans, May 8, 1871.

SIR: I have the honor to submit the following report relative to the recent robbery at the office of the United States assistant treasurer in the city of New Orleans:

On the morning of the 2d instant I was informed that on the previous day the sum of $5,850 had been stolen from that office by some party unknown. Having no instructions, special or general, to investigate into matters connected with the sub-treasury, I immediately telegraphed to the Department that the above-stated sum of money was said to have been stolen from the sub-treasury, and at the same time asked for instruction in the premises.

The Department, on 3d instant, instructed me by telegram in the following words: "Investigate robbery, being careful not to derange efforts of Clinton, who has employed detectives."

I have closely questioned each one of the employés in the sub-treasury, and have consulted with Detective Smith, who was employed by Mr. Clinton to discover and arrest the guilty party.

I find that between the hours of two and three p. m., on 1st instant, the sum of $27,000 (perhaps a little over that amount) lay on the counter close by the desk of Mr. Shute, the cashier. This sum of money was in several packages of various amounts, and among which was one package of $5,850.

There are two apartments or rooms in this establishment, one room being occupied by the bookkeepers and the assistant treasurer, and the other being the office where the funds are received and paid out. The latter room is occupied by Mr. Shute, cashier and paying teller; John L. Henderson, the receiving teller; and John H. Aufdemorte, a porter who is employed in counting currency at a table in the rear of Mr. Shute's desk, and nearly opposite the window through which he pays out the funds. The counter is nearly four feet high; on the other side of the counter there is a protection about three feet high, the lower part of this protection being common panes of glass and the upper part a slight wooden railing. These panes of glass were not shaded or darkened; consequently, any person standing outside of the counter could see everything that lay on the counter inside of said protection. The counter projects about eight inches outside of this protection, so that an outsider could very easily stand up on this projection by holding on to the top railing, and when in that position could, if the officials inside were absent for a moment, or if their backs were turned toward the counter, very easily, with a pointed cane, extract a package of money almost in an instant.

For a short time between the hours of two and three p. m. on 1st instant the cashier and receiving teller were together in the cashier's vault. While they were there there was no person in the front office except Aufdemorte, the porter, who was engaged at a table counting currency, and having his back toward the counter. At this time the $27,000 was lying on the counter, and among which was the package of $5,850 in currency.

Aufdemorte states that while the cashier and receiving teller were in the vault he heard a slight rustle or creaking noise outside the counter; that he did not look around to ascertain what caused this noise, as he supposed it was the creaking of the foot-board on which persons waiting outside of the cashier's window stand. He also states that at that time there was but one person outside the counter.

Soon after three o'clock Mr. Shute, on verifying his cash accounts for the day, found his cash short $5,850 currency. He recollected that a package of that amount was lying on his counter when he went to the vault, and he found this same package missing.

Mr. Shute informs me that when he discovered the loss he examined the outside of the counter, and that on the projection (which I have already described) he found some sand which appeared to be the foot-print of some person who had stood upon this projection.

This foot-print was right opposite where the money lay on the counter.

Detective Smith was immediately sent for and intrusted with the investigation of the case.

I have consulted with Smith. He and I agree in the opinion that the money was stolen over the counter at the time the cashier and teller were in the vault and the office in the sole possession of the porter, who was busy counting currency, and who had his back to the counter.

It will be seen that under the circumstances, with the money exposed to the full view of outsiders through an unshaded glass, with the aid afforded by the outside projection of the counter, no person in the office except a porter, whose back was turned, a very favorable opportunity was afforded to any expert thief to abstract a package of money from the counter.

Thus far Detective Smith has failed to find any clew to the robbery, and he entertains no hopes of success.

I have no suspicion against Aufdemorte, the porter. I inquired closely into his movements after the robbery was discovered, and I find nothing to excite any suspicion.

I am, very respectfully, your obedient servant,

T. J. KINSELLA,
Special Agent.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury, Washington, D. C.

Mr. PRICE. Mr. Chairman, I have no disposition to make any factious opposition to this bill; but I want to call the attention of the committee to the facts of this case. While the reports say that these officers were very careful, very competent, very honest, very watchful, yet the reading of both the reports discloses the fact that nearly $30,000 in money was left lying where anybody could reach over and take it and walk off with it without being observed. Having left the money in that condition, the man whose sworn duty it was to guard that property walks off into another part of the building, goes into the vault with his back to the money; and although he heard a noise, according to his own confession, he never so much as turned around to see what occasioned the noise.

Now, I have very little hope of defeating the passage of this bill, because I have seen so many similar bills pass heretofore. I have not lived thus long in the world, and been for so many years a member of Congress, without learning that men come from the East and the West, from the North and the South, importuning the authorities for appointments to office; their indorsements being good, they are vouched for as capable, honest, watchful men. But when public property—money particularly—is placed in their possession and under their control, it being their special business to guard it well and disburse it properly, every now and then some one of these officers comes here and says, "$1,000, $5,000 (in this case $5,850) has been stolen from me when I was away;" and we refund the money out of the Treasury of the United States.

Now, I submit that no gentleman on this floor would conduct his private business in that manner. Any man in charge of the business of an individual who would so carelessly—that is the proper dictionary word for it—so carelessly lose or allow to be lost the property of his employer would be held to a strict accountability. But so long as we thus vote money away, (shall I say recklessly?—if I may be allowed that expression I will use it,) so long as we vote money away recklessly, without, in my judgment, proper care, just so long will public officials disregard their sworn duty, and just so long will incompetent and careless men—I will not say dishonest men, for I have no right to say that—just so long will incompetent and careless men, regardless of their duty and their oaths, let the money of the Government go, and then come to Congress to have the money refunded; and we will refund it in the future, I will presume, as we have in the past.

With my ideas of duty and my ideas of business correctness and responsibility I cannot allow myself to vote for any such bill as this. I know, sir, that if you had had that money in charge, and could tell no other story than that which this report tells, you would feel that

Congress ought not to refund the money, because with proper care and diligence it would never have been stolen.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. CANNON, of Illinois. Before that vote is taken, I desire to occupy a few moments. I have listened to the remarks of the gentleman from Iowa [Mr. PRICE] with some interest. I believe that heretofore I have not had much to do in supporting or opposing the passage of this class of claims through the House. I do not know now that I am prepared to oppose the favorable consideration of this report. I simply wish to say a word about this class of claims generally.

I believe that when a public officer takes an appointment under the Government and is charged with the duty of handling the public moneys, he should become an absolute insurer of the funds intrusted to him. I know that this is a pretty harsh rule; yet the truth is that these officers of the Government are paid upon an average better compensation than is received by men similarly employed in the ordinary pursuits of private life. As everybody knows, all these positions, both great and small, are sought by a great many people. If a man in his private business meets with a loss by burglary or otherwise he pockets the loss, and I think the same rule should obtain touching the public business. I view with alarm year by year the multiplication of this class of claims. Of course, if we pass one we must pass another, and finally all similar claims. I for one would gladly assist in turning over a new leaf and have the rule obtain that no one shall be relieved unless the loss arises from the act of God or the public enemy. The revenues would thereby be protected and much better care and diligence secured from public servants.

Mr. DUNNELL. Without speaking directly in support of the present bill—and I am free to say I will vote for its passage, for it was very carefully considered by the committee which reports it to the House—I wish to say one word in reply to the gentleman from Illinois more especially, as well as to the gentleman from Iowa. I think the rule which they would adopt would be altogether too severe; indeed, it is severer than it is in private life. If the cashier of a bank, while in the exercise of his duty, commits an act of carelessness which comes to every mortal at some time in his life, and the bank loses a thousand dollars, while that cashier is thus careless no bank expects to make that cashier responsible for the loss.

Mr. PRICE. Excuse me, sir; some banks do make the cashier put up the loss at once.

Mr. DUNNELL. Some banks may, but not as a rule.

Mr. PRICE. I think the rule is that they do.

Mr. DUNNELL. There is no corporation which carries the rule to the same extent as the gentleman from Illinois proposes. It is altogether too severe. Now, many of us have had acquaintance with cases which have come to this House for the last few years where it would be extremely unkind and ungenerous on the part of the Government to hold the men responsible for losses incurred. I remember one case where a paymaster was carrying some money across the country in Texas; every possible precaution had been taken, he surrounded the money with a well-set guard, but it seems there was a conspiracy of which he knew nothing against that money in his possession, and he was robbed of some of it. Now if the great Government which that man was serving faithfully and against which he never had a dishonest thought for a moment, should refuse to make good what he thus lost it would be altogether too severe. There is no humanity in such a rule, and I cannot understand how the gentleman from Illinois, eminently humane, should get hold of an idea such as he has announced.

Mr. PRICE rose.

Mr. DUNNELL. I charge that rather to the gentleman from Illinois than to the gentleman from Iowa. It was the gentleman from Illinois who displayed, as I thought, an extra amount of inhumanity.

Mr. PRICE. Will the gentleman allow me to say a word?

Mr. DUNNELL. Certainly.

Mr. PRICE. If the case presented to the House to-day was similar to the one just now presented by the gentleman from Minnesota, I should not have raised my voice in opposition to it. In that case, according to his own statement, the man having charge of the funds of the Government had used every precaution in his power, when he was overpowered, taking it out of the line of his individual responsibility because he was unequal to the guarding of it, guilty of no negligence, for he had done everything within the range of human possibility for him to do to guard the money. When he had done all this, then as a matter of course we should come up and pay him back again.

But, sir, the reason I oppose the bill before the House is that this man did not do anything of the sort. He laid that money down where anybody could pick it up, and walked off and left it. He did not know anything about it until he came to make up his cash after three o'clock in the afternoon. The two cases are dissimilar. They are as far apart as the poles. Give me a case like the one stated by the gentleman from Minnesota and I will vote for it. But give me a case like the one before the House and I will vote against it every time.

Mr. DUNNELL. One word further. The officers of the Government have recommended this compensation to this officer. It was most carefully examined by the special agents of the Treasury Department, and there is no evidence anywhere in the case that there was anything like willful negligence, or that it was one of the momentary acts of carelessness which come to all men, or that there was any improvident action on his part. Never has he been found wanting in any single instance, and large sums of money, millions and tens of millions of dollars, have passed through his hands. Yet, sir, this amount slipped out as the result, not of any momentary want of precaution which comes to every man——

Mr. KEIFER. Is the gentleman from Minnesota a member of the committee which considered this case?

Mr. DUNNELL. This came from the Committee of Ways and Means, of which I have the honor to be a member.

Mr. KEIFER. Do I understand the accounting officers recommend this?

Mr. DUNNELL. I understand so.

Mr. CARLISLE. I will answer the gentleman from Ohio. I think my colleague from Minnesota on the Committee of Ways and Means is in error when he says the accounting officers of the Treasury have in terms recommended the relief here proposed, but the Treasury Department has furnished to the committee the facts upon which mainly the report of the committee has been based.

The testimony in this case shows that in the year 1871 the Treasury Department imposed upon the assistant United States treasurer at the city of New Orleans the duty of selling the internal-revenue stamps for the whole Southwest, which was a duty in addition to those ordinarily imposed upon that officer by the laws and regulations of the Treasury Department, and which required him to receive and disburse a much larger amount of money and to transact a much larger amount of business than ordinarily was required of him. When this additional duty was imposed on that officer he made, as is shown by the testimony in the case, repeated and urgent applications to the Secretary of the Treasury to afford him additional assistance in his office, in order that he might safely transact that additional business, but it was at all times declined on the ground that there was no appropriation for that specific purpose and no fund out of which the Secretary of the Treasury could pay such additional employés. The assistant treasurer himself said when he went into office that he saw at once the unsafe condition in which the money of the Government would be placed, and he caused such alterations to be made as he could have made for the purpose of making it a more secure place for the transaction of the public business. But with all the precautions which he was able to take this loss occurred.

The gentleman from Iowa [Mr. PRICE] is somewhat mistaken in his facts in connection with the circumstances attending this loss. It was the money-porter of the office who states he heard this creaking noise outside the counter. It was not the officer himself. This money-porter while engaged in counting a package of money heard, or thought he heard, this noise outside the counter, but supposing it to be occasioned by some person who was there in the transaction of business, which was an ordinary matter, he paid no attention to it.

Now, the cashier and one of his assistants were at the time this loss is supposed to have occurred inside the vault in the office, as I remember the testimony, attending to some of this additional duty in relation to revenue-stamps imposed upon this officer by the order of the Secretary of the Treasury.

Mr. PRICE. I do not want to interrupt the gentleman from Kentucky, but I will say in answer to what is said about the porter hearing the noise that the porter was also an employé under that officer

Mr. CARLISLE. He was.

Mr. PRICE. And therefore responsible for his acts or for his nonaction. I suggest to my friend from Kentucky due diligence on the part of this officer would have required the keeping of that money in the vault. He had a vault, and due diligence would have required the keeping of that money in that vault until needed for payment, instead of exposing it upon the counter to be carried off by anybody.

Mr. CARLISLE. I suppose, if not impossible, it would be at least very inconvenient for a public officer who is constantly receiving and paying out money at his counter to undertake to keep that money in his vault until the moment it was needed. The testimony is that the money had just been received from the bank.

Mr. PRICE. In a separate package, not yet broken, and not intended to be broken during that day.

Mr. CARLISLE. I do not know how that may be as to the intention to break it that day; but the testimony is that this money had been received from the bank, brought in perhaps by the very porter in the office at the time, and laid down on this counter; and it was lying there when this thief, or these thieves, by climbing upon a railing outside of the counter, and by means of a hook or a cane, or some other instrument of like character, took the package out. And the committee thought, like the Committee of Ways and Means of the Forty-fifth Congress, that, under all the circumstances of the case, it would be unjust for the Government to require this officer to sustain this loss.

Mr. GARFIELD. If my friend will allow me to say that if this gentleman left the money on the open plain counter, where it could be taken by anybody walking near, it would show want of diligence, but it was on a counter with a wire railing high enough to prevent any person from reaching it by ordinary means. Here was really a case of climbing, where the thief had to climb and get his foot on the ledge of the counter which projected, and by means of a hook reach

over and get the money out of the place where for all ordinary purposes it was safe, and where every banker in the world keeps a considerable amount of money lying for immediate payment. I think due diligence was shown.

Mr. CARLISLE. Now, will the gentleman allow me before I take my seat to call attention to another feature of the evidence? There is here among the papers in the case an affidavit made by the superintendent of police of the city of New Orleans who was called upon immediately after the loss occurred to investigate the circumstances and who details them, so far as he details them at all, as they are stated by the special agent of the Treasury Department; and he exonerates the officer from blame. Here is the statement of the officer himself as to what he had done to enable him to transact the business of the office more securely than he could have done as he found it when he first went there. He says in his affidavit:

I immediately saw the dangers to which my office would be exposed with the large sums of money continually passing over the counter, as was required in the daily business of the office during this year—

This was the year in which he was required to dispose of the revenue-stamps for the whole Southwest—

and made repeated appeals to the Secretary of the Treasury to allow me to employ a trustworthy clerk to perform the duties of the stamp department. He declined to accede to my request for the reason principally that no appropriation had been made, nor was there any fund from which such an employé could be paid.

That, however, is not the part to which I desire particularly to draw attention. He says, some months previously he had noticed the exposure of this counter, and had raised the protection railing on the outside from the height of a man's head on the floor to about eight feet from the floor, and then supposed that it was safe from any attempt from the outside to abstract papers or money from the cashier's desk. But even after this was done, as has been stated by my colleague on the committee from Ohio, these thieves climbed up on the outside of the counter and, by means of a hook, got this money.

Mr. THOMPSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. CARLISLE. Yes, sir.

Mr. THOMPSON, of Iowa. Supposing the property lost had been the property of a private depositor in a bank, would the facts reported by the committee be any defense to an action against the bank?

Mr. CARLISLE. I suppose, as a matter of course, if a banking institution had received this money on deposit from one of its customers the banking institution the moment it got the money inside its office and obtained actual custody of it became indebted to the depositor and the money would be the bank's, and the loss would necessarily be the bank's loss.

Mr. HUMPHREY. The gentleman from Iowa supposes the case of a special deposit.

Mr. CARLISLE. If it were a special deposit, and the banking institution had actually received it from its customer into its own custody and under its own control, I suppose as a matter of strict law the bank could not exonerate itself from a claim of the customer unless it showed a proper degree of diligence.

Mr. HUMPHREY. Yes, it could if it were a special deposit.

Mr. CARLISLE. Unless the bank could show that it was a loss without negligence on its part. It has been conceded here by one of the members of the committee that perhaps there was not that strict care and diligence on the part of the officer which he might have exercised, because he might have been so careful that he would never turn his back on the counter even for a moment.

Mr. HUMPHREY. The law does not require that.

Mr. CARLISLE. Of course the law does not require that. But whether or not there was such diligence in this case as would exonerate the officer as a matter of strict law, yet as a matter of equity and justice the Government should not, in my opinion, call upon its officer, who had always been faithful in the discharge of his duty, to sustain this loss.

Mr. PRICE. I desire to reply for a moment to the gentleman from Ohio, [Mr. GARFIELD,] and I may yet have to call for the assistance of my friend from Michigan, [Mr. HORR,] who represents the Committee on Manufactures. [Laughter.] I allege that the money was insecure; that it was not sufficiently protected. It lay upon the counter where it could be carried off. The gentleman from Ohio [Mr. GARFIELD] makes this statement in answer to that proposition, that it was inside of a railing eight feet high. But that report discloses the fact that there was a ledge on the outside of the counter four feet up, and no climbing was necessary, but a man could put his feet on that ledge, when his feet would be four feet from the top railing, and it would be easy for him to reach over and pick up the money.

Mr. GARFIELD. Not without a hook.

Mr. PRICE. Yes, without a hook. There is no question but that the money was hooked. [Laughter.] I agree to that. I want to show that the position taken by the gentleman from Ohio does not prove there was due diligence in the protection of the money.

Mr. GARFIELD. I have never known of a man having an arm four feet long.

Mr. KEIFER. It is not my purpose to make an assault upon this bill. I am inclined to vote for it, although, after hearing all that has been said by members of the committee, I think it is doubtful whether we are not setting a bad precedent, one that will encourage carelessness and negligence. I do not believe the case made out by the committee in their report is one which, if the question arose in a court of law, would exonerate a bank or bank officer from liability. I think the usual rule in banks, and in other places where large sums of money are kept, is to have the money kept under the eye of some one person or to lock it up. It is said, in explanation of this case, that there were duties imposed upon this officer which required him to be absent from his counter. But I do not understand that it appears that there was only this one man there, or that this man was obliged to go away and leave entirely exposed all the funds that might be upon the counter. So much for that.

I have noticed since I have been here that a very equitable rule has been applied, and one which I am inclined to follow. In the case of the paymaster spoken of by the gentleman from Minnesota [Mr. DUNNELL] I understand that there was not the slightest suspicion against him, not a particle of doubt that he performed all that the Government requirements made necessary. In that case he had all the guards that he could get from the Government, he had a military guard, yet there was a robbery perpetrated, and there was no negligence or carelessness on his part.

We have a large class of cases coming before us for relief. I happen to have upon my table this morning an application for relief, on account of robbery, on behalf of a postmaster whose office is worth about $40 a year—a hard-earned $40. He kept the money of the Government in his charge in the best place where he could keep it in his own establishment. His place was broken open and this money was stolen, and also some postage-stamps. Now, I believe the uniform rule of this House has been, ever since I have known anything about it, to require, in a case of that kind, that the postmaster and his bondsmen shall make good the loss. There was no carelessness on the part of this man. It was impossible for him in a small village to keep a safe in which to lock the money and the stamps of the Government, yet he must suffer the loss.

I would be inclined myself in all proper cases to vote to make good this loss to this poor man. I understand, however, that the rule is the other way; that there has been no recent case where a poor man has been relieved from the loss of a sum of money, or of stamps, which is the same thing. If we are to have such a rule, then I give notice now that I would like to have it extended to another class of persons, if it is a safe rule to enter upon at all.

While I am not disposed to vote against the unanimous report of a committee that has carefully and considerately examined the case, yet I feel that we ought at least to scrutinize the matter very carefully.

Mr. BARBER. I would like to make an inquiry or two of the gentleman from Kentucky, [Mr. CARLISLE.] What provision was made for watchmen in this building?

Mr. CARLISLE. I do not know that any provision was made for watchmen in this building in the day-time, or even at night, so far as the testimony goes.

Mr. BARBER. Is there not a general provision for watchmen in all the sub-treasuries?

Mr. CARLISLE. I am not prepared to answer that question.

Mr. TUCKER. This bill has been reported from the Committee of Ways and Means, and I think it proper that I should make a remark or two in reference to it. It has been very fully considered. It rests upon this ground. The gentleman from Pennsylvania [Mr. THOMPSON] asked a question a few moments ago, to which I will address myself.

This party was a bailee for hire of a deposit. But I understand there is no higher degree of care required of such a bailee than that it shall be reasonable care, in the language of Sir William Jones. It is not extraordinary care, far less insurance.

I was amazed at the proposition of my friend on the other side, the gentleman from Illinois, [Mr. CANNON,] that we ought to hold these officers as insurers of the moneys of the Government deposited with them. If you do that you would either get none but irresponsible people, who do not care whether you break them or not, to fill these offices, or you would get no responsible men at all. No man can be an insurer of public property under these circumstances.

Therefore I apprehend that if this were the bailee of a special deposit there would be no responsibility to the special depositor under the circumstances of the case. Far less should there be with an honest officer who has in good faith discharged his duties and has applied all reasonable care in the custody of public property.

Mr. KNOTT. I would like to ask the gentleman a question.

Mr. TUCKER. Certainly.

Mr. KNOTT. While I agree with the gentleman as to his legal proposition, there is a question of fact affecting the amount of diligence and care exercised by the bailee. Where was this money when it was stolen?

Mr. TUCKER. It was on the counter, protected by a railing, the counter and railing being eight feet high.

Mr. KNOTT. Was it in a vault or in a drawer, or left loose on the counter?

Mr. TUCKER. It was lying loose on the counter, and the reason why it was so left was that it was necessary for some portion of the money to be there in order to the speedy transaction of the public business.

Now, let me say one thing to my friends on the other side. There

is nothing easier when a loss has occurred than for somebody to find out how it could have been prevented in the particular direction in which the loss did occur. In other words, as somebody else has said, our hindsight is always better than our foresight. After the thing is over we can always see any number of remedies that would have been proper. But when an officer has done that which any diligent man would reasonably deem sufficient, I do not see that the Government should hold him responsible for a loss of this kind. I think the bill ought to pass.

Mr. REAGAN. Mr. Chairman, I have no knowledge of the facts of this particular case. I rise only to make a remark upon the principle involved. If this Government is to be made responsible for thefts of public money in charge of public officers, what better equity has a public officer for reimbursement than a private citizen would have for losses sustained by him? I know that the tendency is to regard this Government as a great eleemosynary establishment that shall relieve the woes and distresses of the whole human family, at least that part of it within the boundaries of the United States. But, Mr. Chairman, if we proceed upon that principle—if we establish a precedent which will lead us into that line of legislation, without regard to whether the Government by any default of its own has made itself liable for the loss, where are we to stop, and how are we to raise the money to pay for these losses?

It does not appear, from anything I have heard, that the Government was in any manner derelict in this case. This man was in charge of the public funds. It was his duty to take reasonable steps for the security of those funds. If he neglected to do so, it is not the fault of the Government, nor is it the fault of the people who are to pay this money if this bill be passed. Therefore, it seems to me, we are going a long distance in undertaking to indemnify any man, whether he be a public officer or a private citizen, against losses by robbery.

I am a little afraid, also, that when we begin to indemnify public officers for money lost by robbery, it will encourage an enormous amount of robbery in this country. I think there is great danger in that direction. In numerous cases public officers will lose public moneys and will come to Congress to be reimbursed for the loss.

There is nothing in principle that should bind this Government to reimburse these officers for this money, unless the Government was in some way derelict on its part. There is no pretense, as I understand, that the Government has been derelict. The case before the House is simply a case of loss by robbery, to make the best of it. Why should we appropriate money to relieve a person from loss by robbery because he is a public officer, unless we are willing to extend this principle of relief to a private citizen who suffers from a robbery? Are there higher equities in favor of the one than the other? Has a man a stronger claim to be relieved because he holds in his custody the public money than he would have if he held private money? It seems to me there is necessity that we should pause in this career of universal relief to all men and inquire upon what principle we are to extend relief, and to what end the application of the principle will lead us.

Mr. CANNON, of Illinois. In reply to a remark made by the gentleman from Virginia, [Mr. TUCKER,] I wish to state, as I stated when speaking of this matter a few moments ago, that I am not antagonizing this particular bill, except as it belongs to a class of bills that in my judgment, under a proper policy, should not pass. As I understand the policy of the Government, it always has been, and is now, as a general rule, to let the officer bear the loss where a loss is made. Parties in exceptional cases come to Congress for the granting of special relief. Now, I do not believe it is a proper policy for Congress to adopt.

My friend from Virginia says that if we enforce the rule I have laid down the Government cannot obtain public servants to perform its duties. Why, sir, I will go security that the gentleman's district alone would furnish office-holders for this whole country; and if his district will not, I know that his and mine together will—officers, too, perfectly competent for the positions. Now, take the case of postmasters. There are forty thousand of these officers in the United States, who handle the public funds. No one of these officers, excepting those in a few of the great cities, has as much at stake at any one time as an ordinary shopkeeper or retail dealer.

If the dry-goods merchant has his money-till broken open or his property destroyed, he bears the loss. If a postmaster, however, has money stolen or property destroyed for which he is responsible to the Government, he applies to Congress for a special act of relief. Yet in fact as a rule he is better paid for his work than is his neighbor in a private employment. You may adopt this rule and I will go the gentleman's security there will be no difficulty about a full supply of candidates for all these positions although you should hold them as insurers. The danger is, of course, that if you continue this facility of passing such acts for the relief of this great number of office-holders some portion of them, not all of them, not a majority of them, but here and there dishonest men, will put up jobs on the Government. I have no doubt in some instances it has been done and is being done constantly. Therefore I again say that for one I am ready to let the general law stand as it is, and let everybody understand that these special acts ought not to and cannot pass.

Mr. BRIGHT. Mr. Chairman, I have no other interest in this claim than to have the principle settled. There are some reasons which are patent to me and which make me favor the passage of this claim. On the question of fact it seems there has been an investigation by certain officers of the Government, and they have decided there was nothing corrupt, no malfeasance in office, nothing against the integrity of this Government official. So far as that is concerned it is all in favor of the claimant and against the Government. There was no law to give him a remedy except by application to the Government. By bond he was compelled to pay the loss. Congress received his application and we referred it to one of the most intelligent and able committees of this body, composed of gentlemen of eminent legal ability, who were not only capable to decide questions of law and fact, but gentlemen who would eminently adorn any judicial tribunal in the country. They have made a unanimous report. That report comes to this body in the nature of a judgment of a court on the law and facts; and although it is not absolutely binding on this body, still it has a judicial and moral force which is operating, at least on my mind, in relation to it.

Mr. STEVENSON. I wish to ask the gentleman from Tennessee a question.

Mr. BRIGHT. Certainly.

Mr. STEVENSON. The gentleman has been in the House a number of years on the Committee of Claims. What has been the custom of the House in its action in reference to this class of claims?

Mr. BRIGHT. I will answer the gentleman, because it lies in the line of my remarks in another connection, but I do not wish to be interrupted now in the progress of my statement of the case.

Here, according to the report of the committee, was the sum of $5,850 stolen from the assistant treasurer at New Orleans while he was engaged in attending to the duties of his office. It was stolen away from his counter on which were several packages of money. Some thief had fished it up by reaching over the barriers in front of the counter, and then immediately disappeared. That is the finding of the committee. Now, what do they say further?

Mr. KNOTT. I wish to ask the gentleman from Tennessee a question.

Mr. BRIGHT. Certainly.

Mr. KNOTT. As the gist of this claim seems to be in the amount of diligence used, I wish to ask the gentleman whether he considers ordinary diligence, reasonable diligence on the part of any custodian of public money, to consist in placing a package of $5,000 on his counter, where it could be and actually was taken by a thief, and then paid so little attention to the matter that he did not discover the loss until he came to make up his cash balance in the afternoon?

Mr. BRIGHT. I am obliged to the gentleman for his question, and I will give him the answer of the Committee of Ways and Means, and here it is:

> It is also made to appear by the testimony before your committee that the assistant treasurer exercised due diligence and watchful care over the appointments and over the actions of his subordinates.

That is the finding of this committee charged with the investigation of these facts. It is directed to the point which is pivotal in this case, and it is to the effect that there was due diligence, that there was watchful care over the appointments and over the action of his subordinates.

I think these findings on the part of the Government in the first place, and the finding of the committee which investigated in the second place, are powerfully persuasive both of the law and the testimony. The question is presented here before this body, not as one fettered by any law, but in the exercise of a political discretion as well as a legal one this House is to settle the question whether there has been due diligence, watchful care in relation to the custody of the Government funds. Now, in support of that, as already argued, are the two findings of the commissioners of the Treasury and the Committee of Ways and Means.

In the third place, to go behind these findings to the evidence, we perceive the testimony supports the findings. If that be so, the question addressed to this body is, what rule of action will it adopt in relation to this class of cases?

One gentleman says that he would consider every Government officer a guarantor or indemnifier against any loss whatever. I maintain, Mr. Chairman, as already argued by another, that that would be a rule of such hardship as would at once suspend the functions of this Government. Does it strike representatives that perhaps four-fifths of all the business of the whole country, public and private, is transacted through agencies? Of necessity the business of the Government must be transacted through agents.

What is your Government but a system of agencies? You see only the manifestation of your Government. There is nothing visible or tangible in relation to it except it be the agents and these agents are intrusted with the discharge of various duties, and the question comes back to us, What responsibility will we hold these agents to in the discharge of their duties?

I understand the rule of common law to be this: that in a case of gross negligence they punish the agent individually with responsibility. In a case of reasonable or due diligence the agent is held to be excusable.

There is a certain class of cases where the individual is charged with extraordinary or strict diligence. Now, these boundaries are sometimes a little difficult to define in all their applications; but at the same time the great boundary between gross neglect and reasonable diligence is always patent and can be discerned; and, as to the

rule of practice that I understand to have been adopted by the Government in the administration of law in reference to this class of claims, we require nothing more than is required in any other business—that is, reasonable or due diligence proportioned to the business to be transacted. If this case comes within that classification, I can see no reason why the relief should not be granted. I think it falls within that class.

Where was this fund? Was it in an unusual place of custody? Not at all. It was at its usual daylight place of custody perhaps, and there for the purpose of being used in the ordinary transactions of the Government. It was not required to be under lock and key perpetually. The banks of the country do not keep their funds during their business hours always under lock and key, but keep them in a place where they can be easily reached and the business conducted with reasonable facility.

We find that the Treasury counter was constructed by the Government after the fashion of a bank counter, with a barricade to secure the funds against the reach of any one on the outside. The officer of the Treasury was not responsible for this construction.

Again, we find that these funds were placed there late in the day, probably to be placed with other funds in the vaults in a short time, and were to all intents and purposes in the presence of the officer; and when he turned his back to attend to other business in the line of his duty, the thief scaled the barricade which the Government had erected and fished up the money. The proof shows that the back of the officer was turned only momentarily, and I do not think he can be charged with gross negligence. He was not asleep, nor drunk, nor attending to any business not in the line of his duty. Will any one pretend to say, because there is *any* theft at all the responsibility should attach to every agent intrusted with the care of the public funds?

The rule would be so intolerable that it would lay an arrest upon nearly all transactions conducted by agency. It is enough to say that such a rule has been reprobated in all countries where the civil or common law prevails. Civilization would frown upon the tyranny of such a rule. They are only Shylocks who demand the penalty of bonds under all circumstances. Congress has always viewed the class of cases before us with a liberal and equitable spirit. It has been the practice of Congress to give relief in such cases. I cannot pretend to enumerate, but I will mention one, where the Treasurer of the United States was relieved for a theft committed within the granite walls of the great Treasury building, in this city. This is a sample case. Other cases might be mentioned. It may be laid down as a general rule, that where an officer of the Government has not been convicted of malfeasance or gross negligence, but has faithfully and honestly attempted to discharge the duties of his office with proper care and diligence, Congress has granted the relief. Believing the case before us fully within the rule, I feel constrained to vote for the relief.

Mr. BALLOU. It seems to me, Mr. Chairman, this is a very simple case, and that the Government should hold its officers just as responsible as associations, as corporations, as national banks, as savings institutions hold their officers for like action.

Now, sir, I do not believe that there is a respectable board of bank directors or a board of trustees of a savings institution in this country that would hold a cashier or a treasurer responsible and have him make up a loss that was sustained under such circumstances; and the Government ought not to hold its officers any more responsible than private associations, bank directors, trustees of savings institutions, should hold theirs. I think in such a case as this, where the money was stolen and where as much attention was paid to the matter of protecting it as is given in the case of the customer of a bank, the Government should refund the money which was lost. It is not an easy matter for a man to raise himself four feet and reach over a railing four feet high and get the money; and of course every man who is a treasurer or a cashier in a bank or other institution must keep the funds on hand for use. They must be on the counter, and if they are stolen under such circumstances as have been stated here, I believe the Government ought to refund the money.

Mr. THOMPSON, of Iowa. I do not desire to occupy the time of the committee, and I do not know that I would have said a word if I had not understood the gentleman from Virginia [Mr. TUCKER] to refer to me as the gentleman from Pennsylvania as having propounded a question to the gentleman from Kentucky [Mr. CARLISLE] during the course of this discussion. Now, while I would be proud to represent any district in Pennsylvania, I have not that honor; but I feel just as much pride in representing a district in Iowa.

While I am not here to make any captious objection to the bill under discussion, I must still very modestly but firmly protest against a precedent of this kind being established here at this session. I cannot for a single moment agree with the gentleman from Virginia, who has asserted that the legal principle applicable to cases of this kind is that applicable to all bailees, and that only. I do think it would be a dangerous thing to establish any such precedent at this time and indorse it by legislation on the part of Congress.

I appeal to the history of the past. I appeal to every decision given on questions of this kind. And I will ask any experienced attorney what law is to be found under which you can hold the assistant treasurer of the United States responsible for the loss of funds in his possession simply as a bailee. He is an officer of the Government, and I take it as an officer of the Government he has executed bonds for the faithful discharge of his duty, and he is required when called upon to account for all funds coming into his hands by virtue of his office. He is in no sense a bailee.

Let us suppose, for instance, there was a suit pending in the court to-day for the purpose of recovering this money alleged to be lost; I care not whether by negligence on the part of the officer or by an inevitable accident. The only question in the court would be, was there a loss, and did the officer fail to account? In that case the court could not relieve him from his responsibility.

I say it would be wrong for us by our votes to-day to establish a precedent going to the extent that there is no legal liability on the part of the officer. I take it there is no provision in his bond which relieves him from such responsibility. The supreme court of every State in the Union has decided that an officer acting in a fiduciary capacity and receiving funds must account for those funds when called upon. Unless there be a reservation in his bond which excuses him from liability under certain circumstances his responsibility is fixed for all time to come and under all circumstances.

And when gentlemen tell me the evidence before the committee shows there was due diligence on the part of the officer, I beg leave to differ from them. When the report itself, read in the hearing of the House, shows there was a barrier erected for the purpose of protecting this property, but the alleged thief reached over that barrier and possessed himself of the money, to an unregenerated mind like mine that appears to have been no barrier at all. It was not so to the thief who got the money. The proof of due diligence is not here.

As I have said, the law has fixed the legal liability of these officers. Let us not decide this case as if the law itself protected the officer in any case of carelessness. Public officers should always be held to strict responsibility, and there should be no exception to the rule. But if, on the ground of an appeal to the sympathies and the generosity of the people of this nation at large, he should be relieved, let it be done on that ground, and not on the ground that there is no legal responsibility.

Mr. BOWMAN. I only wish to say a few words in regard to this case, which it seems to me will be to a certain extent a precedent for many cases that will follow, some of which are before our Committee of Claims. It is therefore important that the principle, if there is any principle in this case, should be settled for the guidance of the House. I think gentlemen are mistaken in saying this is a new case. It is not a new case. It has been the practice of this House in cases where due diligence was proved to reimburse the officer of the Government. We stand on this foundation principle: there is no legal obligation whatever on the Government to make good this loss. The only question is, is there an equitable obligation?

Now, in cases of this kind an officer of the Government, bear he the name of treasurer, revenue collector, postmaster, or any other title, provided such officer shows that he has been faithful, provided he shows that he has used due and ordinary, not extraordinary, diligence, is reimbursed for the losses sustained by him. The Government asks of him only ordinary diligence; not that he shall keep his money in a vault; not that he shall build a barrier from the floor up to the ceiling of the room, so that no thief can reach over it; not that he shall take any extraordinary precautions; but only that he shall take that care of the money of the Government which an ordinary man in the exercise of reasonable business diligence would of his own funds.

Now, it seems to me that there is here an equitable obligation on the part of the Government. The gentleman from Illinois [Mr. CANNON] gave you an example of a storekeeper losing his goods, and asks if he must not suffer the loss. That is not a parallel case. This officer did not own the funds. The funds did not belong to this sub-treasurer; they were the property of the United States in the hands of a bailee.

The gentleman would have made an exact parallel to this case if he had asked this question: in the case of a clerk in a store, provided the goods or funds are embezzled without the actual negligence of such clerk, shall he be held responsible to his employer for the loss? It could not be held that if a thief should go into a store and while the clerk was exercising due and ordinary and reasonable care should steal goods from the counter, that clerk must make good to the employer the value of those goods. Not a man on this floor would argue that question for a single moment. No one would say that a clerk should make good to his employer any goods stolen from the counters while that clerk was in the exercise of reasonable diligence.

So, taking the parallel or example of that business transaction, and you would find that this claimant would not be called upon to endure the loss. And that is the exact parallel in this case. This officer was a clerk of the Government, a sub-treasurer, its bailee, its agent, having upon his counter not his own goods but the bills of the Government; just as in the case of a postmaster he has stamps belonging to the Government. Now, by any doctrine of law or any doctrine of equity, if those goods are stolen while the officer is reasonably careful, there cannot equitably be any claim whatever against him for the loss.

Mr. REAGAN. I would like to ask the gentleman a question.

Mr. BOWMAN. Certainly.

Mr. REAGAN. I would ask the gentleman if he does not think that there is a difference between a clerk liable to a merchant in the transaction of business in his store and a bonded public officer who is under obligations to keep secure and safe the public funds in his custody?

Mr. BOWMAN. I see no distinction whatever in principle. The clerk is under the same moral obligation to lock up and keep securely the goods of his employer that the sub-treasurer of the United States is under to lock up the money, the bank bills, the stamps of his employer, the United States, and to keep them securely.

I do not see how by any doctrine of law or any doctrine of equity or any doctrine of morals you can say that there is any such obligation on the part of the bailee, unless always you can show that he is guilty of gross negligence, to make good a loss under these circumstances. No one here has pretended that this officer was guilty of gross carelessness. He may have made a mistake; perhaps he did. Perhaps in the exercise of a sound discretion he should have built that railing up to the ceiling, so that no man could reach over it. But it was a mistake only; it was not dishonesty; it was not gross carelessness; it was simply an error of judgment to which any man is liable.

Now, if a man be guilty of an error of judgment only, that is a good excuse for him and does not make him liable unless you can also show that he was guilty of gross carelessness, or at least of actual, positive carelessness. In other words, this bailee may be guilty of errors of judgment. A stronger man or a wiser man might have done differently from what he did. But if you cannot go beyond that and show that he was culpably or wickedly or grossly careless, then I claim that he as an innocent man is entitled to be reimbursed. I claim that that is both good equitable and good legal doctrine.

Mr. REAGAN. Another question, if the gentleman pleases.

Mr. BOWMAN. Certainly.

Mr. REAGAN. Would not the gentleman consider it gross neglect for a man to lay down money on a counter, in the day-time, so that another could reach over the railing and steal that money? Is not that gross negligence?

Mr. BOWMAN. That is the issue in this case. At the same time that this issue of fact may decide this case, the principle underlying it ought to be ascertained, because there are other cases coming here for decision. Many members have in their charge cases of the robbery of a postmaster involving the same principles. All these cases should be settled upon a general principle; and I state that there is this foundation principle governing all such cases, namely: the question of due diligence. The question, then, comes right back to the matter of fact suggested by the gentleman from Texas, [Mr. REAGAN,] whether there was due diligence in this case. And, Mr. Chairman, the fact that there was an eight-foot railing for the protection of this money; that the sub-treasurer used, so far as we know and have reason to believe, his best judgment in providing that railing; that no one could reach over that railing without taking extraordinary trouble; that it was necessary to climb up and reach over with a hook made of wire or something else, thus taking extraordinary, not ordinary means to commit the robbery—I say that these facts leave no taint of negligence upon this bailee.

I do not believe that the Government of the United States ought to split hairs with the most exact nicety in matters of this kind. I believe that we are to decide these cases according to principles of right and justice and honorable dealing. Neither on appropriation bills nor upon other measures is it the duty of the Government of the United States to squeeze men down to the very lowest sums which they can be induced to take or to forego the payment of or which the strict letter of the law would entitle them to. I believe that the Government of the United States is bound, as we are bound in our dealings between man and man, to act honestly, justly, fairly, equitably, without taking advantage of any nice legal quibbles or technicalities. The United States cannot afford to be mean or, so to speak, legally dishonest. It is the duty of the United States to act liberally—to do what any man in private transactions would say is the right, honest, just thing, without any splitting of legal hairs. It seems to me, therefore, as a matter of law, of equity, of right, of justice, of fair and honorable dealing, that this man ought to be reimbursed, because no one has shown that he was guilty of any intentional wrong-doing and because he was in the exercise of reasonable care when this loss occurred.

Mr. MCMAHON. Mr. Chairman, if I needed anything to convince me that the bill before the House is a bad bill—not in itself, but in the results to which it may lead as a precedent—I would want nothing more convincing than the argument of the gentleman who has just preceded me, [Mr. BOWMAN,] for he gives official information, as a member of the Claims Committee, that almost every member of this House has introduced a similar bill, ready to be put upon its passage if we set the example upon this occasion. I say that the principle involved is bad. I do not care to dispute the merit of this particular bill, although I might be pardoned for questioning it, when the committee which has examined the matter is able to report to us only a surmise that some adroit thief committed this robbery.

Though some of my distinguished friends on this side of the House have affirmed it, I do not admit it to be true, as a principle of law, that a public officer is not an insurer of the moneys in his custody. Why, sir, if you go into the Treasury Department, where the poor girls are employed whose business it is to count the money of the United States, you will see how quickly the amount is deducted from their poor pay when they allow a counterfeit bill to pass their scrutiny unobserved, and you will realize that even an employé receiving but $700 or $900 a year is treated as an insurer. Yet in the case under discussion we find a public officer who voluntarily assumes the duties of an office and gives a written obligation that he will faithfully perform his duties and pay over all the money that may come into his hands. No exception is made in his contract, of casualties by fire, flood, theft, or anything of that sort. His obligation is unconditional, and we make his salary $4,500, or thereabout, because he assumes this responsibility. When some clerk in his office steals the public money, can the principal officer come to Congress and say, "I did not steal, but my clerk did?"

Now, what is the difference whether it was stolen by the clerk or by some outsider? The policy of the law requires that we should hold him to a strict accountability. It is impossible to tell when the loss is absolutely honest and free from connivance or contrivance.

Mr. HAWLEY. There is one consideration I would like to suggest to the gentleman. If this assistant treasurer had the appointment of all the men employed under him, his duty and obligation might be as the gentleman states. But I think there is an equitable consideration in his behalf in view of the fact that he is not allowed to appoint all his subordinates. They are sent down from Washington—some of them, perhaps, upon the recommendation of the gentleman from Ohio himself. Therefore I think we should be a little charitable.

Mr. MCMAHON. The gentleman assumes as a fact that which may or may not occur. It is not claimed in this case that it was stolen by any such clerk.

Mr. HAWLEY. I am speaking of the general rule.

Mr. MCMAHON. But no gentleman can dispute my proposition that we pay this officer a large salary because his responsibility is large. He assumes the office voluntarily and must meet all its risks. Suppose an insurance company, when a loss has been incurred, should say to the party insured, "You ought not exact from us the payment of this loss," would not the party insured properly say, "I have paid you for assuming this risk, and I want my money." So when a man accepts an office under the Government, and assumes the duty of handling the public money, the same principle should apply. We know that these positions are eagerly sought for, although it is known that the Government of the United States treats an official as an insurer of every dollar of public money coming into his hands. It is eminently proper that we should do so.

I ask gentlemen to consider the various devices resorted to by officers, when their accounts are short, to throw the blame from their own shoulders. I do not now allude to this case. I am speaking of the facts of current history. In Ohio, for example, we have had cases where a county treasurer has allowed himself to be bound hand and foot, so that when discovered it might be supposed that he had been set upon by an army of highwaymen, who had almost destroyed his life in order to force from him the combination of his safe; yet afterward some sharp detective has developed that there was a deficit in his accounts, and he submitted to all this in order to hide the fact that he was a defaulter.

So with many postmasters who beg us for relief. Some of them are understood to have burned up their establishments. They have a fair insurance on the store. They get the money for that. Maybe they make double by their supposed misfortunes. Maybe they get the money from the insurance companies and from the Government as well. But, sir, we cannot get along in this broad country of ours, extending from California to Maine, with comparatively few trusty Federal officers to supervise, unless we hold these subordinate officials to the letter of their bond. And, gentlemen of the House, whenever you depart from that rule you will be converted into a mere court of equity, without any fixed rules for your guidance, to refund to incompetent or dishonest men money which they or their subordinates have stolen, or carelessly permitted to be stolen, from the people. I will repeat, in conclusion, Mr. Chairman, that I have nothing against this bill, although I have doubts as to the proof of the theft, but I do hope, for the reason I have stated, that this bill will not pass, even if the theory of fact upon which the committee has acted should be accepted to be true.

Mr. MORRISON. Mr. Chairman, as this belongs to a class of claims the payment of which I have resisted, I wish to say a word. I think the gentleman from Ohio [Mr. MCMAHON] comes too late in reference to the establishment of the policy of paying this class of claims. In the Forty-fourth Congress a claim was presented by a clerk in the sub-treasury office at Chicago who in the discharge of his duties had received a five-hundred-dollar counterfeit bill. He asked to be reimbursed. I claimed that he was a public officer and in the discharge of his official duties took that risk, and therefore ought to bear the loss. I was told by the committee of which I was a member, and at that time chairman, that we could not make insurance agents of these officers and that we must reimburse him, because the bill was well executed and might well deceive; he had been honest. The claim was reported favorably to the House, and as it came from the State of Illinois I did not make very strenuous resistance to its payment. Everybody in the House voted to pay it. Later there came a claim from Kentucky, made by the collector of internal revenue, General Buckner, involving some $60,000. He had employed his own agent and clerk, who had given him a bond in sufficient security for the faithful performance of his duties. That clerk defaulted in the sum of $60,000 and afterward cut his own throat. The officer had acted honestly. He came here and asked to be reimbursed. He was an honest man, an honest officer. He was a republican, and brought some republican influence to bear, and notwithstanding I resisted the payment of the claim, he swept that side of the House,

and coming from the blue-grass region, as he did, of course he swept this side. Everybody voted for his claim, it was passed, and again this policy was confirmed. When that was done by this House I quit resisting this class of claims; and I have only to say that this one is at least as good as either of the others, and, therefore, I consented to its being favorably reported without formal or other opposition. But I believed from the first that to begin relieving public officers by allowing claims of this class we were entering upon a policy which might come home to plague us.

Mr. CASWELL. This man was not the custodian of specific property. He kept an account with the Government; he kept a debtor and creditor account. His undertaking was to faithfully account for the moneys that passed into his hands. He might have been excused, perhaps, if the money had been lost by an armed force, or by riot, or possibly by fire; but this case cannot be distinguished from ordinary larceny or burglary, which is committed on the post-offices throughout the United States.

I concede in the case referred to by the gentleman from Illinois that if this money could be traced to an employé of the Government, then this man ought to be released. He would have a strong equitable claim. But, as I understand this, the presumption is that some outside parties took these funds from the counter, and it cannot be traced to the negligence or bad appointment of the Government. It does not require gross negligence to fix the liability of this man. Any carelessness whatever is sufficient to establish that liability. No one will deny—in fact it is conceded—that he would be liable upon his bond; hence there is no legal defense. There is no legal reason why he should be relieved. There is nothing left but an equitable one. It has not the features about it of the case of the clerk of internal revenue referred to by the gentleman from Illinois, [Mr. MORRISON,] because it is shown there that an employé of the Government took the funds. Then, if there be only an equitable claim and he was guilty of slight negligence, all the equity falls out, and he is left as the law would fix it.

I think it would be a very bad precedent; it would only lay the foundation for every Government official, who sustains a loss by theft or burglary, to present his case to the House and seek relief.

Mr. BUTTERWORTH. I wish to ask the gentleman a question before he takes his seat, and it is this: whether this case is not changed somewhat in the facts stated by the gentleman from Kentucky; and they are these: after this agent entered on the discharge of his duties his responsibilities were greatly increased, other duties were added not contemplated at the time he accepted the office and gave his bond? As appears from the statement of the gentleman from Kentucky, it was in the discharge of these supplemental and additional duties which had been imposed upon him after his appointment that involved what seems here to be negligence.

The Government increased his responsibilities, doubled his labor, and as the result of that, as stated by the gentleman from Kentucky, this loss resulted. It seems to me that that fact of this increase in his duties would take this case out of the rule as stated by my colleague from Ohio [Mr. MCMAHON] and by several other gentlemen. It appears, however, from the report of the committee that he was guilty of negligence, but if he was the Government was derelict in not furnishing him with the necessary safeguards which the Government ought to have furnished to protect the public property. I think every consideration of justice requires the passage of this bill.

Mr. CASWELL. Will my friend permit me to ask him a question? Does he not know that this agent was not required to continue in the discharge of the duties of the office if those duties were too onerous and too hazardous? If they were doubled up he could have surrendered his commission and ceased to act as such, but while he continued to act in that capacity all the responsibilities surrounding him must apply as a matter of course.

Mr. BOWMAN. Mr. Chairman, I only wish to say a word. I stated that this was not a precedent, but that this bill would be in accordance with the proceedings of Congress in similar cases since Congress was organized. Here are some of the precedents which I will state.

In the first session of the Forty-third Congress the Hillhouse relief act was passed, which reimbursed Mr. Hillhouse in the sum of $185,000. Then the Spinner relief act passed in 1873, which reimbursed Mr. Spinner in the sum of $61,000 and a fraction.

The case of Richard B. Boling, surveyor of customs at Louisville, Kentucky, was passed in 1872, which reimbursed him in the sum of $23,838 which had been lost from his office by embezzlement. The case of John L. Thomas, collector of customs at the port of Baltimore, whereby a defalcation by the deputy collector of $27,549.25 was refunded to him. The Forty-fifth Congress passed similar bills for the relief of George Eyster, John W. Douglass, J. C. McBurney, James Johnston, and others, involving the same principle which is exhibited in this case, and many other cases of the same kind might be cited.

Mr. BROWNE. Will the gentleman from Massachusetts inform us what the object is in exacting from an assistant treasurer a bond?

Mr. BOWMAN. The object, Mr. Chairman, is to secure that the officers of the Government shall be honest, diligent, and faithful, and not to give bond against accidents by fire, earthquake, theft, or other accidents which are beyond their power.

Mr. BROWNE. Mr. Chairman, I doubt whether there has ever been a loss from the public Treasury by any of its officers or agents that has not been relieved by the legislation of Congress. I had a short experience as a representative of the United States some years ago, and had occasion to institute a number of suits upon bonds that had been executed for the purpose of indemnifying the Government against loss. I do not recollect one—I believe I do not recollect a single instance—in which relief was not granted, either by the action of some one of the Departments or by act of Congress.

I remember one case. Under the revenue law, a manufacturer of tobacco shipping it out of the district is required to execute a bond that the tobacco shall be delivered safely to the collector of the district into which it is to be transported, so that the tax may there be collected. In this instance certain tobacco caddies were exhibited bearing the mark of the United States inspector, purporting to contain so much of a particular brand of tobacco. When these boxes reached the thirty-second collection district of New York, it turned out that instead of containing tobacco they contained bricks, ashes, and rubbish. Though it was palpable that the tobacco the boxes should have contained had been fraudulently put on the market in the district of Indiana, and the United States cheated of its revenue, yet Congress believed that notwithstanding this the sureties upon that bond ought to be relieved, and it was done.

Some distiller cheats the Government. It is a clear case that he has put his illicit distillation upon the market, perhaps by hundreds of barrels, but it turns out that some of his friends—not one implicated in the fraud—is his surety. Although the Government has lost the revenue the bond was taken to secure, it would be very hard it is said to exact payment from a man in no wise implicated in the fraud, and hence he is relieved by an act of Congress.

Somebody who is the custodian of the public funds, and I presume, as is assumed by the gentleman from Ohio, [Mr. MCMAHON,] the insurer of the safe-keeping of the public funds, by the rascality of a clerk or the ingenuity of a thief, loses the money; and because the custodian is not to blame, notwithstanding his legal liability, notwithstanding he took the office with the burden, assumed the responsibility, entered into the contract, gave the bond to reimburse the Government in the event this loss was incurred, Congress in its generosity relieves the principal and relieves his sureties. And so it is in all these cases.

Now, as I understand the law it is this, at least it has been so adjudged by the supreme court of my own State: that the treasurer of a county or the treasurer of the State when he receives the fund is chargeable with it, and can only be relieved by accounting to the county or the State for it dollar for dollar. Neither in case of burglary nor of accident by fire or flood, nor by the act of the public enemy, is he relieved. He can only be relieved by accounting for the money, paying over the money, paying it out on the warrant of the auditor, or paying it to his successor in office, and I believe that ought to be the rule as to all the officers of the Government. We pay these men who assume these responsibilities liberal compensation for the duties they undertake to perform.

Mr. SAPP. Will the gentleman yield to me for a question?

Mr. BROWNE. Certainly.

Mr. SAPP. Something has been said about the liability of bailees. Is it not true as a legal principle that bailees for hire are responsible for everything? Are they not absolutely insurers except as against the acts of God and the public enemy?

Mr. BROWNE. The gentleman is correct in his statement as to bailees for hire. But I was putting the question on the ground of public policy. I say it is public policy, and it is due to the Government and due to the people that when we have compensated men for the responsibilities they assume, when they have contracted to account for the moneys in their hands, they should be held absolutely liable, excepting, I will say, in extreme and extraordinary cases, when the Government may exercise generosity.

Mr. BOWMAN. Will the gentleman permit me to ask him a question?

Mr. BROWNE. With pleasure.

Mr. BOWMAN. Does the gentleman from Indiana then mean that if the funds are destroyed by fire, by the blowing up of the safe by night with gunpowder, or by other inevitable and unforeseen accidents, the man should still be held responsible?

Mr. BROWNE. I mean precisely what I attempted to say. The rule ought to be that the custodian of the public funds should be held an insurer of the people's money that goes into his hands.

Mr. CARLISLE. Will the gentleman allow me to ask him a question?

Mr. BROWNE. I ask the gentleman to allow me to finish the point I am now making, and I will then hear his question. I say that ought to be the rule. I say, at the same time, that extraordinary cases may arise that address themselves so strongly to the sympathy of the people's representatives that relief might be given. But they ought to be extraordinary cases, and they ought at least to come within the class of cases referred to by the gentleman from Massachusetts, [Mr. BOWMAN.] They ought to result from inevitable accident, and there ought to be no shadow of negligence about them. I will now hear the gentleman from Kentucky.

Mr. CARLISLE. Suppose a case like this, where the officer who is sought to be held responsible for the safe custody of the money has not the appointment of his subordinates. Now, if there were any negligence at all in this case it was not the personal negligence of the assistant treasurer but the negligence of his subordinates over whose appointment or selection he had no control whatever.

Mr. BROWNE. That changes to some extent the question, but only so far as the case may address itself to the liberality of the legislative power. Let me give the gentleman from Kentucky a case, which occurred within my own State, and in which there was a decision of the supreme court of Indiana. A county treasurer received money in his official capacity. It was placed in a safe provided by the board of county commissioners. He was ordered by the board to keep the money thus deposited; and in putting the money there he was acting in strict obedience to the requirements of the board, doing county business. Subsequently his office was entered by burglars. The safe was bored into in the night-time and was blown to pieces by gunpowder. There was not the slightest evidence of negligence on the part of the county treasurer. The money was abstracted, and subsequently, in the suit brought upon his bond against him and his sureties, they were held to be liable by the court, and that decision was affirmed by the supreme court. And it is the rule of law to-day in the State of Indiana that the treasurer of a county is absolutely responsible for the funds committed to his keeping, notwithstanding they may be lost by theft or by flood or fire, or other inevitable accident. And notwithstanding the compensation of these officers is by no means large, we have found no trouble in Indiana in getting very respectable gentlemen to accept that office, with all the responsibilities imposed upon it by the law and by the decision of the supreme court of the State.

I did not intend, Mr. Chairman, to discuss this question so long. I simply desired to assert a principle. This Government ought to lay it down—it is the only rule of safety—that custodians of its funds and custodians of its property shall be absolutely responsible for the return of the money and the property intrusted to them. It is the only rule of safety. Reference has been made to a number of cases where relief has been given by past Congresses; and it would be exceedingly difficult, in my judgment, to refer to cases in which relief of that kind has been refused by Congress.

Of the thousands of dollars, I might say of the millions, of the public funds that have been lost in this way very little has ever been accounted for. And if we go on as we have begun it will be understood by every officer of the Government who accepts the trusts that may be imposed upon him that he is simply to be reasonably diligent, and if any clerk steals the money in his keeping, or if any thief steals it, or if he loses it in some mysterious way which he is unable to comprehend—perhaps finally it may go so far that if he happens to invest it in some important speculation, to take a corner in the Chicago wheat market, or in any other way loses the money of the Government, and is, unfortunately, unable to pay it himself, and the loss must fall upon his sureties, innocent men, then the Government will relieve him and them from the loss, and neither he nor they will be held to any responsibility whatever.

Now, if you leave these gentlemen to understand that the Government will hold them to a strict accountability there will be fewer losses in the future than there have been in the past. If you will make these Government officers understand that Congress will refuse relief, or, if it gives any at all, it must be in a strong case, where there is neither taint of fraud, shadow of dishonesty, nor suspicion of negligence—if you have that understood, then men will not permit their thousands and thousands of dollars to lie loosely on their tables or counters in the reach of thieves when there is a safe within five feet of them, you may take my word for it.

If we have established the precedents which have been referred to it is time that we should reverse them and establish a new order of things. We have gone far enough in that direction. I do not say it in any spirit of unkindness, but it is unfortunately the fact that there is scarcely any iniquitous thing that can come before a legislative body anywhere by which money is to be taken from the treasury in favor of which some precedent may not be quoted.

Mr. LAPHAM. It is undoubtedly true, Mr. Chairman, that a public officer is liable for the loss of funds intrusted to his care, whether that loss be by fire, or by theft, or from any other cause. Why is this so? It is because the officer executes to the Government a bond, conditioned that he will account for and pay over all such moneys intrusted to his care. It is because his official bond is without exception of loss by fire or by theft. In other words, it is because "it is nominated in the bond."

And yet the object of an official bond is not to guard against the destruction of trust funds by fire; not to prevent thieves from "breaking through" and stealing them. The object of an official bond is to secure personal fidelity on the part of the official, a faithful discharge of official duty on his part, and an honest administration of his affairs as an officer. When he has done that he has done all that in fact was intended to be secured by requiring of him a bond with sureties, except such sureties are required in order to indemnify the Government against loss in case of the failure and bankruptcy of the principal.

When you come to the question of a loss of trust funds in the hands of an official by an act in which he was in no sense a participant, and for which he is in no sense responsible, his case should be treated, and always has been treated, precisely as the case of a personal or private agent who has given no official bond.

Now, suppose a person intrusts to his agent moneys for the purpose of being disbursed, and those moneys, without the fault or neglect of the agent, are taken from him by larceny or destroyed by the casualty of fire. There is no rule of law which will justify the principal in such case in holding his agent responsible for funds thus lost or thus feloniously taken from him. On the contrary, the rule of the common law and the rule of common sense is, that if the agent has fully performed his duty, has taken reasonable care and precaution in protecting the property of his principal and in the discharge of his duty, he is not liable to his principal. It is for his neglect and want of proper care only that he can be made liable by the principles of the common law. What constitutes want of proper care in such cases depends very much upon the circumstances of each case. More care and diligence should be required in relation to a package of money than would be demanded in relation to a bale of goods.

It is true, I repeat again, that an officer must be held liable, if he has given a bond, no matter how faithfully he has performed his duty, unless he is in some way relieved. That is the precise foundation of all the acts of Congress which have provided relief to public officers in this class of cases.

The true question in every such case is, do the facts show that the public officer who asks to be relieved was free from any fault or neglect on his part? If that be the fact in this case, if the committee who have examined the case have arrived at the conclusion as a matter of fact that there was no negligence on the part of the officer, and the evidence in the case justifies that conclusion of the committee, then there ought to be relief granted in this case, as there has been in every other case of like character.

This whole case turns upon the simple point whether this officer was free from any fault on his part. I cannot subscribe to the doctrine advanced by some gentlemen that unless he was guilty of gross negligence he is entitled to compensation. If the officer has been guilty of any want of proper care and reasonable caution that neglect affords just ground for denying his claim to relief.

I put this class of claims and the relief which should be granted on them upon the analogous theory of the common law, that where a person asks damages at the hands of another by reason of the alleged negligence with which the other is charged, he must in all cases come into court with clean hands and show that he was free from any negligence on his part contributing to the injury of which he complains. So a public officer who is primarily liable, who has given his bond to account for the moneys which he receives, must be compelled to account for them unless he establishes that without any fault on his part, with entire fidelity on his part to his official obligations and trust, the funds which have been placed in his hands have been in some way taken from him or destroyed by casualty beyond his control. If the facts in this case meet the rule as I have endeavored briefly to state it, then I am in favor of voting for this claim. Unless they come up to such standard the bill should not in my judgment receive the sanction of the House. The committee, as I remember the reading of the report, acquit the claimant of all blame for the loss of the money in question, and acting upon that theory I shall support the bill.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, it was decided in the negative—ayes 62, noes 72.

GEORGE EYSTER.

The next business on the Private Calendar was the bill (H. R. No. 2796) for the relief of George Eyster.

The Clerk was proceeding to read the bill, when

Mr. O'NEILL moved that the committee rise.

Mr. BRIGHT. I hope the committee will not rise. We might sit awhile longer, as we have a holiday to-morrow.

The motion of Mr. O'NEILL was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND, of Illinois, having taken the chair as Speaker *pro tempore*, Mr. KENNA reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report, with a recommendation that it be not passed, the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, Louisiana.

Mr. DUNNELL. I move that the House adjourn.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TALBOTT, for two days, on account of important business.

MARINE HOSPITAL SERVICE.

The SPEAKER *pro tempore*. The present occupant of the chair, on behalf of the Speaker, asks unanimous consent for the correction of an erroneous reference. Yesterday a communication from the Secretary of the Treasury relative to the marine hospital service was referred to the Committee on Naval Affairs. It should have gone to the Committee on Commerce; and that reference will now be made, if there be no objection.

There was no objection, and it was ordered accordingly.

The question being taken on the motion of Mr. DUNNELL that the House adjourn, it was agreed to; and accordingly (at three o'clock and forty minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Lucretia Mott, Maria Mott

Davis, M. Louise Thomas, Edward M. Davis, J. F. Beecher, R. W. B. Cornelius, M. D., and others, citizens of Philadelphia, Pennsylvania, for a sixteenth amendment to the Constitution of the United States, prohibiting Congress or any State from abridging the right of citizens of the United States to vote on account of sex, or for any reason not equally applicable to all citizens of the United States—to the Committee on the Judiciary.

Also, the petitions of Rachael Foster, of Julia T. Foster, of Mary R. Galloway, and of Catharine E. Salsbury, for the removal of their political disabilities—to the same committee.

By Mr. ANDERSON: The petition of soldiers and citizens of Washington County, Kansas, for equalization of bounties—to the Committee on Military Affairs.

By Mr. BEALE: The petition of H. O. Claughton & Co., accompanied by draught of bill, for the incorporation of the Capitol Hill and Potomac Railway Company of the District of Columbia—to the Committee for the District of Columbia.

By Mr. BRAGG: The petition of Orin Hatch and others, citizens of Wisconsin, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of William P. Atwell, for the correction of his official record as an officer of volunteers in the late war—to the Committee on Military Affairs.

Also, the petition of James Orvis and other citizens of Wisconsin, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. CALDWELL: The petition of W. A. Meredith, J. W. Saunders, and 45 other soldiers of the civil war, Kentucky volunteers, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. JOSEPH G. CANNON: The petition of O. Newton and others, of Hammond, Illinois, for additional pay to soldiers of the late war—to the Committee on Military Affairs.

Also, the petition of Simon Leroy, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. CARLISLE: Papers in relation to the pension claim of Elizabeth McKay—to the same committee.

Also, a paper in relation to the pension claim of Elizabeth Hull—to the same committee.

By Mr. CARPENTER: The petition of citizens of Osceola County, Iowa, that Sioux City be made a place for holding the district and circuit courts for the district of Iowa—to the Committee on the Judiciary.

By Mr. CRAPO: The petition of the mayor and city council of New Bedford, Massachusetts, and 230 citizens, for some prompt legislation which will give to the rightful claimants a distribution of the Geneva award—to the same committee.

Also, the petition of George O. Crocker and 78 others, of Massachusetts, who suffered damage by the acts of the so-called confederate cruisers, for the passage of a law which shall provide for the futher distribution of the Geneva award which was received by the United States in 1873, and a large portion of which is yet withheld—to the same committee.

By Mr. DAVIDSON: Memorial of the Manatee Baptist Association, of Florida, calling attention to the deplorable condition of the Indians in that State, and asking for legislation that will afford needed relief—to the Committee on Indian Affairs.

By Mr. HORACE DAVIS: The petition of Charles Crocker, president of the Southern Pacific Railroad Company, for a reduction of the duty on steel rails to $10 per ton—to the Committee of Ways and Means.

By Mr. DE LA MATYR: The petition of J. H. Cannon and 41 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

By Mr. DUNNELL: The petition of E. K. Pickett and 40 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of E. K. Pickett and 40 others, of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

By Mr. FROST: The petition of Malin Fowler & Co., to have special taxes refunded which have been twice paid—to the Committee of Ways and Means.

By Mr. HOUK: The petition of veterans of the Mexican war, of East Tennessee, that pensions be granted to soldiers of said war—to the Committee on Invalid Pensions.

By Mr. HUTCHINS: The petition of Samuel Ross, United States Army, retired, for back pay, &c.—to the Committee on Military Affairs.

By Mr. JOHNSTON: The petition of Peyton Johnston, for pay for property taken and used by the United States Army at Richmond, Virginia, in the year 1865—to the Committee of Claims.

By Mr. JOYCE: The petition of J. W. Collins and 6 others, that a military organization to which they belonged during the late war be recognized by the War Department—to the Committee on Military Affairs.

By Mr. KEIFER: The petition of A. C. Rockafield and 160 others, Union soldiers of the late war, for the equalization of bounties—to the same committee.

By Mr. McMILLIN: The petition of T. J. Lee and Elmore Carrington, for the establishment of a post-route from Bloomington to Granville, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. MITCHELL: The petition of Captain P. D. Bricker and 75 others, late Union soldiers, against the passage of Senate bill No. 496, in relation to the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of Jacob H. Reed and 18 other soldiers, of Hudson, Ohio, of similar import—to the same committee.

By Mr. MORSE: Papers relating to the claim of Joseph B. Eaton for pay for horses furnished the United States Army in California in 1846—to the Committee on Military Affairs.

By Mr. MORTON: The petition of the Central and South American Cable Company, for aid in the form of a contract for Government messages—to the Committee on Commerce.

By Mr. NEWBERRY: The petition of John J. Farrar and 23 others, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PAGE: The petition of William D. Haley, for pay for services rendered the United States as an officer of the Second North Carolina Volunteers—to the Committee on Military Affairs.

By Mr. PRICE: The petition of soldiers of Iowa, for additional pay—to the same committee.

Also, the petition of 226 citizens of Muscatine City, for appropriations to continue work at that place on the river-front—to the Committee on Commerce.

By Mr. REAGAN: The petition of the National Board of Steam Navigation, for compulsory physical examination of seamen—to the same committee.

By Mr. THOMAS RYAN: Papers relating to the claim of Orren D. Lemert, late captain First Regiment Mississippi Volunteer Infantry, African descent, for pay as a captain of infantry from July 25, 1863, to December 28, 1863—to the Committee on Military Affairs.

Also, papers relating to the claim of H. Fones for pay as a second lieutenant United States Army from June 7, 1863, until the date of his discharge—to the same committee.

By Mr. JAMES W. SINGLETON: The petition of the officers and jurors of the United States district and circuit courts for the southern district of Illinois, that the per diem of jurors be increased to $3—to the Committee on the Judiciary.

By Mr. URNER: The petition of Lieutenant Charles W. Embrey and 201 other ex-soldiers, for the passage of the Weaver bill relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. WAIT: The petition of Orrin Doty, Nathaniel Hancox, and others, citizens of Stonington, Connecticut, for the improvement of the harbor at Block Island—to the Committee on Commerce.

By Mr. WARD: The petition of Herman Miller, for the extension of patents for the improvement in sheet-metal cans and for soldering sheet-metal cans—to the Committee on Patents.

By Mr. WEAVER: The petition of Jesse Keith, of Rosewood, Kentucky, and 147 others, asking Congress to abolish national banks and replace their circulation with full legal-tender greenbacks, and for the unrestricted coinage of standard silver dollars—to the Committee on Banking and Currency.

By Mr. WILLITS: The petition of H. D. Platt and 26 others, citizens of Washtenaw County, Michigan, for legislation to protect innocent purchasers, makers, and users of patented articles—to the Committee on Patents.

Also, the petition of H. D. Platt and 26 others, citizens of Washtenaw County, Michigan, for legislation against transportation monopolies—to the Committee on Commerce.

By Mr. WILLIS: The petitions of citizens of Louisville, Kentucky, for the passage of Senate bill No. 843 and House bill No. 3524, relating to pensioners—to the Committee on Invalid Pensions.

By Mr. WILSON: The petition of N. A. Shuttleworth, James Monroe, and others, for the payment of fees to grand jurors, petit jurors, witnesses, and others, for their mileage and per diem in attending the United States district court of Virginia, now West Virginia, during the spring term of said court in 1861—to the Committee of Claims.

Also, the petition of George W. Silcott and others, for an appropriation to improve the Little Kanawha River, in West Virginia, by locks and dams—to the Committee on Commerce.

IN SENATE.

MONDAY, *January* 19, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting papers concerning the payment of the first installment of the annual compensation of James B. Eads for the maintenance of the channel at the South Pass, Mississippi River, for the quarter ending October 30, 1879; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Commissary-General of Sub-

sistence, suggesting the propriety of having the building for the libraries of the several bureaus of his department exempted from the operation of the act of February 26, 1879; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of Major Godfrey Weitzel, Corps of Engineers, on the superintendence, management, and repair of the Louisville and Portland Canal for the year ending December 31, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Auditor of Railroad Accounts, relative to a deficiency of $750 for traveling and incidental expenses of his office for the fiscal year ending June 30, 1880; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War calling attention to a letter of his predecessor, of the 22d of May, 1878, recommending an appropriation of $10,529.49 to complete the purchase of Ringgold Barracks, Texas, under the decree of the district court of Starr County, in that State; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia;

A bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother;

A bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James; and

A bill (H. R. No. 3562) donating condemned cannon and cannonballs to the Soldiers' Monument Association of Birmingham, Connecticut.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3496) directing the removal of obstructions from the harbor at the Delaware breakwater; and

A joint resolution (H. R. No. 156) to correct an error in the "Act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes."

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 14th instant, approved and signed the following act and joint resolution:

An act (S. No. 819) to authorize the laying of a telegraphic cable from the mainland in Rhode Island to Block Island; and

A joint resolution (S. R. No. 58) touching the Hot Springs reservation, in the State of Arkansas.

The message also announced that the President had, on the 16th instant, approved and signed the act (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

THE GENEVA AWARD FUND.

Mr. HOAR. Mr. President, I desire to ask the attention of the honorable Senator from Ohio, [Mr. THURMAN,] the chairman of the Judiciary Committee, to a petition which I am about to present.

I present the petition of Rufus A. Willis and 22 others, citizens of Massachusetts, praying for immediate action in regard to the Geneva award. These petitioners are, some of them, ship-owners, others merchants, others the assignees of estates which are in bankruptcy; some of them persons very extensively known in the business world in their part of the country. The claims which they represent against the sum of money in the Treasury of the United States received from Great Britain under the Geneva award are claims sufficient in amount, in many instances, to be large and competent fortunes for the support of an entire family. They claim that the money which is their due has been in the possession of the United States for about seven years, and that they have so far failed to obtain from Congress any decision of the justice of their claims.

All the members of the Judiciary Committee, without exception, have had occasion in the past to investigate the question as to the principles upon which the remains of the Geneva award ought to be distributed. Most of them, if not all, have expressed publicly in debate their opinion. A large majority of the present members of the Senate have considered and have discussed, at one time or another, this question. Bills have been introduced in past Congresses, which have passed one branch or the other, to dispose of this question. They have failed by reason of the lateness of time, so that when the House of Representatives passed a bill, the Senate did not dispose of it, or when the Senate passed a bill, the House of Representatives did not dispose of it. It is, therefore, manifestly necessary if this question is ever to be disposed of, that it shall be disposed of by some measure, reported from the committee which has charge of it, early in the first regular session of a Congress.

I desire to say that many other petitions to the same effect will be presented from claimants in Massachusetts within a few days; and for the satisfaction of the petitioners I inquire of the honorable chairman of the Judiciary Committee whether it will not be in the power of his committee to report at an early day, and before the general business of the country presses upon the attention of the Senate, a measure disposing of this question?

Mr. THURMAN. Mr. President, I quite concur in the opinion that the Government ought to distribute this money to the persons who are entitled to it; but in order to do so, we have to agree upon some proposition for its distribution. So far Congress has never been able to agree, and no committee has ever been able to arrive at a unanimous report. The first bill which became a law, providing for the court of commissioners of Alabama claims, which was passed upon the report of a majority of the Judiciary Committee of the Senate, and concurred in by the House, excluded from the list of claimants the very persons—artificial persons, it is true—who, in the judgment of the minority of the committee, had as plain a right to that money as any Senator on this floor has to the house which he owns and in which he lives. That bill passed. There was no question but that the persons provided for in that bill were entitled to their pay; everybody agreed to that, and they have been paid, with the exception of a few cases here and there where some sailor or other person was not in time in presenting his claim; but those cases are very few indeed; in fact but one such case has come to my knowledge.

Then there is a surplus remaining, after paying the claims provided by the law and adjudicated by the court of commissioners of Alabama claims. What is to be done with that? Why, sir, no committee of this body or of the other House has ever been able to come to a unanimous conclusion upon that subject. The two Houses have never been able to come together upon that subject. The matter is now before the Judiciary Committees of both Houses. We have before the Senate Judiciary Committee a number of bills that have been referred to us by the Senate, a great multitude of petitions, and some resolutions, I believe, upon the subject. There has been no fault upon the part of the Judiciary Committee of the Senate in considering this subject. They have considered it at every session. They considered it and reported a bill at last winter's regular session. Since then the membership of that committee has undergone some change. Three new members have been placed upon the committee.

Mr. HOAR. I should like to inquire of the honorable chairman if it is not true that each of those gentlemen whom he designates as new members has made a very elaborate speech upon the subject, in his place as a Senator, in favor of one mode of distributing this award? One of them, the honorable Senator from Wisconsin, [Mr. CARPENTER,] I am quite sure has, and I think the others have done so.

Mr. THURMAN. The Senator does not refer to the same members that I do. The Senator from Mississippi, [Mr. LAMAR,] who has been added to the committee, has never, so far as I know, made any speech upon the question. He may have done so, but I am not aware of it.

Mr. HOAR. He was a member of the House when the matter was reported upon there.

Mr. THURMAN. The Senator from Arkansas [Mr. GARLAND] I am sure has never made any remarks upon the subject. The Senator from Mississippi has not been able to take his seat at this session, and the Senator from New York, [Mr. CONKLING,] whose constituents are so deeply interested in this question, owing to ill-health has been able to do scarcely any business at all in the committee at this session. Under these circumstances we have not been able to determine upon a bill. I can only say that we shall take the subject up as soon as we possibly can and work upon it until we arrive at some conclusion, until we agree or agree to disagree, which is quite as likely as anything else according to our former experience. There is no intention on the part of the committee to delay the consideration of the question, for there is not a member of the committee who does not feel, as everybody else feels, that this money ought to be distributed to those who are entitled to it, and that Congress ought to have learning enough and sense enough to find out who they are.

Mr. HOAR. I did not mean in what I said to impute any *laches* to that learned and able committee, but it is true that the report from that committee, to which the Senator from Ohio alludes, made to the last Congress, was made at so late a day that it was impossible for the Senate to take up and dispose of the question before the final adjournment on the 4th of March. It is also true that nearly or quite every member of the committee, and a majority of the members of the Senate, have considered carefully this question heretofore. It is not therefore a matter like a question before the Committee on Claims, which involves the examination of private rights or the investigation of facts anew, it is not like a question of framing a new legal mechanism to accomplish some object, which requires a new and careful consideration by the committee. The Senate will deal with the question, perhaps, as intelligently in the absence of a report as in the presence of a report from the committee; and I give notice, without imputing any *laches* to the committee, that if the failure to make an early report shall hereafter appear to be caused by the failure of the members of that honorable committee to agree among themselves, I shall submit a motion to discharge them from the attempt to agree, and to bring the bill directly before the Senate for its consideration.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. CONKLING subsequently said: I learn that a moment ago, when I was not in the Chamber, an inquiry was made touching the Geneva award bill, so called, and the action of the Committee on the Judiciary thereon. The honorable Senator from Ohio, the chairman of that committee, was kind enough, I understand, to say that a willingness had existed on his part to defer action upon that bill for some convenience of mine. I am greatly obliged to that honorable Senator for the willingness thus expressed, but I wish to say, allusion having been made to the subject, that my position in the committee touching the Geneva award bill has been so often, and I hope so plainly, expressed, as it has been in the Senate both by vote and otherwise, I should not feel that I ought to ask a moment's delay in action upon that subject, even though I were not able at the time to be present. I am always ready to vote upon the question, it being one which has been discussed and considered much, and I am sure the honorable Senator from Ohio knows of me, as I know of him very well the position which is held by us both.

Mr. THURMAN. What I said could not have conveyed the idea that the consideration of this subject had been postponed in committee at the request of the Senator from New York, for no such request was made; but the Senator from Mississippi being absent and the Senator from New York being in ill-health, and the committee having a great deal of other business to attend to, have not seen fit to take that matter up so far, but no doubt will do so at a very early day.

Mr. CONKLING. The honorable Senator will pardon me for having fallen into any little inaccuracy. I happened not to be present at the moment and received only in general from him the remark which he made. I thought the Senate might get the impression, or possibly those beyond the Senate interested, that delay had occurred at least in consequence of my absence from a meeting of the committee, and I only wish to say that I hope there will be no delay in respect of me, as I am ready always to vote upon the question.

Mr. HAMLIN. I present the petitions of A. J. Bird and other claimants, who allege that they have suffered losses in consequence of the so-called confederate cruisers, and praying for immediate action by Congress in relation to the Geneva award fund, and that such legislation may pass as will bring relief to them and to a large class of persons similarly situated. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I present the petitions of G. W. Brown and others, citizens of Rockland, Maine, referring to the same subject, who pray for immediate legislation, that opportunity may be given to the parties interested to bring their claims before some properly constituted tribunal. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. JONES, of Florida, presented the petition of Fernando J. Moreno, late United States marshal for the southern district of Florida, praying compensation for providing for fourteen hundred and thirty Africans captured from Cuban slavers on the high seas by United States steamers and delivered into his custody in the year 1860; which was referred to the Committee on Claims.

He also presented the petition of A. J. Murat and others, citizens of Apalachicola, Florida, praying for an appropriation by Congress for the improvement of the Apalachicola River and Bay; which was referred to the Committee on Commerce.

Mr. DAWES. I present the memorial of Nathaniel Spooner, Eben Howes, and R. T. G. Candage, a committee of the trustees of the Marine Society of Boston, urging upon Congress the necessity, in the interests of commerce and of humanity, of an appropriation by Congress, in accordance with the recommendation of the Chief of the Engineer Department, for the dredging and deepening of the Scituate Harbor in that State, so as to make it available for a harbor of refuge. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented the memorial of Henry A. Weeks and others, soldiers of the late war and citizens of Massachusetts, and the petition of P. A. Sweet and others, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

Mr. CARPENTER presented the petition of Mrs. Emma A. Hatch and others, citizens of Fond du Lac, Fond du Lac County, Wisconsin; the petition of Mary J. Plumer and others, citizens of Warsaw and Weston, Marathon County, Wisconsin; the petition of C. E. Fleming and others, citizens of Amherst, Portage County, Wisconsin, and the petition of H. A. Ancutt, M. D., and others, citizens of Jenny, Marathon County, Wisconsin, praying for an amendment to the Constitution providing that the right of suffrage shall be based on citizenship, and that citizens, native or naturalized, shall enjoy the right equally without any distinction founded on sex; which were referred to the Committee on the Judiciary.

Mr. FERRY. In connection therewith I may be permitted to offer a joint resolution covering such an amendment. As it is short and of universal interest, I ask that it be read at the desk.

The VICE-PRESIDENT. The joint resolution will be laid on the table, and announced under that order of business.

Mr. FERRY presented the memorial of Christopher F. Lanbirch and others, soldiers of the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. KIRKWOOD presented the petition of Augusta Clark and others, heirs of John Clark, deceased, of Johnson County, Iowa, praying for the passage of a law authorizing the payment to them of certain moneys improperly withheld from the deceased as register of the land office at Iowa City, Iowa; which was referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented the petition of Thomas G. Corbin, captain on the retired list, praying to be restored to the active list of the Navy, with the rank of commodore; which was referred to the Committee on Naval Affairs.

Mr. McMILLAN presented the memorial of A. Bradley and others, owners and agents of steam and sail vessels on the northern lakes, Superior, Michigan, Huron, Saint Clair, Erie, and Ontario, representing the owners of five hundred and eighty-three vessels at different ports, at an average season capacity of ten trips and 6,355,740 tons, remonstrating against the construction of a swinging bridge over the Detroit River at the city of Detroit; which was referred to the Committee on Commerce.

Mr. INGALLS presented the petition of Hannah Roche, of the city of Washington, praying for the passage of a special act granting her a pension on account of services rendered by her daughter during the late war; which was referred to the Committee on Pensions.

Mr. SLATER presented the petition of the Board of Trade of Portland, Oregon, praying Congress for an appropriation of $150,000 for the improvement of the Lower Columbia River; which was referred to the Committee on Commerce.

He also presented the petition of A. S. Lockwood and others, actual settlers on The Dalles, Oregon, military reservation, praying for the passage of an act authorizing the sale of that reservation to those settlers at a fixed price per acre; which was referred to the Committee on Public Lands.

He also presented the petition of H. Villard, president of the Oregon Railway and Navigation Company, praying Congress to enact a law that the duty hereafter imposed on steel rails shall be specific at a rate not exceeding $10 per ton; which was referred to the Committee on Finance.

Mr. BUTLER presented the petition of John Merryman, president of the American Agricultural Society, praying for the passage of a law granting to that association a charter; which was referred to the Committee on Agriculture.

Mr. CALL presented the petition of B. M. Williams and others, citizens of Columbia and Alachua Counties, Florida, praying for an appropriation of $20,000 for the opening of the Santa Fé River in that State; which was referred to the Committee on Commerce.

Mr. McPHERSON. I present the memorial of Albert Sichel, of the city of New York, calling attention to certain loose and faulty methods connected with the internal revenue, particularly in applying foil wrappers to tobacco. As it is a very important matter, and as grave charges are preferred in the memorial, I ask that it be read.

The VICE-PRESIDENT. The memorial will be reported, the Chair hearing no objection.

The Chief Clerk proceeded to read the memorial.

Mr. ALLISON. I do not think it necessary to read that long paper.

The VICE-PRESIDENT. The Senator from New Jersey has asked that the memorial be reported at length. Does the Senator from Iowa object?

Mr. ALLISON. If we have all the petitions that are presented here by individuals upon different topics read at length we shall have very little else in the RECORD.

Mr. McPHERSON. I ask that the memorial be printed in the RECORD, and referred to the Committee on Finance, and I invite their attention to the subject.

The memorial was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate of the United States of America:

The undersigned, Albert Sichel, a citizen of the United States and a resident of the city of New York, begs leave to submit to your honorable body for its consideration his objections to the existing mode of printing and supplying foil wrappers for tobacco with United States revenue-stamps printed thereon.

Section 3369 of the Revised Statutes of the United States provides for the manufacture of tobacco-stamps; directs that they shall be forwarded to the collectors of internal revenue; regulates what amount of stamps each collector shall keep on hand, and imposes upon the Commissioner of Internal Revenue the duty to prescribe proper and effective modes of cancellation. As to revenue-stamps printed on foil wrappers for tobacco these provisions are utterly disregarded, and the manner in which these stamps are now made, supplied, and canceled makes fraud upon the revenue an easy matter, and renders detection almost impossible.

These stamps are made by John J. Crooke, of New York, under the terms of two contracts entered into by himself and the Government. One, dated March 2, 1875, is for the printing of stamps for one-ounce packages of tobacco; the other, made in 1879, is for stamps for larger packages.

To form a correct idea of the abuses to which the present system is subject, it is necessary to consider how these stamps are made, how they reach the manufacturers of tobacco, and how they are canceled.

1. How are these stamps made? They are printed in the city of New York under the supervision of one agent of the Treasury. The same agent has been employed in the same capacity, in the same building, for about nine years. He not only acts as the agent for the Government, but also manages the printing business for the contractor. He employs, pays, and discharges workmen, buys supplies, and does other work for the contractor which is entirely incompatible with the duties of a Government agent charged with the protection of the revenue against every one, particularly against the contractor.

It is utterly impossible for this agent, even if there should exist on his part any desire so to do, to properly fulfill his duty; since one man cannot, in the nature of things, control a business so complicated as that carried on in connection with the printing of these stamps. Upon the same premises the stamps are made, the foil for them is manufactured, and a large printing business is done, employing the same presses alternately for private work and Government stamps.

While the Government maintains in the Treasury building at Washington an extensive and costly establishment for the manufacture of stamps, and for the supervision of the work by an intricate system of checks and counter-checks, it permits the same kind of work to be done in New York under the sole control of one officer.

2. How are these stamps supplied to manufacturers of tobacco?

Section 3369 of the Revised Statutes directs that "such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof."

Stamped foil wrappers are not shipped to collectors of internal revenue, but are sent from the place where they are printed direct to the manufacturers of tobacco upon an order of a collector, and no collector keeps any supply on hand as the law makes it mandatory upon him to do.

It is therefore clear, since the collectors are excluded from any control over the stamps, that by collusion between a manufacturer of tobacco and this one Government official at the stamp-printing office in New York fraud upon the revenue can be practiced without any probability of detection.

3. How are these stamps canceled?

The object of canceling a stamp is to indicate by marking or defacing it that it has been used, thereby preventing its subsequent use. On the foil wrapper in question there is printed a small circular sign or ring, purporting to be the cancellation, bearing the name of the manufacturer for whom the wrapper is intended and a fictitious date of cancellation. The stamp and this so-called cancellation are printed by one and the same impression, so that the stamp has never existed uncanceled. A stamped wrapper can without difficulty be taken from a package and used again, without showing any trace of its previous use.

Attached hereto is one of these stamped wrappers, and the best proof of the inefficiency of the cancellation will be found in the fact that it is impossible to see whether this wrapper has been used or not.

There is no excuse for the present system. It is in clear violation of the law. It exposes the revenue to fraud, both in the manufacture and distribution of the stamp, and in the liability of its repeated use; and has not even the palliation of being the best the Department has at its service, as the stamps printed at the Government offices in Washington are in every respect preferable. They are better made, and therefore not so easily counterfeited; they are supplied according to law, and under the regulations of the Department they must be so affixed that in opening a package of tobacco the stamp is perforce destroyed. The same looseness which pervades the entire system of making, supplying, and canceling stamped wrappers is also noticeable in the form of the contracts.

The contract of March 2, 1875, does not even designate in what city or State this stamp-printing establishment should be located; nor does it exact from the contractor any bond for his compliance with its terms.

For manufacturers of tobacco there can be no legitimate advantage of any magnitude derived from the system. It is true they save the labor of affixing and canceling the stamps; but the expense of printing upon foil is greater than that of printing upon paper, and this difference must, if not entirely balance, necessarily reduce that advantage to an insignificance. The defects and the illegality of the system have been repeatedly pointed out to the Department, but it has not seen fit to abolish it.

And your petitioner prays that your honorable body take such action in this matter as in its wisdom it may deem just and proper.

And your petitioner will ever pray.

ALBERT SICKEL.

Mr. ANTHONY presented the petition of Daniel Houlihan, of Rhode Island, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. BALDWIN presented the memorial of A. Woodward and 22 others, soldiers of the late war and citizens of Michigan, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of H. J. Matthews and 98 others, citizens of Wayne County, Michigan, praying for the passage of a law authorizing the payment to soldiers of the difference between the value of greenbacks and gold at the time they performed their services; which was referred to the Committee on Finance.

Mr. BLAIR presented the petition of Thomas Vose, president of the Boston, Concord, and Montreal Railroad Company, praying for a reduction of the duty on steel rails from $28 to $10 per ton; which was referred to the Committee on Finance.

Mr. WINDOM. I present the petition of Anna B. Underwood, Harriett B. Sargent, Mary Cary Hulett, J. M. Underwood, A. F. Wilson, C. F. Young, and others, citizens of Wabasha County, Minnesota, praying for the following amendment to the national Constitution:

ARTICLE XVI.

The right of suffrage in the United States shall be based on citizenship and shall be regulated by Congress, and all citizens of the United States, native or naturalized, shall enjoy this right equally, without any distinction of sex.

I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. WINDOM. I also present the petition of William F. Bacon, sergeant-major of the Thirteenth Illinois Cavalry, and 246 others, stating briefly that they were soldiers in the late war of the rebellion and enlisted in the Army of the United States for the preservation of the Government, and served honorably and faithfully in the same, and were promised certain bounties on condition that they volunteered for the suppression of the rebellion. "Having done so, we were unfortunately taken sick, losing our health, which a great number of us never fully recovered, and were discharged from the United States Army upon a surgeon's certificate of disability, thereby causing part of us to lose all our bounty, and a part nearly all, which, because of such discharge, was not our fault, and wholly beyond our control. We, therefore, ask your honorable body to pass a law granting full bounty to all soldiers discharged for diseases contracted in the line of duty on a surgeon's certificate of disability, the same as if discharged for wounds received in action or after having served the full term of enlistment. The petitioners desire to say that they consider this but an act of justice due to this class of soldiers, and they respectfully urge upon Congress the passage of the law referred to." I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. GARLAND presented the memorial of T. C. Pepkins and others, citizens of Hot Springs, Arkansas, remonstrating against alleged burdensome assessments which the Hot Springs commission made on their lots; which was referred to the Committee on Public Lands.

Mr. GROOME presented the petition of the heirs at law of Captain Lambert Wickes, deceased, of the United States Navy, who served during the war of the Revolution, praying for the passage of a law authorizing the payment to them of certain moneys due to the deceased on account of prizes; which was referred to the Committee on Claims.

He also presented the petition of John N. Pennell, late private in Company A, Fifth Regiment Maryland Volunteers, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Peter Yarnell, late private Company D, Twelfth Regiment West Virginia Volunteer Infantry, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. GORDON presented resolutions adopted at a mass meeting of colored citizens in South Carolina, depositors in the Freedman's Savings-Bank, in favor of the passage of a law to provide for the repayment by the United States Government of all the unsatisfied claims of depositors against that bank; which was referred to the Select Committee on the Freedman's Savings and Trust Company.

Mr. COCKRELL. I present a petition praying Congress to pass an act requesting the President of the United States to invite all the governments of the world having maritime commerce to appoint agents to represent such governments in a convention of all such nations, to be held in Philadelphia on the 4th day of July, 1880, for the purpose of maturing and presenting a plan for the construction of a free ship-canal across the Isthmus of Darien, of such dimensions as will admit the passage through it of all ships, small or great, of all the nations of the earth; the construction of such canal to be paid for in proportion to the tonnage of each nation uniting in its construction, and to be kept in repair thereafter by each nation paying therefor in proportion to the tonnage of each nation passing through such canal. This petition is numerously signed by leading representative men of Saint Louis, among them Colonel D. P. Rowland, president of the Cotton Exchange, Hon. I. H. Sturgeon, Nathan Cole, E. O. Stanard, Craig Alexander, Webb M. Samuels, and many others. I ask that the petition may lie on the table until action shall have been taken upon the resolution offered by the Senator from Maryland [Mr. GROOME] to raise a special committee to consider the subject.

The VICE-PRESIDENT. The petition will lie on the table for the present.

Mr. ALLISON presented the petition of John W. Kellum and others, citizens of the sixth congressional district of Iowa, praying for the speedy passage of a bill introduced in the House of Representatives authorizing the payment of the difference between gold and silver at the time of payment of soldiers in the late war; which was referred to the Committee on Finance.

Mr. CONKLING presented the petition of H. A. Vaughan & Co. and others interested in the shipping business, praying the passage of the bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was referred to the Committee on Finance.

He also presented the petition of the Friends' Temperance Union of the Society of Friends, of New York, authenticated by the officers, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of the Bullion Club of New York, in favor of restricting from circulation the emission of paper money below the denomination of $20, and praying that coin may by force of law be used in lieu of the smaller denominations of notes; which was referred to the Committee on Finance.

He also presented the petition of F. M. Bell and others, citizens of New York, soldiers in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. CONKLING. I present a similar petition, much more numerously signed by citizens of New York who were soldiers and marines in the volunteer forces of the United States, making the same prayer. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING. I present also a memorial of 168 honorably discharged soldiers of the United States Army engaged in the war for the Union, citizens of the State of New York, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims, assigning their reasons therefor. I move that this memorial be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL presented the petition of James E. L. Taylor, William Taylor, William Vanatta, James M. Phillips, Nathan Fisher,

and others, of Knobnoster, Missouri, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented additional papers in the case of Millie E. Hays, to accompany the bill (S. No. 930) for the relief of Millie E. Hays, widow of John Hays deceased; which were referred to the Committee on Public Lands.

Mr. PLUMB presented resolutions of the city council of Wyandotte, Kansas, in favor of an appropriation by Congress for the improvement of the Missouri River above Kansas City; which was referred to the Committee on Commerce.

He also presented the petition of William H. Alferd and others, citizens of Kansas and soldiers in the late war, praying for the passage of a law granting them the difference between the value of greenbacks and gold at the time of payment for services rendered the Government; which was referred to the Committee on Finance.

He also presented the petition of D. Bishop and others, foremen of the military prison at Fort Leavenworth, Kansas, praying for the payment of arrearages of pay due them for services performed; which was referred to the Committee on Appropriations.

Mr. VEST presented the petition of William Barlow and 55 others, citizens of Bates County, Missouri, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of John A. Scudder and others, citizens of Missouri, Iowa, and Minnesota, praying for the passage of a law granting compensation to the widow and heirs at law of Captain H. M. Shreve for the use of his patent for a snag-boat; which was referred to the Committee on Claims.

Mr. BAYARD presented the petition of Victor du Pont and 135 other citizens of Wilmington, Delaware; the petition of Henry Eckel and 27 other citizens of Wilmington, Delaware; and the petition of I. Wilkins Cooch and 35 other citizens of New Castle, Delaware, praying for the passage of a law for the withdrawal of the compulsory legal-tender power of United States notes; which were referred to the Committee on Finance.

Mr. HEREFORD presented the petition of S. A. Childers, late second lieutenant Third Regiment West Virginia Cavalry Volunteers, praying for a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the petition of Wallis Pattee praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 620) granting a pension to Jacob Nix, of New Ulm, Brown County, Pennsylvania, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 617) granting an increase of pension to William H. Hale, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 582) granting a pension to John N. Snider, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol, along the line of the old canal, and for other purposes, reported it with amendments.

Mr. WITHERS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 920) supplementary to an act entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia," approved June 12, 1860, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the petition of James King, late private in Company B, Second Regiment Massachusetts Volunteers, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1044) granting a pension to James King.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Susan Jeffords praying for a pension, submitted a report thereon, accompanied by a bill (S. No. 1045) granting a pension to Susan Jeffords.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 991) granting a pension to D. H. Myers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of John Flynn, of Bangor, Maine, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mrs. Virginia Grove, of Pensacola, Florida, praying that a pension be allowed to Missouri Hiner, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State, reported it with amendments.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 39) granting an increase of pension to James H. Reeve, reported it with amendments.

He also, from the same committee, to whom were referred the following petitions, reported adversely thereon, and the committee were discharged from their further consideration, namely:

The petition of Elizabeth Cassidy, praying the passage of a law granting her arrears of pension;

The petition of Frederick Wedemeyer and 32 others, praying for a pension for soldiers who have served twenty years, irrespective of disability;

The petition of James Reynolds, of the Soldiers' Home at Dayton, Ohio, praying a pension; and

The petition of John M. Seppey and other citizens of Logansport, Indiana, praying for an increase in the rate of pension now allowed for certain permanent specific disabilities.

He also, from the same committee, to whom was referred the bill (S. No. 507) to increase pensions in certain cases, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CARPENTER. I am instructed by the Committee on the Judiciary to report back the bill (H. R. No. 1492) to amend section 688 of the Revised Statutes of the United States, relating to writs of prohibition and mandamus, without amendment and with a recommendation that it pass. It has but a single section and I ask for its present consideration.

The bill was read.

Mr. EDMUNDS. I understood that is just reported.

The VICE-PRESIDENT. Reported this morning.

Mr. EDMUNDS. I think owing to its importance the bill had better go over.

The VICE-PRESIDENT. The bill goes over under the rule.

Mr. CARPENTER subsequently said: Mr. President, as there is some misunderstanding about the report made on House bill No. 1492, I ask leave to withdraw the report.

The VICE-PRESIDENT. It is so ordered; the report is withdrawn.

CHANGE OF REFERENCE.

Mr. SLATER. I move that the reference of the bill (S. No. 932) for the relief of the sufferers by the wreck of the Government transport bark Torrent be changed from the Committee on Naval Affairs to the Committee on Military Affairs.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1046) granting an increase of pension to the widow of Major Thomas T. Thornburgh, late of the United States Army; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1047) for the relief of the Louisville and Jefferson County Southwestern Association, of Louisville, Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1048) for the relief of Thomas Doak; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1049) to amend section 2447 of the Revised Statutes of the United States, in relation to the issue of patents for private land claims confirmed by act of Congress; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1050) for the relief of Thomas G. Corbin; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1051) granting an increase of pension to Stephen D. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1052) to extend the land laws of the United

States over the Territory of Alaska; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1053) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1054) making appropriation for a military wagon-road from the Niobrara River, in Nebraska, via Rosebud agency, to Fort Meade, Dakota Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1055) for the relief of Charles C. Duncanson and Washington B. Williams, auctioneers, of Washington City, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1056) donating six condemned iron cannon to John D. Musser Post, No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, to build fence around soldiers' monument in the Muncy cemetery; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1057) granting a pension to John B. Butler; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1058) for the relief of Walker A. Newton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. 1059) for the relief of George D. C. Hibbs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1060) to incorporate "The Interoceanic Transit Company," and for other purposes; which was read twice by its title, and ordered to lie on the table.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1061) for the relief of Helen M. Fiedler; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1062) amending section 3022 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Finance.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1063) for the relief of William J. Gamble; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1064) for the relief of Henry M. Rector; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. EDMUNDS. Mr. President, I should like to have the Senator who introduced that Rector bill state what it is. I think last year it was a bill for a private land matter that was before the Committee on Private Land Claims. I understood just now that it was referred to the Committee on Public Lands. If it is like the same matter that was before the Committee on Private Land Claims last year, I suppose it had better be considered by that committee again. I do not know, however, that it is the same case.

Mr. GARLAND. The bill I have just introduced has never been introduced before, and I will state that while it is in the nature of a private land claim, it refers to a general subject which is now before the Committee on Public Lands.

Mr. EDMUNDS. I am entirely satisfied.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1065) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased, late private of Company I, Thirty-seventh Illinois Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1066) to grant certain public lands in Alabama in aid of the Warrior and Tennessee Rivers Railroad; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1067) for the relief of John H. Walker, captain United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1068) for the relief of William Henry Ward; which was read twice by its title, and referred to the Committee on Patents.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1069) for the relief of Samuel Noble; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 65) proposing an amendment to the Constitution of the United States; which was read twice by its title.

Mr. FERRY. I ask that it be read in full.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, namely:

ARTICLE XVI.

SECTION 1. The right of suffrage in the United States shall be based on citizenship, and the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, or for any reason not equally applicable to all citizens of the United States.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

The joint resolution was referred to the Committee on the Judiciary.

Mr. PLATT. I ask leave to introduce a joint resolution relating to an interoceanic canal, and as it is a subject which attracts public attention and excites public interest, and the resolution is short, I desire to have it read at length for information.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 66) relating to an interoceanic canal; which was read twice, as follows:

Whereas an improved and cheaper maritime communication between the Atlantic and Pacific sea-boards of the United States by means of a ship-canal through some portion of the Central American isthmus has become important to the commercial interests of this country; and

Whereas Congress deems it to be necessary and expedient that the national and public interests in such a communication should be secured, rather than merely private and speculative ends: Therefore,

Resolved by the Senate and House of Representatives, &c., That the President be requested, if he shall deem it expedient, to communicate to the governments of the principal maritime nations of Europe the desire of this Government to secure such public interests, and to invite the co-operation of such governments in the selection of a route of isthmus ship transit which shall be found to subserve most largely the general interests of all the maritime nations, and also to communicate to such governments the desire of the Government to come to a mutual understanding with reference to the neutrality of such an interoceanic transit when it shall have been opened by the enterprise and capital of their respective citizens.

The joint resolution was ordered to lie on the table.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia—to the Committee on the District of Columbia;

The bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother—to the Committee on Finance;

The bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James—to the Committee on Patents; and

The bill (H. R. No. 3562) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut—to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORGAN, it was

Ordered, That the petition for a grant of lands to aid in the construction of the Tennessee and Warrior Rivers Railroad be taken from the files of the Senate and referred to the Committee on Public Lands.

On motion of Mr. McMILLAN, it was

Ordered, That the petition and papers of the heirs of Asbury Dickins, deceased, on the files of the Senate, be referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the claim of Frances A. Robinson, administratrix of John Robinson, deceased, on the files of the Senate, be referred to the Committee on Claims.

Mr. COCKRELL. I desire to state in this connection that there are a large number of bills pending before the Committee on Claims where there are no papers, where the papers are still on file in the Secretary's office, and no orders have been taken to have them referred to that committee.

On motion of Mr. GORDON, it was

Ordered, That the memorial and other papers relating to the claim of Samuel Noble be withdrawn from the files of the Senate and referred to the Committee on the Judiciary.

On motion of Mr. INGALLS, it was

Ordered, That leave be granted for the withdrawal from the Senate files of all papers pertaining to the claims of Irwin & Phillips and Joseph C. Irwin.

SPANISH-AMERICAN CLAIMS COMMISSION.

Mr. WALLACE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to communicate to the Senate the number and names of the claimants before the Spanish-American commission for compensation for wrongs to American citizens and their property in Cuba, with the amount of each claim and the total thereof, and also the number of claims adjudicated and settled by said commission, with the names of the claimants and amount of each claim so adjudicated and settled; and if the same have been paid, when and to whom paid, and also in what cases there has been a disagreement between the arbitrators, and whether these disagreements have been submitted to the umpire, as provided by the convention establishing the commission; and if not so submitted, the reasons therefor; and also when said commission began its session, how many days in each year it has been in session, and the total amount of money expended by the United States for salaries and expenses of the said Spanish-American commission to the end of the last fiscal year.

EDUCATION OF NAVAL OFFICERS.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate the report of Professor James R. Saley on the foreign systems of education of naval officers.

TRAINING OF SEAMEN.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate the report of Lieutenant-Commander F. E. Chadwick on the foreign systems of training seamen for the Navy.

ADDITIONAL MESSENGER.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be, and is hereby, authorized to employ an additional messenger, whose duty it shall be to transact all such business with the different Departments of the Government as may be desired by the Senators, and shall receive the same compensation as other messengers.

REFUNDING THE NATIONAL DEBT.

Mr. MORRILL. I ask that the funding resolution submitted by me on the 13th instant, and on which I submitted some remarks on Thursday last, and intended then to have had referred to the Committee on Finance, be taken from the Calendar and referred to that committee.

The VICE-PRESIDENT. The resolution will be taken from the Calendar and referred to the Committee on Finance unless there be objection. The Chair hears none, and the resolution is so referred.

SUFFERERS BY EXPLOSION AT BRIDESBURGH ARSENAL.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent of the Senate to take up the bill (S. No. 128) for the relief of Edward Shields and others.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which requires the Secretary of the Treasury to pay $8,000, in such proportions as he may deem just and equitable, to the following-named sufferers by the explosion at the United States arsenal at Bridesburgh, Pennsylvania, on the 7th of August, 1875: Edward Shields, Mary Willis, Michael Farrell, Ellen Butler, Henry Steger, Hugh McLaughlin, William McMillan, Henry F. Deardon, Alfred Altemus, Alexander Ross, Nicholas Zillier, Rudolph Deal, Samuel Vanzant, and John M. Klotz.

Mr. THURMAN. What is the amount appropriated by that bill?

Mr. CAMERON, of Pennsylvania. Eight thousand dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. CHEEKS.

Mr. CAMERON, of Pennsylvania. I also ask unanimous consent to take into present consideration Senate bill No. 468.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 468) for the relief of John W. Cheeks. It is a direction to the Secretary of War to remove the charge of desertion from the name of John W. Cheeks, formerly a coporal in Company D, Thirty-third Regiment of United States Infantry.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. CAMERON, of Pennsylvania, December 9, 1879:

The Committee on Military Affairs, to whom was referred the bill (S. No. 468) for the relief of John W. Cheeks, have had the same under consideration, and beg to submit the following report:

It appears, from the papers filed with this case, that John W. Cheeks enlisted on the 14th day of April, 1864, in Company D, Thirty-third Regiment United States Infantry, for three years, and was discharged on the 20th day of June, 1867, on account of expiration of service, his discharge certifying that his character was good. During this term of enlistment, and while holding the rank of corporal, his company was stationed at Mobile, Alabama. In August, 1866, he applied to the commanding officer for a furlough, which was refused. After this refusal he handed over his arms to the first sergeant of his company and absented himself, remaining away from his company one month and six days.

He re-enlisted on the 1st day of July, 1867, and served in Company D, Eighth Regiment United States Infantry, for three years, during which time he was appointed to the position of sergeant, and was discharged on the 1st day of July, 1870, his certificate of discharge bearing the inscription, "character, excellent."

He again re-enlisted on the 1st day of July, 1870, in the same company and regiment, for the term of five years, and was discharged in consequence of paragraph 7, standing order No. 78, dated War Department, Adjutant-General's Office, Washington, April 2, 1872, his discharge again certifying that his character was good.

On the 24th day of October, 1876, he applied, through his attorney, to the Secretary of War to have the charge of desertion, which appeared on his record, removed, giving as a reason for the removal of this charge that he (Cheeks) had not deserted, but that he was simply "absent without leave," and stating that he had been summoned home by his father to see his sister, who was at the point of death and who died before he reached there; that very soon after his arrival at home he was taken with small-pox, which prevented him from returning to his company as soon as he had intended, and that after he got well he voluntarily returned and reported to his commander. He further states that he had never been tried upon the charge of desertion, but was very soon afterward promoted to the rank of sergeant, and at the end of his term honorably discharged with a good character.

The Secretary of War, in answer to a subsequent letter of the attorney of Mr. Cheeks, wrote as follows:

"WAR DEPARTMENT, WASHINGTON CITY, *January* 3, 1877.

"SIR: Your letter of the 27th ultimo, relative to a previous application for removal of the charge of desertion against John W. Cheeks, Company D, 33d Infantry, has been carefully considered, and I have respectfully to state that while no proper ground seems to exist for a reversal of the decision of the Adjutant-General by this Department, it is thought the mitigating circumstances and attending facts of his restoration to duty without trial, to serve out the time lost, and finally his honorable discharge, are for the accounting officer to consider in connection with any claim the soldier may bring for bounty, &c., and that the decision of the Supreme Court, referred to by you, is for the accounting officer's attention, but cannot affect or change the record here.

"Very respectfully, your obedient servant,

"J. D. CAMERON,
"*Secretary of War.*

"J. H. WALL, Esq., 1411 *G Street, City.*"

The fact, as stated, that he handed his arms to his sergeant before leaving and voluntarily returned to his company, and that he was not tried for desertion, is not, in the judgment of the committee, sufficient proof that he was not a deserter, nor is it sufficient to warrant the Department in removing the charge. The fact that he was not tried was simply an act of negligence on the part of his commanding officer, and does not in the least excuse him for absenting himself from his company in the manner he did. That he served faithfully during the balance of this enlistment and re-enlisted twice afterward, each time receiving an honorable discharge with an excellent character, is, in the opinion of your committee, sufficient to warrant Congress in authorizing the proper officer to obliterate the charge of desertion from the record, but this could not, in the judgment of your committee, be done without an act of Congress.

We, therefore, taking all the attending circumstances into consideration, recommend the passage of the bill.

The Committee on Military Affairs reported the bill with an amendment to add:

That no bounty or allowance of any kind shall be paid to this soldier on account of removal of desertion, in addition to what he has already received.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE SERVICE.

The VICE-PRESIDENT. To fill the vacancies occasioned by the death of the late Senator Houston, of Alabama, in the Committees on Privileges and Elections, on Claims, and on Post-Offices and Post-Roads, the Chair appoints his successor, Mr. PRYOR.

DEPUTY COLLECTOR AT SEAFORD.

Mr. BAYARD. I ask the Senate to proceed to the consideration of House bill No. 2790.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

Mr. COCKRELL. Is there a written report?

Mr. BAYARD. There is not. I will say that the bill does not add an officer to the list nor does it cost the Government a farthing. The same officer who is to be designated deputy collector hereafter is now there as an inspector.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. B. CAMPBELL.

Mr. BAYARD. I ask the Senate to consider Senate bill No. 317, reported from the Committee on Military Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 317) for the relief of Captain J. B. Campbell. It is a direction to the Secretary of the Treasury to pay a certain judgment in which Hugh Waters is plaintiff and J. B. Campbell is defendant, obtained in the United States circuit court for the district of Oregon, amounting, at the time it was rendered, to $2,100.50, and the further sum of $191.35 for court and witnesses' fees in defending the suit, the judgment having been obtained against Campbell and costs incurred by him while acting in the line of his duty as captain in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF ANIMALS.

Mr. McPHERSON. Mr. President, I now call for the special order.

The VICE-PRESIDENT. The Senator from New Jersey calls for the consideration of the special order. The special order of the day is the bill (S. No. 206) relative to the transportation of animals, which is before the Senate as in Committee of the Whole.

Mr. DAVIS, of Illinois. Mr. President, the transportation of live stock to the sea-board is such an important interest in this country that any measure, no matter what may be the object of the persons offering it, which imposes conditions upon that transportation should be scrutinized by the Senate before it becomes a law. It would seem, at the first view, that the interests of the parties concerned would insure good conduct in this transportation. The shipper is interested in having the cattle reach New York in good health and spirits, and with as little loss of weight as possible, while the carrier is interested to the same end because he well knows that unless proper facilities are furnished to secure it another line of communication will be sought by the shipper. Notwithstanding this, it is a lamentable fact that live stock were fearfully abused, and that they reached New York very often in a condition unfit for food. The health of the community was involved in this matter; humane people were shocked at it, and they asked the intervention of Congress. Upon their representations a bill was passed in 1872. Now, the inquiry is whether that law is better

or worse than the present bill, and I will throw out a few suggestions upon this point.

The amendment to section 4386 of the Revised Statutes is in two particulars. As the law stands, where cattle are carried in a common car they must be unloaded, after they have been upon the car, every twenty-eight hours for water, rest, and food, for a period of at least five hours. It is proposed to strike out the word "five" and insert "seven," so that seven hours shall be the period for which cattle shall be on the ground to rest. The existing law allows this to be omitted where the company is prevented from so unloading by storm or other accidental cause; this bill confines it to cases of "unavoidable cause." I do not think the "unavoidable causes" provision is any improvement on the phraseology in the present law; but about that I am not captious at all, and I think seven hours for rest are required, so that I have no objection to that amendment.

Section 4387 is only amended in one particular.

> Animals so unloaded shall be put into pens, and shall be provided with an abundance of good sound food, and properly watered.

The words "put into pens" are the new words here. I think the words "properly fed and watered" good phraseology for a court to construe; but, probably, the words "put into pens" might not be construed by the courts as requiring parties to do what is in view.

But, sir, the main objection to this measure is in the amendment to section 4388. As the law now stands, all cattle transported from the western country to the sea-board must be unloaded every twenty-eight hours, unless they are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest. The law as it now stands requires cattle to be unloaded every twenty-eight hours, unless they are carried in cars or vessels where there is an opportunity to feed them and to water them, and where they have space and opportunity to rest. This amendment to section 4388 does away with this entirely, for it provides:

> Any company or persons operating any railroad, or owner or custodian of or person having control over such animals, whose duty it may be to perform any of the duties mentioned in either of the two preceding sections or two following sections, who shall knowingly and willfully fail to comply with any of the provisions thereof, or who shall knowingly violate any such provisions, shall be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided, however*, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, the provisions in regard to their being unloaded shall not apply.

"Space and opportunity for rest" are left out here. This must have been for a purpose which the honorable Senator in charge of the bill will be able to explain.

Then there is a further provision that "in no case shall animals be confined in cars for a longer period than sixty consecutive hours;" but there is no provision that they shall be kept off the cars any particular length of time at all. In the case of common cars they must, according to the existing law, remain off the cars for a period of seven hours, but under this bill they can be unloaded from the cars and put upon the cars again. I intend to offer an amendment on that point. If a steer can be fed and watered only at intervals of twenty-eight hours, and if you keep that steer on the cars for sixty hours, why should not that steer have rest for seven hours?

Then, again, cattle require to rest, certainly as often as once in twenty-eight hours to lie down, to go to sleep. There is no provision for that in this bill. As I understand it, these improved cars are not constructed so that steers can lie down to rest, as is often the case on boats.

Mr. McPHERSON. In some cars they can; in others they cannot.

Mr. DAVIS, of Illinois. Then I should say that the law as it now stands is better than this bill makes it. The law as it now stands says that they shall be unloaded every twenty-eight hours unless they are carried in conveyances of some kind by which there is an opportunity to feed and water them and also for them to have rest.

Then, again, why should these cattle be kept for sixty hours upon a car if they cannot lie down? Is not that cruelty? It may be said, and was said here before, that it required sixty hours to transport them from Saint Louis to the sea-board. I do not care how many hours it takes to transport them from Saint Louis; we are discussing this subject in a humanitarian point of view; and I hold that no steer should stand on his legs for over forty-eight hours, and that that is too long altogether, and that the law as it now stands, which says they shall be unloaded for rest every twenty-eight hours unless provision is made for their lying down, is better than the present bill.

This legislation is leveled at transportation by the common cars, and I take it for granted that there are certain patents which are used now in cars for the transportation of cattle which the railroad companies will be compelled to use hereafter if you pass this bill as it is now. These cars, as I understand, are cars that have stalls in them. I doubt whether cattle can be transported as well where they are stalled in that way as they can be upon cars where the cattle stand together and rest upon each other. I do not believe they would be jolted as much. If there are sixteen cattle in a common car where there are no stalls, I do not think those cattle would be nearly as much jolted as if they were in the stall cars.

Mr. President, this whole bill is leveled at the transportation by common cars; the penalties are in the first two sections and the two last; they are not aimed at transportation by the patent cars. It seems to me that if humanity requires cattle to be unloaded every twenty-eight hours, not only for water and food, but for rest, then humanity is shocked if they are carried in cars for sixty hours without an opportunity to rest, and here there is no provision that they shall be unloaded for rest for any length of time whatever.

Mr. McPHERSON. I should like to have the Senator offer an amendment making provision for that.

Mr. DAVIS, of Illinois. I shall do that. On boats they have an opportunity for rest; on cars by the present law they must be unloaded, as I said before, every twenty-eight hours unless the mode of transportation furnishes an opportunity for rest.

As I said before, these penalties are mainly in at the two first sections which prescribe the mode of carrying by common cars; and it would seem to me, although I know that my friend has no such object in view, that this was for the purpose of getting certain patent cars in common use.

Then, again, the mode of collecting the penalties is entirely changed, and I think it is not changed advantageously at all. The penalty, as the law now is, must be sued for in the name of the United States and recovered in the district where the cause of action arose or where the defendant may be found doing business. By this bill it is to be recovered by an informer who is to get for what he does not only full costs of suit, but that which will include all cost and necessary charges. That will swell up the costs. The informer will employ lawyers and run about the country, and this will swell the amount of the "necessary charges" to an unconscionable sum, it seems to me. I am opposed to the whole system of informers, and in my opinion there is no necessity for that provision in this bill. It may be said that the officers of the humane societies will go around and attend to the prosecutions. Then they should not be allowed to recover "full costs" and "necessary charges," which means everything that they pay counsel, all their traveling expenses and hotel bills. Certainly the Senate of the United States cannot possibly be in accord with such a provision as that.

Then, again, this section allows a suit to be brought in the circuit where the cause of action originated. For instance, if the cause of action originated in Minnesota, as Colorado is in the same circuit with Minnesota, you could compel the defaulting party to answer in Colorado. That certainly was not intended by the committee, or if it was it surely cannot receive the sanction of the Senate. Certainly the suit should be brought where the cause of action originated or where the carrier is transacting business or has his domicile. Colorado, Arkansas, Missouri are in the eighth judicial circuit. The cause of action may accrue in Minnesota, and the party may be sued under this bill in Arkansas or Colorado.

It seems to me that these objections to the bill are well taken, and I now leave it to some of my other friends to add to them if they can.

Mr. HEREFORD. I have not risen, Mr. President, for the purpose of making any speech against this bill, but simply to give very briefly a few of the reasons why I cannot support it. I am opposed to this bill *in toto*; I am opposed to the original law which it seeks to amend. Section 4387 of the Revised Statutes as amended in this bill will read:

> Animals so unloaded shall be put into pens, and shall be provided with an abundance of good sound food, and properly watered during such rest by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railroad company, or persons operating any railroad, or owners or masters of the vehicles, or boats, or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company or persons operating the said railroad, owners, or masters, shall, in such case, have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals for such purpose.

Now, Mr. President, I ask where have we the constitutional power to enact such a law as that? What power has Congress to give to a railroad company or to a spy or an informer the authority to determine what is "an abundance of good sound food?" I take it that the owner of the cattle, who is shipping them to market for the purpose of profit, for the purpose of getting them to market in the very best possible condition, is more interested in that subject than any railroad company, than any paid spy or informer; and, laying out of this case the question of humanity altogether, self-interest would induce the owner of cattle to see that they had a sufficient abundance of good sound food and that they were properly watered. Suppose the owner of these cattle should say, "They have had so much food and so much water; I think that is sufficient;" and suppose the spy or informer should disagree with him and should file an information, the cattle are to be detained, and in that way the owner is prevented from getting them to market for twelve, twenty-four, or thirty-six hours, and meanwhile the cattle have fallen in price.

Again, this same bill says that the party furnishing this food, and furnishing this water, and furnishing these pens shall have a lien upon the cattle "for food, care, and custody furnished, and shall not be liable for any detention." Suppose that the case is tried before a court and jury and it should be decided against this paid spy or informer, no damages can be recovered from him for thus improperly detaining these cattle, for the law expressly provides that he shall not be liable for the detention.

Again, section 4388, as proposed to be amended, will read:

> Any company or persons operating any railroad, or owner or custodian of or person having control over such animals, whose duty it may be to perform any of the duties mentioned in either of the two preceding sections or two following sections, who shall knowingly and willfully fail to comply with any of the provisions thereof, or who shall knowingly violate any such provisions, shall be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars.

Information is to be given by a man, as said by the Senator from Illinois, who recovers his share of the $100 or $500, as the case may be. As was well said by the Senator from Illinois, I am and always have been opposed to this whole system of spies and informers in this form of government of ours. It is contrary to the spirit and genius of it.

Again, section 4389, as proposed to be amended, will read:

> The penalty imposed by section 4388 shall be recovered by any person who will sue for the same, by action of debt or information, in any court having jurisdiction, with full costs of suit, which shall include all costs and necessary charges which he shall or may have expended or incurred in and about or for the purpose of the suit.

Not only the necessary fees of witnesses, clerks, and marshals, but the bill adds thereto "and necessary charges" of the informer are to be recovered. What are those "necessary charges?" He has gone over the country to gather up witnesses and he has employed attorneys. These are "necessary charges," of course, and they are to be added to the costs of the suit. I am opposed to that also.

Then, again, I am opposed to the provision running all through this bill amendatory of the law as it now stands, causing these suits to be prosecuted in the United States courts. It is fundamentally wrong. The United States courts now have greater and more extensive jurisdiction than they should have, I think, for the good of the people. The United States courts are all the time encroaching upon the jurisdiction and power of the State courts, and I think it is time we should come to a halt, and that a man transporting his cattle for twenty-eight or thirty hours who incurs these penalties should not have suit instituted against him in the United States courts and be dragged one hundred, two hundred, or three hundred miles, as the case may be, from his home and from where the cases are, to be heard. All this I am opposed to; it is vexatious, costly, tyrannical, an invasion of the rights of the people in the manner of thus transporting their cattle from one point to another.

In section 4389, as proposed to be amended, it is made "the duty of all United States marshals, their deputies and subordinates, to take cognizance of any and all violations of the three preceding sections and of the next section which may be brought to their notice or knowledge upon oath or affirmation of any person or persons, and shall immediately report the same to the United States district attorney having jurisdiction, who shall immediately proceed to prosecute the same as herein provided."

I say, Mr. President, that I am opposed to forcing the people of the United States to go too often into the United States courts. They prefer to be tried before a judge that has been elected by themselves and that is near to their homes, not to be dragged off hundreds of miles from their homes to the place of trial in the United States courts. In some of the States these courts are held hundreds of miles from where the parties reside; it is so in my State, it is so in many other States; and the witnesses are to have mileage for going one, two, three, or four hundred miles, and the informer must have his expenses of traveling, for that certainly will be a part of the "necessary charges."

Again, going back a little in this bill, it says these cattle must be "put in pens." Who is to construct the pens? If this bill shall become a law we shall have all along the line of our railroads pens constructed, either by outsiders or by the railroad companies, and the cattle must be put into these pens, and the owners must pay for having them thus put into these pens. Why put them in these pens at all? If the owner of the stock is the best judge of the matter; if he thinks they can be equally as well watered, and equally as well fed without being placed in pens, why compel him to pay the expense of putting them in pens, thus built and constructed by the railroad companies or by these same spies and informers? These pens are not to be built free. Somebody has to build them, and there are going to be charges for putting the cattle in them, and the owners will be charged for taking them off the cars, and charged for putting them back on the cars, as well as for the use of the pens.

I agree fully with one thought that seems to run through this bill, and that is that cattle should not be confined too long on the railroad cars, and I think that in the course of time the owners of the stock and the railroad companies will regulate that matter properly for themselves, as their interest clearly requires them to do.

Mr. President, we are legislating too much. They that are governed least, in my judgment, are governed best. That government which bears most lightly by its laws on the people is the best government, and the people who bear the least infliction in the shape of statutory law will be the most attached to their state and to their national government.

I say again, in conclusion, Mr. President, that I am opposed to nearly every single provision in this bill and in the original law, and I would leave it to the owners of the stock and to the railroad companies to regulate the matter among themselves. I would not leave the cattle in the hands of the railroad companies alone or in the power of paid spies and informers. I am opposed also to putting the railroad companies in the power of these spies and informers. Both in the interest of the men who are the owners of the cattle and of the men who are the owners of the railroads, I object to the bill.

Mr. DAVIS, of West Virginia. I desire to give notice of an amendment. I propose to strike out from the word "provided" in line 52 down to and including the word "apply" in line 56.

Mr. DAVIS, of Illinois. I ask leave to offer an amendment. On page 3, line 47, I propose to strike out "either of the two preceding sections or two following sections" and insert "any of the sections of this act." Then in line 55, at the end of the word "water," I propose to add "space and opportunity to rest;" then in line 58 to strike out the word "sixty" and insert "forty-eight;" then after the word "rest" in line 59 to add the words "for a period of at least seven consecutive hours." Then on page 4, I wish to strike out lines 66, 67, 68, 69, 70, 71, and 72 to the end of the word "suit," and then on lines 78 and 79 to strike out the words "circuit or."

The VICE-PRESIDENT. The amendments of the Senator from Illinois will be reported separately.

The CHIEF CLERK. On page 3, line 47, it is proposed to strike out the words "either of the two preceding sections or two following sections" and insert "any of the sections of this act."

Mr. MCPHERSON. I accept the amendment.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is, in line 55, after the word "water," to insert "space and opportunity to rest."

Mr. MCPHERSON. I ask to have that amendment passed over. Perhaps we shall not disagree on many others.

The VICE-PRESIDENT. The Chair hears no objection to passing over the amendment.

The CHIEF CLERK. The next amendment is, in line 58, to strike out "sixty" and insert "forty-eight;" so as to read: "forty-eight consecutive hours."

Mr. MCPHERSON. I wish to have that passed over also.

The VICE-PRESIDENT. The Chair hears no objection.

The CHIEF CLERK. In line 59, after the word "rest," it is proposed to insert "for a period of at least seven consecutive hours."

Mr. MCPHERSON. That I accept.

The amendment was agreed to.

The CHIEF CLERK. The next amendment is, on page 4, to strike out all from the word "penalty," in line 66, down to and including the word "suit," in line 72, as follows:

> The penalty imposed by section 4388 shall be recovered by any person who will sue for the same, by action of debt or information, in any court having jurisdiction, with full costs of suit, which shall include all costs and necessary charges which he shall or may have expended or incurred in and about or for the purpose of the suit.

Mr. MCPHERSON. I have no objection.

Mr. DAVIS, of Illinois. I will prepare something to come in there afterward.

The amendment was agreed to.

Mr. DAVIS, of Illinois. In lines 78 and 79 the words "circuit or" should be stricken out. I move that amendment.

The amendment was agreed to.

Mr. MCPHERSON. I desire to offer an amendment, to come in at the end of the bill, after line 143:

> And any person interested in the humane treatment of animals may ride, at his own risk of personal injury, upon the trains of cars transporting animals upon any railroad within the United States on the payment of the regular rate of fare demanded upon passenger trains, in order to see that the provisions of this and the preceding sections are complied with; and the refusal of any railroad company or person operating any railroad to permit said person to ride on such train for the purpose herein specified shall be liable to the penalty mentioned in section 4388.

Mr. THURMAN. How are railroad companies to verify that a person is "interested in the humane treatment of animals?" Every tramp who wants to ride, or every person, whether he is a tramp or not, may say he is interested in the humane treatment of animals. I do not know who is not. If you put such a qualification as that, and require a railroad company, under a penalty, to find out whether a man who wants to ride on a freight car is interested in the humane treatment of animals, and, if it decides wrong, to be subject to a penalty, I fancy that there will be a great deal of trouble in the courts. Perhaps the companies would not take any risks. Is not a butcher a man interested in the humane treatment of animals? Some people might say, "in the old time England would not let a butcher sit on a jury on a homicide case, where the punishment was capital; *ergo*, a butcher shall not ride on this car." I think the butchers, of all people in the world, would be the most interested in the humane treatment of animals, because they want good meat for their customers to eat, but some railroad men might think otherwise. It seems to me that will not do. Strike out all that about interested in the humane treatment of animals, or else do not offer the amendment at all.

Mr. DAVIS, of Illinois. In the amendment to section 4389 the words were stricken out from the words "the penalty," in line 66, down to the word "suit," in line 72. I ask that these words be now inserted at that place:

> The penalty created by this act shall be recovered by civil action in the name of the United States.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. MCPHERSON. I wish to say with respect to that amendment that while I am not very particular in regard to the adoption of the amendment, there appears to be a necessity that some amendment of the kind should be incorporated in the bill. I should like to ask the Senator from Ohio how it is possible to convict any railroad company that would load a train of cars with live stock, say in the city

of Chicago, and transport them from there to the city of New York of a violation of the law unless some person can be present all the time while that live stock is in transit. A train of cars loaded in the city of Chicago starts easterly. The agents of the railroad corporation or the stock-shippers are not required to give testimony to criminate themselves, and there is no evidence to convict them upon unless some person interested in the humane treatment of animals has the right to ride upon their train, as the amendment specifies, on the payment of the regular rate of fare demanded in ordinary passenger trains for the purpose of knowing whether the provisions of the law have been complied with.

If there is any legal objection to it, if it is placing the railroad companies in any position that is unjust or arbitrary, I for one shall not ask that it be adopted. I ask that this bill shall be amended and perfected in the interests of humanity and in the interests of good, sound, healthful meat food for the people, and I am willing to adopt any reform, any amendment, that may seem to be a betterment of the bill. If the Senator from Ohio is of the opinion that it would be onerous on the railroad companies, I do not wish to press it, because I do not desire to impose on the railroad companies or on the stock-shippers or on anybody engaged in this transportation any onerous duty or responsibility. But the demand of humanity is in this case that the cruelty now practiced upon live stock in transportation shall be either mitigated or removed. And if there is any way the Senator from Ohio can suggest by which a railroad company can be convicted of an offense for a violation of this law without allowing the privilege of riding on the trains to a person for the purpose of observation, then I will willingly adopt any substitute which he may offer for the amendment I have already proposed. If a better one can be offered, then I will withdraw this amendment with the consent of the Senate, and will proceed to answer the objections urged by the honorable Senator from Illinois.

The VICE-PRESIDENT. Does the Chair understand the amendment to be withdrawn?

Mr. McPHERSON. I withdraw it. It was offered with no disposition on my part to afflict railroad companies or anybody. I do not suppose very many people would elect to ride on a freight train, pay the regular rates of fare, and occupy what is called a caboose car for transit between one point and another, in preference to a passenger car. I think the opposition the Senator from Ohio makes to it is not exactly sufficient to reach the case. I think the honorable Senator from Ohio would scarcely apply to a railroad company at any of the depots along the line, for the privilege of riding between two given points, suffer all the inconveniences that he would be required to suffer upon a stock train, and put up with the imperfect accommodations the car offered him, when he could ride on a passenger train at the same price. If he would do it, then, perhaps, there is objection to the amendment and I had better withdraw it. I think he is the only man in the United States who would do it. Have I permission to withdraw the amendment, Mr. President?

The VICE-PRESIDENT. The Senator has the right to withdraw it.

Mr. McPHERSON. Now, as to the objections urged by the Senator from Illinois. He raised an objection, I believe, to section 4387, as amended in the first line of the bill, for which he offered no amendment.

Animals so unloaded shall be put into pens.

Mr. DAVIS, of Illinois. No, I said "put into pens" were the only real words there added to the present law; to the other words I had no objection.

Mr. McPHERSON. In order that that objection may be removed, I move to strike out those words, so that if the owners wish to turn them into the streets they shall have entire privilege to do so.

Mr. DAVIS, of Illinois. I think the bill is better for having those words in.

Mr. McPHERSON. The Senator seems to be satisfied and I shall not propose the amendment.

Now, after the amendments I have already agreed to which have been offered by the Senator from Illinois, we come down to the proviso beginning in line 52. The Senator asked the question, why is there any modification in the proposed bill to the existing law in that particular? The Senator avers in the same breath that to keep cattle on their feet sixty consecutive hours is an absolute cruelty. Will the honorable Senator look at the statutes and see that in the existing law there is no requirement to unload them at all? You may run them from Kansas City to the city of New York without unloading them at all. Under the view taken by the Senator this must be an improvement on the present law, for this bill restricts the time of confinement in cars to sixty hours. It must therefore be more humane than the law we seek to amend.

Mr. DAVIS, of Illinois. I beg the Senator's pardon. This section 4386 says they shall be unloaded every twenty-eight hours, except when the animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest——

Mr. McPHERSON. Very true.

Mr. DAVIS, of Illinois. If they have space and opportunity to rest. That is what I ask.

Mr. McPHERSON. I will say in answer to the Senator's objection that practically it is one of the greatest absurdities in the world to think that a drove of cattle can be put into cars, given space and opportunity to rest, and profitably transported from the West to the East under such rules as the railway companies make for the stock-shipper. To illustrate: they say to the stock-shipper, "You may load twenty thousand pounds of horned cattle in a car, and we will charge you so much per car-load. If you put in that car only sixteen thousand pounds of horned cattle you will be compelled to pay the full price of a car." The Senator will readily see that it is almost impossible in active competition that less than twenty thousand pounds shall be loaded in a car. When you put twenty thousand pounds of cattle in a car and say they shall have space and opportunity to rest, it is simply a positive absurdity.

Mr. DAVIS, of Illinois. Then the law of 1872 enacts that they shall rest every twenty-eight hours.

Mr. McPHERSON. It provides they shall be unloaded for feed, water, and rest, unless you feed and water in the car, exactly and precisely as this bill does. This bill provides that animals shall be unloaded from cars for rest each sixty hours, while the present law makes no limit whatever as to time.

Let me read the section to which I refer.

Provided further, In no case shall animals be confined in cars for a longer period than sixty consecutive hours without unloading the same for rest.

Now let me state to the Senator the reason why that clause providing for sixty consecutive hours run under certain contingencies was adopted. It is known to almost every Senator on this floor, particularly those who represent the large stock-producing States of the West, that we have great points of distribution, to wit, Cincinnati, Saint Louis, and Chicago; they are extreme western points east of the Mississippi River. Eastward of them we have other points of distribution, to wit, Pittsburgh and Buffalo. If you load a train of cattle in the city of Chicago and start to Pittsburgh or Buffalo you can reach Pittsburgh or Buffalo within forty-eight hours, as proposed by the Senator's amendment; but if you start them from Saint Louis you cannot reach Pittsburgh or Buffalo within the forty-eight hours. To confine this restriction to forty-eight hours would be an invidious distinction as between those two shipping-points as against the city of Saint Louis; in other words, it would be legislation in the interest of Chicago against the interest of the city of Saint Louis, and that, too, without excuse, as experience has proved that if you properly feed and water in the cars sixty hours is not too long a run. Now let me state again what I have already stated, that the great lines of railroad which have heretofore opposed any legislation upon this question are to-day ready to carry out the provisions of this bill, provided there is no invidious distinction as between railroad lines in the transportation.

Mr. DAVIS, of West Virginia. Would it be agreeable to the Senator to let me say a word now?

Mr. McPHERSON. Certainly.

Mr. DAVIS, of West Virginia. The Senator has said in his argument now, as well as in one the other day, that the trunk lines, as we understand the term, agreed to this bill if any bill is to pass. I believe I quote the Senator correctly. I thought it proper to ask what trunk lines have agreed to it; for I have heard the president of one of the trunk lines within a very few days say he was not in favor of it. I therefore wished to interrupt the Senator to ask his attention to that point. Two of the great trunk lines, to wit, the Pennsylvania Central and the New York Central, start and end in the same State; but all the others, which are their competitors, go through different States. Consequently this bill reaches two of them, and the other two it does not touch.

Mr. McPHERSON. How can that be?

Mr. DAVIS, of West Virginia. My friend can hardly ask that.

Mr. McPHERSON. I should like to have an explanation on that point, certainly.

Mr. DAVIS, of West Virginia. In the ninth line the bill specially says "from one State to another." Two of these great trunk lines begin and end in the same State while two of them change States two or three times. Again, in the eleventh and twelfth lines the same words are used, "from one State to another." That certainly gives two of the trunk lines a decided advantage over the other two; and in that particular I can readily see why the two which are solely in one State would say "Let us have this bill," and I can also see very readily why the other two lines would say no.

Mr. McPHERSON. If the objection of the honorable Senator is distinguished for anything it is for its absurdity. If this bill means anything it means that the poor, defenseless, dumb brute through that long line of suffering from the West to the East shall be protected by its provisions, be it in one State or covering the territory of all of them over which the cattle are carried.

Mr. CARPENTER. I ask if the provision in the nineteenth line does not apply to cattle being transported from one State to another, instead of to railroads running from one State to another. Suppose a railroad is engaged in carrying passengers from Chicago to New York, is not that commerce between the States?

Mr. DAVIS, of West Virginia. But the Senator from New Jersey who has charge of the bill has answered that question. In this argument he has stated that at Pittsburgh and at Buffalo there are great depots for changing cattle, and the cattle changed owners there.

Mr. McPHERSON. Whether they change owners or not, they are the same cattle.

Mr. DAVIS, of West Virginia. How does any man know they are the same cattle? They have changed owners. The cattle that belong to the Senator to-day belong to me to-morrow, and I start them from that point; they are not billed, they are not manifested, they are not known except from that particular point. It is a well-known fact that at Pittsburgh, for instance, there are large pens which receive cattle for sale. There are markets there two or three times a week. Two persons from different States bring their cattle there, they are driven into the pens, and to-morrow or next day or next week C D buys A B's cattle and he puts them on the road to New York or Philadelphia, as the case may be, and he is in one State the entire time. If he puts them on one or the other two lines which are competitors, they go through two or three different States.

Mr. McPHERSON. I certainly am at a loss to understand the point of the Senator's argument. I do not see how he has changed the cattle, even although they have changed owners. I do not see but that it is the same property in transportation, and being carried over lines of railroad that are interstate railroads, it makes no difference if they change owners every fifteen minutes from the time they leave the West until they arrive in the East.

The point he tries to make with respect to two great lines of railroad having their point of shipment and their point of destination both within the territorial limits of the same State, I do not see that that is going to affect the result. The bill applies to cattle in transit from the West to the East. Take the State of Pennsylvania, for instance, over whose territory runs the great trunk line of the Pennsylvania Railroad Company. It transports more than three-fourths of the cattle it carries across the territory of New Jersey to New York. The road begins in Pennsylvania and ends in New Jersey. What right has the State of Pennsylvania, or what right has the Pennsylvania Railroad Company, to impose cruelty in Pennsylvania on cattle transported over that line and belonging to a citizen of New Jersey?

Mr. DAVIS, of West Virginia. The owners will look out for that.

Mr. McPHERSON. If the owners are so immaculate as you are inclined to make them, they are the most maligned people in the world.

The Senator speaks also of the New York Central Railroad. I am not the defender of the New York Central Railroad or the Pennsylvania Railroad. I have no interest in railroads or in anything that appertains to the matters involved in this bill; but I do object to a railroad being criticised without any cause whatever. The New York Central Railroad transports to-day perhaps three-fourths of all the supply of live stock that goes to the New England States. They cross the territory of New York State from Buffalo to Albany, and are there placed upon cars and sent all through New England. I say to my friend that three-fourths of all the live-stock business done on that line of railroad comes entirely within my idea and construction of this bill.

Now, as to the point that it is not within the province of this bill to punish parties owning roads operating within a single State, this is very true if the point of shipment and point of destination are both within the jurisdiction of the State. I suppose it is very consoling to the Senator that there is one condition of circumstances under which inhumanity to the brute creation cannot be punished. But let me remind the Senator State laws can reach such a case, and many of the States have passed laws much more restrictive than this one.

Mr. DAVIS, of West Virginia. Then I would leave it to the States themselves. While the Senator was speaking, I thought of this case: for instance, a man drives his cattle into the pens at Pittsburgh or Allegheny City, from Pennsylvania, probably, or from Ohio, just across the river, if you choose. There are two competing roads from that point where the cattle start for the East. One of the roads is obliged to unload them in twenty-eight hours or use a certain kind of car, while the other road, running as it does solely in one State, not going out of it except for a few miles where my friend lives in New Jersey; they are so near the end of the journey when they reach his city that they could hardly stop the train before it got there. But take either Buffalo or Pittsburgh, and take the cattle driven in there, never having been on a railroad car before; the Senator readily sees the advantage one trunk line has over the others, because in one case they are bound to unload and in the other case they go through without being unloaded.

My idea of this whole question is that the present law is equal to if not better than this bill.

Mr. McPHERSON. I desire to answer the honorable Senator from West Virginia by simply saying to him that if the interests of humanity and of good, healthful meat food for the people is to be based upon a consideration of the profits or losses of railroad companies, it is a sad commentary upon our common humanity. Here we have a bill that proposes to be general in its provisions and universal so far as this country is concerned, and there is no idea, so far as I am concerned, that the bill gives one railroad an advantage over another, but it places all exactly on an equality. The fact that they were not on an equality was the reason why we sought to amend the present law. To illustrate, there was no provision in the existing law that required railroads doing business and forming connections with the Canada roads to obey the law. What was the result? If we had undertaken to enforce the existing law in our own country, it would have forced the cattle transportation through the Province of Canada, to the entire detriment and injury of our own lines of road.

And now, Mr. President, with respect to the section that the Senator from Illinois asks to have amended. He says he wants to put in the words "space and opportunity to rest." Now, let me tell the honorable Senator this one fact, that cattle cannot rest in cars; they may lie down and they may get up, it is true; they can get a certain amount of rest, but still not in the full meaning of the term "space and opportunity to rest." We propose that under a new and improved mode of transportation of live stock there need be fewer delays in its transportation than under the old system and in the old cars by the use of improved cars. But the ghost of a patented palace car is hovering around him.

Suppose you start from your home in Illinois with a car-load of cattle. You are supplied with a bucket; at every station you stop at, or once every twenty-four hours, you take your bucket and water your cattle and feed them. I want to know if in your opinion you have not observed all the requirements of this bill. This bill says you shall give them food and water once in twenty-four hours. If you give it to them in a bucket, or if you give it to them in a pail, or however you give it to them, you have performed all the requirements of the bill.

Mr. DAVIS, of Illinois. But there is no opportunity. The humane society first agitated this question on the ground that cattle were treated badly. I say that no steer can, on its feet, stay sixty hours without being injured. Allow me to suggest that if it happens that a stock-train can run from Chicago to Pittsburgh in forty-eight hours, and could not run from Saint Louis there in less than sixty hours, are we to legislate for Saint Louis when common humanity requires that the steer should not remain cooped up so long? Now, the common cars must be unloaded every twenty-eight hours. When you have extended it to forty-eight hours you have stretched the matter. I do believe that every steer ought to have the opportunity of lying down to sleep once in twenty-four hours.

Mr. McPHERSON. I confess I wish they might, but I must deal with practical realities, not theories.

I ask if there is no necessity for unloading cattle in less than sixty hours in case you feed and water them every twenty-eight hours, why compel it to be done? The practice and the experience of the public shows that there is no necessity for doing it if you water and feed them once every twenty-four hours, as the bill requires. I hope it will not be urged that there are such things as palace cars when I say to you that of my own knowledge there is not a single patented and patentable device necessary for any railroad company upon the earth to use in the transportation of animals under each provision of this bill. All it requires is simply a trough placed in the car for the reception of the food, and any man who will undertake to say that there is any invention in simply placing a trough in a car is asserting what seems to me arrant nonsense.

Mr. DAVIS, of Illinois. Will the Senator from New Jersey allow me to ask him if there have not been patents taken out on these cars?

Mr. McPHERSON. Yes; I will answer that question.

Mr. DAVIS, of Illinois. Then the question of infringement, to my certain knowledge, takes a wide range.

Mr. McPHERSON. In 1858 a patent was issued to a man named Robinson for a car in which he put pipes of a certain device to carry water. The patent was granted to him. It has expired. To-day it is the property of the public, and is the key to everything else, so far as I know. And yet there was no invention in his device, and I think the courts would have so held. It consisted in a simple trough placed in the car with pipe attachments to distribute water. What had been done before a thousand times for other, yet like purposes, certainly cannot be called an invention.

There may be little combinations of patents here and there with respect to certain things about it that it is not necessary a railroad company should use at all. To show more fully the exact condition of affairs I will state to the Senator this fact: Two years ago the British Humane Society and a board appointed by Parliament took into consideration the inhuman treatment of animals in transportation in England. They offered a premium of £400 for the best device for feeding and watering animals while in transit. That premium was given to the device which I have described to the Senate. This patent was issued to Mr. Robinson, and it expired more than four years ago. All the person did who won the £400 was to apply the device to the particular kind of car in use in England, but it was not patented there and could not be, and is now in use on all the railroad lines of England. Out of fifty-six competitors with as many differing devices seeking this prize, it was decided in favor of an American invention, and now the property of the public. Therefore if the public can get the best without cost, why talk about those of no value.

Our International Humane Society which met at Chicago a few months ago, after they had investigated the whole subject, came to the conclusion that improved cars were the only way in which reforms could be made in transportation. They offered a premium of $5,000 for the best device for carrying live stock and feeding and watering them in the cars. I understand, from a reliable source, that there is scarcely a patent that had ever been issued by the Patent Office but has already applied for this premium of $5,000. The intention of that society is to pay for it themselves by a private contribution among people who have some Christianity and humanity in their

composition, and then offer it as a gift to any railroad company who will use it. Thus it will be seen what the poor defenseless railroad companies can and will not do in aid of this humane movement private capital proposes to do.

When you undertake to say that there is something in the shape of a patent car that we intend to impose upon the people, it is the simplest nonsense in the world, because the bill does not state any such thing. It states, first, that it is inhuman to deprive an animal of food and water on a hot, dusty July day for more than twenty-eight hours, and therefore you must remove them from the cars and water and feed them. But it says another thing: that if inventive genius can or has devised a car where that very same thing can be done without the delay incident to and attendant upon unloading them, then you may run them for sixty consecutive hours. The great cruelty consists mainly in the fact that the animals are deprived of water. I have known cattle put upon the cars in Chicago and run through to the city of New York, and confined for four days in the month of August, without one particle of food or water. I want to know if the Senator from Illinois, or any other Senator, believes that remedial legislation in this matter can be much longer postponed without absolute criminality on the part of the law-making power?

Mr. DAVIS, of Illinois. Here is the law, which provides that they shall be unloaded every twenty-eight hours.

Mr. McPHERSON. I say it is a nullity.

Mr. DAVIS, of Illinois. A nullity! Any law will be a nullity unless you enforce the penalty.

Mr. McPHERSON. We do not try to enforce it.

Mr. DAVIS, of Illinois. Why will this bill be enforced if it becomes a law?

Mr. McPHERSON. Simply for this reason: Here is a provision in the bill that there shall be no invidious distinction in favor of a railroad in the neighboring province of Canada and against the railroads in our own country. It will be enforced because there are provisions in the bill under which it can be enforced. The old law was so loose and faulty in its construction that it could not be enforced.

The Senator from Illinois states another matter. He says it is cruel to keep cattle without rest for sixty hours. I want to state the fact that in the transportation of live animals across the ocean—and you know that has become a very important article of export—I have known, if the testimony of men is worth anything at all, of cattle being placed upon shipboard to stand for five days and nights without offering to lie down.

Mr. DAVIS, of West Virginia. I ask the Senator whether it is proposed under this bill to ship cattle to foreign countries?

Mr. McPHERSON. I claim that under the provisions of this bill cattle would go to the sea-board as quickly as possible, and that all cruelty would be at least vastly mitigated if not removed; that they would go through cheaper, and that the cost of transportation would be very much lessened; and I claim that when they get to the sea-board they would be in a much more healthful condition to ship to foreign countries than they could be under the present system. Let the Senator not forget to remember that our export trade starts from the great West instead of the sea-board.

With regard to another point I wish to ask the honorable Senator from Illinois, or any other Senator upon this floor, if he is willing to strike from this bill the provision which is to enable a western producer to send his cattle to the New York market at from $15 to $20 per car less than can be done under the present system?

Mr. DAVIS, of Illinois. I am not contending about the cost of transportation. The Senator may know all about that; I do not know anything about it. I say that the ordinary mode of transportation requires the cars to be unloaded every twenty-eight hours, and that any improved mode that extends the time to sixty hours without the cattle being unloaded is wrong.

Mr. McPHERSON. The improved mode does not require it. As I have stated to the Senate the reason why it does not require it is because practically what cattle need is water. They need some food it is true.

Mr. DAVIS, of Illinois. They need rest.

Mr. McPHERSON. They need rest it is true; but we propose to amend by this bill the existing law which provides that they need not be unloaded by providing that they shall be unloaded every sixty hours for the rest demanded by the honorable Senator.

Mr. DAVIS, of Illinois. Does not the existing law provide that they shall be unloaded every twenty-eight hours unless there is opportunity in the conveyance to feed and water them, and to give them rest?

Mr. McPHERSON. That will be left to the Senator's own judgment. As I have already asked, is it not a positive absurdity to talk about rest in a car-full of cattle?

Mr. DAVIS, of Illinois. They must be taken off the car for that purpose.

Mr. McPHERSON. I want to state a point to the Senator from Illinois that I undertook to state to the Senate. I said before that if inventive genius had created a way of doing this work better than it had been done before, and if the Congress of the United States should say that in their judgment anything that inventive genius might do to assist it might be used, as can be done under the provisions of this bill, first, as to a limit of cruelty, what is the objection to simply saying if you can do it you may do it? It does not impose any particular kind of car upon the railroad companies, or upon the people, or upon the shippers; but if a car can be provided, be it palace or hovel car, that will carry food from the farm of the honorable Senator from Iowa or of his constituent, whose corn may cost him to raise ten cents per bushel upon the productive soil of that State, he starts to market with a quantity of corn that represents a cost of ten cents per bushel, and he goes clear to the New York market, feeding his stock as he goes along whenever they need it; whereas if he were forced to unload at the different stock-yards upon the line he would pay $1.50 a bushel for the same corn. I want to know, then, if there is any reason why this reform should not be introduced and carried out. Is there any reason why legislation should not be made to say that inventive genius may be employed; that reforms may be introduced if the public like them, if the railroads like them and will apply them—and no compulsion whatever? Then, if there is no necessity for unloading the stock, as I claim there is not under sixty hours, if you feed and water them, why, then, impose any restriction upon doing that?

Mr. CARPENTER. I wish to ask the Senator in regard to the proviso commencing in line 52:

Provided, however, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, the provisions in regard to their being unloaded shall not apply.

Mr. DAVIS, of Illinois. The words in the old law, "space and opportunity to rest" are left out here.

Mr. CARPENTER. The words "space and opportunity to rest," which are in the old law, and which are as necessary as the provision which the Senator has inserted, are left out here. But the precise question that I want to be enlightened about is, who is to determine whether a particular car has the proper convenience for daily food? A train of cars starts, for instance, from Kansas City to New York. It goes through Missouri, in the first place, in which State there are one or two judicial districts; it goes through Illinois; it goes through Indiana; it goes through Ohio, and so on. Now, who is to determine whether the car in which those cattle are put has the proper convenience called for by this section or not? It is of course a question of fact, one to be determined by a jury in each case. The result might be that in Missouri it would be held to be a proper car, that in Illinois it would be held to be an improper car, and so on. The verdict might be different in regard to cattle upon the same train and the same car in every district through which the train passed. You will have a question of fact forever open, which goes to the foundation of your whole proceeding, and you will have that as a question of fact which may be settled various ways in the different districts through which your train passes. Now I ask, how is that to be controlled?

Mr. McPHERSON. I am very much surprised that the Senator raised that objection. I thought I had sufficiently answered that in my reply to the Senator from Illinois. I claim that the word "convenient" is not used in the bill at all, or anything like it.

Mr. CARPENTER. "Proper" is the word.

Mr. McPHERSON. If that word implies more than it ought to imply strike out the word "proper;" say "food and water."

Mr. CARPENTER. That would be the most inhuman thing ever heard of.

Mr. McPHERSON. Simply say "food and water."

Mr. CARPENTER. To say "food and water" would not be half as good as the old law.

Mr. McPHERSON. I said to the Senator from Illinois, if he takes a pail, or a tub, or a bucket, and gives every animal water in that car, and every animal food in that car, every twenty-four hours, every requirement of the bill is complied with. Then you talk about conveniences in cars. I do not know anything about cars, or conveniences in cars. If we can get a car in which animals can be transported, as I know we have them, because they are in use every day upon the railroads with perfect success, then, I say, I do not think we ought to have these monopolies of pens.

Mr. CARPENTER. It is a misfortune of mine that I am called on to vote upon a subject that I know nothing about. I thought the Senator from New Jersey was thoroughly informed and could inform me, and it was for that reason that I put him the question. He produces a bill here and says it is proper; and if people do not like this or do not like that, strike it out. I do not like the bill, and would strike it all out if the Senator would give me permission. But the precise point upon which I wanted the Senator's information, and I have good reason to know that he is a pretty sound lawyer, having felt his strength recently——

Mr. McPHERSON. I must beg leave to say to the Senator now that I do not know what I have done that I should be liable to any such suspicion. I certainly am not a lawyer, but confess I would be willing to-day to bear the reproach for the advantages it would confer.

Mr. CARPENTER. To be perfectly candid, I do not think so either. I acquit the gentleman of any such suspicion. [Laughter.] But I want to know how the question is to be settled whether a particular car is within or without this provision. Here a train starts with certain cars. If they are proper cars—that is to say, if the cattle can be properly fed in those cars—they are not within this section at all; if they cannot be properly fed, then they are within the section. Now, who is to determine it? Your whole proceeding is to rest there upon a matter of opinion, about which no two men whom you could find might agree.

Mr. McPHERSON. May I ask the Senator a question?

Mr. CARPENTER. Certainly.

Mr. McPHERSON. I put to the Senator from Wisconsin a question that I asked the Senator from Illinois. If I should water a train of cattle at any point upon the road with a pail or bucket, if I should give each one proper food and water, a sufficiency of good sound food and an amount of water to satisfy their thirst, then will I have complied with the provisions of that section. I await his answer.

Mr. CARPENTER. My trouble with this whole subject is that I do not know anything about it.

Mr. McPHERSON. Then the Senator ought not to debate a question about which he claims not to know anything, and that, too, on the black side.

Mr. CARPENTER. I am not debating it, I am inquiring. I am sitting at the feet of the Senator from New Jersey with the docility of a child; I ask him for light and can get none. That certainly is not my fault. The Senator may be as effulgent as he pleases; I am inquiring for information. I said in advance that I did not know anything about it, but I had to vote upon it, and wanted to get some information. I applied where I was certain it could be found, to the Senator from New Jersey, who has charge of this bill. Now, I want to be informed, for I am not trying to inform anybody or debate anything.

Mr. McPHERSON. I can give the Senator from Wisconsin no information further than I have given, certainly upon that point. I will read the provision of the bill to which he refers, and then if there is a man, woman, or child in the United States, other than himself, who will put that construction upon it I shall be somewhat surprised:

Provided, however, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, the provisions in regard to their being unloaded shall not apply.

I certainly cannot understand what there is to answer in the matter. I do not know that I have anything further to say upon the bill. I did not expect to be met by any objections. This bill was completed as is well known, at least it was perfected, as I supposed, by the Senate during the extra session in May last. The bill was amended, and I thought thoroughly and satisfactorily amended. I am willing, as I said at the outset of my remarks, to accept anything in the way of amendment that will not destroy the object we have in view, which is to provide good, healthful food and to do away with the inhumanity of the case; but I certainly must object to the amendment offered by the Senator from Illinois on line 52; and I object, for the reason I have stated, to the amendment offered in line 58, inserting "forty-eight hours," because there is no necessity for it.

Mr. COCKRELL. I presume that it will be impossible to conclude the consideration of this bill this evening. A large number of amendments have already been adopted. It would certainly be very desirable that those amendments as adopted and the bill as it now stands should be printed and placed before the Senate.

Mr. ALLISON. There are amendments offered, not yet voted on, that ought to be printed.

Mr. COCKRELL. I was going to move that the bill, with the amendments already adopted, be printed, and then that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Let all the amendments offered be printed.

Mr. DAVIS, of West Virginia. The Senator from New Jersey dropped a remark to which I should like to have an answer made before he takes his seat.

Mr. McPHERSON. Will the Senator from Missouri withhold his motion for a moment?

Mr. COCKRELL. Certainly.

Mr. DAVIS, of West Virginia. I wish to ask the Senator who has charge of the bill a question. He said a moment ago in his remarks that this bill would bring cattle to market in a better condition and for $15 a car less than under the present law. Will the Senator be kind enough to explain how that is? I did not know that this bill had anything to do with the price of transportation.

Mr. McPHERSON. I will answer the question of the honorable Senator. I say that under the operation of the bill, if the improved mode of transportion was adopted——

Mr. DAVIS, of West Virginia. Now, what is that improved mode?

Mr. McPHERSON. The improved mode of transportation is the improved cars which under the proviso in line 52 may be employed in transportation. I say that if the improved cars which are to-day in use upon some of the railroads in this country are employed generally in transportation, all the profits now charged by the stock-yard monopolies along the line of every railroad would be saved; and they are monopolies, because they have the exclusive privilege of feeding live stock at an extortionate rate. I say that in the mode that we propose to adopt if we can, if we can convince the railroads of the country, as I believe we can, that they should adopt it, the producer in any western State would be able to take the corn he raises at ten cents a bushel, put it in the car and start to market without being subjected to the imposition of stock-yards along the line of the railroad.

Mr. DAVIS, of West Virginia. Then the whole of it is in the new car. The whole of the Senator's answer is that if the new car which is proposed to be introduced is provided this good result will be produced.

Mr. McPHERSON. If it is not employed the provision would not be operative, most certainly.

Mr. DAVIS, of West Virginia. Then the idea is that the railroads are to have a new car, and in that way they are to save something by carrying along the food. In that way $15 a car, I understand, would be saved. That is entirely new. All the railroads are now supplied with cars, and I suppose they would dislike very much to have to do away with them at once. That would be the case at least with very many of the roads. I should like to ask a further question, in regard to the monopoly of the pens. If I understand the Senator's bill correctly, it not only creates but establishes additional pens. The existing law says nothing about pens. You may keep your cattle anywhere you think proper. The present bill specially provides for pens. In that particular there certainly would be more pens and more monopolies under the proposed law than there are under the existing statute.

Mr. THURMAN. Mr. President, there are two objects sought to be accomplished by this bill, and they are both very important and I will say very noble objects. One is to prevent cruelty to animals; the other is to prevent the sale of diseased food, to provide as far as possible that the food of the people, where that food has been transported over railways, shall be healthy food. No one can deny the importance of both these objects, and no one will say that they do not commend themselves to his most favorable consideration. I think we are indebted to the Senator from New Jersey for the labor he has taken to accomplish these objects. But while we sympathize with him in the efforts he has made, do not let us lose sight of the means by which he attempts to accomplish his purposes. We must not be carried away by our sympathies so far as not to investigate the means that are to be employed to accomplish these worthy objects. This bill has been amended so much, and without, as I verily believe, one-fourth of the Senate knowing what the amendments are, for without their ever being put to a vote it was announced that they were agreed to, nobody objecting, that I for one do not know how the bill now stands. Therefore I was glad to hear the suggestion of the Senator from Missouri that the bill should go over until to-morrow and that it should be printed as now amended. I think it ought to be so printed in order that we may consider it intelligently.

Before that is done, however, I wish to call the attention of my friend from New Jersey to one or two things connected with this bill, and which it seems to me will require the bill to be considerably amended. First, however, I wish to say that this bill stretches the commercial power beyond anything that has ever been passed by Congress, unless it is the law to which this is an amendment. What is the first provision of this bill?

No railroad company within the United States, whose road forms any part of a line of road over which cattle * * * are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, * * * shall confine the same in vehicles, railroad cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest.

"No railroad company within the United States whose road forms any part of a line of road over which cattle are conveyed from one State to another." Obviously that means to include a road, however short it may be, entirely within a single State, if over that road, it being connected with other roads, cattle are transported from one State to another. Take for instance, the Columbus and Xenia road, in the very heart of the State of Ohio. It is a road fifty miles long, running from the capital of the State to the city of Xenia. It is connected both east and west with other railroads, so that you can travel over it in going from New York to San Francisco, because its connections are such that it is one part of a great line of railroad or of lines of railroad which connected together traverse the entire continent. There is an Ohio corporation whose road is fifty miles long, and that Ohio corporation, entirely operating within the State of Ohio, is within the purview of this bill, or the bill is worth nothing at all; for if this bill is to be confined to roads which lie partly in one State and partly in another State the bill is of no use or very little use at all, such roads being so few. Therefore, in order to be effective, it must include every road, however short it may be. Nay, more, it will include any means of transportation, however short, although it should simply be a street railroad, if that railroad should carry over it stock from one depot to another. It would include, for instance, the transport of cattle from the Ohio and Mississippi depot, at the west end of Cincinnati, to the Little Miami depot at the east end, a transit of about a mile, or a mile and a half.

Mr. McPHERSON. May I interrupt the Senator to ask him a question?

Mr. THURMAN. Certainly.

Mr. McPHERSON. Is the Senator aware of the fact that the State of Ohio has upon her statute-book to-day a law more restrictive in its provisions a great deal than the law we propose to pass relating to this same matter?

Mr. THURMAN. What the State of Ohio has on her statute-book has nothing in the world to do with the power of Congress to pass this bill; and if she has a law more restrictive than this, more effective than this, it would be an argument against passing this bill, I think, so far as Ohio is concerned.

But let me show to what extent this bill carries our power to legislate under the provision of the Constitution, "to regulate commerce with foreign nations, and among the several States." The principle

of this bill will include every drayman who draws a load from one depot to another. Every drayman who draws a load from the Ohio and Mississippi depot in Cincinnati to the Little Miami depot, or from the Cincinnati, Hamilton and Dayton depot to any other depot is brought within the principle upon which this bill rests. If you can regulate these railroads as this bill regulates them, and, as it is claimed by some, that you can regulate their fares and freight charges and the like, then you may do it in regard to the draymen who haul freight from one depot to another, although it may be but a quarter of a mile.

Now, I am not going to argue that constitutional question. I only throw out these suggestions that those who have studied, that those who are interested in, that those who want to interpret the Constitution correctly on this subject may give the subject their best reflections before a vote is taken on this bill. Having done that, Mr. President, I now have something to say upon the particular provisions of this bill. In the first place, it is provided in the first section of the bill that no railroad company, and so on, shall transport cattle, &c., "for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least seven consecutive hours, unless prevented from so unloading by unavoidable causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads or lines of transportation from which they are received shall be included; it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated."

The first thing that strikes one is, how is a company receiving a cargo of cattle to know whether those cattle have been transported twenty-eight hours already without rest? Take a cargo coming on the Union Pacific Railroad to Omaha. The cattle are then transferred to the road from Omaha to the Mississippi River, whatever may be the name of the road. How are the people on that road to know whether those cattle have been transported more than twenty-eight hours on the Union Pacific? When they cross the Iowa line, how is the company in Illinois to know in the case of cattle going to Chicago? It does seem to me that something more definite on this subject is necessary, or otherwise you visit the companies with penalties when they could not by the use of any reasonable diligence acquire the information which was necessary to enable them to avoid the penalties.

Then let us go to the next section. I believe the words "which shall include all costs and necessary charges" have been stricken out on the motion of the Senator from Illinois, and so I shall say nothing about them.

Mr. McPHERSON. I think that was settled in a way satisfactory to the Senator from Illinois.

Mr. THURMAN. Then it is said:

It shall be the duty of all United States district attorneys to prosecute at once all violations of this section and the three preceding sections.

I do not know, looking at this bill, whether this is restrictive or not. I do not know whether it is the intention of the framers of this bill that all prosecutions shall be by the district attorneys, or whether it is intended to allow anybody to prosecute, and also to make it the duty of the district attorneys to prosecute when they have the information. That is an obscurity in the bill that I think ought to be removed.

Then in the next section we come to another provision, that where the company, or an owner or custodian of the property, or the like, has caused these cattle to be furnished with food and water and rest, he shall have a lien on the cattle for repayment of the expenses thus incurred, which lien shall be enforceable by petition in the district court of the United States. But what I ask my friend is, what is to become of the cattle while this lien is being enforced? There is no provision here. What is to become of them? I do not know how they are to be provided for.

Mr. EDMUNDS. I suppose the Senator thinks the cattle would get *lean* before he got his *lien* attended to. [Laughter.]

Mr. THURMAN. I think it very likely. A lien on a perishable article—and I suppose cattle must be considered perishable, as they will starve if they are not fed—a lien upon live stock to be asserted must be accompanied by the clearest provisions so as to give it effect, so as to protect not only the cattle from suffering, but so as to protect the owner from loss by shrinkage of the cattle or by keeping his cattle away from the market.

Mr. McPHERSON. May I ask the Senator a question right there?

Mr. THURMAN. Certainly.

Mr. McPHERSON. Are there any railroad companies to-day in the United States that feel under obligation to discharge a quantity of freight, deliver it up to the shipper or freight owner, without payment of the charges and freight, payment of whatever may have accrued and the freight that may be due on the merchandise? Is there any harm, therefore, in providing in this bill that a railroad company shall have a lien on the animals for food, care, and comfort furnished when the owner and shipper of the animals himself refuses to do it?

Mr. THURMAN. Let us see what this section is. Here is the section that gives the lien.

SEC. 4287. Animals so unloaded—

It applies to unloaded animals—

shall be put into pens, and shall be provided with an abundance of good sound food, and properly watered during such rest by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railroad company, or persons operating any railroad, or owners or masters of the vehicles, or boats, or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company or persons operating the said railroad, owners, or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals for such purpose.

The first thing that strikes one here is a mere oversight. It gives the owner of the cattle himself a lien on his cattle for the food that he furnishes, and says that the owner of the cattle himself shall not be liable for their detention.

Mr. McPHERSON. You can provide for that, I suppose.

Mr. THURMAN. Of course, that is a mistake. It was not intended to say that the owner himself should have a lien on his own cattle, but there is a provision that the company or person operating a railroad or the master or owner of a vessel, where the cattle have been unloaded, and are supplied with sufficient food and water, shall have a lien on the cattle for repayment of the expenses thus incurred. I do not care for that; that is right enough, but when you propose to answer how he shall recover that, as you do in the subsequent section, that it shall be by a petition filed in the district court holden within the district where the food, care, and custody have been furnished; when you have said that the railroad company is not to put this on the charge for freight and transportation at its terminus, and require the consignee to pay it before he has the cattle, but that it shall be enforced in West Virginia, or in Ohio, or in Pennsylvania, or in Indiana, or in Nebraska, and not enforced at the end of the transit by simply adding it to the charges of the consignee, then you introduce a new thing totally unknown to the law, and a thing fraught with infinite difficulty. You stop the cattle right there; you do not allow the railroad company to take them on to the terminus, and say to the consignee "Pay these costs and charges before you get your cattle," but you stop the cattle in West Virginia, or in Nebraska, or in Iowa, and say "Here in the district court we will recover the $50 or the $100 for which we have a lien on these cattle."

Mr. EDMUNDS. Would the Senator from Ohio give way for a motion for an executive session?

Mr. THURMAN. I will with great pleasure, for there are but few Senators listening to what I say. I hope the bill will be printed as amended, and that it may come up to-morrow.

I want my friend from New Jersey to be impressed with the fact that I sympathize fully with him in the thing sought to be done and that I do not make the criticism of this bill in any spirit of hostility to his object, but I want his means to be constitutional means and I want them to be adapted to the end in view.

Mr. McPHERSON. Will the Senator from Vermont yield to me one moment to make an observation? Let me say to the Senator from Ohio, or any other Senator who professes to be friendly to the objects of this bill, as he professes to be, that, if there are any informalities or anything wrong with respect to the collection of penalties or the machinery by which the bill is to be worked, if they will prepare their amendments and have them ready to-morrow morning I should like to have them presented. If there is objection to the bill on the ground of unconstitutionality, which has been suggested by the Senator from Ohio, I have nothing to say. If the bill be an unconstitutional one no Senator so minded will vote for it; but with respect to the machinery by which the provisions of the bill are to be carried out and enforced, I should like to have the Senator from Ohio propose such amendments as will perfect the bill, if not now perfect, and if I can consistently accept them I will.

Mr. EDMUNDS. I now ask general consent that this bill with the amendments which have been adopted and proposed (it being shown in the print that they are amendments adopted or proposed) be reprinted for the use of the Senate.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Is there objection to that order? The Chair hears none, and it is so ordered.

Mr. EDMUNDS. Now, Mr. President——

Mr. KIRKWOOD. Will the Senator allow me to occupy a moment?

Mr. EDMUNDS. I will yield two minutes to my friend from Iowa.

Mr. KIRKWOOD. I move to take from the Calendar Senate bill No. 315, granting a pension to Henry Stanley Wetmore.

Mr. COCKRELL. I should like to have the report read in that case.

Mr. KIRKWOOD. There is a report.

Mr. EDMUNDS. It is a favorable report, and I suppose no one will insist on the reading of it in a pension case.

Mr. COCKRELL. I cannot tell until I hear the report read whether this is a case where a pension ought to be granted. I do not think the law has ever recognized the right of one case on the docket to be pensioned, and I should like to have the report read so as to know whether this is that case.

Mr. EDMUNDS. I think the Senator is right in his point. Every Senator ought to understand what he votes on. That being the case, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-six minutes spent in executive session the doors were reopened, and (at four o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 19, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at eighteen minutes past twelve o'clock; and this being Monday, the first business in order is the call of States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call resolutions for information from Departments and memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

HARRIET FLAGG.

Mr. HALL introduced a bill (H. R. No. 3564) granting a pension to Harriet Flagg; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES MORRISON.

Mr. FARR introduced a bill (H. R. No. 3565) granting a pension to Charles Morrison, late a private of Company A, Tenth Regiment New Hampshire Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

IMPROVEMENT OF CONNECTICUT RIVER.

Mr. PHELPS introduced a bill (H. R. No. 3566) providing for the removal of a sunk and abandoned wreck from the entrance to the mouth of the Connecticut River, in the State of Connecticut, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WALTER JORDAN.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 3567) granting a pension to Walter Jordan, of Ticonderoga, Essex County, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANDREW J. MORRISON.

Mr. BAILEY introduced a bill (H. R. No. 3568) granting arrearages of pension to Andrew J. Morrison; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INTEROCEANIC CANAL.

Mr. BAILEY also introduced a joint resolution (H. R. No. 171) relating to the interoceanic canal; which was read a first and second time, referred to the Select Committee on Interoceanic Ship-Canal, and ordered to be printed.

TIMOTHY QUINN.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 3569) for the relief of Timothy Quinn, late major First New York Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

SALLY C. MULLIGAN.

Mr. MILLER introduced a bill (H. R. No. 3570) granting a pension to Sally C. Mulligan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HAMILTON BOUGHTON.

Mr. LOUNSBERY introduced a bill (H. R. No. 3571) granting a pension to Hamilton Boughton, South Cairo, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

C. S. PEUGH.

Mr. KETCHAM (by request) introduced a bill (H. R. No. 3572) for the relief of C. S. Peugh, of Washington, District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

SENECA INDIANS.

Mr. VAN AERNAM introduced a bill (H. R. No. 3573) to authorize the Seneca Nation of Indians of the State of New York to grant title to lands for cemetery purposes; which was read a first and second time, and, with the accompanying resolution of the council of the Seneca Indians, referred to the Committee on Indian Affairs.

R. W. ROSS.

Mr. BELTZHOOVER introduced a bill (H. R. No. 3574) for the relief of R. W. Ross, late assistant surgeon of the Seventh Regiment of the Pennsylvania Volunteer Reserve Corps; which was read a first and second time, and referred to the Committee on Military Affairs.

AMELIA ANN WILSON.

Mr. KLOTZ introduced a bill (H. R. No. 3575) granting a pension to Amelia Ann Wilson and her minor children; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE KNOPSNYDER.

Mr. COFFROTH introduced a bill (H. R. No. 3576) granting a pension to George Knopsnyder; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLOMON J. BAER.

Mr. COFFROTH also introduced a bill (H. R. No. 3577) granting a pension to Solomon J. Baer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EQUALIZATION OF BOUNTIES.

Mr. COFFROTH. Mr. Speaker, I ask by unanimous consent to present the petition of James B. Tredwell, C. C. Orton, H. G. Cunningham, W. H. Sauner, and several hundred other soldiers of the late war, praying for the equalization of bounties, which I desire to have read.

The SPEAKER. That cannot be done during this call. The gentleman had better present it under the rules and let it be referred.

Mr. COFFROTH. Very well; let it go to the Committee on Military Affairs.

SAMUEL H. JOHNSON.

Mr. OVERTON introduced a bill (H. R. No. 3578) granting an increase of pension to Samuel H. Johnson, late a private of First Regiment United States Colored Troops; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES PENFIELD.

Mr. YOCUM introduced a bill (H. R. No. 3579) authorizing and directing the Secretary of the Interior to increase the pension of James Penfield; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WASHINGTON EYE AND EAR INFIRMARY.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 3580) to appropriate $500 to the Washington Eye and Ear Infirmary, duly incorporated under the general law providing for incorporations in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

POTOMAC INSURANCE COMPANY.

Mr. URNER introduced a bill (H. R. No. 3581) for the relief of the Potomac Insurance Company, of Georgetown, District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

AUGUST CONRAD.

Mr. URNER also introduced a bill (H. R. No. 3582) granting a pension to August Conrad, of Sabillasville, Frederick County, Maryland; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. ROGERS.

Mr. McLANE introduced a bill (H. R. No. 3583) to refund to William H. Rogers money illegally covered into the United States Treasury; which was read a first and second time, and referred to the Committee on the Judiciary.

MONUMENT TO GENERAL MORGAN.

Mr. TUCKER introduced a bill (H. R. No. 3584) to erect a monument at Winchester, Virginia, over the grave of General Daniel Morgan, of revolutionary memory; which was read a first and second time.

The SPEAKER. To what committee does the gentleman wish the bill referred?

Mr. TUCKER. To the Committee on Revolutionary Claims.

The SPEAKER. Such bills have generally gone to the Committee on the Library. There is no Committee on Revolutionary Claims.

Mr. TUCKER. I prefer to have it go, then, to the Committee on Revolutionary Pensions.

The bill was accordingly so referred, and ordered to be printed.

LEWIS JOHNSON & CO.

Mr. HUNTON introduced a bill (H. R. No. 3585) authorizing the Secretary of the Treasury to pay to Lewis Johnson & Co. $210, the amount of certain coupons of bonds of the District of Columbia, due the 1st of January, 1878, the same having been lost or destroyed; which was read a first and second time, and referred to the Committee of Ways and Means.

DENTISTRY IN THE DISTRICT OF COLUMBIA.

Mr. HUNTON also introduced a bill (H. R. No. 3586) to regulate the practice of dentistry in the District of Columbia, and for the protection of the people of the District; which was read a first and second time, and referred to the Committee for the District of Columbia, and ordered to be printed.

DANIEL WOODEN.

Mr. HUNTON also introduced a bill (H. R. No. 3587) for the relief of Daniel Wooden; which was read a first and second time, and referred to the Committee on Invalid Pensions.

H. N. T. ARNOLD, UNITED STATES NAVY.

Mr. HUNTON also (by request) introduced a bill (H. R. No. 3588) for the relief of Commander H. N. T. Arnold, of the United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

ROLLIN J. REEVES AND HENRY R. LEMLY.

Mr. ARMFIELD introduced a bill (H. R. No. 3589) for the relief of

Rollin J. Reeves and Henry R. Lemly; which was read a first and second time, and referred to the Committee on Indian Affairs.

REPEAL OF DUTY ON SALT.

Mr. VANCE introduced a bill (H. R. No. 3590) to repeal the duty on salt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. VANCE also introduced a bill (H. R. No. 3591) to amend section 1225 of the Revised Statutes of the United States, in relation to the number of Army officers detailed for instruction in military schools; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT CHISOLM.

Mr. O'CONNOR introduced a bill (H. R. No. 3592) for the relief of Robert Chisolm, of Charleston, South Carolina; which was read a first and second time, and referred to the Committee of Claims.

HEIRS OF L. R. WORTHAN.

Mr. O'CONNOR also introduced a bill (H. R. No. 3593) for the relief of the heirs of L. R. Worthan, deceased, late of Freestone County, Texas; which was read a first and second time, and referred to the Committee of Claims.

W. B. MARCHE.

Mr. PERSONS introduced a bill (H. R. No. 3594) for the relief of W. B. Marche, of Washington, District of Columbia; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM F. MARTIN.

Mr. HERNDON introduced a bill (H. R. No. 3595) to pay William F. Martin, of Mobile, Alabama, the value of one hundred half boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans; which was read a first and second time, and referred to the Committee of Claims.

PUBLIC LANDS IN ALABAMA.

Mr. HERNDON also introduced a bill (H. R. No. 3596) to confer upon the State of Alabama a title to all lands previously selected as swamp and overflowed; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REPEAL OF A SECTION OF THE REVISED STATUTES.

Mr. HERNDON also (by request) introduced a bill (H. R. No. 3597) to repeal section 3412 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN B. READ.

Mr. LEWIS introduced a bill (H. R. No. 3598) for the relief of John B. Read; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT OF REVISED STATUTES.

Mr. ELLIS introduced a bill (H. R. No. 3599) to amend section 17 of the act of March 3, 1879, entitled "An act to provide for taking the tenth census;" which was read a first and second time, referred to the Joint Committee on the Census, and ordered to be printed.

REGISTRATION OF THE SCHOONER MERCEDES.

Mr. ELLIS also introduced a bill (H. R. No. 3600) to authorize the owners of the schooner Mercedes to register her as an American vessel; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

G. B. VERRET.

Mr. ACKLEN introduced a bill (H. R. No. 3601) for the relief of G. B. Verret, of Bayou Goula, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

ELIZA A. MURRAY.

Mr. MONROE introduced a bill (H. R. No. 3602) granting a pension to Eliza A. Murray; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY JOYCE.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 3603) for the relief of Mary Joyce; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RETIREMENT OF UNITED STATES ARMY OFFICERS.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 3604) to provide for the retirement of officers of the United States Army of a certain grade; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARMY OFFICER'S RECORD.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 3605) to correct an Army officer's record; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY JOYCE.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 3606) granting a pension to Mary Joyce; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES S. MEDARY.

Mr. CONVERSE introduced a bill (H. R. No. 3607) for the relief of Charles S. Medary; which was read a first and second time, and referred to the Committee on Indian Affairs.

CHARLES KORTZENBORN.

Mr. ATHERTON introduced a bill (H. R. No. 3608) for the relief of Charles Kortzenborn; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM REHBERG.

Mr. HURD introduced a bill (H. R. No. 3609) to provide for the presentation to William Rehberg of a medal, in recognition of his heroism in rescuing the crew of the steamer Pierrepont, wrecked on an island in Lake Erie; which was read a first and second time, and referred to the Committee on Naval Affairs.

WILLIAM T. DUVALL.

Mr. BLACKBURN introduced a bill (H. R. No. 3610) referring the claim of William T. Duvall against the United States to the Court of Claims; which was read a first and second time, and referred to the Committee on the Judiciary.

CHARLES R. ALLEN.

Mr. BLACKBURN also introduced a bill (H. R. No. 3611) for the relief of Charles R. Allen, of Lawrenceburgh, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

LAFAYETTE ARDERY.

Mr. BLACKBURN also introduced a bill (H. R. No. 3612) for the relief of Lafayette Ardery, of Paris, Bourbon County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

J. W. SOUTH.

Mr. BLACKBURN also introduced a bill (H. R. No. 3613) for the relief of J. W. South, of Frankfort, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

NEAL LACY.

Mr. BLACKBURN also introduced a bill (H. R. No. 3614) for the relief of Neal Lacy, of Paris, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JOHN H. CHILDS.

Mr. BLACKBURN also introduced a bill (H. R. No. 3615) for the relief of John H. Childs, of Lexington, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM C. YOUNG, SR.

Mr. BLACKBURN also introduced a bill (H. R. No. 3616) for the relief of William C. Young, sr., of Lexington, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JOHN M. HIGGINS.

Mr. OSCAR TURNER (by request) introduced a bill (H. R. No. 3617) for the relief of John M. Higgins, of Caldwell County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JOSHUA S. DYE.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 3618) granting a pension to Joshua S. Dye, of King's Mountain Station, Lincoln County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN JOHN H. DONOVAN.

Mr. THOMPSON, of Kentucky, also introduced a bill (H. R. No. 3619) for the relief of Captain John H. Donovan, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

SECTION 3244 REVISED STATUTES.

Mr. THOMAS TURNER introduced a bill (H. R. No. 3620) to amend the sixth subdivision of section 3244 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ENOCH C. SEXTON.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 3621) granting a pension to Enoch C. Sexton, of Morgan County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

H. H. BEACH.

Mr. WILLIS introduced a bill (H. R. No. 3622) for the relief of H. H. Beach, of Jeffersonville, Indiana; which was read a first and second time, and referred to the Committee of Claims.

KUNIGUNDA MILLER.

Mr. WILLIS also introduced a bill (H. R. No. 3623) for the relief of the heirs of Kunigunda Miller, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM HARRIS.

Mr. CARLISLE introduced a bill (H. R. No. 3624) granting an increase of pension to William Harris, of Harrison County, Kentucky, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

WILLIAM P. THORNE.

Mr. BLACKBURN introduced a bill (H. R. No. 3625) for the relief of William P. Thorne, of Henry County, Kentucky; which was read a first and second time, and referred to the Committee on the Judiciary.

ASA FAULKNER.

Mr. DIBRELL introduced a bill (H. R. No. 3626) to refund to Asa Faulkner, of Warren County, Tennessee, certain taxes wrongfully collected from him; which was read a first and second time, and referred to the Committee of Claims.

JOHN R. SHULTZ.

Mr. TAYLOR introduced a bill (H. R. No. 3627) granting a pension to John R. Shultz; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALABAMA CLAIMS COMMISSION.

Mr. COBB introduced a bill (H. R. No. 3628) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES C. GIBSON.

Mr. HOSTETLER introduced a bill (H. R. No. 3629) granting a pension to James C. Gibson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL U. TRACY.

Mr. BICKNELL introduced a bill (H. R. No. 3630) granting a pension to Samuel U. Tracy, of Ramelton, Brown County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARTIN F. CONWAY.

Mr. DE LA MATYR introduced a bill (H. R. No. 3631) for the relief of Martin F. Conway; which was read a first and second time, and referred to the Committee of Elections.

JOSIAH STANLEY.

Mr. COWGILL introduced a bill (H. R. No. 3632) for the relief of Josiah Stanley, late second lieutenant Company D, Thirty-ninth Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

MOSES LEWIS.

Mr. COWGILL also introduced a bill (H. R. No. 3633) for the relief of Moses Lewis, late a private in Company L, First Indiana Heavy Artillery; which was read a first and second time, and referred to the Committee on Military Affairs.

HARVEY F. WOOD.

Mr. COWGILL also introduced a bill (H. R. No. 3634) for the relief of Harvey F. Wood; which was read a first and second time, and referred to the Committee on Military Affairs.

ARMY OFFICERS ON LEAVE, ETC.

Mr. SPARKS submitted the following resolution; which was read, and, under the rule, referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, requested, to furnish this House with the names and lineal rank of all officers of the Army not on duty with their regiments or corps, but doing duty elsewhere, and the nature of that duty; the length of time each has been absent from his regiment or corps; the length of time each so absent has been performing the duty he is now engaged upon; the total amount of extra pay and cash value of emoluments, if any, each has received over and above that due to his lineal rank by reason of such duty away from his regiment or corps; the amount of extra compensation each is now drawing yearly, and the reasons why, if any, such extra compensation should now be allowed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. TOWNSHEND, of Illinois, introduced a joint resolution (H. R. No. 172) proposing an amendment to the Constitution of the United States in relation to the election of President and Vice-President, providing for their election by a majority of the votes of the people, and the abolition of the electoral college; which was read a first and second time, referred to the Committee on the state of the laws respecting ascertainment and declaration of result of election of President and Vice-President, and ordered to be printed.

SARAH ROCK.

Mr. HAWK introduced a bill (H. R. No. 3635) granting a pension to Sarah Rock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB ROOS.

Mr. BARBER introduced a bill (H. R. No. 3636) for the relief of Jacob Roos, of Chicago, Illinois; which was read a first and second time, and referred to the Committee of Claims.

DUTIES UPON PAINTINGS AND STATUARY.

Mr. SHERWIN introduced a bill (H. R. No. 3637) fixing the duties upon paintings and statuary imported by individuals for themselves and not for sale; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ROBERT P. BOGGS.

Mr. SHERWIN also introduced a bill (H. R. No. 3638) granting a pension to Robert P. Boggs; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORANGE E. BOWERS.

Mr. SHERWIN also introduced a bill (H. R. No. 3639) granting a pension to Orange E. Bowers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. LYONS.

Mr. BOYD introduced a bill (H. R. No. 3640) granting a pension to John W. Lyons, late a private in Company L, Second Ohio Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORRIN L. SHIPPEE.

Mr. BOYD also introduced a bill (H. R. No. 3641) granting a pension to Orrin L. Shippee, of Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM P. CARTWRIGHT.

Mr. HENDERSON introduced a bill (H. R. No. 3642) granting an increase of pension to William P. Cartwright; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STANTON BURDICK.

Mr. HAYES introduced a bill (H. R. No. 3643) granting a pension to Stanton Burdick; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

HENRY MAPES.

Mr. HAYES also introduced a bill (H. R. No. 3644) for the relief of Henry Mapes, late of Company C, Eighty-eighth Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

L. WHITNEY.

Mr. HAYES also introduced a bill (H. R. No. 3645) for the relief of L. Whitney; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

W. E. HAZEL.

Mr. HAYES also introduced a bill (H. R. No. 3646) granting a pension to W. E. Hazel; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EQUALIZATION OF BOUNTIES.

Mr. HAYES also introduced a bill (H. R. No. 3647) to equalize the bounties of soldiers and others who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSIAH NEEDHAM.

Mr. HAYES also introduced a bill (H. R. No. 3648) instructing the Secretary of the Treasury to issue bonds to Josiah Needham, of Grundy County, Illinois, to replace certain bonds which were burned; which was read a first and second time, and referred to the Committee on Banking and Currency.

UNION RAILROAD OF THE DISTRICT OF COLUMBIA.

Mr. SPRINGER (by request) introduced a bill (H. R. No. 3649) approving the building of the Union Railroad of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

JOHN A. BARNES.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 3650) granting a pension to John A. Barnes; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. WYMON.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 3651) granting a pension to William H. Wymon; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES E. HARDEN.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 3652) granting a pension to Charles E. Harden; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DUTY ON STEEL RAILWAY-BARS.

Mr. FORT introduced a bill (H. R. No. 3653) establishing the duty on steel railway-bars; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SALT FREE OF DUTY.

Mr. HATCH introduced a bill (H. R. No. 3654) to provide for the importation of salt free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MRS. SARAH E. B. SMITH.

Mr. HATCH also introduced a bill (H. R. No. 3655) for the relief of Mrs. Sarah E. B. Smith; which was read a first and second time, and referred to the Committee on War Claims.

JOHN HOHSTADT.

Mr. HATCH also introduced a bill (H. R. No. 3656) for the relief of John Hohstadt; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

UNRESTRICTED SALE OF TOBACCO.

Mr. BLAND introduced a bill (H. R. No. 3657) to repeal all laws restricting the sale of tobacco by the producers thereof; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDUCTION OF DUTY ON RAILWAY-BARS.

Mr. BUCKNER introduced a bill (H. R. No. 3658) to reduce the duties on railway-bars made in whole or in part of steel; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LUCINDA WILLIAMS.

Mr. BUCKNER also introduced a bill (H. R. No. 3659) granting a pension to Lucinda Williams, dependent mother, of Truxton, Lincoln County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN SEAMANS, JR.

Mr. ROTHWELL introduced a bill (H. R. No. 3660) granting a pension to John Seamans, jr., of Chillicothe, Livingston County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT TO REVISED STATUTES.

Mr. WELLS introduced a bill (H. R. No. 3661) to amend section 3328, Title XXXV, Internal revenue, chapter 4 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

INTEROCEANIC TRANSIT COMPANY.

Mr. WELLS also introduced a bill (H. R. No. 3662) to incorporate "The Interoceanic Transit Company," and for other purposes; which was read a first and second time, referred to the Select Committee on Interoceanic Ship-Canal, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DEERING. Mr. Speaker, I ask by unanimous consent that the call of States and Territories for the introduction of bills be extended until it has been completed.

Mr. WEAVER. I demand the regular order of business.

The SPEAKER. Does the gentleman object to proceeding with the call of States and Territories?

Mr. WEAVER. I do.

INDEXING THE RECORD.

Mr. STEPHENS. Mr. Speaker, I ask by unanimous consent to present a report at this time from the Committee on Rules in relation to indexing the RECORD, and simply to ask that it be printed in the RECORD to-morrow morning, so that everybody can see it, and recommitted.

There was no objection, and it was ordered accordingly.

The report is as follows:

Mr. STEPHENS, from the Committee on Rules, submitted the following report:

The Committee on Rules, to whom was referred on December 19, 1879, a resolution relating to the methods of indexing the current publications of Congress, respectfully report:

That the provisions heretofore made for indexing the publications of Congress seem to have been based on the popular idea, expressed in the words of Johnson, that index-making is "a task that requires neither the light of learning nor the activity of genius, but may be successfully performed without any higher quality than that of bearing burdens with dull patience, and beating the track of the alphabet with sluggish resolution."

We are gratified, however, to believe that the publication of the reports of this committee on the General Index of the Journals of Congress (Report H. R. 52, third session, Forty-fifth Congress, and Report H. R. 23, second session, Forty-sixth Congress) has had the effect of calling the attention of members to the real nature and importance of index-making, awakened some interest in the subject of indexing the publications of Congress, and developed an appreciation of the fact that the want of a proper system of indexing has detracted very greatly from their value and use.

In this view the committee have given careful consideration to the resolution referred to them, and in reply to the first inquiry, "whether the system adopted by them for the General Index of the Journals of Congress can be applied to indexing the current publications," most unhesitatingly report not only that it can be applied but that in their opinion its application would result in the saving of a large amount of money annually and very greatly enhance the value of the publications. The system was adopted after a long and careful review of the various systems of cataloging and indexing, and the critical approvals it has received (see Report H. R. 23, second session, Forty-sixth Congress) have confirmed the judgment of the committee. It is also worthy of consideration that the application of a uniform system of indexing, based on well-established principles, would enable the compilation of general indexes at stated periods hereafter a matter of very little trouble and expense.

The value of anything, it has been observed, is best known by the want of it. Agreeably to this idea, the value of a proper index to the CONGRESSIONAL RECORD will probably be very thoroughly appreciated.

The Journals are not published until after the close of each session of Congress, and contain simply a statement of proceedings. The RECORD is published daily during the session and also collated and issued after the close of each session; it contains the debates and all the proceedings of both Houses in detail, together with the debates and proceedings in Committees of the Whole. Consequently the RECORD is the publication most generally used and referred to for information, and the committee have therefore given special attention to it in considering the resolution referred to them.

The preparation and publication of the RECORD costs about $350,000 for each Congress, and it does not require argument to impress the fact that all possible provisions should be made to insure benefits from it commensurate with the expenditure of such a large sum of money. It is obvious that to fulfill the purposes of the RECORD its index should be made on a system so thorough that nothing could escape it, and so simple that no person could fail to readily find any information desired from it. To what extent the present method of indexing falls short of these requirements is within the experience of every member. In fact, the indexes of the RECORD, as now made, "are simply huge masses of undigested material, showing great industry in their preparation, but in which the want of a proper system of arrangement bears evidence of a want of appreciation of the purposes of the index and an absence of study of any of the systems of indexing."

Our investigations have satisfied us that the defects of the index of the RECORD mainly arise from the absence of any provisions of law for having it prepared. It appears that in the absence of such provisions the work of preparing the index is paid for by the number of thousand ems of printed index produced, and that, without reference to the peculiar qualifications required for the work, it is committed to such person as offers to prepare it at the least price per thousand ems. It would be difficult to conceive a more vicious system. It is obvious that this system simply offers a premium to making as large an index as possible, and that method, system, phraseology of entries, form of arrangement, and everything necessary to be considered to make a good index would naturally be sacrificed to producing as many thousand ems of printed matter as possible. This is the key to all the defects of the index of the RECORD that are now so generally complained of. The climax of the absurdity of the system is reached in the following index entry, which we quote:

"That the rules of the last House of Representatives shall be the rules of this House until otherwise ordered, with the following amendments thereto, namely: Rule 76 shall be amended so as to read as follows: 76. It shall be the duty of the following committees to take into consideration all executive communications and such other propositions as may be presented and referred to them by the House, namely: The Committee on Appropriations, matters relating to the legislative, executive, and judicial expenses, and for sundry civil expenses of the Government, except matters relating to the Department of Agriculture, which shall be referred to the Committee on Agriculture; the Committee on Foreign Affairs, matters relating to consular and diplomatic expenses; the Committee on Military Affairs, matters relating to the expenses of the Army and of the Military Academy, and for fortifications; the Committee on Naval Affairs, matters relating to the expenses of the Navy and the Naval Academy; the Committee on Indian Affairs, matters relating to the expenses of the Indian Department; the Committee on Post-Offices and Post-Roads, matters relating to the expenses of the Post-Office Department and for mail transportation by ocean steamers. In preparing bills of appropriations for other objects, said committees shall not include appropriations for carrying into effect treaties made by the United States; and where appropriation bills shall be referred to any of the foregoing committees for their consideration which contain appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects. Rule 77 shall be amended so as to read as follows: It shall be the duty of the several committees mentioned in Rule 76 within thirty days after their appointment at every session of Congress commencing on the first Monday of December, to report the general appropriation bills, namely: The Committee on Appropriations, bills for the legislative, executive, and judicial expenses, for all deficiencies, and for sundry civil expenses; the Committee on Foreign Affairs, the bill for the consular and diplomatic expenses; the Committee on Military Affairs, the bills for the expenses of the Army and of the Military Academy and for fortifications; the Commitee on Naval Affairs, the bill for the expenses of the Navy and the Naval Academy; the Committee on Indian Affairs, the bill for the expenses of the Indian Department; the Committee on Invalid Pensions, the bill for the payment of invalid and other pensions; the Committee on the Post-Office and Post-Roads, the bills for the expenses of the Post-Office Department and for mail transportation by ocean steamers; the Committee on Agriculture, the bill for the expenses of the Department of Agriculture. In case any of said committees shall fail to make such report within said time they shall report the reasons of such failure. And said committees shall have leave to report said bills (for reference only) at any time. In all cases where appropriations cannot be made specific in amount the maximum to be expended shall be stated, and each appropriation bill when reported from the committees shall in the concluding clause state the sum total of all the items contained in said bill. The following additional rules shall be a part of the rules of this House, namely: 167. All private bills hereafter introduced which have been printed by order of either House of the preceding Congress shall not be again printed at the expense of the Government until after a reference to a committee and report thereon with a favorable recommendation. 168. All private bills granting pensions shall hereafter be presented with an accompanying petition of the claimant, and both petition and bill shall be deposited in the petition-box and referred to the appropriate committee without printing, which committee shall consider all such petitions and bills, and shall report from time to time a general bill which shall include therein the names of all persons whom said committee shall find to be entitled to pensions, and accompany each bill with a report upon each case included therein, briefly stating the facts thereof; which general bill and accompanying report shall, when reported to the House, be printed and referred to the Committee of the Whole House on the Private Calendar."

Measured by the standard of Sir Henry Thring, that "an index is perfect in proportion as it is concise in expression," we doubt if a more extreme example of what an index entry should not be can be found in the history of index-making since the art of printing has been practiced.

We have been curious to investigate the other results of this system, and we find the significant facts exhibited below, which show a regular increase in the size of the index as compared with the matter indexed.

SHORT SESSIONS.

Second session, Forty-third Congress: Record, 2,478 pages; index, 219 pages, or 8.8 per cent.

Second session, Forty-fourth Congress: Record, 2,821 pages; index, 341 pages, or 12 per cent.

Third session, Forty-fifth Congress: Record, 2,694 pages; index, 426 pages, or 15.8 per cent.

First session, Forty-sixth Congress: Record, 2,632 pages; index, 439 pages, or 16.6 per cent.

LONG SESSIONS.

First session, Forty-third Congress: Record, 5,954 pages; index, 366 pages, or 6.1 per cent.

First session, Forty-fourth Congress: Record, 6,393 pages; index, 697 pages, or 10.9 per cent.

Second session, Forty-fifth Congress: Record, 5,400 pages; index, 759 pages, or 14 per cent.

There has been no change in the form or system of the index during this time to account for or justify this increase in size, but simply an increased experience and ingenuity in making the entries as prolix as possible, and repeating them in as many places and under as many different forms as practicable. If the system is continued much longer the index will become an abridgement.

It is evident from what we have stated that at least six hundred superfluous pages have been added to the index of a single Congress, which have not only made the indexes superlatively bad, but also entailed a very serious waste of money. From one of the reports of the Public Printer (Senate Miscellaneous Document 23, Third session, Forty-fifth Congress, page 17) we learn that the cost of printing and publishing 7,279 pages of the RECORD was as follows: Composing-room, $60,787.32; press-room, $53,924.18; folding-room, $15,057.93; stereotype-room, $2,969.24; bindery, $25,278.53; miscellaneous items, $3,351.13. Omitting the cost of

binding and miscellaneous items as expenses that would not be materially affected by the number of pages, we find that the direct cost of the superfluous pages has been $18.23 a page. Making a full allowance for expenses that would not be reduced by reducing the number of pages, it would appear to be a moderate estimate to say that the cost of printing and publishing the superfluous pages of the index is not less than $5,000 a year.

Having thus considered the faults of the present indexes of the RECORD, and discovered their cause, the committee submit the following observations on the means to improve both the method and system of indexing:

To determine how it should be indexed it is first necessary to consider for what purposes the RECORD is published. These purposes are so obviously two distinct purposes that we will consider them separately.

First. The RECORD is published to permanently preserve for reference a complete report of the speeches, debates, and proceedings of Congress in detail, not only when acting in its legislative capacity, but also when sitting in Committees of the Whole. To fulfill this purpose it is obvious that its permanent index should be an index of the debates and proceedings in detail and not, as it now is, simply a superfluously enlarged repetition of the indexes of the Journals. Bills frequently contain provisions on a variety of subjects, not indicated in their titles, on which important debates occur; dimly remembered thereafter only as a subject that had engaged the attention of Congress, and with no knowledge of the title of the bill on which such debate occurred, it is impossible for the inquirer to obtain the information he desires. Debates are also frequently illustrated by tables of statistics and valuable information, no reference to which is now made in the indexes, and members year after year are forced to plod through the same toilsome work to collect information already collated and which should be available to them without loss of time.

Second. The RECORD is published daily during the session, in order that it may be available in conducting the business of Congress, afford members information necessary for their guidance, and furnish the public with an official statement of the daily proceedings. It is obvious that so far as these purposes are concerned the large amount of money expended in the daily publication of the RECORD is almost absolutely wasted. After Congress has been in session a few weeks the accumulated numbers of the RECORD are nearly valueless, as they present such a bulk of matter, and the task is so hopeless, that no member attempts to use them to learn the condition of any business pending. It is evident that the daily issue of the RECORD can only be made valuable by publishing indexes periodically during the session, perhaps even as often as twice in each month.

In view of the facts which we have recited, the committee have arrived at the following conclusions:

First. That the permanent index of the RECORD should be made on the system adopted for the General Index of the Journals of Congress, and should be an index of the contents of the RECORD, and not simply of its general subjects.

Second. That an index of the RECORD should be published at frequent and stated intervals during the sessions of Congress.

The committee have further considered the means by which these recommendations can be best carried into effect.

We are satisfied that the defects and abuses which we have shown have been partially due to the fact that the work of indexing has not been done by any officer of Congress or person who could be held officially responsible for its proper execution. We therefore believe that one of the first requisites of reform is to place the work in the hands of a responsible officer.

Indexing is the work of a specialist, and to properly index the proceedings of Congress there must be added to the ordinary qualifications of an expert a thorough knowledge of the rules and methods of proceedings in Congress and a familiarity with the wants of members in using the index. The labor of making the index will of course require the services of a number of persons, who need not necessarily be expert indexers, but the directing mind of the work must be specially qualified for it.

To fulfill both the requisites we have named, that the work should be done by a sworn officer and one who is a specialist, we are constrained, with a view to economy, to recommend that for the present the preparation of the indexes of the RECORD be placed under the direction of the indexer employed to prepare the General Index of the Journals of Congress. We regard the General Index as a work so much needed that nothing should be allowed to retard its progress; but on investigation we find that the work, instead of being retarded by the arrangement we suggest, will be greatly expedited, as the indexer can, during the recess, use on the work of the General Index the persons employed during the session on the indexes of the RECORD, and thus both works be accomplished at the least possible cost. We are also of the opinion that under such an arrangement not only would the index be greatly improved, but that it would be so much reduced in size that, on the basis of cost reported by the Public Printer, we estimate that not less than $5,000 a year would be saved in the cost of printing and publishing it.

Although the direct saving of $5,000 a year is an object deserving thoughtful consideration, the committee nevertheless are so strongly impressed with the benefits that would be derived from the publication of periodical indexes during the session that they submit the following observations on that point: From the reports of the Public Printer we learn that there was paid to the persons employed in preparing the index of the RECORD, from October 1, 1875, to June 30, 1879, the sum of $18,154.37, which is an average rate of a little over $4,800 a year. We are satisfied that under the arrangement we suggest this sum need not be increased to secure the additional work of preparing indexes every two weeks during the session. We have also shown that under the system now practiced the index has increased to double its original proportions. It is therefore evident that if this superfluous increase is cut off by indexing on a proper system what it now costs to print and publish the superfluous pages would exactly cover the cost of printing and publishing periodical indexes.

We therefore submit the following resolution, and recommend that it be adopted:

Resolved, That in the opinion of the House, after the present session of Congress, indexes of the CONGRESSIONAL RECORD should be prepared and published every two weeks during the sessions of Congress; that the said indexes should be prepared under the direction of the indexer employed to prepare the General Index of the Journals of Congress, and that he should be allowed an additional compensation of $—— a year for the said work, and that the Joint Committee on Printing should be authorized to employ such clerical assistance as may be required on said work at a cost not exceeding $—— a year.

RECEPTION OF CHARLES STEWART PARNELL, ESQ.

The SPEAKER laid before the House the following:

WASHINGTON, D. C., *January* 13, 1880.

MR. SPEAKER: The undersigned, on behalf of the Clan na Gael Association, present their compliments, and have the honor, through you, to earnestly and respectfully solicit the illustrious body over whose deliberations you preside to confer upon the undersigned and the Irish patriotic organization they represent the distinguished honor of accepting this invitation to be present at the delivery of an address on the present suffering in Ireland by Charles Stewart Parnell, esq., member of the Parliament of Great Britain and Ireland, on the 2d of February next, and in such place in Washington as will best suit the convenience of the honorable the House of Representatives.

The lively sympathy with the suffering people of Ireland so recently and cordially manifested by the House of Representatives, and the deep-seated love of justice which inspires their deliberations, encourage the undersigned to entertain the hope that the occasion referred to will be honored by the presence of the House.

We have the honor to remain, most respectfully, your obedient servants,

ED. O'MEAGHER CONDON,
RICARD O'S. BURKE,
Committee on Invitations.

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

Mr. YOUNG, of Ohio, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the invitation extended to this body to hear the address of Hon. Mr. Parnell, a member of Parliament, to be delivered in this city on the evening of February 2, on the distressed condition of Ireland, be accepted.

USE OF THE HALL.

Mr. COX. I propose the following resolution, to follow that of the gentleman from Ohio:

The Clerk read as follows:

In response to the invitation just presented and accepted, requesting the House to agree to take part in the ceremonies to be observed in the reception of Mr. Charles Stewart Parnell, a representative of the Irish people, for the delivery of an address on Irish affairs, and because of the great interest which the people of the United States take in the condition of Ireland with which this country is so closely allied by many historic and kindred ties: Therefore,

Be it resolved, That the Hall of this House be granted for the above purposes on the 2d day of February next, and that the House meet on that day and time to take part in said ceremonies.

Mr. REAGAN. Mr. Speaker, has the call of the States been concluded?

The SPEAKER. The morning hour has expired.

Mr. REAGAN. I desire to introduce several bills for reference.

The SPEAKER. The Chair will recognize the gentleman whenever he can. There are a great many members in the same situation with himself.

Mr. COX. I demand the previous question on the resolution which I have introduced.

Mr. HAWLEY. Will the House indulge me for a moment? I could not hear the resolution when it was read on account of the disturbance in this part of the Hall.

The SPEAKER. It will be read again, but the difficulty in hearing on the part of members lies at the doors of members themselves.

Mr. HAWLEY. I was trying to hear, but could not.

The resolution was again read.

Mr. FERNANDO WOOD. I desire to suggest to my colleague that he fix the hour in the evening, so that we may not be deprived of the opportunity to legislate on the second day of February. I am in favor of the resolution, but would like the occasion to be at a time when it would not interfere with the business of the House.

Mr. COX. I will say to my colleague that the hour will be hereafter arranged.

Mr. FERNANDO WOOD. I think it had better be settled in the resolution itself.

Mr. COX. There will be no difficulty about fixing the hour.

Mr. FERNANDO WOOD. I suggest that we fix the hour at eight in the evening or half past seven.

Mr. STEPHENS. Say half past seven.

Mr. COX. I will adopt the suggestion of my colleague and say half past seven in the evening.

Mr. SCALES. I wish to ask the gentleman a question. I do not know whether I understand the resolution or not; but are we to understand from it that this House as a legislative body is to receive Mr. Parnell?

Mr. COX. This House meets under Rule 155 for certain purposes when any ceremonies take place; that is all. It is simply to attend the ceremony, no legislative business whatever to be attended to.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

155. The Hall of the House shall not be used for any other purpose than the legitimate business of the House, nor shall the Speaker entertain any proposition to use it for any other purpose, or for the suspension of this rule: *Provided*, That this shall not interfere with the performance of divine service therein, under the direction of the Speaker, or with the use of the same for caucus meetings of the members, or upon occasions where the House may, by resolution, agree to take part in any ceremonies to be observed therein.

Mr. COX. I insist on the demand for the previous question.

The SPEAKER. The resolution comes within the terms of the rule, and therefore the Chair has recognized the gentleman from New York for its introduction.

Mr. HAWLEY. I should like to ask the gentleman from New York whether Mr. Parnell, for whom I have a high respect, is here in any official capacity?

Mr. COX. He is here in many senses as a representative of the Irish people, to present the terrible condition of that people to those of this country who are interested in them. Of course the gentleman must know as well as I do he has no official position; he is a member of Parliament, but he does not come to this country on a mission, except as he comes from his people as a citizen of Ireland and a representative of her interest, and in many ways of her terrible sufferings. I hope the House will not fail to pass this resolution with unanimity.

Mr. FERNANDO WOOD. The House has already with entire unanimity adopted the resolution that the members will be present on the occasion of the delivery of this address by Mr. Parnell. As I

understand the object of my colleague, it is that the address may be delivered in this Hall, not to interfere with the legislation of the day. I hope there will be no objection to the use of the Hall, but that it will be adopted with the same unanimity we have already shown in accepting the invitation to listen to the address of Mr. Parnell.

Mr. COX. The resolution is written to conform to Rule 155, and I insist on the demand for the previous question.

Mr. HAYES. Is discussion in order?

The SPEAKER. It is not.

Mr. HUMPHREY. How is this allowed to interfere with the morning hour?

The SPEAKER. This proposed proceeding is fixed for the evening, and therefore does not interfere with a morning hour, unless such morning hour should be in the evening. [Laughter.]

Mr. HUMPHREY. I wish to inquire why this resolution is allowed to interfere with the call of States for the introduction of bills?

The SPEAKER. The Chair presented the communication which came to him officially.

Mr. KELLEY. I will say to the gentleman from Wisconsin that the morning hour was dispensed with.

The SPEAKER. No, it was not dispensed with, but the morning hour expired, and the regular order was demanded so that several of the States were cut off, and among the others the gentleman's own State.

Mr. STEELE. I wish to be heard.

Mr. HAWLEY. Will the gentleman from New York allow me to ask him a question? I call attention to that feature of the resolution which requires the House to meet here as a body——

Mr. STEELE. Mr. Speaker, have I the floor or not?

The SPEAKER. The Chair will recognize the gentleman from North Carolina in one moment.

Mr. COX. I will say to the gentleman from Connecticut that the resolution, I believe, is drawn in the only way in which it can be made to conform to the rule.

Mr. STEELE. I hope my young friend from New York [Mr. COX] will listen to me as well as he did to my colleague, [Mr. SCALES.]

Mr. COX. I am sorry my back was turned on the gentleman from North Carolina, [Mr. STEELE.] I could not help it from the position of my seat.

Mr. STEELE. I hope you will never turn your back on me.

Mr. COX. Never, never. [Laughter.]

Mr. STEELE. You must never do that again. [Laughter.] I only wish to say, by the courtesy of my young friend from New York, that although I have very great sympathy with the Irish race, and with every race on the face of the earth, I think that to adopt this resolution would be to establish a bad precedent.

Mr. HAYES. I demand the regular order.

The SPEAKER. The regular order is called for. The gentleman from New York demands the previous question.

Mr. COX. I certainly do. And in reply——

The SPEAKER. The gentleman has no right to reply. The gentleman from Illinois [Mr. HAYES] demands the regular order, which is a vote on the demand for the previous question.

Mr. COVERT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COVERT. Will it be in order to move the reference of this resolution to the Committee on Public Buildings and Grounds?

The SPEAKER. It will be if the previous question is voted down.

The question being put, there were—ayes 96, noes 43.

So the previous question was seconded and the main question ordered.

Mr. DUNNELL. Mr. Speaker——

The SPEAKER. Debate is not in order. The main question has been ordered, and the question is on the adoption of the resolution.

The resolution was adopted.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEGOTIATION OF COMMERCIAL TREATIES.

Mr. KELLEY. I move that the rules be suspended and that the House pass the resolution which I send to the desk; and upon that I call for the yeas and nays.

The Clerk read as follows:

Resolved, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7 of article 1 of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives.

Mr. SPRINGER. That resolution ought to be unanimously adopted.

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays.

The yeas and nays were ordered, 58 members voting therefor.

Mr. WILSON. I desire to make a parliamentary inquiry. Is it competent to move to lay that resolution on the table?

The SPEAKER. It is not.

Mr. WILSON. It is an invasion of the rights of the treaty-making power of this Government, if I understand it. This subject is now being considered by the Committee on Foreign Affairs; this resolution should go there and be reported upon after careful examination and study. The courts have defined the limit of the treaty-making power, and I am opposed to rushing through this House grave and important questions without examination. When the Committee on Foreign Affairs shall report it will be time enough to act.

The SPEAKER. Debate is not in order.

Mr. BRIGHT. I ask that the resolution be again read.

The resolution was again read.

Mr. WILSON. I desire, with the consent—— Cries of "Regular order!"

Mr. FERNANDO WOOD. Nobody ever proposed such a thing.

Mr. KELLEY. I call for the regular order. The gentleman from New York is out of order in attempting to debate.

The SPEAKER. Debate is not in order.

Mr. WILSON. I desire to ask the gentleman from Pennsylvania a question.

The SPEAKER. Debate is not in order. The Clerk will call the roll.

The first call of the roll was made, and resulted as follows:

YEAS—141.

Acklen,	Felton,	Lowe,	Slemons,
Aiken,	Ferdon,	Martin, Benj. F.	Smith, A. Herr
Atherton,	Ford,	Martin, Joseph J.	Smith, William E.
Baker,	Forney,	Mason,	Sparks,
Barber,	Fort,	McKinley,	Springer,
Bayne,	Frost,	Miller,	Steele,
Bliss,	Frye,	Mitchell,	Stevenson,
Bouck,	Garfield,	Monroe,	Stone,
Bowman,	Gillette,	Morrison,	Thomas,
Boyd,	Godshalk,	Morse,	Thompson, Wm. G.
Briggs,	Goode,	Morton,	Townsend, Amos
Bright,	Gunter,	Muldrow,	Turner, Oscar
Burrows,	Hall,	Neal,	Turner, Thomas
Caldwell,	Hammond, John	Newberry,	Tyler,
Carlisle,	Haskell,	Nicholls,	Updegraff, J. T.
Carpenter,	Hawk,	Norcross,	Updegraff, Thomas
Claflin,	Hazelton,	O'Connor,	Upson,
Clardy,	Heilman,	O'Neill,	Valentine,
Clymer,	Hooker,	O'Reilly,	Van Aernam,
Cobb,	Horr,	Orth,	Vance,
Coffroth,	Hostetler,	Osmer,	Voorhis,
Conger,	House,	Pacheco,	Waddill,
Converse,	Hubbell,	Page,	Ward,
Covert,	Hutchins,	Phelps,	Warner,
Cowgill,	Johnston,	Phister,	Washburn,
Crapo,	Jones,	Price,	Wells,
Daggett,	Joyce,	Richardson, D. P.	Whiteaker,
Davis, George R.	Kelley,	Robertson,	Whitthorne,
Davis, Horace	Kenna,	Robinson,	Williams, C. G.
De La Matyr,	Ketcham,	Ross,	Wise,
Deering,	Kimmel,	Rothwell.	Wood, Fernando
Dunnell,	Kitchin,	Russell, W. A.	Wright,
Einstein,	Klotz,	Sawyer,	Yocum.
Elam,	Ladd,	Scales,	
Evins,	Lindsey,	Shallenberger,	
Farr,	Loring,	Sherwin,	

NAYS—30.

Armfield,	Deuster,	McMahon,	Simonton,
Bicknell,	Dibrell,	Mills,	Taylor,
Blackburn,	Field,	Money,	Wellborn,
Camp,	Geddes,	Poehler,	Willis,
Chalmers,	Martin, Edward L.	Reagan,	Willits,
Colerick,	McCoid,	Richmond,	Wilson.
Cravens,	McKenzie,	Samford,	
Davis, Loundes H.	McLane,	Shelley,	

NOT VOTING—120.

Aldrich, N. W.	Cox,	Houk,	Prescott,
Aldrich, William	Crowley,	Hull,	Reed,
Anderson,	Culberson,	Humphrey,	Rice,
Atkins,	Davidson,	Hunton,	Richardson, J. S.
Bachman,	Davis, Joseph J.	Hurd,	Robeson,
Bailey,	Dick,	James,	Russell, Daniel L.
Ballou,	Dickey,	Jorgensen,	Ryan, Thomas
Barlow,	Dunn,	Keifer,	Ryon, John W.
Beale,	Dwight,	Killinger,	Sapp,
Belford,	Ellis,	King,	Singleton, J. W.
Beltzhoover,	Errett,	Knott,	Singleton, O. R.
Berry,	Ewing,	Lapham,	Smith, Hezekiah B.
Bingham,	Finley,	Le Fevre,	Speer,
Blake,	Fisher,	Lewis,	Starin,
Bland,	Forsythe,	Lounsbery,	Stephens,
Blount,	Gibson,	Manning,	Talbott,
Bragg,	Hammond, N. J.	Marsh,	Thompson, P. B.
Brewer,	Harmer,	McCook,	Tillman,
Brigham,	Harris, Benj. W.	McGowan,	Townshend, R. W.
Browne,	Harris, John T.	McMillin,	Tucker,
Buckner,	Hatch,	Miles,	Urner,
Butterworth,	Hawley,	Muller,	Van Voorhis,
Cabell,	Hayes,	Murch,	Wait,
Calkins,	Henderson,	Myers,	Weaver,
Cannon,	Henkle,	New,	White,
Caswell,	Henry,	O'Brien,	Wilber,
Chittenden,	Herbert,	Overton,	Williams, Thomas
Clark, Alvah A.	Herndon,	Persons,	Wood, Walter A.
Clark, John B.	Hill,	Pierce,	Young, Casey
Cook,	Hiscock,	Pound,	Young, Thomas L.

Before the names of those members were called who, being within the bar before the last name on the roll was called, now desired to vote,

Mr. HUNTON said: Mr. Speaker, the hour of two o'clock has arrived.

The SPEAKER. The Chair will recognize the gentleman from Virginia as soon as the roll-call is completed.

Mr. HUNTON. The hour has arrived at which, under the rule, the Committee for the District of Columbia is entitled to the floor.

Mr. SPRINGER. Does that interfere with the announcement of the result of the vote on the resolution of the gentleman from Pennsylvania, [Mr. KELLEY?]

Mr. TOWNSHEND, of Illinois. The roll-call is not yet completed.

The SPEAKER. The Chair has repeatedly held that the right of the Committee for the District of Columbia to take the floor at two o'clock on the third Monday of the month, under the rule, will interrupt any business, even the call of the roll. The Chair would appeal to the gentleman from Virginia [Mr. HUNTON] to allow the roll-call to be completed; it will take but a few minutes.

Many MEMBERS. Regular order.

Mr. KELLEY. What will be the condition of my resolution, should the gentleman from Virginia [Mr. HUNTON] now insist upon taking the floor for his committee?

The SPEAKER. The Chair has always held that the Committee for the District of Columbia had the right at two o'clock on the third Monday of each month to interrupt any pending business, even a roll-call.

Mr. KELLEY. The Chair will pardon me. My question, with all due respect, was this: What will be the position of this matter, should the gentleman from Virginia insist upon the floor for his committee?

The SPEAKER. The resolution would go over until Monday next.

Mr. KELLEY. Suspending the roll-call now?

The SPEAKER. Certainly, unless the chairman of the Committee for the District of Columbia [Mr. HUNTON] is willing that the roll-call be now completed.

Mr. HUNTON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUNTON. When will this roll-call be completed, if I insist upon my right to claim the floor at this time for the Committee for the District of Columbia.

The SPEAKER. The gentleman can claim his right, and allow the roll-call to be completed.

Mr. HUNTON. When?

The SPEAKER. Immediately.

Mr. BLACKBURN. I would inquire of the Chair if it is in the power of the Committee for the District of Columbia to waive its right to the floor at two o'clock to-day for any special business, and then to repossess itself of the floor whenever it may please?

The SPEAKER. The Chair will cause the rule to be read, which will answer the question of the gentleman.

Mr. KELLEY. I understand that the gentleman from Virginia, [Mr. HUNTON,] on behalf of the Committee for the District of Columbia, is willing to waive his right——

The SPEAKER. The Chair will cause the rule to be read in reply to the question of the gentleman from Kentucky, [Mr. BLACKBURN.]

The Clerk read as follows:

The third Monday of each month, from the hour of two o'clock p. m. until the adjournment of that day, shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee; and said committee shall henceforth be omitted by the Speaker in the regular calls of committees.

Mr. BLACKBURN. My inquiry of the Chair is this: should the chairman of the Committee for the District of Columbia waive his right under the rule to claim the floor now, will it be in his power, if objected to by any member of this House, to repossess himself of the floor again to-day on behalf of the Committee for the District of Columbia?

The SPEAKER. It would be; the Chair has often recognized the committee for that purpose after two o'clock.

Mr. BLACKBURN. Is it not in the power of any member of this House to call for the regular order?

The SPEAKER. The gentleman will notice the language of the rule: "When claimed by the Committee for the District of Columbia."

Mr. REAGAN. That means the original claim of the committee, which is now made.

Mr. BLACKBURN. I submit whether it will not be my right, as it will be the right of any member of this House, to object to the Committee for the District of Columbia yielding the floor now and resuming possession of it again after this or any intervening business has been disposed of?

The SPEAKER. If the gentleman from Virginia does not claim the floor exactly at two o'clock——

Mr. BLACKBURN. Which he now has done.

The SPEAKER. As provided for in this rule, and thereby permits this roll-call to be completed, the Chair would recognize the gentleman in his right as chairman of the Committee for the District of Columbia whenever he rose for that purpose after the roll-call was completed.

Mr. HUNTON. Allow me to ask the Chair another question. If I shall claim the floor now for the District of Columbia Committee, as I have done, when will the roll-call be completed on the resolution of the gentleman from Pennsylvania, [Mr. KELLEY?]

The SPEAKER. The gentleman is as well able to answer that question as the Chair. The Chair supposes that it would take, perhaps, ten minutes to complete this roll-call.

Mr. BLACKBURN. Would not the roll-call go over until Monday next?

The SPEAKER. If the floor is now claimed absolutely by the gentleman from Virginia the pending business will go over until Monday next, or when business of like character shall again be in order.

Mr. COX. There never has been an order of this House or a ruling by the Speaker which did not give the Committee for the District of Columbia the absolute right at once to take the floor at two o'clock on the third Monday of the month for the transaction of this business.

The SPEAKER. The words "when claimed by the Committee for the District of Columbia" are in the rule.

Mr. COX. Allow me to suggest to the gentleman from Pennsylvania [Mr. KELLEY] that this whole subject of treaties affecting the tariff legislation of Congress has been referred to the Committee on Foreign Affairs, which committee is now investigating it. I think it might as well go over for some intelligent legislation.

The SPEAKER. The question of intelligent legislation is one for the House, not for the Chair to determine.

Mr. KELLEY. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. KELLEY. At what point will the roll-call be resumed, when this question shall again come up?

The SPEAKER. Where it is now left off; members who have not voted will be called.

Mr. KELLEY. And they will have to vote upon their honor that they were present?

Mr. HUNTON. As the gentleman from Pennsylvania [Mr. KELLEY] will be deprived of the vote on his resolution for but a week, I must insist upon my right to claim the floor now for the business of the Committee for the District of Columbia.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. Does the gentleman from Virginia yield the floor or claim it?

Mr. HUNTON. I claim the floor.

Mr. O'NEILL. I move that the House adjourn.

Mr. HOOKER. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Has it not been ruled both by the present occupant of the chair and by his predecessor that when the roll-call has begun it cannot be interrupted by other business, whether it be a special order fixed by the House or an order under the rules?

The SPEAKER. The business of the District Committee is the only exception. The Chair has uniformly held that under the language of the rule this committee has the right, on the day assigned to it, to claim the floor absolutely at two o'clock, because the rule says that this day after the hour of two o'clock shall be "devoted exclusively" to that business. The Chair has therefore ruled and now rules that if the floor is claimed by the District Committee at two o'clock it does interrupt a pending roll-call, and the roll-call will be concluded when the character of business to which it relates shall be again in order.

Mr. SPRINGER. I wish to put a parliamentary question. If during the progress of this legislative day the District Committee should cease to occupy the floor——

The SPEAKER. Then the pending business—the conclusion of this roll-call—will come up immediately.

Mr. SPRINGER. Then this roll-call may be concluded to-day?

The SPEAKER. Yes, sir.

Mr. KELLEY. I ask that the vote as far as taken be reported in the RECORD.

The SPEAKER. That will be done, of course.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. PAGE. I would like to introduce a bill.

The SPEAKER. The Chair cannot entertain anything except a motion to adjourn, which, as he understands the gentleman from Pennsylvania, [Mr. O'NEILL,] does not press. The chair recognizes the gentleman from Virginia to call up the business of the Committee for the District of Columbia. The unfinished business coming over from the last District day, the third Monday in December last, is the bill (H. R. No. 2328) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes. On the passage of this bill the yeas and nays were ordered. The question will now be taken.

Mr. WAIT. I ask that the bill be read, so that we may understand distinctly what we are voting upon.

The bill, which was read in part, is as follows:

Be it enacted, &c., That the jurisdiction of the Court of Claims is hereby extended to, and it shall have exclusive original legal and equitable jurisdiction of, all claims now existing against the District of Columbia arising out of contracts, and not barred by any act of Congress or failure to comply with the requirements of any act of Congress, including certificates of auditor and of board of audit, sewer certificates, sewer-taxes, measurements, covered by contracts made since February 21, 1871: *Provided*, That said Court of Claims shall not take jurisdiction of any claim against the District of Columbia which was not presented to the board of audit under the provisions of the acts of June 20, 1874, and of March 3, 1875, excepting such claims as have arisen out of contracts made by the District commissioners since the passage of the said act of June 20, 1874. Said Court of Claims shall have the same power, proceed in the same manner, and be governed by the same rules in respect to the mode of hearing, adjudication, and determination of said claims as it now has in relation to the adjudication of claims against the United States. When the trial of any claim against the District of Columbia,

prosecuted under the provisions of this act, involves the taking and stating of a long account, or the making of measurements or computations involving the services of engineers, said court shall have power to award a reference to a competent referee to take and state such account, or to the engineer commissioner of the District to make and report such measurements and computations; and said referee or engineer shall report to the court the evidence taken by him for the information of said court, and any such referee shall be allowed such compensation for his services as the court may determine, not exceeding $10 per day for time actually employed, to be paid on the order of the court, in money.

SEC. 2. All such claims against the District of Columbia shall, in the first instance, be prosecuted before the Court of Claims, in the same manner and subject to the same rules as claims against the United States are prosecuted therein, or to such other rules as the court shall prescribe. In any case in which the amount in controversy exceeds $5,000, if before trial either party requests in writing a finding of facts by the court, there shall be the same right of appeal, either by the District of Columbia or by the claimant, and subject to the same rules and regulations, as are prescribed by law for appeals on behalf of the United States or claimants against the United States from the judgments of the Court of Claims: *Provided*, That the prosecution of all such claims shall be commenced in the Court of Claims by the filing of the petition of the claimant, as required by the rules and practice of said court, within six months from the passage of this act; and all such claims against the District of Columbia now existing, and not so filed within said time, shall be forever barred, except in cases of claims owned and held by persons under legal disabilities, in which case such claims shall be in like manner barred unless commenced as aforesaid within six months after the expiration of such disability: *Provided*, That all certificates, measurements, or other evidence of indebtedness, in the custody of the commissioners of the District of Columbia, shall be deposited with the Court of Claims, upon the application of any claimant. When the validity of a number of claims depends substantially upon a like state of facts, they may be brought before the court in one petition in which all parties are joined, and may be tried together under such rules as the court may prescribe, and such judgments may be entered therein as the court may determine; and cases of like kind may be consolidated and tried together whenever the court so orders.

SEC. 3. The Attorney-General of the United States shall have authority, and it shall be his duty, to defend the District of Columbia against all such claims against said District of Columbia prosecuted in said Court of Claims, and on appeal, in like manner as he is now by law required to defend the United States in said court, with the same power to interpose counter-claims and offsets against claims, and with like power of appeal as in cases against the United States tried in said court.

SEC. 4. All laws now in force relating to prosecutions of claims against the United States in the Court of Claims shall apply, as far as applicable, to the prosecution, practice, hearing, and determination of claims against the District of Columbia authorized to be prosecuted under the provisions of this act: *Provided*, That motions for new trials shall be made by either party within twenty days after the rendition of any judgment: *And provided further*, That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 5. If no appeal be taken from the judgment and determination of the Court of Claims in cases provided for in this act within the term limited by law for appealing from the judgments of said court, and in all cases of final judgments by the Court of Claims, or on appeal by the Supreme Court where the same are affirmed in favor of the claimant, the sum due thereby shall be paid, as hereinafter provided, by the Secretary of the Treasury: *Provided*, That no payment shall be made except upon the presentation to the Secretary of the Treasury of a copy of said judgment certified by the clerk of the Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the 3.65 bonds authorized by act of Congress approved June 20, 1874, and acts amendatory thereof, as may be necessary for the payment of the judgments; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy the judgments; which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date January 1, 1875, and mature at the same time as other bonds of this issue; and for the amount found by the court to be due upon any such claim, interest shall be allowed from the maturity of the same, at the rate of 3.65 per cent. per annum; and the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate $15,000,000: *Provided*, That the bonds issued by authority of this act shall be of no more binding force as to their payment on the Government of the United States than the 3.65 bonds issued under authority of the act of June 20, 1874.

SEC. 7. In all cases prosecuted under the provisions of this act it shall be the duty of the claimant, after the commencement of said actions, to prosecute them in said court diligently; and after any issue of law or of fact shall be joined in any case, the Attorney-General shall have power to place the same on the trial calendar of said court for trial; and in all cases when any case has been reached in its order on the calendar, and the trial thereof has been unreasonably delayed by the claimant, the said court may, on motion of the Attorney-General, on notice to the claimant, or his counsel, attorney, or solicitor, dismiss said claim; and such dismissal or final judgment on any claim shall be a conclusive bar against any further prosecution of such claim before any court or tribunal whatsoever.

SEC. 8. No claim shall be presented to or considered by the Court of Claims under the provisions of this act which was rejected by the board of audit.

Mr. WAIT (before the reading of the bill was concluded) said: I understand from members of the District Committee that the remaining part of the bill provides merely the machinery by which suits can be brought against the District of Columbia. As I called for the reading of the bill, I now, in view of the explanation which has been made to me, withdraw that call.

Mr. NEAL. Mr. Speaker——

Mr. HUNTON. I yield to the gentleman for an explanation.

The SPEAKER. How long?

Mr. HUNTON. For five minutes.

The SPEAKER. It will be understood that the gentleman from Ohio [Mr. NEAL] proceeds by unanimous consent for five minutes.

Mr. NEAL. When this bill was under consideration on the third Monday of December last, I made a statement that these claims, as I understood, were in part owned by the First National Bank of New York. I have since ascertained that my information on that point was incorrect; that the First National Bank holds some of the 3.65 bonds, but has no interest in these claims. The claims, as I now learn, are held principally by the persons who did the work, some of whom have mortgaged their property to pay their employés. They now simply ask that they may be permitted by this bill to go into the Court of Claims, and, if the court decides that they have a valid claim against the District, that they shall receive in payment 3.65 bonds, such as have been issued to other creditors of the District. It seems to me that the bill is eminently just and ought to meet the approbation of the House.

The question was taken; and there were—yeas 147, nays 45, not voting 99; as follows:

YEAS—147.

Acklen,	Deering,	Ketcham,	Sapp,
Aiken,	Deuster,	King,	Scales,
Aldrich, Nelson W.	Dunn,	Kitchin,	Shallenberger,
Aldrich, William	Dunnell,	Klotz,	Shelley,
Anderson,	Einstein,	Lapham,	Sherwin,
Armfield,	Elam,	Lewis,	Slemons,
Bachman,	Errett,	Lindsey,	Smith, A. Herr
Bailey,	Evins,	Manning,	Speer,
Ballou,	Farr,	Martin, Benj. F.	Steele,
Barber,	Ferdon,	Martin, Edward L.	Stone,
Bayne,	Ford,	Martin, Joseph J.	Taylor,
Beale,	Frye,	Mason,	Thomas,
Beltzhoover,	Garfield,	McCoid,	Thompson, Wm. G.
Bicknell,	Gillette,	McKinley,	Townsend, Amos
Blake,	Goode,	McLane,	Tyler,
Bland,	Gunter,	Miller,	Updegraff, J. T.
Bliss,	Hall,	Mitchell,	Upson,
Boyd,	Harris, Benj. W.	Money,	Urner,
Briggs,	Hawk,	Monroe,	Valentine,
Buckner,	Hawley,	Morton,	Van Aernam,
Burrows,	Heilman,	Muldrow,	Voorhis,
Butterworth,	Henkle,	Murch,	Van Voorhis,
Caldwell,	Herndon,	Neal,	Wait,
Calkins,	Hiscock,	New,	Ward,
Camp,	Hooker,	Newberry,	Washburn,
Carpenter,	Horr,	Norcross,	Weaver,
Clymer,	Houk,	O'Connor,	Wells,
Cobb,	Hubbell,	O'Neill,	Whiteaker,
Conger,	Hull,	O'Reilly,	Whitthorne,
Covert,	Hunton,	Osmer,	Wilber,
Cowgill,	Hurd,	Overton,	Willis,
Cravens,	Johnston,	Phelps,	Willits,
Davidson,	Jones,	Phister,	Wilson,
Davis, George R.	Jorgensen,	Price,	Wright,
Davis, Horace	Joyce,	Richardson, J. S.	Yocum,
Davis, Joseph J.	Kelley,	Robertson,	Young, Thomas L.
De La Matyr,	Kenna,	Russell, William A.	

NAYS—45.

Atherton,	Dwight,	Mills,	Stevenson,
Blackburn,	Felton,	Myers,	Thompson, P. B.
Bouck,	Forney,	Nicholls,	Tillman,
Cabell,	Fort,	Persons,	Turner, Oscar
Clark, John B.	Geddes,	Reagan,	Turner, Thomas
Colerick,	Hatch,	Richmond,	Vance,
Converse,	Hostetler,	Rothwell,	Waddill,
Cook,	Hutchins,	Samford,	Warner,
Cox,	Knott,	Sawyer,	Wise.
Culberson,	Lowe,	Simonton,	
Davis, Lowndes H.	McKenzie,	Smith, William E.	
Dibrell,	McMillin,	Sparks,	

NOT VOTING—99.

Atkins,	Dick,	Keifer,	Richardson, D. P.
Baker,	Dickey,	Killinger,	Robeson,
Barlow,	Ellis,	Kimmel,	Robinson,
Belford,	Ewing,	Ladd,	Ross,
Berry,	Field,	Le Fevre,	Russell, Daniel L.
Bingham,	Finley,	Loring,	Ryan, Thomas
Blount,	Fisher,	Lounsbery,	Ryon, John W.
Bowman,	Forsythe,	Marsh,	Singleton, J. W.
Bragg,	Frost,	McCook,	Singleton, O. R.
Brewer,	Gibson,	McGowan,	Smith, Hezekiah B.
Brigham,	Godshalk,	McMahon,	Springer,
Bright,	Hammond, John	Miles,	Starin,
Browne,	Hammond, N. J.	Morrison,	Stephens,
Cannon,	Harmer,	Morse,	Talbott,
Carlisle,	Harris, John T.	Muller,	Townshend, R. W.
Caswell,	Haskell,	O'Brien,	Tucker,
Chalmers,	Hayes,	Orth,	Updegraff, Thomas
Chittenden,	Hazelton,	Pacheco,	Wellborn,
Claflin,	Henderson,	Page,	White,
Clardy,	Henry,	Pierce,	Williams, C. G.
Clark, Alvah A.	Herbert,	Poehler,	Williams, Thomas
Coffroth,	Hill,	Pound,	Wood, Fernando
Crapo,	House,	Prescott,	Wood, Walter A.
Crowley,	Humphrey,	Reed,	Young, Casey.
Daggett,	James,	Rice,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

Mr. HERNDON. My colleague, Mr. WILLIAMS, is paired with Mr. RYAN, of Kansas.

Mr. MANNING. I am paired with Mr. KEIFER, of Ohio; but understanding that he would vote "ay," I ask to have my vote recorded in the affirmative.

Mr. MONROE. Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York.

Mr. BAKER. I am paired with the gentleman from Georgia, Mr. BLOUNT.

Mr. BREWER. I am paired with Mr. LORING, of Massachusetts.

Mr. ELLIS. I am paired with Mr. HARMER. If he were present I should vote in the affirmative.

Mr. ROBINSON. I am paired with Mr. HERBERT, of Alabama.

Mr. SINGLETON, of Illinois. I am paired with Mr. MILES, of Connecticut.

The vote was then announced as above recorded.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGETOWN BRIDGE.

Mr. HUNTON. Mr. Speaker, during the extra session of this Congress there was a bill reported from the District Committee to establish a free bridge across the Potomac near Georgetown. That bill was debated, but the House adjourned without completing its consideration. I beg leave now to call it up as unfinished business.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) That bill is in the Committee of the Whole on the state of the Union, and it requires a vote of the House to go into committee.

Mr. HUNTON. No, sir; if the Speaker will excuse me, the House on that occasion decided to consider the bill in the House as in the Committee of the Whole. That order would prevail, of course, until it is completed.

The SPEAKER *pro tempore*. The Clerk will consult the Journal.

Mr. SAMFORD. The RECORD shows that Mr. HUNTON made a motion to consider that in the House as in Committee of the Whole, and it was agreed to.

The SPEAKER *pro tempore*. The Chair is informed that the statement of the gentleman is correct, and the Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes.

The bill was then read *in extenso*.

The SPEAKER *pro tempore*. The bill as it stands before the House now is accompanied by two amendments, recommended by the committee, to strike out the second and third sections.

Mr. CONGER. I ask the gentleman from Virginia to admit an amendment at the close of the last section, so as to insert "Detroit, Michigan," among those places where advertisement is to be made for proposals for building this bridge.

The SPEAKER *pro tempore*. The bill is open to general debate, and amendment will be in order as each section is reached.

Mr. CONGER. I ask by unanimous consent that "Detroit, Michigan," be one of the places where advertisement shall be made for the building of this bridge. The bridge company of Detroit is perhaps the most celebrated in the United States.

Mr. HUNTON. I have no objection.

Now, Mr. Speaker, I wish to explain what the committee desire on the subject. The first section of this bill provides for the erection of a free bridge across the Potomac River, near Georgetown. It contains all the features of the bill passed by the Forty-fifth Congress, or this House of the Forty-fifth Congress, and contains all the amendments which were ingrafted upon that bill by the Forty-fifth Congress; so the bill in its first section is as thoroughly guarded as this House, in the Forty-fifth Congress, could possibly make it.

The Committee for the District of Columbia, I believe with unanimity, have instructed me to amend this bill by striking out the second and third sections. Those two sections provide for the discretion in the Secretary of War, instead of building a free bridge to lease the present Aqueduct Bridge in lieu of any free bridge to be built. If these amendments recommended by the committee prevail, then the bill will stand just as it passed the House in the Forty-fifth Congress without a division, and provide simply for the erection of a free bridge across the river Potomac at or near Georgetown.

And I beg leave to say here just one word for the information of the House, that this bridge, if erected by the Government, will offer free ingress and egress to the people of the District of Columbia at the only point of the river where there is a toll-bridge at the present time. Other bridges leading into and from the District of Columbia have heretofore been toll-bridges, but they have all been bought by the Government and made free except this one.

The object of this bill is to put that bridge upon the same footing with the other bridges leading into the District of Columbia. It was very fully discussed in the extra session of Congress, and I propose now, unless some gentleman desires to discuss the bill further, that we proceed to read it by sections for amendment.

Mr. SAMFORD. Mr. Speaker, this bill was partially considered during the extra session of Congress, and I believe I was the only member of the District Committee who urged an objection to its passage. I very freely gave my reasons for the objection at that time, and I do not propose now to do more than call the attention of the House to those objections, which I think are well taken.

I do not now, Mr. Speaker, intend to discuss the expediency or the propriety on the part of the General Government of building this bridge, but to call attention to the fact that we have a general law for the permanent government of the District of Columbia, and this bill unwisely annuls salutary provisions of that general law. In that law it is provided that the expenses of the government of the District of Columbia, as well as for the improvements in the District, shall be paid one-half by the General Government and one-half by the citizens of the District themselves. It is required in that law, which was passed in June, 1878, not two years ago, that all such matters as this for the construction or repairs of any bridges over the Potomac River, or of any other stream in this District, shall first receive the consideration of the commissioners of the District of Columbia, who are directed to make an estimate and report the same to the Secretary of the Treasury, who shall scrutinize it and then transmit it in general estimates of appropriations to Congress for final action. It was contended in the extra session that such a course as that would necessitate the putting over of this bill, and it was desired that it be speedily passed. It was postponed by the action of this House, and these commissioners having had ample opportunity have not only not made any estimate for this purpose but they have studiously avoided mentioning it, even as a public work to be desired.

From their estimates, which are before me, I see they propose to spend during the fiscal year commencing June 30, 1880, the sum of $3,434,312.55, (nearly $200,000 more than during the preceding year;) and of this amount, of course, the General Government is to pay one-half, the other half to be raised by taxation in the District of Columbia. This seems to me to be quite enough for one year for the General Government to pay toward expenses and improvements in this District. You will observe the whole of this $3,434,000 is to be expended in the ordinary expenses of the District and in making other improvements than this bridge. Therefore, to obtain the $140,000 called for by this bill, the Government and the District must each furnish an additional $70,000 over and above the commissioners' estimates. While the General Government might not miss that sum, it will be severe to impose the extra burden on the tax-payers here. They pay one-half that tax by this bill, for, indeed, it is provided that one-half of the cost of the construction of this bridge shall be paid out of the fund to be raised by taxation from the citizens of the District and the other half by the General Government. But this is not an estimate provided by the commissioners, and therefore it is in addition to the estimate the commissioners have already made.

Now, it does not seem to me there is any propriety or necessity for expending by the Federal Government $70,000 for this bridge now, or indeed $140,000, because in my judgment none of it will ever come back, especially when the citizens of this District are clamoring against high taxes already imposed, and when they say the taxes are now more than they can pay. There is no necessity or propriety in this, especially when taken together with the fact that the commissioners' estimates are nearly $200,000 more than for the preceding year. It seems to me, therefore, not to be proper policy, if indeed it is just, to go outside of the estimates of the commissioners and pass a bill of this sort without any reference whatever to the estimates made by the commissioners or the Secretary of the Treasury and ignoring the law of the land. These were the reasons I gave briefly in the extra session, and they are also the reasons which influence me now in voting as I shall against the pending proposition. I am free to confess, Mr. Speaker, that I have no hope of defeating this measure. It is only to do my duty to the House and the country that, as a member of the committee, I call attention to this vicious and extravagant legislation. The responsibility rests with this House.

Mr. HUNTON. Mr. Speaker, I will say but a single word in reply to the objection made by the gentleman from Alabama. This same objection was raised to the bill, or a similar bill, in the Forty-fifth Congress by my friend from Missouri, [Mr. BUCKNER,] but upon an explanation to him, and a recital of the organic act, that objection was waived because he found that there was nothing in the objection, as I think, with all due respect to the gentleman from Alabama, he will also find there is nothing in his objection. Now, that act proposes that the commissioners of the District of Columbia shall submit annually, through the Secretary of the Treasury, to Congress estimates for the expenses of the government for the ensuing fiscal year, and to include in that estimate the cost of the repair and construction of all the bridges authorized by law.

Now, there is no law authorizing the construction of this bridge; the very object of this bill is to authorize its construction by law, and therefore there being no authority in the law to construct a bridge, the commissioners could not have estimated the cost of construction. Therefore it will be seen that under the circumstances no estimate could have been received from the commissioners. We have here the passage of the law and the granting of the appropriation in the same bill for the reason stated that the commissioners had no authority to send any estimate to this House for the construction of a bridge when there was no law authorizing such construction, and for that reason the commissioners have not taken it into their estimates at all.

As I stated, an objection was raised once before to this bill. I trust there will be no objection to the passage of it.

Mr. SAMFORD. Mr. Speaker, I will say only a word in reply to the remarks of the gentleman from Virginia. A technical construction of the act to which he has referred may sustain the position of my friend that this bridge is not authorized by law, and therefore it could not come literally within the language of the statute requiring this estimate. Though that might be literally so, yet it seems to me a reasonable construction of that law will necessarily lead us to that conclusion which I announced. The wording of the law is this:

The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also, the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District.

Now, sir, it is further provided in that very law, in another provision, that these estimates shall be made out, stating in detail the works proposed to be done, and submitted to the Secretary of the Treasury after they have been made out by the District commissioners, and by him approved and sent to Congress. For what purpose? That the

District commissioners might say to Congress what works of permanent improvement the taxes of the District would warrant; otherwise we are perfectly at sea. How do we know whether or not the taxes of the District will warrant Congress placing upon the District a tax of $70,000 not asked for in the estimates for appropriations of the commissioners? Especially is this question pertinent when we are advised by them that all the taxes they can raise at the rate allowed will be necessary for other expenses and improvements. Where are they to get the $70,000, the District's half, required by this bill? From taxation? No, that is absorbed for other purposes. But there is no other resource for them to get it. Therefore you will see the force of my remark in the beginning of this discussion, that the Federal Treasury will advance the whole amount, the District will not be able to respond to its half, and there is the end of it.

The gentleman's technical construction is this bridge is not authorized by law, therefore the commissioners could not have estimated for it. But the act requires them to estimate for the *construction* of bridges, clearly implying that bridges must first be authorized, and the amounts necessary for their construction be estimated by the commissioners before we are called on to act.

Now, Mr. Speaker, it either comes within the provision of that law or the alternative is presented that Congress is acting outside of that law for the purpose of authorizing an expenditure on the part of the Federal Government in favor of the District not provided for within the one-half of the expenses that the Federal Government is required to pay. Therefore, my opinion at this time and which goes to the very gist of the whole matter is that we should first authorize the bridge by a law for that purpose only—considering the propriety of its construction afterward—or we should allow the commissioners themselves to report to this House what permanent constructions of bridges as well as other permanent improvements should be made, and not, as we are doing here, authorize its construction and appropriate therefor in the same bill, without having any estimates of its proper cost.

Mr. WARNER. I would like to ask my friend from Virginia a question.

Mr. HUNTON. I will hear it with great pleasure.

Mr. WARNER. I desire to ask how it is proposed to raise the money for the construction of this bridge? From the District, or from the general revenue of the United States?

Mr. HUNTON. One-half of it from the District and one-half from the General Government.

Mr. WARNER. Like every other District expenditure?

Mr. HUNTON. Yes, sir; that is expressly provided in the bill.

Mr. WARNER. I think it is an improvement that ought to be made.

Mr. McMILLIN. Does not the Government, however, have to pay all of it in the first instance?

Mr. HUNTON. Yes, sir; but it is credited for it in the settlement between it and the District. It is not to be considered in the light of an advance.

Mr. SAMFORD. Will the gentleman from Virginia allow me to ask him another question?

Mr. HUNTON. Yes, sir.

Mr. SAMFORD. How is the Government ever to get the other half which is to come from the taxes of the District, when the estimates of the commissioners already show there is necessary to meet the expenses of the District $200,000 more than in the year preceding, and when they have not provided and show in their very estimates that the taxes of the District will not provide for this extra $70,000?

Mr. HUNTON. There is no pretense anywhere that I have heard of that the passage of this bill will increase the taxation in the District of Columbia. After this Congress shall have adjourned and made its appropriations for the District of Columbia, then the District commissioners, under the organic act, lay the taxes so as not to exceed a certain limit at which they are now fixed.

Mr. SIMONTON. If I understand the matter correctly, this bridge is not to be merely a District bridge. It is one which connects the District with the State of Virginia. It seems to me, if I understand it, as much for the benefit of the State of Virginia as for the benefit of the District of Columbia. It would therefore seem equitable and right that the State of Virginia should pay its proportionate part. I ask the gentleman who is the chairman of the District Committee if the Government and the District of Columbia alone should pay all the expenses of this bridge?

Mr. HUNTON. I have not the slighest hesitation in answering the question in the affirmative; and I will give the gentleman the reason. There is not a free bridge that comes either from Maryland or from Virginia that has not been built and paid for by the Government of the United States alone. This bill provides that the people of the District of Columbia shall pay half of the cost of this bridge.

Mr. SIMONTON. Let me ask the gentleman another question.

Mr. HUNTON. Let me answer the gentleman's first question, then he can ask another if he desires.

Now in regard to the State of Virginia paying a portion of the cost of the bridge; we have heard that on every occasion when this subject has been up both in the last and the present Congress. But I will say to the gentleman who makes the inquiry, that every drop of water in the Potomac River to be spanned by this contemplated bridge belongs to and is under the exclusive jurisdiction of the United States Government. It does not bridge a single drop of water that belongs to the State of Virginia. By the convention between the States of Maryland and Virginia it was decided that the District line and the Maryland line went to the other side of the Potomac River; and the State of Virginia could not proceed one single foot toward a bridge across the Potomac River without the consent of the Federal Government.

Mr. SIMONTON. We will give that consent.

Mr. HUNTON. Mr. Speaker, I do not understand why it is sought by some gentlemen to impose a burden upon a State at this moment which never was imposed upon a State before in the erection of a bridge across the Potomac River.

Now there are bridges leading from this District into Maryland that have been built by the United States, even bought out by the United States—and if the gentleman desires I can give him a list of them—at an expense of hundreds of thousands of dollars, so as to make ingress and egress from the capital of your country free to all the citizens of the United States. That has been the policy pursued by this Government almost from its foundation, until there is now not a toll-bridge left over any of the streams about this District, except the one at this point. And the object of this bill is to remove a discrimination against the people using that bridge which is not imposed upon the people using all the other free bridges leading into this District.

Mr. SIMONTON. The custom which has prevailed heretofore in regard to the building of these bridges is not the question with me. The only question I desire to have decided is whether it is correct and right and proper that bridges connecting the District of Columbia with the surrounding States shall be built by the General Government when all the other States of this Union must pay for the building of their own bridges. This principle is not a correct one to apply here for the benefit of the States surrounding this District, and not to be applied elsewhere throughout the Union; I think it is unjust. If the States surrounding this District are benefited by the construction of any bridge leading into this District, I think such States should bear a portion of the expense.

Mr. FORT. I desire to say——

Mr. HUNTON. Will not the gentleman allow the first section to be read?

Mr. FORT. I understand that this bill is one that was defeated in this House once before.

Mr. HUNTON. Was what?

Mr. FORT. Was defeated in this House once before; if it is not the same bill it is a similar bill.

Mr. HUNTON. Never.

Mr. FORT. Well, according to my recollection, there was a bill before this House for the purpose of constructing a bridge across the Potomac at or near Georgetown.

Mr. HUNTON. Will the gentleman allow me to correct him?

Mr. FORT. That bill somehow or other did not pass, or else it would not be necessary to act upon this bill now.

Mr. HUNTON. Will the gentleman allow me to correct him? There was a bill almost identical with this which passed the House of the Forty-fifth Congress without a division. That bill was sent over to the Senate, but too late to be acted upon there. It never has been defeated in this House or in the other.

Mr. FORT. The gentleman no doubt desires that this bill should pass. Perhaps it ought to pass. For my part, I feel like appropriating from the national Treasury all the money that this District ought to have; I would not be small in that regard. I have always voted liberally for the District of Columbia. We have here a city that is very expensive, however; and we in the interior pay large sums of money annually to keep up this District, and the more we pay the more we are asked to pay. Nobody seems to think of economy when the District calls for appropriations.

It would seem from the debate that it is proposed by this bill to erect a bridge which the commissioners of this District themselves do not ask to have erected. Now, it is very strange to me that gentlemen who represent this District as its commissioners, who consult the people of the District, one of whom, I believe, resides and has resided for many years in Georgetown, do not recommend that this bridge shall be built. It is exceedingly strange that for the first time we now hear a demand made from the other side of the Potomac that this bridge should be built. I do not wonder at it. I give my friend [Mr. HUNTON] full credit for what he is doing. I think he is representing his constituents in Virginia when he asks that this bridge shall be built.

Mr. HUNTON. I will ask my friend for his authority for that remark.

Mr. FORT. The remark I made——

Mr. HUNTON. The remark that the demand for this bridge comes from the other side of the river.

Mr. FORT. The bill comes from the committee.

Mr. HUNTON. The committee are not from the other side of the river.

Mr. FORT. And it comes from the gentleman who represents the other side of the river, speaking for the committee and at the same time for Virginia. And I will say to him that if I represented the district he does I should certainly be one of the loudest in my demand for the building of this bridge.

Mr. HUNTON. As chairman of the Committee for the District of Columbia I represent the District.

Mr. FORT. Yes, sir; but the gentleman should represent the

United States, all the States, and all the districts in all the States when he comes in here and asks that the money of the United States should be appropriated.

But my point is that the commissioners of this District and the people of this District have never asked that this bridge should be built. I hope my friend will take no offense at what I am going to say, because I have already said that he is doing just what I would do if I were in his place, representing a Virginia district. I believe there is a bridge across the Potomac just below the point where he proposes to build this one, a free bridge, one built by the United States, the bridge where the railroads cross. Is not that a free bridge? The gentleman shakes his head, I see. If it is free I hope the gentleman will not shake his head at me when I say it is a free bridge.

Mr. HUNTON. I did not shake my head at the remark that it was a free bridge, but at the remark that the Government built it.

Mr. FORT. It is but a short distance below this proposed site for a bridge.

Mr. HUNTON. The railroad company built that bridge, and is required to keep a pathway alongside the track.

Mr. FORT. The history of this District, as I understand it, shows that the bridge was built before the railroad was built; built by the United States, and afterward the United States granted the railroad company the right of way over that bridge. But be that as it may, it is sufficient for me to know that there is now a free bridge from the city of Washington across into the State of Virginia, into the gentleman's own district, but a very short distance below where it is proposed to build this bridge. One free bridge across the Potomac is enough, so the commissioners of this District seem to think, and the poor people of this District do not want to be taxed to build another just now, as their taxes are already greater than they can bear. Their taxes amount almost to a confiscation of their property.

It is to be remembered also that just above where it is proposed to build this bridge there is now a free bridge, built by the United States, over which the citizens of Virginia can come into the District and the citizens of the District pass into Virginia. This free bridge, just above Georgetown, is a safe new iron bridge, open to everybody. The gentleman from Virginia can tell the House just how far above it is; but certainly it cannot be very far, because it is within the District of Columbia, which is only ten miles square. This new iron free bridge is only a few miles and on the main road. Now, the Government having already built two bridges, both free, one just above and one just below the proposed site of this new bridge, it does seem to me that we can get along a little while longer with the present bridges; and the United States having built two free bridges, Virginia—the gentleman's constituents—ought to do something.

Mr. ALDRICH, of Rhode Island. Is the gentleman aware of the distance between the contemplated bridge and the Long Bridge, and between the contemplated bridge and the Chain Bridge? He speaks of a bridge "just above" and another "just below." What does the gentleman call "just above" and "just below?" Is he aware of the distance?

Mr. FORT. I have asked the gentleman from Virginia who represents the Virginia side of the river to state the distance; he ought to answer that question better than I can do. I said that the one bridge cannot be very far below, nor the other very far above, as they are both within the District of Columbia, which is only ten miles square.

Mr. ALDRICH, of Rhode Island. The two bridges are eight miles apart.

Mr. FORT. It may be that they are eight miles apart; it may be that there is no better place to construct a bridge; but that has not appeared here to-day. The fact is known to us all that there is already a bridge at the point chosen as a site for this new bridge. It is a toll-bridge, I know. But there are gentlemen on this floor representing flourishing cities into which or out of which you cannot go without paying toll. I am not in favor of toll bridges or roads or turnpikes. It is an annoyance. Travel ought to be free as possible. But I believe that you cannot get into the city of Louisville, a city that does more business in one day than the city of Washington does in a whole year, without paying toll. The constituents of the gentleman from Virginia, when they desire to come to market to sell their products, can either go a little below or a little above in order to cross the river free, or probably they can pay toll a little while longer and use the bridge already erected rather than saddle new burdens on this tax-ridden people.

Now, Mr. Speaker, if this bridge is absolutely necessary, it occurs to me that when the bridge already there passes away it will be time enough for the United States to agree to pay a portion of the cost of erecting a new bridge. But I agree with the gentleman who preceded me, [Mr. SIMONTON,] that it becomes the great State of Virginia to contribute a portion of the expense of building this bridge.

The gentleman from Virginia [Mr. HUNTON] says that the State of Virginia does not own one drop of the water that passes down the Potomac River. Well, what if she does not? The soil may be sacred and the water not. The desire of his people is to come into the District of Columbia; and it does not matter to them whether they own the water over which the bridge passes or not. The ownership of the water cuts no figure. Virginia owns the soil on that side and her citizens want to come over to Washington free, and want us to pay the expense.

Mr. Speaker, Virginia is a proud State, as every other State ought to be. She is able to contribute to the construction of bridges where she is almost the only party interested. The gentleman's constituents are able to do so too. There being a free bridge just below the proposed site and another just above, the people of Virginia have to go but a little distance to come to the one bridge or the other. The fact of so small a proportion of the people of Virginia being interested in this bridge is probably the reason why we have not had any proffer of assistance from the State of Virginia in constructing the bridge. This fact, taken in connection with the fact that the people of this District do not ask for this bridge, that the District commissioner resident in Georgetown has never asked it or put in any estimate for it, seems to me a sufficient reason why we should wait till the people of this District or their organized government may be ready to say that they wish the United States to construct this bridge. I do not think it is becoming for us to force this bridge upon them against their wishes.

The general law provides that no such improvement shall be begun until an estimate has first been considered by the District government, and not until the commissioners have ascertained its cost and recommended that the work or improvement should be made.

Now, sir, this has not been done, and I put this point squarely to the gentleman, that the law has not been complied with in any respect. I call for the showing. Sir, this matter is irregular and unlawful, and is not according to the wish of the people of this District, and not recommended or even recognized by the District government.

Mr. MCMILLIN. Mr. Speaker, I take it to be a correct principle in legislation that when the money of the United States is appropriated to any purpose the people of the United States ought to be interested in that appropriation. We have here upon this floor a large number of Representatives—representatives of both parties in the Government, and I ask each member before he votes for this bill to search his memory and see whether there has ever been a demand on the part of his constituents, or any other man's constituents outside of this District, for the support of this measure. Who has asked its passage? Whence comes the demand? Not even the commissioners who have supervision of the affairs of this District have ever come here with an estimate and said "We need this measure." Yet even during the extra session, amid the din and noise of that speaking session, we heard the clamor coming from this committee for another free bridge.

That was the one faint echo rising above the clamor of that session. I repeat, who has asked for this bridge? The District of Columbia, it may be said. But are your constituency interested in it? Are the constituency of the gentleman from New York [Mr. COX] now occupying the chair interested in it? No, not one of them. It has not been developed that any of them want a free bridge here. It has been shown that there are two bridges leading out of the District across the Potomac River. How many more are needed? How many will suit this District? I say there should be an end of this thing.

A hundred and forty thousand dollars to lay the foundation stones! Who has made an estimate? Who will say that amount will raise the piers of this bridge above the waters of the Potomac? No one. Who has said this new bridge is needed? No one but the District Committee. They say it is a *sine qua non* of existence here. What is to be the benefit flowing from it? I admit it would offer better facilities for the exit of members from this District. In that way if their constituents were interested in their leaving the capital at all they would be benefited, but in no other way. There should be an estimate as to what it will cost. We should take no step in the dark. After that the question of expediency would come up, and even if the question of cost were settled it is not expedient to build it.

It has been said by the chairman that the Government of the United States owns the waters of the Potomac. Does the Government propose to bridge all its waters? If it does, then farewell to all economy, farewell to retrenchment and reform, for the money of the people will be poured out from its Treasury until it is depleted. Let us pause before we make any such appropriation.

It may be said that this is a small thing; that it does not take a great deal of capital *per capita* to fill the demand; but that is no excuse for it.

My friend from Illinois asked whether this bill had not been killed once. I answer it seemed to be virtually so during the extra session, but now, like the proverbial cat, it seems to have nine lives, and we have to go to work on it again. [Laughter.]

It is strange that a Congress which can legislate for a great country, for fifty millions of people, cannot manage the affairs of a city of a hundred and fifty or a hundred and sixty thousand inhabitants. Yet, it seems to me, we cannot. We have already this morning done what I believe amounts to saddling millions more of the indebtedness of Washington upon a tax-ridden Government for the benefit of this District, and for the purpose of carrying out this form of extravagance. That is the entering-wedge. One might reasonably suppose that when that could get through, anything else could; and I have some fears myself it may be so. I feel the ground beginning to give way under me when I look back to that; but still I have a hope that at some point we will come where we will be satisfied and pause before we make appropriations which are never to benefit our constituents, directly or indirectly. I think the bill ought to be defeated.

Mr. HUNTON. I now ask for the reading of the first section of the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at or near Georgetown, in the District of Columbia, at such point as he may select, a substantial iron and masonry bridge, with approaches; and the sum of $140,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated, and which cost shall include the construction of a substantial bridge over the canal, and any and all approaches to the said iron bridge; and no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, and with good and sufficient sureties to be approved by the Secretary of War, for the construction and completion of said bridge, including the masonry, iron-work, and approaches, at a cost not to exceed $140,000: *And provided also*, That a draw of sufficient width to permit the free passage of vessels navigating that part of the Potomac River shall be constructed in said bridge, unless said bridge shall be constructed by the side of, or up the river from, the present Aqueduct, and at the same or greater elevation above the water: *And provided also*, That the sum which may be expended under this act shall be treated and regarded as a part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act for the erection of said bridge upon its 50 per cent. of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia:" *Provided further*, That the Secretary of War shall, as soon as may be, fix and determine the location of said bridge, and cause a survey of the river to be made at such place of location, determine the length, width, and height of said bridge, and the length of draw, if one is required, and thereupon advertise for plans and price for the construction of such bridge; such advertisement to be inserted in one or more daily newspapers published in Washington, District of Columbia, New York, Detroit, Michigan, and Cleveland, Ohio, for the space of one week.

Mr. WARD. I have an amendment to propose to the first section of the bill, and that is, to insert the words "Philadelphia, Pennsylvania," after "Michigan."

Mr. HUNTON. That is in regard to the advertising?

Mr. WARD. It is.

Mr. HUNTON. I do not object.

The amendment was agreed to.

Mr. ALDRICH, of Illinois. I move to insert "Chicago, Illinois."

The amendment was agreed to.

Mr. VAN VOORHIS. After "Illinois," I move to insert "Rochester, New York." We have the best bridge-building company in the world at Rochester, New York.

Mr. HUNTON. I hope the gentlemen will not load down this bill with such amendments. It is not right to put in it every one of the cities of the United States. It does not look like a fair treatment to this bill. I do not mean to say such is the design, but it looks like an undue way of loading down the bill.

Mr. FORT. Well, Mr. Speaker, the question comes up right here, ought not this bridge to be built by the commissioners of the District of Columbia, and not by the Secretary of War at all? They, the commissioners, are liable to very severe penalties for disregarding the law, and they are the proper officers to spend their own money. The Secretary of War is under no restrictions whatever. I do not know what restriction is put upon the Secretary of War in this matter. He will do as he pleases about it. Although I will say that we never had a better Secretary of War——

Mr. BLACKBURN. Will the gentleman yield to me for a question?

Mr. FORT. Yes, sir.

Mr. BLACKBURN. Is it not a fact that not only in this District but outside of the District such works as this have generally been conducted under the direction and supervision of the Secretary of War? Is not the second longest arch in stone that is to be found perhaps in the world a Government work across the Potomac some eight, ten, or twelve miles above here, a work that was supervised by the Secretary of War nearly a quarter of a century ago?

Mr. FORT. Yes; there is no doubt about that, but in bills making appropriations of public money, say for instance the river and harbor bill, it is not customary to place restrictions upon the Secretary of War to say what newspapers he shall advertise in, or what material he shall use, or that he shall get his stone from the Red Stone quarries, or shall buy it from the granite quarries of Maine. For this reason the gentleman's own question suggests why we should require this bridge to be built by the commissioners. My reason is this: The commissioners of the District of Columbia do not want the bridge built at all. They never sent in an estimate of what the bridge would cost or that they wanted to build it, and if they do not want it they need not build it.

It is the first time I believe in the history of the legislation of this country that we have ever found Congress forcing upon the War Department appropriations for any purpose until that Department had sent in its estimate of what the proposed work would cost. When you propose to clean out the channel of a river or to remove its obstructions, the very first thing you do is to get the Engineer Department to make a survey and send in an estimate, and until that estimate is sent in not a dollar of the public money is ever appropriated by Congress for the purpose of making the improvement.

But, Mr. Speaker, we have met this question here. We propose to force upon the Secretary of War the construction of a bridge which the people do not want, which the commissioners do not want, and which the commissioner who resides in Georgetown, and who is one of the rulers of this city himself, does not want, and then to require the Secretary of War to construct a work without estimates and advertise all over the country for bids for labor and for material.

I understand the piers on which the present toll-bridge rests were built by the Government at the cost of several hundred thousand dollars and that they really belong to the United States. I call upon the chairman of the committee to state how this is.

Now, it is high time that we should know how much this bridge is going to cost, and whether we do not already own the piers now there; what the engineers say about it, what their estimate is; for if we require the Secretary of War to build it we should have an estimate. But if we authorize the District commissioners to build a bridge, then we are proceeding correctly to make an appropriation first. We are not called upon to make an appropriation at all until they come and ask for it. I think that all the places named in this bill should be stricken out except Chicago. That city constructs most of the bridges of the country. There is hardly anywhere a bridge put up not constructed in Chicago. Even the iron city of Pittsburgh comes to Chicago to get bridge-builders to build a bridge across one of their rivers right in the corporation of the city of Pittsburgh. There is no use in advertising in any other city except in Chicago. Adopt my colleague's [Mr. ALDRICH] amendment and it is all-sufficient as to advertisement.

Mr. KELLEY. That must be some particular bridge the patent for which is owned by a Chicago company.

Mr. FORT. Ah, the gentleman from Pennsylvania cannot even get a bridge built across the Allegheny or Monongahela or any other river in his State without coming to Chicago to get it done. It is not worth while to advertise in any other than the Chicago papers.

Mr. BLACKBURN. Mr. Speaker, I desire to correct some errors into which the gentleman from Illinois appears to have fallen. I do not know what warrant or authority he has for stating that the commissioners for the District of Columbia do not desire this bridge to be built. I am equally at a loss as to the source of his information for the statement that the particular commissioner who resides in Georgetown does not want this bridge built. I have the authority of the Committee for the District of Columbia for stating that the commissioners of this district have been before that committee, approve the estimate, and urge the passage of this bill and the construction of this bridge.

Mr. FORT. One moment.

Mr. BLACKBURN. If the gentleman will wait I will not detain the House a moment.

Mr. FORT. The gentleman was asked for an estimate, and he said he had none—the District commissioners had done nothing.

Mr. BLACKBURN. I am coming to that, if the gentlemen will be patient. I do not know what authority the gentleman has for speaking of this as an effort to impose upon the Secretary of War the discharge of an irksome or offensive duty. I have the authority of one of the gentleman's colleagues here on the floor for stating that upon this very day, perhaps, the Secretary of War has expressed his approval of the very work that is contemplated by and provided for in this bill.

Mr. FORT. It is very remarkable that the Secretary of War should express such an opinion, when that officer never does such a thing. It is always left to the Engineer Department.

Mr. BLACKBURN. I am not passing judgment on the propriety of the Secretary of War expressing that opinion.

Mr. FORT. The present Secretary of War is as yet hardly warm in his seat, and has made no survey. He is a judicious man, and knows his duty and will do it. And it is strange that he has rushed down to Georgetown and assumed the duties of the Engineer Corps.

Mr. BLACKBURN. I hope the gentleman is not going to make a third speech in my time. I will answer any question he wishes to present.

As to the estimates: I hold in my hand the estimates that have been, I take it, before the Committee for the District of Columbia, made by two reputable engineers, showing what the cost of that bridge is to be. The commissioners, as the chairman of the Committee for the District of Columbia very properly explained, could not have made, they were not required nor would it have been proper for them in the absence of such requirement to make, an estimate for this work. There is no law in existence authorizing the construction of this bridge. The very bill which is under consideration now, if passed, is to be the law which authorizes the bridge. Unless that or a law carrying such authority is passed, it is neither the duty nor within the power of the commissioners of the District of Columbia to make this estimate.

Here is the simple fact; the case may be stated in a moment: There is a bridge that is not owned by this Government that connects Washington with that part of the State of Virginia lying immediately across the river. Charges are made, statements are heard everywhere, which go unchallenged and uncontradicted as to the exorbitant rates to which passengers are subjected on that bridge. That there is a necessity for a bridge there I take it nobody will controvert. Then when you come to the proposition here for its construction it differs but in one particular from the theory upon which every other bridge has been built here, unless it be a bridge owned by a private corporation or railroad company. There has not been a bridge built by the Government, there has not been a bridge bought by the Government, for which the people of the District have been taxed at all; but the cost of the construction in the one case or the purchase-money in the other has all come out of the Federal Treas-

ury. In that respect, and in that respect alone, this proposition differs from all others; for it is provided in this bill that one-half of the cost of the construction of this improvement shall be defrayed and met by the Federal Treasury and the other half by the taxable property of the people of this District.

There, sir, is the shortest statement that can be given of the proposition of this bill. It is one-half more liberal to the Federal Treasury than any similar work that ever has been constructed or purchased on the confines of this District. I do not see where the bill is amenable to the criticisms or objections that have been urged on any side in this debate.

Mr. FORT. Just one word. The gentleman from Kentucky states that the owners of the present bridge are charging exorbitant tolls.

Mr. BLACKBURN. The gentleman must not misstate what I said. I did not say so. I said it was charged, and during my service as chairman of the Committee for the District of Columbia that was charged before the committee and never denied.

Mr. FORT. Then the Committee for the District of Columbia should have looked into that question; and if they found that there was an exorbitant toll or charge imposed on the citizens of Virginia or on the citizens of this District, the Committee for the District of Columbia should have brought in a bill at once; and I must presume they would bring in a bill at once regulating that thing, because unquestionably they have jurisdiction and control over the matter, and I presume the committee want to do their duty.

Mr. BLACKBURN. Will the gentleman tell me how Congress has that jurisdiction?

Mr. FORT. If the Committee for the District of Columbia found that exorbitant tolls were charged, they certainly have been remiss in their duty. They would have been better engaged in providing a remedy for that than in preparing a bill for the building of a bridge which the people of the District do not want.

Mr. BLACKBURN. I ask the gentleman under what provision of the Federal Constitution, under what section or provision of any law known to this House, has Congress the power to regulate the tolls upon a bridge owned by a private corporation?

Mr. FORT. Oh! I hope the gentleman in this day will not question the right. Sir, I answer that it is under that clause in section 8 of article 1 of the Constitution, which says that "Congress shall exercise exclusive legislation in all cases whatever over such District not exceeding ten miles square as may be, by cession of particular States and by acceptance of Congress, become the seat of Government of the United States," and I hope the gentleman will not deny the right to regulate all these things.

Mr. BLACKBURN. I would inform the gentleman that this is not a railroad bridge.

Mr. FORT. Another point is that it is owned in the District of Columbia.

Mr. BLACKBURN. And owned by private gentlemen.

Mr. FORT. There can be no question but what Congress has the right to regulate such charges and say what shall be a reasonable toll or charge on any bridge within its jurisdiction.

Mr. COBB. This bill makes provision for the construction of a bridge across the Potomac River, and at the same time appropriates money. Now, it is said that it is a necessity that this bridge should be constructed. Let us look for a moment into some of the facts that surround the District of Columbia and the people of the District, and we will find that there are other necessities which are much greater than the necessity of building a bridge across the Potomac River. I call the attention of gentlemen to the fact that to-day the District of Columbia and the people of the United States are paying $35,000 a year rent for public school buildings, and at the same time the superintendent of public instruction tells me that these school buildings are, many of them, all but totally unfit for children of the District to be taught in.

Now, if we have to pay $35,000 a year rent for buildings for school purposes in this District, I ask how much money ought to be appropriated for the building of school-houses here? Would it not be well for this House to consider whether we ought not to build school-houses, and whether the necessity for building school-houses for the education of the children of this District is not tenfold greater than the necessity for the construction of a bridge across the Potomac River, when there are already facilities for crossing that river?

It is further insisted that large sums of money should be appropriated for the purpose of improving the streets of this District. The commissioners of the District ask that more than $700,000 be appropriated, one-half of which is to be paid by the people of the District and the other half by the Government of the United States, to improve the streets of this District. That is a necessity which they say must be provided for. I take it that it is a greater necessity to have the streets in the District of Columbia or in the city of Washington put in proper condition than it is to build another bridge across the Potomac River.

As has been well said, in order to accomplish what is needed in this District it is necessary for the people to pay large sums of money. The property-holders are now so oppressed that they feel the burden, notwithstanding we have assumed to pay fifty cents on the dollar of the expenses of this District. And there is to-day an interest-bearing debt hanging over the people of this District which requires the payment of more than $1,100,000 a year, one-half of which is to be paid by the people of the District.

There was a bill passed a few moments ago providing for the adjustment of claims said to be due to individuals for improving the streets and for other public works in the District; and it is estimated that a large sum of money will have to be provided by the people of the District and by the Government of the United States to carry out the provisions of that bill.

Now, had we not better move carefully, and not expend the money of the people of the United States, and especially of the people of the District of Columbia, who are already greatly oppressed, until we see whether there is or is not a necessity for the bridge to be built, which this bill provides for? There may be a necessity for it. But there are other necessities that are ten times more pressing than the necessity for building this bridge, especially when we take into consideration the fact that the people of Virginia, from the gentleman's own district, can cross over the bridges now erected. It is better that for a few years they should pay pretty high tolls than that the children of this District should go uneducated.

I say to you that with the estimates of the taxable property in this District, and the amount of revenue to be raised from the people during the present year, they will not be enabled to have their educational interests cared for as they should be, without borrowing money, or without the Government of the United States coming forward and through the Representatives of the people here appropriating the money of the people of the United States for the purpose of keeping up the public schools of the District.

I say this bill should be defeated. There is no special demand for it. It is wrong in principle and wrong in fact to impose upon the people of this District a burden where it is unnecessary, when necessary burdens are already being heaped upon them. I trust, therefore, the bill will be defeated.

Mr. KELLEY. I have always felt it to be my duty to vote liberal appropriations for this District, and I never have heard the voice of complaint from any constituent of mine for so voting. They regard the city of Washington as the capital of their country, and desire to see it made what it ought to be, a healthful and a beautiful city.

I am ready to vote any amount of money that may be required for improving the river-front of this District, and for filling up the marshes, and thus adding to the beauty of the city and its healthfulness. I am ready to vote any proper amount for the construction of bridges to connect this District with the State of Virginia.

But I cannot fail to remember that the bridge proposed by this bill is an interterritorial bridge, and that the people of the country or the people of the District, either of them or jointly, should not be made to pay the whole cost of a bridge, the great benefit of which is to be for the State of Virginia. I would not saddle upon the State of Virginia an undue proportion of the cost of constructing this bridge. But I do think that it ought to come in as a third party to bear the expense. And I am quite sure that if that condition be imposed, the voice of Virginia will ask for another location for a bridge than right beside an existing bridge. When the people of Virginia shall come to pay for it they will say, "Put this bridge where it will be useful; put it at some distance from any existing bridge so that it will help open up our country and give more of our people easy access to the District."

Therefore, with an earnest desire to promote intercourse between the District and the farms of Virginia, between the people of Virginia and the people of this District, and having no fear of the frowns of my constituents for having voted generously for the improvement of the District, I shall wait and hear what Virginia wants on this subject, and have her back up her opinion by a tender of one-third of the cost of this bridge.

Mr. SAMFORD. There was a statement by the distinguished gentleman from Kentucky [Mr. BLACKBURN] of which I, as a member of the Committee for the District of Columbia, am not informed, and therefore I cannot properly say that I propose to correct it. But if there has been any estimate made, as he says there has been made by the District commissioners, and sent to the Committee for the District of Columbia, I hear of it for the first time to-day.

Mr. HUNTON. The gentleman did not say that the commissioners had made estimates, but that estimates had been made by engineers, which estimates I now hold in my hand.

Mr. SAMFORD. I understood the gentleman to say—and I certainly am not mistaken in this—that the commissioners for the District of Columbia have been before the District Committee urging the passage of this bill. Now, I do not remember that the District commissioners ever have been before that committee to make such an application. If they ever have been there for that purpose I never knew it; and certainly they have not been there in the manner provided by law. They should have been there in a formal manner with the estimates which the law for the permanent government of the District requires. As regards the estimates of engineers, to which the gentleman from Virginia has just called my attention, I have this to say, that the law requires the District commissioners to make their estimates upon examinations made by the legally authorized engineers of the department, and not by engineers who may act in any informal and unauthorized manner.

Now, the objection which I urged at the commencement of this

discussion has not been answered. That objection is: that these estimates should be made in the manner provided by law, so that we might not, as has been eloquently said by the gentleman from Indiana, saddle upon the citizens of this District taxation for a work which they have not asked, and for which, perhaps, they are not prepared or able to pay.

But when the objection is urged that it has not been asked for, it is said that the wording of the law requires that the commissioners shall furnish estimates only for those bridges authorized by law. When we point out that this bridge has not been authorized by law, it is said that by this bill it is proposed to authorize it, and at the same time to provide for its construction. Now, it seems to me that such a thing was not in the contemplation of the Congress of the United States in passing the laws for the permanent government of the District of Columbia, for I have no doubt that it was thought by the framers of that law that the United States Government would not be called on for any more than one-half.

I do not subscribe to the doctrine, which is so frequently advanced on this floor, that because this is the capital of the nation (to use the language of others, for I never call it a "nation") we should build it up in a style of imperial grandeur, regardless of cost, and at the expense of tax-payers over the land. I grant that it is necessary to build up a capital which shall comport with the dignity of a free and independent republic; but as to spending the money wrung by taxation from an oppressed people for the purpose of building up this city in a style of royal magnificence, I am opposed to it, and shall always be opposed to it. Notwithstanding I am frequently reminded by the remarks of gentlemen on this floor that the true distinguishment of a statesman, these days, is to spend with a prodigal hand the money of the Federal Treasury.

Many gentlemen, in this House, advocate this bill, of more experience than I, and of equal sincerity and patriotism, and I have confidence in their opinion, but I cannot see it as they do, and I am acting for what I believe to be the interest of those who sent me here.

Mr. HUNTON. I desire to say only a word or two in conclusion of this debate before calling the previous question; for I presume the debate has proceeded long enough.

Gentlemen have said here on several occasions that it is the duty of Virginia to participate in building this bridge. I desire to say that the Chain Bridge leading to the State of Virginia was once a toll-bridge, and the Federal Government bought out that bridge and made it a free bridge without the payment of one dollar by the State of Virginia. This I believe was prior to 1861. If the Federal Government did not require Virginia in the days of her wealth and power to contribute to the building of bridges across a stream which belongs exclusively to the Federal Government, why should gentlemen desire now that the State of Virginia in her poverty should be saddled with a portion of the expense of building this bridge? Do not gentlemen who make this objection know that sparsely-settled neighborhoods interested in a bridge cannot contribute to the building of such a bridge, but that the cities to which approach is effected by bridges build those bridges? That is the invariable practice throughout the country.

There is another reason why the Federal Government and the District government should build this bridge exclusively and why they should build it jointly. The property in this District, as we know, (for it has been stated time and again,) belongs to the people of the District and to the Federal Government in nearly equal proportions according to value; and if this city is to be improved and the price of property enhanced, then the Federal Government is benefited as well as the citizens holding private property.

There is another reason; and I do not mean to detain the House by elaborately arguing this question. The Federal Government is interested because this bridge, if built, leads directly to the largest Federal cemetery within my knowledge. I refer to the cemetery at Arlington. On every Decoration Day particularly, as well as on every other day of the year, there are persons visiting that cemetery who are taxed a high price in passing over the Aqueduct Bridge.

Mr. BARBER. The gentleman will allow me to ask him where this bridge is to be located?

Mr. HUNTON. At or near the present Aqueduct Bridge, leaving it discretionary with the Secretary of War to fix the exact location.

Mr. KELLEY. I believe the proprietors of the Aqueduct Bridge are willing to sell at what this House regarded as a reasonable price.

Mr. HUNTON. At what they regard as a reasonable price. That is another question—a question which was very elaborately considered by the committee.

Mr. KELLEY. I understand that this House acquiesced in the price. The Senate differed by some slight percentage.

Mr. HUNTON. The question has never been before the House in any shape.

Mr. KELLEY. Then the action I refer to was had by the House committee.

Mr. HUNTON. No, sir.

Mr. KELLEY. I believe the proprietors of the Aqueduct Bridge ask $100,000 for the property and franchises.

Mr. HUNTON. There has been no such proposition agreed to by the Committee for the District of Columbia.

I beg leave to say another thing. Across the river, and to be approached by this bridge if the bill becomes a law, there is a fort now held and occupied by the Government where supplies and soldiers are sent. For the transportation of these the Government now pays annually several hundred dollars in toll to this Aqueduct Bridge Company. Thus the bridge is necessary to the Government as well as to the citizens of the United States visiting Arlington. I hope, therefore, that there will be no difficulty on the part of the House in passing the bill.

I move the previous question.

The SPEAKER *pro tempore*. The Chair will state that the House is now acting as in Committee of the Whole. The first question is on the amendment proposed by the gentleman from New York, [Mr. VAN VOORHIS,] to insert after the words "Chicago, Illinois," the words "Rochester, New York."

The amendment was not agreed to.

Mr. HUNTON. Did I understand the Chair to rule that the previous question did not apply in the House as in Committee of the Whole?

The SPEAKER *pro tempore*. The previous question does apply in the House.

Mr. HUNTON. Then I demand the yeas and nays on the bill and pending amendments.

The previous question was seconded and the main question ordered.

The SPEAKER *pro tempore*. The question first recurs on the amendment of the committee to strike out the second and third sections, which the Clerk will read.

The Clerk read as follows:

SEC. 2. That if the Alexandria Canal Railroad and Bridge Company will lease to the United States their bridge over the Potomac River at Georgetown for so long as said bridge shall be maintained upon the terms, conditions, and price as hereinafter specified, the Secretary of War is hereby authorized and directed to enter into such lease in behalf of the United States, and refrain from erecting a bridge as in the first section of this act provided. Said lease must contain the following provisions and conditions: the rent, as specified at —— thousand dollars per annum, payable quarterly by the United States, less any deductions for not complying with the terms of said lease as therein provided; that said lease shall continue as long as said bridge shall be kept up for use, but the lessee may at its option declare said lease forfeited in case the lessor fails for a period of thirty days after notice to keep said bridge in a safe and proper condition for public travel; that if said bridge at any time becomes unsafe for public travel, on notice from the commissioners of the District of Columbia, the rent under said lease shall cease, and not recommence until said bridge shall be made safe for public travel, and notice thereof given to said commissioners, and the amount from any suspension of rent to be deducted from the rent thereafter to become due; that said bridge company shall not, during the continuance of said lease, use upon said bridge structure any locomotive or steam-propelling power; that during the continuance of said lease the use of said bridge shall be free to the public and the Government.

SEC. 3. That to enable the United States to fulfill such lease, if made, the sum of —— dollars is hereby appropriated yearly, out of any moneys in the Treasury not otherwise appropriated, for paying such of said rent as may become due, and the Secretary of the Treasury is hereby authorized and directed to pay the same; and the sums thus paid shall be treated and held as a part of the general expenses of the District of Columbia; and the United States shall be credited with the amount which it shall pay under this act upon its 50 per cent. of the expenses of said District of Columbia as provided in the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia."

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill; and there were—ayes 76, noes 43.

Mr. BRAGG and Mr. MCMILLIN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 114, nays 70, not voting 107; as follows:

YEAS—114.

Acklen,	Culberson,	Jones,	Robertson,
Aiken,	Davidson,	Jorgensen,	Russell, W. A.
Aldrich, N. W.	Davis, George R.	Kenna,	Scales,
Armfield,	Davis, Joseph J.	Ketcham,	Shallenberger,
Bachman,	Deering,	Kimmel,	Shelley,
Bailey,	Dickey,	King,	Singleton, J. W.
Ballou,	Dunn,	Kitchin,	Slemons,
Barber,	Einstein,	Klotz,	Steele,
Bayne,	Elam,	Martin, Edward L.	Townsend, Amos
Beale,	Errett,	Mason,	Townshend, R. W.
Beltzhoover,	Evins,	Miller,	Tucker,
Bicknell,	Ferdon,	Mitchell,	Turner, Thomas
Blackburn,	Field,	Monroe,	Updegraff, Thomas
Blake,	Forney,	Muldrow,	Upson,
Bouck,	Frye,	Neal,	Valentine,
Browne,	Goode,	New,	Van Aernam,
Buckner,	Haskell,	Newberry,	Van Voorhis,
Cabell,	Hatch,	Norcross,	Wait,
Calkins,	Heilman,	O'Connor,	Ward,
Camp,	Henkle,	O'Neill,	Whiteaker,
Carpenter,	Herndon,	O'Reilly,	Whitthorne,
Clardy,	Hiscock,	Osmer,	Wilber,
Clark, John B.	Hooker,	Overton,	Williams, C. G.
Coffroth,	Horr,	Poehler,	Willis,
Conger,	House,	Price,	Willits,
Converse,	Humphrey,	Rice,	Wilson,
Cook,	Hunton,	Richardson, D. P.	Wright.
Cowgill,	Hurd,	Richardson, J. S.	
Cravens,	Johnston,	Richmond,	

NAYS—70.

Aldrich, William	Briggs,	Cobb,	Davis, Loundes H.
Atherton,	Burrows,	Covert,	De La Matyr,
Bragg,	Cannon,	Cox,	Deuster,
Brewer,	Clymer,	Davis, Horace	Dibrell,

Dunnell,	Houk,	Pacheco,	Stevenson,
Dwight,	Hutchins,	Persons,	Stone,
Farr,	Kelley,	Phelps,	Taylor,
Felton,	Ladd,	Phister,	Thompson, P. B.
Ford,	Le Fevre,	Reagan,	Thompson, W. G.
Fort,	Lewis,	Ross,	Tillman,
Geddes,	Lowe,	Rothwell,	Turner, Oscar
Godshalk,	Marsh,	Samford,	Updegraff, J. T.
Gunter,	Martin, Benj. F.	Sapp,	Vance,
Hall,	McKinley,	Sawyer,	Waddill,
Hammond, John	McMahon,	Simonton,	Warner,
Harris, Benj. W.	McMillin,	Smith, William E.	Wellborn.
Hawk,	Myers,	Sparks,	
Hostetler,	Nicholls,	Springer,	

NOT VOTING—107.

Anderson,	Ellis,	Lindsey,	Russell, Daniel L.
Atkins,	Ewing,	Loring,	Ryan, Thomas
Baker,	Finley,	Lounsbery,	Ryon, John W.
Barlow,	Fisher,	Manning,	Sherwin,
Belford,	Forsythe,	Martin, Joseph J.	Singleton, O. R.
Berry,	Frost,	McCoid,	Smith, A. Herr
Bingham,	Garfield,	McCook,	Smith, Hezekiah B.
Bland,	Gibson,	McGowan,	Speer,
Bliss,	Gillette,	McKenzie,	Starin,
Blount,	Hammond, N. J.	McLane,	Stephens,
Bowman,	Harmer,	Miles,	Talbott,
Boyd,	Harris, John T.	Mills,	Thomas,
Brigham,	Hawley,	Money,	Tyler,
Bright,	Hayes,	Morrison,	Urner,
Butterworth,	Hazelton,	Morse,	Voorhis,
Caldwell,	Henderson,	Morton,	Washburn,
Carlisle,	Henry,	Muller,	Weaver,
Caswell,	Herbert,	Murch,	Wells,
Chalmers,	Hill,	O'Brien,	White,
Chittenden,	Hubbell,	Orth,	Williams, Thomas
Claflin,	Hull,	Page,	Wise,
Clark, Alvah A.	James,	Pierce,	Wood, Fernando
Colerick,	Joyce,	Pound,	Wood, Walter A.
Crapo,	Keifer,	Prescott,	Yocum,
Crowley,	Killinger,	Reed,	Young, Casey
Daggett,	Knott,	Robeson,	Young, Thomas L.
Dick,	Lapham,	Robinson,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. SAMFORD. My colleague, Mr. WILLIAMS, is paired with Mr. RYAN.

Mr. ELLIS. I am paired with Mr. HARMER.

Mr. HULL. I am paired with Mr. THOMAS, of Illinois.

Mr. VAN VOORHIS. Mr. WEAVER is paired with Mr. CLAFLIN, of Massachusetts.

Mr. HASKELL. Mr. RYAN is paired with Mr. COLERICK, of Indiana.

Mr. YOCUM. I am paired with Mr. GILLETTE.

Mr. O'NEILL. Mr. BAKER, of Indiana, is paired with Mr. BLOUNT, of Georgia. If present, Mr. BAKER would vote "no."

Mr. ALDRICH, of Illinois. My colleague, Mr. BOYD, is paired with Mr. URNER, of Maryland. If present, Mr. BOYD would vote "no" and Mr. URNER would vote "ay."

Mr. VALENTINE. Mr. BRIGHAM is absent by leave of the House.

Mr. MONROE. Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York.

Mr. ROBINSON. I am paired with Mr. HERBERT.

Mr. BUTTERWORTH. I am paired with my colleague, Mr. HILL.

Mr. BELTZHOOVER. My colleague, Mr. RYON, has been called away by the death of his son, and is attending his funeral.

Mr. MANNING. I am paired with Mr. KEIFER.

Mr. HAMMOND, of Georgia. I am paired with Mr. REED, of Maine.

On motion of Mr. BLACKBURN, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 128) for the relief of Edward Shields and others;

An act (S. No. 317) for the relief of Captain J. B. Campbell; and

An act (S. No. 468) for the relief of John W. Cheeks.

The message also announced that the Senate had passed, without amendment, the bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

ENROLLED BILL SIGNED.

Mr. WILBER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks.

DISTRICT BUSINESS.

Mr. HUNTON. Mr. Speaker, there are only two other matters in the District business, which will not require the consumption of any time, and I hope they will be completed before the adjournment.

UNION DEPOT, WASHINGTON.

Mr. MARTIN, of Delaware, from the Committee for the District of Columbia, reported back a bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to designate a proper site for a union railroad depot in the city of Washington, and for other purposes, with amendments.

The bill, which was read, authorizes the commissioners of the District of Columbia to designate a suitable site for a union railroad depot for all the railroad companies whose tracks enter or terminate in said city, at some central point, having just reference to the convenience of access by said companies and the people, sojourners, and visitors of said city, and to all the public interests involved, and report their doings in the premises to the next Congress, on the first day of the first session thereof, with a bill containing such further provisions as they may deem best calculated to give effect to the purpose of requiring all said railroads to use said depot in common, and vacate all other depots, and remove all tracks not necessary for such use.

The amendments are as follows:

First. Section 1, line 10, after the word "premises," strike out to and including the word "thereof," in line 11, and insert the following:

"To Congress within thirty days after the passage of this act."

Second. Page 2, at the end of line 15, insert as follows:

"*Provided*, That such union depot shall be provided by such railroads free of expense to the Government of the United States or the District of Columbia."

Mr. KLOTZ. I want to ask the gentleman from Delaware whether this is to provide for the commissioners naming a site and directing the matter hereafter to be submitted to Congress?

Mr. MARTIN, of Delaware. Go ahead; that is right. [Laughter.]

Mr. KLOTZ. Is that correct?

Mr. MARTIN, of Delaware. Yes.

I now demand the previous question.

Mr. DUNNELL. I trust the gentleman will not call the previous question until he has stated to the House the necessity for this measure; because, Mr. Speaker, it is very easy to see this bill is one that only precedes another which cannot be avoided without very great expense to the Government.

Mr. MARTIN, of Delaware. All this bill contemplates is this: there has been a demand on the part of the people of this District for a change in the railroad accommodations here. It is claimed by many people hat the railroad termini in this District are nuisances, and that there should be here, as in almost every other city in the United States, the same plan adopted by which there should be established what is known as a union depot.

The District commissioners have asked Congress to authorize them to designate some point which would be convenient for the establishment of such a union depot, and the Committee for the District of Columbia in considering this subject have thought it proper that the Government of the United States, as well as the government of the District of Columbia, should be protected against the incurring of any expenses in designating that site. That is all this bill is for, to authorize the District commissioners to select some suitable site for such a union depot, and to report the facts to Congress.

Mr. DUNNELL. It does not occur to me the District of Columbia is particularly suffering from the location of the two depots in this city. I can see no reason for this legislation. The commissioners of this District are urged up to this matter undoubtedly by a set of real-estate speculators. These men are very anxious to have somewhat to do in the selection of such a site. Look the matter, Mr. Speaker, squarely in the face. What demand exists in this city to-day for a union depot? After we have legislated is it in our power to force these roads into a union depot? Is it in our power to compel them to enter into a union depot? Can we compel these railroads to build a union depot and use it? I do not understand that we can.

This legislation is in keeping with a good deal of the legislation that we are asked to pass here in this House. I have voted almost continuously for nine years in the interest of the District of Columbia. I have hardly till this day voted against a proposition coming from the Committee for the District of Columbia. But we voted $140,000 to-day. We are constantly being asked to vote tens of thousands and hundreds of thousands to this District. If we are a reform Congress let us reform in good faith.

Mr. MARTIN, of Delaware. We do not ask Congress to vote one cent in this bill.

Mr. DUNNELL. I say we cannot take this step without taking another, and that other step will cost money.

Mr. MARTIN, of Delaware. This does not bind Congress to take any further steps.

Mr. DUNNELL. It does not bind Congress, but the gentleman knows the power of precedents. He ought to know how much one bill has to do with another that is in the rear and forthcoming.

Mr. MARTIN, of Delaware. Oh, "sufficient unto the day is the evil thereof." [Laughter.]

Mr. STEELE. Will the gentleman from Delaware allow me to ask him a question?

Mr. MARTIN, of Delaware. Certainly.

Mr. STEELE. I desire to know of the gentleman from Delaware if these railway companies, the Baltimore and Potomac and the Baltimore and Ohio, have not already in this District certain vested rights, if the effect of this bill is not to destroy those vested rights,

and if you will not have to make compensation under the Constitution of the United States whether you will or no?

Mr. MARTIN, of Delaware. This bill, Mr. Speaker, has nothing to do with those vested rights. As I said to the gentleman from Minnesota, I will make the same reply to the gentleman from North Carolina, that when future legislation looking directly to the establishment of this depot is brought into the House then it will be for each member of the House to determine that question for himself, as I shall endeavor to do for myself. I call for the previous question.

Mr. WILSON. I desire to ask the gentleman one question.

ORDER OF BUSINESS.

Mr. WAIT. I move the House do now adjourn.

Mr. WARNER. Before that question is put I ask the unanimous consent—— [Cries of "Regular order!"]

Mr. MARTIN, of Delaware. I appeal to the gentleman from Connecticut to withdraw his motion. [Cries of "Regular order!"]

The SPEAKER *pro tempore*, (Mr. COX in the chair.] Pending the motion to adjourn the Chair desires to submit certain requests.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HILL, for three days, on account of important business;

To Mr. FINLEY, for two weeks, on account of important business;

To Mr. FORSYTHE, for six days;

To Mr. KEIFER, for three days, on account of important business;

To Mr. RYON, of Pennsylvania, until the 27th instant, on account of a death in his family;

To Mr. COFFROTH, indefinitely, on account of important business; and

To Mr. GARFIELD, for one day.

WITHDRAWAL OF PAPERS.

The SPEAKER *pro tempore*. The Chair also submits the following requests:

Of Mr. JOHNSTON, for leave to withdraw from the files of the House, the papers in the case of W. P. Burwell, there being no adverse report thereon.

Of Mr. URNER, in the case of John H. McChesney, there being no adverse report thereon.

Of Mr. BLACKBURN, in the case of Bidow & Wilson, there being no adverse report thereon.

Mr. CONGER. I suggest to the Chair that these three requests must be referred, under the rules, to the committees having charge of the several cases.

The SPEAKER *pro tempore*. The Clerk informs the Chair that there is no adverse report on these cases.

Mr. CONGER. I know that, but the rule requires the reference of the applications to the committees.

The SPEAKER *pro tempore*. The rule does not require the reference when no adverse report has been made. The Chair overrules the point of order.

There being no objection, leave was granted to withdraw from the files of the House the papers in the three cases above stated.

PENSIONS FOR MEXICAN AND OTHER WARS.

Mr. COFFROTH. Under authority of the House, formerly granted, I submit from the Committee on Invalid Pensions a report to accompany the bill of the House (H. R. No. 3257) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named.

The report was ordered to be printed, and was referred to the Committee of the Whole House on the state of the Union.

The motion that the House adjourn was then agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ACKLEN: The petition of a committee of the National Cotton Exchange, for an amendment to the census law to enable the Superintendent of the Census to publish in advance the statistics of acreage and production of cotton in each county and State—to the Committee on the Census.

Also, papers relating to the claim of G. B. Verret for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. ANDERSON: The petition of D. Bishop, N. Mayer, J. Valentine, C. Schmidt, and J. T. Carroll, foremen United States military prison, Leavenworth, Kansas, for additional pay—to the Committee of Claims.

By Mr. BAILEY: Papers relating to the pension claim of Andrew J. Morrison—to the Committee on Invalid Pensions.

By Mr. BALLOU: Papers relating to the pension claim of Mary Austin—to the same committee.

By Mr. BARBER: The petition of Charles W. Sprague and other ex-soldiers of the late war, for additional pay—to the Committee on Military Affairs.

Also, the petition of L. C. Huck and others, for a specific duty on imported malt—to the Committee of Ways and Means.

By Mr. BENNETT: The petition of William Jones and 21 others, citizens of Dakota Territory, for an increase of the pension of William Jones—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: A paper relating to the claim of Major A. S. Bloom for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. BLAND: The petition of soldiers and citizens of Missouri, for the passage of the Weaver bill—to the same committee.

By Mr. BOUCK: The petition of citizens of Outagamie County, Wisconsin, for such laws as will alleviate the oppressions imposed upon them by transportation monopolies—to the Committee on Commerce.

Also, the petition of citizens of Outagamie County, Wisconsin, for the amendment of the patent laws, limiting the liabilities for infringement of patents to manufacturers and vendors—to the Committee on Patents.

Also, the petition of the Stockbridge and Munsee Indians of Wisconsin, for relief—to the Committee on Indian Affairs.

Also, the petition of veteran soldiers of Wisconsin, for the passage of a law placing soldiers on an equality with the bondholders—to the Committee on Military Affairs.

By Mr. BURROWS: The petition of 31 citizens of Saint Joseph County, Michigan, for such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

Also, the petition of 32 citizens of Saint Joseph County, Michigan, for the amendment of the patent laws, limiting the liabilities for infringement of patents to manufacturers and vendors—to the Committee on Patents.

Also, the petition of soldiers of Saint Joseph County, Michigan, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CABELL: The petition of citizens of Carroll County, Virginia, for the establishment of a post-route from Lambsburgh, Virginia, via McCrow's Store and Gwyn's Factory, to Mount Airy, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. CALKINS: The petition of W. E. Allsop and other soldiers of the late war for the Union, for the passage of the bill of Mr. CALKINS to equalize bounties, &c.—to the Committee on Military Affairs.

Also, the petition of Charles A. Edwards, for increase of pension in certain cases—to the Committee on Invalid Pensions.

By Mr. GEORGE Q. CANNON: The petition of William S. Seeley, mayor of Mount Pleasant, Sanpete County, Utah, and others, for a pension for Roswell Scovil, a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. CARPENTER: The petition of the board of supervisors of Osceola County, Iowa, that Sioux City, Iowa, be made a place for holding the district and circuit courts for the district of Iowa—to the Committee on the Judiciary.

By Mr. CASWELL: The petition of Helen F. Manville, for the extension of patent No. 36161, issued to Robert H. Mathies and another—to the Committee on Patents.

By Mr. JOHN B. CLARK, JR.: Petitions from citizens of Missouri, Iowa, Indiana, Wisconsin, Louisiana, and Minnesota, that Congress reimburse the heirs of Captain H. M. Shreve for the use of his patent steam snag-boat, which is still in use on the western rivers—to the Committee of Claims.

By Mr. CLYMER: The petition of over 60 citizens of Berks County, Pennsylvania, for the passage of Senate bill No. 843 of Forty-fifth Congress, and House bill No. 3524 of Forty-fifth Congress, relating to pensions to crippled soldiers—to the Committee on Invalid Pensions.

By Mr. COBB: The petition of members of Monroe Grange, Pike County, Indiana, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of William T. Spicely and other officers and soldiers of the Union Army, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. COFFROTH: The petition of James B. Tredwell, C. C. Orton, H. G. Cunningham, William H. Lauer, H. Sanner, and several hundred other soldiers of the late war, for the equalization of bounties—to the same committee.

By Mr. COLERICK: The petition of John Vanhonton and 15 others, of Coesse, Indiana, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. COX: The petition of Dr. P. J. Reuss, for a pension—to the same committee.

Also, the petition of James Condon and Sergeant Edward D. Hughes, drum-instructors at David's Island, New York, for the same rank, pay, and allowances as are allowed to chief musicians of regiments—to the Committee on Military Affairs.

Also, the petition of William Glossing, for a pension—to the Committee on Invalid Pensions.

Also, the petition of J. Silberstein and 47 others, for a pension for Morris Silberstein—to the same committee.

Also, the petition of S. A. Cooke and 10 others of the Women's Anti-Polygamy Society of Utah, for the expulsion of Hon. GEORGE Q. CANNON from the House of Representatives as Delegate from Utah—to the Committee on the Judiciary.

By Mr. CRAVENS: The petition of William Barry and others, of Pope County, Arkansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. DEUSTER: A paper relating to the claim of Mrs. Bettie F. Gibson for one year's pay equal to the salary of her late husband,

John Gibson, who died with yellow fever while in the employ of the Government—to the Committee of Claims.

By Mr. DUNNELL: The petition of E. D. Cornish and 37 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of A. H. Stephens and 40 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the Mount Savage Iron Company, for pay for property destroyed by the United States Army during the late war—to the Committee on War Claims.

By Mr. ELAM: Resolutions of the board of health of the State of Louisiana, asking for the construction of suitable wharves and docks at the Mississippi quarantine station, with the necessary machines and appliances for the speedy and safe discharge and disinfection of infected vessels—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. ERRETT: The petition of B. Ruff, for authority to receive money due a colored soldier—to the Committee on Military Affairs.

By Mr. FERDON: The petition of citizens of Orange and Sullivan Counties, New York, for the privilege to remove earth on grounds belonging to the United States at West Point, New York—to the Committee on Public Buildings and Grounds.

By Mr. FORT: The petition of Joseph M. Will and others, ex-soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FROST: The petition of citizens of Missouri, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. FRYE: The petition of G. W. Brown and others, and of A. J. Bird and others, of Rockland, Maine, for an equitable distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. GARFIELD: The petitions of C. Van Valkenburgh and 7 other soldiers of Painesville, Ohio, and of citizens and soldiers of Pennsylvania and Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 350 soldiers of Trumbull County, Ohio, who served in the late war for the Union, for the passage of a law to pay the soldiers the difference between the currency and the coin value of their pay—to the Committee on Military Affairs.

Also, the petition of C. J. Richardson and 11 others, citizens of Lake County, Ohio, for legislation to protect innocent infringers of patents—to the Committee on Patents.

By Mr. GODSHALK: The petition of citizens of Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. JOHN HAMMOND: The petition of Robert W. Livingston, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HAWK: Papers relating to the pension claim of Sarah Rock—to the same committee.

By Mr. HENDERSON: The petition of A. W. Johnson and 103 soldiers of the late war, and of N. A. Reed and 111 others, citizens of Lee County, Illinois, for a bounty of $8.33⅓ per month for the entire term served by soldiers during the late war, deducting so much as each soldier received—to the Committee on Military Affairs.

Also, the petitions of A. R. Longshore and 50 others, citizens of Hazleton, Pennsylvania, and of Hon. James A. Hawley and 48 others, citizens of Dixon, Illinois, and vicinity, for an increase of the pension of William P. Cortright—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of F. M. Martin and 72 other honorably discharged soldiers of the late war of the rebellion, against the passage of Senate bill No. 496—to the same committee.

By Mr. HUNTON: The petition of Caroline R. Dulany, for an increase of pension—to the same committee.

By Mr. JAMES: The petition of Silas Howe, for arrears of pension—to the same committee.

By Mr. JORGENSEN: The petition of Seth Raynor and others, fishermen of the District of Columbia, that no law be passed restricting the use of nets in the waters of the Potomac within the District of Columbia—to the Committee for the District of Columbia.

By Mr. KNOTT: The petition of citizens of Hart County, Kentucky, for an appropriation for the improvement of Green River, in said State—to the Committee on Commerce.

By Mr. LAPHAM: A paper relating to the pension claim of Sally C. Mulligan—to the Committee on Invalid Pensions.

By Mr. MARSH: The petition of soldiers of Illinois, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. McGOWAN: The petition of George W. Dart and 9 others, of Nashville, Michigan, soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. McKENZIE: The petition of citizens, late soldiers, of Ohio County, Kentucky, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petitions of citizens, late soldiers, of Ohio County, Kentucky, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of Oliver Guthrie, James Guthrie, Elmore G. Rose, and 17 others, soldiers of various Ohio regiments, for the passage of the Weaver bill, for the equalization of the pay of soldiers during the late war—to the Committee on Military Affairs.

Also, the petition of William J. McPherson, for a pension—to the Committee on Invalid Pensions.

By Mr. MITCHELL: The petitions of A. J. Smith and 14 others, late Union soldiers, and of C. A. Larrabee and 16 others, late Union soldiers, against the passage of Senate bill No. 496, relating to the settlement of pension claims—to the same committee.

By Mr. MONEY: A bill to improve the navigation of the Yazoo, Sunflower, Yallabusha, and Noxubee Rivers—to the Committee on Commerce.

By Mr. MONROE: Papers relating to the application of W. M. Beebe to be restored to his former rank in the Army—to the Committee on Military Affairs.

By Mr. MORRISON: The petition of Alsey S. Smart and other citizens of Madison County, Illinois, for such legislation as will prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. MURCH: The petition of citizens of Eden, Maine, for the establishment of a post-route from West Eden, to Tremont, Maine—to the Committee on the Post-Office and Post-Roads.

By Mr. MYERS: The petition of Byron A. Kidder, administrator of F. D. Stewart, deceased, for pay due said decedent by the United States for services rendered in connection with the publication of the exploring expedition of Admiral Charles Wilkes—to the Committee of Claims.

By Mr. NEAL: The petition of Peola Eno and 20 others, citizens of Gallin County, Ohio, for the increase of pensions—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Memorial of the city council and Federal officials of Brunswick, Georgia, for the erection of a custom-house and post-office in Brunswick—to the Committee on Public Buildings and Grounds.

Also, memorial of Hon. W. W. Paine, Colonel W. Russell, and others, citizens of Savannah, Georgia, for the relief of the sureties on the bond of Cyrus K. Osgood, late postmaster at Savannah, Georgia—to the Committee of Claims.

By Mr. OVERTON: The petition of Daniel Compton and 30 other Union soldiers, of Bradford County, Pennsylvania, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. REAGAN: The petition of citizens of Orange County, Texas, for an appropriation to improve the navigation of the Sabine River—to the Committee on Commerce.

By Mr. WILLIAM A. RUSSELL: The petitions of Edward Donahoe and 27 others, of Marlborough; of W. J. Stetson and 34 others, of Berlin; of J. W. Sullivan and 29 others, of Marlborough; of A. P. Eaton and 31 others, of Reading; of J. F. Dolan and 74 others, of Hudson, Massachusetts, for additional pay for soldiers—to the Committee on Military Affairs.

Also, the petition of Charles Watson, of Lowell, Massachusetts, for compensation for services to Union soldiers in the contagious hospital at Richmond, Virginia, in the years 1863 and 1864—to the same committee.

By Mr. WILLIAM E. SMITH: The petition of citizens of Decatur and Mitchell Counties, Georgia, for a post-route from Bainbridge, via Belcher's House, Union School House, and Branchville, to Camilla, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: The petition of citizens of Illinois, for additional pay for soldiers of the late war—to the Committee on Military Affairs.

By Mr. TAYLOR: Papers relating to the claim of Thomas Fain to be reimbursed money lost in registered letters by an accidental fire on the Baltimore and Potomac Railroad in January, 1865—to the Committee of Claims.

By Mr. P. B. THOMPSON, JR.: The petition of Benjamin Miles, for bounty and back pay—to the Committee on Military Affairs.

Also, the petition of Samuel Boone, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Andrew C. Meadows, for the correction of his military record—to the Committee on Military Affairs.

By Mr. TUCKER: Memorials of a number of railroad companies, for a reduction of the duty on steel rails—to the Committee of Ways and Means.

By Mr. JONATHAN T. UPDEGRAFF: The petition of Robert Sutor, of Steubenville, Ohio, and other soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. VAN AERNAM: The petition of F. M. Schuyler and 10 other Union soldiers of the late war, of similar import—to the same committee.

Also, a paper relating to the pension claim of Elizabeth H. Rogers—to the same committee.

By Mr. VANCE: A bill to continue the improvement of the French Broad River in North Carolina—to the Committee on Commerce.

By Mr. WELLBORN: Memorial of the Choctaw Nation of Indians, communicated through the governor of said nation, asking for the passage of the bill to extend the jurisdiction of the Federal courts for the northern district of Texas over the Choctaw Nation, and for a provision requiring a term of the court at Denison, Texas—to the Committee on the Judiciary.

By Mr. WELLS: The petition of the National Cotton Exchange, for the amendment of the census laws, so that the Superintendent of

the Census may be authorized to publish in advance the acreage and production of cotton in each county and State—to the Committee on the Census.

By Mr. WHITEAKER: Resolutions of the Board of Trade of Portland, Oregon, asking an appropriation of $100,000 for the improve- of the Lower Columbia River—to the Committee on Commerce.

Also, papers relating to the claim of R. G. Combe for pay for labor performed in the construction of the United States revenue vessel Thomas Corwin, at Astoria, Oregon—to the Committee on Naval Affairs.

Also, papers relating to the claim of the city of Astoria, Oregon, for pay for improving certain streets and the United States custom-house and post-office in said city—to the Committee on Public Buildings and Grounds.

By Mr. WILBER: The petition of Julia Casey, for a pension—to the Committee on Invalid Pensions.

Also, the petition of citizens of Guilford, New York, for circulating the proceedings of Congress in newspapers, furnished free, to every family in the United States—to the Committee on Printing.

By Mr. CHARLES G. WILLIAMS: The petition of S. C. Carr and 30 others, of Rock County, Wisconsin, for the passage of laws relieving them from the oppression of railroad monopolies—to the Committee on Railways and Canals.

Also, the petition of S. C. Carr and 31 others, citizens of Rock County, Wisconsin, that manufacturers and vendors of patents be alone held responsible for infringements of patents—to the Committee on Patents.

By Mr. WILLIS: The petition of the heirs of K. Miller, mother of Leonard Albert, deceased, for arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of Joseph F. Hawley, for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. WALTER A. WOOD: The petition of Timothy Quinn, late major of the First New York Cavalry, for pay for a horse lost while in the service of the United States—to the same committee.

By Mr. THOMAS L. YOUNG: The petitions of Henry Hayes and of Eliza Whitmore, for pensions—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, *January* 20, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Adjutant-General and accompanying plans and estimates for permanent buildings, &c., to complete the principal depot of the general recruiting service at David's Island, New York Harbor, and plans and estimates for certain additional buildings at the sub-depot at Columbus Barracks, Ohio; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FERRY presented the petition of D. E. Millard and others, citizens of Michigan, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MORRILL presented the petition of the Right Worthy Grand Lodge of the Good Templars of the United States, signed by the officers, representing sixty-six grand lodges and about forty thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. PLATT presented the petition of the Grand Lodge of Good Templars of the State of Connecticut, signed by the officers, representing over four thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. KIRKWOOD presented the petition of the Women's Christian Temperance Union of the State of Iowa, officially signed, representing between three thousand and four thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of the Women's National Christian Union, signed by Frances E. Willard, president, and Mary A. Woodbridge, secretary, representing four hundred and seven State and local unions and twenty-nine thousand five hundred and ninety-nine members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HOAR. I also present the petition of George O. Crocker and 78 others, ship-masters, ship-owners, and other citizens of Massachusetts, praying for the passage of a law which shall provide for the further distribution of the Geneva award received by the United States in 1873, and a large portion of which is yet withheld. I move that this petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR. I also present the petition of William T. Soule, mayor of New Bedford, many members of the city council of that city, and 230 other citizens, praying—and I beg the attention of the Senator from Vermont, a member of the Judiciary Committee—for prompt legislation and a speedy decision on the question of the distribution of the Geneva award.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. EDMUNDS. Mr. President, I train under a much better authority than that of the Senator from Massachusetts or the Senator from Vermont, as to the proceedings of the Committee on the Judiciary. I do not see my honorable friend from Ohio, [Mr. THURMAN,] who manages our affairs, present. I beg to state to my friend from Massachusetts and to everybody else that the Judiciary Committee has hitherto endeavored and will continue to endeavor (I think I am safe in speaking for the chairman,) to do its whole duty about everything that is sent to it. But it cannot do everything at once, and in a matter of such great importance as this, where everybody seems to have a different opinion from everybody else, it cannot be expected that we should have the divine gift of coming to an instantaneous conclusion.

Mr. HOAR. Is there any prospect that the committee ever will come to such an instantaneous conclusion?

Mr. EDMUNDS. Senators will ascertain that when we come to make our report.

Mr. PENDLETON presented the petition of R. Thomas and 26 others, soldiers in the late war, and citizens of Guernsey County, Ohio, praying for the passage of the bill (H. R. No. 2480) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which was referred to the Committee on Finance.

Mr. RANDOLPH presented the petition of the Grand Temple of Honor and Temperance of the State of New Jersey, officially signed, representing a membership of two hundred, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of John Kelly and others, citizens of New York, praying for the passage of the joint resolution (S. R. No. 49) in relation to United States Treasury notes; which was ordered to lie on the table.

Mr. KERNAN. I also present a like petition from Alexander Hamilton and others, citizens of New York, and a like petition from John C. Cook and others, citizens of New York. I move that these petitions lie upon the table, the joint resolution having been reported to the Senate.

The motion was agreed to.

Mr. KERNAN presented the petition of Mrs. Smith E. G. Rawson, of Saratoga Springs, New York, widow of the late Smith E. G. Rawson, praying the extension of a patent for a surgical appliance; which was referred to the Committee on Patents.

Mr. JOHNSTON presented the petition of the Grand Division of Sons of Temperance of the State of Virginia, officially signed, representing, with the State Temperance Society, fourteen hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WITHERS presented the petition of the Grand Lodge of Good Templars of the State of Virginia, officially signed, representing five thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BAYARD presented the petition of James H. Ray and 36 others, citizens of Newark, Delaware, praying for the withdrawal of the legal-tender power from United States Treasury notes; which was ordered to lie on the table.

Mr. DAVIS, of Illinois, presented the petition of the Woman's Christian Temperance Union of the State of Illinois, signed by Frances E. Willard, president, and Helen M. Stocking, secretary, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of John B. Eaman, of Chicago, Illinois, late of Company L, Second Illinois Light Artillery, praying to be allowed the difference between the value of greenbacks and gold at the time he received his pay, with 6 per cent. interest compounded semi-annually; which was referred to the Committee on Finance.

Mr. EATON presented the petition of the Grand Temple of Honor and Temperance of the State of Connecticut, officially signed, representing twelve hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. MORGAN. I present the memorial of John Dampman and 369 others, citizens of Philadelphia, remonstrating against any legislation by Congress having for its object either the curtailing of the quantity or the lessening of the legal-tender quality or the displacement, by bank-notes or any kind of promises, of legal-tender United States Treasury notes or greenbacks now in circulation or issued. I will remark that this memorial has been sent to me by persons whom I do not know, and with whom I have had no correspondence at all.

It is a very extensive memorial and seems to be signed by the workingmen and business men, manufacturers and laborers of Philadel-

phia. I move that it lie on the table, and that the body of the memorial be printed in the RECORD, without the names.

The motion was agreed to.

The memorial is as follows:

To the Senate and House of Representatives:

The undersigned, citizens and residents of the city of Philadelphia and State of Pennsylvania, do most earnestly protest and remonstrate against any legislation or action by Congress having for its object either the curtailing of the quantity, the lessening of the legal-tender quality, or the displacement by bank-notes or any kind of promises, of the legal-tender United States Treasury notes or greenbacks now in circulation or issued.

Mr. HAMLIN presented the petition of the Grand Lodge of Good Templars of the State of Maine, officially signed, representing seventeen thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. HAMLIN. I also present the petition of William Signer and others, and the petition of F. H. Jorden and a large number of others, citizens of Maine, who are directly interested in the distribution of the Geneva award fund. These petitions are similar to those which have been heretofore presented. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. ANTHONY presented the petition of the Grand Division of the Sons of Temperance of the State of Connecticut, signed by the officers, representing fourteen hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WINDOM. I present the petition of John C. Hunter and about 500 other citizens of the Red River Valley, Minnesota, representing that the Red River of the North is part of a great water system of the Northwest, embracing over two thousand miles of navigable water through a country capable of producing one hundred million bushels of wheat annually; that a great and rapidly increasing commerce is springing up on that river between the United States and British North America; that the successful navigation of the river is greatly impeded by Goose Rapids; that Covernment surveys have demonstrated that those rapids can be practically overcome and the navigation of the river rendered permanent at a comparatively small expense, by the construction of a lock and dam; and that the improvement of the river is a public necessity of vast importance to the farming and commercial interests of the Northwest, and they pray for an appropriation for that purpose. I desire to say that I am personally acquainted with the facts in reference to the improvement asked for, and that I believe it to be of the utmost importance. I respectfully ask the attention of the Committee on Commerce to this petition, to whom I move that it be referred.

The motion was agreed to.

Mr. BALDWIN presented the petition of the Women's Christian Temperance Union of the State of Michigan, officially signed, representing a membership of seventy-six hundred and seventy-eight, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. LOGAN. I present a petition signed by many soldiers of Whiteside County, Illinois, praying for the passage of the bill introduced in the other House by General WEAVER to pay to the soldiers the difference between gold and greenbacks at the time of their payment for services during the late war. In presenting this petition I desire simply to say that, of all the pieces of demogogy that have ever been presented to Congress, that bill I think exceeds anything else. I say this for the benefit of the soldiers who are being deceived into signing petitions of this character. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented the petition of the Grand Lodge of Good Templars of Illinois, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of S. A. Cook, president, and other officers and members of the Woman's Anti-Polygamy Society of Utah Territory, praying for the expulsion of GEORGE Q. CANNON, Delegate from that Territory, from his seat in Congress; which was referred to the Committee on the Judiciary.

He also presented the petition of L. D. White and others, citizens of Illinois, praying for the passage of a law for the reduction of the specific duty on sheet-zinc; which was referred to the Committee on Finance.

He also presented the petition of George W. Parrott and others, soldiers of the late war and citizens of Kentucky; the petition of William Moore and others, citizens of Illinois; the petition of George W. Rice and others, citizens of Ohio, and the petition of Samuel Hayes and several hundred others, citizens of Illinois and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the petition of John A. Porter and others, soldiers who served in the Black Hawk War, praying for the passage of a law granting a pension to soldiers of that war; which was referred to the Committee on Pensions.

Mr. BURNSIDE presented the petition of the Woman's Christian Temperance Union of the State of Maine, signed by the officers, representing eight hundred and fifty members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented additional papers relative to the case of Major William M. Maynadier; which were referred to the Committee on Military Affairs, to accompany the bill (S. No. 1029) for the relief of Major William M. Maynadier, paymaster United States Army.

Mr. BLAIR presented the petition of the Cadets of Temperance of the State of Virginia, officially signed, representing four thousand members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. GROOME presented a memorial of L. Marshall Haines and 28 other honorably discharged soldiers in the Union Army during the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. ROLLINS presented additional papers in the case of Joseph L. Stevens, postmaster at Manchester, New Hampshire, praying for the passage of a law relieving him from liability for the value of certain postage-stamps alleged to have been stolen from his office in 1877; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the petition of William B. Guthrey, praying for relief from disabilities incurred by reason of being reported absent from his company without leave, to report it back without prejudice. In connection with this report I beg to call the attention of the Senator from Alabama to the fact that in a letter addressed to me, I having charge of the case, from the Adjutant-General, dated the 9th instant, he says:

It is not thought that his petition is one requiring the action of Congress. If he will present reliable testimony to this office substantiating the averments of the petition, and this testimony can in any manner be corroborated by the record, the charge of absence without leave may be removed.

As the petitioner's remedy may be complete by application to the War Department, the committee ask to be discharged without prejudice to the petition.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 680) granting an increase of pension to H. Binnamon, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 870) granting a pension to Louis Christopher Tiedemann, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 377) for the relief of Robert Ewing, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PLUMB. Some days since, by direction of the Committee on Public Lands, I reported with certain amendments the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, and in behalf of the committee asked leave to present a report at some future day. I now present a written report, and ask that it may be printed, to accompany the bill.

The VICE-PRESIDENT. That order will be made.

Mr. PLATT, from the Committee on Pensions, to whom was referred the petition of M. McCollum, of the State of New York, praying an amendment of the pension laws authorizing a soldier who has received a pension for the loss of a limb to receive a further pension for other wounds, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the memorial of George A. R. Raum, late first lieutenant commanding Company B, Second Louisiana Volunteers, praying to be granted an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the memorial.

He also, from the same committee, to whom was referred the bill (S. No. 335) granting a pension to Simeon Crain, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 645) to authorize Martin V. Nichols to establish and maintain a ferry across the Missouri River at Brulé City, Dakota Territory, asked to be discharged from its further consideration, and that it be referred to the Committee on Territories; which was agreed to.

MILLERS' INTERNATIONAL EXHIBITION.

Mr. BAYARD. I am instructed by the Committee on Finance to report back without amendment the bill (H. R. No. 3518) to authorize the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty. I ask the Senate to consider and pass the bill now. It is the same bill in words which was passed by the Senate a week ago. That bill went to the House and, as I am told, lies there upon the Speaker's table. It is

important that a bill for this purpose should be passed at once, if passed at all, because this international exhibition of milling machinery is to be held in the month of June, and the bill should be passed immediately in order that the machinery may be admitted free of duty.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1070) granting a pension to Jacob H. Eppler; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1071) granting a pension to George Wylie; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1072) granting a pension to Arthur W. Irving; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1073) for the relief of the assignees of John Link, S. J. Harper, Aaron Link, David Evens, and Thomas Loveless; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1074) to authorize the appointment of a captain and assistant quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico; which was read twice by its title, and referred to the Committee on Finance.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1076) for the relief of William S. Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1077) granting a pension to William J. Elgie; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1078) to grant increase of pensions in certain cases; which was read the first time by its title.

Mr. FERRY. I ask that the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Pensions, as follows:

Be it enacted, &c., That from and after June 4, 1878, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, since March 4, 1861, shall have lost an arm at or above the elbow, or a leg at or above the knee, shall be entitled to a pension of $36 per month; and all persons who, under like circumstances, shall have lost a leg below the knee, or an arm below the elbow, shall be entitled to a pension of $30 per month; and all persons who, under like circumstances, shall have lost one hand and one foot, shall be entitled to a pension of $45 per month.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1079) regulating the times and places for holding the district courts of the United States for the district of Maine; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1080) for the relief of Bayse N. Westcott; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1081) for the relief of James McGraw; which was read twice by its title, and referred to the Committee on Claims.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1082) for the relief of Smith E. G. Rawson; which was read twice by its title, and referred to the Committee on Patents.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1083) to provide for the erection of a public building in the city of Denver, Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HILL, of Georgia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1084) granting arrears of pension to the heirs of Captain J. H. Dent, United States Navy, and his wife; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1085) to equalize homesteads; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1086) for the relief of settlers upon school-lands in Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1087) for the relief of John F. Clancey; which was read twice by its title, and referred to the Committee on Military Affairs.

PENSACOLA NAVY-YARD.

Mr. JONES, of Florida, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy communicate to the Senate whether or not the interests of the country and the naval service require that the Pensacola navy-yard shall be put in a state of efficiency; and, if so, what sum of money is necessary for that purpose, and what improvements are necessary to be made there in order to restore said yard to its former condition.

MASONIC BANK OF PITTSBURGH.

Mr. CAMERON, of Pennsylvania. I ask the unanimous consent of the Senate to take up House bill No. 2053, which was reported from the Finance Committee.

Mr. DAVIS, of West Virginia. At the expiration of the morning hour on Thursday last there was a bill under consideration, which I supposed would come up naturally as unfinished business in the morning hour.

The VICE-PRESIDENT. The morning hour has not yet expired.

Mr. DAVIS, of West Virginia. That is true; but the bill to which I refer was considered in the morning hour and was left as unfinished business, because when the morning hour expired it was laid aside to enable the Senator from Vermont [Mr. MORRILL] to address the Senate on a resolution submitted by him.

The VICE-PRESIDENT. The unfinished business only attaches after the morning hour.

Mr. DAVIS, of West Virginia. I beg pardon. I understood the Senator from Pennsylvania to call up a bill.

Mr. CAMERON, of Pennsylvania. So I did; but I asked unanimous consent.

The VICE-PRESIDENT. The Senator from Pennsylvania asks unanimous consent in the morning hour to consider the bill which he has indicated.

Mr. CAMERON, of Pennsylvania. It will only take a few minutes.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill.

The VICE-PRESIDENT. This bill is favorably reported from the Committee on Finance, without amendment. Is there objection to its consideration?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania.

Mr. DAVIS, of West Virginia. I did not object to the consideration of the bill, but I should like to ask what amount is involved.

Mr. CAMERON, of Pennsylvania. In answer to the question of the Senator from West Virginia, I will state that the entire amount involved is $176.56. The chairman of the Finance Committee [Mr. BAYARD] reported the bill, and can explain it more fully than I can.

The bill was reported to the Senate without amendment.

Mr. KIRKWOOD. I should like to ask the chairman of the Committee on Finance whether there is any possibility of future liability on the part of the Government. That ought to be guarded against. Suppose the person to whom the check was made payable should come in afterward and claim that something was wrong about it.

Mr. BAYARD. The amount involved is very trivial. There were three small checks. The question was, under the existing law, whether a letter of attorney authorizing the indorsement of those checks was dated at the proper time or no. The Secretary of the Treasury says there had been informality in that respect. The committee examined the case, heard the reasons——

Mr. KIRKWOOD. The point of my inquiry is whether there is any possibility about there being a future claim made upon the Government by the persons to whom the check was made payable?

Mr. BAYARD. Not at all. The bill simply permits action, what would be called in court action *nunc pro tunc*, to be taken upon the acknowledgment of a letter of attorney. There is no question of the validity of the transfer or the amount that is due.

The bill was ordered to a third reading, read the third time, and passed.

SOLDIERS' MONUMENT AT MUNCY, PENNSYLVANIA.

Mr. CAMERON, of Pennsylvania. I ask the consent of the Senate to take up Senate bill No. 631.

The Chief Clerk read the bill.

The VICE-PRESIDENT. The bill is favorably reported from the Committee on Military Affairs without amendment. Is there objection to its present consideration?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES NOTES AS A LEGAL TENDER.

Mr. ALLISON. I desire to give notice that to-morrow, after the morning business shall have been concluded, I shall call up the joint resolution (S. R. No. 49) in relation to United States notes, in order to give opportunity for debate. I understand that the Senator from Kentucky [Mr. BECK] desires to submit some remarks upon it.

Mr. BECK. As the Senator from Iowa has said, I desire to-morrow, at the close of the morning hour, when the joint resolution is called up, being one of the majority of the committee who reported adversely to its passage, to state the reasons why I think the resolution ought not to pass. I shall ask the Senate to hear me at the close of the morning hour to-morrow.

HARLOW L. STREET.

Mr. LOGAN. I ask permission of the Senate to call up Senate bill No. 747, for the relief of Harlow L. Street.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with an amendment, in line 11, after the word "pay," to insert the words "or allowances;" so as to make the bill read:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Harlow L. Street, late first lieutenant First Cavalry, a first lieutenant of cavalry in the Army of the United States, with his former rank and date of commission; and that he, the said Harlow L. Street, shall be assigned to the first vacancy of his grade occurring in the cavalry arm of the service: *Provided*, That said Harlow L. Street shall receive no further pay or allowances for the time he was out of service, so that he shall only receive pay from the date of appointment under this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. THURMAN. I will thank the Senator who has this bill in charge to tell us in ten words how this gentleman came to be out of the service, and whether it is proposed to put him back with the same number that he had when he left the service.

Mr. LOGAN. Not at all, sir. I will state for the information of the Senate that there is a long printed report which shows the whole case.

Mr. THURMAN. I do not ask for the reading of that.

Mr. LOGAN. I will state briefly the case. Under a law of 1866, putting certain officers upon the supernumerary list, it was provided that the commanding officer of the post or department should recommend certain persons to be placed upon that list. This gentleman was recommended by mistake, or at least, as appears, he was recommended by an officer who signed as commander of the post, when, in fact, this officer himself was the commander of the post. On an examination of the case it was apparent that his muster-out was certainly not in accordance with the law. The bill provides that he may be reinstated, that is to say, that he may be reappointed by the President and the Senate to the same grade that he held at the time he was placed upon the list of supernumeraries, to fill any vacancy that may occur in the cavalry arm of the service of that grade, but not to give him pay or allowances, or to advance him.

Mr. THURMAN. I have no objection to the bill.

Mr. LOGAN. That is the case, precisely.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT GRAND LODGE OF ODD FELLOWS.

Mr. WITHERS. I ask to take up Senate bill No. 920, reported yesterday from the Committee on the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 920) supplementary to an act entitled "An act to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia," approved June 12, 1860.

Mr. WITHERS. I now move that the bill be indefinitely postponed, in order that House bill No. 3108, which is identical in character, may be substituted.

The motion was agreed to.

Mr. WITHERS. I move that the Senate proceed to the consideration of the bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia, discharging the committee from its consideration for that purpose.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to negotiate a loan or loans, not to exceed $50,000, at a rate of interest not exceeding 6 per cent. per annum, and to secure the payment thereof by a mortgage or deed of trust on certain grounds in the city of Washington, designated as lot No. 11, and part of lot No. 10, in square No. 457, together with the buildings thereon, known as Odd Fellows' Hall, the proceeds to be applied to the liquidation of an existing debt on the property, in accordance with regulations heretofore prescribed by the grand lodge for the management thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY STANLEY WETMORE.

Mr. KIRKWOOD. Just before we went into executive session yesterday Senate bill No. 315 was called up. I ask that it be taken up and disposed of now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 315) granting a pension to Henry Stanley Wetmore.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Navy," to strike out the following words:

And that the said Wetmore be allowed a pension at the rate of $25 per month, commencing from the date of his honorable discharge from the United States naval service.

So as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Henry Stanley Wetmore, late volunteer lieutenant United States Navy, on account of injuries received by him while in the service and line of duty during the late war of the rebellion.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. KIRKWOOD January 12:

The Committee on Pensions, to whom was referred the bill (S. No. 315) granting a pension to Henry Stanley Wetmore, have examined the same and the evidence therewith connected, and report:

The claimant, October 1, 1862, was appointed mate for duty in the Mississippi squadron, was promoted to acting ensign December 5, 1862, was appointed acting master December 2, 1863, was promoted to acting volunteer lieutenant for gallant and meritorious services, agreeable to recommendation of Rear-Admiral Porter, July 9, 1864, and continued in the service until December 29, 1865, when he was honorably discharged.

July 28, 1864, being then on duty at Cincinnati, Ohio, he was ordered by Rear-Admiral Porter to report to him for duty at Perth Amboy, New Jersey; August 4, 1864, he procured a ticket at the railroad office in Cincinnati to proceed to Perth Amboy in obedience to said order. While in the baggage-room of the railroad company endeavoring to procure a check for his baggage, he had a quarrel with the officer of the railroad company, whose duty it was to check the baggage, which resulted in the baggage-master striking the claimant a blow on the head with a hatchet. The blow resulted in the disability for which claimant asks a pension.

A board of examining surgeons, under date of January 27, 1879, report that claimant is totally disabled from obtaining his subsistence by manual labor by reason of said injury to his head, and that said injury is permanent. He made application to the Pension Bureau for a pension, and claim was rejected on the ground "that the injury for which pension is claimed was not contracted in the line of duty."

The only question in the case is whether the cause assigned by the Commissioner of Pensions for rejecting the claim is correct, or, in other words, whether the injury resulting in claimant's disability was received while in the line of duty.

The testimony touching the quarrel about checking claimant's baggage is to some extent conflicting; the claimant and a friend who was in his company at the time, and saw the transaction, throwing the blame entirely on the check-master, while the check-master and two or three other employés of the railroad company give evidence tending to show that claimant was partly in fault. But, taking all the testimony together, it is clear there was nothing in the conduct of the claimant to justify an assault upon him with a deadly weapon such as the check-master used, or the manner in which he used it, and the legal proceedings that grew out of the occurrence greatly strengthen this view of the case. The check-master was prosecuted for assault and battery on claimant and pleaded guilty to the charge. The claimant prosecuted a civil suit against the railroad company for damages on account of the injury received, and upon trial the jury awarded him a verdict of $7,000. The judgment on the verdict was set aside by the supreme court of the State for error in the ruling of the court below as to the liability of the railroad company for the conduct of its employés; but the findings of the jury show clearly their estimate of the merits of the quarrel between the claimant and the check-master.

Your committee are of the opinion that the injury resulting in claimant's disability was received by him in the line of duty. They recommend that the bill be amended by striking out all after the word "Navy," in line 6, up to and including the word "service," in line 9, and that the bill so amended be passed.

The VICE-PRESIDENT. If the bill is to lead to discussion the Chair must announce the close of the morning hour. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. COCKRELL. I should like to call the attention of the Senator from Iowa to the fact that in the Forty-third Congress a bill was reported to place this person on the naval list. Was favorable action had on that measure?

Mr. KIRKWOOD. Yes; the bill passed the Senate and went to the House, but failed there for want of time.

Mr. COCKRELL. But no favorable action was had by Congress?

Mr. KIRKWOOD. No.

Mr. COCKRELL. This person never was placed on the list?

Mr. KIRKWOOD. No, he never was placed on the list.

Mr. COCKRELL. The only question in the whole case is, simply, whether at the time he received the injuries he was in the service and in the line of duty. I had examined the report before the case was called up, and I still have some doubts in regard to the question whether he was really in the line of duty at the time the injuries were received. I understand that the Committee on Pensions have adopted the rule, which has been adopted by the Commissioner of Pensions, that the person must have been in the service and in the line of duty when the disability occurred, which are the words of the statute. I presume that the committee have given this case full attention, and if they are still of the impression that this person was, at the time the injuries were received, in the line of duty I have nothing further to say, as they have more opportunities for examining that question than I have, although I think it very doubtful, in my own mind, whether the precedent ought to be established.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes; and

A bill (H. R. No. 2328) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks; and it was thereupon signed by the Vice-President.

WATER SHOPS POND AT SPRINGFIELD.

The VICE-PRESIDENT. The morning hour has expired.

Mr. McPHERSON. I call for the unfinished business.

Mr. DAWES. If the Senator would permit me a moment, I should like to have the Senate act upon House bill No. 55. If there is any debate I shall not press it now.

The VICE-PRESIDENT. The Senator from Massachusetts asks the Senate to consider at this time the bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEBRASKA BOUNDARY-LINE.

Mr. SAUNDERS. I have the consent of the Senator who has the special order of the day in charge to call up the bill (S. No. 550) to extend the northern boundary of the State of Nebraska.

Mr. DAVIS, of West Virginia. I ask for the regular order. I do not like to antagonize any gentleman.

Mr. SAUNDERS. This probably will not take three minutes; certainly not five. If it takes more than that time, I shall withdraw it.

Mr. DAVIS, of West Virginia. Well, I give notice that I shall call for the regular order after the bill of the Senator from Nebraska is disposed of.

Mr. McMILLAN. I should like to ask the Senator from Nebraska to permit this bill to lie over until I have an opportunity of looking at it.

Mr. SAUNDERS. If the Senator is not satisfied, I will state that the bill was unanimously recommended by the Committee on Territories, with the amendment now proposed. There is no objection to it by any one. It was a unanimous report. The bill merely changes the line.

Mr. McMILLAN. I reserve the right to object.

Mr. SAUNDERS. It merely extends the line between the Territory of Dakota and the State of Nebraska, a thing which would probably have been done when the State was admitted, only they did not know at the time where the rivers ran.

The amendment reported by the Committee on Territories was read, being to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the northern boundary of the State of Nebraska shall be, and hereby is, extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude, and east of the Keyapaha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska, and the northern boundary of the State shall be, and hereby is, extended to said forty-third parallel, as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Union; reserving to the United States the original right of soil in said lands and of disposing of the same: *Provided*, That this act, so far as jurisdiction is concerned, shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished; nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act.

Mr. McMILLAN. I shall be compelled to ask the Senator from Nebraska to permit this bill to lie over that I may have an opportunity to examine it. It is a matter of too much importance to be acted on hastily.

Mr. McPHERSON. Then I call for the unfinished business.

The VICE-PRESIDENT. The Chair will take this occasion to lay before the Senate some House bills for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes; and

A bill (H. R. No. 2328) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

TRANSPORTATION OF ANIMALS.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 206) relative to the transportation of animals.

Mr. DAVIS, of Illinois. Mr. President, section 4389 was amended at my instance yesterday, and assented to by the Senator from New Jersey, so as to read in these words:

The penalty created by this act shall be recovered by civil action in the name of the United States.

Inasmuch as in the Revised Statutes this bill, if passed, goes in by sections the wording ought to be "the penalty created by section 4388." I move to strike out "this act" and insert "section 4388."

The amendment was agreed to.

The VICE-PRESIDENT. The pending question is on the amendment, commencing in the fifty-sixth line, after the word "water," to insert "space and opportunity to rest," moved by the Senator from Illinois.

Mr. McPHERSON. I ask that that amendment be laid aside for the moment until the Senator from Ohio [Mr. THURMAN] presents amendments to other portions of the bill, as I should like to answer the objections all at one time.

The VICE-PRESIDENT. That may be done by consent. The Chair hears no objection.

Mr. THURMAN. I believe I am entitled to the floor, as I gave way yesterday for the Senate to go into executive session; but I do not propose to continue the remarks which I was making then at any length.

I now move to strike out of the amended section 4390, on page 5, beginning on line 98 with the word "Any," all the paragraph, ending with the word "sections," in line 107, both words inclusive.

The VICE-PRESIDENT. The Secretary will report the matter proposed to be stricken out.

The CHIEF CLERK. On page 5 it is proposed to strike out all from the word "Any," in line 98, down to and including the word "sections," in line 107, as follows:

Any person or corporation entitled to a lien under section 4387 may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien, by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the four preceding sections.

Mr. THURMAN. I wish to say that section 4387 gives a lien for food, care, and custody furnished animals in transit, which it is the object of the part I move to strike out to enforce by a proceeding in the district court. I think I showed satisfactorily yesterday that that would be ruinous, that it would enable the cattle to be stopped wherever food was furnished—it might be in Nebraska, or Iowa, or Illinois, or Ohio, or West Virginia, or anywhere—and prevent the company from carrying the cattle to their terminus.

The effect of striking out the provision for proceedings in the district court will not be to destroy the lien at all; it is right enough to give the lien, but it will be to do with this as the law does with all other cases of transportation—to allow the company to transport the cattle and charge for this food, water, and care, and to require of the consignee of the cattle to pay such charges, as well as the freight, before he can receive his cattle at the terminus of the transit. That would be perfectly right, and it is all that is necessary. If the company were to furnish food and the like without the cattle having been unloaded, (for this refers to cattle unloaded, and which are furnished with food, care, and custody while they are unloaded;) if the company should furnish food and the like to the cattle which was not embraced within the freight rate for transporting them, the company would have a lien for the food thus furnished; it certainly would if the preceding section of the bill passes, and that being the case, what would be the law? That when the cattle arrived at the terminus the company would not deliver them to the consignee until the charges of the company, including the repayment of the expense of food and the like, were paid to the company.

That is all right; that is the common law on the subject, and the only effect of keeping in the bill the provision which I now move to strike out is absolutely to have a lawsuit wherever food is furnished in this way, however remote from the destination of the cattle, and without any provision as to what is to be done with the cattle while the litigation is pending. It prevents the company from fulfilling its contract for transportation; it stops the cattle right where they are, makes no provision whatever for their keep and maintenance, or for what is to be done with them pending the litigation. In other words, it is a great oversight to put such a provision as this in the bill, and it is wholly unnecessary, for when it is stricken out you have made it the duty of the company to furnish sufficient food. That is already done in the bill, and when the company does that, then it has a right to charge for that, and you have given it by a preceding section a lien for such a charge, and then it collects that money just as it collects its freight money when it comes to the terminus. It does not deliver the cattle to the consignee unless these charges are paid. I hope there will be no objection to striking out this provision.

Mr. McPHERSON. I have no objection to it if the Senator from Ohio will say, as a lawyer, that he believes the lien can be enforced.

Mr. THURMAN. I have said so as a Senator.

Mr. McPHERSON. Very well; I have no objection.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. THURMAN. That makes it necessary to amend in line 108 by

striking out the words "such sections," as these are the sections which were named in the matter stricken out, and in lieu of them to insert "this act." That is merely verbal.

Mr. McPHERSON. I hope that amendment will not be agreed to. The Senator from Ohio will see that these sections go into the Revised Statutes as individual separate sections, and are to be referred to as such.

Mr. DAVIS, of Illinois. I altered an amendment I made yesterday to change "this act" to "section," specifying the number.

Mr. THURMAN. I will find out what sections are referred to. In the mean time my amendment may be agreed to.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment proposed by the Senator from Illinois, [Mr. DAVIS,] on lines 56 and 57, to insert the words "space and opportunity to rest."

Mr. McPHERSON. Do I understand from the printing of the bill that the words in lines 48 and 49, in the amendment offered by the Senator from Illinois yesterday, "any of the sections of the act" were inserted?

The VICE-PRESIDENT. That amendment was adopted yesterday.

Mr. McPHERSON. The word "the" should be "this."

Mr. DAVIS, of Illinois. Yes, it ought to be "this act."

The VICE-PRESIDENT. The word "the" will be changed to "this."

Mr. McPHERSON. I then understand that the amendment offered in lines 56 and 57 is pending.

The VICE-PRESIDENT. The amendment there offered is pending, and that is the question now before the Senate.

Mr. McPHERSON. I understand, also, that the amendment offered in line 60 is pending, changing the word "sixty" to "forty-eight." In line 61, the amendment offered by the Senator from Illinois has been agreed to, to insert "for a period of at least seven consecutive hours."

The VICE-PRESIDENT. The amendment in line 60, to insert "forty-eight," has not been agreed to.

Mr. McPHERSON. So I understand. There are but two amendments offered which have not yet been agreed to.

Mr. THURMAN. In the amendment I offered I suggest to strike out "such sections" and say "in section 4386." That is all that is necessary.

The VICE-PRESIDENT. That will be considered agreed to as a modification of the previous amendment adopted on motion of the Senator from Ohio.

Mr. THURMAN. Now, I want to call the attention of my friend from New Jersey to another provision in this bill which strikes me as of extremely doubtful propriety. It is on page 7, beginning with line 137. In order to understand it I shall have to go back to line 129, on page 6, and read that:

> And any railroad company, or persons operating any railroad, or the owners or masters of the vehicles, boats, or vessels subject to the jurisdiction of the United States, whose line of transportation forms a part of, or is connected with, any line of transportation in the Dominion of Canada, in making any contract for the transportation of animals aforesaid, whether such transportation be wholly or partly in the United States, shall be subject to the provisions of said sections.

The first thing I wish to say to my friend is that I am totally at a loss to know what is meant by this provision that "in making any contract for the transportation of animals aforesaid" the company or persons "shall be subject to the provisions of said sections." I do not know what is meant by that. What has the making of a contract to do with the provisions of this act? I ask whether that provision has any effect whatever? I admit that, while I am not disposed to be hypercritical, I am totally unable to conceive what interpretation any court would give to that provision. Is it intended that every railroad contract for freight shall contain a provision that the cattle shall be unloaded every twenty-eight hours; in other words, that it shall contain the provisions of this bill on the subject? That cannot be the object. This bill is intended to act *per se, propria vigore*, whether there is any contract or not. Why, therefore, this provision that in making a contract they "shall be subject to the provisions of said sections" of this act? It is a thing I really cannot understand. It must be because I have not as full a knowledge of the subject as those who reported the bill.

Mr. KIRKWOOD. Will the Senator allow me to put a question just here?

Mr. THURMAN. Certainly.

Mr. KIRKWOOD. My impression is that under the provision he is speaking of this practical trouble would arise: The Michigan Central Railroad I believe runs from Chicago to Detroit, connects there with a railroad through Canada that connects again at Niagara Falls with another road to the city of New York. Now, the Michigan Central Railroad Company will contract for the transportation of cattle through to New York; but if this provision becomes the law, unless the railroad in Canada complies with the provisions of this act, though the railroad company at Chicago which contracts for the delivery of cattle in New York obeys the law in the United States, the railroad company which made the contract at Chicago is liable for the non-performance of the requirements of this act by the Canada railroad company.

Mr. THURMAN. That would be a very far-fetched inference from these words. I do not think any court would go so far as to give judgment against the Michigan Central on that provision.

Mr. KIRKWOOD. That is the purpose of the section, I apprehend.

Mr. THURMAN. Then it must be better expressed than it is before any court would administer such penalties.

Mr. KIRKWOOD. The Senator from New Jersey can inform us whether that is the purpose or not.

Mr. McPHERSON. The exact purpose is that stated by the Senator from Iowa. The line of railroad in the Dominion of Canada, forming connecting and through lines between Chicago and other western points and the city of Boston on the sea-board, finds this difficulty: If there is no law existing in the Dominion of Canada regulating the transportation of animals, as a matter of course the railroad companies may run them as far as they please and as cruelly as they please. This provision was intended to require the railroad company making the contract for transportation to so make it to protect us in this regard. For instance, the Vermont Central Railway, which forms the terminal link of that through line of transportation to which I have referred, is to see to the observance of this law by its connecting link in Canada.

I do not think myself and never have thought that any such provision of law should appear in the bill, but it was deemed necessary by those who have had charge of the subject, and I can see no objection to it. Neither can I see any particular utility in it. I think the former part of that section, as found from lines 116 to 118, inclusive, covers all that is necessary. I do not think that portion of the section which the Senator from Ohio has read is of sufficient importance to retain it in the bill if there is strenuous objection to it; but at the same time if there is not I should prefer to retain it, as I can see cases where it may be necessary to apply it.

Mr. THURMAN. I am still at a loss to understand how this is to have the effect that is contemplated. My friend from Iowa illustrates the meaning of this by a case he supposes. He supposes the Michigan Central Railroad to take a cargo of cattle, and by contract to agree to deliver them in the city of New York, if I understand his case. It is the purpose of that road to pass them over the Grand Trunk Railroad, or any other road that passes through the Dominion of Canada; and the object of this provision is to compel the Michigan Central to see that those cattle are unloaded every twenty-eight hours by the company whose duty it would be to unload them if we had control of that company in Canada, and which would be the company that would have that duty to perform if this law could operate in Canada. If that is the case, I think that this is not sufficient for the purpose.

Mr. KIRKWOOD. I do not wish the Senator to understand me that I am in favor of that. I am only pointing out the purpose of this bill.

Mr. THURMAN. I did not misunderstand the Senator. To say nothing about its requiring the Michigan road to do what it could not do except by contract with the Canada road—that is perfectly clear, for we cannot compel the Canada road to obey this law—is it exactly right that the Michigan road should be liable for what may be done in Canada when the Michigan road can have no possible means whatever of enforcing such duty upon the road in Canada? I doubt it, but I do not believe myself that this would receive an interpretation that would require of the Michigan company or any other company in the United States so onerous and almost impossible a duty.

I think under the circumstances I shall move to strike that clause out of the bill. I move to strike out all beginning with the word "and," on line 129, page 6, and ending with the word "sections," in line 137, page 7.

Mr. KIRKWOOD. Should not the Senator carry his motion down to line 144?

Mr. THURMAN. I may move to strike that out too, but the clauses present separate questions. My motion is now to strike out, beginning with the word "and," in line 129, on page 6, and ending with the word "sections," in line 137, on page 7.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

> And any railroad company, or persons operating any railroad, or the owners or masters of the vehicles, boats, or vessels subject to the jurisdiction of the United States, whose line of transportation forms a part of, or is connected with, any line of transportation in the Dominion of Canada, in making any contract for the transportation of animals aforesaid, whether such transportation be wholly or partly in the United States, shall be subject to the provisions of said sections.

The amendment was agreed to.

Mr. THURMAN. Now I want to call the attention of my friend who has this bill in charge to the next provision. I have no motion to submit in reference to it, but I want to ask him if he is perfectly satisfied that it is a wise provision. It reads in these words:

> And if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, which have been transported in said Dominion without having been there unloaded for rest, watering, and feeding, except as herein provided, shall be liable to the penalties provided in section 4388.

Now, let me take the very case supposed by the Senator from Iowa. The Michigan Central road at Chicago makes a contract to deliver a cargo of cattle in the city of New York, and sends them by way of Detroit and the Canada road. The Canada road, over which we have no control in the world, does not unload those cattle at the end of twenty-eight hours; in other words, it pays no attention to this law, and we cannot enforce it. When those cattle get to Niagara Falls, where they would

be transferred to the United States and where the Michigan road is ready to take them and provide for all their wants, relieve their distresses, relieve them from any suffering, this provision is that if the company does that, or if the owner of the cattle does it, he shall be subject to the provisions of this act.

Mr. McPHERSON. If done "knowingly."

Mr. THURMAN. "Knowingly?" Knowing what? Knowing that they have not been provided for in Canada—that is it—knowing that they have not been unshipped at the end of twenty-eight hours; that they have not had seven hours' rest; that they have not been fed. If the owner knows that when his cattle get to the American line, if he takes them over into the American line and provides for all their wants and does the very things that humanity requires should be done, or if the Michigan Central Railroad Company does it in order to fulfill its contract to take those cattle on to New York, then they are liable to the penalty provided in this bill. In other words, you put an embargo on the cattle; they shall not be taken out of the Dominion of Canada without violating this law. If that is the case, what is to become of the cattle? The owner must sell them for what he can get for them in Canada. That is just exactly what it is. It would be a very nice piece of business for a Canada buyer to say, "Here are these cattle embargoed; you cannot take them to New York; you cannot take them into the States at all; now sell them to me for what I am willing to give." It seems to me that is an unwise provision.

Mr. EATON. Mr. President, I do not understand that provision as my friend from Ohio does. Let me read it:

And if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid.

I apprehend that the argument of my friend——

Mr. THURMAN. You have not read it all.

Mr. EATON. I understand it without reading any more, and my friend from Ohio shall understand. But I will read further:

Which have been transported in said Dominion without having been there unloaded for rest.

Now, what does it mean? My friend from Ohio says it means that if they have not been properly provided for the very moment that they reach the United States they cannot there be taken and be provided for. Such is not my understanding of the law, and such is not my understanding of the section; but I understand it to be this: That if I as a railroad owner in the United States or as a shipper in the United States arrange with the owner or shipper in Canada that the provisions of this law shall be violated, then I become responsible; and I think I ought to be, too.

Let me illustrate: I will suppose that my friend from Wisconsin is a shipper in Canada. Once in twenty-eight hours, in Canada, he has failed to care for his cattle in a proper manner. When they arrive in the United States, I am a shipper; I am not aware of the course of action which has been pursued by my friend, the shipper in Canada, and therefore I am not responsible for his conduct. I take the animals here, I provide for them within the limits of the United States, and I am not subject, and I cannot be made subject, to this provision of law unless I do it knowingly; and if I do it knowingly, I ought to be subject to this provision. I am to know that the Canadian shipper has not once in twenty-eight hours properly taken care of the cattle; but if I take the cattle without knowing it, I say I am not subject to the provision of the law, and the Senator from Ohio is entirely wrong in the construction which he has given to it, in my judgment.

Mr. THURMAN. With great deference to my friend from Connecticut, I do not think I am wrong. I agree with him that the word "knowingly" here refers to the fact that the cattle have not been cared for in Canada as this bill provides they should be cared for if they were transported in the United States. We agree upon that. I agree with him further that if the man or the company at the Niagara River takes them without knowing the fact that they have not been provided for in Canada, he or it is liable to no penalty under this act; but the point is, ought he to be prohibited from receiving them into the United States if he does know the fact? That is the question.

The Senator from Connecticut seems to think that this is a provision launched against making a contract by which this law of the United States shall not be regarded in Canada. He thinks it is to prevent any company in the United States from making a contract, for instance, that in the transit of the cattle across the Dominion of Canada there shall be no unloading at the end of twenty-eight hours for rest—the making of an absolute contract to that effect. Why, Mr. President, the section will not bear that interpretation. That is not it at all. My friend would never dream of providing against such a thing as that by the language that is here; on the contrary, the language of the section is directly opposed to any such interpretation, for what is it?

And if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, which have been transported.

This is a thing that takes place after the transportation; the proceeding is in the United States. This bringing in or arranging to bring them into the United States, this assisting to bring them into the United States, is all *ex post facto;* it is all after the act of their having passed through the Dominion of Canada without complying with these provisions, and therefore I say again it does seem to me that you cannot very well put into this bill a provision that would be more cruel to these animals or more unjust to their owners or more unjust to the freighter than such a provision as this. In order to test the sense of the Senate, I move to strike out that paragraph beginning with the word "and" in line 137, and ending with the word "eight" in line 144.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. KIRKWOOD. I understand, Mr. President, that the clause proposed to be stricken out, if allowed to stand, will cover precisely this case: An owner of cattle in Chicago ships them over the Michigan Central and Canada road to New York; at some point in Canada twenty-eight hours have expired, at which they should be unloaded for food, water, and rest, but the Canada Railroad Company, not bound by our laws, does not see fit to stop its trains and allow them to be unloaded for water, food, and rest, but carries them through to the United States line; the owner, being with them on the train, desires, it may be, to have them unloaded, but it is not done. When he gets to the line, if he takes those cattle from that road into the United States, and there feeds and waters them, so as to be ready to ship them on to New York, he is liable under this section. Read it, leaving out unnecessary words:

And if any * * * person—

Leaving out "company, owner, master"—

If any * * * person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, which have been transported in said Dominion without having been there unloaded for rest, watering, and feeding, * * * shall be liable, &c.

The owner may be on the train with the cattle; he may have desired to have them left off in Canada for the purpose of water, food, and rest, but been refused that privilege; and yet when he gets to our own border with them he is prohibited by this clause of this section from bringing them into our own country, and there watering and feeding them and sending them on to New York.

I do not know but that I might as well just now say a few words that I desire to say on the general subject of the bill.

Mr. McPHERSON. I ask the Senator to dispense with his remarks until we dispose of this particular question.

Mr. KIRKWOOD. Very well.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. McPHERSON. I should like to ask the Senator from Ohio a question. If I should make a contract with a line of railway having its point of shipment, say, in the city of Chicago to transport for me a train of cattle to the New York market, without electing or without having the power to elect which particular line of road it should go over—that is, what particular line or lines forming connecting links of railways between Chicago and New York the railway company should carry my cattle—and the company should elect to carry them over the Canada line, and my cattle are injured in transportation in Canada by reason of a non-performance of a duty imposed in this bill, being confined not only for twenty-eight hours but for seventy hours, it may be, without food or water, so that my stock has been injured in transportation, I ask the Senator from Ohio where I would have any redress?

Mr. THURMAN. Will the Senator please repeat the question? I was engaged and did not hear him.

Mr. McPHERSON. I will suppose a case, that I am transporting cattle from Chicago to New York, say on the Michigan Central Railway, which I believe joins a connecting line of road through the Dominion of Canada to New York. The Michigan Central Railway Company elects to send my cattle over the Canada line. I have no choice in the matter, and can make no choice. While under transportation in Canada they are very greatly injured, my property is deteriorated, weakened in value by reason of cruelties practiced in transportation in the Dominion of Canada. I am not a citizen of that Dominion, and have no rights or privileges there conferred upon me by law. There is, for instance, no law existing there for the punishment of offenses of this character, and I appeal to the Michigan Central Company for redress. They say, "We have performed all the requirements of law in every State and Territory in the United States through which these cattle have passed, and if any injury has been inflicted upon your property it has been done by a company doing business in a foreign country, one over which we have no control." Now, will the honorable Senator please inform me where I can obtain my redress?

Mr. THURMAN. I would say to my friend that he ought not to have shipped his cattle over that road, and he would not the next time.

Mr. McPHERSON. That is no answer.

Mr. THURMAN. Let me see if it is not an answer. He can ship by other routes. He can ship by the Michigan Southern, and then they will not go through the Dominion of Canada at all.

Mr. McPHERSON. But suppose, for instance, that the roads in the Dominion of Canada, by reason of some combination or by reason of some influence with the Michigan Central Railroad, shall, as the railroads in this country have complained that they will, take freight at a certain rate which is vastly below the rates charged by the Ameri-

can lines. You say I have the alternative to ship by other lines of railroad; but these lines by a combination of their own charge me a larger price, and in the absence of any law protecting my property I am practically compelled to adopt the alternative.

Mr. THURMAN. Then I will say to my friend that if he is seduced into sending his cattle over a route where they cannot be protected and properly furnished by the fact that that route is cheaper, that is his own lookout. It is a question whether he loses more money by his cattle being injured or whether he saves more by the lower rate of freight.

Mr. McPHERSON. Suppose I want to test the experiment, and lose by it $5,000 or $10,000, I wish to know if I am not entitled to redress in the first experiment. If I then persist in doing a thing as absurd, I do it at my peril.

Mr. THURMAN. My way would be to require the Michigan Central to make a contract by which it should bind itself that the cattle should be unloaded every twenty-eight hours, no matter where they were, whether in Canada or in the United States. That is the way I should protect myself, if that was necessary for the safety and well-being of the cattle.

Mr. McPHERSON. That is what we propose.

Mr. THURMAN. But the bill does not do that. The bill cannot do that. The bill cannot require them to make any such contract as that, and that difficulty arises from a fact that is inherent, and that you cannot get rid of, namely, that when you get outside of the United States your law cannot have any operation. When that is the case, and the cattle have arrived at the Niagara River, and have not been provided for in Canada, because you have no means of compelling attention to their wants there, shall the owner be prohibited from taking his cattle over to the American side and providing for their wants? Shall they be embargoed in Canada? I say not.

Mr. EATON. Mr. President, he is not prohibited at all, as I understand this bill. I should like to see a law passed here, and I think this will have the effect to force the great carrier, the Michigan Central Railroad, to make a proper contract with the Canada lines, and make them responsible. They become the party then; they make the contract with me to ship my cattle from a certain point in the United States to another certain point in the United States; I have nothing to do with their contract with the Canada part of the line; the Michigan Central does that, and therefore I will force the Michigan Central to make a proper contract with the Canada lines with which they connect, and this bill will do it. It does not prohibit the owner from taking care of his cattle after they have arrived in the United States, in my judgment. I cannot see it in that light.

Mr. McPHERSON. If I understand this section aright it is a mandatory law, requiring the railroad company to make such a contract that when the offense is committed and loss sustained the injured party can go to that railroad company and obtain redress for the grievance.

When I consented at the suggestion of the Senator from Ohio to striking out the first part of this section I did not understand or comprehend its full meaning, and I believe it would be absolutely suicidal to the objects and purposes of the bill that the first part of the section, which I understand is already stricken out, should remain stricken out. I wish to make a motion to restore it and I also propose to retain that portion of the section which the Senator from Ohio last proposed to strike out.

The VICE-PRESIDENT. The Senator, having voted for that amendment, moves now to reconsider the vote by which the first part of this paragraph was stricken out. The question is on the motion to reconsider.

Mr. McPHERSON. Before the vote is taken I wish to make a statement, and I should like to have the close attention of the Senate while I make it. It will not take me more than a moment.

One of the principal reasons why no effort has been made on the part of the humane societies to enforce the existing law has been the fact that the railway companies have shown them and shown the public generally that if you undertake to enforce the law against them in this country without any provision which would compel lines operating and connecting with roads running through Canada to obey the same law, the tendency would be to draw all the freight over the Canada line to the vast detriment of our own roads. The purpose of this section of the bill was to compel the Canada lines to obey all the rules and regulations laid down for roads running through this country; and if that provision fails to do it, we must resort to something else.

I hold that we are legislating here for the American people and not for people who have no interest in common with us, to wit, the people of the Dominion of Canada; and, therefore, I wish the law to be so modified and amended in this particular and in every particular that the utmost justice shall be done, and I am very sorry that the Senator from Ohio has deemed it necessary to interfere with this section, as it appears to me to be a part and portion of the general system of legislation affecting the transportation of cattle.

Mr. JOHNSTON. Mr. President, the object of the Senator from New Jersey, as I understand, is to prevent collusion between railroads in the United States and railroads in Canada, by which the law is evaded. I take that to be the object of the section which the Senator from Ohio proposes to strike out. If the Senator from New Jersey will permit that to be stricken out and a substitute inserted that any railroad touching Canada which shall ship cattle through Canada shall make such contract with the railroad in Canada on which they ship as will require this law to be observed, that would effect all he desires. I suggest that as it now reads the section does not do that. I think the law is certainly doubtful as it now stands, and I respectfully suggest to the Senator from New Jersey to change the phraseology of the section, and simply insert a clause which shall provide that a company that receives cattle for shipment partly over roads in the United States and partly over roads in Canada shall make such contracts with the Canada roads as will secure the observance of the requirements of this law, and on failure subject them to the penalties of the law.

Mr. McPHERSON. Let me say to the Senator from Virginia that I think on inquiry he will probably change his opinion. The individual shipper has nothing whatever to say in the matter. If he makes a contract for delivery in New York at a certain rate per pound, he makes a contract with a contracting party in the West, say a railroad company, that railroad company transports the cattle over any connecting line that it pleases. This bill requires that that line of railroad in making a contract with the individual shall be subject to all the provisions of the law, whether the cattle go over a road in Canada or the United States.

Mr. JOHNSTON. That I understand to be the purpose, but I do not think the phraseology here effects that.

Mr. McPHERSON. Then, I will consent to any phraseology that is better adapted to the purpose.

Mr. JOHNSTON. I will write an amendment and ask the Senator to accept it.

Mr. CARPENTER. Mr. President, beginning with line 133, page 7, it is provided:

> And if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, which have been transported in said Dominion without having been there unloaded for rest, watering, and feeding, except as herein provided, shall be liable to the penalties provided in section 4388.

That word "knowingly" in the mind of any lawyer refers to what I think is not intended, to wit, "bringing the cattle into the United States," knowingly bringing the cattle into the United States, shall be punished so and so. In order to express the idea which the author of the bill evidently had in view, that clause should read: "If any such company, owner, master, or person shall bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, knowing that they have been transported in said Dominion of Canada without having been there unloaded for rest," &c. The word "knowingly" in the section refers to a thing which is not intended.

Mr. McPHERSON. I think myself that would be better, and I have no objection to the amendment.

Mr. CARPENTER. I cannot offer the amendment now, as the question is on reconsidering.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey to reconsider the amendment striking out lines 129 to 137.

Mr. VEST. I desire to offer an amendment.

The VICE-PRESIDENT. That is not now in order. The question is on reconsidering the vote agreeing to the amendment striking out these lines.

The motion was agreed to.

Mr. VEST. I wish to offer an amendment in line 142; after the word "feeding," to insert:

> On account of willful neglect or refusal of said company, owner, master, or person to comply with the provisions of this act.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Missouri.

Mr. McPHERSON. I should like to have the section read as it would be if amended.

The VICE-PRESIDENT. The section will be read as proposed to be amended by the Senator from Missouri.

The Chief Clerk read as follows:

> And if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into the United States, for consumption or otherwise, any of the animals aforesaid, which have been transported in said Dominion without having been there unloaded for rest, watering, and feeding, on account of the willful neglect or refusal of said company, owner, master, or person to comply with the provisions of this act, except as herein provided, shall be liable to the penalties provided in section 4388.

Mr. McPHERSON. Would the Senator have any objection to his amendment coming in after the word "provided," in line 143?

Mr. VEST. No, sir.

Mr. McPHERSON. I suggest, then, that it be inserted after the word "provided," in line 143. I think it would read better.

Mr. THURMAN. How would it read then?

Mr. McPHERSON. There is a proviso in this act which excepts from unloading in certain cases, and hence I want this amendment inserted after "provided."

The VICE-PRESIDENT. The amendment will be modified so as to be inserted after the word "provided," in line 143.

Mr. McPHERSON. The words "except as herein provided" should be in brackets.

Mr. THURMAN. I want to call the attention of my friend from

Missouri to what this law will be if his amendment should be adopted. It would make the liability exist where the failure to unload the cattle took place on account of the willful neglect of the company to unload them in Canada. Well, the only company that would have them in Canada would be the Canada company, and that company could not be guilty of any willful neglect of the provision of this act, for this act would have no effect upon them. It seems to me you cannot impose duties by this act upon the Canadian company; and, therefore, to say you will apply your penalty where this neglect has resulted from the willful disregard or neglect of the Canadian company to obey an act passed by the Congress of the United States, is to say what seems to me would make a burlesque of the whole thing.

Mr. VEST. The whole section is objectionable. I do not pretend to say that I am for the section, but I do think the section should be amended in this way: Suppose, for instance, a railroad company in the Dominion of Canada refuses to comply with this law. The shipper cannot prevent it. He is innocent of any default, and he should not be subject to penalty for the company's acts. This section as it reads now applies to a foreign corporation because it says, "any company, corporation, or person which shall bring cattle into the United States." Who brings cattle into the United States? Most unquestionably the company in Canada. The section as it now stands inflicts that penalty on even a shipper who brings cattle across the Dominion of Canada, and wants to comply with the law, but is prevented from doing so. There are enough defects in the section without refusing to amend it as I propose.

Mr. JOHNSTON. I wish to offer an amendment in lieu of the provision from line 129 to line 145.

Mr. THURMAN. From line 129 has been stricken out.

The VICE-PRESIDENT. An amendment is not in order to matter stricken out.

Mr. THURMAN. I moved to strike out all of that, but pending my motion to strike out the Senator from Missouri, as he had a right to do, moved to amend the text.

Mr. JOHNSTON. I propose to amend the text instead of striking it out.

The VICE-PRESIDENT. The Senator from Virginia proposes, as the Chair now understands, to move to amend that portion of the bill which has been stricken out.

Mr. JOHNSTON. No, only to amend the part which remains.

The VICE-PRESIDENT. Does he propose further to amend the amendment proposed by the Senator from Missouri?

Mr. JOHNSTON. Yes, sir.

The VICE-PRESIDENT. That is in order. Finally the question will recur on the motion of the Senator from Ohio to strike the whole out.

The Chief Clerk read the amendment proposed by Mr. JOHNSTON, which was to strike out, in line 137, all after the word "sections" down to and including the word "eighty-eight," in line 144, and to insert in lieu thereof:

> And any railroad company or person operating any railroad in the United States, or masters of vehicles, boats, or vessels subject to the jurisdiction of the United States, which shall receive such animals for transportation shall, if the animals are to be transported through the Dominion of Canada, provide by contract that the provisions of this law shall be observed in the Dominion of Canada, and shall be liable to the penalties of this law for the failure of any connecting road or line of transportation in Canada to comply with it.

Mr. KIRKWOOD. I wish to make a suggestion to the Senator from New Jersey and a motion to the Senate.

This bill is one of a great deal of importance not only to the section of country where I live but to the people who get our cattle to eat and to ship abroad. The bill has been amended in such a way that it is difficult for me to understand it. I think it would be better to have it go back to the committee from which it came, so that they may take the amendments which have been made and the amendments which are proposed, and whatever information, if any, they have received by the discussion here, and report a new bill. I think it would be better for the object in view; and therefore I move, Mr. President, that the bill and the pending amendments be referred to the Committee on Commerce.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to recommit the bill, with the pending amendments, to the Committee on Commerce.

Mr. VEST. Before that motion is put I desire to offer an amendment which may go with the bill if it is recommitted.

The VICE-PRESIDENT. The Chair hears no objection to receiving the amendment.

Mr. DAVIS, of West Virginia. Before the vote is taken I think the committee probably ought to know more of the objections to the bill, so that they may take them into consideration. There are a dozen objections to it that have been covered by the amendments. It is suggested by the Senator from Illinois [Mr. DAVIS] that I can go before the committee and state the objections; but I would prefer that the committee should know them now, and that the Senate should know a few of them. I promise you I will only take a few moments.

Mr. President, in my opinion we had better let the law as it now stands remain. I see no necessity for a new one. I believe that the law now in force is far better than any of the provisions of this bill. I see no improvement in them, and I do see a good many clauses in the present law that this bill does not cover, and it will repeal some of the very best clauses. But I particularly desire the committee to take into consideration whether or not we had not better let the present law stand in existence instead of having a new law.

Mr. President, let me suppose a practical case that occurs every day, and if I am wrong in it I shall be glad to have the Senator from New Jersey correct me. A horse or an animal of any kind goes from San Francisco to New York. The horse is put in a single car without a stall, without a patent car or in a patent car it may be. A man goes with the horse in the car and goes through; bedding, water, and food are put in the car for the horse and man; and yet at the end of sixty hours that horse is to be taken out under this bill and seven hours are to be lost, and the train has gone on. As my colleague suggests there must be a pen there to put the horse in according to the bill. That occurs every day; it is occurring now. Express companies take animals, put them into cars, send an entire car with one or two animals sometimes with a man to attend to them; but yet that animal every sixty hours has got to be stopped along the road and fed and watered and cared for, when he is better cared for in his car than he could be in any pen. I believe that is a correct conclusion from the bill. If the bill passes that will be the case all along our roads, as I understand.

I am also informed that neither the cattle men nor the railroads want any new provision. Cattle men have told me so, and I have heard railroad men so express themselves. The present law, they think, covers the whole ground. I believe that the present way of transporting cattle, putting a number right into a car and letting them protect one another, standing against one another for protection, is far better than the new patent car, which has stalls, and every time the car moves back or forth, or turns a curve, the cattle are pressed against the sides of the stall. I understand that the patent car has stalls, but the others have not. I believe that experience has taught that cattle are transported better and more safely when they are put together in cars and allowed to stand regularly, so that the motion of the car and the motion of the cattle go together.

It is a fact beyond question that Allegheny City and Buffalo are great cattle depositories. Cattle come from different sections of the country especially to Allegheny City, and are there unloaded and put into pens. The dealers from all sections of the country go there and buy them, and no one can tell when they are unloaded and put on another train whether they are the same cattle or not. Besides, very often cattle are driven into those pens from the neighborhood, from sections around. Then, when they start from there eastward, if they go on one line they remain in one State from their starting point to their destination. If they go on another line of railroad they go into two or three States. Therefore they are subject to this regulation on one line and not on the other. Two great trunk lines out of the five are entirely in one State; and the provisions of this bill, as I understand, do not touch two of those roads, while the other three lines, including the Chesapeake and Ohio, which runs through West Virginia and Virginia, are affected. Hence, there is a discrimination.

So I might go on and name at least twenty such objections; but I do not want to detain the Senate, and I shall therefore content myself with voting for the recommitment.

Mr. McPHERSON. Mr. President, it does seem to me as though the Senator from West Virginia was determined to oppose the bill whether he had any good reason for opposition or not. If the only reasons he has to offer in this matter are the reasons which he has given, then I must confess that I fail to see their points.

The Senator from West Virginia declared yesterday, in a speech that he made to the Senate, that he wanted to have stricken from the bill a certain proviso, which is the only thing which gives the public any liberty at all; in other words, he declared that he was in favor of the existing law. I must acknowledge that there are a great number of railroad companies in the United States that are in favor of the existing law, and there is no stock-yard monopoly in this country that does not favor it, for the reason it does not permit interference with their interests.

I wish to say another thing with respect to an amendment offered by the Senator from Illinois. He came in a good deal more lawyer-like way, but the effect was the same. I do not believe that the Senator from Illinois knew what the full purport of his amendment was, or he would not have offered it. The present law declares that there shall be space and opportunity for rest given in the cars used in the transportation of cattle. I do not believe the Senator knew that under a strict construction of the law it would be necessary to unload them every twenty-eight hours for want of space and opportunity to rest. The natural result of the amendment he offered would simply be to aid the additional stock-yards along the lines of transit which would be created to prevent inhumanity. I do not think either of the Senators would consent to such injustice if they fully comprehended the force of their proposed amendments.

There are millions of live stock that must cross this country during the next year to come to market, all subjected to the same kinds of cruelty, all subjected to the same impositions with respect to extortion practiced along the lines. If it is the judgment of the Senate that nothing shall be done by way of amendment to the present law, that nothing shall be done by way of mitigation or abolishment of these cruelties, then let this bill go back to the committee. I shall be content; I have done my duty; I have called the attention of the Senate to the subject.

Mr. DAVIS, of West Virginia. One word in reply to the Senator

from New Jersey. I attempted to point out objections to this bill. The Senator answers them by saying that I did not know what I was talking about, or words to that effect. Now, Mr. President, let me say to the Senator from New Jersey that I thought I knew what I was talking about. The Senator has not stated yet what is at the bottom of this whole movement, in my judgment, and that is the requirement of a new car, a patent car.

Mr. McPHERSON. Mr. President, I wish to disclaim any intention to offer any indignity at all to the Senator from West Virginia. Perhaps I used rather strong terms, but I hope the Senator will not take offense at anything I have said. If I used stronger words than I should have done, I am sorry for it. But the idea I wished to convey was this: In referring to the Senator from Illinois I said that I did not believe that if he fully comprehended the extent of an amendment offered by him yesterday he would consent to it himself. The Senator from West Virginia, who favored the amendment, says he is satisfied with the existing law. I think the Senator will not consider that I have done him an injustice. Let me read the section to which I refer, and let me ask the Senator if he fully comprehends what the effect would be if we strike out the whole section, as he proposes, or amend as proposed by the Senator from Illinois?

Provided, however, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, space and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

The Senator from West Virginia says, "I am satisfied with the present law;" the Senator from Illinois says, "I want to incorporate the words 'space and opportunity to rest' in the proposed law." What is the effect? I answer, the result is the same. I ask the Senator from West Virginia and the Senator from Illinois whether it is their opinion that according to the present practice there is space enough in a car to give cattle opportunity to rest. I think both those gentlemen will say, most certainly not.

I do not, and I think both Senators do not, desire to impose additional restrictions on the public; but the effect of inserting the words proposed by the Senator from Illinois, or of striking out the proviso as suggested by the Senator from West Virginia, is that every cattle train must unload each twenty-eight hours, and the inevitable result is to create new stock-yards along the lines of railroad which can practice their extortions on the public. I think the Senator from West Virginia did not mean that; I do not believe he would vote for it knowing and comprehending its full meaning. If I was so inapt in my expression that I could not make him understand what I meant, perhaps the fault is more mine than his.

I have thought this explanation due to the Senator from West Virginia.

The VICE-PRESIDENT. The question is on the motion to recommit.

The motion was agreed to.

RECUSANT WITNESSES.

The VICE-PRESIDENT. The Sergeant-at-Arms desires to make further return to the writ of attachment issued by the Senate on the 18th of December last against certain witnesses in the State of Kansas.

The Sergeant-at-Arms appeared at the bar of the Senate, having in his custody Jacob V. Admire, arrested by order of the Senate for contempt of a process of the body.

The Chief Clerk read the return, as follows:

WASHINGTON, D. C., *January* 20, 1880.

In obedience to the within warrant I have arrested and taken into custody George T. Anthony and Jacob V. Admire, and now produce said Admire at the bar of the Senate.

R. J. BRIGHT,
Sergeant-at-Arms, United States Senate.

Hon. WM. A. WHEELER,
President of the Senate.

The VICE-PRESIDENT. The writ of attachment will be read.

The Chief Clerk read the writ of attachment.

The VICE-PRESIDENT. What answer have you to render, Mr. Admire, why you should not be adjudged in contempt of the authority of the Senate of the United States?

The WITNESS, (J. V. Admire.) Mr. President, my reason for not appearing before the committee that sat in Topeka was on account of dangerous sickness of a member of my family. After I arrived at Topeka, and before I had time or opportunity to go before the committee, I received a dispatch from my wife, saying to me that my little girl, who had been very sick before I came away, was worse, and asking me to return immediately. I did so; and inasmuch as I received no further notice from the committee and it adjourned a few days afterward, I did not return to Topeka.

Mr. SAULSBURY. I move that the witness, Mr. Admire, be discharged.

The VICE-PRESIDENT. The Senator from Delaware moves that, for the reason given by the witness, Mr. Admire, he be discharged from custody.

Mr. SAULSBURY. I desire now to say in reference to the other witness mentioned in that return——

Mr. EDMUNDS. Before this case is disposed of, as the Senator is proceeding to another, I wish to make an inquiry of him whether the committee is satisfied that the excuse made by the person now at the bar of the Senate is a correct and true one. It is a statement not made under oath; and ordinarily, of course unless the committee is satisfied, we should require to be certain that the excuse made rests upon a solid foundation. Undoubtedly the committee has made inquiry about it and will be able to inform us.

Mr. SAULSBURY. I had been informed, before Mr. Admire came here, of the high character of Mr. Admire, and that there was sickness in his family, and that that was the reason he did not appear before our committee. I was so informed by a member of the House of Representatives from that State, and I took the statement to be true. So far as I have been able to consult the members of the committee, the statement of the witness is perfectly satisfactory.

Mr. EDMUNDS. May I ask whether that excuse was communicated to the committee at the time, by telegraph or otherwise?

Mr. SAULSBURY. No, sir; it was not.

Mr. EDMUNDS. If the committee think this respondent ought to be discharged, it is no affair of mine to interfere; but I should say that ordinarily if any respect at all is due to the process of the Senate and its committees, if a witness finds for any reason that it is impossible for him to obey it, it would be well for him to inform somebody at the time why it is that he disregards the process of the committee. But I make no objection to the order proposed.

Mr. SAULSBURY. The same excuse was made by another witness the other day and the Senate deemed it satisfactory and discharged the witness.

The VICE-PRESIDENT. Shall the respondent, for the reason assigned by him, be discharged?

The motion was agreed to.

Mr. SAULSBURY. I desire now, in behalf of the other witness named in the return of the Sergeant-at-Arms, George T. Anthony, to state that he came here from New Mexico in obedience to the process of the Senate. On Friday last he came before the committee and stated that he was managing director of a large corporation that was building a railroad through that Territory, the interests of which would greatly suffer if he remained here until the meeting of the Senate on Monday. He desired to appear before the committee and testify, and asked the committee then to make representations of the facts to the Senate. He said, however, that if the Senate still desired that he should appear under the attachment, he would do so on a telegraphic notice. The committee deemed it proper to take his testimony, and by the consent of the committee we agreed to ask that he be discharged without appearing before the Senate in answer to the attachment.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The order will be entered to discharge Mr. Anthony.

EXECUTIVE SESSION.

Mr. THURMAN. Mr. President, I move that the Senate proceed to the consideration of the bill for holding the Federal courts at Macon, in Georgia. It is a local bill, which will not take long.

The VICE-PRESIDENT. It has not yet been returned from the printer, the Secretary informs the Chair.

Mr. THURMAN. Then I will not make the motion now.

Mr. DAVIS, of West Virginia. As it was understood, I believe, that we should have an executive session to-day, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at two o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 20, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

WITHDRAWAL OF REPORT.

Mr. ACKLEN. On January the 13th instant, during the absence of my colleague, Mr. KING, I asked unanimous consent of the House to have printed a manuscript designated "Report No. 86, House of Representatives, Forty-sixth Congress, second session," which I had myself prepared and placed in his hands, and which he had subsequently returned to me at my request. I ask that it be withdrawn, as it was submitted by me without authority from Mr. KING or from the Committee on Foreign Affairs, it having taken no action on the matter. This was done through a mistake of mine.

The SPEAKER. If there be no objection, the request will be granted.

There was no objection.

ORDER OF BUSINESS.

Mr. REAGAN. I ask unanimous consent that the call of States and Territories for the introduction of bills and joint resolutions for reference, which was interrupted yesterday by the close of the morning hour, be concluded this morning.

There was no objection, and it was so ordered.

HOT SPRINGS, ARKANSAS.

Mr. CRAVENS introduced a bill (H. R. No. 3663) for the settlement of titles in the town of Hot Springs, Arkansas; which was read a first

and second time, referred to the Committee on Public Lands, and ordered to be printed.

MICHAEL MAYER.

Mr. CRAVENS also introduced a bill (H. R. No. 3664) for the relief of Michael Mayer, late of Fort Smith, Arkansas; which was read a first and second time, and referred to the Committee on War Claims.

PUBLIC BUILDING AT LITTLE ROCK, ARKANSAS.

Mr. CRAVENS also introduced a bill (H. R. No. 3665) making appropriation for continuing the construction of the court-house and post-office building at Little Rock, Arkansas; which was read a first and second time, and referred to the Committee on Appropriations.

SALARIES OF STEAMBOAT INSPECTORS.

Mr. STONE introduced a bill (H. R. No. 3666) to increase the salaries of the local inspectors of steam-vessels in the district of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DR. DANIEL M. APPEL.

Mr. WILLITS introduced a bill (H. R. No. 3667) to authorize Dr. Daniel M. Appel, United States Army, to receive pay and have passed his vouchers for pay for duties as physician to the Mescalero Apache Indian agency, in New Mexico; which was read a first and second time, and referred to the Committee on Military Affairs.

PROTECTION OF CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. WILLITS also introduced a bill (H. R. No. 3668) to prevent and punish wrongs to children in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUFFRAGE IN THE TERRITORIES.

Mr. WILLITS also introduced a bill (H. R. No. 3669) to further regulate suffrage in the Territories of the United States, to fix certain qualifications for office, and to provide for the registration of voters in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STEAM-YACHT GAZELLE.

Mr. HULL introduced a bill (H. R. No. 3670) to change the name of the steam-yacht Gazelle to Sea Foam; which was read a first and second time, and referred to the Committee on Commerce.

R. B. TALFOR AND H. C. RIPLEY.

Mr. REAGAN introduced a bill (H. R. No. 3671) for the relief of R. B. Talfor and H. C. Ripley, of Galveston, Texas; which was read a first and second time, and referred to the Committee on Commerce.

JOHN N. REED.

Mr. REAGAN also introduced a bill (H. R. No. 3672) for the relief of John N. Reed; which was read a first and second time, and referred to the Committee of Claims.

DISCONTINUANCE OF NATIONAL BANKING.

Mr. CULBERSON introduced a joint resolution (H. R. No. 173) providing for the discontinuance of the system of national banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

C. M. TERRILL.

Mr. UPSON introduced a bill (H. R. No. 3673) for the relief of C. M. Terrill, paymaster in the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

SWAMP-LAND INDEMNITY TO IOWA.

Mr. DEERING introduced a bill (H. R. No. 3674) to provide for indemnity to the State of Iowa, due under various acts relating to swamp and overflowed lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLES O. OAKES.

Mr. DEERING also introduced a bill (H. R. No. 3675) granting a pension to Charles O. Oakes, of Ackley, Hardin County, Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES K. MORRIS.

Mr. DEERING also introduced a bill (H. R. No. 3676) granting a pension to James K. Morris, of Ackley, Hardin County, Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BIRNEY W. SNOW.

Mr. DEERING also introduced a bill (H. R. No. 3677) granting a pension to Birney W. Snow, of Ackley, Hardin County, Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STOCKBRIDGE AND MUNSEE INDIANS.

Mr. BOUCK introduced a bill (H. R. No. 3678) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

STEPHEN S. M'CANN.

Mr. HUMPHREY introduced a bill (H. R. No. 3679) granting a pension to Stephen S. McCann, of Eau Claire County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, LA CROSSE, WISCONSIN.

Mr. HUMPHREY also introduced a bill (H. R. No. 3680) to provide for the erection of a public building in the city of La Crosse, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. DEUSTER introduced a bill (H. R. No. 3681) to amend section 3354 of chapter 5 of title 35 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

He also introduced a bill (H. R. No. 3682) to amend section 3244 of chapter 3 of title 35 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HELENA FECHTELS.

Mr. DEUSTER also introduced a bill (H. R. No. 3683) granting a pension to Helena Fechtels; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARTHUR CONETY.

Mr. DEUSTER also introduced a bill (H. R. No. 3684) granting a pension to Arthur Conety, of Milwaukee, Milwaukee County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SETH BONNEY.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 3685) to amend the record of the military service of Seth Bonney; which was read a first and second time, and referred to the Committee on Military Affairs.

ANDREW E. HODGES.

Mr. CASWELL (by request) introduced a bill (H. R. No. 3686) for the relief of Andrew E. Hodges; which was read a first and second time, and referred to the Committee on War Claims.

MARY JANE VEAZIE.

Mr. CASWELL also (by request) introduced a bill (H. R. No. 3687) for the relief of Mary Jane Veazie; which was read a first and second time, and referred to the Committee on War Claims.

AMOS DAKINS.

Mr. POUND introduced a bill (H. R. No. 3688) granting a pension to Amos Dakins; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH J. BREMMER.

Mr. POUND also introduced a bill (H. R. No. 3689) granting a pension to Sarah J. Bremmer, widow of William Bremmer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH PIGEON.

Mr. POUND also introduced a bill (H. R. No. 3690) granting a pension to Joseph Pigeon, late private Company B, Third Regiment of New York Artillery Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JESSE CONRAD.

Mr. POUND also introduced a bill (H. R. No. 3691) granting a pension to Jesse Conrad, late private Fourth Battery Wisconsin Light Artillery Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALANSON EATON.

Mr. POUND also introduced a bill (H. R. No. 3692) granting a pension to Alanson Eaton, late sergeant Company G, Twelfth Wisconsin Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LAND SURVEY.

Mr. DUNNELL introduced a bill (H. R. No. 3693) relating to the survey and disposal of unsurveyed lands, keys, and islands belonging to the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLES SPRAGUE.

Mr. DUNNELL also introduced a bill (H. R. No. 3694) granting a pension to Charles Sprague; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DAMAGES AGAINST SIOUX INDIANS.

Mr. WASHBURN introduced a bill (H. R. No. 3695) to restore to certain scouts and soldiers of the United States Army, of the Sioux Nation of Indians, the money and annuities belonging to them, confiscated and forfeited to the United States under an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians, approved February 16, 1863; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

AMENDMENT TO THE LAWS OF 1875.

Mr. POEHLER introduced a bill (H. R. No. 3696) to amend chapter 275 of the laws of 1875; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SWAMP-LAND SETTLERS IN MINNESOTA.

Mr. POEHLER also introduced a bill (H. R. No. 3697) for the relief of certain settlers on swamp lands in Minnesota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

R. G. COMBS AND OTHERS.

Mr. WHITEAKER introduced a bill (H. R. No. 3698) for the relief of R. G. Combs and others for labor performed by them in the construction of the United States revenue vessel Thomas Corwin, at Albina, in the State of Oregon; which was read a first and second time, and referred to the Committee on Naval Affairs.

WILLIAM L. WHITE.

Mr. WHITEAKER also introduced a bill (H. R. No. 3699) for the relief of William L. White, of Oregon; which was read a first and second time, and referred to the Committee on Public Lands.

CITY OF ASTORIA, OREGON.

Mr. WHITEAKER also introduced a bill (H. R. No. 3700) to reimburse the city of Astoria, Oregon, for certain expenses incurred in improving the streets and building sidewalks around the United States custom-house and post-office in said city; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REVENUE MARINE SERVICE, ALASKA.

Mr. WHITEAKER also introduced a bill (H. R. No. 3701) appropriating $175,000 for the construction of a revenue-marine steamer for service in Alaskan waters; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MARIA L. LEE.

Mr. WHITEAKER also (by request) introduced a bill (H. R. No. 3702) granting a pension to Maria L. Lee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M'DONALD.

Mr. ANDERSON introduced a bill (H. R. No. 3703) granting a pension to James McDonald; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AGRICULTURAL COLLEGES.

Mr. ANDERSON also introduced a bill (H. R. No. 3704) amending the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

POST-OFFICE LAWS.

Mr. HASKELL introduced a bill (H. R. No. 3705) to amend section 13 of the act of Congress approved July 12, 1876; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SWAN CREEK AND BLACK RIVER AND OTHER INDIANS.

Mr. HASKELL also introduced a bill (H. R. No. 3706) for the relief of the united bands of Swan Creek and Black River Chippewa and Munsee or Christian Indians; which was read a first and second time, referred, with the accompanying papers, to the Committee on Indian Affairs, and ordered to be printed.

ORDNANCE FOR KANSAS.

Mr. RYAN, of Kansas, introduced a joint resolution (H. R. No. 174) to authorize the Secretary of War to supply the State of Kansas with certain ordnance; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT CLARKSBURGH, WEST VIRGINIA.

Mr. WILSON introduced a bill (H. R. No. 3707) to provide for the construction of a court-house and post-office at Clarksburgh, West Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC LANDS, NEVADA.

Mr. DAGGETT introduced a bill (H. R. No. 3708) to grant to the State of Nevada lands in lieu of the sixteenth and thirty-sixth sections in said State; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PAWNEE RESERVATION, NEBRASKA.

Mr. VALENTINE introduced a bill (H. R. No. 3709) to extend the time of payment for lands purchased and now occupied by *bona fide* residents upon the Pawnee reservation in the State of Nebraska; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BELFORD introduced a bill (H. R. No. 3710) to amend chapter 6, Revised Statutes of the United States, in regard to mineral lands; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

GUSTAVE ELSBERG.

Mr. OTERO introduced a bill (H. R. No. 3711) for the relief of Gustave Elsberg, of Santa Fé, New Mexico; which was read a first and second time, and referred to the Committee of Ways and Means.

ADDITIONAL LAND DISTRICT, NEW MEXICO.

Mr. OTERO also introduced a bill (H. R. No. 3712) to establish an additional land district in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ROBERT H. THOMAS.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 3713) granting relief to Robert H. Thomas; which was read a first and second time, and referred to the Committee of Claims.

HENRY MEHRING.

Mr. BENNETT introduced a bill (H. R. No. 3714) for the relief of Henry Mehring; which was read a first and second time, and referred to the Committee on Military Affairs.

WILLIAM JONES.

Mr. BENNETT also introduced a bill (H. R. No. 3715) for the relief of William Jones, of Charles Mix County, Dakota; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, TUCSON, ARIZONA.

Mr. CAMPBELL introduced a bill (H. R. No. 3716) making appropriation for the erection of a building in the city of Tucson, Territory of Arizona, for custom-house, post-office, and other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONVICTS, TERRITORIAL PRISON, IDAHO.

Mr. AINSLIE introduced a bill (H. R. No. 3717) relating to convicts in the territorial prison of Idaho Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GEORGE B. HARTMAN.

Mr. MAGINNIS introduced a bill (H. R. No. 3718) to increase the pension of George B. Hartman; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

CAPTAIN AND ASSISTANT QUARTERMASTER, UNITED STATES ARMY.

Mr. MAGINNIS also introduced a bill (H. R. No. 3719) to authorize the appointment of a captain and assistant quartermaster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD S. FARROW.

Mr. DOWNEY introduced a bill (H. R. No. 3720) for the relief of Edward S. Farrow; which was read a first and second time, and referred to the Committee of Claims.

HARBOR AT ROCK ISLAND, ILLINOIS.

Mr. HENDERSON submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, authorized and requested to furnish, for the use of the House of Representatives, such information as to an obstruction of the harbor on the Mississippi River at the city of Rock Island, in the State of Illinois, and the expense of removing the same, as he may have on the files of his Department.

THOMAS J. FITZSIMMONS.

Mr. URNER introduced a bill (H. R. No. 3721) for the relief of Thomas J. Fitzsimmons; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN H. M'CHESNEY.

Mr. URNER also (by request) introduced a bill (H. R. No. 3722) for the relief of John H. McChesney; which was read a first and second time, and referred to the Committee on War Claims.

JOHN H. M'CHESNEY, EXECUTOR.

Mr. URNER also (by request) introduced a bill (H. R. No. 3723) for the relief of John H. McChesney, executor of the estate of R. McChesney; which was read a first and second time, and referred to the Committee on War Claims.

COLLECTION OF ASSESSMENTS.

Mr. SMITH, of Pennsylvania, submitted the following resolution; which was referred to the Committee of Ways and Means:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the amount assessed upon the States, under the act of 1861 and its supplement, and the amount collected from each, and what action has been had, or what legislation, if any, is suggested to collect the assessments from the delinquent States.

ERECTION OF CUSTOM-HOUSE AT CINCINNATI.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 3724) to appropriate money to continue the erection of a custom-house at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SHIPMENT AND DISCHARGE OF SEAMEN.

Mr. RUSSELL, of Massachusetts, introduced a bill (H. R. No. 3725) to repeal and amend certain acts pertaining to the shipment and discharge of seamen; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DAVID STRUNK.

Mr. BREWER introduced a bill (H. R. No. 3726) granting a pension to David Strunk, of the Eighteenth Indiana Battery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM M. THOMSON.

Mr. FARR introduced a bill (H. R. No. 3727) granting a pension to William M. Thomson, late private Company F, Ninth Regiment New Hampshire Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT TO THE CONSTITUTION.

Mr. LORING introduced a joint resolution (H. R. No. 175) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CALIFORNIA MISSION INDIANS.

Mr. PAGE introduced a bill (H. R. No. 3728) to provide a reservation for the Mission Indians of Southern California; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FENIMORE BENNETT.

Mr. WILBER introduced a bill (H. R. No. 3729) for the relief of Fenimore Bennett, Eighteenth Regiment New York Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

A. G. COLLINS.

Mr. BUTTERWORTH introduced a bill (H. R. No. 3730) for the relief of A. G. Collins, of Hamilton County, Ohio; which was read a first and second time, and referred to the Committee on War Claims.

DUTY ON LOW-GRADE SUGARS.

Mr. CONGER presented a joint resolution of the Legislature of Michigan, against the increase of duties on low grades of sugar; which was referred to the Committee of Ways and Means.

FIRST LIEUTENANT HENRY METCALFE.

Mr. HAWLEY introduced a joint resolution (H. R. No. 176) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey; which was read a first and second time, and referred to the Committee on Military Affairs.

FOG-SIGNAL AT SAN LUIS OBISPO.

Mr. PACHECO introduced a bill (H. R. No. 3731) appropriating money for the establishment of a fog-signal at San Luis Obispo Harbor, California; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SARAH M. BIRDSALL.

Mr. BAILEY introduced a bill (H. R. No. 3732) granting a pension to Sarah M. Birdsall; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

DR. DANIEL WASSERBACH.

Mr. BAILEY also introduced a bill (H. R. No. 3733) for the relief of Dr. Daniel Wasserbach; which was read a first and second time, and referred to the Committee of Claims.

SONA AND FLEMING MANUFACTURING COMPANY.

Mr. KELLEY introduced a bill (H. R. No. 3734) for the relief of the Sona and Fleming Manufacturing Company, limited, of the city of New York; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ENOS P. JEFFERIS.

Mr. KELLEY also introduced a bill (H. R. No. 3735) for the relief of Enos P. Jefferis, late a member of Company E, Seventeenth Regiment Pennsylvania Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

SAMUEL KAY.

Mr. WARD introduced a bill (H. R. No. 3736) granting a pension to Samuel Kay; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNA W. JENKINS.

Mr. WARD also introduced a bill (H. R. No. 3737) granting a pension to Anna W. Jenkins; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HERMAN MILLER.

Mr. WARD also introduced a bill (H. R. No. 3738) to authorize the Commissioner of Patents to hear application of Herman Miller; which was read a first and second time, and referred to the Committee on Patents.

BENEDICT DARLINGTON.

Mr. WARD also introduced a bill (H. R. No. 3739) authorizing and directing the Secretary of the Treasury to refund to Benedict Darlington certain moneys illegally collected for customs duties; which was read a first and second time, and referred to the Committee of Ways and Means.

SARAH K. TAGGART.

Mr. WARD also introduced a bill (H. R. No. 3740) to change the name of the side-wheel steamboat Sarah K. Taggart to that of Bridgeport; which was read a first and second time, and referred to the Committee on Commerce.

PUBLIC BUILDING AT GREENVILLE, SOUTH CAROLINA.

Mr. EVINS introduced a bill (H. R. No. 3741) making appropriation for the erection of a building to be used as a post-office and United States court-room at Greenville, South Carolina; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

VINCENNES, INDIANA.

Mr. COBB introduced a bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

NAVY-YARD EMPLOYÉS.

Mr. HENKLE introduced a bill (H. R. No. 3743) to provide for the relief of navy-yard employés who shall become disabled while employed in the line of their duty; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN S. MAURY.

Mr. HENKLE also introduced a bill (H. R. No. 3744) to remove the political disabilities of John S. Maury, late a lieutenant in the United States Navy; which was read a first and second time, and referred to the Committee on the Judiciary.

MONUMENT TO BARON DE KALB.

Mr. HENKLE also introduced a bill (H. R. No. 3745) to provide for the erection of a monument to the memory of Major-General the Baron De Kalb; which was read a first and second time, and referred to the Committee on the Library.

THOMAS E. THUMBER.

Mr. McLANE introduced a bill (H. R. No. 3746) for the relief of Thomas E. Thumber, administrator of John Yewell, late of Baltimore City, deceased; which was read a first and second time, and referred to the Committee of Ways and Means.

JACOB DUNDORE.

Mr. CLYMER introduced a bill (H. R. No. 3747) for the relief of Jacob Dundore, for the loss of the barge T. C. Zulick, while in the service of the United States under charter-party; which was read a first and second time, and referred to the Committee on Naval Affairs.

ENSIGNS IN THE NAVY.

Mr. WAIT introduced a bill (H. R. No. 3748) for the relief of certain officers who were promoted from midshipmen to ensigns in the United States Navy in the year 1869; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WALLACE W. SCREWS.

Mr. HERBERT introduced a bill (H. R. No. 3749) for the relief of Wallace W. Screws, of Montgomery, Alabama; which was read a first and second time, and referred to the Committee of Claims.

RELIEF FOR SUFFERING IRELAND.

Mr. ELLIS introduced a joint resolution (H. R. No. 177) making an appropriation for the relief of the starving people of Ireland; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS IN LOUISIANA.

Mr. ROBERTSON introduced a bill (H. R. No. 3750) granting to the State of Louisiana certain swamp and overflowed lands; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

AMENDMENT OF STATUTES.

Mr. POEHLER introduced a bill (H. R. No. 3751) to amend chapter 198, volume 16, Statutes at Large; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

AMELIA A. HOYT.

Mr. O'CONNOR introduced a bill (H. R. No. 3752) granting a pension to Amelia A. Hoyt; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. C. CAMPSEN.

Mr. O'CONNOR also introduced a bill (H. R. No. 3753) granting a pension to Mrs. C. Campsen, widow of John Campsen; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BONDS MATURING IN 1880 AND 1881.

Mr. WARNER introduced a bill (H. R. No. 3754) to provide for pay-

ing the bonds of the United States maturing in 1880 and 1881; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PRESIDENT JAMES MONROE.

Mr. GOODE introduced a bill (H. R. No. 3755) for the relief of the legal representatives of the late James Monroe, lieutenant-colonel Virginia State Line, war of the Revolution, and President of the United States; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ANDERSON B. GOSE.

Mr. THOMAS TURNER introduced a bill (H. R. No. 3756) for the relief of Anderson B. Gose, of Morgan County, Kentucky, late a private in Company B, Twenty-fourth Kentucky Regiment Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

BRANCH MINT, LOUISVILLE, KENTUCKY.

Mr. WILLIS introduced a bill (H. R. No. 3757) to provide for the establishment of a branch mint of the United States at Louisville, Kentucky; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

JOHN B. DAVIS.

Mr. WILLIS also introduced a bill (H. R. No. 3758) for the relief of John B. Davis, late mail contractor on route No. 7506 in Arkansas; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

HEIRS OF LUCY A. BARKER.

Mr. WILLIS also introduced a bill (H. R. No. 3759) for the benefit of the heirs of Lucy A. Barker; which was read a first and second time, and referred to the Committee on War Claims.

JOHN C. COLLINS.

Mr. MORSE introduced a bill (H. R. No. 3760) for the relief of John C. Collins; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY HERMAN.

Mr. MORSE also introduced a bill (H. R. No. 3761) for the relief of Henry Herman; which was read a first and second time, and referred to the Committee of Claims.

AMENDMENT OF THE REVISED STATUTES.

Mr. ROSS introduced a bill (H. R. No. 3762) amending section 4237 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

B. RAFF.

Mr. ERRETT introduced a bill (H. R. No. 3763) for the relief of B. Raff; which was read a first and second time, and referred to the Committee on Military Affairs.

CUSTOMS AND INTERNAL-REVENUE COLLECTIONS IN MAINE.

Mr. ATHERTON submitted the following resolution; which was referred to the Committee on Expenditures in the Treasury Department:

Be it resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, requested to communicate to this House the number and location of the several custom-houses in the State of Maine, the number and pay of all officers, clerks, and special agents of the United States employed therein, and the total cost per year of collecting the custom duties in said State, and the amount of such duties collected during the last fiscal year therein; also the number of officers, clerks, and special agents of the United States employed in the internal-revenue service in said State, their salaries, and the total cost of said service, and the total receipts of internal revenue collected therein for the last fiscal year.

SUFFRAGE IN THE TERRITORIES.

Mr. MULDROW. The bill introduced a while ago by the gentleman from Michigan, [Mr. WILLITS,] to further regulate suffrage in the Territories of the United States, and to fix certain qualifications for office, and to provide for the registration of voters in the Territory of Utah, was referred to the Committee on the Judiciary. It should have been referred to the Committee on the Territories. I move to change the reference so as to refer the bill to the latter committee.

The SPEAKER. Is there objection to the change of reference?

Mr. WILLITS. I object.

Mr. MULDROW. I ask that the rule applicable to this subject be read.

The Clerk read as follows:

91. It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories and to devise and report to the House such means as in their opinion may be necessary to secure the rights and privileges of residents and non-residents.

Mr. MULDROW. I now raise the question of reference. The bill ought to go to the Committee on the Territories, not to the Committee on the Judiciary.

Mr. WILLITS. I do not think the jurisdiction of the Committee on the Territories necessarily reaches the subject-matter of this bill.

The SPEAKER. The question is for the House to determine, not the Chair, although most bills of this character have gone to the Committee on the Territories. The question is on changing the reference so as to send the bill to the Committee on the Territories instead of the Committee on the Judiciary.

The question was decided in the negative; there being—ayes 41, noes 77.

COMMITTEES ON MILITIA AND DISTRICT OF COLUMBIA.

The SPEAKER. The Chair desires to announce that by an arrangement between the gentlemen concerned, Mr. JAMES, of New York, takes the place of his colleague, Mr. MILLER, upon the Committee on the Militia, and Mr. MILLER takes the place of Mr. JAMES on the Committee for the District of Columbia.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

DORSEY AND SHEPARD.

Mr. BUCKNER. Now, Mr. Speaker, I demand the regular order of business.

Mr. PAGE. I hope the gentleman will permit me, before he does that, to ask unanimous consent of the House to take up and refer a Senate bill to the Committee of Claims.

Mr. FORNEY. And I wish also to take from the Speaker's table the Military Academy appropriation bill for reference to the Committee on Appropriations.

Mr. BUCKNER. I will yield for that purpose.

On motion of Mr. PAGE, by unanimous consent, an act (S. No. 212) for the relief of John N. Dorsey and William F. Shepard, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

GEORGE WILLIAMS.

Mr. CONGER. Will the gentleman allow me to introduce a resolution?

Mr. BUCKNER. Certainly.

Mr. CONGER. I ask unanimous consent to submit the following resolution for action at this time.

The Clerk read as follows:

Resolved, That the Secretary of War be, and is hereby, authorized and directed to furnish to this House certified copies of any and all correspondence and reports filed in his office since July 2, 1879, touching the payment of a claim under the provisions of an act approved January 13, 1879, for the relief of George Williams.

Mr. WILSON. I will not object but will treat the gentleman with more courtesy than he treated me.

Mr. CONGER. I expected nothing less from my friend.

Mr. FRYE. I think the usual words should be added, "not inconsistent with the public service."

Mr. CONGER. A resolution has been adopted calling for information prior to that time, and the design of my resolution is that all should go in together.

Mr. COX. Why should we discuss it, then, when there is no objection?

The resolution was adopted.

MILITARY ACADEMY BILL.

On motion of Mr. FORNEY, by unanimous consent, the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, returned from the Senate with amendments, was taken up, referred to the Committee on Appropriations, and the bill and amendments ordered to be printed.

BANK RESERVES.

Mr. BUCKNER. Before the gentleman from New York [Mr. CHITTENDEN] begins his remarks I desire to say, Mr. Speaker, that after he and his colleague, Mr. LOUNSBERY, have finished what they have to say, I give notice that I shall demand the previous question on the passage of the pending bill in the morning hour. My object is to give that notice to the Chair.

The SPEAKER. Without reference to hour?

Mr. BUCKNER. Yes, sir.

The SPEAKER. The Chair will govern himself accordingly.

The morning hour begins at twenty-one minutes past one o'clock p. m.; and the House now resumes the consideration of the bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States, reported from the Committee on Banking and Currency by the gentleman from Missouri, [Mr. BUCKNER.] The gentleman from New York [Mr. CHITTENDEN] is entitled to the floor.

Mr. CHITTENDEN. Mr. Speaker, I feel well assured of my right under the rules and practice of the House to speak on this occasion, as I propose to speak, of our currency system in general and in detail, truthfully and fearlessly, although I consciously stand on the very edge of the greenback lion's den. [Laughter.] I am at liberty, however, to say a few words for the bill before the House. This bill, as I understand it, has nothing in it new to the statute-book save the requirement that in future the bank reserve shall be one-half in coin. It is not necessarily to be in gold coin. Let me tell my friends of the silver-dollar persuasion that the short-weight silver dollar will answer the same purpose as gold in this case. The banks by the bill are simply

required to keep one-half of their reserves in coin of the United States. It is a simple requirement—anybody can understand it, and it seems to me wholly unobjectionable to whomsoever wants any coin at all mixed up with our currency system. Moreover, the requirement is after the fact. The aggregate of specie now held by the banks is well-nigh sufficient to cover their whole reserve if distributed among them all.

Mr. Speaker, I respectfully but earnestly ask the attention of the House for fifteen or twenty minutes, while I try to show that our legal-tender currency in times of peace is a popular snare, a political device, in a bad sense, of vast scope, tending to corrupt and destroy individual honesty and public integrity, which are the mainspring of good government.

In pursuance of my aim I will first direct the attention of the House and the people, so far as my feeble voice may reach, to certain commonplace irrefutable facts, most commonly shunned and repelled.

The United States owe three hundred and forty-six millions of legal-tender war debt, payable on demand. We boast of paying it in good faith since January, 1879; but in truth we have not paid one dollar of it yet. We owe just as many dollars on that account to-day as we did May, 1878. Here is a shade to the glories of resumption, of which I will say more hereafter. Let us first seek to find the origin and intrinsic quality of legal-tender currency.

The first act which authorized the issue of greenbacks was approved by President Lincoln on the 25th of February, 1862. The measure was tolerated at the time, in and out of Congress, simply because the Government had no money and no other resource for the support of its armies. Greenbacks were reluctantly accepted as a war necessity. It was provided in the act of February that the legal-tender notes should at all times be convertible into bonds bearing interest payable in coin. This explicit right to fund was the apology made by Government for its forced loan, and the promise coupled with the original demand for it. Without this provision the bill had no friends; with it, there were no Senators or Representatives in Congress, eighteen years ago, bold enough to pretend that the act was constitutional. It was universally recognized in both Houses as a fiat, irrespective of the Constitution, to save the national life, and only on that ground justified. Such was the origin of legal-tender. The facts I have condensed are of record and incontrovertible.

Now, then, let us inquire what our legal-tender money is made of? Is there a fiber of honest money in this greenback I hold in my hand? Does it represent, in any sense or degree, labor or capital? Is it not the representative of debt, and of repudiated debt? For explicit answers to these questions I refer to the latest report of the Secretary of the Treasury, dated December 31, 1879. It reads as follows: "Debt bearing, no interest, old demand and legal-tender notes, $346,742,366." In what sense, I ask in the name of common honesty, is this debt money? May not the power to make it legal tender with equal facility make every kernel of corn in the State of Illinois a legal-tender dollar? If debt be the coin of the Constitution; if legal-tender be the money of Jefferson, Hamilton, and Roger Sherman, why not give Mr. WEAVER his five hundred million? It will, for the present, buy meat, meal, and fabrics. The world is full of hungry and naked people. In the name of humanity, why not feed and clothe them all?

But you cry, "Let well enough alone!" You say we have enough legal-tender for the present, and insist that this debt, though repudiated for seventeen years, is now good money because it is for the moment exchangeable for coin.

Just here, in my judgment, is the crime against the Constitution and common sense. How much honest and useful coin have you? How long will it last in critical times, when two thousand banks become watchful of their reserves? How did the Government get it? It gets coin by taxes, by selling interest-bearing bonds "for resumption purposes," all at the cost of the people. When legal-tender notes are presented and redeemed, what then? You say it is honest payment of the war debt. I deny it! You do not speak the truth! We boast of resumption for a full year, but, as I said just now, we have not paid a dollar of the legal-tender debt in all that time; not one! The moment my ancient ten-dollar note which I exhibited at the Speaker's desk two or three years ago was redeemed, Secretary Sherman straightway forced a new loan of like amount of some other person, and put the disgraced rag afloat again! Such is the law; the Secretary must obey it. It is not modest for me to anticipate the justices and declare that this law plainly violates the Constitution; but I know a boy twelve years old who has some genuine drops of Roger Sherman's blood in his veins who improvidently spent all his loose cash last summer, and ran up a big floating debt for the recovery of a runaway dog! This boy now says triumphantly "If I could only turn my floating debt into legal-tender and keep it afloat all the time, as my cousin, the great Secretary, does, I know the girl I'd marry and have a good time with independent of all my relations for the remainder of my life."

The talk about "resumption," if by that word is meant the honest payment of the floating war debt, is a broad farce in the eyes of the commercial world.

The individual, firm, bank, or railroad, paying its debts as the United States Government now pays its debt, would be without credit, exposed to derision.

We cannot stay, Mr. Speaker, where we now stand.

Again, it is when employed as the redemptive agent of national-bank notes, which are amply secured by interest-bearing bonds, that our legal-tender notes cut the most ridiculous and provoking figure in our bastard financial system. The notes redeemed by this fiat stuff rest on a solid basis, and are in fact the safest and best paper money for a great and prosperous country like ours the world has ever known, while the redemptive agent rests on nothing, absolutely, but the whims of Congress, has never been payable anyhow but for one brief year of its long life, and only that by favor of Divine Providence in visiting Europe with a temporary famine in aid of our "resumption purposes."

Moreover, in spite of the issues of the war, but for the stupendous resources of the United States, North, South, East, and West, which everywhere exceed the most enlarged computation, our greenbacks would long ago have been discredited and disgraced by the dalliance and adverse legislation of Congress.

Do we now realize, Mr. Speaker, that the Forty-fourth and Forty-fifth Congresses had no faith in and no desire for resumption in 1879? Do we remember that they did all in their power and all they thought necessary to prevent it? And what does the Forty-sixth Congress propose? "Let well enough alone!" That is the loudest peal. What does it really mean? I do not deny that my friend from Illinois [Mr. FORT] and my friend from Iowa [Mr. PRICE] are as true to their convictions as I am to mine, but I implore them to consider. The cry, let well enough alone, is no better, in my judgment, than a bill requiring Government to suspend specie payments in the first exigency. It is no better than a resolution eulogizing greenbacks and promising a fresh issue of legal-tender at a time not remote.

It is no better than a proposition to inflate and currupt the currency to the prejudice of the cotton-growers, cattle-growers, and corn-producers of the South and West. The jeers of my friends at banks and bondholders do not touch me! I neither own national-bank stock or Government bonds. I have no business now but farming. I speak as a producer of wheat and corn in Illinois and Iowa, and I speak earnestly, because I know that unless the laws of gravitation are to be abolished, that presently, or whenever the currents of foreign exchange are reversed, I in common with all farmers will have no coin but the short-weight silver dollars which have already become a great inconvenience to Congressmen. The gentleman from Illinois and the gentleman from Iowa may, with the other gentleman from Iowa and his cohorts, compel me and all western farmers to receive the short-weight dollar for our products, but they cannot compel the New York merchants who buy and ship our products to take their pay in anything but a full-weight gold dollar. I believe the farmer entitled to the same good money that the New York merchant gets. I tell farmers everywhere that the cry "let well enough alone" means exactly the opposite. It means gold for New York and silver or irredeemable paper for the South and West. The mistake made by the western gentlemen is this, they forget that Congress cannot control the standard of currency which governs our magnificent foreign commerce. The shipper is forced to take his pay in the gold standard. All the goods we export are paid for in gold. It is tolerably certain that producers will by and by open their eyes to this interesting fact.

It has for more than two years been apparent to the intelligent merchants of New York that America will absolutely control the gold markets of the world whenever Congress permits. In support of this belief I will read a short paragraph from the London Times of December 25, 1879:

THE AMERICAN DEMAND FOR GOLD.

We see more cause than ever for pointing to the state of the American money market as a reason for anticipating a pressure upon the stocks of gold in other gold-using countries, coupled with high rates in the discount market, during the next two or three years. America is a country which has large demands for currency, as past experience has shown, and the present demand is only unprecedented because for nearly twenty years before the American currency has been inconvertible paper, and we have had no practical illustration of what the growing demands of the country would be. The population all the while has been increasing with great rapidity in numbers and wealth. Now we learn suddenly what the consuming power of the United States really is, and we must attend to the lesson. Unless there is legislation to facilitate the expansion of the bank-note issues, which we can hardly anticipate, these American demands for currency must continue to have a great and predominant influence on the London money market.

Such, Mr. Speaker, is America's opportunity as viewed from London. The question arises, and comes home to each member of this House, shall we by paper and silver devices shut out future supplies and drive away the gold we now have?

The unlooked-for influx of nearly eighty millions of gold in six months, added to the product of our own mines, has temporarily exaggerated our splendid prosperity, and made men, and women too, wild with hopes of fortunes to be made in a day. The Treasury, with its vicious barricade of clipped silver dollars, looks defiant to those only who are near-sighted or refuse to see the truth. It is, in fact, on principle, as weak as Governor Garcelon of Maine was on New Year's Day. I wish, Mr. Speaker, it were as easy for Congress and courts to be as prompt and fearless when speaking for honest money as we can all be in defending the ballot-box.

Let me say once more, because it is impossible to remind the debt-paying people of our country of the ominous fact too often, the Secretary of the Treasury has not really paid one dollar of the floating war debt since May, 1878. Nor has anything yet taken place (but famine) to make our boasted resumption stable and secure.

May I say it, Mr. Speaker, without offense? I fear the majority of this Congress are not concerned to make resumption secure.

I also fear that the poison of legal-tender has so eaten into the vitals of the country that Congress will never blot the curse from the statute-book! Unless there be a power whose decrees are binding on Congress to adjudicate this question, in the presence of the Constitution, as understood for eighty years, we are at least in great danger of being plunged again into a frightful vortex of inflation and repudiation.

No one can patiently study the history and trace the subtle influence of the greenback currency in and out of Congress without being convinced that Government has blundered in dealing with it and blundered at immense cost to the people. The legal-tender feature was the primary and colossal mistake. It would be easy to show the monstrous evils it has wrought in the past, but we are only concerned now to show how naturally and boldly it threatens to subdue and dominate the Government. Behold its audacity! Our greenbacks have already won three great battles to the injury and discredit of the people, namely, the repeal of the original funding provision, the repeal of the act of 1866 requiring the Secretary of the Treasury to pay them off at the rate of four millions per month, and the suppression of cancellation under the resumption act of 1875. And now they confront us more daring than ever before. The President and chief officers of the Treasury have made it clear that by a special providence the time has come when active steps for the honest payment of this long-repudiated portion of the war debt may be taken without a ripple of harm to any one. The loudest response is a selfish and cowardly cry, wait! The President is right, say some, but our people are not ready. Of such I inquire, shall one who has been traveling the broad road to ruin for eighteen years refuse to turn when he reaches the open, narrow gate?

Is it truly well with us, my countrymen? Are we right? Is debt money? Is a false dollar to be the redemptive agent of a real dollar forever? Or are we traveling, foolhardy, upon the rim and treacherous crust of a legal-tender volcano, whose remorseless flames may at any moment burst their bounds, turn our prosperity to ashes, and set back our grand destiny for a generation? What of the demand of the gentleman from Iowa [Mr. WEAVER] and his confident supporters? They ask for five hundred millions of legal-tender in one solid chunk, and their demand is strictly characteristic of fiat money and its advocates in all history. Where are the Jeffersons and Hamiltons, the Calhouns and Websters, of other days to sound the alarm? Why do public men so hesitate to exhibit the courage of their convictions? What means the sharp contrast between the sentiments of Congress in respect to the money of the Constitution in 1862 and 1880? Go find the living men who as members of this House in 1862 stood here to hurl thunderbolts against irredeemable paper money, and compel those very men to answer these questions if you can!

But I am reminded that one performs only half his duty in *denouncing* a great evil. Our legal-tender malady has run eighteen years, invading every house. Some people seem to enjoy it; nevertheless, a cure is as desirable for them as for those who understand its true nature and dislike it accordingly. Let me get hold of my hearers, if I can, by reminding us all how safe it is to do right.

"Tell me what *is* right," said a distinguished New York judge, lately deceased, "and I will find a law for it." Try our case by this rule. Debt, whether of individuals or States, must be paid where the means of paying exists. Debt past due cannot be paid too quickly for the honor and highest interests of the debtor.

I hold these two propositions as fundamental in all right thinking and all right action on the question of our legal-tender debt; nor can I see how just men can rise here or elsewhere to dispute their truth and force.

What, then, remains for us to do for our honor and prosperity but to provide for the prompt payment of our floating war debt? How? When? If Congress only had courage to deal wisely with the currency now, without reference to the next Congress or the next President, the world would, in my judgment, soon be amazed by our swift deliverence from the legal-tender portion of our national debt and the substitution of gold for every dollar of it. I believe it can be paid dollar for dollar out of our mines and surplus revenue in less than five years, not only without a sensation of harm, but with the most encouraging inspiration and support to every honest man and industry in the land.

I would not, however, advise a policy which for success requires the entire liquidation of the greenback debt in five years. We have no need of haste, save to enter the right way when the gate is wide open. When we limit our inquiries to our own country a material millennium, so to speak, seems fairly within our reach. When we look beyond, we find the Old World loaded down with war debts and want, and it becomes us, even in our conscious strength, to do nothing rash. But no consideration whatever is due to the selfish and greedy cormorants who now in Wall street and now in Chicago manipulate railroad stocks and the produce of the country on a gigantic scale for their own exclusive ends, to the great injury of all industrial interests.

What is it but an excess of currency under their control which has enabled giant syndicates to blockade the internal commerce of the West and Northwest at the present moment? How is it that those who cry "Let well enough alone" fail to see that money is less free to farmers of the West in such sums as they need for honest purposes than it would be if our currency were placed on a solid basis beyond the control of giant speculators?

Now, then, Mr. Speaker, if I possessed the power, though it were coupled with the severest penalty for its misuse or hurtful exercise, I would deprive greenbacks of their legal-tender quality to take effect prior to next July. I would also stop minting silver dollars to-day, and as soon as practicable convert all the silver bullion now on hand, owned by the Government, with twenty-five million of the useless silver dollars, into gold, and with the gold thus acquired I would, in regular course of business, pay and extinguish an equal amount of greenbacks. I would further pay off greenbacks with surplus revenue instead of buying bonds not yet due, cautiously but steadily, and perhaps as rapidly as the national-bank currency expands under the operation of natural and safe laws.

We are mining at least six millions, gold value, of gold and silver per month, and if we utilize it, as we may, we can easily control all the gold we want for currency purposes, and force the other great nations interested to join us in the establishment of a bimetallic standard whenever it shall appear for our interest to do it. Is it not high time, Mr. Speaker, for the United States of America to cease dallying with a petty but extremely vicious legal-tender floating debt?

[Mr. LOUNSBERY addressed the House, but the morning hour having expired before concluding his remarks, he resumed and concluded his speech on the following day. See page 446.)

ORDER OF BUSINESS.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

Mr. HUNTON. Will the gentleman give way for me to make a motion that all general debate on the report of the Committee on Rules shall terminate with to-morrow's session of the House?

Mr. BLACKBURN. I will yield for that motion.

MAIL SERVICE—STAR ROUTES.

Mr. MONEY. There is a special order for to-day, being a bill reported from the Committee on the Post-Office and Post-Roads (H. R. No. 3013) to provide for regulating the manner of increasing service and expediting schedules on mail-routes. That bill was made the special order in the House as in Committee of the Whole on the state of the Union for Tuesday, January 20, 1880, after the morning hour. I ask that it be made a continuing order from day to day, so that it may not lose its place in consequence of the pending business in Committee of the Whole.

There was no objection, and it was so ordered.

REVISION OF THE RULES.

The question recurred upon the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. HUNTON. I move that all general debate on that report shall terminate with to-morrow's session of the House.

Mr. OSCAR TURNER. I desire to make a remark to the gentleman from Virginia, [Mr. HUNTON,] and also to the gentleman having charge of the report of the Committee on Rules, [Mr. BLACKBURN.] That report contains no provision defining the jurisdiction of the Committee on the Levees and Improvement of the Mississippi River. That committee claims the right to have one hour to assert its jurisdiction and to have the House pass upon that question.

Mr. BLACKBURN. The gentleman from Kentucky [Mr. OSCAR TURNER] is mistaken in one respect. The Committee on Mississippi Levees have communicated with the Committee on Rules and indicated a desire for two hours instead of one. Further than that, the gentleman from Kentucky is not altogether accurate. The Committee on Rules have not left open anything concerning that or any other committee, except as it stands open to-day in the rules of the House. The report of the Committee on Rules leaves the Committee on the Mississippi Levees precisely where the present existing rules leave that committee, without any definition of their duties at all. It is altogether proper that that committee should be heard.

Mr. OSCAR TURNER. I understand that the motion of the gentleman from Virginia, [Mr. HUNTON,] if adopted, will cut off the Committee on the Mississippi Levees after to-morrow.

Mr. ROBERTSON. If the motion of the gentleman from Virginia shall prevail, will our Committee on Mississippi Levees be cut off from discussing this question?

Mr. OSCAR TURNER. I will say that I do not desire to discuss the question at all. I was speaking merely in behalf of the gentleman from Mississippi, General CHALMERS, who has been selected by the Committee on Mississippi Levees to present their views to the House in regard to what ought to be the jurisdiction of that committee. He is absent from the Hall at this time, having no idea that any proposition would be made to cut off the general debate.

Mr. BLACKBURN. In answer to the gentleman from Louisiana [Mr. ROBERTSON] I will reply that I cannot say whether the adoption of the motion of the gentleman from Virginia, [Mr. HUNTON,] to close all general debate on the report of the Committee on Rules after to-morrow's session, would or would not afford an opportunity for the Committee on Mississippi Levees to be heard at such length as it has indicated a desire to be heard. The House will remember that the Committee on Rules have not been heard in all the days of

general debate that has taken place. I take it that it will be the pleasure of the House to hear that committee on the subject of their own work.

Mr. ROBERTSON. I believe that when the gentleman from Kentucky [Mr. BLACKBURN] presented to the House the report of the Committee on Rules, he stated that it was not the desire of that committee to curtail the debate upon their report, or upon any question that might arise in connection with it; that he wanted the freest and fullest expression of opinion from all the members of this House, and that every member who desired to speak on the question should have an opportunity to do so.

Mr. BLACKBURN. Every word of which I reiterate now.

Mr. ROBERTSON. I would state that the committee over which I have the honor to preside, the Committee on Levees and Improvement of the Mississippi River, have instructed a member of that committee, the gentleman from Mississippi, [Mr. CHALMERS,] to report for consideration two very important amendments of the system of rules which has been presented to this House in the report of the Committee on Rules. One of those amendments includes an extension of the jurisdiction of the Committee on Levees and Improvements of the Mississippi River, so as to enable that committee to take into consideration not only questions in regard to the improvement of the navigation of the Mississippi River, but also the improvement of the tributaries of that river. That amendment is now in charge of the gentleman from Mississippi, and we have informed the chairman of the Committee of the Whole that we shall desire two hours for the discussion of the question.

The Committee on Commerce, I believe, has been fully heard upon the question of the conflict of jurisdiction between that committee and the Committee on Appropriations. The Committee on Railroads and Canals have been heard. The Committee on Appropriations will doubtless be heard. The Committee on Levees and Improvement of the Mississippi River desires to be heard on the question of the jurisdiction of that committee. We desire to present to this House, through the gentleman from Mississippi, and others who may wish to speak, the reasons why we ask the extension of the jurisdiction of that committee.

As the question now stands, as truly stated by the gentleman from Kentucky, [Mr. OSCAR TURNER,] the duties of that committee have not been defined at all. The gentleman from Kentucky in charge of the report [Mr. BLACKBURN] states as a reason that no rule of the House now exists defining the jurisdiction of that committee. That is the situation of four other committees of this House. Under the present rule there are five committees whose duties are not defined. The Committee on Rules undertake to define the duties of four of those committees, the duties of which had not before been defined by any rule of the House. But in the case of the Committee on Mississippi Levees, the Committee on Rules have left the matter just as it now stands.

The Committee on Rules have gone further. By a resolution unanimously adopted by this House, the number of the members of the Committee on Levees and Improvement of the Mississippi River was increased to thirteen. The Committee on Rules in their report propose to reduce the number of the members of that committee from thirteen to eleven. We desire, therefore, to be heard fully on this question, particularly upon the extent of the jurisdiction of our committee.

The SPEAKER *pro tempore*, (Mr. COX.) The question is on the motion of the gentleman from Virginia, that all general debate upon the report of the Committee on Rules be closed after to-morrow's session.

Mr. ROBERTSON. I hope that motion will not prevail. I think it nothing but right that our committee should be heard, particularly as it seems there has been an invidious distinction made against the committee. The Committee on Rules has defined the powers and duties of four other committees whose duties have not been heretofore defined, while they have failed to define the duties of this committee. We desire, therefore, to be heard on the question; and if this debate be closed to-morrow we shall have no opportunity whatever to be heard.

Mr. BAYNE. The Committee on the Mississippi Levees and the improvement of that river has not, I believe, advocated or opposed the adoption of these rules in any respect as yet; that committee has not been heard from at all. Time has been given to various members of the House to express their individual views regarding the new rules; and this committee simply claims the privilege of putting forward one of its members as its representative to express its views respecting these new rules. The importance of the functions of this committee cannot well be overrated. Large amounts of money are expended upon its reports; it suggests various measures affecting the commerce of the whole country. Its importance in the administration of the affairs of this House, in the management of the commercial and navigable rivers of the country, can be questioned by no one. Hence when it asks the simple privilege that one of its members shall speak for it on this floor, it seems to me but fair and right that a committee of such importance should be granted a hearing.

Mr. BLACKBURN. That is agreed to.

Mr. BAYNE. But assurance is not given, if I understand the gentleman from Kentucky, that the hour proposed to be assigned to this committee will be certain.

Mr. BLACKBURN. Yes, sir; I guarantee that the committee shall have the hour, and have it to-day.

Mr. KING. But we are not prepared to-day.

Mr. BAYNE. The gentleman from Mississippi [Mr. CHALMERS] who was to represent the committee is not present to-day. He has prepared himself for the purpose of advocating the views of our committee; and no other member, so far as I know, has made such preparation.

Mr. HUNTON. I move the previous question on my motion.

The SPEAKER *pro tempore*. Upon the motion that after the session of to-morrow all general debate on the report of the Committee on Rules be closed the gentleman from Virginia calls the previous question.

Mr. BAYNE. I hope the motion of the gentleman from Virginia will be voted down, if assurance cannot be given that our committee will be heard.

Mr. CONGER. In order to test this question by a direct vote, I move to lay the motion on the table.

Mr. HUNTON. I submit that the motion to lay on the table is not in order.

The SPEAKER *pro tempore*. Does the gentleman from Michigan move to lay on the table the motion to close debate?

Mr. CONGER. Yes, sir.

The SPEAKER *pro tempore*. That is in order.

Mr. HUNTON. I demanded the previous question on my motion when there was no one on the floor.

The SPEAKER *pro tempore*. It is always in order to make a motion to lay on the table.

Mr. HUNTON. The motion to lay on the table was not made until after my demand for the previous question.

The SPEAKER *pro tempore*. The Clerk will read Rule 42.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

The SPEAKER *pro tempore*. The gentleman from Virginia must see from the reading of this rule that the motion to lay on the table takes precedence of the demand for the previous question.

Mr. HUNTON. The gentleman from Virginia does not see it.

The SPEAKER *pro tempore*. Nevertheless it is the fact.

Mr. HUNTON. I submit, of course, to the ruling of the Chair.

The question being taken on the motion to lay on the table, it was agreed to, there being—ayes 83, noes 42.

The question then recurring on the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the report of the Committee on Rules, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

Mr. ACKLEN. Mr. Chairman, I hold in my hand the report of the Committee on Rules. It gives unmistakable evidence of great care and attention. The gentlemen who compose that committee stand high in the esteem and confidence of this House, and if they have made some errors, committed some mistakes, as I think their report will disclose and this House will conclude, yet such conclusion will cast no unfavorable reflection on the result of their labors. They are human, like the rest of us, and we are all liable to err.

When I reflect on the individual ability and intellect of the gentlemen composing that committee, and their long terms of service in this House, it is with extreme diffidence that I venture to criticise the result of their labors. If this House shall conclude to adopt the report of the committee as a whole, I shall humbly and cheerfully bow to such a decision. However much I might regret, as a member of the Committee on Commerce, to submit my work to the revision of another committee of this House, yet I shall cheerfully agree to whatever decision the majority of this House may arrive at. For that the majority shall rule is the great underlying principle of the republican institutions of our country, and I shall not at this late date attempt to gainsay its correctness.

Before calling the attention of the House to that part of Rule XI which requires the Committee on Commerce to report the river and harbor bill to the Committee on Appropriations, I desire first to call the attention of the members of this House, even at the risk of being tedious, to some of the other rules which have been reported. In my humble judgment Rule I should have been placed in the order of Rule II; in other words, it should have followed, and not preceded that rule. It appears to me that the election of officers is a matter which more appropriately precedes the definition of their duties; but it is not to that mere matter of form I desire to call the attention of members. They will observe that clause 6 of Rule I, referring to the duties of the Speaker, reads as follows:

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Now, particularly I desire to call the attention of members to these words: "He shall not be required to vote in ordinary legislative proceedings." Why "ordinary?" Are there any extraordinary proceed-

ings in this House which would render it unnecessary for the Speaker to comply with the following two provisions of the rule, namely: to vote in case of a tie, or in case of vote by ballot, or where his vote given to the minority would make a tie? Then clearly such word is unnecessary and would simply tend to confusion in the construction of the rule.

And why legislative proceedings? If there are no proceedings in this House which are not legislative proceedings, then clearly the word is superfluous, but if there are, then there is double reason for striking it out.

But in order that no misconstruction can be possibly placed on this sixth clause of the first rule as reported by the committee, I have drafted a substitute which, I think, will not be open to the rather forced construction which some members might in the future be inclined to put on it; and I ask that the Clerk will read it.

The Clerk read as follows:

Substitute for clause 6 of Rule I:

"The Speaker has the right but shall not be required to vote in proceedings before the House except in the case of a tie or where the House is engaged in voting by ballot.

"Should the Speaker vote with the minority and thereby make a tie, the question shall be deemed lost. Should the Speaker vote to make or to prevent a two-thirds vote, where such vote is required, the question shall be deemed carried or lost, as the case may be."

Mr. ACKLEN. Now, Mr. Chairman, it will be observed that the substitute which I have drafted and offered does not change the true intent of the rule, and, in my judgment, prevents any forced construction unfavorable to its true intention.

RULE IV.

In Rule IV, clause 3, which reads as follows:

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety—

I would suggest, in the last line, "and no Senator or member of the House shall be approved as surety."

This refers to the bond to be given by the Sergeant-at-Arms; and I think it better that we should have none of our officers under any obligation to gentlemen at the other end of the Capitol.

I will pass over that portion of Rule XI referring to the Committee on Commerce, and requiring them to report the river and harbor bill to the Committee on Appropriations, until the close of my remarks.

RULE XV.

I now come to Rule XV of the House and I propose in this connection the addition of a third clause, which I will send to the Clerk's desk and ask to have read.

The Clerk read as follows:

That when members who are present fail or refuse to vote on any proposition before the House, when their names are called, thereby breaking a quorum, it shall be the duty of the Clerk to count those present not voting as having voted in the negative, and to declare the result to the House; and the proposition shall be deemed carried or lost, as the case may be.

Mr. ACKLEN. I shall offer that in no partisan spirit whatever; but, after our experience in the extra session of this present Congress, I think it will strike any fair-minded, candid man in this House that we should adopt some rule that will prevent, when a measure is violently advocated and strongly opposed, a minority of the House through parliamentary legerdemain in obstructing necessary legislation. It is impossible if we carry out, or if any body of men attempt to carry out, the practices which were adopted in the first session of this present Congress, for the country not to suffer. Needed legislation is certain to be obstructed by such tactics. I think it will be far better when a minority of this House shall have decided to their own satisfaction that the measure supported and advocated by a majority of the House is wrong and unconstitutional to place their opposition on record, and not impede and obstruct legislation, but remit the whole question to the people, who in the present day of a free press have a most favorable opportunity to judge of the propriety of measures pending before Congress.

RULE XVI.

In Rule XVI, clause 4, we find provided a number of motions which are defined "shall have precedence in the foregoing order." Clause 4 reads as follows:

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. ROBESON. Will the gentleman permit me to ask him a question upon the subject-matter he has just read?

Mr. ACKLEN. Certainly.

Mr. ROBESON. I find in the fifth section of the Constitution of the United States this provision:

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

Now, do I understand the gentleman to say that there can be under the Constitution of the United States a quorum unless there is a majority present doing business?

Mr. ACKLEN. I certainly did not make that statement——

Mr. ROBESON. If the gentleman will permit me, my proposition is that it is necessary under the Constitution that a majority shall be present doing business before there is a quorum of any kind, and no rule can make it otherwise.

Mr. ACKLEN. In reply to the gentleman from New Jersey I do say, Mr. Chairman, that it is undoubtedly correct as the gentleman has read it, the Constitution provides that each House shall be the judge of the elections, qualifications, and returns of its own members; and just here I would remark that I am very sorry the constitutional privilege and right which is therein provided was not exercised a few days ago in the State of Maine. [Laughter on the republican side.] But it rests with each House before the passage of such rules as it may choose to adopt to govern the presence and the action of its members, and it is clearly within the constitutional power of this House to adopt a rule requiring not only that members may be brought here and under what conditions and restrictions they shall be brought here, but that if they refuse to vote when they are present and in their seats merely for the purpose of obstructing the legislation of the country it is right, proper, and constitutional that the House should direct the Clerk by such rule as they may choose to adopt to take notice of their presence and report them accordingly.

Mr. ROBESON. If the gentleman will permit me, I think it may be within the province of this House to take such order as they may deem wise and proper to compel her members to do business, but I deny that any clerk or any speaker of any house can make a quorum, unless by some means or other they have a majority present doing business.

Mr. ACKLEN. But the rule looks to that very fact. When a quorum is present it should provide that a minority, under these circumstances, cannot willfully obstruct and impede the legislation of the country by refusing to do what the law of justice and right requires them to do—cast their votes when their names are called.

Mr. FRYE. Will the gentleman permit me to ask him if it has ever struck him that a child may lead a horse to water, but a regiment of men cannot make him drink?

Mr. ACKLEN. Yes; but I would say, Mr. Chairman, that old saw and maxim has been familiar to my ears for a long time, but it would take a very strong child to carry any horse to water if he determined not to go in the first instance. [Laughter.]

I will now proceed, Mr. Chairman, to call the attention of the members of the committee to clause 4 of Rule XVI. We find in that clause that one of the motions provided for is to "*postpone indefinitely.*" Now, to what purpose was this motion adopted by the Committee on Rules? It is entirely obsolete, we rarely ever hear of it, and I doubt whether within the experience of any member of this present body the motion has ever been put upon this floor to postpone indefinitely.

If you wish to take a case as an illustration, I would ask the attention of the House to the case of Charles Clinton, which was discussed in the Committee of the Whole, and I cite this as an illustration of the unmeaning action of the committee in continuing this rule in its present form. The Committee of the Whole can do but two things in the consideration of a question: report favorably or report unfavorably to the House; and a motion that the committee rise takes precedence of any other motion in the Committee of the Whole. Therefore the motion to postpone indefinitely can have no effect in the Committee of the Whole. Then why should we retain it in the House? When the bill comes back to the House for consideration the friends of the bill, if it has been reported adversely from the Committee of the Whole, would generally desire to take a vote by yeas and nays, or to do as they did the other day, move that the House adjourn. If the bill has been reported adversely, a motion to postpone is not the motion that takes precedence, but a motion to lay on the table. That has the effect of killing the bill. And, therefore, to retain in the fourth section of the sixteenth rule the motion to postpone indefinitely is simply to retain a clause in the rule which is obsolete in practice.

RULE XXI.

Now, in Rule XXI, we have:

1. Bills and joint resolutions introduced for reference and those reported by committees without such introduction, shall be read a first time by their titles and printed, the second time in full.

I think it quite unnecessary to consume the valuable time of this House in the needless reading of bills in full. The old rule provides that bills shall be read twice by their titles unless a reading in full is demanded by any member. This guarantees to the House an opportunity to thoroughly familiarize itself with every provision in the bill; and to require that the bill shall be read a second time in full before it is printed is simply an unnecessary consumption of valuable time. I shall, therefore, move to amend clause 1 of Rule XXI by striking out that provision.

I would also ask what is the reason that the Committee on Rules have required that no private bills shall be printed until they are reported, provided they have been printed previously. If we are to print any private bills, let us print all private bills. So far as my own opinion is concerned, I am clearly of the belief that no private bills should be printed until they are reported to the House for consideration.

I now pass, Mr. Chairman, to one of the most important rules which we have under consideration, that is, clause 3 of Rule XXI. I should

not have thought it necessary to occupy the time of the committee to any extent in reference to this rule had it not been for the very violent attack made upon it by the gentleman from Minnesota [Mr. DUNNELL] who unfortunately is not in his seat at the present time. But entertaining as I do a high respect for that gentleman's ability and intellect and knowing the weight that his utterances carry with this House I desire to show into what a slough of error the gentleman fell. I will therefore ask that the Clerk read his remarks on that clause of Rule XXI.

The Clerk read as follows:

It is simply this, that a majority of one committee, composed of eleven or thirteen, or fifteen men, the bare majority of that committee may absolutely and completely control the appropriations of Congress itself. It denies to the minority of the committee, it denies to the minority of the House, it denies to the majority of the House and to the whole House the power either to obey the law or to meet public demands. A law says that an examining surgeon shall have one dollar and a half for examining a pensioner. The Committee on Appropriations comes in with a report, voted by a majority of that committee, and says that that surgeon shall receive one dollar, and only one dollar.

I use this as an illustration, because in the present session we have seen this actually done in the report which came from the Committee on Appropriations for the payment of pensioners.

Now, this may be carried to any extent. The law says that the President shall receive $50,000 annually as his salary. It is in the power of a mere majority of the Committee on Appropriations to say he shall be paid $25,000; and it is utterly impossible for anybody in the House to change the result which the Committee on Appropriations has arrived at, unless it be to make it still less.

We are here at the mercy of a single committee, putting its strong hand upon and closing our mouths. No man, either on the right or on the left of the Speaker, can make a motion to increase the amount reported by the committee, not simply to what it ought to be in fact, but up to the point at which the law fixes it.

Mr. ACKLEN. Now, is that true as a matter of fact? I am surprised that the gentleman from Minnesota, who has now come into the Hall and resumed his accustomed seat, could have fallen into such an error in the consideration of clause 3, Rule XXI, as to have made in this House a statement such as the Clerk has just read. The rule provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

But taking the case of the salary of the President of the United States as an example which the gentleman cited, why, if the Appropriations Committee shall cut that salary down to $25,000, it is the right and within the power of any member of the Committee of the Whole to move an amendment that it be restored to what the law authorizes. The bill reported by the Committee on Appropriations does not itself change the law until it shall have passed. And to state to the House that it is within the power of the Committee on Appropriations, irrespective of the rights of the members of this House, to cut down the salary of the President from $50,000 to $25,000, was to fall into an error which I am surprised a gentleman occupying so high a position in this House as the gentleman from Minnesota could have made.

Now, I would like to call the attention of members to the history of this rule, which is one, perhaps, of the most important of all the rules reported by the committee for the revision of the rules. In the Forty-fourth Congress the honorable gentleman from New York [Mr. COX] reported an amendment to the rules, as follows:

That Rule 120 be so amended that after the word "progress" all be stricken out, and there shall be added the following:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The original rule to which this was an amendment, reported from the Committee on Rules, read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

That rule is just the reverse of the rule which we have under consideration at this time. Its construction has been given in the Manual, or rather in the Digest, and is as follows:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

That was the old rule to which from the remarks of the gentleman I imagine he wishes to return. I will now call attention to what was said on that subject by the honorable Speaker of this House, who was then a member of the House. I ask the Clerk to read what I have marked in the RECORD.

The Clerk read as follows:

Mr. RANDALL. The gentleman from Iowa [Mr. Kasson] presents the difficulty that this amendment gives too much power to the Committee on Appropriations. I submit that it only relates to appropriations that entirely pertain to the duties of that committee. I would say in addition that this proposition in no manner cuts off amendment or debate as allowed in Committee of the Whole; so that the objection presented by the gentleman from Iowa cannot exist. Any amendment that is proper in Committee of the Whole must have full and deliberate consideration and discussion.

* * * * * * *

Now, I want to be entirely frank about this matter, and I want to say this: that anything that the Committee on Appropriations do in connection with retrenchment is only in the nature of a recommendation. We must have the judgment upon it of a majority of the House. The majority of the House are alone responsible for the expenditures of money; but if we of the majority present a case requiring a reduction, it requires a vote of more than two-thirds of the House, and unless the other side authorize it it is never in our power to retrench.

Mr. ACKLEN. If there now remains any doubt whatever as to the erroneous position assumed by the gentleman from Minnesota [Mr. DUNNELL] in reference to that rule, I will ask the Clerk to read from the RECORD a ruling directly on that point made by Mr. Potter, of New York, who at the time, in the Forty-fourth Congress, occupied the position of chairman of the Committee of the Whole, while it was engaged in considering the Indian appropriation bill.

The Clerk read as follows:

The Clerk resumed the reading of the bill, and read as follows:

"For support of the Tonkawa Indians at Fort Griffin, Texas, $2,000."

Mr. THROCKMORTON. I offer as a substitute for the paragraph just read the amendment which I send to the desk.

The Clerk read as follows:

"That the sum of $2,500 be, and the same is hereby, appropriated for the benefit of the Tonkawa Indians, now at the military post at Fort Griffin, Texas; that the money herein appropriated shall be expended for the benefit of such Indians by the commanding officer at Fort Griffin, under such directions as may be prescribed by the Commissioner of Indian Affairs: *Provided*, That no part of such fund shall be applied to the removal of said Indians from the vicinity of such military post to any Indian reservation: *And provided further*, That such appropriation shall be applied *pro rata* to such Lipan Indians as may have heretofore been incorporated into the Tonkawa tribe, and which still reside with such tribe."

Mr. SPARKS. I make the point of order on that amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SPARKS. My point of order is that there is an increase of $500 for which there is no law, and it is not in the interest of economy.

Mr. THROCKMORTON. Before the gentleman makes the point of order, I ask that he will at least hear me while I state the reasons why I offer the amendment.

Mr. SPARKS. I am willing to hear the gentleman, of course.

The CHAIRMAN. The Chair overrules the point of order. The bill makes a distinct appropriation for the Tonkawa Indians. This amendment increases that particular appropriation. If there be any law authorizing this appropriation at all, it is in order for the committee to now increase it.

Mr. ACKLEN. I should not have felt it necessary to have occupied to so great an extent the time of this committee had it not been for the statements which the gentleman from Minnesota [Mr. DUNNELL] saw fit to make in regard to this portion of Rule XXI. The ruling which the Clerk has just read settles the question beyond all dispute.

I wish now to say, since I have been forced to disagree with the gentleman, that on two other points in connection with the consideration of private bills in this House I most heartily concur with him. I think that a rule which permits a majority of this House to do away with the consideration of private business on a day which should be consecrated, I might almost say, to private business—that is, Friday—is entirely wrong. I think the rule should be so framed as to require a vote of two-thirds of this House to proceed to the consideration of public business on a day which should be devoted solely to the consideration of private business. If we are not to establish a court for the consideration of the claims of the citizens of the United States, then in the name of justice let us at least give them a fair hearing in this House.

RULE XXII.

Clause 2 of this rule, which reads as follows:

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented—

I think is wrong. It provides that a petition which has been misdirected by a member of this House shall be permitted to go to some other committee solely by the direction of the committee that chances to have possession of it. I am of the opinion that the petition should be returned to the House, and that it should be for the House alone to decide to what committee that petition should be referred.

RULE XXIII.

In regard to clause 3 of Rule XXIII, I desire to call the attention of members for a few moments to an amendment proposed by the honorable gentleman from Kentucky, [Mr. OSCAR TURNER.] I ask the Clerk to read the proposed amendment, with the remarks of Mr. TURNER upon it.

The Clerk read as follows:

Mr. Chairman, there is one other amendment which I desire to offer about which there may be some contrariety of opinion. In regard to the other I think there will be none. Clause 3 of Rule XXIII, as embraced in this revision, provides that—

"All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced."

That is very good so far as it goes; but I would like to add, "and upon all such bills, motions, or propositions, the yeas and nays shall be taken in the House upon their final passage, and they must be voted for by a majority of all the members elected, and the vote entered on the Journal."

Mr. ACKLEN. I hardly think the gentleman from Kentucky, at the time he made that suggestion to this House, took into consideration the fact that we have here hundreds of bills making appropriations of different amounts, all of which would come under the sweeping provisions of his amendment. From an examination which I have made I ascertain that upward of one thousand bills in the Forty-fifth Congress would come under the provisions of his amendment. It takes about half an hour to call the yeas and nays; so that to take the yeas and nays on these one thousand bills would occupy five hundred hours. Now we all know that we have daily about three hours and a half for the business of legislation, excluding the morning hour; so that this calling of the yeas and nays would occupy

one hundred and forty-three legislative days; in other words, over six months would be actually consumed in calling the yeas and nays. It is unnecessary for me to say that this would not be in the interest of economy; and it would tend very greatly to obstruct the legislation of this House. I therefore dismiss the suggestion without further remark.

In clause 4 of the same rule, which reads as follows:

4. In Committee of the Whole House on the state of the Union the bills on the Calendar shall be taken up in their order, but when objection is made to the consideration of a bill, a majority of the House shall decide without debate whether it shall be disposed of or laid aside for the present—

there is clearly an omission on the part of the committee to insert after the word "bill," in the third line, some provision for deciding whether a measure shall be considered by the Committee of the Whole when objection is raised. The language reads:

But when objection is made to the consideration of a bill—

Where? In the Committee of the Whole—

a majority of the House shall decide whether it shall be disposed of or laid aside for the present.

Clearly here is what might be termed an *hiatus*. What shall be done when an objection is made to the consideration of a bill in the Committee of the Whole? Some provision must be made that the chairman or a member shall be permitted to ask that the committee rise and that the bill be reported back to the House for a decision whether the Committee of the Whole shall take it into consideration or not.

Now, at the close of clause 5 of the same rule, which reads as follows:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee—

we find a provision that—

Neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Referring back to Rule XIX we see that an amendment may be offered to an amendment, then a substitute may be offered, and finally one amendment will be entertained to the substitute. Under the provisions of clause 5 of Rule XXIII, five minutes' debate is permitted to the member advocating an amendment and five minutes to the member opposing it. It has been the practice and rule of the House to permit formal amendments to be withdrawn; but under the rule as reported by the committee it would be in the power of any member of the Committee of the Whole to object to a formal amendment being withdrawn. Under such circumstances the effect would be clearly to cut off debate at that point. Such was not the intention of the rule. It should be so amended that no amendment shall be withdrawn by the mover thereof *if opposed by the majority of the committee.*

RULE XXXII.

I now desire the attention of members for a few moments to Rule XXXII. This rule provides for the drawing of seats. I send to the Clerk's desk to be read a substitute which at the proper time I shall offer for that rule.

The Clerk read as follows:

SUBSTITUTE FOR RULE XXXII.

The Clerk shall at the commencement of each Congress prepare a list of the members thereof, arranging same in an order to be governed by the number of terms said members may have served. The member who has served the greatest number of terms in Congress shall be placed first on said list, and the others according to their terms of service. Where two or more members have served an equal number of terms, the Clerk shall arrange their names, as also the names of members elected to their first term, in alphabetical order. The Clerk shall then read the names from said list in regular order, commencing with the first, and when a member's name is called he shall be entitled to select his seat.

Mr. ACKLEN. It will be necessary that clause 2 of the same rule should be amended in keeping with what the Clerk has just read. It is as follows:

2. Before said selection shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been selected, no proposition for a second selection shall be in order during the same Congress.

I think it would be in the interest of legislation to permit the older members of Congress to have seats where they can conduct legislation more satisfactorily to the country than they possibly can under the rule as it now exists. I have seen old members of this House forced, under the lottery system, to occupy seats at the very rear of the Hall; so that they would be obliged to swap round with the new members in order to get an eligible place for taking part in the business of the House.

I had very much more to say in connection with several other rules; but as my time is limited I desire only to call the attention of the committee to that portion of the report of Rule XI around which most of the debate has rotated, so to speak.

RULE XI.

There have been three distinct propositions made in connection with this rule; one from the gentleman from Texas, [Mr. REAGAN,] who said:

At the proper time I propose to offer an amendment to Rule XI, striking out the words:

"But they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations."

And I shall move further to amend by inserting after the word "commerce," in the seventh clause of the rule, the following:

"And the Committee on Commerce shall have the same privilege to report all bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting the general appropriation bills."

That is simply the rule of the House as it now stands by the action of this House.

Another by the gentleman from Mississippi, [Mr. HOOKER,] who submitted the following:

Mr. HOOKER. I offer as a substitute for the pending proposition what I send to the desk.

The Clerk read as follows:

"*Resolved*, That the committee to revise and reform the rules of this House be, and they are hereby, instructed to report at an early day an amendment of the rules of the House so as to provide—

"First. That the Committee on Military Affairs shall receive the estimates and report the bills for the annual support of the Army of the United States, and receive the estimates and report the bill for the annual support of the Military Academy at West Point.

"Second. That the Committee on Naval Affairs shall receive the estimates and report the appropriation bills for the annual support of the Navy of the United States.

"Third. That the Committee on Foreign Affairs shall receive the estimates and report the appropriation bill for the maintenance and support of the diplomatic and consular system of the United States.

"Fourth. That the Committee on Indian Affairs shall receive the estimates and report the appropriation bill for carrying out the treaties and obligations of the Government of the United States with the various Indian tribes.

"Fifth. That the Committee on the Post-Office and Post-Roads shall receive the estimates and make the appropriation for support of the Post-Office Department of the Government.

"Sixth. That the Committee on Commerce shall receive the estimates of the Engineer Department and introduce the annual appropriation bill for improvement of rivers and harbors.

"Seventh. That the Committee on Invalid Pensions shall report the appropriation bill for the payment of pensions.

"Eighth. That the Committee on Appropriations shall receive the estimates and report the appropriations for the legislative, executive, and judicial departments of the Government, and the sundry civil service bill and all deficiency bills.

"Ninth. That the Committee on Public Buildings and Grounds be authorized to report all appropriation bills for such public buildings as the needs of the Government may require."

And lastly, the amendment by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] which is as follows:

"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

"1. To the election of members: to the Committee on Elections;

"2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

"3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations;

"4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

"5. To banking and currency: to the Committee on Banking and Currency;

"6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

"7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations;]

"8. To agriculture: to the Committee on Agriculture;

"9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs;

"10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs;

"11. To the naval establishment, other than the appropriations for its support: to the Committee on Navel Affairs;

"12. To the Post-Office and post-roads other than appropriations for their support: to the Committee on the Post-Office and Post-Roads;

"13. To the lands of the United States: to the Committee on the Public Lands;

"14. To the relations of the United States with the Indians and Indian tribes: to the Committee on Indian Affairs;

"15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

"16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

"17. To the manufacturing industries: to the Committee on Manufactures;

"18. To the mining interests: to the Committee on Mines and Mining;

"19. To the public buildings and occupied or improved grounds of the United States other than appropriations therefor: to the Committee on Public Buildings and Grounds;

"20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

"21.

to the Committee on Levees and Improvements of the Mississippi River;

"22. To education and labor: to the Committee on Education and Labor;

"23. To the militia of the several States: to the Committee on the Militia;

"24. To patents: to the Committee on Patents;

"25. To the pensions of the civil war: to the Committee on Invalid Pensions;

"26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

"27. To private and domestic claims and demands whatsoever, other than war claims, against the United States: to the Committee of Claims;

"28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

"29. To private claims to lands: to the Committee on Private Land Claims;

"30. To the District of Columbia: to the Committee on the District of Columbia."

Mr. SHALLENBERGER. I now ask the Clerk to read the amendments which I propose.

The Clerk read as follows:

"RULE XI.

"Clause 3.—Amend clause 3 by adding the words 'And the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures

of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage.'

"Clause 7.—Amend clause 7 so as to read: 'To commerce: to the Committee on Commerce; and this committee shall receive the estimates and report the annual appropriation bill for the improvement of rivers and harbors for reference to the Committee on Appropriations.'

"Clause 9.—Amend clause 9 by adding the words 'and this committee shall report the consular and diplomatic appropriation bill for reference to the Committee on Appropriations.'

"Clause 10.—Amend clause 10 by striking out the words 'other than appropriations for its support,' and adding to the clause the words 'and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations.'

"Clause 11.—Amend clause 11 by striking out the words 'other than appropriations for its support,' and adding to the clause the words 'and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations.'

"Clause 12.—Amend clause 12 by striking out the words 'other than appropriations for its support,' and adding the words 'and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations.'

"Clause 14.—Amend clause 14 by adding the words 'and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations.'

"Clause 19.—Amend clause 19 by striking out the words 'other than appropriations therefor,' and adding the words 'and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.'

"Clause 25.—Amend clause 25 by adding the words 'and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations.'

"Clause 30.—Amend clause 30 by adding the words 'and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.'"

I do not propose to discuss at length the merits and demerits of these several amendments, but I submit the following propositions: First, whether the river and harbor bill is properly an exception to the rule relative to other appropriation bills; secondly, whether any practical good is to be gained by reporting it first to the Committee on Appropriations; and lastly, why the Committee on Appropriations can properly report the other bills, and not the river and harbor bill?

Clause 3 of Rule XXI, which I have already discussed, says:

No appropriation shall be reported in any general appropriation bill, or be offered as an amendment thereto, for any expenditures not previously authorized by law.

Now, the fact is well known to members of the House that the river and harbor bill does appropriate money for improvements which have not been previously authorized by law. Hence, by the very rule which I have read, it is taken out of the strict construction of a general appropriation bill, and stands as an anomaly—a law unto itself—when considered with other appropriation bills. The river and harbor bill may contain provisions appropriating money for objects and public works already in progress. To that extent, and to that extent only, does it come under the provisions of the rule which I have read. I therefore maintain that it is an exception to the general appropriation bills, and there is no force in the position of some members that the river and harbor bill, being an appropriation bill, shall receive from the Committee on Appropriations the same consideration given to other appropriation bills.

Now I proceed to consider whether any practical good is to be gained by reporting this bill first to the Committee on Appropriations.

The Committee on Commerce in the preparation of the river and harbor bill have from eighteen hundred to two thousand closely printed pages of reports of the Engineer Department to read. I have in my desk the last report which has been made, and gentlemen can see for themselves what a volume it makes. It is necessary for members of that committee to read, and carefully read, every report which has been made before they can proceed to the careful and proper preparation of the river and harbor bill. Let the Committee on Commerce report an eight-million-dollar bill to the Committee on Appropriations and that committee may consider it necessary to cut it down $2,000,000; in other words, to scale it 25 per cent. They have not the time, however good their intention may be, to examine in detail each appropriation and see where the money can be properly reduced in amount. On the contrary they will be forced by the very nature of the case to scale all appropriations 25 per cent. That would work very great hardship, and it would be very much against the interests of the country.

Some appropriations are, for instance, on the eve of being completed. There may be a light-house requiring $100,000 which the Committee on Commerce have decided to complete, and they appropriate the money necessary for that purpose. The Committee on Appropriations by scaling all the appropriations 25 per cent. would reduce it to $75,000 and the work would not be completed. In the course of several years the winds and waves, which bide no man's coming or going, will destroy from $25,000 to $50,000 of the work already done. Therefore it must clearly appear to any man who will give this subject his careful consideration that it would be against the interests of the country and the interests of the Government to permit the Committee on Appropriations to scale a river and harbor bill without knowledge of its details, and to acquire a thorough knowledge of its details would require the same time as it does of the Committee on Commerce to prepare the bill.

There is one other question in this case, and that is why the Committee on Appropriations can properly report the other appropriation bills and cannot report the river and harbor appropriation bill. Every appropriation bill presented to this House, with the exception of this anomalous bill I have just mentioned, is authorized by law. The Committee on Military Affairs if they choose to increase the Army make a report to the House; the Committee on Appropriations receive the estimates from the Department and they appropriate accordingly; the Committee on Naval Affairs may do the same thing, and in all these cases the Committee on Appropriations have to deal solely and only with figures and estimates—it costs so much to feed the Army, it costs so much to clothe it. Those are questions of detail which are as well known to the Department as they can possibly be known to any member of the Committee on Military Affairs.

Therefore the preparation of the other bills which are presented by the Committee on Appropriations to this House has nothing more in them than simple addition and subtraction. They have to add up so much, and they have to deduct from that so much, and they appropriate the money accordingly, and report the bill to the House. This is not the case with the river and harbor bill. It cannot be the case with a river and harbor bill from the very nature of the bill itself. Therefore I say it would not be in the interest of the country, it would not be in the interest of the Government, it would not be even in the interest of that much-talked-of economy which is constantly dinned in our ears, I regret to say, by so many members of my own party who seem to think it the acme of statesmanship to sit down on the lid of the Treasury and not let a dollar get out of it. On the contrary, I am an advocate for liberal expenditure always, providing the money is appropriated for laudable purposes.

Mr. HOUK. Mr. Chairman, looking at this question of the rules for the government of the representatives of the people, it seems to me that we, as a legislative body, should seek to adopt that code for our government in the transaction of the people's business that shall conduce to the most practical, expeditious, and judicious disposition of it. And it seems to me, as a new member, looking at what would be and should be the mode of procedure, that the most feasible policy that will enable us to transact the business for which we come here as the representatives of the people would be, so far as may be practicable, to equalize the labors of all the Representatives upon this floor by distributing the work to be performed to the various committees in an equal and proper proportion for their consideration. When we look at the code of rules we now have, that by which the House of Representatives has long been governed, it most clearly appears that the original purpose in framing these rules was to distribute the labors of the House among the several committees, that the work which we were sent here to perform may be done in some reasonable time. Under the practice, however, it seems that a small number of committees, not exceeding three, have by some means or other seized upon and appropriated to themselves the powers not only of the various committees but the powers of the House of Representatives itself.

This, however, Mr. Chairman, does not grow out of the letter or the spirit or the purpose of the rules as originally established, and I cannot help but think that if a stranger who had never looked into the rules of the House of Representatives nor informed himself as to the number of committees constituted upon this floor—I say if a stranger had been here without information first acquired, and listened to the debates as they have proceeded on this subject, he would naturally have come to the conclusion that there were but two committees belonging to the House of Representatives, the Committee on Commerce and the Committee on Appropriations. Because, I submit whether nine-tenths of what has been said between these two committees striking and sparring at each other is as to how far the one or the other should be permitted to control the legislation of this body.

A MEMBER. The gentleman forgets the Committee on Manufactures.

Mr. HOUK. I ask pardon of the gentleman from Michigan, [Mr. HORR.] I did forget his committee.

Now, Mr. Chairman, it seems to me in debating these revised rules we should be careful not to incorporate and adopt the idea that has been foreshadowed through the entire debate, that all the work of the House, so far as committees are concerned, is to be confined to these two—the one on Appropriations and the other on Commerce. As I understood the representatives of these two committees, they come here and tell us they are overworked. The representatives of the Committee on Appropriations and of the Committee on Commerce both tell us each of these committees is overworked, and their members have more than they are able to do. If that be so, Mr. Chairman, as a practical legislator I want to submit the question to this House whether it is wise to keep these committees overworked, leaving the vast body of the majority of the committees of the House without anything to do. As was said by the distinguished gentleman from Michigan [Mr. HORR] the other day, his Committee on Manufactures had but one bill in eighteen years, and then another committee had stolen that. [Laughter.]

I ask the Clerk to read Rule 79.

The Clerk read as follows:

RULE 79. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters and things touching the commerce of the United States as shall be presented or shall or may come in question and be referred to them by the House, and to report from time to time their opinion thereon.

Mr. HOUK. In the way of criticism I desire to call the attention of the House. Mr. Chairman, under that rule the Committee on Com-

merce has jurisdiction of the harbors. It has jurisdiction of all seaports and coastwise commerce. The Committee on Commerce, under that rule, could only seize hold of inland rivers, railroads, and other means of transportation, under the term "commerce," by a very violent misconstruction of the language. Yet, sir, as I understand, and notwithstanding there is still another rule giving to another committee entire jurisdiction over the question of railways and canals and navigable rivers, this Committee on Commerce, not under the letter of the law, and not under its spirit, not by any legitimate intendment, but by forced construction, has taken jurisdiction and assumed to itself to control the entire question of navigable rivers. For the purpose of showing what was the original intention and object of the rule itself I ask the Clerk to read Rule 94.

The Clerk read as follows:

RULE 94. It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and *the improvement of the navigation of rivers, as shall be presented*, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. HOUK. I desire to call attention, Mr. Chairman, to the fact that the jurisdiction of the Committee on Railways and Canals is as clearly defined over *the navigable rivers* of the country as its jurisdiction over the question of railways and canals. Yet by some forced construction the Committee on Commerce reaches forth and takes hold of that question of navigable rivers, but has not assumed to take jurisdiction over railways and canals for the reason, I presume, they wish only to take a part at one time and afterward expect to reach out and take hold of and control what is left.

I submit to the House whether under this rule, which has stood here for years, every bill looking to the improvement of the navigable rivers of the country, taken under the control of the Committee on Commerce, has not been done in violation of this rule and outside of the letter and spirit of the law, and whether it is not really on the part of that committee a usurpation of power. I submit to the members of this House whether that practice hereafter shall continue. For if they, the Committee on Commerce, can take jurisdiction of the navigable rivers under Rule 79, why not of railways and canals? Railways and canals are much more heroic and enlarged methods for facilitating commerce than navigable rivers, and if the word "commerce" is to be so expanded and so enlarged as to embrace navigable rivers, I appeal to the House whether it should not also include railways and canals.

This Committee on Rules has had this question under consideration, and in reference to the report of that committee I am willing to echo every encomium based upon that. That committee takes the same view of this question that I do. They take the same view of the original rule and of the authority of each committee as was taken the other day by the gentleman from Virginia, [Mr. CABELL,] and which I take to-day.

When they come to prepare Rule XI and decide what powers the committee shall have, this wise and good and able committee which has done a great service to this House and the country in preparing the report and the rules they have submitted—this Committee on Rules recognize the law as it now stands, and as it has existed, that the Committee on Railways and Canals has jurisdiction of this question of navigable rivers, and seek to do by the enactment of this Rule XI, clause 16, what the Committee on Commerce has been doing by usurpation for lo these many years. In defining the powers and duties of the Committee on Railways and Canals, in defining what they shall have jurisdiction of, what shall be referred to them, they omit this Rule 94, which I have had read at the Clerk's desk, and substitute therefor this clause:

To railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

All subjects relating to railways and canals other than Pacific railroads shall be referred to that committee. Now, what I propose, and what I think would be maintaining the original jurisdiction of this committee, keeping the letter of the law as it now is and maintaining its jurisdiction as it formerly was, would be to insert:

To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads.

Thus leaving with the Committee on Railways and Canals the original jurisdiction that it now holds by virtue of the rule as it stands in the existing rules of the House, and as it has stood for many years.

In this connection I will not occupy the time of the committee in reading Rule 76, or having it read; but I desire to call the attention of the House and of the members of the committee to that Rule 76, defining what shall be the jurisdiction of the Committee on Appropriations as it now exists. There is not a sentence, not a line, not a word, not a letter, that can be tortured into giving the Committee on Appropriations that jurisdiction of the question to which it now seeks to commit this House by the adoption of these new rules as reported; thus taking an entirely new departure, laying down new grounds, reaching out after and taking an entirely new and original jurisdiction on these subjects, and especially the jurisdiction over the river and harbor bill. What seems to me would be more practicable would be to leave the Committee on Commerce its original jurisdiction, which was to look after the harbors and the foreign commerce of the country, that outside commerce that has swollen so largely and is now building up and making this country so great a commercial nation in its trade with the outside world; and to leave to the Committee on Railways and Canals its original jurisdiction, to look after railways and canals inland, and to look after the navigable rivers inland. We would thus more equally divide and distribute the labor, and then the distinguished gentleman from Texas [Mr. REAGAN] will not be coming into this House complaining of being overburdened and overworked with so great a stress of labor. From a tender regard for the gentleman I propose in connection with the other committees of the House to take part of the burden off his shoulders and help him to do part of the work.

Mr. REAGAN. If the gentleman will permit me I will say that I have never complained of the amount of work I have done before the House or anywhere else.

Mr. HOUK. Then I misunderstood the gentleman. I know this, that he has said a great deal about the amount of work devolving on the Committee on Commerce, about the time they devoted to it, and about there being so many thousand pages they had to wade through. But now I want to lighten that burden and to do that gentleman a favor by distributing the labor among the various committees of the House so that every man can come forward and do his portion of the labor, and thus the committees may better transact the business of the people and prepare the legislation that comes before the House. For the presumption is, Mr. Chairman, that we all come here as equals. The presumption is that we are all qualified to discharge the duties for which we were sent here.

Mr. HUMPHREY. That is a violent presumption.

Mr. HOUK. That may be a violent presumption for Wisconsin, but it is not so for all parts of the country. But the presumption is that the representatives of the people are capable of discharging the duties for which the people sent them here. And if that be so, I ask by what system of legislation, by what right should two or three committees seize upon and control the business of this House of Representatives to the exclusion of the voice of the people's representatives, as is done to-day? Every gentleman on this floor knows I utter but a truth when I say that the power is concentrated in these few committees, and that a handful of men can control the legislation of the country and prevent the people's representatives from taking part in it.

Why, Mr. Chairman, in listening to this debate every man is bound to be impressed with this thought: That the idea conceived by the Committee on Rules has been that it would not do to trust any other committee except, singly and alone, the Committee on Appropriations. While that is no doubt an able and a conscientious committee I do not concede that it embodies all the wisdom or virtue of this House. But it seems that the people's representatives are not to be trusted; that the other committees are not to be trusted; that there is some sort of design peering up and presenting itself; that the Committee on Appropriations is set up as a kind of guardian angel here in the House of Representatives to look after the other committees and the people's representatives and see that they do no wrong.

Well, now, Mr. Chairman, whatever may be the fate of these rules, whatever may be the fate of this discussion, I am in favor first of each committee having its rightful powers and jurisdiction restored to it. But under no circumstances, if the various committees cannot have the jurisdiction that rightfully belongs to them—for instance, if the Committee on Railways and Canals cannot retain its jurisdiction over the improvement of navigable rivers, as I insist it should—under no circumstances will I vote to require the Committee on Commerce, if it retains the control of this question, to report to the Committee on Appropriations, because it strikes my mind as a self-evident fact that the committee that makes up this bill knows more about the necessities of the country and the demand for improvements than any appropriations committee to which the bill may be referred, and in the very nature of things only casually and imperfectly considered.

There is another argument made here to which I wish to advert. It is this: it seems to be the desire of some who advocate the proposition that the report of the Committee on Commerce shall be made to the Committee on Appropriations, to place the power in the hands of the Committee on Appropriations, because, forsooth, they are not so friendly to the river and harbor appropriation bills as may be some other committees, the Committee on Commerce for instance. It has struck my mind all through this whole discussion that if this is designed for the purpose of placing the power in the hands of the Committee on Appropriations to stop all improvement of rivers and harbors, it is designed to strike at the real prosperity of the country; because it seems to me that there can be nothing that will contribute to the upbuilding and the advancement and the glory of this country to a greater degree than by extending the means of transportation to meet the increased wants of the growing commerce of the country.

Now, if I had no other reason I should have desired to have spoken upon this subject in order to say, once for all, in this connection that while I do not desire to vote away the people's money for improper purposes, or to squander the money of the people, and while I desire to see it properly applied for honest purposes, yet on every occasion and under all circumstances when the opportunity is presented to build up the commerce of the country by improving the navigation of its rivers and opening up its harbors, so as to increase the means of communication, I will vote for it and hold myself responsible to my constituents for that vote. I am in favor of improving every river in the country where it will improve our commerce, and thus increase

the prosperity of the people. Money thus expended is a valuable investment, and will return tenfold interest. Let our navigable rivers be improved and open up a way for increased industries.

Mr. HUMPHREY. There is where you agree with Wisconsin again.

Mr. HOUK. I knew that I agreed with Wisconsin in a great many things.

Again, just in this connection, it seems to me that the latter clause of section 3 of Rule XXI, as reported by the Committee on Rules, ought by all means to be stricken out and not adopted by this House. That clause reads:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, to my mind the injustice of that clause consists largely in this: these appropriation bills are made up in committee, and the representatives of the people have no voice in their preparation. It may be that nine-tenths of all the members of this House are in favor of placing upon such a bill some clause that would be for the benefit of their constituents, in the nature of an appropriation or otherwise. Yet here is a provision that makes it the imperative duty of the presiding officer to rule any such clause out of order. I say it is unjust, anti-republican, and opposed to all the principles of representative government, and smacks more of tyranny than of justice.

I am constrained also to oppose the rule proposed by the gentleman from Louisiana [Mr. ACKLEN] for two or three reasons. As I understand the proposed rule, sent to the Clerk's desk and read as a part of this code of laws for the government of this House, that gentleman proposes to give the first choice in the drawing of seats to those who happened to have been elected the oftenest. Now, I have great respect for any gentleman whose constituents continue to send him to Congress. It is a strong evidence that he has a lodgment in the minds of the people who vote.

But I was taught, and that was one of the principal reasons why I have had an ambition, for lo these many years, to come to Congress, that when I should get here I would find that the representatives of the people were still Americans, imbued with American ideas and engaged in American practices; in other words, that we all stood upon an exact level of perfect equality so far as nature would allow. But here is a proposition coming from the distinguished gentleman from Louisiana, [Mr. ACKLEN,] that would establish an aristocracy in the House of Representatives. Why, sir, we have heard of the empire; we have heard of the third term; we have heard of the danger of losing republican liberty; yet the first proposition looking to the establishment of an aristocracy in this House comes, not from a third-termer at all, but from the other side of the House. The proposition is, that because forsooth some gentlemen are returned to Congress oftener than others they shall have a kind of aristocratic right to be seated wherever they may choose. Now, I am opposed not so particularly to the third term as I am to this principle of erecting an aristocracy in the House of Representatives and placing one member above another, simply because he has been elected oftener.

Mr. ACKLEN. Will the gentleman allow me to ask him a question?

Mr. HOUK. With pleasure.

Mr. ACKLEN. Is it not, as a matter of fact, the rule and the custom for the Speaker of the House to appoint upon the most important committees of the House those members who have served long terms of service in this House?

Mr. HOUK. That may be true, but it is not the rule; it is simply a matter of discretion with the Speaker. Not only as a Representative from his district and a member of this House, but a representative of the American people, he exercises his discretion to select the best material for the best work. I apprehend that there might be some men elected and returned here until they were as old as Methuselah, and they never would be selected for places on the Committee on Appropriations.

Mr. ACKLEN. I will ask the gentleman also if the practice has not obtained of giving to the old members of the House—I do not refer to their age but to their length of service—the best seats or rather the choice of seats? Was not that the original custom of this House of Representatives?

Mr. HOUK. That may be true.

Mr. ACKLEN. And have we not changed to the lottery system, departing from the rule established at the foundation of this Government?

Mr. HOUK. There were a great many things established at the foundation of this Government which time and experience and observation and the wisdom of mature years have developed to be wrong.

Mr. ACKLEN. Yes, the electoral commission for one. [Laughter.]

Mr. HOUK. I was not in favor of the electoral commission myself. I thought the Vice-President ought to count him in and declare him President. [Laughter.] I mean, provided he had the votes.

I will refer to only one other feature of this rule, and then I will yield the floor to my friend from Wisconsin, [Mr. WILLIAMS.] The proposition is that after seniority of service has been taken into consideration, the names shall be arranged alphabetically, commencing with the letter A. Under that arrangement, of course, the gentleman from Louisiana would always have a good seat. But I am opposed to the proposition, because while he would always have a good seat, what would become of poor WILLIAMS and VALENTINE? [Laughter.] They would be thrown on the outskirts.

Mr. ACKLEN. The gentleman from Wisconsin, who has served one term longer than myself, would rank me by probably twenty or thirty seats.

Mr. HOUK. Still the men whose names happen to begin with V or W would fare badly. But, to recast the whole matter for a moment, it does seem to me that as practical men we should try to distribute the labors of this House in such a way among the several committees that all can join in them and in the preparation necessary for the legislation of the country. To equalize these labors is to hasten the business of the people.

I yield the remainder of my time to my friend from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I am obliged to my friend from Tennessee [Mr. HOUK] for his courtesy. I can heartily concur with most of the gentlemen who have spoken in this debate that the Committee on Rules are entitled to great credit for the compilation which they have given us. The arrangement is simple; and the language plain and concise. As I understand the scope of a general debate of this nature it is or should be for the purpose of exchanging views and making general suggestions. My own idea is that hour speeches are altogether too long for such a debate, and that five minutes would be too short. If the entire time occupied by this debate had been confined to ten-minute or fifteen-minute speeches, we should have had a far better analysis and understanding of this code of rules than we have, though of course able and interesting speeches have been delivered.

I propose only to make a few general suggestions, in which I do not feel entire confidence myself. I am rather glad that my time comes so near the hour for adjournment; and I shall feel it no discourtesy if any gentleman prefers to go to dinner rather than to listen to what I may suggest. My only object is to get certain suggestions and amendments into the RECORD that gentlemen may give them such attention as they may be disposed to.

The other day I chanced to hear two distinguished and able gentlemen of this House discussing whether it would not be a good plan to plant guns on the top of this building to be discharged for the purpose of informing absent members when the House lacked a quorum! Mr. Chairman, whether the walls of the building would withstand the recoil of the guns or not, we must concede that it would save mileage on the part of the Sergeant-at-Arms. I am not sure that my friends were serious about it; but since I have been a member here one thing has frequently forced itself upon my mind. It is this: If "order" be "heaven's first law," it is equally true that if we are to get the best work from the combined ability and judgment of this body such order should be preserved during the business sessions of the House as will enable each member to hear what is being said and done. But both tradition and custom seem to have ordained that no such order should be preserved here, except, at least, in case of the death or funeral of a member! Now, what has often occurred to me is this: whether it would not be a good plan to plant a swivel gun charged with grape and canister on the desk in front of the Speaker and give him liberal discretion to fire! [Laughter.] But of course I do not suppose that suggestion can be adopted. In fact I am not just sure that I would vote for it myself. [Renewed laughter.] Now, sir, I speak in no spirit of fulsome flattery when I say that in my opinion no Speaker or occupant of that chair has on the whole succeeded in preserving better order during the sessions of this House than our present Speaker; but it has occurred to me, as I doubt not it has to others, that if he, with the decision and power of will which characterize him, should, when noise and confusion are reigning supreme here, sit firmly back in his seat and declare to this House and the country that the public business should not proceed until order was restored and maintained, and then adhere to it unflinchingly, though he sat through an entire day's session, I believe a blessing would be conferred upon Congress and the country such as it seldom falls to one man to bestow. Of course he could not do it without the co-operation of members; but if it were understood that this new departure was to be tried I believe he would have the hearty co-operation of a majority, or of all the members of this House. I do not mean that the Speaker would be expected to preside over us like a schoolmaster, but that such reasonable order might be maintained that the business before the House could be fairly understood. Of course I throw this out only as a suggestion, and with a feeling of deference to the House and distrust in my own judgment. I know the potency of the reply when any innovation upon these customs is attempted. It is, "Oh, it has always been so!"

Why, sir, four years ago I attempted by introducing a resolution to dispense with reading the given names of members upon the roll-call. I was assured and I believe in the utmost good faith by friends all around me here that it would never do; that the practice had always been the other way; and should the change be made the rights of the minority would be wrecked! That we wanted time to get members in, &c. I confess that the shock was so sudden and startling to me that in absolute fright I consented that the resolution might be referred, instead of pressing a suspension of the rules as I had expected to do. Mr. Chairman, after regaining my composure, I introduced that resolution at three successive sessions, and finally the Committee on Rules took hold of it, reported it favorably, and advocated its passage. And I am happy to know that, although it has been in force a half a year or more, the walls of the Capitol have

not fallen in, the minority are still on deck, and the change saves from fifteen to twenty minutes on each roll-call.

I am glad to say that the committee have gone even further in this proposed revision, and struck off the prefix "Mr.," thus saving still more the voice and lungs of our reading clerks, so sorely taxed at times. Yes, Mr. Chairman, custom is strong here, as it is everywhere. Why, I have often wanted to make a suggestion, but I really dare not, that a duplicate clock be placed over the Speaker's chair, in order that when a member is addressing the chair his eye would unconsciously measure the time allowed him. But I knew if I suggested it I should be told that "it had always been the other way; that 'grandfather's clock' had always stood in the upper gallery at our back;" and that it was one of the indispensable requirements of this House that if a member presumed to address it he must pause in his remarks, wring his neck half around, take a look at the clock, and then inquire: "How much time have I left, Mr. Speaker?"

Passing from this, I am glad to say that had this Committee on Rules done nothing else, in my judgment they are entitled to a vote of thanks for bringing into prominence this one passage from Jefferson, to be found on page 14 of the report:

A settled order of business is, however, necessary for the government of the presiding officer and to restrain individual members from calling up favorite measures or matters under their special patronage out of their just turn. It is useful also for directing the discretion of the House when they are moved to take up a particular matter to the prejudice of others having priority of right to their attention in the general order of business.

Need anybody be told that if a deliberative body is to become familiar with its own rules nothing can so conduce to this as regularity and routine in the transaction of business? The committee have taken a long step in the right direction when they require that there shall be a written report in each case, which shall be printed, and if objection be made every bill reported in the morning hour shall go to its appropriate calendar. I know of no other way, if, indeed, the House is to know what is contained in these reports in time to act intelligently upon the reported bill.

We shall probably meet with one embarrassment, and that is, how to reach certain measures of greater importance than others on the House Calendar, but that I doubt not will in some way be put under the control of the House. If I may be allowed the suggestion, with all deference to the Committee on Rules, I would dispense with the necessity of that one objection, and the morning hour should be employed absolutely in the report of bills and their reference to the proper calendar; then, instead of two or three morning hours being unexpectedly blocked up with some matter not expected to take ten minutes, committees would report regularly and in order, and could get their work before the House in print, at least; then let the rule be amended so as to require that a copy of each report be mailed to members at their rooms, let them arrange such reports in pigeon-holes or alphabetically, and they will always have ready at hand a complete chart of the business of the House without having to look in some cave in this building to find it.

I have another suggestion to make, but with considerable diffidence in my own judgment, for it is rather radical and might get us into more trouble than it would get us out of. It is this: It seems to me, from such observation as I have been able to make while a member here, that, paradoxical as it may seem, one of the most arbitrary, the most dangerous, and pernicious practices is the custom of transacting business by unanimous consent. On the one hand, it throws all the responsibility of objecting upon a single member. A member, having an important interest in charge, does not like to incur the displeasure of other gentlemen, who will be sure to object when such business comes up; but if he does venture to object, believing it to be his duty, he is at once pounced upon by a dozen friends of the measure, and it is not in human nature that he should be expected to hold out, and he generally gives way. And yet it may be of the very highest importance that the objection should be interposed.

On the other hand, it throws into the hands of a single member the power to block the wheels of legislation and throw the public business out of joint, when it is the sincere desire of all others that it go on. I speak in no offensive sense, but members sometimes may be inclined in objecting to take counsel of their obstinacy rather than their higher wisdom.

As unanimous consent throws the House out of joint, so a single objection often does the same thing. If you are to have legislation by so many separate juntas of the House in the form of committees, it might do. But the present practice destroys both committee work and any intelligent deliberation and action in the House.

We all see that a committee charged with the special investigation of an important subject, perhaps empowered to send for persons and papers—that their original function is to furnish information to the House. Now, however painstaking and laborious their work may be upon measures before them for weeks, and perhaps months, when they come in here to report in the morning hour what is the usual condition of things? As a rule members are engaged in opening their morning's mail, writing letters, or engaged in general conversation, and the member in charge of the bill may be a gentleman of consummate ability, but unfortunately has a voice that cannot be heard ten feet from his seat. He states something in good faith, the majority of members do not know what. We soon hear the motion for the previous question. Members look up from their writing or pause in their conversation to inquire, "What is this?" Their neighbors do not know. They do not know. Not a particle of information has come from the committee to them. So each says to the other, with a sad and troubled look, "Well, it is safe to follow the committee or vote no."

Now, Mr. Chairman, would you, would any member of this House, decide on his individual responsibility, sitting as a justice of the peace, a lawsuit involving $100 in a way like that? And yet we decide cases as a deliberative body involving, it may be, thousands, if not millions, in precisely that way. Take the other case. Supposing some member chooses to stampede the House and shout "Fraud!" or "A job!" Ignorance here, as everywhere, is the parent of panic, and the painstaking and intelligent labor of a committee for months is wrecked in a minute!

Again, matters are proceeding under some order permitting a single member to object. The impulse comes over some one, perhaps myself or any one else, that if his name is ever to be seen in the Associated Press dispatches or the CONGRESSIONAL RECORD he must do something—and he does it!

He "objects," and for the life of him he might not be able to tell why, if required to do so, but his single objection is all-sufficient! His pride is aroused, and he is bound to stand up like a little man! The business of the House is knocked out of joint, and the intelligent labor of the committee ruined or postponed. The attention of the House was beginning to be drawn to the measure; each member was resolving that he would look it up and take an interest in it. But it has gone over! It may not be reached again in a month, or during the entire session. And with this fragmentary treatment of various bills, the time for final adjournment comes. The session goes out, and the same bills are piled in upon us again at the next session by the bushel. Reprinted by the cord! But I must hasten, and will ask the Clerk to read an amendment which I send to his desk, that it may be printed in the RECORD and receive such attention as members may be inclined to give it.

The Clerk read as follows:

Add to clause 3, Rule XXIV, the following:

Nor shall it be in order for the Speaker to ask that business be transacted by unanimous consent, except to dispense with the reading of papers, grant leave of absence, and present executive communications or other papers or make such communications as are proper for the Speaker to do; but where unanimous consent would otherwise be required to transact business the question, upon motion, shall be decided by the House without debate, which motion shall be subject to a call for the regular order of business by ten or more members, and shall not prevail unless sustained by a two-thirds vote of the members present and voting.

Mr. WILLIAMS, of Wisconsin. The purpose I seek to accomplish by that—and I will say to the House I am not sure I have done it—is this: that wherever unanimous consent is now required to take the power out of the hands of one man to object and place it in the hands of ten, so that when the motion is made, if the majority of a committee are desirous of proceeding with the regular business, or any other ten members desire the same thing, they have the power to do so as against this old practice of granting unanimous consent. On the other hand, if ten members do not object the vote of two-thirds of the members shall take the place of old unanimous consent, with this difference, that members in their action would be supported by the real wish and public sentiment of their fellows. The motion, it seems to me, would ordinarily be decided by a *viva voce* vote, or certainly in most cases by a division.

To illustrate briefly: the question might be asked, Would you prohibit the introduction of bills and resolutions by unanimous consent? Why not? Formerly bills could only be introduced upon the recommendation of a committee. Then Monday was set aside for their introduction on leave; and they are coming in by the thousand, if not ten thousand. But the Speaker is badgered on all hands to consent to recognize members for the introduction of bills and other matters upon unanimous consent. He consents to do it; babel breaks out in front of the Clerk's desk; the order is at the mercy of any member to object; a few of the more daring and persistent ones get in their bills out of order, the others are cut off, and a general feeling of dissatisfaction ensues. By the way, I would like to inquire, if I had sufficiently considered my own question, whether the Journal might not be printed instead of read? And the first thing in the morning after prayer let the Speaker call for corrections of the Journal, which ordinarily would take five minutes, perhaps, instead of fifteen to twenty-five, as now. But, Mr. Chairman, I am almost frightened at my own question.

I speak of another matter with no disrespect to callers on the members of this House; it is a right and a privilege which all should enjoy; but I wish to make a suggestion which I doubt not all callers would willingly and readily conform to when once understood. I embody my suggestion in the form of an amendment which I will send to the Clerk to read.

The Clerk read as follows:

Amend Rule VIII so that the same will read as follows:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified. Every member shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. WILLIAMS, of Wisconsin. I believe all reasonable persons will agree that so long as callers on business have almost complete control

of our time from the first jingle of the door-bell in the morning until the last sound of the curfew at night, we should have at least a few minutes if not hours during the session of the House when we can attend to the public business without interruption.

Why, Mr. Chairman, you may go out to any one of the three doors leading into this Chamber while the House is in session, and you will see more business being transacted there than on the floor. You fairly have to work yourself through the crowd to get access to this Chamber. Gentlemen say "Refuse to go out, then." But members do not like to do that, though some very distinguished members have adopted that practice, I understand.

But see how the custom works now. A member has charge of an important bill; he is explaining it to the House; you become greatly interested and want to understand it. Just then a card is brought to you; it may be from one of your constituents from home, and it may be from a dead-beat who has bored you almost to death; it may be from an entire stranger to whom you do not wish to be discourteous. At all events there is nothing left but to go. When you return the business has passed to another stage; you lose all interest, and lapse into the normal condition of the average member. If you are industrious you fall to writing letters; if you are genial and social you fall in with the telling of anecdotes which goes on with renewed vigor; but in either case the business of that day's session is an utter loss to you. I have heard it suggested that no cards should be sent in during a session of the House. But it is more convenient to see members here, and an hour and a half for that purpose ought to be sufficient. The amendment will prevent no one from leaving the Chamber, and in case of urgent necessity the Doorkeeper will be sure to inform members, while the great rush will be stopped.

Mr. Chairman, I desire to allude to but one thing further; it is this: We come here and remain the six or eight months. Our legislation is finally boiled down and sent to the conference committees, perhaps at midnight on the last night of the session. They report that the Senate has concurred in No. 16, that the House has receded from No. 20, and that the Senate has agreed to number 25, and so on. The vote is taken and of course the conference report is adopted. We know by experience that many of us have voted for measures in that way of which we knew absolutely nothing, and could never find out till we received the printed statutes at our homes. I simply propose that in these conference reports the amendments shall be so written out that they may be intelligible when the reports come back to the House. I therefore offer the following amendment as a suggestion:

Add to Rule XXIX the following:
And such reports, instead of referring by number to the amendments or propositions agreed to in conference, shall be so written out as to inform the House, from the reading of the report, what effect such amendments or propositions will have upon the measures to which they relate.

Mr. Chairman, I repeat that I have submitted these remarks to the committee as suggestions rather than as mature matters in detail. I believe if some such reforms could be brought about the new members of this House would be encouraged, and many a member who is known to possess a well-drilled mind, who is valuable on committees, whose judgment would carry weight anywhere, would come to the front and the House would have the benefit of his experience, learning, and ability who now shrinks away, first, because he does not happen to possess lungs of brass or a voice of thunder; and second, because he has no taste for that push, self-assertion, and persistency which make men prominent in a street broil. I do not say that men who are entitled to lead us do not as a rule do it now, or that any mere rules can make men prominent who are not naturally so; but I do say that these reforms would go far toward securing the joint deliberate judgment of this House as a part of the American Congress.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the revision of the rules, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 315) granting a pension to Henry Stanley Wetmore;

An act (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes; and

An act (S. No. 747) for the relief of Harlow L. Street.

The message also announced that the Senate had passed, without amendment, bills of the following titles:

An act (H. R. No. 55) granting a right of way across Water Shops Pond in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

An act (H. R. No. 2053) authorizing the assistant treasurer of the United States at New York to waive the enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania; and

An act (H. R. No. 3518) authorizing the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty.

MARINE HOSPITAL AT GEORGETOWN, SOUTH CAROLINA.

Mr. WHITTHORNE, by unanimous consent, reported back, from the Committee on Naval Affairs, a petition for the re-establishment of a marine hospital at Georgetown, South Carolina, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Commerce.

The motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONEY, for four days, on account of important business; and

To Mr. HURD, until Monday next.

WITHDRAWAL OF PAPERS.

On motion of Mr. HENKLE, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of John Maley, there being no adverse report thereon; also, papers in the case of J. H. Maddox, there being no adverse report thereon.

On motion of Mr. MARTIN, of West Virginia, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of James D. Cummings, there being no adverse report thereon.

On motion of Mr. GUNTER, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of Adam Warthman, there being no adverse report thereon.

Mr. ACKLEN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petition of the Grand Division of Sons of Temperance of the State of South Carolina, representing twelve hundred and fifty members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BINGHAM: The petition of soldiers of the late war, for additional pay—to the Committee on Military Affairs.

By Mr. BOYD: Papers relating to the claim of Charles E. Fahnestock, postmaster at Glassford, Illinois, to be credited in the settlement of his accounts with an amount of money of the Government of which he was robbed—to the Committee of Claims.

Also, papers relating to the pension claim of Orrin L. Shipper—to the Committee on Invalid Pensions.

Also, the petition of Captain M. L. Courtney, Twenty-fifth United States Infantry, to be reimbursed losses sustained by fire at Fort Stockton, Texas—to the Committee on Military Affairs.

By Mr. BREWER: The petition of the Women's Christian Temperance Union of Michigan, with a membership of seventy-six hundred and seventy-eight, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BROWNE: The petition of John C. King, of Muncie, Indiana, for an amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. CLYMER: The petition of Jacob Dundore, to be paid for loss of barge T. C. Zulick while in the service of the United States—to the Committee on Naval Affairs.

By Mr. COX: A letter from the Secretary of the Treasury, communicating a statement of the amount of money paid into the Treasury under the provisions of the shipping commissioners act—to the Committee on Commerce.

Also, the petition of the Bullion Club of New York City, for specie currency—to the Committee on Coinage, Weights, and Measures.

By Mr. CRAVENS: Memorial of citizens of Hot Springs, Arkansas, for a reduction of the burdensome valuations placed upon their lots by the Hot Springs commission, &c.—to the Committee on Public Lands.

By Mr. HORACE DAVIS: The petition of Lewis Handrow, for pay for property lost on board of the American ship Hillman, captured during the late war by the confederate cruiser Shenandoah—to the Committee on the Judiciary.

By Mr. DEERING: The petition of citizens of Chickasaw County, Iowa, for legislation to prevent monopolies in transportation—to the Committee on Commerce.

Also, the petition of 19 honorably discharged soldiers of Plymouth, Iowa, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of soldiers of the late war, of Iowa, for additional pay—to the Committee on Military Affairs.

Also, the petition of F. Hess, of Iowa, that Congress grant to him a section of land for each station he establishes in the Rocky Mountain region for taking meteorological observations, the whole number of stations not to exceed twenty-five—to the Committee on Public Lands.

By Mr. DICK: The petition of A. E. Rose and 35 other soldiers of Crawford County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of the Winona Temple of Honor and Temperance, of Minnesota, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. FIELD: The petition of Captain William J. Lyster, Nineteenth Infantry, United States Army, to be reimbursed for the loss of personal property destroyed by fire at Camp Supply, Indian Territory, in 1877—to the Committee on Military Affairs.

By Mr. FRYE: The petition of Edwin Woodson, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. JOHN HAMMOND: The petition of soldiers of Warren County, New York, to be paid the difference between greenbacks and gold at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. HATCH: The petition of citizens of Macon County, Missouri, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HENKLE: Memorial of the officers of the Washington navy-yard and others, for the relief of employés in said yard who shall become disabled while in the discharge of their duty—to the Committee on Naval Affairs.

By Mr. HERNDON: Memorial of the National Cotton Exchange, praying for an amendment of the census laws that will authorize the Superintendent of the Census to publish in advance of the official publication the acreage and production of cotton in each county and State—to the Committee on the Census.

By Mr. HOSTETLER: Papers relating to the pension claim of Henry C. Grooms—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of John M. Harris, for the correction of his muster as first lieutenant and adjutant First Tennessee Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of T. K. McIntyre and others, for a change in the law licensing cook-shops, peanut vendors, &c., in the District of Columbia—to the Committee for the District of Columbia.

Also, the petition of H. Fellows and others, for the repeal of the twenty-second clause of the twenty-first section of the license law of the Legislative Assembly of the District of Columbia, which imposes a license tax of $25 on produce dealers—to the same committee.

By Mr. JONES: Papers relating to the claim of Joseph E. Wilson for pay for the loss of his steamboat Alpha, because of a collision therewith by a steam tugboat in the service of the United States—to the Committee of Claims.

By Mr. KILLINGER: The petition of citizens, late soldiers in the service of the United States, of Harrisburgh, Pennsylvania, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. MAGINNIS: Papers relating to the claim of L. M. Black for pay for damages sustained by reason of the stoppage of a train of wagons belonging to him by order of United States authorities—to the Committee of Claims.

By Mr. McCOID: The petition of Donahue & McCosh and others, for a reduction of the duty on sheet-zinc—to the Committee of Ways and Means.

Also, the petition of Amos Cumings, for a pension—to the Committee on Invalid Pensions.

Also, four petitions of ex soldiers and sailors of the late war, of Iowa, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. McGOWAN: The petition of George W. Helme, Robert M. Shields, Buchanan & Lyall, Peter Lorillard & Co., Goodwin & Co., Guthrie & Co., and 247 others, manufacturers of tobacco and cigars and dealers in leaf-tobacco, of the cities of New York, Baltimore, Albany, and Syracuse, protesting against the passage of the bill known as the "free-leaf tobacco bill" as a measure which would close up many of the tobacco and cigar factories and virtually abolish the revenue derived therefrom, with a statement of the Commissioner of Internal Revenue that the signers do not exaggerate the dangers to the revenue which the pending "leaf-tobacco bill," if passed, threatens—to the Committee on Agriculture.

By Mr. McMAHON: The petition of James Roden, for a pension—to the Committee on Invalid Pensions.

By Mr. MITCHELL: The petition of W. P. I. Painter and others, citizens of Lycoming County, Pennsylvania, for increase of pensions for widows of soldiers and sailors of the late war to $15 per month—to the same committee.

By Mr. MONROE: The petition of the Women's Christian Temperance Union of Ohio, having a membership of four thousand, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. MORSE: The petition of William Vincent Smith, for recognition of service as second lieutenant Eighteenth Regiment Massachusetts Infantry Volunteers from August 27, 1861—to the Committee on Military Affairs.

By Mr. MORTON: Memorial of the directors of the Illinois Central Railroad, that the duty imposed upon imported steel rails shall be specific, at a rate not exceeding $10 the ton—to the Committee of Ways and Means.

By Mr. MURCH: Papers relating to the claim of laborers and others, who have worked ten hours per day, for additional pay—to the Committee of Claims.

By Mr. O'NEILL: The petition of the Grand Lodge of Good Templars of Pennsylvania, representing twelve thousand members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, papers relating to the claim of David McClelland for pay for a map of the District of Columbia and for plates, &c., seized in 1861 by order of the War Department—to the Committee on War Claims.

Also, papers relating to the claim of Mrs. M. V. Brown for pay for use and damage to the Washington and Alexandria turnpike by United States authorities during the late war—to the same committee.

By Mr. ORTH: The petitions of George J. Myers, of Samuel Talley, and of Nelson F. Wood, for pensions—to the Committee on Invalid Pensions.

Also, the petition of George W. Lewis, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. JOHN S. RICHARDSON: The petition of colored and white citizens of South Carolina, that Wilberforce University, Ohio, be allowed a proportionate share of the fund derived from unclaimed volunteer soldiers' bounty, and designed for distribution among certain collegiate institutions—to the Committee on Education and Labor.

By Mr. SAWYER: The petition of John W. Polk, to be refunded moneys advanced to employés of his department on their salaries while Doorkeeper of the House of Representatives in the Forty-fifth Congress—to the Committee of Claims.

By Mr. SHALLENBERGER: The petition of David B. Cook and other soldiers and citizens, for the passage of the Weaver bill relating to the pay of soldiers--to the Committee on Military Affairs.

By Mr. SIMONTON: The petition of the members of the bar and the county officers of Hardeman County, Tennessee, and others, against the repeal of the act requiring terms of a United States court to be held at Jackson, Tennessee, and that Hardeman County be transferred to the jurisdiction of said court—to the Committee on the Judiciary.

By Mr. JONATHAN T. UPDEGRAFF: The petition of the Right Worthy Grand Lodge of the Good Templars of the United States, representing sixty-six grand lodges and about forty thousand members, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. VAN VOORHIS: The petition of Stewart Sanderson, to authorize the construction of his patent steam-ram and to make an appropriation therefor—to the Committee on Naval Affairs.

By Mr. WARNER: The petition of Sherman Hanly and 5 others, of Graysville, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WILBER: The petition of William Arnold, a soldier of the Mexican war, for a pension—to the same committee.

By Mr. WILLIS: Papers relating to the claim of the heirs of Lucy Barker for pay for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. WILSON: The petition of John W. Mitchell, for a pension—to the Committee on Invalid Pensions.

By Mr. FERNANDO WOOD: The petition of Ann Vigo, for a pension—to the same committee.

IN SENATE.

WEDNESDAY, *January* 21, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

VISITORS TO WEST POINT.

The VICE-PRESIDENT appointed Mr. EDMUNDS and Mr. GARLAND members of the Board of Visitors on the part of the Senate, to attend the next annual examination of the cadets at the United States Military Academy, at West Point, New York.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 19th instant, a report of Lieutenant-Commander F. E. Chadwick on the foreign system of training seamen for the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the Senate of the 19th instant, a report of Professor James R. Soley, on the foreign systems of education of naval officers; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting additional papers concerning the payment of the first installment of the annual compensation to James B. Eads for maintenance of the channel at the South Pass, Mississippi River, for the quarter ending October 30, 1879; which, on motion of Mr. BECK, was referred to the Committee on Transportation Routes to the Seaboard, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a letter from Major William P. Craighill, Corps of Engineers, with its inclosure, being a draught of a proposed act to provide for the operation, maintenance, and repair of the locks and dams of the improvement of the Great Kanawha River; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of Thomas Burroughs, late private Company G, First Regiment Vermont Volunteer Cavalry, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. MAXEY presented the petition of Philip T. Allin and others, citizens of Johnson and Tarrant Counties, Texas, praying for the establishment of a post-route from Cleburne to Fort Worth, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KERNAN presented the petition of Elbridge T. Gerry, president of the New York Society for the Prevention of Cruelty to Children, and others, praying for such legislative action by Congress as will tend to the pardon of the four children of Yakoob Beg, the children being arraigned for "hereditary" high treason to the Emperor of China; which was referred to the Committee on Foreign Relations.

Mr. VOORHEES presented the memorial of David Harper and others, soldiers of the late war and citizens of Indiana, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of E. Brett and others, citizens of Pennsylvania, and the petition of George A. Sage and others, citizens of Michigan, praying for the passage of a law granting to them the difference between the value of greenbacks and gold at the time of payment for their services as soldiers during the late war; which were referred to the Committee on Finance.

Mr. RANDOLPH presented the petition of O. S. Belden, late assistant surgeon Fifth Regiment New Jersey Volunteers, praying for the passage of a law granting him arrears of pay due him for services performed as such officer from November 28, 1862, to January 27, 1864; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented the petition of David Lewis and others, citizens of Warren, Trumbull County, Ohio, and soldiers of the late war, praying for the passage of the bill (H. R. No. 2480) for the relief of the soldiers and sailors in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois, presented the petition of John D. Defrees, the Public Printer, praying for the passage of a law by Congress authorizing the proper accounting officers of the Treasury to credit him with the sum of $9,813, the amount stolen from the safe in the Government Printing Office in January, 1879; which was referred to the Committee on the Judiciary.

He also presented the petition of John A. Lynch, of the city of Washington, praying for the passage of a law looking to the encouragement of closer commercial relations between the United States and the Republics of South America; which was referred to the Committee on Commerce.

Mr. WILLIAMS presented the petition of John B. Handley and others, and the petition of S. S. Nicholas and others, citizens of Louisville, Kentucky; the petition of J. J. Brown and others, and the petition of Samuel Montgomery and others, citizens of New Albany, Indiana; the petition of W. H. Fogg and others, citizens of Jeffersonville, Indiana; the petition of M. D. Logan and others, and the petition of John H. Kennard and others, citizens of New Orleans, Louisiana, praying for the passage of a law remunerating the heirs of Captain Henry M. Shreve for the use of his patent snag-boat; which were referred to the Committee on Claims.

Mr. HAMLIN presented the petition of S. H. Gould and others, citizens of Kennebunk Port, Maine, and M. C. Maling and others, citizens of Kennebunk, representing that they are interested in the Geneva award fund, and praying that some bill may be passed during the present session of Congress disposing of that fund; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the memorial of John Shoff and others, and the petition of L. J. Gandy and others, citizens of Nebraska, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred a resolution of the Legislature of Nebraska in favor of changing the law as to the removal of suits by corporations from State courts into courts of the United States, to report that we have considered the subject and have thought it fit to amend the law in the direction desired by the memorial. I am instructed to report a bill accordingly, and I wish to call the special attention of Senators to it, for, in one respect, it makes an important and somewhat radical change in the existing law about the jurisdiction of courts of the United States.

The first section of the bill that we report simply provides for putting corporations who wish to remove causes from State courts into United States courts upon exactly the same footing as natural persons. We give them no special privileges, which they now by law possess. The next important matter is that we repeal those provisions of the Revised Statutes of the United States that authorize suits by and against national banks to be brought, in the first instance, in the courts of the United States, and leave the national banks exactly like other citizens of the States in which they are located, to sue and be sued, in the first instance, in the courts of the State, and then, if, like any other citizen, they have got a Federal question, they can try it out just like anybody else.

I call the attention of Senators to the bill because in that respect it makes, of course, a very decided change in the present law.

The bill (S. No. 1089) to amend section 640 of the Revised Statutes of the United States, relating to the removal of suits by corporations, and to make further provision relating to suits by and against corportions, was read twice by its title.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 426) for the relief of Patrick Sullivan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the bill (S. No. 707) for the relief of William W. Ross, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 187) for the relief of Samuel Castleman, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 219) relating to certain brevet appointments, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 695) for the relief of Michael Granary, Nicholas Wax, and Moliere Lange, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. TELLER, from the Committee on Claims, to whom was referred the petition of Walbridge, Holland & Brown, of Saint Louis, Missouri, praying compensation for services rendered the United States as stenographers, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 47) for the relief of James Hunt, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the petition of Beverly Kennon, praying Congress to appropriate $15,000, to be expended under the direction of the Secretaries of War and Navy, to test his invention of a counterpoise battery, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 773) making appropriations for a military wagon-road from Niobrara, in Knox County, Nebraska, via the military post recently located near the mouth of the Minnecadusa, to Fort Robinson, in said State, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 917) providing for the ascertainment and compensation for patented inventions used in the Springfield breech-loading system by the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 754) to authorize the relocation and improvement of the military wagon-road from Sidney, Nebraska, via Forts Robinson and Sheridan, to the Sioux reservation, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PADDOCK subsequently said: I move to reconsider the vote by which Senate bill No. 754 was indefinitely postponed. There are reasons why it should go on the Calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 194) to provide for the disposal of the Fort Harker military reservation, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 193) to provide for the disposition of the Fort Larned military reservation, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 2) for the relief of Mark Walker, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 556) to authorize the President to appoint Sergeant John Dolan, of the Fifth Cavalry, United States Army, a second lieutenant, and place him upon the retired list, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

(S. No. 80) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 50) for the relief of James A. Barr, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 180) for the relief of George V. Hebb, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 687) for the relief of C. Bohn, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the claim of Claude H. Masten, surviving partner of the firm of Le Vert & Masten, of Mobile, Alabama, for himself and in behalf of the children of Octavia Le Vert, widow of his deceased partner, for rent of the Le Vert Hospital, occupied by the United States authorities, submitted a report thereon, accompanied by a bill (S. No. 1088) for the relief of Claude H. Masten, surviving partner of the firm of Le Vert & Masten, of Mobile, Alabama, and the children of Octavia Le Vert, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 402) to authorize the President to restore Edwin R. Parks to his former rank in the Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 223) to authorize the restoration of Calvin T. Speer to the rank of second lieutenant, United States Army, and to pay him arrears of pay his due, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Solomon Morris, late sergeant Company A, Thirty-eighth Regiment Illinois Volunteers, praying the passage of a law authorizing him to be mustered and paid as second lieutenant for the time he was held as a prisoner during the late war, submitted a report thereon, accompanied by a bill (S. No. 1100) for the relief of Solomon Morris.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 389) for the relief of Peter Phillips, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 390) to authorize the President to restore Dunbar R. Ransom to his former rank in the Army, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 536) placing the name of Walter F. Halleck upon the retired list of the United States Army, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 131) for the relief of John W. Chickering, reported it with an amendment, the committee adopting a favorable report made by the Committee on Military Affairs in a former Congress.

He also, from the same committee, to whom was referred the bill (S. No. 388) for the relief of Jacob B. King, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 214) for the relief of Robert W. Dunbar, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of H. A. Denton, of Company C, Twelfth Regiment Kentucky Cavalry, United States Volunteers, praying to be allowed the pay of a first lieutenant from September 7, 1862, to November 16, 1862, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. LOGAN. I am also directed by the Committee on Military Affairs, to whom was referred a letter from the Secretary of War transmitting the petition of Lieutenant F. C. Nichols praying that the law be so amended as to allow officers now in the Army who served as officers of volunteers in the Mexican war credit for the time they so served in computing the length of their services, &c., to ask to be discharged from its further consideration. The committee examined the case and find the law now provides for the allowance of the computation which the party desires.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition.

Mr. LOGAN. I am also directed by the same committee, to whom were referred letters, &c., in relation to the claim of Cephas L. Rockwood, a descendant of Josiah Shields, who asks Congress to refund to him $300 loaned to Ensign Shields, a recruiting officer, and $75 expended by said Rockwood in the recruiting service, an old claim, reported on in 1827, to report adversely, and the committee adopt the report of that date and ask to be discharged from the further consideration of the case.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the papers.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 888) to authorize the compilation and printing of the naval history of the war, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 13) to authorize the assignment of a rear-admiral on the retired list of the Navy to duty as governor of the naval asylum at Philadelphia, reported adversely thereon, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. No. 593) to repeal the provision authorizing the advancement of an officer of the Navy thirty numbers in rank for extraordinary heroism, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 286) for the relief of John S. Cunningham, reported it without amendment.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 114) to prevent officers of the Navy from being kept upon the retired list after the disability for which they were placed there has ceased, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 454) to provide for the erection of a monument at the naval cemetery at Annapolis, Maryland, in commemoration of the officers and others who perished by the wreck of the United States steamer Huron, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BAYARD. Senate bill No. 1075, to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, was inadvertently referred to the Committee on Finance. I desire to have it withdrawn from that committee and to have it referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. That change of reference will be made.

Mr. HARRIS. The Select Committee on the Tenth Census, to which was referred the bill (S. No. 787) to amend the act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, and the bill (S. No. 864) to amend the act of March 3, 1879, in relation to the census of 1880, direct me to report a substitute for the two bills as an amendment to be offered to the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879, now upon the Calendar.

BILLS INTRODUCED.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1090) for the relief of John D. Defrees; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1091) granting an increase of pension to Captain Joseph H. Tall, Eighty-sixth New York Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1092) for the relief of W. H. Newman and L. A. Van Hoffman; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1093) for the relief of Thomas Poultney; which was read twice by its title, and referred to the Committee on Patents.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1094) to incorporate the National Education Association; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1095) for the encouragement of closer commercial relationship between the United States and the Republic of Mexico, Central America, the Empire of Brazil, and the several republics of South America; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1096) for the relief of V. B. Horton, jr.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1097) for the relief of Susan Fox; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1098) to provide suitable accommodations for the Library of Congress; which was read twice by its title, and referred to the Committee on the Library.

Mr. TELLER. I ask leave to introduce a bill by request. The bill

is accompanied by a petition, and at the earnest request of the petitioner I ask that it be read; it is short.

The VICE-PRESIDENT. The petition will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, on behalf of himself and thousands of sufferers from the present loose and unjust methods of the Government, and on behalf of the whole people of the United States, whose highest interests are best subserved by public and private justice, and who have a right to be legally equal to their own creatures, the Government, instituted for their benefit, and not for the governors, I ask the passage of the accompanying bill, for the enforcement of public and private justice and the relief of Congress from the consideration of private bills, for reasons following:

1. The obligations of nations to pay their debts are the same as those of private individuals.
2. Executive responsibility is the best guarantee for the economical and rigid enforcement of law.
3. The present laws are wholly inadequate for protection against official mistakes and abuses.
4. The present methods are unjust, oppressive, and often cruel.
5. Congress is overburdened with private business, to the detriment of public legislation.
6. If the Government collects interest, it should pay interest; if it defaults, it should be governed by the common laws of business among business men.
7. Under the present irresponsible methods, private claims will multiply with the increase of population.
8. There is no valid reason why the citizen should not have equality in the courts with the Government.
9. It is a measure of justice.
10. It will compel official integrity.
11. It will relieve Congress and the Departments.
12. It is the only proper way of settling such controversies.
13. It will place our citizens on an equality with their Government as are the citizens (subjects) of despotic governments. ("By petition of right" the Queen of England may be sued by a citizen or alien; an American sues the British government and cannot sue his own.)
14. There should be no State secrets in a republican government. The people have a right to know the innermost working of their own institutions.
15. The Government should not avail itself of its own laches, or of any accident to defraud its creditors.

And your petitioner will ever pray.

JOHN B. WOLFF,
Washington, D. C.

By unanimous consent, leave was granted to introduce a bill (S. No. 1099) for the enforcement of public and private justice and the relief of Congress from the consideration of private bills; which was read twice by its title.

Mr. TELLER. I move the reference of the petition and bill to the Committee on the Judiciary.

The motion was agreed to.

AMENDMENT TO A BILL.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (S. No. 192) to correct the date of commission of certain officers of the Quartermaster's Department; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the papers relating to the claim of Alice E. De Groat, executrix, be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of Joseph Kinney, administrator of the estate of David Ballentine, be taken from the files of the Secretary's office and referred to the Committee on Claims to accompany Senate bill No. 306.

Ordered, That the papers relating to the claim of Thomas McGeehan for an increase of pension be taken from the files of the Senate and referred to the Committee on Pensions.

Ordered, That the petition of Ann M. Paulding, widow of Hiram Paulding, deceased, late rear-admiral United States Navy, praying to be allowed a pension, be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the petition of William S. Mitchell be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HEREFORD, it was

Ordered, That leave be granted to Samuel C. Ludington, or his attorney, to withdraw the papers on file in his case.

Ordered, That leave be granted to James D. Cumming, or his attorney, to withdraw the papers on file in his case.

DONATIONS OF CONDEMNED CANNON.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be instructed to report to the Senate the number and weight and the value per pound of condemned cannon which have since January, 1865, been donated for any purposes by acts of Congress, and whether there are in fact any such cannon now on hand.

JOHN N. REED.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. No. 52) for the relief of John N. Reed. It will only take a moment. The case has passed both the Senate and House heretofore.

Mr. EDMUNDS. Let the bill be read for information.

The Chief Clerk read the bill.

The VICE-PRESIDENT. This bill is favorably reported from the Committee on Claims. Is there objection to its present consideration?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The Committee on Claims propose an amendment, which will be reported.

Mr. EDMUNDS. Before we go to the amendment I wish the Secretary would read the report.

The Chief Clerk read the following report, submitted by Mr. COCKRELL January 14:

The Committee on Claims, to whom was referred the bill (S. No. 52) for the relief of John N. Reed, have duly considered the same, and submit the following report:

In the Forty-third Congress, first session, in the House of Representatives, a bill (H. R. No. 707) for the relief of claimant, Reed, was presented, and referred to the Committee of Claims, and Mr. Nunn, to whom the bill was referred as a sub-committee, called upon the Secretary of War and the accounting officers of the Treasury Department for information. The Secretary of War, under date of March 12, 1874, furnished the following letter, to wit:

"WAR DEPARTMENT,
"*Washington City, March* 2, 1874.

"SIR: In compliance with your request of the 27th ultimo I inclose a copy of the contract between Lieutenant W. H. Stevens and Reed, Pitt & McPherson, in 1861, which was approved by this Department.

"There is no record of what amount has been paid on this contract, but if payment has been made therein it may be ascertained from the accounts of Lieutenant Stevens on file in the office of the Third Auditor of the Treasury.

"Very respectfully, your obedient servant,

"WM. W. BELKNAP,
"*Secretary of War.*

"Hon. D. A. NUNN,
"*503 D street, Washington, D. C.*"

A duly-certified copy of said contract accompanied said letter. This contract is dated July 14, 1860, and was made on the part of the United States by Lieutenant W. H. Stevens, United States Engineers, with J. N. Reed, Alexander Pitt, and W. McPherson, of Galveston, Texas, and was duly approved by the War Department. By its terms the contractors agreed "to furnish at the wharf at the north end of Pelican Spit, Galveston Bay, 100,000 cubic feet of fine shells, 100,000 cubic feet of clean clam or cockle shells, and 10,000 cubic feet of clean, sharp sand, like the sample shown at Lieutenant Stevens's office; the sand and shells to be of good quality, and subject to the inspection of Lieutenant W. H. Stevens, or of such agent or agents as he may designate, or of such agent or agents as may hereafter succeed him, the whole amount of deliveries not to be less than 40,000 cubic feet of each kind of shell and 10,000 cubic feet of sand per month. The price for fine shells to be 2½ cents per cubic foot, 6¼ cents per cubic foot for clam or cockle shells, and 8¾ cents per cubic foot for sand," which prices the United States agreed to pay on all deliveries as required by the contractors, retaining on such partial payments 15 per cent. until the contract was completed. The United States agreed "to receive the shells and sand at the rail of the vessel alongside the wharf on the north end of Pelican Spit, Galveston Bay." Such were the terms of the contract. The contractors gave bond for the faithful performance of the contract, with good and sufficient sureties, which was approved by the United States attorney for the eastern district of Texas on July 14, 1860. In reply to the application of Mr. Nunn, the Treasury Department furnished the following letter, to wit:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
"*Washington, D. C., March* 5, 1874.

"SIR: In reply to your letter of the 4th instant, herewith returned, I have to inform you that Lieutenant W. H. Stevens, United States Engineers, paid Reed, Pitt & McPherson, on contract dated July 14, 1860, for furnishing shells and sand, the sum of $2,040 in the fourth quarter of 1860.

"Respectfully,

"ALLAN RUTHERFORD,
"*Auditor.*

"Hon. D. A. NUNN, M. C.,
"*House of Representatives, Washington, D. C.*"

Mr. Nunn, of the House, reported favorably, on May 8, 1874, (Report No. 564,) a substitute (H. R. No. 3268) for said bill, and made the following summary of the materials delivered, prices and amounts, &c., to wit:

52,214 feet, at 2½ cents per foot	$1,305 35
14,684 feet cockle-shell, at 6¼ cents per foot	954 46
15,926 feet mixed, (half fine and half cockle,) at 4⅜ cents, which at contract price is equal to	696 76
14,567 feet sharp sand, at 8¾ cents per foot	1,274 68
	4,231 25
These deliveries are proved by the receipts of the officers. If we deduct the payments by the Secretary of the Treasury	2,040 00
There remains a balance due for actual delivery	2,191 25

"But the same officers prove that the Government was not prepared to receive the shell at a wharf at the north end of Pelican Spit, Galveston Bay, as stipulated by the contract, and consequently the agents could not receive the articles at the rail of the vessel; but, on the contrary, these agents employed the hands of the contractors for a time, equal to one hundred and thirty-eight days of labor, at $1.50 per day, to wheel off the shell and sand from the vessels to the fort, thus making a just charge of $237. The same officers also certify that the steamer San Antonio and the two schooners Dinslow and Jane were detained seventeen days because the United States were not ready to receive the articles at the rail of the vessel, as stipulated in the contract; and for this demurrage the petitioner charges $2,550, which, under the circumstances, seems to be a just charge.

Add, therefore, the balance for material actually delivered	$2,191 25
Labor of the petitioner's hands while employed by the United States	237 00
Demurrage or detention of the vessels	2,550 00
Makes a balance	4,978 25

"Your committee believe that this whole sum should be allowed to John N. Reed, to whom the whole contract has been assigned."

This bill, so amended, passed the House January 22, 1875, and was sent to the Senate, where, on February 13, 1875, it was reported with amendment by Mr. Merrimon, when no final action was had.

In the Forty-fourth Congress a bill for the relief of claimant was introduced in the House of Representatives and referred to the Committee of Claims, and on December 22, 1876, Mr. Pratt, from said committee, reported favorably a substitute (H. R. No. 4274) for said bill, which report was identically the same as the report of Mr. Nunn in the former Congress. This bill, after being reported, was placed upon the Private Calendar, but was not reached. In the Forty-fifth Congress, in the House of Representatives, a bill (H. R. No. 690) for the relief of claimant was introduced, and referred to the Committee of Claims, and on April 24, 1878, Mr. Lockwood, from said committee, reported favorably a substitute, (H. R. No. 4558,) which was passed by the House of Representatives, and sent to the Senate and referred to the Committee on Claims, and on February 25, 1879, Mr. HARRIS, from

said committee, reported the said bill (H. R. No. 4558) favorably to the Senate, adopting the report of Mr. Lockwood.

The reports of Mr. Lockwood and Mr. HARRIS make the following summary of the materials delivered, and prices and amounts, &c., to wit:

52,214 feet, at 2½ cents per foot	$1,305 35
14,684 feet cockle-shell, at 6½ cents per foot, which at contract price is equal to	954 46
15,926 feet mixed, (half fine and half cockle,) at 4⅜ cents	696 76
14,567 feet sharp sand, at 8¾ cents per foot	1,274 68
	4,231 25
These deliveries are all proved by the receipts of the officers. Deducting the payments made by the Secretary of the Treasury	2,040 00
There remains a balance due for actual delivery	2,191 25

"The same officers prove that the Government was not prepared to receive the shell and sand at a wharf at the north end of Pelican Spit, Galveston Bay, according to the terms of the contract. The agents of the Government could not, therefore, receive the shells and sand at the rail of the vessel, but, on the contrary, these agents employed the hands of the contractors for a time equal to one hundred and thirty-eight days of labor to wheel off the shell and sand from the vessels to the fort. The claimant shows that such labor was worth $1.50 per day, thus making a just charge of $237. The same officers also certify that the steamer San Antonio and the two schooners Dinslow and Jane, the vessels owned and used by the contractors in transporting the shells and sand, were detained seventeen days because the United States were not ready to receive the shells and sand at the rail of the vessel, as provided in the contract. For this demurrage the petitioner claims $2,550, or at the rate of $150 per day. Your committee think that the sum of $1,700, or $100 per day, would be a just and proper sum to allow for demurrage.

The balance for material actually delivered	$2,191 25
Labor of the petitioner's hands while employed by the United States	237 00
Demurrage or detention of the vessels	1,700 00
Makes a balance of	4,128 25

"Your committee believe that this whole sum should be allowed to John N. Reed, to whom the whole contract has been assigned."

Your committee have carefully re-examined all the facts in this case, and they find that A. J. Moore was a duly authorized agent or overseer of Lieutenant Stevens to receive and receipt for shells, sand, and materials, and that said contractors did duly deliver to the United States, which was duly received for them by said Moore, materials as follows, to wit:

53,264 cubic feet of fine shells, at 2½ cents per foot	$1,331 60
14,684 cubic feet of cockle-shells, at 6½ cents per foot	954 46
15,926 cubic feet mixed shells, (half fine and half cockle,) at 6⅜ cents per foot	696 76
14,567 cubic feet clean, sharp sand, at 8¾ cents per foot	1,274 68
Aggregate amount	4,257 50
Deduct payment made by Lieutenant Stevens	2,040 00
Which leaves a balance due for materials actually delivered	2,217 50

Your committee further find that the United States could not receive the said materials "at the rail of the vessel alongside the wharf on the north end of Pelican Spit, Galveston Bay," as per contract, and that, therefore, the agents of the Government employed the laborers of the contractors to perform, and they did perform, one hundred and thirty-eight days' labor, worth $1.50 per day, amounting to $207, in wheeling off and transporting the said materials from the vessels to the fort, and that they are justly entitled to said last-named sum.

Your committee further find that by the terms of the contract it is provided: "This contract to receive the approval of the Secretary of War before going into effect, and the time allotted for deliveries to be reckoned from the eleventh day after the party of the second part (the contractors) has received notice of the approval." Your committee have not been able to ascertain the exact date of the approval of said contract by the Secretary of War, or the exact date when notice of the approval was received by the contractors. The evidence shows that the steamer San Antonio was detained for twenty-three days, from September 7 to November 14, 1860. The claimant claims demurrage for such detention in his memorial and account for only seventeen days, which is, probably, the correct number of days of detention after the notice of approval was received. The claimant asks $150 per day for demurrage. The contract makes no provision for demurrage or detention of vessels except as stated in the portion thereof hereinbefore copied—that is, "that the time allotted for deliveries shall be from the eleventh day after notice of approval to the contractors," but does not stipulate any price or amount of compensation. Your committee think that the amount of $100 per day for the seventeen days, as heretofore recommended and agreed to in the House and Senate, is a full compensation for such demurrage. Your committee further find that the contractors of claimant, Alexander Pitt and W. McPherson, on January 7, 1861, duly assigned and transferred their portion of the said contract to claimant, and that the contract was not complied with in consequence of the secession of the State of Texas and the civil war which followed; and while it is quite true that the claimant lost his vessels, which were seized by the confederate authorities, and he was deprived of the further benefit of his contract, the Government cannot be held responsible.

The committee may add that it was in proof that the claimant, John N. Reed, remained loyal to the United States, and immediately after the close of the war he was appointed one of the deputy collectors of internal revenue in the district of his residence in Texas.

The claimant in his memorial makes the following summary of his claim:

Therefore he claims an actual balance of	$4,968 25
And damages for loss of contract	2,696 87½
Making a total of	7,665 12½

But in his account, certified by him December 4, 1865, and verified by his affidavit on the same day, he makes the following claim:

52,214 feet fine shell, at 2½ cents	$1,305 54
14,684 feet cockle-shell, at 6½ cents	954 46
15,926 feet mixed, (half fine and half cockle,) at 4⅜ cents	696 76
14,567 feet sharp sand, at 8¾ cents	1,274 68
138 days' work of hands furnished to wheel off shell and sand, at $1.50	207 00
17 days' demurrage of steamer San Antonio and barges, at $150 per day	2,550 00
	6,988 25
Credit by cash of H. W. Stevens	2,020 00
	4,968 25

The claimant in estimating the amount of fine shells seems to have omitted one delivery of 1,050 cubic feet, shown by the evidence to have been delivered.

Your committee, after the most patient investigation, submit the following statement of their conclusions upon each item charged for, to wit:

53,264 cubic feet fine shells, at 2½ cents per foot	$1,331 60
14,684 cubic feet cockle-shells, at 6½ cents per foot	954 46
15,926 cubic feet mixed shells (half fine and half cockle) at 4⅜ cents per foot	696 76
14,567 cubic feet clean, sharp sand, at 8¾ cents per foot	1,274 68
138 days' labor of hands, at $1.50 per day	207 00
Demurrage or detention of vessels, 17 days, at $100 per day	1,700 00
All aggregating	6,164 50
From which deduct the payment made	2,040 00
Leaving a balance due the claimant of	4,124 50

Your committee recommend the payment of the above sum, and the amendment of the bill to correspond therewith; and, as so amended, report the bill back to the Senate with the recommendation that it do pass.

The bill was reported from the Committee on Claims with an amendment, in line 3, to strike out "eight" after "twenty" and insert "four;" and, in line 4, to strike out "twenty-five" and insert "fifty" before "cents;" so as to make the bill read:

That the sum of $4,124.50 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay John N. Reed for material delivered, labor, time, and demurrages, upon the contract of Reed, Pitt & McPherson, approved by the Secretary of War on the 3d day of September, 1860, and assigned to said Reed, and shall be in full discharge of all claim against the United States in any manner arising upon or by reason of the said contract, or for any non-fulfillment thereof.

The amendment was agreed to.

Mr. EDMUNDS. I should like to ask the chairman of the committee what evidence the committee had of the assignment of this claim by the other owners to the particular one named in the bill?

Mr. COCKRELL. The written assignment, filed with the papers in the case.

Mr. EDMUNDS. If there were any possible question about it, I merely suggest that it would be better to have the bill provide for paying the money to that firm, or their legal representatives, and then leave it for the Department to ascertain exactly how it was.

Mr. COCKRELL. I think there is no doubt about that question at all.

Mr. EDMUNDS. If it is perfectly safe, very well.

Mr. COCKRELL. The assignment is filed with the papers and duly attested.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VAN. B. BOWERS.

Mr. COCKRELL. I ask for the present consideration of Senate bill No. 298. It is a very short bill with a very short report. It is a bill for the relief of Van. B. Bowers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 298) for the relief of Van. B. Bowers. It provides for paying Van. B. Bowers, late postmaster at Bucklin, Linn County, Missouri, $113, being the amount of postage-stamps stolen from the safe of the post-office by burglars on the night of the 12th of November, 1874, without fault or negligence on the part of Bowers.

Mr. EDMUNDS. I should like to hear the report in that case.

The Chief Clerk proceeded to read the report submitted by Mr. COCKRELL from the Committee on Claims, on the 14th instant, but was interrupted by

Mr. EDMUNDS. I have run through that report, and I am satisfied. I do not ask that it be read any further for me.

Mr. FERRY. Mr. President, I should like to ask the Senator from Missouri one question in regard to this case, whether the postmaster promptly reported to the Post-Office Department the fact of the burglary at the time?

Mr. COCKRELL. He reported the burglary at once and one man was arrested and sent to the penitentiary. The only man connected with the transaction who did not get into the penitentiary was a man from Wisconsin or Michigan. There is one up there who escaped, so far as the last information was concerned.

Mr. FERRY. I am happy to find he was not a resident of Michigan. I hope the Senator from Missouri does not by that diversion escape the point I wish to make. I wish to follow that up with the fact, if it is a fact, that the Post-Office Department sent a special agent upon notification of the burglary to the locality.

Mr. COCKRELL. They sent a special agent, and the special agent went and made an examination, and his report is printed in full in this report of the committee.

Mr. FERRY. I did not hear that part of it read.

Mr. EDMUNDS. I had the reading stopped before that was reached.

Mr. COCKRELL. He examined the case and found the offense was committed by a band of burglars who burglarized four or five offices in Missouri about the same time. They were all sentenced to the penitentiary except one man, who lived in Milwaukee, Wisconsin, and the agent reports that "his 'pal,' George Wolf, was tried in Springfield, Illinois, and sentenced to one year's confinement. Reuben De Barre was also convicted at Milwaukee, but the Jew has money, and may get clear yet." That is the report of the special agent.

Mr. FERRY. I understand, then, that all the Missourians implicated in this affair were sent to the penitentiary. That is well.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES NOTES AS A LEGAL TENDER.

Mr. BECK. Mr. President——

The VICE-PRESIDENT. The morning hour has expired, and the Senator from Kentucky, pursuant to notice given yesterday, calls for the present consideration of the joint resolution (S. R. No. 49) in relation to United States Treasury notes, which is before the Senate as in Committee of the Whole.

Mr. BECK. Mr. President, it has been my good fortune to agree so often with the views of the Senator from Delaware [Mr. BAYARD] that I cannot help regretting that I am compelled to differ with him on the important question the Senate has to consider. I desire to assure him in advance that whatever I may say in opposition to the resolution, against the passage of which I felt it to be my duty to report, and whatever may be my opinions as to the objects and purposes of those who are clamoring so loudly for its passage, I am sure that he is actuated solely by an earnest desire to promote the public welfare and to return at the earliest possible moment to the safe constitutional methods of the fathers of the Republic. I feel, however, that the resolution is unnecessary, unwise, ill-timed, and calculated to disturb the prosperity which, I hope, is dawning upon the country. His proposition is not a new one. It was voted down with unusual unanimity by both Houses of Congress less than twenty months ago. In May, 1878, the House of Representatives, by a vote of 173 to 35, and the Senate, by a vote of 41 to 18, passed the following bill, which was approved by the President May 29, 1878. (See United States Statutes, volume 20, page 87:)

An act to forbid the further retirement of United States legal-tender notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury, or other officer under him, to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law, from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation: *Provided*, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of others of like denominations in their stead, as now provided by law. All acts and parts of acts in conflict herewith are hereby repealed.

Approved May 31, 1878.

That law is a very distinct expression of the will of Congress, and a very clear assertion of its power, in time of peace, to reissue and keep in circulation all the then outstanding legal-tender notes. The President and his advisers had no doubt as to the right and power of Congress to do so. The approval of the act was prompt, and there was no pronounced clamor against our constitutional authority to pass it from any quarter. When that bill was before the Senate the Senator from Delaware moved the following amendment to it:

Provided, That the said notes when so reissued shall be receivable for all dues to the United States excepting duties on imports, and not to be otherwise a legal tender, and any reprint of the said notes shall bear this superscription.

He sustained it in one of the ablest and best considered speeches he ever made; yet only eighteen Senators supported it, and forty-one voted against it. Among the latter were six out of the nine members of the present Committee on Finance, I being one of them. That amendment, it will be observed, is in substance and almost in words the resolution the Senate is now asked to pass. Let me read it:

Resolved, &c., That from and after the passage of this resolution all United States notes shall be receivable for all dues to the United States excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

Neither the President, nor the Secretary of the Treasury, nor the distinguished list of petitioners whose gilt-edged and morocco-bound petition is paraded before us with such a flourish of trumpets, nor the bankers, brokers, and bondholders who are so much alarmed lest the country be dishonored and the Constitution shattered by the reissue of legal-tender notes in time of peace, exhibited any of the anxiety they now profess to feel, although these notes were then at a discount, were not redeemable in coin, and were subject therefore to denunciation as irredeemable currency, a forced loan, dishonest money, rag-babies, and the various other epithets which the adherents of the money power in their pretended zeal for the dear people delight to indulge in. It seems to me then was the time, when a new assurance was being given to the people that their money should be maintained at its then volume and that the denomination of the notes should not be changed, for the distinguished petitioners to have given to Congress the advice they now so freely volunteer, and to have pointed out the dangers to constitutional liberty and law and to the best interests of the people for which they at this time so feelingly plead.

Now gold and silver coin of the standard value prescribed prior to July 14, 1870, and nominated as the measure of payment *at the dictation of the money power* in all the bonds since issued, can be demanded and obtained from the Government for the face value of every one of the notes of the United States. The Secretary of the Treasury tells us in his last report that he has over $225,000,000 of gold and silver coin and bullion in the Treasury, nearly $160,000,000 of which is available for all purposes. Other official reports show that the enormous taxation we have endured since the war has produced revenues that have enabled us to reduce the public debt from $2,773,236,173, as it stood July 1, 1866, to $2,011,798,504, as it stood January 1, 1880, being a reduction of $761,437,669. The Secretary in his report December 3, 1877, showed that the maximum amount which it was possible to claim July 1, 1877, as necessary to comply with all the obligations of the sinking-fund law was $475,318,888, and we have been applying all our surplus revenues to that fund ever since, so that it is safe to say that we have exceeded up to this time all the obligations of the sinking fund by at least $250,000,000. These debt statements exclude all the great floating war debt on which hundreds of millions have been paid out of the proceeds of the sales of our ships, horses, mules, wagons, and all the other vast materials purchased out of the appropriations so lavishly furnished during the years of strife. The War, Navy, and Treasury Departments claimed all these things as their property, on the ground that they were charged with them, when the original appropriations were made, and therefore they had the right to use the proceeds as they pleased to pay the debts these Departments owed, and they paid lavishly to their pets and friends in ways that Congress knew nothing of.

Mr. President, if one-half of the vast sums which reached the Treasury in gold (forgetting all that was stolen and squandered) from the taxes taken from the pockets of the people had been retained, instead of being used to pay the principal of the public debt, with the premiums, double interests, and costs of that operation, and the greenbacks had not been repudiated at the custom-houses, resumption would have come of itself years before it was forced on the country. Nobody was demanding payment of the principal of our debt; its burden was diminishing by being let alone in proportion as our wealth and population increased.

The Secretary shows that he has a large and increasing surplus fund from excess of receipts over expenditures, so that all danger of the non-payment or depreciation of the United States notes is at an end. The coin in the Treasury held as reserve cost the people in commissions, expenses, and double interest at least 6 per cent., or $13,500,000. It is worth 4 per cent. per annum, so that it is held at an annual cost of over $8,000,000 in order to remove all possible doubt, uncertainty, or apprehension as to the absolute equality in value and convertibility of these notes into coin. In addition to all this, the Secretary claims that under the resumption act of 1875 he has the power now to sell as many 5 per cent. bonds of the United States from time to time, and at any time he pleases, as will enable him to obtain and retain coin in the Treasury to pay every outstanding note on demand. If $500,000,000 is in his opinion (and he is the sole judge) necessary he can sell them; indeed, there is no limit to the security except the tax-paying capacity of the people of the United States. With these vast sums and enormous powers held and given to protect these notes it is absolute folly for any set of men to pretend that there is any sort of doubt that they are and always will be as good as coin. The Secretary, after telling Congress that he can easily maintain resumption with the present volume of notes outstanding, gives the highest evidence of the confidence of the people in them when he says:

The great body of coin indebtedness has been paid in United States notes at the request of the holder. * * * But little coin has been demanded on the coin liabilities of the Government during the same period, (from January 1 to November 1, 1879,) though the amount accruing exceeded $600,000,000.

Yet the New York petitioners, in their gilded memorial to Congress urging that these notes be degraded by having their legal-tender quality destroyed, and that they be forever repudiated by the Government refusing to receive them for taxes at its custom-houses, say:

We believe that this measure, if enacted into law, will encourage every legitimate business enterprise; will revive confidence in permanent investments; will give extended employment to labor in all industrial pursuits; will secure to honest toil its just rewards; will be a sheet-anchor to stability in every department of business, and discourage that spirit of uncertainty which breeds disastrous fluctuations in prices.

The petition is signed by a highly respectable body of men. Governor Robinson, Mr. Belmont, Messrs. Drexel, Morgan, & Co., Mr. Oppenheimer—Jew and Gentile—all the money-kings are there. "*All honorable men.*"

It presents a sharp contrast to the simple petition from the workingmen of Philadelphia, presented yesterday by the Senator from Alabama, [Mr. MORGAN,] which bears the mark of the anvil and the workshops, but is all the more entitled to consideration as an honest protest made against the passage of the resolution, because made by the *sons of toil*, about whose welfare the money-kings appear so anxious. I am glad it is here, so the representatives of the people can consider their case as well as that presented by the distinguished gentleman from New York. I deny all the assumptions of the New York petitioners. I deny that the passage of the resolution will have any one of the effects claimed. Surely confidence in permanent investments needs no revival when our 4 per cent. bonds were at a premium of 3 per cent. the day after the interest was paid, and are over 4 per cent. to-day. Honest toil asks no other reward than a chance to earn the notes as they are; the complaints against and abuse of them have never come from men engaged in honest toil. If any dissatisfaction has been expressed anywhere since the law of May, 1878, was passed; if any petitions to Congress have been presented seeking to destroy any quality now possessed by the legal-tender notes prior to the change of front by the President and his Secretary when this session of Congress opened, or prior to the introduction of this resolution, I failed to observe the fact.

It is always a safe and generally a wise policy to let well enough alone. It seems to me to be both safe and wise not to disturb the currency used by the people when their business, after years of disaster, is improving, and not to alarm men who are just beginning to rally from stunning blows. Nothing proves that to be our present condition more satisfactorily and conclusively than the contrast between the business failures now and for the last few years. I take the following statement from the last annual circular issued by the mercantile agency of Dun, Barlow & Co., of New York:

Year.	Number of failures.	Amount of liabilities.
1874	5,830	$155 239,000
1875	7,740	201,060,353
1876	9,092	191,117,786
1877	8,872	190,669,936
1878	10,478	234,383,132
Total	42,012	972,470,207

During these terrible years when forced resumption was being consummated over forty thousand business men, *or firms composed of many men*, were swept away, their liabilities amounting to almost half the amount of the public debt of the United States, and forty millions of people deprived of one-third or one-half of the value of their property, suffered to an extent that no mercantile agency can estimate, in order to make a few bankers and bondholders rich out of their wretchedness. The same authority makes the following exhibit for the first nine months of 1879, and contrasts it with that of the first nine months of 1878, as follows:

Year.	Number of failures.	Amount of liabilities.
1878	8,678	$197,211,129
1879	5,320	81,054,940

And from the 1st of July to the 1st of October:

Year.	Number of failures.	Amount of liabilities.
1878	2,833	$66,378,363
1879	1,262	15,275,550

The publishers add:

The foregoing figures indicate that for the third quarter of 1879, the failures in the United States have been less *than one-half* than for the third quarter of 1878, the precise decrease being 1,591. The liabilities show even a much larger proportionate reduction, being *less than one-quarter* of what they were in the same period of last year—the figures showing the liabilities for 1879 to be fifteen million as against sixty-six million for the third quarter of 1878. It will, of course, be remembered that for the first two months of the third quarter of 1878 the failures were unusually numerous, owing to the prospective repeal of the bankrupt law in September of that year; but, even taking that circumstance into consideration, the decrease in the last quarter is almost phenomenal, in view of the fact that the average number of failures for the third quarter of the preceding four years was 2,223, or nearly double the number of the last quarter's failures, while the average liabilities for the third quarter of the four years was fifty-two millions, exceeding by three times the amount of liabilities of the third quarter of 1879. The figures for the quarter just ended, therefore, add another to the many indications of the wonderfully improved condition of trade throughout the country. For the nine months of the two years the comparison is almost as favorable as for the quarter just closed—the failures for the first three quarters in 1879 being 5,320 in number, as against 8,678 for the nine months of 1878. The liabilities are eighty-one million for the first nine months of 1879, as against one hundred and ninety-seven million for the same period of 1878—a reduction in liabilities of more than one-half.

After the people have been compelled by Congress to suffer and endure all these things, and after they have supplied and placed in the Treasury such enormous sums of gold and silver coin to assure all men everywhere that the notes of the United States shall be and forever remain equal to and be convertible into coin, it would seem to me that the crushing of the contraction wheel might cease, and they might at least be allowed a little while without further congressional interference to ascertain whether the prosperity they have so long hoped and prayed for is to continue, or whether with the carrying trade of the country in the hands of foreigners, with protective tariffs cutting off nearly all exports of manufactures and doubling home prices, with enormous debts, Federal, State, municipal, corporate, and individual, upon us, we can rely on agricultural exports alone and continue to prosper. I think the chances are all against us unless we change many of our laws. Much apprehension is expressed by the combinations of the money power, lest the people may rush into wild speculations and again bring about the ruin from which they are just escaping, if they are allowed to use their present resources in the way they think most conducive to their own interests; the wise men of the East seek to constitute themselves the special guardians of the ignorant masses and protect them from all such danger by taking control of the finances of the Government and arranging them so as to guard against overtrading, unwise speculation, and the dangers of a redundant currency.

Mr. President, we have had too much *meddling;* that is at the bottom of all our troubles. If this is to continue to be a Government of the people, for the people, by the people, they must be allowed freedom from the dictation of any class of men, to manage their own affairs in their own way and have a chance to obtain the money which they think is necessary to transact their business. It is the merest pretense that we have a redundancy of currency for the wants of the people, and it is the most arrogant presumption to assert that the regulation of the amount required is safer in the hands of national bankers or Treasury officials than in the hands of the Representatives of the States and people in Congress assembled. Let us look at the first proposition. The monthly-debt statement for January 1, 1880, shows that we cannot have, even if every dollar ever issued was in existence and available for business purposes, more than $750,000,000 in legal-tenders, national-bank notes, and silver of all denominations. The gold is a mere Treasury reserve to secure and make good the other circulation. But call that $150,000,000 more, which is not true in any proper sense. With our present population of fifty million that is $18 to each individual; without the gold it is $15. How does this compare with the money in use among the leading commercial nations of the world? Turn to Executive Document No. 5, first session of the present Congress, and examine a report to Congress on the state of labor in Europe, made by the present Secretary of State, dated May 17, 1879, and Senators will find that France has eight thousand millions of francs, or $1,600,000,000, in circulation now in gold and silver coin, of which it is not possible that less than $600,000,000 is in silver, and she has over $450,000,000 in notes of the Bank of France, all of which are a full legal tender for all debts, public and private, and each is at par with the other, making a total of $2,050,000,000 of circulation—$40,000,000 more than our whole national debt; and this in a country much smaller than the State of Texas, with thirty-six millions of population, at least fourteen million less than ours, with a limited sea-coast and only 12,720 miles of railroad, while we have nearly ninety thousand miles and an almost boundless continent, containing more territory than all Europe, including Great Britain and Ireland, exclusive of Russia, by 1,240,088 square miles. The people of France have nearly $60 *per capita*, almost four times the amount we have. She is admitted to be prosperous, although she paid within the last ten years $1,000,000,000 in gold to Germany, and was conquered and overrun by hostile armies.

Secretary Evarts shows in that report that the bank-note circulation of Belgium is 661 francs, or over $132, to each inhabitant of that kingdom. These notes are a full legal tender for all debts, public and private. The people of Belgium are among the most enterprising and intelligent in Europe. Their products are found in every quarter of the globe. A few days ago the English papers, corroborating the Secretary, announced that magnificent iron depots and bridges made in Belgium were being erected over the Clyde and in the city of Glasgow. They have a circulation *per capita* of nearly $8 to our $1 and are prosperous.

Mr. Evarts shows further that Germany with her forty-two millions of population has a circulation in coin and notes of $714,000,000, or $17 *per capita*, even after she had in an evil hour demonetized her silver, which, prior to the payment of the French indemnity, was her only coin circulation. Her notes are a full legal tender for all debts public and private. She has few sea-ports, only 18,229 miles of railroad, yet her recent distress has been such from the contraction of her currency that Hon. WILLIAM D. KELLEY, of Pennsylvania, in his recently published letters, tells us that the leading bankers in Germany and Prince Bismarck assured him that the country had lost one hundred millions of marks, or $25,000,000, by the process of demonetizing her silver, while the general injury to the people and their business has been beyond calculation. He was assured that the sales of silver had been stopped and its use would soon be restored.

I have his letters before me, carefully revised. On page 30 of his letter from Germany he says that he told Prince Bismarck in substance that in his opinion the demonetization of silver in Germany had worked badly, and the reply was:

Yes, in that matter we have gone too fast and too far. We have not been wise. * * * It is clear we did not need to abolish silver money—we should have supplemented it with gold coinage. The sale of silver has reduced the price of that metal, has cost the empire an immense sum, and cannot be continued without ruinous loss, as Von Dechend, president of the Reichs Bank, has shown, and I have therefore prohibited further sales.

After a somewhat detailed conversation as to the probability of a convention of the nations, and as the course the United States would otherwise take on her own responsibility, Bismarck said:

In this matter you must not act alone. Others must co-operate with you. I have told you that no more silver will be sold, and you may also know that the people want the coins for business, and that they will go into circulation again. It is already ordered.

It seems, therefore, that Germany is likely to seek relief from her contraction of the currency, which, though now greater than ours, has by a process similar to that we have pursued brought her people to the verge of bankruptcy. The Secretary shows that the people of Great Britain, numbering thirty-two million in a country less than half the size of the single State of Texas, with only 17,263 miles of railroad, have a circulation of $905,688,000, or about $30 *per capita*, nearly double the amount even now allowed to the people of the United States, yet in the face of all these and many other like facts the moneyed organizations of the East and such newspapers as they

control denounce all of us who are unwilling to still further curtail and cripple the small amount of currency we have as inflationists, secret repudiators, and everything that is vile. But, Mr. President, we have not anything like the amount of circulation we are charged with having on the books of the Treasury. For example, turn to the last monthly statement of the public debt made by the Secretary of the Treasury on the first day of this month and year and you will find in making up the sum of $393,711,679 of United States notes, certificates, &c., that we are charged with having $15,674,303.78 of fractional currency in circulation, when in fact there is not exceeding $1,000,000 of that amount in existence. Senators will recollect the debate in May last, when provision had to be made for the payment of the arrears of pension. The Secretary of the Treasury then insisted on having authority given him to increase the interest-bearing debt by authorizing the sale of $18,000,000 of 4 per cent. bonds. The leading members of the Committee on Finance of the Senate sustained him; I and others opposed. We convinced a majority of the Senate that the fund, then about $8,500,000, held for the redemption of outstanding fractional currency might as well be used to pay arrears of pensions as not, and we so applied it. The now known facts have justified our action. The fractional currency presented during the last year has been less than the interest at 4 per cent. on the sum held for its redemption, and it is apparent now that about $14,000,000, perhaps more, of fractional currency charged as outstanding, being one-third of the whole issue, is gone and never can be presented for redemption.

What is now known to be true as to the fractional currency is equally well known to be the fact in regard to the legal-tender notes, though not to the same extent in proportion to the amount issued. The issue of the legal-tenders reached the highest point in 1864 and 1865, when there were $433,160,569 of them in circulation. At that time there was only $22,894,877 of fractional currency issued. That currency did not reach its maximum of issue till July, 1874, when it was $45,881,295. As it is now known that from 30 to 33 per cent. of the fractional currency has perished, it is fair to assume that at least 10 per cent. of the legal-tender notes are gone. Years of war, during which they were paid to soldiers and sailors in dangerous service, followed their issue. Fire and flood have destroyed millions of them. Since the war they have gone through reconstruction and strife in the hands of men unused to the care of money. It is clear to my mind that there is not $300,000,000 of them in existence now. I do not know what proportion of that $300,000,000 is in the hands of the people. In May last I wrote to the Comptroller of the Currency for official information on that subject, and received the following letter, which I then read for the information of the Senate:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, May 6, 1879.

SIR: In response to your request, I send you herewith statement of the Treasurer showing the amount of legal-tender notes outstanding by denominations on April 30, 1878. I also inclose statement of the Treasurer of May 1, 1879, and an abstract of the reports of the national banks for January 1, 1879, the date of the last compilation of their reports. From the statement of the Treasurer it will be seen that he reports the amount of United States notes in the Treasury on May 1, $70,444,823. The amount of legal-tender notes held by the banks on January 1, exclusive of United States certificates of deposit, was $70,561,233. Tables are given in my report for 1878—pages 103, 104, and 106—which show that the amount of Treasury notes and bank notes held by the State banks, trust companies, and savings-banks was, at the dates given, $48,398,738; the amount held by private bankers is estimated at $28,000,000; which makes an aggregate of $76,398,738. If one-half of this amount was in legal-tender notes, then the whole amount of such notes held by banks and bankers other than national banks was, say, $38,000,000; which would give the aggregate amount of legal-tender notes held in the Treasury and by all the banks and bankers of the country, $179,006,000; leaving an aggregate of $167,675,000 held by other parties.

Very respectfully, JNO. JAY KNOX, *Comptroller.*

Hon. JAMES B. BECK,
United States Senate.

Of course these amounts vary from time to time. I think it likely the sums held now are smaller than those held at that time. It will be seen from the above, however, that there were at that date, some eight months ago, upon the assumption that there were then outstanding legal-tender notes to the amount of $346,681,000, only $167,675,000 in actual circulation among the people. If I am right in assuming that the actual amount in existence does not exceed $300,000,000, then there was only $120,994,000, being very many millions less than there is gold and silver coin lying idle and unproductive in the Treasury, held there under the pretense of possible necessity to redeem them. The statement referred to by the Comptroller as to the denominations of the legal-tender notes outstanding was also read by me, and will be found in the RECORD of the proceedings of May 6, 1879, page 1276. It shows that there were then $100,855,980 of these notes in denominations of $100 and upward, which made them in no sense currency for common use in the ordinary transactions of life among plain people. Of these the Comptroller says $31,940,980 were one-hundred-dollar bills; $31,279,500 were five-hundred-dollar bills; $33,620,500 were one-thousand-dollar bills; $2,005,000 were five-thousand-dollar bills; $2,010,000 were ten-thousand-dollar bills; total, $100,855,980—all of which might as well be bonds of the United States locked up in bank or Treasury vaults as pretended circulation; and these denominations cannot be changed. I have no means of knowing what denominations constituted the $179,000,000 held by the Treasury and the banks. If they were of the smaller denominations they about exhausted them; if of the larger, it still left the miserable remnant I have shown to meet the wants of fifty million of the most enterprising, energetic, and restless people on earth; yet we are called inflationists if we dare to protest against the further destruction of their usefulness and paying capacity.

In protesting, as I do, against striking out the legal-tender quality of the greenbacks, their further degradation, and the destruction of their usefulness by a new declaration that they shall not be receivable by the Government for custom-house taxes, their receipt for these dues now being, as I think, the wisest and best of the acts, legal or illegal, of the present Secretary of the Treasury, I must not be understood as indorsing or as asserting the constitutionality of the original acts under which they were issued. I have never believed that Congress, either in time of war or peace, had any power to do more than coin gold and silver and regulate the value thereof; and I have always thought it ought to provide for the coinage of either metal upon equal terms and in such quantities as the people may present bullion at the mints for coinage. That opinion I have often expressed in the Senate and elsewhere as forcibly as I could; but the Supreme Court of the United States—I care not how or for what purpose its change of front was effected—decided against my views, and I submit to the decision and make the most of it. I have, since my career in Congress began, seen many laws passed which seemed to me to be in palpable violation of the Constitution of the United States. Reconstruction acts, constitutional amendments, and all sorts of legislation have become parts of our system against my protest; but I sustain them as faithfully now as if I had originally approved them. I have always believed and now maintain that the act of March, 1869, requiring the principal of all our bonds to be paid in coin and repudiating our legal-tender notes was not only declaratory legislation beyond the scope of legislative authority, but a fraud of the deepest dye upon all the tax-payers of the country; yet when the act of July 14, 1870, was passed, authorizing the refunding of $1,500,000,000 of our bonds at low rates of interest, making principal and interest payable in coin of the then standard value, and when they have been so refunded, I admit that the credit of the Government can only be maintained by a strict compliance with the obligations entered into. Disclaiming all intention to be offensive, I may say that I have never believed that the present President of the United States was legally elected to the high position he holds, but no Senator would deprecate more than I would any suggestions looking to the raising of even a doubt now as to the legality of his title. So with the legal-tender notes. They were issued at a time when Congress assumed that the exigencies of the public service required the issue of such notes, and whatever else the Supreme Court has done or left undone, it has never been silly enough to declare either that Congress had certain powers over the currency of the country in time of war which it does not possess in time of peace, or that the court sits as a revisory body over Congress, to determine when exigencies do or do not exist on which Congress may or shall not act. It admits that wherever and whenever Congress can act when an exigency arises, Congress is the sole judge of the exigency requiring its action, whether it be in time of peace or war. It must not be forgotten that in all the acts authorizing the issue of legal-tender notes the following was part of the provisions concerning them:

And any of said notes when returned to the Treasury may be reissued from time to time, as the exigencies of the public service may require.

Congress must be the judge of the existence of any exigency requiring legislation. It may have information even now which the Supreme Court has no right to know anything about as to the objections foreign nations may have to our proposed action in regard to an interoceanic canal, or as to the peculiar relations of the western provinces of Mexico to our great railroad and mining interests. Can the court say we must tell them and publish to the world all our reasons for regarding an exigency as existing, or likely to arise, before we can pass upon questions of currency which in certain contingencies the court would say it was our unquestioned right to do? I deny that the court ever claimed or ever will claim any such power. In regard to the legal-tender notes Congress has, since the war, exercised its discretionary power over them in every variety of form; it has contracted their volume, and stopped contraction; it has increased the amount in circulation, and prohibited its Treasury officials from changing the denominations existing; the act of May, 1878, was perhaps a less notable exercise of the recognized power of Congress than the action taken in 1874. Under the auspices of Secretary McCulloch legal-tender notes had been by action of Congress *retired and canceled* till Congress intervened in February, 1868, and stopped further contraction, leaving $356,000,000 of them then outstanding. In October, 1872, the Acting Secretary of the Treasury issued $5,000,000 in excess of the $356,000,000. The legality of the act was at once controverted, and Secretary Sherman, as chairman of the Committee on Finance of the Senate, made a report, January 14, 1873, proving, to my mind conclusively, that the action of the Secretary was wholly without warrant of law. Some very good lawyers, however, differed with him, the distinguished Senator from Vermont [Mr. EDMUNDS] being one, holding that the act of the Secretary was not illegal.

Mr. EDMUNDS. The Senator will allow me to say that while I did differ with the report on that point of law, I did think the thing itself never ought to have been done.

Mr. BECK. That is true. I merely mentioned it because I saw that in the debate the Senator took part.

Mr. EDMUNDS. The Senator is quite right in regard to the position I took.

Mr. BAYARD. The committee reported against the legality of the Secretary's act.

Mr. BECK. That is just what I want to show. The committee, as the Senator from Delaware says, reported against the legality of the reissue of the five million. That was in 1873, on the 14th of January. But in September, 1873, when the failure of Jay Cooke & Co. alarmed the country and shook public confidence in all bankers, the President and his Secretary of the Treasury, in defiance of the Sherman report, and, as I think, in plain violation and defiance of law, issued $26,000,000 of legal-tender notes in excess of the $356,000,000, on the urgent demand and perhaps irresistible pressure upon them by the money power of the city of New York, doubtless of many of the men who are now so abusive of those of us who do not obey their orders and vote to destroy the notes they caused the then Secretary to reissue to suit their private interests. To avoid such complication, the committees of both Houses of Congress took up the subject when we met in December, 1873. Nearly all agreed that the power claimed by the executive officers to inflate or contract the currency to the extent of $44,000,000 to suit either personal or political interests could not be tolerated. We agreed that this was a Government of laws, and not of men; that stability in the volume of the currency was indispensable to the business interests of the people. The chairman of the Committee of Ways and Means [Mr. DAWES] proposed $356,000,000 as the limit to be fixed; Mr. Ellis H. Roberts, of New York, another member of the committee, proposed $382,000,000, the then outstanding volume, and I, then a member of that committee, proposed $400,000,000 as recognizing the limit fixed by previous laws, and by the claim of right asserted by the President and his Secretary. My proposition prevailed in the House of Representatives by a large majority, as the record will show. Nobody doubted the constitutionality of the bill or the right of Congress to remove the uncertainty which executive action had attached to the volume of currency; expediency alone controlled the votes of members. For example, Mr. DAWES and all who agreed with him voted for the $382,000,000, as proposed by Mr. Roberts. It was clearly as unconstitutional in time of peace to increase the legal-tender notes $26,000,000 as it was $44,000,000. The Finance Committee of the Senate through its chairman (Senator now Secretary Sherman) reported a bill, March 23, 1874, fixing the legal-tender notes at $382,000,000. Although that committee had by its report in January, 1873, demonstrated that $356,000,000 was then the legal limitation, after long debate the Senate increased the committee's proposition up to $400,000,000 and instructed the committee to report a bill to that effect. Mr. Sherman on the 3d day of April, 1874, reported it back at $400,000,000, and it passed both Houses of Congress at $400,000,000. It was, however, coupled with provisions as to banking which the President thought might inflate the currency largely, and he vetoed it, no objection or suggestion being made by him as to the constitutional power of Congress to increase the currency from $356,000,000 to $400,000,000.

Mr. BAYARD. Will the Senator allow me to ask him to complete the history of that act and state that the position which I hold to-day is the one that I insisted on then; the same arguments that are preferred on that side of the question were urged by me in committee and out of committee, in the Senate and everywhere.

Mr. BECK. I desire to say, as I said in the beginning, that I have no doubt the Senator from Delaware in all his acts is influenced by the highest motives of patriotism.

Mr. BAYARD. I did not speak of the motive. I spoke of the fact.

Mr. BECK. I say now that the Senator from Delaware, in my judgment, has been consistent from the beginning to the end in the position he now maintains. In all the votes that he has given, so far as I know, he has maintained the position he is now maintaining; but the Senator from Delaware is not the American Senate, nor the House of Representatives, nor the sole representative of this people, although he is a highly respectable and very able Senator from Delaware. He was overruled. I am speaking of what Congress did.

Mr. BAYARD. All I asked was that the record be stated fully.

Mr. BECK. That is right, and I will not in the course of my speech allude to anything that will indicate that the Senator from Delaware has been inconsistent in any act of his. Soon after the occurrences to which I have just alluded a bill was passed and approved by the President, which was voted for by the present Secretary of the Treasury, fixing the legal-tender circulation at $382,000,000, at which it remained till modified by the free-banking law—that is, free to all bondholders and a close corporation against all others—further contraction under which was stopped by the act of May, 1878. During all these changes the men of the East raised no clamor, saw no danger to the Constitution; indeed, they caused the President and the Secretary to do the only illegal act done. But I need not amplify these well-known facts, nor further expose how hollow the present clamor is.

All the vast revenues collected since the war closed, except customs dues, have been payable, and were generally paid, in legal-tenders, which have been paid out over and over again for all the debts contracted by the Government, (except to the bondholders,) and to all its agents, employés, and pensioners. In this way in the last fifteen years they have, in time of peace, been reissued many times over.

Will any Senator assert that the exigencies requiring the currency Congress authorized during the war, and which the Supreme Court sustained, are ended, or have passed away? Is not the roll of pensioners as large as ever? Did we ever pay in any year as large a sum by $15,000,000 for that purpose as in the year just closed? Have the internal taxes, which were unknown before the war, and imposed to pay interest on the debt contracted to carry it on, been removed? The $116,000,000 collected annually, and the swarm of officials maintained to coerce their collection, furnish an emphatic answer in the negative. Has our once prosperous commerce and carrying trade on the high seas, which before the war brought our people large revenues and profits from other nations, been restored? Our deserted ship-yards and the $100,000,000 we now pay annually to foreigners, our commercial and political rivals, to enrich them and impoverish us, show that *that* exigency is increasing instead of passing away. Have the monstrous exactions which were imposed upon the people in the form of protective tariff taxation, on the pretense that they were only temporary war measures, soon to be removed when the exigency of impending war had passed away, been removed, or even lightened? We all know they have not; but are supported, clung to, and advocated by the retainers of the favored few who are licensed thus to rob the masses of the people with greater pertinacity than ever.

Is the national debt which the exigencies of war fastened on the country paid? Has the interest ceased? The monthly statements of the public debt furnished by the Secretary of the Treasury show that it is not only not paid, but the principal of the interest-bearing debt has increased largely in the last four years. I have before me the statements made December 1, 1875, and December 1, 1879. The principal of the interest-bearing debt, December 1, 1875, is $1,708,251,300, the interest on which, if I have calculated it correctly, was $95,471,230 a year. On the 1st of December, 1879, the principal of the interest-bearing debt is stated by the Secretary of the Treasury at $1,786,917,650, an increase of $78,666,350 in the last four years, notwithstanding all the purchases for the sinking fund, the bonds bought therefor being destroyed as soon as purchased. The Secretary tells us, in his report to Congress on the 1st day of December last, that he has paid as interest on the public debt for the last fiscal year $105,327,949, or nearly $5,000,000 more than was required four years ago. He further informs Congress that he needs $93,877,410 to pay the interest for the current fiscal year. In the face of all these facts I would like to know from any person, whether he be judge of the Supreme Court, a member of Congress, the President of the United States, or even a New York banker, what exigency ever existed which made it constitutional for Congress to issue legal-tender notes which does not now exist to authorize Congress to continue them in circulation, with all their debt-paying capacity unimpaired.

But, Mr. President, important and immense as all these things are, they are not all nor even the greater part of the exigencies now existing which require Congress to maintain, in all their usefulness and debt-paying capacity, the legal-tender notes of the United States. Gold forms no part of our ordinary circulation. There is hardly silver coin enough of full legal-tender quality allowed to be coined at the mints, no matter how much bullion there may be in the country to furnish $1 *per capita* to each of our people; the issues of the State banks have been taxed out of existence by Federal legislation; the national-bank notes are not a legal tender in any private transaction; the debts of the States, of the municipalities, of the railroads, of the other great corporations, and of individuals, exceed the debt of the United States at least threefold. Poor's Railroad Manual for last year stated the railroad debts alone at over $2,200,000,000. I assume they are greater now, as we have built nearly four thousand miles of railway in the last twelve months. Even if the national banks were required to redeem their notes at their own counters in coin, which they are not by this resolution, it would prove to be a delusion. The banks, by their now perfect combination, could and would so assort their notes as to keep them in circulation at points far removed from home. The issues of the Kentucky banks would circulate in Minnesota and Iowa, while those of the banks of these States would be the currency of Kentucky and Tennessee. Private contracts could not be enforced. There is not a single State in the Union, except New York, in which there is a legally established United States depository where coin can be demanded on paper money.

Suppose my colleague, General WILLIAMS, contracts with me to buy my farm, my crop of wheat, hogs, or cattle, and agrees to pay me on the 1st day of March at my house, $10,000, and on payment, *on that day*, take possession of the property. He comes, according to contract, with the money in legal-tender notes. I refuse to receive them. He cannot find national-bank notes enough to draw coin from the banks in his section of country; he cannot get coin from New York in less than four days. The property has advanced in value, and I sell it next day for $12,000, and deliver it to another. When he makes the tender in coin after he gets it, I tell him that he failed to comply with his agreement on the day specified, and he has no remedy. That is the condition in which all the people of the country will be placed by the passage of a law such as this resolution proposes. It is even worse than that; the national banks will not be required to redeem their own notes at their own counters in coin if this resolution becomes the law; these notes are still to remain lawful money, just as bank-notes are now lawful money; once a debt is paid in them the plea of payment would be good on proof of payment in and acceptance of greenbacks. All the acts requiring the redemption of bank-notes provide,

not for redemption in *legal-tender* notes, but in *lawful money*. Neither the Government nor any individual could demand coin from them after this resolution passes into the form of law; payment in the greenback, with its legal-tender quality destroyed, would be a compliance by the banks with all their obligations. The first section of the act of February 25, 1862, volume 12, Statutes at Large, page 345, makes the United States notes "*lawful money* and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest on the public debt." Were these notes degraded below the rank of lawful money when, in March, 1869, notwithstanding the indorsement on their back, they were repudiated by Congress as unfit to pay the bondholders the principal of their bonds? That will not be asserted, and it is equally sure that the national banks will, if this resolution passes, continue to redeem their notes in them under their contracts or charters, because they remain "*lawful money*." Secretary Sherman, in an interview evidently prepared carefully by himself and published in the New York Herald of December 12, 1879, said, when insisting on the repeal of the legal-tender clause of the greenback notes:

The banks as heretofore under existing laws would redeem their circulating notes in United States notes.

When he says that *can* and *shall* be done, the speculations of Senators as to the construction of the resolution may as well cease; that will be the result, that is what the bankers understand; the Secretary's assurance and construction is all they ask or care for. With that construction given no man living outside of a few large cities could ever enforce compliance with any contract when payment at a given time is a condition-precedent to its enforcement. The zeal of the great moneyed corporations for the degradation of the greenbacks is obvious and natural. They intend to control the currency circulation of the United States. Greenbacks with the legal-tender quality stricken out would continue to be a safe and convenient currency for them to redeem their own notes in; a run on them for coin would be impossible in that condition of things. They profess to be much afraid of inflation, and their advocates are extremely apprehensive because of the ignorance of Senators and Representatives in regard to the true interests of their constituents and the danger of reckless inflation by a foolish Congress which may overthrow and destroy all values, all industries, and all stability in business. My apprehension is from the power sought to be given to the national bankers. They can inflate the currency up to 90 per cent. of the outstanding bonds of the United States, or to $1,600,000,000, and contract it as they like when it is their interest to do so. Apprehension of the repeal of their charters while we have other currency to rely on has prevented any serious attempts in that direction so far. The $346,000,000 of legal-tender notes now nominally outstanding is the best, perhaps, with the hostility of the bankers and the Secretary of the Treasury to the issue and use of silver coin, the *only*, check on national bankers and their issues; that amount cannot be curtailed or altered except after full and lengthened discussion, first in the House and next in the Senate, and after passing both Houses the bill changing the present status of the legal-tenders would have to run the gauntlet of a presidential veto, and we have all felt the power of that. The country would have full notice of the change, and would at least have ample time to prepare for it.

Strike this money down, leave us at the mercy of the national bankers, and what follows? They have an organization as compact and close as the whisky ring, the tariff ring, the railroad ring, or any other ring. They meet in convention periodically and determine, not what is best for the country, but what will most certainly put most money into their own coffers. Let them have full control of the currency of the country, and when by inflated issues of their paper promises kept in circulation in States far remote from their banking houses, most probably redeemable in United States notes not legal-tenders, they have excited the country to the highest point of wild speculation, they can by telegrams to each other, secretly, *in a single night*, when crops must be moved, when conditions exist demanding the highest possible amount of circulation, combine and contract, call in debts, refuse discounts, bankrupt the country, buy property at their own prices, and, when they get it by ruining its legitimate owners, again inflate and sell to suit themselves. Are they too patriotic and virtuous to be guilty of such acts and to take such advantages? The newspapers they pay so well may say they are, and will doubtless denounce me and other plain men who claim to be as patriotic and more dependent for future success on faithful devotion to the best interests of the people as any national banker, whether he be descended from Judas Iscariot or the unrepentent thief on the cross. I will not so vote as to place such power in the hands of any body of men who represent nobody but themselves and their stockholders, who would laugh in your face if you insisted that they ought to look beyond them and consider the rights of the people. As power and trust must be lodged somewhere, I prefer to keep and hold it in the hands of Senators and Representatives who have no other interests, can hope for no promotion except as they promote the best interests of the people they represent.

Every act of the combinations of wealth has been to impose burdens on the people in order to enrich themselves. When in time of war the legal-tenders were issued, the Government was forced to repudiate them to the extent of refusing to receive them for customs dues and interest on the public debt, so as to increase tariff taxation for the protection of favored classes up to the gold standard and make it the interest of all protected monopolists to depreciate the paper money as much below gold as possible. The bondholders alone demanded gold for their interest when all other creditors of the Government, including the soldiers and sailors, were content to take its paper promises at par. It was thus made the interest of the money-kings to raise the premium on the gold they alone could obtain as high as possible to enable them to sell their gold interest for the highest possible price; still they boast of their patriotism and the great aid they rendered the Government by lending it money on these terms. Not satisfied with that, they demanded that they alone should be allowed to control the currency of the country. For their benefit all the State banks were taxed out of existence, and they were furnished with currency as national banks up to 90 per cent. of the face value of the gold interest-bearing bonds they held, paying a tax of only 1 per cent. for it, with authority to lend it to the people at whatever rate of interest the States in which they lived allowed interest to be charged. Not content with even these enormous exclusive privileges, in March, 1869, they obtained from Congress a declaratory act further repudiating the legal-tender notes, each one of which had written on it by law that it should be a legal tender at its par value for all debts public and private, except interest and customs, which law declared that the principal of the bonds should be paid in coin; and in 1870 they had them exempted from all taxation, State, Federal, and municipal.

In 1873 they had silver demonetized by methods so secret and disreputable that no man has yet been found to avow that he knew when they were perpetrated. In short, every step taken has been to advance the price of gold and depreciate the value of paper money, and now these men are a unit in clamoring to destroy its legal-tender quality altogether, and denounce as repudiationists, fools, and dishonest men, all who will not obey their orders. I hope before this Congress adjourns it will require them to keep all their reserves in their own banks, or in the Treasury of the United States, and require them all to be held in gold and silver coin, and, as they seem so earnestly to desire it, require them to redeem all their own notes at their own counters in coin, on demand, and we surely ought to pass a law forbidding the issuing of any new bank charter that does not contain these provisions, providing further that there shall be no renewal or extension of existing charters to any bank until it had redeemed, in accordance with its contract, all its currency now outstanding. Many of these charters expire soon. The agreement was that they should pay back to the United States, at or before the expiration of the grants, in lawful money of the United States, as many dollars as there was circulation issued to them; not alone what might be presented for redemption. That was the only provision which was for the benefit of the people. Eight, perhaps ten, per cent. of the circulation issued has been, or in one way or another will be, destroyed in the course of the twenty years of the banks' existence under these charters. We are entitled to be paid the full amount of all the notes we issued, and have a right to the benefit of all notes destroyed. It will amount to somewhere near $30,000,000, and will go that far toward the reduction of the national debt.

The bankers and the papers they control will doubtless denounce that proposition also; but I hope Congress will not be deterred from asserting the rights of their constituents by any apprehension on that subject. Abuse is sometimes more wholesome than flattery, and rarely hurts when men are right. The banks have no just ground of complaint if we require them to pay every dollar issued to them, in accordance with their contracts; the loss by the destruction of these notes did not fall on them. They loaned out all the currency they received. If I borrowed $10,000 from one of them, and it was burned up in my house the night after I got it I had to pay the bank every dollar of it with interest. Why should the bank withhold it from the Government? *It was my loss, not theirs*, and I am more interested that the public debt should be reduced than that the bank should be paid twice, as it will be if it is not required to account for the money I paid it, and seeks to avoid payment because the Government fails to produce the destroyed notes the bank borrowed from it, which were loaned to and lost by me. Suppose five Chicago bondholders had each deposited $12,000 of their bonds, and, as national bankers, received $50,000 of national-bank currency which they had loaned out, taking good security, a day or two before the great fire in that city, and it had all been burned up. Is there any more reason why these bankers should not account for every dollar of it to the Government before they are permitted to withdraw their bonds deposited to secure the repayment of the loan of currency to them than there would be if every dollar of it was in existence? I suppose nobody will venture to say that there is. Why not pass a law at once requiring all those settlements to be made as originally agreed on, even if a new contract is entered into and a new charter granted afterward.

I am not now discussing the policy of the national-bank system, nor seeking to interfere with the privileges granted to them. I seek only to secure to the people their rights under the system, and make it work as much as possible for their interest and convenience, and I am opposing the destruction or degradation of the legal-tender notes of the United States which all citizens, State banks, and private bankers can use as currency without being dependent on national bankers for it. The absolute control of the currency of a people in the hands of a privileged few is a vast and may be a dangerous power. *I fear it.* Let me state a case to illustrate why. There may be others

like it or even stronger for aught I know. I had seen in the public newspapers apparently exaggerated statements of the profits made by the First National Bank of New York; knowing that returns of the condition of the banks had to be made from time to time by them to the Comptroller of the Currency, I sent to that officer for the returns made to him by that bank for the year 1879, which he furnished me. I hold them in my hand, and they show among other things the following exhibits in the statements made on January 1, April 4, June 14, October 2, and December 12, 1879:

First. That the capital stock paid in during all that period was $500,000.

Second. That the surplus fund was $1,000,000, except on December 14, when it was $1,500,000.

Third. The undivided profits January 1, were $142,670.42; April 4, $339,095.60; June 14, $579,018.88; October 2, $804,511.26; December 12, $267,700.84—total undivided profits, $2,132,997.

Whether these undivided profits at the dates given were carried on the books as not called for from one date to another, I do not know; but if the $804,511.26 on hand October 2 represents all from January 1, 1879, it certainly shows a clear profit of $661,840.84 in nine months on a paid-in capital of $500,000—a profit sufficient to satisfy any Shylock.

Fourth. The bank had United States deposits, January 1, $24,759,948.50; April 4, $69,927,704.43; June 14, $128,109,071.04; October 2, $3,601,550.

The interest on the money belonging to the United States lying in that bank on the 4th day of June at 6 per cent. was worth to the bank over $21,000 a day. They show further in these statements among *their* liabilities to the syndicate, profit and loss—all profit, of course—independent of their other profits, *syndicate*, $2,153,959.42. All of this, recollect, was made out of a capital of only $500,000 paid in.

Mr. CONKLING. What was the profit the Senator states?

Mr. BECK. I cannot state the entire profits during the entire year with absolute certainty; but if these undivided profits are different sums, they amount to over $2,000,000. The syndicate profit and loss is $2,131,000. Whether or not they carried the statements of unpaid profits up to the next statement I am not able to say. I hope to ascertain the facts more fully hereafter. I will say, however, to the Senator from New York that before any more refunding is done, and we are now being pressed on that subject, I shall try to see how much what has been already done has cost the people of these United States in commissions and in double interest and how much it has been possible for bankers to make out of the money that has been left in their hands.

I came to the conclusion, looking over these statements, that the best banking capital a man can have is the good-will and patronage of the Secretary of the Treasury. Suppose the Senator from New York were the best banker and I were to go to him and say, "I want to go into partnership with you;" and the Senator should say to me. "What capital have you got?" "None." "What business experience have you got?" "None." "What do you propose to do?" "I propose to bring you the good-will and the deposits of the Secretary." I think the Senator would take me into partnership and he would make more money by doing it than he ever made in his life, and we could contribute largely to any campaign fund desired by the Secretary.

I do not say that any of these things have been done; but I say a system under which they are possible is a vicious system and dangerous to liberty, and one that I shall try to suppress if I can. In any other loans that are made I shall endeavor to make it impossible for the Treasury of the United States to be used to aid one set of bankers against another set of bankers, or to allow the money of the people to be used in the business of anybody, any more than I would allow them to aid one manufacturer against another or one ship-builder against another, or any other class of men anywhere, with the money belonging to this people.

Mr. MORRILL. Will the Senator from Kentucky allow me to interrupt him for the purpose of making some correction of his statement?

Mr. BECK. If I have made any wrong statement, of course.

Mr. MORRILL. The Senator represents the First National Bank to be a bank of a capital in the first place of only $500,000.

Mr. BECK. I have their own statement in my hand which says so.

Mr. MORRILL. The Senator will find that the capital of the bank originally was $500,000; that they have an accession to it of undivided surplus of $1,277,000 in addition; that they paid in taxes last year $237,479.63; and that another fact is, that the Secretary of the Treasury never deposited a single dollar in the bank. All that was deposited there was deposited by subscribers to the loan.

Mr. BECK. I did not say——

Mr. MORRILL. And they have——

Mr. BECK. Mr. President, I decline to be further interrupted.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The Senator from Kentucky declines to be interrupted.

Mr. MORRILL. It is a matter that ought to be understood.

Mr. BECK. I have made no charge against the Secretary. I say these profits were made out of this capital of $500,000; that they had a surplus of $1,000,000 at the beginning of the year, and $1,500,000 at the end of it, besides all these profits, and a syndicate profit of over $2,000,000.

Mr. MORRILL. But they negotiated $268,000,000, and did not make more than $\frac{8}{10}$ of 1 per cent. on what business they did in that respect.

Mr. BECK. Any system that enables one set of men to do that thing is a vicious system, and they are not the kind of men into whose hands we ought to place all the money and the currency of the United States, with power to control it as they please.

I will not aid in strengthening or in building up a system under which such favoritism, such subsidies, such discriminations, call them what you will, is not only possible, but is certain to arise and grow in magnitude as power is increased.

I think the passage of the resolution under consideration strongly tends to the perpetuation and extension of this condition of things, and shall therefore vote against it.

I will try in the future to give the people a chance to obtain bonds directly from the Government authorities by paying for them at any depository, instead of enriching a few men at the public expense. I will not discuss that now, however.

But, Mr. President, I would oppose the passage of the resolution at this time, independent of all these difficulties and dangers, on the ground that we have not yet regained permanent prosperity, and are not likely to do so until many of our laws are changed.

So long as our present barbarous navigation laws are maintained and our people are the only people upon earth who are not permitted to buy ships where they can buy them cheapest—indeed, are not permitted to buy them anywhere abroad—we must continue to be a poor, dependent, subsidiary nation on the great highways of commerce and pay to foreign nations, as we do now, over $100,000,000 a year to do our carrying trade. We might as well abandon all hope of greatness while these laws exist. The miserable falsehood that we are protecting home industry against pauper labor, which sounds so well, is best answered by the fact that we are building no foreign ocean-going steamers, and that not a single ship in any of the great lines from the great port of New York which cross the Atlantic is an American ship or carries the American flag. The few we have anywhere were built by taxation in the shape of subsidies, while the protected monopoly of the coastwise trade excludes all competition there, so that the home ship-owners can charge what they please. In short, we have surrendered our great foreign trade to foreign monopoly to secure the coastwise trade to home monopoly, the mass of this people, producers and consumers alike, being taxed to bear the burdens of both, while American labor is destroyed by (so-called) protection in our foreign trade.

The Secretary of the Treasury in his last report to Congress, page 28, stated that our small tonnage engaged in the foreign trade decreased last year 137,514 tons below what it was the year before. Only 23 per cent. of our combined imports and exports are carried in American ships; over 75 per cent. in foreign. Twenty years ago over 75 per cent. was carried in American ships. The Secretary adds:

> It is neither to the advantage nor the honor of the country that so immense a proportion of its foreign carrying trade has passed to other nations. * * * It is a grave question of public policy whether the period has not arrived when the unlimited right of purchase, as under the English statutes, should be extended to vessels as well as to other commodities.

I am glad the Secretary has called the attention of Congress to this subject, as I believe its time could be spent much more profitably in the passage of the bill I have before the Senate, to allow us to have free ships, than in passing resolutions to cripple our means of paying for them. Our high protective tariff is a confession that we do not intend to try to manufacture goods to sell outside of the limits of the United States. Our manufacturers are content with the tribute Congress authorizes them to levy from our own people. We boast of our wonderful ingenuity, and are justly proud of our magnificent machinery; we protect by patent monopolies all inventions. What does it all amount to? Only this: each improved machine is the slave of its owner, requiring no clothing and cheap food, if any; it performs the work of many human beings and drives them out of employment. Yet the price to consumers is kept up by combination among machine-owners and by tariff taxation on all outside who dare to compete. All the people in the world wear clothes which cost them 50 per cent. less than the people of the United States and sleep under blankets 50 per cent. cheaper than ours. None of these facts appear in the false reports we are periodically flooded with, which tell us how much cheaper men can buy corn, flour, bacon, petroleum, butter, eggs, and food generally here than elsewhere, and call eatables the cost of living, when they are less than one-fourth of it. Let us examine this *great boom of prosperity* which the bankers, bondholders, and their allies attribute to resumption, and on the strength of which they seek to strike down, as though all danger was past, the legal-tender money of the country. Has our commerce or carrying trade increased? *No.* Are we sending more of our manufactures to other countries? *No;* but we were blessed with bounteous harvests; abundance prevailed in all our land. Other nations were cursed with blighted crops, and scarcity existed everywhere else. Our producers realized good prices; our transportation routes of all sorts were taxed to their utmost capacity; others were laid out and put in operation. The money received was freely invested and expended; confidence was restored as men's pockets were filled. In short, we were blessed in the proportion that other people in other countries were cursed.

The balance of trade was in our favor, of course it was. Protective tariffs prevented men who sold wheat, flour, and beef abroad from buying what they needed elsewhere; they were compelled to pay 50 per cent. more at home; but that brought the money here, inflated the currency, stimulated trade, and, while it was robbery of the pro-

ducer, he had done so well he did not grumble. Reverse these providential conditions next year, let abundant crops prevail over Europe and scarcity in agricultural products prevail here, and all the conditions of our present prosperity would disappear more rapidly than they sprang up, as nine-tenths of our exports have been simply food in one form or other, or raw materials put in shape for cheap transportation. Have we as legislators any right to assume that the exceptional conditions of last year will continue? Surely not. Therefore it seems to me to be sheer folly to interfere with our currency on the assumption that it will; and it is absolutely certain that whenever we cannot send abroad unprotected and unprotectable agricultural products the balance of trade, even under our artificial high protective tariff, is gone. We may keep up a semblance of it by applying the same rule to all other things that we now do to ships—absolutely prohibit our people from purchasing anything abroad; then, if we can sell *anything* to foreign nations, all the so-called balance of trade will be in our favor, and our politicians may continue to deceive ignorant people. The protective system of robbery is better than highway robbery in this, the victims are not conscious of the wrong, and they can be made to enjoy the swindle by being induced to believe that they are patriotic in their sacrifices.

I cannot refrain from reading in this connection, as it applies with equal force to the tariff robbery as it does to the ship-building folly, an extract from a letter written by one of the wisest, perhaps *the wisest*, living statesman in America, Hon. Horatio Seymour, to Hon. Erastus Brooks, a short time ago. He said:

There is no reason entitled to respect to be given for our navigation laws so far as they forbid our merchants to buy ships elsewhere for the purposes of foreign trade. The governments of Europe, more wise, do what they can to build up their commerce, and their flags are seen in our harbors waving over vessels bought by their merchants where they can get them upon the best terms. Every such flag seems to reproach the folly of laws which practically forbid American citizens to carry American produce across the ocean, or to share in the great profits of the world's commerce. There is an alarm about communistic principles. What are they? Some wild theorists claim that it is the duty of government to give labor to workmen, and to take care that property shall be so held in common that what one earns may be given to another. We frown upon these men and denounce their purposes. But what do they claim more than a few builders of steamships get under our navigation laws? These demand that all such vessels for foreign trade must be made by them; that the buyer, besides paying for what they are worth, must divide some of his property with the builders by giving them more than they are worth in the markets of the world. It will be found in the end that communism which lurks in laws which force men to buy of certain classes, and to pay more for what they want than they can be bought for elsewhere, and which also divide men's estates under cover of taxation, which indirectly go to favored individuals, is more hurtful and dangerous than the communism which says what it means, and which destroys itself by an open declaration of its purposes.

That is a brave, manly statement of a great truth, and I may as well here as anywhere illustrate why I so emphatically indorse it. All the professions of the opponents of free ships, of the subsidy-seekers, of the protective tariff monopolists, are based on the assumption that they seek to protect American labor against foreign pauper competition. Their zeal for the maintenance of a high rate of wages and constant employment to workingmen constitute the staple of their appeals to Congress for the perpetuation of the systems they advocate; yet in the face of all these professions the great ship-yards which used to resound with the sound of the adze and the hammer in constructing our ships are all closed and the thousands of skilled mechanics once employed there are tramps or driven into other employments. I have seen the oldest and best of the salt-works of America on the Kanawha, in West Virginia, closed and the laborers and their families reduced to starvation under a contract with other protected companies, which paid the owners many thousands of dollars annually as *dead rent*, to prevent competition with the other companies and enable them by combination, protected by a tariff of 100 per cent., to tax every human being in the land for the salt they were compelled to use, and they clamored all the time for the protection of American labor.

I hold in my hand a letter from an intelligent gentleman in Saint Louis, Missouri, written a few days ago in answer to an inquiry as to the arrangement by which the "Vulcan Iron Works" in that city were closed. At least eight hundred men used to be employed there, many of them mechanics and skilled laborers; at the usual average of five to a family they represented four thousand human beings. He says:

I learned to-day that each of the Bessemer companies pays $1 a ton into the pool for all steel manufactured by them. The Vulcan received $70,000 last year as a *bonus* for stopping their furnaces, besides the $70,000, their proportion in the pool; so their income last year was $140,000 from Bessemer companies alone. This was given in a general conversation with one of their directors.

That is a specimen of the protection given by Congress and its pets to American labor; it is the protection given to the lamb by the wolf; $140,000 a year paid to a few rich men as the price of starving four thousand people. A system under which such things are possible must be vicious. Mr. J. S. Moore, who is known to many Senators as one of the most intelligent writers on the subject of taxation, in a letter addressed to the Committee of Ways and Means of the House of Representatives, January 3, 1880, explains how these bounties can be paid to avoid competition or a reduction of combination prices. He says:

I shall again direct your attention to-day to the great glaring tariff oppression practiced in levying $28 duty on a ton of steel rails. Behold in two lines again the great outrage on a free people:

Price of steel rails in the United States	$70 to $73	per ton.
Price of English steel rails in Liverpool, £8	40	per ton.
Difference	30	per ton.

Thus you see the duty of $28 a ton gives our American monopolists the full pound of flesh.

* * * * * * *

Yet you keep bound over to the avarice and monopoly of an organized steel-rail association more than eighty thousand miles of railway, and forty-five millions of people, who eventually must pay for this increased price on steel rails.

The producers of the soil whose markets are at a distance naturally demand cheap rates of freight from railways. Above all, they desire new roads that can be cheaply built. But if, by a direct piece of class legislation, eleven corporations are given a monopoly of $28 tariff royalty on a ton of steel rails, the farmers as well as the great consumers are simply oppressed by such a law.

* * * * * * *

Is it not self-evident that in this short-lived passage of the prosperity "boom" the people are again creating works on an inflated basis? And is it true or is it false that the shameful duty of $28 a ton on steel rails is directly inflating every mile of steel rails (calculated at one hundred tons to the mile) with $2,800 on account of the tariff alone? Let it be remembered also that the steel-rail production of the United States is second only to that of Great Britain, and it is even boasted that in this respect it will surpass that country this very year of 1880. Surely, the great steel-rail works of the United States will not be foolish enough to plead the baby act, or the usual plea of an industrial infancy.

In conclusion, I will only say that keeping the present duty on steel rails is simply equivalent to legislating some $28,000,000 to $30,000,000 per annum into the pockets of eleven steel-rail corporations, pressed out from the consumers of the great, the free, the prosperous, and the tariff-ridden people of the United States.

I am not making war specially on the iron interest. I would reduce the protection to the revenue point, and that would be ample. All the other monopolies of silk, wool, &c., are just as bad. I use these illustrations now only to show that we can and do only cheat ourselves and each other by our vicious legislation. We cannot extort from any other people in the world any higher prices for our manufactures than any other nation is willing to sell like articles for; therefore we have little or no export trade in manufactures and can have none, no commerce, no ships, nothing except what starving people abroad, in a year of bad harvests, were obliged at any sacrifice to buy from us; and as we could not trade with them, no matter how badly we wanted, for example, their railroad iron, we had to demand money, come home, and pay $30 per ton more for the same article; and that is the lauded balance of trade in our favor, from which no revenue to support the Government is derived; upon the strength of which we are at once to declare permanent prosperity, throw our legal-tenders to the winds, surrender all our currency to the national bankers, or be denounced as repudiators if we hesitate.

I have examined the detailed report of the Bureau of Statistics in the Treasury Department for the first nine months of the year 1879, and compared our exports and imports during that period with those of the corresponding months of the year 1878, and I fail to find anything in them to give assurance of continued commercial prosperity.

Our exports from January 1 to October 1, 1878, were	$528,696,334
And for the same period in 1879	509,508,519
A falling off of	19,187,815
Our imports for that period in 1879 were	$355,736,481
And for the same period in 1878	324,611,718
Excess in 1879 over 1878	31,124,763

So that we have really been exporting less and importing more last year than the year preceding by $50,000,000. I said we were only sustained by the accidental demand for bread in other countries. A few plain facts prove it:

From January 1 to October 1, 1879, we exported of wheat and flour	$140,406,861
In 1878, same period	110,303,439
Excess in 1879 over 1878	30,103,422
In September, 1879, we exported of wheat and flour	64,726,058
In September, 1878	57,413,273
Excess in September, 1879	7,316,785

From these facts, and many others I might state, it is painfully apparent that our trade and commerce is not increasing. We export no manufactures of woolens, only a few of the commonest cotton goods, nothing worthy of the name of manufactures, while our imports of staple goods, even under the high protective tariff, are increasing, mainly by reason of the enormous price asked now, under the so-called boom, by home producers. As specimens: the imports of woolen dress goods have increased for nine months in 1879 over 1878, $2,000,000; silk dress goods, over $3,500,000; manufactures of cotton, over $3,000,000, and so with other staples. In short, we are falling off in all things except what people must have to eat, and our imports are increasing by reason of the enormous profits asked for all manufactured articles at home. Even the so-called balance of trade is a mere temporary chance to steal from the products of the farmers a large portion of their profits by forcing them, while they must sell in open competition abroad, unprotected, to buy from protected monopolies here. Refined sugar seems to be the principal article the export of which is increasing; it shows over $3,500,000 gain in 1879 over 1878; that is another trick; the melado, or sugar from which it is made, is imported as the lowest grade at the minimum duty, and the highest duty collected on the highest grade is refunded when it is refined and exported; so that our apparent prosperity in that increase of business is only an increase in a costly and successful fraud.

It is a humiliating fact that every pretended advancement of the

interests of the people by Congress in the last twenty years has been in the interest of combinations of wealth and against the interest of the toiling masses. *Who would work if he could be a banker, favored with Government deposits as the First National Bank of New York has been?* What manufacturer cares to compete for the commerce of the world when Congress compels our own people to pay him and his comrades whatever they see fit to ask for their goods? What stability can there be in business when profits are secured by legislation instead of competition—profits so great that everybody who can rushes into the business, gluts the home market, and refuse or are unable to take such prices as the balance of the world pays? What good did our great land grants to railroads do the people when we erected by law barriers against receiving the products of the countries we professed such anxiety to reach? Taxes for subsidies, taxes for protection, taxes for everything, seems to be the height to which statesmanship aspires. Perhaps I have said enough to show why I do not believe in the argument in favor of the passage of the resolution, which is based on the claim of the assured permanent prosperity of the country. If I could see American ships on the high seas earning and keeping at home the $100,000,000 we are now annually paying to foreign nations; if I could see our manufactures of wool, cotton, and iron exported to supply the wants of South America, China, and Japan, bringing back to us the products of these countries at the same prices other nations obtain them, to furnish material for our workshops, I would have great confidence in an assured prosperity. So long as all these things are made impossible by vicious legislation, I am not prepared to interfere with the present usefulness of the notes of the United States. If the time comes, as it may in the future under better laws, that an honest, not a forced balance of trade in our favor, earned by our superior ingenuity and skill, when we are drawing coin and obtaining credit from other nations in a reasonably assured continuance of exchange of commodities—for all trade in the end is barter—and when the people are allowed to coin their silver as freely as they now can their gold, I may consent to withdraw all our promises to pay; but I must see all these things ahead much more clearly than I do now, before I turn the money of this people over absolutely to the tender mercy of the national-bankers. The truth is, we are a combination and a corporation ridden people. I do not propose, in this condition of things, to surrender all our currency to the great banking corporations; its proposed degradation means its speedy destruction; its refusal at the custom-house, by the banks, by all the corporations and combinations of wealth opposed to it. It would be at a discount at once in the hands of the people just as the trade-dollar, though more valuable intrinsically than the standard dollar, is; because it has no legal-tender quality, and is that far repudiated by Congress. Of course so-called resumption will be maintained, if the Secretary has to sell $500,000,000 of 5 per cent. bonds to do it, as he claims the right to do under the resumption act. Nothing but the exhaustion of the credit of the country can stop that. It was accomplished by the bankruptcy of thousands and the impoverishment of millions of the people. It could have been effected years before without any such results if the silver coinage had not been clandestinely stricken down and the legal-tender notes had been accepted at the custom-house. It became possible at last only by the even restricted restoration of silver to the coinage, and the reception in violation of law of legal-tenders for customs dues. The moment the greenback is destroyed, as now proposed, war will be re-opened with redoubled force against silver, and we will be again reduced to the gold standard and to the tender mercy of the bankers and bondholders. The fact that all public and private debts can be paid in silver coin—and all interest on bonds is by law payable in it when it is taken for customs taxes—makes it impossible for bondholders to demand gold. They know it; and their zeal in behalf of this resolution grows out of the fact that they regard it as a great stride in the direction of the firm establishment of the single gold standard. It is simply a continuation of a struggle that always has existed, and never will cease while liberty lasts—the efforts of wealth and privileges to bring the toiling masses to their feet, and the resistance of the people against the encroachments of power. The contest is unequal. It is trained and well-paid regulars against untrained and unorganized militia.

I have never knowingly struck a blow in my political career that was not aimed against the greedy combinations of wealth seeking advantages. If we can prolong the contest a little while longer the representation from the great agricultural regions will be felt as it has never been before on these great questions, and the tone of men from the protected and favored regions will be less arrogant than now.

When at the first session of this Congress we had the courage, without consulting or waiting for reports from committees, to put quinine on the free list, a howl of indignation went up from the protected monopolists. I was honored with printed circulars and anonymous letters telling me what fools and knaves we all were, and especially what an idiot I was for the part I had taken in it. What has happened? Mr. Moore, in the letter I read from previously, says:

> The thanks and acknowledgment for this boon belong to the House of Representatives and Senate direct, without the intervention of committees. As members of Congress, therefore, allow me to congratulate you on the result, which I will give you in two lines:
>
> | | Per oz. |
> |---|---|
> | Price of quinine January 2, 1879, duty 20 per cent | $3 70 |
> | Price of quinine January 2, 1880, free of duty | 2 60 |
> | Reduction | 1 10 |
>
> I need not dwell on the sound policy of having freed quinine from a duty. The fever-smitten millions and the hospitals will and do surely feel the full force of the foregoing two lines. Nor have Messrs. Powers & Weightman and Rosengarten & Sons ceased to manufacture quinine. On the contrary, they are nobly holding their own in full competition with the so-called pauper quinine of Europe.

Senators must not forget that a majority of the common laborers of this country work for less than $12 a month. It cost them each more than two days' hard labor to earn the $1.10 which Congress had for so many years forced them to pay to two or three of the Philadelphia pet monopolists before they were allowed to buy an ounce of quinine to save their own lives or those of their stricken wives and children. Do not forget that by that one little act we saved more than four days' hard work to every cook and house-girl—because they rarely get over $6 a month—on each ounce of quinine she is obliged to buy; and the comfort of that reflection will be a full recompense for all the abuse of the metropolitan press, or of the advocates of all such monopolies; and there are hundreds of them still left.

Let Senators ask themselves how have the colossal fortunes which have sprung up like mushrooms in this country been amassed. Did these men trade with the people of other nations, and by superior skill, energy, or intelligence bring home the money made out of them? No; they made them *out of congressional legislation*, which, under the name and guise of protection in one form or other, protected them not against foreigners, but against the right of the people of the United States to buy anything without paying heavy tribute to the favored combination. Examine into the business of any of them, from the First National Bank of New York to the Bessemer steel monopolies. All their vast profits grow out of class legislation. All they make is wrung from the toiling millions at home. There are fourteen hundred millions of people outside of the United States; only fifty million inside. Why is it impossible for the fifty millions of Americans to trade with the fourteen hundred million? Simply and only because the favored few in our own midst have so arranged congressional legislation as to give them the control of all our business and the right to make us pay what they please for everything we must have. Now, when, by the blessing of Providence, and in spite of legislation, the farmers of the country have drawn large sums of money in open market from foreign nations in return for food, they are at once told they have too much money; that it must be destroyed; that they will overspeculate and break themselves; that the bankers alone can be trusted to regulate how much money they shall be allowed to have, and what shall be its character. I shall continue to resist all such assumptions, of which I think this resolution will prove to be one of the most pronounced.

Mr. COKE. Mr. President——

Mr. VOORHEES. If the Senator from Texas does not desire to proceed to-day, as I understand he does not, I will move that the Senate proceed to the consideration of executive business, leaving the Senator from Texas on the floor for to-morrow.

The motion was agreed to.

UNITED STATES COURTS IN GEORGIA.

Mr. GORDON. While the galleries are being cleared, I ask the Senate to take up and pass the bill to create an additional judicial district in Georgia, unanimously reported from the Committee on the Judiciary. I think there can be no objection to it.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) By unanimous consent the doors may be considered open, and the motion entertained.

By unanimous consent, the bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, to strike out the fifth section in the following words:

> All offenses committed in either of said divisions shall be cognizable and indictable within said division.

And insert in lieu thereof:

> Prosecutions for crimes or offenses hereafter committed in either of the subdivisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

The amendment was agreed to.

The next amendment was, in line 1, section 6, before the word "actions," to insert the word "civil;" so as to read:

> Civil actions or proceedings now pending at Savannah, in said southern district, which would under this act be brought in the western division of said district may be transferred, by the consent of all the parties, to said western division, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. ALLISON. I should like to ask the Senator from Ohio who has charge of this bill to state briefly what changes it makes in the present condition of the Georgia courts.

Mr. THURMAN. Nothing in the wide world but to provide for holding a court at Macon and that the southern district shall be divided, as several other districts have been, into two divisions.

Mr. EDMUNDS. And it puts four counties or three, or whatever the number, from the northern into the southern district.

Mr. ALLISON. And it adds one place for holding court?

Mr. EDMUNDS. That is all.

Mr. ALLISON. I should like to ask another question for information.

Mr. THURMAN. It creates no new office.

Mr. ALLISON. Does it provide that the circuit court shall be held at all the places where the district court is to be held?

Mr. THURMAN. Certainly.

Mr. ALLISON. I merely wanted to know.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and thirty-seven minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 21, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MARE ISLAND.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish this House any and all information in possession of his Department relating to the formation of bars and deposits of mud, sand, and gravel in the bay at or near Mare Island, and further to inform this House whether any steps have been taken or are contemplated to arrest such formations or deposits, and whether in his opinion such formations or deposits can be permanently prevented.

MUSCLE SHOALS CANAL, TENNESSEE RIVER.

Mr. LOWE. I send to the Clerk's desk a memorial from a large number of citizens of Alabama, Tennessee, and Georgia in favor of the speedy completion of the Muscle Shoals Canal on the Tennessee River. Let the memorial be read and published in the RECORD, and referred to the Committee on Commerce.

The memorial was read as follows, and referred to the Committee on Commerce:

To the Congress of the United States:

The undersigned citizens of Tennessee, Alabama, and Georgia indorse the action of the river convention held at Huntsville, Alabama, January 8, 1880, and we respectfully and most earnestly pray Congress to embody in bills the recommendations contained in the following resolutions unanimously adopted by said convention:

"*Resolved*, That in the opinion of this body the necessities and best interests of the country demand the speedy completion of the improvements on the Tennessee River.

"*Resolved*, That this convention earnestly requests the immediate appropriation of $150,000 to prevent the stoppage of the work now being successfully prosecuted on the Muscle Shoals Canal, and that a further sum of $550,000 be appropriated for the continuance of the work during the current year."

J. H. MADDOX.

Mr. BRAGG. I see by the RECORD of this morning that near the close of the session yesterday unanimous consent was granted, at the request of the gentleman from Maryland, [Mr. HENKLE,] for the withdrawal from the files of the House of papers in the case of J. H. Maddox, there being no adverse report thereon. I desire to say that that case is before my committee, has been submitted to a sub-committee, and an adverse report has been agreed upon. With the permission of the House, we desire an opportunity to present that report.

Mr. HENKLE. I desire to state that the gentleman whose claim the papers represent came to me and made a request that I ask for leave to withdraw the papers. Such requests are very frequently made of members. I have no knowledge whatever of the nature of the claim, of its merits or of its demerits. Of course, it is with the House to permit or refuse the withdrawal of the papers.

The SPEAKER. The Chair understands that the gentleman from Wisconsin [Mr. BRAGG] asks the revocation of the order made on yesterday for the withdrawal of the papers in the case stated. The gentleman from Maryland [Mr. HENKLE] who submitted the request for leave to withdraw those papers now makes no opposition to the revocation of the order. If there be no objection the order will be revoked.

There was no objection.

GENERAL FITZ-JOHN PORTER.

Mr. SPARKS, from the Committee on Military Affairs, reported a bill (H. R. No. 3764) for the relief of General Fitz-John Porter, &c., accompanied by a report in writing; which bill was read a first and second time, and, with the accompanying report, ordered to be printed.

Mr. McCOOK. On behalf of the minority of the committee I desire to present views dissenting from those in the report of the majority.

The SPEAKER. The two reports will be printed together, as is usual in such cases.

Mr McCOOK. The report of the minority is accompanied by a joint resolution which I shall propose as a substitute for the bill reported by the majority.

The SPEAKER. The joint resolution comes in as a part of the views of the minority.

Mr. SPARKS. I now ask that the report of the majority, together with the views of the minority, and the accompanying bill and joint resolution, be printed in the RECORD. I also ask that the bill be made a special order for Friday, the 13th day of February next, after the morning hour, and from day to day until disposed of.

Mr. McCOOK. I have no objection to that.

The SPEAKER. If there be no objection the bill will be made the special order for Friday, February 13, after the morning hour, and from day to day until disposed of.

There was no objection, and it was so ordered.

Mr. SPARKS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL GOLD BANKS.

Mr. CRAPO. I ask consent to report from the Committee on Banking and Currency a substitute for the bill (H. R. No. 2427) authorizing the conversion of national gold banks.

Mr. FERNANDO WOOD. Is that reported for action at this time?

Mr. CRAPO. It is.

Mr. FERNANDO WOOD. Then I must call for the regular order.

Mr. CRAPO. It will elicit no discussion, and will take but a moment.

Mr. FERNANDO WOOD. Let it be read, and in the mean time I will reserve my right to object.

The substitute was read. It provides that any national gold bank organized under the provisions of the laws of the United States may, in the manner and subject to the provisions prescribed by section 5154 of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank and become such an association as is authorized by section 5133 for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are prescribed by law for such associations.

Mr. CRAPO. I desire to say that the object of this bill——

Mr. REAGAN. That bill deserves a great deal of consideration, and I must object to it now.

Mr. CRAPO. I think a few words of explanation will convince the gentleman of the propriety of considering the bill at this time.

Mr. REAGAN. I want time to look into the provisions of the Revised Statutes.

Mr. BLACKBURN. If there is to be any debate upon this matter I think I must call for the regular order.

Mr. PAGE. I hope the gentleman from Texas [Mr. REAGAN] will withdraw his objection.

Mr. WEAVER. I fear the provisions of the bill are not sufficiently understood, and I must object.

Mr. PAGE. Has not the committee the right to report at any time?

The SPEAKER. There is a rule giving the committee that right; but there is also another rule which states that the morning hour shall not be dispensed with on any day except by a two-thirds vote of the House. The Chair, therefore, thinks it is a fair construction of the rule that the morning hour shall not be interrupted even by the Committee on Banking and Currency, or by any other committee having the right under any rule to present a report, upon which the majority of the House would have the power to decide.

Mr. CALKINS. The rule does not allow consideration, but simply authorizes the committee to report.

The SPEAKER. Reporting a bill is equivalent to its consideration, except that after a bill has been reported the House may pass upon the question of consideration.

Mr. CALKINS. I have no objection to this bill. The rule has always been construed to mean that the right to report carries with it the right to consider.

The SPEAKER. There is objection to the consideration of this bill at this time, and it cannot now be received. The Chair will recognize the gentleman from Massachusetts [Mr. CLAFLIN] at some other time after the morning hour.

GODFREY DRAYER.

Mr. McKINLEY, by unanimous consent, introduced a bill (H. R. No. 3765) granting a pension to Godfrey Drayer, One hundred and fifteenth Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CULTURE OF SUGAR-BEET, ETC.

Mr. COVERT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Commissioner of Agriculture be, and is hereby, requested to furnish to this House all information he may have in his possession bearing upon the culture of the sugar-beet, and the manufacture of sugar therefrom, either at home or abroad.

DONATION OF CONDEMNED CANNON.

Mr. BROWNE. In reporting the other day, from the Committee on Military Affairs, the joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association, I inadvertently omitted a portion of the report, which was to strike out the words "as may be required." These words, though they do not affect the substance of the joint resolution, should be struck out in order that it may read properly. I ask unanimous consent to make this correction in the report.

There being no objection, leave was granted, and the report was amended accordingly.

FEES OF MARSHALS AND DEPUTY MARSHALS.

Mr. McMAHON, from the Committee on Appropriations, reported a bill (H. R. No. 3766) making appropriations for the payment of fees of marshals and deputy marshals during the fiscal year ending June 30, 1880; which was read a first and second time, ordered to be printed, and recommitted.

Subsequently,

Mr. GARFIELD said: I wish to reserve all points of order on the bill reported by the gentleman from Ohio, [Mr. McMAHON.]

The SPEAKER. That bill has been recommitted.

Mr. GARFIELD. May not points of order be reserved now?

The SPEAKER. The Chair thinks the time for reserving points of order would be when the bill is reported.

Mr. GARFIELD. Then we do not lose our rights?

The SPEAKER. The Chair will reserve all rights. He has ruled upon this point once before, deciding that points of order hold good when the bill is reported back, the object of reporting in the first instance being merely to have the bill printed and recommitted.

RAVAGES OF COTTON-WORM.

Mr. HERNDON, by unanimous consent, presented a memorial of the National Cotton Exchange for the appointment of a committee of entomologists to investigate and study the habits and ravages of the cotton-worm, caterpillar, boll-worm, and all other insects which prey on the fruit and foliage of the cotton-plant, and also the most practicable means of destroying them or preventing their ravages; which was referred to the Committee on Agriculture, and ordered to be printed in the RECORD. It is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial respectfully represents that the National Cotton Exchange, at its last meeting, in the city of New York, appointed the undersigned a committee to memorialize your honorable bodies concerning the destruction of cotton by worms and insects, and the great loss of wealth to the country therefrom, and to pray you to appoint a committee of entomologists to investigate and study the habits and ravages of the cotton-caterpillar, boll-worm, and all other insects which prey on the fruit and foliage of the cotton-plant; and also the most practicable means of destroying them or preventing their ravages.

Your memorialists therefore respectfully state, that in the richest cotton districts greater damage is sustained from the causes stated than from all others; that in some seasons in these sections the yield is reduced one-fourth to one-half therefrom, and in exceptional instances entire destruction has resulted, following either an early appearance of the worm or late fruiting of the crop.

The cotton-caterpillar was known locally as a pest in limited sections of Georgia, South Carolina, and Florida in the early history of cotton cultivation, but not until 1846 was its appearance general over the old cotton belt. The area visited has, however, shown a uniform increase since 1865, extending in 1876 to the mountain counties of Alabama, to all of North Mississippi, and into Tennessee.

We will briefly refer to some seasons of exceptional severity as indicating the destructive nature of the caterpillar. Their appearance in West Alabama and along the eastern boundary of Louisiana in 1864 was about the last of July. At that time the crop was very promising in Alabama, though the area in cultivation was small, and by the 10th of August such damage was inflicted that in many instances the yield was reduced below fifty pounds seed-cotton per acre, and in some absolute destruction resulted. On the Red River bottoms in 1869 and the Warrior River bottoms in 1872, the crop being late, was totally destroyed. In the rich prairie counties of Alabama, from 1871 to 1874, inclusive, the yield was reduced more than one-half, and in all the southern cotton counties of Texas in 1874 it was less than 20 per cent. of an average. Below we give some statistics kindly furnished by Professor C. V. Riley, whose labors in this connection last summer we beg to commend:

DESTRUCTIVENESS OF THE WORM—LOSSES OCCASIONED BY IT.

The percentage of loss is also dependent on location. When the injury is done early in the season the loss in localities of heaviest production, or where the fields are numerous and contiguous, is nearly double what it is where the fields are more isolated. In years of severe injury, from 30 to 98 per cent. of the crop may be ruined upon some plantations, while on others the loss will be trifling. The highest average of loss is sustained in the southern portion of the belt as in Florida and South Texas. It increases also in a westerly direction, commencing with Georgia at 16 per cent., or sixteen bales out of every one hundred of an average crop for fifteen years, and ending with Texas at 28 per cent. In the northern portion of the belt the averages are low, ranging from 5 to 8 per cent. for the same period; while in many parts of it, and notably in North Carolina, the worm appears so late as to generally do more good than harm, by removing the luxuriant top foliage and thus admitting the sun to the lower bolls and hastening their maturity.

The following table shows the amount of loss in bales and dollars for each State in a year of severe visitation:

State.	Per cent. of loss.			Losses—average number of bales for worst years.	Total crop—average number of bales for fifteen years.	Money loss—for worst years, at $50 per bale.
	Highest.	Lowest.	Average for State.			
Florida	.....	.....	24	49,700	12,000	$600,000
Georgia	25.1	15	16.5	474,600	78,422	3,912,000
Alabama	25.2	12.5	17.8	536,700	95,790	4,789,000
Mississippi	24	15	17	706,000	123,070	6,150,000
Louisiana	.....	.....	20	438,000	89,740	4,437,000
Texas	35	20	28	525,000	148,125	7,406,000
South Carolina	.....	.....	05	224,500	11,225	560,000
Tennessee	.....	.....	05	147,000	8,365	418,000
Arkansas	.....	.....	08	347,000	27,760	1,380,000
North Carolina	.....	.....	.....	.....	.....	.....
Totals	.....	.....	17.5	3,449,200	594,497	29,711,000

This table shows a possible loss of about $30,000,000 in years of general prevalence of the worm, or an average of 17½ per cent. total annual loss, namely, $12,934,500 for all the cotton States since the war. That it was equally great before the war there is no reason to doubt, for while severe visitations have, perhaps, been more frequent since that time, the injury has been greatly diminished by the use of Paris green and other arsenical poisons since the year 1873.

From this it will be seen that the aggregate loss to the cotton producers of the South for the last fifteen years closely approximates $200,000,000, an amount which would have enabled State and municipal governments to meet their obligations, prevented many individual bankruptcies, and brought the commercial and agricultural interests of the cotton States to a much higher position than they have attained.

Your memorialists are confident that such a committee as we pray you to create will devise a certain, safe, and inexpensive means of destroying the caterpillar, and possibly the boll-worm, and, by their observations of causes affecting the growth and maturity of the plant, be enabled to offer suggestions conducing to better cultivation and greater profits.

Your memorialists would state their strong conviction that if our prayer is granted results will be reached profitable to the cotton interests, creditable to science and the Government, and by adding substantially to the exportable values of the country conduce to the general good, as any increase in the volume and value of exports necessarily strengthens the national credit.

Your memorialists, after careful investigation, are satisfied an appropriation of $50,000 will enable such a committee to perform the duties to be imposed upon it.

W. H. GARDNER,
of Mobile.
ROBT. MURDOCK,
of New York.
J. D. SKINNER,
of Galveston.

MOBILE, *January* 6, 1880.

TITLES IN HOT SPRINGS.

Mr. DUNN, by unanimous consent, reported back, with amendments, from the Committee on Public Lands the bill (H. R. No. 3549) for the establishment of titles in Hot Springs, and for other purposes; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. WILSON, from the Committee on Printing, reported back, without amendment, the following resolution; which was considered and adopted:

Resolved, That the Public Printer be, and is hereby, authorized and directed to print 2,500 copies of the report of the health officer of the District of Columbia for use of said health officer.

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. WILSON, from the same committee, reported back, with amendments, the joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed annually at the Government Printing Office 1,500 copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which 100 shall be for the use of the Senate, 400 for the House of Representatives, and 1,000 for the public service, to be distributed by the Navy Department.

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Navy Department for sale at the cost of paper and printing: *Provided*, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing.

The amendments reported by the committee were read, as follows:

In section 2, line 3, strike out the words "Navy Department" and insert "Secretary of the Navy."

Strike out also the words "at the cost of paper and printing."

Mr. HAWLEY. I would like to ask the gentleman reporting this resolution what use in the world we have for the Ephemeris anyhow? I hope the gentleman has read one of these publications; if he has, he is the first one who has done it besides the proof-reader. When I ask what use this publication is, I mean, of course, for members of Congress. It is an enormous compilation of figures.

Mr. WILSON. I have here a letter from Professor Newcomb, which I shall have read. I propose, after a word of explanation, to yield the floor to the gentleman from Ohio [Mr. GARFIELD] who introduced this resolution.

Mr. BLACKBURN. I must object to any debate.

Mr. WILSON. There can be no objection to this resolution when it is properly understood.

Mr. BLACKBURN. I call for the regular order.

Mr. HAWLEY. Let the letter of Professor Newcomb be read.

Mr. GARFIELD. I suppose the Committee on Printing has the right to report at any time.

The SPEAKER. It has that right as to the printing of documents for the use of the House. The Chair does not know that this resolution would come under the rule.

Mr. GARFIELD. It is a proposition to print these documents for the use of the Senate and House.

Mr. ACKLEN. Can the morning hour be postponed by a matter of this kind if the regular order be demanded?

Mr. WILSON. In answer to the gentleman from Connecticut [Mr. HAWLEY] I will say that the American Ephemeris constitutes a manual which is said to be indispensable to the mariner and the astronomer. Without this publication our mariners upon the high seas must be greatly embarrassed.

Mr. BLACKBURN. Is this debate running by unanimous consent?

The SPEAKER. It is not. The Committee on Printing have the right to report at any time in regard to the printing of documents intended for the use of the House. It seems that this resolution pro-

vides that five hundred copies of these publications shall be distributed to members of the Senate and the House.

Mr. BLACKBURN. Does this report carry with it the right to interrupt the morning hour?

The SPEAKER. The morning hour has not commenced. The Chair, however, has heretofore decided that these privileged reports of propositions requiring for their passage a majority vote only cannot come in to the exclusion of the morning hour when it is demanded, because another rule provides that—

The morning hour shall not be dispensed with upon any day for any purpose except by the vote of two-thirds of the members present.

The Chair gives the preference to such business as the rules require cannot be dispensed with except by a two-thirds vote over business which can be passed upon by a majority, and he thinks that is the logic of the rules.

Mr. BLACKBURN. Then I call for the morning hour.

Mr. GARFIELD. Let the gentleman from West Virginia withdraw his report.

Mr. WILSON. Will the morning hour cut off the pending proposition?

The SPEAKER. The gentleman had better withdraw it, and the Chair will recognize him after the morning hour.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

An act (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania; and

An act (H. R. No. 3518) to authorize the importation of articles for exhibition at the miller's international exhibition, to be held at Cincinnati in 1880, free of duty.

BANK RESERVES.

The SPEAKER. The morning hour begins at eleven minutes past one o'clock p. m.; and the House now resumes the consideration of the bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States, reported from the Committee on Banking and Currency by the gentleman from Missouri, [Mr. BUCKNER.] The gentleman from New York [Mr. LOUNSBERY] is entitled to the floor.

Mr. LOUNSBERY. Mr. Speaker, the bill under consideration may be briefly formulated as a semi-statutory resumption by the banks. It is unobjectionable in principle, if it be not an objection always to act by half measures. I myself would have preferred that the bill should have provided for the entire reserve of the banks to be held in coin, thus making an entire resumption by the banks.

It is about one year since by statute the Federal Government resumed. It is high time that the banks resumed. It is time that individuals resumed, paying debt in value instead of paying debt in promises. The bill, to me, does not seem to be especially operative or effectual. The banks in my city to-day are paying gold and silver coin, not only in the payment of their debts to depositors but to persons who apply for loans, if they voluntarily take coin instead of paper. While this bill, therefore, at the time it was first introduced at the extra session, might have been operative and effectual, it can no longer be so, because by the practice of the banks at this time they are paying, when the creditor will voluntarily receive it, in gold and silver coin.

I propose to address myself for a few moments to the history of resumption. I have heard much credit taken by the present Administration, by the present managers of the Government finances, for bringing about resumption. In my opinion resumption was not caused by financial management nor by administrative tact, but it came about by mightier causes. Webster, in his remarkable expression of eulogy to Hamilton, said: "He smote the rock of the national resources and abundant streams gushed forth; he touched the dead corpse of the public credit and it sprung upon its feet." I understand that the friends of the Administration have endeavored to appropriate the same language and apply it to the present head of our national finances. It is no pleasant task to be an iconoclast, and yet I esteem it a duty to break these gods set up for the people to worship. It was neither Hamilton nor Sherman that brought about prosperity and resumption to the Republic, either in the days of Hamilton or in the days of our present Secretary of the Treasury. The country has been moved by more potent causes, by causes more powerful than the lamp of Aladdin or the purse of Fortunatus. A changed condition of national affairs brought about resumption; not only the ability to resume, but resumption itself. The luxury of the people bred during the war period on the high prices of that day was changed for simple habits during depression. The importation of foreign goods into this country was thus checked, and that result was one powerful cause looking to better times.

We can all remember the time when the opposing armies swept down and back through the Shenandoah Valley with the ebb and flow of military success. The growing fruits and grain crops were not only destroyed but the accumulations of wealth. The armies then engaged in destruction are now producing values. The people who were then engaged in tearing down the earnings of years have for the past fifteen years engaged in restoring waste-places and in aiding to resume.

My own State of New York has now just terminated five years of democratic rule. In that time there has been a stay of corruption in office, a return to good government, and an honest administration of the public works. The prisons, which by wasteful management had become an incubus upon the prosperity of the State, have been made to produce an income equal to their expenses. The rate of taxation has been decreased even while administrative wisdom has been wiping out the State debt. I can hold up the State of New York as an admirable exhibition of the fruits of good government. Freedom from debt, with State taxes one-half of what they were five years ago, makes one of the great causes leading to resumption and enabling the country to maintain it. But yet, considering these facts, I hear my republican friends speaking to themselves and to others in the phrase which was spoken to the apple—"How we apples swim"—without knowing that it is this powerful current of causes which has produced resumption and enabled us to maintain it, instead of administrative ability, as they make the claim.

Mr. Speaker, I desire now that the Clerk shall read the bill which I shall offer as a substitute, if a proper occasion is presented, to the pending bill. I have stated that the failure of the present bill is that it is a half measure of resumption.

The one I now propose to have read in its stead I think is a bill which covers the entire case—a bill that is entirely effectual and complete in the line of resumption, not only for the banks but for individuals as well.

The Clerk read as follows:

[Forty-sixth Congress, first session.]

H. R. No. 1423.

IN THE HOUSE OF REPRESENTATIVES.

MAY 5, 1879.

Read twice, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. LOUNSBERY, on leave, offered the following bill:

A BILL

To repeal sections 3588, 3589, and 3590 of the Revised Statutes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 3588, 3589, and 3590 of the Revised Statutes, making United States notes and Treasury notes a legal tender, are hereby repealed.

Mr. LOUNSBERY. The purpose of this bill is to repeal the three sections of the Revised Statutes as they now stand making United States notes and Treasury notes a legal tender for debt.

The bill under consideration, as it now stands, is harmless in its language and form because it is drawn as an amendment to a statute which was repealed in 1873 by the enactment of the Revised Statutes. The bill which I offer as a substitute will bring about the entire and complete purposes of the pending bill and take away what I claim to be objectionable features of the Revised Statutes as they now stand. If we repeal the legal-tender feature of the Revised Statutes we return to the constitutional money which existed before the war.

A democratic governor of the State of New York recommended in his message that the State should not depart from constitutional money and that the interest on the State bonds should be paid in coin, notwithstanding the coin premium. He thus recognized the obligation of the debt which was created by the text of the bonds. He recognized the fact that when the State borrowed the money of the people it promised to pay in a money that had an actual and intrinsic value. He asserted the doctrine that there was no law which could be passed by Congress or by any other power that could relieve the State of New York from its obligation to pay its debt with value instead of paying it in promises.

During the entire history of the controversy whether the United States notes were a constitutional money or not, the democratic party in the State of New York, and I believe the democratic party in national convention, have always adhered to the theory that there was no power in the Constitution to declare a promise money; that that clause in the Constitution which authorized Congress to coin money only gave the power to coin the precious metals into money and not to coin a material of no value into a promise which should pass compulsorily as money. That presents the constitutional question in this case.

Let me next refer to the subject as a question of policy. We are now in a period of unexampled prosperity. It is doubtful whether any one of us can remember a time when all the elements that make a nation great existed in a more marked degree than now. There has been and there will be a periodic rise and decline in the prosperity of the nation. These periods of ebb and flow, of prosperity and adversity, in business and in finance seem to come with some degree of regularity. We are now upon the flood-tide of financial success. Immense crops of grain are being produced in this country which have a market in Europe, and the bonds, which did not have a permanent holding there, having been sent back to this country and

taken up by our own people, the precious metals are flowing steadily from the foreign banks and depositories to the shores of America; so that our Treasury is not only full, some think incumbered with coin, but the banks and the people, the members of Congress even who go to the office of the Sergeant-at-Arms, are frequently incumbered by coin. When the precious metals are in such abundance, why should we insist upon debasing our national credit at home and abroad by maintaining a promise as a compulsory payment for debt? I, with others, protested against the decision of the Supreme Court which declared the power of Congress to make a promise a legal tender; and I vowed to myself, and I stand here now in obedience to that vow, that the first opportunity that ever came, if I had the power, I would insist upon reversing that decision and restoring the country again to a normal and honest constitutional condition, recognizing only coined metal, its value recognized in the family of nations as the money of the country and as the only compulsory material in which debt shall be paid.

There is another point connected with this question of policy. We are now in resumption, so far as the Federal Government is concerned. If that resumption is to be menaced by any future disturbance, it must come from the promises which the Government has made. The present outstanding three hundred and forty-six millions of paper promises issued by the Government must always, in disordered times, afford a menace to maintaining resumption. Is there economy in keeping out this paper and in keeping behind it a sufficient body of coin always ready to be able to pay the Government demand notes upon presentation? I can see no financial wisdom in any such policy as that. We are now, as I said, in prosperity. It has come upon us suddenly. During the last session there came up from all parts of this Hall the representative cry of the people for relief. And now there comes up just as strenuous a cry from all parts of this Hall—the representative cry of the people—to be let alone. So during the life of this Congress, yet but half its days spent, we have passed from a cry of distress and depression among the people to a cry of satisfaction and prosperity. But how soon may come again, in the turning of the wheel of fortune, the cry of distress, and we be thrown suddenly upon a financial collapse? I ask gentlemen here, whether it is not time that we prepare the Government for that situation? Is it not time, and high time, while we are in a position to do it, that we should prepare the Government by taking away this danger, so that resumption now achieved shall not be by a new turn of the wheel of fortune destroyed?

Mr. Speaker, the resumption of specie payment in this country has produced a financial condition unexpected by its adversaries as it was unexpected to many of the friends of the measure at the time when the subject was under consideration. The amount of gold and silver coin and gold and silver bullion, always a matter of calculation, very difficult to arrive at even as an approximate result, by the operations of resumption changed from being a commodity and became a part of the currency. Instead of being a part of the purchasable property of the country it was added to the purchasing or currency element. It thus by a double action operated to produce money inflation.

This result should not have been unexpected to the student of British history. From 1793 to 1813 the Bank of England was under suspension. In 1810 the bank undertook to resume payment in gold and silver for its bills. It commenced on an appointed morning, an act which the entire government and the financial people of the British Empire watched with great interest. There was an excited run on the bank for coin. Coin had at that time dropped in premium until it had reached about 2 per cent. Gentlemen here can draw a picture for themselves of that crowd of people attending the bank on the appointed morning.

In the presence of this clamoring crowd the officers of the bank caused gold coin to be wheeled into the bank in barrows in the presence of the people. For three days the run continued, and on the evening of the third day the clamor for gold had subsided, and the bank opened on the next morning with a flow of coin into the bank on deposit. Specie payment was thus resumed.

And now mark the result. During the year following there were twenty-five new banks organized in England alone. Companies were organized and started upon every conceivable kind of speculation. Swamps were divided into city property; South Sea islands were cut up and sold in shares; an era of bubbles and speculation began. The inflation caused by this resumption culminated within three years, and nearly all these twenty-five banks which were organized exploded. There were general bankruptcy and havoc throughout the country, carrying with them old and established banks which had survived the perils of nearly a century. Again the Bank of England suspended. When the bank resumed again during the following year both the bank and the people had learned a lesson of prudence that made resumption permanent and enduring.

Such is the lesson which is taught to us by the history of England, whose people are similar in habits and character to our own. It is to avoid the disaster which followed the immediate operations of the first resumption in England that I have addressed a portion of my remarks on this question.

I now propose to consider the question of repealing the legal-tender clause of the statute as applicable to individuals and to business. And, first, let me consider it as applicable to the laboring-man, or to the man who earns his daily bread by his daily labor. Is there anything in the subject of labor that can be more interesting to the laborer than that his employment shall be permanent? If I have any experience in the observations of laboring-men seeking employment, it is that they prefer those occupations and those places which seem to give them the most permanent and established employment. They avoid all appearance of instability; they seek not especially the amount of pay so much as stability and permanency of employment.

In order to make labor permanent, to make it stable, it is necessary that business should be fixed upon a stable basis. It cannot be fixed upon a currency which is to be changed, from time to time, in value, according to the exigencies and conditions of the country. It must be upon a basis that is solid, stable, and fixed, as coin alone can be, when it is considered in reference to the subject of currency.

Now, look for a moment to the question of business. Take a man who is about to embark his capital in any business enterprise. Is he not much more likely to embark his capital in business if he can see before him a fixed or certain calculation of percentage? Is it not certain that he would like to know and understand the factors upon which his business is to depend for its success? Would not any prudent man embark his capital with great doubt and hesitation in any business that he knows will be varying in price and conducted in a currency which will not be permanent in its value?

If there are any two branches in the success of which this country at this time is specially interested they are manufacturing and commerce. The manufacturer must necessarily embark a large amount of capital in his undertaking. He must construct his buildings, provide his machinery, and after all of this is done he must employ a large amount of labor, and it is important to the success of his enterprise that he must be able to calculate the price of labor upon a fixed basis; and after he has done all of this he must then find a market for his commodities. He must be able to calculate through a series of years upon the fixed laws of trade and values whether he will be likely to make a profit or a loss upon his business. He must also calculate upon active competition in his business, and, therefore, he must understand and study the laws which regulate and control these matters; and I ask gentlemen whether they can reasonably expect the capitalists of the country, the prudent men, to embark their capital in any enterprise unless they have a solid and a fixed basis upon which they can make a calculation for a series of years.

Now, take the question of commerce. How many of us are longing to see the country revive its commerce? How many of us hope, and we have the right to hope, that we will see our ships in large numbers coming in competition with the commercial nations of the earth, and yet who will enter into a scheme of commerce; who will invest his capital in ships; who will make his ventures in a foreign trade until we have first settled upon a money in which he can satisfactorily come in competition with the other nations of the earth?

It is foreign commerce we seek to revive, and yet who would engage in commerce with a foreign nation upon the basis of a currency that is not recognized by the nations of the world?

Who will embark in an enterprise taking so many years to mature unless he knows there is to be an established value to the money of the country, and a fixed, stable situation upon which he can count for his profits?

Mr. Speaker, I believe that there is a great future for this country. In making this remark I am not indulging in the language of prophecy. I am only giving voice to the calculations of the statistician; I am only formulating the result of a mathematical problem which we can work out before our eyes; I am only giving the calculation of the orbit of the planet in its sphere. Look at the mineral wealth which is being taken out of our mines. Look at the immense agricultural resources which have done such wonders during the last few years in bringing back to us the balance of trade. Look at our resources for cotton. We have really control of the cotton market of the world. Look at the condition of this people. Here is the Anglo-Saxon, with his strength of character and his industry; the Latin race, too, is mingled with our people and give us our aptness for commercial enterprises. From Africa we have the enduring material to stand climatic trials, and the Oriental, with his habits of economy, is fast accumulating on our western shore.

With our condition of climate and of soil, our mental, physical, and material factors, who can deny that a great future lies before us? A hundred years is but the first experiment of American greatness. We stand here the radiating-point, as it were, of all nations, who are to pour their wealth into the lap of the people of this country. America is to be the great nation of the world, not only possessing the East India trade, which has in past history made great cities, but trading with every country and with every clime. By means of steam and telegraph and electric light all the appliances which modern man has been able to devise are now ready to focalize themselves in the brilliancy and greatness of this immense country. If there were a monarch controlling us, it is possible he might be unjust. If there were a class of people in the position of an aristocracy controlling us, we might assume injustice. But this is a country in which the people are the sovereigns. They meet and make their laws by the aggregated honesty, fairness, and wisdom of the entire people, and it is impossible that we should be expected to predicate either unwisdom or unfairness of the Government. The people are, and should be, fair to themselves.

Now, the first thing they have to do is to come back to an honest money, based upon the value of the metal in which it is struck. And setting all currency upon that basis, there is a simple, steady, certain march to this goal of success which we are all expecting and which we know must come.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I have listened attentively to what has been said by the members of the Committee on Banking and Currency with regard to the nature and effect of this bill and I have given attention to other gentlemen who have discussed it, but I must confess that I have listened in vain for a satisfactory explanation. There are but two gentlemen preceding me in this debate who in my judgment have given us any satisfactory information as to what is its real nature and what will be its real effect if it is enacted into law. I allude to remarks that fell from the lips of the gentleman from Iowa [Mr. PRICE] and the distinguished gentleman from New York, [Mr. CHITTENDEN.] I would not occupy the time of the House a single moment upon this bill if I was not required to cast my vote upon the question as to whether it should be made into law or not. I am desirous of performing that duty intelligently and conscientiously in the interest of those I represent on this floor; but I am left to grope my way in darkness or learn the pathway of duty from other sources than from the arguments which have been presented. Gentlemen have spoken ably and luminously upon general financial problems, but neither of them has touched the real kernel of the nut, the real essence of this bill, the real effects of it upon the country, save and except my friends from New York and Iowa.

The bill is apparently a very simple and harmless one. But the gentlemen to whom I last referred have pointed out to us what is its true nature and what will be its actual effect. It was with much eagerness I sought to learn what position those two gentlemen would take upon this bill, for the reason that I know they rank high among the most zealous advocates of the national-bank system upon this floor; and I felt assured that if it should be advocated by them there was nothing in it that would harm the national-banking system. I wish now, Mr. Speaker, to call attention to the remarks made by the gentleman from Iowa, pointing out the real effect of this bill. I ask the Clerk to read what he said to this House.

The Clerk read as follows:

> Now, with this state of facts before this House and the country, the only question to be settled by us in the discussion of this bill and in the disposal of it is this: will it advance the confidence of the people in the national-banking system and will it add to the security and permanency of the institution by requiring this amount to be kept in coin, or will the country be just as well satisfied to let the banks pursue their own course in the future as they have done in the past, relying upon their business capacity and integrity for the kind of funds they shall keep as a reserve? That is the only question to be settled by this bill, whether it be voted up or voted down.

Mr. TOWNSHEND, of Illinois. Now, Mr. Speaker, I am convinced that this bill will aid in a well-arranged conspiracy which has been entered into for the purpose of making the national banking system a permanent institution aggrandize the gold dollar and depreciate and dishonor the silver dollar and the greenback. The first who has made an assault upon the coinage of the silver dollar during this Congress is the Secretary of the Treasury. The next who has assailed the silver dollar, coupled with an attack on the status of the greenback, is the President of the United States. And the third is the effect of this bill which has emanated from the Committee on Banking and Currency, and of which the two gentlemen to whom I have alluded specially are advocates. Notice what the gentleman from Iowa [Mr. PRICE] said in his speech the other day. His language was substantially: The only question involved in this bill is, will it advance the confidence of the people in the national-bank system, and will it add to the security and permanency of the national-banking institution?

I knew that the Committee on Banking and Currency had had for a long time a bill before it for the purpose of retiring the national-bank circulation, a bill providing for the substitution of national-bank circulation with Treasury notes, a method which would save to the people of this country over $14,000,000 that come every year out of the pockets of the tax-payers and find lodgment in the pockets of national-bank stockholders.

But to my amazement the committee, instead of bringing in a bill to demolish the national-banking circulation, brings in a bill which, in the words of the gentleman from Iowa, [Mr. PRICE,] is intended to increase confidence in the system, to popularize it among the people, and to make it a permanent institution in this country and make it more secure.

It appears from that gentleman's remarks that he is willing to admit there is a lack of confidence in this system, and he desires this bill to pass in order to "advance the confidence of the people in the national-banking system." In other words, this bill if adopted will popularize the national banks.

I do not see how the substitution of gold coin for the reserves of the national banks can give any better security. If the speech of my friend from Iowa is worth anything it shows that the greenback dollar is as good as the gold dollar, and will hereafter continue on a par with gold coin. Now, if that be true, how can you make the national-bank institutions more secure by compelling them to keep hereafter one-half of their reserves in gold dollars, which are no better than greenback dollars?

I do not know what that gentleman meant by intimating that if this bill does not become a law the banks will be left "to pursue their own course in the future as they have done in the past, relying upon their business capacity and integrity for the kind of funds they shall keep as a reserve," unless he used the expression as a mere figure of speech, for by reference to section 5191 of the statutes it will be found that bank reserves are now required to be kept in the "lawful money of the United States," which consists of coin and greenbacks. It is not left to their discretion as to what kind of reserve they may choose to keep. They cannot fail in this without violating the present law.

But the point to which I wished most particularly to call the attention of the House is another clause in the paragraph quoted, the question whether this bill will make the national-bank system a permanent one. I say to you frankly if that be its tendency I am opposed to it. And why? I will briefly set forth the reasons of my opposition to any permanent national-banking system in this country. In the last Congress, on February 22 of last year, I discussed at length the national-bank question; I shall, therefore, confine myself to but a few points to-day.

I have already said that the national-bank circulation costs the people of this country over $14,000,000 per year, and I challenge contradiction of that assertion. I am prepared to demonstrate that fact by matter contained in the reports of the Secretary of the Treasury and Comptroller of the Currency, which I now hold in my hand.

What are the facts? The Comptroller of the Currency in his report has given us the denominations and the character of the bonds which are held by the Treasury Department as the basis of the national-bank circulation. I sat at my desk last night and made a careful computation from that report of the amount of interest which those bonds were drawing on November 1, 1879. The amount of the bonds held at that time by the Treasury for bank circulation was $363,802,400. The Treasury Department pays to the national banks every year on these bonds $17,215,640 for interest.

But the Secretary of the Treasury and the Comptroller of the Currency, whom I find to be very ardent advocates of the national-banking system, assert that the national banks pay on their circulation large taxes into the Treasury of the United States. Let us look at the reports and see how much taxes they do pay for this circulation. It is confessed that they receive over $17,000,000 from the Treasury by reason of their circulation. How much do the national banks pay back into the Treasury? The reports in my hand show that they paid on their circulation last year $3,198,000, and they have never paid more in any one year, except when their circulation was larger; but in no year did the sum paid by them exceed $3,404,483.11.

Mr. WILBER. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND, of Illinois. A question—yes.

Mr. WILBER. How much other taxes do the national banks pay?

Mr. TOWNSHEND, of Illinois. They do not pay one single penny more than any other banks in the land are required to pay.

Mr. WILBER. Very true; but how much do they pay?

Mr. TOWNSHEND, of Illinois. No more than any other species of bank property is obliged to pay.

Mr. WILBER. Do not they pay more taxes than the whole interest on their bonds?

Mr. TOWNSHEND, of Illinois. There is not one single mill of taxes paid by the national banks into the national Treasury which all private and State banks are not required to pay, except what is paid by them on their circulation. They do not pay one cent more on their deposits or capital stock than private and State banks.

Mr. WILBER. How much tax do they pay for the people?

Mr. TOWNSHEND, of Illinois. The only tax which they pay over and above other classes of bankers is this $3,198,000, which they pay on their circulation.

Mr. WILBER. That is so much ahead, then.

Mr. TOWNSHEND, of Illinois. Not at all, as I will show. But I cannot be interrupted any further, my time is very short. I was for several years engaged in national banking, and I have had opportunity to understand the internal machinery of the system and its effect upon the interest of the people. Deduct from the $17,215,640 which the national banks receive every year from the taxpayers the $3,198,833 which they pay into the Treasury on their circulation, and that will leave $14,019,000, which goes into the pockets of national-bank stockholders as part of the profit they receive on their circulation; and my friend [Mr. WILBER] will find the Government is behind and the banks are largely ahead.

I am only speaking of the profit they receive from the national Treasury. I have no time to show what enormous profit they have made on this circulation by loaning it to the business community at large rates of interest. It is indeed the only business in this country which is realizing a profit on 90 per cent. more than its actual capital. From these reports I have made a computation of the approximate amount the banks have received from the Treasury and the amount of taxes the banks have turned into the Treasury on account of their circulation during the fifteen years of their existence:

The total amount paid the banks is	$348,215,640
Total tax paid by banks on circulation	42,785,464
Profit of the banks out of the Treasury	305,430,176

They have received their circulation as a free loan from the Treasury, which now reaches over $330,000,000, and have also received over

$300,000,000 as a bonus, and still they would have us strike down the plebeian greenback and silver dollar, that the patrician order of bank paper and gold coin may be enthroned; then the way will be opened for a plutocracy in this country, and the national banks will not only become the spoiled darlings of the country but they will be the royal family of the nation.

Now, to show that Secretary Sherman appreciated full well these facts in regard to the taxation of the banks, I would refer to a speech which he made during the last campaign, I think at Steubenville, Ohio, where he admits that the national banks receive a bonus of over $12,000,000 from the people, but he insists they furnish us a splendid currency and therefore we should be contented to give them the subsidy.

Mr. SAPP. Will the gentleman allow me to ask him one question?

Mr. TOWNSHEND, of Illinois. Be very quick about it; my time is rapidly passing.

Mr. SAPP. Suppose that all the national banks are wiped out of existence, will not the interest on these bonds have to be paid?

Mr. TOWNSHEND, of Illinois. There is where the gentleman has failed to study the nature of a bill now before the Committee on Banking and Currency.

Mr. SAPP. Will the gentleman answer the question?

Mr. TOWNSHEND, of Illinois. It would not, I answer flatly. When the national-bank notes are retired, with the Treasury notes substituted for them, an amount of bonds equal to those held for the banks will also be canceled and retired. [Applause.]

Mr. WEAVER. That is what there is in it.

Mr. WILBER. What will be the object while the banks pay more taxes than they receive interest on their bonds by over $3,000,000?

Mr. TOWNSHEND, of Illinois. The banks do not pay more taxes on their circulation than the interest received on their bonds. I thought I had made myself clear enough, but I will repeat, the national banks pay to the Treasury only 1 per cent. on their circulation, and do not pay one single mill more. Their average circulation being, according to these reports, during the past year something over $319,000,000, the taxation paid by them is only $3,198,833, as I have already shown. This is the amount they paid into the Treasury, but, as I have also informed my friend, the banks received $17,215,640 in interest on their bonds, and, therefore, their circulation cost the people and the Government $14,019,056 more than the amount of tax paid.

Mr. CASWELL. Now, let me ask my friend——

Mr. TOWNSHEND, of Illinois. Do not interrupt me now. I have but a few moments. If my time be extended, I shall have no objection to answering.

Mr. CASWELL. The gentleman says the banks pay no other taxes. Do they not pay 1 per cent. on all their capital not invested in United States bonds?

Mr. TOWNSHEND, of Illinois. They do not pay a single penny more taxes than other banks, except the tax on circulation, and as other banks have no circulation of course they pay no such tax.

Mr. CASWELL. They pay 1 per cent. on all capital not invested in bonds.

Mr. TOWNSHEND, of Illinois. With all due deference I must contradict the statement of the gentleman.

Mr. CASWELL. On this point I am certainly not mistaken.

Mr. TOWNSHEND, of Illinois. I wish to be distinctly understood on this point. The national-banking law does require the national banks to pay a tax on their capital stock and a tax on their deposits, but the law requires all other kinds of banks to pay precisely the same tax at the same rate, as will be seen by this report of the Comptroller of the Currency, on page 12, where he says: "The rate of taxation imposed on the deposits and capital of State banks and private bankers is precisely the same as that imposed on national banks." You will also find in reading the official reports, strangely as it may seem, the officers of the Treasury urge that this tax on deposits and capital stock of national banks be removed, while no such appeal is made by them in behalf of State and private bankers.

Mr. SAPP. Is the gentleman in favor of private banks instead of national?

The SPEAKER. Members will observe that they have no right to interrupt the gentleman on the floor without his consent.

Mr. TOWNSHEND, of Illinois. Now, Mr. Speaker, the Secretary of the Treasury has repeatedly admitted on the stump that we pay a large bonus to the banks in the way of interest above the tax paid on their circulation, yet he insists that because they give the country such excellent currency we can afford to make the investment. I will examine that proposition for a moment.

I admit that the national-bank note is a good circulating medium, that it circulates as well in one locality in the Union as in another. But why is it a good note? Is it on account of the character given it by the bank? No, sir; nobody ever inquires whether the bank which issues the bill has $50,000 capital stock or $5,000,000. The note is good everywhere in the Union because the Treasury of the United States is the guarantor for the redemption of the national-bank note.

Mr. WEAVER. In greenbacks.

Mr. TOWNSHEND, of Illinois. If the Government should guarantee the payment of the note of a pauper, that note would circulate alongside the note of the strongest national bank in the Union. The credit which attaches to the national-bank note is due to the guarantee which the Government of the United States gives for its redemption, and, I repeat, not because of any character conferred upon it by the bank which issues it.

My friend over the way [Mr. SAPP] wanted me to say, as I understood him, whether I am in favor of the revival of the old State banks of issue. I answer him emphatically, that I am not. I know that the Comptroller of the Currency and the advocates of the national-banking system are adroitly seeking to induce the country to believe that if the national-bank circulation be retired, we must necessarily revive the State banks of issue. That is not true. No considerable number of persons anywhere, so far as my knowledge extends, advocate a return to the old "wild cat" State bank system. I am ready to state my position. I stand on a platform erected by Thomas Jefferson, a platform which was occupied by John C. Calhoun, a platform on which Andrew Jackson stood, a platform on which Stephen A. Douglas stood; yea, a platform on which Thomas H. Benton, "Old Bullion," stood—in my opposition to any kind of bank paper, State or national. Jefferson, Calhoun, and all the great leaders of the democratic party in the past were opposed to national-bank paper. And, indeed, most, if not all, of them were opposed to any kind of bank paper.

They were in favor of sound money; but their objection was more against national-bank paper than against any currency issued by the Treasury. Have gentlemen forgotten the fact that in 1814 Thomas Jefferson insisted that the Government should suppress bank paper and issue a Treasury note receivable at the custom-houses and for all dues to the General Government? Have they forgotten that three of the ablest speeches ever delivered by John C. Calhoun were devoted to the demonstration of the constitutionality of such Treasury notes as a circulating medium? Neither of these statesmen, I am willing to admit, acknowledged that the Treasury note could be made a legal tender for private debts, but they did insist that it could be and should be used as a circulating medium.

What kind of currency do we propose to substitute for the national-bank notes? Is it proposed to make them a legal tender? Not at all. We propose to issue the same kind of a Treasury note that Jefferson and the democratic leaders of the past advocated—a Treasury note against which no man can show any constitutional objection whatever.

The national-bank note is really a Treasury note. It is issued by the Treasury at the expense of the Government; its redemption guaranteed by the Government, and then placed in the banks as a free loan to them, with a large bonus to induce them to accept it. The only difference between the bank note and the Treasury note proposed as a substitute is that the Treasury note would be issued direct from the Treasury instead of through the banks, and thereby over fourteen millions annually saved to the people. Is it not strange that men who insist that they desire justice done to the people as well as the banks hesitate to act upon such a change?

The officers of the Treasury Department have insisted that national banking has become profitless. It would seem that we are appealed to in a spirit of charity not to disturb them because they do not make large profits out of their business. If this be true I would say, in reply, that if the national banks are becoming pauperized on account of the character of their business, the best thing for them to do would be to retire from it. But what is the fact? Do we find the circulation of national banks decreasing? Not at all. It is asserted that during the last twelve months $50,000,000 have been added to the national-bank circulation. If I can believe newspaper reports there is one national bank in New York possessing only a capital stock of $500,000 which made a profit last year of $1,367,000. The directors divided $600,000, a hundred thousand more than their capital stock, in dividends among the stockholders. They added $500,000 to their surplus fund and set aside as undivided profit $267,000. I allude to the First National Bank of New York. That bank had already on hand one million surplus fund; the addition of another half million increases its surplus fund to one million and a half, being three times the amount of its capital stock. There are other national banks which have made 100 per cent. annual profit.

Another objection to this bill is that the national banks have the sole power of inflating or contracting the currency. The volume of the Treasury notes is fixed, and cannot be changed except by act of Congress. If it is desirable to have a stability of the currency, as I believe; if it is desirable to fix the volume of paper issues so that business may adjust itself to that volume; if, as claimed by the men of Wall street, it is dangerous to inflate the currency and unsafe to leave the power to inflate or contract in the hands of Congress—the chosen representatives of the people—is it safe in the hands of the Shylocks and money-gamblers of Wall street, who will inflate or contract the circulating medium as their selfish interests may dictate?

I am in favor of a stable and sound currency. I do not believe the condition of the country demands inflation, nor do I believe it for the welfare of the people that it should be contracted.

The national-bank question forms one of the most distinctive issues ever presented between the democratic party and its adversaries. Opposition to a national-banking system was the cradle in which the infancy of the party was rocked. In the national convention of 1787, which framed the Constitution, Mr. Madison presented an amendment prohibiting the charter of corporations by the National Govern-

ment. Contemporary history informs us that the object of his amendment was to prevent Congress from granting a national-bank charter. As soon as Hamilton, as leader of the federalists, brought forward his proposition for a national bank Jefferson assailed it with all the power of his great intellect; and from that day to this the great and worthy leaders of our party have fought against all similar efforts; while, on the other hand, every great party of the past arrayed against democracy has championed the cause of the national banks. It is entirely unnecessary for me to present proofs that the federal, whig, and republican parties have been the advocates of that system. It was not so much a metal currency that Jefferson, Jackson, and Calhoun favored as it was their hostility to a paper currency issued by banks which has distinguished them in financial discussion. We are often reminded of the past history of our party, as showing that it has favored a sound and safe currency. This is true; it is so with the party at this day; but the party has gained that reputation by its steadfast, unrelenting opposition to bank paper.

In my speech of last February I used this language:

> While I am on this subject of deposits I cannot refrain from alluding to the startling facts revealed to us by the Secretary of the Treasury in answer to a resolution of inquiry adopted by this House during last December. In his answer the Secretary confesses that he had during six months immediately prior to last December kept on deposit in the First National Bank of New York an average of thirty millions per month of the public funds; and that during one month he had on deposit in that bank forty-five millions of the funds belonging to the Treasury, for the use of which the bank did not pay the Treasury one single penny, and this was done without any practical security. The capital stock of the bank was only $500,000; this was the only certain security which the Government and the other depositors had. The security was actually less than 1 per cent. or one-ninetieth of the amount deposited by the Treasury. Suppose that bank had failed without assets while indebted to the Government for forty-five millions.
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> This, too, was done in face of the fact that a sub-treasury of the United States where this money could be safely kept was located within a stone's throw of that bank. The value of the Government deposits to that bank during the period mentioned, estimating the interest realized on it at 6 per cent., was $765,000, a sum one-third larger than its whole capital stock.

Since then it is said that much larger Government deposits have been placed in that bank. Verily the Secretary of the Treasury has great faith in and affection for the First National Bank of New York, as well as all such banks!

As this bill, using the language of one of its sponsors, will add permanency to this unnecessary and expensive institution, as a democrat and representative of the people's interest I cannot on that account give it the sanction of my vote. Of course, I am as well aware as any of the usefulness and necessity for banks of deposit and of discount in the operations of the business world, but there is no need of any banks of issue or bank circulation.

Another objection to this bill is, that it has the tendency to destroy equality between greenbacks and gold. It withdraws gold from circulation and inflates the volume of greenbacks in the circulation; thereby gold is made scarce, and, as our foreign creditors can only be paid in coin, if gold becomes scarce it will necessarily become high and its price rule above that of greenbacks. Under the operations of this bill seventy-nine millions of gold will be locked and sealed in the vaults of the banks.

Our friend from New York [Mr. CHITTENDEN] yesterday seemed to be in great trouble because we have a national debt, alluding to the greenback circulation, on which we pay no interest. It seems the thing which mainly troubles him about the greenback circulation is that it is not interest-bearing. He wishes, it seems, to convert the greenback circulation into an interest-bearing debt. I have not time to have many extracts from his speech read, but will call attention to that part in which he declares in favor of retiring greenbacks because they do not pay any interest, and in lieu of them issue an interest-paying bond. He regards it as a blessing to the people to be compelled to pay interest to the bondholder. If my friend should have his way, the $346,000,000 of greenbacks would be converted into an interest-paying debt. How much then would be added to the taxes of the people every year, even at 4 per cent.?

Mr. CHITTENDEN. The gentleman has entirely misrepresented me. There is not a word of accuracy in what he has said.

Mr. TOWNSHEND, of Illinois. Let the Clerk read the extract from the gentleman's speech, which I send up.

The Clerk read as follows:

> Now, then, Mr. Speaker, if I possessed the power, though it were coupled with the severest penalty for its misuse or hurtful exercise, I would deprive greenbacks of their legal-tender quality to take effect prior to next July. I would also stop minting silver dollars to-day, and as soon as practicable convert all the silver bullion now on hand, owned by the Government, with twenty-five millions of the useless silver dollars, into gold, and with the gold thus acquired I would, in regular course of business, pay and extinguish an equal amount of greenbacks. I would further pay off greenbacks with surplus revenue instead of buying bonds not yet due, cautiously but steadily, and perhaps as rapidly as the national-bank currency expands under the operation of natural and safe laws.

Mr. TOWNSHEND, of Illinois. Now, then, mark the language of the gentleman from New York; instead of extinguishing bonds, he would use the money for the purpose of retiring the greenbacks from circulation and leave the bonds in existence.

Mr. CHITTENDEN. Not a syllable which confirms the gentleman's statement that I propose to convert greenbacks into interest-bearing bonds—not a syllable of it. [Laughter.]

Mr. TOWNSHEND, of Illinois. My friend from New York at times fancies, it seems to me, that he is the only one who has a right to speak on the currency question on this floor.

The SPEAKER. The gentleman's time has expired.

Mr. TOWNSHEND, of Illinois. As I have been interrupted so much, I ask that my time be extended.

The SPEAKER. The Chair gave the gentleman two minutes over on account of interruption.

Mr. TOWNSHEND, of Illinois. I ask for a few minutes longer. [Cries of "Go on!"]

Mr. BUCKNER. I now resume the floor.

Mr. TOWNSHEND, of Illinois. With all due respect, I hope my friend from Missouri will not object to allowing me go on for the purpose of refuting the doctrine which has been promulgated by the gentleman from New York. My friend from Missouri and I stand together in favor of the demolition of the national-bank system.

Mr. BUCKNER. I take the floor in my own right, and will yield three minutes to the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. Now, Mr. Speaker, I do not desire to do my friend from New York any injustice. I have too much personal regard for him to attempt it. I say that the logic of the extract I have read from his speech is as I have stated it: he would forbid the Secretary of the Treasury from buying and canceling interest-bearing bonds, and use the surplus money which he is now employing for that purpose to retire the greenback circulation on which no interest is paid. The very money now used to extinguish the interest-bearing debt he wishes to be used in extinguishing greenbacks; and then, of course, you must leave an equal amount of bonds afloat. Now, am I not justified in my remark?

Suppose we retire the greenback circulation and substitute a 4 per cent. bond in lieu of it, which I insist is the logic of his whole speech.

Mr. CHITTENDEN. I propose to substitute gold.

Mr. TOWNSHEND, of Illinois. What would be the effect of it? Four per cent. interest on three hundred and forty-six millions of greenbacks, or that amount of bonds left in lieu of them if they are canceled, would amount to over $13,000,000 annually. The effect of his argument and his plan would be to impose on the already heavily burdened tax-payers of this country a further burden of $13,000,000 annually.

In further confirmation of my assertion that the gentleman from New York would change the nature of the non-interest-bearing greenback into an interest-bearing bond, or, to state his plan in another way, take up the greenbacks and let an equal amount of bonds remain afloat, I will call attention to the following extracts from his speech:

> It was provided in the act of February that the legal-tender notes should at all times be convertible into bonds bearing interest payable in coin. This explicit right to fund was the apology made by Government for its forced loan, and the promise coupled with the original demand for it.
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> Now, then, let us inquire what our legal-tender money is made of? Is there a fiber of honest money in this greenback I hold in my hand? Does it represent, in any sense or degree, labor or capital? Is it not the representative of debt, and of repudiated debt?

There is not gold coin enough in the whole Union to pay off the greenbacks. If you pay them off speedily, the only way to do it is by increasing the interest-bearing debt.

Now I submit as the country is so well contented with the present status of the greenback debt, and we find our Treasury in a condition to commence the cancellation of the public debt, is it not the wisest policy for the tax-payer that we should first cancel the highest rate of our interest-bearing debt—the six percents—over eighteen millions of which will be due inside of this year, and all the remainder of that class, being $254,985,550, will be redeemable on June 30 or July 1 next year? There is no demand anywhere for the cancellation of greenbacks and the increase of our bonded debt, except that which comes from some of the national bankers and plutocrats. The one desires to suppress all paper circulation except bank paper, in order that they may have a complete monopoly on paper currency, while the other class aim at the establishment of a plutocracy on the ruins of a "government by the people, for the people," as framed by our fathers.

These gentlemen seem angry because the greenback is popular. They see it circulating freely in all the banks on a par with gold, and in some instances command a premium above gold; see it available as bank reserves and for every purpose within our country for which gold can be used. Not long ago the Executive and the Secretary were urging that the greenback be built up in its value in order that it might be maintained on an equality with gold. Now, when this is accomplished there comes a demand from that quarter to degrade and depreciate it. I can easily understand why the First National Bank of New York desires to see this non-interest-bearing debt funded into an interest-bearing bond, because it has made millions out of the funding operations of the Government; but I warn all who are more loyal to the interests of the people than they are to Shylocks that such a change will result in laying an additional heavy burden upon a people now bending beneath an enormous weight of taxation.

I have frequently heard the accusation in this House and from those charged with the financial department of this Government that danger to the prosperity of the country resulted from financial agitation, and the money-lords of the East have again and again denounced those of the West who have introduced measures of financial reform as dangerous agitators, demagogues, and lunatics.

Well, sir, when bounteous nature had, during the last season, with a lavish hand, poured her blessings among the people, and plenty abounded in the land, the cry came up from the West, from the South,

and from the North, "Let well enough alone." The people everywhere seemed contented to leave to the process of natural causes a solution for our financial embarrassment. But as soon as this session opened the country was startled with announcements from the President and the finance minister boldly demanding a change in the financial situation. They disturbed the prosperous career of the people by springing agitation on the most vital points in our financial system. They have advanced propositions to strike down the silver dollar, to depreciate and dishonor the greenback, thereby tending to unsettle values and destroy the business and commerce of the country.

And now comes this bill, still further agitating the public mind in regard to the national banks, and with a further tendency to the depreciation of the Treasury notes. If the enemies of silver and the friends of the banks succeed in driving out all currency save gold and bank-paper, another opportunity will be afforded the gamblers of Wall street to hoard gold and inaugurate the satanic orgies of another "Black Friday."

Mr. Speaker, the legislation needed by the people to-day is that which will lighten the burden of taxation, which has for so long been crushing the energies and hopes of the tax-payers. What he who follows the plow, or he who wields the hammer, or the honest business man wants is a repeal, as far as consistent with public credit and the due administration of the Government, of those laws which lay burdens on the people. Taxation as now adjusted is unjustly and unevenly distributed.

By means of the legerdemain of the tariff and internal revenue laws the burden of tax is not distributed on the wealth of the country. The most profitable portion of the wealth of the country escapes its fair share of taxation, and the poor man pays as much as the wealthy. Of all the classes burdened with Federal taxation, the agriculturists are subjected to the largest share. Out of one hundred and thirteen millions collected last year for internal revenue agricultural products paid over ninety-two millions.

Why should this discrimination continue? All admit it is the basis of all private and public wealth. It is due to agriculture, by the help of God, that the greenback is on an equality with gold—not to Secretary Sherman as our friends on the other side would have us believe. It is by the act of God, not by the resumption act, that greenbacks have taken rank with gold, the money of the world. Now, when this has been accomplished, the officers of the Government and the money-jobbers propose to repeal the act of God and bring a return of financial derangement.

In what I have said concerning this bill I wish to disclaim any intention to reflect upon the motives of any member of the Banking and Currency Committee; I am dealing with it as a measure, not with the individuals who favor it. "Principles are everything; men are nothing." I entertain respect for every member on that committee, and have no doubt all of them are actuated by good motives; indeed, I have no doubt a majority of the committee agree with me in the views I have uttered concerning the national-banking system, but they honestly differ with me in regard to this bill. Yet I am well convinced that they are mistaken, and if it is adopted the tendency of its effects will be as I have described.

I thank the gentleman from Missouri [Mr. BUCKNER] and the House for the extension of my time.

Mr. BUCKNER. Mr. Speaker, how long will it be before the morning hour expires?

The SPEAKER. The morning hour expires at eleven minutes to two.

Mr. BUCKNER. I propose out of the short time remaining of the morning hour to occupy five or six minutes, if the House will give me its attention.

Probably no one has felt more the impropriety of the debate which has occurred on this subject than I have myself. I have protested strongly against going into the discussion of questions totally irrelevant to the pending proposition. I will now very briefly attempt to show what is the object of the bill and the effect of it, and will not discuss anything irrelevant to it. Then I shall demand the previous question with the hope that whatever views gentlemen may have as to the passage of this bill, they will at least cut off all further debate and bring us to some action, whether they are opposed to it or in favor of it; for the time of this House during the morning hour, in my judgment, should not be devoted to discussions of the character of those which we have heard, and especially to the discussion of questions which have nothing at all to do with the measure before us.

Now, sir, I introduced this bill at the extra session, or one very similar to it, and my purpose was to unload the Treasury of a portion of its immense hoards of gold and silver for the purpose of diffusing them among the banks and the people of the country. That was the primary object. There are now upward of $200,000,000 of gold and silver in the vaults of the Treasury. It has not gone into the vaults of the banks, but it remains there in the Treasury. There remains there to-day over thirty-two millions of silver dollars doing no duty in the country in the way of circulation. The object of this proposition, if I know what it means, is to give this coin something to do, to compel it to perform some office in the circulation of the country. Incidentally, of course, it will have the effect of putting greenbacks into circulation. A year ago the reserves of the banks were about three-quarters in legal-tenders and the remainder in coin. By the operations of business that relation has been reversed, and now there is in legal-tenders only one-half of what there was a year ago. This bill is not only intended for the purpose of getting the coin out of the vaults where it is now performing no service either to the Government or the people, but also to relieve the legal-tenders now held as the reserves of the banks by substituting coin therefor. The object is to give something for the coin to do, whereas it has nothing to do in the monetary circulation, but, on the contrary, is locked up in the vaults of the Treasury by millions.

Just think; there are thirty-two thousand kegs, ordinary nail-kegs, of silver dollars now piled up in the vaults of the Treasury of the United States. Is it not time we should be doing something in reference to this immense sum of money now lying idle in the Treasury? Is it not better for the country to diffuse it among the banks, where it can be made the basis of loans to the people?

Mr. SPRINGER. But can they use any portion of their reserves in loans to the people?

Mr. BUCKNER. They do sometimes use a part of the reserve fund in their business. The Comptroller of the Currency a little while ago required the banks of New York to make up the deficiency in the reserve they are required to keep, and if they keep their reserves in coin it is not to be presumed that that will be all the coin they will hold.

Mr. TOWNSHEND, of Illinois. Can they use their reserve funds without violating the law? Do they not subject themselves to having their charters taken away by any such violation of the law?

Mr. BUCKNER. By making the coin a part of the reserves of the banks it releases for loans to the people the legal-tenders now held by the banks. As my friend here says, it puts the greenbacks into active duty. Instead of $100,000,000 lying in the vaults, as was the case a year ago, it is now reduced to fifty million.

Mr. WARNER. I would like to know how it would either draw silver from the Treasury or put greenbacks in circulation.

Mr. BUCKNER. The law now is that legal-tenders may be used altogether for a reserve, while this bill makes it compulsory upon the banks to have half their reserve in gold and silver. Of course they have to get gold somewhere; and they can get it from the banks as well as go to the Treasury and get it.

Mr. WARNER. It will change the legal-tenders from the banks to the Treasury. I grant that.

Mr. BUCKNER. I grant that may be the effect of it under some circumstances. That depends upon the business operations of the Government. But this bill only compels that to be continued which is already done; and the result of that is, as the statistics show, that the greenback has gone into circulation and not into the Treasury. On the contrary, the greenbacks in the Treasury have diminished twenty-five or thirty million dollars in the last eight or ten months.

Mr. WARNER. Will this increase the circulation of the country?

Mr. BUCKNER. Beyond all question it will in greenbacks. Now, Mr. Speaker, I should like to answer some of the objections that have been made to this bill. One of these is the objection which has come from my friend from Illinois, [Mr. TOWNSHEND,] in regard to the national banks. I yield to no man in my opposition to banks of issue, and at the proper time I will be ready to give effect to that opposition. I have spoken and written as much on that subject as any man in this House, and I have the firm conviction that banks of issue will be as they always have been, the rock on which the business of the country will be wrecked in time to come. They are increasing the paper circulation at as rapid a rate as silver is increasing, and are bringing on a condition of things that will ultimately drive the gold from this country. But I want the gold and silver to go into the banks instead of remaining in New York, and that will be the effect of this bill.

The question before the House is not whether these banks are to exist or not. The gentleman's idea is we cannot improve this bank system but must fight it at all points. I regard it as an existing institution of the country which we ought to improve and amend. But at the same time no man is more decided in his opposition to banks of issue than I am. That, however, does not concern the question involved in this bill. If we take away the circulation of these banks they will remain, as they ought to be, only banks of discount and deposit, with the gold and silver for the operations of their business as banks of discount and deposit, and not of issue.

Mr. Speaker, I demand the previous question.

Mr. WARNER. I would like to ask the gentleman from Missouri one question.

Mr. BUCKNER. I do not yield further.

Mr. WHITTHORNE. I wish to inquire of the gentleman from Missouri whether pending the demand for the previous question he will allow a motion to be made to commit this bill to the Committee of the Whole?

Mr. BUCKNER. No, sir. I am opposed to any debate on this financial question. If the House wants to debate it it can vote down the demand for the previous question. But before the question is put on seconding the demand for the previous question I have a small amendment which I desire to offer.

The SPEAKER. Does it come from the committee?

Mr. BUCKNER. It does. I send it to the desk to be read.

The Clerk read as follows:

After the word "keep," in line 4 of section 1, insert "in their own vaults."

Mr. BUCKNER. I demand the previous question on the bill and amendment.

Mr. KEIFER. I rise to a parliamentary inquiry. I desire to know whether the gentleman from Missouri will be entitled to an hour if the previous question is ordered.

ORDER OF BUSINESS.

Mr. WILSON. Has the morning hour expired?

The SPEAKER. It has.

Mr. KEIFER. I demand the regular order.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

ELIZA LIVINGSTON AND WOOLSEY TELLER.

The SPEAKER. Before the question is put on that motion the Chair desires to make a request of the House for unanimous consent. A report (86) on the petition of Eliza Livingston and Woolsey Teller, of San Francisco, California, was yesterday withdrawn by the gentleman from Louisiana, [Mr. ACKLEN.] The petition, which had gone to the Committee of the Whole on the state of the Union, was not withdrawn. In order that the proper Journal entry may be made, the Chair asks that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the said petition, and that it be recommitted to the Committee on Foreign Affairs.

There was no objection, and it was so ordered.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair desires to make a request of the House on behalf of the gentleman from Connecticut, [Mr. HAWLEY,] who asks unanimous consent that Rev. Dr. Porter, president of Yale College, be admitted to the privileges of the floor during the remainder of this week.

There was no objection, and leave was accordingly granted.

REVISION OF THE RULES.

Mr. BLACKBURN. I now insist upon my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules on the revision of the rules.

Mr. GARFIELD. Allow me to suggest to the gentleman from Kentucky [Mr. BLACKBURN] whether, if he make the motion, the House would not now be likely to consent to some limitation of general debate upon the report of the Committee on Rules. Public business of other kinds will soon be pressing on this House, and if we do not reach the discussion of this report by paragraphs very soon it will I fear imperil altogether the action of the House upon it.

Mr. BLACKBURN. In reply to the gentleman, I will say that I believe he was absent yesterday when the House by a very decided vote negatived the motion of the gentleman from Virginia [Mr. HUNTON] for a limitation of general debate. The Committee on Rules has stated to this House that it was not its purpose to restrict debate at all upon their report. For one I should be very glad to see a limitation put on the general debate, which it seems to me has run long enough. The Committee on Rules, however, has not been heard from. The whole discussion has been conducted so far by gentlemen attacking the report of the committee. I think it would be but fair that at least a couple of hours should be allowed to the Committee on Rules to make its defense of its work.

In order to test the sense of the House, I will now move that all general debate on the report of the Committee on Rules on the proposed revision of the rules shall cease with to-morrow's session.

The motion to limit general debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was then taken upon the motion of Mr. BLACKBURN to go into Committee of the Whole; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the report of the Committee on Rules on the proposed revision of the rules, upon which the gentleman from Mississippi [Mr. CHALMERS] is entitled to the floor.

Mr. CHALMERS. I yield fifteen minutes of my time to the gentleman from Louisiana, [Mr. ROBERTSON.]

Mr. ROBERTSON. I send to the Clerk's desk and ask to have read two amendments which at the proper time will be proposed on behalf of the Committee on Levees and Improvements of the Mississippi River to the proposed rules reported from the Committee on Rules.

The Clerk read as follows:

Rule X: in line 25, page 31, strike out "11" and insert "13."

Rule XI: in clause 21, on page 33, insert "to the improvement of the Mississippi River and its navigable tributaries, and all surveys and estimates relating thereto."

Mr. ROBERTSON. Mr. Chairman, as chairman of the Committee on Levees and Improvements of the Mississippi River, I deem it my duty to explain the exact position occupied toward the House by the committee over which I have the honor to preside. The Committee on Rules has taken and refrained from such action in reference to that committee as to compel the intervention of this committee to rectify its acts of omission and commission.

In the first place, while advancing this committee on the list from the forty-sixth to the twenty-first, and thus acknowledging its importance, the Committee on Rules has failed to assign its duties, (as in the case of every other committee,) leaving them indeterminate, and a blank space only for their subsequent insertion.

Secondly. The Committee on Rules has reduced the number of members of the committee from thirteen to eleven without assigning any reason therefor, and in contravention of the action of this House which added the two members now proposed to be stricken off.

In regard to the first matter a brief history of the committee from its inception to its present position will show that the exact extent of its duties never have been clearly defined, as was also the case of four other committees of the House whose duties the Committee on Rules has now endeavored to assign, leaving the Committee on the Improvements of the Mississippi River alone open still. Why this course has been taken I do not pretend positively to know, but presume it has arisen from a doubt as to the full scope and extent of the authority of this committee over matters cognate to its title, which I shall now propose to explain.

The committee into which the present committee has expanded was originally merely a select committee of the House, to which was referred all bills and matters relating to what was termed the Mississippi levees.

In the Forty-fourth Congress it was made one of the standing committees of the House by a resolution which did not define its duties in any manner, except in so far as they might be ascertained from its title. Under this title the committee proceeded to take jurisdiction over and act upon all matters referred to it in regard to the levees of the Mississippi River.

At the first session of the Forty-fifth Congress it was resolved by the House "that the Committee on Levees shall be styled Committee on the Levees and Improvements of the Mississippi River," thus by its title greatly enlarging the scope and sphere of its authority and jurisdiction over all proposed improvements of the Mississippi River, of whatever character they might be.

The committee, of which I was at that time the chairman, proceeded thereupon to consider such bills as were referred to them, not only looking to the protection of the alluvial lands by levees, but also all looking to the improvement of the navigation of the Mississippi River.

The committee, after thorough examination and full discussion of all matters submitted to them, came to the unanimous conclusion, and so reported in their formal report to the House on the 3d May, 1878, that they considered "the questions of river improvement and the protection of alluvial lands as intimately and inseparably connected." The report further proceeded to say:

By resolution of the present session the jurisdiction of the committee has been extended, so as to include questions relating to the improvement of the river, as well as questions relating to levees and alluvial lands. In the past these have been rival interests, notwithstanding nature made them interdependent. At present however all parties in interest admit that levees are necessary aids to the improvement of navigation. Your committee therefore, in accordance with their new jurisdiction, and the fortunate adjustment of rival interests, report a bill combining these two very important questions.

The bill therein referred to provided for the formation of a permanent commission to examine and decide upon some adequate and comprehensive plan of improvement of the Lower Mississippi, as well as for the protection of the alluvial lands of the Mississippi Delta from overflow.

This bill was fully and thoroughly discussed in all its features in Committee of the Whole, and finally adopted by the House by an overwhelming majority, irrespective of sectional or party lines, thus giving the sanction of the House to the committee's construction of its duties and powers.

At the first session of the present Congress a similar bill reported from this committee to the House, entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters," was passed under a suspension of the rules, amended in the Senate by increasing the number of the commission, which amendment was concurred in by the House and became a law, under which the commission is now acting. This of course is another indication of the interpretation given by the House of the jurisdiction, powers, and duties of this committee.

By section 3 of this act the commission is empowered and authorized to make surveys, examinations, and investigations into the tributaries of the Mississippi as well as the main trunk of the river itself, thus embracing the tributaries within the scope of the powers assigned to that commission.

From this brief statement of facts, it must be obvious that the same powers granted to the commission should appertain to the committee; and the amendment now proposed by the committee for better defining its powers and duties should be adopted by the House.

The propriety and necessity of extending the jurisdiction of this committee over the navigable tributaries, as well as over the main trunk of the Mississippi, are evident, in view of a connected system of improvements embracing both, it being difficult if not impossible to separate interests so closely intertwined. The duties of this committee thus extended could not possibly in any way conflict or antagonize with those of any other committee of the House. On the contrary, by such extension, relief and assistance would be given other committees now partially charged with the consideration of subjects connected with these matters.

It is a common practice, and forms part of the body of the rules of this House, to divide and apportion branches of the same subject-matter to different committees. Notable instances of this are in the assignment of claims against the Government to the Committees of Claims, on War Claims, Pensions, and other committees; in Pacific railroad matters, to a separate committee from the general Committee on Railways and Canals. A similar division is made between the Committee on Commerce and that on Railways and Canals, where the subject-matter is the improvement of the rivers.

The existing discussion on the relative rights and duties of the Committee on Appropriations and other committees of this House also proceeds on the same basis of joint jurisdiction. The arguments in favor of granting the jurisdiction required to this committee are so numerous that time will only permit me to enumerate a few.

In the first place, this committee perfected the bill, now a law, under which the Mississippi River commission is actively engaged in doing precisely that work which our committee should have jurisdiction over—positively, and not only by implication. The duties of this committee would be much more clearly defined by this addition to its title, and no possible collision with any other committee could arise from it.

In the next place, this commission, composed of eminent engineers and men of science, who may be considered experts, is expected to propose and lay down some permanent plan of improvement for this great river and its tributaries, whose great national importance merits a separate consideration and a separate committee. Furthermore, the plan reported by the present commission must, if right, be referred to this committee for its action, and the preparation of some practical measure to be proposed to the House for carrying out the suggestions made in such report. As that report will cover the tributaries, as well as the river itself, it will be necessary for the committee to possess and exercise the extended powers asked on this occasion.

The Senate has already taken this step. That which was formerly only a Select Committee on Levees is now extended to the improvement of the Mississippi River and its tributaries. As the committees of the two Houses have cognizance of the same class of subjects, their titles should concur and their scope of action should embrace the same subject-matters.

Mr. Chairman, the great and growing importance of this subject must forcibly impress itself on Congress, as it has on the popular mind throughout the whole country. This is no narrow, local, sectional, or partisan question. It is as vast as the mighty river, which bears on its broad bosom the commerce and the produce of more than half the States of this Union. It is as varied as the different interests and productions of the diverse communities who dwell on its banks, or on those of its tributaries, many of which are great highways of trade and travel in themselves, and dwarfed only by comparison with this mighty Father of Waters.

Since the genius of America's great engineer opened wide the mouth of the Mississippi and insured safe and sure egress and ingress to the Mississippi Valley, the importance of removing the obstructions and impediments to the navigation of the river and its tributaries have increased a thousand-fold, and it is the duty of Congress to insure the execution of the necessary works to effect this great object. A great stride has already been taken in the right direction by the appointment and labors of the commission which is now actively engaged in the preliminary surveys of the river and tributaries, and perfecting a general system of improvements. Yet that is but the first step, and it is essential that Congress should not weary in well-doing, in a work of which all American citizens must cordially approve, for the interests of the North, the West, the East, and the South are equally bound up in its successful accomplishment.

Of all the material ties which bind the people of all sections of the Union together, there can be none stronger and more indissoluble than this would be. The iron roads which join the East to the West, the North to the South, strong as the chain may be, cannot compare to the free current of this vast artery of commerce and communication, which when permitted its free flow will give life, strength, and energy to the whole body of the American people, who will be equal sharers in its benefits and its blessings. Well termed by Mr. Calhoun as our "great inland sea," the Mississippi is the property of the whole country, not of any State or collection of States, and as such is entitled to and should enjoy all the help Congress can give it, for which all will reap in return a rich harvest.

Mr. CHALMERS. Mr. Chairman, it was not my intention to take any part in this discussion and I would not say anything now, if a committee of which I am a member had not instructed me to represent its interests, which I shall undertake now briefly to do. The new rules, as reported, reduce the number of the Committee on Levees and Improvements of the Mississippi River from thirteen to eleven, and omit to state what business shall be referred to this committee. I am informed that this omission was purposely made because there was a difference of opinion in the Committee on Rules as to what should be the jurisdiction of this committee.

At the proper time and in obedience to instructions from this committee I shall move to restore the committee to its present number, thirteen, and shall also move that the jurisdiction of this committee shall be extended to all subjects relating to the levees and improvements of the Mississippi River and its navigable tributaries, and that all bills and estimates touching these subjects shall be referred to this committee. The discussion of these rules has developed two antagonistic ideas in this House, the one favoring a concentration of power in the hands of a few; the other in favor of a distribution of the business and power of the House as much as possible to all its members. Under the rules as they now stand a committee may strangle any bill, however important it may be, and prevent its consideration, although a majority of the House might be anxious to pass it.

The Speaker appoints the committees, and the committees can strangle legislation, and hence the will of the Speaker may, if he sees fit, overthrow the will of a majority in the House. This defect in the rules was clearly pointed out by the gentleman from Kentucky, [Mr. OSCAR TURNER,] and I hope the amendment suggested by him on this subject will be adopted when it is presented. But this is not the only manacle of power from which the House now seeks to relieve itself. It is the power of one or two great committees to absorb and control legislation which we now seek to break up.

The Administration makes known its past conduct of affairs through the reports of the President and his Secretaries, but the future wants of the Government are chiefly made known through the estimates from the different Departments. We would naturally expect the estimates as to the probable expenditures of the Government for the next fiscal year in the Navy Department to be referred to the Committee on Naval Affairs, and the same might be said of foreign, military, postal, and Indian affairs, and yet, under the rules as they now stand and as it is proposed they shall be continued, every estimate from the Departments is referred to the Committee on Appropriations or of Commerce. These other committees are mere figure-heads, and must learn the wants of the Government in respect to the affairs which they nominally represent from the sub-committees on appropriations, who are put in charge of the estimates from the Departments. Such a practice is detrimental to the public service, because too much labor is put on one committee, and detrimental to the House because too few members are given an opportunity to examine and understand the wants and demands of the Administration.

Not only do we who are members realize that the great business of the House is in making appropriations, but the people at large recognize it, and every newspaper but echoes the fact when it tells us we should pass the appropriation bills and adjourn.

But how can we pass proper appropriation bills until we can first understand what it is we are expected to appropriate about. We are ready, willing, and anxious to work, and yet we meet day after day and adjourn, or waste time in useless and uninteresting discussion, because two hundred and sixty-three members must sit here and wait until fifteen members on appropriations and fifteen more on commerce tell us what to appropriate. This is an obstruction to business. If a division of labor is beneficial and productive of good in the ordinary business of life, the same rule should be applied to congressional labor.

A more general distribution of the business of the House, which consists chiefly of appropriations, would not only bring more diversified talent to the consideration of public affairs, but the responsibility of legislation would be enlarged, the investigations into the wants of the Government would be extended, and the information of members on these all-important subjects increased. It is a source of mortification and humiliation that the great body of members is constantly called on to vote millions of appropriations without any information as to the necessity for it except that it has been recommended either by the Committee on Appropriations or on Commerce.

It is true we must trust largely to the investigations of committees, but this only makes it all the more necessary that the number and strength of these investigations should be increased. That is the principle upon which so many committees have been created, and our practice should conform to the principles of their creation.

The duty of making appropriations was once confided to the Committee of Ways and Means, but when the interests of legislation demanded it a separate Committee on Appropriations was created.

The Committee on Commerce was once a Committee on Commerce and Manufactures, but when the manufacturing interests of the country grew into sufficient importance to demand it a separate Committee on Manufactures was created to consider this subject.

If the duties of this committee are not now of the same magnitude and importance they once were the present committee can at least congratulate itself on the fact that it has a representative whose genius for manufacturing subjects for its consideration demonstrates how much is lost to the country by depriving such men of an opportunity to develop themselves, and whose eloquent description of the importance of his committee will live in history by the side of the celebrated description of theatricals in the Georgia scenes, where the Georgia boy was "jist a seein' how he could a fout."

The Committee on Railways and Canals once had exclusive jurisdiction of all railway bills, but when the great Pacific roads were being constructed a separate committee was created to consider Pacific railroads. These and other instances I might cite show that a division of labor has been the recognized rule of the House, and that as each great interest in the country grew into sufficient importance it was intrusted to a separate committee.

But, on the other hand, there has been during the last few years a gradual concentration of power in the hands of the Committee on Appropriations, and it has grown to such an extent that the whole House is ready to rebel against it.

The Committee on Commerce leads the revolt, but while it demands for itself a separate jurisdiction on appropriations, it seems unwilling to concede the same privilege to other committees. We who belong to the more insignificant committees of the House feel no interest in this battle between the giants, except a hope that the struggle may end in a more equal distribution of the business and power of the House between all the committees.

The Committee on Commerce, like the Committee on Appropriations, has more than its share of the labor, and while they are rivals for power, they are at the same time allies in attempting to confine all the appropriations to themselves, and the one is as much liable to the charge of encroachment as the other.

The Committee on Commerce was originally intended to regulate existing commerce and never had any jurisdiction by specific rule to build harbors or to clear out rivers. These subjects belong properly to internal improvements, and as the power of the General Government to make internal improvements was denied by many, its advocates defended it, under the power to regulate commerce, and hence all such bills were sent to the Committee on Commerce.

But that question has been long since settled by the practice of the Government, and it is unnecessary to confine such bills to the committee any longer if the interests of the country demand a division of this labor. Let us see, then, if it is not demanded. The internal commerce of the country has been growing so rapidly that it now equals the external commerce, and in many respects their interests are divergent. The railway commerce has increased so rapidly that it has created a necessity for the improvement of water-routes of transportation to lessen the railway exactions in rates.

Again, the rapid and recent increase in our exports of heavy productions, such as wheat, corn, meat, and cotton-seed meal makes it essential to improve the facilities of water carriage, because these heavy products are unable to pay the cost of railway transportation, and these articles are principally produced in the States bordering on the Mississippi River and its tributaries. These States have been classified in the census as the Mississippi River system, in contradistinction to the Atlantic coast system, the lake system, and the Pacific system; and this Mississippi River system contains 1,683,303 square miles, and exceeds the area of the other systems combined by 339,303 square miles. This Mississippi River system is not only great in territory but equally great in population, and under the census as it now stands has a majority of the electoral votes, and when the new apportionment is made that majority will be largely increased. The interest of this system is one, and it is unified and bound together by nature. It is interwoven by the Mississippi River and its tributaries, which percolate and sustain it as the veins and arteries percolate and sustain the human system. Its waters flow through many latitudes through a single channel to the sea, bearing upon their bosom the rich productions of its varied climates to the markets of the world; and if there is any one interest in the United States which demands separate consideration by a separate committee it is the improvement of the Mississippi River and its navigable tributaries.

In this connection I ask the Clerk to read the following extract taken from the memorial of the convention held in Quincy, Illinois, in October, 1879.

The Clerk read as follows:

In 1879 the total production of wheat in the United States and Territories was about four hundred and fifty million bushels. Of this amount the Mississippi system produced over three hundred million bushels, nearly twice as much as the others combined. Of corn the whole country produced, in round numbers, fifteen hundred million bushels; the Mississippi system produced nearly twelve hundred million, or four times as much as the others combined. Of other cereals, of cotton and hay, of tobacco, sugar, and rice, of cattle and hogs, and of all products not included in manufactured articles, there was produced in the river system an amount in value exceeding one and one-half billions of dollars, a sum that staggers the imagination to contemplate.

The summary would not be complete without considering the manufacturing interests and capabilities of this region. Careful calculations, recently given to the public by an eminent statistician, detailing the growth and progress in this particular, shows that it will soon equal, if it does not surpass, the older communities in the North and East. A few facts of growth will indicate what the near future will be. In 1878 the State of Illinois alone, which in 1850 had less than one hundred miles of railroad, and few or no furnaces, produced as many iron rails as the entire country did in any year prior to 1860.

In the same year the four States of Illinois, Indiana, Missouri, and Kansas produced 266,703 tons of rails, more than 30 per cent. of all made in the United States. In that year the total production of rolled iron of all kinds in this country was 1,555,576 tons, of which the States of Illinois, Indiana, Wisconsin, Michigan, Missouri, and Kansas produced one-seventh.

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The price obtained for the surplus fixes the value of the whole production, as the home market generally rules at the price of the foreign, less the cost of the transfer. Thus the saving to the people of the valley who till the soil of one cent a bushel on wheat and corn for the year 1879 would, according to the figures of production, aggregate a sum total of nearly $15,000,000. It is not unreasonable to estimate that the deepening of the channel of the Mississippi River will lessen the freight carriage of cereals alone to the sea-board at least five cents a bushel, which gives, in round numbers, $75,000,000 per year on the present yield. Your memorialists are, therefore, free to declare that the cost of the improvement, whether it be ten, fifty, or a hundred millions of dollars, will not deter the people by its magnitude, since the saving to the producers and tax-payers, on two articles alone, will annually equal the higher sum.

Mr. CHALMERS. Mr. Chairman, there are still other reasons why the appropriations for this Mississippi River and its tributaries should be taken from the Committee on Commerce and given to a separate committee. The rule, as proposed by the amendment, limits the appropriations to navigable waters. There will be no danger, therefore, that the money of the Government will be thrown away in dry creeks and spring branches. All admit the constitutional power of the Government to make improvements of these great navigable streams; and those of us who desire their improvement are unwilling that our appropriations shall be jeopardized or stigmatized by association with the Kiskiminetas. If it is necessary that appropriations for such streams as the Kiskiminetas should be carried in an omnibus we are unwilling that they shall ride in our 'bus or at our expense.

There is still another reason. The Committee on Commerce was created for the purpose of considering external commerce; and it may sometimes happen that the interest of the Atlantic sea-coast commerce and that of the Mississippi River system are so much opposed to each other that it would be unfair to permit any one committee to represent both interests.

But, sir, this discussion, as I have said, has disclosed the fact that there are men of both political parties in this House who are in favor of a concentration of power in the hands of a few. They, sir, would erect a magnificent central figure composed of two giant committees standing back to back and raising their colossal heads far above the liliputian committees which surround them.

Now, I will admit that perhaps party discipline would be greatly enhanced if the whole business of this House could be controlled by one committee and if the Speaker, whether he belonged to one party or the other, could control that committee. But in that event I would like to know what use there is for the rest of us? [Laughter.]

They tell us that economy demands this course, and we have been warned of the fearful gulf of extravagance into which we will certainly sink unless the Committee on Appropriations is permitted alone to guide the helm of state. And yet the Committee on Commerce answer this and rest their case, too, upon the plea of economy. They tell us that their method of passing a bill in the committee-room and then putting it through the House under a suspension of the rules is also an economic measure, and that it has saved millions of dollars to this Government by preventing any amendments to the bill.

Perhaps that may be so. I, sir, certainly do not now undertake to dispute it; but I will say that if we are here merely for the purpose of making party capital by cutting down the estimates which the Administration make for carrying on the Government, then perhaps it is best that the work should all be done in the committee-room and pressed through the House under the rallying cry of sustaining the party in the committee. If the chief end of American statesmanship consists of a simple reduction of expenditures without regard to the growing interests of the country; if we are here simply to study how little we can compel Department clerks to live on—how low we can reduce the postal star service and how few mails we can send to the rural districts on the back of a mule; if parsimony is to usurp the place of economy—then I agree that all the appropriations had better be made through one committee, and that the members of that committee had better be selected with special reference to their supposed proficiency in tallow-candle retrenchment. If, on the other hand, the great national rivers of this country can only be improved by putting into the same bill with them dry creeks and spring branches; if the good and the bad appropriations must all ride in the same omnibus; if my distinguished friend the chairman of the Committee on Commerce must play the part of a legislative Buttercup and mix up the Mississippi River and the Kiskiminetas so no man can tell how ever he could do it——

Mr. WHITE. Nature has mixed them up.

Mr. CHALMERS. We find no difficulty in understanding what nature has done; we are only brought into trouble when we come to consider the mixture which men make.

Mr. WHITE. That is whisky and water.

Mr. CHALMERS. Thank you, I never drink, or I would take some with you. [Laughter.]

Mr. Chairman, if the improvement of our rivers can only be made in this way, then I think perhaps the old plan of passing the bill in the committee-room and then putting it through the House is perhaps the best. It might be dangerous to bring a bill in here and permit amendments to be made upon it—dangerous lest some of these gentlemen who have constitutional scruples against making works of internal improvement by the General Government should be seduced into voting for the bill by the addition of a small appropriation for their districts. And it would be a great violation of the principles of retrenchment and reform to allow too many members to "get in on this bill." And it would certainly be a great violation of the rights of the members of the committee to allow any of their pet schemes to be taken out in order to let somebody else's in. The fact of the business is this: the river and harbor bill as it comes from the Committee on Commerce usually is like a life-boat setting out from a sinking ship. Its cargo is principally made up of the political fortunes of a favored few whose political lives are to be saved in the next election, and they are in a great hurry to get away unless some other drowning wretch might undertake to get in and sink the boat.

I am no advocate, Mr. Chairman, of the doctrine that a distribution of the appropriations to different committees will necessarily end in extravagance. Every committee of this House should be actuated by the same motives and should be equally anxious to do just exactly what is best for the interests of the country. Nor am I an advocate of that other doctrine, that a mere reduction of expenditures without regard to the interests of the country is either wise statesmanship or popu-

lar legislation. The people of the United States are neither idiots nor niggards, they are perfectly willing at any time to justify and sustain any proper, constitutional, and well-guarded appropriation of money which promises to develop largely the resources of the country.

The Eads jetties gave us a deep-sea entrance at the mouth of the Mississippi River, and the whole country has applauded the appropriation.

The Mississippi River and its tributaries should be deepened. It is a work of great national importance, and yet, as has been well said, this great channel, through its entire extent, is to-day "impeded with wrecks, choked with sand-bars, bristling with snags, and millions of dollars' worth of property have been kept out from the markets of the world" in consequence. Only last fall it was stated that a firm in the city of Saint Louis had failed for a large amount because they had sold wheat which they had on hand but could not deliver from want of water on the bars of the river.

Mr. FRYE. Will the gentleman yield to me a moment?

Mr. CHALMERS. Yes, sir.

Mr. FRYE. I was not in the Hall when the gentleman commenced his remarks. I desire to call his attention to the fact that the Committee on Rules left the jurisdiction of his committee untouched purposely so that the House itself should determine its jurisdiction. Therefore some proposition should be made to the House by the gentleman's committee defining the jurisdiction it should have.

Mr. CHALMERS. If the gentleman had been in and if my remarks had been of sufficient interest to attract his attention, he would have found I stated that very proposition myself and stated further that I had been instructed by the committee of which I am a member to ask an amendment to be made, which amendment has already been read by the Clerk.

Mr. FRYE. I beg the gentleman's pardon. I was not aware any mention had been made of it.

Mr. CHALMERS. To proceed, sir, I have simply to say that the reduction in the cost of transportation in two single articles, wheat and corn, will more than pay in every year the appropriations that have been made for the improvement of the Mississippi River; and the reduction in the single item of insurance will more than pay a hundred times over for pulling all the snags out of the Mississippi River. And yet, while $200,000,000 have been, through the bills coming from the Committee on Commerce, expended on other rivers and harbors, only $7,000,000 have been expended on the Mississippi River and its tributaries, as stated by the Quincy convention. This alone should entitle us to the amendment we ask.

This is certainly, then, a great work of national improvement, one which even the most strict constructionist in the House could maintain, and it deserves therefore a separate consideration; it deserves that its interests should be taken away from that omnibus bill which carries along with it so many appropriations that you, sir, and others are unwilling to vote for.

I now yield fifteen minutes of my time to my colleague on the committee, the gentleman from Arkansas, [Mr. DUNN.]

The CHAIRMAN. The gentleman has just fifteen minutes remaining.

Mr. DUNN. Mr. Chairman, I had not intended to participate in this debate at the outset. It may be indeed considered somewhat presumptuous on my part to undertake a discussion of the rules, and I would not undertake it in the strict sense of discussing parliamentary law. But this discussion has taken a range and raised questions for consideration that forbid that I should longer be silent, inasmuch as questions materially involving the interests of my particular section of country, and I think of the whole country, are gravely involved in the settlement of these rules. I would have been content to sit at the feet of older members here and learn wisdom from them. I feel great deference to and great respect for the old managers of legislation here. But, sir, I do think that the settlement of these rules ought to be so arranged as to distribute the labors of the members of this House. A wise regard to the proper administration of affairs here will suggest to every thinking mind that the great duties and labors devolving upon members of this House should be so distributed as to secure the attention of every member of Congress. The rules should be so framed as to secure the greatest thoroughness of investigation and the most perfect accuracy of report.

A few members are not able to study all the great economies of the country. They are not able to get the bottom facts of all the great questions and interests involved and to be affected and disposed of by our legislation here; and it is the part of wisdom to distribute that labor to the greatest possible extent, so as to secure the labor and thought and ability of every member upon this floor. That has not been done. It is not being done. I have no assault to make upon any committee. I have no assault to make upon old members who are charged with monopolizing legislation here. But I appeal to this House for a just and wise distribution of the labors that are to be performed here. That is what we need, and that is what should be brought about. Have we that distribution now? Any one who will take the list of committees and notice the jurisdiction distributed or proposed to be distributed to those committees will find that about forty-three members stand out in the legislative horizon here bold and conspicuous as the sun in the heavens. The people see them, hear of them, know of them. About sixty-one other members have responsible duties to perform that do not make them conspicuous and that do not lead them into the inner temple of legislation, and about one hundred and eighty-nine members are retired to the shades of obscurity.

If any one of these retired underlings has cheek enough and brass enough and voice enough he may force himself upon the attention of the country to the great disgust of the older members here. [Laughter and applause.] That is unpleasant to do. I do not want to offend these older members at all; but I desire to perform my duties here. We stand here as equals in duties, equals in rights, equals in privilege, if not in ability, and all should seek to contribute their mite to the country's service.

Mr. Chairman, if you were the owner and proprietor of some great business, in which two hundred and ninety-three laborers were required and employed, and you should employ a man of business to superintend, organize, and administer that business for you, and after full and complete organization, with the business started and going, what would you think if you should visit your works and find one hundred and eighty-nine of your two hundred and ninety-three laborers absolutely idle—forty-three of them with the great burden of the labor thrust upon them, and the remainder doing just fair work? What, I ask, would you say of such a piece of administration? What would any sensible, practical man do but condemn it and discharge the "boss?"

Now, sir, what are we to do about this thing? The practical question that presents itself here is, how shall we correct this manifest error? We should take a wise view of it and see how far and how justly we can distribute these labors. In doing that let us take every committee and assign a just share of the duties to each one. The great contest and struggle here appears to be between the Appropriations Committee and the Committee on Commerce, with an occasional side-slap at the Committee of Ways and Means. I think, sir, the Committee of Ways and Means ought not to receive any blows from anybody. It has not done anything to hurt anybody lately, [laughter,] and I believe it will not.

Mr. Chairman, in my opinion these great rival committees are overtaxed with work. If we will to-day take a view of the *personnel* of the Appropriations Committee, we will find its members greatly overworked. They are, in fact, broken down. Its dead, wounded, and dying lie thickly strewn along the line of the legislative battle-field like wrecked ships upon the sea-shore after a furious storm.

The chairman of that committee, a gentleman whom I honor and esteem highly, for he is a gentleman of splendid ability and wisdom, a conservative man, one who well administers his office as the chairman of that great committee—that gentleman now lies prostrate from overwork, but I rejoice to say not hopelessly so, but is convalescent.

The second member of that committee, the present acting chairman, a gentleman of equal worth, merit, and ability, in fact, the noblest Roman of them all, although not confined to his bed, looks pale, haggard, and much worn, as one whose burden is more than he can bear, and which he yet carries with true and admirable heroism. [Laughter.]

Other members of that committee may be seen moving about with abstracted look like somnambulists before whose distempered vision river and harbor bills for the improvement of the Kiskiminetas and like rivulets danced in endless profusion and wild extravagance. [Renewed laughter.] The members of that committee are all overworked and worn out. Yet notwithstanding all this agony of labor which they are assuming to themselves, they ask for more. Mr. Chairman, let them be delivered from themselves and preserved for future usefulness and, let us hope, greatness. I for one feel like rushing to their rescue, and think this whole House will join in the rush. I foresee that Sampson will be shorn of some of his locks.

And there is the Committee on Commerce, presided over by the distinguished gentleman from Texas, [Mr. REAGAN,] a gentleman whose acquaintance I had the pleasure of making at the extra session of this Congress. I first saw him on this floor two years ago. At that time he looked hale, hearty, ruddy, and robust. I am sorry to see now that pale, wan, and haggard look upon his countenance. His coat does not button so snugly around him as it did then. [Laughter.] He has too many rivers to wade, too many harbors to fix up. There is "too much water in his'n." [Great laughter.] I am in favor of depriving him of some "of the water."

I desire to see that great and important committee relieved of some of its duties. I would like to see the ruddy glow of health return to the cheek of its distinguished chairman, for his services will be invaluable to the country hereafter. I would like to see the elasticity return to his step; to see him move hopefully and bouyantly, giving promise of long life and future usefulness. Yes, as suggested by my friend from Kentucky, [Mr. MCKENZIE,] I would like to see his coat fit him better. [Renewed laughter.] Sir, long may he live to serve and honor our country! I am proud to have the privilege and honor of counting him among my friends.

There is one other committee which is capable of creating some excitement here—the Committee on Finance, or, I believe, it is called the Committee on Banking and Currency, or the Committee on Coinage, Weights, and Measures. That committee is not able to take to itself any more jurisdiction, but it has an interesting field, an exciting subject to handle. Whenever one of its members rises here with any proposition, I do not care what it is, whether a proposition to

suppress the old-fashioned copper cent, or to sit down vigorously on the nickel five-cent piece, [laughter,] it stirs up everybody in this House. There seems to be a smell of money about them, and we all grow red in the face, our hair stands on end, our bristles get up. It is like an explosion of dynamite. [Laughter.] We easily get excited about our finances, as small a matter as it would seem to be with most of us. In this House, at this particular time, Mr. Chairman, I suppose there is more financial thunder and lightning to the square inch bottled up and held in readiness for the impending explosion than there is on any other part of this planet. [Renewed laughter.] The voice of that committee will never be heard above the din and roar of that explosion when all those bottles of financial wrath, thunder, and lightning are poured out upon the country. But I see no relief for them when it comes. They, too, must "stand back to back," shut their eyes, fold their hands in supplication, ask a blessing, and grin and bear it. [Laughter.]

This banking question is a very exciting question. We had an exhibition of it this morning, when the excitement ran so high that it came very near raising the Speaker out of his seat. Now, all these committees need relief by a more extended distribution of the work of this House. We should relieve them all from the terrible duties and burdens now imposed upon them.

But the principal question to which I desired to address myself was as to the jurisdiction proposed to be given to the Committee on Levees and Improvements of the Mississippi River. That is a serious question for us to consider. Ought its jurisdiction to be extended so as to embrace the navigable tributaries of the Mississippi River?

Mr. Chairman, the distinguished chairman of the Committee on Commerce tells us that the friends of the Mississippi River system will be better off with their interests in the hands of his committee than elsewhere. Sir, we have had a Committee on Commerce since we have had a Congress. We have also had the Mississippi River and its thirty-three tributaries nearly as long. How many miles have been added to the navigable waters of that system by improvements done under bills and measures brought in by the Committee on Commerce? How much have their channels been deepened? What did that committee do for the mouths of that mighty river? Scarcely a mile of navigable water added to nature's gift, and not an inch to the depth of its mouths.

Sir, the people of the Mississippi Valley long waited, watched, and prayed in vain to that committee and Congress for improvement of the navigation of that mighty system of water-ways, and a whole century of our national life closed without hope or promise of realization of their desires. In despair and sadness we turned away from the Committee on Commerce, and asked Congress for a special committee. We got first the Committee on Levees, which, by dint of hard labor, developed into the present standing Committee on Levees and Improvements of the Mississippi River. This committee has had but a short existence; but, sir, it has accomplished much and deserves well of the country and of Congress. Under its auspices, aided by the select committee of the Senate on transportation routes, questions which were by the Committee on Commerce and a large portion of the people considered mere wild and visionary theories have passed from the realm of theory to that of accomplished fact, and the further fact shown that the probable cost of these now accomplished works was largely overestimated by the Committee on Commerce and the Congress under its lead. The Fort Saint Philip Canal project, at a cost of $8,000,000, was that proposed by the Committee on Commerce, and was passed through the House, and defeated on motion of the Senate Select Committee on Transportation Routes in the Senate.

It was reserved for our distinguished countryman James B. Eads to seize and harness the gigantic forces of the mighty floods of this great river which had hitherto bidden defiance to the skill and power of the Committee on Commerce and "the rest of mankind," and harness them into his service and subdue the hitherto imperious and unconquered river and compel it to perform the work of dredging its own channel to the sea. So incredulous and unbelieving was the Committee on Commerce and the Congress that Eads had to set up an insurance office and go on with the work at his own cost without aid from the Government until he had demonstrated the complete success of his plan. Sir, that grand work is now an accomplished fact, and we read in the press dispatches the daily announcement that the largest ocean vessels pass the Balize and compete at the docks of New Orleans for the commerce of the great Mississippi Valley.

The world has known but few if any physical triumphs grander than this which now links the name of Eads with immortality, the practicability and possibility of which the Committee on Commerce could not be convinced.

This grand work has been inaugurated and pushed to success under the auspices of the Committee on Levees and Improvements of the Mississippi River of the House and the Senate Select Committee on Transportation Routes.

Sir, the success of this grand work has evoked a power in behalf of the unobstructed navigation of the Mississippi River and its tributaries, as one grand harmonious whole, more irresistible than that which originally demanded an undivided ownership of its waters. The Committee on Levees and Improvements has been the first to recognize that power and that demand, and the first to respond to it. We brought in at the extra session of this Congress a bill to create a permanent commission composed of scientific engineers whose duty it shall be to complete the surveys of the Mississippi River and its tributaries and prepare and present to the Congress, through the Secretary of War, such plans and specifications as will deepen and render the channels of the rivers permanent, make their banks secure, give ease and safety to navigation, and prevent destructive floods. Sir, this is a move in the right direction, and the first that has been taken in the interest of true economy and permanent good and that gives promise of the complete and successful solution of the problem of that great water-way to the sea.

Heretofore some millions have been spent on these rivers under the plans of the Committee of Commerce to satisfy the clamorous demands of the people, without any well-matured or harmonious plan comprehending the whole Mississippi River system. That work has been fragmentary and worthless in a measure. Thanks to the wisdom and foresight of the Committee on Levees and Improvements of the Mississippi River, and Congress under its advice, a liberal appropriation for completing the surveys was made at the extra session of this Congress, and those surveys are now, doubtless, sufficiently advanced to justify the immediate commencement and vigorous prosecution of the work of improvement. The needed improvements, I feel sure, will be simple, comparatively inexpensive, and no good excuse can be given for their postponement.

Then, sir, as this is the offspring of our committee, its jurisdiction and the jurisdiction of the commission, should at once be extended to the navigable tributaries of the Mississippi River. If they have this jurisdiction they will treat that river and its tributaries as one grand system, and settle upon one comprehensive and consistent plan of improvement. Each part of that great work will consist with the other—in fact it will be one grand, harmonious work, having a beginning at the mouth of the Mississippi, continuing up its main trunk and tributaries, and ending only at their various sources. If you give the tributaries to the Committee of Commerce and the main trunk to us, we shall be pulling in contrary directions, the commission will be paralyzed between the contending forces, and all will end in a waste of money and in disaster.

This committee, then, thus far, has well performed its part; it has been a faithful servant over a small matter; let it now be made ruler over more. I said, Mr. Chairman, and I repeat, that true wisdom in the administration of this House would admonish us to make as equal a distribution of our labors among the members as possible, giving each his equal share of the work, so that all shall be constantly engaged studying the great economies, resources, and varied interests of the country, and maturing and improving plans for our advancement and progress and the development of our great and varied resources.

According to the best statistics I can gather we have in this country about twenty-eight thousand miles of navigable rivers, besides about seven thousand miles of sea-coast, dotted thickly with cities, towns, harbors, piers, light-houses, &c. The tonnage of the American sailing-vessels, steam-vessels, canal-boats, and barges running in these waters is 4,212,764.54 tons. The tonnage of foreign vessels entered at our seaports during the year 1879 was 10,718,394 tons. The exports for the year ended June 30, 1879, amounted to $717,093,777; the imports for the same period amounted to $466,073,775. Of all these vast interests the Committee on Commerce claims and holds exclusive jurisdiction except as to tariff.

The Mississippi River and its thirty-three navigable tributaries have fourteen thousand miles of navigable waters, about one-half of the navigable river water-ways of the United States. The tonnage of these rivers on June 30, 1878, was 457,757.60 tons, about one-tenth of the entire tonnage of the United States. It will thus be seen that the proposed amendment does not take away so much of the jurisdiction of the Committee on Commerce as gentlemen may imagine. I beg to assure the members of that committee that there will be left to them a broad field of labor and distinction, in which, by diligence, they may get them much honor.

The Mississippi River system is an entirety, isolated from, and entirely disconnected with all the other water-ways of the United States, and may well be set apart and assigned to one committee. Every consideration of wisdom and economy demands that it should be.

Sir, this will not emasculate the Committee on Commerce. We will still leave to it fourteen thousand or fifteen thousand miles of navigable rivers; we will leave to it the great lakes of the North; we will leave to it the Atlantic coast, the Pacific coast, and the Gulf of Mexico, with their great cities and towns, harbors, piers, and 3,755,006.94 tons of shipping, and all their vast commercial interests, to improve and foster. Sir, it is enough to satisfy the most ambitious and aspiring committee.

Mr. Chairman, I come now to consider a graver and more serious phase of this question, which I would not feel justified in passing unnoticed. That question is, whether this great work of the improvement of these rivers should be undertaken at all.

The opposition usually exhibited against the improvement of rivers and harbors has always seemed unaccountable to me. Sir, we appropriate annually near $300,000,000 for the support and progress of this Government. Of all this vast sum, nothing is left to show for the expenditure except the improvement of rivers and harbors.

The millions appropriated for other purposes, like the rain-drops that fall upon the desert plains, pass at once from sight without leaving a trace behind, while the limited sums so grudgingly given for internal

improvements remain to bless and enrich the country for all time to come. The enemies of internal improvement never meet the question fairly, but are in the habit of selecting a few items of minor importance in river and harbor bills, and by holding these up to ridicule they seek to cast odium upon the entire policy. This is neither just nor fair, and will not be effective with the wise. Sir, the time was when it was in order to argue the wisdom of the policy and the constitutionality of the doctrine of improvement of the navigation of our rivers; but we have now passed beyond the regions of doubt and argument of these questions, and those who are still opposed to the improvement of our great water-ways by the General Government "Stand like mile-posts upon a deserted road."

Mr. Chairman, I do not hesitate to say that agriculture rises above all other of our pursuits in interest and importance. In my judgment, it is the noblest occupation of man. It usually bears the aspect of an humble servitor, but in the end it asserts its value and forces the confession that all wealth and prosperity are based upon the soil and the labor that brings forth its products. In this country it is the vital current that gives life and energy to all other pursuits and industries. The careful student of our political history beholds in our midst the various forms of organized and incorporated capital building up its selfish pursuits regardless of the weal or woe of our common country; its managers heed not the consequences of bad laws, provided they contribute to satisfy their own greed or carry out their selfish designs. Notable among these are railroads and banks. They go, organized and disciplined, into the political contests of the country; they hover over and hang around the capital, and usually depart flushed with victory and loaded with spoils. Sir, they are still here seeking to fasten deeper in the body-politic their fatal talons. They are in Congress and out of Congress. They have created that cesspool of political corruption called the lobby, in whose slimy atmosphere they find the conditions congenial to their growth and contributory to their power, a power usually most fatally wielded against defenseless shippers and helpless debtors along their lines, robbing the husbandman of the hard-earned fruits of his labor.

Sir, no lobby has ever been organized here in the interest of the farmer. Our vast system of rivers, thank God, is beyond the reach of corporations, and is the free gift of nature, free to all, and there is no lobby here to push schemes for their improvement. There is a vast difference in principle between the granting of Government aid in the construction of railways owned and controlled by private corporations and simply improving and keeping in repair river highways controlled by the United States, and which nature built without expense. The great question with the American producer is not how much he can produce, but shall he find a market at remunerative prices? Cheap, safe, and easy river navigation is the solution of that question. The opponents of river improvement say that the appropriations are increasing in amount to an alarming extent. It is said that of the $125,000,000 that have been appropriated since 1862 for improvement of rivers and harbors, $75,000,000 have been appropriated since 1868.

If gentlemen will take the trouble and pains to look to the commercial statistics they will find most satisfactory results. The report of the Chief of the Bureau of Statistics for the year ended June 30, 1879, (page 5,) shows that the export of agricultural implements has increased since 1868 from $673,681 to $2,933,338 in 1879; living animals of all kinds, from $733,395 to $11,487,754 in the same time; bread and breadstuffs, from $69,024,059 in 1868 to $210,355,528 in 1879; coal, from $1,516,220 to $2,319,392; copper and brass manufactures, from $496,329 to $3,031,924; cotton manufactures, from $4,871,054 to $10,853,950; fruits, from $406,512 to $1,916,382; iron and steel manufactures, from $5,491,306 to $12,766,294; leather, from $607,105 to $6,800,070; provisions, from $30,436,642 to $116,858,650; mineral oil, from $19,752,143 to $35,999,862, &c. That is not all; as a logical consequence of this increase of exports the balance of trade, then setting heavily against us, has been turned in our favor to the amount of nearly $300,000,000 per annum, enabling us to resume specie payments, and bringing a return of prosperity and giving life and energy to all of our industries. We have had abundant crops and cheaper transportation, and it has lifted the burden of debt from our country, given it credit with the world, and honor in the eyes of all nations.

Mr. Chairman, one of the most valuable and instructive reports ever submitted to Congress was that made by the present distinguished and able chairman of the Committee on Levees and Improvements of the Mississippi River [Mr. ROBERTSON] to the Forty-fifth Congress, second session. In that able report is presented a comprehensive review of the whole Mississippi River system. The committee say, (page 3:)

That the new era of peace, material development, revival of industries, and extension of trade which is succeeding several years of political strife and business depression finds in the Mississippi River system a fine field for operations The problem of cheap transportation, so important to the welfare of the producing classes, looks to the river and its many navigable tributaries for solution. Considering the national importance of that question at the present time, it is safe to assert that the river system has reached a point in its history where it will soon regain its lost prestige.

DESCRIPTIVE NOTES.

The Mississippi and its navigable tributaries intersect and supply with cheap transportation nearly every portion of the vast agricultural region extending from the Lakes to the Gulf, and the Alleghany to the Rocky Mountains, an area of about two million square miles; in other words, about two-thirds of the area of the whole United States. Strictly speaking, the Mississippi River basin contains but 1,257,545 square miles. That total is, according to Walker's Statistical Atlas of the United States, composed of the following minor basins or subdivisions, namely:

	Sq. miles.
Lower Mississippi	65,646
Upper Mississippi	179,635
Missouri	527,690
Arkansas	184,742
Ohio	207,111
Red	92,721

But the region drained and, in a business way, benefited by the Mississippi River system is more extensive than the mere basins, and it is fairer to use the first-mentioned area (which is that given by Foster, in his excellent work on the valley) as the proper measure of territory for the purposes of this review.

The following table shows the number of miles which the river, and each one of its tributaries, is navigable from its mouth to the place designated on the accompanying map as the head of navigation:

Missouri	3,127	Cumberland	653
Mississippi	2,166	White	460
Ohio	1,021	Washita	445
Red	820	Yellowstone	438
Tennessee	759	Wabash	369
Arkansas	668	Allegheny	325
Minnesota	295	Chippewa	90
Illinois	269	Iowa	80
Yazoo	240	Saint Francis	80
Osage	237	Saint Croix	65
Sunflower	207	Rock	64
Tallahatchie	200	Kentucky	60
Green	200	Black, (Louisiana)	54
Wisconsin	160	Bighorn	53
Black, (Arkansas)	136	Clinch	50
Monongahela	110		
Kanawha	94	Total	14,086
Muskingum	94		

On page 5, treating of it as a national highway, they say:

The navigable portions of this vast river system either intersect or border eighteen States and two Territories. Each one of these States and Territories has an extensive business interest in the Lower Mississippi, or trunk-line, as well as the particular portions of the river highway which touch its own territory. The mileage of the navigable portions of the system which cross or border each State is nearly as follows:

Arkansas	1,826	Minnesota	660
Missouri	1,504	Wisconsin	560
Louisiana	1,314	Ohio	556
Montana	1,311	Nebraska	400
Illinois	1,277	Pennsylvania	380
Tennessee	1,220	Texas	300
Mississippi	1,207	Dakota	285
Kentucky	1,187	Alabama	250
Iowa	845	Kansas	190
Indiana	840	West Virginia	104

An estimate of the political power of these States and Territories shows how national are the interests attaching to the river. Of the three hundred and one Representatives of the people in the present Congress, the eighteen States and two Territories send one hundred and seventy-one. This representation is based on population, and, according to the last census, those States and Territories had a population of 22,215,022, against 16,342,349 in the rest of the United States.

Again, a comparison of some of the leading products of those eighteen States with the products of the whole United States illustrates very clearly the national character of this comprehensive highway. According to the recent annual report of the United States Commissioner of Agriculture they, in 1876, produced 1,123,106,000 bushels of Indian corn of the total 1,283,827,500 bushels produced in the whole Union; in other words, over 87 per cent. of the whole national crop.

The wheat product of the same eighteen States was 200,899,000 bushels against the total 289,356,500 bushels of the whole United States, or 69 per cent. They produced 72 per cent. of the total rye product of the United States. During the same year they furnished 70 per cent., or $19,811,650, of the total $28,282,968 worth of tobacco produced in the United States. Of the total 4,438,000 bales of cotton grown in the whole United States in 1876 they produced 74 per cent., or 3,318,000 bales. As the statistics of pork-packing are usually given by cities instead of States, we will take for a further comparison the value of live hogs in 1876. According to the same authority, the Commissioner of Agriculture, the value of the hogs of the eighteen States was estimated to be $137,154,406, and those of the whole Union $171,077,196, or 71 per cent.

The chief coal-fields of the United States, those of Pennsylvania, Indiana, Ohio, Illinois, and Missouri, are in close proximity to the navigable waters of the Mississippi or its tributaries. The extensive iron deposits of Tennessee, Western Pennsylvania, and Missouri also adjoin this national highway. It furnishes water communication with the ocean for commerce and freights of such cities as Pittsburgh, Cincinnati, Louisville, Nashville, Memphis, Saint Paul, Keokuk, Omaha, Little Rock, Shreveport, Jefferson, (Texas,) Saint Louis, New Orleans, and many others scattered over different portions of the great interior of the United States.

The statistical and crop reports for 1879 show that the percentage of leading products produced in these States is still greater than the rate here given.

Sir, this great work is in nature, in fact, and in law, national, and in accordance with the strictest principles of political economy as well as common sense. The most productive portions of the United States are the rich valleys extending up and down the Mississippi River and its tributaries. These fourteen thousand miles of natural highways, the free gift of nature, and yet unimproved to any considerable extent by man, are located where they will do the most good. True wisdom and public economy require that such laws of nature and trade be not neglected or disregarded.

Mr. Seward, in 1860, speaking from the steps of the court-house in Saint Paul, gave expression to his enthusiasm in these words:

I have never until now occupied that place where I could grasp the whole grand panorama of the continent, for the happiness of whose present people and of whose millions of millions it is the duty of an American statesman to labor. * * * Here is the central place where the agriculture of the richest regions of North America must begin its magnificent supplies to the whole world. On the east, all along the shore of Lake Superior, and on the west stretching in one broad plain, in a belt across the continent, is a country where State after State is yet to rise, and whence the productions for the support of human society in other crowded States must forever go forth. * * * I now believe that the last seat of power on the great

continent will be found somewhere within a radius not very far from the spot where I stand, at the head of navigation on the Mississippi River, and on the great mediterranean lake.

Mr. Chairman, let us go in imagination and stand where Seward stood, and take one ravishing view of this glorious heritage. Standing there and looking toward the South, eighteen great States and two Territories lie stretched out before us "like giants reposing in their slumbers," while on either side rise in majestic grandeur the Alleghany and the Rocky Mountains, forming nature's rock-ribbed frontiers to what might be a mighty empire within itself. At our feet lie Minnesota and the great grain States of the Northwest, fast becoming, in their very infancy, the granary of the world. Farther to the east lie great Ohio, now becoming the young mother of Presidents, and glorious old Virginia which must now yield the budding honor of motherhood to her fair daughter and consent to be called and honored as the grandmother of Presidents in the future.

Farther east lies sturdy Pennsylvania, "the land of brotherly love," wombing untold and fabulous wealth in her rugged mountains. Below these lies hospitable Kentucky, the land of Daniel Boone and great "Harry of the West;" and by its side gallant Tennessee, the "Volunteer State" and the home of "Old Hickory Jackson." Looking far down south through the misty distance we catch a glimpse of beautiful Mississippi; Arkansas, the land of Davy Crockett; fair Louisiana, and Texas, the "Lone Star State," the brightest in the galaxy of States. Does not the heart swell with patriotic pride as this grand panorama passes in review before us? Sir, is not my enthusiasm pardonable? Is this not a work worthy of the best efforts of a great and growing nation?

In conclusion, I will say to those who now oppose this great work of improvement and progress, that when the time shall come, as it will, when the gathered forces and floods of this great system of waters shall have been made obedient to the genius of American engineering, and the great Father of Waters shall bear upon its bosom in security and safety the wealth and fortunes of the mightiest empire on the earth, and distribute blessings and benefits to the teeming millions upon its shores and to every part of the habitable globe, standing aloof and abashed they may well exclaim:

Shake not thy *golden* locks at me,
Thou canst not say I did it.

Mr. BAYNE obtained the floor and said: I yield fifteen minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. ROBERTSON. I rise to a question of order. The gentleman from Mississippi [Mr. CHALMERS] who is in charge of the time allotted to our committee is now absent. I was under the impression that two hours were allowed to this committee. I so understood the gentleman from Kentucky [Mr. BLACKBURN] who has control of this matter.

The CHAIRMAN. The gentleman from Mississippi has not had charge of the entire time of the committee. He had charge of one hour, and has consumed it. The floor now belongs to the gentleman from Pennsylvania, [Mr. BAYNE,] who yields fifteen minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I ask for the reading of the amendment proposed by the Committee on the Mississippi Levees.

The Clerk read as follows:

In Rule X, line 25, page 31, strike out "11," and insert "13."

In Rule XI, clause 21, page 33, insert "to the improvement of the Mississippi River and its navigable tributaries, and all surveys and estimates relating thereto."

Mr. REAGAN. It is to the latter amendment that I invoke the attention of the House for a few moments. I desire to point out what would be its probable, if not its necessary, effect if adopted. It proposes to confer upon the Committee on the Mississippi Levees and Improvements the preparation of a bill or bills appropriating money to improve the Mississippi River and its tributaries. If appropriations have not already been made for the harbors and the remaining rivers of the country it would leave the jurisdiction of those to the Committee on Commerce.

Now, as a friend of river and harbor improvements, desiring their success as one of the great agencies in promoting the welfare of the country, I suggest that this amendment is full of danger. I call attention to the fact that in each river and harbor appropriation bill for the last four years—I do not undertake to speak of what preceded that period, for want of special familiarity with it—in each bill within the last four years for the improvement of the navigable waters of the United States, the Mississippi and its tributaries have been made specially prominent on account of the great interests and necessities referred to so eloquently by the gentleman from Mississippi. By analyzing the appropriations it will be seen that the Mississippi and its tributaries have had their full share of each appropriation for rivers and harbors. They have never been neglected by the Committee on Commerce. The importance of those great rivers has never been underestimated; the commercial interests of the people who occupy the States and Territories bordering on them have never been overlooked or disregarded in any river and harbor appropriation bill.

The particular point of danger to which I desire to call attention is this: If you confer upon a committee power to prepare an appropriation bill for the improvement of the Mississippi River and its tributaries, (which would amount to perhaps about half the navigable waters of the United States,) it would, in my judgment, become impossible to get any more appropriations for the improvement of that great river and its many tributaries. Why do I say this? Because it is my belief (each member, upon the facts within his knowledge, will determine whether this belief is well-founded or not) that no bill proposing appropriations of money for one-half the navigable waters of this country, excluding the others, (whether such bill comes from the Committee on Mississippi Levees or from the Committee on Commerce,) will ever receive the sanction of this House. If you are to improve successfully the navigable waters of the United States you must enable one committee to deal with the whole question—to compare the needs of the various rivers and harbors of the country, and equitably and fairly adjust the appropriations according to the importance of these several rivers and harbors. Suppose this jurisdiction is conferred as proposed, and the Committee on Commerce should bring in a bill to appropriate money for the Atlantic waters and the Pacific waters, do you suppose it could ever pass this House? I have no expectation, no belief, that it could possibly do so.

I think, therefore, that if my friend from Louisiana should succeed in securing the adoption of the proposition which he has reported as the judgment of his committee in favor of dividing these appropriations, he will strike down the very object which it is his intention to promote, and will render it impossible to go on with the expenditure of the millions which we have appropriated in the past for improving the navigation of the Mississippi River and its great tributaries.

This is the chief objection I have to the amendment—not simply because of the claim to jurisdiction. If it is the sense of the House that any other committee can better deal with the subject of appropriating to the improvement of the navigable waters of the country than the Committee on Commerce, let the subject-matter be referred to another committee. But whatever committee takes it, let it take the whole subject. Otherwise you defeat, in my judgment, all hopes of future improvements upon navigable waters, all hopes of promoting security and cheapness of transportation and reducing the cost of insurance.

This is all I desire to say upon that point now. My eloquent friend from Mississippi urges the taking away of this much of the jurisdiction of the Committee on Commerce, on the ground that it will relieve the country from having money appropriated for the improvement of "dry creeks and spring branches;" that it will relieve the country from the selfishness, the corruption, and the weakness of the Committee on Commerce. I am sorry I do not see my friend in his seat, for I wanted to say, and I would rather have said it in his presence, that it may be a misfortune of the country that the Committee on Commerce does not enjoy the association of one so able, so earnest, so honest as himself.

It may be a misfortune the members of that committee have not the integrity, have not the virtue, have not the honesty to report a fair and just river and harbor bill. It may be a misfortune of the country we report bills to improve "dry creeks and spring branches." I had heard something of this before. I confess, when a member rises on this floor and uses language like that, I must be allowed to indulge a feeling of astonishment as well as the expression of my regret. What dry creek has ever been appropriated for? What spring branch has ever been appropriated for? What member of this House, respecting himself, can make such an assertion on this floor? I say respecting himself, in reference to whether he should respect the men assailed or not. I have explained all this before, repeatedly, that the Committee on Commerce, since I have been on the committee, have never made an appropriation that was not for the improvement of waters navigable by steam-vessels. It never made an appropriation which was not made pursuant to survey and estimates by the Engineer Corps of the United States and under the authority of the recommendation of the Engineer Corps.

Why, then, should gentlemen attempt to belittle a committee of this House or attempt to degrade the action of the House in making such an assertion so utterly unsustained by any solitary fact, so utterly at variance with the truth? Is there not enough in these questions to enable us to act on principles of common fairness and justness when we come to deal with them, and to deal with our adversaries as if they were disposed to do right and to deal justly with the country?

The gentleman from Mississippi [Mr. CHALMERS] took a further objection, and it was the same taken by my friend from Virginia [Mr. CABELL] in advocating the claim of the Committee on Railways and Canals on this subject, that the original jurisdiction of the Committee on Commerce was over the foreign commerce of the country and not intended to embrace the right to report appropriations for the improvement of rivers and harbors. Why, sir, we are not discussing the past rules of the House, we are disposing of the report of the Committee on Rules which is before us, and we are to be governed by the adoption or rejection of the rules before us as to what jurisdiction we mean to give to each of the several committees of the House. But, sir, going behind them to the rules as they were, I submit my friends have greatly misunderstood the rules and the practice of the House when they assert that the Committee on Commerce has in any instance unjustly or improperly usurped power over this or any other subject. I assert it has acted under the rules of the House and according to the practice of the House at all times. I assert that its practice of reporting under the authority of this House bills for the improvement of rivers and harbors commenced

in the year 1816. Among the first bills ever acted on by Congress on this subject and passed into laws were those reported by the Committee on Commerce. It continued for several years to be the exclusive committee which reported bills for the improvement of rivers and harbors. Subsequently, and for a time, the Committee of Ways and Means reported a few bills, but all of them only aggregated about $7,000,000 of appropriations. From 1854 to now the Committee of Ways and Means has never reported any such bill. From then until now the Committee on Commerce has made the recommendation and reported upon all the bills which have passed coming down through all the years since then. Upon these reports more than $60,000,000 have been appropriated.

It is true, sir, that under the rule creating the Committee on Railways and Canals in 1831 there is an expression which would give the jurisdiction of rivers and harbors to that committee; but from the fact that the rule was so shaped on the concurrent and simultaneous practice of the House under the power to regulate commerce, the Committee on Commerce continued to make appropriations which ought to have been satisfactory as to the purpose of the House and have exonerated the Committee on Commerce from any unjust usurpation.

Mr. CABELL. May I ask my friend from Texas a question?

Mr. REAGAN. Certainly.

Mr. CABELL. Is it not true that for seven years after the adoption of that ninety-fourth rule no bill for the improvement of rivers was brought here by the Committee on Commerce?

Mr. REAGAN. Nor by any other committee.

Mr. CABELL. Wait a moment. From 1841 for seven years following did not the Committee on Railways and Canals offer to the House bills for the improvement of rivers, which bills were referred to the Committee of Ways and Means just as the bills from the Committee on Commerce were referred to that committee? I am speaking of the bills which passed into laws; and the Journal does not show that any bill reported by the Committee on Roads and Canals ever passed into a law.

Mr. REAGAN. But, sir, I would call the attention of the committee to the fact that about thirty or thirty-two years ago a very full debate took place in the old Hall of the House in which the Committee of Ways and Means, the Committee on Roads and Canals, and the Committee on Commerce contended for the right to control this bill. The result of a full debate upon the subject was that the Committee on Commerce was charged with the duty of reporting the bill to the House; and this was the solemn judgment of the House after full debate and hearing the claims of the several committees. It is true also that the chairman of the Committee on Roads and Canals in the Forty-fourth Congress claimed jurisdiction of the subject, and the then Speaker of the House decided that the matter properly belonged to that committee; and from this decision there was no appeal. It is true also that in the Forty-fifth Congress the Committee on Roads and Canals made a report claiming jurisdiction of this bill, and after full debate it was the judgment of the House that the Committee on Commerce shall have the control of this bill.

[Here the hammer fell.]

Mr. KING addressed the committee. [His remarks will be found in the Appendix.]

Mr. BAYNE. Mr. Chairman, I had not intended to make any remarks on the amendment proposed, supposing the representative of our committee, who had been delegated for the purpose, would present to the House such reasons as would influence perhaps its mind to vote in favor of the amendment. There is one thing very certain, and that is, that this committee which we represent occupies an abnormal position in its relations to the system of rules which has been devised by the Committee on Rules for the government of the action of this House. In all respects it seems to be admitted by the new theory of the rules that appropriations shall go only to the Committee on Appropriations; that one committee shall have exclusive and entire supervision of the appropriations made by this House for all public purposes whatsoever. It is claimed by the Committee on Commerce that it should have exclusive jurisdiction of all such appropriations as may be necessary for the improvement of the rivers and harbors of the country.

And I infer from the support which that committee has received in the progress of this debate, that the committee will triumph when it comes to a vote on that proposition. In the event of such triumph the committee which I have the honor in part to speak for will be left in a worse predicament than it would be by the new system of rules. As it is proposed by the new system of rules, every committee which desires an appropriation and whose duty it is to consider the subject of such appropriation has to come cap in hand before the Committee on Appropriations and demand what it may need for the special branch of the service which it represents. In the event of the adoption of these rules, with the change suggested by the Committee on Commerce, the Committee on the Improvement of the Mississippi River will have to suggest such an amount as it deems necessary for the improvement of that river and for the improvement of the levees, and then come cap in hand to the Committee on Commerce and that committee will recommend to the Committee on Appropriations the amount it should have. It is thus degraded to a third place and will have no opportunity or no standing on the floor of the House to advocate its purposes, but will simply require to advocate those measures and propositions before the Committee on Commerce. This is an unenviable attitude for any committee to occupy. Even to be only ancillary to that august body the Committee on Appropriations is a position against which many members of this House have during the progress of this debate pitted themselves. It is one which the Committee on Naval Affairs, the Committee on the Post-Office and Post-Roads, and the other committees representing the various branches of the service have opposed, because they believe that in advocating appropriations for the particular branch of the service which they represent they should be heard upon the floor of the House.

I think myself that debate should be distributed among a larger number than it is now limited to. That is a privilege which is now held by the aristocracy upon the floor of this House; an aristocracy not by virtue of blood, but by the creation of the rules and the appointment of the Speaker. I agree in the sentiment which has been so ably advocated by many gentlemen that the right to present such arguments as they may deem proper and influential should reside in those committees, and that they should have the right to present those arguments upon the floor of the House. I therefore heartily favor the amendment suggested by my colleague, [Mr. SHALLENBERGER,] and so ably advocated by him. The amendment suggested by the Committee on the Improvement of the Mississippi River and its Levees is in harmony with the proposition contained in the amendment of my colleague. It is that that particular committee which has jurisdiction of the Mississippi River should have in addition thereto jurisdiction of its navigable tributaries, and that the committee should suggest directly to the House the amount of money needed for the purpose of improving the navigation of that river and its navigable tributaries. Now, why should not this power be lodged in that committee? The gentleman from Texas [Mr. REAGAN] suggests that if adopted it will defeat appropriations for the many rivers and harbors of the country. The implication of that argument is that there will not or cannot be such merit *per se* in the proposition which comes from the Committee for the Improvement of the Mississippi River and its Tributaries, and for the separate propositions which would come from the Committee on Commerce for the improvement of the lakes and the harbors as would commend them to the judgment of this House.

The suggestion of the chairman of the Committee on Commerce implies that it is necessary to effect a combination of some sort in order to secure the appropriations for rivers and harbors. If it be necessary to effect a combination, then I say that the charge made by my colleague on the committee that the Committee on Commerce must resort to means not altogether commendable must prevail. I take it that if the Committee on the Improvement of the Mississippi River presents to this House a measure for the improvement of that river and for the improvement of its navigable tributaries which is on its face a righteous, just, and proper measure, this House will sustain it. If it is not such a measure it ought to be voted down. And I take it that it does not need the aid of the Committee on Appropriations at the outset to enable this House to vote intelligently on a proposition for the improvement of the rivers of the country. I say, therefore, that when the gentleman from Texas opposes, as he does, the proposition to take away from his committee the power now lodged in it, and when he assigns as a reason for not taking away that power the fact that appropriations will not be made for the improvement of the rivers of the country if it be taken away, he admits that there must be some arrangement, some understanding, some log-rolling operation which secures appropriations, and that these measures do not depend on their inherent merit.

Now, Mr. Chairman, it strikes me that the power asked to be conferred on the Committee on the Improvement of the Mississippi River by the amendment proposed by its chairman ought either to be conferred upon the committee or the committee ought to be abolished. One of two things ought to be done. The committee should have functions, and perform those functions, or it should be put in the limbo of past things, and not exist merely in name. And it exists merely in name unless you confer upon it some authority to carry out the measures which its own judgment may suggest, or which the commission appointed under the auspices of that committee may devise for the improvement of the river. This power it should have, or else the committee should be deprived of existence altogether. And I take it, if this power be conferred upon the committee, the danger apprehended by the chairman of the Committee on Commerce will not be realized at all. It is the policy of the Government, recognized and approved by the people of the United States, that the natural highways of the country should be improved, and that money should be expended for their improvement. That policy has grown in favor so that it now commends itself to the judgment of nearly all the people of the country. There existed in the past, as we all know, in the minds of a respectable party in this country the idea that expenditures of that sort were at variance with the Constitution, and consequently should not be made. It is now recognized, however, that such expenditures are proper, and the most strict constructionist of the Constitution is now willing to come in and obtain the largest possible appropriation for the rivers and harbors that border on his district. It is generally conceded now, I believe, that wherever in this country there is a navigable stream, money should be appropriated for the improvement of that stream if needed.

Now, sir, look at the condition of the Committee on the Improve-

ment of the Mississippi River. The Ohio River, which runs from Pittsburgh to the Mississippi River, bears upon its bosom an immense amount of commerce. Yet it is not ordinarily in nearly so navigable a condition as the Mississippi River. Indeed it is only periodically that the Ohio is in a navigable condition, while, for certain kinds of heavy craft, as I understand it, the Mississippi River is navigable at all seasons of the year, with the exception now and then of a very brief period, for all kinds.

Congress has authorized the appointment by the President of a commission to survey the Mississippi River, to ascertain its depth, to ascertain the character and quality of the soil at the bottom of its bed; to ascertain and recommend what plans, if any, should be adopted for the improvement of the navigation of that river. The proposition for that commission came from our committee, and the commission is now acting. Distinguished engineers are at the head of it and we may expect it soon to report. It will perhaps say that so much money is needed, and that if so much more money shall be appropriated for the improvement of the navigation of the Ohio River, it would also improve the navigation of the Mississippi River; because, as I understand, by the new system of dams that is now obtaining in this country and has obtained for some time in Europe, the economy of water, the saving of the water, is the most important factor presented by that system. By the economy of water in the navigation of the Ohio River, which will be had by the adoption of the new system of dams, the navigation of the Mississippi River will also be improved. It is important that the Ohio should be navigable at the same time with the Mississippi, in order that there may be an uninterrupted flow of commerce from the head of the Ohio River to the mouth of the Mississippi. All these suggestions will come in here, and we will be asked to approve the action of this commission, to appropriate money, and perhaps to vote more money for the extension of the commission. All these things will come before us under the auspices of our committee; and yet the committee which suggested these things, and from which these propositions should properly emanate, will have no voice in pressing the appropriation of money for the improvement of this vast system of rivers. The Mississippi and its navigable tributaries constitute substantially the natural highways of the inland commerce of the country. These rivers are by nature parts of one system whose integrity should not be broken. It reaches out in all directions and invites the enjoyment of its benefits. Whatever affects a part of this system affects the whole. The most remote navigable tributaries, if improved, will swell the tide of commerce. The study of the wants of any part involves the contemplation of the whole. It seems to me, therefore, the most reasonable and proper thing in the world to place the consideration of this subject in the hands of one committee. This end will be accomplished by the adoption of the amendment we propose.

I hope, therefore, the House will sustain this amendment, and I hope it will also sustain the amendment of my colleague, [Mr. SHALLENBERGER.] In the distribution of the moneys of the people, it is proper that the whole matter should be brought to the eye of a common committee for revision at last. I believe that is necessary to the preservation of the public Treasury. But while I advocate that, I believe also that the question of examining the interests of the people, of their commerce, of the improvement of the rivers, should be distributed among the various committees of the House, so that each one of them shall have an opportunity of advocating its measure and submitting to Congress the appropriation of such an amount of money as may be necessary to accomplish the object.

I now yield five minutes of my time to the gentleman from Massachusetts, [Mr. HARRIS,] my colleague on the Committee on the Improvement of the Mississippi River and its Levees.

Mr. HARRIS, of Massachusetts. I had not intended, Mr. Chairman, to participate in this debate at any time. But I am prompted now to call the attention of this House to the fact that it has determined to create a new committee for the purpose of ascertaining if possible what ought to be the future policy of this country with respect to the navigation of the Mississippi River and its tributaries.

You have committed to that committee the great question of whether that river can be controlled in time of floods so as to be safely navigable, and also whether it can be made navigable in times of low water. These are problems to be settled which will require the assistance of the ablest minds of this country. The committee is charged with the duty of hearing and investigating the subject, and of coming at last into this House, I suppose, to report the result of its investigation.

It seems to me that such a committee as this should at some time have the power to say whether the true policy of the Government requires that special appropriations shall be made for this purpose. But as the rules now stand that committee with its important duties must lay its conclusions at the feet of the Committee on Appropriations. Nay more, in order to be successful it must instruct that committee and teach it what it has itself learned before there can be any hope of an appropriation for the improvement of that great river.

I speak, Mr. Chairman, from an experience of now nearly seven years in this House, first on the Committee on Indian Affairs, where I learned how utterly powerless was that committee to control or to guide or even to point out the policy which this Government should adopt in the management of Indian affairs.

For nearly five years now I have served—faithfully, I trust—upon the Committee on Naval Affairs. And I am to-day convinced that that committee, important as it is, is utterly without power upon this floor. With one hundred and forty-two vessels in the Navy, thirty-three of which are rotten and worthless, twenty-seven of which are mere tugs and good for nothing in time of war, and only forty-two ships of war, beside iron-clads, which can go to sea and serve as vessels of war, yet Congress refuses to appropriate one dollar to build up the Navy. The Committee on Naval Affairs may come to the conclusion that the safety of the country requires the construction this year of ten new ships of war. We may come in with our bill proposing that this work be done; but if our bill becomes a law we must wait until next year before an appropriation can be obtained for the purpose, no matter what the exigencies of the country may be.

Mr. Chairman, I believe that the time has arrived when these various committees should have power to come in here and be heard at any time with their bills recommending what the future policy of the country should be upon such questions as naval affairs, military affairs, and Indian affairs. I maintain that the Committee on Naval Affairs of this House as now constituted (and I make no apology for the remark) is as competent to come into this House and say what ought to be the policy of the Government on naval subjects as is the able Committee on Appropriations. If I have the opportunity I shall vote for the amendments which have been proposed here distributing the powers of this House among the committees charged with the especial consideration of the national policy upon these several subjects. Without trespassing further upon the time of the House, I will conclude with the remark that if this great committee on the Mississippi River is to be useful to the country, it should be clothed with the right to be heard when the time arrives for it to make its report.

Mr. BAYNE. I yield the remainder of my time to the gentleman from Connecticut, [Mr. HAWLEY.]

The CHAIRMAN. The gentleman from Connecticut will have eighteen minutes.

Mr. HAWLEY addressed the committee. [His remarks will be found in the Appendix.]

Mr. CANNON, of Illinois, Mr. Chairman, I do not pretend to be a good parliamentarian, and my knowlege of the rules of the House comes from experience; and sometimes it has been an unpleasant experience, especially when I have been tripped by their operation when charged with matters under consideration. The object of rules is to facilitate the business of the House, to get the best action possible in the least time, and I am satisfied the rules reported by the committee are a very decided improvement upon the present rules. If in nothing else, a number of obsolete rules are dropped out, and there is order and consistency in the codification where now there is disorder and inconsistency; and while in some respects, if I had power to adopt rules governing the House, I would amend the proposed rules, yet I will cheerfully vote for the adoption of the report of the committee as a whole, even in event no amendments are made.

It is impossible for any one member to master all the business of the House; indeed, but few members can answer the many drafts upon their time by constituents and master the business of any one committee of the House. Therefore the House is divided into committees, to which the business of the House is referred for preparation, report, and action, and every facility should be given to the committees to report and to the House to consider the reports.

Under the present rules committees report in the morning hour for consideration, and it is no uncommon thing for a single report to be locked up in the morning hour for days, and even weeks. In the mean time no other committee can report, except privileged matters. Under the operation of clause 2, Rule XXIV, and Rule XIII of the codification this is remedied, so that every committee can report almost daily, and the bill is printed with the report and placed upon a calendar for consideration by the House whenever a majority shall desire. I feel quite sure the operation of these two rules will, to a very great extent, counteract the tendency to legislate upon appropriation bills by enabling the committees to promptly bring their reports before the House for consideration. Clause 7 of Rule XI, which requires the Committee on Commerce to report the river and harbor bill for reference to the Committee on Appropriations, has given rise to much discussion, and in some instances an exhibition of temper.

In my opinion, it makes but little difference whether it is adopted or not, for the reason that the practice has grown up to pass the river and harbor bill under a suspension of the rules by a two-thirds vote, and if this clause is adopted I am satisfied the rules would be suspended, including clause 7, and the bill passed as heretofore, so that to my mind it makes no practical difference whether the provision requiring the river and harbor bill to be reported for reference to the Committee on Appropriations is adopted or rejected.

I now desire to address myself to the proposed amendments to Rule XI made by the gentleman from Mississippi, [Mr. HOOKER,] which in effect takes from the Committee on Appropriations subjects relating to the appropriation of the revenues, and refers them to a number of committees; or, in other words, enables the Committee on Military Affairs to report the general Army appropriation bill, the Committee on Naval Affairs the general naval appropriation bill, &c., thereby making some seven or eight appropriation committees instead of one Committee on Appropriations.

I have no personal feeling as to this matter, and in my votes shall

only seek to adopt those rules that will facilitate the public business and subserve the public welfare. I do not believe the amendments of the gentleman from Mississippi should be adopted; for the reason, among others, that each matter of legislation should stand for consideration and passage upon its own merits. If you group many matters of legislation in an omnibus bill, the meritorious measures frequently drag through the objectionable and vicious measure, and this is especially the case where matters of general or special legislation are hitched to one of the general money bills. The general appropriations must be made or the Government stops, and the practical result of the gentleman's amendment, if adopted, would be that all matters of legislation for any one session touching the Army would become a law in connection with and upon the Army appropriation bill; and all matters of legislation touching the Post-Office would become a law in connection with and upon the Post-Office appropriation bill, and so with the bills from the other committees. Such proceeding, in my judgment, would result in unwise and vicious legislation.

In theory and practice the appropriations of moneys for the support of the Government should be made in pursuance of existing law, and no legislation whatever changing existing law should be in order upon a general appropriation bill. I am satisfied that much of the dissatisfaction with the Committee on Appropriations arises from the amendment to Rule 120, which makes in order a provision changing existing law upon a general money bill if it shall retrench expenditures, under which the practice is gradually growing up to admit almost unlimited legislation changing existing law upon a general money bill. This provision of Rule 120 is retained in the new rules as proposed by the committee in the latter part of clause 3, Rule XXI, and in my opinion should be stricken out.

Mr. ACKLEN. Will the gentleman let me ask him a question just there?

Mr. CANNON, of Illinois. With pleasure.

Mr. ACKLEN. Does the gentleman propose to strike out the words "nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures?"

Mr. CANNON, of Illinois. No, sir; what I propose to strike out are the words "except such as, being germane to the subject-matter of the bill, shall retrench expenditures."

So that no legislation should be in order upon appropriation bills in the first instance.

Mr. ACKLEN. Right there I would like to know if it would not be in order to increase the salaries.

Mr. CANNON, of Illinois. Not at all; and if there be any doubt about that proposition we can provide for it by an amendment. I desire legislation of no kind upon appropriation bills.

Mr. ACKLEN. Will the gentleman allow me to read to him, as he says there can be no doubt about it, what is the decision in the Digest on that very point?

Mr. CANNON, of Illinois. I will save the gentleman the trouble of reading the decision referred to in the Digest. I understand that there was a former ruling made in the House, under this rule before it was amended, that in certain cases legislation that looked toward an increase of salaries was in order. Now, I do not believe that ruling was a good one. But whether it was good or not, I would cut up by the roots that kind of legislation as well as all other kinds. In other words, I would have no legislation of any kind upon a general appropriation bill, as it passes the House in the first instance, changing existing law.

Mr. ACKLEN. The gentleman could not obtain that by the amendment he proposes; and it was to that point I desired to call his attention. The ruling was different in the Forty-fourth and Forty-fifth Congresses.

Mr. CANNON, of Illinois. I am not discussing this question except as a general matter of policy. Whether or no my amendment is a good one to attain the object desired is another thing. I think it is. But when we come to consider this matter under the five-minute rule, if I am not apt in my amendment I know that my friend from Louisiana will be.

This provision was added in the Forty-fourth Congress. I recollect in the Forty-third Congress that very little legislation changing existing law was put on the general money bills in the first instance, and when it was done it was by a suspension of the rules on a two-thirds vote, making it in order. The result was that the other committees of the House were vigilant, and reported legislation, which was considered and passed by the House. It is true that in many instances the Senate would take such House bills, and with or without amendment, as a matter of convenience, amend the general money bills by attaching them thereto, and in that way such legislation was had on money bills, but, in fact, ordinarily the legislation changing existing law on money bills was first reported from the appropriate committees in the House, and passed as a separate measure. I am satisfied that we should return to the former practice at once.

Mr. Chairman, a stranger listening to the debates for the last few days upon the rules would suppose that the committees of the House of Representatives were supreme and the House a mere sideshow, a useless appendage to the committees; especially have many gentlemen been severe upon the Committee on Appropriations.

Now the House is supreme, and the committees are the mere servants of the House to prepare and report measures for the consideration of the House under the rules, and this much-abused Committee on Appropriations in reporting and recommending measures for the consideration of the House is exercising the privileges of the House and in no sense exercising its own privileges, and there is no time from the moment a bill is reported by that committee to the House until it is passed that it is not at every step under the absolute and unconditional control of a majority of the House or Committee of the Whole, and it is in the province of a majority of the House to refuse to order the previous question and take the bill from the management of the committee at its pleasure, and I fail to see the propriety or correctness of attacks that are constantly being made upon the committee in this respect.

The committee is charged with grave responsibilities. It is required under the rules to report annually general money bills appropriating almost $200,000,000 for the public service; it must defend the bills as reported and antagonize individual members in amendments offered whose constituents have special interests to be promoted, make points of order upon and otherwise antagonize amendments that are not in the line of public policy or would unduly swell the aggregate of the appropriations. In all this it is but the instrument in executing the will of the House; and it is no uncommon thing for individual members, smarting under what appears to them unmerited defeat in some pet project, to curse the Committee on Appropriations instead of the House for the failure, to smite the instrument instead of strike at the House which uses it. I know how it is myself, for I have frequently been sat down upon in this way by the House through the Committee on Appropriations.

But it is said that the committees to whom these general money bills are to be given over have nothing to do, and they would do the work better than it is now done. I have before stated why I think it bad policy to give the committees this additional jurisdiction, and now want to add, there is no one of the seven or eight committees that it is proposed to make into appropriation committees but has more now to do in maturing and recommending general legislation than they can or do accomplish. Indeed, I am satisfied that you may take the thirty-seven or thirty-eight other committees that are not charged with the preparation of these money bills by the amendment of the gentleman from Mississippi and almost all of them are or will be extremely busy if they will exhaust the business that is referred to them under the rules of the House.

Mr. ROBESON obtained the floor, and yielded to

Mr. SHELLEY, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 52) for the relief of John N. Reed; and

A bill (S. No. 298) for the relief of Van. B. Bowers.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State.

UNITED STATES COURTS IN OHIO.

Mr. CONVERSE. I ask unanimous consent to have taken from the Speaker's table, for non-concurrence in amendments of the Senate, the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

There being no objection, the bill was taken from the Speaker's table; and the Clerk was proceeding to read the amendments, when

Mr. CONVERSE said: I move that the House non-concur in the amendments of the Senate and ask a conference with that body on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. SHELLEY. I move that the House adjourn.

The SPEAKER. The Chair requests the gentleman to withdraw that motion for a moment, that he may lay before the House for reference various executive documents which ought to go to committees at once.

Mr. SHELLEY. I withdraw the motion for that purpose.

GOVERNMENT BUILDINGS—NEW YORK HARBOR, AND COLUMBUS, OHIO.

The SPEAKER laid before the House a letter from the Secretary of War, relative to the construction of additional buildings at David's Island, New York Harbor, and Columbus Barracks, Ohio; which was referred to the Committee on Military Affairs.

SUPERINTENDENT OF FREE-DELIVERY SYSTEM.

The SPEAKER also laid before the House a letter from the Postmaster-General, relative to the salary of the superintendent of the free-delivery system; which was referred to the Committee on Appropriations.

R. H. THURSTON.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a request for an appropriation to pay R. H. Thurston for services as secretary of the board appointed to test iron, steel, &c.; which was referred to the Committee on Appropriations.

HARBOR AT ROCKY RIVER, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the harbor at Rocky River, Ohio; which was referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT PETERSBURGH, VIRGINIA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the harbor at Petersburgh, Virginia; which was referred to the Committee on Commerce, and ordered to be printed.

SAMUEL M. BLAIR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers relative to the claim of Samuel M. Blair; which was referred to the Committee on War Claims.

LOUISVILLE AND PORTLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report on the superintendence, management, and repair of the Louisville and Portland Canal; which was referred to the Committee on Railways and Canals.

IMPROVEMENT OF GREAT KANAWHA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the Great Kanawha; which was referred to the Committee on Commerce, and ordered to be printed.

WILLIAM WILLIAMS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of Ordnance-Sergeant William Williams to be placed on the retired list; which was referred to the Committee on Military Affairs.

NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also laid before the House the annual report of the board of managers of the National Home for Disabled Volunteer Soldiers; which was referred to the Committee on Military Affairs, and ordered to be printed.

TREASURY DEPARTMENT AND NEW YORK CLEARING-HOUSE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House calling for information as to when and under what authority the United States became a member of the New York clearing-house; which was referred to the Committee on Banking and Currency, and ordered to be printed.

CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, a schedule of claims certified to be due by the several accounting officers of the Treasury Department; which was referred to the Committee on Appropriations, with authority to have the same printed should the committee deem it necessary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BERRY, indefinitely, on account of illness in his family.

RULES AND ARTICLES OF WAR.

On motion of Mr. WHITE, by unanimous consent, the bill (S. No. 744) to amend article 103 of the Rules and Articles of War was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

INFRINGEMENT OF PATENTS.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 3767) to regulate practice in suits brought to recover damages for infringement of patents; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

SURVEY OF BAYOU BARTHOLOMEW.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 3768) providing for the survey of Bayou Bartholomew, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TIME-BALLS ON CUSTOM-HOUSES.

Mr. KING also, by unanimous consent, introduced a bill (H. R. No. 3769) to provide for placing time-balls on custom-houses at ports of entry and other cities, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTEROCEANIC SHIP-CANAL.

Mr. KING also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Joint Committee on Printing be, and is hereby, instructed to inquire into and report to this House upon the expediency of printing one thousand copies of the various reports of explorations and surveys made for the purpose of ascertaining a suitable route for the construction of a ship-canal across the American isthmus, to wit: the reports of Commodore Shufeldt, of the Tehuantepec route; of Commander E. P. Lull, of the Nicaraguan and Panama routes, and of Commodore Selfridge and Lieutenant Collins, of the Napipi route, and such other surveys as may have been made by the Government for a like purpose, as also of the report of the commission appointed in 1872, for the information of Congress touching the various routes proposed.

IMPROVEMENT OF OUACHITA RIVER.

Mr. KING also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, requested and directed to furnish to this House a statement showing the amount of appropriations made within the past ten years for the surveys and improvement of the Ouachita River, what amount has been expended, and in what manner and for what purposes these expenditures have been made.

HOMESTEAD SETTLERS.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. No. 3770) for the relief of homestead settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SURVEY OF PUBLIC LANDS.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 3771) to amend section 9 of an act entitled "An act to amend an act entitled 'An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey and to make donations to the settlers of the said public lands,' approved September 27, 1850," which said act was approved February 14, 1853; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Then, on motion of Mr. MARTIN, of Delaware, (at four o'clock and thirty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of ex-soldiers of the United States of Marshall County, Kansas, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. ATKINS: The petition of Mrs. J. B. Long, for pay for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. BLAKE: The petition of the Grand Temple of Honor and Temperance of New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. BRAGG: The petition of H. C. Sherwin and others, citizens of Wisconsin, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of H. C. Sherwin and others, of Wisconsin, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BREWER: The petition of Harvey D. Hale and 22 other ex-soldiers of Durand, Michigan, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. DE LA MATYR: The petition of Andrew Poe and 538 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

Also, the petition of Emmet Langston and 26 others, of similar import—to the same committee.

By Mr. DEUSTER: Memorials of the president of the Oshkosh State normal school of Wisconsin, and other officers, professors, and teachers in Wisconsin schools; of the county superintendent of schools and 24 teachers of public schools in Shaw County, Wisconsin; of teachers of public schools at New Lisbon, Wisconsin; of the State superintendent of public instruction and 62 other members of the Wisconsin State Teachers' Association; of A. L. Chapin, president of Beloit College, Professor Freeman, of University of Chicago, and 45 teachers of academies, high schools, and other schools; and of 204 teachers of public schools and others of Wisconsin, asking for the appointment of a national commission on spelling reform—to the Committee on Education and Labor.

By Mr. DUNNELL: The petition of George H. Prescott and 50 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of George H. Prescott and 50 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

By Mr. FORT: The petition of Alfred J. Deihl and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FRYE: The petition of Samuel B. Washburn, for a pension—to the same committee.

Also, the petition of Samuel H. Gould and others, of Kennebunk

Port, Maine, for further distribution of the Geneva award—to the Committee on the Judiciary.

Also, the petition of the Woman's Christian Temperance Union of Maine, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. HALL: The petition of David B. Currin and 18 others, citizens of New Hampshire, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petition of Henry J. Rodgers, for compensation for the use of the Rodgers' code of signals—to the Committee on Naval Affairs.

By Mr. HAWK: The petition of citizens of Stephenson County, Illinois, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petition of citizens of Stephenson County, Illinois, for relief from excessive rates of transportation of freights and passengers by railways—to the Committee on Railways and Canals.

By Mr. HUNTON: The petition of Charles C. Simms, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. HUTCHINS: Memorial of Elbridge T. Gerry, president of the New York Society for the Prevention of Cruelty to Children, in relation to certain Chinese children—to the Committee on Foreign Affairs.

By Mr. KELLEY: The petition of Robert W. Simmons, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. MANNING: Papers relating to the claim of the estate of J. R. Bowles, for pay for property taken by United States authorities during the late war—to the Committee on War Claims.

By Mr. BENJAMIN F. MARTIN: The petition of A. J. Strosnider and others, for the equalization of the bounty of soldiers of the late war—to the Committee on Military Affairs.

By Mr. EDWARD L. MARTIN: Six petitions of citizens of Sussex County, Kent County, and of other citizens of Delaware, against transportation monopolies and for uniform freight rates—to the Committee on Commerce.

Also, two petitions of citizens of Delaware, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone liable for infringement—to the Committee on Patents.

By Mr. McGOWAN: The petition of Everett and Monroe, George J. Lange, and others, citizens of the United States, honorably discharged soldiers, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. McLANE: The petition of the Grand Temple of Honor and Temperance of Maryland and the District of Columbia, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. McMAHON: The petition of John A. McMahon, that a pension be granted William Harris—to the Committee on Invalid Pensions.

By Mr. MILES: The petition of the Grand Division of the Sons of Temperance of the State of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, two petitions of citizens of Litchfield County, Connecticut, that manufacturers and vendors of patented articles alone be made responsible for infringements—to the Committee on Patents.

Also, two petitions from citizens of Litchfield County, Connecticut, for such laws as will alleviate the oppressions imposed by transportation monopolies—to the Committee on Commerce.

By Mr. MILLS: The petition of Paul Bremond, president of the Houston East and West Texas Railroad Company, for the reduction of the duty on steel rails to $10 per ton—to the Committee of Ways and Means.

By Mr. NICHOLLS: The petition of the Grand Lodge of Good Templars of Georgia, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. O'CONNOR: The petition of freedmen, depositors in the Freedman's Savings and Trust Company at Wilmington, North Carolina, for the passage of the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings Trust Company—to the Committee of Ways and Means.

By Mr. ORTH: The petition of the Grand Lodge of Good Templars of the State of Indiana, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. OVERTON: The petition of Daniel Vanauken and 31 other soldiers, of Susquehanna and Wyoming Counties; of William Hewitt and 39 other Union soldiers, of Bradford County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PHISTER: A paper relating to the pension claim of Aaron Barton—to the same committee.

By Mr. POEHLER: The petition of T. A. Thompson and others, citizens of Wabasha County, Minnesota, for such legislation as will alleviate the oppressions imposed upon the people by transportation monopolies—to the Committee on Railways and Canals.

Also, the petition of T. A. Thompson and others, citizens of Wabasha County, Minnesota, for the amendment of the patent laws so that innocent users of patented articles may be protected—to the Committee on Patents.

By Mr. PRICE: The petition of the Woman's Christian Temperance Union of Iowa, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. REAGAN: The petition of J. A. Hayward and others, for the removal of obstructions to the navigation of the Lower Sabine and Neches Rivers in Texas—to the Committee on Commerce.

By Mr. REED: The petition of Albert Mawrick and others, of Portland, Maine, for a harbor of refuge at Scituate, Massachusetts—to the same committee.

Also, the petition of C. S. Pennell and others, of Brunswick, Maine, for the distribution of the balance of the Geneva award—to the Committee on the Judiciary.

By Mr. JOHN S. RICHARDSON: The petition of colored citizens of Sumter County, South Carolina, that Congress return to the freedmen their savings deposited with the Freedman's Savings and Trust Company—to the Committee of Ways and Means.

By Mr. JAMES W. SINGLETON: The petition of J. H. Dawson and other soldiers, of Pike County, Illinois, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of George W. Ware, H. C. Goodrich, and others, citizens of Jersey County, Illinois, that the "boys" who stayed at home during the rebellion supporting widows and orphans shall be first compensated, and if there be any money left in the Treasury thereafter that it shall be given to the "army that subdued the rebellion"—to the Committee on War Claims.

By Mr. STONE: The petition of Birney Hayt, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of citizens of Buckingham County, Virginia, for a post-route from Buckingham Court House, via Slate River Mills, Well Water, and Centenary, to Scottsville, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. URNER: The petition of James F. Poole, for pay for property accidentally consumed by fire while in the occupation of United States troops during the late war—to the Committee on War Claims.

By Mr. VANCE: The petition of the Grand Lodge of Good Templars of the State of North Carolina, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. VAN AERNAM: The petition of 23 ex-Union soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 40 ex-Union soldiers and sailors of Olean, New York, for such action on the Weaver bill as will mete out exact justice to Union soldiers and sailors of the late war—to the Committee on Military Affairs.

By Mr. WARNER: The petition of L. D. Bean and 16 other soldiers, of Canaanville, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of David McCauley and others, that the lands of Fort Abercrombie reservation be opened to homestead and pre-emption entries the same as other public lands—to the Committee on Public Lands.

Also, the petition of E. F. Drake, president of the Saint Paul and Sioux City Railroad Company, for a reduction of the duty on imported steel rails—to the Committee of Ways and Means.

By Mr. WILLIS: Papers relating to the claim of E. B. Clark to be refunded taxes illegally collected by officials of the District of Columbia—to the Committee for the District of Columbia.

By Mr. WILLITS: The petition of Peter Clark, S. C. Randall, and 36 others, ex-soldiers of Dundee, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *January* 22, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present the petition of Thomas J. Stewart and others, citizens of Bangor, Maine, who represent that they are interested in the balance of the Geneva award fund, and praying that some bill be passed during the present session for the distribution of the money remaining of said fund. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I present another and like petition, signed by Phineas Pendleton and others, citizens of Searsport, in the State of Maine. I ask that it be referred to the Committee on the Judiciary, and I want to express again my hope that we may have a report from the committee at as early a day as possible. Whatever that report may be, if we can have the subject before the Senate in time for the Senate to consider it and for Congress to come to a conclusion, we shall be doing but an act of justice.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. JONAS presented the petition of the Grand Temple of Honor and Temperance of the State of Louisiana, officially signed, representing ninety-five members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. GROOME presented the petition of the Grand Temple of Honor and Temperance of Maryland and the District of Columbia, officially signed, representing between two hundred and three hundred members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. WALLACE presented the memorial of William Lyons and others, citizens of Pennsylvania and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of A. W. Raymond and others, citizens of Pennsylvania and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. INGALLS presented the memorial of John W. Ellsworth and others, citizens of Kansas and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of George L. Turner and others, citizens of Kansas and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 83) donating condemned cannon to the Morton Monumental Association, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 55) granting a right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company;

A bill (H. R. No. 2053) authorizing the assistant treasurer of the United States at New York to waive the enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania;

A bill (H. R. No. 3518) authorizing the importation of articles for exhibition at the millers' international exhibition, to be held at Cincinnati in 1880, free of duty; and

A bill (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes.

REPORTS OF COMMITTEES.

Mr. WALLACE, from the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 523) for the relief of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, reported it without amendment.

Mr. WALLACE. I am also directed by the Committee on the Revision of the Laws, to whom were referred the amendments of the House of Representatives to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, to recommend concurrence in the amendments of the House with amendments. I ask that the Senate now proceed to the consideration of the subject.

The VICE-PRESIDENT. The joint resolution will be reported.

The Chief Clerk read the joint resolution.

Mr. EDMUNDS. Fifty cents a copy is a pretty heavy charge on the consumer.

Mr. WALLACE. The committee recommend paying to the reviser a specific sum for his copyright, and for the indexing and clerical work, and the Government shall then have it. The joint resolution provides that the Secretary of State shall make a *pro rata* distribution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution with the amendments?

Mr. EDMUNDS. I rather think it had better be printed as now proposed to be amended. It can be taken up to-morrow. There are amendments to the House amendments, I understand.

Mr. WALLACE. Very well. I move that the amendments of the Senate committee be printed.

The motion was agreed to.

Mr. EDMUNDS. I am in favor of the general proposition, most decidedly.

Mr. GROOME, from the Committee on Claims, to whom was referred the bill (S. No. 996) for the relief of Monroe Donoho, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 715) for the relief of N. Boyden, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VOORHEES, from the Committee on the Library, to whom the subject was referred, reported a bill (S. No. 1117) to provide additional accommodations for the Library of Congress; which was read twice by its title.

Mr. GORDON, from the Committee on Commerce, to whom were referred the bill (S. No. 836) directing the removal of obstructions from the harbor at the Delaware breakwater, and the bill (S. No. 493) directing the removal of obstructions from the harbor at the Delaware breakwater, reported that the bills ought not to pass, the subject having been provided for by a measure already passed; and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the petition of William Collins, of Waldo, Maine, praying payment of certain moneys alleged to be due him as bounty for services on the schooner Sarah Franklin, employed in the cod-fishery in the year 1866, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (S. No. 420) for the relief of George H. Plant, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. WHYTE, from the Committee on Printing, to whom was referred the bill (S. No. 887) to authorize printing at the Government Printing Office for members of Congress, reported adversely thereon, and the bill was postponed indefinitely.

PRINTING FOR THE LAND COMMISSION.

Mr. WHYTE. I am instructed by the Committee on Printing to report back favorably the joint resolution (H. R. No. 145) authorizing certain printing for the land commission, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Public Printer to print, upon requisition of the chairman of the public land commission, created by the act of March 3, 1879, for the purpose of codifying the laws relating to the public lands, and for other purposes, such letters, testimony, and documents as may be necessary for the performance of the duties prescribed for the commission. The cost of such printing is not to exceed $2,000, and the number of copies printed of the letters, testimony, and documents is not to exceed two hundred.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIGNAL OFFICE REPORT.

Mr. WHYTE. I am instructed by the Committee on Printing to report back favorably, with an amendment, the joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army, and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Printing was, in line 4, to strike out "ten" before "thousand" and insert "five;" so as to make the joint resolution read:

That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 5,000 additional copies of the annual report of the Chief Signal Officer for the year 1879; and the Public Printer is authorized to contract for the illustrations with the person now furnishing the illustrations for the congressional edition.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1101) for the relief of Charles W. Foulke; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1102) for the relief of Jacob Dundore; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1103) for the relief of Manly B. McNilt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1104) for the relief of certain parties on account of labor, material, and money furnished in the construction of the revenue-cutter Thomas Corwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1105) to protect and promote the naviga-

bility of the navigable rivers of the United States, and to prevent the deposit of sawdust or other material in said rivers to the injury of navigation, and to punish persons guilty of depositing such material therein; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1106) authorizing the construction of a bridge across the Willamette River between the city of Portland and the city of East Portland, in Multnomah County, State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1107) to authorize the State of Florida to incorporate the agricultural college and seminary fund donated by Congress with the common-school fund of the State; which was read twice by its title.

Mr. CALL. I move that the bill be referred to the Committee on the Judiciary.

Mr. MORRILL. I think the bill should be referred to the Committee on Education and Labor.

Mr. CALL. I moved the reference of the bill to the Committee on the Judiciary on the ground that it involves a question of law, whether it is competent to have such legislation as the bill provides. I think it would be necessary to be examined in that point of view by the Committee on the Judiciary at some stage of the proceeding.

Mr. MORRILL. I do not object to its being referred to the Committee on the Judiciary from any apprehension of the results that may be arrived at; but it is a proposition that, it seems to me, naturally belongs to the Committee on Education and Labor.

The VICE-PRESIDENT. Does the Senator from Vermont make a motion?

Mr. MORRILL. I will move to have the bill referred to the Committee on Education and Labor.

The question being put, a division was called for; and the ayes were 11——

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Before the question is voted on I will state the reason why I moved the reference of the bill to the Committee on the Judiciary.

An act of Congress provided for the donation of certain quantities of land to the State of Florida for certain educational purposes. One of those purposes was that there should be established two seminaries of education in the State—one in East and the other in West Florida. By an act of the Legislature of Florida, passed many years ago, the act of Congress was sought to be carried into effect. Recently the Legislature of the State made a request by resolution that a bill should be introduced into Congress asking the consent of Congress to another and a different direction of the fund.

A question of vested rights arises between the two seminaries, which were located and have for many years been in operation in the State, and the action now sought by the State and carried into effect by the bill which I have just introduced in pursuance of the resolution of the Legislature of the State. I am myself of opinion that it is entirely incompetent for Congress to pass an act of this description and give away rights which have become vested in particular individuals and bodies of men under an act of Congress providing for such direction years ago; and in order that this question of law——

Mr. MORRILL. If the Senator will permit me, I did not understand the scope of the proposition contained in the bill from hearing the title of it read. I withdraw my motion.

The VICE-PRESIDENT. If there be no objection, the yeas and nays having been ordered, the motion will be considered withdrawn, and the bill referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1108) to provide for the further distribution of the moneys received under the Geneva award; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1109) for the relief of Anthony Lawson; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1110) for the relief of the American Grocer Association of the city of New York; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1111) for the relief of George T. Marshall; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1112) to transfer the military reservation at Fort Ransom, Dakota Territory, to the custody and control of the Interior Department; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1113) granting a pension to Peter K. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1114) granting a pension to Luman Case; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1115) for the relief of William H. Rogers; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1116) to amend title 32, chapter 6, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1118) for the relief of George S. Tramel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1119) for the relief of Winfrey N. Swayne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1120) for the relief of Mrs. Mary S. Porter; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 67) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WITHERS, it was

Ordered, That the papers in the claim of John S. Worthington, of Fairfax County Virginia, be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the claims of Methodist Episcopal churches of Arlington, Falls Church, Fairfax Court House, Dumfries, and Mount Crawford, in Virginia, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. GROOME, it was

Ordered, That the papers relating to the claim of Clement D. Hill be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WHYTE, it was

Ordered, That leave be granted to withdraw the petition of Elizabeth Joins, widow of John Joins, late a sailmaker in the United States Navy, praying to be allowed a pension.

CONTRACTS FOR INDIAN SUPPLIES.

Mr. TELLER. I desire to introduce a resolution this morning and to ask for its immediate consideration. I also wish to give the reasons, in a few words, why I present it.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether at any time since March 4, 1877, any contract to furnish Indian supplies of any kind or character has been made with any member of the board of Indian commissioners, or with any firm or corporation with which any member of said board was at that time connected or interested in, and if any such contract was made, with whom it was made, at what time, and the terms of said contract.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. TELLER. I desire to say that I do not by the resolution charge any member of the board of Indian commissioners with having received a contract for Indian supplies; but the charge has been made, it has gone out to the country, that this board, or at least some members of it, have had contracts for the furnishing of Indian supplies within the last two years. As by the statute it is made the special duty of this board to see that the contracts are properly made, and that the money which is appropriated by Congress shall be properly devoted to the purposes for which it is appropriated, it seems to me that such a charge made against this board is one that ought to be immediately investigated. It is impossible for any Senator to say whether there is truth in the charge or not. Therefore I call upon the proper authorities, who have the proof if any such contract has been made, to furnish us the proof, if any such exists. If there are no such contracts, if none such have been made, then the public ought to know that the charge is false which has been made against this board, who are designated in the statute as being men selected on account of their intelligence and philanthropy. I repeat, that I make no charge against the board; I am anxious to arrive at the truth in the matter.

The resolution was agreed to.

RAILROAD LAND GRANTS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is instructed to furnish to the Senate such information as is contained in the books and papers of the Interior Department in answer to the following inquiries:

1. What grants of public lands made by acts of Congress to railroad companies, or to States or Territories in aid of such companies, remain incomplete by reason of the failure of the grantees or the beneficiaries to comply with the terms or conditions of such grants.

2. In cases, if any, where there has been a partial compliance with the terms or conditions of the grants, to what extent has there been such compliance, and to what extent is there a just cause for declaring the forfeiture of the grants; and what reasons of justice, equity, or of public faith or public policy are there why Congress should abstain from declaring a forfeiture of such grants in whole or in part?

3. In cases where the States or companies to which land grants have been made for the benefit of railroads and a just cause of forfeiture exists; where *bona fide* conveyances have been made to purchasers for value, what proportion, as near as may be, of the lands so granted, have been sold to such purchasers, and what further legislation, if any, is necessary to secure to such persons their full, equitable right to such lands.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association, was read twice by its title, and referred to the Committee on Military Affairs.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The question being put, a division was called for; and the ayes were 30——

Mr. EATON. We may as well have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 21; as follows:

YEAS—30.

Allison,	Cameron of Pa.,	Ingalls,	Saunders,
Anthony,	Davis of Illinois,	Johnston,	Sharon,
Bayard,	Davis of W. Va.,	Jones of Florida,	Voorhees,
Beck,	Dawes,	Kirkwood,	Whyte,
Booth,	Edmunds,	McMillan,	Windom,
Bruce,	Gordon,	Morrill,	Withers.
Burnside,	Hamlin,	Platt,	
Butler,	Hereford,	Pryor,	

NAYS—21.

Baldwin,	Garland,	Morgan,	Walker,
Blair,	Groome,	Paddock,	Wallace,
Cockrell,	Harris,	Randolph,	Williams
Eaton,	Jonas,	Ransom,	
Farley,	Kernan,	Slater,	
Ferry,	Maxey,	Teller,	

ABSENT—25.

Bailey,	Grover,	Lamar,	Saulsbury,
Blaine,	Hampton,	Logan,	Thurman,
Call,	Hill of Colorado,	McDonald,	Vance,
Cameron of Wis.,	Hill of Georgia,	McPherson,	Vest.
Carpenter,	Hoar,	Pendleton,	
Coke,	Jones of Nevada,	Plumb,	
Conkling,	Kellogg,	Rollins,	

So the motion was agreed to.

UNITED STATES NOTES AS A LEGAL TENDER.

The VICE-PRESIDENT. The morning hour has expired, and the order of the day is the joint resolution (S. R. No. 49) in relation to United States Treasury notes, which is before the Senate as in Committee of the Whole, and on which the Senator from Texas [Mr. COKE] is entitled to the floor.

Mr. COKE. Mr. President, if a proposition were made now for the first time to issue Treasury notes with the legal-tender quality, or if it were proposed to increase the existing volume of such notes by a new issue, believing as I do that the Constitution of the United States confers upon Congress no power to make any character of paper, or to recognize any other than gold and silver money a tender for payment of private debt, I would unhesitatingly oppose it. But when it is proposed to strike down the legal-tender quality of the $346,000,000 of Government notes heretofore issued and now in circulation a different question is presented. Either of the two first propositions would involve a constitutional question which cannot arise in considering the latter. The power of Congress to provide for the issuance of the legal-tender notes now in circulation was fully debated and considered in 1862, when the first of the series of acts under which they were issued was passed. The action of the law-making power has been decided repeatedly by the Supreme Court of the United States and by the supreme courts of all the States to be in harmony with the Constitution, and the Treasury notes of the United States to be a lawful tender for private debt. These decisions by the legislative, executive, and judicial departments of the Government, national and State, have been accepted by the country, and for nearly twenty years these notes have been almost the only currency in circulation among the people. No question of their constitutionality exists in the public mind, nor in any department of the Government, for the plain and sufficient reason that all questions of this sort have been conclusively settled by every tribunal in existence in this country, commencing with the great body of the American people and running through all the ramifications of their State and national governments, and are in every possible form *res judicata*.

It makes no difference that the "war powers" of the Government were invoked by these tribunals to sustain this issue of paper, nor that necessity in a great crisis constrained its sanction; it is none the less a fact that it has been sanctioned, and that fact is imbedded and concreted in the political, financial, and industrial history of the country.

Constitutional objections to the methods through which slavery was abolished, the Thirteenth, Fourteenth, and Fifteenth amendments were adopted, and to the manner in which West Virginia was erected into a separate State out of the territory of old Virginia, could as well be heard and would be no less absurd than similar objections to the original issuance of legal-tender notes. If it were admitted that it was originally unconstitutional, it is no more so than very many other infractions of the Constitution since 1862, through which changes have have been ingrafted on our Government, which have become so interwoven with the texture of our institutions that, with one accord, all men of all parties would denounce any attempt to reopen them for discussion and correction. None of these changes have been more thoroughly acquiesced in and accepted than that relating to the legal-tender Treasury notes now in circulation; none of them have more fully the sanction of prescription from lapse of time and official and popular acceptance, none of them have affected the great body of the people in their daily business affairs to a greater extent, and none of them would in its ultimate consequences bring greater detriment to the public interests if opened for readjustment, than will, in my judgment, ensue from a re-opening of this. The greenback legal-tender currency is one of the results of the war, and, whether rightfully or wrongfully created originally, is no more a legitimate subject of inquiry now than the other great fundamental facts evolved from that memorable struggle, of much more doubtful constitutional origin, but which are universally and rightfully accepted because accomplished. For one I will not single out this measure from the mass of changes which occurred during that period of social, industrial, and constitutional revolution for reconsideration, but will let that, as well as the others, rest where the upheaval left them, to be disturbed, if at all, by the Supreme Court. It is true we have peace now, but it is a peace freighted heavily with the burdens of war. Our great war debt, which hangs like a millstone around the necks of the people, must be paid. If this and other results of the war have surrounded the country with conditions which make it inexpedient and unwise to interfere with the currency made necessary by the stress of war, I hold it to be our plain duty to allow it to remain as it is. But, sir, there is a constitutional provision which protects the legal-tender notes from demonetization in the mode proposed, and expressly sanctions them as lawful money. They are a part of the public debt; the laws under which they were issued provided for their reissuance, with the legal-tender quality as originally issued, as fast as they should come into the Treasury. Every holder of one of these notes has the guarantee of the fourth section of the Fourteenth amendment to the Constitution of the United States, that "the validity of the public debt of the United States * * * shall not be questioned."

The public debt consists of various kinds of Government obligations. Bonds are one kind, some due at one time, some at another; some bearing one rate of interest and some another; some payable in coin and some in lawful money. United States notes are another variety of Government obligations, bearing no interest, no time fixed for their redemption or payment, and possessing the quality of being a legal tender in payment of all debt, public and private, except duties on imports. The Government in respect to bonds has bound itself to pay interest at a stated rate, at a stated time, and in a stated species of money. This obligation of the Government has, by the acceptance of the holders, become a contract, and the "validity" of this contract to pay the agreed interest at the agreed time and place, and in the agreed character of money to the holder, is the thing which under the constitutional amendment cannot be questioned; that is to say, the Government is not permitted to question the validity of any one of these stipulations, which in the aggregate constitute a valid debt or obligation. So of the United States notes: the Government agrees to pay the amount named in the note with no interest and at no stated time, but that the note shall be a legal tender at its face value in payment of all debts, public and private, except duties on imports. To destroy the legal-tender quality is of course to destroy one of the essential and therefore binding stipulations of the contract and invalidate so much of the "public debt," which is forbidden. As long as the note remains outstanding unpaid, the legal-tender quality inheres in it, because such is the contract between the holder and the Government, and its validity cannot be "questioned."

The stipulations as to the debt-paying power of these notes to be found in the law under which they were issued, and indorsed on the notes, are as binding upon the Government as are its obligations to the holders of bonds, and Congress can no more annul the legal-tender quality of the Treasury note than it can change the rate of interest or the time of payment of Government bonds. They are both contracts with the Government, both "public debt," and the validity of each in accordance with the terms of the respective contracts is prohibited, by the constitutional provision referred to, from being "questioned."

The Fourteenth amendment became a part of the Constitution on the 28th day of July, 1868, and that part of the "public debt" evidenced by the legal-tender notes of the United States was then in circulation as money, with all the money attributes it now possesses, and its validity with those attributes having been guaranteed by that amendment, it has unquestionably since been constitutional money if it had not been before, and will remain such until Congress shall see fit by law to order it in for redemption and retirement. Congress may, if deemed expedient, call in these notes, pay them, and reissue them without the legal-tender quality, but cannot demonetize them in the hands of the people unless after due notice and a reasonable time given they fail to bring them in for payment.

By its terms the resolution of the Senator from Delaware is to take

effect "from and after" its passage, and, if adopted, at that instant, without giving notice to the people to bring these notes in for redemption, would destroy in their hands four-fifths of its power as money, would annul the stipulations of the contract between the holders and the Government, and, so far as congressional action could do it, would invalidate $346,000,000 of the public debt. It would, I respectfully submit, be an act of the most flagrant and indefensible bad faith, even if no constitutional provision were violated—such an act as, perpetrated on the holders of interest-bearing bonds, would produce a howl from Wall street that would reverberate from one end of the country to the other.

The legal-tender notes bear on their face—say one for $5—this inscription:

The United States will pay the bearer $5, Washington, D. C.
Legal-tender for $5.

And indorsed on its back, the following:

This note is a legal-tender at its face value *for all debts, public and private*, except duties on imports and interest on the public debt.

It is true that any holder of these notes to the amount of $50 could, since the 1st of January, 1879, have presented them at the national Treasury and had them redeemed in gold and silver, and a large amount have been so redeemed, but the law requires them "reissued and kept in circulation," and forbids their retirement and cancellation, so that the existing volume of $346,000,000 shall remain in circulation as money, thus continuing indefinitely the contract with the holders indorsed on the back and written across the face of the notes. Upon the faith of this declared policy of the Government these notes have become a rule of property, and a law of contracts throughout the length and breadth of the country for millions of people. Every contract in all the States and Territories of the Union is solvable in these notes, except the few which especially stipulate for coin, and a destruction of their debt-paying power will impair the obligation of all these contracts in gross violation of the constitutional rights of the people, and produce a shock in business affairs which will vibrate throughout the country. The States are forbidden by express constitutional provision to pass any law which impairs the obligation of contracts, a power to do which, without that prohibition, they would have possessed. There is no such prohibition upon the Federal Government, because it can exercise only the powers that are granted, and no power to impair the obligations of contracts is granted or can arise by implication out of any granted power, because contrary to natural justice and common honesty and unworthy of exercise by any enlightened government. The Government pledged its faith to redeem these notes in coin, but every act of Congress providing for their issuance also provided for their reissue.

The act of January 14, 1875, "to provide for the resumption of specie payments" intended to carry out the pledge of the Government and to be a final consummation of the policy of the Government in respect to them, was construed by the Secretary of the Treasury in connection with the acts under which the notes were issued to authorize their reissuance. The whole purpose of the Government has been, as its legislation will show, to bring these notes to par with coin, and to be able to redeem them, on the demand of the holder, in coin. Whatever may have been the intention at the inception of their issuance, there is not a line of legislation to show that they were regarded as a mere temporary expedient, but on the contrary, as they grew in popular favor, abundant evidence is found in all the legislation on the subject, of an intention, if not to perpetuate, at least to continue indefinitely in circulation such an amount of them as can be maintained at par with coin. As soon as the amount was reduced to this point through the process of funding, the act of May 31, 1878, the last act on this subject, was passed, which forbade the Secretary of the Treasury to cancel or retire them further, and required, like the first law under which legal-tender notes were issued in 1862, that as fast as they came into the Treasury they should be reissued and kept in circulation. On the 1st day of January, 1879, the quality of irredeemability which before that time had characterized these notes ceased to exist, and from that date each holder has had the right to present these notes and receive coin in exchange. As the result of the policy pursued, we have in circulation among the people $346,000,000 of Government notes with full legal-tender power, redeemable on demand in coin, and the gold and silver in the Treasury to redeem or maintain them at par, not only free from constitutional objection, but expressly sanctioned by the Fourteenth amendment as long as Congress shall deem it wise to allow them to remain in circulation—a currency which our people prefer to any other, because it is familiar to them, and they know it to be safe and sound, and the question we have to determine is whether we will destroy it or let it alone.

I am not troubled with any doubts in deciding this question for myself. My convictions are that the best interests of the country require that it be "let alone" where the policy of the Government, after nearly twenty years' experience, has left it, and where the country is satisfied with it.

The resolution of the honorable Senator from Delaware seems to contemplate the reissue and continued circulation of legal-tender notes after their demonetization, and the impression exists in the public mind that such will be the case. This is a great misapprehension.

The adoption of the resolution will as effectually destroy the entire volume of legal-tender notes, and eliminate them from our financial system, as would a law directing the Secretary of the Treasury to call them in, pay and burn them, as a very brief consideration of its operation will conclusively show. I read the resolution, and call attention to its language:

That from and after the passage of this resolution the Treasury notes of the United States shall be received for all dues *to* the United States, excepting duties on imports, *and shall not be otherwise a legal-tender*, and any of said notes hereafter reissued shall bear this superscription.

In order to exhibit the full operation of the resolution upon these notes I read from the act approved February 25, 1862, section 1, being the first act under which legal-tender notes were issued, to show the debt-paying qualities with which they were invested, as follows:

And such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due *to the* United States except duties on imports, of all claims and demands *against* the United States of *every kind whatsoever* except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts public and private within the United States, except duties on imports and interest aforesaid.

It is clear that while under this resolution the notes would be receivable for all dues *to* the United States, they would be demonetized as to demands and dues *from* the United States, for the language of the resolution is that they "shall not be otherwise a legal tender" than for dues to the United States. They would not be lawful money for the payment of a single dollar of the expenses of the Government, or of any debt or demand or salary due to any corporation or individual *from* the United States, and no person could be required to receive them. They would be legal tender for nothing of public or private debt except dues *to* the United States. In other words, the resolution leaves clear the way to get them into the Treasury by continuing them receivable for all taxes, debts, demands, &c., due the Government, but would render it really and truly "impracticable" for the honorable Secretary of the Treasury to pay them out or reissue them. It would be a virtual repeal of the act of May, 1878, which requires the notes reissued. If these notes shall circulate at all, after being thus demonetized, it must be in competition with the national-bank notes, and to show the relative debt-paying powers of the two kinds of paper money I will read from section 23 of the act known as the national-bank act, as follows:

Such association is hereby authorized to issue and circulate the same [meaning national-bank notes] as money, and the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues *to* the United States, except for duties on imports, and *also* for *all salaries and other debts and demands owing by the United States* to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

Section 32 of the same act provides that every national bank shall receive at par the notes of any other national bank for any debts or liability due it.

The legal-tender power of the national-bank notes, it will be perceived, covers all dues, debts, &c., *to* the United States except import dues, and all debts, dues, and demands *owing by* the United States except interest on the public debt and the redemption of United States notes, and including all that vast amount of private indebtedness accruing daily to the national banks in their dealings with the people and with each other. Why not allow the greenbacks this same range of debt-paying power? There can be surely no constitutional objection to giving them the same debt-paying power possessed by national-bank notes. National-bank notes would also possess the additional value of being redeemable over the bank counters in gold and silver, while Government notes could be redeemed only at the national Treasury and in sums not less than $50, and by a process unknown to one in five thousand of the people who handle them.

Would Government notes thus stripped of their debt-paying power and difficult of redemption be accepted when national-bank notes or gold and silver could be demanded? They would in general business be valuable for but one purpose, and that would be to exchange for coin. The difficulty to the general business public, remote from the Treasury where they are redeemable, of presenting them would throw them into the hands of the national banks, most likely at a discount. The banks already hold $112,000,000 of these notes as a reserve fund, and in due course of business would speedily obtain possession of the greater portion of the balance, and, for the double purpose of supplying themselves with the coin they would be compelled to have, and of taking them out of circulation and putting their own notes in their place, would present them at the Treasury for redemption as fast as received. The entire volume of greenbacks would thus, and in payment of Government dues, go rapidly into the Treasury, and could not be reissued or paid out if the Secretary desired to reissue them, because no person will be compelled to receive them in payment of any demand against the Government, nor, of course, would voluntarily receive them when gold and silver and national-bank notes, much better money, could be demanded. Thus they would disappear from circulation. If I am answered that national-bank notes, though inferior in money power *now* to greenbacks, are equally current in circulation, an obvious reply is that the inferiority of greenbacks in money power, if the demonetizing resolution is adopted, will be very much greater than that of national-bank notes to greenbacks as they now are; but the great and controlling reason is that the power of the Government and of two thousand and forty-eight national banks is and has been sustaining the bank notes, and the same power is now exerted against the greenbacks to force them into retirement. It is

very clear, Mr. President, that any measure, or any combination of circumstances which sends the $346,000,000 of outstanding legal-tender notes to the Treasury for redemption will operate to retire them. If reissued when paid, it is as if they had not been paid, and the same amount remains still to be paid, and so on indefinitely. One hundred and fifty-eight million dollars of coin now in the Treasury for resumption purposes is the largest amount ever there since specie payments were resumed, and there has been no time since January 1, 1879, when one-half of the greenbacks could have been redeemed without resorting to sale of more bonds. When it was desired to maintain them in circulation every step possible was taken necessary to inspire confidence in them; their paying power was enlarged by instructions from the Secretary of the Treasury to collectors of customs to receive them at par in payment of import duties, although by law not a legal tender for such dues. All this was done to prevent their presentation for redemption, to make them as good as coin and preferable to coin; and the desired result was accomplished. The provision for reissuance under such conditions is practicable because the notes are *now* rarely presented for redemption, being preferred to coin because more convenient.

But when, on the other hand, with a full knowledge of the impracticability of redeeming and reissuing them, and continuing to redeem and reissue indefinitely, the Government deliberately dishonors them, destroys their power as money, makes them greatly inferior not only to coin but to other paper money in circulation, as the resolution of the honorable Senator from Delaware will do, so as to cause their presentation for redemption in the superior money, it is neither more nor less than a provision to retire them from circulation, and such I take to be the meaning and purpose of the resolution. That the effect of the resolution, if adopted, will be to effect a speedy retirement of the entire volume of legal-tenders, nobody doubts. The combined capital of the country, the national banks, the President, and the Secretary of the Treasury, and the whole influence of the Administration are waging war upon these notes, and the legal-tender quality, the debt-paying power, alone sustains them. Strike that out, and they will sink under the onslaught and disappear from our financial system. If the resolution of the honorable Senator from Delaware shall be adopted the national banks will be masters of the situation. They are struggling to obtain a monopoly of the paper circulation of the country, which they can expand or contract at pleasure. This power carries with it the power to affect the values of all property, the wages of labor, and the burden of debts, as they may choose to permit money to be scarce or abundant. The existence of $346,000,000 of legal-tender Government notes under the control of Congress is an effectual check in the interest of the people upon the power of these corporations. Hence their determined effort to remove it. They also wish to remove it in order that they may reap the profit to be derived from filling its place with their own circulating notes. The entire circulation of all the national banks on the 31st of December last is reported by the Comptroller to be $340,388,012, nearly six million less in amount than the Government notes sought to be demonetized. If they can drive these notes out of circulation they will make room to more than double their own note circulation; at the same time they become supreme masters of the financial affairs of fifty millions of people. This is a grand stake to play for, and all they have to do to win it is to secure the passage of the resolution demonetizing the legal-tender notes. This done, their victory is won, their monopoly is complete, and their supremacy is undisputed. All else they desire will follow naturally, easily, and speedily.

The next step, already foreshadowed in the message of the President, the reports of his Secretary of the Treasury and Comptroller of Currency, for they have all strongly recommended it, as well as the demonetization of greenbacks, will be to stop the coinage of silver. To do this will as surely be followed by renewed demonetization of that metal as the destruction of the greenback notes will from striking down their legal-tender quality. The very recommendation, coming from the source it does, is well calculated to depreciate silver. All those engaged in the advocacy of the scheme for demonetizing legal-tender notes and for stopping the coinage of silver were opposed to the remonetization of silver, even to the limited extent it is now coined, and sought to make gold the only standard of value and the only lawful money. Gold and national-bank notes will be our only currency if they succeed in the measures proposed. This is the "honest money," the "hard money," of which we hear so much. The silver dollar of the United States—made in the ratio of 16 of silver to 1 of gold, while the ratio of France, Belgium, Switzerland, Italy, Spain, and Germany is 15½ of silver to 1 of gold, and the ratio of Holland, Great Britain, Ireland, and Portugal is 15$\frac{6}{10}$ of silver to 1 of gold, and of Austria 15$\frac{9}{10}$ of silver to 1 of gold, and of Russia is 15$\frac{3}{10}$ silver to 1 of gold—a silver coin which contains a higher proportion of silver than the coin of any other country in the world, which has been the standard of value from 1792 until this time, except for the short period it was demonetized, and United States legal-tender notes, redeemable on demand in coin, at par with coin and preferred by the people to coin, are denounced as "soft," "dishonest" money, and why? Because the bondholders and national bankers know that contraction such as will result from the destruction of silver as money, and of legal-tender notes as money, will lower all values of property and labor, and at the same time increase in the same proportion the purchasing power of the gold interest received on their bonds, and of national-bank notes with double circulation, while consolidating and centralizing the vast money power of the country into a supreme and irresistible force in the affairs of this Government and people.

Why stop the coinage of silver? The production of silver is declining, as reported by the Director of the Mint. The world's production is estimated at $81,849,300 per annum, and the United States produced of that in 1879 $40,812,132, having declined from $45,281,385 the preceding year. The great mines of Nevada, which in 1878 were officially reported to have yielded $47,076,863 of both gold and silver, fell in 1879 to a product of only $19,305,473.97 of both metals. During the last twenty-five years the Director of the Mint reports that India and China have annually absorbed an average of $47,000,000 of silver, with no prospect of an abatement of the demand. He says further that Europe and America consume in the arts and ornamentation from twenty-five to thirty-five millions of silver. Add these demands together, and to the result add a fair per cent. of the whole stock of silver in the world for loss and for abrasion from use of silver coin, and it will be found that the amount will exceed the world's annual production.

To repeat the question in another form, why should the United States adopt the single gold standard? There is no dispute about the fact that the world's annual yield of gold has been declining since 1856, when the highest point of its production was reached, the amount being placed by the Director of the Mint at $134,000,000 for that year. He gives a table showing the annual product for a number of years, commencing with 1853 and concluding with 1879, for which year the product is given at $86,399,858. The United States produced of that total $38,899,532 against $51,206,360 produced in 1878, showing a decline of nearly thirteen million in one year in this country alone. Scientific men, who have made the question the subject of profound study, estimate that the annual production of gold is only 2 per cent. of the stock of gold in existence, while the annual loss from abrasion, accident, and use in the arts is estimated at from 4 to 6 per cent.; so that the actual supply of gold is supposed to be diminishing, notwithstanding the annual product, which itself is rapidly declining. The yield of gold declining, and of silver inadequate or not more than adequate to existing demands, yet human numbers are increasing and commercial and industrial developments are advancing and extending with a rapidity unparalleled heretofore. The world must have money to grow on, and trade and commerce cannot be extended nor industries increased without money, and money the world will have, for civilization cannot exist without it. If deprived of silver a margin is left for more bank paper. Leaving out the silver in Asia and Africa, which is not supposed to affect commerce, the estimate of Mr. Fawcett, in his work on Gold and Debt, is that there is of metallic money in the world $2,150,000,000 of gold and $2,350,000,000 of silver, almost equally divided, but with a slight preponderance of silver. To demonetize silver means, then, to destroy one-half of the world's money to the great enhancement in value of the other half, and the corresponding increase of the burden of debts and depression of labor. A recently published work, entitled Hughes on the Currency Question, gives the following figures in relation to the public debts of the world, taken from the Westminster Review of January, 1876:

At the close of the Napoleonic wars, in 1815–'20, the public debts of the world amounted to $7,650,000,000.

In 1848, the year of the French revolution, they amounted to $8,655,000,000.

In 1875, after the civil conflict in the United States and the several wars in Europe which preceded the Russo-Turkish war, they amounted to $22,889,000,000.

The author adds $1,100,000,000 for the Russo-Turkish war, making the whole aggregate $24,000,000,000. To this is added, from Poor's and from Fawcett's works, railroad indebtedness, and in addition an estimate is made of municipal debts, (state, city, county, and town,) which bring it up to 1878, as follows:

Public debts in 1878:	
National debts	$24, 000, 000, 000
Railroad debts	6, 000, 000, 000
Municipal debts	5, 000, 000, 000
Total	35, 000, 000, 000

Supposing these figures to give a proximate idea of the truth, it is very clear that public indebtedness is increasing at a rate of progression which quickens as it advances, and that the uses of money are increased in this direction with each year as they are in other expansions of human affairs. Will there not be other great wars and enormous increases of the public debts of the world? I suggest the question, and leave it for the future to take care of, and deal with the troubles of the present. At an average of 5 per cent. interest, the enormous sum of seventeen hundred and fifty million annually is necessary to pay the interest on the public debts of the world as stated above, to say nothing of private debts.

England, holding the bonds of the world, and owning her public debt at home to enhance the value of her credits and the annual interest on them, demonetized silver. Germany, whose capitalists hold the bonds of every country in the world, for the same reason followed in discarding silver. After the enormous public debt of the United States was securely funded in bonds, silver, without the

knowledge of the country and, for the most part, of the Congress which passed the law and of the President who approved it, was demonetized in the interest of the holders of bonds. The power of the bonds, representing the public debts of the world, procured the demonetization of silver in order that its millions of annual interest should be increased in value. These bonds are chiefly in the hands of the world's bankers, and they also saw in this decrease of metallic money an enlarged area for the operation of bank paper. It was done in the interest of the few and to the oppression of the many. Recent events have gone a long way to disclose to European thinkers and statesmen that the people who produce have been burdened more heavily than they can bear for the benefit of the privileged and moneyed classes. Labor strikes, land agitations, and threatened famine, communism, socialism, nihilism, and all the other isms which express human misery are rampant there, and the legitimate consequences, of enormous public debts intensified in their burden by the destruction of one-half of the money in which they ought to be paid, and the stagnation of all industry for want of the money thus destroyed to satisfy the greed of a few of the nobility and men of wealth. Seeing these things, European opinion is undergoing a radical change. Germany has suspended the sale of her discarded silver, and some of her leading statesmen are denying the wisdom of having demonetized it; while some of the best thinkers and ablest financial writers in England are advocating a return to bimetallism, notably Mr. Henry Hucks Gibbs, late governor of the Bank of England, and one of the representatives of the English government at the Paris conference, who joined his colleagues in the adverse report made, but has since, in view of the present condition of European industries, publicly recanted. The patent fact is seen and acknowledged by all men that depression and stagnation sat upon the United States like an incubus until gold was drawn here from Europe, and that the withdrawal of gold from Europe produced the same distress in Europe which it relieved here, and the governing classes of Europe are being made to see by the inexorable logic of events what the practical intelligence of the American people has comprehended since 1873, that the commerce and industry of the world in its marvelous growth and extension and the immense burden of debt to be paid, demands more money than the gold in existence will furnish, and that the single gold standard cannot be maintained, except by loading down all industry to a point where the danger of revulsion and revolution and general repudiation becomes imminent.

In view of these facts it is significant that at this critical juncture the enemies of silver remonetization in Europe should be re-enforced by the high authority of the President of the United States and his Secretary of the Treasury, in official papers laid before Congress, recommending in effect an abandonment of silver as money, except the insignificant sum of $45,000,000 now coined. The moral force of such action from the chief executive officers of the greatest silver-producing country in the world, supposed to represent the views of the great people who first demanded and enforced the restoration of silver as money, and to speak from experience of its effects, must act with tremendous power upon the public judgment of Europe on the silver question. The advocates of wholesale demonetization of greenbacks and a cessation of the coinage of silver ground their whole argument on the alleged abundance of gold and silver coin in the country, and the existence of the balance of foreign trade in our favor to keep it here. The Director of the Mint estimates that on the first day of November last our stock aggregated $427,206,852, not quite three-fourths of it gold, and the remainder silver, besides some fifty millions of gold bullion. It does not seem to be remembered that the conditions which produced the great inflow of gold for three or four years past are abnormal, and in the natural order of things cannot continue. The unparalleled depression of trade and all the industries, commencing in this country in 1873 and continuing until a short time past, enforced with an iron hand the most rigid economy upon the people. Our own products, which were sold almost at the cost of production, and that too when labor was cheaper than ever before, satisfied our home markets, and we bought very little abroad; hence, the importation of foreign goods and products fell to a very low figure. The cheapness of our products, our exceptionally abundant crops, and the unprecedented failure of crops for two years past in Europe, bringing the people in many parts to the verge of famine, conspired, at the same time that our imports were rapidly falling off, to increase our exports and bring the balance of trade largely in our favor. The extent to which we are indebted for this balance to the failures of crops in Europe will be seen when the fact is stated that, while the total of our imports for 1879 is $710,439,441, I am informed, in a note from the Chief of the Bureau of Statistics, that 77.85 per cent. of the amount is for agricultural products, and the value of breadstuffs alone exported to meet the extraordinary demand is $210,355,528 against $98,743,151 worth of breadstuffs in 1873. And it must be borne in mind that prior to 1873, from the beginning of the Government, the balance of trade, except for an occasional year and an insignificant amount, at long intervals, has been uniformly against us. The annual average of the balance against us for the ten years which ended June 30, 1873, was $104,706,922, as shown in the Treasury reports. The Secretary of the Treasury says, in his last report, that, "with one or two unimportant exceptions, the United States stands alone among the commercial nations in having an excess of exports over imports of merchandise," the word merchandise being used to include the total of all our imports of every character. This exceptional status of the United States, notwithstanding the unprecedented European demand for our agricultural products, has been produced in much the largest degree by the poverty and enforced economy of our people and their consequent inability to buy foreign goods, and the cheapness of our own commodities, which excluded foreign goods from our markets, as the following table of imports and exports from 1873 to 1879 will show:

Fiscal year—	Net imports, (less re-exports.)		
	Merchandise.	Coin and bullion.	Total.
1873	$624, 689, 727	$10, 777, 909	$635, 467, 636
1874	550, 556, 723	21, 524, 187	572, 080, 910
1875	518, 846, 825	12, 625, 704	531, 472, 529
1876	445, 938, 766	9, 469, 070	455, 407, 836
1877	438, 518, 130	27, 746, 915	466, 265, 045
1878	422, 896, 834	23, 143, 074	446, 039, 908

Fiscal year—	Domestic exports.		
	Merchandise.	Coin and bullion.	Total.
1873	$505, 033, 439	$78, 905, 546	$578, 938, 985
1874	569, 433, 421	59, 699, 686	629, 133, 107
1875	499, 284, 100	83, 857, 129	583, 141, 229
1876	525, 582, 247	50, 038, 691	575, 620, 938
1877	589, 670, 294	43, 134, 738	632, 804, 962
1878	680, 683, 798	27, 054, 985	707, 738, 783

These figures show but little average increase of exports until 1878, when the highest figure was reached, and then in excess of the exports of 1874 only about $76,000,000, while the falling off of imports is shown to be continuous and enormous, thus proving conclusively that the balance of trade now and for several years in our favor and the inflow of gold from that cause comes, not except in a small degree from increasing exports, but from a constantly diminishing volume of imports. Hard times and bed-rock prices for labor and material cheapened everything here to a point which excluded foreign importations as nearly as it can possibly be done, while crop failures and famine prices in Europe carried there our enormous surplus of agricultural products and brought back gold.

Sir, we cannot base a permanent financial policy upon results from such conditions as these, fleeting and transitory as they are, and even now in process of being reversed. Under the influence of this abnormally increased supply of the precious metals hard times are giving place to renewed prosperity, the wages of labor and the price of all the products of industry are advancing rapidly, and the time seems not far distant when we will have recovered from the recent prolonged depression. With the advent of that period will come a reversal of the conditions which have given us the heavy trade balance and drained European gold into our coffers. The inflow of gold is raising high the tide of prosperity here, while a corresponding depression has been caused by the outflow there. Prices are raised here, but lowered there. High prices here will bring low-priced European products into our markets, and exclude our commodities from European markets, except such agricultural products as they are compelled to buy. Extravagance, which ever accompanies prosperity, will take the place of that economy which adversity forced upon us, and was the chief factor in the change which has occurred.

The result probably will be a re-establishment of the trade balance against us and a reactionary outflow of gold, to be increased by the amount of interest on the public debt, because our bonds will not remain here, where money is worth 6 and 8 and 10 per cent. interest, but will go abroad where 4 per cent. is regarded as a good investment.

I read from the London Times of December 1 on this subject in support of this view:

> The money that has flowed in such profusion from Europe to the United States cannot always remain there. Its presence will soon be felt in a rise of prices throughout the Union, and as soon as a rise has been established a demand for European goods will follow, and the current of money from the east to the western shores of the Atlantic will be arrested, if not reversed. A process of this kind cannot be completed within a week or a month, but its development may be anticipated as confidently as the movement of the tides.

Also from the New York Herald of December 2:

> As soon as prices rise high enough a flood of foreign goods will come pouring into the country. The drain of money from Europe will lower prices there, inflation will enhance them here, and European commodities can be sold at a high profit in our market. Then the resumption experiment will begin to be tested; then the tide of money will begin to flow back into Europe, and greenbacks will be offered at the Treasury to procure gold for exportation. If, after the stream is turned, there should be a prospect of short crops in America and an abundant harvest in Europe, it will require all Mr. Sherman's skill to weather the change. The Government is trusting altogether too much to luck and accident.

Truer words were never written than these. The supreme test of our financial policy has yet to come. Europe, taught as we were in the school of adversity, is preparing now to renew the struggle for the gold, the loss of which destroyed her prosperity, and the gain of which built up our own. The struggle will be a desperate one, such

as famine and want and misery drive men to make. It can be kept here by perpetuating the conditions through which it was acquired, by making money scarcer, cheapening agricultural products, cheapening labor, raw material, and consequently manufactured products, so as to compete with European pauper labor, as we were driven to do in the terrible years succeeding 1873. To do this the value of money must be increased, its purchasing power must be inflated. To demonetize the legal-tender currency, and stop the coinage of silver, or either of these measures, will produce this result. The policy of those who advocate these measures involves a sacrifice at the hands of the great mass of the people for the benefit of a favored few alike unreasonable and unnecessary.

The producers who create the wealth of this country cannot, will not, and ought not to sanction a policy such as this, which would enslave them for all future time to the rapacity of money-changers and reduce them to the level of starving European labor. Handicapped as they were by legislation which increased the burden of all debt, public and private, when gold had fled the country and silver was destroyed as money, with only legal-tender greenbacks they rescued the country from impending bankruptcy and have placed it upon a foundation of solid prosperity, and they can and will maintain it there against all competition, if we will only let the legal-tender currency remain as it is and give them what they have so often and vainly demanded, free coinage of silver. If, instead of disarming them in front of the enemy, when about to receive his charge, as the demonetizing process proposes to do, we place in their hands every weapon of defense within our reach, we can rely confidently on them to meet the onset successfully.

There is no inflation of values. As evidence of it the Director of the Mint, in a carefully prepared table, shows that gold has been constantly increasing in value since 1873. The existing partial remonetization of silver has not checked this advance. This table shows that a piece of gold possessing a purchasing power of ninety-one cents in 1874, in 1879 had a purchasing power of $1.16. Advancing value for gold means receding value for commodities and labor. There is no inflation of anything, then, except gold. One dollar of gold will buy one-third more of labor or commodities than it would in 1874. This ought to satisfy even the New York bankers; still they are not satisfied and want further inflation of gold. I am opposed to inflation of either gold or commodities, but, if one or the other must need be inflated, I prefer it to be the latter. But if it were true that we have too much money in circulation and all values were inflated, why not curtail the national-bank issues, which cost the people money to sustain, and let alone the United States notes, which cost nothing while in circulation, but nearly two-thirds of which will have to be funded into interest-bearing bonds if retired, for there is only coin enough in the Treasury to redeem a little more than one-third of them? The banks are steadily expanding their note circulation, as the Comptroller in his report informs us, having increased it $14,742,503 during the year 1879. The greenbacks are certainly the most economical circulation, for surely it is cheaper to use them as money than it is to put them into bonds and pay interest on them. If, as alleged, the volume of currency should act automatically and expand or contract as business demands, we will always need more than $346,000,000 of paper, that being the amount of Government notes. Let that alone, and let the bank circulation respond to the vibrations of trade.

Again, the legal-tender notes hold the volume of circulation steady. It is a breakwater between it and the fluctuations of coin, as it ebbs and flows out and into the country. The coin may leave the country now and the volume of circulation need not be diminished, because greenbacks are to the banks as good as coin. The national Treasury has to look out for gold to keep the greenbacks at par, but the banks need have no care for it, and would in a great degree be undisturbed by its movements. But when greenbacks are demonetized, the bank circulation will be sensitive to every movement of coin, and must conform to its fluctuations. In other words, the demonetization of greenbacks will subject the financial affairs of this country to all the shocks and convulsions produced by the erratic movements of coin in the commercial world, which in a great measure they now protect us from. If we should actually lose our coin, as we have done before, and as Europe has recently done, a crash and general bankruptcy, from which the legal-tenders would in a great measure save the country, would surely ensue if they are demonetized. As a banking basis, these notes now fill exactly the place of gold. They will remain at home under circumstances which would carry the gold away. They will protect the banks and people against European panics, will be "lawful money" when gold has fled, and sustain the country in adversity, as they have done since 1873, and harm nobody; on the contrary, bless everybody who can get them in prosperity; a tried, true, trusty friend in adversity as in prosperity, that will stay with us if every bank in Europe should break or should become gorged with gold. Why should we abandon this currency? Especially why abandon it at this time, when our exports are diminishing and our imports rapidly increasing, with a prospect in the not far distant future of having the balance of trade re-established against us, and a consequent scarcity of coin? This currency, sir, is one of the very few good things that the war brought the working people of this country, and I am in favor of holding on to it, and keeping the volume up to full $346,000,000 by reissuing from time to time enough new notes to supply the place of all that may have been lost or destroyed. In addition to all this, these notes are a check upon the power of the banks over the people, which the people's representatives should never surrender.

Whence comes the demand for the destruction of the legal-tender currency? Not from those who raised the agricultural products which constitute 77.85 per cent. of the vast volume of exports which has brought a golden current into the country; not from the people who redeemed the misfortunes of the country with labor, and, invoking the statesmanship of the plow, won back the prosperity which a different character of statesmanship had lost; not from the people who cast four-fifths of the votes in the election of officers to administer the Government; no, sir; all these protest against it; but from bankers, merchants, factors, railroad presidents, transportation agents, insurance men, money and stock traders and brokers, &c., who grow rich from handling the wealth which others have produced—all good men and doing a perfectly legitimate business which must be done by somebody, but knowing full well how to take care of their own interests. When a few days ago the honorable and justly honored Senator from New York, whose seat is near me, rose in his place and presented a mammoth petition signed by fifteen hundred gentlemen of the city of New York, including presidents of national banks, merchant princes and railroad kings, large holders of gold interest-bearing bonds, money and stock brokers and traders, and a few pursuing other professions and avocations, praying that the legal-tender quality be stricken from the greenback notes, I was forcibly reminded of the warning given the American people in his celebrated farewell address, when retiring from the Presidency at the close of a long term of distinguished public service, by Andrew Jackson, the great apostle of the people's democracy. I will read from it:

> It is one of the serious evils of our present system of banking that it enables one class of society, and by no means a numerous one, by its control over the currency, to act injuriously upon the interests of all the others and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communication with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are therefore always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States. They are the bone and sinew of the country, men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.
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> The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will in the end find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.
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> The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil, and it will require all your efforts to check its further growth and eradicate the evil. The men who profit by the abuses and desire to perpetuate them will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants.

I read again from his message vetoing the bank bill, to show that among all the changes which have occurred since Jackson's time, human nature has remained the same:

> It is to be regretted that the rich and powerful too often bend the acts of Government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth cannot be produced by human institutions. In the full enjoyment of the gifts of heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages artificial distinctions, to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.
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> Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires we have, in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion, which threatens to shake the foundations of our Union.

Suppose the prayer of the petitioners from New York is granted and the legal-tender currency is retired, do we get gold and silver in its place? By no means. We will see its place filled, of course, with national-bank notes. Yet in the war made on legal-tender notes the people are sought to be deluded with the cry of "hard money," when in truth it is sought to destroy silver (which is half of the hard money) and greenbacks only to replace both with national-bank notes—national-bank notes in place of silver, national-bank notes in place of legal-tender greenbacks, and national-bank notes in place of gold, if

that, under changed conditions, shall flee the country as it did after 1873. The country must have money of some sort, and if the resolution of the honorable Senator from Delaware is adopted, and the recommendation of the President and Secretary of the Treasury to stop the coinage of silver shall be adopted, we will have left a little gold locked up in bank vaults and a great flood of national-bank notes in circulation among the people. This is the "hard-money" feast to which the people are invited. State banks of issue have been taxed out of existence, and not one is left, in order to create a monopoly for national banks; and now the people's currency, issued and backed by the people's Government, redeemable on demand in coin, at par with coin, the safest and soundest currency in the world, the creation of necessity, molded by the circumstances of nearly twenty years of change and revolution to fit the times successively from flagrant war to profound peace under burdens inherited from war, perfected by the wisdom of experience, tried by the country and found good in every crisis, is sought to be destroyed to make way for more national-bank notes, and all in the name of "hard money," "honest money." Money cannot be "hard" or "honest" money according to this theory, which does not rob the laborer and producer and enrich the banker. A few democrats are found who call this a return to the principles of good old Jacksonian democracy. If Andrew Jackson, Martin Van Buren, and their compeers who believed that the United States Bank with a capital of $40,000,000, surrounded by competing State banks, was too powerful; that it corrupted the press and sought to rule the Government; that it was about to acquire a controlling influence in politics to be used for its own gain and the people's oppression; that by its power to expand or contract the currency at pleasure it could worry and distress the people and bend them to subserviency and through that means control elections, and was therefore dangerous to the liberties of the country as well as its material interests, and for that reason, in the name of the democratic people of the United States, of whom they were distinguished leaders, overthrew it—if they could be reanimated and could hear the principles of the democracy invoked in behalf of a measure which will destroy the only check in the hands of the people upon the power of a system of bank corporations animated by a common purpose and common interests, possessed of aggregate capital, including surplus, amounting to $570,000,000 and with power of indefinite expansion, besides large amounts of public money always on deposit with them, a huge, overshadowing monopoly to which every objection they urged to the Bank of the United States will apply with twenty-fold force, beside which the bank they devoted the best years of their lives to crushing out was utterly insignificant, they would come to the conclusion that the principles of the democratic party had undergone a tremendous revolution since they led the party. Andrew Jackson was the ardent advocate not of gold alone but of gold *and silver* money, as the people of my State are and as I am and have ever been; but every word or line to be found in his state papers on the subject is coupled with expressions of undying hostility to a national bank as the greatest enemy to free government that had ever taken root in American institutions; and his messages and farewell address teem with the most impressive warnings to the people against the danger from such powerful corporations.

The reserves of the national banks in the city of New York alone, whence the mammoth petition referred to came, are one-third larger in amount than the entire capital of the Bank of the United States, which Jackson slew because, he said, its existence was incompatible with popular liberty and representative government.

Sir, this country is corporation-ridden already, without aggrandizing them further.

I read again from Jackson's farewell address. This address was issued upon the retirement of that great man from a long life of distinguished and honored public service. It was issued when he was going back to the Hermitage. It was his last word of warning and of advice, his last precept to the American people. I ask attention to it:

> But when the charter for the Bank of the United States was obtained from Congress it perfected the schemes of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government down to the present hour. The immense capital and peculiar privileges bestowed upon it enables it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States, in other words it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time and in any quarter of the Union, by controlling the issues of other banks, and permitting an expansion, or compelling a general contraction, of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks, necessarily, went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business, and who are therefore obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body, and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country, as might best comport with its own interest or policy.
>
> We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands, cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency, ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war, with an enemy at your doors! No nation but the freemen of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many to the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers, and compelled you to make peace or war, as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

I read from Jackson's fifth annual message:

> It being thus established by unquestionable proof that the Bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the Government ought to pursue was not doubtful. As by the terms of the bank charter no officer but the Secretary of the Treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the Government in such a use of its funds and such an exertion of its power.
>
> In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means. At this time the efforts of the bank to control public opinion through the distresses of some and fears of others are equally apparent, and, if possible, more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money it attempts by unfounded alarms to create a panic in all.
>
> These are the means by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank; and it cannot be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.

And again, from his celebrated protest spread on the records of the Senate, against a vote of censure for removal of the deposits:

> The Bank of the United States, a great moneyed monopoly, had attempted to obtain a renewal of its charter by controlling the elections of the people and the action of the Government. The use of its corporate funds and power in that attempt was fully disclosed; and it was made known to the President that the corporation was putting in train the same course of measures with the view of making another vigorous effort, through an interference in the election of the people, to control public opinion and to force the Government to yield to its demands. This, with its corruption of the press, its violation of its charter, its exclusion of the Government directors from its proceedings, its neglect of duty, and arrogant pretensions, made it, in the opinion of the President, incompatible with the public interest and the safety of our institutions that it should be longer employed as the fiscal agent of the Treasury.

The Senate censured but the people sustained him, and have canonized his memory.

Such are the views which the greatest leader of the democratic party since the days of Jefferson labored for a life-time to impress upon the people of the United States, and such the principles which guided his administration of this Government. The changes which have occurred since, seem only to illustrate the profound sagacity and patriotism of the illustrious statesman who bequeathed them as a legacy to his countrymen. The great railway corporations whose roads span and gridiron the continent, and are the carriers of our vast internal commerce, being rapidly consolidated and concentrated in a few hands when "profits are pooled" to the utter destruction of competition, with unlimited power to tax the marketable products of the country, which have to this time defied every effort to bring them under control of the people's Government, had then no existence, nor had the thousand other methods of using corporate power which have been since developed. Then no power existed in less than a half dozen railroad presidents to meet in secret conclave as they do now, with blinds closed and curtains drawn, and by raising their tariff of charges impose a tax amounting to hundreds of millions of dollars on the products of labor, to which the people are compelled to submit, which imposed by a law of Congress would almost drive them to a rebellion. Vast combinations of capital, corporate and otherwise, which now, under a most oppressive tariff, exact bounties from the people averaging $40 for every $100 they expend for any purpose, not excepting even the very iron over which their products are rolled to market, then were hardly dreamed of.

The prophetic vision of Jackson pierced the future as that of no other did, and we feel it and know it, because the greatest question now pressing for solution upon the American people is, not how to subject corporate and money power to the people's will, but how to prevent these powers from dominating the Government of the people. The national-bank system, the most powerful aggregation of corporate powers in the world, based on Government bonds, the property of private individuals, controlled by officers and directors in whose

election the Government has no voice, is nevertheless a part of the machinery of the Treasury Department, which must run in harmony with the balance, or the whole must stop. It is the depositary and fiscal agency of the Government; it is the connecting link which transmits the power of concentrated capital to the point where it controls the greatest Department of the Government. It is the Briareus whose hundred hands grasp the machinery of the Treasury Department, and rules it in his own interest. There is no important financial operation that can be executed by the Government without the consent and co-operation of the national banks; their negative will defeat any move proposed by the Secretary of the Treasury. He dare not antagonize them. They have put silver under the ban in their clearance-houses, and boldly defied the national authority, which by law has declared it a legal tender, and the Secretary of the Treasury had to succumb. They are bold, aggressive, and defiant, and claim the right to rule the people through a control of the values of their property and the burden of their debts, and to dictate in their own interest a policy which will enrich them at the expense of the producers of the country. Active political agents, their immense power is exerted in every election in favor of those who will advance their interests, and against those who oppose them. Hon. Moses W. Field, of Michigan, is reported as saying in a speech a few years ago:

The Forty-third Congress, to which I belonged, was composed of three hundred and seventy-nine members. In this number there were six lumbermen, thirteen manufacturers, seven doctors, fourteen merchants, thirteen farmers, three millers, one land surveyor, one priest, one professor of Latin, one doctor of laws, one barber, one mechanic, ninety-nine lawyers, and one hundred and eighty-nine bankers, which included stockholders in national banks.

This statement, which I presume is correct, will give some idea of the immense political influence wielded by these corporations, permeating the whole country as they do with their crowds of officials and dependents, and their power over the press, and we can understand from it the reason for the earnest vigor with which Andrew Jackson denounced the bank of the United States for using its money and power to influence the people and control elections. It is the power of the banks which up to this time has defeated the thrice-repeated demand of the people for free coinage and full restoration of silver, and, while nominally legal-tender money, has reduced it to insignificance in the business and commerce of the country. The reason is plain: the less silver we have the greater the room for bank-notes. They denounce silver as dishonest money, because silver bullion is discounted slightly by the side of gold; but that power demonetized silver in 1873 when silver outvalued gold three cents on the dollar. They will not have it on any terms if to be avoided.

But one single thing remains to be done to make these corporations supreme over all the labor and all the values of all the people in this great country, and that is to demonetize the $346,000,000 of legal-tender notes. The money circulation placed thereby exclusively in their control, its volume to be expanded or contracted at their pleasure, the last remaining check upon their power will be gone, and they will be the completest and most powerful monopoly that ever existed under any government. Once intrenched in power it can never be dislodged. It would perpetuate the public debt on which it is based. Itself a centralized power, it would for its own protection consolidate all political power in a strong central government and be aided in the work for the same purpose by the other great corporations. If the strong man with mailed hand shall ever come to erect an imperial throne over the ruins of popular liberty in America, which God forbid, the way will have been prepared and he will come at the bidding of organized, concentrated capital. I will never add by vote or act of mine to this already overgrown and overshadowing power. If a stand is ever to be made against it, at least it is not too early to make it. The real issue is between the money power and the people. This issue, sir, extends far beyond any mere question of money; it involves the continuance of free representative government and popular liberty. We cannot doubt this if we heed the solemn admonitions of one of the wisest and most far-seeing patriots who ever impressed himself upon the history of this or any other country. Whatever may be the opinion of the duty of the Government in respect to furnishing a sound currency for the people, there can be no doubt of a paramount duty to protect the country against the danger of domination by corporations of its own creation. Wherever such danger exists the high duty arises to remove it, and if no other means can be devised it would be far better that the Government issue itself the volume of paper needed by the country and abolish the national banks.

It is infinitely better to have paper issued directly by the Government than build up in our midst a banking power which, in the experience of some of the wisest men, is a standing and growing menace to the liberties of the people. That the Government can constitutionally issue a currency less expensive and more safe than any other I have no doubt. The question before the Senate and the country now is as to the expediency of doubling the circulation, and consequently doubling the power of the national banks, already too powerful to be controlled, by demonetizing legal-tender notes, for this would be the effect of the adoption of the resolution of the honorable Senator from Delaware. All who favor hard money must oppose this measure, because it will install in undisputed power a force hostile to silver, one-half of the hard money of the world, and will visit the little we have of it with swift destruction. All who believe in the democracy of Andrew Jackson, who crushed out the old national bank, and of his successor in the presidential office and in the leadership of the democratic party, Martin Van Buren, whose battle-cry in the contest resulting in his election was "Eternal hostility to a national bank," should oppose this measure. All who believe that "monopolies and perpetuities are contrary to the genius of a free government" and that no power should be tolerated which experience proves will corrupt the press and destroy the freedom of elections should oppose it. All who believe in the old democratic maxim of "equal rights for all and special privileges for none" and are opposed to exercising the powers of Government to enrich and make powerful a few at the expense of the many and are opposed to class legislation should oppose it. All who desire the supremacy of the great body of the people in the affairs of this Government and the unshackled influence of that great bulwark of free government, a free press, unawed and uncorrupted by the power of money, of organized corporate capital, should oppose it. All who believe in the wisdom of Jackson's solemn warning against the power of banks, the evils of bank paper, the danger lurking in great corporations to free government and the people's liberties, verified as they have been by the experience of more than half a century, should oppose it. These, sir, are my profound convictions, and while I freely concede the highest purity of purpose, of patriotism, and of conviction to every gentleman on this floor who holds opposing views, I must maintain them. I believe this a question which should be discussed, and the country aroused to an appreciation of its importance, for none greater, involving as it does the essential principles of free government, can challenge the popular intelligence. No consideration of party expediency should be permitted to hide it from the people, whose liberties and whose substance as well are involved in its proper and speedy solution.

The people of the State I have the honor in part to represent on this floor, sir, so far as I have been able with good opportunities to learn their views, are opposed to all extremes in finance. They are opposed to the absolute or fiat money theory, and believe it a delusion and a snare, not much more vicious and destructive, however, than the other extreme, which would destroy silver and erect the single gold standard. They believe in the middle ground between these two extremes, a constitutional gold and silver currency, with as full money power and as free coinage for silver as for gold, and oppose any paper money except that which is at par with coin and redeemable at the will of the holder in coin. They do not believe that the Government has now the constitutional power to issue paper money which shall be a legal tender for private debt, but that the legal-tender notes now in circulation are, for the reasons I have given, valid and constitutional, and are unalterably opposed to their demonetization. They favor an honest, *bona fide* payment of the public debt in accordance with the terms of the Government contract with the holders liberally and justly interpreted. They are profoundly attached to our free Government, and jealous of any power which may endanger its stability or change its character, and are therefore opposed, as well as for economic reasons, to the existing system of national banks and to any increase of their already dangerous power. They view with alarm the growing power of corporations and centralized capital, and fear, if not checked, that the substance if not the form of our Government will be overthrown. It is needless to say that I concur most heartily in all these views.

INTEREST ON ARREARAGES OF TAXES.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Senate joint resolution No. 64 was unanimously reported from the Committee on the District of Columbia last Monday. I desire to put it upon its passage.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. WHYTE. Yes, sir; if it will only take a moment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to; and the Senate, as in the Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879. It extends the provisions of the first section of the act named so as to apply to all general taxes in arrear on the 1st of July, 1879, and to all special assessments due the District of Columbia and which may be paid on or before the 1st of July, 1880.

Mr. HARRIS. I ask that the first section of the act which the joint resolution proposes to extend be read.

The PRESIDING OFFICER. It will be reported by the Secretary.

The Chief Clerk read as follows:

Be it enacted, &c., That the rate of interest to be collected of any person owing arrearages of general taxes, or assessments for special improvements now due to, and the liens for which are held by, the District of Columbia shall be 6 per cent. per annum in lieu of the rate and penalties now fixed by law: *Provided*, This provision shall apply only to taxes and assessments paid on or before the 1st day of October, 1879.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. WHYTE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 22, 1880.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, pastor of Saint Paul's English Lutheran church, Washington, D. C.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

Mr. HAWK. Mr. Speaker, I ask by unanimous consent that General John C. Smith, State treasurer of the State of Illinois, be admitted to the privilege of the floor of the House to-day and to-morrow.

There was no objection, and it was ordered accordingly.

PRINTING OF A PETITION.

Mr. SINGLETON, of Illinois. Mr. Speaker, I desire to ask the unanimous consent of the House to have a preamble and resolution which I hold in my hand, signed by 500 citizens of the county of Greene, in the State of Illinois, on the subject of the action of Congress on a measure now before it, printed in the RECORD. I should not make this request, but the resolutions are new and contain something of interest to every member of the House. I therefore ask that the petition be read and printed in the RECORD.

The Clerk proceeded to read the petition.

Mr. McMAHON. I rise to a question of inquiry. Has consent been asked for the presentation of this petition?

Mr. KEIFER. I do not understand that the Speaker has asked the House whether there is objection.

The SPEAKER. The Chair does not know how any member can object until he knows what it is in reference to which unanimous consent is asked.

Mr. KEIFER. We only want to reserve the right to object.

Mr. SINGLETON, of Illinois. Is it in order to object after the petition has been read?

The SPEAKER. It is.

Mr. McMAHON. I object.

Mr. SINGLETON, of Illinois. Certainly, Mr. Speaker, the ordinary rule would recognize that silence gives consent.

The SPEAKER. It has been ruled often that a member reserves the right to object until the subject in reference to which unanimous consent has been asked has been placed before the House so he may know whether he will object or not.

Mr. WEAVER. It has been almost read and I hope there will be no objection to it.

The SPEAKER. Objection being made the petition is not before the House.

Mr. McMAHON. This is too serious a body to have a petition like that read here burlesquing a large body of our fellow-citizens.

Mr. SINGLETON, of Illinois. There is nothing so serious on which, and there is no place in which, the people have not the right to be heard.

Mr. McMAHON. It is a slur on the other large number of men who have sent in petitions here by the hundred and thousand in favor of the Weaver bill.

Mr. SINGLETON, of Illinois. I do not know how the gentleman can know it is such a slur when he has not heard the petition read.

Mr. ALDRICH, of Rhode Island. Mr. Speaker, I ask unanimous consent to submit for adoption at this time a report from the Committee for the District of Columbia.

Mr. McMAHON. I desire to say——

The SPEAKER. There is another subject now before the House.

Mr. McMAHON. I desire only to say, Mr. Speaker, that the gentleman from Illinois showed me yesterday a memorial which I supposed was the one now pending, and before it was read wanted to object so it might not go upon the RECORD. It was a memorial against the Weaver bill and ridiculing it.

The SPEAKER. Objection being made it would not go upon the RECORD.

Mr. McMAHON. The gentleman now informs me——

Mr. SINGLETON, of Illinois. That it is a very different thing.

Mr. McMAHON. And, therefore, I withdraw objection.

The SPEAKER. Another subject is now before the House, and the Chair will recognize the gentleman from Illinois afterward.

PRICE OF GAS IN THE DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, by unanimous consent, from the Committee for the District of Columbia, reported the following preamble and resolution; which were read, considered, and agreed to:

Whereas Congress has undertaken by legislation to regulate the quality and price of illuminating gas manufactured and sold in the District of Columbia; and

Whereas it is alleged in the memorial recently presented to Congress, signed by reputable citizens of the District, that the gas manufactured by the Washington Gas-Light Company is of a very inferior illuminating quality, and that said company otherwise conduct their business contrary to the letter and spirit of the act of Congress regulating gas-works: Therefore,

Be it resolved by the House of Representatives of the United States, That the Committee for the District of Columbia are hereby directed to inquire into the alleged infractions of law by the said Washington Gas-Light Company, and also to inquire what further legislation, if any, is necessary to secure to the Government of the United States and to the people of the District of Columbia a better and cheaper gas supply, and for this purpose the said committee are authorized to employ an expert and send for persons and papers, and to report by bill or otherwise, the expenses of the inquiry not to exceed $200, to be paid from the contingent fund of the House.

IMPROVEMENT OF OCONTO HARBOR.

Mr. POUND, by unanimous consent, presented a memorial of the common council and board of trade of the city of Oconto, in the State of Wisconsin, for the improvement of the harbor adjacent to said city; which was referred to the Committee on Commerce.

THE WEAVER BILL.

Mr. SINGLETON, of Illinois. I now ask, Mr. Speaker, by unanimous consent, as the gentleman from Ohio [Mr. McMAHON] has withdrawn his objection, to present the petition of 500 officers and soldiers and sailors of the county of Greene, in the State of Illinois, praying for the passage of the Weaver bill, and to ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

The SPEAKER. There being no objection, the petition will be referred to the Committee on Military Affairs, and printed in the RECORD without the names.

The petition is as follows:

GREENE COUNTY, STATE OF ILLINOIS, *January* 10, 1880.

We, undersigned officers, soldiers, and sailors of the Union Army in the late war of the rebellion, in mass-meeting assembled at Carrollton, in the aforesaid county, do hereby petition Congress and subscribe our names to the following preambles and resolutions:

Whereas all good men and true patriots, with whom the national supremacy, unity, and prosperity were at heart, and who upon the President's call voluntarily responded in defense of the nation, at the sacrifice of family ties and everything that man held dear; and

Whereas the time has come when the Government of the United States should do justice to the officers, soldiers, and sailors who served and defended the national honor in the war of the rebellion, and who were paid in greenbacks at a greatly depreciated value, while all other creditors of the Government were paid in gold or its equivalent; and

Whereas we deem it an act of justice to pay the officers, soldiers, and sailors, as set forth in the bill introduced by Mr. WEAVER, of Iowa, and now pending before Congress at Washington: Therefore,

Be it resolved, That we earnestly request our Senators and Representatives in Congress (without regard to political parties) to support this most just and righteous measure, in justice to the men who periled their lives and home interests in defending the Union, Constitution, and integrity of our Government in the nation's darkest hour of trial and danger, pledging ourselves to support all honorable measures tending to an honest adjustment of this our just claim; and

Be it further resolved, That we now organize all over the nation, and that a record of the action of the respective members of Congress be kept as to their respective opposition or support given this measure, for future reference.

Resolved, That the foregoing petition, preambles, and resolution be forwarded to JAMES W. SINGLETON, our worthy Representative in Congress, including all the names subscribed thereto, to be presented by him in support of our claims as embodied in the Weaver bill.

PERSONAL EXPLANATION.

Mr. SCALES. Mr. Speaker, I rise to a personal explanation. I find in the Daily Herald the following editorial, which I ask the Clerk to read.

The Clerk read as follows:

WHAT IT WILL COST.

The proposition of one of the North Carolina statesmen in Congress to send free to every voter in the country a daily copy of the CONGRESSIONAL RECORD is so excellent that we hope the trifling item of expense will not be interposed as an objection to the passage of the bill. In order to convince Congressmen how insignificant the expenditure really is, in view of the great advantages to be reaped by all our citizens from a daily perusal of the document in question, we have been at the trouble of making a few rough calculations on the subject. The cost of printing and circulating the RECORD would be nearly as follows:

	Per week.
Paper	$600,000
Postage	1,020,000
Pressmen	25,000
Stereotyping	25,000
Mailing	25,000
Incidentals, gas, coal, &c	200,000
Total	1,995,000

In round numbers the amount would be about $2,000,000 a week, not including the cost of presses and other machinery, which would probably run up to $6,000,000. A printing office covering at least one-fourth of the District of Columbia would have to be built, and in addition the post-offices all over the Union should of necessity be enlarged. We sincerely hope Congress will not hesitate to give every voter a free RECORD, no matter what the expense may be. It would be cheap at any price.

Mr. SCALES. Mr. Speaker, that was published in the Herald of last Friday; and I say for myself, and I think I can say for every North Carolina member, that no such bill or petition was presented by any Representative from that State. In the RECORD of the 13th instant it is stated that such a petition was presented by Mr. WILBER, of New York. North Carolina desires to take none of the laurels of New York, and I rise for the purpose of disclaiming, on the part of North Carolina, the responsibility for this and giving it to New York.

BANK RESERVES.

The SPEAKER. The morning hour begins at twenty-five minutes past twelve o'clock; and the House now resumes the consideration of

the bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States, reported from the Committee on Banking and Currency by the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I demand the previous question on the bill and amendment.

The question being taken, there were—ayes 74, noes 44.

Mr. TOWNSHEND, of Illinois. A quorum has not voted.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Missouri, Mr. BUCKNER.

The House again divided; and the tellers reported—ayes 100, noes 48.

So the previous question was seconded.

The main question was ordered.

Mr. BUCKNER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUCKNER. I now yield five minutes to the gentleman from Iowa, [Mr. GILLETTE.]

Mr. GILLETTE. The bill before the House I regard as a most serious one. Like that famous "act to strengthen the public credit," passed March 18, 1869, the object of which was to rob the public of $600,000,000, and like almost all financial measures passed by Congress for the last twenty years, the title of this bill is designed to hide its real object. There is more in it than is apparent at first sight. Let no man be deceived. This is a direct, adroit shot at the greenback, at the legal-tender paper money of the country, and the amendment proposed by the gentleman from Delaware [Mr. MARTIN] to demonetize it wholly is in perfect harmony with the bill. It is germane to it and more creditable to its author, for it is frank and manly, and can be understood by all.

Though the bill and amendment mean the same thing, the committee reporting the measure prefer to introduce the thin end of the wedge first, making the greenback unfit to redeem more than one-half the notes and other obligations of the national banks; then it will be excluded wholly from bank reserves; and, rejected by bankers, it will be easy to demonetize and destroy it. Then the triumph of these chartered corporations will be complete; the people will have surrendered their most sacred rights to usurpers, and our Republic will be such only in name.

As the law now stands, the banks may keep all their reserves in coin if they prefer; so this bill is not to increase their privileges. It simply accomplishes what they are all struggling for, the degradation of the greenback, creating a new market and an exclusive use for coin, and imposing new limitations upon greenbacks.

We have tried this before. The greenback was created with degrading limitations. The Government that issued it refused to accept it for duties—repudiated its own money at every custom-house for about seventeen years, when our present Secretary of the Treasury, without law or authority, commenced on January 1, 1879, to honor and receive it. From that moment, because of that act, greenbacks at once took their legitimate place as the best money in the land, preferred even by importers, and actually commanding a premium over gold in many parts of our country. The original ruinous exceptions to the legal-tender qualities of the greenback have cost the country more than the whole war debt by its depreciation; and shall we, after such experience, try to reopen the gold-gambling rooms by imposing new limitations upon our money at this late day? Experience has been a dear teacher, and yet the Banking and Currency Committee of this House have already succeeded in forgetting it.

Nearly $800,000,000 of United States bonds will become redeemable during this and next year. The leader of the republican side of the House [Mr. GARFIELD] has already introduced a bill to refund all these bonds into others that cannot be paid for a generation, (for thirty years,) no matter how great our resources. The leader of the democratic side of this House, [Mr. FERNANDO WOOD,] wishing to go one better than his republican competitor, introduced a bill to refund these bonds into new ones which cannot be paid for *fifty* years. Neither party proposes to pay one dollar of these bonds out of the mountain of coin (over $200,000,000) in the Treasury, which the chairman of the Committee on Banking and Currency [Mr. BUCKNER] says "is now performing no service either to the Government or people." This sum can be indefinitely increased before pay-day; but, lest the people should discover the fraud, the lack of a single excuse for these refunding schemes, and demand the payment and destruction of these cancerous bonds, that their children may be freemen, some step is necessary to reduce the coin in the Treasury, if possible, before the bonds mature. This bill is that step, as its author [Mr. BUCKNER] admits in these words:

"I introduced this bill at the extra session, or one very similar to it, and my purpose was to unload the Treasury of a portion of its immense hoards of gold and silver."

In case it becomes a law the banks will exchange their greenbacks for coin at the Treasury, if not immediately, certainly as soon as their present stock of coin is withdrawn by an unfavorable balance of trade. Thus the greenbacks will be driven into the Treasury, and as effectually retired as if burned; not put into circulation as the advocates of this measure claim, and the coin will be hidden in the vaults of banks when pay-day comes. The syndicate vultures will then proceed to quietly fasten the shackles of a perpetual debt upon the people, mortgaging to capitalists the labor of succeeding generations, perpetuating and strengthening an untaxed aristocracy that already claims greater power than this Government, and boldly attacks the very principles upon which it was founded. The title of this bill should be, A bill to create a market for coin, to depreciate the greenback, and prevent the payment of the public debt. It is a shot from a masked battery at every interest of the people. How long do you imagine they will submit to such tactics by which bondholders and bankers would still further rob and degrade them by continuing and intrenching that sum of all financial villainies, a perpetual interest-bearing debt with the national-bank monopoly resting thereon?

Henry Clay, describing the country in 1816, in a speech "on the bank question," said "he beheld dispersed over the immense domain of the United States about three hundred banking institutions. These institutions were emitting the actual currency of the United States, a currency consisting of paper, on which they neither paid interest nor principal, while it was exchanged for paper of the community on which both were paid. He saw these institutions in fact exercising what had been considered at all times and in all countries one of the highest attributes of sovereignty, the regulation of the current medium of the country." Had Henry Clay been describing the condition of our country to-day he need have changed only one figure. Instead of a paltry three hundred banking institutions he would have said he beheld dispersed over the immense domain of the United States over two thousand banking institutions emitting the actual currency of the United States, on which they neither paid interest nor principal, while it was exchanged for paper of the community on which both were paid; in fact, exercising what had been considered at all times and in all countries one of the highest attributes of sovereignty.

It is time for alarm when this bold measure is introduced to strengthen this usurping and powerful monopoly. It is time for alarm when these two thousand odd corporations, having already entire control over the volume of our currency, and hence over the price of labor and its products, are daily not only strengthening their grip upon the people by rapidly inflating their currency, but are reaching out through this bill to possess the whole field, impatient that the people have any share in the circulation. Already they own the officers of our Government. The President, Secretary of the Treasury, the Superintendent of the Mint, the Comptroller of the Currency, whom they have actually made an honorary member of their bank association without a protest from him, are but their willing tools. When they speak to the people, by message or report, it is the voice and words of the national banks we hear. Every day brings new evidence of the fact that this administration in all its branches is sold out to this arch enemy of republican institutions, that is everywhere proclaiming that the people cannot be trusted with their own most important affairs, but must be turned over entirely to the tender mercies of these self-appointed guardians, whose only interest is self-interest.

A leading member of the republican side of this House, who is famous for his devotion to the national banks, said just after the President's late message, "There won't be a greenback left in this country in six years." This bill is a response to the President's message, and in accord with the prophecy just quoted. Either the greenbacks or the national-bank notes must go, and that at no distant day. The greenback stands to-day the sheet-anchor of this Republic. It represents the honor, the majesty, the independence from foreign and domestic usurers of the people of the United States. It is our Fort Sumter, and the rebels of Wall street have surrounded it, and this bill is their first shot. It will arouse and alarm the country, and the enemies of the people will be overwhelmed by the Grand Army of the Republic, under the battle-cry, "Greenbacks and victory!"

The only difference in the councils of those who propose in six years to destroy every greenback is as to the most favorable time and manner. Some say now. Others say wait until we are re-elected. Some say make open war upon it. Others say attack it in the night under disguise, lest the people be alarmed. The councils of the latter have prevailed in this bill.

How has this bill been managed on this floor? The members of the committee have taken four or five hours of our time, all in its favor, and allowed only a little over a half hour for its opponents to reply, showing a dogmatic purpose to crush out opposition to their measures.

I see by the morning papers that an effort was made yesterday by prominent members of this Banking and Currency Committee—which fortunately was unsuccessful—to postpone the consideration of all financial measures before the committee, including even the President's message, referred to them by the House for their report, until next December, after the presidential campaign. This is a President-making Congress with a vengeance! The leading members of the old parties trying to put an extinguisher on the people, trying to smother the bills that have been referred to them by their representatives on this floor, willing to violate every obligation and their own oaths by neglecting their duties as members of one of the most important committees in this House, because they dare not take sides with the people, and dare not take sides against them in favor of the national banks until December next, after they are re-elected. I see with shame that a colleague of mine, representing a district of Iowa, favored this measure. This same gentleman, [Mr.

PRICE,] who in the beginning of this session hastened to introduce a resolution condemning the President's proposal to destroy the greenbacks and condemning "any agitation of the financial question at this time," was, strange to say, the first man on this floor to make a speech on the subject, in which he agitated every controverted point in the currency question in a most flippant manner.

He denied the acts of Congress, the decision of the Supreme Court, Webster's Dictionary, and every other authority, by affirming that the greenback is not nor can be money, in these words: "There is no paper money, and under our Constitution never can be." His committee, too, was the first one in this session to introduce a bill to change our whole financial system, and he not only favored the bill, but, I understand, has heretofore himself introduced one of similar import. To be sure, he eulogized the greenback to quiet the nerves of the people, while his committee, with his co-operation, try to give it a death-thrust. The friends of the banks loudly deprecate agitation unless they are the agitators. "Let us have no tinkering with the finances," they say; then proceed more zealously than ever to tinker the banks up and the greenbacks down. "Let us have peace on this money question," they insist; then introduce bills like the one under discussion to knock out the corner-stone of our monetary system. Away with such insults to the people! Away with such mockery, such hypocrisy! There is an irrepressible conflict between the banks and the people, as much so as between freedom and slavery, for it is a conflict between freedom and slavery, and no temporizing, no compromising, no deception will be tolerated. The war is inevitable, and let it come! The issues are made up in this bill. The little party of the center, with the people behind them, ask for no delay, demand no quarter; for with truth and justice one man can chase a thousand, and two can put ten thousand to flight.

UNITED STATES COURTS IN OHIO.

Mr. CONVERSE. I enter a motion to reconsider the vote by which the House on yesterday non-concurred in the amendments of the Senate to the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, and asked for a committee of conference thereon.

BANK RESERVES.

Mr. BUCKNER. I yield ten minutes to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Mr. Speaker, I desire for a few moments to notice the real purpose and effect of this bill. It requires very tersely every banking association to keep in gold or silver coins of the United States one-half of the reserve fund now required by law. What are silver coins of the United States? The 412½-grain dollar, subsidiary coins, and the trade-dollar are all silver coins of the United States. The first is a full legal tender, the second only to the extent of $5, and the trade-dollar, although a coin of the United States, is not a legal tender in any amount whatever. And yet, if this bill becomes a law, the national banks may keep their entire coin reserve in subsidiary coin or trade-dollars, or in both; so that by this bill these debased silver coins are exalted above the greenback which is a legal tender for all amounts. Again, to the extent that this bill requires the banks to keep gold and silver coin as a lawful money reserve it prohibits the keeping of greenbacks for such purpose, and is a discrimination against the greenback and inimical to the interests of the people. No one is so blind as not to see this.

We heard something from the gentleman from New York [Mr. CHITTENDEN] about our standard silver coins, which he styles "clipped" dollars. He sneered also at the greenback, saying it was "a popular snare and an evil device." The dollar of 412½ grains is a "clipped" dollar, in the estimation of the gentleman from New York, when you want to pay the bondholder, who had solemnly contracted to take it for his bond. But when the same bondholder and banker wishes to pay off his national-bank notes held by the common people, then a "clipped" dollar, a subsidiary dollar, or a trade-dollar is good enough for that purpose, and he accordingly supports this bill. [Applause.]

Sir, this is a most iniquitous discrimination against the people and in favor of the bondholder. It is the same old obnoxious class legislation over and over again.

The gentleman from New York says that the greenback is corrupting and destroying individual honesty and public virtue. Nothing could possibly be farther from the truth than such a declaration. The greenback is the only reliable dollar in America to-day. It stays at home, and is always as good as gold. There is absolutely neither sincerity nor truth in that plea; none whatever.

We owe, says the gentleman, three hundred and forty-six millions of legal-tender war debt. I beg to remind him of the fact that on the 30th of May, 1878, Congress passed a law that the three hundred and forty-six millions of greenbacks should be kept in circulation, and thus the greenback became the perpetual legal-tender money of this country. They may be a debt in their present form, but they have been made by law perpetual legal-tender money. The gentleman says Mr. Lincoln approved the act February 25, 1862, because there was no other resource; that "it was the fiat of the Government to save the nation's life." Mr. Lincoln did approve it for the very reason stated. Gold, silver, and the Shylocks of the country failed the Government in the hour of its trial, and we were compelled to resort to legal-tender paper. It was the fiat of the Government to save the nation's life; and the same fiat is doubly necessary to-day to save the liberties of the people. But he says, the Government cannot create legal-tender paper.

A lawyer once said to an Irishman who had been placed in the stocks for some minor offense, "They can't put you in the stocks for such an offense." "They can't?" said the man, "but you see I am here already." [Laughter.] The Government has made legal-tender money, and it has been sustained on the broadest constitutional principles by the Supreme Court. But the gentleman sustains his doctrine that you can make legal-tender money, by the story of the descendant of Roger Sherman; a boy who bought a dog, and lost him, and then piled up an enormous debt to recover him again. The boy desired to convert his indebtedness into legal-tender money. Let me tell you that if there was any Sherman blood in that boy's veins he would never have wanted anything of the kind. He would have gone to his cousin, the head of the Treasury Department, where he would have received this advice: "Deposit your dog with me, get him exempted from tax, then draw 90 per cent. of his value and go into the banking business, and I will keep your dog free from expense to you, and will stamp a gold-bearing coupon, payable quarterly, on that dog's ears and on every inch of his tail." [Laughter.]

But, says the gentleman, "Tell me what is right and I will show you the law for it." That is a very fine maxim. Let me tell the gentleman that it is right to preserve the liberties of the people, and we will show you a law for it. The issue fairly before the people is this: Shall we have in this country legal-tender paper issued by the Government, or shall the people depend upon banking corporations for their circulating medium? Shall the Government or the banking corporations control the volume of the currency? Let gentlemen meet that issue fairly and squarely. The issue is between the corporations and the people. Shall we depend upon banking corporations for the volume of our currency, and in that way give the banks the control of all values in this Republic?

The House will recollect how furious the gentleman from New York [Mr. CHITTENDEN] appeared when he spoke of the soldier bill. You remember he stooped over and shook his little fist in my innocent face! His speech, fury, and clenched fist, reminded me of the old rhyme:

Two magpies sat on the garden wall
An hour or two together;
At first they talked of nothing at all,
And then they talked of the weather,
When, drawing into a fist his little claw hand,
Says this magpie, "Upon my word,
This is more than flesh and blood can stand,
Or magpie or any other bird."

[Laughter.]

The gentleman goes into hysterics the very moment he mentions the soldiers' bill. He regards it as an assault upon the peculiar interests which he represents. But he is not the only gentleman who is seriously annoyed by it. A very distinguished gentleman, a citizen of the State of Illinois, a distinguished ex-soldier and philologist, said on the 20th day of this month, in a speech made not very far from this Chamber, (see CONGRESSIONAL RECORD, January 21, page 4,) that the bill introduced by General WEAVER into the House of Representatives to equalize the pay of soldiers was the worst piece of "demagogy"—"demagogy" is good—ever introduced into an American Congress.

Mr. HAWLEY. And he was perfectly right.

Mr. WEAVER. No doubt the gentleman who classes the greenbackers as among the rag-tag and bobtail of the country would say that that was perfectly right. The country, however, is not prepared to take any such declaration as that from the citizen JOHN A. LOGAN, a man who voted for the back-salary grab, and then put $3,800 into his pocket as his part of the swag. Any such man as that, one would naturally suppose, would be opposed to doing justice to the soldier.

I understand that the gentleman from the first congressional district of Missouri has recently written a letter in which he says, that the author of the soldiers' bill is not in earnest, and that the bill will not pass. Sir, let me say that the author of that bill and the more than five hundred thousand men who stand behind him were never more in earnest than now. They were not more earnest when storming the heights of Fort Donelson or fighting the bloody battles of Shiloh, Gettysburgh, and the Wilderness. And this House must give the relief asked for, or these men will send a Congress here that will grant them their prayer.

My colleague from Iowa [Mr. PRICE] in his speech to the House a few days ago told us that we must let well enough alone. He is, in fact, the author of a resolution that we shall not agitate this question any further before Congress. He holds up his flag of truce and commands silence until he gets the currency reformers in the right position, and then he violates his flag of truce himself, and fires upon us from every stand-point, from every controverted position.

He told us that France had $426,000,000 of silver money, and 60 per cent. more than that of gold. That would give France $19 *per capita* in gold, $12 in silver, and she has $12 *per capita* in paper, making in all $43 *per captia* for the entire population, while in this country we have not to-day $8 *per capita* in actual circulation, although we have a population 50 per cent. greater than France, and an area of territory eighteen times larger than the territory of that country.

My colleague has occupied every sign in the zodiac upon this question of finance, and no man can tell from what he said in his speech whether he favors this bill or is opposed to it. I have read the speech carefully, but am unable to determine.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. COX.) The time of the gentleman has expired.

Mr. PHISTER. As the gentleman represents on this floor a minority, who have not had a chance to present their views fully, I hope that by unanimous consent he may be allowed fifteen minutes more.

The SPEAKER *pro tempore*. Any extension of time must come out of the time of the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I want to dispose of this bill to-day. I yield ten minutes to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. As the gentleman from Missouri gives me ten minutes, I will yield four minutes of my time to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Mr. Speaker, I thank the gentleman. My colleague [Mr. PRICE] stands recorded in the proceedings of this House as having voted for the Bland bill. That was a bill for free, unrestricted coinage of silver. He also stands recorded at the extra session of this Congress as voting against the passage of the Warner bill, which was in substance the same as the Bland bill. Now, how he can reconcile his votes on these two measures I cannot understand, nor can they be explained, for the reason that they are absolutely contradictory. Nor can I understand how the gentleman can justify himself before this House and before the country. Let him explain if he can. Why should not this country have as much money as France? In material resources, population, and extent of territory we are vastly her superior. But my colleague [Mr. PRICE] lauds the greenback!

There is one thing I do not want him to do. He must not try to crawl into bed with the greenbackers without first taking off his republican boots and overcoat. [Laughter.]

Mr. Speaker, I hope the House will refuse to pass this bill—will recognize it as a serious attack upon the greenback, and an attempt to degrade the best curreney we have, to a place even below the subsidiary silver dollar and the trade-dollar. The bill is calculated to take the greenback out of the reach of the people and place it in the hands of those who will hoard it. Under the law as it now stands they cannot do this as well as they could desire. The people have some little protection. But if this bill becomes a law they will be largely deprived of the legal-tender paper dollar. It will disappear from circulation. It is not the intention of men who have coin to sell to put the greenback in circulation. They are the enemies of the greenback. It is their intention to retire it from circulation—nothing else.

Mr. Speaker, the attempt has been made in this House since the assembling of Congress to suppress the discussion of the financial question. It cannot be done. The pressure is from without. It comes from the people, who are masters of the situation. They are discussing it in every village and hamlet, in every public meeting, in the workshops, and even in the churches, [laughter;] and they will continue to discuss it until it is settled in their behalf.

[Here the hammer fell.]

Mr. WHITTHORNE. Mr. Speaker, when this bill was about being put upon its passage some days since I sought the floor and made the statement that we were about to pass a bill the full scope and purpose of which were not comprehended. The more I have looked at the bill the more I am disposed to regard it as a Trojan horse. In my judgment it discriminates against the legal-tender note—a portion of the lawful money of the United States at the present time.

Let me turn for a moment to the existing law so that we may understand what is meant to be done or what will be accomplished by this bill. By reference to the law this requirement will be found:

Every national-banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least 25 per cent. of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least 15 per cent. of the aggregate amount of its notes in circulation, and of its deposits.

Now this bill proposes—

That the national bank act be, and it is hereby, so amended as to require every banking association to keep in gold and silver coins of the United States one-half of the reserve fund now required by law.

Mr. BUCKNER. The gentleman does not understand the law.

Mr. WHITTHORNE. Under the existing law, as I understand it, the security for the holder of the note of a national bank is in the credit of the Government. If to-day a national bank suspends, and for any reason becomes insolvent, the note-holder cannot claim a single dollar of the lawful money of the bank in reserve, unless he does so at the termination of the receiver's work. He would have to go, and under existing laws would go, to the Secretary of the Treasury for the redemption of national-bank notes. Now we come to inquire as to this reserve. It is intended, if for anything, under the national-bank law, as security for safe business to be done by the banks, for safety in the business of the banks, and to prevent too much discount and unnecessary and wild speculation. You propose right here under this bill to take away from the lawful money of the United States a part of its high character. Under existing law any national bank of the country can have its reserve altogether either in silver or in gold, or in greenbacks, or legal-tender notes. You come here by this bill and propose to say you shall or may have under the law all in gold, or all in silver, but you shall not have but one-half of it in greenbacks or legal-tenders. That is the plain English of this bill.

I repeat it, sir, under this new bill you may have all the lawful reserve either in silver or gold, but you may and shall not have it all in legal-tender notes. That is the plain English of it; and will any gentleman of common sense say to me that it is not a drive at legal-tender notes? It is the entering-wedge, and intended, in my judgment, to be the entering-wedge, to the total discredit of the greenbacks of the country. Are we ready for such a contingency? Is the business of the country ready for it?

Gentlemen say, "Let well enough alone." I respond, "Let well enough alone." Let us pause right here in this era or day of prosperity and inquire what caused it to be brought about. Has it been because of accumulation of gold and silver? Having gone through an era of extravagance, a time of speculation, a period of high taxes, has that speculation given us any relief? Have high taxes given us any relief? But has it not been, on the contrary, because we have come right down to hard pan, and because the labor of the country has stripped its brawny arm and gone to work, and because the products of the earth have come to the relief of the country—has it not been because of this we have found prosperity has visited our land? And will we in the next twelve months be blessed with the seasons of plenty we have already had? Will famine visit other portions of the earth as it has in the last two years? Shall we be blessed with the same good fortune the next two years that we have seen in the past two? If so, we could then tell whether it would be necessary and proper to make any change in our existing currency laws. What this country needs, what our currency needs, is stability as much as convertibility. Mr. Speaker, stability is necessary to healthy trade, and that benefit is to be secured, not by reliance on the national banks and their stockholders, but it is to be secured by the common good sense of the people as against these men, whose interest, if not at present, may be in conflict with that of the Government and the people. What shall be money should always be the sovereign right of the Government to determine, and should never be delegated to any person or corporation.

[Here the hammer fell.]

Mr. KEIFER. Mr. Speaker, notwithstanding the painful regret expressed by the chairman of the Committee on Banking and Currency [Mr. BUCKNER] yesterday in reference to the matter of members indulging in irrelevant debate, we have been obliged to-day to listen to a great deal more of that kind of debate. But I wish to give a reason or two in the moment I have to occupy the floor why I shall vote against this bill. I shall not be in harmony with some gentlemen who have spoken against the bill here to-day.

First, let me say when this bill first came before the House for consideration the gentleman from Missouri [Mr. BUCKNER] having charge of it told us in substance that the bill was to have no effect at all upon the country. He took pains as long ago, I believe, as the 14th of January, to demonstrate, by putting into the RECORD a table, that there was coin enough now in all the banks of this country to meet the requirements of this bill. We were then to be soothed with the idea that we were to make no draught upon the reserve coin in the Treasury except to secure resumption. He then assured the House we were engaged in harmless if not useless legislation. That was the burden of his speech, and he demonstrated then that there was more coin already in possession of the national banks than was essential for the coin reserve required by this bill. But yesterday, to our surprise, he told us that he introduced this bill at the extra session, or one very similar to it, and he further said:

But my purpose was to unload the Treasury of a portion of its immense hoards of gold and silver for the purpose of diffusing them among the banks and the people.

But, Mr. Speaker, when we read the bill, we find the sole effect of it is to put the padlock of the law on $50,000,000 of the coin of the United States, that the people cannot reach under any process known to the country. The effect of the bill is to lock up, in round numbers, $50,000,000 of coin that the people cannot reach under any circumstances. The coin reserve required to be kept in the sixteen principal cities of this country, where they are required to keep in "*lawful money of the United States*" a sum equal to 25 per cent. of their circulation and bank deposits, and in the other banks of the country, in like lawful money, 15 per cent. of their outstanding circulation and deposits, which reserves aggregate, in round numbers, $100,000,000—we are, then, Mr. Speaker, by this bill to say that one-half of that large aggregate is to be locked up in the banks, where it is not to be reached at all. It is to be absolutely withdrawn from circulation.

We are, it is true, to turn out instead $50,000,000 of greenbacks. What for? Do the people want them? I venture to say there has not been a petition presented to this House or to the Senate, asking that these greenbacks shall be turned out and taken from the reserves of the banks—not a single one.

We are here taking up time in trying to legislate upon a subject that is not demanded by the wants of the country or by the wishes of the country anywhere. And what is the real design and purpose of this bill? If not the design, what will be the real effect of it? Not to use up, as I understand it, for we ought not to do that, the amount of coin that is now in the banks for the use of the people

whenever they go to the banks to get it; not to take up the coin in the pockets of the people, for they need that for their own uses and will be likely to hold on to it, but to compel the banks to go to the Treasury of the United States and to draw from the fund now there $50,000,000 of the coin reserve, to lock it up so that it cannot be made available for securing permanent or continuing resumption. This is the whole scheme and design of this bill. It is unwise, and I trust no man who believes in the doctrine of having paper money and gold and silver coin abreast will vote for it. I also trust all those who believe resumption is, will, and should be maintained will vote against this bill. Not only do you take by this $50,000,000 in coin from the Treasury vaults of the United States and lock it up, not permitting it to be used for the purposes of securing resumption—not only do you do that, but you turn out $50,000,000 of the paper money of the country now held in reserve by national banks, and make it available to be used in an emergency by opponents of resumption for presentation for redemption.

The bill enacted into a law withdraws $50,000,000 of coin necessary to be used for the purposes of resumption and substitutes therefor $50,000,000 of paper money to be presented everywhere and at any time for redemption.

Now, Mr. Speaker, that is not good financial policy in this country, or at least it is in the face of what is usually regarded as good financiering in any country. There should be a great center where coin is accumulated so as to strengthen the power which has the responsibility of carrying out the policy of resumption. It has been the policy of Great Britain and it has been the policy here when we acted wisely, and until very recently it has been the policy of the democratic party also.

I remember very well in the last national campaign in this country the gentleman who had the distinguished honor of being selected as the standard-bearer of democracy arraigned the party in power, the republican party, for not providing for a reserve of coin in order to procure resumption of specie payment upon the legal-tender notes issued by the Government. I have here his exact language:

> The amount of the legal-tender notes of the United States now outstanding is less than $370,000,000, besides $24,000,000 of fractional currency. How shall the Government make these notes at all times as good as specie? It has to provide, in reference to the mass which would be kept in use by the wants of business, *a central reservoir of coin*, adequate to the adjustment of the temporary fluctuations of international balances, and as a guarantee against transient drains artificially created by panic or by speculation.

This I have read from Mr. Tilden's letter of acceptance. It lays down the true doctrine on this question, and the one the republican party adopted when the time came to act in the matter of carrying out the resumption act of January 14, 1875.

Mr. Tilden complained that a "reservoir of coin" was not provided several years before the resumption law was to take effect. The republican party was satisfied to provide one only when it was needed. Let us not destroy it, now that we have resumption with its good results in the revival of business, restoration of business confidence, &c.

I might read more from this letter of acceptance, but my time is too short. The proposed legislation is a direct thrust at the Treasury and at the power of the Government to maintain resumption, and we learned yesterday for the first time, from the distinguished gentleman who has charge of this bill, that it was so designed; for he then said it was to take the coin out of the Treasury of the United States, and, for fear that the money should be used as we now use the reserve provided for the national banks, he then offered an amendment to the bill which requires the money to be locked up in the vaults of the several national banks in the country. As the law is now, three-fifths of the reserve of the country banks may be kept in the cities which are selected as depositories for the redemption of the circulating notes of the banks. That is no longer to be done, so far as the coin reserve, which will be required to be kept by this proposed legislation, is concerned. It changes and alters the entire national-banking system, so far as the reserves are concerned. We shall no longer keep any portion of this one-half coin in any of the cities selected for the purpose of deposits in order to secure the redemption of the circulating notes of the banks. There are eighteen of these cities in this country. Of these eighteen, seventeen may, under certain circumstances, select banks in the city of New York where they may keep a portion of their reserves, and thus make available for business purposes a large amount of money as required now to be kept under the present law.

Let me say in conclusion, Mr. Speaker, as the law now stands every bank, if it is wise, or if necessary, will keep coin as a part of its reserves. These banks are required to keep their reserves in lawful money of the United States. The lawful money of this country is defined by the statutes to be gold and silver coin, United States Treasury notes, and demand Treasury notes for the purpose of the banking law of the country. I think that the passage of this bill would be the first great blow at the established policy of this country, that policy that has been so wisely undertaken and so successfully maintained, namely: the policy of resumption of specie payment after it had been so long suspended.

Mr. BUCKNER. I demand the previous question upon the bill.

The SPEAKER. The first question is on the amendment offered, which will be read.

The Clerk read as follows:

> In line 4 of the first section, after the word "keep," insert the words "in their vaults;" so as to make it read:
>
> That the national-bank act be, and it is hereby, so amended as to require every banking association to keep in their vaults in gold or silver coins of the United States one-half of the reserve funds now required by law.

The question being taken on agreeing to the amendment, there were—ayes 35, noes 79.

Mr. BUCKNER. A quorum has not voted.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Missouri [Mr. BUCKNER] and the gentleman from Ohio, [Mr. KEIFER.]

The House again divided; and the tellers reported—ayes 33, noes 73.

Mr. BUCKNER. I do not call for further count.

So the amendment was not agreed to.

The question recurred on ordering the bill to be engrossed and read a third time; and being put, there were—ayes 30, noes 140.

Mr. BUCKNER. I call for the yeas and nays.

The yeas and nays were ordered, 47 members voting therefor.

The question was taken; and there were—yeas 80, nays 158, not voting 53; as follows:

YEAS—80.

Aldrich, N. W.	Dwight,	Lounsbery,	Rothwell,
Aldrich, William	Einstein,	Martin, Edward L.	Russell, William A.
Ballou,	Field,	Mason,	Shallenberger,
Bayne,	Fort,	McCook,	Slemons,
Belford,	Frye,	McLane,	Smith, William E.
Bingham,	Garfield,	Miles,	Talbott,
Blake,	Goode,	Mitchell,	Thomas,
Bliss,	Harris, Benj. W.	Monroe,	Thompson, W. G.
Boyd,	Hawk,	Morse,	Tyler,
Brigham,	Hawley,	Morton,	Updegraff, J. T.
Buckner,	Hazelton,	Newberry,	Updegraff, Thomas
Butterworth,	Henkle,	Nicholls,	Upson,
Carpenter,	Henry,	Norcross,	Urner,
Chittenden,	Herndon,	Overton,	Van Aernam,
Covert,	Hiscock,	Page,	Van Voorhis,
Crapo,	Humphrey,	Poehler,	Wait,
Daggett,	Hutchins,	Pound,	Washburn,
Davis, Joseph J.	Lewis,	Price,	Wells,
Deuster,	Lindsey,	Rice,	Willits,
Dick,	Loring,	Ross,	Yeung, Thomas L.

NAYS—158.

Acklen,	Cravens,	James,	Samford,
Aiken,	Crowley,	Johnston,	Sapp,
Anderson,	Culberson,	Jones,	Sawyer,
Armfield,	Davidson,	Keifer,	Scales,
Atherton,	Davis, George R.	Kelley,	Shelley,
Bachman,	Davis, Horace	Kenna,	Sherwin,
Baker,	De La Matyr,	Kitchin,	Simonton,
Barber,	Deering,	Klotz,	Singleton, J. W.
Beale,	Dibrell,	Knott,	Smith, A. Herr
Beltzhoover,	Dickey,	Ladd,	Sparks,
Bicknell,	Dunn,	Lapham,	Speer,
Blackburn,	Dunnell,	Le Fevre,	Springer,
Bland,	Elam,	Lowe,	Starin,
Blount,	Ellis,	Martin, Benj. F.	Steele,
Bouck,	Errett,	Martin, Joseph J.	Stevenson,
Bragg,	Evins,	McCoid,	Taylor,
Brewer,	Farr,	McKinley,	Thompson, P. B.
Briggs,	Ferdon,	McMahon,	Tillman,
Bright,	Ford,	McMillin,	Townsend, Amos
Browne,	Forney,	Mills,	Townshend, R. W.
Burrows,	Frost,	Morrison,	Tucker,
Cabell,	Geddes,	Muldrow,	Turner, Oscar
Caldwell,	Gillette,	Murch,	Turner, Thomas
Camp,	Godshalk,	Myers,	Vance,
Cannon,	Gunter,	New,	Waddill,
Carlisle,	Hall,	O'Connor,	Ward,
Caswell,	Hammond, John	O'Neill,	Warner,
Chalmers,	Hammond, N. J.	Pacheco,	Weaver,
Claflin,	Harmer,	Persons,	Whitthorne,
Clardy,	Harris, John T.	Phelps,	Wilber,
Clark, John B.	Haskell,	Phister,	Williams, Thomas
Clymer,	Hatch,	Prescott,	Willis,
Cobb,	Hayes,	Reagan,	Wilson,
Coffroth,	Heilman,	Reed,	Wise,
Colerick,	Hill,	Richardson, D. P.	Wood, Fernando
Conger,	Hooker,	Richardson, J. S.	Wood, Walter A.
Converse,	Hostetler,	Richmond,	Wright,
Cook,	Houk,	Robertson,	Yocum.
Cowgill,	House,	Russell, Daniel L.	
Cox,	Hunton,	Ryan, Thomas	

NOT VOTING—53.

Atkins,	Henderson,	McGowan,	Singleton, O. R.
Bailey,	Herbert,	McKenzie,	Smith, Hezekiah B.
Barlow,	Horr,	Miller,	Stephens,
Berry,	Hubbell,	Money,	Stone,
Bowman,	Hull,	Muller,	Valentine,
Calkins,	Hurd,	Neal,	Voorhis,
Clark, Alvah A.	Jorgensen,	O'Brien,	Wellborn,
Davis, Lowndes H.	Joyce,	O'Reilly,	White,
Ewing,	Ketcham,	Orth,	Whiteaker,
Felton,	Killinger,	Osmer,	Williams, C. G.
Finley,	Kimmel,	Pierce,	Young, Casey.
Fisher,	King,	Robeson,	
Forsythe,	Manning,	Robinson,	
Gibson,	Marsh,	Ryon, John W.	

So the House refused to order the bill to be engrossed and read a third time.

During the roll-call the following announcements were made:

Mr. STEVENSON. The gentleman from Kentucky [Mr. MCKENZIE]

is paired with Mr. HUBBELL, of Michigan. Mr. MCKENZIE is confined to his room by sickness.

Mr. WAIT. Mr. JOYCE, of Vermont, is detained from the House by illness, and has been for two or three days past.

Mr. ROBINSON. I am paired with Mr. HERBERT, of Alabama.

Mr. STONE. I am paired with the gentleman from Mississippi, [Mr. MONEY.] If he were here, I should vote "no."

Mr. CALKINS. On this question I am paired with Mr. MANNING, of Mississippi. If he were present, I should vote "ay."

Mr. HARMER. Mr. FISHER, of Pennsylvania, is paired with Mr. BERRY, of California.

The result of the vote was then announced as above recorded.

Mr. TOWNSHEND, of Illinois, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

An act (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

Mr. WILSON. I desire to make a privileged report.

The SPEAKER *pro tempore*, (Mr. COX in the chair.) The gentleman from Kentucky was recognized by the Chair.

The motion of Mr. BLACKBURN was agreed to.

REVISION OF THE RULES.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The Committee of the Whole resumes the consideration of the report from the Committee on Rules. The gentleman from New Jersey [Mr. ROBESON] is entitled to the floor.

Mr. ROBESON. Mr. Chairman, in accordance with an arrangement which I feel called upon to fulfill, I yield eight minutes of my time to the gentleman from Kentucky, [Mr. OSCAR TURNER.]

Mr. OSCAR TURNER. Mr. Chairman, I did not desire to trespass on the time of the committee upon this question; but inasmuch as a part of the time that was allotted to the Committee on Levees and Improvement of the Mississippi River was taken up by gentlemen on the other side I have concluded to offer a few remarks explanatory of the motives of our committee in offering the amendment proposed by Mr. ROBINSON. And I will take occasion right here to say that there was no intention on the part of any member of the Committee on Levee Improvements to cast any reflection upon the Committee on Commerce, much less upon my distinguished friend the chairman of that committee, General REAGAN, of Texas. We all entertain for him the highest regard as a legislator—I know that I do personally—and would not reflect upon him in any way. But, sir, the question that we wanted to present to the Committee of the Whole was this: that the improvement of the navigation of the Mississippi River and of its tributaries was a question so momentous and involving so much labor that the Committee on Commerce had not the necessary time to devote to that specific subject. We thought that the House ought to act in accordance and in analogy with the precedent that has been set heretofore in regard to the Committee on Pacific Railroads. It is well known that we have the Committee on Railways and Canals, which had a general jurisdiction coextensive with the Union; but notwithstanding that when these railroads to the Pacific were projected a new Committee on the Pacific Railroad was formed in this House on account of the magnitude of the work and the labor which would be required in investigations of a proper character.

Mr. Chairman, appropriations have been made for many years without any general plan by which the navigation of the Mississippi and its navigable tributaries were permanently improved; appropriations have been made for this point and that, as the popularity of a member might secure them, under a log-rolling system, in harbor and river improvement bills, passed under a suspension of the rules without debate, in many instances appropriating public money to unimportant streams which I have not the time to refer to in my limited time. I refer to the defects in this system of improvements on the tributaries of the Mississippi as it has been carried on for many years, because it comes within my own knowledge and sad experience to know something about the matter, and because the people whom I have the honor to represent on this floor have felt the want of a proper and judicious plan of improvement of the Ohio River.

The amount of money which has been appropriated to the improvement of this river, which is the natural outlet of the larger portion of the agricultural products of Illinois, Indiana, Ohio, and Kentucky, might as well have been thrown into it, with but few exceptions. Small amounts have been appropriated to improve such particular points as could be secured by the influence of Representatives, with no view to any general or judicious system, but more to drop a few thousand dollars at a particular locality than to accomplish any general good.

Mr. Chairman, I will give you an illustration of what I mean. In the district which I represent is the city of Paducah, at the mouth of the Tennessee River, the emporium of Southern Kentucky and a part of West Tennessee, one of the best manufacturing points west of the Alleghany Mountains, with an inexhaustible amount of iron, coal, and timber just above on the Ohio, Cumberland, and Tennessee Rivers, all of which could be utilized and made to add to the general wealth and prosperity of the country; and besides this Paducah is surrounded by the finest tobacco-growing country in the United States, and is the second largest tobacco market west of the mountains, and yet we have been forced, poor as we are, to build railroads at our own expense, with no subsidies from the Federal Government, and at an immense and ruinous cost to our people, to remove the products of honest labor and to give us intercourse with other points on the rivers.

And why is this? Nature has given us the Ohio as a great highway, the Tennessee and Cumberland empty into the Ohio at our very doors, and we are only fifty miles from the mighty Mississippi; and yet, Mr. Chairman, we are debarred of these great natural commercial advantages because there is a ledge of rocks in the river called the Grand Chain, and one bar just above the mouth of the river, locking in not only our commerce, but the whole commerce of the States lying on the Ohio, Cumberland, and Tennessee by reducing the water at these points to 30 inches in the summer months, and forcing us to resort to railroads, with their high and extravagant rates of carriage, which swallow up the profits of the farmers and the artisans of our country. These barriers would not block a single harbor in the Northern States twelve months. The money would have been appropriated to remove them as soon as it was suggested, as the appropriation annually of millions to northern harbors shows.

Mr. Chairman, allow me to say something here in reply to an observation which was made by my distinguished friend from Texas, [Mr. REAGAN,] who said that there had been a spirit of liberality exhibited toward the Mississippi River and its tributaries by the Committee on Commerce. I desire to invite the attention of this House for a few moments to that matter. Since those improvements commenced we have had appropriated for that purpose only $7,000,000, while over $200,000,000 have been appropriated for the improvement of northern harbors and unimportant rivers. Now let us look at the equity and justice of this thing.

In 1878 the State of Kentucky paid over $6,000,000 into the Treasury, as shown by the report of the Commissioner of Internal Revenue, which I have here. The district, part of which I have the honor to represent, paid about $1,000,000 into the Treasury in that year.

I will refer to the amount paid into the Federal Treasury by States along the Ohio River since 1863. Illinois has paid $233,673,726.50, Kentucky has paid $101,012,299.47, Indiana $72,664,558.61, and the great State of Ohio $246,397,075.46 of internal revenue since 1863. As I have said, Kentucky in the last twelve months reported by the Commissioner has paid $6,880,614.15 into the Federal Treasury, which is more than double the amount paid by all the New England States in the same length of time.

Now, what have we had in return? It is true that we have not been urgent in our claims before Congress; but when gentlemen talk about the equity and justice that have been meted out to us I must say that I cannot see it. I do not contend that we ought to have improvements in proportion to the revenue which we pay; but it does seem to me that these facts ought to enter into the consideration of the question when we ask for an appropriation.

I shall vote to give entire jurisdiction over the subject of the improvement of the Mississippi River and its navigable tributaries to the Committee on Levees and Improvements of Mississippi River, but have no objection to the supervision of the report by the Committee on Appropriations, to regulate the amount annually; for I am opposed to any extravagant or useless appropriations for this or any other purpose, and only advocate giving the jurisdiction to this committee because I believe it will utilize such appropriations as are annually made, and will be in the interest of retrenchment and reform.

[Here the hammer fell.]

Mr. ROBESON. I rise to speak upon this subject, Mr. Chairman, with a consciousness that I am ignorant utterly of details, and therefore shall confine the few remarks I make to the discussion of general principles. I shall endeavor to be as compact as possible in the presentation of my ideas, feeling that it is proper that the committee having charge of this subject should have control of all the time that is left for general debate.

By the experience of ages, and the common consent of all intelligent men, rules are found to be necessary to the proper transaction of business in all large assemblies of men. The tendency of large bodies of men is always to excitement. Individual feeling grows by contact and association, and without the restraints of settled rules and organized systems, legislative assemblies would not be deliberative bodies, but would be liable to be swayed by the interests and the passions of the hour.

We often feel that rules are inconvenient, and I have heard it said more than once on this floor that they served only as means of obstruction. Mr. Chairman, they should be obstructive, for more than one-half the business which is thrown upon this House should never be transacted at all, and more than one-half of the remainder should not be passed until it is systematized and reduced in the alembic of deliberation through the slow processes prescribed by the rules.

Business should be analyzed by committees, generalized by reports, molded in the heat of debate, and cooled by the slow processes of the rules until the crude ore of governmental policy comes out of the furnace of legislation not only with the structure but with the temper that will make it enduring and useful. All good is produced by slow processes. Everything that is valuable in the productions of the human mind comes from thought and continuous labor. The easy and spontaneous productions of nature fade away like the snow before the morning sun; but the enduring structure and imperial essence of adamant are produced by the gigantic forces of nature through the processes of unnumbered ages.

Mr. Chairman, we all owe our thanks to this Committee on Rules. From an incongruous and incomprehensible mass they have deduced a system compact, simple, clear, and congruous. It is easily seen that they brought to their investigation the wisdom of mature years, the knowledge gathered by long experience, comprehensive philosophy, energy, industry and capacity. I do not say that their results are in every respect perfect. I think them faulty in one or two particulars. Let us reform those particulars if we can; but if we cannot, gentlemen of the American Congress, let us not fail to take them as they are. They are a vast improvement on anything that we have ever had, and amended or not amended they are broad in their compass, wise in their system, compact in their structure, and understandable in their details, and they are an immense improvement on anything we can hope to have if we reject them.

Mr. Chairman, the business of the country to be transacted in a great assembly like this must of course be committed to committees for examination, digestion, organization, and accomplishment. The general business of Congress divides itself naturally into three classes: first, legislation; second, revenue; third, appropriations. First, legislation for the purpose of doing the business of the country, for carrying on the Government, for securing the rights which that Government guarantees to its citizens, and for the progress and development of the country. These three general propositions include within their compass all the subject-matters of general legislation. The second class comprises the subject-matter of the revenue—the means by which the money of the country is to be raised and collected from the people and the property of the country. The next and final division is, naturally, the appropriation of that money. Let me repeat—first, the requirements of legislation; second, the raising of the money; third, the application of that money.

It is not possible, Mr. Chairman, for any one committee to do all this business. No one committee can investigate and understand everything necessary and proper to originate legislation to raise the money for it, and to divide and appropriate that money. Therefore this House is divided into sub-committees to each of which is committed a portion of its business. These sub-committees are divided into three general classes, corresponding to the divisions I have indicated. To the great departmental committees and those of like nature are committed the legislation for the maintenance of the Departments, and for carrying on the business of the country. To them is committed the investigation, the digestion, the organization, and accomplishment of that business; and to them it should be left. They are specially delegated with those duties; they are specially clothed with those powers. They give to the different subjects special investigation and special study. By long continuance of service on particular committees, they acquire a knowledge of systems and of details; and it is only by leaving legislation to them that you can have a settled and harmonious policy in any department of the Government.

Wise economy is brought about by system and settled policy; and you can have no really economical service in any department unless you have a committee which year after year and session after session, as long as the party which they represent dominates in the country, establishes a settled and continuous policy which can be worked out from its base to its consummation.

I have said, Mr. Chairman, that in the body of rules which this committee have reported I find one or two departures from system. I find that while generally they give the subjects of legislation to the appropriate committees, and while they give to the Committee of Ways and Means its appropriate duty of raising the revenue, yet they give to the Committee on Appropriations not only the power of appropriation in all cases, but in some cases the power of legislation also. This is a departure from the science of their system, and so far a mistake. I do not believe that the various committees to whom is intrusted the legislation of this country should also be intrusted with the appropriation of the money, because this last I hold to be the province of the Appropriations Committee—a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. HAWLEY] said yesterday, but a committee which must investigate, understand, and take into consideration the results of the action of all the other committees.

They must examine work of the Congress as a whole. They must take into consideration what are the requirements of each particular department as represented by its appropriate committees; what are the means supplied by the Ways and Means Committee, and looking over the whole field, and aggregating and considering the whole system, they must determine what it is wise to appropriate to each particular object. Not the objects, but how much can be appropriated to each. No individual committee, which has in hand only the interests of its own business, can possibly know what are the results of the work of all the other committees. This is not their province, and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees, and puts them in a systematic policy, for which the party which they represent is responsible. And when they have done that they have done all that they ought to do. They should be required to appropriate according to existing laws alone; and when the other committees, as the result of their labors, have established policies expressed through existing laws, it is the duty of the Appropriations Committee to abide by those laws, and to appropriate according to the deliberate sense of Congress as written upon the statute-book.

They have business enough on their hands if they assimilate, aggregate, make uniform, and compact all the work of the other committees.

Now, I find in the last clause of the twenty-first rule this provision:

> Nor shall any provision in any bill or amendment thereto changing existing law be in order—

So far exactly right—

> except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

That is to say, the whole subject of legislation, so far as it can be brought by the farthest stretch of refinement within the idea of present and future reduction of expenses, shall be committed to the Appropriation Committee—the power to destroy systems, the power to break down policies, the power to make laws which interfere with individual rights and public duties—and all this power given them when it is confessed they are not the committee who are charged with the investigation, the organization, and the development of the subjects upon which they legislate.

This is the defect in that system, almost the only defect that I can find in these rules. Strike that out, and each committee has its proper duty. Each investigates, decides, and enforces what shall be the policy of each department, making a uniform and consistent whole of legislation, and leaving with the Ways and Means the function of providing, and to the Appropriations Committee that of distributing the money to carry it out, looking to the business of the Government as a whole, and not to any particular interest.

But there is another objection to allowing this committee to legislate, more potent to my mind than any other, and it is this: When the Appropriations Committee puts legislation on an appropriation bill, they exercise duress on the judgment of the House and the legislation of the country. No man votes exactly as he would; no one is as free to act as if it were an independent proposition. All legislation is driven through under the whip and spur of the pressure of appropriations. You must submit to break up the half of your policy, or you must lose it all. You do not approve the particular proposition, but you must go for it, otherwise there will be no money for the uses of the Government.

I am speaking on this subject, and I mean to speak on this whole matter broadly, not in the interest of any party, not representing the views of any faction, with no spirit other than that which looks to the good of the country as a whole; and I appeal to you, gentlemen, legislators of the United States, as you are answerable to your own consciences and to your constituents, do you mean that the general legislation of the country shall be forced through under any kind of duress at all? This idea strikes at the very end and center of a deliberative body. The freedom of all deliberation and the freedom of all action will be gone where any such system prevails.

Now, sir, I do not know, because I have not sufficiently examined details, and am not sufficiently familiar with them to know, whether by merely striking out that exception we will reach the evil complained of or not, but I trust that some one before these rules are disposed of will bring in an amendment to them which will strike out this incongruity and leave this proposition which this Committee on Rules has presented a complete, compact, understandable, symmetrical whole. Here is the point at which they depart from their own principles, and that they do depart from principle a child can see, and he that runs can read as he runs. But a remedy is proposed to this defect which, to my mind, is worse than the disease itself; it is a proposition to give the appropriation in each Department to the committee which is intrusted with the legislation on that Department. That only multiplies the evils. All the legislation of the country would then go through on appropriation bills. Every committee intrusted with the business of a Department, working out its interests and accomplishing its results, after working through the session on the subjects involved, would embody in one bill of appropriation all the legislation they desired to have forced through this House. All freedom of action would be paralyzed, all discussion would be arrested, and all legislation, instead of being accomplished by free action and free discussion, would be passed on appropriation bills and under the pressure of the necessities of the various Departments for carrying on the Government. You must double this establishment if you would have it at all; you must reduce this service by one-half or you must lose the whole. This would be the argument and the incentive presented in every case.

And how is it possible for these individual committees, engrossed in their own work, wrapped up in their own purposes, seeking their

own ends, how can they understand and take into consideration the results of the actions of all the other committees? The Naval Committee cannot know what the Military Committee is doing, and the Military Committee cannot know what is contemplated by the Post-Office Committee, nor can the Post-Office Committee know what is required by the Indian Department. They are not appointed nor have they the time or means to investigate all those subjects; nor, if they could, could they agree upon them with each other. They represent different Departments, developing different views, with different feelings and different interests, and they cannot come together as a whole and present to this House a requirement from each committee consistent with all the others. Therefore the remedy proposed, in my opinion, is worse than the disease. The real and simple remedy is to give the legislation to the committees who have charge of the subject. Give them that duty, that responsibility; let them take it; let them work up to it; trust them with it wholly, and let them have the entire duty and responsibility. They will be found worthy when they are intrusted with the responsibility. It is of the nature of man to rise to the level of the action of which he is a part. Intrust these committees with great responsibility, and these committees will be found worthy of the great trust, and they will each and all develop the power and the influence which should belong to them in this House and in its legislation.

But, Mr. Chairman, let them not on their side demand what is contrary to the philosophy of government and contrary to the organization of all deliberate bodies since intelligent representative government began. I will cite a single instance. The confederate constitution, if I am not misinformed, made by men experienced in the business of this assembly, actually provided, in effect at least, that no legislation should be upon appropriation bills, or at least that it should not have the effect of duress either upon the House or upon the Executive. I cite this as a single illustration which occurs of wise provision resulting from long experience.

It will be objected, Mr. Chairman, to this idea which I have endeavored to illustrate and enforce that in time of peace and in a country like ours, where the Government and its operations are directed toward the development of the resources and the bringing out of the wealth and power of the country, that often appropriation is legislation, that it is impossible to divide by any distinct line over which it is not easy to step the functions of legislation from those of appropriation; that often mere appropriation is legislation. Be it so, Mr. Chairman, each subject-matter of legislation will grow in importance in Congress and before the country as the necessities and conditions of the Government require; each committee will grow in importance and in power as the subject-matter which is intrusted to it becomes important to the legislation of the country.

In time of war the Army and the Navy committees will be the leading committees of this House, no matter what other committees are organized or what ability is upon them, because the attention of the people is directed to the condition of the country and necessities which grow out of this condition of war. In times of great constitutional legislation and discussion, the Judiciary Committee and the Committee on the Revision of the Laws will step to the front, because they will then be in the eye of popular regard, since theirs will be the subject of interest to the people. An instance occurs to me, of which I will remind the House.

You all remember how some twenty or more years ago when Mr. Stephen A. Douglas was the acknowledged leader of the democratic party in the Senate of the United States, that he resigned his position as chairman of the Committee on the Judiciary, I believe, to take the position of chairman of the Committee on Territories, a committee which before that time had little of importance to attract any notice in the country or the ambition of any statesman. But he took the chairmanship of that committee and as the leader of its deliberations he occupied the attention of the country and controlled the legislation of the Government because the organization and government of the Territories was then the important subject which occupied the attention of Congress and the people.

In times of peace, then, when the simple progress of the country is the object of Government; when the development of its resources, the increase of its wealth, the wise building up of its power occupies the attention of the people, then it is right that this Appropriations Committee, which has the distributing of this money, should be the leading committee of the House, and no provision can take it from them. Theirs is the important function in the Government, theirs the position which has a right to govern and to control the action of this House. And let me tell you, gentlemen, one other thing—and I speak in no party sense, for I speak neither in the interest of any faction nor as the representative of any party—you cannot carry on the business of Government, for which the dominant party is responsible, unless you have one center of leadership. A dozen leaders will break up any party and destroy any system of government. I speak not for the present time merely, nor from my stand-point as a member of the minority, but I speak in the interest of all parties and for the good of the whole Government. I am a party man. I hold that they are the voluntary organization through which the will of the people is organized, expressed, and executed. In a country like ours, inclosing such a vast area, and presenting so many interests and feelings, the political sentiments of large masses of the people can only be organized around party standards representing great principles upon which these masses are agreed. These principles can only be enforced by party organization and action. Without this right principles will be powerless, for they will never have expression, and faith, however truthful, will be dead, since it is without effective works.

Now, gentlemen, do I speak as a partisan or as a man who understands and realizes that the business of the Government must be done, if it is done at all, by the dominant party in Congress; that it must be accomplished, if it is to be accomplished at all, by that party that has the majority and the power which belongs to the majority? And we all want it accomplished, even though we may not agree in all the particulars.

Gentlemen, you can have no proper control over legislation as a party, no settled policy, no successful accomplishment unless you have single and defined leadership; and whatever committee it is whose subject-matter at any time stands in the eye of public regard, whatever committee it is whose general business, to them intrusted, becomes the center of the attention of the country, that committee must of necessity be your leading committee for the time; and you are tearing down your own temple of power if you struggle to break down that concentrated power and effective leadership.

Mr. Chairman, I have already occupied more time than I have a right to consume under the circumstances of the case. I trust that the little I have said will be accepted as having been said without party spirit, and with a disposition to deal with the practical interests of the country and the real business that we have on hand. If I had felt justified in consuming more of your time, I might perhaps have stated my propositions more clearly, urged them with more logical power, and illustrated them with more convincing argument; but, such as they are, the House must take them in their crudity and digest them with their better wisdom.

Mr. FRYE. Mr. Chairman, the discussion of the report of the Committee on Rules thus far has seemed to me to be a contest between committees as to jurisdiction, very largely; and it has developed much more of criticism than of commendation. Now, criticism is healthy, and I, for one, do not object to it; but commendation is, to say the least, agreeable, and I wish briefly to point out certain reasons why in my judgment the Committee on Rules is entitled to more of the latter and less of the former.

And first, I desire to pay a deserved tribute to the democratic majority of our committee. In these days, when party spirit runs high, when it permeates almost the whole body-politic, provokes bitter hostilities, jealousies, and dissensions, incites the majority to ride rough-shod over the minority, justifies or acquiesces in the overturning of the will of the people as expressed at the polls, seizes upon the governments of great States in the face of the Constitution and the laws, it is indeed refreshing to record one instance, at least, where this spirit has been completely exorcised, where the decree, "Get thee behind me, Satan," has been fully executed. From the beginning of our deliberations down to the signing of the report there never has been the slightest evidence of partisanship on the part of the democratic majority of the committee; and I think they will bear the same testimony as to the republicans. There have been no heated discussions, no dissensions, no attempts to trample upon the rights of the minority. On the contrary, at the very outset we passed a resolution that no amendments to the rules should be made except by unanimous consent, and wherever we disagreed the old rules should be reported. Hence you find some rules here which have not received the indorsement of this committee, and to which your attention will be called.

Now, sir, we have had, I think, but one single purpose in all of our deliberations, and that has been to reduce madness to method, chaos to order, discord to harmony, duplicity to simplicity; to so revise, amend, and codify these rules as to make them aids to intelligent legislation. This was not an easy work to do, gentlemen. Many of you know that it was not a purpose easy of attainment.

Why, sir, these rules have been growing up since the foundation of our Government down to now, and with no natural regular growth. Necessities of parties, the whims of Speakers, contradictory decisions, the practice of the House, requirements of the occasion, uncertain and doubtful language—all these have combined to make a body of rules calculated better than anything else to disturb the legislator and to obstruct legislation; a body so full of intricacies and secrets that only the most skillful and trained anatomist could by any possibility dissect it and reveal them.

Many of you know this; for many of you sat down conscientiously and courageously to master this problem of the rules; and how soon have you found that a little knowledge was a dangerous thing, and that much was the work of a life-time. Why, sir, I remember perfectly well the first Congress I ever was in that it was almost impossible for me to prevent myself resigning, from the fact that I was a mere cipher, an utter nobody, because I could not penetrate the very outside door of this incongruous mass of rules. And you, gentlemen, many of you, have had the same feeling. When I appeal to you to know whether or not the purpose we had was easy of attainment you will say to me emphatically and feelingly, "no;" but it was worthy only of commendation and praise if undertaken and partially effected. You have had the report of our committee before you. It is full; it is complete. I have no doubt the most of you have read it with care. You see there our purposes, our methods, and the results. And are we

not, gentlemen, entitled to some degree of commendation for what we have done?

Let me point out a few things, and I only will a few, because others of the committee, I suppose, are to follow me, and I will not trespass upon them. Take the first and what seems the simplest. We have undertaken to group all rules touching one subject under one rule, like "the duties of Speaker," like "motions," like "amendments," like "committees of the whole." Heretofore, if you desired to discover anything in relation to any one of these subjects you never knew where to stop until you had reached the very last rule in that book, while here you have it all at a glance. Now, sir, this was not a stupendous work for gigantic intellects; but it was a painstaking work, requiring great labor and great care. Are we not entitled to commendation for that? Again, there were some thirty or forty of these rules obsolete in whole or in part. How could the gentleman from Massachusetts, [Mr. HARRIS,] the first four years he was here, tell what was obsolete and what was operative, with no guide, nothing to point it out?

Now what, in the name of common sense, are our rules for? They ought to be guides, charts. Every sunken rock, every hidden ledge, every lee-shore, and every dangerous shoal is supposed to be marked with a buoy, a beacon, a light to be pointed out by lines and numbers, so that we can take our chart, and, observing it with careful eye, can pilot our little vessel safely through to a harbor.

Yet these rules are in fact no chart. Half of the sunken rocks have been blasted away; new ledges have been discovered, new reefs have been found; and yet there have been no marks to show them, no numbers to indicate them. And if you undertake to be guided by that chart you would be in the condition of the pilot in the sound, who assured the captain that he knew all the rocks there. All of a sudden the vessel ran on a ledge, and the captain said to the pilot, "You infernal scoundrel! I thought you said you knew where all the rocks were." "So I do," said the pilot; "and there is one of them." [Laughter.] That was about the only way a new member, at any rate, could tell where any sunken rock in this chart was—by running his vessel on it.

Again, there were practices of the House which had come to be law from long custom, yet which were in direct contravention of the rules. Again, there were rulings of the presiding officers which were diametrically opposed to each other on the same rule.

Now, gentlemen, we have undertaken to make an open pathway, and with guideboards to point the youngest member of Congress, so that if he has anything committed to his charge he can pursue his way to the end. Under the old rules, by the old pathway, when I as a young member took something which my constituents had intrusted to my care and started along boldly with it, thinking I saw the guideboard, all of a sudden the sharp gentleman from Michigan [Mr. CONGER] dropped an impassable barrier right across my path, and I retired to my seat dismayed, confused, disgusted with legislation and legislators, and with myself more than either. [Laughter.]

Are we not entitled to some commendation in this, that we have repealed the rules obsolete in whole or in part; ay, more, that we have made rules carrying out the practices of the House, which cannot be misunderstood; ay, more yet, that we have selected between contradictory rulings of the presiding officers of the House, and embodied that in a rule which commended itself the most as an aid to legislation?

I now come to some amendments which we have proposed, and I will take first that one which occurs to me to be the most important, the rule in regard to the calling of committees for reports. We have provided that there shall be a morning hour every day, except Monday, for reports from committees, and that that morning hour shall not be dispensed with except by a two-thirds vote. We have provided that the committees shall be called in regular order; that they shall report their business to this House, and that it shall go, not *may* go but *shall* go, at once, each class of business to its own proper calendar. We provide that public bills or business not making appropriations shall go at once to a calendar of the House, a new calendar which we have created. We provide that public business appropriating money shall go to a calendar of the Whole House on the state of the Union. We also provide that private business, whether appropriating money or not, shall go to the Committee of the Whole House on the Private Calendar.

How has it been heretofore? Why, gentlemen, you all know perfectly well that the morning hour has been almost entirely useless; that it has been directly obstructive to legislation. Take the morning hour under the rules as they now stand. A committee with business comes before you to occupy that hour in its turn. It makes its report to this House of some simple measure. Discussion springs up, and develops from its springing up, and grows from its development, and the first thing you know the morning hour is entirely consumed, and away that bill goes over to the next morning hour, when the same thing again takes place. Only one member of that committee, in the two hours to which it is entitled, has the privilege of reporting anything. He reports what he regards as the simplest bill in his charge, in order to afford the other members of the committee an opportunity to report their bills, and to his amazement the whole time assigned is consumed while nothing has been effected.

I have been on the Judiciary Committee for eight years, I think. The real weight of its business is not ready for report until three or four months after the beginning of the long session of Congress. That committee is called perhaps twice during the first month; then, according to my experience, it is hardly ever called again during the remainder of the long session.

Under those circumstances the committee applies for a night session of the House in which to bring forward its business, upon which it has labored and spent time and brains. The members of the committee come up here at that night session with hardly ever a quorum present. A bill is reported, discussion arises, dissension develops itself, a call of the House is made, and the entire session of the evening is utterly and entirely wasted, has been of no earthly use to the Judiciary Committee or to the country. Again and again and again the whole of the business of that important committee has been passed by, and all the labors of its members have been wasted. This is the constantly repeated experience of every leading committee in this House.

Again, under the old rule a matter is reported in the morning hour. It does not commend itself to the minority of this House, who, knowing it to be in the morning hour, immediately sit silent and prevent a quorum, or move to adjourn, or to fix a day to which the House shall adjourn. Thus the morning hour is consumed. This is done again and again, just so long as the minority may desire to continue it. You all remember, because it is of recent occurrence, that this was done in the extra session of the present Congress from day to day for a month, against what we believed and what I believe now to have been an iniquitous bill. Through that political campaign I saw many a day when I was sorry that we filibustered, because I would have been delighted to have added that one other political crime to the faggot of crimes committed by the party in control of this House during the extra session. But we determined otherwise, and no business could be transacted during the morning hour for a month or more.

Again, a committee reports in the morning hour. There is but an hour to-day and an hour to-morrow. Each member of the committee has a dozen important bills in his hands on which he has spent from three to four months of work. Each member desires to report. The chairman takes the floor and reports one, two, three, or four bills; and he is compelled to demand the previous question and force those bills through the House, in order to give the others of his committee time for the consideration of their measures. In this way hasty, unwise legislation has again and again within my recollection been passed under the previous question, for the praiseworthy purpose on the part of the chairman of saving a little time for some other member of his committee.

Now, the Committee on Rules has done away with all that. No complaints of that kind can be made again, if you adopt these revised rules. Every committee in this House will be called as often as once in two or three days—certainly as often as once a week. Every committee will be incited to attend to its business, knowing that there will be an opportunity to report all the business that it has in its hands perfected. No haste, no previous question, no half-considered laws enacted, no unfair advantages taken.

I desire one further amendment, which will provide that no bill, either of a public or a private nature, shall be reported to this House unless accompanied with a written report for or against the measure. If this be done, then when a bill has been reported the whole case will be on one of your three dockets; it will be there with all the points in brief; any man can take it and examine it beforehand, and can determine for himself whether or not the bill has merit and ought to pass. It seems to me that this committee deserves commendation for thus breaking away from the old rut and opening up a new road, through which honest, fair, well-considered legislation may pass.

Again, sir, I do not belong to the number of those who hold that private claimants have no rights which the Congress of the United States is bound to respect. I say to you, gentlemen, that a great war could not have taken place without claimants by the thousand and tens of thousands coming to the doors of Congress, and fairly, rightfully, honestly demanding payment of their claims. In war your Government is a despot; it must be a despot. The rights of men cannot stand in the way of the progress of armies. Your Government must be at liberty to make contracts, and to break them; must be at liberty to make specifications, and then to change them at its pleasure; must be at liberty to take the property of the individual for the public good.

The Congress of the United States has never yet had the courage to say to its citizens, "There are the courts that we have created; there are the judges and the United States attorneys whom the President has appointed; if you have a claim against the Government of the United States, the doors of that court are wide open; go there and assert your claims; bring your evidence and appeal to the judgment of that court." Congress has never dared to give to its citizens that right. I believe we stand almost alone among the nations of the earth in refusing to allow a citizen to bring suit in the courts against the Government. Now, therefore, when we shut against the citizen this door which is open to the subject of every other civilized country in the world, can we, ought we to say that we will shut this last door, the only one that is open?

The claimant comes here to Congress. His claim is presented and referred to a committee. That committee, under the present feeling, is an attorney for the United States, looking upon him with suspi-

cious or hostile eye. In presenting his claim he is obliged to overcome these prejudices. He does so. The committee reports his claim unanimously, the bill goes upon the Calendar. The claimant has spent months in making out that case; it may be that it involves everything he has in the world for himself and his family. He has followed the claim in committee, has watched it after it has taken its place on the Calendar, is in the gallery on a Friday when private bills are to be taken up; that bill is reached; it is his only hope, his heart is in his mouth, he says to himself, "My time for justice is coming now," when lo and behold, somebody from the Rocky Mountains, or somewhere else, who never heard of the bill before in his life, who does not know to what it relates or what it involves, rises and shouts: "I object." The claimant sees his bill thus thrust aside, and generally so the end cometh. With a Calendar containing five hundred or a thousand cases, it will probably never be reached again. The whole labor of the committee, the whole labor of the claimant, must thus be lost because forsooth some man wants to build up a reputation on the smallest capital possible for one to be built upon. [Laughter.] But perhaps upon another unfortunate Friday that bill is again reached. Again the claimant is there and believes that his claim is to be heard. But five men object, and away goes his poor bill; and there is an end of it and of his hopes. That is the mode of proceeding on "objection days." I do not think the gentleman from Michigan [Mr. HORR] who sits in front of me has ever seen one of these days; but he will shortly, and he will recognize them afterward whenever he sees them.

I remember perfectly well a claim which was presented and considered by a committee a few years ago. A United States revenue-cutter had deliberately run down a fishing-schooner. If I had run down the vessel, in less than two months I would have been before a court, and in three or four months there would have been a judgment against me which I should have been compelled to pay. If a great steamship belonging to one of the great lines had run into the fishing-schooner the steamship line would have been compelled to pay the damages; but it was a United States revenue-cutter, with the Secretary of the Treasury on board, which ran into this schooner, and there was no court open for the owner in which to seek redress. He was compelled to come to Congress and ask for relief. He did not ask his ship to be paid for, but simply that Congress would open the door to a United States court and let him go in. The committee reported it unanimously because, of course, it was right and just. For convenience the bill was put upon the Calendar, and the very first time it was reached to be heard, a gentleman whom I will not name, he is not here now, from the fastnesses of the Rocky Mountains, who had never seen a schooner in all his life, and did not know whether it was four-masted or one, jumped up and cried out "I object." [Laughter.] I went to him. I said "In Heaven's name, what do you object to this for?" He said "What is it?" [Great laughter and applause.] I left in disgust, for if that was legislation, I wanted no more of it forever.

I hold, Mr. Chairman, that these men have rights, and that it is the duty of this Congress to hear them or else to send them to the courts. That would be the courageous and the decent way. Our committee have wiped out, expunged, destroyed forever, if you say amen to this report, all "objection days." I am aware it will ruin some men's reputation, [laughter,] but not more than one or two in a whole House. It will help all the rest of you, and have a tendency to do justice. I expect the objector to vote against it, whoever he may be, but I trust Othello's occupation is gone.

You will have a Friday's docket and every man's case will be entered upon it, and it will come up to be heard in regular order unless a majority of the committee should prefer to change that order. You will take that docket as you do in court. You will go from case to case and pass, as fast as you can, upon it understandingly. Is not that fair? Is it not reasonable? Or is it better for some old member to have the chance of shouting out "I object," and then having his name entered in your Index under "incidental remarks," "page 248," and when you look to see the gentleman's speech you will find "I object." [Laughter.]

Now, let me call for a moment your attention to the special orders which are piled Pelion upon Ossa until they have become mountain-high. If you turn to any day three months hence you will find upon the general calendar of business more than twenty special orders fixed for the same day. Now we have stopped all that. Under this new order of things there will be no need of special orders. Every case will have its day in court.

Again, a great many of you have not seen resolutions submitted on the Monday second roll-call. I had a delightful experience the first Congress I was here. Maine was called first. Under the present rule, after the general roll-call is through, a second is commenced and it begins with the State of Maine, when resolutions may be offered for present consideration and gentlemen may be compelled to vote upon them. Since I have been in Congress, never but once has this privilege extended outside of Maine. It stuck there nobly. [Laughter.] I remember one session of Congress, at the request of Mr. Charles Sumner, I introduced what was called a civil-rights resolution under that opportunity which was given to me by this rule, and that civil-rights resolution staid here six solid months in that position. Every Monday was filibustered out in order to prevent its passage, under the lead of the gentleman from Wisconsin, Mr. Eldridge. I did not effect anything. We, between us, did effect a loss every Monday of from one-half to three-quarters of an hour of valuable time, or, at least, of time that ought to have been valuable.

If you notice now on Mondays once in a while, when the States and Territories are not likely to take up the hour, somebody's useless bill is read, or some gentleman picks from the waste-basket a long bill on the transportation of animals, sends it up to the Clerk and causes it to be read. What is that for? That is to prevent the State of Maine from getting in a resolution under the second call. [Laughter.] And, if the old rules prevail, I guarantee to you now that the rush of business is over. On every Monday from this hour down to the close of this session over half an hour will be consumed reading useless bills. If any gentleman can tell me what benefit has resulted from the rule I should like to hear it. I have been here nine years, and I have never seen any.

We have repealed that and gotten it out of the way, and if you accept this body of rules you will be troubled no more forever with the reading of those lonesome, tiresome bills. The reading clerks will sustain this action of our committee.

Again, we send to the Senate an appropriation bill which our rules require shall be first considered in Committee of the Whole, a bill appropriating $5,000,000, the items specified, and in the Senate they amend it, adding to it a million and a half of dollars, and then send it back to the House in that shape. Now, I ask any member here if he has ever known these amounts which have been added to an appropriation bill in the Senate to be considered in this House in Committee of the Whole? No man ever heard of such a thing; and yet, under your rules, if I have a claim for a thousand dollars and it requires an appropriation, it cannot be considered except in Committee of the Whole. But the Senate may take an appropriation bill and increase it millions, and yet when it comes back here the point of order does not lie against it, and it is never considered in Committee of the Whole at all. Now, this committee, in the interest of honest legislation, in the interest of wise legislation, have reported a rule that these Senate amendments shall be subject to the point of order, which being made and sustained, they must go to the Committee of the Whole, and receive their first consideration there, because it is their first consideration in this House.

Now take "questions of privilege." Some of you have seen what has been done under an abuse of this question of privilege in this body. I have seen the liveliest fights gotten up here upon pretended privilege that I ever saw anywhere in my life, beating even an Irish fair. More, I have seen a gentleman cause to be read here, on a question of privilege, almost the whole Bible from Genesis to Revelations. Again, I have seen a member have newspaper after newspaper sent up to the Clerk to be read, occupying hour after hour with slanders of the gentleman affecting only himself. Again, I have seen gentlemen contending for the right to the floor on a question of privilege when an attack has been made upon them personally, not at all affecting their character as Representatives, and wasting hours in a contest over the point of order.

Now sir, every man who has been here for any considerable length of time knows that one of the greatest outrages and abuses in this House has grown up under this very question of personal privilege. It is an easy way to get the floor, make a speech, and flood his district. I remember some time ago when I was visiting in an official capacity the Legislature in Louisiana, I found that there were a good many persons there, some of them of dark complexion, who desired to get the floor and make a little display for our benefit; and even they had found out what a blessed thing a question of privilege was. They would "rise to a point of order," or "to a question of privilege," and get the floor, and I found it was very much there like it is here; that it made very little difference what they said afterward; they had the floor for all that. [Laughter.]

The question of privilege is the very highest right that can be demanded in this House, of the first importance to the body and to the member, and it ought not to be open to abuse.

Mr. HARRIS, of Virginia. I would like to ask my friend a question if he will permit me.

Mr. FRYE. I yield for that purpose.

Mr. HARRIS, of Virginia. I would like to ask the gentleman what provision is made in this new system of rules for preventing the abuses he speaks of in this connection. I have seen myself, and I fully agree with him as to the ridiculous scenes which have been presented before this House in the name of personal explanation. The whole House has been frequently disgusted with the reading of long newspaper extracts and articles of personal explanation, which were put in writing and sent to the Clerk's desk, but the Chair has held that he could not determine whether it was a question of privilege or not, until it had been read. Now, what remedy do you propose for that? How are you to determine whether what has been claimed as a question of privilege is absolutely so or not until the reading of the paper has been had?

Mr. FRYE. In answer to the gentleman from Virginia, I wish to say that "the wayfaring man though a fool can read and need not err therein." It is written plainly here what a question of privilege is:

> The questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; secondly, the rights, character, and conduct of members individually, in their representative capacity only.

Now, it seems to me that this is plain enough for any gentleman in

this House not to misunderstand it, and every gentleman is on his honor not to violate nor discredit it.

Mr. HARRIS, of Virginia. Mr. Chairman, I admit that it is very plain, but men's minds construe things very differently. How shall we execute that provision? I ask my friend the question. Suppose you were the Speaker, presiding, and I rose to a question of personal privilege, my personal explanation is in writing and I send it to the Clerk's desk to be read. That has been done, when somebody makes the point of order that it is not a question of privilege—I have made that point myself. Now, I contend that the Chair must hear the statement before he can decide that it is a question of privilege or not; and how would you reach that question?

Mr. FRYE. Well, if I were the Speaker, and a gentleman was wandering so far from a question of privilege, as I have heard them again and again, I would exercise my right as the Speaker of the House, and stop him.

Mr. HARRIS, of Virginia. But, Mr. Chairman——

Mr. FRYE. I decline to be interrupted any further.

Mr. HARRIS, of Virginia. I know it is my own obtuseness.

Mr. FRYE. I recognize the gentleman from Virginia as one of the brightest gentlemen on the floor; but I must decline to be interrupted further.

I will not call your attention any further to the good things we have done. Upon that head I have stopped to leave ground open for others who are to follow me. But I think those I have directed your attention to must commend themselves to this House.

Now, to come to some criticism as to committees—how have we interfered with the jurisdiction of committees? I have heard it complained here that we have deprived the District of Columbia of the day which under the existing rules it is entitled to, the third Monday in every month. That is true; we have, but we have given it, under our revised rules relating to committees, an opportunity to report and have its business placed on the Calendar once in every two or three days during the whole session. And they will have the same opportunity that any other committee has to go to the Calendar. In my judgment it affords a better opportunity for the discussion of its business than it has now, for I have noticed, and others must have, too, that when the Monday came which was assigned to the business of the District there would be barely a quorum in this House and the business of the District received but little attention.

Take the Committee on Railways and Canals. The gentleman from Virginia [Mr. CABELL] made a complaint in relation to that committee. Our committee have not interfered with the jurisdiction of the Committee on Railways and Canals further than this: We have crystallized into a rule the uniform practice of this House since I have been a member of it. And it seems to me under the experience of the doings of the Committee on Commerce that if you should give another committee like that on railways and canals jurisdiction of the improvements of rivers, and if you should give to the Committee on Mississippi Levees still further jurisdiction of the Mississippi River and all of its tributaries, you would have three committees pouring upon this House their bills for the improvement of rivers and harbors, and if it is true that there is any log-rolling to-day to get one bill through under a suspension of the rules, how much more powerful would be the log-rolling of three committees if they were willing to resort to it to drive through all their bills. But, I repeat, we only crystallize into a rule the uniform practice of this House since I have been a member of it.

Now, there were several committees, as the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures, which had the right under the old rule to report at any time, a right given to them at the last session of Congress, I think. We have repealed that rule because under the rule now proposed there is no necessity for their having the right to report at any time. They would be called as often as once a week, and I have not heard that they complain of this.

Take the Committee on the Revision of the Laws. The gentleman from Illinois [Mr. TOWNSHEND] entered bitter complaint that we had restricted their jurisdiction. Well, sir, I have been here nine years, and I admit that at an earlier period in those nine years the Committee on the Revision of the Laws had the statutes to revise and great labor to perform. That is the only work I ever knew in the hands of the Committee on the Revision of the Laws until the extra session of this Congress and the work which they performed then and submitted to this House did not commend them as a committee to me at least.

The gentleman from Illinois [Mr. TOWNSHEND] says that the Committee on the Judiciary usurps everything. He said that the Committee on the Judiciary had the right alone to the jurisdiction of all things touching proceedings in courts. And yet the gentleman from Illinois in the extra session of Congress reported a bill to this House from the Committee on the Revision of the Laws overturning all the statutes relating to the transmission of cases from the State courts to the United States courts. If he was right as to the jurisdiction of the Judiciary Committee, where did the Committee on the Revision of the Laws get that bill? What right had they to it? Under what rule then existing did they get it? The Judiciary Committee had considered that bill for months with great care, and are considering it now, and will be ready to report it at this session of Congress.

Again, at this session of Congress the gentleman from Virginia [Mr. HARRIS] reported from that committee a bill regulating the reporting of the decisions of the Supreme Court. Now, if it belonged to the Judiciary Committee, as the gentleman from Illinois says, to take charge of all matters touching proceedings in court, I ask him if that bill did not legitimately belong to that committee? I am glad the gentleman from Virginia urged the passage of that bill. It is a good bill. It is through the House, and this is due to his diligence. But that committee had no more right to it than I have to my neighbor's hat or to my neighbor's coat. Both those bills belonged to the Judiciary Committee; and I, at least, as one member of this committee, came to the deliberate conclusion that it was not wise to allow the wild colt of the prairies to cavort around without a curb.

I do not know what would become of the Judiciary or of the other committees of this House if the Committee on the Revision of the Laws were permitted to go on in that reckless way, taking to itself all jurisdiction, however careful, however judicious they might be, and however prompt to report business to this House. I did myself vote in favor of giving to this committee the revision and codification of the laws, what I believe was originally intended for it; and I may say that there is no man in this House I love better than I do GODLOVE S. ORTH, of Indiana, a member of that committee, into whose kind face I am now looking. So in my vote there was nothing personal.

Mr. HARRIS, of Virginia. I would like to ask my friend from Maine [Mr. FRYE] a question concerning the jurisdiction of these two committees, as he has appealed to me——

Mr. FRYE. I have not appealed to the gentleman, and I do not dare to yield any time, because there is a gentleman who has been promised the floor immediately after I shall get through.

I come now to the Committee on Commerce. I speak here only for myself. I do not speak for the Committee on Rules. I was born in favor of river and harbor improvements. I was educated and trained an old whig, and I have been able to see but little good in the democratic party from that day to this. That, I take it, is owing to my early training, not to the wrongs committed by the party or to its general bad character.

I believe in river and harbor improvements. I have voted for every river and harbor appropriation bill but one reported by the Committee on Commerce during the past nine years. Therefore I cannot be charged with any animosity so far as their reports are concerned.

I know that committee is an able one; I know its chairman is an honest man; but I know, too, that there has grown up in this House within the last ten years a purpose to pass that bill under a suspension of the rules; and I know that the growth of that purpose here in this House has brought scandal upon the Congress of the United States. I do not say that scandal has been deserved; I do not say the Committee on Commerce ever reported any items of appropriation that they ought not to have reported; I state only the naked fact that the Congress of the United States has been scandalized all over this country because of the forcing of such bills through this House under a suspension of the rules. I know that the average man must inevitably ask the question, "Why this haste? If my claim must first be considered in Committee of the Whole, involving as it does only a hundred or a thousand dollars, why in the name of common sense shall $8,000,000 be driven through without any such consideration?"

I say it is not strange that such a practice has scandalized this Congress. It ought not to have been attempted; it should never be repeated. And why? When I signed that report of the Committee on Rules I had fears that the Committee on Commerce had power enough in this House to defeat the report so far as it might affect them. I believe, however, that it will not have power enough ever again in this House, after this discussion and after the discussion in the public prints, after the attention of the people has been called to the matter. I do not believe that committee will ever again have power enough to command two-thirds of the votes of this House for the passage of such a bill before it shall have first received consideration in the Committee of the Whole. I doubt if any member of that committee will have the courage to rise in his place and ask that the rules be suspended and the bills passed. If this result shall be accomplished I will have done all that I hoped to do.

Now as to the Committee on Appropriations. That committee has seemed to be the object of attack even more than the Committee on Rules. And while I have great confidence in the Committee on Appropriations, yet I do sympathize with the assaults which have been made upon it. It seems to me that it is the usurping committee of Congress. And while there is a rule here reported which does not change their powers, it was not the unanimous report of our committee and did not receive the indorsement of all its members. It is reported under the resolution to which I have alluded, that where we could not agree unanimously upon an amendment the old rule should be reported.

I do not believe that the Committee on Appropriations should have the powers of legislation as granted in this rule. I agree with the gentleman from Connecticut [Mr. HAWLEY] and the gentleman from New Jersey [Mr. ROBESON] in that. When I see the Committee on Appropriations taking our whole consular and diplomatic system, and in ten days' time, without, certainly, any adequate or requisite knowledge of what they are doing, smash through it as a mad bull,

would smash through a china shop, it has always occurred to me that that committee had better attend to their legitimate business and let the business of the Committee on Foreign Affairs alone. I do believe, and my experience both in a republican House and in a democratic House has forced me to that belief, that there should be a restriction upon that committee; that the right of legislation, whether in reduction of expenditures or not, should be taken away from them. Let the Committee on Military Affairs report to the House all laws affecting the Army; Naval Affairs, those relating to the Navy; Foreign Affairs, those touching our diplomatic service, and so on, each committee adhering to its jurisdiction. Then let Congress enact into laws such of the reported bills as are deemed just and necessary. Then let the Committee on Appropriations appropriate the money required by these laws.

What does the "reduction of expenditures" amount to? Some of us have seen members put in the chair here, and from their rulings learned that the words were without meaning. There is hardly anything offered by the Committee on Appropriations that has not been ruled as germane and as reducing expenditures. And in the old days, when we had charge, I say to the gentleman from New York [Mr. COX] whom I see near me, we were not much better in this than the democrats are now.

Mr. COX. Not so good.

Mr. FRYE. Oh, a little better, [laughter,] because I remember that a majority of the democrats in this House united with the minority of the republicans to pass that famous and notorious salary bill, the back-pay grab.

Mr. COX. Do not look at me; I did not vote for it, and I did not take the money.

Mr. FRYE. I think the gentleman said on this floor that he wanted to, and the man who looks upon a woman to lust after her——[laughter.]

Mr. COX. I did not say so. I made the only speech against it. You had better be more just, for Maine is in trouble. [Laughter.]

Mr. FRYE. Mr. Chairman, Maine was in trouble a little while ago. A host of fusionists, democrats, and greenbackers, like those barbarous tribes of the North who used to sweep down upon the plains to devastate and destroy, came down upon the good old State of Maine and attempted to destroy her. But, thank God, they have gone back to their fastnesses again, and thanks to their conduct they never will return. [Renewed laughter.]

Mr. COX. I never said anything against your brother-in-law, and I never will. [Great laughter.]

Mr. FRYE. I had supposed, Mr. Chairman, that when this democratic brother-in-law married a good respectable woman it would result in a change of heart, and make him respectable. I am sorry to say that I have something to say against him myself. He did not experience any change of heart; he is a loco-foco still. [Continued laughter.]

Mr. COX. I know that the republican party used to take care of their brothers-in-law in the early days. I did not know but they would keep up the custom now. I want the gentleman to keep to the rules.

Mr. FRYE. I will remind the gentleman of the old rule that no gentleman shall speak except from his seat. [Laughter.]

Mr. COX. This committee has proposed to repeal that. I am showing the gentleman how the new rule will operate in practice. [Renewed laughter.]

Mr. FRYE. Now, Mr. Chairman, so far as I am concerned, not speaking for the committee, I am in favor of the amendment proposed by the gentleman from Connecticut [Mr. HAWLEY] and by the gentleman from New Jersey, [Mr. ROBESON,] and I reserved the right to offer such an amendment.

Mr. Chairman, I did not intend to trespass for this length of time upon the committee, but it did seem to me that some feeble voice should be raised in slight commendation of our six weeks of hard work. If the old members, familiar with the rules, cannot see anything to admire, I thought that some of the younger ones might look over our work with favor as an aid to them; and perhaps the older ones might see "lifts to the lazy."

I believe that as a whole these new rules are a great improvement. As a matter of course, they are not perfect; they are open to criticism; they are open to amendment; and the committee itself will delight in real amendments which may be offered in this House and adopted. I believe that the debate which shall spring up here in the Committee of the Whole under the five-minute rule will be of great value to this House, and I wish to say now to gentlemen on this side that if there ever was a time when it was their duty to be here on the floor, taking part in the business of this House, it will be when these rules are under consideration in Committee of the Whole. I sincerely hope that every republican member of the House will be found here to vote upon these rules and any amendments that may be offered. [Applause.]

[Here the hammer fell.]

Mr. BLACKBURN. Mr. Chairman, in view of the order of the House and the hour usual for adjournment, there is but one hour left for general debate on this report. I beg the Committee of the Whole to remember that the Committee on Rules has not been heard, except through the gentleman last occupying the floor, nor will it take the hour remaining, for the reason that the gentleman from New York [Mr. COX] believed, not without just cause, that he was entitled to one hour during the debate to-day. The Committee on Rules yields the only remaining hour to the gentleman from New York, and will trust to its opportunities under the five-minute rule to explain any points at issue as the discussion may go on. I yield to the gentleman from New York.

Mr. COX. Mr. Chairman, I favor this report. If I hereafter see reasons to amend it, it shall not be loaded down. If it is loaded, I will vote to save its provisions.

Whatever may be said about changing the substance of our rules as to a better division of our labor and the responsibility of our members and committees, this much may be said: that it is high time their incongruities and disarrangement in our book of parliamentary practice were reconciled, and the obsolete rules expunged. The present Digest lacks brevity, harmony, and perspicuity.

Its methods and principles may be all right, but, like the tools of a mechanic, they should not only be up with the last invention, but handy to get at and keen for use. The report of the Committee on Rules means advancement in this latter direction. Whether the committee has substantially altered so as to better the rules for forwarding our business in the proper path I will not now discuss. Doubtless the leading thought about rules for governing a legislative body like ours should be to carry out the will of its legal majority, while not restraining any proper effort of the minority to hinder and enlighten that will.

But, sir, let us not forget that an unrestrained will in this House may be equivalent to no expression of responsible will. It nullifies itself by excess. It is hardly, therefore, to be conceded, as the committee state it, that the powers of a minority to "check temporarily, if not permanently, the action of a majority should not be invaded or restricted." To allow this would consume the very power it is intended to conserve.

OBJECT OF RULES.

While we should not unnecessarily impede the execution of the will of the House, let us surround our proceedings with every possible restraint which will insure deliberation. To deliberate means to weigh. It does not mean to jump or to overslaugh by mere votes; nor by clamor to drown, or by force to coerce.

To subserve this main end of legislative procedure, namely, deliberation, let us avoid giving too much fluency to everything which comes here. Why should we render facile our seven thousand propositions in the form of bills here, every Congress, from that which would insert God in the Constitution to that which would regulate our being shaved on Sunday? Whence this desire for facile legislation? Is it owing to the civil war, or to our more recent tendencies to give the glamour of regality to this Federal center, that we forget the original rules and simple modes of our patriotic faith, not merely as a party now in supremacy, but as unpartisan interpreters of the Constitution?

Our rules have been in existence for eighty-nine years—from 1790 with various modifications until now. That is true; but does it follow that we should change the rules made by men who made the organic law and who enacted laws under it? The earlier legislators understood the genius of our federal polity. Except for great and never for transient causes their edifice should not be defaced or destroyed. The men who made these rules from time to time were jealous of Federal power. They believed in home government. They did not intend that this city should be the gorgeous head of an empire while the States, in manacles, were to be dragged along in some victor's train behind an imperial chariot. The rules, if questioned, interpret this jealous and prudent philosophy, and I am glad the Committee on Rules has not substantially changed their essence and principle. When we undertake to make easy federal methods of legislation do we not open the sluices through which no end of perilous legislation may rush to inundate and upturn?

The committee have said in their report that in the Sixth Congress, which convened December 2, 1779, there were two hundred and ninety-eight bills introduced and reported, while in the Forty-fifth Congress, which convened October 15, 1877, there were sixty-five hundred and seventy-nine bills introduced. The number of petitions to which they refer are not consequential, for the press and telegram have made petitions almost dead, if not ridiculous.

These facts which the committee narrate not only command us to make a revision of our rules for the dispatch of business, but call a serious halt on the dangerous compounding and absorption of all powers in the Federal Government. Hence, for a larger thought than that of economy, there should not be given too much facility for legislation, either by the constitution of new and easy ways for money bills, or to prevent liberal discussion and amendment. Standing upon the ancient ways, and ready to make the best breviary for our legislative conduct, I hail this careful effort of the committee to perfect our rules, upon which much of the pleasure and utility of legislative work depends.

ECONOMY AND ITS OPPOSITE.

It is to be regretted, Mr. Speaker, that on the threshold of this debate efforts are made to make easy a class of appropriations that appeal to the elements of mercenary and local aggrandizement. The first question which meets us in the discussion of the seventh clause of Rule XI, (page 32:) "To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations."] The debate on

this rule seems to turn upon questions of economy and prodigality; general legislation and local greediness. In fact, the gentleman from Texas [Mr. REAGAN] almost confesses this to be the issue when he says, "I doubt not it will be developed that this new rule will be sustained by every member who doubts the propriety and the policy of this class of appropriations." And the honorable gentleman then proceeds, after a handsome statement of his views, to call for "one bill"—only one—"to come before this House to put a quietus to that sort of demagogy and misrepresentation" with which he charged members and editors by wholesale. This is the courteous way in which the gentleman from Texas opens this debate.

Mr. REAGAN. It is such unwarranted statements as these, and not the bills themselves, that have caused the scandal referred to by the gentleman from Maine.

Mr. COX. The scandal referred to by the gentleman from Maine is based upon the opinion drawn by the newspapers and members from these statutes. Just look at them. The like was never known in the old democratic days, when the gentleman from Texas and I served here before the war. Why, sir, from an appropriation of $2,000,000 ten years ago you have jumped up to $8,000,000. How much was it in the old days when we served together and held to the old democratic tenets? Nothing at all scarcely. We of course made appropriations for general objects. The statement of my colleague [Mr. LAPHAM] that we opposed all appropriations for rivers and harbors is not correct. We are ready now and at all times to vote appropriations for general objects. But when appropriations are made for every little stream that can possibly be found in our encyclopædias or our geographies, my friend from Texas comes in and justifies it as democratic policy.

The gentleman talks about being made the clerk or amanuensis of another committee! Now, mark you what he would make of us! If he cannot play, as Hamlet's friend, on a little lute, yet he would play on you and me and all of us! He would make us here his mechanized automata, as he has under his suspension of rules, for $8,000,000!

I am not, for one, tolerant of this kind of attack. The gentleman has missed his channel and overflowed his banks. He needs public improvement. He simply passed his immense bills because he could, not because he ought, and we are again reminded that it can be done again. Like the sailors in Shakespeare's Isle of Prospero, he is so full of valor that he smites the very air for breathing in his face and beats the ground for kissing of his feet!

Is it not bad enough when our tariffs are made and unmade at the behest of classes and sections, irrespective of the masses and the equities? The history of our tariff shows that all the votes given on our tariffs since that of 1790, with rare exceptions, have been dependent upon local material and individual interests. When there was a low and liberal tariff to be made, the West and the South gave it their sanction. When an illiberal and high tariff was to be made, the capital invested in manufactures gave its suspicious tenor to the tariff. Still more notably the tariffs during the war and after it illustrate my thought.

But is it not time that, irrespective of sections, combinations for immense exactions for public works, not comparable to tariffs, for insidious robbery, which are made by bills—what are called log-rolling bills—should cease? Are they not framed regardless of all constitutional clauses or interpretations by court or veto? Are they not as regardless of all fairness in the division of the loot as of the traditional policy of internal improvements which limited the appropriation to general objects, such as coasts and inland seas?

Will it be believed that the appropriation for one of these years was such that even the omnivorous maw of the Grant administration refused to expend it? As the Speaker has shown us, the amounts of these appropriations have grown enormously in late Congresses, under the exclusive direction of the Committee on Commerce. But this is not my complaint so much; it is that they have grown because, under the system of allowing the Committee on Commerce to make such bills, they have not only diminished and dimmed their own sphere of legislation as the initial and conservative forces of our trading people, and thus have made our legislation a by-word and a shame, but they have, as I once before demonstrated, set at naught every principle of free challenge by debate and amendment, which is the very life and soul of every parliamentary body in Europe and America.

DIPLOMATIC REFORMS.

It was said by the gallant gentleman from Mississippi [Mr. HOOKER] that if the Committee on Appropriations should take cognizance of the river and harbor bill and report it, why should not other committees take charge of business connate with their special function? Or to illustrate his thought: Here is the Committee on Foreign Affairs, upon which I serve as chairman. Do I want the diplomatic and consular bill referred to my committee? If I desired to aggrandize its importance or my own, perhaps we would desire to make the appropriation bill.

But is not the language of the very rule reported by this Committee on Rules so framed that the reporting of the river and harbor appropriation bill might be given to the Committee on Commerce, while its final revision comes before that committee which must take the broadest, most comprehensive, and indispensable scope of the whole horizon of finance?

Many years since I urged that our diplomatic missions might well be curtailed, in so far as ministers and envoys are concerned. The money employed in that direction might well be applied to consuls and commercial agents, in the interest of trade and commerce. On the proper occasion I may repeat and enforce some of these earlier thoughts. Indeed, the House has already instructed our committee to report wherein they can cut off the dead limbs of the diplomatic tree. There is no reason why we should not lop off all of its deadness, even to the eradicating of its sapless and expensive root. It is said by Schiller "that for thirty years Germany stood with her hand on her sword, and every rustle of a leaf disturbed her." This has been the condition of Europe the last summer, yet there was scarcely any of our diplomats at their posts during this terrible period. St. James was vacant and St. Petersburg empty, and those who filled other missions were like the false god Baal at whom Elijah mocked: "Cry aloud: for he is a god; either he is talking, or he is pursuing, or he is in a journey, or peradventure he sleepeth, and must be awaked!" During this period many of our citizens were traveling abroad; but had they any special terror on account of this European imbroglio? Would they have felt or been more safe if our diplomatic functionaries had been at the capitals of Europe, dining with or dancing attendance upon titled personages? Who loses a wink of sleep in this country because one minister fails to attend the Queen's levee in a spiked-tailed coat and a favor in its lapel, or another minister fails to shiver in the antechamber of the ice palace of the Czar? People rarely miss vacancies, and who misses those ministers? What a precious saving it has been, this vacancy which they created. How cheerfully we would part with all of them, provided we retained in the Treasury their salaries.

But if the Committee on Foreign Affairs would rid the country of these superfluous appendages, have they not the chance without having exclusive control of the diplomatic appropriation bill? Have we not the right to report a general bill repealing existing laws creating these offices? Cannot we prepare amendments to the appropriation bill for such a purpose and take the sense of the House upon them? When the majority of the House favor ssuch motions cannot it be done? If we have left the right to amend appropriation bills, when they come up in Committee of the Whole, or if preliminarily we may report appropriation bills on special subjects for the final revision of the Appropriation Committee, what then? Nothing, except greater guards over the strong-box in the Treasury. Let us, therefore, leave to the Committee on Appropriations its general supervision which is indispensable to our fiscal system.

DIVISION OF FISCAL COMMITTEES.

I am the author of a resolution adopted in the last session of the Thirty-eighth Congress, on the 2d of March, 1865, which divided the old Committee of Ways and Means into three committees—one for appropriations which paid out the money, one for ways and means which brought it in, and one on the Banking and Currency, which had control of the kind of money. I was moved to do this, and sustained by the House, because of the inordinate income, through bonds and taxes, as well as our vast outgo, involving thousands of millions, all in charge of one committee. The immense amount and variety of the business of the Ways and Means then seemed to call for a division of labor and responsibility. But I see no reason further to divide this fiscal business, and much against it. The division my rule made was philosophic and salutary. It gave unity to the business of three committees without much disturbance.

Is it said now that the Ways and Means are shorn of their proper functions? Have they not plenty to do? Judging by a glance inside of their splendid chamber, with its clerks and clocks, mirrors and messengers, and by the intellectual make-up of the committee and the genteel style of its distinguished chairman—it is not fair to infer, as we do sometimes, that its only function is to move to adjourn. Are not all the revenues, involving all the network of interests of this country, hanging upon the door-knob of that superb committee? It has even had referred to it the matter of conventional treaties in connection with customs. Where is the limitation of its periphery? Go to the uttermost parts of the earth, and lo, it is there. In spite of all protests of my elegant colleague [Mr. WOOD] was he not hailed at the capital of the grand nation, not only as the head of the democratic party, but as the creator, avatar, guide, and genius of every measure looking to the glory and magnificence of American institutions? Is not that committee now in the throes of a great system of refunding? Shall it be three and a half or four? And are we not waiting daily for the birth of the child, forgetful of all the tariff burdens of our land?

But, sir, with this immensity of business and importance its function has its beautiful and rounded unity. It is expressed in the word "income," just as "appropriations" has it in the word "outgo;" as "banking and currency" have it in "what-go," and as the people's committee, the Committee of the Whole, has it in "how you all come and go!" [Applause.]

EXPERIENCE OF OTHER LEGISLATURES.

In other countries which have deliberative assemblies there are various modes of representing the various administrative departments of government. Sometimes the labor of these departments are final, but as liberty obtains we notice that the revision and sanction of a legislative body become indispensable to incomes and outgoes. The system of permanent committees on the "budget" (bag or purse)

prevails only in a few countries; ours is one. In other countries the chambers of legislative bodies have but little to do besides registering and appropriating the estimates of the government. Belgium is a good example for several purposes. There the chambers are divided into six sections. They correspond with the six ministerial departments—justice, foreign affairs, interior affairs, finance, war, and public works. Each division takes what belongs to it just as we do now in the House.

But in nearly all these countries where legislatures exist commissions on the budget having this one business are created, who pass upon the expenditures, and in nearly all the final vote is reserved to the legislature on financial propositions. Let us beware of giving up to any committee the power of final adjudgment on revenues and taxes, on tariffs and bonds.

It is argued, with plausibility, that legislative action has not, in the countries where such establishments are gifted with power over tax and pay, shortened public expenditures or held down administrative abuses. Well, the world generally, sir, is increasing the cost of its governments. This is owing to wars and other deviltries. There is no luxury equal to that of a government if its excessive cost is the touchstone. Now, is it true that the best government, or I should say patriotically, our democratic-republican government, is the most expensive? We are by no means the worst. True, we have much to do in cutting off excrescent expenses. It takes all we can do to keep watch over the generals, and lieutenant-generals, and major-generals, and brigadier-generals, and their staffs, and foragers and what not; together with our admirals, rear and otherwise, and the army and navy of useless placemen, on sea and land. We have a wasteful and ridiculous excess of these decorative folk. Considering our remoteness from European nations and troubles, we should be happy that the processes of science have not brought us nearer. But is this a reason against free and legislative rule? Is it true that expenditures go up when legislation handles them? Yet, it seems so in Belgium. In 1835, with a population of 3,876,000, it spent only seventeen and one-half millions of our dollars. In 1875, with a population of 5,336,000, the cost of governing ran up more than $5,000,000; or, to be exact, two hundred and fifty-six millions of francs. Forty years more that doubled its cost, and that, too, *per capita*. What a lesson is here, if all the facts are considered? First, Belgium has a money measure of suffrage; in consequence the minority of the people furnish the parliamentary majority; second, one-third of the 100,000 privileged voters are interested in large outlays for public works, and in employment upon them; for the government not only constructs public works, but runs mails, telegraphs, and half of the railroads. No wonder they have a special committee on "public works!" But in Denmark, where the largest suffrage prevails, the government is frugal but sufficiently generous. The peasants and workingmen join in the lower house in all liberal supplies; but neither in Belgium or Denmark, or other nations, do they have committees which gag through bills by two-thirds, without chance to change the supply or to veto separate items.

In this country, Congress, if left free, will not increase but diminish expense. It is a crude idea that when you trust the House to debate and amend, that then the increase ensues. The tendency to cut down both the estimates of the Departments and of committees, if freedom is left to the legislature, comes from the universal desire for economy expressed in the platforms of parties, professed by all politicians in deference to public virtue. An argument against freedom in this House on fiscal matters, is an argument for the Russian system, where a life council named by the Crown has charge of the budget, subject to the imperial sanction. It is an argument for despotic rule.

RIVERS AND HARBORS.

When it is said that the excision of expenditures has been more when the liberty of debate has been suppressed, I doubt and deny it. A higher rule should regulate that, and that is, that whatever should be levied in the shape of taxation, or spent for even the most luxurious government, should have the will of the people under the widest conditions of investigation and correction. This is the essence and tradition of public liberty, and is in accordance with the rule reported as to the final supervision of the Appropriation Committee of the river and harbor bill. To fix the proper responsibility for spending the people's money, I would go further and discard utterly the rule by which appropriations of any kind should go through, without debate. I would favor no process of juggling bills through by giving special pap to certain places.

No legislation, under rules liable to be suspended without debate or amendment, where money is divided around, is either republican, democratic, fair or just, even if it were economic in some instances.

But, sir, I gave my reasons for this when the river and harbor bill was crowded through the House by stifling amendment and debate, under a suspension of the rules on a two-thirds vote. I disfavor any attempt to give this important matter of public improvement to the Committee on Commerce, first, because the very constitution of that committee, selected generally from commercial or quasi-commercial localities, as well as our best experience, has demonstrated the extravagance of such a committee beyond a parallel.

What is best to be done under our present conditions? Who cares whether "Appropriations," or "Roads and Canals," or "Commerce" have heretofore had this business? Suppose the file shows no precedent, let us make a precedent!

LEGISLATIVE LIBERTY AND LIBERTINISM.

The issue is well made by the honorable Speaker and those who sustain him against the prodigals. The contest is between legislative liberty and pecuniary libertinism!

When I had the honor to report Rule 120 in the Forty-fourth Congress, drawn by Judge Holman and sent to the Committee on Rules, the work of retrenchment began. It is this rule that calls for the eloquent objurgation of the gentleman from Minnesota, [Mr. DUNNELL,] and others who have just spoken. He honors us. There was no such aid ever here for economy as Rule 120. The honorable Speaker was then chairman of the Committee on Appropriations, while for much of the time I was chairman of the Committee of the Whole to interpret the rule. We assisted in a work for which the people should be thankful, but which we have already forgotten, because we have taken lazy steps, though in the same direction. When, therefore, it was proposed to bring in a river and harbor bill and pass it, with its millions, over our heads without debate, without a word of debate or an amendment, as a Representative of a taxed people I protested in writing, and my protest was backed by some forty members. We only obtained debate by what was deemed almost an insult to the House, and that, too, after the protest, and after the bill had passed. I called it a raid on the Treasury, a pillage, and what not—very questionable language. The words were taken down, and so was I.

I should have studied the language of the bandit of Thibet: He does not say in gruff, unpleasant voice, and with horrid menace, "Stand and deliver! Your money, your horse, or your cloak!" Oh, no; but he says in the blandest way, "My dear elder brother, it is a hot day; your cloak, if you please," or "I am tired of locomotion on foot. I see, my beloved, that thou hast a noble steed; wilt thou dismount?" By similar sweet paraphrases I might have designated the bills which have been produced from the Committee on Commerce. Were they not the pleasing combination of all mercenary suavity and local endearments; dainty bits of succulent reciprocity, for the mutual good of the beloved constituencies with large water-frontage; by no means for local greed and political corruption, but bills to aid poverty in its distress, to make happy the leaders of parties in congressional districts; in fine, as my friend from West Virginia [Mr. KENNA would phrase it in his optimistic advocacy of fifty millions a year for this purpose: "to give transportation to our commodities, employment to our people, and prosperity to the country." But, sir, who pays for it? That is not answered. Do not the people know?

OF SALT, ETC.—TARIFFS, ETC.

Every man in this land pays an insidious tax of 35 per cent. on his own person. From the crown of his head or hat to the sole of his boots he is taxed by an infamous system, which puts much into the pockets of the few, or a little out of the pockets of the rich for the Treasury.

Salt is an example. It is next to bread! Can that which is unsavory be eaten without salt? How our people North and South fought for the salt wells! And yet how easy we give them up to the pillage of protection, notwithstanding the needs and demands of the people for their enlargement!

An Arabian tale has it that some one looked down into the secrets of the earth and saw all its treasures. He had his choice; he selected the crystals of salt.

Salt ought to be as cheap as bread. It is a universal necessity. It should be cheap to all. It is said that Elisha healed the waters and stopped the dearth in the land by scattering salt upon them. We have no fear of dearth, and our pestilence has departed, but there is a burden but little worse in the infamous tariff upon some fifteen hundred articles, one of which is salt. Ah! but it is said that we can make it for nothing. Then why make so much clamor for its protection?

As a member from Pennsylvania declared to me, he voted against the bill because "it was an entering-wedge." Wedge into what? Into the system which despoils the many for the few, which puts an indirect tax of hundreds of millions upon the people and but a tithe of it into the Treasury. That system, as to salt especially, was sustained by the votes of the gentlemen from Michigan, Texas, and West Virginia, who appeal for these improvements from the common Treasury, and refuse to lighten the tax on the poor man.

The interest of salt fish, I see by a report, belongs to the Committee on Commerce. After many years of struggle we upset the bounty on New England fish, but kept salt free for fish. Why cannot it be made free for the poor man's pork and potatoes?

Salt! Why, do we not know that it only brought $786,042.20 to the Treasury in 1877; $754,382.74 in 1878; and $798,647.80 in 1879? By our system of tariff we put twelve cents per hundred pounds tax on all of it in sacks and barrels and 20 per cent. *ad valorem* on it in cakes. Yet the gentleman from Texas favors a continuance of this tax. Why? Does he not know that ten times these sums reach Onondaga, Kanawha, and Michigan? Does he favor free salt for fish and not for potatoes and pork? [Laughter.] He does. Read this volume on "Imported Commodities" from the Treasury and you will see the "salt withdrawn (free) for curing fish" the past year. It is all New England, from Barnstable to Wiscasset. Where is the free withdrawal of salt for pork from Cincinnati and Saint Louis?

All and each of these champions of river and harbor extravagance voted against cheap salt. Texas joins with West Virginia. That was a surprise. It was no surprise when Michigan completed this protective saline triumvirate.

Mr. REAGAN. I wish to say one word. I have been trying to get

these $200,000,000 on the free list reduced, and the taxes distributed over a larger field. But when we put something on salt we shall have to put much less on cotton and woolen goods, and iron and steel, and hats and shoes.

Mr. COX. It is the old story. You do not commence at the right end. Why, sir, salt is like bread; the people demand it. You come up here with this tax on it and say, "You shall have free salt for fish." New England gets it. Here is the list in the last report. But when it comes to free salt for potatoes and for pork, you refuse it. [Laughter.]

If this goes on—if these moneys are to be forever paid to assist to make artificial water courses, against providential arrangements—where will you get your natural scenery? [Laughter.]

Mr. REAGAN. Before the gentleman gets away from his criticism on appropriations, I want to say that if he will look to the State and the city he represents, he will find that New York obtained in the last appropriation bill nearly twice as much as the State of Michigan. Is it this he is objecting to before his constituents?

Mr. COX. Now mark how I will put down the statesman from Texas. [Laughter.] I have always voted against these bills. I voted against Hell Gate and the other gates of that nature. I never voted to push Hell Gate through on an appropriation bill without the right of amendment or debate. The people of New York City would never approve my course if I supported such a vicious legislation. Now is not the gentleman a little sorry he interrupted me? [Laughter.]

To return to salt:

Give some gentlemen a tariff and an appropriation and, as was said of a Spaniard and a bull-fight, "you may burn his father at the stake in a cassock painted in the flames of hell." Texas joins with West Virginia; but Michigan will have the lead, both in laying custom duties and demanding harbor improvements. Still, it is impossible to tell which of the three eloquent stipendiaries has made most of this situation for local renown—

> I shall as soon pronounce what Grace more neatly
> Trips it before Apollo than the rest.

But before I go further into my time, allow me to pay my attention to the gentleman who has been so anxious to make personal remarks about myself and my legislative conduct.

The gentleman from Michigan [Mr. HORR] has been pleased to make special reference to the Committee on Foreign Affairs and to myself. His manner was too kind and gentle to be offensive; but he must be reminded that his argument for the aggrandizement of his Committee on Manufactures ought not to be based on the derogatory statement that our committee and myself have only been engaged in manufacturing witticisms. The House must have seen that we were diligent in our business even at the extra session, and passed all our measures. There are no witticisms from a committee of that dignity. The corn speech to which he refers was made when I was but an humble member, not chairman of the committee. No one but myself represented that element. Its juiciness was the product of my western raising and my eastern distillation. Why should I be accused of mere play here? Have I not shown some fruits as the result of studious work? Did I not carry through here the Thurman bill as to railroads, the life-saving bill, the census, and many others, which might be named? Is it not time to stop this constant depreciation of one who really cares little for being here, except to do something worthy? Where is the fun in such misrepresentation? Will my friend from Michigan bear with me if I give him a lesson in the matter of congressional debate? Humor is a large part of it. It should be ratiocinative, however. It should have a practical object. When I happened one day to kill a moth contract by some good-natured remarks on that insect and the political analogies it suggested, it was because I was informed by a canny Scotchman (now Senator from Kentucky) that there were facts to be developed. In one minute after he gave me the pamphlet I gave it the needed good temper, and a half million was saved. The point is to make your fun dialectic and rational. Did my friend in his speech so brimming with humor, and which tended to make ridiculous the claim of inconsequential committees to greater consideration, observe this rule? I have been told his committee took his speech in earnest, met, and proceeded to declare he had vindicated them. [Laughter.] They asserted that they had been neglected, and would claim their rights to all questions as to manufactures. This, of course, would kill my elegant colleague of the Ways and Means. [Laughter.] He could not survive it. What, sir, to have manufactures take away his tariffs?

Was there any other object in the gentleman's speech? Did he tell us how he regarded the committee's report, or was he only entertaining the House? He was also pleased to refer in a pleasant way to some volumes of travel I had written. Thankful for such a notice, I fear he has omitted the one most apposite There is a volume in my desk I will send to him. It is entitled "Why We Laugh."

The CHAIRMAN. The gentleman will suspend, to receive a message from the Senate. Members will take their seats.

Mr. COX. To resume, as Mr. Sherman would say. [Laughter.] When members take their seats will the gentleman take my book?

[A page took the book to the member from Michigan, who received it graciously.]

Mr. COX. The volume I send is named "Why We Laugh." I send it to the gentleman with my regards, and with a view to ask him to regard its philosophy, "why"—not "how," nor "at what"—we laugh. It will show him that nearly all great natures manufactured witticisms now and then, from Sir Thomas More to Corwin, from Julius Cæsar to the gentleman. [Laughter.] But their wit had a rational purpose. They were logical in their laughs. They used what Aristotle knew to be the *reductio ad absurdum*, and what Whately commends as the best means of exposing fallacy and fraud. I wish I could read an extract or so before I send my friend the volume.

Now, in the view of these lessons for mirth, was it logical for my friend the other day to call the attention of the House to my body? Suppose I am little, was it logical, or parliamentary, or kind to say it? It was done without malice, but it permeated every one of my two million pores. [Laughter.] Suppose I had the gentleman's immensity of pores, where could not the laughter extend? Then there would have been need of some improvements, "because of a loss of moisture." [Laughter.] Why, sir, every sweat-gland in my small body gave out its mortifying moisture because they were so few compared with the pores and glands of larger bodies. [Laughter.]

Now, sir, I submit, was my size a subject for any gentleman's logical laughter? I never claimed, because of its smallness, exemption from the demands of courage or in the arena of debate. Laughter is health. It oils the joints [laughter] and the countenance, causing it to shine. An animal that tries to laugh, like a hyena, is specially despised; but a babe, when it first beholds the sunshine, laughs! The gentleman was once a babe, [laughter,] an innocent babe—a cherub. [Laughter.] He may have children—all little rotundities, all dimpled beauties, which with "flitcherin' noise and glee" rush to meet their dad—and all like their dam—dam, bad father! I cannot see to read it plainly, but it looks like—their dam—bad father. [Roars of laughter.] Does he not love them? Doubtless, as all genial natures like his love children. But where is the point of making my small person—though I carry the weight of the average man, one hundred and forty pounds—the butt of his ridicule? Why should smallness, in such an immensity of creation, and when everything may be reduced to atomies, be accounted contemptible? I once buried a burly body here for insinuating that I was small. I cast his soul, which was very small, through a nether keyhole, for he was little in everything except in size.

When one comes to consider all universal physical relations—the size, say, of this dome and the goddess on it, much bigger, even, than the gentleman, [laughter,] then of the mountains of our earth, then of the sun, of Jupiter, or the star Sirius, and then the constellations and systems far beyond, pinnacled dim in the intense inane, of creation, how contemptible a member of Congress seems! [Great laughter.] Therefore, where or what is the humor of making a member of Congress out to be little, and laughing at his size? What is there to boast of in this enormity of flesh and size? At the best, Goliah did not reach more than twice as high and was only one-sixth more than the size of some gentlemen here. Lambert, with all his opulence of oil, was only a poor, weak man, unable to grasp what Isaac Newton knew—whose mother put him in a quart cup when he was born. [Laughter.] Sir Isaac Newton! Does the gentleman think he could get into such a cup? [Laughter.] Why then, why should the spirit of mortal be proud? Proud flesh is not a sign of health. [Laughter.]

My friend evidently meant to be familiar with me in two respects: First, to humble me for my size; and second, to be witty over what I cannot help, my stature.

I never knew till the other day when I failed to recognize him, how imperfect was my body. I took him by mistake for a gentleman from North Carolina. It was my poor eyesight? Yes, on'my failure to recognize him, he called me, first, genial, and, second, little—all of which implies a rather undue familiarity on a short unrecognizing acquaintance! [Laughter.]

I endeavor to debate here impersonally; never refuse to yield; never invade another's right; always consider my person almost as an abstraction. I am not proud of my appearance as some men are who swell. [Laughter.] Why, sir, I argued against making Congress too big ten years ago. Two hundred and fifty was enough. Had I known the advent of this leviathan into our troubled waters, I should have favored two hundred as our number. [Laughter.] But that is to be settled next year. Corpulency is not strength. Let us remember that!

When the gentleman was thus belittling me, what was he about? Two yards [laughter] or so. Does that, under our Constitution, prevent me being his equal? There is no disability under the law on account of one's size, only his age or his rebellious antecedents. If I were a mountain of mummy, or a Liliputian, I should be eligible here. [Laughter.] I represent large folks, fighting folks, [laughter,] good folks; they did not measure my girth or take my altitude when they sent me here. They did not think me unconstitutional. [Laughter.] They did not think blubber indicated brains; nor meat manhood; or that tumors necessarily tend to intellectuality. They did not regard me as unworthy of their trust, because I had not layers of lard over immense abdominal muscles. [Prolonged laughter.] They are intelligent; they know that tissues of fat do not control issues of fact or of politics. A man may be five hundred and seventy pounds, or several gentlemen rolled into one, yet he might still be as a tallow candle to the sun. [Laughter.]

What, sir, are none but Falstaffs to be of the elect? If so, the House would be overrun with the qualities he is celebrated for, including stealing, carcass, and fun. Are we to have only inordinate, lumpish incarnations of swelling vanity—behemoths in our congressional waters? Nothing but butter and no bread? Sir, Shakespeare was a master of wit; and he told us of Falstaff. He knew that flesh and frailty go together. [Laughter.] He said the devil would never have the fat knight damned, lest the oil that's in him should set hell on fire. [Laughter.] How well he advised him! "Make less your body and more your grace, for the grave doth gape for you thrice wider than for other men." [Laughter.]

I am sure I gave my friend no provocation for reducing my dimensions in the RECORD. I hardly knew him, except to trace his path over the costly mosaic of our corridors, whose leanness he larded with the warm flux of his tallow. [Laughter.]

Suppose he be six feet high, and have an abdomen ten feet in girth, with good fat capon lined. [Laughter.] Does the gentleman tell me that therefore he can assume airs of superiority, "genial" airs? Suppose he has a longer oscoxygis [laughter] and his ancestors had a firmer prehensile grip to a Darwinian limb. [Great laughter.]

Perhaps next he will raise the point of order on me that I cannot vote, because my æsophagus is not as magnificent as his own, [laughter,] or his phalanges or metacarpus, or, rather, corn-stealers, are bigger than those of any other member. [Laughter.]

Why should such a one be proud? Falstaff weighed about as much as my friend, but he took care not to make his hilarity too loud—when the prince was about. Will the gentleman still insist on raising the point on my size? Is it raised as to my sternum? [Laughter.] If so, I ask him boldly the size of his duodenum? How is the nature of his body different that his pericardium should take on airs over my medulla oblongata? [Great laughter.]

I fear my friend's latter end will come sooner than he knows. Corpulence is disease. May he return late into heaven; but he must look to his latter end! I am tired of making obituaries here. But if I am called on to speak his eulogy I would draw on two eminent poets who will combine for such an occasion. One is the sweet singer of Michigan and the other Byron. Over his grave let there be inscribed:

Here lies the body
of
Congressman *Horr*;
'Tis Greece,
but
Living Grease
no more!
Requiescat!

[Great laughter.]

But, sir, all this badinage aside, I desire to quell once and forever this aggrandizement of assurance and oil at the expense of modesty and tenuity! My pleasure in serving here is of another kind than the body gives. As the scholar said in Beaumont and Fletcher's "Elder Brother"—

For know, sir, that the wings on which my soul
Is mounted have long since borne her too high
To stoop to any prey that soars not upwards!
Sordid and dung-hill minds, composed of earth,
In that gross element fix all their happiness;
But purer spirits, purged and refined, shake off
That clog of human frailty. Give me leave
T' enjoy myself; that place that does contain
My books, the best companions, is to me
A glorious court, where hourly I converse
With the old sages and philosophers;
And sometimes, for variety, I confer
With kings and emperors, and weigh their counsels,
Calling their victories, if unjustly got,
Unto a strict account, and in my fancy
Deface their ill-placed statues.

[Applause.]

If it be true, as that same Elder Brother said, that we are a nobler substance than the stars, since we have faculties and they have none, may it not hereafter be forgotten in our debates that there are discrepancies in the size of our frames not inhibited by the Constitution, and then argue justly and impersonally on matters of higher moment than ourselves.

FRENCH ILLUSTRATION.

The gentleman from West Virginia [Mr. KENNA] has selected a most unfortunate illustration to sustain his cry for more improvements and more outlay. France is his type. He would have public improvements like hers at every door-step. That republic received from Napoleon III the mischievous system yet in vogue and so commended by gentlemen. The empire for a score of years literally reveled in extravagance. There was the constant disaster of prodigal expenditure till the chief and his honeycombed government fell before its own corruption and the German arms. The abuses of France were mainly connected with the lush growth of this bad system of government improvements. They were made to tickle the peasantry and gorge the contractors. When the gentleman boasts of French ability to pay Germany its millions of indemnity he should at least deduct the millions from his estimate of the Napoleonic rule he commends.

When the gentleman refers us to this French custom of giving work to the idle, or rather largesses, for improving public works is it not but another kind of phrase: *Circenses et panem*—sports and food. Circuses are cheap; and we have had four hundred millions of bushels of bread to send to others and abroad this year. It is, sir, the old plan of killing popular life by the enchantments of debasing indulgence. Rome fell, and France has reeled into many a wild, despairing revolution with such policies.

If a conspiracy were formed by devils to destroy this country it would be by corrupting the people with largesses and appropriations.

My friend from West Virginia, [Mr. KENNA,] by his remark that he had done more in patriotic endeavor to build up this country by such modes than he accomplished in the whole time he was among the confederate brigadiers attempting to tear it down, provoked applause and laughter! What did he mean? Does he place these services on a par? Do they both belong to the category of patriotic endeavor? Is the quadrumanous activity of "tearing down" the way to advance general prosperity?

I think I understand this analogy from France. But let me again say that when he calculates the advantages of such policies he must deduct from his own credit whatever was the cost of the part of the tearing down which he did. Thus he may estimate the true political balance the country owes him!

I shall do no injustice in debate. Therefore I print what my friend from West Virginia has said:

It is in the interest of the improvement of our commercial highways, and to that extent in behalf of the great commerce of this country. It is patriotic and just. In conclusion I would add that I have done more in the patriotic endeavor to build up this country by voting these appropriations in the last year or two for the improvement of its commercial highways and the advancement of its general prosperity than I accomplished in the whole time I was among the "confederate brigadiers" attempting to tear it down. [Laughter and applause.]

I have often voted general amnesty (and once carried it here in the House) to expunge the one side of this civil-war account. I shall be glad to do it again. Let there be ample amnesty for all the hot distempers and oblivion for all the brave, misguided chivalry of those days of tearing down, but neither amnesty nor oblivion for the mercenary desecration now of the old temple of democracy, wherein is enshrined the best ark of our covenant and the emblems of our faith!

Let me here insert a list of appropriations for certain objects and localities.

Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, in annual appropriation bills, from Forty-first to Forty-fifth Congress, inclusive. (First session, Forty-first Congress, no appropriations in detail.)

WEST VIRGINIA.

Rivers and harbors.	Act approved July 11, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1878.	Act approved Mar. 3, 1879.	Total.
Upper Monongahela and Monongahela, between Morgantown and New Geneva	.....	.....	$25,000	$66,000	$25,000	$22,000	.....	.....	.....	$138,000
Great Kanawha	.....	.....	.....	25,000	25,000	300,000	$270,000	$222,000	$150,000	992,000
Little Kanawha	.....	.....	.....	.....	.....	.....	7,300	18,000	18,000	43,300
New River	.....	.....	.....	.....	.....	.....	15,000	15,000	12,000	42,000
Monongahela in West Virginia and Pennsylvania at Hoard's Rocks	.....	.....	.....	.....	.....	.....	.....	25,000	24,000	49,000
Guyandotte	.....	.....	.....	.....	.....	.....	.....	2,000	1,000	3,000
Elk River	.....	.....	.....	.....	.....	.....	.....	5,000	.....	5,000
	.....	.....	25,000	91,000	50,000	322,000	292,300	287,000	205,000	1,272,300

Appropriations for the States of West Virginia, Michigan, Wisconsin, and Minnesota for rivers and harbors, &c.—Continued.

MICHIGAN.

Rivers and Harbors.	Act approved July 11, 1870.	Act approved Mar. 3, 1871.	Act approved June 10, 1872.	Act approved Mar. 3, 1873.	Act approved June 23, 1874.	Act approved Mar. 3, 1875.	Act approved Aug. 14, 1876.	Act approved June 18, 1878.	Act approved Mar. 3, 1879.	Total.
Ontonagon	$10,000	.....	.....	.....	$23,000	$25,000	$15,000	$15,000	$17,000	$105,000
Marquette	25,000	$60,000	$50,000	$15,000	15,000	15,000	2,000	2,000	1,500	185,500
New Buffalo	5,000	.....	.....	.....	.....	.....	.....	.....	.....	5,000
Aux Becs Scies	10,000	10,000	.....	.....	.....	.....	.....	.....	.....	20,000
Manistee	20,000	9,000	10,000	10,000	10,000	25,000	14,000	15,000	10,000	123,000
Pere Marquette	10,000	10,000	10,000	.....	.....	.....	.....	.....	.....	30,000
White River	20,000	20,000	10,000	7,000	10,000	10,000	5,000	12,000	7,500	101,500
Muskegon	10,000	15,000	10,000	.....	10,000	25,000	15,000	.....	5,000	90,000
Grand Haven	10,000	6,000	15,000	75,000	50,000	.....	15,000	15,000	9,000	195,000
Black Lake	10,000	10,000	10,000	12,000	15,000	15,000	15,000	10,000	6,000	103,000
Saugatuck	10,000	10,000	15,000	10,000	10,000	10,000	3,000	2,500	5,000	75,500
South Haven	10,000	15,000	12,000	20,000	10,000	10,000	10,000	12,000	7,500	105,500
Saint Joseph	15,000	10,000	3,000	.....	2,000	.....	12,000	12,000	6,000	60,000
Saint Mary's Falls, Canal, and River	150,000	250,000	300,000	200,000	200,000	200,000	130,000	175,000	300,000	1,905,000
Au Sable	15,000	10,000	10,000	.....	.....	.....	1,000	.....	7,000	43,000
Saginaw, and River	1,500	.....	.....	.....	15,000	30,000	11,000	25,000	8,000	90,500
Saint Clair Flats and Canal	16,500	1,500	4,000	100,000	.....	.....	.....	5,000	3,000	130,000
Clinton River	5,000	1,500	.....	.....	.....	.....	.....	.....	.....	6,500
Pentwater	10,000	10,000	30,000	20,000	.....	.....	10,000	10,000	6,000	86,000
Cheboygan	.....	10,000	15,000	15,000	15,000	15,000	10,000	8,000	3,000	91,000
Harbor of Refuge and Lake Huron	.....	100,000	100,000	75,000	75,000	100,000	75,000	100,000	75,000	700,000
Menomonee, (Michigan and Wisconsin)	.....	.....	25,000	25,000	.....	.....	.....	.....	.....	50,000
Frankfort	.....	.....	10,000	10,000	10,000	10,000	3,000	8,800	4,000	57,800
Mouth of Black River	.....	.....	15,000	.....	.....	.....	.....	.....	.....	15,000
Monroe	.....	.....	10,000	15,000	10,000	10,000	5,000	2,500	2,000	54,500
Ludington	.....	.....	.....	25,000	20,000	10,000	10,000	15,000	5,000	85,000
Saint Clair River	.....	.....	.....	15,000	15,000	10,000	.....	1,500	.....	41,500
Detroit River	.....	.....	.....	.....	25,000	.....	.....	100,000	50,000	175,000
Eagle Harbor	.....	.....	.....	.....	.....	10,000	12,000	8,000	2,000	32,000
Sebawaing	.....	.....	.....	.....	.....	8,000	.....	.....	.....	8,000
Pine and Saint Clair	.....	.....	.....	.....	.....	5,000	.....	.....	.....	5,000
Charlevoix	.....	.....	.....	.....	.....	.....	10,000	12,000	9,000	31,000
Thunder Bay	.....	.....	.....	.....	.....	.....	4,500	.....	.....	4,500

WISCONSIN.

Superior City and Duluth	40,000	60,000	50,000	100,000	.....	.....	3,000	3,000	5,000	261,000
Green Bay	17,000	17,500	.....	20,000	10,000	10,000	8,000	5,000	4,000	91,500
Manitowoc	20,000	11,000	.....	20,000	10,000	10,000	8,000	15,000	6,500	100,500
Sheboygan	15,000	15,000	18,000	10,000	10,000	12,000	6,000	4,000	3,000	93,000
Milwaukee	40,000	38,000	.....	10,000	10,000	25,000	26,000	15,000	7,500	171,500
Racine	10,000	10,000	.....	20,000	10,000	10,000	8,000	10,000	6,000	84,000
Kenosha	10,000	10,000	10,000	.....	10,000	15,000	8,000	8,000	5,000	76,000
Port Washington	15,000	15,000	15,000	15,000	10,000	10,000	8,000	5,000	7,500	100,500
Fox and Wisconsin Rivers, improvement	110,000	.....	145,000	300,000	300,000	500,000	270,000	250,000	150,000	2,025,000
Two Rivers	.....	25,000	25,000	25,000	15,000	15,000	5,000	10,000	20,000	140,000
Ahuapee	.....	25,000	25,000	.....	.....	25,000	8,000	8,000	7,000	98,000
Menomonee, (Wisconsin and Michigan)	.....	25,000	.....	.....	25,000	25,000	8,000	10,000	10,000	103,000
Harbor of Refuge, Sturgeon Bay, and canal	.....	.....	.....	40,000	10,000	.....	.....	30,000	30,000	110,000
Chippewa River	.....	.....	.....	.....	.....	.....	10,000	10,000	8,000	28,000
Saint Croix River	.....	.....	.....	.....	.....	.....	.....	10,000	8,000	18,000
Harbor of Refuge, Portage	.....	.....	.....	.....	.....	.....	.....	.....	10,000	10,000

MINNESOTA.

Minnesota River	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	.....	80,000
Falls of Saint Anthony and river above	50,000	50,000	50,000	50,000	150,000	100,000	120,000	.....	10,000	580,000
Duluth Harbor	.....	60,000	50,000	.....	10,000	35,000	15,000	30,000	25,000	225,000
Lock and dam, Meeker's Island	.....	.....	.....	25,000	.....	.....	.....	.....	.....	25,000

RECAPITULATION.

West Virginia	$1,272,300
Michigan	4,819,300
Wisconsin	3,510,000
Minnesota	910,000
	11,505,600
Total amount of annual river and harbor appropriation bills from Forty-first to Forty-fifth Congress, inclusive	54,968,217

With such a long catalogue of rivers and what not, for improvement, one would think nature had been niggard toward this land, and that the Government in its blessings had mocked us, as the thirsty Tantalus, who had sight of water but no power to use it. Yet our rivers are long and our lakes are broad, our sea-coast many thousand miles, and our harbors beyond comparison. The general features of this country are juicy. Yet why waste so much in spoiling them? Where shall we venture hereafter, if this goes on, for natural scenery and unartificial transportation? All our little and big places are to be improved. Is there no work to be done in the mountains, where at least "five wild torrents fiercely glad" bound out of some glacier into the sunlight and sing the song of the Alps without desecrating the sanctity of nature by the rude hands of sordid legislation? Why not, if we must aid the waste places, go to the alkali plains and utilize them? There are spots where not even an Arab might find a date and a camel would not totter to his fall; where even the Bedouin would not dream of an houri or listen, in fancy, to the call of the distant muezzin.

THE KISKIMINETAS.

These bills, by whomsoever surveyed, engineered, propounded, and adopted, had—

All the infections which the sun sucks up
From fens, bogs, flats.

As I read the river and harbor bills of the past two years in the statutes, what a commentary comes to my mind! Here are ten pages in the second session of the Forty-fifth Congress and thirteen pages in the next session. Nearly all these pages are full of streams unknown to any ordinary geography.

Mr. REAGAN. Does the gentleman refer to the Kiskiminetas as a river ever appropriated for in this Congress?

Mr. COX. Oh, I know all about it; the appropriation was only for a survey—merely opening a way for an appropriation to improve the river. I understand that when the survey took place they bored a hole in that stream for abutments, and all the water ran into the hole. [Laughter.]

Mr. REAGAN. I am sorry——

The CHAIRMAN. The gentleman from New York is not subject to interruptions, except by his own consent. Any gentleman desiring to interrupt him will please address the Chair in the first instance.

Mr. COX. I consent to no more interruptions.

Mr. REAGAN. The gentleman ought to consent when he misrepresents facts on a grave subject.

The CHAIRMAN. The Chair, when he understands whether the gentleman from New York consents to interruptions, will govern himself accordingly.

Mr. COX. I think it likely that in a few minutes the gentleman will get up again, and I will then indicate whether I consent to the interruption.

Mr. KELLEY rose.

Mr. COX. I hope the gentleman will not interrupt me.

Mr. KELLEY. I merely wish to ask whether when the Kiskiminetas was drained, as the gentleman has suggested, they did not get a good turnpike road. [Laughter.]

Mr. COX. I presume that was the very object of the appropriation. A gentleman told me the other day that going through that part of Pennsylvania and looking out of the car window he saw some water there. An iron furnace was built right on the banks of the Kiskiminetas, and a little water was used for the purpose of running the furnace. All at once the furnace stopped; there were some sows and pigs in the stream. They needed public improvement, and the great iron interests of Pennsylvania were suffering in consequence. [Laughter.]

These streams named in these statutes I cannot name.

It would be invidious to name them. Some of course are for surveys; but on page 162, where the "Kiskiminetas and Conemaugh Rivers from the mouth of the Kiskiminetas, to the mouth of Stony Creek on the Conemaugh," assumes importance, as a sample. When I read of Rogue River, Duck Creek, Kankakee, Tangipahoa, Chickasaboy, Mispillion Creek, Wateree, Sebewaing, Gasconade, Minnepesaukie, Manitowoc, Suppernong, and Chickahominy, they are all included in the generic term, Kiskiminetas; they comprehend the principle. [Laughter.]

This gentle stream is recalled by the remarks of the gentleman from Texas. He referred to our former debate as to "dry creeks and macadamizing."

From it learn most, if not all, the exuberance of our commerce appropriations. A gentleman from Louisiana [Mr. ELLIS] called the Kiskiminetas unpronounceable. To me, it rolls trippingly on the tongue, like bubbling honey! Kiskiminetas! There may be seen the Conestoga team, with its road wagon, its eight Norman horses, its bells, its tar-bucket and dog under the wagon—illustrative of the earlier days of Pennsylvania enterprise. [Laughter.] But what should be said of the gentleman from Michigan, or rather Port Huron? Is there any appropriation bill for rivers and harbors which he has not championed, especially when it had fabulous amounts for his own beloved waters, which the foregoing table develops? Nearly five millions in a few years and for every little discrepancy in her natural scenery of land and water. After all his devotion, I expected to see him follow the former member from West Virginia [Mr. HEREFORD] to the Senate; but his day will come. Steal gently, ye years of unrequited toil—steal away, and give my vigilant friend his reward on earth before he attains to that other sphere.

Being on the Commerce Committee for years, and making his combinations with skill and audacity, he has been enabled to draw from the Treasury millions of money for his own and other petted localities. Here are over thirty different places—watering places—all wanting money. Water, water everywhere; so that one might expect to see members from Michigan, like old Aberon, rise here clad in humid vestments?

WHAT ARE THE WILD WAVES SAYING?

So that it would appear a good deal depends not merely on the kind of men who are on the committees, but on their locality. I would as soon expect generosity for abstract principles of general legislation when a member is prodded from behind by an avidious constituency, as milk from a male tiger. Gentlemen, as appears by the list, divide with no one except when they get the largest share; and only give away as much as is necessary to secure their own part of the spoil. This legislation reminds me of the old maps of China. They drew a square, then a circle inside the square, as large as possible. All inside the circle except the little four corners was the Celestial flowery kingdom; all outside were barbarians, and banished from its beatitudes. When, therefore, a member speaks with all the soft and sweet vibrations of a Sabbath bell and pleads with such a loving voice for his old Committee on Commerce to have control of the river and harbor moneys, we know it simply means the aggrandizement of his own beloved Texas, West Virginia, or Michigan, and who inside of his charmed circle will reproach him?

But he is outstripped far in his water-frontage and his commercial interests by my young and ingenuous friend from West Virginia, who spoke so eloquently against this rule. Sir, I feel the need of caring for the great commercial enterprises of West Virginia! Our appropriation bills are full of attention to the immensity of her commercial wants. I would speak simply and modestly, as a member from the sylvan glades and forest repose of the placid coasts of the Atlantic; for how can "a satyr who comes staring from the woods speak like an orator?" Recognizing the fact, for I was born in the West, on one of its wildest coasts—I mean the Muskingum—having heard in my youth the deafening roar of its tumultuous surf and the everlasting shriek of its gigantic stern-wheelers, it is not impossible for me to feel and know what the wild waves are saying on the Big and Little Sandy. [Laughter.]

From creation's dawn till now the tempestuous fury of wind and tide and rushing waters has been going on out West. It became so incessant and so stupendous I retired to the placid, flower-margined banks of the placid Atlantic. There my restless spirit found repose; but, sir, memory, like the sea-shell which you place to your ear, recalls its august abodes, and murmurs as the ocean murmurs there; and in studying the duties of my position as a member of the little hamlet of New York, I could not fail to recall the wild sublimity of that early day when I snaked saw-logs and caught sunfish in the pelagic waters and thundering surf of the magnificent Muskingum!

OIL!

Ah, sir, there is a happy provision of nature. Nature has her compensations. These tempestuous seas of Western Virginia, these pelagic waters, where the duodolium disports herself, are happily surrounded by other elements of moderation and temperance! Following the withdrawal of the bore from the soil of West Virginia rises the flexile column of petroleum! Oil, sir, oil! By all the gods of Greece, oil! Upon these wild and oceanic waters, where tempests roar and the despairing sea-gull itself fails to shriek out her agony as a restless damned soul—the waters of that State, in their maddening conflicts, would long since have dashed and washed the soil into solution, into the Ohio and Mississippi. Crazy deltas which no skill of Eads could remove or remedy, and immense continents which no Columbus could discover, would have been the consequence. But, sir, oil came to pour its healing into the wounds of Nature and to give peace to the troubled waters! It must be remembered that one reason for the Muskingum and Kanawha being made such general subjects of Federal anxiety is that its waters are here and there found to be saline. This gives added fury to their tempestuosities; and but for oil, and appropriations for slack-water and a coffer-dam or so, their wild and ungovernable fury in rolling down to the gentle Gulf of Mexico and the inviolate sea would destroy utterly all the efforts and bankrupt all the corporations engaged in protecting and leveeing the Father of Waters. Thus the child of Kanawha rules the father; and by consequence, when we appropriate for the one we aid the other. The principle is comprehensive. These terrific and irrepressible conflicts of Kanawha often have their placid moments, when its surface is specially oleaginous. Then the human heart longs to ask "What were the wild waves saying, brother?" when they were so wild and wrathful.

Hush! I think I hear them whispering, "Glory, honor, praise to the member from West Virginia who made it possible to override all the old traditions of democratic faith to care for the commerce of the Kanawha!" "Pæans and praises to the honored member from Texas who joins the eloquence of the Gulf to the mighty minstrelsy of the ocean in its thunderous diapason to protect the commerce of Kanawha and Port Huron! Immortalization on earth and immortality hereafter be to him of Michigan" thunders back "the profound, eternal bass" of the league-long rollers which thunder upon those tempestuous coasts! [Applause and laughter.]

Oh, sir, there is another, another and most inimitable kind of thunder preparing to reach this Capitol! I mean that of public reprobation. It demands that we have no more appropriation bills from such remarkable committees, and something like old-fashioned ways in caring for general interests!

CONCLUSION.

Mr. Speaker, I would not have entered upon this debate but for the personal challenge of the gentleman from Texas to those of us who contested with him for amendment and debate on his bills, and whom he charges again with misrepresentation and demagogism. Still I omit no opportunity, either before the people or here, to insist on the old rules of frugality and honesty. I dedicate now my later growth as I did my first fruits upon this altar.

I am not an indiscriminate praiser of the time past, even in our own history; but I admire the Government, in its beautiful proportions and divisions, which our honored ancestry built. They built wiser than they knew. What other polity could have withstood the shock of civil conflict and the demoralization of administration since its termination? If one of the revered architects of our system could appear from his tomb, would he not point with more severity than did "buried Denmark" at the present rottenness in the state? Where is the old simplicity and purity? Where the old champions? Who wields the sword of Arthur or the claymore of Bruce? Are not the teachings of frugality of the great men of even a quarter of a century ago habitually disregarded? The war is responsible for much reckless and unconscionable conduct. It is the canker which follows war. The insane greed for wealth, the enormous growth of capital, the ill-gotten and even well-gotten wealth, public debts and private speculations, shoddy display and superficial fashion, monopolizing corporations and family greed—the desire to shine in the calcium glare of the present feverish round of social and political junketing—these are the evidences of a rooted malady, for which the White House and the Congress are in part responsible, and to contribute to which this insane rage for making public works at every doorstep is a fruitful

illustration. Our cradled Hercules will not grow great upon such watery food.

I will not say that this would have been otherwise had the democratic party, under similar circumstances, given the rule to manners and men. Yet it is not without pride that we point to the days when an austere simplicity crowned the characters of democrats of the Jefferson and Jackson type. These latter-day utterances, compared with the great and austere thoughts of the southern democracy of other days, are as the twang of a child's holiday trumpet to the lyre of David. We are not a peculiar people. Rome had her Cato; but she had her Domitian also. The austerity of the one is in great contrast with the frivolity of the other; but the lesson Rome leaves us in matters of public extravagance as a cure for debasing squalor is pregnant with meaning for those who will read her decline and fall under the soft allurements of unbridled luxury.

When, therefore, my friend from West Virginia, whom I greatly respect, and whose sins are not like those of the veteran statesman from Texas, presents himself as helping the crusades against the Treasury for objects which those of the South in the better and elder days considered not merely unconstitutional but corrupting, and when he associates with these objects the unmercenary object for which these men or their sons imperiled all save honor, I must recall to him in sadness the sentiment which the North will soon learn, that there are no permanent trophies of civil conflict. There is a bridge of gold for the heroes of these dire and bloody contests, upon which they pass to that other world where no fallible judgment will meet them. The flag he flaunts so flippantly as one upborne by himself never shielded a system like that he now and here upholds. Oh, no, sir; oh, no! Let us all, as brethren with a common love and bond, furl that flag forever. Let us join in the song of the good Catholic priest, Father Ryan, who was as much devoted to the Stars and Bars as to anything on earth except the cross of his Lord and Saviour:

Furl that banner! True, 'tis gory;
Yet 'tis wreathed around with glory,
And 'twill live in song and story
Though its folds are in the dust;
For its fame on brightest pages,
Penned by poets and by sages,
Shall go sounding down the ages,
Furl its folds though now we must.

Furl that banner softly, slowly;
Treat it gently; it is holy;
For it droops above the dead.
Touch it not; unfold it never;
Let it droop there, furled forever,
For the people's hopes are dead.

[Applause.]

Mr. BLACKBURN. I now move that the committee rise.

Mr. HORR. I should like to have ten minutes, but it will do me just as well in the morning. [Cries of "No!" "No!"]

Mr. BLACKBURN. I will consult the pleasure of the gentleman from Michigan. [Cries of "Go on!"] I will yield to the gentleman from Michigan.

Mr. HORR. If it be the pleasure of the House to give me ten minutes to-morrow I would prefer it. If not, I will go on now. [Cries of "Go on!"]

Mr. BLACKBURN. I simply desire to consult the pleasure of the gentleman from Michigan. If he wishes the time now I will yield; but if not, I will move the committee rise.

Mr. HORR. Then I will take ten minutes in the morning.

The CHAIRMAN. The Chair will remind the committee of the fact that by the order of the House all general debate has been closed on this bill at the close of this day's session. However, the Chair understands the gentleman from Michigan to ask unanimous consent for ten minutes, and that he may have that time now or in the morning.

Mr. BLACKBURN. I wish to deal in exact fairness by the gentleman from Michigan. The House having ordered all general debate to be closed with this day's session, I wish to ask whether the gentleman will be entitled to more than five minutes should he not take his time now.

The CHAIRMAN. Only by unanimous consent, which the Chair understands the gentleman to ask.

Mr. BLACKBURN. I ask, then, is it competent for this Committee of the Whole on the state of the Union to change the order of the House fixing the limit for general debate on this bill?

The CHAIRMAN. It can only be done by the House.

Mr. GARFIELD. I suggest that an adjustment of this matter can be made in a moment by the committee rising and, in the House, asking unanimous consent to allow the gentleman from Michigan fifteen minutes to say what he desires to say.

Mr. BLACKBURN. I will be glad to do that.

The CHAIRMAN. That can be done to-day, or when the motion is made to go into committee in the morning.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage, without amendment, of a joint resolution (H. R. No. 145) authorizing certain printing for the land commission.

It further announced the passage of the following joint resolutions, in which concurrence was requested:

Joint resolution (S. R. No. 56) authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army; and

Joint resolution (S. R. No. 64) extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879.

EXTENSION OF TIME FOR DEBATE.

Mr. ROBINSON rose, but yielded to

Mr. TUCKER, who said: Mr. Speaker, in view of the order of the House closing general debate with this day's session, I now ask by unanimous consent that the gentleman from Michigan, [Mr. HORR,] when we go into the Committee of the Whole to-morrow, shall be allowed fifteen minutes.

Mr. BRAGG. I object. If the gentleman desires to reply now, I will withdraw my objection. The House has listened to him, and it has listened to the gentleman from New York, [Mr. COX.] I will waive objection if the gentleman desires to reply at present; but to postpone this to another day, I must insist on my objection.

Mr. CANNON, of Illinois. Is it in order to make the motion?

The SPEAKER. It is not; because a motion to reconsider was made, after the vote fixing the limit of debate, and that motion to reconsider was laid upon the table. The Chair, however, will entertain the motion that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. TUCKER. I will make that motion.

Mr. CONGER. Pending that, I move the time for general debate be extended fifteen minutes, for the purpose of hearing my colleague, [Mr. HORR.]

The SPEAKER. It cannot be done.

Mr. CONGER. It is an extension of time.

The SPEAKER. But that has been disposed of, and the motion to reconsider laid upon the table.

Mr. CLYMER. Has the motion to reconsider the vote closing debate been laid upon the table?

The SPEAKER. It has.

Mr. CONGER. I move that there be an extension of fifteen minutes in the time allowed for general debate.

Mr. KELLEY. The gentleman from Wisconsin did not make his objection——

The SPEAKER. The gentleman from Pennsylvania has not been recognized.

Mr. CONGER. The House has the right to fix a further time for debate.

Mr. GARFIELD. The gentleman from Michigan can have five minutes in his own right, and then others can surrender him their five minutes, which will cover the case. No one will object to that.

Mr. MILLS. I hope by unanimous consent they will give him as much time as he wants.

The SPEAKER. The Chair will facilitate the gentleman getting time so far as he can, provided it involves no infraction of the rules.

Mr. HORR. I consent to say what I have to say under the five-minute rule. I do not think it will take over five minutes to do the job.

UNITED STATES COURTS IN GEORGIA.

Mr. ROBINSON. Mr. Speaker, I move by unanimous consent to take from the Speaker's table the bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State, for the purpose of concurring in the Senate amendments.

There was no objection, and it was ordered accordingly.

The amendments of the Senate were read, as follows:

In the fifth section strike out the following words:

"All offenses committed in either of said divisions shall be cognizable and indictable within said division."

And in lieu thereof insert as follows:

"Prosecutions for crimes or offenses hereafter committed in either of the subdivisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed."

In line 1, section 6, before the word "actions," insert the word "civil;" so it will read:

"Civil actions or proceedings now pending at Savannah, in said southern district, which would under this act be brought in the western division of said district, may be transferred, by the consent of all the parties, to said western division," &c.

Mr. CONGER. I desire to ask the gentleman from Massachusetts a question.

Mr. ROBINSON. Certainly.

Mr. CONGER. And that is, whether this provides for the disposition of suits under the timber-violation act?

Mr. ROBINSON. Not at all.

Mr. CONGER. It has no relation to that whatever?

Mr. ROBINSON. Not the slightest.

The amendments of the Senate were concurred in.

Mr. BLOUNT moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FITZ-JOHN PORTER CASE.

Mr. SPARKS. I rise to a privileged question. I find in the RECORD of yesterday that there was an order, as the RECORD states, for printing.

The SPEAKER. That is not a privileged question, but the Chair will hear it.

Mr. SPARKS. It was for the printing of the majority and minority reports in the Fitz-John Porter case. They have not been printed, and I am told they are not in the Journal.

The SPEAKER. And the House did not order these reports to be printed in the RECORD.

Mr. SPARKS. I am told by the Speaker to that effect. I will state that I so understood it, but of course the Chair has the conclusion of it. I so meant it.

The SPEAKER. The only question is whether the gentleman so said it.

Mr. SPARKS. I so understood it. I now ask they be printed in the RECORD to-morrow morning.

The SPEAKER. The Chair did not hear it, the Journal does not show it, and the CONGRESSIONAL RECORD does not show it. The Chair recognizes the gentleman from Illinois to move the reports be printed in to-morrow's RECORD.

Mr. CONGER. Have they been ordered to be printed in the usual form?

The SPEAKER. They have.

Mr. CONGER. Then I object.

Mr. SPARKS. Why do you object to that? The gentleman from New York [Mr. MCCOOK] wants it done.

Mr. CONGER. Has the House ordered them to be printed in the usual pamphlet form?

Mr. SPARKS. We want them in the RECORD.

Mr. MCCOOK. I do not care about the printing of the minority report, and the only reason why I suggest it should be put in the RECORD at all is that gentlemen who have a natural curiosity to see it have asked me in regard to it. I assume if it is printed in the RECORD to-morrow that will obviate the necessity of having it printed in the RECORD when the case comes up for discussion. I do not care anything about it myself.

Mr. SPARKS. As we both agree, I do not see why objection is made.

The SPEAKER. If the reports are ordered to be printed in to-morrow's RECORD then it may be understood that they shall not be printed again when they are read.

Mr. CONGER. On that understanding I withdraw the objection.

The SPEAKER. Is there further objection? [After a pause.] The Chair hears none.

The bill and reports are as follows:

A bill for the relief of General Fitz-John Porter, &c.

Be it enacted, &c., That the findings and sentence of the general court-martial, convened in the city of Washington, District of Columbia, November 27, 1862, pursuant to Special Orders No. 362, dated Headquarters of the Army, November 25, 1862, and promulgated in General Orders No. 18, dated War Department, Adjutant-General's Office, Washington, January 22, 1863, in the case of Major-General Fitz-John Porter, late major-general of volunteers and colonel United States Army, are hereby set aside, revoked, and annulled, and the disqualifications of Fitz-John Porter thereunder be, and they are hereby, removed, the said findings and sentence having been based in error and without due knowledge of the facts of the case.

SEC. 2. That Major-General Fitz-John Porter is hereby declared restored to the service of the United States, with all the rank, rights, title, and privileges to which he would have been entitled if there had been no court-martial, and in conformity to the recommendation of the board of officers convened by Special Order No. 78, dated Headquarters of the Army, Adjutant-General's Office, Washington, April 12, 1878.

SEC. 3. The colonelcy of the Fifteenth Infantry, held by General Porter in January, 1863, having been filled by regular promotion and confirmation by the Senate, the position of colonel now to be held by General Porter will be supernumerary until a vacancy shall occur in the Army, when he will be assigned to that position, and the supernumerary colonelcy shall cease to exist.

SEC. 4. The position of colonel of the United States Army, to which General Porter is restored by this act, will be held by him as supernumerary until a vacancy in the rank of colonel shall occur, when he shall be assigned to the regiment to which it pertains; but if the said Porter shall so elect, the President of the United States may retire him on the rank of major-general, that being the rank held by him while in service.

SEC. 5. That the amount due and payable to the said Porter, as arrears, under the provisions of this act shall be determined by estimating the pay and allowances of a major-general on the retired list of the Army from the 28th day of January, 1863, (the date of last payment,) to the 31st day of August, 1866, both dates inclusive, and the pay and allowances of a colonel, on the retired list of the Army entitled to credit for twenty years' service, from the 1st day of September, 1866, to the date of the passage of this act; and the entire sum, or sums, so estimated and determined shall be paid to the said Porter by the Secretary of the Treasury immediately upon the passage of this act; the sum required for the purpose being hereby appropriated from any moneys in the Treasury not otherwise appropriated.

Mr. SPARKS, from the Committee on Military Affairs, submitted the following report:

[To accompany bill H. R. No. 3764.]

The Committee on Military Affairs, to whom was referred the message of the President of the United States in the case of Fitz-John Porter, late major-general of volunteers, which said message is in the words following, namely:

"*To the Senate and House of Representatives:*

"I transmit herewith the 'proceedings and report' of the board of officers, convened by Special Orders No. 78, headquarters of the Army, Washington, April 12, 1878, in the case of Fitz-John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

"I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress.

"As I am without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress, and such action as in your wisdom shall seem expedient and just.

"R. B. HAYES.

"EXECUTIVE MANSION, *Washington, June* 5, 1879."

having carefully considered said message, together with the evidence, documents, and subject-matters involved therein, beg leave to submit the following report:

That on the 27th day of November, 1862, a court-martial was convened at the city of Washington, District of Columbia, by order of Major-General Halleck, General-in-Chief of the Armies of the United States, for the trial of certain charges and specifications exhibited against Major-General Fitz-John Porter, United States volunteers, by (as it appears of record) "B. S. S. Roberts, inspector-general of Major-General John Pope's Army of Virginia," for violations of the ninth and fifty-second articles of war; which, for convenient reference, are herewith presented, and are in the following words:

ARTICLES OF WAR.

"ART. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretense whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial."

* * * * * * *

"ART. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post, or guard which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial."

That said Porter was by said court-martial found guilty of both charges and a part of the specifications, and was by said court sentenced "to be cashiered and forever disqualified from holding any office of trust or profit under the Government of the United States," which finding and sentence were approved by the President of the United States January 21, 1863, and said Porter dismissed from the service as major-general of volunteers and as colonel and brevet brigadier-general in the regular service of the United States.

That said Porter from thenceforth, earnestly protesting innocence of the charges preferred and of the injustice done him by the sentence, approval, and dismissal aforesaid, has made vigorous and persistent efforts and urgent appeals to every incoming administration for a re-examination of said charges, specifications, sentence, and findings, all of which, however, had proved fruitless until, in answer to an appeal made by him on the 9th day of March, 1878, to the present Executive, the following special order was issued, namely:

[Special Orders No. 78.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 12, 1878.

The following order has been received from the War Department.

An appeal has been made to the President, as follows:

"NEW YORK, *March* 9, 1878.

"SIR: I most respectfully, but most urgently, renew my oft-repeated appeal to have you review my case. I ask it as a matter of long-delayed justice to myself. I renew it upon the ground heretofore stated, that public justice cannot be satisfied so long as my appeal remains unheard. My sentence is a *continuing sentence*, and made to follow my daily life. For this reason, if for no other, my case is ever within the reach of executive as well as legislative interference.

"I beg to present copies of papers heretofore presented, bearing upon my case, and trust that you will deem it a proper one for your prompt and favorable consideration.

"If I do not make it plain that I have been wronged, I alone am the sufferer. If I do make it plain that great injustice has been done me, then I am sure that you, and all others who love truth and justice, will be glad that the opportunity for my vindication has not been denied.

"Very respectfully, yours,

"FITZ-JOHN PORTER.

"To His Excellency RUTHERFORD B. HAYES,
"*President of the United States.*"

In order that the President may be fully informed of the facts of the case of Fitz-John Porter, late major-general of volunteers, and be enabled to act advisedly upon his application for relief in said case, a board is hereby convened, by order of the President, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as is now on file in the War Department, together with such other evidence as may be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion justice requires should be taken on said application by the President.

DETAIL FOR THE BOARD

Major-General J. M. Schofield.
Brigadier-General A. H. Terry.
Colonel G. W. Getty, Third Artillery.
Major Asa B. Gardner, judge-advocate, recorder.

The board will convene at West Point, New York, on the 20th day of June, 1878, and is authorized to adjourn from time to time, and to sit in such place as may be deemed expedient.

By command of General Sherman.

E. D. TOWNSEND,
Adjutant-General.

Official:
L. H. PELOUZE,
Assistant Adjutant-General.

under which special order the board of distinguished officers thereby appointed, after a protracted and exhaustive review of the testimony adduced before the court-martial, as well as an examination of all present, accessible, and additional evidence, on the 19th day of March, 1879, submitted the following report:

REPORT OF THE BOARD OF ARMY OFFICERS IN THE CASE OF FITZ-JOHN PORTER.

NEW YORK CITY, *March* 19, 1879.

To the honorable the SECRETARY OF WAR,
Washington, D. C.:

SIR: We, the board of officers appointed by order of the President to examine the evidence in the case of Fitz-John Porter, late major-general of volunteers, and to report, with the reasons for our conclusions, what action (if any) in our opinion justice requires should be taken by the President on the application for relief in that

case, have the honor to make the following report. The recorder has been directed to forward to the Adjutant-General of the Army the printed record of our proceeding, including all the evidence examined and the arguments of counsel on either side.

We have made a very thorough examination of all the evidence presented and bearing in any manner upon the merits of the case. The recorder has, under instructions from the board, sought with great diligence for evidence in addition to that presented by the petitioner, especially such as might appear to have a bearing adverse to the claims urged by him.

Due care has been exercised not to inquire into the military operations of the Army of Virginia, or the conduct of officers thereof, any further than has seemed necessary to a full and fair elucidation of the subject submitted to us for investigation. On the other hand, we have not hesitated to examine fully into all the facts, accurate knowledge of which seemed to us to be necessary to the formation of a correct judgment upon the merits of the case, and to the determination of the action which justice requires should be taken by the President on the petitioner's application for relief.

We have had the benefit of the testimony of a large number of officers of the late confederate army, a kind of testimony which was not available at the time of General Porter's trial by court-martial. We have also availed ourselves of the testimony of many officers and soldiers of the Union forces who were present on the battle-field and of much documentary evidence, to throw additional light upon points not made perfectly clear in the record of evidence taken before the court-martial; and we have had the use of accurate maps of the battle-field of Manassas, constructed from recent actual surveys made, under the direction of the Chief of Engineers, by a distinguished officer of that corps, who was himself a participant in that battle.

Without such a map neither the testimony upon which General Porter was convicted nor the additional testimony submitted to this board could have been correctly understood.

The evidence which we have thus been able to examine, in addition to that which was before the court-martial, has placed beyond question many important facts which were before the subjects of dispute, and in respect to some of which radically erroneous opinions were entertained by General Porter's accusers, and doubtless by the court-martial that pronounced him guilty.

The result has been, as we believe, to establish beyond reasonable doubt all the facts essential to the formation of a correct judgment upon the merits of the case of Fitz-John Porter. We are thus enabled to report, with entire unanimity, and without doubt in our own minds, with the reasons for our conclusions, what action, in our opinion, justice required should be taken by the President on the petitioner's application for relief.

The evidence presents itself under several distinct heads, namely:

First. The imperfect, and in some respects erroneous, statements of facts, due to the partial and incorrect knowledge in possession of witnesses at the time of the court-martial, and the extremely inaccurate maps and erroneous locations of troops thereon, by which erroneous statements were made to convey still more erroneous impressions.

Second. The opinions and inferences of prominent officers based upon this imperfect knowledge.

Third. The far more complete and accurate statements of facts now made by a large number of eye-witnesses from both the contending forces.

Fourth. The accurate maps of the field of operations and the exact positions of troops thereon at different periods of time, by which statements otherwise contradictory or irreconcilable are shown to be harmonious, and opposing opinions are shown to have been based upon different views of the same military situation; and,

Finally. The conflicting testimony relative to plans of operations, interpretation of orders, motives of action, and relative degrees of responsibility for unfortunate results.

A careful consideration of all the material facts now fully established, in combination with the conflicting or inconclusive testimony last above referred to, gives rise to several diverse theories respecting the whole subject with which General Porter's case is inseparably connected. These diverse views of the subject necessarily involve, in a greater or less degree, the acts, motives, and responsibilities of others as well as those of the petitioner. We have considered with great care and labor, and with our best ability, each and all of these phases in which the subject can be and has been presented, and we find that all these possible views of the subject, when examined in the light of the facts which are fully established by undisputed testimony, lead inevitably to one and the same conclusion in respect to the guilt or innocence of Fitz-John Porter of the specific charges upon which he was tried and pronounced guilty by the court-martial.

Therefore, while exposing General Porter's conduct to the test of the highest degree of responsibility which recognized military principles attached to the command he held under the circumstances in which he was placed, and the orders which he had received, we are able to take that view of the whole subject which seems to involve, in the least possible degree, any question as to the acts, motives, or responsibility of others.

We will now proceed to give, as concisely as we are able to do, a narrative of the events which gave rise to the charges against Major-General Fitz-John Porter, omitting the multitude of interesting but unessential details and all facts having no necessary bearing upon his case, and limiting ourselves to a plain statement of the essential facts of the case which have been established, as we believe, by positive proof.

While the Army of the Potomac was withdrawing from its position on the James River in August, 1862, the Army of Virginia, under Major-General Pope, was ordered to hold the line of the Rappahannock, and to stand on the defensive until all the forces could be united behind that river. General Pope was given to understand that, when this concentration was effected, Major-General Halleck, the General-in-Chief, was to take the field in command of the combined armies. On the other hand, it appears that Major-General McClellan, then commanding the Army of the Potomac, was given to understand that he was to direct the operations of all the forces in Virginia, as soon as they should be united.

It appears that General Pope was notified on the 25th of August that an active campaign was soon to be commenced, without waiting for a union of all the forces, and under some commander other than either of those before named. But this information appears to have been of a secret character, afterward suppressed, and not made known to General McClellan and his subordinates until five days later, when the order appeared from the War Department, depriving McClellan of the command of all his troops then between the Potomac and the Rappahannock, although leaving him in nominal command of the Army of the Potomac.

Thus General Porter, who joined General Pope's army about that time, was left under the impression, which all had previously shared, that the operations of the army were to continue of a defensive character until all the forces should be united and proper preparations made for the commencement of an offensive campaign under a general designated by the President to command the combined armies. But just then the confederate general, Jackson, with three divisions of infantry, one of cavalry, and some artillery, commenced his movement to turn the Union right through Thoroughfare Gap, which gap he passed on the 26th, and that night struck the rear of the Union Army at Bristoe and Manassas Junction. The next morning, August 27, the Union Army changed front to the rear, and was ordered to move on Gainesville, Greenwich, and Warrenton Junction.

General Porter, with his two divisions of the Fifth Corps, arrived at Warrenton Junction on the 27th, and there reported in person to General Pope. That afternoon Hooker's division was engaged with the enemy at Bristoe Station; McDowell and Sigel were moving on Gainesville, and Heintzelman and Reno on Greenwich. Banks was covering the rear below Warrenton Junction, and guarding the trains in their movement toward Manassas Junction. Porter was at first ordered to move toward Greenwich upon the arrival of Banks at Warrenton Junction, but after Hooker's engagement at Bristoe the following order was sent him, and he received it at 9.50 p. m.:

"HEADQUARTERS ARMY OF VIRGINIA,
"*Bristoe Station, August* 27, 1862—6.30 p. m.

"GENERAL: The major-general commanding directs that you start at one o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send him word to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

"By command of General Pope.

"GEORGE D. RUGGLES,
"*Colonel and Chief of Staff.*

"Major-General F. J. PORTER, *Warrenton Junction.*

"P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately upon his doing so. If Banks is not at the junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and a section of artillery with it.

"By command of General Pope.

"GEORGE D. RUGGLES,
"*Colonel and Chief of Staff.*"

This order plainly contemplated an aggressive movement against the enemy early on the 28th, and required the presence of General Porter's corps at Bristoe Station as early as possible in the morning, to take part in the pursuit of and attack upon the enemy.

The order did not indicate any anticipation of defensive action at Bristoe, but, on the contrary, it indicated continuous, active, and aggressive operations during the entire day of the 28th, to drive the enemy from Manassas, and clear the country. Hence the troops must arrive at Bristoe in condition for such service.

The evidence clearly shows that General Porter evinced an earnest desire to comply literally with the terms of the order, and that he held a consultation with his division commanders, some of his brigade commanders, and his staff officers on the subject. One of his divisions had arrived in camp late in the evening, after a long march, and was much fatigued.

If the troops marched at one o'clock, none of them could have much sleep before starting, and, even if they could arrive at Bristoe by or soon after daylight, they must be in poor condition for a vigorous pursuit of the enemy, who was already some distance beyond Bristoe. But this was not regarded by General Porter as sufficient reason for hesitating to make the attempt to comply literally with the order. He still urged, against the advice of his division commanders, the necessity of implicit obedience. Then, further consideration of the subject disclosed the fact that the road was filled with army trains, which had been pressing in that direction all day and as late at night as they could move, until the way had become completely blocked with wagons. The trains of the Army moving back from the line of the Rappahannock had been ordered to take that road to the number of "two or three thousand." In the language of one of the most intelligent witnesses, the mass of wagons blocked together at places in the road was "like a lot of ice that jams in on the shore." The night had become very dark, or, as testified by most of the witnesses, excessively dark. It would have been difficult to march troops upon a plain and unobstructed road. It was a manifest physical impossibility to march over that road that night, or to remove the obstructions in the darkness of the night. When this situation was made evident, General Porter reluctantly consented to delay the movement two hours, or until three o'clock. At that hour the march was commenced, but it was found that no appreciable progress could be made before daylight. Nothing was gained, or could have been gained, by the attempt to move before the dawn of day. It would have been wiser to have delayed the attempt to move until four o'clock.

A vigorous and persistent effort to make that march, commencing at one o'clock, could only have resulted in greatly fatiguing the troops and throwing them into disorder, from which they could not have been extricated until long after daylight, without making any material progress, and would thus have caused the corps to arrive at Bristoe at a later hour and in a miserable condition.

Abundant experience in situations similar to that above described leaves no room for doubt what General Porter's duty was. He exercised only the very ordinary discretion of a corps commander, which it was his plain duty to exercise, in delaying the march until three o'clock; and in his attempt to move at that time instead of at four o'clock he showed only too anxious a desire to comply with the *letter* of his orders.

If the order had contemplated, as has been represented, an attack by the enemy at dawn of day, then it would have been General Porter's duty to start promptly, not at one o'clock, but at the moment he received the order, so as to have brought at least some fragments of his infantry to Bristoe in time to aid in repelling that attack. That was the most that he could have done in any event, even by starting the moment the order was received, and then his troops would have been in no condition for any aggressive movement that day.

General Porter reached Bristoe Station as soon as practicable with his corps on the morning of the 28th, and there remained under orders from his superior commanders until the morning of the 29th, taking no part in the operations of the 28th.

In the morning of the 28th McDowell sent Ricketts's division of his corps to Thoroughfare Gap to resist the advance of re-enforcements from the main body of Lee's army, then known to be marching to join Jackson. Banks was at Warrenton Junction and Porter at Bristoe. The rest of the army moved from Gainesville, Greenwich, and Bristoe on Manassas Junction to attack Jackson at that place; but that general withdrew his forces during the night of the 27th and the morning of the 28th toward Sudley and Groveton. He was followed by Heintzelman and Reno, via Centreville; and McDowell and Sigel, after having marched some distance toward Manassas, were ordered to direct their march toward Centreville. In this movement toward Centreville King's division of McDowell's corps struck the right of Jackson's force late in the afternoon, just north of the Warrenton turnpike, a mile west of Groveton. A sharp contest ensued, lasting until some time after dark, when King still held his ground on the turnpike. Reynolds was then near the right of King, Sigel on his right near the Stone House, Heintzelman and Reno near Centreville; Ricketts, who had been sent in the morning to Thoroughfare Gap, was disputing with Longstreet the passage of the gap.

Thus it was still hoped to strike Jackson a decisive blow on the morning of the 29th before re-enforcements could reach him. In the mean time the confederate general had taken up a favorable position a little to the north and west of Groveton and Sudley to await attack.

Under these conditions General Porter, who was still at Bristoe Station, received at six a. m. the following order from General Pope:

"HEADQUARTERS ARMY OF VIRGINIA,
"*Near Bull Run, August* 29, 1862—3 a. m.

"GENERAL: McDowell has intercepted the retreat of Jackson. Sigel is immediately on the right of McDowell. Kearney and Hooker march to attack the enemy's rear at early dawn. Major-General Pope directs you to move upon Centreville, at the first dawn of day, with your whole command, leaving your trains to follow. It is very important that you should be here at an early hour in the morning. A severe engagement is likely to take place, and your presence is necessary.

"I am, general, very respectfully, your obedient servant,
"GEORGE D. RUGGLES,
"*Colonel and Chief of Staff.*"

"Major-General PORTER."

Under this order, General Porter marched promptly with his corps toward Centreville. He had passed Manassas Junction with the head of his column, when he was halted by counter orders, issued in consequence of a grave change which had occurred in the situation since the night before.

King had withdrawn from his position near Jackson's right, on the Warrenton turnpike, and had fallen back to Manassas Junction. Ricketts had fallen back in the night from Thoroughfare Gap to Gainesville, and thence, in consequence of the movement of King, had retired to Bristoe Station.

Thus the way had been left open for the retreat of Jackson to Thoroughfare Gap, or for the advance of Longstreet from that point, and ample time had elapsed for them to effect a junction, either at the gap or near Groveton, before a force could again be interposed to prevent it. The opportunity to attack Jackson's detached force with superior numbers had passed beyond the possibility of recall.

As soon as the withdrawal of King became known to General Pope, he hastily sent a verbal message to General Porter to retrace his steps and move toward Gainesville, and soon followed this message with the following order, which was received by General Porter about 9.30 a. m.:

"HEADQUARTERS ARMY OF VIRGINIA,
"*Centreville, August* 29, 1862.

"Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious or we will lose much.

"JOHN POPE,
"*Major-General Commanding.*"

Under these orders General Porter advanced promptly with his corps, followed by King's division, on the direct road from Manassas Junction toward Gainesville, having knowledge of the military situation as above described.

General Porter had met General McDowell near Manassas Junction, and they had conversed with each other relative to this order, placing King's division under Porter's command. McDowell claims that it was conceded that he might go forward and command the whole force, under the sixty-second article of war, but he desired to reunite all the divisions of his corps on that part of the field where Reynolds then was. Hence he wrote to Pope on this subject, awaited his orders, and did not exercise any command over Porter's corps until after the receipt of further orders from Pope.

When, about 11.30 o'clock, the head of Porter's column arrived at Dawkins's Branch, about three and a half miles from Gainesville and nine and a half miles from Thoroughfare Gap, he met the enemy's cavalry advance, and captured some of Longstreet's scouts. The clouds of dust in his front and to his right, and extending back toward Thoroughfare Gap, showed the enemy coming in force, and already arriving on the field in his front.

Morell's division was at once deployed; Sykes closed up in support, King's division following. A regiment was sent forward across the creek as skirmishers, and Butterfield's brigade was started across the creek to the front, and somewhat to the right, with orders to seize, in advance of the enemy, if possible, the commanding ground on the opposite ridge, about a mile distant. Morell's division, with Sykes in support, was ready to advance at once to the support of Butterfield.

At this stage of Porter's operations, some time between 11.30 and twelve o'clock, McDowell, in person, arrived on the field and arrested the movement Porter was making, saying to him in the hearing of several officers, "Porter, you are too far out. This is no place to fight a battle," or words to that effect.

McDowell had received, a few minutes before, a dispatch from Buford, informing him that seventeen regiments of infantry, a battery, and some cavalry had passed through Gainesville at 8.45 o'clock, and moved down the Centreville road toward Groveton, and hence must have been on the field in front of Sigel and Reynolds at least two hours.

The dust in Porter's immediate front and extending across toward Groveton, as well as back toward Gainesville, showed that large forces of the enemy, in addition to those reported by Buford, were already on the field. The latest information from the confederate army showed the whole force of the enemy within reach of Gainesville by noon of the 29th. McDowell's troops (Ricketts's division and some cavalry) had delayed Longstreet's advance at Thoroughfare Gap from about noon until dark on the previous day, 28th. Hence Lee's column had had eighteen hours by the morning of the 29th to close up in mass near the Gap, and seven hours that morning in which to march eight miles and form line on the field of battle.

Jackson, who had been supposed anxious to retreat, and for whom the way had been left open, had not retreated, but was still holding his position of the previous evening, as if confident of adequate reinforcements. Sigel's pursuit had been checked, where it started that morning, at Groveton.

It was certain that the head of column of Lee's main army had arrived on the field in front of Groveton at least two hours in advance of the arrival of the head of column of Porter's and McDowell's corps at Dawkins's Branch, and it was so nearly certain that the main body of Lee's army was already on the field and in line of battle as to absolutely require corresponding action. This was Porter's impression at the time, and he conveyed it to McDowell by words and gesture that left no doubt in the mind of the latter that he (Porter) believed the enemy was in force in his immediate front.

In contrast to this evident preparation of the enemy for battle, only Porter's nine or ten thousand men were ready for action, of the thirty-five thousand men then composing the left wing of the Union army.

Banks's corps, ten thousand, was still at Bristoe without orders to move beyond that point. Ricketts's division, eight thousand, was near Bristoe, under orders to move to the front, but his men were so worn out by constant marching, night and day, that they could not possibly be got to the field even for defensive action that day. King's division, seven thousand, was just in rear of Porter; but was so fatigued as to be unfit for offensive action, and hardly able to march.

Thus this long column, stretching back from Dawkins's Branch by way of Manassas Junction to and even beyond Bristoe, had struck the right wing of the confederate army in line of battle, while a gap of nearly two miles remained in the Union line between Porter and Reynolds, who was on the left of Sigel, near Groveton.

The accompanying map, marked Board Map No. 1, illustrates the positions of the Union troops at noon of August 29, and the probable positions of the confederate troops at the same time, as indicated by the information then in possession of the Union generals. This map is not intended to show the actual positions of the troops at that time, but to correctly interpret the information upon which the Union generals then acted.

This was the military situation on the Union left and confederate right of the field when McDowell arrested Porter's advance, and Porter's operations under the direct orders from Pope heretofore mentioned ceased, and, under new orders just received, Porter became subordinate to McDowell.

Not only had the effort to destroy Jackson before he could be reinforced totally failed, but the confederate army was on the field and in line, while the Union Army was not. The time to resume defensive action, awaiting the concentration of the army, had not only arrived, but had been too long postponed.

On his way to the front McDowell had received the following order from General Pope, addressed jointly to him and Porter, and Porter had received a copy of the same order a moment before McDowell's arrival:

["General Order No. 5.]

"HEADQUARTERS ARMY OF VIRGINIA,
"*Centreville, August* 29, 1862.

"Generals McDOWELL and PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aide-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place.

"JOHN POPE,
"*Major-General Commanding.*"

This order and the sixty-second article of war made it the duty of McDowell to command the combined corps, so long as they should continue to act together and General Pope should be absent from the field. In this interpretation of the law Generals McDowell and Porter agreed, and upon it they acted at the time. Upon McDowell devolved the responsibility of modifying the joint order as its terms authorized and as the military situation seemed imperatively to require.

The terms of the order contemplating that communication should be established with the troops on the other road, or, as General McDowell interpreted it, that line should be formed in connection with those troops, that the whole command should then halt, and that the troops must not go beyond a point from which they could reach Bull Run by that night or the next morning, and the military situation, as it then appeared to them, was briefly discussed by the two generals.

The situation was exceedingly critical. If the enemy should attack, as he seemed about ready to do, Porter's two divisions, about nine thousand men, were all the force then ready to stand between Lee's main army, just arrived on the field, and McDowell's long and weary column, or the left flank of Pope's army near Groveton. McDowell was "exceedingly anxious" to get King's division over on the left of Reynolds, who then occupied with his small division that exposed flank; and he quickly decided that "considerable advantages" were "to be gained" by departing from the terms of the joint order, so far as to make no attempt to go further toward Gainesville, and to at once form line with the troops then engaged near Groveton; and this departure from the strict letter of the joint order was evidently required by the military situation as it then appeared and as it did actually exist.

After this brief consultation the two generals rode together through the woods to the right, about three-quarters of a mile toward Groveton, and made a personal examination of the ground. As soon as this was done, McDowell decided not to take the troops through these woods, but to separate his own corps from Porter's, take King's division (Ricketts following) around the woods by the Sudley Springs road, and thus put them in beyond the woods and on the left of Reynolds.

McDowell then left Porter very hurriedly, announcing his decision, as he testified, by the words, "You put your force in here, and I will take mine up the Sudley Springs road on the left of the troops engaged at that point against the enemy," or words to that effect. Even these few words, we are satisfied, Porter did not hear, or did not understand, for he called, as McDowell rode away, "What shall I do?" and McDowell gave no audible answer, but only a wave of the hand. In this state of uncertainty, according to the testimony of one of General Porter's staff officers, Porter sent a message to King's division to ascertain positively if that division was ordered away by McDowell, and, if not, to give proper orders for its action with his corps, and a reply was returned by McDowell himself that he was going to the right and should take that division with him; that Porter had better stay where he was, and if necessary to fall back, he could do so on McDowell's left.

This testimony has given rise to much controversy; but, in our opinion, the question whether that message was or was not sent is unimportant. If it was sent, it did not differ in substance from the instructions which General McDowell testifies he had previously given to General Porter, "You put your force in here," &c. Neither could be construed as directing what Porter's action should be, but only as deciding that he should continue on that line while McDowell would take his own troops to another part of the field.

There appears to have been an understanding, derived either from previous conversation or from the terms of the joint order, that when McDowell did get King's division on the other side of the woods, Morell's division on the right of Porter's corps should make such connection or establish such communication with that of King as might be practicable through the woods. None of them then knew how wide was that belt of woods, nor what was its character beyond where they had reconnoitered, nor whether the ground beyond was in possession of the enemy.

When the two generals had started to take that ride to the right Morell's troops had been ordered to follow them, and Griffin's brigade had led off after its pickets had been called in. After McDowell took his departure this movement was continued for some time and until Griffin had crossed the railroad and reached a point near half-way across the belt of woods and where the forest became dense. There the movement was arrested. This movement might have meant an attempt to stretch out Morell's line through the woods, so as to connect with King's on the right or a completion of the deployment for an attack upon the enemy in front. General Porter explained it as intended for an immediate attack upon the enemy if he found he could keep King in support, and that he only desisted upon being informed that King was going away. But the attack would have been a rash one under the circumstances, even with King's support. Soon after this scouts were sent on through the woods to look for King, Reynolds, Sigel, or some body of Union troops in the direction where artillery firing was heard.

Presently Griffin was withdrawn to the south side of the railroad. The enemy's artillery opened on his troops during this latter movement, and was replied to by one of Morell's batteries, but few shots being fired on either side. Then Morell's division was put in defensive order to hold the ground then occupied and under cover from the enemy's artillery. The scouts sent through the woods ran upon the

enemy's pickets, and were driven back. This effort to get scouts through the woods was repeated from time to time until late in the afternoon, but every effort failed. The scouts were all driven back or captured. As it turned out, this resulted from the fact that King's division did not get up on the right of the woods at all. That division reached a point some distance in the rear of its position in the line about 4.30 p. m., and then, after some marching and countermarching, was sent northward to the Warrenton pike. Thus the gap in the line which McDowell's troops were to occupy remained open all the afternoon, and the margin of the timber remained in possession of the enemy's pickets.

These failures to connect or to communicate directly along the front were reported by Porter to McDowell by way of the Sudley Springs road, on which McDowell had gone. The reports were made in at least four different written dispatches, which have been preserved. The hour was named in only one, apparently the latest, sent at six o'clock in the evening. Two reports—one about four o'clock and the other about 6.30 p. m.—were sent to General Pope direct. Both of these were received by him, but have not been preserved.

About the time General McDowell arrived on the field at Porter's position and for an hour or two thereafter a heavy artillery combat was going on between the Union batteries near Groveton and the confederate artillery. During this artillery combat, and until five o'clock p. m., there was no infantry engagement except skirmishing and some short and sharp contests between small portions of the opposing forces, and until 6.30 p. m. no musketry was audible to any one in Porter's corps.

On the confederate side, as it now appears, Porter's display of troops—three brigades in line—in the early part of the afternoon had given rise to the expectation of an attack on their right. This having been reported to General Longstreet, that commander sent his reserve division (Wilcox's) from his extreme left, just north of the Warrenton turnpike, to his extreme right, on the Manassas and Gainesville road. Wilcox reached this latter position about four o'clock p. m., and Porter having before that time withdrawn his troops under cover, some troops from the confederate right (D. R. Jones's) were pushed to the front in the woods occupied by Porter's skirmishers, apparently to reconnoiter. This movement gave rise to the impression among Porter's officers (Morell's division) that the enemy was about to attack about five p. m.

General Pope having arrived some time after noon on the field in the rear of Groveton, and General McDowell's column approaching that part of the field by the Manassas and Sudley road, an attack was ordered upon the enemy's extreme left near Sudley, and a written order was sent, dated 4.30 p. m., to Porter to attack the enemy's right, and, if possible, his rear. After some time had elapsed, General Pope ordered McDowell, with King's division and other troops, to pursue up the Warrenton turnpike the enemy, who, thus to be assailed upon both flanks, would be compelled to retreat.

The attack on Jackson's left was begun by Kearney about five p. m.; but the order to Porter was not delivered in time. The messenger did not find General Porter until sunset. Thus, at five o'clock, nothing having occurred to suggest to General Porter any change in the plan indicated in the joint order to retire behind Bull Run instead of giving battle that day, the sound of artillery near Sudley, so much apparently to the rear of Groveton, suggested to Porter, who was then at Bethlehem Church, that Sigel was retiring or perhaps being driven back, and that his artillery was then in a new position near the Sudley Springs road.

If it was true that Sigel was being driven back, the military situation was extremely perilous, and Porter must instantly do what he could to avert disaster. His order to Morell, which must have been issued at that instant, shows what he proposed to do. It is as follows, namely:

"General MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving,* and he has got ahead of you, let him pass; but see if you cannot give help to Sigel. If you find him retiring, move back toward Manassas, and, should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled, take the one via Union Mills, which is to the right as you return.

"F. J. PORTER,
"*Major-General.*

"Look to the points of the compass for Manassas.

"F. J. PORTER."

This movement would have left Porter with Sykes alone to hold the Manassas road and cover the retreat of Ricketts's worn-out troops, who were then stretched along the road for four or five miles both toward Sudley and back toward Manassas Junction, while Morell should cover the retreat of the center of the Army. But now, before Morell had time to commence this movement, came a report from him that the enemy was coming down in force to attack both his front and flank. Porter might in a few minutes have to meet the attack of twenty thousand men. The purpose to cover the retreat of Sigel must needs be abandoned. Hence Porter dispatched to Morell:

"General MORELL: Hold on, if you can, to your present place. What is passing?

"F. J. PORTER."

Again:

"General MORRELL: Tell me what is passing quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.

"F. J. PORTER,
"*Major-General.*"

And again, in reply to advice from Morell that they had better retire, &c.:

"We cannot retire while McDowell holds on."

Notwithstanding contradictory testimony, we believe it was at this time that Porter ordered Piatt's brigade, of Sturgis's command, about eight hundred men, to move back to Manassas Junction and take up a defensive position to cover the expected retreat.

General Porter reported to General McDowell his views and intentions in the following dispatches:

"Generals MCDOWELL and KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?

"F. J. PORTER,
"*Major-General.*"

"General MCDOWELL or KING: I have been wandering over the woods and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your designs for to-night. If left to me I shall have to retire for food and water, which I cannot get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

"F. J. PORTER,
"*Major-General Volunteers.*"

"General MCDOWELL: The firing on my right has so far retired that, as I cannot advance and have failed to get over to you except by the route taken by King, I shall withdraw to Manassas. If you have anything to communicate please do so. I have sent my messengers to you and General Sigel and get nothing.

"F. J. PORTER,
"*Major-General.*

"An artillery duel is going on now; been skirmishing for a long time.

"F. J. P."

"General MCDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us. My scouts could not get through. Each one found the enemy between us, and I believe some have been captured. Infantry are also in front. I am trying to get a battery, but have not succeeded as yet. From the masses of dust on our left, and from reports of scouts, think the enemy are moving largely in that way. Please communicate the way this message came. I have no cavalry or messengers now. Please let me know your designs, whether you retire or not. I cannot get water and am out of provisions. Have lost a few men from infantry firing.

"F. J. PORTER,
"*Major-General Volunteers.*

"AUGUST 29—6 p. m."

But Porter soon found the sounds of artillery had deceived him. The renewal of the firing toward Groveton showed that Pope's troops were still there. Piatt's brigade was then recalled, and no further preparations for retreat were made.

Next came to Porter about 5.30 o'clock a report from the right that the enemy was in full retreat, and heavy sounds of musketry soon after showed that serious work had commenced near Groveton. Porter ordered Morell to make a strong reconnoissance to learn the truth. Morell, knowing the report must be false, at least as to the enemy in his front, prepared to support this reconnoissance with his whole division. While this preparation was being made came the long delayed order, dated 4.30 p. m., to attack the enemy in flank or rear:

"HEADQUARTERS IN THE FIELD,
"*August* 29—4.30 p. m.

"Major-General PORTER:

"Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"JOHN POPE,
"*Major-General, Commanding.*"

This order, though dated at 4.30 p. m., was not receive by Porter, at Bethlehem church, before 6.30 p. m.

The evidence before the court-martial tending to show that Porter received the "4.30" order in time to execute it is found in the testimony of the officer who carried the order, and one of the orderlies who accompanied him. Neither of these two witnesses appears to have carried a watch, and their several statements of the time when the order was delivered were based on estimates of the time occupied by them in riding from General Pope's headquarters to the place where they found General Porter. One of them at least knew from an inspection of the order that it was dated at 4.30; he, and probably both of them, therefore assumed that it was then that they started to deliver it, and adding to that hour the estimated time occupied by them, they severally fixed the hour of delivery. It is now proved by the testimony of the officer who wrote the dispatch that "4.30" was not the hour when the message started, but was the hour when he began to write the dispatch, and consequently that it was after that hour that the officer started to deliver it.

It is also shown that these messengers did not and could not, if other parts of their own testimony are true, have traveled over the route which they supposed they had taken. Moreover, it was proved by unquestionable testimony, that since the court-martial trial one of these witnesses had made statements and admissions inconsistent with and contradictory of his former testimony, and the other witness confessed before us that recently he had deliberately made false statements in regard to the route taken while carrying the dispatch. We have therefore felt compelled to lay the testimony of these witnesses out of the case. An attempt was made to support these witnesses by the testimony of another person, who, as it was alleged, also accompanied as an orderly the officer charged with the dispatch, but his testimony was so completely broken down by cross-examination that we regard it as entitled to no weight whatever.

On the other hand, the testimony of General Sykes, Lieutenant-Colonel Locke, Captain Montieth, Lieutenant Ingham, and Lieutenant Weld before the court-martial, that the order in question was not delivered until about sundown, either a little before or a little after that hour, has now been supported by a new and entirely independent witness, Captain Randol, and has been singularly confirmed by the production, for the first time, of the dispatch from Porter to McDowell, dated 6 p. m., the terms of which utterly forbid the supposition that at that time Porter had received the order.

The moment this order was received Porter sent his chief of staff, Colonel Locke, to General Morell with orders to make the attack at once. He then wrote and sent a reply to Pope, and immediately rode to the front. On his arrival there Morell had about completed his preparations for the attack under the previous order to make a reconnaissance, but darkness had already come on. It was evidently impossible to accomplish any good that night, for, even if Morell might have begun the attack before dark, Sykes could not have been got into line after the order was received. The contest at Groveton had already so far spent its force as to derive no possible aid from Morell's attack. The order was based upon conditions manifestly erroneous and directed what was impossible to be done. To push Morell's division against the enemy in the dark would have been in no sense obedience to that order. Porter wisely ordered the preparations to cease, and the troops were put into position to pass the night, picketing in all directions, for Porter had but a few mounted men and the enemy had twenty-five hundred cavalry near his flank.

About this time, when darkness had come on, the rear of McDowell's column of weary troops was passing by the rear of Porter's column, still several miles from their destined place on the field. The Union Army was not even yet ready for battle.

The accompanying maps, marked Board Maps Nos. 2 and 3, exhibit substantially the military situation at the time the 4.30 p. m. order was issued, and that which was then understood by General Pope to exist, as explained to the court-martial upon the trial of General Porter.

We believe this plain and simple narrative of the events of the 28th of August clearly shows the true character of General Porter's conduct during that time. We are unable to find in that conduct anything subject to criticism, much less deserving of censure or condemnation.

Porter's duty that afternoon was too plain and simple to admit of discussion. It was to hold his position and cover the deployment of McDowell's troops until the latter, or some of them, should get into line; then to connect with them as far as might be necessary and practicable, and then, in the absence of further orders, to act in concert with those troops and others to the right.

If King's division had come up on the right, as was expected, and had advanced to attack, Porter would have known it instantly, and thus could have joined in the movement.

* The Sudley road.

If the main army retired, as indicated in the joint order, it was Porter's duty to retire also, after having held his ground long enough to protect its left flank and to cover the retreat of Ricketts's troops.

Porter did for a moment entertain the purpose of trying to give aid to Sigel, who was supposed to be retiring before McDowell had got King's division up to his support. That was the nearest to making a mistake that Porter came that afternoon. But it soon enough became evident that such a purpose must be abandoned; Porter had quite his full share of responsibility where he was.

The preparations made for retreat were the ordinary soldierly dispositions to enable him to do promptly what he had good reason to expect he might be required to do at any moment and must do at nightfall.

He made frequent reports to his superiors, stating what he had done and what he had been unable to do; what his situation was in respect to the enemy in his front and the strength of the enemy there; what his impressions were from the sounds of action toward his right; how he had failed thus far to get any communications from any commander in the main army, or any orders from General Pope; asking McDowell, who was nearest to him, for such information and his (McDowell's) *designs for the night;* sending an aid-de-camp to General Pope for orders and received no reply, not even information that the 4.30 order had been sent to him; and, finally, informing his superiors that if left to himself, without orders, he would have to retire at night for food and water, which he could not get where he was. These reports were sent not only frequently, but early enough to insure the receipt of orders from Pope or correct information from McDowell, if they had any to send him, before it would be time for him to withdraw. All these dispatches were sent in the latter part of the afternoon. They all indicated a purpose to retire only after being assured that the main army was retiring, and then to cover the retreat of the army as far as possible, or to withdraw after nightfall, as the joint order had indicated, if no further orders or information of General Pope's plans could be obtained.

There is no indication in any of those dispatches, when fairly construed, nor in anything which Porter did or said, of any intention to withdraw until after dark, unless compelled to do so by the retreat of the main army; and even then he was compelled to hold on until McDowell's troops could get out of the way, and that was not until after dark, for Ricketts's division was on the road in Porter's rear all the afternoon.

It is perfectly clear that Porter had no thought whatever of retreating from the enemy, or of withdrawing because of the enemy in his front; for when the enemy was reported advancing as if to attack, his orders were: "If the enemy is coming, hold to him." "Post your troops to repulse him." "We cannot retire while McDowell holds on."

It appears to have been assumed in the condemnation of General Porter's conduct that he had some order to attack or some information of aggressive plans on the part of General Pope, or some intimation, suggestion, or direction to that effect from General McDowell, or that there was such a battle going on within his hearing, or something else in the military situation, that required him to attack the enemy without orders before receiving the 4.30 p. m. order at sunset. All this was the exact reverse of the truth. General Pope's last order, General McDowell's directions while he was with General Porter, the military situation as then known to both Porter and McDowell, and the movement McDowell had decided to make to get his own troops into line of battle, and the state of the action on the right of the field, all combined to absolutely forbid any attack by Porter during that entire afternoon until he received Pope's order at sunset, and even that order could not possibly have been given if the situation had been correctly understood. An attack by him would have been a violation of the spirit of his orders and a criminal blunder leading to inevitable disaster. In short, he had no choice as a faithful soldier but to do substantially what he did do.

The range of our investigation has not enabled us to ascertain the source of the great error which was committed in the testimony before General Porter's court-martial respecting the time of arrival of the main body of Lee's army on the field of Manassas. But the information which was in possession of the Union officers at noon of the 29th of August, and afterward published in their official reports, together with the testimony before the court-martial, affords clear, explicit, and convincing proof that the main body of that army must have been there on the field at that time.

The recent testimony of confederate officers hardly adds anything to the conclusiveness of that proof, but rather diminishes its force by showing that one division (Anderson's) did not arrive until the next morning; while the information in their possession at that time required the Union officers to assume that that division as well as the others had arrived on the 29th. Yet General Porter's conduct was adjudged upon the assumption that not more than one division under Longstreet had arrived on the field, and that Porter had no considerable force in his front.

The fact is that Longstreet, with four divisions of full twenty-five thousand men, was there on the field before Porter arrived with his two divisions of nine thousand men; that the confederate general-in-chief was there in person at least two or three hours before the commander of the Army of Virginia himself arrived on the field, and that Porter with his two divisions saved the Army of Virginia that day from the disaster naturally due to the enemy's earlier preparation for battle.

If the 4.30 order had been promptly delivered, a very grave responsibility would have devolved upon General Porter. The order was based upon conditions which were essentially erroneous, and upon expectations which could not possibly be realized.

It required an attack upon the enemy's flank or rear, which could not be made, and that the attacking force keep closed on Reynolds, who was far to the right and beyond reach. Yet it would have been too late to correct the error and have the order modified. That order appeared to be part of a general plan. It must be executed promptly or not at all. If Porter had made, not the impossible attack which was ordered, but a direct attack upon the enemy's right wing, would he have been blameless for the fruitless sacrifice of his troops? We believe not. It is a well-established military maxim that a corps commander is not justifiable in making an apparently hopeless attack in obedience to an order from a superior who is not on the spot, and who is evidently in error in respect to the essential conditions upon which the order is based. The duty of the corps commander in such a case is to make not a real attack, but a strong demonstration, so as to prevent the enemy in his front from sending re-enforcements to other parts of his line.

This is all that Porter would have been justifiable in doing, even if he had received the 4.30 order at five o'clock; and such a demonstration, or even a real attack made after five o'clock by Porter alone, could have had no beneficial effect whatever upon the general result. It would not have diminished in the least the resistance offered to the attacks made at other points that afternoon. The display of troops made by Porter earlier in the afternoon had all the desired and all possible beneficial effect. It caused Longstreet's reserve division to be sent to his extreme right in front of Porter's position. There that division remained until about six o'clock—too late for it to take any effective part in the operations at other points of the line.

A powerful and well-sustained attack by the combined forces of Porter's corps and King's division upon the enemy's right wing, if it had been commenced early in the afternoon, might have drawn to that part of the field so large a part of Longstreet's force as to have given Pope some chance of success against Jackson; but an attack by Porter alone could have been but an ineffective blow, destructive only to the force that made it, and, followed by a counter-attack, disastrous to the Union Army. Such an attack, under such circumstances, would have been not only a great blunder, but, on the part of an intelligent officer, it would have been a great crime.

What General Porter actually did do, although his situation was by no means free from embarrassment and anxiety at the time, now seems to have been only the simple, necessary action which an intelligent soldier had no choice but to take. It is not possible that any court-martial could have condemned such conduct if it had been correctly understood. On the contrary, that conduct was obedient, subordinate, faithful, and judicious. It saved the Union army from disaster on the 29th of August.

This ends the transactions upon which were based the charges of which General Porter was pronounced guilty; but some account of the part taken by him and his corps in the events of the following day, August 30, which gave rise to a charge which was withdrawn, is necessary to a full understanding of the merits of the case.

At three a. m. of the 30th, General Porter received the following order, and in compliance with it promptly withdrew from his position in presence of the enemy and marched rapidly by the Sudley road to the center of the battle-field, where he reported to General Pope for orders:

"HEADQUARTERS ARMY OF VIRGINIA,
"IN THE FIELD NEAR BULL RUN,
"*August* 29, 1862—8.50 p. m.

"GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

"JOHN POPE,
"*Major-General, Commanding.*

"Major-General F. J. PORTER."

[Received August 30—3.30 a. m.]

At first sight it would appear that in this prompt and unhesitating movement, under this order General Porter committed a grave fault. He was already on the field of battle, confronting the enemy in force, and holding a position of vital importance to the security of Pope's army; while the latter appeared, from the order, to be wholly in the dark respecting these all-important facts. It is true the order was most positive, imperative, and also distrustful in its terms. But those very terms served to show only the more forcibly that the order was based upon a total misapprehension of the essential facts, without which misapprehension it would not seem possible that such an order could have been issued. The well-established military rule is that such an order must never be obeyed until the commander who gave it has been informed of his error and given an opportunity to correct it; but, upon close examination, the opposite view of Porter's conduct under this order appears to be the just one.

Porter had repeatedly reported to McDowell the presence of the enemy in large force in his front. Presumably these reports had gone to Pope, as one of them had in fact. Porter had also sent an aid-de-camp with a written message to Pope about four p. m., and had sent a written reply to the 4.30 p. m. order after 6 30 p. m. These last two dispatches have not been preserved by General Pope, and hence their contents are not known to us; but we are bound to presume that they reported the situation as Porter then knew it, and as he had frequently reported it to McDowell, and the last of these dispatches, in reply to the 4.30 p m. order, was later than the latest of those in which Porter had spoken of any intention to fall back. Hence Porter had already given to his superior all the information which it was possible for him to give, and nothing remained for him but to obey the order. This movement of Porter's corps on the morning of the 30th was the beginning of the unfortunate operations of that day. This corps, which had been protecting the left flank of Pope's army, was withdrawn from its important position, leaving the left wing and flank exposed to attack by greatly superior force of the enemy, brought to the center of the field and then ordered "in pursuit of the enemy."

["Special Orders No. —.]

"HEADQUARTERS NEAR GROVETON,
"*August* 30, 1862—12 m.

"The following forces will be immediately thrown forward in pursuit of the enemy and press him vigorously during the whole day. Major-General McDowell is assigned to the command of the pursuit; Major-General Porter's corps will push forward on the Warrenton turnpike, followed by the divisions of Brigadier-Generals King and Reynolds. The division of Brigadier-General Ricketts will pursue the Hay Market road, followed by the corps of Major-General Heintzelman. The necessary cavalry will be assigned to these columns by Major-General McDowell, to whom regular and frequent reports will be made. The general headquarters will be somewhere on the Warrenton turnpike.

"By command of Major-General Pope.

"GEO. D. RUGGLES,
"*Colonel and Chief of Staff.*"

"HEADQUARTERS THIRD CORPS, ARMY OF VIRGINIA.
"*August* 30, 1862.

"Major-General PORTER,
"*Commanding, &c.:*

"Major-General McDowell, being charged with the advanced forces ordered to pursue the enemy, directs me to inform you that your corps will be followed immediately by King's division, supported by Reynolds. Heintzelman, with his corps, preceded by Rickett's division, will move on your right, on the road from Sudley Springs to Hay Market. He is instructed to throw out skirmishers to the left, which it is desirable you should join with your right. General McDowell's headquarters will be at the head of Reynold's division, on the Warrenton road. Organize a strong advance to precede your command, and push on rapidly in pursuit of the enemy until you come in contact with him. Report frequently. Bayard's brigade will be ordered to report to you; push it well to the left as you advance.

"Very respectfully, your obedient servant,

"ED. SCHRIVER,
"*Colonel and Chief of Staff.*"

These orders led to an attack upon the confederate left wing, Jackson's command, made mainly by Butterfield's and Barnes brigades, of Morell's division, and by Sykes's division, which is described as follows by the confederate generals:

[Extract from General Lee's report of operations of the army of Northern Virginia, battle of Manassas.]

"HEADQUARTERS ARMY OF NORTHERN VIRGINIA, *March* 6, 1863.

"SIR: * * * About three p. m. the enemy, having massed his troops in front of General Jackson, advanced against his position in strong force. His front line pushed forward until engaged at close quarters by Jackson's troops, when its progress was checked, and a fierce and bloody struggle ensued. A second and third line, of great strength, moved up to support the first, but in doing so came within easy range of a position a little in advance of Longstreet's left. He immediately ordered up two batteries, and two others being thrown forward about the same time by Colonel S. D. Lee, under their well-directed and destructive fire the supporting lines were broken and fell back in confusion. Their repeated efforts to rally were unavailing, and Jackson's troops being thus relieved from the pressure of overwhelming numbers, began to press steadily forward, driving the enemy

before them. He retreated in confusion, suffering severely from our artillery, which advanced as he retired. General Longstreet, anticipating the order for a general advance, now threw his whole command against the Federal center and left. * * *

"I have the honor to be, very respectfully, your obedient servant,

"R. E. LEE,
"*General.*

"General S. COOPER,
"*Adjutant and Inspector-General, Richmond, Va.*"

[Extract from the report of General James Longstreet, October 10, 1862.]

* * * "During the day Colonel S. D. Lee, with his reserve artillery placed in the position occupied the day previous by General Walton, engaged the enemy in a very severe artillery combat. The result was, as the day previous, a success. At 3.30 o'clock in the afternoon I rode to the front for the purpose of completing arrangements for making a diversion in favor of a flank movement then under contemplation. Just after reaching my front line I received a message for re-enforcements for General Jackson, who was said to be severely pressed. From an eminence near by, one portion of the enemy's masses attacking General Jackson were immediately within my view and in easy range of batteries in that position. It gave me an advantage that I had not expected to have, and I made haste to use it. Two batteries were ordered for the purpose, and one placed in position immediately and opened. Just as the fire began I received a message from the commanding general informing me of General Jackson's condition and his wants. As it was evident that the attack against General Jackson could not be continued ten minutes under the fire of these batteries, I made no movement with my troops."

* * * * * * *

[Extract from report of General Jackson of operations from August 15 to September 5, 1862.]

"HEADQUARTERS SECOND CORPS, A. N. V., *April* 27, 1863.

"GENERAL: After some desultory skirmishing and heavy cannonading during the day, the Federal infantry, about four o'clock in the evening, moved from under cover of the wood and advanced in several lines, first engaging the right, but soon extending its attack to the center and left. In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward as if determined, by force of numbers and fury of assault, to drive us from our positions. So impetuous and well sustained were these onsets as to induce me to send to the commanding general for re-enforcements; but the timely and gallant advance of General Longstreet on the right relieved my troops from the pressure of overwhelming numbers, and gave to these brave men the chances of a more equal conflict. As Longstreet pressed upon the right the Federal advance was checked, and soon a general advance of my whole line was ordered.

"T. J. JACKSON,
"*Lieutenant-General.*

"Brigadier-General R. H. CHILTON,
"*A. A. A. General Headquarters Department A. N. V.*"

As Longstreet's army pressed forward to strike Pope's exposed left wing and flank, Warren, with his little brigade, sprung into the gap and breasted the storm until but a handful of his brave men were left alive. Then Sykes, with his disciplined brigades, and Reynolds, with his gallant Pennsylvania Reserves, seized the commanding ground in rear, and, like a rock, withstood the advance of the victorious enemy and saved the Union Army from rout.

Thus did this gallant corps nobly and amply vindicate the character of their trusted chief, and demonstrate to all the world that "disobedience of orders" and "misbehavior in the presence of the enemy" are crimes which could not possibly find place in the head or heart of him who thus commanded that corps.

These events of the 30th of August were excluded from the evidence before the court-martial that tried General Porter; but justice requires that they should be mentioned here as having an important bearing upon the question of animus which was so strongly dwelt upon in the review of Porter's case by the Judge-Advocate-General.

The foregoing is the simple history of the part taken by Porter and his corps in the events which gave rise to the following charges and specifications, findings and sentence, and executive action:

["General Orders No. 18.]

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, January* 22, 1863.

"I. Before a general court-martial which convened in the city of Washington, District of Columbia, November 27, 1862, pursuant to Special Orders No. 362, dated Headquarters of the Army, November 25, 1862, and of which Major-General D. Hunter, United States volunteers, is president, was arraigned and tried Major-General Fitz-John Porter, United States volunteers.

"CHARGE I.—Violation of the ninth article of war.

"SPECIFICATION FIRST.—In this: that the said Major-General Fitz-John Porter, of the volunteers of the United States, having received a lawful order, on or about the 27th August, 1862, while at or near Warrenton Junction, in Virginia, from Major-General John Pope, his superior and commanding officer, in the following figures and letters, to wit:

"'HEADQUARTERS ARMY OF VIRGINIA,
"'*August* 27, 1862—6.30 p. m., Bristoe Station.

"'GENERAL: The major-general commanding directs that you start at one o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad train to this side of Cedar Run. If he is not with you, write him to that effect.

"'By command of Major-General Pope.

"'GEO. D. RUGGLES,
"'*Colonel and Chief of Staff.*

"'Major-General F. J. PORTER,
"'*Warrenton Junction.*

"'P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

"'By command of Major-General Pope.

"'GEO. D. RUGGLES,
"'*Colonel and Chief of Staff.*'

did then and there disobey the said order, being at the time in the face of the enemy. This at or near Warrenton, in the State of Virginia, on or about the 28th of August, 1862.

"SPECIFICATION SECOND.—In this: that the said Major-General Fitz-John Porter, being in front of the enemy, at Manassas, Virginia, on or about the morning of August 29, 1862, did receive from Major-General John Pope, his superior and commanding officer, a lawful order, in the following letters and figures, to wit:

"'HEADQUARTERS ARMY OF VIRGINIA,
"'*Centreville, August* 29, 1862.

"'Generals MCDOWELL and PORTER:

"'You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run at Centreville to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to join the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out. One thing must be held in view: that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or the next day. My own headquarters will for the present be with Heintzelman's corps or at this place.

"'JOHN POPE,
"'*Major-General Commanding.*'

which order the said Major-General Porter did then and there disobey. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

"SPECIFICATION THIRD.—In this: that the said Major-General Fitz-John Porter having been in front of the enemy during the battle of Manassas, on Friday, the 29th of August, 1862, did on that day receive from Major-General John Pope, his superior and commanding officer, a lawful order, in the following letters and figures, to wit:

"'HEADQUARTERS IN THE FIELD,
"'*August* 29, 1862—4.30 p. m.

"'Major-General PORTER:

"'Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"'JOHN POPE,
"'*Major-General, Commanding.*'

which said order the said Major-General Porter did then and there disobey, and did fail to push forward his forces into action either on the enemy's flank or rear, and in all other respects did fail to obey said order. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

"SPECIFICATION FOURTH.—In that the said Major-General Fitz-John Porter, being at or near Manassas Junction on the night of 29th August, 1862, did receive from Major-General John Pope, his superior and commanding officer, a lawful order, in figures and words as follows, to wit:

"'HEADQUARTERS ARMY VIRGINIA, IN THE FIELD NEAR BULL RUN,
"'*August* 29, 1862—8.50 p. m.

"'GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

"'JOHN POPE,
"'*Major-General, Commanding.*

"'Major-General F. J. PORTER.'

"And the said Major-General Fitz-John Porter did then and there disobey the said order, and did permit one of the brigades of his command to march to Centreville—out of the way of the field of battle—and there to remain during the entire day of Saturday, the 30th of August. This at or near Manassas Station, in the State of Virginia, on the 29th and 30th days of August, 1862.

"SPECIFICATION FIFTH.—In this: that the said Major-General Fitz-John Porter, being at or near Manassas Station, in the State of Virginia, on the night of the 29th August, 1862, and having received from his superior commanding officer, Major-General John Pope, the lawful order set forth in specification 4 to this charge, did then and there disobey the same, and did permit one other brigade attached to his command—being the brigade commanded by Brigadier-General A. S. Piatt—to march to Centreville, and did thereby greatly delay the arrival of the said General Piatt's brigade on the field of the battle of Manassas, on Saturday, the 30th August, 1862. This at or near Manassas, in the State of Virginia, on or about the 29th day of August, 1862.

"CHARGE II.—Violation of the fifty-second article of war.

"SPECIFICATION FIRST.—In this: that the said Major-General Fitz-John Porter, during the battle of Manassas, on Friday, the 29th August, 1862, and while within sight of the field and in full hearing of its artillery, did receive from Major-General John Pope, his superior and commanding officer, a lawful order to attack the enemy, in the following figures and letters, to wit:

"'HEADQUARTERS IN THE FIELD,
"'*August* 29, 1862—4.30 p. m.

"'Major-General PORTER:

"'Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves, and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

"'JOHN POPE,
"'*Major-General, Commanding.*'

which said order the said Major-General Porter did then and there shamefully disobey, and did retreat from advancing forces of the enemy without any attempt to engage them, or to aid the troops who were already fighting greatly superior numbers, and were relying on the flank attack he was thus ordered to make to secure a decisive victory and to capture the enemy's army, a result which must have followed from said flank attack had it been made by the said General Porter in compliance with the said order which he so shamefully disobeyed. This at or near Manassas, in the State of Virginia, on or about the 29th of August, 1862.

"SPECIFICATION SECOND.—In this: that the said Major-General Fitz-John Porter, being with his army corps on Friday, the 29th of August, 1862, between Manassas Station and the field of battle then pending between the forces of the United States and those of the rebels, and within sound of the guns and in the presence of the enemy, and knowing that a severe action of great consequence was being fought, and that the aid of his corps was greatly needed, did fail all day to bring it on to the field, and did shamefully fall back and retreat from the advance of the enemy without any attempt to give them battle, and without knowing the forces from which he shamefully retreated. This near Manassas Station, in the State of Virginia, on the 29th of August, 1862.

"SPECIFICATION THIRD.—In this: that the said Major-General Fitz-John Porter, being with his army corps near the field of battle of Manassas on the 29th of August, 1862, while a severe action was being fought by the troops of Major-General Pope's command, and being in the belief that the troops of the said General Pope were sustaining defeat and retiring from the field, did shamefully fail to go to the aid of the said troops and general, and did shamefully retreat away, and did fall back with his army to the Manassas Junction, and leave to the disasters of a presumed defeat the said army; and did fail, by any attempt to attack the enemy, to aid in averting the misfortune of a disaster that would have endangered the safety of the capital of the country. This at or near Manassas Station, in the State of Virginia, on the 29th day of August, 1862.

"SPECIFICATION FOURTH.—In this: that the said Major-General Fitz-John Porter, on the field of battle of Manassas, on Saturday, the 30th August, 1862, having received a lawful order from his superior officer and commanding general, Major-General John Pope, to engage the enemy's lines, and to carry a position near the center, and to take an annoying battery there posted, did proceed in the execution of that order with unnecessary slowness, and by delays give the enemy opportunities to watch and know his movements, and to prepare to meet his attack; and did finally so feebly fall upon the enemy's lines as to make little or no impression on the same, and did fall back and draw away his forces unnecessarily, and without making any of the great personal efforts to rally his troops or to keep their lines, or to inspire his troops to meet the sacrifices and to make the resistance demanded by the importance of his position, and the momentous consequences and disasters of a retreat at so critical a junction of the day.

"To which charges and specifications the accused, Major-General Fitz-John Porter, United States Volunteers, pleaded as follows:

"'CHARGE I.

"'To specification first, 'Not guilty.'
"'To specification second, 'Not guilty.'
"'To specification third, 'Not guilty.'
"'To specification fourth, 'Not guilty.'
"'To specification fifth, 'Not guilty.'
"'And to the charge, 'Not guilty.'

"'CHARGE II.

"'To specification first, 'Not guilty.'
"'To specification second, 'Not guilty.'
"'To specification third, 'Not guilty.'
"'And to the charge, 'Not guilty.'

"'FINDING.

"'The court, having maturely considered the evidence adduced, finds the accused, Major-General Fitz-John Porter, of United States volunteers, as follows:

"'CHARGE I.—Of the first specification, 'Guilty.' Of the second specification, 'Guilty.' Of the third specification, 'Guilty.' Of the fourth specification, 'Not guilty.' Of the fifth specification, 'Not guilty.' Of the charge, 'Guilty.'

"'CHARGE II.—Of the first specification, 'Guilty, except so much of the specification as implies that he, the accused, 'did retreat from advancing forces of the enemy,' after the receipt of the order set forth in said specification.' Of the second specification, 'Guilty.' Of the third specification, 'Guilty, except the words, 'to the Manassas Junction.'' Of the charge, 'Guilty.'

"SENTENCE.

"'And the court therefore does sentence him, Major-General Fitz-John Porter, of the United States volunteers, 'to be cashiered, and to be forever disqualified from holding any office of trust or profit under the Government of the United States.'

"'II. In compliance with the sixty-fifth of the Rules and Articles of War, the whole proceedings of the general court-martial in the foregoing case have been transmitted to the Secretary of War, and by him laid before the President of the United States.

"'The following are the orders of the President: 'The foregoing proceedings, findings, and sentence in the foregoing case of Major-General Fitz-John Porter are approved and confirmed; and it is ordered that the said Fitz-John Porter be, and hereby is, cashiered and dismissed from the service of the United States as a major-general of volunteers, and as colonel and brevet brigadier-general in the regular service of the United States, and forever disqualified from holding any office of trust or profit under the Government of the United States.

"'January 21, 1863.

"'ABRAHAM LINCOLN.'

"'III. The general court-martial, of which Major-General Hunter is president, is hereby dissolved.

"'By order of the Secretary of War.

"'L. THOMAS,
"'*Adjutant-General.*

"'Official:

"'_____,
"'*Assistant Adjutant-General.*'"

These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the court-martial, as shown in the findings and in the review of the case which was prepared for the information of the President by the Judge-Advocate-General who had conducted the prosecution, and thus to clearly perceive every error into which the court-martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in a few words. It was maintained, and apparently established to the satisfaction of the court-martial, that only about one-half of the confederate army was on the field of Manassas on the 29th of August, while General Lee, with the other half, was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack which Porter was expected to make to insure the defeat and destruction or capture of the confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced toward Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of confederate troops, "seventeen regiments," which Buford had counted as they marched through Gainesville, marching along the road across Porter's front, and going toward the field of battle at Groveton; that McDowell ordered Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them upon the enemy's center near Groveton; that Porter, McDowell having then separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating a presumed defeat of his comrades on the center and right of the field; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line, near Groveton, an order was sent to Porter to attack the right flank on the rear of the enemy's line, upon which his own line of march must bring him, but that he had willfully disobeyed, and made no attempt to execute that order; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's army could join it, and that this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors, the following all-important facts are fully established:

As Porter was advancing toward Gainesville, and while yet nearly four miles from that place and more than two miles from the nearest point of the Warrenton turnpike, he met the right wing of the confederate army, twenty-five thousand strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy, and later and very different orders from Pope, assumed the command, and arrested Porter's advance. This latter information left no room for doubt that the main body of Lee's army was already on the field and far in advance of Pope's army in preparation for battle. General McDowell promptly decided not to attempt to go farther to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any orders whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the court-martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done; the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be completed. It would have indicated a great error of military judgment to have done or ordered the contrary in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence he sent the order to Porter dated 4.30 p. m., to attack Johnson's right flank or rear. Fortunately that order did not reach Porter until about sunset, too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between eleven a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and so far as he had acted upon his own judgment his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration and were separated by long intervals of simple skirmishing and artillery duels. Until after six o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the determination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe no one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

The evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct. But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander cannot be defended. And to that indiscretion was due, in a very great measure, the misrepresentation of both his motives and his conduct and his consequent condemnation.

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him—such restoration to take effect from the date of his dismissal from service.

Very respectfully, your obedient servants,

J. M. SCHOFIELD,
Major-General United States Army.
ALFRED H. TERRY,
Brigadier-General United States Army.
GEO. W. GETTY,
Brevet Major-General United States Army, Colonel Third Artillery.

which said report your committee beg leave to incorporate in this, the report of your committee, as a part thereof, and fully concurring therein, they have deemed

it a further duty as a proper measure of relief in the premises, to present herewith the accompanying bill and recommend the passage thereof.

WM. A. J. SPARKS,
Chairman.

G. G. DIBRELL,
EDWD. S. BRAGG,
J. E. JOHNSTON,
WM. E. SMITH,
BENJAMIN LE FEVRE,
C. UPSON,
Members of the Committee.

Mr. McCOOK submitted the following as the views of the minority:

The minority of the Committee on Military Affairs submit the following report, giving some of the reasons why they cannot approve and support House bill No. 2976. That bill, which meets with the approval of the majority, sets aside and revokes the findings of the court-martial by which Fitz-John Porter was cashiered, on the grounds that the findings and sentence "were based in error, and without due knowledge of the facts in the case." It also restores him to the service of the United States, with all the rank and privileges to which he would have been entitled had there been no court. It creates the new and, so far as we know, heretofore unknown position of supernumerary colonel for him, to be held by him until a vacancy occurs, when he is to be regularly assigned; and it gives him the retired pay of a major-general and colonel, amounting, in the aggregate, to the enormous sum of between fifty and sixty thousand dollars.

All this, as the majority say, because he has had a wrong done him, because he has been deprived of the rights of citizenship upon unfounded charges, and because he has been at great expense in vindicating his character and conduct as an officer and soldier from the disgrace and obloquy cast upon him. To each and every one of these assertions the minority of your committee object, and from the conclusions drawn and the bill itself they dissent.

It is with great regret and a very considerable degree of embarrassment that they find it necessary to do so. Regret, because no one can read unmoved the appeals of General Porter; and embarrassment, because the majority have adopted as the basis of their report the finding and recommendation of the board of officers convened by the President of the United States in June, 1878. That board was composed of three distinguished officers of the Army—two graduates of the Military Academy—and naturally, perhaps, its report is entitled to weight. Notwithstanding this the minority of your committee, in the discharge of the duty imposed upon them, do not hesitate to antagonize the findings of the board, and to express the opinion that they were based largely upon evidence not fairly or properly applicable to a correct determination of the case.

At all events, the record shows that although the board was convened by the President in order that "he might be fully informed of the facts of the case," the information given by it only satisfied him—to quote his language—"that he ought to lay the proceedings and conclusions before Congress." In this shape and in this manner it has reached the Committee on Military Affairs, and with a clear understanding of the apparent presumption of the non-professional and ex-volunteer mind criticising the conclusions of a board of regular officers, we have the honor to submit the following:

In August, 1862, Fitz-John Porter was a major-general of volunteers, colonel and brevet brigadier-general in the Regular Army, and in command of the Fifth Army Corps. For certain alleged offenses he was tried and convicted by a court-martial and sentenced to be cashiered, and on the 21st of January, 1863, the sentence was approved by Abraham Lincoln, then President of the United States. In this connection it is proper to state that the appeal made by Porter to President Lincoln in August, 1863, for a reopening of the case was disregarded, as were the subsequent ones to President Johnson in 1867 and to President Grant in 1869. The charges upon which General Porter was tried were violation of the ninth and fifty-second articles of war, the punishment for which was death, or such other penalty as a court-martial might inflict. Generally speaking, they provide for the punishment of any officer or soldier who disobeys the command of his superior officer, or for the punishment of any officer or soldier who misbehaves himself in the presence of the enemy.

On these charges General Porter was found guilty, was cashiered, and forever disqualified from holding any office of profit or trust under the Government of the United States. His trial was held within a few months of the battle of Manassas, and when witnesses who were present on the side of the national forces were easily obtained. The movements of the armies were fresh in the minds of those interested; the court was composed of men eminent in their profession, six of them graduates of West Point, some intimate personal friends of the accused, and some have become equally eminent in civil life; and nothing has been shown to convince us that they were not honestly anxious to do justice in accordance with their oaths, without partiality, favor, or affection. Porter himself made no objection to the detail of the court, and, in addressing it, said, "Yourselves most, if not all, have known me well."

The proceedings lasted for forty-five days, and many witnesses appeared before it, including Generals Pope, McDowell, Heintzelman, Morell, Griffin, Reynolds, Sykes, Butterfield, and Buford, who commanded corps, divisions, and brigades on the days of the 27th, 28th, 29th, and 30th of August, 1862. In addition, the court had the benefit of the testimony of Generals McClellan, BURNSIDE, Parke, and others, who were not present in the action, but were conversant with some of the facts connected with it, and the accused was represented by distinguished counsel. After a patient investigation the court reached its conclusions, and the minority of your committee, after as careful an examination of the proceedings as possible under the circumstances, do not hesitate to say that they fail to see how from the evidence the court could have determined otherwise. At the time, and perhaps since, efforts were made to make it appear that some scapegoat was necessary for the disasters of that most disastrous campaign. Then, and possibly since, suggestions were made that Porter's trial was a persecution, that it was partisan or political, and that perhaps some one else was aimed at through him. Assertions like these, to which more or less publicity was given by the press, attracted much attention to the case, and in consequence it has been loaded down by all sorts of criticisms reflecting upon many distinguished men, and, in our judgment, foreign to its merits.

The minority of your committee at the outset express no opinion in regard to the wisdom of many or any of General Pope's movements from the time when he assumed command of the Army of Virginia until he relinquished it. Neither do they deem it at all necessary that they should express any opinion in regard to his competency for the place to which the President had called him. Competent or incompetent, he was there by proper authority, and he was General Porter's lawful superior from the time he reported to him for duty. The orders he issued to Porter he had the right to issue, and he also had the right to expect that they would receive unquestioning and cheerful obedience. Almost from the time when Porter disembarked at Aquia Creek and marched from there to the Rappahannock, and until after the battle of Manassas, he kept up a correspondence with General BURNSIDE then and until he reported to Pope, his superior officer. Many, perhaps all, of these dispatches are published in part 1 of Senate Ex. Doc. 37, Forty-sixth Congress; and we invite attention to them to show the spirit in which General Porter marched to report for duty to General Pope and the spirit in which he received orders, statements, and explanations from him. Complaining, doubting, faultfinding, and critical, they indicate very clearly an utter want of confidence in General Pope and a determination to sit in judgment upon him, his orders, and his acts. Loyalty to his chief, in the sense that he was to give a cheerful if not an eager obedience and support to him, there was none; but, on the contrary, he manifested so querulous a disposition that even the board which apologizes for him find him censurable in this respect. (See paragraph III, page 25, report of board of officers.) That he disobeyed positive orders is undeniable, and that he rendered himself amenable to the same strict rule and letter of the law that he was constantly applying to his chief is, in our opinion, equally undeniable.

The excuse or justification for his disobedience is set forth fully in the report of the board, now adopted as the report of the majority of your committee; and its refutation in detail will require more time and space than can be given in this report. Largely, if not exclusively, the board relies for their conclusions, in regard to the second charge especially, upon testimony gathered from confederate sources since the suppression of the rebellion, to show that on the 29th of August, 1862, Fitz-John Porter deserved well of the Republic by not attacking on or near the Gainesville road. Such an attack, they say, would have been not only a "great blunder," but a "great crime;" failure to attack "saved the Union Army from disaster on that day," and "his conduct was obedient, subordinate, faithful, and judicious."

With deference to this distinguished board, the minority report that those are questions for discussion; that they will be prepared to discuss them before the House and the country at the proper time; and that they believe they can establish by evidence that on that day (the 29th of August, 1862) Fitz-John Porter's conduct was *not* "obedient," was *not* "faithful," was *not* "judicious." They further say that they do not believe that the proper rule by which to judge Fitz-John Porter's conduct is the one that permits the subsequent testimony and statements of confederate officers to be used to establish his innocence. What he must be held responsible for, in our opinion, is, what he knew at the time, not what he has discovered since from confederate sources. We do not question the right of General Porter to introduce this newly-discovered evidence before the board of officers, because the terms of the order convening it authorizes him to do so; but we do emphatically dissent from the opinion that confederate testimony is not only to acquit Fitz-John Porter and restore him to his former rank in the Army, but to convict the court which tried him.

On the 29th of August he had no information, so far as we can discover, beyond what other Federal officers had of the character of the force confronting him. What he did know, however, was that he was ordered to "push toward Gainesville;" that subsequently he was ordered in express terms to attack; that he failed to do so, and he had the serious problem presented to him throughout the greater part of the day of remaining inactive within striking distance of the enemy, while the thunder of the guns near Groveton indicated serious work between the enemy and his comrades, but three miles distant on his right. Even if it be admitted that the confederate testimony and confederate reports are to determine the right or the wrong of the action of a Union corps commander on the day of battle, or in the presence of the enemy, and they are to be made the foundation for his restoration to the Army and the receipt of a large money award, we deny that those reports are so unanimous or so pertinent as to warrant the conclusions of the board, and of the majority of your committee. (See confederate General Lee, Hill, Longstreet, and Stewart's report, and others.)

The reference by the board of officers to the action of Porter and his command on the 30th of August, in order, as they state, "to fully understand the case," is, in the opinion of the minority, not only foreign to it, but wholly out of place. His presence on the battle-field on that day was in consequence of a peremptory order, issued in terms so direct and distrustful that it clearly expressed the opinion of his superior officer that he had signally failed in his duty on the 29th. No discretion was possible under it, but the board do not hesitate to say that at first sight it would appear that in his prompt and unhesitating movement under this order General Porter committed a "grave fault." They assume that upon its receipt he was on what they are pleased to call the "field of battle," confronting the enemy "in force," and "holding a position of vital importance to the security of Pope's army." That he was not on the field of battle in the sense sought to be conveyed by the board is shown not only by testimony of witnesses, but by the absence of the usual results of a battle—the record of the killed and wounded in his command. That he was confronting the enemy is true, but the battle had been going on for the greater part of the day, some three miles from him on the right, while he remained inactive, or substantially so, confronted by a force that, outside of confederate sources, we have no reason to believe was large or dangerous. Until the arrival of McDowell, at about twelve o'clock, communicating the dispatch of Buford that seventeen regiments and a battery had passed "through Gainesville up the pike toward Centreville," there was nothing to show the presence of anything but cavalry in Porter's vicinity, and it was not until three o'clock that the officer in command of the skirmishers announced the presence of a large force in the front. At no time during the day was a reconnaissance in force made or a vigorous effort to develop his strength, and it is mere guess-work to say that the forces reported by Buford passed down the road toward Manassas and in the direction of Porter.

Notwithstanding the conviction that forced itself upon the board, that Porter very nearly committed a "grave fault" in obeying the order dated at 8.50 on the night of the 29th, they do, however, conclude that nothing remained but for him to obey. They also assert that the action of the Fifth Corps, on the 30th of August, amply vindicated the character of its chief, and showed to the world that "disobedience of orders" and "misbehavior in the presence of the enemy" could not possibly have found any place in the head or heart of its commander. To this view of the case the minority of your committee also dissent.

The gallant behavior of the Fifth Corps on the 30th did not "vindicate" either the head or the heart of its commander for his conduct on the previous day; but it did vindicate and illustrate the high qualities of the Union soldier, the patient rank and file of the Army, who never failed their superiors, and whose patriotism, devotion, and courage are about the only redeeming features of those disastrous days. They fought as they always had fought when the opportunity was given them—well. They died as their comrades had died in the Peninsula, without complaint or repining, and they neither criticised the order, nor were "surprised" at the order, nor hesitated about the order that pushed them against the deadly rifles of the confederate soldier. They obeyed orders loyally.

For all the purposes of determining the guilt or innocence of Fitz-John Porter on the 29th, his conduct on the 30th has, in our opinion, no more pertinence than had his conduct at Mechanicsville or Malvern Hill. Indeed, it is more than probable that at last, realizing the awkwardness of the position in which he had placed himself by his singular conduct since reporting to Pope, he found it necessary to display more than ordinary zeal and energy when fighting under his immediate and personal command. Whatever his motives, he deserves credit for what he did on the 30th of August; for what he did, or rather did not, on the 29th of August, he deserved censure and punishment; but certainly his action on the second day cannot be made to justify and explain away his conduct on the first, though a distinguished board says it should.

The board of officers also seem to be of the opinion that the actions of the 29th and 30th have been confounded by nearly every one but themselves. To use their own expression, "General Porter was in effect condemned for not having taken any part in his own battle." On this also the minority beg leave to report that they join issue with the board. No one who follows the movements of Porter's corps from the 27th to the night of the 30th can possibly mistake its positions on the important days of the 29th and 30th, or confound it in any way with other troops. The statement made by the board, "that the reports referring to the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th," is, in our opinion,

not sustained by the facts. In our opinion it is established by official reports made immediately after the battle, as well as by the testimony of witnesses, that a battle of serious proportions was in progress during the greater part of the 29th; the firing swelling and increasing in volume toward the middle of the afternoon.

Every Union official report which we have examined speaks of the early hour at which fighting began on the 29th, of its duration and its fierceness. Not one of the officers from whom we shall quote fails to distinguish between the two days, keeping them clearly separate and apart; and not one, in speaking of the action of the 29th, refers even indirectly to the presence of Porter either in their front, their rear, or on their flank. They all, however, or nearly all, mention the action of his corps on the 30th, and in every case the narrative of the two days is continuous, intelligent, and easily followed. We quote from volume VI, Official Military Reports of the Rebellion, Adjutant-General's Office, and we desire to call attention to the fact that some were written almost on the battle-field, and all, perhaps, within a month of the action.

General Siegel, commanding the first corps, says: "In the course of about four hours, from 6.30 to 10.30 in the morning, our whole infantry force, and nearly all our batteries, were engaged with the enemy." At the last hour the "enemy threw forward masses of troops which were driven back by troops of Milroy and Schurz." Schenck's division was then engaged and the enemy was trying to turn the left. "At this critical moment General Kearney arrived on the field and deployed on our right, while General Reno's troops came to our support." "Scarcely were these troops in position when the contest began with renewed vigor and vehemence, the enemy attacking along our whole line from extreme right to extreme left." At twelve o'clock, he then speaks of Reynolds's troops taking position on his left, and at two o'clock of General Hooker's troops arriving on the field of battle, so that by two p. m., according to Siegel, his whole corps, with Kearney's, Reynolds's, Hooker's, and Reno's divisions were engaged. General Schurz speaks of "the fire extending along his whole line and that it became lively." This was before ten o'clock, for at that hour he speaks of Kearney's arrival on the field. Schenck, division commander, states "that before one or two o'clock all his brigades were engaged." General Heintzelman, corps commander, says: "At ten a. m. reached *field of battle;* at eleven a. m. head of Hooker's division arrived, and General Reno an hour later; that at the request of Siegel he ordered Hooker to place one of his brigades at Siegel's disposition, *then hard pressed.*"

Kearney, a division commander, who was killed on the 1st of September at Chantilly, wrote his report of the battle at Centreville on the 31st, but had not time to sign it. It was forwarded by General Birney, who succeeded him. That report states substantially that on the 29th, on his arrival, he was assigned to the holding of the right wing, with his left on the Leesburgh road; that during the first hours of combat, on some tired regiments falling back, General Birney, on his own accord, rapidly pushed across to give them a hand. "*In the early afternoon*" General Pope's order was received to send a strong force diagonally to the front to relieve the center in the woods from pressure. General Robinson's brigade with some other regiments drove forward several hundred yards, but the center of the main battle being shortly driven, my detachment was obliged to cease to advance. All this appears to have happened before five o'clock, for he says: "At five o'clock, thinking I might drive the enemy by an unexpected attack, I brought up the most of Birney's regiment, changed front to the left to sweep with a rush the line of the enemy. This was most successful. The enemy was rolled up on his right. We took no part in the fighting of the 30th."

General J. B. Carr, present secretary of state of the State of New York, says: "At two o'clock, 29th, Friday morning, received orders to march at three a. m., to support General Kearney. A march of ten miles brought us to Bull Run battle-field. About eleven a. m. was ordered into position to support a battery where the enemy was engaged with Siegel. Remaining in that position some time, was ordered to send two regiments to relieve Siegel's troops. Did so, and afterward received orders to take balance of brigade into woods, which I did about two p. m., where I at once engaged the enemy and fought him for a space of two hours, holding my position until ammunition was expended, and about four p. m. was relieved." He was in Hooker's division, and the country knows that Hooker's command, before expending its ammunition, as a rule did some fighting that was more serious than a "sharp combat."

Grover, another brigade commander, says: "Arrived on the battle-field about nine a. m. The battle had already commenced, and the brigade was temporarily placed under the orders of Siegel." At three he says he received the order to advance, which was immediately obeyed, to carry the embankment, which he did, in a charge that was, perhaps, unequaled in the history of the war. The conflict was hand to hand with bayonets and clubbed muskets, and his brigade broke in succession two lines of the enemy, but the third line swept him back. In this fierce encounter he lost out of five small regiments forty-one killed, three hundred and twenty-seven wounded, and one hundred and sixteen missing.

Even the authority referred to by the board (Gen. Robert E. Lee's report, pages 519 and 520, record of board) speaks of "the battle raging with fury," and of its continuing until nine p. m. He also says that Steuart (the cavalry officer on the right) reported the advance of a large force threatening Longstreet's right; that the brigades of Wilcox were sent to re-enforce Jones, but no "serious attack was made, and after firing a few shots the enemy withdrew." He also speaks of this demonstration as having been made on the right, while a large force advanced to assail the left, Jackson's position. The enemy which he speaks of as having made a demonstration and firing a few shots could have been no other command but that of Porter's, and Lee subsequently says that Wilcox was withdrawn from the right where he had been sent.

From this and other evidence the minority of your committee report that, in their opinion, there was much and serious fighting on the 29th, except in Fitz-John Porter's front, where there appears to have been none. Serious as it was, and reaching the dignity of a battle, according to General Lee, as well as many officers on the Union side, the board of officers speak of it as a number of "sharp and gallant combats between small portions of the opposing forces." From the best evidence we can gather, Siegel with his corps was engaged on the 29th. Heintzelman with Hooker's and Kearney's divisions were engaged on the 29th. Reno and Stevens's divisions were engaged on the 29th. Reynolds and part of King's were engaged on the 29th, and, in fact, all the available forces were in action on that day except Porter's command and Ricketts's division. How long "intervals" there were between the fighting we cannot say; but, judging from the reports of officers engaged, they were neither frequent nor prolonged; and unless those who made them are much mistaken, there was a long list of killed and wounded on the 29th.

When the board predicts the disastrous consequences that would have followed an attack by Porter at any time after the early afternoon, they enter the field of speculation. There we shall not follow them, but we simply call attention to the reports (page 519, board record, report of General Lee) from confederate sources, which show that the mere appearance of the head of Porter's column was so threatening that General Lee detached a division to meet it. Who can predict the result had a powerful and well-sustained attack been made by eight thousand or ten thousand men, at any time during the day, on the Gainesville road? On this point we wish to call attention to the opinion of a careful military historian—the author of, perhaps, the best history of our civil war that has been written. With ample facilities to inform himself, and so situated that he can and does write without prejudice or passion, the Compte de Paris, in volume 2, page 292, of his history, says:

"His (Porter's) attack, therefore, could not have produced the results upon which the commander-in-chief had counted. But neither the impossibility of executing to the letter the order of the latter, nor even the instructions which McDowell may have given him during the day, afford any excuse for his having remained so long inactive in the presence of the enemy, with two fine divisions, while a great battle was being fought in his vicinity. In short, if the road he had to follow was barred against him—if, therefore, he could not cut the enemy's army in two and secure its defeat—it is equally certain that a vigorous attack made by him upon Longstreet's right would have drawn out all the forces of this general, and, by freeing the rest of the Union line, would probably have prevented the reverse which the latter sustained at the close of the day. We cannot avoid, therefore, blaming his inaction at such time and under such circumstances.

"This indifference on the part of Porter to the cannon's appeal, the manner in which he interpreted the orders of superiors, and the tardiness with which these orders reached him, were the inevitable consequences of the confusion we have already referred to in the general movement of the army."

This is the deliberate opinion of a disinterested writer, who, while he accepts the board's theory that Longstreet was up within supporting distance of Jackson early in the day, still censures in distinct terms the inaction of Porter. Whatever may be the action of Congress on the bill now before it, that this will be the verdict of history the minority of your committee certainly believe.

The minority concede that if the Government does injustice to one of its citizens it should make reparation, but in this case, in their opinion, no injustice has been done. Notwithstanding this, they have concluded to recommend to the House the passage of a joint resolution removing so much of Fitz-John Porter's sentence as prohibits him from holding any office of profit or trust under the Government. Its passage will give him no claim, however, upon his former rank, or upon the Treasury of the United States. Logically, perhaps, the minority should not recommend it, but when we consider that amnesty and pardon have been given to those formerly in arms against the Government, and that the removal of disabilities for offenses certainly as dangerous as his to the perpetuity of the Union are of every-day occurrence, the reasons for their action in Porter's case are obvious.

One of his complaints is that his sentence is a continuing one, and that he has been deprived of the rights of citizenship. The passage of the resolution will remove these disabilities, and enable him to remit the whole question to the people, or to some other tribunal than Congress. It is, in our opinion, quite clear that he should not be restored to his former rank in the Army, and that he should not receive the retired pay, amounting to $50,000 or $60,000, provided in the bill for his relief; but his restoration to the rights of citizenship is an act of grace and clemency that the Government can do without in any way manifesting its disapproval of the findings and sentence of the court-martial that tried and convicted him. There were periods of his life when his services were of value to his country, and it is but fair, perhaps, that they should be considered now in determining his case; but that they should go to the extent of the relief proposed by the majority would be, in our opinion, unwise, inexpedient, and unjust.

ANSON G. McCOOK.
B. F. MARSH.
THOMAS M. BROWNE.

Whereas the President has laid before Congress the proceedings and report of a board of Army officers convened in the case of Fitz-John Porter, for such action as may be deemed expedient and just: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to remit the remainder of the unexecuted sentence which disqualifies Fitz-John Porter from holding any office of trust or profit under the Government of the United States.

Mr. BREWER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of Francis L. Dyer, for a pension—to the Committee on Revolutionary Pensions.

By Mr. CALDWELL: A bill to amend the post-route from Glasgow to Scottsville, Kentucky, so as to include the post-office at Bruce, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMP: The petition of soldiers of the late war, for additional pay—to the Committee on Military Affairs.

Also, the petition of soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petitions of Orlando G. Robinson, of New Bedford, and others, and of George L. Thayer, of Boston, Massachusetts, that claimants who recovered judgments in the court of commissioners of Alabama claims shall receive 6 per cent. interest instead of 4 per cent. as awarded—to the Committee on the Judiciary.

Also, the petitions of Joseph Nickerson & Co. and others, of Boston, Massachusetts, for a further distribution of the Geneva award—to the same committee.

Also, the petition of Hiram Loring and others, of Yarmouth; of Charles A. Cook and others, of Provincetown; and of N. Weston and others, of Truro, Massachusetts, for the improvement of Scituate Harbor—to the Committee on Commerce.

Also, the petition of Michael Hayne, for a pension—to the Committee on Invalid Pensions.

Also, the petition of A. Franklyn Howland, for an increase of pension to soldiers and sailors who are totally disabled—to the same committee.

By Mr. DEUSTER: The petition of M. Audier, J. J. Race, William F. John, and 175 others, citizens of Ozaukee County, Wisconsin, for an appropriation to make the harbor of Port Washington a harbor of refuge—to the Committee on Commerce.

By Mr. DIBRELL: Memorial of a convention held at Huntsville, Alabama, January 8, 1880, in relation to the improvement of the Tennessee River—to the same committee.

By Mr. DICK: The petition of John C. Sturtevant and 125 others, of Crawford County, Pennsylvania, for an amendment to the Constitution of the United States investing Congress with the right to regulate suffrage in the United States and giving all citizens the right to vote without any distinction founded on sex—to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of Charles H. Gorgins, late of

Company B, Hatch's Independent Battalion, Minnesota Cavalry, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of James Clover and 40 other soldiers of Mendon, Ohio, for the passage of the Weaver bill relating to the pay of soldiers—to the same committee.

Also, the petition of J. W. McBride and 75 other soldiers of Chardon, Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of 13 soldiers of Crawford and Jasper Counties, Illinois, for justice in the payment for services rendered while in the Army—to the Committee on Military Affairs.

Also, the petition of 18 soldiers of Ogle County, Illinois, of similar import—to the same committee.

By Mr. HILL: The petitions of F. T. Wolsiffer and others; of David Boor and others; of A. McKinney and others; of M. Gorman and others; of C. P. Tuttle and others; of A. J. Tressler and others; of John M. Hengstler; of J. J. Levy and others; of John W. Hough and others; of W. H. Strong and others; of P. J. Shannon and others; of Paul Hager and others; of H. P. Miller and others; of A. A. Aldrich and others; of John Spangler and others, citizens of Ohio, that Congress take measures to insure water communication between the Ohio River and the great lakes—to the Committee on Railways and Canals.

Also, the petition of J. W. Helser and 50 others, citizens of Allen County, Ohio, for protection against transportation monopolies and for a regulation of freight rates on railroads—to the Committee on Commerce.

Also, the petition of J. W. Helser and 50 others, citizens of Allen County, Ohio, for an amendment to the patent laws—to the Commitee on Patents.

By Mr. HOSTETLER: The petition of soldiers of Huron, Indiana, who served in the late war, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HUMPHREY: The petition of J. J. Zimmer and other soldiers of the late war, of similar import—to the same committee.

By Mr. LAPHAM: The petition of soldiers of New York, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

By Mr. MAGINNIS: Memorial of Harvey W. English and 20 other Mexican veterans, citizens of Montana, for the passage of a bill pensioning Mexican veterans—to the Committee on Invalid Pensions.

By Mr. McCOID: The petition of George E. Ives, to increase the pensions of soldiers who are totally disabled from any cause in the service to $72 per month—to the same committee.

Also, the petition of Edward Johnstone, in relation to the dry-dock at Keokuk, Iowa, on the Mississippi River—to the Committee on Commerce.

By Mr. McLANE: The petition of J. Vernon Campbell, for pay for work done in the War, State, and Navy Departments building—to the Committee of Claims.

By Mr. McMAHON: The petition of numerous comrades of Philip Levasseur, that he be granted a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of John Ross, chief, and others of the eastern band of North Carolina Cherokee Indians, that the President of the United States be directed to execute the treaty of 1835-'36 according to article 12 of said treaty—to the Committee on the Judiciary.

By Mr. O'NEILL: The petition of Margaret Jones, for a pension—to the Committee on Invalid Pensions.

By Mr. SAPP: The petition of soldiers of Iowa, for the passage of the Weaver bill, relating to the pay of soldiers of the late war—to the Committee on Military Affairs.

By Mr. SHERWIN: Three petitions from 101 soldiers of Illinois, of similar import—to the same committee.

By Mr. SPEER: The petition of citizens of Gwinnett County, Georgia, for the establishment of a post-route from Lawrenceville to Conyers, via Chester, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM G. THOMPSON: The petition of 43 citizens and soldiers of Iowa, for the equalization of pay, &c.—to the Committee on Military Affairs.

By Mr. URNER: The petition of 22 members of the General Assembly of Maryland, protesting against the passage of a bill to restore Fitz-John Porter to his rank in the Regular Army and granting him pay—to the same committee.

Also, the petition of Rev. Emanuel Slifer, of Frederick County, Maryland, guardian of Janus E. Butts and Malinda F. Butts, for arrears of pensions—to the Committee on Invalid Pensions.

Also, the petition of Alfred Mase and 47 other ex-soldiers, for additional pay—to the Committee on Military Affairs.

Also, the petition of C. E. H. Koppioch, and 58 other ex-soldiers, for the passage of a bill equalizing bounties—to the same committee.

By Mr. WAIT: The petition of the Grand Temple of Honor and Temperance of the State of Connecticut, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. WHITTHORNE: The petition of B. W. Hopper, first sergeant United States marines, for the passage of a law giving to noncommissioned officers of the United States Marine Corps the opportunity for promotion to the rank of second lieutenant in the Marine Corps—to the Committee on Naval Affairs.

By Mr. WILBER: The petition of 268 citizens of New Berlin, Chenango County, New York, that the proceedings of Congress shall be published in newspaper form throughout the year and a copy sent free to each family in the United States, that they may receive a portion of said proceedings every week—to the Committee on Printing.

By Mr. CHARLES G. WILLIAMS: Papers relating to the claim of John Whitaker for pay for property taken for the use of the Government at Port Huron, Michigan, in 1870—to the Committee of Claims.

By Mr. WILSON: The petition of J. M. Reed and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of R. G. Linn and others, of Calhoun County, West Virginia, urging the improvement of the Little Kanawha River by locks and dams—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 23, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SAMUEL BURWELL.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 3772) granting a pension to Samuel Burwell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOEL E. CADY.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 3773) granting a pension to Joel E. Cady, of Valparaiso, county of Saunders, State of Nebraska; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RAIDS ON TEXAS BORDER.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 3774) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Texas in repelling, surpressing, and guarding against invasions, raids, incursions, and hostilities by Indians and Mexicans in said State and upon its borders and in frontier defense; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. CLANCY.

Mr. McCOOK, by unanimous consent, introduced a bill (H. R. No. 3775) for the relief of John F. Clancy; which was read a first and second time, and referred to the Committee on Military Affairs.

LANDS ACQUIRED IN COLLECTION OF DEBTS, ETC.

Mr. KNOTT, by unanimous consent, from the Committee on the Judiciary, reported back a communication from the Secretary of the Treasury, transmitting report in relation to lands of the United States acquired in the collection of debts and otherwise, and moved that the same, with accompanying documents, be printed and recommitted.

The motion was agreed to.

PRIVATE LAND CLAIMS IN FLORIDA, ETC.

Mr. COVERT, by unanimous consent, introduced a bill (H. R. No. 3776) to extend the provisions of the act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," approved June 22, 1860; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF HYACINTH ROBERT AGNEL.

Mr. COVERT also, by unanimous consent, introduced a bill (H. R. No. 3777) for the relief of the heirs and legal representatives of Hyacinth Robert Agnel, deceased, late professor of the French language, United States Military Academy, at West Point; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN H. WALKER.

Mr. COVERT also, by unanimous consent, introduced a bill (H. R. No. 3778) for the relief of John H. Walker, a captain in the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

OWNERS OF B. L. HODGE.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 3779) for the relief of the owners of the B. L. Hodge; which was read a first and second time, and referred to the Committee of Ways and Means.

MARY A. GOURLEY.

Mr. TAYLOR, by unanimous consent, introduced a bill (H. R. No. 3780) granting a pension to Mary A. Gourley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NARRATIVE OF POLARIS EXPEDITION.

Mr. HAYES. I am instructed by the Committee on Printing to

report back with a favorable recommendation the Senate concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That whenever the Public Printer shall have received a sufficient number of orders for copies of the narrative of the Polaris Expedition, accompanied by the cost price thereof with 10 per cent. additional, to warrant in his opinion the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided, however,* That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of such publication.

The resolution was agreed to.

TIMBER LANDS IN CALIFORNIA.

Mr. CONVERSE. I ask unanimous consent to report back at this time from the Committee on Public Lands the bill (H. R. No. 2914) to authorize the President to reserve from sale or other disposition certain timber-lands in the State of California, and for other purposes. The bill relates to the reservation of "big trees" and "redwood" in California. It will excite no controversy, and I ask its present consideration.

The SPEAKER. If the bill is to cause any discussion the Chair is under obligation to recognize the gentleman from New York, [Mr. McCOOK.]

Mr. CONVERSE. It only relates to the reservation of some small tracts of land in California where the "redwood" and "big trees" grow. It will take but a moment.

Mr. PAGE. I would like to ask the gentleman from Ohio if this is the bill which my colleague [Mr. BERRY] reported from a sub-committee of the Committee on Public Lands.

Mr. CONVERSE. It is the same bill.

Mr. PAGE. I think it should pass.

Mr. HAYES. Let the bill be read; I do not understand what it is.

The bill was read.

Mr. CONVERSE. I desire to say that the machinery of this bill is simply copied from the regulations adopted for the government of the Yellowstone Park. The only new feature of the bill is the reservation of these sections by the President of the United States. I hope the bill may pass at once.

Mr. BRIGHT. I was not present at the reading of this bill. I am informed, however, that it is liable to parliamentary objections.

The SPEAKER. The Chair has reserved all the rights of members to raise objections.

Mr. BRIGHT. Inasmuch as to-day is set apart for the consideration of private business, I must interpose an objection to the consideration of this bill at this time—not to the bill itself, perhaps, for I do not understand what it is.

The SPEAKER. There being objection, the bill is not before the House.

SELECT COMMITTEE ON PENSIONS, BOUNTIES, ETC.

The SPEAKER announced the appointment of the following as members of the Select Committee on the Payment of Pensions, Bounty, and Back Pay:

ALEXANDER H. COFFROTH, of Pennsylvania; GEORGE W. GEDDES, of Ohio; WILLIAM R. MYERS, of Indiana; BENTON MCMILLIN, of Tennessee; ALFRED C. HARMER, of Pennsylvania; LUCIEN B. CASWELL, of Wisconsin; and JOHN R. THOMAS, of Illinois.

UNITED STATES COURTS IN OHIO.

The SPEAKER announced as the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, Mr. CONVERSE of Ohio, Mr. CULBERSON of Texas, and Mr. BUTTERWORTH of Ohio.

MARIA L. LEE.

Mr. KLOTZ, by unanimous consent, introduced a bill (H. R. No. 3781) granting a pension to Maria L. Lee and her children; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NATIONAL LINCOLN MONUMENT, SPRINGFIELD, ILLINOIS.

Mr. SPRINGER. I ask unanimous consent to introduce for consideration at this time the joint resolution which I send to the Clerk's desk.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution authorizing certain books and mementoes in the possession of the Government to be placed in memorial hall of the national Lincoln monument at Springfield, Illinois, was read as follows:

Resolved, &c., That the President of the United States be, and he is hereby, authorized to cause to be transmitted to the National Lincoln Monument Association of Springfield, Illinois, to be placed in the memorial hall of the monument erected to the memory of the late Abraham Lincoln, as many copies as can be spared from the State Department of the book published by Congress, in 1867, entitled "The Assassination of Abraham Lincoln, late President of the United States of America;" and also to cause fac-similes of the original memorial papers transmitted to the Department of State by foreign governments and citizens thereof for the same purpose to be prepared and transmitted to the association; and also from the War Department such mementoes connected with the assassination, and trial of the conspirators, as may have been placed therein, which do not pertain to the records of the Department, and that there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the Secretary of State, a sum sufficient to meet the expense of carrying this joint resolution into effect.

There being no objection, the joint resolution (H. R. No. 178) was received, read three several times, and passed.

MILITARY STOREHOUSE AT OMAHA, NEBRASKA.

Mr. McCOOK. At the urgent request of the gentleman from Nebraska, [Mr. VALENTINE,] I ask consent to report, from the Committee on Military Affairs, for consideration at this time, the joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska.

The preamble and joint resolution were read, as follows:

Whereas, by act of Congress approved June 23, 1879, the sum of $30,000 was appropriated for the purpose of erecting a military storehouse and depot building at the city of Omaha, in the State of Nebraska, providing that no part of said sum should be expended for the purchase of ground; and

Whereas the citizens of said city of Omaha have donated to the Government of the United States five acres of land, the title having been approved by the Attorney-General, whereon said building or buildings are to be erected; and

Whereas the Legislature of the State of Nebraska does not convene until January, 1881, so as to fulfill the requirements of section 355 of the Revised Statutes touching the expenditure of said money; and

Whereas the necessities of the Government demand the immediate erection of said building or buildings: Therefore,

Resolved, &c., That the Secretary of War be, and is hereby, empowered and directed to expend the said sum of $30,000, or so much thereof as may be necessary, for the erection of said building or buildings.

Mr. McCOOK. I do not know that it is necessary to make any explanation beyond the simple statement that in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, the amount of $30,000 was appropriated for the purpose of erecting this storehouse at or near Omaha, in the State of Nebraska. Before anything was done it was discovered that there was a clause in the statutes which required the consent of the Legislature of the State to be given. The Legislature of Nebraska cannot meet until the 1st day of January, 1881, and unless we can give effect to the appropriation by the passage of this joint resolution, it will fall. I have here in my hand an opinion from the Attorney-General of the United States that the warrantee deeds made by the owners of the property were ample and proper, in his judgment. I am assured also, by the Representative of the State of Nebraska, that immediately upon the assembling of the Legislature a law will be passed such as is required. It is for that reason that I ask the present consideration of the joint resolution.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT DANVILLE, VIRGINIA.

Mr. MCKENZIE. I ask consent to report back for consideration at this time, from the Committee on Public Buildings and Grounds, the bill (H. R. No. 325) for the erection of a public building at Danville, Virginia, with an amendment.

Mr. BRIGHT. I will consent to the consideration of that bill at this time, provided it does not lead to debate.

Mr. CABELL. It will take but a little while to pass it.

Mr. MCKENZIE. I think it will elicit no debate. I will say that this bill has met the unanimous approval of the Committee on Public Buildings and Grounds for the last three Congresses, as it does of that committee of this House.

There being no objection, the bill was received and read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed, at Danville, Virginia, a building for the accommodation of the circuit and district courts of the United States, the post-office, and internal-revenue officers, at a cost not exceeding $65,000: *Provided,* That no money shall be used or applied for the purpose mentioned until a valid title for the land and building shall be vested in the United States, and until the State of Virginia shall cede to the General Government jurisdiction over the property, and exempt the same from taxation.

The amendment was to strike out "$65,000," and to insert "$60,000."

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. HOUK, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of S. E. Rankin, an act for his relief having become a law.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of New Jersey, until the 1st of February.

GOVERNMENT BUILDING, FORT SNELLING RESERVATION.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, recommending an appropriation for the construction of a building for use as headquarters of the Department of Dakota, on the Fort Snelling military reservation; which was referred to the Committee on Appropriations.

CLOSE OF DEBATE ON REVISION OF RULES.

The SPEAKER. Yesterday, when debate was closed upon the report of the Committee on Rules, the Chair stated that the time could not be extended for the reason that after the adoption of the motion to close general debate a motion to reconsider had been made and laid on the table. In the CONGRESSIONAL RECORD the making of the motion to reconsider and lay on the table is not stated; but the Journal shows that such action was taken, as do also the short-hand notes of the reporter who took down the proceedings. The recollection of the Chair and of several other gentlemen, including the gentleman from Kentucky, [Mr. BLACKBURN,] is to the same effect. The Chair makes this statement because members in looking at the CONGRESSIONAL RECORD may see a discrepancy between the statement there and what was the actual fact.

Mr. GARFIELD. The RECORD ought to be made to conform to the fact.

The SPEAKER. The RECORD will be corrected so as to conform to the evidence in every other direction confirming the position of the Chair.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. WILSON. The other day the House adopted a resolution for printing the report of the health officer of the District of Columbia. It was in the form of a simple House resolution, when it should have been a concurrent resolution. I ask that the necessary correction be made.

The SPEAKER. Is there any objection to amending the resolution referred to so as to make it a concurrent resolution of the two Houses? The Chair hears none, and it is ordered accordingly.

ORDER OF BUSINESS.

Mr. CONVERSE. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at thirty-three minutes after twelve o'clock. This being Friday, reports of a private nature are in order. The call rests with the Committee on Military Affairs.

NAPOLEON B. GIDDINGS.

Mr. SPARKS. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1702) for the relief of Napoleon B. Giddings, have directed me to move that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

There being no objection, the bill was referred to the Committee on War Claims, not to be brought back on a motion to reconsider.

DONATION OF CONDEMNED ORDNANCE.

Mr. SPARKS, from the Committee on Military Affairs, reported back without amendment the bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio.

The bill was read. It authorizes the Secretary of War to furnish to the Soldiers and Sailors' Monument Association, of Washington County, Ohio, from the condemned ordnance of the United States, four pieces of cannon for the soldiers' monument recently erected in the public park in the city of Marietta, Washington County, Ohio.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. SPARKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. H. AND R. F. SHUGART.

Mr. BRAGG, from the same committee, to which was referred House bill No. 877, reported as a substitute therefor the bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JERRY FOLEY.

Mr. BROWNE. The Committee on Military Affairs, to whom was referred the petition of Jerry Foley, have directed me to report a bill to remove the charge of desertion from the military record of Jerry Foley. I ask that the bill be put on its passage.

The bill (H. R. No. 3783) was read a first and second time. It authorizes the Secretary of War to remove the charge of desertion now standing upon the records of the War Department against the name of Jerry Foley, late of Company C, Ninth Regiment of Maine Volunteers, and grant to him an honorable discharge, with the same pay, bounties, and benefits he would have been entitled to if the charge of desertion had not been entered against his name.

Mr. PAGE. Is there a report accompanying this bill?

The SPEAKER. There is. It will be read if the gentleman desires it.

Mr. BROWNE. It is very brief.

The Clerk read as follows:

The Committee on Military Affairs, to which was referred the petition of Jerry Foley, late a private of Company C, Ninth Maine Volunteers, in which he asks to be relieved from the charge of desertion, beg leave to report:

This soldier served a three-year enlistment in the volunteer army of the United States, and in 1864 re-enlisted in the same company and regiment—Company C, Ninth Maine Volunteers. At the battle of Deep Bottom, Virginia, in August, 1864, he was shot through both feet, taken prisoner, and carried to Richmond. He was sent from Richmond to Annapolis, and, his wounds being severe, he was furloughed and allowed to go to his home at Portland, Maine. From Portland he was sent to hospital at Bangor to be treated for his wounds. His wounds continued to be such as to render him unfit for service, and he remained at Bangor for some two months. He then left the hospital without leave and returned to his home at Portland, where he continued until his regiment was mustered out. From the time he was wounded until the muster-out of his command he was at no time fit to render the Government any military service whatever. He seems simply to have transferred his treatment from the hospital to his home. Had he remained in hospital he would have been regularly discharged, and upon such terms as would have assured him an immediate pension. He was only a deserter in a purely technical sense, for he was all the time unable for duty. The Adjutant-General of the Army writes as follows in regard to this case:

[The letter of the Adjutant-General will be found in the subsequent debate.]

Your committee beg leave to report the accompanying bill and recommend its passage.

Mr. BROWNE. I will state that accompanying this report is a letter from the Adjutant-General in which he recommends very strongly the passage of this bill.

Mr. WARNER. I do not rise to object but to ask whether the Adjutant-General has not now authority under law to make this correction?

Mr. BROWNE. No, sir; he has not.

Mr. WARNER. I understand the Adjutant-General is changing the record every day in removing charges of desertion upon satisfactory evidence.

Mr. BROWNE. It is held by the Adjutant-General that he can only amend the record by some other part of the record; that he cannot amend the record by evidence *dehors* the record, and that particularly he cannot amend the record when the facts under the military law show there has been desertion, however technical that desertion may have been.

The SPEAKER. The Chair suggests that the letter of the Adjutant-General be read, as it makes the case very plain.

Mr. BROWNE. Certainly.

The Clerk read as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, November 29, 1879.

SIR: In reply to the communication referred by you to this office in the case of Jerry Foley, Company G, Ninth Maine Volunteers, from A. K. P. Knowlton, esq., of Lewiston, Maine, I respectfully inform you that as the records now stand the man is a deserter, the only evidence in favor of a removal of the charge being an affidavit of Mrs. Margaret Foley, which shows he was suffering from severe wounds, but does not establish the fact that he had proper authority for being absent from the hospital after his furlough expired, especially since it appears he was well enough to travel, and could have gone to some hospital nearer than Annapolis.

This is a peculiar case, in which the man is technically a deserter, yet was of no manner of use to the Government. Had he remained in hospital he would have been discharged on papers that would have given him a pension as soon as his wounds were healed. As it is, the Department is prevented by law from removing the charge, but would consider it right and just that a special act of Congress should pass for his relief.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Hon. WILLIAM P. FRYE,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. C. SHELTON.

Mr. DIBRELL, from the Committee on Military Affairs, reported back adversely the petition of W. C. Shelton for services as lieutenant-colonel Seventh Tennessee Infantry; which was laid on the table, and the accompanying report ordered to be printed.

A. B. ROWDON.

Mr. DIBRELL also, from the same committee, reported back favorably a bill (H. R. No. 706) for the relief of A. B. Rowdon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN BLANKENSHIP.

Mr. DIBRELL also, from the same committee, reported back favorably a bill (H. R. No. 735) for the relief of John Blankenship; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONTANA TROOPS, NEZ PERCÉ WAR.

Mr. DIBRELL also, from the same committee, reported back favorably a bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REDMOND TULLY.

Mr. LE FEVRE, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 2058) for the relief of Redmond Tully, late first lieutenant Twelfth Infantry, brevet captain, United States Army; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. WHITTHORNE, from the Committee on Military Affairs, reported back adversely the petition of William Wheeler Hubbell for payment of balance of interest on sum found due in Court of Claims for the use of his patent time and impact burning fuse in the naval service; which was laid on the table, and, with the accompanying report, ordered to be printed.

TRANSPORT BARK TORRENT.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported back a bill (H. R. No. 3186) for the relief of the sufferers by the wreck of the Government transport bark Torrent; and the same was referred to the Committee on Military Affairs, not to come back on a motion to reconsider.

ASA WEEKS.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported a bill (H. R. No. 3784) to compensate Asa Weeks for his labor and expense in perfecting torpedoes, torpedo machinery, and the art of torpedo warfare for the sole and exclusive benefit of the United States, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MULDROW. Is it in order to report from the Committee on the Territories to-day other than private bills?

The SPEAKER. Only by unanimous consent. What report has the gentleman from Mississippi to make?

Mr. MULDROW. It is a bill relating to the formation of a Territory.

The SPEAKER. That is a public bill, and cannot be received to-day unless by unanimous consent.

DAKOTA PENITENTIARY.

Mr. HUMPHREY, by unanimous consent, from the Committee on the Territories, reported a bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CLERKS TO PENSION COMMITTEE.

Mr. HATCH. I am instructed by the Committee on Invalid Pensions to report the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Invalid Pensions be, and they are hereby, empowered to employ three additional clerks for service during the remainder of the present session at a cost not to exceed $5 per day each, to be paid out of the contingent fund of the House, whose duty shall be to aid and assist the members of the committee in examining the evidence and preparing the reports upon bills referred to the said committee, and such other labor as may be referred to them.

Mr. GARFIELD. Mr. Speaker, I would be glad to hear some statement from the Committee on Invalid Pensions in reference to this resolution. This application for three clerks seems to me to be rather unusual, although it may be all right. We want to give them all the clerks they need for the work.

Mr. HATCH. This is the unanimous request of the committee, but I will state for the information of the House that there are now pending before that committee over fourteen hundred pension cases. Many of these are cases that have been rejected in the Pension Department, and have a large mass of testimony accompanying them. These cases have been divided among the different members of the committee according to States, and some of the committee have as many as two hundred cases. It is utterly impossible for any member of the committee to report the bills back to the House without some clerical help, and every member of the committee and every member of this House who has been before the committee and seen the mass of work upon its docket will appreciate the necessity for this additional clerical aid.

Mr. WHITE. Mr. Speaker, might I not inquire of the Committee on Invalid Pensions whether this would not be a proper time to add to this resolution a proposition made recently to increase the number of clerks in the Pension Department. The same difficulty that the Committee on Invalid Pensions encounter in this House is also encountered in that department. We all know, Mr. Speaker——

The SPEAKER. The committee have reported unanimously on that subject.

Mr. WHITE. Well, I propose to amend the resolution by adding to it a resolution reported some time since from the Committee on Invalid Pensions.

Mr. HATCH. I hope the gentleman will not insist upon that, because that report to which he refers is now before the House, and a special report of the Committee on Invalid Pensions will be presented in reference to it, and it will be called up for action on the very first opportunity.

The SPEAKER. In addition to the point as to whether the matter proposed is germane, there is another that the rules do not permit the incorporation of one bill or subject-matter as an amendment to another bill or resolution pending before the House.

Mr. ACKLEN. Mr. Speaker, this is a simple House resolution as I understand it, and the other would of necessity be a joint resolution.

Mr. WHITE. I appreciate the difficulty to which the gentleman refers. One is a joint resolution and the other is a House resolution, but I appeal to the Committee on Invalid Pensions to get the floor and call up that joint resolution.

Mr. HATCH. We have been trying ever since this has been here to get it before the House, but it has been several times objected to.

Mr. REAGAN. I have no objection in the world to giving a clerk to the committee for any ordinary purposes, but I doubt very much the policy of giving them a clerk for some of the purposes mentioned in this resolution.

The SPEAKER. There being objection the resolution will necessarily go to the Committee of Accounts.

Mr. REAGAN. I do not think this committee or the House should delegate to any clerk the preparation of reports in determination of pension cases.

Mr. HATCH. It is not proposed by the committee that these clerks shall take charge of preparation of the cases, or to do anything more than to perform clerical work in the preparation of reports for presentation to the House, which labor now devolves upon the members of the committee themselves. It is utterly impossible that the members of the committee can do the work that is now before them and report the bills to the House. The gentlemen will appreciate the necessity for this when I state the fact that I have already stated, that some of the members of this committee have now before them two hundred cases, some of which involve the examination of a hundred pages of testimony. So that it is beyond their power to prepare the cases and report them to the House as rapidly as might be desired by members who have bills pending before that committee. It is utterly impossible for the committee to perform the labor themselves.

Mr. REAGAN. I would have much preferred that simply an additional clerk should have been asked for. It seems to me that this resolution goes a long way toward giving each member of the committee a clerk to do the work which he ought to do himself.

Mr. HATCH. I hope the gentleman will not object to the consideration of this resolution.

The SPEAKER. The statement of the gentleman from Texas is in the nature of an objection; and the resolution will go to the Committee of Accounts.

Mr. COFFROTH. Mr. Speaker, as I understand it there is no objection. The gentleman from Texas has only made a suggestion.

The SPEAKER. The suggestion made by the gentleman, however, is in the nature of an objection.

Mr. REAGAN. I do not make objection to the resolution. I merely thought it was before the House for discussion and made a suggestion, but I do not object to its consideration.

Mr. COFFROTH. The gentleman from Texas withdraws his objection.

The SPEAKER. Does the gentleman propose, then, to amend the resolution?

Mr. REAGAN. If the resolution is up for action I do propose to amend it.

The SPEAKER. That is the desire of the committee, to have the resolution acted on by the House. But the Chair has stated if the point is made the resolution must go to the Committee of Accounts.

Mr. REAGAN. I do not make that point; but if in order I will move to amend by striking out the portion of the resolution which defines the duties of the clerks.

The SPEAKER. The resolution will be again read.

The resolution was again read.

Mr. REAGAN. I move to amend by striking out all after the words "contingent fund of the House."

Mr. ACKLEN. I would suggest to the gentleman from Missouri [Mr. HATCH] that he should incorporate in his resolution the words "while these clerks are in the employment of the Committee on Invalid Pensions." It may occur that the work the committee has on hand may be completed long before this session of Congress terminates, and then it will be unnecessary to continue this expense of $5 a day for the clerks when the necessity for their employment would have ceased.

Mr. HATCH. I will say the Committee on Invalid Pensions will discharge these clerks, or any one of them, the very moment the labor is ended.

Mr. ACKLEN. Therefore I suggest the incorporation of the words "while in the employment of the committee."

The SPEAKER. The gentleman will reach his object by the words "during the session."

Mr. HAZELTON. That is already in the resolution.

The question being taken on Mr. REAGAN'S amendment, it was not agreed to.

The SPEAKER. The question recurs on the resolution as reported.

Mr. SPARKS. As I understand it the resolution is for the appointment of three additional clerks. That makes four.

Mr. HATCH. Yes, sir.

Mr. SPARKS. I do not think that is right. I must object.

The SPEAKER. The gentleman from Illinois objects to the resolution, and it goes to the Committee of Accounts.

Mr. KENNA. I rise to a point of order. Is it not too late to object

to the resolution after it has been considered and the amendment voted on?

Mr. SPARKS. I will not consent to having three additional clerks employed by the committee.

The SPEAKER. Did the gentleman reserve the right to object?

Mr. HATCH. He does not say he did.

The SPEAKER. The Chair thinks the objection would come too late after the resolution had been considered and an amendment to the resolution acted upon. If the gentleman had made the point of order in time the Chair would have ruled the resolution should go to the Committee of Accounts.

Mr. HAZELTON. As a member of the committee I desire to say a word on this question. If gentlemen will give their attention to the subject one moment I think they will withdraw all objection and support the resolution.

Mr. HATCH. There is no objection.

Mr. HAZELTON. Then I do not desire to say anything further.

The resolution was agreed to.

Mr. HATCH moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE. Now I ask unanimous consent to take up the bill authorizing the employment of additional clerks in the Pension Office.

The SPEAKER. The gentleman cannot ask unanimous consent for that purpose, to interfere with the call of committees in the morning hour.

Mr. WHITE. After the morning hour, I suppose I can move to go into Committee of the Whole.

The SPEAKER. The Chair will rule as to that when the time comes. "Sufficient unto the day is the evil thereof."

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with favorable recommendations, bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

The bill (H. R. No. 2044) granting a pension to Martha J. Porter;

The bill (H. R. No. 2852) granting a pension to Mary A. Simmons;

The bill (H. R. No. 280) granting a pension to Dennis McGinnis;

The bill (H. R. No. 281) granting a pension to Francis B. McNamara;

The bill (H. R. No. 2547) increasing the pension of Mary A. Steece, widow of Tecumseh Steece, late lieutenant United States Army; and

The bill (H. R. No. 2448) for the relief of Benjamin F. Worrell.

Mr. COFFROTH also, from the same committee, reported a bill (H. R. No. 3786) granting a pension to William C. Parker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETLER, from the same committee, reported back, with favorable recommendations, bills of the following titles; and the same were referred to the Committee of the Whole on the Private Calender, and the accompanying reports ordered to be printed:

The bill (H. R. No. 1628) granting a pension to Dalton Hinchman;

The bill (H. R. No. 788) for the relief of James J. Ferris; and

The bill (H. R. No. 2453) for the relief of Bridget Sherlock.

Mr. DAVIS, of Illinois, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calender, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 859) granting a pension to William H. Scribner; and

A bill (H. R. No. 1649) granting a pension to William W. Church.

Mr. TAYLOR, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 3787) to restore the name of James W. Allison to the pension-roll; and

A bill (H. R. No. 3788) granting increase of pension to William Hamill.

Mr. CALDWELL, from the same committee, reported back, with favorable recommendations, the following bills; which were referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 1579) granting a pension to Mrs. Sallie T. Ward; and

A bill (H. R. No. 2603) to place on the pension-roll the name of Masach Finn, late corporal in the Fifty-second Kentucky Mounted Infantry Volunteers.

WATER-ROUTE FROM LAKE MICHIGAN TO LAKE ERIE.

Mr. WISE, from the Committee on Railways and Canals, reported back, with a favorable recommendation, the bill (H. R. No. 994) to provide for a water-route to facilitate transportation between Lake Michigan and Lake Erie.

The SPEAKER. That is a public bill, and can be received now only by unanimous consent.

There being no objection, the bill was received and referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

E. K. SNEAD.

Mr. TUCKER, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 2567) for the relief of E. K. Snead, deceased, and his sureties, for the loss of certain books of special stamps and coupons.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit upon the official bond of E. K. Snead, deceased, late collector of internal revenue for the first district of Virginia, and of his sureties therein, so much, not exceeding $2,020.83, as shall be satisfactorily proven to said Secretary to have been transmitted, in books containing special-tax stamps and coupons, by the deputy of said E. K. Snead, deceased, a certain Patrick H. Slaughter, on or about April 21, 1874, through the mail to said E. K. Snead, and were lost *in transitu*, and were never received by said Snead, and have never, therefore, been accounted for by him to the Government: *Provided, however*, That it shall be satisfactorily shown that the said stamps and coupons were not lost under such circumstances as to have probably devolved a loss upon the Government by reason thereof, or were not lost from the fault or negligence of the collector or his deputy, involving in its result a probable loss to the Government.

Mr. TUCKER. I ask consent that the bill be considered at this time.

There being no objection, the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES D. GRANT.

Mr. MORRISON, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 2968) for the relief of James D. Grant, of Texas; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. BRIGHT, from the Committee of Claims, reported back the following bills, and moved that the committee be discharged from their further consideration, and that the same be referred as indicated:

A bill (H. R. No. 399) for the relief of Balaam A. Bridges, of Bartow County, Georgia—to the Committee on War Claims; and

A bill (H. R. No. 2723) for the relief of Augustine Olvera—to the Committee on Public Lands.

The motion of Mr. BRIGHT was agreed to.

WILLIAM S. BURGESS AND OTHERS.

Mr. O'CONNOR, from the Committee of Claims, reported back, with a favorable recommendation, the bill (H. R. No. 709) for the relief of William S. Burgess and others; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HOMER FELLOWS.

Mr. SAMFORD, from the same committee, reported a bill (H. R. No. 3789) for the relief of Homer Fellows; which was read a first and second time, referred to the Committee of the Whole, and, with the accompanying report, ordered to be printed.

DISTRICT METROPOLITAN POLICE.

Mr. SAMFORD also, from the same committee, reported adversely upon the memorial of the Metropolitan Police force of the District of Columbia for relief; which was laid on the table, and the accompanying report ordered to be printed.

ROCK ISLAND HARBOR.

Mr. HENDERSON, from the Committee on Commerce, reported back, with a favorable recommendation, the following resolution; which was read, considered, and adopted.

Resolved, That the Secretary of War be, and he is hereby, authorized and requested to furnish for the use of the House of Representatives such information as to an obstruction of the harbor on the Mississippi River, at the city of Rock Island, in the State of Illinois, and the expense of removing the same, as he may have on the files of his Department.

Mr. HENDERSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

KANSAS WAR CLAIMS.

Mr. JOHNSTON, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1199) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Kansas in repelling invasions and suppressing Indian hostilities.

The bill was read.

Mr. WHITE. Where does this bill come from?

The SPEAKER. From the Committee on Military Affairs, of which the gentleman himself is a member.

Mr. WHITE. It seems to be a public bill, and one authorizing the expenditure of a large amount of money.

The SPEAKER. It authorizes the expenditure of no money, but directs the ascertainment and report to Congress of the amount expended by the State of Kansas in repelling invasions and suppressing Indian hostilities.

Mr. McMILLIN. Is not this bill subject to a point of order, as a public bill which cannot be considered to-day?

The SPEAKER. It is.

Mr. McMILLIN. I make that point of order.

The SPEAKER. The gentleman from Virginia had better withdraw the bill.

Mr. HASKELL. As the gentleman from Virginia in charge of the bill seems to have left the Hall, I ask that permission be given for the withdrawal of the bill.

The SPEAKER. The bill will be withdrawn.

GUARDIAN OF WILLIAM W. BREWER.

Mr. CARLISLE. The Committee of Ways and Means, to whom was referred the memorial of William Turman, guardian of William W. Brewer, minor child of William R. Brewer, for the passage of an act authorizing the issuing of a duplicate for a lost draft which was issued for arrears of pension, have directed me to ask that the Committee of Ways and Means be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

There being no objection, it was ordered accordingly.

WILLIAM D. OYLER.

Mr. RYAN, of Kansas, from the Committee on Public Lands, reported back, with an amendment, the bill (H. R. No. 2359) for the relief of William D. Oyler.

The bill was read. It states in the preamble that William D. Oyler purchased of the United States, by cash entry, on the 21st day of July, 1874, at Dixon, Illinois, the west half of the northeast quarter of section 19, in township 26 north, of range 6 east, and paid therefor the sum of $100, and afterward conveyed the same to Jacob Jackson, who conveyed the same to Peter H. Bigelow and John Jackson, who were, in fact, partners in trade; that afterward the title of Oyler and his assignees to said land failing, by reason of conflict of his entry with a prior pre-emption claim thereon of John Shumaker, and Oyler, because of said failure of title, having, as appears, afterward refunded the purchase-money to said Peter H. Bigelow and John Jackson, and thereby became entitled to have the original purchase-money refunded to him by the United States; that the same has never been refunded, because of technical insufficiency of the quitclaim made by the assignees to Oyler.

The bill therefore directs the Secretary of the Interior to refund and pay to Oyler, or his legal representatives, the sum of $100, with interest at 6 per cent. per annum, from the 22d day of June, A. D. 1861, in full satisfaction and discharge of any claim in the premises.

The amendment reported by the committee was read, as follows:

Strike out in lines 6, 7, and 8 these words: "with interest at 6 per cent. per annum from the 22d day of June, A. D. 1861."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PACIFIC RAILROAD SINKING FUND.

Mr. McLANE, by unanimous consent, introduced a bill (H. R. No. 3790) to alter and amend the sinking-fund act, approved May 7, 1878; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

W. A. H. ALLEN.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back adversely the memorial of W. A. H. Allen, past assistant engineer United States Navy, praying for relief; it was laid on the table, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. MORSE, the Committee of Accounts was discharged from the further consideration of the following claims, and they were referred to the Committee of Claims, not to be brought back on a motion to reconsider:

Claim of C. B. Culver for compensation as a clerk to the Committee on Coinage, Weights, and Measures, from August 1, 1878, to December 1, 1878;

Claim of John L. Shaw for compensation as a committee clerk in the Forty-fourth Congress;

Claim of Alfred Lyles for pay for labor under the Doorkeeper of the House in the Forty-fifth Congress;

Claim of Patrick Doran for pay as messenger of the Forty-fifth Congress;

Claim of Frederick Carlisle for pay as expert to a committee of the Forty-fifth Congress; and

Claim of J. B. Holloway for compensation for services rendered to the Committee on Reform in the Civil Service.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. WHITE. I move that the House resolve itself into the Committee of the Whole for the purpose of taking up and considering the bill of the Committee on Invalid Pensions for the employment of additional clerks.

The SPEAKER. This being Friday, the Chair recognizes the gentleman from Tennessee [Mr. BRIGHT] to make the usual motion to go into Committee of the Whole on the Private Calendar, which has preference of a motion to go into Committee of the Whole on the state of the Union.

Mr. WHITE. I beg the gentleman from Tennessee to give way for my motion.

Mr. GARFIELD. I desire to ask the gentleman from Tennessee, the gentleman from Pennsylvania, and the House, in the name of reasonable fair play, to allow the gentleman from Michigan [Mr. HORR] a few minutes at this time, before we go into Committee of the Whole. I ask that before either of these motions be put the House by unanimous consent give the gentleman from Michigan fifteen minutes. [Cries of "Go on."]

Mr. BRIGHT. If it be the pleasure of the House to hear the gentleman from Michigan at this time for a few minutes, I will yield the floor for that purpose.

The SPEAKER. How long does the gentleman from Michigan desire?

Mr. WHITEAKER. I object. [Cries of "Oh, no; that is not fair."]

Mr. GARFIELD. Let us go into the Committee of the Whole on the Private Calendar, and we will have general debate on the first bill that comes up.

Mr. MILLS. It will save time by withdrawing the objection.

The SPEAKER. Is the objection withdrawn?

Mr. WHITEAKER. No, sir.

MESSENGERS IN THE NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting a memorial of the messengers and laborers of the Navy Department for restoration of pay; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Michigan withdraw his objection?

Mr. WHITEAKER. I do not.

The SPEAKER. The first motion the Chair will entertain, this being Friday, is the motion of the gentleman from Tennessee, [Mr. BRIGHT,] chairman of the Committee of Claims, that the House resolve itself into the Committee of the Whole on the Private Calendar.

Mr. GARFIELD. Is this objection day?

The SPEAKER. It is.

Mr. GARFIELD. Then I move, and I ask the gentleman to allow the motion to be put, that the House go into Committee of the Whole on the President's message.

Mr. TOWNSEND, of Ohio. I hope that will be adopted.

Mr. GARFIELD. That allows time for general debate, and we can get out of the committee in a short time.

The SPEAKER. If the House so desires, it can reach the object sought by the gentleman from Ohio. The Chair, however, is bound by the rules to entertain the motion of the gentleman from Tennessee, and if that is voted down, then the motion to go into Committee of the Whole on the state of the Union will be in order.

Mr. GARFIELD. If the gentleman will withdraw his motion to allow me to make this, we can get at it by one vote.

Mr. BRIGHT. I will withdraw the motion to go into Committee of the Whole House on the Private Calendar for the purpose of allowing the motion to be made to go into Committee of the Whole on the state of the Union on the President's message, if there shall be an understanding that after the remarks of the gentleman from Michigan [Mr. HORR] the committee will rise and the House will then go into Committee of the Whole House on the Private Calendar.

Mr. GARFIELD. Certainly; that is right.

Mr. BRIGHT. I withdraw the motion, then.

Mr. GARFIELD. And I submit the motion that the House resolve itself into the Committee of the Whole on the state of the Union on the President's message.

Mr. THOMAS TURNER. Ought not there to be a stipulation that the gentleman from New York shall have an opportunity to reply if he wishes to do so?

Mr. GARFIELD. That will take care of itself.

Mr. COX. I do not ask any favor of gentlemen on the other side, or of the gentleman from Ohio.

Mr. GARFIELD. I say there will be no trouble about that on either side.

The SPEAKER. The question, then, is on the motion of the gentleman from Ohio to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and general debate is in order.

Mr. COFFROTH. I give notice that when the gentleman is through I will seek the floor for the purpose of moving to take up for action at this time the pension bill.

Mr. HORR. Mr. Chairman, previous to commencing the few

remarks which I propose to make to-day in reference to the eloquent and able speech of the distinguished and weighty member from New York, [Mr. COX,] I will ask the Clerk to read the speech which I delivered a few days ago, or that portion of it that gave the occasion for the fearful effort we witnessed here yesterday. The Clerk will be kind enough to read.

The Clerk read as follows:

Genial little friend.

[Laughter and applause.]

Mr. HORR. I wish to say in defense of myself that those words were used in the heat of debate. [Laughter.] I am a plain man. My early education, unfortunately for me, was not among books nor among the crags of the awful Alps. I spent my boyhood in manual labor, at hard work, and consequently sometimes in the heat of debate, owing to my embarrassment and exceeding diffidence, I have no doubt I drop words which I am sorry for afterward. [Laughter.] And had I known the sensitiveness of the gentleman from New York, had I known the poetry of his nature, I certainly never should have used the language I did at that time. I should have addressed him in the language of one of our modern poets, "Dear little Buttercup, sweet little Buttercup, I." [Laughter and applause.]

I wish to say, Mr. Chairman, that I was led into this expression of speech partly by having previously read the book which the gentleman was so kind as to give me yesterday before the House and the country. This is a book compiled by the gentleman from New York. [Laughter.] I have read several of his works, and this is the best I have read, for there is but little of COX in it and a good deal of other men. [Laughter.] Now, in turning over the pages of that book, the first thing which struck me was some passages that some one had marked, perhaps the gentleman, for my benefit.

He says:

To call a large man "My feeble friend" or a little man "The gigantic gentleman," to dilate upon a loud-voiced member or cry "Louder" to his loudness, to mimic his intonations or "take off" his hair or wig, make sport of its color, or emphasize the peculiarities of his dress or toilet, of his eyes, ears, or legs—these little diversions are as common to the legislature as to the stage.

Again, he says:

An allusion to the personal appearance of a member excites as much if not more fun in the English Parliament than in our Congress.

Why, he says, "Delaware has sometimes received a slap for being small, but only when small States and small men are pretentious do good men assail their diminished proportions." [Laughter.] Am I not within the rule?

Now, I wish to say to my friend from New York that nothing was further from my mind possibly than the idea of endeavoring to belittle him before this assembly. I had no idea of doing anything of the kind. I knew the gentleman's weight; I know the gentleman's accomplishments, and far be it from me to seek, in any way, a contest with him.

Why, some one intimated to me that the gentleman thought I was trying to get some belt from him that he has been wearing here. Good God! [placing his hands on his right and left sides] what good would a belt of that length do me? [Loud laughter.] Mr. Chairman, I never prided myself on being a handsome man, and the little speech which you have heard from the desk was the only occasion for that tirade yesterday upon this beautiful form of mine. [Laughter.] Because I happen to be unfortunate, I say it is unkind in the gentleman to attack me on that account, for there is no man in this House who shall ever surpass me in my admiration of the beautiful form of my friend from New York. [Laughter.] I never look at him without thinking of the creations of the early masters, Mr. Chairman, as if he had been molded in marble.

Some poet has told us that "a thing of beauty is a joy forever." How simple the statement, and yet how true it is! Now, with all the gentleman's transcendant loveliness, I would wish to make this one suggestion which I think, if he will follow, will add much to his already exceeding grace and beauty. My idea is that Brother COX should part his hair in the middle, and wear bangs. [Loud laughter.] It will add, you know, such dignity of character to the gentleman's appearance.

Now, I approach this subject tremblingly. I cannot get over it, because he told us yesterday that he blew one man out through the keyhole! [Laughter.] I do not want the gentleman to treat me in that way. I do not want to be squeezed through that kind of a hole. But, Mr. Chairman, that gentleman has a great advantage over me. He made a speech here in the extra session of this Congress on the test oath.

A MEMBER. On test oaths?

Mr. HORR. Yes, on test oaths, I believe. That speech has marked in it "laughter" fourteen times, "applause" six times, "great laughter" once, "applause and laughter" once, and "long-continued applause" once.

Now, I would like to know of the gentleman if the rumor is true that that speech was printed, "applause," "laughter," and all, three days before he delivered it. [Laughter.] Why, Mr. Chairman, I saw that speech in print, "laughter" and all, before it was delivered.

Now, I say, that is a big advantage. [Laughter.] Why, you know that there is a great advantage in any man being able to sit down in the darkness and silence of his own room, at the midnight hour, and whenever he has written anything which he considers fine, stops all of a sudden and writes in his own "laughter." [Laughter.] Then he will write on a little further, comes to something else, and he thinks he should write "applause and laughter;" so in goes again his own "applause and laughter." [Laughter.] I wish to say to the gentleman that that is probably one reason of his thinness in flesh. [Laughter.] He overworks himself. He does too much for the world. If he would simply furnish the speeches and let the world furnish the laughter and applause it would not draw so heavily upon his constitution. [Laughter.]

What I wish to say to the members of the House now is that I am not wholly to blame for the little slip of my tongue in applying the term I did to the distinguished gentleman. I will ask the Clerk to hold open upon the desk, in the presence of the House, this book.

[The Clerk opened a bound volume of Harper's Weekly upon the desk, containing a cartoon of Mr. COX looking over the Speaker's desk in the House of Representatives, being the cartoon of Nast on Mr. COX just after his defeat for Speaker.

Mr. HORR, pointing with a cane to the picture, continued as follows:]

That, Mr. Chairman, is a picture which was made just after the gentleman was *not* elected Speaker of this House. [Laughter.] You will find it headed, and that is the reason, I suppose, the gentleman got it published himself; for it is written under it, "Why we laugh," just the same title the gentleman has given to his book. [Laughter.]

Now, if anybody will look at that picture they will find why I was misled. They have put the gentleman on top of the Speaker's chair, standing on it, too, to get his head over the top of the desk. [Laughter.] Then there are on the side of the desk there, as you will perceive, seven bills. Here is one of those bills, [indicating,] and the other six make a pile just as high as the gentleman's head. [Laughter.] And you see the mallet here. They have made the mallet almost as large as his head. Of course it is not; his head is the biggest.

Well, on looking that picture over I was naturally misled into using the term I am now so sorry for; for I say to you I never regretted anything more in my life than offending the gentleman as I did.

I have a few words to say to the democracy of this country. Gentlemen, you are partly to blame for the trouble I am in. A gentleman from New York informed me this morning that my friend [Mr. COX] once stated in his presence, or in the presence of a gentleman who told him, that if he had been six inches taller he would have been President of the United States to-day. [Laughter.] What I complain of is that the democrats of this country have fallen into the mistake of which the gentleman so loudly complains, of giving heed to muscle instead of brain. Now I have no doubt that six inches would help the gentleman if you put it on the upper story, although it would not help to make him a better democrat. Why, only think of it. He would have been Speaker of the House if he had only had three inches more on his head and a lot of more votes; for he did lack votes. [Laughter.]

I wish to say in conclusion that whatever I may say hereafter in debate I beg that gentleman to understand I have no malice nor any hardness of heart in me. I do not suppose that the half hour of billingsgate that he piled up on me was called for. But he is a high literary man and I am a poor, unsophisticated boy. He was kind enough to give you yesterday an epitaph for me. I am not a poet. I may say there are many things I wish I was that I am not; but there is a friend of mine who furnished me an epitaph for my friend from New York, and I will say for him that I think it covers the case:

Beneath this slab lies the great SAM COX,
He was wise as an owl and grave as an ox;
Think it not strange his turning to dust,
For he swelled and he swelled till he finally "bust."
Just where he's gone or just how he fares
Nobody knows and nobody cares.
But wherever he is, be he angel or elf,
Be sure, dear reader, he's puffing himself.

[Laughter and long-continued applause.]

Mr. COFFROTH. Would it now be in order to call up the bill (H. R. No. 3258) for the employment of additional clerks in the Pension Bureau?

Mr. BRIGHT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and had come to no resolution thereon.

PRIVATE CALENDAR.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to; and the House resolved itself into Committee of the Whole on the Private Calendar, Mr. COX in the chair.

The CHAIRMAN. The committee will be in order. This is objection day. [Laughter.] The Clerk will read the first bill on the Calendar.

GEORGE EYSTER.

The first business on the Private Calendar was the bill (H. R. No. 2796) for the relief of George Eyster, reported from the Committee of Ways and Means by Mr. DUNNELL.

The bill and report were read.

Mr. SPRINGER. I would like to ask the gentleman in charge of the bill whether it is the custom of Congress to reimburse public officers for moneys stolen from them by their own subordinates. I know there have been cases where it has reimbursed public officers for money lost by theft when that money was kept in the place of deposit designated by the Government; but I do not recollect a case where a collector has been reimbursed for money stolen by his own subordinate.

The CHAIRMAN. The Chair need scarcely remind the gentleman from Illinois, who is so familiar with the rules, that one objection is sufficient, and debate is not in order.

Mr. SPRINGER. Is this objection day?

The CHAIRMAN. It is.

Mr. SPRINGER. Then I object to this bill.

REFUND OF TAXES.

The next business on the Private Calendar was the bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco; reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read.

Mr. PHELPS. I call for the reading of the report.

The report was read.

Mr. CONGER. I think that bill should go over. I object.

THOMAS KEARNEY.

The next business on the Private Calendar was the bill (H. R. No. 2188) for the relief of Thomas Kearney; reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury, in settling the accounts of Thomas Kearney, late collector for the district of Corpus Christi, in Texas, credit and allow him the sums of $12,470.50 in gold, and $340 in silver, public money, of which he was robbed, while his life was in jeopardy, by Sergeant Connor and private Jackson, United States soldiers, on the highway in Texas, on the 6th of May, 1870.

The report was read, as follows:

In the year 1870, Kearney, as collector of customs for the district of Corpus Christi, left that place on the 21st of April, under instructions from the Secretary of the Treasury, to collect from his deputies the several amounts in their hands belonging to the Government. His only practicable mode of conveyance was by ambulance, and he had hired one for the purpose, with four horses, for the necessary changes, that he might be able to proceed with all reasonable dispatch. The danger of traveling with money or other valuable property along the Mexican frontier rendered it prudent and necessary that he should have a suitable military escort for the protection of the specie to be received and carried by him, and, on application to Colonel Anderson, commanding Fort McIntosh, he was, by order of the War Department, furnished with a guard of six men, under command of Sergeant Philip Connor, of Company C, Fourth United States Cavalry.

This guard with the proprietor of the ambulance and his driver and two merchants of Corpus Christi, comprised the parties who were connected with the collector at the time of the robbery hereinafter referred to, in consequence of which and the loss under it relief is sought.

Kearney had visited several places where his deputies were located, and had received from them, in gold coin, $12,470.50, and in silver coin $340, in all $12,810.50, belonging to the Government, which he had packed and securely locked in strong boxes, which he carried in said ambulance, in which he rode and slept. He had also in gold $3,240, which he had received from private parties for the purpose of safe transit to Corpus Christi.

On the evening of May 5 the party encamped for the night one and a half miles from the Rancho el Radado, at a place selected by the sergeant of the guard. In the morning the sergeant ordered all his men, excepting one private by the name of Jackson, to take all the horses of the guard except their own to the rancho to be watered, and the driver of the ambulance also took the ambulance horses there for the same purpose, leaving no persons in the vicinity of the ambulance except the collector and the proprietor of the ambulance.

Soon after they had all left, Sergeant Connor and Private Jackson seized the pistols of the collector and the owner of the ambulance, and, with loaded carbines presented at their heads, demanded the keys of the boxes, and compelled them to stand disarmed at some distance from the ambulance while they opened the boxes, took from them the above amounts, and immediately mounted their horses and rode rapidly away.

The alarm was given as soon and extensively as possible, and efforts made to organize an efficient pursuit, but the men were all unacquainted with that section of the country and it was abandoned as impracticable. A reward of $1,000 was offered by Kearney and $600 by the owners of the private coin for the apprehension of the perpetrators of the robbery, but no traces of them could be found. The Treasury Department was immediately notified of the particulars of the occurrence, and everything appears to have been done by Kearney that was reasonable under the circumstances.

The evidence of Kearney is corroborated by that of all the members of his party and of the two merchants of Corpus Christi who were at the ranch at the time, and also by the several deputy collectors from whom he had received the money in his possession, and the committee are of the opinion that the robbery and loss were in no degree chargeable to any complicity or neglect of Kearney. He stands charged on the books of the Treasury Department with the amount of the money stolen, and cannot obtain credit for the same, and a just settlement of his account as collector, without the Department has authority to apply the amount to his credit.

The committee believe he is justly entitled to relief, and recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

W. B. FARRAR.

The next business on the Private Calendar was the bill (H. R. No. 393) for the relief of W. B. Farrar, reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read, as follows:

Be it enacted, &c., That the Treasurer of the United States be authorized and required to refund to W. B. Farrar, of Whitfield County, Georgia, the sum of $300, being the amount of illegal and unjust taxes paid during a part of the year 1877, for deficiency in the production of spirits at his distillery.

Mr. PHELPS. Let the report be read.

The report was read, as follows:

Farrar was the proprietor and operator of a small distillery, without experience in or a practical knowledge of the business, and the taxes asked to be refunded were imposed for an alleged deficiency in the production of his distillery.

The collector appointed as storekeeper a dissipated and worthless man with whom Farrar was unacquainted, who promised to run the distillery in such a manner as to secure him against a deficiency, but who, in fact, neglected his duties, and often left the premises in the care of a dishonest and incapable man, who sold and otherwise misappropriated, without the knowledge of Farrar at the time, a large quantity of the product of the distillery.

Under the claim of the Government, the distillery and all its fixtures were distrained and sold for the non-payment of a deficiency tax which had been assessed, and the property was purchased and is now held by the Government for the small sum of $133.07, and Farrar is left entirely destitute of property and employment.

The committee find that Farrar paid all legal taxes on all the spirits that were turned over to him by the storekeeper, and that the proceedings of the Government in imposing the tax and distraining and selling his property were oppressive and unjust, and that he is entitled to the relief provided for in said bill, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

L. MADISON DAY.

The next business on the Private Calendar was the bill (H. R. No. 2798) for the relief of L. Madison Day; reported from the Committee of Claims by Mr. O'CONNOR.

Mr. KNOTT. As I understand that the gentleman from Ohio [Mr. HURD] who in the former session of this Congress submitted an adverse report upon this claim desires to be heard and is not present, I object to the consideration of this bill at this time.

OWNER OF THE BARK GRAPESHOT.

The next business on the Private Calendar was the bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot; reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to George Law, of the city and State of New York, the sum of $15,861.50, the same properly belonging to said Law, and being a deposit in the Treasury of the United States to the credit of the registry of the United States district court for the eastern district of Louisiana as the avails of the sale under a libel brought to said court of the bark Grapeshot, owned by said Law, and of certain freight earned by said bark; all the demands of the libellants in said cause having been fully satisfied by said Law, and he by order of the circuit court of the fifth circuit of the United States, before which said cause was pending, having been legally subrogated to all the rights of the libellants in the premises.

The report was read, as follows:

Before and on the 15th day of July, 1858, George Law, of the city and State of New York, was the sole owner of the bark Grapeshot. On that day Wallestein, Massett & Co., of Rio Janeiro, Brazil, to enforce payment of a bottomry bond previously given them by the master of said bark, to secure the payment of a loan of $9,769.45, and a premium thereon of 19½ per cent. for the pending voyage, filed a libel against said bark in the district court of the United States for the eastern district of Louisiana.

Such proceedings were had in the cause that under said libel the said bark was sold, and the net proceeds of the sale, amounting to $13,805.85, and also $2,055.20, the net proceeds of the freight earned by said bark on said voyage, amounting in the aggregate to $15,861.05, in gold, were, by order of said court, deposited in the registry thereof, subject to the order of the libellants.

The cause was appealed from the district to the circuit court for the fifth circuit of the United States, and, before final adjudication by said circuit court, the late civil war was commenced and the cause taken before a provisional judge of the Confederate States, and by him decided in favor of the libellants. It was subsequently returned to the circuit court of the United States and by appeal taken to the Supreme Court of the United States, by which it was remanded to the circuit court under an order for a commission to examine and report the amount justly due; and on the 29th day of March, 1875, a final decree was passed in favor of the libellants for $4,392.25, together with 19½ per cent. maritime premium and 5 per cent. interest on said sum from July 3, 1858, until paid.

On the 27th day of May, 1876, the libellants received from George Law, the former owner of said bark, $9,175.89, being the full amount of the judgment, including interest and costs to which the libellants were entitled. Whereupon, and by virtue of such payment, on proper motion to and order of said circuit court, the said George Law was declared subrogated to all the rights of the libellants and to be entitled, in his own right, to all and singular the proceeds of said sale of said bark and to said freight, and to the said money deposited, as before stated, in the registry of said court.

The said sum of $15,861.05 so deposited was placed in the Bank of Louisiana, in the city of New Orleans, to the credit of the treasury of the Confederate States. On the 17th day of June, 1862, Major-General Benjamin F. Butler, then commanding the Department of the Gulf, ordered and compelled the same to be transferred, for safe-keeping, to the Treasury of the United States, where it has ever since remained as a technical deposit by the Government through its aforesaid military authority, but justly belonging to the said George Law, and payable to him in gold.

The committee therefore recommend the passage of the accompanying substitute for the bill referred to them.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EDWARD K. WINSHIP.

The next business on the Private Calendar was the bill (H. R. No. 91) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy; introduced by Mr. HAWLEY, and reported from the Committee on Naval Affairs by Mr. BREWER.

The bill and report were read.

Mr. SPRINGER objected to the bill.

Mr. HAWLEY. I wish the gentleman would allow the bill to be considered.

The CHAIRMAN. Debate is not in order; this is objection day.

Mr. BREWER. All I desire to say is that this same bill passed at the last Congress.

The CHAIRMAN. Debate is not in order.

Mr. SPRINGER subsequently withdrew his objection.

Mr. SPARKS renewed the objection, and the bill was passed over.

JOHN D. M'GILL.

The next business on the Private Calendar was the bill (H. R. No. 2804) for the relief of John D. McGill; reported from the Committee on Naval Affairs by Mr. HARMER.

The bill was read, as follows:

Be it enacted, &c., That the sum of $102 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay John D. McGill for advertising the sale of the property known as the Philadelphia navy-yard in the Georgetown Courier in November, 1875.

The report was read, as follows:

By act of Congress approved March 3, 1875, a commission was created to make sale and conveyance of the property known as the Philadelphia navy-yard. Authority was given to advertise the sale, and of the newspapers selected for that purpose the Georgetown Courier was included. The expenses of the commission were to be paid out of the money received from the sale of the property, which included the advertising. All the bills were received and paid except for advertising in the Georgetown Courier, which was not presented for payment until after all the funds in the hands of the commissioner had been expended, and the amount due Mr. McGill remains unpaid.

The Secretary of the Navy says the claim is just, the charges reasonable, and recommends the payment of the amount due.

Your committee recommend that the bill do pass.

Mr. WHITTHORNE. Since this bill was reported Mr. McGill has died. I ask consent to insert the words "to the administrator of" before the words "John D. McGill."

The amendment was agreed to; and the bill, as amended, was laid aside, to be reported favorably to the House.

CHARLES DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry; introduced by Mr. WRIGHT, and reported from the Committee on Foreign Affairs by Mr. BICKNELL.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and required to pay Charles Dougherty, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, to reimburse him for his expenses to the consulate of Londonderry.

The report was read, as follows:

The Committee on Foreign Affairs, to whom was referred the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate of Londonderry, have had the same under consideration, and submit the following report:

Mr. Dougherty, on the 2d day of October, 1866, the Senate not being in session, was appointed by the President consul to Londonderry.

He received from the Department of State forms of his bond and oath of office, with instructions to proceed to his post within thirty days after taking the oath. His bond and oath were duly executed and sent to the Department, which gave him his passport and instructions, and informed him that his commission would be sent to the United States legation at London, and would be thence transmitted to him as soon as the exequatur of the British government could be obtained. The Department also gave Dougherty an order upon his predecessor for the records and archives of the consulate.

Dougherty sailed for Londonderry on the 12th of December, 1866, within the time prescribed; his commission was received by the United States minister at London, who applied for the exequatur, but before it could be obtained the Senate had refused to confirm Mr. Dougherty's nomination. The nomination was rejected on the 21st of February, 1867. Mr. Dougherty was notified of it in a letter from Minister Adams, dated March 8, 1867. In the mean time Mr. Dougherty, acting under the advice of the minister, and waiting for the exequatur, had not presented to his predecessor his order for the records, and therefore not only never had his commission, but never had possession of the office or any of its archives.

When he received his instructions he was notified by the State Department that there was no salary for the office, that his compensation would be fees only, and that his right to fees would not accrue until after his receipt of the exequatur of the British government. He was also notified that no allowance for outfit or for traveling expenses was provided by law.

Upon these facts, Mr. Dougherty now presents the following claim against the United States:

Fare to Londonderry, via New York and Glasgow	$493 75
Expenses in New York awaiting ship	98 00
Hotel bill in Glasgow	140 00
Expenses for five months in Londonderry	1,000 00
Fare returning for self and family	420 00
Nine months' time from October, 1866, to July 1, 1867	1,500 00
Total	3,651 75

Your committee are unanimously of opinion that Mr. Dougherty has no legal claim upon the United States for any of the foregoing items, but a majority of the committee, deeming it a hard case for Mr. Dougherty, who seems to have followed the orders of the State Department without default, are of opinion that Mr. Dougherty ought to be reimbursed for his traveling expenses, and they consider $1,000 a reasonable allowance in that behalf. They therefore report back the House bill No. 270, with a favorable recommendation.

Mr. McMILLIN. I object to that bill.

Mr. WRIGHT. I hope the gentleman will withdraw his objection. I know the bill is right.

Mr. McMILLIN. I must insist upon the objection.

Some time subsequently,

Mr. McMILLIN said: Mr. Chairman, I entered an objection to the consideration of the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry. I am willing that the Committee of the Whole should consider that bill now. So far I withdraw my objection, without espousing in any manner the bill, to which I am opposed.

There being no further objection, the bill was laid aside to be reported favorably to the House.

PATSY DAVENPORT.

The next business on the Private Calendar was the bill (H. R. No. 1597) granting a pension to Patsy Davenport; reported from the Committee on Invalid Pensions by Mr. TAYLOR.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Patsy Davenport, mother of William Henry Davenport, who died in the service of the United States, and upon whom she was dependent wholly for support; said pension to be at the rate of $8 per month, to begin at the date of the death of said William Henry Davenport.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1597) granting a pension to Patsy Davenport, a dependent mother, having had the same under consideration, respectfully report:

That from the testimony on file in this case, it appears that Captain James Taylor was authorized to recruit a company for the United States Army in Carter County, Tennessee, in the year 1862; that he did recruit said company, and was killed by the confederate soldiers before joining his regiment or the muster of his men; that William Henry Davenport was one of said recruits, and before reaching his regiment and before being mustered into the service he was captured by the confederate soldiers, taken to Vicksburgh, Mississippi, as a prisoner of war, where he died of chronic diarrhœa about the 25th day of June, 1863.

The proof also shows that the said Patsy Davenport is a dependent mother, having no husband or other children able to contribute to her support.

In view of all the facts and the proof, your committee are satisfied that said William Henry Davenport had enlisted in the United States Army, that he was captured before he could be mustered, and died in prison as aforesaid, and that his mother was dependent upon him for support; they therefore recommend the passage of the bill granting her a pension as provided in said bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARTHA J. ROBINSON.

The next business on the Private Calendar was the bill (H. R. No. 740) granting a pension to Martha J. Robinson; introduced by Mr. BICKNELL and reported from the Committee on Invalid Pensions by Mr. HOSTETLER.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Martha J. Robinson, widow of James H. Robinson, late private in Company E, Fifth Regiment Indiana Cavalry Volunteers, and to pay her a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 740) granting a pension to Martha J. Robinson, widow of James H. Robinson, a private in Company E, Fifth Regiment Indiana Cavalry Volunteers, have had the same under consideration, and ask leave to submit the following report:

The committee find, from the records of the Surgeon-General's Office, from the Adjutant-General's Office, and from the certificate of disability on which he was discharged, that he was enlisted August 18, 1862, and was honorably discharged September 26, 1863, of chronic pneumonia, at Louisville, Kentucky. It is also in proof by the affidavits of five different witnesses, all of whom are vouched for as being reliable, that the soldier entered the service a healthy, sound man, and became diseased while in the service and in the line of duty. Some of the witnesses swear to visiting him, among them his stepmother, and waiting on him for weeks in hospital while sick at Louisville, Kentucky; that they know he was sick when discharged, and was never afterward able to work, but lingered along and finally died of the disease for which he was discharged. The certificate of disability for discharge shows that he was unfit for the invalid corps. The evidence is conclusive that he was sound at enlistment; that his health was broken down in the service and in the line of duty; and that he lingered along and finally died of the same disease, leaving his widow, Martha J. Robinson, and one child, Abraham L. Robinson, born March 19, 1862, entitled to pension.

The committee, therefore, report back the accompanying bill and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

WHITEWOOD FLUME COMPANY.

The next business on the Private Calendar was the bill (H. R. No. 2805) incorporating the Whitewood Flume Company; reported from the Committee on Mines and Mining by Mr. ACKLEN.

Mr. BOUCK. I object to the bill.

Mr. PRICE. I suppose the gentleman from Wisconsin [Mr. BOUCK] knows all about the bill without hearing it read.

The CHAIRMAN. Debate is not in order.

Mr. PRICE. I know it is not.

Objection being made, the bill was passed over.

MRS. A. P. BELL.

The next business on the Private Calendar was the bill (H. R. No. 3033) for the relief of Mrs. A. P. Bell, of Bertie County, North Carolina; reported from the Committee on the Post-Office and Post-Roads by Mr. STONE.

The bill was read, as follows:

Be it enacted, &c., That whereas the post-office building in the town of Windsor, in the county of Bertie, North Carolina, was destroyed by fire during the year 1877, and $500 in money and post-office orders were consumed therein, and the Post-Office Department demands that the postmaster, Mrs. A. P. Bell, of said post-office, shall pay over to the Government the said sum so lost, therefore that the sum of $538, or so much thereof as may be necessary to reimburse the said postmaster, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid to and reimburse the said Mrs. A. P. Bell, postmaster at Windsor, Bertie County, North Carolina, for such sum as may be collected from her or sureties by reason of said loss.

The report was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the petition of Mrs. Ann P. Bell for relief, would report as follows:

On the 1st day of June, 1877, the post-office in the town of Windsor, Bertie County, North Carolina, was destroyed by accidental fire, without the fault or negligence of the postmaster, Mrs. Ann P. Bell.

The building containing the post-office, and also the adjacent buildings, were

totally destroyed with their contents, including stamps, postal cards, stamped envelopes, money-order and other funds belonging to the Government.

It satisfactorily appears to your committee that the amount in current money belonging to the Government which was in the post-office at the time of said fire, and was consumed, was $497 belonging to the money-order division, and $41 belonging to the general postal fund, making a total amount of $538 in current money destroyed, and that Mrs. Bell has settled with the Post-Office Department for the same. Her statements under oath are corroborated by the affidavits of other credible persons. We recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JACKSON GRUBB.

The next business on the Private Calendar was the bill (H. R. No. 710) to refund to Jackson Grubb internal-revenue tax wrongfully collected; introduced by Mr. DIBRELL, and reported from the Committee of Claims by Mr. O'CONNOR.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to refund to Jackson Grubb, of McMinn County, Tennessee, $300, improperly collected from him by the internal-revenue collector in the year 1868, for tax improperly assessed upon him as a distiller of fruit brandy, in the year 1868, after orders had been issued suspending the collection of the special tax on fruit-distillers, and the same is hereby appropriated.

The report was read, as follows:

The Committee of Claims, to whom was referred the bill (H. R. No. 710) for the relief of Jackson Grubb, of McMinn County, Tennessee, have had the same under consideration, and submit the following report:

From a letter of the Commissioner of Internal Revenue of April 27, 1878, and the proof in this case, it appears that Jackson Grubb was a distiller of brandy from fruit, in McMinn County, Tennessee, in 1868; that by the act of 20th July, 1868, distillers of brandy were assessed the sum of $400 annual tax; that upon an opinion of the Attorney-General the Commissioner of Internal Revenue, in accordance with the second section of said act of July 20, and with the approval of the Secretary of the Treasury, did on the 12th day of October, 1868, issue an order suspending the collection of and relieving the distillers of fruit brandy from the payment of said special tax, and that after the issuance of said order forbidding the further collection of said special tax, the collector of internal revenue of the second district of Tennessee, afterward, to wit, on the 21st day of October, 1868, collected from said Jackson Grubb $300, said special tax. By reference to the letter of the Commissioner of Internal Revenue above referred to it will be seen that this is the only claim, so far as the Commissioner is advised, paid after said order that has not been refunded.

The committee being well satisfied of the justness of this claim, recommend that the bill do pass.

Mr. DIBRELL. Since the making of the report Mr. Grubb has died. I move to amend the bill so as to make the amount payable to his legal representatives.

There being no objection, the amendment was agreed to.

The bill, as amended, was laid aside, to be reported favorably to the House.

JOSEPH B. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. No. 1800) for the relief of Joseph B. Campbell, captain in the Fourth Artillery, United States Army; introduced by Mr. BRAGG, and reported by him from the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, a certain judgment, in which Hugh Waters is plaintiff and J. B. Campbell is defendant, obtained in the United States circuit court for the district of Oregon, amounting at the time it was rendered to the sum of $2,100.50, said judgment having been obtained against said J. B. Campbell while acting in his official capacity in the line of his duty as an officer of the Army of the United States; and also to pay to said J. B. Campbell, captain Fourth Artillery, out of any money in the Treasury not otherwise appropriated, the sum of $191.35, it being the sum expended by said Captain Campbell for court and witness fees in defending said suit in court.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred a communication from the Secretary of War, recommending the passage of an act for the relief of Captain Campbell, of the United States Army, beg leave to report that they have carefully considered said communication and accompanying documents, and recommend the passage of the bill reported herewith.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JAMES M. RUBY.

The next business on the Private Calendar was the bill (H. R. No. 1128) for the relief of James M. Ruby, introduced by Mr. BRAGG, and reported by him from the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury of the United States of America is hereby directed and authorized to pay James M. Ruby the pay of a private soldier from and including the 28th day of June, A. D. 1862, to the 18th day of August, A. D. 1862, and the pay of a sergeant-major from the 18th day of August, A. D. 1862, to the 26th day of August, A. D. 1862, the period which the said Ruby was sergeant-major of the Twentieth Regiment of Wisconsin Volunteer Infantry, and also the pay of first lieutenant from the 26th day of August, A. D. 1862, inclusive, when the said Ruby was commissioned and mustered as first lieutenant in the Eighteenth Regiment of Wisconsin Volunteer Infantry, to the 2d day of December, A. D. 1862, when the said Ruby was commissioned and mustered as an officer in the Thirty-fourth Regiment of Wisconsin Volunteer Infantry.

Mr. WHITE called for the reading of the report; which was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1128) for the relief of James M. Ruby, submit the following report:

The Committee have had such bill under consideration, and report the following facts upon which the claimant bases his claim to relief:

1. The muster-roll of the non-commissioned staff of the Twentieth Regiment of Wisconsin Volunteer Infantry shows that James M. Ruby enlisted in the service of the United States June 28, 1862; was mustered June 30, 1862, and was mustered as sergeant major in such regiment August 18, 1862. And the petition and affidavit of the claimant shows that he entered upon and discharged the duties of sergeant-major of such regiment from the date of his enlistment to the 22d day of August, 1862, and that he has received no pay for such period of service.

2. The petition of the claimant shows, among other things, that on the 22d day of August, 1862, he was commissioned by the governor of Wisconsin a first lieutenant in the Eighteenth Regiment of Wisconsin Volunteer Infantry, and that on the 26th day of August, 1862, he was duly and regularly mustered into the service of the United States, at Madison Wisconsin, by Major R. S. Smith, of the United States Army, on duty at Madison, Wisconsin, as muster-in officer and superintendent of recruiting service; the regiment in which he was so mustered, Colonel Bouck commanding, then being on duty near Corinth, Mississippi.

That by virtue of such commission and muster he reported for duty in person to Colonel Bouck, commanding Eighteenth Wisconsin Volunteer Infantry in the field, at Corinth, by whom he was directed to report to Colonel Oliver, commanding brigade to which the Eighteenth Regiment of Wisconsin Volunteer Infantry was attached; that in obedience to such order he did so report to Colonel Oliver, and was by him assigned to duty as such first lieutenant in the Fourteenth Regiment of Wisconsin Volunteer Infantry, Colonel John Hancock commanding, which last-named regiment was a part of Colonel Oliver's brigade; that under such order of assignment he entered upon active duty as such first lieutenant, participating in the march to Iuka, and engaging in a sharp skirmish near Iuka, Mississippi, and in the battle of Corinth on the 3d and 4th of October, 1862; that thereafter he was refused pay as such lieutenant, by the paymaster, on account of alleged irregularity in his muster, whereupon leave of absence was granted him by General John A. Rawlins, adjutant-general of General Grant, then in command of the troops in that department of military operations, to report to the governor of Wisconsin at Madison, and that he did so report on the 2d day of December, 1862, and was on said last-named day commissioned by the governor of Wisconsin a captain in the Thirty-fourth Regiment of Wisconsin Volunteer Infantry, and served as such until the 8th day of September, 1863.

The statements of Colonel Bouck and Colonel Hancock corroborate in substance the fact of his service as stated by the claimant, and bear testimony to his faithfulness and efficiency as an officer.

From these facts your committee report that in their opinion the said James M. Ruby is entitled to pay as a private soldier from the date of his enlistment, June 28, 1862, to August 18, 1862, when he was mustered as sergeant-major, and to pay as sergeant-major from August 18, 1862, to the 26th day of August, 1862, when he was mustered as first lieutenant.

And your committee further report that the claimant is entitled to pay as first lieutenant from the date of his muster as such by Major R. S. Smith, August 26, 1862, until the date of his muster as captain, on the 2d day of December, 1862.

Your committee base their favorable report upon the ground that the claimant performed the duty under the color and authority of the Government, and is not chargeable with irregularity, if any there was, in the mustering officers of the Government.

The Government received the service knowingly, and under color of its authority, and in justice should pay for the same.

Your committee, therefore, report back the bill and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

RACHAEL J. REBER.

The next business on the Private Calendar was the bill (H. R. No. 2855) granting a pension to Rachael J. Reber; which was introduced by Mr. COFFROTH, and reported by him from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachael J. Reber, widow of Effenger L. Reber, first lieutenant and adjutant of the Two hundred and fifth Regiment of Pennsylvania Volunteers, and pay her a pension for herself and four children under sixteen years of age, commencing on the 2d of June, A. D. 1865, that being the date of the honorable discharge of her husband from the Army of the United States, at the rate of pensions for widows of deceased first lieutenants and adjutants of regiments in the late war of the rebellion; the said Effenger L. Reber having died from the effects of wounds received and disease contracted while in military service of the United States in the line of duty.

Mr. SPARKS called for the reading of the report, and it was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2855) granting a pension to Rachael J. Reber, widow of Effenger L. Reber, late first lieutenant and adjutant of the Two hundred and fifth Regiment of Pennsylvania Volunteers, having had the same under consideration, beg leave to make the following report:

Effenger L. Reber, at the age of eighteen, left school and enlisted as a private soldier in Company D, Fifth Regiment of Pennsylvania Reserve Volunteers on the 16th of July, 1861, to serve three years, and served with his company until the 16th day of February, 1864, when he was discharged, in order to re-enlist as a veteran volunteer, as sergeant-major of the One hundred and ninety-first Regiment of Pennsylvania Volunteers; and, on the 3d of September, 1864, he was discharged from the service of the United States by reason of promotion and in accordance with instructions from Adjutant-General's Office; and on the 2d day of September, 1864, was enrolled and commissioned first lieutenant and adjutant of the Two hundred and fifth Regiment of Pennsylvania Volunteers, and was discharged from the military service of the United States on the 2d of June, 1865, by order of the War Department. On the 2d of April, 1866, he was promoted by the President of the United States to the rank of captain by brevet from the 2d of April, 1865, for gallant and meritorious service at Forts Steadman and Sedgwick, Virginia; that while in the service aforesaid, in the line of duty, he received, on or about the 1st day of November, 1861, an injury which resulted in the loss of the sight of his right eye. On the 12th of May, 1864, he received a severe flesh wound above his right hand. On the night of the 15th of February, 1865, while acting assistant adjutant-general of the second brigade, third division, Ninth Army Corps, he was thrown from his horse and badly injured in the back. On the 2d day of April, 1865, during the battle at "Fort Hell," Virginia, a shell from the rebel line exploded above his head, knocking him down, stunning and shocking his nervous system in such a way that he never recovered from its effects, and from that day to the time of his death there was a gradual failing. His nervous system was shattered, causing tremors, weakness, unsteadiness, and impaired condition of his mental faculties, and finally a gradual softening of the brain. He died on the 26th of December, 1877.

On the 4th day of September, 1866, Lieutenant Reber filed his application for pension, but it was not acted upon because he was not treated in the hospital, either field or local, and the medical evidence of treatment while he was in the service was not furnished, which the Pension Department required to grant a pension.

Lieutenant Reber left a widow, Rachael J Reber, and four children, as follows: Thomas Jones Reber, born July 8, 1868; Rudolph Traugh Reber, born March 9, 1870; Effenger Lier Reber, born October 21, 1872; and Mary Rachael Reber, born July 25, 1874.

Effenger L. Reber was a brave and gallant soldier. He went into the Army

when only a boy, and rendered valuable and praiseworthy services to his country. He came out of the military service with his system shattered and broken down, and the injuries which he received in the service in the line of duty were the cause of his death. This is clearly shown by the affidavits and other papers of reputable persons presented to the committee, beside the papers on file in the Pension Department.

The committee are of opinion that this is a meritorious case, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

ELIZABETH AULTS.

The next business on the Private Calendar was the bill (H. R. No. 2853) granting a pension to Elizabeth Aults; which was introduced by Mr. COFFROTH, and reported by him from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Aults, widow of Ambrose N. Aults, of Company G, of the Two hundred and fifth Regiment of Pennsylvania Volunteers, and that the said Elizabeth Aults be allowed a pension commencing from the date of the honorable discharge of said Ambrose N. Aults from the Army of the United States on account of injuries and disease received and contracted by him while in the service and line of duty during the late war of the rebellion, at the rate of pensions for widows of first lieutenants of the late war of the rebellion, and for two children from the date of their birth until they reach the age of sixteen.

Mr. SPARKS called for the reading of the report, and it was read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2853) granting a pension to Elizabeth Aults, widow of Ambrose M. Aults, late captain of Company G, Two hundred and fifth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to submit the following report:

Ambrose M. Aults, the late husband of the claimant, was first mustered into the military service of the United States in Company D, One hundred and thirty-first Regiment of Pennsylvania Volunteers, on the 9th day of August, 1862, and was honorably discharged from said company in May, 1863. On the 2d of September, 1864, he again entered the military service as first lieutenant in Company G, Two hundred and fifth regiment of Pennsylvania Volunteers, and was promoted to the captaincy of said company on the 14th of May, 1865, and was honorably discharged from the Army of the United States on the 2d of June, 1865. He applied for a pension on the 30th of April, 1874, alleging that he contracted in April, 1865, tuberculosis, while being conveyed in a steamer from City Point, Virginia, to Annapolis, Maryland, he being wounded at the time. He died on the 17th of February, 1875, and before any decision was made on his application by the Pension Department. The claimant on the 14th of July, 1875, filed her application as widow for pension for herself and two children. This pension application was "rejected on the ground that the disease of which the soldier died was not chargeable to his military service."

Ambrose M. Aults left a widow, Elizabeth Aults, and two children, namely: Mary Louisa Aults, born June 3, 1870, and Ambrose M. Aults, born July 19, 1873.

Alexander Bobb, who was major of the Two hundred and eighth Regiment of Pennsylvania Volunteers, on the 21st of April, 1874, testifies that "at the charge on the rebel works before Petersburgh, Virginia, on the 2d day of April, 1865, Captain Aults was wounded by a gunshot in left hip, and went to the hospital at City Point, and while there he saw said Captain Aults; and that the said Aults was then sent by steamer to Annapolis, Maryland, and while absent he took a severe cold, and coughed and complained of lung affection. That he saw him in Harrisburgh, Pennsylvania, about the 1st of June, 1865, and he was then coughing and looking haggard, and complained of lung disease; and that he was sound and free from disease of lungs at the time he was lying in City Point hospital, Virginia, and before that; and that after coming from Annapolis was ever sickly, and that he got this disability in the service of the United States and in line of duty."

Captain Aults, in January, 1875, testified that he was unable to get the regiment surgeon's certificate, from the fact that on the 2d of April, 1865, he was wounded and left the regiment, and while away from it he took sick and did not get back to the regiment until it was ready to be mustered out, in June, 1865, and then he did not see the surgeon; and that he was unable to give the name of the surgeon on the boat, because he was on the boat but a short time, and there were a large number of wounded to be treated by the surgeon, and that he was given "leave of absence" at the hospital and he went home. In a deposition filed on the 12th of September he swears: "I claim on account of tuberculosis contracted in April, 1865, while being conveyed in a steamer from City Point, Virginia, to Annapolis, Maryland, being wounded at the time."

Dr. David D. Mahan, in August, 1874, testified that he well knew Ambrose M. Aults for fifteen years prior to enlistment in the Army, and was his family physician three years prior thereto, and was at the time of his enlistment, and knows that said soldier was a sound and hearty man, and free from tuberculosis or any disease of the lungs.

Dr. J. F. Wilson, on the 10th of August, 1874, testified that "he well knew Captain Ambrose M. Aults at the time of his discharge; that he was his family physician to and for him from the date of his discharge, June 2, 1865, to the year 1873, and that he treated him during this time for incipient tuberculosis."

Dr. Rowan Clark, on the 10th of August, 1877, testified that he was the family physician to Captain Ambrose M. Aults from October, 1871, to August, 1874; that he treated him all that time for tuberculosis, or disease of the lungs.

Dr. J. M. Smith, attending physician at the time of Captain Ault's death, on the 17th of September, 1875, testified that the "physical condition of Ambrose M. Aults from August, 1874, to date of death: Disorganization of greater portion of left lung, with perceptible flattening of chest-wall in infra and supra clavicular region; tubercular deposit in right lung; cough, with copious muco-purulent expectoration; gradual exhaustion and extreme emaciation, evidenced by hectic symptoms; active hemorrhage from lungs February 4, 7, and 15, caused by breaking down of lung tissue. Died from exhaustion February 17, 1875, at one o'clock, a. m."

From this mass of medical evidence, given by reputable and distinguished members of the medical profession, the committee readily came to the conclusion that Captain Aults contracted tuberculosis while in the Army, and which was the cause of his death. As the tuberculosis was contracted while Ambrose M. Aults was a first lieutenant, his pension should be at that rate.

The committee do not hesitate to recommend the passage of the accompanying bill.

Mr. WARNER. I do not rise especially to object to this bill, but I must say that if the evidence referred to in the report is true this person is entitled to a pension from the Pension Office, and does not require a special act.

The CHAIRMAN. Debate is not in order. Does the gentleman object?

Mr. WARNER. Yes; I do object.

Subsequently Mr. WARNER withdrew his objection, and the bill was laid aside, to be reported favorably to the House.

WILLIAM R. WEIMER.

The next business on the Private Calendar was the bill (H. R. No. 3076) granting a pension to William R. Weimer; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

Mr. SINGLETON, of Illinois. It seems to me that we are running very wild upon the subject of pensions. We have a general law in regard to pensions, and an expensive organization for the purpose of carrying out that law.

Mr. BRIGHT. Debate is not in order.

Mr. SINGLETON, of Illinois. Then I object to the bill.

Objection being made, the bill was passed over.

JOHN H. BLACK.

The next business on the Private Calendar was the bill (H. R. No. 2862) granting an increase of pension to John H. Black; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

(Objected to by Mr. MCMILLIN.)

Mr. BRIGHT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole on the Private Calendar had directed him to report sundry bills, with the recommendation that they be passed with or without amendments respectively.

ADJOURNMENT TILL MONDAY.

Mr. FERNANDO WOOD. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. FERNANDO WOOD moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES CLINTON.

The SPEAKER. There comes over as unfinished business from last Friday the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans. This bill was reported from the Committee of the Whole with an unfavorable recommendation.

Mr. CARLISLE. Since the action of the Committee of the Whole upon this bill I have received from the gentleman from Louisiana [Mr. GIBSON] who introduced it a telegram requesting that its further consideration may be postponed until his return to the city. In accordance with this request, I move that the bill be postponed until next Friday.

The SPEAKER. If there be no objection, the bill will be allowed to retain its present attitude before the House until next Friday.

There was no objection, and it was ordered accordingly.

THOMAS KEARNEY.

The first bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2188) for the relief of Thomas Kearney; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. B. FARRAR.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 393) authorizing the Treasurer of the United States to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OWNER OF BARK GRAPESHOT.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES DOUGHERTY.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry; which

was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. WRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PATSY DAVENPORT.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1597) granting a pension to Patsy Davenport; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTHA J. ROBINSON.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 740) granting a pension to Martha J. Robinson; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HOSTETLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. A. P. BELL.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 3033) for the relief of Mrs. A. P. Bell, of Bertie County, North Carolina.

Mr. STONE. In drafting this bill I omitted to insert after the words "five hundred" the words "thirty-eight." I move to amend in the sixth line of the bill so as to make the sum $538.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. STONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH B. CAMPBELL.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1800) for the relief of Joseph B. Campbell, captain in the Fourth Artillery, United States Army; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. RUBY.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1128) for the relief of James M. Ruby; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RACHAEL J. REBER.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2855) granting a pension to Rachael J. Reber; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH AULTS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2853) granting a pension to Elizabeth Aults; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN D. M'GILL.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2804) for the relief of John D. McGill.

The amendment reported from the Committee of the Whole to insert after the word "pay," in line five, the words "to the administrator of," was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. HARMER, the title of the bill was amended so as to read: "A bill for the relief of the administrator of John D. McGill."

Mr. HARMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JACKSON GRUBB.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 710) to refund to Jackson Grubb internal-revenue tax wrongfully collected.

The amendment reported from the Committee of the Whole to insert in line five after the word "Tennessee," the words "or his legal representatives," was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

On motion of Mr. DIBRELL, the title of the bill was amended so as to read: "A bill to refund to Jackson Grubb or his legal representatives internal-revenue tax wrongfully collected."

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. HAWLEY. Mr. Speaker, it is not at all agreeable, it is true, but there is a piece of injustice in the RECORD this morning so gross I must take the time of the House for a few moments in regard to it. I ask the Clerk to read a passage, which I have marked, from this morning's RECORD.

The SPEAKER. It will be read, and then the Chair will decide whether it is a privileged question or not.

The Clerk read as follows:

A very distinguished gentleman, a citizen of the State of Illinois, a distinguished ex-soldier and philologist, said on the 20th day of this month, in a speech made not very far from this Chamber, (see CONGRESSIONAL RECORD, January 21, page 4,) that the bill introduced by General WEAVER into the House of Representatives to equalize the pay of soldiers was the worst piece of "demagogy"—"demagogy" is good—ever introduced into an American Congress. That gentleman is General JOHN A. LOGAN. The country is prepared for just such a declaration from him. They remember that in 1873, when the country was financially ruined, and thousands of ex-soldiers were out of employment and suffering for bread, that JOHN A. LOGAN voted for the back-salary act, and then pocketed $3,800 as his share of the swag.

Mr. HAWLEY. And he was perfectly right.

Mr. WEAVER. No doubt the gentleman, who on the floor of this House characterized the greenbackers as belonging to "the tag-rag and bobtail of the country" would say that it was perfectly right. He is in the same boat. [Applause.] Opposition of that kind to the soldiers' bill would very naturally be expected.

Mr. HAWLEY. Mr. Speaker, I requested the official reporters to get me from the Government Printing Office the manuscript report of these remarks of the gentleman from Iowa, and I had hoped it would be here in time. I intended to show by it what the reporter assured me could be shown by it, and what appears in the Associated Press report, and what I am confirmed in by every member, and what I know anyhow, that when the gentleman from Iowa referred to the opinion of a distinguished gentleman, formerly a member of this House, that his soldier bill was the worst piece of demagogy ever introduced into the American Congress, I said in a conversational way, and rather glad of the opportunity, "And he was perfectly right" with reference to that. Everybody understood me round here. Well, then the gentleman from Iowa went on to say, "No doubt the gentleman," meaning myself, "who on the floor of this House characterized the greenbackers as belonging to the tag-rag and bobtail of the country would say that it was perfectly right." Then he went on to make some reference to General LOGAN'S voting for the back-pay salary act when he was in the House. That was the last of the three paragraphs, and in regard to that I said nothing. The two paragraphs have been transposed, and my remark, "And he was perfectly right," has been made to come in after that third paragraph about General LOGAN'S voting for the back-salary act which I was a very bitter opponent of, and was among those who returned the money. I do not desire that kind of credit. I was glad then and am now of being able to say that the bill introduced by the gentleman from Iowa in regard to paying the Army the difference between gold and silver and greenbacks was a piece of demagogism and humbug, or anything else you choose to call it.

The SPEAKER. But that is not a part of the personal explanation.

Mr. WEAVER. The language used by myself and by the gentleman from Connecticut appears in the very order in which I understood it at the time, when I was correcting the manuscript last evening. Now, it will not bear the construction which the gentleman puts on it, and there is nothing between us except the order in which it should occur. I was caricaturing a remark of General LOGAN, of Illinois, animadverting on it, and in that connection, by way of retort, took occasion to say what has been read from the desk, when I understood the gentleman to remark, "And he was perfectly right." I did not understand him to say that he was right in taking the back-salary grab, nor did I reply in that vein.

My reply is to the effect, I would suppose that a gentleman who, on the floor of this House, had characterized the members of the greenback party as belonging to the tag-rag and bobtail of the country,

would justify the remark made by General LOGAN in his speech. That is what I understood the gentleman to mean, and that is what I meant at that time, and not to accuse the gentleman from Connecticut of taking the back-salary grab.

The gentleman from Connecticut has been guilty of a parliamentary discourtesy, if he intended to say here yesterday, as he did say in a very angry and excited manner, that the remark of General LOGAN, that the introduction of this bill of which I am said to be the author was demagogical, was perfectly right. If he intended to do that upon the floor of this House it was in violation of Rule 57 and every parliamentary rule in the world, and was a personal discourtesy, and he stands here to-day self-confessed before this House of having offered a personal insult to a brother member. Now, there is no occasion for any hard-feeling at all. There are gentlemen on my left who understood the remark of the gentleman from Connecticut to come in exactly in the way in which it appears in the RECORD. I know there was considerable confusion at the time, and we all know in correcting our remarks made before the House it is a very common thing to find errors by the reporters; at least, things reported coming in conflict with our opinion of the order in which they occurred. The gentleman repeats his insult upon the floor of this House, and he is the last gentleman who should complain of any injury in that direction, if he persists in insulting a brother member on the floor of this House. I will now hear what he has further to state.

Mr. HAWLEY. I understand the gentleman from Iowa himself admits having changed the official report and transposed two important passages.

Mr. WEAVER. I did.

Mr. HAWLEY. He changed those two paragraphs, which transposition results in a gross injustice to me. I supposed he did it. I did not say so in my first remarks, but I supposed he changed the official report. I think official courtesy, if there was any doubt in his mind, should have led him to inquire whether I had approved the back pay as well as the denunciation of his soldier's bill. But he does not say that. He says I spoke of the introduction of the bill as an act of demagogy; no, not quite that, for there is a slight shade of difference. He has the entire right to introduce a bill of that sort. I do not question his legal right. I speak of the bill as demagogism, and if there was any discourtesy in that let us call it square, and then he had better change his reference to a distinguished member of the other branch of Congress whom he has no right to refer to in opprobrious terms, or in any way to discuss here what that gentleman said in the Senate. Under the rules of the House the thing should have been objected to at the time. But I have said enough to set the matter right before the House.

The SPEAKER. The Speaker was not in the Chair at the time this debate occurred. The gentleman from Connecticut is correct in saying that a member of this House has no right to speak of a member of the Senate in any other than respectful language.

Mr. HAWLEY. I have not quite done.

Mr. WEAVER. Very well.

Mr. MILLS. But supposing a Senator denounces him as a demagogue in the Senate?

The SPEAKER. Two wrongs do not make a right.

Mr. MILLS. But he should have a right to defend himself. If a man strikes another he has a right to strike back.

Mr. WEAVER. The gentleman will permit me to proceed.

The SPEAKER. The rules do not permit members to strike back in either House.

Mr. MILLS. But when one is struck in the other House I say he has a right to defend himself.

Mr. WEAVER. I alluded to nothing said in the Senate. I have not characterized anything any Senator said as such.

Mr. HAWLEY. I did not quite get through. I had a word more to say. There is one more error of the gentleman from Iowa which I will not stop to explain or correct. That was the remark about the character of the greenback party. That is a gross misrepresentation. I have answered my end in making it clear that I condemned in the severest language the bill offered by the gentleman from Iowa, and that I said nothing about the back pay, to which my opposition is very well known.

Mr. WEAVER. I have succeeded in making it clear that the gentleman confesses to having offered a personal discourtesy. I wish to say in reply to his animadversion, that I have not alluded to the remarks of a member of the Senate in his official capacity. I did no such thing. You will not find it in the report of my speech. I said "a distinguished citizen of Illinois, General JOHN A. LOGAN." I did not say where the speech was made.

The SPEAKER. But the gentleman referred to the CONGRESSIONAL RECORD, which states where the speech was made.

Mr. WEAVER. But it does not state he made the speech which was in the RECORD. [Laughter.] I will say this, Mr. Speaker, in reply to that, that no member of the Senate, if such a thing did take place, has a right to attack a member of the House in the indecent manner that a certain gentleman is reported to have done; but when they do it I will defend myself in some way.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. WILBER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State; and

Joint resolution (H. R. No. 145) authorizing certain printing for the land commission.

JAMES FLEMING.

Mr. DICK, by unanimous consent, introduced a bill (H. R. No. 3791) for the relief of James Fleming, a wounded soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

PRINTING BILLS AND OTHER DOCUMENTS.

Mr. MORSE, by unanimous consent, introduced a joint resolution (H. R. No. 179) to print additional copies of bills and other public documents; which was read a first and second time.

The joint resolution, which was read, provides that the Public Printer shall be directed to furnish to all applicants copies of bills, reports, and other public documents printed by order of Congress and distributed heretofore from the document-room of the Senate and House on said applicants paying the cost of such printing with 10 per cent. added.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF GENERAL ORD.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report of General E. O. C. Ord, under House resolution of June 25, 1879; which was referred to the Committee on Military Affairs.

CHANNEL OF SUSQUEHANNA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the channel of the Susquehanna River at Havre de Grace; which was referred to the Committee on Commerce.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILROAD.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 3792) for the relief of settlers on the line of the Saint Paul, Minneapolis and Manitoba Railroad in the State of Minnesota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

Mr. FERNANDO WOOD. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of J. Gift, for back pay for services in the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. ANDERSON: The petition of the Lincoln (Kansas) auxiliary of the N. W. S. A., for the amendment of Constitution of the United States, giving the right of suffrage to women—to the Committee on the Judiciary.

By Mr. BAYNE: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, urging the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, urging the importance of improving the Allegheny River, and calling attention to the Dubois adjustable dam—to the same committee.

By Mr. BEALE: The petition of Blanc Williams, for a pension—to the Committee on Invalid Pensions.

By Mr. BINGHAM: The petition of beneficiaries of the United States naval asylum at Philadelphia, Pennsylvania, for an allowance of an additional dollar per month—to the Committee on Naval Affairs.

By Mr. BRAGG: The petition of certain soldiers of Wisconsin, relative to a change in the pension laws in certain cases—to the Committee on Invalid Pensions.

By Mr. BRIGGS: The petition of Thomas C. Basshor & Co., for payment of a sum of money due them on a contract with the Navy Department—to the Committee on Appropriations.

By Mr. COLERICK: A paper relating to the claim of Albert G. Lewis, for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

Also, the petition of 36 citizens of Decatur, Indiana, that a pension be granted Allen O. Neff—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of Frank McGraw and 325 others, soldiers and sailors of Fall River, Massachusetts, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. CRAVENS: The petition of citizens of Arkansas, for an equal allowance of the $510,000 of unclaimed volunteer soldiers' bounty to the Wilberforce University, in Ohio—to the Committee on Education and Labor.

By Mr. DE LA MATYR: The petition of Alfred H. Love and 204 others, for the establishment of international arbitration—to the Committee on the Judiciary.

Also, the petition of Frederick Batt, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. DEUSTER: The petitions of Peter Johnston and other vessel-owners at Manitowoc, Wisconsin; of R. P. Fitzgerald & Co., D. Vance, and other vessel-owners, of Milwaukee, Wisconsin; and of James R. Slauson, of Racine, Wisconsin, Lewis Bleyer, G. D. Norris & Co., and other vessel-owners at Milwaukee, Wisconsin, against the erection of a bridge over the Detroit River—to the same committee.

By Mr. DIBRELL: The petition of 500 citizens living along the Tennesse River, for an immediate appropriation to continue the work on the Muscle Shoals—to the same committee.

By Mr. ERRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, for the passage of the Reagan interstate-commerce bill—to the same committee.

Also, resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring the improvement of the Allegheny River—to the same committee.

By Mr. EVINS: The petition of Thomas W. Lang, A. M. Kennedy, and 130 others, citizens of South Carolina, for an appropriation for the improvement of the Wateree River—to the same committee.

By Mr. FISHER: Two petitions from soldiers of the late war, of Fulton and Huntingdon Counties, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of soldiers of Meadow Gap, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. GODSHALK: The petition of soldiers and sailors of Montgomery County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. GUNTER: Papers relating to the Indian depredation claims of Durfree & Peck, of John Shirley, and of William Shirley—to the Committee on Indian Affairs.

By Mr. HUMPHREY: The petition of Freeborn McKay, H. S. Proctor, and others, of River Falls, Wisconsin, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of M. D. Proctor, Hugh Cameron, and others, of River Falls, Wisconsin, for relief from oppressions of transportation monopolies—to the Committee on Commerce.

By Mr. HUNTON: The petition of certain citizens of the United States, that the trustees of the Protestant Episcopal Theological Seminary be paid for the use of the seminary building by United States authorities—to the Committee on Education and Labor.

Also, the petition of the judges of the supreme court of the District of Columbia, for an increase of accommodations for their courts—to the Committee for the District of Columbia.

Also, a paper relating to the claim of F. M. Fletcher, for pay for services rendered as a gauger of the seventh district of Virginia—to the Committee of Claims.

By Mr. KITCHIN: The petitions of J. S. Long, J. W. Moore, and others, of Craven County; of J. Abbott, George W. Roberts, and others, of Carteret County; of W. D. Pruden, J. H. Burch, and others, of Chowan County; of William A. Blount, S. F. Burbank, of Beaufort County; of H. W. Wahab, L. L. Snells, and others, all citizens of North Carolina, for the improvement of Ocracoke Inlet, North Carolina—to the Committee on Commerce.

By Mr. LADD: The petition of Thomas J. Stewart and others, citizens of Maine, for the distribution of the Geneva award fund—to the Committee on the Judiciary.

By Mr. LORING: The petition of John Merryman, president of the American Agricultural Association, for an act of incorporation—to the Committee on Agriculture.

Also, the petition of Edward S. Moseley and others, of Newburyport, Massachusetts, for the payment of war claims out of the Geneva award—to the Committee on the Judiciary.

Also, papers relating to the application of George W. Putnam, for the renewal of a patent for purifying butter—to the Committee on Patents.

Also, papers relating to the application of John P. Reynolds for a patent for improvements in Army and Navy emblems—to the same committee.

By Mr. LOWE: The petition of 1,000 citizens of Alabama, Tennessee, and Georgia, for an immediate appropriation to continue work on the Muscle Shoals, in the Tennessee River—to the Committee on Commerce.

By Mr. McCOOK: The petition of General H. Day, for pay for baggage lost by reason of the wrecking of the steamer Winfield Scott—to the Committee on Military Affairs.

By Mr. McGOWAN: The petition of Jacob L. Pickell, for the equalization of bounties—to the same committee.

By Mr. McMAHON: The petition of J. A. McMahon, that a pension be granted W. H. Lynn—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Memorial of the Philadelphia (Pennsylvania) Board of Trade, that Congress take speedy action on the subject of the protection of trade-marks—to the Committee on the Judiciary.

By Mr. POEHLER: The petition of Jules Casson and 38 other honorably discharged soldiers of Wabasha, Minnesota, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of soldiers of Fulton, Iowa, of similar import—to the same committee.

By Mr. REAGAN: The petition of citizens of Waukegan, Illinois, remonstrating against the present survey and plan of a harbor of refuge at that city—to the Committee on Commerce.

By Mr. JOHN S. RICHARDSON: The petition of colored citizens of Georgetown County, South Carolina, for Congress to return the freedmen their savings deposited with the Freedman's Savings and Trust Company—to the Committee of Ways and Means.

By Mr. WILLIAM A. RUSSELL: The petition of Hannah Wilbur, Sarah F. Earle, Sarah E. Wall, T. K. Earle, T. M. Lamb, O. F. Harris, and others, citizens of Worcester, Massachusetts, for an amendment to the Constitution of the United States guaranteeing the right of suffrage to women—to the Committee on the Judiciary.

By Mr. SPEER: The petition of citizens of Dawson County, Georgia, for the establishment of a post-route from Flowery Branch to Barrettsville, via Brown's Bridge, Morgan's Store, Bell's Store, New Prospect, and Jay's Store—to the Committee on the Post-Office and Post-Roads.

By Mr. STARIN: The petition of A. H. De Graff and 39 other ex-soldiers, of Amsterdam, New York, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. STEPHENS: Papers relating to the claim of William H. De Groat for pay for brick furnished in building Washington Aqueduct—to the Committee of Claims.

By Mr. TAYLOR: The petition of Garrett L. Read, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of Jeremiah Buckner, for a pension—to the same committee.

By Mr. WEAVER: The petitions of E. Brett and 150 others; of R. Conn and 22 others; of J. M. Hawes and 11 others; of Barney Obson and 16 others; of Lovejoy Hunt and 26 others; of John T. Schumna and 28 others; of J. H. Trowbridge and 30 others; of D. W. Blake and 42 others; of Henry B. Reed and 56 others; of John C. Hawkins and 24 others; of William R. Sullivan, of Saint Joseph, and 26 others; of John J. Hewitt and 103 others; of Peter Robinson, of Rock Island, and 29 others; of M. T. Hauser and 19 others; of J. D. Rosekrans and 14 others, all citizens of Illinois, for the passage of the Weaver soldiers' bill—to the Committee on Military Affairs.

Also, the petitions of George W. Kemkel and 24 others, of Huntertown; of George Simmons and 131 others, of Bourbon; of James L. Dickey and 17 others, of Hausertown; of W. H. Zimmerman and 53 others, all citizens of Indiana; of L. L. Harrison, of Lee County, and 36 others; of W. C. Littlefield, of Eden, and 26 others; of L. A. Clark, of Lisbon, and 33 others; of Amasa Cherry, of Millersburgh, and 80 others; of L. W. Sands, of Ainsworth, and 69 others; of Elias Doty, of Linn County, Iowa, and 33 others; of George Stoneking, of Linn County, and 9 others; of Alto Nack, of Linn County, and 9 others; of R. F. Darr, of Linn County, and 37 others; of William Bollinger, of Muchachinock, and 25 others; of J. R. White, of Osceola, and 75 others; of W. C. Quigley, of Davis County, and 33 others; of L. A. Johnson, of Davis County, and 12 others; and of James Reagan, of Davis County, and 37 others, citizens of Iowa, of similar import—to the same committee.

Also, the petitions of John Holmes and 12 others, of Scranton, and of Carl Zwiker, of Williamstown, citizens of Kansas; of James F. Watson and 103 others, of Berrien; of W. C. Farnum, of Hinsdale, and 20 others; of Luther B. Walcott, of Hillsdale, and 18 others; of W. P. Dyer, of Antrim city, and 8 others; of Daniel Flanigan and 7 others, of Atwood, citizens of Michigan; of Sam Thompson and others, citizens of Estina, Nebraska; of H. Gardner and 16 others, of Edwards; of William Reycraft and 17 others, of King's Ferry; of Arthur Bunk and 41 others, of North Walcott; of William H. Raynor and 39 others, of Hempstead, citizens of New York, of similar import—to the same committee.

Also, the petition of Joseph P. Weir and 40 others, of Alliance; of John C. Griffith and 46 others, of Alliance; of L. M. Richardson and 63 others; of J. W. Hinners and 42 others, of Kelloggsville; of H. E. Bowman and 16 others, of Arcadia, and of James Frazier and 9 others, of Marietta, citizens of Ohio; of D. Baughman and 22 others, of Barnhart's Mills; of G. W. Kinnear and 75 others, of Warren, and of Frank Tabor and 60 others, of Allegheny, citizens of Pennsylvania; of William H. Roberts and 42 others, of Mooresville; of J. W. Wingfield and 51 others, of Graham's Mines, and of Joseph Myers and 48 others, of Big Buffalo, citizens of West Virginia; of Jesse Birmingham and others, of Pensaukee, and of William H. Gelts and 71 others, of Centralia, citizens of Wisconsin, of similar import—to the same committee.

By Mr. WRIGHT: The petition of Lemuel Fisher and 215 others, citizens of the United States and residents of the State of New Jersey, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead bill—to the Committee on Public Lands.

IN SENATE.

MONDAY, *January* 26, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from Lieutenant-Colonel C. H. Tompkins, chief quartermaster Department of Dakota, recommending an additional appropriation of $100,000 for the construction of buildings for the use of the headquarters of the Department of Dakota on the Fort Snelling military reservation; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, recommending that the papers from his Department concerning the payment of the first installment of compensation to James B. Eads for maintenance of the channel at the South Pass, Mississippi River, sent to the Senate on the 21st instant, be attached to the papers touching the same matter which were transmitted to the Senate on the 16th instant; which was referred to the Committee on Transportation Routes to the Seaboard.

He also laid before the Senate a communication from the Secretary of War, transmitting, in obedience to law, statements showing the contracts made by the several bureaus of the War Department on behalf of the United States during the year 1879; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General and accompanying report of the agent of the Quartermaster's Department sent to Sandusky, Ohio, to ascertain what was necessary for the care and protection of the cemetery of the prison camp at Johnson's Island, near that place, as required by the act of Congress of June 20, 1878; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, stating, in answer to a resolution of the Senate of the 20th instant, that in his judgment the interests of the country and the naval service do require that the Pensacola navy-yard shall be put in a state of efficiency, and recommending an appropriation of $590,192 for the purpose; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, recommending the removal of the restrictions upon books ordered to be bound for the library of the Navy Department imposed by the act approved June 30, 1878; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, in further compliance with a resolution of the Senate of the 20th instant, giving the estimated sum of money necessary to restore the Pensacola navy-yard to its former condition, and recommending the appropriation of an additional amount of $86,709 to rebuild the marine barracks which were destroyed during the late war; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry;

A bill (H. R. No. 325) for the erection of a public building at Danville, Virginia;

A bill (H. R. No. 393) authorizing the Treasurer of the United States to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877;

A bill (H. R. No. 710) to refund to Jackson Grubb or his legal representative internal-revenue tax wrongfully collected;

A bill (H. R. No. 740) granting a pension to Martha J. Robinson;

A bill (H. R. No. 1128) for the relief of James M. Ruby;

A bill (H. R. No. 1597) granting a pension to Patsy Davenport;

A bill (H. R. No. 1800) for the relief of Joseph B. Campbell, captain in the Fourth Artillery, United States Army;

A bill (H. R. No. 2188) for the relief of Thomas Kearney;

A bill (H. R. No. 2359) for the relief of William D. Oyler;

A bill (H. R. No. 2567) for the relief of E. K. Snead, deceased, and his sureties, for the loss of certain books of special stamps and coupons;

A bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot;

A bill (H. R. No. 2804) for the relief of the administrator of John D. McGill;

A bill (H. R. No. 2853) granting a pension to Elizabeth Aults;

A bill (H. R. No. 2855) granting a pension to Rachael J. Reber;

A bill (H. R. No. 3033) for the relief of Mrs. A. P. Bell, of Bertie County, North Carolina;

A bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio;

A bill (H. R. No. 3783) to remove the charge of desertion from the military record of Jerry Foley;

A joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a store-house and depot building at the city of Omaha, in the State of Nebraska;

A joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in memorial hall of the national Lincoln monument at Springfield, Illinois; and

A joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and other public documents.

The message also announced that the House had passed the concurrent resolution of the Senate providing that whenever the Public Printer shall have received a sufficient number of orders for copies of the Narrative of the Polaris Expedition, accompanied by the cost price thereof, with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published, &c.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. G. L. CONVERSE of Ohio, Mr. D. B. CULBERSON of Texas, and Mr. BENJAMIN BUTTERWORTH of Ohio, managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the Public Printer to print 2,500 copies of the report of the health officer of the District of Columbia; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia;

A bill (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State; and

A joint resolution (H. R. No. 145) authorizing certain printing for the land commission.

PETITIONS AND MEMORIALS.

Mr. CONKLING. Mr. President, I present a concurrent resolution of the Legislature of the State of New York, against the bridging of the Detroit River. In accordance with what I believe is the custom of the Senate, I ask that the resolution be read.

The resolution was read, and referred to the Committee on Commerce, as follows:

STATE OF NEW YORK, ASSEMBLY CHAMBER,
Albany, January 20, 1880.

Whereas there is a proposition pending before a committee of Congress to erect a swing-bridge across Detroit River; and

Whereas such a structure must of necessity seriously impede the navigation of the lakes, and materially interfere with the commerce of the same; and

Whereas the water-route from Chicago to New York confessedly fixes railroad rates of the country; and

Whereas it is of vital importance that the water-route be preserved free and unobstructed: Therefore,

Resolved, (*if the senate concur*,) That it is the sense of the Legislature of the State of New York that the erection of such proposed structure would impede the navigation of the lakes, be prejudicial to the commerce of the country, and is therefore inexpedient and unwise.

By order of the assembly.

EDWARD M. JOHNSON, *Clerk.*

IN SENATE, *January* 22, 1880.

Concurred in without amendment.

JOHN W. VROOMAN, *Clerk.*

Mr. CONKLING presented the memorial of the Chamber of Commerce of the State of New York, in favor of the passage of the bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws; which was referred to the Committee on Finance.

Mr. CONKLING. I present also a similar memorial signed by George Howes & Co. and others, leading ship-owners and business men of the city of San Francisco, California. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING presented a petition of Delphine P. Baker, of Washington, District of Columbia, praying that she be allowed the proceeds of sales by the Quartermaster's Department of buildings located at Point Lookout and appropriated as a national asylum for disabled soldiers; which was referred to the Committee on Claims.

He also presented the memorial of A. C. Parkhurst and others, and the memorial of M. B. Robbins and others, citizens of New York and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

He also presented a resolution adopted by the American Dairymen's Association of Syracuse, New York, calling attention to the prevalence of the cattle lung plague in this country through the importation of foreign cattle, and suggesting that measures be taken to prevent its extension; which was referred to the Committee on Agriculture.

Mr. CONKLING. I present five petitions signed by citizens of the State of New York, who were soldiers in the late war, praying the passage of a bill for equalizing bounties. I move their reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING. I present also the petition of Mrs. Myra Clark Gaines, described as a citizen of the State of New York, praying the conveyance to her by the Government of certain real estate. A proposed bill accompanies this petition, and I ask that it go with the petition to the proper committee, which I take to be the Committee on Private Land Claims.

The VICE-PRESIDENT. The petition and accompanying papers will be referred to the Committee on Private Land Claims.

Mr. HAMLIN. I present the petition of Reed, Walt & Co. and others, citizens of Waldoborough, in the State of Maine, who represent that they suffered damage by the action of the so-called confederate cruisers, and they pray that such legislation may be adopted at this session in relation to the Geneva award fund as shall bring relief to them. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR. I have a like petition from C. E. Wood, Joseph Nickerson & Co., Silsbee & Pickman, and others, well-known merchants, business men, and ship-owners in Massachusetts, who represent that they have claims against the balance of the Geneva award fund, and beg that Congress will take immediate action, with a view to enacting a law during the present session for the distribution of the money. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN. I present a concurrent resolution of the Legislature of New York against the construction of a swing-bridge across the Detroit River. It is the same presented by my colleague. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. KERNAN presented the petition of C. T. Shields and other citizens of New York, late soldiers in the Union Army, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the memorial of Rollin Jenkins and other citizens of New York, and honorably discharged soldiers of the Union Army, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petition of Mrs. Brittannia W. Kennon, widow of Commodore Beverly Kennon, late of the United States Navy, praying an increase of pension; which was referred to the Committee on Pensions,

Mr. EATON presented the petition of William S. Carr, of New York City, praying for the passage of an act authorizing the Commissioner of Patents to extend for seven years his patent for an improvement in water-closets; which was referred to the Committee on Patents.

Mr. HARRIS presented the petition of D. K. Cartter, chief-justice, and the associate justices of the supreme court of the District of Columbia, praying that sufficient and suitable court-rooms be provided for the courts of the District; which was referred to the Committee on the District of Columbia.

Mr. PENDLETON presented the petition of Samuel C. Derby, president of Antioch College, Ohio, and other professors thereof, and 81 citizens of the State of Ohio, praying for the passage of the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories, and that Wilberforce University, at Xenia, Ohio, may be included in the distribution of the said funds; which was referred to the Committee on Education and Labor.

Mr. BECK presented the memorial of James S. Morrow, G. P. Stone, and others, citizens of Monroe County, Kentucky, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. CAMERON, of Pennsylvania, presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of an appropriation for the improvement of the Allegheny River from Pittsburgh to Olean; which was referred to the Committee on Commerce.

He also presented a resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the speedy passage of what is known as the Reagan interstate-commerce bill; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented a resolution of the Legislature of Wisconsin, against the construction of a swing-bridge across the Detroit River; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. VEST presented a resolution of the Chamber of Commerce of Saint Louis, Missouri, indorsing the memorial of the river improvement convention held at Quincy, Illinois, October 15, 1879, looking to the improvement of the Mississippi River; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented a resolution of the Chamber of Commerce of Saint Louis, Missouri, in favor of the passage of a law authorizing the Postmaster-General to contract with a line of steamships for the carrying of the United States mails from New Orleans to Rio de Janeiro and other ports in Brazil, and to such ports in the West Indies and Central America as may be advisable; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented the petition of Ailsey E. Murphy, a citizen of Kansas, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a resolution of the Chamber of Commerce of Saint Louis, Missouri, indorsing a memorial adopted by the river improvement convention held at Quincy, Illinois, October 15, 1879, looking to the improvement of the Mississippi River; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

He also presented a resolution of the Chamber of Commerce of Saint Louis, Missouri, in favor of the passage of a law by Congress authorizing the Postmaster-General to contract with a line of steamships for the carrying of the United States mails from the port of New Orleans to the port of Rio de Janeiro and other ports in Brazil, and to such ports in the West Indies and in Central America as may be deemed advisable; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BALDWIN presented the petition of Lewis Walsar and others, citizens of Michigan, and the petition of Hiram S. Williams and others, citizens of Michigan, praying for the passage of a bill for the equalization of bounties; which were referred to the Committee on Military Affairs.

Mr. SLATER presented the petition of E. Bender and 470 others, residents of the valley of the Coquille River, Oregon, praying Congress to make an appropriation for the improvement of the mouth of that river; which was referred to the Committee on Commerce.

Mr. DAVIS, of West Virginia, presented the memorial of Adolph Osmer and others, citizens of Wayne Court House, West Virginia, in favor of the continuance of the coinage of silver and the legal-tender quality of greenbacks; which was referred to the Committee on Finance.

Mr. WALLACE presented a resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the improvement of the Allegheny River; which was referred to the Committee on Commerce.

He also presented the memorial of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the passage of a law regulating interstate commerce; which was referred to the Committee on Commerce.

He also presented the petition of William P. Dolan and others, survivors of Admiral Farragut's Mississippi River fleet, praying for an appropriation by Congress to pay prize-money to them in accordance with the decree of the United States district court for the District of Columbia; which was referred to the Committee on Appropriations.

He also presented the memorial of the Board of Trade of Philadelphia, in favor of the passage of a law protecting trade-marks; which was referred to the Committee on Patents.

Mr. JOHNSTON. I present the petition of Nannie Lonsdale and others, of Montgomery County, Virginia, praying compensation for property destroyed by United States troops during the late war. I desire to state in regard to this petition that it was once before presented, and an adverse report was made upon it for the want of evidence. The petitioners propose now to renew the claim and to file new evidence in the case. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. ALLISON presented the petition of Sichels & Preston and others, citizens of Davenport, Iowa, praying for the passage of an act for the reduction of the duty on zinc; which was referred to the Committee on Finance.

Mr. WHYTE presented the petition of Anne R. Voorhees, widow of Philip R. Voorhees, late a captain in the United States Navy, praying for the passage of a bill granting her a pension; which was referred to the Committee on Pensions.

Mr. McMILLAN presented a memorial of the Chamber of Commerce of Saint Paul, Minnesota, in favor of an appropriation by Congress for the removal of sand-bars in the Mississippi River at that city; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Saint Paul, Minnesota, in favor of an appropriation by Congress for the removal of obstructions in the Mississippi River between Lake Pepin and the Falls of Saint Anthony; which was referred to the Committee on Commerce.

Mr. CARPENTER presented the petition of Helen F. Manville, of Milwaukee, Wisconsin, praying for the extension of a patent formerly granted to her late husband, Robert H. Mathies; which, with the papers on the files of the Senate, was referred to the Committee on Patents.

He also presented the petition of Robert Strachan, of Washington City, District of Columbia, praying to be allowed compensation for damage sustained by him in consequence of the grading of the street in front of his lot in that city; which was referred to the Committee on the District of Columbia.

He also presented the petition of George W. Allen and others, citizens of Milwaukee, Wisconsin, praying a suspension of the coinage of silver dollars until the silver and gold dollar shall have the same value; which was referred to the Committee on Finance.

He also presented the petition of Alexander Mitchell and others, citizens of Milwaukee, Wisconsin, praying for the abolition of the legal-tender quality of greenbacks; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of Charles J. Brockway, of Newburyport, Massachusetts, surviving executor of the last will and testament of the late William Bartlett, praying compensation for losses sustained by the deceased by certain acts of the French government prior to the year 1801; which was referred to the Committee on Claims.

NOTICES OF BUSINESS.

Mr. McDONALD. I desire to give notice that to-morrow at the close of the morning hour I shall move to postpone the pending and all prior orders for the purpose of asking the immediate consideration by the Senate of Senate bill No. 19, which has been favorably reported from the Committee on Public Lands with a written report.

Mr. HAMLIN. What is the bill?

Mr. McDONALD. It is a bill to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

Mr. COCKRELL. Has the report in that case been printed?

Mr. McDONALD. Yes, sir. I will change the notice to Wednesday, as I understand the Senator from Delaware [Mr. BAYARD] desires to occupy the floor to-morrow.

Mr. FERRY. I wish to call the attention of the Senator from Indiana to the fact that Wednesday has been informally set apart for the delivery of eulogies upon my late colleague, and I intended this morning, when we reached the call for resolutions, to formally ask that the day be set apart for that purpose.

Mr. McDONALD. I will name Thursday, and give the notice for that day. I certainly would not interfere with the purpose of the Senator from Michigan.

Mr. FERRY. I now ask that Wednesday, immediately after the Journal is read, be set apart for the delivery of eulogies on the life and character of my late colleague, ZACHARIAH CHANDLER.

Mr. EDMUNDS. It is enough to give notice that you will at that time proceed to make the announcement.

Mr. FERRY. I give notice, then, that when that time arrives I shall ask the Senate to consider resolutions which will be offered on that subject.

Mr. McDONALD. And the notice I gave will be entered for Thursday.

The VICE-PRESIDENT. The notice will be entered for Thursday.

LINCOLN MEMORIAL PAPERS.

Mr. DAVIS, of Illinois. A joint resolution from the House has just been received which transmits to Springfield, Illinois, to be placed in the memorial hall of the Lincoln monument, certain mementoes and books relating to Mr. Lincoln. I ask for its consideration at the present time.

The VICE-PRESIDENT. The Chair will lay before the Senate a joint resolution received from the House of Representatives. It will be reported.

The joint resolution (H. R. No. 178) authorizing certain books and mementoes in the possession of the Government to be placed in the memorial hall of the national Lincoln monument at Springfield, Illinois, was read the first time at length.

Mr. EDMUNDS. The joint resolution has just come over from the House, I understand.

The VICE-PRESIDENT. It came over this morning.

Mr. EDMUNDS. I think it ought to be referred. I am in favor of it, but perhaps it needs some change in phraseology.

Mr. DAVIS, of Illinois. It goes to the Library Committee, I suppose.

Mr. EDMUNDS. We shall have it immediately attended to. I think it is a thing that ought to be done, but the joint resolution ought to be referred in the ordinary way.

The joint resolution was read the second time by its title, and referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred a memorial of the Legislature of the State of Missouri, asking Congress to repeal the existing laws providing for the removal of causes from the courts of the several States into the courts of the United States, and to limit the jurisdiction of courts of the United States exclusively to cases arising under the Constitution and laws of the United States in respect of their subject-matter, to report to the Senate that we have had the memorial under consideration, and are of opinion that the legislation asked for ought not to be granted. I therefore move that the committee be discharged from the further consideration of the memorial.

The motion was agreed to.

Mr. MORRILL, from the Committee on Education and Labor, to whom was referred the bill (S. No. 1094) to incorporate the National Education Association, reported it without amendment.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (S. No. 527) to provide that all persons sentenced to imprisonment by the United States courts shall be confined in the prisons of the States where they were tried and convicted, have instructed me to report it adversely, with a written report. I ask that the bill be placed upon the Calendar, inasmuch as the Senator from North Carolina, [Mr. VANCE,] who introduced it, is not in his seat this morning.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee, which will be printed.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1136) to provide for the sale of a portion of the reservation of the Omaha tribe of Indians; which was read twice by its title.

Mr. INGALLS. From the Committee on the District of Columbia I report back adversely the bill (S. No. 518) to incorporate the National Electric Light Company of the District of Columbia, and move its indefinite postponement, as the parties have a right to incorporate under the general laws of the District of Columbia.

The motion was agreed to.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 360) repealing the charter of the National Capitol Insurance Company, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes, reported it with amendments.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the petition of Sallie Yerger, Maggie J. Miller, and others, praying that their claim for payment for property taken by the Government be referred to the Court of Claims, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. McDONALD. The Committee on the Judiciary have also had under consideration other petitions, and have directed me to make an adverse report, which I send to the desk to be read.

The report was read, and agreed to, as follows:

The Committee on the Judiciary, to whom were referred the following petitions:

The petition of Miss Virginia Taylor, executrix of Joseph Taylor, deceased, praying that her claim against the Government for captured property be referred to the Court of Claims;

Petition of Alex. Donnon, administrator of David Dunlop, deceased, praying compensation for certain tobacco alleged to have been captured by the United States military forces during the late war;

Petition of David B. Tennant, praying compensation for certain manufactured tobacco alleged to have been captured by United States military forces during the late war; and

Petition of Watson McGill & Co., praying compensation for captured manufactured tobacco;

report that in the opinion of this committee the prayer of the petitioners ought not to be granted.

Your committee report adversely to the petitioners, and ask that the consideration of the same be indefinitely postponed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the petition of Absalom Kirby, passed assistant engineer, United States Navy, praying to be restored to his former rank and position on the active list of the Navy, reported a joint resolution (S. R. No. 68) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy; which was read twice by its title.

Mr. GORDON, from the Committee on Commerce, to whom were referred resolutions of the Merchants' Exchange of the City of Saint Louis, Missouri, in favor of commercial treaty between the United States and France, asked to be discharged from their further consideration, and that they be referred to the Committee on Foreign Relations; which was agreed to.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 33) to ascertain the amount of the claim of Joseph R. Shannon, of Louisiana, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. CARPENTER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1121) in relation to jury trials in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1122) for the relief of Lucy Thompson, administratrix of Linus Thompson, deceased; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1123) to amend section 1113 of the Revised Statutes of the United States, relative to post-traders at the military posts of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1124) for the relief of the heirs of Major D. C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1125) to provide for building a market-house on square 446 in the city of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1126) for the relief of Lewis Jones, of Baltimore; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1127) for the relief of J. W. Burbridge & Co. and Robert H. Montgomery; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1128) for the relief of widows and orphans of Osage Indians killed near Medicine Lodge, Kansas, out of a fund heretofore appropriated to reimburse said Indians for losses of property; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1129) for the relief of the American Grocer Association of the city of New York; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1130) for the relief of David Wingate, of Rechester, New Hampshire; which was read the first time by its title.

Mr. ROLLINS. As the bill is very short, I desire to have it read at length and printed in the RECORD.

The bill was read the second time at length, and referred to the Committee on Naval Affairs, as follows:

Be it enacted, &c., That David Wingate, of Rochester, New Hampshire, an American seaman who was impressed from an American vessel in the harbor of Falmouth, England, on the —— day of ——, 1811, placed on board the British ship Gorgon, where he served until the 1st day of November, 1812, when, because he would not serve against his country in war, he was discharged to the list of prisoners and placed in the Dartmoor prison, where he remained until the close of the war and was then discharged without compensation by either his own or the British government, be paid, out of any moneys in the Treasury not otherwise appropriated, the sum of $25 per month from the time of his impressment to the declaration of peace between the United States and Great Britain, and for six months thereafter, to enable him to reach his home.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1131) for the relief of W. H. Slack, of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1132) for the relief of J. L. Allard and William Crozier, of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1133) granting a pension to Michael Hayne; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1134) to repay to the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians from 1795 to 1818, and not heretofore repaid; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1135) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1137) for the relief of George T. Marshall; which was read twice by its title, and referred to the Committee on Finance.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1138) to regulate the recovery of costs in suits for the infringement of patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 69) to authorize the Secretary of the Interior to pay taxes accrued, and hereafter to accrue, on lands belonging to the eastern band of North Carolina Cherokees from the fund belonging to said band remaining to its credit on the books of the Treasury Department; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GARLAND, it was

Ordered, That the papers in the claim of Winfred N. Swayne and Philip K. Howard be taken from the files and referred to the Committee on Claims.

On motion of Mr. WITHERS, it was

Ordered, That the papers in the claim of the Protestant Episcopal Theological Seminary, Alexandria, Virginia, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. SLATER, it was

Ordered, That all papers relating to wreck of the Government transport bark Torrent and losses sustained by reason thereof be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. ALLISON, it was

Ordered, That the papers in the case of Durfee & Peck be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs.

Ordered, That the papers in the case of E. H. Durfee & Co. be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs.

On motion of Mr. WALLACE, it was

Ordered, That the papers of Bernard Reilly, jr., be taken from the files of the Senate and referred to the Committee on Military Affairs.

DISTRICT HEALTH ORDINANCES.

Mr. HARRIS. At the request of the health officer of the District of Columbia I offer a concurrent resolution.

The resolution was read, and referred to the Committee on the District of Columbia, as follows:

Resolved by the Senate of the United States of America, (the House of Representatives concurring,) That the health ordinances for the District of Columbia, as revised, amended, and adopted by the late board of health of said District, November 19, 1875, together with the regulations governing vital statistics, sale of unwholesome food, inspection of marine products, inspection of streets, and prevention of the spread of infectious and contagious diseases, passed by said board, be, and the same are hereby, legalized.

PATRICK SULLIVAN.

Mr. CAMERON, of Pennsylvania. I ask the unanimous consent of the Senate to take into consideration the bill (S. No. 426) for the relief of Patrick Sullivan.

The bill was read.

The VICE-PRESIDENT. This bill is favorably reported from the Committee on Military Affairs.

Mr. COCKRELL. I thought it was the understanding when this bill was reported that additional information should be obtained. Unless that information has been obtained, I shall certainly object to its consideration.

Mr. CAMERON, of Pennsylvania. What is the information desired?

Mr. COCKRELL. Information as to whether the State had paid this man or not. This claim is for recruiting expenses supposed to have been incurred in 1861 and 1862, and for which remuneration has been made to the respective States. Now the claimant comes here without any evidence to show that the State has not paid him, and we have no evidence before us that the State has not been paid.

Mr. CAMERON, of Pennsylvania. The evidence was given before the Committee on Military Affairs nearly two years ago, and the report was made by the Senator from New Jersey, [Mr. RANDOLPH.] The claim was again referred to the committee at the last session and examined by myself. I believe the claimant is entitled to all that he asks.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object to its present consideration.

The VICE-PRESIDENT. Objection being made, the bill goes over, as the morning hour has not yet expired.

DONATION OF CONDEMNED CANNON.

Mr. CAMERON, of Pennsylvania. I ask the unanimous consent of the Senate to proceed to the consideration of Senate bill No. 559.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 559) donating condemned cannon and cannon-balls or field-pieces to William L. Curry Post, No. 18, Grand Army of the Republic, for their place of burial.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. F. CLARK.

Mr. HOAR. I ask the Senate to take up the bill (S. No. 76) for the relief of M. F. Clark.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to M. F. Clark $510, being the value of three horses and one mule purchased of him by Lieutenant E. D. Hillyer, acting assistant quartermaster, and Captain E. J. Barnes, assistant quartermaster, in 1864, and paid for to other parties, upon vouchers fraudulently obtained and receipts the signatures to which were forged.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURTS IN OHIO.

Mr. THURMAN. I ask that the action of the House of Representatives on the amendments of the Senate to House bill No. 582 be laid before the Senate, with a view to a conference.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. THURMAN. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was ordered to appoint the conferees on the part of the Senate, and Messrs. THURMAN, GARLAND, and CARPENTER were appointed.

GIBBES & CO.

Mr. TELLER. I ask the Senate to consider at this time the bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Messrs. Gibbes & Co., of Charleston, South Carolina, $4,576.92, being a balance due them on account of money deposited by them with the Secretary of the Treasury.

Mr. DAVIS, of West Virginia. Is there a report accompanying the bill? This seems to me to be something unusual in the way of a bill, and I should like to hear the facts about it.

Mr. TELLER. There is a report which can be read. The bill comes from the Committee on Claims and is unanimously recommended by that committee.

Mr. DAVIS, of West Virginia. I should like to hear an explanation from the Senator, if the report is not read.

Mr. TELLER. I will simply say that the report shows, and the evidence shows, that this money belonging to this firm, owing to a dispute between the firm and another, was retained for several years, and the Secretary of the Treasury says there is no reason why it should not be paid. The committee unanimously recommend its payment. If the Senator wants the report read, that will be the shortest way.

Mr. DAVIS, of West Virginia. I understand the Senator to say that there is something from the Secretary of the Treasury. Perhaps the reading of that will explain the bill.

Mr. TELLER. The quickest way is to read the report.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. TELLER January 14:

The Committee on Claims, to whom was referred the bill (S. No. 185) for the relief of Gibbes & Co., having carefully examined the facts, and finding the report adopted by the committee at the first session of the Forty-fourth Congress and second session of the Forty-fifth Congress fully sustained, adopt the same, as follows:

"The facts in relation to this claim, furnished, at the request of your committee, in a letter from the Secretary of the Treasury, dated July 10, 1876, are as follows:

"Late in the year 1865 certain cottons in Augusta, Georgia, were seized or detained by Treasury agents as confederate or blockade cottons. They were claimed by Gibbes & Co., of Charleston, as being in part their property and in part the property of certain English firms, of whom they were the agents. Upon evidence produced by the claimants, the Secretary of the Treasury, on the 27th of February, 1866, directed that the cottons be restored to them upon their payment to the United States of all costs, charges, and expenses paid or incurred by Treasury agents in connection with the cottons restored.

"The amount so paid as charges was principally due to Savary & Co., who were engaged in putting in order Government cottons and in transporting and shipping the same. The amount of their bill for expenses, &c., on the Gibbes & Co. cotton, $44,217.48, was deposited by Gibbes & Co., and went into the hands of the United States Treasurer. Afterward it was ascertained by Gibbes & Co. that there had been delivered to them by mistake one hundred and sixty bales of cotton which did not belong to them, and which they accordingly returned. In the bill rendered by Savary & Co. there was charged the sum of $7,733.04 as expended by them on this lot of one hundred and sixty bales. This sum Gibbes & Co. claimed should be returned to them by the United States. To this demand Savary & Co. interposed a further bill of expenses, not included in their first bill, which they claimed they had incurred on the Gibbes & Co. cottons. This second bill amounted to $4,576.92. Gibbes & Co. allege that the charges made by Savary & Co. were generally excessive, but consented to receive at that time from the United States the difference between their bill of $7,733.04 and the bill of Savary & Co., $4,576.92, namely, $3,156.12. Afterward Savary & Co. applied to the Secretary of the Treasury for payment of their bill of $4,576.92. Upon a close examination of all their accounts, it was found that their charges which had been paid to them in connection with Government cottons and cottons seized, but released by the Secretary, were excessive to an amount greater than their claim of $4,576.92 against the United States. The payment of this claim was therefore refused.

"The balance (namely, $4,576.92) of the bill of $7,733.04 paid by Gibbes & Co., as expenses on cotton returned to the United States, has never been paid to them. Justice would seem to require the payment of this balance.

"In answer to inquiries made by your committee of the Secretary of the Treasury as to whether this claim, if properly presented, would not have been cognizable by the Department without the intervention of Congress, the Secretary, under date of July 13, 1876, replies that prior to the 30th day of March, 1868, the question to whom the sum of money now claimed by Gibbes & Co. was due, whether to them or to Savary & Co., had not been decided. On that day was passed the joint resolution of Congress requiring all moneys derived from captured and abandoned property to be covered into the Treasury. The money in question was included in that fund, and was accordingly covered into the Treasury. Since that time no appropriation has been made by Congress out of which the claim of Gibbes & Co. could properly have been paid."

A bill for the relief of Gibbes & Co. passed the Senate April 25, 1878, but failed to pass the House of Representatives.

Claimants are clearly entitled to the relief asked, and we therefore report back the bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL GRANERY AND OTHERS.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange, reported favorably from the Committee on Claims in the Forty-fourth Congress and passed the Senate, also in the Forty-fifth Congress and passed the Senate. It was reported favorably in the House of Representatives in each case, but did not pass both Houses for want of time; and it is again reported favorably.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Michael Granery, Nicholas Wax, and Moliere Lange each the sum of $500, in refundment of so much money exacted from them as joint obligors on a bond taken by Colonel D. A. Pardee, provost-marshal of the district of Baton Rouge, Louisiana, in 1863, for the appearance of one B. F. Rhodes, the payment of which was improperly and illegally enforced by the marshal.

The bill was reported from the Committee on Claims, with an amendment, to add:

"In full payment and satisfaction therefor."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUPPLEMENT TO REVISED STATUTES.

Mr. WALLACE. I move that the Senate proceed to the consideration of the amendments of the House of Representatives to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, reported from the Committee on the Revision of the Laws with amendments.

The VICE-PRESIDENT. The joint resolution comes up now, after the morning hour, as a matter of right.

The Senate proceeded to consider the amendments of the House of Representatives, which were as follows:

In line 8, after the word "offices," to insert:

"And index and plates and all right and title therein and thereto shall be in and fully belong to the Government for its exclusive use and benefit."

In line 12, before "copies," to strike out "six thousand one hundred and seven" and insert "six thousand three hundred and fifty-seven."

In line 17, after "1878," to insert:

"And joint resolution passed December 21, 1878."

In line 24, after "supplement," to strike out the words:

"There shall be paid to said editor such compensation, per copy, as shall be fixed by the Secretary of State, not exceeding fifty cents for each copy printed from the stereotype plates thereof, to be included in the sale price of copies kept for sale."

And in lieu thereof to insert:

"Including indexing and all clerical work necessary to fully complete said work, there shall be paid to said editor the sum of $3,500."

And to strike out lines 31, 32, and 33, in the following words:

"And that to carry into effect the foregoing provisions sufficient money is hereby appropriated from any money in the Treasury not otherwise appropriated."

And in lieu thereof to insert:

"The publication herein authorized shall be taken to be *prima facie* evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein; but shall not preclude reference to, nor control, in case of any discrepancy, the effect of, any original act as passed by Congress since the 1st day of December, 1873: *Provided*, That nothing herein contained shall be construed to change or alter any existing law."

So as to make the joint resolution read:

"That the supplement to the Revised Statutes, embracing the statutes general and permanent in their nature passed after the Revised Statutes, with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index, prepared by William A. Richardson, be stereotyped at the Government Printing Office; and index and plates and all right and title therein and thereto shall be in and fully belong to the Government for its exclusive use and benefit.

"That 6,357 copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes by the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States," passed May 22, 1878, and joint resolution passed December 21, 1878, and such additional copies, on the order of the Secretary of State, as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created. That for preparing and editing said supplement, including indexing and all clerical work necessary to fully complete said work, there shall be paid to said editor the sum of $3,500.

"The publication herein authorized shall be taken to be *prima facie* evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein; but shall not preclude reference to, nor control, in case of any discrepancy, the effect of, any original act as passed by Congress since the 1st day of December, 1873: *Provided*, That nothing herein contained shall be construed to change or alter any existing law."

The VICE-PRESIDENT. To these amendments made by the House of Representatives to the joint resolution the Committee on the Revision of the Laws propose certain amendments, which will be reported in their order.

The CHIEF CLERK. In line 9, it is proposed to insert "the" before the word "index," and after the word "plates" to insert "thereof;" so as to read:

And the index and plates thereof and all right and title, &c.

The amendment to the amendments was agreed to.

The CHIEF CLERK. In line 29, after the word "work," it is proposed to insert "including the legislation of the first and second sessions of the Forty-sixth Congress;" in line 32 to strike out "thirty-five hundred" and insert "five thousand," before the word "dollars," and after the word "dollars" to add:

And each Senator and Member of the present Congress who would not receive copies under said joint resolutions shall receive the same number of copies as other Senators or Members receive under the same.

So as to read:

That for preparing and editing said supplement, including indexing and all clerical work necessary to fully complete said work, including the legislation of the first and second sessions of the Forty-sixth Congress, there shall be paid to said editor the sum of $5,000; and each Senator and Member of the present Congress who would not receive copies under said joint resolutions shall receive the same number of copies as other Senators or Members receive under the same.

Mr. WALLACE. I move to strike out the words "of the first and second sessions," so as to read:

Including the legislation of the Forty-sixth Congress.

The amendment to the committee's amendment to the House amendments was agreed to.

The committee's amendment, as amended, was agreed to.

Mr. WALLACE. In the House amendment, in line 45, after the word "Congress," I move to strike out the words "since the 1st day of December, 1873," so as to make the clause a general one.

The amendment to the House amendments was agreed to.

The amendments of the House of Representatives, as amended, were concurred in.

UNITED STATES NOTES AS A LEGAL TENDER.

Mr. BAYARD. I shall ask the consent of the Senate to take up tomorrow at the close of the morning hour, Senate joint resolution No. 49, reported from the Committee on Finance adversely, to withdraw the legal-tender power from Treasury notes, so that on that occasion I may be permitted to submit some remarks in favor of the passage of the joint resolution.

The VICE-PRESIDENT. To which the Chair hears no objection; and that will be the order.

NAVAL OBSERVATORY SITE.

Mr. WHYTE. I ask the Senate to proceed to the consideration of the bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEALING FROM INDIANS.

Mr. CARPENTER. I ask the Senate to proceed to the consideration of Senate bill No. 150, reported from the Committee on the Judiciary.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 150) to provide for punishing persons who steal horses, mules, and other property from the Indians.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment reported by the committee was in section 1, line 3, after the word "steal," to insert the word "or;" in the same line, after the word "embezzle," to strike out the words "purloin, or wrongfully take away;" in line 10, after the word "stolen," to strike out "or;" and in line 11, after the word "embezzled," to strike out "purloined, or wrongfully taken away;" so as to make the section read:

That any person not an Indian who shall steal or embezzle any horse, mule, cattle, goods, or chattels of any kind belonging to any Indian or Indians who are under the charge of an Indian agent or Indian superintendent, shall be guilty of felony, and on conviction thereof before any district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession said property so stolen or embezzled, shall be punished therefor by imprisonment at hard labor in the penitentiary not less than one year nor more than five years for each offense, and by a fine equal to double the value of the property so stolen, embezzled, purloined, or wrongfully taken away, at the discretion of the court before which he shall be convicted.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "stolen," to insert "or;" in the same line, after the word "embezzled," to strike out "purloined, or wrongfully taken away;" in line 10, after the word "stolen," to insert "or;" in line 11, after the word "embezzled," to strike out "purloined, or wrongfully taken away;" and in line 19, after the word "felon," to strike out the words:

But if the parties have been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property therein described as belonging to any Indian or Indians under the charge of an Indian agent or Indian superintendent has been stolen or embezzled, purloined, or wrongfully taken away.

So as to make the section read:

SEC. 2. That any person who shall receive, conceal, or aid in concealing, or have and retain in his possession with the intent to convert to his own use and gain, any horse, mule, cattle, moneys, goods, or chattels of any kind whatever, belonging to an Indian or Indians under the charge of an Indian agent or Indian superintendent, which has theretofore been stolen or embezzled from an Indian or Indians under the charge of an Indian agent or Indian superintendent, by any other person, knowing the same to have been so stolen or embezzled, such person shall, on conviction before the district or circuit court of the United States in the district wherein he may have such property, be punished by a fine equal to twice the valuation of said property so stolen and by imprisonment at hard labor in the penitentiary for not less than one year nor more than five years for each offense, at the discretion of the court before which he shall be convicted; and such receiver may be tried either before or after the conviction of the principal felon.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "by," to strike out "legal process" and insert "due process of law;" in the same line, after the word "stolen," to insert the word "or," and in the same line, after the word "embezzled," to strike out the words "purloined, or wrongfully taken away;" so as to make the section read:

SECTION 3. That it shall be the duty of the proper civil officers of the United States to seize by due process of law any such horses, mules, cattle, moneys, goods, or any chattels whatever, which have hitherto been, or may hereafter be, stolen or embezzled from any Indian or Indians under the charge of an Indian agent or Indian superintendent, and return the same to their proper owners.

The amendment was agreed to.

Mr. JOHNSTON. I did not hear the bill read very distinctly; but if I understood it, if any person shall steal any property of any value, without regard to the value of the property, he shall be liable to the punishment here prescribed. Is that correct? Should there not be a limitation on the value of the property?

Mr. CARPENTER. I do not hear the Senator.

Mr. JOHNSTON. I did not hear the bill read very distinctly; but as I understand it, it makes it a felony to steal property of an Indian without any regard to the value of it.

Mr. CARPENTER. Let the first section be read.

The VICE-PRESIDENT. The first section will be read as amended.

The Chief Clerk read as follows:

That any person not an Indian who shall steal or embezzle any horse, mule, cattle, goods, or chattels of any kind belonging to any Indian or Indians who are under the charge of an Indian agent or Indian superintendent shall be guilty of felony, and on conviction thereof before any district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession said property so stolen or embezzled, shall be punished therefor by imprisonment at hard labor in the penitentiary not less than one year nor more than five years for each offense and by a fine equal to double the value of the property so stolen, embezzled, purloined, or wrongfully taken away, at the discretion of the court before which he shall be convicted.

Mr. JOHNSTON. It seems to me that is rather too wide. It would make it a felony to steal any article, from a jack-knife to a pair of horses. It ought to be amended, I think, by inserting, "any article of such a value," fixing a limit. I suggest that to the Senator from Wisconsin.

Mr. CARPENTER. The object of the bill is to stop stealing from Indians, and therefore cut off the supply of Indian wars, and to make it an offense punished more severely than stealing by white men from white men. The very purpose of the bill explains why it is drawn in that form. The Senator, however, will accomplish his purpose by moving to amend the proposed punishment by saying the offender shall be punished by imprisonment not exceeding so much, or by striking out the minimum, which would leave it in the discretion of the court for the larceny of property of small value to punish by imprisonment for a short term.

Mr. TELLER. Is there any provision for punishing Indians for stealing from white men?

Mr. HOAR. Does the Senator apprehend that this would give the Indians a monopoly of stealing? [Laughter.]

Mr. DAVIS, of Illinois. I move to amend——

The VICE-PRESIDENT. Perhaps the bill had better be read through and perfected. The next amendment of the committee will be read.

The next amendment reported from the Committee on the Judiciary was, to strike out section 4, in the following words:

SEC. 4. The military forces of the United States when required may be used to enforce this act.

The amendment was agreed to.

Mr. DAVIS, of Illinois. I think there should be no minimum limitation in the matter of punishment. It may be advisable, according to the nature and value of the article stolen, to make the imprisonment ten days or thirty days, and, therefore, I move to strike out "less than one year," so that there shall be no minimum of punishment. I think it is wrong in all cases. That will leave it entirely in the discretion of the court.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois, in section 1, line 13, to strike out "less than one year, nor more than," and insert "exceed;" so as to make the clause read:

Shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years.

Mr. DAVIS, of Illinois. Then I would insert after the word "penitentiary" the words "or jail," so as to leave it discretionary with the judge to have the prisoner confined either in a jail or in the penitentiary.

Mr. CARPENTER. It should be "imprisonment in the penitentiary at hard labor, or imprisonment in jail."

Mr. BECK. I desire to ask the Senator from Wisconsin a question. Am I to understand that if a white man steals a few ears of corn to feed his horse from an Indian he shall go to the penitentiary?

Mr. CARPENTER. As it is proposed to be amended he might be sent to jail for stealing corn for his horse.

Mr. BECK. But he is obliged to go into jail or the penitentiary for five years?

Mr. CARPENTER. Oh, no; he is not obliged to go there for that length of time.

Mr. BECK. But he is to go for five years if the judge should choose to send him.

Mr. CARPENTER. Not more than five years, the time under that being entirely discretionary with the court.

Mr. BECK. I simply desired to know what the provision of the bill was. I am willing to punish a white man who steals from an Indian just as I would a white man who steals from a white man; but I do not think the law anywhere would send a man for five years to the penitentiary, if the judge saw fit to send him there so long, even if he did steal some trivial article, as I observed, enough corn to feed his horse. I merely desired information so that I could vote against the bill, as I surely will if that is the form of it.

Mr. SAUNDERS. Allow me to state for the information of the Senator from Kentucky that sometimes this is done in a very large way. It is not the stealing of a single horse or of a single pony. Some-

times animals are driven off from the agencies, as I have reason to know by letters received, into parts of my State. They are taken from the reservations in large herds, twenty or thirty at a time. A man who would do that, it seems to me, ought to be punished severely, though I do not know that he ought to be imprisoned five years. This bill, as I understand, says that the punishment shall not exceed five years, and therefore I think it is good enough as it is.

I have letters in my possession from a United States officer, a marshal, who tells me that no less than one thousand ponies have been stolen from the Spotted Tail and Red Cloud agencies in the last year. Since the line has been run the reservation of Red Cloud comes within about two miles of the line of Nebraska, and men go over at night and drive off horses, ponies, &c., in herds and get them out, and then they are taken off into other States and sold. This is one case. There may be a dozen others in other States and Territories; but that belongs to my own State, and we want some kind of punishment for this class of people. If that here proposed is exorbitant or too severe, let it be amended, but let us have some bill of this kind. I believe there is a necessity for it, and I hope it will pass in some form.

Mr. GARLAND. I think the Senator from Kentucky is under a misapprehension as to the phraseology of the bill. Congress cannot very well specify the length of time the punishment shall extend in all cases. In other words, it cannot make a gradation of punishment for each particular offense; but it can fix a maximum, which it has done, leaving to the court the discretion of varying the imprisonment from five years to one day, as it pleases. The judge hearing the testimony, knowing all the facts according to the offense as presented to him, can fix the proper period of time. You cannot very well frame the law differently and make a gradation of the punishment for all the different offenses. It is vested in the discretion of the judge in this case just as in others.

Mr. MAXEY. The amendment as proposed authorizes the court in its discretion to confine the accused in jail for five years, as I understand it. I have never before heard of power being vested in any court to confine a man in jail for that length of time. In most States—I do not know how it is in the State of Wisconsin——

Mr. DAVIS, of Illinois. That was not the intention.

Mr. MAXEY. I think it likely it was not.

Mr. DAVIS, of Illinois. That was not the intention; therefore the words "imprisonment in jail" had better be put after "confinement in the penitentiary."

Mr. MAXEY. I was about to add that in most States confinement in the penitentiary renders a man infamous in the law, while confinement in jail does not; and yet here is power to confine in jail for five years——

Mr. DAVIS, of Illinois. I have just told the Senator that was not intended.

Mr. TELLER. I should like to inquire of the Senator who has this bill in charge why there is any necessity for making the bill so broad as it is. It seems to me that it authorizes the conviction of a man in any of the States. The State laws now in force, I suppose, are ample in the States at least; I do not know how it may be in the Territories. Why we should make what is a petit larceny when an article is stolen from a white man a felony when it is stolen from an Indian on the same ground is more than I can understand.

Mr. DAVIS, of Illinois. I think this amendment will satisfy everybody: "punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or imprisonment in jail, at the discretion of the court, not exceeding one year."

Mr. MAXEY. That will do.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Illinois [Mr. DAVIS] as modified.

Mr. JOHNSTON. The same amendment ought to be made in the second section, line 15.

The VICE-PRESIDENT. The question is first on this amendment of the Senator from Illinois.

Mr. TELLER. It seems to me that the bill is much broader than need be. If the purpose, as stated by the Senator who introduced it, [Mr. SAUNDERS,] is simply to protect the Indians from raids made on the reservation, the bill perhaps will do that; but it does much more, and it introduces a rule that seems to me to be objectionable. Under this bill if an Indian goes outside of his reservation and into a State or into a Territory with his property and it is stolen by a white man, the offense is made a felony. Now, in the first place he has no business there, and should be kept on his reservation; but, if he does go off, we say that if anybody purloins any of his property, however small, however inconsequential it may be, it may be the most trifling thing in the world, that person is guilty of a felony, while if a crime of the same character is permitted against a white man it is but petit larceny.

I am quite as much in favor of protecting the Indians in all their rights as any man in the Senate, but I am not quite prepared to say that one rule of punishment shall be meted out to a man when he steals from an Indian off his reservation, and another rule when he steals a similar article from a white man.

In the second place, there is no reason why the United States Government should attempt to punish an offense of that kind committed off the reservation. Every State and every Territory has made it an offense to steal from an Indian, certainly off the reservation. I called the attention of the committee, and inquired whether they had made it an offense for an Indian to steal from a white man. They said they had nothing to do with that; that was beyond their jurisdiction. Why? If they can go into the county of Arapaho, which contains the capital of the State of Colorado, and punish in the United States court a citizen of Colorado who has stolen a jack-knife from an Indian by making it a felony, they ought to be able, also, in the United States courts to punish the Indian who has stolen property from the citizens of Colorado. We have a great number of complaints in Colorado of this kind, and we are met by the authorities with the statement that for all those acts there is no redress whatever. I do not believe that the committee have very carefully considered this bill; I do not believe it is a good idea to introduce one rule of legislation in the same section of country, in the same Territory, for the Indian, and another for the white man.

Mr. BECK. The reason I asked the question I did was because I know, as the Senator who has just taken his seat has said, that all over the States or at least portions of the States of Minnesota, Nebraska, and Iowa, where I have been, the Indians not only go off the reservations, but they are allowed by the United States officials to go and hunt and fish. I have hunted with them myself and found them very good hunters. They go with their wagons, their ponies, their everything; and the idea does seem to me to be monstrous that when those Indians are going about the country just as other people are, if any white man should be charged with stealing, if you please a dozen ears of corn or a jack-knife, he shall go to the penitentiary, if the judge of the court sees fit to send him there, for five years, while if an Indian were to steal similar articles from a white man his offense would be petty larceny. The Indian hunts and fishes over great portions of the States along the Missouri River both in Nebraska and Iowa. He does the same in Minnesota.

Mr. TELLER. And in Colorado.

Mr. BECK. I have seen them hunting and have hunted with them, as I have said, and very good hunters they are. The white man is punished by the State law of course for stealing from the Indian; but now if an Indian goes about anywhere, (and they are nearly all the time off the reservation as well as on it,) and loses a dozen ears of corn or a jack-knife or anything that he leaves lying around that a white man picks up, that white man can be sent to the penitentiary for five years. For that reason I said this bill will be a bad law.

Mr. CARPENTER. I should like to ask the Senator from Kentucky if he thinks any Federal judge would send a man to the penitentiary for five years for stealing an ear of corn?

Mr. BECK. I do. The Federal judges may be better in that country than they are in some other sections, but I have heard of Federal judges who would be very glad to send men to the penitentiary for five years for anything. I could name them if it was worth while. I would not give any judge that power.

Mr. CARPENTER. I would introduce a bill to abolish that judge.

Mr. BECK. We tried that several times, but could not even do that.

Mr. INGALLS. I wish the Senator from Wisconsin would say upon what ground the committee make a distinction between the Indians and white men in this bill; why it is made a penal offense for any person not an Indian to steal while the Indian himself who steals is allowed to go with impunity; why the Indians are allowed a monopoly of stealing? And in that connection, if the Senator will be good enough to give me his views, I should like him to state whether he does not believe that under the language and by the operation of the fourteenth amendment to the Constitution the Indian who is born within the limits of the United States, and subject to its jurisdiction is not *ipso facto* a citizen of the United States and subject to its laws? If that is true, if the Indian is a citizen of the United States, as I believe him to be, then in my opinion this proposed bill is unconstitutional and ought not to be passed. In any event, I am very clear that as a matter of expediency, as a matter of justice, as a matter to promote the interest of the white man and the Indian, it is exceedingly injudicious and ought not to be made into a law.

Mr. CARPENTER. Mr. President, I had no idea that so innocent a bill as this, merely to punish stealing from Indians, would open up in the Senate a discussion of the whole Indian policy, and especially of the construction of the fourteenth amendment. I therefore did not come prepared particularly to discuss that question. If the Senator from Kansas will take the trouble to examine he will find a report made by the Judiciary Committee of the Senate some four years ago, which I had the honor to draw myself, upon that very question, which was referred to the committee by the Senate, whether the fourteenth amendment had abolished the tribal relation of Indians and made them citizens of the United States. I know that the report was that it had not, and I think it was the unanimous opinion of the Judiciary Committee.

Mr. INGALLS. I do not agree with the conclusion of the report.

Mr. CARPENTER. The Senator was not asking me what the law was, but what my opinion was. [Laughter.] I was stating my opinion only. I do not propose to estop the Senator from Kansas from entertaining a different opinion, but simply to state my own. It would be a pretty broad consequence to follow the fourteenth amendment if the construction which the Senator from Kansas puts upon it is the sound one; every treaty between us and every tribe of Indians would fall to the ground. The United States cannot entertain treaty relations with our own citizens. There is no clause in the Constitution that authorizes the President and Senate to make treaties

with American citizens. They may make treaties with foreign nations and with Indian tribes, and it is because the Indian tribes are regarded as *quasi* nations that the treaties have been made and are upheld. If that tribal relation be abolished by the fourteenth amendment, if the Indians be all made citizens of the United States in the sense in which I understand the Senator to express his opinion they are, then certainly every treaty existing when the fourteenth amendment was passed fell to the ground.

Mr. INGALLS. If they did not fall, I think they ought to have fallen.

Mr. CARPENTER. The Senator, I think, is mingling what he desires to have law with what is law. He may be sound on the one subject and very unsound on the other. I think it is not the law that the fourteenth amendment has made all the Indians citizens of the United States. In the broad, fraternal, affectionate feeling of Congress and the Government for the last ten years we have extended brotherhood and citizenship pretty broadly, but I do not think it takes in the Utes. I do not think the Senator from Kansas, in the highest flights of his ambition or benevolence, can hold his hand out to them and call them "my fellow-citizens." They are Indians, and have tribal relations and treaty rights; and they are not, as I understand it, citizens of the United States under the fourteenth amendment.

Mr. INGALLS. Even supposing they are not, why should they not be punished if they commit crime?

Mr. CARPENTER. There are two or three things to be said in that connection, and one of them I think is quite sufficient, that the Indian nation has jurisdiction to punish stealing among themselves. Under their treaty rights from the United States they have jurisdiction between Indian and Indian, but they have not jurisdiction over a white man. If one Indian steals from another on the reservation, one member of a tribe from another, the Indian tribe will punish him according to their own laws and regulations. They cannot punish a white man. Now, it is proposed by this bill that Congress shall provide punishment against the white man that the Indians cannot provide, and for the reason that they cannot.

Mr. TELLER. I should like to ask the Senator if he knows of any State or Territory where there is not a law that punishes a white man for stealing from Indians? If he does, I should like to ask him where it is.

Mr. SAUNDERS. Let me ask the Senator from Colorado——

Mr. TELLER. I want the Senator who has charge of the bill and who reported it to say whether that is so or not. Is there any State that has failed to provide punishment for stealing by white men from Indians?

Mr. CARPENTER. I do not know.

Mr. SAUNDERS. I ask whether that law would apply to reservations where white men are prohibited from going, and where the Indians have a right to make their own laws to regulate their own affairs, but have no right to interfere with white people? Would such State laws extend to Indian reservations? Each State can pass laws regulating affairs in its own limits; but an Indian reservation is in another territory, not in the State at all.

Mr. TELLER. I will answer that question if the Senator will allow me.

Mr. SAUNDERS. I shall be through in a moment; I want to put the whole question before the Senator.

As I understand, the States cannot interfere with the Indians on their reservations. The Indians have no right to go off the reservations to follow their horses or their mules and cattle into our State. Now, the question is, whether, when our people or any other people go into the reservations of the Indians and take property from them and out of the reservations into the State, the State law can cover that case and thus extend outside of its own limits.

Mr. TELLER. Whether that is a fact or not is a mooted question, and I do not propose to pass on it so far as the reservations are concerned. But this bill goes further. It is not a bill to punish white men for stealing on the Indian reservations—it is to punish them for stealing from Indians anywhere. It is to adopt a new rule; that is, that it is a crime to steal from one man when it is not a crime of the same grade to steal from another. If, as I said before, the most trifling offense is committed in the way of larceny, it is made a felony under this act, provided the owner of the property is an Indian; but if he is a white man, then it remains petit larceny.

There is not so much necessity for this proposed law as the Senator from Nebraska would lead you to suppose. The moment the persons who commit this offense get off the reservation, they become amenable to State law by an elementary principle of criminal law. The moment they bring the property into Nebraska and have it in their possession they have stolen it in Nebraska by a law as old as any law that we have got, and are amenable to Nebraska law. They steal it in Dakota if they bring it there, and they can be punished in Dakota. They steal it in Nebraska when they have it in their possession there, and can be punished in Nebraska.

Now, Mr. President, I have no objection to anything that will protect the Indians. I am anxious to protect them from bad white men and from bad Indians; but I do insist that it is a remarkable condition of things when we come here in the Senate of the United States and declare that a white man committing a theft from an Indian in the city of Denver, the capital of my State, shall be punished in a different manner and in a different court from what he would be if he had stolen that same property from a white man. It is an invasion of the rights of the people of that part of the State to settle their own affairs of this character. The Government of the United States has no right to come there and declare that the offense is of a different character and of a different nature because the owner of the property happens to be an Indian. It might with as much propriety say that if I steal from a Norwegian or a German or any other foreigner who has not taken out his naturalization papers, it should be a special offense because of the character of the person whose property was taken.

I object to it upon principle, and I do not propose to be put down by the suggestion of the Senator from Wisconsin that this is an innocent bill, and that I am opposed to punishing men who steal!

Mr. CARPENTER. Mr. President, I say for one to the Senator from Colorado that, though he cannot be defeated by an argument, he may be appeased by an amendment. He construes this bill to mean that if anybody should, in Massachusetts for instance, steal from an Indian, he would thereby violate this act. That is not our understanding of it; but I propose to offer this amendment in the third line of the first section, so as to read:

Any person not an Indian who shall, on any Indian reservation, steal from, &c.

Mr. TELLER. I will not object to that amendment; but there is the whole vice of the bill which, as I said to the Senator, the committee could not have very well considered or they never would have reported it.

Mr. CARPENTER. The Senator seems to be after the Judiciary Committee more than he is after the bill.

Mr. VEST. Mr. President, debate on the question which Senators seem disposed to discuss would be more pertinent to another bill before the Senate. The Senator from Kansas asks whether Indians are not now citizens of the United States. The main objection made to the bill for the organization of the Indian Territory is that clause which provides for citizenship to the Indians comprising the five civilized nations; and the distinct and emphatic claim is now set up and has been set up always by members of those tribes that they are not citizens of the United States, and they strenuously oppose the organization of a United States district court for that Territory upon the claim that punishment for crime there is exclusively with the Indian tribunals, and that the Government of the United States has no right to administer any punishment upon their members. The United States court organized and in session at Fort Smith, in the State of Arkansas, has jurisdiction over suits to which a citizen of the United States is a party. That court has no jurisdiction in regard to the members of the Indian tribes. The claim, I repeat, is distinctly made, and the issue will come before this Congress whether those Indians shall remain in the center of the jurisdiction of the United States Government and disclaim all allegiance as citizens to that Government.

Mr. President, I am opposed to this bill because it is based upon that namby-pamby sentimentality which draws a distinction between Indians and other persons subject to the jurisdiction of this Government.

The Senator from Nebraska says that the Indians cannot leave their reservations. Sir, the truth is that the young men, the dog warriors of all these tribes, as they are termed, as soon as they are fed by the United States and armed by traders, stay upon their reservations not one single minute longer than they can mount their horses and join some Indian chief then upon the war-path. The vice of the Indian system of the United States has been and is that there is one law for the Indian and another for the white man and other persons subject to the jurisdiction of the Government. Let there be one law for the white and black and red. Let the Indians of the country know that they are subject to the same authority, the same jurisdiction, the same laws that the white men of the country are subjected to. But so long as this fiction remains in the laws of the country, there is certain to be the existence of the same evils that we have had in the past few years.

To-day, sir, what are the facts in regard to the Indian Territory and the Indians upon the plains? I undertake to say—and I can establish the fact by testimony so unimpeachable that there shall be no question in regard to it—that the Indians upon the plains are mounted now, not upon their ponies, which can be had by the hundred and by the thousand in the mountain gorges, but they are mounted on horses which are a mixture of the California and American breeds, stolen from the white people of this country in order that they may ride them upon the war-path. These are the facts. Yet here now, in the Congress of the United States, is presented a bill which, as the Senator from Kansas properly remarks, gives a monopoly of stealing to the Indians, and if they understand anything they understand that identical idea. If there is anything in which the Indian is an expert and for which he is entitled to a patent almost by nativity, it is that very identical thing of picking up anything that lies around loose that does not belong to him and carrying it off, in the language of the common law, and in Indian parlance taking it to his own lodge and hiding it so effectually that the owner can never discover it.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. CARPENTER. Does he think Congress can punish one Indian for stealing from another on an Indian reservation?

Mr. VEST. Mr. President, I do not see that that affects the issue before the Senate in this bill. I will say to the Senator, that in a very few days a bill will be introduced from the Committee on Territories which proposes to punish Indians in the Indian Territory for stealing from each other. But whether that be so or not, the principle of the bill before us is simply to the effect that if a white man steals from an Indian an extraordinary and unusual punishment shall be inflicted on him, but if an Indian steals from a white man he is to be subjected to the Indian tribunals, if it is done inside of his own reservation, or, if elsewhere, the ordinary punishment for petit larceny is to be inflicted on him.

Sir, the whole principle of this bill is wrong, and I repeat that until there is one law for the white man, one law for the negro, one law for the red man in this country, the vices which have sprung up under the Indian system will continue to exist. I protest against any legislation which says to the people of the United States or the world that the red men of this country are to be considered the especial wards of the nation and protected in their crimes, while the white man is to be subjected to the ordinary jurisdiction.

Mr. CARPENTER. Mr. President, it seems remarkable that Senators will not see the distinction between passing a law to punish a person who commits a crime where that person is subject to our jurisdiction, and passing a law to punish a person for committing a crime who is not subject to our jurisdiction.

Mr. SLATER. I should like to ask the Senator a question. Would not the stealing of horses or cattle or property of any description outside of any Indian reservation and within a State organization be punishable under this bill?

Mr. CARPENTER. I do not think it would, but I have already offered an amendment to take away all apprehension on that subject.

Mr. SLATER. But let me continue my question. Then, in that case, would there not be a conflict of jurisdiction between State authority and Federal authority, in the attempt of the Federal authority to punish a crime committed on any Indian reservation within a State, as the crime of larceny?

Mr. CARPENTER. Undoubtedly there would; but in my opinion this bill was never subject to any such objection. I do not think it is the fair construction of the bill as reported. But there is no difference of opinion as to what the bill should mean; and so as to make it certain I have moved an amendment on the third line, first page, of this bill; and, amended as I move, the bill will read thus:

That any person not an Indian who shall, on any Indian reservation, steal or embezzle the property of an Indian, &c.

Now, says the Senator from Missouri, why give a monopoly of stealing to the Indians; why let an Indian steal from another Indian and not punish him, while you punish a white man for stealing from an Indian. The difference is very manifest. In the first place, the white man who goes on a reservation is criminal for going there. If he adds to that crime that of larceny from an Indian, that is an additional crime, whereas the Indian who steals from an Indian is to suffer the punishment which the Indian nation metes out to him.

The Senator from Missouri says that he wants to see one law for all men. Very well, that good time may come; it will not come for several years, though, I take it. It will not come until the whole treaty system with the Indians is abolished, and until by the strong hand we shall put them down, either repudiate or recede or secede from our treaties with them, and then because we have got the force to compel them to submit, subjugate them, enslave them, or compel them to submit to such terms as we may dictate.

Now, I do not propose to enter into any sentimental discussion here about the rights of the Indians. They have had, in my opinion, a pretty tough road to travel in this country ever since the Puritan landed on Plymouth Rock. If I was disposed to yield to any sympathy, I should say that I sympathized pretty strongly with the Indians in these matters. I believe half our Indian wars have been provoked by white men. We set off a reservation to a tribe of Indians, and this great Government enters into a solemn treaty guaranteeing that they shall have the possession of that land undisturbed and free from intrusion by white men. As soon as the treaty is signed some mines are discovered on an Indian reservation, and away go the white men, in violation of treaty and law and everything else, and take possession of as much as they please of the Indian territory, introduce their ideas of cultivating land and modern improvements, &c., until the Indian cannot stand it any longer and fights, and then we put him down.

It is a little significant that from those States which surround these Indians, and where great profits may be made out of Indian wars, there is such a violent opposition to a bill which simply says that a white man who violates the law by going on an Indian reservation and adds to that the crime of larceny shall be punished. If the Senate really desire not to punish such an offense, they will kill this bill. If they desire to punish it, I see no objection to the bill, and I have heard no objection to the bill which is not completely obviated by the amendment I have offered.

Mr. PADDOCK. I should like to inquire of the Senator from Wisconsin if he does not understand that under the present intercourse laws white persons may be punished for going on Indian reservations and stealing the property of Indians there. I am under the impression that is the state of the law at the present time.

I myself, from my knowledge of the object sought to be accomplished by this bill, shall vote against the amendment proposed by the Senator from Wisconsin. This bill is aimed particularly at an evil that exists on the northwestern border of my State. The Sioux Indians, who have their reservation on the north and west of our State, are in the habit of grazing their mules and ponies and cattle on the south side of the Niobrara River. There is no white settlement there, there are no white people residing there; nevertheless there is a set of white outlaws upon the border who, when these animals are found grazing on the south side of the river, make raids upon them, and that induces raids by the Indians upon the property of the white people in the western part of the State who are themselves engaged in grazing. Indeed this grazing interest in the western part of my State is one of the most important in this whole country. Tens of thousands of cattle are there yearly fattened for the great markets of this and European countries, and it is the protection of this great interest which we are aiming at by giving protection to Indians so that they shall have no excuse for retaliation upon the law-abiding and unoffending citizens whose property is scattered wide over that vast range.

It must be remembered that the Indians are no respecters of persons; if they are stolen from they steal in return the nearest property they can find belonging to white people, and the object of this bill is more particularly to secure the protection for white people and of the property of white people through this protection of the Indian himself; and I should say that if the amendment of the Senator from Wisconsin should prevail, the object sought to be accomplished would fail. Moreover, I see that the committee has reported in favor of striking out section 4, which authorizes the use of the military force of the United States when required to enforce this act.

Mr. CARPENTER. That has been stricken out already.

Mr. PADDOCK. I was not in when the bill was first considered, but I shall feel disposed to vote against the bill if that section is stricken out, because it is an utter impossibility in that wild, unorganized country to serve process or to enforce process, or to visit punishment upon the outlaws who in large numbers combine and conspire to steal property from the Indians. I should feel more like advocating the retention of that section than almost any other section of the bill. The bill itself would be an absurdity so far as the protection of that frontier is concerned without that provision or some other that would authorize the use of the Army as a *posse comitatus*.

Mr. CARPENTER. Will the Senator allow me to interrupt him?

Mr. PADDOCK. Certainly.

Mr. CARPENTER. I should like to ask him if the law does not already provide for using the whole force of this nation to enforce its civil process, except on election day?

Mr. PADDOCK. No, sir; there is a distinct and emphatic provision, passed during the Forty-fifth Congress, which prohibits the use of the Army as a *posse comitatus* for any civil purpose whatever; and I sought at the last session most earnestly to secure the repeal of that clause, which is to be found in the Army appropriation bill of 1878.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Illinois.

Mr. TELLER. I do not propose to be led off from this bill by anything the Senator from Wisconsin says or any allusion that he makes, covert or otherwise, to the people of the frontier. When the time does come and when it is a proper time to do it I propose to be heard on the Indian question. I now have this bill and I do not propose to discuss anything else, but I propose to discuss this bill, because I think it is vicious in its principle, more vicious in principle perhaps than in its application, if that can be. It comes from a very respectable committee, a committee of great weight and great authority, and we have been in the habit, as a general thing, of receiving whatever came from the Judiciary Committee without much investigation.

Now, the Senator says it never was contemplated to punish by this bill except for stealing on the reservations, and yet every line of the bill in the first and second sections is full of contradiction of that statement, and I say that no lawyer of any experience or any character can read the bill and assert that it was confined to the reservations. If the Judiciary Committee say so I will guarantee that the lawyers of the Senate who are not on the Judiciary Committee, if they will take the bill and look at it a moment, will see that the statement cannot be supported.

He says that he has removed all the vice of the bill by providing that it shall apply to "any person, not an Indian, who shall steal on any Indian reservation." That may remove the objection in the first section; but take the second——

Mr. CARPENTER. I suppose the sections will be made to correspond.

Mr. TELLER. You cannot amend the second section unless you strike it out. The whole second section is based on the theory, and it is for the purpose, and the avowed purpose if the language means anything, to punish a man who shall take property off the reservation, and it is made specially the duty of United States courts to punish cases of that kind:

That any person who shall receive, conceal, or aid in concealing, or have and retain in his possession with the intent to convert to his own use and gain, &c.

Then it goes on clear through the section; and further it says in the third section:

That it shall be the duty of the proper civil officers of the United States to seize by due process of law any such horses, mules, cattle, moneys, goods, &c.

There is no objection, perhaps, to that part of it. If you want to authorize the officers of the Government to seize the property, that is well enough; but the second section is explicit, and it could not have been drawn more carefully for the purpose of declaring that this is not confined to what occurs on a reservation. The very purpose was to say that if an Indian was found in Massachusetts and somebody stole his buckskin, that should be a felony. I deny that the United States Government has any jurisdiction over such a case.

Mr. CARPENTER. Nobody suggested it. It is not likely that case would go very far.

Mr. TELLER. Then amend the bill so that it will be consistent.

Mr. CARPENTER. I have already moved to amend.

Mr. MAXEY. A bill of so much importance as this, it occurs to me should be very carefully considered. The amendment which was offered by the Senator from Wisconsin in the fifth line of the bill——

The VICE-PRESIDENT. Will the Senator from Texas permit the Chair to interrupt him? The pending amendment which should be first disposed of, as the Chair understands, is the amendment of the Senator from Illinois.

Mr. MAXEY. That would make no difference to the line of argument I propose to pursue.

The VICE-PRESIDENT. The Chair only proposed to state the question.

Mr. MAXEY. The bill, as originally drawn, clearly and unquestionably, in my judgment, does confer on the United States district court the power to try and determine offenses committed within the limits and jurisdiction of the States. That was my construction of the original bill. Now, the amendment proposed by the Senator from Wisconsin to confine this to crimes committed within the limits of Indian reservations removes that trouble from the first section; but, as was said, and well said, by the Senator from Colorado, the same vice runs all through the second section. It is possible that may be amendable, but it must be amended to conform to the first section to make the bill worth anything.

Mr. PADDOCK. May I ask the Senator from Texas a question?

Mr. MAXEY. I would rather finish the point I was trying to make.

Mr. PADDOCK. I am very anxious to have the Senator answer a question. I should like to inquire of him if he does not think it practicable and proper that an Indian, wherever he may be, shall be considered so much a citizen under the Constitution and the laws that his property shall be protected like the property of any other person, although you may not go further with him in respect of the matter of citizenship?

Mr. MAXEY. Mr. President, I have great respect for human liberty and for human rights, and I am trying, as far as I know how to do it, to aid in that, and I am unwilling to confer on any court the power to try a man and deprive him of liberty without knowing precisely what I am doing. I respect the rights of an Indian, but certainly not higher than the rights of a white man. The Indian is not a citizen of the United States, in my judgment. The fourteenth amendment does not make him so. He is not counted in the apportionment of representation nor of taxes. He is not taxed for any purpose, and clearly the original Constitution designed article 1, section 2, to be the mark of citizenship, and it is not changed by the fourteenth amendment. That, however, is outside the main discussion. I do not care to go into that. I can understand perfectly why the Judiciary Committee should extend this bill only to white men committing offenses against Indians, because offenses committed by Indians against Indians are not within the jurisdiction of the Federal courts. Hence that was properly left out. But by the second section, if a piece of property is stolen, it matters not who stole that property, and it is retained by a man living in a State, who was never within the limits of an Indian reservation in his life, if he knowingly gets the stolen property and conceals it, knowing it to have been stolen, then under this bill the power is given to the Federal courts to try that man who was never inside an Indian reservation in his life, but living exclusively within the jurisdiction of the State courts.

Mr. CARPENTER. Will the Senator allow me to ask him a question at that point?

Mr. MAXEY. Certainly.

Mr. CARPENTER. If a white man comes upon an Indian reservation and steals property and takes it over into a State——

Mr. MAXEY. It is a continuing offense.

Mr. CARPENTER. A continuous stealing! The second section, amended as it is proposed to amend it, will read in this way: "that any man," in the State of Wisconsin or any other State, who shall knowingly receive property which he knows has been stolen on an Indian reservation by a white man shall be punishable so and so.

Mr. MAXEY. Undoubtedly if a man goes inside of an Indian reservation and steals property and carries it out of there, the offense of theft is complete within the reservation, and, if possession is continued, he may by the laws of some of the States at least be prosecuted for fraudulently bringing stolen property within the limits of the State, and therefore the territorial jurisdiction attaches to the Federal courts for stealing within the reservation, and he may be prosecuted, where State laws provide, in the State courts for feloniously bringing stolen property into the State. It matters not where he carries that property, he is liable to prosecution. The case suggested by the Senator from Wisconsin was not the case I put. I say that the property may have been stolen within a reservation, and carried beyond that reservation by the thief, sold to a third man who never was in that reservation in his life, and that third man who conceals the stolen property, knowing it to be stolen, is under this bill liable to trial and punishment in a Federal court, which is against all my knowledge of the rights of the States and the Federal Government.

But I would call attention to another point, because the Judiciary Committee, it seems to me, should weigh, above all other committees, technical words. This bill says that "any person not an Indian who shall steal or embezzle any horse, mule, cattle," &c. I do not know how a man could embezzle a horse or a mule unless held in trust. That is something new, I think; and knowing so well as I do what a very able lawyer the Senator is who made this report, I assume that that passed without his noticing it. It does include goods, &c., which are, when held in trust, the subject-matter of embezzlement.

Mr. CARPENTER. May not a horse be embezzled?

Mr. MAXEY. I do not know how you would go about that under the phraseology of this bill.

Mr. CARPENTER. Suppose I should intrust to my friend from Texas my horse to take to Philadelphia and sell it, and on the way there he should violate his trust and sell that horse and dispose of it, would not that be embezzlement of that horse?

Mr. MAXEY. I would say that I think the Senator from Wisconsin, in all his reading of law, never heard the word "embezzlement" as applied to a horse or a mule in this bill. He may get it up for this occasion, but for this only. The words "steal" and "embezzle" seem to be used in the bill to mean the same thing.

Mr. CARPENTER. If that be so, then the word "embezzlement" would not apply to the horse if he cannot be embezzled.

Mr. MAXEY. Therefore the bill is inartistically drawn, as it appears to me, and inartistic language should never emanate from the Judiciary Committee.

Mr. CARPENTER. On that theory the word "embezzle" would apply to what could be embezzled, and the word "steal" to what could be stolen. I do not assent to that construction, however.

Mr. MAXEY. I have always thought there should be as little room left for courts to apply judicial construction as possible under the language which we speak. In other words, the Legislature should make its meaning plain and distinct and leave the courts, if possible, nothing to do but say of it *ita lex scripta est*. Now, if any living man can tell by the bill itself what it means to apply the word "embezzle" and what the word "steal" to, is a little more than I can tell.

The Senator was making some criticisms, something in this way, namely: that it was a little singular that a bill like this should meet with such opposition from the States which surround these reservations, intimating thereby that it was the desire of those living in those States, I suppose, to appropriate this Indian property. Now, I say to that Senator that we have a bill pending in the House, and which I hope and trust in the wisdom of this body will be enacted into a law, that the Indians shall not be permitted to go beyond their reservations into the limits of the States. I know that as far as my State is concerned the reservation Indians have gone there and do go there from the reservations and steal by wholesale and carry the property back inside of the reservations, and up to the present time we have not been able to recover that property. So far as the people of Texas are concerned we do not want to go among them; neither do we want them to come among us. We are willing to have them remain on their reservations, and if a white man steals property within a reservation let that man be punished, but do not pass a bill which, as claimed by the Senator from Nebraska, [Mr. PADDOCK,] the colleague of the Senator who introduced it, [Mr. SAUNDERS,] was designed and intended to strike at people without the reservations who might steal property from an Indian who happened to live inside the reservations, although the property was stolen outside, and thus to confer on the Federal courts, in direct violation of the rights of the State, a jurisdiction which they have not got under the Constitution, and which belongs exclusively to the States.

Mr. PADDOCK. Will the Senator allow me to remind him of a fact? A Federal judge in our State recently allowed the writ of *habeas corpus* to be exercised in favor of an Indian who had been wrongfully taken into possession of the military because he was off his reservation and in the limits of the State, where it was claimed that he ought not to be and had not a right to be, thereby recognizing, to that extent, at least, his right of transit from one place to another beyond question.

Mr. MAXEY. I will only say that that Federal judge certainly never examined the laws of Congress to any alarming extent.

Mr. PADDOCK. That Federal judge is about as good a lawyer as there is here.

Mr. DAWES. I suggest to the Senator from Nebraska that there was a qualification in that decision which he has not stated.

Mr. MAXEY. I shall not change my opinion by reason of that decision, because I know that Congress did pass an act at the instance of the Texas delegation three or four years ago in terms prohibiting certain reservation Indians named in the act from going into Texas, and I hope this Congress will pass a bill absolutely prohibiting the Indians from leaving their reservations and going into the States. Congress does exercise that power and rightfully exercises that power. If Indians are found beyond the limits of their reservations they should be punished if they go without authority, and if "permits" are granted by the agents they should be removed from office. This

judge referred to by the Senator from Nebraska may have made the decision he refers to, but I do not think many lawyers will say it is good law. But the point I desire to make is that I think it has been clearly shown that this bill should be recommitted, and I think the Senator from Wisconsin, after examination, can bring a bill in that will be far better in all respects than the bill now pending for the consideration of the Senate. The subject is too important to be acted on hurriedly.

Mr. INGALLS. Mr. President, if the Senator from Wisconsin will permit me, I will call his attention to another singular incongruity, as it appears to me, about this bill. It has already been amended in the first section by inserting after the word "shall" the words "upon any Indian reservation," as I understand.

Mr. CARPENTER. That amendment has been offered.

Mr. INGALLS. That amendent is offered and pending, and is agreed to by the Senator from Wisconsin. The first section of the bill provides a penalty for the offense of larceny committed by any person not an Indian upon an Indian reservation. The second section of the bill affixes a penalty to the crime of receiving stolen property. Now, I want the Senator to tell me why he makes the crime of larceny in the first section punishable only when committed by white people, and in the second section makes the language general and provides that Indians as well as white people shall be punished for receiving stolen property. The language of the second section is general, that "any person who shall receive, conceal, or aid in concealing, any horse, mule," &c., "which has been stolen or embezzled from an Indian or Indians under the charge of an Indian agent or Indian superintendent by any other person," not "any other person not an Indian," as the language is in the first section of the bill, but "by any person"——

Mr. MAXEY. No difference where.

Mr. INGALLS. No matter where. The distinction is not preserved in the second section which is made in the first—that is to say, an Indian may steal with impunity, but if he becomes a receiver of the identical property that has been stolen, he then becomes subject to the operations of the law.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Illinois, which will be read.

The CHIEF CLERK. In section 1, line 13, it is proposed to strike out "not less than one year nor more than five years," and insert "not exceeding," so as to read:

At hard labor in the penitentiary not exceeding five years for each offense.

And after the word "offense," in line 14, insert "or imprisonment in jail not more than one year, at the discretion of the court;" so as to make the clause read:

Shall be punishable by hard labor in the penitentiary not exceeding five years for each offense, or with imprisonment in jail not more than one year, at the discretion of the court.

Mr. TELLER. I move that this bill be recommitted to the Committee on the Judiciary.

The VICE-PRESIDENT. The question is on the motion to recommit.

The motion was agreed to.

Mr. MAXEY. I desire to call the attention of the Judiciary Committee, and of the Senator from Wisconsin especially, to the fact that if he designs the Indian Territory to be embraced, it is not embraced in this bill as reported now.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 22d instant approved and signed the act (S. No. 765) to amend sections 2324 and 2325 of the Revised Statutes of the United States, concerning mineral lands; and on the 23d the act (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 1128) for the relief of James M. Ruby;

A bill (H. R. No. 1800) for the relief of Joseph B. Campbell, captain in the Fourth Artillery, United States Army;

A bill (H. R. No. 3347) to authorize the Secretary of War to furnish four pieces of condemned ordnance for the soldiers' monument at Marietta, Ohio;

A bill (H. R. No. 3783) to remove the charge of desertion from the military record of Jerry Foley; and

A joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a store-house and depot building at the city of Omaha, in the State of Nebraska.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 393) authorizing the Treasurer of the United States to refund to W. B. Farrar, of Whitfield County, Georgia, illegal taxes collected from him in the year 1877;

A bill (H. R. No. 710) to refund to Jackson Grubb or his legal representative internal-revenue tax wrongfully collected;

A bill (H. R. No. 2188) for the relief of Thomas Kearney;

A bill (H. R. No. 2567) for the relief of E. K. Snead, deceased, and his sureties for the loss of certain books of special stamps and coupons; and

A bill (H. R. No. 2802) for the relief of the owner of the bark Grapeshot.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 740) granting a pension to Martha J. Robinson;

A bill (H. R. No. 1597) granting a pension to Patsy Davenport;

A bill (H. R. No. 2853) granting a pension to Elizabeth Aults; and

A bill (H. R. No. 2855) granting a pension to Rachael J. Reber.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 270) to reimburse Charles Dougherty for his expenses to the consulate at Londonderry—to the Committee on Foreign Relations.

A bill (H. R. No. 325) for the erection of a public building at Danville, Virginia—to the Committee on Public Buildings and Grounds.

A joint resolution (H. R. No. 179) authorizing the Public Printer to print additional copies of bills and other public documents—to the Committee on Printing.

A bill (H. R. No. 3033) for the relief of Mrs. A. P. Bell, of Bertie County, North Carolina—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 2804) for the relief of the administrator of John D. McGill—to the Committee on Naval Affairs.

A bill (H. R. No. 2359) for the relief of William D. Oyler—to the Committee on Private Land Claims.

REPORT OF DISTRICT HEALTH OFFICER.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be, and is hereby, authorized and directed to print 2,500 copies of the report of the health officer of the District of Columbia for use of said health officer.

REPORTS ON NAVAL EDUCATION.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of the report of Professor Soley to the Secretary of the Navy on the foreign systems of naval education, and of the report of Lieutenant Commander Chadwick on the training of seamen, be printed for the use of the Navy Department.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 26, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday last was read and approved.

CLERKS TO COMMITTEE ON INVALID PENSIONS.

Mr. LEWIS. It appears from the RECORD that it was stated on Friday that the report from the Committee on Invalid Pensions asking authority to employ three additional clerks was the unanimous report of the committee. I desire to state I never had any knowledge of the resolution before it came to the House. I was necessarily absent when it was before the House or I would then have made this statement. I was willing to grant one additional clerk, but certainly would have opposed the appointment of three.

NEW MEMBER SWORN.

Mr. CLARK, of Missouri. I rise to a question of privilege. I present the credentials of Mr. John F. Philips, member-elect from the seventh congressional district of Missouri, elected to fill the vacancy caused by the death of Mr. Alfred M. Lay, and I ask that he be sworn in.

The SPEAKER. The swearing in of a member is a question of the highest privilege. The certificate will be read.

The certificate was read, as follows:

MISSOURI, *ss:*

To all who shall see these presents:

Be it known that I, Michael K. McGrath, secretary of state of the State of Missouri, hereby certify that at an election held in the seventh congressional district of the State of Missouri, on Saturday, the 10th day of January, A. D. 1880, to fill the vacancy in the office of Representative in Congress from said district in the Forty-sixth Congress of the United States, caused by the death of the Hon. Alfred M. Lay, John F. Philips having received 11,817 votes for the office of member of Congress from said seventh congressional district, the same being a higher and greater number of votes than were cast for any other person for said office at said

election, was duly elected to represent said seventh congressional district in the Forty-sixth Congress of the United States to fill the vacancy aforesaid.

In testimony whereof I have hereunto set my name and affixed the great seal of the State of Missouri. Done at the city of Jefferson this 17th day of January, A. D. 1880, of the Independence of the United States the one hundred and fourth, and of the State of Missouri the sixtieth.

[SEAL.] MICHAEL K. McGRATH,
Secretary of State.

Mr. GARFIELD. The paper which has been read does not seem to be a certificate from the governor. As I heard it read it is only a certificate of the secretary of state. It seems to me rather unusual.

The SPEAKER. The Chair presumes that the certificate is in conformity to the law of the State.

Mr. GARFIELD. I would like some gentleman from Missouri to inform me whether the law of Missouri does not require the certificate of the governor.

Mr. CLARK, of Missouri. I believe it only requires the certificate as presented from the secretary of state.

Mr. GARFIELD. I do not wish to delay the swearing-in of the member; but it seems to me very remarkable, and if there be any gentleman here from that State who knows certainly what is the law of Missouri I should like him to state it. In all the States of which I have any knowledge the certificate of the governor is required to authenticate an election.

Mr. CLARK, of Missouri. I can only answer from general knowledge. I think the certificate which has been read is in accordance with the laws of Missouri.

Mr. GARFIELD. Is there any question about this gentleman's election?

The SPEAKER. None has come to the knowledge of the Chair.

Mr. GARFIELD. I should like the gentleman from Missouri, who presents the certificate to say whether there is any question raised by any party as to this gentleman's election.

Mr. CLARK, of Missouri. None, sir; and there is no probability of any.

Mr. GARFIELD. So that, whatever may be the reason for this form of certificate, it is not in consequence of any trouble?

The SPEAKER. The Chair has received no contesting statement.

Mr. GARFIELD. I waive the objection; but I certainly think it remarkable we have no certificate from the governor.

Mr. JOHN F. PHILIPS then appeared, and qualified by taking the oath prescribed by section 1756 of the Revised Statutes.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at thirty-four minutes past twelve o'clock; and this being Monday, the first business in order is the call of States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures, and also resolutions calling for information from Departments, may be presented for reference.

Mr. RICHARDSON, of South Carolina. I ask unanimous consent that the call of States and Territories be continued until it is completed, notwithstanding the termination of the morning hour.

There was no objection, and it was so ordered.

GEORGE C. TRACY.

Mr. LADD introduced a bill (H. R. No. 3793) granting a pension to George C. Tracy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CITY NATIONAL BANK OF MANCHESTER, NEW HAMPSHIRE.

Mr. BRIGGS introduced a bill (H. R. No. 3794) authorizing the City National Bank of Manchester, New Hampshire, to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES B. ROYCE.

Mr. JOYCE introduced a bill (H. R. No. 3795) granting an increase of pension to James B. Royce, late a private in Company I, Seventh Vermont Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELVIRA W. EVARTS.

Mr. JOYCE also introduced a bill (H. R. No. 3796) granting a pension to Elvira W. Evarts; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JULIA SPENARD.

Mr. JOYCE also introduced a bill (H. R. No. 3797) granting a pension to Julia Spenard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BOSTON POST-OFFICE BUILDING.

Mr. MORSE introduced a bill (H. R. No. 3798) for continuing the construction of the Boston post-office building; which was read a first and second time, and referred to the Committee on Appropriations.

GENERAL M. T. DONOHOE.

Mr. MORSE also introduced a joint resolution (H. R. No. 180) to appoint General M. T. Donohoe manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his secretary; who also informed the House that he had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 1307) to establish a land district in the Territory of Dakota, and locating the office at Grand Forks;

An act (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes as far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania;

An act (H. R. No. 2790) authorizing the Secretary of the Treasury to appoint a deputy collector at Seaford, Sussex County, Delaware, and for other purposes;

An act (H. R. No. 2803) for the relief of Doddridge & Davis;

An act (H. R. No. 3496) directing the removal of the obstructions from the harbor at the Delaware breakwater;

An act (H. R. No. 3518) to authorize the importation of articles for exhibition at the Millers' international exhibition, to be held at Cincinnati in 1880, free of duty;

An act (H. R. No. 55) granting the right of way across Water Shops Pond, in Springfield, Massachusetts, to the Springfield and New London Railroad Company; and

A joint resolution (H. R. No. 156) to correct an error in the act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1880, and for other purposes.

COMPENSATION OF FOURTH-CLASS POSTMASTERS.

Mr. ROBINSON introduced a bill (H. R. No. 3799) to fix the compensation of postmasters of the fourth class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CUSTOM-HOUSE AT FALL RIVER, MASSACHUSETTS.

Mr. CRAPO introduced a bill (H. R. No. 3800) to appropriate for present use $50,000 for going on with the construction of the custom-house building in the city of Fall River, Massachusetts; which was read a first and second time, and referred to the Committee on Appropriations.

HOWARD UNIVERSITY, DISTRICT OF COLUMBIA.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 3801) to amend the charter of Howard University, in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

NEW LONDON NAVY-YARD.

Mr. WAIT submitted the following resolution; which, under the rule, was referred to the Committee on Appropriations:

Resolved, That the Secretary of the Navy communicate to the House of Representatives whether or not the interests of the country and the naval service require that the New London navy-yard shall be put in a state of thorough repair and efficiency, and what improvements, if any, are necessary for the preservation of the public property there located, and what sum of money is required to effect such purposes.

DETROIT RIVER BRIDGE.

Mr. MORTON presented a joint resolution of the Legislature of the State of New York, remonstrating against the erection of a swing-bridge across Detroit River; which was referred to the Committee on Commerce.

GENERAL ELISHA B. SMITH.

Mr. WILBER introduced a bill (H. R. No. 3802) in aid of the erection of a monument to Brevet Brigadier-General Elisha B. Smith and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STEAMBOAT MINNIE R. CHILD.

Mr. McCOOK introduced a bill (H. R. No. 3803) to authorize the Secretary of the Treasury to change the name of the steamboat Minnie R. Child, of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY C. HAMILTON.

Mr. CHITTENDEN introduced a bill (H. R. No. 3804) for the relief of Mary C. Hamilton, executrix of William Kendall, deceased; which was read a first and second time, and referred to the Committee on Military Affairs.

PHILIP TRUMBLE.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 3805) granting a pension to Philip Trumble, of Eagle Mills, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF THE REVISED STATUTES.

Mr. LAPHAM introduced a bill (H. R. No. 3806) to amend chapter 21 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID F. FLINN.

Mr. LAPHAM also introduced a bill (H. R. No. 3807) granting a pension to David F. Flinn, a landsman on the frigate Congress, in the naval service of the United States from January, 1846, to February, 1849; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. VAN VOORHIS introduced a bill (H. R. No. 3808) amending section 2535 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT BERGEN POINT, NEW JERSEY.

Mr. ROSS introduced a bill (H. R. No. 3809) to provide for the erection of a light-house at Mill Reef, Bergen Point, New Jersey, directly opposite New Brighton, Staten Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GENERAL GEORGE B. M'CLELLAN.

Mr. ROSS also introduced a joint resolution (H. R. No. 181) to appoint General George B. McClellan a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL C. VAN HOUTEN.

Mr. BLAKE introduced a bill (H. R. No. 3810) for the relief of Samuel C. Van Houten; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY J. TRIMBLE.

Mr. BLAKE also introduced a bill (H. R. No. 3811) for the relief of Mary J. Trimble; which was read a first and second time, and referred to the Committee of Claims.

SARAH LUFKIN MERCHANT.

Mr. BELTZHOOVER introduced a bill (H. R. No. 3812) granting a pension to Sarah Lufkin Merchant, widow of General Charles S. Merchant, late of the United States Army, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELLIS NEWMAN.

Mr. BACHMAN introduced a bill (H. R. No. 3813) authorizing the Secretary of War to change the records of his office so as to show that Ellis Newman, late private in Company C, First Regiment New Jersey Cavalry Volunteers, was discharged from the military service of the United States by reason of a disability incurred while in line of duty; which was read a first and second time, and referred to the Committee on Military Affairs.

FRANK REEDER.

Mr. KLOTZ introduced a bill (H. R. No. 3814) for the relief of Frank Reeder, late lieutenant-colonel Nineteenth Regiment Pennsylvania Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

COLONEL JAMES R. PORTER.

Mr. BAYNE introduced a bill (H. R. No. 3815) granting an increase of pension to Colonel James R. Porter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES WILLIAM BUTLER.

Mr. FISHER introduced a bill (H. R. No. 3816) for the relief of James William Butler, of the United States secret service; which was read a first and second time, and referred to the Committee on Military Affairs.

PHEBE ERRETT.

Mr. ERRETT introduced a bill (H. R. No. 3817) for the relief of Phebe Errett; which was read a first and second time, and referred to the Committee on Private Land Claims.

DISABLED SEAMEN IN NAVAL ASYLUMS.

Mr. BINGHAM introduced a bill (H. R. No. 3818) providing a monthly allowance to the disabled and decrepit seamen and marines in the United States naval asylums; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. WARD introduced a bill (H. R. No. 3819) donating cannon to Post Wilde, No. 2, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET JONES.

Mr. O'NEILL introduced a bill (H. R. No. 3820) granting a pension to Margaret Jones; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MACHINISTS IN THE UNITED STATES NAVY.

Mr. O'NEILL also introduced a bill (H. R. No. 3821) providing for the permanence of machinists in the United States Navy after certain re-enlistments; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAIL-VESSELS.

Mr. URNER introduced a bill (H. R. No. 3822) to make section 2871 of the Revised Statutes of the United States apply to sail-vessels as well as steamships; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MAJOR W. M. MAYNADIER.

Mr. URNER also introduced a bill (H. R. No. 3823) for the relief of Major William M. Maynadier, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

MONUMENT TO FRANCIS SCOTT KEY.

Mr. URNER also introduced a joint resolution (H. R. No. 182) providing for the erection of a monument at Frederick, Maryland, over the grave of Francis Scott Key, the author of the Star Spangled Banner; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MARKET-HOUSE, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. TALBOTT introduced a bill (H. R. No. 3824) to provide for building a market-house on square 446 in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

HEIRS-AT-LAW OF JOHN BOYLE.

Mr. TALBOTT also introduced a bill (H. R. No. 3825) for the relief of the heirs-at-law of John Boyle, deceased; which was read a first and second time, and referred to the Committee of Claims.

HEIRS OF LANGLEY B. CULLEY.

Mr. HENKLE introduced a bill (H. R. No. 3826) for the relief of the heirs of the late Langley B. Culley; which was read a first and second time, and referred to the Committee on Naval Affairs.

EXCLUSION OF LOTTERY ADVERTISEMENTS, ETC.

Mr. HENKLE (by request) also introduced a bill (H. R. No. 3827) to amend section 3894 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ANTON TSCHUDÍ.

Mr. HUNTON introduced a bill (H. R. No. 3828) granting a pension to Anton Tschudí; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALICE DE KALB SHATTUCK.

Mr. HUNTON also introduced a bill (H. R. No. 3829) for the relief of Alice De Kalb Shattuck; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY SANDERS.

Mr. HUNTON also introduced a bill (H. R. No. 3830) granting a pension to Henry Sanders; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN R. JOHNSON.

Mr. BEALE introduced a bill (H. R. No. 3831) for the relief of John R. Johnson, of Accomac County, Virginia; which was read a first and second time, and referred to the Committee on War Claims.

JOSEPH A. SEAWELL.

Mr. GOODE introduced a bill (H. R. No. 3832) to remove the political disabilities of Joseph A. Seawell, of Virginia; which was read a first and second time, and referred to the Committee on the Judiciary.

ESTATE OF WESLEY JONES.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 3833) for the relief of the estate of Wesley Jones, deceased, of the State of North Carolina; which was read a first and second time, and referred to the Committee of Claims.

INTERCHANGE OF DISTRICTS BY JUDGES.

Mr. SCALES introduced a bill (H. R. No. 3834) to allow district judges to interchange districts in the same circuit, subject to the approval of the circuit judge; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAYMENT OF DAMAGES BY INDIAN DEPREDATIONS.

Mr. SCALES also introduced a bill (H. R. No. 3835) to amend section 2156 of the Revised Statutes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE W. TROUTMAN.

Mr. VANCE introduced a bill (H. R. No. 3836) granting a pension to George W. Troutman, late a private First North Carolina Volunteers in the war with Mexico; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FATHER OF SAMUEL P. GREENE.

Mr. VANCE also introduced a bill (H. R. No. 3837) granting arrears of pension to the father of Samuel P. Greene, late a private Third North Carolina Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOUTH CAROLINA ARMS ACCOUNT.

Mr. RICHARDSON, of South Carolina, introduced a bill (H. R. No. 3838) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM REYNOLDS.

Mr. O'CONNOR introduced a bill (H. R. No. 3839) granting a pen-

sion to William Reynolds; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TRANSFER OF BARRACKS AT SAVANNAH.

Mr. NICHOLLS introduced a bill (H. R. No. 3840) to transfer the barracks at Savannah, Georgia, from the War to the Treasury Department, and that the buildings be used as a post-office and as offices of the Post-Office and Revenue Departments; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGIA INDIAN WAR CLAIM.

Mr. PERSONS introduced a bill (H. R. No. 3841) to repay to the State of Georgia $27,175.50, money advanced by said State for the defense of her frontiers against the Indians and not heretofore repaid; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. MARTHA J. EDDINS.

Mr. LEWIS introduced a bill (H. R. No. 3842) for the relief of Mrs. Martha J. Eddins, of Tuskaloosa, Alabama; which was read a first and second time, and referred to the Committee of Claims.

REORGANIZATION OF SUPREME COURT OF UNITED STATES.

Mr. MANNING introduced a bill (H. R. No. 3843) to reorganize the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF G. DUDLEY MOORE.

Mr. MANNING also introduced a bill (H. R. No. 3844) to transfer from the Treasury Department to the Court of Claims the claim of the heirs of G. Dudley Moore against the Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELI H. DAY.

Mr. HILL introduced a bill (H. R. No. 3845) granting a pension to Eli H. Day, of Paulding County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. WARNER introduced a bill (H. R. No. 3846) to amend section 3564 of the Revised Statutes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ESTABLISHMENT OF SUPERIOR COURT OF UNITED STATES, ETC.

Mr. WARNER also introduced a bill (H. R. No. 3847) to relieve the Supreme Court, to establish the superior court of the United States, and abolish the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL JONES.

Mr. GEDDES introduced a bill (H. R. No. 3848) granting a pension to Samuel Jones, whose son was a member of Company C, One hundred and second Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS QUILLEN.

Mr. GEDDES also introduced a bill (H. H. No. 3849) granting a pension to Thomas Quillen, Company G, Sixth Iowa Volunteer Infantry; which read a first and second time, and referred to the Committee on Invalid Pensions.

SOLDIERS OF THE WAR OF 1812.

Mr. ATHERTON introduced a bill (H. R. No. 3850) authorizing the names of certain soldiers of the war of 1812 to be placed on the pension-roll; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

DR. JOHN C. BECK.

Mr. BUTTERWORTH introduced a bill (H. R. No. 3851) for the relief of Dr. John C. Beck, of Hamilton County, Ohio; which was read a first and second time, and referred to the Committee on War Claims.

JAMES M'GOUNELL.

Mr. CARLISLE introduced a bill (H. R. No. 3852) granting a pension to James McGounell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILSON S. HORN.

Mr. CARLISLE also introduced a bill (H. R. No. 3853) granting a pension to Wilson S. Horn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

KENTUCKY MILITIA.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 3854) to declare the true intent and meaning of "An act to reimburse the State of Kentucky for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting militia forces to aid in suppressing the rebellion," approved June 8, 1872; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES J. QUINN.

Mr. CALDWELL introduced a bill (H. R. No. 3855) granting a pension to James J. Quinn, of Tompkinsville, Monroe County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM L. M'DONALD.

Mr. CALDWELL also introduced a bill (H. R. No. 3856) for the relief of William L. McDonald, administrator of S. R. Littrell, deceased, of the State of Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

JOSHUA E. LOGAN.

Mr. CALDWELL also introduced a bill (H. R. No. 3857) for the relief of Joshua E. Logan, of the State of Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

SARAH HALL.

Mr. THOMAS TURNER introduced a bill (H. R. No. 3858) granting a pension to Sarah Hall, of Mount Sterling, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLOMON H. KUHN.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 3859) for the benefit of Solomon H. Kuhn, of Laurel County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM A. TULLY.

Mr. WILLIS introduced a bill (H. R. No. 3860) granting a pension to William A. Tully, of Jefferson County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN KAYE.

Mr. WILLIS also introduced a bill (H. R. No. 3861) for the relief of John Kaye; which was read a first and second time, and referred to the Committee on War Claims.

MARY A. LORD.

Mr. WHITTHORNE (by request) introduced a bill (H. R. No. 3862) for the relief of Mary A. Lord; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EGBERT THOMPSON.

Mr. WHITTHORNE (by request) also introduced a bill (H. R. No. 3863) for the relief of Egbert Thompson, United States Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

JOHN R. HUGHES.

Mr. TAYLOR introduced a bill (H. R. No. 3864) for the relief of John R. Hughes; which was read a first and second time, and referred to the Committee on Military Affairs.

CASES BEFORE SOUTHERN CLAIMS COMMISSION.

Mr. TAYLOR also introduced a bill (H. R. No. 3865) to provide for the rehearing of certain cases before the southern claims commission, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES P. PIPPIN.

Mr. McMILLIN introduced a bill (H. R. No. 3866) to correct the military record and to do justice to James P. Pippin, late of Company H, First Regiment Tennessee Mounted Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

SURETIES OF HENRY L. NORVELL.

Mr. HOUSE introduced a bill (H. R. No. 3867) for the relief of the sureties of Henry L. Norvell; which was read a first and second time, and referred to the Committee of Ways and Means.

JAMES M. KIRKLAND.

Mr. HOUK introduced a bill (H. R. No. 3868) for the relief of James M. Kirkland, of Monroe County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

MARTIN CAGLE.

Mr. HOUK also introduced a bill (H. R. No. 3869) for the relief of Martin Cagle, of Monroe County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

LIEUTENANT J. W. VENTIS.

Mr. HOUK also introduced a bill (H. R. No. 3870) to grant a pension to Lieutenant J. W. Ventis, Company F, Sixth Tennessee Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN MICHAEL M'GRAYEL.

Mr. BICKNELL introduced a bill (H. R. No. 3871) granting a pension to Captain Michael McGrayel; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REV. WILLIAM MARTIN.

Mr. BICKNELL also introduced a bill (H. R. No. 3872) for the relief of Rev. William Martin, late chaplain of the Fifty-third Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

LEWIS J. TROSPER.

Mr. HOSTETLER introduced a bill (H. R. No. 3873) for the relief of Lewis J. Trosper, of Perrysville, Vermillion County, Indiana; which was read a first and second time, and referred to the Committee on Military Affairs.

MARIA HARD.

Mr. HOSTETLER also introduced a bill (H. R. No. 3874) granting a pension to Maria Hard, widow of James Hard, late private in Company G, Twenty-eighth Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PERSONS IN EMPLOYMENT OF THE UNITED STATES.

Mr. HOSTETLER also introduced a bill (H. R. No. 3875) for the better regulation of appointment, service, and compensation of persons in the employment of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

WILLIAM L. FARROW.

Mr. DE LA MATYR introduced a bill (H. R. No. 3876) granting a pension to William L. Farrow; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNA PARR.

Mr. DE LA MATYR also introduced a bill (H. R. No. 3877) granting a pension to Anna Parr; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH M. CLASPILL.

Mr. DE LA MATYR also introduced a bill (H. R. No. 3878) granting a pension to Sarah M. Claspill; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB YOUNG.

Mr. DE LA MATYR also introduced a bill (H. R. No. 3879) granting a pension to Jacob Young; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SIDNEY HAMILTON.

Mr. DE LA MATYR also introduced a bill (H. R. No. 3880) granting a pension to Sidney Hamilton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. TRUITT.

Mr. COLERICK introduced a bill (H. R. No. 3881) granting arrears of pension to John W. Truitt, of Allen County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALLEN O. NEFF.

Mr. COLERICK also introduced a bill (H. R. No. 3882) granting a pension to Allen O. Neff, late a sergeant in Company B, Ninth Regiment Indiana Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALBERT G. LEWIS.

Mr. COLERICK also introduced a bill (H. R. No. 3883) for the relief of Albert G. Lewis; which was read a first and second time, and referred to the Committee on Military Affairs.

MIAMI INDIANS OF INDIANA.

Mr. COWGILL introduced a bill (H. R. No. 3884) to authorize the payment of the principal sum due the Miami Indians of Indiana under the stipulations of the treaty of June 5, 1854, to appoint an agent therefor, and to provide for his compensation; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

INCREASE OF CAPITOL POLICE.

Mr. SPRINGER introduced a joint resolution (H. R. No. 183) increasing the Capitol police; which was read a first and second time, referred to the Committee of Accounts, and ordered to be printed.

ELECTION OF REPRESENTATIVES IN CONGRESS.

Mr. SPRINGER also introduced a bill (H. R. No. 3885) concerning the elections of Representatives in Congress; which was read a first and second time, referred to the Committee of Elections, and ordered to be printed.

HELEN M. FIEDLER.

Mr. SPRINGER also introduced a bill (H. R. No. 3886) for the relief of Helen M. Fiedler, widow and executrix of Ernest Fiedler, deceased; which was read a first and second time, and referred to the Committee on Foreign Affairs.

DR. T. S. VERDI.

Mr. SPRINGER also introduced a bill (H. R. No. 3887) for the relief of Dr. T. S. Verdi; which was read a first and second time, and referred to the Committee for the District of Columbia.

C. C. SMITH.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 3888) for the relief of C. C. Smith, late captain Thirteenth Regiment United States Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

BOARD OF ASSESSMENT AND TAXATION FOR DISTRICT OF COLUMBIA.

Mr. TOWNSHEND, of Illinois, (by request,) also introduced a bill (H. R. No. 3889) to create a board of assessment and taxation for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

GENERAL JOHN M. PALMER.

Mr. SPARKS introduced a joint resolution (H. R. No. 184) to appoint General John M. Palmer a manager of the National Home for Disabled Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTION OF IMMIGRATION.

Mr. BARBER introduced a bill (H. R. No. 3890) to promote immigration to the United States and for the protection of immigrants; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LEVERETT M. KELLEY.

Mr. SHERWIN introduced a bill (H. R. No. 3891) for the relief of Leverett M. Kelley, of Illinois; which was read a first and second time, and referred to the Committee of Claims.

NATIONAL AMERICAN HUMANE ASSOCIATION.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 3892) to incorporate the National American Humane Association; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MICHAEL C. HENDERSON.

Mr. WADDILL introduced a bill (H. R. No. 3893) for the relief of Michael C. Henderson; which was read a first and second time, and referred to the Committee on War Claims.

JOSEPH C. IRWIN.

Mr. SAWYER introduced a bill (H. R. No. 3894) for the relief of Joseph C. Irwin, of Kansas City, Missouri; which was read a first and second time, and referred to the Committee of Claims.

TAX ON MEDICINES.

Mr. FROST introduced a bill (H. R. No. 3895) to repeal so much of section 3437 of the Revised Statutes as imposes a tax on medicines or medicinal preparations; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

LIZZIE NEILLS.

Mr. FROST also introduced a bill (H. R. No. 3896) granting a pension to Lizzie Neills, minor child of Thomas Neills, deceased, private in the Quartermaster's Department United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL H. DONOVAN.

Mr. FROST also introduced a bill (H. R. No. 3897) for the relief of the sureties of Daniel H. Donovan, deceased; which was read a first and second time, and referred to the Committee on the Judiciary.

ABRAHAM WOLF.

Mr. HATCH introduced a bill (H. R. No. 3898) for the relief of Abraham Wolf; which was read a first and second time, and referred to the Committee on War Claims.

HENRY B. BROWN.

Mr. FORD (by request) introduced a bill (H. R. No. 3899) for the relief of Henry B. Brown; which was read a first and second time, and referred to the Committee of Claims.

JONATHAN SNOWDEN.

Mr. FORD also introduced a bill (H. R. No. 3900) for the relief of Jonathan Snowden, of Rochester, Missouri; which was read a first and second time, and referred to the Committee of Claims.

EPHRAIM PORTER.

Mr. FORD also introduced a bill (H. R. No. 3901) granting a pension to Ephraim Porter, of Stewartsville, State of Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. MARGARETTA BENDER.

Mr. WELLS introduced a bill (H. R. No. 3902) to refund to Mrs. Margaretta Bender certain money paid by her into the United States Treasury to compromise a violation of the revenue law by her insane husband; which was read a first and second time, and referred to the Committee of Ways and Means.

MARION MILLSAPS.

Mr. GUNTER introduced a bill (H. R. No. 3903) for the relief of Marion Millsaps; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. GLEASON AND H. HIMBER.

Mr. SLEMONS (by request) introduced a bill (H. R. No. 3904) for the relief of Andrew Gleason and Henry Himber; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

HOWELL H. TRASK.

Mr. STONE introduced a bill (H. R. No. 3905) for the relief of Howell H. Trask; which was read a first and second time, and referred to the Committee on War Claims.

DONATION OF LAND FOR SCHOOL PURPOSES.

Mr. NEWBERRY introduced a bill (H. R. No. 3906) granting to the Wayne County Central Agricultural and Industrial Association of the State of Michigan certain portions of the Dearborn arsenal property for certain school purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BAYSE N. WESTCOTT.

Mr. DAVIDSON introduced a bill (H. R. No. 3907) for the relief of Bayse N. Westcott; which was read a first and second time, and referred to the Committee on Naval Affairs.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. DAVIDSON also introduced a joint resolution (H. R. No. 185) making an appropriation for the Reform School of the District of Columbia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HORACE BOUGHTON.

Mr. CULBERSON introduced a bill (H. R. No. 3908) for the relief of Horace Boughton; which was read a first and second time, and referred to the Committee of Claims.

ALBERT WOOD.

Mr. PRICE introduced a bill (H. R. No. 3909) for the relief of Albert Wood, of Clinton, Iowa; which was read a first and second time, and referred to the Committee on War Claims.

RICHARD MIDDLETON.

Mr. McCOID introduced a bill (H. R. No. 3910) for the relief of Richard Middleton, of Keokuk, Iowa; which was read a first and second time, and referred to the Committee on Military Affairs.

CHRISTOPHER HOPPER.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 3911) granting a pension to Christopher Hopper, late private Company B, Thirty-first Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF REVISED STATUTES.

Mr. UPDEGRAFF, of Iowa, introduced a bill (H. R. No. 3912) to amend section 2288 of the Revised Statutes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

STANDARD WEIGHTS AND MEASURES.

Mr. UPDEGRAFF, of Iowa, also introduced a joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DANIEL CORNWELL.

Mr. BOUCK introduced a bill (H. R. No. 3913) granting a pension to Daniel Cornwell, of Plainfield, Waushara County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MAJOR DAVID W. FULTON.

Mr. BRAGG introduced a joint resolution (H. R. No. 187) appointing Major David W. Fulton, of Wisconsin, to fill a vacancy in the board of managers of the National Home for Disabled Soldiers, occasioned by the death of Dr. E. B. Wolcott; which was read a first and second time, and referred to the Committee on Military Affairs.

THEODORE C. HAWKINS.

Mr. BRAGG also introduced a bill (H. R. No. 3914) granting a pension to Theodore C. Hawkins, late a private Company C, Fourth Regiment Wisconsin Volunteers, and an employé in the Quartermaster's Department United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INCREASE OF PENSIONS IN CERTAIN CASES.

Mr. HAZELTON introduced a bill (H. R. No. 3915) to amend the act of Congress entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHILDREN OF YAKOOB BEG.

Mr. PAGE submitted a resolution calling upon the President for information and action in the case of the unfortunate children of Yakoob Beg; which was referred to the Committee on Education and Labor.

CHANGE OF DUTIES.

Mr. DAVIS, of California, introduced a bill (H. R. No. 3916) to amend existing duties and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

OCCUPANTS OF LANDS NEAR CAMP INDEPENDENCE, CALIFORNIA.

Mr. PACHECO introduced a bill (H. R. No. 3917) for the relief of certain citizens of the United States and occupants of lands within one mile of the military post of Camp Independence, Inyo County, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MUCK-A-PEC-WAK-KEN-ZAH.

Mr. WASHBURN introduced a bill (H. R. No. 3918) granting a pension to Muck-a-pec-wak-ken-zah, or "John," an Indian of the Dakota or Sioux tribe, who was instrumental in saving the lives of many white people in the Sioux outbreak in Minnesota in 1862, and who served the United States as a scout, &c.; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

CULVER HIBBARD.

Mr. POEHLER introduced a bill (H. R. No. 3919) granting a pension to Culver Hibbard; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

FRANCIS W. SEELEY.

Mr. POEHLER also introduced a bill (H. R. No. 3920) for the relief of Francis W. Seeley; which was read a first and second time, and referred to the Committee on Military Affairs.

FEES FOR FINAL CERTIFICATES IN DONATION CASES.

Mr. WHITEAKER introduced a bill (H. R. No. 3921) to amend section 2238 of the Revised Statutes, in relation to fees for final certificates in donation cases; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MRS. LIZZIE BELL.

Mr. HASKELL introduced a bill (H. R. No. 3922) for the relief of Mrs. Lizzie Bell, widow of Francis W. Bell, late captain Company I, Eighteenth Missouri Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CORNELIUS W. KEIFER.

Mr. ANDERSON introduced a bill (H. R. No. 3923) for the relief of Cornelius W. Keifer, late first lieutenant Company F, Veteran Battalion of Fourteenth and Fifteenth Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

SOLDIERS AND SEAMEN OF THE WAR OF 1812.

Mr. WILSON introduced a joint resolution (H. R. No. 188) construing the act of Congress granting pensions to the soldiers and seamen of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

LUCINDA E. NELSON.

Mr. WILSON also introduced a bill (H. R. No. 3924) granting a pension to Lucinda E. Nelson, widow of Daniel J. Nelson, deceased, late a private and veteran volunteer in the Thirty-ninth Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN M. DEBRULAR.

Mr. WILSON also introduced a bill (H. R. No. 3925) granting a pension to John M. Debrular, late a private in Company D, Sixth Regiment West Virginia Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

O. T. ROCH.

Mr. WILSON also introduced a bill (H. R. No. 3926) granting a pension to O. T. Roch, dependent father of J. H. Roch, late a private Company C, Twelfth Regiment West Virginia Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OLIVE PADGETT.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 3927) authorizing the Secretary of the Interior to place upon the pension-roll the name of Olive Padgett, widow of John W. Padgett, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES A. COBB.

Mr. KENNA introduced a bill (H. R. No. 3928) granting a pension to Charles A. Cobb, Junction Palace, Kanawha County, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

V. B. HORTON, JR.

Mr. KENNA also introduced a bill (H. R. No. 3929) for the relief of V. B. Horton, jr.; which was read a first and second time, and referred to the Committee of Claims.

HENRY PANCAKE.

Mr. KENNA also introduced a bill (H. R. No. 3930) granting a pension to Henry Pancake, Milton, Cabell County, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MORRIS APPEL.

Mr. BELFORD introduced a bill (H. R. No. 3931) for the relief of

Morris Appel, of Colorado; which was read a first and second time, and referred to the Committee of Claims.

CARE AND CUSTODY OF CRIMINALS.

Mr. OTERO introduced a bill (H. R. No. 3932) to authorize the Legislative Assemblies of the Territories to provide for the care and custody of criminals; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

POST-TRADERS AT MILITARY POSTS OF THE ARMY.

Mr. MAGINNIS introduced a bill (H. R. No. 3933) to amend section 1113 of the Revised Statutes, relative to post-traders at military posts of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXTINGUISHMENT OF TITLE TO CROW RESERVATION.

Mr. DOWNEY introduced a joint resolution and memorial of the council and house of representatives of the Territory of Wyoming, praying that the Indian title to the Crow reservation be extinguished; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HANSON BAILEY.

Mr. KIMMEL introduced a bill (H. R. No. 3934) for the relief of Hanson Bailey; which was read a first and second time, and referred to the Committee of Claims.

THOMAS POULTNEY.

Mr. KIMMEL also introduced a bill (H. R. No. 3935) for the relief of Thomas Poultney; which was read a first and second time, and referred to the Committee on Patents.

WILLIAM A. WEST.

Mr. WISE introduced a bill (H. R. No. 3936) granting a pension to William A. West; which was read a first and second time, and referred to the Committee on Invalid Pensions.

E. J. WELTY.

Mr. WISE also introduced a bill (H. R. No. 3937) granting a pension to E. J. Welty; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALEXANDER GRAHAM.

Mr. WELLBORN introduced a bill (H. R. No. 3938) for the relief of Alexander Graham; which was read a first and second time, and referred to the Committee on Indian Affairs.

MRS. HANNAH S. COMMAGER.

Mr. HURD introduced a bill (H. R. No. 3939) granting a pension to Mrs. Hannah S. Commager; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EMILY AGNEL.

Mr. COVERT introduced a bill (H. R. No. 3940) granting a pension to Emily Agnel, widow of Hyacinth Robert Agnel, late a colonel in the United States Army, and professor of French language at the United States Military Academy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM H. SLOAN.

Mr. MULLER introduced a bill (H. R. No. 3941) for the relief of William H. Sloan, late second lieutenant Twelfth Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

BENJAMIN C. BAMPTON.

Mr. MULLER also introduced a bill (H. R. No. 3942) for the relief of Benjamin C. Bampton; which was read a first and second time, and referred to the Committee on Naval Affairs.

AMENDMENT OF REVISED STATUTES.

Mr. KELLEY introduced a bill (H. R. No. 3943) to amend sections 3694 and 3695 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. O'NEILL introduced a bill (H. R. No. 3944) donating condemned cannon and cannon-balls or field-pieces to William L. Curry Post, No. 18, Grand Army of the Republic, for their place of burial; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMERICAN GROCER ASSOCIATION.

Mr. McCOOK introduced a bill (H. R. No. 3945) for the relief of the American Grocer Association of the city of New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

E. F. WENCKEBACH.

Mr. HAWLEY introduced a bill (H. R. No. 3946) for the relief of E. F. Wenckebach, of New York; which was read a first and second time, and referred to the Committe on Military Affairs.

LOSSES BY INDIAN DEPREDATIONS.

Mr. VALENTINE introduced a bill (H. R. No. 3947) to authorize the appointment of commissioners to ascertain and report losses sustained by citizens of the United States on account of Indian depredations, and to adjust claims arising therefrom; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRE-EMPTION SETTLERS IN DAKOTA.

Mr. BENNETT introduced a bill (H. R. No. 3948) for the relief of certain pre-emption settlers in Dakota Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ELECTIONS IN DAKOTA.

Mr. BENNETT also introduced a bill (H. R. No. 3949) legalizing elections in certain villages in the Territory of Dakota to vote aid to a railway company and authorizing the issuance of bonds pursuant to said elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES DOWNING.

Mr. FRYE introduced a bill (H. R. No. 3950) granting a pension to James Downing, private in the twenty-seventh company of unassigned infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

STAMPING UNSTAMPED INSTRUMENTS, ETC.

Mr. DAVIS, of California, introduced a bill (H. R. No. 3951) to further extend the time to stamp unstamped instruments, documents, and papers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COSMO-AMERICAN COLONIZATION, ETC., BUREAU.

Mr. MASON introduced a bill (H. R. No. 3952) to incorporate the Cosmo-American Colonization and General Improvement Bureau in the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

JUDICIAL APPROPRIATION ACT.

Mr. OSMER introduced a bill (H. R. No. 3953) to amend an act entitled "An act making appropriations for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved June 30, 1879; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS IN ILLINOIS.

Mr. THOMAS introduced a bill (H. R. No. 3954) to divide the State of Illinois into three judicial districts, and to provide for holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS also introduced a bill (H. R. No. 3955) to equalize bounties of soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARETTA D. FENN.

Mr. KILLINGER introduced a bill (H. R. No. 3956) granting a pension to Margaretta D. Fenn; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COMMODORE PERRY REESE.

Mr. KILLINGER also introduced a bill (H. R. No. 3957) granting a pension to Commodore Perry Reese; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS H. CARPENTER.

Mr. WHITE introduced a bill (H. R. No. 3958) authorizing the Secretary of War to restore the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army; which was read a first and second time, and referred to the Committee on Military Affairs.

INSPECTOR-GENERAL'S DEPARTMENT.

Mr. GARFIELD introduced a bill (H. R. No. 3959) to repeal section 1131 of the Revised Statutes, and to reduce and fix the rank and numbers of officers in the Inspector-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SEATTLE AND WALLA WALLA WAGON-ROAD.

Mr. BRENTS introduced a bill (H. R. No. 3960) to aid and secure the construction of the Seattle and Walla Walla wagon-road, in Washington Territory; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

EDWARD KOLB.

Mr. BRENTS also introduced a bill (H. R. No. 3961) for the relief of Edward Kolb; which was read a first and second time, and referred to the Committee on Indian Affairs.

SOMERVILLE NICHOLSON.

Mr. ELAM introduced a bill (H. R. No. 3962) for the relief of Somerville Nicholson; which was read a first and second time, and referred to the Committee on Naval Affairs.

CHARLES J. MURPHY.

Mr. BLISS (by request) introduced a bill (H. R. No. 3963) for the relief of Charles J. Murphy; which was read a first and second time, and referred to the Committee on War Claims.

NEGOTIATION OF COMMERCIAL TREATIES.

The SPEAKER. The unfinished business coming over from last Monday is the completion of the roll-call on the motion to suspend the rules and pass a resolution offered by the gentleman from Pennsylvania, [Mr. KELLEY.] The yeas and nays had been ordered and the roll had been partially called, when it was interrupted by the Committee for the District of Columbia claiming the floor at two o'clock under Rule 82. The Clerk will read the names of those members who had voted.

Mr. ELAM. Let the resolution be again read.

The resolution was read, as follows:

Resolved, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7 of article 1 of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives.

Mr. BUCKNER. I understand that the list was called over once last Monday, and the next thing I suppose will be to call the names of those who did not vote at that time.

The SPEAKER. The Chair will direct the list to be read of those voting on the call last Monday, because some members have expressed a desire to change their votes.

The list was read, as follows:

YEAS—141.

Acklen,	Felton,	Lowe,	Slemons,
Aiken,	Ferdon,	Martin, Benj. F.	Smith, A. Herr
Atherton,	Ford,	Martin, Joseph J.	Smith, William E.
Baker,	Forney,	Mason,	Sparks,
Barber,	Fort,	McKinley,	Springer,
Bayne,	Frost,	Miller,	Steele,
Bliss,	Frye,	Mitchell,	Stevenson,
Bouck,	Garfield,	Monroe,	Stone,
Bowman,	Gillette,	Morrison,	Thomas,
Boyd,	Godshalk,	Morse,	Thompson, Wm. G.
Briggs,	Goode,	Morton,	Townsend, Amos
Bright,	Gunter,	Muldrow,	Turner, Oscar
Burrows,	Hall,	Neal,	Turner, Thomas
Caldwell,	Hammond, John	Newberry,	Tyler,
Carlisle,	Haskell,	Nicholls,	Updegraff, J. T.
Carpenter,	Hawk,	Norcross,	Updegraff, Thomas
Claflin,	Hazelton,	O'Connor,	Upson,
Clardy,	Heilman,	O'Neill,	Valentine,
Clymer,	Hooker,	O'Reilly,	Van Aernam,
Cobb,	Horr,	Orth,	Vance,
Coffroth,	Hostetler,	Osmer,	Voorhis,
Conger,	House,	Pacheco,	Waddill,
Converse,	Hubbell,	Page,	Ward,
Covert,	Hutchins,	Phelps,	Warner,
Cowgill,	Johnston,	Phister,	Washburn,
Crapo,	Jones,	Price,	Wells,
Daggett,	Joyce,	Richardson, D. P.	Whiteaker,
Davis, George R.	Kelley,	Robertson,	Whitthorne,
Davis, Horace	Kenna,	Robinson,	Williams, C. G.
De La Matyr,	Ketcham,	Ross,	Wise,
Deering,	Kimmel,	Rothwell,	Wood, Fernando
Dunnell,	Kitchin,	Russell, W. A.	Wright,
Einstein,	Klotz,	Sawyer,	Yocum.
Elam,	Ladd,	Scales,	
Evins,	Lindsey,	Shallenberger,	
Farr,	Loring,	Sherwin,	

NAYS—30.

Armfield,	Deuster,	McMahon,	Simonton,
Bicknell,	Dibrell,	Mills,	Taylor,
Blackburn,	Field,	Money,	Wellborn,
Camp,	Geddes,	Poehler,	Willis,
Chalmers,	Martin, Edward L.	Reagan,	Willits,
Colerick,	McCoid,	Richmond,	Wilson.
Cravens,	McKenzie,	Samford,	
Davis, Lowndes H.	McLane,	Shelley,	

The SPEAKER. The names of those desiring to vote will now be called by the Clerk, and they will vote on the assurance that they were within the bar when the last name on the roll was called.

The Clerk proceeded to call the names of members desiring to vote, during which the following announcements were made:

Mr. MCKENZIE. I desire to withdraw my vote, for I am paired with Mr. ALDRICH, of Rhode Island.

Mr. MONROE. I desire to state that Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York.

Mr. CHITTENDEN. I am paired with Mr. BLOUNT, of Georgia.

Mr. REED. As I understand, only those are now entitled to vote who were present at the roll-call last Monday.

The SPEAKER. The Chair stated distinctly that gentlemen now desiring to vote did so upon the assurance that they were within the bar when the last name on the roll was called; that is, on Monday last.

Mr. REED. I was not here then.

The SPEAKER. Those who were not present on Monday last and within the bar when the last name on the roll was called, cannot now vote except by unanimous consent.

Mr. FISHER. I was not present last Monday and I desire to have my vote recorded. I ask unanimous consent for that purpose.

There was no objection.

The following members, who were not present on Monday last, also asked and obtained unanimous consent to vote:

Mr. HARMER, Mr. BINGHAM, Mr. RUSSELL of North Carolina, Mr. ERRETT, Mr. WHITE, Mr. RICE, Mr. URNER, Mr. KILLINGER, Mr. HUMPHREY, Mr. BRIGHAM, Mr. RYAN of Kansas, Mr. TALBOTT, Mr. BELTZHOOVER, Mr. SPEER, and Mr. DICK.

The SPEAKER. The Chair asks gentlemen to listen attentively while the roll is being read in order that they may see that their votes are correctly recorded.

The result of the completed roll-call was—yeas 175, nays 62, not voting 54; as follows:

YEAS—175.

Acklen,	Dunnell,	Klotz,	Scales,
Aiken,	Einstein,	Ladd,	Shallenberger,
Aldrich, William	Elam,	Lewis,	Sherwin,
Atherton,	Errett,	Lindsey,	Singleton, J. W.
Bailey,	Evins,	Loring,	Slemons,
Baker,	Farr,	Lowe,	Smith, A. Herr
Barber,	Felton,	Martin, Benj. F.	Smith, William E.
Bayne,	Ferdon,	Martin, Joseph J.	Sparks,
Beltzhoover,	Fisher,	Mason,	Springer,
Bingham,	Ford,	McKinley,	Stevenson,
Blake,	Forney,	Miles,	Stone,
Bland,	Fort,	Miller,	Talbott,
Bliss,	Frye,	Mitchell,	Thomas,
Bouck,	Garfield,	Monroe,	Thompson, P. B.
Bowman,	Gillette,	Morrison,	Thompson, Wm. G.
Boyd,	Godshalk,	Morse,	Tillman,
Brewer,	Goode,	Morton,	Townsend, Amos
Briggs,	Gunter,	Muldrow,	Townshend, R. W.
Brigham,	Hall,	Murch,	Turner, Oscar
Bright,	Hammond, John	Neal,	Turner, Thomas
Browne,	Harmer,	Newberry,	Tyler,
Burrows,	Harris, Benj. W.	Nicholls,	Updegraff, J. T.
Butterworth,	Haskell,	Norcross,	Updegraff, Thomas
Cabell,	Hawk,	O'Connor,	Upson,
Caldwell,	Hawley,	O'Neill,	Urner,
Carlisle,	Hazelton,	O'Reilly,	Valentine,
Carpenter,	Heilman,	Orth,	Van Aernam,
Caswell,	Henderson,	Osmer,	Vance,
Claflin,	Henkle,	Overton,	Voorhis,
Clymer,	Horr,	Pacheco,	Van Voorhis,
Cobb,	Hostetler,	Page,	Ward,
Coffroth,	Hubbell,	Phelps,	Warner,
Conger,	Humphrey,	Phister,	Washburn,
Converse,	Hunton,	Prescott,	Weaver,
Cook,	Hutchins,	Price,	Wells,
Covert,	Johnston,	Rice,	White,
Cowgill,	Jones,	Richardson, D. P.	Whiteaker,
Crapo,	Jorgensen,	Robertson,	Whitthorne,
Daggett,	Joyce,	Robinson,	Williams, C. G.
Davis, George R.	Kelley,	Ross,	Wise,
Davis, Horace	Kenna,	Rothwell,	Wood, Fernando
De La Matyr,	Ketcham,	Russell, Daniel L.	Wright,
Deering,	Killinger,	Russell, W. A.	Yocum.
Dick,	Kimmel,	Ryan, Thomas	

NAYS—62.

Anderson,	Davis, Lowndes H.	Lounsbery,	Sapp,
Armfield,	Deuster,	Marsh,	Sawyer,
Bachman,	Dibrell,	Martin, Edward L.	Shelley,
Bicknell,	Dwight,	McCoid,	Simonton,
Blackburn,	Field,	McLane,	Speer,
Bragg,	Frost,	McMahon,	Steele,
Buckner,	Geddes,	McMillin,	Taylor,
Camp,	Hatch,	Mills,	Waddill,
Chalmers,	Herndon,	Money,	Wait,
Clardy,	Hill,	Myers,	Wellborn,
Clark, John B.	Hooker,	New,	Williams, Thomas
Colerick,	House,	Poehler,	Willis,
Cravens,	Hurd,	Reagan,	Willits,
Culberson,	Kitchin,	Richardson, J. S.	Wilson.
Davidson,	Lapham,	Richmond,	
Davis, Joseph J.	Le Fevre,	Samford,	

NOT VOTING—54.

Aldrich, N. W.	Dickey,	Hull,	Reed,
Atkins,	Dunn,	James,	Robeson,
Ballou,	Ellis,	Keifer,	Ryon, John W.
Barlow,	Ewing,	King,	Singleton, O. R.
Beale,	Finley,	Knott,	Smith, Hezekiah B.
Belford,	Forsythe,	Manning,	Starin,
Berry,	Gibson,	McCook,	Stephens,
Blount,	Hammond, N. J.	McGowan,	Tucker,
Calkins,	Harris, John T.	McKenzie,	Wilber,
Cannon,	Hayes,	Muller,	Wood, Walter A.
Chittenden,	Henry,	O'Brien,	Young, Casey
Clark, Alvah A.	Herbert,	Persons,	Young, Thomas L.
Cox,	Hiscock,	Pierce,	
Crowley,	Houk,	Pound,	

So (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

ORDER OF BUSINESS.

Mr. REED. I move that the House now adjourn.

Mr. HUNTON. I ask the gentleman to yield to me to report from the Committee for the District of Columbia a joint resolution to which I think there will be no objection.

Mr. REED. I will do so.

HEALTH ORDINANCES AND REGULATIONS FOR DISTRICT OF COLUMBIA.

Mr. HUNTON, by unanimous consent, reported from the Committee for the District of Columbia a joint resolution (H. R. No. 189) legalizing the health ordinances and regulations of the District of Columbia; which was read a first and second time.

The joint resolution was read at length, as follows:

Resolved, &c., That the health ordinances for the District of Columbia as revised, amended, and adopted November 19, 1875, together with the regulations governing vital statistics, sale of unwholesome food, inspection of marine products, inspection of streets and prevention of the spread of infectious and contagious diseases, passed by the board of health, be, and the same are hereby, legalized.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Maine [Mr. REED] that the House now adjourn.

The question was taken; and upon a division there were—ayes 128, noes 39.

Before the result of this vote was announced,

Mr. GILLETTE called for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 22 in the affirmative; not one-fifth of the last vote.

Mr. CAMP. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, there being but 13 in the affirmative; not one-fifth of a quorum.

So the yeas and nays were not ordered.

The motion to adjourn was agreed to; and accordingly (at two o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of George W. Butler and 100 others, for the removal of obstructions to the entrance and for otherwise improving the inner harbor at Block Island, Rhode Island—to the Committee on Commerce.

Also, a bill making appropriations for removing obstructions from the entrance to the inner harbor at Block Island, Rhode Island—to the same committee.

By Mr. BACHMAN: The petition of soldiers of the late war against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BAILEY: The petition of Captain H. W. Temple, of Albany, New York, and 100 other captains, engineers, and pilots, to reduce license fees of captains, pilots, and engineers—to the Committee on Commerce.

By Mr. BOUCK: Memorial of the sachem, counselors, and others of the Stockbridge and Munsee Indians, asking not to be deprived of certain lands—to the Committee on Indian Affairs.

Also, the petition of citizens of Berlin, Wisconsin, for the enactment of a law against the adulteration of food—to the Committee on Agriculture.

By Mr. BOWMAN: The petition of citizens of Massachusetts, that a pension be granted Catharine J. Ganity—to the Committee on Invalid Pensions.

By Mr. BREWER: The petition of Charles Sexton and 60 others, citizens of Clinton County, Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of Samuel Green, Charles Sexton, and 60 others, citizens of Clinton County, Michigan, for legislation to relieve the people from the oppressions of railroad monopolies—to the Committee on Commerce.

By Mr. BRIGGS: Memorial of George E. Todd, of New Hampshire, superintendent of the Northern, Concord and Claremont and Hillsborough and Peterborough Railroads, for a change in the duty on steel rails—to the Committee of Ways and Means.

By Mr. BRIGHAM: The petition of P. Lorillard & Co. and others, that business circulars be sent through the mails at newspaper rates—to the Committee on the Post-Office and Post-Roads.

By Mr. BROWNE: The petition of 151 ex-soldiers of the Union Army, of Wayne County, Indiana, for such legislation as will make the pay of the volunteer soldier in the late war equal to coin—to the Committee on Military Affairs.

Also, the petition of 76 citizens of Dearborn County, Indiana, that a pension be granted Joseph Perry—to the Committee on Invalid Pensions.

By Mr. BUCKNER: The petition of Jane M. McCrabb, for a pension—to the same committee.

By Mr. BURROWS: The petition of citizens of Kalamazoo County, Michigan, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of ex-soldiers of the late war, of Cass County, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Kalamazoo County, Michigan, that the patent laws be amended so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. CARLISLE: Memorial of citizens of Boone County, Kentucky, asking for the establishment of an additional judicial district in that State—to the Committee on the Judiciary.

Also, memorial of citizens of Carroll County, Kentucky, of similar import—to the same committee.

By Mr. CARPENTER: Two petitions from citizens of Story County, Iowa, for the passage of a law to relieve the patrons of railways from extortionate charges—to the Committee on Commerce.

Also, two petitions from citizens of Story County, Iowa, for such amendment of the patent laws as will protect from prosecution innocent purchasers and users of patented articles—to the Committee on Patents.

Also, two petitions of citizens of Des Moines, Iowa, for an amendment to the Constitution of the United States guaranteeing the right of suffrage to women—to the Committee on the Judiciary.

By Mr. COLERICK: Papers relating to the pension claim of Allen O. Neff—to the Committee on Invalid Pensions.

By Mr. DEERING: The petition of citizens of Hardin County, Iowa, for a revision of the patent laws and the better protection of innocent purchasers of patented articles—to the Committee on Patents.

By Mr. DE LA MATYR: The petitions of Sarah M. Claspill, of William L. Farrow, of Sidney B. Hamilton, of Anna Parr, and of Jacob Young, for pensions—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Two petitions of citizens of Tennessee, Alabama, and Georgia, indorsing the action of the recent river convention held at Huntsville, Alabama, in regard to an immediate appropriation for the improvement of the Tennessee River—to the Committee on Commerce.

Also, the petitions of S. C. Capehart and other steamboat men on the Tennessee River, and of business men of Chattanooga, Tennessee, of similar import—to the same committee.

By Mr. DUNNELL: The petitions of Captain Ives and 20 others, of John W. Hussey and 50 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the same committee.

Also, the petition of Captain Ives and 20 others, of John W. Hussey and 50 others, citizens of Minnesota, for an amendment to the patent laws—to the Committee on Patents.

Also, the petition of C. S. Dunbar and 50 others, citizens of the United States, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. FIELD: The petition of Samuel A. Waterman, for additional pay for services rendered as first sergeant Company D, Forty-second Regiment Massachusetts Volunteers, during the late war—to the same committee.

By Mr. FISHER: The petition of soldiers of Huntingdon County, Pennsylvania, for the equalization of bounties—to the same committee.

By Mr. FORD: Papers relating to the petitions of Wingate K. Watchell, Thomas M. Pittman, D. W. Terhune, Valentine Graff, C. S. Carter, and Sandford Stoner, for the removal of the charge of desertion from the military record of each of them—to the same committee.

By Mr. FORT: The petition of L. Steely, of Illinois, for legislation for the improvement of the sanitary condition of the country, accompanied by draught of bill—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

Also, the petition of W. B. Simonds and 300 others, citizens of Illinois, for an appropriation for the improvement of the Kankakee and the Iroquois Rivers—to the Committee on Commerce.

Also, the petition of Fred. Ducket and others, of Illinois, for additional pay as soldiers on account of depreciated money in which they were paid for their services—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of D. W. Rose and 87 others, soldiers, of Hancock County, Ohio, that he be granted a pension—to the Committee on Invalid Pensions.

By Mr. GILLETTE: The petition of J. H. Woods and 6 others, United States soldiers, to be placed on the same footing as bondholders in the matter of their pay—to the Committee on Military Affairs.

By Mr. JOHN T. HARRIS: The petition of Mrs. Septema Randolph Meikelham, granddaughter of Thomas Jefferson, for a pension—to the Committee on Invalid Pensions.

By Mr. HASKELL: The petition of citizens of Kansas, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. HEILMAN: The petition of J. C. C. Miller and others, to reduce license fees of steamboat officers—to the Committee on Commerce.

Also, the petition of Thomas Stewart and others, for an appropriation to improve Patoka River, in the State of Indiana—to the same committee.

Also, the petition of William Wimpelberg and others, of Indiana, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of James C. Chappell and others, citizens of Indiana, of similar import—to the same committee.

By Mr. HENKLE: Papers relating to the claim of Langley B. Culley for pay for services rendered as naval constructor—to the Committee on Naval Affairs.

Also, papers relating to the claim of Jane C. Dyer for pay for property destroyed by the United States Army during the late war—to the Committee on War Claims.

By Mr. HENRY: The petition of Jacob Fleishell, for pay on account of injuries received while at work on the Capitol extension in 1858—to the Committee of Claims.

By Mr. HOSTETLER: The petition of the Indiana State and delegate boards of agriculture, for legislation to stamp out the contagious diseases of cattle and live stock—to the Committee on Agriculture.

By Mr. HOUK: Papers relating to the claim of George W. Bradley, for pay for property destroyed by United States authorities during the late war—to the Committee on War Claims.

Also, the petition of Isaac Erwin, for a pension—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of M. V. Taylor and 51 other soldiers in the war of the rebellion, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. HUNTON: The petition of Milley White, for bounty and back pay on account of services rendered by her late husband—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: The petition of E. T. Pilkinton, of Richmond, Virginia, to be refunded the value of internal-revenue stamps destroyed by fire—to the Committee of Ways and Means.

By Mr. JONES: Papers relating to the petition of Ferdinand Cais, a citizen of France, that the Court of Claims be authorized to hear and determine a certain claim of his—to the Committee on the Judiciary.

By Mr. JOYCE: The petition of citizens of Vermont, that a pension be granted Julia Spenard—to the Committee on Invalid Pensions.

Also, the petition of James B. Royce, for an increase of pension—to the same committee.

Also, the petition of citizens of Vermont, that a pension be granted Elvira W. Evarts—to the same committee.

By Mr. KILLINGER: The petition of Margaretta D. Fenn, for a pension—to the same committee.

Also, the petition of citizens of Northumberland County, Pennsylvania, late soldiers of the United States, for an equalization of bounties—to the Committee on Military Affairs.

By Mr. KLOTZ: The petition of soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LADD: The petition of citizens of Maysville, Maine, for the improvement of the channel of the Aroostook River—to the Committee on Commerce.

Also, the petition of citizens of Ashland, Maine, of similar import—to the same committee.

By Mr. LAPHAM: Resolutions of the Legislature of New York, opposing the erection of a swing-bridge over Detroit River—to the same committee.

Also, papers relating to the pension claim of Sallie C. Mulligan—to the Committee on Invalid Pensions.

By Mr. LOUNSBERY: The petition of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. LOWE: The petition of citizens of Tennessee, Alabama, and Georgia, for an immediate appropriation for the improvement of the Tennessee River at Muscle Shoals—to the Committee on Commerce.

By Mr. BENJAMIN F. MARTIN: The petition of Arthur I. Strasnider and others, soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Christopher Martin and others, for a change in the revenue laws affecting the distillation of spirits—to the Committee of Ways and Means.

Also, the petitions of Robert W. Bayler and others; of M. Locke and others; of W. H. Lewis and others; of James E. Watson and others; of John H. Strider and others; and of C. T. Butler and others, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. McKINLEY: The petition of J. W. Gilmore and 22 others, ex-soldiers, of Smithville, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MORTON: Memorial of Drexel, Morgan & Co., Brown Brothers & Co., Kidder, Peabody & Co., and others, that Congress speedily enact laws which shall give to all rightful claimants upon the Geneva award fund an immediate and convenient opportunity to present their claims to some properly constituted tribunal—to the Committee on the Judiciary.

By Mr. MULLER: The petition of John Halloran, for pay on account of false imprisonment by United States authorities—to the Committee of Claims.

By Mr. MURCH: The petition of Daniel E. Gamage and 28 others, citizens of Maine, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Cornelius O'Sullivan, for an equalization of bounties—to the same committee.

By Mr. NEWBERRY: The petition of Charles M. Perry and 43 other soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. O'BRIEN: Papers relating to the pension claim of Mary A. E. Furey—to the same committee.

By Mr. O'CONNOR: The petition of C. K. Huger, S. Y. Tupper, John Riggs, and other citizens of Charleston, South Carolina, for a reduction of the duty on steel rails to $10 per ton—to the Committee of Ways and Means.

By Mr. ROTHWELL: Papers relating to the claim of W. W. Walden for pay for property destroyed during the late war by the United States Army—to the Committee on War Claims.

By Mr. SHALLENBERGER; Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the improvement of the Allegheny River from Pittsburgh to Olean—to the Committee on Commerce.

By Mr. JAMES W. SINGLETON: The petition of 500 citizens of Pike County, Illinois, for the passage of a law loaning $750 to each head of a family who may unite in a colony of fifty families to settle upon and enter the public lands under the homestead law, the return of the loan to be secured by the land and improvements—to the Committee on Public Lands.

By Mr. WILLIAM E. SMITH: The petition of factors, merchants, and consumers, against extending patents for cotton iron-tie buckles—to the Committee on Patents.

By Mr. SPARKS: The petition of William A. Elam and other soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. SPRINGER: The petition of Mrs. Helen M. Fiedler, executrix, &c., in relation to her claim against the government of Brazil—to the Committee on Foreign Affairs.

By Mr. STARIN: The petition of Charles Kline and 40 other citizens and ex-soldiers, of Montgomery County, New York, relative to certain pension bills—to the Committee on Invalid Pensions.

Also, the petition of 49 ex officers, soldiers, and sailors of the late war, urging the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. STONE: The petition of Hiram Hawley and 44 others, citizens of Keene, Michigan, for such legislation as will alleviate the oppressions imposed by transportation monopolies—to the Committee on Commerce.

Also, the petition of Hiram Hawley and 45 others, citizens of Keene, Michigan, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

By Mr. TAYLOR: A bill for the improvement of Clinch River—to the Committee on Commerce.

Also, a bill for the improvement of Holston River—to the same committee.

By Mr. P. B. THOMPSON, JR.: The petition of Thomas J. Wethington, for a pension—to the Committee on Invalid Pensions.

Also, the petition of T. C. Winfrey, for pay as an officer in the United States Army during the late war—to the Committee on Military Affairs.

Also, the petition of Belford Kirtley, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. TILLMAN: A bill to provide for the examination and survey of the Edisto and Salkahatchie Rivers, in the State of South Carolina—to the Committee on Commerce.

By Mr. RICHARD W. TOWNSHEND: The petitions of W. J. S. Shain and others, citizens of Saline County, Illinois, and of B. Boaz and others, of Saline County, Illinois, for the passage of an act of Congress regulating interstate commerce—to the same committee.

Also, the petition of J. Troll, relating to a patent and the patent laws—to the Committee on Patents.

Also, the petitions of B. H. Cain and others, and of J. H. Scott and others, of Saline County, Illinois, for a change in the patent laws, making vendors and manufacturers of patented articles solely responsible for infringements—to the same committee.

By Mr. OSCAR TURNER: Memorial of citizens of Paducah, Kentucky, for a portion of the $510,000, soldiers' bounties unclaimed, remaining in the Treasury to be devoted to the aid of Wilberforce University in Ohio—to the Committee on Education and Labor.

By Mr. TYLER: The petition of L. A. Ballou and 19 other soldiers of Vermont, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

By Mr. VALENTINE: A bill to authorize certain improvements of the channel of the Missouri River—to the Committee on Commerce.

Also, the petition of soldiers, residents of Nebraska, who served in the Union Army during the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WARNER: The petition of Isaac Scott and 18 others, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of H. H. Sibley and John T. Averill, for the relief of Muck-a-pec-wak-ken-zah, an Indian of the Dakota or Sioux tribe, who was instrumental in saving the lives of many white people in the Sioux outbreak in Minnesota in 1862, and who also served in the United States Army as a scout—to the same committee.

Also, the petition of Enoch Phillips, a member of the First Minnesota Heavy Artillery, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of James Southerland and others, of Goodhue County, Minnesota, for the passage of a law to prevent extortion and discrimination in railroad freights—to the Committee on Commerce.

Also, the petition of James Southerland and others, of Goodhue County, Minnesota, for amendments to the patent laws—to the Committee on Patents.

By Mr. WEAVER: The petitions of R. M. Mason and 19 others; of H. A. Johnson and 30 others; of H. W. Brown and 12 others; of Timothy Reardon and 7 others; of James Newton and 8 others; of M. McCarthy and 18 others; of John H. Good and 10 others; of James Callihan and 17 others; of J. D. S. Baldwin and 13 others; of William

Thompson and 14 others; of A. Hensfieldt and 6 others; of Joseph S. Perry and 15 others; of Thomas Gately and 15 others; of Nathan Munsey and 9 others; of Joseph H. Kingsley and 17 others; of William L. Wallingford and 18 others; of Thomas Tallan and 13 others; of Grant Larned and 17 others; of Patrick Sullivan and 21 others; of G. T. Counot and 11 others; of William H. Howard and 18 others; of L. W. Rumsey and 7 others; of W. Z. Hickey and 8 others; of John Kelly and 19 others; of John W. Mahon and 14 others; of H. D. Reed and 19 others; of George Fitzgerald and 12 others; of P. H. Baray and 12 others; of Thomas Breslin and 6 others; of Robert P. Boss and 24 others; of Charles Buttrick and 32 others; of George M. De Witt and 65 others; of A. G. Chamberlain and 36 others; of George Munroe and 16 others; of James McDonald and 15 others; of James T. Hart and 9 others; of Thomas Bacon and 15 others; of T. S. Thompson and 21 others; of George F. Lowell and 19 others; of Thomas Rice and 15 others; of William L. Barnes and 18 others; of John Armstrong and 19 others; of John F. McQuaid and 9 others; of E. O. Towne and 14 others; of Charles W. Flagg and 6 others; of John O. Senter and 12 others; of John Hart and 18 others; of Charles L. Merrill and 8 others; of D. G. Downey and 19 others, all of Boston, Massachusetts; of John W. Wharff and 11 others; of B. W. Hollis and 19 others; of C. W. Dalon and 15 others, of East Boston, Massachusetts; and of L. W. Lakeman and 18 others; of Valentine Bradford and 7 others; of William Semple and 9 others, of South Boston, Massachusetts, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of Otis Sawyer and 8 others; of John Horrigan and 17 others; of John B. Perkins and 8 others, and of W. V. Smith and 18 others, of East Cambridge, Massachusetts; of Daniel Hadden and 18 others; of William Howard and 8 others; of Charles H. Lawes and 18 others; of William H. Rollins and 19 others; of Daniel W. Ford and 13 others; of John McGrath and 17 others, and of William Harris and 10 others, of Cambridge, Massachusetts; of Dennis O'Leary and 18 others; of E. E. Brown and 19 others, and of Mark H. Appleby and 19 others, of Cambridgeport, Massachusetts, of similar import—to the same committee.

Also, the petitions of Horace B. Sargent and 15 others; of A. T. Barensen and 28 others; of George M. Witley and 8 others; of James Connoly and 18 others; of E. E. Austin and 19 others, and of J. H. Purbeck and 19 others, of Salem, Massachusetts; of L. D. White and 19 others; of Charles Wield and 19 others; of Michael Dempsey and 18 others; of Alphonso Fisher and 17 others; of J. J. Hunter and 14 others; of Francis Wilson and 11 others; of W. H. Johnson and 8 others, and of L. S. Willoughby and 10 others, of Charlestown, Massachusetts; of H. M. Campbell and 14 others, and of James E. Bickey, of Medford, Massachusetts, of similar import—to the same committee.

Also, the petitions of George H. Lingham and 19 others, and of Thomas F. Moran and 18 others, of Brooklyn, Massachusetts; of H. H. Knowles and 23 others, and of C. Wyman and 84 others, of Lynn, Massachusetts; of W. H. Beggs and 28 others; of James Dunn and 28 others, and of William Webber and 28 others, of Danvers, Massachusetts; of E. T. Peterson and 3 others; of George W. Bartlett and 6 others, of James Murphy and 28 others, and of B. T. Sheridan and 19 others, of Somerville, Massachusetts; of L. Wood and 18 others, and of J. Dennison and 19 others, of Stoughton, Massachusetts, of similar import—to the same committee.

Also, the petitions of Almon Hanks, of South Deerfield, and 18 others; of G. W. Robbins, of East Stonington, and 8 others; of J. C. Bray, of Swampscott, and 9 others; of Peter Snyder, of North Adams, and 59 others; of John T. Chase, of Roxbury, and 5 others; of Richard McAuliff, of Randolph, and 19 others; of Lewis T. Emerson, of Oxford, and 19 others; of Gilman Goldsmith, of Manchester, and 19 others; of James T. Lord, of East Milton, and 40 others; of William A. Lanahan, of South Easton, and 15 others, citizens of the State of Massachusetts, of similar import—to the same committee.

Also, the petitions of Patrick Kelly, of Highlands, and 17 others; of L. H. Russell, of Hyde Park, and 10 others; of James H. Stillman, of Campello, and 15 others; of Charles D. Bullard, of Everett, and 6 others; of William H. Barnes, of Arlington, and 51 others; of William W. Tuckett, of Westfield, and 19 others; of E. P. Clapp, of Woodville, and 18 others; of Michael Larkin, of Milford, and 34 others; of George W. Robinson, of Winter Hill, and 17 others; of John E. Oliver, of Winchester, and 23 others; of D. J. Clasby, of Waltham, and 18 others; of A. A. Linton, of Waymouth, and 35 others; of George F. Tucker, of Beverly Farm, and 23 others; of Stephen W. Hall, of Newburyport, and 19 others; of E. W. Mann, of Hanover, and 19 others; of Edward Lemon, of West Quincy; of S. D. Ramsdell, of Atlantic, and 11 others; of Howland G. Barney, of Pembroke, and 11 others; of Clark S. Freeman, of Harwich, and 11 others; of Frederick W. Robbins, of Plymouth, and 42 others; of E. B. Hewes, of Williamston, and 19 others; of Robert Phillips, of Wabash, and 30 others, citizens of the State of Massachusetts, of similar import—to the same committee.

Also, the petitions of George W. Myers, of Homer, Illinois, and 96 others; of Stanly Mallott, of Logansport, Indiana, and 84 others; of R. S. Watson and 156 others, and of Patrick Dondan and 173 others, of Togus, Maine; of Charles H. Dunton and 29 others, of Pittston, Maine; of J. M. Davis and 6 others, of North Paris, Maine; of D. W. Tupp and 14 others, of Wells, Maine; of S. W. Haskins and 30 others, of Old Town, Maine; of William L. Rollins and 73 others, of Augusta, Maine; of George W. Goodwin, of Hesperia, Michigan, and 18 others; of Harry Wentworth, of Salem Falls, and 18 others; of William H. Sanborn, of East Canaan, and 5 others; of Horace Pedrick, of Wilmot, and 36 others; of Charles H. Peasley, of North Sutton, and 9 others; of T. H. Burpee, of Scytheville, and 19 others; of J. B. Burwell, of Manchester, and 43 others; of John A. Goodwin, of Dover, and 31 others; of Arthur Deering, of Littlefield, and 17 others; and of J. L. Pettengill, of Pittsfield, and 24 others, citizens of the State of New Hampshire, of similar import—to the same committee.

Also, the petition of C. M. Maxson, of Portville, New York, and 43 others; of George W. Johnston, of Beaver, Pennsylvania, and 23 others; of John H. Westerman, of Allegheny, Pennsylvania, and 21 others; of Daniel H. Jillson, of Pawtucket, Rhode Island, and 38 others; of H. W. Walker, of Brattleborough, and 104 others; of L. B. Morrison, of Groton, and 20 others; of T. P. Simpson, of Franklin, and 42 others; of Barney Cannon, jr., of Bellows Falls, and 38 others; of T. W. Eason, of Vernon, and 17 others; of John T. Page, of Springfield, and 34 others; of George W. Burleson, of East Fairfield, and 11 others; and of Jason O. French, of Jeffersonville, and 18 others, citizens of the State of Vermont, of similar import—to the same committee.

By Mr. WHITTHORNE: The petition of William G. Adkisson, a soldier in the war with Mexico, for a pension—to the Committee on Invalid Pensions.

By Mr. WILBER: The petition of 290 citizens of Otsego County, New York, to send the proceedings of Congress free to every family in the United States—to the Committee on Printing.

Also, resolution of the Legislature of the State of New York, opposing the construction of a bridge over the Detroit River at Detroit, Michigan—to the Committee on Commerce.

By Mr. WILLIS: The petition of William A. Tulley, for a pension—to the Committee on Invalid Pensions.

By Mr. WILSON: The petition of Alpheus Hunt and others, soldiers of the late war, against the passage of Senate bill No. 496—to the same committee.

By Mr. WRIGHT: The petition of Thomas Jefferson and 157 others, colored men, of Parsons, Kansas, for the passage of the Wright amendment to the homestead act—to the Committee on Public Lands.

Also, the petition of Patrick Prendergast and 80 others, citizens of New York, of similar import—to the same committee.

Also, the petition of Robert Burns and 155 others, citizens of Spencer, Massachusetts, of similar import—to the same committee.

Also, the petition of Benjamin Feneday and 44 others, citizens of Wood's Run, Pennsylvania, of similar import—to the same committee.

By Mr. CASEY YOUNG: The petitions of Fines E. Wirt, of Somerville, Fayette County, Tennessee; of Abner W. Lanier, of La Grange, Fayette County, Tennessee; of John B. Reed, of Shelby County, Tennessee; of William H. Hill, of Shelby County, Tennessee; of Julia C. Bailey, administratrix of Sylvester Bailey, deceased, of Shelby County, Tennessee; of Mrs. J. D. Scott, of Grand Junction, Hardeman County, Tennessee, for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, a bill making appropriation for improving the navigation of Big Hatchie River, in West Tennessee—to the Committee on Commerce.

By Mr. THOMAS L. YOUNG: The petition of Joseph S. Anderson and others, for the equalization of bounties—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *January* 27, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, recommending that the binding for the library of that Department be exempted from the operations of the act of February 26, 1879; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the act of March 3, 1879, a report of the operations of the National Board of Health; which was referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, relative to the completion of Fort Assinaboine, Montana Territory, and the construction of a new post near Wood Mountain in that Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Henry Devilles and others, citizens of Indiana and soldiers in the late war, praying for an amendment of the pension laws so as to allow pensions to those soldiers of the late war who contracted disease while prisoners of

war in confederate prisons; which was referred to the Committee on Pensions.

Mr. PENDLETON presented the petition of Edwin C. Myers, of Ohio, praying for the passage of the bill (H. R. No. 2480) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of Andrew D. McKesson and others, citizens of Michigan and soldiers in the late war, praying for the passage of a law granting to soldiers the difference between the value of greenbacks and gold at the time of payment for their services; which was referred to the Committee on Finance.

He also presented the petition of John Cook and others, citizens of Anderson County, Kansas, praying for the passage of a law granting compensation to C. C. Phillips, late surgeon Twenty-seventh Regiment Missouri Infantry, for extra services as such officer; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Wiconisco, Dauphin County, Pennsylvania, soldiers and sailors in the late war, in favor of the passage of the bill to restore to soldiers and sailors who served in the late war equal rights with the holders of Government bonds; which was referred to the Committee on Finance.

Mr. CALL. At the request of the Senator from Louisiana, [Mr. JONAS,] who is detained at his home by sickness, I present a memorial of the Cotton Exchange of New Orleans, in favor of the passage of an act restricting the Secretary of the Treasury from suppressing statistics relative to imports and exports of merchandise. I move that this memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CALL presented the petition of John P. Wall, mayor, and members of the common council of Tampa, Florida, praying for an appropriation by Congress for the improvement of the Hillsborough River from its mouth to Hillsborough Bay, in that State; which was referred to the Committee on Commerce.

Mr. COKE. Mr. President, I ask leave to present the memorial of a large number of citizens of Texas, associated in an organization known as the State Grange, praying for such legislation as will regulate interstate commerce in a way to prevent unreasonable freight charges and unjust discriminations on railroad lines. The petitioners are representative men of a great agricultural community, who give expression to a feeling which is universal that the time has arrived when the Government should interpose for the protection of the products of labor against arbitrary taxation by great transportation lines, whose combinations too often exclude competition, leaving the producer entirely at their mercy. The carrying of the vast internal commerce of the country, amounting annually to many thousands of millions of dollars' worth, concerns too nearly the whole country to be left longer unregulated by law, and the interests are so enormous that their protection by the Government against unjust discrimination and unreasonable exactions is a duty of paramount importance. If railroad monopolies are permitted to lay an additional tax upon marketable products commensurate with the advance of prices, and reap the benefit of rising values, the producers of wealth are but little concerned in the prosperity said to be dawning upon the country. That transportation lines to a great extent habitually do this is well known. That vast body of our people subject to this unrestrained and unlimited taxation have a right to ask, as these memorialists do, that the Government take hold of the subject and protect them by law against such spoliation.

I move, sir, that the memorial be referred to the Committee on Commerce for consideration.

The motion was agreed to.

Mr. LOGAN presented the memorial of John Johnston and others, the memorial of R. S. Gordon and others, the memorial of Thomas Collier and others, and the memorial of J. F. Cummings and others, all citizens of Illinois and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

He also presented the petition of John Bryan and others and the petition of Thomas Collier and others, citizens of Illinois and soldiers of the late war, praying for the passage of a bill for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the petition of E. O. Jones and others, citizens of Ohio, praying for the passage of a law granting a pension to Martin Price, late private Company E, Seventy-ninth Regiment Ohio Volunteers; which was referred to the Committee on Pensions.

Mr. THURMAN presented the petition of Mrs. Mary Hopperton, of Cincinnati, Ohio, praying that a sum of money may be granted to her in lieu of a pension for services rendered by her husband, Edward Hopperton, in building wagon-roads in Mexico during the war with that country; which was referred to the Committee on Claims.

Mr. THURMAN. The petition refers to certain evidence on file, which accompanied a petition formerly presented, and which was referred to the Committee on Pensions. The committee reported adversely, on the ground that it was not a matter coming within the purview of the pension laws. I ask that the papers on file with the former petition be taken from the files and referred to the Committee on Claims. There was an adverse report, but there is new testimony.

The VICE-PRESIDENT. That order will be made.

CHANGE OF REFERENCE.

Mr. ROLLINS. I notice by the RECORD that the bill (S. No. 1130) for the relief of David Wingate, of Rochester, New Hampshire, introduced by me yesterday morning, was referred to the Committee on Military Affairs. It should have gone to the Committee on Naval Affairs, to which the other papers in the case have been referred.

The VICE-PRESIDENT. That change of reference will be made.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Public Lands, to whom was referred the bill (S. No. 309) for the relief of George Heard, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 531) to re-establish the office of assistant treasurer of the United States at Charleston, South Carolina, reported adversely thereon, and the bill was postponed indefinitely.

Mr. VOORHEES. I am authorized by the Committee on Finance to report the bill (H. R. No. 2188) for the relief of Thomas Kearney, without amendment, favorably. I make this report with the proofs accompanying the bill. I call attention to the report of the Committee of Ways and Means of the House of Representatives, and ask that it may be considered as a part of the report of the Committee on Finance.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (H. R. No. 3058) authorizing the remission or refunding the duty on an altar from Rome, Italy, for the Saint John's cathedral of Indianapolis, Indiana, reported it without amendment.

Mr. GROOME, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 411) for the relief of Charles W. Rogers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (H. R. No. 768) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments, reported it without amendment.

FITZ-JOHN PORTER.

Mr. RANDOLPH. The Committee on Military Affairs have instructed me to make a report in the case of Fitz-John Porter, and with the report is a bill for his relief. I ask that the bill be read at length and placed upon the Calendar, and that the report be printed.

The bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, was read the first time at length, as follows:

Whereas a board of Army officers was convened by order of the President, by Special Orders No. 78, dated "Headquarters of the Army, Washington, April 12, 1878," to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President; and said board reported that they had made a very thorough examination of all the evidence presented and bearing in any manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity, and without doubt in their own minds, with the reasons for their conclusions, that, in their opinion, justice required such action as might be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the position of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President did heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to annul and set aside the findings and sentence of said court-martial approved by the President January 19, 1863, and published in general orders numbered 18, dated "War Department, Adjutant-General's Office, Washington, January 22, 1863," if he shall deem it right and proper so to do.

SEC. 2. That in the event of the findings and sentence of the said court-martial being annulled and set aside as provided for in the first section of this act, the President be and is hereby further authorized to restore the said Fitz-John Porter to the Army of the United States, with all the rank, rights, title, and privileges to which he would have been entitled if there had not been any court-martial.

SEC. 3. The position of colonel to which the said Fitz-John Porter shall be restored by the action of the President under section 2 of this act shall be held by him as supernumerary until a vacancy shall occur, when he shall be assigned to the regiment to which it pertains; but if the said Porter shall so elect, the President of the United States may retire him on the rank of colonel, that being the rank held by him while in the service.

SEC. 4. That in the event of the finding and sentence of the said court-martial being annulled and set aside as provided for in the first section of this act, there shall be paid to the said Porter the pay and allowances of a major-general on the retired list of the Army from the 28th day of January, 1863, (date of last payment,) to the 31st day of August, 1866, both dates inclusive, and the pay and allowances of a colonel on the retired list of the Army, entitled to credit for twenty years' service, from the 1st day of September, 1866, to the date of the passage of this act; and the entire sum, or sums, so estimated and determined shall be paid to the said Porter by the Secretary of the Treasury immediately upon the passage of this act; the sum required for the purpose being hereby appropriated from any moneys in the Treasury not otherwise appropriated.

The bill was read the second time by its title, and the report was ordered to be printed.

Mr. LOGAN. As a majority of the Committee on Military Affairs have made a report to accompany the bill, I ask the leave of the Senate to submit the views of the minority. I have had no opportunity, except from the mere hearing of the report read before the committee, to know anything about it, but I desire that the minority should have permission to make a minority report.

The VICE-PRESIDENT. To this request the Chair hears no objection.

Mr. LOGAN. If I may be permitted, I desire to say in reference to the preamble of the bill that I dissent from it *in toto:* First, because the President had no authority in law to organize the commission that examined this case by taking *ex parte* testimony; second, because there being no error in the finding of the court-martial, its action is not reviewable by Congress; and third, when a person is out of the Army, Congress should not pay him for time he did not devote to the service of the country. On these three grounds, with others, I object to the bill.

BILLS INTRODUCED.

Mr. BECK (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1140) for the relief of property holders on square 226 in Washington City; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1141) to incorporate the Cosmo-American Colonization and General Improvement Bureau in the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1142) for the relief of the Medical College of Alabama; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1143) granting a pension to Mrs. Mary Allison, the widow of a soldier of the war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1144) to pay James Ferguson for buildings destroyed by United States troops; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1145) providing for the payment of awards made to Creek Indians who enlisted in the Federal Army, loyal refugees, and freedmen; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1146) to limit the right of recovery in certain suits for the infringement of patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1147) for the relief of Horace Boughton; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1148) to amend an act entitled "An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia, to redeem certain funded indebtedness of said District," approved June 10, 1879; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1149) to increase the pensions of all wounded soldiers of the war of 1812 who now receive less than $15 per month; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1150) for the relief of Carlile Boyd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1151) to authorize the appointment of medical inspectors in the Navy to the office of chief of the bureau of medicine and surgery, and to remove the disability of the present incumbent; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1152) for the relief of Basil Moreland; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1153) to amend the statutes in relation to immediate transportation of dutiable goods; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1154) for the relief of the legal representatives of William O. Redden; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1155) making an appropriation for the improvement of the Caloosahatchee River, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER. I ask leave to introduce a bill to regulate Indian affairs. I introduce the bill at the request of a gentleman who has given great attention to the subject. I dissent from a considerable portion of the bill.

By unanimous consent obtained, leave was granted to introduce a bill (S. No. 1156) to regulate Indian affairs; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 70) to increase the number of officers of the Army allowed to be detailed as professors of military science at colleges and universities; which was read twice by its title, and referred to the Committee on Military Affairs.

SETTLEMENTS WITH RAILWAY COMPANIES.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire whether, in the settlement or adjustment between the United States and the railroad companies, or any of them, mentioned and provided for in the act of Congress passed on the 27th day of February, 1875, entitled "An act to provide for settlements with certain railway companies," any discrimination or difference of treatment or measure of relief or settlement, has been made by the officers of the United States in favor of one or more of said companies as compared with others of said companies under the same or similar circumstances of fact, and if so, upon what ground and by what authority; and that said committee consider whether any further legislation on the subject embraced in said act of Congress is expedient.

ACCOMMODATIONS FOR DISTRICT SUPREME COURT.

Mr. THURMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds are hereby instructed to inquire whether the building now occupied by the supreme court of the District of Columbia is sufficient for the accommodation of the court and the transaction of its business; and, if it is not, what measures should be adopted to supply the deficiency; and that said committee report by bill or otherwise.

REPORTS ON NAVAL EDUCATION.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the report of Professor James R. Soley on foreign systems of educating naval officers, and 1,000 copies of the report of Lieutenant-Commander Chadwick on foreign systems of training seamen for the navy, be printed for the use of the Navy Department.

CLAIM OF MAX BROMBERGER.

Mr. VEST submitted the following resolution:

Resolved, That the Secretary of State transmit to the Senate all information possessed by the State Department in reference to the claim of Max Bromberger, a citizen of the United States, against the government of Mexico for merchandise belonging to said Bromberger, and which was seized unlawfully by an officer of the Mexican government, at Mazatlan, on the Pacific coast, while being transported from San Francisco to the Republic of Guatemala, and that he transmit to the Senate copies of all communications between the United States and the Mexican government in regard to said claim.

Mr. ANTHONY. I suggest that the resolution should be addressed to the President of the United States instead of to the Secretary of State.

Mr. VEST. I have no objection, although I supposed it should be directed to the Secretary of State.

Mr. ANTHONY. The usual mode in all resolutions relating to foreign affairs is to request the President of the United States to transmit the information, if not, in his opinion, incompatible with the public interest.

Mr. VEST. I am willing that the resolution should be changed in that respect.

The VICE-PRESIDENT. The resolution will be so amended.

The resolution, as modified, was considered, and agreed to.

IMPROVEMENT OF GROUNDS SOUTH OF CAPITOL.

Mr. HARRIS. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on the District of Columbia with amendments: In line 3, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 6, after the words "purpose of," to strike out the words "employing the poor of the District in the work of;" in line 8, after the word "condition," to insert "the old canal;" and after "grounds," to insert "of the United States;" in line 9, before the word "canal," to strike out the words "the old," and insert "said;" and at the end of the joint resolution to add "and make report of the same to Congress;" so as to make the joint resolution read:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of filling up, draining, and placing in good sanitary condition the old canal, the grounds of the United States south of the Capitol, along the line of said canal. The commissioners of the District shall determine the plan of said work, and see that it is properly conducted, and shall disburse the money and make report of the same to Congress.

The amendments were agreed to.

Mr. HARRIS. I am directed by the Committee on the District of Columbia to move, in line 11, after the word "work," to insert the words "employ the labor to do the same by the day, week, or month."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

CHARLES REED.

Mr. WITHERS. I ask that the half-dozen or more pension cases upon the Calendar be now taken up and considered and acted upon. I presume they will be passed without objection. I first ask that the bill (S. No. 342) granting a pension to Charles Reed be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 6, after the word "pension," to strike out the words "at the rate of —— dollars per month;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Charles Reed, of Company H, Eleventh Regiment Iowa Volunteers, and pay him a pension from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISABEL L. EVANS.

Mr. WITHERS. I ask that the bill (S. No. 367) granting an increase of pension to Isabel L. Evans be next considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to increase the pension of Isabel L. Evans and Isabel M. Evans, widow and infant child of John J. Evans, deceased, late draughtsman on board the United States vessel Huron, who are now receiving a pension of $8 per month and $2 per month, respectively, to the rate provided by law for the widow and infant child of an ensign in the naval service of the United States; the increase to date from the 24th of November, 1877.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY A. ARMSTRONG.

Mr. WITHERS. I ask that the Senate proceed to the consideration of the bill (S. No. 139) granting a pension to Henry A. Armstrong.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "artillery," to strike out the words "at the rate of $25 per month;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Armstrong, late surgeon Second Regiment of New York Heavy Artillery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL B. DAVIS.

Mr. WITHERS. I ask that the Senate next consider the bill (S. No. 578) granting a pension to Samuel B. Davis.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 7, after the word "him," to strike out the words "a pension at the rate of $36 per month, to date from February 28, 1877," and to insert "the pension now allowed by law to those who have lost both an arm and a leg;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Davis, of Company C, Eighteenth Regiment Indiana Volunteers, and pay him the pension now allowed by law to those who have lost both an arm and a leg.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Samuel B. Davis."

JAMES KING.

Mr. WITHERS. I ask that the bill (S. No. 1044) granting a pension to James King be now taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll the name of James King, private Company F, First Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUSAN JEFFORDS.

Mr. WITHERS. I ask that the bill (S. No. 1045) granting a pension to Susan Jeffords be next considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll the name of Susan Jeffords, dependent mother of Edmund Jeffords, late a private in Company I, First Regiment Maine Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. REEVE.

Mr. WITHERS. I ask that the Senate proceed to the consideration of the bill (S. No. 39) granting an increase of pension to James H. Reeve.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments: In line 5, after the word "allowed," to strike out the words "from June 26, 1865;" and in line 6, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

That James H. Reeve, late captain and brevet major in the Third Regiment New York Volunteer Infantry, be, and he is hereby, granted and allowed a pension at the rate of $30 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said James H. Reeve on the pension-roll at said rate, in lieu of the pension now paid him.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SIMEON CRAIN.

The VICE-PRESIDENT. The morning hour has expired.

Mr. WITHERS. I ask to trespass upon the courtesy of the Senator from Delaware, [Mr. BAYARD,] with the unanimous consent of the Senate, in order to get rid of the two remaining pension bills on the Calendar. I know there will be no objection to them.

Mr. BAYARD. If they will occupy but little time I yield for that purpose.

Mr. WITHERS. It will not take five minutes to dispose of these bills. If either of them leads to any debate I shall not insist upon its consideration.

Mr. BAYARD. Very well.

Mr. WITHERS. I ask that the Senate proceed to the consideration of the bill (S. No. 335) granting a pension to Simeon Crain.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment, in line 5, after the word "Kentucky," to strike out the words "who was" and insert the words "as a;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Simeon Crain, of Bath County, Kentucky, as a first lieutenant in the Twenty-fourth Regiment Kentucky Infantry, subject to the limitations and provisions of the pension laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS CHRISTOPHER TIEDEMANN.

Mr. WITHERS. I ask the Senate to proceed to the consideration of the bill (S. No. 870) granting a pension to Louis Christopher Tiedemann.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to place on the pension-roll the name of Louis Christopher Tiedemann, late a private in Company K, Thirteenth Regiment New York Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES NOTES AS A LEGAL TENDER.

The VICE-PRESIDENT. The order of the day is the consideration of the joint resolution (S. R. No. 49) in relation to United States Treasury notes, reported adversely from the Committee on Finance, which is before the Senate, as in Committee of the Whole. It will be reported.

The Chief Clerk read the joint resolution.

Mr. BAYARD. I ask for the reading of the views of the minority.

The Chief Clerk read as follows:

Mr. BAYARD, from the Committee on Finance, submitted the following as the views of the minority, to accompany joint resolution S. R. No. 49:

The undersigned, believing the industrial, commercial, and financial prosperity of a country, in order to be enduring and secure, must be based upon a money of actual and intrinsic value, and that our Government has no power and is incompetent to endow its paper obligations with such value, and the United States Treasury notes in existence and in circulation being now redeemable in gold and silver coin at the option of the holder, do therefore recommend the withdrawal of the present compulsory legal-tender power from such Treasury notes by the passage of the subjoined joint resolution.

T. F. BAYARD.
FRANCIS KERNAN.

Admitting the principle of the resolution as to the power of the Government to make paper legal tender, I reserve my action upon the resolution as to the time of the withdrawal of the power given heretofore.

WILLIAM A. WALLACE.

Reserving the right of amendment.

JUSTIN S. MORRILL.

Joint resolution in relation to United States notes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this resolution all United States notes shall be receivable for all dues to the United States excepting duties on imports, and shall not be otherwise a legal tender; and any of said notes hereafter reissued shall bear this superscription.

Mr. BAYARD. Mr. President, my object in urging the adoption of the present resolution is to bring about an *actual* resumption of specie payments; whatever else may be effected by this resolution is secondary, and merely incidental to this one cardinal object.

I ardently desire the prosperity of my country; I wish it to endure, and I know that to be permanent it must rest upon a sound basis, and I know that a sound currency is essential, and that real money is the only basis of a sound currency.

I have said that I desire to effect a *real* resumption of specie payments, for I do not believe what is at present called resumption, is real or reliable, because, although since January 1st, 1879, United States notes are redeemable in coin at the office of the assistant treasurer of the United States in New York City; yet, by the act of May 31, 1878,

when any of said notes may be redeemed or be received into the Treasury of the United States, they shall not be retired canceled or destroyed, but they shall be reissued and paid out again and kept in circulation;

so that while there is a resumption of payment in specie, it is neutralized in all its resumptive effects, by the immediate reissue of the notes just redeemed. To "resume" by such a delusive process is as idle as to bail water with a sieve.

I am for actual resumption and a restoration of real money in place of any substitute therefor, unless such substitute is voluntarily agreed upon by the parties to any contract. Plainly then this resolution is intended to secure the resumption of a standard of value—based upon value—and not upon mere credit.

It is not intended to destroy the convenience and assistance of the present paper currency—but as that paper rests upon the credit, that it *is* convertible, into specie and *will be paid*—so do I feel assured that by letting men feel a confidence that a stable standard is ultimately to measure all their contracts—they will naturally feel safer to enter into contracts—this will give them assurance that the lapse of time will not bring with it alterations in the basis upon which their agreements were formed. This will encourage capital to embark upon enterprises which will give employment to the laboring classes, and will insure to labor an honest equivalent for every hour of toil. Such I believe will be a part and a part only of the benefits to flow from the adoption of this resolution.

Mr. President, I would pause here, and ask the consideration of the Senate to a confusion of terms, which I am sure has led to a great confusion in thought, in dealing with this subject. It is unfortunate that notes should be called "money," as it tends to produce confusion and injustice; at best, notes are a promise, and until that promise is paid in *money*, it is unperformed.

When power was given to Congress "to borrow *money* on the *credit* of the United States," the words had a definite meaning. Not to borrow evidences of debt, but to give their evidences of debt for money. The issue of the notes was a proof that the Government had no money; that they thought it unadvisable to tax the people to obtain it; and therefore, the United States notes were merely instruments of the Government to obtain supplies to carry on the war, without paying for them.

The very issue of these notes, was a confession that the Government had no money. To make them circulate in the place of money, and enable the holders to get rid of them, they made them at first convertible into the interest-bearing obligations of the Government, and created them a legal tender for all debts, public and private. And let it here be noted that making notes legal tender, does not oblige any man to sell his property for such notes; it only compels him to receive them for a debt *then due*. In other words, legal tender is a debt *paying* power, but can never be made a debt *contracting* power; and no amount of tyrannical force in the history of the world has ever been able to accomplish this last. To define the difference between money and its substitute, I will accept the definition of Lord Liverpool, in his famous report upon the coins of the realm of Great Britain.

The money or coin of a country is the standard measure, by which the value of all things, bought and sold, is regulated and ascertained; and it is itself, at the same time, the value or equivalent, for which goods are exchanged, and in which contracts are generally made payable.

Paper currency in all its forms, bills of exchange, promissory notes, bank bills, are all useful auxiliaries of money, but are evidences of debt, and not of wealth, and possess no inherent value.

A thoughtful and sensible writer, Mr. Gouge, of Pennsylvania, put the truth in the following form:

Some fancy that it is the authority of the Government that gives money its value. But the true value of money, as measured by the amount of goods for which it will honestly exchange, cannot be affected by the edicts of princes or acts of parliaments. Monarchs and ministers may alter the weight of their coin, or lessen their purity, but they cannot make a coin containing half an ounce of pure silver worth as much as a coin containing an entire ounce.

The stamp of the State is a mere certificate of weight and fineness.

When Congress was authorized "to coin money," what would have been the use of all the nicety and precision expressed so carefully in all coinage laws, if it had been believed that Government could by its mint stamp, or by a statute, give what value it chose to its coined money? Of what use are all the statutes carefully regulating the tolerance and abrasion of the coin, if the inherent value of the precious metals which compose such coin had not been their only value. Mint stamps are only to inform men truly, upon the honor of a Government certificate, that each piece contains a certain weight of gold or silver of a certain purity; in order to save citizens the trouble of weighing the coins themselves.

In all of this careful regulation, is there not recognition of the *value* of the metallic coins?

Every piece of money represents the value of the labor which it cost to produce it, and the experience of mankind from the earliest ages has accorded value to gold and silver, and their use for conducting and facilitating the exchanges of mankind has been shown by the manufacture of coins since nearly one thousand years before the Christian era; and the civilized nations of the earth having now in reality but a single market, with rapid and easy intercourse, the precious metals being small in bulk and weight, are easily and quickly transferred, so that a very slight difference in value in the markets of the world suffices to call them wherever the demand arises for their employment.

The Supreme Court of the United States have, in cases comparatively recent, given an authoritative definition to the idea I am trying to impress. In the case of Bronson *vs.* Rhodes, 7 Wall., 249, the Chief-Justice, Chase, delivering the opinion of the court, after reciting the various coinage acts, said:

The design of all this minuteness and strictness in the regulation of coinage is easily seen. It indicates the intention of the Legislature to give a sure guarantee to the people that the coins made current in payment contain the precise weight of gold or silver of the precise degree of purity declared by the statute.

It recognizes the fact, accepted by *all men throughout the world*, that *value* is inherent in the precious metals; *that gold and silver are in themselves values*; and being such, and being in other respects the only *proper measures of values*, that those values are determined by weight and purity, and that form and impress are simply certificates of value, worthy of absolute reliance *only because of the known integrity and good faith* of the government which *gives them*.

These propositions are believed to be incontestable.

The coined dollar was a piece of gold or silver of a prescribed purity and weighing a prescribed number of grains; *the note dollar was a promise* to pay *a coined dollar;* but it was not a promise to pay on demand or at any fixed time; nor was it in fact convertible into a coined dollar.

It was impossible in the nature of things that these two dollars should be the actual equivalent of each other.

The Government by its statutes recognized these differences, in the very act authorizing the "note dollar," by making some things (duties and interests) payable "*in coin*" and others in these notes.

And in Bank *vs.* Supervisors, 7 Wall., 31:

The dollar note is an engagement to pay a dollar, and the dollar intended is the *coined dollar* of the United States: a certain quantity in weight and fineness of gold or silver authenticated by the stamp of the Government: *no other dollars had before been recognized* by legislation as *lawful money*.

These notes are obligations; they bind the national faith. They are strictly securities; they secure the payment stipulated to the holders by *the pledge of the national faith; the only ultimate* security of all national obligations, whatever form they may assume.

8 Wallace, p. 607, December, 1869; Hepburn *vs.* Griswold; per Chase, C. J.; coin dollars—note dollars:

The *former* possess *intrinsic value*, determined by the weight and fineness of the metal. The latter have no *intrinsic* value, but a purchasing value, determined by (1) the quantity in circulation; (2) by the *general consent* to its currency in payments; (3) by *opinion* as to the *probability* of redemption in coin.

To illustrate the exactness and care attending the manufacture of our coins let me read from the Revised Statutes:

SEC. 3535. In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double eagle and the eagle, one-half of a grain; in the half eagle, the three-dollar piece, the quarter eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one-hundredth of an ounce in $5,000 in double eagles, eagles, half eagles, or quarter eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

The value of any commodity can only be *measured* by money; it does not *determine* the value, but it expresses it when it has been agreed upon, and measures it.

The first step in the increase of wealth is the organization, the combination, and division of labor. In this organization we find the steps of accumulation, and accumulation of the results of labor forms capital. Every product of labor has a purchasing power, an actual value, exchangeable by its possessor for other values. Capital is thus the savings of labor; the result of its surplus production, and therefore capital is the seed of wealth. Capital is the child of labor and born of its exertions. By the very law of its birth and origin, capital cannot be useful without the employment of labor; so that the laborer must share the advantages of capital. Increase of capital brings with it increased demand for labor; and, despite the false teachings of demagogues, capital and labor, having a common origin, are natural allies, and not enemies.

For all the varied productions of human industry, a machinery and measure of exchange is requisite. A universal medium of exchange is necessary,—not of weight, or length, or height alone,—but of *value;* because, at the bottom of all human dealings, for the sake of security, honesty and justice must be found. As human labor alone creates value, so the results of human labor should alone be justly exchangeable for value.

In no civilized country can all the exchanges of property be carried on by the agency of *coin alone.*

Paper notes are an essential auxiliary to coin, but never let it be forgotten, they are *not coin*—are not *money*—but are *substitutes* for it. They are not *actual* payments, but promises to pay,—*evidences* of *debt* which the law will enforce,—and do not give *value for value;* and their acceptance must be based on their credit, on their convenience, and be *always voluntary in order to be safe.*

When a paper note, an evidence of debt, is made a *compulsory tender* in payment of a debt,—the great law of honesty,—the great *law of money—that value is to be given for value,* is broken and disregarded.

Mr. President, we have heard in this Chamber allusions somewhat vague, but none the less alarming, to an unseen, undefined, but terrible, "money power."

What is meant by these ominous warnings against this invisible, intangible, immeasurable power?

What is meant is, I suppose, the power of capital.

How shall the law deal with it?

Capital is the result of labor and frugality; it is by the virtues of thrift, economy, and self-denial, working under the instruction of intelligence and enlightened self-interest, that capital is first created, and then accumulated.

Wealth and property of all descriptions are but forms of capital. Encouragement is given by the institutions of property, by the creation of government, by the enactment of laws, to induce men to exercise their faculties to gain wealth. Is all this founded upon fallacy and wrong? Is there to be discrimination, suspicion and assault visited upon those individuals of society who have been more successful than others in the accumulation of property? Is it not "money power" that enables a poor laborer to become the owner of the pick-ax or shovel, with which he prosecutes his daily task? Is it not "money power" that enables him to procure a wheel-barrow? Is it not "money power" that enables his savings of a year's labor, temperance, and frugality, to give him the means to purchase a horse and cart? Is it not "money power" that enables him to educate his children and fit them for an improved condition in life? Is it not the same "money power" that crowns his life of honesty, sobriety, and industry, with an old age of comfort and respectability?

Such, sir, are the humble, but honorable and useful, careers that America offers to the poor of all lands; and, of all institutions to secure such results, a money having real value is the chief, because it is the true and only road by which the laborer honestly becomes the capitalist.

Mr. President, there are few assemblages of men to whom I could appeal with more confidence to bear out the truth of my present utterances, than to my honored associates in this Chamber, so many of whom have illustrated in their own careers, the advantages and true glory of American republican institutions.

I do not shut my eyes, Mr. President, to the fact, that the equal and wholesome distribution of property, which it was hoped by the founders of our Government would be attained by the abolition of the rules of primogeniture, of entailments, of perpetuities, and the division of intestate estates among daughters and sons alike, has been greatly defeated. And I am inclined to believe *the system of incorporation* which we have introduced into all branches of industrial pursuits will be found nearly equal to the effects of primogeniture and mortmain combined in its influence upon the aggregation of wealth into a single and never-dying grasp.

But the millionaires of to-day, now to be counted by scores, where twenty years ago they were to be counted by units—were twenty years ago penniless boys, and I cannot comprehend in this vague denunciation of their "money power" at what point of their accumulations condemnation and proscription are to commence, or should their riches take wings as they have in so many conspicuous instances, whether pardon will then await them in their poverty for their former pecuniary success.

To no one thing, however, do I attribute this unequal division of property in this country so much as to the resort by the Government to the use of inconvertible legal-tender paper money, and I believe with Thomas Jefferson that—

> The abuses of paper money are inveterate—*by breaking up the measure of value that it makes a lottery of all private property cannot be denied.*

It is from such results that *communism* is the outgrowth, and to the distress caused by unwise financial management I attribute the dangerous projects, fallacious schemes, and attempts to array the force of numbers against property, which we witness all over the country, and which afford such opportunities for demagogues to ply their arts and excite an unthinking and suffering people to the adoption of false remedies and destructive measures of supposed relief.

Mr. President, I do not propose at this time to argue against the claim of power in Congress to make Treasury notes a legal tender for the payment of debts by the Government itself, or between private citizens.

Nor do I care now to recite the sad history of the overthrow of one of the most deliberate decisions ever reached by the Supreme Court, accomplished so speedily by the active interference and power of President Grant and Mr. Hoar, his Attorney-General, by the change not in the opinion but in the *personnel* of the tribunal, and an increase of its numbers.

I shall content myself by adopting the language of Chief-Justice Chase in his dissent from the newly-created majority, in their last judgment, in May, 1871, in favor of the passage of legal-tender laws in times of dire emergency, "when" (to use the language of Mr. Justice Strong) "it was certain that nothing else would have supplied the absolute necessities of the Treasury, that nothing else would have enabled the Government to maintain its armies and Navy; that nothing else would have saved the Government and Constitution from destruction."

I believe with Chase, Grier, Nelson, Clifford, and Field, that—

> If the plain sense of words, if the contemporaneous exposition of parties, if common consent of understanding, if the opinions of courts, avail anything in determining the meaning of the Constitution, it seems impossible to doubt that the power "to coin money" is a power to establish a uniform standard of value, and that no other power to establish such a standard by making notes a legal tender is conferred upon Congress by the Constitution.

This was the view of five judges in opposition to three, in January, 1870.

On May 1, 1871, this decision was overruled by the reconstructed court by a vote of 5 to 4, and their judgment is to be found in the twelfth volume of Wallace's Reports.

It has of course been obeyed ever since, and as I think the action of Congress in the reissue of United States notes "after they had been redeemed and become the property of the United States," is an extension of power, unauthorized even by the last judgment of the court. But I wish the Senate and people of the United States to consider the injurious results to all private contracts and business of continuing such a power in perpetuity. I do not now speak of the constitutionality of the power although no one has yet and I think no one will rise in this Chamber and affirm his belief in the power in Congress to create its paper notes lawful money and legal tender for all debts public and private.

But independently of the question of constitutionality consider for a moment the practical results and impolicy of exercising such a power over the private contracts of individuals.

When the Constitution of the United States expressly denied to any State the power to coin money—to issue bills of credit; to make anything but gold and silver legal tender for the payment of debts; and to pass any law impairing the obligation of contracts—what was necessarily intended?

Evidently to secure the inviolability of contracts against legislative power—and to promote the punctual and honest performance of all obligations of the citizens.

The power to make contracts (when not in derogation of morals) was a sacred right of individual dominion—one of the absolute and admitted rights of the citizen.

State jurisdiction over him was thus restrained by the Constitution, and a common coinage and universal standard and measure of values was sought to be secured.

Now is it reasonable—is it possible—that when thus carefully and strictly prohibiting invasion by the States of the personal right of contract—by prohibiting coinage to the several States, in order to secure a common and general coinage for all, by giving the power to "coin money" exclusively to Congress—it was intended that Congress *should* have the power to pass laws impairing the obligation of contracts—and instead of the plainly expressed power to "coin" money and regulate its value in order to secure inviolability to contracts by providing certainty and stability in their settlement—they should *print* paper notes having no intrinsic value, instead of coining metals which possess intrinsic value, and by compulsion interject them as a medium of fluctuating value, to breed confusion and uncertainty in all the transactions of the people? One great object of legislation is to prevent uncertainty in the interpretation of contracts—and it is requisite for the sake of justice and honesty that every contract expressed in money shall enable us to ascertain *exactly how much* of the precious metals, at their legal standard of purity and fineness is due from one person to another.

This power was committed solely to Congress—when they were authorized "to coin money"—and regulate the weight and fineness of the coins from which their value is to be determined.

If paper notes will express the true amount of the precious metals due from one man to another on a contract—these being the representatives of gold and silver, they are equally useful, but if they are not *actually the representatives* of such metals then they cannot measure how much of such metals is due upon any contract, and cannot therefore be relied upon to perform the necessary functions of money.

It has been held by the Supreme Court that Congress as well as the States was forbidden to pass laws impairing the obligation of contracts—and certainly by the provisions of the fifth amendment was expressly prohibited from "depriving any person of property without due process of law"—and from taking "private property for public use without just compensation." Is it not impairing the obligation of a contract? Is it not depriving a man of his property "without due process of law" when Congress compels him to receive for his contract or for his property United States notes admittedly worth less than the stipulated amount of money he had agreed and was entitled to receive? What is the difference to a farmer who delivers you five hundred bushels of grain according to his contract, if he is compelled to receive a currency which because of its depreciation would buy in the market but four hundred bushels at the date of

delivery, although at the time of making the contract it would have bought five hundred bushels?

He has also given you full value in grain as he promised, and you pay him one-fifth less in value than you promised. Is he not deprived of his property without due process of law, and is not the obligation of your contract with him impaired? If you can persuade yourself that a law permitting such things is constitutional, can you say that it is either honest or just?

A more arbitrary exercise of power cannot be imagined than that which interferes with and alters every contract whether for labor and service, or for lands or property of any description. It is fatal alike to honesty and certainty in human dealings, to the laborer who is "worthy of his hire," as it is to the negotiation of a loan for national defense.

Yet such a power is now commended and sought to be continued as a law in a government called free!

The right to property is as important as the right to life and liberty; when the first is not secure, the other two cannot be.

I consider the construction of the Constitution by the Supreme Court in the legal-tender cases to be alarming and most dangerous, for I understand it to rest the power to issue legal-tender notes upon the existence of some great emergency of which Congress is the judge. By this rule there is no constitutional limitation upon the power of Congress, that in the heat of an emergency, of the existence and pressure of which they are the sole judges, does not melt away. As the Constitution was intended for the restraint of majorities, and to keep all power therein delegated within assigned limits, it is obvious that the necessity for maintaining its provisions is greater in proportion to the excitements and dangers of the hour. Yet by the interpretation of the Supreme Court the hour of the trial of the Constitution is the hour of its failure—it is never so weak as when it should be most strong.

The tiger of unlimited power in the majority is to be kept in his cage only until he becomes furious, and then the door is to be opened. Is not this like depriving a ship of her rudder just when the storm is at its height, and the power of control most needed?

If this be the doctrine we cannot be too prompt, now that the storm has passed, the sea smooth, and the wind favorable to put our ship of state in a condition to weather future storms. Let us see where we now stand. By the act of June 30, 1864, the total amount of United States notes issued *or to be issued* was $400,000,000.

Secretary McCulloch in his annual report of 1865 having expressed the opinion—

> That the legal-tender acts were *war measures, passed in a great emergency; that they should be regarded only as temporary;* that they ought not to remain in force a day longer than would be necessary to enable the people to prepare for a return to the gold standard; and that the work of retiring the notes which have been issued, should be commenced without delay, and carefully and persistently continued until all are retired;

the House of Representatives, under a suspension of rules, by a vote of 144 yeas to only 6 nays—

> *Resolved*, That this House *cordially concurs in the views of the Secretary* in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit, and *we hereby pledge co-operative action* to this end as speedily as possible.

Among the one hundred and forty-four supporters of this resolution (and there were but six votes in the negative) I find the following who are to-day members of this body: Messrs. ALLISON, CONKLING, DAWES, FERRY, MORRILL, ROLLINS, and VOORHEES.

The resolution of March 12, 1866, authorized the Secretary of the Treasury to "retire and cancel" $10,000,000 of these notes within six months, and thereafter not more than $4,000,000 in any one month. By January, 1868, Secretary McCulloch had under this authority "retired and *canceled*" $44,000,000 of these notes, and then Congress stopped their further retirement.

In the fall of 1872, when Mr. Boutwell was Secretary of the Treasury, $5,000,000 of these "retired and canceled" notes were put in circulation by the Treasury Department, but on the meeting of Congress were called in again.

In 1873 $26,000,000 of the same "retired and canceled" notes were again reissued by Mr. Richardson, the Secretary of the Treasury, and the volume of United States notes thus increased to $382,000,000, was by the act of March 23, 1874, approved and legalized. Under the resumption act of January 14, 1875, redeeming 80 per cent. of United States notes for every 100 per centum of currency issued to the banks, the volume of United States notes was brought down to $346,681,016; and by the act of May 31, 1878, the Secretary of the Treasury is required to reissue and keep this amount in circulation "*after it has been redeemed and become the property of the United States.*"

During the debate which attended the passage of the resumption act the present Secretary of the Treasury, Mr. Sherman, who had charge of the bill in this body, was asked by several Senators, myself among the number, whether by the redemption of the United States notes under that act they were *finally* to be retired and destroyed, and he declined to give any construction whatever to the law on that point.

Mr. EDMUNDS. May I ask the Senator if in his mind there is any doubt at all as to what the construction of that act was?

Mr. BAYARD. I was unable to say what its construction was. I thought it was a double-faced juggle intended to catch the votes of contractionists in one direction and of inflationists in the other. I said so at the time, and I withheld my vote, for I thought it was not treating a great subject with proper respect to legislate upon it in such a way. I therefore came to no construction. I was disposed to believe that with a Secretary favoring one view it would be made a means of contraction; under the other view, which it seems has been adopted by many, it would become a means solely of inflation, because there was no limit put upon the notes to be issued by the Government to the national banks, and there was no security that the Treasury notes retired nominally in the course of redemption would not be reissued again by the Treasury; and when the author of the bill—no, I will not say the author of the bill, for I have understood he was not the author of the bill, but he was the gentleman in charge of the bill—declined to say what was intended by it, and what its effect would be, I believed then that there was some snare, and that it was an improper way of dealing with the subject, and hence the measure was not fit really to be before the legislative body.

Mr. EDMUNDS. My apology for interrupting my honorable friend, to all of whose very interesting and satisfactory speech I am sorry I have not been able to listen on account of an engagement elsewhere, is that I thought it right it should appear in that connection that I voted for the act of 1875, because, on a careful examination, it was to my mind perfectly clear, no matter what the present Secretary of the Treasury chose to think about it or chose not to say about it, but on the bill itself that I was voting for, it was perfectly clear that the redemption that that act provided for, both before the 1st of January, 1879, and afterward, was a redemption which took out in point of law from existence all the United States notes that should come in in the methods provided by that act. And I am inclined to think that if my honorable friend would now examine the statute, he would not have any doubt upon it at all. Of course the act of 1878 reverses all that, and that made the act of 1878 necessary to those who wished to inflate.

Mr. BAYARD. Mr. President, such was the opinion of the honorable Senator from Verment. Of his ability to form and express opinions, no man has a doubt. But at the same time I repeat what I have said just now. I can call to mind a majority of the gentlemen of that party to which the honorable Senator belongs on this floor who had been making "in season and out of season" in this body nothing but inflation speeches, declaring that the safety and welfare of the country required the reissue of the whole four hundred millions again, and they had voted and passed a bill to that effect, which was vetoed, I do not say reluctantly, but certainly with great hesitation by the then President, General Grant; I remember all this well, and, therefore, I was peculiarly justified in what I was saying. I was not referring to the opinion of the honorable Senator from Vermont; I was referring to the opinion of the gentleman put forth by the majority at that time to answer for them on that bill, and he came here with a measure that he dared not or would not give a plain construction to.

I recite this merely to authorize the statement that, judging of the future by the past, the $54,000,000 requisite to bring the present volume up to the $400,000,000 fixed by the act of June 30, 1864, may at any time be added just as lawfully as were the $5,000,000 in 1872, and the $26,000,000 in 1873, to the present volume of that currency. Nay, more, the issue of these United States notes was until these later days of "greenback" finance always stated to be "a war measure," growing out of the exigencies of the times, and to be ended just so soon as peace was restored.

In his annual report of 1862, Secretary Chase said:

> The recommendations now submitted of the limited issue of United States notes as a wise *expedient for the present time* * * * are prompted by no favor to excessive issues of any description of *credit* moneys; * * * *for just so soon as victory shall restore peace*, the ample revenue already secured by wise legislation will enable the Government *through advantageous purchases of specie to replace at once large amounts, and at no distant day the whole, of this circulation by coin*, without detriment to any interest, but, on the contrary, with great and manifest benefit to all interests. The Secretary recommends therefor no mere paper-money scheme, but, on the contrary, *a series of measures looking to a safe and gradual return to gold and silver as the only permanent basis, standard, and measure of values recognized by the Constitution.*

The language of Secretary McCulloch, in 1865, I have read already to the same effect, and the "cordial concurrence" of Congress. To this I could add abundant proofs from the debates, and from the valuable "Financial History of the War," by Mr. Spaulding, to show that the issue of Treasury notes was at no time intended as a permanent measure with or without legal-tender power.

The peace looked forward to by Secretary Chase came three years after he wrote the words I have read, and fifteen years have passed since the war ended, and yet we find this measure of confessed temporary expediency still in force, and by many urged to be continued *in perpetuum*. And Senators say "these notes are now at par—are redeemable by the Government at the will of the holder in gold and silver coin." "Therefore let well alone" and "it is inexpedient" to *do anything now* to make resumption permanent and fix gold and silver as the only basis, standard, and measure of values recognized by the Constitution. The proposition to restore our constitutional and safe basis of value for all money is called "tinkering with the finances." To this complexion have we come—that a proposition to adopt measures of admitted safety and wisdom to secure a permanent prosperity, is called "tinkering with the finances."

Mr. President, such a condition of sentiment alarms me, and only

causes me to be the more vigorous in my efforts to secure my countrymen against such manifest dangers.

When I see error so supported my efforts will be redoubled to defend the country against it—to warn my associates here, and my countrymen everywhere, against the seductions of false measures of finance and the necessity of securing a sound basis for their business prosperity.

This assumed legal-tender power is like the germ of a deadly fever, that needs only the heat of excitement, of speculation, of war, or of distress to develop its deadly powers; and it is while it is dormant that I would put an end to its existence.

I heard it gravely urged the other day by the honorable Senator from Texas [Mr. COKE] that to withdraw the legal-tender power from the notes of the United States would be to "question the *validity* of the public debt," in violation of the fourteenth amendment of the Constitution.

To what result would such reasoning lead? Necessarily to the permanent existence of the notes unpaid.

These notes were never anything but evidences of debt, and issued only because the Government could not then pay money for its supplies; but now it is ready to pay them on demand, and no one who holds them but can exchange them for gold and silver coin whenever he chooses. The argument, therefore, that the offer to pay or the payment of a debt was a mode of questioning its validity has at least the merit of novelty even if it has little force.

Mr. COKE. May I be allowed a word?

Mr. BAYARD. Certainly.

Mr. COKE. The Senator from Delaware says the construction placed by myself on the fourteenth amendment would perpetuate the notes because they could not be paid, no legislation could be had with respect to them without questioning the validity of the public debt. Do I understand the Senator to say that?

Mr. BAYARD. Oh, no. The Senator understood me as trying to state the argument he made the other day, and I think I have elucidated that position, because he said if you withdraw from these notes a portion of their debt-paying power, to that degree you attack the validity of the debt which they represent.

Mr. COKE. Yes, sir. I said that the legal-tender notes are a part of the public debt, which were in existence as circulating money when the fourteenth amendment was adopted, and in that shape were recognized as legal and valid, and that which Congress may order them in for redemption and payment. Congress cannot demonetize them in the hands of the people unpaid, as this resolution proposes to do, because Congress is not permitted by the amendment to "question" the validity of the public debt, or any part of it.

Mr. BAYARD. Mr. President, I am not sorry that the honorable Senator from Texas has had an opportunity a second time to state his position; but I can only say this, that the plain-minded people of this country will consider that construction of the constitutional amendment most strange, and they will hope and pray that every debt which may be due then, may have its "validity questioned" in the same way I propose the validity of this debt—that is, by tendering the full amount in gold and silver coin.

Mr. COKE. Congress, I admit, has a perfect right to pay the debt at any moment.

Mr. BAYARD. But, Mr. President, the present time is most opportune for establishing a resumption of specie payment permanently. Taught by the adversity brought on by a dreadful war, unwise finance, and the fruits of an irredeemable and depreciated paper money—from the time the bubble of a false prosperity burst in 1873—our people have been following lives of economy, industry, and frugality—they have produced more and spent less.

Mr. COKE. Will the Senator allow me?

Mr. BAYARD. The Senator will pardon me. He has made his statement once, and again to-day, and I trust he will allow me to go on.

Providence has favored us with unusual bounty; and our last three years have been literally years of plenty, and the last year the best crops of all have blessed our labors.

During this time how different has been the fate of other nations! In Europe the last three years have been years of scarcity and the last, the worst of all. As a result, an enormous demand for our cereal productions has sprung up, and the balance of trade has made us largely the creditors of European states. To pay this great debt the precious metals have been imported into this country and at least $100,000,000 of gold is estimated to have been received here since June last.

And just here let me impress upon you this important truth, stated by Hume, "that *nothing can keep real money* (gold and silver) *out of a thriving and prosperous country except the presence of spurious money.*" The increased flow of the precious metals into the United States can only therefore be arrested and prevented by our continued exclusive use of an unreal money. This law of money circulation was perceived and announced in the reign of Queen Elizabeth by Sir Thomas Gresham—"that bad money will drive out good money, but good money cannot drive out bad money."

And "Gresham's law," as it was afterward called, was known to Aristophanes, the Greek critic and grammarian, two centuries before the Christian era, as Macaulay has shown by his citations in his History of England.

Mr. Stanley Jevons in his work on "Money" has noted "that Gresham's remarks referred only to moneys of one kind of metal," but he adds:

> Gold compared with silver, or silver with copper, *or paper compared with gold, are subject to the same law* that the relatively cheaper medium of exchange will be retained in circulation, and the relatively dearer will disappear.

As paper drives coin out of circulation, so the withdrawal of paper will bring specie back again.

The stock of gold and silver in this country was never so large as it is to-day.

The report of the Director of the Mint informs us the amount of coin and bullion in the country on October 31, 1879, was, of gold, $355,681,532, and of silver, $126,009,537; making a total of $481,691,069. And he says:

> Should the unprecedented flow of gold continue from foreign countries unchecked by its reaction upon prices here, and abroad, the metallic circulation of the country at the end of the fiscal year, (June 30, 1880,) will have swollen to *over* $600,000,000.

Wisely appreciating this high tide of opportunity the banks are converting their reserves into coin; and a table furnished me by the Comptroller of the Currency, will show that by far the greater portion of the reserves of the banks (which are largely in excess of legal requirement) consist to-day of coin.

Who can doubt that if our smaller notes were withdrawn gold and silver coin would rapidly replace them in circulation? Mr. President, this state of things is exceptional; this condition of prosperity may soon be all reversed. Blight, and storm, and drought may destroy our crops. Events common in the histories of nations may demand from our exchequer extraordinary payments.

There is no cloud of war now on the horizon, but who can tell when it may arise?

The scheme of uniting the two great oceans by a canal across the isthmus on the southern border of this continent is one of world-wide importance, and the heart of every American proclaims that it is to be under the control of the Government of the United States. Our power may be questioned but it will be maintained. Every counsel of wisdom therefore exhorts us to "seize the day," and in time of peace to prepare for war, for it is the surest mode to avert it.

The withdrawal of legal-tender power from the United States notes can do injustice to no man, and cannot lessen the value of the notes in the hands of any holder, because an equivalent for the face value is offered in gold and silver coin in case any creditor should refuse to accept them.

When in May, 1878, I offered the amendment similar in effect to the resolution now before the Senate, and it was voted down, the time fixed for the redemption of the notes by the Treasury had not arrived. The premium upon gold was then not high, indeed almost nominal, but since January 1, 1879, it has wholly disappeared in every quarter of the Union. There is practical equivalency as currency in all transactions, public and private, between the notes issued through the national banks and the Treasury notes—everywhere they are received as equals and unquestioned, yet one is legal tender and the other is not.

It is idle to imagine conspiracies to discredit these notes because of the withdrawal of legal-tender power. Such attempts, even if successful, would at the worst embarrass some individuals temporarily and put them to the cost of a bill of exchange, but no more serious injury could ensue. Any one possessing the United States notes could pay his debts, because they will procure him legal-tender coin at the Treasury on demand. "Things that are equal to the same thing are equal to one another."

Mr. President, we have the best authority for saying the legal-tender clause never added to the value of the note, and certain it is it failed to prevent its great depreciation.

Let me on this subject read the opinions of Secretary and Chief-Justice Chase, in 8 Wall., p. 620:

> It is denied indeed by eminent writers that the quality of legal tender adds anything at all to the credit or usefulness of Government notes. They insist, on the contrary, that it impairs both. How far is Government helped by this means? Certainly it cannot obtain new supplies or services at a cheaper rate; for no one will take the notes for more than they are worth at the time of the contract. The price will rise in the ratio of the depreciation; and this is all that could happen if the notes were not made legal tender. And there is abundant evidence that whatever benefit is possible from that compulsion to some individuals or to the Government is far more than outweighed by the losses of property, the derangement of business, the fluctuations of currency and values, the increase of prices to the people and the Government, and the long train of evils which flows from the use of irredeemable paper money.
>
> It is true that these evils are not to be attributed altogether to making a legal tender. But this increases these evils and certainly widens their extent and protracts their continuance.

And in 12 Wallace, p. 579, (Legal-Tender Cases, opinion of Chase, C. J., 12 Wallace, p. 579:)

> Now, does making the notes a legal tender increase their value? It is said that it does, by giving them a new use. The best political economists say that it does not. When the Government compels the people to receive its notes, it virtually declares that it does not expect them to be received without compulsion. It practically represents itself insolvent. This certainly does not improve the value of its notes. It is an element of depreciation. In addition, it creates a powerful interest in the debtor class and in the purchasers of bonds to depress to the lowest point the credit of the notes. The cheaper these become, the easier the payment of debts, and the more profitable the investments in bonds bearing coin interest.
>
> And many are persuaded by their representations that the forced circulation is not only a necessity but a benefit. But the apparent benefit is a delusion and the necessity imaginary. In their legitimate use, the notes are hurt, not helped by

being made a legal tender. The legal-tender quality is only valuable for the purposes of dishonesty. Every honest purpose is answered as well and better without it.

Certain it is the endowment of Government notes with legal-tender power has always failed to prevent depreciation.

No penalties however severe, no denunciation, no promises have ever in history been successful in arresting their necessary fate, when public confidence had once been shaken in them. In the history of our early struggles in the colonial war for independence how marked was the failure!

It may be instructive here to read from an historian of the period, David Ramsay:

The most extensive mischief resulted in the progress, and toward the close of the war, from the operation of the laws, which made paper bills a tender, in the discharge of debts, contracted payable in gold or silver. When this measure was first adopted, little or no injustice resulted from it; for, at that time, the paper bills were equal, or nearly equal to gold or silver, of the same nominal sum. In the progress of the war, when depreciation took place, the case was materially altered. Laws, which were originally innocent became eventually the occasion of much injustice.

The aged, who had retired from the scenes of active business, to enjoy the fruits of their industry, found their substance melting away to a mere pittance insufficient for their support. The widow, who lived comfortably on the bequests of a deceased husband, experienced a frustration of all his well-meant tenderness. The laws of the country interposed, and compelled her to receive a shilling where a pound was her due. * * * The hapless orphan, instead of receiving from the hands of an executor a competency to set out in business, was obliged to give a final discharge on the payment of sixpence in the pound. In many instances the earnings of a long life of care and diligence were, in the space of a few years, reduced to a trifling sum. A few persons escaped these affecting calamities, by secretly transferring their bonds, or by flying from the presence or neighborhood of their debtors. The evils which resulted from the legal tender of these paper bills were foreign from the intentions of Congress and of the State Legislatures. It is but justice to add further, that a great proportion of them flowed from ignorance. Till the year 1780, when the bills fell to forty for one, it was designed by most of the rulers of America, and believed by a great majority of the people, that the whole sum in circulation would be appreciated by a reduction of its quantity, so as finally to be equal to gold or silver. In every department of government, the Americans erred from ignorance; but in none so much as that which related to money.

And it is worthy of note that when in 1870 the first decision of the Supreme Court was reached *against* the power of Congress to make notes legal tender for debts, the effect was to raise the value of such notes in the market by diminishing the premium upon gold from 10 to 15 per cent., and on the contrary when in the year following this decision was reversed, and the power in Congress sustained, the value of the notes declined and the premium upon gold immediately advanced.

But what better illustration of the injustice of legal-tender paper money, and of the impossibility of preventing its great depreciation can be afforded than in the petitions so numerously signed which were presented the other day by the honorable Senator from Indiana, [Mr. VOORHEES,] and the honorable Senator from Illinois, [Mr. LOGAN,] praying that the difference in value between United States notes and coin should be paid to the soldiers and sailors who had been compelled to receive them during the war at a great depreciation. It is true the two honorable Senators differed somewhat in their style of introduction of these memorials and expressed very different sympathies on the subject. One considered it the exercise of the "sacred right of petition," and the other only a piece of "intense demagogy." But that is not the point just now. It proves there was gross and painful depreciation in these notes for several years, although they were then as now legal tender for all debts public and private. And, Mr. President, I hold in my hand a bill introduced into the House of Representatives and placed upon our files, providing for the issue of $500,000,000 of additional United States notes of the denominations of one, two, five, ten, twenty, and fifty dollars, "and said notes to be a *legal tender for all debts* public and private, *and shall be kept in circulation in manner now provided by law*," and a subsequent section appropriates this sum of $500,000,000, or so much thereof as may be necessary, to make payments to soldiers and sailors required to equalize the greenbacks to coin.

By the public press we are informed that a wide and impressive expression of public opinion in favor of this measure is about to be brought to bear upon Congress to influence the passage of this bill. I do not now propose to discuss its merits, excepting to say this: If it be just to relieve these discharged soldiers and sailors from the effects of a depreciated legal-tender currency, the same measure of justice is due to the officers of both branches of the service. And we cannot deny an equal justice to the wounded and crippled pensioners of the war, nor to the civil servants of the Government, who faithfully did their work during the same period, and who were all paid in the same currency. Nay, I doubt whether justly we could stop there; for the injustice authorized by the Government in the emission of such notes, and making them a legal tender for all private debts, should also be remedied, and where debts contracted in gold and silver prior to 1862 (when such coin alone was "lawful money of the United States") were paid off in depreciated currency, the difference in value of such currency with coin should in equity and justice be made good.

And for such increditable payments a flood of legal-tender paper currency would be needed, similar to that provided for by House bill No. 2480. I need not ask what will become of specie payments, but will rather ask what will become of the legal-tender notes themselves, or any other form of Government indebtedness? The present Congress may not yield to such solicitations, but we cannot answer for our successors; and should we not take affirmative steps at once in the opposite direction? In such an issue our motto should be, "*Obsta principiis.*" On the *threshold* let us meet all such wild and foolish schemes so fatal to every possibility of wise and good government.

Mr. President, "like causes will ever produce like effects," and history continually repeats itself; and I earnestly appeal to my countrymen and the Senate "to shut the door forever, and lock it, and throw away the key," which admits a legal-tender currency to take the place of a stable standard having universal and intrinsic value. Let us never forget that the one single function of currency is to effect the exchange of commodities by *an equivalent measure*, but when that measure has no inherent value or a fluctuating value (as must always be the case when it is founded upon credit alone) it is radically corrupted.

Mr. President, centralization of power in any government is to be dreaded. Under it "the individual withers," and local self-government in which are grown the seeds of hardy, self-reliant virtues and capacities is destroyed. If this be true of other governments and peoples, how especially true of our own, where a territory so vast, embracing populations so heterogeneous in race, pursuits, and traditions are brought into a Union under a single Constitution, which is the supreme law of the land. The gradual absorption of jurisdiction by the General Government in so many ways during the past fifteen years, its invasion of the domain of the States, its interference with subjects and matters so essentially proper for local cognizance and control, have justly alarmed those who have at heart the preservation of the Union under our Federal theory and constitutional government.

I believe this recognition is widespread, and the necessity admitted of a rediffusion and redistribution of powers which in the emergencies and heat of civil war have been unduly absorbed by the National Government. Let us call to mind the legend upon our national seal, "*E pluribus unum*"—that the States form a *Union* "out of many"—not a *unit*. But let me ask—what act of centralization is so potent or in any degree equals that which assumes to create values by the fiat of Congress, and compels such values to be accepted as an equivalent for any indebtedness? In my view all other steps to centralization are as nothing compared to this.

The Divine master asked near two thousand years ago, "which of you with taking thought can add to his stature one cubit?"

May it not be repeated now and here, when "with taking thought" men seem to believe they can create values without limit and measures of values, and impress their will on printed slips of paper and rely upon their being received as equivalents for the labors of a life-time. Is the present attempt anything else than a scheme to avert and avoid the law contained in the primeval curse—that by the sweat of his face shall man eat bread?

Sir, there is a spirit of irreverence in these fiat-money plans of assumed omnipotence that ought to shock the minds and hearts of men.

Mr. President, I have not considered this great question from a party stand-point. It touches too closely the welfare of every human being in our society, for me to dwarf it to the mere interests of a party. But if in the name of party I should speak, and I should call the long roll of distinguished statesmen and patriots who led the democratic masses in the past and taught them that the Constitution of the United States was the supreme law of the land, and that steady subordination to its provisions in time of peace as well as in war time, was the first and paramount duty of every citizen in or out of office, what name could there be found in all that illustrious band to approve or warrant the emission at will of Treasury notes by Congress, and their endowment with legal-tender power—as "lawful money"—to pay all debts public and private—to control every contract and every obligation known to human affairs?

Sir, this debate has begun and it will close, and the name of no democrat will be uttered who at any time approved, or in any way countenanced so monstrous an assertion of power. It is utterly beside the question to read here long extracts from Jefferson and Jackson denouncing abuses of power by great Government corporations; it is a profanation of their great names; it is an insult to their honest fames to suggest or even hint that they or any of them ever countenanced or approved the emission of *legal-tender* paper money.

I could safely take the declarations of party faith and principles—of every national, of every State, and I believe I might truly say of every county convention, of the democratic party, from the foundation of the Government down to the present year, and find nothing but denunciation of legal-tender paper money—and on the contrary you will find the steady declaration from generation to generation, in war and in peace, that gold and silver coins are the only true and constitutional money of the United States—*according to the doctrines* of true democracy.

In considering so grave and all-important a principle as lies at the root of this discussion, I shall not turn aside to impale individuals upon their inconsistencies; such occupation would be trivial and unworthy—but when this legal-tender power eighteen years ago was sought for the first time in our history to be exercised by Congress there was not to be found a democrat in either House who did not deny it. Look to the record, see how they voted—how they spoke. I am half tempted to recite here the fervent and true eloquence with which some, even now members of this Senate denounced the assertion of so disastrous a power. But their action has passed into history, and can be revised by those who desire it.

I can only say that if I sought for texts peculiarly condemnatory of such a power as I now seek to withdraw from the paper issues of the Government, I could find them abundantly in the speeches and writings of the most distinguished, trusted, and authoritative leaders of the democratic party. I am content to follow in their footsteps, and here to-day to plant myself more firmly in their principles, which time has proven to be founded upon truth and justice. And intending no impeachment of others I must say that I am unable to comprehend the logic and reasoning, which admitting such a law to be in violation of the Constitution, yet justifies a vote to perpetuate its presence on the statute-book. I confess I am unable so to construe the obligation I have taken to support and defend that Constitution, and bear true faith and allegiance to the same.

Mr. President, I do not propose on this occasion to consider the interesting and important questions of bank or Treasury issues, of notes as currency—nor of the much-needed reforms in the tariff of duties on imports—nor the navigation laws—nor the parity between silver and gold and the practicability of retaining both metals by their free coinage under present regulations of their respective values. The question I have endeavored to discuss, and place upon its true and essential principles as exemplified by all human experience, is of such importance as to warrant and demand a consideration by itself.

Of course it intimately affects and controls every department of human dealings—but it should be settled upon a principle and then applied in practice. When the other questions referred to shall come before the Senate I shall not leave any one in doubt as to my position in regard to them—but I do not include them in the present discussion.

The proposition embraced in the resolution before the Senate, has made deep impression on the minds of all thinking men, and expressions of opinion in the form of petitions and memorials have been presented here from many States of the Union.

The commercial and manufacturing centers of population and industry have naturally expressed their opinions, and by abundant signatures have testified their great interest and decided conviction in favor of the passage of the resolution. Thus from Boston and Massachusetts have come memorials, from Philadelphia the great seat of manufactures, from Baltimore with her vast and growing domestic and shipping interest; from Wilmington, Delaware, and the fertile peninsula between the Chesapeake and Delaware Bays; and from the Empire State and her great city, has come the same impressive request that the resolution now before us be adopted.

The citizens who append their signatures to these memorials, include in their number men of all shades of political belief: merchants, manufacturers, judges, governors, bankers, lawyers, laborers, farmers, mechanics, and political economists. Among them are names held in the highest honor and esteem, as private citizens and public servants.

Many of them have made the study of finance and political economy, of money and its laws the occupation of their lives; and are looked up to by their fellow-citizens as peculiarly fitted to give counsel on such topics.

When lately, some of our communities in the South and West were scourged with pestilence and a commission from this body was sent to investigate and report upon the true condition of affairs, in order to adopt plans of relief, upon whose advice and testimony did they most rely? Naturally upon those who had spent their lives in the study of the laws of health, and cure of disease.

Because medical men gave their testimony on such subjects, it did not seem that they were spoken of in the Senate in terms of disrespect and distrust; on the contrary, their testimony was read with great respect.

Nor do I see the justice or wisdom (I say nothing of the propriety) of selecting the fifteen hundred and odd citizens of New York State and city for disrespectful comment, as has been done in this debate, because they have exercised in the usual and orderly manner the right to memorialize Congress on a matter deeply touching their interest in connection with a subject upon which their avocations, experience, and studies had especially fitted them to speak. There is not a member of this Senate who would not feel himself benefited by the counsel and judgment of a great many of the wise, upright and excellent men who signed the memorial from New York, in any matter touching the pecuniary interests of himself or those dependent upon him.

But I beg to draw the attention of the Senate and the country to the Wisconsin memorial presented by a Senator from that State—because we have been assured that universal opinion in opposition to this resolution prevails in the Western States.

From Milwaukee a most respected delegation has come all the way to Washington—to represent public opinion in that locality.

I trust they may be spared an attempt to create sectional prejudice against them, as was done in the case of the eastern memorialists—but may be treated with the respect due to citizens of character and intelligence.

Ten years ago I endeavored in vain to impress this Senate with the manifest and paramount duty of restoring and establishing a sound currency, a *real* money of daily measure of all contracts.

In a speech made by me March 7, 1870, on the funding bill I endeavored to show how much more pressing and important was the need of a sound foundation for all contracts than a prepayment and refunding of our bonds not due.

But my efforts were in vain, and the deplorable policy inaugurated by Mr. Boutwell in his administration of the Treasury was continued. From 1869 to 1875 the sale of nearly $500,000,000 of gold coin received from customs duties and its investment in United States bonds at high premiums was continued, and all that time the currency was suffered to stand unredeemed and no step taken to resume specie payment. Such a policy precluded resumption, and to it I attribute in a large degree the sufferings which followed the crash of 1873.

What I have said to-day is little more than repetition of what I have been moved to say more than once before, in regard to which I have been vindicated by events.

I wish to say a few words to explain why the resolution before the Senate does not allow the United States notes to be received "for duties on imports or interest on the public debt."

By the act of February 25, 1862, under which the first issue of these notes was authorized, it was, in section 1, expressly provided that—

Notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States *except duties on imports*, and of all claims and demands against the United States of every kind whatsoever *except for interest upon bonds and notes, which shall be paid in coin*, &c.

And by section 5 of the same act it was provided:

SEC. 5. *And be it further enacted*, That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

I am unable to construe this law otherwise than a distinct restriction of the notes—that they should never be receivable for duties on imports—and coupled with it the distinct pledge that these duties should be paid *in coin*, and be "set apart as a special fund" for the security of the interest on the public debt. It was, in my judgment, unwise and derogatory to a government like our own thus to "put in pledge" any one of its sources of revenue specially—it savored too much of pawnbrokerage—but it was nevertheless done, and the contract made by the authorized agents of the American people. It may seem useless, now that credit is established and the bonds above par, when they have been called in and exchanged, that this law should be enforced; but the law of 1862 has never been repealed, but stood in full force as the utterance of the Government when the new bonds went out in place of old ones, and the inscription on the notes is the same as it originally was. I propose to be strict in the performance of public obligations, because we cannot infuse the spirit of honor and good faith, nay, *uberrima fides*, too much into our public acts. It was for the security of the holders of our public obligations that these pledges were made, and they alone can release us from them.

It may seem now a useless formality to pay at the custom-house to the Government the gold and silver coin we have drawn from its Treasury on its own notes, but it is a formality carried out in a spirit of exact performance of a contract, and that alone makes it dignified and proper.

Mr. President, at much greater length than I desired I have expressed my reasons for urging the adoption of this resolution, and in concluding I can only say how incompetently I feel I have dealt with a great subject, profoundly affecting the happiness, the morals, the welfare of our country. But I have at least tried to treat the question in a worthy spirit, and do my best in the service of truth and justice. Whether the Senate will concur in my views I know not, for a subject like this has never been and will never be made by me a subject of party caucus or personal canvass for votes; but I believe that good sense and right feeling are permanent and enduring forces in American politics, and in that faith I shall rely upon these qualities vindicating themselves in the minds of my countrymen as time shall pass on.

The issue is nothing less than whether there shall be security to labor for its savings, to thrift and industry of their just results. The painful earnings of daily toil and the accumulated wealth of generations are alike involved, the creation of property by labor and its transmission to posterity are all alike affected by what I have proposed, and not being a believer in *congressional alchemy* I ask that we now abandon any further attempts to make it successful.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY and others. Let us adjourn.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from Iowa, [Mr. ALLISON.]

Mr. ANTHONY. With the consent of the Senator from Iowa, I move that the Senate adjourn.

Mr. BECK. I hope that motion will not prevail.

Mr. HARRIS. I hope the Senator will withdraw the motion to adjourn in order that we may have a short executive session.

The PRESIDING OFFICER. Does the Senator from Rhode Island insist on the motion to adjourn?

Mr. ANTHONY. I do.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

The motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion made by the Senator from Iowa, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened, and (at three o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 27, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

LAND LOCATED WITH MILITARY WARRANTS.

Mr. SAPP, by unanimous consent, reported back, with amendments, from the Committee on Public Lands the bill (H. R. No. 1059) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

RANCHE PANOCHE GRANDE.

Mr. CALDWELL. I ask unanimous consent for the present consideration of a resolution.

The SPEAKER. Is it reported from a committee?

Mr. CALDWELL. I offer it after consultation with all the members of the Committee on Private Land Claims.

The SPEAKER. The resolution will be read, after which any member will have the right to object.

The Clerk read as follows:

Whereas it is desirable that the long-pending litigation with respect to certain lands in the State of California, known as Ranche Panoche Grande, shall be brought to an end as speedily as possible; and,

Whereas, with a view to this end and that justice may be done in the premises a bill is now pending before Congress to place the whole matter in controversy, with all parties claiming this property or any part of it, with the United States, before the Court of Claims with the right of appeal to the Supreme Court of the United States; and

Whereas it seems right and proper that the parties to this controversy should remain in *statu quo* until the bill now pending before Congress shall be finally disposed of: Therefore,

Be it resolved by the House of Representatives of the United States of America, (the Senate concurring,) That the Secretary of the Interior Department and each and every one of his subordinates be instructed to cease and desist from hearing or in anywise considering any application for a patent to any portion of said lands so in controversy or dispute by any company, person, or persons, until after the final disposition by Congress of the said bill now pending before it.

Mr. PAGE. I object.

PERSONAL EXPLANATION.

Mr. WRIGHT. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. WRIGHT. I ask to have read what I send to the desk.

The Clerk read as follows:

By Mr. WALTER A. WOOD: The petition of Thomas Jefferson and 157 others, colored men of Parsons, Kansas, for the passage of the Wright amendment to the homestead act—to the Committee on Public Lands.

Mr. WRIGHT. I want to state in reference to this petition that these colored men in Kansas——

Mr. FERNANDO WOOD. I am reluctant to interrupt the gentleman from Pennsylvania, [Mr. WRIGHT;] but I desire to know where the question of privilege comes in.

Mr. WRIGHT. I would have been neglectful of my duty if I had not complied with the request of these people to present their petition.

The SPEAKER. If the gentleman from Pennsylvania states that the matter which he proposes to bring to the attention of the House reflects upon him in his representative capacity, it is undoubtedly a question of privilege.

Mr. WRIGHT. I was going to state to the Chair——

Mr. FERNANDO WOOD. Mr. Speaker, I do not wish to be misunderstood. One of the great abuses in this House has been that too often when gentlemen have risen to "questions of privilege" they have taken the opportunity to discuss other matters that were not questions of privilege under a proper construction of the rules; and I do not know a better case than this of my friend from Pennsylvania upon which to state my desire that neither he nor any other member shall transcend the rules of the House by bringing to its attention in this way what is really not a question of privilege.

The SPEAKER. When a member states that he rises to a question of personal privilege, the Chair must, of course, until a statement of the matter is made, rely upon the member's word. When the statement is entered upon, if it appears that it is not a question of privilege, it is the duty of the Chair to stop the member.

Mr. FERNANDO WOOD. But after the gentleman may have consumed a very long time in presenting his supposed "question of privilege," it may be discovered that it is not a question of privilege. I would like the gentleman from Pennsylvania to state in advance the character of the question upon which he wishes to be heard.

Mr. WRIGHT. I will state it, to oblige my venerable friend from New York. The question I raise is that the statement just read from the RECORD puts me in a false position as to certain persons who sent their petition here to be presented to the House. I will state wherein it does so. I do not wish to make a political speech or any other kind of a speech. This petition, signed by 158 colored men, residents of Parsons, in Kansas, praying for the passage of the supplement to the homestead act, was sent to me with a request to present it to the House, and a further request that I would be kind enough to notify the petitioners that I had received and presented the petition. That petition I presented yesterday, and wrote to the petitioners accordingly. Taking up the RECORD this morning, I find that the petition is credited to my friend from New York, [Mr. WALTER A. WOOD.] I do not want to put any responsibility on his shoulders; but I do want to put myself right on the record. This is a privilege which I claim, and which this House will not refuse.

The SPEAKER. The Chair will cause the RECORD to be corrected.

Mr. WRIGHT. But I have a word to say further. When a petition is presented the public suppose the House has some knowledge of it; but it goes into that petition-box in silence, which is the common grave where are buried all the prayers and memorials and petitions to Congress on the part of the people of this country. And it is like Mahomet's coffin, suspended there between the cornice of the Clerk's desk and the ground beneath, approachable to all, but available to none. It is the common grave of the prayers and petitions of the people of this land. It is a part of our profound and beautiful system of rules, which are made apparently to prohibit and prevent legislation, and create disorder and confusion.

The SPEAKER. The Chair thinks the gentleman is not proceeding in the line of personal explanation.

Mr. WRIGHT. Then I will go on with my personal explanation. [Laughter.]

Mr. GARFIELD. If it is a correction of the RECORD let the RECORD be corrected.

The SPEAKER. The Chair has already stated that the RECORD will be corrected accordingly.

Mr. GARFIELD. Then that is all of the explanation.

Mr. WRIGHT. Am I defeated in the effort to explain how a wrong has been inflicted, and provide a remedy? Am I through, against my will?

The SPEAKER. The Chair is unable to know whether the gentleman is through with his remarks or not.

Mr. WRIGHT. But I am not through. I want these colored men in Kansas to know that I have carried out their views by presenting their petition, and that I consigned it to that common receptacle of the dead where it will sleep the sleep of death in company with its slaughtered comrades. Therefore, I wish to relieve my friend from New York of the responsibility of being the introducer of the petition of these colored men. This matter unexplained might put me in a false position with him. This I would guard against. These unfortunate colored men have made me the channel of their communication. I am willing to comply with their wishes; it is agreeable to me. I am alike the friend of the colored man with the white man, and I even will include in this category my distinguished friend, [Mr. FERNANDO WOOD,] of New York.

But I must suspend my remarks, and demand the correction of the RECORD.

ADMISSION TO THE FLOOR.

Mr. BLACKBURN. Mr. Speaker, I desire for the first time in my life to ask unanimous consent of the House to allow to come to this floor a prominent citizen of my own State, the late republican candidate for governor of Kentucky, and I trust there will be no objection.

The SPEAKER. The gentleman will state the name.

Mr. BLACKBURN. Mr. Evans, of Kentucky.

Mr. HAZELTON. No doubt he is a good man.

Mr. BLACKBURN. I will certify to it.

There was no objection, and permission was granted accordingly.

PUBLIC BUILDING AT PITTSBURGH.

Mr. ATHERTON. Mr. Speaker, I am instructed by the Committee on Public Buildings and Grounds to report back favorably a bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania, and to recommend its present consideration. It comes before the House not only with the recommendation of the sub-committee but with the recommendation of the full Committee on Public Buildings and Grounds. The site has already been purchased and they want to go on and put up the structure.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAGE. I do not know that I want to object to the consideration of this bill.

The SPEAKER. The gentleman cannot debate it.

Mr. PAGE. Already there are a great many other bills pending before that committee, and they should all have an equal chance; but I do not object.

The SPEAKER. Is there objection?

Mr. KNOTT. I object.

ALBANY MATIMILLER.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No.

3964) granting a pension to Albany Matimiller; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL ORCUTT.

Mr. HAWK also, by unanimous consent, introduced a bill (H. R. No. 3965) granting a pension to Samuel Orcutt; which was read a first and second time, and referred to the Committee on Invalid Pensions.

YORKTOWN CELEBRATION.

Mr. GOODE. Mr. Speaker, I am directed by the select committee of thirteen on the Yorktown monument and centennial celebration to report a bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to the monumental column at Yorktown, Virginia, and for other purposes; and to ask for its consideration at this time.

The SPEAKER. The Chair will reserve the right to object after the bill has been read.

The Clerk read as follows:

Whereas, on Monday, the 29th day of October, 1781, it was

Resolved, That the United States, in Congress assembled, will cause to be erected at York, in Virginia, a marble column, adorned with emblems of the alliance between the United States and His Most Christian Majesty, and inscribed with a succinct narrative of the surrender of Earl Cornwallis to his excellency General Washington, Commander-in-Chief of the combined forces of America and France; to his excellency Count De Rochambeau, commanding the auxiliary troops of His Most Christian Majesty in America; and his excellency Count De Grasse, commanding in chief the naval army of France in Chesapeake; and

Whereas the said resolution of Congress has not yet been carried into effect, although nearly one hundred years has elapsed since it was adopted: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, in erecting at Yorktown, in Virginia, the monument referred to in the aforesaid resolution of Congress.

Provided, however, That the material used may be such as the Secretary of War may deem most suitable and durable.

SEC. 2. That a commission of three persons shall be appointed by the Secretary of War, whose duty it shall be to recommend a suitable design for said monument; to prepare a sketch of emblems of the alliance between his Most Christian Majesty, and the United States, and a succinct narrative of the surrender of Earl Cornwallis to be inscribed on the same, subject to the approval and adoption of the select committee of thirteen appointed by the Speaker on the 19th of December, 1879; to inquire into the expediency of appropriating a suitable sum to be expended in erecting at Yorktown, in Virginia, the monument referred to.

SEC. 3. That it shall be the duty of said committee to select the site for the location of said monument, to obtain the cession of the same from the State of Virginia, and to make all necessary arrangements for such a celebration by the American people of the centennial anniversary of the battle of Yorktown on the 19th of October, 1881, as shall befit the historical significance of that event and the present greatness of the nation.

SEC. 4. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of defraying the expenses incurred in the said centennial celebration, and to be disbursed under the direction of the said committee.

Mr. BLOUNT. Mr. Speaker, will that produce any debate?

Mr. GOODE. I think not.

Mr. BLOUNT. The object I had in asking the question is this: The committees of the House do not understand until the report of the Committee on Rules has been adopted exactly what are their duties, and I shall therefore object to the bringing up of any question which will give rise to debate.

Mr. GOODE. We do not propose any debate at all, but to ask for the immediate passage of the bill.

Mr. BLOUNT. Then I make no objection.

The SPEAKER. The Chair hears no objection to the consideration of the bill at this time.

The bill was read a first and second time, ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. GOODE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR.

Mr. BLOUNT. I demand the regular order of business.

The SPEAKER. The regular order of business is the morning hour, which begins at ten minutes to one o'clock p. m., and the first question in order is the consideration of the unfinished business, being a bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue $500 in new notes to the National Bank at Pontiac, Illinois, to replace a like amount which have never been signed, reported from the Committee on Banking and Currency by the gentleman from Illinois [Mr. FORT] with an amendment. The amendment will be read.

The Clerk read as follows:

After the word "that," in line 10, insert the following:

Said bank shall first give a good and sufficient bond in the penal sum of $1,000 to the United States, with sureties to be approved by the said Comptroller, indemnifying the Government in case said.

The amendment was agreed to.

Mr. FORT. I move, in line 7, to strike out the figure "4" and to insert "5;" so it will read 765 instead of 764.

The amendment was agreed to.

Mr. ROBINSON. I ask for the reading of the bill as amended.

The Clerk read as follows:

Be it enacted, &c., That the Comptroller of the Currency be authorized to issue to the National Bank of Pontiac, Illinois, $500 of circulating notes of said bank, of the denomination of $5, in place of twenty-five impressions of plate 5-5-5-5, bank numbers 741-765, Treasury numbers 252111-252135, whenever satisfactory proof shall be presented to him that said notes were stolen from said bank without the signature of either of the officers of said bank: *Provided*, That said bank shall first give a good and sufficient bond in the penal sum of $1,000 to the United States, with sureties to be approved by said Comptroller, indemnifying the Government in case said unsigned notes or any portion of them shall inadvertently or otherwise be redeemed at the Treasury of the United States.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANN'S MARINE DANGER-SIGNAL.

Mr. RUSSELL, of Massachusetts, from the Committee on Commerce, reported back favorably a bill (H. R. No. 2143) to test Mann's marine danger-signal.

Mr. BLOUNT. I submit this should go to the Calendar, as it makes an appropriation.

The SPEAKER. The point of order is well taken, and the bill is referred to the Committee of the Whole on the state of the Union.

LIGHT-HOUSE ON BELL'S ROCK, VIRGINIA.

Mr. BEALE, from the Committee on Commerce, reported back, as a substiute for House bill No. 1906, a bill (H. R. No. 3967) making an appropriation for the erection of a light-house on Bell's Rock, in York River, in the State of Virginia; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying papers, ordered to be printed.

TIMBER LANDS, CALIFORNIA.

Mr. CONVERSE, from the Committee on Public Lands, reported back favorably a bill (H. R. No. 2914) to authorize the President to reserve from sale or other disposition certain timber lands in the State of California, and for other purposes.

The bill was read.

The first section provides that the President be, and he is hereby, authorized to select from the public lands of the United States in the State of California such tracts or parcels of land on which are growing either the "redwood" (*Sequoia sempervirens*) or "big trees," (*Sequoia gigantea*,) or both of said timbers, as he may deem proper, not exceeding in the aggregate two townships of land, and the same shall be reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as public parks or pleasure-grounds for the benefit and enjoyment of the people. And all persons who locate or settle upon or occupy any part of said lands thus set apart and reserved as public parks, except as provided in the following section, shall be deemed trespassers and removed therefrom.

Section 2 provides that each of such public parks selected as aforesaid shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable after such selections have been made, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said parks, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes, for terms not exceeding ten years, of small parcels of ground at such place or places in each of said parks as may require the erection of buildings for the accommodation of visitors. All the proceeds of such leases, and all other revenues that may be derived from any source connected with said parks, to be expended under his direction in the management of the same, and in the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within any of said parks, and against their capture and destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section. As soon as practicable he shall cause each of said parks to be carefully surveyed and the corners and boundaries thereof to be suitably marked, and a plat and description of each to be filed in the General Land Office; and the cost of such survey shall be paid from any moneys now or hereafter appropriated for surveys of public lands.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON KANSAS TRUST LANDS.

Mr. RYAN, of Kansas, from the Committee on the Public Lands, reported a bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas.

The bill was read, as follows:

Be it enacted, &c., That the persons included in the provisions of section 1 of the act approved July 5, 1876, entitled "An act providing for the sale of the Kansas

Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale," or the heirs, legal representatives and assigns of said persons, shall be permitted to complete the payment for the lands to which they are entitled under said act, at the newly appraised value as ascertained and approved by the Secretary of the Interior, under section 3 of said act, and in completing such payment credit shall be given for all sums heretofore paid as principal and interest, which sums shall be considered as constituting one installment upon the present appraised value at the date when the last payment thereof was made; and the balance shall be paid in three equal installments, the first to be paid on or before the 1st day of January, 1881, and the remaining installments shall be payable annually from the date of the first; each installment to draw interest at the rate of 6 per cent. per annum from the date when the last payment heretofore made was received by the district office: *Provided*, That if any of said persons have failed to make payment heretofore of any portion of the purchase-money, as required under the act aforesaid, or the act of June 23, 1874, relating to these lands, such persons, their heirs, legal representatives or assigns, shall be required, prior to the 1st day of January, 1881, to make entry and pay for their respective claims in three equal installments, the first on the day of entry, and the remaining installments annually from that date, and drawing interest at the rate of 6 per cent. per annum, until paid; bond being required in case of timbered lands to prevent waste as in section 1 of said act.

SEC. 2. That all persons who have made entries under section 2 of the act of June 23, 1874, relating to these lands, may complete their payments upon such entries at the newly appraised value thereof in the same manner and upon the same terms, credits, and limitations as are approved in section 1 of this act.

SEC. 3. That the terms of the proviso of section 2 of the act of July 5, 1876, relating to default and forfeiture, shall extend to all entries and requirements under the provisions of this act.

SEC. 4. Actual settlement on any of said lands shall be regarded as sufficient in all cases where the claimant actually resides on contiguous land to which he holds the legal title, and has heretofore cultivated and made valuable improvements on his adjoining claim, in good faith, for the purpose of a home for himself; provided said claimant shall in all other respects comply with the law and the regulations issued thereunder by the General Land Office.

Mr. BLOUNT. I make the point of order on the bill with the view of asking the gentleman from Kansas a question. I desire to know what is the appraised value.

Mr. RYAN, of Kansas. I will state that this bill is offered to correct an incongruity in existing legislation. It applies only to about two hundred and fifty settlers on lands, the balance of which, the great body of them, are now in market. This legislation is asked for by the Secretary of the Interior in order that he may give the benefit of laws now existing to this body of settlers.

Under the law of 1876 these lands were reappraised and put in market. There was a class of these settlers whose names had been put upon a list and reported to the Department. The first section of that law of 1876 related to that class and provided they might make payment for their lands in installments, the first to be paid on the 1st of January, 1877. Then there was a reappraisement had. That time had elapsed, rendering it impossible for them to make those payments; and this is to correct that difficulty.

Again in 1874 there was a law passed allowing entries to be made on these lands, and the law of 1876 repealed that law and let those settlers down, as it were. That has left them without capacity to perfect their titles. There are a very few of that class and this bill corrects that difficulty so that they may go on and perfect their titles under the law of 1876.

Mr. BLOUNT. I wish to ask the gentleman whether the last appraised value and the first appraised value were the same; and if not, what advantage is to accrue to parties under this bill?

Mr. RYAN, of Kansas. The first appraisement made was found to be too high. Under the law of 1876 these lands were reappraised and all the settlers on those lands had the benefit of the reappraisement except the few to whom this bill relates.

Mr. BLOUNT. I do not insist on the point of order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS.

Mr. CONVERSE. I am instructed by the Committee on Public Lands to ask that a bill reported at the last call of our committee, the bill (H. R. No. 1846) relating to the public lands, and which is now in Committee of the Whole, be made a special order for the 10th of February after the morning hour.

Mr. BLOUNT. I ask the gentleman to exempt the appropriation bills.

Mr. CONVERSE. I am quite willing to make that exception.

Mr. DUNNELL. I object to the bill being made a special order.

POSTAL ROUTES.

Mr. COOK, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 3384) declaring all public roads postal routes.

The bill was read, as follows:

Be it enacted, &c., That all public roads and highways are hereby declared post-routes, and the Postmaster-General is hereby authorized to put postal service upon all such routes when the public necessity may require it.

Mr. BLOUNT. I make the point of order on the bill.

The SPEAKER. The gentleman will state the point of order.

Mr. BLOUNT. The bill provides that the Postmaster-General may put on all public roads postal service whenever he sees fit. Now my observation and the recent experience of this House is that there has been a very great abuse in that matter, and I propose to keep some measure of power in Congress. Whenever the Postmaster-General shall do this it will necessarily involve an appropriation by Congress. If he shall be authorized to put mail service on all public roads and highways, Congress will be compelled to vote the money to pay for that service.

Mr. PAGE. Oh, no; he cannot do it without an appropriation.

The SPEAKER. The bill will be again read.

The bill was again read.

Mr. BLOUNT. I submit that this bill will necessarily involve the Government in the necessity of making appropriations for this service, and will put it beyond the power of Congress to control the expenditures for the postal star service. Every public highway may have service put on it, and there will be no restraint except the discretion of the Postmaster-General.

Mr. PAGE. Do I understand that the gentleman from Georgia [Mr. BLOUNT] makes a point of order on this bill?

The SPEAKER. He does.

Mr. PAGE. I want to ask the gentleman if the law does not now provide that the Postmaster-General may put mail service on all these roads for the period of six months without their being declared post-routes at all, if in his judgment the public necessities require it?

Mr. BLOUNT. That may be true; but because we give him discretion to that extent, it does not justify our allowing him to go on without any control at all.

Mr. PAGE. There is no control now. He can absolutely put on mail service for six months upon any road that has not been declared by Congress to be a post-route, if the public necessities in his opinion require it.

Mr. BLOUNT. The gentleman's own statement shows that his opinion is not correct, for he says that the Postmaster-General is limited to six months.

Mr. PAGE. I am discussing the point of order which the gentleman has raised and which I say is not good. This bill does not change the existing law in any respect, and does not confer upon the Postmaster-General any power which he does not now have under existing law.

Mr. COOK. The present law makes all railroads, all canals, all plank-roads, and all navigable rivers post-routes, and the Postmaster-General is authorized, without any action by Congress, to put mail-service on such routes as the public necessities may require.

This bill proposes merely to give him the same authority and power over the common highways. In the last Congress over two thousand bills and propositions were introduced into and passed by this House for the purpose of establishing little post-routes on common highways. The Postmaster-General has put service on perhaps half of them. In all the seven years during which I have served in Congress there has never been a single post-route bill reported to this House which has not been passed, and passed without being even read.

This bill will save thousands of dollars to the Government in the expense of printing the bills which are introduced into Congress for the establishment of post-routes, and with which our desks have been encumbered for years past. Those bills are all reported favorably and are all passed. In the seven years I have served here there has never been a post-route bill introduced which has not passed Congress.

This bill proposes simply to give the Postmaster-General the same right over public roads and public highways that he has now by law over all railways, navigable rivers, canals, and plank-roads, to order mail service as the public necessities may require. Every mile of railroad constructed in this country becomes a postal route by operation of law, and the Postmaster-General is bound to put service on it if the public necessities require it. That is all there is in this bill.

Mr. BLOUNT. I acknowledge that the statement of my colleague [Mr. COOK] is correct. In antagonism to the statement of the gentleman from California [Mr. PAGE] I will say that the Postmaster-General has not the power at this time, of his own motion, to put mail service on any other than railroad and steamboat routes.

Mr. PAGE. I cannot hear what the gentleman says.

Mr. BLOUNT. I hope the gentleman will allow me to finish my statement.

Mr. PAGE. I want to hear the gentleman.

The SPEAKER. It is the fault of members themselves that what is said cannot be heard.

Mr. BLOUNT. My colleague [Mr. COOK] has stated very correctly that as to railroads the law declares them to be post-routes, and the Postmaster-General is authorized to put service on them; and so in regard to steamboat routes, the Postmaster-General may contract for postal service. But as to the public highways of the country, where he is not authorized by a law making any of them post-routes, he cannot put service on them.

In the matter of railroads the pay even is fixed by law, and in the matter of steamboats the sum involved is not very great, and therefore it is not so objectionable; but in the matter of star routes he has been restrained to some extent to the lines which have been established by Congress as post-roads. Notwithstanding that restraint, however, this House and the country is informed that there is at this hour an impending deficiency of $2,000,000 for the star service of the country.

Mr. SPEER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPEER. The question before the House is the point of order raised by the gentleman from Georgia, [Mr. BLOUNT.]

The SPEAKER. That is correct.

Mr. BLOUNT. And I propose to reach my point of order. My friend has raised his question of order before I have concluded.

Mr. SPEER. I submit that on that point of order the gentleman has no right to discuss any deficiency in the postal service or any investigation which may now be pending before a committee of this House.

The SPEAKER. The gentleman will confine himself to the question of order.

Mr. BLOUNT. I have no purpose to discuss deficiencies or investigations. If my friend will "possess his soul in patience," he will see that I have another purpose in view.

I have simply referred to the restraint upon the Post-Office Department, under existing law, in reference to the star service. What is the proposition contained in this bill? It is to remove all restraint; to allow the Postmaster-General to put star service wherever he pleases; to increase that service to any amount he may think proper. The expenditures in that direction have already reached an enormous sum; and, if this bill should be passed, there will be no power in this House to restrain the Postmaster-General in this respect. When we have once said to him, "You may put service on all the post-routes in the country," it will be in vain for us to say that we have not appropriated money for the purpose.

The SPEAKER. The gentleman will confine himself to the question.

Mr. BLOUNT. I trust that I am confining myself to the question.

The SPEAKER. The Chair thinks not.

Mr. BLOUNT. My object has been to show that, under the operation of this bill, large sums of money may be taken out of the Treasury. I submit, therefore, that the bill ought to go to the Committee of the Whole.

Mr. MONEY. I ask the attention of the House for a few moments.

The SPEAKER. Gentlemen who desire to speak will be kind enough to confine their remarks to the point of order.

Mr. MONEY. The objection made by the gentleman from Georgia to this bill has no force whatever. In the first place, that portion of this bill which is in the form of legislation giving discretion to the Postmaster-General is simply a repetition of the law as it stands to-day. It does not follow as a matter of course that the Postmaster-General is to put service on all the routes that are established. As the law stands to-day every river and canal, every piece of navigable water within the United States is a post-route.

The SPEAKER. Will the gentleman from Mississippi allow the Chair to ask him a question?

Mr. MONEY. Yes, sir.

The SPEAKER. Will the gentleman please state whether that part of this bill which authorizes the Postmaster-General to put postal service on any of these routes would not require an appropriation to be made by Congress?

Mr. MONEY. I say there is nothing of new legislation in that part of the bill. The Postmaster-General under existing law has already the power mentioned.

As I was proceeding to state, every railroad, every plank-road, every piece of navigable water within the limits of the country has been declared by law to be a post-route; yet we know that as to thousands of miles of rivers, where the Postmaster-General has now the discretion to supply service, it has not been done.

We know that hundreds of thousands of miles of post-routes, established as such by legislation upon your statute-book, are not to-day supplied with service. Because a post-route is established by law it does not follow as a matter of course that the Postmaster-General will put service on it. The statement of the gentleman from Georgia [Mr. BLOUNT] himself is a proof of this. He tells us that last year we established two thousand post-routes and that the Postmaster-General has put service upon thirteen hundred of them. I say this bill contains no new legislation conferring any additional power on the Postmaster-General in reference to this matter.

Now, Mr. Speaker, every gentleman in this House knows that the post-route bill is passed here as a matter of course. No word of objection has ever been heard here or elsewhere to the passage of any post-route bill. A member simply suggests to the committee the route which he desires established, and a provision for the purpose is inserted in the bill as a matter of course. The further question of supplying that route with service is one over which the member interested has no control. He may visit the Postmaster-General, and if he can demonstrate the necessity of the service it will be supplied. But this bill has nothing to do with that. There is no expenditure involved in the bill. So far as it relates to the discretion of the Postmaster-General on this subject, it is simply a repetition of laws already on the statute-book. There is no new legislation in the bill, and I say that the point made by the gentleman from Georgia is not well taken.

Mr. SPEER. I desire to say a word upon the naked question of order that is before the House.

The SPEAKER. The Chair will be glad to hear the gentleman upon that point.

Mr. SPEER. I do not desire to discuss the merits of any star route or any railroad route or any route on any navigable river. The naked question before this House is raised by the objection of my colleague [Mr. BLOUNT] that the bill is subject to a point of order because it involves an appropriation. I think that this objection is not well founded. The bill is no more subject to a point of order on this ground than the post-route bill which is brought in here at every session by the Committee on the Post-Office and Post-Roads.

Mr. BLOUNT. May I ask my colleague a question?

Mr. SPEER. Certainly.

Mr. BLOUNT. Does not this bill go beyond the ordinary post-route bill, which simply specifies routes? Does not the pending bill declare all public highways post-roads? Does it not go further and authorize the Postmaster-General to put service upon them?

Mr. MONEY. He is already so authorized.

The SPEAKER. The Chair would like to say upon the point alluded to by the gentleman from Georgia that the post-route bill usually comes in by unanimous consent, and is not read, but passed upon the assurance which the gentleman introducing it gives upon his honor that it contains no legislation whatever.

Mr. SPEER. This bill contains no legislation whatever. The law as it now stands authorizes the Postmaster-General to put service on all these routes established by the post-route bill, in his discretion, if the public service demands it. This bill simply authorizes the Postmaster-General to do the same thing with all public roads which are by this bill sought to be declared post-routes. The bill is no broader in its effect than the existing law. It contains no new legislation. It involves no appropriation. The appropriation must be made by the House for the use of the Post-Office Department before any money can be employed for this purpose. This bill no more involves an appropriation than the post-route bill which I may have introduced here and which was passed, a bill establishing a route upon which the Postmaster-General, in his discretion, refuses to put service.

I presume, Mr. Speaker, it would be out of order for me to say that I am in favor of these star routes, which carry the mail service to the doors of the rural population. In this respect I think the wants of the country have been too much neglected. I am sorry to see a disposition on the part of some gentlemen here to put down the star service for the purpose of facilitating more rapid delivery in cities and on railroad routes which will take care of themselves. The star service is the poor man's mail, it penetrates the most remote sections, and for my part I shall resist any attempt to cripple it.

Mr. KNOTT. I simply desire to say I agree, in the main, with the views stated by the gentleman last up. It seems to me that while the remarks made by his colleague may furnish a potent argument against the passage of the bill in its present shape, they do not legitimately touch his point of order. I rise, therefore, to suggest that his objection may be made available by a motion to strike out that portion of the bill to which he objects. There are a large number of us who desire the passage of a general bill declaring all public roads postal routes, so as to obviate the necessity of creating special post-routes at every session of Congress.

The SPEAKER. The Chair is ready to decide the point of order.

Mr. COOK. I will agree to that amendment.

The SPEAKER. The gentleman has not that power, for he cannot modify a proposition authorized to be reported from the committee.

The point of order is made against the bill as it now stands and as it has been reported from the Committee on the Post-Office and Post-Roads. Post-route bills are introduced at every session of Congress by unanimous consent, and often without reading, upon the express understanding that they involve nothing but post-routes and do not provide for any general legislation whatever.

Mr. MONEY. Perhaps, Mr. Speaker, by unanimous consent we may agree that the clause to which the gentleman from Georgia objects may be stricken out.

Mr. CANNON, of Illinois. No; I object to its being stricken out.

Mr. MONEY. It amounts to nothing.

The SPEAKER. The Chair will proceed to decide the point of order. Post-route bills, as the Chair has already remarked, are introduced at every session of Congress and passed without reading upon the express understanding that they do not embrace legislation of any character, but include only post-routes. They are usually passed upon the assurance to that effect given by the gentlemen introducing them; and if this bill had been confined to the words that "all public roads and highways are hereby declared post-routes," then the Chair would have no doubt but that part of the bill would not be subject to the point of order. The proposition, however, goes further, and states that the Postmaster-General is hereby authorized to put postal service on all such routes when the public interest requires it. The object of the bill clearly is to give to the Postmaster-General some additional power which he does not now possess, or else it would hardly have been introduced. The Chair therefore holds that the latter clause comes under a portion of Rule 112, as it requires that appropriations shall be hereafter made for such routes as he may authorize service under the authorization given in the last branch of the bill.

And, moreover, the Chair is confirmed in the view he has taken by reference to another clause in same rule, wherein it is said that "all proceedings touching appropriations of money shall be first considered in the Committee of the Whole." If the Chair, however, had any doubt on the subject, he will state that he would consider it his duty to give the benefit of that doubt to the Treasury of the United States.

Mr. KENNA. I rise to a parliamentary inquiry.

The SPEAKER. The Chair decides that this bill, under the point of order, must have its first consideration in the Committee of the Whole on the state of the Union.

Mr. KENNA. Is a motion to go into the Committee of the Whole on the state of the Union now in order?

The SPEAKER. It is not, as the morning hour has not yet expired. It would be in order after the morning hour to move to go into the Committee of the Whole on the state of the Union to take up the bills in their order on the public Calendar.

Mr. MONEY. I appeal from the decision of the Chair sending this bill to the Committee of the Whole on the state of the Union.

Mr. BLOUNT. I move to lay that appeal upon the table.

The House divided; and there were ayes 133.

Mr. MONEY. I withdraw the appeal from the decision of the Chair.

The SPEAKER. The Chair would prefer to have a decision of the House.

Mr. COOK. I ask for no further count, and will, by unanimous consent, withdraw the bill.

The House further divided; and there were—ayes 133, noes 21.

So the appeal was laid upon the table.

Mr. COOK. I now withdraw the bill.

Mr. BLOUNT. Is that by unanimous consent?

The SPEAKER. The Chair thinks the request has never been denied to any member.

Mr. CANNON, of Illinois. I wish to be indulged in a remark. It occurs to me, and I submit to the gentleman from Georgia, that this bill had better go to the Committee of the Whole on the state of the Union now or hereafter, in whatever shape it may be reported, so it can be fully and fairly discussed. There is no disposition to unduly oppose it if opportunity be given for debate. I am willing to discuss it at any time, or to take it up at any time which may be agreed upon in the future.

Mr. BLOUNT. I hope my colleague will agree to the proposition of the gentleman from Illinois. This is an important matter. It should go to the Committee of the Whole on the state of the Union, and some day should be fixed for its discussion.

Mr. KNOTT. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. The gentleman from Georgia, speaking for this committee, proposes to agree to the proposition to strike out the objectionable portion of this bill. Now, cannot unanimous consent of the House be given for that purpose?

The SPEAKER. That was asked and objected to. The Chair would have recognized the right in the House but the gentleman from Illinois [Mr. CANNON] objected when the request was made.

Mr. KNOTT. It seems to me that would dispose of the matter at this time without further objection.

Mr. CANNON, of Illinois. I have no objection, provided ample time can be given to the House to discuss this bill. That is all I want. I am willing to agree to the earliest possible day that gentlemen may fix in the Committee of the Whole on the state of the Union, but I must object unless time be given for discussion so the House may be informed what the bill really is.

Mr. KNOTT. I ask the gentleman from Illinois to withdraw his objection.

Mr. CANNON, of Illinois. No; I do not withdraw it unless the bill can be made the special order and some arrangement can be made for its discussion.

Mr. KNOTT. It would still continue to be in the morning hour and there is nothing to prevent a full discussion.

Mr. CANNON, of Illinois. I do not think it should be in the morning hour. You cannot discuss it fully in the morning hour.

The SPEAKER. The Chair will be glad to hear some conclusion reached in reference to the bill. The Chair heard no objection to the request of the gentleman from Georgia to withdraw the bill.

By unanimous consent, the bill was withdrawn.

GRAVEL AND PLANK ROADS.

Mr. COOK, from the Committee on the Post-Office and Post-Roads, reported back adversely the petition of citizens of Huntington County, Indiana, asking that an act be passed making gravel and plank roads free for the mails of the United States; which was laid upon the table, and the accompanying report ordered to be printed.

The SPEAKER. The gentleman from Georgia will take notice that there is no report accompanying this bill. The rules require written adverse reports in all cases when made from committees.

Mr. COOK. There is a report on the back.

The SPEAKER. There is a remark, but it cannot be considered a report.

Mr. COOK. I will file a report hereafter.

The SPEAKER. The Chair hears no objection to that request.

UNLAWFUL HANDLING AND CARRIAGE OF MAIL MATTER.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported back a bill (H. R. No. 2077) to prevent the unlawful handling and carriage of mail matter, with an amendment; which were referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. STONE. I ask for the printing in the RECORD of the bill and amendment and the accompanying report.

There was no objection, and it was ordered accordingly.

The bill and amendment and accompanying report are as follows:

A bill to prevent the unlawful handling and carriage of mail matter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person regularly performing trips over any mail-route, either as owners, master, or employé of any wagon, coach, railroad-car, or steamboat, or otherwise, shall carry letters or packets, either with or without compensation, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time and by the same stage-coach, railway-car, or other vehicle, except as provided in section 3993 of the Revised Statutes; and where letters or packets are carried on board any such wagon, coach, railroad-car, or steamboat outside of the mails, except as provided in section 3993 of the Revised Statutes, it shall be *prima facie* evidence that such letters are being carried by the person in command or charge of such wagon, stage-coach, steamboat, or railroad-car: *Provided*, That nothing herein contained shall be construed to prohibit the transmission of letters or packets by the hands of a private person or messenger who is not engaged in making trips at stated or regular periods over such route, either as employé or attaché of such wagon, coach, railroad-car, or steamboat, or otherwise; and for every such offense the owner of such steamboat, railroad-car, or stage-coach, or other vehicle or vessel, shall be liable to a penalty of $100; and the driver, conductor, master, or other person having charge thereof, and not at the time owner of the whole, or any part thereof, or other person, shall for every such offense be liable to a penalty of $50.

SEC. 2. That section 3829 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient, and he shall promptly certify such establishment to the Auditor of the Treasury for the Post-Office Department. And every person who, without authority from the Postmaster-General, sets up or proposes to keep any office or place of business bearing the sign, name, or title of post-office, letter-express office, or other similar title, and professes or advertises to transact a general business for hire, in the way of receiving mail matter for deposit in the post-office or postal car, or of receiving mail from a post-office to be delivered for hire to the person addressed, shall, for every such offense, be liable to a penalty of not more than $500."

SEC. 3. That sections 3977 and 3992 of the Revised Statutes, and all laws in conflict with the provisions of this act, be, and the same are hereby, repealed.

Amendment: Strike out section 2 of the bill, and let section 3 stand as section 2 of the bill.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, submitted the following report:

The Committee on the Post-Office and Post-Roads, to whom was referred House bill No. 2077, have had the same under consideration, and report the same back with an amendment, and recommend that it do pass as amended.

The main reasons which have influenced your committee in reaching this conclusion are sufficiently set forth in the following letter from the law officer of the Post-Office Department, namely:

"OFFICE OF ASSISTANT ATTORNEY-GENERAL
"FOR THE POST-OFFICE DEPARTMENT,
"*Washington, D. C., January* 9, 1880.

"SIR: The necessity for the passage of the bill to prevent the unlawful handling and carriage of mail matter may be briefly stated as follows:

"Section 3982, Revised Statutes, prohibits the establishment of any private express for the conveyance of letters, &c.

"Section 3983 provides a penalty for the willful carriage by any stage-coach, steamboat, &c., of any person employed as a private express for the conveyance of letters, &c.

"This section, however, is rendered entirely inoperative by the following consideration:

"First. In most cases of violations of this section it is impossible to bring home to the owner of the boat any knowledge of or responsibility for the violations. We are informed by the agents of the Department that in many cases a large amount of mail matter carried in violation of law is found on board steamboats, when on investigation it is impossible to find any one who will assume the responsibility of its care. The matter is given up, and that is the end of it. If not detected by an agent the matter is delivered on the arrival of the boat at its destination.

"The impossibility of providing an agent on all or any of the large boats plying the principal rivers of the country suggests the impossibility of the enforcement of this section.

"Second. But suppose the master or owner of the steamboat is detected in thus transporting mail matter contrary to section 3983 or 3984, or particularly section 3985. He may plead the authority of sections 3977 and 3992, which, to say the least of it, throws extreme doubt about the whole subject. In other words, to give these sections the force which in the view of this Department they seem to have, it may be briefly stated that while section 3985 provides that no letters except such as relate to the cargo, and except such as are carried in Government envelopes, shall be carried out of the mails, while section 3977 *seems* to authorize such transportation by prescribing the disposition to be made of the letters thus carried. I say *seems* to authorize it, for it is difficult to comprehend the precise meaning of section 3977 if it does not authorize masters of steamboats to carry outside of the mails letters which do not relate to the cargo, and which are not in Government stamped envelopes.

"For if the letters relate to the cargo carriage is not prohibited, and of course there is no requirement that they should be placed in the post-office as required by this section, while on the other hand if the letters are in Government envelopes they may be delivered directly to the persons addressed, under section 3993.

"Again section 3983 prohibits the transportation of any person employed as a private express, &c., while section 3992 provides that 'nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only.'

"Under this section steamboat, express, and other companies claim the right to transport free of charge all letters consigned to them by their patrons. The injustice of this assumption will, it is believed, be made apparent by the following illustration: A and B are rival merchants at the same point. A patronizes the steamer Great Republic, which has also a contract for the transportation of the mails. B patronizes another line. Both merchants desire to send letters by this boat. The letters of B are required to be put in the mails, while those of A are taken charge of by an agent or employé, or some other person on board the boat, and, *if not seized by a special agent, are delivered several hours in advance of the letters sent by mail.* If seized by an agent, no one can be found who knows anything about the letters, or perchance they are found in the care of the steward, who is merely carrying them without charge or compensation, under section 3992.

"By this means thousands of dollars of revenue are annually lost to the Government.

"Section 2 of the proposed bill is deemed expedient for the following reason: Section 3982 Revised Statutes prohibits the establishment of any private express for the conveyance of letters, &c., while a proviso to the act of March 3, 1879, found at page 356, 20 Statutes at Large, declares that nothing contained in the former act shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped.

"It has always been held by the Department, that under the law the business of carrying first-class mail matter could only be carried on by an officer of the Government appointed and qualified for that purpose; that one of the objects of retaining this monopoly was to secure equal facilities to all the citizens in sending and receiving mail matter. All are taxed alike to support the system, and it is submitted that all should share alike its privileges. Numerous efforts have heretofore been made to provide superior facilities for the dispatch and receipt of mail

matter by means of offices and lines established for that purpose, the proprietor proposing for a consideration to receive and mail letters at railroad stations with greater dispatch than can be done through the lawfully established post-office, and to receive letters at the post-office and deliver them more promptly than the delivery can be made through the channel of the postal system. As an instance of this character of business, I might cite the case of what is called and advertised as the 'down-town letter-office' in the city of New York.

"It was held by Attorney-General Black (9 Opinions, 161) that an agreement between a considerable number of citizens, in a city where the free-delivery system was in operation, to employ a special messenger to receive their mail matter at the post-office and deliver to them was in contravention of the law; and the postmaster was directed to refuse to deliver the letters to the messenger.

"It is, of course, perfectly proper for any person to send any member of his family, agent, servant, or employé with and for his mail. When, however, a single individual or company advertises to do this character of business for the public it is perceived at once that a competition with the regularly established and legally authorized postal authorities is contemplated. In other words, it says to the citizen that for three cents you can have a letter mailed at New York and delivered at Washington within a given time; but by employing this rival organization, and the payment of an additional fee or postage, the time can be diminished.

"It is a grave question for the consideration of Congress whether this competition ought to be allowed.

"I have written very hastily in reply to a suggestion from you that you would like to have the views of the Department on the subject of the legislation asked.

"Very respectfully,

"A. A. FREEMAN,
"*Assistant Attorney-General, Post-Office Department.*

"Hon. J. W. STONE,
"*House of Representatives, City.*"

It is claimed here that it is, in practice, almost impossible to convict persons who violate section 3983 because of the difficulty experienced in fixing the liability of the guilty party, it being necessary to show affirmatively on the part of the Government that the act complained of was done with the knowledge or connivance of the owner, &c. It is thought by your committee and the Department that this difficulty will be met and overcome by the clause in the bill which provides that "when letters or packets are carried on board any such wagon, coach, railroad-car, or steamboat outside of the mails, except as provided in section 3993 of the Revised Statutes, it shall be *prima facie* evidence that such letters are being carried by the person in command or charge of such wagon, stage-coach, steamboat or railroad-car."

This shifting of the burden of proof of facts, the existence of which are peculiarly within the knowledge of the accused, is not unusual in penal statutes, and is deemed justifiable here. The abuse which this bill seeks to remedy is a grave one, affecting seriously the revenues of the postal service to the amount of thousands of dollars annually. It exists mainly on the steamboats plying on principal rivers.

By proper regulations the person in command or charge of the steamboat or vehicle can prevent this unlawful traffic or business over his line, and can easily meet and rebut the presumption that such prohibited matter is knowingly being carried by him, if such is not the case in fact. The passage of this provision, and the repeal of sections 3977 and 3992 of the Revised Statutes, will greatly benefit the mail service, and make it possible to punish offenses here complained of, by rendering more clear and explicit the law upon this subject. It is difficult now to reconcile these statutes in existing law. Your committee have not deemed it advisable to amend section 3829, as provided in the second section of this bill, and therefore recommend and report the following amendment:

"Strike out section 2, and let section 3 stand as section 2 of the bill."

BEET SUGAR.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

House of Representatives:

In reply to the resolution of the House of Representatives, of the 21st instant, requesting the Commissioner of Agriculture to furnish all information which he may have in his possession bearing upon the culture of the sugar-beet, &c., the accompanying letter and report received from the Acting Commissioner of Agriculture for this purpose are herewith transmitted.

R. B. HAYES.

EXECUTIVE MANSION, *January* 26, 1880.

The SPEAKER. This communication and accompanying papers will be referred to the Committee on Agriculture.

Mr. CONGER. I ask that the committee be authorized to have this message and the accompanying papers printed, if they deem it necessary.

There was no objection, and it was ordered accordingly.

BINDING FOR NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, relative to binding for that Department; which was referred to the Committee on Appropriations.

IMPROVEMENT OF CHANNEL AT STATEN ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the channel between Staten Island and New Jersey; which was referred to the Committee on Commerce.

LOCK AND DAM ON MONONGAHELA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting estimate of amount required for the annual maintenance and repair of the lock and dam on the Monongahela River in West Virginia; which was referred to the Committee on Commerce.

FORT ASSINABOINE, MONTANA TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the completion of Fort Assinaboine, Montana Territory, and the construction of a new post near Wood Mountain in that Territory; which was referred to the Committee on Appropriations.

WILLIAM MATHERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting petition of William Mathers, sergeant Company E, Eighth Infantry, for compensation for clerical services at the Hoopa Valley Indian agency, California; which was referred to the Committee on Military Affairs.

CEMETERY AT JOHNSON'S ISLAND, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the cemetery of the prison camp at Johnson's Island, near Sandusky, Ohio; which was referred to the Committee on Military Affairs.

RULES FOR NAVAL VESSELS.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, in reply to a resolution of the House of Representatives of the 9th of January, 1880, in relation to the rules prescribed by the Navy Department for the guidance of naval vessels and whether they are in conflict with the existing rules for the guidance of merchant vessels, &c.; which was referred to the Committee on Naval Affairs.

MARE ISLAND NAVY-YARD, CALIFORNIA.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, forwarding copies of letters and an extract of a report made by the commandant of the Mare Island (California) navy-yard, requesting that an appropriation of $40,000 may be made for the repair of the floating dock at that yard; which was referred to the Committee on Naval Affairs.

UTE INDIANS IN COLORADO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House, transmitting copy of correspondence concerning the Ute Indians in Colorado; which was referred to the Committee on Indian Affairs.

MRS. K. T. BAKER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the claim of Mrs. K. T. Baker; which was referred to the Committee on War Claims.

MAIL FACILITIES FOR NEW MEXICO.

The SPEAKER also laid before the House a memorial of the Legislature of New Mexico, praying for increased mail facilities in said Territory; which was referred to the Committee on the Post-Office and Post-Roads.

ALLOWANCES TO MAIL CONTRACTORS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with law, a report of all allowances made to contractors during the fiscal year ending June 30, 1879; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COFFROTH, for four days, on account of important business;

To Mr. O'REILLY, indefinitely, on account of sickness in his family;

To Mr. OSMER, for eight days, on account of important business; and

To Mr. RUSSELL, of Massachusetts, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. GUNTER, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the case of James H. Hamilton, there being no adverse report thereon.

On motion of Mr. DE LA MATYR, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of Walter D. Plowden, there being no adverse report thereon.

On motion of Mr. BLACKBURN, by unanimous consent, leave was given to withdraw from the files of the House the petition of the officers and crew of the United States gunboats Kinei and Chocura, there being no adverse report thereon.

On motion of Mr. McKENZIE, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of John W. McClanahan, there being no adverse report thereon.

ADMISSION TO THE FLOOR.

Mr. SPRINGER. I ask unanimous consent of the House that Colonel Jonathan Merriam, collector of internal revenue of the eighth district of Illinois, be allowed the privileges of the floor.

Mr. HARRIS, of Virginia. I ask the same privilege for Lieutenant-Governor James A. Walker, and also Marshal Hanger, member and late speaker of the house of delegates of the Legislature of Virginia, during their stay in the city.

There was no objection, and leave was granted accordingly.

PUBLIC BUILDING AT PITTSBURGH, PENNSYLVANIA.

Mr. ATHERTON. I understand that the objection is withdrawn which was made this morning to the consideration of the bill (H. R. No. 2850) to provide a building for the use of the United States circuit and district courts, custom-house, and post-office at Pittsburgh, Pennsylvania, reported from the Committee on Public Buildings and Grounds.

The SPEAKER. The bill will be read, after which the Chair will again ask for objection.

The bill directs the Secretary of the Treasury to cause to be constructed a suitable building at Pittsburgh, Pennsylvania, for the accommodation of the circuit and district courts of the United States, the customs officers, internal-revenue officers, the post-office, and any other offices of the General Government in said city, at a cost not exceeding $750,000.

Mr. REAGAN. Is it proposed to have action on that bill now?

Mr. ATHERTON. It is.

Mr. REAGAN. I must object to that. I have no objection to its reference to the Committee of the Whole.

The SPEAKER. Objection being made, the bill is not before the House.

LOSS OF STEAMER J. DON. CAMERON.

Mr. MAGINNIS. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Military Affairs, not to be brought back by a motion to reconsider, the bill (S. No. 106) for the relief of sufferers by loss of the Government steamer J. Don. Cameron.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs, not to be brought back on a motion to reconsider.

REVISION OF THE RULES.

Mr. BLACKBURN. I now move that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules on the subject of the revision of the rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the report of the Committee on Rules. All general debate having been closed by order of the House, the Clerk will now proceed to read the proposed rules by paragraphs for discussion and amendment under the five-minute rule.

The Clerk read as follows:

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of the House, and decide all questions of order subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say *Ay*;" and after the affirmative voice is expressed, "as many as are opposed say *No*;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except in case of a tie, or where his vote, if given with the minority, would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

Mr. HAWLEY. I desire to move an amendment to clause 6 of Rule I, which has just been read. I move to strike out the words "in case of a tie, or where his vote if given with the minority would make a tie, or will make or prevent a two-thirds vote where such vote is required, or where the House is engaged in voting by ballot," and insert in lieu thereof the words "when his vote would be decisive." That amendment, if adopted, will dispense with a complicated mass of verbiage, and the clause will then read:

He shall not be required to vote in ordinary legislative proceedings, except when his vote would be decisive, and in all cases of a tie vote the question shall be lost.

Mr. BLACKBURN. Will the gentleman from Connecticut [Mr. HAWLEY] tell me if the purpose of his amendment is not to release the Speaker from voting where the House is engaged in voting by ballot?

Mr. HAWLEY. I am willing to leave that in if it is desirable to require his vote on such occasion.

Mr. BLACKBURN. I do not see that the amendment offered by the gentleman from Connecticut alters in anywise this clause of the report submitted by the Committee on Rules, except to make it somewhat terser, unless it be the object of the gentleman to release the Speaker from voting when voting is being done by ballot. I will say that such was not the conclusion reached by the Committee on Rules.

Mr. HAWLEY. I think my amendment, if adopted, will make the clause very much clearer. I do not desire to relieve the Speaker from voting where there is a ballot, and therefore I will modify my amendment so as to leave that clause in. In that case the rule would read, if amended:

He shall not be required to vote in ordinary legislative proceedings, except when his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

I think that will make the rule very much clearer.

Mr. ACKLEN. I offer as a substitute for the amendment of the gentleman from Connecticut that which I send to the Clerk's desk.

The Clerk read as follows:

SUBSTITUTE FOR CLAUSE 6 OF RULE I.

The Speaker has the right, but shall not be *required*, to vote in proceedings before the House, except in the case of a tie or where the House is engaged in voting by ballot.

Should the Speaker vote with the minority, and thereby make a tie, the question shall be deemed lost. Should the Speaker vote to make or to prevent a two-thirds vote where such vote is required, the question shall be deemed carried or lost, as the case may be.

Mr. HAWLEY. That is worse than the clause reported by the Committee on Rules.

Mr. ACKLEN. It will be observed that the substitute which I have offered does not change in the least the true intention of the rule as reported from the Committee on Rules. It does strike out the words "ordinary legislative" before the word "proceedings." I see no reason why the words "ordinary legislative" should be included in this rule. I do not think there are any *extraordinary* proceedings before this House which would absolve the Speaker from the duty of voting under the provisions of this rule.

Nor do I see the need of the word "legislative," because if all the proceedings before this House are legislative proceedings, then clearly that word is superfluous. If they are not all legislative proceedings, then there exists a double necessity for striking out that word in order to prevent any future misconstruction of the rules.

Mr. FRYE. The criticism made by the gentleman from Louisiana [Mr. ACKLEN] only illustrates how easy it is to criticise. For instance, the gentleman says that the words "To vote in ordinary legislative proceedings" are not necessary; yet the very amendment which he offers declares that the Speaker shall have a right to vote. The Speaker has that right in every case coming before the House; therefore the language of the gentleman from Louisiana is open to precisely the same criticism which he applies to the rule reported by the committee.

Mr. ACKLEN. The gentleman misunderstands the amendment as offered. It does not propose to strike out the word "proceedings," but simply the words "ordinary legislative" as being superfluous and calculated to lead perhaps in the future to some misconstruction as to what are "ordinary" proceedings and what are "legislative" proceedings.

Now, we are not framing rules for this House alone, but perhaps for the government of this body in future Congresses. It is therefore necessary for us to make them as clear, as concise, as free from misconstruction as possible. If the gentleman had listened attentively to the reading of the substitute, I do not think he could possibly have objected to it. It does not propose to change in the least the true intention of the rule as reported by the committee, but to obviate any possible misconstruction of that intention.

Mr. FRYE. I only called attention to what was an apparent fact, that after the gentleman insisted, as a criticism upon the report of the committee, that two words in it were unnecessary, the very amendment which he offered proposed to insert six or eight words which were clearly unnecessary; for the Speaker has a constitutional right to vote on every question coming before this House; yet the gentleman in his amendment proposes to affirm that right.

Mr. ACKLEN. Will the gentleman tell me what half dozen unnecessary words are embraced in the proposed substitute; and will he further tell me the necessity for the words "ordinary legislative?"

Mr. FRYE. I have told the gentleman that the words in his amendment declaring that the Speaker shall have a right to vote are entirely unnecessary, because the Constitution gives him that right.

Now, Mr. Chairman, a word as to the amendment offered by the gentleman from Connecticut, [Mr. HAWLEY.] That it makes the proposed rule better English I have no doubt; yet I think it is the gentleman's experience—I know it is my own—that a rule cannot be stated to this House too distinctly and clearly. A rule of the House is addressed to all classes of minds. It seems to me that the rule reported by the committee more distinctly sets out each case in which the Speaker may be required to vote than the rule as proposed to be amended by the gentleman from Connecticut.

Now, in this rule the committee had but one purpose, to provide clearly for the case of a tie vote and the case where a two-thirds vote is required by law or by a rule of the House. It seems to me better to state these two cases in which the Speaker may be required to vote than to leave the matter, as the gentleman from Connecticut proposes, to the determination of the single word "decisive." To be sure, any man in course of time will figure out the significance of this term "decisive;" but if we take the rule as the committee report it, it will not require any figuring at all. The meaning will be clear before every man's face.

Mr. ACKLEN. Will the gentleman yield for a question?

Mr. FRYE. Yes, sir.

Mr. ACKLEN. Will the gentleman now tell me what the committee mean by "ordinary legislative proceedings?"

Mr. FRYE. Precisely what the words express. [Laughter.]

Mr. ACKLEN. Are those words necessary in connection with the right of the Speaker to vote? Are there any proceedings of an extraordinary nature in which he is not allowed to vote?

Mr. FRYE. Well, a vote by ballot would not be regarded as an ordinary proceeding, although a vote by ballot is undoubtedly required in the performance of certain duties devolved upon this House. But it would not be an ordinary proceeding.

Mr. ACKLEN. Is not that provided for in the other part of the rule?

Mr. FRYE. Conceding that these words in the committee's proposition are not necessary, I think the first six words of the gentleman's amendment are clearly unnecessary.

Mr. BURROWS. Mr. Chairman, I am in favor of the amendment of the gentleman from Connecticut [Mr. HAWLEY] for the reason that in my judgment the rule as worded in the report is clearly defective, and the amendment will correct the error and make the rule more concise. The rule, as reported by the committee, requires the Speaker to do a thing which is absolutely useless. The clause requiring the Speaker to vote "where his vote if given to the minority would make a tie" really requires him to do in some cases a thing which can have no effect upon the result. His vote if given to the minority can only be of avail where a proposition has prevailed by one majority. Where the proposition is lost by one majority his vote cannot be effective. For instance, suppose on a motion to adjourn the votes stand 100 in the affirmative to 99 in the negative; then, if the Speaker votes with the minority he makes a tie and thereby defeats the motion; but if the affirmative vote be 99 and the negative 100, then, whichever way the Speaker may vote, the result is not changed. If he votes in the negative, there being already a majority on that side, the motion is of course lost; and if he votes in the affirmative the result is a tie, and the motion is still lost.

Mr. BLACKBURN. Mr. Chairman, I do not desire to discuss a matter upon which there can be no possible material difference in the House. I will say by way of reply to the gentleman from Louisiana, [Mr. ACKLEN,] I do not think this committee should accept such a rule as he proposes. It is less definite than the rule submitted by the Committee on Rules, and far more prolix. He travels out of his way to guard the right of the Speaker to vote. That is not needed. Prior to 1803 there was a rule of this House which prohibited the Speaker from voting. In that year, when a very important question was pending before the House which looked to a constitutional amendment regulating the election of President and Vice-President, the then Speaker of the House, Mr. Macon, insisted on his right under the Constitution, although Speaker, yet still a member, to exercise that prerogative and cast his vote, and in the face of the rule his demand was acceded to and he did vote. The Speaker does not need to be guarded in that right as the gentleman proposes in his substitute.

As to the use of the words "ordinary legislative proceedings," which the gentleman has inquired about, they were not incorporated here by the Committee on Rules without consideration, and however faulty this work may prove to be, I think the discussion had will show there is but little if any of it which was not duly considered before it was inserted, even though it may have been improperly introduced. There are proceedings in the House upon which I take it no one would want the Speaker to refrain from voting, as the question of the election of officers or the question of an impeachment trial. These are extraordinary proceedings. They are not ordinary legislative proceedings. Hence the object of the Committee on Rules found its best expression in the very language and phraseology employed.

As to the point made by the gentleman from Michigan [Mr. BURROWS] I will say but one word. I do not think the proposition of the committee amenable to his criticism. I think it better as it is offered by the Committee on Rules than the amendment offered by the gentleman from Connecticut [Mr. HAWLEY] or the substitute offered by the gentleman from Louisiana, [Mr. ACKLEN.] There might be a test vote on a question where a hundred votes will be given in the affirmative and ninety-nine votes in the negative, to employ the very illustration the gentleman from Michigan has adopted. Now, he complaims that under the proposition of the committee the Speaker, if voting in the affirmative, would not change the result.

The rule as proposed by the committee does not require the Speaker's vote to be given in such case unless it be given to the minority, thereby making a tie, and thereby rejecting a measure which would otherwise be passed.

The gentleman from Michigan, if he were in charge of a bill here, would at least rather have it lost by reason of the operation of parliamentary law than have it rejected by a majority vote of the House. But these matters were all considered, and there is no material difference between the rule as offered and the amendment tendered by the gentleman from Connecticut. I do not think there are advantages to be given by his amendment which are not at least if not more than counterbalanced on the other side. I trust the committee will now vote and dispose of the question.

[Here the hammer fell.]

Mr. ACKLEN's amendment to the amendment was rejected.

The question recurred on Mr. HAWLEY's amendment.

Mr. BURROWS rose.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. BURROWS. I move to strike out the last word, for the purpose of asking the gentleman from Kentucky a question. I understood the gentleman from Kentucky to state that the rule as reported, and as it stood in our body of rules, requires the Speaker to do that which would not affect the result?

Mr. BLACKBURN. The gentleman misunderstood me.

Mr. BURROWS. I understood the gentleman from Kentucky to state that this rule, as it stands, requires the Speaker to vote in all cases where the vote differs only by one, and that in some cases we have, when the proposition is lost, it would not change the result?

Mr. BLACKBURN. The gentleman from Michigan understood me to say that, under the rule as reported by the committee, there may be a case in which the vote given by the Speaker would not change the result so far as the fate of the bill was concerned; for instance, where there is a tie before he votes.

Mr. BURROWS. Yes, sir.

Mr. BLACKBURN. That is all.

Mr. BURROWS. Would not that be in all cases where a proposition was lost by a vote of one?

Mr. BLACKBURN. That is the only case, and none other.

Mr. BURROWS. In all such cases?

Mr. BLACKBURN. But I asserted there, in addition to that, that while it did not change the fate of the bill, I apprehended it put the measure before the House and the country in a very different light.

Mr. BURROWS. Then, I ask the gentleman if it is not the policy in legislative proceedings to relieve the Speaker from voting on all propositions except in those cases where his vote would be decisive?

Mr. BLACKBURN. I think not.

Mr. BURROWS. I so understand it to be; and clearly this rule as adopted with the amendment of the gentleman from Connecticut requires the Speaker to do a thing which has no sanction.

Mr. GARFIELD. I think the amendment offered by the gentleman from Connecticut had better be adopted. I understand this rule to be solely for the Speaker's protection. The theory of our parliamentary rules is that the Speaker should not be required ordinarily to cast his vote. His duties are such it is hardly fair to demand of him the enforcement of the usual rule that a member shall vote, for he is often so much engaged in the ministerial duties of his place that it would be an absolute injury to his work as Speaker to be compelled to cast his vote. But to save the House from a dead-lock in a case where legislation ought to be decided one way or the other it is very proper that he should be required to vote. I do not see that anything is lost by leaving out the two-third clause, as it is left out in terms in the amendment which is pending. I believe it does not essentially change the purpose that the committee had in view in making the report. I am so anxious we should get on that I, for one, am willing it should be adopted.

Mr. BURROWS. I withdraw the *pro forma* amendment.

The question recurred on Mr. HAWLEY's amendment.

The committee divided; and there were—ayes 60, noes 47.

So the amendment was agreed to.

The Clerk read the next paragraph, as follows:

7. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore* to act during his absence.

Mr. KEIFER. I move to amend this paragraph by inserting after the word "illness," in the third line, the words "or contemplated absence;" so that it will read as follows:

That in case of his illness or contemplated absence, &c.

Mr. GARFIELD. I think, if my friend will allow me, that he should strike out the word "contemplated" and insert "leave of absence," because the theory of our rules always is that the Speaker's duty is to be here; and he requires leave of absence to go from the House as much as any other member. I think it would be better.

Mr. KEIFER. I am thankful for the suggestion of the gentleman, and to save time I think the language proposed in my amendment is exactly right. It presupposes that the Speaker had leave of absence, had the right to go from the House, and would not contemplate absence without the right or the leave of the House.

Mr. ELAM. Let me ask the gentleman the question, why do you not say when leave of absence has been granted to the Speaker? That is clearer than "contemplated absence." What do you mean by that "contemplated absence?"

Mr. KEIFER. If the Speaker is in his chair, to illustrate, to-day, and he contemplates going away, to-morrow or at the moment he intends to go away to be absent a short period of time, having obtained leave of absence, if you please, I propose to give him by this amendment the right to appoint some member to perform the duties of the Chair in that absence. If he is sick in his chamber at home, he is given by the rule as it is now prepared by the committee the right to name some person to perform the duties of the Chair, not to extend beyond ten days. The same applies to the proposed amendment. I suggest my amendment simply to make it harmonious.

Mr. BAYNE. Suppose he does not go?

Mr. KEIFER. If he does not go, then his appointment falls; that is all.

Mr. FRYE. By the first part of clause 7 it will be seen it is the purpose of the House that the House itself shall elect a Speaker *pro tempore* in all cases of the absence of the Speaker where it is not beyond one adjournment. That is a right the House has always intended to keep within its jurisdiction—to elect a Speaker where he is absent for more than one day. Now, the gentleman here proposes to give away that right, which the House has always retained to itself, for the ten days, if the Speaker contemplates going off for ten days. It seems to me the old jurisdiction is the right one; if the Speaker himself deliberately determines to leave his chair for ten days, that then the House should have the right to elect a Speaker *pro tempore* in his absence. If, however, he accidentally happens to be taken sick he may well, not being here himself, appoint somebody to fill his place for a period not exceeding ten days.

Mr. KEIFER. With the approval of the House he does both. I do not see any consistency in the rule as now proposed. In case of sickness the Speaker of the House is authorized to nominate some member to discharge the duties of the Chair; but if he has to go away for two or three or more days, he is not permitted, with the approval of the House, to make such a nomination.

Mr. FRYE. The amendment would simply permit the Speaker an easier mode of going away.

Mr. DUNNELL. I would like to ask the gentleman from Maine if the amendment offered by the gentleman from Ohio [Mr. KEIFER] is not in harmony with what has been the custom for the last four or five years?

Mr. FRYE. I do not understand it is. I understand where the Speaker has announced his purpose to be gone for more than one day we have always elected a Speaker *pro tempore*.

Mr. DUNNELL. I think the gentleman is mistaken. I recall a good many instances where the Speaker has said, "I intend to be absent from the city for the next two or three days, and, with the permission of the House, I will nominate so and so to discharge the duties of the Chair during my absence." I think the present Speaker has been absent in that way on more than one occasion.

Mr. FRYE. If the Speaker has done that he has done it right in the face of the rules of the House, because the rules say distinctly the Speaker's right to nominate a member to perform the duties of the Chair shall not extend beyond an adjournment; and the first clause of this section of the rule is taken substantially from the existing rules:

He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

Mr. BLACKBURN. Does the gentleman from Ohio [Mr. KEIFER] accept the suggestion of his colleague [Mr. GARFIELD] as to the phraseology of his amendment? How does it read now?

Mr. KEIFER. If my amendment should be adopted, that portion of the rule would read as follows:

Provided, however, That in case of his illness or contemplated absence, he may make such appointment for a period not exceeding ten days, with the approval of the House, &c.

The question being taken on Mr. KEIFER'S amendment, there were ayes 23.

Mr. KEIFER. I do not call for further count.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. For the convenience of the Clerk, and in order that these proceedings may be accurately reported, the Chair requests members to reduce their amendments to writing and to state at the same time the exact places where the amendments will come in.

The Clerk read the proposed Rule II, as follows:

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

Mr. CALKINS. I offer the following amendment:

Insert in the fourth line, after the word "oath," the following: "to support the Constitution of the United States."

I think there will be no objection to that amendment.

The amendment was agreed to.

Mr. KEIFER. It appears to other gentlemen here as well as myself that there is an omission in this rule, and I propose to amend it by adding the following:

The Speaker shall be chosen by a *viva voce* vote.

I will withdraw the amendment if the gentleman in charge of the report or any other gentleman can point out to me any provision in these rules for electing the Speaker; that is, for the manner of electing a Speaker. I know the Constitution provides the House shall elect a Speaker. This Rule II is chiefly made up from the old rule No. 10, but it omits the last part of the old rule, which provides for the election of the Speaker by a *viva voce* vote by the use of this language:

In all cases of election of the House of its officers the vote shall be taken *viva voce*.

There is nothing of that kind in this Rule II, as I understand it. For a great many years also, as I understand by looking at these rules, it has been provided that the Speaker of the House shall be elected by a *viva voce* vote; ever since 1839, I believe. Now, if I am not mistaken in my reading of the rules on this subject, there is of course an omission in this new rule.

Mr. BLACKBURN. I will answer the gentleman and say that there is no requirement made upon the House in the revision of these rules to elect a Speaker simply because the second section of the first article of the Constitution declares that—

The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

The last rule of this system of rules reported makes these rules the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered. The second rule of the proposed revision declares that the officers of the House other than the Speaker shall all be elected by a *viva voce* vote. Those are the only provisions which touch the question to which the gentleman from Ohio has referred.

Mr. KEIFER. I understand the gentleman from Kentucky agrees that there is nothing in the rules that regulates the manner of electing a Speaker.

Mr. BLACKBURN. I will say to the gentleman it is a matter for the House to determine for itself. The proposed Rule No. II which the gentleman is proposing to amend is actually, as far as his point goes, the existing rule now.

Mr. KEIFER. Not at all.

Mr. BLACKBURN. It is for the House to determine how it will elect its Speaker. It is a duty made mandatory by the Constitution that it shall elect the Speaker; but as to the method or manner of electing him it is for the House itself to determine.

Mr. KEIFER. I think it is certainly very clear that the House of Representatives shall choose a Speaker and other officers. That is perfectly clear under the second section of the first article of the Constitution of the United States. But for forty years we have had a rule in this House regulating the manner of electing the Speaker as well as other officers. I might reply to the gentleman by saying that the same clause of the Constitution of the United States that gives power to the House to elect its Speaker also gives power to the House to elect all its other officers; and yet in this Rule II the committee propose it provides a mode of electing all the other officers of the House save and except the Speaker of the House.

Now, if the gentleman will permit me, and if I am mistaken I will be glad to be corrected, I desire to call his attention again to Rule 10. He will see that a material part of that rule has been omitted—the part stated to have been adopted in 1839, forty years ago.

That is the part that by a sweeping clause at the end of the rule provides that "in all cases of election by the House of its officers," which includes the Speaker and all the other officers, "the vote shall be taken *viva voce*." There is no such provision in this new rule. Now, if we do not desire in adopting these rules to determine at this time how the Speaker shall be elected, then of course my amendment should be voted down. But it is in exact harmony with a rule which has prevailed for forty years.

Mr. WRIGHT. I have a word to say against the amendment.

The CHAIRMAN. Debate is exhausted upon the amendment.

Mr. WRIGHT. I move to strike out the last word. The Constitution provides that a Speaker shall be elected by the House. Now, ought it not to be left to each House to determine the mode and manner in which it will elect its Speaker? Ordinarily the practice has been to elect the Speaker by a *viva voce* vote.

Mr. BLACKBURN. It never has been the case otherwise.

Mr. WRIGHT. It never has been otherwise. Yet there may come an occasion when it would be right and proper for the House to elect its Speaker by ballot. That discretion certainly should be lodged with every House in its election of its presiding officer. Therefore, I object to the proposed amendment.

It is well enough to provide that the subordinate officers shall be elected by a *viva voce* vote. But I maintain that the House should retain the power of electing its presiding officer either by ballot or by *viva voce* vote, as the House may determine.

Mr. BURROWS. I desire to submit an amendment to the amendment of the gentleman from Ohio, [Mr. KEIFER.]

The CHAIRMAN. There is a second amendment already pending, moved by the gentleman from Pennsylvania, [Mr. WRIGHT,] to strike out the last word.

Mr. BURROWS. Perhaps the gentleman will withdraw that amendment.

Mr. BLACKBURN. I give notice now that in order to expedite action on these rules, and without being discourteous to any one, I shall hereafter object to the withdrawal of any amendments.

The CHAIRMAN. An amendment having been moved, it cannot be withdrawn except by unanimous consent.

Mr. WRIGHT. I will withdraw the *pro forma* amendment that I offered.

There was no objection, and the *pro forma* amendment was withdrawn.

Mr. BURROWS. I will suggest, as an amendment to the amendment of the gentleman from Ohio, [Mr. KEIFER,] to insert in the third line, after the word "a" and before the word "Clerk," the word "Speaker."

Mr. GARFIELD. There is no objection to that.

Mr. KEIFER. The only doubt I had to inserting the word "Speaker" in that place was that further along in the rules there is a provision made as to the nature and kind of oath to be taken by these officers.

The CHAIRMAN. The amendment proposed by the gentleman from Michigan [Mr. BURROWS] is not, strictly speaking, an amendment to the amendment proposed by the gentleman from Ohio, [Mr. KEIFER,] which is to another part of the clause.

Mr. KEIFER. If it shall turn out that my apprehension is unfounded about this matter, then I will withdraw my amendment, and allow the amendment of the gentleman from Michigan [Mr. BURROWS] to be made. But I doubt whether we ought to undertake in this rule to provide the nature of the oath that the Speaker shall take, as provision is already made for that, as I understand it,

in the Constitution of the United States. It would look as if we were undertaking by rule——

The CHAIRMAN. The Chair decides that the amendment proposed by the gentleman from Michigan [Mr. BURROWS] is not now in order and not before the committee.

Mr. FRYE. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. FRYE. Under this authority to vote *viva voce* for certain officers of the House, has it not been our custom to include them all in a resolution; the majority offering the resolution of the caucus, and the minority offering a resolution as an amendment to that, thus taking them all in a lump?

Mr. KEIFER. I do not know but that has been so.

Mr. FRYE. Then I wish to ask this——

Mr. KEIFER. That has been because there has been a general acquiescence in that mode.

Mr. FRYE. Does the gentleman mean that we shall be permitted to include the Speaker of the House of Representatives in such a resolution, and vote for them all by resolution?

Mr. KEIFER. I do not mean anything of the kind. That is an arrangement in reference to the other officers, and it is one that does not depend upon the rule at all.

Mr. GARFIELD. It has been by unanimous consent.

Mr. KEIFER. Yes, by unanimous consent. What I desire, in no spirit of opposition to these rules, because I am going to vote for them when we get through, for if there are a great many bad things in them they are better than the present rules——

Mr. BLACKBURN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. BLACKBURN. Is it the purpose of the gentleman from Ohio in offering this amendment to undertake to deny to a newly assembled Congress the right to determine the method of electing its own officers and perfecting its organization?

Mr. KEIFER. I will answer that by saying that in these very rules, which it is proposed shall be adopted, we propose to regulate the action of future Houses in the election of all their officers, save and except the Speaker. And, furthermore, I wish to state that I do not believe these rules will be binding upon future Houses when they meet in any respect, although the committee of which the gentleman seems to be a prominent member has provided in the concluding portion of these rules that they shall be so binding.

Mr. BLACKBURN. The gentleman has made the very blunder that I thought he was making, and if he will just let me say one word he will see it. This rule does propose to declare that all the officers of this House except the Speaker shall be elected by *viva voce* vote. The last rule of this series does propose that these rules shall be the rules of succeeding Congresses—till when? "Until otherwise ordered." Now will any gentleman say that when a new Congress meets it may not go on and elect its Speaker, and then, if it pleases, change all these rules to suit itself? But if you require that the Speaker as well as the subordinate officers of the House shall be elected by *viva voce* vote, then when a new Congress meets, not being an organized body, it cannot proceed without rules, and it cannot change this rule until the Speaker is elected.

Mr. KEIFER and Mr. REAGAN rose.

The CHAIRMAN. There is no proposition before the committee except the amendment of the gentleman from Ohio, [Mr. KEIFER,] on which debate is exhausted.

The question being taken, the amendment was not agreed to; there being—ayes 37, noes 77.

Mr. KNOTT. I move to amend this rule by striking out, in lines 1 and 2, the words "at the commencement of each Congress." My reason for offering this amendment is simply that this House can only prescribe rules for itself, and the rules which it prescribes for its own government expire when the Congress expires. Whatever rules we may adopt here to-day will have no more force in any succeeding House until affirmatively adopted by that House than a blank piece of paper. The proposition seems to me so self-evident that it cannot be argued. The Constitution provides that "each House may determine the rules of its own proceeding." We have no more authority to prescribe the rules of proceeding for any subsequent Congress than we have to select officers for a subsequent Congress. Our power ceases when our terms expire. We can only make rules for our own government.

Mr. BAKER. I would like to ask the gentleman from Kentucky [Mr. KNOTT] a single question—whether, in point of fact, since 1860, there has not been in our body of rules one providing that the rules should continue from Congress to Congress until otherwise ordered?

Mr. BLACKBURN. I will answer that question.

Mr. KNOTT. My colleague will allow me to answer, as the question has been put to me.

Mr. BLACKBURN. I do not wish the gentleman to answer out of my time.

Mr. KNOTT. Very well.

Mr. BLACKBURN. If there be any reason for the adoption of the amendment proposed by my colleague, he had better withdraw it and move to strike out the whole of Rule II. If his theory is correct, there would be no propriety or congruity in striking out the words "at the commencement of each Congress," and allowing the remainder of the rule to stand. If no succeeding Congress is to be guided or governed by that or any other rule in this revision, then Rule No. II is worse than useless, because the duty it imposes has been already accomplished by this House in the election of its officers.

Mr. KNOTT. Let me ask my friend and colleague a question.

Mr. BLACKBURN. Certainly.

Mr. KNOTT. Suppose our Sergeant-at-Arms, Doorkeeper, Clerk, and Chaplain, and all other officers, should die or resign?

Mr. BLACKBURN. Then there may be a vacancy.

Mr. KNOTT. And then this rule would have effec

Mr. BLACKBURN. But as to primary obligation and duty, there would be nothing left of the rule. For more than three-quarters of a century, whenever a new Congress convenes, a resolution has always been adopted——

Mr. KNOTT. I should like to ask another question. If the rule of this House will bind a future House, where is the necessity of a resolution being adopted; and if such resolutions have been adopted, what then has been the force and virtue of this rule?

Mr. BLACKBURN. Were it not for my colleague's impatience he would have gotten his answer, and much fuller than he seems to comprehend it. I will say, if he will allow me, and I will go back, that for more than three-quarters of a century it was the rule with each new Congress to pass a resolution adopting the rules of the last preceding Congress for its guidance, and declaring them to stand until otherwise ordered. In the Thirty-sixth Congress, however, the present rule was adopted, which declared that the rules of that House should be the rules of succeeding Congresses until otherwise ordered, and from then until now it has there stood.

I did desire to get the House to see that the difference made between the Speaker and the subordinate officers of the House was that, while we propose to require the election of other officers *viva voce*, we do not that of the Speaker, because the very instant a new Congress elects a Speaker it may that very instant change the rules, but until the Speaker is elected it cannot. It is not an organized body. It has not power to do anything except to organize. Its Clerk has nothing to do except to preserve order and go on with the work of perfecting the organization, which means the election of a Speaker.

Now, do you propose to say that when a Congress that is to succeed this shall convene in this Hall, its Clerk, holding over for the purpose of effecting the organization, with whose services for such purpose you cannot dispense—do you propose to say these rules shall be no guide to him; that the policy pursued for seventy-five years is a blunder; that the rule adopted in the Thirty-sixth Congress, and afterward continued, is a mistake; and he shall have no system of rules for his guidance at all, and you remit him to the common parliamentary law?

[Here the hammer fell.]

Mr. REAGAN. I move to strike out the last word.

Mr. Chairman, stress has been placed by the gentlemen from Kentucky, who has just preceded me, on the fact that a rule in past Congresses has been adopted that these rules shall be the rules of the House of Representatives for that and succeeding Congresses, until otherwise ordered. That is in flat contradiction to the provision of the Constitution of the United States. The gentleman then asks: If these rules are inoperative, then under what rules shall we proceed in the organization of the House. He said the parliamentary law should point out the rules we should be governed by, but they are not these rules. It is laid down by Cushing and other writers on parliamentary law that the common law of parliamentary proceedings, recognized generally by parliamentary bodies, constitutes and furnishes the rules which are to guide deliberative assemblies in their organization and in our constitutional government until Congress does adopt rules for its guidance.

I had occasion, sir, to present this question with the authorities during the Forty-fifth Congress. There is a clear distinction. The writers on parliamentary law lay it down that we are not left without rules even if this resolution should not be adopted, but that the common-law parliamentary usage, as applied to parliamentary bodies generally, is to be taken for our guidance and action until the House is organized, or at least until the House as a body has readopted the rules of the preceding House or adopted other rules for its guidance.

Mr. ATHERTON. I should like to ask a question. By what authority does the Clerk proceed in the organization of this House?

Mr. REAGAN. Under the very authority which I have referred to—under the common law of parliamentary usage as laid down by the writers on parliamentary law.

[Here the hammer fell.]

Mr. REAGAN'S *pro forma* amendment was rejected.

Mr. KNOTT'S amendment was rejected.

Mr. HORR. I move to amend this rule by inserting after the word "chosen," in the second line, the words "and qualified." An occasion might arise when the person elected to fill the office would not be here, and some provision ought to be made for such a contingency.

Mr. BLACKBURN. I have no objection to that amendment. It is already provided, though, that the officers shall take the oath upon their election, and if the gentleman will look immediately after the words to which he has referred in this rule, he will see that they are required to take an oath, and a very elaborate oath; which has been enlarged upon by the amendment offered by the gentleman from Indiana, not only to discharge his duties faithfully to the best of his ability, but to support the Constitution of the United States.

Mr. HENDERSON. That applies to officers already in office.

Mr. BLACKBURN. I think the rule covers the case, but I have no objection.

Mr. HORR's amendment was agreed to.

Mr. URNER. I move to amend the same rule by inserting the words "except the Chaplain" after the word "whom" in the fourth line, so that the rule shall read:

There shall be elected, &c., a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom, except the Chaplain, shall take an oath for the true and faithful discharge of the duties of his office, &c.

My reasons for offering this amendment are these: The Chaplain has no duty to perform except to open the sessions of the House with prayer. He has no duty to perform but to pray. Now it is proposed to administer to him an oath that he will truly and faithfully perform that duty. I understand this House, by the selection of a man for the position of Chaplain, expresses its confidence in the sincerity of his vows taken at a higher altar than the bar of this House. Besides, sir, the old rules did not require it, and I am informed it has not been the practice heretofore to administer this oath to the Chaplain. I do not think the taking of the oath to "truly and faithfully" discharge the duties of his spiritual office either necessary or proper.

Mr. BLACKBURN. I would like to ask the gentleman from Maryland a question.

Mr. URNER. Certainly.

Mr. BLACKBURN. Answering the gentleman's question very seriously; it is necessary that that officer, like all of the other officers of the House, should be sworn to the performance of his duty in order to enable him to draw his salary. During the last Congress a special act had to be passed in order to enable the Chaplain to draw his salary in consequence of his having failed to take an oath.

Mr. DE LA MATYR. I think it well that the Chaplain should be required to take the oath as well as others. I think it is not well to trust ministers any further than other men.

Mr. LADD. If the Chaplain came from Maine it would be necessary that he should be sworn. [Laughter.]

The amendment was rejected.

The Clerk read as follows:

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

Mr. BLACKBURN. By the direction of the Committee on Rules, I offer a substitute for that first clause.

The Clerk read as follows:

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order and proceed to call the roll of members by States in alphabetical order. And pending the election of a Speaker or, subsequently, of a Speaker *pro tempore*, preserve order and decorum and decide all questions of order, subject to appeal by any member.

Mr. CONGER. Mr. Chairman, I move to amend the substitute proposed by striking out the word "subsequently." Occasions may arise where a Speaker *pro tempore* would be elected by the understanding of the House before the Speaker. Such a case has arisen already twice in the history of Congress, and might again. The object to be effected by the rule as reported by the gentleman is met by striking out the word "subsequently."

Mr. BLACKBURN. I am sure within the last forty years there has not been an instance, I do not think, in which a temporary Speaker was elected before the regular Speaker was chosen; but I have no objection to making the rule so read, by striking out the word "subsequently," as to cover the election of temporary Speaker either before or afterward.

Mr. CONGER. There have been two instances when, by unanimous consent, the duties of Speaker *pro tempore* have been performed by a member of the House appointed before the Speaker was elected.

The amendment to the amendment was agreed to; and then the amendment, as amended, was adopted.

The Clerk read as follows:

2. He shall make and cause to be printed and delivered to each member, or mailed to his address at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or Journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each and the dates of such orders and proceedings, which statement shall be printed.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the Legislature of every State and Territory; preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest all writs, warrants, and subpœnas issued by order of the House, certify to the passage of all bills and joint resolutions, and make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House.

Mr. BLACKBURN. By direction of the Committee on Rules, I desire to submit an amendment to clause 3 of Rule III, just read, which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

Strike out the word "and" before the words "make or approve all contracts," and add to the clause the following: "and keep full and accurate accounts of all disbursements out of the contingent fund of the House, keep the stationery accounts of Members and Delegates, and pay them as provided by law."

The amendment was agreed to.

Mr. ROBINSON. I move to further amend the third clause by inserting after the word "attest" the words "and affix the seal of the House to;" so that it will read:

Attest and affix the seal of the House to all writs, warrants, and subpœnas issued by the order of the House, &c.

Mr. GARFIELD. That is right.

Mr. ROBINSON. That is in the old rule and should be in this.

The amendment was agreed to.

Mr. LAPHAM. I suggest to the gentleman from Kentucky [Mr. BLACKBURN] that after the word "regular," in the second line of the second clause of this rule, the words "or extra" should be inserted; so that it will read "at the commencement of every regular or extra session of Congress, a list of the reports," &c. It has been held that statutes speaking of "regular" sessions do not apply to "extra" sessions.

Mr. BLACKBURN. This rule only applies to the list of reports enumerated in the rule.

Mr. LAPHAM. Then I would suggest that the word "regular" be stricken out; so that it will read, "at the commencement of every session of Congress."

Mr. BLACKBURN. Will it be possible for the rule to be complied with by the Clerk at extra sessions of Congress?

Mr. LAPHAM. I think there will be no difficulty.

Mr. BLACKBURN. He has no information as to when the extra session will be called. I speak of it only in its practical bearings.

Mr. LAPHAM. He has the same notice that members have to come here.

Mr. BLACKBURN. I am sure I am not mistaken when I say that at the first or extra session of this Forty-sixth Congress this was not done, simply because it was not possible for the Clerk to do it.

Mr. LAPHAM. I only make the suggestion; I do not insist upon it.

No further amendment being offered, the Clerk read the following:

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend in person the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of members and delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety.

Mr. NEW. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend clause 3 of Rule IV by striking out all after the word "duties," in line 4, and insert the following:

And trusts imposed on him either by law or by the rules of the House, and for the default and misfeasance of any of his deputies or employés the Sergeant-at-Arms and the sureties on his bond shall be liable; and no member of Congress, officer, or employé of either House shall be approved as such surety.

Mr. NEW. I find upon an examination of the law that the Sergeant-at-Arms is required to make out and return to Congress on the first day of each regular session, and at the expiration of his term of service, a full and complete account of all property belonging to the United States in his possession.

Now, clause 3 of this rule which I propose to amend makes the Sergeant-at-Arms and his sureties liable for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof. But the word "trusts" is not a synonym of the word "duties." I take it that with the amendment which I propose the Sergeant-at-Arms would be made more clearly liable for any misappropriation or conversion of property in his possession belonging to the United States.

The next branch of my amendment makes the Sergeant-at-Arms liable upon his bond for the default or misfeasance of his deputies or employés—a rule or principle, as we all know, which is recognized in State legislation, and which has been recognized and followed in Federal legislation. For instance, the clerk of the circuit and district courts of the United States is liable upon his bond for the official conduct of his deputies. Every marshal of the United States courts, before entering on the duties of his office, is required to give bond for the faithful performance of those duties by himself and his deputies. Now, it will be observed that this rule as proposed nowhere declares, even in general terms, that the Sergeant-at-Arms shall be liable for the conduct of his deputies or employés. It is unlike Rule V in this regard, as to the Doorkeeper.

The next branch of my amendment is that not only shall members of Congress be excluded as sureties upon the official bond of the Sergeant-at-Arms, but that officers and employés of either House shall not be accepted as such sureties. It seems to me that the very obvious and strong reason why a member of Congress should not be approved

as a surety upon the bond of the Sergeant-at-Arms, or other officer of the House, applies with great force to any officer or employé under him.

Mr. FRYE. So far as I am concerned I do not see any objection to the amendment offered by the gentleman from Indiana, [Mr. NEW;] I am rather inclined to favor it.

Mr. REED. I would like to ask the gentleman if he understands that any rule of this House can make the Sergeant-at-Arms responsible for the acts of his deputies, if he is not already by law so responsible?

Mr. NEW. That is a question I have not examined, but my present opinion is that if he should execute a bond binding himself for his deputies and employés as well as for his own official conduct he would be liable for the official misfeasance of such deputies and employés, although there might be no statute on the subject. If through the abundance of caution it should hereafter be thought best to legislate to that end it can be done.

Mr. REED. It would seem to me as if it was an attempt at legislation on the part of one-half of the legislative power.

Mr. BAKER. It does not seem to me that the proposed amendment to the third clause of Rule IV if adopted will add anything at all to that clause as it now stands. It already provides, so far as the adoption of any rule adopted by this House can provide for it, that the Sergeant-at-Arms shall be holden upon his bond for the faithful disbursement of all moneys that come into his hands.

Now, it does not matter whether those moneys shall be disbursed in person by the Sergeant-at-Arms, or whether they shall be disbursed by some employé of his. The obligation that he assumes under this rule is that he will answer for the disbursements of all moneys that come into his hands.

The same observation also applies with reference to the discharge of the duties of his office—all the duties of his office. The obligation of his bond makes him answerable for the proper discharge of all the duties of his office. If he is not able personally to discharge all those duties, by the terms of this rule, so far as the rules can accomplish that purpose, he is made answerable for the default of any employé. It seems to me it would be simply multiplying words, without adding anything to the clearness or the force of the rule as it now stands.

Mr. NEW. I desire——

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. DAVIS, of North Carolina. I will move to strike out the last word, and yield my time to the gentleman from Indiana, [Mr. NEW.]

Mr. NEW. I did not hear with entire distinctness the remarks made by my colleague, [Mr. BAKER.] The drift of what he said, however, I believe I gathered. In answer, I wish to say that I believe as a proposition of law that if the Sergeant-at-Arms of this House should execute a bond in conformity with the phraseology of clause 3, as it will be if my amendment should be adopted, he would be clearly liable upon that bond, not only for his own official conduct, but also for the official conduct of his deputies and employés. But it is not at all clear to my mind that the same liability would exist upon a bond such as is required by clause 3 of Rule IV as reported.

Mr. HAYES. May I ask the gentleman a question?

Mr. NEW. Certainly.

Mr. HAYES. Suppose the amendment of the gentleman should be adopted. Would it be binding upon the Sergeant-at-Arms in any court of law in the country?

Mr. NEW. I have already substantially answered that question. I believe the Sergeant-at-Arms would be liable in a court of law upon his bond. He cannot be liable upon his bond so that it would practically result in anything, unless an action would lie against him by the United States upon the bond on account of his official misconduct, or the misconduct of his deputies or employés. The bond would, of course, be executed to the United States, and if he should misappropriate or convert to his own use money in his hands belonging to the United States, he would be liable, on his bond, to the United States, although there should be no statute requiring the making of the bond. This is my opinion, without opportunity to examine the question now.

Mr. GARFIELD. I move to strike out the last five words of the clause, for the purpose of making a suggestion, which I rose to make at the time the gentleman from Indiana [Mr. NEW] obtained the floor and offered his amendment. The sum of my suggestion is that we informally pass over this clause of the rule, let the amendments remain pending, and have printed a letter which I hold in my hand in order that members may all see it, and that the Committee on Rules may have time, as I think they ought to have, to draft an amendment which will cover the case suggested in this letter.

It is a letter which was sent to me some time ago, and but for my absence from the city I should have submitted it to the Committee on Rules as I ought to have done. I ask the indulgence of the committee while I state its substance.

Twice the Treasurer of the United States has in his official report, not only the present Treasurer, but the late Treasurer, suggested that there was an anomaly in our mode of keeping accounts of moneys in the hands of the Sergeant-at-Arms. Let me point out that anomaly.

If we should adjourn on the 1st day of June next, before we go from this city each and every member of this House will give to the Sergeant-at-Arms what in fact will be a receipt for five months' pay ahead; really and technically acknowledging that he has received that pay. In the aggregate those receipts for this entire House will amount to about $600,000. The Sergeant-at-Arms therefore will hold in his hands, when we leave here, receipts from Members and Delegates of this House to an aggregate of almost three-fourths of a million of dollars. With those receipts he goes to the Treasury of the United States and draws funds in a lump, large amounts at a time.

Mr. FRYE. Only monthly.

Mr. GARFIELD. Monthly, it is true; but he draws in a lump for all the Members and Delegates of this House for that month. He draws the full amount when not one of us has actually received a dollar.

Now, the Sergeant-at-Arms of the House is not a disbursing officer of the United States. He is only our agent, and if he should be robbed of or should make away with the money in his possession, we as members would have no recourse whatever, for the Treasurer of the United States holds our receipts. The only way in the world that we could have any recourse at all would be by getting Congress to appropriate enough money to pay us over again what we already had put into the hands of our agent, and what our agent had either lost or stolen.

The Treasurer says in this letter that this practice has led to innumerable difficulties. Sometimes when this warrant has been drawn and the money paid, it turns out that a member of the House was not entitled to all the amount of the certificate for some reason or other. He tells me in this letter that there are still sums due to the Treasury of the United States for overdrafts in the Thirty-ninth Congress, small amounts which the Treasury has never been able to collect, amounts which members of Congress have overdrawn and have never repaid. The Treasurer in this letter suggests that we might follow the rule adopted in the Senate and make one of our officers—in this case it would be the Sergeant-at-Arms—a disbursing officer of the United States, who would give his bond to the Treasury as other disbursing officers do, and thus would be made directly accountable to the accounting officers of the Treasury rather than be held responsible merely upon a bond gotten up under our own rules.

It occurs to me that in this way we may avoid all the trouble (and the difficulty is a real one) suggested by my friend from Indiana, [Mr. NEW,] and at the same time do away with this rather dangerous and loose way of doing business.

I ask that the letter to which I have referred be printed in the RECORD for the information of members; and I also ask that, with the amendment of the gentleman from Indiana pending, this portion of the rules be informally passed over with the right to return to it when the Committee on Rules shall have examined the question in the light of the facts and shall have presented, perhaps, an amendment which may cover the case in the direction I have suggested.

Mr. BLACKBURN. I wish to ask the gentleman whether the practice of which he complains is the execution of receipts in advance by members for their pay for months intervening between the close of one session and the beginning of another?

Mr. GARFIELD. That is a part of what I refer to. But a similar practice exists even while Congress is in session. I presume that two weeks ago the Speaker drew his formal warrant for our pay and that most of us signed receipts in advance for our pay for the current month. The Sergeant-at-Arms presents those receipts to the Treasury of the United States as his vouchers, and upon them draws out $416 for each receipt presented. The money thus drawn out is the money of the member. If the Sergeant-at-Arms should run away with it or should lose it the real loss would be upon us, for he is only our agent; he is not a regular bonded disbursing officer of the Treasury. When an employé of the Treasury or any other Department draws his money he draws it from a regular bonded disbursing officer; and if this officer loses the money before paying it to the employé it is the loss of the Treasury or of the disbursing officer, not of the employé for whom it is drawn.

Mr. BLACKBURN. I do not mean to be understood as objecting to the suggestion made by the gentleman from Ohio, [Mr. GARFIELD,] or the amendment offered by the gentleman from Indiana, [Mr. NEW.] My information, however, is that the practice upon which the gentleman from Ohio has been commenting grows out of a provision incorporated in the legislative, executive, and judicial appropriation bill at the second session of the Forty-third Congress, upon the motion of Mr. Hale, then a member from Maine. My information is, further, that under the practical working of this arrangement the Sergeant-at-Arms takes these receipts of members for the sake of convenience simply, because during the interval between sessions of Congress the payments cannot be made to members in person. But the money is not drawn upon any receipt until the end of the month to which the receipt applies. Even if so disposed, the Sergeant-at-Arms would not be able to get the money from the Treasury Department until the expiration of each month. So that I do not understand the objection to have any practical force. However, I approve of the suggestion that the letter be printed, and this matter be passed over until fuller information may be had.

Mr. GARFIELD. The gentleman, when he comes to read the letter in print, will see that it embodies a recommendation which has been twice made by the Treasurer in his annual report, for the purpose of remedying a difficulty which has actually been experienced in regard to these settlements, and which may become hereafter more serious

than it has been. The Treasurer points out the fact that the Senate has so adjusted this matter that one of its officers—the Secretary, I believe—is made a regular disbursing officer of the United States.

Mr. RANDALL, (the Speaker.) It must be done by law.

Mr. GARFIELD. Possibly it is necessary that the provisions be made in the form of a law.

Mr. NEW. If it be the wish or sense of the Committee on Revision of Rules that this amendment be informally passed over, as suggested by the gentleman from Ohio, I do not object. I wish, however, before we leave the question, to make one further remark. The amendment which I have offered has not been suggested by any complaints or criticisms in reference to the Sergeant-at-Arms, his deputies, or any of his employés, for I have heard nothing of the kind.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that this portion of the rules be passed over.

Mr. NEW. I ask that my amendment be printed along with the letter mentioned by the gentleman from Ohio.

The CHAIRMAN. That will be done.

The amendment of Mr. NEW is as follows:

Amend clause 3 of Rule IV by striking out all after the word "duties," in line 4, and inserting the following:

"And trusts imposed on him, either by law or by the rules of the House. And for the default or misfeasance of any of his deputies or employés the Sergeant-at-Arms and the sureties of his bond shall be liable. No member of Congress, officer, or employé of either House shall be approved as such surety."

Mr. GARFIELD. Several gentlemen desire to hear the letter to which I have referred; and, as it is not long, I ask that it be read.

The Clerk read as follows:

TREASURY OF THE UNITED STATES,
Washington, January 9, 1880.

SIR: Referring to the report of the Select Committee on Rules, as published in the CONGRESSIONAL RECORD of the 7th instant, and especially to that paragraph relating to Rule XXVI, as amended and consolidated into paragraph 3 of the proposed Rule IV, increasing the bond of the Sergeant-at-Arms from ten to fifty thousand dollars, I desire to call your attention to a recommendation made by my predecessor in office in regard to the payment of the compensation and mileage of members of the House of Representatives. Such payments are now made upon the certificate of the Speaker (or of the Clerk of the House when there is no Speaker) that the member named is entitled to payment. These certificates, receipted by the member in whose favor they are issued, are presented to the Treasurer by the Sergeant-at-Arms, who receives payment thereof as the agent of the members, and accounting to them as their agent in such manner as they may require. It thus frequently happens that the Sergeant-at-Arms has in his possession large sums belonging to members and to their credit upon his books.

The amount of the Treasury warrant issued each month to reimburse the Treasurer for the payments of the month is charged to him upon the books of the Register, and he obtains credit to offset such charge upon filing with the auditing officer of the Department the Speaker's certificates, if they are found correct. But it has happened at various times that the auditing officer, having found errors in the computation of amounts due to members as expressed in the certificates, has not allowed credit for the full amount paid by the Treasurer, who has been put to considerable trouble to obtain repayment of the money so overpaid, and has not always succeeded in this. For instance, there are at this time held suspended against a late Treasurer, and to his debit on the books of the Register, a small amount arising from overpayment to two members of the Thirty-ninth Congress, the term of which expired in 1867. This suspension has continued to this date, notwithstanding the amounts paid were the amounts certified by the Speaker to be due, and the act of Congress expressly declares that these certificates shall be conclusive upon all the Departments and officers of the Government, the First Comptroller holding that this requirement applies only to certificates drawn in conformity to law.

The law requiring that these certificates be paid out of the public Treasury and passed as public accounts does not require that they shall be paid before being passed by the proper auditing officer; and, but for the delay and inconvenience it might occasion members, the certificates should be submitted to the auditing officer before payment. To avoid such delay and complications in the accounts, the recommendation heretofore made is hereby renewed—that one of the officers of the House of Representatives be designated as a disbursing officer, giving such bond as may be required, in the same manner as the Secretary of the Senate is now charged with the disbursement and mileage of Senators.

I believe that formerly members of the House of Representatives were paid by an officer of the House, but under what circumstances the practice was discontinued I am not informed.

Very respectfully,

JAS. GILFILLAN,
Treasurer United States.

Hon. JAMES A. GARFIELD,
Select Committee on Rules, House of Representatives,
Washington, D. C.

Mr. GARFIELD. Mr. Chairman, I presume it is entirely unnecessary to add, so far as I am concerned and so far as everybody else is concerned, this discussion does not in the slightest degree reflect on the present Sergeant-at-Arms. We are only talking about a general rule of security.

The CHAIRMAN. The gentleman asks, by unanimous consent, that the clause under consideration and pending amendments may be passed over with the privilege of returning to them hereafter.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

RULE V.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall, and be responsible to the House for the official conduct of his employés.

2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, report the same to the House, which shall be referred to the Committee of Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

Mr. HAWLEY. There is a slight inelegance in that rule, and I suggest an amendment which will not change the sense. At the beginning of the fourth line of the second clause insert the word "and," and after the word "which," in the same line, insert the word "report;" so it will read:

At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee of Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

Mr. BLACKBURN. I cannot understand the amendment when not in writing.

Mr. HAWLEY. I have the amendment in writing.

The amendment was again read.

Mr. GARFIELD. That is all right.

The amendment was adopted.

Mr. BLACKBURN. There is a verbal correction, which I think is the result of a mistake of the printer, which ought to be made before we pass upon this clause, in order to make it agree with the description of committees throughout the report. In the fifth line of clause 2 strike out "of" and insert "on;" so it will read: "Committee on Accounts."

The amendment was agreed to.

The Clerk read as follows:

3. Fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain, and allow no person to enter the room over the Hall of the House during its sittings.

Mr. HAWLEY. I beg leave to trespass again. I think the clauses in that section should be reversed. As it is now it provides that *fifteen minutes before* the hour of meeting the Doorkeeper shall see that the floor is cleared of all persons, &c., and allow no person to enter the room over the Hall of the House *during its sittings*. I move to reverse those two clauses, so the rule will read as follows:

3. He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour for the meeting of the House each day, he shall see that the floor is cleared of all persons except those privileged to remain.

Mr. BLACKBURN. What is the object of the gentleman in that amendment?

Mr. HAWLEY. I thought it would commend itself to the gentleman on a moment's reflection. It is simply to make it a little more correct and, if you will have it, a little more elegant. If you are going to be absolutely correct in your construction, it would seem to say: fifteen minutes before the House meets, he shall see that the floor is cleared; and, then, that he shall allow no person to enter the room over the Hall of the House during its sittings. The words "fifteen minutes" qualify the whole paragraph, and it should be reversed.

Mr. BLACKBURN. As for the gentleman being an authority on elegance, I have not the slightest disposition to question, but as to the correctness of his conclusion, I must confess I think he has gone off into the hypercritic. I do not believe there is a member of the House who would have put that construction on the rule except the gentleman himself. I do not see the use of the amendment. There is nothing material in it.

Mr. STEELE. I desire to know what is meant by the phrase "over the Hall of the House." Is it up here over our heads? [Cries of "Yes!"] I did not know there was any room up there at all. [Laughter.]

Mr. GARFIELD. There came very nearly being a fatal catastrophe by some one going into that hall over the House and stepping on one of these great squares of glass, which burst down through and came nearly killing my friend from Iowa here, and the man who stepped upon it came near coming through after it himself.

Mr. STEELE. Was he eavesdropping? [Laughter.]

Mr. GARFIELD. He was one of the employés there about the gas. For that reason the rule was made; and every day now, when we are about to meet here, the key of the door to that room is brought down and delivered to the Speaker, who puts it into his little box, and it is kept there until we adjourn, so no similar accident shall occur. We make that a part of the rule for a very proper reason.

Mr. STEELE. A great many of us over here were bursting to know the meaning of "Hall over the House." I have never myself been quite so elevated, thinking this House was the highest point in this part of creation. [Laughter.]

The question recurred on Mr. HAWLEY's amendment. The House divided; and there were—ayes 67, noes 49.

So the amendment was agreed to.

The Clerk read as follows:

RULE VI.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF THE MEMBERS.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him by members, which list shall be published as a part of the proceedings immediately following the names of those not voting.

Mr. BLACKBURN. Mr. Chairman, I am not instructed by the Committee on Rules to offer an amendment to that clause of Rule VIII, but, under a reservation of right on the part of the members of the Committee on Rules, I have an amendment to submit, and as doubtless there will be several others also offering amendments, and as it will necessarily lead to considerable debate, it now being four o'clock, I move that the committee rise.

Mr. BREWER. Before the committee rise, I have an amendment which I desire to offer and have printed, and I hope that the gentleman from Kentucky will not insist upon his motion, so that I may have an opportunity of presenting it for that purpose.

Mr. BLACKBURN. As there are eight or a dozen gentlemen who have amendments which they also desire to offer, I think it better to insist upon the motion that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules on the subject of the proposed revision of the rules, and had come to no conclusion thereon.

EULOGIES ON HON. A. M. LAY.

Mr. PHILIPS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the special order for Monday, February 23, at half past one o'clock, shall be the presentation of suitable resolutions on the death of Hon. A. M. LAY, late member of the Forty-sixth Congress, and the expression by the members of the esteem in which his memory is held.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. BURCH, its Secretary, announced that upon the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes the Senate had concurred in amendments numbered 2, 3, 4, and 6; and had concurred in amendments numbered 1, 5, and 7 with amendments in which the concurrence of the House was requested.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 139) granting a pension to Henry A. Armstrong;

An act (S. No. 335) granting a pension to Simeon Crain;

An act (S. No. 342) granting a pension to Charles Reed;

An act (S. No. 870) granting a pension to Louis Christopher Tiedemann;

An act (S. No. 1044) granting a pension to James King;

An act (S. No. 1045) granting a pension to Susan Jeffords;

An act (S. No. 39) granting an increase of pension to James H. Reeve;

An act (S. No. 367) granting an increase of pension to Isabel L. Evans;

An act (S. No. 578) granting an increase of pension to Samuel B. Davis;

An act (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange;

An act (S. No. 76) for the relief of M. F. Clark;

An act (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina;

An act (S. No. 891) to locate and purchase a new site for the United States Naval Observatory; and

An act (S. No. 559) donating condemned cannon and cannon-balls or field-pieces to William L. Curry Post, No. 18, Grand Army of the Republic, for their place of burial.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district, in said State; had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. THURMAN, Mr. GARLAND, and Mr. CARPENTER.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes.

WITHDRAWAL OF PAPERS.

On motion of Mr. SCALES, by unanimous consent, it was ordered that all papers on the files of the House relating to Indian depredations and other Indian claims be taken therefrom and referred to the Committee on Indian Affairs for their use in the investigation of such claims.

Mr. FRYE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BAILEY: The petition of Captain Peter W. Silvey, of the Union Ferry Company, of Brooklyn, New York, and 75 others, captains, engineers, and pilots of New York, for the reduction of license fees of captains, engineers, and pilots—to the Committee on Commerce.

By Mr. BARBER: The petition of Jacob D. Felthousen, for an extension of a patent in sewing-machines—to the Committee on Patents.

By Mr. BICKNELL: The petition of Lewis Christie and 37 others, ex-soldiers and citizens of Kansas, to be paid the difference between the value of greenbacks and gold at the time of payment for services as soldiers—to the Committee on Military Affairs.

By Mr. BREWER: The petition of C. T. Wing, M. L. Stevens, and 20 others, citizens of Shiawassee County, Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of A. M. Wimple, G. A. Wing, and 20 others, citizens of Shiawassee County, Michigan, for a law to alleviate the oppressions of transportation monopolies—to the Committee on Commerce.

By Mr. CARLISLE: Memorial of residents of the District of Columbia, for the passage of an act for enforcing the satisfaction of judgments rendered in the courts of said District—to the Committee for the District of Columbia.

By Mr. CASWELL: Papers relating to the patent extension claim of McKay & Mathies—to the Committee on Patents.

By Mr. JOHN B. CLARK, JR.: The petition of citizens of Missouri, for a post-route from Miami Station to Baum's Mill, Carroll County, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. CLYMER: The petition of 16 citizens of Chicago, who served as soldiers in the Army of the United States during the late war, for the payment of the difference between the value of gold and greenback dollars at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. COWGILL: The petition of Jerome H. White and 12 other soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 51 soldiers of the late war, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of 3,500 citizens of Huntington County; of 600 citizens of Miami County, and of 1,000 citizens of Wabash County, Indiana, for a ship-canal connecting the waters of Lake Erie with the navigable waters of the Wabash River—to the Committee on Railways and Canals.

By Mr. DIBRELL: The petition of citizens of Tennessee, Alabama, and Georgia, indorsing the action of the Tennessee River improvement convention held at Huntsville, Alabama—to the Committee on Commerce.

By Mr. DICK: The petition of A. Maxwell and 50 soldiers, of Mercer County, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of A. B. Filson and 160 others, late soldiers, of Mercer County, Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. DWIGHT: Resolutions of the Legislature of the State of New York, against the erection of a swing-bridge over the Detroit River—to the Committee on Commerce.

By Mr. EINSTEIN: The petition of Jeremiah Phelan, to be placed on the retired list of the Army as a commissioned officer—to the Committee on Military Affairs.

By Mr. GARFIELD: The petition of Alvan Clark & Sons, for the admission free of duty of a pair of glass disks for a large telescope—to the Committee of Ways and Means.

By Mr. HATCH: Resolutions of the Merchant's Exchange of Saint Louis, Missouri, asking for the passage of a law authorizing the Postmaster-General to contract with a line of steamships for carrying the United States mails from New Orleans to Rio de Janeiro and other ports in Brazil, and to such ports in the West Indies and Central America as may be advisable—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Merchants' Exchange, of Saint Louis, Missouri, indorsing the memorial of the river improvement convention held at Quincy, Illinois, October 15, 1879, looking to the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. HAWK: The petition of Charles Bent, W. H. Allen, and 278 citizens of Whiteside County, Illinois, that a pension be granted Samuel Orcutt—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Samuel Orcutt—to the same committee.

By Mr. HUMPHREY: Joint resolution of the Legislature of the State of Wisconsin, opposing the construction of a bridge over Detroit River, at Detroit, Michigan—to the Committee on Commerce.

By Mr. JAMES: The petition of Silas H. Avery, for the correction of his military record—to the Committee on Military Affairs.

Also, the petition of the Legislature of New York, against the erection of a bridge over Detroit River, opposite Detroit, Michigan—to the Committee on Commerce.

By Mr. KILLINGER: The petitions of citizens and soldiers of Dauphin County, and of citizens and soldiers of Northumberland County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. LEWIS: The petition of merchants and other business men

of Tuskaloosa, Alabama, for the erection of a post-office building in that city—to the Committee on Public Buildings and Grounds.

By Mr. McCOID: The petition of Johnson Pierson, in relation to the increase of the salaries of route agents in railway mail service—to the Committee on the Post-Office and Post-Roads.

By Mr. McMAHON: The petition of J. U. Ridgeway, for a pension—to the Committee on Invalid Pensions.

By Mr. MILLER: The petition of citizens of Jefferson County, New York, for a law to regulate railroad charges—to the Committee on Commerce.

Also, the petition of citizens of Jefferson County, New York, for the amendment of the patent laws—to the Committee on Patents.

By Mr. MORTON: Memorial of the Chamber of Commerce of the State of New York, urging the passage of the bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee on Commerce.

By Mr. NEAL: The petition of T. J. McCord and 52 others, citizens of Pike County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. NEWBERRY: The petition of F. G. Terrill and 284 others, for relief from the impositions of the patent laws—to the Committee on Patents.

Also, the petition of James McMillan and others, to relieve savings-banks from unjust discriminations under the internal-revenue laws—to the Committee of Ways and Means.

Also, memorial of the Wayne County (Michigan) Central Agricultural and Industrial Society, for a donation of certain lots in the Dearborn arsenal grounds, in the State of Michigan—to the Committee on Military Affairs.

By Mr. POEHLER: Papers relating to the pension claim of Lizzie Bailey—to the Committee on Invalid Pensions.

By Mr. POUND: The petition of J. C. Sergeant and 21 others, ex-soldiers, of Rice Lake, Wisconsin, against the passage of Senate bill No. 496—to the same committee.

By Mr. RICHMOND: The petition of J. F. Fisher and 28 others, citizens of Wythe County, Virginia, for the passage of a law to prevent fluctuations in freight and unjust discriminations in transportation charges—to the Committee on Commerce.

Also, the petition of W. G. Repass and 20 others, citizens of Wythe County, Virginia, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for any infringement—to the Committee on Patents.

By Mr. SAPP: Papers relating to the claim of C. T. Martin for back pay as an officer of the United States Army—to the Committee of Claims.

Also, papers relating to the claim of Batelle & Evans for pay for beef furnished the United States Army during the late war, under contract—to the Committee on War Claims.

Also, papers relating to the claim of John Jackson for pay for property taken by the United States Army during the late war—to the same committee.

Also, papers relating to the claim of Alexander C. Crawford for rent of stores by United States authorities during the late war—to the same committee.

Also, papers relating to the claim of Hall Colby for pay for examining and correcting compasses of United States vessels during the late war and for compasses furnished and placed on board said vessels—to the same committee.

By Mr. SIMONTON: The petition of Mrs. J. B. Long, for pay for property taken by the United States Army during the late war—to the same committee.

By Mr. SLEMONS: The petition of Mary T. Duncan, of similar import—to the same committee.

By Mr. SPEER: The petition of H. T. Powell, D. R. Elder, and others, for the establishment of a post-route from Maxey's to Powell's Mills, Georgia—to the Committee on the Post-Office and Post-Roads.

Also, the petition of James M. Smith, for a post-route from Winterville to Pleasant Halt, Georgia—to the same committee.

By Mr. TALBOTT: The petition of Ben F. Taylor and others, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Frederick Richter and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Ben F. Taylor and others, for the regulation of transportation by railways—to the Committee on Railways and Canals.

Also, the petition of 2,000 citizens of the District of Columbia, in favor of the market enterprise known as Corcoran Market, on square 446, Washington, District of Columbia, and against the sale of said square—to the Committee for the District of Columbia.

By Mr. WILLIAM G. THOMPSON: The petition of J. Wilkinson and 29 others, for the amendment of the patent laws—to the Committee on Patents.

By Mr. THOMAS UPDEGRAFF: The petition of William Messer and 84 citizens of Fayette County, Iowa, for a law restricting the remedy for infringement of patents to actions against manufacturers and vendors—to the same committee.

Also, the petition of William Messer, Frank Marion, and others, citizens of Fayette County, Iowa, for relief against railway transportation monopolies—to the Committee on Commerce.

By Mr. WARNER: The petition of Dan. A. Grosvenor, of Athens, Ohio, and 295 others, soldiers and sailors of the late war, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of H. M. Bugg, J. K. Trigg, and others, citizens of Giles County, Tennessee, for a post-route from Pulaski to Brick Church, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. WISE: The petition of soldiers of Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petitions of George A. Lord and 100 others, of Cambridgeport, Massachusetts; of D. W. Boutelle and 116 others, of Webb City, Missouri; of William G. Douglass and 18 others, of Catlett, Virginia; and of Bartholomew McSheedy and 214 others, of Northbridge, Massachusetts, for the passage of the Wright amendment to the homestead act—to the Committee on Public Lands.

IN SENATE.

WEDNESDAY, *January* 28, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

JAMES G. BLAINE, a Senator from the State of Maine, appeared in his seat to-day.

EULOGIES ON THE LATE SENATOR CHANDLER.

The VICE-PRESIDENT. By the unanimous order of the Senate this day has been set apart for the delivery of eulogies in commemoration of the death of the late Senator from Michigan, ZACHARIAH CHANDLER.

Mr. FERRY. Mr. President, the time having arrived for the delivery of eulogies upon my late colleague, the announcement in the Senate of his death having already been made, I now offer the following resolutions and move their adoption:

Resolved, That the Senate receive with profound sorrow the announcement of the death of ZACHARIAH CHANDLER, late a Senator of the United States from the State of Michigan, and for nearly nineteen years a member of this body.

Resolved, That to express some estimate held of his eminent services in a long public career rendered conspicuous by fearless patriotic devotion, the business of the Senate be now suspended, that the associates of the departed Senator may pay fitting tribute to his public and private virtues.

The VICE-PRESIDENT. The question is, will the Senate agree to the resolutions?

The resolutions were agreed to unanimously.

Mr. FERRY. I send other resolutions to the desk and ask that they be read.

The resolutions were read, as follows:

Resolved, That the loss the country sustained in the death of Mr. CHANDLER was manifest by expressions of public sorrow throughout the land.

Resolved, That as a mark of respect for the memory of the dead Senator the members of the Senate will wear crape upon the left arm for thirty days.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect for the memory of the deceased, the Senate do now adjourn.

The VICE-PRESIDENT. The question is upon agreeing to the resolutions just reported.

Mr. FERRY. Mr. President, the observance of the Senate this day is in memory of no common man. The sterling qualities of his manhood none ever dare assail. He wore his faults upon his sleeve. Charges of his defamers were frivolous and discreditable to themselves; for of all the great men who have lived and died in this generation, there was no keener seer, no shrewder organizer, no franker partisan, no truer patriot, than ZACHARIAH CHANDLER.

The Chandlers of Bedford, New Hampshire, were well-to-do farmers of the Puritan Mayflower stock. There, in 1813, he was born, and there he passed his childhood, receiving what was then thought a good primary education. As the boy grew up his father gave him his choice, a college training or a thousand dollars to stock a business life. He chose the latter, and, with the spirit of adventure which has always marked the New England race, he made for western wilds.

Michigan at that time was a trackless wilderness, whose solitude lay unbroken save by the roar of surrounding waters. Detroit then was a town on the border, with a population of some five thousand souls. There he stuck his stake and began his mercantile career. His main object in those days was to win commercial success. This he achieved by his self-denial, energy, fidelity, sagacity, and integrity. No man worked harder, lived more frugally, or upheld a higher standard of business morality. Many a night he slept on the floor or counter of his store, and many other nights, through the forest roadway, under the light of the stars, he traversed the peninsula from point to point, doing business by day and pushing his way by night. For several years he thus had been toiling, when the great financial crash of 1837 overtook him. Smaller country merchants could not meet their paper. CHANDLER'S store in Detroit felt the wave of disaster, and, gathering up all available effects, he pushed for New York and laid before his creditors the exact situation, proposing to make to them an assignment of all he had. Their answer was equally creditable to him and to them: "CHANDLER, you are too good a man to be lost for want of confidence; go back and go on with your business, and if you want more goods send on your orders." The result showed

they had not misjudged. In a couple of years he had weathered the storm, and paid every debt, dollar for dollar; and from that hour his fortune was assured.

Meanwhile he became most thoroughly identified with his city and State. Generally known as a thorough business man, his acquaintance with the business men of Michigan was better than any one of his associate pioneers. His public spirit led him into all relations with his fellow-citizens which promised to promote the welfare of his adopted home. Then, in his earlier vigor, he took part in the various organizations of the young men of Detroit, and first became known as a speaker in the debating society of the city, attracting special attention by a public lecture on "The Elements of Success." At that time the whigs and democrats were the contending political parties, and Michigan was controlled by the then powerful democratic party, under the distinguished leadership of General Lewis Cass, himself a worthy, honored, and influential resident of Detroit. CHANDLER, as became his New England origin, sided with the whigs. His first decidedly political speech was made in 1848, at Detroit, one evening, upon a box at a corner of the street, in favor of the presidential candidacy of General Zachary Taylor. He began that speech by saying in a sprightly way that one of the reasons he had for supporting his candidate was that his name was "Old Zach," a name he honored, for his name too was "Zach," scarcely dreaming as he said it that thirty years afterward, from the platform of a crowded hall in a great city west of Detroit, on the eve of his death, he himself, as "Old Zach," would be greeted by admiring thousands of his fellow-citizens, assembled to hear the last and ablest speech of his life.

From the election of General Taylor to the Presidency, CHANDLER took a more active part in the local politics of Michigan. In 1851 he was chosen mayor of Detroit, against the powerful influence of his political opponents, through his personal popularity. The next year he was nominated by the whigs for governor of the State; but the time for party change had not then come, and he sustained defeat. Undaunted he bore the taunts of democratic leaders in those days, who contemptuously smiled upon his political aspirations and jeered him with the hint that a mere merchant and business man should never aim so high!!

Controversy in national politics gradually ripened a new order of things. The issues forced upon the people by the repeal of the Missouri compromise and the consequent scenes in Kansas gave birth to a new party, whose history should surpass all others since the foundation of the Government. CHANDLER was one of the fathers and founders of that republican party, and, notwithstanding his pretensions were so derided by his political adversaries, he displaced the honored democratic champion, General Cass, by taking his seat in the Senate of the United States on the 4th of March, 1857.

In a single week after his election to this high place he had retired from an active and large mercantile business, with all its affairs definitely arranged, that private matters should not divert him from his more responsible duties to the people of State and country. When this change of pursuit occurred he was in business capacity the peer of Astors, Stewarts, and Vanderbilts. The secret of success he had found. His wealth, already assured, was so disposed that before his death he was accounted with the country's millionaires. The energy and zeal which had wrought out so large a fortune was now directed to questions of public interest which for years he had seen arising, and had been preparing himself to meet, with a faith as clear as his courage was invincible. Elected to this body, he continued a Senator for three consecutive terms ending March 4, 1875. At the choice for the fourth term he was defeated, when the qualities of the man shone forth as never before. Silent and serene he bided his time. He well knew that the body of the State was with him, and that he had been abandoned by a handful of men who in an hour of fatality were incapable of measuring either him or themselves. Knowing it was unjust, he felt sure that his own State, for which he had labored for years, would on the first occasion right the blundering wrong. She was early to discover and prompt to correct her mistake. Happily, too, that she rejected the example of the Greeks, who persecuted their sages and heroes to death, then afterward repented in monuments and tears. The interval of loss to the State was gain to the nation. The lapse proved auspicious. It was needed to furnish opportunity for his commanding business capacity and Spartan virtue to display on another field. Retiring from the Senate did not long end his public service. The Department of the Interior, one of the most important and complicated branches of the Government, was suffering under the cloud of evil repute. He was invited by President Grant to assume its charge, and, in October, 1875, took the office. Those who knew him well at once predicted that he would clear that Department of long-prevailing scandals, and manage its affairs vigorously, wisely, honestly, and for the best interests of the country. How well he met this expectation the record of his official relation to it will best answer. Upon the inauguration of President Hayes, CHANDLER was superseded and returned to his home in Detroit, ending apparently his official life. For himself he could well then, and honorably, withdraw from all active participation in the political struggles of the day; but the public felt a loss which he alone could repair. On the resignation of Senator Christiancy, by whom he was defeated, he was replaced in the Senate by an overwhelming voice of the Legislature of his State, and at once resumed his seat here, which he held to the close of the late extraordinary session.

To justly take the measure of this man we must recall the times and associates of his labors. CHANDLER first came to his senatorial seat at the called session of March, 1857. He stood up in this Chamber and took the oath of office with HAMLIN, of Maine; Bayard, of Delaware; Bright, of Indiana; Broderick, of California; Sumner, of Massachusetts; Preston King, of New York; Rusk, of Texas; Cameron, of Pennsylvania; Dixon, of Connecticut; Wade, of Ohio; Doolittle, of Wisconsin; Mallory, of Florida; and Jefferson Davis, of Mississippi. That oath was administered by Mason, of Virginia; and faithlessly as some came to regard it, CHANDLER meant every word of it, officially lived it, in his last public words in the presence of assembled thousands, glowed with it, and died with the supreme joy of having through all tests of ambition, fortune, and peril obeyed its obligations faithfully to the end. On taking his seat and casting about him he saw the veterans of the Senate, the venerable fathers and orators of the Republic, and men, too, as he gazed, who even then were preparing for the revolt upon the contingency of an adverse presidential election. He saw Breckinridge, of Kentucky, just then sworn into the office of Vice-President of the United States and President of the Senate. He saw here then, as seen now, a democratic majority and the leading spirits of the then policy of that proud party. There were, the venerable Butler, of South Carolina; Slidell and Benjamin, of Louisiana; Toombs, of Georgia; Houston, of Texas; Johnson, of Tennessee; and greatest, if least, Douglas, the giant, of Illinois. And among the master spirits of the policy of the broadest liberty as the true construction of the national charter, were Seward, of New York; Wade, of Ohio; HAMLIN and Fessenden, of Maine; Sumner and Wilson, of Massachusetts; Hale, of New Hampshire; Crittenden, of Kentucky; Collamer and Foot, of Vermont; Broderick, of California; Harlan, of Iowa; Cameron, of Pennsylvania; and Trumbull, of Illinois. Many of these were lawyers and statesmen of ripe experience in these Halls, some of whom had sat with Calhoun and Clay and Webster and Benton, sharing in the debates of those giants of earlier days. CHANDLER, fresh from the counter, had many things to learn; but he was not long in taking his bearings. The whole country was then profoundly agitated. President Buchanan was surrounded by Cass and Cobb, Jacob Thompson, Toucey and Floyd, Brown and Black, and Chief-Justice Taney. Filibuster Walker was maneuvering in southern waters, threatening by his piratical movements to embroil the nation in foreign war; the Kansas conflict was raging with increasing fury, and Abraham Lincoln, then a quiet country lawyer in Illinois, was carefully noting the situation and unconsciously bracing for his herculean labor. CHANDLER lost no opportunity to express concern for manifest disregard for the welfare of the North and West. Observing this early, in placement on committees in the first session of the Thirty-fifth Congress, when committees were announced, he rose and in earnest but dignified remonstrance said, "Sir, we are not satisfied, and we desire to enter our protest against any such formation of the committees as is here proposed;" and, on one of his first measures—a bill to deepen the Saint Clair Flats—said, "I want to see who is friendly to the great Northwest and who is not, for we are about making our last prayer here. * * * After 1860 we shall not be here as beggars." Upon the questions of more general character in the national policy he, with becoming reserve, deferred in debate to more experienced members; but when measures were proposed which he could not indorse, he was of such a mold that he could not sit by in silence. His face was squarely set against the Lecompton constitution and the acquisition of Cuba. His speeches on those projects are among the most telling protests raised in the Senate upon kindred measures. In the fiercer debates which followed, the custom of the duello—popular at the South, but deprecated at the North—received new life. Menace and insult had reached their limit. They were no longer to be borne. CHANDLER, Wade, and Cameron signed a compact to fight on the first provocation. It certainly was a bold step; but it was effectual. CHANDLER and Wade soon had occasion to act upon their purpose. Seward's "irrepressible conflict" drew insult, and CHANDLER took up his cause. Sumner was smitten down and Wade repelled the dastardly act. Whatsoever may be said of the means they employed, the code thenceforth practically came to an end. CHANDLER was as ready with words as with blows. When the John Brown raid at Harper's Ferry was under discussion his allusion to the fury which sealed the fate of those whose zeal for human liberty knew no bounds, was a most biting piece of satire.

If—

Said he—

seventeen men were to attack the city of Detroit in any capacity, and the mayor should appoint as a guard more than seventeen constables to take care of them, the city auditor would decline to audit the account. He would not pay it.

His foresight was even more remarkable than his fearless, patriotic zeal. In the great presidential contest of 1860, when four candidates were before the people and the whole land was kindled to the highest state of excitement, his belief that on the success of Lincoln hinged the life of the nation made him most active and conspicuous in the campaign. He may be said to have been the triumphant knight of that great tournament. When Congress assembled, following this presidential race, he, with others, saw the national heavens black with portent. He watched with anxiety the days of winter unfolding signs of national disintegration, and marked the powers of national self-preservation scattered, and the Chief Magistrate in grave

message declaring the Government powerless to prevent separation. In these and other unmistakable signs he read the deep-seated purpose of destroying the Union, and when a peace convention of all the States was called to meet in Washington he could not restrain or disguise his judgment. The cry for "peace" then, and under such indications and preparations, was to him a pretext, the outcome of which was war. He so penned a private letter to the governor of Michigan, which, purloined, was made the subject of mock solemnity of horror by Powell of Kentucky, and the occasion for Richardson of Illinois to taunt him with the authorship of what has come to be known as "CHANDLER'S blood-letting letter." CHANDLER'S reply to these was a manly, frank utterance, and such a scathing arraignment of the scheme of secession and rebellion that the loyal spirit of the country was roused; mock oratory in the Senate for the time put at rest, and this famous letter signalized as the one prophecy of patriotic foresight which the muse of history writes down sadly fulfilled. It was by him then memorably said that peace conventions would prove vain and fruitless. The 4th of March found many seats in this Chamber vacated. Subsequent events developed seven States of the Union organized at Montgomery into a separate government, with Jefferson Davis its president and ALEXANDER H. STEPHENS, now a distinguished member of the other House, its vice-president, Fort Sumter invested, fired upon, and war suddenly opened on a generation that had as little practical knowledge of war as belief that arms were to settle what votes had legally expressed as the will of loyal people. The lack of the art and practice of warfare was, however, more than made up by the spirit and enthusiasm for the old flag, which knew no bounds.

Of the few rare men reared and raised into prominent place by an all-wise Providence for the matchless struggle, CHANDLER was one. He had in large measure the very qualities to animate and inspirit a brave and willing, but unmartial people, loving country above peace and life. Such men were needed to quicken and encourage the forces on the field amid the reverses which fell to our Army during the first years of the war. Congress met in December, '61; a great shadow lay on the loyal heart; undismayed, and firm and hopeful midst disaster, CHANDLER was the first to move in this body a committee on the conduct of the war, which was on the part of the Senate, composed of Wade, CHANDLER, and Johnson. And well did it perform its great task. Reports from it fill seven large volumes of the public records. To give a glimpse of the character of its work, and the lamentable national situation calculated to appall the bravest, it seems due at this time to this stout heart that his own words should voice that work and that situation. He said in this Senate, July 16, 1862:

> At an early day of the present session of Congress the Committee on the Conduct of the War was raised. * * * The committee has been in constant, almost daily, communication with the Administration, and has from time to time submitted such information as, in their opinion, should be furnished to the Executive. How valuable this information may have been to the Administration is not for me or the committee to decide, but, in my opinion, when the history of the war shall have been written the country will give credit where credit is due.

The last one of that valiant trio of this body has gone to join his colleagues where just merit is rewarded; and on this occasion and in this presence, one voice at least of that country, shall say that it already gives and will thenceforth "give credit where credit is due." As to the situation, he continued:

> The battle of Bull Run seems to have been the culminating point of the rebellion. Up to that time the North hardly seemed to appreciate the fact that we were in the midst of war; that a gigantic and wicked rebellion was shaking the very foundation-stones of our political institutions; that the rebels meant a bloody, fratricidal war. The firing upon Sumter was considered rather the action of a frenzied mob than the fixed, determined intent to break up and destroy the best Government the world had ever seen. That battle left the enemies of the country masters of the field and virtually besiegers of the capital. From that 21st day of July, 1861, the nations of the earth considered the experiment of republican institutions a failure, or at least an untried experiment. Rebellion had triumphed, and the nations believed the Republic was tottering to its fall. Our securities became valueless outside our borders, and our armies to be raised were considered men in buckram. Not so the brave and loyal millions of the North. They knew that the resources of the North had not been touched, that the battle of Bull Run was but an insignificant skirmish, without results to either side, and forthwith began to put forth their mighty energies. Up to this time the earnestness of this rebellion had not been appreciated by the North.

Later than this painful recapitulation of our then sorry condition, and in the second year of the war, our fortunes proved no better than the first. Repeated disasters not only thinned our ranks and spread distrust of success, but made the enemy bold and defiant. The hearts of the loyal people sank within them. A peace party began to develop in their midst. McClellan, the popular idol of the hour, was at the head of the finest army the world ever saw. Instead of fighting the enemy in the field, peninsula malaria was permitted to decimate that army, which, later, emerged from the seven days' disaster in covering an inglorious defeat. Still an idolized commander, no one dared arraign him—notwithstanding the Union cause was on the brink of ruin—till on the 1st day of July, 1862, ZACHARIAH CHANDLER pronounced his master speech on the conduct of the war, and closed by demanding the removal of McClellan. It fell like a thunderbolt, but it cleared the sky. From that hour hope, and new vigor, stirred the masses of the North.

To speak of his labors during the years of the war—how watchful, useful, tireless, fearless, hopeful, defiant, and active everywhere—would be to reflect upon the memories of our country and households for whose sake he battled in this Senate and elsewhere; visited field and camp; viewed the hospitals; cared for the maimed and dying; cheered and upbore the President and his sorely pressed Cabinet, until victory perched upon the Union banner. Congressional records will reveal the multiplied forms in which his sagacious and practical mind shaped the measures which were so vital during the years of the war, and which now stand as the policy of the Government, and his memorial legacy, bequeathed to a saved and grateful nation.

Of his labors since that period, time will not permit me to speak at length. As chairman of the Committee on Commerce of the Senate, and of which he was a member at his death, he imparted to its varied labors that freshness and vigor of thought and breadth of suggestion for which he was ever noted. As in war, so in peace, anything which concerned the honor of, or advanced American interests never escaped his ready attention. Whether at home or abroad, her rights and welfare were to him of the first importance. To the revenue and financial measures which have contributed to restore the nation to a condition of prosperity, and have raised our commercial credit and standing to the front rank with the powers of the globe, he gave the aid of his rare experience and ripest judgment. Occupied with the exhaustive labors that grew out of the attempt to destroy the Union by force of arms; with the care, thought, and legislation demanded to provide adequate organic guarantees to forever remove the source of national division; to assure to slaves made free their rightful citizenship, and utterly extirpate every vestige of electoral disqualification; to retire to the body of the people an army millions strong; to safely reconstruct and restore desolated States; to re-establish civil service upon the basis of preference given to maimed Union soldiers in Government employ; to provide ways and means to meet the cumulative obligations of the nation and place the money of the people upon a safe and stable basis; to prove that under monarchies and not republics "laws are silent in the midst of arms"—since all the functions of popular sovereignty went on with uninterrupted precision—I repeat; with care for all these subjects, Mr. CHANDLER found time and occasion to guard as well against any acts encroaching upon our rights and just relations with nations abroad, as to watch and advance the supremacy of the political party charged with the defense and welfare of the nation at home. He offered and advocated a resolution for reclamation upon Great Britain for the destruction of our shipping by the Anglo-confederate privateers at sea; discussed non-intercourse with England; spoke with indignant fervor upon the raids from Canada; and urged a termination of the reciprocity treaty with that Dominion. He as freely denounced European despotism on this continent and raised his voice against its usurpations. He submitted a resolution of inquiry into the alleged acts of the Mexican imperial government toward the officers and men of the Juarez party, who were reported to have suffered death by order of Maximilian. His speech on this resolution was the bold denunciation of a soul burning with indignation at the intrigues and cruelties by which a hated throne had been set up on republican soil, uttered, too, at a time when our word was thought in Europe to have lost its prestige and power. He said of this imperial intruder:

> If this man, under similar circumstances, had been captured in Austria he would have been whipped to death; France would have put him in a cave and smothered him with smoke; England would have blown him to pieces at the muzzle of her guns. I think Mexico made a mistake. He had forfeited the right to die a soldier's death.

No one, I believe, ever doubted CHANDLER'S courage to be equal to any emergency, public or personal. I can recall but one occasion in my long acquaintance with him when he seemed disheartened and borne down by the force of public events. It was when President Johnson, attempting the removal of the great War Secretary, Stanton; quarreling with the then famous hero of the war, General Grant, and defying the Congress of the United States, escaped impeachment so narrowly. CHANDLER felt that republican government was then at stake and impeachment a necessity. Never was there a time when he came so nigh despairing of the Republic as at that event. He, however, as others, happily learned that a republic that could survive the tragic loss of its beloved martyr President, and live under the misrule of an ignoring accession, has beneath its destiny a Divine grasp which gives assurance of its survival of all human device or human ill.

Men die but the Republic lives. This Senate, as well as the country, will, however, miss Senator CHANDLER. Upon many and varied topics he shared in debate; direct, forceful, and accurate, he spoke with effect. He at times was matched with the foremost of his associates and seldom had to retract or surrender his propositions. His discussions with the classical and accomplished Sumner are striking examples of his accuracy and force in all matters of substantial fact and interest.

In the session of 1874–'75 he was putting forth his ripest powers in support of measures which he thought would tend to the general prosperity, relieve commercial depression, and bring back better times.

When his senatorial term expired his expectation was that the State he had honored and served would mark its approval by his return to the Senate for another term. Changes, however, of a partisan character had occasioned the alienation of many supporters of the republican party in several of the States of the Union. The democratic party had thus gained the ascendency in enough of those States to place the House of Representatives in their hands. Michigan was more or less affected, and some of its old friends had turned away from the republican party in that State, as well. The republican

majority in the Legislature was in a measure reduced. Though he received the nomination of his party friends, yet in the elective contest he was defeated, through the fusion of a few members with his political opponents. Never did he carry himself through any struggle with a loftier crest. He scorned to stoop for so glittering a prize.

This defeat did in no wise abate his zeal for the party which had failed to return him to his seat in the Senate. Chosen chairman of the republican national committee, although then filling the place of Secretary of the Interior, he promptly accepted its burden and actively entered upon the presidential campaign of '76. It is needless here to mention the causes which had depressed the ardor of the people and had alienated many from the support of the party in power. CHANDLER, with a trained hand, organized the campaign, and, through all the summer of fear, and doubt, his unquailing spirit directed its movements. When the hearts of others began to fail, he rose in the might of his energy and infused new courage to all around him. At length, when the decisive day had come and gone, and many waited in painful suspense weary days, for the tidings of the result, he, with the first consciousness of the truth, sent forth from the city of New York that ever-memorable dispatch: "Hayes has 185 votes and is elected." And so it proved. Through all the tempest of the electoral count, the clamor, outcry, threats, defiance, fierceness, and bitterness of contending partisans, rank and file, that prophet-sentence brooded in the air; and when the 4th of March arrived the nation joined in the fact, and Rutherford B. Hayes was inaugurated President of the United States, and you, Mr. President, duly installed Vice-President and President of this august body over which you preside with impartial ability.

Placed also at the head of the republican State central committee of Michigan for the fall campaign of '78, the happy result showed that his interest in his own State in no wise flagged. The State did not forget his national and State work. When, by the resignation of Senator Christiancy, a vacancy occurred here, Chandler was chosen by the Legislature with substantial unanimity to fill the place, with manifest gratification on his part, and expressed satisfaction on the part of many of his former associates.

The closing days of the late extraordinary session record another chapter in his remarkable history. The debate on the bill to pension the soldiers of the Mexican war brought Jefferson Davis conspicuously before the Senate. Fervid encomiums were pronounced upon him; till from the gallery floated down and passed among Senators, this waif, "There seems to be no one here that dares call treason by its right name." When CHANDLER read it he quietly remarked, "There will be some one before the debate is closed." At three o'clock in the morning he rose and delivered that philippic which will never cease to be famous in the annals of our national polemics. Nor will any of us ever forget the last time he addressed the Senate. Senators know well, and the country minds well, the purport of his thoughts as in closing he said, "As a Senator of the United States and a citizen of the United States I appeal to the people. It is for those citizens to say who is right and who is wrong."

Congress dispersed and in a few days he went back, as he declared he would, to the people. In several of the States there were approaching elections. Political excitement surged over the whole country. Many prominent men took part in the canvass of States and did efficient work everywhere, but no one was held in greater request than he. It is not now invidious to say it. For the first time a Detroit merchant was summoned to New England to recount the political situation. It was my pleasure to witness his gratification on reading the telegraphic invitation from the scholarly courtesy of the Senator from Massachusetts nearest me. He traveled thousands of miles; spoke during the season at various places in Maine, Massachusetts, New York, Ohio, and Wisconsin.

Wending his way homeward, he spoke at Chicago the evening of the night of his death to what the Senator from Illinois near me, who nobly stood by him, has said, was the finest audience ever assembled in that great city of the West on any political occasion, and delivered what history will write, the greatest forensic achievement of his life. He spoke as one already chosen for the shaft of death. His counsel seemed the utterance of a dying father. Never was he more inspired, direct, powerful, and convincing. Of his party he there said:

> The republican party is the only party that ever existed, so far as I have been able to ascertain, which has not one single solitary unfaithful pledge left—not one. The republican party was created with one idea, and that was to preserve our vast territories from the blighting curse of slavery, and we saved them. But we did more than that. We pledged ourselves to save your national life; we saved it. We pledged ourselves to save your national honor, and we saved it. We pledged ourselves to give you a homestead law; we gave it. We pledged ourselves to improve your rivers and harbors, and we did it. We pledged ourselves to build you a Pacific railroad; we built it. And not to weary you, the last pledge we gave was that the very moment we were able we would redeem the obligations of this great Government in the coin of the world; and on the 1st day of January, 1879, we fulfilled the last pledge ever given. Notwithstanding all this they say your mission is ended and that you ought to die.

The multitudinous huzzas that greeted this closing effort of an eventful career made it the proudest moment of his life, when he was never so appreciated, and never so dear to the loyal heart of the American people.

A fitting finale to the sad disclosure of the morning dawn. "CHANDLER dead," as the lightning bore it on the mournful Saturday morning, stirred the soul of this people with the saddest tidings since the assassination of Lincoln. Alone in his chamber, where he had retired for the night, he cast his harness off, and the morning of November 1, 1879, discovered to the nation a loss which sent a thrill and shock as if some monarch of the forest had fallen. The people mourned as for a prince departed.

To have given in any manner a faithful touch of the public career of this earnest man without recalling great landmarks in the progress of the nation, with which he was identified, would be the play of Hamlet with Hamlet's part left out. Simply to characterize him has been my purpose, and to show 'mid what shoals he steered with safety. Words would fail to analyze such a spirit. Acts were the methods of his life, and national struggles must be retold to do even partial justice to one who, with their rise and fall, fought to win. Action was the eloquence of his life. He who is ever disturbed by the recital of the rugged pathway of the Republic, fails to learn that with nations, as with men, mistakes are the steps to success. Those who made them need not spurn the mention of them, for they have occasioned the grandeur of our national growth; those who won by them need but joy over them, for without them slavery with its woe, in the place of liberty with its glory, would to-day be the inheritance of the nation.

What more shall I say of him? He was emphatically a self-made man, shaped on a giant mold; of intense conviction and resistless will; a rough, rudely-cut diamond, unpolished by culture of the schools. In strength massive, in sense surpassing, in mental force subduing, in fidelity steadfast, and in straightforward honesty as transparent as the crystal which from every angle reflects the liquid light. Little did he care for theories. This, all his speeches show. We have learned how he toiled in the early years of his life, and how, when the time came, he wove his own personality into the web of the national fabric. His arguments were living things. His sentences were catapults. He went right to the core of every matter. He dealt with marrow, while bone and flesh were left to their own decay. He was as disinterested in the public service as man well can be.

It cost him time and money to serve his country. He asked nothing in return but a place for service. His aspirations for office were laudable; position he used as a means to an end, and that his country's good. A man of deep feeling, but his impulses always took a practical turn. It was not rose-colored sentiment, but vigorous thought and rugged act that filled the measure of his life.

With all his public labors he never lost his fondness for home. In wife and daughter and grandchildren was garnered unabating devotion. By the frankness of his nature, the ease with which he was approached, and by his broad and ready sympathy, his hold upon his friends and attachment of the masses, gave him hosts of zealous followers.

Floral tokens of admiration and affection were various and plentiful at his funeral rites. Crowning his casket was a characteristic tribute from the custodian of his business interests. It was a tablet of white azaleas, across which, with beautiful violets, was traced "Faithful to the end." The procession to his last resting place was a remarkable scene of devotion. A violent snow-storm prevailed, and yet, from home to grave, the avenues were literally thronged with men and women, defying storm, to pay their mournful tribute to their distinguished dead.

CHANDLER'S memory rests not alone in the measures which have become a part of the policy of the Government, or in the many phases of his active life, but dwells largely in the hearts of his countrymen. Time will best award him his rightful meed. To that just arbiter, as an attached friend and colaborer, I submit his varied career, from which I make NO appeal.

In closing my humble tribute to his fame, I cannot forget to note that he never left a doubt upon the minds of others, wherever he moved, that, however he may have faltered at times and ways himself, he held with reverence and faith that belief which reckons life but the vestibule of immortality. All forms of infidelity he despised. If he did not always practice, he often recognized his highest obligations. A touching instance of this was the sad occasion of his burying a brother in a land of strangers, at dead of night, in the dreariness of rain. As the body of that brother was let into the grave without Christian word of parting, with none to voice a single sentiment of faith or hope, he himself bowed his knees to the earth, and there, in the pitiless storm, offered prayer to Almighty God. He did not forget, but generously befriended the Christian church. Into the secrets of his heart, on that last solemn morning, when alone he met his God, we dare not, and, indeed, we cannot penetrate. Immortal now, he rests with One, who gives supreme value to all that is good in life, and, what is infinitely more, "He doeth all things well."

We have seen the nation mourn as the heroic figures that held sway in trying periods of our history passed to the dust of death—Lincoln and Stanton, Chase, Seward, Sumner, Wade, and Morton, and the thronging procession of valiant captains and men who wrought out the salvation of the Union. Added now to the roll is CHANDLER. All these are borne upon the hearts of a grateful people who delight to honor, but who are powerless to recall. With no murmuring, but rather with hopeful spirit, do we trust steadfastly in that Providence by whose mysterious courses kingdoms and republics rise and fall; and do we reverently speak of that Being whose designs embrace countless myriads of men, by whose almighty will all nations live, and in whose omniscience, the vast future of our beloved land is at this moment folded up.

Mr. ANTHONY. Mr. President, this scene and this occasion renew to me the shock which I experienced when the sorrowing wires unladed their burden of grief and told me that CHANDLER was dead. It is difficult to associate ZACHARIAH CHANDLER with the idea of death. His exuberant vitality, his overflowing spirit, his commanding air and presence, all forbid it. I almost look to see his manly and vigorous figure—fit tenement of his manly heart and his vigorous intellect—rise from his accustomed seat, towering above his peers in this Chamber; I almost listen for that voice whose stentorian tones these walls have so often sent back to our ears.

Born and educated in New England, passing the maturity of his years in the West, he united, in an uncommon degree, the qualities and characteristics of each: the shrewdness, the steadiness, the keen observation, the inflexible purpose of the one; the freshness, the eager earnestness, the sturdy robustness of the other; the fidelity, the truthfulness, the manliness of both. His sincerity was beyond question; his honest belief in the principles which he professed was never disputed; he meant what he said, and he said all that he meant. He had no halting opinions; he had a judgment, and a decided judgment, on every question that was presented to him; and although at times he seemed to be hasty of speech, it was the haste of the occasion, not the haste of sudden conviction or of uncontrollable impulse. Those who knew him intimately knew how closely he had studied, how deeply he had thought upon the questions that he discussed with apparent suddenness, and that his impulsiveness of manner followed long and careful examination of the subject under consideration. It was not the rushing of the stream swollen by violent rains, but the letting loose of the imprisoned waters of the lake, which, long collected and confined, waited but the opportunity of outlet to pour forth with more than the impetuosity of the mountain torrent. He was a forcible but not a frequent speaker. The strength of his convictions found expression in the boldness of his utterance. Disdaining the lighter graces of rhetoric, his speeches did not sparkle with wit nor glow with sentiment, but they bristled with facts; if he did not captivate by his style, he compelled assent by his reasoning; and when he had arranged his facts and constructed his argument, his conclusion followed with almost irresistible force.

Devoting himself to commerce and to politics, he attained eminent success in each and secured the highest rewards of both. To enumerate the positions which he filled and the honors that he received would be but to repeat, in feebler phrase, what has been so well said by the Senator who was his colleague. I think I shall do violence to the feelings of no man, and to the friends of no man who survives him in that State, so eminent for its distinguished sons, when I say that he was, by common acceptance, the first citizen of Michigan. The respect and affection in which he was held at home were manifested on the day of his burial. It was a fitting day for that sad office. Detroit was in mourning. From every public building floated the emblems of sorrow, and the doors and windows of numerous private houses were draped in sable. The streets were whitened by the early snow of winter, which fell with blinding fury upon the city. The sidewalks were thronged with thousands upon thousands of men and women, who, unable to get near the house, stood exposed, for hours, to the inclement weather, waiting to see the long and melancholy procession.

To dwell at length upon his qualities as a partisan might offend the proprieties of the occasion, and I forbear. But even the slightest sketch of him would be imperfect without some reference to his partisan character. He was a party man. He held that the division of the people into parties was essential to the balance of elective institutions. He early selected for his support the party that was, in his judgment, most conformable to the spirit of the Constitution, to the rights and liberties of the people, and to the prosperity of the country; and having deliberately made his choice, he adhered to it with all the tenacity of his nature. He believed in strong measures, and had no confidence in half-way methods and expedients. Whatever was right and proper he held was to be promoted by all legal and proper means.

He died as he would have preferred to die—suddenly, painlessly, and with his harness on. He fell as the warrior falls, on the eve of battle, with his sword in his hand and his shield upon his arm. Death was kinder to him than it often is to the race of man, to all of whom "it is appointed once to die." No lingering disease wasted that stalwart form; no protracted suffering enfeebled that masculine intellect. The pale messenger, unheralded and unexpected, summoned him in the vigor of health and of active usefulness; touched him with his wand, and he sank to eternal sleep—no, we believe he rose to eternal life.

Mr. BAYARD. Mr. President, the relations I have held with the deceased Senator CHANDLER, have arisen only as a consequence of my service as a member of this body, and it has so happened that by the organization of political parties we usually found ourselves in decided opposition to each other.

Of his political opinions, actions and methods, I will not therefore speak, for I could not do so approvingly, nor would it be worthy of myself or of him to attempt qualification or reconciliation of our decided opinions on policies or principles of government,—in regard to which few men differed so widely as he and I.

It may be adopted as a wise rule in arriving at an estimate of men and their careers, to precede a formation of judgment of an antagonist, by the inquiry, "How would we have regarded the action of our adversary, had his energies been exerted in favor of the party and policies with which we ourselves have been allied?"

May it not well be, that seen thus through a medium of sympathetic *ends*, the *means* of attainment, would have appeared somewhat less objectionable?

In the maze of action and passion of daily political life we are not apt to judge men justly, and may easily fail equally to appreciate the faults of an ally and the virtues of an opponent.

But there were traits and qualities in Mr. CHANDLER that all men may dwell upon with admiration and respect, and which I have now a melancholy satisfaction in attesting.

He was manly, impulsive, outspoken, sincere, and generous—an open but not implacable foe, and a steady and courageous friend.

His hand was open, for he was "a cheerful giver." He possessed a mind of superior force and sagacity, and his faculties for the administration of affairs were eminently practical and effective.

In one important respect he supplied an example valuable in any government, and especially in one so popular in its forward nature as our own. I refer to the fact that on no occasion was Mr. CHANDLER known to use his official position for his own pecuniary gain,—directly or indirectly.

His death has ended a long career of public service in executive and legislative capacities, and throughout his hands were ever clean of unjust or illegitimate gain, nor did his bitterest political foe (and no man evoked stronger personal criticism) ever charge, or even suspect him, with making personal profit out of his political station and opportunities.

He was a man of vigorous, frank nature, and his virtues and his faults were the natural outgrowth. Free-handed and open-hearted, he kept his word, despised a coward, and loathed a hypocrite.

Standing now as it were above his newly made grave, I bear willing testimony to these personal virtues, and can recall many instances of his accommodating kindness and personal courtesy, which rendered the transaction of business with him so easy and agreeable.

For the rest, I feel that we are too near the years of his active political career to express positive judgment.

To justly measure so aggressive, vigorous and influential a character as his, it must be viewed at a little distance, as sculptors often ask for the consideration of their strongest and most rugged works.

Time will mellow, and reflection will soften the asperities and animosities caused by recent and heated conflict and which may obscure somewhat present judgment.

Mr. President, the messenger of death came to our departed associate suddenly, and in the very midst of his most ardent and strenuous pursuits.

Here in this hall of public deliberation, once more are we confronted and startled by the foot-prints of the Pale Archer, whose shafts intended surely for each one of us remain as yet in the quiver unselected. Busied as we all are with the thoughts and cares of daily life, should we not pause to-day, and, thinking of the strong man who has been so suddenly called from our side, and from the home and wide circle of friends, to whom his warm heart and manly qualities so endeared him:—glance down the inevitable pathway he has been called upon to tread, and so order our living that each may not fear to follow in his turn?

Mr. HAMLIN. The friendships formed in this body in long association are no inconsiderable compensation for the labors and annoyance incident to senatorial life. While patience and forbearance are sometimes exhausted in earnest, exhaustive, and at times angry debate, and many things are said and done in zeal which the calmer judgment will not approve, yet the ties here formed and cemented will never be severed in life. As a rule these friendships, differing in degree, are far more general than is supposed. The cases are rare and exceptional where association here does not produce a cordial and sincere greeting as we mingle and meet along the pathway of life. And the acquaintance formed here with the deceased distinguished Senator, which ripened into permanent and undisturbed friendship, justifies if it does not require that I should add a few words of personal tribute to his worth and memory in the same spirit with which the friendly hand would place a garland of flowers upon his new-made grave. Some have spoken and others will speak more elaborately of his public life and valuable services.

I first knew of Mr. CHANDLER as a distinguished merchant in the city of Detroit, where he had become eminent for his high commercial and financial integrity, and had established a business reputation which extended far beyond the limits of his own State. In one of those financial tornadoes which at times have disturbed the business and industries of our country, when older and apparently more firmly established houses were wrecked by the blast, so well established was his reputation for unquestioned mercantile capacity and integrity that, when himself in doubt as to his ability to withstand the crisis, on consultation with those with whom he had business relations, and acting under their united advice and assurances of support, he went forward triumphantly and successfully outriding the storm. A merchant of known and unquestioned integrity, he was at all times entitled to receive and did receive the highest consideration. It is indeed a priceless legacy which he has left to his family, and he fur-

nishes an example which should be imitated by all who care to be honest. His sterling character in that regard is the brighter in times like these, when the crime of repudiation stalks at noon-day and finds unblushing advocates among States and corporations as well as among individuals.

I knew of the Senator also as a distinguished leader in the whig party in the days of its strength and its triumph. He was once its honored leader in a gubernatorial contest in his State. I also knew of him well as one of the prominent and leading men in the State of Michigan by whose counsels and under whose guidance the republican party was formed, and those who thought alike were induced to act together; a party in which he was at all times prominent, and to which he adhered with unwavering fidelity to the close of his life; and by which he won that national confidence and respect to which he was so eminently entitled.

But I became personally acquainted with Senator CHANDLER on that day when we were sworn in as members of this body, and at the time when he first took his seat in the Senate of the United States.

In my judgment, the most prominent and distinguishing traits in the character of Senator CHANDLER were his sincere convictions of what he believed to be right, and his indomitable courage in expressing and maintaining those convictions regardless of consequences. He who possesses those characteristics may always have enemies, but he will never be without friends. I have myself but little respect for that man who has not enough of character to make an enemy, for he cannot be worthy to claim others as his friends. The frankness with which Senator CHANDLER expressed his opinions upon all occasions was not acceptable to many, and if he did not thereby incur their hostility he certainly failed to attach them to him as friends. But none were left in doubt as to the position he would occupy upon any question in regard to which his opinions were known. He was a man of convictions and courage; never a man of policy and compromise; nor did he believe in that timidity which in effect was treason to right and justice.

That in his life for which he was perhaps held in the highest esteem by the loyal people of this country was the zeal and courage he displayed and the labor he performed in maintaining the supremacy of the Government. Many there were who talked more; few, if any, who labored as much and as effectively. With him it was always actions rather than words. He had then, as at all times, the boldness to characterize things and events by their right names, however distasteful it might be to others. I would award all honor to the brave men who by their heroic acts and undaunted courage have been so instrumental in advancing the best interests of our common country in the field or on the ocean. I would pluck no leaf from the wreaths that so justly adorn their brows. I yield to none in the respect I would pay to them. But courage, cool, deliberate, unmistakable courage is as requisite and is as certainly displayed in the deliberative councils of the nation as on the field of battle. The highest courage is that which always dares to do the right and fears only to do the wrong. The victories of peace are more important than those of war, and to those who win them the highest homage is due.

> Not to the ensanguined field of death alone
> Is valor limited: she sits serene
> In the deliberative council, sagely scans
> The sources of action, weighs, prevents, provides,
> And scorns to count her glories, from the feats
> Of brutal force alone.

Those of us who were so long associated with the late Senator in this body will miss him exceedingly. In the wisdom of an inscrutable Providence, his seat here has been made vacant. All that was mortal of him now reposes in the soil of his adopted State, which he had honored as the State had honored him. Those who knew him best will mourn him most, while the nation pays homage to his memory for public services so grandly performed.

Mr. BLAINE. Mr. CHANDLER sprang from a strong race of men, reared in a State which has shed luster on other Commonwealths by the gift of her native-born and her native-bred. She gave Webster to Massachusetts, Chief-Justice Chase to Ohio, General Dix to New York, and Horace Greeley to the head of American journalism. Mr. CHANDLER left New Hampshire before he attained his majority, and with limited precuniary resources sought a home in the inviting territory of the Northwest. He had great physical strength, with remarkable powers of endurance, possessed energy that could not be overtaxed, was gifted with courage of a high order, was imbued with principles which throughout his life were inflexible, was intelligent and well instructed, and in all respects equipped for a career in the great and splendid region where he lived and grew and strengthened and prospered and died.

For a long period following the second war with Great Britain the Territory of Michigan was governed by one of the most persuasive and successful of American statesmen; whose pure and honorable life, whose grace and kindness of manner, and whose almost unlimited power in what was then a remote frontier Territory, had enabled him to mold the vast majority of the early settlers to his own political views. When Mr. CHANDLER reached Detroit General Cass had left the scene of his long reign—for reign it might well be called—to assume control of the War Department under one of the strongest administrations that ever governed the country. The great majority of young men at twenty years of age naturally drifted with a current that was so strong; but Mr. CHANDLER had inherited certain political principles which were strengthened by his own convictions as he grew to manhood, and he took his stand at once and firmly with the minority. He was from the outset a strong power in the political field; though not until his maturer years, with fortune attained and the harder struggles of life crowned with victory, would he consent to hold any public position. But he was in all the fierce conflicts which raged for twenty years in Michigan, and which ended in changing the political mastery of the State. It is not matter of wonder that personal estrangements occurred in such prolonged and bitter controversy, without indeed the loss of mutual respect, and in one of the most exciting periods of the struggle General Cass spoke publicly of not enjoying the honor of Mr. CHANDLER'S acquaintance. It was just three years afterward, as Mr. CHANDLER delighted to tell with good-natured and pardonable boasting, that he carried to General Cass a letter of introduction from the governor of Michigan which so impressed the General that he caused it to be publicly read in this Chamber and placed on the permanent files of the Senate. It is to the honor of both these great men that complete cordiality of friendship was restored, and that in the hour of supreme peril to the nation which came soon after, General Cass and Mr. CHANDLER stood side by side in maintaining the Union of the States by the exercise of the war power of the Government. They sleep their last sleep in the same beautiful cemetery near the city which was so long their home, under the soil of the State which each did so much to honor, and on the shores of the lakes whose commercial development, spanned by their lives, has been so greatly promoted by their efforts.

The anti-slavery agitation which broke forth with such strength in 1854, following the repeal of the Missouri compromise, met with partial reaction soon after, and in 1856 Mr. Buchanan was chosen to the Presidency. Mr. CHANDLER took his seat for the first time in this body on the day of Mr. Buchanan's inauguration. It was the first public station he had ever held except the mayoralty of Detroit for a single term, and the first for which he had ever been a candidate, except when in 1852 he consented to lead the forlorn hope of the Whigs in the contest for governor of Michigan. When he entered the Senate the democratic party bore undisputed sway in this Chamber, having more than two-thirds of the entire body. The party was led by resolute, aggressive, able, uncompromising men, who played for a high stake and who played the bold game of those who were willing to cast all upon the hazard of the die. The party in opposition, to which Mr. CHANDLER belonged, was weak in numbers but strong in character, intellect, and influence. Seward, with his philosophy of optimism, his deep study into the working of political forces, and his affluence of rhetoric, was its accepted leader. He was upheld and sustained by Sumner, with his wealth of learning and his burning zeal for the right; by Fessenden, less philosophic than Seward, less learned than Sumner, but more logical and skilled o' fence than either; by Wade, who in mettle and make-up was a Cromwellian, who, had he lived in the days of the Commonwealth, would have fearlessly followed the Protector in the expulsion of an illegal parliament, or drawn the sword of the Lord and Gideon to smite hip and thigh the Amalekites who appeared anew in the persons of the cavaliers; by Collamer wise and learned, pure and dignified, a conscript father in look and in fact; by John P. Hale, who never faltered in his devotion to the anti-slavery cause, and who had earlier than any of his associates broken his alliance with the old parties and given his eloquent voice to the cause of the despised Nazarenes; by Trumbull, acute, able, untiring, the first republican Senator from that great State which has since added so much to the grandeur and glory of our history; by HAMLIN, with long training, with devoted fidelity, with undaunted courage, who came anew to the conflict of ideas with a State behind him, with its faith and its force, and who alone of all the illustrious Senate of 1857 is with us to-day; by Cameron, with wide and varied experience in affairs, with consummate tact in the government of parties, whose active political life began in the days of Monroe and who, after a prolonged and stormy career, still survives by reason of strength at fourscore, with the strong attachment of his friends, the respect of his opponents, the hearty good wishes of all.

Into association with these men Mr. CHANDLER entered when in his forty-fourth year. His influence was felt, and felt powerfully, from the first day. A writer at the time said that the effect of CHANDLER'S coming was like the addition of a fresh division of troops to an army engaged in a hand-to-hand conflict with an outnumbering foe. He encouraged, upheld, inspired, coerced others to do things which he could not do himself, but which others could not have done without him. His first four years in the Senate were passed in a hopeless minority, where a sense of common danger had banished rivalry, checked jealousy, toned down ambition, and produced that effective harmony and splendid discipline which won the most signal and far-reaching of all our political victories in the election of Abraham Lincoln to the Presidency. Changed by this triumph and the startling events which followed into a majority party in the Senate, the republicans found many of their oldest and ablest leaders trained only to the duties of the minority, and not fitted to assume with grace and efficiency the task of administrative leadership. They had been so long studying the science of attack that they were awkward when they felt the need and assumed the responsibility of defense. They were like some of the British regiments in the campaign

of Namur, of whom William of Orange said there was no fortress of the French could resist them, and none that was safe in their hands.

It was from this period that Mr. CHANDLER became more widely known to the whole country—achieving almost at a single bound what we term a national reputation. His defiant attitude in the presence of the impending and overwhelming danger of war; his superb courage under all the doubts and reverses of that terrible struggle between brethren of the same blood; his readiness to do all things, to dare all things, to endure all things for the sake of victory to the Union; his ardent support of Mr. Lincoln's administration in every war measure which they proposed; his quickness to take issue with the Administration when he thought a great campaign was about to be ruined by what was termed the Fabian policy; his inspiring presence, his burning zeal, his sleepless vigilance, his broad sympathies, his prompt decision, his eager patriotism, his crowning faith in the final result, all combined to give to Mr. CHANDLER a front rank among those honorable and devoted men who in our war history are entitled to stand next to those who led the mighty conflict on the field of battle.

To portray Mr. CHANDLER'S career for the ten consecutive years after the war closed would involve too close a reference to exciting questions still in some sense at issue. But in that long period of service and in the shorter one that immediately preceded his death, those who knew him well could observe a constant intellectual growth. He was fuller and stronger and abler in conference and in debate the last year of his life than ever before. He entered the Senate originally without any practice in parliamentary discussion. He left it one of the most forcible and most fearless antagonists that could be encountered in this Chamber. His methods were learned here. He was plain and yet eloquent; aggressive and yet careful; fearless without showing bravado. What he knew, he knew with precision; the powers he possessed were always at his command and he never declined a challenge to the lists. "Here and now" was his motto, and his entire senatorial career and of his life indeed outside seemed guided by that spirit of bravery which the greatest of American Senators exhibited, in the only boast he ever made, when he quoted to Mr. Calhoun the classic defiance:

Concurritur; horae
Momento cita mors venit, aut victoria laeta.

Mr. CHANDLER'S fame was enlarged by his successful administration of an important Cabinet position. Called by President Grant to the head of the Interior Department by telegraphic summons, he accepted without reluctance and without distrust. His eighteen years of positive and uncompromising course in the Senate had borne the inevitable fruit of many enmities as well as the rich reward of countless friends. The appointment was severely criticised and unsparingly condemned by many who, a year later, were sufficiently just and magnanimous to withdraw their harsh words and bear generous testimony to his executive ability, his painstaking industry, and his inflexible integrity; to his admirable talent for thorough organization and to his prompt and graceful dispatch of public business. What his friends had before known of his character and his capacity the chance of a few brief months in an administrative position had revealed to the entire country and had placed in history.

It would not be just even in the generous indulgence conceded to eulogy to speak of Mr. CHANDLER as a man without faults. But assuredly no enemy, if there be one above his lifeless form, will ever say that he had mean faults. They were all on the generous and larger side of his nature. In amassing his princely fortune he never exacted the pound of flesh; he never ground the faces of the poor; he was never even harsh to an honest debtor unable to pay. His wealth came to him through his own great ability, devoted with unremitting industry for a third of a century to honorable trade in that enlarging, ever-expanding region, whose capacities and resources he was among the earliest to foresee and to appreciate.

To his friends Mr. CHANDLER was devotedly true. Like Colonel Benton, he did not use the word "friend" lightly and without meaning. Nor did he ever pretend to be friendly to a man whom he did not like. He never dissembled. To describe him in the plain and vigorous Saxon which he spoke himself—he was a true friend, a hard hitter, an honest hater.

In that inner circle of home life, sacred almost from reference, Mr. CHANDLER was chivalric in devotion, inexhaustible in affection, and exceptionally happy in all his relations. Whatever of sternness there was in his character, whatever of roughness in his demeanor, whatever of irritability in his temper, were one and all laid aside when he sat at his own hearthstone, or dispensed graceful and generous hospitality to unnumbered guests. There he was seen at his best, and there his friends best love to recall him. As Burke said of Lord Keppel, he was a wild stock of pride on which the tenderest of hearts had grafted the milder virtues.

A sage whose words have comforted many generations of men tells us that when death comes every one can see its deplorable and grievous side—only the wise can see causes for reconcilement. Let us be wise to-day and celebrate the memory of a man who stood on the confines of age without once feeling its weakness or realizing its decay; who passed sixty-six years in this world without losing a single day of mental activity or physical strength; who had a business career of great length and unbroken prosperity; who had attained in public life a fourth election to the Senate of the United States, an honor enjoyed by fewer men in the Republic than even its Chief Rulership, and who strengthening with his years stood higher in the regard of his countrymen, stronger with his constituency, nearer to his friends, and dearer to his kindred, at the close of his career than on any preceding day of his eventful life.

Mr. LOGAN. Mr. President, Illinois by the side of her sister State (Michigan) mourns with her the loss of her honored son. No language of mine will be sufficiently eloquent to portray in fitting terms the loss we all feel in the death of so noble and patriotic a man as was our brother Senator.

Twenty years ago, sir, in this city I made his acquaintance. We then differed in our political theories, but, sir, there was an indescribable something that attracted me and caused me to like the man. During the great rebellion against this Government we became better acquainted and better friends, and from that time up to his death nothing had ever marred our kindly relations. I learned to admire him more and more as I knew him better. No man could know him well without having great respect and admiration for him.

To describe him merely as an ordinary man would be to do his record and memory great injustice. To say that he was a very great man, in the sense in which that term is generally understood, might be considered fulsome praise; but, sir, if greatness consists in the accomplishment of honest purpose, he was truly great. The sixty-six years that have passed over his head were to him replete with honor and prosperity. On whatever line he moved he achieved a triumph. Physically, he was a model of stalwart mold; his mental structure was strong and vigorous; in energy he was not a laggard in anything in which he engaged. He was a thinker, however crude he may have been in speech. He was bold in his expressions and manly in his utterances; his powers of organization and combination were unsurpassed. Those who may have found themselves in opposition to him on any line, political or otherwise, can well attest this fact.

He was not only a man of thought, but of action; he was generous, kind, true, and faithful; his bosom welled up and overflowed with the milk of human kindness; his heart was large enough to embrace within its sympathies all classes; his watchword ever was liberty and protection to all. He was a patriot in the broadest sense in which that term is understood. During his country's severest trials his services in her behalf in giving aid and encouragement to the people of his own State and in the councils of the nation by his bold and fearless course were great. When the storm of secession was fiercest he was boldest; as trials came he rose with the emergency; in the darkest night he was one of the most steadfast stars. Sir, he was by nature a leader and controller of men, possessing all the necessary qualities that would have fitted him for a great field-marshal, the energy, the boldness, the judgment, the decision, the courage, with the capacity for action and council. He was the builder of his own fortunes, and the molder of his own sentiments, a man, sir, true and steadfast to his friends, and one who never asked or begged quarter from an enemy. Yet he was just at all times to friend and foe. His frankness and freedom of expression at times gave offense, when by a different course he might have made his pathway smoother, but he chose to be candid and honest. By this manly course (as is frequently the case) he became the subject of much criticism and vituperation from a class of people that constantly revel in calumny. But, sir, he moved on in his upright course, as became a man of worth, so that before his death he had passed through the mist and clouds of detraction and stood out from among and above them in the full brightness of a glorious vindication.

The evil, that men do, lives after them;
The good is oft interred with their bones.

But, sir, in the case of the deceased Senator his good deeds were so vividly marked that they will live after him in imperishable glory, while the mistakes he may have made (those construed into evil) were of such insignificance that they will soon be lost in the great ocean of forgetfulness.

But, sir, in paying this tribute to his memory, I do not choose to speak of his different official acts. I prefer to leave that duty to others, and to let the history of his country speak of these, along with the ages as they pass. His official record, as a whole, is a grand one, and requires no barren eulogy at my hands.

Mr. President, on the last day of his life, in company with one other gentleman, I came with him from Janesville, Wisconsin, to Chicago. He was apparently in excellent health. On the way once he complained of slight indigestion. At about twelve o'clock I left him at the Grand Pacific Hotel. About five o'clock that afternoon I called at his room, and found him then in exceedingly good spirits and looking in fine condition. At 7.30 he went to McCormick's Hall. There I sat by his side on the stage. At about eight o'clock he was introduced by the president of the Young Men's Auxiliary Club [Mr. Collier] to a grand audience composed of ladies and gentlemen.

He commenced slowly, but warmed up with his subject until he became so eloquent and forcible in his language and illustrations that the audience, in the midst of his speech, arose with one accord and gave three cheers. No orator during an address in the city of Chicago ever received more marked attention or greater applause. He created an enthusiasm that carried all along with it like the rushing force of a mighty storm. This, sir, was the grandest triumph of his life, and he felt it to be so.

He stood forth before that grand audience like a giant, and with

full-volumed voice spoke like a Webster or a Douglas. His words were well chosen; his sentences terse and complete, abounding in wit, humor, and happy local hits; his logic came like hot shot in the din of battle, crashing through the oaks of the forest. One of his last sentences still rings in my ears, "Shut up your stores, shut up your manufactories, and go to work for your country." The effect of this last speech of Senator CHANDLER was electrical; its influence is still felt among the business men of Chicago. The meeting adjourned with great demonstrations in favor of the speaker. He left the hall and went directly to his room and soon retired to rest.

The next morning I was sitting with my family at breakfast, in the Palmer House; a gentleman came into the dining-room in great haste and spoke to me, saying, "LOGAN, your friend is dead—found in his room dead."

Sir, I arose and bowed my head; my heart was filled with grief and sorrow. I repaired at once to the room occupied by the Senator in the Grand Pacific Hotel, and there, sir, he lay, in the cold and icy embrace of death.

Yes, sir, dead! He is gone from us. We will hear him no more; his voice is hushed in silence forever. In his room, no one being present with him, in the lonely and solemn gloom of the night, he had passed from life unto death, and in such a peaceful manner that the angel of death must have whispered the message so softly and gently that he knew not his coming. But, sir, what a shock it was to the living. As the fall of the stalwart oak causes a trembling in the surrounding forest, so did the fall of Senator CHANDLER cause the tender chords of the hearts of this people to vibrate with the tender touch of sympathy everywhere.

Sir, the day after his death we took his remains from this lonely chamber to his home in Detroit, and there, in the midst of his grief-stricken family, gently laid them down. A deep, mournful silence hung heavily over the old family mansion.

One unbroken gloom seemed to rest on the clustered trees, where the feathered songsters in spring-time had cheered the happy family with notes of sweetest music. The wintry chill from the snow-blasts without was but a faint type of the deep sadness which hung like a pall over every heart. Even the sighing wind that swept around in its saddened wail seemed to chant a requiem for the departed Senator. Well might his friends weep at their own as well as their country's loss. Indeed, he was a man of whom all may speak in praise, and upon whose bier all may drop the tear of sorrow. When earth received him she took to her bosom one of her manly sons, and when paradise bade his spirit come a noble one entered there.

Mr. President, time brings lessons that teach us that hope does not perish when the stars of life refuse longer to give light.

The death of our brother Senator and those still closely following him, should constantly warn us of the fact, that we are traveling to "the undiscovered country, from whose bourn no traveler returns." 'Tis true the grave in its silence gives forth no voice, nor whispers of the morrow, but there is a voice borne upon the lips of the morning zephyrs, that lets fall a whisper, quickening the heart with a knowledge that there is an abode beyond the tomb. Sir, our lamps are burning now, some more brightly than others; some shed their light from the mountain's top, others from the lowly vales; but let us so trim them that they may all burn with equal brilliancy when relighted in our mansions beyond the mysterious river.

I fondly hope, sir, that there we will again meet our departed friend.

Mr. MORRILL. Mr. President, the manly features which stood forth in the character of our deceased associate, like those of his commanding person, were so round and full, so distinctly pronounced, that they could not fail to give the same impression to all observers, and hence our tributes to-day may wear the aspect of photographs of the same figure, with merely variations of posture. After the eloquent full-length representations already supplied, I shall only briefly point out what I have learned to consider as among the distinctive characteristics of that life and form which lately gave such robust assurance of length of days, but which, to our sorrow, has been swiftly summoned, as we all soon must be, to that world of light and hope where the weary are at rest.

The late Senator CHANDLER, as all may know, was born in the southeastern border of New Hampshire, a region which has been wondrously fruitful of distinguished statesmen whose fortune it was to be sent here and long retained as Senators from other and more populous States. Among these eminent men were Webster and Wilson from Massachusetts, Dix from New York, Chase from Ohio, Grimes from Iowa, and Cass from Michigan, who was superseded by him whose decease we now lament. These men, going where they would, were sure to leave their "foot-prints on the sands of time," and were never less than the peers of the foremost men in this body, of which Mr. CHANDLER was so recently a conspicuous member, dear to us and to his own people.

As one of the pioneers of Michigan, his ambition was, through sterling integrity and unflinching resolution, to grasp business on a comprehensive scale, and he, with others, made Detroit, from a small town, a commercial metropolis thoroughly equipped to meet the wants of trade in a great and rapidly growing State. From the start he never underrated the magnificence of western prairies or western forests, nor their present or prospective power, and there he found a congenial home.

Upon his first entrance into this Chamber he brought with him the same invincible energy that had crowned a successful mercantile career. Having led a busy life, with daily opportunities, through extensive observation, to acquire knowledge, he was already a man of affairs, whose ripened judgment commanded respect, and, among measures he was not slow to fix upon the possible best rather than the doubtful, or, among men, to select the competent rather than the incompetent. When he would lead, he boldly marched in front, nor sought to elude the fire of adversaries. Wasting no time in the consideration of the rubbish born of ill-starred experiments, magic-lantern illusions, or incomprehensible theories, he aimed with fearless self-reliance at once to reach sure-footed, solid-sense conclusions, shirking neither work nor danger, and bringing both the strength and courage which he so often found to triumph over all difficulties.

For many years in the Senate he was chairman of the Committee on Commerce—no other so long—and conducted its business with unflagging fidelity and praiseworthy economy. An instance of the latter occurred when a bill, reported by him for river and harbor improvements, had been overloaded here with many prodigal additions, and, rather than to bear the responsibility of an overgrown expenditure, he helped to kill the original offspring of his own committee, by a vote to *table the bill*. That year no appropriation was made for such objects, and, if there was any log-rolling greed, it received a check.

Mr. CHANDLER was intensely loyal to the Republic—not to a sham, nor to "such stuff as dreams are made of"—but to a sovereignty under organic law, able and ready to give back to its citizens some thing in return for all services demanded. He would have been ashamed of a weak, spineless, and rickety republic, or one on any Spanish American pattern, having no iron in its blood, and ready to break down at the first hostile pronunciamento; but he was proud of that which stands forth great both in peace and war, and by its regard for law and order, by its devotion to human rights, by its adherence to every pledge of public faith, by its matchless march of freedom and its progressive spirit, has also shown itself worthy to rule and protect, with an imperishable vitality, the American continent.

The attitude of foreign nations during the late rebellion could not fail to be watched by our people, as it was by Senator CHANDLER, with constant solicitude, not—whatever that attitude might have been—as throwing any doubt upon the final triumph of the Union arms, but as a contingency which at times threatened to prolong a bloody contest and to multiply its griefs. Our Republic, it is not to be concealed, had few hearty friends among the monarchs and oligarchs of Europe, but we now know that the Queen of Great Britain, in spite of the sinister advice of Napoleon the Villain, was wiser and less unfriendly than any of her colonies, or than some of her ministers, who vainly hoped to gain untold advantages by breaking up the American Government into smaller and possibly less formidable proportions. Senator CHANDLER, however, never lacking audacity to defend the national life at all hazards, was one of those who did not believe the United States were any too large, and he had an abiding faith that its power would always be growing larger. His home confronted the western gateway to a large, but not invulnerable, British province, and he was wont to be impatient—genial as was his natural temperament—that the government of a great and kindred people, bound to us also by paramount commercial interests, should in such a crisis take a hostile or even a doubtful position, which he thought would have been most carefully if not fraternally avoided, provided our forces by land and sea had not been supposed to be fully employed against those to whom "belligerent rights" had been wrongly conceded. Senator CHANDLER'S repeated denunciations of the primarily responsible party to the piratical raids of the Alabama and Shenandoah were loud and unstinted, and he insisted that, for these and other national wrongs, we held a valid lien upon the Canadas to be enforced at our will and pleasure. He gave utterance in the white heat of the strife to some rather angry philippics, but the gentle sway of the Queen saved our people from any attempt to show, as no doubt many were eager to show, that there was method in the Senator's madness. As chairman of the Committee on Commerce, he could not look with composure upon the capture of American ships, nor upon their forced transfer to escape capture, and he resented the foul blow by which the ancient mistress of the ocean appeared to profit.

If, then, he showed some bitterness to foreigners whose sympathies were openly against us during the war, we may not wonder at, and should pardon, his profounder indignation that any one of his own countrymen, without provocation, should have been so dead to patriotism as to be willing that the nation should perish, or to forget that

This is my own, my native land.

For a violent and bloody rebellion, against a government wholly free and popular, any tolerance seemed to him too much and any chastisement too little. But it was the rectification of national authority he sought—not personal vengeance.

In 1875, soon after a protracted service of eighteen years in the United States Senate, covering great epochs and crises in our history, he was appointed, by President Grant, Secretary of the Department of the Interior—a Department of the government which, perhaps, through its multifarious branches, is more than any other directly seen and felt by the people. The Patent, Pension, Land and Indian Bu-

reaus—to say nothing of the educational and census dependencies—each and all require the perpetual and vigilant supervision of the Secretary, and it may be said that no other Department is more exposed to public criticism or to private suspicion; but when Mr. CHANDLER entered this new and untried field of duties, he at the outset exhibited his mastery by organizing every branch of the service upon "business principles," and thus its vast machinery, reaching to our remotest boundaries, moved without noise and without friction. The confidence of the people, in the integrity and efficiency of the Department of the Interior, became complete, and, when the Secretary left the office, he had, as an executive officer, largely advanced a reputation already national.

At our last session he reappeared here, returned for the fourth time, in his senatorial character, but alas! only to remain long enough to show to him the unending attachment of his people—to us the brittleness of human life.

Along with a stalwart frame, he carried a stalwart will, and was blessed with that outspoken decision of character which leans not to the right nor left to obtain support. Physically and mentally he was muscular, and, if he could have been vain of anything, as he was not, it might have been as an athlete. He never complained of overwork, whether that work was official, or on the stump, on the "conduct of the war," or on the conduct of his model farm, which for some years had most engaged his affections and fully justified his pride. Not unmindful of the rank won and worn as a merchant, nor of the honor he kept bright as a Senator, he yet at heart and at home preferred to be kown as a *great farmer*, and as such, with all the rest added, he will be known and long remembered by the people of the State he loved so well.

Senator CHANDLER was a partisan, never a neutral, but a republican of the straitest sect. By no free-trade tariff would he build up foreign trade on a degraded people, nor build up a gambling home trade on money intrinsically unsound. He was a staunch friend of internal improvements, and on such questions as the equality of man before the law, land for the landless, schools for the illiterate, he might almost be styled a Hebrew of the Hebrews. He believed in republican men and measures, and so believed because to him they were nothing less than the custodians and sure promises of the honor and prosperity of the country. His opinions, based upon full and life-long convictions, were stoutly held, and did not ebb and flow with every change of the moon. He was not a frequent speaker in the Senate, and his wit never got blunted by having too fine a point, but when he did speak, having something to say, his words were so hearty and straightforward that neither friend nor foe could deny their ringing force or misinterpret their meaning.

Never claiming the glittering refinements or eloquence of the schools, nor trying to escape oblivion by rhetoric, yet his aid as a campaign speaker was widely sought, and the remarkable speech, delivered by him on the evening destined to be his last upon earth, may be cited as an example of his vigor, pungency, and effectiveness as a political orator.

And thus we bid adieu to a strong man, to a true and loyal spirit, to him whose impassioned devotion to his whole country was only comparable to the tender love he bore in all his relations as a son, husband, and father.

Mr. BLAIR. Mr. President, the man whose obsequies are now being celebrated in the august halls of the Capitol was one of the extraordinary characters of American history.

His career from the hearthstone to the tomb was one of singular individuality and power. It was one constant and successful struggle between great native forces marshaled by an heroic and aggressive soul, and every form of opposition to his personal advancement and to the purposes of a patriotic public life, yet he never encountered an obstacle which he did not destroy. He was over all mortal combatants conqueror, until on the very summit of victory, at the close of a stern and incessant warfare prolonged for nearly seventy years, with his eye still burning like the eagle's, and his arm still raised in mighty action, Death killed him as with a feather, and the commanding form was forever still; the strong intellect, the storm-compelling will, and imperial soul vanished from sublunary affairs. There was not even a premonitory suggestion, the tinkling of a servant's bell; not one lifted finger of friendship, not one parting tear of love.

When shall the promise of inspiration be fulfilled? When shall Death, the last enemy, be himself destroyed? In this presence God alone is great.

ZACHARIAH CHANDLER was a son of New Hampshire, and the State which even in these latter days has given to the country some of the greatest men of modern or of any times—among them Cass, and Hale, and Wilson, and Chase, and the colossal genius of Webster—is proud to add his name to the long list of her heroes, philanthropists, and statesmen. Born and nurtured among the grand and beautiful scenes of mountain, valley, lake, and stream which have given to New Hampshire the name of the Switzerland of America, Mr. CHANDLER felt from childhood that his future lay in the vast possibilities of the West; that there alone was room for the energy and enterprise of his unfolding powers, and that he must consecrate his strong arm and his sagacious, indomitable, and freedom-loving soul to the development of the great central region of the Republic. At the age of nineteen years he departed from Bedford, near Manchester, the home of his youth, where still abound affectionate memories of his marked qualities indicative of the coming man, and planted himself on the shores of the great lake which constitutes the focus of our inland commerce, and which has given its name to one of the happiest and most powerful of American Commonwealths. There during forty-six years, comprising the most remarkable period of our domestic development and, I think, of our national history, ZACHARIAH CHANDLER, more than any other of her citizens, was the State of Michigan; and during the last twenty-five years, with but few exceptions, as much as any other one man, he has shaped the destinies of the United States.

While for one-fourth of a century he was a conspicuous figure in public affairs, I do not deny that others may have filled a larger space in the gazettes, and a few—a very few—may have been more important factors in the course of events. Yet I know not of ten men in his generation who, in my belief, have furnished so much of courage and fidelity; of will-power and aggressiveness, tempered by discretion and common sense; of stanch and granitic consecration to convictions; of deep, unvarying purpose, which defied calamity and laughed at vicissitude; of staying and recuperating power in adversity as well as of tremendous energy in the hour of decisive action, as the man to whose memory this brief hour is given.

Mr. CHANDLER was sometimes considered harsh in his feelings toward political opponents, and notably toward a section of our common country whose people were specially identified with political principles which he rejected, and an institution which it was one of the great purposes of his life to destroy. But never beat gentler heart in the breast of woman. His blood coursed in molten tides of hate toward every appearance of wrong, and of love for every portion of his country and for all mankind. His giant form and rugged outlines were the home of one of the most magnanimous natures I ever knew. His eyes were full of tears for every form of distress; his hand was full of relief. His life is a record of unobtrusive and unselfish good deeds.

He was a radical, but a radical is the only true conservative. He had plowed deep, and he knew the fundamental principles of things. He knew that principles never temporize, no matter what those may do who profess them; that they are exacting and inexorable, and utterly regardless of the state of the vote or the count, whether fair or false; that they cannot be waived or violated or suppressed or conciliated. He knew, and what he knew he felt, that principles will always have their day in court, and that against us or our children God will give them judgment and execution and satisfaction thereof to the uttermost farthing for their every violation. He had seen death and destruction, the fell officers of eternal justice, abroad in the land levying upon the very life of our own generation the tremendous damages which three centuries of outraged humanity had recovered against this nation, and he knew that, unless the present and future should conform absolutely to the eternal principles of right and do impartial justice to the feeblest human being within our borders, tears and woe and death will pay for it to the last fraction of our treasure and the last drop of our blood. Therefore was he stalwart; therefore did he grieve over the vanities of conciliation when he thought that principles elementary and sacred were sacrificed in the vain hope that peace would come from their violation; that God would be mocked out of his intelligence and purposes, and permit the tiniest child to be robbed of the smallest right with impunity. He felt that the nation and the statesman who temporize and tamper with principles are playing with the hottest fire of Heaven's wrath, and that there is no true conservatism which does not consist in the most radical application of immutable justice to every race and individual among men.

Mr. CHANDLER was only radical against what he understood to be wrong. He distinguished between the wrong and the wrong-doer. While he hated the former he would rescue the latter, who is as often a victim as an aggressor. His war was upon systems and policies, not upon individuals and communities.

He was as anxious for the prosperity and happiness and as jealous of the renown of the South as of the North. He was great and broad, and would have been beloved by Washington and Madison and Jefferson and by the whole family of patriots who worshipped the principles of the great Declaration which they promulgated, and who "trembled for their country when they remembered that God is just."

It may be said of him that he was a strong partisan. This is only to praise him. The man who is not a partisan is without convictions, or if he has convictions he is false to them. That he was a bigot I deny. He was simply and sublimely true. He knew not how to prevaricate or apostatize or "keep the word of promise to our ear, and break it to our hope." In disaster and exigency, amid defection and demoralization he became the front because he was always in the advance, and, wherever others might go, he never fell back. Nobody and nothing dismayed him. He was like a living rock on the eternal battle line between right and wrong. There he stood "fixed like a tower" for support in onset, for shelter and for rally in repulse and despair.

He was not more ultra than others, but he was more steadfast and courageously true to his cause. He only went with them to the full length of their common belief and professions—but there he staid. His action was not that of mercury in long-tubed thermometers, ris-

ing and falling with the weather of expediency, but he found the line where he belonged and he fought it out there—not only if it took all summer, but all winter and all time.

And so it was that he expired in the hour of his greatest usefulness, while he was once more rallying the host and the most vital political truths, as he understood them and as the fathers of the Republic understood them, were echoing from his lips on the midnight air of the Queen City by the lakes. And still

Their echoes roll from soul to soul
And grow forever and forever.

His career is a rare illustration of the excellence of our institutions. It is full of hope to every struggling, brave-hearted youth who feels conscious of noble purpose and inherent power.

ZACHARIAH CHANDLER was a patriot, a statesman, and an honest man. He was of God's noblest work. In such case

'Tis not so difficult to die.

Mr. CAMERON, of Pennsylvania. Mr. President, I desire to add my tribute to one who for a much longer time than the majority of Senators was a member of this body. ZACHARIAH CHANDLER was four times chosen by his adopted State to represent her in the Senate. Few have been honored so frequently. This alone would be sufficient to say of him in pronouncing his eulogy, for no man need desire higher praise than to have said of him that he spent one-third of his entire life in faithful public service. That such service was rendered by Mr. CHANDLER we all know. That he was appreciated by his people, none can deny who witnessed the evidences of sadness that were portrayed upon the countenances of thousands of his constituents as the last sad rites were being paid to his memory. In all that has been said here of his patriotism nothing has been uttered that ought not to have been, for nothing more can be said of him than he deserved. Michigan has lost a brave, faithful, honest representative, and her people may well mourn.

I did not expect to do so, nor can I add one word to that which has been spoken that would be worthy of him. I merely desired to place my words, crude and simple as they are, alongside of those more worthy and appropriate addresses which have been placed upon the records of the Senate in memory of one with whom I served both in the Cabinet and in the Senate, and who in all the relations of life, both public and private, was my friend.

Mr. BALDWIN. Mr. President, it is with feelings of painful sensibility that I add my tribute to what has already been uttered, and these are deeply intensified when I recall the unbroken friendship which for more than forty years existed between the late Senator CHANDLER and myself.

Born and reared amid the hills of a New England State that has given to the country many distinguished statesmen, his character largely partook of the spot of his nativity.

His educational advantages were confined to the studies of the common school and the country academy of those days. The wise and efficient use he made of them is abundantly demonstrated in the honorable record of his life.

While yet a youth, stimulated by a laudable ambition, he sought a wider, a more promising sphere than the circumscribed boundaries of his home afforded. The expanding West, with its great possibilities, beckoned him to its inviting fields. Bidding adieu to the home of his childhood he removed to Detroit, then but little more than a military post on the frontier of civilized life. Before attaining his majority he established a mercantile business, carrying into his daily life those habits of industry and frugality which he had been taught and which were illustrated in all his subsequent career.

He had started in life with the unwavering determination to make no compromise of principle. In this he was as firm as the granite hills of his native State. Success was his motto; but it must be attained through industry and integrity alone. From this purpose he never swerved, and during a business life of many years, marked by the vicissitudes which are inseparable from commercial pursuits, his reputation was spotless.

Under the principles which Mr. CHANDLER brought to his daily avocations he reaped his reward, not alone in abundant wealth, but in the well-earned confidence which the people of Michigan placed in his high capability and character.

Coupled with an earnest devotion to the demands of a business steadily enlarging, he took a deep interest in the political and other questions of the day. From his boyhood he had displayed that quickness of comprehension and sterling common sense, that intuitive knowledge of men and things, which were of so great service to him in those after years when, called from the pursuits of a mercantile life, he was invested with duties and responsibilities grave and national in their character.

At an early day, and at a time when the political party with which he was identified was in a minority, he had been chosen mayor of Detroit. In this his first official position he displayed executive abilities and those qualifications needful in the exalted stations he afterward so ably filled.

Nominated in 1852 as the candidate of the whig party for governor, he made his first appearance as a political speaker in a vigorous canvass of the State, but failed of an election.

An anti-slavery whig from principle, opposed to oppression in every form, he took a prominent and efficient part in the organization of the republican party in 1854, devoting the best energies of his after life in promoting its success.

In 1857 he was chosen by the Legislature to represent Michigan in this body. His immediate predecessor was that distinguished Senator, Cabinet minister, diplomat, and scholar, General Lewis Cass. Called as Mr. CHANDLER was from an active commercial life without previous training, to take the place of this eminent man, whose long life had been spent in the public service, there were those who doubted his success, but those doubts were speedily dispelled. In the Senate Chamber, as in every station he was called upon to fill, he never failed to prove himself equal to the duties which devolved upon him.

It is not needful for me to speak particularly of his career in the Senate, of the conspicuous position he occupied, and the influence he exerted in this body. That has already been done by his associates who so well knew and appreciated the excellence of his judgment and the earnestness with which his duties were discharged. But I may say that the eighteen years of his continuous service was the most eventful period in the history of the country. The stability of the Constitution and the very existence of the Government were put to their severest test. An irrepressible conflict existed in the national Legislature and throughout the land; the sovereignty of the Union was threatened. During the dark years of civil war which followed, the unceasing earnestness with which all his powers were devoted to sustain the administration in its efforts for the preservation of the Republic are too well known, too deeply engraved in the hearts of the people, to need more than a passing notice. In all these hours of gloom and sorrow, in all the vicissitudes of victory and defeat, in all the demands that were made on the blood, the treasure, and the patriotism of the people, he never faltered in his convictions of duty, or of the triumph of the flag, and the full restoration of the power and unity of the Government.

There is one thing in the senatorial career of Mr. CHANDLER to which *I* may refer. While he was identified with all the leading measures of Congress, he was untiring in his devotion to the interests of Michigan and the great Northwest. His promptness in aiding the citizens of his State without distinction of creed or party was proverbial. His zeal and fidelity in this particular were as broad as the Commonwealth that had so gladly honored him. It was this which added so largely to his popularity at home; and his warmest friends were found alike in all parties.

Called by President Grant to the Secretaryship of the Interior, he assumed the duties of this perplexing bureau, displaying a tact, an energy, and an executive ability that surprised even those who knew him best. With clear head and stout heart, prevailing evils were stamped out with unfaltering courage. With an unswerving purpose he brought order out of confusion, infusing new life into the various branches of the Department, and clearly demonstrated that the public service can be successfully accomplished by bringing to its aid unflinching integrity and vigorous common sense.

At the close of the administration of President Grant, Mr. CHANDLER returned to his home and to private life. Popular fallacies upon the subject of the currency had been widely disseminated; Michigan was not exempt from the contagion. These were to be met with argument and the delusions dispelled. It was then that he relinquished his plans for recreation and an anticipated foreign trip, and again buckling on his armor, with his accustomed energy, he led the van in a decisive and victorious battle for honest money.

There are but few leaders of men; Mr. CHANDLER was clearly one of the few. For more than a quarter of a century he had been a faithful servant of the people. In 1878 he was again returned to the Senate, and he brought with him the same unceasing devotion to his State and his country that had ever characterized his public life. His voice again heard in the Senate Chamber had no uncertain sound, and was echoed to the ends of the land.

During the autumnal months of the year which has just closed, Mr. CHANDLER was almost constantly occupied in addressing large assemblies of the people, in various sections of the country, on the political topics of the day. In arousing and retaining the interest of an audience, few men possess his magnetic power. In these, his later efforts, he seemed to display new energy and power, achieving a remarkable reputation as a most effective public speaker. His fame and his popularity were at their zenith. Had his life been spared, it is more than probable that the representatives from the State he had so long and so faithfully served would, with one voice have presented his name as their first choice for the most exalted position in the gift of the people.

On the evening of the last day of October he addressed the people of Chicago. And never had he spoken more acceptably. Making his arrangements to return to his home the next day, he retired to his room, and, after pleasant converse with friends, at the midnight hour he lay down to rest. It was that peaceful rest which shall remain unbroken until the archangel's trump shall be heard at the great day.

I need not speak particularly of Mr. CHANDLER'S domestic life, or of his warm attachment to those who made up his home circle. We have to speak of him as a friend, a citizen, a public man. Strong in his convictions, stalwart in his opinions, and fearless in their avowal, there was no bitterness in his nature: all his tendencies were to the genial side of life.

Friend of my youth, companion of my manhood and of my maturer years, farewell! Strong in the defense of right, true in friendship, and unsullied in integrity, may we who yet linger be imitators of those traits which ennobled your life and have engraved your name upon the imperishable pages of your country's history.

Mr. President, I move the adoption of the pending resolutions.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were agreed to unanimously; and (at two o'clock and forty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 28, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

WALTER D. PLOWDEN.

Mr. BRAGG. Mr. Speaker, I find by the RECORD that during my absence from the city, on motion of Mr. DE LA MATYR, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the case of Walter D. Plowden, there being no adverse report thereon. I desire to state that the committee have investigated these papers, and are now ready to make a report in the case. I therefore ask unanimous consent that the former order of the House be vacated.

The SPEAKER. The truth is, in many cases of this sort where papers are withdrawn the Chair does not inquire into the motive; but the effect of the withdrawal is to prevent a report on the case. The rule requires that the consent of the committee having charge of the matter should be obtained before the papers are withdrawn, but by unanimous consent the rule is vacated. The Chair thinks that the new rules will remedy this abuse.

The Chair revokes as far as he can with the consent of the House the order for the withdrawal of these papers, for the reason stated by the gentleman from Wisconsin that the committee are now ready to report on the case, and if the papers are withdrawn, of course it deprives the committee of that power.

SAN ANTONIO AND MEXICAN BORDER RAILROAD COMPANY.

Mr. SHELLEY, by unanimous consent, from the Committee on Railways and Canals, reported back, with amendments, the bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo, for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican border; and moved that the bill and amendments be printed, and recommitted to the Cmmittee on Railways and Canals, not to be brought back on a motion to reconsider.

The motion was agreed to.

EDGAR HUSON.

Mr. WARD, by unanimous consent, from the Committee on Patents, reported back, with a favorable recommendation, the bill (H. R. No. 182) for the relief of Edgar Huson, and moved that it be recommitted to the Committee on Patents, not to be brought back on a motion to reconsider, and that the accompanying report be printed.

The motion was agreed to.

SETTLERS ON PUBLIC LANDS.

Mr. CARPENTER, by unanimous consent, introduced a bill (H. R. No. 3969) for the protection of settlers on the public lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ROBERT H. MILLER.

Mr. CARPENTER also, by unanimous consent, introduced a bill (H. R. No. 3970) granting a pension to Robert H. Miller, of Portlandville, county of Plymouth, State of Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DWIGHT O. BOOTH.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 3971) granting a pension to Dwight O. Booth, late private Second Michigan Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY HOFFMANN.

Mr. POEHLER, by unanimous consent, introduced a bill (H. R. No. 3972) for the relief of Henry Hoffman; which was read a first and second time, and referred to the Committee of Claims.

MICHAEL GRANERY AND OTHERS.

On motion of Mr. ROBERTSON, by unanimous consent, the bill (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

ADMISSION TO THE FLOOR.

Mr. RICHMOND. I ask unanimous consent that Hon. John W. Daniel and Hon. Mr. Ellis, of Virginia, members of the present Legislature of Virginia, be granted the privileges of the floor during this day.

There was no objection, and leave was granted accordingly.

SITE FOR UNITED STATES NAVAL OBSERVATORY.

Mr. MORSE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That a commission be appointed to select a site for a new Naval Observatory, the said site to possess the relative advantages of facility of access from the city of Washington, healthfulness, clearness of atmosphere, freedom from obstruction for the horizon, and freedom from objectionable vibrations from traffic or other causes, with ability to have sufficient water supply.

The commission shall consist of one member of the Senate Naval Committee, to be chosen by the President of the Senate, one member of the House Naval Committee, to be chosen by the Speaker of the House, and the Superintendent of the Naval Observatory.

SEC. 2. That the sum of $75,000, or as much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to purchase said site; but $5,000 of said sum is reserved for incidental expenses of selecting said site, and for detailed drawings, plans, and estimates for said new observatory. But no money shall be paid for said site until the Attorney-General shall have given a favorable opinion as to the sufficiency of the title of said selected site.

SEC. 3. That upon selection of a site for said observatory by said commission, they shall report their action to the President, who shall direct the Secretary of the Navy to make the purchase of such site, taking title thereto in the name of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

Mr. CONGER. I desire to offer an amendment. I ask the Clerk to read again that portion of the bill which states the questions to be considered by the commission.

The Clerk read as follows:

That a commission be appointed to select a site for a new Naval Observatory, the said site to possess the relative advantages of facility of access from the city of Washington, healthfulness, clearness of atmosphere, freedom from obstruction for the horizon, and freedom from objectionable vibrations from traffic or other causes, with ability to have sufficient water supply.

Mr. CONGER. I offer the following amendment to come in after the words "Naval Observatory:"

If practicable to be upon an even degree of longitude west of Greenwich, and.

The present observatory is not located on an even degree; and there are fractional calculations to be made in reducing all the observations for the United States to Greenwich longitude. I am informed that a very slight difference of location at some point around this city will bring the observatory exactly upon an even degree of longitude west of Greenwich, and it is very important that, if possible, that be done.

Mr. MORSE. I have no objection to that amendment.

Mr. WHITTHORNE. If I understand the gentleman from Michigan, his amendment is not compulsory. It leaves the matter, as I understand, within the discretion of the commission.

Mr. CONGER. I have inserted in the amendment the words "if practicable." I merely desire to call the attention of the commission to this matter.

Mr. WHITTHORNE. There can be no objection to the amendment.

The amendment was agreed to.

The bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS.

Mr. BREWER. I ask consent to submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Supervising Architect of the Treasury Department be, and he is hereby, directed to report to this House, with all convenient speed, the number of public buildings in process of construction and which have been commenced or completed under his direction within the last three years. Also,

First. The limited cost provided by law for each of such buildings, if any such limit was fixed;

Second. The actual cost of such buildings as have been completed, and the excess of the cost of each above the amount limited;

Third. The amount expended on such buildings as are in process of construction;

Fourth. The probable and estimated cost of completing such buildings as are in process of construction; and

Fifth. The reasons why such buildings have cost or will cost, if such be the fact, more than the amount limited or fixed by law.

The SPEAKER. What action does the gentleman ask upon the resolution which has been read?

Mr. BREWER. I ask that it be considered and adopted at this time.

Mr. YOUNG, of Tennessee. Let it be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. The committee under the rule will be required to report within one week, should the resolution be referred to it. Does the gentleman consent to that reference?

Mr. BREWER. I suppose I will have to let it go there.

The resolution was accordingly referred to the Committee on Public Buildings and Grounds.

TAX ON SMOKING-OPIUM.

Mr. DAVIS, of California, by unanimous consent, introduced a bill (H. R. No. 3973) to impose a tax on smoking-opium, &c.; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PROBATE COURT OF LAWRENCE COUNTY, DAKOTA.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 3974) supplemental to the provisions of sections 1866, 1867, 1868, and 1869, chapter 1, and section 1907, chapter 2, title 23, Revised Statutes of the United States, increasing the jurisdiction of the probate court of Lawrence County, Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER.

Mr. BENNETT also, by unanimous consent, introduced a joint resolution (H. R. No. 190) requiring the Secretary of War to cause a survey to be made by the Engineer Corps of the United States Army of the Missouri River, at Yankton, Territory of Dakota, with a view to its improvement; which was read a first and second time, and referred to the Committee on Commerce.

ALICE MACMAHON.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R. No. 3975) granting a pension to Alice MacMahon; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LOUIS W. DETRICH.

Mr. BELTZHOOVER, by unanimous consent, introduced a bill (H. R. No. 3976) to increase the pension of Louis W. Detrich; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY S. MORGAN.

Mr. DEERING, by unanimous consent, introduced a bill (H. R. No. 3977) granting a pension to Henry S. Morgan, of Fredericksburgh, Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

A. J. MOORE AND G. BRADLEY.

Mr. COWGILL, by unanimous consent, introduced a bill (H. R. No. 3978) for the relief of Andrew J. Moore and Griffin Bradley, late privates in Company I, One hundred and fifty-third Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

WILLIAM C. CUBBERLY.

Mr. COWGILL also, by unanimous consent, introduced a bill (H. R. No. 3979) for the relief of William C. Cubberly, late postmaster at Lagra, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DELLA BENNER.

Mr. YOUNG, of Tennessee. I ask unanimous consent to introduce and have considered at this time a bill authorizing the Secretary of the Interior to place upon the pension-roll the name of Della Benner, widow of the late Lieutenant Hiram H. Benner, Company C, Eighteenth Infantry.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill directs the Secretary of the Interior to have placed upon the pension-roll the name of Della Benner, widow of the late Hiram H. Benner, of Company C, Eighteenth Infantry.

There being no objection, the bill (H. R. No. 3980) was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. YOUNG, of Tennessee. I offer this bill for the purpose of providing in some measure for the care and support of a young wife, left in poverty and widowhood, and of two little children, left in dependent orphanage by the death of the husband and father, a tried and faithful soldier, who perished in the holy cause of suffering humanity. I urge its passage for the further purpose of placing on permanent, lasting record in the archives of its legislation a great nation's appreciation of a courage and heroism that has no precedent in all its annals and no parallel in all the history of noble deeds. I would thus pay a fitting tribute to the name and memory of a man whose grandeur of character and nobility of action mark him as a central figure among those whom history has made immortal for the benefactions they have conferred upon mankind.

The touching story of Lieutenant Benner's kindly sympathy with the sufferers from yellow fever during its recent fearful reign in the South, his bravery in going to their succor, and his sad yet heroic death while engaged in that generous service is fresh in the public mind and will not be forgotten while our country has a history.

It will be remembered how, in the darkest hour of the plague, when its daily victims were being numbered by hundreds and even thousands, the whole people of the North, moved by one common impulse of generous humanity, sought to devise some means by which their boundless donations of everything needful for the relief of the stricken victims could most safely and speedily reach them, that Alexander R. Shepherd, the able and indefatigable president of the National Relief Association, arranged for a relief-boat to descend the Mississippi River from Saint Louis, carrying provisions and medical stores to all the infected cities and towns below. The supplies and necessary transportation were quickly procured and forwarded to Saint Louis, but a proper officer was wanted to command the vessel upon the perilous voyage it was to undertake. Few men, however brave, would have sought such a position, or willingly encountered the fearful dangers it involved. The most fearless and determined might have shrunk from such a task without dishonor; but there was a man found equal to the occasion, and impelled by a chivalry that would have done honor to any hero of modern or ancient history, and a sense of duty to his fellow-men such as is only found in the most exalted natures and highest types of manhood, he promptly, without solicitation, volunteered for a service fraught with a hundred-fold greater danger than ever confronted a soldier upon the bloodiest field of battle. That man was Hiram H. Benner, a lieutenant in the Eighteenth United States Infantry, and then stationed on duty at Atlanta, Georgia.

His services having been accepted, and permission given by the proper military authorities, he parted from his comrades, his young wife and little children, and hurried to Saint Louis, reported to Governor Shepherd, and immediately embarked upon the voyage of succor and relief to others, but, alas! of death to himself.

Regardless of self, thoughtless of the fearful danger he was braving, he left a place of safety, and intent only upon the high mission which he had sought, bent his journey toward the region where desolation and death reigned supreme—where the merciless plague preyed unrestrained upon helpless, trembling victims. When he had traversed all the country smitten with the pestilence—when he had well-nigh finished the noble work with which he was charged; when about to turn his face again toward the North, a woman, without friends or protection, flying from the fever, sought refuge upon his vessel and kindness at his hands, and with that gentleness and chivalry which were a part of his nature, both were cheerfully accorded, and his own apartments were surrendered to her use. But, unconsciously, she was already a victim of the dreadful contagion, its deadly poison was already flowing in her veins, and from her it was soon communicated to her generous and unselfish benefactor. Undismayed, but conscious of his peril, he confronted it with the unfaltering courage of the true soldier that he was, and battled bravely against the shadowy monster that assailed him; but all his sturdy manhood was unable to shake off its icy grasp, and he calmly yielded up as noble a life, as gallant a spirit, as ever animated a human body.

Few men who have ever served their government have left behind them a more honorable record than Lieutenant Benner.

Born in Lancaster, Pennsylvania, and enlisting on the 24th of September, 1861, at the age of eighteen, as a private in Company E, Thirty-fourth Regiment Illinois Volunteers, the records of the War Department show that he encountered all the dangers, privations, and vicissitudes incident to military service during the war.

He was in the hospital in Nashville from June 24 to November 13, 1862, and was present with his company and participated in the battle of Shiloh, Tennessee, April 7, 1862; before Corinth, Mississippi, May 29, 1862; at Triune, Tennessee, December 27, 1862, and at Stone River, December 31, 1862. He was taken prisoner at the last-named battle, and was paroled at City Point, Virginia, January 20, 1863, and was sent to Camp Parole, at Annapolis, Maryland. In March, 1863, he was sent to Benton Barracks, Missouri. On June 9, 1862, rejoined his company, and was in the battle at Liberty Gap, Tennessee, June 24, 1862.

He was in the hospital at Nashville from October 10, 1863, to some time in 1864, being reported present on the rolls of his company in March and April, 1864. He was present with his company and fought gallantly at the battle at Rocky Face Ridge, Georgia, May 9, 1864; Resaca, Georgia, May 14, 1864; Rome, Georgia, May 17, 1864, and was again taken prisoner in an engagement near Dallas, Georgia, May 24, 1864, and was paroled at Charleston, South Carolina, December 11, 1864, and furloughed December 26, 1864, for thirty days, then to report at Camp Chase, Ohio, and was finally honorably mustered out of service at Springfield, Illinois, February 22, 1865, to date from February 8, 1865. He was commissioned and mustered in as captain Company F, Eighteenth Illinois Volunteers, March 25, 1865, to serve one year, and served with his company until honorably mustered out therewith, December 16, 1865, at Pine Bluff, Arkansas.

He was appointed second lieutenant in the Eighteenth Infantry June 20, 1867, and was promoted first lieutenant in that regiment May 1, 1875. His appointment in the regular Army was recommended for soldierly conduct and efficiency by Hon. E. B. Washburne, his Representative in Congress, Governor Oglesby, of Illinois, Lieutenant-Colonel Webber, commanding Eighteenth Illinois Volunteers, and by General U. S. Grant, the then General of the Army.

He joined his regiment in September, 1867, and served with it in

Dakota and Wyoming Territories to April, 1869, and in Georgia and South Carolina to September 29, 1878, when he started from his station at Atlanta, Georgia, to Saint Louis, to enter upon the service in which he lost his life.

Thus we find him following the banner under which he served through all the perils of the war, sickness, battles, and imprisonments—being twice in hospitals, twice a prisoner, and fighting safely through nine bloody battles.

A nobler or grander sacrifice was never laid upon the altar of humanity, a broader philanthropy and higher aim never guided human action, and a more heroic death never crowned a more honorable and unselfish life. Virtues and heroism such as Lieutenant Benner exhibited illustrated the highest traits of American character, and they should be cherished as priceless jewels in the American heart, and be recorded upon the brighest pages of American history. Such a life, such actions, and such a death as his exalts humanity and ennobles mankind. His name should live in the annals of his country as one of the most heroic of its citizens, and his memory be embalmed in the hearts of his countrymen as one of the noblest and most unselfish of its martyrs. A soldier, revering his Government, loving its flag, and following his conviction and duty, he fought gallantly against the people of the South in our unfortunate civil strife on many a hardly contested field, yet, when in the providence of God they were overwhelmed with a visitation that darkened their section with the shadow of death and filled their households with mourning, he came to their rescue as gallantly as he had met them in battle, and fought without fear a noiseless, invisible specter, more dangerous than any human enemy and more terrible than an army with banners. And in doing so he not only exhibited the generosity of his character and the nobility of his own nature, but he inculcated a lesson of charity and fraternity broad as our whole country, and that will, I trust, bear golden fruit to coming generations.

I would that the kindly fraternal feeling that sent him on his mission of mercy might continue to flow forever from the North to the South, like the ceaseless tide of the mighty river that bore him on his journey of death; and I would that every wind wafted to the North might be freighted with blessings and benedictions from the South. In the name of humanity and Christian charity I offer to the name and character of Lieutenant Benner the homage and reverence of the whole American people; to his stricken wife I tender the sympathy of every southern woman, and to his orphaned little ones the prayers and benedictions of every southern child.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. YOUNG, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOUNDARY BETWEEN NEW YORK AND VERMONT.

Mr. LAPHAM. I am instructed by the Committee on the Judiciary to report back with a favorable recommendation the bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States. As this is a bill entirely local in its nature, upon which it is important that action be taken at this time, I ask unanimous consent for its consideration.

There being no objection, the House proceeded to consider the bill; which was read, as follows:

Whereas the general assembly of the State of Vermont at its October session, A. D. 1876, passed an act which was approved on the 27th day of November of the same year, declaring that "all that portion of the town of Fair Haven, in the county of Rutland and State of Vermont, lying westerly from the middle of the deepest channel of Poultney River as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont as at present established, is hereby ceded and relinquished to the State of New York, in full and absolute right and jurisdiction." And also declaring "that this act shall not take effect until the State of New York shall have assented to the same, nor until the same shall have been approved by an act of the Congress of the United States;" and

Whereas "the people of the State of New York represented in senate and assembly" did, by act approved March 20, A. D. 1879, enact that "sovereignty and jurisdiction over all that portion of the town of Fair Haven, in the county of Rutland and State of Vermont, lying westerly from the middle of the deepest channel of Poultney River, as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont, as at present established," "and the same is described in an act of the Legislature of the State of Vermont entitled 'An act annexing that portion of the town of Fair Haven, lying west of Poultney River, to the State of New York,' and approved by the governor of the said State of Vermont November 27, A. D. 1876, and the cession of the same to the State of New York is hereby accepted by the State of New York;" and also enacting that "this act shall take effect when the Congress of the United States shall consent to such cession and annexation:" Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States is hereby given to the said agreement, compact, and cession, and every part and article thereof.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GIBBES & CO.

On motion of Mr. KNOTT, by unanimous consent, the bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary, not to be brought back on a motion to reconsider.

MONUMENT TO GENERAL HERKIMER.

Mr. McCOOK. Mr. Speaker, yesterday the House passed without a dissenting voice a bill introduced by the gentleman from Virginia [Mr. GOODE] appropriating $120,000 to carry into effect an act of Congress passed in 1781. I ask unanimous consent to have considered this morning a bill which has been approved by the Committee on Military Affairs, appropriating one-thirtieth of that amount to provide a statue to the memory of General Herkimer, who fought a decisive battle in the valley of the Mohawk in the year 1777. This bill is to give effect to a resolution of the Continental Congress.

The bill (H. R. No. 165) to consummate the resolution of the Continental Congress of October 4, 1777, and erect a monument to the memory of Brigadier-General Herkimer as herein directed, was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized, and he is hereby directed, to pay to the Oneida Historical Society, of Utica, New York, out of the Treasury, from any moneys not otherwise appropriated, the sum of $4,100, for the purpose and to be used by said society in carrying out and consummating the resolution of the Continental Congress of the United States of America, passed October 4, 1777, providing for the erection of a monument to the memory of Brigadier-General Herkimer, who commanded at the battle of Oriskany, and was there "killed fighting gallantly in defense of the liberties of these States."

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. McCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STONE. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twelve minutes before one o'clock. Reports from committees are in order; and the call rests with the Committee on the Post-Office and Post-Roads.

SALARIES OF CERTAIN POSTMASTERS.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported as a substitute for joint resolution No. 27 a bill (H. R. No. 3981) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

HARRISS & HODGE.

On motion of Mr. STONE, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. No. 3430) for the relief of Harriss & Hodge, and the same was referred to the Committee of Claims.

POSTAL ROUTES.

Mr. COOK, from the Committee on the Post-Office and Post-Roads, reported back, with an amendment, the bill (H. R. No. 3384) declaring all public roads postal routes.

The bill was read, as follows:

Be it enacted, &c., That all public roads and highways are hereby declared post-routes, and the Postmaster-General is hereby authorized to put postal service upon all such routes when the public necessity may require it.

The amendment of the committee was to strike out the following words:

And the Postmaster-General is hereby authorized to put postal service upon all such routes when the public necessity may require it.

Mr. COOK. I yield fifteen minutes to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, I would be glad to have the attention of the House for a short time while I state my impression as to the effect of this bill if it should become a law. It is as follows:

Be it enacted, &c., That all public roads and highways are hereby declared post-routes.

The constitutional provision is "the Congress shall have power" "to establish post-offices and post-roads." Under this provision Congress may establish a post-road anywhere within the limits of the United States, and once established it remains a post-road until the same power which made it unmakes it. Heretofore it has been the practice of Congress to establish the termini of a post-route, and by general enactment, section 3972, Revised Statutes, it is provided "when there is more than one road between places designated by law for a post-road, the Postmaster-General may direct which shall be considered the post-road." Ordinarily the State authorities establish a public highway, and especially in the new States. It frequently becomes necessary to vacate, change, and relocate roads; and no doubt, in view of that fact, Congress has heretofore established the termini of post-routes only and, by section 3972 of Revised Statutes, just read, given the Postmaster-General from time to time the power

to choose different roads between the termini, so as to better accommodate both the United States and the people of the States by changing the road actually traveled as the convenience of all concerned may require.

Now, this bill makes all public roads and highways post-routes. That is all right so far as the United States is concerned, but would work a hardship to the people of the States if enacted into law. All existing public roads at once are established as post-routes, and it is not in the power of any State, county, or township authorities to vacate or change a post-route established by Congress.

Mr. DIBRELL. Do you hold that counties have no authority to change a road which has been made a post-route?

Mr. CANNON, of Illinois. No, sir.

Mr. DIBRELL. That is your argument now.

Mr. CANNON, of Illinois. Not at all, sir The gentleman has listened to me to little purpose, or I have failed to make myself understood in the statement of a prior proposition, that heretofore Congress has been careful in the exercise of this power to avoid this very difficulty by establishing post-routes from one post-office to another, for instance, from Memphis to Little Rock. It has been very careful to give the Postmaster-General power from time to time to choose the route upon which the mail shall be carried, and when it is carried on a route that route becomes a post-route, and when the mail ceases to be carried on that route it remains no longer a post-route. But that is not this proposition, I beg the gentleman from Tennessee to observe. This bill proposes to make every public highway, no matter where it is, in the United States a post-route, and I call the attention of the House to the fact that no roads, canals, or rivers (with the exception of railroads) ever have been established as post-routes except *for the time during which the mails are carried upon them.* For example, section 3964 of the Revised Statutes is as follows:

The following are established post-roads:
All the waters of the United States, *during the time the mail is carried thereon.*
All canals, *during the time the mail is carried thereon.*
All plank-roads *during the time the mail is carried thereon.*

I am satisfied, Mr. Speaker, this bill ought to be taken out of the morning hour and set for some day for consideration, or referred to the Committee of the Whole, so that full opportunity may be given for discussion and amendment.

So much, Mr. Speaker, for the necessity of amending the bill in event it is to pass, and now I want to speak of the policy of the proposed legislation. I do not believe it is wise to make all public roads and highways post-routes. We now have the service on 215,000 miles of post-routes at a cost of nearly $7,000,000 per annum for transportation alone; in the main it is an excellent service, but subject no doubt to some abuses, but here is a proposition to enable the Postmaster-General in the exercise of his discretion to put the service on any of the three or four million of miles of roads in the United States. There would be no objection to this power if the service is not put on routes where it is unnecessary; or in other words, if the Postmaster-General is not influenced by false information, favoritism, or the pertinacity of those wielding political influence, or those who have the granting of the money to pay for the service, to put the service on routes where it is not in fact required for the benefit of the public.

The ordinary common carriers of the country do business for the revenues they can derive therefrom, and the question with them is, will the proposed service pay? But the Post-Office Department, spending in round numbers $40,000,000 per annum, is a machine of the Government and is conducted not only for the revenues it will yield, but for the accommodation of the whole people, and within certain limits for the development of the country. In the very nature of things, guard the necessary discretion of the executive officers as you will, and in many instances, from the want of knowledge or from the persistence of those desiring service, this discretion will be unwisely exercised in the future as I have no doubt in many instances it has been in the past. Hence, I think this enlargement of the power and discretion of the Postmaster-General by the wholesale is not wise. It no doubt will be replied that post-routes are now established from year to year upon the request of Members and Senators by their insertion in "post-route bills." This is true, yet I have no doubt the mere necessity of establishing these routes from year to year by law keeps much useless or extravagant service from being established.

To show the impolicy of the proposed extension of the discretion of the Postmaster-General I will refer to a single circumstance. At the last session of Congress after the estimates had been made by the Department and the money appropriated by Congress for the postal service, two thousand new post-routes were established, and very soon after the 1st of July service was put upon thirteen hundred of these new routes. The Second Assistant Postmaster-General, who exercises the discretion as to the necessity for service on all these routes, upon being asked about it a few days ago, said in referring to this new service: "We put an immense amount of service on. Everybody"—referring to members of Congress—"who came up to the bureau and said that service ought to be put on, had it put on for him. I presume the gentlemen knew what they needed."

Now, I do not say that this service was unnecessary in whole or part, but I do say that if the service is to be put on all routes in the future merely upon the request of gentlemen, whether they be members of Congress or not, that with this bill enacted into law the service will go upon routes with greater facility than routes are now established by our ordinary post-route bills. I am not seeking to lecture members or upbraid myself for service that may have been put on upon my request in my district, but my observation teaches me that members of Congress generally ask not only for mail service, but for almost anything else that is requested by persons in their districts. We have to take things as we find them, and in view of all these matters I do not believe it is wise to further enlarge the discretion or power of the Postmaster-General in the premises.

Mr. COOK. I now yield for ten minutes to the gentleman from Michigan, [Mr. STONE.]

Mr. STONE. Mr. Chairman, the Committee on the Post-Office and Post-Roads, I think, has not been unmindful of that clause of the Constitution to which the gentleman from Illinois has referred, to wit: that Congress shall have power to establish post-routes. Now, the present question is this, if Congress has the power to establish post-routes, it seems to the Committee on the Post-Office and Post-Roads that Congress has the power to make all public highways post-roads. The same authority which gave the last session of this Congress power to establish two thousand post-routes, gives to this session power to say that every public highway in the United States shall be a post-route. Now, Mr. Speaker, there is nothing so very remarkable or new in this legislation. Already the rule for establishing post-routes has been largely extended. By section 3964 of the Revised Statutes the following are established as post-roads.

SEC. 3964. All the waters of the United States, during the time the mail is carried thereon.
All railroads or parts of railroads which are now or hereafter may be in operation.
All canals, during the time the mail is carried thereon.
All plank-roads during the time the mail is carried thereon.
The road on which the mail is carried to supply any court-house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.
All letter-carrier routes established in any city or town for the collection and delivery of mail matters.

Now, as is well known here, a great part of the time of the members of the Committee on the Post-Office and Post-Roads and of the members of this House is taken up in this routine duty in reference to the work of preparing and reporting a bill for the establishment of post-routes, a bill containing not one word of general legislation, but from one to four thousand post-routes. In the first session of this Congress two thousand of these routes were established and service placed upon thirteen hundred of them.

It is well known to be a fact that the establishment of a post-route does not provide for the expenditure of one dollar of the public money. Discretion still rests with the Postmaster-General to establish service upon the route or not.

Section 3965 provides:

The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper.

The present bill if enacted into a law will not in any way change or affect this statute. It will still be at the discretion of the Postmaster-General to say whether service shall be placed upon the routes or not.

Now, it seems to me that there can be no force in the point made by the gentleman from Illinois, [Mr. CANNON,] that the city or township officers will not have power to change or alter the highways if they are all declared to be post-routes. The statutes virtually provide that these officers have now the power to change a given highway which is a post-route. It seems to me if this is true the same power will be in the officer to change and alter highways if all the public roads are declared to be post-routes. Now, as to the general policy is there any objection or would the gentleman from Illinois urge any objection to the General Government having jurisdiction and extending its power over all of the highways in this country for the purpose of postal routes, and extending the facilities of the Post-Office Department in creating new post-offices? What is the practice? At present if a request is made upon my friend to have a post-office established in a given township in his district it becomes necessary for him, and it is the uniform practice, to inform his constituents that the given town is not on any established post-route, and there must be a bill introduced to establish the post-route.

He is requested to do this. As a matter of practice, I suppose, he always does it. I suppose all members introduce these bills as formal matters. I know our committee-room is crowded with petitions of this kind and with requests of this nature. The bill is reported; if there be no opposition it passes. That is then a post-route, but not a dollar of public money will be expended unless the Postmaster-General sees fit to expend money on the road in the postal service.

Now, if this bill becomes a law all this will be done away with. We will go at once to the Postmaster-General and request service to be placed between a given post-office and another post-office to be named. Instead of requiring legislation to establish the post-route, he will direct his attention to the question whether the public interest requires this postal service to be placed upon this road. It seems to me that this is in the interest of extending the star service in this country. There is no difficulty in supplying the mails upon railroads and highways leading to country towns; but there is much difficulty and hinderance and embarrassment even in establishing

mail facilities into the newer regions of the country West and South, that portion of the country which is being developed; and it seems to the Committee on the Post-Office and Post-Roads that it is in the interest of the general public to provide that all highways may be established as post-roads, for the purpose of enabling the Postmaster-General to place this service upon them in his discretion.

I concede, and that is the strongest argument, if it is one that can be made against this bill, although it seems to me that it cannot be urged with any force, that to a certain degree it may extend the discretion of the Postmaster-General. In other words, he is not obliged to await the formal action of Congress in the establishment of a post-route. Nothing more than this, it seems to me, can be said against the bill.

Mr. COOK. I yield fifteen minutes to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. I regret that a measure which I deem of so much importance to the people of this country should not have been presented to this House at a time when the discussion of it could be ample, so that the House might have that information upon it which is necessary in order that it may act wisely. Gentlemen have seen fit in the discussion of this matter up to this time, in this House and outside of it, to treat it from a theoretical point of view as to what is the operation of the postal laws in the eye of a lawyer; but they have failed thus far to discuss it from that practical stand-point which is obtained from observing the administration of this service for years past. In the brief time allotted to me I trust I may be able to present something for the consideration of the House in this matter.

The gentleman who has just taken his seat has rightly stated that the railways of the country were made post-roads, that the steamboats of the country were made post-roads, and that plank-roads in certain contingencies were made post-roads. That is true with this limitation: while they are post-roads, they are limited by the appropriations made for this service. There is safety in this system; because when you undertake to pay a railroad company there is no cheat about it; you pay according to the weight of the mails. So likewise in reference to the steamboat service. There are certain sums appropriated, and the service is limited by the appropriations made. The gradual abandonment of the steamboat service for years past makes it of the less importance.

But when you come to the star service, the case is different. You do not there pay for the service as you get it. You are paying, for instance, for a route from Vinita, Indian Territory, to Las Vegas, New Mexico, at a rate commencing at $6,000 and running up to $150,000; and you do not know, and the Postmaster-General at this hour cannot tell you, and has not been able to furnish the Committee on Appropriations even the number of post-offices on the road, and he cannot tell us the receipts of a single office. This is the wild method in which the public moneys are expended. But because some gentlemen may see fit in the interest of the public Treasury to raise a protest against it, another sees fit to thrust himself forward and announce to the American people that he regrets that the railroads and steamboats and the large contractors are having their way, and that the people's service is to be stricken down.

I say, therefore, Mr. Speaker, while the question as to railroads and steamboats may be a proper object for discretion, yet when you come to the star routes in which the revenues do not begin to approach the expenditures there is safety in keeping this matter in our own power.

But, sir, gentlemen have seen fit further to tell you that the Postmaster-General now has the power to put the service wherever he pleases, whether there is a post-route or not. This I deny. The statutes provide that between points where there are post-offices he may put on temporary service, and when Congress assembles he shall notify Congress of his action. He is restrained, therefore, by that provision of the law. What is the proposition now? It is to make every highway of this country a post-road. Gentlemen tell you there is no danger in this; that it is a mere matter of discretion; that the Postmaster-General may put the service on or not, and that he is still held in check by the appropriations. Let us, as I said at the outset, discuss the matter as practical men and in the interest of the people of this country who have to bear these burdens. Why, sir, we are told that the Postmaster-General has been going on increasing the star service at a rate which if kept up will bring about a deficiency of $2,000,000, but that as regards that service he has acted inside of the law. We are told that the way he gets inside of the law is by striking down the service necessary for the interests of the country. We are told that having made enormous increases on certain routes in the Territories, by striking down the star service in the States and Territories, to use his own language, by a Cæsarian operation, he gets inside of the law.

According to the construction of that Department, as at present administered, the Postmaster-General may put postal service on every highway to an extent that will use up all the appropriations for that service within thirty days, and keep inside the law. And yet gentlemen tell us that he is restrained by the appropriations.

There is one other thing I desire to state. I must be brief in what I say. Let us see how this matter has been accomplished. We have been told heretofore that while this has been done, it has been done in the interest of the South, where the service has been increased. We are now told outside that the object is to build up the service. Members of Congress go to the Department and ask to have service put on certain routes, and they are told they cannot get it, but will have to wait until Congress shall pass a post-route bill.

Now, while gentlemen may not regard it as strictly within the line of legitimate discussion of this bill, I desire to call the attention of members to the fact that under this grandiloquent effort to build up the service in the South we have a threatened deficiency of $2,000,000.

What has been the increase in the Southern States? By reference to the authorities I find that in the State of Delaware there has been an increased expenditure of $243; in the State of West Virginia there has been an increased expenditure of a little over $2,000; in Maryland, $2,671; Virginia, $4,421; North Carolina, $1,948; South Carolina, $3,421; Georgia, $12,650. That is about the rate of increase—less than $100,000—for all the Southern States except Texas. Yet southern men here are asked to vote away the people's money by the million in order that they may have $4,000 or $5,000 additional postal service for their States.

I desire to call attention to this fact and to beg my friends here to call a halt in regard to this subject until we shall have an opportunity to present to this House the facts connected with the administration of the Department.

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. KENNA.) The time of the gentleman has expired.

Mr. BLOUNT. I desire a moment or two more.

Mr. COOK. I will yield to the gentleman for two minutes more.

Mr. BLOUNT. I have alluded to this fact simply for the purpose of showing that the Department has gone on increasing this service beyond what Congress ever intended it should be, and the only limit we now have is in regard to the matter of establishing post-routes. Under the provisions of this bill it is proposed to open up the whole subject throughout the whole country, and not require the Postmaster-General to report to Congress, but leave him to go on doing as he has done, ignoring the action of previous Congresses and coming to this one and saying: "I knew that laws were passed to restrain me, but I have ignored the action of your dignified body of 293 members, relying on my efforts hereafter to get another Congress to sustain me in my illegal transactions."

If we pass this bill you will simply multiply the opportunities for this sort of thing. I beg this House not in this way and at this time to increase the number of post-routes. Let us at least postpone the subject until we can have ample time for its discussion.

Mr. COOK. I now yield five minutes to the gentleman from Mississippi, [Mr. MONEY,] the chairman of the Committee on the Post-Office and Post-Roads.

Mr. MONEY. This bill which my friend from Georgia [Mr. BLOUNT] calls a grandiloquent bill has just one line in it. It is the shortest bill that was ever introduced into this House. It provides "that all public roads and highways are hereby declared post-roads." That is all there is in the bill.

The speech of the gentleman from Georgia is clear outside of the question; it has nothing whatever to do with it. He has been discussing the methods of administration by the Post-Office Department, and he has read certain figures to show the improper expenditure of the public money of that Department.

Now this bill is intended to relieve this House from the labor of yearly preparing and passing bills to establish new post-roads, and from the expense of printing such bills. That is all there is in it. There is nothing connected with this bill to give the Postmaster-General any chance whatever to increase the expenditure for this service. It leaves that matter just as it is to-day. There is no increase of power whatever given him, nor is there anything in the bill giving power upon the subject.

It simply is a provision that the bills heretofore introduced and passed as matters of form, without debate, without discussion, without any examination whatever by the members of the House generally, shall be passed at once in this comprehensive way simply to avoid trouble.

I can appreciate the effort of some gentlemen to defeat this bill, because they may be anxious to identify themselves with every little matter connected with their district. They do not want anything done here for the benefit of their district unless they can have their own sign-manual impressed upon it. They desire to be able to tell their people that whatever they have comes through them directly and in no other way.

The general discussion upon this bill by the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Illinois [Mr. CANNON] does not touch the real object of the bill. We know to-day that there are hundreds and thousands of post-routes which have been established by law upon which there is no postal service and never will be. We know that there are thousands and thousands of miles of navigable rivers upon which there is no postal service whatever, and perhaps never will be.

This bill does not give any new opening for fraud or increase of expenditures on the part of the executive department; none whatever. The bill is as plain and simple as can be; its purpose is simply what I have stated. Gentlemen may say what they please about the manner of administering the laws on this subject; let them go on.

I listen to them with pleasure; I might possibly indorse what is said on this particular point, but it is entirely inappropriate to this discussion. The effort seems to be to confuse the mind of Congress

and log-roll this question with other things which have no connection with the bill and can have none.

Mr. Chairman, I hope the House will pass this bill. It comes here with the unanimons recommendation of the committee over which I have the honor to preside, and it contains nothing whatever to justify the apprehensions which gentlemen have expressed.

Mr. DUNNELL. Before the gentleman takes his seat, I would like to ask him a question. Who is to determine whether a given piece of road is a public highway or not?

Mr. MONEY. I suppose that any road which is under the care of a county or a State for the purpose of being kept up for the convenience of travel is a public highway or a public road.

Mr. DUNNELL. Well, sir, a great many roads in the West have been made by combination among the people for their own convenience; they have no legal existence at all. Under the operation of the present laws for the creation of post-roads we may have the mail carried over these unauthorized highways; but under this bill the question may be raised in the Post-Office Department whether a road between A and B is or is not a public highway; and if that question be raised, shall we be under the necessity of establishing that road as a public highway according to law?

Mr. MONEY. This bill will not in such a case give rise to any difficulty that does not arise under the present law. If it be necessary, such a road can be declared a post-road just as has been done heretofore. We now pass laws every year establishing post-roads, and under these laws the Postmaster-General acts. If this bill be passed, he can still act under such laws.

[Here the hammer fell.]

Mr. COOK. I yield two minutes of my time to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. Mr. Speaker, the number of post-roads made every year in our post-route bills is almost countless. Upon the request of any member of this House and, for aught I know, of any outsider, any route which seems to be necessary is inserted in the bill as a post-road. There has never been any complaint in regard to this practice. Now I have found in my experience (and I presume that the experience of other members is the same) that where post-roads established by law may run for a long distance parallel to each other, the introduction of a railroad in the vicinity has necessitated the establishment of new post-roads, crossing routes already established, and which were formerly sufficient. This occurs almost every day in the newer portions of our Western States. I have had five cases of this kind presented to me this very winter. I have been compelled to come and ask the committee to authorize new post-roads between points where post-roads are already established, but in different directions and in a roundabout way.

The passage of this bill will enable the Post-Office Department to shorten routes all over the country, to dispense with many routes already established, thus economizing expenditures and at the same time satisfying better the wants of the people.

Mr. BLOUNT. Will the gentleman allow me——

Mr. CONGER. I am allowed but two minutes. The gentleman may talk afterward.

The SPEAKER *pro tempore*. The two minutes of the gentleman from Michigan have expired.

Mr. BLOUNT. I beg pardon of the gentleman for occupying a second or two of his time.

Mr. CONGER. I am sorry that the gentleman, after having spoken half an hour, should have captured the last half minute of my two minutes.

Mr. COOK. I yield two minutes to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. Mr. Speaker, unfortunately I have been obliged to be absent from the House during the greater part of this discussion, and possibly what I wish to say has been said more forcibly by others.

Under the ordinary course of administration I might not apprehend danger from so wide a grant of postal routes as this bill proposes. But when I hear an Assistant Postmaster-General of the United States say that whenever new post-routes are created it is his right and his duty to put service upon them, notwithstanding the limitation of the amount appropriated by law, that because a number of post-roads have been established (and here every public road and highway in the country is made a post-road) he has the right, in advance of any appropriation by the law-making power, to exceed by millions the appropriations actually made—I hesitate to put any such power in the hands of the Post-Office Department as now administered. Where there is a bold and open defiance of law based upon the fact that post-roads have been established—when it is proclaimed that this matter rests upon the will or discretion of an Assistant Postmaster-General, I submit to the House whether it is wise for us to commit such a trust to a Department thus administrated. If such a bill as this be passed, I foresee that during the very next fiscal year, instead of there being used for the star service $5,500,000, the amount which Congress appropriated to be used during this year, we shall have ten or twelve million dollars used for this purpose under the arbitrary will of the Assistant Postmaster-General of the United States.

I am perfectly willing that Congress should judge of this condition of affairs for itself; but being cognizant of the facts I have stated, I have felt it my duty to give the House warning. If in the next fiscal year the expense of the star service increases from nearly $7,000,000, as it is now, to $14,000,000, the responsibility will lie with this House, not with me.

Mr. COOK. I will yield now for five minutes to the gentleman from Tennessee.

Mr. DIBRELL. Mr. Chairman, it seems to me that gentlemen who are opposing this bill are straining at a gnat and attempting to swallow a camel. Every mail-route which has been established and of which they are complaining has been established by act of Congress, every one of them. It has been shown that at the last session of Congress there were established two thousand additional post-routes, and that on some thirteen hundred of them mail service has been put. If there has been any fraud perpetrated on the officials of the Government in this regard, that is no reason why we should not have this bill established making all roads and highways post-routes.

Now, every gentleman here knows you can go to the clerk of the Committee on the Post-Office and Post-Roads and have a post-route established from any one place to any other place, from this city to the moon even, and not a single member of this House would inquire about it, and the general post-route bill including it would come in and no member here would inquire where the routes began or where they ended. It has not been customary to do so, but the establishment of these routes has been taken for granted from year to year.

Now, sir, under the star-route service every steamboat in the United States is entitled to carry the mails. The Postmaster-General, under existing law, can put the service on every boat upon every river and every lake in the United States without any restriction whatsoever. Still these gentlemen opposing the pending bill say we should not put it upon all public roads and highways.

When these post-routes are established by act of Congress, the practice of the Post-Office Department is to send out inquiry to the postmaster at each end of the route as to whether the mail service is necessary or not. If the answer is made in the affirmative then mail service is put upon that route. They also send out inquiries to know how many families will be supplied by mail service upon a particular route, and other inquiries of a like character. Of course great discretion is given to the Postmaster-General in placing service upon post-routes, and it is only right that it should be so. The Post-Office Department does not pretend to put service on all routes established by Congress until after inquiry has been made whether it is for the good of the public service that the mails shall be placed upon any particular route. If the Government has been swindled in this respect, as has been alleged here upon this floor, we must recollect that the act establishing these post-routes was an act passed by Congress. In reference to every one of these post-routes it has been established by act of Congress, and mail service put on it only after proper inquiries instituted by the Post-Office Department. Now, whether the postmasters at each end recommended the establishment of each one of these post-routes or not, I do not know and do not care; but I do say that it is economy on the part of Congress to pass this bill making all our public roads and highways post-routes.

The gentleman from Illinois [Mr. CANNON] argued in substance that by establishing all our public roads and highways as post-routes the Government of the United States took control of them. That is mere nonsense. Every turnpike in the United States and all public ferries will charge those carrying public mails just like individuals, and they will have the right to charge them as individuals are charged. Therefore the argument made by the gentleman from Illinois is not at all applicable to this case. I hope the House will pass the bill.

Mr. COOK. Mr. Speaker, this is a very simple bill and ought to commend itself to the consideration of this House. Very much of the argument used in opposition to it has no reference to it at all. Whatever frauds have been practiced on the Post-Office Department, or whatever villainy has been perpetrated and practiced on the Treasury Department, or whatever villainy has been perpetrated in the Post-Office Department has been done under laws creating specific mail-routes and does not apply to this proposition at all.

As to the constitutional objection urged by the gentleman from Illinois [Mr. CANNON] that Congress alone has power to establish post-routes, let me refer to an act for which he voted:

SEC. 3964. The following are established post-routes:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time mail is carried thereon.

All plank-roads during the time the mail is carried thereon.

The road on which the mail is carried to supply any court-house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters.

In 1872 the gentleman was here and, I presume, voted for that law.

I wish to say furthermore whatever fraud or wrong or villainy has been discovered, it has been long known and was discussed by the chairman of this committee years ago, as having been perpetrated under laws creating special post-routes.

I wish to say another thing. At the last session of Congress, over two thousand mail-routes upon which star service was to be placed were established by law, and the Postmaster-General so far has ordered service on about thirteen hundred of them. Some in my district are still without service. There is scarcely a district that is not without service. We have five hundred petitions to establish

new post-routes, and when we report a bill in favor of them, I apprehend, as has been the custom heretofore, no man will rise to object to its passage, nor can any objection be raised to it.

This does not increase the power of the Postmaster-General or give him any facility for the perpetration of fraud, should he wish to practice any, which does not already exist by law.

The great expenditure and great extravagance of the Post-Office Department have been in the free mail delivery and large railroad contracts. The city banker, sitting in his office, can have his mail delivered to him twice a day. The rich man, in his gown and slippers, too lazy to walk two hundred yards in the snow to the post-office for his mail, has it delivered to him at his door twice a day; while the poor man living out in the country far in the interior, in the mountain recesses or valleys, ten, fifteen, or twenty miles from a post-office, has to get his mail in the best way he can through his neighbors or otherwise.

The extension of railroads through this country has changed the public highways to a great extent. I know of a dozen or more little post-offices established at cross-roads and stores which have been removed to the railroads.

I now demand the previous question upon the bill and amendments.

Mr. CANNON, of Illinois. I desire to ask a question——

Mr. COOK. I decline to yield. I demand the previous question.

Mr. CANNON, of Illinois. I only wish to ask the gentleman if it is proposed to apply this to public highways to be hereafter made?

Mr. COOK. Yes, it is.

Mr. CANNON, of Illinois. Then I wish to call the gentleman's attention to the statute touching railroads, which says, "all railroads or parts of railroads which are now or hereafter may be in operation."

Mr. COOK. I call for the previous question upon the bill and amendments.

Mr. TUCKER. I hope the gentleman from Georgia will allow me to offer an amendment to which I think there will be no objection.

Mr. COOK. I am not authorized by the committee to do otherwise than to demand the previous question upon the bill.

Mr. CANNON, of Illinois. Then I move that the bill be recommitted.

The SPEAKER. The Chair would state that the motion of the gentleman from Illinois is not in order pending the demand for the previous question.

Mr. CANNON, of Illinois. I think that the bill ought to be recommitted for amendment.

The question recurred upon ordering the previous question.

The House divided; and there were—ayes 71, noes 50.

Mr. CLYMER demanded tellers.

Tellers were ordered; and Mr. COOK and Mr. CANNON of Illinois, were appointed.

The House again divided; and the tellers reported—ayes 83, noes 44.

Mr. CLYMER. No quorum has voted.

Mr. BLACKBURN. I make the point of order that the morning hour has expired?

The SPEAKER. The Chair sustains the point of order. The morning hour has expired.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union, to proceed to the consideration of the report from the Committee on Rules.

Mr. SPRINGER. I ask the gentleman to yield to me for the purpose of presenting a resolution in reference to printing some reports in contested-election cases.

Mr. BLACKBURN. I yield for that purpose.

PRINTING OF REPORTS—CONTESTED-ELECTION CASES.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee of Elections be authorized to cause the reports of sub-committees of that committee in reference to contested-election cases pending before them to be printed for the use of the committee.

REVISION OF THE RULES.

Mr. ROBINSON. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Kentucky that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, and proceeded to the consideration of the report of the Committee on Rules, Mr. CARLISLE in the chair.

The Clerk read as follows:

RULE VIII.

1. Every member shall be present within the hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. BLACKBURN. I stated on yesterday afternoon that I had an amendment which I proposed to offer in my own right, and not by the authority of the Committee on Rules. After careful comparison between that and the one that is proposed to be offered by the gentleman from Virginia I have determined not to submit my amendment, but to yield for the present to him.

Mr. TUCKER. I move the following amendment to be marked No. 2 of Rule VIII.

The CHAIRMAN. We have not yet reached the second clause of that rule.

Mr. BLACKBURN. The gentleman, as I understand it, offers this clause to come immediately after No. 1 of Rule VIII and to be No. 2.

The Clerk read as follows:

Amend Rule VIII by inserting after clause 1 the following:

2. Whenever a quorum fails to vote on any question, and objection is made for that cause, there shall be a call of the House, and the yeas and nays on the pending question shall at the same time be ordered. The Clerk shall call the roll, and each member as he answers to his name, or is brought before the House under the proceedings of the call of the House, shall vote on the pending question. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted; and the pending question shall be decided as the majority of those voting shall appear.

Mr. TUCKER. The purpose of the amendment I propose is very obvious. It is to prevent that which we have very often seen in this House and which has occurred very often in preceding Congresses, and I offer the amendment without reference to its partisan influence in any direction, but it is to prevent the non-action of the House when a quorum is actually present.

Mr. SIMONTON. Let the amendment be again reported.

The amendment was again read.

Mr. TUCKER. A majority of the members of this House if present constitute a quorum to do business. The Constitution does not say that a majority voting shall constitute a quorum, but that a majority of the House shall constitute a quorum to do business; and the practice of the English Parliament, from which most of our rules upon this subject have been taken, is that whenever the House of Commons meets the speaker counts the members who are present and announces that a quorum is present if there is a sufficient number: so that the speaker of the House of Commons may, as the Speaker here, by ocular demonstration become satisfied that there is a quorum present. And the purpose of this amendment is not to make any member vote when he does not choose to vote, but to have a call of the House when a quorum is disclosed as not present upon a division on a pending question; and then, as each member's name is called and he answers to his name, he is noted as present. He may vote or not, as he pleases. If he does not answer to his name the Sergeant-at-Arms under the call is sent for him; if he is in the House he is brought to the bar, and by ocular demonstration is proved to be present. And thus we may have an ascertained quorum of the House though there may not be a quorum voting.

If you will look at the debates on the Federal Constitution on this subject, you will find that the only danger the framers of that Constitution apprehended was the action of less than a majority of the House when more than a majority were absent from the House; but there was no apprehension expressed in the debates and no apprehension felt that there would be any action by a majority of those voting if there were enough present to constitute a majority of the House. And so, sir, all of our rules have looked to the question of present and absent members.

If a member is not present the Sergeant-at-Arms is sent for the absent member. When brought in he is present and though he may not choose to vote, as a number of gentlemen do not choose to vote on questions that come before the House, that does not destroy the action of the House. The amendment does not require a quorum to be present to make a decision of the House valid, but it only requires there shall be a quorum present to enable the majority to decide upon a question.

If the distinguished gentleman from New Jersey [Mr. ROBESON] be correct in the statement he made the other day that there must be a majority acting upon a question, the effect would be this: under our Constitution no measure could pass against a dissenting minority unless a majority of the whole House voted for the measure; because all that a minority has to do in the House upon any measure is to remain silent, and if they do not by voting disclose the fact that they are present the argument would be that if there is not a quorum voting on the question it is lost, or there can be no decision.

Thai, sir, would result in this conclusion: that unless a majority of the whole House voted for any measure to which there was a minority dissenting it could not pass the House. There are a great many of the State constitutions to which an amendment of this kind has been made that there shall be a majority of the whole House to pass a bill. But that is not the provision of the Federal Constitution. It is simply that a majority shall constitute a quorum, and then the decision of a question shall be by the majority of that majority.

I have offered this amendment, as I have said, not from any partisan stand-point, and I mean no disrespect to anybody, and I feel no gentleman on the other side will charge me with disrespect toward them; but it seems to me not to be in accordance with the progress of the age we live in that we should sit here in a condition of non-action under the self-delusion we are not present when we are present, and that there shall be a power on the part of gentlemen here upon any question of remaining silent and saying, "You cannot prove I am here unless I choose to open my mouth."

Mr. PAGE. Let the amendment be reported again.

The CHAIRMAN. The amendment has been reported twice, but if there be no objection it will be read again.

There was no objection, and the amendment was again read

Mr. GARFIELD. Mr. Chairman, I regret very much that this prop-

osition is offered as a part of a body of rules that we have all with great unanimity expressed our desire to see enacted into the formal rules of the House. I should have greatly preferred that the Committee of the Whole, following the example of the Committee on Rules, would have left out controverted and certainly partisan questions from any part of this codification. It was in deference to that spirit that precisely this amendment was not pressed even to a vote in the Committee on Rules when we had the subject under consideration, although there were members of the Committee who desired just such a rule as this.

I call attention to the first phase of the question, and ask my friend from Virginia, without any regard to its partisan bearing, to see into what a strange and vague condition this House would be left if this were adopted. Whenever the question arises whether there is a quorum or not present, it is to be determined according to what he calls "ocular demonstration." The chairman of the Committee of the Whole or the Speaker of the House is to see with his own eyes that there is a quorum present. Who is to control his seeing? How do we know but that he may see forty members more for his own purposes than there are here in the House? And what protection have gentleman if the Speaker says he sees a quorum if he cannot convert that seeing into a list of names on the call of the roll by the Clerk?

I think my friend from Virginia will see that he lets in the one-man power in a far more dangerous way than ever has occurred before in any legislative assembly of which he and I have any knowledge.

Mr. TUCKER. I will ask my friend if the Speaker does not now count upon a rising vote?

Mr. GARFIELD. Yes, but we always have the opportunity to correct that count by means of a new count by tellers appointed from both sides. And even then, before anything can pass, we can have the yeas and nays taken, and the names of those voting recorded.

Aside from the insuperable objection that I have raised to this proposition, as a thing that ought not to be tried because of its vagueness, its uncertainty, and the danger that members of the House may be imposed upon by an unscrupulous Speaker that may come hereafter—I say that aside from all that, and beyond all that, I ask members to consider one fact: This has been a House of Representatives since 1789. This House has been the theater of all sorts of political storms and tempests. We have lived through the times of great wars, of a great civil war, when there were excitements hardly paralleled in the history of parliamentary annals. Yet during all these years no man before, so far as I know, no party before has ever thought it necessary to introduce a rule that gives the power of declaring the presence of members by the single voice of one person; a power that will enable him to bring from his sick-bed a dying man and put him down in this Hall, so that the Speaker shall count him, and make his presence against his will, and perhaps in his delirium, count in order to make a quorum, so that some partisan measure may be carried out over the body of that dying man.

Sir, the moment you get over the line, the moment you cross the boundary of names, the moment you leap over the iron fence of the roll, that moment you are out in the vague, and all sorts of disorders may come in.

My friend refers to the rule of the House of Commons, where it requires only forty men out of six hundred and seventy or six hundred and eighty to constitute a quorum.

Mr. TUCKER. But they have to be counted by the speaker.

Mr. GARFIELD. Forty men under the eye of the speaker of the House of Commons present no sort of analogy on which to found a rule for us in a House of less than three hundred members and where it requires one hundred and fifty to make a quorum. I hope my friend from Virginia will not press his proposition to a conclusion as a part of the body of our rules, for we shall be compelled to oppose it with all our might.

Mr. BLACKBURN and Mr. SPRINGER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky, [Mr. BLACKBURN,] a member of the Committee on Rules, as entitled to the floor.

Mr. BLACKBURN. I move to strike out the last word.

The CHAIRMAN. The Chair will state that he has no doubt there will be an opportunity for all members to be heard upon so important a proposition as the one now pending.

Mr. BLACKBURN. I should make no objection on behalf of the Committee on Rules to a continuation of the discussion upon this question, as it is one of considerable importance.

Mr. HAWLEY. Without the formality of moving to strike out the last word?

Mr. BLACKBURN. Certainly. I am surprised, Mr. Chairman, that the gentleman from Ohio, [Mr. GARFIELD,] whom I know to be well versed in parliamentary law, for I have learned that from intimate association with him as a member of the Committee on Rules, should have taken the position that the amendment proposed by the gentleman from Virginia [Mr. TUCKER] tends to violate all precedents by placing in the hands of one man a power unknown to deliberative bodies. Does not the gentleman from Ohio know that in the present existing rules of this House, as well as that proposed revision which he, as a very efficient member of the Committee on Rules, has submitted for your adoption, supplemented and supported by parliamentary law from the older countries and also by practice both in England and America, always and everywhere the power has been recognized and vested in the Speaker or presiding officer to make an actual count of the persons present? I will read from Cushing's Digest of Parliamentary Law, accepted the world over as authority, in which it is provided—

> If, therefore, it appears upon division, or if notice is taken by any member, that a quorum is not present, it then becomes the immediate duty of the presiding officer to count the members, and if they do not amount to a quorum to suspend all further proceedings.

That is the authority laid down by Mr. Cushing. The present rule so recognizes it, and makes it the Speaker's duty. The proposed rule of the House, if amended as proposed by the gentleman from Virginia, instead of consolidating power in the hands of one man, takes it from him, and requires a call of the House to be had, and only those persons present noted that either respond to their names upon the call of the roll, or appear at the bar of the House in the custody of the Sergeant-at-Arms.

Now, I will not be unfair enough to fail or refuse to do credit and justice to the republican members of the Committee on Rules for the manner in which they comported themselves when this question was raised during the deliberations of that committee. I do not mean to cavil or clamor against the opposition which one or both of them may offer to this amendment on this floor. But I do say that this amendment offered by the gentleman from Virginia does not go as far as many of the States in the rules of their legislative bodies have gone. It does not direct that a member refusing to vote shall be recorded as voting in the negative. When a member refuses to answer to his name—a duty made imperative by existing rule which says that he shall vote unless he be excused—the amendment of my friend from Virginia simply provides that when a member shall fail to discharge this duty imposed upon him by the highest obligation he can possibly bear, an obligation made imperative by the plain language of the rule—when refusing to discharge such a duty, he shall not be reported or recorded as voting at all, but his presence shall be noted in order to prevent the absence of a quorum.

I do not mean to commit myself to the theory that there should be no power given to a minority to impede or obstruct legislation. I know that there are times and occasions upon which I would not abridge that power if I were able. Where the right to offer amendments has been denied, where reasonable opportunity for debate has been refused to the minority, it is not only their right but it is their duty to obstruct such legislation. It matters not whether I stand here with the majority or with the minority, I shall always advocate and demand that right. But I say the report submitted by this committee is not, upon any fair construction, amenable to the criticism that it is its purpose, even as supplemented by the amendment of the gentleman from Virginia, to abridge in any material respect the right that the minority should hold in this House. Take this revision, adopt it as a whole, and incorporate in it the amendment now pending, and the minority will still be amply provided with every facility to obstruct and impede legislation where debate has been refused and the right of amendment denied.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, the introduction of this proposition cannot give ground to any particular political charge against either party. For many years gentlemen upon the other side of the House have availed themselves of the power which is sought here to be circumscribed. At times this power has been exercised almost daily. It never entered into the mind of the gentleman from Kentucky or the gentleman from Virginia that such a rule as this would be either constitutional or proper. Remarks made upon the question in this Hall from year to year will justify this assertion. I do not believe that a just construction of the Constitution would authorize the adoption of this proposition.

If I looked merely to party effect—if I looked to a time when I would like to have such a rule as this to hold down the unruly democracy, as I have in former years desired to have such a rule—I would to-day join the gentleman from Virginia (if I thought it right) in advocating and voting for this rule; I would endure it for this session and the next session; and thereafter, during the long years of republican control which are coming, I would enforce it in this House upon the malcontents on the other side.

But, sir, while the Constitution declares what shall constitute a quorum to do business in this House, this rule declares that when there shall be ascertained by one man a quorum present, a rule shall do the business of the House, a rule shall legislate, a rule shall determine the voice and wish of the Representatives of the people; so that on the passage of a bill, although there may be but fifteen voting in the affirmative and five in the negative, yet by virtue of this rule, if there be a majority present by compulsion or otherwise, the bill shall be declared passed on the vote *pro* and *con* of but twenty members. Does the great expounder of the State of Virginia claim that such a result would be arrived at by any constitutional means?

Sir, I in common with every member of this House demand that there shall be a public exhibition of presence—a public record of votes; that there shall be tellers; that there shall be yeas and nays; that the yeas and nays shall determine how you and I and every other member of this House may have voted and would vote.

The point made by my friend from Ohio [Mr. GARFIELD] is a good one—that we are committing to the Speaker of this House or the chairman of the Committee of the Whole the right first to determine who are present and to determine when there is a quorum. It is use-

less to say that there may not be times when in such an emergency as would require the exercise of this power the presiding officer would not be partisan. Shakespeare foretold this when in one of his plays he said:

Get thee glass eyes;
And, like a scurvy politician, seem
To see the things you dost not.

Such politicians will come here on either or any side. The force of circumstances, the impetuous passions of members which would produce such an occasion, will influence men to see that which they see not, with or without "glass eyes."

I have no fear that this amendment will be adopted in this House, because it would be wrong in itself; it would be unconstitutional; it would be violently partisan. I have no fear that the fair-minded men of this House on either side will adopt so violent and partisan a measure.

[Here the hammer fell.]

Mr. SPRINGER. The gentleman from Ohio [Mr. GARFIELD] and the gentleman from Michigan [Mr. CONGER] both assume that the question of the presence of a quorum depends upon the count to be made by the Speaker. That is not the purport of the rule submitted by the gentleman from Virginia. It provides that when a quorum does not vote upon any question the yeas and nays shall be called, and if a majority do not answer upon that call of the yeas and nays, there shall be immediately a call of the House, and as each member appears, in pursuance of the order of the House for his arrest, and is brought before the bar of the House, he shall be recorded as present. He is here and answers before the whole House for his presence upon the call of his name.

Mr. TUCKER. My friend will allow me to correct him. The call of the House is contemporaneous with the call of the yeas and nays on the pending question.

Mr. SPRINGER. So I understand.

Mr. TUCKER. So that when a member's name is called, if he answer to his name he shows by auricular demonstration that he is present. If he does not answer, he can be brought before the House by the Sergeant-at-Arms; and if he then votes his name is recorded.

Mr. SPRINGER. The gentleman from Michigan has stated that this rule is unconstitutional and partisan in its character. In my judgment, Mr. Chairman, it is neither. One of the greatest absurdities imaginable to me is this: it is within the power of a less number of members than a quorum of this House to issue a mandate and send it to the Pacific coast, to the far-off State of Oregon, to bring in a member to this body, and when we have got him here at an expense of weeks of time and thousands of dollars, the man is not here at last unless he voluntarily opens his mouth and says "I am here"—and votes "ay" or "no" on the pending question. I say there can be no greater absurdity than to presume our fathers made a constitution and gave that power to a less number than a quorum, and after we have exhausted it the man was not here at last unless he chose to be. He did not choose to be here or we would not have sent for him, and when he is brought here he is not here unless he chooses to be. What an absurdity.

Now, what does the Constitution say? Section 5, article 1, says:

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.

A majority shall constitute a quorum to do business. That majority do not vote, but they must be here. If the majority is here the quorum is here, and if by the rules of the House we have determined that fact, then we are a majority ready for business. How do we determine that fact? Each House may determine the rules of its proceedings. Therefore, if we have determined by the rules of our proceedings that a quorum is to be ascertained in this way, then a quorum is here, the majority is here and ready for business.

Therefore you will find from this provision of the Constitution, Mr. Chairman, that a smaller number may adjourn from day to day, and it is authorized to compel the attendance of absent members. If we may compel the attendance of absent members what virtue is there in this provision of the Constitution at all; what use is it to us unless it is, as my friend from North Carolina says, to compel them to be here to constitute a quorum? What is this constitutional provision for? What is it worth in the Constitution if, after having been exercised, it amounts to nothing at last and the man is not here? I wish to say by our legislative system, from its analogy to the British system, our fathers understood that when this power was exercised the man was here, and all we have to do is to recognize that fact.

If you will turn to Mr. Cushing's Law and Practice of Legislative Assemblies you will find this provision laid down in reference to the House of Commons:

When, upon a division, it appears a quorum is not present, the question upon which such division occurs ordinarily remains undecided; but where the aggregate of votes on either side, with the tellers and with the Speaker, makes up a quorum, the question is decided.

By the British constitution and by the rules of the House of Commons, when there does not appear to be a quorum on the vote, but when the tellers are taken into consideration who do not vote, and when the speaker is taken into consideration, whose presence is known, there then is a quorum, the question is decided. That is the law of the House of Commons.

[Here the hammer fell.]

Mr. STEPHENS. Mr. Chairman, I wish to say a few words on the pending question. So far as this debate has gone, it has been free, I believe, from all partisan character. The committee on Rules set out with a view to have harmony of action. We need reform in the rules. Our first resolution in that Committee was to recommend nothing which did not have the unanimous sanction of every member of the committee, with the right reserved to each member to object in the House, if he should choose to do so.

Now, the pending question is an old one. It is to compel members present to vote. The gentleman who has just taken his seat, the gentleman from Illinois, [Mr. SPRINGER,] asks what is the Constitution worth unless the amendment proposed by the gentleman from Virginia [Mr. TUCKER] is adopted? The rule as reported by the committee is as it was made by the founders of our Government. The Constitution has been in existence for over three-quarters of a century and the Government carried on all the time under this rule as reported and without the proposed amendment. Am I now to answer him by telling him what the Constitution without the proposed amendment is worth? Why, sir, what has been done without it! What grand achievements have been accomplished without it—accomplished under the rule as reported by the committee! What grander achievements may not yet be accomplished under it without the proposed amendment!

Whatever has been done has all been done under this rule as it stands and as our committee recommend it shall remain. That rule has been the rule of this House I think since the First Congress. There have been divers attempts to amend it to make members vote whether they will or not. You have the right to bring them into the House, but no House has ever yet adopted any measure to punish a member for not voting. One distinguished Speaker of the House once said: "You may bring a horse to water, but you cannot make him drink."

I think we had better leave the rule just as it is. All parties since the beginning of the Government have occasionally, when in a minority, absented themselves to break up a quorum and thus prevent the passage of an obnoxious measure. They do it in our Legislatures. It has been done in the Legislature of my State and, I suppose, in the Legislature of almost every other State. They have done it from time immemorial, and I suppose they will continue to do it.

I think we had better leave it just as we find it. I know of no way unless we attempt to punish a member for absenting himself or not voting when present. Suppose we bring an absent member into the House, as we have a right to do. But when he is brought in and he refuses to vote, what then. The gentleman from Illinois has just now stated that they could be counted to make a quorum. But what of that? A quorum—a majority of the House—must not only be present, but must join in the business of the House either for or against a measure, to make the action valid. If they are in, and do not vote upon the passage of the bill or measure in the House, they do not make a quorum in the transaction of business. You cannot pass the bill or measure unless a quorum votes! You cannot count those voting for the bill, and say of all others, constructively, that they voted against it, and thus pronounce the measure carried! Your Journals must show the votes—the yeas and nays of a quorum for and against the measure. But under this amendment there could be no such record. You could count the votes of those present and not answering to their names only by construction. This could not rightfully be done. You must have the votes before you can rightfully count them.

I state to the House, after mature reflection and after studying this question carefully for many years, that in my opinion you cannot improve upon the language adopted by the founders of the Republic as set forth in the rule reported by the committee. They made the rule as it now stands. You cannot secure votes by compulsion, and you cannot create them by construction.

The rule says any member shall vote except he be interested or excused. If any member or number of members refuse to vote you cannot provide a rule that will meet the difficulty.

A member not voting in his seat or going out, so long as he is not disorderly, so long as he commits no improper act, is responsible only to his constituents. If they send a member here who will not vote when in his seat, or will leave the House on roll-call, it is a matter that concerns him and them, and not this House. I say in conclusion I think we better let the rule stand as it is.

Mr. HUNTON. I desire to offer an amendment to the amendment of my colleague from Virginia, [Mr. TUCKER,] in the shape of a proviso.

I understand, Mr. Chairman, that two things must occur in order to reach legislation in this House. The first of these two things is the presence of a quorum to do business. That is provided in the amendment of my friend from Virginia; and when it is ascertained that a quorum of this House is present for business, then, I think, another step is necessary in order to reach legislation, that a majority of that present quorum should concur in legislation.

The machinery in the amendment of by friend [Mr. TUCKER] provides for the first, that there shall be present in this House a quorum for the transaction of business, but it strikes me that under the amendment proposed by him there might be a quorum present ready to proceed to business, and yet, if a portion of that quorum present did not choose to vote, a minority of the quorum present might enact legislation, which I think would be objectionable. For instance, if there

were two hundred and ten members present, one hundred voting in the majority, and forty in the minority, and seventy present but not voting, then, under the amendment offered by my friend, the one hundred would enact a law when it was not a majority of the two hundred and ten present in the Hall. I do not think it is in the spirit of our institutions that a minority of those present in the Hall should at any time enact a law for the Government of the United States.

Take another statement. Suppose that there were two hundred and ten members in the Hall, and one hundred and ten voted with the majority, fifty in the minority, and fifty present and not voting. Then, of the two hundred and ten in the House, constituting the quorum and present for business, one hundred and ten voting in the majority is a full majority of all present in the House, so when you count those present and not voting with the minority, still the bill is enacted or passed by a majority of those present in the Hall. In order to meet what I conceive to be these objections, I propose the following as a proviso to the amendment:

Provided, That those voting in the majority shall constitute a majority of those actually present in the House.

Mr. HAWLEY. Mr. Chairman, I understood one of the gentlemen in favor of the pending motion to intimate, if not assert, that in the British House of Commons the speaker may declare upon view, and without count, or without any count but his own, that a quorum is present. I am sure I do not understand it so. My opinion is that he is obliged to have a formal count of the House if it is desired.

I send up to the Clerk's desk, to be read, a short paragraph from May on Parliament, which is of course a standard authority upon this subject.

The Clerk read as follows:

After the House has been made, if notice be taken by a member that forty members are not present, the speaker immediately tells the House; and when it is before four o'clock business is suspended until the proper number come into their places; but if after four o'clock the speaker at once adjourns the House until the following day. When it appears on the report of a division after four o'clock that forty members are not present the House is adjourned immediately, but when the House is in committee and forty members are discovered to be wanting, either upon a division or upon notice being taken of the fact, the chairman reports the circumstance, when the speaker again tells the House, and, if forty members be not then present, adjourns the House forthwith. In the mean time, while the House is being counted, the doors continue open, and members can enter during the whole time occupied by the counting.

Mr. TUCKER. Will my friend from Connecticut allow me to ask him from what page of May the Clerk has read?

The CLERK. From page 192.

Mr. TUCKER. From what edition?

The CLERK. This is the "second edition, revised and enlarged," published in 1851.

Mr. HAWLEY. I understand, Mr Chairman, what has just been read to mean that there is a regular count and that it is not a mere hasty glance of the speaker; that it is not left merely to his discretion to declare a quorum present. He has to make a formal count and state to the House its result. I am sure the House of Commons would not submit to a decision upon a mere glance of the speaker that there is a quorum present, so that a bill should pass by the action of less than forty members.

Mr. STEPHENS, of Georgia. Will the gentleman from Connecticut permit me to interrupt him?

Mr. HAWLEY. Certainly.

Mr. STEPHENS, of Georgia. I would remind the gentleman that in the British Parliament they do not vote by yeas and nays on a call of the roll.

Mr. HAWLEY. I understand that.

Mr. STEPHENS, of Georgia. And that makes a great difference as regards this question. The vote is taken by tellers or counters and a call of the roll is not required.

Mr. HAWLEY. They have the roll called when there is a call of the House; somewhat as we do; but in the case of ordinary divisions they go out, the ayes at one door and the nays at another, and they are counted as they come in again.

Now, the evil, if there be one, in the existing system, that of which gentlemen complain, is simply this, that we of the minority claim a right, by sitting silent, to prevent less than a majority of the members elected from passing a bill. The worst that can be done by a factious minority, if that be the term applied to it, is to fight until the actual majority of the members elected shall pass the bill. When they are present that friendly majority constitute a quorum of themselves; they do not require the assistance of the minority; they run the House themselves and pass their bills. In case of what you call factious resistance we drive them only to that.

The modern State constitutions are all tending in that direction. I have not looked at them with this in view, but I know from a casual inquiry of gentlemen near me that the new constitutions of California, Minnesota, and Pennsylvania require that a bill shall not be regarded as passed unless an actual majority of the members elected shall vote for it.

Mr. ROBESON. New Jersey also.

Mr. HAWLEY. Now, we are causing no hardship whatever in taking the ground we do against this new rule, and I think we do no serious wrong to the country at any time when we sit in our seats and decline to vote. If the majority desires to have a bill passed in opposition to our wishes, then let the majority come here and pass it over our heads. At any rate, I decline to be answerable to anybody but my constituents, if I sit in my seat and decline to vote. I hold myself responsible to them and to the Constitution alone. I take my position with that horse which is brought to the water, but cannot be made to drink, and I am afraid if the proposed rule should be adopted, I should say that no Speaker and no House should compel me to answer yes or no on a roll-call.

I think it very decidedly wrong, in the first place, that a Speaker should be at liberty to recognize or declare a quorum without a formal count, and, in the next place, that by any sort of combination of rules there should be a law put on the statute-book and declared in force which can show perhaps only a quarter or 10 per cent. of the members in favor of it.

Mr. PHISTER rose.

Mr. TUCKER. I desire to say just one word, if it will not come out of the time of the gentleman from Kentucky, [Mr. PHISTER.]

The CHAIRMAN. It would come out of that gentleman's time.

Mr. PHISTER. I have not had the opportunity to examine and critically analyze the language of the amendment offered by the honorable gentleman from Virginia; but if I understand its purpose, it is to recognize and enforce that provision of the Constitution which is found in section 5, article 1, as follows:

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business—

That is a quorum with the capacity to do business—

but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members.

Now, is it not an absurdity to speak of compelling the attendance of a member as though absent, when he is actually present? How can you assert or presume that a member is absent, when he is in attendance and known to be so? If he is in attendance, he is in attendance for the purpose of constituting a quorum having the capacity to do business. The question is, therefore, what shall be the evidence of the member's being in attendance? It is alleged that there can be only one evidence of that; and that is that he shall respond to his name in a vote by yeas and nays upon the pending proposition. The practice under the old rules has been to recognize that a member is present participating in the proceedings of the House for the purpose of objection, for the purpose of frustrating business, and yet he is not present to help to constitute a quorum to do business. Now, is not that an absurdity? Is it not a contradiction in terms and in fact?

Cannot his presence be ascertained by a call of the House, as is proposed by the amendment of the honorable member from Virginia? Can it not be ascertained by the sight, by the Speaker being constituted a committee for that purpose, or by other committee on quorum being appointed by the House to ascertain whether a quorum is present or not? It is purely a question of evidence. Even if it was to be determined alone by the sight of the Speaker as sole committee, or by the sight of any other committee on quorum to be appointed under the rule, is not the sight a more reliable sense than that of hearing?

Mr. STEPHENS. Will the gentleman allow me a moment?

Mr. PHISTER. I prefer not; this is my first appearance this session on the floor, and I have but little time. I say is not the sight a more reliable sense than the sense of hearing? The Clerk calls the roll of members with a view of ascertaining their votes by yea and nay. One member may vote in the stead of another; an outsider may vote for a member; the response of a member may be misunderstood. Mistakes may be made in a variety of ways under the present rule or practice. Therefore, we are far more liable to have a misunderstanding of the vote of a member, or in ascertaining when a member is present if we rely upon the hearing than if we rely upon sight. If we see a man we know he is here. If a committee should see him, if the Speaker as a committee of one should see him, then we would know that he is present.

The object of the amendment of the gentleman from Virginia is to prevent, respectfully speaking, the absurdity of saying that a man is not in attendance when he is in attendance; and, if possible, the still greater absurdity of enforcing the attendance of an alleged or supposed absent member when he is present and making him absent so far as the progress of business is concerned when he is present participating in the proceedings by objecting to the business.

Therefore, while I do not commit myself to the phraseology of the amendment of the gentleman from Virginia, (for if there is any doubt about its construction I hope it will be made accurate,) I must say that I consider the purpose of the amendment a commendable one.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, if it was my purpose to reply to the gentleman who has just taken his seat, [Mr. PHISTER,] it seems to me that it would be a suitable and proper reply to say to him that the constitutional idea of a quorum is not the presence of a majority of the members of the House, but a majority of the members present and participating in the business of the House. It is not the visible presence of members, but their judgments and their votes, that the Constitution calls for.

I prefer, however, in the short time which I have, to discuss this question upon a different basis. This privilege, which the minority of this House at the last session availed itself of, is a privilege which every minority has availed itself of since the foundation of this Government. By pure accident, in looking over an index of the RECORD

this morning, I found the account of a resolution, which was drawn up by a distinguished member of this House from Massachusetts, (Mr. Butler,) to cause the arrest of a distinguished member from Pennsylvania [Mr. RANDALL] for not voting. I believe, however, nothing ever came of that resolution.

Now, what is the practical upshot of the present practice? It is that the members of the minority of this House upon great occasions demand that every bill which is passed shall receive the absolute vote of a majority of the members elected. They do this in the face and eyes of the country. If they demand upon any frivolous occasion that there shall be such an extraordinary vote as that, they do it subject to the censure of the people of this land. This practice has hitherto kept this House in proper condition upon this subject, so that there has been no improper impeding of the public business.

It is a valuable privilege for the country that the minority shall have the right by this extraordinary mode of proceeding to call the attention of the country to measures which a party in a moment of madness and of party feeling is endeavoring to enforce upon the citizens of this land. And it works equally well with regard to all parties, for all parties have their times when they need to be checked, so that they may receive the opinions of the people who are their constituents and who are interested in the results of their legislation.

I say that as a practical matter the results hitherto throughout all our history have justified the construction which those upon this side of the House have put upon this matter, and which has been put equally by members of the other side in times past. I must say that I am glad to see that this question is being discussed not by divisions of party, but that gentlemen are taking views upon it with reference to its whole bearing, past and future as well as present.

Mr. McLANE. This is the first time in the history of this House that gentlemen on either side have ever attempted to justify the proceeding which so constantly takes place here, when members of the one side or the other of the House undertake to defeat legislation by sitting in their seats and refusing to constitute a quorum by voting. It is precisely such a proceeding as I should have expected the honorable gentleman from Ohio [Mr. GARFIELD] to have denounced as revolutionary, for it is absolutely a revolutionary proceeding.

Mr. GARFIELD. One that would evidently disturb "the peace of the United States?"

Mr. McLANE. It is the only way in which the "peace of the United States" could be disturbed. I for one, however, am not very keen to adopt the amendment of the gentleman from Virginia, [Mr. TUCKER,] because frequent occasions do occur when I would much rather resort to a revolutionary proceeding than submit to the arbitrary and tyrannical conduct of a majority. [Applause on the republican side.] But although I am not keen to adopt the amendment of the honorable gentleman from Virginia, I cannot allow myself to pretend for a moment that it is a legal or proper proceeding to defeat legislation in that manner.

The gentleman from Kentucky has very well made the point that if a majority are present to do business, though they may not vote, the business can be done; and under this very clause of the Constitution which gives us the right to adopt rules we provide that a member may be excused from voting. Ten, twenty, fifty members may be excused from voting; and yet though they do not vote they count to make a quorum. I presume nobody will gainsay that.

Now, suppose fifty members, though not excused, refuse to vote. In the language of the gentleman from Georgia, though taken to the water they will not drink. But they are here nevertheless, just as perfectly as the fifty excused; and they count to make a quorum precisely as if they had voted, if we choose so to declare by rule.

The amendment of the gentleman from Virginia is not only perfectly constitutional, but it is substantially what the existing rule provides in regard to members excused from voting, though it is extended to members who are not excused. The rule in the revision and in the existing code provides for excusing members; and the gentleman from Virginia proposes now to extend that provision to members who are not excused.

Mr. STEPHENS. Allow me to call the gentleman's attention to this fact: that the object of this amendment is to give a constructive vote to those who actually do not vote.

Mr. McLANE. I do not so understand it.

Mr. STEPHENS. If not, what would it do? It requires a majority of a quorum on the record—that is, on the Journal—to constitute a vote of the House. If the object of this proposition is not to establish a system of constructive voting as to those who are absent or not voting, what do you gain?

Mr. McLANE. The amendment not only does not provide for constructive voting, but it states distinctly that the member refusing to vote shall remain recorded not voting precisely as if he had been excused from voting, but that his presence shall be noted and he shall be counted to make a quorum. The analogy I present is that if the House had excused him he would still not have voted, but would have been counted to make a quorum.

Mr. STEPHENS. But when you take the yeas and nays upon the passage of a bill, it is never passed unless a majority of the House, a quorum, vote upon its passage. If there be not a majority of those thus voting, after leaving out the excused, the meaure cannot be carried. If this amendment means anything practical, it must be to provide for a constructive vote.

Mr. McLANE. Less than a majority can pass a bill, if those present make with those excused from voting a majority of the House.

Mr. STEPHENS. Most assuredly not, I think. It requires a majority of those joining in the business to transact the business of the House. Those excused do not join in the transaction of the business from which they have been excused.

Mr. MILLS obtained the floor.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole having had under consideration the revision of the rules had come to no resolution thereon.

DEATH OF HON. ZACHARIAH CHANDLER.

A message from the Senate, by Mr. BURCH, its Secretary, communicated the resolutions of that body upon the announcement of the death of Hon. ZACHARIAH CHANDLER, late a Senator of the United States from the State of Michigan; which were read, as follows:

IN THE SENATE OF THE UNITED STATES,
January 28, 1880.

Resolved, That the Senate received with profound sorrow the announcement of the death of ZACHARIAH CHANDLER, late a Senator of the United States from the State of Michigan, and for nearly nineteen years a member of this body.

Resolved, That, to express some estimate held of his eminent services in a long public career, rendered conspicuous by fearless, patriotic devotion, the business of the Senate be now suspended, that the associates of the departed Senator may pay fitting tribute to his public and private virtues.

Resolved, That the loss of the country, sustained in the death of Mr. CHANDLER, was manifest by expressions of public sorrow through the land.

Resolved, That, as a mark of respect for the memory of the dead Senator, the members of the Senate will wear crape upon the left arm for thirty days.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect for the memory of the deceased, the Senate do now adjourn.

Mr. CONGER. I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House of Representatives has received with profound sorrow the announcement of the death of Hon. ZACHARIAH CHANDLER, late a United States Senator from the State of Michigan.

Resolved, That business be now suspended to allow fitting tributes to be paid to his public and private virtues; and that, as a further mark of respect to the memory of the deceased, the House at the close of such remarks shall adjourn.

Mr. NEWBERRY. Mr. Speaker, for over twenty years the name of ZACHARIAH CHANDLER has been a household word in the State of Michigan. His business, social, private, public, and political life belongs solely to and is a part of the history of that State. He was born December 10, 1813 in New Hampshire, in sight of the granite hills of New England and came to Michigan in 1833, before he became of age. Soon after his arrival in Michigan he engaged in mercantile business, and laid the foundation of his great fortune, showing the same careful, untiring energy, foresight and straightforward integrity and honesty that followed him through life. While thus engaged in active business, with quiet, persistent, and unflagging assiduity, he acquired that knowledge of men and books that became in his after life a surprise even to his best friends. Constantly employed by day in the busy marts of trade and commerce, clear-headed and keen, he attended to his constantly increasing business. Busy hours over, the book and the library gave him their richest treasures.

Blessed with a home and fireside where one of the best and noblest of women was ever ready to welcome him and brighten his life, whose domestic charm of manner was only surpassed by the winning grace always shown in receiving the welcome friends of her husband, his life in early manhood was passed without a thought, as I believe, of a public career.

My own first and earliest recollections of him were, when as a boy, I was placed in his class in the Sabbath school of the First Presbyterian church of the city of Detroit. He was then one of the active young men of that church, earnestly engaged in all church-work.

He took no active part in political life until 1851, when he was elected mayor of Detroit. In 1857 he was elected Senator in place of General Lewis Cass, re-elected in 1863, and again in 1869. He was Senator continuously from 1857 to 1875, eighteen years. He was appointed Secretary of the Interior in October, 1875, and again elected to the Senate in 1879. During his senatorial terms occurred some of the most memorable events in the history of this nation.

Looking back now, it is easy to see how, step by step, the United States was gradually drawing nearer and nearer to the most tremendous struggle of ancient or modern times, to that crime of crimes, a civil war. In all the events that go to make up the history of those years, Mr. CHANDLER was one of the living, energetic actors.

The gradual extension of slave territory in the United States was arousing the attention, the crimes perpetrated under the code of slavery was raising to the pitch of horror the religious and moral sentiment, not only of the people of the United States, but of the world. The Kansas civil war was swelling and raising its portentous head on the western frontier. Old John Brown and his hardy sharpshooters in Kansas were educating themselves and the nation to a hatred of slavery and the extension of slave territory. Free speech, free territory, and free men was being raised as the war-cry of a great political uprising. After events showed that Mr. CHANDLER had given these matters close attention.

There was filibustering in Cuba and in Nicaragua by the South

in hopes of making slave States to offset the rapid growth of the free States of the Northwest. Threats of resistance and secession were openly made by the South. The crack of the slave-whip was heard even in Congress over the heads of independent men from the North. The doctrine that any citizen with his slaves had a right to enter upon any territory of the United States and retain his slaves, called squatter sovereignty, was convulsing the land. The atrocious Lecompton act was passed. The fugitive-slave law, with all its attendant horrors, was being enforced, and Northern States passed acts to protect the liberty of their colored citizens.

Like a flash of lightning from a clear sky came the attack of John Brown and his army of ten or fifteen men on Harper's Ferry, in Virginia; and the whole South was thrown into a paroxysm of terror through fear of a servile war.

Upon all these subjects Mr. CHANDLER had given his views to the nation in the Senate.

The democratic convention at Charleston followed in May, 1860. The war of factions—the South against the North—was the fatal wedge that then and there disrupted the old democratic party. Substantially the opening gun of the rebellion was fired by that convention, and its echoes have never ceased to reverberate to this day in the democratic party. From that fatal day in Charleston events rapidly hastened to war, actual war. Abraham Lincoln was elected President, and traitorous hands were busy, traitorous hearts were plotting, to betray, break down, and destroy this Government.

A Secretary of the Treasury utterly uprooted the credit of the Government and substantially made it a bankrupt. A Secretary of War sold its cannon and guns or shipped them to southern arsenals, and sent its effective Army to out-of-the-way places on the distant frontier. A Secretary of the Navy sold our ships and naval stores and ammunition, sent loyal officers to sea in rotten unseaworthy hulks, and scattered the serviceable ships and vessels to our most distant stations. An Attorney-General advised the President that he could not use force against a State. A Chief-Justice refused to issue warrants to arrest traitors. Every Department was demoralized or in traitorous hands.

Lincoln was inaugurated, and then came the first gun of actual war at Sumter.

Through all these stormy scenes CHANDLER was ever and always watchful, ready, alert, brave, and outspoken.

In the debates and stormy scenes of the Senate he took his full share both of responsibility and debate. Long before his "blood-letting letter" he had warned the southern Senators that their actions meant, for them, revolution or a halter. He denounced the Lecompton act, the fugitive-slave bill, and the prosecutions under it. His painting of the Kansas horrors, burnings, whippings, and tortures of men and women who dared advocate free speech and free Territories for freemen will stand with the tremendous philippics of the old Greek and Roman orators and statesmen. But time will fail me to enumerate all his labors.

During the civil war and the years of reconstruction following his great business experience, his grand executive ability, his almost prophetic foresight, his extraordinary sagacity and wisdom in the conduct of affairs brought him to the front.

His judgment in regard to one of the noted generals in command of the Army of the Potomac showed his wonderful sagacity and decision of character, and the strong reliance he had upon the great under-currents of popular opinion and wisdom to justify his action. He denounced this general, and in the most positive manner charged him with failure as a military commander and as utterly incompetent to conduct successfully a great campaign. This charge, made and substantially proved in the Senate and before the country, resulted in a change of commanders of the Union Army, and, as a further result, final victory. It was sought subsequently to reverse this decision by an appeal to the people of the country in a presidential campaign, but the result showed that CHANDLER was right, and his action as proper and patriotic, was triumphantly vindicated by the nation, and the removed general became the defeated presidential candidate.

With the close of the war came another class of legislation, and here, as everywhere else, CHANDLER'S clear-headed business experience and ready facility of grasping details and grouping principles and reaching successfully the end came into play. There were reconstruction acts and financial acts of stupendous magnitude to be considered, revenues in unheard-of amounts to be collected, taxation to be adjusted, and amounts to be raised that staggered the most sanguine; a nation of freedmen to be raised to the standard of citizens, a race of slaves to be educated to understand the rights and duties and obligations of freemen; banking and loan acts, legal-tender and currency acts; treaties to be renewed; new relations with foreign nations to be entered into, old relations to be strengthened; international and constitutional questions, new and old, arising out of a war unheard of in its magnitude and astounding as to its results, to be settled; wounded soldiers to be cared for; an army to be disbanded; the Southern States to be rehabilitated; amendments of the Constitution to be adjusted to the changed condition of the people; in a word, the autonomy of the nation was to be re-established. All these and a thousand other subjects had to be and were considered by him apparently with equal ease, and the proceedings of the Senate will show his participation from day to day in them all.

The great men whose names are linked with the history of the civil war and the rehabilitation of the nation are fast passing away. Lincoln, Seward, Chase, Stanton, Greeley, Wilson, Sumner, Morton, and now ZACHARIAH CHANDLER, have vanished from the scenes, and in the records of history and the memories of those still remaining must rest their glorious fame.

From Senator CHANDLER'S first entrance into public life he was always the vigorous, rapid, sledge-hammer dealer of telling blows—no fears or quaking as to results. When the blow was delivered it was straight from the shoulder, vigorous and effective, delivered because he believed it necessary and without thinking of the tremendous effect of the stroke.

To the looker-on often the effect was not immediately apparent; it did not seem much of a blow; but the next day, the next week, the next month the effect would be manifest. Men would be talking of his power; and a little speech of ten minutes would be printed in every newspaper, talked of on every corner, read at every fireside, in the city, in the country, on the mountain, in the valley, on the plain, in the palace, down among the miners, up among the woodmen, in the drawing-room of the swift-rolling express train, in the forecastle of the fast-speeding ocean steamer, in the pulpit, in the pew, on the rostrum, on the stage, rousing the laggard, encouraging the timid, emboldening the brave, nerving the patriotic, striking terror to the traitor.

One element of his power was in his use of clear Anglo-Saxon words, meaning exactly what he said and saying exactly what he meant, and doing it so clearly that each hearer knew he was but crystallizing into thought and expression the exact floating idea in his own mind in the words that ought to be used.

He had a masterly way of using plain words for plain people, with plain meaning. He used no tricks of rhetoric, no flowers of speech, no studied expression, no graceful gesture. They would have been utterly out of place with him. But his facts would be true and telling—his speech rough-hewed but strong, his gestures ungainly but powerful. He was listened to by his friends because of their love; listened to by his enemies because his power compelled their attention. Warm, positive, and magnetic to his friends, he was stern, unyielding, aggressive in the presence of his enemies; always, however, battling for the right as he believed it. Firm and steadfast in his convictions, with him the contest must go on until he was victorious.

As he was always ready to give blows, so he could receive them.

The story is told of him, that amid the exciting scenes preceding the withdrawal of senatorial traitors in 1861, when some of them, goaded to madness by his merciless accusations of traitors, turned, and with fiery southern eloquence hurled stinging epithets and bloody threats and words of frenzied fury at him, he sat with a smile of scorn and derision, looking them steadily in the face, as though he heard them not but pitied their agonized emotions. Afterward, on being asked why he did not reply, he said, "Let me tell you a story." Holding his hands in front of him with his two thumbs together, he said, "Do you see, one of my thumbs is shorter than the other, twisted and broken. Well, once driving a yoke of oxen in my younger days, I got very mad at one of them, and raved and tore around considerably, and finally as the ox did not seem to care much about it, in my rage I struck him as hard as possible with my fist, thinking to break a rib at least. The sturdy old ox shifted his cud from one side to the other, looked around at me very quietly, whisked his tail gently, as though a fly was tickling him—while I was just howling with a broken thumb. So," the Senator concluded, "it often happens, that the man who supposes he is giving some one else a stunning blow finds he has only broken his own thumb."

When Mr. CHANDLER first appeared in the national political arena in 1856 he announced himself as a candidate for Senator. General Cass, whose term was about to expire, looked at the audacious young man with undisguised disdain, and was not slow to express his contempt for the "young man who," he said, "might know how to measure calico and tape, sell needles and thread, but was not fit to take *his* place in the council of the nation," and added, "we will remit him to his counter." One can imagine the expression of countenance with which, in language more strong than polite, young CHANDLER replied, "General Cass will find that he spelled his own name without a C when he made that remark." From that moment there was, on the part of the coming Senator, constant, steady, hard work to one end, and when the Legislature assembled Mr. CHANDLER was elected and General Cass relegated to private life.

In character and in person Mr. CHANDLER was like a granite block struck from the rugged mountains of his native State; rough-hewn, with jagged corners here and there, but solid, strong. His power of resistance to wrong or injustice, whenever or whence it might come, his capability of sustaining any load, his power to carry and readiness to assume any responsibility made necessary by his position was that of the granite rock always. His public life contains no instance of failure. Friends and patriots could unhesitatingly rely upon his help, assistance, and counsels to sustain the nation and its defenders. Enemies and traitors to his last day could rest assured that he was watchful and ready to interfere between them and injury or insult to the nation or the soldiers of the Union. To him traitors were a concrete, ever-present reality, not an abstract, far-away entity. The definition of treason in the Constitution of his country had a personal

pointed application to individuals. Its clear-cut definition, "Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort," his mind instantly applied personally, and a citizen of the United States who made war against his own country was a traitor, not an "erring brother," or one who had only been engaged in "some unpleasantness." An unrepentant rebel was a traitor ever and always.

Yet no one was more ready than he to receive heartily any one desirous of returning to his allegiance to his flag and his country.

The great leader of the rebellion, who, with the oath of allegiance almost warm upon his lips, went out from the Senate of the United States, where he had given his pledge of loyalty to the Government, ay, his own Government, freely and voluntarily, with hand upraised to heaven, and calling God to witness his truth, to levy war against the United States, which act the Constitution had declared treason, was to him a traitor, whose name should never be enrolled on the roll of honor—the pension-roll of the patriotic, loyal, maimed, and wounded soldiers of the Union Army. CHANDLER'S last speech in the Senate went to the hearts of his countrymen, and will live with those of the distinguished orators and patriots of the early days of the Republic.

That there was one man at least in the Senate of the United States who dared to lift an indignant voice for patriots and patriotism, and against traitors and treason, gladdened the hearts and strengthened the hands of millions of citizens. The distinction between right and wrong, between loyal citizens and rebels, between patriots and traitors, seemed to be fast dying out, till a few burning words, in a midnight session, forced out of his inmost heart by insulting wrong, went like a zig-zag stroke of lightning through the wordy sophisms, and revealed to an indignant people the insult that was being attempted to land, country, flag, and all the patriotic impulses of the nation.

It is said that the eagle, when the storm arises, the lightnings flash, and thunders roll, and heavy winds and black portentous clouds are rushing through the heavens, spreads his broad wings and soars above the storm. Thus it was with our dead friend. When peril threatened the country, when disaster spread ruin and desolation, when men's hearts failed from fear, CHANDLER rose above the storm, scanned the ruin, the disaster, the peril and dismay, grasped the situation, mastered it in all its details, and calmly and quietly led the way to safety.

He was a born commander and leader of men—a power that would and could and did overcome all obstacles. In the calm or in the storm, in the whirlwind or in the tempest, always and ever self-poised, cool, daring, positive, ready for action. He was not the light-house to show others the way; he was the daring navigator who, when the light went out and rocks on either hand, could seize the helm and convey the ship safely into port.

Rarely has this country been so thoroughly shocked as it was on the morning of November 1, 1879, when the lightning flashed through the land—

Senator CHANDLER was found dead in his bed this morning.

The air had been full of his utterances; the papers loaded with the closing speeches of this honest-hearted, earnest-minded old man in the campaign then ending. His last speech but one was made, and the flash, "he is dead," came with the stunning effect of a blow.

Never so well known, never so earnest, never so admired and loved and appreciated by his friends; never so powerful against, hated, and feared by his enemies; but with harness on, his steady, manly voice ringing in the ears of his countrymen, he went down as the warrior in the shock of battle; ay, and at the very moment of anticipated victory, although the shout of actual victory he was never again to hear in this world.

Farewell to thee! illustrious statesman, with a lion's heart!
Farewell to thee! uncompromising patriot, with a true soul!
Farewell to thee! indefatigable worker, with an iron frame!
Farewell to thee! undaunted friend, with a faithful breast!
Farewell to thee! loyal citizen, with patriotic impulses!
Farewell to thee! stalwart politician, intrepid counselor,
Fearless adviser, genial companion!
We mourn for thee! A Senator without reproach;
A man without stain;
A soul above suspicion.

"The air is thick with death. His flying shafts
Strike down to-day the bravest in the land;
And here and there, how suddenly he wafts
His fatal arrows! Nor can long withstand
The mailed warrior, or the statesman manned,
Against him. But why should he hasten on
* * * * to strike one down
Just in the zenith of his strength and glory of renown?

"CHANDLER! above thy grave we bow in tears!
The generous friend, the unrelenting foe,
In halls of state who stood for many years,
Like fabled knight, thy visage all aglow,
Receiving, giving sternly, blow for blow!
* * * * * * *
"Champion of right! But from eternity's far shore
Thy spirit will return to join the strife no more.
Rest, statesman, rest! Thy troubled life is o'er."

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, the largest tree in the forest sometimes breaks the stillness of the day by the suddenness of its fall: so ZACHARIAH CHANDLER startled a continent when he went down to death! Thirty-six hours before he died he was the guest of my own city. He spoke there, both in the afternoon and evening, each time to a large concourse of people. He retired at twelve o'clock, and rested well through the night.

Many of our citizens bade him good-bye at the early train for Chicago; and little did they think as the cars rolled out into the light of that beautiful morning that it was the last he was ever to behold on earth! Yet so it was, for within twenty-one hours thereafter he was dead.

I think only those who saw him during these last hours of his life could realize the suddenness of his death. Though the grim messenger walked beside him, no shadow fell upon his pathway. His thoughts were all of life; he could scarcely have been thinking of the possibilities of death; his every act and energy was devoted to the work before him; he talked of nothing else, and apparently he thought of nothing else.

He was the *avant courier* of republicanism. His voice had rung out from Maine to Wisconsin. He had moved the people by the potency of his presence and the earnestness of his appeals. He believed that national destiny itself trembled in the balance, and he imparted this belief to the masses wherever he went, for they knew that his heart was in his work and his convictions were in his words.

Amid scenes like these it could hardly have been possible that he had a thought of what was to come. He could scarcely have dreamed that while yet the plaudits of thousands were ringing in his ears he was to meet, in the heart of that great city, in the dead hour of the night, in the silent loneliness of his room, that dread messenger, who gave no warning and accepted no delay; yet so it was, for he awoke only from the sleep of life to sink back again in the sleep of death.

No, Mr. Speaker, none but those who remember the earnest manner and pathetic voice with which he besought the chairman of each successive meeting to telegraph him at Detroit on the night of the election the result of the contest can realize the overmastering interest which had taken possession of him. The news he so longed to hear did indeed flash along the wires, but whether it died out in the darkness of that shoreless sea, or whether it penetrated the mystic regions of the great beyond, no word ever comes back to tell us.

We who speak of ZACHARIAH CHANDLER here to-day must speak of him as he was, for he never feared to speak for himself. And his words will be cherished and remembered when ours are lost and forgotten. No flowers of rhetoric, no high-wrought historic parallels, no half-drawn apologies for what he was or what he did, will do for him.

He was a plain, blunt man. He was combative, he was aggressive, and in what he believed to be right he was relentless. He was a man of the people, he was a friend of the poor, he loved liberty, he hated oppression, he abhorred treason, and he detested hypocrisy. He was a partisan, he was a patriot, he was a hero!

Like the oak he resembled, he was reared in storms and rocked in tempests. Strong and massive in body, he was stronger in will; firm in principles, he was formidable in argument; quick to see the salient points of a question, he brought his broad common sense to bear upon it, and not infrequently by a single sally he broke through and demolished a whole battle-line of sophistry. Who can ever forget the expression of that face, or the instantaneous effect produced upon thousands, when from the rostrum he put that one question:

If this is not a government, what did the rebels surrender to at Appomattox? I tell you, my friends, they surrendered to the Government of the United States of America!

Or when, on that memorable night, in the Senate of the United States he made that terrific onslaught which startled both sides of the Chamber and roused the whole country, what member even of the opposition who did not feel the force of what he said? In the language of Mr. Webster, it was one of those outbursts of passion and power which, if they come at all, come "like the outbreaking of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force!"

This was the secret of Mr. CHANDLER'S power. His methods were clear and practical, his reasoning synthetic, and his attacks spontaneous and irresistible. While others were examining the bricks and mortar in the structure, and carefully calculating the resistance to be overcome, he selected his point of attack, and with crowbar and sledge breached the walls and carried the citadel by storm.

Savants and philosophers may style these methods crude and Western, but while the names of Douglas, Morton, and CHANDLER live the people will believe them to possess an innate force which all the learning of the schools cannot give.

The opinion is often expressed that certain very good and competent men are holding back a political millennium by their persistent refusal to accept office and enter upon public life. Somebody has ungraciously said of such, that they were made up of two parts of selfishness and two of timidity. I know not how the fact may be, but if it be true, ZACHARIAH CHANDLER did not belong to this class. He never took counsel either of his selfishness or his fears. He was not possessed of that happy temperament which enabled him to stand quietly by while aggressive wrong was crushing out defenseless right.

By the very nature of his make-up, he was forced to enter the arena. And thus he met all the malignity, denunciation, and abuse which ever come to the earnest, the faithful, and the true. Yet nothing could dissuade him. The critical might carp, the mediocre patronize, and the malign scoff and deride, but all the pigmies of earth and sky

could not stay the dauntless old hero in the work he had marked out for himself. To such a man the holding of civil office was the merest incident in the world; for whether in public or private life he was the natural defender of the people.

That Mr. CHANDLER was intense and bitter, that he sometimes wrongly suspicioned the motives and acts of others, is only to say that he belonged to the class of positive men; but that under it all there was a broad and generous sincerity and a heart as tender as a child's none who knew him need to be told. He was, indeed, in earnest; but if any supposed his earnestness took on only the cold malignity of hate, they studied his character to but little purpose. I could only claim to know him as we all knew him here, yet I do not care to be told that he was moved by other than the loftiest and purest motives.

Only the night but one before he died, in my own house, in common with others, I saw that firm lip quiver and those stern eyes moisten as he recounted the measureless wrongs which had been visited upon the poor freedmen of the South; and I believe mortal man was never actuated by higher or holier motives than he when he swore by the God that made him that he would never bate one jot nor tittle of effort until these monstrous wrongs should be righted.

I allude to these things here in no partisan spirit, for that should be banished from these halls to-day; but I speak of them only to be just to him in his grave, as he was just and fearless before all the world. And I feel sure that could he have left any injunction behind, it would have been: "If you speak of me at all, in the language of sacred song, speak of me—

Just as I am."

Burke I think it was who said that true sentiment was the logic of common sense. Such, I think, was the sentiment of ZACHARIAH CHANDLER. It was plain, practical, and direct.

No more touching provisions can be found in the wills of public men than in those of Thaddeus Stevens and Mr. CHANDLER. While the former made no provision for the care of his own grave, he set aside a sum of money and directed that the "sexton keep his mother's grave in good order, and plant roses and other cheerful flowers at its four corners every spring."

So Mr. CHANDLER, with just words enough to express his meaning, said, in effect, to his wife and daughter, "You are my only heirs; as you have loved and trusted me, so I love and confide in you. I lay my fortune at your feet, and that you may be unfettered in its enjoyment and use, I relieve it from any word coming back from the grave."

Could affection be more tender? Could confidence be more complete? Where shall the well-springs of the human heart be better studied than in the wills of these two remarkable men?

Impartial history will assign Mr. CHANDLER his proper place in the ranks of America's public men. We cannot do that here to-day. It may, however, be safely said that if Seward, Chase, and Sumner might draft the plans for the fabric of freedom, Wade, Stevens, and CHANDLER might lay its foundations and lift its walls to completion. Noble trio! How fiercely they wrought; how well they triumphed.

The last of them now sleeps on the banks of the river he loved so fondly. And to-day Wisconsin comes with her foster-mother, Michigan, to lay a garland upon his grave. He loved to tell us that the boundaries of his own county of Wayne once embraced both our States. Representatives of Michigan, your loss is our loss; and over our common calamity a nation grieves to-day. We come to mingle our tears with yours, and to utter the fervent prayer that he who sleeps so near your metropolis may rest in peace so long as that city shall stand—yea, so long as the waters that roll by it flow outward to the sea.

Mr. HUBBELL. Mr. Speaker, it is said that "death loves a shining mark, a signal blow." Than in ZACHARIAH CHANDLER, whose death to-day we mourn in common with the whole patriotic people of the nation, the "fell sergeant" has had few more brilliant marks, has struck few nobler lives, and the Republic has had to mourn no more useful citizen, no more upright or purer patriot.

Mr. CHANDLER was a native of New England. He was born at Bedford, in the State of New Hampshire, December 10, 1813; in the State which gave birth to and molded the character of Daniel Webster; in the land of strong convictions, of sterling integrity, of uncompromising patriotism, and inflexible devotion to freedom. Here in his native State, building up a vigorous frame and robust health among its granite hills—here amid its noble associations and grand institutions of learning; amid a people rejoicing in their revolutionary history—in its perils and privations and its glories and triumphs—loving freedom and hating oppression, ZACHARIAH CHANDLER imbibed those rigid principles of justice, that invincible love of freedom and of country, that incorruptible integrity which he transplanted in his new home in the then "far West," and which distinguished every act of his public life, and in support of which he died literally in harness.

In his home in Michigan, the State of his adoption, these sterling qualities were combined with and regulated by an intelligence and sagacity so rarely at fault as to enable him to amass an ample fortune, place him at the head of the business men of the State, and soon point him out as a man of mark, as a man of rare and genuine merit, of great force of character, of intrepid courage and sterling worth, and won for him the respect, confidence, and enduring love of its people.

No man was ever trusted in public or private life as was ZACHARIAH CHANDLER by the people of Michigan, and no man ever ended a public career against whose integrity less could be said.

No position in their gift, however high or responsible, no honor, however great, was too high for his merits or too great for their love. Thus in 1851 he was mayor of Detroit; in 1852 the whig candidate for governor; in 1857, a Senator of the United States; in 1863, re-elected as Senator; in 1869, again re-elected; and again in 1879. In 1875 he was given by President Grant the portfolio of the Interior. In every trust he acquitted himself honorably, fearlessly, ably, and returned it impressed with the marks of his genius.

In nothing, indeed, was Mr. CHANDLER an ordinary man. As a husband and a father and a friend, ever faithful, trusting, and true, his great, manly heart delighted in exhibitions of the tenderest devotion. He never abandoned a friend, and was ever truest and most devoted to him in the hour of his misfortune or trials. He was not a place-seeker nor a time-server; but he was a lover of his country and a hater of its enemies, and always filled to the measure the place he occupied; and being a man of strong convictions and dauntless courage the enemies of his country always felt his presence, and were never spared his bitterest invectives.

Mr. Speaker, I knew Mr. CHANDLER intimately. He was to me a "friend, philosopher, and guide," and I should be unjust to his memory did I not speak of him as he was—a man who always acted his honest convictions without regard to or fear of the consequences.

As a Cabinet minister, with the portfolio of the most complicated and troublesome Department of the Government, noted for its intrigues and scandals, the Interior, with its important divisions and the intricate and delicate character of many of their important duties very difficult to comprehend and to intelligently manage, and rendered doubly so by outside combinations for the promotion of private advantage and fraud—in that responsible and difficult trust, his masterly executive ability, his great common sense, his disciplined business habits, his integrity, his wonderful industry, his intuitive knowledge of men and their motives, and his great courage and nerve rendered his administration such a marked success that his able and accomplished successor publicly admitted that his ambition was to leave the Department in as good shape as he received it. He never parleyed with men whom he believed to be dishonest. To illustrate his blunt and direct methods, pardon an anecdote: Soon after he took charge of the Interior Department, I met him here in Washington and the usual salutations had hardly passed between us when he said: "I have been reforming in the Interior Department to-day." And in reply to my query as to what he had done he replied: "I have emptied one large room and left it in charge of a colored porter, who has the key, who cannot read or write, and who is instructed to allow no one to enter it without my orders, and I am under the impression that the public interests are safe so far as that room and its business are concerned until I can find some honest men to put into it." A further conversation developed the fact that by plain business methods he had collected his proofs, and thus armed he could only deal a deadly blow. Thus early he mastered all the intricate and difficult details of the service; early he clearly comprehended its needs and vigorously and laboriously applied himself to their practical accomplishment. In short, he established order where chaos previously ruled, reorganized details, secured efficiency, and effected a due responsibility in all the branches of the service.

Honest himself, he tolerated no doubtful practices, no improper relations in the Department. Fraud vanished at his touch. Incompetency and imbecility met their reward, and he transmitted the portfolio to his successor with the Department purged of many injurious scandals, and the service, in all its details, greatly simplified and improved.

As a Senator, Rome, in the days of her highest virtue and greatest strength, had none nobler, purer, or more fearless. Entering the Senate during the stormy debates and violent struggles of the sections on the question of slavery, Mr. CHANDLER stepped at once to the front as a recognized and trusted leader on the side of freedom. The times were full of peril, and terribly tested all the metal in men's souls. But during that struggle, in debate, from 1857 until 1860, carried on on the one side by patriotic, liberty-loving men, who hated slavery and antagonized it because they dreaded its extension, and on the other by men who worshiped slavery, were bound to extend and perpetuate it or destroy the common government inherited from the fathers, who recognized the code, and under its bloody rules tried to intimidate the representatives of the people from the Northern States in the discharge of their duties, no man ever did or will say that ZACHARIAH CHANDLER ever faltered in the discharge of his duty as he saw it. He abhorred the code, condemned alike by the laws of man and of God, yet while in the discharge of his public trusts it had no terrors for him, and never caused him for a moment to falter in the full and complete performance of his duties.

It is not my purpose here to enter into that memorable debate upon the question of slavery and the rights of the States which preceded and culminated in the war of rebellion, more than to say that Mr. CHANDLER'S sagacity readily penetrated the designs of the southern leaders, readily saw that slavery was only a means to the consummation of their purpose—the disruption of the Union. Indignantly and

vehemently he raised his voice in exposure of this traitorous plot. He was "no orator as Brutus" was. He apparently despised all mere ornaments of speech, but in his vigorous, terse English he left no doubt as to his meaning and purpose. And thus he fearlessly labored everywhere and on all occasions to arouse the country to a sense of the impending danger, and to prepare it for a conflict of arms in support of the Union. He had no faith in compromise, but felt that the inevitable and deadly conflict must come, and tried to prepare his countrymen for it. The events which rapidly followed demonstrated the wisdom as it did the justice of his conclusions and his course. The rebellion came upon us with its appalling sacrifices and sufferings, and awfully vindicated his sagacity and the justice of his charges against the southern leaders.

Great names and great men, so called, unless distinguished by worth and patriotic motives and corresponding actions, received from him no homage. His country to him was all in all. Every patriotic man he claimed as a friend, and to every patriot, to all patriots, of every grade or character, if their sincerity were demonstrated by works, he yielded his whole support, all his weight and influence.

But the man who laid himself down in the pathway of his country's honor and glory, the man who, whether from imbecility or design, obstructed or impeded his country's triumphant march to victory, to perfect and permanent peace, to that man ZACHARIAH CHANDLER was an inflexible foe, and to him he fearlessly proclaimed his hostility.

As a member of the Committee on the Conduct of the War he was active, terribly in earnest, and untiring in industry, and rendered to the nation the most important services. No name, however high, baffled his inquiries or escaped his judgment.

Notwithstanding he had regarded McClellan's appointment as wise and judicious, yet, for reasons already made a part of our country's history, he boldly arraigned him in the face of the country, in the teeth of his great popularity and the great power he wielded in command of the armies, as utterly incompetent for the weighty duties of his high position, and demanded his removal, as justified by the highest reasons of expediency and the loftiest motives of patriotism.

Believing that Pope, at second Bull Run, was sacrificed by Fitz-John Porter, and that our loss of life and disaster at that battle was caused by Porter's criminal insubordination, he boldly denounced him as a traitor to his country and demanded his trial and punishment.

Against all men whom he believed to be untrue to his country in her hour of peril, his great patriotic heart instinctively rebelled, and they were made the victims of his terrible denunciations.

The war of the rebellion ended, Mr. CHANDLER took a prominent part in that legislation which reconstructed the States in rebellion and gave them representation in the halls of Congress, and here as elsewhere his career was marked by the same distinguishing traits of character.

Coming into the Senate again in 1878, he immediately stepped to the front and the country knew that plain, honest old ZACH. CHANDLER, as they loved to call him, was again in his seat, and the democratic party, which he never loved, was made painfully aware of his presence. Stripping the guise of flimsy pretexts from off the reasons actuating the men who forced the extra session, he sounded the key-note of alarm—the bugle-call of the campaign of 1879, in which he labored day and night, closing his great work in one of the ablest and grandest speeches of his life in the Garden City of America, where, ere the dawn of day succeeded his great effort, he died. The life of a great, earnest, honest, and broad-souled man went silently out with the watches of the night, and in his death the Republic mourns an upright and useful citizen, a noble Senator, a peerless patriot, and humanity an abiding friend. Apparently in robust health, in the vigorous exercise of all his great faculties, peacefully and serenely, without a struggle and free from pain, his noble spirit sank into the "blind cave of eternal night," passed triumphantly from the active scenes and duties of worldly life to the judgment-seat of his God.

Thus yields the cedar to the ax's edge,
Whose arms gave shelter to the princely eagle,
Under whose shade the ramping lion slept;
Whose top-branch overpeer'd Jove's spreading tree,
And kept low shrubs from winter's powerful wind.

But though dead, he is not forgotten. In every patriot's home, in the home of every friend of humanity, of every friend of freedom and free institutions, his name will long be cherished with endearing pride; and history in recording his actions, in reviewing his services to his country and to mankind, and in its judgment of his character, will as surely rank him high among the good and great men of his times.

Peace to his ashes.

Mr. CRAPO. Mr. Speaker, the life of ZACHARIAH CHANDLER is a marked illustration of that character which is developed by our American institutions and which is distinctly American. In no other country and under no other system of society and laws do we look for the manifestation of such individual growth and power. Starting from the humble surroundings of a New England farm, with the limited advantages of a plain and simple country home, with the training of the unpretending fireside and village school, he emerges into self-reliant manhood. Then follow the struggles of life amid the activities and hardships of a western settlement; the competitions of business, bringing substantial rewards; the contests for higher position, while holding securely the advances made; the reaching out for wider influence and greater mastery over the thoughts and acts of men; and, finally, the control and power which made him a recognized leader and a mighty force in the land. With no external advantages to aid him, he overcame obstacles and conquered opposition and secured for himself commanding position and influence. He was conscious of his own inherent strength; he knew that he lived in a country full of opportunities to the earnest and faithful man; and he realized that in this free land men have equal right to place and wealth and power if they have will and strength to win them. He asked no odds and he accepted no gifts. What he was and what he possessed came as the result and reward of his own personal efforts. He did not drift into high positions, but earned them by sheer exertion and force of character. His history is the record of a successful man; and we can find few more impressive examples, even in this country which is so full of personal achievements.

In private life Mr. CHANDLER was bluff, hearty, and sincere. He was outspoken with the candor of positive truth. He did not conceal his admiration of one whom he liked, and he was equally open in the expression of disapprobation of one he disliked. He was frank and generous in his approval, and he was equally free and severe in his condemnation. There was an integrity in his friendship and an earnestness in his recognition of friends which endeared him to those who knew him intimately.

The personal qualities which marked his private intercourse were still more conspicuous in his public life. There was always the same positiveness of manner and speech. His large frame, his vigorous health, and commanding presence were not more remarkable than the robustness of his mind, his stout heart, his stalwart courage, and resistless energy.

His political opinions were formed during the controversies of the Missouri compromise and the attempt to establish slavery in Kansas. He entered public life just as the struggle for national supremacy was culminating into war. He regarded it as a question of liberty or slavery, of national unity or its dismemberment. He saw with clear vision the terrible magnitude of the issue, and this made him a partisan. It was impossible for him with his consciousness and convictions to be otherwise than a partisan. He was intensely in earnest. He feared southern aggression, and unceasingly fought it; he detested disloyalty, and was bold in his discoveries of it; he abhorred the rebellion with intolerant hatred, and labored for its destruction. He would grant no concession where he believed the principle was vital, and, however hot or bitter or uncertain the fight, he neither gave nor asked for quarter. During the dark days of war his heart never faltered and his voice never trembled. He exacted the utmost fidelity and diligence from those who supported the Union cause, and had little respect or charity for those who brought failure to its arms. His watchfulness and aggressiveness did not cease with the war. When conciliation seemed to have failed, and the old strife, which it was supposed had been buried on the battle-field, was revived in Congress, Mr. CHANDLER naturally came to the front, and with the same defiant courage of opinion which gave him master influence during the war, he proclaimed in the Senate, and before the people, the dangers which threatened the peace and good order of the nation, in language which could not be misunderstood.

Perhaps in a less turbulent period of our history Mr. CHANDLER would not have occupied so prominent a place. He was not a great statesman, but he was needed in an exigency, and most nobly did he meet the requirement. No man better understood the patriotic impulses of the people, and no man had greater power in expressing and arousing popular sentiment. He was in sympathy with the masses; he had an intense sense of justice between man and man; he estimated men according to their true worth; he never stood upon his dignity, nor by word or manner indicated any personal superiority. The coarse dress or rough manner did not repel him, but every man, however plain or humble, was at ease in his presence. He stood nearer to the people and had a stronger hold upon them than any other Senator.

The secret of his success and his control of the popular mind may be found in his sincerity, his intensity, his constancy, and his directness. There was no deceit in his nature. You were never left in doubt about his views; and, what is more, he was never in doubt himself. You always knew where to find him. He used vigorous Saxon. His utterances were plain and terse. His illustrations, although sometimes extravagant, were full of rugged meaning, and what they lacked in elegance was made up in force. Whatever he said he meant should be understood just as he said it.

There was nothing negative about him. His policy was never timid nor vacillating. However great the responsibility, he never hesitated to assume it, but he always went to the front. It was this positive, aggressive, uncompromising spirit which gave him leadership and enabled him to infuse courage into men of less boldness. He was impatient of opposition, and as ready to condemn his own party associates as his opponents when their policy was at variance with his own.

Mr. CHANDLER was not free from faults, and he never attempted their concealment. Every one knew what manner of man he was. He made no claim to greatness, nor to any special merit. The men who denounced him as a bitter partisan, and who threw stones of hate

and ridicule against him, even now, before the period of passionate strife in which he was an actor has entirely passed away, have acknowledged his virtues.

His personal integrity, his resistless energy, his burning patriotism, his rugged frankness, and his fearless devotion to duty, made him conspicuous in the legislation of the country and in the councils of his party.

He died with the harness on, in the mid-day of his fame and usefulness, actively participating with all the fervor of his nature in the struggle which he believed of vital consequence to his countrymen.

We cannot but admire the character of a man who "was the architect of his own fortune," and who, under a beneficent and free government, which gives equal advantages to all, relying upon his own brave heart and strong arm and indomitable will, won a name and wielded a power which will continue far beyond the generation in which he lived.

Mr. BREWER. Mr. Speaker, on the 1st day of November last the sad announcement was made that Senator CHANDLER was dead; that his lifeless remains were found in bed at the Pacific Hotel, in the city of Chicago. The report was doubted at first by the friends of the deceased Senator, but all doubt was soon removed, and the city and State of his adoption arrayed themselves in the habiliments of mourning. Senator CHANDLER was known to more of the people of Michigan than any other of her citizens. The name of ZACHARIAH CHANDLER, or "Old Zach," as he was more commonly called, was familiar in every household, and was spoken with the utmost freedom by old and young alike, but to-day, to them, his voice is stilled in death. To-day his name is spoken with sadness and sorrow from the Atlantic to the Pacific, at least in every Northern State. Mr. CHANDLER'S life in many respects was an eventful one. Born in the town of Bedford, amid the rugged hills of a New Hampshire home, he soon began to exhibit those traits of character which in after life made him so prominent. In 1833, when but twenty years of age, he became satisfied that his native State was no field in which to develop his business powers, and he sought a home in the then undeveloped great Northwest, and found it in the city of Detroit. What a broad field was then opened to the view of the energetic young New Englander! Nearly all our country west of Buffalo at that time was but an uninhabited wilderness. Michigan was but a Territory, with a few thousand inhabitants, and contained within its territorial government what is now known as the State of Wisconsin. The city of Detroit was but a small town, its inhabitants being largely engaged in trade with the natives of the forest. But the city of Detroit to-day is one of the great cities of the Northwest, while Michigan has a population of a million and a half of people, and Wisconsin nearly an equal number, and both of these great States are teeming with all the enterprise and industry of the age. Such result was obtained during the years of Mr. CHANDLER'S residence in Michigan, and was largely due to his fostering care while in official life. Wonder not, then, that the city of Detroit and the State of Michigan mourn the loss of her honored dead, for he was always a watchful guardian of their interests. The plain result of his watchful care for his State and his desire to advance her prosperity while in public life is visible along all the great chain of lakes and rivers which encompass her borders. No one has done more to advance and build up the interests of the Northwest than the late Senator.

When Mr. CHANDLER arrived in Detroit, like thousands of other young men who then sought a home in the West, his greatest wealth was his robust constitution, and his chief capital to start with in the great battle of life was his habits of industry, his self-will, pluck, and integrity. Soon after his arrival he entered into a business partnership in the dry-goods trade with one Franklin Moore, a brother-in-law. This partnership continued but for a few years, when Mr. Moore retired from the firm, Mr. CHANDLER continuing in the business until he accumulated a fortune and became the most prosperous merchant in the State. Mr. CHANDLER'S political life commenced in 1851, when he was nominated by the whigs of Detroit and elected mayor of said city. His extensive business had made him acquaintances and friends all over the State, and in the fall of 1852 he was nominated as the whig candidate for governor, but, while running largely ahead of his ticket, he was defeated by Hon. Robert McClelland, his democratic opponent. He made his first political speeches in his canvass for the governorship, and soon became the recognized leader of the whigs of his State. He took an active part in the formation of the republican party at Jackson in 1854, and a leading part in the campaigns of 1854 and 1856, speaking in every part of the State, and his plain logic, clear and forcible language gained him friends wherever he went. When the republicans obtained control of the Legislature in 1856 the party and people with great unanimity demanded the election of Mr. CHANDLER to succeed General Lewis Cass in the Senate of the United States. He took his seat in the Senate on the 4th of March, 1857, and was twice re-elected, and served continuously for eighteen years. The venerable HANNIBAL HAMLIN is the only one of his first associates in the Senate who is serving in a like capacity to-day, and, I believe, the only one now in public life. Nearly all others sleep the last sleep. At the time Mr. CHANDLER entered the Senate excitement ran high over the repeal of the once famous Missouri compromise, and the great contest relating to slavery in the Territories was soon fought out between the friends of freedom and oppression.

In this conflict, Mr. CHANDLER stood boldly up for the fundamental rights of man, and was a fit representative of his great liberty-loving constituency. The continuous eighteen years of Mr. CHANDLER'S senatorial career were years fraught with momentous events, and were the most eventful years of American history. It was during these years that the bondmen were made free, that the nation was saved, the Union restored, and liberty preserved to the American people. It was during these years that the rights of man were more firmly guaranteed by amendments to the fundamental law of the land. It was during the later years of Mr. CHANDLER'S life that the financial credit and the integrity and honor of the nation were at stake; when demagogues sought to build up a political organization upon their country's shame. In the settlement of all these great questions, the vote and voice of the late Senator truly represented the patriotic sentiment of the people of his State. In October, 1875, Mr. CHANDLER was chosen by President Grant as one of his constitutional advisers, and placed at the head of the Interior Department, where he remained until March 4, 1877. His appointment, at first, did not meet with the commendation of the self-assumed, high-toned, theoretical politicians of his party; but when he passed over the Interior Department to his successor, the people and press of all parties vied with each other in commending the manner in which he had conducted the duties of his office. He demonstrated by practical experience that *he* was the best reformer of the civil service who chose his assistants and employés because of their practical knowledge of the duties they were selected to perform, rather than he who selected them because they succeeded in answering questions relating to matters which in no manner pertained to their official duties. As Secretary of the Interior he purified that Department of the Government, and showed an executive talent surpassed by no one who had filled the position.

Upon the resignation of Senator Christiancy in the spring of 1879, Mr. CHANDLER, as is well known, was chosen by the Legislature of Michigan to fill the vacancy caused by such resignation. In his long official life his great executive and business ability, his industry and strict integrity, have met the highest commendation of the press and people of all parties. No one has ever been bold enough to charge ZACHARIAH CHANDLER with corruption or peculation in office. Senator CHANDLER was in many respects truly a great man. He was not great in his style of oratory; he was not great in his classical learning or in his knowledge of the sciences, but he was great, powerfully great, in his knowledge of men. He was one who could mold public opinion and assimilate the judgments of men, and such a man is truly great. He was a leader of men; he drew about him in his political councils not only the aged, but the young, the vigorous, and active; he was a man of the people and from the people, and herein lay his strength. In his notions he was practical. His language was plain, and his ideas were clear and always forcibly expressed. There never could be any misapprehension as to which side of a business or political question he was on. Mr. CHANDLER was a partisan, but he was was first of all a patriot. While he held his country above party, yet he firmly believed that the stability of the nation and the political equality and welfare of all our people depended upon the success of the party he so faithfully labored for and loved so well. He was bold, fearless, and aggressive in his language and demeanor; he was uncompromising in his utterances, and never shrank from characterizing offenses in their true light. Had he been less fearless he might at times have excused his language by uttering words spoken by another:

> Judge me not ungentle,
> Of manners rude, and violent of speech,
> If when the public safety is in question
> My zeal flows warm and eager from my tongue.

But he made no apologies. He preferred to leave his countrymen to judge his words and motives from his patriotic acts. Mr. CHANDLER was a positive man. He threw the whole power of his intellect against that which he believed to be wrong, and he never wavered in his struggle to promote right and advance truth and justice. He was possessed of great energy and great mental and physical powers, and he never doubted his ability to accomplish that which he set out to perform. He adopted the motto of another: "Attempt the end and never stand to doubt." If we look back over the pages of the world's history we will find that the men of the mold of Mr. CHANDLER, men that were positive, aggressive, bold and fearless in the right, were the men who came to the front in advancing the great principles of political and religious liberty. Mr. CHANDLER above all was an honest man, in official as well as private life. He was plain in his dress and simple in his habits. He was generous with his means and the friend of the needy and unfortunate, and thousands of such in his adopted city dropped a tear over his bier as they viewed his manly form in death. He was a firm believer in the integrity of the American people, and during the political campaign of 1878 he took the strongest ground in favor of maintaining our national credit. He asserted that after mature reflection the American people would no more think of repudiating the nation's obligations than they would think of submitting to a dissolution of the Union itself, and he gave this fact as an illustration of the integrity of our people. He said, during the late war, while he was in Washington that he loaned to our soldiers several thousands of dollars, in small sums of from two to ten dollars to each, but that the whole amount was repaid to him

with the exception of about $10, and he was satisfied the poor men who owed him that small amount had given their lives for their country.

Mr. Speaker, during the three short years that I have had the honor of a seat in this body, very many of our desks have been draped in mourning. Our legislative associates have fallen all around us. Not only the small in stature and the physically weak, but those who seemed to stand like mighty oaks in the forest have been stricken down by the icy hand of death. Surely "God moves in a mysterious way."

When we separated and went to our homes last summer no one seemed more likely to return in the vigor of health and strength than he for whom we mourn to-day; but as a great political contest in which he had taken an active part was about to close, he slept. His popularity was never so great as on the day of his death. He had become a recognized leader of his party, and his words gave strength and wisdom to an aggressive host. It will be hard to fill his place in the councils of the nation or in the leadership of his party.

Mr. Speaker, I first became acquainted with Mr. CHANDLER in 1856, and he was then known by the familiar name of "Old Zach," yet he was under forty-three years of age. For the last twelve years of his life I knew him intimately, personally and politically, and our relations were very friendly.

Sir, I feel that the nation has lost a patriotic statesman, his State its most illustrious citizen, and he who speaks to you a noble friend. But ZACHARIAH CHANDLER is gone. In the beautiful "Elmwood," on the banks of a mighty river, his friends laid him to rest, where his ashes will mingle with the dust of other illustrious dead.

In common with the people of the State he served so well, and which honored him so greatly, and of the Nation whose rights, honor, and power he was such an uncompromising defender, and of the thousands of personal friends who loved him we cast upon his bier the faithful tribute of affection and high regard, and so bid him a last farewell.

Mr. ROBESON. From rock-bound coast and rugged mountain-side, from quiet farms and busy villages, and from her thronging centers of culture and of trade, New England pours her eager sons along the path of every progress. From the elevating influence of her noble social system, from her clustering churches, from her teeming school-houses, from her free town-meetings, they carry the impress of their New England origin, education, and character into every field which human ambition dares to invade or human energy avails to conquer. What manner of men they are, who, born of Puritan stock and inheriting the energies and capacities of Puritan character, develop them in the free air and under the boundless horizon of the prairies, and amid the activity and vitality of pioneer and frontier life, we know and the world is beginning to realize. Carrying with them everywhere the mental and moral qualities of their New England origin, they develop them in scenes of more intense vitality and amid the struggles of larger elements of natural force. Thus is produced a race uniting in themselves almost every condition of physical, intellectual, and political development; a race which makes a new and mighty element of power, challenging the attention and commanding the respect of the world.

These reflections are suggested by a picture as remarkable as any in the history of our country, and which would not be possible in any other land or under different conditions of government and political progress. Amid the crowd of emigrants who in the earlier years of the present century turned their backs upon home and birthplace in New England to seek their fortunes in the growing West were two young men, born in the little State of New Hampshire, who both finally settled in the beautiful city of Detroit, which, sitting like a queen on the banks of its great highway, has for so many years commanded the trade and traffic of the Northwest. Their stern New England mother had thrown off each in turn as the northern eagle soaring from her eyrie shakes in mid-air her frightened fledglings from her back to try for themselves their new-grown pinions in the upward flight and dare alone the splendor and the danger of the sky. The elder of the two was among the earlier settlers of the northern region, a soldier in its defense, and a pioneer in its development. Reaching at an early period conspicuous official position, his strong character and great abilities swayed to his own views the principles and the actions of the people among whom he lived. Representing in the Senate of the United States the great State of Michigan, he was for many years the political champion and leader of opinion in the Northwest.

The other, whose recent death is the occasion of these ceremonies, leaving at a later period the scenes of his youth, carried with him to his adopted State the same inborn qualities of energy and strength of character, enriched by the same intense love of his country, but molded in a different school of political faith, developing into different ideas of political policy, government, and progress. The one was the veteran champion and representative of the older democracy; the other soon became a leader of the new republicanism. In the struggle of parties which often convulsed the State they were ever representative antagonists, and as one of the early fruits of the great political revolution which swept the Northwest, the younger was elected to the seat of the elder in the Senate of the United States, a position which he held until a very recent period, keeping in the hands of these two sons of New Hampshire, almost unbroken from the time of its organization, the senatorial power and influence of the great State of Michigan.

For many years antagonists in political strife, rivals for political office, and representatives of different political policy, the great peril which threatened their common country brought them at last together, and, uniting them in a common endeavor for its rescue and safety, engendered a personal friendship which was broken only by the death of the elder; and to-day Lewis Cass and ZACHARIAH CHANDLER sleep almost side by side beneath the soil of the great Commonwealth which they both loved so well, which was the scene of their political rivalry, and which honored each in his turn with its confidence and highest trust. Their graves, like those in the old cemetery at Portland, where lie face to face the commanders of the Enterprise and the Boxer, cover indeed the remains of rival champions, but represent now quiet after strife, equality after rivalry, and the utter subjection of all human power to His will "whose mercy endureth forever."

The Senate of which Mr. CHANDLER became a member was as remarkable as any which has been known in the history of our country. The principles involved in its contests were those upon which depended the future character and direction of our Government and its influence for all time; and the men to whom, in the providence of God, their illustration was committed were worthy of their high trust.

The political party to which he belonged was at that time greatly in the minority in the Senate, and many of its members had, like himself, been chosen for the qualities which mark the courage of high convictions rather than for official or governmental experience, but like him they brought to the contest, energy, activity, and constancy, noble impulses of duty, the courage of lofty purposes, clear conception of the ends to be finally reached, and a fixed determination to dare, to do, and to suffer all that might be necessary for their accomplishment.

It would not become the occasion to recount the many struggles, trials, and triumphs of that great contest; it is sufficient now to say that Mr. CHANDLER brought to the side of his party the most valuable and decisive qualities of mind and heart. Vigorous and energetic, yet thoughtful and astute; of large views, yet with clear conceptions; of liberal ideas, yet with fixed principles; of high aspirations, yet with concentrated purposes—these were qualities born on New England soil indeed, but developed on broader fields and amid the struggle of more elemental forces. A heart open as day to every manly sympathy; a steadfastness which did not yield, and a faith which never faltered; a simplicity which told of honor, and a courage which was born of freedom—these were qualities of heart which belonged to the man himself, which enshrined him in the love of friends, and took hold on the affections of the people.

During the whole period of our acquaintance, my own association with Mr. CHANDLER was intimate, close, and confidential. Of his senatorial career I need not speak further; his record is written on the pages of his country's history. But of the closer and more confidential relations of Cabinet life and duty in which we were associated together I may bear special testimony. There, as everywhere, he exhibited the highest qualities of character and of heart; he was at once liberal to every person, just to every interest, and constant to every duty; his every action was honor and all his endeavors were for the right; and each day he grew more and more in the love and in the respect of his chief and of his associates.

In the fullness of his strength, in the plenitude of his influence, in the richest development of his faculties, clad with the regalia of a nation's confidence, and covered with love as with a garment, he has fallen in the night, and the scenes which once knew him so well will know him no more forever. The successes to which he contributed will endure for others, but the mind enriched and developed, the enlightened heart, and the elevated spirit which achieved them are lost to his country and his friends just as, equipped and trained for severer struggles, the veteran turned to new conquests. Here we must pause; we can go no further. This is the "be-all and the end-all here;" beyond is "the undiscovered country, from whose bourn no traveler returns;" but here is the moral and a lesson: Life is far too short to realize to man more than the merest possibilities of his nature. The heart is full of aspirations, and the mind of possibilities which are not, which cannot be, realized in this world. At each step which we take forward we see nearer and clearer the far-off goals, toward which the spirit aspires, but which human ambition may never reach, but, like the stars which shine down the long avenues of heaven, their endless line of "lights on lights beyond" tells like prophecy the immortal destiny of man.

Mr. BURROWS. Mr. Speaker, conscious as I am of the exalted place Senator CHANDLER held in the hearts of the people whom I have the honor in part to represent, I should feel that I had disregarded the wishes of my immediate constituents should I permit this occasion to pass without attempting to give expression to their high appreciation of his character and their profound sense of irreparable loss.

I am not apprehensive, sir, that I shall expose myself to the imputation of fulsome eulogy of the dead, or unjust detraction from the merits of the living, by declaring that no citizen of Michigan stood higher in the public regard, or could, by his death, have so disturbed the public repose, as the distinguished Senator whose sudden demise

has given occasion for this solemn observance. That he occupied a foremost place in the State's esteem is evidenced by the prolonged and illustrious service to which her partiality repeatedly called him; that he is sincerely lamented is attested by the manifestations of public and private grief attending his imposing obsequies.

The qualities of head and heart which thus endeared him to the people of Michigan were so conspicuous that they readily suggest themselves to every one familiar with his public career, for the prominent and distinguishing features of his character were so pronounced that they could be neither disguised nor misunderstood.

Chiefest among these was his unchallenged honesty. Holding, for a quarter of a century, some of the most responsible positions in the gift of his State and the nation, whether participating in the legislation of the country or in the administration of its laws, his course was ever marked by the same unswerving integrity. Provoking, as he did, by his pronounced partisanship the fiercest assaults of his political antagonists, yet no adversary was ever bold enough to attack his official integrity or impugn his personal honor.

Nor would he brook dishonesty in others. It is said, that when Secretary of the Interior, becoming satisfied that a certain bureau in that Department needed thorough renovation, he sent for the head of the division and directed the immediate dismissal of twelve of his most prominent subordinates. The chief of the bureau expostulated with the Secretary and finally declared that it would be impossible to transact the business of his department without their assistance. "Very well, sir," replied the Secretary, "then the business of your department will be suspended; for unless you make these removals by four o'clock this afternoon, that branch of the public service will be closed." It is needless to add that the orders of the Secretary were immediately executed and the subordinates discharged.

If it be true that "an honest man is the noblest work of God," then ZACHARIAH CHANDLER was one of nature's master-pieces.

> "He never sold the *right* to serve the hour,"
> Or paltered with eternal truth for power.

Then, again, he was a man of matchless courage. Positive in his convictions, he was bold in their advocacy. His course of action once determined upon, supported by an approving conscience, no fear of popular disfavor or personal discomfiture could swerve him from his fixed purpose. No matter what the emergency, he was always equal to it. Where others doubted, he was confident; where others faltered, he was immovable; where others queried, he affirmed. Whether engaged in preserving the nation's life or sustaining the national credit, whether in the Senate or in the cabinet, he was the same fearless, intrepid leader. There was no error, however popular, he would not assail—no truth, however despised, he would not champion. As illustrative of his indomitable courage in great emergencies, it is related of him that immediately after the battle of Bull Run, when the Republic seemed tottering to its downfall, he called upon the President to advise with him in relation to the exigencies of the hour. Mr. Lincoln was in despair, and met Mr. CHANDLER with the exclamation: "The country is lost! what shall we do?" "Do," responded the stalwart Senator, "call immediately for three hundred thousand volunteers." "But will the people respond?" questioned the Executive. "Yes, sir, if you were to make it a million." And it is said that he never quit the executive chamber until he bore the order from Mr. Lincoln to Secretary Stanton directing the summons. He was one of the few public men who, in the consideration of great questions, not only had positive convictions, but the moral courage to avow them, regardless alike of public opinion or personal consequences. It mattered not how popular a measure might be, or how much its advocacy might enhance the chances of party success, Senator CHANDLER never yielded his convictions for a momentary advantage. It mattered not how exalted any *man* might be in the public regard, if Senator CHANDLER believed him unworthy of the advancement he would not hesitate to assail him. And he never resorted to temporary expedients to achieve temporary success or allay popular clamor.

> Unpracticed he to fawn or seek for power
> By doctrines fashioned to the varying hour.

And, finally, he was faithful to every public duty and true to his friends. Treachery found no place in his character. He never betrayed a public trust or a personal friend.

Fortunate will we be if it can be said of us when we are gone, as it can be truthfully declared of him: He was an honest public servant, a fearless champion of the right, and a faithful friend.

Mr. HAWLEY. I gladly take a few moments to manifest my sorrow for the death of Mr. CHANDLER, and my high respect for the many pronounced and praiseworthy elements of his character. It was a frank, brave, manly, strong nature. Whatever he loved he loved indeed; when he hated at all he blazed. When he enlisted for a cause he gave it his soul and mind and body. He furnishes an eminent example among a multitude of men stalwart in all things—physical, mental, and moral—who have swarmed westward for a century and built up an empire. He carried with him the traditions of his New England home. His force and good judgment bore him upward in business; his honesty secured him abundant trust and confidence; his public spirit compelled him to enter public life. He rejoiced in the inspirations of conflict, and had a righteous contempt for neutrals. "Some say there is a God; some say there is no God." Mr. CHANDLER would never have said, "the truth lies between the two extremes." A man once prominent in American letters and politics, who failed to secure the success in public life to which his intellectual abilities apparently entitled him, described, as lessening his availability for political leadership, his irresistible tendency to see in the strongest light the arguments and sentiments of his opponents, and to permit his vigor of action to be modified accordingly. Mr. CHANDLER never suffered through any such weakness. He was never in danger of being turned into a pillar of salt.

Willing enough to concede that his opponents might be sincere, he would rejoice in that sincerity as giving promise of a finer battle. It would never have occurred to him that it ought to save them from defeat.

His roughness and readiness provoked criticism. Men more scholarly, judicial, deliberate, and many-sided, and by reason thereof often less valuable in times of stormy action, were apt to undervalue Mr. CHANDLER. But his advice and judgment were sound in the startling crisis of war, and, while it was not a surprise to those who really knew him, it was a great satisfaction to see him become in time of peace a Secretary of the Interior, pointed to as a model of integrity and vigor.

His opponents made a common mistake in deeming the sledge-hammer combatant lacking in the graces of friendship. He hated many things; I do not think he hated any man. He had lived through enough of rude conflict in private and public to know that we may judge opinions and principles by the light we have, but should estimate men by the light they have.

All the time he lived he was indeed a live man. And though he be dead the magnetism of his nature is here to-day, and will be felt for generations.

Mr. DUNNELL. Mr. Speaker, the late Senator CHANDLER attained political eminence and secured the admiration of the American people because he had and exhibited in action some of the best traits of an attractive human character. He had integrity, honesty, patriotism, boldness and moral bravery. These qualities were the pillars upon which, in a large degree, rested his national fame. They gave him success in each great theater of his life.

When his remains awaited burial in the city of Detroit, his fellow-citizens, in large numbers and irrespective of party, in their unanimously adopted resolutions, made conspicuous these shining characteristics. His honesty, his uprightness, his uncorruptedness in the transactions of life were in daily play, and came to be the universally conceded qualities of the man.

This animating and controlling principle greatly augmented, without doubt, the force of those other traits to which reference has been made. He did not yield to the temptations which come to men willing to acquire gain and place by the use of deceptive and otherwise unworthy methods. As he hated fraud, he demanded a clean record, a full exposure of all the motives which shaped and impelled the actions of men. His denunciations of men who in action were not what their professions would make them, were signally severe. For such men, he had no excuses. If he was intolerant, his honesty made him so. There was no sham in this great distinguishing element in his character. It was firmly rooted and unceasingly operative. It did not leave him when he passed from private into public life. During his eighteen years of service in the Senate of the United States, much of it opening paths to personal profit, which touched and hurt other men, he made such a record for honesty, in its largest signification, that it left in the background and to be forgotten forever whatever of faults, if any, may have touched his personal character.

After a short retirement from the Senate, he became the Secretary of the Interior. He was exempt from assaults at no period in his political career. They were renewed when he returned to Washington to assume the duties of an executive office and take his place in the Cabinet of President Grant. These attacks, however, never reached his integrity. If they had been made with that view, he could have used the words of Shakespeare and said:

> There is no terror in your threats:
> For I am arm'd so strong in honesty,
> That they pass by me as the idle wind,
> Which I respect not.

If the history of the lamented Senator be written, no pages in it will be brighter or more illustrative of the man than those which shall set forth the thorough and needed reforms which he wrought in the Department of the Government over which he presided. Civil service with him had an honest meaning. It must have its illustration in the full labor of men loyal to the Government and competent to do the work assigned them. He hated civil-service rules, because in their practical operation they were too often a cheat. Not long had he served in this new capacity before there came from every quarter the free and hearty acknowledgment that he possessed executive and administrative abilities of a high order.

The congressional legislation of 1854 brought the subject of our eulogies from his comparative obscurity and led the way to his long and eventful public career. The republican party was born of that legislation. In the formation of the party he took an early and conspicuous part. In after years, and indeed till his death, he was in it a wise and sagacious adviser and supporter. His consummate ability

in party organization kept him for many years at the head of the national republican committee.

The repeal of the Missouri compromise he regarded as a blow aimed at the life of the nation. This act aroused into the intensest activity his sublime love for the Union. From this hour his voice was heard. The directness and severity with which he spoke of measures which he deemed hostile to the public good, may be charged to his ardent love of country. He was an extreme partisan because he sincerely believed his party alone could save and best serve the Republic. He did not think it possible to save it by any other political organization or agency. His uncompromising devotion to the Union would not suffer him to consider for an hour any terms of compromise or conciliation. The sincerity and honesty of his motives were never questioned by those who knew him. His vast labors for the Government during the war, and the soldiers who were standing against its enemies, were inspired by a deep and generous patriotism. No man will do him justice who does not credit to it all he did and sacrificed for it when its life was in peril. His words were indeed barbed, but his nature would not suffer the coinage of any other.

I have said, Mr. Speaker, that one of the marked traits in the Senator's character was his boldness. His honesty made it impossible for him to evade or conceal. He did not hesitate at any time or in any place to utter his convictions or use right names. He spoke as he felt. Words with him were put to their legitimate use. Frankness marked the man and was the offspring of his honesty. He said what he thought the occasion required. It would not have been possible for him to do less and be himself. He was rugged in conviction and in utterance. His speeches in the Senate during the extra session of last year, were charged with the severest denunciations, for they came of the views which he had entertained concerning the war and its chief actors. He could not have made them otherwise.

It may be said that the Senator, though sincere, was extreme and daring, yet such a man is safer in the councils of a nation than a timid man, for the latter is quite certain to surrender his whole cause WHEN some crisis is reached and *when* the highest order of courage is the stern necessity of the hour. The brave man will never deceive either friend or foe.

The last speeches of Senator CHANDLER in the Senate brought him invitations to address the people in many States of the Union. He spoke many times in Ohio, Maine, Massachusetts, New York, Wisconsin, and Illinois during the months of August, September, and October. Vast crowds greeted him wherever he spoke. The masses loved his directness of speech. They honored him for what he was and what he said. Faneuil Hall resounded with the loud and long applause which followed his words. His reception in every place was an ovation.

Turning his face homeward, he reached the city of Chicago on the 31st of October. Here, when the echoes of his last eloquent appeal to the thousands who here so enthusiastically heard him, had scarcely died away, the spirit of the bold Senator, the incorruptible statesman and the earnest patriot, took its flight. Here ended a life grandly useful and heroic. This generation cannot forget its greatness, and coming generations will admire its singular devotion to the Republic.

Mr. STONE. Mr. Speaker, in the death of ZACHARIAH CHANDLER a great political party has lost one of its recognized leaders, and the nation one of her most distinguished sons. His life and acts have been interwoven with the history and progress of the State of Michigan and of this nation during the last twenty-five years.

The life of Senator CHANDLER adds another name to that long list of men in this country who, by dint of persevering application and energy, have raised themselves from the lower ranks of industry to eminent positions of usefulness and influence in the nation. The presidential chair and the Halls of Congress have contained many such self-raised men—fitting representatives of the industrial character of the American people—and it is to the credit of our institutions that such men have received due recognition and honor at the hands of the people.

Mr. CHANDLER'S education was limited to that of the common schools and an academy of his native State, New Hampshire.

In 1833, at the age of twenty years, he removed to the city of Detroit, and soon after engaged in the mercantile business, in which he was very successful.

His public life began by his election to the office of mayor of his adopted city in the year 1851. He was in 1852 brought prominently before the people of Michigan as the whig candidate for governor. Although the contest was a hopeless one he made a spirited and energetic canvass, and established a prestige in the State which he ever afterward enjoyed. From this time to the day of his death Mr. CHANDLER took an active interest in the politics of his adopted State and the nation. In the winter of 1856–'57 he was elected to the United States Senate, to succeed Lewis Cass, being the first republican Senator from Michigan.

In the Senate he took hold of his work with the same energy and directness that had characterized him as a successful merchant and business man. He saw the coming greatness of the Northwest and devoted himself chiefly to the commerce and industries of the lake region, becoming so thoroughly acquainted with the subject that he was soon considered an authority on all questions touching the interests or development of that part of the country.

He especially demanded for the Northwest a place on the Committee on Commerce in the Senate, a committee of which he was afterward chairman for so many years. It is said that the first bill he ever presented was one to improve the Saint Clair Flats by deepening the channel over them. This bill, and his next to deepen Saint Mary's River, he pushed with that untiring energy which marked his course afterward in such matters. During the debate in the Senate on the Saint Clair bill Mr. CHANDLER said, "I want to see who is friendly to the great Northwest and who is not; for we are about making our last prayer here. The time is not far distant when, instead of coming here and begging for our rights, we shall extend our hands and *take* the blessing. After 1860 we shall not be here as beggars."

Time will not permit us on this occasion to follow him minutely in his successful career in the Senate. Long identified with the interests and prosperity of Michigan, no man has accomplished more for her material interests than Mr. CHANDLER. Outside of political and party lines he has been of great service to the State, and his death is there considered a great calamity. He will fill an honorable page in the history of his country's struggles and triumph over human slavery. He hated oppression wherever he found it, and counted no consequence in denouncing the oppressor.

Senator CHANDLER was a man of decided convictions and utterances. His boldness and frankness of speech often led to a misconception of his character, and made the impression that he was tyrannical and vindictive. His nature was eminently genial, tender, and sympathetic. He felt keenly the wrongs of others, and was never more outspoken than when defending the cause of the weak and oppressed.

Pending rebellion, he was loyal, hopeful, helpful, and a military division in himself, to help Lincoln, Grant, and Stanton. He was devoted to the Union in its hour of peril. His earnest, persevering labors amid the darkest days of its trial and difficulty, his courage and steadfastness in the pursuit of his noble aims and purposes in the interest of the nation, were no less heroic of their kind than the bravery and devotion of the soldier whose duty and whose pride it was heroically to defend it upon the battle-field. No human being can accurately say how much of our final victory during war and reconstruction was vitally and indisputably ministered by ZACHARIAH CHANDLER. He was absolutely invincible and fearless. I wish to pay a brief tribute to the fearless independence of his character, to his integrity, his honest adherence to the principles which he believed to be right, to the rugged force of his talents; all of which made him an important element in the affairs of the nation during the last quarter of a century. Few men in this country ever wielded a stronger political influence than Senator CHANDLER. He was a man of firm convictions, and, though an ardent partisan, was just. His character was unimpeachable. Throughout his course of public life not even his bitterest opponents ever had aught to say against his honesty.

Few men have taken such a firm, deep hold on the confidence and regard of the country. His sturdy patriotism and his uncompromising loyalty carried and captivated the popular heart. He had something in his composition that compelled respect and confidence from the people. One of Napoleon's favorite maxims was, "The truest wisdom is a resolute determination." If it is a blessing to be possessed of a stout heart, then Senator CHANDLER was eminently blessed. The people of Michigan, and all who knew him, had unbounded confidence in the will-power and energy of "Old Zach," as he was familiarly called at home. I believe it is true that it is not the men of genius who move the world, and take the lead in it, but men of steadfastness and invincible determination.

Mr. CHANDLER was strong with the people because he was conspicuously one of the people, moved by their honest impulses, filled with their strong sense, and sharing their earnest convictions. There was no pretense or false show about him. He was brave, true, manly, square, and direct, and was never afraid to call things by their right names. He made no claim to polish or the art of rhetoric. He was a strong man, rather than a scholarly one; a man of great common sense; a practical rather than a brilliant statesman. His practical sagacity, his resolute will, and great courage made him a greater force than many of finer polish and larger acquirements. He was a natural leader, and no man in our history as a State ever had a more faithful following. He leaves a gap which it will be difficult to fill. Upon the nation which honored him, and the State which loved him, the news of his death fell with great suddenness and the force of an awful shock. But he could not have chosen a better time to die had he been given the power of choice, for he went in the zenith of his fame and usefulness—in the midst of activity and labor, and with the harness on. His last public utterances were for an honest government and an undivided nation.

A widespread and public sorrow on the announcement of his death attested the profound sense of the loss which the State of Michigan and the whole country sustained. Former political animosities were forgotten, and all, without distinction of politics, creed, or nativity, seemed to feel that the State and nation had lost a strong pillar.

Let us imitate his virtues and cherish his memory.

Mr. KEIFER. Mr. Speaker, if we were to call the roll of the dead who have fallen from the ranks of those who have mustered in this our country's Capitol, we should hear the names of many historic souls familiar to the ears of the people of all lands, and not among the least of those would be found the name of him on whose account we meet here to-day to pay a last tribute of respect.

My personal relations with the late Senator ZACHARIAH CHANDLER were limited to occasional and incidental meetings during the last two years of his life. To those who knew him well and intimately during the many years of his long, eventful, and useful life it must be left to speak of him in his social and family relations. But his public life and acts belong to the whole country; and in so far as he was the instrument of good to mankind; in so far as his life was exemplary and worthy of imitation; in so far as he was a type of American manhood and an honor to his country and race, he belongs to history.

While his life and public services may not have been singularly grand, they were transcendently great. It has often been said, with a view of detracting from individual greatness, that men only become great because they have lived and been called on to grapple with great events. It is not to be denied that great occasions develop great intellects and great men. It is also true that men who have high and responsible public duties cast on them, as a rule, meet and discharge them, often to the surprise of their friends, with singular faithfulness and ability. But in the long and eventful period in our country's history through which the lamented Senator lived many strong men faltered, hesitated, and fell.

The differences in men are rarely to be measured by their difference in natural and purely intellectual endowments; they consist more commonly in the differences in zeal, energy—physical energy—perseverance, devotion to duty, to friends and country, pride of success, love of honor, self-respect, high resolve, dauntless spirit, and, above all, a desire to do good. Senator CHANDLER possessed most if not all of these endowments, and more largely than most of the great and good men of the world.

If I were compelled to name the one leading characteristic which he was endowed with in a higher degree than another, and which ruled him in private and public affairs throughout his useful life, I should say it was heroism. Though not a warrior in the period of war, his whole life was a heroic one. Heroes are not found alone in the fiery furnace of war; they are common to the paths of peace. He possessed true heroism, "the self-devotion of genius manifesting itself in action." His was not only of that kind of heroism denoting fearlessness of danger, passive courage, ability to bear up under trials amid dangers and sufferings; nor was it only that fortitude, bravery, and valor which is essential to those who go forth to conflicts with living opponents in personal mortal combat as duelists or in battle; it was made up of that intrepidity and courage which shrinks not in the presence of appalling dangers. Senator CHANDLER was unpretentious, and as a husband, father, and friend was kind, patronizing, and gentle; but when stormy times came his brow seemed to darken, and that great body of his, which appeared to the beholder to be one of the motive forces of creation, strode fearlessly to the front, and there by common consent held sway until all danger was passed.

Many courageous men, not truly heroic, falter and fail to enter the lists when a conflict is imminent. Not so the deceased Senator. He was a leader when the times or occasions demanded true valor. It is in the lead where men fall or are sacrificed. The leaders in charging a foe are the most conspicuous marks, and they are the first to receive the manly fire of bold enemies and often the cowardly arrows of hiding foes in the rear, not unfrequently springing from the bow of envy or jealousy.

He escaped in a singular degree, and died in old age with his armor on. In a successful civil as in a successful military life—and in the eyes of an often undiscriminating public success in either is the only test of true greatness—it is easier to be led to scenes where honor and glory are won than to be one of the few who lead there.

In the bloody conflicts of war the percentage of those who cannot, if well commanded, meet the actual conflict of battle with a good show of courage is very small indeed, yet the large mass of men are physical cowards. Mr. CHANDLER had no element of cowardice in him. He was always a natural leader.

As a business man he sought out a comparatively new State and attained success by foresight, energy, and enterprise. He left a large fortune. This same foresight, energy, and enterprise he carried with him throughout his public life. He was devoted to his friends and magnanimous to his foes, but not to the latter until he was sure they were conquered.

As a political leader he was known to be a violent partisan. This came from his having no half-way convictions of duty and right. When he had work to do he struck heavy blows. He did not lightly tap a nail on the head to start it on its course, but drove it home at a single blow. He was said to be uncompromising in his character. This was unjust to him, save in all matters where his country or principle was involved. He was honest, and integrity in private and public affairs was a pole-star for his guidance. He may have erred, and doubtless did, in many things. It is only human to err. His impetuous and fiery nature may have sometimes caused him to go astray, but he was willing to make amends for any wrong he had done to another when in his power.

Like all positive men who come prominently upon the stage of life, he had not friends alone, but violent enemies. But like a giant oak that withstands the tornadoes as well as the gentler winds for a century, and grows stronger and firmer in its fiber, Senator CHANDLER grew in mental and moral stature by reason of the violence of his foes. He, like the oak, could not have flourished alone in the sunshine of life. He needed, if he did not deserve, its stormy days to prepare him for his high destiny. It has been said by another who had to bear more than seemed to be his share of violent opposition, "that he could as little afford to spare his enemies as his friends." They fitted and qualified him for better and nobler duties. Mr. CHANDLER'S body and mind were alike of the rugged, not to say rough, cast.

His light, though not such as would be called in high literary circles brilliant, yet it burned fiercely, reaching on occasions a white heat, in the presence of which his opponents withered. In debate he was fearlessly outspoken. He could take as well as give herculean blows. Better men may have lived than plain old ZACHARIAH CHANDLER, but none excelled him in love of country or of his fellow-men. For subterfuge and dodging he had a brave man's scorn. He always spoke his mind and acted boldly up to his convictions. He was for war when peace no longer seemed possible. As early as 1860 he gave it as his opinion that "a little blood-letting would be good for the body-politic." He was then for war, and in the national halls of legislation he gave his voice and votes for its rigorous prosecution.

He believed in the fiat of the emancipation which made plain Abe Lincoln's name immortal. It has been said that he was indiscreet, boisterous, and headstrong. So far as this may have been true it was because he had in great affairs absolutely no nonsense about him. As a political enemy of his has said, "He went straight for the thing in sight, and generally came off with it."

His warm and generous nature would not allow him to betray a friend or thrust an enemy in the back. If throughout his whole career his life was not one in all respects to be imitated by the young men of the country, it cannot be said that he corrupted them.

It was my fortune to meet him for a day near the close of his life. He was then on duty for a cause in which his heart and soul were enlisted, and in that cause he died. He had then entered upon his last campaign. It was bounded by no State lines. He addressed the people in Ohio on the political issues which he deemed vital to them; he flew from place to place rapidly, and was gone, and the "*talking lightning*" told us he was in the distant State of Massachusetts, and thundering his plain but convincing speech in Faneuil Hall to the learned men of Boston. We heard of him elsewhere in that State and in the State of New York; then came the news that he was in the far Northwest—the State of Wisconsin—pouring livid, convincing arguments out to her people. The morning papers announced that he was to address the assembled multitudes in that magic, wondrous city of Chicago on the night of October 31, 1879.

The early papers on the next day gave us his speech, but with it came the startling announcement—ZACH. CHANDLER is dead! Strong men and women mourned. His friends and foes stood dazed in the presence of the sad tidings. They did not know how to contemplate him from the stand-point of death. He died as a hero might wish to die—like a plumed knight "booted and spurred." It is fitting that here in these halls that knew him so long we should pay him a last tribute and shed copious tears to his memory. As we contemplate him dead—in his final chamber of repose—in the poet's language we may truthfully say:

> Here lurks no treason, here no envy swells,
> Here grow no damned grudges; here are no storms,
> No noise, but silence and eternal sleep.

Mr. CONGER. Mr. Speaker, the name and fame of ZACHARIAH CHANDLER, of Michigan, needs no heralding in this House, in this Congress, in this nation. None is more familiar to the American people; none ever more honored by the citizens of his own State.

Those of us who speak of him to-day bring our loving though mournful tribute to his memory as we pay the last official honors to one who served so long and so well in the Congress of the nation.

I may not here recall the long years of my personal friendship and regard, nor shall I venture to give expression to the emotions which crowd upon me as I remember the obligations of friendship, of kindness and encouragement which have assisted my public labors and been so pleasant in my private life.

Nor do I design to give even a sketch of the private or public life of the distinguished statesman and patriot whose untimely death we deplore.

Others, here and elsewhere, will better perform that sacred duty, and gather together the abundant material furnished by three-score years of an eventful life to instruct, enlighten, and gratify the people whom he served so long and so well.

If I am permitted to refer to some scenes and events of his life, not so likely to be mentioned by others—to allude to some remembrances of circumstances which he himself in private conversation has spoken as influencing his life and forming his character, I shall perhaps furnish some little aid to those who desire to know the peculiarities of his life and analyze the motives of his action.

Mr. CHANDLER was born December 10, 1813, in the time of our second national struggle, and the earliest impressions of his childhood and the first lessons around the New England fireside were colored by the intense patriotism which frontier life and border warfare had imparted to those who had been alike ready to fight the other States in behalf of the Hampshire grants and the rest of the world in behalf of the rights of the nation.

At the age of twenty he left the granite hills and the beautiful

valleys of his native State to find a field of labor and the chances of fortune in the then far West. He brought little with him but energy, resolution, and that Puritan integrity natural to his race and unsullied through his life.

In the first flush of youth, hopeful, ambitious, undisciplined, he left the land of steady habits, settled customs, and a homogeneous people, to dwell in a region and among a people as unlike his own as could be found on the continent.

Michigan from 1612 to 1760 had been a part of New France, ruled, under French laws, by French governors, and in all respects a French people; from 1760 till 1787 under English governors and English laws; and till 1835 under various territorial governments.

In 1833 the whole population, French, English, and American, was about sixty thousand, and Detroit, the chief city and capital, less than ten thousand. To such a territory and city in 1833, at the age of twenty years, came ZACHARIAH CHANDLER to dwell among that mixed people thenceforward while he should live on earth.

I should love to linger over this transition period of his life, among the scenes and incidents and personages and events that molded and fashioned that tall, awkward, wondering, resolute White Mountain boy—then and before and afterward and always called Zach—into the merchant prince, the rich capitalist, the shrewd politician, the successful statesman, the unswerving patriot, and, better and nobler than all, the fearless advocate and bold defender of all the free institutions of his native land and of the rights and liberties of all the dwellers therein.

I would be gratified if I might embody in this grateful tribute to the memory of a friend with whom I have been familiar for more than a third of a century some record of his hopes and ambitions, his thoughts and reflections, his plans and struggles, from the hour when he stood a stranger in that old-fashioned City of the Straits till that evening when, amid the shouts and applause of many thousand citizens of a wonderful city beyond the lakes, unnamed and unknown in those days of his early manhood, he retired weary and secretly stricken to his chamber, and, when, alone—

> Nor wife, nor child,
> Nor one of all his myriad friends,
> To bid his parting soul farewell,

his great spirit quit the familiar scenes of earth, and through the upper air, still vibrating with the applause of those who had just listened to his last thrilling words, sought rest in the unknown realms of immortal life!

Mr. Speaker, we have all an inward consciousness that "*time* and *place* and *circumstance*" are but the common names of those mysterious powers and influences and agencies that rule within and around us, to mold and fashion our mortal life; that, under the Divine economy, our nature, ever struggling with powers and principalities, with things seen and unseen, with right and wrong, with truth and error, with justice and oppression, is constantly and imperceptibly changed and fashioned and molded by all our earthly associations.

> There's a divinity that shapes our ends,
> Rough-hew them how we will.

In 1833, when this youthful wanderer made his home in Detroit, all was strange, and new, and wonderful. The quaint old city—the French *habitans*, gay, vivacious, exclusive; the old English families, proud, phlegmatic, reserved, not yet reconciled to their lost dominion; the remnants of Indian tribes whose fathers, if they did not themselves, remembered Pontiac, and Bloody Run, and Brownstown, and Tecumseh, and Hull's surrender, and the Thames, and who traversed the trails and portages, and floated on the waters, and traveled over lands once all their own, and who lingered continually about their favorite old home on the straits; hunters and trappers and fishermen gathered there; *voyageurs* who knew every coast and every portage to "far-off Athabasca" crowded the shores and loitered around in sad indolence as they heard the rushing sound of steam and saw the mysterious vessels that, without sail or paddle, usurped their dominion and occupation; sailors were there who had fought with Perry on the waters below; fur-traders who had brought thither their treasures from unknown mountains and plains; immigrants gathering from all the world; merchants from the interior and far-off West. But time would fail to give more than a passing glance at the scenes and associations into which our adventurer was plunged and amidst which his character was to be formed, his energy to be tested, his triumph to be gained.

Amid such scenes he must, of course, be earnest, resolute, almost aggressive. He must be inquiring, thoughtful, decided. He must be just and honorable in all his intercourse with this varied and peculiar population. He must be fearless and uncringing with the supercilious and haughty, affable, and cordial with his equals and friends, and bold in defense of the weak, else he would long since have gone down among the forgotten and unknown.

And such indeed were the elements of his character, predominating over all faults and foibles, illustrating many peculiarities, offensive to his opponents and sometimes incomprehensible to his friends.

I have not the time, on this occasion, to illustrate the different phases of his character from actual events in his life. His honesty and personal integrity have never been assailed or questioned.

Never in the varied transactions of mercantile or commercial life has his good name been tarnished. In the fever heat of political warfare no charge of corruption has pointed to him.

There was a time in the late political contest when his pride and ambition and the crowning wish of his life looked to a return to his long-honored place in the Senate, when he was told secretly by an old and trusted friend that if he would give his influence to aid in securing a certain political appointment to a friend of one who could secure the result he could be elected. With an emphatic gesture, he replied: "I have lived among the people of Michigan for almost half a century an honest man, and I will never secure my election even by a promise which at another time I might be willing to make voluntarily."

Equally characteristic of the man was his celebrated letter to the governor of his State, so much criticised, so much approved—the blood-letting letter, so called.

He saw treason spreading through the land, poisoning the fountains of justice, invading the halls of legislation, threatening the free institutions of the country, selfish, unreasoning, inexorable, gathering forces for the conflict, already arming for the strife.

What should he, the watchman on the tower, say to his people? Let the Union be destroyed? Let the Constitution be shattered? Surrender ignobly the inheritance to treason and traitors? No. *War*, if it must come, *blood and life*, if necessary, *wealth* and *property* and comfort and long years of struggle, but this Union must and shall be preserved. No surrender to traitors! No yielding to timidity! No endurance of vacillation, either in court or camp!

He spared neither high nor low, neither the head of the Army nor the subaltern in the field. He had the great courage to attack alone the management of the campaign and to change commanders. The history of his labors through the war will never be written. They are only partially known to the country, and not fully even to his friends.

When the war was over he demanded the fruits of victory—submission to the Government, freedom in spirit and in fact to the enfranchised; absolute protection to the citizen in all legal and political rights wherever the flag floats; recognition of the fidelity and valor of Union soldiers; confidence and support to the Union men of the South; suppression of violence and anarchy and kukluxism; no recognition or payment of rebel claims for losses in the war.

On these and like subjects he could not be silent. He was not vindictive. He would not yield to injustice; but, looking upon the shattered hearth-stones, the maimed and suffering soldier, and the innumerable graves of patriot citizens, he demanded the results of victory, no more, no less, and that the great struggle should close the contest, once and forever.

Mr. Speaker, the record of his life and character will be more fully made up by abler hands than mine. This time and place permit but a glance at a few of the characteristics of the man. I can but feebly echo the voice of ten thousand citizens of our mourning State in any expression of admiration for our departed statesman—of sorrow for his untimely death. In Michigan a million and a half of people are mourners. No party lines divide our citizens as we lay the tribute of respect upon his tomb. No citizen has died more universally known; none been attended to his last resting-place with more abounding sadness. The thousands who thronged the streets on the day of his funeral and endured the tempestuous winter storm for hours unmoved, as the long cortege moved "with slow funereal tread" to his final resting-place, were but the representatives of millions throughout our land who cried as of old, "Know ye not that a great man hath fallen in Israel this day?"

Mr. BRIGGS. Mr. Speaker, ZACHARIAH CHANDLER was born in the district I have the honor to represent. Among my constituents are the friends and associates of his early life. His birthplace, in the beautiful valley of the Merrimac, is only a short distance from my own home. There his boyhood was spent, and there he came forth to fame and fortune. His boyhood gave promise of the great character which his manhood fulfilled. From very humble beginnings, by his own energy and force of character, he worked his way to the front rank of the statesmen of his country.

He adds another and a most honorable name to the bright list of New Hampshire's illustrious sons. Proudly we bear the honor of his birth, and while his adopted State may be first, let New Hampshire be next at the memorial altar.

The Granite State believes in men like Senator CHANDLER. We believe in a statesmanship of positive ideas. Not only do we honor his political principles, but for his very nature we loved the man—for his open, generous, philanthropic nature; always exercising his great aggressive vigor against the wrong, always taking the part of the weak and oppressed.

An outline of his busy and eventful life has already been given by those who have preceded me, and I purpose only to offer a few suggestions on the character of the man whom we have met this day to honor. Of his abilities there can be but one opinion. All the requisites of a great executive he certainly possessed—decision, method, energy, self-reliance. He was not merely a great executive; to his capacity as such was added that broader vision, that greater originality, in short, that statesmanship which belongs to great administrators. The executive need evolve only methods, the administrative measures. Tried by any theory, or measured by his own great success, Senator CHANDLER'S abilities lifted him to the dignity of a great administrator. This might rest alone upon his business success; it

might rest upon his management of the Interior Department for the brief period he was at its head; it might rest upon his republican leadership of the last twenty years, a leadership that was more and more acknowledged until at his death it almost approached supremacy. This capacity for administration was shown in all these relations, and even in his legislative career it was this faculty which comes oftenest to the front. He possessed the qualities of a legislator of no mean or secondary order; he was invaluable in the committee, but he was not the less of consequence upon the floor of the Senate.

Trace the history of this country through a long and most memorable period, and constantly as you may see his hand in its measures you as constantly hear his voice in its debates. He was bold and aggressive; endowed by nature with that clearness of logic, that directness, intensity, and vigor of statement that rendered him no "unknown quantity" in debate. Any attempted analysis of his character seems superfluous, his every quality is so well known to the world. He has been prominently before the nation for a quarter of a century—an era measured by its great achievements, unparalleled in the annals of mankind; all the while closely identified with the legislation of his country and with the leadership of a great party which has done more for human liberty than any other known to history.

The one particular characteristic of the man was his strength. Other men were more finished. We have many finished men, but few really strong ones. He was a man whose every thought was strength, and with whom to think was to do. Strength of conviction, strength of purpose, strength of methods, strength of statement—these were his in a supreme degree. History will never lose the impress of his character.

He has been accused of a too zealous partisanship, but there is no warrant for this charge. True he was no "half-and-half;" there was no duplicity, no dissimulation in his composition. If he believed at all, it was with his whole great heart; and with his intensity of conviction he may have been wont to regard success as a duty; but his enemies, if such he had, will not accuse him of unworthy and dishonorable means.

His methods were bold, as they were vigorous. He struck hard, but he struck openly. Indeed his whole nature precludes suspicion. There were no dark or secret traits in his character. He did everything openly and above-board, and despised treachery, cant and hypocrisy as only he had the scorn to despise them. With all his tremendous earnestness, he was yet a chivalrous and generous antagonist; generous as he was in all the relations of life.

His character was of the kind to which generosity constitutionally belonged, for his faults were only those which belong to the warmest natures.

Altogether he was one of those men who make history, and stamp their impress upon the age in which they live; a man whose fame is still destined to increase like that of every true statesman whose work is grounded in conviction.

History will rank him among the most eminent of those whose names are inseparably associated with the cause of human rights.

Time has already vindicated his prescient radicalism, and posterity will place him with the heralds who have gone before their fellows to proclaim a better day.

In the official career of Senator CHANDLER, from the beginning to the close of his public life, we have a realization of the poet's earnest prayer when he sang:

> God give us men; a time like this demands
> Strong minds, great hearts, true faith, and ready hands;
> Men whom the lust of office does not kill;
> Men whom the spoils of office cannot buy;
> Men who have honor; men who will not lie;
> Men who can stand before a demagogue
> And damn his treacherous flatteries without winking
> Tall men, sun-crowned, who live above the fog
> In public duty and in private thinking.

Mr. BARBER. Mr. Speaker, it did not occur to me that I should take part in these proceedings until the resolutions of the Senate were read in this Hall this afternoon. I rise now from a sense of duty. I should do injustice to my own feelings, and I am sure to the feelings of a very large number of the residents of the city I have the honor to represent in part on this floor, should I remain silent on this occasion. I come not, however, with any elaborate eulogy. My acquaintance with Senator CHANDLER was very brief. I saw him for the first time in March last, at the extra session. My contact with him was but slight. I cannot, therefore, speak of him either from long acquaintance or intimate relations. But it does so happen that the last great speech made by the Senator was delivered in the congressional district which I have the honor to represent. On the evening of the delivery of that speech I called upon him at the Grand Pacific Hotel in Chicago. I had a cordial greeting—a long and a pleasant interview. As I recall his stalwart form, and bluff, hearty manner, I feel like exclaiming,

> And shall I see his face again,
> And shall I hear him speak?

I went with him to the hall, I sat upon the platform, I saw him face as fine a political audience as was ever assembled together, and I heard him deliver one of the grandest speeches ever uttered upon this continent. I shall not attempt to describe the enthusiasm of that occasion. Mr. CHANDLER had never spoken in this great city before, and he had informed one of his most intimate friends who was with him that he regarded it as the peculiar and crowning honor of his life that he had been invited to speak in the great commercial metropolis of the Northwest. He seemed to regard it as somewhat of a recognition of the position which he had at last reached in the estimation of this country. No man ever had a greater triumph. The great city of the lakes was never moved by an orator in that manner before. The echoes of that speech rung out through the Northwest like the clear, strong blast of a bugle.

I saw the Senator retire from that platform amid the thunders of applause and bearing on his brow the laurels he had won. He had given upon that occasion the most decisive evidence of oratorical power by the manner in which he moved and controlled that vast multitude assembled to hear him.

But, sir, the scene changes. On the morrow I stand by his cold and lifeless form.

> The present moment is our ain,
> The niest we never saw.

Mr. Speaker, as one of the escort I went with the remains of the distinguished dead to the city of Detroit. Amid the hush of his awe-stricken friends we laid him down. Illinois to Michigan delivered up the illustrious dead.

Mr. Speaker, among the patriotic names of this country that of Senator CHANDLER is written high up, where it may be read by all the ages. You cannot erase it without tearing from the records one of the most important chapters in the history of humanity. Glory to his memory! Peace to his ashes!

Mr. GARFIELD. Mr. Chairman, it cannot be too late, however late the hour, to pay our tribute of respect and affection to the memory of ZACHARIAH CHANDLER.

There is a thought in connection with his life and the history of his State which has been referred to by the gentleman from New Jersey, [Mr. ROBESON,] and which may be still further developed. It only lacks two years of being a full century since Lewis Cass was born, and he and ZACHARIAH CHANDLER have filled seventy-three years of that period with active, prominent public service. And through all those seventy-three years there has shone like a star in both their lives the influence of one great event.

In the stormy spring of 1861, when the foundations of the Republic trembled under the tread of assembling armies, I made a pilgrimage to the home of the venerable Lewis Cass, who had just laid down his great office as chief of the State Department, and for an hour I was a reverent listener to his words of wisdom. And in that conversation he gave me the thought which I wish to record. He said, "You remember, young man, that the Constitution did not take effect until nine States had ratified it. My native State was the ninth. It hung a long time in doubtful scale whether nine would agree; but when at last New Hampshire ratified the Constitution, it was a day of great rejoicing. My mother held me, a little boy of six years, in her arms at a window and pointed me to a great man on horseback and to the bonfires that were blazing in the streets of Exeter, and told me that the horseman was was General Washington and the people were celebrating the adoption of the Constitution." "So," said the aged statesman, "I saw the Constitution born, and I fear I may see it die."

He then traced briefly the singular story of his life. He said: "I crossed the Alleghany Mountains and settled in your State of Ohio one year before the beginning of this century. Fifty-four years ago now I sat in the General Assembly of your State of Ohio. In 1807 I received from Thomas Jefferson a commission as United States marshal which I still preserve, and am probably the only man living to-day who bears a commission from Jefferson's hand." And so, running over the great retrospect of his life and saddened by bloody prospect that 1861 brought to his mind, said, "I have loved the Union ever since the light of that bonfire and the sight of General Washington greeted my eyes. I have given fifty-five years of my life and my best efforts to its preservation. I fear I am doomed to see it perish."

But a better fate awaited both him and the Union. Another son of New Hampshire took up the truncheon of power from his failing hand, and, with the vigor of youth and liberty, maintained and defended the Union through the years of its supremest peril. ZACHARIAH CHANDLER, whose birthplace was not more than thirty miles distant from that of Lewis Cass, resumed the duty as Michigan's Senator with the vigor of young and hopeful manhood. And he pushed forward that great work until his last hour and died in the full glory of its achievement. The State of New Hampshire may look upon this day and these names we celebrate as her pride and special glory.

The great Carlyle has said that the best gift God ever gave to man was an eye that could really see; and that only a few men were recipients of this gift. I venture to add that an equally rare and not less important gift is the courage to tell just what one sees. Besides having an eye, ZACHARIAH CHANDLER was endowed in an eminent degree with the courage to tell just what he saw.

If from these seats, Mr. Speaker, every Representative should speak out the very inmost thought of the people he represents, this Hall would be luminous with the spirit and aspirations of the American

people. The ruling principle of Mr. CHANDLER's life was this: that what he saw in public affairs he uttered; and having said it, stood by it—not with malice or arrogance, but with the sturdiness of thorough conviction. To a stranger he might, perhaps, appear rugged and harsh—even to cruelty; yet his heart was full of gentleness when he had satisfied his sense of duty.

As a political force Mr. CHANDLER may be classed among the Cyclopean figures of history. The Norsemen would enrol him as one of the heroes in the halls of Valhalla. They would associate him with Thor and his thunder hammer. The Romans would associate him with Vulcan and the forges of the Cyclops, who made the earth tremble under the weight of his strokes.

What man have we known who, without specially cultivating the graces of oratory, was able to condense into ten minutes a more enduring speech than the one which he delivered at the extra session of 1879? Under the pressure of his intense mind an hour of ordinary speech was condensed into a sentence.

He was not an orator in the ordinary sense of fine writing and graceful delivery; but in the clearness of his conceptions and the courage and force with which he uttered them he was a most remarkable speaker.

Somebody said long ago that "one man with a belief was a greater power than ten thousand who have only interests." Mr. CHANDLER was emphatically a man with a belief.

In the minds of most men the kingdom of opinion is divided into three territories—the territory of yes, the territory of no, and a broad, unexplored middle ground of doubt. That middle ground in the mind of Mr. CHANDLER was very narrow. Nearly all his territory was occupied by positive convictions. On most questions his mind was made up more completely than that of any man I have known.

His was an intense nature—

> Dowered with the hate of hate, the scorn of scorn,
> The love of love.

It is curious to observe that, as a general rule, long service in a legislative minority unfits men for the duties that devolve upon a majority. The business of the one is to attack, of the other to defend; of the one to tear down, of the other to build up.

The leaders of the anti-slavery struggle in this country were perhaps the most skillful in assault of any political party in our history. But when, after years of service in the minority, they came into power, but few of their prominent leaders were fit for the constructive work of maintaining an administration. Mr. CHANDLER was one of that small number who displayed in constructive legislation abilities fully equal to those which he exhibited as a member of the minority. His administration of the Interior Department was an ample vindication of his high qualities as an executive officer.

This Congress will miss him in its councils. His party and his State will greatly miss him. I know he is sincerely mourned in my own State, where within three weeks of the hour of his death I had the honor to preside over the largest political assemblage I have seen in many years. The name of ZACHARIAH CHANDLER called together that great multitude, who sat at his feet and listened with reverence and enthusiasm.

Reviewing his life and summing up his qualities, we may fitly apply to him the words which the laureate of England applied to Wellington:

> O iron nerve, to true occasion true,
> O fallen at length, that tower of strength,
> Which stood foresquare to all the winds that blew.

Mr. WILLITS. ZACHARIAH CHANDLER needs no eulogy to perpetuate his name in the State of Michigan; his nineteen years' service in the Senate of the United States is recorded in the annals of that distinguished body; and nothing that we can say to-day can add to or diminish his fame. His public like his private life was an active one and was well-known and conspicuous from the first. March 4, 1857, he succeeded in the Senate of the United States a statesman long honored by the State of Michigan; who had taken a leading part in its early history, having been its territorial governor from 1813 to 1830; who had for four years been Secretary of War under Andrew Jackson, seven years minister to France under Jackson and Van Buren, the candidate of a great party for the office of Chief Executive of the nation, Senator of the United States, and finally Secretary of State under James Buchanan. It was such a man as this ZACHARIAH CHANDLER succeeded; a man who had gathered to himself the honors of two continents, conferred dignity upon every position he had occupied, and for half a century had added leaf after leaf to the well-filled chaplet that had fallen so fittingly upon his brow. Lewis Cass was an honored name in the State of Michigan; it was a household word in the homes of the hardy pioneers who had followed him into the new State he had helped to found. Their children in like manner revered the man who had extinguished the Indian title to the lands they now occupied and had made a name historic in the annals of his country.

It was no whim that relegated Lewis Cass to private life. It was no accident that brought ZACHARIAH CHANDLER to the front instead. The people of the Peninsular State are not volatile or visionary, or forgetful of those who have shown themselves worthy of honor. There is none of the feeling exhibited by the Athenian clown, as related by Plutarch, who was tired of hearing Aristides everywhere called the Just. The State of Michigan was in no just sense unmindful of the great worth of Lewis Cass, and would have delighted to continue him in the high position he had so justly attained, if events had not conspired to render it impossible. With these events he had failed to keep himself fully abreast. There are times when public sentiment will not endure a political laggard. Lewis Cass, with all his breadth of intellect, with the experience of a statesman and the amenities of the finished scholar and gentleman, was not a positive man, was not an original man. Times were on the threshold when both of these qualities were to be needed. He was a true man at heart, loyal to his country, and so honest that, when at last he saw the fallacy of his position, he resigned his high place rather than compromise his fealty to the Union. But he was too old to fight, and he was unable to devise a plan to still the waves of the rising revolution. He had to give way to a sentiment he had been slow to perceive and utterly unable to comprehend.

Among those who had been quick to perceive the logic of events was the man whom we honor to-day. He was selected by the people of the State of Michigan to succeed Lewis Cass; not because he had had large experience in political affairs, for he had had none; not because he had culture and refinement, for he had neither, as understood in the school or the drawing-room; not because he was learned in the law, or skilled in the arts of diplomacy, for he was wont to boast that he cared for neither the abstruseness of the one nor the duplicity of the other; but he was selected because he was a strong, positive man who was in full sympathy with the revolt against the political tendencies of the party in power, and with which Lewis Cass had been identified for half a century; he was selected because he was a hearty hater of sham, an opponent of the compromises that had insidiously taken more than they had purported to give, and demanded more than the people of his State were disposed to yield; because, in the "irrepressible conflict" then impending, he was on the side of the liberty which the fathers had aspired to, but from which the sons had apostatized. In all these characteristics he was the representative of his people, who had the utmost confidence in his integrity, strong common sense, and positive adherence to the convictions born of this common sense.

From the advent of ZACHARIAH CHANDLER in the Senate of the United States to the end of his career, so unexpectedly terminated, he justified the confidence reposed in him. In the terrible conflict that convulsed the land he was an important factor, moving and controlling events and policies by the tremendous force of his will and the dictation of a restless energy. Untrammeled by the subtleties of the dialectician, he held in supreme contempt the faltering hesitation of generals and the doubting quibbles of lawyers in the face of an armed enemy. To him war had its own laws, construed by the supreme necessity of the hour and enforced by the musket; the road to essential justice was in a straight line, with no devious paths leading into an ambush. Emancipation of the negro race, prompt, decisive, by proclamation, presented to him no legal difficulties. He would utilize the force which might be let loose upon rebellion, and would for all time take from the master the slave for whose thraldom he had risen in arms against the Union; retributive justice should supplement unwarranted revolution.

He was restless over the delay of the proclamation, and when the preliminary one had been issued in September, 1862, he had none of the fears and doubts of the conservatives who protested against it as unconstitutional and sought to have it recalled. In the intervening months he visited Washington, before the final proclamation was issued, to counteract, by his presence and his positive views, the effort to have the step abandoned. On his return I met him at the depot, at my own home, and was informed exultingly: "Lincoln will stick." In all these years he seemed to comprehend by inspiration what some men never learned at all or acquired only by experience. He was not swept along by the tide; he was a component part of the tide itself—one of the forces of the times, one of the men who make history. Nevertheless, he was not much given to speech-making, or formulating statutes. The records of Congress do not show for him as much, measured by the square foot, as for the long line of disputative spouters who have gone to the same graves as the speeches they made. He would never have devised the electoral commission; he could not have done so if he would; but he supplemented it with organized facts without which its findings would have had altogether another termination.

He was a practical man not given to theories; not like Archimedes, who from principles elaborated in his study constructed his pulleys and engines, the one of which demolished the Roman fleet, and played pitch and toss with the Roman ships, but rather like Marcellus, who in his practical way captured the unguarded tower which overlooked doomed Syracuse. He was a man of affairs. By his own exertions he made an independent fortune, of which he never stole a cent. No man ever charged him with larceny, or hypocrisy, or lukewarmness to a friend, or placability to a foe, or cowardly desertion of a conviction, or compromise of a principle. He was a generous fighter, who never fired a musket with hostile intent, and yet worthily earned the title of Michigan's great war Senator. Over this title no worthy soldier on the shores of the great lakes of the Northwest has ever been captious or envious. He was the soldiers' friend, and he divided with them the high esteem in which they held all the moving spirits in the great contest in which loyal men shed so much

of their loyal blood. None have mourned his untimely death more than the heroes of that war, and when the news of his death was sent to the ends of the globe on the morning of the 1st day of November last, none bowed with a heartier sorrow over the memory of the man they revered than the men who had so faithfully in the field vindicated the policy advocated by the illustrious Senator in the councils of the nation.

When the sad news reached me, I was on my journey home from Chicago. I had parted with him the midnight before. I was the last man that saw Senator CHANDLER alive. I now and shall to my latest hour recall the room in the Grand Pacific Hotel in which we had this last interview. The fire was burning low; the hotel was as silent as the grave in which he now lies; we were as much alone as if we sat by a solitary camp-fire in the pathless desert. After about twenty minutes' conversation I left him alone with Death stealing over the threshold of his room. I did not see him there, but is it my imagination that recalls footfalls as I passed along the silent, dimly lighted corridors to my own room? As the recollection comes to me, it seems as though these echoes may have been the footfalls of the grim destroyer who so closely follows the steps of mortal man. I recollect now that there was a sense of something unsaid, what it was I cannot recall, that led me to stop and turn back as if to rap at his door and speak to him again; but knowing he was weary I refrained, and went my lonely way. I can hardly wish now that I had followed the impulse, for it is unlikely that my presence would have changed the purpose of that Providence that holds the issues of life and had then marked him for death; but who knows what parting word might have been said? Who knows but the impulse I had may have been only a response to one he himself had, and which had spoken to me as spirit talketh to spirit, calling for some word of sympathy, some kind remembrance? But he is gone, and I shall never know whether he called or not till we again meet face to face. Till then I can only join with the multitude of mourners in lamenting the great loss we all sustained in the loss of a great man, and in laying this last token upon his grave.

I move the adoption of the resolutions.

The question being taken on the resolutions, they were adopted unanimously; and in obedience to the second resolution the House (at six o'clock and twelve minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BEALE: The petition of William B. Taliaferro, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BOYD: The petition of Orrin L. Shipper, for a pension—to the Committee on Invalid Pensions.

By Mr. BREWER: The petition of T. B. Irish, of Mason, Michigan, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CARLISLE: Memorial of citizens of Harrison County, Kentucky, for the passage of a law to prevent unjust discriminations in freight charges by railroad companies—to the Committee on Commerce.

By Mr. CARPENTER: The petition of citizens of Plymouth County, Iowa, for the amendment of the patent laws so as to protect innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. COWGILL: The petition of James B. Slusser and 181 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. LOWNDES H. DAVIS: A bill for the improvement of the Current River, in the States of Arkansas and Missouri—to the Committee on Commerce.

By Mr. DEERING: The petition of Walter Fleming and 54 others, citizens of Hardin County, Iowa, for such amendments to the patent laws as will furnish protection to innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of citizens of Bremer County, Iowa, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. DEUSTER: The petition of Alex. Mitchell, M. Bodden, and 78 others, citizens of Milwaukee, Wisconsin, against the construction of a bridge over the Detroit River—to the Committee on Commerce.

By Mr. DIBRELL: Two petitions from citizens of Rhea and Bledsoe Counties and the Sequatchie Valley, Tennessee, for an immediate appropriation for the improvement of the Tennessee River—to the same committee.

By Mr. DUNNELL: The petition of W. H. Harris and 15 others, citizens of Minnesota, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. FIELD: The petition of the Boston Marine Society, against the passage of any laws changing the present pilot-service system of Boston, Massachusetts—to the Committee on Commerce.

By Mr. GEDDES: The petition of Frank J. Bell, James Richie, and other citizens of Richland County, Ohio, for laws regulating interstate commerce—to the same committee.

Also, the petition of Daniel Bell, John Dennis, and other citizens of Richland County, Ohio, for the amendment of the patent laws so as to make manufacturers and vendors solely responsible for infringements—to the Committee on Patents.

By Mr. GIBSON: The petition of Edward A. Yorke and others, of New Orleans, Louisiana, for the amendment of the law relative to the seizure and forfeiture of vessels for breach of the revenue laws—to the Committee of Ways and Means.

By Mr. GODSHALK: The petition of Ezekiel Herrmann, to be refunded money paid by him for a substitute for his son, who, by reason of disability, was not liable to do military duty—to the Committee of Claims.

By Mr. HENDERSON: The petition of John W. Murphy and others, citizens of Illinois, for the passage of a law to pay the soldiers of the late war the difference between the depreciated currency in which they were paid and coin—to the Committee on Military Affairs.

By Mr. HILL: The petition of William Watt, W. N. Rumbaugh, and 75 others, citizens of Allen County, Ohio, for the passage of the equalization bounty bill—to the same committee.

By Mr. HAWK: The petition of William Bennett, for back pay and bounty—to the same committee.

By Mr. HULL: A bill making appropriation for deepening the channel of Saint John's Bar, Florida—to the Committee on Commerce.

Also, a bill making appropriation for deepening the channel of Volusia Bar, Florida—to the same committee.

Also, a bill making appropriation for deepening the entrance to Cumberland Sound, between the States of Georgia and Florida, known as Fernandina Bar—to the same committee.

Also, a bill making appropriation for improving navigation on the Wekiva River, Florida—to the same committee.

Also, a bill making appropriation for straightening and otherwise improving the channel of Saint John's River, Florida, from Volusia Bar to Lake Munroe—to the same committee.

Also, the petition of citizens of Florida, for an appropriation for deepening the entrance to Cumberland Sound between the States of Georgia and Florida—to the same committee.

By Mr. MILES: The petition of citizens of Connecticut, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. MORSE: The petition of Uriel Crocker, that duplicates of certain lost United States bonds may be issued to him—to the Committee of Ways and Means.

By Mr. NEAL: The petition of E. J. Washburn and 75 other soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. O'NEILL: Memorial of the Philadelphia Board of Trade, calling the attention of Congress to needed legislation concerning the right of way in navigating the inland waters of the United States—to the Committee on Commerce.

Also, resolutions of the Vessel Owners and Captains' Association of Philadelphia, opposing any change in the navigation laws—to the same committee.

By Mr. OVERTON: The petition of John Carr and 14 other soldiers, of Wayne County, Pennsylvania, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. POEHLER: The petition of W. H. Whitney, for pay for injuries sustained by him by reason of his confinement during the late war as a prisoner of war in the hold of the confederate cruiser Alabama—to the Committee on the Judiciary.

Also, the petition of Henry Huffman, for pay for certain work done by order of United States officials—to the Committee of Claims.

By Mr. REAGAN: The petition of Edward F. Parker, of Minnesota, for an appropriation for the improvement of the harbor at Grand Marias, on Lake Superior—to the Committee on Commerce.

By Mr. ROSS: The petition of citizens of New Jersey, that a pension be granted Charles R. Vail—to the Committee on Invalid Pensions.

Also, the petition of masters and owners of vessels engaged in the coasting trade of the United States, that no owner, agent, or trustee of any ship or vessel duly enrolled and licensed and engaged in the coasting trade or fishery shall, by virtue of the laws of New York, be compelled to take or pay a pilot not voluntarily employed on entering or departing from the port of New York by way of the East River—to the Committee on Commerce.

By Mr. SIMONTON: The petition of citizens of Tennessee, for a post-route from Covington to Mason, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. TALBOTT: The petition of Hon. Herman Stump, president of the Maryland State senate, Hiram McCullough, speaker of the house of delegates of Maryland, and others, for an appropriation to dredge and deepen the channel of the Susquehanna River at the port of Havre de Grace, Maryland—to the Committee on Commerce.

By Mr. WILLIAM G. THOMPSON: The petition of William A. Martin and 20 other soldiers, for the equalization of pay of soldiers—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: Papers relating to the private land claim of J. Clay Morgan and Francis Valle—to the Committee on Private Land Claims.

By Mr. WILLIS: Papers relating to the claim of John B. Davis, for pay for carrying United States mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON: The petition of M. M. Martin and others, citizens of West Virginia, for the improvement of the Little Kanawha River—to the Committee on Commerce.

By Mr. WRIGHT: The petition of John F. Young and 77 others, citizens of Scranton, Kansas, for the passage of the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. CASEY YOUNG: The petition of Sarah J. Goss, for arrears of pension—to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *January* 29, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting letters from the Chief of Engineers and Colonel John Newton, Corps of Engineers, relative to the improvement of Harlem River, New York, as provided by the river and harbor acts of June 18, 1878, and March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the commissioners of the Soldiers' Home, in the District of Columbia, for an amendment to section 4820 of the Revised Statutes of the United States, so as to make it compulsory on the part of pensioned voluntary inmates to contribute the amount of their pension toward the support of the institution; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Daniel Mitchell and others, citizens of Illinois and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. KERNAN. I present the petition of Drexel, Morgan & Co., and other citizens of New York, who are not claimants, praying for the passage of a law, as speedily as can be done properly, authorizing the distribution of the moneys remaining of the Geneva award fund, for the reason that to their knowledge very many citizens of the United States suffered great loss by the acts of the so-called confederate cruisers, and, although the Government was paid by Great Britain, they have not received indemnity. They therefore pray that there shall be legislation by Congress which will give to all rightful claimants upon that fund an immediate and convenient opportunity to present their claims to some properly constituted tribunal. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN. I present the petition of S. W. Carey and others, citizens of New York, who are claimants under the Geneva award, and the petition of Dunharris, Nephew & Co., and 28 others, citizens of New York, who are not claimants, both making the same prayer for speedy legislation to provide for the distribution of the Geneva award fund. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN presented the memorial of John Williams and others, citizens of New York, and soldiers in the late war, and the memorial of Lorenzo D. Smiley and others, citizens of New York, and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

Mr. KIRKWOOD presented the petition of J. A. F. Hull and others, citizens of Iowa, and the petition of W. N. Heaton and others, citizens of Iowa, praying for an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. DAVIS, of Illinois, presented the petition of Carl Epping and wife and C. B. Phillips, praying for the passage of a law granting them compensation for property appropriated by the Army and Navy of the United States during the late war; which was referred to the Committee on Claims.

He also presented the memorial of James B. Stevenson and 39 others, citizens of Bloomington, Illinois, remonstrating against any reduction of the duty on zinc; which was referred to the Committee on Finance.

Mr. SLATER presented the petition of A. B. Elmer and others, members of the county court of Baker County, Oregon, praying for the passage of an act investing in that court title to certain land in Baker City for municipal purposes; which was referred to the Committee on Public Lands.

Mr. WALLACE presented the memorial of Charles Lawrence, president of the Vessel Owners and Captains' Association of Philadelphia, remonstrating against any change in the navigation laws; which was refered to the Committee on Commerce.

Mr. BUTLER. I present a letter from Hon. Samuel Dibble, of South Carolina, addressed to myself, and, as it refers to a public matter, I ask that it be read and referred to the Committee on Education and Labor.

The letter was read and referred to the Committee on Education and Labor, as follows:

ORANGEBURGH, S. C., *January* 26, 1880.

DEAR SIR: Permit me to call your attention to the omission in Senator BRUCE'S bill of the two most advanced and prominent South Carolina institutions for the higher education of the colored race—the South Carolina Agricultural College and Mechanics' Institute, and the Claflin University, both of Orangeburgh, South Carolina.

For convenience, the two institutions at present unite in the work of instruction, but they have distinct faculties, distinct property, and are under distinct boards of trustees.

Claflin University has a faculty of five professors and instructors and six acres of ground and a fine college building.

The State Agricultural College has a faculty of four professors and one hundred and thirty acres of ground. The college building was destroyed by fire, and for this reason we use the Claflin building and give them the benefit of our improved farm, and the work of instruction is combined. In the two institutions, embracing a college of liberal art, a scientific and mechanical course, and a normal school, there are two hundred and sixty students. Please help us to share in the fund.

Truly yours,

S. DIBBLE,
Chairman Executive Committee, State Agricultural College, University of South Carolina.

Hon. M. C. BUTLER,
United States Senate, Washington, D. C.

Mr. BALDWIN presented the petition of Merrick, Fowler & Esseltyne, Gillett & Hall, Balch & Morton, T. W. Palmer, and 45 other business men and firms of Detroit, Michigan, praying for the appointment of a marine statistician whose duty it shall be to annually compile statistics of the loss of life and property throughout the lake region, and the valuation thereof; which was referred to the Committee on Commerce.

Mr. SAUNDERS. I present the petition of Alfred H. Love and several hundred citizens, representing various States, on the subject of what may be termed the peace policy, praying for the appointment of a commission to negotiate with other nations in regard to international arbitration. As the petition is very short and the whole country is interested in the subject, I ask that it be read.

The petition was read, and referred to the Committee on Foreign Relations, as follows:

Whereas the success of the Geneva arbitration and numerous settlements of difficulties between states and nations by similar peaceable means have been highly satisfactory; and

Whereas Congress adopted a joint resolution, June 17, 1874, authorizing and requesting the President of the United States to negotiate with civilized powers in regard to international arbitration, and for the establishment of an international system, whereby matters in dispute between different governments may be adjusted without recourse to war; and

Whereas Rutherford B. Hayes, President of the United States, in his inaugural address recommended a tribunal of arbitration: Therefore,

We earnestly but respectfully petition that a commission be appointed to negotiate with such governments as may be induced to unite therewith, and thus secure the practical adoption of these propositions, which have already received the sanction of several European powers, and which we are convinced will redound to happiness, prosperity, peace, and good-will among the nations.

Mr. CALL presented the petition of T. J. Green and others, citizens of Columbia County, Florida, praying for an amendment of the patent laws so that the manufacturer and vendor may alone be responsible for the infringement of patent-rights; which was referred to the Committee on Patents.

He also presented the petition of C. L. Frazier and others, citizens of Columbia County, Florida, praying for the passage of an act preventing fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. HOAR presented the memorial of the officers and members of the Boston Marine Society, remonstrating against the enactment of any law which will impair the efficiency of the pilot service of the port of Boston; which was referred to the Committee on Commerce.

He also presented the petition of Mary A. Derby and others, heirs of John S. Derby, deceased, of Needham, Massachusetts, praying for the passage of a law granting them compensation for French spoliations; which was referred to the Committee on Claims.

Mr. EDMUNDS presented the petition of J. P. Davis and others, citizens of Lamoille County, Vermont, referring to hardships that they suppose to exist under the present patent laws in respect of innocent purchasers of patents, and praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

Mr. INGALLS presented the petition of Augustine Henesy, late of Company F, Seventy-third Regiment Pennsylvania Volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. THURMAN presented the petition of Charles H. Bulkley, Susan Bulkley, and Delia E. Holden, heirs of Henry G. Bulkley, deceased, praying compensation for the use by the Government of a steam-dryer; which was referred to the Committee on Claims.

UNITED STATES COURTS IN OHIO.

Mr. THURMAN submitted the following report:

The managers on the part of the Senate and of the House of Representatives appointed to confer on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House, No. 582, to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain

counties from the northern to the southern district in said State, after a full and free conference, do respectfully recommend as follows:

That the House recede from its disagreement to the amendments of the Senate to said bill, and do concur in the same.

January 28, 1880.

A. G. THURMAN,
A. H. GARLAND,
MATT H. CARPENTER,
Managers on the part of the Senate.
GEO. L. CONVERSE,
D. B. CULBERSON,
BENJ. BUTTERWORTH,
Managers on the part of the House.

The report was concurred in.

ADJOURNMENT TO MONDAY.

Mr. THURMAN. I believe we shall facilitate the public business better by giving to-morrow to the committees. Therefore, if there is no objection, I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JOHNSTON. The petition of John Merrymon, president of the American Agricultural Association, praying for the enactment of a law by Congress granting a charter to that association, was presented the other day, and referred to the Committee on Agriculture. We find that there is a bill accompanying the petition, which was not formally introduced. The committee have instructed me to report back both the petition and draught of a bill, and move that they be printed and referred to the Committee on Agriculture.

The motion was agreed to.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2804) for the relief of the administrator of John D. McGill, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 325) for the erection of a public building at Danville, Virginia, reported it with amendments.

He also, from the same committee, to whom the subject was referred, reported a bill (S. No. 1157) authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing; which was read twice by its title.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 676) to amend class 2 of the general incorporation laws of the District of Columbia, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia; which was agreed to.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. No. 736) authorizing the extension of letters-patent to inventors and patentees or their lawful representatives, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Patents; which was agreed to.

Mr. ALLISON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1076) for the relief of Amanda M. Cook, reported it without amendment.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2787) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1881, and for other purposes, to report it with amendments, and I give notice that I shall call the bill up at an early day.

Mr. DAVIS, of West Virginia. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture, and repairs of the same, for the House of Representatives for the fiscal year ending June 30, 1880, to report it with amendments, and I give notice that on the morning of our next meeting I shall move to take the bill up for consideration.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BAILEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (S. R. No. 28) to apply the amount appropriated by the act of Congress approved March 3, 1877, to pay "certain mail contractors," reported it with an amendment.

Mr. PRYOR, from the Committee on Claims, to whom was referred the bill (S. No. 66) for the relief of Hortensia H. Cook, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 857) authorizing the conversion of national gold banks, reported it with amendments.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Brown & Wolf, praying compensation for property taken from them by the Army of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 831) for the relief of certain employés of the United States Government in the District of Columbia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Railroads, to whom was referred the bill (S. No. 90) granting the right of way through the public lands to the Cheyenne, Black Hills and Montana Railroad and Telegraph Company, reported it with amendments.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 299) for the relief of Joseph N. Lewis, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Isaac F. Moore, late private Company H, Twenty-fourth Regiment Kentucky Volunteers, praying indemnity for a horse lost in military service of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1534) to exempt postal employés from serving upon juries, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 911) to declare the legal effect of permits granted by the President of the United States to purchase products of the insurrectionary States, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 905) in relation to writs of error from the supreme court of the Territory of Dakota, reported it with amendments.

SALARIES OF SENATE EMPLOYÉS.

Mr. HILL, of Georgia. The Committee to Audit and Control the Contingent Expenses of the Senate have taken testimony as directed by the resolution of the Senate passed April 17, 1879, in relation to the equalization of the pay of the employés of the Senate, and have instructed me to report to the Senate the testimony they have taken on that subject, and move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

REPORT ON THE ECLIPSE OF 1879.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution ordering the printing of 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879, to report it without amendment and recommend its passage, and also to ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879; of which 1,500 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. ANTHONY. I am instructed by the same committee, to which was referred a resolution of the House of Representatives to provide for the printing of 2,500 copies of the report of the health officer of the District of Columbia, to report it without amendment, and recommend its passage; and I ask for its present consideration.

The resolution was considered by unanimous consent, and concurred in; as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be, and is hereby, authorized and directed to print 2,500 copies of the report of the health officer of the District of Columbia for use of said health officer.

BILLS INTRODUCED.

Mr. VANCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1158) for the relief of V. S. M. Chapman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WITHERS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1159) for the relief of Jacquelin M. Wood, of Lynchburgh, Virginia; which was read twice by its title, and referred to the Committee on Finance.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883; which was read twice by its title, and referred to the Committee on Finance.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1161) creating the port of Tampa, Florida, a port of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1162) confirming the title to block numbered 14 in Baker City, Oregon, to Baker County; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1163) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1164) to graduate the price and dispose of the residue of the Cherokee strip lands in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1165) for the relief of Lewis Johnson & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1166) granting a pension to James H. Stevens; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1167) for the relief of Henry P. Rolfe; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENDLETON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1168) for the relief of James H. Hamilton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1169) granting a pension to John Harner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1170) for the relief of Henry C. De Ahna; which was read twice by its title, and referred to the Committee on Finance.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1171) to promote the administration of criminal justice in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1172) to amend section 5 of an act approved March 3, 1875, granting to railroads the right of way through the public lands of the United States; which was read twice by its title, and referred to the Committee on Railroads.

Mr. VANCE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 71) directing restoration of the official letter-books of the executive department of the State of North Carolina; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO A BILL.

Mr. PADDOCK. I present certain amendments intended to be proposed to the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes, and in connection therewith a letter from the Commissioner of Indian Affairs in reference to the proposed amendments. I move that the amendments be printed and, with the letter, referred to the Committee on Indian Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 165) to consummate the resolution of the Continental Congress of October 4, 1777, and erect a monument to the memory of Brigadier-General Herkimer as therein directed;

A bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue $500 in new notes to the National Bank of Pontiac, Illinois, to replace a like amount which have never been signed;

A bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States;

A bill (H. R. No. 2914) to authorize the President to reserve from sale or other disposition certain timber lands in the State of California, and for other purposes;

A bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes;

A bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas;

A bill (H. R. No. 3980) authorizing the Secretary of the Interior to place upon the pension-roll the name of Della Benner, widow of the late Lieutenant Hiram H. Benner, Company C, Eighteenth Infantry; and

A joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia.

The message also announced that the House had passed the bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory, with an amendment in which it requested the concurrence of the Senate.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JOHNSTON, it was

Ordered, That the papers in the case of William H. Newman and L. A. Von Hoffman be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers of Isaac Lindsey, praying for an extension of patent for weaving hair-cloth, be taken from the files and referred to the Committee on Patents.

On motion of Mr. SAULSBURY, it was

Ordered, That the papers in the case of the American Grocer Association be withdrawn from the files of the Senate and referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. I move that the papers in the case of George Heard, filed at the last Congress, be taken from the files in the office of the Secretary and placed upon the table to accompany the bill (S. No. 309) for the relief of George Heard, which has been favorably reported from the Committee on Public Lands, so that they can be used in the consideration of the bill.

The VICE-PRESIDENT. That order will be made.

AWARDS OF VENEZUELAN COMMISSION.

Mr. JOHNSTON. I offer the following resolution, and ask for its present consideration:

Resolved, That the President, if not incompatible with the public interests, be requested to inform the Senate if any money has been paid by the government of Venezuela on the awards of the mixed commission organized under the provisions of the treaty of the 25th April, 1866, between the United States and that republic, and, if any sum has been so paid, when the payment was made, the sum paid, and whether it has been distributed to the persons entitled to receive it, and if not so distributed, the reasons therefor; and also to furnish copies of the correspondence during the year 1879 between the governments of Venezuela and the United States relative to said awards.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDMUNDS. I think there is a word or two omitted, which are used as a matter of usual form in addressing the President of the United States. The resolution reads, "if not incompatible with the public interests." That would leave us to be as much the judge as he. The usual phrase is, "if in his opinion not incompatible with the public interests." I suggest that correction.

Mr. JOHNSTON. I have no objection to the amendment at all.

Mr. EDMUNDS. I suppose it is a mere accidental slip.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution was agreed to.

NATIONAL EDUCATION ASSOCIATION.

Mr. MORRILL. I ask the Senate to consider at this time the bill (S. No. 1094) to incorporate the National Education Association.

The Chief Clerk read the bill.

Mr. DAVIS, of Illinois. This is a pretty serious matter, proposing to incorporate people all over this country and not in the District of Columbia. I would rather the bill should not be considered to-day.

The VICE-PRESIDENT. The Senator from Illinois objects, and that takes the bill over in the morning hour.

Mr. COCKRELL. I will make a suggestion, which I think will facilitate business very much, that bills not on the printed Calendar be not called up until we have a new Calendar printed. My attention was called to this bill, but it was not on the printed Calendar and I could not tell when it would come up. I hope that such bills will not be called up, and I shall be compelled to object to most of them if they are called up before they appear on the printed Calendar, when we can have an opportunity of examining them, see whether we have any objection to them or not, and then can make an intelligent objection.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 165) to consummate the resolution of the Continental Congress of October 4, 1777, and erect a monument to the memory of Brigadier-General Herkimer, as therein directed—to the Committee on Military Affairs.

A bill (H. R. No. 2649) to authorize the Comptroller of the Currency to issue $500 in new notes to the National Bank of Pontiac, Illinois, to replace a like amount which have never been signed—to the Committee on Finance.

A bill (H. R. No. 2914) to authorize the President to reserve from sale or other disposition certain timber lands in the State of California, and for other purposes—to the Committee on Public Lands.

A bill (H. R. No. 2817) giving the consent of Congress to an agreement or compact entered into between the States of New York and Vermont respecting the boundary between said States—to the Committee on the Judiciary.

A bill (H. R. No. 3980) authorizing the Secretary of the Interior to place upon the pension-roll the name of Della Benner, widow of the late Lieutenant Hiram H. Benner, Company C, Eighteenth Infantry—to the Committee on Pensions.

A bill (H. R. No. 3966) to carry into effect the resolution of Congress adopted on the 29th day of October, 1781, in regard to a monu-

mental column at Yorktown, Virginia, and for other purposes—to the Committee on Military Affairs.

A bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished reserve lands in the State of Kansas—to the Committee on Public Lands.

DISTRICT HEALTH ORDINANCES.

The joint resolution (H. R. No. 189) legalizing the health ordinances and regulations of the District of Columbia was read the first time by its title.

Mr. HARRIS. I am directed by the Committee on the District of Columbia, having had the same subject before them, to ask that the House joint resolution be amended in a single respect and that it be put upon its passage this morning. I ask that the resolution be reported.

The joint resolution was read the second time at length.

The VICE-PRESIDENT. The Senator from Tennessee asks for the present consideration of the joint resolution.

Mr. EDMUNDS. It ought to be referred. It involves too much, I think, to be passed at once.

Mr. HARRIS. If the Senator from Vermont will allow me to make a statement, I think his objection will be withdrawn.

Mr. EDMUNDS. Certainly.

Mr. HARRIS. A recent decision of the supreme court of the District of Columbia settles the question that these health ordinances cannot be enforced. The health officer and the commissioners of the District of Columbia urge the immediate adoption of this joint resolution, because of the fact that, not being able to enforce a single one of these ordinances, the health officer says there is great danger of a spread of the epidemic of small-pox in the city. They are ordinances that have been enforced here for the last five years or more, and upon such examination as I have been able to give them I am inclined to think that they are all worthy of adoption, except a single one that I propose to except from the joint resolution by an amendment. In addition to this, if it is legitimate to refer to what is going on at the other end of the Capitol, there is a revisal of the laws of the District of Columbia now pending there, in the form of a bill that deals with this whole subject, and at no distant day that measure will come to the attention of this body for its consideration, when whatever there may be in these ordinances will be revised and the final action of the Senate taken upon the subject.

I will send to the Clerk's desk, if the Senate will indulge me, the communication from the commissioners of the District of Columbia and the health officer, which speak better than I can of the necessity of the case, in regard to which I feel no personal interest, I having been instructed by the Committee on the District of Columbia to make the motion that I have made.

Mr. EDMUNDS. I have listened with great interest to what the Senator has said, but I have seen so much of rapid legislation relating to the District of Columbia, a great deal of which has been vastly worse than the small-pox, that I think I should rather run the risk of the small-pox for twenty-four hours than the risk of "going it blind" in making by act of Congress a code of health laws for the District that none of us have seen except the committee. I have great confidence in the committee and I have no doubt I shall entirely agree to everything they have recommended, but I do not think there is such an extreme public danger of the spread of the small-pox (that is said to have been here for some months) just now on account of the action of the supreme court of the District of Columbia to warrant us in taking a step of this extraordinary importance.

We would make into a law, if we should pass the joint resolution now, all these ordinances, which are not before us, and they would become the penal laws of Congress in force in this District, and put powers more or less vast into the hands of this small body of men. Before I make myself responsible to the inhabitants of this District for such a species of criminal law, I want to see it. I do not think the delay of having this proposed legislation in print so that we may be able to look at the ordinances, will be of great danger in respect of the spread of any epidemic disease here. I am sure I shall be quite ready to assist the committee in going forward with the matter tomorrow or any other time when we shall have an opportunity to see what this proposition is.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I should like to have the communication of the commissioners printed.

The VICE-PRESIDENT. That order will be made.

Mr. HARRIS. Let it be printed in the RECORD.

The communication is as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 26, 1880.

SIR: The commissioners have the honor to forward to your committee, with their approval, the accompanying letter of the health officer of the District requesting the passage of a joint resolution to legalize the health ordinances, and thus relieve him of the embarrassments he now encounters in his efforts to enforce them.

By order of the board.

Very respectfully,

J. DENT, *President.*

Hon. ISHAM G. HARRIS,
Chairman Senate Committee on the District of Columbia.

HEALTH DEPARTMENT, DISTRICT OF COLUMBIA,
Washington, January 24, 1880.

SIR: I have the honor to invite the attention of the Senate Committee on the District of Columbia to the urgent necessity for some immediate legislation which will enable the health officer of the District to properly discharge the important duties imposed upon him by Congress.

Section 26 of an act of Congress approved February 21, 1871, entitled "An act to provide a government for the District of Columbia," created a board of health for said District, whose duty it was made "to declare what should be deemed nuisances injurious to health, and to provide for the removal thereof, to make and enforce regulations to prevent domestic animals from running at large, to prevent the sale of unwholesome food, and to perform such other duties as might be imposed upon said board by the Legislative Assembly." An act of Congress, approved June 23, 1874, made it the further duty of this board to make and enforce regulations to secure a full and complete record of vital statistics, including the registration of deaths and interment of the dead in said District.

In compliance with the provisions of these acts, the board of health framed a code of ordinances and promulgated certain regulations covering the subjects named. Under these ordinances and regulations, framed with much care, the health authorities have proceeded satisfactorily for a number of years. A few weeks since, however, the supreme court of the District of Columbia (or one of the members of that court) decided that it was not the intention of Congress to authorize the board of health to impose fines and penalties, and that the ordinances were therefore null and void.

The result of this decision has been to leave the District authorities without power to enforce the health laws and ordinances.

In the present emergency—the District threatened with an epidemic of small-pox—we have no authority to enforce the regulations to prevent the spread of infectious and contagious diseases, and no power to compel the abatement of nuisances injurious to the public health. The necessity for prompt action must therefore become apparent to all.

The code of municipal laws, as revised, and now under consideration by the District Committee of the House of Representatives, fully covers the subject of "public health"—the ordinances, regulations, &c., referred to having been incorporated therein by said committee—but as there may be delay in securing the passage of these laws, I would request that, if possible, a joint resolution legalizing the ordinances and regulations referred to be passed at once, that we may have authority of law under which to act in protecting the public health.

Trusting that the necessity for immediate action in this matter may be seen, and that such a joint resolution may be adopted as will provide for the present emergency,

I have the honor to remain, sir, yours, very respectfully,

SMITH TOWNSHEND, M. D.,
Health Officer District of Columbia.

Hon. I. G. HARRIS,
Chairman Committee on District of Columbia, United States Senate.

NAVAL OBSERVATORY SITE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill of the Senate (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

The amendment of the House of Representatives was read, being, in line 2, section 1, after the word "site," to insert "if practicable, to be upon an even degree of longitude west of Greenwich and."

Mr. MCPHERSON. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

EDUCATION IN ALASKA.

Mr. BLAIR submitted the following resolution; which was referred to the Committee on Education and Labor:

Resolved, That the Committee on Education and Labor be instructed to inquire what, if any, provisions have been made for the education of youth in Alaska, and what, if any, additional measures are required for that purpose, and to report the same by bill or otherwise.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GORDON. I offer the following resolution, and ask for its present consideration:

Resolved, That a committee of nine be appointed to take in consideration the subject of the construction of a canal to connect the Atlantic and Pacific Oceans; and that all papers, documents, and information relating to said subject be referred to said committee.

Be it further resolved, That said committee be authorized to confer and act concurrently with any similar committee of the House of Representatives; and that said committee be authorized to employ a clerk.

The VICE-PRESIDENT. Is there objection to this resolution? The Chair hears none, and it is agreed to. How shall the committee be appointed?

Mr. GORDON. By the Chair.

Mr. DAVIS, of West Virginia. I ask that the resolution be read again, by general consent.

The Chief Clerk read the resolution.

Mr. DAVIS, of West Virginia. I wish to say to the Senator from Georgia that the Committee on Transportation Routes to the Seaboard, I heard a member of it say a short time ago, was in some way considering this question. I ask the Senator whether he knows anything of that fact?

Mr. GORDON. No, I have not so understood. The subject has been before the Committee on Commerce of the Senate.

Mr. DAVIS, of West Virginia. I feel it my duty to call the attention of the Senate to the number of special committees that have heretofore been formed; and I am not now speaking of this proposition particularly. Probably this Congress, including the extra session, has organized more special committees than any previous Congress has done for some time. The expense has been so great that now we are considering a deficiency bill to cover the expense of these committees. I call the attention of the Senate to that point. I know nothing of the merits of this resolution; I am not speaking to it, but I suggest to the Senator whether some standing committee could

not consider the question as well as a special committee, and probably save to the country a great deal of expense in the end?

Mr. GORDON. I will only say in reply to the Senator that this question has been before the Committee on Commerce, and I am satisfied that the Committee on Commerce will not be able to consider the subject, nor will any other standing committee. It is the most important subject now before the American people. It is a subject of vast moment. Certainly if any question ever did deserve special consideration this question does, and the exigencies demand its immediate consideration. If the Senator were aware of the facts as I am, I am satisfied he would not make any opposition to the resolution.

Mr. HEREFORD. Mr. President, as the Senator from Georgia has said, this is a subject-matter which has already been referred to the Committee on Commerce, of which he is chairman. As one of the members of the Committee on Commerce, I am not aware of any action by it, unless the committee acted this morning, and its meeting this morning is the first one I have not been present at during this session or during the whole time I have been on the committee. It seems to me that the committee which has charge of this subject now ought to be consulted before it is transferred to another committee. I think that the Committee on Commerce has ample time to consider this subject.

The Senator from Georgia has said that the Committee on Commerce will not have time for its consideration. I cannot see the force of that objection for this reason: every member of the committee, however much of his time may be occupied in that committee, is not the less busy by being put on a new committee. This new committee has to be taken from the other committees of the Senate.

The VICE-PRESIDENT. The morning hour has expired, and this debate proceeds by unanimous consent.

Mr. HEREFORD. I have nothing more to say except that I am opposed to the passage of the resolution until the Committee on Commerce has considered it.

The VICE-PRESIDENT. Does the Chair understand the Senator from West Virginia to move to reconsider the vote by which the resolution was passed?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. DAVIS, of Illinois. Did the resolution pass?

The VICE-PRESIDENT. It did.

Mr. DAVIS, of Illinois. I did not know it.

The VICE-PRESIDENT. The motion to reconsider is pending.

Mr. DAVIS, of Illinois. The resolution goes over with that motion pending.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The unfinished business is the joint resolution (S. R. No. 49) in relation to United States Treasury notes.

Mr. McDONALD. I desire, in accordance with notice given the other day, to move to lay aside the pending business and any prior order that I may move to take up Senate bill No. 19, to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

The VICE-PRESIDENT. The Chair does not think that motion necessary as no one seems inclined to proceed with the unfinished business of the Senate.

Mr. EDMUNDS. What is the unfinished business?

The VICE-PRESIDENT. The joint resolution in relation to United States Treasury notes.

Mr. EDMUNDS. I hope, Mr. President, the Senator from Indiana will not press his motion to take up to-day the bill named by him. It is a bill of great importance in point of the amount of money to be taken from the Treasury, as well as the principle which it involves, and it requires quite an extended examination of the history of the statutes, and particularly the proceeding under them, and what Congress has been called upon to do hitherto, in order to discuss the subject upon those just considerations and merits that ought to be discussed under. I have been trying to go through with it in order to see what I thought my duty required me to do in respect of voting on the bill. I have not had time to finish that examination. If the Senator will allow the matter to go over to Monday, I shall be very glad.

Mr. McDONALD. I have no desire to unduly press this matter, although I wish to have it early considered, and on the request of the Senator from Vermont I will consent to let it stand until Monday.

THOMAS KEARNEY.

Mr. MAXEY. I ask unanimous consent for the consideration of House bill No. 2188.

The VICE-PRESIDENT. Unanimous consent is not now required; it comes up as a matter of right, the morning hour being over, and no other matter pending.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2188) for the relief of Thomas Kearney. It is a direction to the proper accounting officers of the Treasury, in settling the accounts of Thomas Kearney, late collector for the district of Corpus Christi, in Texas, to credit and allow him $12,470.50 in gold, and $340 in silver, public money, of which he was robbed, while his life was in jeopardy, by Sergeant Connor and Private Jackson, United States soldiers, on the highway in Texas, on the 6th of May, 1870.

Mr. MAXEY. The bill passed the House of Representatives on the 23d of January, was submitted to the Senate Committee on Finance, and was reported favorably by that committee, and the report of the House committee adopted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. M'CLINTOCK.

Mr. BAYARD. I ask the Senate to proceed to the consideration of Senate bill No. 142.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 142) for the relief of John M. McClintock. It is a direction to the Commissioner of Internal Revenue to reopen and reconsider the claim of John M. McClintock for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected for the amount of $3,600; and if, upon reopening and reconsidering the claim, the Commissioner shall find these taxes, or any part of them, to have been illegally or improperly assessed and collected from the claimant, it is made his duty to audit and ascertain the amount of taxes so illegally and improperly collected, deducting, however, any legal unpaid taxes which the claimant should have paid and did not, if any there shall be, under section 103 of the act of June 30, 1864, entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes."

Mr. EDMUNDS. Let us hear the report, Mr. President.

Mr. BAYARD. There is a report.

The Chief Clerk read the following report, submitted by Mr. KERNAN February 13, 1879:

The Committee on Finance, to whom was referred the bill (S. No. 1581) for the relief of John M. McClintock, having had the same under consideration, beg leave to submit the following report:

John M. McClintock, of the city of Baltimore, Maryland, was engaged in the business of city and local expressage of baggage and merchandise in said city during the years 1864, 1865, 1866, 1867, 1868, 1869, and 1870, and for and during these years he has been assessed and has paid to the collector of internal revenue of the United States for the third district in the State of Maryland the sum of $3,600. The said collector of internal revenue assessed and collected the above-described amount under the alleged authority of section 104 of the act of June 30, 1864, which provides as follows: "That any person, firm, company, or corporation carrying on or doing an express business shall be subject to and pay a duty of 3 per cent. on the gross amount of all the receipts of such express business."

Owing to the want of uniformity in the construction of this section of the statute among the different collectors of internal revenue—since it appeared that in a "large number of cities the officers of the revenue did not construe this law as applicable to persons engaged in local expressage merely; and that the carrying of passengers and baggage on no continuous or fixed route was not 'an express business within the intent of the statute'"—the Commissioner of Internal Revenue, Hon. J. W. Douglas, on the 6th of April, 1870, instructed S. B. Dutcher, supervisor, New York, that "it is only those who do their business on regular routes that should be regarded as engaged in an express business and liable under section 104. * * * If taxes under section 104 have been assessed contrary to the above rule, * * * you will see that collection is suspended and claims for abatement prepared."

Under the above ruling of the Commissioner of Internal Revenue, the claimant in this case, in the form and manner prescribed by the rules of the Commissioner, filed his application for the refunding of the said amount of internal tax, but his claim was rejected by the said Commissioner of Internal Revenue without formal opinion containing the reasons for such rejection being given by that officer.

Subsequently, it appearing that the Commissioner of Internal Revenue, Hon. D. D. Pratt, was reopening the claims of Dodd's Express Company of the city of New York, and Parmelee's Local Express of Chicago, for the reason that these claimants had obtained a judgment of the circuit court of the United States construing the law (sec. 104) in their favor, application was made to the Commissioner, Hon. D. D. Pratt, by the claimant to have his claim reopened and the former ruling set aside, and the amount of tax, as alleged to have been erroneously or illegally collected, refunded to him; but the Commissioner of Internal Revenue decided that, inasmuch as his predecessors in office had rejected this claim, he had no authority to act in the premises as requested by claimant. The official record of the Internal Revenue Office shows that the sum of $3,600 was paid by the claimant as alleged and set forth in his said application.

In view of the facts stated, and for the reason that several similar prayers for relief have been favorably considered by Congress, your committee recommend that the bill be passed.

Mr. COCKRELL. I should like to have one question decided simply for my own information and guidance; and that is, whether this is a bill affecting the finances and therefore belonging to the Finance Committee, or whether it relates to a claim against the Government, and therefore belongs to the Committee on Claims? We have a large number of cases of this kind before the Committee on Claims. We may adopt one rule, and the Finance Committee may adopt another. It is proper that the Senate should know and understand in what respect such claims as these shall be regarded. If they go to the Finance Committee I want the Committee on Claims discharged from all of them, for I do not wish to be coming in conflict with the other committees of the Senate. If this is a claim that belongs to the Committee on Claims, it ought to go there, and the Finance Committee ought not to act upon it.

I hold in my hand one of the bills laid on my table this morning. It is House bill No. 2802, for the relief of the owner of the bark Grapeshot. It is an old claim, to have a certain amount of money in the Treasury paid to the owner of this vessel. We have had such claims as that before the Committee on Claims time and again. Now, how does that go to the Finance Committee? Here it is referred to the Finance Committee, and I have found and have here upon my desk bills which I am watching and have marked, half a dozen of them, which have gone to the Committee on Finance; some of them having formerly been reported adversely by the Committee on Claims

and being of a class which have always been considered claims when presented to the Committee on Claims.

We have before the Committee on Claims a bill that was formerly before the Committee on Indian Affairs, and was reported adversely by that committee; and so it is now presented to the Committee on Claims. Some of these cases have been reported adversely by the Committee on Claims, and now they are being taken to the Committee on Finance. I suppose if they shall be reported adversely there, they will be taken to some other committee.

It is a matter of utter indifference to me; the Committee on Claims has more work than it can do, and we are certainly not attempting to absorb jurisdiction; we are not wanting these cases; but the Senate ought to determine this question, and we ought to know its view and have one uniform rule, and let them all go to the same committee.

Mr. BAYARD. Mr. President, I am very sure that it would be a great relief to the Committee on Finance if the Committee on Claims, of which the honorable Senator from Missouri is so able a head, should take the entire jurisdiction of cases involving claims against the United States in the construction of revenue laws by the officials. This case is one of a class. By construction of the revenue laws, the Department exacted a tax from a citizen, which the judicial branch of the Government subsequently decided was improperly exacted. This bill is to enable the accounting officers of the Treasury to conform their construction in settling the accounts of the debtor, to accord with the decision of the courts on the subject. From time immemorial I believe such cases have been passed upon by the Finance Committee.

I am sure that committee would be relieved greatly if the Committee on Claims would take all such cases from their jurisdiction; but I simply repeat that the unvarying practice has been that claims of this character growing out of a contested construction of the revenue acts of the Government shall be referred to and settled by the Committee on Finance. That is why this case, which is one of a class, followed the rule and came to that committee, was reported by it after full and thorough action, and the present bill is but a continuation of similar bills of the same class, and seeks to make the construction of the law and the decision of the Department coincide with the construction of the judicial branch in cases brought before it. A test case was made in New York to settle whether these taxes on local express companies were properly payable under the law of 1864 or not, and the court after long delay decided that the parties were exempt. The Department had prior to that time decided that they were liable. Now we simply say that the proper interpretation put upon the law by the judicial branch shall be followed in this case. It cannot therefore be considered in the nature of a private claim. It is a subject of accounting by a citizen to the Department, and having the question controlled by judicial interpretation.

Mr. COCKRELL. I have had no time to examine this bill; but in the Forty-fifth Congress, and I believe in the Forty-fourth Congress also, a bill precisely similar to this, and referring to the same class of business in Boston or in Philadelphia, was before the Committee on Claims, was considered by the committee, and reported favorably. As a matter of course, any Senator will understand that the Committee on Claims would be more than willing to be released from the business that is now before it, but the question is whether this is a claim against the Government or not, and whether it should go to the Committee on Claims.

I say that committee did have a bill like this, and the members of that committee will recollect it; it was reported by Senator Wadleigh and was passed by this body; and in that connection this very same subject was considered, and in that case relief was granted. Now, we have a number of cases before the Committee on Claims, some where parties were assessed twice and paid the second assessment and the officers of the Government refused to refund. We have a number of claims of that kind. We have a number of cases where the claimants claim that the assessment against them was illegal, and yet they were forced to pay it. Now, shall we consider them or shall we ask that the Committee on Claims be discharged and the cases sent to the Committee on Finance? I do not know what was the rule of the Senate prior to 1875, but I state a fact which the records of the Senate will show, that this class of claims since 1875 has been uniformly sent to the Committee on Claims, and that the beginning of the Forty-sixth Congress was the first time when a change was made and they were sent to the Committee on Finance, and I find a large number of them have taken that course. I have no doubt the bill is just, but it is simply a question of where these cases shall be considered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STOREHOUSE AND DEPOT AT OMAHA.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 62) introduced by the Senator from Nebraska, [Mr. SAUNDERS,] authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska, have considered the same; and there has been referred to it also House joint resolution No. 163, for precisely the same purpose. I am instructed to report back the House joint resolution to the Senate and recommend its passage.

Mr. PADDOCK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution. Economical considerations demand its immediate passage. As my colleague [Mr. SAUNDERS] resides at Omaha, and as he introduced a similar resolution in the Senate, I give way to him for an explanation, if one is required.

Mr. SAUNDERS. I ask the Senate to consider the joint resolution just reported by the Senator from Missouri.

The joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska, was read.

Mr. SAUNDERS. There was an appropriation made last June for the building of a storehouse for the benefit of the military headquarters at Omaha, to save the expense of sending everything needed four miles, as they now have to do, to the fort. Thirty thousand dollars was appropriated at the last session of Congress, but it was found afterward that there was a section in the Revised Statutes that required the Legislature of the State to cede its jurisdiction over the site before this money could be expended. The title is all perfected. We have the signature of the Attorney-General to that effect. Everything is in readiness. I have letters here to show that they are prepared to go on with the work, and are desirous to pursue it immediately, but they are awaiting some action of this kind which will enable the Secretary of War to expend the money.

Mr. EDMUNDS. Before I assent to the consideration of this measure, I should like to find out a little about it. The Constitution provides, as we all know, that the dominion of the United States over places acquired for naval dock-yards and military sites, and so on, shall be exclusive, and we have always been in the habit, I believe without exception, unless it was an accident, before we took lands in the States and built military structures upon them, of obtaining from the State a cession of the jurisdiction so that our officers and operations on that land should be under the dominion of the United States, and not under the dominion of the State. If I understand correctly the statement here, it appears that the law now requires that. We did provide the money, and it was said that the citizens of Nebraska were going to give the land; but here is an expenditure of which this $30,000, I suppose, is only the first installment, for a permanent military structure, a kind of depot or quartermaster's establishment. It appears to me rather doubtful whether it is a wise thing for the United States to proceed to expend money upon this property until we shall be able to get from the State of Nebraska the right to control it. It will be liable to taxation, I suppose; it will be liable to all the dominion that the State of Nebraska has over private property. It seems to me that the Senate ought to think a little before we take that extraordinary step.

Mr. SAUNDERS. Will the Senator allow me to explain?

Mr. EDMUNDS. Certainly.

Mr. SAUNDERS. The bill that appropriated this money provided that the land on which the depot should be built should not cost anything to the Government. The citizens of Omaha have donated five acres of valuable land for this purpose, and the title has been approved both there and by the Attorney-General here. The Attorney-General has assured the War Department that the title to the land is perfect so far as giving the fee-simple on the part of the donors is concerned; but a question is raised whether the money can be expended without something of this kind authorizing the Secretary of War to proceed. The title is perfect to the land in this Government at this time and is on record; but the State Legislature will not meet till next winter. We want to expend the money now because everything is ready. Now the Government has to haul everything four miles from Omaha to the fort, whereas this depot is on the line of the road. The money, I will state, will go back to the Treasury on the 30th of June next unless it is used, and they are all ready now, as I can show by the quartermaster's report. They have the plans and specifications all ready awaiting something of this kind.

Mr. EDMUNDS. Is there any instance known to my friend from Nebraska where the United States has proceeded to erect permanent military structures at the expense of the Government upon private property?

Mr. SAUNDERS. Yes, sir; one at Fort Omaha. They took part of it and afterward bought forty acres of land there. Dominion was relinquished by the Legislature over the property purchased, as it will be in this case. On the other part I do not think the jurisdiction was ceded when the property was taken.

Mr. EDMUNDS. That will be a pretty strong reason for not going any further if we have now got public buildings on private property there, which the State is unwilling to cede to us under the provisions of the Constitution or has not ceded.

Mr. SAUNDERS. The Legislature has ceded it, but not at the time the property was taken. The Government did the work before, and the Legislature took action afterward, just as it will do in this case.

Mr. JONES, of Florida. Does the Senator from Vermont conceive it to be necessary in case of the acquisition of property for forts and arsenals that the Legislature of the State wherein the land is situated should cede jurisdiction over it in order to enable the Government to utilize it for public purposes?

Mr. EDMUNDS. I have not said that, Mr. President; but I say

that it appeared to be thought important in the Constitution, and it has been found so by some sad experiences since, that the sovereign jurisdiction of the Government over its own forts and arsenals should be exclusive of that of the State, just as in the same way the sovereign jurisdiction of the State over its own military or civil establishments must be exclusive, and ought to be exclusive of that of the United States. My point is not that we cannot lawfully appropriate this money, if we choose to give it, to build structures upon the private property of citizens, or upon property that private citizens have conveyed by deed to the United States. We can appropriate the money for it; but then the question is, whether doing that has ousted the State of any of its original jurisdiction over that land as private property. That is the question.

Mr. JONES, of Florida. I have had occasion to look into this matter a good deal. These cessions have carried with them consequences that at one time were not thought to follow. It is a very well established principle of law in this country that where the State cedes jurisdiction over any portion of her territory to the United States for any of the purposes contemplated in this part of the Constitution, the persons or inhabitants living or residing within that territory lose their political rights within the State. So I know it is in my own State. I know now of two thousand people within the jurisdiction of the United States who are held to have no political rights whatever in the State, they being within the sole and exclusive jurisdiction of the United States because the State ceded to the General Government all her authority over the Pensacola navy-yard. I thought it was a very unwise thing to do. With respect to the military reservations no such cession was ever made. The forts in my State are erected on property acquired by the Government by private purchase, but no cession of jurisdiction over them ever was made by State authority; still they are utilized for all public purposes just the same, and I have never thought it necessary to go through the form of a cession of jurisdiction to enable the Government to use property for these purposes.

Mr. EDMUNDS. But suppose the State should choose to tax that land for illustration?

Mr. JONES, of Florida. I do not think it could do it.

Mr. EDMUNDS. That raises the very question. It surely could not do it if we had a cession; but it would not be so certain it could not do it if we had not. I should very much doubt if the United States were to buy up the whole county in which I live in the State of Vermont, that the inhabitants thereof were going to escape taxation or any other duty that they owed to the State of Vermont when that purchase had been made by the United States without the consent of the State. I do not think it very safe to assume a proposition of that kind. Of course in the case of a very small purchase, very likely the State would not care to tax it; but it might be that she would; it might be that the State would wish to execute some particular process that she had against the commanding officer of the fort or arsenal, or whatever it might be, at a time when it would be very unfortunate for the United States that it should be done. The theory of the Constitution, therefore, was that there should be, in respect of dock-yards, arsenals and so on, so far as they were necessary and so far as the State chose, a political dominion of the Government whose property they were, for reasons that it is quite unnecessary to go into an extensive discussion about, because we all understand them and probably we understand them alike.

That is all my point about it. I do not say that the United States cannot acquire private property in the sense of ownership, just like any other corporation, in a State, without her consent. I rather think she can, although that is a question that might be argued with considerable force on both sides; and thus it is that I call the attention of the Senate to what appears to me the doubtful propriety (except in the case of some extreme emergency where we cannot wait) of proceeding to expend money for permanent structures upon property the dominion of which we cannot obtain or do not obtain or have not obtained from the State itself. If it be necessary to have exceptions, as in many of the State grants for particular purposes where the two dominions do not necessarily conflict, they can be put in; but in the ordinary sense I should say it was extremely unwise.

My duty is done in calling the attention of the Senate to it. I shall not object to the consideration of the joint resolution.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. EDMUNDS. Now, that the joint resolution is up for consideration, I wish to ask the chairman of the committee whether he has the statement or evidence that the Attorney-General has approved this title?

Mr. COCKRELL. Yes, sir.

The joint resolution was ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-two minutes spent in executive session the doors were reopened, and (at three o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 29, 1880.

The House met at twelve o'clock m. Prayer by Rev. W. BRUSH, D. D., Methodist Episcopal church, Austin, Texas.

ADMISSION TO THE FLOOR.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent that Hon. Lawrence Weldon, a prominent citizen of Illinois, be admitted to the privileges of the floor for two days.

Mr. CLYMER. Mr. Speaker, I do not wish to object in this instance, but I do think that gentlemen should state the position occupied by those to whom the privileges of the floor are to be granted, in their own States, before the House grants that privilege.

I fear we are breaking away from the rule which has worked so beneficially for the comfort and convenience of the House in the progress of its business.

Mr. WHITE. I would like to inquire where we are to stop in this matter of granting the privilege of the floor.

Mr. STEVENSON. I have not asked the privilege before for any gentleman.

Mr. WHITE. Neither have I.

Mr. KENNA. We are now revising the rules and will remedy that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the privilege of the floor be extended for two days to the gentleman named. Is there objection?

There was no objection, and the request was granted.

PUBLIC ROADS POST-ROUTES.

Mr. BAKER. Mr. Speaker, I demand the regular order of business.

The SPEAKER. The regular order of business being demanded, the morning hour now begins at fifteen minutes past twelve o'clock. The unfinished business is the bill (H. R. No. 3384) declaring all public roads post-routes.

The pending question was on seconding the demand for the previous question, and the House was dividing at the expiration of the last morning hour, when the point was made that a quorum had not voted.

Mr. CLYMER. Mr. Speaker, that point of order was made by myself, and if there be no objection, I now withdraw it, as I do not wish to delay the House, because it is evident that a quorum is now present.

The SPEAKER. If the point of order is not insisted upon that a quorum did not vote, the previous question will be considered as seconded.

Mr. CANNON, of Illinois. I would like the attention of the gentleman from Georgia [Mr. COOK] for a moment. I will not insist on the point of order if he will allow an amendment making these public roads and highways post-routes merely while the mails are carried upon them.

Mr. COOK. I have no objection to that.

The SPEAKER. On the division yesterday on seconding the demand for the previous question the ayes were 83 and the noes 44. The point of order that a quorum did not vote is now withdrawn, and the previous question is seconded. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to submit an amendment.

Mr. STONE. The gentleman from Illinois authorizes me to state the amendment he proposes. It is to insert, after the word "post-routes," the words "while the mails are carried thereon."

Mr. COOK. That is the language which is used in the law as applying to plank-roads, rivers, and canals.

Mr. DUNNELL. Let the bill be read as proposed to be amended.

The Clerk read as follows:

Be it enacted, &c., That all public roads and highways are hereby declared post-routes while the mails are carried thereon; and the Postmaster-General is hereby authorized to put postal service upon all such routes when the public necessity may require it.

Mr. BLOUNT. I must object to the amendment suggested by the gentleman from Illinois. It is a new thing and we have no chance to discuss it.

The SPEAKER. The question recurs: Shall the main question be now put?

The main question was ordered.

The question was on agreeing to the amendment of the committee to strike out the words "and the Postmaster-General is hereby authorized to put postal service upon all such routes when the public necessity may require it."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. CLYMER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. HAWK. Let the bill be again read as amended.

The bill, as amended, was read, as follows:

Be it enacted, &c., That all public roads and highways are hereby declared post-routes.

The question was taken; and there were—yeas 135, nays 100, not voting 57; as follows:

YEAS—135.

Aiken,	Dibrell,	Knott,	Simonton,
Aldrich, N. W.	Dunn,	Ladd,	Slemons,
Aldrich, William	Dwight,	Lapham,	Smith, A. Herr
Anderson,	Errett,	Lindsey,	Smith, William E.
Armfield,	Evins,	Lowe,	Speer,
Bailey,	Farr,	Manning,	Starin,
Ballou,	Felton,	Martin, Benj. F.	Steele,
Bayne,	Finley,	Martin, Joseph J.	Stephens,
Belford,	Fisher,	Mason,	Stone,
Beltzhoover,	Ford,	MGowan,	Talbott,
Bingham,	Forsythe,	McKinley,	Taylor,
Blake,	Garfield,	Miller,	Thomas,
Boyd,	Gillette,	Money,	Thompson, Wm. G.
Brewer,	Godshalk,	Muldrow,	Tillman,
Browne,	Hammond, John	Murch,	Townsend, Amos
Burrows,	Harmer,	Newberry,	Tyler,
Butterworth,	Harris, John T.	Nicholls,	Updegraff, J. T.
Calkins,	Haskell,	Norcross,	Updegraff, Thomas
Camp,	Hawk,	O'Connor,	Upson,
Carpenter,	Hayes,	Orth,	Urner,
Caswell,	Hazelton,	Overton,	Valentine,
Conger,	Heilman,	Page,	Vance,
Converse,	Henderson,	Poehler,	Voorhis,
Cook,	Henkle,	Pound,	Ward,
Cowgill,	Horr,	Prescott,	Washburn,
Crapo,	Houk,	Price,	Weaver,
Cravens,	House,	Richardson, J. S.	Wellborn,
Culberson,	Hubbell,	Richmond,	White,
Daggett,	Hull,	Ryan, Thomas	Wilber,
Davidson,	Jones,	Samford,	Williams, C. G.
Davis, George R.	Joyce,	Sapp,	Willits,
Davis, Horace	Keifer,	Shallenberger,	Wood, Walter A.
Deering,	Kenna,	Shelley,	Yocum.
De La Matyr,	Kitchin,	Sherwin,	

NAYS—100.

Atherton,	Colerick,	Killinger,	Robinson,
Bachman,	Covert,	Kimmel,	Ross,
Baker,	Davis, Joseph J.	Le Fevre,	Sawyer,
Barber,	Davis, Lowndes H.	Lewis,	Scales,
Beale,	Deuster,	Lounsbery,	Singleton, J. W.
Bicknell,	Dickey,	Marsh,	Sparks,
Blackburn,	Dunnell,	Martin, Edward L.	Springer,
Bland,	Elam,	McCoid,	Stevenson,
Blount,	Ellis,	McCook,	Thompson, P. B.
Bouck,	Forney,	McKenzie,	Townshend, R. W.
Bragg,	Frost,	McLane,	Tucker,
Briggs,	Frye,	McMahon,	Turner, Oscar
Brigham,	Geddes,	McMillin,	Turner, Thomas
Buckner,	Goode,	Miles,	Van Aernam,
Cabell,	Gunter,	Monroe,	Van Voorhis,
Caldwell,	Hammond, N. J.	Morrison,	Waddill,
Cannon,	Hatch,	Morse,	Wait,
Carlisle,	Hawley,	Myers,	Warner,
Chalmers,	Herbert,	Neal,	Wells,
Chittenden,	Herndon,	New,	Whiteaker,
Clardy,	Hiscock,	Phelps,	Whitthorne,
Clark, Alvah A.	Hostetler,	Phister,	Williams, Thomas
Clymer,	Hunton,	Reagan,	Willis,
Cobb,	Hurd,	Reed,	Wise,
Coffroth,	Hutchins,	Rice,	Wright.

NOT VOTING—57.

Acklen,	Field,	Klotz,	Robertson,
Atkins,	Fort,	Loring,	Robeson,
Barlow,	Gibson,	Mills,	Rothwell,
Berry,	Hall,	Mitchell,	Russell, Daniel L.
Bliss,	Harris, Benj. W.	Morton,	Russell, W. A.
Bowman,	Henry,	Muller,	Ryon, John W.
Bright,	Hill,	O'Brien,	Singleton, O. R.
Claflin,	Hooker,	O'Neill,	Smith, Hezekiah B.
Clark, John B.	Humphrey,	O'Reilly,	Wilson,
Cox,	James,	Osmer,	Wood, Fernando
Crowley,	Johnston,	Pacheco,	Young, Casey
Dick,	Jorgensen,	Persons,	Young, Thomas L.
Einstein,	Kelley,	Philips,	
Ewing,	Ketcham,	Pierce,	
Ferdon,	King,	Richardson, D. P.	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. HARMER. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. SMITH, of New Jersey.

Mr. MONROE. Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE, of New York.

Mr. PAGE. My colleague from California, Mr. BERRY, is absent by leave of the House.

The result of the vote was then announced as above recorded.

Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LANDS SOLD FOR DIRECT TAXES.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 321) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States; and the same was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

SECTION 740 OF REVISED STATUTES.

Mr. NEW. I am instructed by the Committee on the Judiciary unanimously to report back favorably for present consideration the bill (H. R. No. 2932) amending section 740 of the Revised Statutes, with amendments.

The bill was read, as follows:

Be it enacted, &c., That section 740 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"When a State contains more than one district or division every suit not of a local nature, in the circuit or district courts thereof, against a single defendant, inhabitant of such State, must be brought in the district or division where he resides; but if there are two or more defendants, residing in different districts or divisions of the State, it may be brought in either district or division, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district or division in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district or division; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein execution may be issued, directed to the marshal of the district or division of any district or division in the same State. In all cases of removal of suits from State courts to the courts of the United States, such removal shall be to the United States courts held in the district or division in which said State courts are held; and the time within which the removal shall be perfected, in so far as it refers to the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in such district or division."

The amendments reported from the Committee on the Judiciary were as follows:

In line 9, after the words "district or division," insert the words "as the case may be."

In line 25, after the words "district or division," insert the words "as the case may be."

At the end of the bill add the following:

"As aforesaid. And all cases which may be removed from the district to the circuit court, either by appeal or writ of error, may in like manner be taken from the district court of any division to the circuit court next to be held in the same division; and if no circuit court be held in such division the appeal or writ of error shall be taken to such circuit court within the State as shall be ordered by the said district."

Mr. CONGER. Is that bill reported from any committee?

The SPEAKER. It is reported from the Committee on the Judiciary.

Mr. CONGER. I hope it may go to the Committee of the Whole for consideration. It is a very important bill, and there are some provisions in it which no one can understand without further examination.

The SPEAKER. Does the gentleman make a point of order on the bill?

Mr. CONGER. I do, if it be subject to one.

The SPEAKER. What point?

Mr. CONGER. I heard but a portion of the bill read. I would like to hear it read again.

The bill was again read.

Mr. CONGER. Upon hearing the bill read again, I perceive that it does not contain the provision which I supposed was in it. I have no objection to its consideration at this time.

The amendments reported from the committee were then agreed to.

Mr. GARFIELD. I would inquire if this is the unanimous report of the Committee on the Judiciary?

Mr. NEW. It is.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. NEW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERM OF SERVICE OF JURORS.

Mr. HERBERT, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 3336) to prescribe the time of service of jurors.

The bill was read, as follows:

Be it enacted, &c., That no person shall serve as a petit juror in any court of the United States more than three weeks during any one year: *Provided, however*, That jurors may sit as long as may be necessary to decide causes the trial of which may have been begun before the expiration of such term of service.

SEC. 2. Judges shall provide, according to the mode of drawing of juries now in force, for the drawing of such additional juries as may be necessary to complete the business of courts which sit more than three weeks.

SEC. 3. This act shall take effect within one month after its approval.

Mr. CONGER. I raise a point of order upon that bill, that it will lead to additional expense in the drawing of new jurors, and therefore it should first be considered in Committee of the Whole.

The SPEAKER. That point of order, the Chair thinks, rests upon a very remote contingency. This bill is general in every particular; it makes no appropriation.

Mr. CONGER. No; but it makes a positive enactment that no juror shall serve over three weeks at one time, unless at the expiration of that time he may be impaneled on a case the trial of which is still going on. This law provides that the judge shall make provision for the drawing and summoning of a new venire during the session of the court.

The SPEAKER. The Chair thinks that is a contingency which he is not called upon to contemplate. In order that a point of order shall lie against the bill it should be shown that it requires the appropriation of money to carry it into effect.

Mr. CONGER. There is no question that if the bill is ever enforced at all it would require additional expense.

The SPEAKER. That is in the nature of an argument against the

bill by such members as may be opposed to it. The Chair thinks the bill should upon its face require an appropriation in order to make it liable to a point of order.

Mr. CONGER. The bill is positive that this shall be done. It seems to me that upon a moment's reflection it must be seen that it will increase expenditures. That is apparent upon the face of the bill. I can hardly imagine a case where an increased expenditure by the compulsory terms of a law can be more apparent than in this case.

The SPEAKER. The Chair thinks that in order to be subject to the point of order the bill should contain an affirmative declaration requiring an appropriation or expenditure of money. That is in accord with former decisions of the Chair, that the bill shall contain an affirmative statement that an appropriation or expenditure should be made. The Chair does not see that this bill comes within the rule.

Mr. CONGER. Then I ask that it may be sent to the Committee of the Whole for consideration.

Mr. HERBERT. I prefer that it be considered in the House at this time.

Mr. WHITE. Let the bill be again read.

The bill was again read.

Mr. WHITE. I would like to inquire if this is a unanimous report of the Committee on the Judiciary?

Mr. HERBERT. I have been instructed by the Committee on the Judiciary to report this bill and put it upon its passage at this time. There was considerable discussion in the committee upon the bill, and at that time the members were not unanimous in its favor. I do not know whether any gentleman upon the committee intends to oppose its passage or not. If so, it is the understanding of the committee that any member of the committee has a perfect right to oppose the bill if he sees proper.

Mr. CONGER. Yes.

Mr. HERBERT. I do not know whether any member of the committee desires to oppose it or not.

Mr. WHITE. Why limit time of service of jurors to three weeks?

Mr. HERBERT. I will state. In some of the courts of the United States jurors are now compelled to stay as long as six and sometimes eight weeks at a time. That is an intolerable hardship upon any man engaged in business, whether he be a farmer, or a merchant, or whatever his business may be. It is a hardship upon such a man to take him away from home and compel him by law, without any volition of his own, to serve for $2 a day for eight consecutive weeks. At the last session of the present Congress we reduced the pay of jurors from $3 a day to $2. Business men cannot afford to serve the Government for this pay so long as six or eight weeks at a time. They are always getting excused on every possible pretext; and the courts cannot resist the excuses that are made.

In the State I have the honor to represent in part we have, and have had for years, a law similar to that proposed in this bill, except that in Alabama no person is allowed to serve as a petit juror more than one week in any one year. There is a similar law in the State of Georgia and in the State of Texas. In other States similar provisions are gradually being adopted, especially for courts which set for any length of time. In the State of Massachusetts there is a special law for the county of Suffolk, limiting the term of service of jurors to thirty days. In the State of Ohio the limitation is the same as that proposed in this bill; no person is compelled to serve more than three weeks, and I am told by the gentleman from Wisconsin [Mr. BRAGG] that such is the law in his State.

It can readily be seen why such a law as this ought to be passed for the United States courts. Most of the State courts sit in every county twice a year, and the term of the court is generally not more than from one to three weeks. Consequently, as to the State courts there is no great necessity for a law of this kind, except where courts are continuously in session, as in the cities. But the United States courts throughout the Union sit sometimes for a much longer period than three weeks. This is the reason which influenced the committee to recommend the passage of the bill.

The provision of the bill is mandatory. It is that no person shall serve more than three weeks. The question was discussed in the committee, whether the provision ought not to be made permissive, whether it ought not to be left to the juror in each case to say whether he would be willing to serve longer than three weeks. The consideration which influenced us to report the bill in its present shape was this: the law now requires that jurors shall be drawn and summoned beforehand; and the judge of the court when ordering juries to be drawn cannot well foresee which of the jurors might be willing to serve more than three weeks and which of them would avail themselves of the privilege of such a law as this. Hence the judge would not know how many to summon for the fourth week, for instance, or the seventh week. To obviate any difficulty of this kind, we have provided that no person shall serve as a juror longer than three weeks, thus assimilating the law of the United States to the law in many of the States.

We have provided that when a trial of a case has begun during the three weeks for which a jury has been sitting, that jury shall sit as long as is necessary to conclude the trial of the pending cause. It is further provided in the bill, as an additional safeguard, that the law shall not take effect for one month after its approval, so as to give the courts time to adjust their machinery to the requirements of the law.

I am instructed by the committee to ask for the passage of the bill. If any gentlemen on the other side desire to oppose it, I am willing to allow a reasonable time for discussion. [Mr. CONGER rose.] How much time does the gentleman from Michigan desire?

Mr. CONGER. There has been no opportunity, of course, to discuss——

Mr. HERBERT. How much time does the gentleman ask?

Mr. CONGER. I am replying to that question.

Mr. HERBERT. I will not yield the floor to any gentleman except for a definite time. How much time does the gentleman from Michigan ask, if I yield to him?

Mr. CONGER. I was saying, Mr. Speaker, that this is a new question to the House, and I have not had time, nor have other members had——

Mr. HERBERT. I have not yielded the floor.

Mr. CONGER. Is the gentleman so impatient that he cannot hear me?

Mr. HERBERT. I simply want it understood that I do not yield the floor.

Mr. CONGER. The gentleman may hold the floor. I never undertake to take the floor without permission. I say that members of the House, so far as I am aware, have not had any opportunity to examine this bill and its bearings. I would like an opportunity to do so. It seems to me that the bill does not provide for contingencies which may arise and which would necessarily cause great confusion and expense. The judge would not know in advance the exact time during which his court would sit; and it might happen that in order to finish the business the term might necessarily be continued two or three days beyond the three weeks within which it was expected all the business would be concluded. Under this law, if a judge had not directed beforehand the drawing of a new jury, he might be compelled to adjourn the court, leaving the business unfinished.

Mr. HERBERT. That case would rarely happen. Almost always cases are set in courts for the first, the second, the third, or the fourth week, &c. As a general rule judges are able to say beforehand how long the court will sit.

Mr. CONGER. There is another point to which I wish to call the gentleman's attention, and which needs some investigation. If it be the fact that the change of law paying jurors but $2 a day makes the necessity for passing this proposition, then I think the Committee on the Judiciary should have inquired into the propriety of restoring the old law or changing it so as to make it equitable and just to all jurors. That seems to be the only argument now.

Mr. HERBERT. No, sir; there are other reasons besides that. I do not wish to take up time to go at length into a discussion of the bill, but I am willing to give the gentleman from Michigan on the other side, if he desires it, reasonable opportunity to oppose it. How much time does the gentleman wish?

Mr. CONGER. I have already said I wish, as other gentlemen around me do, to examine this bill, and therefore have asked it should go to the Committee of the Whole on the state of the Union.

Mr. HERBERT. I am instructed to put the bill on its passage by the committee. I have no power to yield to the request of the gentleman from Michigan. If gentlemen are not ready to argue the question I demand the previous question.

Mr. CONGER. I ask two hours for the discussion of this bill.

Mr. HERBERT. I am willing to yield to the gentleman five or ten minutes.

Mr. CONGER. I cannot take time in that way.

Mr. HERBERT. I demand the previous question.

Mr. CONGER. I move to refer the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. That would not be in order pending the demand for the previous question.

Mr. CONGER. I understand it is in order to commit.

The SPEAKER. Not pending the demand for the previous question.

Mr. CONGER. Yes; if the two are pending at the same time.

The SPEAKER. The gentleman has not the floor to make the motion. The gentleman from Alabama has the floor.

Mr. CONGER. Yes; and he has made his demand for the previous question.

The SPEAKER. He has.

Mr. CONGER. He cannot hold the floor while we are determining the demand.

The SPEAKER. But he has a right to have his demand determined before anybody else can get the floor for a motion to commit.

Mr. CONGER. Subsequent to the demand for the previous question does the Chair say other motions are not in order?

The SPEAKER. There are other motions in order, but the motion to commit is not one of them.

Mr. CONGER. The motion to adjourn would be in order.

The SPEAKER. It would.

Mr. CONGER. A motion to commit would be in order now.

The SPEAKER. It would not; but a motion to lay upon the table would be in order.

Mr. CONGER. But, under the rule, precedence is given to the motion to commit.

The SPEAKER. The rule will be read.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

Mr. CONGER. I admit my mistake; I had the impression that the motion to commit preceded the demand for the previous question.

Mr. KNOTT. Before the gentleman from Alabama demands the previous question——

The SPEAKER. He has demanded it.

Mr. KNOTT. He will withdraw it for one moment.

Mr. HERBERT. Yes, sir.

Mr. CONGER. I suggest, then, if the gentleman from Alabama withdraws his demand for the previous question, I have the floor.

Mr. KNOTT. No, sir; I have the floor.

Mr. CONGER. If the gentleman from Alabama withdraws his demand for the previous question, I have the floor.

The SPEAKER. If the gentleman from Alabama withdraws his demand for the previous question and yields the floor, that is another thing.

Mr. HERBERT. But I do not yield it.

Mr. CONGER. Then the question is on seconding——

Mr. HERBERT. I wish to say there is nothing partisan, nothing political, nothing sectional in this question at all.

Mr. CONGER. I object to debate.

Mr. HERBERT. I demand the previous question.

The House divided; and there were—ayes 99, noes 29.

Mr. CONGER demanded tellers.

Tellers were ordered; and Mr. CONGER and Mr. HERBERT were appointed.

The House again divided; and the tellers reported—ayes 101, noes 38.

Mr. CONGER. Has the morning hour expired?

The SPEAKER. Does the gentleman make the point against a quorum? The morning hour has expired, and if there is a second——

Mr. CONGER. I will make that when it comes up again.

The SPEAKER. The morning hour has expired unless there is a second to the demand for the previous question. If there be a second that will take it out of the morning hour, and the question must be disposed of at once.

Mr. CONGER. There is no second if there is no quorum.

The SPEAKER. Then the gentleman from Michigan makes the point of order that there is no quorum.

Mr. CONGER. I do.

The SPEAKER. Then this question goes over until the next morning hour.

Mr. CONGER. And by going over it will give us an opportunity to examine the bill.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move the House resolve itself into the Committee of the Whole on the state of the Union, to continue the consideration of the report of the Committee on Rules.

Mr. TALBOTT. Will the gentleman let me introduce a joint resolution from the Legislature of the State of Maryland?

Mr. BLACKBURN. The gentleman from Ohio [Mr. WARNER] was cut off yesterday by an objection, and if I yield at all I must yield to him.

Mr. WARNER. I rise to a privileged question.

The SPEAKER. Will the gentleman from Kentucky indicate what he wants done?

Mr. BLACKBURN. I have risen to move that the House resolve itself into the Committee of the Whole on the state of the Union to consider the report of the Committee on Rules. I do not desire to cut off any gentleman who wishes to make any motion that will give rise to no debate.

BERLIN INTERNATIONAL EXHIBITION.

Mr. MORTON. Mr. Speaker, I am authorized by the Committee on Foreign Affairs to report the following joint resolution, which was referred to that committee, in relation to the international German fishery exhibition to be held at Berlin in April next. The subject is one of great importance to the whole country, and the committee unanimously recommend the speedy passage by the House of the resolution as amended by the committee. The accompanying letters from the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, Professor Baird of the Smithsonian Institution, the American minister at Berlin, and also a letter from Mr. Von Behr, a member of the German Parliament and president of the international fishery exhibition at Berlin, all of whom strongly urge the representation of the United States at the exhibition, will give full detailed information in reference to this subject:

DEPARTMENT OF STATE,
Washington, January 26, 1880.

SIR: In view, not merely of the importance of the subject of fish propagation from a national and material point of view, but also of the anxiety shown by the German government that the United States should be adequately represented at the approaching international fishery exhibition to be held at Berlin, I deem it proper to call the earnest attention of your committee to the subject, in order that by the passage of a proper act accompanied by an appropriation of a sufficient sum a successful representation of American piscicultural progress at that exhibition may be assured.

The subject was brought to the attention of Congress by means of a letter addressed to the chairman of the Committee on Appropriations of the House of Representatives, dated the 20th of January, 1879. With that letter were inclosed copies of a dispatch from the late Mr. Bayard Taylor, minister at Berlin, and a letter from Professor Spencer F. Baird, the United States Commissioner of Fish and Fisheries, showing the great advantages which would accrue from our participation in that exhibition. It does not seem necessary now, as the subject is already before Congress in another form, and its importance and urgency are believed to be generally understood, to reproduce that correspondence.

A joint resolution, introduced by Hon. Mr. DEUSTER on the 15th instant, is now before Congress for consideration. That resolution appropriates $20,000 "to enable the United States Commissioner of Fish and Fisheries to exhibit America in Berlin in April, 1880, a fair and full collection of the different specimens of American food-fishes, casts thereof, models of, and implements, &c., used in the prosecution of American fisheries," and is now understood to be before your committee.

In view of the urgency of an appropriation being made immediately in order to be effective, I deem it not improper to call attention to the points in which Mr. DEUSTER's resolution seems to come short of the legislation needed. The resolution should provide that the Commissioner should have authority to represent the United States at the exhibition in person or by a suitable delegate, to be nominated and appointed by the Secretary of State, and that authority should be given for the transmission from Washington of articles already possessed by the Government and available for the purpose, as well as for procuring or causing to be made and exhibited the more modern apparatus and methods of the past few years. Provision should also be made for the submission to the Department of State, and through it to Congress, of a full report of the Commissioner on the exhibition, and the progress made in the practical utilization of pisciculture as shown thereat.

I am informed by the Commissioner of Fish and Fisheries that it is essential that the necessary action of Congress be taken within three weeks from the 22d instant, or the proposed participation of the United States in the Berlin fish exhibition will be impossible.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. S. S. COX,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 22, 1880.

DEAR PROFESSOR BAIRD: I have had a number of letters from Germany, especially from my brother-in-law, Dr. Adolph Meyer, of Kiel, relative to the fishery exhibition in that country, and expressing the anxiety of those interested there that the United States be represented. Their urgency is so great that I cannot but say to you that, in my opinion, everything should be done to bring about a full representation of what has been accomplished in this country in that respect, especially as there seems to be a good prospect of our excelling all others, and I would respectfully and warmly recommend this matter to your consideration. There seems to be more hope now that Congress will make the necessary appropriation.

Very truly yours,

C. SCHURZ.

Professor SPENCER F. BAIRD,
Smithsonian Institution.

TREASURY DEPARTMENT, *January* 26, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, submitting copy of a joint resolution introduced into the House of Representatives on the 15th instant, having for its object the appropriation of $20,000, to enable the United States Commissioner of Fish and Fisheries to exhibit in Berlin, in April, 1880, a collection of the different specimens of American food-fishes, casts, &c. In my opinion, it is very important that this Government be enabled to participate in the exhibition in question, and such measures should be adopted as shall enable the United States to make a full and fair exhibit of its food-fishes and the important interests connected therewith. An appropriation of $20,000, or so much thereof as might be necessary for the purpose indicated, would therefore meet with my hearty approval.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. P. V. DEUSTER,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 28, 1880.

MY DEAR SIR: I have received your kind letter of this date, and beg leave to say in reply that I earnestly hope the joint resolution providing for the participation of the United States in the fishery exhibition in Germany will succeed. I have received a number of letters from men prominent in science, and especially in pisciculture in Germany, expressing great anxiety that the United States, of whom the most complete and instructive exhibition is expected, be represented on that interesting occasion; and I venture to express the hope that you will do all in your power to bring about so desirable a result.

Very truly yours,

C. SCHURZ.

Hon. P. V. DEUSTER,
House of Representatives.

Copy of letter to Professor Baird from Mr. Von Behr, member of the German Parliament and president of the international fishery exhibition, to open at Berlin April 20, 1880.

SCHMOLDOW, NEAR GRIEFSWALD, *January* 1, 1880.

DEAR SIR: There is the New Year, but where are the announcements of your exhibits for our great show? Most men would mourn and keep silent. Not I. *Dum spiro spero.* I can't, I won't believe that you don't send us your precious things. Would I ever have entered into the idea of exhibition without the firm hope, no, the firm conviction, that you would partake? Surely not. It was you who gave to the world the impulse for the great endeavoring of pisciculture by millions. It is you—you led us the way, and now you will remain aside. I dare permit myself to say, it is not at all like United States not to partake in such a work, which claims the right of calling itself the most unselfish, the most friendly to mankind, which we try to provide with excellent and cheap food.

Plenty of nations, far less known, far less advanced, will come and do their best, and Professor Baird, in two qualities, as president of the Commission for Fish and Fisheries and as president of the Smithsonian, with the beautiful claim of promoting knowledge, you would *not* send us your best. Excuse my warmness; think back of all my letters. I dare say you never read anything in that as real, true acknowledgment of your kindness to me, of your non-such position "*in piscibus.*" No, dear sir, I shall not believe that you don't send before we are to open, on the 20th of April, our proud halls, and I am to repeat to all, all that ask, yes, he is not here. And

if I am to say that, it will take me all, all poetry, all joy of this my dream, to do a little good to mankind. Once more I ask you, lay before your authorities a fresh expression of your strong desire to see the United States exhibition making its proud appearance within the precincts of our world show.

We have the wire, thank God. I dare say, United States never came too late, and if as late as first days of March, wire tells me: "We come. We need square meter;" we shall do our very best to have them built in the poor remaining weeks. The opening must be on the 20th of April. The world knows it. Oh, we shall have plenty of useful and most interesting things. The very best men in my country are busy and are most cleverly working. But without the United States? No, never. To-day week your Congress rebegins; he can't say no, to you and to old Germany.

Lord bless you and assist you.

Yours truly,

BEHR.

[No. 75.]

LEGATION OF THE UNITED STATES, *Berlin, January* 5, 1880.

SIR: A day or two since I received a call from Baron George von Bunsen, member of the Imperial Diet, and a gentleman held in the very highest esteem throughout Germany, during which he pressed me very strongly to urge upon our Government the importance of the international fishery exposition to be held in Berlin, in April of the present year. He laid before me statements which convince me that it will be an exceedingly interesting and valuable collection, and that a body of men will be brought together whose papers and discussions will considerably increase the practical knowledge of the best means of creating, improving, and maintaining fisheries in various parts of the world.

He said to me that all interested in the subject here were anxious above all things that our own country should take part in such an exposition, and that we now rank as the first as regards progress in this department. He thought what we could send from the Smithsonian Institute especially, under charge of Professor Baird, would be highly honorable to the country and of great benefit to the world at large, while we ourselves would receive in return very valuable information.

His main wish was that an effort be made to induce Congress to take the necessary steps to send Professor Baird or other suitable person or persons, with such part of our collections as shall be judged most proper to represent us in this respect.

I called his attention to the short time remaining to us, and told him that I feared it was too late to get the required action. He said that if the action were taken by the end of February, it would be in ample time. To this I answered, that this was a very short time indeed in which to carry through a measure of this sort, but that I would lay the matter before you.

I have also the honor to inclose a letter from Mr. von Bunsen to Mr. Secretary Schurz on this subject, with his request that it be delivered to its proper address.

I should hesitate to bring to your notice a communication of this sort, were it not that Mr. von Bunsen assures me that the foreign office will shortly forward a dispatch in addition to the one already sent to the German minister at Washington, and that an effort is being made to induce the chancellor, Prince Bismarck, to interest himself earnestly in the matter.

I have the honor to be, sir, with great respect, your obedient servant,

AND. D. WHITE.

The HON. WM. M. EVARTS,
Secretary of State.

The SPEAKER. The Chair is advised that this should be acted on to-day or else it will be too late; and the Chair also learns that is the unanimous report from the Committee on Foreign Affairs.

Mr. WILSON. And that committee respectfully asks for action to-day.

Mr. BLACKBURN. Oh, no, the Committee on Rules have been criticised enough for the time taken up in the discussion of the revision of the rules, and therefore I can yield the floor for no purpose which involves debate.

Mr. HAWLEY. Will the gentleman allow me to state the reason why there should be action to-day?

Mr. BLACKBURN. That means of itself debate. If there is any necessity the Chair will state it.

The SPEAKER. The Chair can only state what has already been stated by the Committee on Foreign Affairs.

Mr. WILSON. Let the resolution be read and it will explain itself.

The joint resolution was read, as follows:

Joint resolution concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

Whereas all civilized nations take part in the international fishery exhibition to be held in the city of Berlin, Germany, in April, 1880, it is deemed both right and expedient that the prominent and effective action of the United States in the line of the artificial propagation of fish and the stocking of depleted fishing-waters should be conspicuously and well exhibited on the occasion: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the United States Commissioner of Fish and Fisheries to exhibit America in Berlin in April, 1880, a fair and full collection of the different specimens of American food-fishes, casts thereof, models of, and implements, &c., used in the prosecution of American fisheries, the sum of $20,000 is hereby appropriated out of any moneys not otherwise appropriated in the Treasury of the United States, or so much thereof as may be necessary for the purpose, to be immediately available on the passage of this resolution.

The SPEAKER. The amendment of the committee will now be reported.

The Clerk read as follows:

Add as follows:

2. That the United States Commissioner of Fish and Fisheries be, and he is hereby, authorized to represent the United States, either in person, or by a deputy to be appointed by the President of the United States, and that at his discretion he may use any portion of the collection at present forming a part of the National Museum in making out the proposed exhibition for the United States.

3. That the United States Commissioner of Fish and Fisheries be, and is hereby, instructed to present to Congress, through the Department of State, a report upon the Berlin exhibition, showing the recent progress and present condition of the fishery and of fish culture in foreign countries.

Mr. MORTON. I demand the previous question upon the joint resolution and amendments.

Mr. McMILLIN. That is a bill making appropriations, and must have its first consideration in the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Tennessee makes the point of order that this bill must have its first consideration in the Committee of the Whole on the state of the Union. The Chair sustains the point of order, and the joint resolution and amendment will be referred to that committee, and, with the accompanying report, ordered to be printed.

Mr. MORTON. I give notice, Mr. Speaker, that this will be called up next Tuesday in the Committee of the Whole on the state of the Union.

STOPPING PAPER INFLATION.

Mr. WARNER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported back, with amendments, a bill (H. R. No. 3348) to stop paper inflation and to provide for needed increase of volume of currency by free coinage of gold and silver and gold and silver certificates; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

INTEROCEANIC CANAL.

Mr. KING. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the select committee on the subject of the interoceanic ship-canal, and other proposed communication between the Atlantic and Pacific Oceans, be, and are hereby, authorized to employ a clerk, to be paid out of the "miscellaneous items" of the contingent fund of the House of Representatives, at the same rate per diem allowed the clerks of other committees of the House, and also a sergeant-at-arms, a stenographer, and interpreter, whenever the same may become necessary, to be paid out of the same fund.

Mr. SPRINGER. Let that resolution go to the Committee of Accounts.

The resolution was referred to the Committee of Accounts.

REVISION OF THE RULES.

Mr. BLACKBURN. I now insist on my motion that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of further considering the report of the Committee on Rules.

Mr. CONGER. Pending that motion, I desire to offer a suggestion. I ask unanimous consent that two hours, if necessary, be allowed for general debate on the pending proposition, the amendment of the gentleman from Virginia, [Mr. TUCKER.]

Mr. SPRINGER. I object. My reason for objecting is that I am informed that the gentleman from Virginia [Mr. TUCKER] will withdraw the proposed rule.

Mr. CONGER. If the amendment of the gentleman from Virginia be withdrawn, of course I do not desire debate.

The motion of Mr. BLACKBURN was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the report of the Committee on Rules, Mr. CARLISLE in the chair.

The rule under consideration was the following:

RULE VIII.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

An amendment was pending, offered by Mr. TUCKER, as follows:

Amend Rule VIII by inserting after clause 1 the following:

2. Whenever a quorum fails to vote on any question, and objection is made for that cause, there shall be a call of the House, and the yeas and nays on the pending question shall at the same time be ordered. The Clerk shall call the roll, and each member as he answers to his name, or is brought before the House under the proceedings of the call of the House, shall vote on the pending question. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted; and the pending question shall be decided as the majority of those voting shall appear.

Which Mr. HUNTON had moved to amend by adding the following proviso:

Provided, That those voting in the majority shall constitute a majority of those actually present in the House.

Mr. BLACKBURN. The debate that has occurred upon the amendment proposed by the gentleman from Virginia [Mr. TUCKER] has sufficed to satisfy the Committee on Rules that its further consideration will involve at least the consumption of one or more days, and result probably in the defeat of the amendment. And if it should result otherwise and that amendment should be adopted, the Committee on Rules are of the opinion that it may in no small measure affect the final vote on the adoption of the series or system of rules which have been submitted for the consideration of the House. In view of these facts I ask the gentleman from Virginia to withdraw his amendment and thereby enable us to proceed with the adoption or rejection of the report as a whole, and not delay the action of the House further. I desire to add that I make this request not because the Committee on Rules object to the admission of any amendment that may be offered by any member of the House, but simply because we take a practical view of what may be the probable result of the amendment.

Mr. TUCKER. I offered on yesterday my amendment to the report of the Committee on Rules, believing as I did not only that the provision which I had offered was in accordance with the Constitution, but that it was demanded by the Constitution; and I believe that it is in accordance with right policy that that rule should be adopted

by this House. At the same time I am not so wedded to the adoption of a new rule which is contrary to the practice of this House for so many years, and in respect of which I find so many gentlemen on my own side of the House, as well as the solid phalanx on the other side of the House, in opposition to it, as to press it to a vote when it may delay the action of the House upon the whole report of the committee. I therefore, under these circumstances and on the suggestion and at the request of my friend from Kentucky who makes this report from the Committee on Rules, withdraw the amendment from the consideration of the committee.

The CHAIRMAN. The gentleman from Virginia asks leave to withdraw his amendment. Is there objection?

Mr. OSCAR TURNER. I believe the amendment is a good one. It has been thoroughly discussed, and I object to its being withdrawn.

Mr. BLACKBURN. I submit to the Chair that the gentleman from Virginia has the right to withdraw his amendment under the existing rules of the House before an amendment is made to it or vote had upon it.

The CHAIRMAN. The Chair was under the impression when he asked if there was objection to the withdrawal of the amendment, that inasmuch as an amendment had been proposed to the amendment of the gentleman from Virginia, it could not be withdrawn without the consent of the committee. The Clerk will read Rule 40, which permits the withdrawal of a proposition notwithstanding the proposal of an amendment.

The Clerk read the rule, as follows:

40. After a motion is stated by the Speaker or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn at any time before a decision or amendment.

The CHAIRMAN. There is another rule which applies to the formal amendments offered in Committee of the Whole, and which prevents them being withdrawn except by unanimous consent of the committee. But the Chair is of opinion that under Rule 40, inasmuch as there has been no decision upon the amendment of the gentleman from Virginia and no amendment to it adopted by the committee, that gentleman has the right to withdraw it. The amendment is therefore withdrawn.

Mr. CONGER. There is no understanding, I believe, as suggested on a former day that we may go back to this rule again for amendments?

Mr. BLACKBURN. No, sir.

Mr. CONGER. I understood there was some reservation as to the right to go back to amend and I did not know but it embraced this proposition.

The CHAIRMAN. The rule to which that reservation related was that in reference to the execution of a bond by the Sergeant-at-Arms, Rule IV.

Mr. CONGER. And it does not apply to this?

The CHAIRMAN. It does not apply to this.

Mr. WILLIAMS, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend Rule VIII by inserting after the word "prevented," in the second line of clause 1, the following:

And after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified.

So that it will read:

RULE VIII.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and after the hour of half-past one o'clock p. m. members shall not be called from the Chamber by card or otherwise except when upon special application to the Doorkeeper he may deem it important that they be notified. Every member shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. WILLIAMS, of Wisconsin. I do not desire to detain the committee with any further remarks in regard to this amendment, for I submitted the other day such remarks as I had to offer. It is simply intended to prevent members being called from the Hall, except upon important matters, during the business sessions of the House after the hour of half-past one.

Without giving offense to friends I, for one, desire that when we enter upon the business sessions of this House I may be permitted to remain here in order to hear the explanations of bills which may be reported, and the remarks of gentlemen who may desire to advocate or oppose pending measures, or any other business which is being transacted by the House. I am not tenacious about this matter. I would like to see the amendment adopted; but if it be the judgment of this House that it better not be, I suppose I can stand this fusilade of the cards of callers as well as others can.

Mr. STEELE. Is this proposed amendment open to amendment?

The CHAIRMAN. It is.

Mr. STEELE. Then I move to amend at the proper place (I do not know exactly where that is) by inserting the words "and that every member shall vote right when he does vote." [Laughter.]

It occurs to me that the proposition of the gentleman from Wisconsin [Mr. WILLIAMS] contemplates the making every doorkeeper of this House a judge as to whether or not any member in the Hall shall be sent for to come out. Now, I have very great respect for these doorkeepers, but I think members of Congress have quite as much sense on that point as they have.

Mr. WILLIAMS, of Wisconsin. If the gentleman will allow me——

Mr. STEELE. Certainly I will.

Mr. WILLIAMS, of Wisconsin. I am willing to accept his amendment, if he shall insist upon it, although I am not sure that it will not destroy the democratic party. [Laughter.]

Mr. STEELE. Is that so? The gentleman from Wisconsin is one of those who cannot think upon any subject without lugging in politics. God help such men! [Renewed laughter.]

Mr. WILLIAMS, of Wisconsin. I will join you in that prayer.

The question was taken by a *viva voce* vote on the amendment of Mr. WILLIAMS, of Wisconsin; but before the result was announced,

Mr. O'NEILL said: I desire to ask the gentleman from Wisconsin [Mr. WILLIAMS] if he will not accept an amendment to come in at the proper place.

The CHAIRMAN. The committee is dividing upon the amendment of the gentleman from Wisconsin.

Mr. O'NEILL. I move to amend his amendment by inserting at the proper place the words "and that members of the House be permitted to invite callers into the lobby in rear of the Speaker's chair." I must say that we are very inconveniently situated relative to seeing those who may call upon us at the doors of this Hall. There is no place where we can take a gentleman in order to be able to converse with him, so far as I have found in my experience. I do think, however, that gentlemen here sometimes introduce into the lobbies of the House those who are excluded under the strict rules of the House. But I do not object to that. If a gentleman can get his friends in where he can have an opportunity to converse with them let him do it, and I will not complain of any member or of any officer of the House for permitting it.

It strikes me, however, that it is a matter of very great inconvenience to members of this House that there is no place here where we can invite a gentleman who comes to see us, who may be hurried to get away from the city, and with whom we cannot converse unless we ask him to remain over and see us at our rooms. I make the suggestion in good faith. I doubt very much whether there is a member of this House who has not seen and experienced this great inconvenience.

Now, I want to say this: people are welcome to send their cards in to me at any time of the day, whether the proposed amendment shall prevail or not. I do not want to keep away from my constituents when they come to this Capitol for the purpose of seeing me. It is no burden to me to see any one of them at any time when I am not immediately engaged in the performance of my duties in the House. If I can I will try to see any one who may call on me, and I do not want to put it in the power of any officer of this House to prevent those who call on me from sending their cards in to me. That, certainly, is a very poor privilege of the American citizen.

I hope the proposition of the gentleman from Wisconsin will be voted down, and I would like him to yield to me to offer an amendment that we may have at least the privilege of asking those who may call to see us to come into the lobby in rear of the Speaker's chair.

The CHAIRMAN. The gentleman will reduce his amendment to writing.

Mr. O'NEILL. I will do so in a moment.

Mr. WILLIAMS, of Wisconsin. I do not think I can accept the amendment of my friend from Pennsylvania [Mr. O'NEILL] after the remarks he has made. I for one am quite as willing as any other member can be to see any American citizen——

Mr. BURROWS. Without regard to race or color? [Laughter.]

Mr. WILLIAMS, of Wisconsin. But I would like to have about two hours and a half here to attend undisturbed to the transaction of public business?

Mr. O'NEILL. I have reduced my amendment to writing, and I now offer it from a sense of what I consider to be a matter of great convenience to members of this House, and for no other reason. The lobby in rear of the Speaker's chair is never filled with people. It is very rarely that a half a dozen people are there. Occasionally I see a member taking his ease there and resting in one of the chairs; that is all very right. But I think it hard when persons come here to see their Representatives upon important business that there is no place where those Representatives can take such persons. Now, there is no place so convenient as the lobby in the rear of the Speaker's chair. I propose to add to the amendment of the gentleman from Wisconsin these words:

And that members of the House be permitted to invite callers into the lobby in rear of the Speaker's chair.

The question was taken upon the amendment of Mr. O'NEILL, and it was not agreed to.

The question was then taken upon the amendment of Mr. WILLIAMS, of Wisconsin, and it was not agreed to.

The Clerk read as follows:

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him by members, which list shall be published as a part of the proceedings immediately following the names of those not voting.

Mr. BLACKBURN. The Committee on Rules have directed me to offer the following amendment:

In line 3 of the pending clause insert, after the word "published," the words "in the RECORD."

The amendment was agreed to.

Mr. CONGER. Does this amendment preclude the entry of the pairs in the Journal?

Mr. BLACKBURN. That was, I will say, the object of the amendment.

Mr. CONGER. I do not understand whether this is to be a part of the journal entry, or is to be merely published in the RECORD.

Mr. BLACKBURN. I see the point the gentleman makes. I will state that this is the first time pairs have ever been recognized by rule at all. Their announcement has hitherto been tolerated, but no recognition has been given to them by the rules. For the sake of economy of time this clause of Rule VIII was devised, requiring that written memoranda of all pairs be furnished by members to the Clerk, to be read at the time the vote is announced, and to be published in the RECORD. But we do not think it necessary (and I doubt whether the gentleman from Michigan will upon reflection think it necessary) to encumber the Journal with the statement of pairs. The RECORD will contain that statement in full. As the gentleman knows, the Journal is only a limited record of the proceedings of Congress. In the CONGRESSIONAL RECORD we find the official proceedings stated in detail. This rule, with the amendment just submitted, will require that such pairs as may be announced by the Clerk in accordance with written memoranda furnished to him shall be published in the RECORD; but it does not provide that they be published in the Journal.

Mr. CONGER. If this proposed rule recognizes pairs for the first time, and if they are to be published in the RECORD, it seems to me they should be published in the Journal also, as there might possibly be mistakes in regard to these pairs and legislation might be affected by such mistakes. I submit that the Journal should have a full record of votes, and whatever is recognized by rule as properly connected with voting. Either pairs should not be recognized at all, or they should go into the Journal.

The CHAIRMAN. The Chair will remind the gentleman from Michigan that the amendment of the gentleman from Kentucky has been voted upon, and there is now no question before the Committee of the Whole.

Mr. BLACKBURN. I desire that the gentleman from Michigan and the Committee of the Whole shall understand the purpose of the amendment. We desire to secure perfect accuracy; and the CONGRESSIONAL RECORD the next morning after any vote may have been taken will enable each member to see whether the pairs have been announced correctly. This provision simply formulates in the shape of a rule a practice that has prevailed for many years. A quarter of a century ago members used to send to the Clerk written memoranda of pairs that had been formed on any question coming before the House.

The Journal is but an abbreviated synopsis of the proceedings of the House. The RECORD is the extended official statement of its work. This amendment proposes that in the RECORD there shall be published, immediately after the names of those not voting, a list of pairs which may be reduced to writing by members, furnished to the Clerk, and read from the desk.

Mr. CONGER. Let this clause be passed over with the understanding that the right is reserved to amend it hereafter by inserting the words "in the Journal and."

The CHAIRMAN. The Chair suggests that an amendment would be in order after the amendment which the gentleman from Minnesota [Mr. DUNNELL] has been seeking the floor to offer.

Mr. CONGER. Let the reservation be made, so that if hereafter it be thought proper to offer such an amendment it may be done.

Mr. BLACKBURN. Let me suggest to the gentleman from Michigan that when leave of absence is granted no reason for such leave is ever stated on the Journal. I simply propose to protect the Journal from that cumbersome work which would be imposed if every pair announced to the House must be carried to the Journal. The CONGRESSIONAL RECORD, it seems to me, submitted as it is to the inspection of every member of the House upon the succeeding morning, affords ample protection against any mistakes or misstatements which may possibly occur.

Mr. CONGER. I do not know that such an amendment as I have indicated would be desirable. I only ask that the right be allowed to go back and insert it if hereafter it be deemed necessary.

Mr. BLACKBURN. I will state further to the gentleman from Michigan that these pairs as announced will be kept in a book reserved for that purpose, in which the entries will be just as regular as in the Journal of the House. Thus there will be a test of the accuracy of the statement in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks that the right to return to this clause may be reserved for the purpose of moving an amendment providing that pairs shall be recorded in the Journal as well as in the RECORD. Is there any objection?

Mr. BLACKBURN. I do not understand that there is to be reserved the right to return to this provision of the rule.

The CHAIRMAN. The Chair has just announced that the gentleman from Michigan asks the reservation of this right.

Mr. SIMONTON. I object.

Mr. BLACKBURN. I do not mean to object; but I would rather have these rules settled as we go along.

Mr. CONGER. All I desire is that there may be opportunity to go back and insert this amendment if it be necessary. I am not at all certain that we shall desire it.

Mr. BLACKBURN. Such an amendment can be offered in the House. I simply desire to protect the Committee on Rules from the establishment of a precedent which may be troublesome hereafter.

Mr. CONGER. It is better to have leave of the House to do it.

Mr. BLACKBURN. The gentleman from Michigan has that right in the House.

Mr. CONGER. Not if the previous question is demanded.

Mr. BLACKBURN. He has unless the previous question cuts him off. If the gentleman wishes to offer an amendment, I would rather have it now.

Mr. CONGER. It is not important enough to dwell upon at length. I think it may be desirable hereafter to offer it, and therefore I desire to reserve that right.

Mr. SIMONTON. What is the request?

The CHAIRMAN. The gentleman from Michigan asks the right to return to this clause of Rule VIII, for the purpose of moving an amendment, if we propose that the announcement of pairs shall be published as well in the Journal as in the RECORD.

Mr. SIMONTON. I object.

Mr. ROBINSON. I wish to ask the gentleman from Kentucky a question in reference to this rule.

The SPEAKER. The Chair will state to the gentleman from Massachusetts that the amendment which has provoked discussion between the gentleman from Kentucky and the gentleman from Michigan has been adopted and is no longer open to discussion.

Mr. ROBINSON. My question does not refer to that amendment, but is to the rule as it now stands, and it is whether the gentleman from Kentucky understands these lists which are to be furnished by the members shall be verified by the signature of the member furnishing it, or whether a piece of paper which says A is paired with B may be taken to the Clerk's desk and there left and that shall be considered a sufficient guarantee for publication in the RECORD.

Mr. BLACKBURN. The name of the member announcing pairs, of course, will be attached to the memoranda which he furnishes to the Clerk and that is all that the proposed rule intends to require.

Mr. ROBINSON. The point in debating this clause of the rule, so far as I understand it, is to save time and that we may be rid of this promiscuous announcement all over the House.

Mr. BLACKBURN. Yes, sir, a double announcement.

Mr. ROBINSON. If that is the object not much time is saved, and I submit to the Committee of the Whole that it seems to me that it is of great consequence we should have the personal indorsement and guarantee of the member who stands in his seat and says that his colleague, Mr. A, is paired with the gentleman from Mississippi, and so on. We have that now, and the member announcing the pair also states how the members would vote on the question before the House if they were present.

Under this clause of the rule, we leave it to an entirely irresponsible statement, unsigned, handed to the Clerk.

The CHAIRMAN. This is all in the nature of general debate which has been expressly terminated by order of the House. It is now in order to discuss amendments.

Mr. ROBINSON. I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota [Mr. DUNNELL] has had for some minutes in the hands of the Clerk an amendment which will now be read.

The Clerk read as follows:

Rule VIII, after the word "voting," in clause second, add the following: *Provided*, They shall be announced but once during the same legislative day.

Mr. DUNNELL. I am very glad, Mr. Chairman, this rule has been reported by the chairman of that committee, although it dignifies and recognizes pairs between members. It will save, if followed, a great deal of time and render our work so much more acceptable. But I think the amendment which I have proposed, if adopted, will save more time, because we may have seven or eight times during a single sitting the announcement of these pairs. If this amendment be adopted the announcement is made but once, after the second roll-call, when the announcement of pairs is to be made. As the rule now stands that announcement must be repeated after the roll-call on every vote; so the clerks will be reading off a list of pairs here perhaps half a dozen times during the same sitting of the House. My amendment simply provides that this announcement of pairs shall be made but once during any legislative day. I think that amendment ought to be acceptable to both sides of the House.

Mr. BLACKBURN. Speaking for myself, I am disposed to accept the amendment of the gentleman from Minnesota. The object of the Committee on Rules in drafting this new rule was to economize time, which I am sure the gentleman from Massachusetts will appreciate and recognize when I remind him that in the confusion incident to taking the vote by yeas and nays it frequently occurs that the same pair is announced from this side of the House and again announced from that side of the House. The Committee on Rules thought the time would be economized by requiring this list of pairs to be furnished to the Clerk in writing, so that but one announcement of a pair would be made on any vote.

Now, if the gentleman from Massachusetts desires, I am perfectly willing to insert after the word "members," in the second line, clause 2 of Rule VIII, the words "and signed."

Mr. ROBINSON. By them.

Mr. BLACKBURN. By them, if they choose; but I do not think

that is necessary, because that second clause declares pairs shall be announced by the Clerk at the completion of the second roll-call from a written list furnished him by members. If that list be not signed by a member of the House, what evidence has the Clerk that it has been furnished by a member at all? It must be signed by a member to carry *prima facie* evidence to the Clerk that a member of the House has furnished it.

Mr. ROBINSON. Let me suggest a gentleman may carry to the Clerk a piece of paper signed by anybody.

Mr. BLACKBURN. What evidence would that piece of paper carry to the Clerk that it had been furnished by a member of the House?

Mr. ROBINSON. If I carry it to the Clerk myself it is the best evidence—the evidence of his own sight.

The CHAIRMAN. No such question is now before the committee.

Mr. BLACKBURN. Having said so much on that point, I will simply say of the amendment offered by the gentleman from Minnesota that for myself I cannot see the necessity for announcing a pair between gentlemen more than once in any legislative day.

And in that connection, let me add, it is only of recent years that a list of those members not voting has been published in the RECORD at all. Prior to that time and until very recently no record was ever made except of the members voting in the affirmative and negative. Of recent years a record has been made of those not voting, but to this day no recognition of pairs has ever been made at all. I think the rule proposed by the committee requiring a written list to be furnished by members necessitates the signature of the member furnishing the list, and the amendment offered by the gentleman from Minnesota that the announcement of such pairs shall be but once in any legislative day seems to me a still further complement of the offer of the committee to expedite the calling of the roll.

Mr. DUNNELL'S amendment was adopted.

Mr. ROBINSON. Is it in order to submit an amendment now?

The CHAIRMAN. It is.

Mr. ROBINSON. I move, then, after the word "members," in the second line of the second clause, to insert these words: "and signed by them."

Mr. BLACKBURN. I have no objection to that, and there is no objection I think on the part of the committee.

Mr. HAWLEY. Would it require both of the members to sign the announcement of the pair? It would seem so.

Mr. BLACKBURN. The member making the report.

Mr. WRIGHT. Let the amendment be reported again.

The amendment was again read.

Mr. BLACKBURN. Let me ask the gentleman from Massachusetts [Mr. ROBINSON] to change his amendment so as to insert the words after the word "furnished" instead of after the word "members;" and let it read:

Pairs shall be announced by the Clerk after the completion of the second roll-call, from a written list furnished him and signed by members.

Mr. ROBINSON. I will modify my amendment in the manner suggested.

Mr. ACKLEN. I offer as an amendment to the amendment what I send to the desk.

The Clerk read as follows:

Strike out these words: "from a written list furnished him by members," and insert "from written statements furnished and signed by the member presenting the pair."

Mr. CLYMER. Now let the amendment of the gentleman from Massachusetts [Mr. ROBINSON] be read.

The Clerk read as follows:

Strike out the words "by members," and insert "and signed by the member making the statement to the Clerk."

Mr. ACKLEN. I think that covers the ground; and with the permission of the committee I withdraw my amendment to the amendment.

The question being taken on Mr. ROBINSON'S amendment, as modified, it was agreed to.

Mr. TOWNSHEND, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the clause the following:
But no pair shall be announced unless one of the parties to the pair is absent by leave of the House.

Mr. TOWNSHEND, of Illinois. I can see no use in having a pair if in the first place the two members are on the floor. In the second place if members absent themselves without leave of the House, I do not think they should enjoy the privilege we are now to confer upon them of having their pairs announced. I think the adoption of the amendment would secure a better attendance of members so as to promote the dispatch of public business.

The question being taken on the amendment it was not agreed to.

Mr. TOWNSHEND, of Illinois. I offer the amendment which I now send to the desk.

The Clerk read as follows:

Add to the clause the following:
A list of all members absent without leave shall be inserted at the end of the Journal and read by the Clerk as a part thereof.

Mr. TOWNSHEND, of Illinois. My object in offering this amendment is that the Clerk, on the day following the day on which the member is absent, shall have before the House a list of those who have neglected to discharge their duties upon this floor. I wish in other words to make it conspicuous in the Journal who are absent from their seats and from their posts of duty.

The amendment was not agreed to.

MESSAGE FROM THE SENATE.

Here the committee informally rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. BURCH, its Secretary, was communicated to the House.

The message announced that the Senate agreed to the amendments of the House of Representatives to the bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for the printing of 5,000 additional copies of the report of the Naval Observatory on the eclipse of 1879; of which 1,500 copies shall be for the use of the Senate, 2,500 copies for the use of the House of Representatives, and 1,000 copies for the use of the Naval Observatory.

The message further announced that the Senate agreed to the resolution of the House of Representatives authorizing and directing the Public Printer to print 2,500 copies of the report of the health officer of the District of Columbia for the use of said health officer.

The message further announced that the Senate had passed a bill (S. No. 142) for the relief of John McClintock, in which the concurrence of the House was requested.

The message further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The message further announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

A bill (H. R. No. 2188) for the relief of Thomas Kearney; and

A joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska.

REVISION OF THE RULES.

The Committee of the Whole resumed its session.

Mr. HAWLEY. I move to strike out the last word, only for the purpose of making an inquiry of the gentleman from Kentucky. I notice on page 4 of his report, under the title "of the members," a statement that the Committee on Rules desire to provide "that no member outside the railing inclosing the seats shall be counted." That is to define what shall be the floor; but while that is in the report, I find nowhere in the rules any such definition. I call the attention of the gentleman from Kentucky to what appears to be an omission.

Mr. BLACKBURN. It is true that is not in the rules.

Mr. HAWLEY. And yet the report says the committee desire to provide that no member outside the railing inclosing the seats shall be counted as within the Hall.

Mr. BLACKBURN. I will state to the gentleman from Connecticut [Mr. HAWLEY] that "the floor of the House" has never been defined in terms by any rule. But the rule to which he refers simply requires that a member, when desiring to vote, shall come within the railing that incloses the seats of members of the House.

Mr. HAWLEY. But there is no such rule. Where is it?

Mr. BLACKBURN. There is a ruling made in the Thirty-fifth Congress at its first session, soon after the occupancy of the present Hall. I refer the gentleman to page 164 of the Manual and Digest.

Mr. HAWLEY. But that Manual and Rules are those for which are to be substituted these we are now considering.

Mr. BLACKBURN. It is not the purpose of the Committee on Rules to do more than it has done. The ruling declared "that in order to be entitled to vote a member must have been upon the floor of the Hall, and not outside *any* of the doors leading to it."

Mr. HAWLEY. Is that the rule?

Mr. BLACKBURN. No, sir; but a ruling of the Speaker of the Thirty-fifth Congress, which upon appeal was sustained by a vote of the House. The rule to which the gentleman from Connecticut refers is simply meant to simplify and make more convenient the duty imposed upon the Speaker in the matter of a count by a rising vote. If members are permitted to vote in all the vacant places in the rear of the seats, it will be difficult to arrive at anything like an accuracy of count. This rule simply requires that upon a division each member shall come within the railing to be counted.

Mr. HAWLEY. That is exactly what I am driving at. The gentleman says "this rule;" there is no such rule. But in their report the Committee on Rules says:

The principal changes made under this head are as follows:

* * * * * * *

Second. That no member outside of the railing inclosing the seats shall be counted.

Now, that is all right enough; but it is not in these rules.

Mr. BLACKBURN. No, sir; because it is not in the power of the Committee on Rules or of the House of Representatives to refuse to any member of this House the right to vote if he be upon the floor of the House.

Mr. HAWLEY. Then the report of the committee requires——

Mr. BLACKBURN. No, it does not require. The intention of the committee was, as far as possible, to bring members inside of the railing to give their votes upon a rising count. But the committee did not understand that it had the power, nor does it believe that the House of Representatives has the power, under the Constitution of this country, to refuse the gentleman from Connecticut [Mr. HAWLEY] the right to cast his vote, though he be outside of the railing. It is simply a suggestion by the committee. The gentleman can vote if he is anywhere upon the floor of the House.

Mr. HAWLEY. What does this page 4 of the report mean, then?

Mr. BLACKBURN. Page 4 means no more and no less than what I have already stated to the gentleman from Connecticut: that in order to arrive at anything like an accuracy of count it is simply requested or suggested, there being an utter absence of power to enforce it, that upon a rising vote members shall come inside of the bar that incloses our seats here. But if the gentleman from Connecticut shall see fit to cast his vote from the remotest corner of this Hall, there is nothing within the power of the House, much less within the power of the Committee on Rules, to deprive him of his constitutional prerogative to vote.

Mr. HAWLEY. I do not object to a word of that. But I do not understand why you have said that you have made a provision in the rules requiring that no member shall be counted unless within the bar of the House, when you have not made it.

Mr. BLACKBURN. We have not said so.

Mr. HAWLEY. I withdraw my *pro forma* amendment.

There being no objection, the *pro forma* amendment was withdrawn.

The Clerk read the following:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their Representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. SPRINGER. I desire to amend the rule just read by inserting, after the words "in their representative capacity only," the words which I send to the Clerk's desk.

The Clerk read as follows:

And such conduct as disqualifies them from holding any office of honor, trust, or profit under the Government of the United States.

Mr. SPRINGER. If a member of this House has been guilty of any conduct which disqualifies him under the laws of the United States from holding any office of honor, profit, or trust under the Government of the United States, that ought certainly to be such a question of privilege as will entitle this House to act upon it at any time. That is the object of my amendment.

Mr. GARFIELD. The gentleman will see how exceedingly unwise it would be to introduce an element of that sort into our rules, unless it shall say that the party had been convicted of the crime and sentenced to the disqualification. If the gentleman shall put it in the way he now does, any man might say: "I judge such a person ought to be disqualified, and I therefore make the point upon him." The gentleman certainly could not expect that this House will become itself the judge of whether a man had committed a crime of that sort or not, shall turn itself into a criminal court for the trial of a man on a question of that kind. If the gentleman is going to offer an amendment of that kind at all, it ought to apply to a case where a person has been convicted and sentenced by a proper court.

Mr. SPRINGER. The gentleman knows very well that all persons are presumed to be innocent of every offense until they have been tried and convicted.

Mr. GARFIELD. Certainly.

Mr. SPRINGER. Therefore they are not guilty of offenses which disqualify them from holding any office of honor, trust, or profit, unless they have been convicted of such offense.

Mr. GARFIELD. But the amendment of the gentleman does not say "conviction."

Mr. SPRINGER. The law presumes every man to be innocent of everything until he has been convicted.

Mr. GARFIELD. The House may not presume that.

Mr. SPRINGER. It is not necessary that the rule should recite the common law on the subject. The rule simply recites the fact that the member is guilty; and there is a recognized means provided by law of determining that question.

Mr. CONGER. Let the amendment be read again.

Mr. SPRINGER. Let the clause be read as it will stand if amended. There is nothing wrong in the amendment.

The Clerk read as follows the clause as proposed to be amended by Mr. SPRINGER:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, character, and conduct of members individually in their representative capacity only; and such conduct as disqualifies them from holding any office of honor, trust, or profit under the Government of the United States; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. HARRIS, of Virginia. I concede the correctness of the criticism of my friend from Ohio, [Mr. GARFIELD.] But assuming that a member should forfeit his seat on this floor by reason of any crime he may have committed, that is fully covered by the preceding portion of the clause in which it is declared that—

Questions of privilege shall be, first, those affecting the rights of the House collectively.

If there should be unworthy members here, members who ought to be expelled because of the commission of crime, it is a question for the investigation and action of the House. It certainly affects the "dignity" of the House if any member has committed a crime against the laws of the country which would warrant his expulsion. I think, therefore, that the object of the amendment is fully covered by the language already embraced in the clause.

Mr. REAGAN. I am afraid we shall make a blunder if we adopt the amendment proposed. It seems to me subject to the criticism of the gentleman from Ohio. Its language is "guilty" of any offense; it does not say "convicted" of any offense. If we saw proper to take jurisdiction, we might have to try a criminal charge here. I think, however, that the rule as it stands goes as far as we ought to go. Even if it does not, I believe we should make a mistake by adopting the amendment in the form presented.

The question being taken on the amendment of Mr. SPRINGER, it was not agreed to.

Mr. HARRIS, of Virginia. I move to amend by striking out in line 3 of the pending clause the word "character." The clause will then provide that the second class of questions of privilege shall be those affecting the rights and conduct of members individually. I will state my object in offering this amendment. It has apparently been the purpose of the Committee on Rules to narrow the grounds of "personal explanations" in this House. The House has been again and again mortified by the proceedings attending "personal explanations" on this floor. Now it seems to me that if we omit the word "character," the language "rights and conduct of members" will embrace everything which the committee designed to include, while it will not leave open a wide door for "personal explanations" such as we have too often heard.

What is character as distinguished from conduct? Character is but the offspring or result of conduct. Every question affecting the rights or the conduct of a member affects to some extent his character. I think that if the word "character" be left in we open the door for those disreputable scenes which we have so often witnessed. A member may rise on this floor to defend himself from an attack made by a newspaper in his district, charging him with some offense committed twenty years before. He may allege that this affects his character as a Representative, because if guilty of the offense charged as having been committed twenty years ago he ought not to be here among respectable men. The amendment I have offered will narrow the ground for "personal explanations."

Mr. REAGAN. It will be seen that the word "character" is qualified by the succeeding words, "in their representative capacity."

Mr. HARRIS, of Virginia. I say that a man's character in his representative capacity arises only from his conduct, his acts. These are the questions for investigation. His actions constitute his character. When you strike out the word "character" questions affecting a member's conduct will embrace all that properly should be included without leaving open a wide door for the introduction upon this floor of all kinds of newspaper assaults.

Mr. FINLEY. What distinction does the gentleman make between "conduct" and "character?"

Mr. FRYE. I think the gentleman from Virginia [Mr. HARRIS] is mistaken in his construction of this clause. He must take the language, "rights, character, and conduct," as qualified by the succeeding words, "in their representative capacity." The rights referred to are the rights of a member in his representative capacity only; the character referred to is the character of a member in his representative capacity only; the conduct referred to is the conduct of a member in his representative capacity only.

Mr. HARRIS, of Virginia. I want to ask my friend a question which I know he will answer frankly. He has not been in the habit of answering frankly; but I know he will do so to-day. How does a man obtain character in his representative capacity except as arising from his conduct in his representative capacity?

Mr. FRYE. There might be a very great difference. The conduct of a member in his representative capacity might refer to certain conduct on the floor of the House calling for censure. A question of privilege might be raised on that. The character of a member I will not undertake to define; but it is that reputation which he might get by charges affecting his character, perhaps in the way of purchase of votes.

Mr. HARRIS, of Virginia. That would affect his conduct.

Mr. FRYE. Or corruption or anything of that kind.

Mr. HARRIS, of Virginia. That will affect his conduct. Character is the result of conduct.

Mr. HAWLEY. Confusion arises in discussing this, from the fact that the word "character" ought not to be there at all for another reason. It is not *character* that is meant, it is *reputation*. Nobody outside, by anything he can say or do, can affect my character. I make my character, but mischievous men may make me a bad reputation on a good character. It is reputation that ought to be there. If you do anything, I move to strike out "*character*," and insert "*reputation*." I would still strike them both out, but I will wait to see whether the word "*character*" is to go out or not.

The question recurred on the amendment of Mr. HARRIS, of Virginia.

The committee divided; and there were—ayes 26, noes 50.

So (no further count being demanded) the amendment was disagreed to.

Mr. HARRIS, of Virginia. I offer the following amendment, to come in at the end of Rule IX:

The foregoing, and none other, shall be questions of privilege.

Mr. Chairman, my object in offering that is the same I had in offering the preceding amendment. It will be observed by next to the last rule proposed here, Rule XLIV, it is provided "the rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives. Now this rule does not preclude any other question which has been held to be a question of privilege from being such, but it says such questions shall be questions of privilege. Then in the last rule I have read a provision is contained that the rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable. They are to be applicable where not inconsistent with the present rules. Now, if you turn to this book you will find almost every question has been held to be a question of privilege, and a privilege which may be exercised by personal explanation.

Take that last clause together with this rule and every question which arises will be a question to be decided by Jefferson's Manual as well as by this new rule.

Gentlemen may say that is not embraced in the new rules as one of the questions of privilege. To them I reply it has been so held in Jefferson's Manual to be a question of privilege. Unless you add the proviso I have suggested we will have all the scenes we have heretofore had since the foundation of the Government down to the present time. I hope there will be a restriction declaring that these, and only these, shall be considered questions of privilege.

Mr. FRYE. I should like to hear the amendment again read.

The amendment was again read.

Mr. SPRINGER. I think this amendment should not be adopted. It has been held by Speaker BLAINE and by other Speakers of this House that all questions relating to the impeachment of the President of the United States or of a public officer were privileged questions. That question is not embraced here.

Mr. BLACKBURN. Ah! Will the gentleman from Illinois allow me a moment? I am afraid the gentleman from Illinois, as well as the gentleman from Virginia, has failed to draw the distinction between privileged questions and questions of privilege. The Committee on Rules have sought to draw that line very sharply.

Mr. SPRINGER. Privileged questions are questions which the rules make privileged by their terms, and questions of privilege are such as are questions of privilege by the general common law of parliamentary bodies. That is the distinction. We make many questions privileged questions. For instance, the Committee on Printing may report at any time, and that is a privileged report, because our rules make it such. Questions of privilege are such as by the general common law of legislative bodies take priority over all other business. The question as to the impeachment of a public officer is one of those questions. I do draw the distinction, and this rule is intended to cover just the case I have indicated.

Mr. BAKER. I move to strike out the last word. I desire to make a suggestion. If there is any difficulty, such as anticipated by the gentleman from Virginia, we ought not to encumber these rules by the addition of an entire paragraph when a single word of four letters would accomplish the object—by inserting the word "only" between "shall" and "be" in the first line, so it will read "Questions of privilege shall only be," &c.

Mr. HARRIS, of Virginia. I accept that amendment as a modification of mine.

The CHAIRMAN. The question then is on the adoption of the amendment of the gentleman from Virginia as modified.

Mr. FRYE. I understood the gentleman from Virginia to accept the proposition of the gentleman from Indiana.

The CHAIRMAN. He did.

Mr. FRYE. Of course there is no objection to it, only the other word "only" occurring later should be stricken out.

The CHAIRMAN. That will be done.

Mr. BAKER. It is said the reading would be better by having the word "only" follow the word "be;" so it will read: "Questions of privilege shall be only," &c. I so modify my amendment.

Mr. BLACKBURN. I am satisfied the gentleman from Virginia in offering his amendment here does not desire to make a rule of this House conflict with the provisions and requirements of the Constitution itself.

Mr. HARRIS, of Virginia. No, sir; you cannot do it.

Mr. BLACKBURN. Of course it would be inoperative. What would the gentleman say about the question of impeachment?

Mr. HARRIS, of Virginia. The Constitution provides for that. It stands above all rules and above Congress, and therefore you need not make any rule about it. It is made a rule by the Constitution and is impliedly embraced in the rules themselves.

Mr. BLACKBURN. I am not caviling with the gentleman. Now, Mr. Chairman, if we adopt the amendment offered by the gentleman from Virginia would we not have the ninth rule of this House directly in conflict with the provisions of the Federal Constitution, because that instrument declares this House has the sole power in the matter of impeachment? That is a question of privilege, and the very highest question known to this deliberative body. It is hedged around with constitutional provisions. If we were to add that these questions enumerated, among which the question of impeachment is not found, and none other, are to be considered questions of privilege, would it not, by proving inoperative, put this House, by the adoption of this system of rules, in the awkward position of attempting to override the Constitution of the United States?

Mr. HARRIS, of Virginia. Just at that point of my friend's remarks let me ask a question. I do not presume the rule undertook to control the great constitutional questions which are provided for in that instrument, but if it did, it is provided in these rules that questions of privilege shall be, first, those affecting the rights of the House collectively. What is the right of the House? It is to impeach an officer. That is the highest question of privilege under the rule.

Mr. BLACKBURN. I do not mean to say, Mr. Chairman, that the adoption of any rule would or could in any way impair the constitutional prerogative of the House of Representatives. That is not my point at all. I call the attention of the gentleman from Virginia to the fact that the adoption of his amendment, which seems to me to be unnecessary, would put the House in the position of at least apparent antagonism to one of the fundamental provisions of the Constitution.

The Committee on Rules did not enumerate the matter of impeachment here under questions of privilege, because it is a constitutional prerogative of this House.

Mr. HARRIS, of Virginia. I still ask my friend the question——

Mr. BLACKBURN. I am answering frankly. I think it would leave the power of the House unimpaired.

Mr. HARRIS, of Virginia. Is it not provided in the rules that questions of privilege shall be first those affecting the rights of the House collectively?

Mr. BLACKBURN. I answer the gentleman and say, yes. I will say it does not affect the power of the House on questions of impeachment at all, but it will at least result in an apparent effort to ignore and to deny to the House a prerogative and power which the Constitution imposes.

Mr. BLOUNT. I should like to ask the gentleman from Kentucky a question.

The CHAIRMAN. Debate is not in order.

Mr. SPRINGER. I move to strike out the last word.

The CHAIRMAN. That amendment has already been made.

Mr. SPRINGER. Oh, no; it was on the preceding amendment. The point I desire to make is this: The same rule which says the House shall have the sole power of impeachment in this House also says that each House may determine the rules of its proceedings. The question of privilege here is simply as to the priority of business, and if the power of impeachment itself rests in this House, it is still within the power of the House to say that the motion for impeachment shall not take effect until after the morning hour, or that it shall not be in order when something else is pending.

This House can provide its rules, and those rules would determine at what hour the House would consider the question of impeachment. The right to impeach does not imply the right to impeach while the Journal is being read, or the roll called, or the previous question on another question is being moved or a division on it taken. But this House may provide the rules for its own proceedings; and if you put it in the rules that that is not a privileged question, the rules will provide when the House will take it up. Therefore I think the House will vote down this proposition to limit what should be considered in all legislative bodies questions of the highest privilege.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia, [Mr. HARRIS.]

The question being taken, the amendment was not agreed to.

Mr. HAWLEY. I move to strike out the word "character" and insert the word "reputation." "Character" is what we are; "reputation" is what people think of us, what they paint us to be.

The amendment was agreed to.

The CHAIRMAN. Rule X will now be read.

Mr. DUNNELL. I desire to ask the Chair how that rule will be treated in being read for amendments?

The CHAIRMAN. The portion relating to each committee will be considered as a distinct clause.

The Clerk proceeded to read Rule X, as follows:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, namely:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of eleven members.
On Coinage, Weights, and Measures, to consist of eleven members.
On Commerce, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of eleven members.
On Military Affairs, to consist of eleven members.

On Naval Affairs, to consist of eleven members.
On the Post-Office and Post-Roads, to consist of eleven members.
On the Public Lands, to consist of eleven members.
On Indian Affairs, to consist of eleven members.
On the Territories, to consist of eleven members.
On Railways and Canals, to consist of eleven members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of eleven members.
On Public Buildings and Grounds, to consist of eleven members.
On Pacific Railroads, to consist of eleven members.

Mr. HAWLEY. If not too late, I suggest that we strike out the word "specially" in the first line. If anything is ordered it is ordered.

The CHAIRMAN. Is there objection to going back?

Mr. BLACKBURN. I do not see the necessity for that change.

Mr. HAWLEY. The only necessity is to get rid of superfluous words so as to make a good job of this.

Mr. BLACKBURN. I desire to conciliate the gentleman from Connecticut as far as possible with regard to these verbal amendments, but I do not see the necessity for this.

The CHAIRMAN. Is there objection to going back?

Mr. BLACKBURN. I object.

The Clerk read as follows:

On Levees and Improvements of the Mississippi River, to consist of eleven members.

Mr. GIBSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In Rule X, line 24, strike out the words "Levees and," and insert after the word "river" the words "and its tributaries;" so that it will read:
On Improvement of the Mississippi River and its Tributaries, to consist of eleven members.

Mr. FRYE. I suggest to the gentleman from Louisiana that the real controversy as to that will arise under the clause distributing the various duties to the several committees, and that the amendment be reserved and offered at that point. Then if the House sanctions the amendment which the gentleman from Louisiana desires, consent will be given to go back and amend the title.

Mr. GARFIELD. Let the consent be given now to go back to amend the title of the committee if necessary.

The CHAIRMAN. The Chair understands the purpose of the amendment to be to change the name of the committee. That is a matter which would not come up under the other rule.

Mr. GARFIELD. It does more than that. It changes the scope of the committee by adding all the tributaries of the Mississippi River; and if, when we get to the substantive clause in the next rule, the view of the gentleman from Louisiana prevails, the suggestion is that his right to go back be now reserved.

Mr. GIBSON. On that understanding I am willing to withdraw my amendment.

The CHAIRMAN. If there be no objection, this clause with the pending amendment will be passed with the privilege of returning to it hereafter.

There was no objection, and it was so ordered.

Mr. CHALMERS. With reference to the same committee I offer the following amendment:

Rule X, line 25, strike out "eleven" and insert "thirteen;" so that it will read:
To consist of thirteen members.

Mr. GARFIELD. Let that also be passed over.

Mr. BLACKBURN. These two amendments are simply passed over for consideration under Rule XI.

The CHAIRMAN. The Chair understands they are passed over with the agreement that if the committee in considering Rule XI should determine to enlarge the scope of this committee so as to make it conform to the name proposed by the gentleman from Louisiana, it may return to Rule X and consider those two amendments.

The Clerk resumed the reading of the report and read as follows:

On Education and Labor, to consist of eleven members.
On the Militia, to consist of eleven members.
On Patents, to consist of eleven members.
On Invalid Pensions, to consist of eleven members.

Mr. COFFROTH. I offer the following amendment to the clause last read:

Strike out "eleven" and insert "fifteen;" so it will read:
On Invalid Pensions, to consist of fifteen members.

Mr. GARFIELD. If they have three clerks I think they ought to have fifteen members.

Mr. BLACKBURN. I have no objection to the amendment.

Mr. BROWNE. I hope that amendment will prevail.

The amendment was agreed to.

The Clerk resumed the reading of the proposed rule and read as follows:

On Pensions, to consist of eleven members.
On Claims, to consist of eleven members.

Mr. BRIGHT. I offer the following amendment to the clause last read:

Strike out "eleven" and insert "fifteen;" so that it will read:
On claims, to consist of fifteen members.

Mr. BLACKBURN. I know that the Committee on Invalid Pensions and the Committee of Claims are both overworked committees. I have no authority to speak for the Committee on Rules; but, speaking only for myself, I beg to say there is no objection to this amendment on my part.

The amendment was agreed to.

The Clerk read as follows:

On War Claims, to consist of eleven members.
On Private Land Claims, to consist of eleven members.
On the District of Columbia, to consist of eleven members.
On Revision of the Laws, to consist of eleven members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.
Also the following joint standing committees, namely:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time.

3. The first-named member of each committee shall be the chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of their number elect a chairman.

Mr. FRYE. After the word "chairman," occurring in the second line of clause 3, there should be a semicolon instead of a comma.

Mr. BLACKBURN. I will say to the gentleman from Maine that I have an amendment which covers the point he is now making. I assure the gentleman the punctuation has been carefully attended to.

Mr. FRYE. In this case the punctuation would make a very great difference to the meaning.

Mr. BLACKBURN. It would. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert a semicolon after "chairman," in line 2, and strike out the comma after the word "and" in the same line.

Mr. BLACKBURN. That leaves the rule precisely as it stands to-day.

The amendment was agreed to.

Mr. BAYNE. I move to amend, in the fourth line of clause 3, by striking out the word "their" and inserting in lieu thereof the word "its;" also, by striking out the word "elect" and inserting in lieu thereof the word "elects."

Mr. BLACKBURN. I have no objection to that.

Mr. RANDALL, (the Speaker.) Let us see about that a moment.

Mr. GARFIELD. I do not think that is right. A committee always speaks in the plural, and I do not think we ought to change the order and custom of years. A committee is not "it." My friend from Pennsylvania [Mr. BAYNE] would reduce it to the neuter gender and the singular number.

Mr. BURROWS. You say "would reduce it." [Laughter.]

Mr. GARFIELD. The committee.

Mr. BAYNE. I offer this amendment in no spirit of criticism. I disclaim any spirit of criticism, because I know that long custom has sanctioned the use of the plural adjective pronoun "their" in such a case as this instead of the neuter pronoun "it."

Nevertheless, I think the distinguished gentleman from Ohio [Mr. GARFIELD] is somewhat mistaken in saying that the word "committee," a collective noun, denotes the plural any more than the word "House" denotes plurality. The fact is that the unity which indicates and defines a collective noun, which is to be followed by a singular verb, is applicable to any body of persons which acts in a collective capacity as a committee acts. The words which are applied to designate a committee are always of the singular character, as "that committee," "this committee," "one committee." We use the plural when we say "two committees," "these committees," "those committees," and we indicate the plurality of existence by using the proper words to denote plurality.

Now, if you will examine this clause you will see the absurdity of using the word "their" as applied to a committee. For instance, we say this House resolves itself into a Committee of the Whole House. Now what are the constituents of this House as a Committee of the Whole different from the House as a House of Representatives? There is not a particle of material difference. The only difference that I can imagine is the fact that the Sergeant-at-Arms takes down the American eagle, and the Speaker gives place to a chairman. All the elements that constitute this House are precisely the same as those that constitute a Committee of the Whole; yet the word "House," denoting this body, in the Constitution and in the rules under consideration, is used as a collective noun in the singular number.

So far as my observation extends collective nouns have been coming one by one into the category in which I would place this one. It is according to all the analogies. It is the survival of the fittest that is taking place. It manifests itself in the spirit of generalization which is accomplishing so much in these days. And I say that the word "their," as it is, stands out in these rules as a patent solecism.

The proper word to be used in that connection is the word "it," a word denoting unity. Suppose that a committee consists of but one person, as it may very well do. Would you apply the term "their" to that committee? How will you distinguish the fact that a committee consists of more than one person? What would enable us to ascertain that fact? We cannot ascertain it from the word "committee" itself, but we must refer to something else, some extra-

neous sources of information, to indicate to us that the committee consists of more than one person.

Now, take the word "corporation," or the word "court," or the word "House," or the word "assembly;" take any word indicating a body that acts in a collective capacity, and the singular pronominal should be used instead of the plural. I hope, for the sake of keeping our very excellent rules in the best grammatical shape, that my amendment will prevail. It certainly is a correct one.

Mr. BURROWS. I desire to offer an amendment to the amendment—to strike out the words "by a majority of their number;" so that it will read:

The first-named member of each committee shall be the chairman, and, in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee elect a chairman.

Of course they cannot elect a chairman except by a majority.

Mr. FRYE. Yes, they can.

Mr. BLACKBURN. Allow me to call the attention of the gentleman to the effect of his amendment. A quorum of a committee might meet, and, under his amendment, a majority of that quorum, but a minority of the committee, might displace the chairman named by the Speaker and elect one in his stead.

Mr. BAKER. I would inquire how it happens that after an amendment is offered to the fourth clause and a speech made on it we can get back to the third clause?

The CHAIRMAN. The committee is now engaged in considering the third clause.

Mr. WARNER. Leave in the words "by a majority."

Mr. BURROWS. I will modify my amendment by adopting the suggestion of the gentleman from Ohio, [Mr. WARNER,] so that it will read, "unless the committee by a majority elect a chairman."

The amendment was agreed to.

The question then recurred on the amendment of Mr. BAYNE.

Mr. BRIGHAM. In justification of the amendment of the gentleman from Pennsylvania, I would call attention to the language employed in the second clause of Rule 23, on page 38:

Whenever a Committee of the Whole House finds itself without a quorum.

If the singular pronoun is proper in this case, it is equally proper in the case now before the committee. If some of the criticisms which have been made here are correct, the clause I have just read should read:

Whenever a Committee of the Whole House find themselves without a quorum.

The question being taken on the amendment of Mr. BAYNE, it was not agreed to; there being—ayes 35, noes 49.

The Clerk read as follows:

4. The chairman shall appoint the clerk of his committee, subject to their approval, who shall be paid at the public expense, the House having first provided therefor.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections.

Mr. SPRINGER. I move to amend by striking out in the clause last read the word "election" and inserting "elections, returns, and qualifications;" so as to read:

To the elections, returns, and qualifications of members: to the Committee on Elections.

The amendment simply uses the language employed in the Constitution of the United States. I presume there can be no objection to it.

Mr. GARFIELD. I hope the gentleman will not insist on this amendment. Everybody knows that the single word "elections" covers the whole case. If the gentleman puts on the additional words proposed by his amendment, he would also have to add the words "and Delegates," thus making an unnecessarily long and cumbrous title. The present title is not misunderstood by anybody. I hope we shall let it remain as it is. We do not want to have painted on the door of a committee-room a long title when a short one will do just as well. So also in the heading of our letter-paper a short title is better. It is really an economy of wind to say elections simply, instead of saying all that the gentleman proposes.

Mr. SPRINGER. The gentleman might have economized himself very much in that respect if he had understood this amendment before making his speech. The amendment does not refer to the name of the committee, but to the subjects referred to it. It proposes to make the clause read:

To the elections, returns, and qualifications of members: to the Committee on Elections.

Mr. GARFIELD. Qualifications and returns are included in the word "elections."

Mr. SPRINGER. Our fathers when they made the Constitution did not so understand, because they used exactly the terms embraced in my amendment.

Mr. GARFIELD. Well, our fathers made our rules; and we have lived under them nearly a hundred years and have found them comprehensive enough to cover every case. I confess that I thought at first that the amendment referred to the title of the committee, still I do not consider it at all necessary.

Mr. SPRINGER. The amendment simply uses the terms used in the Constitution of the United States—"elections, returns, and qualifications of members." It seems to me there can be no objection to it.

Mr. KEIFER. I think it is quite objectionable. If the gentleman himself will examine the matter carefully, I think he will see great inappropriateness in adding these words. The Committee on Elections is not a committee to consider returns, but to consider elections. It would be a very great piece of folly, I think, to say that we had a committee on returns and elections.

Mr. SPRINGER. That is the language of the Constitution.

Mr. KEIFER. The Constitution of the United States does use the words which the gentleman proposes to insert here; but it uses them with reference to the power of the Senate and the House of Representatives in the determination of these questions. We want a Committee on Elections simply. The common acceptation of the words "Committee on Elections" has been so well understood that it is entirely unnecessary, and I think the gentleman on reflection will see it would be a little ridiculous, to add the words proposed by his amendment.

Mr. SPRINGER. It would be no more ridiculous than the Constitution of the United States is ridiculous.

Mr. KEIFER. Oh, yes; a good deal more.

Mr. SPRINGER. The Constitution, in section 5, declares that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

Now, if the honorable gentleman from Ohio [Mr. KEIFER] and his colleague [Mr. GARFIELD] had been members of the constitutional convention they would have suggested to the framers, "That is a little ridiculous."

Mr. KEIFER. Not at all, because the clause refers to the power of each House.

Mr. SPRINGER. They would have said, "You need not put in those terms at all. The House of Representatives has nothing to do with the returns of members." I say that the term "elections" does not necessarily cover all the subjects mentioned in the Constitution of the United States.

Mr. GARFIELD. Will the gentleman allow me to suggest that the Committee of Elections has nothing in the world to do with the returns and qualifications of members, unless there is a contest about an election? All members about whose seats there is no contest hand their returns to the Speaker or the Clerk; their certificates are read at the desk; they are sworn in; and that is the end of it. When there is a contest about any member's election, that case goes to the Committee of Elections, and then the returns are sent to that committee. The House is the judge of the whole thing. The Committee on Elections we may have appointed takes into consideration only the cases of contest.

Mr. SPRINGER. The rule, as just read, provides that—

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating.

Now, subjects relating to the elections, returns, and qualifications of members are referred to this Committee on Elections.

Mr. REED. Well, are not returns and qualifications subjects relating to the election of members?

Mr. SPRINGER. Of course they are.

Mr. REED. What, then, is the need of having more words about it? [Laughter.]

Mr. SPRINGER. I did not hear what the gentleman from Maine said. I am surprised the gentleman uses so many words. I am afraid this Committee on Elections is supposed to have some fearful purpose by the minority of this House in offering this amendment, and I will therefore withdraw it to relieve them of their fears.

The Clerk read as follows:

2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations.

Mr. WHITE. I offer the following to come in at the end of the clause last read.

The Clerk read as follows:

And the general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different Departments of the Government and interest on the public debt. All other appropriations shall be made by bills containing only items of appropriations relating to the subject-matter of the bill.

Mr. WHITE. Mr. Chairman, a careful reading or careful attention to this amendment makes its meaning obvious. The value of a rule of that kind in the last two years of this Congress can possibly hardly be estimated. It is hardly necessary for me, in view of the history which has recently been enacted here in reference to appropriation bills, to refer in detail to the great advantages of a rule of this kind in this body. We learn by experience that many of the States of this country have yielded to the demand in this respect and have saved their Legislatures from scandal and preserved economy in administration by adopting a constitutional amendment to this effect. The great State of Pennsylvania for years was subject to obloquy, scandal, criticism, by reason of the charges of log-rolling and of incorporation of special legislation in appropriation bills. At the late constitutional convention it adopted the excellent constitutional amendment which is substantially the rule just read in your hearing.

And I will add that the Secretary of the Treasury in his last report calls attention to this subject. I hold that report in my hand, and I

find there a practical suggestion from him in this respect. With a view to promote economy he ventures to suggest for the consideration of the respective Houses a permanent organization of an appropriation committee for each House which shall have leave to sit during the recess, with power to send for persons and papers, to examine expenditures, &c.

He asks also that a rule be adopted by the respective Houses limiting appropriation bills to items of appropriation and excluding legislative provisions. This must be in accord with the judgment of every experienced legislator upon this floor, and certainly is in accord with the common sense and patriotism of the country.

I thought this was the right place to put it in, because it specifically and in comprehensive language defines what shall be the duty of the Appropriation Committee. While this does not infringe upon their judicial character, upon their discretionary character, yet it excludes from their jurisdiction everything except the taking up and the manipulation of the public revenues for the support of the different departments of the Government. I think this is the right place to put it in. While I should like to see it a constitutional provision, no doubt it will be a great check and protection to this Congress by making it a part of the rules of this House.

Mr. RANDALL, (the Speaker.) Let the amendment be again read.

The amendment was again read.

Mr. RANDALL, (the Speaker.) I should prefer to have the gentleman from Pennsylvania, [Mr. WHITE,] offer his amendment to the third section of Rule XXI as proposed by the Committee on Rules. If, however, he insists upon inserting it here, I will now say what I desire on this subject. If he will turn to the third clause of Rule XXI as recommended by the committee, he will find the following:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. GARFIELD. I ask the Speaker to let me interrupt him to suggest it is manifest this debate ought to be on the clause to which he has referred. I hope his colleague will withdraw for the present the pending amendment and reintroduce it at the proper place. If we start in there, it will mar the harmony of the rule.

Mr. WHITE. I only do this because the committee had already established a precedent by adding the word in brackets in the seventh clause. Of course I will defer to the sense of the House and the suggestion of my colleague.

Mr. GARFIELD. It will save time.

Mr. WHITE. Let it be considered as pending.

Mr. FRYE. Not in that form.

Mr. WHITE. Then I withdraw it, with the right to introduce it hereafter.

The CHAIRMAN. The Chair will recognize the gentleman to offer the amendment when that Rule XXI is being considered.

Mr. SHALLENBERGER. Mr. Chairman, I desire to offer an amendment to clause 3, which I send to the Clerk's desk.

The Clerk read as follows:

Amend clause 3 by adding the words: "And the several appropriation bills when reported to the House by the committees in which they originate shall be referred to the Committee on Appropriations, to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage."

Mr. SHALLENBERGER. This amendment, Mr. Chairman, does not propose any radical innovation upon these rules as reported by the committee. If gentlemen will observe the report of the committee, it will be found that clause 7 of this same rule introduces a principle which I desire to apply to several appropriation bills, a principle which has been introduced and sustained by the Committee on Rules in reference to the Committee on Commerce, and I desire to refer to words found on page 10 of this report. The Committee on Rules in justifying their proposition that the Committee on Commerce shall report the river and harbor appropriation bill to the House for reference to the Committee on Appropriations, refers specifically to a practice in the Fortieth Congress, when the chairman of the Appropriations Committee, by a distinct agreement, allowed the Committee on Commerce to mature a bill and report it to the House to be referred to the Committee on Appropriations, and it was by that committee reported back to the House, with such recommendations as in their judgment the general expenditures of the Government required.

In addition to that indorsement which the Committee on Rules, intelligent, discreet, and careful as they have been—in addition to that indorsement, we have in the speech of the distinguished gentleman from Ohio [Mr. GARFIELD] a very marked and cordial indorsement of a proposition almost identical in language with the one I now propose, in the assertion by him that during the four years of his chairmanship of that important committee that practice was carefully observed by that committee in its treatment of the river and harbor bill.

Mr. Chairman, I want to say this: I have not risen in any spirit of criticism or cavil. I have proposed no other amendment to these rules, but I do propose this, after mature deliberation, as being in the interest of economy, efficiency, and expedition in framing appropriation bills. I will say that if this practice has been discreetly and judiciously observed in connection with the Committee on Commerce, I see no reason why it should not be observed in reference to the Committee on Public Buildings and Grounds, and other committees.

It has been said that the Committee on Commerce legislates; that it prepares its bills and reports them to the House for improvements not previously authorized by law; and hence it is a committee which should have exceptional privileges. Now, I undertake to say that every committee in this House has the same right *per se* to legislate and appropriate. It is legislating by the Appropriation Committee for the several Departments to increase or diminish their force of employés, and to increase or diminish their pay. The Committee on Appropriations not only legislates for the Committee on Public Buildings and Grounds, but it frequently tears up all the work we have done in our estimates for a public building. We perhaps limit its cost to $500,000. The Committee on Appropriations perhaps adds a million or a million and a half, or possibly three millions, to the work of the Committee on Public Buildings and Grounds.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. MITCHELL. Mr. Chairman, I move to strike out the last word, with the view of yielding my time to my colleague.

The CHAIRMAN. This can only be done by unanimous consent. Objection was made.

Mr. RANDALL, (the Speaker). Mr. Chairman, I desire to enter my dissent to the views suggested by the majority of the committee in their report, that it logically follows because this House may be of the opinion that certain functions shall be given to the Committee on Commerce, therefore the duties of the Committee on Appropriations should be scattered among the various other committees which have been designated. It is due to myself to say that.

Mr. GARFIELD. And I agree with you.

Mr. RANDALL, (the Speaker). It is a very different question. In regard to the scattering of the service of this committee among the various other committees of the House I have very decided views.

I believe that whichever party may be in the ascendant in this House the party discipline and the party judgment as to economic expenditures of the public money will lead in the direction of having a single head to control.

The fact is that the committees to which the gentleman desires to have referred these appropriation bills make all the laws which bind the Appropriations Committee as to the expenditures. The Committee on Commerce, as I said once before when I was upon the floor, are a law unto themselves. The authorization of the appropriations in the river and harbor bill is the only law which looks to the completion of the work provided for in the appropriation; whereas the Committee on Appropriations simply on estimates furnished and from the laws on the statute-book make the appropriations with the exception allowed under the third clause of the twenty-first proposed rule. That is the only exception, and, therefore, it is a mistake to suppose that the Committee on Appropriations can do what it has been charged with doing; it can only make law except in the direction of retrenchment.

Mr. SHALLENBERGER rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. SHALLENBERGER. I move to strike out the last word.

I desire to reply to the remark of the distinguished gentleman from Pennsylvania, Speaker of the House, and a member of the Committee on Rules, and to say that the Committee on Appropriations does legislate. When the Committee on Public Buildings and Grounds, after having exhaustively considered the needs of the public service, having considered the report of the Secretary of the Treasury, having called for specific information from the locality, have determined on what they consider a suitable appropriation in the aggregate for a public building in a certain city, the Committee on Appropriations, as a matter of fact, has overridden, and does override, the legislation on that subject, and has continued the appropriations double, treble, and, perhaps, quadruple the limit originally fixed by the Committee on Public Buildings and Grounds and approved by Congress.

I say, Mr. Chairman, that if it be right and proper for the committee on which I serve to have the jurisdiction of limiting appropriations originally, it is nothing but right and proper that that committee should have something to do and say with an estimate which extends the appropriation beyond the limitation fixed by law. And I say again, when the Committee on Appropriations reports a bill establishing clerical force in the departments, and extending or reducing the salaries of employés, it does legislate to that extent.

I can refer, in the official report of the Supervising Architect of the Treasury, to a number of buildings in this country on which the expenditures have been largely beyond the limitation of law as now upon the statute-book, until we have absolutely no law for the Committee on Public Buildings and Grounds, save and except the will of the Appropriations Committee. I can point you to an illustrious example of that in the city of New York, where there was a large appropriation in 1874 for completion, specifically including machinery, furniture, fixtures, &c. In March, 1875, the Appropriations Committee, without consulting the Committee on Public Buildings and Grounds, appropriated nearly $400,000 for completion, &c.; in July, 1876, $250,000 for completion, and, one month later, nearly a quarter of a million more for deficiency.

This was done under the present system of one economical head for all appropriations, and it is just possible that the grand aggregate expenditures in those years were less than in the year previous by a wholesale lopping off of appropriations imperatively demanded in other sections of the country or in other branches of the public service, the growing necessities of which could not be brought home to the minds of the Appropriations Committee in the time allotted. These large expenditures have been made in the city of New York and other large cities of the country by the Committee on Appropriations, I do not say unwisely, I do not say they did what they should not have done, but I do say that the conclusion in my mind is irresistible that had the Committee on Public Buildings and Grounds been required by the rules to report such appropriations, and the Committee on Appropriations had been directed by the House to report the relative merit and amount of other appropriations carefully matured by other committees, the resulting action of the House in Committee of the Whole must have been in the interest of equality and economy of expenditure.

I say the same principle applies to the Army. If the Committee on Military Affairs decides that the estimates of the Secretary of War for the support of the Army on account of recent reorganization or otherwise are largely in excess of what is required for that purpose, why should the Committee on Appropriations make a report in excess of the real wants of the Army, based on the estimates simply, without consulting the Committee on Military Affairs.

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. SHALLENBERGER. If my time is extended I would be happy to hear the gentleman's question and to answer it.

Mr. BLOUNT. If what the gentleman says is true, which I do not admit, and if the Committee on Appropriations exceed the limit fixed by law for the completion of public buildings, is it not competent for that gentleman or any member of his committee to have that struck out on a point of order?

Mr. SHALLENBERGER. We have a great many privileges on this floor, but they are not of much value in the absence of intelligent preinvestigation when the Committee on Appropriations at the heel of a session bring in half a dozen bills which we dare not consider and amend lest we defeat the bills.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) This is a new character of complaint. By inference, at least, the gentleman from Pennsylvania seems to charge the Committee on Appropriations with extravagance. We have generally heard in this House the committee attacked because of their economical views.

As regards the particular matter to which the gentleman has alluded: the Committee on Public Buildings and Grounds always provide by law for the erection of public buildings, and they usually make a limitation as to the amount of cost; then the Committee on Appropriations say each year how much money shall be appropriated for that purpose during that year. As has been stated by the gentleman from Georgia, [Mr. BLOUNT,] the Committee on Appropriations cannot increase the amount and thus change the original law relating thereto except by unanimous consent of the House, for a single objection would prevent such action being taken on an appropriation bill. If therefore the cost of a public building is to be increased the proposition must originate with the Committee on Public Buildings and Grounds.

Mr. CONGER. Or by amendment of the Senate.

Mr. RANDALL, (the Speaker.) I am speaking of legislation in this House. Of course I cannot speak of what they do in the Senate. I would transgress the rules if I did.

My wish is to show to the gentleman from Pennsylvania [Mr. SHALLENBERGER] who submits this amendment and makes this complaint in reference to the Committee on Appropriations that there is no valid ground for his statement in that particular.

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. That amendment is already pending, and debate has been exhausted upon it.

Mr. WHITE. I do not wish to debate; I want to understand the proposition.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SHALLENBERGER] moved an amendment upon which debate was exhausted. Thereupon he moved to strike out the last word of his own amendment, and debate upon that has been exhausted.

Mr. SHALLENBERGER. I will withdraw the *pro forma* amendment.

Objection was made by several members.

The CHAIRMAN. Objection being made, the *pro forma* amendment cannot be withdrawn.

Mr. WHITE. I only want to understand if the gentleman from Pennsylvania [Mr. SHALLENBERGER] by his amendment, which is a comprehensive one, means that the different committees of this House, the Committee on Commerce, the Committee on Military Affairs, the Committee on Public Buildings and Grounds, &c., are to originate the appropriation bills for the several departments to which their respective committees relate, report them to this House, and then have them immediately taken charge of by the Committee on Appropriations for such action as that committee may see fit. Is that the proposition before this House?

The CHAIRMAN. The question is on the *pro forma* amendment to strike out the last word, to the withdrawal of which objection has been made.

The *pro forma* amendment was not agreed to.

Mr. MULDROW. I desire to offer a substitute for the third clause of the pending rule.

The CHAIRMAN. The substitute will be read, after which the Chair will determine whether it is in order or not.

The proposed substitute was read, as follows:

To appropriations for expenditures of the executive, legislative, and judicial departments, for the consular and diplomatic service, the sundry civil service, and general deficiencies, to the Committee on Appropriations.

The CHAIRMAN. That amendment is in order.

Mr. MULDROW. I desire to state that, if that amendment shall be adopted, it will be followed by proper amendments which will give to the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Foreign Affairs, the Committee on Indian Affairs, the Committee on the Post-Office and Post-Roads, the Committee on Commerce, the Committee on Invalid Pensions, the Committee on Public Buildings and Grounds, the Committee on Patents, the Committee on Agriculture, and also the Committee on Mississippi Levees the preparation of appropriation bills for their respective departments, and also the control and advocacy of the different appropriation bills to be brought before the House by those committees.

Mr. BLACKBURN. Mr. Chairman, I had hoped, after three weeks had been consumed in discussing the report submitted by the Committee on Rules, and not one hour of that three weeks devoted to anything except the wrangle between the several committees of this House for power, that when we came to consider this report under the operation of the five-minute rule we might have been relieved from a continuation of that discussion.

I take it that anything that any gentleman can now say as to the merits of the proposition to leave the power of the Committee on Appropriations in the hands of that committee, or to divide it among the several committees of this House, will not have the slightest effect or the least influence upon the vote of any member upon this floor.

I do not stand here as the advocate or champion of the Committee on Appropriations. It is by accident alone that I am the only member of that committee who happens to be a member of the Committee on Rules. I do not care for, nor have I aught of concern in, the decision of the issue. But I had hoped that gentlemen would not have been premature in pressing their amendments to this third clause of Rule XI, instead of waiting to present them, where they naturally belong, as the clauses relating to these different committees shall be reached in their order.

I have but this to say: I have grave doubts in my mind whether the best interests of the country would be subserved or not by keeping the general appropriation legislation of Congress in the hands of the Committee on Appropriations. I very much fear, however, that if you divide the duties of that committee and give to each of the committees indicated by the gentleman from Mississippi [Mr. MULDROW] absolute and unrestricted charge and custody of the respective appropriation bills, we will find our budget very much swollen. However, with that I am not concerned. I do not care whether the power of the Committee on Appropriations be left intact or not. I do not care whether these different committees be given the absolute custody and control of these respective appropriation bills or not.

But this I do mean to say: the Committee on Appropriations is not liable to the criticisms which have been pronounced upon it. It is the only committee of this House that at the conclusion of each session of Congress finds its table cleared of work, and all the service done which has been imposed upon it by the House. I call upon the chairman of any one of the committees of the Forty-fifth Congress to which it is now proposed to send these general appropriation bills, to rise in his place and say, if he can, that when that Congress ended its session the work sent to that committee by order of this House had been completed and its labors finished. The Committee on Appropriations stands alone, of all the committees of this House which ever has any work to do, in completing and finishing that work at each and every session of Congress.

But I will say this: however it may be, if it shall prove to be the pleasure of this House to divide this work, and to distribute these several appropriation bills to the different committees named, then this must address itself to the consideration of this House, to be determined as a question of prudence in legislation: whether it had not better put some limitation, some revisory power, some drag to be applied somewhere, in order to check the natural and inevitable tendency to extravagance and exorbitant disbursements of the public money.

It will not do for gentlemen to tell us, as my friend from Texas [Mr. REAGAN] told us the other day, that it would never be permitted for one committee of this House to be made simply the clerk or amanuensis for another. If that objection be valid, if there be ground or warrant for its presentation, then the House of Representatives is nothing but a clerk to the Senate. While holding absolute power to originate all bills for raising revenue, and by practice holding absolute power in the matter of bills of general appropriation, we are by parity of reason nothing but a clerk to the Senate, to whom we submit our bills after we have drafted them, for revision or amendment.

[Here the hammer fell.]

Mr. MULDROW. I move to amend by striking out the last word of the substitute.

Mr. BLACKBURN. I rise to a parliamentary inquiry. Is it permissible for a gentleman to move to strike out the last word of an amendment or a substitute which he himself has offered, in order to prolong the debate?

The CHAIRMAN. Of course he can move to do so; but it is simply a modification of his own amendment, which he has a right to make; and it is not debatable.

Mr. BLACKBURN. Then, as the time has been fairly divided, I must object to debate by the gentleman on that modification.

Mr. MONEY. I move to amend by striking out the last word of the substitute of my colleague.

I do not see that the Committee on Appropriations can especially plume itself upon completing its work and presenting it to the House. The fact is that this Committee is a privileged committee. It keeps this House waiting here two or three months until its bills are prepared. It can report those bills whenever it sees fit; and it can take from this floor any other committee holding the floor even by a special assignment. It has all power to withhold action in this House upon its bills or to hurry action upon them, and to set aside a special or a general order that may have been made in favor of any other committee or any other public business in order that the work of the Committee on Appropriations may take precedence. Is it, then, any credit to this committee, either to its intelligence, its public spirit, its industry, or its enterprise, that it is enabled to perform its work when every other committee, however important its business, is compelled to defer to the Committee on Appropriations?

Mr. KENNA. Will the gentleman allow me to put a question?

Mr. MONEY. Yes, sir.

Mr. KENNA. If the bills of which the Committee on Appropriations now has jurisdiction were distributed to the committees named in the proposed amendments, would not the committee in charge of each particular bill enjoy the same privilege and power to put off other measures that the Committee on Appropriations now enjoys? Would there be any difference in the result?

Mr. MONEY. That is not the question I was discussing. I was meeting the claim made by the Committee on Appropriations, through its member who has charge of the report of the Committee on Rules, that the Committee on Appropriations is the only committee of the House that ever finishes its business. I made a conclusive answer.

Mr. BLACKBURN. What was the gentleman's answer?

Mr. MONEY. My answer was that the Committee on Appropriations has the privilege of introducing its work at any time, and to take from the floor of the House any other committee, however important its work, though it may hold the floor by the special or general order of the House.

Mr. BLACKBURN. Yet my question still remains unanswered.

Mr. MONEY. What is the question?

Mr. BLACKBURN. Will the gentleman from Mississippi say, as chairman of one of these committees claiming additional powers, that in the Forty-fifth Congress that committee cleared its table and discharged the work sent to it to do?

Mr. MONEY. If the work of any committee has not been done, it is, as I have stated two or three times, because the floor has been constantly occupied by the Committee on Appropriations.

Mr. Chairman, I heartily indorse the substitute of my colleague. It is no disparagement to the Committee on Appropriations, to their high character, their zeal for the public service, their industry, their intelligence, to say that they are not as competent to report to this House bills on any particular subject as the committee to whose special charge that subject has been given.

Mr. BLACKBURN. I never intimated they were.

Mr. MONEY. The gentleman's modesty, perhaps, forbade such an intimation. I say that the Committee on Post-Offices and Post-Roads, over which I have the honor to preside, is more competent (not by reason of the individual character of any of its members, but by reason of the fact that they are charged solely with the conduct of affairs relating to the Post-Office) to report a bill which shall meet the necessities of the postal service of the whole country than the Committee on Appropriations. I speak of this only as one instance among many. Any of the committees to which the amendment of my colleague proposes to refer particular subjects of appropriation is more competent to prepare appropriation bills on its particular subject of examination than any other committee, I care not what its character or ability. To assume that the Committee on Appropriations, having charge of appropriations for all the various Departments of the Government, is more competent to transact the business for each Department, has more intelligence, more accurate and minute information, higher zeal for the public service than other committees of the House, is a disparagement not only to the intelligence but to the public spirit of other committees. For this reason I heartily support the substitute offered by my colleague.

[Here the hammer fell.]

Mr. MULDROW. Mr. Chairman, the question involved in this substitute offered to the third clause is one of principle and also one of power. In the first place, in my judgment, the principle is that the labors of this House should be distributed among the several committees of the House. The responsibilities of the House should be distributed, the work of the House should be distributed as far as possible, by the Speaker to the several committees, under the direction of the rules of the House.

In the next place, it is one of power. This House should have recognized the fact, it seems to me, that no one committee should be clothed with more power than is found necessary to encompass the public interest. I make no complaint against the action of the Committee on Appropriations. They have done well, we all confess, but still that is no argument that these other committees, to whom this work is assigned, may not also do well. If then, these other committees, which have special charge of these special matters, have, as I conceive they have, the power to understand more thoroughly the various matters of appropriation which come before them, it is proper that they should have charge of reporting those bills to the House and urging the reasons why the appropriations should be made.

Again, sir, it does seem to me that our experience in this House has shown that the former system has been a great drawback upon a majority of the members on this floor, for the reason that in reference to many matters in which they are interested they have not had the opportunity to present them to the House, because the floor has been constantly occupied by the members of the Committee on Appropriations. It is no fault of theirs, but it is the fault of the rules of the House that that work has been assigned to them which ought to have been assigned to other committees, where it could be as well attended to, and in my judgment better attended to, because those other committees are conversant with more facts than are in possession of the Committee on Appropriations. I therefore object to the motion of my friend from Mississippi to strike out any words from the substitute which I have offered. I trust he will withdraw it, and that we shall come to an immediate vote on the proposition.

Mr. GARFIELD. I move to strike out the last word in the amendment of the gentleman from Pennsylvania, an amendment which I think has not yet been made.

The CHAIRMAN. The gentleman is in order and will proceed.

Mr. GARFIELD. Mr. Chairman, since the days when the mother of James and John asked for an important appointment for those two apostles, one on the right hand and the other on the left, when the Master came into His kingdom, until now, the question of who shall be greatest has been one of the most difficult and troublesome which men have ever encountered. And that is really the essence of this question. Men object to the greatness and importance and privileges of the Committee on Appropriations. The Committee on Appropriations do have great privileges and great power, and it is a committee which any man may well have an ambition to serve on. But there is a primacy in the order of things in this House and in Congress which cannot be overlooked. Shakespeare has well said, "Where two men ride of a horse one must ride behind."

A MEMBER. Oh, no; that is Hudibras.

Mr. GARFIELD. If Hudibras said it, it is none the less good; and the necessity of having the appropriations of this Government made, and made only by one responsible group of men, cannot be argued down by any of our ambitions or any of our personal desires. It is a question which stands out impersonally, high above all our little ambitions. It ought to so stand for its relation to the public good, and not for its relation to my ambition or yours.

But I wish to say for the comfort of those who may have any sort of jealousy of the power of the Committee on Appropriations, that it is by no means a one-sided question. I know that no man can do his full duty on the Committee on Appropriations without incurring the risk of becoming one of the most unpopular men in the House. He must tread on the toes of a great many people. He must run counter to the wishes of a large number of good men, as well as of committees. It is anything but an enviable place, although it is a powerful one.

I do say, sir, without the slightest question in my own mind of the truth of the statement, that the scattering of these appropriations as suggested by gentlemen here, will be absolutely breaking down all economy and good order and good management of our finances. It cannot be otherwise.

We know the length of our session depends on the appropriation bills. Whatever other things fail, these must pass. However far into the hot weather of the summer we go, we must go by the pressure of the appropriation bills; and unless we say to one committee take this in charge and make it your chief business, we give you the primacy, we give you the priority, we waive all other things off to carry this through and accomplish it—I say unless we do that, there can be no reasonable end to our session. And there can be no safety to our Treasury. I hope, therefore, gentlemen will not break down the old conservative habits we have thrown around the Committee on Appropriations.

I only regret our friends on the other side are not willing to throw away that clause suggested by the Speaker that has let in so much legislation on the appropriation bills and which, in my judgment, has made this raid on that committee possible. I think if they had no extraneous legislation put on these bills whatever, the jealousy and envy and ill-feeling and antagonism would all have disappeared before now. But it is too late now to remedy that; I suppose possibly it cannot be remedied in this House; but at any rate let us swallow our disappointments and reduce our feeling of hostility, and let the Appropriations Committee stand as it stands in the rule.

Mr. BLACKBURN. Will the gentleman let me ask him a question?

Mr. GARFIELD. Yes, sir.

Mr. BLACKBURN. In order that the House may arrive at a proper understanding of this matter, which has been discussed at length in the light of the long experience the gentleman himself has had serving upon and at the head of that Committee on Appropriations, let me ask whether or not it is not the fact that the great bulk of the work that devolves upon that committee in the matter of the disbursements of the revenue of this Government is not a matter of discretion with the committee at all, but that four-fifths of it, if not more, is made in absolute obedience to the law and without discretion on the part of that committee at all?

Mr. GARFIELD. Yes; considerably more than four-fifths fixed by law.

Mr. COOK. Then why could not any other committee do it if the committee is bound by the law?

Mr. BLACKBURN. The gentleman from Georgia does not rise from his seat to suggest an interruption.

Mr. COOK. Well, I rise now to ask the gentleman, is not every other committee as much bound by the law as the Committee on Appropriations?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SPEER. I wish to move an amendment to the amendment.

The CHAIRMAN. At this time no further amendment is in order.

Mr. BLACKBURN. Amendments to the amendments are now pending, and parliamentary law does not admit of further amendment.

The CHAIRMAN. The gentleman from Pennsylvania has offered an amendment to the original clause, and the gentleman from Mississippi has offered a substitute for the original clause, and there is now pending an amendment to each one of those amendments. That is as far as can be gone under the rules of the House. Until these amendments to the amendments are disposed of in some way no other amendment is in order.

Mr. SPRINGER. I ask for the reading of the pending amendments.

The amendments were read.

Mr. CALKINS. I ask whether there is not pending an amendment to strike out the last word?

The CHAIRMAN. It is pending.

Mr. CALKINS. I desire to be recognized on that amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania [Mr. WRIGHT] who is now on the floor.

Mr. GARFIELD. I am willing to withdraw the amendment striking out the last word.

Mr. TOWNSHEND, of Illinois. I object, as the gentleman from Pennsylvania is on the floor, and we desire to hear him.

Mr. HARRIS, of Virginia. Let me ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS, of Virginia. If these amendments be adopted, will they have the effect of passing over the present appropriation bills, now completed or nearly completed, to the new committees to which they have been assigned, and are they to go over the whole work *de novo*, and thus keep us here three or four months longer?

The CHAIRMAN. That is not a parliamentary question.

Mr. HARRIS, of Virginia. If it is not a parliamentary question that will be the effect of the adoption of these amendments to the rules as reported by the Committee on Rules.

Mr. WRIGHT. The gentleman from Ohio, Mr. Chairman, said well when he remarked to this House that the Committee on Appropriations was a committee of immense moment, that stupendous matters were submitted to it for its consideration. Then confine it, with this qualification with regard to its powers, to the legitimate business which would naturally under the rules come before it. Why make it a monopoly?

I concede, as that committee is now composed, it is made up of men of character, of standing, and intelligence. Cannot the same thing be said with regard to other committees, which have under control many matters connected with the Government, which do not now have the power to make appropriations? Those other committees, if this recommendation of the Committee on Rules be carried out, will be merely clerks to the Committee on Appropriations, merely sub-committees to examine subject-matters referred to them. When they spend their time on those subjects to whom do they report? In fact, they report not to the House, but to the Committee on Appropriations. There is no reason for this. If it were the case that there were but thirteen gentlemen who had the qualification to say what amount of money should be appropriated for this branch of the service and what for another, if they had the only intellect in this House for that purpose, there might be some reason for the adoption of such a rule. But, sir, such is not the fact.

I maintain that the standing committees who have charge of the appropriation of the moneys to the Army, the Navy, and the Post-Office Department ought to have those measures come before the Committee of the Whole House upon their recommendation, and that their recommendation should not be in effect made to the Committee on Appropriations.

I said the other day, when I had the floor and was making some remarks on this subject, I would not vote against the adoption of these rules with regard to this one question if it was to affect their passage generally; but I maintain that the power can be more safely placed in the Committee of the Whole House where all may have opportunity for debate and where there is no chairman of a Committee on Appropriations either to move that the committee rise or in the House to call the previous question. The question of the appropriations to be made to the different branches of the Government is one that legitimately belongs to the Committee of the Whole House. It does not belong to any committee selected by the Speaker.

I am in favor of not robbing the Committee on Appropriations of any power that naturally belongs to them; but the fault I find is that they should be the big sponge that is to absorb all subjects connected with the different branches of this Government. There is no principle of national policy in it. It is against the idea of parliamentary law. I do not want to infringe upon a single right that belongs to the Committee on Appropriations, but at the same time I do not want to load them down with the whole legislation of this House upon the subject of appropriations.

[Here the hammer fell.]

Mr. BROWNE rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BROWNE. I desire to make a privileged motion. I move that the committee rise.

Mr. BLACKBURN. I hope the committee will not rise until a vote is had on this amendment.

The CHAIRMAN. The motion is not debatable.

The question being taken on the motion of Mr. BROWNE, there were—ayes 82, noes 71.

Mr. BLACKBURN. I call for tellers.

Tellers were ordered; 32 members voting therefor, being more than one-fifth of a quorum.

The CHAIRMAN. The Chair appoints the gentleman from Kentucky, Mr. BLACKBURN, and the gentleman from Indiana, Mr. BROWNE, to act as tellers.

The committee again divided; and the tellers reported ayes 92.

Mr. BLACKBURN. I do not call for further count.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

UNITED STATES COURTS IN OHIO.

Mr. CONVERSE. I rise to present a privileged report, a report of a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The managers on the part of the House and of the Senate appointed to confer on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district, in said State, after a full and free conference, do recommend as follows:

That the House recede from its disagreement to the amendments of the Senate to said bill, and do concur in the same.

GEORGE L. CONVERSE,
D. B. CULBERSON,
BENJAMIN BUTTERWORTH,
Managers on the part of the House.
A. G. THURMAN,
A. H. GARLAND,
MATT H. CARPENTER,
Managers on the part of the Senate.

Mr. CONVERSE. This is the unanimous report of the committee.

The SPEAKER. The question is on agreeing to the report.

Mr. GARFIELD. I do not agree to that report, and call for a vote upon it. I move to lay the report on the table.

The SPEAKER. That is not in order.

Mr. GARFIELD. Then I call for the yeas and nays on the question of agreeing to the report of the committee.

The SPEAKER. The gentleman has the right to call for the yeas and nays.

Mr. KEIFER. Pending the demand for the yeas and nays I move that the House do now adjourn.

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair lays before the House the following requests for leave to withdraw papers from the files of the House:

Of Mr. EVINS, for leave to withdraw papers in the case of C. L. Keller, there being no adverse report thereon; and

Of Mr. CALDWELL, for leave to withdraw papers in the cases of Messrs. Allard & Crozier, of Paducah, Kentucky, and of W. H. Slack, of Paducah, Kentucky, there being no adverse report thereon.

These requests will be referred to the Committee of Claims, which has charge of the cases to which they relate; and hereafter the Chair will refer all such requests, whether the cases have been reported upon adversely or not, to the committees having charge of the subjects to which they relate.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUMPHREY, indefinitely, on account of sickness in his family;

To Mr. KILLINGER, for one week;

To Mr. HUBBELL, until Thursday next, on account of important business;

To Mr. URNER, for two days, on account of important business; and
To Mr. WARNER, for four days, on account of important business.

The motion of Mr. KEIFER was then agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of seamen, masters, and vessel-owners of Philadelphia, Pennsylvania, for the repeal of the shipping act of June 7, 1872—to the Committee on Commerce.

By Mr. AINSLIE: The petition of citizens of Lewiston, Idaho Territory, for an appropriation for the improvement of Clearwater River—to the same committee.

By Mr. BAILEY: The petition of Captain H. E. Burke, of Ulster County, New York, and 30 others, captains, pilots, and engineers, for a reduction of the license fees of captains, pilots, and engineers—to the same committee.

By Mr. BOYD: The petitions of Francis M. Nance and others, and of W. C. McElrea and others, citizens of Illinois, for the passage of a law to pay soldiers of the late war the difference between the depreciated currency in which they were paid and coin—to the Committee on Military Affairs.

By Mr. CLAFLIN: The petition of Thomas McIntire and others, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. COVERT: The petition of Hubbard Corwin and others, citizens of New York, for the erection of a bell-buoy on Rockaway Shoals, at the mouth of Rockaway Inlet, on the south shore of Long Island—to the Committee on Commerce.

Also, the petitions of Jeremiah Ludlow and others, and of William R. Post and others, citizens of Suffolk County, New York, for legislation giving relief to claimants under the Geneva award—to the Committee on the Judiciary.

By Mr. DUNNELL: The petition of Robert Hutton and 30 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Robert Hutton and 30 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. FORSYTHE: The petition of soldiers, citizens of Clark County, Illinois, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Crawford County, Illinois, for the passage of a law to protect the innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of soldiers, citizens of Cumberland County, Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of Crawford County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Henry H. Wright and 127 others, citizens of Effingham County, Illinois, for the passage of a law placing soldiers of the late war on an equal footing with bondholders in the matter of their pay—to the Committee on Military Affairs.

By Mr. GILLETTE: The petition of W. L. Wilkin and 15 other ex-soldiers of the late war, of similar import—to the same committee.

By Mr. HASKELL: The petition of citizens of Urbana, Kansas, for the passage of the Weaver soldier bill—to the same committee.

Also, papers relating to the pension claim of Dennis Smith—to the Committee on Invalid Pensions.

By Mr. HENKLE: Papers relating to the claim of Mrs. Rachael Weems, widow of John Weems, deceased, for additional compensation for services rendered by her husband in raising cannon, &c., from Barney's sunken flotilla—to the Committee of Claims.

Also, the petition of James T. Blakistone, for pay for services as a messenger in the Forty-fifth Congress—to the same committee.

By Mr. HILL: The petitions of E. E. Pocock and others, and of W. N. Snook and others, of Paulding County, Ohio, that Congress provide water communication between the Ohio River and the northern lakes—to the Committee on Railways and Canals.

Also, the petition of Horace Hill, Henry Shufelt, and 100 other citizens of Fulton County, Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. HORR: The petition of citizens of Michigan, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of citizens of Michigan, for the erection of a light-house at Little Traverse, Michigan—to the Committee on Commerce.

By Mr. HOUK: The petition of John Hedgecoth, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Hiram K. Hedgecoth, of similar import—to the same committee.

Also, the petition of Jesse Ferguson, for arrears of pension—to the same committee.

By Mr. HOUSE: Papers relating to the claim of Mrs. Clara Ida Grass for pay for property taken and destroyed by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of J. Bloomstein for pay for goods seized and damages for imprisonment by the United States authorities at Nashville, Tennessee, in 1863—to the same committee.

By Mr. HULL: Memorial of the Board of Trade of Fernandina, Florida, in relation to the improvement of Fernandina Bar—to the Committee on Commerce.

Also, the petition of citizens of Columbia County, Florida, for protection from the oppressions of railroad monopolies—to the Committee on Railways and Canals.

Also, the petition of citizens of Columbia County, Florida, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. KEIFER: The petition of Rev. B. F. Lee, president of Wilberforce University, and others of its officers, that said university shall be given an equitable share of the unclaimed soldiers' bounty, belonging to colored soldiers and sailors, proposed by a pending bill to be distributed to institutions of learning for colored persons—to the Committee on Education and Labor.

Also, the petition of Churchill Robinson and 47 others, citizens of Frankfort, Kentucky, of similar import—to the same committee.

By Mr. KNOTT: The petition of William L. Riley, for pay for work done on the public grounds in Washington, District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. LAPHAM: The petitions of George M. Brown and others, and of William G. Lord and others, for legislation giving relief to claimants under the Geneva award—to the Committee on the Judiciary.

By Mr. LORING: The petition of Franklin County (Massachusetts) Agricultural Society, for legislation to prevent the spread and to eradicate the disease among cattle, known as pleuro-pneumonia—to the Committee on Agriculture.

By Mr. EDWARD L. MARTIN: The petition of T. P. Rodney and others, citizens of Delaware, for the improvement of that part of Nanticoke River known as Deep Creek—to the Committee on Commerce.

Also, the petition of Columbus Watkins and 134 others, citizens of Delaware, for the improvement of the Appoquimmink River—to the same committee.

By Mr. McKINLEY: The petition of P. D. Snively and 42 others, citizens of Stark County, Ohio, for the passage of a law to protect shippers from unjust discriminations and fluctuations in freights—to the same committee.

Also, the petition of John Henninger and 45 others, citizens of Stark County, Ohio, to amend the patent laws so as to protect innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. MORSE: The petition of John Wetzel and others, ordnance-sergeants United States Army, for increase of pay for assimilated rank—to the Committee on Military Affairs.

By Mr. O'CONNOR: The petition of citizens of Charleston, South Carolina, for a survey of the Santee Canal in South Carolina and for an appropriation to open the same—to the Committee on Commerce.

By Mr. O'NEILL: A communication of Commander G. B. White, United States Navy, to Mr. Henry Winsor, chairman of the committee on foreign and coastwise commerce of the Philadelphia Board of Trade, concerning the right of way of vessels navigating the inland waters of the United States—to the same committee.

By Mr. OVERTON: Protest of the Vessel-Owners' Association of Philadelphia, against any change in the navigation laws—to the same committee.

Also, the petition of Captain B. B. Mitchell and 49 other soldiers, of Bradford County, Pennsylvania, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. POEHLER: The petition of C. F. Ireland and 56 others, citizens of Swift County, Minnesota, for the passage of a law fixing the price of land at $2.50 per acre as the maximum price to be charged by railway companies who have forfeited their land grants, making it a condition-precedent to their being reinstated in possession of the same—to the Committee on Public Lands.

Also, the petitions of P. J. Sarton and 17 others, citizens of Wabasha County; of M. E. Billings and 19 others, citizens of Goodhue County; and of Richard Kendall and 27 others, citizens of Le Seuer County, Minnesota, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

Also, the petitions of J. O. Strandnass and 17 others, of Goodhue County; of Richard Kendall and 27 others, of Le Seuer County; and of F. W. Shaw and 17 others, of Wabasha County, citizens of Minnesota, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. REAGAN: The petition of masters and owners of vessels engaged in the coasting trade, for the passage of a law to prohibit the involuntary employment and payment of pilots on East River and Hell Gate, New York—to the Committee on Commerce.

By Mr. THOMAS RYAN: Four petitions of Kansas soldiers, against the passage of Senate bill No. 496, known as the sixty-surgeons bill—to the Committee on Invalid Pensions.

Also, the petition of Kansas soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Wabaunsee County, Kansas, for relief from the oppression of transportation monopolies—to the Committee on Commerce.

Also, the petition of citizens of Kansas, for pay for losses sustained on account of the raid of Cheyenne Indians in 1878—to the Committee on Indian Affairs.

Also, a paper relating to the claim of O. D. Lemert for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. SLEMONS: Memorial of the National Cotton Exchange, asking for an amendment of the census law—to the Committee on the Census.

By Mr. SPARKS: The petition of R. G. Ardrey, to be reimbursed the amount of postage-stamps stolen from the post-office at Oakdale, Illinois, while he was postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: The petition of citizens of Concord, Illinois, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

By Mr. URNER: The petition of William Staubs and others, for the passage of the Weaver soldier bill—to the same committee.

By Mr. WARNER: The petition of J. R. Randall, that Dr. C. P. Culver be paid for valuable services rendered the Committee on Coinage, Weights, and Measures in the Forty-fifth Congress—to the Committee of Claims.

Also, the petition of Josephus Cox and 18 others, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of Griggs, Johnson & Foster and 100 other citizens, of Duluth, Minnesota, that Congress aid the construction of a railroad from the Falls of the Sault Ste. Marie to some point on the Marquette and Mackinaw Railroad, near Manistique Lake, by a grant of sixteen sections per mile in the counties of Chippewa and Schoolcraft, Michigan, for a distance not exceeding seventy-five miles—to the Committee on Railways and Canals.

By Mr. CHARLES G. WILLIAMS: The petition of John Kimball and others, citizens of Rock County, Wisconsin, for a law to alleviate oppressions imposed by transportation monopolies—to the Committee on Commerce.

Also, the petition of 105 citizens of Rock County, Wisconsin, for the amendment of the patent laws so as to protect innocent purchasers of patented articles and to make manufacturers and vendors alone responsible for infringements—to the Committee on Patents.

By Mr. WILLITS: The petitions of R. W. Freeman and 24 others, citizens of Hillsdale County; of B. W. Herring and 82 others, citizens of Litchfield; and of Frank Ward and 32 others, citizens of Washtenaw County, Michigan, of similar import—to the same committee.

Also, the petitions of R. W. Freeman and 24 others, citizens of Hillsdale County; of B. W. Herring and 66 others, citizens of Litchfield; of Frank H. Ward and 24 others, citizens of Washtenaw County; and of Henry A. Carr and 15 others, citizens of Washtenaw County, Michigan, for legislation regulating transportation companies—to the Committee on Commerce.

By Mr. WISE: The petition of 1,005 citizens of Pennsylvania, for an appropriation of $150,000 to improve the Youghiogheny River with locks and dams—to the same committee.

By Mr. WRIGHT: The petitions of John Haidle and 123 others, of Bath, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of J. L. Schmehl and 40 others, citizens of Blandon, Berks County, Pennsylvania, of similar import—to the same committee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 30, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

Mr. WILSON. In relation to the report made by my colleague on the Committee on Foreign Affairs [Mr. MORTON] upon the subject of international fisheries, I desire to state that upon submitting that report yesterday he gave notice that on Tuesday next he would move to go into Committee of the Whole for the purpose of considering that subject. If allowable, I desire to have the Journal corrected by an entry to that effect.

The SPEAKER. The statement to which the gentleman refers was in the nature of debate and appears in the RECORD. It is not necessary that it should be entered upon the Journal.

The Journal of yesterday was approved as read.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair at the instance of the gentleman from West Virginia [Mr. WILSON] asks consent that the governor of West Virginia, Hon. Henry M. Mathews, and gentlemen accompanying him, Honorables Jonathan M. Bennett, John Brannan, and J. N. Camden, distinguished citizens of West Virginia, be admitted to the privileges of the floor for to-day and to-morrow. Is there objection?

Mr. WHITE. I object to anybody but the governor.

The SPEAKER. The governor is entitled to admission under the rule of the House.

Mr. WILSON. I hope the gentleman will not be illiberal and unkind.

Mr. WHITE. We must stop at some point, or we shall be incommoded by the number admitted to the floor.

Mr. WILSON. Do not stop it on me, when every one else has had requests for such courtesies granted.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia, [Mr. WILSON?]

There being no objection, the request was granted.

UNITED STATES COURTS IN OHIO.

Mr. CONVERSE. I notice by the RECORD of this morning that in relation to the report of the committee of conference on the bill of the House No. 582, to provide for circuit and district courts of the United States at Columbus, Ohio, &c., it is stated that upon the reading of the report Mr. GARFIELD demanded the yeas and nays.

That is not according to my recollection. My recollection is that the vote was taken upon agreeing to the report, and the Chair declared that the report was agreed to, and thereupon a motion was made to reconsider that vote and to lay the motion to reconsider on the table; and while the Chair was putting that question, Mr. GARFIELD called for the yeas and nays to the report.

The SPEAKER. That is correct, but the Chair never takes advantage of any member in any respect in regard to such matters. The gentleman from Ohio [Mr. GARFIELD] claimed the right to have the question taken on ordering the yeas and nays upon agreeing to the report, notwithstanding the *viva voce* vote that had been taken. The Chair would state in addition that the call for the yeas and nays was in the nature of a further count upon agreeing to the report. If the Chair did not allow that to be done, he might arbitrarily decide that a bill had passed when some member was on the floor demanding the yeas and nays upon it. It has been the uniform practice of the Chair in all instances never to deny the right of a member to call for the yeas and nays under such circumstances. The Chair would state also that the conference report will come up immediately this morning after such matters as can be disposed of by unanimous consent shall have been disposed of.

ERIE AND WABASH SHIP-CANAL.

Mr. ORTH, by unanimous consent, submitted the following resolution; which was referred to the Committee on Railways and Canals:

Resolved, That the Committee on Railways and Canals are hereby instructed to inquire into the expediency of providing for a public survey for the purpose of ascertaining the practicability of constructing a ship-canal from Toledo, Ohio, by way of the Wabash and Erie Canal, to the navigable waters of the Wabash River at or near La Fayette, Indiana, with leave to report by bill or otherwise.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. SHALLENBERGER, by unanimous consent, introduced a bill (H. R. No. 3982) to authorize and direct the Commissioner of Agriculture to attend in person or by deputies the international sheep and wool show, to be held in the Centennial building, Fairmount Park, Philadelphia, September, A. D. 1880, and to make full and complete report of the same, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

IMPROVEMENT OF ALLEGHENY RIVER.

Mr. WHITE, by unanimous consent, submitted the report of General H. D. Wright, Chief United States Engineers, upon the expenditure of the appropriation for the improvement of the Allegheny River; which was referred to the Committee on Commerce, and ordered to be printed.

DEATH OF HON. RUSH CLARK.

Mr. PRICE. I ask unanimous consent that the hour fixed for the delivering of eulogies upon my late colleague from Iowa, Hon. RUSH CLARK, be changed from two o'clock to-morrow until immediately after the morning hour to-morrow.

There was no objection, and it was so ordered.

PERSONAL EXPLANATION.

Mr. ACKLEN. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ACKLEN. I dislike to occupy the valuable time of this House in a matter of personal interest, but my attention has been called to an article in the New York Herald and also in the Detroit Post and Tribune——

The SPEAKER. Do those articles affect the gentleman in his representative capacity?

Mr. ACKLEN. They do.

The SPEAKER. The gentleman will proceed.

Mr. ACKLEN. They are so grossly untrue and such a vile attack upon me, not only as a gentleman but as a Representative, that a proper sense of justice to my constituents as well as to myself forces me to speak that my silence may not be misconstrued. I quote the following from the Detroit Post and Tribune of January 26:

On the 13th of January, taking advantage of a moment when no other member of the Committee on Foreign Affairs was present, ACKLEN rose in the House and declared as appears in the official report of the proceedings of Congress:

"Mr. ACKLEN. I ask unanimous consent that the report of the Committee on Foreign Affairs in relation to the claims of certain citizens against the government of Nicaragua be referred to the Committee of the Whole and ordered to be printed.

"There being no objection, it was ordered accordingly."

The alleged report thus handed in by ACKLEN was received, duly printed, and laid upon the desks of members. Some days afterward the members of the Committee on Foreign Relations were astonished at seeing these proceedings in the

CONGRESSIONAL RECORD. The chairman asked ACKLEN what it meant, and received an unsatisfactory reply. Accordingly he called the committee together and summoned ACKLEN before them, when it appeared that neither the committee nor the chairman had ever made, nor authorized, nor read the report which ACKLEN had palmed off on the House as the report of the committee; and, further, the committee would not agree to any such report. ACKLEN was then informed that he must withdraw that report and apologize to the House, or vigorous proceedings would be instituted to expel him in disgrace.

The article then proceeds to say that I apologized to the House and withdrew the report, but that this was done "in a quiet way, and at such a moment as to attract the least attention. But those who understood it explained to the other members, and a hot feeling of indignation has been growing ever since."

I need hardly say, Mr. Speaker, that this is perhaps one of the most willful and malicious perversions of fact on record.

On Monday, January 19, my colleague, Mr. KING, who had lately returned from Louisiana, called my attention to the article in the CONGRESSIONAL RECORD, quoted in the extract which I have read, and also to a report, No. 86, second session Forty-sixth Congress, which bore his name. I informed him at once that there was evidently a mistake, as I had never made any such request of the House nor offered any such report as coming from his committee; that I had requested to have a report made by me in the Forty-fifth Congress, with manuscript attached, (Report No. 96, Forty-fifth Congress, second session,) printed, as it referred to a matter already on the public Calendar, and that I would gladly ask that the report bearing his name be withdrawn and make a statement to relieve him from any embarrassment in the case. Now, what was it I said on January 13? On this point I submit the following letter from the chief reporter of this House:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 30, 1880.

DEAR SIR: In accordance with your request, the reporter on duty at the time you made your statement to the House, January 13, has examined his notes, and the following is an exact transcript of them:

"Mr. ACKLEN. I ask that a report be printed in a couple of cases already on the public Calendar.

"So ordered."

Very respectfully, yours,

J. J. MCELHONE.

Hon. J. H. ACKLEN.

How was it, then, that my old report of the Forty-fifth Congress, with the manuscript attached, which I requested to be printed to accompany a matter already on the public Calendar, came to be printed as Mr. KING'S report? Why, simply in this way—but first I desire to here submit the following letter from the journal clerk of the House:

WASHINGTON, D. C., *January* 30, 1880.

DEAR SIR: In reply to your inquiry as to my recollection of the circumstances attending your request on January 13, to have a report printed, I can merely say that I remember the confusion in the House was so great at that time that I could not understand at the desk what it was you desired, and left it and came up the aisle near your desk to ascertain. I was much hurried, and the confusion was very great, but I recollect your stating something about a matter on the public Calendar, though I could not hear very distinctly. I judged that you wanted to make a report to go on the Calendar. Mr. KING'S name was in pencil-mark on the outside of the wrapper, and this naturally led me to suppose that the request was to print a paper in connection with some case on the public Calendar, or else to reprint your report of the previous Congress, which on examination of the papers I found to be incorporated therein.

Very respectfully, yours,

HENRY H. SMITH,
Journal Clerk.

Hon. J. H. ACKLEN.

Now, in the Forty-fifth Congress I was a member of the Committee on Foreign Affairs and had referred to me the petitions of Woolsey Teller and Eliza Livingston. On these I made a report, (No. 96, Forty-fifth Congress, third session,) which simply recommended the passage of the following resolution:

Resolved, That the President be, and he is hereby, requested to take such steps as in his opinion may not be incompatible with the public interests to secure an early settlement and adjustment of the claims of Woolsey Teller and Eliza Livingston, citizens of the United States, and other citizens thereof against the government of Nicaragua, by an international arbitration or otherwise.

This report, however, contains all the facts and papers, and numbers ten printed pages.

During the latter part of the Forty-fifth Congress I was so seriously unwell that I did not attend the sessions of the House, and my report was therefore not acted upon. The Senate in the mean time acting upon the suggestions of the Secretary of State, appointed Hons. HAMLIN, CONKLING, KIRKWOOD, EATON, and MORGAN a committee on the part of the Senate to examine the papers on file in the Department of State in all claims of our citizens against the government of Nicaragua.

Following then in the footsteps of the Senate, on Wednesday, April 23, 1879, in the morning hour, after the call of committees for reports, (see page 742, RECORD, first session Forty-sixth Congress,) I introduced in substance, on the part of the House, the same resolution which had passed the Senate. Finding that my resolution was likely to stick in the morning hour without action, as this stage in our legislative proceedings is seldom reached, I, on May 5, 1879, sent a copy of this resolution and accompanying papers to the Committee on Foreign Affairs through the petition-box. (See page 1069, RECORD, first session Forty-sixth Congress.) By doing this I had two chances of reaching it for action: one in the morning hour; the other when the committee might report it to the House. The Committee on Foreign Affairs referred the matter to Mr. KING, and I gave him my old report, together with a manuscript statement of the action of the Senate. On June 30, just before the adjournment of the extra session, this resolution, which was pending in the morning hour, was by unanimous consent (see pages 2440 and 2441, RECORD, first session Forty-sixth Congress) placed on the public Calendar, where it now stands. (See Calendar of the Committee of the Whole House on the state of the Union.) It here appears as follows:

June 30—Mr. ACKLEN:

Resolved, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer; and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee.

Having it now on the public Calendar, where it might be reached any day, I naturally lost all interest in the same matter before the Committee on Foreign Affairs. I therefore asked my colleague, Mr. KING, to return me the report and manuscript which I had given him, because it can be readily seen I might have use for them any day. Finding that my old report had been pretty well exhausted—it was my first congressional report and I scattered them extensively—I concluded to have it reprinted together with the manuscript statement of the Senate's action. This action is of frequent occurrence in both Houses, so I therefore made the request on January 13, 1880, as stated in the letter of the chief reporter of the House, and not as it appears in the RECORD.

Thus, Mr. Speaker, through an error for which I am in no wise responsible or to blame, have I been made the object of bitter, unjust, and scurrilous newspaper abuse. These articles have been spread the length and breadth of the land, and therefore, after consulting with members of the Committee on Foreign Affairs, among whom I am proud to number personal friends, I offer the following, ask its passage and reference to that committee, that my exoneration may be as full as the attack has been foul.

Resolved, That the Committee on Foreign Affairs be, and they are hereby, requested to examine into the truth or falsity of the statement read by Mr. ACKLEN from the Detroit Post and Tribune, and report back to this House.

Mr. WILSON. As a member of the Committee on Foreign Affairs, I desire to make one remark. The gentleman from Louisiana [Mr. ACKLEN] has never been summoned before the committee by its order. What may have occurred between him and the chairman of the committee I do not know. The first intimation the Committee on Foreign Affairs had of this subject, so far as I know, was that a member of the committee, General KING, of Louisiana, communicated to the committee the fact that a report had been made by Mr. ACKLEN. General KING held that this report had done him injustice; that it placed the Committee on Foreign Affairs in a very improper light before the House, and that some explanation was necessary. Thereupon General KING produced a statement which he said Mr. ACKLEN would make upon the floor of the House, if acceptable to the committee, and that if acceptable to the committee it would be acceptable to him. The statement was read by Mr. KING, and subsequently communicated by Mr. ACKLEN to the House.

I think it proper to say this much in justice to the gentleman who has just taken his seat, and also in justice to General KING, my colleague on the Committee on Foreign Affairs, who is not now on the floor.

Mr. ACKLEN. There can be no possible objection to the resolution.

Mr. GARFIELD. Reserving my right to object, I ask that it be again read.

The SPEAKER. The gentleman from Louisiana has risen to a question of privilege in reference to a matter which the Chair thinks does affect him in his representative capacity.

Mr. GARFIELD. The gentleman may have a right to raise the question of privilege; but the question whether the House will adopt the resolution he submits is another thing. I would like to hear the resolution.

The SPEAKER. The resolution will be again read.

The Clerk again read the resolution.

Mr. GARFIELD. If the Committee on Foreign Affairs do not object to this I do not.

The resolution was adopted.

Mr. ACKLEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF THE SUSQUEHANNA.

Mr. TALBOTT, by unanimous consent, presented a joint resolution of the Legislature of the State of Maryland, instructing the Sen-

ators and requesting the Representatives from that State to urge the necessity of an appropriation by the general Government for the purpose of deepening the channel of the Susquehanna between the city of Havre de Grace and Spesutia Island; which was referred to the Committee on Commerce.

ORDER OF PROCEEDINGS FOR TO-MORROW.

Mr. FERNANDO WOOD. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The Chair will state that by a resolution adopted some days since on motion of the gentleman from Iowa, [Mr. PRICE,] to-morrow at two o'clock was fixed for the presentation of resolutions relating to the death of Mr. RUSH CLARK, lately a member from Iowa. This morning, before the gentleman from New York [Mr. FERNANDO WOOD] came in, the gentleman from Iowa obtained consent to change the time heretofore fixed so as to have the resolutions come up immediately after the morning hour. The gentleman from New York will see that to-morrow has really been assigned for this purpose.

Mr. FERNANDO WOOD. I withdraw my motion.

Mr. FERNANDO WOOD subsequently said: I desire to inquire of the Chair whether the ceremonies in relation to the death of Mr. CLARK will take place to-morrow immediately after the reading of the Journal or after the morning hour.

The SPEAKER. Immediately after the morning hour.

Mr. FERNANDO WOOD. Some of the committees will probably sit all day to-morrow, and other members may desire to visit the Departments. I would suggest, therefore, that the hour for the presentation of these resolutions be changed, and that they be offered immediately after the reading of the Journal, with the understanding that no other business shall be transacted.

The SPEAKER. If the time be changed as suggested, no other business will be done, because the adjournment will take place immediately upon the conclusion of these proceedings. The gentleman from New York suggests that the delivery of eulogies be commenced immediately after the reading of the Journal.

Mr. PRICE. It is suggested to me by several gentlemen around me that that would be a better arrangement. It may be so; but I cannot see it. If these eulogies amount to nothing, if they are only a matter of form, then I suppose empty benches will answer just as well as the ordinary attendance of members; but if it means anything to say a few words in reference to the life and character of a deceased colleague, it certainly means that the proceedings are worth listening to by at least a few members.

Mr. FERNANDO WOOD. I have no desire to interfere with the arrangement made by the gentleman from Iowa. I withdraw my suggestion.

CONSTRUCTION FUND FOR THE NAVY.

Mr. HARRIS, of Massachusetts, by unanimous consent, reported from the Committee on Naval Affairs a bill (H. R. No. 3983) to provide a permanent construction fund for the Navy, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HARRIS, of Massachusetts. I desire to say that at a future time I shall ask the assignment of a special time for the consideration of this bill.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

Mr. KEIFER. I ask unanimous consent to present for reference to the Committee on Agriculture, and to be printed in the RECORD, a very important petition—a petition of J. O. B. Renick and others, citizens of Ohio, praying for the creation of a commission under national authority to have charge of the investigation of the nature and treatment of contagious diseases of domestic animals.

There being no objection, the petition was referred to the Committee on Agriculture, and ordered to be printed in the RECORD without the names. It is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the State of Ohio, being interested in the great agricultural industry of the country, respectfully direct the attention of your honorable body to the imperative necessity that exists for the creation of a commission, under national authority, to have charge of the investigation of the nature and treatment of contagious diseases of domestic animals, and—with the concurrence and sanction of the Secretary of the Treasury—to adopt and enforce such reasonable rules and regulations as may be necessary to prevent the importation and dissemination of these diseases, as well as to eradicate such as may exist.

In view of the magnitude of the interest we represent, and the importance and rapid growth of our live-stock export trade, now imperiled on account of the danger apprehended from this cause by our foreign customers, we beg most respectfully but earnestly to press upon the attention of our Senators and Representatives in Congress that the necessity for immediate action is most urgent.

In our judgment the commission should consist of not less than three members—say one competent and experienced veterinary surgeon, one practical stock-grower, and the third a business man—familiar with questions relating to commerce in live stock.

It seems obvious, from the well-known fact that these contagious diseases increase with the increase of domestic animals and the multiplication of facilities for their transportation, that the Government of the United States, representing a larger live-stock interest than any other country in the world, should establish and maintain a permanent commission whose sole duty it should be to have charge of this subject.

The Commissioner of Agriculture, as well as other heads of Departments at Washington, however competent they may be, would not be able to devote the time necessary for the proper discharge of these onerous duties.

We therefore pray your honorable body to provide at once for the appointment by the President, with the advice and consent of the Senate, of such a commission, with an adequate appropriation for its support.

DECEMBER, 1879.

REFUNDING INTERNAL-REVENUE TAXES.

Mr. ELLIS, by unanimous consent, (and by request,) introduced a bill (H. R. No. 3984) to refund certain duplicate internal-revenue taxes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

POST-OFFICE DEFICIENCY APPROPRIATION BILL.

Mr. VALENTINE. Mr. Speaker, I ask by unanimous consent to submit the following resolution for consideration at this time.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be, and they are hereby, instructed to report to this House the Post-Office deficiency bill, with exception of items of appropriation relative to "star service," by the 5th day of February next.

Mr. BLACKBURN. Before that resolution is acted on——

The SPEAKER. Does the gentleman object?

Mr. BLACKBURN. I do most emphatically object to be instructed by a gentleman who knows nothing about the business of that committee.

LIGHTING PUBLIC BUILDINGS.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 3985) to reduce the expenditures of the Government in lighting the public buildings of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

M. F. CLARK.

On motion of Mr. GILLETTE, by unanimous consent, the bill (S. No. 76) for the relief of M. F. Clark was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims, not to be brought back on a motion to reconsider.

UNITED STATES COURTS OF OHIO.

Mr. BRIGHT. I demand the regular order of business.

The SPEAKER. The regular order is the unfinished business coming over from yesterday's session, which will again be read, the pending question being on the demand for the yeas and nays on the adoption of the report of the committee of conference.

The Clerk read as follows:

The managers on the part of the House and of the Senate appointed to confer on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State, after a full and free conference, do recommend as follows:

That the House recede from its disagreement to the amendments of the Senate to said bill, and do concur in the same.

GEORGE L. CONVERSE,
D. B. CULBERSON,
BENJAMIN BUTTERWORTH,
Managers on the part of the House.
A. G. THURMAN,
A. H. GARLAND,
MATT H. CARPENTER,
Managers on the part of the Senate.

Mr. GARFIELD. I ask the gentleman in charge of the report to allow me to make a statement. My absent colleague——

The SPEAKER. Is there objection?

There was no objection.

Mr. GARFIELD. Mr. Speaker, my absent colleague, Mr. BUTTERWORTH, of Cincinnati, explained to me before he was called away from the city yesterday that in signing this report as he has done he did not intend to commit himself to the support of the bill. It appeared to him afterward that the signing of the report carried the approval of the whole bill with it, and put him in a position he did not desire to occupy. He says he signed the report with this view: that if the bill was to pass the amendment of the Senate was a good one and ought to be concurred in. But it did not appear to him, as he saw afterward, that the only action the House could take upon this was simply to concur in this amendment, and that did pass the bill. It was on that account I desired last night to stop any proceedings on it in order that I might put him right upon the record; for, in signing this report, he would appear to be approving the whole measure.

I wish to say further he has looked into that more than I have. Doubtless his constituents have more interest in it than mine. Although it takes some counties from the northern judicial district, yet his opinion was, and I understand that to be the view of a number of gentlemen from the southern part of the State, that it would be a great inconvenience to so send the business of a considerable portion of the counties in the eastern quarter of the State, perhaps the southeastern quarter, where their connection is mainly by river with Cincinnati and more inconvenient, as they think, than it would be with Columbus, being a sort of third or middle district although not in terms a district, and dividing the jurisdiction of the court by compelling the judge, whose residence is in Cincinnati, to travel between the two cities, Cincinnati and Columbus, to transact the judicial business of his district.

I have stated this in order that gentlemen here may see precisely the nature of the objection to this bill. The only possible way that

objection can now get any voice or have any force is to vote against the conference report altogether. I have simply made this explanation in justice to my colleague, not having myself sufficiently studied it to have as good an opinion as I ought to have to take action on it.

Mr. CONVERSE. I desire a word of explanation in reply to my colleague, [Mr. GARFIELD.] If any gentleman will look at the map of the State of Ohio, he will find it lies almost in a square. The State is divided into two judicial districts by a line running nearly through the center of it from east to west, thus forming the northern and southern judicial districts of Ohio. The northern judicial district is divided into eastern and western divisions, one court being at Cleveland, and the other twice a year at Toledo. The people of the southern district are obliged to go to the city of Cincinnati, in the very southwestern corner of the district and of the State, to attend the Federal courts. The southern district from northeast to southwest is not less than two hundred and seventy-five miles in length. And for nearly twenty years the people of Southeastern Ohio have been going that distance to attend the Federal courts instead of being allowed a court near to their own homes. The bill transfers eight counties from the northern to the southern judicial district of Ohio, and then divides the southern district into a western and eastern division, with twenty-nine counties in the latter, and provides for a court twice a year at Columbus, in the eastern division.

We have, Mr. Speaker, eleven railroads centering at the city of Columbus, and radiating from it like the spokes of a wagon-wheel. There are over seventeen hundred miles of railroad already laid and in use in this eastern subdivision of the southern judicial district. Out of the twenty-nine counties which it is proposed to put into this subdivision, there are twenty that are now obliged to travel through the city of Columbus, and one hundred and twenty miles further, in order to get justice, as administered by Federal law. Those counties embrace 7,314,017 acres of land, out of 25,201,743 in the entire State. And to show you the importance of this measure, I desire to give some other statistics. Our vote last year, in the twenty-nine counties, was 195,560 (showing a population of nearly a million) out of 670,711 votes cast in the entire State.

Our property upon the tax duplicates in this eastern subdivision was by the statistics published last year $411,186,424, while the taxable property in the entire State was $1,552,577,504, and we paid for State and local taxes in that subdivision $5,723,520.69, out of a total tax of $26,324,445.30 in the entire State. From the statistics of our State it appears that there were during the same year 9,851 money judgments rendered in the State courts in this subdivision out of 34,750 in the entire State. The amount of the money judgments during the year in the twenty-nine counties was $4,827,525, and in the whole State was $17,918,225, showing over one-fourth—nearly one-third—of the entire legal business of the State is transacted in this subdivision.

There is another fact that I desire to call attention to: it is that Ohio is the second State in the Union in its production of iron and coal, and two-thirds of it is the product of this eastern division.

In that same connection, Mr. Speaker, I may be allowed to say to the gentleman from Michigan and his Committee on Manufactures, who have, on my motion, the subject of tests of iron and steel before them, that in tests that were made some years ago at Watertown, New York, certain Ohio iron was found to possess a tensile strength of over ninety thousand pounds to the square inch, while the best Swiss iron had a tensile strength of only eighty thousand pounds to the square inch, thus showing iron from Southeastern Ohio to be the best in the world.

But, sir, what have the people of Southeastern Ohio done that nearly a million of them should be compelled to travel from one hundred to two hundred and seventy-five miles in order to reach a Federal court, while other States and localities are allowed courts near at hand? I have looked at the records a little, and desire to remind gentlemen that other portions of the United States are allowed convenient facilities for the transaction of judicial business, while very little has been extended to us, as will appear from the consideration of the following facts: I find from the records that the northern district of Ohio has two courts, that the State of Connecticut has two courts, that the State of New Hampshire has two courts, that Indiana has three courts, Kentucky three, Maine three, Tennessee three, West Virginia three, little Vermont has three, North Carolina has six, and Virginia has seven—old Virginia, the State that gave this very eastern subdivision of the judicial district of Ohio to the Union without money and without price, with all its rich mines and fertile lands.

Mr. WILSON. She gave the whole State of Ohio.

Mr. CONVERSE. Yes, as my friend reminds me, she gave the whole State of Ohio, without money and without price; she gave the whole State of Indiana, without money and without price; all of Illinois, without money and without price; all of Michigan, without money and without price; all of Wisconsin, without money and without price; and she carved out of her territory the State of Kentucky, and afterward, upon the political dissecting board, she was dismembered of one of her very cheeks, from which was formed West Virginia. God bless old Virginia, the mother of States and of Presidents! [Applause.] She has seven Federal courts, and I say if she wanted seventeen she should have them all by my vote. New York has twelve courts.

We have an area in this subdivision which is now denied a court greater than any one of eight States of this Union, namely, New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Vermont, Rhode Island. It is twice as large as Connecticut and five times as large as Delaware. And I desire to remind gentlemen that the State of Rhode Island has two courts now, and yet into this eastern subdivision which is denied a court you can put eight States like Rhode Island, and there would be room for almost one more, making almost nine.

We have a larger population than existed in twenty-two of the States or any one of the nine Territories at the last Federal census, namely, Alabama, Arkansas, California, Connecticut, Delaware, Florida, Kansas, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, South Carolina, Texas, Vermont, and West Virginia.

Why are the people of Southeastern Ohio required to travel to the city of Cincinnati for justice? There are but two hundred thousand people in the city of Cincinnati, and there are nearly a million who are compelled to travel to obtain justice more than one hundred miles. For whose benefit? For the benefit of less than a hundred lawyers and about thirty saloon and hotel keepers. And that is all there is of it.

Here is a letter from a former member of this House, from which I desire to read at least a few words. I refer to Mr. Danford, whom the gentlemen on the other side all know, and who lives in Eastern Ohio. He says:

> Yours of yesterday received. I have noticed the pending of bill providing for United States courts at Columbus. It is a matter of great interest to us here. We are compelled from this county (Belmont) to travel through Columbus and one hundred and twenty-five miles beyond whenever any of the numerous foreign corporations doing business in this State choose to drag us there. In fact the inconvenience of the United States courts is almost a denial of justice to our people.

I have here also a letter from Justice Swayne, of the Supreme Court of the United States, who has practiced law and sat on the bench for more than forty years in that part of the State and is familiar with the courts and with the people. He says:

> In answer to your note of yesterday, I have no hesitation in saying that in my judgment the public convenience would be much promoted by having two terms of the circuit and district courts of the United States held at Columbus, Ohio, every year.
>
> No one can look at the map of the southern district without being struck by its large and inconvenient extent.
>
> The judges, clerk, marshal, and district attorney could serve at both places as they do at Toledo and Cleveland in the northern district. The additional expense to the United States would be the rent of the necessary rooms, which would be trifling. The experiment is found to work well in the northern, and I cannot doubt it would do so in the southern district.

Mr. WILSON. It would save mileage to the Government.

Mr. CONVERSE. Yes, it would save mileage to the Government. It would save mileage to witnesses, and it would save mileage to litigants. Justice Swayne adds:

> Such has been my opinion as to holding terms at Columbus for the last fifteen years.

Now, Mr. Speaker, the increased jurisdiction of the Federal courts makes it necessary that justice should be brought home near to the people. The jurisdiction under the election laws, laws concerning patents, revenue laws, concerning coinage, banking, currency, crimes, the small amounts of which Federal courts now have jurisdiction, and the transfer of cases from State courts—in which it must be remembered that corporations foreign to the State are doing much business in railroading, insurance, &c., and can bring or transfer their causes to the Federal courts—all these make it necessary to bring the courts home near to the people.

I would like to mention a case which occurred in the county of my colleague who sits before me, [Mr. EWING.] There were two election trustees who innocently received an illegal vote. They were prosecuted at Cincinnati, and the expenses of travel, hotel bills, witness fees, and lawyers' fees, were $1,000—$500 apiece.

Prosecution under the revenue, patent, or election laws, to a man of moderate means who lives two or three hundred miles from the seat of justice, to a man of small property, means bankruptcy, and he will pay $30, $50, or $100 unjustly rather than be dragged off that distance to court, and thus justice is not only denied, but the distance of the courts serves as a means of oppression.

I hope, Mr. Speaker, that this report will be concurred in. This idea of going down the river for the purpose of attending court amounts to nothing. Cincinnati already has on the river one hundred and fifty miles under this bill. Her admiralty jurisdiction amounts to nothing, because the line of the State is the low-water mark on the west side of the river. The courts at Louisville, Covington, Charlestown, Wheeling, and Pittsburgh have that jurisdiction. There is no reason why people more than one hundred miles north of the city of Cincinnati should be required to go to that city in order to attend the Federal court. The court had better go to them. That would be the more economical course. The twenty-nine counties are all nearer and all better served—every one of them—by establishing the court at the city of Columbus than they would be by allowing it to remain at the city of Cincinnati.

I demand the previous question.

Mr. TOWNSEND, of Ohio. I desire to say a single word on this subject.

The SPEAKER. Does the gentleman from Ohio [Mr. CONVERSE] yield to his colleague?

Mr. CONVERSE. How many minutes does the gentleman want?
Mr. TOWNSEND, of Ohio. Only two or three.
Mr. CONVERSE. I yield five minutes to the gentleman.
Mr. TOWNSEND, of Ohio. The gentleman who submits this conference report seems to argue that there is a disposition on the part of members to prevent a district court being established at Columbus. I do not understand that there is any such disposition. It is conceded on all hands that the southern district ought to be divided, and a district court established at Columbus or at Chillicothe. But my objection to this bill is that, under the guise of dividing this southern judicial district, the northern district is divided.

The northern judicial district embraces, I think, about three-eighths of the territory of the State. The courts in that district are held now in two places, Cleveland and Toledo. This bill contemplates the taking of eight counties from that northern district and adding them to the southern district. I object to that, and contend that there is no occasion whatever for it.

I would be glad if this House would vote down this report and recommit the bill to the Committee on the Judiciary, in order that it may be properly considered, so that a fair, impartial, and proper district may be formed, for which every member of this House can vote, and in which every citizen of Ohio can be accommodated and receive immediate and speedy justice. I hope the gentleman will consent to that.

Mr. CONVERSE. I yield five minutes to my colleague, [Mr. EWING.]

Mr. EWING. In reply to the statement of my friend who has just addressed the House, [Mr. TOWNSEND,] I call the attention of members to the fact that the counties of the northern district of Ohio affected by this bill are but eight in number, and that nearly all the people in those eight counties have a much easier and prompter access to Columbus than they have either to Cleveland or Toledo, where the courts of the northern district are now held. As to the counties in the southern district, which this bill provides shall have the privilege of sessions of the United States courts at Columbus, they have found it is so troublesome and expensive to transact their business in the Federal courts at Cincinnati that they have for many years past been seeking the erection of a new judicial district embracing the center and eastern portion of the State. Mr. Plants, Mr. Shellabarger, myself, and others, in former Congresses, have introduced and urged bills for that purpose.

This bill does not provide for a new judicial district. I may say, indeed, it adds nothing to the expense of the Federal administration of justice in the State of Ohio, while it accommodates a very large portion of our population, who are now subjected to exceedingly long and expensive travel to attend the sessions of the court in Cincinnati. All these counties in the southern district which by this bill are given the privilege of having their judicial business transacted at Columbus have their railroad center there. That is the city of our State easiest of access to them, while they lie much farther from Cincinnati, and their access to it is indirect and circuitous.

As my colleague [Mr. CONVERSE] has intimated, the route to Cincinnati by way of the river may be counted as nothing for all that part of our Ohio River border lying more than one hundred and fifty miles above Cincinnati—lying, say, above Lawrence County which with all the counties below it is left untouched by this bill. The river-route to Cincinnati for all the counties above Lawrence is slow and little resorted to. The splendid energy of Columbus in building railways into Southeastern Ohio is fast relieving the people of that part of our State of dependence on the river as a line of travel. The people of all that region can now reach Columbus much more promptly than Cincinnati. In fact, a large part of them now go through Columbus and thence one hundred and ten miles to the Federal courts at Cincinnati.

Now, I submit that as it involves practically no additional expense, this consideration of convenience should control the decision of the House and lead it to give to the people of Central and Eastern Ohio the privilege of having sessions of the district and circuit courts of the United States in Columbus. I hope that the House will vote to do so, by agreeing to the report of the conference committee.

Mr. WHITE. Does this provide for the appointment of another district judge?
Mr. EWING. Not at all.
Mr. WHITE. The judge of the southern district——
Mr. EWING. The judge of the southern district is simply required to hold terms of the circuit and district courts in Columbus.
Mr. CONVERSE. I now call for a vote.
The SPEAKER. The question is upon ordering the yeas and nays upon agreeing to the report of the committee of conference.
The yeas and nays were not ordered.
The report of the committee of conference was agreed to.
Mr. CONVERSE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
Mr. CONVERSE. The day after the House ordered that a committee of conference be requested upon this bill, I entered a motion to reconsider that order. I move that that motion to reconsider be laid upon the table.
The motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. BRIGHT, by unanimous consent, introduced a bill (H. R. No. 3986) to amend sections 3285 and 3310 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PETER GILNER.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 3987) for the relief of Peter Gilner; which was read a first and second time, and referred to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:
An act (H. R. No. 2188) for the relief of Thomas Kearney.

ORDER OF BUSINESS.

Mr. BRIGHT. I now call for the regular order.
The SPEAKER. The regular order being called for, the morning hour commences at five minutes past one o'clock. This being Friday, the first business in order during the morning hour is the call of committees for reports of a private nature.

MICHAEL GRANERY AND OTHERS.

Mr. KNOTT, from the Committee on the Judiciary, reported back, with a favorable recommendation, Senate bill No. 695, for the relief of Michael Granery, Nicholas Wax, and Moliere Lange.
The question was upon ordering the bill to a third reading.
The bill, which was read, directs the Secretary of the Treasury to pay to Michael Granery, Nicholas Wax, and Moliere Lange each the sum of $500, in refundment of so much money exacted from them as joint obligors on a bond taken by Colonel D. A. Pardee, provost-marshal of the district of Baton Rouge, Louisiana, in 1863, for the appearance of one B. F. Rhodes, the payment of which was improperly and illegally enforced by the marshal, in full and complete satisfaction thereof.
Mr. WHITE. I raise the point of order upon that bill that it contains an appropriation and should receive its first consideration in Committee of the Whole.
Mr. KNOTT. I hope the gentleman from Pennsylvania [Mr. WHITE] will withdraw his point of order until I have made a statement of the facts.
Mr. WHITE. I would like to hear the statement, for in the absence of any statement I should insist upon my point of order.
Mr. KNOTT. This bill has three times passed the Senate of the United States, and it has three times been favorably reported to this House. I will state briefly the facts because of which the relief sought is claimed: In 1863 a man named B. F. Rhodes was arrested and taken before the provost-marshal at Baton Rouge, Louisiana. Rhodes being sick the provost-marshal determined to admit him to bail—a proceeding void perhaps in itself for want of competent authority. Rhodes executed his bond, his sureties being the beneficiaries named in this bill. The bond was given in the sum of $1,500, each of the sureties being bound for $500. Rhodes was immediately taken to the residence of his sister, where shortly afterward he died of small-pox. After his death the provost-marshal demanded of each of his three sureties the sum of $500. They refused to pay. Thereupon he arrested and imprisoned them, and while under this duress they were compelled to pay each the sum of $500.
Now, it is manifest that, even granting the provost-marshal had the right to take this bail-bond, there was no default either on the part of the principal or any of the sureties. In consideration of these facts, the Committee on the Judiciary has twice reached the conclusion unanimously that the money ought to be refunded to these parties. Their receipts taken from the provost-marshal show that they paid the money to him; and the report of the Provost-Marshal-General shows that the money was accounted for and paid into the Treasury of the United States, where it now is.
These men are in humble circumstances, and this sum, which is but a pittance to the United States, is a matter of great moment to them, and is justly their money. Three several times they have failed to obtain justice in this House, simply because their case was not reached upon the Private Calendar, although in each instance there was a unanimous report in their favor. I do hope that there will be no objection to this bill, and that these poor men may get this money to which they are entitled.
Mr. WHITE. I understand the gentleman to say that this prisoner died of small-pox before the time named in the bond for his appearance had expired.
Mr. KNOTT. Yes, sir.
Mr. WHITE. Why did not these men come earlier to Congress for relief? The circumstance occurred in 1863, I believe.
Mr. ROBERTSON. I will state that at every session of Congress since that time they have applied for relief. They have been vigilant.
Mr. WHITE. The bill seems to be right.
The bill was ordered to a third reading, was accordingly read the third time, and passed.
Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

RELIEF OF POLITICAL DISABILITIES.

Mr. KNOTT. I am also unanimously instructed by the Committee on the Judiciary to report back sundry bills for the relief of political disabilities, each bill being accompanied with a petition.

CHARLES CARROLL SIMMS.

The bill (H. R. No. 3988) to remove the political disabilities of Charles Carroll Simms, of Virginia, was read a first and second time.

The petition was read, as follows:

To the honorable Senate and House of Representatives in Congress assembled:

I would respectfully request to be relieved from my political disabilities. I entered the Navy of the United States in October, 1839, and tendered my resignation as lieutenant in 1861. I would further state that I am not indebted to the United States Government.

CHARLES CARROLL SIMMS.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed, two-thirds voting in favor thereof.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM B. TALLIAFERRO.

The bill (H. R. No. 3989) to remove the political disabilities of William B. Talliaferro, of Virginia, was read a first and second time.

The petition was read, as follows:

To the honorable Senate and House of Representatives in Congress:

The petition of William B. Talliaferro, a citizen of Virginia, respectfully represents that he was commissioned by the President of the United States as a captain in the Eleventh Regiment United States Infantry in April, 1847, and in August of the same year a major in the Ninth Regiment of Infantry; that these regiments were created for service during the war with Mexico and were disbanded and the officers and enlisted men were mustered out of service at the termination of the said war; that your petitioner was mustered honorably out of service at Fort Adams, Rhode Island, in September, 1848, as will appear by the returns made to the War Department, and now on file in the Adjutant-General's Office; that your petitioner afterward served in the army of the Confederate States as a general officer in the war between the Southern States and the United States, and for participation in that war against the Government of the United States was subject to the disabilities imposed by the fourteenth amendment to the Constitution of the United States; that he has believed that all such disabilities were relieved by the general act of Congress relieving disabilities, but he is advised that although he was only in the military service of the United States in regiments raised for the Mexican war, and has never been in the service of the United States since, that doubt exists as to whether his disabilities have been removed and he desires to remove all doubt on the subject. He therefore respectfully prays that an act may be passed for his relief.

WILLIAM B. TALLIAFERRO.

JANUARY 26, 1880.

Mr. CONGER. Mr. Speaker, I think this petition does not set forth any case for this House to act upon. The fourteenth amendment refers to no such war as the petitioner says he was engaged in. I am for one unwilling to pass a bill of this kind upon such a statement as is embraced in this petition. The petitioner says he was engaged in a "war between the Southern States and the United States." There is no such war recognized in our Constitution or laws. There was a war of rebellion against this Government; and to that the fourteenth amendment refers—not to a "war between the Southern States and the United States." Let the petitioner bring himself within the language of the constitutional amendment, and then we shall be prepared to act.

The SPEAKER. The Chair thinks the petitioner describes himself as "an officer in the confederate service."

Mr. CONGER. Let the petition be again read.

The petition was again read.

Mr. CONGER. Now, Mr. Speaker, article 14 of the amendments to the Constitution imposes disabilities upon any person "who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." This provision of the Constitution says nothing about a "war between the Southern States and the United States," or a war of any other kind against the United States. The petitioner, in order to bring himself within the provisions of that article when asking for the amnesty which two-thirds of Congress may grant, must show himself to have been engaged in insurrection or rebellion against the United States, or that he has given aid and comfort to the enemies thereof. Let a man who comes here asking amnesty of the Congress of the United States under the constitutional provision bring himself within that provision. If he was not engaged in insurrection or rebellion and has not given aid or comfort to the enemies of the United States he need not come to Congress at all. If he does come let him come and acknowledge his having been engaged in insurrection, in rebellion, in giving aid and comfort to the enemies of his country. Then he makes a proper occasion for asking amnesty of the Congress of the United States, but not till then.

The SPEAKER. The Chair thinks the tone of this petition and the words in which it is expressed do not exhibit in the least any disposition to be hypocritical on the part of the petitioner. It is in the usual form. The words which the gentleman lays stress upon in the description of the war he was engaged in——

Mr. CONGER. It is in that very description, sir——

The SPEAKER. Oftentimes, in like manner, the facts in relation to the history of officers asking this relief have been stated in their petitions.

Mr. CONGER. I am not aware I ever heard on that point such a statement, and if it has been done I, for one, as a member of the House, shall continue to protest against giving such rose-colored terms to that upon which our Constitution imposes disabilities.

The SPEAKER. The Chair is always on the side of pensioners and in favor of relieving disabilities, and only for that reason made the statement he has.

Mr. CONGER. I myself do not rank pensioners and those who ask for amnesty exactly in the same class.

The SPEAKER. The Chair would erect all into full citizenship when they ask for relief from disabilities imposed by the Constitution, as well as accord pensions to all who have suffered for the Government.

Mr. KNOTT. As the Chair has already, and I think properly, replied to the gentleman from Michigan——

The SPEAKER. The Chair did not mean to reply to anybody, but merely meant to say this petition seemed to be in tone and language of the usual character of such prayers for relief.

Mr. KNOTT. Very well, sir, I demand the previous question.

Mr. HAYES. Read the petition again.

The petition was again read.

Mr. CONGER. I move the bill and report be referred back to the committee with a suggestion that a proper petition be filed.

The SPEAKER. The gentleman from Kentucky, who is entitled to the charge of the bill and to be recognized, has called for the previous question.

Mr. CONGER. I made the motion which I have the right to make while I had the floor.

The SPEAKER. The Chair always accords the right to the member reporting a bill to test the sense of the House.

Mr. CONGER. If the gentleman desires to test the sense of the House on a two-thirds vote, he can do it.

Mr. KNOTT. I desire only to say, Mr. Speaker, after the gentleman from Michigan had taken his seat, I took the floor in my own right and demanded the previous question, after which some gentleman on the other side called for the reading of the petition. That is precisely the condition in which the case stands before the House.

The House divided; and there were—ayes 100, noes 54.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. KNOTT. Mr. Speaker, I desire to state to the House that a more respectful petition could not be presented to this body than Mr. Taliaferro has presented here, asking relief at our hands. Out of the great number of such bills passed by this House I undertake to say such criticism as has been offered on this petition was never presented before. If I rightly comprehend the ground of objection taken by the gentleman from Michigan, it is that this petitioner, not perhaps understanding the taste of the gentleman from Michigan on that subject, has not spoken of the recent war as a rebellion. He had, however, good authority for characterizing it as he did. The Supreme Court of this country has recognized what is termed the rebellion as a public war in this country.

But be that as it may, he has recognized the validity of the fourteenth amendment. He has shown he is in the category of those who are disabled by that amendment. If he has failed to characterize the war as a rebellion, he has certainly stated to us sufficient to show he gave aid and comfort in that war to the enemies of the United States; and, following this candid avowal, he has respectfully asked this body to do for him what it has done for hundreds. Under his peculiar circumstances, it is a matter of doubt whether he is under the political disabilities imposed by the fourteenth amendment. In order that all doubt on this subject may be cleared away, recognizing fully the competency of the Congress of the United States to remove that doubt, he comes here and humbly petitions as a citizen of the State of Virginia to the United States for this favor. If there is any sense of justice remaining in this body, I think this respectful petition will not be disregarded.

I now call for a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. TALBOTT. I call for the yeas and nays.

The SPEAKER. The Chair will first test the sense of the House by a division.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 172, nays 53, not voting 67; as follows:

YEAS—172.

Acklen,	Bingham,	Buckner,	Converse,
Aiken,	Blackburn,	Cabell,	Cook,
Aldrich, N. W.	Blake,	Caldwell,	Covert,
Armfield,	Bland,	Calkins,	Cravens,
Atherton,	Bliss,	Carlisle,	Culberson,
Atkins,	Blount,	Chalmers,	Davidson,
Bachman,	Bouck,	Chittenden,	Davis, Joseph J.
Bailey,	Boyd,	Clymer,	Davis, Lowndes H.
Ballou,	Bragg,	Cobb,	De La Matyr,
Beale,	Briggs,	Coffroth,	Dibrell,
Bicknell,	Bright,	Colerick,	Dickey,

Dunn,	Hunton,	Morrison,	Simonton,
Dunnell,	Hurd,	Morse,	Singleton, J. W.
Elam,	Hutchins,	Morton,	Slemons,
Ellis,	Johnston,	Muldrow,	Smith, William E.
Evins,	Jones,	Murch,	Sparks,
Ewing,	Kenna,	Myers,	Speer,
Felton,	Ketcham,	Neal,	Springer,
Finley,	Kimmel,	New,	Steele,
Fisher,	King,	Nicholls,	Stevenson,
Ford,	Kitchin,	O'Connor,	Taylor,
Forney,	Klotz,	O'Neill,	Thompson, P. B.
Forsythe,	Knott,	Page,	Tillman,
Frost,	Ladd,	Persons,	Townshend, R. W.
Garfield,	Le Fevre,	Phelps,	Tucker,
Geddes,	Lewis,	Phister,	Turner, Oscar
Gibson,	Lindsey,	Poehler,	Turner, Thomas
Gillette,	Loring,	Reagan,	Upson,
Goode,	Lounsbery,	Richardson, D. P.	Vance,
Gunter,	Lowe,	Richardson, J. S.	Van Voorhis,
Hammond, N. J.	Manning,	Richmond,	Waddill,
Harris, Benj. W.	Martin, Benj. F.	Robertson,	Wait,
Hatch,	Martin, Edward L.	Robeson,	Weaver,
Hawley,	Mason,	Robinson,	Wellborn,
Hazelton,	McCook,	Rothwell,	Wells,
Henderson,	McKinley,	Russell, Daniel L.	Whiteaker,
Henkle,	McLane,	Ryan, Thomas	Whitthorne,
Herndon,	McMahon,	Ryon, John W.	Williams, Thomas
Hill,	McMillin,	Samford,	Willis,
Hostetler,	Miller,	Sawyer,	Wilson,
Houk,	Mills,	Scales,	Wise,
House,	Money,	Shallenberger,	Wood, Fernando
Hull,	Monroe,	Shelley,	Wright.

NAYS—53.

Aldrich, William	Davis, George R.	McGowan,	Thomas,
Barber,	Davis, Horace	Miles,	Thompson, Wm. G.
Bayne,	Deering,	Mitchell,	Updegraff, J. T.
Brewer,	Errett,	Newberry,	Updegraff, Thomas
Browne,	Farr,	Orth,	Valentine,
Burrows,	Godshalk,	Pacheco,	Van Aernam,
Camp,	Hammond, John	Prescott,	White,
Cannon,	Hawk,	Price,	Wilber,
Carpenter,	Hayes,	Reed,	Williams, C. G.
Caswell,	Heilman,	Sapp,	Willits,
Claflin,	Horr,	Sherwin,	Wood, Walter A.
Conger,	Joyce,	Smith, A. Herr	
Cowgill,	Keifer,	Starin,	
Daggett,	Marsh,	Stone,	

NOT VOTING—67.

Anderson,	Dwight,	Jorgensen,	Ross,
Baker,	Einstein,	Kelley,	Russell, W. A.
Barlow,	Ferdon,	Killinger,	Singleton, O. R.
Belford,	Field,	Lapham,	Smith, Hezekiah B.
Beltzhoover,	Fort,	Martin, Joseph J.	Stephens,
Berry,	Frye,	McCoid,	Talbott,
Bowman,	Hall,	McKenzie,	Townsend, Amos
Brigham,	Harmer,	Muller,	Tyler,
Butterworth,	Harris, John T.	Norcross,	Urner,
Clardy,	Haskell,	O'Brien,	Voorhis,
Clark, Alvah A.	Henry,	O'Reilly,	Ward,
Clark, John B.	Herbert,	Osmer,	Warner,
Cox,	Hiscock,	Overton,	Washburn,
Crapo,	Hooker,	Philips,	Yocum,
Crowley,	Hubbell,	Pierce,	Young, Casey
Deuster,	Humphrey,	Pound,	Young, Thomas L.
Dick,	James,	Rice,	

So the bill was passed, two-thirds voting in favor thereof.

During the roll-call the following announcements were made:

Mr. TALBOTT. I am paired with my colleague, Mr. URNER. If he were present, I should vote "ay."

Mr. MARTIN, of Delaware. I am requested to announce that Mr. BELTZHOOVER is paired with his colleague, Mr. OVERTON.

Mr. FROST. My colleague, Mr. CLARDY, is absent from the House on account of sickness. If present, he would vote "ay."

Mr. MULDROW. My colleague, Mr. HOOKER, is absent on account of sickness.

Mr. HILL. My colleague, Mr. WARNER, is paired with my colleague, Mr. BUTTERWORTH. If Mr. WARNER were present, he would vote "ay."

Mr. WILLIAMS, of Alabama. My colleague, Mr. HERBERT, is paired with Mr. LAPHAM. If my colleague were present, he would vote "ay."

Mr. McKENZIE. I am paired with Mr. HUBBELL. If he were present, I would vote "ay."

Mr. CAMP. My colleague, Mr. DWIGHT, is detained at his room by sickness.

Mr. PAGE. I am paired with my colleague, Mr. BERRY, on all political questions, but I am satisfied that on this question he would vote "ay;" therefore I desire to record my vote in the affirmative.

Mr. SMITH, of Pennsylvania. I am requested to announce that my colleagues, Mr. BELTZHOOVER and Mr. OVERTON, are paired.

Mr. MONROE. I am requested to announce that Mr. SINGLETON, of Mississippi, is paired with Mr. PIERCE.

Mr. UPDEGRAFF, of Ohio. My colleagues, Mr. BUTTERWORTH and Mr. WARNER, are paired.

Mr. PHILIPS. I am informed that in my absence yesterday I was paired with Mr. DWIGHT. Not knowing of the fact I voted. I desire, accordingly, to withdraw my vote.

Mr. CLARK, of Missouri. I desire to withdraw my vote, as I understand I am paired with Mr. HARMER.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. SMITH, of New Jersey.

Mr. FINLEY moved to dispense with the reading of the names.

Mr. ARMFIELD objected.

The result of the vote was then announced as above recorded.

JOHN S. MAURY.

Mr. KNOTT also, from the Committee on the Judiciary, reported a bill (H. R. No. 3990) to remove the political disabilities of John S. Maury; which was read a first and second time.

The petition was read, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner respectfully represents that prior to the year 1861 he was a lieutenant in the United States Navy, but upon the outbreak of the late rebellion he joined the confederate forces, and by reason of such participation in the rebellion he is, by the fourteenth amendment to the Constitution, placed under certain political disabilities which he respectfully prays your honorable bodies will by bill remove.

JOHN S. MAURY,
Late Lieutenant United States Navy.

Mr. CONGER. I desire to say that that petition is in the proper form provided for by the Constitution of the United States, and I have no objection to its reception and the action of the House thereon.

The SPEAKER. The Chair hopes the House will have none either.

Mr. CONGER. Of course the Chair has its wishes, and I have no desire to influence my friends around me. They take their responsibility; I take mine.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting therefor.

I. WILKINSON.

Mr. KNOTT also, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 3109) to remove disabilities of I. Wilkinson.

The petition was read, as follows:

ANNAPOLIS, MARYLAND, *January* 21, 1880.

To the honorable United States Senate and House of Representatives:

I respectfully request to be relieved from all political disabilities imposed upon me by the fourteenth amendment of the Constitution.

At the breaking out of the late war I resigned the commission of lieutenant which I held in the United States Navy to side with my native State of Virginia.

I am, very respectfully, your obedient servant,

I. WILKINSON.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting therefor.

JOHN OWINS.

Mr. KNOTT also, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 3328) to remove the political disabilities of John Owins, of Portsmouth, Virginia.

The petition was read, as follows:

PORTSMOUTH, VIRGINIA, *January* 14, 1880.

To the honorable Senate and House of Representatives of the United States, Washington, D. C.:

I respectfully represent that on the 7th day of March, 1842, I entered the United States Navy as a warrant officer, (gunner,) and resigned on the 19th day of April, 1861, to enter the confederate service.

I now respectfully ask that my political disabilities be removed by your honorable body.

Respectfully, JOHN OWINS.

Mr. CONGER. I make the same objection to that petition that I made to the other, that it does not bring the petitioner within the provisions of the Constitution, and I for one desire to say now that unless men who have been engaged in insurrection and rebellion and come here to ask amnesty of Congress according to the Constitution and the law—unless they put themselves within the provisions of the Constitution, if I am alone in it, I shall object to the consideration of their petitions.

Mr. KNOTT. I demand the previous question.

The SPEAKER. The Chair thinks that is unnecessary, and will submit the question on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill; and being taken, the Speaker stated that the "ayes" appeared to have it.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 111, noes 42.

Mr. CONGER. I call for the yeas and nays.

Mr. BURROWS. I rise to a question of order. Has not the morning hour expired?

The SPEAKER. It has.

Mr. BURROWS. I call for the regular order.

The SPEAKER. The gentleman from Kentucky demanded the previous question. The Chair stated he thought that was unnecessary, and submitted the question on the engrossment and third reading of the bill. If the previous question had been seconded, that would have carried the bill over the expiration of the morning hour. The previous question not having been seconded, the bill goes over till next Friday.

ORDER OF BUSINESS.

Mr. BRIGHT. I rise to move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. Pending that motion, the Chair desires to lay before the House certain executive communications.

ENROLLED BILL SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

MARE ISLAND, CALIFORNIA.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy, in answer to a resolution of the House of Representatives of January 21, 1880, for any and all information in possession of his Department relating to the formation of bars and deposits of mud, sand, and gravel at or near Mare Island, California, &c.

Mr. WHITTHORNE. Let that be referred to the Committee on Naval Affairs.

The communication was referred to the Committee on Naval Affairs.

ROCK ISLAND HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to an obstruction of the harbor on the Mississippi River at the city of Rock Island, Illinois.

Mr. HENDERSON. I move that that letter be referred to the Committee on Commerce and that it be printed.

The motion was agreed to.

SECTION 4820 REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting request of commissioners of Soldiers' Home, Washington, District of Columbia, for certain amendments to section 4820 of the Revised Statutes; which was referred to the Committee on Military Affairs.

LIGHT-HOUSE SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the building of a steamer for the light-house on the Mississippi and Ohio Rivers; which was referred to the Committee on Appropriations.

SAMUEL BEATTY AND ALEXANDER DRAKE.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting papers in the claims of Samuel Beatty and Alexander Drake; which were referred to the Committee on War Claims.

IMPROVEMENT OF ALLEGHENY RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of the Allegheny River, in Pennsylvania; which was referred to the Committee on Commerce.

LAUNDRESSES IN THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of First Sergeant John H. Willis, Battery M, Third Artillery, relative to the act of June 18, 1878, abolishing laundresses; which was referred to the Committee on Military Affairs.

PATENT OFFICE REPORT.

The SPEAKER also laid before the House the annual report of the Commissioner of Patents for the year ending December 31, 1880; which was referred to the Committee on Patents, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BRIGHT. I now renew my motion to go into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. HUNTON. I ask the gentleman to yield to me for a moment.

Mr. BRIGHT. I will do so with the understanding that the business the gentleman desires to call up shall give rise to no debate.

IMPROVEMENT OF THE GROUNDS SOUTH OF THE CAPITOL.

Mr. HUNTON. I am instructed by the Committee for the District of Columbia to ask consent that House joint resolution No. 169, making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, returned from the Senate with amendments, be taken from the Speaker's table for the purpose of concurring in the amendments.

There was no objection, and the bill with the Senate amendments thereto was taken from the Speaker's table.

The amendments were, in line 3, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 6, after the words "purpose of," to strike out the words "employing the poor of the District in the work of;" in line 8, after the word "condition," to insert "the old canal;" and, after "grounds," to insert "of the United States;" in line 9, before the word "canal," to strike out the words "the old" and insert "said;" in line 11, after "work," insert "employ the labor to do the same by the day, week, or month;" and at the end of the joint resolution to add "and make report of the same to Congress;" so as to make the joint resolution read:

That the sum of $20,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of filling up, draining, and placing in good sanitary condition the old canal, the grounds of the United States south of the Capitol, along the line of said canal. The commissioners of the District shall determine the plan of said work, employ the labor to do the same by the day, week, or month, and see that it is properly conducted, and shall disburse the money and make report of the same to Congress.

Mr. HUNTON. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. HUNTON moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSOLIDATION OF LAWS, ETC., FOR THE DISTRICT OF COLUMBIA.

Mr. HUNTON, from the Committee for the District of Columbia, by unanimous consent, reported as a substitute for House bill No. 2061, to revise, consolidate, and amend certain acts of the late corporations of Washington and Georgetown, of the levy court of the county of Washington, and of the Legislative Assembly, and the ordinances of the late board of health of the District of Columbia, certain regulations of the commissioners of the District of Columbia, made in pursuance of the provisions of the act of Congress approved June 11, 1878, and certain acts of Congress having relation to municipal affairs in the District of Columbia, a bill (H. R. No. 3991) with the same title; which was read a first and second time, ordered to be printed, and recommitted to the Committee for the District of Columbia, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] will please take the chair as chairman of the Committee of the Whole.

Mr. CONGER. I ask to be excused.

Mr. TUCKER. Take the chair.

Mr. CONGER. I will be too hard on you. I ask to be excused.

The SPEAKER. The gentleman from Pennsylvania, Mr. MITCHELL, will please take the chair.

The House accordingly resolved itself into Committee of the Whole, Mr. MITCHELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar.

Mr. FINLEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FINLEY. By Rule 129, the first and fourth Fridays of each month are objection days. This is the fifth Friday of the month. I desire to inquire whether this is objection or consideration day?

The CHAIRMAN. It is consideration day. The rule expressly provides that the first and fourth Fridays only shall be objection days.

Mr. FINLEY. The rule provides that the first and fourth Fridays of each month shall be objection days. This is neither the first nor the fourth Friday.

Mr. MCMAHON. I suppose that where certain days are fixed by the rule as objection days, all other days are consideration days.

The CHAIRMAN. That is the conclusion of the Chair.

GEORGE EYSTER.

The first business on the Private Calendar was the bill (H. R. No. 2796) for the relief of George Eyster; reported from the Committee of Ways and Means by Mr. DUNNELL.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Eyster, of Philadelphia, the sum of $882.50, the same being the amount stolen from said Eyster while he was assistant treasurer of the United States by a subordinate in his office, without the fault or negligence of said George Eyster.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 1448) for the relief of George Eyster, assistant treasurer of the United States at Philadelphia, having had the same under consideration, make the following report:

George Eyster was assistant treasurer of the United States at Philadelphia in September, 1873, when his accounts with the Government showed a deficit of $882.50. This amount had been stolen by a dishonest subordinate. All the facts in this case appear in a report made by the Committee of Ways and Means of the Forty-fourth Congress, and also by the same committee of the Forty-fifth Congress. The facts as therein set forth your committee make a part of this report. These facts are well sustained by the papers in the case, and are as follows:

Soon after the passage of the new mint law, approved February 12, 1873, and operative on and since April 1, 1873, the Treasury Department issued instructions for the examination of the gold coin in his office, so that such portion as fell below the limit of abrasion fixed in the law might be recoined. His office had on hand on the last-mentioned date, in gold coin, the sum of $6,134,320.

The work of separation was commenced and carried on as rapidly as the business of the office would warrant, and shipments for recoinage were made from time to time to the mint. At length, on the 8th day of September, 1873, when the work was nearly completed, and as a quantity of light coin ($315,060) was about to be sent away, it occurred to the cashier that it would be better to have it weighed, and it was accordingly done, and revealed the fact that one bag, supposed to contain $5,000 in quarter eagles, was $1,000 short.

When this discovery was made all the gold coin then in the office was also weighed, full weight as well as light, when it was discovered that one of the full-weight bags contained an excess of $200, leaving a net short of $800. The full-weight bag containing the excess had been counted, put up, and marked by the clerk who had heretofore charge of the receipt of coin from the customs-office. The bag referred to was one peculiar in appearance as well as in the manner in which it was marked. The "over" had necessarily a connection with the "short,"

and in this connection the peculiar character of the bag containing the excess was suggestive. Besides, it was discovered that the bag that was found to be short was an unseparated bag, although it had been placed among those that were "separated" and light.

Mr. Eyster immediately investigated the matter, summoned to his presence Benjamin F. Bond, the clerk referred to, and put to him many questions, both in private and before witnesses. His answers for the most part were equivocating and very unsatisfactory. He professed an ignorance of such matters that must or should have been within his knowledge.

The clerk expressed the conviction, before he had been examined by Mr. Eyster, that the loss would be laid to his (Bond's) charge, and when it was proposed to weigh the coin, Bond protested that it was useless to do that; that the money would be found all right.

Mr. Eyster, in view of the above facts, felt it his duty to discharge Bond, which he immediately did, and caused the remaining bags in the office bearing Bond's mark to be examined; whereupon they discovered that in numerous instances he had put up bags of quarter-eagles one or more pieces short, which would account for the increase in the deficit from $800 to $882.50, with the exception of a counterfeit half eagle found in one of his bags.

It is not at all probable that an honest man could put up a single bag with one piece short without finding his account for the day one piece over; but when this occurred sometimes twice in a single day or week, and very many times in a few weeks or months, without once finding he had anything over, if this was from carelessness, why was it not manifested just once or twice in having one of the bags over? No; the committee are of the opinion, based upon the facts of the case, that Bond was a dishonest clerk.

On Mr. Eyster's taking charge of the treasury at Philadelphia, he found this man in the office, and becoming aware of his capacity and usefulness, retained him not only in office, but promoted him, having no doubt of his original honesty.

Mr. Eyster some time since submitted all the facts in the case to the Solicitor of the Treasury, and was by him referred to the district attorney of the United States in Philadelphia.

The district attorney, in a letter dated February 28, 1876, discourages a prosecution in the United States court for the reason that, in his opinion, the offense is not punishable under any statute of the United States.

Mr. Eyster is of opinion that the coin was abstracted upon the theory that if once at the mint and melted, the absence of $1,000 in so great a quantity would either not be noticed at all, or else attributed to abrasion.

The committee feel fully satisfied that the loss of this coin was in no degree through any negligence or remission of the official duty of Mr. Eyster.

The petitioner first asked Congress to authorize the Secretary of the Treasury to credit him with the sum of $882.50. Before Congress had passed any act thus authorizing the Secretary to credit this amount, the Secretary ordered Mr. Eyster to pay the amount of the deficit into the Treasury of the United States. Having done this the petitioner now asks that there be paid to him out of the Treasury of the United States the sum of $882.50. Your committee report back a substitute to H. R. No. 1448, and recommend its passage.

Mr. DUNNELL. I move that this bill be laid aside to be reported favorably to the House.

Mr. REAGAN. Is the bill before the Committee of the Whole for consideration?

The CHAIRMAN. It is.

Mr. REAGAN. Only a few days ago a bill very similar to this in principle was before the House. How many others of a similar character there may be I know not.

This is a case of loss of the Government money in the hands of a bonded officer, through no fault or dereliction on the part of the Government. The bill proposes to relieve this officer, and is accompanied by a statement that even the man who is charged with having embezzled or stolen the money was not liable to prosecution. Now, of what use is it to require bonds of public officers if in every case in which public moneys pass out of their hands they are by some means to be relieved from the loss? What security is there for the public Treasury if we are to pursue this course of permitting public officers to trust whom they please with the management of money and when it is lost come to Congress for relief? If we are to adopt this principle of relieving all officers charged with the custody of public funds as soon as they lose those funds, without any fault, neglect, or omission of duty on the part of the Government, it seems to me we had better stop taking bonds at all and let these officers make up their accounts, crediting themselves with money stolen, and we taking no further trouble about it.

I repeat what I said a few days ago on a similar bill. Start these precedents as you are starting them in this Congress, and I predict that the cases coming to us for relief will increase with exceeding rapidity. If an officer finds that when there has been a loss of money intrusted to him he has nothing to do but to come to Congress and, notwithstanding his bonded obligation, obtain release, you will in a very short time find plenty of officers needing relief. We shall in this way directly encourage peculations upon the Treasury; we shall encourage bad practices and worse principles. When men accept these positions of responsibility and give bond for the faithful performance of their duties, they ought to understand that they are to take care of the public money intrusted to them or make up the defficiency.

Mr. DUNNELL. Mr. Chairman, the report which has been read, a report of the Committee of Ways and Means, is I believe unanimous. The gentleman from Texas [Mr. REAGAN] must remember, if he will, that the action proposed in this bill corresponds with that pursued by the Government for very many years. I think there has not been a Congress from the foundation of the Government in which there did not arise one or more cases like this. Certainly there has been no session since the gentleman from Texas has been here when we have not relieved bonded officers of the Government from losses which they have sustained without any fault or negligence on their part. I believe that in all instances like this, of postmasters and other public officers, the committees have required it should be clearly proved that the officer was absolutely free from all possible fault or neglect in any way.

I hold, Mr. Chairman, that when an officer of the Government having possession of public funds, even though he has given bond, goes straight forward in the discharge of his duty without any shadow of neglect or fault, and is overtaken by the misfortune of having a portion of those funds abstracted by a dishonest clerk, the Government can very much better afford to pay him that money than he can afford to lose it.

Mr. MORSE. And in this case the clerk was not appointed by him.

Mr. DUNNELL. In this case, as the gentleman suggests, the clerk was not an appointee of the officer. He was in the office when Mr. Eyster took possession of it.

Mr. REAGAN. But was promoted by him.

Mr. DUNNELL. He was in the office when Mr. Eyster entered it, was regarded as an honest, upright clerk; such was his character up to the time when he was promoted by Mr. Eyster with the unanimous approval of the officers of the Government there.

Now, if we relieve this man as the bill proposes, I do not think it will be an encouragement to any man to be careless or negligent in the discharge of his duties as a public officer. If this man is allowed this sum of $882.50, I do not believe it will make him in the least degree careless or negligent hereafter, because if he should come here again for relief he must show an absolutely "clean bill." He must demonstrate that he was free from fault and negligence.

I hold that the Government cannot go to the extent which was proposed here in debate the other day. When an officer is overtaken by misfortune through the bad faith of some clerk of whom he has not the slightest suspicion, who has developed dishonesty under peculiar temptations, to hold the principal officer in cases of this kind absolutely responsible for the money thus abstracted would be too severe a rule.

I believe, Mr. Chairman, that we do not pay very exorbitantly claims coming before us here. I believe that more good claims are defeated in committees than bad claims passed; and, as I have said, I would rather see a doubtful case passed through occasionally than that this Government should deny justice to those who are entitled to it. I think this man is entitled to relief.

Mr. FINLEY. Has Mr. Eyster made good this money to the Government?

Mr. DUNNELL. He has.

Mr. FINLEY. The report does not show that.

Mr. DUNNELL. The report shows in the latter part that he asked the Treasury Department to credit him with the money that had been lost, and the Department would not do so.

Mr. SPARKS. It was charged to him.

Mr. DUNNELL. It was charged to him and he paid it. Now he comes in and asks that he be repaid.

Mr. SPRINGER. When this bill was reached on last Friday I objected to it, not for the reason that I objected to it on its merits, because I did not know what the merits of the case were, but since then I have had an opportunity to examine it. I think it is a bill which ought to pass, and for this reason: The Government of the United States can better afford to lose this sum of money than the officer in question, as it appears this officer was not in default in the slightest in this matter.

Mr. FINLEY. Let me inquire in this connection whether the officer was not in default in keeping in his employ a man whom the report says had been abstracting money daily, which he could not have done without this officer being guilty of laches?

Mr. SPRINGER. I will answer the gentleman from Ohio. The report shows the abstraction was without the knowledge of this public officer, but was so studiously concealed from him and covered up at the close of each month as to be absolutely beyond the power of reasonable diligence to detect.

The evidence in this case shows the public officer was without any fault. That he is an honest, efficient, and capable officer there is no dispute or question. When a public official, in the discharge of the ordinary duties of his office, is not guilty of the negligence in the protection of the public funds, but goes forward faithfully discharging his duties and exercising that reasonable precaution in guarding the public funds that ordinary business men would exercise in the management of their own business, I say it is unjust that such a man should suffer by reason of the dishonesty of a subordinate.

Mr. BUCKNER. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. BUCKNER. What reason can be given that this assistant treasurer did not take a bond for the faithful discharge of the duties of each one of his clerks?

Mr. SPRINGER. I do not know whether the law required him to do so or not, but I think the law should be so amended that each of these public officials who is charged with the disbursement and handling of public funds should give a bond to the Government, and be responsible to the Government upon that bond for the protection of the public funds which he handled, and that a public officer should not be required to be responsible for the dishonesty of subordinates who were in the office when he took charge of it, and for whose appointment he was not responsible.

I believe in the Government dealing fairly and justly with its public officials; and wherever a public officer has shown by his conduct that he has exercised the same diligence and the same care in the discharge of his public duties that a private individual would do, the

Government can better afford to meet losses from these unavoidable accidents, unavoidable thefts, if I may use the harsh term which is perhaps proper in this case—that the Government is better able to sustain these losses than the public officer who is faithful, and not wanting in ordinary prudence and diligence in the protection of the public funds.

Mr. REAGAN. I ask the gentleman to yield to me.

Mr. SPRINGER. I will yield to my friend from Texas.

Mr. McMILLIN. What I wish to ask the gentleman from Illinois is this: You speak of this being a theft; now, if this public official keeps a thief in his office, ought he not to be held responsible for the occasion of that theft?

Mr. SPRINGER. After he finds out the man is a thief and he keeps him in office, then he should be held responsible. But that is not the case here.

Mr. McMILLIN. Ought he not to be diligent in inquiry?

Mr. FINLEY. That's it.

Mr. SPRINGER. He has been diligent. The evidence shows he was a faithful official, and used the ordinary precaution for securing honesty in the discharge of the duties of his office.

Mr. FINLEY. Who has the floor?

Mr. SPRINGER. I have the floor. I have not yet yielded it.

Mr. FINLEY. I thought the time for discussion had been exhausted.

The CHAIRMAN. The gentleman is entitled to an hour, as there has been no order closing debate.

Mr. SPRINGER. The five-minute rule does not apply until the general debate has been closed, and that has not yet been done. I now yield to my friend from Texas.

Mr. REAGAN. Mr. Chairman, I want to say one word, and that is to call attention to the fact that both the gentlemen who have spoken, the gentleman from Wisconsin and the gentleman from Illinois, place the grounds upon which relief is asked in this case upon the fact that it is better for the Government to lose this money than for a private individual.

What is the Government of the United States as represented through its Treasury? Is it not the people, and the whole people, of the country? It has very often astonished me, sir, to hear gentlemen talking about the "Government" relieving the wants, necessities, or accidents of others. They seem to go upon the idea that the Government is a thing with exhaustless treasure, costing nobody anything, that there is no injustice in taking its funds from it, and that there is no moral impropriety in failing to protect it. But, sir, it is the people's Treasury, and if we vote a dollar of money out of that Treasury, and give it to some one not legally entitled to it, we take it wrongly from the people. I have never understood in the course of my life the philosophy which treats the property of the Government, and the using of Government moneys, in any other way than we treat any question transferring the money of one citizen to another. That is all there is of that point. I trust we shall not proceed upon the idea that we do no wrong to anybody by taking the money out of the Treasury. We take it from the people. We require them to be taxed to pay it. There is nothing disclosed in this that any precaution had been taken by this officer to protect himself against loss. He kept this man in office—the report shows that he found him there—a man of good reputation—he was handling money by the millions, no bond, no security asked of him. It was his own voluntary trusting of this man. Is there a man on this earth, managing his private business, who would trust in the hands of another man such vast sums of money with no steps taken for its security at all?

But, sir, independently of all that, I repeat what I said the other day on another case from New Orleans like this, and what I may have to repeat on a number to come, that whenever it gets to be fashionable to reimburse men who have lost money belonging to the Government of the United States, when the Government is in no default, you will find sub-treasurers, postmasters, internal-revenue officers—you will find that the whole brood will get to losing money constantly, and it will become a fashionable disease, and there will be no end to it.

Mr. SPRINGER. I yielded to the gentleman from Texas, supposing he intended to ask me a question, but as he has made a speech replying to a portion of the remarks I have submitted, I desire, therefore, to be heard further on this subject.

The gentleman from Texas misrepresents me. He states that I said it would be better for the Government to lose this money than for a private individual to lose it. I made that statement, however, with this addendum, that it would be better for the Government to lose it than for a private individual to lose it who was not in any way in default himself. I take the case of my distinguished friend from New York, who, perhaps, has a mercantile house being carried on in the city of New York, which he may have left in the hands of a foreman, and one of the subordinate clerks may be guilty of embezzlement. Now, would you not say he would be a hard master if he should go to that foreman and say, pay me the money that my dishonest clerk stole?

Mr. SPARKS. I wish to ask the gentleman a question.

Mr. SPRINGER. Certainly.

Mr. SPARKS. You said it is better for the Government to lose where the officer is not in default, but at the same time the Government has not been in default?

Mr. SPRINGER. That is the point I tried to make. I said the Government was not in default, and if not provided for in the law now the law-making power should provide hereafter that every man charged with the handling of the Government money should be compelled to give a bond and to be responsible for the funds placed in his hands, so we should not hold the chief officer responsible and require him to give bond for the honesty of a vast number of subordinates, over whom he could exercise no control beyond ordinary diligence.

Why, we relieved the Treasurer of the United States (Mr. Spinner) in a case not much different from this, and I believe there was no objection to it. He had thirty or forty thousand dollars stolen from the Treasury when he held the office of Treasurer of the United States, and without any opposition, as I understand, Congress relieved him from that loss.

My friend from Kentucky [Mr. CARLISLE] supplies the fact that I could not remember, namely, as to the amount of the sum for which we relieved Ex-Treasurer Spinner—$61,000. That is the sum which Congress voted to Mr. Spinner to make good his loss. And what were the circumstances? It was an ordinary burglary committed on the Treasury Department of the United States by which this amount of money was stolen from the Government of the United States; and Mr. Spinner was as much responsible for the loss of that $61,000 as Mr. Eyster is responsible for the loss of $800 in this case.

Mr. REAGAN. But Mr. Spinner did not trust the man with the money which he stole.

Mr. SPRINGER. It might have been urged that Mr. Spinner ought to have had the door locked when the thief was coming, or that he ought to have had a faithful person on guard, and that he did not take those precautions. But we all believed Mr. Spinner exercised the reasonable diligence which a public officer should exercise who has custody of public funds, and for that reason Congress relieved him of the responsibility. If Mr. Eyster had not exercised the ordinary diligence of a public officer, and had by any negligence allowed this money to be stolen or embezzled by a dishonest clerk, I would hold him to his bond. But I hold that where, as in this case, an officer has established by a long term of service a reputation for honesty, during a long management of the public funds, it is unjust to hold such a public officer responsible in a case of this kind, and he ought to be relieved. If he were guilty of the slightest neglect I would not relieve him, but would hold him to the hard conditions of his bond, which I think are hard in this case and in every similar case where we seek to hold officers responsible.

Mr. BROWNE. The other day I opposed the granting of relief to the assistant treasurer of the United States at New Orleans because I believed that in that case the report of the committee did not show that the officer was free from fault. If I comprehend the report of the committee in this case, it is that the loss occurred in consequence of the dishonesty of a clerk over whose appointment the officer had no control. The clerk was put there by the Government, and its officer had no authority under the law to exact from him a bond of indemnity. I have always believed that where the loss of the public funds was occasioned by an inevitable accident the officer ought to be relieved. If the Treasury, as in the case referred to by the gentleman from Illinois, [Mr. SPRINGER,] was robbed by a burglar, without fault on the part of the Treasurer of the United States, there was certainly no impropriety in Congress giving relief.

Now, I cannot see any difference in principle between the case where a burglar from the outside enters through the door in the nighttime, breaks open the money-chests and abstracts the money, and the case where the Government itself puts the thief in a position where he can take the money. It appears that a person was put there purposely by the Government, who turns out to be a thief; he is put by the Government in custody of the bonds, and is thus given the opportunity of committing the theft. If it be true, as is reported by the committee in this case, and I take it to be so, that the Government of the United States puts a clerk into the Treasury without the consent of the officer having charge of the funds, at least it assumes the right and authority of placing him there, and if, after the Government puts him there, giving him the opportunity, he commits the larceny, I think the officer ought to be relieved. But if it turns out to be true that the clerk is of the officer's own election, or if it turns out to be true that the officer might under the law indemnify himself by requiring a bond and has failed to do so, in either of these cases the loss ought to be made good. It is negligence on the part of an officer intrusted with a public fund to take into his employment a person having in any measure the control of it, and not to require from him a bond where, under the law, he had the right to exact one. That is a negligence, and in such a case he ought not to be relieved from its consequences. I think it would be an exceedingly unsafe and hazardous precedent to give the treasurer or other custodian of the public funds the authority to appoint a clerk, and if he exercises that right and makes the appointment of a clerk or other agent who turns out to be dishonest, for the Government, in that case, to give the officer relief. For there he exercises the power of selection, and I apprehend whether there be any statute on the subject directing or allowing it to be done or not, under the common law, under the recognized law of the country, under such circumstance, he would have the right to exact from his employé an obligation with security indemnifying him against any loss either by negligence or by dishonesty.

I shall always vote against giving relief in either of the cases I

have mentioned, either where the dishonest employé is of the officer's own selection, or where under the law he has the right to exact from the employé a bond and fails to do so. But in the case where the Government exercises the authority to appoint, and puts into another's employment a clerk or other custodian of the funds, it makes him the bailee; he is the Government's agent. If the Government puts a clerk there and he turns out to be a thief, after the principal has exercised proper discretion and reasonable diligence, in all such cases I shall vote, and vote cheerfully, to relieve the officer.

Mr. SPARKS. I think this case goes further in this direction than any case that has ever before been brought before this House. The gentleman from Minnesota [Mr. DUNNELL] has most clearly presented it. The clerk of the assistant treasurer of the United States at Philadelphia abstracted $800 of the money of the Government then and there in the custody of that officer. Of course, the assistant treasurer had to account for and make good the money so lost.

Now, this officer by this bill desires to be relieved of this loss and have that amount refunded to him, upon the ground that he himself was not in default, but that a clerk in his office was the thief. Why, sir, that case is just as broad as the claim of a banker would be in whose bank I may have deposited my money, and from which his clerk has stolen it, when he (the banker) should ask me to relieve him from the payment of that money which I deposited in his hands for the reason that it has been stolen by his clerk. I can see no difference.

Do any of these gentlemen here insinuate that these assistant treasurers of the United States have clerks forced upon them? I know that is not so. They have the control of their own clerks, and are responsible for the acts of their clerks, or else there can be no safety to the public. I state that to be the fact. No authority of the Government is exercised in the appointment of clerks for assistant treasurers.

Mr. BROWNE. Will the gentleman from Illinois [Mr. SPARKS] permit me a moment?

Mr. SPARKS. Certainly.

Mr. BROWNE. I want that question made clear. I understood from the statement of the gentleman who has charge of this bill [Mr. DUNNELL] that in this instance the Government exercised the right or the power of appointing the subordinate of this assistant treasurer——

Mr. SPARKS. That is a mistake.

Mr. BROWNE. And that in consequence of the dishonesty of this subordinate so appointed by the Government this money was lost.

Mr. SPARKS. I will explain that. In this case, as shown by the report of the committee, the assistant treasurer found this clerk in office, and he continued him there by making him his own officer. Gentlemen will also perceive that in this particular case this assistant treasurer himself promoted this man. He not only kept him in the position he found him in, and from which, when he went into office, he had the right to remove him and put in his place his own confidential agent, but he promoted him.

Mr. MORSE. Had he the right to remove that man without the consent of the Government?

Mr. SPARKS. Unquestionably he had the right to remove him.

Mr. DUNNELL. Let me correct the gentleman. This man was in the office of the assistant treasurer.

Mr. SPARKS. Yes.

Mr. DUNNELL. Confirmed in that position by the Treasury Department. He was not there by virtue of an appointment made by the assistant treasurer.

Mr. SPARKS. By whom was he appointed?

Mr. DUNNELL. By the Secretary of the Treasury.

Mr. SPARKS. These clerks are not appointed by the Secretary of the Treasury.

Mr. DUNNELL. This clerk was there, having been nominated by the assistant treasurer and confirmed by the Secretary of the Treasury. He was in office with a good record up to the time that this assistant treasurer took the office, and he continued in the discharge of the duties of his position, this assistant treasurer keeping the man who had previously a good record.

Mr. SPARKS. I cannot yield to all this interruption. If the gentleman from Minnesota [Mr. DUNNELL] states that these clerks are not appointees of the assistant treasurers and controlled by them, then I am either in error or he is; that is a square issue.

Now, I say that the clerks of assistant treasurers are appointed by and belong to them, so far as the power of controlling them is concerned. No clerk can be kept in the office of an assistant treasurer, in opposition to the wishes of that officer. That is my statement, and it makes a square issue. Does the gentleman say to the contrary?

The assistant treasurer has the power to appoint his clerks. It may be necessary for him to receive some confirmation from the Secretary of the Treasury. But he is the clerk of the assistant treasurer, and when that officer goes into office he has the power to clean out all of the clerks at once, and appoint such clerks as he may choose to enable him to discharge the duties of the office for which he is responsible to the Government. That is the rule and the law.

Mr. DUNNELL. Will the gentleman let me ask him a question?

Mr. SPARKS. Certainly.

Mr. DUNNELL. I will ask the gentleman if he had been put into this office as Mr. Eyster was, and had been told by his predecessor, the outgoing assistant treasurer, that there was a clerk there who had been in the office for a number of years, who had a perfectly good record, would the gentleman accepting so important an office as that have "cleaned out" that clerk without any earthly evidence against him?

Mr. SPARKS. The gentleman asks me a fair question and now I will answer it as fairly. Yes, sir; if I am appointed to an office involving the custody of millions of the public money, I will select men that I myself know to be honest and reliable to assist me in the discharge of the duties of that office, and not take or keep men of whom I know nothing except from the recommendation of others.

Now, I want to state to the gentleman another fact, that there is no really careful assistant treasurer in the United States who does not do that. I have had some practical experience on that subject. I was once myself a land office receiver, and thereby became acquainted with these matters. I know that of the assistant treasurers with whom I have had business relations, not one of them ever dreamed of going into office and being compelled to keep the clerks who were there under their predecessors. Does it stand to reason that they would do it? Does it not stand to reason that a man having charge of millions of the public money would insist upon selecting that class of confidential agents that they knew well and in whom they had full confidence, to assist them in taking care of and properly controlling such large money interests as are committed to their charge? I take it that such is the fact, the rule, and the law.

It is true that when a man comes into office and finds a clerk there he may, if the clerk is satisfactory and sufficiently recommended to him by his predecessor, retain him; but he must stand the consequences. It then becomes his own appointment, and by retaining him he makes him his own officer. In such case to insist that the assistant treasurer should be relieved because his own agent and confidential clerk thus selected should abstract and steal the people's money is, it seems to me, to open a very wide door to peculation and fraud.

Mr. MCMILLIN. Is it not a fact also that large salaries are given to these officers in order to compensate them for every possible loss of this kind?

Mr. SPARKS. I suppose the salary is graded according to the responsibility incurred as well as the labor to be done.

Mr. MCMILLIN. And every time we attempt to reduce the salary of one of these officers, is not the hue and cry raised that his responsibility is so great?

Mr. DUNNELL. This officer during his official term has handled hundreds of millions of dollars without one cent of deficiency other than this. The salary paid him was $4,500 a year.

A MEMBER. What was his bond?

Mr. DUNNELL. Two hundred thousand dollars.

Mr. SPARKS. The bonds in all these cases are, as they ought to be, large, and the responsibility of the bondsmen carefully scrutinized.

Mr. DUNNELL. A clerk whose dishonesty was not developed until after his appointment, and could not be foreseen by his principal, takes out half a dollar at a time from this bag and that, making altogether $882.50. There were over $6,000,000 counted on that very day.

Mr. SPARKS. We are not questioning that this money was stolen. We take it for granted that the committee has reported the facts—that this amount of money in the assistant treasurer's office was abstracted by his clerk, the money being in the custody of the assistant treasurer and he being responsible for the acts of his clerk as a banker would be accountable for the acts of his clerk.

Now, what was the Spinner case which my colleague has alluded to? In that case the loss was occasioned by a burglary. The office of the Treasurer was entered by burglars, and the money stolen by them. Therefore General Spinner could come to Congress with some show of reason and ask reimbursement for the money which had thus been taken, not by any act of his or of any agent for whom he was responsible, but by thieves for whom he certainly was not responsible who entered the office and stole it.

We have had some other cases of that sort, and they present grave questions. It is not every case of that kind, by any means, in which I would approve of reimbursement. I hold to the doctrine presented by the gentleman from Texas, [Mr. REAGAN,] that these officers should be held to a rigid account for every dollar coming into their hands, unless lost by means wherein there is no fault on their part and where the Government is clearly in default. In the case of General Spinner the Government may have been in default. Perhaps it was incumbent on the Government to provide a safe or a building so strong that burglars could not enter it. Perhaps, therefore, in cases of that kind relief ought to be granted. It strikes me, however, as a correct general principle that the officer should be held responsible for all losses except where the Government is very clearly in default.

Let me give an illustration. Suppose the Government funds are being conveyed by an agent from point to point under an escort furnished by the Government; the escort is overpowered or proves unfaithful; and we will further suppose that it was a part of the contract entering into the relation of custodian that the escort should be furnished by the Government; in cases of that kind I should think the Government ought to suffer the loss or refund the money; but in no case should it do so where there has been no default on the part of the Government. In cases like this now before the House, where there has been simply a loss of money through the larceny of an agent

selected by the officer asking to be reimbursed, a clerk indorsed and promoted by the assistant treasurer himself, it certainly is not incumbent upon nor will it do for Congress to refund the money and thereby reimburse the officer for such loss.

Mr. O'NEILL. Mr. Chairman, I was not disposed to take part in this discussion. I had made up my mind to support the bill, and in doing so follow the unanimous report made by the Committee of Ways and Means. Having found that in the last Congress Mr. Robbins, of North Carolina, then a member of the Committee of Ways and Means, made a report similar in effect and purpose, recommending the repayment of this money, and also that in the Forty-fourth Congress Governor Thomas, of Maryland, then a member of the Committee of Ways and Means, made a report recommending the passage of such a bill, I had determined to vote in accordance with those reports.

I will say to the gentleman from Illinois [Mr. SPARKS] that the case to which he has referred, that of General Francis E. Spinner, for many years Treasurer of the United States, was in many respects exactly similar to this. The bill which we passed reimbursed him for a number of items. The largest of those items was for a loss occasioned by burglary; but the same section of the law, to which I ask the attention of the committee, and approved March 3, 1873, contains, as the gentleman will find, several allowances for embezzlement by dishonest clerks and employés. The section is as follows:

SEC. 2. That the sum of $61,174.52, lawful money, be, and it hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to reimburse Francis E. Spinner for losses incurred in his office as Treasurer of the United States, through embezzlement on the part of employés and otherwise, without negligence or fault on his part, namely: Loss by the embezzlement of Seth Johnson, late interest-teller, $37,894.20; loss by the embezzlement of F. A. Marden, late chief of division of accounts, $11,413.97; part of a package of new notes stolen from the division of issues, $11,500; amount found short in an actual count of $131,000, specimen currency, $71.77; amount found short in an actual count of the paying teller's cash, twenty cents; amount found short in an actual count of a package of new notes, $1; amount found short in an actual count of a package of new notes, temporarily made good by the original counter, $20; amount found short in an actual count of the funds of the redemption division, $131.37; amount found short in an actual count of the funds of the cash division, $142.01; in all, $61,174.52.

I do not think that in this Congress or in any other we shall establish a principle which will forbid reimbursement of a public officer for losses occasioned by the dishonesty of a clerk.

There are upon the statute-book plenty of precedents made by former Congresses for the passage of a bill of this kind. The case of the assistant treasurer at New York, Mr. Hillhouse, was very similar to this. In that case a large amount of money—thousands of dollars—had been embezzled by a dishonest clerk, as is recited in the act itself, which is as follows:

An act for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers be, and they are hereby, authorized and directed to allow Thomas Hillhouse, assistant treasurer of the United States at New York City, in the settlement of his internal-revenue stamp account, a credit for the sum of $185,000, being the proceeds of sale of internal-revenue stamps embezzled by James I. Johnson, a clerk in his office, without the default or negligence of said assistant treasurer.

Approved March 5, 1874.

Here is also an act passed by Congress and approved by the President which is a precedent for this kind of remedial legislation:

An act for the relief of Captain Charles McClure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers, in settling and adjusting the accounts of Charles McClure, captain and commissary of subsistence, United States Army, are hereby directed to credit said McClure with the sum of $844.63, on account of loss of that amount in 1869 and 1870, by the embezzlement of a clerk in his employ, the amount being lost without neglect or fault of said McClure.

Approved March 3, 1873.

There are also other cases where relief has been given in like manner to make good the embezzlement of subordinates; for instance, in the case of the cashier of William B. Thomas, formerly collector of the port of Philadelphia, and also in the case of the embezzlement by a subordinate under John L. Thomas, collector of the port of Baltimore. I might go on multiplying precedents.

A gentleman appointed to a responsible position like that of United States assistant treasurer, upon entering his office finds employed there a body of clerks who are recommended to him by his predecessor as honest and capable of performing all their duties. Naturally he retains those clerks. Especially in such institutions as the subtreasuries of the United States it is a very delicate thing, indeed, to remove a man from a position if he has been correct in his dealings as an official.

And besides, Mr. Chairman, according to the theory of the gentleman from Illinois you might as well argue that the Secretary of the Treasury should be chargeable with such losses, for he at last is the one who really appoints the clerks in the office of the assistant treasurer at Philadelphia, or the office of the assistant treasurer at Boston or elsewhere, as the case may be. Those assistant treasurers cannot make any appointment without first submitting it to the Secretary of the Treasury, and before any subordinate is really and absolutely in his position his nomination must be confirmed by the act of the Secretary of the Treasury. So in all positions subject to duty under the Treasury Department.

One word further in this matter. I hold in this very instance, as I read this report, and as I happen to know personally from Mr. Eyster, a gentleman of great integrity of character, extremely careful in all his acts, and vigilant, that it was prudence and care on his part which at last discovered this loss of eight or nine hundred dollars through this subordinate. Under the law establishing the mints in the United States in 1872 or 1873 the Secretary of the Treasury ordered all the assistant treasurers at the various sub-treasuries in the country and all the superintendents of mints of the United States to have a recount of bullion. The law almost required it to be done. This count was made under the supervision of careful officers in Assistant Treasurer Eyster's office. As they were coming to the close in reference to the bullion, which under the order of the Secretary they were obliged to count, it was because of the extreme care on the part of Mr. Eyster and his cashier that this error of $800 or so was discovered. I say it was the vigilance and watchful care of this officer which brought this loss to light.

Now, what did he do? As soon as he discovered this amount in default which had been embezzled by this man Bond he discharged him. Mr. Eyster had been in office two or three years. Bond had held over, coming to him highly recommended by his predecessor, and he promoted him, I suppose, because he found in him ability in the discharge of his business and, as was supposed, integrity. But that, sir, does not argue against the treasurer as being wanting in diligence. As soon as he discovered this man had done wrong he discharged him. Subsequently, as appears by the report, Mr. Eyster paid the amount of the loss into the Treasury of the United States.

I think, in conclusion, Mr. Chairman, taking these three reports from three distinct Committees of Ways and Means of this House, this Congress, from that fact alone, would be perfectly justified in passing this bill. I hope the bill will be passed. It is but just to a highly meritorious official.

Mr. FINLEY. I have no doubt from the fact stated by the report of the committee they were justifiable in coming to the conclusion they did, that the man who took this money without authority was a thief. I think the facts fully carry out the committee in coming to the conclusion that the man who stole the money was a thief. Gentlemen, however, insist we should make good this money to Mr. Eyster because they claim he himself was guilty of no want of care in permitting nearly a thousand dollars to be stolen from him. Of course Mr. Eyster showed a great deal of diligence in locking the stable after the horse was stolen. My opinion of the matter is that if he had exhibited one-half of the diligence before that he did afterward, we would not be called upon here to make good a thousand dollars stolen from his possession. There is sufficient on the face of this report to show that Mr. Eyster has been guilty of negligence in this matter, and it is setting a bad precedent for Congress to refund this money which was stolen from Mr. Eyster by an employé of his own appointment.

Mr. KELLEY. That is a mistake; he found him in office when he came to it.

Mr. FINLEY. I beg the gentleman's pardon. The report reads he found him there when he came there.

Mr. KELLEY. Yes.

Mr. FINLEY. As soon as he assumed the duties of the office, if he continued in office the clerks and employés, they at once became his. He certainly had the right to remove them. If he confirmed the appointments he found there, then they became his by virtue of that confirmation. If he, furthermore, promoted this man to a higher office, then undoubtedly he became his.

Now, then, the agent of this man steals a thousand dollars from the Government. The committee say he stole it. The committee say it was the act of a thief; and yet I find in the report here that the district attorney gave the opinion that the thief this man had appointed and promoted could not be prosecuted under the law for larceny. It is the first time in my experience that I ever heard that a thief could not be prosecuted for larceny if the proof could be made against him, and to this day that man's agent has not been prosecuted but is at large.

But was it not negligence in Mr. Eyster to permit his own agent to take from these bags money day by day in small sums without ever counting the bags? As the committee report, it is a loss which would have been detected, or ought to have been detected, by the use of proper diligence. Now, then, was it not negligence on his part not to make the discovery; not to know that his clerk was abstracting the money?

But his negligence did not stop here, for it appears on reading this report that after it was discovered that Mr. Bond, this agent or clerk, had abstracted this money, for it appears that it was stolen, Mr. Eyster did not go to work to count the money on hand in those bags; but it appears he simply counted the bags which bore the mark of Mr. Bond, the defaulting employé. For all we know another dishonest clerk or agent may turn up when he counts the other bags, and that some other agent or dishonest clerk has abstracted a thousand or two thousand dollars, and we would have Mr. Eyster coming here again asking that he shall be reimbursed for that loss. Now, that was the duty of Mr. Eyster, and he ought to be held responsible for the honesty of his clerk, and the honest keeping of the money intrusted to his care.

Gentlemen say that his salary is so low and his bond is so large that this would work a great hardship. My answer to that is, if he cannot employ clerks in whom he has full confidence, and with whom he is willing to intrust the money on a small salary and a large bond,

all he has to do is to resign, and they will find somebody else who will take care of it and perform the service. He is not bound to remain, and I believe it is setting a bad precedent to make good to any officer the losses sustained by the dishonest act of his clerk, for whose honesty he is accountable. If this loss had occurred in consequence of a fire or of a burglary, or of some casualty over which he had no control and could not prevent, it would raise an entirely different question. But here we have his own servant, his own agent, the person he both appointed and promoted, abstracting this money, and I think it would be unjust and improper to reimburse him for this loss. I think he should be held responsible.

Mr. KELLEY. I desire to say, Mr. Chairman, that the Committee of Ways and Means have three times investigated this case. Three different Committees of Ways and Means have examined it, and have always arrived at the same conclusion, that Mr. Eyster had not been guilty of negligence, or in any way been derelict in his duty.

What were the circumstances of the appointment of this dishonest clerk? It had been made by Mr. Eyster's predecessor. The clerk was a man who had borne uniformly through life a good character and enjoyed the confidence of his employers and of the community. He was not subject to removal by Mr. Eyster, as he could not have been appointed by Mr. Eyster. The assistant treasurer may nominate a clerk when there is a vacancy, but the Department at Washington confirms it. He is a clerk of the Department, and can only be removed by the Department on cause shown.

Now, Mr. Eyster's first suspicion arose from the discovery of this peculation, and as soon as suspicion was created he took immediate action for the removal of the man and for his punishment. There is no possible degree of negligence chargeable to him. The case comes again within the line, a long line, of precedents in which men have been reimbursed under similar circumstances.

Mr. HUTCHINS. May I ask the gentleman a question?

Mr. KELLEY. Yes, sir.

Mr. HUTCHINS. Is there any case where money has been paid into the Treasury by a defaulting officer, and appropriation has been made by Congress to pay it out again? Have there not been cases where the parties have settled with the Government and paid the money into the Treasury?

Mr. KELLEY. I do not hear the gentleman's question distinctly.

Mr. HUTCHINS. What I desire to know is this: Is there any precedent, where the money has been paid by the defaulting officer into the Treasury, that an appropriation has been made by Congress to reimburse and return it to the party by whom it was paid?

Mr. KELLEY. Yes, sir; if I understand the gentleman's question——

Mr. HUTCHINS. Will the gentleman cite an instance?

Mr. KELLEY. I cannot reply immediately from memory. I know that there have been such cases.

Mr. HUTCHINS. The Spinner case is not such a case, neither is the Hillhouse case, which has been alluded to here.

Mr. KELLEY. My colleague hands me a paper, in which I find the following bill for the relief of Mr. Spinner:

SEC. 2. That the sum of $61,174.52, lawful money, be, and it hereby is, appropriated out of any moneys in the Treasury not otherwise appropriated, to reimburse Francis E. Spinner for losses incurred in his office as Treasurer of the United States, through embezzlement on the part of employés and otherwise, without negligence or fault on his part, namely: loss by the embezzlement of Seth Johnson, late interest teller, $37,894.20; loss by the embezzlement of F. A. Marden, late chief of division of accounts, $11,413.97; part of a package of new notes stolen from the division of issues, $11,500; amount found short in an actual count of $131,000, specimen currency, $71.77; amount found short in an actual count of the paying teller's cash, twenty cents; amount found short in an actual count of a package of new notes, $1; amount found short in an actual count of a package of new notes, temporarily made good by the original counter, $20; amount found short in an actual count of the funds of the redemption division, $131.37; amount found short in an actual count of the funds of the cash division, $142.01; in all, $61,174.52.

Approved March 3, 1873.

There is another act, which became law on the 1st of March last:

An act for the relief of Albert U. Wyman, late Treasurer of the United States.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert U. Wyman, late Treasurer of the United States, out of any money in the Treasury not otherwise appropriated, the sum of $2,351.70, to reimburse said Wyman for two bonds of the United States known as "sixes of 1881," of the denomination of $1,000 each, and coupons thereon, purchased by him to replace two bonds of like issue and amount, the property of the First National Bank of Newport, Rhode Island, lost or abstracted from the vault of the national-bank division while Treasurer of the United States.

Mr. HUTCHINS. Now, if the gentleman will allow me, I will ask him whether General Spinner paid that money into the Treasury or whether it was simply a charge upon the books of the Treasury against him, and he could have no relief until that bill was passed?

Mr. KELLEY. I do not know how that fact is; but I know that equity is equity, and that it is no less equity if a man, finding himself for the time being indebted, hands the money to the Government, that it shall not be out of interest or suffer derangement in its accounts, and then comes to it expressing his confidence in his own Government that it will do by him as it has invariably done by other faithful officers who have not been guilty of negligence or malfeasance; and that is the case of Mr. Eyster. A clerk appointed by the Treasury, who served under him, despoiled the Treasury, and he made his accounts good; and he now comes and asks his Government to reimburse him for the crime of a Treasury clerk, over whom he had no control, although he had supervision. That clerk is liable to indictment, and for aught I know has been indicted and punished; and yet you say the law makes him indictable, but we will inflict the pecuniary penalty upon a man who could not have prevented the crime.

Mr. REAGAN. The report shows he could not be indicted.

Mr. KELLEY. I hold in my hand a case of the Supreme Court in which it is held that such clerks may be indicted. It is the case of the United States against Hartwell, page 385 of 6 Wallace.

Mr. FRYE. If the gentleman will allow me I will state that that case goes to the extent of holding that this cashier was the disbursing officer of the Government; that he was not a clerk of the subtreasurer. And you would adopt the doctrine here to-day, or it is urged by gentlemen on the other side, that the Government shall hold the assistant treasurer responsible for the stealings of a man whom the United States courts determine was the disbursing agent of his own Government. I say it is an outrage upon justice or equity.

Mr. KELLEY. I have said all I had to say on the question.

Mr. MILLS. One would suppose, from the arguments which have been made, that every head of a Department in this Government was an insurer against all losses incurred in that Department by the acts of subordinates. Have gentlemen considered just exactly where this leads? The Secretary of the Treasury, for instance, is required by law to appoint so many clerks; the Postmaster-General so many; all these Departments are required to have so many clerks; so many of one class, so many of another. Is it intended by these gentlemen that the Secretary of the Treasury is responsible for any defalcations that may occur by any one of the five hundred or one thousand clerks who have been appointed by him? He is compelled by law to make these appointments; he cannot escape making these appointments; and he has to take his chance in making his selection, as every other man has to do, of selecting as best he can honest and capable men.

To say that a salary of $5,000 or $6,000 is a sufficient guarantee against a liability for losses of perhaps half a million of dollars is simply an absurdity on its face. What man of pecuniary responsibility would accept the office of Secretary of the Treasury, or that of any other head of a Department with a salary of $8,000, and be responsible for the loss of $10,000,000? It is simply to offer a premium for rascality to establish such a precedent. It is simply to issue an interdiction against men of pecuniary responsibility from filling such offices. It is to farm out the offices to soldiers of fortune, as one high court has declared.

That is the argument that is made in the interest of economy here, that heads of Departments in this Government are to be responsible for the thousands of subordinates under them whom they are compelled to appoint by the authority of law. They cannot help it; they cannot evade it. And the argument is still carried further, and it is said that the heads of Departments are responsible for subordinates that they neither have appointed nor have power to remove. And we are asked for precedents for this thing. Why, sir, if there be no precedent, and it is right, let us make one; if there are a thousand precedents, and it is wrong, let us disregard them.

The question at last turns upon this: Is the officer responsible for the peculations and frauds of a subordinate whom he was compelled to appoint under a law which he could not help obeying? and is his little salary of $4,500 given to him by this Government to cover as with insurance a possible loss of a million of dollars?

Mr. MCMILLIN. It is his bond that covers that.

Mr. MILLS. The only liability that the law fixes upon the superior officer is to exercise ordinary diligence. If he has not been guilty of any neglect, if he has not disregarded his own duty to the Government, he is not responsible in the eyes of the law, in the eyes of the Government, or in the eyes of any honest man for the loss of subordinates under him. And for Congress to establish the precedent that every man taking a position as head of one of the Departments of this Government opens a policy of insurance over the defalcations of the thousands of subordinates he may appoint, is simply to issue a proclamation to all men of peculiar responsibility that they are prohibited from taking such positions.

The question was taken upon laying the bill aside, to be reported favorably to the House; and upon a division it was agreed to—ayes 95, noes 39.

REFUNDING OF TAXES ON MANUFACTURED TOBACCO.

The next business on the Private Calendar was the bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco; reported from the Committee of Ways and Means by Mr. PHELPS.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to the following enumerated citizens or firms of Lynchburgh, Virginia, or to their legal representatives, out of any money in the Treasury not otherwise appropriated, the following sums, respectively, namely:

To C. Ford, jr., & Son, the sum of $7,534.75;
To John T. Smith & Co., the sum of $2,512.53;
To Winfree & Allen, the sum of $1,117.70;
To John H. Smith & Co., the sum of $1,834.60;
To F. M. Dunnington & Co., the sum of $1,819.54;
To Ferguson & Chambers, the sum of $4,093;
To Hancock & Moorman, the sum of $2,478.93;
To William D. Miller, the sum of $1,193.60;
To Robert Mays, the sum of $3,252.50;
To Tanner & Asher, the sum of $309.45;

In full satisfaction of their claims for internal-revenue taxes improperly collected of them on manufactured tobacco.

Mr. PHELPS. I ask that the report be read.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred the petition of C. Ford, jr., and others, with an accompanying draft of a bill (H. R. 2797) for the relief of sundry citizens of Lynchburgh, Virginia, have had the same under consideration, and submit the following report:

The persons asking to be relieved in this case are C. Ford, jr., and others. In the year 1868, and for some time prior thereto, they were manufacturers of plug-tobacco in Lynchburgh, and in the months of March and May in that year sold at the current rates in that market, through Younger & Co., commission agents, to M. Seisfield, then a resident merchant there, and generally reputed and believed to be a man of responsibility and integrity, 103,306 pounds of tobacco, manufactured by themselves. The United States internal-revenue tax on the tobacco was forty cents a pound, amounting on the quantity sold to $41,322.40.

By the provisions of the Revised Statutes of the United States then in force, the manufacturers were liable to pay the tax, but a custom prevailed in that market, more or less general and uniform, by which the manufacturer, with the assent of the United States assessor, and under a written permit from him, sold and delivered his stock subject to the United States tax, with an agreement with the purchaser that he should pay it, a difference in the price being made in his favor equivalent to the amount of the tax. Such an arrangement, sale, and delivery were made by these parties, the purchaser having paid cash for the tobacco, less the amount of the tax.

Under this arrangement, to which the United States assessor was thus a party, the tobacco was assessed as the property of Seisfield, and the lists made against him, and duly receipted for by the United States collector, and in the month of August, before the tax was collected, he shipped the tobacco and absconded.

The collector, therefore, demanded the tax from the manufacturers, and upon their refusal to pay, distrained and took possession of their establishments and had advertised the same for sale, when the proprietors, in August, 1869, to avoid the sacrifice of their property and the destruction of their business, consented to a compromise and paid the collector $26,196.60, in the following several sums, and were discharged by the Government:

William D. Miller	$1,193 60
C. Ford, jr., & Son	7,584 75
John T. Smith & Co	2,512 53
Winfree & Allen	1,117 70
John H. Smith & Co	1,834 60
F. M. Dunnington	1,819 54
Ferguson & Chambers	4,093 00
Hancock & Moorman	2,478 93
Robert Mays	3,252 50
Tanner & Asher	309 45
	26,196 60

From the fact that the parties acted in good faith, in pursuance of a local practice, and with the assent and under a written permit from the United States internal-revenue assessor for that district, by whom it was understood that the tax should be assessed against and collected from Seisfield, and as the amount of the tax was deducted from the price of the tobacco under that arrangement, the committee think they are entitled to relief, and recommend the passage of the bill.

Mr. PHELPS. The parties which it is proposed to relieve by this bill are respectable citizens of Lynchburgh, Virginia, who, in the prosecution of their legitimate business, have paid as taxes into the Treasury of the United States more than $5,350,000. The transaction by which they disposed of the tobacco referred to in the report was made in pursuance of a local custom prevailing at that place, and which had the sanction of the United States revenue officer, given in a written permit issued by the proper officer. Without his sanction and without his permission the transaction would not have been made, and these parties would not have parted with the possession of their property.

The material facts in this case are all set out in the report, and they establish incontestably the equity of the claim presented by these parties. The Committee of Ways and Means of the last Congress unanimously reported this bill, and that committee of the present Congress also report it with nearly the same unanimity. I move that the bill be laid aside, to be reported favorably to the House.

Mr. CONGER. This is a case where those who were in duty bound to pay taxes to the Government did not pay them until they were compelled to do so by the enforcement of the law. The only excuse they now give for asking that this money be paid back to them is that they by some process instituted a custom unknown to the law, contrary to the law, and in contravention of the law, whereby the purchasers of this tobacco were understood to agree to pay the taxes upon it. Now, that did not relieve them in law from the duty of paying the tax; they could not relieve themselves from that duty by any such agreement.

The revenue officer had no right whatever, under any law of the United States, to permit such a custom by which the Government could be deprived of this tax. It is said that this tobacco was sold to purchasers who, by the custom then in force, were understood, among these parties and by some officers of the Government, to be the parties who would pay the tax; and, having obtained possession of the property, these purchasers went away without paying the tax, or failed in business and were unable to pay it. That is the case, if I understand it aright.

This is a bill for the relief of I do not know how many persons—ten, fifteen, twenty; I do not know but more—all embraced in one bill, without any regard to the peculiar circumstances of each case. We are asked to vote back to them the taxes paid by them under the law, because the purchasers of their property failed in business or went away. I have to say that if we establish such a precedent as that we will call around us a swarm of men almost innumerable, who could just as properly and just as honestly ask the Government to pay back to them taxes which they ought to have paid and which they did pay, and which they ask to have restored to them, simply because they, in common with some officers of the Government, originated a custom contrary to law. It is a proposition to pay a premium to encourage an officer to assent to propositions made by taxpayers which will relieve them from the responsibilities of paying the taxes imposed by law, and will compel the Government to look to those who are under the law not at all liable for the payment of the tax.

In the Committee of Ways and Means I, in common with other members of the committee, disagreed from the conclusions to which the majority arrived, and opposed the making a favorable report upon this bill. I opposed it there as I oppose it here. I can see no good reason why such a precedent should be established. I object to this bill, in addition, because it couples together a large number of persons who have individual claims, each standing upon its own merits.

Mr. PHELPS. It was but a single transaction.

Mr. CONGER. These claims may have arisen out of the same set of transactions, but the sales to the person with whom the supposed agreement was made were all separate sales, made at different times and under different circumstances. It is because of the very fact that they are coupled together and attempted to be passed together, because they refer to the same subject-matter, because they relate to sales of tobacco by these different persons to one individual who failed to pay the tax, that I object to the bill. That in itself is a serious objection to the passage of the bill; that in itself would make the passage of this bill a dangerous precedent; it would invite the people of a whole community, of a whole parish or county, of a whole State, to come together to Congress and ask for such relief.

Now, if the Treasury of the United States is so full that we can go back for years and pay out of it the money which has been collected for taxes according to law, paid by those who may or may not have properly influenced an officer of the Government, it would be well that it should be known and understood. It would be well that it should be known and understood that the more men having somewhat similar claims who can be associated together in a bill the better can they procure their rights, as they call them, or the better procure this relief from the Government, than if they should present their individual claims separately.

I do not see the necessity of hurrying through this class of bills. We sit here for months with men knocking at the doors of this Chamber for their pay as public officers. The marshals of the United States have performed their duties and paid the expenses of the Government of the United States out of their own pockets, and they are unpaid. We cannot get reports on that subject; we cannot have an opportunity for action. But if somebody who was bound to pay a tax under the law has paid it, and there can be presented any flimsy excuse whatever for reaching our hands into the Treasury and taking money to make repayment where taxes have been paid according to law, such a case receives early hearing and is rushed through.

There is a responsibility upon this House to pay, first, the known and acknowledged indebtedness to public servants who have not only given their time to the public service, but have paid the expenses of this Government out of their own pockets for almost a year. It is time that their cases should be heard. When we have paid this indebtedness of the country, it will be time enough to consider whether we can be liberal enough to refund taxes properly assessed, properly demanded, and properly paid—taxes which, if refunded, the Government has no legal right to receive from any other source whatever.

Let gentlemen tell us why we should be in such hot haste to draw money from the Treasury to refund taxes which were properly paid under the law, while we are refusing from month to month to hear the demands of our own officers who have been left without fees and who are simply asking restoration of the money that they have paid on behalf of the Government. If any one will tell me why the Government in this case should lose its taxes, if any one will tell me why a man who, by some collusion perhaps with an officer of the Government, threw off upon another individual the responsibility of paying taxes which the law did not assess upon him, and the payment of which the Government cannot enforce against him, then I may cease my opposition to this bill.

Mr. TUCKER. Mr. Chairman, I beg the attention of the committee for a few moments, while I state this case with all fairness and candor.

In the year 1868, before stamps were required to be placed upon packages of tobacco sold by a manufacturer, when taxes were paid upon assessments made by assessors in the different districts, a number of manufacturers in the city of Lynchburgh, in my district, were endeavoring to make a profit by engaging in the manufacture of tobacco. A man named Seisfield, having a large warehouse there, carried on an extensive business as a wholesale dealer in tobacco. It was agreed between the assessor and these parties engaged in the manufacture of tobacco that if they sold their tobacco to Seisfield they might remove it without the payment of tax to the warehouse of Seisfield, to whom the tax would be charged. Hence, in selling their tobacco, these gentlemen deducted from the amount they demanded from Seisfield the tax which was due. In the sale of their tobacco they never received anything for the tax, the assessor saying that it might be charged to Seisfield. The assessor gave a written permit for the removal of the tobacco to Seisfield's warehouse without the payment

of tax, which was charged on the books to Seisfield. The taxes were not collected from Seisfield for four or five months, these parties in the mean while going on with their business and furnishing him tobacco. At the end of five months Seisfield absconded; and then the assessor and collector came upon these parties and demanded payment of the tax, levied upon their factories, their residences, their whole property. These men being thus, as it were, held by the throat, everything they possessed in the world being liable to sale, consented, on being let off, to pay $26,000 of the $40,000 charged against them. They were advised to do this by the agent sent down there by the Treasury Department to look into this matter, who reported that they had acted in perfect good faith, and advised them to appeal to Congress for a remission of the tax.

As the gentleman from Michigan has said, in the requirement that these taxes should be paid, there was nothing to which these parties could technically object. The proceeding by which the payment of the tax was to be transferred to Seisfield was no doubt irregular and illegal, though it was not only allowed by the assessor, but approved upon consultation with the Commissioner of Internal Revenue who said, "I do not care what you do about it; all you have to do is to collect the tax." Upon this consent of Government officials the Commissioner of Internal Revenue as well as the assessor—these parties, acting in entire good faith, parted with their property without making any charge for the amount of the tax which they were afterward called upon to pay.

It seems to me that the case stands as if the parties in this case had given to the collector of taxes an order upon Seisfield for the tax; that order is accepted by the collector in payment of the tax; and now not having collected it from the drawee, he comes back on the drawer for tax lost by his own negligence.

Mr. CONGER. If a check is protested it comes back to the drawer for payment. That is the case here, I agree with the gentleman.

Mr. TUCKER. That is not the case here. The payee cannot come back on the drawer unless he has made due presentment of the draft, due demand on the drawee. In this case the demand was not made for five months, and the collector never came back on the drawer until the drawee had absconded. I ask the gentleman whether he thinks it fair for this Government to hold these parties responsible in such a case?

Mr. CONGER. The gentleman now comes to what he considers the equities.

Mr. TUCKER. No, sir, the equities are the law of all bills of exchange. This is one of those cases in which, as Lord Mansfield said, the principles of commercial law are as wide as the world; there is no statutory limitation upon them. The law is not one thing in one place and another thing in another. It is universal law, applicable everywhere, that if I give a draft to a man who does not use due diligence in presenting it, and meanwhile the drawee absconds, he cannot come back on me and demand payment.

Mr. CONGER. Why did not they avail themselves of that legal right?

Mr. TUCKER. Because they were then in the position of having all their property exposed for sale with no power to enjoin it, with no power for relief except to come here to the great inquest of the nation.

Mr. REED. I should like to make an inquiry of the gentleman from Virginia.

Mr. TUCKER. Certainly.

Mr. REED. I see in this report it says the stock was delivered subject to the United States tax, with an agreement with the purchaser that he should pay. With whom was that agreement made?

Mr. TUCKER. With the assessor. And I will say now to my friend from Maine, that in the whole testimony—and I know the parties perfectly well—there is not the slightest shadow of imputation on the good faith of these parties, or any purpose on their part to defraud the Government.

Mr. REED. One other question.

Mr. TUCKER. Certainly

Mr. REED. You say the matter was brought to the notice of the Commissioner of Internal Revenue and he said he did not care provided the tax was collected?

Mr. TUCKER. Yes, sir.

Mr. REED. Was that prior to this arrangement with the assessor?

Mr. TUCKER. Yes, sir.

Now, sir, I was going to say so far from these parties attempting to avoid their liability for any tax, these very men to whom this money ought to be returned paid into the United States in taxes on tobacco since the war over $5,000,000. And that is a city that is paying nearly two millions of internal revenue on tobacco every year. I say, therefore, these gentlemen come here just in this attitude before the House: They say we have been compelled to pay this tax after we have given an order on a man, which the assessor accepted as payee of the tax, to whom we sold the tobacco less the tax, in order that he might pay the tax to the assessor. We ask the Government to say whether it is going to hold this money in its pocket which we paid on this tobacco when it has been taken from us under the circumstances we have shown. I appeal not only to the equity but to the sense of justice of this House. I do hope that this bill will be laid aside, to be reported to the House with a recommendation that it do pass.

Mr. FRYE. I wish to ask the gentleman another question.

Mr. TUCKER. Certainly.

Mr. FRYE. Has the gentleman stated what appeared in evidence, that this was not an isolated case but that it was the custom?

Mr. TUCKER. Yes, sir; it was the custom, perfectly well understood in the trade.

Mr. REED. This matter is entirely new to me; but I should like to state to the House the impression it makes on my mind on the statement of facts made by the gentleman from Virginia. It seems that the parties to this transaction knew it was illegal—the parties who participated in it, and who come here for relief.

Mr. TUCKER. Will the gentleman allow me to interrupt him?

Mr. REED. Certainly.

Mr. TUCKER. I did not say the parties knew it was illegal. The truth is, at that time of day, in 1868, the people of Virginia knew nothing about the law except as they got it from the collector.

Mr. REED. Very well.

Mr. TUCKER. And when the collector and assessor said this was the law and applied to the Commissioner of Internal Revenue they submitted, and that is all.

Mr. REED. And when they submitted it to the Commissioner of Internal Revenue, he said he cared not what arrangement they made provided the Government got the tax. Consequently the parties must have known that they were to be responsible for the payment of the tax; that if they trusted Seisfield under this arrangement they were liable to be called upon by the Commissioner of Internal Revenue for the tax; and, under these circumstances, it seems to me they must have comprehended that they warranted the payment by Seisfield and this arrangement was made simply for their convenience. If a Government officer, transcending the bounds of his known duty, makes an arrangement merely for the convenience of a party and it is understood that by law all taxes are payable just the same as if no such arrangement was made, I do not see how the party can come here and claim exemption.

And, further than that, I do not see how any government can be carried on upon any such basis. If the United States is to be bound by the acts of its officers in violation of law, we are not having a reign of law but a reign of office-holders. And I submit on the statement made by the gentleman from Virginia it is establishing a dangerous and unpleasant precedent to remit the tax under these circumstances. It was well known that every pound of tobacco was to pay tax, and it was well understood that the taxes were to be paid by the manufacturers at first-hand.

It is claimed now an arrangement has been made including the Commissioner of Internal Revenue, and on investigating that arrangement it seems the Commissioner of Internal Revenue consented to it only with the express understanding that at all events and under all circumstances the United States Government was to have the tax. The Government has to a certain extent got the tax. Why should it warrant Mr. Seisfield's honesty for the tax any more than for the price of the tobacco? The tax was a part of the price of the tobacco. If it does not warrant the whole price, why should it warrant any part of the price?

Mr. TUCKER. I do not desire to prolong this debate.

Mr. CONGER. Let me say a word.

Mr. TUCKER. Certainly.

Mr. CONGER. I wish to add to what I have already said that after the statement of the gentleman from Virginia that when this matter came to the attention of the Departments they gave full force to all the equities of the case, and did make such an arrangement that the United States should lose something, one-half of the tax due; made a proposition it seems with those liable for the tax that if they would pay a part, and share the loss with the Government, they would be allowed to go free as to the remainder. The Government, it seems, accepted some $26,000 instead of the forty or fifty thousand, or whatever sum it may have been, and divided with these sufferers, condoned their agreement with an official contrary to law and accepted a portion of this tax, and so settled the matter. Not satisfied with the settlement, which certainly in law and in equity and in good conscience was very favorable to those who owed the tax to the United States, and who were in law bound to pay it, they come now and ignore that settlement and ask that the portion which they did pay shall be restored to them.

If unsatisfied with the Government in yielding so much, let them come here and test the question whether they shall pay all as a matter of law, and as a matter of right. To the supporters of law, uninfluenced by considerations of sympathy for these men, who undoubtedly lost money through the purchase by Seisfield of their tobacco, they would be compelled to refund the other portion to the Treasury of the United States, and thereby save the imposition of additional tax upon the other people of the United States.

Mr. REAGAN. It appears, Mr. Chairman, an arrangement was made outside the law, between the officer of the Government, the manufacturers of the tobacco, and the purchaser of that tobacco, and that the purchaser did not act honestly; that he was dishonest by absconding, and that the manufacturers thereby were required to pay the tax upon the tobacco. Now, I do not think the whole people should be held responsible for what these parties have suffered, but that the latter should be bound to protect themselves. We cannot

undertake to guarantee the honesty of men who deal in tobacco or anything else.

Mr. TUCKER. I move that the bill be laid aside to be reported to the House with a recommendation that it do pass.

Mr. WHITE. Do I understand we are asked to refund money here which was paid by these parties simply as a compromise?

The CHAIRMAN. Does the gentleman desire to debate the question?

Mr. TUCKER. The House is dividing. [Cries of "Vote!"]

Mr. WHITE. I move to strike out the last word.

The CHAIRMAN. It is not in order pending a division of the committee.

Mr. WHITE. I rise for information, and I submit that I have a right to do so. I understand this amount of money was paid on a compromise; that the original amount of the tax claimed against this property was forty-one thousand and some odd hundred dollars, and that the property itself was seized, and that then it was compromised for $26,000.

Mr. TUCKER. No, sir. It was not the property which was liable for the tax that was seized. It was their homes, their factories, and their whole business; and while the Government held this property in its possession, then the compromise the gentleman speaks of was made under duress.

Mr. WHITE. Then, I understand the entire amount of the tax originally claimed was $41,000 and it was compromised by the parties who ask relief, for $26,000; and now they ask to go back of the compromise, and claim that the Government shall refund the money thus paid.

Mr. TUCKER. I say they ask to go back of a compromise made with the Government under the circumstances of duress to which I have referred, and they appeal to the equity and sense of justice of the Government to refund the tax.

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported favorably to the House.

The question being taken, there were—ayes 88, noes 31.

So (further count not being called for) the bill was laid aside, to be reported favorably to the House.

Mr. FINLEY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MITCHELL reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report two bills with a recommendation that the same be passed.

CHARLES CLINTON.

The SPEAKER. Pending the consideration of the two bills just reported from the Committee of the Whole on the Private Calendar, the unfinished business is the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, which comes over from a former Friday.

Mr. CARLISLE. The House will remember when this bill was reached as unfinished business on the last consideration day it was passed over that the gentleman from Louisiana [Mr. GIBSON] might be present at its consideration. It is not my purpose to say anything in addition to what was said while the bill was under consideration except this, that the action of the committee to-day on a bill very similar in its character, and in a case in my judgment not so strong as this, should be sufficient, I think, to induce the House to reverse the action of the committee on this bill and pass it.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. This is the regular order. This bill comes over as unfinished business, having on a former Friday been reported adversely by the Committee of the Whole on the Private Calendar.

Mr. CARLISLE. The vote in the committee on this bill was less than a quorum, as shown by the RECORD; while to-day, on a very full vote on the other bill, there was a large majority in its favor. The principle involved in the two bills is substantially the same, and whatever action should be taken on the one I think should be taken on the other. I yield the floor to the gentleman from Louisiana, [Mr. GIBSON].

Mr. McMAHON. I would suggest to the gentleman from Louisiana that he should not proceed to-day, when there is not a quorum present.

Mr. GIBSON. I wish merely to call the attention of the House to the facts in this case. But as gentlemen around me desire it, I yield for a motion to adjourn.

Mr. SPARKS. I move that the House do now adjourn.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CHITTENDEN, for four days, on account of important business.

The motion of Mr. SPARKS was then agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: Papers relating to the Indian depredation claim of H. A. Bateman—to the Committee of Claims.

By Mr. ATKINS: The petition of John A. Pitts and others, that the benefits of the arrearage-pension act be extended to Thomas Maxwell—to the Committee on Invalid Pensions.

By Mr. BAILEY: The petition of Engineer Robert Stewart and 27 others, captains, engineers, and pilots, for the reduction of license fees of engineers, captains, and pilots—to the Committee on Commerce.

By Mr. BAYNE: The petition of Peter Gilner, to be relieved from the consequences resulting from an unjust sentence of a military court-martial—to the Committee on Military Affairs.

By Mr. BICKNELL: The petition of Henry A. Smith and 22 other Indiana soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: Papers relating to the claim of W. F. Duval, for additional pay for furnishing iron-work for the construction of the Treasury extension—to the Committee on the Judiciary.

By Mr. BLISS: The petition of Isaac L. Dusenberry, for the correction of his military record—to the Committee on Military Affairs.

By Mr. BRIGGS: Papers relating to the pension claims of Fielding Bradford, Alfred G. Fifield, Frank T. Hill, and Dennis Sullivan—to the Committee on Invalid Pensions.

By Mr. BUCKNER: A bill to improve Cuivre River, in the State of Missouri—to the Committee on Commerce.

By Mr. CALDWELL: The petition of N. B. Dudley, J. S. Flowers, and others, citizens of Kentucky, for legislation regulating railway freight charges—to the same committee.

By Mr. CARPENTER: The petition of citizens of Osceola County, Iowa, of similar import—to the same committee.

By Mr. CALKINS: The petitions of citizens of Logansport, Sullivan, Bluffton, Worthington, Huntington, Muncie, Crawfordsville, Rushville, Pendleton, Bedford, Evansville, Indianapo lis, Terre Haute, La Fayette, Seymour, Auburn, Peru, Portland, Greensburgh, Washington, New Harmony, Covington, Brazil, Goodland, Princeton, New Albany, Martinsville, Zionsville, Vevay, Lebanon, La Porte, Noblesville, Crown Point, Aurora, Fort Wayne, Lawrenceburgh, Marion, Cambridge City, Edinburgh, Winchester, Delphi, Shelbyville, Marion, Kendalltown, Mount Vernon, and Pennington, Indiana, for the repeal of the law taxing money deposited in banks and requiring a two-cent stamp to be placed upon bank checks—to the Committee on Banking and Currency.

Also, the petition of George L. Castle, and 10 others, Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. CLAFLIN: The petition of D. W. Ford and others, of Cambridge, Massachusetts, against the passage of the Bentley pension bill—to the Committee on Invalid Pensions.

Also, the petition of William Gurley, of Boston, Massachusetts, for an increase of pension—to the same committee.

By Mr. CLYMER: The petition of Franklin Saul, against the passage of Senate bill No. 496, and for the passage of the land-warrant bill—to the same committee.

Also, the petition of 112 citizens of the United States, for the passage of Senate bill No. 843 of the Forty-fifth Congress and House bill No. 3524 of the Forty-fifth Congress, in reference to invalid pensions—to the same committee.

By Mr. COLERICK: The petition of 1,000 citizens of Allen County, Indiana, for a ship-canal connecting Lake Erie with the navigable waters of Wabash River—to the Committee on Railways and Canals.

By Mr. CONGER: The petition of John McKay and 65 others, citizens of Macomb County, Michigan, for an amendment of the patent laws to protect innocent purchasers of patented articles, and to make manufacturers and vendors alone responsible for infringements—to the Committee on Patents.

Also, the petition of W. N. Storm and 10 other officers and soldiers of the United States, of Millington, Michigan, against the passage of Senate bill No. 496, or a similar bill, as against the rights and interests of pensioners and applicants for pensions—to the Committee on Invalid Pensions.

Also, the petition of John McKay, S. D. Andrews, and 70 others, citizens of Macomb County, Michigan, for the enactment of laws to prevent unjust discriminations and unreasonable fluctuations of freight charges—to the Committee on Commerce.

By Mr. COOK: The petition of citizens of Georgia, for a post-route from Waresborough to Hazlehurst, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. DEERING: The petition of citizens of Chickasaw County, Iowa, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. DIBRELL: The petition of Angus McCrae and B. E. Ladd, contractors for building the gateways to the national cemeteries at Chattanooga and Vicksburgh, to be reimbursed for losses on their contract, amounting to $6,021.60—to the Committee of Claims.

By Mr. DICKEY: The petition of George H. Washburn and 60 others, citizens of Highland County, Ohio, against the passage of Senate bill No. 496, known as the sixty-surgeons bill—to the Committee on Invalid Pensions.

Also, the petitions of L. M. Williams and 191 others; of A. M. Williamson and 33 others, of Brown County, Ohio; of Philip G. South and 52 others, of Clermont County, Ohio; of Paul Milner and 38 others, of Highland County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of James S. Shaw and 82 others, of Clinton County, Ohio, and of George H. Washburn and 67 others, of Highland County, Ohio, for the passage of the equalization of bounty bill—to the same committee.

By Mr. DUNNELL: The petition of S. Hall and 40 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of S. Hall and 40 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

By Mr. FERDON: The petition of Catharine Henry, widow of Hiram Henry, for a pension—to the Committee on Invalid Pensions.

By Mr. FINLEY: The petitions of Charles R. Martin and others, of Seneca County, Ohio, and of H. C. Chadwick and others, of Wyandot County, Ohio, for the passage of a bill equalizing the pay of soldiers—to the Committee on Military Affairs.

By Mr. FORSYTHE: The petitions of William Middelton and 51 others, of Effingham County, Illinois; of John Sharp and others, of Illinois; and of B. B. Bacon and others, of Shelby County, Illinois, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of citizens of Shelby County, Illinois, for the passage of a law protecting innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of citizens of Wayne County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of members of Cherry Point Grange, No. 1223, Marshall County, Illinois, for the passage of the Reagan bill—to the same committee.

Also, two petitions of citizens of Illinois, for the passage of the bill providing for the building of a ship-canal from Chicago to the Illinois River, and for the improvement of the Mississippi River—to the same committee.

Also, the petition of citizens of Clark County, Illinois, for an appropriation to purchase the patents of Henry Fohlbush for the cure of hog-cholera—to the Committee on Patents.

By Mr. GARFIELD: The petitions of Willard L. Petty and 14 others, of Athens, Ohio; of 125 citizens of Ashtabula County, and of W. P. Beebe and 75 others, citizens of Athens, Ohio, for the passage of a bill to regulate interstate commerce, and for relief from railroad monopolies—to the Committee on Commerce.

Also, the petition of Jerry Wood and 108 others, soldiers of Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. JAMES: Papers relating to the claim of Nicholas Bush for pay for subsistence and transportation of United States troops during the late war—to the Committee on War Claims.

By Mr. HENDERSON: The petition of A. D. Kibbee and 37 others, citizens of Illinois, for the amendment of House bill No. 2526, introduced by Hon. A. M. BLISS, of New York, as to pensions—to the Committee on Invalid Pensions.

By Mr. HILL: The petition of John Disbro and 200 others, citizens of Williams County, Ohio, for the passage of the bill to regulate interstate commerce—to the Committee on Commerce.

By Mr. HORR: The petition of citizens of Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of market dealers of the District of Columbia, in regard to licenses—to the Committee for the District of Columbia.

By Mr. HURD: The petition of C. U. Clark and others, and of J. M. Barbour and others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. KEIFER: The petition of Jesse Mead and 135 others, citizens of Clark and Champaign Counties, Ohio, for the enactment of laws to alleviate oppressions arising from transportation monopolies—to the Committee on Commerce.

By Mr. KETCHAM: The petition of Stephen O. Potts and others, of Columbia County, New York, of similar import—to the same committee.

Also, the petition of Stephen O. Potts and others, of Columbia County, New York, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. KITCHIN: Memorial of the Board of Trade of New Berne, North Carolina, asking for an appropriation for the improvement of Trent River, North Carolina—to the Committee on Commerce.

Also, the petition of T. R. Emery, J. R. Hatch, and others, of Jones County, North Carolina, for an additional appropriation of $40,000 for the improvement of Trent River—to the same committee.

By Mr. LAPHAM: The petition of Rowland Ward, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. LORING: The petition of A. Rhodes & Co., for the adoption and use by the Government, in the Government buildings, of Sleeman's improved patent gas regulator—to the Committee on the Ventilation of the Hall.

Also, the petition of William H. Foster and others, citizens of Salem, Massachusetts, for the repeal of the law taxing money deposited in banks—to the Committee on Banking and Currency.

By Mr. MONROE: Papers relating to the pension claim of Isaac Rashon—to the Committee on Invalid Pensions.

By Mr. O'BRIEN: Papers relating to the pension claim of Mary C. Murray—to the same committee.

By Mr. DAVID P. RICHARDSON: Papers relating to the pension claim of James B. F. Randall—to the same committee.

Also, papers relating to the claim of J. G. Horton, for pay for services rendered as a surgeon in the United States Army—to the Committee on Military Affairs.

Also, the petition of William F. Young and other soldiers, for additional pay—to the same committee.

By Mr. ROSS: The petition of Benjamin Van Brunt and others, for such laws as will prevent further fishing with purse-nets on the coast of New Jersey from Sandy Hook to Cape May—to the Committee on Commerce.

By Mr. SAWYER: Papers relating to the claim of James Bridges for pay for rent of property used by United States authorities under a contract—to the Committee of Claims.

By Mr. SCALES: Papers relating to the Indian depredation claims of J. W. Caldwell, C. W. Cooper, E. C. Fuller, A. G. Henson, John Hensley, William M. Hardin, J. P. Lindsey, James Martin & Brothers, and Daniel E. Moore—to the Committee on Indian Affairs.

By Mr. THOMAS: Papers relating to the pension claims of Lucinda Barrett, James F. Christian, and John A. Ferrill—to the Committee on Invalid Pensions.

Also, the petition of Gideon L. Phelan, J. W. Adams, and 10 others, citizens of Illinois, late soldiers in the United States Army, against the passage of Senate bill No. 496, in reference to pension claims—to the same committee.

Also, papers relating to the swamp-land claim of Randolph County, Illinois—to the Committee on Public Lands.

Also, papers relating to the claim of James S. Reardon for pay for losses under a contract with the Government—to the Committee of Claims.

Also, papers relating to claim of John Heberer for pay as an enrolling officer of the United States—to the Committee on Military Affairs.

By Mr. P. B. THOMPSON, JR.: Memorial of citizens of Kentucky, in behalf of the Wilberforce University—to the Committee on Education and Labor.

By Mr. AMOS TOWNSEND: The petition of Henry Froace and 25 others, for the amendment of the patent laws—to the Committee on Patents.

By Mr. UPSON: Papers relating to the claim of Vidal Hernandez, for pay for transportation of cotton seized by United States military authorities in Texas—to the Committee on War Claims.

By Mr. VANCE: The petition of citizens of North Carolina, for a post-route from Micaville, via B. S. Young's, Double Island, and Dayton's, to Green Mountain, North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of John M. Taylor—to the Committee on Invalid Pensions.

By Mr. WASHBURN: The petition of Hugh Campbell and others; of W. B. Quinn and others, and of E. H. Atwood and others, relative to railroad exactions and for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of Hugh Campbell, for the amendment of the patent laws so as to make the vendors and manufacturers of patented articles solely responsible for infringements—to the Committee on Patents.

By Mr. CHARLES G. WILLIAMS: The petition of the Walworth County (Wisconsin) Veterans, that soldiers totally disabled by disease receive a pension of $50 a month—to the Committee on Invalid Pensions.

By Mr. WISE: The petition of 232 soldiers of Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WRIGHT: The petitions of James Gordon and 49 others, citizens of Western Star, Ohio, and of Jacob G. Knaus and 51 others, citizens of Berlin, Illinois, for the passage of the bill (H. R. No. 269) known as the Wright supplement act—to the Committee on Public Lands.

Also, the petition of Owen Hicks and 53 other soldiers of the late war, of the townships of Union, Ross, and Fairmount, Luzerne County, Pennsylvania, for the passage of a law allowing them the difference between the value of legal-tenders and gold in payment for their services—to the Committee on Military Affairs.

By Mr. THOMAS L. YOUNG: Memorial of the National Cotton Exchange, for an amendment of the census law in relation to statistics regarding cotton—to the Committee on the Census.

Also, the petition of William A. Johnson and others, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Charles A. Dean and others, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of Captain Robert Carrick, for appointment to the Army and to be placed on the retired list—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 31, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. KNOTT. I desire to call the attention of the House to a statement contained in the RECORD of this morning, as follows:

Mr. PRICE. I ask unanimous consent that the hour fixed for the delivering of eulogies upon my late colleague from Iowa, Hon. RUSH CLARK, be changed from two o'clock to-morrow until immediately after the reading of the Journal to-morrow.

There was no objection, and it was so ordered.

This statement is incorrect, the time which was assigned for the eulogies having been immediately after the morning hour; but it has probably resulted in the absence of a number of members, and it is obvious there is not a quorum present.

I therefore ask unanimous consent that the morning hour be dispensed with and we proceed immediately with the memorial services.

Mr. KEIFER. I hope that consent will not be granted until some purely formal matters are disposed of.

Mr. PRICE. There is evidently not a quorum of the House present, and I will not antagonize the proposition of the gentleman from Kentucky.

Mr. RYAN, of Kansas. I ask unanimous consent to report a bill from the Committee on Public Lands.

The SPEAKER. For what purpose?

Mr. RYAN, of Kansas. For present consideration.

Mr. HAZELTON. I object, unless the same privilege be extended to other gentlemen. There are a number of reports on which many of us desire action.

Mr. RYAN, of Kansas. Will my friend hear the bill read? It simply relieves four men from disabilities which they have incurred in regard to the entry of public lands; that is all there is in the bill.

Mr. HAZELTON. I will withdraw my objection.

Mr. RYAN, of Kansas. It is a perfectly inoffensive bill.

Mr. TOWNSHEND, of Illinois. Is it the unanimous report of the committee?

Mr. RYAN, of Kansas. It is.

CYRUS B. INGHAM AND OTHERS.

Mr. RYAN, of Kansas, by unanimous consent, reported from the Committee on Public Lands, as a substitute for House bill No. 1231, for the relief of G. A. Wood, and House bill No. 2366, for the relief of Cyrus B. Ingham, a bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota, Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the right to homestead, pre-emption, and timber-culture entry upon public lands subject thereto is hereby restored to Cyrus B. Ingham, of the Territory of Dakota, Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, as fully as though they had not heretofore made any one or all of such entries and had abandoned the same, or for any cause they have been unable to perfect their title thereto: *Provided*, That this act shall not be so construed as to enable any of said parties to procure title to land, either as homestead, pre-mption, or timber-culture claim, in excess of what is fixed and provided by law.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISPENSING WITH THE MORNING HOUR.

Mr. KNOTT. Has my request been preferred to the House for dispensing with the morning hour to-day?

The SPEAKER. The Chair understood the gentleman to yield for propositions that would receive unanimous consent.

Mr. KNOTT. I suppose that these things can come in by unanimous consent, after the House shall have given its assent to my request.

The SPEAKER. The Chair will submit the question to the House.

The question was taken on dispensing with the morning hour for to-day, and it was agreed to, two-thirds voting in the affirmative.

ELECTION CONTEST—HARALSON VS. SHELLEY.

Mr. KEIFER. I present the memorial of Jere Haralson, of Alabama, praying for a redress of grievances. It relates to his pending contest with Mr. SHELLEY, of Alabama, the sitting member in this House from the fourth congressional district of that State. I ask that the memorial be printed in the usual form and referred to the Committee of Elections. I have spoken to the chairman of that committee in relation to it.

Mr. ACKLEN. I would like to ask the gentleman if that matter has been before the Committee of Elections?

Mr. KEIFER. This memorial has not been before the committee; but the subject-matter of it, the contest, is before the committee.

Mr. SAMFORD. I object.

Mr. KEIFER. I consider it a privileged matter, not coming within the ordinary rules, but a matter which relates to the seat of a member upon this floor, and therefore is not subject to a single objection.

Mr. FINLEY. Let it follow the course of other petitions.

The SPEAKER. The Chair is advised that it is not an ordinary petition, but one that relates to the seat of a member on this floor. That removes it from the general class of petitions. A subject-matter which relates to the right of a member to a seat on this floor has usually been regarded as privileged.

Mr. KEIFER. Let it be printed and referred to the Committee of Elections.

Mr. ACKLEN. In my experience before the Committee of Elections I have observed that all papers are referred to that committee relating to the subject of contests for seats, and such papers as the committee may deem necessary have been ordered to be printed under a general rule to that effect. It does not need any order of the House to have this paper printed. If the Committee of Elections desires to have it printed, it can have it done without any order of the House requiring it. Therefore I do not see the necessity of the gentleman presenting this matter in the House and having an order made by the House to print it, when he can have the same order made by his own committee, for I believe the gentleman is a member of the Committee of Elections.

Mr. KEIFER. It would not come within the rule of the committee at all.

Mr. ACKLEN. I must object to it at present.

The SPEAKER. If it relates to a contest involving the right of a member to a seat in this House, it is a privileged matter.

Mr. ACKLEN. I do not deny the question of privilege, but I believe the gentleman desires to have the paper ordered to be printed; he does not simply ask its reference.

The SPEAKER. If the paper is once before the House a majority can determine the question of printing.

Mr. ACKLEN. It is for the majority to decide whether it shall be printed or not.

Mr. SAMFORD. If it pertains to a contested-election case, is it not proper that it should go to the Committee of Elections?

The SPEAKER. That is what the gentleman asks; and the Committee of Elections will, of course, take cognizance whether it comes within the law or not.

Mr. SAMFORD. I understood that the gentleman desired to have it printed in the RECORD.

Mr. KEIFER. Not at all.

Mr. SAMFORD. Then I withdraw my objection.

Mr. ACKLEN. I have made no objection to referring the matter to the Committee of Elections. The gentleman asked to have it printed, and I objected to its being printed.

The SPEAKER. That is a question for the majority of the House to determine.

Mr. KEIFER. The memorial is long enough to make it important that it should be printed for the convenience of the committee.

The SPEAKER. The Chair takes it for granted that it is a respectful paper.

Mr. KEIFER. It is.

The SPEAKER. The Chair will submit the question of printing to the House.

The question was taken upon ordering the memorial to be printed; and upon a division there were ayes 58.

Before the noes were counted,

Mr. TOWNSHEND, of Illinois, said: We do not understand what the question is. Will the Chair please state it?

The SPEAKER. This is a communication from Mr. Jere Haralson on the subject of a contest for a seat in this House, now pending before the Committee of Elections. The question is whether this communication shall be printed.

Mr. KEIFER. Not in the RECORD.

The SPEAKER. Not in the RECORD, but in the usual form.

Mr. HERBERT. It will be proper for the Committee of Elections, when this paper has been referred to them, to decide whether they will recommend its printing or not. It seems to me we ought to leave the whole question with the Committee to which the document is to be referred.

Mr. FRYE. This is a colored contestant, and he wants the communication printed.

Mr. STEVENSON. Allow me to inquire whether it is desired merely that the paper be printed for the convenience of members of the Committee of Elections.

Mr. KEIFER. That is what we desire.

Mr. STEVENSON. It is not proposed to print it in the RECORD?

Mr. KEIFER. No, sir. I have not asked that.

The SPEAKER. It is proposed to print it in ordinary document form.

The negative vote was then taken on the motion of Mr. KEIFER that the communication be printed.

The SPEAKER announced that the result was—ayes 58, noes 35.

Mr. ACKLEN. Is there a quorum voting?

The SPEAKER. There is not.

Mr. ACKLEN. Then I demand the regular order.

The SPEAKER. This is the regular order.

Mr. FRYE. Taking the vote by tellers is the regular order.

The SPEAKER. The Chair will appoint tellers. The gentleman

from Louisiana [Mr. ACKLEN] and the gentleman from Ohio [Mr. KEIFER] will act as tellers.

Mr. PHISTER. Will the Chair permit me to ask a question of the gentleman from Ohio who offers this proposition?

The SPEAKER. Certainly.

Mr. PHISTER. I desire to ask the gentleman from Ohio, a member of the Committee of Elections, whether, according to the usual custom of that committee, this matter has been before the committee or a sub-committee, and whether they have requested that the document be printed.

Mr. KEIFER. I will answer by saying that the document has never been before the Committee of Elections or any sub-committee; they have never had occasion to look at it.

Mr. PHISTER. Then I cannot support the gentleman's proposition.

Mr. ACKLEN. I would like to ask the gentleman one question, which I hope he will answer to my satisfaction.

Mr. KEIFER. I will try to.

Mr. ACKLEN. Has not the Committee of Elections the right under a rule of the House to have printed such papers as the committee may desire without a special order of the House?

Mr. KEIFER. Not such a paper as this. Papers of a certain class—testimony, &c.—may be printed under that rule.

Mr. ACKLEN. I believe the rule embraces all papers relating to election contests.

Mr. MANNING. Having this moment entered the Hall, I may not be properly advised as to the application which the gentleman from Ohio has made. I am a member of the sub-committee to which this case has been referred; and I am taken by surprise that the gentleman should have asked for the leave which I understand he has asked. If there is any merit in the application, I am not aware of it.

Mr. KEIFER. Let me answer the gentleman. He has already been made aware that I had a memorial which I was asked to present. That is this memorial. It has never been before the Committee of Elections, or the sub-committee, for consideration; but in view of the action which we were unanimous in taking in the sub-committee, it is proper that the paper be printed so as to be laid before the sub-committee at its next meeting.

Mr. MANNING. Mr. Speaker, the gentleman is right in saying that I have heard of this paper. Perhaps it would not be right that I should go further and relate the conversation between the gentleman and myself touching the merits of that paper. He has had it for some little time. We have several times given notice to Mr. Haralson to appear before the sub-committee, of which I am chairman, to say what he desired to say in support of the contest now pending between himself and General SHELLEY. We received only two or three days ago a letter which was addressed by Mr. Haralson to his attorney in this city, after a letter was received by Mr. Haralson from the Committee of Elections telling him of the action of the sub-committee. We postponed the case several times, giving Mr. Haralson great indulgence—greater perhaps than any other contestant whose case has been brought to the notice of the committee.

Now, I cannot see the purpose of my friend from Ohio in asking the House to print this paper. It can be referred to the committee and brought to their attention in that way. If the gentleman desires to ask merely its reference, that is another thing.

Mr. KEIFER. I have asked its reference and that it be printed, not in the RECORD but in the ordinary form, in order that it may go before our committee for consideration.

Mr. MANNING. And asking its reference is one thing, but asking it to be printed is quite another thing. We have some rules in that committee which it is well to observe.

Mr. KEIFER. To print evidence?

Mr. MANNING. And that is not to print everything, as you know, but only to print those matters which elucidate the questions we are to inquire into.

Mr. KEIFER. I think it is well to print this.

Mr. MANNING. I will say furthermore we have not heard of a similar application for printing testimony before that committee until the committee has acted on it.

Mr. KEIFER. This is not a matter of testimony——

Mr. LOWE. What is the substance of the memorial which it is asked shall be printed? We ought to know that, so we may vote on it understandingly.

Mr. KEIFER. It might be read.

Mr. LOWE. I do not think we should be asked to order the printing of a document before the Committee of Elections until we know what is the substance and character of the document.

Mr. KEIFER. It is a memorial to the House asking for certain power to go forward, or rather asking the House to take testimony on the part of this contestant and of a character which he represents he cannot take himself for reasons which he assigns in this memorial.

The SPEAKER. The Chair will ask, Is the memorial respectful in its character?

Mr. KEIFER. It is, in every respect.

Mr. FRYE. This matter being before the House, is it not the right of any member to demand it shall be read; and if read, will it not be printed in the RECORD?

The SPEAKER. If the House is called to vote on any question, then it will be read of course.

Mr. KEIFER. I did not ask to have it read.

The SPEAKER. The gentleman from Ohio presenting the memorial did not ask to have it read, as he has stated.

Mr. FRYE. I understand that the gentlemen on the other side are refusing to let it be printed. I do not believe a request of this kind was ever made before in this House and refused. It relates to the right of a member to a seat in this House and a gentleman rises and asks, stating it relates to the seat of a member, that the memorial may be printed and referred. I do not believe such a request was ever refused before, and I do not see why it should be refused in the case of this colored man.

Now, the gentleman from Ohio [Mr. KEIFER] has put the matter before the House on motion; and if refusal is made to the printing of this paper, I do not see but I have an undoubted right to ask it shall be read, and, if read, it will be printed in the RECORD.

Mr. MANNING. I am not so familiar with the precedents as the gentleman from Maine. It will be very well for him to go over the precedents before he charges us with having refused so reasonable a request. I cannot understand why the gentleman from Ohio, in view of the facts of this case, which are well known to him, and of the indulgence of the committee granted on several occasions to this contestant, and, finally, of an order made by the unanimous action of that committee—and I am not overstating the case, as the gentleman from Ohio himself concurred in that conclusion——

Mr. KEIFER. I have already stated that.

Mr. MANNING. Yes; it was the unanimous action of the committee that he should appear and show cause why his contest should not be dismissed, or we would report to the House that it should be dismissed. I wish to inquire why not have Mr. Haralson before the committee to answer that reasonable request made to him, not once but several times, and then in the event that we are unwilling to hear him, that we are unwilling to print anything which should be printed pursuant to the rules of the committee, then this House can be asked to act over our heads.

Now, so far as precedent is concerned, I am of the opinion that the course I suggest is the one which should be observed, and which doubtless will prove to be in harmony with the precedents and against none of them.

Mr. ACKLEN. Is it not a matter of fact, I would like to ask the gentleman from Mississippi, that if the Committee of Elections desire the printing of this paper they can have it printed under a general rule without bringing it to this House at all?

Mr. MANNING. I have made myself but poorly understood if I have not impressed that fact upon this House.

Mr. ACKLEN. I wish the House to understand it.

Mr. MANNING. There is no disposition, let me remark to the gentleman from Maine, as he has seen proper to call attention to the fact that this was a colored man, and possibly that has something to do with it—I say there is no disposition on the part of the committee because this is a colored man to make any departure from the ordinary practice in these cases. There has been no such disposition on the part of the committee in this case. I call upon the gentleman from Ohio to say whether he does not concur with me that there has been no disposition on the part of that committee to take any advantage of this colored man.

Mr. KEIFER rose.

Mr. MANNING. But every disposition to give him the amplest opportunity to be heard.

Mr. KEIFER. If the gentleman will give me an opportunity to be heard I will answer him.

Mr. HOUSE. I wish to ask the gentleman from Ohio what is the character of the paper he asks to be printed?

Mr. KEIFER. I have tried to state that without going into detail.

Mr. HOUSE. There has been so much confusion over here I did not hear the gentleman.

Mr. HAZELTON. What is the question before the House, Mr. Speaker?

Mr. PHISTER. Mr. Speaker, to solve this difficulty, I move to refer the question to the Committee of Elections. They will have a meeting on Tuesday next, and can then decide it. It will not be long to wait.

Mr. HOUSE. I should like to have an answer to my question.

Mr. KEIFER. I cannot answer when you are asking questions all the time.

Mr. HOUSE. Well, answer now.

Mr. KEIFER. I desire to say, first, in reference to the suggestion made by the gentleman from Mississippi, that he is right substantially——

Mr. HOUSE. I do not yield the floor for that. I wish to know what is the name of the paper—what is the character of it.

The SPEAKER. The gentleman from Ohio, under the rule, is really entitled to the floor himself.

Mr. HOUSE. Very well, sir; let him have it.

Mr. KEIFER. The gentleman from Mississippi is right in saying they have granted very considerable indulgence to this gentleman. The committee has not undertaken to dismiss his contest or anything of that kind in a hurried way. It has given him notice, and that notice has not yet expired, to appear before the committee to show cause why his contest should not be dismissed, and as he says, properly I think, we all concurred in that. But he wants to know why he is not permitted to go before that committee and ask that certain things be printed, and so on.

Mr. MANNING. Let me correct the gentleman.

Mr. KEIFER. Let me say this is a memorial, not to the sub-committee of the Committee of Elections, but it is a memorial to the House of Representatives, which the committee has nothing to do with, or the sub-committee, until it is referred there by the House.

Mr. TOWNSHEND, of Illinois. Why not let it go through the petition-box, then?

Mr. KEIFER. Why not let it go through the petition-box! Because it is usual to print such a matter as this. Such important papers are always printed. I have not asked to have it read and printed in the RECORD, but it is a matter which must first go through the House.

Mr. FINLEY. Then the point I made is well taken.

Mr. KEIFER. I cannot yield for interruption. It can only be printed by order of the House.

Mr. FINLEY. I insist on my point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. FINLEY. This is a memorial to the House.

The SPEAKER. Certainly.

Mr. FINLEY. And should go into the petition-box.

The SPEAKER. The Chair overrules that point of order, because the Chair thinks——

Mr. MANNING. Is it in order for me to move to lay the gentleman's motion upon the table?

Mr. KEIFER. I would hardly expect my colleague on the committee to make such an extraordinary motion as that.

Mr. MANNING. I am meeting the extraordinary motion on the part of the gentleman from Ohio with an extraordinary motion.

Mr. KEIFER. This is a thing which is done in every such case so far as my knowledge goes, and it is a most extraordinary thing to find objection made. The gentleman cannot complain I have not advised him of this memorial. Mr. Haralson is the only man who has a right to complain of me in this respect, because, as I advised with other members of the sub-committee, I did not hastily present this until I could hear from him further. And it is a singular fact he has not hitherto been able to get anybody to present the memorial, relying on me perhaps to have it done long ago. For reasons I have already stated to the committee I have not done it.

Mr. MANNING. Will the gentleman permit me to ask one question?

Mr. KEIFER. It is a proper memorial.

Mr. MANNING. One question.

Mr. KEIFER. Yes, sir.

Mr. MANNING. Do you remember that notice was given to Mr. Haralson perhaps two months ago to appear before the committee and press his contest? Do you remember that?

Mr. KEIFER. I remember there was some notification given a long time ago to him or his counsel, I do not remember which. I am not controverting that. This is an original appeal to the House of Representatives.

Mr. MANNING. I understand that; but I want to ask the gentleman if that memorial has not been in his hands for some time?

Mr. KEIFER. Yes, sir.

Mr. MANNING. A considerable time?

Mr. KEIFER. Yes, sir; and I am derelict in not having presented it earlier.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. Is it not the rule of this House that petitions and memorials should be referred to the various committees through the petition-box? If so, is not this motion out of order?

Several MEMBERS. That has been overruled.

The SPEAKER. The Chair admitted this paper because it related to the right of a member to his seat on the floor. The Chair has not any doubt that a contestant has the right to appeal to the House touching his right to a seat. He therefore allowed the memorial to be presented. The gentleman from Ohio [Mr. KEIFER] then said in answer to an inquiry of the Chair whether it was a respectful paper that it was so in every respect. The Chair then submitted the motion that it be printed in lieu, as the gentleman stated, of having it go into the CONGRESSIONAL RECORD. The Chair entertained that motion. If the House does not desire to print the paper it can vote it down.

Mr. FRYE. Now, before it is voted down I ask that the paper be read. I submit that I cannot be called upon to vote upon a paper till I hear it read.

The SPEAKER. The Chair will cause Rule 141 to be read.

The Clerk read as follows:

141. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

The SPEAKER. The Clerk will also read a paragraph from the Digest in reference to the construction given to the rule just read.

The Clerk read as follows:

The rule above recited is not construed to apply to the single reading of a paper or proposition upon which the House may be called upon to give a vote, or to the several regular readings of a bill, but to cases where a paper has been once read, or a bill has received its regular reading and another is called for, and also where a member desires the reading of a paper having relation to the subject before the House.

The SPEAKER. The Chair has always ruled that where the House is called upon to vote upon a paper or on any motion or question it has a right to hear it read, so that it may vote understandingly.

Mr. MANNING. May I be pardoned for asking the gentleman from Ohio one other question: Whether that dereliction which he has confessed in the face of the House proceeds from his doubt heretofore as to the substantial merit of this memorial on the part of Haralson?

Mr. KEIFER. No, sir. I wish to say it proceeded from the fact that the paper came into my hands without having been presented to me personally by the memorialist. It was accompanied by a memorandum, as to which I did not know whether it came from proper authority or not. I had no communication until recently with the memorialist. I think it is a very proper matter to come before the House, and that the presentation of it to the House is the only proper course if the memorialist is right in his statements. I hold a letter in my hands urging me to present this memorial, and I have taken the first opportunity after getting that letter to present it.

Mr. SAMFORD. I rise to make a parliamentary inquiry. Is it allowable to have a paper read when the House is dividing?

The SPEAKER. A quorum did not vote, and tellers were asked for.

Mr. SAMFORD. Precisely. Now the question I ask is whether it was in order to call for the reading of a paper while the House was dividing?

The SPEAKER. The House was not dividing. It is not dividing now.

Mr. SPRINGER. I think there can be no objection to the printing of this memorial. Under the ordinary motion to print it would be printed simply as a public document.

Mr. KEIFER. That is all I have asked.

Mr. SPRINGER. I think there should be no objection to that and that the memorial should be referred to the Committee of Elections.

Mr. KEIFER. That is my motion.

Mr. SPRINGER. I also think it would be well to add to the motion that the committee be authorized to inquire into the truth of the allegations contained in the memorial.

Mr. KEIFER. We can do that with a resolution later, if that is necessary.

Mr. SPRINGER. This memorialist makes some charges here against prominent citizens of Alabama.

Mr. KEIFER. Not by name, I think.

Mr. SPRINGER. Yes; by name.

The SPEAKER. Instructions can be given to the committee on that subject.

Mr. KEIFER. If, then, the objection is withdrawn——

Mr. MANNING. I have withdrawn no objection.

The SPEAKER. It was the gentleman from Alabama [Mr. SAMFORD] who objected.

Mr. SAMFORD. Certainly I did.

Mr. KEIFER. The gentleman objected to the paper being printed in the RECORD, not in pamphlet form.

Mr. SAMFORD. I objected to the presentation of the memorial.

The SPEAKER. That the Chair overruled. The gentleman himself, subsequently, the Chair thinks, qualified his objection to the printing.

Mr. SAMFORD. Not until I was told the object was not to have the paper printed in the RECORD.

The SPEAKER. That is not the object now.

Mr. KEIFER. I have not asked that.

Mr. SAMFORD. Then I withdraw my objection.

The SPEAKER. So the Chair understood.

Mr. SPRINGER. I have just come into the Chamber, and do not understand all the proceedings of the House which took place previous to the time when I addressed the Chair. I did not know what was the state of the question. I hope that all objection will be withdrawn to the printing of this memorial in the ordinary form, and to its reference to the Committee of Elections. That certainly will do no harm to any one.

Mr. KEIFER. That is all I have asked.

The SPEAKER. That was the original suggestion of the gentleman from Ohio, [Mr. KEIFER.]

Mr. SPRINGER. I think I can assure the gentleman from Alabama [Mr. SHELLEY] that the committee will do nothing that is not entirely right.

Mr. MANNING. If the gentleman from Ohio will vouch for the terms of this memorial, and that its allusions to the gentleman from Alabama [Mr. SHELLEY] are respectful, I will make no further objection.

Mr. KEIFER. I do not think there is anything in the memorial that is at all objectionable in that respect. I have no doubt there are statements in it, which the memorialist must necessarily make, that in some sense might involve the contestee; that will be inevitable. But there is nothing personal in these that will affect the gentleman improperly.

The SPEAKER. The Chair himself made that inquiry in order to keep on the safe side. If there is no further objection the memorial will be referred to the Committee of Elections, and printed in the usual form.

There was no objection, and it was so ordered.

ISABEL L. EVANS.

Mr. CABELL. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Invalid Pensions Senate bill No. 367, granting an increase of pension to Isabel L. Evans.

There was no objection; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN J. B. CAMPBELL.

Mr. BRAGG. I ask to have taken from the Speaker's table for consideration at this time Senate bill No. 317, for the relief of Captain J. B. Campbell. A bill identical with this has already passed the House and is now before the Senate.

The SPEAKER. The Chair will submit the request to the House. The gentleman from Wisconsin [Mr. BRAGG] asks consent to have taken from the Speaker's table for consideration at this time a bill of the Senate for the relief of Captain J. B. Campbell. The Chair is informed that a bill in the exact language of the Senate bill has already passed the House and been sent to the Senate. There is, therefore, in each House a bill in exactly the same words which has been passed by the other House. The gentleman from Wisconsin [Mr. BRAGG] asks that the Senate bill may be taken from the Speaker's table and considered at this time.

Mr. BRAGG. I have been instructed by the Committee on Military Affairs to make that request.

The bill (S. No. 317) for the relief of Captain J. B. Campbell was taken from the Speaker's table, and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any moneys in the Treasury not otherwise appropriated, to pay a certain judgment in which Hugh Waters is plaintiff and J. B. Campbell is defendant, obtained in the United States circuit court for the district of Oregon, amounting, at the time it was rendered, to the sum of $2,100.50, and the further sum of $191.35 for court and witnesses' fees in defending said suit, said judgment having been obtained against said J. B. Campbell and costs incurred by him while acting in the line of his duty as captain of the United States Army.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McCOID. I have a couple of resolutions of merely local interest which I desire to have passed this morning, in order that they may go the one to the Committee on Commerce and the other to the Committee on Appropriations.

The SPEAKER. The resolutions will be read, after which objections will be in order.

COURT-ROOMS IN KEOKUK, IOWA.

Mr. McCOID asked consent to submit the following resolution:

Resolved, That it shall be in order for the Committee on Appropriations of this House, if they deem it expedient, to report in the sundry civil appropriation bill a provision authorizing the Attorney-General to take a lease from the attorney of Keokuk, Iowa, of so many rooms in the city hall in said city about to be erected as may be necessary for the proper accommodation of the United States courts holden in said city, and making an appropriation of such sum as the committee may deem reasonable to pay for said lease.

Mr. SPRINGER. I do not object to the reference of that resolution.

Mr. McCOID. Let it be referred to the Committee on Appropriations.

The resolution was accordingly referred to the Committee on Appropriations.

DRY-DOCK AT KEOKUK, IOWA.

Mr. McCOID also submitted the following resolution; which was read, and referred to the Committee on Commerce:

Resolved, That the Committee on Commerce be instructed to consider the propriety of the erection of a dry-dock at Keokuk, Iowa, on the Mississippi River, and report thereon by bill or otherwise as early as possible.

ASSESSMENTS FOR SPECIAL IMPROVEMENTS IN THE DISTRICT.

Mr. ALDRICH, of Illinois. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee for the District of Columbia Senate joint resolution No. 64, extending the provisions of the first section of an act entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes," approved June 27, 1879.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee for the District of Columbia.

WITHDRAWAL OF PAPERS.

Mr. BLACKBURN asked leave for withdrawal from the files of the House of papers in the case of Mary Callan; which application was referred to the Committee on Military Affairs.

COLLECTION OF INTERNAL REVENUE, SECOND DISTRICT, GEORGIA.

Mr. SPEER. I ask unanimous consent to introduce for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Whereas it is stated in the public journals that citizens of the second Georgia collection district have been resisting the execution of the internal-revenue laws; and

Whereas it is also stated in such journals that the collector of said district has been instructed by the Commissioner of Internal Revenue to employ fifty deputies to maintain the supremacy of the law, and that fifty breech-loading muskets, with sufficient ammunition, have been issued to said deputies by said Commissioner; and

Whereas it is further stated that an expedition of eighty armed men, deputized as aforesaid, have been, on and after the 14th day of January, instant, raiding through the counties of Cherokee, Gilmer, Union, Fannin, Towns, and Rabun, in the State of Georgia, under the command of the internal-revenue authorities; and

Whereas it is further stated that portions of said force have been fired on and fusiladed by said illicit distillers, and that said force fired on the people of the country and kept them at bay with their long-range pieces; and

Whereas it is also stated that the large majority of the people were in sympathy with the law-breakers, which reason occasioned the necessity for said extraordinary force of armed men and for said raid; and

Whereas it is also stated, by the officer in command of said raid, that there is less violation of law than heretofore, and that the people are much more ready to aid the officers in putting down lawlessness, and that law-abiding citizens of those counties so raided are willing to act as deputies, and that therefore there is no necessity for such raiding parties; and

Whereas such reports purport to be authenticated by the Internal-Revenue Department:

Resolved, That the honorable Secretary of the Treasury be requested to lay before Congress all evidence on file in the Internal-Revenue Office, and all papers and reports of the collector of said district, and letters and other documentary evidence from official sources, going to show the true state of affairs touching the enforcement of the internal-revenue laws in Northeast Georgia, and tending to explain the necessity for raiding expeditions of armed men at the instance of the Internal-Revenue Department, and which may give information to the House of Representatives on this subject.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. WILLITS. I object.

Mr. SPEER. I ask, then, that the resolution be printed, and referred to the Committee of Ways and Means.

There being no objection, it was ordered accordingly.

LIBRARY IN THE SURGEON-GENERAL'S OFFICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting an estimate for the completion of the catalogue in the library of the Surgeon-General's Office; which was referred to the Committee on Appropriations.

REFUND OF INTERNAL-REVENUE TAXES.

Mr. ELLIS, by unanimous consent, (and by request,) introduced a bill (H. R. No. 3993) to refund certain internal-revenue taxes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM P. HOGARTY.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 3994) for the relief of William P. Hogarty; which was read a first and second time, and referred to the Committee on Military Affairs.

RELIEF OF DEPOSITORS OF FREEDMAN'S SAVINGS-BANK.

Mr. O'CONNOR, by unanimous consent, presented a memorial of 1,500 depositors in the Charleston, South Carolina, branch of the Freedman's Savings-Bank and Trust Company, praying the passage of the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings and Trust Company; which was referred to the Committee of Ways and Means.

SOLDIERS AT THE CASCADES, 1856.

Mr. BRENTS, by unanimous consent, presented a joint resolution of the Legislative Assembly of Washington Territory, relative to granting extra pay to certain soldiers for meritorious services at the Cascades in 1856; which was referred to the Committee on Military Affairs.

MILITARY RESERVATIONS IN WASHINGTON TERRITORY.

Mr. BRENTS also, by unanimous consent, submitted the following resolution; which was referred to the Committee on Public Lands:

Resolved, That the Secretary of War be, and he is hereby, requested to inform this House what military reservations in Washington Territory can be restored to the public domain without detriment to the military service.

MRS. S. A. WRIGHT.

Mr. BALLOU, by unanimous consent, reported back from the Committee on Patents, with a favorable recommendation, the bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID S. BOOTH, M. D.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 3995) for the relief of David S. Booth, M. D., of Sparta, Randolph County, Illinois; which was read a first and second time, and referred to the Committee on Naval Affairs.

BERRY JOHNSON.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. No. 3996) granting a pension to Berry Johnson, Company K, Fourth United States Heavy Artillery, (colored;) which was read a first and second time, and referred to the Committee on Invalid Pensions.

JEREMIAH CLAXTON.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. No. 3997) granting a pension to Jeremiah Claxton, late private Company E, Sixtieth Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL W. HESTER.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R.

No. 3998) granting a pension to Samuel W. Hester, of New Columbia, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARMY OFFICERS NOT ON REGIMENTAL DUTY.

Mr. SPARKS. By the unanimous instruction of the Committee on Military Affairs, I submit for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with the names and lineal rank of all officers of the Army not on duty with their regiments or corps, but doing duty elsewhere, and the nature of that duty; the length of time each has been absent from his regiment or corps; the length of time each so absent has been performing the duty he is now engaged upon; the total amount of extra pay and cash value of emoluments, if any, each has received over and above that due to his lineal rank by reason of such duty away from his regiment or corps; the amount of extra compensation each is now drawing yearly, and the reasons why, if any, such extra compensation should now be allowed.

The resolution was adopted.

Mr. SPARKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRICE OF GAS IN THE DISTRICT.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 3999) to require the Washington Gaslight Company to make semi-annual reports to the Secretary of the Treasury, and to fix the price of gas; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PROHIBITION OF LOTTERY SCHEMES.

Mr. NEAL also, by unanimous consent, introduced a bill (H. R. No. 4000) to prohibit the publication of lottery schemes in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DAVID D. EDWARDS.

Mr. NEAL also, by unanimous consent, introduced a bill (H. R. No. 4001) granting a pension to David D. Edwards; which was read a first and second time, and referred to the Committee on Invalid Pensions.

UTTERLY HELPLESS SOLDIERS AND SAILORS.

On motion of Mr. COFFROTH, by unanimous consent, the bill (S. No. 815) to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service was taken from the Speaker's table, read a first and second time, ordered to be printed, and referred to the Committee on Invalid Pensions, not to be brought back by a motion to reconsider.

ESTATE OF J. W. MICOU.

Mr. SAMFORD, by unanimous consent, from the Committee of Claims, reported a bill (H. R. No. 4002) for the relief of the estate of J.W. Micou, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL D. GUSTIN.

Mr. SAMFORD also, by unanimous consent, from the same committee, reported a bill (H. R. No. 4003) to pay Samuel D. Gustin for supplies furnished to the Army of the United States; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES DEMARS.

Mr. FORT, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of this House be authorized and required to pay to Charles Demars, a one-armed ex-soldier in the Union Army, and for several years employed in the Doorkeeper's department on the disabled soldiers' roll, and now discharged, a sum equal to one month's salary, as is usual in all other cases.

DEATH OF HON. RUSH CLARK.

Mr. PRICE. Mr. Speaker, I arise for the purpose of submitting resolutions of respect to the memory of Hon. RUSH CLARK, late one of my colleagues in this House, and I ask that the resolution introduced by me on the 14th day of this month be read by the Clerk.

The Clerk read as follows:

Resolved, That the special order for Saturday, the 31st day of January, 1880, at two o'clock p. m., shall be the presentation of suitable resolutions in reference to the death of Hon. RUSH CLARK, late a member of this House, and the expression by members of the esteem in which he was held by his associates on this floor.

Mr. PRICE. Mr. Speaker, for an hour we stop the wheels of legislation, and turn our backs upon questions which cause diversity of opinion and clash of conflicting interests, to give attention to the consideration of a subject and an event which no legislation can affect and no statute can change.

Death, it is well understood, is no respecter of persons. He strikes alike in cabin, cottage, or palace. Place, position, or power make no change in his purpose. On this floor he has repeatedly asserted his prerogative as a privileged member. No resolution or statute devised by human ingenuity or enforced by human power controls in any degree his movements. When he demands the previous question it is always seconded, always sustained. No motion to postpone, commit, or amend is in order. The grim monster never lacks a quorum, and can always command a majority, for "all that tread this earth are but a handful compared to those that slumber in its bosom."

My late colleague, Hon. RUSH CLARK, commenced his career in this House at the opening of the Forty-fifth Congress with apparently as good a prospect of long life as most of us, and because of his fewer years much better than some of us. But, sir, in the meridian of his manhood, with hopes and aspirations reaching onward into the future, and upward toward the achievement of deeds which might make the world glad that he had lived, he was in an unexpected moment, and almost without notice, arrested by the summons which sooner or later will be served upon all of us, and compelled to exhibit his accounts and his character where forever the debits and credits of the former must remain as he placed them, and the latter know no change except in degree.

Mr. CLARK was born in Bedford County, Pennsylvania, October 1, 1834; graduated at Jefferson College in that State in 1853, and removed to Iowa City the same year, where he resided until his death. He was a member of the General Assembly of the State of Iowa from 1860 to 1864, and for two years of that time speaker of the house; he was also a member of the board of trustees of the Iowa State University, in all of which positions he discharged the duties devolving upon him in such a manner as to command the respect and confidence of all classes of people.

My acquaintance with Mr. CLARK was of a general and not of an intimate character until I met him as a member on this floor. I shall therefore leave others to speak more particularly of his character as a man and a citizen. I may be permitted, however, to say that as a man Mr. CLARK was social, unassuming, and kind in his deportment. As a legislator, either State or national, his constituents could rely implicitly on his energy, industry, and honesty in attending promptly to all the business which belonged to his position, and the members of this House who served with him in the Forty-fifth Congress, and in the first or special session of the Forty-sixth Congress, until his death, will bear witness to the fact that few members were more constantly in their seats during the sessions of the House than he.

Mr. CLARK was apparently in as good health as usual on the evening of one day, and on the evening of the next he had no place among the living. The going down of the sun on the evening of the 27th of April, 1879, found him busy with the cares and activities of this life. The setting of the sun on the evening of the next day found him a dweller in the spirit-land.

This sad event, Mr. Speaker, forces the conviction upon all of us who still occupy positions on the time side of the river of death—

> That when the angel of shadow
> Rests his feet on wave and shore,
> And our eyes grow dim with watching,
> And our hearts faint at the oar,
>
> Happy is he who heareth
> The signal of his release
> In the bells of the Holy City,
> The chimes of eternal peace.

But, sir, no eulogy that I can pronounce, no tribute that I can bring to the memory of my late colleague, can equal that which was accorded him by the people of his own city, his neighbors and acquaintances who had known him intimately for more than a quarter of a century, and who turned out *en masse* to his funeral. His monument is in the hearts of those who knew him longest and best. Mr. Speaker, Mr. CLARK is no longer of this earth. He will answer never again to the roll-call in this Chamber. He has been called to visit that "undiscovered country, from whose bourn no traveler returns." And may I not add, sir, that these sudden and solemn calls so frequently made upon members of this House during the last two years should admonish us who remain to

> So live, that when the summons comes to join
> The innumerable caravan which moves
> To that mysterious realm, where each shall take
> His chamber in the silent halls of death,
> We go not, like the quarry slave at night,
> Scourged to his dungeon, but, sustained and soothed
> By an unfaltering trust, approach the grave
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams.

I submit the following resolutions:

The Clerk read as follows:

Resolved, That this House has heard with deep regret of the death of Hon. RUSH CLARK, late a member of this House from the State of Iowa.

Resolved, That as a testimony of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. COFFROTH. Mr. Speaker, RUSH CLARK, our deceased brother, was born in the district that I have the honor to represent in this Congress. Therefore, it is fitting in me to rise to second the resolutions presented to this body in respect to him and to bring my tribute to his worth and my praise to his many ennobling qualities. RUSH

CLARK was born in the beautiful village of Schellsburgh, Bedford County, Pennsylvania, on the 11th day of October, 1834. His father, John Clark, was of Scotch-Irish family and was born in Cumberland County, Pennsylvania. His mother was born near the line between the States of Pennsylvania and Maryland, opposite Hancock. His parents were among the early settlers of the lovely valley in which RUSH was born, and they were universally respected and beloved far and near by all who knew them for their hospitality and their upright Christian walk.

RUSH CLARK was the sixth son of John and Mary Clark. His deep and fervent love for his father and mother made him linger long around the threshold of his childhood's home. During the period when he was at home basking in parental affection I first made his acquaintance. How well I now remember his happy home, the warm, brotherly and sisterly love that ever greeted him! He was generous and kind, intellectually bright, and full of life, energy, and untiring zeal. He did not doubt when he met obstacles or reverses in his pathway; he moved on with renewed courage until he overcame every difficulty and accomplished his aim.

His boyhood days were pleasant and happy. He imbibed and ingrafted into his being the loveliness of the country in which he lived. There the morning sun kissed into life and beauty the many flowers that grew up around his home; there the evening shadows of the mighty Alleghany rested upon the earth he trod. He was surrounded by relatives and friends who encouraged him to deeds of kindness and honor. A relative who loved him and knew him well writes me, "If I were called upon to pass a eulogium ever so brief, it would be that RUSH CLARK *loved his mother and lived for the good he might do others.*" What more need be said in praise of our deceased brother? He will live in the memory of all those who knew him. The great good he did for others surpasses in grandeur the greatest intellectual and political achievements of his wonderfully successful life. Ecclesiastes taught that "a good name is better than precious ointment." Lord Bacon said, "Death has this also, that it openeth the gate to good fame and extinguisheth envy." Thus it will be with the memory of our deceased brother. His good name, his kind disposition, his benevolence, his pleasing manners, his great ability, and his social qualities will be remembered long after his body molders to "mother dust."

He was liberally educated. He attended the schools at Schellsburgh; then went to the Ligonier Academy in Westmoreland County, a place of learning of high reputation, under the charge of an elder brother; from there he entered Jefferson College and graduated with the highest honors. He then went West to carve for himself a name and fame in a new country far from his relatives and the friends of his youth. He located in Iowa City, then the capital of the State, read law, and was admitted to the bar. He gallantly and manfully struggled in his profession to attain eminence, and soon made for himself a reputation that secured him a good practice. In 1860, at the age of twenty-six, he was elected a member of the General Assembly of Iowa, and was continued in the position until the close of the session of 1864, and was speaker of the house in 1863 and 1864. He also held a number of positions of trust and honor in the State, and was elected in 1876 to the Forty-fifth Congress, and in 1878 re-elected to the Forty-sixth Congress.

Mr. Speaker, we separated in the days of his boyhood, and only met again here at the extra session. I did not then imagine that in a few days we would separate to meet no more until the great waters of the deep, the mountains, and the valleys give up their dead. The last time I saw him alive was the night before his death; when we parted he said, "We will meet at the House to-morrow." We did not meet. Death during the night laid its icy grasp upon him, and when the hour arrived when we should have met at the House, his spirit was taking its flight from "the shore touched by the mysterious sea that never yet has borne on any wave the image of a homeward sail."

How sudden was his death! He was in the prime of life. Many years of distinction and honor were apparently before him. He was beloved, because he was frank, candid, and sincere, and looked with the eye of charity upon the failings and mistakes of men. "He believed in the power of kindness, and spanned with divine sympathy the gulf that separates the fallen from the pure." We are called upon to mourn the loss of one who in a brief time accomplished much, but promising more and more if he had not been cut off so early in life.

Ne'er gathered the reaper fruit more fair,
Never the shadows of dark despair,
Fell on a deeper woe.
Gone from his task half complete,
Gone from caresses kind and sweet,
Into Death's arms of snow.

Mr. Speaker, I have no language to describe my feelings when I viewed his form encased in the casket of the dead. Handsome in death as he was pure in life, I remembered that Shakespeare had defined death to be "the blind cave of eternal night," and I trembled at the thought, but I quickly drew sweet and enduring consolation from the divine promise of the Saviour of mankind when he declared: "In my Father's house are many mansions; if it were not so I would have told you. I go to prepare a place for you." Bulwer has feelingly expressed:

There is no death! The stars go down
To rise upon some fairer shore,
And bright in Heaven's jeweled crown
They shine forevermore.

His remains are interred in his adopted State. The people of Iowa will cherish his memory for his devotion to their interests, and the statutes and public records of that State will be a lasting monument to his intellect and legal ability. His friends in Pennsylvania will forever mourn his loss and the country at large will regret the early and sudden demise of an able Representative in Congress—

Gone from his country's august claim,
Where he, from the lofty dome of fame,
Hung like a bright polar star;
Swift as a sunbeam snatched away
By a sudden cloud when April day
Broods in the heavens afar.

Mr. SAPP. Mr. Speaker, Death, always an unwelcome messenger, is especially so when he claims as his victim one with whom we have been closely associated. This thought is impressed upon my mind on this occasion, set apart in commemoration of the death of my late colleague, Hon. RUSH CLARK. In sorrow for the necessity which exists, I, too, sir, second the motion to adopt the resolutions before us. There are times when obituaries become an imperative duty, and a conviction of this is the motive that governs me to-day. Our relations for many years were such that it makes this duty a painful one; but I cannot allow this occasion to pass without paying a brief tribute to his memory. I have not the gift of eulogy, and will not attempt to make one; but I would, while these solemn rites are passing, lay a few garlands of regard and affection on his grave.

Mr. CLARK died at his hotel in this city on the 28th day of April last, suddenly and unexpectedly. No intelligence of his sickness and approaching dissolution had reached his constituents, neighbors, and friends at his home until after Death, the conqueror of all, had done his work.

I parted with him in the afternoon of the day preceding his death to visit my home in the West. He was then buoyant and hopeful, saying to me as I left him that he never felt better in his life. On the following morning but one I was startled by the shocking intelligence that he was dead. And in the same hour, by the electric spark, the sad announcement that "Hon. RUSH CLARK, of Iowa, is dead" sped away to his far-off home, to his friends and trusting constituents.

Mr. CLARK was a native of Pennsylvania, having been born at Schellsburgh, Bedford County, in that State, on the 1st day of October, 1834.

His education was begun in the public schools, after which he received an academic training preparatory to entering Jefferson College, at which institution he graduated with honors in 1853. Shortly after this, filled with that spirit of enterprise which has led to the wonderful growth and development of the great West, he emigrated to Iowa, selecting as his home Iowa City. He first commenced the study of medicine, but in a short time, finding this profession uncongenial to his tastes and wishes, he turned his attention to the study of law, and, when prepared, was admitted to practice in the several courts of that State. From that time until his death he kept an office and practiced this profession with success.

Mr. CLARK was repeatedly called upon by his fellow-citizens to fill places of honor and trust. He was elected by the people of Johnson County to represent them in the General Assembly in 1860, and was re-elected to that office in 1862, serving during this term as speaker of the house of representatives. He was elected to and held the honorable and responsible position of trustee of the Iowa State University from 1862 until 1866. He was again elected a representative to the State Legislature, which position he resigned upon being nominated by the party to which he belonged as their candidate for Representative to the Forty-fifth Congress, and to which he was elected. He served with fidelity and ability, as all of us know who served with him in that Congress. So faithfully and well had he served the people who elected him that he was renominated without opposition and was again elected by a very large majority to this Congress.

I shall not attempt to give even a general statement of the way he performed the arduous and responsible duties of Representative here, but this much may with propriety be said, that in the discharge of his public duties the great leading and controlling question with him was: What is right? And when he had settled that question he firmly adhered to his convictions, never permitting considerations of policy or expediency to divert him from the right. He was unremitting in his attention to the business interests and wants of his constituents, ever devoting himself to the discharge of his whole duty to them and to the country. He was prompt, regular, and constant in his attendance upon the sessions of the House and the meetings of his committees.

Mr. CLARK possessed a quick, active mind, enabling him at a glance to comprehend a subject requiring thought and study with many others. As a man he was always, under all circumstances, urbane, kind, courteous, and genial. His generosity knew no bounds. Ever thoughtful of the happiness and well-being of others, he was of necessity a marked favorite in the community in which he lived. Possessing these noble qualities in a high degree, he endeared himself to all with whom he was intimately associated.

But there are none, sir, who know so well the full measure of his noble generosity, of his kind and sympathizing heart, as do the grief-stricken wife and children who were the recipients of all that is good and noble in a husband and father. Yet we should pause here and

draw the veil over a sorrow so sacred. It is not for us to intrude therein. It has been said that a merciful Providence confers on man a most gracious boon when He conceals from him the "time that he shall cease to be." Spared the weary hours of pain, the wan specter of anxiety and anguish, the relentless warnings of the pale messenger, he receives unheralded the final stroke. To those who so believe there may be comfort in the death of our friend whose early summons we all so much deplore. His call was so sudden, so unexpected that it is difficult to believe that the seal of death has really been placed upon him, that he has crossed the cold river to the spirit land, and that all there was of earth to him has forever passed away.

Truly "in the midst of life we are in death."

Mr. MANNING. Mr. Speaker, the inexorable voice of mortality is again heard in these halls of legislation for the sixth time in the recent past, and pursuant to an immemorial custom, we have ceased our daily routine of labors that we may pay fitting tribute to the memory of our departed associate, RUSH CLARK.

I ask but a brief space in which to contribute a modest chaplet on the same hallowed shrine, in addition to the highly graceful tributes which have been presented by those who were longer and more intimately acquainted with our deceased friend than myself.

We were all greatly shocked by the suddenness with which he was stricken down while at his post of duty in this city, on the 28th day of April last, and while in the midst of a public career honorable to himself and his people.

The simple story of his life is a far better eulogy than the plaudits of admiring friends. He was born in Schellsburgh, Pennsylvania, on the 1st of October, 1834, and was therefore called to enter the great beyond in the forty-fifth year of his age. His *alma mater* was Jefferson College of the same State; and immediately after graduating at that college in 1853 he removed to Iowa City, Iowa, where he continued to reside, and in a short time thereafter entered upon the practice of the law. As a lawyer he soon enjoyed that distinction to which he was entitled by his marked ability, energy, and integrity. In 1860, when the war clouds were lowering upon the country, in the hope of serving his State at this critical juncture he was elected to the Legislature and at once took front rank among the leaders of the party to which he belonged.

In 1861, when the tocsin of war first sounded in the land and the whole population was springing to arms, he accepted service upon the staff of Iowa's governor with the rank of lieutenant-colonel, and was at once active and efficient in sending forward to the war armed men for the maintenance of the Union of States.

In 1862 he was re-elected to the Legislature, and was elevated to the position of speaker, the delicate and responsible duties of which place he discharged with dignity, ability, and fairness, although at that time he was only about twenty-eight years of age.

Soon after the restoration of peace he resumed the practice of his profession, forming a copartnership with Judge W. J. Haddock, which continued until dissolved by his untimely death. He re-entered the halls of his State Legislature in 1876, although to do so involved a sacrifice of his personal and business interests. At the ensuing congressional election he was rewarded by his party for the eminent and patriotic service he had rendered his State and country by electing him to the Forty-fifth Congress, and again in 1878 by returning him to the Forty-sixth Congress.

Those who knew him upon this floor know how faithfully and promptly he responded to every duty that devolved upon him, and it is not strange that his generous impulses, strong mental faculties, pure private and public character, and love of country's honor and welfare, secured for him a warm place in the hearts of his constituency, whose interests he ever guarded and protected with so much zeal and efficiency. An exalted public spirit ever animated his breast; and every movement, whether originated in legislative halls or elsewhere, which in his judgment tended to benefit the country in large or small degree, and bring peace and fraternal relations to the whole people, received his utmost aid.

Now that his life is finished the testimony is cheerfully borne by all who knew him, without regard to party affiliations, that he left to his family, friends, and country a name without a stain.

The following resolutions adopted by the citizens and professional associates of his distant home attest the esteem and affection of those in whose midst his life had been spent:

As citizens of Iowa City, desiring to express our sorrow in view of the death of our friend and neighbor, Hon. RUSH CLARK, we resolve,

1. That we cherish a grateful remembrance of his many public and private virtues, his genial disposition and courteous bearing, and his ready and able advocacy of all that tended to promote the material, social, and educational prosperity of our city.

2. That we rejoice in the merited distinction which he attained in his profession and in the legislative councils of the State and nation, and we deeply mourn that his life should so suddenly close in the midst of so much promise of usefulness and honor.

3. That our sympathy is hereby tendered to the family and relatives of our departed friend, knowing as we do that this bereavement robs them of one whose domestic virtues rendered him peculiarly dear to them.

Truly, it can be said of him, "He was the noblest work of God—an honest man."

He was too brief a time a Representative in the Congress of this Government to afford him either time or opportunity to adequately impress upon the country the many sterling qualities of head and heart which so much adorned his character, and which would have resulted in benefiting so greatly all who were so fortunate as to come within the reach of their influence. In all the range of his social and political relations his bearing was marked by such loftiness and purity of purpose that the profoundest respect was paid him by his adversaries, and the sincerest affection by those with whom he co-operated.

Be it known, Mr. Speaker, to the credit of our humanity that while we pause in our labors to observe the time-honored custom of laying our tributes upon the tomb of a departed colleague, party distinctions are unknown, as is beautifully illustrated by the intermingling at this hour of the voices of his political friends and adversaries.

His mind had received the training and discipline of a quarter of a century of active mental labor, and the invigoration of countless collisions in intellectual gladiatorship, both in temples of justice and upon the hustings—ever wielding the scimitar of argument with manliness and dignity. As a statesman he was conservative in all his views, appealing always to the pure and elevated judgment, and not to the passions or prejudices of the people. On the page of RUSH CLARK'S history it can be truthfully written that he "was of the most artless, candid, open, and benevolent disposition, disinterested in the extreme; of a temper mild and placable even to a fault, without one drop of gall in his whole constitution."

But he is gone forever from the earth, and only his deeds can live after him, which, let us believe, will improve and elevate those who remain. The gladsome songs, the voice of loved ones, the beauties of nature are no more for him.

Rest and sleep, sleep and rest! There are many who mourn you—eyes that are dimmed with tears as they remember with grateful hearts your many generous acts of kindness. There are those who feel that your place can never be filled. "The best portion of a good man's life are the little, nameless, unremembered acts of tenderness and love," with which your life was made redolent and glorious.

From these events of Providence we should receive not alone the impression that in the midst of life we are in death, but also that as death ends life is filled up with duties.

Our brother has fallen asleep. May he sleep on in peace until the last grand revielle of recorded time shall awake him again and summon him from on high to mount the radiant heights of glory on the dread morning of the resurrection. Death is not the end;

> It but breedeth an infinite beginning;
> Limits are for time, and death killed time;
> Eternity's beginning is forever.

Mr. NEAL. Mr. Speaker, the Great Reaper has been in our midst. He who considers neither age, nor sex, nor condition of man, who inexorably and impartially cuts down the young, the middle-aged, and the old, has laid his icy hand upon one of our number in the prime of life, in the full enjoyment of every intellectual faculty and in the mid-career of manly activity and usefulness.

RUSH CLARK, of Iowa, has "swept through the gates," and he will come in and go out with us no more forever. His accustomed seat in this Hall is now filled by another. His life in this world is ended; his mission accomplished, and he has gone to join the innumerable caravan in that undiscovered country from which there is no return.

Well and truly has it been said by one of earth's wisest sages, man's life is but a hand-breadth; a solemn truth, of which, in the hurry of business, in the toil and turmoil of life, and in the pursuit of the phantoms of our hopes, aspirations, and desires we too often lose sight, until rudely brought to our recollection by such a death as that of our late associate. We determine upon our plans, we lay out our work, we arrange our programme for the long vista of years, which, panorama-like unfolds itself before us, when suddenly, mayhap without warning, our lives are required of us, and the bright and brilliant future fades away into the black nothingness of death. And this is all we are certain of in this world. Why even now—

> Our hearts,
> Like muffled drums, are beating
> Funeral marches to the grave.

Mr. Speaker, it was not my good fortune to have known Mr. CLARK previously to the assembling of the Forty-fifth Congress in this Hall in the month of October, 1877. We met here and then for the first time, strangers to each other as we were to most of those who were to be our associates during the life of that Congress. An acquaintance early formed soon ripened into a friendship which continued without a jar until he yielded up this life on the 28th day of April last to the resistless demand of that master of the human race, Death!

I early discovered that he was a man of high sense of honor, of irreproachable integrity, of fair abilities, fine literary and professional acquirements, and sterling patriotism; that he possessed a heart of as tender susceptibilities as a woman, without pretension and without sham. He fully appreciated the responsibilities of life, and met them in a right, manly way. To him—

> Life was real, life was earnest,
> And the grave was not its goal.

There was nothing sordid nor mean about him; nothing low, base, nor groveling. His aspirations were ever upward and onward, "*ad astra per aspera;*" and he appreciated this earth and the things thereof

only so far as they aided him to achieve that which was of the intellect and the spirit. His inspirations were:

Build thee more lofty mansions, O my soul,
As the swift seasons roll,
Leave thy low vaulted past,
Let each new temple, grander than the last,
Shut thee from heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell by Time's unresting sea.

Mr. Speaker, I said he was a man of sterling patriotism; and so he was. It was bounded by no narrow State lines. The whole country was his fatherland, and he alike rejoiced in the prosperity of the East, the West, the North, and the South. Although a citizen and a Representative of one of the most flourishing of the States of the Union, a State which is already a very giant among her sister States, and whose future is as bright and promising as the most sanguine of her children could ask for, a State which our associate loved right well, and he was proud of Iowa, of her enterprising people, of her past history and brilliant future, yet the fountains of his heart did not congeal as he passed beyond her border. He loved the whole country as well, for he was more an American than he was an Iowan, and he could illy appreciate the feelings and judgments of those whose horizon was bounded by the contracted limits of their own petty State, and whose vision was so limited that they saw nothing to love and admire and to excite their patriotic emotions in the grand reality that they are citizens of the great and proud and free Republic of America. With him before all else was the nation; the State occupied a secondary place in his heart, his judgment, and affections.

He was an earnest advocate of republican principles and polity, because he believed those principles to be founded upon the firm basis of justice and right, and that the continued supremacy of the republican party was essential to the peace, the prosperity, and well-being of the American people; yet he judged not unkindly those who conscientiously differed from him in opinion. I question whether a single member of the Forty-fifth Congress ever heard from his lips an unkind word or an uncharitable expression.

He was possessed of a large heart, and his sympathies were with the people. Oppression and wrong, wherever or by whomsoever exercised, he denounced with honest indignation. Incapable himself of wrongfully depriving any one, even the humblest and most obscure, of the rights bestowed by Providence or guaranteed by law, he could illy brook to see others do so, and was unable to understand how any one possessing the instincts of an honest man or the principles of a gentleman could persuade himself to reap the fruits of a crime or enjoy the emoluments of office obtained by outrage upon the sacred rights of the people. He desired to see our Government in truth and in fact, as it is in name, "a government of the people, by the people, and for the people."

Mr. Speaker, I desire to say but a word more. I honored Mr. CLARK for his many estimable qualities of heart and intellect, for his manly independence, for his quick apprehension of the right, and his firm determination at all times to do the right as power and insight were given him to discern it, regardless of the consequences to himself. But although in all these views and opinions my judgment heartily approved and my heart fully sympathized, yet beyond them all I loved him because he was my friend—sincere, earnest, and true; and for this I drop the silent tear upon his grave, and pay this last tribute of respect to his memory.

Mr. THOMPSON, of Iowa. Mr. Speaker, the humble and brief tribute which duty as well as inclination leads me at this time to bring as friendship's offering to lay on the grave of my honored friend and dead predecessor, though long delayed, will be none the less sincere and heart-born. And the eloquent and well-timed utterances of those who have preceded me leaves but little more to be said.

Many circumstances led to a more than usual intimacy and friendship between Mr. CLARK and myself. We were near the same age, both born and reared to manhood's years in the same State, the old Keystone; and in the morning of young manhood both, in the latter part of the year 1853, left our native State and went to the young and then extreme frontier State of Iowa, scarcely known in the bright constellation of our grand sisterhood of States at that time. He was without friends and but little means, among strangers and in a strange land. He had nothing to rely upon except his own energy and high resolve to conquer difficulties and overcome obstacles by an upright life and honorable conduct; and like every true-hearted American youth, he had unfaltering faith in the future of his country. He loved her institutions, her laws, and, above all, felt the hope-giving fact and realized the grand truth that the highway to usefulness, honor, and fame was not monopolized by the accident of birth, nor was the pathway to renown by divine right the property of either class or person, and the gates to the temple of fame opened not at the touch of golden keys. Recognizing no aristocracy except the aristocracy of brains, by his own energy, industry, and honest labor he sought to achieve whatever of success in life he might, knowing that under our Government these ways were open to the poorest and humblest boy in our broad land who with an honest purpose fights the battle of life with a good intent.

The occasion of our first meeting, and the forming of an acquaintance which in after years ripened into a friendship unbroken during his life, and which will for all coming time remain to me a sacred memory, is worthy of special note at this time. It has lately become a question of some interest as to which State called, and, in fact, held the first republican State convention, several claiming that honor. I deem it fitting to state upon this occasion that on the 22d day of February, 1854, in the then capital of Iowa, a republican State convention assembled under the call of a few citizens of the State, and upon that day and occasion I had the honor of being present as a delegate, and then and there met for the first time Mr. CLARK. He was not a delegate, but being a resident of the city and in active sympathy with the movement was present, and very materially aided by his wise, well-digested, and carefully prepared counsel in forming the platform of principles adopted by the convention, which then nominated for governor that noble man and grand statesman, James W. Grimes, whose subsequent career in the councils of the nation made his name a familiar household word, and whose acts and doings make one of the brightest pages in our country's history, and who at the following election, then held in the month of August, 1854, was chosen as chief executive of the State, and, as I claim, the first republican nominated or elected to a State office. With these scenes I ask that the name of my honored predecessor stand associated for all time to come, and as a tribute to his worth, who, although so young and inexperienced, dare, in the face of a defiant majority stand true to his convictions and sacrifice present success that conscience should remain approved.

It was my privilege to know him well and long, nor can I now realize that more than a quarter of a century has passed since I first met him, and that those years bridge the chasm separating that day from the time of his decease. In these years I was associated with him as an attorney of the same judicial district, and practicing often at the same bar. I watched with pride his career in the General Assembly of our State, rejoiced when I saw him called to preside over their deliberations as speaker of the house, and all his public acts received the plaudit of "Well done, good and faithful servant," and in all these various positions of honor and trust which he through the partiality of his countrymen was called to fill he discharged the duties of each with that same marked ability and integrity which silenced the fault-finder, and in the presence of his pure, unsullied life as a public man the tongue of slander was mute and vituperation died on lips that would detract, and after he had discharged these duties, public confidence so firmly established called to him to come up higher, and he was intrusted with the proud honor of representing his district in this House, and though among the youngest of those who achieve this distinction, he brought to the work a varied experience and ripe judgment, which enabled him to do credit to himself and honor to those he represented.

But a strange, mysterious Providence, to mortal wisdom incomprehensible, as he was just entering upon his second term in this House, at an unexpected moment called him to go hence, and in obedience to the inexorable summons he went from an active, useful life, in the prime of matured manhood, out into the mysterious realms unexplored by mortal man and from which no human voice gives back a response to ours. And faith and hope only give assurance that we may meet again. I received from him the last letter he ever penned. It was written the Saturday before he died, and the startling words "RUSH CLARK is dead" flashed along the wires and were read by many a moistened eye hours before I received and opened his last letter, and as I read the lines the truth came with crushing weight, that the hand which so lately penned those lines was then palsied in death and the eye that watched the page as the words of confidence were formed was forever closed. How true the poet's words:

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour.
The paths of glory lead but to the grave.

Mr. CLARK possessed a high order of oratory; not, it is true, that kind which sweeps like a tornado, not that heroic, impassioned eloquence which captivates the imagination, leaving the reason and judgment untouched, but a clear, classical statement, compact and logical, forcing conviction on the hearts of all who heard it that his utterances were the result of honest convictions. Always gentlemanly and courteous, sensitive himself, he was ever tender of the feelings of others; and even in the fiercest contests before courts and juries, where intellectual swords flashed keen and bright, whatever he may have felt he never forgot himself so far as to utter a word or sentence which required a subsequent explanation or apology, and yet when once convinced of the right he was heroically loyal to those convictions. He never betrayed a friend or compromised a principle. As a husband he was kind, considerate, and devoted. As a father he was sincerely and wholly attached to his children, and was a most indulgent parent, and in their midst, under his own roof-tree, surrounded by wife and children, so enshrined in his manly and loving heart was the place and circumstances which gave to him unalloyed pleasure, not enjoyed under any other circumstances.

That beautiful home is now lonely, dark, and sad. Gloom and sorrow brood in the hearts of those he loved so well and tenderly. And while human sympathy in the presence of so great a sorrow feels that it can do but little, still it gives to those lowering clouds the silver lining.

And if it be true that the good deeds men do die with them and the

evil deeds survive, I thank Heaven that his life was such that no intentional wrong on his part survived him. To his orphaned children he left a heritage of honor and an unblemished character, in coming years the comtemplation of which will bring to their hearts only joy and gladness. And at his grave, on the beautiful hillside near his former home, they may in aftertime repair and there recall his example and emulate his virtues.

Could he have written his own epitaph, he would have them read:

When to their airy hall my Father's voice
Shall call my spirit, joyful in their choice,
When poised upon the gale my form shall ride,
Or dark in mist descend the mountain's side,
O may my shade behold no sculptured urns
To mark the spot where earth to earth returns;
No lengthened scroll, no praise-incumbered stone—
My epitaph shall be my name alone.
If that with honor fail to crown my clay,
Oh, may no other fame my deeds repay;
That, only *that*, shall single out the spot:
By that remembered or *with* that forgot.

Mr. BENNETT. Mr. Speaker, well may we stand uncovered and with solemn mien in the presence of death. On either hand are only the crumbling walls of mortality; behind, all the world, alike forgetting and forgotten; before us the silent, unsounded sea stretching away to the echoless shore. Across the starless waste another of our number has gone. The ordinary business is suspended while we pay the customary tribute to his memory and connect, perchance for the last time, his name with the records of this House. Others may speak of RUSH CLARK as they knew him in these Halls; of his patient, untiring labor; of his faithful, conscientious discharge of duty, his devotion to his convictions of right, and his unswerving loyalty to his country and to truth. The tribute I would bring springs from the pleasant associations of almost a quarter of a century of intimate acquaintance, and is that which a friend pays to the cherished memory of a friend. 'Tis melancholy communion we hold by an open grave, with the vanished years speaking to us of all their joys and sorrows—

In tones as voiceless as the steps of thought.

Starting in our profession very nearly the same time, living for a while in the same judicial district, and practicing in the same courts, our pathways for years ran close together. Close only in point of time and personal and professional contact. His career lay along the heights, on which fell the full effulgence of erudition's light; mine the plodder's path, that only skirts the mountain's base.

While many who enter the contest for the honors, so tempting, and yet so hard to win, in the legal profession, are exhausted, or become discouraged when they have reached the steps of the temple of justice or are jostled within its vestibule, RUSH CLARK did not rest until he had pressed his way to its very altars, and brought to its service all the energy and enthusiasm of his noble nature. He knew that no half-hearted devotion would find acceptance there or bring the coveted reward. He studied and practiced his profession with a proper conception of its dignity and exalted character. He was not of those who regard it as a means to a selfish and sordid end, an occupation or calling by which he might simply amass wealth, or a mere stepping-stone to the gratification of political ambition.

His views of the law were broad and comprehensive. To him it was a science, beautiful and symmetrical; a fabric grand and inspiring, not a net-work of technicalities to ensnare the weak while the strong might escape its restraints. His conception of its majesty is well expressed in the words of Hooker: "Her seat is the bosom of God, and her voice the harmony of the world; all things in heaven and earth do her homage; the very least as feeling her care, and the greatest as not exempted from her power."

As a practitioner he was careful and laborious, seldom entering upon the trial of a case without full and thorough preparation. He made his client's cause his own, and carried into the contest all the zeal and energy of mind and body. Tenacious and persevering, he seldom abandoned a case of importance until he had the decision of the court of final resort.

In many respects he was a strong advocate. He had a clear, logical, and well-disciplined mind. His style was terse and forcible, and his manner pleasing and dispassionate. His very earnestness made him impressive, and his well-known honesty in the maintenance and expression of his views and opinions gave him weight before courts and juries.

He had fairly won and deservedly held an enviable position at the bar of his State, and left a name and record which are among the richest of his legacies to his family and friends.

Mr. CLARK was a man of cordial qualities and gracious manners. His purity of life and character, his honesty and probity none ever questioned. Everywhere he went, and in all the relations of life, he gathered about him hosts of warm personal friends, and "grappled them to his soul with hooks of steel." Within the sacred precincts of that home of which he must have been the light, and it the joy of his life, we will not intrude. It could not have been other than the abode of peace and love—that sweetest of all boons to mortals given—endeared by affection and hallowed by the joys and sorrows shared with each other and borne together under the shelter of its roof.

From 1853 he had made Iowa City his home. His manhood was spent there. There were the scenes of his early struggles and ultimate triumphs. He allied himself with every movement for the advancement of the growth and prosperity of his adopted city. Liberal and generous to a fault, kind-hearted and obliging, ever ready with an encouraging word and a helping hand, he became endeared to that community as few men do. The immense throng that waited at the depot, far in the night, for the funeral train, and gathered again along the streets and in the cemetery, where his mortal remains were committed to the dust, while the heavens were hung with black and the clouds dropped their tears, attested the hold he had on the hearts of that people.

When the aged man dies, full of years and honors, "goes down like a shock of corn fully ripe," we are prepared for the event, and there is resignation in our sorrow, for his end is as natural as the falling of the leaves when the autumn winds sweep the forest.

But Mr. CLARK'S sun went down while it was yet noon. In the prime and vigor of manhood, in the midst of life and usefulness, his summons came. And as we looked at his vacant seat in this Chamber, and then into the faces of those sorrowing fatherless children and disconsolate widow, as they again sat down among the familiar scenes of that desolated home; when we remembered how much of love and hope and happiness was wrapped up in his being, and what the possibilities of his future, and how all in so brief a moment had been dashed to the ground, we felt like exclaiming, "How unsearchable are His judgments and His ways past finding out."

On the banks of that beautiful river where for so many years he lived, labored, and loved, he sleeps well, while the garland of earthly honors that bound his brow in life has but changed to a wreath of fadeless beauty in the land beyond the shadows.

When a good man dies we are apt to think the loss to community and the country irreparable and that his place cannot be filled, but the cold waves of Time close over him, others take up the burden that he has laid down, and the great world moves on. It is a reasonable hope, born of the experiences of the past, that the wise Creator, whose foot-prints are seen all along the highways of history, will raise up the men and devise the methods necessary for the accomplishment of His infinite designs, that embrace, as we trust, the highest good and supremest welfare of mankind. This thought helps to reconcile us to the inevitable and presses upon our unwilling attention our own insignificance. He of whom we speak to-day filled his niche in time, and with an abiding faith in Him whose wisdom is over all, whose power protects all, and whose mercy encircles all, "fought a good fight, finished his course." Over the dark billows that now divide us is only the light of the star of Bethlehem, bright with the promise of immortality. To this we finally all come, when every other refuge fails, whether doubting or believing, hoping or despairing, and here at length is the anchor cast, for weal or woe, "when our rest together is in the dust."

Mr. CARPENTER. Mr. Speaker, less than a year ago, while at my home in Northwestern Iowa, I read in a recently received number of the CONGRESSIONAL RECORD the memorial addresses in honor of Beverly B. Douglas. Among them was one delivered by RUSH CLARK. I remember in reading his sympathetic words nothing more deeply impressed me than the thought that I could see in his utterances an illustration of that principle in the human mind which leads one in analyzing the character of another to make those elements prominent which constitute the strong points of his own nature. So now, the kindly and noble-souled RUSH CLARK, whose generosity and unselfishness had been proverbial in Iowa for twenty years, emphasized the fact that "the immediate friends of the deceased testified to his goodness of heart and openness of hand." One could also read in this address that the appreciation of a generous public for honorable service and manly effort formed the under-current of his thought, and reflected the inspiring purpose of his own laborious life. In course of his remarks he recited the evidences of respect and attachment to the dead Congressman shown by the people of Virginia, whose attentions and hospitality to the officers of the House and committee of Congress were everywhere manifest on the route from the capital to his former home; and in this connection he said:

At the time expected by the friends, we met them at the village of Mr. Douglas's residence and attended his remains to the church. The entire village seemed to be present to attest their respect for his memory.

As we read these words between the lines, and in the light of subsequent history, they seem to be not only a tribute of respect to the dead, but a half prophecy of like evidences of appreciation at the side of their author's own new-made grave. In less than five months from the day they were spoken, the lips that uttered them were closed in death. It seems almost like a coincidence worked by the hand of Providence that these words thus fitly describe the scene at the grave which so soon opened in the cemetery of that beautiful city of the prairies to receive all that was mortal of the noble and generous-hearted RUSH.

I had met him occasionally during the last nineteen years, and knew him as busy men living one hundred and fifty miles apart sometimes know each other. But on coming to Washington at the beginning of the first session of the Forty-sixth Congress, and finding myself occupying a seat nearer him than any other of my Iowa colleagues, as I called upon him day after day for information in respect to the

application of rules with which I was unfamiliar, I came to understand more of his character and to more thoroughly appreciate his worth. I also learned why it was that, notwithstanding he was a lawyer of strength and acuteness, a clear and persuasive speaker, a man of unremitting industry and devotion to his duties—so much so that before sending him to Congress his fellow-citizens had chosen him three times to represent them in the State Legislature, where his services had been so conspicuous that he had been elected speaker of the house of representatives for one of these terms—he should still be known all over the State by the familiar and friendly name of RUSH.

Who that hears me to-day has ever known a man possessed of a spirit so generous and a patriotism so exalted as to subordinate his own interests to his friends, his fellows, and his country, that the discriminating and great-hearted public did not learn to express its fondness and favoritism by calling him some pet and familiar name?

But, notwithstanding he was the object of so much love and esteem, his friends could not hold him back from the chilling embrace of Death. And now that we have come to lay the last green sod upon his grave, may we not hope that wife, children, relatives, and friends, who leaned upon him here, and whom he cared for with such unexampled love and tenderness, may find as they continue life's journey that though the way may seem longer and lonelier than heretofore, it will still be smoothed and cheered by fellow-travelers, who in all that constitute a generous manhood and kindly heart are neither more nor less than such, as was our good friend RUSH CLARK.

Mr. HENDERSON. Mr. Speaker, the relations existing between the late Hon. RUSH CLARK and myself were of the most friendly and cordial character. My acquaintance with him began long before we were associated here as members of this honorable body. He represented a district in which I had many acquaintances and friends, and with portions of which I had been familiar from early manhood. From that fact we were brought into closer and more intimate relations with each other when we became members of the Forty-fifth Congress, and what before had been a pleasant acquaintance ripened into a sincere and confiding friendship. Hence, Mr. Speaker, on this occasion I speak not simply as a eulogist, but as a friend. I desire not merely to do honor to the memory of a deceased member of this body, but to pay a tribute of respect to one whom I regarded with all the feelings and sentiments of a warm and generous friendship.

It is not my purpose to speak at length of the private and public virtues of Mr. CLARK. This has been done, and better done, by his colleagues who have preceded me. I will, however, say that in private life Mr. CLARK was beloved by all who knew him and shared his society and his friendship. In public life he was respected and honored by all associated with him who knew his many virtues and his manly worth. I never knew a man more conscientious and faithful than he in the discharge of a public trust. As a member of this body, I have no doubt but that his fidelity in the discharge of his public duties and the constant, unremitting attention he gave to the many wants and interests of his constituents wore his life away. The arduous labor he performed here at his desk and at his room during the silent watches of the night prepared the way for the successful attack of disease, if it did not induce the very disease of which he died.

He worked more, Mr. Speaker, than he had the strength to work, and no one who intimately knew him could fail to observe that he often seemed to be overworked, overtaxed; yet I can never forget his warm friendly greetings, his cheerful demeanor, and how bravely and uncomplainingly he bore up under the burdens resting upon him as a Representative.

Mr. CLARK was not only a faithful public servant, but he was faithful in all the relations of life. As a counselor and advocate he was able and faithful, and deservedly occupied a high position at the bar of his county and State. As a member of this body, while he took no active part in the debates of the House, yet he was in constant attendance upon its sessions, closely and accurately observed its proceedings, and took a deep interest in them.

I doubt if any man ever brought into the public service as a legislator a more earnest, sincere desire to serve well and faithfully his constituents and his country. As a citizen he took a deep interest in all that pertained to the welfare of the community in which he lived, as well as of his State and nation; and he enjoyed in a high degree the respect and confidence of his fellow-citizens, neighbors, and friends. But, Mr. Speaker, he has obeyed the mandate which sooner or later must come to all of us. He has laid down life's duties, responsibilities, and cares, and is at rest in the cemetery of the beautiful city in which he lived. I confess, Mr. Speaker, when I heard, as I did on the day of his death, that RUSH CLARK was dying I was greatly shocked. It was one of those sudden admonitions which sometimes come upon us, overwhelming us with sorrow and reminding us of the great uncertainty of human life. I had met Mr. CLARK but the evening before his death as we were walking on Pennsylvania avenue. I had a pleasant conversation with him, in which we discussed the probabilities of an adjournment of the extra session of Congress, and we spoke of our anxiety to get home; and now, in a few brief hours, he was dying, he was going home, and there to rest forever. Such is human life.

Mr. Speaker, some poet has truthfully said:

> Death is here, and death is there,
> Death is busy everywhere;
> All around, above, beneath
> Is death, and we are death;
> First our pleasures die, and then
> Our hopes and fears; and when
> These are dead the debt is due;
> Dust claims dust, and we die, too.

Surely those of us who have served here in this Hall for the last few years need no poetic admonition that Death has been here. We know, as we have seen one after another of our fellow-members stricken down, that Death is here; and that no distinctions, no gifts, no honors, however great, can save us from his ruthless hand; when the summons comes we must all obey.

Mr. Speaker, those of us who accompanied the remains of RUSH CLARK to the home he loved so much, and to their final resting-place, could not mistake for a moment the deep hold he had upon the affections of the people among whom he had lived and worked and toiled for so many years. The multitude which in the rain and in the darkness of the night met us on the arrival of the train, and thronged the line of our march from the depot to the residence of the deceased, demonstrated in a remarkable manner the love and respect which the people cherished for a noble citizen and a faithful Representative, and the great sorrow which had been so suddenly visited upon them. I was myself deeply affected at the demonstrations of sorrow which everywhere met us at his home, and by the very general expression of deep and tender sympathy for the grief-stricken wife and fatherless children. I sincerely trust and believe the memory of our departed friend will long be cherished by the people he served so well, and that the God of the widow and the fatherless may keep and bless his bereaved wife and children.

The SPEAKER. The question is on the adoption of the resolutions.

The question being taken on the resolutions they were adopted unanimously; and, in obedience to the fourth resolution, the House (at two o'clock and twenty-seven minutes p. m.) adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of the Captains and Vessel Owners' Association of Philadelphia, for the repeal of the shipping act of 1872—to the Committee on Commerce.

By Mr. BAKER: The petition of Thomas Carter and 92 others, soldiers in the war for the suppression of the rebellion, for a law to pay the soldiers who served in said war the difference between the paper money in which they were paid and its value in coin at the time of such payment—to the Committee on Military Affairs.

By Mr. BRENTS: The petition of citizens of Washington Territory, for an appropriation to construct a military telegraph between Pomeroy and Fort Colville with a branch to Camp Coeur d'Alene—to the same committee.

By Mr. DAVIDSON: The petition of George F. Drew, governor, and 200 others, citizens of Florida, for an appropriation for deepening the entrance to Cumberland Sound—to the Committee on Commerce.

By Mr. HORACE DAVIS: The petition of J. Bute & Co. and others, to be refunded the 4 per cent. additional tax and the $1 per thousand on cigars assessed against them by the ruling of Commissioner Douglass, under the act of March 3, 1878—to the Committee of Ways and Means.

By Mr. DICKEY: The petition of William Hockett and 37 others, of Westborough, Ohio, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of Samuel Meyers, of Hillsborough, Ohio, and 184 others, of similar import—to the same committee.

By Mr. FINLEY: The petition of Seneca Grange, No. 280, Patrons of Husbandry, of Seneca County, Ohio, for legislation protecting the users of patents in certain contingencies—to the Committee on Patents.

Also, the petition of Seneca Grange, No. 280, Patrons of Husbandry, of Seneca County, Ohio, for legislation against transportation monopolies—to the Committee on Commerce.

By Mr. GARFIELD: The petition of 45 soldiers of Geauga County, Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Carey Claxton and 58 other soldiers of Ohio, for the passage of a bill equalizing bounties—to the same committee.

Also, the petition of Alexander Poland and 49 others, citizens of Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Hannah Foot, widow of Roger Foot, late a soldier of the war of 1812, and of Rebecca Stone, widow of Merritt Stone, late a soldier of the war of 1812, for pensions—to the Committee on Revolutionary Pensions.

By Mr. BENJAMIN W. HARRIS: The petitions of B. Joy Jeffries, M. D., and 12 others; of Julius H. Seelye, Elihu Root, and Edward Hitchcock; of Noah Porter and 5 others, and of E. G. Robinson and Eli W. Blake, jr., for Congress to take into consideration a general law of control of color blindness and visual acuteness in the Navy

and merchant marine, and the agreement by an international commission of definite and uniform standards of testing these necessary qualifications—to the Committee on Naval Affairs.

By Mr. HILL: The petitions of S. M. Cameron and others, and of E. B. Mapes and others, of Defiance County, Ohio, for an amendment to the patent laws—to the Committee on Patents.

Also, the petitions of F. H. Smith and others, and of C. D. Replogle and others, of Defiance County, Ohio, for the passage of the law regulating freights on railroads—to the Committee on Commerce.

By Mr. JONES: The petition of Michael Haynes, for the removal of disabilities incurred while a soldier of the United States during the late war—to the Committee on Military Affairs.

By Mr. MARSH: The petition of C. H. Whiting and others, of Illinois, for the passage of the Weaver soldier bill—to the same committee.

By Mr. McGOWAN: The petitions of William F. Hewitt and 14 others, and of J. A. Robinson and 22 others, of Calhoun County, Michigan, and of B. B. Johnson and 35 others, of Barry County, Michigan, for legislation regulating interstate commerce—to the Committee on Commerce.

Also, the petitions of E. W. Morford and 36 others, of Barry County, and of J. A. Robinson and 9 others, of Calhoun County, Michigan, for legislation to protect innocent users of patented articles—to the Committee on Patents.

By Mr. MILES: The petition of Henry E. Rhodes, an assistant engineer of the United States Navy, that he be credited in the appropriate records of the Navy Department and Navy Register with the service performed by him in the volunteer navy—to the Committee on Naval Affairs.

By Mr. PRICE: The petition of Thomas Doughty and others, for the amendment of the steamboat-inspection law—to the Committee on Commerce.

By Mr. JOHN W. RYON: The petition of 22 Union soldiers of Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. SHELLEY: The petition of William L. Lanier, president of the Alabama Central Railroad, that the duty on steel rails be reduced from $28 to $10 the ton—to the Committee of Ways and Means.

By Mr. STEVENSON: Resolutions of the city council of Chicago, Illinois, relative to the passage of a bill to amend the statutes in relation to the transportation of dutiable goods—to the same committee.

By Mr. TALBOTT: The petition of C. M. McCollough and others, that Congress make an appropriation for dredging and deepening the channel of Elk River near Elkton, in Cecil County, Maryland—to the Committee on Commerce.

By Mr. WEAVER: The petitions of Samuel H. Davis and 42 others, of G. R. Turner and 133 others, of William Morris and 80 others, and of A. J. Turnbull and 62 others, citizens of Iowa; of W. H. Hanson and 52 others, of Alexander, Kansas; of Harney Bane and 144 others, of Newnan, Illinois; of R. Rees and 52 others, of Keene County; of Daniel McHenry and 66 others, of Maquon, and of Virgil Gray and 33 others, citizens of Aurora, Illinois; of Paschall Seeds and 117 others, of Salem, Ohio; of James McAnn and 41 others, of Whitinsville, and of W. A. Slocum and 40 others, citizens of Spencer, Massachusetts; of A. R. Raymond and 34 others, of Palermo, of Charles B. Bonta and 60 others, citizens of Weedsport, New York; of W. B. Blake and 22 others, of Hopewell, and of William Harsha and 36 others, citizens of Cannonsburgh, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WRIGHT: The petition of John Quigley and 212 others, citizens of Arnot, Tioga County, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

MONDAY, *February* 2, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, in compliance with a resolution of the Senate of December 3, 1879, transmitting a letter from the Chief of Engineers and the report of Lieutenant-Colonel G. K. Warren, Corps of Engineers, relative to the improvement of the Taunton River, Massachusetts, with estimates of the cost of such improvement; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Surgeon-General, inclosing an estimate of the amount required to complete the printing and binding of the catalogue of the library of the Surgeon-General's office, and recommending an appropriation of $6,500 for that purpose; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from Theophilus French, Auditor of Railroad Accounts, relative to a deficiency of $1,400 in his salary, and a letter from Thomas Simmons, Assistant Attorney-General, relative to the efficient and valuable services of this Auditor to the Department of Justice; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, a statement of the expenditures of moneys appropriated for the contingent expenses of the military establishment during the fiscal year ending June 30, 1879; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report of Major F. Harwood, Corps of Engineers, of an examination made in accordance with the provisions of the river and harbor act of March 3, 1879, of the Saint Joseph River, from its mouth in Michigan to Elkhart, Indiana; which was referred to the Committee on Commerce, and ordered to be printed.

CREDENTIALS.

Mr. JONAS presented the credentials of RANDALL LEE GIBSON, elected by the Legislature of Louisiana a Senator from that State for the term beginning March 4, 1883; which were read and ordered to be filed.

PATENT-OFFICE REPORT.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents, in compliance with the requirements of section 494 of the Revised Statutes, for the year ending December 31, 1879; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3384) declaring all public roads postal routes;

A bill (H. R. No. 2932) amending section 740 of the Revised Statutes;

A bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota;

A bill (H. R. No. 3990) to remove the political disabilities of John S. Maury;

A bill (H. R. No. 3109) to remove the disabilities of I. Wilkinson;

A bill (H. R. No. 3988) to remove the political disabilities of Charles Carroll Simms, of Virginia; and

A bill (H. R. No. 3989) to remove the political disabilities of William B. Taliaferro, of Virginia.

The message also announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol, along the line of the old canal, and for other purposes.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State.

The message also announced that the House had passed the following bills:

A bill (S. No. 317) for the relief of Captain J. B. Campbell; and

A bill (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 2188) for the relief of Thomas Kearney;

A bill (S. No. 891) to locate and purchase a new site for the United States Naval Observatory; and

A joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present the petition of Houghton Brothers and others, citizens of Maine, praying that Congress will enact a law at the present session for the distribution of the balance of the Geneva award fund. As I am told that the Committee on the Judiciary will probably report this morning on that subject, I move that the petition lie upon the table.

The motion was agreed to.

Mr. FERRY presented the petition of J. A. Wilson and 34 others, attorneys and lawyers of Jackson County, Michigan, praying for the passage of the bill (S. No. 999) for the appointment of official stenographers for the circuit and district courts of the United States; which was referred to the Committee on the Judiciary.

Mr. BRUCE presented the petition of Rev. A. Jackson, Rev. W.

Robinson, and 75 others, citizens of Greenville, Mississippi, praying for the passage of the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories, and that the University of Wilberforce be included therein; which was referred to the Committee on Education and Labor.

He also presented the petition of Mattie S. Whitney, of Mississippi, praying compensation for property taken by the United States troops in that State during the late war; which was referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, presented the memorial of George W. Holeton and others, citizens of Wisconsin and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. DAWES. I present a petition signed by Rev. Sheldon Jackson, superintendent of the Presbyterian schools in the Territories, and Rev. John Lanahan, pastor of the Foundry Methodist Episcopal church, in Washington City, in which they represent to Congress that the Territory of Alaska, when purchased by the United States, had a system of education maintained by the Russian government; that upon our taking control of that Territory the whole system expired, and the entire Territory has been left without any means of education; that the present generation is growing up in ignorance and relapsing into barbarism; that the United States is receiving into its Treasury from the Territory every year $317,500, more than 4 per cent. interest upon the original purchase; that it pays back for the benefit of the Territory only $65,000 of this sum, and they pray that out of the $250,000 net revenue received into the Treasury every year from Alaska $50,000 of it may be appropriated for some system of education to those people whom we have obligated ourselves to Russia to provide for in the treaty of purchase. I move that the petition be referred to the Committee on Appropriations, and I commend it to their careful consideration.

The motion was agreed to.

Mr. McDONALD presented additional evidence in the case of Gallus Kerchner, of North Vernon, Indiana, praying compensation for stone used in the arsenal building at Indianapolis, Indiana; which was referred to the Committee on Military Affairs.

Mr. FARLEY presented the petition of William M. Evarts and others, members of the bar and citizens of New York, praying for the passage of the bill (S. No. 999) for the appointment of official stenographers for the circuit and district courts of the United States; which was referred to the Committee on the Judiciary.

Mr. KERNAN presented the petition of Mary E. Shepley, widow of James H. Shepley, late first lieutenant Company E, First Minnesota Volunteers, praying to be allowed the benefits of the acts of January 25 and March 3, 1879, providing for arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of Ernst Hein, of Utica, New York, late corporal Company C, Thirteenth Regiment Massachusetts Veteran Reserves, praying for an honorable discharge from the United States Army, and that the charge of desertion be removed; which was referred to the Committee on Military Affairs.

Mr. COCKRELL presented additional evidence in the case of Thomas E. Brawner; which was referred to the Committee on Pensions, to accompany the bill (S. No. 748) granting a pension to Thomas E. Brawner.

Mr. PENDLETON presented the memorial of William Oscar Freeman and others, honorably discharged soldiers of the late war, and citizens of Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. WILLIAMS presented the petition of Moses Coffey, of Casey County, Kentucky, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. WILLIAMS. I present the petition of D. Ellis Conner and numerous other citizens of Bath County, Kentucky, praying that a pension be granted to Jacob Ginter, of that county, an old and decrepit soldier of the Mexican War. There was, I believe, a bill introduced during the last Congress by my colleague, [Mr. BECK,] granting a pension to Mr. Ginter and to George Oakley. I move that the petition be referred to the Committee on Pensions, and that the papers relating to these cases be withdrawn from the files of the Senate and referred to the same committee. I hope that the committee will act promptly upon this question, for if anything is to be done for these soldiers it had better be done before they go where a pension will do them no good.

The motion was agreed to.

Mr. COKE presented the petition of L. S. Chawse and others, citizens of Lampasas County, Texas, and the petition of B. S. Purcell and others, citizens of Fayette and Lee Counties, Texas, praying Congress to so amend the patent laws as to make the manufacturer or vendor of all patented articles alone responsible for infringements; which were referred to the Committee on Patents.

He also presented the petition of B. S. Purcell and others, and the petition of John T. Hodges and others, citizens of Lee and Fayette Counties, Texas, praying that Congress will, by appropriate legislation, alleviate the oppressions imposed upon them by the transportation monopolies that control the interstate commerce of the country; which were referred to the Committee on Commerce.

Mr. MAXEY presented the petition of H. C. Cook and others, citizens of El Paso County, Texas, praying for the establishment of a post-route from Ysleta to the mouth of Delaware Creek, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GROOME presented the petition of James T. McCullough and 89 others, citizens of Elkton, Maryland, and its vicinity, praying for an appropriation for the improvement of the Elk River, near that town, accompanied by estimates furnished as to the cost of the improvement; which was referred to the Committee on Commerce.

Mr. JONAS presented the petition of Mrs. Clara H. Flower, of Rapides Parish, Louisiana, praying that the claim of her children for cotton taken by United States troops during the late war be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. VEST presented the petition of G. S. Hughes and others, citizens of Atchison County, Missouri; the petition of D. P. Hubbard and others, citizens of Linn County, Missouri; the petition of A. M. Ferrell and others, citizens of Jefferson County, Missouri; the petition of A. P. Pollard and others, citizens of Callaway County, Missouri; the petition of E. T. Todd and others, citizens of Cass County, Missouri; the petition of J. J. McKee and others, citizens of Bates County, Missouri; the petition of J. M. Mitchell and others, citizens of Johnson County, Missouri; the petition of J. B. Shaws and others, citizens of Howard County, Missouri; the petition of M. Girdner and others, citizens of Barton County, Missouri; the petition of E. Weber and others, citizens of Clark County, Missouri; the petition of J. J. Sawyer and others, citizens of Cape Girardeau County, Missouri; the petition of Charles Dundas and others, citizens of Benton County, Missouri; the petition of William M. Thomas and others, citizens of Washington County, Missouri; the petition of W. J. Stone and others, citizens of Vernon County, Missouri; the petition of P. H. King and others, citizens of Mercer County, Missouri; the petition of D. S. Engle and others, citizens of Nodaway County, Missouri; the petition of J. M. Menchen and others, citizens of Cooper County, Missouri; the petition of J. T. Laugh and others, citizens of Barry County, Missouri; the petition of A. Kalley and others, citizens of Andrew County, Missouri; and the petition of M. Kennedy and others, citizens of Schuyler County, Missouri, praying for the passage of a law to prevent fluctuations in freights and unjust discriminations in charges for transportation by railroad companies; which were referred to the Committee on Commerce.

Mr. TELLER presented the petition of L. M. Doane and others and the petition of B. F. Wadsworth and others, citizens of Jefferson County, Colorado, praying Congress so to amend the patent laws as to make the manufacturer or vendor of all patented articles alone responsible for infringements; which were referred to the Committee on Patents.

Mr. KIRKWOOD presented the petition of David Gill and others, citizens of Buchanan County, Iowa, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of Samuel Anderson and others, citizens of Buchanan County, Iowa, praying for the passage of a law to prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. KIRKWOOD. I present the memorial of J. H. Easby and 154 others, Union soldiers in the late civil war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims. I think it right to say, Mr. President, that that bill is now undergoing investigation by the Committee on Pensions, and I am strongly inclined to believe that the memorialists misunderstand both its purpose and its effect in case it should become a law. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. BURNSIDE presented the memorial of R. H. Jackson, captain First Artillery and brevet brigadier-general, United States Army, and Royal T. Frank, captain First Artillery and brevet lieutenant-colonel, United States Army, remonstrating against the passage of the bills now pending in the Senate for the relief of W. A. Winder and Dunbar R. Ransom; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented the memorial of J. D. Wood and others and the memorial of John McRae and others, citizens of Illinois and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

He also presented the petition of J. O. Pickering and others, citizens of Kansas; the petition of Jesse J. Pursell and others, citizens of Pennsylvania; and the petition of W. O. Gleim and others, citizens of Ohio, all soldiers in the late war, praying for the enactment of a law for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the petition of George Myers and others, soldiers of the late war, praying for the passage of the bill (S. No. 1078) to grant increase of pensions in certain cases; which was referred to the Committee on Pensions.

He also presented the petition of Henry Slaughter, of Effingham, Illinois, praying to be allowed an addition to his pension; which was referred to the Committee on Pensions.

He also presented the petition of George W. Parker, superintendent of the Saint Louis, Alton and Terre Haute Railroad, praying for a reduction of the duty on steel rails; which was referred to the Committee on Finance.

Mr. McDONALD presented a resolution of the Board of Trade of Indianapolis, Indiana, in favor of the establishment of an inland port of entry at Indianapolis, Indiana; which was referred to the Committee on Commerce.

He also presented resolutions passed at a meeting of ex-Union soldiers, citizens of Butler, De Kalb County, Indiana, and signed by Abner F. Pinchin, president, and D. D. Diehl, secretary, in favor of the passage of a bill to equalize the pay of the soldiers and sailors of the late war, so that they may be paid the difference which existed between the value of greenbacks and gold at the time of their payment; which were referred to the Committee on Finance.

Mr. HEREFORD. I present certain papers to accompany the bill (S. No. 419) for the relief of the legal representatives of Daniel Bedinger, deceased, and move that they be referred to the Committee on Claims, before whom that bill is pending.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 41) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. BUTLER. I am also instructed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 528) to abolish the office of water registrar of the District of Columbia, and to transfer the charge and control of the water supply to the Chief of Engineers in charge of the Washington Aqueduct, to report it adversely. The Senator from New Hampshire [Mr. ROLLINS] who introduced the bill desires that it be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 855) for the relief of Narcissa Gibson, widow of the late Captain Alexander Gibson, United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Colonel William Crooks and others, praying that a pension be granted to Lucy Chaska, an Indian widow, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom was referred the petition of Harriet Flagg, of Dover, New Hampshire, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 702) granting a pension to Mary A. Tindall, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 956) granting a pension to John Hubbell, of Muscatine County, Iowa, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 970) for the relief of Thomas U. Rothrock, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Armstead Goodlow, late of Company E, Twenty-third United States Colored Troops, praying that he may be allowed arrearages of pension from the date of his discharge, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Milton L. Sparr, praying to be granted an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1193) granting a pension to Milton L. Sparr.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Mrs. Emma M. Moore, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. McPHERSON subsequently said: I ask that the report in the case of Emma M. Moore be recommitted to the committee, as a member of the committee desires it to go on the Calendar, in order that a bill may be prepared according to the suggestion made by the Senator from Vermont [Mr. EDMUNDS] to the Senator from West Virginia, [Mr. HEREFORD.]

The VICE-PRESIDENT. That order will be made.

Mr. McDONALD. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 143) for the relief of Louisa M. Mansfield, to report it adversely. Inasmuch as the Senator from Connecticut, [Mr. EATON,] who introduced the bill, is not in his seat, I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. McDONALD, from the Committee on the Judiciary, to whom were referred the petition of S. W. Venable, of Petersburgh, Virginia, praying that his claim for captured tobacco be referred to the Court of Claims, and the petition of Dunlap & Crawford, of Louisville, Kentucky, praying that their claim for captured tobacco be referred to the Court of Claims, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from further consideration of the petitions.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 1046) granting an increase of pension to the widow of Major Thomas T. Thornburgh, late of the United States Army, reported adversely thereon, and moved its indefinite postponement.

Mr. SAUNDERS. I hope the bill will not be indefinitely postponed at this time.

The VICE-PRESIDENT. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. KIRKWOOD. I am also directed by the Committee on Pensions, to whom was referred the bill (S. No. 722) granting a pension to Sarah Dayton, to ask to be discharged from its further consideration. No application has been made to the Pension Bureau for a pension. We think the person for whose benefit the bill is presented is pensionable under the law, and the committee do not report bills in favor of any one for a pension who has not made application to the Pension Bureau and been refused.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. KIRKWOOD, from the same committee, to whom was referred the bill (S. No. 797) granting a pension to Henry C. Smith, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KIRKWOOD. I am also directed by the same committee to report back the petitions of John Snider and Jesse F. Phares, praying to be allowed pensions. They were both scouts in the Union service during the war. The committee are of opinion, in which I do not concur, that they should not be pensioned, and report adversely upon their applications.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petitions.

Mr. HEREFORD. I ask that the cases be placed on the Calendar, with the adverse report of the committee.

The VICE-PRESIDENT. The Chair understands they are mere petitions not accompanied by a bill, and consequently they cannot go on the Calendar.

Mr. EDMUNDS. You cannot put a petition on the Calendar. You would have to introduce a bill and have it recommitted.

Mr. HEREFORD. I will ask then that the petitions be recommitted to the Committee on Pensions in order that a bill may be prepared to accompany them, so that the bill when reported may be placed upon the Calendar.

The VICE-PRESIDENT. The petitions have just been reported adversely from the committee.

Mr. HEREFORD. I move that they be recommitted to the committee.

The VICE-PRESIDENT. The Chair hears no objection to that. The proper course, the Chair thinks, would be to introduce a bill for the relief of these persons and have it referred to the Committee on Pensions, and when the bill should be reported back adversely it could be placed on the Calendar.

Mr. EDMUNDS. The difficulty about that (if I may be pardoned) would be, if this report be adopted, these papers could not be sent to the committee under the rules of the Senate. Therefore the Senator from West Virginia desires the petitions to be sent back for the time being until he may introduce a bill so as not to foreclose the case on the petitions.

Mr. HEREFORD. I did not understand the remark of the Senator.

Mr. EDMUNDS. I was suggesting why I thought the course the Senator proposed was the proper one in order to enable him to use the papers in support of these claimants' applications for pensions.

Mr. HEREFORD. Then I hope there will be no objection to the petitions going back to the committee or lying on the table.

The VICE-PRESIDENT. The petitions will be recommitted to the committee if desired. The Chair hears no objection to that course.

Mr. EDMUNDS. The Senator from West Virginia can introduce a bill afterward and have it referred.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 38) for the relief of Robert Gorthy and Calvin Green, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 658) to amend the act establishing the southern claims commission so as to extend the same to the Indian tribes, reported adversely thereon; and the bill was postponed indefinitely.

Mr. EDMUNDS, from the Committee on Private Land Claims, to

whom was referred the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories, reported it with amendments.

Mr. EDMUNDS. I am directed by the same committee, to which was referred the bill (S. No. 225) to provide for ascertaining and settling private land claims in certain States and Territories, to report it adversely and move that it be indefinitely postponed, because the subject is covered by the bill I have already reported.

The motion was agreed to.

Mr. EDMUNDS. I am directed by the same committee, to which was referred the bill (S. No. 600) to provide for ascertaining and settling private land claims in certain States and Territories, to report it adversely for the same reason. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. FERRY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1005) for the relief of the widow and children of Dr. Lemuel H. Draper, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 551) granting a pension to James O'Connor, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Sol. S. Robinson, praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of citizens of Anderson County, Kansas, praying that a pension be granted to Thomas J. Rumbly, late of Company D, Ninth Regiment Kansas Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Margaret Miller, praying that an act be passed granting her arrears of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Joseph B. Shollenberger, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 132) granting a pension to Fannie Lull, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 337) granting a pension to James H. Poland, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PENDLETON. The Committee on Indian Affairs, to which was recommitted the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, have directed me to submit a report accompanied by sundry papers and a new bill.

The bill (S. No. 1195) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment was read twice by its title.

Mr. PENDLETON. I desire to say, by order of the committee, that they have redrafted this bill, taking into consideration the suggestions of the Senator from Vermont [Mr. EDMUNDS] and the Senator from New York [Mr. CONKLING] made the other day upon a similar bill, and have endeavored to make it conform as nearly as possible to the several suggestions that were made, believing that they were well taken. I give notice that I shall at an early day call up the bill, believing that as now drawn it has met all those objections.

Mr. PENDLETON, from the Select Committee to make provision for taking the Tenth Census, to whom the subject was referred, reported a bill (S. No. 1196) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879; which was read twice by its title.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 208) granting a pension to Archibald Nelson and John Nelson, minor children of John Nelson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 382) granting a pension to Ellen W. P. Carter, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 338) granting a pension to Dederick Blanck, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Theodore S. Sayre and others, praying the passage of an act granting a pension to Colonel Peter Claesgans, of Utica, New York, submitted a report thereon, accompanied by a bill (S. No. 1197) granting a pension to Peter Claesgans, late lieutenant-colonel of the One hundreth and forty-sixth New York Infantry.

The bill was read twice by its title, and the report was ordered to be printed.

DISTRICT HEALTH ORDINANCES.

Mr. BUTLER. I am instructed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 189) legalizing the health ordinances and regulations of the District of Columbia, to report it, with an amendment in the nature of a substitute; and I ask for its immediate consideration. The joint resolution refers to the recent report of the health office, and it is regarded as important that it be acted upon promptly.

The Chief Clerk read the joint resolution.

The VICE-PRESIDENT. Is there objection to the consideration of the joint resolution in the morning hour?

Mr. EDMUNDS. Let us hear what the amendment is.

The Chief Clerk read the amendment.

Mr. EDMUNDS. Since the adjournment on Thursday, when this matter went over on my suggestion, I have examined the subject and am entirely satisfied that the recommendation of the committee is correct. I see by their amendment they have enumerated the ordinances legalized in a way that everybody can know exactly what it is that we legalize, and I am entirely satisfied to allow the joint resolution to be considered now, under the circumstances of its immediate necessity.

Mr. THURMAN. I wish to say in regard to the joint resolution that it is very long and on a very important subject; and if enacted into a law it provides very many penalties, I think, upon hearing it read. I should like to have the joint resolution go over until to-morrow, and be printed as it is proposed to be amended.

The VICE-PRESIDENT. One objection takes it over.

Mr. THURMAN. I do not wish to antagonize the joint resolution, but desire it to go over for the reason just stated.

Mr. BUTLER. As it is a matter of very great consequence to the health of the District, I give notice that I shall ask the Senate to-morrow at the expiration of the morning hour, or at the close of the morning business, to proceed to the consideration of the joint resolution, and in connection therewith to act upon the substitute reported from the committee.

THE GENEVA AWARD.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to whom were referred various petitions and memorials on the subject, to report a bill for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

The bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award was read twice by its title.

Mr. THURMAN. I wish to give notice that on this day week I shall ask the Senate to proceed to the consideration of the bill.

The VICE-PRESIDENT. Meanwhile the bill will be placed on the Calendar.

Mr. EDMUNDS. I wish to say in connection with the report that it is not the unanimous report of the committee. Myself and sundry other gentlemen of the committee do not agree to it.

Mr. HOAR. I ask that the bill be printed in the RECORD. It is a very short bill, and one of public interest.

The VICE-PRESIDENT. The Chair hears no objection, and it will be printed in the RECORD of to-morrow.

The bill is as follows:

A bill for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act approved June 23, 1874, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of May, A. D. 1871, between the United States of America and the Queen of Great Britain," be, and the same hereby is, revived, re-enacted, and continued, all the provisions thereof to take effect from and after the approval of this act, except as changed or modified by this act.

SEC. 2. That the number of judges for said court shall be three; and the agreement of two of the judges shall be necessary to decide any question arising before said court.

SEC. 3. That the judges of the court hereby re-established shall convene and organize in the city of Washington as soon as practicable after their appointment; and the court so organized shall exist eighteen months; and all claims provable under this act shall be verified and filed with the clerk of said court within six months from its organization, or they shall be held to be waived and barred. And should it be found impracticable to complete the work of the said court before the expiration of the said eighteen months, the President may by proclamation extend the time of the duration thereof to a period not more than twelve months beyond the expiration of the said eighteen months; and in such case all the provisions of this act shall be taken and held to be the same as though the continuance of the said court had been originally fixed by this act at the limit to which it may be thus extended.

SEC. 4. That so much of the twelfth section of the said act as provides that "no claim shall be admissible or allowed by said court by or in behalf of any insurance company or insurer, either in its or his own right or as assignee, or otherwise, in the right of a person or party insured, as aforesaid, unless such claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses in respect to its or his war risks exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance, the same shall not be greater than such excess of loss," be, and the same is hereby, repealed.

That any claimant excluded by the provision hereby repealed shall have the like period of time within which to present, file, and prove its or his claim after the passage of this act as he could have had after the passage of the said act if not so excluded; and such claims shall be considered as claims of the first class. And such court shall also consider and allow all claims properly proved, and not included in the first class directly resulting from damage done on the high seas by confederate cruisers during the late rebellion, including vessels and cargoes attacked and taken on the high seas, or pursued by them therefrom, although the loss or damage occurred within three miles of the shore, and whether such claims be made by the original property owner or by an underwriter who paid for such loss or damage, which claims shall be considered as claims of the second class.

SEC. 5. That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the money paid to the United States pursuant to Article VII of the treaty of Washington, and the interest accruing therefrom, not expended in payment of claims heretofore proved and allowed under the provisions of said original act and the act extending the time for the filing of claims thereunder, and of expenses under this act.

SEC. 6. Judgments rendered in the first class shall be first paid. If the sum of money remaining after provision for expenses and the judgments in cases of the first class so unappropriated shall be insufficient to pay the claims of the second class in full, they shall be paid *pro rata*.

SEC. 7. That this act shall not be construed as in any way renewing, extending, or continuing any of the commissions or appointments of judges or officers of the said court of commissioners of Alabama claims issued and made by virtue of said original act.

SEC. 8. That all moneys necessary for the payment of the salaries of the judges and officers authorized by this act, and for the lawful expenses of the said court hereby re-established, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; all of which shall be reimbursed out of the said unexpended moneys before any of the judgments rendered under this act shall be paid.

REPORTS ON NAVAL EDUCATION.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment:

Resolved, That 1,000 additional copies of the report of Professor Soley to the Secretary of the Navy on the foreign systems of naval education, and of the report of Lieutenant-Commander Chadwick on the training of seamen, be printed for the use of the Navy Department.

The resolution was considered by unanimous consent, and agreed to.

NEGRO-EXODUS COMMITTEE.

Mr. VOORHEES, from the select committee on negro emigration from Southern to Northern States, reported the following resolution:

Resolved, That the select committee to investigate the causes of the emigration of the negroes from the Southern to the Northern States be authorized to employ a stenographer, who shall be paid from the "miscellaneous items" of the contingent fund; and that the committee be authorized to print the testimony taken.

By unanimous consent, the resolution was read the second time, and considered as in Committee of the Whole.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. McMILLAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1173) for the relief of the heirs of Nathaniel Heard; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1174) in relation to the compensation and expenses of pension agents; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1175) granting an increase of pension to Henrietta M. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1176) for the relief of Dr. T. S. Verdi; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1177) making an appropriation for the improvement of the Exeter River, in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1178) for the relief of Jason C. Bradeen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1179) for the relief of Mattie S. Whitney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1180) granting a pension to Elizabeth Wolf, widow of John F. Wolf; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1182) to increase the efficiency of the National Board of Health; which was read twice by its title, and referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1183) granting a pension to Timothy Quinn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HEREFORD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1184) to restore certain causes to the docket of the Court of Claims, and to provide for the hearing thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1185) granting a pension to Jesse F. Phares; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1186) granting a pension to John Snider; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1187) for the relief of Adelicia Cheatham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1188) granting arrears of pension to Emma M. Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1189) to divide the district of Kansas into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1190) for the relief of L. Madison Day; which was read twice by its title, and, together with the papers on the files relating to the case, referred to the Committee on Claims.

The VICE-PRESIDENT. The morning hour has expired.

Mr. WHYTE. I should like to introduce a bill.

The VICE-PRESIDENT. By unanimous consent, morning business will be received.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1191) for the relief of James Monroe Heiskell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1192) to authorize the city of Winona to construct, operate, and maintain a wagon-bridge across the Mississippi River at Winona; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 72) authorizing and requiring the Attorney-General to examine in the case of Albert Speyers, an American citizen, of New York City, on the ground of error in the decision of the umpire, under the American and Mexican commission; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 73) authorizing the President of the United States to call an international sanitary conference at Washington, District of Columbia; which was read twice by its title, and referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 74) authorizing the Secretary of War to furnish tents, &c., to the Grand Army of the Republic in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin. In connection with the joint resolution, I present a resolution of the Legislature of Wisconsin, praying that Congress authorize the Secretary of War to furnish the tents and equipage referred to in the joint resolution just introduced. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McDONALD, it was

Ordered, That the papers in the case of John Fletcher be withdrawn from the files of the Senate, there being no adverse report in the case.

On motion of Mr. BECK, it was

Ordered, That the petition and papers of J. B. Davis be taken from the files and referred to the Committee on Claims.

INSTRUCTION IN DRAWING.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with a statement containing all the information in his possession relative to the development of instruction in drawing as applied to the industrial or fine arts in the colleges of agriculture and the mechanic arts, and in the public schools and other institutions of the country, with special reference to the utility of such instruction in promoting the arts and industries of the people.

EULOGIES ON THE LATE SENATOR CHANDLER.

Mr. FERRY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Zach-

ariah Chandler be printed, 8,000 for the use of the House of Representatives and 4,000 for the use of the Senate; and the Secretary of the Treasury have printed the portrait of Mr. Chandler to accompany the same.

BILL RECOMMITTED.

On motion of Mr. MORRILL, it was

Ordered, That the bill (S. No. 1094) to incorporate the National Education Association be recommitted to the Committee on Education and Labor.

GEORGE HEARD.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. No. 309) for the relief of George Heard, which will only take about one minute, it being a short bill, which was passed by both the Senate and House at the last Congress without any objection, but failed to be received by the President in time for his signature.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. Let us hear the report.

The VICE-PRESIDENT. The Chair is informed that there is no report accompanying the bill.

Mr. COCKRELL. There is no printed report in the case. A statement of the Commissioner of the General Land Office is with the papers in the case, which was furnished on application, in answer to a letter from myself.

Mr. EDMUNDS. Then let us hear that read; or perhaps the Senator can state the facts. I will take his statement.

Mr. COCKRELL. I will state the facts just as they are. Mr. Heard located a land warrant which had been issued to Chester Hebner, upon one hundred and sixty acres of land in Pettis County, Missouri. The papers were sent here to Washington. There was a supposed defect in the assignment of the land warrant. The Commissioner of the General Land Office sent the papers back to Warsaw, to be returned to Mr. Heard in order that the assignment might be corrected. They were burned up early in 1861 in the land office at Warsaw, and Mr. Heard never heard of the transaction until recently, when he applied for a patent and was informed of the action taken and that the land warrant had been burned up. He then paid $200 cash for the entry, and now asks that a duplicate of the land warrant be issued to him.

Mr. EDMUNDS. So that it is the same land that he wished to enter before?

Mr. COCKRELL. He has paid for the land, and now simply wants another land warrant in lieu of the land warrant which they refused to permit to be located because of this technical defect.

Mr. EDMUNDS. All right.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF CORPORATION SUITS.

Mr. EDMUNDS. Mr. President, I move that the Senate proceed to the consideration of the bill (S. No. 1089) to amend section 640 of the Revised Statutes of the United States relating to the removal of suits by corporations, and to make further provision relating to suits by and against corporations.

The VICE-PRESIDENT. No motion is necessary, the morning hour having passed and the Calendar being under consideration.

Mr. BAILEY. I hope the Senator from Vermont will not ask that that bill be taken up to-day. It is the desire of myself and several other Senators to make a somewhat critical examination of that bill, and we are not prepared for its consideration now.

Mr. EDMUNDS. Certainly; I am willing that the bill shall go over under such circumstances. I should like to take it up as soon as I reasonably can inasmuch as it is designed to relieve a good many citizens of the United States from what they consider to be a real grievance in respect of the present law about the removal of suits by corporations. I shall be glad to get it up as soon as I can consistently with the convenience of the Senator from Tennessee.

Mr. BAILEY. I suggest that the Senator can call it up on Wednesday or Thursday of this week.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. No. 2932) amending section 740 of the Revised Statutes;

A bill (H. R. No. 3990) to remove the political disabilities of John S. Maury;

A bill (H. R. No. 3109) to remove the disabilities of I. Wilkinson;

A bill (H. R. No. 3988) to remove the political disabilities of Charles Carroll Simms, of Virginia; and

A bill (H. R. No. 3989) to remove the political disabilities of William B. Taliaferro, of Virginia.

The bill (H. R. No. 3384) declaring all public roads postal routes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota; Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, was read twice by its title, and referred to the Committee on Private Land Claims.

APPEALS FROM TERRITORIES IN CAPITAL CASES.

Mr. McDONALD. I ask for the present consideration of Senate bill No. 905. I wish to say that Senate bill No. 19, to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, which I expected to call up this morning, by the request of the Senator from Vermont [Mr. EDMUNDS] will not be called up before Wednesday morning.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 905) in relation to writs of error from the supreme court of the Territory of Dakota, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in line 4, after the word "of," to strike out "the" and insert "any;" and in the same line, after the word "Territory," to strike out "of Dakota;" so as to read:

That a writ of error from the Supreme Court of the United States to the supreme court of any Territory shall lie in criminal cases where the accused shall have been sentenced to capital punishment.

The amendment was agreed to.

The next amendment was, after the word "the," in line 6, to strike out down to "court," in line 10, as follows:

Court rendering such judgment shall, by its order, postpone the execution thereof from time to time and from term to term until the mandate of the supreme court in the case is received and entered upon the records of such lower court.

And in lieu thereof to insert "allowance of such writ shall operate as a supersedeas;" so as to read:

And in such case the allowance of such writ shall operate as a supersedeas.

The amendment was agreed to.

The next mendment was, in line 16, after the word "shall," to strike out the word "also;" in line 17, after the word "in," to strike out "said," and insert "any;" and in line 19, after the word "have," to strike out "one year," and insert "six months;" so as to read:

This act shall apply to all such cases heretofore tried or determined in any Territory in which the judgment has not been executed; and in all such cases the defendant shall have six months from and after the passage of this act in which to obtain and perfect such writ of error.

The amendment was agreed to.

The next amendment was to add:

SEC. 2. All cases removed from the supreme court of any Territory to the Supreme Court of the United States, as in this act provided, shall have precedence of hearing in said court.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill in relation to writs of error to the supreme courts of the Territories in capital cases."

DEATH OF REPRESENTATIVE CLARK.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, communicated to the Senate the intelligence of the death of RUSH CLARK, late a member of the House from the State of Iowa, and transmitted the resolutions of the House thereon.

DEFICIENCIES IN CONTINGENT FUNDS.

Mr. DAVIS, of West Virginia, I move to take up House bill No. 3497.

The VICE-PRESIDENT. It comes up as a matter of course when called.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture, and repairs of the same, for the House of Representatives for the fiscal year ending June 30, 1880.

The bill was reported by the Committee on Appropriations, with an amendment at the end of the bill to add:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet certain contingent expenses of the Senate, namely:

For miscellaneous items, exclusive of labor, for the fiscal year 1880, $20,000.

For furniture, and repairs of the same, for the fiscal year 1879, $12.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

Mr. DAVIS, of West Virginia. Mr. President, so that the House of Representatives may know the causes of the deficiency of $20,000, I submit a short letter from the Secretary of the Senate, which I should like to have go in the RECORD with the bill.

The letter is as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, January 28, 1880.

SIR: The necessary expenses of the several select and special committees of the Senate, and a contract made for a new safe in this office, require a larger expenditure than was anticipated for "miscellaneous items."

The amount appropriated for that purpose for the current fiscal year is nearly expended, and it is estimated that an additional sum of $20,000 will be required to meet the demands of the Senate during the balance of the fiscal year. Should the amount estimated be greater than is required, the excess cannot be expended.

Very respectfully,

JNO. C. BURCH,
Secretary United States Senate.

Hon. H. G. DAVIS,
Chairman Committee on Appropriations.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to provide for deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives."

EXECUTIVE SESSION.

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and three minutes spent in executive session the doors were reopened, and (at three o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 2, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

ADMISSION TO THE FLOOR.

On motion of Mr. HOSTETLER, by unanimous consent, Hon. J. H. Willard, a member of the Legislature of Indiana, was admitted to the privileges of the floor.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock; and this being Monday, the first business in order is the call of States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures, and also resolutions calling for information from Departments, may be presented for reference.

Mr. ACKLEN. I ask unanimous consent that the call of States and Territories be continued until it is completed, notwithstanding the termination of the morning hour.

There was no objection, and it was ordered accordingly.

CAROLINE TWOMBLY.

Mr. LADD introduced a bill (H. R. No. 4004) granting a pension to Caroline Twombly; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GOVERNOR FREDERICK SMYTH.

Mr. BRIGGS introduced a joint resolution (H. R. No. 191) to appoint Governor Frederick Smyth, of New Hampshire, manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SOCIETY FOR THE PROTECTION OF CHILDREN IN THE DISTRICT.

Mr. LORING introduced a bill (H. R. No. 4005) to incorporate a society for the protection of children in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BENJAMIN F. BUTLER.

Mr. RUSSELL, of Massachusetts, introduced a joint resolution (H. R. No. 192) appointing Benjamin F. Butler, of Massachusetts, a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BLUE HILL NATIONAL BANK, DORCHESTER, MASSACHUSETTS.

Mr. FIELD introduced a bill (H. R. No. 4006) authorizing the Blue Hill National Bank, of Dorchester, Massachusetts, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CHARLES RUSSELL LOWELL POST, GRAND ARMY OF THE REPUBLIC.

Mr. FIELD also introduced a bill (H. R. No. 4007) donating two condemned howitzer guns, with their carriages and appurtenances, to the Charles Russell Lowell Post, No. 7, Grand Army of the Republic, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. FIELD also introduced a bill (H. R. No. 4008) donating condemned cannon, carriages, and appurtenances to the Charles Russell Lowell Post, No. 7, of the Grand Army of the Republic, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INNER HARBOR, BLOCK ISLAND, RHODE ISLAND.

Mr. ALDRICH, of Rhode Island, submitted a resolution requesting the Secretary of War to furnish information concerning the obstructions at the entrance to the inner harbor at Block Island, Rhode Island; which was referred to the Committee on Commerce.

MARIA L. LEE.

Mr. WAIT introduced a bill (H. R. No. 4009) authorizing and directing the Secretary of the Interior to place the name of Maria L. Lee, widow of Abel H. Lee, on the pension list; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PATENTS.

Mr. PHELPS introduced a bill (H. R. No. 4010) to so amend section 4895 of the Revised Statutes of the United States as to authorize assignees of patents in certain cases to apply for and obtain re-issues of the original patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SUNDRY CIVIL EXPENSES OF THE GOVERNMENT.

Mr. PHELPS also introduced a bill (H. R. No. 4011) to amend and extend the provisions of a certain clause in the act of Congress approved June 20, 1878, making appropriations for sundry civil expenses of the Government, and to provide for the payment of workmen under the late board of public works in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DUTY ON CERTAIN ARTICLES IMPORTED INTO THE UNITED STATES.

Mr. PHELPS also introduced a bill (H. R. No. 4012) to establish the rates of duty on certain specified articles imported into the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

AID FOR THE SUFFERING POOR IN IRELAND.

Mr. PHELPS also introduced a joint resolution (H. R. No. 193) providing national aid for the relief of the suffering poor in Ireland, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CAPTAIN SAMUEL B. HORNE.

Mr. HAWLEY introduced a bill (H. R. No. 4013) for the relief of Captain Samuel B. Horne, Eleventh Connecticut Volunteers; which was read a first and second time, and referred to the Committee of Claims.

HENRY E. TALCOTT.

Mr. HAWLEY also introduced a bill (H. R. No. 4014) granting a pension to Henry E. Talcott; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TIMOTHY QUINN.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 4015) to authorize the Secretary of the Interior to place the name of Timothy Quinn on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CIRCUIT COURT, NORTHERN DISTRICT, NEW YORK.

Mr. HISCOCK introduced a bill (H. R. No. 4016) to amend the Revised Statutes fixing the time and place of holding terms of the circuit court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANNE S. MELLACH.

Mr. CLARK, of New Jersey, (by request,) introduced a bill (H. R. No. 4017) to increase the pension of Anne S. Mellach; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MACHINISTS OF THE UNITED STATES NAVY.

Mr. O'NEILL introduced a bill (H. R. No. 4018) for the relief of machinists of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOSEPH TAYLOR, UNITED STATES NAVY.

Mr. O'NEILL also introduced a bill (H. R. No. 4019) to appoint Joseph Taylor (late an acting surgeon in the United States Navy) an assistant surgeon in the Navy, not in the line of promotion; which was read a first and second time, and referred to the Committee on Naval Affairs.

HARRIET CARR.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 4020) granting a pension to Harriet Carr; which was read a first and second time, and referred to the Committee on Invalid Pensions.

N. P. HORMELL.

Mr. WISE introduced a bill (H. R. No. 4021) granting an increase of pension to N. P. Hormell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLDIERS AND SAILORS OF THE LATE WAR OF THE REBELLION.

Mr. COFFROTH introduced a bill (H. R. No. 4022) granting pensions to the soldiers and sailors of the late war of the rebellion who were wounded, injured, or contracted disease while in the military and naval service of the United States in said war, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSIONS IN CERTAIN CASES.

Mr. COFFROTH also introduced a bill (H. R. No. 4023) to amend the act approved June 18, A. D. 1874, entitled "An act to increase pensions in certain cases," to further increase and regulate pensions for the loss of a leg or arm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES OBERG.

Mr. COFFROTH also introduced a bill (H. R. No. 4024) granting a pension to Charles Oberg; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MICHAEL CARNEY.

Mr. COFFROTH also introduced a bill (H. R. No. 4025) granting a pension to Michael Carney; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN R. BURTNETT.

Mr. COFFROTH also introduced a bill (H. R. No. 4026) granting a pension to John R. Burtnett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M. PAGE.

Mr. ERRETT introduced a bill (H. R. No. 4027) granting a pension to James M. Page; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JESSE T. MYERS.

Mr. MARTIN, of Delaware, (by request,) introduced a bill (H. R. No. 4028) granting a pension to Jesse T. Myers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL M. FREEMAN.

Mr. MARTIN, of Delaware, (by request,) also introduced a bill (H. R. No. 4029) to remove the charge of desertion from the record of Samuel M. Freeman; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE W. FLOOD.

Mr. HUNTON introduced a bill (H. R. No. 4030) for the relief of George W. Flood; which was read a first and second time, and referred to the Committee of Claims.

ISAIAH PRICE.

Mr. VANCE introduced a bill (H. R. No. 4031) restoring Isaiah Price, Third North Carolina Mounted Infantry, to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOEL W. COOPER.

Mr. VANCE also introduced a bill (H. R. No. 4032) to restore Joel W. Cooper, Third North Carolina Mounted Infantry, to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN M. TAYLOR.

Mr. VANCE also introduced a bill (H. R. No. 4033) granting a pension to John M. Taylor, Company A, Second Kansas Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY GEE.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 4034) for the relief of Henry Gee; which was read a first and second time, and referred to the Committee on Public Lands.

JAMES BUCHANAN.

Mr. SMITH, of Georgia, also introduced a bill (H. R. No. 4035) restoring to the pension-roll the name of James Buchanan, of Blakely, Early County, Georgia, first lieutenant of Georgia militia in the Florida Indian war of 1836, and whose name was dropped from the rolls under the act of February 4, 1862; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JONATHAN DENTON.

Mr. SPEER introduced a bill (H. R. No. 4036) granting a pension to Jonathan Denton, of Towns County, Georgia, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

MINERVA EVANS.

Mr. SPEER also introduced a bill (H. R. No. 4037) granting a pension to Minerva Evans, of Pickens County, Georgia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

E. PACE.

Mr. SPEER also introduced a bill (H. R. No. 4038) for the relief of E. Pace, of Jackson County, Georgia; which was read a first and second time, and referred to the Committee of Claims.

SAMUEL HOWARD.

Mr. SPEER also introduced a bill (H. R. No. 4039) to place the name of Samuel Howard on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES EVANS.

Mr. SPEER also introduced a bill (H. R. No. 4040) for the relief of James Evans, of Lumpkin County, Georgia; which was read a first and second time, and referred to the Committee of Claims.

MRS. MARGARET S. FAIN.

Mr. SPEER also introduced a bill (H. R. No. 4041) to grant a pension to Mrs. Margaret S. Fain, widow of Colonel William C. Fain, United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

W. L. VAUGHAN.

Mr. SPEER also introduced a bill (H. R. No. 4042) for the relief of W. L. Vaughan; which was read a first and second time, and referred to the Committee of Claims.

JOHN R. NICHOLS AND OTHERS.

Mr. SPEER also introduced a bill (H. R. No. 4043) for the relief of John R. Nichols, Samuel S. Smith, R. R. Santler, and E. J. Christy, administrator of John H. Christy, deceased; which was read a first and second time, and referred to the Committee of Claims.

LETTERS HAVING INSUFFICIENT POSTAGE.

Mr. SHELLEY introduced a bill (H. R. No. 4044) to provide for the delivery of letters bearing insufficient postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ELECTION OF CONGRESSIONAL PRINTER.

Mr. SHELLEY also introduced a bill (H. R. No. 4045) providing for the election of a Congressional Printer, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MRS. M. J. DONAHOE.

Mr. FORNEY introduced a bill (H. R. No. 4046) for the relief of Mrs. M. J. Donahoe; which was read a first and second time, and referred to the Committee of Claims.

DESTRUCTION OF TRINITY SHOALS STATION.

Mr. HERNDON introduced a bill (H. R. No. 4047) to appropriate $2,000 to reimburse certain employés who lost their property by the destruction of the station at Trinity Shoal, Gulf of Mexico, off the coast of Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RAILWAY POSTAL EMPLOYÉS.

Mr. MONEY introduced a bill (H. R. No. 4048) to designate, classify, and fix the salaries of persons in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JUSTICES OF THE PEACE AND CONSTABLES FOR ALASKA.

Mr. MULDROW (by request) introduced a bill (H. R. No. 4049) authorizing the appointment of justices of the peace and constables in the Territory of Alaska, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JUDICIAL DISTRICTS IN LOUISIANA.

Mr. KING introduced a bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. KING also introduced a bill (H. R. No. 4051) to appoint a commission of military, naval, and civil engineers to examine and report upon the routes for interoceanic communication; which was read a first and second time, referred to the Select Committee on Interoceanic Ship Canal, and ordered to be printed.

CADET MIDSHIPMEN.

Mr. KING also introduced a bill (H. R. No. 4052) to repeal part of an act regulating the appointment of cadet midshipmen, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MEDIATION BETWEEN PERU, BOLIVIA, AND CHILI.

Mr. KING also introduced a joint resolution (H. R. No. 194) requesting the President of the United States, if not in his opinion incompatible with public interest, to tender to the belligerent powers of Peru, Bolivia, and Chili, now at war, the good offices of this Government for the restoration of peace upon an honorable basis; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CLAIMS FOR SPOLIATION.

Mr. ELAM introduced a bill (H. R. No. 4053) to provide for the ascertainment of claims of American citizens for spoliations prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY C. SEARLES.

Mr. MONROE introduced a bill (H. R. No. 4054) for the relief of Henry C. Searles, postmaster at West Richfield, Summit County, Ohio; which was read a first and second time, and referred to the Committee of Claims.

JACOB LONG.

Mr. MONROE also introduced a bill (H. R. No. 4055) to restore to the pension-roll the name of Jacob Long, late a private in Company B, One hundred and twenty-fourth Regiment Ohio Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CLARK ELDRED.

Mr. MONROE also introduced a bill (H. R. No. 4056) granting a bounty-land warrant and a pension to Clark Eldred, a survivor of the

war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

JOHN MILLAR.

Mr. MONROE also introduced a bill (H. R. No. 4057) granting a pension to John Millar; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PENSION CLAIM AGENTS.

Mr. GARFIELD introduced a bill (H. R. No. 4058) to regulate the practice of attorneys or claim agents before the Pension Bureau; which was read a first and second time.

Mr. FRYE. Let that bill be read at length.

The bill was read in full, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZEPHANIAH CYNBAUGH.

Mr. McKINLEY introduced a bill (H. R. No. 4059) granting a pension to Zephaniah Cynbaugh, of Atwater, Portage County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH COLE.

Mr. GEDDES introduced a bill (H. R. No. 4060) granting a pension to Sarah Cole, mother of Thomas J. Foster, late private Company H, Twenty-first Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ADELLA MARSHALL.

Mr. GEDDES also introduced a bill (H. R. No. 4061) granting a pension to Adella Marshall, minor child of Austin W. Marshall, Company E, Tenth Regiment Ohio Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DAVID F. JONES.

Mr. FINLEY introduced a bill (H. R. No. 4062) granting a pension to David F. Jones, private Company D, Eighty-second Regiment Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SARAH STOUT.

Mr. FINLEY also introduced a bill (H. R. No. 4063) granting a pension to Sarah Stout, widow of Christian Stout; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH A. NEIBLING.

Mr. HURD introduced a bill (H. R. No. 4064) for the relief of Elizabeth A. Neibling; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DR. JOHN LAPPERT.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4065) granting a pension to Dr. John Lappert; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. ELIZA SCOTT.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 4066) for the relief of Mrs. Eliza Scott; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT H. BELTS.

Mr. HILL introduced a bill (H. R. No. 4067) for the relief of Robert H. Belts; which was read a first and second time, and referred to the Committee of Claims.

REGISTRY AND ENROLLMENT OF FOREIGN-BUILT VESSELS.

Mr. BLACKBURN introduced a bill (H. R. No. 4068) to provide for the registry or enrollment of any vessel built in a foreign country; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GREEN CLAY SMITH.

Mr. BLACKBURN also introduced a bill (H. R. No. 4069) providing for the relief of Green Clay Smith, and for other purposes; which was read a first and second time, and referred to the Committee on the Judiciary.

W. H. HELM.

Mr. BLACKBURN also introduced a bill (H. R. No. 4070) for the relief of W. H. Helm; which was read a first and second time, and referred to the Committee on Military Affairs.

CLAIMS.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 4071) for the benefit of citizens of States which did not go into rebellion and who have claims against the United States Government; which was read a first and second time, (the first reading being in full upon the demand of Mr. FRYE,) referred to the Committee on the Judiciary, and ordered to be printed.

ALANSON WILLIAMS.

Mr. CALDWELL introduced a bill (H. R. No. 4072) granting a pension to Alanson Williams, of Cumberland County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WEBSTER C. WEBB.

Mr. CALDWELL also introduced a bill (H. R. No. 4073) to place upon the muster-roll of the United States volunteer forces the name of Webster C. Webb, as second lieutenant Company G, Seventeenth Regiment Kentucky Volunteers, and to amend said roll in other respects; which was read a first and second time, and referred to the Committee on Military Affairs.

LANDON C. MILLER.

Mr. CALDWELL also introduced a bill (H. R. No. 4074) granting a pension to Landon C. Miller, of Monroe County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS B. STRING.

Mr. WILLIS introduced a bill (H. R. No. 4075) for the relief of Thomas B. String, late captain Company L, Eleventh Kentucky Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

THIRTY-NINTH KENTUCKY INFANTRY.

Mr. THOMAS TURNER introduced a bill (H. R. No. 4076) for the relief of certain soldiers of the Thirty-ninth Regiment of Kentucky Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEPTHA BOONE.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 4077) for the relief of Jeptha Boone, of Powell County, Kentucky; which was read a first and second time, and referred to the Committee of Ways and Means.

DESTRUCTION OF SALT WORKS, MANCHESTER, KENTUCKY.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 4078) for the relief of those suffering from the destruction of the salt works near Manchester, Kentucky, pursuant to the orders of Major-General Carlos Buell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAUL C. BEDFORD.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 4079) for the benefit of Paul C. Bedford, of Montgomery County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

L. S. CASEY.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 4080) for the benefit of L. S. Casey, of Whitley County, Kentucky; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

ELIZABETH BEVINS AND ARCHIBALD HOFFMAN.

Mr. THOMAS TURNER also introduced a bill (H. R. No. 4081) for the benefit of Elizabeth Bevins and Archibald Hoffman, of Pike County, Kentucky; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims.

CLAIMS OF LOYAL CITIZENS.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 4082) to repeal the act of July 4, 1864, and for other purposes; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CATHERINE BARBER, ETC.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 4083) authorizing the Commissioner of Pensions to place upon the pension-roll the names of Catherine Barber, widow of George N. Barber, and minor children, Ester E. Barber, George N. Barber, jr., and Rose C. Barber; which was read a first and second time, and referred to the Committee on Invalid Pensions.

N. F. GREEN.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 4084) for the relief of N. F. Green, executor of C. P. Green, deceased; which was read a first and second time, and referred to the Committee of Claims.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 4085) to increase the efficiency of the National Board of Health; which was read a first and second time, referred to the Committee on Epidemic Diseases, and ordered to be printed.

INTERNATIONAL SANITARY CONFERENCE.

Mr. YOUNG, of Tennessee, also introduced a joint resolution (H. R. No. 195) authorizing the President to call an international sanitary conference to meet at Washington, District of Columbia; which was read a first and second time, referred to the Committee on Epidemic Diseases, and ordered to be printed.

JOSEPH A. FEBUARY.

Mr. TAYLOR introduced a bill (H. R. No. 4086) to restore the name of Joseph A. Febuary to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALEXANDER HICKS.

Mr. TAYLOR also introduced a bill (H. R. No. 4087) granting a pension to Alexander Hicks; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. NANCY TIPTON.

Mr. TAYLOR also introduced a bill (H. R. No. 4088) for the relief of Mrs. Nancy Tipton; which was read a first and second time, and referred to the Committee on Military Affairs.

THOMAS MAXWELL.

Mr. ATKINS introduced a bill (H. R. No. 4089) granting arrears of pension to Thomas Maxwell; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

STEPHEN A. GEASLAND.

Mr. HOUK introduced a bill (H. R. No. 4090) for the relief of Stephen A. Geasland, of Roane County, State of Tennessee; which was read a first and second time, and referred to the Committee on Military Affairs.

HONORABLY DISCHARGED NON-COMMISSIONED OFFICERS.

Mr. HOUK also introduced a bill (H. R. No. 4091) for the relief of certain honorably discharged non-commissioned officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA J. EDWARDS.

Mr. HOUK also introduced a bill (H. R. No. 4092) granting a pension to Martha J. Edwards, of Monroe County, Tennessee, widow of Thomas N. Edwards, late scout and guide for Fifth Ohio Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JEFFERSON L. CARSON.

Mr. HOUK also introduced a bill (H. R. No. 4093) for the relief of Jefferson L. Carson, of Monroe County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

ELIZABETH VANBEBBER.

Mr. HOUK also introduced a bill (H. R. No. 4094) granting a pension to Elizabeth Vanbebber, of Tennessee, widow of John N. Vanbebber, late of the United States Army; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES A. DAVIS.

Mr. HOUK also introduced a bill (H. R. No. 4095) granting a pension to James A. Davis, sergeant Company B, Third Tennessee Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JANE DAGLEY.

Mr. HOUK also introduced a bill (H. R. No. 4096) granting a pension to Jane Dagley, widow of Terrell Dagley, late of Company E, Third Tennessee Volunteers, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELISHA DISNEY.

Mr. HOUK also introduced a bill (H. R. No. 4097) granting a pension to Elisha Disney, late of Company E, Second Tennessee Infantry, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM HENDERSON.

Mr. HOUK also introduced a bill (H. R. No. 4098) restoring William Henderson, of Anderson County, Tennessee, late of the Mexican war, to the pension-roll of the United States; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM ROBINSON.

Mr. HOUK also introduced a bill (H. R. No. 4099) for the relief of William Robinson, of Loudon County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

NANCY DIVINE.

Mr. HOUK also introduced a bill (H. R. No. 4100) restoring the name of Nancy Divine, widow of Joseph Divine, deceased, lieutenant-colonel Third Tennessee Mounted Infantry, of Monroe County, Tennessee, to the pension-roll of the United States; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE W. BROWNING.

Mr. HOUK also introduced a bill (H. R. No. 4101) to place George W. Browning on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

H. Q. WALKER.

Mr. HOUK also introduced a bill (H. R. No. 4102) for the relief of H. Q. Walker, of Loudon County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM H. DAWSON.

Mr. HOUK also introduced a bill (H. R. No. 4103) for the relief of William H. Dawson, of Monroe County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

GEORGE W. OSBORN.

Mr. HOSTETLER introduced a bill (H. R. No. 4104) granting relief to George W. Osborn; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY J. CONNER.

Mr. MYERS introduced a bill (H. R. No. 4105) for the relief of Mary J. Conner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL B. ROBERTSON.

Mr. MYERS also introduced a bill (H. R. No. 4106) granting a pension to Samuel B. Robertson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. INEZ L. LYON.

Mr. MYERS also introduced a bill (H. R. No. 4107) granting an increase of pension to Mrs. Inez L. Lyon; which was read a first and second time, and referred to the Committee on Invalid Pensions.

G. L. EMIL SHERER.

Mr. MYERS also introduced a bill (H. R. No. 4108) granting a pension to G. L. Emil Sherer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLOTTA A. WELTON.

Mr. COBB introduced a bill (H. R. No. 4109) granting a pension to Charlotta A. Welton, widow of John A. Welton, of Knox County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS WADSWORTH.

Mr. COBB also introduced a bill (H. R. No. 4110) to restore the name of Thomas Wadsworth to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WATER-ROUTE BETWEEN LAKE ERIE AND THE WABASH RIVER.

Mr. COLERICK introduced a bill (H. R. No. 4111) to provide for a water-route to facilitate transportation between Lake Erie and the navigable waters of the Wabash River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

RELIEF OF CERTAIN PENSIONERS.

Mr. COLERICK also introduced a bill (H. R. No. 4112) for the relief of certain pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF THE WABASH AND ERIE CANAL.

Mr. COWGILL introduced a bill (H. R. No. 4113) authorizing an appropriation for a survey and estimate of an enlargement and improvement of the Wabash and Erie Canal, of the States of Ohio and Indiana, so as to connect the navigable waters of the Wabash with the navigable waters of Lake Erie; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BROWNE introduced a bill (H. R. No. 4114) amending section 554, Title XIII, chapter 2, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALES BY DECREE OF COURT.

Mr. BROWNE also introduced a bill (H. R. No. 4115) providing that the sales of property on the order, judgment, or decree of the circuit or district court be made by the marshal; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHARLES HAY.

Mr. BROWNE also introduced a bill (H. R. No. 4116) granting Charles Hay, who was a soldier in the war of 1812, a pension; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

DENNIS CARTER.

Mr. BROWNE also introduced a bill (H. R. No. 4117) granting a pension to Dennis Carter; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TAYLOR PUCKETT.

Mr. BROWNE also introduced a bill (H. R. No. 4118) granting a pension to Taylor Puckett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JEROME B. GERRARD.

Mr. BROWNE also introduced a bill (H. R. No. 4119) granting a pension to Jerome B. Gerrard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MATHIAS FOSHER.

Mr. BROWNE also introduced a bill (H. R. No. 4120) granting Mathias Fosher, a soldier of the war of 1812, a pension; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

CHARLES WINDER.

Mr. BROWNE also introduced a bill (H. R. No. 4121) for the relief of Charles Winder, late sergeant Company I, Forty-fifth Indiana Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT TO THE CONSTITUTION.

Mr. BROWNE also introduced a joint resolution (H. R. No. 196) proposing an amendment to the Constitution of the United States of America; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTY ON PRINTING PAPER, ETC.

Mr. FORT introduced a bill (H. R. No. 4122) to place certain articles imported and used in the manufacture of paper, of glass, and of woolen fabrics on the free list, and to reduce the import duty on printing paper used for books, pamphlets, magazines, and newspapers; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

M'KNIGHT & RICHARDSON.

Mr. STEVENSON introduced a bill (H. R. No. 4123) for the relief of William S. McKnight and James W. Richardson, late partners doing business under the firm-name and style of McKnight & Richardson; which was read a first and second time, and referred to the Committee on the Judiciary.

CHARLES B. PHILLIPS.

Mr. ALDRICH, of Illinois, (by request,) introduced a bill (H. R. No. 4124) for the relief of Charles B. Phillips; which was read a first and second time, and referred to the Committee of Claims.

DAVID L. LASATER.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4125) granting a pension to David L. Lasater; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN V. BOVELL.

Mr. FORSYTHE introduced a bill (H. R. No. 4126) granting a pension to John V. Bovell, late sergeant Company E, Sixty-sixth Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES F. BOTTORFF.

Mr. FORSYTH also introduced a bill (H. R. No. 4127) granting a pension to James F. Bottorff, of Newton, Jasper County, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JUDGMENTS, ETC., IN FAVOR OF THE UNITED STATES.

Mr. MORRISON introduced a bill (H. R. No. 4128) to limit the time in which judgments and demands in favor of the United States against individual debtors shall be in force; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M'FARLAND.

Mr. BOYD introduced a bill (H. R. No. 4129) granting an increase of pension to James McFarland, a survivor of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

WILLIAM EDMONDS.

Mr. SHERWIN introduced a bill (H. R. No. 4130) granting a pension and arrears of pension to William Edmonds, of Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDINGS AT SAINT LOUIS.

Mr. WELLS introduced a bill (H. R. No. 4131) to anticipate the annual appropriation toward completion of the custom-house and post-office at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CHARLES CHOTTEAU.

Mr. WELLS also introduced a bill (H. R. No. 4132) for the relief of Charles Chotteau, of Saint Louis, Missouri; which was read a first and second time, and referred to the Committee of Claims.

DODD, BROWN & CO.

Mr. WELLS also introduced a bill (H. R. No. 4133) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri; which was read a first and second time, and referred to the Committee on Indian Affairs.

MELVILLE H. HUDSON.

Mr. SAWYER introduced a bill (H. R. No. 4134) granting arrears of pension to Melville H. Hudson, late drummer Company C, Third Regiment Kansas Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMELIA CARTER.

Mr. SAWYER also introduced a bill (H. R. No. 4135) granting a pension to Amelia Carter, of Clay County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALBERT LEWIS.

Mr. SAWYER also introduced a bill (H. R. No. 4136) to remove the charge of desertion from Albert Lewis, late private Company L, Fifth Kansas Cavalry, and to allow him back pay and bounty; which was read a first and second time, and referred to the Committee on Military Affairs.

WEST POINT PROFESSORSHIPS.

Mr. FROST introduced a bill (H. R. No. 4137) to repeal so much of section 1309 of the Revised Statutes as provides for a professorship of Spanish at the Military Academy at West Point, and to substitute therefor a professorship of the German language; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN DURANT.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 4138) granting a pension to John Durant, Company C, Twenty-third Regiment of Illinois Volunteers, now of Carroll County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WITNESSES IN UNITED STATES COURTS.

Mr. PHILIPS introduced a bill (H. R. No. 4139) providing for compulsory process for witnesses, and taxing their fees in the event of a defendant's discharge or acquittal under indictment in any United States court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INSTRUCTIONS TO JURIES, ETC.

Mr. PHILIPS also introduced a bill (H. R. No. 4140) regulating the practice in United States circuit and district courts as to the time and manner of instructing juries and arguing the cause; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EIGHTH MISSOURI STATE MILITIA.

Mr. PHILIPS also introduced a bill (H. R. No. 4141) for the relief of certain soldiers of the Eighth Cavalry, Missouri State Militia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMMA PORCH.

Mr. PHILIPS also introduced a bill (H. R. No. 4142) for the relief of Mrs. Emma Porch, of Centretown, Missouri; which was read a first and second time, and referred to the Committee on Military Affairs.

FREE COINAGE OF STANDARD SILVER DOLLARS.

Mr. BLAND introduced a bill (H. R. No. 4143) for the free coinage of the standard silver dollar, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

IMPROVEMENT OF OSAGE RIVER.

Mr. PHILIPS introduced a bill (H. R. No. 4144) to provide for the survey and improvement of the Osage River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE W. LANE.

Mr. WILLITS introduced a bill (H. R. No. 4145) to grant a pension to George W. Lane, of Wheatland, Hillsdale County, State of Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SMITH E. G. RAWSON.

Mr. STONE introduced a bill (H. R. No. 4146) for the relief of Smith E. G. Rawson; which was read a first and second time, and referred to the Committee of Claims.

DISABILITY PENSIONS.

Mr. NEWBERRY introduced a bill (H. R. No. 4147) to grant additional pensions to those who have lost an arm or leg in the service of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM SMITH.

Mr. BREWER introduced a bill (H. R. No. 4148) granting a pension to Hiram Smith, of Flint, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANK LESTER.

Mr. BREWER also introduced a bill (H. R. No. 4149) granting a pension to Frank Lester, late of Company C, Ninth Michigan Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RAYMOND REYES.

Mr. HULL introduced a bill (H. R. No. 4150) granting a pension to Raymond Reyes; which was read a first and second time, and referred to the Committee on Invalid Pensions.

M'LELLAN'S COMPANY, SEMINOLE WAR.

Mr. HULL also introduced a bill (H. R. No. 4151) to pay Captain George E. McLellan's company for services rendered the United States Government in the Seminole war; which was read a first and second time, and referred to the Committee of Claims.

JOHN W. ANDERSON.

Mr. PRICE introduced a bill (H. R. No. 4152) granting a pension to John W. Anderson, late Captain Company A, Eleventh Regiment Iowa Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOLDIERS' REUNION.

Mr. BOUCK presented joint resolution of the Legislature of the State of Wisconsin relating to soldiers' reunion, and asking certain favor; which was referred to the Committee on Military Affairs.

BRIDGING DETROIT RIVER.

Mr. BOUCK also presented joint resolutions of the Legislature of the State of Wisconsin relating to the bridging of the Detroit River; which were referred to the Committee on Commerce.

LIGHT-HOUSE ON LAKE MICHIGAN.

Mr. BOUCK also introduced a bill (H. R. No. 4153) for the construction of a light-house on Lake Michigan, Wisconsin, at the entrance of the Green Bay and Sturgeon Bay Canal; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRED. PRIBEE.

Mr. BOUCK also introduced a bill (H. R. No. 4154) granting a pension to Fred. Pribee, of Oshkosh, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MORTGAGES AND DEEDS OF TRUST, DISTRICT OF COLUMBIA.

Mr. WILLIAMS, of Wisconsin, (by request,) introduced a bill (H. R. No. 4155) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia, and to prevent fraudulent releases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONERS.

Mr. HAZELTON introduced a bill (H. R. No. 4156) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER S. PUTNAM.

Mr. HAZELTON also introduced a bill (H. R. No. 4157) granting a pension to Oliver S. Putnam; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANN ANNIS.

Mr. CASWELL (by request) introduced a bill (H. R. No. 4158) granting a pension to Ann Annis; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CATHARINE BRENNAN.

Mr. CASWELL (by request) also introduced a bill (H. R. No. 4159) granting a pension to Catharine Brennan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JANE S. TAPLIN.

Mr. CASWELL (by request) also introduced a bill (H. R. No. 4160) granting a pension to Jane S. Taplin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE H. WARREN.

Mr. POUND introduced a bill (H. R. No. 4161) for the relief of George H. Warren, appropriating certain moneys therefor; which was read a first and second time, and referred to the Committee of Claims.

BARK ANNIE JOHNSON.

Mr. DAVIS, of California, introduced a bill (H. R. No. 4162) authorizing the Secretary of the Treasury to issue an American register to the bark Annie Johnson; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CALIFORNIA COLLECTION DISTRICTS.

Mr. PACHECO introduced a bill (H. R. No. 4163) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

EMPLOYÉS IN RAILWAY MAIL SERVICE.

Mr. DUNNELL introduced a bill (H. R. No. 4164) to designate, classify, and fix the salaries of persons in the railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ELIZABETH SCHOTT.

Mr. POEHLER introduced a bill (H. R. No. 4165) granting a pension to Elizabeth Schott and her minor children; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY BELLAND.

Mr. POEHLER also introduced a bill (H. R. No. 4166) granting a pension to Henry Belland; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FORT HARKER MILITARY RESERVATION.

Mr. ANDERSON introduced a bill (H. R. No. 4167) to provide for the disposal of the Fort Harker military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT RILEY MILITARY RESERVATION.

Mr. ANDERSON also introduced a bill (H. R. No. 4168) to provide for the sale to actual settlers of a portion of the Fort Riley military reservation, in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVIVING OFFICERS, ETC., WAR OF 1812.

Mr. ANDERSON (by request) also introduced a bill (H. R. No. 4169) to amend section 1 of an act approved March 9, 1878, granting pensions to surviving officers, soldiers, sailors, and their widows, of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

SARAH SHAW.

Mr. HASKELL introduced a bill (H. R. No. 4170) for the relief of Mrs. Sarah Shaw; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Indian Affairs.

ALEXANDER MONTGOMERY.

Mr. HASKELL also introduced a bill (H. R. No. 4171) granting an increase of pension to Alexander Montgomery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

D. M. PAGE.

Mr. HASKELL also introduced a bill (H. R. No. 4172) for the relief of D. M. Page; which was read a first and second time, and referred to the Committee on Military Affairs.

RIGHT OF WAY THROUGH PUBLIC LANDS TO RAILROADS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 4173) to amend section 5 of an act approved March 3, 1875, granting to railroads the right of way through the public lands of the United States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES FERGUSON.

Mr. KENNA introduced a bill (H. R. No. 4174) to pay James Ferguson for buildings destroyed by United States troops; which was read a first and second time, and referred to the Committee on War Claims.

DAMAGES FOR INDIAN DEPREDATIONS.

Mr. BELFORD introduced a bill (H. R. No. 4175) authorizing the Court of Claims to hear and determine all claims arising out of depredations committed by Indians beyond the limits of their reservations against the citizens of the United States and for all depredations committed by Indians against the person or property of the officers or employés of the United States residing within any reservation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN B. LAMAY.

Mr. OTERO introduced a bill (H. R. No. 4176) for the relief of John B. Lamay for expenses incurred by him in the education of certain Pueblo Indian children at Santa Fé, New Mexico; which was read a first and second time, and referred to the Committee of Claims.

EDUCATION OF PUEBLO INDIAN CHILDREN.

Mr. OTERO also introduced a bill (H. R. No. 4177) for the education of Pueblo Indian children of New Mexico; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

TERRITORIAL CAPITOL AND JAIL, NEW MEXICO.

Mr. OTERO also introduced a bill (H. R. No. 4178) making an appropriation for the completion of the territorial capitol and jail at Santa Fé, New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MRS. WILLIE L. BELGER.

Mr. MAGINNIS introduced a bill (H. R. No. 4179) for the relief of Mrs. Willie L. Belger; which was read a first and second time, and referred to the Committee on Military Affairs.

THOMAS F. TALBOT.

Mr. DOWNEY introduced a bill (H. R. No. 4180) for the relief of Thomas F. Talbot; which was read a first and second time, and referred to the Committee on Public Lands.

SALE OF FORT BRIDGER MILITARY RESERVATION.

Mr. DOWNEY also introduced a bill (H. R. No. 4181) authorizing the appraisement and sale of the abandoned military reservation of Fort Bridger, in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GEORGE W. MOORE.

Mr. DOWNEY also introduced a bill (H. R. No. 4182) for the relief of George W. Moore; which was read a first and second time, and referred to the Committee on Public Lands.

NEW ORLEANS, BATON ROUGE AND VICKSBURGH RAILROAD.

Mr. ROBERTSON introduced a bill (H. R. No. 4183) to repeal the twenty-second section of the act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of

its road, and for other purposes," and to declare the rights and privileges and lands granted in said twenty-second section to the New Orleans, Baton Rouge and Vicksburgh Railroad Company forfeited, and that the said twenty-second section be re-enacted in favor of the New Orleans Pacific Railway Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

NATHANIEL G. SMITH.

Mr. CLARK, of New Jersey, introduced a bill (H. R. No. 4184) for the relief of Nathaniel G. Smith; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RAILROAD BRIDGE ACROSS ATCHAFALAYA RIVER.

Mr. ELAM introduced a bill (H. R. No. 4185) to authorize the construction of a railroad bridge near Simmesport, Louisiana, across the Atchafalaya River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE S. SIMON.

Mr. LE FEVRE introduced a bill (H. R. No. 4186) for the relief of George S. Simon; which was read a first and second time, and referred to the Committee on War Claims.

SAMUEL HARPER.

Mr. MILLS introduced a bill (H. R. No. 4187) for the relief of Samuel Harper; which was read a first and second time, and referred to the Committee of Ways and Means.

REMOVAL OF WRECKS AND SUNKEN VESSELS.

Mr. CLARDY introduced a bill (H. R. No. 4188) providing for the removal of wrecks and sunken vessels lying in the course of commerce and obstructing navigation, by the Light-House Board, under certain circumstances; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY WOECKENER.

Mr. CLARDY also introduced a bill (H. R. No. 4189) for the relief of Henry Woeckener; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES S. ROBY.

Mr. WILSON introduced a bill (H. R. No. 4190) granting a pension to James S. Roby, late private Company A, Tenth Regiment West Virginia Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LOUISIANA TERRITORY.

Mr. GIBSON introduced a bill (H. R. No. 4191) to authorize the Secretary of State to appoint agents to procure copies of all papers in possession of the governments of France and Spain relating to the history of Louisiana Territory; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MARY A. RIPLEY.

Mr. VAN VOORHIS introduced a bill (H. R. No. 4192) for the relief of Mary A. Ripley; which was read a first and second time, and referred to the Committee on War Claims.

OWNERS, ETC., OF THE BRIG OLIVE FRANCES.

Mr. MURCH introduced a bill (H. R. No. 4193) for the relief of the owners, officers, and others, of the brig Olive Frances; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ELIZABETH BITTNER.

Mr. YOCUM introduced a bill (H. R. No. 4194) granting a pension to Elizabeth Bittner, widow of Lieutenant Robert R. Bittner, late of Company B, Eleventh Pennsylvania Volunteers, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. B. F. RANDALL.

Mr. RICHARDSON introduced a bill (H. R. No. 4195) granting a pension to J. B. F. Randall, late second lieutenant in Company B, Twenty-fourth New York Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EDWARD FARR.

Mr. PRESCOTT introduced a bill (H. R. No. 4196) granting a pension to Edward Farr, late a private Company E, One hundred and seventeenth Regiment New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES HARRIS.

Mr. PRESCOTT also introduced a bill (H. R. No. 4197) granting a pension to James Harris, a private in Captain G. G. Comstock's company, Sixty-eighth Regiment New York State Militia, war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

CHARLES SEELEY.

Mr. KELLEY introduced a bill (H. R. No. 4198) for the relief of Charles Seeley, late a first lieutenant of the One hundred and ninety-eighth Regiment of Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEREMIAH PHELAN.

Mr. EINSTEIN introduced a bill (H. R. No. 4199) to place Jeremiah Phelan (who was lieutenant in First Regiment California Infantry Volunteers and captain of Company B, Fourth Regiment California Infantry Volunteers, and is now hospital steward in the United States military service) upon the retired list as a commissioned officer of the United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN A. MARLEW AND OTHERS.

Mr. BAILEY introduced a bill (H. R. No. 4200) granting arrears of pay to John A. Marlew and others, late letter-carriers at Albany, New York; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

SMITH E. G. RAWSON.

Mr. CAMP introduced a bill (H. R. No. 4201) for the relief of Smith E. G. Rawson; which was read a first and second time, and referred to the Committee on Patents.

INCREASE OF PENSIONS.

Mr. CAMP (by request) also introduced a bill (H. R. No. 4202) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA S. STUDER.

Mr. CAMP (by request) also introduced a bill (H. R. No. 4203) to restore the name of Emma S. Studer to the pension-roll of the United States; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INDUSTRIAL HOME FOR GIRLS.

Mr. NEAL (by request) introduced a bill (H. R. No. 4204) to provide an industrial home for girls in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

HENRY SIMMONS.

Mr. McCOID introduced a bill (H. R. No. 4205) for the relief of Henry Simmons, late colonel United States Colored Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LAND TITLE IN BURLINGTON, IOWA.

Mr. McCOID also introduced a bill (H. R. No. 4206) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the "independent school district" of said city; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

TERMS OF NORTHERN DISTRICT COURT OF NEW YORK.

Mr. JAMES introduced a bill (H. R. No. 4207) to amend the Revised Statutes fixing the times and places for holding terms of the district court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES G. HELM.

Mr. THOMAS introduced a bill (H. R. No. 4208) for the relief of James G. Helm, of Illinois; which was read a first and second time, and referred to the Committee on Military Affairs.

C. F. FUSTING.

Mr. HENKLE introduced a bill (H. R. No. 4209) for the relief of C. F. Fusting, postmaster at Catonsville, Maryland; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

PETER GALLAGHER.

Mr. HENKLE also introduced a bill (H. R. No. 4210) for the relief of Peter Gallagher, of Washington, District of Columbia; which was read a first and second time, and referred to the Committee of Claims.

JOHN DIXON.

Mr. ROTHWELL introduced a bill (H. R. No. 4211) for the relief of John Dixon, of Missouri; which was read a first and second time, and referred to the Committee on War Claims.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State; and

A joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol, along the line of the old canal, and for other purposes.

VISITORS TO WEST POINT.

The SPEAKER. The Chair announces the appointment of Visitors to West Point as follows:

Mr. FELTON of Georgia, Mr. PHILIPS of Missouri, and Mr. McKINLEY of Ohio.

COMMITTEE CHANGES.

The SPEAKER. The Chair also announces the following committee changes:

Mr. SMITH, of Pennsylvania, transferred from the Committee on Invalid Pensions to the Committee on Public Expenditures, and Mr. MASON, of New York, from the Committee on Public Expenditures to the Committee on Invalid Pensions, by arrangement between those two gentlemen;

On the Committee on Education and Labor Mr. PHILIPS, to fill a vacancy;

On the Committee on Expenditures in the Department of Justice, Mr. PHILIPS in place of Mr. THOMAS, of Illinois, who declined further service on that committee.

GOVERNMENT IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair also presents the memorial of a public meeting of inhabitants of the District of Columbia on the subject of government in the District.

Mr. KELLEY. I ask that that memorial be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, and was referred to the Committee for the District of Columbia.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, a committee appointed by a meeting of inhabitants of the District of Columbia, assembled at Odd Fellows' Hall, in the city of Washington, on the 23d day of January, 1880, by direction of said meeting respectfully present the following memorial:

Your memorialists with respect represent that the act of 21st February, 1871, mutilated popular government in this District by giving the appointment of the governor and one of the branches of the Legislature to the President and Senate, instead of the vote of the people; that the act of June 20, 1874, abolished popular government entirely, and the act of June 11, 1878, declared that abolishment to be permanent.

This legislation was in derogation of common right, in violation of irrepealable law, and subversive of the American system of democratic representative institutions.

It needs no argument to show that citizens of the United States are entitled to self-government, for such is the principle lying at the foundation of all law in every State of the Union.

This right was guaranteed to the inhabitants of this District by the compact between Maryland and the United States, which resulted in the cession of this territory. The Maryland act of cession provided that the jurisdiction of her laws should not cease in this District until Congress should provide for its government, and that body declared in 1801 that the laws of Maryland as they then existed should continue in force, among them being the first and second articles of the declaration of rights: "That all government of right originates with the people, is founded in compact only, and instituted for the good of the whole. Second. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof."

This was a part of the constitution of Maryland, and its adoption by Congress made it a covenant, with the rest of that constitution, between the inhabitants of the District and the United States, which Congress cannot abrogate, and is bound to fulfill.

This guarantee of local government chosen by the people was well understood by the wise and patriotic men who framed and procured the adoption of the Federal Constitution, as was declared by Madison in the forty-third number of the Federalist.

Following out the terms of the compact of cession, and of its covenant with the inhabitants, Congress finding local government existing in the District in the cities of Alexandria, Georgetown, and the levy courts in the counties, maintained these popular institutions, and by one of its earliest acts of legislation created the municipal corporation of the city of Washington, which continued to exist for seventy years.

It is a perversion of terms to hold that the grant by the people of the power to exercise exclusive legislation in this District implies arbitrary authority. This grant of power may not be construed to deny or disparage others retained by the people. The rights which the inhabitants of the District enjoyed as citizens of Maryland were inalienable; the right to govern themselves, and not to be taxed but by their own consent; and these rights were never delegated to the United States, but specially reserved to the people, their enjoyment being "inestimable to us and formidable to tyrants only."

Long ago Judge Tucker, in his notes on Blackstone's Commentaries, warned his hearers against the dangers of a latitudinous construction of the powers of Congress over this District. He said: "A system of laws incompatible with the nature and principles of a representative democracy, though not likely to be introduced at once, may be matured by degrees, and diffuse its influence through the States, and finally lay the foundation of the most important changes in the nature of the Federal Government."

This language seems prophetic, as the deliberate extinguishment of popular rights here seems designed as an example. Hence it is not solely in the view of common right and valid compact that the question of local government in this District rises to the level of the most important consideration, for it concerns the character of free government at large. With what countenance can the representatives of the American people declare to the world a determination to deprive of the right and benefit of local government a population of 160,000—larger than that of some of the States? To continue this wrong is to proclaim a standing condemnation of the American system of government, and to assert that taxation without representation is just, while obedience is due where no free will exists.

Wherefore the memorialists on behalf of the inhabitants they represent pray that laws may be enacted reorganizing popular government in this District and effecting a complete restoration of the rights of this people as American citizens.

By order of the committee,

THOMAS J. DURANT, *Chairman.*

Attest:
J. P. KLINGLE, *Secretary.*

AUDITOR OF RAILROAD ACCOUNTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to a deficiency in the appropriation for the salary of the Auditor of Railroad Accounts; which was referred to the Committee on Appropriations.

MANUFACTURE OF POST-OFFICE ENVELOPES.

The SPEAKER also laid before the House a letter from the Postmaster-General, relative to a deficiency in the appropriation for the manufacture of post-office envelopes; which was referred to the Committee on Appropriations.

W. H. HILL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the claim of W. H. Hill; which was referred to the Committee on War Claims.

FENDALL CARPENTER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting papers in the claim of Fendall Carpenter; which was referred to the Committee on War Claims.

REFERENCE OF PAPERS.

On motion of Mr. WAIT, by unanimous consent, the papers in the case of the claim of the heirs of the late Joseph Packwood, of Connecticut, were ordered to be taken from the files of the House and referred to the Committee on Revolutionary Pensions.

On motion of Mr. HAWLEY, by unanimous consent, the papers in the case of the claim of the heirs of the late Dr. Philip Turner were ordered to be taken from the files of the House and referred to the Committee on Revolutionary Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ERRETT for three days.

INDIAN APPROPRIATION BILL.

Mr. WELLS, from the Committee on Appropriations, reported a bill (H. R. No. 4212) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1881, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

LOUISIANA TERRITORY.

Mr. GIBSON. I ask unanimous consent to have printed a letter of Hon. Charles Gayarè, together with a schedule of the papers and documents already procured, relating to the discovery and history of the territory of Louisiana, to accompany the bill introduced by me this morning, authorizing the Secretary of State to appoint agents to procure copies of all papers in possession of the governments of France and Spain relating to the history of Louisiana.

There was no objection, and it was so ordered.

SUSPENSIONS OF THE RULES.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions on leave having been concluded, the next business in order are motions to suspend the rules. The Chair will recognize first those gentlemen who have been instructed by their committees to submit such motions, giving the preference to committees over individual members, as has been the uniform practice.

CONTINUATION OF RIVER IMPROVEMENTS.

Mr. REAGAN. I am directed by the Committee on Commerce to move to suspend the rules so that the House may now pass a bill to appropriate money for the continuance of improvements of certain navigable waters.

The bill, which was read, appropriates as follows:

To deepen the channel of the Susquehanna River, above and below the port of Havre de Grace, and to complete the work commenced in June, 1879, at the Fishing Battery light station, in the vicinity of Spesutic Island, $28,000; for continuing the work on Muscle Shoals, in the Tennessee River, $110,000; and for continuing the work on Davis Island dam, on the Ohio River, $75,000; said appropriations to be available from the passage of this act.

Mr. DUNNELL. I ask unanimous consent that the gentleman from Texas be allowed to make a statement in relation to this bill.

There was no objection.

Mr. REAGAN. I will ask that the gentleman from Maryland, [Mr. TALBOTT,] who represents the district in which the first appropriation contained in the bill is to be applied, be allowed to make a brief explanation in relation to that; and then I will yield to other gentlemen to explain other portions of the bill.

The SPEAKER. If the gentleman from Texas designs to yield the floor in that way, he had better modify his motion so as to suspend the rules, in order that the bill may be considered in the House at this time.

Mr. REAGAN. I will submit that motion.

The motion was agreed to, two-thirds voting in the affirmative.

The rules were accordingly suspended, and the bill (H. R. No. 4213) to appropriate for the continuance of improvements on certain navigable waters was received and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. REAGAN. I will now yield to the gentleman from Maryland, [Mr. TALBOTT.]

Mr. TALBOTT. The first part of the pending bill refers to certain improvements in the Susquehanna River, near Havre de Grace. The appropriation is altogether proper and not large in amount. I will state to the House that prior to 1870, running back for ten or fifteen years, there was an annual appropriation for deepening the channel

of the river at that point and improving the harbor of that port. My predecessor, Mr. Archer, of Maryland, I think it was, who was a member of the Committee of Commerce, recommended in 1870 that that appropriation be discontinued. The river at that point is about a mile wide, and the appropriation was discontinued on the recommendation of Mr. Archer, because the channel had been deepened to the proper depth at Havre de Grace, to enable vessels to enter that port without difficulty.

Since 1870 nothing has been done for the improvement of the channel at that point, and it has been filled up to a great extent. The report of Major William P. Craighill, the engineer who was authorized to make a survey and estimates for the information of the Committee on Commerce, states that the channel is now only six feet in depth at mean low water. In addition to that we are satisfied that this appropriation of $28,000 is proper, and would come along as a matter of course in the regular river and harbor appropriation bill. But the United States fish commission has seen proper, and wisely, I believe, to select that point for the purpose of fish culture. I ask the Clerk to read the letter of the Fish Commissioner, in which he states that if this appropriation is made at this time, and not delayed until the river and harbor bill is passed, it will advance the fish culture at that point for a year. That is why we ask this appropriation to be made at this time before the regular river and harbor bill is passed.

The Clerk read as follows:

UNITED STATES COMMISSION, FISH AND FISHERIES,
Washington, D. C., January 26, 1880.

DEAR SIR: Since our conversation last night, I thought that it would be advisable for me to give you more particularly the figures which I then mentioned. I find on reference to the record of the work of last season at Havre de Grace that we procured six hundred and fifteen ripe female shad; that the proportion of ripe fish to the number of fish examined was about one in one hundred and fifteeen. From these six hundred and fifteen female shad we procured nearly thirteen million eggs. If the improvements in the channel which are contemplated are made in time for us to avail ourselves of them this season, I do not see why we cannot procure an average of one hundred ripe fish a day during the six weeks that we operate there. This simple fact will show the importance to us that the work should be done at once. The yield from the operations at Havre de Grace will, without doubt, be increased tenfold. In our increased facilities for transportation, we will be able to stock the streams of the South and Southwest at much less cost and much more effectively than ever before. Although the improvement of the navigation is of great importance to the commerce of Havre de Grace and Port Deposit, yet the immediate carrying out of these improvements is of vast importance to the whole country. When we take into consideration the fact that it takes three or four years for a shad to mature and return to the waters stocked it will show how important the saving of one year's time is. If the appropriation for this work in the neighborhood of Havre de Grace is postponed until the regular river and harbor bill is considered, it will delay the operations for one year, or rather confine us to the hitherto retail business. We have hitherto used in this locality small steam-launches which have been furnished us by the Navy Department, but in two weeks a large steamer constructed for the purpose of carrying on the fish-culture operations will be ready to receive her hatching equipment. Her draught, however, is so much greater than the small launches that we will not be able to use her efficiently at this point.

I hope that you will be able soon to secure action in this matter.

Very truly yours,

T. B. FERGUSON,
Assistant Commissioner.

Hon. ROBERT M. MCLANE,
House of Representatives.

Mr. TALBOTT. I will state that the recommendation of the Fish Commissioner is also indorsed by the engineer who made the survey and estimates.

Mr. FORT. Is this appropriation to be made available immediately?

Mr. REAGAN. It is.

Mr. FORT. Is it in addition to the regular appropriation?

Mr. TALBOTT. No, sir; only an appropriation in advance of the regular appropriation bill for the river and harbor improvements.

Mr. TUCKER. I would inquire what this appropriation is for?

Mr. TALBOTT. It is for deepening the channel of the Susquehanna River in the vicinity of Havre de Grace. Nothing has been done to that channel for some years past, and no appropriation has been asked for the purpose because it has not before been needed.

Mr. REAGAN. I yield two minutes to the gentleman from Tennessee, [Mr. DIBRELL.]

Mr. DIBRELL. In regard to the improvement of the Tennessee River, I wish to say that since the extra session of Congress the Secretary of War has taken $101,536 of the money appropriated to improve the Muscle Shoals and has expended it in paying a claim of George Williams, a contractor from the State of Iowa. This expenditure has caused the fund appropriated for this work to run short. Since the 1st of January from fifteen hundred to two thousand men, who had been engaged on this work, have been thrown out of employment. About fifteen hundred of these workmen are still in the neighborhood, and if this appropriation be made available immediately they can at once resume work.

The report of the engineer shows that this work will cost less than one-third of the original estimate, and it can be finished in less than one-half the time originally estimated. The passage of this bill is of the utmost importance for the improvement of the Tennessee River.

Mr. REAGAN. I yield two minutes to the gentleman from Pennsylvania [Mr. BAYNE] to explain one of the items embraced in the bill.

Mr. BAYNE. Mr. Speaker, this bill includes an advance appropriation of $75,000 for the Davis Island dam. The amount which the Secretary of War has estimated will be necessary to complete this dam is, I think, about $225,000. The object of making this advance appropriation of $75,000, as proposed in this bill, is to enable the work to go on without interruption in the interval of time between now and the passage of the regular river and harbor appropriation bill. The engineer in charge says that unless this appropriation be made, so as to enable him to go on with the work, its completion will be delayed for one year at least. Delay in the completion of the work is a serious interruption to the commerce of the river.

Mr. FORT. What river?

Mr. BAYNE. The Ohio River, just below Pittsburgh. The coffer-dams necessary for the construction of the main dam are now out in the channel, and interfere seriously with navigation. They must remain there until the dam is completed, when they will be removed, and navigation will be uninterrupted.

The importance of this work is very great. From the city of Pittsburgh above this dam there go out annually to States bordering upon the Ohio and the Mississippi Rivers between sixty million and seventy million bushels of coal. This is an immense trade. These coal fleets are very heavy and their navigation is difficult. It is impossible to navigate them unless the channel be clear. This species of navigation is greatly interrupted so long as those coffer-dams remain where they are.

There is now no money with which to prosecute this work. A million feet of lumber will be required for use very soon. This lumber must come down by the spring freshet or must be delayed until the fall rising. If by withholding this appropriation the procurement of this lumber be delayed until next fall it will take one year more to complete the work than if this appropriation of $75,000 be now made.

This is a unanimous report of the Committee on Commerce, founded upon a recommendation from the engineer in charge of the work. It is an advance of a part of the appropriation we expect to have made for the completion of this dam. I hope that this and the other meritorious measures included in this bill will receive the unanimous support of the House.

Mr. REAGAN. I yield two minutes to the gentleman from Alabama, [Mr. LOWE.]

Mr. LOWE. I understand that the War Department and the engineers in charge of the work on the Tennessee River recommend this appropriation. It is the unanimous report of the committee, and merely anticipates the general bill. Former appropriations have been already consumed, how, or why, I know not, but money is now needed for immediate use. If the appropriation is delayed, hundreds of employés now on the river will be dispersed and the contractors put to unnecessary inconvenience and expense. The work is in my district. I wish I had time to discuss it. It is certainly economy for the Government to push forward the work now in progress, that it may be completed at once and the country realize the benefits. I hope the House will adopt the unanimous report of the committee, and pass the bill.

The bill was twice read, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. There is a clerical error in the bill. The phrase "out of any sums in the Treasury" should be "out of any moneys in the Treasury."

The SPEAKER. If there be no objection, the word "sums" will be struck out and the word "moneys" inserted.

There being no objection, the bill was amended accordingly.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF PROCEEDING FOR THIS EVENING.

Mr. O'CONNOR. I move that at the termination of the legislative proceedings to-day the House take a recess until half past seven o'clock this evening, to carry out at that time the resolution heretofore adopted by the House in regard to the address of Mr. Parnell.

The SPEAKER. According to the usual practice, the House when the ordinary hour of adjournment arrives would take a recess until half past seven o'clock in the evening. That has been the practice in regard to services of this character.

Mr. CONGER. But a motion for a recess would not have precedence over a motion to suspend the rules?

The SPEAKER. It would not. The Chair, however, recognizes the motion of the gentleman from South Carolina [Mr. O'CONNOR] because it is in accordance with usage. If there be no objection, the suggestion of the gentleman from South Carolina will be adopted.

There was no objection, and it was ordered accordingly.

Mr. FERNANDO WOOD. I ask unanimous consent that at the meeting this evening ladies belonging to the families of Senators and Representatives be allowed seats on the floor.

There was no objection, and it was ordered accordingly.

Mr. MCLANE. Mr. Speaker, I desire also to ask by unanimous consent that the committee of reception, Messrs. Joyce, Constantine, O'Brien, and Piet, accompanying Mr. Parnell, shall also be allowed the privilege of the floor this evening.

There was no objection, and it was ordered accordingly.

ADDITIONAL CLERKS FOR PENSION OFFICE.

Mr. COFFROTH. Mr. Speaker, I have been instructed unanimously

by the Committee on Invalid Pensions to move that the rules be suspended and the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of $100 per month each, for service in the Pension Department; and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding $13,900.

That the Secretary of War be, and he is hereby, authorized to appoint seventy additional clerks, forty for the office of the Surgeon-General, at a salary of $83.33½ per month each, and thirty clerks for the office of the Adjutant-General, at a salary of $100 per month each; and purchase furniture for the use of said clerks in the office of the Surgeon-General at a cost not exceeding $1,000; and that said clerks shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions.

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, to wit: $61,900 for the use of the Pension Department, and $39,000 for the use of the War Department; total, $100,900.

Mr. McMILLIN. I desire to ask a question.

Mr. CONGER. The pending question is on the suspension of the rules.

The SPEAKER. No debate is in order.

Mr. CONGER. Then let us have the vote.

Mr. McMILLIN. I move the House take a recess until the hour fixed for the reception this evening.

The SPEAKER. The Chair will entertain that motion.

Mr. CONGER. I make the point of order that is not in order under the suspension of the rules.

The SPEAKER. The exact words of the rules are that only one motion to adjourn shall interrupt the motion to suspend the rules. The gentleman is correct, and the Chair, if the point of order is made, will have to sustain it. A motion to take a recess to-day is about equivalent, under the circumstances, to a motion to adjourn.

Mr. CONGER. Our new rules provide for that, but they are not operating yet. I should like to have a vote on this immediately.

The SPEAKER. The gentleman from Michigan objects to the motion and the Chair cannot entertain it. A motion to adjourn would be in order.

The rules were suspended, two-thirds having voted in favor thereof, and the bill was passed.

REVISION OF THE RULES.

Mr. BLACKBURN. Mr. Speaker, under authority of the Committee on Rules I am instructed to move that the House do now resolve itself into the Committee of the Whole on the state of the Union, to proceed with the consideration of the report made by that committee.

The SPEAKER. The gentleman will have to suspend the rules.

Mr. BLACKBURN. I know it is the ruling of the Chair that it will require a suspension of rules, and now, in obedience to the order of the Committee on Rules, I move to suspend the rules, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of continuing the consideration of the revision of the rules.

Mr. WEAVER. I hope that will be voted down.

Mr. CONGER. Is there any rule for this time regulating the motion to suspend the rules on Monday?

The SPEAKER. There is not; but so much complaint was made at the last session, and as the Committee of the Whole on the state of the Union overruled the plan adopted by the Chair as he thinks, and indicated that the Chair should himself take the responsibility under the rule, the Chair has done so during this session, looking to no list, trusting entirely to himself, and exercising the power the House desired he should exercise in as fair and equitable a manner as he is capable of.

Mr. CONGER. I wish to say this——

Mr. TOWNSHEND, of Illinois. Is debate in order?

The SPEAKER. The gentleman rises to a parliamentary inquiry and the Chair desires to hear him.

Mr. CONGER. I was about to remark as to the decision of the Speaker, that he would first recognize those gentlemen who rise to move a suspension of the rules under instruction from some committee.

The SPEAKER. The Chair thinks that in the case of the chairman of a committee acting under instructions of that committee, that the greater number represented by him should have preference over the request of a single individual for a suspension of the rules.

Mr. CONGER. I wish to say to the Chair under that decision the control of the committees of the House being within the power of the dominant party in this House, it would necessarily follow——

The SPEAKER. The Chair will never do anything of that kind.

Mr. CONGER. I only wish to say that it would necessarily exclude individuals on this side from making any motion to suspend the rules. It would exclude individuals on our side of the House.

The SPEAKER. The Chair so far has recognized no political or party division on either side of the House.

Mr. CONGER. It might shut out this entire side of the House.

The SPEAKER. The Chair will never allow that to be done.

Mr. CONGER. It would exclude this side on political questions.

The SPEAKER. The Chair thinks the gentleman is entirely safe with the present occupant of the Chair in that respect.

Mr. CONGER. I have no doubt of that; but there is no committee on this side to order a report, and that is just what I wish to come at. [Laughter.] We never could reach a place where a committee represented as the Chair has suggested would not precede any motion from an individual.

Mr. McMILLIN. The Speaker cannot remedy that. If there be any fault, it is the fault of the people for having elected a majority on this side. [Laughter.]

Mr. GARFIELD. I think the objection of the gentleman from Michigan is a just one in itself, and no doubt the Chair would supplement it with the other rule, which has been adopted, alternating from side to side in recognition of motions to suspend the rules, so that if one political party had been heard in the way suggested, by the report from a committee, the other side should be heard before the same party could be again heard.

The SPEAKER. The Chair will conform to that, and the gentleman from Michigan will observe that every recognition to-day has been by the unanimous wish of a committee of the House. For instance, the Committee on Pensions was recognized, by its chairman, the gentleman from Pennsylvania, to move to suspend the rules and pass a bill coming before the House from that committee by its unanimous recommendation. The gentleman from Texas also submitted a motion to suspend the rules, which also was the unanimous voice of his committee.

Mr. REAGAN. It was.

The SPEAKER. The gentleman from Kentucky, whom the Chair has now recognized, has, by the unanimous request of the Committee on Rules, moved that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding with the consideration of the report from the committee on revision of the rules; so the Chair has been led into no partisan decision as will be seen, and it will be his constant study to avoid any such while here.

Mr. CONGER. I make no such charge.

The SPEAKER. The Chair understands that, but the gentleman is quite right in making the point that he has, because it has given the Chair an opportunity to disavow anything like giving an undue advantage to either side of the House.

Mr. CONGER. I may say that the report in reference to this pension matter was really a report of this side of the House. [Laughter.]

Mr. HOUSE. Then the gentleman ought to be satisfied.

The SPEAKER. The gentleman from Kentucky now moves to suspend the rules in order that the House may resolve itself into the Committee of the Whole on the state of the Union to proceed with the consideration of the report of the Committee on Rules.

The House divided; and there were—ayes 169, noes 25.

Mr. WEAVER demanded tellers.

Tellers were ordered; and Mr. BLACKBURN and Mr. WEAVER were appointed.

The House again divided; and the tellers reported—ayes 135, noes 34.

Mr. WEAVER called for the yeas and nays.

Mr. GILLETTE called for tellers on the yeas and nays.

Tellers were refused; and the yeas and nays were refused.

So the motion of Mr. BLACKBURN was agreed to, two-thirds having voted in favor thereof.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. CARLISLE in the chair,) and proceeded to consider the report of the Committee on Rules.

The CHAIRMAN. The first question before the committee is the *pro forma* amendment offered by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I withdraw the *pro forma* amendment.

Mr. YOUNG, of Tennessee. I object. I desire to say a word in reference to the pending amendment.

The CHAIRMAN. The discussion is closed upon that amendment; but immediately after the committee shall have disposed of the amendment now pending, offered by the gentleman from Ohio, another amendment will be in order.

Mr. YOUNG, of Tennessee. The amendment offered by the gentleman from Pennsylvania, which was pending when this subject was under consideration before, has not yet been disposed of.

The CHAIRMAN. It has not.

Mr. MULDROW. I desire to ask information as to the exact status of the questions now pending.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. SHALLENBERGER] proposed an amendment to the original text of the report, and thereupon the gentleman from Mississippi proposed a substitute for that text. According to parliamentary practice in this House, and everywhere else, so far as the Chair is informed, the question is first taken upon the proposed amendment to the text, because the friends of the text have the right to perfect it before they can be called upon to vote upon a substitute for it.

The question is first upon the *pro forma* amendment of the gentleman from Ohio to the amendment of the gentleman from Pennsylvania, and, that having been disposed of, the question will then recur upon the amendment of the gentleman from Pennsylvania.

Mr. FINLEY. Let the amendment be read.

The CHAIRMAN. The first question is on a mere *pro forma* amendment to strike out the last word.

The *pro forma* amendment was not agreed to.

Mr. SPEER. I desire to ask if it is now in order to offer a further amendment.

The CHAIRMAN. It is.

Mr. SPEER. Then I offer the following amendment.

The Clerk read as follows:

Provided, That no general legislation shall be incorporated in the appropriation bills by the Committee on Appropriations.

The CHAIRMAN. If that is offered as an amendment to the one offered by the gentleman from Pennsylvania, it is in order.

Mr. SPEER. I offer it as an amendment to the pending amendment.

The CHAIRMAN. This is proposed as a proviso to the pending amendment offered by the gentleman from Pennsylvania.

Mr. SPEER. Mr. Chairman, upon my amendment I desire to offer a few reflections to the House. I regret I had not contemplated that the rules would be taken up this morning, or I should have endeavored to have systematized what I desire to say upon this subject. I think, Mr. Chairman, that one of the most fruitful causes of difficulty under our system of Government is the practice of tacking general legislation on the appropriation bills. It is an illogical thing in itself. An appropriation bill, as its name imports, should be a bill to appropriate money, but for no other purpose.

What is the effect of this legislation? It is, sir, to produce a conflict between the independent and co-ordinate branches of our Government. As every schoolboy knows, there are separate departments, each independent of the other. Sir, this practice destroys that independence. If in the Committee on Appropriations it is thought proper to tack general legislation on the appropriation bills, if the Senate does not agree to that general legislation, or if the President does not see fit to approve it, the appropriation bill will fail, and as a consequence the money necessary to sustain the vast and beautiful structure and fabric of our Government is refused. There is no telling at what time this contingency may arise. There is no telling the alarming consequences which may ensue from it. Public distrust of our securities at home and abroad; breaches of faith on the part of the Government to its employés; the distress of thousands dependent on that good faith for their livelihood; an unprotected frontier; a dismantled Navy; a disbanded Army—these are some of the possible fruits of "riders" of general legislation on the appropriation bills.

Sir, all the parties have been at fault upon this subject. So far as my investigation extends the first time it was done it was done at the instance of the republican party in the year 1856, when a proviso was placed on the Army appropriation bill that the troops should not be used in Kansas. The republican party and the democratic party have followed and adopted that exceedingly bad precedent; and we have at times witnessed emergencies when it seemed that the very existence of the Government was threatened because of a possible failure of the appropriations necessary to sustain it.

Gentlemen have fallen into the mistaken idea that our system is like that of the British government in regard to the granting or refusing of supplies by Parliament as a means of control over the Crown. That is not true. It cannot be demonstrated logically that a refusal of the necessary means to carry on this Government is a legitimate parliamentary resort. Congress is obliged to vote the money to sustain the judges, to sustain the executive department, to sustain the legislative department, to sustain the Army and Navy, or else the Government goes to pieces. And, sir, this result may be brought about at any time by party feeling if general legislation is permitted to be attached to appropriation bills.

Take one instance. The Constitution of our country declares that the judges shall receive for their services salaries which shall be paid at stated intervals, and which shall not be diminished during their term of office. Now, you tack a rider, as it is called, on the bill to make judicial appropriations. The bill is not passed because of that rider. And what is the effect of it? You do not have the money necessary to pay the judges. They cannot get their monthly payments. The payment of their salaries is postponed. The consequence is you in effect diminish their salaries; you not only deprive the gentlemen who hold those important positions of their vested legal right to their salaries, but you practically cripple and dishonor the judicial department of the Government. It is impossible to conceive all the calamitous consequences which may ensue under our form of government, where Congress votes all the money required to maintain it, if the appropriations should be refused because of this dangerous practice of tacking riders on the appropriation bills.

[Here the hammer fell.]

Mr. FRYE. The gentleman from Kentucky [Mr. BLACKBURN] a day or two since, in the progress of this debate, declared that no committee of this House except the Committee on Appropriations at the close of any given Congress was without business on its table; that the Committee on Appropriations was the only committee which discharged itself from everything on its docket. Now, sir, that probably is true, and yet the statement should not go entirely without challenge. The reason why every committee heretofore has seen Congress adjourned with unfinished business on its table was, that after the first two months of any given session there never was more than one call of the committees, and therefore the business of each committee was compelled to lie unfinished on its table; while the Appropriations Committee, under the same code of rules, had the right to report at any time.

Now, sir, the Committee on Appropriations should undoubtedly have the right to report at any time, because its business is of the first and greatest importance. But that is the reason, and the only reason, that that committee has been able to discharge its duties. Under this report of the Committee on Rules it will have no practical advantage over any other committee in this House. Every committee will be called at least as often as once a week, and I fully believe that the trouble which the gentleman from Kentucky complained of will be entirely cured, and that no committee of the House at the close of a Congress will leave unfinished business on its table. So far the new rules will give all the committees of the House a fair chance.

As regards the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] I did not find it on examination to be so radical and so sweeping as I supposed it to be. I know the gentleman is one of the most conscientious legislators in this House, and I believe he is actuated but by one desire: that is, to promote legislation in the Congress of the United States. But I do sincerely hope that the proposition he makes will not be adopted.

The gentleman from Georgia [Mr. SPEER] has just made a proposition amendatory to that of the gentleman from Pennsylvania. It is that the Appropriations Committee shall have no power of legislation. Now, sir, if that is adopted as an amendment to the proposition of the gentleman from Pennsylvania, it might just as well be a substitute for the proposition of that gentleman; because, that being adopted, the proposition of the gentleman from Pennsylvania is without reason and without necessity.

I ask the gentleman from Georgia to look at page 38 of the report of the Committee on Rules; and I call his attention and the attention of the House to clause 3 of Rule XXI and to the last clause of that clause 3:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

I ask the gentleman from Georgia whether to strike out that last clause will not effect all that he desires to effect; if it will not leave to the Committee on Naval Affairs the right to recommend to this House all laws necessary for the establishment of the Navy; to the Committee on Military Affairs the right to recommend to this House all laws touching the organization of the Army; to the Committee on Foreign Affairs the right to recommend to this House all laws touching foreign matters or matters connected with our diplomatic corps; whether the various committees of this House will not be in a position to recommend to this House all of the legislation coming within the jurisdiction of each particular committee; and if that is not all that the committees of this House desire, if it is not all that the gentleman from Georgia is seeking? If that is the case, I hope the House will not agree to the proposition of the gentleman from Pennsylvania, and that the gentleman from Georgia will withdraw his amendment and offer it again when that section 3 of Rule XXI is reached by moving to strike out the words to which I call his attention.

Mr. RANDALL, (the Speaker.) The other day when the gentleman from Pennsylvania on the other side of the House [Mr. WHITE]——

The CHAIRMAN. The Chair would remind the gentleman from Pennsylvania [Mr. RANDALL] that debate has been exhausted on this amendment.

Mr. RANDALL, (the Speaker.) I was going to make a parliamentary suggestion only. It was agreed the other day that the amendment of the gentleman from Pennsylvania [Mr. WHITE] should go over until the third clause of the twenty-first proposed rule should have been reached. The proposition of the gentleman from Georgia [Mr. SPEER] relates to that same clause, and it seems to me that he would act wisely if he would allow his amendment also to go over, reserving until that time every right he is now possessed of.

Mr. SPEER. I desire to state, if I am in order, that what I wish to accomplish is that there shall be an affirmative declaration in the rules that the Committee on Appropriations shall not tack general legislation on the appropriation bills.

The CHAIRMAN. Debate is not in order, but the Chair will recognize the gentleman to respond to the suggestion in relation to the order of proceedings.

Mr. SPEER. I understand that debate is not in order. At the suggestion, however, of the distinguished chairman of the Committee on Rules [the Speaker] I will withdraw my amendment, reserving my right to offer it when the third clause of Rule XXI shall have been reached.

Mr. ACKLEN. I desire to offer as a proviso to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and as an amendment to the substitute of the gentleman from Mississippi, [Mr. MULDROW,] that which I send to the Clerk's desk.

The CHAIRMAN. That is not in order.

Mr. ACKLEN. I offer it as an amendment to the substitute.

The CHAIRMAN. There is already pending an amendment to the substitute.

Mr. ACKLEN. I understood that that was withdrawn.

The CHAIRMAN. The amendment which was withdrawn was one to the proposed amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. ACKLEN. Then I offer this as an amendment in place of the one which has been withdrawn.

Mr. FRYE. Do I understand the gentleman from Pennsylvania [Mr. RANDALL] to assert that the amendment of the other gentleman from Pennsylvania [Mr. SHALLENBERGER] was by agreement allowed to go over?

The CHAIRMAN. The Chair understood that that was a different amendment.

Mr. RANDALL, (the Speaker.) I alluded to the amendment of the gentleman from Pennsylvania, Mr. WHITE.

Mr. FINLEY. It was also understood that the amendment of the gentleman from Georgia [Mr. SPEER] went over with the amendment of the gentleman from Pennsylvania.

The CHAIRMAN. That amendment was withdrawn.

Mr. ACKLEN. I think there is a misunderstanding. I was not under the impression that the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] had been withdrawn.

The CHAIRMAN. It is not withdrawn.

Mr. ACKLEN. Then let the amendment which I offer be attached to that as an amendment.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and which was pending when the Committee of the Whole last had this subject under consideration, is still pending.

Mr. ACKLEN. And to that I offer an amendment.

The CHAIRMAN. Several days before that a gentleman from Pennsylvania offered an amendment, which was withdrawn for the time being.

Mr. CLYMER. The gentleman from Pennsylvania [Mr. WHITE] offered an amendment, which was withdrawn.

Mr. ACKLEN. It is to the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] that I desire to offer my amendment.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. An amendment to the amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] is not now in order, for the reason that there are already two amendments pending thereto. At the time the committee rose on Thursday last the proposition then pending for action was the substitute offered by the gentleman from Mississippi, [Mr. MULDROW.]

The CHAIRMAN. The gentleman is mistaken.

Mr. TOWNSHEND, of Illinois. I will be glad to be corrected.

The CHAIRMAN. At the time the committee rose there was an amendment pending proposed by the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and an amendment to that amendment proposed by the gentleman from Ohio, [Mr. GARFIELD.] There was also pending an amendment in the nature of a substitute, proposed by the gentleman from Mississippi, [Mr. MULDROW,] and there was pending an amendment to that substitute. This morning the amendment proposed by the gentleman from Ohio [Mr. GARFIELD] to the amendment offered by the gentleman from Pennsylvania [Mr. SHALLENBERGER] has been disposed of by the committee. The gentleman from Louisiana [Mr. ACKLEN] now proposes an amendment to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] which is in order.

Mr. MULDROW. I would like to inquire what was the amendment which was pending to the substitute which I offered.

The CHAIRMAN. A *pro forma* amendment, to strike out the last word.

Mr. ACKLEN. I ask that my amendment to the amendment be read.

The Clerk read as follows:

Provided, This shall not be construed to include the river and harbor bill, which the Committee on Commerce shall have power to report at any time to the House for consideration.

Mr. ACKLEN. Under the amendment offered by the gentleman from Pennsylvania [Mr. SHALLENBERGER] the different appropriation bills coming from the various committees are to be reported first to the House and then committed to the Committee on Appropriations. The Committee on Appropriations is then to report those bills back, modified as it may see fit, changed as it may deem necessary, and the bills are then to be left for some member of the Committee on Appropriations to take charge of.

Now, I do not deem it necessary to state what I have already stated to this committee, that I do not think the river and harbor appropriation bill should come under the same construction of the rules as the other general appropriation bills. It is an anomalous bill. It is not a bill that can be properly referred to the Committee on Appropriations for consideration. When the Committee on Commerce shall have matured and perfected that bill, after long months of consideration of the various reports of the Engineer Department, the Committee on Appropriations cannot possibly take the time to consider that bill with any degree of care and accuracy, or with any degree of proper attention to the interests and welfare of the Government. They may cut off appropriations; they may reduce the sum total of the bill; but in so doing they may work such injury to the general interests of the Government as will more than counterbalance the reduction of expenditure.

Under these circumstances, I think that, should it be the sense of this committee to adopt the amendment suggested by the gentleman from Pennsylvania, [Mr SHALLENBERGER,] and I am frank to say that, after careful consideration of that amendment, I am rather favorably impressed with it—they should adopt a proviso, that so far as the amendment affects the general appropriation bills it shall not include the special bill known as the river and harbor bill; for this is an anomalous bill and cannot properly come under the same rule which it is proposed to apply to the other bills.

Mr. SHALLENBERGER. Will the gentleman allow me a question?

Mr. ACKLEN. Certainly.

Mr. SHALLENBERGER. Will not the question which the gentleman is now discussing come up appropriately upon clause 7? It seems to me the precise point which the gentleman is seeking to cover will be brought up upon clause 7 by the amendment which the gentleman from Texas [Mr. REAGAN] proposes to offer. As I understand, this is not the time or place to bring up that discussion. My amendment suggests nothing whatever in reference to the river and harbor appropriation bill or the jurisdiction of the Committee on Commerce. That question can be appropriately acted upon, and the Committee on Commerce can be excepted from the operation of my amendment when we come to consider clause 7, if such be the desire of the Committee of the Whole.

Mr. ACKLEN. All that the gentleman says is very true, if it shall be deemed that the river and harbor bill is not one of the general appropriation bills. But in order to prevent any possible misconstruction of the rule in this respect I desire that the good faith of gentlemen who support the amendment of the gentleman from Pennsylvania shall be shown in adopting this proviso. Therefore I have offered it.

[Here the hammer fell.]

Mr. YOUNG, of Tennessee. Mr. Chairman, I had not intended, until the proposed amendment of the gentleman from Pennsylvania [Mr. SHALLENBERGER] was submitted, to take any part in this protracted discussion, for I am conscious that I am not so profoundly learned in parliamentary law and practice as to give any very great value to my opinions and judgment upon subjects so intricate and difficult of comprehension. I should, therefore, have withheld the views which I propose to submit did I not conceive that two most important questions are involved in this amendment and one or two others of a somewhat similar character which have been offered, together with the discussion which has followed. The one is the proposition to withdraw almost entirely from the Committee on Appropriations the supervision and guardianship which it has always by law exercised over the expenditures of the Government. And the other is the proposition to limit in some measure the almost absolute and aggressive power which that committee has heretofore possessed, and sometimes, I think, exercised to control legislation upon the floor of the House.

These questions are both important, but widely different in their character, and require, in my judgment, a very different action by the House. The former proposition is fraught with the extremest danger to the public interest, and ought to be rejected, while the latter is eminently just and proper and should be promptly accepted and adopted.

There are, I think, few members of this House who have had more cause, real or imaginary, of complaint against the Committee on Appropriations than I have had, though I am glad to number every member of it among my personal friends; and few members, I presume, are more willing than I am to curtail and impose every restraint upon that absolute dominion which has heretofore been allowed it in the management and direction of public legislation upon the floor of this House, yet I would not do this at the peril of the public interest. I know, sir, whenever we relax that rigid grasp which the Appropriations Committee can alone keep upon the purse-strings of the Government, whenever we wrest from it the key of the national Treasury, we will at once enter upon a vast field of public expenditure that has no bounds, and embark upon a turbid ocean of public extravagance which will soon swallow up our entire public resources.

The tendency of all governments is to extravagance in their administration, as they advance in age and increase in power, extent, and wealth; and ours, without the wisest legislation and most watchful care, will, I fear, prove no stronger or more fortunate in this respect than others, and especially is this apprehension well founded in view of the fact that a large public sentiment in very many sections demands a liberal disbursement of public moneys, and the whole country is wont to look with indifference upon public extravagance. The annual cost of administering our Government has already reached a magnitude alarming to the more thoughtful of our people, and unless every proper restraint is imposed it will increase in a ratio greatly disproportioned to our legitimate public needs. In order that this restraint may be exercised wisely, uniformly, and efficiently, and that all our public expenditures may be always subject to the scrutiny and supervision of some committee charged with that special duty, I would let the Appropriations Committee retain that power, under the control of the House. I would let that committee examine and revise the estimates and details of every bill making an appropriation of public money, compare the demands of the different bills, add to or take from them any amount deemed proper, and apportion properly the aggregate sum asked for in all of them, and then submit, through its members, its views to the House for action. Beyond this I would

not allow it to go; certainly not to the extent it has heretofore gone, of excluding every other committee from the floor whenever it saw proper to do so, and granting the privilege of discussion according to the preferences or caprices of its members.

I protest against the longer continuance of this arbitrary and despotic sway, and hence I urge the adoption of this amendment as the most efficient and least harmful method that now occurs to me, of opposing and battling against it. This does not invite extravagance or tend to increase expenditures, nor does it in any other way endanger the public interest, but on the contrary, as I think, it provides additional safeguards against the very evils it is thought it is calculated to bring about; for by the arrangement which it proposes every committee of the House will feel something of the high responsibility which attaches to the Committee on Appropriations, and, besides this, it would disarm a good deal of that hostility which is too often manifested toward it. And a still stronger reason why this amendment should be adopted is found in the fact that it would more equally and more justly distribute the privileges of debate, and relieve in some measure many members from a disadvantage under which they have heretofore labored, and give them an opportunity of being heard sometimes in discussion, without begging that favor from others. Parliamentary law is tyrannical at best, and anything we can do, compatible with the public interest, to divest it as far as possible of this feature, should be done.

It has very often occurred to me that the rules governing this House constitute a labyrinth of parliamentary difficulties in which a new or modest member may remain lost to the ear of his constituents and the country during his entire official life, and from which he can never emerge, save by the friendly aid of the presiding officer. Sometimes it has seemed to me that they must have been designed to and did form as a whole a network of mysteries, interwoven with absurd technicalities and legal contradictions, which can alone be interpreted and understood by whoever chances to occupy the chair, and under cover of which such occupant may strike down every one he chooses, and hold in absolute dependence to his will the representative right of every member on this floor to be heard whenever he chooses to speak upon any subject of legislation.

No law-giver or legislative body ever formed a code or system of laws which was calculated to bestow upon any one man more enlarged, absolute, and despotic power than is conferred by our rules as they formerly existed, so far as they may extend upon the Speaker of this House, or any one else who may preside in his place; for by a recent interpretation of them by the Committee on Rules, and by the House after considerable discussion, it was declared that he could in his own absolute official discretion say who should and who should not speak upon this floor.

In that discussion it was said, and very truly too, by the distinguished gentleman from Ohio, [Mr. GARFIELD,] that the presiding officer must necessarily be invested with a very enlarged discretion in the recognition of members who desire to speak upon any question, but the power allowed him under the construction that seemed to be agreed upon by the House then can scarcely be called a discretion, even of the utmost latitude; it can be called nothing less than an absolute and irresponsible despotism.

If an autocrat had prepared these rules for his government, to be construed and applied by himself, he could not thus have retained in his own hands greater power, short of confiscation of property or taking of liberty and life, than is given to the Speaker of the House and the chairman of the Committee of the Whole House. It is not therefore surprising that rules thus constructed must necessarily have fallen very far short of giving entire or even partial satisfaction to a majority of members, and however fairly and justly the presiding officer may have endeavored to apply them, many abuses would of course spring up and great injustice in many individual cases be inflicted.

Upon the discussion of every important question it is only natural and reasonable that many members desire to give expression to the views which they may entertain. But it is not possible for a presiding officer to give recognition at the same moment of time to every member who may seek it, nor perhaps is it possible on all occasions for him to recognize within the entire time prescribed for debate upon any particular measure every one who desires to speak upon it. It would seem, however, that it is possible, and eminently just, too, for every member of the House who wishes it to be heard some time during a whole session. And it also seems to me possible for that time to be known and designated with sufficient certainty to prevent its exclusion from that class of events the occurrence of which no human wisdom can foretell. Many methods by which it was thought a fairer and juster application of the rules in the respect of which I have been speaking could be brought about have been suggested, and some of them have been adopted and acted upon for a time; but they all seem to have been abandoned, and we are back again at the discretion of the Speaker.

Once it seemed to be the rule for gentlemen on most occasions to be recognized by the Speaker from the right around to the left, as they respectively arose. This usage had its difficulties and inconveniences, and did not long survive. Then the custom was adopted of allowing members who wished to be recognized to enter their names upon a list kept at the Speaker's desk, and to obtain the floor as their names were reached. This arrangement seemed at first to be as fair and just a one as could be made, but it was very soon made manifest that there were some grave objections which might be urged against it with great force. Sometimes it appeared that the making up of the list stimulated a race diligence, and that certain gentlemen, by reason of their superior industry, strict attention to business, or good fortune, invariably succeeded in getting their names entered high up on the list; or, failing by any chance to do this, there was generally found some friendly hand which, by the simple process of interlineation, made their names appear at any desired point on the list.

And then again, when these methods failed to give entire satisfaction, by reason of some gentlemen who may have been number 90 in the preparation of the list being made number 2 or 3 by the interlining dodge, complaint was made, the old list was canceled and a new one made out; then would follow such an unseemly and indecorous scramble to reach the Clerk's desk first as might reasonably give rise to the apprehension that members of Congress are, in moments of temporary excitement, liable to forget the dignity of the body and the proprieties which should attach to the transaction of its public business.

So this expedient was abandoned, and on a recent occasion all written lists were destroyed and a mental one prepared by the chairman of the Committee of the Whole to suit himself, which was kept in his mind during a protracted debate. As it is said that a judicial judgment or decree remains in the breast of the court until pronounced, so I suppose it may be said that the chairman on the occasion referred to kept his list of speakers in his breast, as it was not visible anywhere else.

During the recent exciting and important debate upon the Army and the executive, legislative, and judicial appropriation bills at the late extra session the system of unlimited discretion to the Speaker, which we seem to have adopted, operated most unjustly and unequally, not only as to individual members, but in respect to sections and States, which has been the subject of much very just complaint.

My own experience in an effort to get the floor during that debate, together with some other incidents which I shall mention, will perhaps enforce my argument against the longer continuance of the despotic rule I have referred to quite as strongly as any other illustrations which I could select.

While the Army bill was under discussion, and while I was confined to my room by a severe illness, a member on the other side took occasion to refer to me, and the means by which he alleged I secured a seat upon this floor, in a manner exceedingly unjust, not to say offensive to me, and without the warrant of a single fact by which such a statement could be justified. When I saw this attack upon me printed in the RECORD the day after it was made, I of course felt called upon to reply to it, and determined to seek the first opportunity to do so. Accordingly, as soon as my health permitted me to leave my room and some days before the executive, legislative, and judicial bill had been reported to the House, I appealed to the courtesy of my colleague, the chairman of the Committee on Appropriations, to give me a few minutes of the time, to which he as mover of the bill was entitled, in which to make such reply as I could, but unfortunately I had been forestalled, as he informed me, even at that early day by other gentlemen to whom he had given all the time allowed him. I next had recourse to enrolling my name upon the list of those who desired to speak, then kept at the Speaker's stand, in the hope that I might be reached some time in the progress of the debate, though I was rather far down toward the end of the list, but this hope was destroyed by the destruction of the list.

I then resorted to an appeal to the "discretion" of the chairman of the Committee of the Whole House, informing him in detail of the particular reasons why I desired to speak, and requested him to exercise his "discretion" in recognizing me for a short time at some convenient period of the discussion; but he informed me that his discretion had reached its utmost limit in that direction, though I believe it did afterward become sufficiently elastic to embrace several other gentlemen who made application some time later.

Failing in every other effort to secure the floor, I sought it through the kindness of a number of friends, who I thought might possibly in some way or other be fortunate enough to find more favor in the discretion of the chairman than I had been able to obtain; but unfortunately I met disappointment again, for I found that all my friends with whom my relations were such as to render it proper for me to ask so friendly an act at their hands, like myself, had been omitted from the list of speakers mentally prepared by the chairman.

My individual grievance is a matter of no concern to the House, only in so far as it may occur to every other member as well under the operation of the same rule. I had thought it was a parliamentary courtesy of uniform observance in every legislative body that whenever a personal attack was made upon a member in public debate the member so attacked should be accorded the floor to reply; but in my case this particular character of parliamentary courtesy was not considered one of the elements proper to limit or direct the somewhat extraordinary discretion with which we had at that time clothed our parliamentary autocrats. I was also informed that there was a general understanding and agreement by which those who had not spoken upon the Army bill should be recognized in preference to those who had. But this rule was not observed any more than the other supposed requirement I have mentioned.

An examination of the list of those who addressed the House upon the executive, legislative, and judicial bill at the last session shows a very striking preponderance of speakers from some States over others. The following figures represent about the number of members from each State who spoke upon this bill:

One each from the States of Arkansas, Oregon, Minnesota, New Hampshire, Maryland, Maine, New Jersey, and Michigan. Three from Massachusetts, two from Alabama, four from North Carolina and New York, three from Louisiana, two from Illinois, five from Ohio and Iowa each, six from Indiana, three from Mississippi, three from Wisconsin, six from Missouri, ten from Pennsylvania, and five from Kentucky, while only one member from Tennessee (though there were three members from that State who desired to speak) was fortunate enough to be heard.

The chosen one from my own State is one of the cleverest as well as ablest of our delegation, but, with the exception of myself, he is also the most modest of our members, and I can no more account for his good fortune than I can for the accident of the favor shown Tennessee being increased ten for Pennsylvania and five fold for Kentucky.

It is not at all impossible that there is more talking done in Congress upon every measure of legislation than is absolutely necessary for the prompt and intelligent transaction of public business, and more, too, than is desired by the people we represent; but neither members nor their constituents are entirely willing that the will of one single individual shall control the whole matter.

Now, in what I have said I distinctly disclaim the purpose of reflecting in the slightest degree upon any gentleman who has ever occupied the chair either as Speaker or chairman of the Committee of the Whole House. I am not condemning any presiding officer, but simply denouncing a vicious and tyrannical rule, under which it is scarcely possible for any one occupying the chair, however fair and just he may desire to be, to avoid many abuses and to abstain from many partial and unjust rulings.

It is therefore to relieve the presiding officer from embarrassment and the ungracious task of discriminating between those having equal rights upon the floor and equal claims upon his country that I urge some change in our rules, as well as for the purpose of relieving members from the humiliation and loss of self-respect which must come from being obliged to fawn upon whoever may chance to be in the chair in order to propitiate his favor.

Perhaps the method which I suggest is not the best one to cure the evil complained of, but if it is not I have no doubt but that the wisdom of the Committee on Rules will devise a better and more effectual one, and I commend the subject to their immediate and careful consideration before their report now under discussion shall be finally acted upon. It is possible that much of what I have said might have been omitted as not being strictly germane to the particular subject upon which I arose to speak, but in the hasty examination which I have made of the revision of the rules which we are now considering, to say whether or not the evils of which I have spoken have been provided against.

If they have not, they will almost certainly be continually presenting themselves again to vex and harass those who have heretofore suffered from their existence. But, however this may be, it is certain to my mind that the adoption of the amendment offered by the gentleman from Pennsylvania, and upon the adoption of which I am insisting, will relieve us from evils almost as great and quite as unnecessary as those which have heretofore been inflicted under the arbitrary and untrammeled power possessed by the Speaker or other presiding officer, for the powers and prerogatives which it is proposed to accord to the Committee on Appropriations, under the new rules, are quite as broad and despotic. These we can limit at best to such an extent as not to have the powers of every other committee and every member of the House at the mercy and unbridled discretion of the Committee on Appropriations, so that we will at least impose some restraint upon one despotism, if we do have to submit to another. I desire again to say that I am not complaining of any one who has ever on any occasion occupied the chair of the presiding officer. I am only denouncing a tyrannical and despotic system of rules, under which the greatest wrongs may be perpetrated.

Mr. BLACKBURN. I wish to offer a *pro forma* amendment.

The CHAIRMAN. No further amendment is in order until one of those now pending has been disposed of.

Mr. BLACKBURN. Then I am glad to have a vote.

The question recurred on Mr. ACKLEN'S amendment to the amendment.

The committee divided; and there were—ayes 53, noes 79.

So the amendment to the amendment was disagreed to.

The question recurred on Mr. SHALLENBERGER'S amendment.

Mr. REED. I move to strike out the last word.

Mr. REAGAN. The question is first on the substitute.

The CHAIRMAN. The Chair has stated the rule to be, and he believes it universal, that where a substitute is proposed for the original text, the original text must be first perfected before the vote is taken on the substitute. The gentleman from Maine moves to strike out the last word, an amendment which has already been made and rejected by the committee.

Mr. REED. I move to strike out the word before the last.

Mr. CHALMERS. I rise to a parliamentary inquiry, and that is whether the *pro forma* amendments cannot be stopped by being objected to?

Mr. REED. I move to strike out the word before the last; not the last word, but the word before the last—an amendment of which I am the originator. [Laughter.]

The CHAIRMAN. The gentleman moves to strike out a different word, and is in order.

Mr. REED. I desire by striking out that word, or by the aid of it, to call the attention of the House to what to me seems to be the purpose we wish to arrive at, if we can. Our object, if I understand it, is to prevent legislation on the appropriation bills. Now, the amendment which was suggested by the gentleman from Georgia, [Mr. SPEER,] and I ask his attention to it, only provides that the Committee on Appropriations shall not introduce any legislation into their bills. The difficulty we have had to contend with is not that the Committee on Appropriations alone introduced legislation, but that every member of the House was entitled to introduce legislation if he could convince the temporary chairman that it was a reduction of expenditures, and sometimes I have noticed temporary chairmen were very easily convinced. If we succeed in making the modification suggested by my colleague, namely, the striking out of the exception to a subsequent rule, we shall have arrived at this state of affairs in this House—that is, no amendment can be offered to an appropriation bill which is not already provided for by exsiting law; no amendment can be made by anybody, and therefore no legislation can go on the appropriation bills except by unanimous consent. Hence, unless we have unanimous consent, all legislation will have to be passed upon by appropriate committees.

I hope, therefore, we shall vote against this amendment in order to reach the proposition suggested by my colleague, which, in my judgment, will rid the appropriation bills of very objectionable features. I call attention to it now because I think the matter cannot be too often presented to the House. I am satisfied that when the House once understands the situation of things it will do away with a provision which, however useful and valuable when presented, has long ceased to be anything else than an obstruction to the business of the House.

Mr. REED'S amendment to the amendment was rejected.

Mr. BLACKBURN. Mr. Chairman, before the vote is taken on the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] I wish to know whether he will not offer an amendment to it regulating the right of the Committee on Appropriations in the matter of the division of time in the discussion of bills which may be referred to that committee and reported back to the House. No one can know what the vote of the House will be, and, if the amendment offered by the gentleman from Pennsylvania is to be adopted, I am satisfied there is not a gentleman who would not give at least a fair division of time, an equal opportunity to be heard, parceling it out equally between the two committees, which would then be before the House on trial with their several reports.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. BURCH, its Secretary, which announced the passage of a bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture, and repairs of the same, for the House of Representatives for the fiscal year ending June 30, 1880, with amendments; in which concurrence was requested.

It further announced the passage of the following bills; in which concurrence was requested:

An act (S. No. 309) for the relief of George Heard; and

An act (S. No. 905) in relation to writs of error to the supreme courts of the Territories in capital cases.

REVISION OF THE RULES.

The committee resumed its session.

Mr. BLACKBURN. I move the following amendment to the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

The Clerk read as follows:

But in the debate on such bill, it shall be divided equally between the committee having charge of such bill and the Committee on Appropriations.

Mr. RANDALL, (the Speaker.) I ask for a division on that amendment, as there are two substantive propositions.

The CHAIRMAN. The amendment will be again read.

The amendment to the amendment was again read.

Mr. RANDALL, (the Speaker.) I desire to vote separately on it. While there may be objection to the former——

The CHAIRMAN. As the question is on the adoption of that proposition as an amendment to the amendment of the gentleman from Pennsylvania, of course there will be a separate vote on it.

Mr. BLACKBURN. I do not understand the gentleman wants a division of my amendment, but a vote on that amendment.

Mr. RANDALL, (the Speaker.) The Committee on Rules has never instructed in favor of that amendment, but it is offered——

Mr. BLACKBURN. It is offered by me in my individual capacity.

Mr. RANDALL, (the Speaker.) I have no serious objection if it shall come in in the right place; but supposing that to be adopted, then the question will be on the amendment of the gentleman from Pennsylvania as amended.

The CHAIRMAN. Certainly.

Mr. RANDALL, (the Speaker.) And the whole might then be voted down, while on a separate vote only one might be rejected.

The CHAIRMAN. Of course if the amendment to the amendment is adopted the vote then comes upon the amendment as amended, but if it be voted down all will be voted down.

Mr. BLACKBURN. I will solve the trouble. I want to get a vote on the amendment of the gentleman from Pennsylvania. I did not, however, wish to adopt that amendment and leave to one committee of the House all rights in the matter of debate and time, and to the other, which was equally responsible before the House, none at all. Thinking we had better have the vote, as we have discussed this question enough, I will withdraw my amendment to the amendment for the time, and let the vote be taken on the amendment of the gentleman from Pennsylvania.

Mr. YOUNG, of Tennessee. I renew the amendment to the amendment.

Mr. BLACKBURN. I wish to say to the gentleman that he need not be uneasy, for if the amendment of the gentleman from Pennsylvania be voted down I will then offer this as an amendment.

Mr. YOUNG, of Tennessee. I wish to say a few words for fear the amendment of the gentleman from Pennsylvania will not be adopted.

Mr. BLACKBURN. You can offer it again as an independent proposition.

Mr. TOWNSHEND, of Illinois. Has not the debate been exhausted?

The CHAIRMAN. Not on the amendment which has been renewed, the gentleman from Kentucky having withdrawn it.

Mr. BLACKBURN. I do not understand the gentleman from Tennessee insists on renewing my amendment.

Mr. YOUNG, of Tennessee. I withdraw it.

The question recurred on Mr. SHALLENBERGER'S amendment.

Mr. FRYE. This is an important amendment, and therefore I demand tellers.

Tellers were ordered; and Mr. SHALLENBERGER and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 72, noes 90.

So the amendment was rejected.

The question next recurred upon a *pro forma* amendment to Mr. MULDROW'S substitute.

The amendment to the amendment was rejected.

The question recurred on Mr. MULDROW'S substitute.

The committee divided; and there were—ayes 24, noes 83.

So the amendment was rejected.

Mr. MONEY. I offer the following amendment:

The Clerk read as follows:

In debate on appropriation bills the time shall be divided equally between the Appropriations Committee and the committee in charge of general legislation upon the particular public service for which the proposed appropriation is reported.

Mr. GARFIELD. What about the other members who do not belong to either? What about their rights?

Mr. MONEY. I do not suppose they will have any less power than they have now.

Mr. GARFIELD. That will give no time but to two committees.

Mr. MONEY. I suppose other members of the House will have as much privilege then as they have under the present rule, when the committee consumes the whole time.

The committee divided; and the amendment was rejected, 16 only voting in the affirmative.

Mr. BAYNE. I move the following amendment:

Amend clause 3 by adding the words "and the several appropriation bills, when reported to the House by the committees in which they originated, shall be referred to the Committee on Appropriations, to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it, and upon its passage, and the time shall be equally divided between such committee and the Committee on Appropriations."

Mr. CLYMER. Both these propositions have been voted down.

Mr. BAYNE. No, sir; both propositions have not been voted down.

The CHAIRMAN. The gentleman is mistaken in saying they have been voted down. The gentleman from Kentucky offered an amendment, but withdrew it. This differs from the amendment offered by the gentleman from Pennsylvania, as it contains on its face also the amendment offered by the gentleman from Kentucky.

Mr. ROBESON. I would like to ask the gentleman whether it means that the time shall be equally divided between the committees or whether the two committees shall have equal right of discussion, leaving the rest of the House to their rights.

Mr. BAYNE. I mean the two committees shall have equal right.

Mr. ROBESON. Because the proposition, as I understand it, gives the whole time to the two committees.

Mr. BAYNE. No, sir; it is not intended to give the whole time to two committees.

Under our present system of rules one committee does monopolize the discussion on this floor when appropriation bills come up. That is an observation which will occur to every man who has carefully noticed the course of legislation in this House upon such subjects.

The amendment desires simply to effect this purpose—that other gentlemen and other committees may have equal opportunities with the Committee on Appropriations to discuss these measures If that amendment should be adopted it is apparent the Committee on Appriations will still have one-half of the time devoted to the discussion of every proposition that emanates from every committee of this House which makes appropriations. It will still have an opportunity of monopolizing the floor to a large extent.

Mr. BROWNE. Will not your proposition lead to extravagance if you allow other committees to divide the discussion of appropriation bills with the Committee on Appropriations?

Mr. BAYNE. That, Mr. Chairman, is a reflection on the other committees which I am not willing to concede. I am disposed to think that the other committees, the Committee on the Post-Office and Post-Roads, the Committee on Naval Affairs, the Committee on Military Affairs, and others, have just as economical views as the Committee on Appropriations. But I cannot, for my part, see why one committee should monopolize legislation in this House, having the power to exclude amendments offered by any member of the House. I am in favor of dividing this thing up; and this amendment gives to other committees the right to share with that committee to the extent of one-half of its privileges in this respect.

The question being taken on Mr. BAYNE'S amendment, there were—ayes 35, noes 90.

So (further count not being called for) the amendment was not agreed to.

Mr. ANDERSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to clause 3 the following:
And when bills are reported by said committee it shall only be entitled to one-half the time allowed for discussion.

The question being taken, there were—ayes 54, noes 70.

So (further count not being called for) the amendment was not agreed to.

The Clerk resumed the reading of Rule XI, and read the following:

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;
5. To banking and currency: to the Committee on Banking and Currency;
6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;
7. To commerce: to the Committee on Commerce, [but they shall report the bill known as the river and harbor bill, for reference to the Committee on Appropriations.]

Mr. REAGAN. By instructions of the Committee on Commerce, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend clause 7 of Rule XI by striking out the words "but they shall report the bill known as the river and harbor bill for reference to the Committee on Appropriations," and insert in lieu thereof the following: "and the Committee on Commerce shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills."

[Cries of "Vote!" "Vote!"]

Mr. REAGAN. I desire to say just one word. What is proposed to be inserted there is the rule of the House now. We simply propose to put into these rules what was adopted by the action of the House on the 9th of April.

Mr. DAVIS, of North Carolina. I offer as a substitute for the amendment of the gentleman from Texas what I send to the desk.

The Clerk read as follows:

Amend clause 7 by striking out all after the word "committee," in the last line, and inserting the words "of the whole House."

Mr. DAVIS, of North Carolina. I desire to say just one word in regard to the substitute I have offered. If it be adopted the Committee on Commerce will then have the preparation of the river and harbor bill, as has been the custom; and when reported it will go directly to the Committee of the Whole House for consideration instead of to the Committee on Appropriations. I wish to bear testimony for one to the fidelity with which that committee has discharged its duties; but I think that other committees of this House also have discharged their duties well and faithfully.

The question being taken on the substitute for the amendment, there were—ayes 30, noes 97.

So (further count not being called for) the substitute for the amendment was not agreed to.

The CHAIRMAN. The question recurs on the adoption of the amendment offered by the gentleman from Texas, [Mr. REAGAN.]

Mr. HOUSE. Let that amendment be again reported.

The amendment was again read.

Mr. BROWNE. I desire to make a parliamentary inquiry. May there not be a division of the question so that it shall be taken first on the motion to strike out?

The CHAIRMAN. Under the rules of the House a motion to strike out and insert is not divisible.

Mr. FINLEY. I ask that the vote be taken by tellers.

Tellers were ordered, 34 members voting therefor; more than one-fifth of a quorum.

The committee divided; and the tellers reported—ayes 110, noes 40.

So Mr. REAGAN'S amendment was agreed to.

Mr. MITCHELL. I offer the following amendment:

Add at the end of the amendment just adopted the following:
But the river and harbor bill shall never be passed by suspension of the rules.

Mr. BLACKBURN. If the gentleman from Pennsylvania will yield to me I will now move that the committee rise.

Mr. KENNA. Let us vote first on the amendment.

Mr. MARTIN, of Delaware. Let it be again reported.

Mr. MITCHELL. I understand the gentleman from Kentucky

[Mr. BLACKBURN] proposes to move that the committee do now rise. If so I withdraw the amendment, as it appears not to be acceptable.

The CHAIRMAN. The amendment is withdrawn.

Mr. BLACKBURN. As it is evident there are many amendments to be offered to this rule, and as the House is to meet again at half past seven, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

The SPEAKER. The gentleman from Kentucky [Mr. THOMPSON] asks leave to withdraw from the files of the House the papers in the case of Joseph A. Briggs, there being no adverse report thereon. The request is referred to the Committee on War Claims.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FISHER for two days, and to Mr. BINGHAM for two days.

RECESS.

Mr. FERNANDO WOOD. I move that the House take a recess until 7.30 o'clock p. m.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The House reassembled and was called to order at ten minutss before eight o'clock.

RECEPTION OF HON. CHARLES STEWART PARNELL.

The SPEAKER. The session of this evening is in consequence of a resolution adopted by the House of Representatives, which the Chair will now cause to be read by the Clerk.

The Clerk read as follows:

In response to the invitation just presented and accepted, requesting the House to agree to take part in the ceremonies to be observed in the reception of Mr. Charles Stewart Parnell, a representative of the Irish people, for the delivery of an address on Irish affairs, and because of the great interest which the people of the United States take in the condition of Ireland, with which this country is so closely allied by many historic and kindred ties: Therefore,

Be it resolved, That the Hall of this House be granted for the above purposes on the 2d day of February next, and that the House meet on that day and time to take part in said ceremonies.

The SPEAKER. In accordance with the terms of the resolution which has been read, I have now the honor and the pleasure to introduce to you Charles Stewart Parnell, of Ireland, who comes among us to speak of the distresses of his country.

Mr. Parnell was received with long-continued applause. He said:

Mr. Speaker and gentlemen of the House of Representatives, I have to thank you for the distinguished honor that you have conferred upon me in permitting me to address this august assembly upon the state of the affairs of my unhappy country.

Until I landed in America nothing was known of the imminence or threatened extent of the famine which has now assumed such horrible proportions as to attract the attention and compassion of all civilized nations. To every thinking man it must be a matter of perplexity how such a famine could burst upon a people without giving any warning of its approach. But in fact this catastrophe was clearly foreseen and predicted six months ago in Ireland, and government was repeatedly warned to make timely preparations to deal with it. But the British government not only refused to do anything, but with extraordinary perversity persisted in denying that there was any danger of famine. And now that thousands are starving the singular spectacle is presented of a government which refuses to come to the aid of its own subjects sanctioning appeals to the charity of America or any other nation which may be ready to feed them.

The present famine, as all other famines in Ireland, has been the direct result of the system of land tenure which is maintained there. And while we have been compelled by the frightful condition of our people to appear before the American people in the guise of beggars, and to use every exertion to collect money to save life, I feel it to be equally my duty to point out to you the cause which keeps Ireland in a condition of chronic poverty and brings on from time to time such horrible famines as that which is at present raging there. When the task is thrown upon America of feeding a people who have been driven into starvation by ruinous and unjust laws, surely you acquire a right to express your opinion very freely on the character of those laws and on the policy of maintaining them. And I have every confidence that the public sentiment of America will be a great assistance to our people in their present effort to obtain a just and suitable settlement of the Irish land question.

Since I have been in this country I have seen so many tokens of the good wishes of the American people toward Ireland that I feel entirely at a loss to express my sense of all the enormous advantage and service which is being daily done in this way to our cause. We do not seek to embroil your Government with the government of England; but we claim that the public opinion and sentiment of a free country like America is entitled to find expression wherever it is seen that the laws of freedom are not observed.

Mr. Speaker and gentlemen, the most pressing question in Ireland at the present moment is the tenure of land. That question is a very old one; it dates from the first settlement of Ireland from England. The struggle between those who own the land on the one side and those who till it on the other has been a constant one. But up to the present moment scarcely any ray of light has ever been let in upon the hard fate of the tillers of the soil in that country. But many of us who are now observing the course of events believe that the time is fast approaching when the artificial and cruel system of land tenure prevailing in Ireland is bound to fall and be replaced by a more natural and a more just one.

I could quote many authorities to show you what this system is. The feudal tenure has been tried in many countries, and it has been found wanting everywhere. But in no country has it wrought so much destruction and proved so pernicious as in Ireland. As the result of that feudal tenure we have constant and chronic poverty; we have our people discontented and hopeless. Even in the best of years theirs is one of continual misery. And when, as on the present occasion, the crops fail and a bad year comes around, we see terrific famines sweeping across the face of our land, claiming their victims in hundreds of thousands, driving multitudes into a forced and pauperized immigration, and leaving a settled gloom and terror behind as the inheritance, for years, of the survivors.

Mr. Froude, the distinguished English historian, who cannot be accused of being a prejudiced witness in our favor, gives his testimony with regard to this land system in the following words:

But of all the feudal gifts which we bestowed upon our unhappy possession was the English system of owning lands. Land, properly speaking, cannot be owned by any man. It belongs to all the human race. Laws have to be made to secure the profits of their industry to those who cultivate it. But the private property of this or that person which he is entitled to deal with as he pleases land never ought to be and never strictly is. In Ireland, as in all primitive civilizations, the soil was divided amongst the tribes. Each tribe collectively owned its own district. Under the feudal system the proprietor was the crown as representing the nation; while the subordinate tenures were held with duties attached to them, and were liable on non-fulfillment to forfeiture.

Now, I look upon this testimony of Mr. Froude's as a most important and valuable one coming as it does from an English source, and a source which cannot be called prejudiced in favor of Ireland. As Mr. Froude says, property has its duties under the feudal system of tenure as well as its rights. But in Ireland those enjoying the monopoly of the land have only considered that they had rights, and have always been forgetful of their duties; so that bad as the feudal tenure must be it has there been worked in a way to intensify its evils tenfold. I find that a little further on Mr. Froude again writes to the following effect:

And if we had been more faithful in our stewardship, Ireland would have been as wealthy and prosperous as the sister island, and not at the mercy of a potato-blight. We did what we could; we subscribed money; we laid a poor-law on the land. But it was to no purpose. The emigrants went away with rage in their hearts, and a longing hope of revenge hereafter with America's help.

[Cheers and applause.]

But I could multiply testimony from distinguished sources, and of well-known men, to the same effect. I shall content myself with quoting from one more source, Professor Blackie, the professor of Greek in Edinburgh University, who in the Cotemporary Review for this month writes as follows:

Among the many acts of baseness branding the English character in their blundering pretense of governing Ireland, not the least was the practice of confiscating the land, which, by brehon law, belonged to the people, and giving it not to honest resident cultivators, (which might have been a politic sort of theft,) but to cliques of greedy and grasping oligarchs, who did nothing for the country which they had appropriated but suck its blood in the name of rent, and squander its resources under the name of pleasure, and fashion, and courtliness in London.

Now, we have been told by the landlord party as their defense of this system that the true cause of Irish poverty and discontent is the crowded state of that country, and the only remedy emigration; and I admit to the fullest extent that there are portions of Ireland which are too crowded. The barren hills of the west of Ireland, whither the people were driven from the fertile lands after the famine, are too crowded; but the fertile portions of Ireland maintain scarcely any population at all, and remain as vast hunting-grounds for the pleasure of the landlord class.

Before, then, we talk of emigration as the cure for all the ills of Ireland, I should like to see a more natural distribution of the soil of that country. I should like to see the rich plains of Meath, Kildare, Limerick, and Tipperary, instead of being the desert wastes that they are to-day, supporting the teeming and prosperous population that they are so capable of maintaining. At the present moment you may drive for ten or twenty miles through those great rich counties without meeting a human being or seeing a single house. And it is a remarkable testimony to the horrible way in which the land system has been administered in Ireland that the fertility of the country has proved the destruction of the population, instead of being their support. Only on the poor lands have our people been allowed to settle, and there they are crowded in numbers far too great for the soil to support. Let the next emigration be from the West to the East, instead of from the East to the West—from the hills of Connemara back to the fertile lands of Meath. When the resources of my country have been fully taken advantage of and developed, when the agricultural prosperity of Ireland has been secured, then if we have any surplus population we shall cheerfully give it to this great country. Then our emigrants will go willingly and as free men—not shoveled out

by a forced emigration, a disgrace to the Government whence they come and to humanity in general. [Applause.] Then our emigrants would come to you as come the Germans, with money in their pockets, and education to enable them to obtain a good start in this great and free country, with sufficient means to enable them to push out to your western lands, instead of remaining about the eastern cities, doomed to hard manual labor, and many of them falling a prey to the worst evils of modern city civilization.

I have noticed within the last few days a very remarkable refutation to this argument of overcrowding, in one of the newspapers of this country—the Nation—a journal, I believe, distinguished in the walks of literature, and whose opinion is entitled to very great weight and consideration. The Nation says:

> That the best remedy for Irish poverty is to be found in the multiplication of peasant properties and not by emigration, as many suppose, there is little question. Emigration is good for those who emigrate; but it leaves gaps in the home population which are soon filled by a fresh poverty-stricken mass. A writer in the London Times, giving an account of the island of Guernsey, shows that it supports in marvelous comfort a population of thirty thousand by the cultivation of ten thousand acres, while Ireland has a cultivable area of 15,500,000 acres, and would, if as densely peopled as Guernsey, support a population of forty-five million instead of five million.
>
> [Applause.]
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> The climate of Guernsey, too, is as moist as that of Ireland, and the island is hardly any nearer the great markets. But nearly every man in it owns his farm, and the law facilitates his getting a farm in fee on easy terms.

Now, Mr. Speaker and gentlemen of the House of Representatives, the remedy that we propose for the state of affairs in Ireland is an alteration of the land tenure prevailing there. We propose to imitate the example of Prussia and other continental countries, where the feudal tenure has been tried, found wanting, and abandoned; and we desire to give an opportunity to every occupying tenant-farmer in Ireland to become the owner of his own farm. [Applause.]

This may, perhaps, seem at first sight a startling proposition; and I shall be told about the "rights of property" and "vested interests" and "individual ownership." But we have the high authority of Mr. Froude, the English historian, whom I have just quoted, to the effect that—

> Land, properly speaking, cannot be owned by any man. It belongs to all the human race. Laws have to be made to secure the profits of their industry to those who cultivate it; but the private property of this or that person which he is entitled to deal with as he pleases, land never ought to be and never strictly is.

And we say if it can be proved, as it has been abundantly proved, that terrible sufferings, constant poverty, are inflicted on the millions of the population of Ireland, we may then reasonably require from the legislature that, paying due regard to vested interests and giving them fair compensation, the system of ownership of the soil by the few in Ireland should be terminated and replaced by one giving that ownership to the many.

As I have pointed out, we have historical precedents for such a course. The King of Prussia in 1811, seeing the evils of the feudal tenure, by a royal edict transferred all the land of his country from the landlords to the tenants. He compensated the landlords by giving them government bonds bearing 4 per cent. interest; and he ordained that the tenants should repay to the state the principal and interest of these bonds by annual installments of 5 per cent., extending over forty-one years, and that then all payments should cease. The preamble to this edict is so very remarkable that I venture to trespass on your time for a few moments by reading it:

> We, Frederick William, by the grace of God King of Prussia, having convinced ourselves both by personal experience in our own domains and by that of many lords of manors of the great advantages which have accrued both to the lord and to the peasant by the transformation of peasant-holdings into property and the commutation of the rents on the basis of a fair indemnity, and having consulted in regard to this weighty matter experienced farmers, ordain and decree as follows:
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> That all tenants of hereditary holdings, whatever the size of the holding, shall by the present edict become the proprietors of their holdings, after paying to the landlord the indemnity fixed by this edict.

But we have also precedents for the course we propose afforded by the legislation of Great Britain. The Parliament of England has already, under the Bright clauses of the land act, expressed its approval of the principle that a class of tenant or peasant owners should be created in Ireland. That act permitted the state to advance to tenants desirous of purchasing their holdings two-thirds of the purchase money, to be repaid by installments of 5 per cent., extending over thirty-five years. Those clauses, for a variety of reasons which I dare not trespass on your time long enough to explain, have remained a dead letter. But I see that Mr. John Bright, the eminent reformer, one of the originators of the movement for the repeal of the corn laws, and a fellow-laborer with Cobden in that movement, now comes forward and proposes to amend those clauses very considerably so as to make them more workable. By a cable dispatch from London I find that, speaking at Birmingham the other day, Mr. Bright proposed—

> To appoint a government commission to go to Dublin with power to sell farms of landlords to tenants willing to buy, and to advance three-fourths of the purchase-money, principal and interest to be repaid in thirty-five years. Such a measure, Bright believed, would meet the desire of the Irish people. The commission should assist the tenant to purchase whenever the landlord was willing to sell. He recommended compulsory sale only where the land is owned by London companies, as is the case with large tracts near Londonderry. He expressed the conviction that, if his plan was ever adopted, self-interest or public opinion would soon compel individual landlords to sell to the tenants.

Now, this proposal is undoubtedly a very great reform and an immense advance upon the present state of affairs. While we could not accept it as a final settlement of the land question, yet we should gladly welcome it as an advance in our direction; and we are willing to give it a fair trial. The radical difference between our proposition and that of Mr. Bright is that we think the state should adopt the principle of compulsory expropriation of land, whereas Mr. Bright thinks it may be left to self-interest and the force of public opinion to compel the landlords to sell. For that is the word which he uses, "compel."

While I concur with Mr. Bright in thinking that, in all probability, if his proposals were adopted the present land agitation in Ireland, if maintained at its present vigor, would compel the landlords to sell to tenants at fair prices, yet I ask the House of Representatives of America what would they think of a statesman who, while acknowledging the justness of a principle, as Mr. Bright acknowledges the justness of our principle that the tenants of Ireland ought to own the lands, shrinks at the same time from asking the legislature of his country to sanction that principle and leaves to an agitation such as is now going on in Ireland the duty of enforcing that which the Parliament of Great Britain should enforce. [Loud applause.] I think you will concur with me that this attempt on the part of the British Parliament to transfer its obligations and duties to the helpless, starving peasantry of Connemara is neither a dignified nor a worthy one, and that the sooner our Parliament comes to recognize its duties in this respect the better it will be for all parties and the government of Great Britain.

Mr. Speaker and gentlemen, I have to apologize for having trespassed on your attention at such great length, and to give you my renewed and heartiest thanks for the very great attention and kindness with which you have listened to my feeble and imperfect utterances. I regret that this great cause has not been pleaded by an able man, but at least the cause is good, and, although put before you imperfectly, it is so strong and so just that it cannot fail in obtaining recognition at your hands and from the people of this country. It will be a proud boast for America if, after having obtained, secured, and ratified her own freedom by sacrifices unexampled in the history of any nation, she were now, by the force of her public opinion alone, by the respect with which all countries look upon any sentiment prevailing here, if she were now to obtain for Ireland, without the shedding of one drop of blood, without drawing the sword, without one threatening message, the solution of this great question. For my part, I, as one who boasts of American blood, [loud and long-continued applause,] feel proud of the importance which has been universally attached on all sides to American opinion with regard to this matter, and I am happy in seeing and believing that the time is very near at hand when you will be able to say you have in the way I have mentioned, and in no other way, been a most important factor in bringing about a settlement of the Irish land question. [Applause.] And then, Mr. Speaker and gentlemen, these Irish famines now so periodical, which compel us to appear as beggars and mendicants before the world, a humiliating position for any man but a still more humiliating position for a proud nation like ours—then, Mr. Speaker, these Irish famines will have ceased when their cause has been removed. We shall no longer be compelled to tax your magnificent generosity, and we shall be able to promise you that with your help this shall be the last Irish famine. [Great applause.]

Mr. O'CONNOR. Mr. Speaker, the ceremonies for which this meeting was called having closed, I now move the House adjourn.

The motion was agreed to; and accordingly (at eight o'clock and twenty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: Memorial of the Ayrshire Breeders' Association, requesting the prompt action of Congress to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. ATHERTON: The petition of P. H. King and 90 others, citizens of Ohio, for the passage of a law protecting the people against the oppressions of railroad monopolies in respect to freights—to the Committee on Commerce.

Also, the petition of Robert L. Porter and 20 others, ex-soldiers and citizens of Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Jerre Alspach and 83 others, citizens of Ohio, for the passage of an act making the manufacturers and vendors of patented articles alone responsible for infringements—to the Committee on Patents.

By Mr. BLAND: The petitions of citizens of Dent, Franklin, Wright, and Phelps Counties, Missouri, for congressional regulation of freight tariffs of railroads—to the Committee on Commerce.

Also, the petition of Dr. M. E. Walker, for the passage of a bill granting her $10,000 for services rendered and expenses incurred in the late war—to the Committee on War Claims.

Also, a bill for the improvement of the Gasconade River, in the State of Missouri—to the Committee on Commerce.

By Mr. BOWMAN: The petition of E. E. Williams, for pay for injuries received in the Boston navy-yard—to the Committee on Naval Affairs.

By Mr. BREWER: Resolutions of the Grand Army of the Republic

of Michigan, relating to the imprisonment of Levi H. Ice, of West Virginia—to the Committee on Military Affairs.

Also, the petition of E. L. Brewer, D. W. Shorts, and 40 other ex-soldiers of Shiawassee County, Michigan, against the passage of Senate bill No. 496, relating to the revision of the pension laws—to the Committee on Invalid Pensions.

By Mr. BUCKNER: The petitions of citizens of Montgomery, Ralls, Moniteau, Lincoln, Pike, Saint Charles, Monroe, and Audrain Counties, Missouri, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. CALDWELL: The petition of Isaac Maimes and others, citizens of Monroe County, Kentucky, that said Maimes be placed on the pension-roll—to the Committee on Invalid Pensions.

Also, the petition of E. C. Guest, William Evans, and others, citizens of Butler County, Kentucky, for a post-route from Beaver Dam to Rochester, Kentucky—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the bill for the correction of the military record of Webster C. Webb—to the Committee on Military Affairs.

By Mr. CLARDY: The petitions of citizens of Washington, Saint Francois, Madison, and Jefferson Counties, Missouri, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. ALVAH A. CLARK: The petition of John Anderson, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John Allen, for pay for property taken by the United States Army—to the Committee on War Claims.

By Mr. JOHN B. CLARK, JR.: The petitions of citizens of Carroll, Howard, Osage, and Callaway Counties, Missouri, for the enactment of such laws as will relieve them from the oppressions of transportation monopolies that now control interstate commerce—to the Committee on Commerce.

By Mr. CLYMER: The petition of Charles P. Durfee and others, for back pay due them as quartermaster and commissary sergeants—to the Committee on Military Affairs.

By Mr. COFFROTH: The petition of Adam Leonard, Samuel Ake, Henry O. Kline, and 55 others, soldiers of Bedford County, Pennsylvania, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of O. L. Davis, A. H. Neff, B. F. Smith, and 34 others, soldiers of the late war; also, of 50 citizens of Pennsylvania, for the passage of the bill to pay the soldiers the difference between gold and greenbacks at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. CRAPO: The petitions of Benjamin F. Brown, George K. Long, Joseph B. Macy, and 230 others, citizens of Nantucket, Massachusetts; of John C. Carson, and 15 others, commanders of vessels and vessel-owners, of Philadelphia, Pennsylvania; of J. D. Jones, and 18 others, of New York City, representing twenty insurance companies at New York; of C. M. Hodson and 14 others, commanders of vessels at New York; of James W. Elwell & Co., and 45 other merchants and ship-owners, of New York; of Hezekiah Mayo, agent of the Philadelphia and Baltimore packets, and 35 other ship-owners and agents of Boston, Massachusetts; of Charles Lawrence, president of Vessel Owners and Captains' Association of Philadelphia, and 24 others; of Isaac Sweetser, president of Washington Fire and Marine Insurance Company, and 13 others, representing the marine insurance companies of Boston, for an appropriation for the improvement of Nantucket Harbor as a harbor of refuge—to the Committee on Commerce.

By Mr. CULBERSON: The petition of Horace Boughton, to be refunded moneys paid by him to the Government as a compromise of certain alleged liabilities—to the Committee of Claims.

By Mr. LOWNDES H. DAVIS: The petition of farmers of Bollinger, Dunklin, Cape Girardeau, Mississippi, and Scott Counties, Missouri, for legislation restraining railroads from exacting fluctuating and excessive rates of transportation—to the Committee on Commerce.

By Mr. DICKEY: The petition of Hiram Sweet and 86 others, of Clermont County, Ohio, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

Also, the petition of J. P. Bronson and 52 others, of Clermont County, Ohio, for the passage of the Weaver bill relating to additional pay of soldiers—to the same committee.

Also, the petition of Dr. Mary Walker, that the form of government of the District of Columbia be changed so as to allow representation in Congress—to the Committee for the District of Columbia.

By Mr. DUNNELL: The petition of L. H. Prosser and 27 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of William De Groot and 12 others, citizens of Minnesota, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of L. H. Prosser and 28 others, citizens of Minnesota, for the amendment of the patent laws—to the Committee on Patents.

By Mr. EVINS: The petition of Dr. E. T. Avery, of York County, South Carolina, that the amount of a certain bond and costs paid by him to the United States marshal for the district of South Carolina in May, 1872, be refunded to him—to the Committee on the Judiciary.

By Mr. FARR: The petition of Charles A. Titus and 20 others, for a law to equalize the pay of soldiers in the late war of the rebellion—to the Committee on Military Affairs.

By Mr. FINLEY: The petition of H. R. Spooner and 15 others, veterans of Seneca County, Ohio, against the passage of the bill known as the sixty-surgeon bill—to the Committee on Invalid Pensions.

Also, the petitions of Samuel Lutz and 67 others, citizens of Wyandot County, and of 20 citizens of Morrow County, Ohio, for legislation against transportation monopolies—to the Committee on Commerce.

Also, the petition of citizens of Morrow County, Ohio, for the passage of a bill granting a pension to Daniel Speer—to the Committee on Invalid Pensions.

Also, the petition of Hon. E. T. Stickney and 105 soldiers of Seneca County, Ohio, for legislation equalizing the pay of soldiers—to the Committee on Military Affairs.

Also, the petition of Henry Marshall and 325 citizens of Doylestown, Ohio, for the passage of the Weaver bill—to the same committee.

Also, the petition of Samuel Lutz and others, citizens of Wyandot County, Ohio, for legislation protecting the users of patented articles in certain contingencies—to the Committee on Patents.

By Mr. FORSYTHE: The petition of citizens of Hancock County, Illinois, of similar import—to the same committee.

Also, the petition of citizens of Hancock County, Illinois, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. FORT: Papers relating to the claim of Charles H. Frank for pay for supplies furnished United States troops during the late war—to the Committee on War Claims.

By Mr. FRYE: The petition of Jarvis Patten and others, of Bath, Maine, for further distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. GARFIELD: Memorial of Rev. Sheldon Jackson, superintendent of Presbyterian Missions for the Territories, asking Congress to appropriate $50,000 to establish schools in Alaska—to the Committee on Appropriations.

Also, papers relating to the claim of Nancy A. West—to the Committee on Invalid Pensions.

Also, the petition of William Buckley and 126 other soldiers, of Ohio, for the passage of Senate bill No. 843 and House bill No. 3524 of the second session of the Forty-fifth Congress—to the same committee.

Also, the petition of W. M. Briggs and 20 others, citizens of Geauga County, Ohio, to be protected by appropriate legislation from railroad monopolies—to the Committee on Commerce.

Also, the petition of William M. Briggs and 19 others, citizens of Geauga County, Ohio, for the passage of a law protecting innocent infringers of patents—to the Committee on Patents.

By Mr. GEDDES: The petition of T. B. Rankin, John Parker, and others, of Tuscarawas County, Ohio, of similar import—to the same committee.

Also, the petition of William Kail, John Linarn, and others, citizens of Tuscarawas County, Ohio, for relief from transportation monopolies—to the Committee on Commerce.

By Mr. GUNTER: Memorial of the Cherokee delegation, objecting to the passage by Congress of any act allowing certain citizens of North Carolina of Cherokee descent, commonly called North Carolina Cherokees, an interest in the lands and funds of the Cherokee Nation—to the Committee on Indian Affairs.

By Mr. HATCH: The petitions of 520 citizens of Schuyler, of 48 citizens of Putnam, of 78 citizens of Scotland, of 67 citizens of Marion, and of 165 citizens of Clarke Counties, Missouri, that Congress enact such laws as will alleviate the oppressions imposed upon them by transportion monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HAWLEY: The petition of E. N. Phelps and 70 others, citizens of Connecticut, late soldiers of the Union, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. HAYES: Resolutions of the city council of Chicago, Illinois, relating to the transportation of dutiable goods—to the Committee of Ways and Means.

By Mr. HAZELTON: The petition of Oliver S. Putnam, for a pension—to the Committee on Invalid Pensions.

Also, a paper relating to the bill (H. R. No. 3169) for the relief of the Winnebago Indians—to the Committee on Indian Affairs.

By Mr. HERNDON: Memorial of the National Cotton Exchange, asking for an appropriation to pay the expense of a commission to investigate the ravages of the cotton-worm—to the Committee on Appropriations.

By Mr. HILL: The petition of Samuel Myers and others, of Putnam County, Ohio, for a law regulating freights on railroads—to the Committee on Commerce.

Also, the petition of Samuel Myers and others, of Putnam County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. HORR: The petition of citizens of Michigan, of similar import—to the same committee.

Also, the petition of citizens of Michigan, for laws regulating interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. HOSTETLER: The petition of soldiers of Lewis, Vigo County, Indiana, who served in the late war, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Letitia Carr, for arrears of pension—to the same committee.

By Mr. HURD: The petition of Austin Ebersall and others, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petitions of P. B. Trackler and others and of Levi R. Shaw and others, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of P. B. Trackler and others and of Thomas W. Arnold and others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. KENNA: The petition of J. A. Daniell, for pay for property taken and destroyed by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of John D. Stephenson and others, soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of David T. Flinn, for a pension—to the same committee.

By Mr. LORING: The petition of citizens of Washington, District of Columbia, for the passage of a bill to incorporate the Society for the Protection of Children in the District of Columbia—to the Committee for the District of Columbia.

By Mr. BENJAMIN F. MARTIN: The petition of Mary E. Shepley, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. McGOWAN: The petitions of J. H. Haynes, John Allen, and 37 others, of Quincy, Michigan; of A. E. Southwick, James Williams, and 22 others, soldiers of the late war; and of J. W. Louck and B. A. Almy, citizens of Middleville, Michigan, for the passage of a law to pay the soldiers and sailors of the late war the difference between the value of greenbacks and gold at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. McKENZIE: The petition of citizens of Muhlenburgh County, Kentucky, for the free coinage of silver and for the repeal of the national-banking law—to the Committee on Banking and Currency.

Also, the petition of citizens, late soldiers, of Muhlenburgh and Todd Counties, Kentucky, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. McKINLEY: The petition of T. Strickland and 59 others, citizens of Ashland County, Ohio, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of A. O. Long and 105 others, citizens of Ashland County, Ohio, for such laws as will prevent fluctuations in freights and unjust discriminations—to the Committee on Commerce.

Also, the petition of David M. Reed and 106 others, citizens of Wayne County, Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. MILES: A bill for the improvement of Stamford Harbor, in the State of Connecticut—to the Committee on Commerce.

By Mr. MILLER: The petition of William Gates's Sons, against the repeal of the tax on matches—to the Committee of Ways and Means.

By Mr. MONROE: A paper relating to the bill for the relief of Henry C. Searles, postmaster at West Richfield, Ohio—to the Committee of Claims.

Also, papers relating to the pension claim of Clark Eldred—to the Committee on Invalid Pensions.

Also, the petition of J. W. Swigart and others, citizens of Summit County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of J. W. Swigart and others, of Summit County, Ohio, for the passage of laws regulating the transportation of freight and passengers between States—to the Committee on Commerce.

By Mr. MURCH: The petition of A. A. Brown and 33 soldiers and sailors of the late war, that they may be paid the difference between gold and greenbacks at the time they were paid for their services in the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. ORTH: The petition of Mary Cuppy, for a pension—to the Committee on Invalid Pensions.

By Mr. OSMER: The petition of George M. Bowman and 236 others, for the passage of House bill No. 269, known as the Wright supplement to the homestead bill—to the Committee on Public Lands.

Also, the petition of John Maloney and 26 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of Absalom Smith and 240 others, for the repeal of the national-banking act, &c.—to the Committee on Banking and Currency.

By Mr. PHILIPS: The petitions of the citizens of Benton, Camden, Cooper, Johnson, Pettis, and La Fayette Counties, Missouri, for the passage of a bill regulating interstate commerce—to the Committee on Commerce.

Also, a bill to provide for the improvement of the Missouri River at the city of Lexington, Missouri, and to preserve the harbor at said city—to the same committee.

By Mr. PHISTER: The petition of James F. Slack and 44 others, citizens of Bracken County, Kentucky, for laws to protect innocent users of patents—to the Committee on Patents.

Also, the petition of John Rice and 35 others, citizens of Johnson County, Kentucky, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of Alexander H. Lee and 31 others, citizens of Bracken County, Kentucky, for laws to prevent monopolies and unjust discriminations in the transportation of freights and passengers—to the Committee on Commerce.

Also, the petition of John Norris and 50 others, citizens of Bracken County, Kentucky, of similar import—to the same committee.

By Mr. POEHLER: The petition of Isaac Berfield and 20 others, citizens of Carver County, Minnesota, of similar import—to the same committee.

Also, the petition of Elizabeth Schott, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Henry H. Sibley, late brevet major-general, United States Volunteers, and other citizens of Minnesota, that a pension be granted to Henry Belland—to the same committee.

Also, the petition of Isaac Berfield and 20 others, of Carver, Minnesota, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of John Brick and 99 others, citizens of Renville County, Minnesota, that Congress fix the price of land on which settlement has been made at $2.50 per acre—to the Committee on Public Lands.

By Mr. POUND: The petition of Charles K. Brown, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. PRESCOTT: The petition of James Harris, of the Sixty-eighth Regiment New York State Militia, war of 1812, for a pension—to the Committee on Revolutionary Pensions.

By Mr. REED: The petition of Portland Star Match Company, against the repeal of the tax on matches—to the Committee of Ways and Means.

By Mr. ROBERTSON: The petition of Mrs. Tabitha Lewis, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the National Cotton Exchange, for the amendment of the census laws—to the Committee on the Census.

By Mr. JOHN W. RYON: The petition of 40 soldiers of the Union Army in the war of the late rebellion, for the passage of the Weaver soldiers' bill—to the Committee on Military Affairs.

By Mr. JAMES W. SINGLETON: The petition of Samuel Hicks and others, citizens of Greene County, Illinois, for the passage of a law regulating railroad transportation—to the Committee on Railways and Canals.

Also, the petition of A. L. McConnell and others, citizens of Greene County, Illinois, for the amendment of the patent laws—to the Committee on Patents.

By Mr. SPEER: Papers relating to the claim of James Evans for pay for a horse lost in the Florida war—to the Committee of Claims.

Also, papers relating to the pension claim of Samuel Howard—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Mrs. Margaret S. Fain—to the same committee.

Also, papers relating to the claim of E. Price to be refunded certain moneys improperly collected from him by United States revenue officers—to the Committee of Ways and Means.

Also, the petitions of J. J. Kimsey and others, citizens of White County, Georgia, for a post-route from Cleveland to Smith's Store, in said county; of W. H. Quillian and others, citizens of Hall County, Georgia, for a post-route from Gainesville to Argo; and of Daniel T. Bush and others, for a post-route from Harmony Grove, via Thomas's Bridge, Maye's, and Ward's Store, to Wilmot's Old Store, in Banks County, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: The petition of citizens of Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. STONE: The petition of C. S. Judson and 26 others, citizens of Kent County, and of A. D. Townsley and 108 others, citizens of Allegan County, Michigan, for an amendment to the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of C. S. Judson and 26 others, citizens of Kent County, Michigan, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. TALBOTT: Papers relating to the application of Lieutenant S. C. Barney to be restored to the Navy—to the Committee on Naval Affairs.

By Mr. P. B. THOMPSON, JR.: The petition of soldiers of Kentucky, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, papers relating to the claim of the Baptist church at Somerset, Kentucky, for pay for the use of the church building by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the pension claim of John Watson—to the Committee on Invalid Pensions.

Also, the petition of citizens of Kentucky, for the removal of the charge of desertion from the military record of Andrew Meadows—to the Committee on Military Affairs.

By Mr. THOMAS TURNER: The petition of citizens of Kentucky, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. VAN AERNAM: Papers relating to the claim of Andrew Lutz for pay for recruiting for the Fifty-eighth Regiment New York Volunteers in the late war—to the Committee on Military Affairs.

By Mr. VANCE: The petition of citizens of North Carolina, concerning the salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: The petition of soldiers of New York, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, papers relating to the claim of Darius Davis for pay for the improvement of the Hudson River, near Albany, New York—to the Committee on Commerce.

By Mr. WADDILL: The petitions of citizens of Barry, of Newton, of Jasper, of Barton, of Saint Clair, of Bates, of Lawrence, of Henry, of Green, of Webster, and of Dade Counties, Missouri, for the passage of the interstate-commerce bill—to the same committee.

Also, the petition of citizens of Vernon County, Missouri, for amendment to the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. WASHBURN: The petition of B. L. Bull and other citizens of Otter Tail County, Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of B. L. Bull and other citizens of Otter Tail County, Minnesota, for the passage of an act to prevent railroad discriminations—to the Committee on Commerce.

Also, resolutions of the Duluth Chamber of Commerce, asking for an appropriation for the completion of a lock and dam at Sault Ste. Marie—to the same committee.

By Mr. WELLS: The petition of Robert L. Lindsay, for an investigation of the facts relating to the appointment of George A. Moser, register of lands at Ironton, Missouri—to the Committee on Public Lands.

Also, resolutions of the Saint Louis Merchants' Exchange, asking that a law be passed authorizing the Postmaster-General to contract with a line of steamships for carrying United States mails from New Orleans to Rio Janeiro and other ports of Brazil, and to such ports in the West Indies and in Central America as may be deemed advisable—to the Committee on Commerce.

Also, resolutions of the Saint Louis Cotton Exchange, of similar import—to the same committee.

By Mr. WILLIS: The petition of W. C. Hite and others, citizens of Louisville, Kentucky, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the same committee.

Also, the petition of Thomas B. String, for additional pay as an officer of the United States Army—to the Committee on Military Affairs.

By Mr. WILSON: The petition of Phil. A. Lorintz and 200 others, citizens of West Virginia, that a pension be granted to J. S. Roby—to the Committee on Invalid Pensions.

By Mr. WISE: The petition of 164 citizens of Pennsylvania, for an appropriation to improve the Youghiogheny River—to the Committee on Commerce.

By Mr. WALTER A. WOOD: The petition of John Barrett and others, that a pension be granted Amos Walker—to the Committee on Invalid Pensions.

By Mr. CASEY YOUNG: The petition of Wiley T. Cargill, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of William S. Rogers, for pay for the time he served as a laborer in the heating department, House of Representatives, before taking the oath of office—to the Committee of Claims.

IN SENATE.

TUESDAY, *February* 3, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DISTRICT SINKING FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Treasurer of the United States on the operations of the sinking fund pertaining to the District of Columbia; which was ordered to lie on the table and be printed.

COMPLETION OF DOUBLE-TURRETED MONITORS.

Mr. BAYARD. I ask leave to present a petition of the Harlan and Hollingsworth Company, of Wilmington, Delaware, praying that an appropriation may be made to finish the double-turreted monitor Amphitrite, now on the stocks in their yard. As the petition is short I ask that it be read, and I shall ask the indulgence of the Senate to make a statement respecting it.

The VICE-PRESIDENT. The petition will be reported.

The petition was read, as follows:

To the honorable Senate and House of Representatives:

Your petitioners beg leave to state that they have in their ship-yard, in a partly finished condition, the hull of the double-turreted monitor Amphitrite, the work upon it having been suspended by an order from the honorable Secretary of the Navy, dated March 16, 1877, awaiting additional appropriations.

In consequence of this suspension, your petitioners have suffered serious inconvenience and loss by being deprived of one of their most valuable building slips, and as a consequence they have lost many contracts that they might otherwise have taken.

Your petitioners therefore entreat most earnestly that the necessary appropriations may be made to enable the honorable Secretary of the Navy to have the vessel completed, and thus relieve us from our embarrassment, as well as stop the constantly accruing expenses against the Government.

Very respectfully, your obedient servants,

THE HARLAN AND HOLLINGSWORTH COMPANY,
J. T. GAUSE, *Vice-President.*

Mr. BAYARD. Mr. President, in view of the practical importance of the Government taking some action in respect to finishing this vessel, I ask leave to draw the attention of the Committee on Naval Affairs, to whom this petition will be sent, to a statement of the facts.

This vessel is one of four. In 1875 her construction was commenced under a contract for a certain step in her construction. The step was taken according to the contract and paid for. In 1876 other steps were taken. In 1877, on the 3rd of March, a contract was made by the Navy Department to finish these vessels, but that contract was arrested in the course of a few weeks thereafter by an order of the present Secretary of the Navy, and it has never been renewed. As a consequence, this vessel, of which I speak from my own knowledge, from personal inspection, has lain in a partially finished condition, occupying a very valuable and important position in the ship-yard of the builders, incomplete and useless for any purpose. No money has been appropriated to finish it. I believe the same state of facts exists in regard to the other three. The consequence is there is loss to the Government, there is loss and inconvenience to the builder, and there is a growing claim against the Government for the damage to the contractors in keeping this vessel in the position she now is. If the vessel is not to be finished, it were better she should be sold as old iron. If she is to be finished, the sooner it is done the better.

On this subject a letter has been written by the Secretary of the Navy to the Committee on Naval Affairs of the other House, which I shall not detain the Senate by reading at length, but will merely say that it sets forth that the completion of these four double-turreted ships with modern improvements, fitting them to take their place in warfare usefully according to the scale of modern improvements, will amount to about $3,000,000.

I say nothing of the condition of our Navy. I do not know that I have the information that justifies me to speak of it; but certain it is that vessels of this class are considered by those having charge of the Navy of the country as essentially necessary for completion for harbor defense, and for perhaps more than harbor defense; for while they cannot be termed, and never will be probably sea-going vessels, to be used as cruisers, they will be capable of being moved from port to port in order to defend such points as may be vulnerable and need defense.

Last summer I interested myself when in England in looking in a cursory way at the condition of their iron-clads. I visited several of them in the docks at Chatham, and when I viewed the strength, the power, the invulnerability of those ships capable of going to sea, I must say that my apprehensions grew to be of a very painful nature. I did not see anything, nor do I now know anything, unless it be the system of defense by torpedoes, that could prevent one of many ships to-day in the British naval service from steaming into any port upon the coasts of the United States and there laying waste any city lying upon our seaboard.

As to the question of expense, here are four vessels which are to be finished, with the approbation of naval constructors, under the Navy Department, as of a grade fitted to place them in the full scale and abreast of others in modern improvement for defensive purposes. The cost of those four is $3,000,000. The cost of one ship in England, which I went over last autumn, was $3,600,000. I have here, in a slip from a late newspaper, a description of four armored ships built for the Italian government, any one of which would be impenetrable to the attack of any vessel or vessels of the United States Navy to-day. The cost of these vessels in Italy is here stated, and that of any one of the four greatly exceeds the combined cost of the four vessels proposed by the estimate of the Secretary of the Navy.

Therefore, it seems to me that this condition of affairs ought to last no longer, but that the recommendations of the Navy Department for the completion of these ships should be fulfilled, and that the money necessary to make them available for harbor defense should be promptly supplied from the Treasury; or, should it be discovered, against the opinion of the Navy Department, that these vessels are not of a grade or of a character to warrant that disposition, then let the other measure be taken of disposing of their hulls as they lie; let them be sold for old iron, or what not, and the Government be saved from the expense, which it must finally respond to, of paying for the loss and damage to those who have fairly and honorably undertaken to complete their contract with the Government, but have been arrested and prevented from their completion. To stand as they are now is worse than useless; and if their completion is to be decreed, it cannot be too promptly or it cannot be too liberally complied with.

With these remarks I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. HAMLIN. I present the petition of William B. Hayford, one

of the trustees of the European and North American Railway Company, in Maine, reciting certain matters in relation to the manufacture of steel rails, and concluding with the prayer that the Congress of the United States enact a law that the duty hereafter imposed upon imported steel rails shall be specific, at a rate not exceeding $10 per ton. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented the petition of James S. Walker and others, soldiers of the late war, praying for the enactment of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Robert Lawrence and others, citizens of Illinois, praying for the passage of a law granting a pension to George Wiley, late private Company G, Eleventh Indiana Cavalry; which was referred to the Committee on Pensions.

Mr. BAILEY presented the petition of A. Thomas Carr and others, citizens of South Carolina, praying for the passage of the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories, and that the University of Wilberforce be included therein; which was referred to the Committee on Education and Labor.

Mr. BUTLER presented additional papers in the case of Phœbe Meech, widow of Horace I. Meech, deceased, late of Company I, First Regiment New York Volunteers in the war with Mexico, praying for a pension; which were referred to the Committee on Pensions.

Mr. KIRKWOOD presented the petition of C. J. Ives, general superintendent of the Burlington, Cedar Rapids and Northern Railway, in Iowa, praying for the enactment of a law reducing the duty on steel rails to $10 per ton; which was referred to the Committee on Finance.

Mr. PLUMB presented the memorial of Martin Roy and others, citizens of Kansas and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. GROOME presented the petition of Lieutenant-Commanders James H. Sands and Charles D. Bigsbee, of the United States Navy, praying for the enactment of a law adopting the report of the board of admirals acting under the provisions of the act approved February 5, 1879, for the relief of B. B. Taylor and others; which was referred to the Committee on Naval Affairs.

Mr. PADDOCK presented the petition of Jacob Steinmetz and 52 others, citizens of Sutton County, Nebraska, and soldiers of the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 965) for the relief of D. T. Kirby, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 592) for the relief of Redmond Tully, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the petition of Mrs. Flora A. Darling, praying the passage of a law referring her claim for bonds and money alleged to have been taken from her on a flag-of-truce boat during the late war, to the Secretary of War, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 175) for the relief of Major P. P. G. Hall, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 3968) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands, in the State of Kansas, reported it without amendment.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 952) for the relief of James Burke, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MAXEY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 290) authorizing the Secretary of War to issue wall-tents to the superintendent of the Virginia Military Institute, to report it adversely. I will state in connection with this report, as the Senator from Virginia, [Mr. WITHERS,] who introduced the bill, is not present, that I wrote to the Adjutant-General and he in reply called my attention to the report of the Quartermaster-General, stating that the tents could not be furnished without detriment to the public service, and that an appropriation would have to be made to comply with the provisions of the bill. For that reason the committee report the bill adversely, and I move its indefinite postponement.

The motion was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 287) for the relief of the heirs of Charles B. Smith, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. JOHNSTON, from the Committee on Foreign Relations, to whom was referred the petition of Seth Driggs, praying that the award against him, rendered by the mixed commission formed by the United States and New Granada, be set aside and declared void, and the case reopened for a new hearing, reported adversely thereon, and the committee were discharged from further consideration of the petition.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1153) to restore to the public domain a part of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, and for other purposes, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the joint resolution (H. R. No. 153) authorizing the remission or refunding of duty on a stained-glass window, from Munich, Germany, for All Saint's church, in Saint Michael's parish, in Talbot County, Maryland, reported it without amendment.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1056) donating six condemned iron cannon to John D. Musser Post, No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, to build a fence around the soldiers' monument in the Muncy cemetery, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 83) granting condemned cannon to the Morton Monumental Association, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 3562) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2902) to place William Gaines, late ordnance-sergeant, United States Army, on the retired list, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 3) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 757) for the relief of Gallus Kerchner, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

SILVER COINAGE.

Mr. BAYARD. I am instructed by the Committee on Finance, to which was referred the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes, commonly known as the Warner bill, to report it adversely. I ask that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BECK. I rise only to say that the report of the Finance Committee on what is known as the Warner bill is not the unanimous report of the committee, and that the minority hope to be heard when the bill is reached on the Calendar.

REMOVAL OF DESERTION CHARGES.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the bill (S. No. 876) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers, have had the same under consideration and directed me to report it adversely, and recommend that it be indefinitely postponed. This bill is one to remove from the military record of these persons the charge of desertion; that is, to correct their record and allow them back pay and bounty. I desire to call the attention of the Senate to the conclusion at which the committee has arrived. The report says:

> In view of the very large number of cases where the charges of desertion exist on the record, and the numerous cases coming before Congress for special legislation, your committee deem it proper to express their conviction that special legislation is neither proper nor wise, and that, as a general rule, the War Department now has ample power to do equal and exact justice to every such applicant for relief, and that no special legislation will be recommended except in special and exceptional cases where soldiers, by reason of sickness or wounds, have been absent from their commands, and by reason of such absence have been reported as deserters.

Mr. HOAR. I should like to ask the Senator from Missouri if he understands that it is the opinion of the War Department that that Department has ample power to do justice in such cases?

Mr. COCKRELL. It is the opinion of the War Department, they state in their report, which is appended here—a very elaborate report in which the number of desertions from the Army and the number of applications made to the Department for the removal of the charges of desertion are all stated in full—that they have full authority now

under the rules and regulations and existing laws to do equal and exact justice to every applicant for relief.

I will state further that the disabilities attending the charge of desertion are not so onerous as is generally supposed. The Pension Bureau pays very little attention to the charge of desertion. Soldiers dishonorably discharged are pensioned just the same as those honorably discharged, the only difference being the date of the pension. I know this will be news to the Senate, but I have the official report of the Commissioner of Pensions stating the fact, and I state nothing in which I am not backed by the official report. Desertion does not deprive soldiers of back pay necessarily, but it does deprive them of bounty. A very large number of deserters have been relieved of their forfeiture of citizenship, so that the disabilities are very small.

Mr. KIRKWOOD. If in order, I should like to say a single word. The Senator from Missouri seems to consider that the worst consequence of the record showing that a soldier was a deserter is the loss of back pay and bounty. That is not so considered, I know, by some soldiers in the State from which I come. They consider the disgrace attaching to such a record as a more serious matter than the loss of both back pay and bounty. I happen to have the means of knowing that some volunteer soldiers from that State have such records under circumstances which, in my judgment, entitle them to have the disgrace removed, and yet they are not within the rule that the War Department holds itself bound to administer in removing the charge of desertion of its own motion. There is a bill accompanying the report, I understand.

Mr. COCKRELL. A special bill for the relief of certain persons.

Mr. KIRKWOOD. So that the matter will go upon the Calendar?

The VICE-PRESIDENT. If desired.

Mr. KIRKWOOD. I should like to look into this matter a little.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

PRINTING OF COMMITTEE PROCEEDINGS.

Mr. BAYARD. I am instructed by the Committee on Finance to ask for the adoption of the following order:

Ordered, That the Committee on Finance be authorized to have printed the proceedings of the interviews held by them with the Secretary of the Treasury in relation to funding the national debt and other subjects.

The order was agreed to.

BILLS INTRODUCED.

Mr. HILL, of Georgia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1198) to pay Samuel I. Gustin for supplies furnished to the Army of the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. I ask unanimous consent, without previous notice, to introduce a bill, which I have been requested to introduce by Governor Lowe, an honorable practicing attorney of this city, for the benefit of some of my own constituents. I know nothing of the merits of the case.

By unanimous consent, leave was granted to introduce a bill (S. No. 1199) to confirm certain land claims in the State of Missouri, and for other purposes; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Private Land Claims.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1200) for the relief of B. Jennings; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1201) granting a pension to Henry Williams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1202) for the relief of Hiram S. Town; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1203) for the relief of Margaret B. Franks, sole heir at law of Thomas L. Franks, of Green Bay, Wisconsin, deceased; which was read twice by its title, and, together with the accompanying petitions and papers, referred to the Committee on Claims.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1204) granting a pension to Michael M. Field; which was read twice by its title, and referred to the Committee on Pensions.

DISTRICT WATER SUPPLY.

Mr. ROLLINS. I submit the following resolution, and ask for its present consideration:

Resolved, That the commissioners of the District of Columbia be, and they hereby are, directed to inform the Senate what, if any, action has been taken by them, under the act of Congress of June 10, 1879, authorizing an advance of the sum of $25,000 to improve the water supply on Capitol Hill; whether any money has been expended for that purpose, and, if so, how the same was expended; what new connections, if any, were made with the water-mains; on what streets; the amount so expended; from what fund the same was taken, and with what result.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CONKLING. I do not wish to make an objection, but I should like to inquire of the Senator from New Hampshire whether it is customary for the Senate to call upon the commissioners of the District to communicate with the Senate? It may be permissible under some statute, which the Senator is more likely to know than I, but I venture to call his attention to the fact that unless there is such a statute it would be rather an unusual thing for the Senate to address the commissioners of the District, and require them to address the Senate in return.

Mr. ROLLINS. The commissioners of the District of Columbia have in various instances been called upon to communicate information to the Senate. It was done during the last session of Congress repeatedly. They make an annual report to Congress also.

Mr. CONKLING. If the Senator says it is the custom of the Senate, I make no objection.

Mr. DAVIS, of West Virginia. I should like to make an inquiry of the Senator from New Hampshire, who is a member of the Committee on the District of Columbia. I ask the Senator if he knows whether the sum of $25,000 to which the resolution refers has been drawn from the Treasury or not?

Mr. ROLLINS. I think it has not been drawn from the Treasury. The resolution was agreed to.

LINE OF NORTHERN PACIFIC RAILROAD.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to communicate to the Senate the general lines of location of the Northern Pacific Railroad Company, and what changes, if any, have been made by said company in their general line of location and approved by the Department since their organization to the present date, giving the average distances respectively between such several lines of location and the extent and general character of such changes; also a statement of the lands withdrawn from settlement in favor of said company under the several locations made, and to what extent such several changes of location have affected the rights of settlers.

THE CALENDAR.

Mr. ANTHONY submitted the following resolution; which was ordered to lie upon the table:

Resolved, That at the conclusion of the morning business for each day after —— the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless upon motion the Senate shall at any time otherwise order; and the objection may be interposed at any stage of the proceedings.

Mr. DAVIS, of West Virginia. Let the proposed order be printed so that we may know exactly what it is.

The VICE-PRESIDENT. It will be printed.

RETIREMENT OF NON-COMMISSIONED ARMY OFFICERS.

Mr. MAXEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency and propriety of such legislation as said committee may deem proper, authorizing worthy and meritorious non-commissioned officers of the United States Army, who have faithfully and honorably served therein continuously a period of thirty years or upward, to be placed on the retired list with such pay and allowances as may be just, and to report by bill or otherwise.

DISTRICT HEALTH ORDINANCES.

Mr. BUTLER. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 189) legalizing the health ordinances and regulations for the District of Columbia, which I had the honor to report yesterday from the Committee on the District of Columbia and which I gave notice I should call up to-day.

The Chief Clerk read the joint resolution.

Mr. BUTLER. Let the substitute reported by the committee be read.

The Chief Clerk proceeded to read the amendment, and was interrupted by

Mr. JOHNSTON. I have been approached by a great many gentlemen of this city in regard to this measure, and they ask for more time to consider it. I ask that the joint resolution go over until to-morrow, so that these parties may have time to examine it further.

Mr. EDMUNDS. Let the Secretary finish the reading of the amendment.

The VICE-PRESIDENT. The Secretary will finish the reading of the substitute of the committee, and the Chair will then recognize the Senator from Virginia.

The Chief Clerk resumed and concluded the reading of the amendment.

Mr. BUTLER. I have an amendment to offer to the amendment.

Mr. CONKLING. If I am in order a moment, before the joint resolution is passed over, or before we take action, I should like to make an inquiry. What is the need of legalizing these regulations of the board of health?

Mr. BUTLER. The court has decided that it is necessary that the ordinances passed by the board of health be legalized by Congress before the penalties can be enforced.

Mr. CONKLING. Have we ever legalized such regulations before?

Mr. BUTLER. No, sir.

Mr. CONKLING. That was my impression. Therefore I venture to suggest that although the regulations are referred to in the joint resolution, before the Senate can act intelligently upon it, and the more so as some of them are referred to only by number, the regulations themselves ought to be printed separately and be before the

Senate. I know, at least I infer, that by resorting to certain executive documents these ordinances could all be selected and grouped together; but if we are to legalize some and refuse to legalize others, not describing them by the subjects to which they relate but merely by their numbers, it becomes a process so difficult that few Senators are likely to undergo it in order to have an intelligent view of this subject. If we are for the first time by a law to legalize all the things said by this board which they have formulated as regulations, I think we ought to go rather sure-footed. Therefore, particularly if the joint resolution is to lie over, I suggest to the Senator having charge of it that it might be well in some form to bring before us, so that it will be easy of access, the body of the rules and regulations upon which this measure is to operate.

Mr. BUTLER. I think the Senator is mistaken in saying that the regulations are referred to only by their numbers.

Mr. CONKLING. If the Senator will pardon me one moment, if the Clerk will read again the substitute proposed, the words will be heard, "except that sections 9," and so on, reciting a good many of them, are not legalized.

Mr. BUTLER. Precisely. That refers to the sections of the ordinances themselves.

Mr. CONKLING. Certainly.

Mr. BUTLER. I understood the Senator to say that the ordinances or regulations proposed to be legalized were only referred to by their number.

Mr. CONKLING. Then I was unfortunate in expressing myself. I meant to say, and I do say, that touching some of these sections, they are by arbitrary numbers merely excepted from the operations of this proposed act.

Mr. BUTLER. Precisely.

Mr. CONKLING. Therefore, the Senator will see that unless somebody may be industrious enough to go and look up all these sections, wherever they are to be found in any of our statutes, or in some executive document, it is a very blind mode of proceeding.

Mr. BUTLER. I should like to have the amendment I offered to the amendment of the committee read before a final disposition is made of the joint resolution for to-day.

The VICE-PRESIDENT. The proposed amendment will be read.

The CHIEF CLERK. After line 24 of the amendment of the Committee on the District of Columbia, after the word "small-pox," it is proposed to add:

Eighth. Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, interments, disinterments, and removal of the dead in the District of Columbia.

Mr. JOHNSTON. I should be glad if the joint resolution were allowed to go over until to-morrow. It is a matter of great concern to the District. I ask that these amendments be printed, and that the joint resolution lie over until to-morrow.

Mr. BUTLER. I have no objection to that course being taken. My anxiety and the anxiety of the committee arises simply from the fact that it has been represented to us that it is very important to have this action taken promptly if we expect to have benefit from it in order to control the spread of the small-pox in the District. I have not the slightest objection to the joint resolution going over. If the proposition of the Senator from New York should be adopted, it would require that these various ordinances, rules, and regulations should all be printed. I have them here.

Mr. CONKLING. Will the Senator let me look at them for a moment?

Mr. BUTLER. Certainly.

Mr. COCKRELL. While that is pending I ask to have an order for the withdrawal of papers entered.

[The order appears under its appropriate head.]

Mr. BUTLER. Do I understand that the Senate has consented that the joint resolution should go over until to-morrow?

The VICE-PRESIDENT. The Chair has heard no objection to the suggestion. He now awaits the wish of the Senate as to the printing of the regulations, as suggested by the Senator from New York.

Mr. BUTLER. The Senator from New York made that suggestion, and I have not the slightest objection to it, none in the world.

Mr. CONKLING. By way of illustration, as my eye happens to fall upon it, I read to the Senate one of the provisions which is to become an act of Congress under this proposed law:

That ailantus trees, the flowers of which produce offensive and noxious odors, in bloom in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances, injurious to health; and any person maintaining such nuisances, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense.

That would be a fine, I suppose, for every tree. If I were going to doubt the safety of such a measure as this, applied to this section, I should say that to commit to a board entirely the discretion to decide what is due notice, whether one hour or one day, and then proceed to impose a fine upon every owner of every tree who did not cut it down, because the tree had been declared a nuisance, would be rather heroic practice. If we were going to have an act of Congress on that subject, I should think we ought at least to fix some time within which the owner, resident or non-resident, might escape this penalty. I read it only to show that some of these provisions confer very large powers; and I think before by a law, with the exception of three of these sections, we make them a penal law they should be before the Senate as part of this proceeding; so that we can see whether there be something still more rigorous than this first section upon which my eye happens to fall.

Therefore, I move that there be printed, so that we may see them, the ordinances referred to, with the numbers affixed to them as far as they appear in the joint resolution, so that we may know which are excepted and which are embraced.

The VICE-PRESIDENT. The Chair hears no objection to that suggestion. The order will be entered.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WINDOM, it was

Ordered, That the papers in the claim of W. S. Grant be withdrawn from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the petition and papers relating to the claim of William M. Pleas and F. S. Jones, now on the files of the Senate, be referred to the Committee on Claims, to accompany Senate bill No. 431.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year, to expedite the settlement of pension applications, and for other purposes; and

A bill (H. R. No. 4213) to appropriate money for the continuance of improvement of certain navigable waters.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State; and

A joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol, along the line of the old canal, and for other purposes.

N. BOYDEN.

Mr. GROOME. I ask the Senate to proceed to the consideration of Senate bill No. 715.

The bill (S. No. 715) for the relief of N. Boyden was considered as in Committee of the Whole. It provides for the payment of $75, without interest, to the estate of N. Boyden, for rent of rooms in Salisbury, North Carolina, from January 1 to March 31, 1866, used for post headquarters, under contract with Boyden, at a monthly rental of $25.

Mr. KIRKWOOD. I should like to know what this bill is about.

Mr. RANSOM. I will state to the Senator from Iowa that if he will read the report he will see that it is a bill that ought to pass and about which there can be no difference of opinion.

Mr. KIRKWOOD. Is there a written report?

Mr. RANSOM. Yes, sir, a unanimous report.

Mr. TELLER. The bill is all right. It is a case of contract.

The VICE-PRESIDENT. Does the Senator from Iowa desire the reading of the report?

Mr. KIRKWOOD. If there is a report I should like to have it read.

The Chief Clerk read the following report, submitted by Mr. GROOME on the 22d of January:

The Committee on Claims, to whom was referred the bill (S. No. 715) for the relief of N. Boyden, have considered the same, and find the facts as stated in the report of the Senate Committee on Claims in the Forty-fifth Congress, being report No. 78. This committee concur in that report, and report back the bill referred to them (which is identical with the substitute mentioned in said report) with a recommendation that it pass. The report concurred in by this committee is as follows:

Mr. COCKRELL, from the Committee on Claims, substituted the following report, to accompany bill S. No. 685:

The Committee on Claims, to whom was referred the bill (S. No. 33) for the relief of R. W. Corbin and others, have duly considered the same, so far as the rights of Mr. Boyden are affected, and submit the following report:

Your committee referred the bill to the Secretary of the Treasury, with a letter asking for information and facts touching the claim, and received from the Acting Secretary the following answer:

"TREASURY DEPARTMENT, *November* 1, 1877.

"SIR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, inclosing a copy of a bill for the relief of N. Boyden, for rent of a house, and calling for such information as may be in possession of this Department touching the same.

"The Third Auditor of the Treasury states that the claim of N. Boyden in his office is for $75, being the amount of three vouchers issued to him by Lieutenant H. C. Long, of the One hundred and twenty-eighth Indiana Volunteers, for rent of one house, used as post headquarters from January 1 to March 31, 1866, at $25.

"The claim was disallowed, under the provisions of act of Congress of February 21, 1867, which prohibits payment of this class of cases.

"The bill is herewith returned, as requested.

"Very respectfully,

"R. C. McCORMICK,
"*Acting Secretary.*

"Hon. F. M. COCKRELL,
"*United States Senate.*"

Your committee addressed another letter to the Secretary of the Treasury, asking for the vouchers and papers relating to said claim of N. Boyden, and received

from him all the vouchers and papers, and among them were the following accounts, to wit:

"No. 22.

"*The United States to N. Boyden, Dr.*

"Dolls. Cts.

"Salisbury, N. C., January 31, 1866.—For rent of four (4) rooms, used as headquarters district Western North Carolina, by Colonel J. Packard, from January 1, 1866, to January 31, 1866, (inclusive,) one month, at $25 per month..... 25 00

"Approved:

"JASPER PACKARD,

"*Colonel One hundred and twenty-eighth Indiana, Commanding District.*

"I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and has been entered on my report of persons and articles hired for the month of January, 1866, for the time above charged.

"H. C. LONG,

"*First Lieutenant and R. Q. M. One hundred and twenty-eighth Indiana, and A. A. Q. M., D. W. N. C.*

"No. 22.

"*The United States to N. Boyden, Dr.*

"Dolls. Cts.

"Salisbury, N. C., March 31, 1866.—For rent of one house used as post-headquarters from March 1, 1866, and March 31, 1866, (one month,) at twenty-five (25) dollars per month..... 25 00

"Approved:

"JASPER PACKARD,

"*Colonel One hundred and twenty-eighth Indiana Vols., Commanding Post.*

"I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, and have been accounted for on my Form 2 for March, 1866.

"H. C. LONG,

"*First Lieutenant and R. Q. M. One hundred and twenty-eighth Indiana Vols., and A. A. Q. M.*

"No. 22.

"*The United States to N. Boyden, Dr.*

"Dolls. Cts.

"Salisbury, N. C., February 28, 1866.—For rent of one house (4 rooms) used as post-headquarters, Salisbury, N. C., from February 1, 1866, to February 28, 1866, (one month,) at $25 per month..... 25 00

"Approved:

JASPER PACKARD,

"*Colonel One hundred and twenth-eighth Indiana Vols., Commanding Post.*

"I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service and have been reported on my Form 2 for the month of February, 1866.

"H. C. LONG,

"*First Lieutenant and R. Q. M. One hundred and twenty-eighth Indiana Vols., and A. A. Q. M.*"

The above accounts were on the usual blanks known as Form No. 22, partly printed and partly written. The action of the Department upon said claim is shown by the following letter among said papers, to wit:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
"*October* 29, 1877.

"Respectfully returned to Hon. H. S. French, Assistant Secretary.

"The claim of N. Boyden in this office is for $75, being the amount of three vouchers issued to him by Lieutenant H. C. Long, of the One hundred and twenty-eighth Indiana Volunteers, for rent of one house used as post headquarters from January 1 to March 31, 1866, at $25. The claim was disallowed under the provisions of act of Congress of February 21, 1867, which prohibits payment of this class of claims. Papers in claim transmitted herewith.

"HORACE AUSTIN, *Auditor.*"

The Quartermaster-General's Department refused to pay the claim for the same reason.

That the act of February 21, 1867, (vol. 14, U. S. Stat. at L., p. 397,) provides that the act of July 4, 1864, "shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the southern rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government."

On April 2, 1866, the President, by proclamation, declared that the insurrection in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, and Mississippi was at an end.

Under said act of February 21, 1867, the Departments have declined to pay any claims originating in the insurrectionary States from the beginning of the insurrection to the date of the President's proclamation declaring the insurrection at an end, whether such claims arose under contracts or otherwise. And thus all persons whose just claims are based upon an express contract between themselves and the proper officers of the Government, made within the limits of the insurrectionary States within the period above named, are forced to appeal to Congress for relief.

This claim arose out of a contract between the claimant and the proper quartermaster, was duly signed, certified, and reported by said quartermaster, and approved by his commanding officer, and the estate of the claimant is certainly entitled to the amount specified in the contract.

Your committee report a substitute for the bill, and recommend the passage of the substitute so reported.

Mr. EDMUNDS. I should like to know what the reason is that this claim does not fall into the class that should properly go before the southern claims commission, so called?

Mr. RANSOM. The gentlemen of the committee who reported the bill will allow me to suggest that it ought to be amended and that in place of "Nathaniel Boyden" it should be the "legal representatives of Nathaniel Boyden."

Mr. GROOME. That amendment should be in the title. The body of the bill is correct.

Mr. EDMUNDS. Perhaps I was not heard by the Senator from Maryland. I wish to inquire, as I was not able to hear the reading of the first part of the report, why it is that this claim does not fall within the provisions of the act of Congress referring what are called southern claims to a commission.

Mr. GROOME. I am not able to answer the Senator.

Mr. EDMUNDS. It is my own fault that I did not hear the reading of the first part of the report; but it appears that this transaction arose in 1866. If that be so, then undoubtedly the reason is that the southern claims commission only has jurisdiction of claims that arose during the existence of hostilities, or something of that kind. If this falls within the jurisdiction of the southern claims commission, it ought to have gone there; but I assume from these dates that it does not. If it does not, I do not see on the report of the committee that there is any objection to the payment of this claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the estate of N. Boyden."

WYOMING, MONTANA AND PACIFIC RAILROAD.

Mr. TELLER. I desire to call up Senate bill No. 90, reported from the Committee on Railroads.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 90) granting the right of way through the public lands to the Cheyenne, Black Hills and Montana Railroad and Telegraph Company.

Mr. COCKRELL. When was that bill reported?

Mr. TELLER. Last week some time.

Mr. COCKRELL. I do not find it on the Calendar.

Mr. TELLER. It is on the Calendar, on the last page.

The VICE-PRESIDENT. It was reported on the 29th of January.

Mr. COCKRELL. Is there a printed report with the bill?

Mr. TELLER. There is no printed report. It simply gives these people the right of way to build a railroad through the public lands. That is all there is of it. It makes no donation except the ten acres for stations. That may be stricken out if anybody thinks it too much.

The VICE-PRESIDENT. There are amendments to the bill reported by the Committee on Railroads, which will be read.

The first amendment was stated to be in section 1, line 3, after the word "the," to strike out "Cheyenne, Black Hills, and" and insert "Wyoming;" and in line 4, after the word "Montana," to insert "and Pacific;" so as to read:

That for the purpose of enabling the Wyoming, Montana and Pacific Railroad and Telegraph Company, a corporation organized under the laws of the Territory of Wyoming, to construct and build its line from Cheyenne, in Wyoming Territory, by way of Fort Laramie, Deadwood, and through the Territories of Wyoming, Dakota, and Montana, to a connection with the Northern Pacific Railroad, in the Territory of Montana, by the most advantageous and practicable line, to be selected by said company, the right of way through the public lands in the Territories of Wyoming, Dakota, and Montana is hereby granted to said company.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "exceed," to strike out "eight" and insert "twelve;" in the same line, after the word "thousand," to insert "five hundred;" in line 5, after the word "mile," to insert "for narrow-gauge roads, and $2,500 per mile for standard-gauge roads;" so as to make the section read:

SEC. 2. That said company shall be authorized and empowered to mortgage in the usual manner its franchise, road-bed, and all property belonging to said company, to an amount not to exceed $12,500 per mile for narrow-gauge roads, and $2,500 per mile for standard-gauge roads, for the entire length of said road, upon such terms as may seem to them best, and upon said mortgage may issue mortgage bonds not to exceed the same amount per mile; but in no case shall the United States be liable in any way whatever for anything done by said company.

The amendment was agreed to.

The next amendment is, at the end of the bill to add:

SEC. 6. Whenever any part of the present Territories of Wyoming, Montana, or Dakota, through which said road may run, shall be admitted into the Union as a State or States, so much of said railroad and its appurtenances and property as may be within any such State or States shall be subject to State taxation.

Mr. EDMUNDS. I move to amend the amendment proposed by the committee by adding after the word "taxation," in line 6, the words "and subject in all respects to the sovereign legislative power of such State or States."

Mr. TELLER. I have no objection to that amendment. The amendment proposed by the committee was the joint production of the Senator from Vermont and the late Senator from Michigan [Mr. Christiancy] on a bill for this same company that I believe passed the Senate a year ago. I suppose they had it then as they wanted it; but if not, I am quite willing they should now have it as they want it.

Mr. EDMUNDS. I wish to plead "not guilty," and put myself on the country, to having been any moving cause or part of the production of this amendment as it was reported by the committee, and I insist upon the proof.

The point of my amendment is that I wish to subject this corporation that now exists under a territorial charter to the complete and supreme jurisdiction of the State, with power in its Legislature to repeal the charter, or alter or amend it, when there comes to be a State, so that we shall not transmit and inject into some new State, that is created there, a charter like the old charter of the Manhattan Bank, I believe it is, in the State of New York, granted by the King of England, that is beyond all power of the State of New York to manage or control or repeal. I believe in making this motion, I shall have the sympathy, if not the vote of every Senator who hears me.

The VICE-PRESIDENT. The Chair hears no objection to the amendment to the amendment, nor to the amendment of the committee.

Mr. CONKLING. I have no objection to the amendment, except to one word of it. I wish the Senator would correct that.

Mr. EDMUNDS. Which is the "sovereign?"

Mr. CONKLING. Yes, sir.

Mr. EDMUNDS. Yes, I will take out the "sovereign." It sounds a little kingly.

Mr. CONKLING. It is a rule of rhetoric, I believe, that every word which does not add strength impairs it. I think that word does not add strength to the Senator's amendment.

Mr. EDMUNDS. It is so long since the war, that I thought "sovereign" would not squint too strongly of State rights, but I will take it out.

The VICE-PRESIDENT. The amendment to the amendment will be so modified.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. EDMUNDS. I move to strike out the second section of the bill, which I should like to have the Secretary read.

The Chief Clerk read section 2, as follows:

SEC. 2. That said company shall be authorized and empowered to mortgage in the usual manner its franchise, road-bed, and all property belonging to said company, to an amount not to exceed $12,500 per mile for narrow-gauge roads, and $2,500 per mile for standard-gauge roads, for the entire length of said road, upon such terms as may seem to them best, and upon said mortgage may issue mortgage bonds not to exceed the same amount per mile, but in no case shall the United States be liable in any way whatever for anything done by said company.

Mr. EDMUNDS. Mr. President, the second section of the bill confers a power upon this corporation, that Congress did not charter, but that was chartered under the local law of home rule, as it might be called, of Wyoming Territory, to mortgage its franchises and all its property to a certain extent and for certain objects. My objection to that section is that the right to mortgage ought to be left to the power that created this company, and that if we grant the territorial Legislatures, as we have in this instance, the right to charter railway companies, we ought to leave it to them, as we have left it to them by our general laws, to decide for themselves according to the circumstances of the particular case whether a particular railroad company should be authorized to mortgage its property and franchises, or not, and that we ought not over the heads of the Legislative Assembly of the Territory, and in spite of their wishes whatever they may be—it may be in accordance with them or it may not; I do not put it upon that ground; I do not know—to declare that this company shall be authorized to make this mortgage. It may happen that under the territorial charter the territorial Legislature has decided that the company should not be authorized to make a mortgage at all, and that stock subscriptions should be received in order to build the road. If any such provision had existed or does exist, then it would be unjust in Congress after stockholders had paid in their money on the theory that they were to be the real and fundamental owners of the line, to say that the corporation might proceed to make a mortgage then, because the stockholder who had advanced his money would find that he was overridden, and in the end, as all such things usually happen, entirely frozen out by the paramount mortgage which was not authorized when he subscribed for his stock and paid his money.

I only state that as an illustration. It may not apply to this case at all; but I do say that it illustrates strongly the impropriety of our undertaking to say, (except in some extreme emergency that does not appear here,) that notwithstanding what the Legislature of the Territory may have done or may have declined to do, and without knowing anything about the particular circumstances of this particular case, this company may make this mortgage.

Mr. MAXEY. If the Senator from Vermont will permit me, if I understand his position, which I think is entirely correct, the effect of the second section would be to amend by act of Congress the charter of a territorial Legislature.

Mr. EDMUNDS. Exactly; it comes to that.

Mr. TELLER. The trouble with the Senator from Vermont is that he has not examined the whole bill. This bill relates to a company which has acquired a charter under the laws of the Territory of Wyoming. Under that charter this company has the unquestioned right to build the railroad and to mortgage it in the Territory of Wyoming; but when they come to the Montana line they have not any such right, and, as was stated here last year on the floor of the Senate, unless the Montana laws have been since changed, there is no way for this company to acquire the right to build this road through Montana. They have failed to provide, what Wyoming has, a general law under which corporations may be incorporated. If they have provided it since that time, it necessitates a new corporation in Montana separate from that in Wyoming, and also a separate corporation in Dakota.

This is a long line that is practically useless until it reaches Dakota. The road built through Wyoming alone would not justify any outlay of money. The purpose is to build into the upper mining regions of Dakota, and for that reason they want the power to make it practically one corporation. We have an undoubted right here to grant a charter in the Territory of Wyoming, in the Territory of Dakota, and in the Territory of Montana, and there is no infringement upon the right of the people of Wyoming or any other section of the Territories when we do it. This company has been organized for the purpose of building this road. As yet it has not put any money in it. If this section is stricken out, I do not know how it will affect the people who propose to put in their money. I am informed by capitalists that if this permission is given to mortgage the road and build the road, making it practically one line from Cheyenne into the Deadwood country, they will build it.

As I have said, Montana, unless very recently, has no legislation of such a character as enables the railroad company to organize so that capitalists are willing to put money in the road; and as we here have an unquestioned right to create a corporation anywhere in the Territories without reference to the territorial laws, these capitalists come up and say, "If you will recognize the Wyoming charter and give us the right to mortgage our road in the other Territories in accordance with the provisions of this bill, we will build the road."

Mr. FARLEY. What portion of Montana would this route pass over?

Mr. TELLER. It would go through one edge of it, I understand.

Mr. FARLEY. In going from Cheyenne to Deadwood, would it be necessary to pass through Montana Territory at all?

Mr. TELLER. Not absolutely necessary, but the parties desire to have it so that they can pass through Montana. Perhaps it is not necessary absolutely, but I understand they propose under this charter to build in Montana.

Mr. ALLISON. They propose to build from Cheyenne to a connection with the Northern Pacific. They cannot make that connection without passing through Montana; but they do not pass through Montana in order to reach the Deadwood region.

Mr. TELLER. Not necessarily. They want to reach the upper mining regions, and when I speak of "the Deadwood country" I do not mean merely at Deadwood, for there is an area of mining country there that is bigger than all New England, and Deadwood is on one edge of it.

Mr. HOAR. I should like to ask the Senator who has charge of this bill whether there ought not to be a reservation of the general power to the States which may be formed out of these Territories over this railroad, when they come into the Union?

Mr. TELLER. That is already in.

Mr. HOAR. I do not find it in the bill before me.

Mr. TELLER. That is in one of the amendments proposed by the committee.

Mr. HOAR. Does the Senator refer to section 6 printed in italics?

Mr. TELLER. Yes, sir; with the amendment offered by the Senator from Vermont [Mr. EDMUNDS] and adopted.

Mr. HOAR. I have not seen the amendment of the Senator from Vermont.

Mr. EDMUNDS. Mr. President, the Senator from Colorado says that the necessity for this mortgage provision, while he acknowledges the general propriety of the principle I advance, is that this corporation of the Territory of Wyoming wishes to invade two other Territories, Dakota and Montana, and to build its road in those Territories, and without an act of Congress it cannot do it unless with the legislative assent of those two Territories that the Wyoming corporation proposes to go into.

Well, if there is anything at all in local Territorial government, they ought not to invade those Territories without the assent of their Legislatures. To be sure, we may grant them the right of way through the public land. That is one thing. But there is private property to be taken and condemned for public use and for public necessity; not to please capitalists, but to promote the public good, and who is to judge of the public good properly except the territorial Assemblies that have been elected by the people of these respective Territories, as to what these corporations may do. So the very fact that my honorable friend referred to as a reason for the necessity of this second section is to my mind a stronger reason for striking it out. The Territory of Montana ought to be left to judge for itself by the representatives of its people, into whose hands it will confide the right to take private property for public use, and to build a railroad in it, except as I say in some great and extreme public emergency as in the time of the war about the Pacific Railroad. That is another thing. But in the ordinary state of the case, as the thing is, for the profit of capital and for the convenience of miners, I repeat if there is anything at all in territorial self-government, as I think there is, it ought to be left to the Assemblies of the Territories of Montana and Dakota to declare whether they will allow this corporation to go into those Territories at all. Perhaps those two Territories may prefer to have a corporation of their own, just as a State might, and just as the coming-to-be States should have the right to do, and should have the unquestioned right to do when they come into that attitude.

So, Mr. President, I think it adds a reason for striking out this section. This company ought not to be allowed to take private property in these Territories, to mortgage its franchises and its property when it should have been taken there, except by the authority of the representatives of the people of those Territories who are in the long run to be chiefly affected by the operations of the company.

If the Legislative Assembly of the Territory of Montana, which is far north of the Deadwood region, thinks it necessary to have a railway to connect with the North Pacific, that territorial Legislature will in its own way, through its own agencies, provide for it; and if, as I said before, we are to confide to those people anything like self-government, do not let us in respect of these important matters of creating corporations, monopolies, the history of which I need not spend any time of the Senate to go into, and how they operate, leave

it to the people of these Territories until some extreme emergency arises at any rate, to determine what ought to be done. I hope therefore the Senate will strike out this section.

Mr. TELLER. Mr. President, there is not anybody in Montana that will complain of any invasion of his rights by a railroad. If the Senator had lived in the West and as far from railroads as some of us have lived, he would not talk about an invasion by a railroad. If there is anything that these people will hail with delight, it is a railroad connecting them with their former homes. The people of Montana and Dakota where this road will strike, and Wyoming and the other regions beyond that, are anxious that this road should be built; and if the Senator desires to make a fight on this bill, he ought to put it on some other and better ground than that the people up there will be outraged by this invasion of a railroad.

Mr. President, of course they might get their Legislature together and they might enact a general law. They cannot enact a special law; they cannot give this company a charter; they cannot give this company any rights that they do not give every other company. They might enact a general law, and then you might go to work, and if you could find any way to consolidate together two or three corporations there, I do not know how you would go to work to do it except by act of Congress. Congress is supreme over the Territories, and has a right, if it is in the interest of the public, to create a corporation independent of anything the Territories may have done; and Congress has done it in every Territory in the Union, I think. They have certainly done it in these western Territories within the last few years. They did it in Colorado and in Wyoming and in Utah, and in Nevada when it was a Territory.

Now, Mr. President, I believe that the second section is necessary to the success of this enterprise; and if the friends of the bill, those who believe that the people out there ought to have a railroad in case somebody back in the East is willing to put in money to do what they have not the money to do, want them to have a railroad, they ought to vote for this second section, because I believe to strike out the section is practically to declare that the road shall not be built.

Mr. HOAR. I should like to ask the Senator what the second section means by authorizing the company to "mortgage in the usual manner."

Mr. TELLER. I suppose it means to execute a mortgage to secure bonds, to issue bonds, and then execute a mortgage to secure the bonds. That is the usual manner, I believe.

Mr. HOAR. But I understand that in a large proportion of the States of this country it is contrary to their settled legislative policy to permit any man to own a railroad, to allow a man living in New York, a man living in London, to acquire the absolute title, uncontrolled except by the general sovereign power—and how far that amendment of the Senator from Vermont may control it I do not know—by legislation; and it is usual, if not universal, to provide that railroads shall not be mortgaged or conveyed by the original corporation, except in a manner carefully regulated by legislation, and to provide that when a foreclosure takes place the persons holding the bonds or their trustees shall reorganize in a new corporation with all the obligations to make returns, all the obligations in regard to the management of the stock, all the obligations for the control and management of the railroad which rested upon the original corporation. That is either done by getting leave to make the mortgage at the time it is desired or by general law applicable to railroad mortgages.

Now, these railroads chartered for the young States and new Territories ought to be carefully controlled by legislative provision. The danger of their controlling legislation, their controlling politics, of corruption, of abuse, is very much greater when you have got one powerful railroad corporation extending five hundred miles through a new State than it is in a State like New York or Pennsylvania or Massachusetts. It seems to me that in making these new charters we ought to especially guard the railroad by the securities especially found necessary even in the older and more settled States. This railroad is to be the great corporation, the great power, the great controlling influence, if it goes through the length and breadth of Montana, in that State when it is admitted.

My suggestion is (not in a spirit of hostility, but of entire friendship to the Senator's desires, because I am sure he would not advocate a railroad bill which was not in the interest of the communities which he has so much knowledge of) whether there ought not to be either a distinct reservation, or, better, a provision that they shall apply to the Legislature of the State or Territory when they wish to mortgage their line, and that the details of the mortgage system shall be prescribed.

Mr. TELLER. I would say that I never saw a railroad charter containing the provisions suggested by the Senator from Massachusetts. It is usually done by general legislation; and under the amendment proposed by the Senator from Vermont and adopted by the Senate, the local authorities will have entire control over that matter, it seems to me. Therefore, it does not seem to me necessary to put in the bill such a provision as the Senator from Massachusetts suggests.

Mr. HOAR. I think the reservation to the sovereign power would not include power and control over this matter of mortgage. The mortgage will have been executed before the sovereign power of the State comes in at all.

Mr. TELLER. I understand the fear of the Senator from Massachusetts is that when this railroad is sold out under the mortgage, which may never be, then some man will buy it under the mortgage, and he will then own a railroad.

Mr. HOAR. The Senator will pardon me. You cannot regulate the contract then if that contract is now authorized. A mortgage is of course a right to acquire the property on certain terms and conditions by the mortgagee hereafter; and if the right to make a mortgage is given now without limit or control, that involves the right to acquire the property hereafter, and no constitutional power in this country can violate that contract.

Mr. TELLER. Congress has never yet adopted any provision of that kind and put it in a charter. They did not do it with the Union Pacific, the Kansas Pacific, the Denver Pacific, and the rest of the roads that they chartered and that have been built. Now, why they should seek to do it in regard to this road, which will be infinitely smaller than any I have mentioned except the Denver Pacific, less powerful, less profitable, is quite beyond my understanding. The bill is drawn in the usual way, and there is no opportunity for anybody to steal very much by building this railroad, and the men who build the road will have the worst of it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont, to strike out the second section of the bill.

Mr. KERNAN. Mr. President, the second section seems to me an extraordinary provision for Congress to make. This corporation is chartered by the Territory of Wyoming, and we come in and by this section give them the broad privilege of mortgaging the road to a very large amount per mile, without in any way protecting the stockholders. It seems to me that it is entirely wrong that we should assume at all to give them a right to mortgage their road. Let the Legislature that chartered them do that. They get a charter and get some men to put in money, and then we authorize them to mortgage for a very large sum; or they get a charter and do not put in anything, and attempt to get authority from us to mortgage the road to the extent of $12,500 per mile for a narrow-gauge line. I am not a railroad man, but I think that is more than enough to build it.

Mr. PADDOCK. Not necessarily that amount; but that is the maximum.

Mr. KERNAN. We all know what that means when power is granted to borrow money on a road chartered by a State or Territory. I fear they will need it all. At any rate I do not think we ought so interfere about that matter; we should leave it to the authority granting the charter. The amount named is $12,500 a mile for a narrow-gauge road, and, as it reads, $2,500 per mile for a broad gauge. I suspect that is a mistake.

Mr. ALLISON. It should be $25,000.

Mr. KERNAN. It reads $2,500. What I wish to say is that we cannot wisely, it seems to me, attempt to exercise power and authority to allow a railroad company, incorporated by a territorial Legislature, whose charter I have not the means of seeing, to borrow money. The second section provides that we shall come in now and say that we authorize this company to borrow money on a mortgage not exceeding a pretty large amount per mile. I hope the section will be stricken out. I am willing to grant the right of way, but I cannot go further.

Mr. PADDOCK. Mr. President, I do not know what the relative cost of construction of narrow-gauge and broad-gauge roads is. I do know that this road is to be constructed through a very difficult country, a mountainous country, and I doubt if a narrow-gauge road could be constructed for less than $20,000 a mile. Every citizen in all that region of country, which has now no outlet, no facility whatever for getting its products to market, is in favor of this road. There is no other enterprise which has received so universally the approval of the cattle district and mining region west of the one hundredth meridian.

Mr. KERNAN. Assuming that to be so, why not let the Legislature of that people give the right to mortgage?

Mr. PADDOCK. Not only the Legislature of one people is interested, but this road is to run through three different Territories, and therefore it would not be possible unless there should be some action of this kind for loans to be negotiated which would enable the road to be constructed. The section might be improved, perhaps, but something of this kind is required to be done in order to induce capitalists to loan their money for the construction of the road. I have no personal interest in it myself. The line of the proposed road is far from my State, but I have a sympathy for the people of that section of country, who have no outlet whatever for their mining and other products, and am ready to aid in any way I can to secure them relief in this direction.

Mr. SAULSBURY. The idea suggested by the Senator from New York, that it would be improper for Congress to attempt to authorize a mortgage by a railroad corporation created by a Territory or State, presents to my mind the question whether there is any power in Congress to authorize the mortgage of a franchise granted by a territorial Legislature; whether Congress now can lay its hand on that franchise, which does not emanate from Congress, but from a territorial Legislature, and subject that franchise to a mortgage. I doubt whether Congress possesses such power. If Congress possess it, why may not every railroad created by any State charter, every railroad company chartered and created by any State Legislature, come to Congress and procure authority to grant away the very franchise which has been given by the State Legislature? I doubt whether there is such au-

thority in Congress; but, if the authority exists, I concur with the view of the Senator from New York that the propriety of its exercise is not only doubtful, but entirely wrong. I, therefore, shall vote for striking out the second section.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to strike out the second section.

The amendment was agreed to.

Mr. SAULSBURY. I desire to offer the following amendment, to come in at the end of the sixth section:

Provided, That said railroad and telegraph company or the railroad which they are authorized to construct shall not become consolidated with or under the control and management of any other railroad company or corporation.

I offer this amendment because, as is well known to the Senate, the railroad corporations of this country are passing almost into a single hand, and it is a very grave question whether the true interests of this country are promoted by the consolidation of railroad companies under the management of the same person. All through the western country the railroads now are owned largely and controlled by the same class of men. They can fix the rates of transportation of merchandise and travelers according to their own pleasure, and prevent any competition by buying up and consolidating with other companies that attempt to construct competing railroad lines.

Now, while we are legislating on the subject granting the right of way to a company, I think it is very proper that we should guard the people of that country against the absorption of the company by other companies that now have the entire carrying trade of that region. I want to protect this company from being bought up and consolidated with existing corporations that are now controlling that entire country.

Mr. TELLER. I do not care very much about the amendment; I do not care whether it is passed or not; but I think it would be well for the Senator from Delaware to be consistent in his position. A moment ago he was afraid to lay his hand on the act of the territorial Legislature; then he regarded their act as exceedingly sacred; and now, without knowing whether they are opposed to or in favor of consolidating, whether the charter provides that they may consolidate or whether they shall not, he proposes to say by act of Congress that they shall not consolidate.

Mr. President, I believe that the bill without a provision for the mortgaging of the property is utterly worthless to any corporation, and I do not believe any set of men will put their money in and build the road. As the Senate now has stricken that out, and as it may have been stricken out because of the objections made by some of the Senators that may be cured, I move to recommit the bill to the Committee on Railroads.

The VICE-PRESIDENT. The Senator from Colorado moves that the bill be recommitted to the Committee on Railroads.

Mr. CONKLING. Mr. President, I do not know without a moment's reflection whether I should express my judgment of this bill by voting for or against the motion to recommit. I agree entirely with the Senator from Colorado that, with the mortgaging section stricken out, the bill is virtually inoperative. I am inclined to think it ought to be. I see nothing in the bill which is not law already, except this provision, extraordinary as it seems to me, to confer on a territorial corporation the right to mortgage. Under the act of March 3, 1875, this corporation, unless I am mistaken, has everything which the Senator from Colorado has said it should have, save only this right to mortgage. My honorable friend agrees with me in that. I have had some difficulty to find an act of Congress, which is popularly known as "the defile act" among railway men, an act passed on the 3d of March, 1875, which act confers upon this corporation and upon every other corporation competent to receive such a grant a right of way like that described here over the public lands everywhere if its surveyed and located route goes there. Then it provides in its second section much more carefully as I think than this bill attempts to provide in section 3, that in narrow defiles, in gulches which are precipitous and furnishing a very narrow place to lay a track, all companies that choose to go there shall be allowed to go. Section 3 of this bill says that it shall not preclude the building of other roads; but the section now a law, which I have in my hand, provides not only that, not only for the preservation of wagon-roads as well as other conveniences, but it provides an equitable rule and adjustment upon which different roads shall occupy in common the cañons and defiles to which it applies. So that the statute of 1875 seems to me to cover everything aimed at in this bill except the section touching mortgages and their right, which the Senate has stricken out.

Now I should like to inquire of the Senator from Colorado, unless it is to confer upon this corporation the right to mortgage, what one thing there is which it lacks under the act of 1875? Can it not do exactly what is here proposed?

Mr. TELLER. I supposed myself, as I stated, that the main object of this bill was to enable this company to make itself practically a railroad corporation from Cheyenne through to the Pacific Ocean if it wanted to go there, or to the Northern Pacific road, or wherever it is going. As I said, section 2 is the main feature, I suppose, that capitalists want in the bill, and when it was stricken out, I repeated that I did not suppose anybody would build the road under the bill now.

Mr. CONKLING. May I inquire of the Senator, cannot this corporation under the law as it exists go to the Pacific Ocean now if it can find any public land to go over?

Mr. TELLER. I have no doubt they can build through provided they can get a corporation organized in Montana and other places through which they pass; but the purpose, I suppose, was to give this a quasi-national character.

Mr. CONKLING. But this bill does not incorporate anybody.

Mr. TELLER. No, sir.

Mr. CONKLING. Then upon the admission of the Senator from Colorado I think I am justified in this affirmation: first, this bill incorporates no one; second, it leaves the corporate powers of the body-corporate upon which it is to operate exactly what they are now except that it did undertake to confer power to mortgage, so that here comes a bill with long recitations and six sections which have no virtue and effect whatever except that one section which the Senate has stricken out. That is true, is it not?

Mr. TELLER. I think the Senator makes a very broad statement when he says it has nothing. It may not have anything very valuable, and yet it gives to this company the right of way that it has under the general statute, and it gives it ten acres for depot grounds.

Mr. CONKLING. Let me read to my honorable friend section 1 of the act he denominates the general statute.

That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road.

Now I ask the Senator to observe:

Also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station, buildings, depots, machine-shops, side-tracks, turn-outs, and water stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

There, then, is everything which this bill proposes to confer to which the Senator has yet called attention excepting always the section stricken out about mortgages. Now, Mr. President, I suggest that if it be the judgment of the Senate that Congress ought not to attempt to confer upon the creature of a territorial Legislature rights, not only beyond the purview of its charter, so confessed to be, but more particularly powers which may be in derogation of its charter and repugnant to the reservations of it, this bill ought not to be recommitted, for there is nothing else in it save that which stands here in this general statute. So, I suggest to the Senator from Colorado, without wishing to oppose any preference of his, that he had better take the judgment of the Senate upon the bill rather than to have it recommitted, unless he intends that it shall contain something beyond the one only substance upon which the Senate has voted.

Mr. TELLER. I have said two or three times that the only valuable section in my judgment was section 2. I did not introduce the bill. The men who declared that they wanted to build the road said they wanted the bill in that shape. I was anxious to see them build the road; and after making such amendments as the committee thought proper we reported the bill. Suppose it did confer the same rights that the general statute conferred before, was that an objection to the bill? It is hypercritical to come here and object to the bill on that ground; it does not amount to anything.

Is there any real objection to the bill? The Senator from Massachusetts [Mr. HOAR] said there was grave objection in the form of section 2. The Senator from Vermont [Mr. EDMUNDS] said there was a grave objection in the principle of section 2. Now, I say if it goes back to the committee, so far as the form is concerned—and it is impossible for me to say upon what the Senate voted, whether upon the form or upon the principle—we can report a bill the form of which will not be objectionable. I think it ought to go back.

Mr. CONKLING. The Senator says it does no harm to repeat in the bill what the general statute provides. Possibly I might not deny that affirmation, although I think it would be very questionable work for the Senate to sit here and repeat in special charters what has been carefully said already in one general charter. But as the Senator was somewhat pronounced in inquiring whether there was any objection to what has been done here, with great frankness I answer him yes, there is very grave objection to the sort of repetition which we find in this bill. By accident or design I find here section 3, consisting of two lines and a half, in these words:

That the rights herein granted shall not preclude the construction of other roads through any cañon, defile, or pass on the route of said road.

That seems very plausible and specious; but when I look at the corresponding section in the general standing act I find it is much more carefully guarded; I find that it makes much more rigorous and emphatic provisions; and therefore I say it is objectionable in phrase so brief as this to supersede, as we should repeal by intendment as applicable to this particular corporation the provisions of the general act; and I think it well illustrates the unwisdom and hazard of attempting to enact for a particular party the substance of provisions found already enacted for all parties upon careful consideration. And I might add that the courts have been called upon to construe the act as it stands under my hand, to construe the section to which I have referred, and they have had some difficulty in giving it construction, but it has undergone judicial examination, and to some extent these parties know what it means. Therefore when you propose by a different form of words to vary this substance in

respect of a particular party, I submit to the honorable Senator from Colorado that it is seriously objectionable.

Mr. PADDOCK. I do not think there was any such design in the change of phraseology as the Senator has inferred.

Mr. CONKLING. I have imputed no design.

Mr. PADDOCK. This bill was drawn by a citizen of Wyoming Territory on behalf of this company, and was introduced by the Delegate from that Territory in the lower House. It is a bill that was not only introduced by him, but is a bill that was submitted to the Delegates of the other Territories interested, and they also approved the bill. Two of them presented it to me and asked me to introduce it, and I introduced it for them, on their account.

The VICE-PRESIDENT The question is on the motion to recommit the bill to the Committee on Railroads.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4213) to appropriate money for the continuance of improvement of certain navigable waters, was read twice by its title, and referred to the Committee on Commerce.

DEATH OF REPRESENTATIVE CLARK.

The VICE-PRESIDENT laid before the Senate the following resolutions from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES,
January 31, 1880.

Resolved, That this House has heard with deep regret of the death of Hon. RUSH CLARK, late a member of this House from the State of Iowa.

Resolved, That as a testimony of respect to his memory the officers and members of this body will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the memory of the deceased this House do now adjourn.

Attest:

GEO. M. ADAMS, *Clerk*.

Mr. ALLISON. Mr. President, I offer the following resolution:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. RUSH CLARK, late a member of the House of Representatives from the State of Iowa.

The VICE-PRESIDENT. The question is on the resolution offered by the Senator from Iowa.

Mr. ALLISON. Mr. President, this is the first instance of the death of any member of either House from Iowa during his term of service, since that State was admitted to the Union.

Mr. CLARK died in this city, after an illness of a single day, on the 28th of April last, during the extra session of the present Congress. His term of service was brief; he having been first elected to the Forty-fifth Congress, and re-elected to the Forty-sixth. Because of his brief service he was not personally well known in congressional circles except to his immediate associates and those with whom he served on committees in the House. No man of his age, however, was better known in Iowa, which State he had chosen for his home when he and the State alike were young.

Mr. CLARK was born in Schellsburgh, Pennsylvania, October 1, 1834. He graduated at Jefferson College in that State in 1853 at the age of nineteen, and immediately afterward went to Iowa and became a student at law in the office of an elder brother who was in the enjoyment of a lucrative practice at the bar in Iowa City, then the capital of the State.

He was soon afterward admitted to practice in the courts, and in a short time attained a respectable rank among his associates at the bar of Iowa City, which was then, as now, composed of men of marked ability. At the urgent solicitation of personal friends he for a time edited The Republican, which was then the leading whig newspaper in the State, and continued in charge of that paper until and for a considerable period after the whig party became merged into the more aggressive and liberal party which was organized in that State in 1854 in hostility to the repeal of the Missouri compromise. His pen exerted a wide influence in changing the political complexion of the State, which until then had been under the control of the democratic party.

In 1859 Mr. CLARK was elected to the State Legislature. In 1861 he was re-elected, and at the beginning of his second term of service was elected speaker of the house, being the youngest man ever called to fill that exalted position in our State.

He carefully studied the rules of parliamentary practice. This, together with his agreeable manners, enabled him to fill the office with ability and impartiality, and secured for him the respect and esteem of his political adversaries as well as of his party friends.

At the republican congressional convention in his district, the succeeding fall, his name was presented, and he came within only six votes of receiving the nomination, which was then, as it has been since, equivalent to an election.

He continued in the practice of his profession, becoming well known in the State as an able and successful lawyer, taking no very active part in political affairs until 1875, when a senatorial election was to take place in our State. At that time the friends of my colleague had in view his election to the place to be made vacant by the voluntary retirement of Hon. George G. Wright. Mr. CLARK was called upon by the citizens of the county in which he and my colleague resided to become a candidate for the lower house of the General Assembly. His candidacy was pressed upon the ground that the county was doubtful politically with any other candidate, but that his personal popularity would render his election certain. He hesitated only because of the inconvenience to him on account of his professional engagements, but finally yielded his assent and was elected by a respectable majority, and served another term in the General Assembly. In the spring of 1876, Hon. James Wilson, who for four years had served the fifth district in the House with industry and ability, publicly announced his determination not to be again a candidate for re-election. Public opinion fixed upon Mr. CLARK as the fittest man to become his successor; he was nominated at the republican convention, and elected by a large majority.

It was no easy task for a man trained only to hard service before the courts to accustom himself readily to the daily work of the House and the daily drudgery of department labor.

Although he possessed an active and vigorous intellect, he had a delicate and nervous physical organization—too delicate for the labor he undertook; for it is the concurrent testimony of his immediate associates and late constituency that he labored constantly to familiarize himself with the great work of Congress, and at the same time to look patiently and vigilantly after the errands of his constituents in the Executive Departments.

The most of those who hear me know how much of toil, care, and anxiety are involved in this brief recital of the daily work of a faithful member of the House of Representatives; yet few persons who are not familiar with such work from personal experience or observation know the extent and growth of the necessary demand of a constituency upon their public servants in Washington; and fewer still know that these requests involve considerable journeys and a voluminous correspondence. A faithful Representative is attentive to these details—and none more so than Mr. RUSH CLARK during his brief congressional service. The labor was too great for him, and when disease seized upon him he soon yielded to its resistless power. His service, though brief, was in all respects creditable to him and was full of promise for the future. His knowledge of the law and of affairs, his practice in the courts, his familiarity with the methods of legislation, constituted for him training schools so efficient that he needed only the experience which length of service alone can give to make him a most useful member of Congress.

Observation discloses that there must be, added to ability, industry, and integrity, continued service to enable members of either House to take a conspicuous position and exert a commanding influence in the settlement of the great questions which every Congress brings before us demanding our consideration and action.

It is not too much to say of our departed friend that had such opportunities been given him he would have shown himself equal to the service. He was a fair type of that large body of professional and business men to be found in every State and in every congressional district who need but opportunity and experience in public life and length of service in either branch of Congress to impress themselves upon the legislation of the country, and the faithful and successful administration of its great affairs.

Although Mr. CLARK held but few public offices, public trusts of considerable magnitude were confided to him. He was a member of the staff of my associate, who was during the most perilous period of the late civil war governor of our State. He was for a considerable time a member of the board of regents of our State University, and also held other public trusts.

In all these he discharged the duties assigned him with ability and integrity, as he performed the duties of his broader sphere of service here with scrupulous honesty and fidelity.

In saying this of him I do not intend to distinguish him from the great body of his associates in the House. Having had some experience here in both Houses of Congress, I can truthfully say that, in my belief, instances are rarely found of those who allow their conduct to be controlled by private motives of personal gain, aside from the general good, or who legislate for their own private benefit rather than for the public advantage. And any opinion that here more than elsewhere sordid selfishness controls the conduct of public men is wholly erroneous and baseless.

Mr. CLARK at his death was about forty-five years old. Coming to our State when he was still a youth, he participated in and contributed to its rapid growth and development. He found there a population of less than a quarter of a million, and saw it grow to a million and a half. His own immediate constituency at the time of his death numbered more than two-thirds the entire population of the State when he became a citizen. Thus early identifying himself with its interests and progress, he was well known in the State, especially among our lawyers and judges and leading public men, and was highly esteemed for his ability, his benevolence, his sense of justice, and his high character as a citizen; for his fidelity to friends and courtesy to opponents. An ardent republican, he had the respect and regard of his political adversaries. Strong in his own convictions, he respected the convictions of others.

His sudden and untimely death shed a gloom over our State; and the numerous eulogies pronounced upon him through the press and public meetings indicate the strong hold he had upon our people. In his death the community in which he lived lost a valuable and public spirited citizen, his district and the State a faithful public servant, and the House in which he served one of its ablest and best representative men.

Mr. HEREFORD. Mr. President, a few hours ago I was requested to make some remarks on this occasion. I cheerfully accepted the invitation to perform the sad task. It is a pleasure, though a sad one. The history of the short life of RUSH CLARK has been given you by another more capable than I. On the 28th of April, 1879, all that was mortal of RUSH CLARK passed from earth away. Mr. CLARK presented in his physical, mental, and moral qualities a fine type of that class of men who at an early period in life bade adieu to the loved ones in their eastern homes and swelled the thronging, surging mass that crossed the Father of Waters to make a new home in the far West. He located himself in the beautiful town of Iowa City, which dots one of the wide-spreading prairies of the mighty West, where but a few years ago the Indian and the buffalo held undisputed sway, but now the happy home of thousands of "fair women and brave men." Where once was the wigwam of the child of the forest, now we behold churches erected to the living God, and schools, academies, and colleges in which are being educated a class of men and women who are to be the future rulers of this the grandest and only true republic the world ever saw. Where once was the trail of the buffalo, now may be seen thousands of miles of railroads over which the iron horse, with sinews of steel, muscles of iron, and a breath of fire dashes along over mountain heights and boundless prairies clad in nature's green and relieved by flowers of every hue, bearing in his train the commerce of a great, contented, happy, and united people. Such a country is well adapted to expanding and developing the soul, mind, and energies of its citizens.

In this country, surrounded by such people, was the head and heart of RUSH CLARK, already prepared by his early training in the mountain fastnesses of his native State, stored and expanded for the great work before him. Too much honor cannot be given to the early pioneers of the West. At an early period he saw the "star of empire" taking its course westward, and eagerly followed in the bright pathway lighted up by its beneficent and inviting rays.

At an early period his fellow-citizens saw in him future usefulness, and elevated him to the councils of their giant young State, over which he was elected its presiding officer. Nor did they wait long until they called him to a higher and more responsible position, and sent him to the national councils in the other end of this beautiful building. But the icy hand of death was laid upon his big, bounding heart, and its warm currents were chilled and ceased to beat forever, and his beaming, benignant eye closed on the bright future forever.

Mr. CLARK was an affectionate son, a fond husband, and devoted father. His beautiful, kind, and intelligent wife and his three bright, rosy-cheeked children are left without a protector. Oh, no; that is not correct. His thousands of true, devoted, and admiring friends, male and female, will be their protectors and guardians.

No one could doubt for a moment the high estimation in which he was held by his constituency if he had been present that dark night when the train arrived at his home and seen the thousands of people, irrespective of party or creed, coming to receive the casket containing the remains of their brother, and looked out upon the immense procession marching to the beat of muffled drums with sad and sorrowful hearts.

Whether at the bar discussing abstruse legal propositions with his brethren of the legal profession, or as speaker of the house of representatives of his adopted State, or as an honorable, highly respected, and laborious Representative in Congress, he always commanded the respect—ay, the love and admiration—of all with whom he came in contact.

Mr. CLARK was a decided partisan, but be it said to his honor he had no bitterness of feeling. Would that all public men would emulate his example in this respect! Always kind, courteous, and respectful to his political opponents, he won, as he deserved, friends from all sorts and classes of people. The public man who upon any occasion would engender or foster party hate, or seek to array one class or interest or one section of his common country against another, is no patriot, whatever his protestations may be, and deserves the scorn and contempt of all good men. Such a man RUSH CLARK was not; hence I honored him when alive, and respect his memory, though dead.

I have laid my wreath upon the bier of my dead brother. Small and insignificant though it be, yet it is none the less fragrant if it shall be tested by the sincerity of the sentiments of the donor. My friend, I bid thee farewell until that great day of assize shall come; that day for which all others were made; for which earth sprang from chaos, man from earth, and God from eternity.

Mr. PLATT. Mr. President, it may not be entirely inappropriate for me to add a few words to what has already been so well and touchingly said by those Senators who have preceded me and who knew and respected and loved him, and who would justly perpetuate his worth by these ceremonies.

I was not acquainted with RUSH CLARK. I do not know that I ever met him. I cannot speak of him therefore from that more intimate knowledge which comes from personal contact and association; but in the performance of my duty as one of the committee appointed by this body to attend his remains to their final resting-place, I learned much of his true character and of the sterling qualities of his mind and heart, of which I may speak. The grave has at least one feature which somewhat modifies its gloom. There a man is truly judged by his fellows. The sharp antagonisms, the unjust judgments of life are buried there, before the coffin is lowered, and the abilities, the impress, and the true character of the one who is to be its occupant are there justly acknowledged.

The courtesies of the grave are accorded to all, but men do not there deceive themselves or others in the estimate which they place upon the life of a fallen comrade. There you may learn his real history, his innermost life, his true character. At the home of RUSH CLARK, from the moment we reached the station till the last sad rites had been tenderly and lovingly performed, the evidences of a great sorrow pervading the entire community were unmistakable. At the very borders of the State which he had adopted as his own, we were made to feel that his influence had extended beyond the limits of the district which he more immediately represented, and that the whole State mourned for one of its truest and noblest men. All along the route to the beautiful city which had been the scene of his more active labors, we were met by strong, true men, who grieved as if the deceased had been a brother. I shall never forget the hour of our arrival at Iowa City. It was night, but the whole population had gathered to pay its tribute of respect to the dead, to testify its sympathy for the bereaved. The saddened faces of the people, seen in the light of the torches which were to guide us; the whispered orders for the disposition of his remains; the tears which fell from the eyes of sturdy men, all spoke most emphatically of the character of the man and of the place he had won for himself in the hearts of all. If deep sorrow could have restored him to life he would have lived again. It was an hour to be remembered always, and its impressions were intensified by the obsequies of the next day, when a vast concourse gathered to attend with uncovered heads the impressive funeral ceremonies, and to follow in long procession to the tomb all that was left of him who had been their reliance and pride. Neither the falling rain nor the sharp thunder could deter those who honored him from the performance in minutest detail of the last solemn rites. So he was laid away to rest in the beautiful cemetery just outside of and overlooking the city he had chosen for his home. How appropriately such a resting-place is called "God's acre." There we buried him, in the early spring-time, when the opening bud, the sprouting grain, and the springing grass were nature's assurances of the life to come.

I have said I was unacquainted with the deceased, and yet, from mingling with those who knew him best, I think I came to understand and appreciate his life and character in some degree, as if I had lived in the community that so much honored him. His was a noble and unselfish career. What words of higher commendation can be spoken of any man? He had ability of no common order, but it was used less for his own advancement than for the service of others. Ambition never blunted his sympathies, and a well-earned popularity never caused him to be forgetful of his friends. Duty was his watchword, and in its performance was his reward. With all his struggles and trials, his life was a happy one, for he consciously contributed to the happiness of others. Such men must die, but the world is the better in that they have lived.

Mr. KIRKWOOD. Mr. President, other Senators have spoken fully of RUSH CLARK in the relations he bore to the public whom he had served as a lawyer and a legislator. It becomes me, by reason of my more intimate personal acquaintance with him, to speak of him as he was known to those who, like myself, had the pleasure and the advantage of frequent, close, and friendly intercourse with him.

He represented in the Forty-fifth Congress and until his death in the Forty-sixth Congress the congressional district in which I live. I was one of his constituents; he was my fellow-townsman, my neighbor, and I am glad to be able to say my friend. He was by some two years an older resident of our young State than myself. When I went to reside in Iowa City, in 1855, I found him there, a young man and a young lawyer, struggling for and gradually winning, by his knowledge of the law, his close attention to his business, his energy, and his perseverance, that high rank in his profession to which he afterward attained. When he came to Iowa, his capital, or as we sometimes express it in our quaint western way, his "outfit" was his head, his heart, and his hands—a clear head, a stout heart, and willing hands.

After closing his collegiate life in Pennsylvania, he judged, as I think wisely, that there was a better chance for him to win his way in the battle of life in the new, broad, free West, than in the older, more crowded, and I trust I may say without offense, less liberal older States. He knew well that the journey of life for him was not to be an easy, pleasant travel over a broad, smooth highway, but a tedious and painful progress over a rough and rugged path, every foot of which was to be made by his own labor and perseverance. He did not quail at the prospect, but went to work manfully and persistently. He met, as such men almost always do meet, many obstacles in his way; but he met them boldly, overcame them, and left them behind him monuments of his energy and courage.

Before his death these qualities had brought him to where his pathway was broader and smoother, and the outlook for his future more bright and cheering. And then he died; died in the prime of life; died of overwork; died of the earnest and exhausting labor he gave to the interests of his country and his constituents, which was greater than his physical powers, never strong, could endure.

My colleague has told of the different honorable positions held by Mr. CLARK by the favor of those among whom he lived, and how he performed the duties attached to them. He held at one time a position—not by election, but by my appointment—that brought us into close and cordial relations. I had the honor to hold, during the first three years of our civil war—the war of the rebellion as it is in my judgment properly called—the office of governor of the loyal State of Iowa, and thereby was charged with the duty of raising and organizing the volunteers called for from that State for the preservation of the Union. I needed to aid me in that work the services of some bright, earnest, active young men. Mr. CLARK was one of them; my colleague (I trust he will pardon me) was another. Largely by their aid and the aid of others associated with them in giving form and direction to the patriotism of our young men, the quota of Iowa's soldiers was always full; and I must be allowed to say in this presence, where are men who fought on the same side with them, and men who fought against them, no better or braver soldiers fought under either flag in that unhappy strife.

As a citizen RUSH CLARK was orderly, law-abiding, and public-spirited; as a neighbor, kindly, generous, and helpful; as a friend, true and trusty; as a husband and father, kind, loving, and devoted.

The scene on the arrival of his remains at his home showed the estimation in which he was held by his neighbors, those who knew him best and to whom his sudden death had given a great and painful shock. It was late at night when the train carrying his corpse reached our quiet town, and yet the depot and the street between that and his home were filled by his friends and neighbors who came to testify by their presence their respect for him and their sorrow for his loss, and who on the next day followed him to our quiet cemetery where his mortal remains "rest in peace."

When we look about us and see death choosing his victims, we sometimes wonder why the idler is left, and the active, earnest worker is called away; why those in the pride and vigor of their manhood are taken and those older and perhaps weary of life are permitted to remain. We do not know why. We know that God who does all things well, so wills it, and bow in submission to His will. We only know that he to whose memory we do honor to-day has gone before us to learn the mysteries of that other life in which we all believe, as to which many fear so much, and as to which all hope so much and know so little.

If it be true, as many believe, that the best service we can render here to the Great Father of all is to give strength to the weak and help to the helpless of His children, then my friend has done his proper work well.

If it be true, as many believe, that in the other life we shall be assigned to do the work for which our mental and moral development here has best fitted us, then my friend will be given there important work to do.

If it be true, as many believe, and it is becoming very pleasant for me so to believe, that in the other life we shall know and enjoy the society of those whom we knew and loved here, then my friend who has gone before is enjoying pleasant communings in his new home and waits with patient longing the coming of those whom he loved and left behind.

I move, Mr. President, the adoption of the resolution offered by my colleague.

The resolution was agreed to unanimously.

Mr. KIRKWOOD. I move now that, as a further mark of respect to the memory of the deceased, the Senate adjourn.

The motion was agreed to; and (at two o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 3, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION OF JOURNAL.

Mr. SPEER. I find bills introduced by me yesterday, Mr. Speaker, have not been referred as I intended. The fault is mine as much as that of anybody. I wish to have the correction made at this time.

The SPEAKER. The gentleman will indicate the bills to which he refers.

Mr. SPEER. The bill (H. R. No. 4038) for the relief of E. Pace, of Jackson County, Georgia, is referred to the Committee on Invalid Pensions. I desire its reference to the Committee of Ways and Means. The bill (H. R. No. 4040) for the relief of James Evans, of Lumpkin County, Georgia, is also referred to the Committee on Invalid Pensions. I desire its reference to the Committee of Ways and Means. I desire the same change of reference of the bill (H. R. No. 4042) for the relief of W. L. Vaughan from Invalid Pensions Committee to the Committee of Ways and Means.

The SPEAKER. The change of reference will be made in accordance with the request of the gentleman from Georgia, there being no objection.

There was no objection, and it was ordered accordingly.

The Journal, as corrected, was then approved.

ADMISSION TO THE FLOOR.

On motion of Mr. DUNNELL, Mr. Charles A. Gilman, lieutenant-governor of Minnesota, was admitted to the privileges of the floor for this day.

Mr. FROST. Mr. Speaker, I move by unanimous consent that the privileges of the floor be accorded to Mr. Charles S. Parnell, a member of the British Parliament.

Mr. COX. I hope the gentleman will also include the admission to the privileges of the floor of Mr. Dillon.

The SPEAKER. Is there objection to the admission to the privileges of the floor of Mr. Parnell and Mr. Dillon?

There was no objection, and it was ordered accordingly.

PRINTING OF BILLS ON MONDAY.

Mr. THOMPSON, of Kentucky. Mr. Speaker, I desire to make an inquiry of the Chair. Yesterday I introduced a bill in the morning hour, which, on motion of the gentleman from Maine, [Mr. FRYE,] was read. The bill having been read, I wish to know whether it should not have been printed in the RECORD this morning?

The SPEAKER. It should not have been printed in the RECORD. The real object of calling for the reading of bills on Monday morning is to consume the time. The gentleman can readily understand if every bill introduced on Monday was read the RECORD would be overloaded.

Mr. THOMPSON, of Kentucky. I understand that, and merely made the inquiry for information.

The SPEAKER. The practice is uniform not to print bills introduced on Monday, although they may have been read to the House. Nor indeed can a request be received during the morning hour for the printing of a bill in the RECORD, but such request must be made subsequent to the morning hour.

AGRICULTURAL DEPARTMENT.

Mr. DAVIS, of California, by unanimous consent, submitted the following preamble and resolution; which was referred to the Committee on Agriculture:

Whereas throughout the greater portion of the United States west of the one hundredth meridian the climatic conditions and the nature of the soil are so different from those of the Atlantic States as to require a very different system of agriculture; and

Whereas the good or ill success of certain crops or certain varieties of stock in the Eastern States gives no criterion of their value to the Pacific States; and

Whereas the Agricultural Department as heretofore administered, and the agricultural reports as heretofore published, have been devoted almost exclusively to the wants of the region east of the one hundredth meridian: Therefore,

Be it resolved by the House of Representatives, That the Committee on Agriculture be directed to inquire into the most feasible method of extending the benefits of the Agricultural Department over that portion of the United States west of the one hundredth meridian, either by experimental farms, experimental stations, by closer connection with State boards of agriculture, or by special bureau in said Department devoted to the district above named, and allotting a portion of the annual agricultural reports to the information furnished by this bureau, and that said committee be directed to report to this House the result of their inquiry.

WEST POINT, VIRGINIA, A PORT OF ENTRY.

Mr. BEALE, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes; which was read a first and second time, with the accompanying report ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

IMMIGRATION OF CHINESE.

Mr. WILLIS, by unanimous consent, submitted the following preamble and resolution:

Whereas, on the 25th day of February, 1878, a resolution was unanimously reported to the House of Representatives requesting the President of the United States to open correspondence immediately with the governments of China and Great Britain, with a view of securing a change or abrogation of all stipulations in existing treaties which permit the unlimited immigration of the Chinese to the United States: Therefore,

Be it resolved, That the President be requested, if not incompatible with the public interests, to inform this House what steps have been taken in the direction indicated by said resolution, and also to communicate any other information upon this subject as he may deem proper.

Mr. WILLIS. I move it be referred to the Committee on Education and Labor.

Mr. WILSON. Should not that be sent to the Committee on Foreign Affairs? The Committee on Foreign Affairs have now a kindred subject under consideration.

Mr. COX. I hope my colleague on the Committee on Foreign Affairs will let it go to the Committee on Education and Labor.

Mr. WILLIS. It should go to that committee, as it already has the subject under consideration.

The preamble and resolution were referred to the Committee on Education and Labor.

PUBLIC BUILDINGS.

Mr. SHALLENBERGER. Mr. Speaker, the Committee on Public Buildings and Grounds, to whom was referred last Thursday a resolution asking for information from the Supervising Architect of the

Treasury in regard to public buildings, have directed me to report the same back with a substitute. Under the rules the resolution must be reported back within one week.

The SPEAKER. The gentleman from Pennsylvania reports back under the rules, from the Committee on Public Buildings and Grounds, a substitute for a resolution asking for information referred to that committee. The substitute will be read.

The Clerk read as follows:

Resolved, That the Supervising Architect of the Treasury Department be, and he is hereby, directed to report to the Committee on Public Buildings and Grounds—

First. The location and character of all public buildings in process of construction or which have been completed under his direction within the past three years.

Second. The original and extended limitation by law, together with the actual cost of such buildings as have been completed within the time mentioned.

Third. The original or extended limitation by law, the entire cost to date, and the estimated cost of completion of buildings in process of construction.

Fourth. The reasons why, in his judgment, such buildings have cost or will cost, if such be the fact, more than the amount fixed by law as an aggregate limitation.

The Committee on Public Buildings and Grounds, when replies to the foregoing shall have been received, are hereby directed to report the same to the House, together with such recommendations, accompanied by bill or otherwise, as the interests of the public service may require, and in furtherance of this object the committee is hereby authorized to send for persons and papers.

The substitute was agreed to, and the resolution, as amended, was adopted.

Mr. SHALLENBERGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH AUSTIN.

Mr. CARPENTER, by unanimous consent, introduced a bill (H. R. No. 4215) granting a pension to Joseph Austin, of Milford, county of Dickinson, State of Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABOLITION OF FORT ABERCROMBIE RESERVATION.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 4216) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PAYMENT OF MESSENGER.

Mr. MARTIN, of Delaware. I desire to make a unanimous report from the Committee of Accounts to pay the messenger to the official reporters, and to ask for its adoption at this time.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay Johan C. Kondrup at the rate of $1,000 per annum during the present session of Congress for services as messenger to the official reporters of debates, and that the same be paid out of the contingent fund of the House.

The resolution was adopted.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAMBOAT BILL.

Mr. KENNA. Mr. Speaker, I rise to make a parliamentary inquiry. What is known as the steamboat bill was made the special order for to-day. I understand one other special order was made, but neither has been taken up for the reason that the House has gone to the consideration of the revision of the rules. What I wish to ask is whether the special order, being a continuing one from day to day, will lose any of its rights if it should be taken up to-day?

The SPEAKER. Special orders will be taken up in their order of precedence, and where they are continuing special orders from day to day they do not lose any of their special privileges by not being taken up the first day for which they are set for consideration.

Mr. KENNA. That is precisely the information I desire to have from the Speaker. This is a continuing order from day to day until disposed of.

The SPEAKER. Then it does not lose any of its rights, but will come up in the order in which it stands among the special orders.

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. WILSON. I desire to make a report from the Printing Committee. I am instructed to report back, with an amendment, the joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac. I ask the present consideration of the joint resolution and amendment.

The joint resolution was read, as follows:

Resolved, &c., That there shall be printed annually at the Government Printing Office 1,500 copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which 100 shall be for the use of the Senate, 400 for the House of Representatives, and 1,000 for the public service, to be distributed by the Navy Department.

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Navy Department for sale at the cost of paper and printing: *Provided*, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing.

The amendment of the committee was read, as follows:

In section 2, line 3, strike out the words "Navy Department," and insert in lieu thereof "Secretary of the Navy;" and in the same line strike out the words "at the cost of paper and printing;" so that, if amended, it will read:

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy, for sale, &c.

Mr. WILSON. The Ephemeris, when published, will constitute a manual which is essential to the navigator and the astronomer. Indeed, it is said to be more indispensable than the sounding-line or the fog-whistle.

With a view that members may be fully informed as to the importance of the immediate passage of this resolution, I will ask to have read two letters from Professor Simon Newcomb; but if no member desires to have them read, I will ask to have them printed in the RECORD. Professor Newcomb is so distinguished in his profession that these letters, coming from him, will throw a great deal of valuable information upon the subject, and constitute an interesting page in our legislative history.

Mr. GARFIELD. To save time, I suggest that the letters from Professor Newcomb, instead of being read, be printed in the RECORD. This thing ought to be done, and I hope the House will not delay it.

The SPEAKER. The Chair hears no objection to the papers being printed in the RECORD.

The letters of Professor Newcomb are as follows:

NAUTICAL ALMANAC OFFICE,
Washington, D. C., January 10, 1880.

DEAR SIR: In compliance with your request, I have the honor to submit the following remarks on the joint resolution (H. R. No. 93) referred to you.

1. The Ephemeris, of which the printing is here provided for, furnishes the original official predictions of the celestial motions used in the preparation of almanacs and calendars, the prediction of times and seasons, and the determination of positions both on the land and on the sea. It is the indispensable manual of the navigator, and of the astronomer who wishes either to determine his position on the land, or the prediction of the heavenly bodies. Some publication of this sort is issued by each of the principal nations of Europe.

2. A small edition is printed two or three years in advance for the use of ships going on long voyages, and astronomers who wish to ascertain the course of eclipses and other astronomical phenomena. The principal edition for each year should be published early in the year before. The printing has heretofore been done by order of the Navy Department. But the reduction in the Department printing fund made four years ago has resulted in the annual exhaustion of this fund before the time for printing the large edition comes round. For instance, the principal demand for the Ephemeris for 1880 commenced in May last. But owing to the exhaustion of the printing fund no copies could be supplied until August. The result was that for the period of two months ships going to sea were unable to supply themselves with a manual which, though costing only fifty cents, is more necessary to safe navigation than the sounding-line or the fog-whistle.

3. After long and careful consideration of this subject, and a discussion with different authorities, it has seemed to me that the only way to guard against these difficulties is to provide for the annual printing by some such method as that indicated in the resolution. The publication being an annual necessity ought not to depend upon an appropriation for miscellaneous and unforeseen printing.

4. *Number of copies required.*—The public service proper, including naval ships, the Naval Academy, the Light-House Board, the revenue marine, and coast and interior surveys of all kinds requires annually from three hundred and fifty to four hundred copies.

About four hundred copies are distributed to colleges, observatories, and public libraries, and distinguished astronomers. There is, with the progress of the country, a continually increasing demand from educational institutions.

Members of Congress frequently receive applications for copies from their constituents, which it has generally been the unpleasant duty of the office to decline. Still I think one hundred copies, fifty for the Senate and fifty for the House, would meet all requirements of this class.

The Ephemeris has a permanent value as a record of celestial phenomena, and applications for complete sets are frequent. Two hundred copies should be kept for future wants.

The total number required will therefore be:—

Public service:	
Public service proper	400
Institutions, &c	400
	800
For members of Congress	100
For future demands	200
Total	1,100

Besides these, from three hundred and fifty to four hundred copies are annually sold, which under the proposed arrangement would be ordered by the Navy Department.

There is also an abridgment entitled The American Nautical Almanac, of which thirty-five hundred copies are annually printed for the use of navigators.

Under the new arrangement these would be ordered by the Department.

5. It seems to me that the proceeds of these sales should be returned to the fund at the expense of which the copies were printed; hence, section 2. But I respectfully recommend the omission of the words "at the cost of paper and printing," owing to the inconvenience of variable price with odd cents, and the loss of booksellers' commission. The large volume is now sold by booksellers at $1.25, and the small one by agents at fifty cents, which is a convenient arrangement.

6. The supplementary papers provided for in section 1 comprise tables and investigations required for the preparation and improvement of the work. The Superintendent has devoted his life principally to these investigations, because he considered them one of the most important and useful astronomical works of the day, and his improvements have generally been adopted in the leading astronomical ephemerides of Europe as well as in our own.

Very respectfully, your obedient servant,

SIMON NEWCOMB,
Professor U. S. N., Superintendent Nautical Almanac.

Hon. BENJAMIN WILSON,
House Representatives.

NAUTICAL ALMANAC OFFICE, NAVY DEPARTMENT,
Washington, D. C., January 19, 1880.

DEAR SIR: Since seeing you I have conferred with the Navy Department and Government Printing Office and others respecting the best form for the joint resolution to print our Ephemeris. I think the number provided for in the resolution

may stand without detriment, because the cost of printing when the plates are once in press is only about sixty cents a copy, and there are schools, colleges, and individuals in nearly every congressional district who desire the work.

In section 2, line 3, would it not be well to substitute "Secretary of the Navy" for "Navy Department?"

In lines 3 and 4 I hope the words "at the cost of paper and printing" will be stricken out for the reason already given you.

I find on inquiry at the printing office that the words I suggested at the end of the resolution are not necessary, as the Public Printer will be authorized to credit the allotment to the Navy Department as the words now stand. This is all that is required.

Yours, very respectfully,

SIMON NEWCOMB.

Hon. BENJAMIN WILSON,
House Representatives.

The amendment of the committee was adopted.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDUCATION IN ALASKA.

Mr. BRENTS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Education and Labor:

Resolved, That the Committee on Education and Labor be instructed to inquire what, if any, provisions have been made for the education of youth in Alaska, and what, if any, additional measures are required, and to report the same by bill or otherwise.

LABORERS UPON GOVERNMENT WORKS.

Mr. BARBER, by unanimous consent, from the Committee of Claims, reported back, with amendments, the bill (H. R. No. 1129) for the relief of certain laborers employed upon Government works; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WRITS OF ERROR IN THE TERRITORIES.

Mr. KNOTT. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 905) in relation to writs of error to the supreme courts of the Territories in capital cases.

Mr. MAGINNIS. I object to the present consideration of the bill. I do not object to its reference.

Mr. KNOTT. The bill has been considered by the Committee on the Judiciary, and it has unanimously instructed me to make the request this morning that the bill be passed.

Mr. MAGINNIS. On behalf of the territorial Delegates I must object to this bill. It changes the whole jurisdiction in the Territories to meet a particular case. I object to general legislation of that character.

Mr. KNOTT. Then I ask that the bill be referred to the Committee on the Judiciary.

There being no objection the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary, not to come back on a motion to reconsider.

FORFEITURE OF PUBLIC LANDS.

Mr. COX, by unanimous consent, introduced a joint resolution (H. R. No. 197) to declare forfeited certain public lands conditionally granted to aid in the construction of railroad and telegraph lines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN TAYLOR.

Mr. COX also, by unanimous consent, introduced a bill (H. R. No. 4217) granting a pension to John Taylor, late of Battery M, Third New York Light Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY C. DE AHNA.

Mr. BLOUNT, by unanimous consent, from the Committee on Appropriations, reported back the bill (H. R. No. 3484) for the relief of Henry C. De Ahna, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

PUBLIC BUILDING IN LANCASTER, PENNSYLVANIA.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4218) providing for the purchase of a site and erecting thereon a post-office and revenue office in the city of Lancaster, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE HEARD.

On motion of Mr. PHILIPS, by unanimous consent, the bill (S. No. 309) for the relief of George Heard, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands.

CLOCK OVER SPEAKER'S DESK.

Mr. ACKLEN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to have placed over the Speaker's desk a clock of like size and quality to the one now in use in this Hall; the expense of carrying out this resolution to be paid out of the contingent fund of the House.

ORDER OF BUSINESS.

Mr. GARFIELD. I now insist upon my demand for the regular order.

The SPEAKER. The regular order being called for, the morning hour will begin at two minutes past one o'clock, and during the morning hour reports of a public nature are in order from committees. The call rests with the Committee on the Judiciary.

TIME OF SERVICE OF JURORS.

The SPEAKER. There was pending at the close of the last morning hour for public business a bill (H. R. No. 3336) to prescribe the time of service for jurors.

Mr. HERBERT. The previous question had been demanded upon that bill.

The SPEAKER. The demand for the previous question was pending at the close of the morning hour.

Mr. BLOUNT. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That no person shall serve as a petit juror in any court of the United States more than three weeks during any one year: *Provided, however*, That jurors may sit as long as may be necessary to decide causes the trial of which may have been begun before the expiration of such term of service.

SEC. 2. Judges shall provide, according to the mode of drawing of juries now in force, for the drawing of such additional juries as may be necessary to complete the business of courts which sit more than three weeks.

SEC. 3. This act shall take effect within one month after its approval.

The SPEAKER. Tellers had been ordered upon the demand for the previous question upon the engrossment and third reading of the bill. The House had divided and the tellers reported the vote, which showed that there was less than a quorum voting, and the point of order was made that no quorum had voted. The morning hour expiring, the bill went over. The tellers will now resume their places and the vote will be again taken.

Mr. HERBERT and Mr. CONGER as tellers then resumed their places.

The House again divided; and the tellers reported that there were—ayes 126, noes 20.

Mr. CONGER. That, I believe, is not a quorum.

The SPEAKER. The Chair will vote in the affirmative, making ayes 127, noes 20, which is a quorum.

Mr. CONGER. I did not intend to make the point that no quorum voted, but will content myself with calling for the yeas and nays on the passage of the bill.

So the previous question was seconded.

The main question was then ordered, which was upon the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. CONGER. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 21 in the affirmative, not one-fifth of the last vote.

Mr. DUNNELL. I ask that the other side be counted.

The negative vote was counted, resulting, noes 102.

So the affirmative not being one-fifth, the yeas and nays were not ordered.

The bill was then passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WOMAN SUFFRAGE.

Mr. LAPHAM. I am instructed by the Committee on the Judiciary to ask that there be printed the usual number of copies of the official report of brief addresses made before the Judiciary Committee of the House of Representatives, January 24, 1880, on the question of woman suffrage.

Mr. TOWNSHEND, of Illinois. Is it in order to ask that that report be read before we are called upon to vote upon the question of printing it?

The SPEAKER. It is, unless objection is made.

Mr. LAPHAM. I hope there will be no objection to printing this paper.

Mr. WILLITS. That is not the report of a committee. The gentleman from Illinois [Mr. TOWNSHEND] can ask for the reading of the report of the committee, which was a verbal report.

Mr. TOWNSHEND, of Illinois. I am calling for the reading of a paper that it is asked shall be printed.

Mr. WILLITS. I object to that.

Mr. TOWNSHEND, of Illinois. I insist upon its being read.

The SPEAKER. The House is called upon to determine the question of printing the paper which has been sent to the Clerk's desk. The Clerk will read Rule 141.

Mr. LAPHAM. I am, myself, quite willing that it should be read. I think the House would be instructed by listening to it.

The Clerk read as follows:

When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

Mr. WILLITS. If I understood the ruling of the Chair some days ago, in regard to a demand then made that the report and testimony of an investigating committee be read, when the question was upon ordering it to be printed, the Chair ruled that the testi-

mony could not be read, but that the report could be. Now I submit that the report in this case is simply a verbal report, asking that these papers be printed. Therefore the demand for the reading can relate only to the report which was made, and not to the entire matter which the report asks to have printed.

Mr. LAPHAM. A committee of this House has deemed this discussion of so much importance to themselves in the discharge of their duty that they ask of the House the usual courtesy to have the report of the discussion printed. I trust there will be no objection on the part of any member of the House to that being done.

Mr. TOWNSHEND, of Illinois. I would remind the gentleman from Michigan [Mr. WILLITS] that the other day when the question was before the House in regard to printing some papers that were intended to be referred to the Committee of Elections, it was held that when the reading of the paper was demanded it was necessary to have it read. I am now disposed to require that the same ruling shall be applied to this paper. I do not know what is in the paper; I do not know whether I am willing to have it printed or not. I insist that it shall be read for the information of the House.

The SPEAKER. The case referred to by the gentleman from Illinois [Mr. TOWNSHEND] is not an analogous case with the one now before the House. The matter to which the gentleman refers came before the House as a question of privilege. This matter comes in as a report from a committee. Still, the Chair thinks that under the practice of the House, where it is called upon to order the printing of a report, the report should be read if called for. This comes in as a report, does it not?

Mr. WILLITS. I do not understand it so.

Mr. KNOTT. I think I can briefly state the case precisely. The paper now lying upon the Clerk's desk is simply a report of some speeches made a few days since before the Committee on the Judiciary, at a called meeting of that committee. The committee, by a majority of its members, now ask that the same be printed for the use of the committee. That is the whole of it.

The SPEAKER. The Chair does not recollect any similar request of this kind, for the exclusive printing of speeches delivered before a committee.

Mr. WILLITS. During the last Congress, the arguments made before the Committee on Patents were printed under the instructions of the House, and made quite a large volume.

Mr. LAPHAM. I will state that these addresses are not voluminous, and the expense of printing them will be trifling.

Mr. REAGAN. If we are to enter upon the business of printing the voluntary speeches made before committees, we shall have a lively time in printing arguments that the House may not want to hear at all.

The SPEAKER. The practice, however, is not infrequent for committees to ask that testimony taken and also remarks made before them may be printed. This would seem to be a case of that kind.

Mr. BRIGHT. Mr. Speaker, I think there is a clear distinction between a report of a committee presented for the action of the House and the request of a committee to print matter for the use of the committee. I believe that according to the practice of the House heretofore, when committees have desired for their benefit copies of matter of this kind so as to avoid the inconvenience of manuscript copies or of a single copy which must pass from one member to another, it has been usual, out of deference to the wishes of the committee, to grant the privilege of printing. I know that this courtesy has been extended to the Committee of Claims upon some occasions; and I believe the records will show the practice of the House to be that wherever a committee thinks the printing of any matter, whether already in existence or in anticipation, would facilitate the action of a committee in pursuing the investigation intrusted to it, the request is granted. In this case the object of asking the printing, as I understand, is to facilitate the investigation of the committee. It is not a matter that they desire to make public or to put into the hands of the House. I think the request of the committee should be granted without the reading of the matter proposed to be printed, because it is not offered now for the information or action of the House.

The SPEAKER. The Chair agrees with the gentleman from Tennessee [Mr. BRIGHT] in one respect—that it is unusual to refuse such a request as this when made by a committee. But the rule says, "a paper." This is certainly "a paper" reported from the Committee on the Judiciary; and the Chair, in obedience to Rule 141, is ready to submit to a vote of the House the question whether the paper shall be read or not.

Mr. TOWNSHEND, of Illinois. I desire to say one word in reply to the gentleman from Tennessee. There is a large amount of matter printed which in my judgment never ought to be, costing large sums of money. If this is a question to be determined alone by the judgment of the Committee on the Judiciary, then there ought to be some rule which would allow committees to order the printing of any matter, without submitting it to the House. But if the question is to be submitted to members of the House whether we should incur the expense of having this document printed, I insist that I cannot discharge my duty here without knowing what is in the paper.

The SPEAKER. The Chair will submit to the House the question whether the paper shall be read?

Mr. LAPHAM. I am informed by a member of the Committee of Ways and Means that that committee has the privilege of ordering the printing of just such discussions as this, and that it is done under a rule.

The SPEAKER. That is under the order of the House.

Mr. LAPHAM. Yes, sir; but I am showing what is the practice. The debates on the sugar question now going on before the Committee of Ways and Means are being printed for the use of that committee. Now, in the present case, here is a discussion of very great importance to a vast body of American citizens. They have been heard before the committee; but only a portion of the members of the committee were present at that discussion. We desire the discussion put in print for our use, and I am sure the House will not deny that request.

The SPEAKER. The Chair will submit to the House the question whether this paper, under the circumstances stated by the gentleman from New York, [Mr. LAPHAM,] who introduces the subject from the Committee on the Judiciary, shall be read. The Chair thinks that this is in the nature of testimony, although it is not sworn testimony.

Mr. KNOTT. I desire to ask a question. If the House should order that the paper be read, will it then be in order for the gentleman reporting it to withdraw it?

Mr. TOWNSHEND, of Illinois. I object to any——

The SPEAKER. The gentleman presenting the paper can withdraw it, of course.

Mr. KNOTT. I desire to say that I suspect there is an intention here to consume the morning hour in order to keep out important matters which the Committee on the Judiciary desire to report.

Mr. TOWNSHEND, of Illinois. I desire to say that the gentleman has no warrant for making any such assertion.

The question being put whether the paper presented by Mr. LAPHAM should be read, it was decided in the negative—ayes 3, noes not counted.

The question being taken on the motion of Mr. LAPHAM that the paper be printed, it was agreed to.

Mr. LAPHAM moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. CULBERSON, from the Committee on the Judiciary, reported as a substitute for House bill No. 2701 a bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of circuit courts of the United States, and regulating the removal of causes from State courts, and for other purposes, approved March 3, 1875.

The SPEAKER. The bill will be read.

Mr. TOWNSHEND, of Illinois. I desire to reserve all points of order on the bill.

The SPEAKER. All points of order will be reserved.

The Clerk read the bill, as follows:

Be it enacted, &c., That the first section of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, be, and the same is hereby, amended so as to read as follows:

"SEC. 1. That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made under their authority, or in which controversy the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversy between citizens of the same State, claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court, and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceedings, except as hereinafter provided. And where the controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant. Nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law."

That the second section of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any suit of a civil nature, either at law or in equity, of which the circuit courts of the United States are given original jurisdiction by the last preceding section, but which may be now pending, or which may be hereafter brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district; and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. And where a suit is now pending or may be hereafter brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, such citizen of another State, whether he be plaintiff or defendant, may remove such suit into the circuit court of the United States for the proper district at any time before the trial thereof by filing an affidavit in such State court setting forth that he has reason to believe, and does believe, that from prejudice or local influence he will not be able to obtain justice in such State court."

That section 3 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever any party entitled to remove any suit mentioned in the

next preceding section, except in such cases as are provided for in the last clause of said section, may desire to remove such suit from a State court to the circuit court of the United States, he may make and file a petition in such suit in such State court at any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for there appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court; and if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of $2,000, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not to be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim; and the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

"That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States."

That section 10 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 10. That all laws and parts of laws in conflict with the provisions of this act, and section 640 of the Revised Statutes, be, and the same are hereby, repealed."

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman from Texas what action he proposes to take on this bill at this time?

Mr. CULBERSON. I propose, by request of the Committee on the Judiciary, to have the bill now considered.

Mr. TOWNSHEND, of Illinois. I wish to make this request to the gentleman from Texas. The bill which was reported at the extra session and debated for some weeks in regard to the removal of State causes was finally placed upon the public Calendar in the Committee of the Whole on the state of the Union, where to-day it stands at the head of the Calendar. As soon as we get through with the discussion of the report from the Committee on Rules we will go into Committee of the Whole on the state of the Union and take up that bill. I now ask my friend from Texas, as this bill incorporates a part of the bill I have referred to, that instead of being now considered it shall be referred to the Committee of the Whole on the state of the Union to be taken up there at the same time and considered in connection with the bill of the last session to which I have already referred.

I will state further, Mr. Speaker, that I am content with the provisions in this bill, and have no objection to anything which appears in it, but I am somewhat apprehensive if this bill is considered and passed at this time it will weaken that other bill, which goes much further and in my judgment is of much more importance to the people than the bill now before the House. I therefore ask that this bill be sent to the Committee of the Whole on the state of the Union, there to be taken up in connection with the other proposition.

Mr. CULBERSON. I have no authority to agree to that from the Committee on the Judiciary.

Mr. TOWNSHEND, of Illinois. Will my friend allow me to make a motion so that the question may be submitted to the House?

Mr. CULBERSON. I must decline to yield for that purpose.

Mr. TOWNSHEND, of Illinois. Then, Mr. Speaker, I raise a point of order upon this bill.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. As I have already said, Mr. Speaker, I am in favor of the legislation provided for in this bill; but this only seeks to accomplish by piecemeal what will be accomplished by wholesale, when we go into the Committee of the Whole on the state of the Union, by the passage of that other bill.

The SPEAKER. That is not a point of order.

Mr. TOWNSHEND, of Illinois. And for that purpose I make this point of order, for the purpose of having it considered in connection with the bill now pending before the Committee of the Whole on the state of the Union. The last clause of Rule 48 is to this effect:

No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

I wish to put this question to the Speaker. The bill I have referred to, and which has been under discussion, and is now in the Committee of the Whole on the state of the Union, relates to the removal of causes from State courts. It regulates the transfer of causes from State courts. The second section of this bill covers the same field to a large extent covered by the bill to which I have referred, and which is pending in the Committee of the Whole. I raise that question of order.

The SPEAKER. The bill to which the gentleman alludes is not being amended by this proposition. That other bill has quite a different *status* before the House from that which is occupied by the bill which is reported from the Committee on the Judiciary. This is in the morning hour and before the House, while that is in the Committee of the Whole on the state of the Union. The rule to which the gentleman refers does not apply, that the Chair can see, in the slightest degree.

Mr. TOWNSHEND, of Illinois. I wish to put this question as a parliamentary inquiry to the Speaker: Where a committee has matured a bill and placed it before the House, and the House has entered upon the consideration of that bill and referred it to the Committee of the Whole on the state of the Union, can another committee, by making its report in the morning hour, cover the same ground exactly occupied by that other bill reported from a different committee by bringing in an independent bill in the morning hour for the purpose of having it considered separately and independently as a separate measure, although embracing provisions exactly of the same nature as the other bill which was referred to the Committee of the Whole on the state of the Union?

The SPEAKER. That is not a point of order, but it is a question for the House to determine. It is a question of propriety and a choice between two committees. Two committees can report to the House bills of a similar character. The rules say, however, that two bills shall not be run together, one as an amendment to the other. This is in a separate shape, and comes regularly from the Committee on the Judiciary as a report from that committee during its regular call in the morning hour. The Chair overrules the point of order.

Mr. CULBERSON. Before making any remarks explanatory of the provisions of the pending bill, I desire to offer an amendment to the substitute reported from the committee.

The SPEAKER. Is the amendment reported from the Committee on the Judiciary?

Mr. CULBERSON. No, sir; it is not reported from the Committee on the Judiciary, but by agreement in that committee each member was permitted to submit any amendment which he chose to the pending proposition. I offer this amendment in my individual capacity.

The Clerk read as follows:

Strike out all from the word "follows," in line 47, down to the word "and," in line 54, and insert:

SEC. 2. That any suit of a civil nature at law or in equity arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district whenever it is made to appear from the application of such defendant or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States or treaty made by their authority. And other suits of a civil nature at law or in equity of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending or which may hereafter be brought in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein: *Provided*, Such defendant or defendants are non-residents of the State in which the suit is pending.

Mr. ROBINSON. Before the gentleman from Texas proceeds with his remarks will he let me ask him a question?

Mr. CULBERSON. Certainly.

Mr. ROBINSON. The statement made by the gentleman a little while ago was not distinctly heard here, and I should like to know now whether the gentleman from Texas offers that amendment as coming from the Committee on the Judiciary?

Mr. CULBERSON. No, sir; I do not. I stated a little while ago that I offered it on my own volition.

Mr. ROBINSON. Then the gentleman offers the amendment on his individual responsibility?

Mr. CULBERSON. Yes, sir; on the authority granted by the committee to the members of that committee to offer any amendment they might think proper when the bill came up for consideration before the House.

Mr. ROBINSON. I only wish to have that fact stated in the hearing of the House.

Mr. CULBERSON addressed the House. Before he had concluded his remarks,

Mr. TOWNSHEND, of Illinois, said: I make the point of order that the morning hour has expired.

The SPEAKER. The Chair sustains the point of order.

[Mr. CULBERSON resumed and concluded his remarks during the morning hour of the following day. His speech appears in full on page 700.]

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 317) for the relief of Captain J. B. Campbell; and

An act (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange.

PAYMENT FOR LEGAL HOLIDAYS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Public Printer, relative to the payment of employés for legal holidays; which was referred to the Committee on Printing.

FORT CLARK, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to purchase of site of Fort Clark, Texas; which was referred to the Committee on Military Affairs.

LANDS SOLD FOR DIRECT TAXES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in reply to a resolution of the House of January 16, 1880, calling for information as to the amount of money covered into the Treasury as the proceeds of the sale of lands for direct taxes in the State of South Carolina; which was referred to the Committee of Ways and Means.

SINKING FUND FOR DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Treasurer of the United States, showing the operation of the sinking fund pertaining to the District of Columbia; which was referred to the Committee for the District of Columbia, and ordered to be printed.

ADMISSION TO THE FLOOR.

Mr. UPDEGRAFF, of Ohio, asked consent that Colonel Alexander Campbell, of West Virginia, be allowed the privileges of the floor for the remainder of this week.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YOUNG, of Ohio, for two days.

REVISION OF THE RULES.

Mr. BLACKBURN. I now move that the rules be suspended and that the House resolve itself into Committee of the Whole for the further consideration of the proposed revision of the rules reported from the Committee on Rules. Pending that motion, I move that all debate upon the proposed Rule No. XI, now under consideration and all amendments thereto, be limited to ten minutes.

Mr. SHALLENBERGER. I hope the gentleman will permit me to offer an amendment to that motion.

Mr. McMAHON. Should not the motion be limited to pending amendments?

Mr. CONGER. I ask the gentleman to confine his motion to the paragraph of the rule under consideration, not to apply it to the whole rule.

Mr. BLACKBURN. There are forty-seven paragraphs in Rule XI. If it shall be not the pleasure of the majority of the House to close debate and proceed to vote upon these rules, I shall be content. But it does seem to me that after we have had one month's debate upon these rules, we might at least be content with an hour or two of debate on each rule. We certainly have had that much debate upon Rule XI. The members of the Committee on Rules do not desire to discuss that rule any further.

Mr. SHALLENBERGER. By the unanimous instruction of my committee, the Committee on Public Buildings and Grounds, I desire to offer an amendment to one clause of Rule XI.

Mr. BLACKBURN. My motion, if adopted, will not cut off amendments. It will simply cut off debate.

The SPEAKER. The question is upon the motion to limit the debate upon Rule XI, and upon all amendments thereto, to ten minutes.

Mr. CHALMERS. Cannot that be divided?

Mr. CONGER. If the object is to have any debate on the different paragraphs of each rule, there is as much necessity for debate on the paragraphs which have not yet been reached as there was upon any which we have acted upon. I object to the motion to limit debate.

Mr. BLACKBURN. I have made the motion in deference to requests from members on both sides of the House.

Mr. SHALLENBERGER. I would suggest to the gentleman to make his motion to limit debate to ten minutes on each clause.

Mr. BLACKBURN. There are forty-seven clauses of Rule XI, and if ten minutes' time is allowed for debate on each clause, by the aid of a little mathematical calculation gentlemen will see that it will require one week to dispose of that one rule.

Mr. HAWLEY. Not more than one clause in ten will be debated.

Mr. LAPHAM. Let the proposition be made so as to apply to such clauses as amendments may be offered to.

Mr. BLACKBURN. If my motion is agreed to, it will not cut off amendments; it will only require members to vote upon the amendments without discussing them.

Mr. SHALLENBERGER. May I ask the gentleman whether, in case any clause of Rule XI shall be debated before clause 19 is reached, will not all debate upon clause 19 be prevented provided ten minutes has been occupied in debating any previous clause?

Mr. BLACKBURN. Yes. If my motion is agreed to it will cut off all debate but ten minutes.

Mr. SHALLENBERGER. That was my understanding and therefore I object.

Mr. GARFIELD. I understand the motion applies to Rule XI only.

Mr. BLACKBURN. Only to Rule XI.

Mr. CHALMERS. I move to amend so as to limit debate on any clause to which amendments may be offered to ten minutes.

The question was taken upon the amendment of Mr. CHALMERS, and it was not agreed to; upon a division—ayes 54, noes 61.

The question recurred upon the motion of Mr. BLACKBURN to limit debate upon Rule XI to ten minutes.

Mr. ROBINSON. I move to amend so that all debate upon any substantial amendment be limited to ten minutes, not to formal amendments.

The amendment was not agreed to.

The question was then taken upon the motion of Mr. BLACKBURN to limit debate upon Rule XI and all amendments thereto to ten minutes; and upon a division there were—ayes 92, noes 24.

Mr. PAGE. I raise the point that no quorum has voted, and I ask for tellers. I ask also that the question be stated again by the Chair.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. BLACKBURN] is to limit all debate upon Rule XI and amendments thereto to ten minutes.

Mr. PAGE. I do not think the House understood the question, and I ask for tellers.

Mr. CONGER. There are thirty-nine paragraphs of Rule XI upon which not one word has been said, and it is proposed now to cut off all explanation or debate upon those paragraphs.

The SPEAKER. The House is now dividing upon the motion of the gentleman from Kentucky, [Mr. BLACKBURN.] No quorum having voted, the Chair will appoint Mr. BLACKBURN, of Kentucky, and Mr. PAGE, of California, to act as tellers.

The House again divided; and the tellers reported that there were ayes 90.

Before the negative vote was taken,

Mr. CHALMERS said: I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHALMERS. Is not the proposition of the gentleman from Kentucky [Mr. BLACKBURN] equivalent to a proposition to suspend the rule which allows five minutes' debate upon every amendment offered?

The SPEAKER. The Chair will cause the Clerk to read the latter clause of Rule 60.

The Clerk read as follows:

Provided, further, That the House may, by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or at their election upon the pending amendments only.

Mr. CHALMERS. That relates to limiting debate upon pending amendments. The proposition of the gentleman from Kentucky is equivalent to a motion to suspend the rule so as to cut off all debate upon any amendments that may be offered, and that requires a two-thirds vote.

The SPEAKER. It would not be in order to move to suspend the rules to-day.

Mr. CHALMERS. I make the point of order that the motion of the gentleman from Kentucky is a proposition to suspend the rules, and therefore not in order.

The SPEAKER. The tellers will conclude their count, after which the Chair will rule upon the point of order raised by the gentleman from Mississippi, [Mr. CHALMERS.]

The tellers resumed and concluded the count, which resulted—ayes 90, noes 33.

The SPEAKER. It has been the custom of the House to do what is proposed to be done by the gentleman from Kentucky. But if the point is contested, the question of order would turn on the language of the rule providing that "the House may by the vote of a majority of the members present, at any time after the five minutes' debate has taken place upon proposed amendments to any section or paragraph of a bill, close debate upon such section or paragraph, or at their election upon the pending amendments only." The Chair thinks the meaning of the language "at any time after the five minutes' debate has taken place upon proposed amendments" is that an amendment must be first debated under the five-minute rule before the House can cut off debate thereon. Hence the proposition of the gentleman from Kentucky should be confined to the paragraph under consideration and amendments pending thereto.

Mr. BLACKBURN. I have no disposition to take issue with the Chair. The Chair construes the rule as applying to each paragraph?

The SPEAKER. To the pending paragraph and pending amendments thereto. The word "section" as used in the rule is applicable of course to a bill; it would not apply to a report like that now under consideration in Committee of the Whole.

Mr. GARFIELD. This revision is like an appropriation bill, in which for the purpose of the rule we always treat each paragraph as a section.

The SPEAKER. The Chair thinks that where the right of debate is in question, it is best to give a literal construction to the language of the rule. Hence, he would decide that debate cannot be cut off except upon the pending paragraph or section, if objected to.

Mr. BLACKBURN. Then the motion to limit debate cannot apply to the whole rule under consideration?

The SPEAKER. It would not cover the whole rule. In other words, the Chair, if the point of order is made, will not entertain a motion to cut off debate upon any amendment that might subse-

quently be offered and be in order, but would limit the motion to amendments pending. This seems to the Chair to be in the direction of intelligent legislation.

Mr. BLACKBURN. Conforming to the ruling of the Chair, I move that all debate in Committee of the Whole upon the pending paragraph (which is clause 7 of Rule XI) and the pending amendments thereto be limited to one minute.

The motion was agreed to.

The question recurring on the motion of Mr. BLACKBURN, that the House resolve itself into Committee of the Whole to resume the consideration of the proposed revision of the rules, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

The CHAIRMAN. The clause under consideration is clause 7 of Rule XI, upon which, by order of the House, debate is limited to one minute. No amendment is pending, the amendment offered yesterday by the gentleman from Pennsylvania [Mr. MITCHELL] having been withdrawn.

Mr. CONGER. I ask that the paragraph as now amended be read.

The Clerk read as follows:

To commerce, to the Committee on Commerce; and the Committee on Commerce shall have the same privileges in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Mr. ANDERSON. I move to amend by adding to clause 7 the following:

But the Speaker shall not entertain a motion to suspend the rules for the purpose of passing a river and harbor bill until after such bill shall have been considered by items in Committee of the Whole, and the report thereof acted upon by the House.

The amendment was not agreed to.

Mr. MITCHELL. I move to amend by adding to the clause as now amended the following:

But the river and harbor bill shall never be passed by suspension of the rules, nor shall any resolution or motion to suspend the rules for this purpose be in order at any time, anything in the rules or practice of this House to the contrary notwithstanding. This clause shall not be suspended, except by unanimous consent.

The question being taken on agreeing to the amendment, there were—ayes 43, noes 87.

Mr. COX called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

Mr. CLYMER. I move to amend by adding to the paragraph as amended the following:

Provided, That no motion shall be entertained to pass a river and harbor appropriation bill, or any one of the general appropriation bills, by a suspension of the rules, save by unanimous consent.

The amendment was not agreed to.

Mr. COX. I move to amend by adding to the clause the following:

Provided, That no river and harbor appropriation bill be passed without having its first consideration in the Committee of the Whole.

Mr. REAGAN. I make a point of order on this amendment. We have voted down substantially the same proposition twice.

The CHAIRMAN. Will the gentleman indicate the propositions to which he refers as being substantially the same as this?

Mr. REAGAN. I refer to the amendments that immediately preceded this one. Among them, the last one, that offered by the gentleman from Pennsylvania, [Mr. CLYMER,] was the same as this.

Mr. COX. The other amendments were coupled with another proposition.

The CHAIRMAN. The Chair was about to remark that according to his recollection those amendments embraced other propositions. Substantially this proposition was undoubtedly embraced in one of the other propositions, but it never was presented by itself.

The question recurred on Mr. COX's amendment.

The committee divided; and there were—ayes 50, noes 84.

So the amendment was rejected.

Mr. COX. I propose the following amendment.

The Clerk read as follows:

Provided, That no appropriation bill be passed without having its first consideration in the Committee of the Whole.

Mr. REAGAN. That is the same proposition introduced by the gentleman from Pennsylvania who offered the first amendment.

Mr. COX. That was limited to rivers and harbors.

Mr. KENNA. This has the same effect, and no other.

Mr. CLYMER. My amendment was, "no general appropriation bill."

Mr. COX. Mine is, "no appropriation bill." It includes all money that goes out of the Treasury.

The CHAIRMAN. The amendment of the gentleman from Pennsylvania was, "no general appropriation bill."

Mr. REAGAN. The amendment I referred to was made by a gentleman on the other side.

The CHAIRMAN. That was coupled with the river and harbor bill. The river and harbor bill is not an appropriation bill under the rules of the House. So this is still a different proposition from the one before presented.

The committee divided; and there were—ayes 40, noes 71.

So the amendment was rejected.

The Clerk read as follows:

8. To agriculture: to the Committee on Agriculture.

Mr. DUNNELL. I offer the following amendment.

The Clerk read as follows:

Insert after the word "agriculture," in the first part of the line, "and forestry."

Mr. DUNNELL. Mr. Chairman, we have laws regulating tree culture, and there is no committee to which questions relating to tree culture or forestry may be sent as properly as to the Committee on Agriculture. For the last two or three years such questions have been referred to that committee. Formerly they were sent to the Committee on Public Lands. I trust there will be no objection to the amendment.

Mr. GARFIELD. I think there is no objection to that amendment.

The amendment was agreed to.

Mr. AIKEN. I move to insert after the word "agriculture" the following: "Who shall receive the estimates and report the appropriations for the Agricultural Department."

The CHAIRMAN. The word "agriculture" occurs twice in the clause. After which one does the gentleman propose to insert his amendment?

Mr. AIKEN. After the word "agriculture" where it occurs the second time.

Mr. BLOUNT. I make the point of order that is not in order here, because we have already assigned it to a different committee. The House has already determined otherwise in paragraph 3, to wit, that they should go to the Committee on Appropriations.

Mr. BROWNE. There was a proposition to amend as to the committees.

Mr. GARFIELD. The point of order is now the question before the committee.

Mr. BROWNE. I am talking about that. I wish to observe there was a proposition to amend the rule by dividing the appropriations among the several committees. That was voted down, and I presume it is competent to offer an amendment as to each particular committee as the clauses are read, the House having voted down the general proposition.

Mr. BLOUNT. It was competent when we were on the subject of appropriations, but we have passed that whole subject, and have assigned it to the Committee on Appropriations; and, therefore, I insist it is not in order at this place. We have passed that whole subject, and come to other matters than this touching appropriations.

The CHAIRMAN. It is a fact that previous amendments embracing other things than this have been rejected. But this amendment is not out of order for that reason. It is always in order to amend by proviso modifying something preceding. The point of order is, therefore, overruled.

Mr. AIKEN. Mr. Chairman, I am surprised that the gentleman from Georgia should make a point of order on an amendment of that kind, when in the entire discussion of this Rule XI, for the past five or six days, the word *agriculture* has not been once heard upon this floor.

Mr. BLOUNT. I make the point of order that the gentleman is discussing only that which has already been decided by the Chair.

Mr. AIKEN. I do not yield to the gentleman from Georgia. We have been told by gentlemen of legislative experience on this floor that if each committee is intrusted with the appropriations which properly belong to it, we may bid adieu to anything like economical administration of affairs. The gentleman who presents these rules has told us that we will thereby increase the budget so largely that the people would be unable to bear it. That is simply an assertion; there is no argument in it. Neither of these gentlemen ever had one minute's experience of such a system. This House has never had any experience of such a system of presenting appropriation bills. To my mind, directly the contrary would be the truth. The majority in the House is responsible for the legislation of this body. Every committee is organized in proportion to that majority; and therefore will be responsible for all matters intrusted to its charge. Why is it that the majority of such a committee is not just as well able to show what is economy on any particular subject intrusted to it as the Committee on Appropriations?

I go further, Mr. Chairman, and say that under the present system of legislation it is practically impossible for the Committee on Appropriations to do justice to all the appropriation bills which come before it. That committee, when they meet, have presented to them a book of estimates—voluntarily given to them, and which no member on the floor can get without applying for it. It does seem to me, and I only speak from their legislation upon this floor, that the first and last effort of the Committee on Appropriations is to report a bill having a few dollars and cents less than is called for in that book of estimates. And they present that as a sure evidence of their economic administration!

Take any one of these standing committees and refer to it every appropriation which by name properly belongs to it, and that committee will investigate the question more closely than can be done by the Appropriations Committee, and even if they do increase the amount, it will be proper and practical legislative economy.

Take, for instance, the Military Committee. What has that committee to do? I do not know. I have never heard of any report,

that I can recall, from the Military Committee, except one to reduce the Army. And yet we have a Committee on Expenditures in the War Department, and a Committee on Appropriations that tells you how much money shall be appropriated for the War Department. I ask this House, is not that Military Committee, with a majority of men who are looking to an honest, faithful, and economical administration of affairs, just as able to do the entire duty of that branch of legislation which these different committees have to do as that Committee on Appropriations?

When we go through the entire list of the committees, we will after a while come down to an appropriation made for the Agricultural Department. And who knows, Mr. Chairman, how large this should be?

I venture here the assertion without having ever made an investigation, that the Committee on Appropriations have never gone into the Agricultural Department to see whether it was deserving of one dollar or not. I will go further, and say without having made any investigation, that the Committee on Appropriations have never sent a sub-committee to make such an investigation.

I believe, Mr. Chairman, I will venture a little further, and say there are members of the Committee on Appropriations who have never been inside of the Agricultural Department.

A MEMBER. Name them.

Mr. AIKEN. I do not know them. I should like to have them rise up and say whether they have been there. I question it.

Mr. BLACKBURN. What is the question of the gentleman from South Carolina? What does he say in reference to the Committee on Appropriations?

Mr. AIKEN. I am saying that I question whether you or some members of the Committee on Appropriations have ever been inside of the Agricultural Department to see whether it deserved any money or not.

Mr. BLACKBURN. As far as I am individually concerned——

Mr. AIKEN. Then my allusion does not apply to the gentleman from Kentucky, who presents these rules. I excuse him. [Laughter.]

I ask simple justice to the Agricultural Department. Some members of the Committee on Agriculture have gone through that Department, and they know what it wants and what it is entitled to, and that it asks for nothing that is not right and proper. That is all.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I would like to correct one statement made by the gentleman from South Carolina, and that is that the Appropriations Committee in the first session of the Forty-fifth Congress did go into the Agricultural Department, and made a very thorough examination of it.

Mr. BLOUNT. My friend from South Carolina whenever he takes the floor turns himself loose without any restraint in bold assertion.

In the first place, he announces to this House that nobody has the Book of Estimates except the Committee on Appropriations. The gentleman has been here for some time, and ought to have learned, if he has not, that if he sent to the document-room he could procure a copy of the Book of Estimates as well as any member of the Committee on Appropriations or any member upon this floor. Any gentleman on this floor may send to the document-room and get a copy of that book.

Mr. AIKEN. Will the gentleman allow me to correct him? I made half a dozen efforts to get that book and never did get it until I went to the Agricultural Department, and they gave me one.

Mr. BLOUNT. Then the gentleman's position is an exceptional one. I find it in the hands of many members here.

Then the gentleman undertakes to say that we of the Committee on Appropriations have never been to the Agricultural Department. Now, it does seem to me the gentleman ought not to put us in the attitude of getting up here to satisfy him whether that statement is true or not.

I undertake to say, sir, so far as that Department is concerned, it has been fully investigated time and again. In reference to the receipts and expenditures of the Agricultural Department there always is careful examination made, and time and again the officers of that Department who are supposed to be well informed in relation to it have been called before our committee on subjects pertaining to their duties.

Now, without undertaking to discuss the question as to where these bills shall go, I have simply risen to do the Committee on Appropriations justice against the loose statements made by the gentleman from South Carolina on this and other occasions.

Mr. FINLEY. I offer this amendment to the amendment of the gentleman from South Carolina.

The Clerk read as follows:

After the word "Department" add the words "to the House for reference to the Committee on Appropriations."

Mr. LORING. I am perfectly aware, Mr. Chairman, of the feeling and sentiment which animate the committee with regard to the reference of all appropriations to the Committee on Appropriations. That must be apparent to every member here present, and I desire in no way to antagonize that feeling by anything that I may say with regard to the Committee on Agriculture.

It may be entirely proper for those committees whose business has been long established in this country and by the machinery of this House to be in the attitude they are placed in reference to the Committee on Appropriations. I do not at this stage of the proceedings object one particle to that. I desire to say to the committee, however, that the business placed in the hands of the Committee on Agriculture is so unformed that it is impossible for the Appropriations Committee to estimate in any way what are the demands of the Department. The Department is a new one. It is a new addition to the machinery of this Government, not yet developed and not yet complete, and holding in its hands, as every man on this floor knows, the most important industry of the American people.

Now, sir, considering this fact, it seems to me it must be apparent to every gentleman on this floor that all the wants and necessities of that Department which will not only sustain it in its present condition, but which will develop it to that point which is desired and demanded by the American people, should be in the hands of some committee that can estimate them. All the variety of subjects which it covers should be properly and definitely specified by the committee, and when the Committee on Agriculture recommends an appropriation, as proposed by the gentleman from South Carolina, it seems to me that recommendation should contain such specified points as to appeal at once to the good sense of the people, and, more than all, that this Department should be elevated into that position which is held by every department of a similar nature in every government on the face of the earth except our own.

I am waiting patiently, sir, to see the Department of Agriculture take the stand which it ought to take here. I do not care how it is done, whether it is done by elevating the Commissioner to a Cabinet position or not; but I do desire that the Department should be so conducted in some way as to appeal to the good sense and the justice of those who know what this department of industry is.

It seems to me this should be made an exception. While the Committee on Naval Affairs and the Committee on Military Affairs, by long precedent and established usage, know what their duties are, and while the Appropriations Committee know almost by instinct what their obligations are to those two great branches of the Government, it does appear to me the House and the Appropriations Committee should be willing to learn by careful investigation of the committee which has in charge this industry what are the specific wants of the Department of Agriculture.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I would like to say on this subject that the salaries in the Department of Agriculture, from the Commissioner down, are provided for by law, to which the Committee on Appropriations conform in framing the legislative, executive, and judicial appropriation bill. The appropriations for seed and for the distribution of seed, and the expenses therewith connected, go into another bill, the sundry civil. There is not much discretion, indeed, in reference to these two items. The one is regulated by law; the other is regulated by the disposition of Congress as to the amount, and it is open to the whole House to offer amendments. It seems to me that after the other proposition has been voted down it is hardly worth while to make this an exception.

Mr. BLACKBURN. I indorse every word that the gentleman from Massachusetts has so well said——

The CHAIRMAN. The Chair would remind the gentleman that there are only three minutes of the time remaining.

Mr. BLACKBURN. I do not want longer than that. I indorse every word the gentleman from Massachusetts has said in reference to the importance of the Committee on Agriculture to which are committed the interests of the Department of Agriculture. But I do not see what good is to result from the discussion that must necessarily ensue upon the propositions to take these bills one by one, after the House in Committee of the Whole has voted down the general proposition to distribute them. I will not go back to reply to the gentleman from South Carolina, [Mr. AIKEN,] because he was mistaken in almost everything he said. For myself I never opposed the distribution of these bills. I was quite willing to take the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER,] and said to the House if they desired to distribute these bills they should distribute all the bills except the legislative and the sundry civil appropriation bills.

But, sir, let me say in regard to the Committee on Appropriations it would almost appear that that committee has no duty in the world but one, and that is to sit here patiently on the floor with its mouth closed and listen uncomplainingly to all the criticisms and abuse anybody sees fit to heap upon it, although he may not know anything about its work or its business.

But I am willing now to go back and take away all the appropriation bills except the sundry civil and the legislative, executive, and judicial appropriation bills from the Committee on Appropriations, and would agree to give them up if anybody claimed or wanted them, and give them to their respective committees provided you give me any check or limitation upon that road which is thereby opened to every committee to ride into the public Treasury. I am perfectly willing to give to the Committee on Agriculture what is here claimed, but if you are going to do that you had better tear down the faulty system you have now, tear it to the earth, and build it up anew. You cannot make a satisfactory piece of patchwork out of what you have got in existence now.

The question being taken on Mr. FINLEY'S amendment to the amendment of Mr. AIKEN, it was not agreed to.

The question being taken on Mr. AIKEN'S amendment, there were—ayes 74, noes 62.

Mr. GARFIELD. I call for tellers.

Tellers were ordered, 45 members voting therefor.

The committee again divided; and the tellers reported—ayes 93, noes 64.

So the amendment was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays on this amendment in the House.

The Clerk resumed the reading of Rule XI, and read the following clauses:

9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs.

10. To the military establishment and the public defense, other than the appropriations for its support: to the Committee on Military Affairs.

Mr. BROWNE. I move to amend by striking out the words in clause 10, "other than the appropriations for its support."

Mr. BLOUNT. I make the point of order that this same amendment, or one equivalent thereto, has already been acted upon by the committee.

The CHAIRMAN. The amendment heretofore offered was one embracing various committees and giving them the specific right to report appropriation bills. This is not such an amendment. It simply relates to the Committee on Military Affairs, and does not attempt to give it the initiative of appropriation bills, that right being given to the Committee on Appropriations by another clause of the rule. This merely proposes to strike out certain words from clause 10. The Chair thinks the amendment is in order.

Mr. BROWNE. The vote of the committee a few moments ago destroys the symmetry of this colossal system of appropriations. I congratulate the committee on the fact that a small measure, at least, of justice was done the Committee on Agriculture. I hope it will be as manifest that the duty of making provision for the support of the Army belongs to the Military Committee as it was that to appropriate a few thousands of dollars for the purpose of purchasing seeds and distributing them among the various congressional districts should be committed to the Committee on Agriculture.

Now, I believe that we ought to break down by piecemeal what we have not been able to accomplish by wholesale. The committee having shown that it is in the humor to do this work by the vote which has just been taken, I hope it will continue the work until we accomplish this reform.

Mr. SIMONTON. The question of the distribution of the powers of the Appropriations Committee is one that has engaged the attention of this Committee of the Whole for some time. A great many reasons have been offered why such distributions should be made. Among others, it has been gravely argued on this floor that if the duties and powers of that committee were divided among other committees, then gentlemen would have a better opportunity to put themselves forward in this House. I have no doubt that would be true.

We have been told that if there was a distribution of the powers and duties of the Appropriations Committee there would not be any increase of the expenditures of the Government. I would ask gentlemen, how do you know that the Agricultural Committee will not bring in a larger appropriation for that Department than would the Appropriations Committee? I would ask this question: if gentlemen do not want more money for the particular Departments to which their committees relate, then why are they dissatisfied with the action of the Appropriations Committee? If it is not in order that they may obtain more money, why then do they want the powers of the Appropriations Committee distributed among the other committees of this House? Why must the Committee on Agriculture say what amounts shall be appropriated for the Department of Agriculture; or the Committee on Military Affairs say what amount shall be appropriated for the maintenance and support of the Army? Is it not because members are not satisfied with the amounts given by the Appropriations Committee? Now, if the Appropriations Committee should give too much, gentlemen can very easily move amendments to cut down the amount proposed.

Mr. BLACKBURN. They never move to cut down.

Mr. SIMONTON. I have never known an amendment offered to cut down the amount proposed. The truth is the difficulty with gentlemen arises from the fact that the Appropriations Committee does not give the Departments to which their committees relate enough of the public money; that is the difficulty.

It seems to be evident that if each of these committees is clothed with the power to originate appropriation bills, then the aggregate appropriations for the support of the Government will be enlarged. That must be the reason, unless it be that the distribution is desired for the other purpose which has been indicated; that is, that gentlemen belonging to the other committees may have an opportunity to put themselves forward on this floor.

Now, sir, I have the ambition which is common to every man here, not only to discharge my duties well and to the best of my ability, but I desire in discharging those duties to do so in such manner that I may have full credit for so doing and receive the approval and applause of my constituents. But I must remember that I was not sent here to serve myself but to promote the best interests of my constituents. If in discharging my duty here I shall pursue a course which must lead to an increase of public expenditures, I certainly shall not thereby promote the interests of my constituents.

I think this is a question which we should gravely consider. The Committee of the Whole has already said that in the aggregate the question of distributing the powers to the Appropriations Committee is not one which should be adopted. Yet it seems we are about to adopt it in detail.

Mr. BLACKBURN. Mr. Chairman, I desire to say——

The CHAIRMAN. Debate on the pending amendment has been exhausted.

Mr. BLACKBURN. I would inquire what is the pending amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment, as follows:

In clause 10, of Rule XI, strike out the words "other than the appropriation for its support;" so that the clause, if amended, will read as follows:

"10. To the military establishment and the public defense: to the Committee on Military Affairs."

Mr. BLACKBURN. I move to strike out the last word of the amendment offered by the gentleman from Indiana, [Mr. BROWNE,] for the purpose of calling the attention of the Committee of the Whole House to the effect of that amendment. The amendment means simply the giving to the Committee on Military Affairs, as the Committee of the Whole has just determined to give to the Committee on Agriculture, the preparation and reporting of the appropriation bill for the maintenance and support of the military establishment of the country.

Now, sir, when the Committee of the Whole the other day determined that the Committee on Commerce should have the absolute custody of the appropriation bill known as the river and harbor bill, I was at a loss to see what reason could be assigned for keeping the rest of the appropriation bills in the hands of the Committee on Appropriations.

If the amendment now pending shall be adopted, the Committee of the Whole having just taken the agricultural appropriation bill and sent it to the Committee on Agriculture, I cannot for the life of me see why the same rule should not be logically applied all through this Rule XI, and why these general appropriation bills should not be remitted to their own respective committees.

I say again, as I have already said, that I believe it would be the part of prudence and of wisdom—and I trust to time to demonstrate the wisdom of my suggestion—to put some limitations upon this right which will be given to these several committees to draw upon the public Treasury at their pleasure. The gentleman from Tennessee, [Mr. SIMONTON,] who has just taken his seat, has well said that the history of Congress furnishes no instance in which any committee, which it is proposed to clothe with this additional power of making appropriations, ever moved to reduce an appropriation bill that came here from the Committee on Appropriations. They are constantly moving to increase the appropriation, but never once moving to reduce it, when the appropriation for the Department in their charge is reached.

Now, I think it but fair, since the Committee of the Whole has given to the Committee on Commerce the custody of the river and harbor appropriation bill, and since it has also given to the Committee on Agriculture the agricultural appropriation bill——

Mr. RANDALL, (the Speaker.) There is no agricultural appropriation bill.

Mr. BLACKBURN. There is no agricultural appropriation bill so called, but appropriations are annually made for the maintenance of the agricultural bureau. In that case, I think it logical that these several appropriation bills shall be taken away from the Committee on Appropriations; distributed to the several committees of this House, after the fashion of the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.] And if it shall be so determined, then I think this House had best put some sort of limitation or check upon what will then be the unlimited, dangerous, and fatal power scattered among eleven different committees to take out of the public Treasury any amount of money they may choose.

Mr. GARFIELD. I rise to oppose the amendment to the amendment. Mr. Chairman, we have reached a point where I know that the difference of judgment among men here is very wide; where all that any one man can do is to state his own judgment. I never saw any proposition clearer in my own mind than I do this: that if we follow out what we have begun, as applied to the Committee on Agriculture, we will commit an enormous blunder in the management of public affairs; a blunder that very few of us will fail to see in the fullest and strongest light when we have once had a fair opportunity to witness its operations. Now, that is only an opinion. There are plenty of men here who are, perhaps, clearer-minded than I am, who may not agree with me in that opinion.

I want, however, to say now to the Committee of the Whole in this connection, that in my judgment we have reached a condition of things where there is but one remedy for the hobble in which we find ourselves. It is this: to strip the Committee of Appropriations of the power proposed to be given it under the twenty-first rule, to legislate on appropriation bills, leave it only the work of recommending

appropriations strictly according to the law, and let the other committees of this House have the sole right of proposing for the action of the House such legislation as they may deem necessary. Let the Committee on Military Affairs report the legislation for the Army; the Committee on Naval Affairs the legislation for the Navy; the Committee on Agriculture the legislation in the interest of agriculture. Let the Committee on Appropriations be the servant of the House—its auditing committee, to find what is the law, and to report such appropriations according to law as the Treasury can stand. If we remit these various committees strictly and rigidly to their appropriate business, the opposition that we find springing up on all hands against the Committee on Appropriations will, in my judgment, largely and at once disappear.

Now, I do not hesitate to say for myself (and I speak for only one man) that if this distribution of the business of the Committee on Appropriations shall be adopted, I shall vote against these rules—all of them—as my only mode of voting against what I believe to be an enormons blunder.

Mr. HAWLEY. That is right.

Mr. GARFIELD. I should be very sorry to vote against these rules, for I believe that a service of very great value has been done by the codification of this committee. But if what I deem so great a mistake shall find its way into these rules and be fixed as a part of them, so that we cannot get rid of it, then I shall be compelled to vote against the whole. But I trust that gentlemen on both sides of the Chamber will come to the work of rescuing us from the loss of the rules, and from the calamity that threatens us.

In regard to the jurisdiction of the Committee on Commerce, I do not now discuss that question. That has been disposed of; and it is a matter partly fixed by tradition and custom as well as by rule. But I speak of the remaining regular appropriation bills; for the river and harbor bill was never one of the regular appropriation bills.

Mr. FRYE. Will the gentleman allow me a question?

Mr. GARFIELD. Certainly.

Mr. FRYE. After a long discussion and upon full deliberation the Committee of the Whole a day or two since determined by a majority of some 40 votes——

A MEMBER. Eighteen.

Mr. FRYE. By a majority of 18 votes, decided against dividing the present work of the Appropriations Committee. Does the gentleman suppose that this Committee of the Whole will now proceed to do *seriatim* on these different propositions what they have already deliberately refused to do?

Mr. GARFIELD. I do. They have given a sign to-day that that is the purpose.

Mr. FRYE. The agricultural sign, which always carries the House.

Mr. RANDALL, (the Speaker.) The gentleman from Ohio [Mr. GARFIELD] gives us a sign that the third clause of the twenty-first rule is to be amended.

Mr. GARFIELD. I offer that as the escape from this difficulty.

Mr. REED. It is the only escape.

Mr. GARFIELD. I am helping the Speaker of the House with all my power to prevent this division; and I shall help him, whatever the result. But I say now that in my judgment the only safe, certain, and complete help is to remove the cause of the difficulty.

Mr. REAGAN. The gentleman from Kentucky [Mr. BLACKBURN] withdraws his *pro forma* amendment, and I renew it. I wish, Mr. Chairman, to express my surprise at the style of argument indulged in by the gentleman from Kentucky. He confesses his inability to see why, if the House refuses to take from the Committee on Commerce and to give to the Committee on Appropriations the control of the river and harbor bill, which it never did control, the House ought not therefore to distribute all the other appropriations among the other committees. He tells us that he sees no difference. How often has it been explained, how fully has this House understood it, except the gentleman from Kentucky, that the proposition to put this bill under the control of the Committee on Appropriations was inspired by the enemies of this character of appropriations, was intended to prevent such appropriations, and that it would be a physical impossibility for that committee to deal with this question, because experience has shown that the preparation of such a bill requires three or four months of incessant labor, day after day? Many members voted no doubt (and with me it was a controlling reason) against sending the bill there, where it never had been, because it was a physical impossibility for that committee to deal with the question, and because it was believed that this was a character of appropriations which ought to be made, which were beneficent in their operation upon the country.

Now, Mr. Chairman, I suggest to the gentleman who is conducting this discussion on the part of the Committee on Rules that he ought not to get in a pet, and because the House has done a reasonable and necessary and just thing declare that he will do everything else wrong.

Mr. BLACKBURN. Mr. Chairman, I am opposed to any amendment made by the gentleman from Texas, [laughter;] and if I may be as liberal in advice, unasked, as he assumed to be, I will not counsel him not to "get in a pet," but I would suggest to him not to be unreasonable in his game of grabbing. After he has gotten possession for his committee of something which it seems to me never belonged there, I do not think it fair for him to turn upon other men who, in similar positions, are seeking to gain like advantages, and complain of them.

I did sincerely trust that the gentleman from Texas had gotten through discussing the Commerce Committee and its rights and duties. We have now before us a proposition offered by the gentleman from Indiana, [Mr. BROWNE,] and I ask the Committee of the Whole to listen to just one suggestion upon that subject. It is proposed to take from the control of the Committee on Appropriations what is known as the Army appropriation bill. If that be done, I take it for granted the House will distribute all the appropriation bills among the various committees. If that be in the interest of economy I am mistaken. I know, sir, that in the last Congress the Committee on Appropriations reported to this House a bill known as the Post-Office appropriation bill, which, upon a motion emanating from the Committee on the Post-Office and Post-Roads, was increased in the aggregate to the extent of $1,000,000, in round numbers. I know that it is a matter of history, as the records of Congress will show, that there has never been an instance in which each committee, as its separate department was reached, has not endeavored, in every method and by every means possible, to increase the appropriation bills.

Mr. WHITTHORNE. I take issue with the gentleman.

Mr. BLACKBURN. I know very well it is proper and right that each Department of the Government should have its own especial friends upon this floor. The Committee on Naval Affairs is selected by the Speaker with the view of getting together men who are friendly to that Department. So with the Committee on Military Affairs; and it is the same way all through the list of committees. They are appointed that they may see to a change of the law wherever it be necessary to guard the interests of the particular Department committed to their care. That is the theory of the construction of the committees of this House; and it is a proper theory.

The Committee on Appropriations stands in a very different attitude. Bearing no special relation to any Department, selected as a fair and impartial arbiter, with no more concern for the Navy or the Army than for the Interior Department or the Post-Office Department, it has been selected as the one grand reservoir into which all these proposed disbursements of money should pour, in order that fairly, judicially, impartially it may make its recommendations to this House. Now, if you mean to take these bills from that committee—and the Committee of the Whole seem so determined—if the amendment now pending be adopted, I enter a solemn protest against it, not in the interest of party, but in the interest of economic and fair administration.

But I go further and remind the gentleman from Ohio, [Mr. GARFIELD,] my colleague on the Committee on Rules, that we are not yet reduced to the dire alternative which he describes. We are not yet forced to extricate ourselves from this threatened dilemma by adopting his suggested amendment and striking off the only limitation that the rule now puts upon the increase of appropriations by amendment after an appropriation bill comes into the House. He says that the alternative suggested by him is the only escape. I remind him that he has spoken hastily. There is another escape, and I trust that it will be embraced. If this proposition for the distribution of the appropriation bills shall be adopted without limitation, and then if the only safeguard that we hold to-day under the rule upon the people's Treasury is to be stricken down, I sincerely, honestly, and earnestly trust that the report made by the Committee on Rules in the shape of a revision, so mangled and marred, with all its sins, if it has any, and with whatever good may belong to it, may be rejected and spewed out of the mouth of this House.

[Here the hammer fell.]

Mr. WHITTHORNE rose.

The CHAIRMAN. Debate is exhausted. The gentleman from Texas [Mr. REAGAN] offered a *pro forma* amendment which will be regarded as withdrawn if there be no objection.

Objection was made.

The question being taken on the *pro forma* amendment of Mr. REAGAN, it was not agreed to.

Mr. WHITTHORNE. Mr. Chairman, I move to amend the pending amendment by striking out the last two words. The committee will bear me witness that at the outset of the discussion upon these rules I announced my approval of the work of the committee, and I further announced that I was opposed to the proposed distribution of the work of appropriations among the several committees of the House. If, however, the judgment of the House is different as to one committee, I shall feel it my duty, on behalf of the committee of which I am chairman, to make the motion that the appropriations relating to the Navy shall be assigned to that committee.

Just a word to my friend from Kentucky, [Mr. BLACKBURN.] He brags too much on his hand. His hand does not justify it. [Laughter.] I undertake to say that upon opportunity being furnished to me I will demonstrate that most of the vicious legislation of the last eight or ten years has originated with the Committee on Appropriations.

Mr. HAWLEY. It was certainly so last summer.

Mr. WHITTHORNE. Further, I take issue with the gentleman from Kentucky when he says that there is no committee of this House that has not urged the increase of expenditures rather than their diminution. I speak now for the committee of which I was chairman in the Forty-fourth Congress. Two of my colleagues on that committee, the gentleman from Texas [Mr. MILLS] and the gentleman

from Alabama, [Mr. LEWIS,] are now here; and I undertake to say in their presence and in the presence of the record that the Committee on Naval Affairs did recommend material reductions, looking toward a decrease in the number of officers of the Navy and in their pay, looking to a decrease of the navy-yard establishments of the country and a decrease of the Marine Corps. They were not sustained by the House.

Mr. BLACKBURN. Will the gentlemen allow me a question?

Mr. WHITTHORNE. In a moment. I see near me the distinguished Speaker of this House, who in that Congress was chairman of the Committee on Appropriations. I appeal to him to say whether as chairman of the Committee on Naval Affairs I did not come to him and tell him that the appropriations for naval purposes could be brought down to $12,000,000, or thereabout, and whether he did not, in accordance with that suggestion and upon mutual counsel between us, report a bill reducing the expenditures of the Navy Department to $12,616,000. We co-operated at that time. My friend from Kentucky is not justified in his assertion. When he looks to the record he will find that our committee at no time since I have been chairman of it has recommended an increase of expenditures. We have looked to economy in the expenditures of the Government; we have looked to retrenchment wherever possible. To be sure we have not in all cases received the support of the House.

Mr. BLACKBURN. Will the gentleman allow me now to ask a question?

Mr. WHITTHORNE. Yes, sir.

Mr. BLACKBURN. Will the gentleman undertake to tell this House how often in the last and the preceding Congress I have seen him stand here as chairman of the Committee on Naval Affairs and offer amendment after amendment to the naval appropriation bills as reported by the Committee on Appropriations, each amendment providing for an increase of expenditure?

Mr. WHITTHORNE. The gentleman never saw me do that but once; and that was when, in view of the removal of the Navy Department from the old building to the new one, I proposed the employment of an additional clerk. That is all he ever saw me do in the way of increasing naval expenditures. [Laughter.]

Now, Mr. Chairman, I believe in the theory of the distinguished gentleman from Ohio, [Mr. GARFIELD.] I believe that there ought to be one committee in charge of the appropriations of the Government, a single head having the unloosening of the purse-strings of the country. But I also believe that that committee should be confined to the law as it is and to their appropriate duties under the law, [applause;] they should not usurp the jurisdiction, the judgment, the work that properly belongs to the other committees of the House.

Hence, sir, I have been here supporting the work of the committee. If you will turn to my original remarks, you will see I indicated that I would limit the work of the Committee on Appropriations to the law, purely and abstractly, to the item of reduction of salary and kindred subjects.

Now, Mr. Chairman, I appeal to the House that if it will go on in the work of distribution of the subject-matters to the various committees—I appeal to the House on the score of economy, looking back to the record of the Naval Committee, that the work of naval appropriations shall likewise be distributed to that committee.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I think it due to the gentleman from Tennessee I should state that in the first session of the Forty-fourth Congress I had his thorough co-operation in every particular in reducing the expenditures of the naval establishment for the then following fiscal year; and I am glad to hear him say that he believes in having a single head in connection with these appropriation bills.

I wish for myself there could be less feeling and more deliberation in the discussion of these questions. If we would not become excited we could act more intelligently.

The House to-day has acted in reference to the appropriations for the Agricultural Department in a manner which I think upon reflection they will regret. For it will be observed that the appropriations for that Department are included in two bills, which nobody on this floor has suggested to be taken away from the Committee on Appropriations, to wit, the salaries for employés of that establishment as I have already stated are provided for in the executive, legislative, and judicial appropriation bill, while the appropriations for seeds and for their distribution are provided for in the sundry civil bill. It was, and I say it with the greatest respect, an act which I think not fully considered when the House so decided. But because the House so acted is not any reason why we should rush forward to distribute all these appropriation bills as proposed by the gentleman from Kentucky who has charge of these rules.

Mr. BLACKBURN. I am not proposing anything of the sort. [Laughter.]

Mr. RANDALL, (the Speaker.) I understood the gentleman to say that if the appropriations in reference to the Agricultural Department and the appropriations in reference to improvements of rivers and harbors were to be distributed to the Committee on Agriculture and to the Committee on Commerce, then we might as well go on and distribute all the others to the several committees having charge of the various subjects in this House.

Mr. BLACKBURN. I said that was the logical conclusion as to what the House meant to do.

Mr. RANDALL, (the Speaker.) I do not look at it in that light. I think the case of the Committee on Commerce is different from that of any other, and I hope the House, as the gentleman from Kentucky has given notice he will call for a separate vote in the House upon the amendment adopted in the committee, will reverse the action of the Committee of the Whole on the state of the Union in reference to the distribution to the Committee on Agriculture of the appropriations for carrying on that Department of the Government.

Nor can it be believed anywhere that in reversing that action there will be on the part of the House any hostility to the interests of agriculture. If it is desired, as suggested by the gentleman from Massachusetts, [Mr. LORING,] to make the Commissioner of Agriculture a Cabinet minister, that can be done by independent and separate legislation.

While I am upon the floor I should like to say a word or two in connection with a suggestion of the gentleman from Ohio, [Mr. GARFIELD,] that because these bills may be distributed then we ought to strike out the power of the Committee on Appropriations to introduce anything as legislation upon an appropriation bill. I remember very well the origin of that clause of the rule. A gentleman from Indiana, Mr. Holman, a member of the Forty-fourth Congress, brought that proposition here, and, after full discussion, it was adopted. It was through the agency of that provision of the rules that all the reductions which could be made at that Congress, whether great or little, were accomplished. The principle and policy of that amendment were these, that whenever by legislation the people's expenditures were to be increased, it should be done by separate bill; but whenever the Congress of the United States could in any manner decrease the expenditures of the Government, there should be a swift way provided for cutting off such extravagant or unnecessary expenditures. That is the rock upon which the representatives of the democratic party on this floor placed their party; it is the rock upon which it has stood ever since; and I hope, sir, it is the rock which will finally bring it into possession of every department of this Government from the Executive down. [Applause on the democratic side of the House.]

Therefore I say deliberately to the gentleman from Ohio, as one member of the House, that I shall resist in every possible way known to the rules, and that I shall use every argument and persuasion which my intellect will enable me to use upon the members of this House not to fall into the error of taking from the representatives of the people the power at any time to decrease the expenditures of this Government, and thereby lighten the taxation imposed upon the people. And can you of that side stand fairly or justly in any attitude of opposition to such a measure?

There has been complaint, Mr. Chairman, and I wish I could see the way to remedy it, and draw a line of distinction between what might be called economical expenditures of the Government and those amendments to the appropriation bills which have political purposes in view. Let me say to the gentleman from Ohio that he can never have the indorsement of the people of this country in striking down a barrier the object and purpose of which have been to prevent extravagance in the expenditures of the Government and secure economical administration. There may be a show of approbation before the people by seeking to strike down the power to reduce expenditures, because that power has been used to place upon appropriation bills amendments to legislation of a political character. But let us be sincere here with each other at least, and let us join hands in legitimately reducing as far as we can the expenses of administration. Let us in separate and open statutes provide legislation in reference to political questions, permitting it to come from other committees, which the majority on one side or the other may deem absolutely essential to the preservation of the Government.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Chairman, the advice the distinguished gentleman from Pennsylvania gives us to keep cool is one we will all follow I am sure to the full extent of his bright example on that subject. And I wish to say at the very outset that in so far as the rule known as the last clause of the twenty-first rule is directed to aiding real actual economy in the expenditures of this Government it always has had and has now my most cordial support. I know the distinguished gentleman himself in advocating it originally meant that and that only; and his meaning was approved of by the people of this country, approved by men on both sides of this Chamber. But he will remember I pointed out at that moment that the language of the clause went far beyond the mere economies of the revenues. It did not say merely that reduction of salaries should be in order. If it had said that I would agree to it. It did not say it would be always in order to reduce the amount in an estimate or an appropriation. If it had said that I should agree to it. That can be put into the rules and maintained. But the language was that anything that tended toward economy——

Mr. SPRINGER. I beg the gentleman's pardon.

Mr. BLACKBURN. That is not in the rule.

Mr. GARFIELD. I say that is in the rules in effect.

Mr. SPRINGER. No; the language is "shall retrench expenditures."

Mr. GARFIELD. But the construction of the rule has been that if in the judgment of the Chair—the man who happens to preside—the

proposition shall tend toward the retrenchment of expenditures, then it shall be in order. In what direction have we not drifted under that latitudinarian construction? Every conceivable scheme of partisan legislation that has torn this House with passion, that has lashed the party tiger into rage, that has converted us, not into a deliberative body, but into a political caucus; all these Trojan horses, all these evils, all these political volcanoes which have burst in American politics for the last three years in this Chamber have done so through the crater of that rule as construed by the presiding officers of this House. [Applause on the republican side.] And to stop that volcano, to reduce this House to business, to bring it back to the deliberation that ought to belong to it, that we may be, as the Speaker advises, calm, that we may come down to the manly work of carrying on our Government in economy and under law, is my most earnest wish.

And for that reason we are not so poor and so utterly bankrupt of expedients that we cannot frame a rule which shall meet all my friend's wishes and avoid all that the best men of both sides of this House deprecate and desire to get rid of; that shall shut out the everlasting tiger of politics from this arena, and let the Appropriations Committee be the great auditing committee of the House to do their work under law, and let the rest of us in our several committee duties do the legislation for the House.

If we do that, gentlemen, we will not be put into an attitude of fighting economy. We cannot by any torture of language be said to be fighting economy when we take the position I assume to-day; and I do not take this position as a partisan. I take it because I want to see the party to which I belong stand on it, not only in the minority, but stand on it when they come into the majority.

The gentleman said that was the rock on which the democratic party was saved. It is the rock on which the democratic party is splitting, breaking; it is a rule which will break any party that would follow it to the extent of converting this body into a mere political debating society. [Applause.]

Mr. RANDALL, (the Speaker.) I move to strike out the last word. Mr. Chairman, one would suppose from the language of the gentleman from Ohio that this mode of legislation upon appropriation bills had its origin in a democratic House. When the democratic party came into the control of the House of Representatives there was found among the rules a power to legislate upon appropriation bills, under a construction of former Speakers, which might increase appropriations, but could not retrench expenditures. We simply changed that rule as construed by former Speakers, reversing the construction, so that in effect all legislation put on appropriation bills *should retrench* expenditures, making the language absolute.

I very well remember in a discussion at the close of the first session of the Forty-fourth Congress I alluded to the fact that those who had gone before us, when the majority sat upon that side, had given us an example in this respect. I cited instances, and among them I may enumerate that they embraced changes in the line and staff of the Army and Navy, increasing both; that they included the Pacific mail subsidy which subsequently brought upon Congress so much adverse criticism. They included also, with increase of expenditure, the reorganization of the Post-Office Department. They included the reorganization of the consular and diplomatic service, with increased expenditure. They included the reorganization of the civil service of the Treasury Department. There are many others to which I might allude, showing that the action of the party now dominant here, when they first came into control of this House, did not change as to legislation on appropriation bills *per se*. It merely said that whenever legislation was put on appropriation bills it should be in the direction of saving money to the people of the country; it should be in the direction of economical expenditure. And under that change of rule there were $30,000,000 saved at that session in the amount of the appropriations as compared with the previous year.

There is where we should want to stand. There is where there should be no political division; and to that end I am glad to hear the gentleman from Ohio say that in so far as strict economy is concerned, outside of political questions, any change of rule which would prevent such proceeding will not receive his support.

Mr. REED. Mr. Chairman, this is a question which is before us upon the organization of the method of doing the business of the House; and I must say that for one I am sorry that party matters have been brought here. I believe there is a plain system upon which we can manage these matters and avoid not only the rock upon which the democratic party has split, but also avoid the difficulties of which the gentleman from Pennsylvania has given us the details, in years before the democratic party came into power in this House.

Both parties have been taught lessons which ought to show us that it is unsafe to have a system of legislation which is founded upon loading down the appropriation bills. Whether it is done upon pretense of economy or upon a pretense of appropriating for the proper needs of the Government, it is equally wrong. But if we frame a rule—and surely we are capable of doing that—which says that the Appropriations Committee shall make no appropriations except those which are according to law, then that provision obliges all other committees to attend to matters of legislation. And I say that the scenes we have witnessed in this House ever since this discussion of rules began has been on account of the provision which the gentleman from Ohio [Mr. GARFIELD] wants to strike out. It is not in human nature as represented upon the Appropriations Committee not to present new legislation under that clause; and when we happen to have, as we did have in the last Congress, a gentleman on that committee who knew everything, we had a perfect avalanche of such business brought before us; and it is equally impossible with human nature as it is constituted outside of the Appropriations Committee to prevent gentlemen from exalting their committees just as gentlemen of the Committee on Agriculture have exalted that committee to-day. But if we say that appropriations are to be made according to law by one committee, then we have control of the great general appropriations of the Government, and we know what we can appropriate, and then the other committees can carve out of what is left.

That is a true system, a system that is right and proper, and that enables every committee and every member to participate in the legislation of this House. I sincerely hope we may come up to the level of this question, for I believe it to be a great one, and that we will not degrade it by the introduction of partisan matters. I trust that we shall adopt a system that we shall be satisfied with, a system which we see ourselves must work well, for if we adopt it the Appropriations Committee cannot put a single word of legislation upon an appropriation bill except by unanimous consent; and what more can other committees desire? We then have got a system that is philosophically correct and practically correct.

Mr. COX. I was sorry to hear my friend from Ohio [Mr. GARFIELD] rather go back upon an expression which he made use of at the beginning of this debate. I understood him to say that however these rules might be amended, if at least they were not substantially obliterated he should endeavor if possible to preserve them; that they were so valuable as a digest, as a codification, that, although they might be amended here and there in some particulars, he desired to save them as a code.

Our present rules are almost like chaos, without form, and therefore very often void. Here we have them in good shape. And although the Committee on Commerce may be now content, I think they ought to go further and be willing to carry this even beyond the Agriculture Committee. What reason is there if the Committee on Commerce should take rivers and harbors, and if the Committee on Agriculture should take the appropriation for agricultural purposes—what reason is there why the Committee on Foreign Affairs should not report the diplomatic and consular bill?

We have communications with the State Department. We have letters as to the need of consuls, of clerks, of interpreters, of rents. All the business connected with diplomacy comes before that committee. And although, as I said here before, I would not claim for our committee the making of an appropriation bill, believing that duty should be intrusted to a general committee which will look over the whole subject of the expenditures of the Government, yet the same reason obtains in the one case as in the other. And if the House is determined to go on in that line I shall offer an amendment that the Foreign Affairs Committee shall take charge of the diplomatic and consular appropriation bill.

Mr. BAKER. That amendment is too late. We have passed the clause where that could be moved.

Mr. COX. We can arrange that before we get through. If necessary we can add another rule if the House chooses.

This debate has become somewhat irrelevant. It has gone beyond what I expected. My distinguished friend from Ohio [Mr. GARFIELD] has undertaken to denounce again, as he denounced when we adopted it, Rule 120 as reported by the Committee on Rules, after being sent to it on the motion of Judge Holman. I have said to this House, and it has been proved heretofore in debate here, that but for Rule 120 there would have been no substantial economy in the Forty-fourth and Forty-fifth Congresses.

The gentleman from Ohio said that our Speaker had interpreted that rule as including all propositions that tended to retrenchment of expenditure. Now, sir, that is not the language of the rule. The language is:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

And Mr. Speaker Kerr and the distinguished Speaker of this House always have held that they would look at the bill *prima facie;* that if on its face it showed retrenchment, then the proposition was in order; but if on the other hand it showed extravagance or an enlargement of expenditure, then it would be ruled out of order.

I have never in this House favored riders on appropriation bills. Gentlemen have raked up that old question again. I know that both parties in this House have piled up Pelion on Ossa in the way of legislative provisions on appropriation bills. I have opposed that system on the ground of the philosophy of legislation. I opposed it at the extra session, and I oppose it yet, as unfair, unjust, unscientific legislation.

But I remember that it began with the republicans, and the republican kettle cannot call the democratic pot black on that subject. You are all in the same boat. You actually carried the proposition to confer suffrage on the negroes in the District of Columbia on an appropriation bill. You remodeled the Supreme Court of the United States, you packed it, by a rider on an appropriation bill; and I do not know but you afterward abolished colored suffrage in the District of Columbia in the same abnormal manner.

But that is beyond the question. Let some one bring in a rule of this House that will conform to the very best science connected with our progress in legislation, and I think there would be a large majority in this House to sustain such a proposition.

[Here the hammer fell.]

Mr. HAWLEY. It seems to be conceded unanimously, or if not quite so now, yet likely soon to be, that the twenty-first rule contains, somehow or other, in its words or in its interpretation, a grave error resulting in great injury to the country. Our distinguished Speaker has himself more than intimated that he is sorry that there has been this sort of political legislation on appropriation bills. The gentleman from Tennessee [Mr. WHITTHORNE] very strongly intimated an opinion in the same direction. And the eloquent gentleman from New York [Mr. COX] admits that he has been always and unanimously of the same opinion, although he has voted continually for just such legislation.

Mr. COX. Oh, no.

Mr. HAWLEY. I believe the gentleman voted for everything in the shape of political legislation that his party put forward in appropriation bills last session.

Mr. COX. You are mistaken.

Mr. HAWLEY. If you did not vote for it, did you pair off?

Mr. COX. No, I did not.

Mr. HAWLEY. Was the gentleman in favor of the political legislation on appropriation bills which was proposed by his party last summer?

Mr. COX. I will refer you, privately and confidentially, to the RECORD.

Mr. HAWLEY. That is the character of the reference always made by gentlemen who say they oppose this legislation.

Mr. COX. I do not want so good a man as you to fall into a mistake.

Mr. HAWLEY. The reference made by gentlemen on that side of the House is always like that just made by the gentleman from New York, very confidential and private, as to their opposition to such legislation; but when they come to vote they uniformly vote for political legislation on appropriation bills.

But I arose more particularly to point with pleasure to the confession of three distinguished gentlemen on that side of the House, that this Rule XXI is capable of a great mischief. It is capable of a great mischief—not the one which they have indicated, but one which is likely to bring about the complete destruction of the Appropriations Committee, and every one on that side concedes that that would be a great calamity.

I have always believed in legislation by party and by partisan methods; I believe in that yet. But a party must act with some unity or combination of its powers—must put the throttle in the hands of some one committee. I speak of that now as a general principle, and not in reference to any of the details of this controversy. I desire to call the attention of my republican friends to the blunders which they are committing here. It is admitted that the twenty-first rule is a mistake under its present construction. Yet it is proposed here that we shall take the Appropriations Committee, which can now put political legislation on appropriation bills, and make ten committees of the one. The consequence will be that there will be about one hundred and twenty members of this House who, through their committees, will have the right to put political legislation on appropriation bills. The Committee on Commerce, the Committee on Agriculture, the Committee on Military Affairs, every one of these committees will have the power which has heretofore been exercised by the Appropriations Committee alone. That is what you are doing.

Are you to take it for granted that the members of the Committee on Agriculture, the members of the Committee on Military Affairs, the members of the other committees, will agree to strike out the last clause of the twenty-first rule, and provide that there shall be no legislation on appropriation bills? I doubt whether they will agree to that, although three of their leaders have to-day indicated that the combination of appropriations with political legislation is not right. I believe they will unanimously stand by that vicious rule; and we are going to throw into the hands of ten democratic committees the power of legislating in appropriation bills. That is what we on this side are doing. There is yet time for the House to pause. We have committed the blunder as to two committees, in regard to which the question is not of very great importance. We are now coming to the Committee on Military Affairs. Let us stop now; let us quit the work we have begun; and then let us have our fight upon the twenty-first rule. If we cannot go any farther, let us go as far as our Speaker has indicated, and provide that nobody shall introduce political legislation on appropriation bills; that there may be reduction of salaries and similar reductions of expenses, but that we will strike out the possibility of political legislation.

Mr. RANDALL, (the Speaker.) I said that the possibility of political legislation was the cover under which many members on the other side sought to strike down the whole rule, and that I deprecated the striking down of that rule on any such ground.

Mr. HAWLEY. I deprecate any legislation whatever upon appropriation bills. I agree in a great measure with the gentleman from Tennessee, [Mr. WHITTHORNE,] who says that the vicious legislation of the country for some years past has come largely from the Committee on Appropriations in that way. But if nothing better can be done, let us guard ourselves from the possibility of any political legislation, and give our rule the construction which the Speaker has indicated—that salaries may be reduced and similar reductions of expense made on appropriation bills, but that they shall contain nothing in the nature of political legislation.

The House has now the opportunity to save itself. If it goes along in the course it has begun, we shall simply ruin this magnificent report of the committee—a grand improvement upon our present rules. I, for one, shall go for defeating the whole abominable botch, if this report be amended in the manner now threatened.

Mr. CALKINS. Mr. Chairman, the trouble here seems to be this: yesterday some of us who were fighting for equal rights on this floor met the enemy, and we were theirs. To-day we have met them upon the same ground, and they are ours. The result hurts somebody. The fact is, this is simply a fight for power. When I entered this House in the Forty-fifth Congress the first time I asked its attention was in reference to this very vicious rule which is now the subject of discussion. On this subject there is a happy medium upon which I think we can all agree. There are not, I think, a dozen members on either side who will not agree to send every bill appropriating money to the Appropriations Committee if you will strip that committee of the power to incorporate into their bills new legislation. The ground of complaint among members is the immense power that the committee now wields in this House.

I object to having a guardian. I object to sitting here, undertaking to represent my constituents, with a rule over me which says, "You may introduce an amendment to an appropriation bill that reduces expenditures, but if your constituents demand that expenditure in any direction be increased you shall not offer such an amendment; your proposition shall simply go to the chairman of the Committee of the Whole who will decide it out of order; so that you cannot get a vote on it, no matter how just the measure may be."

Let me give you an illustration. I went to the Committee on Appropriations as my friend from Virginia [Mr. HARRIS] did. I asked the gentleman in charge of one of the appropriation bills to put upon it an amendment that would not increase expenditures $70 a year. He said it was perfectly right. "Then put it on," said I. "I cannot," he said; "the committee have not authorized it." "Then," said I, "let me submit it to the House." "Oh, no," was the reply, "we must stand by the report of the committee."

That is the power I object to. Two hundred and seventy men in this House are under the guardianship of fifteen. [Applause.] I fight for the equal rights of all. I stand here for the younger members of the House—younger in service, not in age—men who have mettle in them, as my colleague [Mr. BROWNE] has said. They are now under tutelage and guardianship. They cannot get beyond the chairman of the Committee of the Whole in endeavoring to present to the House matters which their constituents demand.

Now, the reason I make this fight with some of my friends is that whenever we force these gentlemen who are now our guardians to distribute the power they now exercise, they will come down handsomely. We shall meet on the ground of statesmanship; we shall then have a compromise by which the business of the House can be done. I say to gentlemen who agree with me that as we have now put a check upon our opponents, all we have to do is to stand our ground, and they will soon come down. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana, [Mr. BROWNE,] which will be read:

The Clerk read as follows:

Strike out the words "other than the appropriations for its support;" so that, as amended, the clause will read:

To the military establishment and the public defense: to the Committee on Military Affairs.

The question being put,

The CHAIRMAN. The Chair by the *viva voce* vote is unable to decide.

Mr. GARFIELD. We may as well have tellers.

The CHAIRMAN. If there be no objection tellers will be ordered.

There being no objection tellers were ordered; and Mr. BROWNE and Mr. RANDALL were appointed.

The committee divided; and the tellers reported—ayes 93, noes 107.

So the amendment was not agreed to.

Mr. BLACKBURN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules and had come to no resolution thereon.

EFFINGHAM LAWRENCE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting report and papers in reference to the Louisiana private land claim of Effingham Lawrence; which was referred to the Committee on Private Land Claims.

FORESTRY.

Mr. DUNNELL, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Commissioner of Agriculture be requested to forward to this House any facts or statistics in his office on the subject of forestry not heretofore published from his Department.

Mr. MARTIN, of Delaware. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AINSLIE: The petition of George L. Shoup, E. T. Beatty, and others, for the construction of a military road from Salmon City, Idaho, to Crystal City, in said Territory—to the Committee on Military Affairs.

By Mr. NELSON W. ALDRICH: Memorial of the Ayrshire Breeders' Association, requesting the prompt action of Congress to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. BARBER: Papers relating to the rent claim of James S. McKnight and James Richardson for house at El Paso, Texas, occupied by General Carlton from September, 1862, to March, 1864—to the Committee on War Claims.

By Mr. CARLISLE: The petition of manufacturers of tobacco and cigars, and dealers in leaf-tobacco, of Cincinnati, Ohio, and Covington, Kentucky, against the passage of the free-leaf bill—to the Committee of Ways and Means.

By Mr. CARPENTER: The petition of citizens of Boone County, Iowa, for the amendment of the patent laws so as to protect innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petition of citizens of Boone County, Iowa, for a law restricting charges of railway transportation between the different States—to the Committee on Commerce.

By Mr. CLAFLIN: Papers relating to the pension claim of William Denene—to the Committee on Invalid Pensions.

By Mr. COFFROTH: The petition of Henry Scnethberg, for extra pay as a soldier of the Mexican war—to the Committee on Military Affairs.

By Mr. COX: The petition of John Collister, for relief for injuries received while working on the New York post-office building in 1877—to the Committee of Claims.

Also, the petition of E. A. Mann and many others, for an increase of pension to all soldiers and sailors who lost a leg or arm in the United States service, during the late war, to $50 per month—to the Committee on Invalid Pensions.

Also, the petition of Jesse Hoyt and many others, for reciprocal trade with the Dominion of Canada and Newfoundland—to the Committee on Foreign Affairs.

Also, the petition of John Taylor, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. HORACE DAVIS: Memorial of the California State Grange, for the establishment of an experimental farm and the detail of an officer especially to gather agricultural information on the Pacific coast—to the Committee on Agriculture.

By Mr. DEERING: The petition of citizens of Hardin County, Iowa, for the enactment of such laws as will prevent fluctuations in freights and unjust discrimination—to the Committee on Commerce.

Also, the petition of citizens of Hardin County, Iowa, that the patent laws may be so amended as to protect innocent purchasers—to the Committee on Patents.

By Mr. EWING: Two petitions of citizens of Ohio, of similar import—to the same committee.

Also, two petitions of citizens of Ohio, for the regulation by Congress of interstate commerce—to the Committee on Commerce.

By Mr. FRYE: The petition of Goss & Sawyer and others, of Bath, Maine, for the improvement of the Kennebeck River at Richmond—to the same committee.

By Mr. BENJAMIN W. HARRIS: The petition of Messenger & Sweet, of Norton, Massachusetts, against the repeal of the tax on matches—to the Committee of Ways and Means.

By Mr. HEILMAN: The petition of Charles Mason, late deputy revenue collector for the second division of the second district of Indiana, to be relieved from accounting for two hundred and ten cigar-stamps stolen from him—to the Committee of Claims.

By Mr. HOUSE: Papers relating to the claim of John E. Bauman for pay for use of a mill at Nashville, Tennessee, by United States forces during the late war—to the Committee on War Claims.

Also, papers relating to the claim of W. B. Bayless for pay for materials, use, and damage of land in building a fort at Nashville, Tennessee, during the late war—to the same committee.

Also, memorial of the sureties on the bond of Henry Norrell, late collector of internal revenue, second district of Tennessee, to be released from said bond—to the Committee of Ways and Means.

By Mr. HULL: Memorial of William A. Young, in reference to the deepening of the channel over Volusia Bar, Saint John's River, Florida—to the Committee on Commerce.

By Mr. HUTCHINS: The petition of United States soldiers of Westchester County, New York, who served in the Union Army, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. LADD: The petition of citizens of Bangor, Maine, for an increase of the pension of Maxim Drinkwater—to the Committee on Invalid Pensions.

Also, the petition of citizens of Washburn, Maine, for the improvement of the channel of the Aroostook River—to the Committee on Commerce.

Also, the petition of citizens of Masardis, Maine, of similar import—to the same committee.

Also, the petition of citizens, soldiers, and officers of the United States Army in the late war, for the payment of mileage after discharge from the Army in the late war of rebellion—to the Committee on Military Affairs.

By Mr. PERSONS: The petition of citizens of Carroll and Douglas Counties, Georgia, for a post-route from Douglasville to Carrollton, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. PHISTER: The petition of B. F. King, sr., and 63 others, citizens of Greenup County, Kentucky, for laws against monopolies and unjust discriminations in transportation of freights and passengers—to the Committee on Commerce.

By Mr. POEHLER: The petition of Joseph Meller and 34 others, citizens of Swift County, Minnesota, that the maximum price of lands of the H. and D. and St. P., M. and M. Railways be fixed at $2.50 per acre—to the Committee on Public Lands.

By Mr. PRESCOTT: Papers relating to the pension claim of Mary P. Abeel—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petition of Mrs. S. C. Mason, Anna Weems, C. D. Bushnell, and 65 others, citizens of Moberly, Missouri, for a constitutional amendment granting the right of suffrage to the women of America—to the Committee on the Judiciary.

Also, the petitions of R. H. King, J. D. Clark, Dewitt Thompson, and 87 others, citizens of Mercer County; of D. P. Hubbard, M. P. Rowell, Benjamin Dickinson, and 77 others, citizens of Linn County; of A. R. Voorhees, C. J. Worden, Hiram Woodward, and 79 others, citizens of Chariton County; of Joseph D. Golin, Peter Bear, H. M. Pratt, and 143 others, citizens of Daviess County; of Adam Given, Thomas Boyd, John A. McDaniel, M. Y. Buchanan, and 41 others, citizens of Randolph County; and of Hezekiah Gregg, W. P. Boyce, William Dunlap, and 18 others, citizens of Grundy County, Missouri, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. SAWYER: The petitions of citizens of Platte, Clay, and Cass Counties, Missouri, of similar import—to the same committee.

By Mr. SPARKS: The petition of John Erwin and other soldiers of Clay County, Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Resolutions of the city council of Chicago, Illinois, asking for the passage of a bill to amend the statutes in relation to the transportation of dutiable goods—to the Committee of Ways and Means.

By Mr. WILLIAM G. THOMPSON: The petition of E. H. Colcord and 437 other ex-soldiers, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

By Mr. RICHARD W. TOWNSHEND: The petition of W. B. Anderson and 14 others, late members of and occupants of official positions in the United States Army in the war of 1861, for additional pay for F. L. Ferguson, late a member of Company C, Sixtieth Regiment Illinois Volunteer Infantry—to the same committee.

By Mr. WADDILL: The petition of citizens of Missouri, for granting to enrolled Missouri militia the same homestead rights as other military organizations—to the Committee on Public Lands.

By Mr. WAIT: The petition of J. D. Packwood, for pay for services rendered and losses incurred by his father during the revolutionary war—to the Committee on Revolutionary Pensions.

By Mr. WASHBURN: The petition of A. D. Pinkerton and others, citizens of Wright County, Minnesota, for legislation to restrain railroad extortions and discriminations—to the Committee on Commerce.

Also, the petition of William Brooks and others, citizens of Hennepin County, Minnesota, of similar import—to the same committee.

Also, the petition of A. D. Pinkerton and others, citizens of Wright County, and of William Brooks and others, citizens of Hennepin County, Minnesota, for certain amendments to the patent laws—to the Committee on Patents.

By Mr. WRIGHT: The petition of John Quinn and 92 others, citizens of Belen, New Mexico, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of certain employés of the House of Representatives for an equalization of pay with Senate employés—to the Committee of Accounts.

IN SENATE.

WEDNESDAY, *February* 4, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Richardson K. Baird, of Hardin County, Tennessee, praying to be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. HAMLIN presented the petition of W. H. Owen and others, citizens of Piscataquis County, Maine, praying for an amendment to

the patent laws so as to protect any person manufacturing for his own use any article previously patented, provided such manufacturer was not cognizant of the existence of the letters-patent; which was referred to the Committee on Patents.

Mr. JOHNSTON presented the petition of William Adams and others, citizens of Frederick County, Virginia, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of D. W. Bageant and others, citizens of Frederick County, Virginia, praying for the enactment of a law to prevent fluctuations in freights and unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. CALL presented the petition of William A. Young, of Jacksonville, Florida, praying that an appropriation be made for deepening the channel on Volusia Bar, Saint John's River, in that State; which was referred to the Committee on Commerce.

Mr. PLATT presented the memorial of John McConnell and others, citizens of Connecticut and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. WALLACE presented resolutions adopted at a meeting of seamen, masters, and vessel-owners of Philadelphia, in favor of the repeal of the shipping act of June 7, 1872; which were referred to the Committee on Commerce.

Mr. McPHERSON presented the petition of A. C. Rhind, commodore United States Navy, praying that he may be promoted thirty numbers in his grade, in accordance with the recommendation of the board of admiralty created by the act of July 25, 1866; which was referred to the Committee on Naval Affairs.

Mr. KIRKWOOD presented the petition of John M. Stockdale, late register of the State land office of Iowa, praying for the enactment of a law reimbursing him for moneys expended as such officer in the employment of clerks; which was referred to the Committee on Claims.

Mr. LOGAN presented a petition of Field, Leiter & Co., John V. Farwell & Co., and 56 other firms of importers and consignees of imported goods, of Chicago, Illinois, praying the repeal of the immediate-transportation act of July 14, 1870; which was referred to the Committee on Finance.

He also presented a resolution of the city council of Chicago, in favor of the passage of a bill to give the same advantages to western cities that are enjoyed by eastern ports relative to the transportation of dutiable goods; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

IN CITY COUNCIL, *Chicago, January* 26, 1880.

Whereas a bill has been introduced in the House of Representatives of the United States, entitled "A bill to amend the statutes in relation to the transportation of dutiable goods;" and

Whereas the said bill has been referred to the Committee of Ways and Means for consideration; and

Whereas the intent of the said bill is to give the ports of the interior the equality with seaboard ports that is guaranteed to them by the Constitution, and which is their natural right, and to abolish the present unconstitutional and unfair advantages enjoyed by the seaboard ports; and

Whereas the attainment of such objects would be of great value to the West, and particularly to the city of Chicago, by freeing foreign trade and opening it to the natural laws of competition: Now, therefore,

Be it resolved by the city council of the city of Chicago, That the Representatives in Congress of our city and the United States Senators from Illinois be, and are hereby, requested to do all in their power to procure the speedy passage of the said bill; and it is hereby ordered that an official copy of the foregoing preamble and resolution be sent to each of our Representatives and to each of the Illinois Senators.

Approved.

CARTER H. HARRISON, *Mayor*.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3336) to prescribe the time of service of jurors; and

A joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 317) for the relief of Captain J. B. Campbell; and

A bill (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, asking such legislation as will provide for the acquisition by the United States of the title to the land upon which Fort Stockton, Texas, is situated, submitted a report thereon, accompanied by a bill (S. No. 1205) to enable the Secretary of War to acquire for the United States the title to the site of Fort Stockton, Texas. The bill was read twice by its title, and the report was ordered to be printed.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 532) for the relief of Eliza Howard Powers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the memorial of Rev. Sheldon Jackson, superintendent of the Presbyterian schools in the Territories, and Rev. John Lanahan, pastor of Foundry Methodist Episcopal church, of Washington City, praying for the establishment of schools in Alaska, asked to be discharged from its further consideration, and that it be referred to the Committee on Education and Labor; which was agreed to.

He also, from the Committee on Appropriations, to whom was referred the bill (S. No. 1007) to provide for the payment of certain expenses of the district judge of the western judicial district of Michigan, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 157) for the relief of M. M. Herr, reported it with amendments.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Hannah Roche, of Washington, District of Columbia, praying for a pension on account of the death of her daughter by an explosion in a cartridge factory, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the petition of John Thornley, medical director United States Navy, praying for restoration to the Navy, submitted a report thereon, accompanied by a bill (S. No. 1206) for the relief of Medical Director John Thornley, United States Navy.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 210) regulating the rank and pay of fleet marine officer in the United States Navy, reported it without amendment.

Mr. SLATER, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1207) directing and authorizing the Secretary of the Interior to negotiate with the Umatilla, Warm Spring, and certain other tribes of Indians occupying reservations within the State of Oregon for the extinguishment of their title to the lands now occupied by them, and for their removal to other lands or reservations without the limits of said State; which was read twice by its title, and recommitted to the Committee on Indian Affairs.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 72) for the relief of John B. Davis, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes, reported it with an amendment.

Mr. HEREFORD, from the Committee on Claims, to whom were referred papers in relation to the application of William H. Davis for compensation for the destruction of certain property at San Diego, California, by United States troops, submitted a report thereon, accompanied by a bill (S. No. 1208) for the relief of William H. Davis, of Oakland, California.

The bill was read twice by its title, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1209) to designate, classify, and fix the salaries of persons in the railway mail service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1210) for the relief of certain officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1211) for the relief of R. M. Briggs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1212) for the relief of William H. H. Hatfield; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1213) granting a pension to Samuel P. Bronson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1214) for the relief of Charles P. Chouteau; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1215) to repeal the act of July 4, 1864, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1216) granting a pension to Elisha M. Luckett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GROOME. I hold in my hand a bill to authorize the restoration of Major Henry W. Janes, United States Army, retired, to the rank of major and quartermaster in the Army; also the petition of Ferdinand C. Latrobe and 127 other residents of Baltimore City, asking the relief prayed for by the bill; also a further petition of Robert P. Brown and 55 others, officers and privates of the Fifth Maryland Regiment, upon the same subject-matter. I ask that the bill and accompanying papers be referred to the Committee on Military Affairs.

By unanimous consent, leave was granted to introduce a bill (S. No. 1217) to authorize the restoration of Major Henry W. Janes, United States Army, retired, to the rank of major and quartermaster in the Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1218) to amend section 1517 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1219) for the improvement of the Volusia Bar in the Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1220) for the relief of Henry M. Rector and John H. Russell; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1221) for the relief of Tod Randall; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1222) concerning mineral land; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1223) to provide for the payment of additional bounty to the soldiers of the Army of the United States during the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1224) to remove the political disabilities of C. Manigault Morris, of Georgia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (S. No. 1089) to amend section 640 of the Revised Statutes of the United States, relating to the removal of suits by corporations, and to make further provision relating to suits by and against corporations; which was ordered to be printed.

STATISTICS OF MERCHANDISE.

Mr. KERNAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is directed to communicate to the Senate the reasons for the order issued by the Treasury Department to the collectors of customs of the United States dated December 15, 1879, and designated "Department number, 175," whereby they are directed, "whenever written requests to that effect shall be filed by shippers or consignees, to cause to be withheld from publication for a period not exceeding ninety days statistics relating to the importation or shipment of any particular merchandise imported or shipped by them."

VIRGINIA COLONIAL HISTORY.

Mr. JOHNSTON submitted the following concurrent resolution; which was read:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That there be printed 1,000 copies of the Transactions of the Virginia Companies of London, of which 50 copies shall be for the Congressional Library, 700 for the House of Representatives, and 250 for the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. JOHNSTON. Mr. President, I wish to say a word or two in explanation of this resolution. The manuscript records of the Virginia Company of London, now in the Congressional Library, are more than two hundred and fifty years old. The copy there is believed to be the only one in existence. It contains authentic accounts of the whole transactions of the Virginia Company and is invaluable as a history of a portion of our colonial period.

The volumes (there are two of them) were in the possession of the Earl of Southampton, and after his death were purchased from his executors by William Byrd, of Virginia, from whose estate they were obtained by Rev. William Stith, the historian and president of William and Mary College. From him they went into the custody of Peyton Randolph, the first President of the Continental Congress. Mr. Jefferson bought his library, including these two manuscript volumes, and they were among his papers purchased by the United States and are now preserved in the Congressional Library under lock and key.

Under the auspices of this Virginia Company the first permanent English settlement was made on this continent. It instituted a legislative assembly, the members of which were elected by the people. The records are of great historical value and ought to be made accessible to the historian and put beyond the danger of loss or destruction.

I move the reference of the resolution to the Committee on Printing.

The motion was agreed to.

HISTORY OF THE COTTON-WORM.

Mr. MORGAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 10,000 additional copies be printed of Bulletin No. 3 of the History of the Cotton-Worm, &c., prepared by Professor Charles V. Riley under the order of the Congress; 7,000 copies for the use of the House and 3,000 for the use of the Senate.

EDWARD BRADEN AND J. W. ANGUS.

Mr. MAXEY. I ask the Senate to proceed to the consideration of Senate bill No. 56.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, in line 5, after the name "J. W. Angus," to insert "of the District of Columbia, partners, doing business under the firm-name of Edward Braden & Company;" in line 7, after the word "of," to strike out "fourteen" and insert "twelve;" in line 8, after the word "thousand," to insert "five hundred;" in the same line, before the word "eight," to strike out "twenty" and insert "forty," and in line 11, after the word "Texas," to insert:

And the said amount of $12,548.39 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full and final settlement and satisfaction of said claim.

So as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edward Braden, of San Antonio, Texas, and J. W. Angus, of the District of Columbia, partners, doing business under the firm-name of Edward Braden & Company, the sum of $12,548.39 for extra labor and materials expended in the construction of the quartermaster's supply depot at San Antonio, Texas, and the said amount of $12,548.39 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in full and final settlement and satisfaction of said claim.

Mr. MAXEY. The firm-name is "Edward Braden & Co." I move that "Company," in line 7, be changed to "Co.," so as to read "Edward Braden & Co.," adopting the firm-name.

The amendment to the amendments was agreed to.

The amendments, as amended, were agreed to.

Mr. CONKLING. Is there a written or printed report with this bill?

Mr. MAXEY. Yes, sir.

Mr. CONKLING. I should like to hear it read.

Mr. MAXEY. The printed report is quite elaborate, probably longer than the Senate would care to hear. I can, if desired, make a statement developing all the points in the report; but the Senator has suggested that the report be read.

Mr. CONKLING. All I want is to get at the facts. If the Senator will give me them, I shall be very glad.

Mr. MAXEY. By an act approved March 3, 1873, seventeenth volume of United States Statutes at Large, page 525, the sum of $100,000 was appropriated for the purpose of erecting "depot buildings, including shops, offices, commissary and quartermaster store-rooms, at San Antonio, Texas." To prevent the lapsing of that appropriation, the contract not having been made in two years, by an act of March 3, 1875, that appropriation was continued and rendered available "for the purpose aforesaid." Under that act the Quartermaster-General, on the 12th of May, 1876, advertised for proposals for the work, and in June, 1876, the contract was bid off to Braden & Co. at the sum of $83,900. On the 7th of June the contract was let out. On the 9th of June, in accordance with a telegraphic order from the Quartermaster-General, the chief quartermaster of the Department of Texas entered into a memorandum contract or agreement with Edward Braden & Co. in strict accordance with their advertisement and with their bid; and that contained this clause:

If it shall be found that foundations of a greater depth than three feet are required, the said Edward Braden & Co. shall be paid therefor extra, at the rate of one cent per cubic foot for all such excavations, and $3.50 per perch extra for all such masonry in excess of the average depth of three feet.

This was reduced to writing on the 9th of June. The day preceding, the Quartermaster-General, by a telegraphic order, thus addressed the chief quartermaster of the Department of Texas:

If J. W. Angus, of Washington, who was a contractor with the centennial branch of this office, is the responsible builder on the bid for the San Antonio depot, signed Braden & Co., award the contract to that firm with good bond of $10,000. Printed plans and specifications from this office are to form a part of the contract, to which contractors' assent may be added—the paper of explanations prepared by Captain Davis. If accepted—

I call attention to this—

If accepted, enter at once into an informal contract, to be replaced on its arrival by a full contract drawn up here, which is merely fuller than the official printed contract and form, but in no essential manner varies from the printed specifications and plans.

When the printed contract was sent down to San Antonio, it omitted this material clause:

If it shall be found that foundations of a greater depth than three feet are required the said Ed. Braden & Co. shall be paid therefor extra, at the rate of one cent per cubic foot for all such excavations, and $3.50 per perch extra for all such masonry in excess of the average depth of three feet.

That clause was omitted by accident, I suppose; at all events, it was omitted. Braden and Angus both swear that when the formal contract was presented, having full faith in the telegraphic order of the Quartermaster-General that the formal contract would in no material degree vary from the informal contract, they signed this contract without reading it, whereby they claim it was signed through a mistake as to the omission of that clause. The officer in charge, Captain Davis, whose report is very full, shows the amount of work which they did below three feet, which was their bid and their accepted bid. The work below three feet I have calculated at one cent per cubic foot, 11,267 cubic feet making $112.67 for the excavation; and five hundred and forty-one perches of masonry at the stipulated rate would be $1,893.50; the two items making $2,006.17, which is the amount allowed on that item. That, in the opinion of the committee, is unquestionably right, because the informal contract was in strict accordance with the advertisement and in strict accordance with their bid, and the failure to insert this clause in the formal contract should not be taken advantage of by the Government. That is one of the items. I will state another item.

There were three distinct plots of grounds in San Antonio which had been bought by the city of San Antonio and tendered for this depot site. The chief quartermaster of the Department of Texas required the contractors to begin on a certain plot, No. 3, I think it was—at all events on a certain plot. They went on in accordance with orders and expended a considerable amount of money there, when the Quartermaster-General required them to change to another plot of ground, he not being satisfied with the plot upon which they were working. The item of eleven hundred and odd dollars is allowed to them for the change of situation which was made by the Government after they had proceeded to do that work.

So much for those two items. They made a claim for a change in the grade of lumber. That claim the committee believed was not sufficient, and they disallowed it.

Mr. CONKLING. What was the second item that the Senator said the committee allowed?

Mr. MAXEY. It was that there had been, as I stated, three plots of ground donated by the city of San Antonio, and the chief quartermaster directed the contractors to go to work on one of them; they did so, and expended a considerable amount of money and labor on that plot; but subsequently the Quartermaster-General here, not liking that location, directed a change to another plot, and they did as ordered. Of course the contractors ought not to suffer by reason of that change.

The principal item is for a better class of masonry than the contract required. The contract required them to build the work in what is designated in the contract as "first-class rubble masonry;" that was the expression used. I should like to refer to the testimony by the officer who had charge of the work, Captain George W. Davis; and I will say for him that, in my judgment, he is one of the most competent men for the task that I know, the same one who now has charge of the Washington Monument here. Captain Davis states that there is no technical meaning for the term "first-class rubble masonry;" that it takes in masonry of stone without being dressed at all, laid up, sometimes with mortar and sometimes without mortar. In this case the work had to be "first-class rubble masonry." He required the joints to be brought to a square; he required the stone to be scabbled as it is called, that is to say, it was to be brought to a plane without being polished or smoothed, and to be laid in mortar. The effect of this was that the character of the work which they were required to do was far beyond anything known among engineers as "first-class rubble masonry." This not being a term of art, the presumption of law, as the committee believe, would be that what was meant by "first-class rubble masonry" in the contract would be that character of first-class masonry known among the people of San Antonio at the time and place where and when the contract was made. Photographs of first-class rubble masonry in San Antonio were taken and compared with this work, and unquestionably, as is reported by every one who has looked at it, this work is far superior to any rubble masonry in the city of San Antonio. Captain Davis reports that; General Ord reports that. A board, consisting of one man selected by the Government, one by the contractors, and a third the leading master-builder of San Antonio, reported it to be far superior. Captain Davis says, on the item of superior masonry, that the difference in cost is fully $1 per perch. The contractors put it at $2 per perch. The board called to investigate this matter placed it at the middle figure, $1.50 per perch, and the committee believing the board to be right put it at that figure. That board was composed of very capable men: Captain Livermore, the chief engineer of the Department of Texas; John S. Mason, lieutenant-colonel Fourth Infantry; and J. H. Kampmann, the leading contractor in the city of San Antonio, composed that board. In approving the report of that board, General Ord says:

It was at my request that Captain Davis was appointed to supervise the building of the depot, and I know how carefully he has guarded the interests of the Government in connection therewith; in fact, he has, by reason of the good will of the contractors, and their desire to accommodate the Government, secured a much better style and quality of work than is found on any stone building ever erected in this town—perhaps the cheapest job of the sort ever done for the Government—and, according to the wording of the contract as to rubble work, better and much more expensive than the contract called for.

They were required to do that much more expensive work by Captain Davis in charge. The Government has not paid them for it. The contract did not require them to do it; and the committee believe, and I think with great propriety, that they should be allowed compensation for it.

Captain Davis gives a full account in his report of how the work was done. He says:

In conclusion, I would state that as the contractors have carried out the contract faithfully, (losing from $5,000 to $10,000 on the job,) having manifested a disposition at all times to acquiesce in all demands made upon them, even though these demands sometimes were thought unfair, and a compliance with them worked against their interests, they are entitled to as much consideration as can be legally and equitably shown.

Another item and the last is in respect of the cornice. The cornice was changed from the contract. The estimate which was placed on that change by the board called to examine it was $1,535. Of this amount $200 was allowed by the Government, leaving $1,335. It was insisted by the Quartermaster-General that that change was not an advantage to the building. Whether that was the case or not, the change was made under the suspervision and control and direction of the officer in charge. The work was done, the material was furnished, and these men ought to be paid for it. He who stands by and is silent when he should speak ought not to be heard when he should be silent.

These items, which have been very carefully investigated by the committee, grow, not out of a new contract, not out of extra compensation, but out of a contract as it was made and reduced to writing by the chief quartermaster of Texas and signed by the contractors on the 9th of June, 1876. These cover all the items. The report of the committee is sustained by copious extracts upon every point.

Mr. CONKLING. Mr. President, it seems to me that this bill is well calculated to remind the Senate of a very hazardous practice which I think is on the increase here, a practice under which nobody can foresee to which committee any particular measure will go. Here is a case exceptionally, peculiarly adapted to the Committee on Claims. It is a pure private claim, as I think of a somewhat unusual character. The claimants happen to reside in Texas, although the bill speaks of one of them as residing here being a partner of the other who resides in Texas. These buildings were to be constructed in the State of Texas; and I observe by the bill that the honorable Senator from Texas farthest from me [Mr. COKE] introduced it, and on his motion it was referred to the Committee on Military Affairs, of which it happens accidentally that the other Senator from Texas [Mr. MAXEY] is chairman. I do not suppose that the residence of these parties and of the two Senators determined the reference of this bill; and yet I speak of it with great frankness to show, as I think it does, that we should observe, as we have not lately observed, the rules of the Senate which carry a measure to one committee rather than to another.

I have affirmed that this case belonged to the Committee on Claims. To vindicate that assertion and also to allude as far as I shall to the merits of the proposition, I beg to call the attention of the Senate to two or three of its features.

In court this would be to reform a written contract; it would be a bill asking a decree affirming that something which the parties intended to embrace in the contract was omitted, and praying the court to decree that the meaning of a clause inserted in the contract was not the meaning upon which the minds of the parties met. Every lawyer who looks at it will see, I think, that that is the nature of this claim. The claimants allege that having signed a written contract, it did not truly express the agreement, and I find in the contract which they did sign these words:

That it is expressly agreed and stipulated between the parties to this contract that, upon mutual agreement, it may be changed, altered, modified, or abrogated, either in whole or in part; but no such change, alteration, modification, or abrogation shall entitle the said Ed. Braden & Co. to an increase of compensation over that herein specified, except the alteration or modification referred to in the last clause of article 1 of this agreement.

That clause refers to a power reserved by the United States "to make additions to the aforesaid described buildings" or alterations of a kind mentioned.

As I understand this agreement, then, in one of its clauses which it is not sought to reform, one at least of the very changes for which the bill proposes to make compensation, and, as I think, two of them were reserved to the party of one part. Upon that state of case, *ex parte* affidavits are presented in which the affiants were the parties themselves. It is possible there is some other affiant. I look at this report now for the first time, and I find the *ex parte* affidavits of the parties themselves pointing out what they allege to be the equitable merits of their claim and the hardship which came to them in executing this contract which they seek to have abrogated as it stands and for the purpose of their claim established in different form and different substance.

Now, Mr. President, if there can be a more illusory, uncertain mode of investigating a case of this sort than must occur when it is done upon *ex parte* affidavits, I can hardly think of it; and I should like to inquire of the Senator from Texas why this case should not go to the Court of Claims?

Mr. MAXEY. I am not aware of any reason why it should go to the Court of Claims. It is just like many other claims that are pre-

sented here in cases of disagreement between the Quartermaster-General and the contractors. Army cases of this kind have ordinarily, so far as has come under my observation, gone to the Committee on Military Affairs for action. I know of no reason why this should go to the Court of Claims.

Mr. CONKLING. I was not at the moment on the question of whether it should have gone to the Military Committee or not, as between that committee and the Committee on Claims; but as the Senator alludes to that, does he mean that it has been the custom of the Senate to refer to the Committee on Military Affairs private claims for damages or extra compensation to contractors in erecting depot buildings, shops, offices, commissary and quartermasters' storehouses. I think the Senator will hardly say that if he speaks only of that brief period covered by my service in the Senate, and I am confident that the late chairman of the Committee on Claims and the present chairman will bear me out in saying that such petitions go usually, if not always, to the Committee on Claims. But the question I put to the honorable Senator was this: Why should this case be tried before the Committee on Claims or the Committee on Military Affairs in this way? Why should it not be tried as it would between any other two contracting parties? In short, why should it not go to the Court of Claims where both sides can be heard? I do not know but that there may be some statutory difficulty in the way or something which does not occur to me, and therefore I ask the honorable Senator for information on that point. Unless there be something in the way I think I shall venture to submit a motion myself that this be referred to the Court of Claims; but if there be something in the statute which does not occur to me removing it from the customary jurisdiction of the Court of Claims, of course that might change it.

It is quite impossible, Mr. President, for me to understand in detail the merits of this matter; and I beg to assure the Senator from Texas that I intend to express no opinion about them. It would be presumptuous for me to do it; indeed I might say that it would be I think quite impossible for any committee, however intelligently constituted, to understand, upon the papers which are annexed to this report, in the sense in which a court of justice ought to understand, or in the sense in which private contesting parties would insist upon its being understood, the length and breadth of this controversy. I think, if it were to be passed upon here at all, it certainly should go as other such cases do, to the committee constituted for that purpose. But if it had been before the Committee on Claims, I should say that a bill to reform a contract, to reconstruct it, and then to allow equitable compensation for what under the reformed contract would not as I understand it be due, would be an appeal to congressional discretion which certainly ought not to be listened to if another tribunal can be found in which the decision should be vested; and I shall move at the proper time, if that is not disagreeable to the honorable Senator from Texas, that this claim be submitted to the Court of Claims, in order not only that these parties, but that the representatives of the Government may be heard before a tribunal adapted for such a case.

Mr. MAXEY. Mr. President, first, I am not, as the Senator from New York is under the impression I am, chairman of the Committee on Military Affairs. Second, the bill was introduced by my colleague on his own account, and without my knowledge; and the reference was requested by him to be made to the Committee on Military Affairs of his own motion, and the Senate ordered the case before the Committee on Military Affairs. Third, the case fell to me in the ordinary administration of the business of the Committee on Military Affairs without my asking for it. It simply happened to fall in my charge in the distribution of work made by the chairman of that committee.

I have thus answered those points. I presume the Senate thought, certainly the Committee on Military Affairs thought, that it was properly before that committee, because it was an Army claim. All the evidences in respect to it were to be found in the Department with which that committee had to do, and nowhere else, and the case was tried mainly, as will be seen, first, upon the official report made by Captain Davis, the officer in charge, to the Quartermaster-General of the United States Army; second, upon the report of the board called for the purpose of arbitrating this matter by the commanding general of the Department of Texas; and, third, upon the approval of the work of that board by the commanding general of the Department of Texas, in which that officer approved of this claim. I will state that every item which is here allowed was allowed by the board of officers, one of whom was selected by the commanding general of the Department of Texas, a Government captain of engineers, one selected by the parties, and the third selected by mutual agreement, and himself an officer of the United States Army. Thus the evidence here is, first, the evidence of the officer placed in charge of the work; second, the evidence of the board that went personally and examined that work; and, third, the evidence of the commanding general of the Department of Texas, whose headquarters are where this work was done, and who himself states that—

It was at my request that Captain Davis was appointed to supervise the building of the depot—

He was appointed by the Quartermaster-General, not by these parties—

and I know how carefully he has guarded the interests of the Government in connection therewith; in fact, he has, by reason of the good will of the contractors, and their desire to accommodate the Government, secured a much better style and quality of work than is found on any stone building ever erected in this town—perhaps the cheapest job of the sort ever done for the Government—and, according to the wording of the contract as to rubble-work, better and much more expensive than the contract called for.

So that the testimony here is not *ex parte* statements; it is the official statements of those having charge of this work. The preliminary contract is in writing; the final contract is in writing; they are there to show for themselves, and they are not *ex parte*. They are signed on behalf of the United States, by the chief quartermaster of the Department of Texas, and by the contractors in their own right. I therefore do not see where the *ex parte* testimony comes in, save and except in the affidavits of the two contractors, one of whom General Meigs says resided in the District of Columbia at the time the contract was made. He indorses him, because he says if he is the responsible party close the contract. The other resides in the State of Texas; and an intimation appears to have been thrown out by the Senator from New York that because he resided in the State of Texas, therefore the Senator who reported the bill would be more inclined to look favorably upon him than if he resided elsewhere. I beg to say to that Senator——

Mr. CONKLING. I did not say that, if the honorable Senator will allow me.

Mr. MAXEY. I thought that was the intimation thrown out.

Mr. CONKLING. On the contrary I disclaimed that. I will state very frankly what I said and what I meant. I was arguing that we ought to observe the rules of the Senate in the distribution of business, and I said that one of the Senators from Texas introduced the bill in behalf of contractors living in Texas and gave it an unusual reference, as I thought, to the Committee on Military Affairs, of which it happened the other Senator from Texas was chairman, and thus we had presented an appearance which I disclaimed and which I thought it was desirable to avoid, owing to the coincidence of these facts, whereas if it had gone in the regular direction there would be no room for any such suggestion.

Mr. MAXEY. I have already stated that I am not chairman of that committee and never was.

Mr. CONKLING. Of which committee?

Mr. MAXEY. The Committee on Military Affairs.

Mr. CONKLING. The Senator reports the bill from that committee. I should have said "the organ of the committee." He is chairman as to this bill perhaps, the organ of the committee making this report.

Mr. MAXEY. I have already said that the reference was made to the Committee on Military Affairs without my knowledge, and the work fell to me in the due course of business, assigned to me as a great many other cases are. I will now further state that the idea did not occur to the Committee on Military Affairs that the reference was improperly made. The chairman of the Committee on Claims, who is about as guarded as any one I know, and about as faithful in the discharge of his duties as any one I know, happens to be also a member of the Committee on Military Affairs. No objection was made (and he was present) to the reference to the Committee on Military Affairs. Consequently there is nothing in that point.

Now, a word in regard to the proposed reference to the Court of Claims. I think if the Senator from New York will examine these official papers to which I have referred as the evidence he will see that there is nothing here which would require the light of the Court of Claims to come to this Senate. If the case were to go before the Court of Claims what could be done? The evidence which the contractors offer is from the Government officers, the official reports made by those Government officers. The officer in charge of the work, known by all who know him to be competent, now put in charge of the Washington Monument here, a faithful, conscientious officer, says that the contractors often thought he was too severe upon them. He himself reports, not these contractors but he himself reports that there is no artistic definition of the words "rubble masonry;" that that is not a term of art, and that he did require far better work than was required in the city of San Antonio, where this work was done, and that it is reasonable to suppose these contractors would assume that the style of work there would be that which would control the case; and when the photographs were submitted to the Quartermaster-General by Captain Davis, the officer in charge, the reply of the Quartermaster-General upon examining those photographs and comparing the work at the San Antonio depot with the work in the city of San Antonio, he said "the comparison might as well be made with jacals," which in the Mexican language is the lowest character of stick and mud building, "as with the bad masonry of partition walls of stores;" and Captain Davis replied to him, "I was not speaking of a cabin hut; I was comparing this work with structures of rubble masonry in the city of San Antonio." I hold that while the term is not a term of art, while "rubble masonry," as is said by the engineer in charge of the work, has different meanings, the term was well known in San Antonio, and hundreds of buildings are there built of rubble work, and the contractors had a right to assume that "the best rubble masonry" meant the character of "the best rubble masonry" when and where the contract was made; and the engineer officer reports that this is far better work than the best rubble masonry found in San Antonio, and their contract only called for rubble masonry; and the board which examined the work makes the same report, and General Ord makes the same report, the officer in charge of that department.

I may state here that I was in the city of San Antonio last fall and I examined all the public buildings connected with the Army at that place, which is the headquarters of the Department of Texas. I examined this work fully, thoroughly, and faithfully in the various rooms, in the top of the tower, everywhere, and my deliberate judgment is, just as General Ord expresses it, that it is the cheapest job of work ever done for the American Government. As the work was done according to their bid and according to the informal contract, and grew out of that and was accepted by the Government, it does seem to me in justice and fair dealing that the contractors should have their pay.

If it had been desired to refer this matter to the Committee on Claims, I will say to the Senator from New York it would have been a source of very great pleasure to me, because I spent day after day thoroughly searching out and conscientiously investigating this claim in order to arrive at what I believed to be the merits of the case. The full report, if the Senate will consider it, will show that the conclusion at which the Committee on Military Affairs arrived was a just and righteous conclusion.

Mr. McMILLAN. Has the Senator from Texas stated why this claim was not referred by the Committee on Military Affairs to the Court of Claims? Was there any reason appearing in the examination?

Mr. MAXEY. Because the Committee on Military Affairs saw nothing whatever which made any demand upon them to refer the case to the Court of Claims. The Court of Claims, as I understand it, is where there is a contest or some disagreement in regard to evidence, or some fact to be elicited by proof not accessible by the committee to its satisfaction.

Mr. McMILLAN. Was there not a dispute between the Government and these claimants as to the allowance of this claim?

Mr. MAXEY. The only disagreement between the Government and the claimants grows out of these written papers, and all the light which the Court of Claims could possibly throw on the case is thrown on the case by the memorandum contract, which is in writing, the final contract, which is in writing, the report of the officer in charge, which is in writing, the report of the board of arbitrators, which is in writing, and the approval thereof by the commander of the Department of Texas, which is also in writing. Hence the committee believed there was no necessity for referring it to the Court of Claims.

Mr. THURMAN. Before my friend sits down, will he answer me one question? I see, on looking over the report, that Captain Davis approved the claim, and that a board appointed by the Quartermaster-General of the War Department also made a favorable report. Now, I wish to know why the claim was not allowed by the Quartermaster-General.

Mr. MAXEY. The claim was presented to the Quartermaster-General, and because of his refusal the claim comes here.

Mr. THURMAN. There is another question I should like to ask my friend—whether there is any difficulty in prosecuting a suit against the United States in the Court of Claims on this contract?

Mr. MAXEY. The Senator from Ohio is much more familiar with that point than I am myself. The contract was closed on the 9th of June, 1876. It was made on the 7th of June verbally, and reduced to writing on the 9th of June.

Mr. COCKRELL. The Court of Claims has jurisdiction for six years.

Mr. McMILLAN. The jurisdiction of the Court of Claims is defined by section 1059 of the Revised Statutes. The first provision of that section enumerates:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

The statute limiting the time within which a claim may be prosecuted before that tribunal is contained in section 1069 of the Revised Statutes:

Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues.

With a certain proviso excepting certain cases. It has been the invariable practice of the Committee on Claims when a case referred to it appeared to be within the jurisdiction of the Court of Claims to report the case back to the Senate and ask that it be indefinitely postponed for that reason, and the party referred to the Court of Claims for his remedy. That has always seemed to be the only proper and the only safe way of disposing of these claims. Congress has provided a judicial tribunal in which all these matters may be examined by judicial process, and to take any case out of the jurisdiction of that court would be a precedent which would be very injurious in the practice of the Congress of the United States; it would be a precedent that it seems to me would lead to very injurious results.

There must be a dispute here between the Government and these claimants. The Quartermaster-General of the Army, representing the Government of the United States, has refused to allow the claim made here by these parties. The evidence submitted to the Quartermaster Department is that upon which the Committee on Military Affairs have acted. If it is so plain as to admit of no doubt, it would seem that the Quartermaster-General should have allowed the claim. The Government, therefore, must have some ground upon which it rests as a defense against the claim set up by these parties, and that issue should be tried by a court having jurisdiction of the claim where the parties can be heard, the proofs upon either side addressed to the court, and the matter passed to judgment regularly. The parties will then if they have a good claim be secure, and the judgment will be paid. But this is a precedent which I think we should not set. The matter it seems to me should be referred to the Court of Claims, and I certainly shall support the motion of the Senator from New York in that direction.

Mr. MAXEY. Mr. President, the Senator from Minnesota desires to know why this matter does not go to the Court of Claims and what is the cause of dispute, why the Quartermaster-General did not allow the claim. I endeavored in the plainest language that I knew how to use to show that in the informal contract or memorandum agreement in article 2, found on page 10 of the report, this agreement was made:

If it shall be found that foundations of a greater average depth than three feet are required, the said Ed. Braden & Co. shall be paid therefor extra, at the rate of one cent per cubic foot for all such excavation, and $3.50 per perch extra for all such masonry in excess of an average depth of three feet.

I have shown that in the Quartermaster-General's telegraphic dispatch, in which he asked the question whether Angus of the District of Columbia was the responsible contractor, he stated:

Enter at once into an informal contract, to be replaced on its arrival by a full contract drawn up here, which is merely fuller than the official printed contract and form, but in no essential manner varies from the printed specifications and plans.

I have shown that this clause as to excavation below three feet was left out of the formal contract. I have shown that it was in the informal contract. I have shown that the Quartermaster-General telegraphed that the formal contract would not vary essentially from the informal contract. By that omission these parties are deprived of one cent per cubic foot for every foot below three feet and are deprived of the three and a half dollars per perch for every perch below three feet; and the officer in charge says that their account for this work done below three feet is right. That is what the officer in charge of the work, Captain Davis, says, and that report is thoroughly conscientious in my judgment.

I have shown that both the informal and formal contract called only for "the best rubble masonry." I have shown that the expression "best rubble masonry" is not an expression of art; it has no technical meaning, it differs everywhere. I have shown that the work done is far better than "the best rubble masonry" known at the place where the contract was entered into at the time of that contract. I have shown it by the officer in charge of the work, placed there by the Government, and shown it by the commanding general of the Department of Texas, also placed there by the Government. I have shown it by the board of arbitrators who arbitrated this question. How, then, I ask, could any government claiming to do justice to its citizens refuse to pay them? The contract was made in good faith; the informal contract was reduced to writing, showing what the contractors were to get; and when this great, long, formal contract was presented, both of them swear, one that he was in charge of one hundred hands when it was presented to him, and he signed it without reading, not doubting that it was exactly as the informal contract, and the other that he was busy and signed it without reading. Both of them swear to this, and one of them is indorsed by the Quartermaster-General as a good man.

A careful computation of the committee, as well as of the officers, shows that these items are allowable under the contract, because I hold that the true and real contract is to be found in the proposals made by the Government, the acceptance by bid of those proposals, the execution of the bond in accordance with the terms of the bid, and the informal memorandum agreement which was made, and which the Quartermaster-General should not have varied by the formal contract; and this would be, if it were in a court of chancery, a bill to reform the writing.

Now there is no need for the case to go to the Court of Claims unless the court could throw before us some light that we have not got, for that is the only object. I have given the testimony of Government officers, and it is for us in my judgment to do justice. Here the officer in charge of the work says the contractors lost from five to ten thousand dollars after they had been required by him to do what they did not believe they were required by the contract to do. General Ord says it is the best rubble masonry by far in the city of San Antonio and the cheapest Government work, he believes, in the country, and I have not a doubt that that is literally true, because Captain Davis is one of the most careful controllers of public work there is in this Government. If, then, the Senate can from the documentary evidence which is introduced here satisfy themselves of the justice of this claim, it does seem to me that we have the power to do justice to a citizen who has faithfully performed his work, as shown by the report of the officer in charge of the work, and who has done that work at a heavy loss. If he has shown that under his contract he is entitled to relief, I think he clearly ought to receive it from Congress.

Mr. CONKLING. Mr. President, I offer an amendment to strike out all after the enacting clause and insert:

That the claim of Edward Braden and J. W. Angus for extra compensation for the construction of the supply building and shops at San Antonio, Texas, be referred to the Court of Claims, to be heard and determined according to law and justice.

The Senator from Texas says very properly that all he wants is justice for these contractors. Certainly that they should have, and I hope therefore the Senator from Texas will find no objection to the amendment which I have offered. The Senator from Minnesota [Mr. McMILLAN] has already reminded the Senate of the fact that the statute as it stands contemplates this very case, because it clothes the Court of Claims with jurisdiction in all cases of contract express or implied, and directs that all resolutions with the accompanying document relating to matters of this sort shall be transmitted by the Secretary of the Senate and by the Clerk of the House of Representatives to the Court of Claims. The statute of limitations does not stand in the way; it is six years. May, 1876, was the date of this transaction. May, 1882, would be the time when the statute of limitations would lay hold of it; but if that were otherwise this amendment that I offer would carry jurisdiction, despite the lapse of time, to the court. The statute as it stands directs, as I have already said, the transmission of all papers; so that this seems to be the very case and this the complete proceeding which will insure justice to the claimants.

Mr. MAXEY. I trust that the amendment offered by the Senator from New York will not be adopted. The merits and nature and character of the case are fully in possession of the Senate, and there is no reason, in my judgment, why it should be referred to the court.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New York.

The question being put, there were on a division—ayes 17, noes 12; no quorum voting.

Mr. CONKLING called for the yeas and nays, and they were ordered.

Mr. CONKLING. Before the Secretary calls the roll, I feel minded to make one remark about this amendment in the hope of attracting the attention of Senators who may not have regarded it before.

Here is a private claim by two contractors alleging that the contract which they admit they signed did not express the contract they made, and then asking that a departure shall be adjudged by the Senate from the contract they did make in order to pay them extra compensation. This amendment proposes that the papers, all of them which the committee had, and the evidence shall be carried down to that tribunal constituted on purpose to adjudge such cases. The honorable Senator from Texas says that his constituents, the claimants, want only justice, that he wants only justice for them, and yet he divides the Senate in resisting this amendment.

Mr. MAXEY. Mr. President, I have only to ask in reply what light can the Court of Claims throw on this case? Here is the informal contract in writing, here is the telegram from the Quartermaster-General, saying in terms that the formal contract shall not materially vary from that, and here is the formal contract itself, and the parties show why they had overlooked that clause of it which did vary the informal contract.

Mr. CONKLING. To that, Mr. President, I make two answers. First what can the Court of Claims do, or what shall it do in any case, if not in this? If there is any reason for it stated by the Senator from Texas, it is that this case is so plain that, although matter of fact, it is not a question of fact because it is palpable and fixed. If that be so, I say in the second place it does not lie in the mouth of these claimants to object to a submission to a court which without the delay of taking testimony, but on a case made up, has nothing to do but to adjudicate it.

Mr. MAXEY. I desire to say simply in reply, that these claimants, like all others who have expended their labor and money, have a right to speedy justice. We have the power to grant it. If the Senate believes that justice can be done here, then these claimants ought not to be delayed one hour in getting their money.

Mr. COCKRELL. Mr. President, in the case of John C. Comfort, which was before the Committee on Claims, Senate bill No. 417, an adverse report was submitted on the 7th of January, 1880, which was made by me to the Committee on Claims. I quote the law in regard to the jurisdiction of the Court of Claims.

The law provides, section 1059, Revised Statutes United States:

> The Court of Claims shall have jurisdiction to hear and determine the following matters:
>
> First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

Now, this is the section to which I desire to call the special attention of the Senate.

> SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.
>
> SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues.

That was clearly the expression of the view of Congress, that all these claims should upon their presentation to the Senate or the House go, unless the Senate or the House should order otherwise, to the Court of Claims. I presume that the order of reference as usually made would be considered such an order as would prevent the Secretary of the Senate and the Clerk of the House from transmitting these claims directly to the Court of Claims; but it was certainly the intention of Congress when this law was passed in 1868 that no private claim should be passed upon in Congress. The Comfort case is a case of a contract for building cemetery walls in various States, and the committee reported adversely because the Court of Claims had jurisdiction.

Mr. McMILLAN. I think the Senator may proceed further and state whether that has not been the invariable practice of the Committee on Claims in cases of that kind.

Mr. COCKRELL. The Senator from Minnesota was chairman of the committee longer than I have been. My recollection is that that has been the general rule of the committee, and I can speak for myself unequivocally that it has been the rule in all cases which have been referred to me as a sub-committee.

Mr. MAXEY. The statute reads "unless otherwise ordered." Whenever the Senate is satisfied with the evidence, there is no need for the reference. I do not know how it is with the Committee on Claims, but we have claims of a private nature reported against the Government almost every day by that committee. This is just such a claim as is customarily settled by the Senate.

Mr. EDMUNDS. I should like to say a word. According to the statement of the Senator from Texas it would seem that some part of this claim at least rests upon solid foundations of legal justice and that these gentlemen are not insisting upon being paid what they were not entitled to be paid by the stipulations of the Government. That is his statement. I have not had time to go through with the facts, but according to the facts as he states them, it would seem to be so; and yet having responsible and respectable officers of the Government whose duty it would be under these contracts and arrangements to pay these gentlemen, we find that these officers do not pay them. There is therefore some kind of a controversy. By "controversy" I do not mean a personal dispute or quarrel, but I mean simply that there is a difference of opinion between the officers whom the law has employed upon one side and the gentlemen who did this work upon the other.

Now, it does seem to me true that the law has provided for a tribunal in which both parties can be patiently heard upon the evidence much better than we can hear them, and which can settle exactly what ought to be done in such a case. So far as I can see, there is no want of jurisdiction in the Court of Claims over this case at all. The statute of limitations has not run. It is one of the very class of cases that the act creating the court was designed to have them try, because it was supposed they could do it better than we could do it with the press of affairs and so numerous a body as we are. I should hope, therefore, that there would be no objection on the part of my honorable friend from Texas to taking the ordinary course which the chairman of the Committee on Claims says that committee always requires to be done in a case where there is no obstacle to the administration of justice in the Court of Claims.

Mr. GARLAND. Mr. President, I am not prepared to give my views on the merits of the bill which has been explained by the Senator from Texas, but I will make a few remarks upon the propriety of referring this matter to the Court of Claims.

It is true, as has been suggested by several Senators, and as stated by the Senator from Texas, that this claim does arise upon a contract and therefore *prima facie* under the law establishing the Court of Claims it would go to that court. But the Senate will bear in mind that the Court of Claims is purely a statutory court; and when the law of 1855 was passed organizing the court and giving it jurisdiction of matters of contract against the United States, it did not say that Congress should not pass upon those matters separately if they saw proper; it did not say moreover that Congress should not repeal that act in whole or *pro tanto;* it did not say that Congress should not take from the court, at any time it saw proper, jurisdiction in one case or in many cases. The whole matter, in other words, is in the hands of Congress. Here comes a case that has been introduced in the Senate and referred to a committee; and section 1060 has been complied with because it has been "otherwise ordered" by the Senate in which the bill has been introduced by a resolution of reference to the Committee on Military Affairs. It might have properly been referred to the Committee on Claims. The line of demarkation as regards the matter of reference of particular claims or of particular bills and petitions and memorials sometimes is very dim and very shadowy. In this case I conceive that either the Military Committee or the Committee on Claims could well take jurisdiction of it.

The Senate has already referred it to the Committee on Military Affairs. To that extent it has repealed the law organizing the Court of Claims, which it had a right to do, and which it always has a right to do, and which it has done repeatedly. As it gave the jurisdiction it can take it away, whether for one purpose or for many purposes. It says as to this particular claim, notwithstanding the original act giving jurisdiction to the Court of Claims, and notwithstanding section 1060, we are competent to examine the matter for ourselves, and we propose to do it through the Committee on Military Affairs. It is a mistake I think that Senators commit when they say that this matter must necessarily go to the Court of Claims. It must go there necessarily if Congress does not otherwise determine. The Senate in which the bill originated had determined that it should go to its committee; the committee has reported; the question now is, is the Sen-

ate or is Congress competent to deal with it? We have in our hands the report of the Senator from Texas representing the committee, in which he states all the testimony, all the facts, everything connected with the claim coming through governmental sources. All this is before the Senate. Is the Senate competent to deal with the question? If it is, the reference to the Court of Claims is unnecessary, and is a piece of supererogation.

Mr. EATON. One word, Mr. President. I hardly think my honorable friend from Arkansas will insist that the mere sending of a petition to a committee when not a single member of the Senate knows anything with regard to the subject-matter of that petition is a repeal so far of a law of Congress; and therefore, while having perfect confidence in the Committee on Military Affairs, perfect confidence in their integrity, as I have in the integrity of every other committee of this Senate, I am disposed myself to let this case go where it belongs, to the Court of Claims.

The Secretary proceeded to call the roll on the amendment of Mr. CONKLING.

Mr. PLATT, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were present, I should vote "yea;" and he, if present, would vote "nay."

Mr. ROLLINS, (when his name was called.) I am paired on political questions with the Senator from North Carolina, [Mr. VANCE.] This is not a political question and I vote "yea," but I will withdraw my vote if it is desired.

The roll-call was concluded.

Mr. GARLAND. I wish to state that the Senator from Illinois [Mr. DAVIS] and my colleague [Mr. WALKER] are both detained at their rooms on account of indisposition.

Mr. BUTLER. I beg leave to state that my colleague [Mr. HAMPTON] is paired on all political questions, being detained at his home by sickness. That accounts for his absence.

Mr. BURNSIDE, (who had voted in the affirmative.) I voted to instruct the Senator from Texas to report the bill. I change my vote, and vote "nay."

The result was announced—yeas 31, nays 22; as follows:

YEAS—31.

Anthony,	Davis of W. Va.,	Hoar,	Rollins,
Bailey,	Dawes,	Ingalls,	Saulsbury,
Baldwin,	Eaton,	Kernan,	Saunders,
Blair,	Edmunds,	Kirkwood,	Sharon,
Booth,	Ferry,	McDonald,	Slater,
Cameron of Wis.,	Hamlin,	McMillan,	Teller,
Cockrell,	Hereford,	Morrill,	Windom.
Conkling,	Hill of Georgia,	Paddock,	

NAYS—22.

Beck,	Garland,	Maxey,	Voorhees,
Burnside,	Groome,	Morgan,	Wallace,
Butler,	Harris,	Plumb,	Whyte,
Call,	Johnston,	Pryor,	Williams.
Coke,	Jonas,	Randolph,	
Farley,	Logan,	Vest,	

ABSENT—23.

Allison,	Davis of Illinois,	Jones of Nevada,	Ransom,
Bayard,	Gordon,	Kellogg,	Thurman,
Blaine,	Grover,	Lamar,	Vance,
Bruce,	Hampton,	McPherson,	Walker,
Cameron of Pa.,	Hill of Colorado,	Pendleton,	Withers.
Carpenter,	Jones of Florida,	Platt,	

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY WARRANT LAND LOCATIONS.

Mr. MCDONALD. I wish to call attention to Senate bill No. 19, which I gave notice some days ago that I would move to take up to-day.

The VICE-PRESIDENT. The Senator from Indiana, pursuant to notice heretofore given by him, asks the Senate now to consider the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

Mr. MCDONALD. The Senator from Vermont [Mr. EDMUNDS] desires that this bill shall stand over for still another day, saying that he is engaged in an examination of the statutes referred to in the bill. It embraces a good many statutes, and involves very important questions to quite a number of States. I am perfectly willing to accommodate the Senator from Vermont or any other Senator in regard to a matter of this kind, but I should like to have it understood that the bill shall be taken up on Monday next.

The VICE-PRESIDENT. Is there objection that this bill be considered on Monday next after the morning hour?

Mr. MCDONALD. I will state that the Senator from Ohio, the chairman of the Committee on the Judiciary, gave notice that he would move to take up the Geneva award bill on Monday; but I understand from him that he is willing that it shall be laid aside after the Senator from Illinois [Mr. DAVIS] has made his remarks upon it. I have no objection to that. Let this bill be considered on Monday next without conflicting with that, the understanding being that after the Senator from Illinois has addressed the Senate, this bill shall then be taken up for consideration.

The VICE-PRESIDENT. The Chair hears no objection to that suggestion; and that will be the order.

Mr. PADDOCK. I did not understand the order in reference to the first bill mentioned by the Senator which had the right of way to-day. Was it for disposition on Monday next?

Mr. MCDONALD. On Monday next.

Mr. PADDOCK. There will be no further postponement thereafter, I hope.

Mr. MCDONALD. After the morning hour on Monday without any further delay, at the conclusion of the remarks of the Senator from Illinois on the Geneva award bill.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3336) to prescribe the time of service of jurors was read twice by its title, and referred to the Committee on the Judiciary.

The joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac was read twice by its title, and referred to the Committee on Printing.

EULOGIES ON THE LATE SENATOR CHANDLER.

Mr. WHYTE. I am instructed by the Committee on Printing to report favorably the resolution I send to the Chair, with an amendment, and ask for its immediate consideration.

The Chief Clerk read the following concurrent resolution, submitted by Mr. FERRY on the 2d instant:

Resolved by the Senate, (the House of Representatives concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler be printed; 8,000 for the use of the House of Representatives and 4,000 for the use of the Senate; and the Secretary of the Treasury have printed the portrait of Mr. Chandler to accompany the same.

The amendment of the Committee on Printing was, to add:

And for the purpose of defraying the expense of procuring the said portrait the sum of $500 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Maryland to the fact that this should be a joint resolution, as it appropriates money.

Mr. WHYTE. I thought it was a joint resolution.

The VICE-PRESIDENT. It will be amended in that respect.

The joint resolution (S. R. No. 75) to print the eulogies in the two Houses of Congress upon the late Zachariah Chandler was read three times, and passed.

PUBLIC BUILDING AT DANVILLE, VIRGINIA.

Mr. JOHNSTON. I move that the Senate proceed to the consideration of House bill No. 325.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 325) for the erection of a public building at Danville, Virginia.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, after the word "exceeding," in line 7, to strike out "sixty" and insert "seventy," and after the word "dollars," in line 8, to insert:

To be expended under the direction of the Secretary of the Treasury, who shall procure the site and cause proper plans and estimates to be made so that no expenditure shall be made or authorized for the full completion of said building beyond the sum hereby appropriated, on a site at least sixty feet removed from any other building.

So as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed at Danville, Virginia, a building for the accommodation of the circuit and district courts of the United States, the post-office, and internal-revenue officers, at a cost not exceeding $70,000, to be expended under the direction of the Secretary of the Treasury, &c.

Mr. JOHNSTON. I am authorized by the committee to offer some amendments to their amendment. In line 12 I move to strike out the words "on a site" and insert "the building shall be," and in line 13 to strike out "sixty" and insert "forty;" so as to read:

And the building shall be at least forty feet removed from any other building.

The amendments to the amendment were agreed to.

The amendment, as amended, was agreed to.

The next amendment was, after the word "the," in line 15, to strike out "land and building" and insert "site;" so as to read:

Provided, That no money shall be used or applied for the purpose mentioned until a valid title for the site shall be vested in the United States, and until the State of Virginia shall cede to the General Government jurisdiction over the property, and exempt the same from taxation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONVERSION OF GOLD BANKS.

Mr. BAYARD. I ask the Senate to proceed to the consideration of the bill (S. No. 857) authorizing the conversion of national gold banks.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The amendments were, in line 4, after the word "of," to strike out "section 5185 of the Revised Statutes" and insert "the laws;" in line 5, after the word "manner," to insert "and subject to the provisions;" in line 7, after the words "fifty-one hundred and fifty-four," to insert "of the Revised Statutes of the United States;" in line 9, after the word "State," to insert "cease to be gold banks and;" in line 11, after the word "and," to strike out "fifty-three" and insert "thirty-three;" in line 14, after the word "are," to insert "by law;" and at the end of the bill to add:

Provided, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank.

The amendments were agreed to.

Mr. CONKLING. Now, let us hear the bill read as it stands with all these amendments.

The VICE-PRESIDENT. The bill will be reported as amended.

The Chief Clerk read as follows:

That any national gold bank organized under the provisions of the laws of the United States may, in the manner and subject to the provisions prescribed by section 5154 of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section 5133, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations: *Provided*, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank.

Mr. GARLAND. Is there a report with the bill?

Mr. BAYARD. There is no written report.

Mr. CONKLING. What is the force of these words: "shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations?" What are "such associations,"—gold banks or the national banks?

Mr. BAYARD. The national banks, the associations into which these banks now propose to come.

Mr. CONKLING. So that the force of this is to apply the statutes touching the national banks to these banks?

Mr. BAYARD. Those are the banks here referred to, because these banks will pass out of existence when this bill is enacted.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours spent in executive session the doors were reopened, and (at four o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 4, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MRS. LIZZIE M. MITCHELL.

Mr. DAVIS, of Illinois, by unanimous consent, introduced a bill (H. R. No. 4220) granting a pension to Mrs. Lizzie M. Mitchell, widow of John Mitchell, late a captain in the United States Army; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

JOHN L. LINDAL.

Mr. BACHMAN, by unanimous consent, introduced a bill (H. R. No. 4221) granting a pension to John L. Lindal, late a private of Company C, Fiftieth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PENSIONERS.

Mr. BACHMAN also, by unanimous consent, introduced a bill (H. R. No. 4222) to amend "An act for the relief of certain pensioners;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. J. BLACKSTONE.

Mr. MCKINLEY, by unanimous consent, introduced a bill (H. R. No. 4223) for the relief of A. J. Blackstone, late a private soldier of the One hundred and twenty-third Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

BILLS AND RESOLUTIONS.

Mr. BOYD, by unanimous consent, from the Committee of Accounts, reported back the following resolution, on which he asked present action:

The Clerk read as follows:

Resolved, That the Doorkeeper be, and is hereby, instructed to arrange so many sets of bills and resolutions of the Senate and House of Representatives as the files in the document-rooms will furnish: *Provided*, That not exceeding ten sets shall be arranged for any session; and when so arranged the Public Printer is hereby authorized and directed to bind the same. Two sets shall be deposited in the document room and the balance in the library of the House of Representatives, and no person shall be allowed to take them therefrom. After executing this order the Doorkeeper is authorized to dispose of as waste paper all surplus bills and resolutions prior to the Forty-fifth Congress.

Mr. STEPHENS. That is the same resolution, I believe, which I introduced and had referred.

Mr. BOYD. It is.

Mr. STEPHENS. I think it is right and hope it will be adopted.

The resolution was adopted.

Mr. BOYD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHIPPEWA INDIANS IN WISCONSIN.

Mr. POUND, by unanimous consent, from the Committee on Indian Affairs, reported back a bill (H. R. No. 1139) for the relief of the Lac de Flambeau, Lac Court Oreille, and Bad River bands of Chippewa Indians in the State of Wisconsin, with amendments, and accompanied by a report; which were ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

IMPROVEMENT OF SAINT CROIX RIVER.

Mr. POUND also, by unanimous consent, submitted the following resolution; which was adopted:

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to this House all reports relating to the improvement of the Saint Croix River in the States of Wisconsin and Minnesota received by him from the local engineer in charge since the submission of his annual report and estimates.

GEORGE E. WARD.

Mr. MCCOOK, by unanimous consent, introduced a bill (H. R. No. 4224) to increase the pension of George E. Ward on account of total disability; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE C. RUST.

Mr. SIMONTON, by unanimous consent, introduced a bill (H. R. No. 4225) granting a pension to George C. Rust, of Weakley County, Tennessee, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

FRANCES FRASER.

Mr. VAN VOORHIS also, by unanimous consent, introduced a bill (H. R. No. 4226) granting a pension to Frances Fraser; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GENERAL JOHN H. MARTINDALE.

Mr. VAN VOORHIS also, by unanimous consent, introduced a joint resolution (H. R. No. 198) appointing General John H. Martindale as one of the managers of the National Home for Disabled Soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

SETTLERS ON PUBLIC LANDS.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 4227) for the relief of settlers on public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LOG SEIZURES IN LOUISIANA.

Mr. ACKLEN, by unanimous consent, submitted the following resolution:

Resolved, That the Committee on Commerce be, and they are hereby, authorized, by sub-committee, to examine the papers and testimony on file in the Department of the Interior and take such other testimony as they may deem advisable relative to the seizure of the steamer of Captain Horn, and of other property of citizens of Lake Charles, Louisiana, by an agent of that Department, and report back to this House.

Mr. ACKLEN. I ask that the resolution be adopted at this time, and I suppose there will be no objection to it.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. ACKLEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. BREWER. I demand the regular order of business.

The SPEAKER. The regular order being called for, the morning hour begins at twenty minutes past twelve o'clock, and the House resumes the consideration of the unfinished business of the morning hour, being the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of circuit courts of the United States, and regulating the removal of causes from State courts, and for other purposes, approved March 3, 1875, reported from the Committee on the Judiciary by the gentleman from Texas, [Mr. CULBERSON,] on which he is entitled to the floor.

Mr. CULBERSON. Mr. Speaker, I present this bill under instructions of the Committee on the Judiciary, and in doing so I desire to state that while in my opinion it does not present a full and adequate relief for the evils which have followed the legislation of Congress extending the jurisdiction of the circuit courts of the United States, it will, if it shall become a law, afford some relief, and as much perhaps as we may reasonably hope to secure under the circumstances which attend legislation in Congress at this time.

I propose as briefly as possible to call the attention of the House to the changes in existing law proposed by the bill under consideration.

The first amendment proposes to change the minimum jurisdiction of the circuit courts of the United States from $500 to $2,000, exclusive of costs and interest.

It will be remembered that the present minimum jurisdiction of the circuit courts was fixed at $500 by the act of 1789. It is believed in view of the unprecedented growth of business and the great increase of population since 1789 that $2,000 exclusive of interest and costs would not be too large. The present minimum was fixed when the population of the country did not exceed four millions, and when the business of the country as compared with present circumstances was undeveloped.

In almost all the States of the Union the circuit courts are crowded and overloaded with business. It is almost impossible in many of the States to accomplish an end to litigation in those courts. This condition of affairs is attributable mainly to the small amount at which the minimum jurisdiction is fixed, the enlarged subject-matter of jurisdiction, and the facility and ease by which causes may be removed from State to Federal courts.

The Supreme Court, with jurisdiction of appeals, with a minimum limit of $5,000, and a revisory jurisdiction of other causes, without regard to the sum or amount in controversy, is unable to dispose of the business which has accumulated upon its docket.

Mr. MANNING. I am told by the clerk of the Supreme Court that it has now eleven hundred and thirteen cases on its docket.

Mr. CULBERSON. It is true, Mr. Speaker, that the increase of the minimum jurisdiction of the circuit courts from five hundred to two thousand dollars, as proposed, would not operate to lessen the business of the Supreme Court over that class of cases where the minimum limit is fixed at $5,000, but it would diminish the business of the circuit courts by withdrawing from them cognizance of causes under $2,000, and consequently relieve the Supreme Court of that class of business which now finds its way into that court for revision.

How to relieve the courts of the vast accumulation of business, reduce the expenses of the judiciary, which have grown from a million to three millions of dollars, and promote the convenience of the people, has become a vexed question.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question?

Mr. CULBERSON. I prefer, Mr. Speaker, to make my statement without interruption.

My friend, Mr. MANNING, from Mississippi, has introduced a proposition to increase the number of judges of the Supreme Court from nine to twenty-one. His bill has been maturely considered and prepared with great care and ability. Should this measure become a law it would be necessary to follow it with another, increasing the number of circuits and circuit judges, until the expense of such enlarged judicial machinery would become intolerable.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question pertinent to the subject to which he is now directing the attention of the House?

Mr. CULBERSON. I decline to yield. There are various propositions pending in Congress to change the judiciary, but all of them, or nearly so, tend to enlarge the judicial system and greatly augment the expenses of that department of the Government.

The next amendment of the act of 1875 proposed by this bill is to insert before the clauses giving the court jurisdiction of controversies between citizens of different States, or between citizens of a State and foreign states, citizens or subjects, a provision requiring the matter in dispute to exceed the sum or value of $2,000, exclusive of costs and interest.

There are, it will be observed, provisions made for suits in the circuit courts of the United States in certain specified cases, on account of the subject-matter without regard to citizenship and on account of citizenship without regard to the subject-matter. Some doubts have been expressed as to the true construction of that clause of section 1 of the act of 1875, and the committee, in order to free the subject of all doubt, suggest that the minimum amount which controls the jurisdiction in such cases shall be inserted as stated.

If this amendment is agreed to, the circuit court cannot take original cognizance of a suit of a civil nature at law or in equity arising under the Constitution or the laws of the United States or treaties made by their authority, nor of such a suit between citizens of different States or citizens of a State and foreign States, citizens or subjects, unless the matter in dispute exceeds the sum or value of $2,000, exclusive of interest and costs. The United States can maintain a suit without regard to amount, and so where lands are claimed under grants of different States by citizens of the same State, the value of the land does not constitute an element of jurisdiction.

The next amendment provides that when a controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or defendant.

The next change proposed arises on that clause of the first section of the act of 1875 which reads as follows:

Nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon, if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange.

The law of 1789 on this subject reads as follows:

Nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made.

It will be seen, therefore, that the jurisdiction of the Federal courts has been largely extended by the act of 1875 in this respect.

Assignees of promissory notes and bills of exchange, foreign and domestic, have the right to sue in the Federal courts by virtue of this provision of the law, without regard to the original status of the parties to the instrument.

Under the act of 1789 an assignee of a note, and indeed of any chose in action, could not maintain a suit unless suit might have been prosecuted in the court if no assignment had been made. Only one exception was made, and that in cases of foreign bills of exchange.

We propose to strike out the exception as it exists in the act of 1875, and restore the exception as it existed in the act of 1789.

The enlargement of the jurisdiction of those courts by the exception contained in the act of 1875 has operated to increase largely the business of the circuit and Supreme Courts of the United States, and no subject of litigation has contributed more to swell and overload the dockets of the courts than the jurisdiction over negotiable instruments held by assignees. This supply of business should be cut off and the holders of such evidences of debt remitted to the courts of the States, which now have concurrent jurisdiction. I do not think, Mr. Speaker, that if Congress had been devising a method by which to block up business in the circuit courts, to increase the burdens and expenses of litigation and at the same time prepare an easy mode by which the gravest frauds could be practiced upon the jurisdiction of the courts, it could have adopted a more successful one.

We all agree that the expenses of litigation are much more onerous in the Federal than in the State courts. And this does not arise alone from the inconvenience to which litigants are subjected. The payee of a promissory note or of a bill of exchange may not desire to sue the maker in the courts of the State where both maker and payee reside. The contract is between citizen and citizen, and the courts of the domicile of both parties are open to adjust the dispute. It would be an easy effort on the part of the maker to make good his defense, if sued in the vicinity of his residence, where the contract was made and where he had a right to expect—in case a defense arose—to have the matter determined, but under the law as it now exists the payee can assign his chose in action to a citizen of another State, either for or without consideration, and by such assignment enable the assignee to sue the maker in a Federal court, oftentimes hundreds of miles from his home. Those of us who have had occasion to observe the operation of this statute have not failed to note the hardship and frequently the great injustice to persons who had meritorious defenses. Except the amount in controversy be large the expenses of a defense under such circumstances deter prudent litigants from incurring them, since it is a matter of total indifference as to what result may be attained as the expenses of a successful defense often exceed the amount demanded.

It may be said that the assignee of a note who resides in a different State from the maker should be allowed to sue in a Federal court, since the controversy is one between citizens of different States and such a case is provided for by another part of the bill. I reply that this exception ought to be maintained because it is by no means clear that Congress has authority to confer such jurisdiction upon the courts. It is a fact that no such jurisdiction had been conferred before 1875, and it may be said with reason to sustain it that the Constitution contemplated controversies arising between citizens of different States and not those which had arisen between citizens of the same State and afterward assigned.

However that may be, Mr. Speaker, and I do not propose to go into the question, if Congress possesses the power to confer such jurisdiction it ought not to exercise it. It opens the door too wide for fraud upon the jurisdiction of the court and presents too easy a method to overload the courts and oppress the people.

The committee think that the law ought to be restored as nearly as practicable to the act of 1879.

This concludes, Mr. Speaker, what I have to say upon the changes suggested by the committee to the first section of the act of 1875 as to the jurisdiction of the circuit courts.

I now have to call the attention of the House to the changes proposed in the law regulating the removal of causes from a State to a Federal court. The committee propose to strike out that part of section 2 of the act of 1875 which reads as follows:

SEC. 2. That any suit of a civil nature, at law or in equity, now pending or hereafter brought in any State court, when the matter in dispute, exclusive of costs, exceeds the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority, or in which the United States shall be plaintiff or petitioner, or when there shall be a controversy between citizens of different States, or a controversy between citi-

zens of the same State, claiming lands under different States, or a controversy between citizens of a State and foreign States, citizens or subjects, either party may remove said suit into the circuit court of the United States for the proper district.

And in lieu of it to insert into section 2 the following, as shown by the bill which is now under consideration:

SEC. 2. That any suit of a civil nature, either at law or in equity, of which the circuit courts of the United States are given original jurisdiction by the last preceding section, but which may be now pending, or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district.

It will be observed, Mr. Speaker, that the mischief intended to be remedied by the committee arises from the authority granted by the act of 1875 to either the plaintiff or defendant to remove the cause. It was the opinion of the committee, and I believe unanimous in that regard, that a plaintiff who having the right to sue in the Federal court shall have elected to bring his suit in a State court ought to be held to his election. It is often a great injustice to a defendant who has been sued in a State court to be compelled to abide the pleasure of a plaintiff who may remove the cause at any time and thus compel his adversary to employ different attorneys to represent him in a distant tribunal, and therefore the committee believe that the right to remove ought to be restricted to the defendant. It will be seen, however, that the act of 1867 is substantially retained in the bill of the committee. This act secures the right of removal to a plaintiff upon filing affidavit that he believes from prejudice or local influence he will not be able to obtain justice in such State court. Under all the circumstances which attend litigation now I believe it would be unwise to take away this right from a plaintiff, and trust it will be retained.

In this connection I desire to call attention to the amendment offered by me at the outset of my remarks. My amendment proposes as follows:

Strike out all from the word "follows," in line 47, down to the word "and" in line 54, and insert:

SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district whenever it is made to appear from the application of such defendant or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States or treaty made by their authority. And any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending or which may hereafter be brought in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein: *Provided*, Such defendant or defendants are non-residents of the State in which the suit is pending.

I think that this amendment ought to be adopted, and so much of the bill of the committee as is referred to in the amendment should be stricken out.

I submit that if the bill of the committee should become the law, any defendant will be authorized to remove a cause whether he is a resident or not of the State in which the suit is brought. I do not believe that the committee contemplated the scope to which that provision in its bill extends.

By reference to the provisions under discussion it will appear that in any suit of which the circuit court is given original jurisdiction by the bill which may be pending or hereafter brought in a State court may be removed to a Federal court "by the defendant or defendants." Suppose a citizen of Illinois sues a citizen of Texas in a State court in Texas, under the provision reported from the committee such a defendant is authorized to remove the cause. Now, the amendment which I propose obviates such results.

If the suit springs under the Constitution or the laws of the United States or treaties, &c., and is brought by the plaintiff in a State court he ought to be held to abide his election, for he might have brought his action in the circuit court of the United States. Now, a defendant in such a suit ought to be allowed to carry the case to a Federal court, provided he shall make it appear to the judges of the State court that his defense depends upon a right construction of some provision of the Constitution or a law of the United States or a treaty, &c. If his defense depends upon the application of general principles of law, and does not involve a construction of the Constitution or the laws of the United States or treaties made by their authority, he ought not to be allowed to remove the cause upon a technical allegation that his defense does so arise.

This provides for one class of cases, but the amendment I suggest goes further and provides that any other suit of which the circuit court is given jurisdiction may be removed by the defendant or defendants, provided they are non-residents of the State in which the suit is pending.

The next amendment of existing law made by the bill is as to the time when the application for removal must be made. The law now provides that the petition for the removal must be made "before or at the term at which said cause could be first tried, and before the trial thereof." This clause of the law has given rise to much discussion, and there is a difference of opinion among the judges as to its true construction. In order to free the subject from doubt and to fix a rule which may be easily understood and applied, the committee recommend that the petition for removal of the cause from a State to a Federal court may be filed "at any time before the defendant is required by the laws of the State or the rule of the State court in which such suit may be brought to answer or plead to the declaration or complaint of the plaintiff." This change will commend itself to all who have observed the application of the present rule.

The next change proposed in the law is a very important one.

The committee propose to add to section 3 of the act of 1875 the following:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, whether at common law or in equity, between a corporation created or organized by or under the laws of any State, and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States except in like cases in which such removal is authorized by the foregoing provisions in suits between citizens of the same State.

Mr. Speaker, I desire the Clerk to read the following extract from a late speech made by the Senator from Delaware, [Mr. BAYARD.]

The Clerk read as follows:

I do not shut my eyes, Mr. President, to the fact that the equal and wholesome distribution of property which it was hoped by the founders of our Government would be attained by the abolition of the rules of primogenture, of entailments, of perpetuities, and the division of intestate estates among daughters and sons alike, has been greatly defeated. And I am inclined to believe *the system of incorporation* which we have introduced into all branches of industrial pursuits will be found nearly equal to the effects of primogeniture and mortmain combined in its influence upon the aggregation of wealth into a single and never-dying grasp.

Mr. CULBERSON. The effect of the amendment is simply to place such corporations upon the same plane with citizens of a State in which they carry on their business. I, for one, believe that the time has arrived when Congress should intervene in every constitutional method to protect the people against "the never-dying grasp" of associated capital, and to place a check upon the greed, rapacity, and oppression by which corporations dominate the entire business of the country.

Mr. Speaker, inasmuch as the chairman of the committee proposes to address himself mainly to this provision, I shall omit any further observations upon it.

The final amendment proposed is embraced in the repealing clause. Besides repealing all laws in conflict with the provisions of the bill the committee recommend the repeal of section 640 of the Revised Statutes. Section 640 provides substantially that any suit commenced in any court other than a circuit court or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States or against any member thereof, as such member, for any alleged liability of such corporation or of such member as a member thereof may be removed for trial in the circuit for the district where such suit is pending upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution, or of any treaty or law of the United States.

I do not believe that Congress has any authority to create a corporation designed to operate within a State or States; but, waiving that question, when such power is exercised by Congress the corporation so created should not be invested with rights denied a citizen. Such a corporation is not a citizen of any State, and cannot be made so by an act of Congress, yet they have extraordinary rights secured to them by the section proposed to be repealed.

I do not propose to discuss these questions, but to suggest that at the utmost all a national corporation could demand of the Government rightfully, conceding the authority on the part of Congress to create it, would be the privilege to remove a cause from a State to a United States court whenever the defense of such a corporation depended upon a correct construction of some provision of the Constitution, treaty, or law of the United States.

The courts hold that under this section the corporation can remove a cause upon a verified petition, stating that it has a defense arising under or by virtue of the Constitution, treaty, or law of the United States. There is no inquiry allowed into the truth of the allegation, either in the State court when the application is made, or Federal court after the case is transferred. It seems to be the rule of the courts to hold that when a corporation is created by an act of Congress, and such corporation is sued in a State court, any defense it may have, however trivial or susceptible it may be of adjustment upon the application of general principles of law, arises under a law of the United States. Cases are being constantly removed under this section from the State to the circuit courts of the United States and determined either in such court or in the Supreme Court finally, when in fact no provision of the Constitution, treaty, or law of the United States is necessary to be construed or even referred to in the determination of the case.

The hardship and injustice of this privilege accorded to national corporations may be observed in the daily practice of the Union Pacific and Texas Pacific Railway companies under it. I refer particularly to my own State, in which the Texas and Pacific Railway Company is operating hundreds of miles of railway, and will soon span the entire State. Every suit commenced against the company by a citizen in the State courts within the cognizance of a Federal court by amounts is removed at once upon the affidavit of a lawyer or agent of the company, stating that the defense arises under a law of Congress. In nine cases out of ten so removed no plea or answer is ever

filed, except a general denial of the allegations of the plaintiff's petition; and in the trial of such causes—when tried at all—no question arises, or can arise, requiring a construction of the Constitution, treaty, or law of Congress. Why should a citizen be treated with such injustice by the law of the land? Why should a citizen be compelled to litigate a cause of action with a national corporation in a Federal court, often hundreds of miles away from his residence, when in fact no Federal element of jurisdiction enters into the controversy?

Persons who are poor and without the means to litigate with wealthy corporations are thus denied justice. They are unable to prosecute their causes, and, tired out with delays, surrender their claims for such pittance as may be offered in compromise. Besides all this, in my State at least, they have to run the peril of the arbitrary and imperious rulings of judges from whose decisions in three-fourths of the cases occurring there is no appeal.

If the amendment which I have offered to the second section should be adopted, no national corporation can complain at the repeal of section 640, because if such corporation has a meritorious defense springing or arising under the Constitution, or a treaty or a law of the United States, an ample method is provided by that amendment to remove the cause to a Federal court.

I have thus endeavored to explain the changes proposed to be made in existing law by the bill which is under consideration, and to give such reasons as occur to me for such changes.

It will be observed that the committee do not propose to interfere with causes arising under the civil-rights statutes or those relating to revenue and the elective franchise. Those, as well as criminal prosecutions, are left undisturbed.

I yield five minutes to my colleague, [Mr. WELLBORN.]

Mr. WELLBORN. Mr. Speaker, in the few minutes allowed me through the courtesy of my colleague, I want to make a hurried statement in support of so much of the last section of this bill as repeals section 640 of the Revised Statutes. While I fully indorse the whole bill and shall vote for it, I desire to speak particularly to the part indicated, because, occupying the same position as my colleague in reference to the practical administration of the law, I have been to some extent familiarized with its operation and results. These oppressive results have been for a number of years, and are to-day, keenly felt in my immediate section of country.

The provision which the bill under consideration proposes to repeal, as stated by the gentleman reporting this bill, is a substantial if not a liberal re-enactment of the act of July 27, 1868. It provides that any Federal corporation, any corporation other than a banking association, organized under the laws of the United States, against which suit has been brought in any court other than a circuit or district court of the United States, shall be allowed to remove such suit into the circuit court of the district in which the suit is pending, on filing its petition verified by oath, stating that the corporation has a defense arising under the Constitution or some law or treaty of the United States.

Now, Mr. Speaker, it is claimed that in every suit against a Federal corporation it necessarily has a defense arising under, because chartered by, a law of the United States, and therefore that all suits against these corporations are removable under this section 640. Nor is the claim unsupported by authority. As has already been indicated by my colleague, the Supreme Court of the United States as far back as 1824, through Chief-Justice Marshall, enunciated and applied the general principle that a Federal corporation could in no instance have a case for judicial cognizance which did not arise literally as well as substantially under the law of its creation. Fifty years later, in the eighth circuit, Judge Miller, construing this very law of 1868, sustained the right of removal upon this same general principle. Other eminent jurists, without undertaking to determine the question, pronounce it to be a close one. What authoritative construction the Supreme Court will ultimately place upon the law is of course a mere matter of conjecture.

So we are confronted with this state of things: a Federal corporation probably—not to use a stronger word—probably can remove at its option from a State court into a Federal court for trial any suit commenced against it in the former, no matter what may be the character of the litigation, no matter what may be the issues which it really presents for adjudication, and no matter whether or not any of those issues involve the construction of the Constitution or any law or treaty of the United States. This unrestricted right of removal, so convenient and valuable to these corporations, so onerous, so hurtful to the general public with whom they deal, constitutes one of the most striking anomalies, most flagrant solecisms in our whole judicial system, and was, as reference to the debates in the Senate of the Fortieth Congress will show, conceived in the interest of those corporations which under different titles of Pacific railroads have constructed and are now operating our lines of transcontinental railway.

Now, Mr. Speaker, when we consider the great length of these lines of road, the immense extent of territory they traverse, the innumerable thousands of people with whom they come in contact and have business relations, the widespread wrong and injustice of this law must become obvious to the commonest understanding. All causes of complaint, all grounds of defense, whether they in point of fact involve or not a construction of a law of the United States, can probably be removed into the Federal courts.

Let me illustrate. Has one of these companies entered upon the land and appropriated the timber or other property of a citizen living adjacent to its line, or has it undertaken the transportation of freight and failed to deliver it in accordance with the contract, or has it through badly constructed road-bed or defective machinery or negligence of employés inflicted injury upon the person of a passenger to whom it owed the duty of safe carriage, and has the injured party appealed to the local courts of his own State for indemnity or reparation, in either and all of these cases the corporation has but to file its petition for removal and the controversy is at once transferred to another forum, in many instances far remote from the scene of the injury and the homes of witnesses, where the increased cost of litigation and protracted delays ultimately but surely force upon the suffering and needy suitor an unwilling abandonment of his rights.

[Here the hammer fell.]

Mr. CULBERSON. I yield five minutes more to my colleague.

Mr. WELLBORN. Mr. Speaker, there is, indeed there can be, but one conclusion from these stated cases, and while they may be hypothetical yet they are such as are constantly occurring in practice.

I have witnessed them, and every gentleman on this floor from the State of Texas has witnessed personally the practical operation and the result of this law.

I submit, sir, from these cases, which I have presented for the purpose of argument, and which are drawn from actual experience, there can be but one conclusion on this subject, and that is that the practical administration of this law of 1868, which this bill proposes to repeal, is in many instances an absolute denial of justice, and a denial of justice of the most objectionable and odious character because in the interest of the wealthy and powerful corporations that need no such protective privileges, and to the manifest detriment and injury of those citizens whose limited circumstances appeal loudest for security and protection.

I simply desire to say, Mr. Speaker, in conclusion, that in presenting this contract between corporations so largely benefited by the act of 1868 and the citizen who is damaged by its operations I have no words of unmerited reproach, no noisy declamation to level against these corporations, with a view of playing upon real or imagined chords of popular prejudice. On the contrary, I fully recognize the large benefits their energies and labors have scattered throughout the land, and pay willing tribute to the good they have accomplished. It is right and truthful to do so. Their trunk lines have crossed and are still crossing our continent, bringing into rapid and close connection its widely separated oceans. The prosecution and completion of these great works have contributed largely to the advancement through and establishment within the bosom of the recently undeveloped but now mighty West of an enduring civilization, whose material productions will yet swell to incalculable proportions the volume of our country's commerce, and under whose continuing benefactions multiplied millions of this and coming ages will live and prosper. While truth and fairness freely allow the recognition and acknowledgment of these beneficent results, right and justice, with sterner emphasis, prohibit the perpetuation of all such vicious privileges as the one this bill proposes to abolish.

Mr. CULBERSON. Mr. Speaker, I propose to say, in conclusion, that this bill does not interfere with civil rights, nor does it propose to interfere in any manner with criminal prosecutions.

Mr. NEW. Nor with the elective franchise.

Mr. CULBERSON. Nor does it interfere with the elective franchise.

We have avoided these topics because we are satisfied in the temper which controls legislation here it would be impossible to modify or correct those statutes. We say, therefore, only that section 640 should be repealed, and that domestic corporations should be abridged in the rights they now claim, and that the minimum jurisdiction of the circuit courts should be raised from five hundred to two thousand dollars exclusive of costs and interest.

Mr. WILLITS. Mr. Speaker, in the main, I support this bill heartily. It has for its practical object the decrease of business in United States courts, the amount of business in those courts having for years been a crying evil to suitors.

Secondarily, there are amendments which affect the general judiciary system. Two radical amendments are proposed. The bill proposes to amend four sections of the act of March 3, 1875, which itself was an amendment of the act of 1789, the original judiciary act. The groundwork of our judiciary system to-day may be found in the act of the 24th of September, 1789. Subsequent acts have simply expanded that act under the clause of the Constitution by which persons may sue for their rights.

The two radical amendments are to be found in the first and in the last section. The first one is the clause changing the amount requisite for bringing suits in United States circuit courts from $500 to $2,000. The original jurisdiction of the circuit court therefore in private cases will be $2,000. Section 2 provides for removal of causes from State courts to United States circuit courts, under a similar limitation of $2,000.

The second radical amendment may be found at the bottom of page 6, and it is substantially as follows: That a corporation organized by a State, doing business in another State, shall, so far as the purposes of this act are concerned, be citizens of the State in which it is doing business.

Now, sir, I propose briefly to state the minor amendments and briefly to comment upon the two radical amendments to which I have just referred. The committee thought it advisable to increase the amount requisite for original jurisdiction in the United States court from five hundred to two thousand dollars, and the considerations presented to them are in substance as follows: Five hundred dollars has been the amount requisite ever since the act of 1789. It is the law to-day. Two thousand dollars is no more now in the commercial world in business transactions than $500 was in 1789.

Mr. BAKER. I would like to ask the gentleman a question if he will permit me to interrupt him at this point.

Mr. WILLITS. Certainly.

Mr. BAKER. And that is whether or not the same difficulty will not be experienced under the first section, fixing the jurisdiction at $2,000, that is now experienced with the jurisdiction fixed at $500, namely, that parties really having causes of action which do not amount to more than five or ten or twenty dollars, will allege that the amount in controversy is $500 or more, and thus get it into the Federal court, and the only remedy the defendant has is simply the claimant shall not recover anything in addition to the debt. I wish to inquire of the gentleman whether there ought not to be a remedy in that regard to prevent what I apprehend he has seen, as I have, is a most monstrous abuse of these courts, making them a drag-net for all sorts of litigation that the parties do not dare to bring suit upon at their homes where the parties live, and which they prefer rather to pay in order to prevent being drawn to a distant Federal court, whether the demand be right or wrong?

Mr. WILLITS. This bill does not propose to change the law in that regard. That subject was before the committee and discussed to a certain extent. Notwithstanding what the gentleman has said about the existing evil we do not find it such an existing evil as required a radical change of the law in that regard. There are isolated cases where that thing has been done, where the declaration as filed and the amount claimed governs. Nevertheless we find as a matter of fact as an evil that that is substantially obviated by the fact that they do not recover costs. In other words that it is not such a crying evil as demanded a change in the law, and we sought not to make any changes which we did not consider radical.

Mr. BAKER. If the gentleman will yield to me for a single moment, I desire to say I shall offer an amendment at the proper time to remedy the evil that I complain of. My own observation convinces me that this is practically an evil of the most atrocious character, that it is one of the greatest evils growing out of the jurisdiction of the Federal courts. It is within my own personal observation that multitudes of little claims not exceeding $20 have been instituted against constituents of mine, who rather than be dragged before the Federal courts, with all of the expense and annoyance attending it, have consented to their settlement.

Mr. WILLITS. Were the claims on contracts?

Mr. BAKER. Claims on ordinary contracts. I have in my mind's eye a case where more than a thousand citizens of Indiana were sued on contracts of twenty or twenty-five dollars they had entered into with a foreign mutual insurance company.

Mr. WILLITS. I admit that such cases have arisen, but it is of course for the consideration of this House as to whether it will amend this bill in that regard or not, but the Committee on the Judiciary did not feel warranted from the knowledge they had before them to change the law as has been suggested by the gentleman from Indiana.

As I was saying at the time I was interrupted by the gentleman from Indiana, $2,000 to-day is in fact no more than $500 was at the time this law of 1789 was enacted. The mere fact that we increase the amount from $500 to $2,000 may not of itself obviate the evasion suggested.

It is manifest that this very clause itself will prevent a large flow of cases to the United States courts, and necessarily they must be brought in the State courts, and in so far as they do that the courts of the United States will be relieved of the pressing business upon their calendars to-day.

This bill has made no essential change in the first section, so far as the question of jurisdiction is concerned, except to enlarge the amount from five hundred to two thousand dollars. Under this bill, as under the law of 1875, the United States may sue in the circuit courts for any sums. The United States is not limited to $2,000.

From the thirty-sixth to the thirty-ninth lines of the bill there is an amendment as follows:

And where the controversy is between citizens of different States, suits shall be brought only in the district of the residence of either the plaintiff or the defendant.

The rest of the section preceding that that I have read is substantially, except in regard, as I have stated, to the amount, the same as the law of 1875. From lines 39 to 43 a change or modification has been made by this bill. It restores actions in reference to assigned contracts to substantially the same status as was enacted in 1789, which will be found incorporated in the Revised Statutes of the United States, the first clause of section 629.

The laws of 1875 made this important change as an exception, as follows:

Nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of promissory notes negotiable by a law merchant or bills of exchange.

The words "promissory notes negotiable by law merchant" were added by that act.

The committee, after looking the ground all over, seeing the great evils that have arisen from the incorporation of this clause, recommend by this bill the striking of that out; so that the act will be substantially the act of 1789 in this regard.

ORDER OF BUSINESS.

Mr. ROBINSON. I make the point of order that the morning hour has expired.

The SPEAKER *pro tempore*, (Mr. TOWNSHEND, of Illinois.) The Chair sustains the point of order.

Mr. BLACKBURN rose.

Mr. MORTON. I ask the gentleman from Kentucky to yield to me for a motion that the House resolve itself into Committee of the Whole.

Mr. BLACKBURN. I yield to the gentleman to make that motion.

Mr. MORTON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

The SPEAKER *pro tempore*. It is only competent for the gentleman from New York to move that the House resolve itself into Committee of the Whole. If his motion is agreed to it will be for the Committee of the Whole to determine what bill shall be taken up for consideration.

Mr. CANNON, of Illinois. For what purpose does the gentleman desire the House to go into Committee of the Whole?

Mr. MORTON. To consider the joint resolution relating to the international fishery exhibition at Berlin.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLACKBURN in the chair.

The CHAIRMAN. Under the rule the bills upon the Calendar must be taken up and disposed of in their order. The Clerk will report the first bill.

Mr. GARFIELD. I ask unanimous consent that all bills standing upon the Calendar in advance of the measure indicated by the gentleman from New York shall be considered as having been passed over and that the Clerk shall report the measure indicated by the gentleman from New York.

Mr. CANNON, of Illinois. Let the measure be reported first. Until it is reported I reserve the right to object to the proposition of the gentleman from Ohio, [Mr. GARFIELD.]

The Clerk read the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] asks unanimous consent that the joint resolution which has been read shall now be considered. All prior business on the Calendar being passed over for that purpose. Is there objection?

Mr. CANNON, of Illinois. Is it proposed to consider the joint resolution now and dispose of it?

Mr. MORTON. That is what I ask. I think this will occupy the committee for only a very short period. I desire to make a very few remarks myself and a few remarks will also be submitted by the gentleman from Wisconsin [Mr. DEUSTER] who submitted the joint resolution.

Mr. CANNON, of Illinois. Is it proposed to go into general debate? If so, much time may be consumed.

Mr. MORTON. I think it will not take beyond thirty minutes, perhaps not over twenty minutes.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Ohio [Mr. GARFIELD] that by unanimous consent prior business on the Calendar be passed over?

Mr. WISE. I object.

The CHAIRMAN. Then the Clerk will have to report the bills as they stand on the Calendar.

The Clerk read the title of the first bill on the Calendar, as follows:

A bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation.

Mr. GARFIELD. I move that that bill be passed over.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

The Clerk read as follows:

A bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts.

Mr. MORTON. I move that that bill be passed over.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

The Clerk read the following resolution, reported by Mr. MURCH, from the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be, and are hereby, authorized and directed to inquire into all matters pertaining to the preparation and furnishing of all material for the construction of public buildings, and the manner of constructing the public buildings of the United States under the different systems adopted by the Government of the United States, and to report to this House, by bill or otherwise, what legislation is necessary to secure good

material and good and suitable work at fair and reasonable compensation to the mechanics and workmen employed on public works; and said committee are further instructed to inquire into all expenses pertaining to the erection of the public buildings of the United States, and to make all such further inquiries as they may deem proper. And said committee are authorized to send for persons and papers and to administer oaths. And said committee are further authorized to employ a stenographer at a fair compensation. And said committee are authorized to appoint a sub-committee of its own members for the purpose of pursuing these investigations; said committee, when appointed, to have all the powers conferred by this resolution. And said committee, or its sub-committee, may make their investigations either at the city of Washington or at any of the cities or other places where public buildings are being erected or material prepared, as they may deem proper. And said committee, or its sub-committee, may sit during the sessions or recesses of Congress. And the expenses attending the carrying out of these investigations shall be paid out of the contingent fund of the House of Representatives, not to exceed $5,000; and the Clerk of the House of Representatives is hereby authorized and directed to pay the same.

Mr. MORTON. I move that that be passed over.

Mr. MURCH. I object.

Mr. SPRINGER. It can be controlled by a majority vote.

Mr. GARFIELD. I desire to make a suggestion to the gentleman from New York, [Mr. MORTON.] It is perfectly manifest that a large majority—probably nine-tenths—of the members of this House are in favor of this measure, but if gentlemen object to laying aside prior business on the Calendar and make an objection in reference to each bill, I think this may as well be given up till Monday, when the gentleman from New York will have it in his power to move to suspend the rules. I dislike very much to see the measure delayed, but I am satisfied it would take two hours to reach it at this rate.

Mr. WILSON. I desire to say that this important subject has been considered by the Committee on Foreign Affairs, and the joint resolution is the unanimous report of that committee.

Mr. McMILLIN. Is debate in order?

The CHAIRMAN. This is only proceeding by unanimous consent.

Mr. MURCH. I withdraw the objection to pass over the resolution last reported.

Mr. SPRINGER. I ask unanimous consent that we proceed at once to the joint resolution which the gentleman from New York desires to reach.

Mr. STEELE. I object.

Mr. SPRINGER. I hope the gentleman from North Carolina will withdraw his objection.

Mr. STEELE. Indeed I will not.

Mr. SPRINGER. It is simply a useless consumption of time.

Mr. STEELE. I do not withdraw the objection, and it is useless for you to say a word.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

The Clerk read as follows:

A bill (H. R. No. 2265) to direct the Architect of the Capitol to move the bath-room, for the enlargement of the House restaurant.

Mr. MORTON. I move that that bill be passed over.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next business on the Calendar.

The Clerk read the following resolution, reported by Mr. MARTIN, of Delaware, from the Committee of Accounts:

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, until otherwise ordered by the House, in addition to the force in his office now authorized by law, one clerk at $1,800 per annum and one messenger at $1,600 per annum; said messenger to assist in preserving order on the floor of the House in the absence of the Sergeant-at-Arms, to serve subpœnas, and to perform such other duties as may be assigned to him; and the salaries herein ordered shall be paid monthly out of the contingent fund of the House.

Mr. MORTON. I move that that resolution be passed over.

The motion was agreed to.

The next business on the Calendar was the bill (H. R. No. 2268) to authorize the sale of certain property in the city of New York.

Mr. MORTON moved that the bill be laid aside.

The motion was agreed to.

The next business on the Calendar was the following resolution, submitted by Mr. RUSSELL, of Massachusetts.

Resolved, That the sub-committee of the Committee on Commerce, to whom has been referred the resolution of the House of Representatives adopted on the 4th instant on the subject of the commercial relations of the country, and who are authorized to inquire by what means our foreign trade may be best promoted and foreign markets opened to American products and manufactures, have leave to sit at such times and places as shall seem to them expedient during the recess of Congress, to administer oaths and take testimony, to employ a clerk and stenographer at a fair compensation; and for the purposes aforesaid the sum of $2,500 be, and is hereby, appropriated, to be paid out of the contingent fund of the House of Representatives, for the use of said committee, on the requisition of the chairman, whose receipt shall be a good and sufficient voucher therefor.

Mr. BLOUNT. In view of what is passing now it is evident that it is simply a question of the saving of time. I ask unanimous consent that the committee proceed immediately to the consideration of the joint resolution reported from the Committee on Foreign Affairs by the gentleman from New York, [Mr. MORTON.]

Mr. CANNON, of Illinois. I will consent to that if the gentleman will modify his proposition so that the joint resolution may be considered under the five-minute rule.

Mr. BLOUNT. I hope the gentleman from New York [Mr. MORTON] will agree to that.

Mr. MORTON. I will consent to that.

There was no objection, and it was so ordered.

INTERNATIONAL FISHERY EXHIBITION.

The committee accordingly proceeded to the consideration of the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880, introduced by Mr. DEUSTER and reported, with amendments, from the Committee on Foreign Affairs by Mr. MORTON.

Mr. MORTON. I ask that the joint resolution be read as proposed to be amended.

The Clerk read as follows:

Whereas all civilized nations take part in the international fishery exhibition to be held in the city of Berlin, Germany, in April, 1880, it is deemed both right and expedient that the prominent and effective action of the United States in the line of the artificial propagation of fish and the stocking of depleted fishing waters should be conspicuously and well exhibited on the occasion: Therefore,

Resolved, &c., That to enable the United States Commissioner of Fish and Fisheries to exhibit America in Berlin in April, 1880, a fair and full collection of the different specimens of American food-fishes, casts thereof, models of, and implements, &c., used in the prosecution of American fisheries, the sum of $20,000 is hereby appropriated, out of any moneys not otherwise appropriated in the Treasury of the United States, or so much thereof as may be necessary for the purpose, to be immediately available on the passage of this resolution.

SEC. 2. That the United States Commissioner of Fish and Fisheries be, and is hereby, authorized to represent the United States, either in person or by a deputy to be appointed by the President of the United States; and that, at his discretion, he may use any portion of the collections at present forming part of the National Museum in making up the proposed exhibition by the United States.

SEC. 3. That the United States Commissioner of Fish and Fisheries be, and is hereby, instructed to present to Congress through the Department of State a report upon the Berlin Exhibition, showing the recent progress and present condition of the fisheries and of fish culture in foreign countries.

Mr. MORTON. Mr. Chairman, at first glance a proposition to expend money on an international fishery exhibition at Berlin is likely to be viewed with indifference. This indifference to our fisheries and to these exhibitions has existed for years, and was never more manifest than now.

The production of fish is a source of national wealth, and in the early history of the world it was a preventive of famine and distress. Experience has shown that while it is a luxury of the rich it is preeminently the poor man's food. This is understood thoroughly in the countries where food production and cheap living are carried to the greatest perfection. It is estimated that about forty-five millions of Chinese subsist almost entirely on fish.

But it is not merely inland fisheries that are of importance to the poor. The sea fisheries are hardly less so. If properly developed, the price of fish would be so much lowered that the man who could not buy would be rare indeed, and so little capital is necessary for the business that there would be sufficient profit left to those who carried it on.

Other countries do not look upon fisheries as we do. One of these international exhibitions was held at Bergen, Norway, in 1865, at which the fish of all the great countries and many of the lesser ones were well represented. Insignificant Bavaria sent 69 contributions; Great Britain, 174; Sweden, 368; and Holland, 435. How many came from this country? One! Another exhibition was held in France in 1866, and our fish were not presented at all.

The French government has given so much material aid to this business of fish culture that nearly all her waste waters have been turned into nests for the propagation of fish. One of the earliest and most extensive establishments for the culture of fish is that erected by France at Huningen, which went into operation in 1852, and in six months had artificially fecundated three million eggs and produced 1,600,000 living fish.

It is only necessary to call the attention of the public to the subject for it to appear that there is not a State which is not interested in the matter.

Mr. Chairman, not many years ago the vast internal improvements of this country—the erection of mills, dams, and factories—threatened the extinction of the most valuable species of fish in our rivers. This calamity was prevented by the timely discovery of the art of propagating fish by artifical means, and at the same time the demand was greatly increased through the aid of railroads which have made transportation easy between remote points in a brief time.

In 1840-'50 salmon cost twenty times the price it commanded when we ceased to be colonies of Great Britain. The Connecticut River, which had been one of the most fertile fish streams in the world, became almost depleted. Few, however, understand the methods of replenishing our waters from which the most valuable species of fish have been banished. This result is due to a discovery made in Germany, and afterward in France, that fish can be propagated to almost any extent by artificial means. This simple fact has led to the creation of one of the most important industries of modern times. The nations of the world have derived incalculable benefit from this discovery, and we are now invited to join in an international comparison of the character of our fish and the methods of our fish culture. It is to this science to which I have referred, and which this resolution is designed to encourage and extend, that we owe the restocking of our waters; to this we owe the fact that millions of young shad were hatched at Holyoke, Massachusetts, and turned into the Connecticut River.

In view of the possibilities of our shores, our measureless streams, and our inland seas, we should lead all nations in the world in availing ourselves of every item of information on a subject of such importance to our people and their industries. The annual value of salmon alone in Ireland is now about $2,500,000, while in this country it

averages from thirty to forty cents a pound. The oyster-beds in Virginia alone cover an area of about seventeen hundred thousand acres, containing about eight hundred millions of bushels. The following are a few figures showing the comparative production and consumption of fish by the leading nations of the world:

Countries.	Annual product.	Annual consumption.
Norway	$13,600,000	$1,000,000
France	12,807,000	9,845,786
United States	8,898,000	8,777,000
Great Britain	7,803,800	9,429,000
Russia	5,745,000	8,659,000

The United States exported in 1874 about twenty-two hundred thousand dollars' worth.

It appears from this statement that in 1874 Norway and France, each smaller than some of our States, produced respectively one-third more fish than the United States. In 1862 the tonnage of American ships engaged in the sea-fisheries amounted to 204,197, in 1874 it had fallen to 78,290 tons.

In the report of the United States Fish Commissioner for 1877 there is a description of a fish of most excellent quality found on the American coast. It existed in great numbers, and yet was unknown to our fishermen—for the reason that they were not acquainted with the apparatus of European fishermen. This should teach us how important it is for us to be familiar with those improvements and methods which prevail in the Old World.

In the fish trade in 1865 Norway had a balance of trade in her favor of $12,588,975. Why was this? Because she resorted to fish production as it is proposed the United States should do. In this connection the United States Fish Commissioner again says:

> Norway is the only European nation that has a scientific commission occupied officially in the supervision of the fisheries, and in devising methods by which they may be carried on and extended with the least possible waste. To the labors and observation of such men as Dr. Boeck, Professor Sars, and others, is due much of the present efficiency of the Norwegian fisheries.

In 1867 we imported about as much fish as we exported. If we devoted sufficient energy to the business we could export one hundred times as much, and need import none at all.

I will leave the subject of fish culture with a single quotation from the Connecticut fisheries report for 1871. This is the substance:

> At the expense of a few hundred dollars shad were artificially hatched and returned to the Connecticut River by Seth Green, one of the pioneers of American fish culture. In three years, the time required for shad to mature, these fish had become more abundant in the river than they were before the white man began to fish them out.

Fish culture is in its infancy. Its resources are immeasurable. It may approximate and even rival agriculture in importance. Its development will give employment to large numbers of men and bring food within the means of the poor as well as of the rich. The propriety and utility of international exhibitions, where the representatives of our nation can learn the nature of the products of the others as well as show its own in a universal market, can no longer be questioned.

But, Mr. Chairman, there are direct advantages to be derived from this international conference. The naturalization in our waters of European fish is a subject that should receive careful attention, and by a comparison of views in this body of scientific men much may be learned as to the nature and kinds of foreign fish which thrive in our waters. In many of our States legislation has been effected establishing means for the protection and preservation of fish, and in many cases concurrent action has been taken among States bordering upon the same stream. What the States can do has therefore in some measure been done. It is the duty of the General Government to supplement their works by a representation at international exhibitions and conferences.

This international exhibition is conducted directly under the patronage of the German government by the German Fishery Association, a body consisting of prominent persons most eminent in fish culture and the fisheries. Almost every nation in the world having diplomatic relations with Germany has accepted the invitation, exceptionally complete exhibitions being promised by China, Japan, and Siam. The United States alone has given no response nor made arrangements to participate. As a matter of international comity it would seem eminently proper for the United States to take part. The fishery exhibit at Philadelphia in which the United States participated was the best and the most successful of all recent international displays. If the invitation of the German government is to be accepted no time is to be lost; even now a complete exhibition will only be practicable by the exercise of great effort.

Mr. Chairman, I now call attention to some of the results which have been achieved by the United States Fish Commission since its creation in 1872, in respect to which it is safe to assert that the United States is in advance of foreign nations in the methods and machinery of the fisheries; in the use of better equipped vessels, some steam and some under sail, a large fleet being now employed continually on the coast and off the coast; in the use of greatly improved means of taking fish, especially the replacing of the hook and line by means of labor-saving nets, and particularly by the purse-seine, by which a thousand barrels of fish are frequently taken at one haul, instead of depending upon the capture of the fish one at a time.

In catching mackerel the United States first used a line with a baited hook dragged along the surface of the water, the vessel being under sail. Sometimes the baited hook was sent below the surface, the vessel being either under gentle sail or anchored. Here only such fish were taken as happened to be in the vicinity of the vessel. Next, the vessel was anchored or hove to, and the mackerel brought up to the boat by means of a lure consisting of finely-chopped fish, thrown overboard, thus attracting the schools from a distance sometimes of several miles. Next, seines or nets of various forms of construction were introduced, and last of all the purse-seines for fishing in deep water were employed, which surrounded the fish and captured an entire school at one operation. The use of similar seines in connection with specially constructed steamers, in the capture of the moss bunker or menhaden and the conversion of the fish into valuable oil and manure in costly establishments, either floating or on shore, is peculiar to the United States.

Another peculiar American feature in the capture of sea fish is the use of the so-called dory, a boat from sixteen to twenty-two feet in length, and much lighter and more secure at sea and superior in every way to any boat used in Europe. Applications are being constantly received by the Commissioner for models, drawings, and descriptions of this boat.

The original methods of fish culture consisted in allowing the natural current of water, as that from a spring or hydrant, to pass through wooden troughs, having on the bottom a layer of gravel, among which the eggs were placed; this essentially represents to this day the inventive genius of Europe. The next mode was in anchoring the trawls in a river so as to get the natural flow of the water instead of depending upon springs or hydrants. This, as at first applied by Seth Green, rendered the hatching of shad practicable on a large scale.

Again, advancing on its own method of having the eggs in actual layers and trays, the United States devised the method of placing the eggs in large vessels of a conical shape, and allowing the water to come in at the bottom and flow over at the top, by which means enormous numbers can be hatched on a given area. Such is the apparatus used to a considerable extent by the United States at its salmon-hatching establishments in Maine and California. As the result, with a very small force of operatives, as many as fifteen millions of eggs have been treated in a single season on the Sacramento River hatchery—a product much more than that of all the salmon-hatching establishments, public and private, in Europe combined.

The funnel apparatus was next placed by the United States commission on floating scows, so that the water used in developing the eggs could be drawn directly from the subjacent river where they were anchored. With this was combined a form of buckets filled with eggs and plunged up and down in the water continually by means of steam power. The success of the method of the use of scows led to the construction of a large steamer especially fitted for this purpose and nearly ready for use, by which the amount of work of previous seasons can be increased many fold.

The efforts of Europe in the artificial propagation of fish have been confined chiefly to the treatment of different species of salmon, trout, and whitefish, and this by the rude methods first indicated—all breeding in fresh water. The United States Fish Commission first conceived the idea and made the experiments of artificial impregnation of and hatching the eggs of the various sea fishes, which require a totally different treatment from the eggs of fresh-water species, the latter sinking to the bottom of the water, while the former float on the surface. Experiments were prosecuted in the harbor of Gloucester in the hatching of eggs of the cod, during the winters of 1878–'79, which, after many failures, resulted in entire success. The steamer referred to is an essential factor in the work contemplated for the future, being capable of producing hundreds of millions of young fish in a single season.

The hatching of cod, mackerel, halibut, sea-herring, and indeed any of the fish of our coast, with the exception of the bluefish and menhaden, (which do not spawn at a time when they can be reached,) becomes perfectly practicable. Not only can the old off-shore and other grounds be increased in their productiveness, but new stations can be established. It is especially anticipated that productive cod fisheries can be developed as far south as the Chesapeake Bay or even Cape Hatteras, thus giving lucrative occupation to a large class of the community in the winter season, when the cod would be on the coast and when other fishing would be intermitted. The benefit to the people of the South in this increase of a supply of cheap fish-food during the winter will of course be readily appreciated. The fitful appearance and disappearance of mackerel on the American coast can also, in a great measure, be regulated.

It is hoped to transfer the general seat of the cod and of the mackerel fisheries from the distant banks and the Gulf of St. Lawrence to the coast of the United States, thus settling some very serious internation fishery questions, and making the American codfisheries especially similar to those of Norway, where twenty-five thousand men are employed for four months of the year in fishing in open boats, going out in the morning and returning at night.

The European nations, especially the Germans and Norwegians,

have been kept advised of the success of the United States Fish Commission in the hatching of various species of sea fishes, through the public papers, but no reports of the commission have appeared later than that for 1877; they are without the detailed information desired, most of the discoveries having been made in 1878 and 1879.

European nations are aware that all the more recent improvements in the hatching of fish, both fresh-water and marine, have been developed by the United States Commission, and especially by Mr. T. B. Ferguson, the assistant commissioner. The agents of the North German Lloyd's have offered to carry the exhibits of the United States at half rates, and have asked permission of the director of the company in Bremen to take them free of any expense whatever.

These results show the advantages which have already accrued from the action of Congress in enabling this country to profit by the discoveries and experiences of European nations in the culture of fish.

I wish to express my thanks to Professor Baird, the distinguished scientist, for valuable information as to the work which has been accomplished by the United States Fish Commission, of which he has been the head since its creation in 1872.

I cannot close my remarks, Mr. Chairman, without expressing the opinion that the country owes a debt of gratitude, the magnitude of which may not be appreciated to-day, to my distinguished friend, the gentleman from Maine, [Mr. FRYE,] who in 1872 introduced the bill providing for the creation of the United States Fish Commission, and by his earnest personal efforts secured its passage.

[During the delivery of the foregoing remarks the hammer fell at the expiration of five minutes.]

Mr. MCKINLEY obtained the floor, and yielded his time to Mr. MORTON, who concluded his remarks as above.

Mr. DEUSTER. Mr. Chairman, I ask indulgence but for a few moments while offering some explanatory remarks in regard to the resolution introduced by me, and now under consideration.

At the "international fishery exhibition," to be held at Berlin in April, every civilized country will be represented, and even China and Japan will claim their share of the world's attention in the progress made by them. Among those to whom the management of the exhibition has been confided we find the names of men of science well known throughout the civilized world. The scope of the exhibition is not limited to the direct results and products of fish propagation, but embraces all that is in any way connected with this important branch of human industry, such as models, casts, and other representations of appliances in use in pisciculture, in transportation, preparation, or preservation of products of fisheries for commercial or domestic purposes, fishing implements—in short, everything that will represent modern progress in this respect.

Nothing has been done thus far to secure a participation on the part of the United States in this exhibition; yet there is no country which would be better entitled to the place of honor at such an exhibition than our own. No country in the world can display the evidence of such marvelous activity and progress in the propagation and distribution of food-fishes by artificial means as the United States. During the short period which has passed since our first efforts in this direction were made, in 1871, more has been accomplished in this country than even in Europe which had the experience of decades to aid in the efforts made there. We need but glance over the results reported by the United States Fish Commission since 1872 to satisfy ourselves that while the task attempted has been very great the results accomplished have been most eminent. Without desire to take up much time, I will point out but a few of those results of which we may justly be proud and which will go to show that our progress in this respect is well calculated to gain for our great natural resources and advantages, as well as our skill in using and improving them, the admiration of the Old World at such an exhibition.

One of the first efforts made by the United States Fish Commission toward improving our greatly reduced supply of food-fishes consisted in the restocking of our waters with salmon and salmon-trout. Not only did the Fish Commissioner succeed by transplanting western species of this valuable fish to eastern waters and eastern species to western waters in enriching both, but the propagation of this fish by artificial means has been so extensive and successful that the present market price of the salmon, one of the best food-fishes in the United States, is from 10 to 15 per cent. lower than before propagation was attempted.

Another excellent result we are able to display in our experiments with the codfish. Until two years ago it was considered a hopeless task to propagate artificially the codfish, which, as is well known, is one of the main sources of income and support of a large part of the population of our Northeastern States. But while numerous experiments failed the artificial hatching of this fish was at last accomplished with comparatively small cost and such gratifying results that the harvest to be gathered from our well-supplied waters will repay the cost incurred a hundred-fold.

In the propagation of the shad we have achieved another great success to which we can point with pride. This excellent and well-appreciated food-fish had almost vanished from the impoverished waters of our Northern, Middle, and Southern States, but the efforts made in restocking them have been so well rewarded that, where two years ago not a single fish was to be found, the fisherman can now draw his seine well assured of a rich harvest.

But one of the most interesting results of our experiments and successes in the propagation of fish is that which we can show in the carp, a fish unsurpassed for delicacy of flavor, and destined to become very popular with our people as well as remunerative to them. A few years since a limited number of carps were imported, and the efforts made to propagate this fish artificially have been so successful that by this time their offspring are distributed not only along the Atlantic coast, but over the whole country to the Pacific. Heretofore an entire stranger to our waters, the carp has become Americanized with wonderful rapidity. I am informed that the carps hatched here last summer in the ponds near the Washington Monument have already attained an average weight of two and a half pounds, and that they have been fed simply upon boiled Indian corn. There is a highly important suggestion embodied in this fact which may prove of incalculable benefit to the country at large. It goes to show that even a farmer far distant from river or stream can, by an easy process, convert his surplus of corn into a most wholesome, profitable, and marketable food in the shape of carp.

There are other interesting facts connected with the transplanting of this fish into American waters from Germany and Austria, of which the carp is a native. This fish was a gift obtained from those countries, a gift cheerfully offered by the respective governments, a gift which we have turned to good account, made valuable and remunerative, and which, in due time, will become a factor of wealth of no little significance in our national economy. This alone should induce us to improve the opportunity offered for displaying the important and astonishing results obtained, and our success in this single instance alone would justify us in incurring the trifling expense connected with such an exhibition. We can show to the world that, as in other respects, in this enterprise, too, we have accomplished all we have undertaken to do, and even more.

Every consideration of national pride prompts us to assume without delay the place of prominence and foremost rank we can so justly claim in this international exhibition of modern progress. There has been no important exhibition held yet during the past few decades of progress, and in which we participated, that has not resulted immeasurably to our benefit. Invariably our markets were multiplied either for the implements, tools, and other means of producing merchantable articles, or for the products themselves. At the same time we have profited by the experience of others, and, with the practical sense peculiar to our people, found new ways of adapting old methods and practices.

Nor have our successes in regard to pisciculture remained unnoticed abroad, as has been frequently attested by the many references to our efforts in foreign scientific publications, and as a natural consequence great interest has been awakened in Europe in our experiments and efforts in this respect. An exhibition of their gratifying results, therefore, can only be of great benefit to us.

As there is but a very short space of time left for preparation, it has been necessary, I regret to say, to bring this measure to the attention of Congress in the shortest time possible; but I trust, nevertheless, that the report of the committee will be unanimously adopted.

[During the remarks of Mr. DEUSTER the hammer fell at the expiration of five minutes.]

Mr. SCALES obtained the floor and yielded his time to Mr. DEUSTER, who concluded his remarks, as above.

Mr. STEELE. I move to amend the joint resolution by striking out the word "fishery" and inserting the word "fish;" or, if gentlemen prefer it, I will move to strike out the last two syllables of the word "fishery." [Laughter.]

As I understand it, Mr. Chairman, it will be a somewhat difficult matter, with a meager appropriation of $20,000, to transport an American fishery over to Berlin, in Prussia. Fishery is a place where they catch fish; that is what I understand by it, and I have just consulted Webster. [Laughter.]

It does strike me that the proposition now pending before the Congress of the United States is of not such tremendous importance as the speeches of the two gentlemen who have just debated it would seem to indicate. Among other things, the joint resolution proposes to appropriate $20,000 for the purpose of sending over to Berlin a specimen of the fish-hooks used in this country. That would include the old-fashioned pin-hook, which, as I understand, is in common use to this day in the Springfield district of the State of Illinois. [Laughter.]

Now, if it were confined to steel hooks, whether of the old Limerick or the Kirby persuasion, I should not think it a matter of very material importance. But to send over there a specimen of all the fish-hooks used in this country——

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. STEELE. Certainly, with pleasure.

Mr. ROBESON. Does the gentleman think that a pin-hook would hold a fish of the "Springer" species? [Laughter.]

Mr. STEELE. I think it would, if you jerk him out quick, though I confess I think it would ordinarily be well to have a pretty heavy barb to the hook.

I think in all earnestness (and I am in earnest in every word I have uttered, everybody knows that) that it is absolutely ridiculous to be appropriating a sum of money for the purpose of sending specimens of food-fish from American waters to Europe. Everybody

over there who knows anything about it knows that this country absolutely teems with food-fish, from suckers all the way up to catfish. [Renewed laughter.] I am opposed to the whole business.

The CHAIRMAN. The time fixed by unanimous consent, when the House went into Committee of the Whole, for the discussion of this matter has been exhausted.

Mr. ROBESON. I want to say one word in the agricultural interest.

Mr. GARFIELD. Vote down the amendment.

The question was taken upon the amendment of Mr. STEELE to strike out "fishery" and insert "fish;" and it was not agreed to.

Mr. VAN VOORHIS. I offer an amendment which I understand is acceptable to the Committee on Foreign Affairs.

Mr. MORTON. I am willing that it should be made.

Mr. VAN VOORHIS. I move to amend the first section of the bill, making the appropriation of $20,000, by adding to it the words "to be expended under the direction of the Secretary of State."

Mr. ROBESON. I desire to say only a few words upon the subject-matter of this joint resolution.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] can proceed only by unanimous consent.

There was no objection.

Mr. ROBESON. This subject of fish-culture has within the last ten years grown into great importance in this country. All our rivers flowing to the ocean have been stocked with their native fish and new supplies of food for the people who live upon their banks are being provided through that machinery. But that does not reach all the necessities of our country. The United States Fish Commission, in pursuance of a wise policy, has endeavored to introduce fish that may be said to be inland fish; fish that can be raised by the farmer wherever he has a little pond or a little lake on his property or near it. Those fish are raised principally in Germany and in that section where is to be specially represented the advance of fish-culture at this exhibition. The species of fish to which I refer is the carp. The raising of the carp is one of the principal objects for which this commission is organized and this appropriation made. The introduction of the carp into this country is very important. It is a species of fish that does not require running water or cold water; it can be raised in every little pond—in almost every ditch in the country. It is fed on Indian meal. It grows to two pounds weight in two years. When this fish is fully introduced into this country every farmer (and I now speak in behalf of the agricultural interests) can have fresh fish and brain food for breakfast every morning.

[Here the hammer fell.]

Mr. ROTHWELL. Have not these fish been already introduced in this country?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MORTON] on behalf of the committee. It will be read.

The Clerk read as follows:

Add to the bill the following:

SEC. 2. That the United States Commissioner of Fish and Fisheries be, and is hereby, authorized to represent the United States, either in person or by a deputy to be appointed by the President of the United States; and that, at his discretion, he may use any portion of the collections at present forming part of the National Museum in making up the proposed exhibition by the United States.

SEC. 3. That the United States Commissioner of Fish and Fisheries be, and is hereby, instructed to present to Congress, through the Department of State, a report upon the Berlin exhibition, showing the recent progress and present condition of the fisheries and of fish-culture in foreign countries.

The amendment was agreed to.

The CHAIRMAN. The next question is on agreeing to the amendment offered by the gentleman from New York, [Mr. VAN VOORHIS,] to add to the first section the words "to be expended under the direction of the Secretary of State."

Mr. GARFIELD. That is right.

The amendment was agreed to.

Mr. ATKINS. I move to amend by striking out "twenty" and inserting "ten," so as to make the amount of this appropriation $10,000. I think that will be sufficient.

Mr. WILSON. On that subject I desire to make one remark.

The CHAIRMAN. Debate is exhausted, the time limited by order of the House having expired.

The question being taken on the amendment of Mr. ATKINS, it was not agreed to, there being—ayes 52, noes 78.

Mr. McMILLIN. I give notice that on this amendment I shall demand the yeas and nays in the House.

The CHAIRMAN. The Chair will state that the gentleman will not have that right, as an amendment not agreed to in the Committee of the Whole is not reported to the House.

Mr. MORTON. I move that the committee rise and report to the House the joint resolution as amended, with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole, having had under consideration the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880, had directed him to report the same back with amendments and with the recommendation that the resolution be passed as amended.

Mr. MORTON. I demand the previous question on the joint resolution and amendments.

The previous question was seconded, there being—ayes 104, noes 12.

The main question was ordered; and under the operation thereof the amendments reported from the Committee of the Whole were agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

The question being taken on the passage of the joint resolution, there were—ayes 109, noes 41.

Mr. McMILLIN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 69, not voting 54; as follows:

YEAS—169.

Acklen,	Dwight.	Lapham,	Robinson,
Aiken,	Einstein,	Le Fevre,	Ross,
Aldrich, N. W.	Ellis,	Lindsey,	Russell, W. A.
Aldrich, William	Evins,	Loring,	Ryan, Thomas
Anderson,	Farr,	Manning,	Ryon, John W.
Baker,	Ferdon,	Marsh,	Sapp,
Ballou,	Field,	Martin, Joseph J.	Shallenberger,
Barber,	Finley,	Mason,	Sherwin,
Bayne,	Ford,	McCook,	Simonton,
Belford,	Forney,	McKinley,	Smith, A. Herr
Bicknell,	Fort,	Miles,	Speer,
Blake,	Frost,	Miller,	Springer,
Bliss,	Frye,	Mitchell,	Stevenson,
Bouck,	Garfield,	Money,	Stone,
Bowman,	Gibson,	Monroe,	Talbott,
Boyd,	Godshalk,	Morse,	Thompson, Wm. G
Brewer,	Goode,	Morton,	Tillman,
Briggs,	Hall,	Muldrow,	Townsend, Amos
Brigham,	Harmer,	Muller,	Tyler,
Browne,	Harris, Benj. W.	New,	Updegraff, J. T.
Burrows,	Haskell,	Newberry,	Updegraff, Thomas
Calkins,	Hatch,	Nicholls,	Upson,
Camp,	Hawk,	Norcross,	Urner,
Cannon,	Hawley,	O'Connor,	Valentine,
Carpenter,	Hayes,	O'Neill,	Van Aernam,
Caswell,	Hazelton,	O'Reilly,	Voorhis,
Chittenden,	Heilman,	Orth,	Van Voorhis,
Claflin,	Henderson,	Osmer,	Waddill,
Clardy,	Henry,	Overton,	Wait,
Clymer,	Herbert,	Pacheco,	Ward,
Coffroth,	Herndon,	Page,	Washburn,
Conger,	Hill,	Phister,	Wells,
Cowgill,	Hiscock,	Poehler,	Whiteaker,
Cox,	Horr,	Pound,	Williams, C. G.
Crapo,	Houk,	Prescott,	Willits,
Daggett,	Hubbell,	Price,	Wilson,
Davis, George R.	Hurd,	Reagan,	Wood, Fernando
Davis, Horace	Joyce,	Reed,	Wood, Walter A.
Davis, Lowndes H.	Kelley,	Rice,	Wright,
Deering,	Kenna,	Richardson, D. P.	Yocum.
De La Matyr,	Kimmel,	Richardson, J. S.	
Deuster,	King,	Robertson,	
Dunnell,	Ladd,	Robeson,	

NAYS—69.

Armfield,	Cravens,	Klotz,	Smith, Hezekiah B.
Atherton,	Culberson,	Lowe,	Sparks,
Atkins,	Davidson,	Martin, Benj. F.	Steele,
Bachman,	Davis, Joseph J.	McKenzie,	Taylor,
Beale,	Dibrell,	McMahon,	Townshend, R. W.
Blackburn,	Dickey,	McMillin,	Tucker,
Bland,	Geddes,	Mills,	Turner, Oscar
Blount,	Gillette,	Murch,	Turner, Thomas
Buckner,	Gunter,	Myers,	Weaver,
Cabell,	Hammond, N. J.	Persons,	Wellborn,
Carlisle,	Harris, John T.	Philips,	Whitthorne,
Chalmers,	Henkle,	Richmond,	Williams, Thomas
Clark, Alvah A.	Hostetler,	Rothwell,	Willis,
Cobb,	Hull,	Russell, Daniel L.	Wise,
Colerick,	Hunton,	Samford,	Young, Casey.
Converse,	Johnston,	Sawyer,	
Cook,	Jones,	Singleton, J. W.	
Covert,	Kitchin,	Slemons,	

NOT VOTING—54.

Bailey,	Errett,	Killinger,	Shelley,
Barlow,	Ewing,	Knott,	Singleton, O. R.
Beltzhoover,	Felton,	Lewis,	Smith, William E.
Berry,	Fisher,	Lounsbery,	Starin,
Bingham,	Forsythe,	Martin, Edward L.	Stephens,
Bragg,	Hammond, John	McCoid,	Thomas,
Bright,	Hooker,	McGowan,	Thompson, P. B.
Butterworth,	House,	McLane,	Vance,
Caldwell,	Humphrey,	Morrison,	Warner,
Clark, John B.	Hutchins,	Neal,	White,
Crowley,	James,	O'Brien,	Wilber,
Dick,	Jorgensen,	Phelps,	Young, Thomas L.
Dunn,	Keifer,	Pierce,	
Elam,	Ketcham,	Scales,	

So the bill was passed.

During the vote the following announcements were made:

Mr. SCALES. I am paired with Mr. ERRETT, of Pennsylvania, on all political questions. As this is not a political question, I shall vote "no."

Mr. BAILEY. I am paired with my colleague, Mr. LOUNSBERY.

Mr. VANCE. I am paired with Mr. FISHER, of Pennsylvania.

The vote was then announced as above recorded.

Mr. MORTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move the House resolve itself into Committee of the Whole on the state of the Union to proceed to the consideration of the report made by the Committee on Rules.

The SPEAKER. Pending that motion the Chair will present some executive communications.

SERGEANT EDWARD O'BRIEN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Ordnance-Sergeant Edward O'Brien, United States Army, for retirement on full pay and allowance; which was referred to the Committee on Military Affairs.

MILITIA FORCE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

FENDALL CARPENTER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting papers in the claim of Fendall Carpenter; which was referred to the Committee on War Claims.

JOSEPH M. YOUNG AND WILLIAM S. SLAUGHTER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting his report and papers in the matter of the private land claims of Joseph M. Young and William S. Slaughter, of Louisiana; which was referred to the Committee on Private Land Claims.

MAJOR A. W. EVANS.

The SPEAKER also, by unanimous consent, laid before the House the petition of Major A. W. Evans, Third Cavalry, for correction of the date of his commission; which was referred to the Committee on Military Affairs.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

The SPEAKER also, by unanimous consent, laid before the House a memorial of the employés of the Government Printing Office against the action of the Public Printer in withholding their salary for legal holidays; which was referred to the Committee on Printing.

Mr. FINLEY. It should go to the Committee on Public Expenditures.

The SPEAKER. The communication from the Government Printer on the same subject has gone to the Committee on Printing.

Mr. VALENTINE. I ask that the memorial be printed.

The motion was agreed to.

BREVET COLONEL O'REILLY.

Mr. O'REILLY, by unanimous consent, introduced a bill (H. R. No. 4228) for the relief of Brevet Colonel O'Reilly, United States Volunteers, late a lieutenant in the regular Army; which was read a first and second time, and referred to the Committee on Military Affairs.

NANCY ZIMMERMAN.

Mr. COFFROTH, by unanimous consent, introduced a bill (H. R. No. 4229) granting a pension to Nancy Zimmerman, widow of Frederick German, a third lieutenant in the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

JOSEPH BENNETT.

Mr. COFFROTH also, by unanimous consent, introduced a bill (H. R. No. 4230) granting a pension to Joseph Bennett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY STANLEY WETMORE.

On motion of Mr. TAYLOR, by unanimous consent, the bill (S. No. 315) granting a pension to Henry Stanley Wetmore was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions, not to be brought back by a motion to reconsider.

OWNERS OF THE B. L. HODGE.

On motion of Mr. TUCKER, by unanimous consent, the Committee of Ways and Means was discharged from the further consideration of the bill (H. R. No. 3779) for the relief of the owners of the B. L. Hodge; and the same was referred to the Committee of Claims.

JOHN M. HUDSON.

Mr. BAILEY, by unanimous consent, introduced a bill (H. R. No. 4231) granting a pension to John M. Hudson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ENROLLING AND CALLING OUT NATIONAL FORCES.

Mr. NEAL, by unanimous consent, introduced a joint resolution (H. R. No. 199) construing the act of Congress entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," approved July 4, 1864; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSIAH NEEDHAM.

On motion of Mr. HAYES, by unanimous consent, the Committee on Banking and Currency was discharged from the further consideration of a bill (H. R. No. 3648) instructing the Secretary of the Treasury to issue bonds to Josiah Needham, of Grundy County, Illinois, to replace certain bonds which were burned, and the same was referred to the Committee of Ways and Means, not to be brought back by a motion to reconsider.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted to Mr. HARRIS, of Massachusetts, for ten days after Saturday next, on account of important business.

HIRAM JOHNSTON.

On motion of Mr. FORSYTHE, by unanimous consent, the bill (S. No. 376) granting a pension to Hiram Johnston was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions, not to be brought back by a motion to reconsider.

REVISION OF THE RULES.

Mr. BLACKBURN. I now insist upon my motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the report of the Committee on Rules.

The Clerk read as follows:

11. To the naval establishment, other than the appropriations for its support: to the Committee on Naval Affairs.

12. To the Post-Office and post-roads, other than appropriations for their support: to the Committee on the Post-Office and Post-Roads.

Mr. MONEY. If it is now in order I desire to offer an amendment to that clause of this rule which has just been read.

The Clerk read as follows:

Strike out the words "other than," and in lieu thereof insert the word "including;" so that if the amendment is adopted this clause will then read, "to the Post-Office and post-roads, including appropriations for their support: to the Committee on the Post-Office and Post-Roads."

Mr. MONEY. Mr. Chairman, I feel a great delicacy in asking this amendment at the hands of this House after the recent discussion and the previous action taken on cognate questions. But I am moved to do this by what I consider the necessities of the public service. I do it at the request of the members of the Committee on the Post-Office and Post-Roads. There is not a single bill which comes to this House that is looked to with as much interest by the people of all the States of this Union in every community as the bill appropriating money for the support of the Post-Office Department. No other Department of this Government has such intimate relations with the people, with all classes and communities of this Government, as the Post-Office. It touches them, sir, at every point. It touches them in all their business, in all their domestic, and all their social relations, and of necessity the bill appropriating money for its support should come from a committee intimately acquainted with its wants.

I submit to this House it is impossible from the very nature of things that a committee so burdened with business of a multiplied character as the Committee on Appropriations can inform themselves so minutely of the necessities of the postal service as the Committee on the Post-Office and Post-Roads. And I would have the House to believe that committee if intrusted with this work would report in a spirit of economy, but measure that economy by the requirements of that service.

It was stated on yesterday by the gentleman who has charge of this report from the Committee on Rules—and I do him the credit to say I do not think he intended to misrepresent the matter at all or to prejudice this House against the distribution of appropriation bills to the several committees having charge of these several Departments—it was said yesterday by that gentleman that the bill reported at the last session of Congress for the support of the Post-Office Department was increased $1,000,000 by motions emanating from the Committee on the Post-Office and Post-Roads. The gentleman is mistaken as to the facts. I did not hear him at the time or I would have corrected him at that point, but reading this morning his remarks on that subject, I find he has made that statement. It is immaterial who reported those amendments, but I wish to say that of $975,000 appropriated in addition to the report of the Committee on Appropriations $485,000 was reported by members of the Committee on Appropriations. One hundred and fifty thousand dollars was added by the amendment of my colleague from Mississippi, [Mr. CHALMERS,] for the benefit of the steamboat service. One hundred thousand dollars was added by the amendment of Mr. PAGE, of California, in behalf of the letter-carrier service. Of the amount added by the Committee of the Whole only $210,000 came from the Committee on the Post-Office and Post-Roads, and that was by an amendment offered by myself on the star service. But it matters not from whom these amendments come. The sequel has proved their wisdom; for to-day, notwithstanding this increase of $975,000, we are asked for $2,000,000 deficiencies for the Post-Office Department.

Mr. BLOUNT. Is that the way you demonstrate it?

Mr. MONEY. No, sir; if the gentleman will just allow me to finish I will tell him. I will not stop to inquire, in the limited time I have, whether that amount of money has been expended judiciously or not, whether it has been spent unadvisedly or corruptly or not. That

matter is now being investigated by the Committee on Appropriations, which finds time in all the multiplicity of its business to make the investigation, and I await their report before I pronounce a decision upon the Second Assistant Postmaster-General. I first desire to hear the evidence against him.

But at any rate of that $2,000,000 of deficiency it is claimed only $900,000 of it was caused by what we may at least term a judicious expenditure in expediting the schedule of time and increasing the number of trips in the far West.

Now, Mr. Chairman, is it possible that the Committee on Appropriations shall so acquaint themselves with the necessities of the postal service as to be able to report a bill here absolutely meeting exactly all its demands.

This service, sir, is continually growing. We have not got a finished country. We are developing all the time. We are in process of rapid growth. The past decade will show an increase of population of at least ten or twelve millions. In this last year we have increased our post-offices by 1,597; the steamboat service increased 3,000 miles, the star service 8,000 miles, and the railroad service about 3,000 miles. It is impossible that any man, I do not care what his ability is, can keep pace with the growing demands of this service unless his study of it runs *pari passu* with its growth.

I submit the Committee on the Post-Office and Post-Roads is the appropriate committee to report this bill. And I deprecate that spirit on the part of any member of the Committee of the Whole which would lose the valuable report of the Committee on Rules unless we take it entire. We had it yesterday from two members of the Committee on Rules and one member of the Committee on Appropriations that they would be willing to lose the whole work of the Committee on Rules last summer if we in Committee of the Whole were not willing to intrust the Committee on Appropriations practically with the control of all the business of this House. And it was stated that it would be destructive to the Treasury if these appropriation bills were distributed among other committees.

[Here the hammer fell.]

Mr. BLACKBURN. I do not know how the gentleman from Mississippi managed in five minutes' time, unless he had the indulgence of the Chair, to put before the Committee of the Whole as many mistakes as he has committed. I am sure I cannot reply to them in five minutes.

The member of the Committee on Rules and member of the Committee on Appropriations did not say on yesterday, and the RECORD does not warrant the charge, that he was in favor of repudiating and rejecting this whole revision of the rules if the appropriation bills were distributed. But he stated that if that was done and the present existing barrier against an increase of appropriations by way of amendment was stricken down, then, and only then, the report should be rejected.

Mr. MONEY. Will the gentleman allow me to interrupt him right there?

Mr. BLACKBURN. Not out of my time. I stand upon the record, and I hold the gentleman from Mississippi to the record.

The gentleman was mistaken in another thing. He was mistaken if he expected to succeed in drawing me off to a discussion of the two-million-dollar deficiency which now stares us in the face in the star service of which the gentleman speaks, and of which he has stood before the House in this and the last Congress as the avowed champion.

Mr. MONEY. No, sir. I wish to say, Mr. Chairman——

Mr. BLACKBURN. I do not yield. I did not interrupt the gentleman from Mississippi and I decline to be interrupted by him. He is mistaken when he says that but $900,000 of that deficiency is traceable to what may be termed increased allowances to existing routes, or else the Second Assistant Postmaster-General was mistaken when under oath he swore that more than $1,100,000 of it was traceable there.

The question presented by the amendment offered by the gentleman from Mississippi is simply this: whether the Post-Office appropriation bill according to estimates submitted to the Committee on Appropriations, requiring in the next fiscal year $39,900,000, shall be turned over to the custody of the committee over which that gentleman worthily presides, he who supported, indorsed, and upheld by vote and voice an increase of $975,000 in excess of the amount reported to the last Congress by the Committee on Appropriations. There is to be found, sir, in this House no one committee more deserving probably than that for its untiring energy and faithful service. But candor compels me to add that the record shows there is not to be found in this House a single committee now clamoring for additional power a compliance with whose demand is more dangerous than that of the Committee on the Post-Office and Post-Roads. One million of money in round numbers I stated on yesterday, and I repeat to-day, was added to the bill of the Committee on Appropriations for the support of the postal service in the last Congress. And I appeal to that gentleman to say if there was ever a proposition made to increase the appropriations for the postal service one dollar for which he did not vote or speak.

This question was decided yesterday. When the proposition was made to carry the Army and the fortification bills to the Military Affairs Committee and was voted down, I take it that this Committee of the Whole House declared its purpose to make no further exceptions, but to leave the appropriation bills where they are. I do not believe that further discussion will suffice to change the vote of a single man on this floor. I believe that the Committee of the Whole House is prepared to vote on every one of these isolated propositions as they come up. The gentleman from Mississippi has had his five minutes; I have had mine or a part of it; and I trust that this committee will now go forward without further delay and vote upon every proposition submitted that looks to the commitment into new hands of a single appropriation that is now intrusted to the Committee on Appropriations.

Mr. BLOUNT. I desire to say that if there is a committee in this House——

Mr. ROBERTSON. Is debate in order?

The CHAIRMAN. Debate has been exhausted upon the pending amendment.

Mr. BLOUNT. I move to strike out the last word.

Mr. CONGER. What is the question before the committee?

The CHAIRMAN. The question is the amendment of the gentleman from Mississippi, [Mr. MONEY.]

Mr. CONGER. I desire to be heard upon that amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has moved to amend the amendment by striking out the last word. When that amendment shall have been disposed of, another amendment will be in order, and the gentleman will be recognized in due time.

Mr. BLOUNT. I have very little to say in relation to this debate on the rules. So far as labor is concerned, I undertake to say that there is not a committee of all those which are struggling for the appropriation bills who have so fine a field of work as the Committee on the Post-Office and Post-Roads, and who could, if they had seen fit, have relieved the Committee on Appropriations of a vast amount of work, have done the country a vast service, and saved the Treasury millions of dollars.

Mr. MONEY. We are trying to do that now.

Mr. BLOUNT. I hope the gentleman will not interrupt me. It is well known that there has been pressed upon this House for years a proposition to change the method of paying the railroads of the country for carrying our mails. Yet in past Congresses not a word upon that subject has come from the Committee on the Post-Office and Post-Roads.

It is well known that the system of letting mail contracts has resulted in abuses involving millions of dollars. Yet not a single thing has been done on that subject, so far as I am aware, by the Committee on the Post-Office and Post-Roads.

Mr. MONEY. The gentleman is incorrect when he makes that assertion.

Mr. BLOUNT. Whether they have done it or not, those gentlemen have had ample time to consider that subject. Again there have been complaints of attempts to put legislation on the appropriation bills. Sir, the legislation on the Post-Office appropriation bill has come not from the Committee on Appropriations but from the Committee on the Post-Office and Post-Roads, legislation involving the reclassification of mail matter, and various propositions of that kind. And complaints have been made that the Committee on Appropriations would not allow on the appropriation bill all the legislation which has been suggested by the Committee on the Post-Office and Post-Roads.

I undertake to say that if there is a committee of this House with great questions before it, enough to occupy it for the whole session in maturing legislation which will result in the improvement of the public service, it is the Committee on the Post-Office and Post-Roads.

The gentleman talks about the propriety of referring the appropriation bills to that committee because of the subjects to which those appropriations relate. Sir, there is no mystery about those appropriations. Here are the estimates on a single page; one item involves $10,000 for railroads, and you may go all through them and there is no mystery about them. There is the statement of receipts and expenditures and an estimate concerning the growth of the service, submitted to us every single year. There is no man who cannot take these simple figures and reach a proper conclusion as to what should be done. There is no legislation involved in it.

If gentlemen will examine the RECORD in reference to the appropriations for the postal service they will be astonished to see how simple a thing is that for which the gentleman is struggling, and in regard to which he is complaining that the Committee on Appropriations are attempting to seize all the power in this House. But the gentleman said awhile ago in reply to the gentleman from Kentucky [Mr. BLACKBURN] as to certain increases of appropriations which he had supported——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHITTENDEN. I was not present yesterday when the Committee of the Whole was engaged in considering the report of the Committee on Rules; but if I understand the situation at the close of yesterday's session, the new rules have been made to provide for three appropriation committees, and it is now proposed to provide for a fourth.

Now, unless we, the representatives of the people, are to invent some substitute for industry and economy, making money free to all; unless it be wise for us to have two or more Speakers of this House, I cannot, for my life, see why we should have two or more appropriation committees. Did any man in his right mind ever send a good ship to sea with two equal masters? Can any household or any govern-

ment prosper with its treasury wide open to each member of the household as a committee on appropriations? The case seems to me to admit of no argument. The provision in the rules as they now stand for three appropriation committees seems to me as absurd as it would be to propose the election of two more Speakers, of equal authority with the present incumbent. I can see no substantial difference in the cases. These appropriation committees, if the door of the Treasury is opened to them all, will inevitably deplete the Treasury, if they are human. It is necessary for the Government to control the Treasury. It cannot do it under any such system of rules as would allow each of the standing committees of the House to fix and determine its own appropriations. The case, as I have said, does not admit of argument. The truth of it must be obvious to every man who will take the facts home for his own private consideration, free from prejudice.

I hope that we shall be permitted to adopt these rules substantially as presented in the report of the committee. They are universally admitted to be an immense improvement upon the one hundred and sixty-six rules that we now have, a piece of patchwork nearly one hundred years old, which no one can pretend to understand. Every member can understand these forty-seven propositions. They are probably not perfect; but a little experience will enable the House to perfect them. It does seem to me in the last degree a waste of time for this House to go on day after day, week after week, and month after month discussing practically the question whether we shall open the Treasury for an eager scramble by all the committees. For my part I hope we shall speedily have done with this question and pass the rules substantially as they came from the committee. It was a great work for that committee to bring in unanimously such an improvement upon the present rules. Their revision is, in my judgment, worthy of our instant approval.

Mr. VALENTINE obtained the floor.

The CHAIRMAN. The Chair will remind the gentleman from Nebraska that debate on the pending amendment is exhausted.

Mr. ROBERTSON. I rise to a question of order. The gentleman from Georgia [Mr. BLOUNT] offered an amendment *pro forma*, and spoke in favor of that amendment. The gentleman from New York [Mr. CHITTENDEN] followed upon the same side. The other side of the question has not been heard. I submit to the Chair whether the other side cannot be heard upon an amendment on which debate is limited to ten minutes.

The CHAIRMAN. The gentleman from Georgia proposed a mere formal amendment to strike out the last word, and occupied his five minutes. The gentleman from New York arose and discussed, as the gentleman from Georgia had done, the general question involved in the amendment proposed by the gentleman from Mississippi. Of course the Chair could not know when the gentleman from New York arose what he proposed to say; and when he had proceeded with his remarks no question was made as to his being in order.

Mr. ROBERTSON. Has not debate been exhausted on the amendment?

The CHAIRMAN. It has.

Mr. ROBERTSON. I move, then, as a substitute for the amendment of the gentleman from Georgia, to strike out the two words preceding the last word.

The CHAIRMAN. The Chair has announced distinctly that the gentleman from Georgia has moved to amend by striking out the last word; and until that amendment is withdrawn by the consent of the committee or disposed of by a vote, no further amendment will be in order.

Mr. BLOUNT. I withdraw my amendment.

Mr. ROBERTSON. I renew the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Nebraska, [Mr. VALENTINE.] He will recognize the gentleman from Louisiana [Mr. ROBERTSON] presently.

Mr. VALENTINE. I renew the amendment to strike out the last word. I hope the Committee of the Whole will adopt the amendment of the gentleman from Mississippi, [Mr. MONEY.] I believe it is in the right direction. Two months ago to-day I introduced a resolution into this House calling upon the Post-Office Department for information as to why the mails were not carried upon certain railroads in the West and why increased facilities, as demanded by the interest of the people, were not given. A few days after the introduction of that resolution the chairman of the Committee on the Post-Office and Post-Roads came to me and said that his committee had all the information from the Department as called for by that resolution, stating that they had sent to the Committee on Appropriations estimates in the shape of a deficiency bill. I immediately called upon the gentlemen composing the sub-committee on appropriations having charge of appropriations for the Post-Office Department and urged upon them the necessities of the people in my own State. I was informed by the chairman of that sub-committee that they were so busy, that the work of the committee was so great, that they could not report back that deficiency bill until after the recess. Time and again I have been urging those gentlemen to report this deficiency bill. I was informed by the gentleman from Kentucky [Mr. BLACKBURN] that they had, under instructions of the House, entered upon an investigation of the star service, and until that was completed no appropriation bill for deficiencies of the Post-Office Department could be reported.

During the last year there have been added to the inhabitants of the State of Nebraska from one hundred thousand to one hundred and twenty thousand people by immigration. There have been built over five hundred miles of railroad, on many miles of which to-day the mails are not carried. On others the pouch service is the only service we have, for the reason that the appropriation for postal clerks has been exhausted by reason of the great revival in the business of the country during the year. A few days ago I introduced and asked unanimous consent to have at once considered a resolution directing the Committee on Appropriations to report the Post-Office deficiency bill in their hands to this House, excepting the items of appropriation for the star service. This I left out on account of the investigation now being made. Objection was promptly made, and made by a member of the Committee on Appropriations, who, not content with simply objecting, added to his objection language uncalled for and unnecessary, if not discourteous. As that committee is so crowded with work, I feel that it ought to be relieved. This is now a good time and a good opportunity by adopting this amendment to relieve it of some of its work. I think it ought to be done.

We have a Committee on Expenditures in the Post-Office Department, of which I am a member. But when an examination into such expenditures is proposed to be made we see the Appropriations Committee coming forward by one of its own members and asking that they be instructed to make such investigation. The Committee on Appropriations being thus crowded with outside work, which by the rules belongs to other committees, I think this amendment should be adopted. If the Committee on the Post-Office and Post-Roads is allowed to report appropriations for the postal service, I believe that service throughout the country will be benefited thereby.

Mr. CONGER rose.

Mr. BLACKBURN. I wish to make any amendment which will afford me an opportunity to reply to the personal remarks of the gentleman from Nebraska.

Mr. CONGER. I have the floor.

Mr. ROBERTSON. I rise to a question of privilege.

The CHAIRMAN. The Chair will state the rule and conform to it unless there is something in the case to make it an exception. The rule is that no gentleman can be allowed to speak more than once until other gentlemen desiring to speak have been heard.

Mr. BLACKBURN. Does not that apply to amendments as they may be offered?

The CHAIRMAN. It does.

Mr. BLACKBURN. I am, then, asking to oppose the amendment of the gentleman from Nebraska.

The CHAIRMAN. That is true; but the Chair has recognized the gentleman from Michigan. If the gentleman from Kentucky, however, wishes to make a personal explanation——

Mr. BLACKBURN. No, sir; I am not willing to dignify the thing by asking to make any personal explanation in reference to it.

Mr. ROBERTSON. Is the gentleman rising to a personal explanation or speaking to the amendment?

The CHAIRMAN. The gentleman from Kentucky has taken his seat, and is not speaking to the amendment, and he does not ask to make any personal explanation.

Mr. BLACKBURN. I have taken my seat, because the floor is refused me.

Mr. ROBERTSON. Then I have the floor.

The CHAIRMAN. No, sir; the gentleman from Michigan has the floor.

Mr. ROBERTSON. I have to say then that I have three times addressed the Chair. Previous to his giving the floor to the gentleman who has just taken his seat the Chair said he would recognize me next.

The CHAIRMAN. The gentleman is mistaken. The Chair informed the gentleman from Louisiana distinctly that he would recognize him after the gentleman from Michigan who is now upon the floor.

Mr. ROBERTSON. The question will rise again whether the debate on this amendment will not be exhausted after the gentleman from Michigan has closed his remarks.

The CHAIRMAN. The Chair will say to the gentlemen on the floor who seem to be anxious to address the committee on this subject, that as long as anybody sees proper to offer an amendment, either a substantial or a formal one, it will be in order to do so, provided only no more than two amendments are pending at the same time. As soon as one is voted on another will be in order, and the Chair hopes in that way an opportunity will be afforded to every gentleman to be heard who desires it.

Mr. CONGER. This does not come out of my time?

The CHAIRMAN. It does not.

Mr. CONGER. Mr. Chairman, in common with a good many other gentlemen of this committee, I have not been in favor of taking from the Committee on Appropriations the performance of their usual, regular, long-accustomed duty. In general, I am in favor of having a Committee of Appropriations who shall take the laws of the United States as they find them on the statute-book in regard to salaries and all expenditures specifically provided for by law and embody them in regular appropriation bills on those subjects. I think as a rule perhaps it would be dangerous to the business of the House, perhaps dangerous to the business of the country, to have all appro-

priations distributed among the committees appointed to propose legislation in regard to those subjects. I make this broad distinction and I wish I may have order while I am speaking——

The CHAIRMAN. The Chair hopes that the gentleman will have order in the House, but it seems impossible to secure it.

Mr. CONGER. I repeat, sir, I make this broad distinction which does not seem to be made by many in talking on this subject. I hold the committees, to which is referred by our rules and practice the control of particular subjects, like the Naval Affairs, Military Affairs, post-office matters, and things of that kind, being those matters committed to them for the express purpose of advising this House what legislation is necessary on them—I hold those committees have the absolute power and control—as far as we give it to any committee in the House, to shape and fashion and originate and press forward such legislation as well on salaries and appropriations as on all other subjects committed to them which can come before this House. It is their duty to do it. If they complain there is not a sufficient appropriation for a particular subject, it is their duty to bring in a law beforehand in order to make it necessary to make appropriation.

I have not time to dwell on that, but I hold on the other hand, as a counterpart to that power of all the committees, that the Committee on Appropriations should be confined to carrying out the laws which are passed in pursuance of the recommendation of other committees. They should be held to make appropriations according to law; they should not invade the domain of other committees and proposed legislation the subject-matter of which has been committed to committees equally conversant with it, and having more time to devote to it and better acquainted with the nature of the service and the wants of the several Departments committed to them. Whenever this House or any House can draw the dividing line so the Appropriations Committee shall appropriate according to law and leave other committees more familiar with their different Departments to propose legislation, we shall have arrived at a time when and a result which will prevent this continual encroachment of one committee on another. We shall then have accomplished what we desire, so that each member shall stand as the law recognizes him, as the equal and peer of every other member, and the committees of this House shall stand here as the equals and peers of every other committee, entitled to like respect and similar confidence of the House. When that is done, sir, we shall have removed one of the greatest hinderances to legislation. More than that, we shall have removed one of the greatest hinderances to good legislation. I say that from a long observation of these conflicts and these jealousies and these suspicions and these criminations of members against committees and of members against individual members of committees. If we will make further rules to hold committees to their proper and legitimate work, the business of this House will go on with a correctness which it has never reached in my experience. Until then, in my opinion, we shall have this continual jangling, this continual desire to detract from the Appropriations Committee and take from it even the rights which it has.

And allow me to say before closing, that if we cannot hold the Appropriations Committee to the performance of its proper and legitimate duty in this House, then for one I will go with all other men who will go with me, first to shear them of their assumed powers and if necessary to reduce them to a position where they will have but little power in this House.

[Here the hammer fell.]

Mr. ROBERTSON. I move to strike out the last word in order to yield my time to the gentleman from Mississippi, [Mr. MONEY.]

Mr. MONEY. Mr. Chairman, nothing was further from my intention than in any way to misrepresent language used by the gentleman from Kentucky; but if I have failed to represent him correctly, it is from a misconstruction of his language, which I now beg to read to this House. The gentleman, in speaking on this subject, uses this language, which I take from this morning's RECORD:

> If this proposition for the distribution of the appropriation bills shall be adopted without limitation, and then if the only safeguard that we hold to-day under the rule upon the people's Treasury is to be stricken down, I sincerely, honestly, and earnestly trust that the report made by the Committee on Rules in the shape of a revision, so mangled and marred, with all its sins, if it has any, and with whatever good may belong to it, may be rejected and spewed out of the mouth of this House.

That is the gentleman's own language—"spewed out of the mouth of this House."

Mr. BLACKBURN. And I say that now.

Mr. MONEY. Exactly. Then I gave the proper construction to the language of the gentleman from Kentucky.

Mr. BLACKBURN. What is the statement?

Mr. MONEY. That I gave the proper construction to your language.

Mr. BLACKBURN. On the contrary, the gentleman misconstrued it as broadly as it was possible for human ingenuity to do so.

Mr. MONEY. Very well, sir. If I have misconstrued the language of the gentleman, as I find it in the RECORD——

Mr. BLACKBURN. What page?

Mr. MONEY. If I have misconstrued the gentleman's language, then, in justice to myself as well as to him, I take great pleasure in absolving him from the intention which in my view his language plainly expressed. But to proceed with the matter under discussion. How was it possible that a committee charged with the responsibility of reporting an appropriation bill upon a subject which it is presumed to understand, from the very nature of the charges imposed upon it by the House in its organization, can be any less held to their responsibility by the Committee of the Whole House than any other committee in this House?

Sir, no committee of this House passes an appropriation bill. These committees are the eyes, the ears, and the hands of the House to obtain for it the information needed for intelligent legislation. And when a committee has reported a bill to the House it has fulfilled its whole duty, and it then rests with the Committee of the Whole to make the appropriation that in its judgment may be necessary.

Now, Mr. Chairman, as far as investigation is being conducted by the Committee on Appropriations, with that I have nothing whatever to do; I have no concern whatever with that. The gentleman from Kentucky mistakes me much if he supposes I have at any time appeared or will hereafter appear upon the floor of this House as the champion of any man in the executive department of the Government or elsewhere. But I beg to remind him I have on the floor of this House spoken, not in the language of invective but in terms of animadversion on the very officer whom he is now investigating, more severe than were used in my hearing by any other member on this floor. I said I suspended my judgment until the gentleman should have made his report and submitted to this House any evidence he may accumulate.

But what has that to do with the matter under consideration? In the administration of the postal affairs of this country are we to punish the people of the whole country for the sins of one man? We have heard of the vicarious suffering of one for the sins of the many; but the gentleman would punish the whole country for the sins of one man if he is proved guilty.

Mr. BLOUNT. I wish to ask the gentleman a question. Whose proposition is that?

Mr. MONEY. I beg the gentleman will not interrupt me in the short time I have.

I ask where is the danger spoken of by the gentleman from Kentucky in the diffusion of power? We have been taught the great danger to be dreaded was in a centralization of power, not in its diffusion. We have been taught to apprehend that was the one evil which the people of this country should be taught to guard against most sedulously. But now we are taught that a diffusion of power among the members of this House is dangerous to the interests of the country and to the public service.

It is impossible, Mr. Chairman, in the nature of things that the rules as they stand to-day reported by the Committee on Rules shall promote the public service as much as they would with the amendments which have been offered from time to time. Sir, there is a higher statesmanship than consists merely in reducing expenditures. There is such a thing as understanding the necessities of a country like ours which is increasing its population one and a quarter millions every year—a country that demands something for its development rather than for the restriction of its service.

If it be so, if we have no greater duty than to see to what minimum we can cut down the expenditures of this Government, then we have little business here. I am in favor of economy; I am in favor of a judicious expenditure of the public money; I am in favor of strict accountability for official conduct; but I am in favor at the same time of that sort of legislation in the way of appropriations that will develop the resources of the country, that will stimulate all the sources of revenue, that will give the people of this country, expanding every year, proportionately extended privileges, and that will better bring into communication with each other all the communities over the whole breadth of this land.

For these reasons I ask the Committee of the Whole to remit this question of appropriations for the Post-Office Department to the Committee on the Post-Office and Post-Roads. I credit the gentlemen on the Appropriations Committee with the fullest measure of zeal for the public service; but I claim the same credit for the members of the committee to which I have the honor to belong.

[Here the hammer fell.]

Mr. BAKER. I rise to oppose the amendment.

I desire to say, Mr. Chairman, that as I have not either during the general debate or during the five-minute discussion said anything at all on the question of the revision of the rules, I trust I may have the attention of the committee during the five minutes which I may now occupy.

Mr. Chairman, my judgment convinces me that it would be one of the most unwise and unfortunate things that could happen to the legislation of this House if the work that has heretofore been confided to the Appropriations Committee should be taken from it and distributed around among the various legislative committees of this House. There is a natural tendency on the part of every committee that is charged with the general subject of legislation to draw to itself whatever power it may be able to draw; and if in addition to the power that it now has it is clothed with the further power of appropriating for all the wants of the service it has in charge, the natural tendency would be to increase the amount of appropriations so that they would get beyond the control of the House.

I believe, Mr. Chairman, that it would be almost fatal in a party sense to the party having control if they were to disperse among eight or ten different committees the subject of appropriations. It would

be an illogical course. It would put it beyond the power of the House to control the appropriations; for the reason, Mr. Chairman, that no one except those who are charged specially with the investigation of the subject can have the minute information essential for the guidance of the committee that has charge of the bill.

But while I consider that it would be unwise to distribute this power I cannot permit myself to disguise the fact that we ought at least in the distribution of work in the various committees of this House to be logical and sensible in making that distribution. .If the Committee on Appropriations is to be charged not only with the appropriate work of appropriations, but if in addition to that it is to have the same power in reference to the origination of the general legislation that is confided to the various committees of the House, so as to make it in fact not only the representative of the legislative power of all the committees but having in addition its own peculiar power besides, I say the logical balance of our system of legislation is disturbed. This power can only be fittingly lodged in the hands of the several committees of the House who are charged with this legislative power.

It logically follows that if with the power of recommending appropriations there is to be coupled the power to originate general legislation, that power ought to go to the committees that are generally charged by the House with the exercise of such legislative power. For one I can see no middle course. It will hardly do to follow in the line indicated by the gentleman from Pennsylvania, to charge the general committees of the House with the preparation of appropriation bills, and then remit them for further consideration to the Committee on Appropriations. All legislative experience proves that wherever power is dissipated between two or more committees of the House, so that neither the House nor the country can hold either of them responsible for the bills that are matured and brought forward, there will be not only a failure of proper attention to such bills, but there will be danger of even worse evils than we now experience in the progress of legislation under the present rules.

[Here the hammer fell.]

The question recurred upon the amendment of Mr. ROBERTSON to strike out the last word; and being taken, it was not agreed to.

Mr. KEIFER. I move to strike out the last word.

Mr. CLYMER. That amendment has just been voted down.

Mr. KEIFER. Then I move to strike out the last two words.

Mr. FINLEY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FINLEY. My point of order is that the amendment of the gentleman from Louisiana [Mr. ROBERTSON] was to strike out the last word, and that amendment has been acted upon.

The CHAIRMAN. But the gentleman from Ohio [Mr. KEIFER] moves to strike out the last two words.

Mr. FINLEY. I understood him to move to strike out the last word.

Mr. KEIFER. I move to strike out the last two words. This seems to be a good time, Mr. Chairman, while considering this subject, to express our opinions generally on a clause in Rule XXI of the new rules reported.

I wish to say that I am opposed to the pending amendment in relation to the transfer of the Post-Office appropriation bill from the Committee on Appropriations to the Committee on the Post-Office and Post-Roads; that is, I am opposed to it provided Rule XXI shall be amended as I think it ought to be amended. I desire to say that in my judgment it is better to have one common appropriation committee, whose duties shall be confined entirely to the preparation of appropriation bills in accordance with existing law.

I believe, Mr. Chairman, that if you transfer to the various committees of this House the duties of preparing the several appropriation bills there will be a strife between those committees, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on the Post-Office and Post-Roads, and so on through, each striving to obtain the most appropriations for the Department of the Government directly under its charge, and in that way we will necessarily augment the annual appropriations beyond the ordinary revenues of the Government.

While, however, that in my mind would be a great evil, it would be simple and insignificant in comparison with the evils that would result from the operation of clause 3 in Rule XXI as now reported, and which have resulted from the rule as it now exists. That clause is a mere trap. It has been claimed by our distinguished Speaker that it furnishes the great means of reducing appropriations and saving money to the people. But I have observed in this Congress, I observed in the last session, that the sole purpose of that clause was to enable the Committee on Appropriations to hang political legislation on appropriation bills. Under the guise of that clause of our rule, we were here during the last session for more than three months, standing face to face and eye to eye, fighting over the question as to whether we should repeal our election laws, and whether we should by a law of this Government make it a crime to keep the peace at the polls on election days. There was no such thing as retrenchment intended. All that was intended was to coerce the minority of this House and to coerce the Executive of this Government to submit legislation dictated by the majority of this House on the other side. That is what is meant by this clause under the guise of retrenchment to force legislation upon appropriation bills.

Let me give you an example that is not political. I remember that in the Forty-fifth Congress, by more than a two-thirds vote of this House and by a unanimous vote of the Senate, regardless of party, we passed what was known as the letter-carrier bill; yet when this same Appropriations Committee came to deal with that matter they said in substance that the House and the Senate that passed the letter-carrier bill and the Executive who approved of it did not understand the subject. They said they would cut that bill to pieces or they would make no appropriations at all for the purpose. That committee came in here with an appropriation bill containing a very small sum of money for the letter-carrier branch of the service, and with new legislation, proposing altogether to repeal and overthrow the action of the House and the Senate. We fought that committee here for a whole day to compel it to make appropriations in accordance with existing law. That committee did not report those provisions under any guise of retrenchment.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee now rise for the purpose of obtaining from the House an order to close debate upon the pending paragraph.

The motion was agreed to, upon a division—ayes 93, noes 23.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with amendment, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 325) for the erection of a public building at Danville, Virginia.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills and a joint resolution of the following titles:

A bill (S. No. 56) for the relief of Edward Braden and J. W. Angus;

A bill (S. No. 715) for the relief of the estate of N. Boyden;

A bill (S. No. 857) authorizing the conversion of national gold banks; and

A joint resolution (S. R. No. 75) to print the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the report of the Committee on Rules, and pending that motion I move that all debate upon the pending paragraph and amendments thereto be limited to one minute.

Mr. MONEY. I move that the House now adjourn.

The motion was not agreed to.

The question being put on the motion of Mr. BLACKBURN to limit debate in Committee of the Whole, it was agreed to.

The question recurring on the motion that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. CARLISLE in the chair) and resumed the consideration of the report of the Committee on Rules.

The CHAIRMAN. By order of the House all debate upon the pending clause and pending amendments thereto is limited to one minute. The question is upon the amendment of the gentleman from Ohio [Mr. KEIFER] to strike out the two last words. If there be no objection this amendment, being *pro forma* merely, will be considered as withdrawn.

There was no objection.

The question then recurred on the amendment of Mr. MONEY, to strike out the words "other than" and to insert the word "including;" so as to make the clause read:

To the Post-Office and post-roads, including appropriations for their support: to the Committee on the Post-Office and Post-Roads.

The question being taken on the amendment, there were—ayes 75, noes 89.

Mr. MONEY. I call for tellers.

Tellers were ordered; and Mr. MONEY and Mr. FINLEY were appointed.

The committee divided; and the tellers reported—ayes 90, noes 97.

So the amendment was not agreed to.

Mr. HARRIS, of Massachusetts. I move to amend the pending clause by striking out the words "other than appropriations for their support," and adding after the word "Roads," in the last line, the words "and said committee shall report the general appropriation bill for the support of the Post-Office and post-roads, which shall be printed and referred to the Committee on Appropriations."

The question being taken on agreeing to the amendment,

The CHAIRMAN said: In the opinion of the Chair the amendment is not agreed to.

Mr. HARRIS, of Massachusetts, called for tellers.

Tellers were ordered; and Mr. HARRIS, of Massachusetts, and Mr. SPRINGER were appointed.

The committee divided; and the tellers reported—ayes 76, noes 87.

So the amendment was not agreed to.

The Clerk read as follows:

13. To the lands of the United States: to the Committee on the Public Lands;
14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs;
15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;
16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

Mr. CABELL. I move as a substitute for the clause last read the following:

To the improvement of the navigation of rivers and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

Mr. FRYE. If the gentleman from Virginia will allow this amendment to go over till to-morrow, I will move that the committee now rise.

Mr. CABELL. That will be agreeable to me, if it is the sense of the committee.

Mr. FRYE. I move that the committee rise.

The motion was agreed to, there being—ayes 117, noes 37.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole had had under consideration the revision of the rules, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. SCALES asked leave to withdraw from the files of the House papers regarding the publication of Gettysburgh data, no adverse report having been made; which application was referred to the Committee on Military Affairs.

INDIAN DEPREDATIONS IN MONTANA.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 4232) to investigate certain claims for property destroyed by Indians in Montana Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. McKENZIE. I move that the House adjourn.

Mr. MITCHELL. I ask unanimous consent to have taken up and passed a bill which has already passed the Senate, and to which there can be no objection.

Mr. McKENZIE. I insist on the motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petitions of L. B. Lee and 76 others, citizens of Noble and Guernsey Counties; of C. C. Creighton and 53 others, citizens of Ohio; of Elias Boganwright and 50 others, citizens of Perry County, and of J. P. Hall and 30 others, citizens of Noble and Guernsey Counties, Ohio, for the amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petitions of Elias Boganwright and 40 others, citizens of Perry County; of L. B. Lee and 75 others, citizens of Guernsey and Noble Counties; of Joel Hall and 33 others, citizens of Noble and Guernsey Counties; and of Thomas Gibson and 45 others, citizens of Ohio, for legislation to prevent monopolies and unjust discriminations in the transportation of passengers and freights—to the Committee on Commerce.

By Mr. BACHMAN: The petition of Rosanna Peifer, for a pension—to the Committee on Invalid Pensions.

By Mr. BEALE: Memorial of citizens of Accomack County, Virginia, for an appropriation to improve the navigation of Chincoteague Inlet—to the Committee on Commerce.

By Mr. BENNETT: The petition of 200 citizens of Morton and Burleigh Counties, Dakota Territory, relating to the dividing line between said counties—to the Committee on the Territories.

By Mr. BLACKBURN: The petition of citizens of Shelby County, Kentucky, for the passage of a law to prevent fluctuations in freight charges and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. BRIGHAM: Papers relating to the claim of William D. Stryker for reimbursement for losses sustained during the late war in paying United States troops—to the Committee on War Claims.

By Mr. CALDWELL: The petition of E. W. Hill, R. W. Holland, and 75 other farmers, of Warren County, Kentucky, for the passage of a law to prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. CALKINS: The petitions of Jasper County (Indiana) Agricultural Society, for such action by Congress as will prevent the spread of the cattle plague—to the Committee on Agriculture.

Also, the petition of E. P. Kern and others, ex-Union soldiers, for the payment of the difference between greenbacks and gold for their services—to the Committee on Military Affairs.

Also, the petition of citizens of Valparaiso, Indiana, for the increase of the pension of H. Binnamon—to the Committee on Invalid Pensions.

By Mr. CARLISLE: The petitions of citizens of Harrison and Pendleton Counties, Kentucky, for the passage of a law to prevent unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. CONGER: Memorial of C. McElroy, of Michigan, F. Dewey, of Ohio, and John Strong, of Michigan, representing large stave manufacturing establishments, against the proposed change in sugar duties, as injuriously affecting the interests of stave manufacturers in the United States—to the Committee of Ways and Means.

By Mr. CONVERSE: The petition of J. L. Tindall and 113 other soldiers of Fremont, Ohio, that they be paid the difference between gold and greenbacks at the time they were paid for their services—to the Committee on Military Affairs.

By Mr. COWGILL: The petition of Hugh B. Blake and 13 others, for the passage of the Weaver soldier bill—to the same committee.

By Mr. GEORGE R. DAVIS: The petition of Ludington, Wells, Van Schaick & Co., Dunham & Hoit, J. L. Higgie, and 90 others, lumber manufacturers, ship chandlers, and vessel owners, of Chicago, Illinois, that a harbor of refuge and life-saving station be established at Grand Marias on the south shore of Lake Superior—to the Committee on Commerce.

By Mr. DEUSTER: The petition of John Black, David W. Small, and others, citizens of Milwaukee, Wisconsin, for granting a pension to Catharina Koenan—to the Committee on Invalid Pensions.

Also, the petition of B. Leidensdorf & Co., F. F. Adams & Co., Ed. Arhermann & Co., and 13 other manufacturers of tobacco and cigars, of Milwaukee, Wisconsin, against the passage of the bill known as the free-leaf tobacco bill—to the Committee on Agriculture.

By Mr. DICKEY: The petitions of Wesley Calhoun and 33 others, of Clermont County, Ohio; of John Crawford and 28 others, of J. E. Murphy and 22 others, of Henry Wilson and 8 others, of J. E. Thomas and 57 others, of Adams County, Ohio, and of J. C. Milligan and 66 others, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of William Treber and 19 others, of Adams County, Ohio; of John E. White and 112 others, of W. E. Hall and 33 others, of Clermont County, Ohio; of W. J. Ellison and 7 others, and of J. C. Milligan and 66 others, of Adams County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. EWING: The petition of soldiers of the late war, for additional pay—to the Committee on Military Affairs.

By Mr. FINLEY: Three petitions from 114 citizens of Morrow County, Ohio, for legislation protecting shippers from transportation monopolies in interstate commerce—to the Committee on Commerce.

Also, the petitions of W. F. Goodbread and 79 others, citizens of Wyandot County, and of 176 citizens of Morrow County, Ohio, for legislation protecting users of patents—to the Committee on Patents.

By Mr. FORSYTHE: The petition of J. H. White and 130 others, and of Edward Roessler and 20 others, of Shelby County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

Also, four petitions of citizens of Illinois, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Commiteee on Patents.

By Mr. FRYE: The petition of G. C. Goss and other ship-owners and merchants of Bath, Maine, for a storm-signal station at Bath—to the Committee on Commerce.

By Mr. GUNTER: Papers relating to the claim of Will A. E. Tisdale for reimbursement of certain moneys paid on account of the United States while he was agent of the Freedmen's Bureau at Jacksonport, Arkansas—to the Committee of Claims.

By Mr. HARMER: The petition of honorably discharged soldiers of the late war, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the Committee on Invalid Pensions.

Also, memorial of manufacturers, merchants, and others, for the improvement of Frankford Creek, near Delaware River, in the city of Philadelphia—to the Committee on Commerce.

By Mr. BENJAMIN W. HARRIS: The petition of Ansel Thayer, of Braintree, Massachusetts, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. HENRY: Memorial of 99 citizens of Maryland and Virginia, asking an appropriation for deepening the channel from Chincoteague Island to Franklin City—to the Committee on Commerce.

By Mr. HENDERSON: The petition of Alexander Steel and others, citizens of Rock Island, Illinois, for the improvement of the navigation of Rock Island Rapids of the Mississippi River, and that certain maps and reports relating to the same may be called for and referred to the proper committee—to the Committee on Commerce.

By Mr. HILL: The petitions of W. T. Exline and others, and of Levi Crates and others, citizens of Van Wert County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petitions of J. B. Teachman and others, citizens of Lucas County, Ohio, and of A. M. Craig and others, citizens of Beltsville, Ohio, for the passage of the bill equalizing bounties—to the Committee on Military Affairs.

Also, the petitions of John Catterman and others; of William Keith and others; of W. W. Wilcox and others; of A. R. Merrick and others; of Robert Fife and others; of J. M. Walburn and others, and of G.

W. Smith and others, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. HOSTETLER: The petition of citizens of Clay County, Indiana, that a pension be granted Joseph T. Adams—to the Committee on Invalid Pensions.

Also, the petition of soldiers and sailors of Gosport, Indiana, that Congress pay them the difference between greenbacks and gold at the time of payment for their services—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Rupert G. Hill, late lieutenant Fortieth New York Volunteers, for the correction of his military record—to the same committee.

By Mr. KIMMEL: Papers relating to the pension claim of Ann R. Voorhees—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Oliver Wood for pay for services while acting special agent for the Post-Office Department—to the Committee of Claims.

By Mr. KING: The petition of J. FLOYD KING, member of the House of Representatives, in favor of the payment of Hon. R. L. GIBSON for expenses as contestant in the Forty-third Congress—to the Committee of Elections.

By Mr. KLOTZ: The petition of C. A. Rittenhouse, for a pension—to the Committee on Invalid Pensions.

By Mr. LINDSEY: Papers relating to the claim of Bangs, Brownell & Co., for pay for property taken by the United States Government during the late war—to the Committee on War Claims.

By Mr. McCOID: The petition of soldiers of Iowa, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Iowa for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. McKINLEY: The petition of George Yeagley and 2 others, of Portage County, Ohio, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of George Yeagley and 2 others, ex-soldiers, of Portage County, Ohio, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of George Yeagley and other soldiers of the late war, of Portage County, Ohio, for a law providing for the payment to the late soldiers of the war the difference between greenbacks and gold at the time of payment—to the Committee on Military Affairs.

By Mr. NEWBERRY: The petitions of William King, of Oswego, New York, and 46 others, and of G. W. Bissell and 50 others, of Detroit, Michigan, for a harbor of refuge at Grand Marias, Lake Superior—to the Committee on Commerce.

Also, papers relating to the claim of Jacob H. Stark for pay as a commissioned officer in the United States Army during the late war—to the Committee on Military Affairs.

By Mr. PHELPS: The petition of Horace Griffin and 24 soldiers of the late war, of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the same committee.

By Mr. POUND: The petition of John Bates and 52 others, citizens of Chippewa County, Wisconsin, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of M. C. Dunton and 58 others, citizens of Chippewa County, Wisconsin, for the regulation of interstate commerce on railroads so as to prevent discriminations and fluctuations of tariffs—to the Committee on Commerce.

By Mr. REED: The petition of William B. Skillen, of North Yarmouth, Maine, and others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. JOHN W. RYON: The petition of 69 Union soldiers in Schuylkill County, Pennsylvania, of similar import—to the same committee.

By Mr. STONE: The petition of Charles Patterson and 175 others, citizens of Grand Haven, Michigan, for an appropriation for a harbor of refuge and life-saving station at Grand Marias, Lake Superior—to the Committee on Commerce.

By Mr. SIMONTON: The petition of George C. Rust, for a pension as a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. WILLIAM G. THOMPSON: The petition of Adam Muller and other soldiers, for equalization of pay—to the Committee on Military Affairs.

By Mr. AMOS TOWNSEND: The petition of 37 citizens of Cleveland, Ohio, for an appropriation for a harbor of refuge at Grand Marias, Lake Superior—to the Committee on Commerce.

By Mr. TUCKER: The petition of citizens of Botetourt County, Virginia, for relief from the railroad monopolies which oppress interstate commerce—to the same committee.

Also, the petition of citizens of Botetourt County, Virginia, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of F. H. Smith, for removal of disabilities under the fourteenth amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. THOMAS TURNER: The petition of soldiers and citizens of Kentucky, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. THOMAS UPDEGRAFF: Papers relating to the pension claim of Thomas H. Rothrock—to the Committee on Invalid Pensions.

By Mr. URNER: The petition of Ralph Nicholls and others, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of A. C. Rhind, commodore United States Navy, for an investigation of his case and for advancement of his grade—to the Committee on Naval Affairs.

By Mr. WRIGHT: The petitions of William F. Bateman and 24 others, citizens of Camden, Kansas, and of Herman Meyers and 77 others, citizens of Verona, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

THURSDAY, *February* 5, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of March 1, 1879, information in the possession of the Treasury Department showing the relative quantities and natures of the various kinds of fermented and alcoholic liquors imported into the United States from foreign countries; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in obedience to law, an abstract of the militia force of the United States; which was ordered to lie on the table and be printed.

DISTRICT SINKING FUND.

Mr. ROLLINS. On Tuesday morning last the Vice-President laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Treasurer of the United States on the operations of the sinking fund pertaining to the District of Columbia; which was ordered to lie on the table and be printed. I move that the communication be referred to the Committee on the District of Columbia.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented resolutions of the Chamber of Commerce of Milwaukee, Wisconsin, remonstrating against the passage of a law for the construction of a bridge across the Detroit River; which were referred to the Committee on Commerce.

Mr. BECK presented the petition of Bartlett Taylor and others, citizens of Shelby County, Kentucky, praying for the passage of the bill (S. No. 865) to provide for the investment of certain unclaimed pay and bounty moneys now in the Treasury of the United States, and to facilitate and encourage the education of the colored race in the several States and Territories, and that the University of Wilberforce be included therein; which was referred to the Committee on Education and Labor.

Mr. BUTLER presented the petition of Alfred Williams, Joseph Cohen, and 63 others, citizens of South Carolina, praying Congress to allow Wilberforce University an equal portion of the $510,000 unpaid colored volunteer soldiers' bounty now in the Treasury of the United States; which was referred to the Committee on Education and Labor.

He also presented the petition of William B. Scott, jr., and 35 others, and the petition of James Edward Calhoun and 16 others, citizens of South Carolina, praying for an appropriation by Congress for the improvement of the Savannah River; which were referred to the Committee on Commerce.

Mr. BALDWIN presented the petition of J. B. Mullikea, general manager of the Detroit, Lansing and Northern Railroad Company, praying that the duty on steel rails may be specific, and not to exceed $10 per ton; which was referred to the Committee on Finance.

Mr. JONES, of Florida, presented two petitions of citizens of Florida, praying that a portion of the $510,000 of the unclaimed bounty fund be given to the Wilberforce University, in the State of Ohio; which were referred to the Committee on Education and Labor.

Mr. HOAR presented additional papers in the case of Mrs. Mary S. Porter; which were referred to the Committee on Claims, to accompany the bill (S. No. 1120) for the relief of Mrs. Mary S. Porter.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. DAVIS, of West Virginia. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. HOAR. I should like to inquire of the Senator from West Virginia if there is no business in which the Senate could profitably be employed? The public business has not been so backward as it is now at any session of Congress since I entered it ten years ago.

Mr. DAVIS, of West Virginia. I know of nothing that is pressing upon the Senate. I do know, however, of a great deal of committee work that ought to be done; and the object of my motion is to afford an opportunity for committee work. I think that we should make more by adjourning over, and permitting the committees to do their

duty, than by coming here and sitting an hour or two to-morrow, and then adjourning to Monday, in which case to-morrow would be lost to committee work. However, if the Senator from Massachusetts has any business for the Senate to consider, if there is anything that he can suggest as requiring the attention of the Senate to-morrow, I shall with pleasure withdraw the motion.

Mr. HOAR. The Senator will pardon me, I do not speak with reference to the condition of business in the Senate alone or principally, but with regard to the general business, the bills coming over from the other House. Unless I am mistaken the public business has never been so backward as it is now for a great many years. I suppose, without violating parliamentary law, it is not improper to say that there may be changes in the rules of some other body which will be likely to send all the appropriation bills to the Committee of the Whole again after they have been once over here, considered, amended; and if those changes take place another month in the summer will be added to the session.

Mr. DAVIS, of West Virginia. I would suggest to the Senator from Massachusetts that our sitting to-morrow would not forward the appropriation bills in the least. There are no such bills that I know of in the Senate that are lagging. There may be causes elsewhere over which we have no control that will tend to prolong the session.

Mr. ALLISON rose.

Mr. DAVIS, of West Virginia. My friend from Iowa will say a word.

The VICE-PRESIDENT. This is not a debatable motion.

Mr. ALLISON. I ask unanimous consent to say a word about the appropriation bills.

The VICE-PRESIDENT. The Chair hears no objection, and unanimous consent is granted.

Mr. ALLISON. The only appropriation bill that I know of now in the Senate is the bill with reference to fortifications, of which I have charge. I would say with regard to that bill that I have consented to its postponement until next week on account of the absence of the Senator from Virginia, [Mr. WITHERS,] who desires to be present when it is considered and who is unavoidably absent this week.

Mr. PADDOCK. I should like to make an inquiry about our Calendar, which lies before us on our desks, with two hundred and six cases reported from the various committees of the Senate. It is a Calendar of seven pages of bills, which have been carefully considered, I suppose, by the committees, and most of which it is important to have considered. There are many local bills, bills for individual relief, on the Calendar, which ought to be considered, it strikes me, before the appropriation bills reach us. There are some cases on the Calendar certainly that ought to receive attention.

Mr. ALLISON. I think, if the Senator will allow me to make a single remark, that there will be ample opportunity to consider the Calendar. I agree with the Senator from West Virginia that we can forward the business of the Senate better by adjourning over to Monday than by sitting here to-morrow. Therefore I shall vote for the motion to adjourn over.

Mr. PADDOCK. I sincerely hope for one that the Senate will this week depart from the rule which has been observed so closely during this session of adjourning over from Thursday to Monday.

Mr. DAVIS, of West Virginia. Has the Senator anything perfected that he wishes the Senate to consider? If so, there is no disposition to adjourn over.

Mr. PADDOCK. I will simply repeat what I said before. Here is a Calendar of bills which have been considered by the various committees of the Senate and which have been reported for the action of the Senate. They cover seven pages of the Calendar, numbering over two hundred. If there was any reason why they should have been considered by the committees so early in the session, there certainly ought to be a reason why they should be considered at this time by the Senate. There are no bills on the Calendar that I am particularly interested in, but there must be bills upon it that ought to be considered.

Mr. DAVIS, of West Virginia. I presume the discussion this morning will do no harm to the country or to the Senate. I hope it may be heard in the other end of the Capitol. I desire to say in reply to the Senator from Massachusetts [Mr. HOAR] that it is a well known fact that the chairman of an important committee there, the Committee on Appropriations, has been sick for a month. It is also well known that there are three or four appropriation bills now perfected and ready for action in the House, but owing to the consideration of the rules of the House they have been delayed, as I understand.

As the Senators upon the opposite side wish to do business to-morrow, I withdraw the motion to adjourn over, and hope that the Senate may profit by it.

The VICE-PRESIDENT. The motion is withdrawn. Reports of committees are next in order.

Mr. BURNSIDE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The VICE-PRESIDENT. The question is on the motion of the Senator from Rhode Island.

Mr. BURNSIDE. I should like to state my reasons, inasmuch as other Senators have given reasons for and against the motion.

The VICE-PRESIDENT. This is not a debatable motion.

Mr. BURNSIDE. I think we had better work an hour at least for four days in the week, instead of meeting every day for about half an hour and then going into executive business. We can attend to work three or four hours for four days in the week, and then have two days for committee and departmental work.

The VICE-PRESIDENT. The Chair reminds the Senator that this is not a debatable motion.

The question being put, there were on division—ayes 19, noes 22.

Mr. EATON. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. GARLAND. The Senator from Illinois [Mr. DAVIS] and my colleague [Mr. WALKER] are detained at home to-day on account of illness.

The result was announced—yeas 17, nays 33; as follows:

YEAS—17.

Allison,	Hamlin,	Morrill,	Voorhees,
Anthony,	Harris,	Platt,	Windom.
Booth,	Hill of Colorado,	Plumb,	
Burnside,	Ingalls,	Vance,	
Call,	McDonald,	Vest,	

NAYS—33.

Bailey,	Edmunds,	Kellogg,	Ransom,
Blair,	Farley,	Kernan,	Saulsbury,
Butler,	Ferry,	Maxey,	Slater,
Cameron of Wis.,	Garland,	McMillan,	Teller,
Cockrell,	Groome,	Morgan,	Wallace,
Coke,	Hereford,	Paddock,	Williams.
Davis of W. Va.,	Hoar,	Pendleton,	
Dawes,	Johnston,	Pryor,	
Eaton,	Jones of Florida,	Randolph,	

ABSENT—26.

Baldwin,	Conkling,	Jones of Nevada,	Sharon,
Bayard,	Davis of Illinois,	Kirkwood,	Thurman,
Beck,	Gordon,	Lamar,	Walker,
Blaine,	Grover,	Logan,	Whyte,
Bruce,	Hampton,	McPherson,	Withers.
Cameron of Pa.,	Hill of Georgia,	Rollins,	
Carpenter,	Jonas,	Saunders,	

So the motion was not agreed to.

Mr. DAVIS, of West Virginia. I give notice that at the close of the morning business I shall ask the Senate to take up a joint resolution making an appropriation for certain employés.

Mr. BECK. I desire to give notice, so as not to give offense to any gentleman by objecting to a particular bill, that I shall insist upon going to the Calendar and taking the bills in their regular order. I shall object to any person picking out bills on the Calendar, and giving a particular bill preference over any other bill. If we are to proceed with the Calendar, I shall insist that we proceed in order.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 48) for promoting the efficiency of the corps of chaplains of the United States Navy, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. McDONALD. I am directed by the Committee on the Judiciary, to whom was referred the petition of P. A. Wellford, praying that his claim be referred to the Court of Claims, with the right of appeal to the Supreme Court of the United States, to make a report, which I ask to have read.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the petition of P. A. Wellford, praying the reference of his claim for captured cotton to the Court of Claims with right of appeal to the Supreme Court of the United States, report that in the opinion of your committee the prayer of the petitioner ought not to be granted.

The committee report adversely to the petition, and ask that the same be indefinitely postponed.

The report was agreed to.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the joint resolution (S. R. No. 32) authorizing the Secretary of the Treasury to issue an American register to the brig Katie, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 816) for the relief of Theodore F. Hartridge and William G. Christopher, sureties on the official bond of Felix G. Livingston, collector of customs at Fernandina, Florida, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2771) to construe an act entitled "An act granting condemned bronze cannon to the Soldiers' Union of West Virginia," reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GROOME, from the Committee on Pensions, to whom was referred the petition of William C. Shimoneck, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 950) granting arrears of pension to Nancy Eubank, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 497) granting a pension to J. Clinton De Witt, submitted an

adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. No. 827) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following concurrent resolution, reported it without amendment:

Resolved by the Senate, (the House of Representatives concurring,) That 3,000 sets of the five volumes of the Reports of the United States Fish Commission be printed from the stereotype plates, of which 1,000 shall be for the use of the Senate, 1,500 for the House of Representatives, and 500 for the use of the Commissioner of Fish and Fisheries.

The resolution was considered by unanimous consent, and agreed to.

Mr. WHYTE, from the Committee on Printing, to whom was referred the letter from the Secretary of War asking an appropriation of $6,500 to defray expenses of printing and binding the catalogue of the library of the Surgeon-General's Office, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1225) to remove the political disabilities of Jonathan H. Carter, of South Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1226) authorizing the Secretary of War to issue to the Richland Volunteer Rifle Company, a volunteer company of South Carolina militia, seventy-five rifles; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1227) to provide for the erection of a public building at Oxford, Mississippi, for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1228) for the relief of certain employés on the work for the improvement of the Des Moines Rapids of the Mississippi River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, at Fairmount Park, Philadelphia, in September, A. D. 1880, and to make full and complete report of the same, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1230) to establish a port of delivery at Indianapolis, in the State of Indiana; which was read twice by its title, and referred to the Committee on Commerce.

PAYMENT OF EMPLOYÉS.

Mr. DAVIS, of West Virginia. Pursuant to the notice I gave, I ask that the joint resolution (H. R. No. 157) for the relief of M. M. Herr be now taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Treasury to pay to M. M. Herr $605 for services as assistant sergeant-at-arms to the House of Representatives during the first session of the Forty-sixth Congress.

The joint resolution was reported from the Committee on Appropriations, with an amendment, to add:

That the following sum be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for salaries of officers of the Senate, namely:

For salaries of three messengers, under Senate resolution of December 11, 1879, for the fiscal year 1880, $2,355.65.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. DAVIS, of West Virginia. As several Senators have asked me what the joint resolution, as amended, means, I propose to explain it. It will be recollected that in December the Senate passed a resolution employing three additional messengers, which were given to our friends on the opposite side of the Chamber. No provision was made in that resolution for their payment, and up to this time they have not been paid. The amendment is intended to pay them for their services.

The VICE-PRESIDENT. The question is on the passage of the joint resolution.

The joint resolution was passed.

The title was amended so as to read: "A joint resolution for the relief of M. M. Herr and to pay three messengers of the Senate."

ORDER OF BUSINESS—THE CALENDAR.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. No. 194) to provide for the disposal of the Fort Harker military reservation.

Mr. BECK. Regular order.

The VICE-PRESIDENT. The Senator from Kentucky has filed a standing objection for the day against taking bills from the Calendar out of their order.

Mr. BECK. I desire the Calendar to be proceeded with regularly, if we are going on with legislative business.

The VICE-PRESIDENT. For the remainder of the morning hour the Secretary will report in its order the Calendar of concurrent and other resolutions.

Mr. ALLISON. I suggest to the Senator from Kentucky that we proceed regularly with the Calendar of bills, not only during the remainder of the morning hour but during the day. The resolutions are not pressing.

Mr. BECK. I wish to say a word only. I was in favor of adjourning over until Monday because of the immense amount of work that is to be attended to in committee. I know that the Committee on Appropriations is engaged in discussing a bill recommended by the Secretary of the Treasury, authorizing Congress to take charge of all the indefinite permanent appropriations instead of letting them run on as they are doing now without the action of Congress. We have had two or three sessions of the committee on two or three days for this purpose. It is impossible to do this work when the Senate is in session and we have to attend to business here. I know that a number of other gentlemen are at work on committees. We can do more work in committee while the Senate is not in session, ten times over, than by sitting here and picking out bills here and there on the Calendar. I do not believe it is a good rule to allow this Senator or the other to pick out a bill on the Calendar that we are not expecting to be called up, that we have no means of knowing the Senate is going to consider; and then gentlemen are offended if, when they say it is a meritorious bill, you do not yield at once to their request for its consideration. In my judgment, if the committees are not to go on with their work and if we are to sit here every day the better way is to consider the bills in their regular order, so that we may all know just what is coming up and be prepared on each question that is presented.

Mr. ALLISON. Let us begin with the bills now.

Mr. BECK. I do not care where we begin, so that we proceed in order.

Mr. ANTHONY. A resolution now lies on the table to take up the Calendar and to consider unobjected cases, as we have done for several sessions.

Mr. BECK. I have no objection to that.

Mr. ANTHONY. I move that the Senate proceed to the consideration of that resolution.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. ANTHONY on the 3d instant:

Resolved, That at the conclusion of the morning business for each day, after ——, the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate shall at any time otherwise order; and the objection may be interposed at any stage of the proceedings.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. DAVIS, of West Virginia. I presume the Senator from Rhode Island intended to exclude appropriation bills. Whenever they may be ready, they ought to be taken up at any time.

Mr. ANTHONY. That is the unwritten law of the Senate, that an appropriation bill always comes up when it is ready.

Mr. DAVIS, of West Virginia. And it is the general understanding that those bills are excepted from the resolution just reported?

Mr. ANTHONY. That understanding always prevails.

Mr. SAULSBURY. In my opinion there is no necessity for the adoption of a limitation on debate at the present time. We have not progressed so far in the business of the session now as to apply a five-minute rule to debate on bills and resolutions on the Calendar. I have no objection to adopting the other part of the resolution of the Senator from Rhode Island, but it seems to me that it is too early to limit debate on these questions; and it should never be done unless there is absolute necessity for it. Toward the close of the session there is apparent necessity to limit debate when we proceed with business on the Calendar; but we are now comparatively at the early part of the session. I do not think it is wise to apply that rule to the matters that are now upon the Calendar, and which are not very many.

Mr. ANTHONY. That rule applies only to the unobjected cases on the Calendar, so as to relieve the Calendar from the unobjected cases. There are a great many bills that no Senator objects to, but they are kept back in their order by disputed cases. If we once relieve the Calendar of unobjected cases, we can then go through with it in its order without any limitation of debate. That is the purpose of the proposed rule. It has been applied several sessions and has been found to work very well, I think, with the general approbation of the Senate.

Mr. SAULSBURY. I did not understand that we might after a bill

was taken up object; but I am now informed that the construction given to the rule is that we may object at any time.

Mr. ANTHONY. At any time during the proceeding.

Mr. SAULSBURY. That alters the case.

Mr. WHYTE. The time when it shall commence to operate ought to be stricken out.

Mr. ANTHONY. I will strike out the words "after ——."

The VICE-PRESIDENT. That modification will be made.

Mr. WHYTE. And insert "forthwith."

The VICE-PRESIDENT. The resolution will be read as modified.

The Chief Clerk read as follows:

Resolved, That at the conclusion of the morning business for each day, the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate shall at any time otherwise order; and the objection may be interposed at any stage of the proceedings.

Mr. BECK. That accomplishes substantially what I desired when I made the objection, so that the Senate can see precisely, by following the Calendar, what cases are coming up. That is all I care about.

The VICE-PRESIDENT. The Chair supposes the Senator from Rhode Island means "the Calendar of General Orders?"

Mr. ANTHONY. The Calendar of General Orders.

The VICE-PRESIDENT. The question is on the resolution.

The resolution was agreed to.

Mr. INGALLS. Mr. President, I call the attention of the Senate to an inconvenience that will result under this rule from the practice of having the Calendar printed but once a week. By some order of the Senate that I have never heard explained, we have a Calendar of current business printed every Monday. Cases are continually going off by the action of the Senate and coming on by reports from committees. It is impossible for any person to know what is the condition of the current business unless we have a calendar every morning. The form is undoubtedly in print at the printing-house, and would require but very little alteration to adapt it to the current business from day to day. I do not know whether a motion would be necessary or not. I presume a suggestion from the Vice-President would suffice to have this carried into effect; but if a motion is necessary I should like to move that a calendar of general orders be prepared every day for the use of the Senate.

The VICE-PRESIDENT. The Chair thinks the suggestion a very proper one, and in the absence of objection will direct the Secretary to have a daily calendar prepared.

Mr. DAVIS, of West Virginia. There is no objection to that; but our habit bas been to have the Clerk resume the call at the place left off on the Calendar, and the new cases go to the foot always.

The VICE-PRRSIDENT. Under the resolution just adopted, the Secretary will proceed to call the Calendar of General Orders, commencing at the beginning with bills.

MILITARY INTERFERENCE AT ELECTIONS.

The first bill on the Calendar was the bill (S. No. 554) to prohibit military interference at elections.

Mr. ALLISON. I object to the consideration of that.

The VICE-PRESIDENT. The bill will be passed over.

SPRUILLE BRADEN.

The next bill on the Calendar was the bill (S. No. 125) to appoint Spruille Braden an ensign in the United States Navy.

Mr. ALLISON. I object to that also.

The VICE-PRESIDENT. The bill will be passed over.

TREATY OF RECIPROCITY WITH FRANCE.

The next business on the Calendar was the joint resolution (S. R. No. 29) providing for a treaty of reciprocity and commerce with the Republic of France.

Mr. BOOTH. I object.

Mr. COCKRELL. That joint resolution has never been referred to a committee. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

USE OF TROOPS.

The next bill on the Calendar was the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. TELLER. Has that been to a committee?

The VICE-PRESIDENT. It has not been referred.

Mr. ALLISON. I ask that it be passed over for the present. The Senator who introduced it is not present.

The VICE-PRESIDENT. The bill will be passed over.

THOMAS WORTHINGTON.

The next business on the Calendar was the joint resolution (S. R. No. 15) requiring the assembling of a court of inquiry in the case of Thomas Worthington.

Mr. TELLER Let that be passed over.

The VICE-PRESIDENT. The consideration of the joint resolution is objected to.

A. R. POTTS AND C. F. RAINEY.

The next business on the Calendar was the joint resolution (H. R. No. 120) to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives.

Mr. DAVIS, of West Virginia. That matter, I believe, is before the Committee on Appropriations and under consideration.

Mr. COCKRELL. I move, then, that this joint resolution be referred to the Committee on Appropriations, as it never has been referred.

The motion was agreed to.

Mr. DAVIS, of West Virginia. I desire to make an inquiry. I have heard it said that several bills and resolutions were on the Calendar which had not come from committees. How does it happen that they are there?

The VICE-PRESIDENT. They have not been referred, but simply introduced without a reference.

Mr. DAVIS, of West Virginia. I thought it was usual (and I think that has been the case heretofore, but I may be mistaken) not to put upon the Calendar a bill until it was reported.

The VICE-PRESIDENT. Where it has been read the second time, and not referred to a committee, the rule requires it to go on the Calendar. There are several bills in the position which have been read twice without a reference. This seems to be one of them.

WILLIAM B. WHITING.

The next bill on the Calendar was the bill (S. No. 751) granting a pension to William B. Whiting.

Mr. COCKRELL. Let that pass over.

Mr. INGALLS. That bill has been reported from the Committee on Pensions, and has once been debated at considerable length. It was laid over for the purpose of enabling the Senator from Missouri, I think, to satisfy himself further as to some action that he desired to ascertain from the Pension Bureau. I should like to have the case considered.

Mr. COCKRELL. When we come to the Calendar again I shall be ready to discuss the question, but I cannot do it under the present rule.

The VICE-PRESIDENT. The bill will be passed over.

APPOINTMENTS IN THE ARMY.

The next bill on the Calendar was the bill (S. No. 71) to repeal section 1218 of the Revised Statutes of the United States.

Mr. ALLISON. That bill will give rise to debate.

The VICE-PRESIDENT. The bill will be laid over.

COMPROMISE OF CLAIMS.

The next bill on the Calendar was the bill (S. No. 796) to amend section 3469 of the Revised Statutes, relative to offers of compromise of claims in favor of the United States.

The VICE-PRESIDENT. This bill seems never to have been referred.

Mr. GARLAND. It was referred to the Committee on Finance some time ago.

The VICE-PRESIDENT. The Journal does not show it. It will be noted as referred to the Committee on Finance.

PAYMENT OF DISTRICT WORKINGMEN.

The next business on the Calendar was the joint resolution (S. R. No. 42) to provide for the speedy payment of the workingmen of the District of Columbia.

The VICE-PRESIDENT. This resolution appears never to have been referred.

Mr. ROLLINS. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

NORTHERN BOUNDARY OF NEBRASKA.

The next bill on the Calendar was the bill (S. No. 550) to extend the northern boundary of the State of Nebraska.

Mr. SAUNDERS. I hope the bill will be taken up. I think there is no opposition to it; I do not know of any, at any rate.

The VICE-PRESIDENT. The bill will be read at length.

The bill was read.

Mr. MORRILL. I desire to say that my colleague [Mr. EDMUNDS] the other day objected to this bill, and until he shall be present I object to its consideration.

The VICE-PRESIDENT. The bill will be passed over.

Mr. SAUNDERS. I was not aware that he did object.

Mr. PADDOCK. I think the Senator from Vermont is mistaken about his colleague objecting. It was the Senator from Minnesota [Mr. MCMILLAN] who objected, and he has withdrawn his objection.

Mr. SAUNDERS. The only objection I heard made was by the Senator from Minnesota, who lives near to this tract of country. I should be glad to hear from him.

Mr. MCMILLAN. So far as I am concerned I did interpose an objection at the time the Senator called up the bill before, under the apprehension that the passage of the bill might affect some of my constituents. I have since been advised that that is not the case, and so far as I am concerned I have no objection to interpose. I know nothing of the merits of the bill.

Mr. ALLISON. I should like to ask the Senator from Nebraska how much additional territory this proposed bill will attach to his State?

Mr. SAUNDERS. A country about forty miles in length, and I should say eight or ten miles on the average in width. It is to straighten our line, to carry it to the forty-third parallel, and run it

through to the Missouri River. It is to straighten the line between the Territory of Dakota and the State of Nebraska. It covers some twenty odd townships of land. I do not know exactly the amount.

Mr. PADDOCK. I understand that the Delegate in the House representing that Territory assents to the changed line.

Mr. SAUNDERS. There is no objection anywhere that I know of. I do not know of any one objecting to it.

Mr. INGALLS. Mr. President, I doubt the policy of declaring what the Government will do in the event of the occurrence of an unascertained contingency, and I believe I shall object to the consideration of this bill.

The VICE-PRESIDENT. The bill goes over.

Mr. GARLAND. Before it goes over I wish to state to the Senator from Kansas that the same proposition that he makes now in an objection was made before the committee when this matter was investigated, and I call his attention to the fact that the bill before the Senate conforms, as he will find upon investigation, to a number of precedents of the same sort. The thing has been done several times by the Congress of the United States, and in case of the event not transpiring there is no damage done, no title to the land passes. The bill is only for the purpose of straightening the northern boundary of the State of Nebraska.

The VICE-PRESIDENT. The Secretary will report the next bill on the Calendar.

Mr. PADDOCK. I hope the Senator from Kansas will withdraw his objection.

Mr. INGALLS. I insist on the objection, for the present at least.

The VICE-PRESIDENT. The next bill will be reported.

MILITARY WARRANT LAND LOCATIONS.

The next bill on the Calendar was the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

The VICE-PRESIDENT. This bill has been made a special order for Monday next.

Mr. McDONALD. That is the bill which has been made a special order for Monday next after the morning hour.

The VICE-PRESIDENT. So it will be passed over.

MONUMENT AT CHALMETTE NATIONAL CEMETERY.

The next bill on the Calendar was the bill (S. No. 137) to aid the completion of the soldiers and sailors' monument at Chalmette National Cemetery, Louisiana.

The bill was read.

Mr. TELLER. I should like to inquire what sailors and soldiers these are. I should like to know something about the bill.

Mr. MORRILL. Let the report be read.

Mr. RANDOLPH. The report will explain the bill; it is exceedingly short, but I can state in a moment the whole matter. It is this: Belonging to the Government at New Orleans are fifty pieces of refuse granite. It is desired by this association to complete a soldiers' monument. The War Department recommends that the granite be disposed of in the way proposed by the bill, and the Chief of Engineers, to whom application was made, says in substance that the granite is of no use to the Government.

Mr. TELLER. Let us have the report read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. RANDOLPH December 16, 1879:

The Committee on Military Affairs, to whom was referred the bill (S. No. 137) to aid the completion of the soldiers and sailors' monument at Chalmette National Cemetery, Louisiana, beg leave to submit the following report:

The bill asks for a donation of fifty pieces of refuse granite in and about Fort Livingston, Louisiana, to aid in the completion of the soldiers and sailors' monument at Chalmette National Cemetery, in the State of Louisiana.

The Secretary of War has furnished the committee with the following communication relating to the subject from C. W. Howell, captain of engineers, United States Army, indorsed by General H. G. Wright, Acting Chief of Engineers:

"UNITED STATES ENGINEER OFFICE,
"*New Orleans, May* 23, 1879.

"Respectfully returned to the Chief of Engineers with the following information:

"The granite called for in the bill (S. No. 137) consists of old pintle and traverse circle blocks of obsolete pattern.

"The only use it could be put to, in case Fort Livingston should ever be remodeled to adapt it for a modern armament, would be use in making concrete.

"It can be used to advantage in the Chalmette monument, as I know from having had the design and working drawings of the latter executed under my directions.

"I am informed by the monument committee that they now have money enough to complete the monument, with the exception of bronzes, provided the United States will donate this stone.

"I would respectfully recommend that they be permitted to use it.

"C. W. HOWELL,
"*Captain of Engineers, United States Army.*

"OFFICE CHIEF OF ENGINEERS,
"*Washington, May* 28, 1879.

"Respectfully returned to the honorable the Secretary of War, inviting attention to the preceding indorsement, which is approved by me. The stone is of little value for the purposes of the work at Fort Livingston.

"H. G. WRIGHT,
"*Acting Chief of Engineers.*"

As the bill receives the indorsement and approval of the Engineer Department of the United States Army and is concurred in by the Secretary of War, the committee recommend its passage.

Mr. TELLER. What I wanted to find out I have not learned from the report. I want to know what sailors these are and what soldiers we are building a monument to. I want to know in what war they served, when they served, and I think I will inquire on which side they served.

Mr. RANDOLPH. Mr. President, the committee did not deem it within its province, nor did it know of any occasion to ask that question when the matter came before it. I cannot answer the Senator; I cannot say whether these be Federal or confederate soldiers. The question did not come up in the committee. The only way to ascertain the facts will be to return the whole of these communications to the War Department and obtain from it the reasons for its recommendation.

Mr. COCKRELL. I should like to ask the Senator from Colorado if he knows of any national cemetery erected and maintained at the expense of the General Government over the bodies of the slain confederates?

Mr. TELLER. I do not.

Mr. COCKRELL. This is a national cemetery, belonging to the Government, over the soldiers of the Union and the sailors of the Union.

Mr. KELLOGG. That is true.

Mr. TELLER. I do not learn it from the report of the committee, nor am I able to learn from any member of the committee that this donation goes to a national cemetery. It goes to certain individuals by name. I think the committee could afford to give us a little information on this subject. If they cannot, I will object to the bill.

Mr. KELLOGG. Mr. President——

The VICE-PRESIDENT. The Secretary will report the next case on the Calendar.

Mr. KELLOGG. Mr. President, I have just entered the Chamber, and I am informed that Senate bill No. 137 being under consideration, it has been objected to by the Senator from Colorado. If I am correctly informed, I ask the Senator from Colorado to withdraw his objection. This bill, I think, is undoubtedly proper. It is intended simply to give to an association incorporated under the laws of Louisiana the right to use certain granite for building a monument in Chalmette Cemetery, a Union national cemetery wherein are buried hundreds of Union soldiers and sailors. I do not think there can be any objection to the bill, justly, from any quarter. These pieces of granite are worthless to the Government at the present time. I believe they are at Fort Livingston, or were, and it is desired simply to utilize them in building this monument.

Mr. TELLER. The language of the bill, as I stated before, is a donation to individuals; and if the object is to donate the granite for the purpose of erecting a monument in a national cemetery it should have been asserted in the bill.

Mr. KELLOGG. These individuals are the incorporators.

Mr. TELLER. These parties become proprietors of it.

Mr. KELLOGG. They are incorporated under the laws of Louisiana.

The VICE-PRESIDENT. The Secretary will read the next bill.

THE TENTH CENSUS.

The next bill on the Calendar was the bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879; which was considered as in Committee of the Whole.

Mr. PENDLETON. Mr. President, by the instruction of the Committee on the Census, I desire to move a substitute for this bill, one which contains all the provisions of the bill and one or two additional sections; and with the permission of the Senate, I will make a brief statement as to the objects and purposes of the measure.

Section 1 provides that all mail matter received by the Census Bureau shall, upon the use of official envelopes, be transported free through the post-office. As the law now stands, it is only the matter which goes out from the Census Office which is transported free.

The second section provides that there shall be a change of schedules in this respect; that an inquiry shall not be made as to whether foreign-born inhabitants are naturalized citizens or remain aliens. The reason for that is that the experience heretofore had shows that the returns are extremely unsatisfactory, for the reason that naturalization is frequently a judicial question, and cannot be determined readily by those who give information as to the number of persons in the house.

The next provision is that the returns for the fiscal year of certain railroad and other companies shall be made as of the date next nearest to the 1st of June, 1880; and the reason for that provision is that many of the fiscal years of corporations end in July, August, and September, and, as the law now stands, the particulars reported would only relate really to the second year before that in which the census is taken.

Section 4 requires that the enumeration in cities of a certain class shall be completed in two weeks, rather than in four, which is given in the original law.

Section 5 provides that wherever it shall be found impossible in an enumeration district to find a person competent and willing at the salary which is to be given to undertake to perform the duties of the office, the selection may be made throughout the county in which the enumeration district exists.

Section 6 provides that after the enumeration is completed in the enumeration district, a list of the inhabitants shall be set up in a conspicuous place provided for that purpose, and that objections to the list, either that it does not contain all the inhabitants or that in other respects it is wrong, shall be heard.

The seventh section imposes the obligation upon the part of supervisors to provide that a copy of the return which is sent to the Census Bureau here shall be sent to the office of the secretary of state of the respective States.

Section 8 contains an additional appropriation of $350,000, or as much of that sum as may be necessary, to cover the additional copies which are required by this bill to be made, and also the expense of the enumerators in receiving objections to their reports.

The Senate will perceive, as I have stated the provisions of this substitute, that they relate merely to the machinery by which the census is to be taken, and the committee were unanimously of the opinion that they would add to the efficiency of the service. I might also say, although that perhaps is not very important, that the bill as it now stands met the concurrence, and indeed was suggested to the committee by the Superintendent of the Census. I move this as a substitute for the original bill.

The VICE-PRESIDENT. The Senator from Ohio moves to strike out all of the bill after the enacting clause and insert what will be read.

The Chief Clerk read the words proposed to be inserted, as follows:

That all mail matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent, his chief clerk, supervisors or enumerators, and indorsed, "Official business, Department of the Interior, Census Office," shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.

SEC. 2. That the seventeenth section of an act entitled "An act to provide for the taking of the tenth and subsequent censuses" be amended by striking out so much thereof as provides that schedule 1 contain an inquiry as to the naturalization of foreign-born persons, and that schedule 4 contain an inquiry relating to the ownership of the public debt of the United States, by whom owned, and the respective amounts.

SEC. 3. That section 17 of the act aforesaid be so amended as to allow the report which the Superintendent of the Census is required to obtain from railroad corporations, incorporated express companies, telegraph companies, and insurance companies to be made for the fiscal year of the incorporation or company having its termination nearest to the 1st of June, 1880.

SEC. 4. That section 19 of the aforesaid act shall be amended so as to require the enumeration to commence upon the 1st day of June, 1880, and further so as to require that the enumeration of population in cities having over ten thousand inhabitants shall be taken within two weeks from the 1st day of June, 1880.

SEC. 5. That section 5 of the act aforesaid shall be amended so as to allow that in case it shall occur in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that district, the supervisor may appoint any fit person, resident in the county, to be the enumerator of that district.

SEC. 6. That section 9 of the act aforesaid be, and the same hereby is, so amended as to require each enumerator, immediately after completing the enumeration of the population of his district and before forwarding the same to the supervisor, to make and file in the office of the clerk of the county court or in the office of the court or board administering the affairs of the county to which his district belongs a list of the names, with age, sex, and color, of all persons enumerated by him, which he shall certify to be true, and for which he shall be paid at the rate of ten cents for each one hundred names. He shall give notice by written advertisement at three or more public places in his district that he will be at the court-house of said county on the fifth day after filing said list, not including Sunday, from nine o'clock a. m. to six o'clock p. m. and the following day for the purpose of correcting his enumeration by striking out or adding the designation of persons improperly enumerated or omitted; and on the days so designated he shall, in accordance with said notice, proceed to correct, on such reliable information as he may obtain, all omissions and mistakes in such enumeration, and to that end he may swear and examine witnesses, who shall testify subject to the pains and penalties of perjury. The result of such inquiry for correction and the whole number of persons by him enumerated he shall make known to the bystanders, if any. And the time given enumerators by said act to make return to supervisors is hereby extended fifteen days; and within five days from the expiration of the time given for correcting his schedule of inhabitants each enumerator shall make a full, true, and perfect copy of all schedules made by him, which he shall forward with the original as duplicate returns to the supervisor of his district in such time and manner as the supervisor may direct, and for the copy of schedules required he shall receive compensation at the rate of ten cents a page. And each enumerator shall be paid for his services in correcting his schedule of inhabitants as required by this act a sum to be fixed by the Superintendent of Census, in no case to exceed $2.50 per day. And that the oath of office prescribed by section 7 of said act be so amended as to authorize and require the making and filing the list of inhabitants as required by this act.

SEC. 7. That section 5 of said act be, and the same hereby is, so amended as to require each supervisor of census to forward one of the two sets of returns received from the enumerators to the Census Office at Washington, and to file the other in the office of the secretary of state of the State or Territory to which his district belongs.

SEC. 8. That to pay the enumerators for the additional services required by this act the sum of $350,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. INGALLS. I should like to hear from the chairman of the committee as to the advisability of the change proposed in section 4, which provides that section 19 of the original act shall be amended so as to require that the enumeration of population in cities having over ten thousand inhabitants shall be taken within two weeks from the 1st day of June, 1880, the original section providing, if I recollect aright, that that enumeration should be made in four weeks.

I am not very familiar with the terms of the original act, but if I recollect aright the enumerators or subordinate officers under the supervisors are limited to four thousand inhabitants; that is, there is an enumerator for every four thousand people. Then, in cities having over ten thousand there would be, say, an average of three enumerators, which would give them twelve working days in which to take down all the statistics provided for in the original section, which would require about fifteen hundred a week, not less than that, or from two hundred and fifty to three hundred every working day. I doubt exceedingly whether it is in the power of the men who will be likely to be appointed enumerators to prepare the statistics provided for in the original act within the period named in this section. If three hundred names, with all the necessary statistics in regard to them as to birth and property and whatever else may be necessary, are to be taken within each working day, I doubt if it can be done; and unless the chairman of the committee has some positive information on this subject, I should hope that the Senate would not agree to that amendment. Of course the great object of the census is accuracy and fidelity. I can see no reason why the amendment should be made. The time provided in the original act was adopted after mature deliberation, and I think corresponds with the time adopted in the previous censuses. I can see no object to be attained by this reduction, and it appears to me to be very doubtful whether it would be possible to perform the labor within the period prescribed.

Mr. PENDLETON. Mr. President, I can only say in reference to the objection made by the Senator from Kansas that the effort has been to make the census as complete as possible within the briefest possible time. It would be desirable if it were possible to take it upon one particular day. That was not found to be advisable, although it could undoubtedly be done if a sufficient expenditure were made. If it were thought that the advantage of taking it all on one day would be equivalent to the very great expense which would be necessary, it should be done.

As the Senator has well said, in cities of ten thousand population there will be three enumerators; and three enumerators will be sufficient to take the census of inhabitants, inasmuch as under the law as it now exists much of the duty which was devolved upon the deputy marshals under the former law, deputy marshals then being the enumerators, has been taken from them, and statistics other than those of mere population have been devolved upon other instrumentalities for collection.

The suggestion as to the two weeks met with the approval of the Superintendent of the Census, whose desire has been to stimulate the greatest possible activity in making the enumeration. He believes that it is entirely feasible in cities of that population to require this to be done.

The VICE-PRESIDENT. Does the Chair understand the Senator from Kansas to submit an amendment?

Mr. INGALLS. No, sir, I offer no amendment.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Ohio as a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN TRUST FUNDS.

The next bill on the Calendar was the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The bill was read.

Mr. PENDLETON. By the direction of the Committee on Indian Affairs, I move a substitute for this bill. It will be remembered that when this bill was up for discussion the Senator from Vermont [Mr. EDMUNDS] and the Senator from New York [Mr. CONKLING] made objection to the phraseology of the bill and to the provisions as to the funds which were to be deposited and the interest that was to be paid. The Committee on Indian Affairs have redrafted the bill and endeavored to meet the objections of both those Senators, and I think there can be no objection to the bill as it now stands.

The Chief Clerk read the proposed amendment, which was to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Interior be, and he is hereby, authorized to deposit, in the Treasury of the United States, any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments; and the United States shall pay interest semi-annually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per centum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress.

Mr. PENDLETON. I will state also that there is a report accompanying this bill which explains fully all its provisions and the conditions of the Indian trust funds.

Mr. DAVIS, of West Virginia. While I shall not object to the bill, I call attention to the fact that there is a provision there which appears to me ought not to be. By a practice, continued perhaps from the beginning of the Government, we have now reached a stage where one hundred, or more, appropriations are paid out, without coming

before Congress, each year; consequently Congress has no knowledge of the amounts appropriated or how large they are. Aside from interest on the public debt, there are now, perhaps, between fifty and one hundred millions of dollars going out of the Treasury annually in this way, without the supervision of Congress; and the amount has been very much larger in previous years. I think where there are trust funds there should be a regular appropriation for them; and it appears to me that we ought not to continue the system of making appropriations now for the generations to come. They ought to be supervised and looked over, and carefully considered by each and every Congress, and the provisions of this bill will prevent that. There has been, and is still, a very large number of such appropriations, commencing almost with the beginning of the Government and running down to the present day. A committee of the Senate has been charged with the duty of looking into and reporting to the Senate what they are, their amount and number, and I think it will astonish the Senate when it learns of their vast amount.

Now, I hope the Senator from Ohio, upon this suggestion which I make, will change that feature of the bill, and let this matter be appropriated for as all other things are, as the salaries of the judges of the Supreme Court and all other officers are, and as all other items for carrying on the Government are. It would be better if Congress would pass no appropriation permanent in its nature; we had better supervise each item every year. Let the appropriations come before Congress regularly, and let Congress know, from year to year, what they are appropriating. I hope the Senator will change that part of the bill. With that change, I certainly have no objection to it.

Mr. PENDLETON. That is a matter which was considered in the committee that reported the bill. It was thought inasmuch as these amounts are guaranteed by treaty and by permanent law, the appropriation might as well be made permanent as to be made annually. If the system that the Senator alludes to shall hereafter become general, if the bill he is preparing shall hereafter be made a law, and it be thought advisable to repeal this portion of this law, it can be done. I hope the bill will pass as it was reported from the Committee on Indian Affairs.

Mr. TELLER. I desire to ask the Senator from Ohio who reported this bill what funds are in the hands of the Secretary of the Interior?

Mr. PENDLETON. I will tell the Senator.

Mr. TELLER. I supposed they were in the hands of the Secretary of the Treasury.

Mr. PENDLETON. I have the report here.

Mr. DAVIS, of West Virginia. I believe the law requires them to be deposited with the Treasurer.

Mr. PENDLETON. They are in the possession of the Treasury of the United States, but they are only there as a mere custodian of the bonds. That Department has no legal authority over them except to hold them subject to the order of the Secretary of the Interior. The inducement to the law of 1875 was that inasmuch as the vaults, safes, and other receptacles in the Treasury were much more safe than those in the Interior Department, and especially after the fire occurred, they should be transferred to the Treasury for safe-keeping.

Mr. GARLAND. Did I understand the Senator from Ohio to say that there was a report accompanying this bill?

Mr. PENDLETON. Yes, sir.

Mr. GARLAND. Has it been printed?

Mr. PENDLETON. Yes, sir; Senate report No. 186, made by me within a few days past.

Mr. GARLAND. When the bill was up some time since there were several objections to it raised at that time; among others the Senator from Vermont objected. I do not see him in his seat this morning. This is a very important bill; a bill that has several serious questions in it. When it was before the Senate a year ago or more, there was a petition filed by the delegate of the Chickasaw Nation of Indians, printed, and referred to the Committee on Indian Affairs, raising these objections to the bill:

> Your petitioner objects to having their trust fund covered into the Treasury, as this bill proposes, on the following grounds:
> 1. It is a plain violation of their treaties as hereinbefore set out. The Chickasaw treaty requires that their funds "shall constantly be kept invested in safe and profitable stocks."
> 2. From experience and observation we fear that when our funds are once covered into the Treasury we will never be able to get them out should any great calamity befall our people requiring a use of some portion of these funds.
> 3. We fear that Congress might at some time fail to appropriate our interest on these funds.

These are three very serious objections to the bill, and I have some statements in my possession from other Indians interested in this matter. The report I do not think has been spread on the desks of Senators; at least I have not had an opportunity of seeing it; and I would ask the Senator who has charge of the bill to consent that it may go over until we have time to examine it.

Mr. PENDLETON. Allow me to ask the Senator from Arkansas what tribes have remonstrated?

Mr. GARLAND. This remonstrance is from Mr. Overton, delegate of the Chickasaw Nation of Indians. He makes a statement, too, of the different funds of his tribe.

Mr. PENDLETON. Will the Senator read it?

Mr. GARLAND. The investments?

Mr. PENDLETON. Yes.

Mr. GARLAND. This was a year ago. On page 3 of his remonstrance this appears:

Stocks.	Per cent.	Original amount.	Amount of abstracted bonds not provided for by Congress.	Amount on hand.	Annual interest.
CHICKASAW NATIONAL FUND.					
State of Arkansas	6			$168,000 00	$10,080 00
State of Maryland	6			8,350 17	501 01
State of Tennessee	6			616,000 00	36,960 00
State of Tennessee	5½			66,666 66⅔	3,500 00
State of Virginia, (Richmond and Danville Railroad)	6			100,000 00	6,000 00
United States, registered, act of March 3, 1865	6			550 95	33 06
United States, funded, loan of 1881	5			206,099 70	10,305 00
Total				1,165,667 48⅔	67,379 07
CHICKASAW INCOMPETENTS.					
State of Indiana	5			2,000 00	100 07

Mr. PENDLETON. The Senator will allow me to say, in answer, that this bill does not affect any of those funds that are enumerated there except the United States funded loan of 1881. It provides simply that the funds arising from the redemption of United States bonds, funds arising from the sale of Indian lands, and funds arising from the proceeds of temporary investments, shall be paid into the Treasury. It does not affect in any degree the State stocks and securities that have heretofore been held. The necessity for the bill, if the Senator will read the report, arises from the fact that the 5 per cent. bonds held by the Secretary of the Interior in trust for the Indians are now maturing, and some arrangement must be made for the investment of the funds, for the law requires all the investments to be made at 5 per cent. The report, if the Senator will take the trouble to look at it, accompanying this bill recites:

> The necessity for the passage of this bill is to be found in the fact that some of the 5 per cent. bonds of the United States, which were held by the Secretary of the Interior in trust for the Indian tribes, have been called in and paid by the Secretary of the Treasury, and under the law no authority exists for the investment of the money so realized.

The Senator will observe that the bill is limited to funds arising from the three sources, redemption of United States bonds, sale of Indian lands, and the proceeds of a mere temporary investment; and I will say to the Senator further that this bill was drawn expressly with reference to the objections made by the Senator from Vermont and the Senator from New York, and when I reported the modified bill I stated in the hearing of both those gentlemen that it was intended to obviate the objections they had made to the former bill.

Mr. GARLAND. I dare say if I had read the report, which I have not, (and I have it now for the first time in my hand,) I should concur with the Senator in his view of the bill; but this report was made on the 2d, only three days since. It is probably my own fault that I have not read it, but in the multitude of other duties it has entirely escaped me. In that view I do not want to be put in the category of objecting to the Senate considering anything; I do not want to make an objection; but I request that it go over.

Mr. PENDLETON. I certainly shall not object to a reasonable request made by the Senator from Arkansas, although I believe it was at his request that I allowed the bill to go over before.

Mr. GARLAND. It was; and I state now that I have not before seen the report, which was made only three days since.

Mr. PENDLETON. I will accept any suggestion from the Senator as to the temporary disposition of the bill, either asking that it be made a special order or that it go over on the Calendar.

Mr. GARLAND. Let it be passed over informally, so that I can look at it.

Mr. PENDLETON. I ask, then, that it be passed over informally.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

EXECUTIVE SESSION.

Mr. FARLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

The message also announced that the House had passed the following bills:

A bill (S. No. 325) for the relief of Henry Page;

A bill (S. No. 578) granting an increase of pension to Samuel B. Davis; and

A bill (S. No. 857) authorizing the conversion of national gold banks.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 325) for the erection of a public building at Danville, Virginia.

The message also announced that the House had non-concurred in the amendments of the Senate to the amendments of the House to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN T. HARRIS of Virginia, Mr. JOHN B. CLARK of Missouri, and Mr. G. S. ORTH of Indiana managers at the conference on the part of the House.

FITZ-JOHN PORTER.

Mr. RANDOLPH gave notice that on Wednesday next, after the morning hour, he would call up the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States Volunteers and colonel of the Army, for consideration.

EDWARD BRADEN AND J. W. ANGUS.

Mr. ROLLINS entered a motion to reconsider the vote by which the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus was passed.

ADJOURNMENT TO MONDAY.

On motion of Mr. BAYARD, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

Mr. WHYTE. I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 5, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

CANCELLATION OF PATENT, ETC.

Mr. VAN VOORHIS, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to inform this House—

1. The reasons for the cancellation of the patent issued to Thomas McBride, on the 26th day of September, 1877, for one hundred and sixty acres of land in Grantsville, in the Territory of Utah, which cancellation occurred on the 10th day of October, 1879, or thereabout.

2. The number of incorporated cities in the Territory of Utah, the population of each, the number of acres of public lands in each city, the number of patents for public lands granted in each city, with the amount of lands thus granted.

3. Whether there are any facts within his knowledge tending to show that these incorporated cities, or any of them, have been organized with the intent to prevent persons desiring to settle in Utah from obtaining any of the public lands within the corporate limits thereof.

4. Has there been in the Interior Department, heretofore, any discrimination in issuing patents for public lands in these cities of Utah in favor of Mormons and against other persons.

Mr. VAN VOORHIS. Mr. Speaker, I ask to have the petition accompanying that resolution printed in the RECORD.

The SPEAKER. The petition will go into the petition-box.

Mr. VAN VOORHIS. Very well, sir.

PUBLIC BUILDING, DANVILLE, VIRGINIA.

Mr. CABELL. Mr. Speaker, I move by unanimous consent to take from the Speaker's table the bill (H. R. No. 325) for the erection of a public building at Danville, Virginia, which has been returned from the Senate with amendments, for the purpose of moving concurrence in those amendments.

The SPEAKER. The amendments will be read, when the Speaker will ask whether there is objection to their present consideration.

The amendments of the Senate were read, as follows:

Line 5, strike out "sixty" and insert "seventy," and after the word "dollars" insert the following:

"To be expended under the direction of the Secretary of the Treasury, who shall procure the site and cause proper plans and estimates to be made so that no expenditure shall be made or authorized for the full completion of said building beyond the sum hereby appropriated, on a site at least sixty feet removed from any other building."

So the bill will read:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed at Danville, Virginia, a building for the accommodation of the circuit and district courts of the United States, the post-office, and internal-revenue officers, at a cost not exceeding $70,000, to be expended under the direction of the Secretary of the Treasury," &c.

The SPEAKER. The Chair hears no objection to the present consideration of the amendments of the Senate.

Mr. CABELL. I move to concur in those Senate amendments.

The amendments were concurred in.

Mr. CABELL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONVERSION OF NATIONAL GOLD BANKS.

Mr. CRAPO. Mr. Speaker, I am directed by the Committee on Banking and Currency to move by unanimous consent to take from the Speaker's table a bill (S. No. 857) authorizing the conversion of national gold banks, in order that it may be considered at this time. The bill has already been considered by the Committee on Banking and Currency and its passage has been unanimously recommended by that committee.

The SPEAKER. The Chair hears no objection to the present consideration of the bill, and the same will be read.

The bill, which was read, provides that any national gold bank organized under the provisions of the laws of the United States may, in the manner and subject to the provisions prescribed by section 5154 of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section 5133, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations: provided that all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed.

Mr. CRAPO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPLEMENT TO REVISED STATUTES.

Mr. HARRIS, of Virginia. I move, Mr. Speaker, by unanimous consent to take from the Speaker's table the amendments of the Senate to the amendments of the House to joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, for the purpose of moving disagreement to the amendments of the Senate, and asking a committee of conference on the disagreeing votes of the two Houses.

The SPEAKER. The Chair hears no objection and it is ordered accordingly.

Mr. HARRIS, of Virginia, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. RYAN, of Kansas. Mr. Speaker, I desire to present a memorial of 1,000 citizens of my State, asking that those great lines of commerce which are already constructed, or that may hereafter be constructed, to the border of the Indian country, shall be granted the right to traverse that Territory. In other words, they ask that that Territory shall be no longer an obstruction to the commerce between the different States and Territories.

Although that Indian country is the paradise of America, and would make happy and prosperous homes for millions of people in the East who are homeless, they do not ask to have that Territory opened to settlement, but simply that it shall no longer be allowed to remain as an impassable barrier to commerce. They are willing that it shall remain the home of the Indians, and they believe the opening of these lines of commerce will in no wise injure any interest of the Indians, but, on the contrary, will prove a civilizing agency.

I therefore ask that this memorial be referred to the Committee on Railways and Canals; and I beg to say to that honorable committee that I hope they will give this petition prompt, early, and favorable consideration.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Kansas, and the petition will be referred to the Committee on Railways and Canals.

SINKING FUND, PACIFIC RAILROAD.

Mr. MCLANE, by unanimous consent, from the Committee on the Pacific Railroad, reported a bill (H. R. No. 4233) to create a sinking fund for the Kansas Pacific, Sioux City and Pacific, and Central Branch Union Pacific Railroad Companies, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

HENRY PAGE.

Mr. GUNTER. I move by unanimous consent to take from the Speaker's table the bill (S. No. 325) for the relief of Henry Page.

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury to credit the account of Henry Page, late agent and disbursing officer of the Bureau of Refugees, Freedmen, and Abandoned Lands, with the sum of $904.09, being the amount, with interest, disbursed by him as such officer in good faith to persons falsely producing the discharges of, and identifying themselves as, John West, Alfred Rogers, and Miles Shinn, discharged United States soldiers; and that the proper certificate of credit be issued to said Page, and be received by the United States marshal for the eastern district of Arkansas, in full satisfaction of the judgments against said Page, on account of the aforesaid disbursements, in the circuit court of the United States for the eastern district of Arkansas.

Mr. DUNNELL. I should like to ask whether this bill has been considered by any committee of this House.

Mr. GUNTER. It has not, but it has been investigated and reported upon by three several committees of the Senate.

Mr. DUNNELL. How much is involved?

Mr. GUNTER. About nine hundred and odd dollars. I ask that the report of the Senate committee be read, if there be no objection.

Mr. DUNNELL. I do not wish to object, but I hope the report will be read.

The report was read, as follows:

By the certified copy of the record of the circuit court of the United States for the eastern district of Arkansas, it appears that a special verdict was found in favor of the United States against the said Henry Page and his sureties, to the effect that the said Page, as special agent and disbursing officer, received from the United States the sum of $287.50 on the 23d of June, 1868, with instructions to pay the same to Miles Shinn, a discharged soldier of Company G, One hundred and thirteenth United States Colored Troops, and that on the 13th day of July, 1868, the said defendant in good faith paid the same to a person claiming to be Miles Shinn, and who presented the discharge of and was identified as Miles Shinn by J. T. Daniels, but that the person to whom the said sum of money was paid by defendant was not Miles Shinn, and that the said Miles Shinn has never been paid the said sum of money by the defendant.

If upon these facts the court is of opinion that the defendant is liable, then we find for the United States, the plaintiff, the sum of $287.50, with 6 per cent. interest from the 13th day of July, 1868; but if the court is of the opinion that defendant is not liable, then we find for the defendant.

And in another suit of the United States against the said Henry Page a similar special verdict for the sum of $130.32 was found against the defendant, subject to the opinion of the court. And also in the case of John West.

Upon the question of the liability of the defendant thus reserved, Judges Dillon and Caldwell divided in opinion, and filed a certificate of division of opinion, so that the case should be carried to the Supreme Court of the United States; but it appears that the petitioner was wholly unable for want of means to carry this case, involving a sum less than $1,000, to the Supreme Court of the United States, by reason of the expense.

It appears by the certificate of Charles C. Waters, United States attorney for the eastern district of Arkansas, whose statements are indorsed by Henry C. Caldwell, the district judge before whom the suits against Page by the United States were tried, that Page had been engaged for a considerable time as disbursing officer, and large sums of public money, amounting in the aggregate to several millions of dollars, had passed through his hands and been faithfully accounted for; and that the payments to the persons falsely personating the three discharged soldiers in question were made by him in perfect good faith and by the absolute perjury of apparently credible witnesses, and that Page was the victim of a conspiracy which it is difficult to see how he could have avoided.

In view, therefore, of the circumstances of the case, the special verdicts of the juries, and certificate of the district attorney who prosecuted and the district judge before whom the cases were tried, all expressly exonorating Mr. Page from any bad faith in these transactions, and attesting his long and faithful performance of duty in receiving and disbursing millions of the public money, we consider his case meritorious and that his prayer for relief should be granted, and accompany this report with a bill for his relief.

There was no objection, and the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, and accordingly read the third time, and passed.

Mr. GUNTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAKE NEAR COUNCIL BLUFFS.

Mr. SAPP, by unanimous consent, from the Committee on Public Lands, reported back a bill (H. R. No. 1064) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake or bayou near said city; and the bill and accompanying report were ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

EULOGIES ON THE LATE SENATOR CHANDLER.

On motion of Mr. CONGER, by unanimous consent, the joint resolution (S. No. 75) to print the eulogies in the two Houses of Congress upon the late Zachariah Chandler was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

LANDS IN INDIAN TERRITORY.

Mr. HILL, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Territories:

Resolved, That the Committee on the Territories be, and are hereby, instructed to report no bill looking to or providing for the organization of any Territory out of any of the land embraced in the lands known as the present Indian Territory, excepting so much of said Territory as lies east of the ninety-seventh degree of longitude.

ASSESSMENT ON THE STATES.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported back the following resolution; which was adopted:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the amount assessed upon the States under the act of 1861 and its supplement, and the amount collected from each, and what action has been had or what legislation, if any, is suggested to collect the assessments from the delinquent States.

KANSAS JUDICIAL DISTRICT.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 4234) to divide the district of Kansas into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN B. DAVIS.

Mr. MONEY, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 3758) for the relief of John B. Davis, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee of Claims, not to be brought back on a motion to reconsider.

The motion was agreed to.

SPECIAL-REQUEST ENVELOPES.

Mr. MONEY also, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back, with an adverse recommendation, the bill (H. R. No. 3413) concerning special-request envelopes, and moved that the same be laid upon the table and that the accompanying report be printed.

The motion was agreed to.

VAN B. BOWERS.

Mr. ROTHWELL, by unanimous consent, introduced a bill (H. R. No. 4235) for the relief of Van B. Bowers, postmaster at Bucklin, Missouri; which was read a first and second time, and referred to the Committee of Claims.

MARY CRAMER.

Mr. BELTZHOOVER, by unanimous consent, introduced a bill (H. R. No. 4236) granting a pension to Mary Cramer; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE C. JOHNSTON.

Mr. LE FEVRE, by unanimous consent, introduced a bill (H. R. No. 4237) to pay a balance due to George C. Johnston under an act for his relief approved March 3, 1843; which was read a first and second time, and referred to the Committee on Appropriations.

TITLE TO CERTAIN LANDS IN OHIO.

Mr. MYERS, by unanimous consent, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. HIRNBACH.

Mr. RYON, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4238) for the relief of William B. Hirnbach, late private in Company G, One hundred and sixteenth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

MARGARET M'ELROY.

Mr. RYON, of Pennsylvania, also, by unanimous consent, introduced a bill (H. R. No. 4239) granting a pension to Margaret McElroy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

UNITED STATES COURT-HOUSE AT CHARLESTON, SOUTH CAROLINA.

Mr. O'CONNOR, by unanimous consent, introduced a bill (H. R. No. 4240) making an appropriation to furnish the United States court-house at Charleston, South Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF COUPONS OF UNITED STATES BONDS.

Mr. O'CONNOR also, by unanimous consent, introduced a bill (H. R. No. 4241) to provide for the payment of the coupons of United States bonds at any and all of the United States depositories; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INTEREST UPON UNITED STATES REGISTERED BONDS.

Mr. O'CONNOR also, by unanimous consent, introduced a bill (H. R. No. 4242) requiring the Secretary of the Treasury to pay the current interest upon all registered bonds of the United States without respect to the date of assignment or transfer; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SILVER CERTIFICATES.

Mr. O'CONNOR also, by unanimous consent, introduced a bill (H. R. No. 4243) making silver certificates receivable at the Treasury of the United States in redemption of the circulating notes of issue of the national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SAMUEL B. DAVIS.

Mr. HOSTETLER. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 578) granting a pension to Samuel B. Davis. This is a meritorious case, and I hope there will be no objection to the bill being considered at this time.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel B. Davis, of Company C, Eighteenth Regiment Indiana Volunteers, and pay him the pension now allowed by law to those who have lost both an arm and a leg.

Mr. HOSTETLER. Let the report of the Senate committee be read.

The report of the Senate Committee on Pensions was read, as follows:

The Committee on Pensions, having examined the bill (S. No. 578) granting an increase of pension to Samuel B. Davis, Company C, Eighteenth Regiment Indiana Volunteers, and the papers accompanying, find that said soldier was pensioned

March 3, 1873, at the rate of $18 per month, for anchylosis of the ankle and elbow joints, the result of disease contracted in the service. The disability having increased, the pension was subsequently rated at $24 per month, commencing March 3, 1873. Application is now made for an increase to $36 per month, on the ground that the disability is so great as to entitle the pensioner to the same rate allowed by law for the loss of a leg and an arm. The affidavits of Merlin L. Hall, M. D., and Lewis Shepard, M. D., filed in the case, appear to establish the fact, as they depose that the left ankle is completely anchylosed, with great enlargement of bony structure around the joint, and the whole limb atrophied and shrunken to a degree that renders it entirely useless, and a source of suffering and inconvenience; that the right elbow-joint is also anchylosed, with atrophy of the muscles of the arm, and anchylosis of the bones of the hand, with consequent inability to close the fingers, rendering hand and arm entirely useless.

The committee, therefore, recommend the passage of Senate bill No. 578, with an amendment.

The SPEAKER. The question is on the third reading of the bill.

Mr. COFFROTH. I object to the present consideration of the bill.

The SPEAKER. The gentleman who has taken charge of the bill is a member of the Committee on Invalid Pensions.

Mr. COFFROTH. It has not been before that committee.

The SPEAKER. The Chair thinks the gentleman from Pennsylvania [Mr. COFFROTH] is too late in making his objection. The report has been read, which is in the nature of considering the bill.

Mr. COFFROTH. I understood the objection could come in at any time before consideration.

The SPEAKER. The bill has been considered. There was no reservation of the right to object. If the gentleman had reserved his right to object, then he could have made his objection at any time. The Chair recognized the gentleman from Indiana [Mr. HOSTETLER] as a member of the Committee on Invalid Pensions and there was no objection.

Mr. COFFROTH. I came in while the bill was being read.

The SPEAKER. The bill was read and the report has been read; and the Chair regards that as being in the nature of considering the bill.

Mr. COFFROTH. I came in while the bill was being read and waited until the report should be read.

The SPEAKER. The gentleman waited too long.

Mr. COFFROTH. I think these bills ought to go to the Committee on Invalid Pensions. I have not, of course, any objection to this particular bill.

The SPEAKER. The Chair understands that the gentleman has no objection to the passage of this bill, but gives notice that hereafter he will object to bills being passed without being considered by the proper committee.

Mr. COFFROTH. I move that this bill be referred to the Committee on Invalid Pensions.

The SPEAKER. Does the gentleman from Indiana [Mr. HOSTETLER] yield for that purpose?

Mr. HOSTETLER. The only objection I have to the reference——

The SPEAKER. The gentleman has the right to test the sense of the House on ordering the previous question upon the bill.

Mr. HOSTETLER. I think this is a very meritorious bill and one which ought to pass. It has been carefully considered by the Senate, and it seems to me there is no good reason why it should be referred to the Committee on Invalid Pensions.

The SPEAKER. The Chair is always liberally inclined to give every opportunity for the passage of pension bills.

Mr. COFFROTH. I do not know anything about the bill; but I do not want to establish the precedent of taking bills from the Speaker's table and passing them without reference to the proper committees.

The SPEAKER. That is often done in regard to pension bills.

Mr. BROWNE. And it is right.

The SPEAKER. The bill having been read, and the report having also been read, the reading of the report being in the nature of an argument in favor of the passage of the bill, and to that extent constituting a consideration of the bill, the objection to the consideration of the bill, which should have been made immediately upon its reading, is now too late.

Mr. HOSTETLER. I move the previous question on the third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and it was accordingly read the third time.

The question was upon the passage of the bill; and being taken, upon a division there were—ayes 101, noes 13.

No further count being called for, the bill was passed.

Mr. HOSTETLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLAFLIN, for four days, on account of important business.

CONFERENCE COMMITTEE.

The SPEAKER announced the appointment of Mr. HARRIS of Virginia, Mr. CLARK of Missouri, and Mr. ORTH of Indiana as the conferees on the part of the House upon the disagreeing votes of the two Houses upon Senate joint resolution No. 19, to provide for the publication and distribution of a supplement to the Revised Statutes.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the House of the following titles:

An act (H. R. No. 582) to provide for circuit and district courts of the United States at Columbus, Ohio, and transferring certain counties from the northern to the southern district in said State;

An act (H. R. No. 3034) to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State;

An act (H. R. No. 3108) amending the charter of the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia;

A joint resolution (H. R. No. 145) authorizing certain printing for the land commission; and

A joint resolution (H. R. No. 169) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. FERNANDO WOOD. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour will now begin at fifteen minutes before one o'clock. The business pending at the close of the morning hour yesterday was the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of the act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. Upon this bill the gentleman from Michigan [Mr. WILLITS] is entitled to the floor, having used ten minutes of his time during the morning hour of yesterday.

Mr. WILLITS. When the morning hour closed yesterday I was commenting on the amendment which strikes out the right to bring suits in the United States courts on assigned promissory notes, thereby restoring the law as it was prior to the act of March 3, 1875. I need not make any extended remarks on the evils that have arisen under the law as it now is. Suffice it to say that under it great injustice has been done in what are called patent-right cases, or notes given for patent rights, in nominally assigning in innumerable instances causes of action to citizens of other States than the one in which the contract was made or in which the defendant resides, for the express purpose of their prosecution in the Federal courts. In all these cases the cause is on the removal more than half won by the plaintiff, and in many instances the cause is wholly won by reason of the different constructions of the law given by the State and Federal courts. In my judgment the assigned contract should have the same tribunal that the unassigned contract would have. Section 2 of the bill confers upon defendants the power of removal in all cases of which the United States circuit court has original jurisdiction by section 1. The law of 1789 gave this right of removal to defendants only. The law of 1875 gave it to either party, plaintiff or defendant. This bill takes away the right of a plaintiff to remove his cause. He has selected his forum and let him abide by it.

The only changes in section 3 of the act of March 3, 1875, preceding line 126 of this bill, are in reference to the time when the defendant may remove his cause and the amount, to wit, $2,000, requisite for the removal. Under the law as it now stands the party seeking to remove his cause may do so before or at the time at which said cause would be tried and before the trial thereof. This bill proposes to amend the law so that the defendant only may remove his cause, and he may remove it at any time before the defendant is required by the law of the State and the rule of the State court in which said suit is brought to answer or plead to the declaration or complaint. In other words, the time has been changed from any time before the trial to the time when under the State laws the defendant is required to plead to the declaration.

The chief amendment, however, to section 3 is from line 126 to line 140 of the bill. That amendment proposes to take away original jurisdiction or removal of causes between a corporation organized or created by or under the laws of any State and a citizen of a State in which said corporation is doing business, except in cases where the subject-matter authorizes such jurisdiction or removal in suits between citizens of the same State, to wit, when it is a matter of a treaty or a land grant from different States.

Mr. Speaker, this amendment is a radical change of existing law. Under the decision of the Supreme Court a corporation is held to be a citizen of the State in which it is organized or created. The result is that in every State in which it does business, aside from the one in which it is created, the present law authorizes the removal of any case, involving the requisite amount, in which it is a party from the State to the Federal courts. This amendment cuts off that right, and remits the corporation to the State court alone. The evils arising from the existing practice have for a long time been manifest and the subject of great complaint. There seems to be no valid reason why a corporation that competes with local corporations, that goes into every hamlet and almost every household in the land, should not be the subject of State control in that business, and should have the right to remove its causes to a distant court for reasons that differ in no essential degree from the reasons that obtain in other cases. Insur-

ance companies are persistent in seeking risks and money from our citizens; yet in case of loss are hasty in taking their causes to the United States courts, perhaps hundreds of miles away, the expense of which is a practical denial of justice, and the threat of which is used as a basis of an unjust compromise. The proposed amendment cuts this evil up by the roots and remands the parties to the community in which the liability was incurred and in which it was known it would be incurred when the contract was made.

It will be observed that one notable feature in the proposed amendment is the curtailing of the use of the United States courts by corporations. It is astonishing to see the amount of time and labor devoted by these courts to the interests of corporations, to the exclusion of the interests of individual citizens.

Again, a citizen in his individual contests with corporations is turned over to the tender mercies of a litigation which it is ruin for him to incur, but which these corporations with their accumulated capital can sustain. The United States courts have grown to be largely corporation mills, in which the tolls are largely taken from the individual citizen, and generally amount to his whole interest in the grist. So that it has become the fact that the only party or entity which in the United States represents the old feudal system of property tenure, so unanimously opposed by our fathers, transmitted from generation to generation in increasing value and influence, has sought refuge behind the judicial system of a government that boasts it has no primogeniture, and that large estates are divided up by the natural order of things in one or two generations. As a rule this system of transmitting tenure is strong enough if remanded to the State courts; and the expense of individual litigation will be sufficiently onerous in any event. It seems to me a healthy thing to call a halt in the tendency of accumulating legislation, especially of this kind, in the United States courts.

The last amendment proposed in the bill provides for the total repeal of section 640 of the Revised Statutes. I concede that this section ought to be amended; but I am opposed to its absolute repeal. This section substantially provides that all corporations, except banking corporations, organized under a law of the United States, may remove their causes from the State courts to the Federal courts, where the defense is under the Constitution or laws of the United States. It will be conceded, I think, as a general principle that if I have a right under United States law, I ought to have the privilege of having that right construed and enforced by a United States court. If there is a liability imposed upon me by such a law, I have a right to ask that it be expounded by a United States court. If I claim an immunity arising under United States law, I ought to have the privilege of pleading it in a tribunal of the sovereignty which secures me that immunity. I can see no valid reason why a corporation organized and created by United States law should not have the same rights in such regard that an individual has, or ought to have.

But this principle should in my judgment extend no further than to a defense under the law, where the law itself is a defense to the action, and where the defense involves the construction of the law or charter under which the corporation is created. This principle should not apply to the great mass of common-law rights, liabilities, or immunities which are not created by the United States law, but to which even the United States law is subject, and the construction of which in no way depends upon charter rights.

To illustrate: When a railroad corporation has been organized by United States law, all the rights that it gets *per se* under that law it should have the privilege of having construed by the United States courts; all the liabilities that can be traced directly to the existence of that law should be construed by those courts. Suppose that in the case of a railroad corporation there is no obligation imposed upon it by its charter to fence its road; suppose a State law provides a penalty for not fencing the road; suppose that a train of cars in the regular operation of the business of the road goes through a herd of Texas steers; an action is brought for the injury done to the herd. Now if the charter imposes no obligation upon the company to fence its road, it may be that that would be of itself a defense. Therefore in such an action the corporation ought to have the right to have the immunity which it claims construed by a court of the sovereignty creating it.

Suppose, again, that in the charter of a corporation it should be distinctly stated that for merchandise in transit, in the warehouse of the corporation ready for delivery, the corporation should be liable only as warehousemen, and not as common carriers. Suppose an action should be brought for ten thousand bushels of wheat stored in the warehouse ready for delivery. Now, it might be in such a case that the action at common law might be different from the right of action as it would be under the charter. Therefore the corporation should be entitled to have that charter construed by a United States court, and not by a State court.

But, on the other hand, we will suppose that an injury is done on a passenger train to a passenger for which he claims damages to the amount of $5,000. The simple question of negligence arises, including the question whether there has been contributory negligence on the part of the plaintiff. This is a case arising under the common law, and therefore, in such a case, I concede the corporation should have no right of removal. In that line of cases where the action is a common-law action, or where the construction of the charter itself is not involved, there should be no removal. In fact the law, as it now stands, seems, in my estimation, to be incongruous, because it provides that there may be a right of removal in cases where there is a defense under the Constitution or any law of the United States. If it was not designed that there should be a "defense" under the law the words "defense under the law" would not have been inserted, but the right of removal would have been made absolute, whether there was any defense under the laws of the United States or not.

But it seems it has been subject to a construction which evades perhaps the force which seems to be given to the word defense in a suit. In a case in 2 Sawyer the United States court decided, where on the showing of the defendant there was no defense under the law of the United States, it was simply a common-law action, and insisted, if it were no more than that and did not involve a construction of a United States law, the case should be remanded back to the State court. In other cases it has been held that inasmuch as the corporation exists only by virtue of the law creating it therefore it has no rights except under that law, and of course any right of action against it must be based upon the law organizing and creating it. It seems to me this section ought to be amended in the way I have suggested, that it should be made imperative upon the defendant to show in his petition for removal wherein and in what respect he has defense arising under the law of the United States.

Mr. CULBERSON. The amendment proposed by me covers a case amounting to $2,000 arising under the Constitution or law or treaty made by authority of the United States. A defendant may have the right to remove such a cause from the State to a Federal court, provided he will make it appear to the court in his application that his defense depends on a right construction of some provision of the Constitution or law or treaty of the United States.

Mr. WILLITS. It may be that the gentleman's amendment will cover that. I have not examined it in that respect.

Mr. CULBERSON. So that if section 640 is repealed and wiped out, yet these national corporations will have the same right you suggest they ought to have when defendants, provided my amendment is adopted.

Mr. WILLITS. It may be, but I have not examined the amendment with reference to that. It did not come up in the committee, and I have not examined the subject in that regard, but I do claim this general doctrine that the right conferred by a United States law is a right which should be construed by a United States court, all through, in civil, criminal, and all jurisprudence of the United States. I can consent to no release of that privilege or right. Therefore, as I have said, I am opposed to the absolute repeal of section 640. Whether the amendment of the gentleman from Texas will cover my objection, I am not prepared to say, but I will examine it.

I now yield fifteen minutes to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Mr. Speaker, I am in hearty accord with the general purpose and scope of this bill. I think there are some verbal amendments and corrections which should be carefully considered by the House when it comes to act upon the bill section by section. I will name one or two of them.

The bill provides that the circuit court shall have cognizance concurrent with the courts of the States where the matter in dispute exceeds $2,000, exclusive of interest and costs. The test, however, of jurisdiction is the allegation in the pleadings. It is within my own personal observation that great injustice has arisen from the plaintiff alleging in his complaint a greater amount than was really due under the contract. It is true the court refuses to award costs in such cases, but that is no redress for such abuses. Litigants are dragged far from their residences to defend against suits of a petty character, and often yield to the grossest injustice rather than incur the expense and inconvenience of attending court at remote points from their homes. The bill should be amended so as to avoid this difficulty.

Then, again, in the first section of the bill I find this provision:

> But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court, and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceedings, except as hereinafter provided. And where the controversy is between citizens of different States suit shall be brought only in the district of the residence of either the plaintiff or the defendant.

The intention of the committee is clear to my mind. It was to provide that suit must be brought in the district in which the defendant resides or in the district in which the plaintiff resides, provided the defendant be found within the plaintiff's district at the time process is served. But the language is not clear. In my opinion great prejudice may arise from the construction of this clause. It may be that a plaintiff residing in the remote northeastern district of Maine can, under this provision, sue a defendant residing at San Francisco, and compel him to appear in the district in Maine to defend. Certainly such is not the intention of the committee.

Mr. ROBINSON. If the gentleman will permit me to make a suggestion, I should like to do so.

Mr. WEAVER. Certainly.

Mr. ROBINSON. The Committee on the Judiciary are in entire harmony with the gentleman's own view in that matter. It seeks only to accomplish that which he wishes to have done.

Mr. WEAVER. I understand that. I am not in doubt as to the intention of the committee.

Mr. ROBINSON. The committee unanimously believe that is strongly done in the bill, but if the gentleman from Iowa thinks it is not, and desires to move an amendment, I suggest that he prepare and submit it somewhat in advance of the vote, so that we may not act hastily on any amendment to this very important bill. If he will do that, the Committee on the Judiciary, I am sure, will be under obligation to him, because they wish to accomplish precisely the same thing.

Mr. WEAVER. I will be glad, Mr. Speaker, to do that. I know that the committee intends what I have indicated. I was only fearful it might be subject to misconstruction, that is all.

To the third section of the bill, from the one hundred and twenty-sixth to the one hundred and fortieth line, I wish to address myself for a few moments. In my judgment this is the important feature in the proposed legislation. I grant you it is a radical change in the practice that has obtained from the earliest decisions under the judiciary act of 1789 down to the present time. Although I am clear that when the act of 1789 was framed and passed, the authors of that important measure did not contemplate that corporations were citizens within the meaning of that act, yet the courts have uniformly, or nearly so, held that the word "citizen" under that portion of the act providing for the removal of causes from the State to the Federal courts, included corporations of various descriptions. Serious abuses have grown up under this judicial construction.

Since the passage of the act of 1789 corporations of every description have sprung up throughout the entire country. Their name is legion. The tendency of the wealth of the country is toward associated capital. Colossal insurance companies, gigantic railroad enterprises, and other and multifarious corporate organizations exist in every locality and permeate every avenue of business life.

Take for illustration a railroad corporation. It is organized, perhaps, under the law of Massachusetts. It stretches its iron arms westward until it reaches the Missouri River, passing through the great States of New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, and perhaps others. It enters these States, and by the right of eminent domain condemns the property of the citizen, proceeds to build and lay the foundation of a colossal fortune. It builds its road and occupies the territory, and proposes to occupy for all future time.

Now, in contemplation of law this corporation should be held to be a citizen of the State or States, respectively, where it is carrying on or operating its business. They come into a State for the purpose of making money, carrying on transactions with citizens of the State, and why should they not be compelled to go into the State courts, there to adjudicate matters arising between themselves and citizens of the State? They are citizens of the State for all other practical purposes; but when a controversy arises under the law as it now stands the corporation has only to go into the State court and there set forth the fact that it is a foreign corporation, organized under the law of Massachusetts or of some other State, and the cause is removed to the Federal court.

This is a gigantic wrong. An instance of this kind came under my own observation. A citizen of my own county was killed by a railroad train. He was a laboring-man with a large family, earning his living by his daily toil. There was little question in my mind, having investigated the facts, of the liability of the railroad company. His widow brought suit in the State court, but the railroad being a foreign corporation made application for removal, and the case was sent to the Federal court. This had the effect to close the doors of justice to this widow and her children. She was unable to attend or to pay the expenses of attending the Federal court held at a distance of a hundred miles from the place where the injury was inflicted.

There is no substantial reason in the world why that corporation, doing business in that county and State, should not have been compelled to go into the State court and there litigate the matter in controversy. The idea that they are foreign corporations is a mere fiction. They live and move and have their being in the State where they operate their business. There they ply their vocation and meet the people in their daily transactions. But when the citizen asks that his rights shall be respected, that his grievances shall be redressed, then they allege that they are a foreign corporation, and the citizen is dragged off to a forum remote from his home and to which he is a stranger, or he must abandon his rights altogether.

One of the essential elements in the administration of justice in all free countries, Mr. Speaker, is that at all times the citizen shall have the right to be tried, not only for criminal offenses but in respect to his civil rights, by a jury of the vicinage, where he resides, near his home. The construction which has been given to the judiciary act of 1789, however, and the subsequent amendatory acts, have absolutely had the effect to abrogate that sacred right of the citizen, and has placed in the hands of these corporations, and others, powers and privileges never contemplated by the framers of our Government. At the organization of our Government, our fathers had the political chart of the world before them. They undertook to lay broad and deep the foundations of a republic where the power should reside substantially with the great body of the people.

To accomplish that they threw around the cradle of the young Republic certain safeguards. One of these safeguards was that there should be no titles of nobility in this country; another that the right of primogeniture should not obtain here, that there should be no entailed estates, so that the wealth of the country should diffuse itself among the people according to natural and beneficent laws. They did not contemplate the creation of these corporations that are as real entities as are individuals—ideal persons that never die, and yet possess the power to acquire and hold property equally with real persons. They did not, I say, contemplate the rise and progress of these legal Goliaths. Had they foreseen their coming they doubtless would have made ample provision for their restraint.

Sir, their influence in this country to-day is tremendous. They are Briarian monsters, and exceed in ferocity and power any or all of the beasts that John saw in his apocalyptic vision. The Republic itself will have to struggle with them, and no man can now foresee the result of that struggle. The existence of such corporations seem to be necessary to the progress of our civilization; they are inseparable from it; but they should not be clothed by legislation with exclusive privileges over the citizen. The people must put hooks into the jaws of these leviathans, and control them.

The accumulation of capital in the hands of these corporations of itself gives them immense power and tremendous advantage over individuals. But if you, in addition to that, load them with exclusive privileges by law—the privilege of shirking and shunning the ordinary tribunals in which the common people have to litigate their rights—and if you allow them the power and the privilege of dragging the citizen to remote tribunals, then, indeed, you more than double or treble their power. The corporation should seek no exclusive privileges, and the citizen should be just to the corporation. Then all will be harmony.

What objection, Mr. Speaker, can be urged against compelling corporations to come into the State courts? The only one I can imagine is that there is a prejudice in the minds of the people which precludes justice in the State courts. I deny that. If there is prejudice existing to-day in the minds of the people against corporations, it grows out of a deep-seated conviction on their part that the legislation of the country has been in favor of the corporation and against the citizen. Let the citizens of the country know and understand that there are to be no exclusive privileges, that the corporations are simply to go into the State courts and there assert their rights as any other citizen; that of itself will disarm any honest man of prejudice. There should be none. There is no natural cause for any, and that which does exist is the fruit of vicious and class legislation.

There is no such thing as shutting the eye, Mr. Speaker, to the fact that there is a growing tendency to-day in this country to concentration of power in the hands of the few. I do not charge in my remarks that this is the result of any deliberate scheme of legislation; it is not necessary here for me to do so; it is a fact nevertheless. And whenever this Congress or this House has the opportunity to strike down that tendency, and to reduce all classes of citizens to an equal footing, and to remand them to common rights, they should avail themselves of the opportunity.

The third section, Mr. Speaker, embodies in substance House bill No. 1074, introduced by myself on the 21st day of April, 1879, during the extra session. It is substantially that bill. That section meets my hearty approval, as do all the other sections of the bill, with the exception of the verbal criticisms I have named. I will be glad to submit the verbal amendments at the proper time. If I have any time left I yield it back to the gentleman from Michigan [Mr. WILLITS] who accorded it to me.

TITLES IN HOT SPRINGS.

Mr. WILLITS. I yield to the gentleman from Indiana, [Mr. NEW.]

Mr. NEW. I yield for a moment to the gentleman from Arkansas, [Mr. DUNN.]

Mr. DUNN. The gentleman from Indiana yields to me that I may ask unanimous consent to make a report from the Committee on Public Lands, with the request that the bill and report be printed and recommitted.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) That can only be done by unanimous consent.

Mr. DUNN. I ask unanimous consent.

There was no objection.

Mr. DUNN, by unanimous consent, from the Committee on Public Lands, reported, as a substitute for House bill No. 3549, a bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes; which was read a first and second time, recommitted to the Committee on Public Lands, and, with the accompanying report, ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

The House resumed the consideration of the bill H. R. No. 4219.

Mr. NEW addressed the House. [His remarks, interrupted by the expiration of the morning hour, will be found in full on page 813.]

EULOGIES ON HON. RUSH CLARK, DECEASED.

Mr. PRICE, by unanimous consent, introduced a joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased; which was read, as follows:

Resolved by the Senate and House of Representatives, &c., That 9,000 copies of the eulogies delivered in the two Houses of Congress upon the late Rush Clark be printed; 6,000 copies for the use of the House of Representatives, and 3,000 copies for the use of the Senate, and the Secretary of the Treasury have printed the

portrait of Mr. Clark to accompany the same; and for defraying the expenses of procuring the said portrait the sum of $500, or so much thereof as may be necessary, be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. This resolution will be referred, under the law, to the Committee on Printing.

The joint resolution was read a first and second time, and referred accordingly.

BRIGADIER-GENERAL AUGUSTUS P. MARTIN.

Mr. FIELD, by unanimous consent, introduced a joint resolution (H. R. No. 201) appointing Brigadier-General Augustus P. Martin a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole to resume the consideration of the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. CARLISLE in the chair,) and resumed the consideration of the revision of the rules.

The pending clause was the following:

16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

The pending question was upon the following substitute for the clause, offered by Mr. CABELL:

To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

Mr. CABELL. Mr. Chairman, the amendment which I have submitted proposes simply to restore to the Committee on Railways and Canals that jurisdiction conferred upon it by the existing Rule 94. In behalf of the committee which I represent I ask only that we be left where the old rule, Rule 94, has placed us from 1831 down to the present time. We have not during this discussion asked for any increase of power or jurisdiction for our committee; we simply ask that in the revision of the rules this Committee on Railways and Canals shall not be singled out to have taken from it that jurisdiction which has belonged to it from the time of the organization of the committee as one of the standing committees of the House.

It is true, Mr. Chairman, that the contest which has heretofore existed between the Committee on Commerce and the Committee on Railways and Canals has been greatly narrowed by the action of the Committee of the Whole in giving to the Committee on Commerce those large and extraordinary powers which for years it has claimed. I am not here to complain of the action of the Committee of the Whole House for doing this. I have nothing but kindness for the Committee on Commerce. I am not unwilling even that that committee shall be clothed with the great powers which have been conferred upon it by the Committee of the Whole since this discussion commenced; but I am not willing that by reason of the fact that new and additional powers have been conferred upon the Committee on Commerce that the rights, the powers, and the jurisdiction belonging to the Committee on Railways and Canals shall be taken from it to satisfy others grasping after power.

I hope no member of this committee will believe we are here asking for any additional powers; that we are asking in any way to extend our jurisdiction. We simply ask that the same jurisdiction which has pertained to this committee for years shall be allowed to remain with it. There is no reason why the jurisdiction should not remain because of the fact that additional powers have been conferred on the Committee on Commerce. It is perhaps true that under the rule as lately framed in relation to the Commerce Committee that committee can now consider and report upon questions bearing upon the navigation of rivers with perhaps as much warrant of authority as can Railways and Canals under the original Rule 94, but I take it that the Committee of the Whole did not mean by its action to prevent the Railway Committee from the legitimate exercise of its functions in regard to subjects of the same or a similar character when referred to it by the House.

[Here the hammer fell.]

Mr. BEALE. Mr. Chairman, I belong to that class of members here who deprecate in this discussion of questions arising upon this report any indication of a political partisanship, and trust that we shall bring to their solution a comprehensive patriotism which will secure that system of rules which will enable us to do the business of legislation smoothly and speedily.

On coming to congress I looked at once to our rules. I found it indeed *rudis indigesta moles*—a rude, unmethodized mass, and aptly illustrated by some mediæval castle in Europe, to which addition after addition was made as the necessities or whims of its successive owners demanded, and in which none save those who had longest inhabited it could successfully thread the labarynthine passages and stairways which led to its chambers and halls.

As an humble member I return in no stinted measure my thanks to the Committee on Revision of Rules for this reduction of chaos to order; this erection of a modern house more suited to the needs of our day than the old castle; and trust it may be adopted as a monument of our wisdom, long to survive the fluctuation of party ascendency on this floor. A member of the Committees on Commerce and Manufactures now, and in years gone by of that on Militia, I speak in the interest of neither. Indeed, too fond of inglorious ease, looking to the actual present work on Commerce and the prospective labor of Manufactures when indued with powers sketched by the distinguished member from Michigan, and remembering that that grand display of fireworks at Gettysburgh did not awake the Militia Committee from its slumbers, I might adopt the language of Byron and say of the Militia—

> Oh, known the earliest and esteemed the most,
> Dear to a heart where none is left so dear.

In reference to the preceding amendment of my colleague, I must say I have for him and his committee the kindest regard; but Rule 94, adopted in 1831, was still-born; it never lived. Of forty-three bills embracing river improvements referred from 1831 to 1879, thirty-five went to the Committee on Commerce. Again, in 1854, in 1874, and in 1879, this same rule was presented and debated by members of the Committee on Railways and Canals, and each time the House gave the subject to the Committee on Commerce. And good reason for this: you cannot separate the river from the harbor, because the improvement of the river often opens and improves the harbor.

I feel no solicitude for the fate of river and harbor bills, commit them to what committee you may. Next to agriculture as a factor in the sum of the welfare, the happiness, the financial success and national power of the people of this Union, commerce will ever find the friends upon this floor to heed her behests. All highways are a nation's property. True the grand rivers and capacious bays present the noblest collections of the waters of our land; but to these every rill that trickles from the mountain-side, every fount that bubbles in the valley adds its mite; and even so every creek improved, every river deepened, pours its little tribute into the great highways of commerce and advances the general welfare, the highest interests of all.

Mr. FROST. I move the following amendment to the substitute.

The Clerk read as follows:

Amend substitute for section 16 by inserting after the word "rivers," "excepting the Mississippi River and its tributaries;" so it will read:

"To the improvement of the navigation of rivers, excepting the Mississippi River and its tributaries, and to railways and canals, other than the Pacific railroads: to the Committee on Railways and Canals."

Mr. FROST. Mr. Chairman, it is not my fortune to belong to any committee which is directly interested in the question now pending, but it seems to me, after carefully listening to the debate on this floor, it is of the utmost importance to the Mississippi Valley that the substitute proposed should be adopted by this House. I believe that the Committee on Commerce has by far too many subjects now occupying its attention, and that it is unable to give that time and care to the consideration of the Mississippi River and its tributaries which they deserve on account of their magnitude and importance.

I can cite an instance which has recently occurred and which fortifies me in that belief. It so happens that the harbor at Saint Charles, on the Missouri River, is now very seriously endangered by an alteration in the channel of that river. The channel is deflected from the left bank of the river in such manner that it threatens to leave the city of Saint Charles at a distance of several hundred yards and perhaps a quarter of a mile from the river bank. It is taking such a course that it threatens to pass under the bridge in such a position as absolutely to preclude the possibility of any steamboat ascending the Missouri River, thereby closing that river against all navigation whatsoever.

I went this morning, having received letters making this statement, to the able chairman of the Committee on Commerce, who informed me that, owing to the pressure of business before his committee, he would be unable to entertain the consideration of this question for some time to come. But, sir, the people of Saint Charles and the people who are interested in the navigation of the Mississippi and Missouri Rivers are unable to wait upon the time of the Committee on Commerce in this way. Sir, I wish to make no reflections on that committee. They are laborious and hard-working gentlemen, and they are doing their utmost to keep up with the business brought before them, but it is of such a character that they are unable to do so.

I had no intention of participating in this debate until the gentleman from New York [Mr. COX] let fall some remarks which seemed to me to require an answer that it would not be unbecoming in me to attempt. He favored the proposition changing section 3, by which the river and harbor bill was to be reported from the Committee on Commerce for reference to the Committee on Appropriations, and he favored it because he said it was in the interest of economy. He referred with pride to the good old days before the war when he served with the gentleman from Texas—to the times when, he says, there were hardly any appropriations made for internal improvements. There is, sir, an economy which starves the goose which lays the golden egg; there is an economy which is preached abroad in order to cover up prodigality at home. If that is the kind of economy which the gentleman from New York admires, I, for one, love it not.

He tells us, sir, of legislative liberty and pecuniary libertinism. I can match that alliteration, and I can support mine with facts. If I were called upon to define the system which had been adopted in the past with regard to internal improvements, I should call it one

of comparative prodigality in the East and parsimony in the West. Prodigality and parsimony are as alliterative and as antithetical as liberty and libertinism, and I can support them, sir, with facts.

In Senate Document No. 12 of the Forty-fifth Congress I find the total expenditure for internal improvements of all kinds from 1789 to 1873 was $207,099,664. Of that amount the Mississippi Valley States received $33,782,662, and the Atlantic and Pacific seaboard $81,300,000, nearly two and a half times as much. The State of New York and the States of New England received $29,000,000, with a population less than half of the Mississippi Valley States; pecuniary libertinism squandered upon them nearly as much money as this entire system received.

We have spent $2,089,730 removing the obstructions at Hell Gate, and but $7,000,000 on the Mississippi River; but when the great West asks for justice at the hands of Congress, the gentleman from New York talks of pecuniary libertinism and invokes the shades of Jefferson and Calhoun and the memory of the purer days of the democracy. Does he not remember that Calhoun, in his report on the Memphis memorial in 1846, advocated liberal appropriations for the Mississippi, an inland sea, as he called it, and its tributaries. I do not wish, sir, to assume the airs of a prophet, but I think I may safely say that whosoever places himself in antagonism to the improvement by the General Government of the waters of the Mississippi Valley will find himself with Buckingham when Dryden says of him, "He left not party, but of it was left." The center of population, if not already there, will shortly take its permanent abode on that "Father of Waters." After the next census that valley will furnish the majority of the members of this House. I trust that they will never manifest a sectional spirit or ignore the just claims of any portion of this Republic; but I am certain that they will be content with nothing short of a full and complete recognition of the importance of the interests which they represent, and that from the day of their predominance here we shall have no parsimony or prodigality or pecuniary libertinism, but a broad, liberal, and enlightened appreciation of the common commercial interests of our common country.

Under both the existing rules and the report now under discussion, the Committee on Commerce makes appropriations for all the rivers and harbors of the country; they bring in an omnibus bill which in the past has frequently contained items of expenditures by no means devoted to objects of a general nature. Objects of a general, national nature, like the Ohio River, are found cheek by jowl with Stone Creek or the Kiskiminetas, unknown to everybody except the gentleman in whose district they may lie. The bill is thus overloaded, and is periodically in danger of being entirely lost; so much of its appropriations going to utterly unworthy objects and so little to those of general importance. Again, gentlemen of the strict constructionist school, and I congratulate my friend from New York as being one of them, are impelled by their principles to vote against such an omnibus bill, while they would gladly lend their aid to the improvement of a national highway like the Mississippi. For these reasons, sir, I am convinced that one committee of this House should be solely occupied with the consideration of all matters pertaining to the Mississippi River and its tributaries. The most proper committee is evidently that on Levees and Improvements of the Mississippi River, and not the Committee on Railways and Canals.

But I am told that if a special bill is reported for the western system of waters it can never pass this House; that unless an omnibus river and harbor bill be brought forward, in which every congressional district shall have an interest, those gentlemen who fancy their localities neglected will band together and defeat a Mississippi River bill; that we can only pass such a bill by tacking on to it every stream large enough to float a scow and every harbor deep enough to afford a refuge to a mud-turtle. Sir, I have not been long a member of this House, but I have sat here long enough to feel convinced that there prevails here no such log-rolling spirit. I believe that there are in this body enough men with a statesman-like recognition of the general interests of the country to unite together and force the passage of any bill required by the growing interests of western river navigation. But, sir, even if Congress were controlled by any such petty, narrow, local selfishness as such arguments would impute to it, it becomes all the more important to separate the Mississippi system from the remaining rivers and harbors.

If internal improvements can only be carried on by a disgraceful system compounded of intimidation and bribery, who so potent to threaten and who so numerous to hold forth promises of aid as the Representatives from the great basin of the continent, where lie eighteen States, empires in themselves, with more than half of the population of the Union? If log-rolling is to rule the day, the committee that has charge of the interests of that section can put more shoulders to the work and lift a larger log than any other on this floor. No, sir, there is nothing in such an argument, there is no such wretched spirit prevalent here, and if there were it would be impotent to harm. In the remarks I have made I have no intention of reflecting in any manner upon the members of the Committee on Commerce; they are all of them men whose views are not circumscribed by the boundaries of their States. I have never approached one of them on a subject relating to western interests who has not evinced a hearty desire to advance them in every proper manner; but for the reasons I have urged above I am satisfied that by the proposed change that committee will be eased of a grievous burden and our river and harbor legislative needs facilitated. I regret that some of my colleagues from my own State, for whose judgment I have the highest regard, do not agree with me in this matter, but entertaining the convictions I do I am compelled to advocate the amendment I have offered.

[Here the hammer fell.]

Mr. CABELL. I am sorry, Mr. Chairman, the gentleman from Missouri has presented his amendment to the substitute I have offered, because I prefer that my substitute should be adopted so as to leave to the Committee on Railways and Canals the same jurisdiction it has exercised heretofore under the rules, and that jurisdiction only. We claim no more and I ask no more. We never supposed the Committee on Commerce would desire to take from us that jurisdiction which for years we have possessed. We do not believe the Committee on Rules, when they came to consider this question, really desired to encroach upon our prerogatives and take from us any of the jurisdiction we had, but that it was an oversight on their part, when they considered this matter in connection with the duties of the Committee on Commerce, in taking so much from railways and canals and giving so much to commerce.

I have no objection to the gentleman's amendment when offered at the proper time. It may, perhaps, be appropriate that all questions relating to the improvement of the tributaries of the Mississippi should be considered by the committee having in charge matters pertaining to the improvement of that great river. I wish to throw no obstacles in the way of other gentlemen or other committees. But I am unwilling, sir, that the amendment should come in just here. I prefer to have this matter disconnected with any other and to leave the jurisdiction of the Committee on Railways and Canals as it has been for many years, and as I believe the House desires it to remain to-day.

In regard to what my colleague from Virginia [Mr. BEALE] has said when referring to the contests which have taken place between the Commerce and Railways Committees, I have only to say that my colleague seems to be very badly informed as to the state of facts in regard to which he has spoken, and has wandered very far from the true state of the case.

There have been but three or four contests between the two committees named until within a very recent period. There was a contest in the Twenty-third Congress; also a contest in the Thirty-second Congress, and perhaps one or two after that time; and up to the Thirty-eighth Congress, and in almost every instance, the vote of the House was given in favor of sustaining the claims of the Committee of Railways and Canals as against the Committee on Commerce. Yet my friend has stated that in not a solitary instance was the Railway Committee sustained. I grant that within a year or two past, and since the Committee on Commerce has assumed such large jurisdiction and acquired so much power in the House, power which enables it to do almost anything here, the decisions have been in its favor; but, to use the language of my colleague, "in not a solitary instance" was the Commerce Committee ever sustained in its contests with the Railway Committee in reference to the navigation of rivers until of late years, when it had acquired a power and influence in the House not to be resisted. But we have no conflict, sir, with the Committee on Commerce. That matter was settled some days ago by the action of the Committee of the Whole. I will say, however, that when the subject was under discussion my friend the chairman of the Commerce Committee claimed, under Rule 79 of the House, only jurisdiction of the improvement of the navigation of rivers concurrent with that possessed by the Committee on Railways and Canals.

Having obtained that jurisdiction the contest should now end and the Commerce Committee should be content to see us left in the undisturbed possession of such matters as may be properly referred to our committee in pursuance of the powers conferred by Rule 94 of the House, all of which powers we ask to be maintained through the amendment I have offered. All, I fear, that can be done now by the adoption of my amendment is to give concurrent jurisdiction with the Commerce Committee upon questions relating to the improvement of the navigation of rivers. It may perhaps be a wise thing for the House to do to have some other committee that may in emergencies go to the help of the overcrowded Committee on Commerce.

[Here the hammer fell.]

Mr. FROST. By request of several members I withdraw my amendment to the substitute, as I understand a similar amendment will be proposed when we reach section 21.

Mr. COX. If the gentleman will allow me I will renew the amendment simply to say a word in response to my friend from Missouri, [Mr. FROST.] I will withdraw the amendment when I have concluded what I have to say.

The gentleman makes comparison between appropriations for Eastern States and the Mississippi Valley. When he makes that comparison as between prodigality and economy he certainly cannot make an *argumentum ad hominem* upon me. I have sustained here all proper appropriations for the Mississippi Valley upon the old democratic Calhoun theory that the Mississippi River, being the "Father of Waters," was almost an inland sea. I have voted for your levee system; I have voted for an appropriation for the Eads improvement of the mouth of the Mississippi River. New York was never niggard toward the Mississippi Valley. I have voted against appropriations for New York, Hell Gate and all, when they were combined, as I thought, irregularly and mischievously with other appropriations never contemplated by the fathers of the democracy.

Mr. FROST. That is the reason why I wanted to divide them.

Mr. COX. The gentleman says he would like to divide them. Let him divide them. It is not a question between parsimony and prodigality. Let him meet me on the middle ground of the men who gave interpretation to this business of appropriations for rivers and harbors in a better and more honest day of the Republic.

I could refer my friend to the messages of democratic Presidents, to the old rules of interpretation, to the days of honesty in the administration of these affairs, before log-rolling became common and before men could combine for this common purpose, for all the little rivers inside of the States. Why, sir, in the old days I remember States undertaking inside of their own boundaries State improvements, slack-water navigation, dams of all kinds; canals were made and railroads, and roads of all kinds. We even gave up the old Cumberland road to the State through which it passed to get rid of this incubus of having these as Federal works.

Mr. WHITE. Will the gentleman allow me to ask him a question?

Mr. COX. With pleasure.

Mr. WHITE. Does the gentleman remember that in 1832 Andrew Stewart, of Pennsylvania, got a resolution through for surveying the Monongahela River, and that in 1836 and 1837 and following years appropriations were made by the American Congress for improving the slack-water navigation of the Monongahela River, in the State of Pennsylvania? And that was in the days of democratic government.

Mr. COX. Will the gentleman from Pennsylvania answer me this question? Did Andrew Stewart, the great tariff man, ever have the audacity to ask for an appropriation for the Kiskiminetas? [Laughter.]

Mr. BROWNE. Or the Conemaugh?

Mr. WHITE. No, sir; the improving spirit of the age had not then developed the great necessities of the Kiskiminetas [laughter] as an important tributary to the Allegheny, which is a tributary to the Ohio, and thence to the Mississippi River, and consequently an important avenue for the commerce of Western Pennsylvania.

Mr. COX. And now I ask my friend, are not the Stony Creek and the Conemaugh tributary to the Kiskiminetas?

Mr. WHITE. No, sir.

Mr. COX. And is there any tributary to the Conemaugh?

Mr. WHITE. The gentleman's knowledge of geography is as antique as his constitutional policy on this subject.

Mr. COX. I decline to yield further.

Mr. WHITE. Stony Creek, I will inform the gentleman, is not on the same side of the Alleghany Mountains.

Mr. COX. Well, sir, we would never know where it was if we did not see the distinguished member here and know where he is located. Now, I have got off the line of my remarks.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE. For the last few years it has been impossible to locate the gentleman from New York exactly.

Mr. COX. He always comes from the people, and locates himself.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] withdraw the amendment originally offered by the gentleman from Missouri, [Mr. FROST?]

Mr. COX. I do.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Virginia, [Mr. CABELL,] to substitute for the clause reported by the committee what the Clerk will again report.

The Clerk read as follows:

16. To the improvement of the navigation of rivers, and to railways and canals other than Pacific railroads: to the Committee on Railways and Canals.

The committee divided; and there were—ayes 58, noes 63.

Mr. CABELL. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Virginia [Mr. CABELL] and the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. SAPP. Let the amendment be again reported.

The amendment was again read.

The committee divided; and the tellers reported—ayes 63, noes 88.

So the amendment was not agreed to.

The Clerk resumed the reading of Rule XI, and read as follows:

17. To the manufacturing industries: to the Committee on Manufactures;
18. To the mining interests: to the Committee on Mines and Mining;
19. To the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

Mr. SHALLENBERGER. I am instructed by the Committee on Public Buildings and Grounds to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Strike out the words "other than" and insert in lieu thereof the word "including;" so that the clause will read:

"19. To the public buildings and occupied or improved grounds of the United States, including appropriations therefor: to the Committee on Public Buildings and Grounds."

Mr. SHALLENBERGER. Mr. Chairman, I offer that amendment by the instruction of my committee, the Committee on Public Buildings and Grounds. We offer the amendment, as we believe, in the interest of economy and intelligent equality of expenditure.

The Committee on Public Buildings and Grounds occupies in this House very much the same relation to an appropriation bill as does the Committee on Commerce. We must authorize the construction of new buildings from year to year. And I ask gentlemen to tell me how it is possible for us as a committee intelligently to say how many new buildings shall be authorized until we know first how much money shall be required for those in process of construction. We have before us as a committee the letter of the Secretary of the Treasury, stating to us that for the current fiscal year we can probably safely expend $5,000,000 on public buildings. We cannot know how much of this the Appropriations Committee shall be induced to set apart on estimates furnished for the buildings now in progress. We never see the estimates therefor; we know nothing about the calculations made therefor; and how can we, as a committee, say that the State of Kentucky, or the State of Pennsylvania, or the State of Ohio, or the State of Mississippi, or the State of Alabama can safely come to this House and demand a new building until we know what the will of the Appropriations Committee may be with reference to the expenditure of public money in sections of our country which appeal to their generosity?

I claim that I stand here in the interest of economy, in the interest of the public weal, pleading for discretion and wisdom in the distribution of public money. And I say that there aims to be no more careful committee on this floor, and there is no more careful chairman upon this floor than the honorable chairman of this committee—no one who desires more to take responsibility upon himself, and to take it intelligently and rightly before the country, for reducing the expenditures of this Government whenever practicable.

In my judgment if we could have before us the estimates for the new as well as for the buildings in process of construction, we would be in a position to come to this House and assure the House that we do not ask the construction of a new building until we have safely compassed all the probable necessities of the Government in all the cities of this Union and in all the States of this Union.

And upon our honor as a committee we pledge to the House our resolution to report nothing unless it be within a stated limitation suggested to us by the Secretary of the Treasury and by the best interests of the Government. I trust that the Committee on Commerce, with every friend of public buildings upon this floor, will stand by this amendment offered in that spirit.

Mr. COOK. I am in favor of this amendment, for several reasons, one of which is——

The CHAIRMAN. The gentleman from Georgia [Mr. COOK] proposes to speak in favor of the amendment. The rule is that five minutes' debate shall be allowed to the one proposing the amendment, and then five minutes to one opposing it.

Mr. COOK. I do not suppose there is any gentleman here who desires to speak against the amendment.

Mr. KENNA. I will take the floor in opposition to the amendment and yield my time to the gentleman.

Mr. COOK. The clause under consideration is a new provision in our rules, one not contained in the former rules of this House—a clause limiting the power and jurisdiction of the Committee on Public Buildings and Grounds. Why it has been put in here, unless in some way to aggrandize the Committee on Appropriations, I do not understand. So far as I know, there has been nothing in the history of the Committee on Public Buildings and Grounds, in any of its recommendations, to justify the reflection upon it that they have been either thoughtless, or careless, or prodigal and extravagant in the recommendations which they have made to this House.

Gentlemen will recollect that an honorable member of this body collected together all the bills for public buildings and grounds that had been referred to our committee, consolidated them into one bill, and then submitted a motion to suspend the rules and pass that bill. I myself, as chairman of that committee, and every other member of the committee, opposed the passage of that omnibus bill, and it was defeated. Instead of obtaining a two-third vote in its favor, there was a two-third vote against it, and that was because of the known and decided expression of opposition on the part of the members of our committee.

No public building can be constructed without an act of legislation, an act of Congress; and each bill must stand upon its own merits. This Government to-day is paying largely over one million of dollars annually for rental of buildings for post-offices and court-houses, &c., all over the country. One object which our committee has had in view is to reduce these extravagant expenditures for rentals, and to furnish the Government throughout the country with proper buildings for its purposes.

I must say that I consider this clause a reflection upon the Committee on Public Buildings and Grounds. That committee is unlike the Committee on Naval Affairs, the Committee on Military Affairs, or any of the other committees which consider subjects connected with the regular appropriation bills. Each public building that comes up for consideration must have an act of Congress passed to authorize its construction and to appropriate money for it.

I have this further to say in opposition to the general provision in these proposed rules giving all power over appropriations to the Committee on Appropriations. Under a former rule that committee was required to report all the general appropriation bills within thirty days after the meeting of Congress. These new rules leave out that

requirement, and we may be here for six months before those bills are reported.

When you ask the members of that committee why they have not reported the appropriation bills, they say that they have not had time to prepare them; that it is impossible for them to report them. More than thirty days have passed, and we have now had but one general appropriation bill reported. It is all nonsense to talk about the three or four little appropriation bills which have been passed this session. The clerk of the committee could have prepared them, if he did not, as well as the committee itself. We passed a bill appropriating $30,000,000 for pensions. The committee said that amount was necessary, and we voted it at once without looking into the matter at all.

It may be said that there has been a great deal of fault and rascality connected with the expenditure of money upon the construction of public buildings. That may be true; but neither the men who voted for the bills authorizing the construction of those buildings, nor the committee which recommended them, are responsible at all for that waste or extravagance, any more than they are responsible for the prodigality, wastefulness, and extravagance in the expenditure of other appropriations which have been made.

If this clause now under consideration shall be adopted by the House, then we might as well abolish the Committee on Public Buildings and Grounds, for there will be no occasion for it, and give its committee-room to some other gentlemen who are now without any.

Mr. RANDALL, (the Speaker.) Mr. Chairman, since I have been in this House I have never seen any disposition upon the part of the Committee on Appropriations, or in the House itself, to obstruct the passage of bills which the Committee on Public Buildings and Grounds have seen fit to recommend, or the construction of which the laws authorized. But there should be some limitation upon the enormous expenditures made in the construction of such buildings, as to the amount which shall be expended each year. While the authorizing the construction of these public buildings should properly be a matter for the consideration of the Committee on Public Buildings and Grounds, yet the amount to be given each year for that purpose should be left to the discretion of some single head.

There is no reason that I can conceive of why an exception should be made in regard to the appropriations for public buildings different from what is done in reference to other matters of appropriations. As I do not believe that this clause will interfere in the least degree with the erection or authorization in the future of any public building which the necessities of the Government may require, I hope that the appropriations for that purpose will be allowed to remain where they are now, under the control of the Committee on Appropriations, so that each year we may know how much money is to be appropriated for the respective public buildings in course of construction.

Mr. CLYMER. I desire to submit a formal amendment to strike out the last word, in order that I may state in a general way what are my views in regard to this vexed question. Belonging to that unfortunate body of gentlemen in this House called the Committee on Appropriations, possibly I should say nothing, because they do not seem to have any rights that any one here is bound to respect. [Laughter.] Yet, sir, I cannot but feel that this committee gradually, day by day, is coming to see more clearly that the necessities of legislation, of good government, of economical government, require that the public expenditures should be reported from some one common source. I remember, sir, that in the second session of the Forty-third Congress, after there had been a majority of democrats elected to this body where so long the republican party had held sway, I had a long and earnest conversation with a gentleman, then a leading spirit on this floor; and he told me that outside of mere party considerations it was a profound satisfaction to him that there had been a change in the political control of the House. He said that during the long continuance of his party in power abuses had crept into the administration, innumerable hordes of useless officers had grown up, and that without a change of administration purification and retrenchment were impossible.

When the democracy came into power in the Forty-fourth Congress there was but one means by which this Government might be restored to something like fair, just, and economical administration, and that was by the reduction of expenditures. To reduce expenditures was impossible until we had adopted the rule upon that subject formulated by Mr. Holman, then a member of the Committee on Appropriations. This is the rule which has given us so much trouble, which has caused us so much anxiety, which I believe is the only obstacle now preventing the Committee of the Whole from agreeing with almost entire unanimity that the Committee on Appropriations should retain its old and I will say its legitimate powers.

That amendment to the rules, adopted on motion of Mr. Holman, was never intended as a means of introducing political legislation. It was designed merely to reduce expenditures; that was the object, pure and simple. If by reason of party exigency, party necessity apparently, that rule has been tortured so as to produce any other result, it is not the fault of the rule, but the practice under it. And if the minds of gentlemen of this committee can be satisfied that this rule shall be restricted to its original and beneficent purpose, we shall have no more squabbles as to whether the Committee on Appropriations should have entire charge of the appropriations for carrying on the Government. I am ready to say for myself (and I trust for most of those who act with me on this floor) that when we come to that portion of the rules I will attempt to ingraft upon it a provision which shall strip the Committee on Appropriations of the power to report new legislation, so that we shall not have power to legislate on any subject, but shall have authority alone to reduce expenditures that may be authorized by law. If we thus confine ourselves within the law it will be for the other committees of this House—the committees having charge of the Army, the Navy, Indian affairs, public buildings, commerce, &c.—to say what the law shall be; and we shall have power merely to present to the House a reduction of the amounts to be appropriated.

[Here the hammer fell.]

Mr. BROWNE. Mr. Chairman, I would not ask the attention of the committee to-day but for the fact that an amendment offered by myself a few days ago provoked a discussion which I did not anticipate, and in which I took no part. I have listened with very much interest to what has been said by the older and more distinguished members of this House in defense of the retention of power by the Appropriations Committee, and the logic of their argument has wholly failed to satisfy my mind.

It is said, on the one hand, that the Appropriations Committee should be the mere auditing committee of the House; that measures of legislation should come from the committees to which the various subjects appropriately belong; that the Committee on Appropriations should simply report appropriations in pursuance of law; that when the Committee on Military Affairs, for instance, has fixed the number of the Army, the number and rank of the officers, the pay of private soldiers, &c., it should be the imperative duty of the Committee on Appropriations to provide the money for meeting those expenses according to the law. If that were done, let me ask, would you not simply make every committee of this House an appropriation committee, and would it not to that extent lead to extravagance? If it be important, in order that the expenses of the Government may be retrenched, that this colossal Committee on Appropriations, colossal in numbers and especially in ability, should appropriate the money, is it not equally important that the whole legislation of this House looking to the expenditure of the public money should be intrusted to this great committee of retrenchment and reform?

It is important that we have economy. But gentlemen assume that there are only fifteen economists in this House, who are to determine how many ships shall be built, who are to determine what shall be the rank and file of the Army, the pay of officers, &c.; that the remaining members of the House should commit all their duties to this one committee, who shall provide for all the machinery and expenses of the Government. It is, in my opinion, just as sensible, just as logical to say it is in the interest of economy that this committee shall do all the legislation looking to the expenditure of the public money as it is to hold that simply the matter of appropriation shall be confided to them.

I do not believe for one that this committee about which so much has been said is *par excellence* the committee of economy. During the Forty-fifth Congress the committee to which I now belong, and of which I was not then a member, provided for a reorganization of the military establishment by which $3,000,000 annually would have been saved to the public Treasury. Yet this Committee on Appropriations, ignoring that work in their appropriations for the Army, expended $3,000,000 of the people's money that might have been saved had the bill for the reorganization of the Army been passed.

Every member occupying a seat on this floor, responsible for his votes to his constituency, becomes an economist. If one committee is disposed to economize, the very same impulse, the same desire, the same spirit, animates them all. Gentlemen representing upon this floor other committees are just as anxious to present a good record of economy to their constituency as is the Committee on Appropriations. As I stated in the beginning of this discussion, I believe that if the appropriations were distributed to the several committees there would be in this House a race in the work of economy.

[Here the hammer fell.]

The CHAIRMAN. The question is on the adoption of the *pro forma* amendment proposed by the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. I withdraw it.

Mr. HAWLEY. I renew the *pro forma* amendment. Mr. Chairman, I do not like to put myself in antagonism to the Committee on Public Buildings and Grounds any more than other members do, for there happens to be in my district and directly opposite my place of business a very important public building, which has been in course of construction for six or seven years, and which should be finished next year. I do not know that I shall be able to get the Committee on Appropriations to report the required expenditure, while I rather think I could induce the Committee on Public Buildings and Grounds to do so. Perhaps, therefore, I am injuring the prospect of an appropriation for that building by speaking against the amendment offered by my friend from Pennsylvania; but I think this is a matter to be decided not by temporary prejudices, by present feelings, by disappointments that we may have incurred, but upon general philosophical principles; and I do submit that the theory advanced by those who have thus far been in the majority in the Committee of the Whole is correct.

It is naturally to be expected that the Committee on Public Build-

ings and Grounds, having considered the general necessities of the country and of each particular place, should bring in bills for the construction of public buildings at various points. But if, devoting themselves to this one subject, they bring in also a bill of appropriations—appropriations which they may suppose really necessary—they might, perhaps, in a given year report an expenditure of, say, $8,000,000, while eight or ten other committees, going on in the same way, would report their appropriations; so that the aggregate expenditure proposed for the year might reach $350,000,000. Now, with each committee struggling in that way for the gross amount of its appropriations, it would be very difficult indeed for each to yield what it might be necessary to yield in order to reach that balance of compromise which the interests of the Government might require to be adopted unless taxes should be increased to the extent of $100,000,000. Is it not better, then, to have one committee which, when these other committees have reported upon the necessities of various branches of the service, shall sum up all these propositions, and if it be found that the aggregate is too large shall cut down the various amounts so as to make an harmonious whole? Suppose that in a particular year the Committee on Public Buildings and Grounds have reported an expenditure of $8,000,000 for public buildings. Suppose the Committee on Appropriations, though glad to provide for all these buildings if it could be done, should find, upon examination of the whole field, that during the coming year there must be additional vessels built for the Navy; or suppose there should be a great military necessity—an exigency, perhaps, in our foreign affairs—so that the aggregate of appropriations must not go beyond a certain amount; in such a case the Committee on Appropriations might very well say, "This year we must cut down the appropriations for public buildings to $4,000,000; another year we may be willing to appropriate $8,000,000."

Now, taking this as an illustration, the Committee on Appropriations, the general supervising committee of amounts to be granted, would be better able to reach a harmonious balance with reference to the wants of each branch of the service than could be attained if each of the various committees should control the appropriations for its particular department. It is inevitable that a committee in charge of any subject will—I will not say unjustly magnify the importance of that subject, but will see it in all its force. I know this from my experience as a member of the Committee on Military Affairs, and also as a member at one time of the Committee on Banking and Currency. When I was on the Military Committee I saw, as I thought, very clearly what ought to be done in regard to the Army; and I was jealous of the Appropriations Committee for taking legislation out of our hands. There were things which we were ready and desirous to do which that committee took up and did, as I thought rashly. The work of reorganizing the Army is an appropriate duty for the Committee on Military Affairs, while the Committee on Appropriations should simply keep the aggregate of appropriations adjusted with reference to the respective needs of the various branches of the public service.

My friend from Indiana [Mr. BROWNE] was, I think, a little mistaken in one respect, or rather his remarks did not fully represent the case. If the Committee on Military Affairs should report legislation fixing the size of the Army, the rank and pay of its officers, and everything of that kind, there would be nevertheless something more for the Committee on Appropriations to do than merely to take a slate and figure up the expense of the military establishment as provided for by the Committee on Military Affairs. There are some large discretionary items which properly should be left to the Committee on Appropriations, which could not very well be determined upon elsewhere—large items covering transportation, subsistence, quarters, &c. A very large portion of our military appropriations, from year to year, are a matter of discretion, very properly going to the Committee on Appropriations, while the general frame-work and government of the Army could of course be determined upon reports from the Committee on Military Affairs, and ought to be determined in that way.

Mr. BRIGGS. Could not the Committee on Military Affairs exercise sound judgment as well as the Committee on Appropriations in reference to those "discretionary items," of which the gentleman speaks?

Mr. HAWLEY. I will say that it would be almost impossible for any committee having charge of a single Department of the Government only to take into consideration the demands of various other branches of the public service, as must be done in determining the aggregate expenditures for the year. The Committee on Military Affairs would not be able to do this because they would have investigated only one particular subject. While they might be able to arrange the general government of the Army in first-rate shape, they could not balance the various discretionary appropriations so well as one central appropriating committee.

[Here the hammer fell.]

Mr. HARRIS, of Massachusetts. Mr. Chairman, I have repeatedly heard on this floor the sentiment that it is necessary, on this matter of appropriations, to have "one head." I have heard something said about a primacy. Mr. Chairman, this is a House of Representatives, representing the American people, and I do not believe that the Representatives of the people should come here with gags in their mouths and be utterly unable to represent their constituencies upon the question of appropriations. I have voted constantly in favor of all the amendments tending to break down this autocratic power of the Appropriations Committee. "One head," sir! and that head, perhaps, not even the fifteen members of the Appropriations Committee, but the Speaker of this House, who, at the opening of the session, lays down his own private programme as to the appropriations, and these gentlemen of the Appropriations Committee merely execute his will.

Mr. Chairman, in every appropriation bill there are certain appropriations which are a matter of discretion—appropriations involving questions of policy. I take the Army appropriation bill passed at the special session, and I find that the meager and paltry appropriation made for guns for fortifications bears no earthly relation to the necessities of the military service of this country. The Military Committee ought to have the power to say—and to say it by reporting a bill at any time—that the military service of the country requires $1,000,000 to be expended in the making of guns adequate to the defense of our coast. Yet that committee has not the power to do so; if they undertake it they must report a bill which will go to the table, and there lie perhaps until the expiration of the session.

Take the Committee on Naval Affairs of which I have some knowledge. We want to report, perhaps, that there shall be no more wooden ships built, that the time has come for us to begin to build iron ships. Yet before we can be heard the Appropriations Committee has thrown into the House a bill which embodies simply the recommendation of the head of a bureau, a bill in which they make appropriations for not one pound of iron for iron ships, but only for timber to rot in our docks. The Committee on Naval Affairs would like to introduce into this House some policy; we would like to have something to say on the appropriations necessary to carry out that policy; but it is utterly useless, it is a waste of time for us to attempt any thing of that kind, if we have no power to be heard upon the measures we may present.

Now, the gentleman from Pennsylvania [Mr. CLYMER] has made the only advance toward a proposition which I should like to see adopted. He certainly is fair. He is the only man from the Appropriations Committee who has manifested the least disposition to take their hands off the legislation of this country. But he does not go far enough. He does not recognize the necessity we are under of making the appropriations conform to our idea as to the policy of the Government in any certain branch. Take the bill which is now lying on the Calendar, lately reported unanimously by the Naval Committee, in which we seek to establish a policy. We did not even dare to put into that bill an appropriation of a single dollar. It is there with a blank space left to be filled hereafter. I do not think the Committee on Naval Affairs or the Committee on Public Buildings and Grounds are any less capable or any less honest than the Committee on Appropriations. I do not believe they are more extravagant. I believe they are as patriotic, as honest, and as intelligent as the average of members of the Committee on Appropriations.

[Here the hammer fell.]

Mr. HAWLEY. I withdraw my amendment.

Mr. CALKINS. I move to strike out the last word; and I promise the committee, Mr. Chairman, this is the "last shot in my locker" during this debate. We have rallied—I say "we," I mean the minority of this committee have rallied—on nineteen points in this contest, and have been defeated each time, except when we were led by the gentleman from South Carolina, [Mr. AIKEN,] the chairman of the Committee on Agriculture, or who ought to be, [laughter,] and my friend from Texas, [Mr. REAGAN.]

Now, these two points gained have not yet accomplished what was desired by the "plebeians" of this House—we of the minority; for I never saw a fight organized nor have I ever read in history of a conflict carried on by petty kings which was managed more adroitly than the fight on this floor. There were two conflicting ideas; one was there should be a great central head to all appropriations, and the other was that we were all alike on this floor—in plain English, that one man was as good as another.

Mr. CLYMER. If not better.

Mr. CALKINS. If not better, as my friend suggests. [Laughter.] The committee has determined by several separate votes that they need somebody to stand over them to guide them. I think if we are beaten this time we can fall back to another point and take the last stand, and that is on the ground proposed by the gentleman from Pennsylvania, [Mr. CLYMER.] While I assure you if you press a vote on this point I will co-operate with you and vote for the proposition that the Committee on Public Buildings and Grounds shall have the power which they ask, yet if beaten I think it best not to waste time by further resisting the continued action of the committee.

Let us get along with these rules. Let us make a stand on the proposition made by the gentleman from Pennsylvania, [Mr. CLYMER,] and let us from that extract a few crumbs of comfort.

Mr. WEAVER. Does the gentleman surrender?

Mr. CALKINS. No, sir; I do not surrender anything. The fiat has gone forth several times from this committee of no change; and you know, Brother WEAVER, you like *fiat*. [Laughter and applause.]

Mr. WEAVER. The gentleman is not far now from the kingdom. [Laughter.]

Mr. CALKINS. I wish to say one other word, and that is this, and I wish to address it to my friend from Maine, [Mr. FRYE,] to the gentleman from Ohio, [Mr. GARFIELD,] and to the gentleman from Connecticut, [Mr. HAWLEY,] the leaders of the republican host. It must

have been an unequal contest from the first when these gentlemen were all leading in the same direction with the Speaker of this House. It became unequal, although many gentlemen on the other side came to our support, I am glad to say; and yet, sir, the contest was unequal from the beginning. And why? There is no committee which will not fight to maintain the prestige and power it already has. I am glad to say the gentleman from Ohio has won his spurs not because of any rule of this House—it requires something else besides a rule of the House and self-imposed restriction to make leaders—it requires brains. And no gentleman can ever sail into the presidential chair by self-imposed restrictions or the rules of the House, and I beg some gentlemen here to recollect it.

Mr. CLYMER. That is not the way you make them.

Mr. CALKINS. No, Brother CLYMER, with your help, we make them eight to seven.

A MEMBER. By fraud.

Mr. CALKINS. Leadership challenges to combat all opponents in this arena, and does not seek power by reason of rules. It is a contest of moral forces, one where reason and logic should prevail, and not that of autocratic power.

I wish to say another thing, Mr. Chairman. If this committee determines to keep the power in the hands of the Committee on Appropriations of making all disbursements and standing as the great auditing committee of the House and of the country, let us accept the situation and try to strip them of the power to put general legislation upon appropriation bills; let us rally on that point, and let us see whether we cannot choke from them, if you please, that power, and then we shall have gained so much at least.

[Here the hammer fell.]

Mr. GILLETTE. Mr. Chairman, the whole theory of this debate has been, if I understand it, on the part of those who advocate giving to the Appropriations Committee all the power demanded by them, which is practically the complete control of the purse-strings, that the other committees cannot be trusted with the great interests of this country, but that we must have one head, one arbiter, to say how much shall be expended in this direction and how much shall be expended in that direction and how much in the other direction. The gentleman from Connecticut, [Mr. HAWLEY,] a member of the Appropriations Committee, takes this ground and advocates it because he says it will be more economical. The cry of *economy* is a relief. We have heard for so many years of "honest money" under guise of which the people have been sacrificed to that Moloch of American monopolies the national banks. Now the cry is "economy," under which it is proposed to sacrifice nearly all the representatives of the people on this floor, by granting the control of the purse of the nation to one committee and practically to one man. Their whole theory is directly antagonistic to every principle of republicanism: that this House is not the arbiter of these questions, that this House is not the body to which these various committees appeal to decide whether this or that amount should be appropriated, and that the great Committee on Appropriations is to relieve them of all responsibility and settle all these questions entirely for the Representatives upon this floor, rushing their forty or fifty or one hundred million dollar appropriation bills through in the last hours of a session under the five or one minute rule, and under the excitement of party prejudice, with nine-tenths of the members of this House as ignorant as so many mules of the merits or demerits of the bills, as was done last spring, and may always be done by this committee. I repudiate that theory. I despise it. It is as anti-republican as negro slavery.

I advocate a distribution of this great power among the various committees, whose duties require them to learn the necessities of various Departments of this Government, and who therefore know ten times as much about those needs as any one committee can. I advocate it also because it is giving the greatest responsibilities of this Government to the many rather than to the few. Why, sir, you have disfranchised two hundred thousand people in the District of Columbia. They have no more rights as American citizens than so many cattle. Now you propose to come into this House and adopt rules that will virtually disfranchise over nine-tenths of the representatives of the people under the deceptive cry of "economy." That is the simple proposition we have before us. I stand by the Representatives of every section of this country. I have the honor to represent as many people upon this floor as the gentleman from Connecticut, and I want to know why my committee should not have as much right to say what amount of money should be appropriated in the direction in which they have investigated public affairs as any other committee upon this floor. I insist that when any committee brings in their verdict this House of Representatives is the body to decide whether the amount recommended is too large or too small, and I believe that any committee of this House is worthy to be trusted to do that much, to report their conclusions for the action of this body, and if I am wrong, if it be the duty of this House to surrender to one committee the virtual control of the most important legislation of this body, then our whole theory of a republican form of government is a sham and a failure. I insist that you cannot long maintain a republic in the land with the heart of the government itself a pure despotism, a "one-head" power, as advocated to-day by one member of the Committee on Rules.

Mr. CANNON, of Illinois, rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CALKINS. I withdraw the amendment.

Mr. CANNON, of Illinois. I renew it. And, Mr. Chairman, I wish only to say a word or two on the pending amendment. I have listened with some surprise, sir, to my friend from Indiana, [Mr. CALKINS,] who has just addressed the committee, as well as to several other gentlemen who have preceded him. I had supposed the Committees of this House were the servants of the House, and that the House, and not the committees, legislated. I had supposed it was the Committee on Appropriations, or the Committee on Military Affairs, which reported a bill here, and that, when reported, that bill was, from the time it was reported until it was passed or rejected, under the control of a majority of the House. But, judging from the way in which the gentleman from Indiana has talked, one would suppose that the majority of this House could not do what it pleased, and that it had no absolute power over propositions brought in from any committee. If he has any ambition for a committee which shall have jurisdiction enabling it to legislate, then I hope his desire will not be gratified.

Mr. DUNNELL. I should like to ask the gentleman from Illinois a question.

Mr. CANNON, of Illinois. Certainly.

Mr. DUNNELL. A law of Congress says that the Auditors of this Government shall receive a salary of $4,000 a year; the Committee on Appropriations bring in a bill saying that they shall only receive $3,600. I want to know whether the whole House is not at the mercy of that committee with that report before it?

Mr. CANNON, of Illinois. Not at all, sir.

Mr. DUNNELL. Not at all. Why?

Mr. CANNON, of Illinois. Because the majority of this House at any time can take that bill from the Committee on Appropriations, amend it, and make it comply with existing law.

Mr. DUNNELL. But the committee has for years appropriated but $3,600, when the law says these auditors shall have $4,000.

Mr. CANNON, of Illinois. Then why does not the gentleman rise in his place and offer an amendment?

Mr. DUNNELL. If I did it would be ruled out of order.

Mr. CANNON, of Illinois. Not at all, sir, for the amendment would be in pursuance of existing law, and therefore in order. All the gentleman has to do when the committee brings in the bill will be to rise and move to increase the appropriation so as to make it conform to existing law, and if he can get a majority of the House to stand at his back, of course his amendment will be adopted.

Mr. Chairman, the majority legislates here and always has legislated.

Mr. BRIGGS. The gentleman says the majority legislates and controls the business of this House; then why, in the name of Heaven, cannot the majority control a report from the Naval Committee, or Military Committee, or any other committee, as well as a report from the Committee on Appropriations?

Mr. CANNON, of Illinois. Certainly the majority can control that report, but I have no time to call the gentleman's attention to the answer given by the gentleman from Connecticut to the importance of some committee doing the auditing in the first instance for the consideration of the House.

I wish to say an additional word. The gentleman from Massachusetts [Mr. HARRIS] said the gentleman from Pennsylvania [Mr. CLYMER] was the only gentleman belonging to the Committee on Appropriations who had advocated the striking off the objectionable clauses from the twenty-first rule as reported in the codification. I take leave to differ from him. The gentleman from Connecticut [Mr. HAWLEY] advocated it; the gentleman from Indiana [Mr. BAKER] advocated it; I had the honor myself to advocate it as best I could in a twenty-minute talk during the general debate. But I stand here and now as I have stood for years ready to resist at every point I can under the rules the giving of legislative power to the Appropriations Committee, and to amend the rules so as to take from the hands of any committee which reports the appropriations the power of reporting legislation changing existing law along with the appropriation to buy its way through the House and the Senate. When that fight comes I will be as ready as any gentleman to take part in it by voice and vote.

[Here the hammer fell.]

[Cries of "Vote!" "Vote!"]

Mr. BLACKBURN. It seems to me far more good will result from voting than from discussion. I move, therefore, that the committee rise for the purpose of obtaining an order from the House to close debate upon this paragraph. [Cries of "Vote!" "Vote!"] If the committee is willing to vote I will not make that motion.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. GARFIELD. We may as well have tellers.

Tellers were ordered; and Mr. BLACKBURN and Mr. SHALLENBERGER were appointed.

The committee divided; and the tellers reported—ayes 100, noes 81.

So the amendment was agreed to.

Mr. BLACKBURN. I give notice that I will call for the yeas and nays in the House on that amendment.

Mr. CONGER. That is what we want.

The Clerk resumed the reading of Rule XI, and read as follows:

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads.

21.
to the Committee on Levees and Improvements of the Mississippi River.

Mr. CHALMERS. I offer the amendment which I send to the desk.
The Clerk read as follows:

In clause 21, fill the blank by inserting as follows:
"To the improvement of the Mississippi and its tributaries, and all surveys and estimates relating thereto."

Mr. CHALMERS. I discussed this proposition quite fully when we were under the rule allowing general debate, and I do not care, therefore, to trespass now upon the time of the committee.

Up to this time, Mr. Chairman, the contest has been against the report of the Committee on Rules and against the Committee on Appropriations. The proposition which is now introduced from the Committee on Levees and Improvements of the Mississippi River does not antagonize in any way the report made by the Committee on Rules. That committee left a blank to be filled as to the jurisdiction of this committee, and expressed no opinion as to what was best to be done on this subject.

If those gentlemen who have been up to this time fighting against the Committee on Commerce, upon the ground that it has been extravagant and that its bill is usually an omnibus bill—if they are in earnest and desire to see every appropriation made for the improvement of rivers and harbors closely criticised and examined by the Committee of the Whole House, they should come to the support of the Committee on Levees and Improvements of the Mississippi River, and enable us to adopt this amendment. For, sir, this will bring every appropriation for the Mississippi River and its tributaries before the whole House to be considered, and there can be no complaint then that a river appropriation has been passed under a suspension of the rules by a two-thirds majority.

Mr. RYAN, of Kansas. That can be done.

Mr. CHALMERS. That I have no objection to myself, but there are many who do object. I say to those gentlemen, if you are in earnest, and if you desire to see these matters fairly and fully criticised in Committee of the Whole, you should sustain this proposition.

And the proposition should be sustained for another cause. The gentleman from New York, [Mr. CHITTENDEN,] who always speaks plainly and to the point, said in his remarks that this House was under a master; that that master was the Committee on Appropriations. He said he would as soon see a ship go out to sea with two masters as to see the Committee on Appropriations divided. But, sir, we have now more than one master. We have not only the Committee on Appropriations to rule over us, but we have the Committee on Commerce also.

After the declaration of the gentleman from Virginia [Mr. CABELL] that he would consent to the adoption of this amendment at the proper time, I voted for his amendment to give jurisdiction over river appropriations to the Committee on Railways and Canals. There was a specific rule of this House, long since adopted, giving that committee jurisdiction over this subject. There never was any rule giving this jurisdiction to the Committee on Commerce. It is a usurpation on its part, a usurpation which has grown up by long practice, I admit, but nevertheless a usurpation on its part. And while the Committee on Commerce have so usurped this power they have spent millions and millions of dollars upon other rivers and other harbors, while these great navigable waters, which are recognized to be proper subjects for improvement by the whole people of the United States—the Mississippi and its tributaries, which water over twenty States of this Union—have been comparatively neglected. We ask you to place this great interest in the hands of a committee friendly to it, that we may be enabled to improve those waters as they demand and deserve to be improved.

My friend from Indiana [Mr. CALKINS] said we have been defeated in this fight against centralization of power in one committee because the great leaders on his side of the House had deserted him. We have been defeated on this side also because some of our great leaders have, as I understand it, deserted us in this fight. Shortly after the election of Speaker this fight commenced. The gentleman from Illinois [Mr. SPRINGER] commenced the struggle. It was his resolution that proposed to take away the power of the Committee on Appropriations and divide it up among other committees. But when the hour of battle came I looked in vain for the white plume of that gallant knight, that I had been accustomed to follow upon many a field.

At the same time my friend from Kentucky [Mr. BLACKBURN] introduced an amendment proposing that there should be a special committee to consider these questions and to make rules, as I understood it, for the purpose of carrying out the idea of the resolution introduced by the gentleman from Illinois, [Mr. SPRINGER.] I may have done him injustice; I may have misunderstood his position at the time; but I thought he was then with us. We looked in vain, however, for his help when we were fighting the Committee on Appropriations. Unfortunately that gentleman had been captured by the enemy.

[Here the hammer fell.]

Mr. REAGAN. I desire to call the attention of this committee to the fact that this amendment involves simply and solely the question whether it is the policy of this country to improve its navigable waters by appropriations from the Federal Treasury. Of course, the gentleman from Mississippi [Mr. CHALMERS] does not have it in mind at this time to defeat such appropriations, because he doubtless feels a common sympathy with the people along the Mississippi River and its tributaries in the improvement of all the navigable waters of the United States.

I wish, however, to call the attention of members now to this matter, so that if they sustain this amendment, and it shall turn out that by so doing they have defeated appropriations for the improvement of the navigation of any of the rivers of this country, they cannot say that they were not warned of what they were doing. If you divide, as this amendment proposes to divide, the business of appropriating money for the improvement of the navigable waters of the United States so that appropriations for the Mississippi River and its tributaries, making nearly one-half of the navigable waters of the country, shall be under the charge of one committee, and appropriations for the improvement of the Atlantic, the lakes, the Gulf, and the Pacific waters shall be under the charge of another committee, it is not at all probable that you can ever pass a bill reported from either committee through this House. Who supposes that a bill proposing to appropriate money for the improvement of the Mississippi River and its tributaries, excluding appropriations for the improvement of the other public waters of the United States, could receive the sanction of a majority of this House? Who supposes that a bill reported by the Committee on Commerce for the improvement of the waters of the Atlantic, the lakes, the Gulf, and the Pacific, and leaving out the improvement of the Mississippi River and its navigable tributaries, could receive the support of a majority of this House? Not only would every local interest concerned be arrayed against it, but we would have, as we now have, as we ever have had, and as we are likely to ever have, a class of gentlemen opposed to this kind of appropriation, a class of gentlemen reverently in love with the old system of Conestoga wagons, with a tar-bucket and a dog under each wagon, like the gentleman from New York, who sighs for the days of dirt-roads and common wagons, and looks with horror on all steamboats and railroads. Gentlemen, you may go back with the gentleman from New York to your road wagons and to your railroads also, for they have become established; but by this proposition you will fail to do anything for the improvement of the water navigation of this country. I have no doubt this amendment will receive his earnest and hearty support, as well as that of every member of this House who is determinedly opposed to the improvement of the navigable waters of the United States.

My friend from Mississippi [Mr. CHALMERS] cannot help, and it seems that no man upon that committee or upon the Committee on Roads and Canals can help, joining the Committee on Appropriations in making flings at the Committee on Commerce. Well, sir, so far we have had reason to rest content with the solid judgment of this House, looking to the promotion of the welfare of this country, with its commerce of thousands of millions annually, the cheapening of the transportation of that commerce, and the reducing of the rates of insurance. We are well content with the exhibition that has been made here of broad statesmanship which comprehends the entire continent and all its interests. We have evidence of an intention on the part of a majority of this House not to abandon the idea that we represent fifty millions of people, a mighty empire or territory so situated that the cotton of one region, the grain of another, the minerals of another must be transported from one section of the country to another. The nature of the commerce of our country requires that a vast amount of transportation shall take place, and the only check upon the extravagant cost of land transportation is the hope of improving the thirty thousand miles of navigable waters of this country in the interest and for the benefit of the producers of the country, as well as of the consumers.

[Here the hammer fell.]

Mr. BLACKBURN. I simply desire to state to the Committee of the Whole House how it was that this blank appears here in clause 21 of Rule XI. The Committee on Levees and Improvements of the Mississippi River, at the time these rules were framed, had no duty defined at all under the existing rules. It was not a standing Committee of this House until during the last session of Congress, when it was so made. It is not enumerated in the Manual at all among the Committees of the House.

When the Committee on Rules came to this Rule XI, they found themselves unable to agree as to what should constitute the scope, power, and duties to be imposed upon the Committee on Levees and Improvements of the Mississippi River.

I will not stop now, because it would require too much time, to answer every fling which every member sees fit to make in regard to the Committee on Rules and the Committee on Appropriations. The concluding remarks of the gentleman from Mississippi [Mr. CHALMERS] amount to nothing so far as I am concerned, except to prove that he was the victim of a crude conclusion that had no warrant at all in fact. At the time to which he refers I was, as I am now, in favor of the amendment which he has proposed. I believe that it was the duty of the House, and one which we could not well get around, to fill this blank in some wise.

You have created this committee and made it a standing committee of this House. You have assigned it no duty; you have given it no power; you have required of it no service. You must put something here in the rules in regard to that matter. I was from the first and I am still in favor of the amendment offered by the gentleman from Mississippi, [Mr. CHALMERS,] which gives to the Committee on the Levees and Improvements of the Mississippi River absolute charge

of the subject of the improvement of the navigation of the Mississippi River and its tributaries.

It is indeed, sir, a work vast enough in its volume and importance to engage the whole attention of any one committee of this House. I will not be driven from that position. I favor it now. I never was committed, as the gentleman may have considered me, to a general disintegration of the legislation of Congress. I never offered any amendment, as he says he construed it, upholding and supporting the view that he happens to hold. I have said, and I say again, (I hope I shall not find it necessary to repeat it a third or a fourth time,) that I was perfectly willing from the first to take all these appropriation bills away from the Committee on Appropriations and give them to the committees having charge of the respective subjects, provided the House would exercise some degree of caution and put some limitation upon the aggregate amount that was to be appropriated.

I did offer a resolution by way of amendment at the beginning of this Congress, looking not to the distribution of appropriation bills, but to the raising of a select committee of five, whose duty should be to revise, condense, and simplify the whole system of rules by which this House has been governed—that and nothing more. I have not changed my position upon that general proposition, nor upon the question now under consideration, one iota. I believe that the amendment offered by the gentleman from Mississippi ought to be adopted. I believe that the work it will impose upon that committee is of such proportion and magnitude as to commend itself to the soundest judgment and best discretion of this House. I hope that the amendment will be adopted.

[Here the hammer fell.]

Mr. FRYE. I would like to ask the gentleman from Kentucky——

Mr. BLACKBURN. I desire simply to add, though it may not be necessary, that in what I have said upon this amendment I do not speak for the Committee on Rules, but for myself.

Mr. FRYE. I desire to ask the gentleman this question, whether he is in favor of providing that the committee now under consideration shall report, like the Committee on Commerce, directly to the House instead of reporting to the Appropriations Committee?

Mr. BLACKBURN. I answer the gentleman very frankly that I would put that limitation upon this amendment, if it shall indeed prevail.

Mr. FRYE. Mr. Chairman, I am ready to admit at any time that the majority of the House is generally right. I have little confidence in my own judgment when I find the majority—at any rate on my own side—voting against me. But I would fail in my duty if I did not call the attention of the House, and especially of my side of the House, to some facts upon this question. There have been a dozen, or possibly twenty, amendments proposed to the report of the Committee on Rules, a large majority of which have failed. Then there came a pretty earnest contest as to whether the Committee on Military Affairs, the Committee on the Post-Office and Post-Roads, and the Committee on Naval Affairs should have a right to report appropriation bills relating to their respective subjects. The majority of this House said "no," that this business should remain in the hands of the Appropriations Committee. Why? Because economy requires that it should be there. But the Committee on Rules reported a provision that the Committee on Commerce, having in its hands one of the largest appropriation bills, should make its report to the Committee on Appropriations; and the spectacle was exhibited here of a majority of two-thirds declaring that this bill should be reported by the Committee on Commerce directly to the House at any time. Why? If the Committee on Military Affairs is to be compelled by a majority vote of this House to allow the Committee on Appropriations to report the appropriations for the Army, why is the Committee on Commerce by a two-thirds vote allowed to make its report directly to the House, and thus have an opportunity to suspend the rules and put the bill on its passage without any examination or discussion whatsoever? There is some reason for it.

Then we come to the next committee which was able to carry an amendment through this House. What was it? The Committee on Public Buildings and Grounds. They make a proposition that they may be permitted to report directly to this House, and it is carried by a majority of a dozen or fifteen. Why?

Mr. BARBER. Because we had them. [Laughter.]

Mr. FRYE. That is it exactly. And it is only offering another opportunity for scandal to be thrown upon the Congress of the United States. How is it so many men are willing that these two committees—one having in charge rivers and harbors, the other the public buildings in our respective districts—shall have the advantage of every other committee of this House? How is it that the advantage thus given to these committees is refused to the other committees?

Mr. REAGAN. Will the gentleman allow me to ask a question? He has referred once before to the "scandal" brought upon this House by the Committee on Commerce. Will he be frank enough to mention one fact upon which that "scandal" was based? Was it based on anything except the wild declamation of members on this floor, in violation of truth?

Mr. FRYE. "Only this, and nothing more," that the river and harbor bill is the only appropriation bill brought before this House to be passed under a suspension of the rules and without debate.

Mr. REAGAN. Oh, no. At the last session we passed another appropriation bill under a suspension of the rules—a bill appropriating $24,000,000 or more; and the gentleman supported that bill. Has there been any "scandal" about that?

Mr. FRYE. Every year for the last five years, until it has become the custom, the motion has been made to suspend the rules and pass the river and harbor bill; and the chairman of the Committee on Commerce knows the reason to be that there are so many gentlemen in this House interested in the passage of the bill that the requisite number of votes can be had.

Mr. REAGAN. Is it "scandal" to pass any bill in conformity with the rules, when those rules require a two-third vote?

Mr. FRYE. Now, Mr. Chairman, one word further. Here comes another committee—the Committee on Mississippi Levees, and, as the amendment proposes, the tributaries of the Mississippi River. The proposition is to take one-half of all the internal improvements of this country and let this committee report upon them. Now, this proposition will pass.

A MEMBER. Oh, no.

Mr. FRYE. Why not? I assume that it will. You will then have two committees reporting river and harbor improvements; two committees can manage them infinitely better than one! Each committee can move to suspend the rules and pass its bill—first the Committee on Public Buildings and Grounds, then the Committee on Commerce, then the Committee on Mississippi Levees. Day after day you will come in here with your bills making large appropriations of money; you will suspend the rules, and pass them. If you take this away from the Committee on Appropriations, take everything away from them. Let the rest of these committees stand upon the same basis on which these three committees stand.

[Here the hammer fell.]

Mr. JOHNSTON. Mr. Chairman, I understand that the Committee on Commerce is now charged with the improvement of the branches of the Mississippi River, and the Committee on the Improvement of the Mississippi with that of the main stream. I submit to gentlemen in the matter of internal improvements those two subjects form but one. Any experienced engineer will, I think, tell you so, and that you cannot have two systems, one for the improvement of the main stream and another for the improvement of its branches. It is absolutely necessary the same authority should control the improvement of the waters of the whole Mississippi Valley.

This appears to me to be too evident to require argument; but there is one important fact I will state in that connection. One of the best engineers, whose opinion has been published in regard to the manner of improving the Mississippi River, proposes to do it by using the current of the stream. Unless those who operate in that way have also the control of the waters of the branches of the Mississippi, the engineer who may be engaged in improving the main stream may cause a bar to form in the mouth of every tributary, for in removing a bar which is above the Arkansas, for instance, by the current of the Mississippi he may remove that bar into the mouth of the Arkansas River. And so of any other river. That of itself to me is a conclusive argument why the amendment proposed by my friend from Mississippi [Mr. CHALMERS] should be adopted, uniting those two subjects, as they should be, under one authority.

Mr. ROBERTSON. Mr. Chairman, I wish to reply to some remarks which have just fallen from the lips of the gentleman from Texas, chairman of the Committee on Commerce. He stated to this House that the members of the Committee on Levees and Improvements of the Mississippi River had thrown every obstacle in the way of the Committee on Commerce in carrying out the object of that committee in passing river and harbor appropriation bills reported from that committee. In other words, sir, he made the assertion that the members of the Committee on Levees and Improvements of the Mississippi had thrown obstructions in the way of the Committee on Commerce in executing the policy of that committee in improving the rivers and harbors of this country. Now, as far as I am concerned I deny the statement. I deny, sir, that I have ever opposed the Committee on Commerce in carrying out its policy whenever, in my judgment, that committee reported a bill which I could conscientiously vote for.

I am in favor, Mr. Chairman, of the policy of improving the rivers and harbors of the country. In doing so I subscribe to the doctrine of the old democratic party of opposition to any general system of internal improvements. That doctrine grew out, as is well known by gentlemen, of the question of building post-roads and carrying out every sort of local internal improvements in the country, to be paid for by direct appropriation out of the Treasury of the United States. But it is quite a different proposition to improve the navigable streams of the country. It is quite a different thing to appropriate for the improvement of navigable rivers and harbors. Consequently I have always been in favor of the policy of improving the rivers and harbors of the country, and have cheerfully voted for all bills for that purpose reported to this House when, after examination of the items, I have been satisfied the appropriations were to be applied really to the improvement of navigable streams. It is, in my judgment, within the legitimate province of the Government to make appropriations for such purpose and to continue to make them hereafter, as they have been made from the very beginning of the Government.

The gentleman states further that by dividing the jurisdiction, particularly in reference to the improvement of rivers and harbors,

we thereby jeopardize the passage of any bill which may be brought before the House for such improvements, and, therefore, experience has shown the absolute necessity of bringing in an omnibus bill combining all interests throughout the country and putting it upon its passage under a suspension of the rules, without amendment and without debate. That of itself at once shows such a system would be nothing more than *log-rolling*. I am opposed to any such system of making appropriations in this House. I am opposed on general principle to bringing any bill before the House which cannot stand upon its own merits and bear discussion.

We say that if the jurisdiction is extended to our committee which it should have it will then give to us the control of a general system of improvement of the Mississippi River and its tributaries. As has been stated very correctly by my colleague on the committee, the gentleman from Virginia, [Mr. JOHNSTON,] the committee having jurisdiction over the main stream of the river should also have jurisdiction over the improvement of its tributaries, because any general system of improvement which may be adopted after investigation, should go not only to the river itself but to all its tributaries.

And why, sir, cannot such a bill as that be passed? We have already passed a law which was not included in any river and harbor appropriation, but passed independently after discussion in this House, appropriating or binding the Government of the United States to pay some $5,500,000 for the improvement of the mouth of the Mississippi River. I refer to the appropriation to carry into effect the contract with Captain James B. Eads to deepen the South Pass of the Mississippi River, which has already borne such important fruits. That bill was thoroughly discussed. It was before the House and it passed upon its merits.

Now, sir, I object to the practice which has been pursued in reference to these river and harbor bills, on estimates or without estimates of the engineers, making appropriations of money here and there for the improvement of the Mississippi River and its tributaries. What good has been done? What advantage has the navigation of the Mississippi River reaped from general appropriations, scattered as they have been from bar to bar and from point to point without any uniform plan, with no general system? What advantage has it been to the improvement of the river? None whatever. It is necessary, if any advantage is to accrue, we should adopt a general system for the improvement of the river and its tributaries.

Besides, sir, our committee has already exercised appropriate jurisdiction over the Mississippi River, and has reported a bill to this House, which has become a law, by which a commission has been established to make the estimates and bring in a report to Congress in reference to a general system of improvement for this river from its headwaters to the head of the passes at its mouth.

The gentlemen on this floor who have cast reflections on this committee have shown zeal without knowledge in their comments on its origin and action. They have misunderstood or misrepresented both. This committee originated in a great want equally felt in this House and in the great communities directly interested in the free navigation of this mighty inland artery. It was because it was found that the existing committees were not adequate to grapple with this question in its full extent, and to bestow upon it the time and labor requisite for a full understanding of the whole question, that the Committee on Levees and Improvements of the Mississippi River was created by this House, and its works can speak for it, short as has been the term of its existence. This is not, and never has been since the first session of the Forty-fifth Congress, a mere levee committee, nor the representative of mere local interests. Its scope has been broader and wider, embracing not alone the question of the levees or alluvial lands, but all questions connected with the improvement of the navigation of the river. Although its duties have never been technically defined in the rules themselves, yet the very title given to the committee defines the jurisdiction, duties, and powers intended to be conferred by this House upon it, the free exercise of which this House has repeatedly sanctioned by its action. Considering the great national importance of the matters confided to it, this committee has investigated thoroughly the whole subject, and after mature deliberation came to the unanimous conclusion that no piecemeal legislation, made up out of petty appropriations here and there, to conciliate local interests, no log-rolling job, would meet the wants and wishes of the great community who dwell on its banks or those of its tributaries, or the still greater multitude whose interests are directly connected with it.

In the course of their investigations they found that this stream had been long neglected and its importance never thoroughly understood, owing to the obstruction of the bar at its mouth, now happily removed. They also found that, although surveys had been made of isolated portions by Army engineers and the Coast Survey, no general system, plan, or theory of improvement had been agreed or acted upon; and it was to supply this great want and provide for a general system of improvement, including the permanent location and deepening of the channel, and protection of its banks against overflow, that the committee reported the bill, now a law, for surveying, examining, and reporting some definite plan to cover these objects. That commission has been and still is at work in maturing a plan and solving the great problem which has so long agitated the country and on which heretofore there has been such a diversity of opinion. When that report shall be submitted to this House, would it be fair or proper or just to this committee and to the House which clothed it with these powers and sanctioned its action, to cast a slur upon the committee, and stultify itself by depriving it of its powers, on the very threshold of its execution, by turning the matter over to another committee hitherto unconnected with it, except incidentally by its general jurisdiction over commerce, and necessarily uninformed on this special subject-matter. The whole opposition to giving its just jurisdiction to this committee seems based on the fact that certain local interests might be prejudiced, or combinations prevented, for securing benefits for certain localities through personal arrangements.

I am perfectly satisfied that it is the general sentiment throughout the country, as I believe it is on the floor of this House, and all the indications of public opinion, outside of a narrow and unstatesmanlike view of local interests, go to confirm it—that the creation and work of this committee have been eminently wise and useful, and that it should be encouraged and aided in perfecting the great work which has been so well begun. Large and influential conventions indorsing and approving its labors have been held at different points in the Mississippi Valley and elsewhere, and urgent calls have been made upon Congress to persevere on the path in which it has commenced its progress. While I cheerfully concede to the Committee on Commerce all the credit justly its due, for the ability which it has manifested in the performance of the duties assigned to it, I must yet insist that as regards this special subject they have never yet had the opportunity of devoting to it the time and investigation necessary to a full comprehension of it, and could not possibly, in the midst of their multifarious duties, bestow upon it the time and attention necessary to such a thorough understanding of so complex a question. For, should this question, which has been so thoroughly investigated by the committee to which it has been specially assigned, be relegated to another committee, to whom it will be a comparatively new question, the whole work will have to be gone over, and long and unnecessary delays created, of infinite detriment to great public interests, if not to the defeat and destruction of the end in view. Although it is true that in this matter I am representing the interests and the views of my own immediate constituents, yet, sir, I claim also to represent a far wider field and a much larger constituency as well. This is no narrow local interest which the committee of which I have the honor to be chairman represents and was created to guard and to foster. It is as wide and as deep as the great river which washes the shores of an empire in extent, production, and population, whose wants and wishes have found their true exponent in the committee appointed to meet and answer them, without touching or trenching on the rights of other members of this great family of States—separate like the billows, but one as the sea.

The voice of the people of the Mississippi Valley has come up here through their conventions like the roar of the waters of their great river, and that voice has been one of approval of the action of the House in creating a special guardian of their interests and those of the entire country, which are equally enlisted in the perfection of the work so happily begun. It is easier to destroy than to create, and the work of destruction advocated by those who are jealous of or misunderstand our work can, if successful, result only in mischief, not in good.

The chairman of the Committee on Commerce is a strong man, but there was once a man stronger than he, who pulled down a structure stronger than even ours. Yet he should take warning from the fate of Sampson, and seek to aid us in rebuilding, not task his strength in the work of pulling down that which even he might and would prove incompetent to rebuild.

Mr. Chairman, I leave the decision of this question in the hands of the House, confident that it will not lend itself to the child's play of pulling down one day its own work of the day before.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, I am in favor of internal improvements. I believe in developing the resources of this country, but I think I see in this proposition one of such magnitude as to require more careful consideration than we are likely to give it to-day. If it be what I believe it is, I think we should stand hesitating on the brink of the Mississippi before we plunge in. The Mississippi and its tributaries! How simple in expression, how comprehensive in effect. Stretching from the Alleghanies to the great Father of Waters on the one hand, and from the Rocky Mountains down the channel of the Missouri and its tributaries on the other! A stream which covers all the internal relations of this great country. Every great river which flows from the North to the South to be submitted to this committee which was organized for the purpose of establishing and carrying on the levees at the mouth of the Mississippi River!

Mr. Chairman, I believe in giving liberal appropriations for the improvement of that great delta, but I do not believe in making every improvement in every river in the North, in the East, or in the West dependent upon how much we are willing to vote for the levees of the Mississippi River. You who live on the Wabash, you who live on the Allegheny, you who live on the Monongahela, you who live on the Missouri, or the Ohio, or any other river which flows into that great stream, are your appropriations and your improvements to be dependent on the committee which is charged only and organized to be charged only with the duties of establishing and maintaining the levees at the mouth of the Mississippi River?

Mr. ROBERTSON. Will the gentleman permit me to interrupt him for a moment?

Mr. ROBESON. I am through.

Mr. COX. I think, Mr. Chairman, that this debate is useful. It ought not to be suppressed all at once, especially after the magnificent remarks made by the gentleman from New Jersey. I am in favor of the proposition of my friend from Mississippi. Why?

A MEMBER. Of course you are.

Mr. COX. I am not speaking ironically. [Laughter.] I want to see commerce divided. I want to see a unity given to one subject, to wit, the Mississippi River and its tributaries. Why, my friend from Missouri, in offering his amendment a moment ago, told us that the Committee on Commerce was so busy, so engrossed, so overwhelmed with business, that they could not take care of a deflection in the Saint Charles River. I knew that it was in danger of catalepsy. [Laughter.] I knew that they should be relieved, but I was not prepared to believe that my friend from Mississippi was to be the great "medicine man" to afford relief so promptly. [Laughter.]

What is the Mississippi River? Three thousand six hundred miles, and with its tributaries, the Missouri, the Ohio, and others, spreading everywhere, ten thousand miles, all borne along by the great law of gravitation, bearing down our produce to the ocean. And I am not sure, sir, when I reflect how much of our soil is held in solution by this river, as well as by the Missouri, that this question of the levees of the river should not be referred to the Committee on Agriculture. [Laughter.] I think a reasonable proportion of this business should go to the Agricultural Committee.

We have sent abroad this year four hundred millions of bushels of wheat. Our commerce has done that. Why not turn over commerce to the Committee on Agriculture? It is our Navy that protects our commerce. Why not turn over our naval affairs to the Committee on Agriculture? Why not turn the militia over to the Committee on Agriculture; for how can you equip the militia except with cornstalks? All these things at least tend toward that great element in the industries of our country which gives 87½ per cent. of all the products which we send abroad. Agriculture is our paramount interest. Let us combine commerce, buildings and grounds—grounds—and all these other interests in one grand, magnificent committee at the head of which stands my distinguished friend from Ohio, General LE FEVRE. And then we will see unity in the administration of our affairs.

Mr. WHITE. It is your colleague, Mr. COVERT, who stands at the head of that committee.

Mr. COX. I was thinking of the investigating committee. My distinguished colleague, I know, is engaged in agriculture. He represents also another sort of industry on the coast connected with fishing.

But the Committee on Commerce has absorbed nearly everything. Why, sir, the gentleman from Louisiana, the other day, from the Committee on Commerce, actually reported a bill here about the telephone. The next thing we will hear about the Committee on Commerce they will be after the telescope, the megaphone, the transit of Venus—everything connected with scientific improvement—all will go to my distinguished friend from Texas, [Mr. REAGAN.] [Laughter.]

The gentleman from Texas undertook to tell us something about the "dog under the wagon." I would like to see the watch-dog of the Treasury under every one of the wagons that are depleting the Treasury; the wagon that is taking from the Treasury the contents of its strong box; the wagon which, under the log-rolling system, in spite of all my friend says, without debate, without possibility of amendment, by a vote of two-thirds, in defiance of every legislative canon known to civilized governments, provides appropriations for all those little streams within the States, not like the Father of Waters and its tributaries, not like the great lakes or the harbors on the Atlantic coast, but all the contemptible little streams, the appropriations for which fill sixteen pages of the Statutes at Large and do no good except to help a few men in their congressional districts.

[Here the hammer fell.]

Mr. FRYE. I desire to offer a substitute so that there may be some other proposition for the Committee of the Whole to discuss.

The CHAIRMAN. Does the gentleman desire to debate it now?

Mr. FRYE. I wish it to be read that gentlemen may have an opportunity of discussing it.

The Clerk read as follows:

Fill the blank as follows:
"To the levees of the Mississippi River."
So that the clause will read, if the amendment be adopted:
"To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River."

Mr. HAWLEY. I desire to protest against the proposition of the gentleman from Mississippi, [Mr. CHALMERS.] I am aware I have spoken frequently, but I cannot permit this to pass without saying at least a word. I shall do it in one minute, and then shall give the rest of my time to the gentleman from Kansas, [Mr. HASKELL.]

This Mississippi business was started by referring the subject to a committee on the levees. And now it is understood everywhere in this House that the question to be decided is whether or not we will embark on a policy which involves an expenditure of $500,000,000. That is the question that is to be settled. We have an able commission investigating the subject, and we can wait for its report. The country desires to be fair and liberal in this matter. Let us get that report, and let us decide upon a broad and general policy. But we are not in a position to do so as yet. We have not the information now.

Before we have heard the first report from the commission we have here a rule establishing a permanent committee on improvements of the Mississippi River, and, moreover, adding to that river every one of its tributaries from the Alleghanies to the Rocky Mountains, and north to Lake Winnepeg. All is to be put under the care of one magnificent committee, and at the same time they are to have the power to report their own appropriations.

I say again the power to order the work to be done and the distribution of the money should be in different hands. If the pending proposition be adopted we are giving to this committee the grandest opportunity for log-rolling that was ever offered by the American Congress. It is proposed that we shall give them the power of appropriating for every Kiskiminetas all along the line when we have not yet decided on the levees. You have not dared to leave the river and harbor bill to the Committee of the Whole. The moment you do that it runs up to fifteen millions; and therefore, for very shame, the river and harbor bill has been taken from the Committee of the Whole and put through on Monday under a suspension of the rules. So with the magnificent bill that would come from this committee. Put it there if you dare; and when every little stream is put in, you cannot for shame pass such a bill except by a two-third vote.

Mr. CHALMERS. We are more than willing that an amendment to the rules should be made that no bill from this committee should pass under a suspension of the rules.

Mr. HAWLEY. That would not do any good. I yield now to the gentleman from Kansas, [Mr. HASKELL.]

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. HASKELL. I have a word or two to say against this proposed amendment of the gentleman from Mississippi. Because I am strongly in favor of the improvement of that river I am sorry to seem for a moment to antagonize that which the friends of the improvement of the Mississippi River place before this House. I object to this amendment not because I am an enemy to that improvement, but because I am a friend of it. It is proposed to divide the Committee on Commerce into two committees—to create two independent committees, each one charged with the subject of improvements, enough, if carried out, to entirely absorb and profitably absorb all the surplus revenues of the Government.

There will surely be a conflict of interest between those two committees. Should the Committee on the Mississippi River and its Tributaries bring in here a bill appropriating the amount which in their judgment they may deem to be wise for the improvement of that river and its tributaries, the sum will be so large that when the Committee on Commerce shall report its regular bill the conservative members of the House will be obliged to defeat both of the bills. That will almost surely be the result.

One committee, and one only, ought to have charge of the whole subject of the improvement of the navigable waters of the United States. Is it fair to assume that the Committee on Commerce, presided over by a western man and composed of representative men from different portions of the Union, will be less favorable to a wise improvement of one of our important navigable streams than will be a certain other committee? Is it necessary that all these wise, economical, prudent schemes for the improvement of the business of this country shall be parceled out to separate committees? If that is done, then, as a matter of practical parliamentary legislative result, we will find ourselves here on this floor quarreling about questions of jurisdiction, quarreling as to the amounts which we have received each for his favorite scheme. And the bills for those purposes will be so overloaded that the whole business will break down in one crash. That will be the result of it.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee now rise.

Mr. BLACKBURN. In view of the fact that there has been such unlimited discussion on the pending amendment, and that the gentleman from Louisiana [Mr. GIBSON] desires to be heard, I ask my friend from Illinois [Mr. TOWNSHEND] not to press at this time his motion that the committee rise.

Mr. TOWNSHEND, of Illinois. There are others here who desire to be heard.

The CHAIRMAN. The committee will resume the consideration of this matter when it next meets. The question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules and had come to no resolution thereon.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed

the House that the Senate had passed a bill, in which the concurrence of the House was requested, of the following title:

A bill (S. No. 885) to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

The message also announced that the Senate had passed a concurrent resolution to print 3,000 sets of the five volumes of the reports of the Fish Commissioner; in which the concurrence of the House was requested.

The message further announced that the Senate had passed, with amendment, in which the concurrence of the House was requested, a joint resolution of the House of the following title:

A joint resolution (H. R. No. 157) for the relief of M. M. Herr.

FORESTRY.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In reply to a resolution of the House of Representatives of the 3d instant, requesting the Commissioner of Agriculture to forward any facts or statistics in his office on the subject of forestry not heretofore published from his Department, the following report received from the Commissioner upon this subject is hereby transmitted.

R. B. HAYES.

EXECUTIVE MANSION, *February* 5, 1880.

Mr. DUNNELL. I move that the message, with the accompanying report, be referred to the Committee on Agriculture.

Mr. CARLISLE. And printed.

The message, with the accompanying report, was accordingly referred to the Committee on Agriculture, and ordered to be printed.

LOANS ON REAL ESTATE BY NATIONAL BANKS.

Mr. DAVIS, of North Carolina, from the Committee on Banking and Currency, authorized to report at any time, reported back with amendment the bill (H. R. No. 1909) to authorize national banks to make loans upon mortgage of real estate; which, with the accompanying report, was ordered to be printed, and recommitted to the Committee on Banking and Currency.

PUBLIC BUILDING AT PEORIA, ILLINOIS.

Mr. BOYD, by unanimous consent, introduced a bill (H. R. No. 4245) to provide for the erection of a public building in the city of Peoria, in the State of Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESSENGER FOR COMMITTEES.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That there be allowed for the Committees on Foreign Affairs and Census a messenger, who shall act as clerk to said committees when required.

TAKING THE CENSUS.

Mr. COX. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on the Census the bill of the Senate No. 885, to amend an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879.

There was no objection; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on the Census, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. THOMPSON, of Kentucky. I move that the House now adjourn.

Mr. BLOUNT. I ask the gentleman to yield to me to obtain consent of the House to concur in certain Senate amendments to a bill of the House in relation to furnishing the Hall, &c.

Mr. THOMPSON, of Kentucky. I have no objection to that.

CONTINGENT FUNDS OF THE SENATE AND HOUSE.

Mr. BLOUNT. I ask consent to take from the Speaker's table the bill of the House No. 3497, returned from the Senate with amendments, to provide for a deficiency in the appropriation for furniture and repairs of the same for the House of Representatives for the fiscal year ending June 30, 1880.

There was no objection; and the bill with the amendments was taken from the Speaker's table.

The amendments of the Senate were read, as follows:

After line 5 insert:

"That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to meet certain contingent expenses of the Senate, namely:

"For miscellaneous items, exclusive of labor, for the fiscal year 1880, $20,000.

"For furniture and repairs of the same for the fiscal year 1879, $12."

Amend the title so that it will read:

"An act to provide for deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives."

Mr. BLOUNT. I have been directed by the Committee on Appropriations to move that the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in.

Mr. BLOUNT moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENDITURES IN THE INTERIOR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a statement of the disbursements of the contingent funds of the several bureaus of that Department; which was referred to the Committee on Expenditures in the Interior Department.

WITHDRAWAL OF PAPERS.

Mr. DE LA MATYR asked unanimous consent to have withdrawn from the files of the House papers in the case of Daniel D. Ricketts; referred to the Committee on Invalid Pensions.

Mr. RICHMOND asked unanimous consent to have withdrawn from the files of the House papers in the case of Robert M. Ely—no adverse report; referred to the Committee on War Claims.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHELLEY, until Tuesday next, on account of important business;

To Mr. YOCUM, for two days, on account of important business; and

To Mr. HERNDON, until Tuesday next, on account of important business.

Mr. MILLS. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Kentucky, [Mr. THOMPSON,] that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AINSLIE: The petitions of C. L. Valentine and 48 citizens of Pierce City; of S. S. Fenn, Robert Watson, and 84 citizens of Mount Idaho, and of W. S. Williams, W. C. Pearson and 89 citizens of Grangeville, Idaho Territory, for an additional appropriation for the improvement of the navigation of Clearwater River—to the Committee on Commerce.

By Mr. ATHERTON: The petitions of Harrison Scott and 33 others, citizens of Ohio, and of Seth Gordon and 47 others, citizens of Guernsey County, Ohio, for legislation protecting the people from the oppression of railroad companies and other monopolies in respect to passengers and freights—to the same committee.

Also, the petitions of John Frey and 33 others, citizens of Ohio, and of John W. Rich and 30 others, citizens of Ohio, for an amendment to the patent laws protecting innocent purchasers of patented articles from suits for infringements—to the Committee on Patents.

Also, the petition of E. M. Barrett and 46 others, ex-soldiers and citizens of Newark, Ohio, for the passage of an act to pay the soldiers and pensioners of the United States the difference between the value of the depreciated paper in which they have been paid and coin—to the Committee on Military Affairs.

By Mr. BACHMAN: The petition of soldiers of the late war against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BEALE: Memorial of citizens of Chincoteague Island, Virginia, remonstrating against the improvement of the channel in Chincoteague Bay—to the Committee on Commerce.

By Mr. BLISS: The petition of Bernard Hettel, for a pension—to the same committee.

By Mr. BOUCK: Resolutions of the Chamber of Commerce of Milwaukee, Wisconsin, against bridging Detroit River—to the Committee on Commerce.

Also, the petitions of citizens of Appleton, Wisconsin, and of Green Bay, Wisconsin, for an increase of appropriation for the improvement of the harbor at Green Bay, Wisconsin—to the same committee.

By Mr. BREWER: The petition of John Grimes and 35 others, citizens of Ingham, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of John Grimes and 35 others, citizens of Ingham County, Michigan, for legislation to alleviate the suffering inflicted by railroad and other monopolies in the matter of freight and passenger charges—to the Committee on Commerce.

By Mr. JOSEPH G. CANNON: The petition of P. B. Palmer and others, of East Lynn, Illinois, for additional pay to soldiers—to the Committee on Military Affairs.

By Mr. COFFROTH: The petition of Martin Meyers, William Wagner, and 20 others, soldiers, of Somerset County, Pennsylvania, opposing the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. COX: The petition of N. M. Mitchell and others, of the Manual Labor Orphans' Relief School, for an act of incorporation, and for material aid in establishing institutions of the above title—to the Committee on Education and Labor.

By Mr. DICKEY: The petition of C. D. Sadler and 30 others, of Ohio, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. FRYE: The petition of W. G. Haskell and other soldiers, of Lewiston, Maine, for the equalization of bounties—to the same committee.

By Mr. GEDDES: The petition of Charles Johnson, Joseph Devault,

and others, of Coshocton County, Ohio, for the passage of the Weaver bill equalizing the pay of soldiers—to the same committee.

Also, the petition of Robert Miller, G. M. Dearth, and others, of Tuscarawas County, Ohio, for a law to alleviate the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petition of George McLarnam, Henry Babcock, and others, of Knox County, Ohio, to amend the patent laws so as to make vendors and manufacturers of patented articles alone responsible for infringements—to the Committee on Patents.

By Mr. HARMER: Memorial of Thomas A. Walter, for an appropriation to pay him for services rendered in the erection of buildings other than the Capitol extension—to the Committee of Claims.

By Mr. BENJAMIN W. HARRIS: Memorial of Henry D. Noyes and others, upon the subject of color blindness in the naval and merchant marine service—to the Committee on Naval Affairs.

By Mr. HENDERSON: The petition of Henry Clark and 25 others, soldiers of Illinois, for the equalization of bounties and for the defeat of the sixty-surgeon bill—to the Committee on Military Affairs.

By Mr. HENRY: Memorial of 61 citizens and firms of Eastern Maryland and vicinity, for an appropriation of $16,000 for the improvement of Third Haven Creek—to the Committee on Commerce.

By Mr. HORR: The petition of citizens of Bay County, Michigan, for the passage of laws regulating interstate commerce—to the same committee.

Also, the petition of citizens of Bay County, Michigan, for amendments to the patent laws so as to protect the people against frauds—to the Committee on Patents.

By Mr. HOUK: The petition of citizens of Tennessee, for an appropriation for the improvement of the Tennessee River and its tributaries—to the Committee on Commerce.

By Mr. HUBBELL: The petition of John Spalding, Joseph Sawyer, and 84 others, residents of Sault Ste. Marie, Michigan, for an appropriation for a harbor of refuge at Grand Marias, Lake Michigan, and for the establishment of a life-saving station at that place—to the same committee.

Also, the petition of Charles S. Basker, L. P. Tremp, and 520 others, for an appropriation of sixteen sections per mile of United States land to aid in the construction of a railway from Sault Ste. Marie to some point on the line of the Marquette and Mackinack Railroad—to the Committee on Public Lands.

By Mr. LE FEVRE: The petition of Jacob Dumbauld and 48 others, citizens of Mercer County, Ohio, for such laws as will alleviate the oppressions of railroad monopolies—to the Committee on Commerce.

Also, the petition of Adam Schultz, J. A. Patton, and 47 others, citizens of Mercer County, Ohio, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

By Mr. LINDSEY: The petition of A. R. Reed and 22 others, citizens of Waldoborough, Maine, for the distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. MASON: Papers relating to the claim of M. E. Walker for pay for services and expenditures during the late war—to the Committee on War Claims.

By Mr. McGOWAN: The petition of Albert J. Warner, J. C. Boon, and 34 others, of Branch County, Michigan, for a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Albert J. Warner, J. C. Boon, and 30 others, of Branch County, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. McKINLEY: The petition of W. Williamson and 25 others, citizens of Portage County, Ohio, of similiar import—to the same committee.

Also, the petition of H. J. Cannon and 25 others, citizens of Portage County, Ohio, for a law to prevent fluctuations in freights and unjust discriminations in transportation—to the Committee on Commerce.

By Mr. McMAHON: The petition of William T. Alexander, of Dayton, Ohio, for pay for property destroyed during the late war by guerrillas—to the Committee on War Claims.

By Mr. MORSE: The petition of Hiram Tucker, for an extension of a patent for coloring iron in imitation of bronze—to the Committee on Patents.

By Mr. MURCH: The petition of E. A. Decker, that he be paid certain prize-money due him for services rendered while in the United States Navy—to the Committee on Naval Affairs.

By Mr. NEWBERRY: The petitions of Duncan Stalker and 53 citizens of Buffalo, New York, and of Joseph Corcoran and 18 citizens of Erie, Pennsylvania, for a harbor of refuge at Grand Marias, Lake Superior—to the Committee on Commerce.

By Mr. OVERTON: The petition of 62 citizens of Bradford County, Pennsylvania, that a pension be granted Robert Richards—to the Committee on Invalid Pensions.

By Mr. REED: The petition of Patrick Gallager and 6 other ordnance-sergeants, in aid of the petition of George S. P. Bradford, for increase of pay of ordnance-sergeants—to the Committee on Military Affairs.

By Mr. RICHMOND: Memorial of D. B. Strouse, of Salem, Virginia, for an act to authorize the sheriff or coroner of any county to serve process and execute any *fi. fa.* of the United States courts in the county of which he is sheriff, for the fees allowed to said officer by the State law—to the Committee on the Judiciary.

By Mr. THOMAS RYAN: The petition of Kansas soldiers, against the sixty-surgeon bill—to the Committee on Invalid Pensions.

Also, the petition of Kansas soldiers, for the equalization of bounties—to the Committee on Military Affairs.

Also, papers relating to the pension claim of W. H. Wilson—to the Committee on Invalid Pensions.

By Mr. A. HERR SMITH: The petition of John Wiley, for the correction of his military record—to the same committee.

By Mr. HEZEKIAH B. SMITH: The petition of Henry W. Brown and 67 others, late soldiers in the Union Army; of Orville. E Moore and 16 others, of the second congressional district of New Jersey; and of William B. Cook and 12 others, late soldiers of the Union Army, against the passage of Senate bill No. 496, known as the sixty-surgeon bill—to the same committee.

Also, the petition of David S. Pedrick and 20 other Union soldiers of New Jersey, for the passage of the Weaver bill, relating to the pay of soldiers—to the Committee on Military Affairs.

Also, the petition of Rees D. Thomas and 38 others, late soldiers in the Union Army, for the equalization of bounties—to the same committee.

By Mr. SPARKS: The petition of soldiers of Illinois, for the passage of the Weaver bill—to the same committee.

By Mr. STEPHENS: Memorial of James Crutchett, relating to the manufacture of gas—to the Committee on Manufactures.

By Mr. STONE: The petition of Jere Spaulding and 31 others, citizens of Kent County, Michigan, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of Jere Spaulding and 31 others, citizens of Kent County, Michigan, for laws to alleviate the oppressions of transportation monopolies—to the Committee on Commerce.

By Mr. VAN VOORHIS: The petition of Thomas McBride, for an investigation of the manner in which he was deprived of certain land entered by him upon which is now located the city of Grantville, Utah Territory, and for relief—to the Committee on Private Land Claims.

By Mr. WARNER: The petitions of B. F. McIntyre and 45 others, of Washington County, Ohio, and of H. C. Selby and 72 others, of Athens County, Ohio, for modification of the patent laws so as to make manufacturers and vendors of patented articles alone liable for infringements—to the Committee on Patents.

Also, the petitions of H. C. Selby, of Athens County, Ohio, and 66 others, and of W. A. Deval and 44 others, for Government regulation of interstate railroads—to the Committee on Commerce.

By Mr. CHARLES G. WILLIAMS: The petition of ex-soldiers of Sharon, Wisconsin, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WILLIS: The petition of O. M. Rood, to be refunded an amount paid for United States revenue-stamps placed upon instruments rendered useless by act of Congress—to the Committee of Claims.

By Mr. WISE: Petitions from 321 soldiers of Westmoreland County, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. WRIGHT: The petition of Thomas O'Connell and 30 others, citizens of Atkinson Precinct, Nebraska, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 6, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

EQUESTRIAN PICTURE OF GENERAL WINFIELD SCOTT.

Mr. DICKEY, by unanimous consent, introduced a bill (H. R. No. 4246) to provide for the purchase of Troye's equestrian picture of General Winfield Scott; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

STEAM-YACHT W. J. GORDON.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 4247) to change the name of the steam pleasure-yacht W. J. Gordon to Salmo; which was read a first and second time, and referred to the Committee on Commerce.

INTERNATIONAL POLAR CONGRESS.

Mr. WHITTHORNE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be requested to furnish this House, if not incompatible with the public interests, with any information he may have received of the proceedings of the international polar congress convened in Hamburg, Germany, October 1, 1879.

JOHN WILEY.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4248) to remove the charge of desertion from the mili-

tary record of John Wiley; which was read a first and second time, and referred to the Committee on Military Affairs.

CINCINNATI CONGRESSIONAL ELECTIONS.

Mr. CARLISLE. I am instructed by the select committee appointed to investigate the congressional elections at Cincinnati to ask that the testimony taken by the committee be printed for their use.

There being no objection, it was ordered accordingly.

PORT OF ENTRY IN MINNESOTA.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 4249) making Saint Vincent, in the State of Minnesota, a port of entry, in lieu of Pembina, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. No. 4250) to extend the provisions of an act approved June 22, 1874, entitled "An act for the relief of settlers on railroad lands;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HALVOR G. STORDOCK.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. No. 4251) granting a pension to Halvor G. Stordock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PETER T. SAFFORD.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. No. 4252) granting a pension to Peter T. Safford, of Saint Cloud, Stearns County, Minnesota; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN N. MORRILL.

Mr. WASHBURN also, by unanimous consent, introduced a bill (H. R. No. 4253) granting a pension to John N. Morrill, of Otsego, Wright County, Minnesota; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LIGHT-HOUSE, ETC., BLOODY POINT BAR.

Mr. HENRY, by unanimous consent, introduced a bill (H. R. No. 4254) making an appropriation for the erection of a light-house and fog-bell on Bloody Point Bar, Kent Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOPHIA A. MELSON.

Mr. HENRY also, by unanimous consent, introduced a bill (H. R. No. 4255) granting a pension to Sophia A. Melson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

IMPROVEMENTS OF THE LAKES.

Mr. TOWNSEND, of Ohio, by unanimous consent, presented a joint resolution of the Legislature of Ohio, requesting the Senators and Representatives of that State to urge the completion of certain improvements along the lakes; which was referred to the Committee on Commerce.

BRIDGE OVER DETROIT RIVER.

Mr. TOWNSEND, of Ohio, also, by unanimous consent, presented a joint resolution of the Legislature of Ohio, requesting the Senators and Representatives of that State to use their influence against the construction of a bridge over the Detroit River; which was referred to the Committee on Commerce.

EDUCATION OF COLORED YOUTH.

Mr. TOWNSEND, of Ohio, also, by unanimous consent, presented a joint resolution of the Legislature of Ohio, requesting the Senators and Representatives of that State to use their influence to have extended to Wilberforce University and Albany Enterprise Academy the provisions of the bill proposing that the unclaimed pay and bounties of colored soldiers be invested by the Secretary of the Treasury as a trust fund for the education of colored youth; which was referred to the Committee on Education and Labor.

CHANGES OF REFERENCE.

On motion of Mr. UPSON, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the following bills; and the same were referred to the Committee of Claims:

A bill (H. R. No. 3024) for the relief of the heirs of Peter Gallaher;

A bill (H. R. No. 3673) for the relief of C. M. Terrill, paymaster United States Army; and

A bill (H. R. No. 3025) for the relief of Edmund E. Schreiner.

GEORGE W. WATERS.

Mr. CALKINS, by unanimous consent, introduced a bill (H. R. No. 4256) granting a pension to George W. Waters, of Lake County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JANE STOUT.

Mr. RYON, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4257) granting a pension to Jane Stout, of New Philadelphia, Schuylkill County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, WILMINGTON, NORTH CAROLINA.

Mr. RUSSELL, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 4258) to provide for the erection of a public building at Wilmington, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FINDING OF ARMY BOARD.

Mr. JORGENSEN, by unanimous consent, introduced a bill (H. R. No. 4259) to carry into effect the finding of the Army board convened under special order No. 228, Department of Washington, dated September 13, 1864, and for other purposes; which was read a first and second time.

Mr. JORGENSEN. I move its reference to the Committee on Appropriations.

Mr. CONGER. Let the bill be read, for the title does not tell what it is.

The SPEAKER. It is only for reference.

Mr. CONGER. I know that, but I wish to have it read.

The bill was read.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF CHIEF ENGINEER KING.

Mr. MORSE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 500 copies of the report of Chief Engineer J. W. King, United States Navy, on the war ships and navies of the world, for the use of the Navy Department.

MRS. ELLISON.

Mr. MARTIN, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 4260) for the relief of Mrs. Ellison, of North Carolina; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM T. REVEL AND OTHERS.

Mr. COFFROTH, by unanimous consent, introduced a joint resolution (H. R. No. 202) for the relief of William T. Revel, Joseph F. Knipe, Richard Granger, John J. Tytherleigh, Harry C. Acton, Charles W. Henry, Walter H. Robinson, and Perry S. Goodsell; which was read a first and second time, and referred to the Committee of Accounts.

TIMOTHY QUINN.

On motion of Mr. SPARKS, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of a bill (H. R. No. 3569) for the relief of Timothy Quinn, and the same was referred to the Committee of Claims.

MARY CALLAN.

Mr. SPARKS also, by unanimous consent, from the Committee on Military Affairs, reported back favorably the application to withdraw from the files of the House papers in the case of Mary Callan, on condition there has been no adverse report; and the order was accordingly made for the withdrawal of the papers.

LOUIS A. KENT.

Mr. SPARKS also, by unanimous consent, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 3450) for the relief of Lewis A. Kent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. BROWER.

Mr. SPARKS also, by unanimous consent, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 3451) for the relief of George W. Brower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY B. EASTMAN.

Mr. SPARKS also, by unanimous consent, from the Committee on Military Affairs, reported a bill (H. R. No. 4261) for the relief of Henry B. Eastman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANNEL BETWEEN LAKE ONTARIO AND IRONDUQUOIT BAY.

Mr. VAN VOORHIS, by unanimous consent, introduced a bill (H. R. No. 4262) to remove the obstructions from the channel leading from Lake Ontario into Ironduquoit Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES RYBACK.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 4263) for the relief of James Ryback; which was read a first and second time, and referred to the Committee of Claims.

JUDITH BROWN.

Mr. RICHMOND, by unanimous consent, introduced a bill (H. R. No. 4264) to authorize the payment of $66.09 to Judith Brown, one-

seventh of the pension of Margaret Duncan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL LOWRY.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 4265) for the relief of Daniel Lowry; which was read a first and second time, and referred to the Committee on Military Affairs.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS, by unanimous consent, was granted permission to print in the RECORD, as part of the debates, some remarks on the bill for completing the Louisville and Portland Canal. [See Appendix.]

REVENUE STEAMER ON COAST OF ALASKA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, recommending an appropriation of $30,000 to enable him to maintain a revenue steamer on the coast of Alaska; which was referred to the Committee on Appropriations.

SAMUEL CHASE BARNEY.

Mr. TALBOTT, by unanimous consent, introduced a bill (H. R. No. 4266) for the relief of Samuel Chase Barney; which was read a first and second time, and referred to the Committee on Naval Affairs.

EVENING SESSION FOR PENSION CASES.

Mr. COFFROTH. I move, Mr. Speaker, by unanimous consent that when the House resolves itself into the Committee of the Whole on the Private Calendar pension bills pending there be passed over, and in lieu of their consideration to-day that Wednesday evening next, at seven and a half o'clock, be set apart for the consideration of pension bills upon the Private Calendar, in their order, as well as reports from the Committee on Invalid Pensions.

Mr. CONGER. Is to-day objection day in the Committee of the Whole on the Private Calendar?

The SPEAKER. It is.

Mr. CONGER. Then I do not see we will gain anything by this motion.

The SPEAKER. It takes out of the Committee of the Whole of the House to-day all pension cases, and provides in accordance with the practice for many years that an evening be set apart to be devoted exclusively to the consideration of reports from the Committee on Invalid Pensions, and for such cases as may be upon the Private Calendar.

Mr. CONGER. If this be objection day, we will gain at least something in the consideration of these pension cases.

The SPEAKER. There will be something gained in reference to the other bills upon the Calendar to which no objection shall be made. Then in reference to pension cases there will be a great deal gained by giving to those cases an entire evening.

Mr. CONGER. It seems to me pension bills are of the most immediate importance, and deserve the first consideration.

The SPEAKER. That is the reason why the Chair wants a special evening set apart for the consideration of these cases. To-day the Committee on Invalid Pensions can have only one hour in which to submit its reports, while if an evening be set apart for that purpose all the pension cases which that committee may be ready to report will be taken up for consideration and action, and the cases now upon the Private Calendar may also be taken up for consideration and action.

Mr. CONGER. We might pass fifteen or twenty of these pension cases to-day, but I do not object.

The SPEAKER. The Chair has made the request at the instance of the chairman of the Committee on Invalid Pensions.

Mr. BUCKNER. I object.

Mr. COFFROTH. Then I move by unanimous consent that, disconnected from the morning hour, Wednesday evening be set apart at half past seven o'clock for the consideration of pension bills pending in the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair understands the proposition of the gentleman from Pennsylvania to be this, that Wednesday evening be set apart for the consideration of pension cases: first, those upon the Private Calendar, in the order in which they stand; and, secondly, such cases as may be reported from the Committee on Invalid Pensions.

Mr. SAMFORD. I object.

Mr. COFFROTH. I move, then, to suspend the rules for that purpose.

The SPEAKER. This is a change of the rules, and can only be done by a suspension of the rules, which motion is in order only on Monday. The Chair, however, will recognize the gentleman from Pennsylvania, the chairman of the Committee on Invalid Pensions, on Monday, to submit that motion.

PUBLIC BUILDING, COLUMBUS, OHIO.

Mr. CONVERSE, by unanimous consent, introduced a bill (H. R. No. 4267) to authorize the construction of a fire-proof building at Columbus, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADJOURNMENT OVER.

Mr. McLANE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. CHALMERS and Mr. BLAND asked for a division.

The House divided, and there were—ayes 122, noes 24.

Mr. CHALMERS demanded the yeas and nays.

The yeas and nays were refused, only nine voting in favor thereof.

So the motion was agreed to.

Mr. McLANE moved to reconsider the vote by which his motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPOSED EVENING SESSION ON WEDNESDAY.

Mr. COFFROTH. The gentleman from Alabama [Mr. SAMFORD] withdraws his objection to having a session on Wednesday night.

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] objected.

Mr. BUCKNER. I object to having night sessions so early.

Mr. PRICE. Better wait till the weather gets warmer.

TEXAS BORDER RAIDS.

Mr. UPSON, by unanimous consent, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 3774) to authorize the Secretary of the Treasury to ascertain and report to Congress the amount of money expended and indebtedness assumed by the State of Texas in repelling, suppressing, and guarding against invasions, raids, incursions, and hostilities by Indians and Mexicans in said State and upon its borders and in frontier defense, and moved that the bill and amendment and accompanying report be printed and recommitted to the Committee on Military Affairs.

The motion was agreed to.

JOHN OWINS.

The SPEAKER. The morning hour begins at twenty minutes to one o'clock, and this being Friday reports from committees of a private nature are in order. The unfinished business coming over from the morning hour of Friday last is the bill (H. R. No. 3328) to remove the political disabilities of John Owins, of Portsmouth, Virginia. The pending question is on the passage of the bill, on which the yeas and nays had been demanded. The bill will be again read.

The bill was read. It removes all political disabilities imposed by the fourteenth amendment of the Constitution of the United States from John Owins, of Portsmouth, Virginia.

Mr. CONGER. The point was made on the petition that it was not in conformity with the fourteenth amendment of the Constitution; that it did not bring the party asking a removal of his disabilities within the provisions of the constitutional amendment.

The SPEAKER. The bill was ordered to be engrossed and read a third time, and the question was on the demand for the yeas and nays on its passage.

Mr. CONGER. Let the Clerk read the petition. The only point I desire to make is that if petitioners come here for amnesty under the fourteenth amendment they must bring themselves within the rule.

Mr. GOODE. If the gentleman from Michigan will pay attention to the language of the petition he will see that while it contains but four lines the word "respectful" occurs in it three times. It would be impossible for any citizen to make a more respectful application to this House than is contained in that petition.

Mr. CONGER. There is no doubt about the petition having the word "respectful" often enough; but it is a different question whether it is respectful to call a war of rebellion a having engaged in the service of the Confederate States. When the constitutional amendment specifies those who have been engaged in insurrection and rebellion, this party respectfully says he was engaged in the service of the Confederate States.

Mr. GOODE. I submit to the gentleman there is nothing in the fourteenth amendment that requires any petition. The fourteenth amendment to the Constitution disqualifies certain classes and provides that they may be relieved of their disabilities by a two-thirds vote of each House. I submit further to the gentleman, that while it has been the practice of Congress to require each person desiring the removal of his disabilities to make an application in respectful terms, heretofore no form of petition has ever been prescribed; and I undertake to say the gentleman cannot recall an instance in which a respectful application like this has ever been rejected. It does seem to me to be too late in the day, fifteen years after the termination of the war, to take a new departure like this, and require a man, before we will entertain his application at all, to come here and humble himself, as is required by the gentleman from Michigan, by writing the words "traitor" and "rebel" with his own hand upon his own brow; to get down, as it were, in the dust, and with his hand on his mouth and his mouth in the dust cry "unclean," before a great Government like this will consider his application at all. And certainly there is nothing in the present case to require such a new departure as that. The petitioner is now an old man, and was once an humble warrant officer in the Navy of the United States. He is a good citizen, and as such is ready and willing to discharge every duty incumbent upon him. He comes now and makes a respectful application for the removal of his political disabilities. Will you withhold amnesty until he humiliates himself before you? In my judgment no such abasement would be required by the great body of the American people, and I know it would not be required by the gallant soldiers of the Union army. With the generous and the brave the hour of triumph is the hour for magnanimity.

Mr. CONGER. I desire to say a word in reply to the gentleman from Virginia.

The SPEAKER. The gentleman from Kentucky, [Mr. KNOTT,] who reported the bill, is recognized.

Mr. CONGER. If I had any right to the floor I yielded it to the gentleman from Virginia and now resume the floor.

The SPEAKER. The Chair will recognize the gentleman from Michigan in due course.

Mr. CONGER. Very well.

Mr. KNOTT. It is perhaps due to gentlemen who object to the passage of this bill that I should state the facts in relation to the petitioner which have come to my knowledge since the bill was reported from the committee. The petitioner here is an old man who was appointed a warrant officer in the Navy in 1840. He is a poor, obscure, and comparatively unlettered man, and who never has had and probably never will have an office at the hands of the General Government or the government of his State. He being old desires that if he be under any disability by reason of his participation in the war between the States it shall be removed by the Government with the magnanimity with which it has heretofore entertained all such applications. Owing perhaps to his want of education, or more likely owing to the fact that he felt it impossible that a point could be made upon a respectful petition, he asked this favor as briefly as possible. These are all the facts within my knowledge touching the character of this petition. I believe, Mr. Speaker, debate is not in order as the House is dividing.

Mr. CONGER. Already we see from the prominence given to this matter by the two distinguished gentlemen who have spoken on it that there is a point of some importance involved in the form of this request. There are perhaps not two men in this House more clear in their ideas of constitutional law than the distinguished gentlemen who have just expressed their views, the gentleman from Virginia [Mr. GOODE] and the distinguished chairman of the Committee on the Judiciary. Now, if I alone misunderstood this matter, why does one of these gentlemen say that it is asking too much of a man who fifteen years ago was engaged in treason and insurrection and rebellion against this Government to require him to come now and, with his hands before his eyes and his knees to the ground, beg to be pardoned for his treason and acknowledge himself a traitor? Has it come to this? Is there a statute of limitation on rebellion and treason to be applied when a man comes to invoke benefits of amnesty?

Why is this man here if it is not that he may say, in accordance with the fourteenth amendment of the Constitution, that he was engaged in insurrection and rebellion against his Government, that he falls within the purview of the condemnation of that amendment, and asks "respectfully" three times, if you please, to be relieved from the penalty which the law laid upon him fifteen years ago, which the law imposed upon him seven years ago, and ten years ago, and thirteen years ago, and imposes upon him now? If the gentleman desires that this proceeding may go on with reference to the esthetic elements, with candyness, and a tender regard for those who have to admit that they have been traitors, but do not want to admit it after fifteen years, then let us have another amendment to the Constitution. Enough of that.

The gentlemen who of all others should know what is the crime condemned by the law, who of all others should know that the only way to avoid the political disabilities consequent upon the commission of that crime is through the provision of the fourteenth amendment of the Constitution, where that provision relates only to insurrection and rebellion against the United States, should also know as a pleader that the man must bring himself within the rule. He must come to this House and show that he was in some way engaged in insurrection and rebellion and that he asks to be relieved from the consequences of those acts.

The gentleman from Virginia [Mr. GOODE] says it is sufficient to follow the custom, that no form of petition has been prescribed, that there is no reality in all this matter, that fifteen years have passed away, and that a man is standing upon trifles who brings up the old war. If that be so, why not let every man come in here and say that he was engaged "in the late unpleasantness;" why not let any man come in here and say at the same time he was so engaged that possibly he comes under the disability rule?

Sir, we have heard too often from men upon that side these rose-colored epithets and terms, this esthetic defense of insurrection and rebellion, which they seem to desire to have perpetuated on our printed record. There is a constant, insidious, continuous effort made by members of this House on the other side, from day to day, and from week to week, and from year to year, to incorporate into the literature of this House smooth-sounding terms in place of "rebellion," of "treason," and "insurrection," until if any one calls for the use of those terms that have always been considered proper heretofore, gentlemen rise in their places and rebuke those who call for the use of the old Anglo-Saxon words, for the use of the old American definitions.

It is that spirit which I myself desire to rebuke. It is that spirit prevalent in the country, in all the South, showing a desire by the very terms used in this House to encourage that which I will not submit to when a legal document is presented here and terms are used in it which have no foundation in fact. And, Mr. Speaker, those around me here, on this side of the House, have shown a disposition, I am sorry to say, to smooth over this matter. Every one of the gentlemen on this side, from the very fact that they are here, represent a constituency nineteen-twentieths of whom would spurn them from their places if the issue was made whether they were to give these rose-colored names to treason and traitors, to insurrection and to rebellion, and to all that long system of wrong and fraud and violence which has filled our land with graves and which has filled the homes of our constituents with mourning. Yet the other day, when the very petition itself was an insult to every soldier, even my friends around me here recorded their votes, and, so far as they could, the voice of their constituents, in favor of the declaration that to them it made no difference what delicate, nice-sounding terms were used here.

Thank God, I am not one of those who have that record. I trust my remarks will call the attention of the people of the North, of the soldiers of the North, to this tendency on this side of the House even to forget all the dismal, horrible past; to smooth it over here by our votes and by the interpolation of a new kind of literature in the proceedings of this House. Sir, if I stand alone here in opposing this kind of petitions, I will stand here, and as often as they come into this House, while I am a member of it, I give fair notice that I will raise the question upon them, and, so far as I may, will oppose their reception and any action whatever upon such petitions.

Mr. FERNANDO WOOD. I rise to a question of order.

Mr. YOUNG, of Tennessee. I desire to be heard.

Mr. FERNANDO WOOD. I rise to a question of order.

The SPEAKER *pro tempore*, (Mr. COX.) The gentleman will state it.

Mr. FERNANDO WOOD. My point of order is that debate is not now in order.

The SPEAKER *pro tempore*. It is not in order except by unanimous consent, the previous question having been ordered upon the passage of the bill.

Mr. FERNANDO WOOD. Then I object to further debate. The gentleman from Michigan has had his speech, and I now call for a vote.

Mr. YOUNG, of Tennessee. I hope the gentleman will withdraw the objection. I would like to be heard for a few moments. I am not going to do any harm by what I shall say.

Mr. FERNANDO WOOD. I regard this as an unwise and unprofitable discussion, and I object to any further debate.

Mr. YOUNG, of Tennessee. I notify the gentleman from New York and the House that upon the first opportunity to get the floor I shall reply to the gentleman from Michigan.

The SPEAKER *pro tempore*. The Chair would state that on last Friday the previous question was seconded and the main question ordered, and the yeas and nays were demanded on the passage of the bill.

Mr. KEIFER. I hope there will be no objection to hearing gentlemen on the other side.

The SPEAKER *pro tempore*. Objection has been made.

Mr. YOUNG, of Tennessee, (to Mr. KEIFER.) I will let you hear me after a while.

Mr. CONGER. I hope the objection will be withdrawn.

Mr. FINLEY. I object to debate.

[Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on ordering the yeas and nays upon the passage of the bill.

The yeas and nays were ordered, there being—ayes 32, noes 67.

Mr. DUNNELL. Mr. Speaker, I believe the petition has been read a number of times, but I would like to hear it once more.

The SPEAKER *pro tempore*. The gentleman from Minnesota calls for the reading of the petition. Is there objection to the reading? [A pause.] The Chair hears none.

Mr. FINLEY. I object.

The SPEAKER *pro tempore*. In the opinion of the Chair the objection comes too late.

The petition was read, as follows:

PORTSMOUTH, VIRGINIA, *January* 14, 1880.

To the honorable Senate and House of Representatives of the United States, Washington, D. C.:

I respectfully represent that on the 7th day of March, 1842, I entered the United States Navy as a warrant officer, (gunner,) and resigned on the 19th day of April, 1861, to enter the confederate service.

I now respectfully ask that my political disabilities be removed by your honorable body.

Respectfully,

JOHN OWINS.

The question was taken on the passage of the bill; and there were—yeas 170, nays 41, not voting 81; as follows:

YEAS—170.

Acklen,	Bliss,	Converse,	Dibrell,
Aldrich, N. W.	Bouck,	Cook,	Dunn,
Armfield,	Bright,	Covert,	Dunnell,
Atherton,	Buckner,	Cox,	Ellis,
Atkins,	Cabell,	Crapo,	Evins,
Baker,	Caldwell,	Cravens,	Farr,
Ballou,	Carlisle,	Culberson,	Felton,
Beale,	Chalmers,	Davidson,	Field,
Beltzhoover,	Chittenden,	Davis, Horace	Finley,
Bicknell,	Clardy,	Davis, Joseph J.	Fisher,
Bingham,	Cobb,	Davis, Lowndes H.	Ford,
Blackburn,	Coffroth,	De La Matyr,	Forney,
Blake,	Colerick,	Deuster,	Forsythe,

Frost,	Klotz,	Persons,	Talbott,
Frye,	Knott,	Phelps,	Taylor,
Geddes,	Ladd,	Philips,	Thompson, P. B.
Gibson,	Le Fevre,	Phister,	Tillman,
Goode,	Loring,	Poehler,	Townshend, R. W.
Gunter,	Lowe,	Reagan,	Tucker,
Hall,	Manning,	Reed,	Turner, Oscar
Harmer,	Martin, Benj. F.	Rice,	Turner, Thomas
Harris, John T.	Martin, Edward L.	Richardson, D. P.	Tyler,
Haskell,	Martin, Joseph J.	Richardson, J. S.	Upson,
Hatch,	Mason,	Richmond,	Urner,
Hawley,	McKenzie,	Robinson,	Vance,
Heilman,	McLane,	Rothwell,	Voorhis,
Henry,	McMillin,	Russell, Daniel L.	Waddill,
Herbert,	Mills,	Ryan, Thomas	Wait,
Hill,	Money,	Ryon, John W.	Washburn,
Hostetler,	Monroe,	Samford,	Weaver,
Houk,	Morrison,	Sawyer,	Wellborn,
House,	Morse,	Scales,	Wells,
Hubbell,	Muldrow,	Shallenberger,	Whitaker,
Hull,	Muller,	Simonton,	Whitthorne,
Hunton,	Murch,	Singleton, J. W.	Williams, Thomas
Hutchins,	Neal,	Slemons,	Willis,
Johnston,	New,	Smith, Hezekiah B.	Wilson,
Jones,	Nicholls,	Smith, William E.	Wise,
Jorgensen,	Norcross,	Sparks,	Wood, Fernando
Kenna,	O'Reilly,	Speer,	Wright,
Ketcham,	Overton,	Springer,	Young, Casey.
Kimmel,	Pacheco,	Steele,	
King,	Page,	Stevenson,	

NAYS—41.

Aldrich, William	Davis, George R.	O'Neill,	Updegraff, J. T.
Anderson,	Dwight,	Orth,	Updegraff, Thomas
Barber,	Errett,	Osmer,	Valentine,
Bayne,	Fort,	Prescott,	Van Aernam,
Brewer,	Godshalk,	Price,	White,
Brigham,	Hammond, John	Russell, W. A.	Williams, C. G.
Browne,	Hawk,	Sapp,	Wood, Walter A.
Cannon,	James,	Sherwin,	Young, Thomas L.
Carpenter,	Joyce,	Smith, A. Herr	
Conger,	Marsh,	Stone,	
Daggett,	McCoid,	Thompson, Wm. G.	

NOT VOTING—81.

Aiken,	Cowgill,	Humphrey,	O'Connor,
Bachman,	Crowley,	Hurd,	Pierce,
Bailey,	Deering,	Keifer,	Pound,
Barlow,	Dick,	Kelley,	Robertson,
Belford,	Dickey,	Killinger,	Robeson,
Berry,	Einstein,	Kitchin,	Ross
Bland,	Elam,	Lapham,	Shelley,
Blount,	Ewing,	Lewis,	Singleton, O. R.
Bowman,	Ferdon,	Lindsey,	Starin,
Boyd,	Garfield,	Lounsbery,	Stephens,
Bragg,	Gillette,	McCook,	Thomas,
Briggs,	Hammond, N. J.	McGowan,	Townsend, Amos
Burrows,	Harris, Benj. W.	McKinley,	Van Voorhis,
Butterworth,	Hayes,	McMahon,	Ward,
Calkins,	Hazelton,	Miles,	Warner,
Camp,	Henderson,	Miller,	Wilber,
Caswell,	Henkle,	Mitchell,	Willits,
Claflin,	Herndon,	Morton,	Yocum.
Clark, Alvah A.	Hiscock,	Myers,	
Clark, John B.	Hooker,	Newberry,	
Clymer,	Horr,	O'Brien,	

So (two-thirds voting in favor thereof) the bill was passed.

During the roll-call the following announcements were made:

Mr. WARNER. I am paired with my colleague, Mr. BUTTERWORTH. If he were present, I should vote in the affirmative. I do not know how he would vote.

Mr. BLAND. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If he were present, I should vote in the affirmative.

Mr. MULDROW. My colleague, Mr. HOOKER, is absent on account of sickness.

Mr. PHILIPS. My colleague from Missouri, Mr. CLARK, is detained from the House on account of sickness.

Mr. FORNEY. My colleague, Mr. HERNDON, is paired with the gentleman from New Hampshire, Mr. BRIGGS.

Mr. ELLIS. My colleague, Mr. ELAM, who is absent by reason of illness, is paired with the gentleman from Pennsylvania, Mr. DICK.

Mr. HERBERT. My colleague, Mr. LEWIS, who is paired with the gentleman from Massachusetts, Mr. HARRIS, would, if present, vote "ay."

Mr. TOWNSHEND, of Illinois. The gentleman from Pennsylvania, Mr. CLYMER, and the gentleman from New Jersey, Mr. ROBESON, are paired.

Mr. CALKINS. I am paired with the gentleman from New Jersey, Mr. CLARK, who, if present, would vote "ay."

Mr. BRIGGS. I am paired with the gentleman from Alabama, Mr. HERNDON.

Mr. O'CONNOR. I am paired with the gentleman from New York, Mr. CROWLEY, on all political questions. If he were present, I should vote in the affirmative. I do not know how he would vote.

Mr. WILLIAMS, of Wisconsin. The gentleman from New York, Mr. BAILEY, is paired with his colleague, Mr. LOUNSBERY.

Mr. STONE. The gentleman from Alabama, Mr. SHELLEY, is paired with the gentleman from New York, Mr. STARIN.

Mr. FISHER. My colleague, Mr. DICK, is paired with the gentleman from Louisiana, Mr. ELAM.

Mr. LORING. My colleague, Mr. HARRIS, of Massachusetts, is paired with the gentleman from Alabama, Mr. LEWIS.

The result of the vote was announced as above stated.

JOSEPH A. SEWELL.

Mr. KNOTT, from the Committee on the Judiciary, reported back favorably a bill (H. R. No. 3832) to remove the political disabilities of Joseph A. Sewell.

The bill, which was read, provides (two-thirds of each House concurring therein) that all political disabilities imposed by the fourteenth amendment to the Constitution of the United States on Joseph A. Sewell be removed.

The petition accompanying the bill was read, as follows:

GLOUCESTER COUNTY, VIRGINIA, *January* 21, 1880.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The petition of Joseph A. Sewell, a citizen and resident of the Commonwealth of Virginia, respectfully represents that, by reason of the provisions of the third section of article 14 of the amendments to the Constitution of the United States and of the act of Congress commonly called the "amnesty act," he is under disabilities; that he is and has been since the close of the war of the rebellion a peaceable and quiet citizen of the United States, and willingly submits to and obeys the Constitution of the United States as amended and the laws of Congress in all respects.

Therefore your petitioner prays that his disabilities under the Constitution and the said act of Congress mentioned, incurred by reason of his participation in the rebellion against the United States, may be removed by an act to be passed by your honorable bodies.

And, as in duty bound, he will ever pray, &c.

JOSEPH A. SEWELL.

Mr. KNOTT demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was passed, two-thirds having voted in favor thereof.

GIBBES & CO., CHARLESTON, SOUTH CAROLINA.

Mr. REED, from the Committee on the Judiciary, reported back favorably a bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Messrs. Gibbes & Co., of Charleston, South Carolina, the sum of $4,566.92, the same being a balance due said Gibbes & Co. on account of money deposited by them with the Secretary of the Treasury.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. No. 185) for the relief of Gibbes & Co., having carefully examined the facts, and finding the report adopted by the committee at the first session of the Forty-fourth Congress and second session of the Forty-fifth Congress fully sustained, adopt the same, as follows:

"The facts in relation to this claim, furnished, at the request of your committee, in a letter from the Secretary of the Treasury, dated July 10, 1876, are as follows:

"Late in the year 1865 certain cottons in Augusta, Georgia, were seized or detained by Treasury agents as confederate or blockade cottons. They were claimed by Gibbes & Co., of Charleston, as being in part their property, and in part the property of certain English firms, of whom they were the agents. Upon evidence produced by the claimants, the Secretary of the Treasury, on the 27th of February, 1866, directed that the cottons be restored to them upon their payment to the United States of all costs, charges, and expenses paid or incurred by Treasury agents in connection with the cottons restored.

"The amount so paid as charges was principally due to Savary & Co., who were engaged in putting in order Government cottons and in transporting and shipping the same. The amount of their bill for expenses, &c., on the Gibbes & Co. cotton, $44,217.48, was deposited by Gibbes & Co., and went into the hands of the United States Treasurer. Afterward it was ascertained by Gibbes & Co. that there had been delivered to them by mistake one hundred and sixty bales of cotton which did not belong to them, and which they accordingly returned. In the bill rendered by Savary & Co. there was charged the sum of $7,733.04 as expended by them on this lot of one hundred and sixty bales. This sum Gibbes & Co. claimed should be returned to them by the United States. To this demand Savary & Co. interposed a further bill of expenses, not included in their first bill, which they claimed they had incurred on the Gibbes & Co. cottons. This second bill amounted to $4,576.92. Gibbes & Co. allege that the charges made by Savary & Co. were generally excessive, but consented to receive at that time from the United States the difference between their bill of $7,733.04 and the bill of Savary & Co., $4,576.92, namely, $3,156.12. Afterward Savary & Co. applied to the Secretary of the Treasury for payment of their bill of $4,576.92. Upon a close examination of all their accounts, it was found that their charges which had been paid to them in connection with Government cottons and cottons seized, but released by the Secretary, were excessive to an amount greater than their claim of $4,576.92 against the United States. The payment of this claim was therefore refused.

"The balance (namely, $4,576.92) of the bill of $7,733.04 paid by Gibbes & Co., as expenses on cotton returned to the United States, has never been paid to them. Justice would seem to require the payment of this balance.

"In answer to inquiries made by your committee of the Secretary of the Treasury as to whether this claim, if properly presented, would not have been cognizable by the Department without the intervention of Congress, the Secretary, under date of July 13, 1876, replies that prior to the 30th day of March, 1868, the question to whom the sum of money now claimed by Gibbes & Co. was due, whether to them or to Savary & Co., had not been decided. On that day was passed the joint resolution of Congress requiring all moneys derived from captured and abandoned property to be covered into the Treasury. The money in question was included in that fund, and was accordingly covered into the Treasury. Since that time no appropriation has been made by Congress out of which the claim of Gibbes & Co. could properly have been paid."

A bill for the relief of Gibbes & Co. passed the Senate April 25, 1878, but failed to pass the House of Representatives.

Claimants are clearly entitled to the relief asked, and we therefore report back the bill and recommend its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. THOMPSON, of Kentucky, from the Committee on War Claims, made adverse reports in the following cases; which were laid on the table, and the adverse reports ordered to be printed:

The petition of James A. Bowling, of Haywood County, Tennessee;

The petition of Needham Branch, of Haywood County, Tennessee;

The petition of A. G. Bankhead, of Memphis, Tennessee;

The petition of Abbie P. Anderson, of Shelby County, Tennessee;

The petition of J. W. Causey, of Alcorn County, Mississippi;

The petition of John J. Hill, of Humboldt, Gibson County, Tennessee;

The petition of Emma G. Abbott, of Memphis, Tennessee;

The petition of William L. Cleaman, of Newton County, Mississippi;

The petition of Volney S. Alston, of Ripley, Lauderdale County, Tennessee; and

The petition of Richard L. Andrews, of Hardeman County, Tennessee.

Mr. BRIGHT. I submit that all bills reported back from a committee go upon the Private Calendar.

The SPEAKER *pro tempore*. These are adverse reports from the Committee on War Claims, and the petitions have been laid upon the table and the reports ordered to be printed under the rule of the House.

Mr. BRIGHT. But they should go to the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. Not unless a motion is made and carried to that effect. If any gentleman wishes to have the cases referred to the Committee of the Whole on the Private Calendar he can make a motion to that effect, but no such motion was made in either of the cases which were laid upon the table and the reports ordered to be printed.

MILEAGE OF WITNESSES AND JURORS IN COLORADO.

Mr. HARRIS, of Virginia, from the Committee on the Judiciary, reported, as a substitute for House bill No. 3470, a bill (H. R. No. 4268) in relation to mileage of jurors and witnesses in the State of Colorado; which was read a first and second time.

The bill, which was read, provides that jurors and witnesses in the district and circuit courts of the United States in and for the State of Colorado shall be entitled to receive fifteen cents for each mile actually traveled in coming to or returning from said courts.

Mr. HARRIS, of Virginia. Mr. Speaker, under the general law witnesses and jurors only receive five cents a mile, while in Colorado the actual expense of travel is fifteen cents per mile. The Committee on the Judiciary have only increased the mileage of jurors and witnesses in this bill to what is required for actual expense of travel.

The Representative upon this floor from that State has informed the committee that it is impossible to get witnesses to attend the courts, and that the district attorney has been compelled to advance money out of his own pocket and to get free passes over the railroads in order to have the business of the country attended to in the courts in Colorado. I hope, therefore, there will be no objection to the passage of this bill.

Mr. CONGER. Does not that state of facts exist in other Territories?

Mr. HARRIS, of Virginia. I do not know; but I do know that it does exist in Colorado.

Mr. CONGER. This is a partial return to the old and proper rule of mileage and per diem, this return Territory by Territory and State by State, and I am glad of it.

Mr. HARRIS, of Virginia. That may be considered hereafter, but I now demand the previous question.

Mr. MAGINNIS. Will the gentleman let me move an amendment to include the Territory of Montana?

Mr. HARRIS, of Virginia. I cannot yield for that purpose.

Mr. REAGAN. Before the gentleman demands the previous question I should like to state that there is one feature of the bill, as it has been explained, allowing jurors and witnesses to receive their actual expenses——

Mr. HARRIS, of Virginia. It does not do that.

Mr. REAGAN. I understood the gentleman to say the bill provided for giving fifteen cents a mile or the actual expense.

Mr. HARRIS, of Virginia. I stated that from information derived from the Senators and Representative of the State of Colorado the actual expense of traveling in that State by public conveyance was fifteen cents a mile, and that witnesses could not attend the courts receiving only five cents a mile when their actual expense was fifteen cents.

Mr. REAGAN. What does the committee propose to allow?

Mr. HARRIS, of Virginia. Fifteen cents a mile.

Mr. HOUSE. This has reference alone, I will state, to the mileage of jurors and witnesses in Colorado and nothing else. Our information is, it costs fifteen cents a mile to travel in that State.

Mr. REAGAN. Is there any other place in the Union where it costs fifteen cents a mile to travel?

Mr. HARRIS, of Virginia. We have not examined in reference to the whole Union.

Mr. REAGAN. I want to move to make it ten cents a mile.

Mr. HARRIS, of Virginia. I do not yield for that amendment, but insist upon my demand for the previous question.

The previous question was seconded and the main question ordered.

The question recurred on ordering the bill to be engrossed and read a third time.

The House divided; and there were—ayes 107, nays 12.

So the motion was agreed to.

The bill was accordingly ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HARRIS, of Virginia, demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 89, noes 19.

Mr. REAGAN demanded the yeas and nays.

The House divided; and there were ayes 9, not a sufficient number.

Mr. REAGAN. Has the morning hour expired?

The SPEAKER *pro tempore*. The morning hour has expired; but the previous question having been seconded and the main question ordered upon the passage of the bill, the expiration of the morning hour does not throw this bill over until the next morning hour, but under the rules it must be disposed of in one way or the other at this time. The yeas and nays have not been ordered, and the bill is passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. Has not the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. BRIGHT. Then I move that the House resolve itself into the Committee of the Whole House on the Private Calendar, this being objection day.

Mr. COBB. I ask the gentleman from Tennessee to yield to me to make a report from the Committee on Appropriations.

Mr. BRIGHT. I yield to the gentleman for that purpose.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

Mr. COBB, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That to enable the commissioners of the District of Columbia to carry into effect the act approved March 3, 1879, which continues in force the thirteenth section of the "Act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876, they be, and are hereby, authorized and directed to pay to the board of trustees of said Reform School of the District of Columbia the $2 per week for each boy committed thereto, as provided by said thirteenth section of act of May 3, 1876, aforesaid, and the necessary appropriation therefor is hereby made payable out of any moneys of the District of Columbia not otherwise appropriated for the present fiscal year.

Mr. COBB. I demand the previous question on the joint resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COBB moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONTRIBUTIONS TO NORTH AMERICAN ETHNOLOGY.

Mr. KNOTT, by unanimous consent, submitted the following concurrent resolution; which was read, and under the law referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 5,000 copies each of volumes 4 and 5 of Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 2,000 for distribution by the Smithsonian Institution.

HAYDEN'S ATLAS OF COLORADO.

Mr. KNOTT also, by unanimous consent, submitted the following concurrent resolution; which was read, and under the law referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; 1,000 copies of which shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

PRIVATE CALENDAR.

Mr. BRIGHT. I now insist on my motion that the House resolve itself into the Committee of the Whole on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. FINLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the Private Calendar, and this being the first Friday of the month is objection day.

ELLEN GILLESPIE.

The Clerk read the title of the bill (H. R. No. 1890) granting a pension to Ellen Gillespie; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

Mr. CONGER. I rise to a question of order. What has become of the five bills which preceded that one on the Calendar?

The CHAIRMAN. The Chair is informed by the Clerk that bill No. 1890 is the point where the committee left off on last objection day.

The bill was read.

Mr. BUCKNER. Let the report be read.

The report was read.

The bill was objected to by Mr. BUCKNER.

HERMAN BALDWIN.

The next bill on the Private Calendar was the bill (H. R. No. 2861) granting an increase of pension to Herman Baldwin; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read.

Mr. O'CONNOR. I rise to a parliamentary inquiry. The first bill on the Calendar, (H. R. No. 2798,) for the relief of L. Madison Day, reported by myself from the Committee of Claims, was objected to on last objection day. I rise to ascertain why the Clerk has commenced reading the bills at some distance below that bill. On last objection day there was one objection to it; it now requires to be objected to by five.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that under Rule 129 it is required that the calling of the Calendar shall commence where the call left off on the previous day. This is objection day, and the Clerk informed the Chair that on last objection day the call rested with bill No. 1890, and of course the Chair directed the Clerk to proceed with the reading at that point.

Mr. O'CONNOR. I ask the Chair whether bill No. 2798 will be the first bill in order on the next consideration day?

The CHAIRMAN. It will.

Mr. PRICE. I think not.

Mr. WARNER. Let the report accompanying the bill No. 2861 be read.

The report was read.

Mr. WARNER. From hearing the report read, I regard this as a meritorious case; but it gives rise to just the same inquiry that I made two weeks ago upon a similar state of facts. Why was the application not granted by the Commissioner of Pensions?

Mr. COFFROTH. Why does the gentleman not get the Commissioner to grant the application?

Mr. WARNER. I object to converting this House into a court of appeal in cases of that kind.

The CHAIRMAN. Debate is not in order.

Mr. WARNER. I do not object in this case.

Mr. SPARKS. I object.

THOMAS H. VAUGHN.

The next business on the Private Calendar was the bill (H. R. No. 2860) granting a pension to Thomas H. Vaughn; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read.

Objected to by Mr. SPARKS.

JOHN L. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. No. 3077) granting a pension to John L. Williams; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read.

Mr. SPARKS. Let the report be read.

The report was read.

Objected to by Mr. WARNER.

Mr. BAYNE. I rise to a parliamentary inquiry. Our present course seems to impose labor on the Clerk and to occupy the time of the committee without any advantage whatever. I want to know whether or not it would be proper to move that the committee rise with the view of making a motion that the House resolve itself into Committee of the Whole for the consideration of these bills, that such of them as may be entitled to pass may pass, and that all business shall not be stopped by this indiscriminate system of objection?

The CHAIRMAN. That would not be in order.

Mr. WARNER. I repeat that I object to converting this House every Friday into a court of appeal from the decisions of the Commissioner of Pensions.

The CHAIRMAN. Debate is not in order.

LEVI LUDAM.

The next business on the Private Calendar was the bill (H. R. No. 1465) granting a pension to Levi Ludam; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read.

Mr. SPARKS called for the reading of the report.

The report was read.

The CHAIRMAN. If there be no objection, the bill will be laid aside, to be reported favorably to the House.

Mr. SPARKS. I object.

Mr. TOWNSHEND, of Illinois. I hope the gentleman will withdraw his objection. It is simply a consumption of time, and delays action on these pension bills.

The CHAIRMAN. Objection is made, and the bill will accordingly be passed over.

ISAIAH W. BUNKER.

The next business on the Private Calendar was the bill (H. R. No. 2864) granting an increase of pension to Isaiah W. Bunker; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and the accompanying report were read.

The CHAIRMAN. If there is no objection, this bill will be laid aside, to be reported favorably to the House.

Mr. SPARKS. I object.

Mr. BAYNE. I move that the committee rise, for we do not seem to be accomplishing any business.

Mr. COFFROTH. I hope that my colleague [Mr. BAYNE] will withdraw that motion. These bills will be objected to at some time, and we might as well get through with the objections to-day. There appears to be a small party of gentlemen here who are determined that no soldier shall obtain a pension. I want their names to go on the record.

Mr. SPARKS. That allegation against the gentlemen who make objection to these bills is out of place, unfounded, and untrue, so far as I am concerned. I want the gentleman from Pennsylvania [Mr. COFFROTH] distinctly to understand that although there may be some gentlemen here interested in these bills for pensions for men from their districts, I am opposed to the passage of special bills to the prejudice of hundreds of deserving men in my district.

Mr. COFFROTH. Actions speak louder than words. The gentleman from his own statements shows that he is influenced by envy because his pensioners are not attended to.

Mr. SPARKS. I will not appeal from the Commissioner of Pensions and come to you. Let that office attend to these matters.

Mr. COFFROTH. The gentleman has not been before the Committee on Pensions in regard to any of these bills.

The question was taken upon the motion that the Committee rise, and it was not agreed to.

DANIEL D. LONG.

The next business on the Private Calendar was the bill (H. R. No. 2467) granting a pension to Daniel D. Long; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Daniel D. Long, late private in Company D, Fifty-fourth Regiment of Pennsylvania Volunteers, at the rate of $4 per month, commencing from the 30th day of May, A. D. 1865, the date of his honorable discharge from the Army of the United States in the late war of the rebellion, on account of wounds received while in said military service and in line of duty.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2467) granting a pension to Daniel D. Long, late a private in Company D, Fifty-fourth Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to make the following report:

Daniel D. Long was enrolled on the 4th day of September, A. D. 1861, in Company D, Fifty-fourth Regiment of Pennsylvania Volunteers, and was honorably discharged on the 30th of May, 1865.

At Sleepy Creek, West Virginia, on the 2d day of October, 1862, while on scout duty, he was loading his revolver at night, and it went off, and the ball passed through his right arm at the elbow-joint, severing the big sinew. There is no contest about the facts. His application for pension was rejected by the Commissioner because "the wound was not received in line of duty; infantry not armed with pistols."

The examining surgeon says his arm is weak, and recommends one-half pension.

In consideration of the long time this soldier was in the service, and the fact that he was accidentally wounded while on scout duty, either by a pistol or in any other way, which disables him from maintaining himself by manual labor, the committee are of the opinion that the bill should pass, and therefore they recommend the passage of the bill.

There being no objection, the bill was laid aside, to be reported favorably to the House.

PAUL WALKER.

The next business on the Private Calendar was the bill (H. R. No. 2859) granting a pension to Paul Walker; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read.

Mr. SPARKS. Let the report be read.

The report was read.

The CHAIRMAN. If there is no objection, the bill will be laid aside, to be reported favorably to the House.

Mr. WARNER. If one-half that is stated in that report be true, the applicant should receive a pension, but he should obtain it from the Commissioner of Pensions, and not through this House. I object to the bill.

The CHAIRMAN. Objection being made, the bill will be passed over.

MICHAEL LINGENFELTER.

The next business on the Private Calendar was the bill (H. R. No. 1806) granting a pension to Michael Lingenfelter; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and the report were read.

Mr. SPARKS, (in his seat.) This case is like all the others; I object to it.

Mr. BROWNE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE. If my friend from Illinois [Mr. SPARKS] desires to make objection to any of these bills, let him rise in his place and make it.

The CHAIRMAN. The point of order is well taken.

Mr. SPARKS, (rising.) I object to this bill. If the gentleman has any idea that I am afraid——

Mr. HAWK. What is the ground of objection to these bills, after they have been considered by the Pension Committee and favorably reported to the House?

The CHAIRMAN. Debate is not in order; the gentleman has a right to object.

Mr. SPARKS. What is the question the gentleman asked?

Mr. HAWK. I ask what is the ground of objection to these bills? Have they not been duly considered by the proper committee of this House, and favorably reported upon, after a careful examination of all the evidence?

Mr. SPARKS. I presume that the Committee on Invalid Pensions have considered these cases; they certainly have reported them favorably. As all these reports show, they are proper cases for the action of the Commissioner of Pensions. It is simply an appeal from him to this House. I would say to my colleague [Mr. HAWK] that I have received dozens of letters to this effect: "My case has been pending for years before the Commissioner of Pensions. Cannot you get a special bill passed for my benefit? You can get it quicker that way." That is about the character of all these cases.

Mr. HAWK. I understand that these are cases which have been rejected by the Commissioner of Pensions because of certain irregularities or informalities in them, or because they cannot be made to conform in all respects with the requirements of the law.

Mr. SPARKS. Precisely; and if the law is not broad enough to cover these cases, then let us pass some general law which will cover them. In that way you will make it fair to all the pensioners.

Mr. SINGLETON, of Illinois. Is debate in order?

The CHAIRMAN. It is not.

Mr. SINGLETON, of Illinois. Then I object to debate.

Mr. COFFROTH. I move that the committee now rise.

The question was taken by a *viva voce* vote, but before the result of the vote was declared, a division was called.

Mr. COFFROTH. If there is objection to the committee rising, I will withdraw the motion.

Mr. KLOTZ. That is right; let us fight it out on this line.

The motion that the committee rise was accordingly withdrawn.

HENRY H. FISHER.

The next business on the Private Calendar was the bill (H. R. No. 2468) granting a pension to Henry H. Fisher; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Henry H. Fisher, Company C, One hundred and thirty-third Regiment of Pennsylvania Volunteers, at the rate of $6 per month, commencing on the 20th day of May, 1863, that being the time of his discharge from the Army of the United States in the late war of the rebellion on account of injury received and disease contracted while in said military service in line of duty.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2468) granting a pension to Henry H. Fisher, late a private in Company C, One hundred and thirty-third Regiment of Pennsylvania Volunteers, have had the same under consideration, and beg leave to present the following report:

Henry H. Fisher, the claimant, enlisted in Company C, One hundred and thirty-third Regiment Pennsylvania Volunteers, on the 8th day of August, 1862, and was honorably discharged from the Army on the 20th of May, 1863. He applied for a pension on the 7th of May, 1878, alleging asthma and varicocele. It was rejected on the 5th of August, 1879, because there was "no record of asthma, and claimant unable to furnish medical evidence showing its existence in the service or at date of discharge. Claimant unable to furnish any testimony showing that varicocele originated in the service and in line of duty."

The claimant swears that from exposure and hardships on the march from Washington to Antietam, in October, 1862, he was taken sick and sent to the hospital at Antietam, then to Frederick, when the disease developed into asthma, and that varicocele was contracted in the latter part of August or first of September, near Fairfax Seminary, Virginia. While on detailed duty building breastworks, he was seized with a pain in his left private, and a few days afterward he discovered that the cord of his left private was growing larger, and some considerable time thereafter, whilst at the Philadelphia Hospital, he was told by Surgeon Woolsey that it was varicocele, and he gave him a truss to wear; that he has made every effort to find the whereabouts of Surgeon Woolsey, but has failed to find any trace of his whereabouts.

John C. Harman, first lieutenant of the company of which claimant was a private, testifies that at the time of claimant's enlistment he was "a man of sound constitution and good health and temperate habits. That on or about the 25th of September, 1862, at or near Antietam, Maryland, said Henry H. Fisher was disabled in the line of duty by hard marching and exposure from Washington, District of Columbia, to Antietam; he contracted a fever, which, I believe, terminated in asthma."

J. L. Melay, a private in the same company with claimant, testifies: "I have been well acquainted with Henry H. Fisher since 1857, and also up to the present date, (1879.) We worked together before the late war, and I believed him to be a man of sound constitution, to the best of my knowledge and belief, before he enlisted into the service in 1862; and since his return from service, we have worked together, immediately after his return, four or five years; and I knew him to be afflicted with asthma, which I have all reason to believe was contracted while in service. We were messmates while in service, till the said Henry H. Fisher became sick at Antietam."

The evidence of other witnesses make it clear that the claimant was a sound man when he went into the service, and that when he came out he was suffering from asthma and varicocele, and that he has been under treatment for the same ever since.

His family physician, Dr. Noble, before he went into and after he came out of the same, is dead. Since 1876 he has been treated by Dr. M. D. Stehley, and he testifies that "I know the applicant to be suffering from asthma with a tendency toward pulmonary phthisis."

Examining Surgeon Mullen says: "This man (Fisher) has asthma. In its relation to manual labor, I should think this would entitle him to one-half." "Of the varicocele, it is a bad case, (left side,) causing pain in the scrotum and loins, particularly on active exercise." Disability "one-fourth."

The committee are of the opinion that the claimant is entitled to a pension, and they recommend that the accompanying bill do pass.

The CHAIRMAN. Is there objection to laying aside this bill, to be reported favorably to the House?

Mr. WARNER. I will go as far as he who goes the farthest in correcting the system. But I must object in this case. It is an injustice to the meritorious soldier when we decide cases in this way.

Mr. HAWK. I do not desire to discuss this question; but I enter my protest against this technical proceeding. I am not undertaking to pass upon the merits of these cases——

The CHAIRMAN. Debate is not in order.

Mr. WARNER. I withdraw my objection in this case, as there seems to be a technical reason for action by Congress in this case.

Mr. HAWK. In behalf of the pensioners of the country, I protest against this sort of proceeding upon pension bills.

Mr. WARNER. I am ready to correct the system, so that those who deserve pensions can have them.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] has withdrawn his objection. Is there further objection? The Chair hears none; and the bill will be laid aside, to be reported favorably to the House.

Mr. BROWNE. I rise to a parliamentary inquiry. Is it proper, when a bill has been read, for gentlemen who see fit to object or who decline to object to give any reason for either course?

The CHAIRMAN. It is not in order to accompany the objection with any remarks, as they are in the nature of debate.

Mr. BROWNE. Then let there be an end of the practice.

The CHAIRMAN. The Chair has endeavored to prevent debate by repeatedly stating that it was not in order.

Mr. WHITE. Is this bill objected to?

The CHAIRMAN. It is not.

Mr. WHITE. I think it ought to be objected to.

The CHAIRMAN. The gentleman is too late in raising an objection. The bill has been laid aside for favorable consideration by the House.

NOAH CATON.

The next business on the Private Calendar was the bill (H. R. No. 2854) granting a pension to Noah Caton; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

Objected to by Mr. SPARKS.

JACOB J. SMITH.

The next business on the Private Calendar was the bill (H. R. No. 2039) granting a pension to Jacob J. Smith; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

The CHAIRMAN. Is there objection to laying this bill aside to be reported favorably to the House?

Mr. WARNER. I object. I think the case should be referred to the Commissioner of Pensions.

JOSEPH SHOWMAN.

The next business on the Private Calendar was the bill (H. R. No. 2857) granting a pension to Joseph Showman; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill and report were read.

The CHAIRMAN. Is there objection to laying aside this bill to be reported favorably to the House?

Mr. WHITE. I object. This application was rejected by the Commissioner of Pensions. I do not think we ought to review his action.

WILLIAM F. M'COY.

The next business on the Private Calendar was the bill (H. R. No. 2856) granting a pension to William F. McCoy; reported from the Committee on Invalid Pensions by Mr. COFFROTH.

The bill was read.

Mr. COFFROTH. As there seems to be objection on both sides to these pension bills, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. FINLEY reported sundry bills with a favorable recommendation.

CHARLES CLINTON.

Mr. TUCKER. Mr. Speaker, do not the bills which were before the House last Friday upon the report from the Committee of the Whole come up first?

The SPEAKER *pro tempore*. The bills to which the gentleman refers were reported on consideration day. But as they are reports from the Committee of the Whole undetermined, the Chair will decide that they can now be considered by the House. The Clerk will report the title of the first bill.

The Clerk read as follows:

House bill No. 1542, for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, Louisiana.

Mr. PRICE. I make the point that this bill is not in the House but in the Committee of the Whole. In support of my position I refer to the RECORD. Upon the 16th of January this bill was under consideration, and after a discussion of considerable length by some half dozen or more gentlemen the question was taken upon laying the bill aside and reporting it favorably to the House. Upon that question the vote stood—ayes 62, noes 72. The bill was not laid aside to be reported to the House, and consequently it is in the Committee of the Whole.

The SPEAKER *pro tempore*. The present occupant of the chair was not presiding at the time referred to, and he would prefer not to rule on this point.

Mr. GIBSON. I rise to a parliamentary inquiry. This bill was under consideration in Committee of the Whole on the Private Calendar. It was there discussed; and, if I understood the motion correctly, a motion was made that it should be reported unfavorably to the House. Therefore, it is now before the House on that unfavorable report. When the bill was before the House last Friday I had the floor to make some remarks on the bill, when I yielded to a motion to adjourn. I now respectfully claim the floor to be heard upon this subject.

Mr. PRICE. The gentleman cannot have the floor until the point of order is decided.

The SPEAKER *pro tempore*. The pending question is on the point of order made by the gentleman from Iowa, [Mr. PRICE.]

Mr. PRICE. I do not wish to interrupt the gentleman from Louisiana, but——

The SPEAKER *pro tempore*. The gentleman from Louisiana can be heard on the point of order after the gentleman from Iowa has finished his statement.

Mr. PRICE. Mr. Speaker, it is very well known that on certain Fridays one objection prevents a bill from being reported favorably to the House; consequently when the House comes to consider bills upon the Private Calendar a bill that has been objected to cannot be considered; it is still in Committee of the Whole. On another Friday five objections place the bill in the same situation precisely; so that it cannot be reported and is not reported to the House, but remains in the committee. On consideration day (and that is the case here) the question is, "Shall the bill be laid aside to be reported favorably to the House?" When that motion was pending upon this bill in Committee of the Whole, as the RECORD will prove, something like an hour or more of discussion was had on this very question, whether the bill should be laid aside to be reported favorably to the House. Upon that question—the only question submitted—the vote stood 62 ayes to 72 noes; so that the motion to lay the bill aside and report it favorably was defeated. No other motion was made. I appeal to the RECORD or the Journal upon this question. It is true that last Friday the gentleman from Louisiana took the floor, as he said, and I did not make the point then because it was not considered.

Mr. GIBSON. In reply to the honorable gentleman from Iowa I would state that in my judgment he misapprehends the question pending before the Committee of the Whole. It is not simply whether the bill shall be reported favorably to the House, but, as I understand it, that the Committee of the Whole reports its action to the House whether it be favorable or unfavorable. The rules require these bills shall be discussed in the Committee of the Whole, not passed favorably upon in the Committee of the Whole, but that they shall be discussed. This bill has been discussed; objection was made when it was first presented, and it went over under a single objection. It has, therefore, passed through the various stages of discussion laid down by our rules. The Committee of the Whole has made its report to the House, and it now remains to the House to decide whether it will approve the action of the Committee of the Whole.

Mr. MORRISON. Whatever might have occurred in the Committee of the Whole, this bill was reported by the chairman of that committee, and he reported that the committee had taken adverse action on it.

Mr. SPARKS. I presume my colleague has stated the fact which he observed personally, but is that correct? This bill evidently still remains in the Committee of the Whole House. That committee never has ordered it to be reported to the House. If there was an informal report to that effect from the Committee of the Whole, it was never ordered by the Committee of the Whole and is a mistake. There was adverse action on the bill in the Committee of the Whole, and hence it was ordered not to be reported to the House.

Mr. MORRISON. But it was reported.

Mr. SPARKS. My colleague again asserts a proposition which I presume to be correct; but, as a matter of fact, the Committee of the Whole on the Private Calendar never ordered the bill to be brought into the House. By what are we bound in the House—by the action of the chairman or by the action of the Committee of the Whole House? I say this bill still remains in the Committee of the Whole House, and that the action of the chairman under mistake in reporting it to the House is void and of no effect. I do not think there can be any question about that at all. The question in committee was on reporting the bill to the House with the recommendation that it do pass, and that was decided in the negative. It remains, therefore, in committee, and what has been done in the matter by bringing it into the House is a mistake and of no effect.

Mr. ACKLEN. Mr. Speaker, the action of the Committee of the Whole House on the Private Calendar in making an unfavorable report or rather in giving an unfavorable vote on this bill does not preclude the House from reversing that action. When a matter has been reported back to the House the motion to adjourn would not cut off its consideration. On page 213 of the Manual it will be seen the question of consideration is not precluded by an affirmative vote on the motion to adjourn. The unfinished business pending at the time of adjournment is still subject to the question of consideration, the motion to adjourn precluding it on the previous day. The motion, therefore, to adjourn on last Friday does not prevent the House taking action to-day on this measure, and if the House shall in its judgment conclude to reverse the action of the Committee of the Whole, it is within the power of the House to do so.

Mr. PRICE. Certainly, if it is in the House; but it is not in the House, and cannot be here except by the action of the Committee of the Whole.

The SPEAKER *pro tempore*. The Clerk will read the proceedings as published in the RECORD.

The Clerk read as follows:

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question being taken, it was decided in the negative—ayes 62, noes 72.

* * * * * * *

Mr. O'NEILL moved that the committee rise.

The motion of Mr. O'NEILL was agreed to.

The committee accordingly rose; and Mr. TOWNSHEND, of Illinois, having taken the chair as Speaker *pro tempore*, Mr. KENNA reported that the Committee of the Whole, having had under consideration the Private Calendar, had directed him to report, with a recommendation that it be not passed, the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, Louisiana.

Mr. MORRISON. The point I make is that the House cannot know what has been done in committee except by the report of its chairman.

Mr. PRICE. That is true; and the report in the RECORD shows the motion to report favorably was defeated, and consequently the bill still remained in the Committee of the Whole.

Mr. SPARKS. The RECORD simply shows that the chairman of the Committee of the Whole House made a mistake in reporting the bill to the House.

The SPEAKER *pro tempore*. The Chair is ready to decide the question, but he would prefer, of course, that the Speaker who was in the chair at the time were here to decide it himself. It is a matter of delicacy on the part of the Chair, but as a decision is pressed he will decide the question.

It seems from the proceedings as published in the RECORD of that day that the Committee of the Whole simply refused to make a favorable report upon this bill. It did not order an adverse report to be made to the House. A mistake was made by the chairman of the Committee of the Whole, therefore, in reporting the bill to the House. In the opinion of the Chair, the bill remains in the Committee of the Whole House for action hereafter.

If any gentleman wishes to take an appeal from the decision of the Chair the Chair will entertain it.

Mr. MORRISON. I am entirely indifferent as to what disposition shall be made of this matter. I wish, however, to give notice of an amendment.

The SPEAKER *pro tempore*. Let it go with the bill. The Chair will now entertain, out of abundant caution, a motion to recommit with the amendment offered by the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. If the bill is not in the House the motion to recommit is not in order.

The SPEAKER *pro tempore*. It is only entertained so that there may be no question in reference to the matter hereafter.

Mr. SPARKS. But I understand the Chair to decide that the bill is not in the House.

The SPEAKER *pro tempore*. Yes, the Chair decides that the bill is properly in the committee.

Mr. SPARKS. The bill is properly in the committee, and therefore is not properly in the House.

The SPEAKER *pro tempore*. But the Chair would like to have the action of the House on the matter.

Mr. PRICE. Then I move it be recommitted.

The SPEAKER *pro tempore*. Out of abundant caution the Chair will entertain the motion to recommit with the amendment of the gentleman from Illinois.

Mr. MORRISON. I ask that my amendment be read.

The Clerk read as follows:

Provided, That before such money shall be paid, the Secretary of the Treasury shall be satisfied, after inquiry and investigation into all the facts, that said sum of money was actually stolen, and that the loss of the same was not the result of any neglect or want of reasonable diligence on the part of such officer.

Mr. PRICE. Is that an amendment to the bill?

The SPEAKER *pro tempore*. The gentleman from Illinois proposes that amendment to go with the bill when recommitted.

Mr. MILLS. Mr. Speaker, has it not been the uniform practice (and we ought to be sure we are not departing from the precedents we have established) when a proposition is made to lay a bill aside to be reported favorably to the House, and the majority of the committee vote in the negative, to consider that as an adverse report? Is not the bill to be reported to the House adversely without further

action on the part of the Committee of the Whole? Such has been my experience.

The SPEAKER *pro tempore*. The gentleman is mistaken in reference to the practice of the House.

Mr. MILLS. Such has been the practice of the committee as far as I have any knowledge of the subject.

Mr. REAGAN. If the amendment of the gentleman from Illinois is to go on the bill I wish to reserve objection to it. This bill has been acted on and the time has passed for amendment in the Committee of the Whole.

The SPEAKER *pro tempore*. By unanimous consent, the amendment of the gentleman from Illinois goes with the bill when recommitted.

Mr. TOWNSHEND, of Illinois. If the bill is in committee have we the right to recommit it?

The SPEAKER *pro tempore*. The Chair has already stated that out of abundant caution and to make the record complete he has entertained the motion to recommit.

Mr. SPARKS. Will the Chair hear me a moment?

The SPEAKER *pro tempore*. Certainly.

Mr. SPARKS. Suppose the result of the vote is that the bill shall not be recommitted; in what position does that place the Chair?

The SPEAKER *pro tempore*. The Chair will decide that question when it comes up.

The bill, with the amendment proposed by Mr. MORRISON, was ordered to be recommitted.

Mr. PRICE moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GIBSON. What position will this bill occupy on the Calendar?

The SPEAKER *pro tempore*. It will resume its original place on the Calendar. It will lose nothing in that respect; but will be subject to debate and further amendment.

Mr. TOWNSHEND, of Illinois. When a bill has been reported unfavorably and recommitted, does it not go to the foot of the Calendar?

The SPEAKER *pro tempore*. This bill resumes its former place upon the Calendar by unanimous consent, and will there remain, together with the amendment of the gentleman from Illinois, [Mr. MORRISON,] subject to debate and further amendment, as if no action had been taken upon it.

GEORGE EYSTER.

The SPEAKER *pro tempore*. The next bill reported from the Committee of the Whole on the Private Calendar is the bill (H. R. No. 2796) for the relief of George Eyster. This bill was reported from the Committee of the Whole last Friday, with a favorable recommendation.

Mr. WHITE. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Eyster, of Philadelphia, the sum of $882.50, the same being the amount stolen from said Eyster, while he was assistant treasurer of the United States, by a subordinate in his office, without the fault or negligence of said George Eyster.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 68, noes 28.

Mr. TOWNSHEND, of Illinois. I call for the yeas and nays.

Mr. FINLEY. I suggest to the gentleman that it would be better to take the yeas and nays on the passage.

Mr. TOWNSHEND, of Illinois. Very well; I withdraw the call for the yeas and nays.

So (further count not being called for) the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question recurs on the passage of the bill.

Mr. FINLEY. Upon that question I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 29, more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 64, not voting 125; as follows:

YEAS—103.

Acklen,	De La Matyr,	Hawley,	Monroe,
Anderson,	Deering,	Hayes,	Morse,
Baker,	Dunnell,	Heilman,	Morton,
Ballou,	Dwight,	Houk,	Muldrow,
Barlow,	Evins,	House,	Muller,
Bayne,	Farr,	Hubbell,	Murch,
Blake,	Field,	Jones,	New,
Brewer,	Fisher,	Jorgensen,	Newberry,
Brigham,	Ford,	Keifer,	Norcross,
Bright,	Forsythe,	Kelley,	O'Neil,
Carpenter,	Fort,	Kenna,	O'Reilly,
Caswell,	Frye,	Ladd,	Osmer,
Chittenden,	Gibson,	Lapham,	Overton,
Coffroth,	Gillette,	Lindsey,	Pacheco,
Conger,	Godshalk,	Loring,	Phelps,
Crapo,	Hall,	Marsh,	Pierce,
Culberson,	Hammond, John	McKinley,	Poehler,
Davis, George R.	Harmer,	Mills,	Pound,
Davis, Horace	Hawk,	Mitchell,	Prescott,
Price,	Shallenberger,	Tucker,	Wait,
Reed,	Sherwin,	Updegraff, J. T.	Ward,
Richardson, D. P.	Smith, A. Herr	Upson,	Weaver,
Robertson,	Stone,	Valentine,	Wells,
Robinson,	Thomas,	Van Aernam,	White,
Russell, Daniel L.	Thompson, Wm. G.	Van Voorhis,	Wright.
Ryon, John W.	Townsend, Amos	Voorhis,	

NAYS—64.

Aiken,	Deuster,	Martin, Edward L.	Speer,
Atherton,	Dibrell,	McMillin,	Steele,
Beale,	Felton,	Myers,	Stevenson,
Blackburn,	Finley,	Nicholls,	Taylor,
Blount,	Forney,	O'Connor,	Thompson, P. B.
Bouck,	Frost,	Philips,	Tillman,
Buckner,	Geddes,	Phister,	Townshend, R. W.
Caldwell,	Hammond, N. J.	Reagan,	Turner, Oscar
Cobb,	Hatch,	Richardson, J. S.	Turner, Thomas
Colerick,	Hill,	Richmond,	Updegraff, Thomas
Converse,	Hostetler,	Rothwell,	Vance,
Cook,	Hutchins,	Samford,	Wellborn,
Covert,	Kitchin,	Singleton, J. W.	Whiteaker,
Cravens,	Klotz,	Singleton, O. R.	Whitthorne,
Davidson,	Le Fevre,	Smith, Hezekiah B.	Williams, Thomas
Davis, Lowndes H.	Lowe,	Sparks,	Wise.

NOT VOTING—125.

Aldrich, N. W.	Cowgill,	Hurd,	Ross,
Aldrich, William	Cox,	James,	Russell, W. A.
Armfield,	Crowley,	Johnston,	Ryan, Thomas
Atkins,	Daggett,	Joyce,	Sapp,
Bachman,	Davis, Joseph J.	Ketcham,	Sawyer,
Bailey,	Dick,	Killinger,	Scales,
Barber,	Dickey,	Kimmel,	Shelley,
Belford,	Dunn,	King,	Simonton,
Beltzhoover,	Einstein,	Knott,	Slemons,
Berry,	Elam,	Lewis,	Smith, William E.
Bicknell,	Ellis,	Lounsbery,	Springer,
Bingham,	Errett,	Manning,	Starin,
Bland,	Ewing,	Martin, Benj. F.	Stephens,
Bliss,	Ferdon,	Martin, Joseph J.	Talbott,
Bowman,	Garfield,	Mason,	Tyler,
Boyd,	Goode,	McCoid,	Urner,
Bragg,	Gunter,	McCook,	Waddill,
Briggs,	Harris, Benj. W.	McGowan,	Warner,
Browne,	Harris, John T.	McKenzie,	Washburn,
Burrows,	Haskell,	McLane,	Wilber,
Butterworth,	Hazelton,	McMahon,	Williams, C. G.
Cabell,	Henderson,	Miles,	Willis,
Calkins,	Henkle,	Miller,	Willits,
Camp,	Henry,	Money,	Wilson,
Cannon,	Herbert,	Morrison,	Wood, Fernando
Carlisle,	Herndon,	Neal,	Wood, Walter A.
Chalmers,	Hiscock,	O'Brien,	Yocum,
Claflin,	Hooker,	Orth,	Young, Casey
Clardy,	Horr,	Page,	Young, Thomas L.
Clark, Alvah A.	Hull,	Persons,	
Clark, John B.	Humphrey,	Rice,	
Clymer,	Hunton,	Robeson.	

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. WARNER. I am paired with my colleague from Ohio, Mr. BUTTERWORTH.

Mr. PHILIPS. My colleague from Missouri, Mr. CLARK, is detained from the House by sickness.

Mr. MULDROW. My colleague from Mississippi, Mr. HOOKER, is absent on account of sickness.

Mr. FORNEY. My colleague from Alabama, Mr. HERNDON, is paired with Mr. BRIGGS, of New Hampshire. My colleague, Mr. LEWIS, is paired with Mr. HARRIS, of Massachusetts.

Mr. WASHBURN. I am paired with Mr. HERBERT, of Alabama.

Mr. STONE. Mr. SHELLEY, of Alabama, is paired with Mr. STARIN, of New York.

Mr. CALKINS. I am paired with Mr. CLARK, of New Jersey.

Mr. DUNN. I am paired with Mr. RYAN, of Kansas.

Mr. FISHER. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. ELAM, of Louisiana.

Mr. BRIGGS. I am paired with Mr. HERNDON, of Alabama.

Mr. O'NEILL. Mr. CARLISLE, of Kentucky, is paired with Mr. CANNON, of Illinois. Mr. CARLISLE, if present, would vote "ay."

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with my colleague, Mr. WARNER.

Mr. HOUK. Mr. BAILEY, of New York, is paired with Mr. LOUNSBERY, of New York.

The result of the vote was then announced as above recorded.

Mr. O'NEILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUND OF TAXES.

The SPEAKER *pro tempore*. The next bill reported from the Committee of the Whole on the Private Calendar is the bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco. This bill was reported from the Committee of the Whole last Friday with a favorable recommendation.

Mr. TUCKER. I demand the previous question.

The previous question was seconded.

The SPEAKER *pro tempore*. The question is on ordering the main question.

Mr. REED. I call for a division on that question. I should like, if

the gentleman from Virginia [Mr. TUCKER] would permit me, to have a little discussion upon this bill.

Mr. TUCKER. The discussion upon the bill was very full last Friday, in Committee of the Whole, and the gentleman himself, I believe, closed the discussion.

Mr. REED. When I made the few remarks I did upon the bill, the other day, they were founded entirely upon the statement of the gentleman from Virginia. Since that time I have investigated the matter, and should like, even through the medium of a question to the gentleman from Virginia, to have the facts brought before the House.

Mr. EVINS. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the vote upon ordering the main question upon the engrossment and third reading of the pending bill, upon which the gentleman from Maine [Mr. REED] has demanded a division.

The question was taken; and upon a division there were—ayes 73, noes 25.

Mr. REED. No quorum has voted.

Mr. CONGER. I think we had better have a larger vote than that when we are voting money out of the Treasury in this way.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will appoint tellers.

Mr. FINLEY. I move that the House now adjourn.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 75, noes 44.

Before the result of the vote was announced,

Mr. COFFROTH called for the yeas and nays.

Many MEMBERS. No, no.

The question was taken upon ordering the yeas and nays; and

The SPEAKER *pro tempore* said: Upon ordering the yeas and nays not one gentleman votes in the affirmative. [Laughter.]

So the yeas and nays were not ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BLAKE, for five days, on account of important business.

The result of the vote on the motion to adjourn was then announced as above stated.

Accordingly (at three o'clock and fifty minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of honorably discharged soldiers and citizens of Davis County, Kansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of ex-soldiers of Lincoln County, Kansas, for the passage of a law to equalize bounties—to the Committee on Military Affairs.

Also, the petition of ex-soldiers of Jewell County, Kansas, for payment of difference between gold and greenbacks in which they were paid for their services—to the same committee.

Also, the petition of Kansas Horticultural Society, that the military reservations of Forts Hays and Harker be set apart as experimental stations in the interest of agriculture and horticulture—to the same committee.

Also, the petitions of citizens of Pottawatomie and Jewell Counties, Kansas, for such amendment of the patent laws as will make the manufacturers or vendors of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petitions of citizens of Pottawatomie and Jewell Counties, Kansas, for the enactment of such laws as will prevent fluctuation and unjust discrimination in railroad freight charges—to the Committee on Commerce.

By Mr. BLAKE: The petition of Hon. Thomas B. Peddie, the Newark Board of Trade, and citizens of New Jersey, for the construction of a ship-canal between Newark and New York Bays—to the same committee.

By Mr. BROWNE: The petition of 38 ex-Union soldiers of Wayne County, Indiana, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. CALKINS: The petition of W. W. Dennison, C. Palmer, and 44 citizens of La Porte County, Indiana, for an appropriation for the improvement of the Kankakee River—to the Committee on Commerce.

By Mr. CHITTENDEN: The petition of J. De Witt Clark and others, for an increase of the pensions of all soldiers and sailors who lost a leg or an arm in the United States service during the war of 1861-'65—to the Committee on Invalid Pensions.

Also, the petition of John L. Mason, for the extension of patents numbered 19786, 22169, 22186, relating to fruit-jars—to the Committee on Patents.

By Mr. COBB: Resolutions of the city council of Vincennes, Indiana, requesting the grant to said city of certain lands belonging to the United States for a public park—to the Committee on Public Lands.

Also, the petition of George W. Wright and 54 other soldiers of Crawford County, Indiana, against the passage of Senate bill No. 496, introduced by Senator WITHERS, of Virginia—to the Committee on Invalid Pensions.

By Mr. COVERT: The petition of William Y. Provost and 230 others, citizens of the towns of Babylon and Islip, New York, for an appropriation to improve Sampawam's Inlet, in the State of New York—to the Committee on Commerce.

Also, the petition of Edward Mackey and others, against compulsory pilotage—to the same committee.

By Mr. DIBRELL: The petition of citizens of Rhea County, Tennessee, for an appropriation to improve the Tennessee River—to the same committee.

By Mr. DUNNELL: The petition of E. J. Orr and 50 others, citizens of Minnesota, for the passage of a bill amending the patent laws—to the Committee on Patents.

Also, the petition of E. J. Orr and 50 others, citizens of Minnesota, for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. FORD: The petitions of Anselm Kelly and others, citizens of Andrew County; of George B. Nixon and others, citizens of Nodaway County; of C. Bennett and others, citizens of De Kalb County, and of George H. Walker and others, citizens of Holt County, Missouri, for legislation that will protect them from the unjust discriminations of railroad companies—to the same committee.

By Mr. FORSYTHE: The petition of soldier citizens of Illinois, for the passage of a law placing them upon an equal footing with Government bondholders by paying them the difference between gold and the depreciated paper in which they were paid for their services—to the Committee on Military Affairs.

By Mr. GEDDES: The petition of George Fisher, John C. Davis, and 265 others, citizens of Holmes County, Ohio, for the passage of the Weaver bill to equalize the pay of soldiers—to the same committee.

By Mr. GOODE: Papers relating to the claim of J. S. Ellis for pay for cotton seized by United States authorities during the late war—to the Committee on War Claims.

By Mr. HAWK: The petition of 127 citizens of Carroll and Ogle Counties, Illinois, that the patent laws be so amended as to make the manufacturer and vendor of patented articles alone responsible for infringement, and to protect from penalty any person manufacturing for his own use previously patented articles, provided such manufacturer was not cognizant of the existence of letters-patent—to the Committee on Patents.

Also, the petition of 128 citizens of Carroll and Ogle Counties, Illinois, for such laws as will alleviate the oppressions imposed by transportation monopolies that now control interstate commerce—to the Committee on Commerce.

By Mr. HILL: The petition of George R. Jay and others, citizens of Williams County, of similar import—to the same committee.

Also, the petition of George R. Jay and others, citizens of Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. HOSTETLER: The petition of soldiers and sailors of the late war, of Stinesville, Indiana, for the difference between the value of gold and greenbacks, in which they were paid for their services—to the Committee on Military Affairs.

By Mr. HUBBELL: The petition of James P. Donaldson & Co., B. W. Goodsell, and 26 others, citizens of Detroit, Michigan, for the improvement of the natural harbor of Grand Marias, Michigan—to the Committee on Commerce.

By Mr. KENNA: The petition of honorably discharged soldiers, of West Virginia, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of citizens of West Virginia, for legislation to prevent railroad discriminations—to the Committee on Commerce.

By Mr. LORING: The petition of K. F. Richardson and other soldiers, of Middleton, Massachusetts, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. EDWARD L. MARTIN: The petition of Hon. John W. Hall and others, citizens of Delaware, for the abolition of the system of compulsory pilotage—to the Committee on Commerce.

By Mr. McCOID: The petition of J. W. Teas, for back pay as a soldier—to the Committee on Military Affairs.

Also, the petition of Henry Keck, D. C. McCullough, and others, of Van Buren County, Iowa, for a change in the patent laws so as to protect innocent users of patents—to the Committee on Patents.

By Mr. McMAHON: The petition of Joseph D. Stevenson, Leonard Beachler, and 28 others, against the passage of Senate bill No. 496, in regard to pensions—to the Committee on Invalid Pensions.

By Mr. McKENZIE: The petition of citizens of Christian County, Kentucky, for the passage of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. MORSE: Papers relating to the pension claim of Charles D. Chapin—to the Committee on Invalid Pensions.

By Mr. MULLER: The petition of Longmire, Elmore & Mackenzie, of New York, to be released from repayment of certain import duties—to the Committee of Ways and Means.

By Mr. O'CONNOR: The petition of the members of the bar of Charleston, South Carolina, for the passage of the bill creating the office of stenographer for the district and circuit courts of the United States—to the Committee on the Judiciary.

By Mr. ORTH: The petition of citizens of Indiana, for a ship-canal from Toledo to La Fayette—to the Committee on Railways and Canals.

By Mr. PIERCE: The petition of citizens of Buffalo, New York, for the passage of the Reagan bill regulating interstate commerce—to the Committee on Commerce.

By Mr. ROBINSON: The petition of Springfield Street Railway Company, for leave to lay and maintain tracks along Mill street, in Springfield, Massachusetts—to the Committee on Military Affairs.

By Mr. DANIEL L. RUSSELL: A bill to provide for the improvement of the Cape Fear River and its tributaries—to the Committee on Commerce.

By Mr. HEZEKIAH B. SMITH: The petition of the Grand Division of the Sons of Temperance of New Jersey, for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. STONE: The petition of D. H. English and 121 others, citizens of Ionia and Kent Counties, Michigan, for such laws as will relieve the people from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petition of B. Chapman and 123 others, citizens of Ionia and Kent Counties, Michigan, for such amendment of the patent laws as will protect innocent users of the patented articles—to the Committee on Patents.

By Mr. P. B. THOMPSON, JR.: Memorial of citizens of Madison County, Kentucky, asking for an appropriation to lock and dam the Kentucky River—to the Committee on Commerce.

Also, papers relating to the claim of R. H. Martin, postmaster at Campbellsville, Kentucky—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of John Watson—to the Committee on Invalid Pensions.

Also, papers relating to the claim of J. P. Floyd for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. WILLIAM G. THOMPSON: The petition of John McClain and 33 others, of Iowa, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of John McClain and 34 others, for a law regulating interstate transportation—to the Committee on Commerce.

By Mr. AMOS TOWNSEND: The petition of soldiers of the late war, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of Samuel P. Greene, for a pension—to the same committee.

By Mr. WADDILL: Papers relating to the Indian depredation claim of Fred. Weddle—to the Committee on Indian Affairs.

By Mr. WAIT: The petition of the members of the Farmers' Club of Willimantic, Connecticut, for the enlargement of the Bureau of Agriculture—to the Committee on Agriculture.

By Mr. WILLITS: The petition of George B. Horton and 47 others, citizens of Lawrence County, Michigan, for legislation regulating the charges of transportation companies, &c.—to the Committee on Commerce.

Also, the petition of George B. Horton and 40 others, citizens of Lawrence County, Michigan, for legislation protecting innocent users of patented articles—to the Committee on Patents.

By Mr. WILSON: The petition of Lewis M. Denison and 30 other ex-soldiers of West Virginia, opposing the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WRIGHT: The petition of Patrick O'Flynn and 47 others, citizens of Franklin County, Ohio, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

MONDAY, *February* 9, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880, was read twice by its title, and referred to the Committee on Foreign Relations.

SUPPLEMENT TO REVISED STATUTES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the amendments of the House to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, and requesting a conference on the disagreeing votes of the two Houses.

Mr. WALLACE. I move that the Senate insist upon its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was ordered to appoint the conferees on the part of the Senate; and Messrs. WALLACE, KERNAN, and DAVIS of Illinois were appointed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 21st ultimo, a report of the Chief of Ordnance, showing the number and weight and the value per pound of condemned cannon which have been donated by acts of Congress since January, 1865; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report of First Lieutenant Thomas H. Bradley, Twenty-first Infantry, examiner of State claims, giving the views of the War Department upon the legislation proposed in the bill (S. No. 1028) in relation to the claims of States against the United States; which, on motion of Mr. EDMUNDS, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from Captain G. J. Lydecker, Corps of Engineers, of the result of a survey of the outlet to Wolf Lake, Indiana, made in accordance with the provisions of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report from Major C. R. Suter, Corps of Engineers, of a survey made in compliance with the provisions of the river and harbor act of March 3, 1879, of the Arkansas River in the vicinity of Pine Bluffs, together with the plan and estimates of the cost of the improvements of the river in that locality; which were referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and reports of Major W. P. Craighill, Corps of Engineers, of examinations and surveys made in accordance with the provisions of the river and harbor act of March 3, 1879, of the Shenandoah River, Virginia and West Virginia; of Trade Haven Creek, Maryland; of Choptank River, Maryland, and of Secretary's Creek, Maryland; which were referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with a report from Colonel J. N. Macomb, Corps of Engineers, of an examination made of the north bank of the Susquehanna River, from the southern boundary of the State of New York to Nanticoke Dam, Luzerne County, Pennsylvania, in compliance with the provisions of the river and harbor act of March 3, 1879; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1879, a report of Lieutenant G. H. Mendell, Corps of Engineers, upon the examination and survey of Petaluma Creek, California; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with a report from Captain C. B. Phillips, Corps of Engineers, of surveys and examinations made in accordance with the provisions of the river and harbor act of June 18, 1878, of inland water routes from the harbor of Norfolk, Virginia, to the Atlantic Ocean, south of Cape Hatteras; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, and reports from Colonel John Newton, Corps of Engineers, of surveys made in accordance with the provisions of the river and harbor act of March 3, 1879, of a ship-canal across Bergen Neck, in Hudson County, New Jersey; Cheesequakes Creek, New Jersey; South River, New Jersey, between Raritan and Old Bridge, and Newtown Creek, to the mouth of East River, New York; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, at the request of the president of the National Board of Health, estimates of the expenditures of that board from January 1, 1880, to June 30, 1881; which was referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 4th instant, a statement of the reasons why the Treasury Department issued an order to the collectors of customs of the United States directing that, whenever a written request to that effect shall be filed by shippers or consignees, there shall be withheld from publication, for a period not exceeding ninety days, statistics relating to the importation or shipment of any particular merchandise imported or shipped by them; which was referred to the Committee on Finance, and ordered to be printed.

SENATOR FROM LOUISIANA.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the Legislature of Louisiana, which will be read.

The resolutions were read, and referred to the Committee on Privileges and Elections, as follows:

HOUSE OF REPRESENTATIVES, STATE OF LOUISIANA,
New Orleans, February —, 1880.

DEAR SIR: I am directed by the House of Representatives of the State of Louisiana to transmit to you the following resolution, passed by both houses of the General Assembly, with the request that you communicate the same to the Senate of the United States.

Respectfully,

PETER J. TREZEVANT,
Clerk of House of Representatives of State of Louisiana.

To Hon. W. A. WHEELER,
Vice-President of the United States
and Presiding Officer of the United States Senate.

CONCURRENT RESOLUTION.

Whereas the assembly by which WILLIAM PITT KELLOGG claims to have been elected to the Senate of the United States in the month of January, A. D. 1877, was not the Legislature of the State of Louisiana, but an unlawful and irregular assemblage which had assumed to call itself a legislature in part execution of a conspiracy devised by the said WILLIAM PITT KELLOGG and others, together with certain of the persons constituting said assemblage, against the people, to secure for the said KELLOGG a seat in the said United States Senate, and to obtain by fraud and perjury and other unlawful means the places of political trust and power in this State, in the hope of holding the same by force expected to be furnished by the Government of the United States; and

Whereas the pretended credentials of said WILLIAM PITT KELLOGG were signed by one S. B. Packard, representing himself to be the governor of this State, but who in fact was never such governor, but for a short time claimed the title to said office in further execution of said conspiracy against the people; and

Whereas said unlawful assemblage so claiming to be the Legislature, after a brief period of hostility to the then existing lawfully constituted authorities of said State, finally disbanded and surrendered to said lawfully constituted authorities, leaving in force and existence no act of any kind whatever performed by them or either of them in their assumed political capacity, except the said pretended election of the said WILLIAM PITT KELLOGG as a Senator in the United States Senate from this State; and

Whereas at the time of the said pretended election of the said WILLIAM PITT KELLOGG by said combination there was in existence a lawful government of Louisiana, which continued in authority with a duly elected governor and duly elected and organized Legislature, performing the political functions conferred upon them respectively by the constitution of the said State; and

Whereas the said duly elected and duly organized Legislature of the State of Louisiana under said government, after having continued to ballot for a United States Senator on each successive day from the 9th day of January, 1877, until the 24th day of April, in said year, did, in pursuance of the requirements of law, and in accordance with all the forms thereby prescribed, on the said last-mentioned day, to wit, the 24th day of April, 1877, elect Henry M. Spofford to represent the said State in the United States Senate for the term of six years, commencing on the 4th of March, 1877; and

Whereas the credentials of the said Spofford were duly executed by Francis T. Nicholls, the then lawful governor of said State; and

Whereas it is manifest that the Constitution of the United States in providing that each State should be represented by two Senators, "to be chosen by the Legislature thereof," designed and intended that such choice should be made by that Legislature which might be recognized by the people of the State as a lawfully constituted and co-ordinate branch of the duly constituted and recognized government of the State: Therefore,

SEC. 1. *Be it resolved by the General Assembly of the State of Louisiana*, That the State of Louisiana protests against the wrong and injustice done to the people and said State by the recognition of said WILLIAM PITT KELLOGG as a United States Senator from said State, and respectfully but most earnestly requests the Senate of the United States, in the name of law and justice, to declare that the said KELLOGG never was duly elected as the representative of the State of Louisiana in the Senate of the United States.

SEC. 2. *Be it further resolved, &c.*, That the State of Louisiana protests against being deprived of the equal representation in the Senate of the United States guaranteed to each State by the Constitution of the United States, and respectfully but most earnestly requests that Henry M. Spofford, the duly elected Senator from said State for the term of six years from the 4th of March, 1877, may be admitted to a seat in that honorable body.

SEC. 3. *Be it further resolved, &c.*, That a copy of these preamble and resolutions be forwarded by the clerk of the house of representatives of the State of Louisiana to the honorable President of the Senate of the United States, and to the Hon. B. F. JONAS, Senator from Louisiana.

Mr. JONAS. I present resolutions of the Legislature of Louisiana the same as those which have just been read. I move their reference to the Committee on Privileges and Elections.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of W. B. A. Durfee and others, citizens of Coshocton County, Ohio, praying for the enactment of a law to prevent fluctuations in freights and unjust discrimination in transportation charges; which was referred to the Committee on Commerce.

Mr. HAMLIN. I present the petition of R. S. Prescott, president of the Board of Trade of Bangor, Maine, signed also by G. W. Merrill, first vice-president; J. D. Warren, secretary; M. Schwartz, J. W. Coombs, Thomas White, Silas D. Jones, and H. B. Williams, of the board of managers of said board of trade, who respectfully but earnestly ask for the early passage of the bill commonly known as the Reagan bill, for the regulation of interstate commerce and to prohibit unjust discriminations by common carriers. The petitioners also pray that such further and supplemental legislation be enacted as will protect the constitutional rights of American citizens. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. SAUNDERS presented the petition of J. B. Miller and 400 others, citizens of Niobrara, Knox County, Nebraska, praying for the passage of the bill (S. No. 773) making appropriations for a military wagon-road from Niobrara, in Knox County, Nebraska, via the military post recently located near the mouth of the Minnecadusa, to Fort Robinson, in said State; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, presented the memorial of Rebecca Reynolds, widow of William Reynolds, late rear-admiral in the United States Navy, praying to be allowed a pension at the rate of $50 per month; which was referred to the Committee on Pensions.

He also presented a petition of J. S. Gledhill and 123 others, citizens and residents of the town of Spring, Crawford County, Pennsylvania, praying for an amendment to the Constitution of the United States granting to women the right to vote; which was referred to the Committee on the Judiciary.

He also presented the petition of Jacob Dundore, of Reading, Pennsylvania, praying remuneration for the loss of the barge T. Z. Zulick while chartered by the United States Government; which was referred to the Committee on Naval Affairs.

He also presented the petition of H. K. Myers and 74 others, soldiers of the late war and citizens of Pennsylvania, praying for the enactment of a law granting to soldiers and sailors equal rights with holders of Government bonds; which was referred to the Committee on Finance.

Mr. DAWES. I present the petition of a large number of commanders of vessels going out of the harbors of Boston and Nantucket, praying for a small appropriation for the improvement of the harbor of Nantucket. This petition is brief, but it sets forth in a very striking manner the great number of lives that have been lost and the great amount of property that has been destroyed by shipwrecks for the want of a small appropriation for the improvement of that harbor, and I should like to have it printed in the RECORD.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

To the Senate and House of Representatives of the United States:

The undersigned commanders of vessels respectfully represent that the number of vessels passing through Nantucket Sound, on the north side of the island of Nantucket, as noted from the Cross Rip light-ship, is upward of thirty thousand annually; that 75 per cent. of this number draw less than fourteen feet of water, and 50 per cent. draw less than eleven feet of water; that since the year 1800 five hundred and thirty vessels have been wrecked around this island, the estimated value of which, including cargoes, is upward of $5,000,000, the cargo of one vessel alone being valued at half a million dollars; that 73 per cent. of these disasters occurred upon the north side of the island; that upward of 60 per cent. of this number was a total loss; that the number of lives sacrified by these disasters exceeds two hundred; that the large amount of property and human life destroyed could have been measurably, if not absolutely, saved if Nantucket Harbor, which is on the north side of the island, and within nine miles of the track of vessels passing through the sound, had been open to vessels drawing fourteen feet of water; that the Nantucket Bar has always been an obstruction to the harbor entrance for vessels drawing more than eight and a half feet of water at high tide, and consequently that Nantucket Harbor has never been available as a harbor of refuge for the large number of vessels passing through the sound; that the mail steamer, with passengers, is frequently delayed from entering the harbor at low tide to the detriment of business interests; that there is no adequate harbor of refuge east of Block Island or Newport for vessels detained by the shoals, and none which can be made to afford equal advantages with Nantucket Harbor, provided the water over this sand bar can be deepened to a depth of fourteen feet by means of a jetty, as recommended by the recent report of General G. K. Warren, of the United States board of engineers; and that with a harbor at Nantucket capable of accommodating vessels drawing not more than fourteen feet of water commerce will not only be rendered more safe, but greatly expedited, and as northerly winds prevail during the severe storms Nantucket Harbor can be reached without difficulty. They therefore respectfully pray your honorable bodies to make an appropriation in accordance with the suggestions in General Warren's report for the permanent improvement of Nantucket Harbor.

Mr. DAWES. I present a like petition from the marine insurance companies and steamship lines of Philadelphia, praying for the improvement of the harbor of Nantucket for the preservation of their commerce; and also a similar petition of the officers of the Old Colony Railroad Company, making a prayer for the same purpose. I move the reference of these petitions to the Committee on Commerce.

The motion was agreed to.

Mr. FERRY presented the petition of Mrs. Lucinda Harford and 254 others, citizens of Michigan, praying for the adoption of a sixteenth amendment to the Constitution, granting to women the right to vote; which was referred to the Committee on the Judiciary.

He also presented the petition of Christopher F. Laubrick and 19 others, soldiers of the late war and citizens of Michigan, praying for the enactment of a law granting full bounty to all soldiers discharged for diseases contracted in the line of duty on a surgeon's certificate of disability; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation by Congress for the construction of a light-house at the entrance to Sturgeon Bay Canal at Sherwood's Point, in that State; which was referred to the Committee on Commerce.

Mr. PADDOCK presented the memorial of A. H. Frost and others, soldiers of the late war and citizens of Jefferson County, Nebraska, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. HOAR presented additional papers in the case of Thomas Worthington; which were referred to the Committee on Claims, to accompany the bill (S. No. 268) for the relief of Thomas Worthington.

Mr. KIRKWOOD presented the petition of J. H. Frundy and 24 others, soldiers of the late war and citizens of Iowa City, Iowa, praying for the passage of a law allowing soldiers the difference between the value of greenbacks and gold at the time of payment for their services; which was referred to the Committee on Finance.

He also presented the petition of John Pattee, of Iowa City, Iowa, praying for the passage of a law granting him compensation for services rendered as a lieutenant in the United States Army from May 17, 1866, to June 22, 1866; which was referred to the Committee on Claims.

Mr. KERNAN presented the petition of R. R. Plefford, John Wilkeson, and others, citizens of Buffalo, New York, praying the passage of a law to regulate interstate commerce and to prohibit unjust discriminations by common carriers; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Cornelia F. White, of San Francisco, California, widow of General Frank J. White, praying that a pension may be granted her and her children; which was referred to the Committee on Pensions.

He also presented the memorial of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of an appropriation for the improvement of the Allegheny River; which was referred to the Committee on Commerce.

He also presented resolutions of the common council of Buffalo, New York, in favor of placing February 12, the birthday of the late President Lincoln, on the calendar of legal holidays; which was referred to the Committee on the Judiciary.

Mr. SLATER presented the petition of H. M. Thatcher and others, citizens of Oregon and California, praying for the establishment of a post-route from Linkville, Oregon, to Scorpion Point, in California; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Astoria, Oregon, in favor of the passage of a law authorizing the Astoria and Winnemucca Railroad Company to construct bridges over Young's River and the Lewis and Clark Rivers; which was referred to the Committee on Commerce.

Mr. GROOME. I present certain preambles and resolutions of the Board of Trade of Baltimore City, which are in substance a memorial to Congress urging an early repeal of the legal-tender power now given by law to the Treasury notes of the United States. As these resolutions are very brief, are perfectly respectful in tone, and state the deliberate opinion of a body of gentlemen of large business experience, who control the vast and rapidly growing commerce of one of the chief cities of our Union, I ask that they be read at the Secretary's desk.

The VICE-PRESIDENT. The resolutions will be reported.

The Secretary read as follows:

BOARD OF TRADE ROOMS,
Baltimore, February 2, 1880.

At a meeting of the Board of Trade of Baltimore City, held above date, the annexed report of committee on banks and currency, in reference to the legal-tender act, was adopted.

ROBERT A. FISHER, *President.*
GEORGE U. PORTER, *Secretary.*

LEGAL-TENDER ACT.

Report of committee submitted through its chairman.

Whereas the country has recovered from its late depression and regained a financial soundness fully justifying the resumption of specie payment, it would seem the part of wise legislation to remove all acts inconsistent with the express terms of the Constitution, wherein it is declared that the only legal money of the country shall be gold and silver; and

Whereas the issue of United States notes with legal-tender obligation being deemed necessary by Congress to meet the exigencies of the particular period, but which period has now happily given place to our present prosperity, it is but proper that this "war legislation" should now be repealed; that by an act of Congress the money of the Constitution should alone remain as recognized by the Government, for while Treasury notes are a legal tender the permanency of resumption seems to be held in doubt even by the very power that enacted it: Therefore,

Resolved, That as the finances of the country are now on a gold and silver basis, and so recognized by the resumption act of Congress, and as gold and silver is the only money known to the Constitution, the Board of Trade of Baltimore earnestly but respectfully urge upon Congress the early repeal of the "legal-tender power now given by law to the Treasury notes of the United States," to the end that with returned prosperity confidence may be fully established, legitimate business encouraged, wild speculation forewarned, and the people feel that there is stability in our finances.

Resolved, That a copy of these preambles and resolutions be indorsed by the president and secretary, and presented to Congress through our Representatives at Washington.

Respectfully submitted.

JOSEPH H. RIEMAN, *Chairman.*
W. G. BOWDOIN.
HENRY C. SMITH.
J. WILCOX BROWN.
GEORGE J. APPOLD.

The VICE-PRESIDENT. These resolutions will lie upon the table as the subject-matter has been reported to the Senate.

Mr. WITHERS. I present the petition of 181 citizens of Nottoway County, Virginia, among whom I recognize the names of many prominent and respectable citizens, praying that Congress may enact such laws as may prevent fluctuation in freights and unjust discrimination in transportation charges on railroads. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WALLACE presented the petition of William Simmons and others, soldiers of the late war and citizens of Philadelphia, Pennsylvania, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles Allen Shoemaker and others, citizens of Pennsylvania, praying for the passage of a law granting a pension to Robert Richards, of Bradford County, in that State; which was referred to the Committee on Pensions.

Mr. COCKRELL presented the memorial of Wesley Cotrell and others, citizens of Daviess County, Missouri, and soldiers in the war of the rebellion, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present petitions signed by citizens of the counties of Atchison, Linn, Jefferson, Callaway, Cass, Bates, Johnson, Howard, Burton, Clark, Cape Girardeau, Benton, Washington, Vernon, Mercer, Cooper, Barry, Pettis, Phelps, Andrew, and Schuyler, in the State of Missouri, numerously signed by the best citizens of those counties, to the number of 3,206, complaining that innocent users of patented articles are frequently threatened with prosecution as infringers, and that the existing patent laws are ineffectual in protecting such parties from the patentees or owners of patents or from the speculations of impostors. They therefore pray Congress to so amend the patent laws as to make the manufacturer or vendor of such articles alone responsible for the infringement, and further to so amend the patent laws as to protect from penalty any person manufacturing for his own use any article previously patented, provided such manufacturer was not cognizant of the existence of the letters-patent. These are separate petitions, and I move that they all be referred to the Committee on Patents.

The motion was agreed to.

Mr. PENDLETON presented the petition of John Jordan and 40 others, soldiers of the late war, and citizens of Chicago, Illinois; and the petition of the Soldiers and Sailors' Memorial Association, of Hamilton County, Ohio, praying for the passage of the bill (H. R. No. 2480) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which were referred to the Committee on Finance.

Mr. PENDLETON. I present a joint resolution of the Legislature of Ohio, which I ask may be read and referred to the Committee on Commerce.

The resolution was read, and referred to the Committee on Commerce, as follows:

Joint resolution requesting our Senators and Representatives in Congress to urge the completion of certain improvements along the lakes.

Whereas the State of Ohio is interested, in common with other States bordering upon the great lakes, in the early completion of certain improvements affecting their commerce now in progress; and

Whereas, owing to the delay in the completion of these works, especially the improvement of the channel between Lake Superior and Lake Huron, and of the Limekiln Crossing, near the mouth of the Detroit River, the interchange of our products with the Northwest is now subject to great and needless disability and expense; and

Whereas the consequences of this fall upon our whole people, in the single particular of the iron products of Lake Superior, to the extent of nearly $1,000,000 annually; and

Whereas, by adequate appropriations therefor, the completion of the lock canal at Sault Ste. Marie, and the improvement of the Saint Mary's River and the Lime Kiln Crossing, can be completed to sixteen feet of water during the year 1881: Therefore,

Resolved by the General Assembly of the State of Ohio, That an urgent commercial necessity exists for the earliest possible completion of these improvements, and that we hereby request our Senators in Congress and our Representatives to use all proper means to secure this important result.

Resolved, That the governor of Ohio is hereby instructed to forward a copy of this joint resolution to each of the Senators and Representatives of Ohio in the Congress of the United States.

THOMAS A. COWGILL,
Speaker of the House of Representatives.
R. G. RICHARDS,
President pro tempore of the Senate.

Adopted January 30, 1880.

Mr. PENDLETON presented a joint resolution of the Legislature of Ohio, remonstrating against an appropriation by Congress for the construction of a bridge across the Detroit River; which was referred to the Committee on Commerce.

Mr. CARPENTER presented a memorial of the common council of Milwaukee, Wisconsin, in favor of the construction of a harbor of refuge at Milwaukee, Wisconsin; which was referred to the Committee on Commerce.

Mr. THURMAN presented a joint resolution of the General Assembly of Ohio, instructing her Senators and requesting her Representatives to use their influence to have the provisions of a bill now pending before Congress for the distribution of the unclaimed money due to colored soldiers in the late civil war expended so as to embrace the Wilberforce University and Albany Enterprise Academy in that State; which was referred to the Committee on Education and Labor.

Mr. LOGAN presented resolutions of the Merchants' Exchange of Saint Louis, Missouri, in favor of the passage of a law to amend the statutes in relation to the immediate transportation of dutiable goods; which was referred to the Committee on Finance.

Mr. WHYTE. I present the petition of James H. Morrison, praying to be reinstated in the United States Navy as passed assistant engineer, on the retired list.

The VICE-PRESIDENT. The petition will be referred to the Committee on Naval Affairs.

Mr. ANTHONY. To what committee is the petition to be referred?

The VICE-PRESIDENT. To the Committee on Naval Affairs.

Mr. ANTHONY. That is a wrong reference. I am surprised that so accomplished a presiding officer as the Vice-President has not learned the new practice of the Senate which sends all matters re-

lating to the Navy to the Committee on the Judiciary! A bill was introduced a week or two ago to authorize the appointment of medical inspectors in the Navy to the office of chief of the bureau of medicine and surgery, and to remove the disability of the present incumbent, which was referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The Chair followed the suggestion of the Senator introducing the bill to which the Senator from Rhode Island refers.

Mr. ANTHONY. I cannot rebuke the ignorance of the Chair because I share in it. I think the bill should have gone to the Committee on Naval Affairs; but the Senator who introduced the bill asked its reference to the Committee on the Judiciary and it was referred to that committee. I submit that the reference of the petition just presented should be changed and the Committee on the Judiciary should take charge of the affairs of the Navy; there should not be a divided jurisdiction!

Mr. VOORHEES presented the memorial of F. M. Schoolcraft and others, citizens of Southern Indiana, and soldiers who served in the war of the rebellion, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of George L. Castle and others, citizens of Lowell, Lake County, Indiana, and soldiers in the war of the rebellion, praying that they be paid the difference between gold and greenbacks at the time they received their pay; which was referred to the Committee on Finance.

He also presented the petition of E. A. Shepherd and others, citizens of Indiana, and soldiers in the war of the rebellion, praying that they be paid the difference between gold and greenbacks at the time they received their pay; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petition of T. J. Southard & Son and others, citizens of Richmond, Maine, praying the speedy distribution of the Geneva award fund; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster in the United States Navy, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 231) for the relief of Ben. Holladay, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 1051) granting an increase of pension to Stephen D. Smith, reported it with amendments and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1097) for the relief of Susan Fox, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 526) granting a pension to Esther E. Lieurance, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of A. A. Sims and others, praying that a pension be granted to Charlotte T. Alderman, widow of James Alderman, late of Company E, Twenty-second Regiment Illinois Volunteers, submitted a report thereon, accompanied by a bill (S. No. 1231) granting a pension to Charlotte T. Alderman.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. EDMUNDS. I am instructed by the Committee on Private Land Claims, to which was referred the bill (S. No. 369) for the relief of Alexander McDonald, to report that we have examined the subject and are of opinion that Congress has made all the provision for the claimant's relief to which he is entitled under the principles upon which the Government must be conducted. We therefore recommend that the bill be indefinitely postponed.

The VICE-PRESIDENT. That order will be made.

Mr. EDMUNDS. And I should like to have the Senate agree to our report, if the indefinite postponement does not do that, so that we shall not be troubled with the case again, if we can help it.

The VICE-PRESIDENT. The report will be regarded as agreed to.

Mr. EDMUNDS. I am instructed by the same Committee on Private Land Claims, to which was referred the bill (S. No. 414) for the relief of the heirs of Philip Francis Renault, to state that we have examined the subject and are of opinion that the party or his predecessor long ago received all the relief to which he was entitled. We therefore report adversely to the claim and recommend the indefinite postponement of the bill. I should like our report to be agreed to and the bill to be indefinitely postponed.

The VICE-PRESIDENT. That order will be made.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 392) to remove the political disabilities of John R. F. Tatnall, of Georgia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 487) to provide for the appointment of an additional circuit judge in the eighth judicial circuit, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the joint resolution (S. R. No. 4) proposing on amendment to the Constitution of the United States, and the joint resolution (S. R. No. 21) proposing an amendment to the Constitution in relation to appropriations, reported adversely thereon.

Mr. EDMUNDS. I wish to say in regard to these joint resolutions as to authorizing the President to veto a part of an appropriation bill, that I do not agree to the report of the committee and think that some provision of this kind ought to be made.

The VICE-PRESIDENT. The joint resolutions will be postponed indefinitely, if there be no objection.

Mr. McPHERSON, from the Committee on Pensions, to whom was referred the bill (S. No. 1188) granting arrears of pension to Emma M. Moore, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. JONAS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 1049) to amend section 2447 of the Revised Statutes of the United States in relation to the issue of patents for private land claims confirmed by act of Congress, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, reported it with an amendment.

Mr. FARLEY, from the Committee on Pensions, to whom was referred the bill (S. No. 534) granting a pension to Caroline Treckell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 370) granting a pension to Phœbe C. Doxsie, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Dr. Mary E. Walker, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Elizabeth Sutherland, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1232) granting a pension to Elizabeth Sutherland.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Frederick Weller, a soldier of the war of 1812, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No. 1233) granting a pension to Frederick Weller.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Hugh Wilson, of Freeport, Illinois, praying to be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 691) for the relief of Jared Gardner, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 955) granting a pension to William S. Fultz, of Muscatine County, Iowa, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KIRKWOOD. I am instructed by the Committee on Pensions, to whom was referred the bill (S. No. 1185) granting a pension to Jesse F. Phares, to report adversely thereon. This is a bill for the relief of the person whose petition I reported adversely on a few days ago. The bill was afterward introduced, and is now reported back. The person for whose relief the bill was introduced was a scout, and is not, therefore, under the law, entitled to a pension, and the committee, for that reason, directed me to report adversely. I do not concur myself in the conclusion of the committee, and ask that the bill be placed upon the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. KIRKWOOD. I am also instructed by the same committee, to whom was referred the bill (S. No. 1186) granting a pension to John Snider, to report adversely thereon. This bill is identical in almost every particular with the one just reported, and I ask that it also be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 562) granting an increase of pension to Thornton Smith, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of citizens of Iowa, praying that a pension be

granted to Samuel Moore, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 591) granting a pension to Nicholas H. Kelley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1017) granting an increase of pension to Jerry Robinson, late commissary-sergeant First Regiment United States Colored Troops, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 639) granting a pension to John G. McDonald, late acting assistant surgeon of the Second Regiment Pennsylvania Heavy Artillery Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 810) granting a pension to Anne P. Newlin, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 982) granting a pension to Spencer W. Tryon, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 801) for the relief of Martha E. Brown and Jesse W. W. Flenner, minor heir of First Lieutenant Joseph L. Flenner, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (S. No. 495) to reinstate Thomas H. Lawrence as a third lieutenant in the United States revenue marine, reported adversely thereon, and the bill was postponed indefinitely.

Mr. GORDON. I am also instructed by the Committee on Commerce, to whom was referred the bill (S. No. 827) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein, to ask, in view of the important legal questions involved, that the Committee on Commerce be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The report was agreed to.

FITZ-JOHN PORTER.

Mr. LOGAN. I ask leave to present the views of the minority of the Committee on Military Affairs upon the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army.

The VICE-PRESIDENT. The views will be received and printed.

TREASURY ACCOUNTS.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred a letter of the Treasurer of the United States transmitting a copy of his accounts rendered to and settled with the First Comptroller for the fiscal year ending June 30, 1879, and a letter from the Treasurer transmitting a copy of his account with the United States on account of the Post-Office Department for the fiscal year ending June 30, 1879, to report that they have examined the documents and do not deem it necessary to have them printed. I move that the committee be discharged from the further consideration of the subject.

The motion was agreed to.

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac, to report it without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there shall be printed annually at the Government Printing Office 1,500 copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which 100 shall be for the use of the Senate, 400 for the House of Representatives, and 1,000 for the public service, to be distributed by the Navy Department. Additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy for sale; but all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing.

Mr. COCKRELL. The joint resolution does not provide copies for distribution at all, I understand, but proposes to furnish the Senate with 100 copies and 400 for the use of the House?

Mr. ANTHONY. Yes.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had on the 4th instant approved and signed the act (S. No. 891) to locate and purchase a new site for the United States Naval Observatory.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1234) amending an act entitled "An act granting a pension to William R. Browne," approved February 7, 1879; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1235) granting a pension to Susan Smallwood, widow of William J. Smallwood, first lieutenant Seventh Kentucky Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1236) for the relief of Albert Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1237) for the relief and protection of postmasters; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1238) for the relief of Nathan Butler, of Minneapolis, Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1239) granting a pension to Mrs. Kate E. Whiting, widow of Leonard J. Whiting, late second lieutenant Sixth Regiment Rhode Island Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1240) for the relief of Prescilla W. Burwell, widow and personal representative of Hon. Armistead Burwell, late of Vicksburgh, Mississippi, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1241) to provide for the holding of a term of the circuit and district courts of the United States at Lincoln, Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1242) to authorize certain persons to make homestead entries upon the public lands in person or by an agent; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1243) for the relief of the legal representatives of James F. Carter and John Wesley Gensel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1244) to regulate the payment of alimony in suits for divorce in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1245) for the relief of E. W. Raymond; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1246) for the relief of Field & Hill; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1247) to amend sections 2262 and 2301 of the Revised Statutes of the United States, in relation to the settler's affidavit in pre-emption and commuted homestead entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1248) for the relief of Rebecca T. Scott, widow of the late Major John B. Scott, of the Third Artillery, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1249) to amend an act entitled "An act granting a pension to Sophia Brooke Taylor, widow of the late Major Francis Taylor;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1250) for the relief of W. J. Magill; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1251) for the relief of the Louisville and Jefferson County Agricultural and Mechanical Association of the State of Kentucky; which was read twice by its title.

Mr. WILLIAMS. In connection with this bill I would state that there was a petition relating to the subject presented in the Forty-fifth Congress by my predecessor. I move that the papers on file be referred, with the bill, to the Committee on Claims.

The motion was agreed to.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1252) to define the terms of office of certain officials of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1253) prohibiting the arrest of election officers on election day; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1254) for the relief of Henry Warren; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 76) directing that 10,000 copies of the Medical and Surgical History of the War of the Rebellion be printed; which was read twice by its title, and referred to the Committee on Printing.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 77) requesting the President of the United States to make inquiry as to the truth of certain alleged cruelties of the Chinese government toward the children of Beg Kuli and other Chinese subjects, and to protest against the same in the name of this Government; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. BURNSIDE (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 78) for the relief of Albert Speyers; which was read twice by its title, and referred to the Committee on Foreign Relations.

WITHDRAWAL OF PAPERS.

On motion of Mr. HOAR, it was

Ordered, That the papers in the matter of the petition of Ellen Berrigan be withdrawn from the files.

On motion of Mr. WITHERS, it was

Ordered, That John W. Benkley or the legal representatives of Mrs. S. A. Holland be permitted to withdraw the papers in connection with her application for relief, under the rules.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 3497) to provide for a deficiency in the appropriation for furniture, and repairs of the same, for the House of Representatives for the fiscal year ending June 30, 1880.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3328) to remove the political disabilities of John Owins, of Portsmouth, Virginia;

A bill (H. R. No. 3832) to remove the political disabilities of Joseph A. Seawell, of Virginia;

A bill (H. R. No. 2796) for the relief of George Eyster;

A bill (H. R. No. 4268) in relation to mileage of jurors and witnesses in the State of Colorado; and

A joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia.

EXTENSION OF MORNING HOUR.

The VICE-PRESIDENT. The morning hour has expired.

Mr. THURMAN. I rise, in pursuance of notice given, to move the consideration of the Geneva award bill; but I am willing to wait five minutes until the morning business is closed, if the Senate desires it.

Mr. TELLER. Let us get through with the morning business.

Mr. THURMAN. I move that the morning hour be extended for five minutes.

The VICE-PRESIDENT. The Chair hears no objection to that suggestion.

PORTRAIT OF MARTHA WASHINGTON.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on the Library:

Resolved, That the Committee on the Library be instructed to inquire into the expediency and propriety of purchasing the full-length portrait of Martha Washington, by Andrews, for the East Room of the Executive Mansion.

DISTRICT STREET RAILROADS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to inform the Senate as soon as may be—

First. Whether on the 1st day of January, eighteen hundred and eighty, (1880,) any of the street railroad corporations in the District of Columbia were in arrear for taxes assessed against them, or for which they were liable, and if so, which of said corporations were so in arrear, and to what amount.

Second. Whether on said day any of said corporations were in arrear or indebted to the District of Columbia or to the United States in respect of any charges or assessments growing out of the paving or repaving, grading or repair of any of the streets or avenues in the cities of Washington or Georgetown, and if so, which of said corporations and to what amount.

NORTH AMERICAN ETHNOLOGY.

Mr. DAWES submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office 5,000 copies each of volumes 4 and 5 Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 2,000 for distribution by the Smithsonian Institution.

HAYDEN'S ATLAS OF COLORADO.

Mr. DAWES submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; 2,000 copies of which shall be for the use of the House of Representatives, and 1,000 copies for the use of the Senate.

RESUMPTION AND FUNDING.

Mr. FERRY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 5,000 extra copies be printed of Executive Document No. 9, Forty-sixth Congress, being letter from Secretary of Treasury, transmitting letters and documents pertaining to resumption and funding; 2,000 copies for the use of the Senate, and 3,000 copies for the use of the House.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

Mr. WHYTE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office, for the use of the Department of the Interior, 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13, of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with necessary illustrations, uniform with the edition ordered by Congress.

EDWARD BRADEN AND J. W. ANGUS.

Mr. ROLLINS. I move that the House of Representatives be requested to return the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus, which passed the Senate on Wednesday last, and a motion to reconsider which was afterward entered. The bill was reported from the Committee on Military Affairs by the Senator from Texas [Mr. MAXEY] and amended by the Senate. I desire to have the bill returned to the Senate so that the motion to reconsider can be acted upon.

The VICE-PRESIDENT. The Chair hears no objection, and the request for the return of the bill will be transmitted to the House of Representatives.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 90) granting the right of way through the public lands to the Cheyenne, Black Hills and Montana Railroad and Telegraph Company; which was referred to the Committee on Railroads, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4268) in relation to the mileage of jurors and witnesses in the State of Colorado; which was referred to the Committee on the Judiciary, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. No. 3328) to remove the political disabilities of John Owins, of Portsmouth, Virginia;

A bill (H. R. No. 3832) to remove the political disabilities of Joseph A. Seawell, of Virginia; and

A bill (H. R. No. 4268) in relation to mileage of jurors and witnesses in the State of Colorado.

The bill (H. R. No. 2796) for the relief of George Eyster was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. GARLAND. On last Thursday when the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment was reached upon the Calendar, at my request the Senator from Ohio [Mr. PENDLETON] agreed that it should be passed over. I made the request then because I had not examined the report which had just then been laid upon my table. Since then I have examined the report and the bill, and I have no objection to it. Thanking the Senator from Ohio for passing it over at that time, I now move that the bill be taken up.

Mr. THURMAN. In pursuance of the notice that I gave, I wish to call up the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award. I wish to say that after the Senator from Illinois [Mr. DAVIS] shall have addressed the Senate on this bill I shall consent, if any one desires it, that the bill may go over until to-morrow in order that all amendments that may be offered may be printed. I will say to my friend from Arkansas [Mr. GARLAND] that if his bill will not give rise to any discussion or consume any time, I shall be willing, after this bill has been taken up, to lay it aside informally for a few minutes, in order that his bill may be considered; but I wish now to have Senate bill No. 1194 taken up, in order that the Senator from Illinois may address the Senate.

The VICE-PRESIDENT. The Chair reminds the Senator from Ohio that Senate bill No. 19 is the special order for this day and at this time.

Mr. THURMAN. Then I move to postpone the present and all other orders in order to proceed to the consideration of Senate bill No. 1194.

Mr. McDONALD. Senate bill No. 19 was entered as a special order, with the understanding that it would be postponed to enable the Senator from Illinois to address the Senate to-day, if he desired to do so.

The VICE-PRESIDENT. The Chair hears no objection, and the special order is postponed.

Mr. GARLAND. It will take but a few moments to consider Senate bill No. 605. I will state to the Senator from Ohio that it is not really my bill but a bill which his colleague [Mr. PENDLETON] reported from the Committee on Indian Affairs. It will lead to no debate.

Mr. THURMAN. I have said that after Senate bill No. 1194 is taken up I shall agree to lay it aside informally to take up Senate bill No. 605; but if it gives rise to any debate I must call for the regular order.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate proceed to the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

INDIAN TRUST FUNDS.

Mr. GARLAND. I now move that the regular order be laid aside informally in order to take up the bill that I indicated a few moments ago.

Mr. THURMAN. I am willing that the pending bill may be laid aside informally, subject to a call for the regular order. If the bill of the Senator from Arkansas gives rise to any debate, I shall call for the regular order.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, the question being on the amendment proposed by Mr. PENDLETON, from the Committee on Indian Affairs, to strike out all after the enacting clause of the bill and in lieu thereof to insert:

That the Secretary of the Interior be, and he is hereby, authorized to deposit in the Treasury of the United States any and all sums now held by him, or which may hereafter be received by him as Secretary of the Interior and trustee of various Indian tribes on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments; and the United States shall pay interest semi-annually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per centum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as such may become due, without further appropriation by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL OBSERVATORY COMMISSION.

The VICE-PRESIDENT. Under the provisions of an act passed at the present session of Congress entitled "An act to locate and purchase a new site for the United States Naval Observatory," the Chair designates the Senator from Maryland, [Mr. WHYTE,] a member of the Senate Naval Committee, as one of the commission provided by said act.

GENEVA AWARD FUND.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Mr. McDONALD. I desire to submit certain amendments to the pending bill.

The VICE-PRESIDENT. The amendments will be received and printed.

Mr. McDONALD. I submit also a substitute for the bill.

The VICE-PRESIDENT. The proposed substitute will be printed. The bill will be reported at length.

Mr. WHYTE. Inasmuch as the bill is printed, and is quite a long bill, and as there have been various amendments offered and we shall have it read many times before it is finally voted upon, I suggest that the present reading of the bill be dispensed with, to enable the Senator from Illinois to proceed at once.

The VICE-PRESIDENT. The Chair hears no objection to the suggestion of the Senator from Maryland.

Mr. DAVIS, of Illinois. Mr. President, of the $15,500,000 awarded "as the indemnity to be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal" at Geneva, organized under the treaty of Washington, between the United States and Great Britain, of the 8th of May, 1871, there is an undistributed surplus of $9,553,800; and it was on the 31st day of March, 1877, covered into the Treasury of the United States. In order to determine what disposition should be made of it, it is proper to recur to the proceedings of that tribunal, the claims that were presented to it, its action upon them, and our subsequent legislation.

The asserted failure of Great Britain to discharge in a befitting manner her obligations as a neutral power during our disastrous civil war, was a subject of earnest and continued remonstrance by the United States. The British authorities did not, however, recognize the justice of this remonstrance, but insisted that they had faithfully exerted all the power given to them by Parliament, and that Her Majesty's government, having fulfilled all the duties required of it by the law of nations, was not liable for any damages claimed for losses and injuries sustained by reason of the alleged fitting out, arming, or equipping of the Alabama and other rebel cruisers, or the augmentation of force which they had received in Great Britain or any of her colonies.

After several abortive attempts to adjust the matter in controversy between the two powers, the joint high commission created by them met in this city and concluded a treaty. By its terms Her Britannic Majesty stipulated with the United States for the appointment of a tribunal of arbitration to meet at Geneva for the determination of the claims generically known as the "Alabama claims," and declared that the arbitrators in deciding the matters submitted should be governed by three rules which were embodied in the treaty, as applicable to the case, and by such principles of international law as were not inconsistent therewith.

Numerous claims against Great Britain made by unassured owners of destroyed property and by insurance companies who had paid as for a "total loss" had, with documentary evidence to establish them, been previously filed in the Department of State, and they furnished a conspicuous part of the grievances for which our Government demanded reparation. On the 30th of August, 1871, that Department gave public notice that those who had not already filed their claims should do so without delay, in order that they might be taken into account in presenting the aggregate claims to be brought before the tribunal. Claimants were at the same time informed that they must prepare for themselves the proof of their respective claims. Conformably to the third article of the treaty, the tribunal met and the United States presented its "case." It was an elaborate paper, in which the liability of Great Britain was strenuously asserted, and our claim for indemnity was comprised under two general heads:

First. Claims on behalf of the Government of the United States itself, to wit:

A. Claims for the destruction of vessels and property belonging to the Government.

B. The national expenditures in the pursuit of the cruisers.

C. The loss in the transfer of the American commercial marine to the British flag.

D. The prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion.

Second. Claims on behalf of individuals, namely:

A. Claims for the destruction of vessels and property belonging to individuals.

B. Claims for damages or injuries to persons growing out of the destructions of vessels.

C. The enhanced payments of insurance, or war premiums.

Her Majesty's government before the meeting of the tribunal maintained that the foregoing claims, so far as they were for indirect or consequential damages, did not fall within the treaty, and that the tribunal was not clothed with power to determine them. Her representative at Geneva asked for an adjournment to afford the two governments an opportunity to continue pending negotiations on this subject. The disagreement upon this preliminary question, as to the jurisdiction conferred on the tribunal over claims of this peculiar description, seemed for a time to threaten the defeat of the execution of a treaty which was designed to adjust all existing causes of difference between the two nations—causes which involved in imminent peril their friendly relations.

The arbitrators, however, declared that "after the most careful perusal of all that has been urged on the part of the Government of the United States in respect of these claims, they have arrived individually and collectively at the conclusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations, and should, upon such principles, be wholly excluded from the consideration of the tribunal in making its award, even if there were no disageement between the two governments as to the competency of the tribunal to decide thereon."

This spontaneous declaration of the arbitrators upon this vital question was communicated to our Government. Our Secretary of State said:

This is the attainment of an end which the Government had in view in the putting forth of those claims. We had no desire for a pecuniary reward, but desired an expression by the tribunal as to the liability of a neutral for claims of this character.

The requisite instructions were communicated by telegram to our agent, who, pursuant thereto, declared at a subsequent meeting of the arbitrators "that the decision against the admissibility of claims for, first, the losses in the transfer of American commercial marine to the British flag; second, the enhanced payments of insurance, and,

third, the prolongation of the war, is accepted by the President of the United States as determinative of their judgment upon the important questions of public law involved. The agent of the United States is authorized to say that consequently the above-mentioned claims will not be further insisted upon before the tribunal by the United States, and may be excluded from all consideration in any award that may be made."

Upon the record of the tribunal a formal entry was made that the several claims for indirect damages "are and from henceforth shall be wholly excluded from the consideration of the tribunal."

In submitting his report to the Department of State our agent remarked that "on the side of Great Britain the solution was a practical one. No damages were to be awarded for this class of claims. On our side the solution was reached in the manner appointed by the treaty, to wit, in the action of the court."

The published proceedings of the tribunal thus furnish conclusive proofs of its decision, made with the expressed acquiesence of this Government, that all claims were to be excluded from the consideration of the arbitrators except those for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers; and the eleventh article of the treaty provided that the result of those proceedings should be "a full, perfect, and final settlement" of all the claims.

Eighteen cruisers were named: The Alabama, Florida, Shenandoah, Tuscaloosa, Clarence, Tacony, Archer, Retribution, Georgia, Sumter, Nashville, Tallahassee, Chickamauga, Sallie, Jefferson Davis, Music, Boston, and V. H. Joy.

Article 7 of the treaty required the tribunal to "determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfill any of the duties set forth in the foregoing three rules," (referring to the rules incorporated in the treaty,) "or recognized by the principles of international law not inconsistent with such rules, and to certify such fact as to each of such vessels."

The tribunal performed the duty thus enjoined upon it and decided that Great Britain has so failed in the cases of the Alabama, of the Florida, and of the Shenandoah from and after her entry into Hobson's Bay, and that she was responsible for the acts of those vessels accordingly; and that as to the Tuscaloosa, (tender to the Alabama,) the Clarance, Tacony, and Archer, (tenders to the Florida,) such tenders or auxiliary vessels, being properly regarded as accessories, must necessarily follow the lot of their principals and be submitted to the same decision which applies to them respectively; and that as to the other vessels Great Britain was not in fault.

This decision as to the cruisers for which Great Britain was not in fault, and for which no damages could therefore be awarded, was of course binding upon the United States and the individual claimants for the redress of injuries which they had sustained by reason of the destruction of their property by those cruisers. The agent of the United States then presented a detailed statement of claims for the destruction of vessels and property by the inculpated cruisers, setting forth "the cruiser which did the injury, the vessel destroyed, the several claimants for the vessel and for cargo, the amounts insured on each, and all the other facts necessary to enable the tribunal to reach a conclusion as to the amount of the injury committed by the cruiser." The proofs had been furnished in some instances by the owners of the property and in others by the insurance companies.

It was conceded by the agent of the British government that the insurance companies who paid the owners as for a "total loss" were "entitled to be subrogated to the rights of the latter upon the well-known principle that an underwriter who has paid as for a total loss acquires the rights of the assured in respect of the subject-matter of the insurance," but he insisted that in some instances both the underwriter and the owner were claimants for the same loss. The Government of the United States then presented bills of particulars of each vessel destroyed by the cruisers in question, with the amount claimed therefor and interest thereon, and asked that the aggregate of this amount and interest be the sum awarded. The British government objected to the allowance of interest, but submitted counter statements. The direct claims were then taken up and considered, and the court, after deciding that there was no ground for awarding the United States any sum for the cost of the pursuit of the confederate cruisers, and excluding all claims for prospective earnings and all claims for gross freights, so far as they exceeded net freights, and deeming it preferable to adopt the form of the adjudication of the same in gross rather than to refer the allowance of each individual claim to a board of assessors as provided by the tenth article of the treaty, made an award of a specific sum, as indemnity to be paid by Great Britain for the satisfaction of all the claims referred to the consideration of the tribunal. This sum was deemed to furnish an adequate indemnity for direct losses arising from the actual destruction by the inculpated cruisers of specific property, and no distinction was made between the claim of the underwriter and that of the owner who had taken out no policy of insurance.

The amount awarded having been paid, Congress established a court of commissioners of Alabama claims by the act of June 3, 1874, in which this singular provision is found—

> No claim shall be admissible or allowed by said court or in behalf of any insurance company or insurer, either in its or his own right, or as assignee, or otherwise in the right of a person or party insured as aforesaid, unless said claimant shall show to the satisfaction of said court that during the late rebellion the sum of its or his losses, in respect to its or his war risks, exceeded the sum of its or his premiums or other gains upon or in respect to such war risks; and in case of any such allowance the same shall not be greater than such excess of loss.

That court concluded its labors. After paying to the non-assured owners of property destroyed by the inculpated cruisers the claims which were filed and allowed, the Government has, as before remarked, a surplus; and, in disposing of it, a question arises in determining which the honor and the sense of justice of the nation are involved. That question would seem to admit of but one solution. The money should be faithfully and exclusively applied to the satisfaction of the remaining claims of that class which was decided by the tribunal to be just and valid, and which, with the claims now paid, constituted the basis of the award.

It is said, however, that these are claims of insurance companies whose aggregate gains in taking "war risks" more than covered losses thereby sustained. If this objection has any force, such claims should not have been urged by our Government or recognized by the arbitrators. We, however, did insist upon their justice and validity, and having received the money awarded in satisfaction of them, how can we, without doing violence to our self-respect and forfeiting our good name among the nations, refuse to appropriate it to the specific uses for which we claimed and received it? Can A, as the representative and trustee of B, receive from C moneys on the claim of B and then withhold them from the latter, on the ground that the claim was unjust, although C makes no reclamation for them? No man having a just perception of right would hesitate in condemning so flagrant a breach of good faith and common honesty. The Government in all its relations is bound scrupulously to adhere to those rules of fair dealing which should control the transactions of men. The money should therefore be appropriated to the purposes for which it was awarded, or, if wrongfully recovered, should be returned.

There is nothing, however, in the objection. It might with as much justice be insisted that the non-assured owner should not be paid, whenever the profits of his commercial adventure during the war exceeded his losses. It is a cardinal principle of marine insurance law that, in the language of Mr. Webster, "an underwriter who has paid a loss on ship or merchandise to the owner is entitled to whatever may be recovered from the property. His right accrues by the very act of payment; and if the property or its proceeds be afterward recovered in whole or in part, whether the recovery be from the sea, from captors, or the justice of foreign States, such recovery is for the benefit of the underwriter." International tribunals in awarding indemnity make no distinction between such an underwriter and the non-assured owner. A striking instance is furnished in the adjudications of the mixed commission on American and British claims, which was organized September 26, 1871, under the twelfth article of the treaty in question. The British steamship Circassian was captured on the 4th of May, 1862, by the United States steamer Somerset, for an attempted violation of the blockade established pursuant to the President's proclamation of the 19th April, 1861. She and her cargo were condemned as lawful prize by a decree which was affirmed by the Supreme Court of the United States. Holding that the decree was unwarranted by the law of nations applicable to the facts of the case, the commission awarded damages to the mortgagee of the ship, to other parties for the value of the freight, and to various British insurance companies and individual underwriters for the amount insured on her cargo, on which a "total loss" had been paid.

The assumption that we have a discretionary control over this fund finds no support in the fact, which is cited to sustain it, that the tribunal awarded a sum in gross. The treaty provided that the damages might be so awarded, or that a board of assessors should be appointed to ascertain and determine what claims were valid and what amounts should be paid on account of the liability of Great Britain arising from her failure as to each vessel, according to the extent of such liability as decided by the arbitrators. The agent of the United States preferred the award of a sum in gross, in the mistaken belief, as subsequent events have proved, that by the other mode greater delays would inevitably occur, and that the sums due to the injured parties would be longer withheld. But it is obvious that both modes are substantially and practically the same, inasmuch as the assessors, in passing upon the validity of claims, would be bound by the decision of the tribunal at Geneva, affirming the non-liability of Great Britain for damages by reason either of enhanced premiums of insurance or of the destruction of American property by other than certain specified cruisers. All claims of either of these classes would therefore have been undoubtedly rejected, and those of the insurance companies which had paid as for a "total loss" on property destroyed by these specified cruisers would have been allowed. Although a separate finding would have fixed the amount in each case, the assessors would have awarded that the government of Great Britain pay to the Government of the United States a sum equal to the aggregate amount of the several claims. Such was the course pursued by the mixed commission on British and American claims, where an award was given on each claim; such was required by the plain terms of the treaty; and such seems to be the uniform practice applicable to such cases.

It is true that property was destroyed on the high seas by other confederate cruisers, and that an enhanced premium for insurance was exacted by reason of the peculiar hazards to which American

commerce was exposed. It has been urged that the fund should be distributed to the parties who, by either of these ways, incurred loss or sustained damages. The obvious answer is that their right to the indemnity was submitted to the tribunal of our own selection, and its decision, adverse to them, is final and conclusive. The holders of the rejected claims have, therefore, no better right to participate in this fund than have those whose property was taken or destroyed during the Morgan raids, or the invasion of General Lee, or those in every condition—and their name is legion—who suffered in person or estate by reason of the lamentable struggle, wherein was involved the "unity of government which makes us one people."

Again, it is said that the United States presented the claims and obtained the award. The only mode in which a citizen can obtain redress for the wrongful act of a foreign power is by the instrumentality of his own government. To it he owes allegiance. From it he is entitled to protection. That protection would, however, be but a hollow mockery if the authorities of his own country, after seeking and obtaining from the offending nation pecuniary compensation for his injuries, should lock up the money in the treasury or appropriate it to other purposes. The United States did claim damages for the imputed wrongs which it had sustained, but not one dollar was awarded to it for the destruction of the property of the nation. This fact appears with unmistakable certainty by the record of the tribunal and the opinions which each of its members pronounced. Sir Alexander Cockburn declared that had the Confederate States succeeded in acquiring an independent nationality, Great Britain would have had a perfect right to insist upon being indemnified for a pecuniary loss incurred through this violation of her neutrality and law, but he added that, as *the compensation was sought for losses suffered by individuals*, Great Britain did not ask for a recoupment of the damages, although those States now form a part of the American Union; but he thought that the tribunal, in the exercise of its equitable and unfettered jurisdiction, should disallow interest. It was, however, allowed, but in the opinion that compensation was due only for individual losses his colleagues did not differ with him.

Great Britain, we are told, has no interest in the manner in which distribution shall be made. This is true. Neither had we any concern in the disposal of the fund awarded to her against the United States by the mixed commission under other articles of the treaty. By the action had under that instrument, all claims against each nation were absolutely extinguished, and if either defrauds the parties in whose behalf it asserted the right to redress, and to indemnify whom the money was paid, the other has no cause of complaint, but that affords no justification for a breach of duty which it owes to its own citizens or subjects. On Great Britain no unfulfilled obligation rests. The money she received from us has been long since paid to British subjects, while our duty in distributing the money she paid to us has not been performed.

Objections have been urged in some quarters against the claim of the underwriter, which it will be proper to notice. It has been said that the doctrine of subrogation does not apply, because the ships and cargo having been destroyed, nothing was left to which any right could attach; that the claim against a foreign government for the value of the destroyed vessels and cargoes is in no just sense a right, and does not constitute property; that even after that government has paid to us an indemnity commensurate with the value of the property, we are under no obligation to pay it over to the injured parties, and that in England a petition of right by a British subject would not, under such circumstances, lie against the Crown; that in such a case, the claim of the underwriter, in the most favorable view in which it can be regarded, reaches only the money adjudged and received by a specified owner under an award pursuant to a treaty, and can then only be enforced by appropriate legal proceedings against the latter as his trustee. Campbell *vs.* Mullett, (2 Swanston, p. 551;) Tobin *vs.* The Queen, (6 Best & Smith, p. 257;) Baron de Bode's case, (8 Q. B., 208; 13 Q. B., 364; 3 H. L. C., 468;) and Rustomjee *vs.* The Queen, (1 Q. B. D., 487,) are cited in support of these positions.

In the first case, commissioners had been appointed under our treaty with Great Britain in 1794 to award compensation to American citizens for the unjust capture and condemnation of their vessels. A claim was made by a firm, one of whose members was a Frenchman and the others were American citizens. His claim was rejected upon the ground that he was an alien enemy of Great Britain, and did not, therefore, come within the purview of the treaty. Indemnity was granted to the other owners only for their shares of the joint property. In a suit brought against the American partners by the Frenchman, the master of the Rolls decided adversely to him upon the ground that the idemnity awarded was not partnership assets, and that he had no title thereto, inasmuch as his claim had been rejected and the other partners received no more than the value of their share of the joint property. The judge further advanced the doctrine that whatever had been awarded by the commission was not on the ground of right or private property, but of hardship and injustice, and that under the circumstances the inducements for one nation to give to the citizens of another indemnity were matters of conciliation but not of strict legal right, and that the case was not one of property recovered in a court of law as a matter of right. This doctrine was expressly disapproved by the Supreme Court of the United States in Comegys *et al. vs.* Vasse, (1 Peters, 193,) and it has not been sanctioned by any subsequent adjudication.

In De Bode's case, an indemnity fund had been received from a foreign government. In his petition the supplicant claimed under an act of Parliament providing for the distribution of the fund to those whose names were duly entered, and declaring that the residue should be at the absolute disposal of the commissioners of the treasury. His name was not so entered, and the court, holding that the act of Parliament was conclusive, decided that the claim to the surplus could not be maintained. Such would be the ruling in this country; a party claiming under an act of Congress must bring his case within its provisions. Such being the conceded law, it behooves us so to legislate in regard to the fund in question that the just rights of the parties may be effectually secured.

Tobin *vs.* The Queen, was to recover the value of a vessel destroyed on the coast of Africa by an officer of the British navy, who seized it in the belief that it was engaged in the slave trade, but who failed to have it condemned by the proper court.

Feather *vs.* The Queen, was brought by the holder of letters-patent for an invention to recover compensation for the use in Her Majesty's service of the invention for which the letters had been granted. The court decided in these cases that the petition would not lie either for a wrongful act done by a servant of the Crown in the supposed performance of his duty, or to recover unliquidated damages for a trespass. These cases maintain the settled doctrine in England that a petition of right may be resorted to: first, for the trial of the right of the subject against that of the Crown to property, or an interest in property seized by the Crown, and if he succeeds the judgment entitles him to recover possession of the specified property, or the value thereof, if it has been converted to the use of the Crown; second, where the claim arises out of a contract, as for goods supplied to the public service. This doctrine has no bearing on any question arising in this discussion.

Rustomjee *vs.* The Queen is cited to sustain the position that Congress can rightfully exercise an absolute and unrestrained discretion in this matter, and a single passage from the opinion of the learned chief-justice is regarded as conclusive authority that the parties in whose behalf we received the money have no just cause of complaint if it be withheld from them. Nothing in that case justifies such a conclusion.

English subjects in Hong-Kong, in China, were authorized to trade only with licensed Chinese merchants, constituting a body or corporation, named a cohong, all of whose members were jointly liable for the indebtedness of any one of them contracted in trading with foreign merchants on his failure to pay it. Such liability was enforced by the viceroy of the Emperor, who issued an edict directing the cohong to investigate the claim of such creditor, and if found due to pay it. Rustomjee alleged in the petition of right which he filed in the queen's bench that a Chinese merchant, a member of the cohong, who was indebted to him became insolvent, and that he forwarded his petition to the viceroy, who issued the proper edict to the cohong, but before an investigation was determined and his claim entered upon the proper fund book, war was declared between England and China, and he and other British merchants were expelled from the latter country. A treaty of peace was concluded, August 29, 1842, by an article of which the Emperor of China agreed "to pay to the British government $3,000,000 on accounts of debts due to British subjects by some of the said Hong-Kong merchants, or cohong, who have become insolvent, and who owe very large sums of money to subjects of Her Britannic Majesty." The money was paid pursuant to the treaty. Rustomjee alleged that he had made various applications to the representative of the British government at Canton and to the officers of the treasury, and that he had never received payment of his debt, or any part thereof. He, therefore, prayed that Her Majesty would be pleased to direct the payment of the said sum to him. The case was decided in 1876, but it does not appear from the report what provision had been made by Parliament, or otherwise, for the ascertainment and payment of the amount due to the several claimants. The court on demurrer held that a petition of right would not lie by a British merchant to obtain payment of a sum of money alleged to be due to him from one of the Chinese merchants. Chief-Justice Cockburn said:

> The effect of such a treaty is, in my opinion, simply this, that it places the fund at the disposition of Her Majesty, for Her Majesty, at her discretion, to cause such distribution of it to be made as shall make good the claims which her subjects have against the foreigner from whose government the money is received.
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> In such a case a petition of right will not lie. The notion that the Queen of this country in receiving a sum of money in order to do justice to some of her subjects, to whom injustice would otherwise be done, becomes the agent of those subjects seems to me really too wild a notion to require a single word of observation beyond that of emphatically condemning it. In like manner to say that the sovereign becomes the trustee for subjects on whose behalf money has been received by the Crown appears to be equally untenable. It comes simply to this, that Her Majesty, in order to enable her to see that injustice is not done to her subjects, stipulates for the payment into her hands of a sum of money. The distribution of that must be left to Her Majesty's discretion. No petition of right has ever been held to be applicable to such a case. To my mind it is utterly inconsistent with all the constitutional theories of the prerogative of the Crown to suppose that Her Majesty can be coerced by a petition of right into doing that justice which, I am quite sure, it will require no petition of right to obtain, if the facts and the merits of the case were such as to induce the government to believe that the claim was a just one. At all events, I think the petition of right will not lie, and that that is perfectly clear upon all the principles which have ever been applied to petitions of right, and all the precedents which have hitherto existed in courts of law.

Blackburn, J., said:

> I do not think that it can possibly be said that when the Queen has, as a high act of state, made a treaty and received money in consequence of an act of state,

the mode of distributing it is any way enforceable by a court of law or subject to the findings of juries. I think there is a moral claim that it be given to the right person, which must be investigated in the manner in which Her Majesty is pleased to direct, and the ministers who direct it would probably be responsible in Parliament if they did it unjustly. I do not suppose for one moment that they have done so, but I am quite clear in this, that you cannot in a court of law direct an investigation and conduct it in the court of queen's bench with the aid of a Middlesex jury. I think it must be done by the officers of state, subject to responsibility, in such a way as may be just and proper. I have no doubt they have done so, but whether or not they have done so is a question which must be ascertained in Parliament, and not here.

Lush, J., said:

No doubt a duty arose as soon as the money was received to distribute that money among the persons toward whose losses it was paid by the Emperor of China; but then the distribution, when made, would be, not the act of an agent, accounting to a principal, but the act of the sovereign in dispensing justice to her subjects. For any omission of that duty the sovereign cannot be held responsible. The responsibility would rest with the advisers of the Crown, and they are responsible to Parliament and to Parliament alone.

These opinions show the true ground upon which the decision was put. Referring to the prerogatives of the Queen, the learned judges hold that the relations between her and her subjects exclude the idea that in negotiating a treaty and receiving the indemnity for which it provides she can be regarded as their trustee or agent. Some of their views, however applicable to the political system which prevails in that country, would be out of place in this, where it is a fundamental maxim that the Government is a trust created by the people, to be exercised for their exclusive benefit. All the judges assume that a proper distribution of the fund to the British merchants thereunto rightfully entitled under the treaty, had been made by Her Majesty's ministry under its responsibility to Parliament for the due execution of that trust. No one intimated that it could be withheld from them and applied to defray the expenses of the war, or to meet the general wants of the treasury. On the contrary, the duty of the ministry, as the confidential advisers and servants of the Queen, to make that distribution is distinctly asserted. Now, the United States is not subject to a suit by a claimant for any part of the fund in question, and if the Secretary of State be directed, or a commission or other special tribunal be created, to distribute the fund, Congress would prescribe the mode of procedure and determine the extent of relief which should be awarded the parties in interest. A rejected claim could not be brought up for examination in a court of justice and there allowed. But neither this fact nor any principle affirmed in Rustomjee's case releases the Government from its moral obligation to make adequate provision for the ascertainment of the claims of those for whose benefit the fund was demanded and received—an obligation which is sacredly binding on the honor and conscience of the nation, although the performance of it cannot be coerced.

In Randall *vs.* Cochran (1 Vezey, 98) the principle is broadly asserted that the indemnity, however arising for the destruction of property, covered by the policy belongs to the underwriter after he has paid the owner in accordance with the contract. The King of England had granted letters of reprisal against the Spaniards for the benefit of his subjects in consideration of the losses by them sustained by reason of unjust captures. The commission appointed to distribute the produce of those reprisals among the sufferers permitted only the owners of the vessels to make claim, although they had been already satisfied by the underwriter. Lord Hardwicke in passing a decree that they should account to the underwriter for the sums received, said:

The person who originally sustained the loss was the owner, but after satisfaction made to him, the insurer. No doubt but from that time, as to the goods themselves, if restored in specie, or compensation made for them, the insured stood as a trustee to the insurer in proportion to what he paid, although the commissioners did right to avoid being entangled in accounts and in adjusting the proportion between them. Their commission was limited in time. They saw who was owner; nor was it material to whom he assigned his interest, as it was in effect after satisfaction made; that the assignment by abandonment is competent not only to pass the property or its proceeds if restored after an unjust capture, but also the compensation awarded by way of indemnity therefor.

In Comegys *et. al. vs.* Vasse, to which reference has been already made, the Supreme Court of the United States has laid down principles which determine the question before us. Vasse, prior to the year 1802, was an underwriter of various vessels and cargoes, the property of citizens of the United States, which were captured and carried into the ports of Spain and her dependencies, and there sold. Abandonments thereof were made by the owners to Vasse. He paid the losses, and subsequently became a bankrupt under the act of Congress April 4, 1800. His certificate of discharge was of the date of May 28, 1802.

The only provision by Spain to indemnify the aggrieved parties was made by the treaty of May 22, 1819, between that power and the United States. Commissioners were appointed to examine the validity of claims under the treaty. Vasse's assignees in bankruptcy presented a claim for what he had so paid. It was allowed. In 1824 they received from the Treasury the amount and this suit was brought by him to recover it from them.

The court among other principles declared the following: First, that the right to compensation for the injuries sustained by the owners, which under that treaty were to be the subjects of compensation, passed by abandonment to the underwriters upon property which had been seized. Second, that the right against the King of Spain for indemnity, whether remediable in his courts, or by his own extraordinary interposition, or grants upon private petition, or upon public negotiations, is a right attached to the ownership of the property and passes by cession to the account of the ultimate sufferer. Third, that it is not universally although it may be ordinarily the test of a right that it may be enforced in a court of justice. The claims due by a sovereign are not commonly capable of being so enforced; but it does not follow that the injured party has, upon principles of public law, lost all right to justice or all claim to remuneration. Fourth, that the treaty with Spain recognized an existing right in the aggrieved parties to compensation and did not in the most remote degree turn upon the notion of donation or gratuity. It was demanded by our Government as a matter of right, and, as such, was granted by Spain. Fifth, that the right of the underwriter to compensation from Spain held under abandonment made to and accepted by him for damages and injuries were capable of assignment and passed to his assignee in bankruptcy under the bankrupt act of 1800, which provided that "all the estate, real and personal, of every nature and description, to which the bankrupt might be entitled, either in law or equity," should pass to his assignee.

This case overrules the doctrine in Campbell *vs.* Mullett, *supra*, that the claim of the owner of property which was destroyed by the wrongful act of a foreign government is not a right and does not constitute property. It also refutes the position that the remedy of the underwriter, if his claim can be enforced at all, is only against the owner after an award has been made to the latter. The court declares explicitly that Vasse, as the underwriter and ultimate sufferer, had an immediate and exclusive right to indemnity on account of the insured vessels which were destroyed by Spain, although it was made effectual only by the instrumentality of negotiation by his government with that power, who never admitted its liability nor made provision for the wrong until twenty years after it had been committed. His right, therefore, passed to his assignees in bankruptcy, for if it did not accrue nor constitute a part of his estate until after the treaty was concluded he would have been entitled to the indemnity, as he obtained his certificate of discharge in 1802, and they had no claim to his subsequently acquired property.

The Supreme Court of the United States, at the last term, in Erwin *vs.* The United States, 7 Otto, 392, has reaffirmed the doctrine that the claim of a party against the Government for goods taken, although it cannot be enforced by suit, is a part of his personal estate. Erwin was the owner of cotton which was taken from his possession in Savannah in December, 1864, by the military forces of the United States. It was subsequently sold by the agent of the Treasury Department and the proceeds paid into the Treasury.

In December, 1868, he presented his petition in bankruptcy to the district court of Georgia, and was adjudged a bankrupt. An assignee was appointed. In 1873 Erwin brought suit in the Court of Claims to recover the proceeds, but the action, under a former decision of the court, was barred by the lapse of time, as more than two years had then transpired since the 20th day of August, 1866, the day on which the President by his proclamation had declared the rebellion suppressed in Texas, the last of the States in insurrection. This decision was unknown to Erwin when he brought suit. He petitioned Congress for relief, and a statute was passed in February, 1877, which authorized the Court of Claims to take jurisdiction of his claim under the "captured and abandoned property act," "which claims," says the statute, "were by the accident or mistake of the agent or attorney, and without fault or neglect on his part, as is claimed, not filed within the time limited by said act." The court, holding that the only effect of that statute was to remove the bar arising from the lapse of time, decided adversely to him upon the ground that although his claim to the proceeds was outlawed at the time of the adjudication in bankruptcy, it still passed to his assignee, and that claims for compensation for goods which once belonged to him, and of the possession of which he had been deprived by the action of the Government, constituted personal estate equally with the property out of which they grow, although the validity of such claims may be denied and their value depend upon the uncertainties of litigation or the doubtful result of an appeal to the Legislature. Mr. Justice Field uses this striking language:

Demands against the Government, if based upon considerations which would be valid between individuals, such as services rendered or goods taken, are property, although there be no court to investigate and pass upon their validity, and their recognition and payment may depend upon the caprice or favor of the Legislature.

And he cites with marked approbation Comegys *et al. vs.* Vasse.

The same doctrine is again affirmed in Phelps *vs.* McDonald, 9 Otto, 298. McDonald, a British subject residing in this country, was, on his petition, declared a bankrupt December 10, 1868. His estate was in the ordinary form conveyed to an assignee in bankruptcy February 12, 1869, and his final discharge granted on the 17th of the following month. Our military forces had, during the early part of 1865, burned his cotton in Arkansas and Louisiana. His claim against the United States for damages thereby sustained passed to the assignee, although at the time of his discharge we had not admitted our liability to indemnify the owners of property so destroyed. The treaty in question made provision in regard to such claims of British subjects, and the commission for adjudicating them was not, as before stated, organized until September, 1871, more than a year and a half after the assignment in bankruptcy. Had the claim not been property it would not have vested in the assignee and he would not have been entitled to the money awarded by the commission.

It thus appears to be settled by the highest judicial authority in this country that the claim of a party for goods taken by this or a foreign government, although it can only be made available by legislative enactment or negotiation in his behalf, is a right and interest attached to and growing out of the goods, and constitutes a part of his personal estate, and is capable of assignment in the absence of any statute prohibiting it. "The law," to use the language of Mr. Justice Story, "gives to the act of abandonment to underwriters, when accepted, all the effects which the most accurately drawn assignment could accomplish, the underwriter then standing in the place of the assured and becoming legally entitled to all that can be recovered."

I have extended these remarks to an undue length. In the anxious desire to reach a just conclusion I carefully considered the arguments and the decided cases cited in support of them which the several parties representing conflicting claims to the fund have from time to time presented to the Judiciary Committee. So far as I am aware, no citizen of the State which I have the honor in part to represent on this floor is a claimant or is interested in any contemplated legislation on this subject, save to the extent that exact justice shall be done and the honor of the nation maintained inviolate. My mind has, therefore, been free from those disturbing influences by which I might have been unconsciously misled had my constituents a pecuniary interest in the distribution of the fund.

I submit my conclusions, and they will control my vote, on the questions to which they relate:

1. The United States, for itself and those it represented, submitted, pursuant to treaty stipulations, to a tribunal of arbitration the determination of the claims generically known as the "Alabama claims."

2. That tribunal, with the declared acquiescence of our Government, decided that all claims should be, and they were thereafter, excluded from the consideration of the arbitrators, except those for direct losses growing out of the destruction of vessels or cargoes by insurgent cruisers.

3. The claims of the underwriters to indemnity for such losses, if the vessels or the cargoes were covered by policies of insurance and the owners had been paid as for a "total loss," were insisted on by our Government and recognized by the tribunal, and they constituted a basis of the award. No distinction was made between the claims of the underwriter and those of the unassured owner.

4. Indemnity was awarded only where the vessels or the cargoes were destroyed by certain specified cruisers in regard to which Great Britain was by the arbitrators declared to be in fault.

5. The United States and all individual claimants are bound by the award, and it was under the treaty "a full, perfect, and final settlement of all the claims."

6. The United States should distribute the fund to those entitled thereto, and to indemnify whom it was awarded. As the claims on behalf of the parties who had sustained damages by the acts of the "exculpated" cruisers, or by the payment of enhanced premiums of insurance, were rejected, and nothing was awarded in that behalf, such parties have no just claim to any part of the fund.

7. The claim of the owner of the destroyed vessels or cargoes to damages therefor is property, and as such susceptible of a valid transfer, although provision for its adjudication and payment be the result of negotiations thereafter entered into between the government whereof he is a citizen and that which did the wrong. His assignee in such case is alone entitled to the indemnity.

8. The claim of the underwriter who has paid the owner of the destroyed property as for a "total loss" is as valid in law and conscience as would be that of the owner had he taken out no policy of insurance upon such property.

Mr. EDMUNDS. Mr. President, I only wish at this time to express my admiration for the very exhaustive and ingenious argument——

Mr. DAVIS, of Illinois. Ingenious! I do not know why you say "ingenious."

Mr. EDMUNDS. There is no other word beginning with *i* that will describe it, Mr. President. I say I only rise now to express my admiration at the ingenious argument of my learned and honorable friend from Illinois in favor of the insurance companies and to state that I am glad to be able to occupy precisely the position he does in respect of feeling no prejudice about this affair. No citizen of the State of Vermont that I have ever heard of has the slightest interest in this question except the same interest that his constituents, the citizens of Illinois have; and that is that absolute justice and truth shall prevail.

Mr. DAVIS, of Illinois. I did not suppose the people of Vermont were personally interested.

Mr. EDMUNDS. Therefore, Mr. President, to borrow a word from my honorable friend, so far as I am capable of understanding it, I think I may approach the consideration of the subject just as free as himself from whatever bias or untoward influence, or whatever the phrase was that he adopted, may be supposed to affect the minds of all the other Senators. We two, at least, Mr. President, must be taken to be absolutely impartial.

Occupying that attitude I wish to say two or three things just now. In the first place, I wish to say that I hope every Senator will carefully examine this question upon all its sides and in all its aspects before he jumps or comes to any conclusion at all.

Second, I wish to say that the Congress of the United States five or six years ago, being as I suppose just as impartial as this Congress is, did hear all sides of this question, did carefully consider it and debate it, and did decide that the insurance companies had no case whatever beyond the extent for which Congress then provided, and that the then President of the United States, as I must assume, concurred in that opinion by signing a bill which contained a provision excluding insurance companies from profiting out of their speculations growing out of a state of war beyond the extent to which they had been losers in the particular cases referred to. This opens a serious question, supposing this matter to be one of doubt or difficulty or about which there is a difference of opinion, as there is, how often Congress after Congress is to be called upon to retry and redecide questions that once after great deliberation it has already passed upon. That is worth thinking of in respect to carrying on the Government of this country.

In the next place, I wish to say just now and here that my learned and honorable friend I think has fallen into a large mistake, when he has stated to us that any claims were presented, to use his language, on behalf of any private claimant whatever. I have examined often the treaty of Washington and the presentation of the case of the United States and have failed to find any word or letter out of which any such deduction can be raised; and while my honorable and learned friend was speaking I sent again for and obtained the treaty and the case of the United States that presented in writing our positions, and on a reperusal I fail to find any clause or word that imports, or implies, or says anything of the kind. They were claims presented by the United States and on behalf of the United States, and nobody else. They were claims for acts of public hostility on the part of Great Britain against the Government of the United States in making herself the ally for the time being, and in the cases named, of the confederacy, so called, with whom we were at war; and a confederacy it was truly called in respect of the public law that relates to the operations of nations and of wars.

That being so, Mr. President, the decisions that my learned and honorable friend has read, and the argument that he has adduced in respect of trusts on the part of governments, whether they be the governments of kings or of republics, it will be found, when Senators look at the matter carefully, have not the slightest application, or if they have any application, they have a tendency to show that these claims of these insurance companies are unfounded, instead of well-founded, because in every instance to which he has referred the claims of the citizens or the subjects of the governments who appealed for redress were claims for illegal acts of the military or other authorities of the other government, and for which the injured party would have had a private right of suit against the wrong-doer, and they were not claims in any instance for the destruction of the property of the citizens or the subjects by any hostile act of belligerency. They were trespasses; they were illegal seizures for which the party was entitled to redress, and nobody else was entitled to redress. But in a case of public belligerency, I supposed everybody agreed that the injury inflicted upon the citizen or the subject was not a private injury to him at all in the sense of either public or private law, but was an injury to the government of which he is one member and constituent, inflicted in his person, but in respect of which he has no right of complaint against anybody; and which, therefore, if it be followed by an indemnity demanded by his government, leaves the money that is received for it in the summation, the aggregate, of all the injuries that are done, as they must be done, to individuals if at all, except as respects public vessels and property, which I may lay aside now. The disposition of it depends on what in good conscience and real justice and the hardships of the case the sovereign power thinks it right to do. And that was exactly the principle that the high court of appeals of Great Britain, since Congress had already decided this question, and with its chief-justice, the British commissioner at the tribunal at Geneva presiding, adopted in a case running on all fours with that of these insurance companies, that the subjects of Her Majesty had no private claim, and that there could exist no private trust against Her Majesty's government in respect of the money, although it was true that in the list of claims that footed up the $3,000,000 that China was to pay was the loss inflicted on this individual subject, and, therefore, though his loss was a part of the money that Her Majesty's government received, and which China paid, his right was entirely destroyed as it respected any claim upon China or upon the private company with whom he had dealt, and for whose default China was responsible in every respect. Even in that case the whole court say that it is their unanimous opinion that money received under circumstances of that character has no quality of a trust or private right; but it depends upon the general judgment of the legislature or the governing power, whether in the particular case some indemnity or benefit growing out of the circumstances ought to be conferred. In that respect, these insurance companies have a right to be heard, if they have not been heard once; they have a right to convince us, if they can, of what? Being organized for the purpose of taking speculative chances upon the perils of the sea and the perils of war, in this case a war by their government going on, they proceeded to carry on business the very profit and success of which depended upon a state of war, because the moment the war ceased they could not get any war premiums. They proceeded to speculate. It was a perfectly proper speculation. I am not speaking of it in the sense of its being immoral at all, but

it was a business that only could exist because a state of war existed. They entered into the business; they made profit by it; and then, when the United States, as in this case, enforced against the ally of the belligerent with whom we were contending a claim for the injuries that she had committed against us in the persons of our citizens, and recovered a general sum for indemnity for those injuries, is there any conscience or justice in these corporations who have thus speculated, and fairly speculated, out of the very existence of that public war and that public distress, saying that they shall have their profits doubled or trebled for their private benefit? That is the question which the Senate will be called upon to decide, if we are going into it over again when we have decided it once; and no other question.

That is all, Mr. President, that I wish to say at this present time, because I understand something else is desired to come up. When the bill comes up again, I hope Senators will have examined it in the light of the suggestions I have made in connection with the observations of my honorable friend from Illinois.

Mr. THURMAN. Mr. President, it was not my purpose to say a word on this bill to-day; and I would not rise now but for the observations made by the Senator from Vermont. Even with that provocation, I shall not undertake anything like an argument on this bill at this time, but shall simply enter a protest against his statement and against a position of law which he has advanced, and upon which he has greatly relied heretofore.

He affirms, if I understood him, that the United States never presented any claim as the claim of a citizen of the United States, when the truth is that there was scarcely one single claim before the tribunal at Geneva that was not presented by this Government expressly as a claim of a citizen of the United States—scarcely one. For years before that tribunal sat, long before the treaty was negotiated, this Government from time to time forwarded to our minister at London claims of our citizens upon the British government to be presented to that government for allowance. And then, when the treaty was negotiated, the Secretary of State gave notice to all American citizens having claims against Great Britain to do what? To send them to the Department of State with the proofs, that they might be presented before the tribunal at Geneva as their claims, the claims of the citizens against Great Britain. And yet the Senator from Vermont says that he finds nothing from which he can infer that these were individual claims of citizens, when our Government treated them from first to last as the individual claims of citizens, and when our case was stated before that tribunal the claims that were to be submitted to it were divided into two classes: certain claims in behalf of the Government, claims for the expense of the prolongation of the war, claims for the cost of pursuing the rebel cruisers, claims for the destruction of certain vessels of the United States, a few revenue cruisers and the like; and then came the great bulk and burden of our claims under another head, the claims of these citizens of the United States.

Well, sir, the claims on behalf of the Government, with the exception of those for the destruction of a few revenue cruisers, were all disallowed, and the whole award was made on the basis of the claims of individual citizens of the United States.

That is not all. President Grant, before the negotiation of this treaty, sent a message to the Congress of the United States, recommending that the Government of the United States pay these claims of its individual citizens upon the government of Great Britain, in order that the Government of the United States might have the authority to present them as national claims. That was the recommendation of the President, and possibly no one thing tended more to bring about the treaty of Washington than that recommendation to Congress made by President Grant before that treaty was negotiated. And yet my friend says that there was no presentation of individual claims.

I confess, Mr. President, I cannot help feeling an astonishment at such an assumption as that. I know my friend must believe it, or he would not say it. I know him too well to think that he would say anything that he did not believe; but that, with the familiarity he has with this subject, and in the faces of men who are equally familiar with it, he should make such a statement as that, does really fill me with astonishment.

But, sir, it is hardly more astonishing than his legal proposition, which we have heard before, that these claims are not to be allowed because we were at war with Great Britain, because Great Britain was an ally of the confederacy and therefore a belligerent. In the face of a treaty which holds Great Britain responsible for her omissions to discharge her duties as a neutral; in the face of an award that holds her liable because she omitted to discharge her duties as a neutral; in the face of the fact that during the whole of the civil war trade and intercourse went on between the United States and Great Britain as if they were the most friendly nations on the surface of the earth, when if they had been at war every contract made between an English subject and an American citizen would have been null and void; in the face of these facts and the plain language of the treaty and the plain language of the award, the Senator from Vermont says that we were at war with Great Britain, that she was an ally of the confederacy, that she was therefore a belligerent, and hence that no American citizen had any right whatever to claim for any loss inflicted by that belligerent upon him.

Well, Mr. President, I am not going to argue that over again; it is an old story that we have gone over again and again, but undoubtedly we shall have to consider it once more.

All that I wanted to do in rising was to enter my protest against the statement of the Senator from Vermont that this award was not made on the basis of private claims, claims of private men, citizens of the United States, upon Great Britain and enforced by their Government because they could be enforced in no other way. Your very statute-book prohibits a citizen of the United States from making any negotiation whatever with a foreign government to secure indemnity for a loss that that government has inflicted upon him. He can only speak through his Government, but his claim is no less a private claim because his Government for great public reasons of state says "I, the Government, will represent you in enforcing, or prosecuting, or seeking redress for the injuries that you have sustained."

And, then, Mr. President, think of the other proposition that, without our knowing it at all, during four long, weary years, with our minister at the Court of St. James, and the British minister here in Washington, and millions and hundreds and thousands of millions of trade going on between the two countries; all that time we were at war with Great Britain; that she was a belligerent; and that whatever she did could give no American citizen a right to claim damages! That is one of those propositions which I never shall get through this dull and heavy brain.

Mr. President, I have nothing more to say now. In the course of the debate that will arise on this bill, undoubtedly, I shall have something to say, and it will be my duty to say it; but I do not want to take up the time of the Senate now.

Mr. EDMUNDS. Mr. President, if the Senator from Ohio had paid more careful attention to what I said about these claims, I think he would not have been quite so emphatic in expressing his astonishment. What I said was in reply to the Senator from Illinois, who had stated that these claims were presented in the American case to the tribunal at Geneva, on behalf of citizens of the United States. I repeat that what I said was in reply to that, and it was that I could not find either in the treaty or in the case presented any word or sentence or line from which any such inference could be drawn. That I say again.

My honorable friend from Ohio has said that I ought to have known that individual citizens complained, and that the complaints of those individual citizens were forwarded by our Government from time to time long before this treaty to the Government of Great Britain; that is true. The honorable Senator says that after the treaty was made public notice was given by the State Department to all citizens to send in statements of their injuries; that is true. My honorable friend says that the President of the United States, General Grant, sent a message to Congress suggesting that the United States should buy up or obtain in some way—I have forgotten how—all these claims of citizens for injuries; so he did. But the President of the United States is not the Government of the United States, and Congress did not act upon his recommendation, I should say for the reason that Congress understood the principles of public law and of public justice more completely than that officer of his Department, whoever it was, who suggested that. But I will say for the then President of the United States, that notwithstanding his having sent such a message he approved (after he had read, no doubt, the very learned and able and complete argument of my friend from Ohio in favor of the insurance companies) a law which said that no insurance company should receive any part of this money beyond the losses which it had really sustained in the speculative business that it was engaged in, which the war alone gave any existence to. Therefore, I must assume that the argument borrowed from the message of President Grant would be pretty much overthrown by his own action afterward, on seeing the whole bearing of the subject, in approving of the rejection of the present claim of these insurance companies that my honorable friend supports.

Here is the treaty. My honorable friend, I believe, does not contend that there is any reference to individual claims. There is a reference, as there is in all cases of injuries between nations at war, to the fact that citizens of one nation have suffered which is one thing; but there is no reference in the treaty that I can find to any individual claim as an individual claim upon the government of the other. Now I come to the case which will be found in the documents that are before us:

The claims as stated by the American commissioners may be classified as follows:

1. The claims for direct losses growing out of the destruction of vessels and their cargoes by the insurgent cruisers.
2. The national expenditures in the pursuit of those cruisers.
3. The loss in the transfer of the American commercial marine to the British flag.
4. The enhanced payments of insurance.
5. The prolongation of the war and the addition of a large sum to the cost of the war and the suppression of the rebellion.

So far as these various losses and expenditures grew out of the acts committed by the several cruisers, the United States are entitled to ask compensation and remuneration therefor before this tribunal.

The claims for direct losses growing out of the destruction of vessels and their cargoes may be further subdivided into, 1, claims for destruction of vessels and property of the Government of the United States; 2, claims for the destruction of vessels and property under the flag of the United States; 3, claims for damages or injuries to persons, growing out of the destruction of each class of vessels.

That states it all. There I am sure every Senator, including my honorable friend from Ohio, will see that nothing is put forward on

behalf of any private person; but it is simply a summation of the public right that the Government of the United States as a sovereign has against the other government for injuries to the United States in the various respects referred to, and just as it would have been if we had had an open war in all respects with Great Britain during all this time, when everybody would agree that the destruction of our commercial marine by the cruisers of Great Britain would not create a private claim or a private right on behalf of any citizen of the United States.

Then my honorable friend says he is astonished that I should say that Great Britain was an ally of the confederacy, and that therefore there was in that respect, and so far as the cruisers that came out of British ports were concerned, a state of war, while he says we were all the time having the most friendly relations with Great Britain, and if it were otherwise all contracts would be void. Let me reply to that, in the briefest possible space, because I do not intend to go into this debate only to put in a *caveat* against the observations of my friend from Illinois. I have never yet learned, probably it is on account of my want of diligence and industry, that where a war was going on between two powers, as there was between the United States and the confederates—I am now speaking of it in the public, not in the municipal sense, bear in mind—and a third party, a third sovereign, comes in and interferes in any degree, or where it does not interfere, that third party must occupy any but one of two positions; it must either be neutral, which in general Great Britain professed that she was, and we swallowed it sufficiently to say we believed it, or it must be otherwise than neutral. If you are speaking of a state of war between a belligerent and a third power, I should like to know what attitude that third power occupies in just so far as that third power is not neutral. The very statement of the term gives the answer to it; and that is, that just so far as the third power is not neutral, she is belligerent either directly or as an aiding party to the other belligerent, an ally. The moment she gets over the line, just so far as she gets over the line she ceases to be neutral and becomes a belligerent. Therefore I say that if the proprietors of any one of these ships had brought a suit against the British cruiser, as I call it, the Alabama, that made war upon our commerce, in the courts of Great Britain or the courts of the United States, that suitor would have failed in either court upon the ground that the officer in command of that ship and his sailors committed no wrong upon him whatever. It was an act of war, for which the offending party was not personally responsible, and in respect of which the injured party had not a particle of personal right. That is all I wish to say now.

Mr. BLAINE. Mr. President——

Mr. McDONALD. I would ask——

The VICE-PRESIDENT. The Chair has recognized the Senator from Maine.

Mr. BLAINE. Mr. President, I do not rise to occupy the floor for any length of time, but simply to protest in the name of my constituents, and in the name of common justice, at the very threshold of this discussion, against the passage of this bill. In reading it over, hastily, to be sure, but reading it over a second time, I am at a loss to understand the basis of justice or the basis of consistency on which this bill rests.

If the honorable Senator from Ohio maintains that the class of claims which this Government may fairly recognize was settled in the terms of the Geneva award, then he violates that principle in the fourth section of this bill. He proposes to recognize in this bill a class of claims which were thrown out at Geneva, and he goes in the assertion of that power just as far as the bill of the honorable Senator from Indiana, which does justice to all parties concerned. The assertion of the power of congressional discretion in that which was reserved at Geneva, is just as much exercised here as in the bill of the honorable Senator from Indiana. The exculpated cruisers are in this bill. They are put second to the insurance companies, and the inhibition which was placed on the insurance companies not to receive anything from this fund except when they could prove a loss is proposed to be repealed, and so proposed, I presume, on that great doctrine of Scripture: "Unto him that hath shall be given, and from him that hath not shall be taken away even that which he seemeth to have."

The men who suffered by reason of the piratical cruisers are to have no hearing in this bill. The men who were enriched with profits from the misfortunes of their countrymen are to be invited, under the bill which the honorable Senator from Ohio defends, to come up here and go into the Treasury to their arm-pits, in order that gains already large may be made extravagantly so by an increase from the Treasury of the United States, an increase which under existing law cannot be made—an increase which can only reach them through the repeal of a statute which was put upon the books of the United States after elaborate discussion and after the most mature consideration.

I shall have something to say on this bill when it is up for final action. At present I merely rose to enter my protest against it.

Mr. GARLAND. Mr. President, the position of the Senator from Vermont, to which I have now listened for the first time, though I have read it several times, it having been asserted by him heretofore, seems to me to prove a little too much. If it be correct that this fund stands in the attitude assigned to it by him, then decency and propriety require of the United States at once to return it to Great Britain, for we have no more claim upon it in our Treasury than we should have now to the crown of the Queen if we could actually get hold of it and deposit it in the Treasury. Outside of the fact that the Geneva tribunal ruled out all the claims for fanciful damages, if I may so express myself, as to the bruised honor and wounded pride of the nation, we know as a matter of history that the United States, in the very inception of this matter, started the inquiry, for the purpose of supplying a remedy to her injured citizens. The very first letter addressed by Mr. Seward, then Secretary of State, in October, 1862, was forwarding a claim of one of the insurance companies, invoking action upon it, and reciting the damages done for which compensation was claimed.

If shelter is sought behind the belligerent rights that were pretended to be accorded by the United States to the confederacy, the argument fails there, because, as I shall attempt to show when I address the Senate at length upon this proposition, those belligerent rights, when fully analyzed, were not belligerent rights in any sense of the word, but the National Government exercised them when it saw proper, and when it did not see proper it withdrew them.

But let the question stand as it may, whether this is a national fund now held by the United States in her own right or in right of these injured private parties, I will attempt to show that the rule of justice and the rule of law require that she should distribute it to the parties indicated in this bill. And so far as comfort is to be derived from the somewhat historic case of Rustomjee it can be shown from that case, based upon institutions and principles under another government not recognized here, and in fact expelled and kicked out, that it is the duty of this Congress to hasten itself to the task of distributing this fund to these injured private parties; and whether we like it or dislike it, whether they put their hands in the Treasury up to their thumb or up to their armpits, if it is the law that they should have it that is all we have to measure it by.

So far from having any one in my State, as indicated by the two Senators, interested in this fund, I have not the pleasure or the misfortune to know more than one person who claims to be interested in this fund. But if it is the due of these insurance companies and it can be shown by every author who has ever written on the subject from Emerigon to Flanders, if it is their right, then they must have it, and it is not for Congress to set up a reformed rule of morals, of justice, or of right in this proceeding.

The point I shall make and attempt to demonstrate before the Senate when the general discussion arises, is that in the very inception this was a fund for the payment of private losses and private injuries, and if it is not that the Government had better return it, and that quickly, too, to the government of Great Britain. I refer to the very inception of the inquiry in the letter of the Secretary of State as far back as October, 1862.

Mr. President, that shall be the course I shall take on this subject when the general discussion comes before the Senate. As it seems to be in order to have a little skirmish in advance, I suggest this as the point on which I shall address the Senate hereafter.

Mr. THURMAN. Mr. President, this bill will not be injured, I think, by denunciation in advance; it will not be injured in the minds of sensible and just men by calling the claimants that are provided for in it corporations; it will not be injured in the minds of people who understand the bill by the pretense that these corporations have made exorbitant profits out of the war and are seeking to double their profits by means of this bill, because there is no foundation for any such statement.

What is it that the law provided in regard to these corporations? That they should not recover beyond their losses upon a full exhibit of all their business during the war. If that was a correct principle for them, why was it not a correct principle for the men who took out no insurance at all, and who, in familiar language, are said to have insured themselves? Pray, where can any man draw a line of distinction? A man saw fit to sail his vessel without insurance; he made nine successful trips, perhaps, and lost his vessel on the tenth. He saved all insurance by insuring himself; he made immense profits by the war prices which he obtained for the articles he brought into this country, and by the war freights which were paid to him; but nobody pretended that he was to exhibit a balance-sheet and recover only what he lost on his whole business.

Mr. BLAINE. Will the honorable Senator permit an interruption?

Mr. THURMAN. Yes.

Mr. BLAINE. I think he inadvertently misstates the bill. The law as it stands does not require the insurance company to show a loss upon their whole business, but that upon this particular matter of the war risks they met with loss.

Mr. THURMAN. I understand that.

Mr. BLAINE. But the honorable Senator, I think, stated that an insurance company had to show its whole business, that there was an offset all around on everything. The law is that in these particular cases of war risks they shall show that they made a loss, and if they made a gain they shall not receive anything. There is a very wide distinction, the honorable Senator will observe.

Mr. THURMAN. Not at all. I was speaking about the war risks, and if I expressed myself clearly the Senator need not have interrupted me. I thought every Senator understood me. I was not talking about a subject that was not before the Senate. Every man who sailed his ship without insurance was incurring war risks or was in-

suring himself against war risks, and on the same principle that requires insurance companies to exhibit a balance-sheet of their profit and loss, every man who was his own insurer should exhibit a like balance-sheet; but nothing of that kind was done. And so, as to the war-premium people, in whom I fancy my friend from Maine takes great interest, why are they not required to exhibit a balance-sheet of their profit and loss on the war risks they ran in the traffic which they pursued? They paid the war premium nine times perhaps, and nine times made a war profit; they may have made it all the time. On every single risk they took, on every single venture, every single cargo, notwithstanding the war-premium, they may have made a war profit. But nobody talks about making them exhibit a balance-sheet of their war risks and their war profits and their war premiums, and striking a difference and finding out exactly what they made or exactly what they lost and indemnifying them accordingly.

No, Mr. President, there is no sophistry and no declamation that can conceal the real merit of this case. Here were certain claims that belonged, as everybody admits, to the insurance companies. Our Government put them in as claims belonging to the insurance companies; the British government admitted that they belonged to the insurance companies. Every writer on war says that the insurance companies were subrogated to these claims, and they belonged to them just as much as the house of any man in this Senate belongs to him. Upon the foundation of this property in the insurance companies the Geneva tribunal made an award; and no sophistry can hide the injustice of taking that money received in payment for that property and giving it to somebody else, or covering it into the Treasury of the United States, there to remain.

Sir, it is all "sticking in the bark" to talk about trusteeship or right to prosecute a suit, or this being but an insurance company, or the like. Here is the simple, fixed fact: For the property owned by these insurance companies the Geneva tribunal awarded so much money. Now there are men whose sense of justice will enable them to say that having obtained that money thus belonging to these insurance companies, as much as we obtained money from property that was not insured, but was destroyed, we can, in respect to the property that was not destroyed, pay the loser, but in regard to the property that was insured we shall take the money that was paid for it and keep it ourselves, or give it to somebody else. That is all of it. I do not care whether you call the United States trustee or not trustee. I know this, that if for the property which belongs to my friend who sits on my left, I get the value, it is law, and it is morals, and it is my duty to pay that money over to him. That is what I know, and until so plain a principle of justice as that can be overthrown, there is but really one side to this question.

But, sir, there is another thing that I invite the attention of the Senators to, and that is that a large majority of these claims are held by mutual insurance companies, and the mutual insurance companies were just as much self-insurers as was the owner of a single ship who sailed it at his own risk and had no communication with anybody else. They are just as much individuals sailing their own ships as are A, B, C, D, and E F, between whom no communication whatever exists, who were sailing their ships.

Mr. President, in the consideration of a great question like this, that involves such principles of justice, that involves the national honor, I do hope that we shall not hear much declamation about great and overgrown insurance companies. When the time comes in this country that the Government of the United States shall say to a claimant upon it for justice, "We won't pay you because you are rich, though you have a good claim, though all law, all justice, all morals require that the money that was obtained for your property, and which is in our hands, should be paid to you, but you are rich, we won't pay you, we will take the money and give it to somebody else or keep it ourselves," the end of our Government will not be far off. Sir, there was a time when all States in the Union required the judges to swear that they would administer justice without respect to the rich or the poor, do equal justice. That was the oath in my own State which we all had to take before we took our seats on the bench, and that is the judicial oath almost everywhere. But it seems that when the Senate is to decide a question of this kind, instead of saying we will do justice without respect to persons, equal justice to the rich and the poor, we are to inquire, not what the law is, not what justice is, but what is the length of the claimant's purse. I cannot do it.

Mr. BLAINE. Mr. President, one single moment. If the honorable Senator from Ohio thinks that is a fair statement of the position, of course he is entitled to his opinion. The proposition offered has nothing whatever to do with whether an insurance company is rich or poor, whether an individual is rich or poor, but the point is whether either can show a loss. If you are as rich as Croesus and can show a loss we will make it up to you; if you are as poor as poverty and cannot show a loss you have no status in this court. That is or should be the voice of the Senate. It is a question of who was loser, not whether the man is rich or poor to-day. You may bring an insurance company here that may show that it actually met a loss, and it may be the richest one in the whole country, and yet justice will be freely accorded. I beg to assure the honorable Senator from Ohio that all sense of justice has not died out in the Senate of the United States, even though the judicial oath may have been changed in some States. The question will never be asked here whether the insurance company was rich or whether it was poor. The question will be asked, when they come to this bar and claim a share of the money awarded at Geneva, "Did you suffer a loss? Are you here for reimbursement or for gratuity? If you can prove your loss, we will endeavor to reimburse you. If you are here to get money as a mere matter of profit for which you can show no loss, I hope the Senate of the United States will say as it did before, 'You are not a proper claimant, and you may go about your business.'"

Mr. McDONALD. I now ask that the special order be taken up.

Mr. EDMUNDS. There is not any special order, I think.

Mr. THURMAN. The special order was postponed on my motion, but I am perfectly willing, as it was the understanding of the Senator from Indiana that it should be considered to-day, that the pending bill may be laid aside informally and that we go on with the special order. I hope by unanimous consent the pending bill may be laid aside informally in order that the Senate may proceed to the consideration of the special order.

Mr. EDMUNDS. Not informally, because I do not know whether it ought to come up next, to the exclusion of all other business.

The VICE-PRESIDENT. The understanding of the Senate was that the special order should be passed over without prejudice.

Mr. EDMUNDS. I did not know that the bill of the Senator from Indiana was a special order. I am not objecting to that. I was objecting to the request of the Senator from Ohio that the bill we have been discussing be laid aside informally.

Mr. THURMAN. Allow me to state the status of the Calendar this morning. The bill of the Senator from Indiana had been made the special order——

Mr. McDONALD. But it was the understanding that the Senator from Illinois [Mr. DAVIS] should be heard on the bill which has been pending.

Mr. THURMAN. The understanding was that the special order should be laid aside in order to enable the Senator from Illinois to address the Senate on the subject of the Geneva award.

The VICE-PRESIDENT. That was the understanding.

Mr. THURMAN. In order to enable the Senator from Illinois to address the Senate, the special order was not laid aside informally, but I moved to postpone the present and all former orders and to take up the Geneva award bill. That was done. I am perfectly willing to set my friend's bill back just where it was when my motion was put and carried. I suggest that the pending bill be laid aside, and that we take up the bill which was made the special order for to-day.

Mr. EDMUNDS. To that I object.

Mr. THURMAN. The Senator from Vermont does not like that. I am perfectly willing that the Senator from Indiana should move to take up his bill.

MILITARY WARRANT LAND LOCATIONS.

Mr. McDONALD. I move that the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, be taken up for present consideration.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. DAVIS, of West Virginia. With the consent of my friend from Indiana I move that the Senate proceed to the consideration of executive business.

Mr. WHYTE. I ask to make a report from the Committee on Printing.

Mr. DAVIS, of West Virginia. I will withdraw the motion for that purpose.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

Mr. WHYTE. I am instructed by the Committee on Printing to report back the following concurrent resolution and recommend its passage; and I ask for its present consideration:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office, for the use of the Department of the Interior, 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with necessary illustrations, uniform with the edition ordered by Congress.

Mr. COCKRELL. I should like to hear some explanation of the resolution, why these volumes are to be printed only for the use of the Interior Department, when there are hundreds of applications for them constantly coming to Senators.

Mr. EDMUNDS. Let it go over.

The VICE-PRESIDENT. The resolution will lie over.

EXECUTIVE SESSION.

Mr. DAVIS, of West Virginia. I renew the motion for an executive session.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at three o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 9, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday last was read and approved.

ADMISSION TO THE FLOOR.

Mr. KEIFER asked and obtained unanimous consent for the admission of Hon. Thomas Cowgill, speaker of the house of representatives of Ohio, and Hon. John F. Gervey, of Ohio, to the floor of the House for this day.

Mr. ELLIS asked and obtained unanimous consent for admission to the floor of the House for to-day of Major B. M. Harrod, State engineer of Louisiana.

ORDER OF BUSINESS.

The SPEAKER. The morning hour will begin at twenty minutes past twelve o'clock. This being Monday the first business in order during the morning hour is the call of States and Territories for the introduction on leave of bills and joint resolutions for reference to their appropriate committees. During this call memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the call of States and Territories for the introduction of bills, &c., be continued until all the States have been called, even though it carry it beyond the morning hour.

Mr. FINLEY. I object.

SAMUEL L. PAINE.

Mr. REED introduced a bill (H. R. No. 4269) granting a pension to Samuel L. Paine, late a private of Company D, Ninth Regiment Maine Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE F. WILLIAMS.

Mr. JOYCE introduced a bill (H. R. No. 4270) granting a pension to George F. Williams; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN KELLY.

Mr. BARLOW introduced a bill (H. R. No. 4271) granting a pension to John Kelly, of North Troy, Orleans County, Vermont; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES D. CHAPIN.

Mr. MORSE introduced a bill (H. R. No. 4272) granting a pension to Charles D. Chapin, late a private in Company C of the Ninth Regiment of Minnesota Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGIANNA S. DUTCHER.

Mr. MORSE also introduced a bill (H. R. No. 4273) granting an increase of pension to Georgianna S. Dutcher; which was read a first and second time, and referred to the Committee on Invalid Pensions.

POLLY CHILDS ARNOLD.

Mr. RICE introduced a bill (H. R. No. 4274) granting a pension to Polly Childs Arnold; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PHEBE F. YORK.

Mr. RICE also introduced a bill (H. R. No. 4275) granting a pension to Phebe F. York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COMMISSIONERS OF INTERSTATE COMMERCE.

Mr. RICE also introduced a bill (H. R. No. 4276) to establish a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STREET RAILWAY, SPRINGFIELD, MASSACHUSETTS.

Mr. ROBINSON introduced a bill (H. R. No. 4277) granting to the Springfield Street Railway Company the right to lay tracks in Mill street, in Springfield, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAURA A. TWINER.

Mr. CRAPO introduced a bill (H. R. No. 4278) granting a pension to Laura A. Twiner, of Plymouth, Massachusetts; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY WILSON.

Mr. NORCROSS introduced a bill (H. R. No. 4279) to remove the charge of desertion against Henry Wilson; which was read a first and second time, and referred to the Committee on Military Affairs.

MARY H. ALLING.

Mr. PHELPS introduced a bill (H. R. No. 4280) granting a pension to Mary H. Alling, widow of L. H. Alling; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CATHARINE CARR.

Mr. PHELPS also introduced a bill (H. R. No. 4281) granting a pension to Catharine Carr, widow of James Carr; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. REBECCA DOUGHERTY.

Mr. PHELPS also introduced a bill (H. R. No. 4282) for the relief of Mrs. Rebecca Dougherty, of the District of Columbia; which was read a first and second time, and referred to the Committee for the District of Columbia.

HELEN M. SCHOLEFIELD.

Mr. PRESCOTT introduced a bill (H. R. No. 4283) for the relief of Helen M. Scholefield, administratrix of the estate of Major C. M. Scholefield, deceased, late an additional paymaster in the Army; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM DOWNS.

Mr. MULLER introduced a bill (H. R. No. 4284) granting a pension to William Downs; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CATHARINE HENRY.

Mr. FERDON introduced a bill (H. R. No. 4285) granting a pension to Catharine Henry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY K. BROWN.

Mr. FERDON also introduced a bill (H. R. No. 4286) to pay Henry K. Brown for the construction of an equestrian statue of General Winfield Scott in the city of Washington; which was read a first and second time, and referred to the Committee on Appropriations.

JACOB WALLRAFF.

Mr. O'REILLY introduced a bill (H. R. No. 4287) for the relief of Jacob Wallraff; which was read a first and second time, and referred to the Committee on Military Affairs.

WILLIAM WEBSTER.

Mr. COX introduced a joint resolution (H. R. No. 204) for the relief of William Webster; which was read a first and second time, and referred to the Committee on Foreign Affairs.

SARAH E. WEBSTER.

Mr. PIERCE introduced a bill (H. R. No. 4288) for the relief of Sarah E. Webster, administratrix, &c., of Isaac A. Verplanck, deceased; which was read a first and second time, and referred to the Committee of Claims.

LANDS PATENTED BY THE UNITED STATES.

Mr. KETCHAM introduced a bill (H. R. No. 4289) to quiet title to lands patented by the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHIEF SUPERVISORS OF ELECTION.

Mr. HUTCHINS introduced a bill (H. R. No. 4290) to define the terms of office of certain officials of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROHIBITION OF ARREST OF ELECTION OFFICERS.

Mr. HUTCHINS also introduced a bill (H. R. No. 4291) prohibiting the arrest of election officers on election day; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. JAMES introduced a bill (H. R. No. 4292) to amend "An act amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, and for other purposes," approved March 9, 1878; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

JOHN WALLACE.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 4293) granting a pension to John Wallace, father of Robert Wallace, Company C, Ninety-third Regiment New York Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NEW BONDS FOR THOSE REDEEMABLE IN 1881.

Mr. KELLEY introduced a bill (H. R. No. 4294) authorizing the Secretary of the Treasury to issue new bonds to holders of bonds that may become redeemable in 1881; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ADDITIONAL COUPONS TO UNITED STATES BONDS.

Mr. KELLEY also introduced a bill (H. R. No. 4295) providing for the issue of additional coupons to the holders of redeemable United States bonds; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DANIEL POPE.

Mr. FISHER introduced a bill (H. R. No. 4296) granting a pension to Daniel Pope; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT RICHARDS.

Mr. OVERTON introduced a bill (H. R. No. 4297) granting a pension to Robert Richards, of Bradford County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

UNITED STATES VESSEL TO CARRY CONTRIBUTIONS TO IRELAND.

Mr. WARD introduced a bill (H. R. No. 4298) authorizing the Secretary of the Navy to designate a vessel of the United States to carry, free of charge, contributions for the relief of the suffering people of Ireland; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY W. JANES.

Mr. KIMMEL introduced a bill (H. R. No. 4299) to authorize the restoration of Henry W. Janes, United States Army, retired, to the rank of major and quartermaster in the Army; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs.

PATRICK MURRY.

Mr. HENRY (by request) introduced a bill (H. R. No. 4300) for the relief of Patrick Murry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. ANNA I. GUEST.

Mr. URNER introduced a bill (H. R. No. 4301) to grant a pension to Mrs. Anna I. Guest; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

TOD RANDALL.

Mr. URNER also introduced a bill (H. R. No. 4302) for the relief of Tod Randall; which was read a first and second time, and referred to the Committee on Indian Affairs.

E. W. RAYMOND.

Mr. URNER also introduced a bill (H. R. No. 4303) for the relief of E. W. Raymond; which was read a first and second time, and referred to the Committee on Indian Affairs.

COLLECTION OF TAXES.

Mr. HUNTON introduced a bill (H. R. No. 4304) to amend the fifth section of an act for the support of the government of the District of Columbia for the year ending June 30, 1878; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RECLAMATION OF MARSHES, WASHINGTON HARBOR, ETC.

Mr. HUNTON also introduced a bill (H. R. No. 4305) to provide for the reclamation of the marshes of the harbors of the cities of Washington and Georgetown, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ELIZABETH PENNYGUY.

Mr. GOODE introduced a bill (H. R. No. 4306) granting a pension to Elizabeth Pennyguy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT M. ELY, JR.

Mr. RICHMOND introduced a bill (H. R. No. 4307) providing for the payment of $20,000 to Robert M. Ely, jr., for Army supplies taken from him during the late war, he being then an infant; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims.

DEFACEMENT OF COINS OF THE UNITED STATES.

Mr. VANCE introduced a bill (H. R. No. 4308) to amend section 5459 of the Revised Statutes, concerning the defacement of the coins of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PUBLIC BUILDINGS AT ASHEVILLE, NORTH CAROLINA.

Mr. VANCE also introduced a bill (H. R. No. 4309) to provide for the erection of public buildings for the United States at Asheville, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DUTIES ON IRON AND STEEL.

Mr. KITCHIN introduced a bill (H. R. No. 4310) to remove the duties on iron and steel; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

BRONZE STATUE OF GENERAL DANIEL MORGAN.

Mr. EVINS introduced a joint resolution (H. R. No. 205) to furnish a bronze statue of General Daniel Morgan to the Cowpens centennial committee of Spartanburgh, South Carolina; which was read a first and second time, referred to the Committee on Yorktown Celebration, and ordered to be printed.

GENERAL LEGISLATION ON APPROPRIATION BILLS.

Mr. SPEER introduced a bill (H. R. No. 4311) to prevent general legislation by means of the appropriation bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. F. CHAPMAN.

Mr. SPEER also introduced a bill (H. R. No. 4312) for the relief of B. F. Chapman, of Lumpkin County, Georgia; which was read a first and second time, and referred to the Committee of Ways and Means.

MATTHEW WHITE.

Mr. SPEER also introduced a bill (H. R. No. 4313) for the relief of Matthew White, of Hall County, Georgia; which was read a first and second time, and referred to the Committee of Claims.

GEORGIA COTTON CLAIM.

Mr. HAMMOND, of Georgia, introduced a bill (H. R. No. 4314) for the relief of the State of Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

PUBLIC PRINTING AND BINDING.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 4315) to reduce the expense of the public printing and binding, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

W. W. WELSH.

Mr. SINGLETON, of Mississippi, also introduced a bill (H. R. No. 4316) for the relief of W. W. Welsh; which was read a first and second time, and referred to the Committee of Claims.

ALIMONY IN THE DISTRICT OF COLUMBIA.

Mr. MANNING (by request) introduced a bill (H. R. No. 4317) to regulate the payment of alimony in suits for divorce in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

ELIZA WHITMORE.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4318) granting a pension to Eliza Whitmore; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE L. RIKER.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4319) granting a pension to George L. Riker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES H. HAMLIN.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4320) granting a pension to James H. Hamlin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM AUGUSTUS SEARLES.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4321) granting a pension to William Augustus Searles; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS M. COX.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4322) granting a pension to Francis M. Cox; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY ANDERSON.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4323) granting a pension to Henry Anderson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JULIA FOLLANSBEE.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4324) granting a pension to Julia Follansbee, of Salineville, Columbiana County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M. SINCLAIR.

Mr. FINLEY introduced a bill (H. R. No. 4325) granting a pension to James M. Sinclair, of Richmond, Huron County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL M. REESE.

Mr. FINLEY also introduced a bill (H. R. No. 4326) granting a pension to Samuel M. Reese, of Galion, Crawford County, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BRIDGING THE DETROIT RIVER.

Mr. FINLEY also presented a joint resolution of the Legislature of Ohio instructing the Senators and requesting the Representatives in Congress of that State to vote against bridging the Detroit River; which was referred to the Committee on Commerce.

EDUCATION OF COLORED YOUTH.

Mr. FINLEY also presented a joint resolution of the Legislature of Ohio instructing the Senators and requesting the Representatives in Congress of that State to use their influence to have the provision of the bill now pending before Congress extend to Wilberforce University and Albany Enterprise Academy; which was referred to the Committee on Education and Labor.

LAKE IMPROVEMENTS.

Mr. FINLEY also presented a joint resolution of the Legislature of Ohio relative to certain improvements along the lakes; which was referred to the Committee on Commerce.

DEPARTMENT OF MANUFACTURES, ETC.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 4327) to create a department of manufactures, mechanics, and mines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES H. HAMILTON.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 4328) for the relief of James H. Hamilton; which was read a first and second time, and referred to the Committee on Indian Affairs.

FRANK RICKEY.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 4329) directing the Secretary of the Interior to place the name of Frank Rickey on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JESSE H. BOND.

Mr. HILL introduced a bill (H. R. No. 4330) granting a pension to Jesse H. Bond, of Antwerp, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ABRAHAM ARMENTROUT.

Mr. GEDDES introduced a bill (H. R. No. 4331) granting a pension to Abraham Armentrout, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

DISPUTED HANDWRITING.

Mr. GEDDES also introduced a bill (H. R. No. 4332) providing for evidence in cases involving disputed handwriting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HESTER ANN DENHAM.

Mr. DICKEY introduced a bill (H. R. No. 4333) for the relief of Hester Ann Denham, widow of Oliver Perry Denham, private Company D, Forty-seventh Regiment Ohio Volunteer Infantry, asking for restoration to the pension-rolls; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CONTAGIOUS DISEASES AMONG ANIMALS.

Mr. KEIFER introduced a bill (H. R. No. 4334) to create a commission of inquiry into the causes and for the prevention of contagious diseases among domestic animals; which was read a first time by its title.

Mr. KEIFER. I would like to have that bill read. It is not long.

The bill was read the second time at length.

Mr. KEIFER. If under the rules this bill cannot be printed in the RECORD on account of its having been read, I ask unanimous consent that it be so printed.

The SPEAKER. The Chair cannot entertain a request for unanimous consent during the morning hour of Monday.

The bill was referred to the Committee on Agriculture, and ordered to be printed.

MARY ULLERY.

Mr. KEIFER also introduced a bill (H. R. No. 4335) granting a pension to Mary Ullery, of Xenia, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANTHONY PETERSON.

Mr. KEIFER also introduced a bill (H. R. No. 4336) granting a pension to Anthony Peterson, of Company F, Forty-fifth Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALVARO SMITH.

Mr. KEIFER also introduced a bill (H. R. No. 4337) for the relief of Alvaro Smith, late a corporal of the Fifty-fourth Regiment Ohio Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

PUBLIC BUILDING AT FRANKFORT, KENTUCKY.

Mr. BLACKBURN introduced a bill (H. R. No. 4338) to provide for the erection of a public building in the city of Frankfort, in the State of Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TRADERS AT MILITARY POSTS.

Mr. KNOTT (by request) introduced a bill (H. R. No. 4339) to regulate traders at the military posts of the Army of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUPREME COURT STENOGRAPHERS.

Mr. KNOTT (by request) also introduced a bill (H. R. No. 4340) to facilitate the transaction of business in the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES P. FLOYD.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 4341) for the relief of James P. Floyd, of Pulaski County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

COLORED YOUTH.

Mr. THOMPSON, of Kentucky, also introduced a bill (H. R. No. 4342) designed to aid the colored youth of the several States and Territories by the appropriation of certain unclaimed pay and bounty money in the Treasury of the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SARAH ANN PHIPPS.

Mr. THOMAS TURNER introduced a bill (H. R. No. 4343) granting a pension to Sarah Ann Phipps, widow of Joseph F. Phipps; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TRIAL AND DISMISSAL OF NAVAL OFFICERS.

Mr. WHITTHORNE introduced a bill (H. R. No. 4344) to provide for the trial and dismissal of certain officers of the Navy who fail of promotion on account of misconduct or immoral character; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CALVIN ADKINS.

Mr. HOUK introduced a bill (H. R. No. 4345) for the relief of Calvin Adkins, of Anderson County, Tennessee, and to place his name on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY L. WELLS.

Mr. HOUK also introduced a bill (H. R. No. 4346) granting a pension to Mary L. Wells, of Loudon County, Tennessee, widow of George W. Wells, late private Company I, First Regiment Tennessee Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARSHAL'S SALES.

Mr. COBB introduced a bill (H. R. No. 4347) to authorize and require United States marshals within their respective districts to make all sales of property which may hereafter be made by virtue of any order, judgment, or decree of any United States court, master in chancery, or commissioner, or by order of any execution or other process thereof, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POST-OFFICE AT VINCENNES, INDIANA.

Mr. COBB also introduced a bill (H. R. No. 4348) authorizing and directing the Postmaster-General to purchase, for the use of the post-office at the city of Vincennes, Indiana, certain property described therein, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JASPER N. WRIGHT.

Mr. COBB also introduced a bill (H. R. No. 4349) granting a pension to Jasper N. Wright, of Crawford County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH PERRY.

Mr. BROWNE introduced a bill (H. R. No. 4350) for the relief of Joseph Perry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZA J. WRIGHT.

Mr. SPRINGER introduced a bill (H. R. No. 4351) granting arrears of pensions to Eliza J. Wright; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN TOBIN.

Mr. SPRINGER also introduced a bill (H. R. No. 4352) granting a pension to John Tobin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZA J. F. TOMLIN.

Mr. SPRINGER also introduced a bill (H. R. No. 4353) granting a pension to Eliza J. F. Tomlin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS H. BENNETT.

Mr. SPRINGER also introduced a bill (H. R. No. 4354) granting a pension to Thomas H. Bennett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

POSTAL CARDS.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 4355) in relation to postal cards with flexible flaps to conceal messages; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SAMUEL CABELL.

Mr. SINGLETON, of Illinois, also introduced a bill (H. R. No. 4356) for the relief of Samuel Cabell; which was read a first and second time, and referred to the Committee on War Claims.

SARAH J. BENTON.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4357) granting a pension to Sarah J. Benton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANGLO-AMERICAN LAND AND CLAIM ASSOCIATION.

Mr. BARBER introduced a bill (H. R. No. 4358) to extend the powers of the Anglo-American Land and Claim Association, and to promote colonization upon the public domain; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HARBOR OF HANNIBAL, MISSOURI.

Mr. HATCH introduced a bill (H. R. No. 4359) making an appropriation for the improvement of the channel of the Mississippi River so as to restore and preserve the harbor of the city of Hannibal, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER, ALEXANDRIA, MISSOURI.

Mr. HATCH also introduced a bill (H. R. No. 4360) making an appropriation for the improvement of the Mississippi River at and above Alexandria, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DUTY ON PAPER, ETC.

Mr. BUCKNER introduced a bill (H. R. No. 4361) to reduce the duty on printing and other papers, and on manufactures of paper; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REFUND OF GOVERNMENT BONDS.

Mr. BUCKNER also introduced a bill (H. R. No. 4362) to authorize the refunding of a portion of the 6 per cent. bonded debt of the United States due in 1881, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

SAINT LOUIS ARSENAL GROUNDS.

Mr. CLARDY introduced a bill (H. R. No. 4363) granting the land known as the Saint Louis arsenal grounds to the city of Saint Louis for the use of the public as a place of public resort; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

GEORGE FLITCHAL.

Mr. FORD introduced a bill (H. R. No. 4364) granting a pension to George Flitchal, of Saint Joseph, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CLAIMS AGAINST THE UNITED STATES.

Mr. PHILIPS introduced a bill (H. R. No. 4365) conferring jurisdiction on United States circuit courts, and providing for trial of certain claims against the United States now prosecuted before the Quartermaster and Commissary Generals and Third Auditor, and revoking the jurisdiction of the latter departments in such cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, JEFFERSON, MISSOURI.

Mr. PHILIPS also introduced a bill (H. R. No. 4366) providing for the erection of a building at Jefferson City, Missouri, for the use and accommodation of the United States courts and other Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMMA A. PORCH.

Mr. PHILIPS also introduced a bill (H. R. No. 4367) to place the name of Emma A. Porch, of Cole County, Missouri, on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS B. WALLACE.

Mr. PHILIPS also introduced a bill (H. R. No. 4368) for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri; which was read a first and second time, and referred to the Committee on War Claims.

JOSEPH GRIBBLE.

Mr. PHILIPS also introduced a bill (H. R. No. 4369) for the relief of Joseph Gribble, of Moniteau County, Missouri; which was read a first and second time, and referred to the Committee on War Claims.

COLONEL L. M. KELLOGG'S WIDOW.

Mr. FORD (by request) introduced a bill (H. R. No. 4370) for the relief of the widow of Colonel Lymon M. Kellogg; which was read a first and second time, and referred to the Committee on Military Affairs.

SARAH J. RANEY.

Mr. CRAVENS introduced a bill (H. R. No. 4371) granting a pension to Sarah J. Raney, of Patterson's Bluff, Logan County, Arkansas; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARIA B. LEMMON.

Mr. WILLITS introduced a bill (H. R. No. 4372) for the relief of Maria B. Lemmon, widow of John C. Lemmon late colonel of the Tenth New York Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

NOTARIES PUBLIC.

Mr. WILLITS also introduced a bill (H. R. No. 4373) to construe section 5498 of the Revised Statutes, in relation to notaries public; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM P. GLOVER.

Mr. BREWER introduced a bill (H. R. No. 4374) granting a pension to William P. Glover, of Pontiac, Michigan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS M'KERNAN.

Mr. BREWER also introduced a bill (H. R. No. 4275) granting a pension to Thomas McKernan, late of Company H, Twenty-sixth Michigan Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DAVID F. RUSSELL.

Mr. BREWER also introduced a bill (H. R. No. 4376) granting a pension to David F. Russell, late of Company H, Forty-third Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC LANDS, SCHOOLCRAFT AND CHIPPEWA COUNTIES, MICHIGAN.

Mr. HUBBELL submitted the following resolution; which was referred to the Committee on Public Lands:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of the number of acres of Government lands in the counties of Chippewa and Schoolcraft, in the State of Michigan, and when the same were placed in the market.

BUILDINGS RENTED BY THE GOVERNMENT IN DETROIT.

Mr. NEWBERRY submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be requested to inform this House—

1. As to the size of the lot of land in the city of Detroit and State of Michigan on which the building known as the custom-house and post-office is located.
2. The size of the building now erected thereon and the date of its erection and cost of the same, together with the number, situation, and size of the rooms occupied respectively by the Post-Office, the Treasury Department, the Department of Justice, and any and all other officers in said building.
3. The amount of available room on said lot for the erection of an addition to said building, and its availability as to light and convenience after erection, and his opinion as to the propriety and economy of the erection of said addition, in view of the want of room for the use of the present occupants of said building, and the numerous other rooms and buildings in the city of Detroit now rented for the use of the United States.
4. The number of rented rooms and buildings and amount of rent paid for the same by the Treasury and other Departments of the Government in said city.
5. The comparative amount of business done in the said building by the several Government officers therein for the year after said building was first occupied and the year 1878 or 1879.

SPECIAL ACT—PENSION CASES.

Mr. WARNER introduced a joint resolution (H. R. No. 206) requiring the Commissioner of Pensions to submit special reports in cases of petitions for relief by special act; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANGUS M'AULAY.

Mr. HULL introduced a bill (H. R. No. 4377) to restore the name of Angus McAulay to the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ADMISSION TO THE FLOOR.

The SPEAKER. At the request of Mr. VALENTINE, of Nebraska, the Chair asks by unanimous consent that the privilege of admission to the floor be granted to Hon. E. C. Carns, lieutenant-governor of Nebraska.

There was no objection, and it was ordered accordingly.

EXECUTIVE COMMUNICATIONS.

The SPEAKER. The Chair asks by unanimous consent to lay before the House certain executive communications, which should be referred as speedily as possible to the appropriate committees.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 325) for the erection of a public building at Danville, Virginia;

An act (H. R. No. 3497) to provide for deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives;

An act (S. No. 325) for the relief of Henry Page;

An act (S. No. 578) granting an increase of pension to Samuel B. Davis; and

An act (S. No. 857) authorizing the conversion of national gold banks.

MISSISSIPPI, SAINT CROIX, CHIPPEWA, AND WISCONSIN RIVERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on survey of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers; which was referred to the Committee on Commerce.

Mr. POUND. I move that the letter and accompanying papers, together with the map, be printed.

The SPEAKER. What will the matter cost? Under the law, if it cost more than $500, it must be referred to the Committee on Printing.

Mr. POUND. It will be inexpensive, and it is quite essential to the proper understanding of the report.

Mr. TOWNSHEND, of Illinois. What is it?

The SPEAKER. The rule requires the map to go to the Committee on Printing. The Clerk will read the rule.

The Clerk read as follows:

100. There shall be referred by the Clerk to the members of the Committee on Printing on the part of the House, all drawings, maps, charts, or other papers, which may at any time come before the House for engraving, lithographing, or publishing in any way.

The SPEAKER. The authority to print this, under the rule, will have to come with the approval of the Committee on Printing.

Mr. POUND. Let the map be referred to the Committee on Printing.

The SPEAKER. If the papers are printed the map will go with them. The Chair would suggest, as the Committee on Printing has the right to report at any time, the gentleman had better have the document referred to the Committee on Printing.

Mr. POUND. It is important this should be printed at as early a day as possible.

The SPEAKER. The Chair has no object beyond enforcing the rules of the House.

Mr. POUND. I accept the suggestion of the Chair.

The SPEAKER. The paper will be printed, and the accompanying map will be referred to the Committee on Printing; and if its printing be approved of by that committee, it will accompany the document.

There was no objection, and it was ordered accordingly.

LANDS HELD BY CHEROKEE INDIANS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, relative to the lands held by the Cherokee Indians; which was referred to the Committee on Indian Affairs.

NATIONAL BOARD OF HEALTH.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations needed for the National Board of Health for the year ending June 30, 1881; which was referred to the Committee on Appropriations.

CONGRESSIONAL GLOBE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Public Printer, relative to stereotype plates and volumes of the Congressional Globe, published by the Messrs. Rives, and recommending further legislation upon the subject; which was referred to the Committee on Printing.

BALTIMORE CITY POST-OFFICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the expense to be incurred in examining the title deeds of property for the Baltimore City post-office; which was referred to the Committee on Public Buildings and Grounds.

JAMES S. BRISBIN AND S. R. DOUGLAS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the military papers in the claim of Major James S. Brisbin and Second Lieutenant S. R. Douglas; which were referred to the Committee on Military Affairs.

LIEUTENANT R. E. WHITMAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to a suit against Lieutenant R. E. Whitman, of the Third Cavalry, for the value of two mules; which was referred to the Committee on Military Affairs.

INCREASE OF CLERICAL FORCE, SURGEON-GENERAL'S OFFICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, relative to an increase in the clerical force in the office of the Surgeon-General; which was referred to the Committee on Appropriations.

HAYEM, TAYLOR & DE BLANC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of the General Land Office, with accompanying papers, in the Louisiana private land claim case of Hayem, Taylor & De Blanc; which was referred to the Committee on Private Land Claims.

A. J. MIFFORD.

Mr. STEVENSON, by unanimous consent, asked that the papers in the case of A. J. Mifford, of Pekin, Illinois, be withdrawn from the files of the Committee on Invalid Pensions, there being no adverse report.

The SPEAKER. The application of the gentleman from Illinois will be referred to the Committee on Invalid Pensions, if there be no objection.

There was no objection, and it was ordered accordingly.

JOHN C. RAY AND OTHERS.

Mr. HULL, by unanimous consent, asked to withdraw from the files of the House the papers in the case of John C. Ray and others.

The SPEAKER. The application of the gentleman from Florida will be referred to the committee last having charge of the matter, if there be no objection.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The Chair would state further that he has applications from four gentlemen representing committees, which committees have authorized them to move to suspend the rules this morning.

Mr. PAGE. I ask the gentleman from Ohio who made objection to continuing the call of States in the morning hour to withdraw his objection in order that the call may be continued until all the States and Territories have been called. There are only two or three remaining.

Mr. FINLEY. I withdraw the objection.

The SPEAKER. Is there further objection to continuing the call of States and Territories until it is concluded?

There was no further objection, and it was ordered accordingly.

TITLE TO ISLANDS, BAYOUS, ETC.

Mr. SAPP introduced a bill (H. R. No. 4378) to transfer to the States the title to all islands, beds of lakes, (not navigable,) bayous, sloughs, ponds, &c., which at the time the public lands were surveyed by the Government were meandered; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PONCA INDIANS.

Mr. DEERING introduced a bill (H. R. No. 4379) for the relief of the Ponca tribe of Indians in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM CHRISTY.

Mr. CARPENTER introduced a bill (H. R. No. 4380) for the relief of William Christy, late of the Eighth Iowa Cavalry Volunteers; which was read a first and second time, and referred to the Committee of Claims.

CLEMINTINA BICKFORD.

Mr. GILLETTE introduced a bill (H. R. No. 4381) granting a pension to Clemintina Bickford, mother of William H. Peters, of Company C, Twenty-fourth Regiment Iowa Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LIGHT-HOUSES IN WISCONSIN.

Mr. BOUCK presented a memorial of the State of Wisconsin for an appropriation to construct light-houses at the entrance of the Sturgeon Bay Canal and at Sherwood's Point, at the entrance of Sturgeon Bay, in Wisconsin; which was referred to the Committee on Commerce.

SYLVANUS BRIMHALL.

Mr. POUND introduced a bill (H. R. No. 4382) granting a pension to Sylvanus Brimhall, of Amherst, Portage County, State of Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SECTION 3244 OF REVISED STATUTES.

Mr. DEUSTER introduced a bill (H. R. No. 4383) to amend section 3244 of chapter 3 of the Revised Statutes; which was read a first and second time, and referred to the Committee of Ways and Means.

NATURALIZATION.

Mr. DEUSTER also introduced a bill (H. R. No. 4384) to establish a uniform rule and to provide for uniform certificates of naturalization; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINERAL LANDS IN CALIFORNIA.

Mr. PAGE introduced a bill (H. R. No. 4385) to authorize the State of California to select other lands in place of the sixteenth and thirty-sixth sections returned as mineral; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

Mr. PAGE also introduced a bill (H. R. No. 4386) for the relief of homestead settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 4693 OF REVISED STATUTES.

Mr. POEHLER introduced a bill (H. R. No. 4387) to amend article 3 of section 4693 of the Revised Statutes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FENSCKE.

Mr. POEHLER also introduced a bill (H. R. No. 4388) granting a pension to John Fenscke; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS W. BEALE.

Mr. WHITEAKER introduced a bill (H. R. No. 4389) for the relief of Thomas W. Beale; which was read a first and second time, and referred to the Committee on Military Affairs.

PUBLIC BUILDINGS AT CARSON CITY.

Mr. DAGGETT introduced a bill (H. R. No. 4390) for the erection of a public building at Carson City, State of Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WARS WITH NEZ PERCÉ AND BANNOCK INDIANS.

Mr. AINSLIE introduced a bill (H. R. No. 4391) for the relief of the citizens of Idaho and Washington Territories who served, in connection with the United States troops, in the war with the Nez Percé Indians, and for the relief of the heirs of such as were killed in such service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

He also introduced a bill (H. R. No. 4392) for the relief of citizens of Idaho who served with the United States troops in the war with the Bannock Indians, and for the relief of the heirs of such as were killed in such service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been completed, the Chair will now recognize gentlemen who were not in their places when their States were called.

ALBERT SPEYERS.

Mr. PHELPS (by request) introduced a joint resolution (H. R. No. 207) for the relief of Albert Speyers; which was read a first and second time, and referred to the Committee on Foreign Affairs.

NANCY HALL.

Mr. ROTHWELL introduced a bill (H. R. No. 4393) granting a pension to Nancy Hall, widow of Thomas Hall, late private in the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ELIZABETH MAZELL.

Mr. KLOTZ introduced a bill (H. R. No. 4394) restoring to the pension-roll Elizabeth Mazell, widow; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DECORATION FOR GENERAL FRANCIS A. WALKER.

Mr. COX introduced a joint resolution (H. R. No. 208) authorizing General Francis A. Walker, Superintendent of the Census, to accept decorations from the governments of Sweden and Spain; which was read a first and second time, and referred to the Committee on Foreign Affairs.

TOBACCO FOR ARMY USE.

Mr. ELLIS (by request) introduced a bill (H. R. No. 4395) to regulate the method of purchasing tobacco for the use of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ACCOTINK HOME GUARDS.

Mr. JORGENSEN introduced a bill (H. R. No. 4396) for the relief of the Accotink Home Guards, of Fairfax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BATON ROUGE BARRACKS.

Mr. GIBSON introduced a bill (H. R. No. 4397) to authorize and direct the Secretary of War to allow the occupation of the barracks and grounds at Baton Rouge to the University of Louisiana, so long as the same are not needed by the Government; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M. SCOTT.

Mr. DICKEY introduced a bill (H. R. No. 4398) granting a pension to John M. Scott, late private Company D, Sixtieth Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ARMY CHAPLAINS.

Mr. McCOOK introduced a bill (H. R. No. 4399) to regulate the appointment, assignment, and duties of chaplains in the Army, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JULIA AND IMOGENE HARRIS.

Mr. O'NEILL introduced a bill (H. R. No. 4400) for the relief of Julia and Imogene Harris; which was read a first and second time, and referred to the Committee on Foreign Affairs.

UNSTAMPED DOCUMENTS OR PAPERS.

Mr. WHITE introduced a bill (H. R. No. 4401) to provide for the stamping of unstamped documents or papers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. GRIFFIN.

Mr. WHITE also introduced a bill (H. R. No. 4402) for the relief of George W. Griffin, late second lieutenant Company H, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

HOMESTEADS.

Mr. WHITE also introduced a bill (H. R. No. 4403) to amend section 2305 of the Revised Statutes, which allows certificates in the Army, Navy, and Marine Corps to be deducted from the time required to perfect title to a homestead; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

I. R. COGHAN.

Mr. WHITE also introduced a bill (H. R. No. 4404) granting a pension to I. R. Coghan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REORGANIZATION OF THE ARMY.

Mr. WHITE also introduced a bill (H. R. No. 4405) to reduce and reorganize the Army of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. S. PAYNE.

Mr. HAWLEY introduced a bill (H. R. No. 4406) to authorize the President to appoint Captain J. S. Payne, Fifth United States Cavalry, a major in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OSAGE INDIAN TRUST AND DIMINISHED RESERVE LANDS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 4407) to graduate the price and dispose of the residue of the Osage Indian trust and diminished-reserve lands lying east of the sixth principal meridian, in Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ACTING ASSISTANT SURGEONS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4408) in relation to acting assistant surgeons of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

S. F. F. MERCER.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 4409) granting a pension to S. F. F. Mercer, late surgeon Forty-ninth Veteran Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DEMOCRATIC NATIONAL CONVENTION OF 1880.

Mr. BLISS introduced a joint resolution (H. R. No. 209) granting the use of the National Museum building, now in process of erection in Washington, District of Columbia, to the democratic national convention of 1880; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BLACKBURN introduced a bill (H. R. No. 4410) amending sections 3244 and 3295 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair repeats that he has been up to this time notified by four members of the House that they are respectively authorized by committees of which they are members to move a suspension of the rules for the passage of certain resolutions and bills. Among these members is the gentleman from Kansas [Mr. RYAN] whom the Chair now recognizes, and who states that he is acting under instructions from the Committee on Public Lands.

Mr. RYAN, of Kansas. The bill which I propose to put on its passage under a suspension of the rules has been unanimously agreed to by the Committee on Public Lands.

Mr. WEAVER. I rise to a point of order. It occurs to me that the rule which the Chair seems to have adopted in reference to recognitions for motions to suspend the rules would forever preclude any individual member from obtaining the floor for the purpose of moving such a suspension.

The SPEAKER. That is not a point of order.

Mr. WEAVER. It seems to me that Rule 145 extends no such special privilege to gentlemen representing committees in preference to individual members. Hence I would like to have a distinct ruling or intimation from the Chair as to whether his present ruling is in accordance with the uniform custom of the House. I know that the Chair desires to be fair; and for that reason I make this point of order as to whether a gentleman representing a committee is entitled under the rules to any preference over any other member who may wish to move a suspension of the rules on Monday.

The SPEAKER. The right of recognition is with the Chair, under the rules and under the practice. During the last and the present session the Chair has laid down for himself as a rule which would govern him in all cases, that where a member claiming the floor for a motion to suspend the rules states that he does so under instruc-

tions from a committee, the Chair will recognize him in preference to any individual member. The Chair thinks it not only just but in the direction of promoting legislation that a committee in their collective capacity should have the right of recognition in preference to an individual member.

Mr. CONGER. Mr. Speaker, I made a point upon this subject the other day, which I hope the Chair will take into consideration.

The SPEAKER. The Chair has taken the remarks of the gentleman from Michigan [Mr. CONGER] spoken heretofore into consideration this morning, and has recognized a gentleman of the minority of the House.

Mr. WEAVER. There is another minority here, still smaller. [Laughter.]

The SPEAKER. Whenever the gentleman from Iowa claims the floor as the representative of a committee the Chair will give him the preference

Mr. GILLETTE. I wish to inquire how the "party of the center" in this House can make a report from a committee?

The SPEAKER. There is no such committee known to the rules composed of a "party of the center."

Mr. GILLETTE. I would like to make one further inquiry: Have not these committees the privilege of reporting on any other day of the week, while no member can introduce resolutions or bills on any day except Monday?

The SPEAKER. The Chair has generally been informed that these recognitions are sought with the unanimous consent of the committees concerned. The Chair has no doubt of the thorough propriety and equity of his position. He will, however, cause to be read in support of his position an extract from the Journal of April 9, 1879.

The Clerk read as follows:

Mr. GARFIELD, from the Committee on the Rules, submitted the following report; which was read, considered, and, under the operation of the previous question, agreed to, to wit:

The Committee on Rules, to whom was referred the resolution of the House in reference to a modification of Rules 59 and 113, or of the practice which has arisen under them, have had the same under consideration, and beg leave to present the following report:

The rules under consideration are as follows:

"59. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.—*April* 7, 1789.

"113. The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may be applicable, except the rule limiting the times of speaking—*April* 7, 1789; but no member shall speak twice to any question until every member choosing to speak shall have spoken.—*December* 18, 1805."

With the exception of the last clause of Rule 113, which was adopted in 1805, these rules have remained unchanged for ninety years. In the nature of the case discretion must be lodged with the presiding officer, and no fixed and arbitrary order of recognition can be wisely provided for in advance; and the committee are of opinion that these rules should not be changed.

The practice of making a list of those who desire to speak on measures before the House or Committee of the Whole is a proper one to enable the presiding officer to know and remember the wishes of members. As to the order of recognition, he should not be bound to follow the list, but should be free to exercise a wise and just discretion in the interest of full and fair debate.

The committee ask to be discharged from the further consideration of the subject.

The SPEAKER. This report, which was adopted by the House without a division, sustains the Chair thoroughly in the exercise of the discretion by which he recognizes a gentleman representing a committee in preference to an individual member.

Mr. FINLEY. I understand the Chair to say that he only recognizes gentlemen acting under instructions of committees where the committee is unanimous.

The SPEAKER. The Chair stated that, so far as the recognitions heretofore were concerned during the present session, the gentleman recognized was in each case acting under the unanimous instruction of his committee. But the Chair does not say that he will feel bound to apply such a rule. There might be cases in which the majority of a committee, under the practice adopted by the Chair, would be entitled to recognition, although there might be in the committee a dissenting minority. In the remarks referred to by the gentleman from Ohio [Mr. FINLEY] the Chair was simply enforcing his position by stating that almost all, if not all, the recognitions thus far during the present session for motions to suspend the rules had been in favor of gentlemen who acted under the unanimous instruction of their respective committees; and the Chair is advised that the gentleman from Kansas now on the floor is acting in obedience to the unanimous voice of his committee.

Mr. FINLEY. The difficulty is that under this practice individual members will be altogether precluded from recognition.

The SPEAKER. The Chair thinks that the proposition of an individual member should never come in conflict with the collective voice of a committee. The gentleman from Kansas will indicate his motion.

LAND DISTRICT IN KANSAS.

Mr. RYAN, of Kansas. I move to suspend the rules and pass the bill which I send to the Clerk, a bill (H. R. No. 4411) to establish an additional land district in the State of Kansas. This bill has been prepared by the Committee on Public Lands as a substitute for House bill No. 3190.

The Clerk read as follows:

Be it enacted, &c., That the following-described territory in the State of Kansas, to wit: commencing at the southeast corner of township 35 south, range 27 west of the sixth principal meridian, on the south boundary of the State of Kansas; thence west on said southern boundary to the western boundary of said State; thence north on said western boundary to the third standard parallel south; thence east along said parallel to the northeast corner of township 16 south, range 27 west; and thence south to the place of beginning, in the State of Kansas, shall constitute an additional land district, to be called the southwestern land district, the location for the office of which shall be designated by the President of the United States, and shall by him from time to time be changed as the public interest may seem to require.

SEC. 2. That the President be, and he hereby is, authorized, whenever the public interests shall require, to appoint, in accordance with existing laws authorizing appointment to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are, or may be, prescribed by law in relation to other land offices of the United States.

SEC. 3. That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated wholly within the limits of this district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed.

The question being taken on the motion of Mr. RYAN, of Kansas, to suspend the rules and pass the bill, it was agreed to, two-thirds voting in favor thereof.

ADMISSION TO THE FLOOR.

On motion of Mr. SPRINGER, by unanimous consent, State Senator Lee, of Illinois, was allowed to come upon the floor.

PRACTICE AND SUITS FOR INFRINGEMENTS OF PATENTS.

Mr. THOMAS. I have been directed unanimously by the Committee on the Revision of the Laws to move to suspend the rules and discharge that committee from the further consideration of a bill (H. R. No. 4412) as a substitute for House bill 3767, to regulate practice in suits brought to recover damages for infringement of patents, and that the bill be passed.

The bill, which was read, provides that hereafter in any suit brought in any court having jurisdiction in patent cases for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use and not for sale, if the plaintiff shall recover a judgment for $5 or less as damages the court shall adjudge that he pay all costs of suit; and if the plaintiff shall not recover the sum of $20 or over the court shall adjudge him to pay all his own costs, unless it shall also appear that the defendant at the time of such purchase or practical application had knowledge or actual notice of the existence of such patent; provided that nothing contained herein shall apply to articles manufactured outside of the United States.

The House divided; and there were—ayes 101, noes 25.

Mr. ROBINSON. No quorum has voted.

Mr. BAKER. We might as well have the yeas and nays.

Mr. TOWNSHEND, of Illinois. Yes, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 196, nays 28, not voting 68; as follows:

YEAS—196.

Aiken,	Dibrell,	Kitchin,	Ryan, Thomas
Aldrich, William	Dickey,	Klotz,	Ryon, John W.
Anderson,	Dunn,	Ladd,	Samford,
Armfield,	Dunnell,	Lapham,	Sapp,
Atherton,	Ellis,	Le Fevre,	Sawyer,
Baker,	Errett,	Lindsey,	Scales,
Barber,	Evins,	Lowe,	Shallenberger,
Bayne,	Felton,	Manning,	Sherwin,
Beale,	Finley,	Marsh,	Singleton, James W.
Belford,	Fisher,	Martin, Edward L.	Singleton, O. R.
Beltzhoover,	Ford,	Martin, Joseph J.	Slemons,
Bicknell,	Forney,	Mason,	Smith, A. Herr
Blackburn,	Forsythe,	McCook,	Sparks,
Bliss,	Fort,	McGowan,	Speer,
Bouck,	Frost,	McKenzie,	Springer,
Boyd,	Geddes,	McKinley,	Steele,
Brewer,	Gillette,	McMahon,	Stevenson,
Brigham,	Godshalk,	McMillin,	Stone,
Bright,	Goode,	Mills,	Talbott,
Browne,	Gunter,	Mitchell,	Taylor,
Buckner,	Hall,	Money,	Thomas,
Burrows,	Hammond, John	Monroe,	Thompson, P. B.
Butterworth,	Hammond, N. J.	Muldrow,	Thompson, Wm. G.
Cabell,	Harmer,	Myers,	Tillman,
Caldwell,	Haskell,	Neal,	Townshend, R. W.
Calkins,	Hatch,	New,	Turner, Oscar
Camp,	Hawk,	Newberry,	Turner, Thomas
Cannon,	Hayes,	Nicholls,	Tyler,
Carpenter,	Heilman,	Norcross,	Updegraff, J. T.
Caswell,	Henderson,	O'Connor,	Updegraff, Thomas
Chalmers,	Henkle,	O'Neill,	Upson,
Clardy,	Henry,	O'Reilly,	Van Aernam,
Clark, John B.	Herbert,	Orth,	Vance,
Cobb,	Hooker,	Osmer,	Voorhis,
Coffroth,	Horr,	Overton,	Warner,
Colerick,	Houk,	Page,	Washburn,
Conger,	House,	Persons,	Weaver,
Cook,	Hubbell,	Philips,	Wellborn,
Cowgill,	Hunton,	Phister,	Wells,
Cox,	Hurd,	Poehler,	Whiteaker,
Cravens,	James,	Pound,	Whitthorne,
Daggett,	Johnston,	Prescott,	Williams, C. G.
Davidson,	Jorgensen,	Price,	Williams, Thomas
Davis, George R.	Joyce,	Reagan,	Willis,
Davis, Horace	Keifer,	Richardson, J. S.	Willits,
Davis, Joseph J.	Kenna,	Richmond,	Wilson,
Davis, Lowndes H.	Ketcham,	Robertson,	Wood, Walter A.
De La Matyr,	Kimmel,	Rothwell,	Wright,
Deering,	King,	Russell, Daniel L.	Young, Casey.

NAYS—28.

Ballou,	Culberson,	Kelley,	Robinson,
Blount,	Farr,	Miller,	Ross,
Carlisle,	Field,	Morse,	Russell, W. A.
Chittenden,	Frye,	Phelps,	Simonton,
Clymer,	Hawley,	Pierce,	Wait,
Converse,	Hiscock,	Reed,	Ward,
Crapo,	Hostetler,	Rice,	White.

NOT VOTING—68.

Acklen,	Deuster,	Jones,	Robeson,
Aldrich, N. W.	Dick	Killinger,	Shelley,
Atkins,	Dwight,	Knott,	Smith, Hezekiah B.
Bachman,	Einstein,	Lewis,	Smith, William E.
Bailey,	Elam,	Loring,	Starin,
Barlow,	Ewing,	Lounsbery,	Stephens,
Berry,	Ferdon,	Martin, Benj. F.	Townsend, Amos
Bingham,	Garfield,	McCoid,	Tucker,
Blake,	Gibson,	McLane,	Urner,
Bland,	Harris, Benj. W.	Miles,	Valentine,
Bowman,	Harris, John T.	Morrison,	Van Voorhis,
Bragg,	Hazelton,	Morton,	Waddill,
Briggs,	Herndon,	Muller,	Wilber,
Claflin,	Hill,	Murch,	Wise,
Clark, Alvah A.	Hull,	O'Brien,	Wood, Fernando
Covert,	Humphrey,	Pacheco,	Yocum,
Crowley,	Hutchins,	Richardson, D. P.	Young, Thomas L.

So the rules were suspended and the bill was passed, two-thirds having voted in favor thereof.

During the roll-call the following announcements were made:

Mr. BLAND. I am paired with Mr. CLAFLIN, of Massachusetts. If he were here, I would vote in the affirmative.

Mr. HERBERT. My colleague, Mr. LEWIS, is paired with Mr. HARRIS, of Massachusetts.

Mr. FORNEY. My colleague, Mr. HERNDON, is paired with Mr. BRIGGS.

Mr. COFFROTH. Mr. WISE is paired with Mr. MITCHELL. Mr. BACHMAN, who has been called home on important business, is paired with Mr. BLAKE, of New Jersey.

Mr. HALL. My colleague, Mr. BRIGGS, is paired with Mr. HERNDON.

Mr. PAGE. My colleague, Mr. BERRY, is absent by leave of the House.

Mr. HARMER. Mr. DICK is paired with Mr. ELAM.

On motion of Mr. DUNNELL, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

ESTABLISHMENT OF TITLES IN HOT SPRINGS.

Mr. DUNN. Mr. Speaker, I am directed by the Committee on Public Lands to move that that committee be discharged from the further consideration of a bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, and that the bill be passed.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Interior, within ten days after the passage of this act, to transmit to the United States land office at Little Rock, Arkansas, the final report of the commissioners appointed under an act approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas," together with the survey and map made by said commissioners, and accompanying their said report, which report and map show the award of titles to lands made by the commissioners under the provisions of said act; and shall instruct the United States land officers at Little Rock to allow the lots and lands awarded to individuals or associations on the Hot Springs reservation to be entered as hereinafter provided, and shall cause patents of the usual form used in the sale of public lands to be issued therefor except in cases hereinafter to be specified; and it shall be the duty of the land officers at Little Rock to give thirty days' notice in the Little Rock and Hot Springs newspapers of the time when said lands will be subject to entry under the provisions of this act.

SEC. 2. That any persons, their heirs or legal representatives, in whose favor said commissioners, or the court to which appeals may be taken under the provisions of this act, shall have finally adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged them to be entitled to purchase, at any time within twelve months next after the expiration of the thirty days' notice by the land officers required in the preceding section to be given, by paying on every separate certificate of award covering a lot of one acre, or of any fraction of an acre, the sum of $10; and on every separate certificate covering more than one acre but not over two acres, the sum of $20; and on every separate certificate covering more than two acres but not over three acres, the sum of $30; and so on at this rate, paying an additional $10 on every additional acre or fraction of an acre covered by any certificate.

SEC. 3. That a revision may be had in equity of the adjudications and award, of the right of entry of lots made by the commissioners, the correctness of which may be questioned on account of fraud, gross error, or mistake, and to that end jurisdiction is conferred upon the district court of the United States for the eastern district of Arkansas, and said court shall be deemed as open at all times for the exercise of the jurisdiction hereby conferred. Any and all persons feeling themselves aggrieved by any award or decision made by the commissioners for the causes aforesaid may apply to the judge of said court for an order suspending the entry or sale of the lot or lots to which they feel themselves entitled, not awarded them, and not included in the permanent reservation, at any time within twenty days after the first publication of the notice of the opening of the land office as aforesaid, by preparing their bill of complaint upon which the application is to be made, and delivering a copy thereof to and serving notice upon the adverse party of the intended application, five days prior to the date of such application, or in default of such delivery of a copy and notice, shall satisfy the court of their inability to do so. If, upon consideration of the bill and affidavit supporting it, in conjunction with the answer, should any be filed, and affidavits supporting it, or, in default of answer, upon the bill alone, the judge shall be of opinion that a case for equitable intervention on the grounds of fraud, gross error, or mistake as aforesaid is primarily made, he shall make an order suspending the entry or sale of the lot or lots involved in the suit, and cause a copy thereof to be delivered to the land officers at Little Rock, Arkansas, prior to the opening of their office for entries as herein provided, which order shall be obeyed until countermanded by the court or Secretary of the Interior. Parties not served with a copy of bill and notice as aforesaid shall be brought before the court by the usual process, when an order of suspension has been made as above provided, and may file their answer, with affidavits supporting it, and if, upon consideration thereof, together with the bill, the court is of opinion that a case for equitable intervention is not primarily made, the order suspending the entry shall be vacated, the cause dismissed, and the land officers served with a copy of the order vacating the suspension, after which entries or sales may be made as though such suspension had never been ordered.

SEC. 4. That all cases presented as aforesaid, in which a suspension of entries shall be ordered, as above provided, the court shall proceed to ascertain, try, and determine the better right as between the contestants, and to that end may admit exemplifications of the maps and plats of the land office at Little Rock, Arkansas, and the testimony taken before the commissioners; and it shall be the duty of the Secretary of the Interior to make, or cause to be made, such exemplifications, and to transmit the testimony so taken as aforesaid upon the proper demand of the court; and the court shall admit any other and further testimony before it essential to the proper determination of such causes, and may at all times make such rules as may be needful to secure costs and bring such causes to a speedy hearing and determination.

SEC. 5. Upon the determination of such causes the court shall certify its decision in each case to the Secretary of the Interior, and thereupon he shall issue the necessary instructions to the land officers at Little Rock, Arkansas, to permit entries in conformity with the decision of the court, as provided by the second section of this act, at any time within twelve months next after the date of such instructions.

SEC. 6. That all claimants who failed in whole or in part to get an award for the lands they claimed, shall, although said lands may not have been awarded to others, and provided the same be not included in the permanent reservation, have the same right of revision, subject to the same conditions as prescribed in section 3 of this act; and if the judgment of the court be in their favor, it shall be the duty of the Secretary of the Interior to instruct the land officers at Little Rock to allow entries of said lands, in accordance with the judgment of the court, upon payment being made according to the rate established in section 2 of this act, at any time within twelve months after the date of the decision of the court in the case: *Provided*, That this shall not apply to lots or lands set apart for school or church purposes.

SEC. 7. That those divisions of the Hot Springs reservation, known as the mountainous districts, not divided by streets on the map made by the commissioners, but known and defined on the map and in the report of the commissioners as North Mountain, West Mountain, and Sugar Loaf Mountain, be, and the same are hereby, forever reserved from sale, and dedicated to public use as parks, to be known, with Hot Springs Mountain, as the permanent reservation.

SEC. 8. That whenever the town of Hot Springs shall procure elsewhere a suitable burying-ground and shall cause the bodies now buried in the cemetery lot, within the limits of said town, to be decently removed and reinterred, the title to said cemetery lot shall vest in the corporation of said town, to be held and used forever as a town or city park, and not otherwise.

SEC. 9. That the Secretary of the Interior is hereby authorized to designate as many as six lots from the unawarded grounds on the Hot Springs reservation for the use of the common schools of the corporation of the town of Hot Springs, as sites for school-houses, and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common-school officials of the district in which they may be located for such purposes only.

SEC. 10. That the streets, courts, and alleys, and other thoroughfares of the town of Hot Springs, as surveyed, opened, or established by the commissioners and represented on the map of said town, and not included in the permanent reservation be, and the same are hereby, ceded to the corporation of the town of Hot Springs.

SEC. 11. That that portion of the Hot Springs reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, from time to time, at the discretion of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands; and the money arising from said sales, as well as the money paid in under section 2 of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress.

SEC. 12. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. FORT. I ask, Mr. Speaker, that unanimous consent be granted for some explanation of this proposition.

Mr. WARNER. I rise to a parliamentary inquiry. Is it in order to refer the bill to the Judiciary Committee?

The SPEAKER. It is not; because the motion of the gentleman from Arkansas is to discharge the Committee on Public Lands and pass the bill. The Chair is advised also that this motion is made by the unanimous recommendation of the Committee on the Public Lands.

Mr. FINLEY. I ask, Mr. Speaker, that by unanimous consent the gentleman from Arkansas, who has charge of this bill on the part of the Committee on the Public Lands, may have opportunity to explain it.

The SPEAKER. How much time does the gentleman suggest?

Mr. FINLEY. Five minutes.

Mr. FORT. Oh, no; longer than that.

The SPEAKER. How much?

Mr. FORT. Fifteen minutes.

Mr. CONGER. I wish to say, Mr. Speaker, that a bill with twelve sections about disputed matters, of which the papers are full, ought to have more consideration than fifteen minutes.

Mr. FINLEY. It is only done by unanimous consent.

The SPEAKER. The Chair would suggest to the gentleman from Arkansas a modification of his motion that the rules be suspended for the purpose of having the bill brought before the House for consideration.

Mr. SPRINGER. I think this bill should be fully considered.

Mr. DUNN. What was the motion of the gentleman from Ohio, [Mr. WARNER?]

The SPEAKER. It was to refer the bill to the Committee on the Judiciary, but that motion could not be entertained.

Mr. FINLEY. I hope there will be no objection to granting unanimous consent to the gentleman from Arkansas for fifteen minutes in which to explain the proposition to the House.

Mr. CONGER. Does the gentleman from Arkansas modify his motion?

Mr. HUNTON. I hope the gentleman from Arkansas will change his motion so as to move to suspend the rules and discharge the committee from the further consideration of the bill, and to bring it before the House for consideration.

The SPEAKER. Does the gentleman modify his motion? He must have instruction from his committee to that effect.

Mr. DUNN. I would prefer having the vote on the original motion to suspend the rules and pass the bill.

The SPEAKER. After that vote is taken, if defeated, the Chair will have to recognize another committee, of course.

Mr. DUNN. I have no objection, Mr. Speaker, to modifying my motion that the rules be suspended and the committee discharged from the further consideration of the bill and that it be brought before the House for consideration.

The reason for moving to suspend the rules and pass the bill is, there are only thirty days remaining of the sixty days' extension, under the resolution heretofore passed, in which to consider and legislate on this subject.

Mr. HOOKER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Is it in order to move to refer this to the appropriate committee?

The SPEAKER. It is not.

Mr. HOOKER. Then I hope the motion to suspend the rules and pass the bill will be voted down.

Mr. DUNN. I will modify the motion to discharge the committee and consider the bill in the House.

Mr. WEAVER. I presume the gentleman cannot submit that motion if his committee has not instructed him so to do. He stated in the first place that he was instructed by the committee to move to suspend the rules and pass the bill, and he cannot modify that motion without reference to the committee. I object to any modification of the motion.

The SPEAKER. The gentleman from Arkansas will state precisely what were the instructions of the Committee on Public Lands.

Mr. DUNN. I was instructed by the Committee on Public Lands to take any and all advantage possible under the rules so as to secure the passage of this bill at the earliest day. [Laughter.]

The SPEAKER. The Chair decides under those instructions the gentleman is fully entitled to modify his motion.

Mr. WEAVER. I ask for the reading of the instructions of the Committee on Public Lands.

The SPEAKER. The Chair will now submit the motion as modified.

Mr. WEAVER. I demand the ruling on my point of order.

Mr. FINLEY. I ask the gentleman from Arkansas to modify his motion, so as to make the bill a special order for some particular day.

Mr. WEAVER. I demand a ruling on my point of order. The gentleman has not stated he was ordered by his committee to move a suspension of the rules with a view to bringing the bill before the House for consideration.

The SPEAKER. On the contrary, the gentleman stated he was instructed to make any motion to secure the passage of the bill.

Mr. WEAVER. I ask the gentleman to state specifically what were his instructions from the committee.

The SPEAKER. The greater would include the less.

Mr. TOWNSHEND, of Illinois. Regular order!

Mr. ROBINSON. I wish to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON. If two-thirds vote in favor of the consideration of the bill, will then only a majority vote be required to pass the bill?

The SPEAKER. That is all. The gentleman makes his motion under what he states to be the instructions of his committee—that the committee be discharged from the further consideration of the bill, and that it be brought before the House for action.

The House divided; and there were—ayes 88, noes 54.

Mr. DUNN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 153, nays 65, not voting 74; as follows:

YEAS—153.

Acklen,	Camp,	Davis, Lowndes H.	Harmer,
Aiken,	Carlisle,	Dibrell,	Haskell,
Aldrich, William	Carpenter,	Dickey,	Hatch,
Anderson,	Chalmers,	Dunn,	Henderson,
Armfield,	Chittenden,	Ellis,	Henry,
Atherton,	Clardy,	Errett,	Herbert,
Beale,	Clark, John B.	Evins,	Hill,
Beltzhoover,	Clymer,	Farr,	Hooker,
Bicknell,	Cobb,	Felton,	Horr,
Blackburn,	Coffroth,	Finley,	House,
Bliss,	Colerick,	Forney,	Hull,
Blount,	Converse,	Frost,	Hunton,
Bouck,	Cook,	Frye,	Johnston,
Buckner,	Cox,	Geddes,	Joyce,
Butterworth,	Cravens,	Gibson,	Kenna,
Cabell,	Culberson,	Gunter,	Ketcham,
Caldwell,	Davidson,	Hammond, John	King,
Calkins,	Davis, Joseph J.	Hammond, N. J.	Klotz,
Lapham,	Phelps,	Singleton, J. W.	Updegraff, J. T.
Le Fevre,	Philips,	Singleton, O. R.	Updegraff, Thomas
Lindsey,	Phister,	Slemons,	Upson,
Martin, Edward L.	Poehler,	Smith, A. Herr	Vance,
Martin Joseph J.	Pound,	Smith, William E.	Van Voorhis,
Mason,	Prescott,	Sparks,	Warner,
McKenzie,	Price,	Speer,	Washburn,
McKinley,	Reagan,	Springer,	Wellborn,
McMahon,	Reed,	Steele,	Wells,
McMillin,	Richardson, J. S.	Stevenson,	Whiteaker,
Mills,	Richmond,	Stone,	Whitthorne,
Money,	Robertson,	Talbott,	Williams, Thomas
Morrison,	Rothwell,	Taylor,	Willis,
Morton,	Ryan, Thomas	Thompson, P. B.	Wilson,
Muldrow,	Ryon, John W.	Thompson, Wm. G.	Wood, Fernando
Myers,	Samford,	Tillman,	Wood, Walter A.
New,	Sapp,	Townshend, R. W.	Wright,
Nicholls,	Sawyer,	Tucker,	Young, Casey.
O'Connor,	Scales,	Turner, Oscar	
O'Reilly,	Sherwin,	Turner, Thomas	
Persons,	Simonton,	Tyler,	

NAYS—65.

Baker,	Deering,	Hubbell,	Pacheco,
Ballou,	Dunnell,	Jones,	Pierce,
Barber,	Dwight,	Keifer,	Richardson, D. P.
Bayne,	Field,	Kelley,	Robinson,
Bowman,	Fisher,	Lowe,	Russell, Daniel L.
Boyd,	Ford,	Marsh,	Shallenberger,
Brewer,	Forsythe,	McCoid,	Thomas,
Brigham,	Fort,	McCook,	Valentine,
Bright,	Garfield,	Miller,	Van Aernam,
Burrows,	Gillette,	Monroe,	Wait,
Cannon,	Hall,	Murch,	Ward,
Caswell,	Hawk,	Neal,	Weaver,
Conger,	Hawley,	Newberry,	Williams, C. G.
Cowgill,	Heilman,	O'Neill,	Willits.
Crapo,	Hiscock,	Orth,	
Davis, George R.	Hostetler,	Osmer,	
De La Matyr,	Houk,	Overton,	

NOT VOTING—74.

Aldrich, N. W.	Deuster,	Killinger,	Rice,
Atkins,	Dick,	Kimmel,	Robeson,
Bachman,	Einstein,	Kitchin,	Ross,
Bailey,	Elam,	Knott,	Russell, W. A.
Barlow,	Ewing,	Ladd,	Shelley.
Belford,	Ferdon,	Lewis,	Smith, Hezekiah B.
Berry,	Godshalk,	Loring,	Starin,
Bingham,	Goode,	Lounsbery,	Stephens,
Blake,	Harris, Benj. W.	Manning,	Townsend, Amos
Bland,	Harris, John T.	Martin, Benj. F.	Urner,
Bragg,	Hayes,	McGowan,	Voorhis,
Briggs,	Hazelton	McLane,	Waddill,
Browne,	Henkle,	Miles,	White,
Claflin,	Herndon,	Mitchell,	Wilber,
Clark, Alvah A.	Humphrey,	Morse,	Wise,
Covert,	Hurd,	Muller,	Yocum,
Crowley,	Hutchins,	Norcross,	Young, Thomas L.
Daggett,	James,	O'Brien,	
Davis, Horace	Jorgensen,	Page,	

So (two-thirds voting in favor thereof) the rules were suspended, and the bill was brought before the House for consideration.

During the call of the roll the following announcements were made:

Mr. SCALES. Mr. BLAND, of Missouri, is paired with Mr. CLAFLIN, of Massachusetts.

Mr. HOOKER. I voted "no," considering this was an important bill which ought not to pass without discussion. I understand now the proposition is simply to consider it at this time. I therefore change my vote to "ay."

Mr. STONE. Mr. SHELLEY, of Alabama, is paired with Mr. STARIN, of New York.

Mr. BELFORD. I am paired with Mr. EWING, of Ohio.

Mr. FISHER. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. ELAM, of Louisiana.

Mr. FIELD. My colleague from Massachusetts, Mr. NORCROSS, is paired with Mr. MARTIN, of West Virginia.

The result of the vote was then announced as above recorded.

The SPEAKER. Two-thirds having voted in favor of suspending the rules, the bill is before the House.

Mr. SPRINGER. I rise to a question of order. This bill, I believe, makes an appropriation of money or disposes of some of the public lands. I make the point of order that it should be considered in the Committee of the Whole.

The SPEAKER. The motion was to suspend the rules and bring the bill before the House for consideration; and the rule under which the gentleman from Illinois makes the point of order was suspended with the rest.

Mr. SPRINGER. I submit that the motion simply discharges the committee and brings the bill before the House.

The SPEAKER. For present consideration in the House.

Mr. SPRINGER. And the bill being before the House I make the point that it should be considered in Committee of the Whole.

The SPEAKER. The suspension of the rules vacates the gentleman's point of order.

Mr. SPRINGER. Can the previous question now be moved and the bill passed?

The SPEAKER. A majority can pass the bill in the House. The Chair stated that in reply to an inquiry made by the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. WARNER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER. This bill being now before the House for consideration, will a motion be in order to refer it to the Committee on the Judiciary?

The SPEAKER. The gentleman from Arkansas who made the motion to suspend the rules is entitled to be recognized as in charge of the bill, and has one hour, at the end of which, or whenever he may arrange by agreement with gentlemen on the floor, he has the right to test the sense of the House by demanding the previous question. If the House votes down the demand for the previous question, then of course the bill will be open to amendment or open to any motion permissible under the rules. A motion to lay on the table would be in order at any time.

Mr. WEAVER. I move the previous question on the bill.

The SPEAKER. The Chair has recognized the gentleman from Arkansas [Mr. DUNN] who has charge of the bill.

Mr. DUNN. I desire to be heard upon the bill.

The SPEAKER. The gentleman is entitled to one hour.

Mr. DUNN. At the end of that time I will move the previous question on the bill.

The SPEAKER. The Chair suggests as a matter of fair play that the gentleman shall divide his time between the friends and opponents of the bill. He might take one half hour and allow half an hour to the other side.

Mr. DUNN. It is my desire to divide the time equally. It was my purpose in modifying the motion which I originally made to give an opportunity for a full understanding and discussion of all the provisions of this bill. I desire that the House shall understand it fully, and when all its provisions are understood I am satisfied it will commend itself to the House. I wish to inquire now before going further, if the gentlemen who oppose this bill desire more time than half an hour. I wish to give the fairest and fullest opportunity for the discussion of this bill consistent with the interests involved and the limited time allowed for legislation on this subject.

Mr. YOUNG, of Tennessee. Will the gentleman permit me to offer an amendment and allow discussion upon it? I do not object to the bill but I think it should be amended in some particulars.

Mr. DUNN. I could not consent to that. It is the sense of my committee that the bill should not be left open for amendment.

Mr. DUNNELL. I hope the gentleman from Arkansas [Mr. DUNN] will proceed with his explanation of the bill, reserving at least one-half of the time for this side of the House, or rather for the opponents of the bill.

Mr. GARFIELD. I would inquire what is the proposition as to the time for debate?

The SPEAKER. The bill, by a suspension of the rules, is now before the House for consideration.

Mr. GARFIELD. What is the proposition that the gentleman from Arkansas [Mr. DUNN] makes in regard to the time for discussion?

The SPEAKER. The gentleman gives notice that at the end of an hour he will test the sense of the House upon ordering the previous question; and states that he desires to give one-half of that hour to the opponents of the bill.

Mr. GARFIELD. Well, at the end of the hour we will see whether we want to close the discussion. The bill may be all right, but we want to understand all about it before any bargain is made.

The SPEAKER. There is no bargain at all. The gentleman proposes, as the Chair suggested, that the time for discussion, before calling the previous question, be divided between the friends and the opponents of the bill; which the Chair thinks is fair.

Mr. GARFIELD. That is all fair; but I do not think now is the proper time to fix a limit for debate upon this bill.

The SPEAKER. If at the end of the hour the House shall desire more time for discussion the demand for the previous question can be voted down.

Mr. GARFIELD. If this is a fair bill, and the committee in charge of it can show it to be such, we may get through the discussion before the end of the hour.

Mr. DUNN. I do not think any one will doubt the fairness of the provisions of this bill when they shall have been fully explained. When the decision of the Court of Claims was made in 1876, to the effect that this Hot Springs reservation belongs to the United States, it was found that there had settled upon that public reservation more than five thousand people. These settlers purchased their lands from persons who represented themselves to be owners of the land, and who, they had every reason to believe, were the owners of the land. They built their houses upon the lands they had so purchased, and it was not until this decision of the court in 1876 that very many of them were aware even of the existence of the reservation. That reservation had been made in 1832, and there was profound silence about it on the part of the Government and of its officials until 1870.

These persons who claimed to be the owners, and who sold to these settlers, were able, one of them, to exhibit a certificate of location under the New Madrid act; another was able to exhibit an actual certificate of entry granted by the Interior Department, but which was afterward canceled. These indications and muniments of title were exhibited to the people who drifted in there from time to time, and they were led to believe that they were evidences of good title on the part of those who claimed to own the lands, and did not hesitate to purchase, and erect improvements.

It has been the uniform practice of this Government to allow all settlers on public lands, all occupants of town sites, to enter their lands or their lots of ground at the minimum Government price. Salt Lake City, the city of Denver, and a number of other towns were located and built upon public land that was afterward entered at $1.25 an acre. Other towns, under the provisions of a law now in force, have been located upon land entered at $10 per lot, as is provided for by this bill.

These people on this reservation were found there, and they had all the rights that any other settlers on any other public lands of the Government ever had; that is, the right to purchase their town lots at the minimum rate provided by law.

When this decision was made the Government sent a receiver there to take possession of the town, and that receiver seized it and rented the houses of the people there to the settlers themselves for one year, and collected from them more than $40,000, which has been covered into the Treasury, with the exception of the amount necessary to pay the expense of that proceeding. Afterward the act of 1877 was passed, abolishing the receivership and providing for the Hot Springs commission, composed of three persons. The members of that commission were clothed by law with the power to lay off the town, to lay out streets, to widen streets, and to make new ones. They were also empowered to designate a permanent reservation, to hear testimony of these settlers and to determine as between claimants who should have the right to purchase the particular tracts of land in controversy.

These commissioners have heard testimony in nine hundred and fifty cases, and of this reservation of twenty-five hundred acres they have awarded seven hundred acres to six hundred and forty-seven claimants. They have valued, as they were directed under that law, the lands awarded to these several claimants. They have fixed a valuation upon the land of nearly one-fourth of a million of dollars. Where the statute provides that the settlers may enter their lots for $10 per lot, this commission have valued the lots at an average of $350 per lot.

This bill provides that these claimants shall have the right to enter their lots at $10 per lot of one acre or less; of two acres or more than one acre, at $20 per lot, and so on—an additional $10 for each additional acre or fractional part of an acre contained in the lot.

This is one of the prominent features of the bill, that it relieves from this assessment of $250,000 these people who bought their lands, paid full value for them, and have spent forty years of their lives there, have built houses and made other improvements, have planted trees, have had children born and reared there. The bill gives to these people the right to enter these lands as all other settlers upon Government reservations have had the right to do heretofore.

Another point: there comes from these people complaint that unfairness and injustice have been done in some cases in the award of the right of entry. This bill gives a right of appeal to those who can make a *prima facie* case for equitable intervention on account of fraud, gross error, or mistake. It does not give an appeal as a matter of course to anybody who may come and apply for it; the applicant must show a *prima facie* case for equitable intervention, or he cannot take an appeal.

The bill reserves about nine hundred and more acres as a permanent reservation, including the Hot Springs, the North Mountain, the Sugar Loaf Mountain, and the West Mountain. All these are permanent reservations for the future use of the Government, where it can erect a great sanitarium if it sees proper to do so.

These are the important points of the bill, and the only features which differed from the legislation heretofore had, and from the policy which has been adopted under the workings of the commission and from their recommendations.

Mr. HAWLEY. I would like to ask the gentleman a question. It is represented here that all the parties interested are satisfied except half a dozen or so. Now, how many are dissatisfied?

Mr. DUNN. All are dissatisfied with the assessment made upon their property. It is thought there will not be more than fifteen or twenty appeals taken from the decision under the provisions of this act.

Mr. REED. Has there been a report by the commissioners as to their reasons for giving this enlarged valuation to the land?

Mr. DUNN. A report has been made, but no special reason has been given. The commissioners say that they have assessed the property at something less than its actual value.

Mr. REED. Is that report among the public documents of this session?

Mr. DUNN. It is. It is Senate Executive Document No. 21.

Mr. MCMAHON. I desire to ask the gentleman a question. I wish to know whether the grounds reserved for the Government—the nine hundred acres—immediately surround the springs whose medicinal qualities are world-wide?

Mr. DUNN. One portion of the reservation, under the act of 1877, embraces the Hot Springs Mountain, and includes all the hot water. The other reservations do not immediately surround that, but lie adjacent, and are reserved because they are mountainous, not well fitted for settlement, and being covered with fine forest trees may be especially suitable for park purposes.

Mr. MCMAHON. If the gentleman will yield to me a few moments——

Mr. DUNN. I yield to the gentleman for five minutes.

Mr. MCMAHON. I have made this inquiry of the gentleman because in my opinion the Government of the United States has more

use for these springs than any individual or any other corporation can have. We have at present not less than eight thousand disabled soldiers in our public institutions, and this number is probably increasing from year to year as we recede in point of time from the war. More than one-half of the inmates of these institutions are compelled now to reside in comparatively northern climates—some of them in Maine, some in Wisconsin, and others, I may say the bulk of them, in my own State. I know that a great portion of these men might be largely benefited if the Government of the United States would only utilize the great property which it has at the Hot Springs, would beautify that spot as it can, and make it a resort for disabled Union soldiers, including the survivors of future wars in which our country may be involved. Of course I hope that we shall not have such wars; but still the possibility is before us. I would therefore like to have it understood, and would like the country to know, not only for the purpose of the present legislation but with reference to the future, that the Government is never to give up any claims whatever to the bulk of this land now in its possession, nor under any circumstances part with its exclusive rights in regard to these waters.

Mr. CONGER. I ask the gentleman from Arkansas [Mr. DUNN] who has charge of this bill to state to the House how far it differs from the recommendations of the commissioners in addition to the matter of price or valuation.

Mr. DUNN. It differs in no respect from any recommendation they made, so far as I am now advised. It follows the recommendations of the commission, but it grants the right of appeal, in the terms I have stated, from the decision of the commission to the Federal courts, and reduces the assessment.

Mr. CONGER. If the gentleman will yield to me for a few minutes, I would like to state what I have understood.

Mr. DUNN. I yield five minutes to the gentleman.

The SPEAKER. The Chair will count these five minutes as a part of the thirty minutes allotted to the opponents of the bill.

Mr. CONGER. I understand from the report of the commission, which I have read, that they have settled the long-standing disputed claims, so far as it was possible to do so, with due regard to equity and right. With this settlement there are of course many claimants dissatisfied. I understand the prices which they have fixed for the lands to claimants where claims have been allowed is a reasonable one, and satisfactory to the claimants, or was so at the time the awards were severally made to them. Since all that has been settled, and since the time when these claimants were glad to come in and pay to the Government the amount assessed on them or certified to their several claims, this bill has been prepared in the interest of those who desire to contest claims and who have not had their claims allowed. That is one party; and they have been joined by all those to whom these claims have been allowed, believing their claims are now safe and will be confirmed, and their titles will be made good. They come in now and desire to have their lands at prices mentioned in this bill—ten shillings an acre, or $5 an acre, or whatever it may be. I learn it is $10 per acre and under.

It seems to me, Mr. Speaker, and I speak, sir, from communication I have had with some of the commissioners, as if these men who had squatter claims which were of no legal validity whatever, made upon the public lands with due notice, paid for to other parties for the very sake of having some claim as an entering-wedge when it should be settled, do wrong to this House and the country to come in and urge a bill giving them their lands, to the exclusion of all other people of the United States, for a mere song. It does not seem to me right, and in that view of the case I see no reason why men who are perfectly willing to pay the amount which the commissioners assessed and estimated for their claims, having secured their rights against all the other claimants and against all the other people of the United States, as soon as they succeeded against the rights of the world, should come in and demand they should have their lands virtually for nothing. I suppose there are acres of this land which could be sold within ten days from this time, if the claim was confirmed, for ten, fifteen, or twenty thousand dollars an acre; and yet they come and ask this House to give away the rights of the Government without any real equity in them, for when we have allowed them to come in and take them at the prices proposed all the equities have been fulfilled.

It seems to me, sir, this House has no right to vote away $350,000 to the successful claimants and enable them to get for nothing their lots and their acres and more than acres, to get them for a small pittance and then turn around and hold the rest of the people of the United States to the necessity of paying five, ten, fifteen, or twenty thousand dollars an acre. That is legislating in the interest of those who have forced themselves upon the public domain to get possession of it to the exclusion of all others and then ask the Government and this House to vote away money they would be required to pay that they may exact from others enormous prices.

The lands around these springs, as I understand from looking at the maps and the report of the commission, are limited to a small tract which is capable of receiving the flow of the hot springs. Now, all that is sold. The Government has reserved those higher peaks, those hills or mountains as they are called, around these springs where there can be no flow of the hot water from the springs to make them available. All the rest, immediately away from the springs, has been given away to these claimants. And, in looking over the report, it seemed to me as if it were a mockery to the people of the United States that the Government should give away for a pittance all the available land upon which sanitary and hospital buildings could be erected where they could receive the direct flow of these valuable waters without resorting to the process of pumping, or of carrying the water in pipes to other places. It is given away to men who will batten and batten on the infirmities of the people.

[Here the hammer fell.]

The SPEAKER. The gentleman from Tennessee has indicated to the Chair a desire to speak in opposition to this proposition. How much time does he want?

Mr. YOUNG, of Tennessee. It is not my purpose to oppose the bill; but I have a few suggestions to make to the gentleman having it in charge.

Mr. DUNN. How much time does the gentleman desire?

Mr. YOUNG, of Tennessee. About ten minutes.

Mr. DUNN. I will yield to the gentleman that much time.

Mr. YOUNG, of Tennessee. Mr. Speaker, I am quite familiar with all the facts and circumstances connected with this bill, as well as the reasons which should influence its passage. I know the people of Hot Springs well. Many of them are my best and most intimate friends, and I think I know their wants, their wishes, and their rights. From this knowledge I am satisfied that this bill, or some one similar to it in the object and purpose sought to be attained, is eminently just and proper and ought to be passed by this House at as early a period as possible. If the preparation of this measure had been submitted to me I should, I think, have constructed it somewhat differently in several of its provisions; but in what I shall say I do not desire to be understood as opposing its passage, but merely as making some suggestions for the consideration of the House and the members of the committee which reported it, in the hope that it may be deemed proper to make the alterations and amendments which I shall point out.

I think it a matter of very grave doubt whether or not the bill in its present form will stand the test of legal criticism when considered in respect to the constitutional questions which it presents. I am of opinion from the hasty examination which I have been able to give the bill that it is in conflict with that principle of constitutional law which forbids legislation calculated to impair the obligations of contracts or vested rights. The act of Congress approved March 3, 1877, entitled "An act in relation to the Hot Springs reservation," recognized certain quasi-property rights which different classes of persons had acquired to property on the reservation by reason of occupancy and improvement of the same, and provided the method and manner by which those rights should be established and maintained. That law has been partially executed, and indeed almost entirely so, and in so far as the proposed bill will affect the executed part of the former law it will, I think, be pronounced by the courts unconstitutional and void. I am apprehensive, therefore, that the gentlemen who are urging the passage of this bill in its present form will in all probability defeat the very object which they have in view if they should succeed in making it a law.

This objection is, I think, of sufficient gravity to suggest a more careful consideration of the bill than can be given to it under a motion to suspend the rules for its passage. But there are other objections which are to my mind more formidable than this one. While an appeal is ostensibly allowed to a party feeling himself aggrieved, yet it is practically denied by the extraordinary conditions coupled with a pretended grant of the right, for, as it will be seen by an examination of one of the clauses of the bill to which I propose to call attention, it is made to depend upon the discretion of a single judge whether the appeal shall be granted at all or not. It gives to the district judge the right to determine from the appellant's bill of complaint or declaration whether or not he has good ground for appeal, and if he believes the grounds stated to be insufficient, whether through ignorance, mistake, or inadvertence the application for appeal is to be at once dismissed, and that, too, without notice or hearing, and this order is final. The application for appeal being under this provision of the bill addressed to the discretion of the court, of course no appeal from an order dismissing this application would be entertained by a superior court, for it is a well-settled principle of law that the exercise of a judicial discretion vested by law can be in no way controlled or restrained by an appellate court.

Logically and practically construed this provision of the bill may be said to give a right to a party to sue out his writ for the commencement of an action which the law says he may bring, and at the same time give the judge before whom it is returnable the right to dismiss it without allowing the plaintiff to be heard in support of his right of action. If this is so it will of course be seen that the right of appeal which is pretended to be given in this bill is a sham and a fraud, a shallow device to mislead and quiet the clamor being made by the victims of unjust judgments. The provision of the bill to which I allude is found on page 6, from line 25 to the close of the paragraph, which I now send to the Clerk's desk and request to be read.

The Clerk read as follows:

The judge shall be of opinion that a case for equitable intervention on the grounds of fraud, gross error, or mistake as aforesaid is primarily made, he shall make an order suspending the entry or sale of the lot or lots involved in the suit, and cause a copy thereof to be delivered to the land officers at Little Rock, Arkansas, prior to the opening of their office for entries as herein provided, which order

shall be obeyed until countermanded by the court or Secretary of the Interior. Parties not served with a copy of bill and notice as aforesaid shall be brought before the court by the usual process, when an order of suspension has been made as above provided, and may file their answer, with affidavits supporting it, and if, upon consideration thereof, together with the bill, the court is of opinion that a case for equitable intervention is not primarily made, the order suspending the entry shall be vacated, the cause dismissed, and the land officers served with a copy of the order vacating the suspension, after which entries or sales may be made as though such suspension had never been ordered.

Mr. YOUNG, of Tennessee. It will be observed, Mr. Speaker, that the language just read would clothe the judge of a United States district court before whom the appeal here provided for must be prosecuted, with a more enlarged judicial discretion than was ever conferred by statute law upon any single judge since the organization of our Government, and I undertake to say that no precedent can be found for it in the history of our entire judicial legislation. In the bill it is proposed to vest the aggrieved citizen with the right of appeal and at the same time empower the judge to say whether or not he shall have it. This involves a conflict of rights and powers and a contradiction in the spirit and meaning of a legislative act which smacks strongly of the farcical and absurd. Where is the good sense or necessity of giving a right to one man the exercise of which may be denied and absolutely prevented by the arbitrary will and discretion of another?

If it is true, as has been repeatedly and openly charged in newspaper publications and broadly intimated by gentlemen on the floor, that three men charged with the execution of an important public trust, and supposed to be learned in the law, were unable to comprehend the legal principles involved or to determine correctly the questions of fact presented, or were too weak to resist the temptation of greed and the agencies of corruption, it would seem to be an unsafe experiment to intrust one man with a revision of their action and allow him to be accessible to the same agencies, influences, and surroundings. If, in other words, three men made such wretched mistakes as are charged to the account of the Hot Springs commissioners, would it be wise or safe to intrust the duty in which they seem to have made so sad a failure to a single man with no restraint upon his judgment or discretion and no appeal from his decrees? If an aggrieved party were given the right in this bill to be heard at all before one man, even, it would not be so bad, but this is not given except under such qualifications and conditions as render it imperfect and ineffectual. Without the consent of the judge a party seeking an appeal could never set his foot in the court-room, could never approach the temple of justice, which, it has been said, should always be open for every one who has a cause of grievance.

The right of appeal, if given at all, should be absolute and unconditional, and should not depend upon the caprice or discretion of any single judge.

I have still another objection to this measure, as I find in it the want of another feature, the lack of another provision which I deem of more importance, more vital to the interest of aggrieved parties and the certain administration of justice than any others which it does or could contain. The right of trial by jury is, in the estimation of the Anglo-Saxon race, the dearest and most sacred of all the rights they have won in the struggles, wars, and revolutions of three thousand years. They have been taught to believe that their rights are never so secure as when guarded by the watchful vigilance of twelve of their peers, sitting in the jury-box, under restraints and obligations of law. And few citizens of this country are willing to submit their rights to the judgment of any other tribunal. But I see that this is not provided for in any of the sections of this bill, the framers seeming to have forgotten that there was any such institution known in this country as a right of trial by jury.

I cannot perceive in the facts and circumstances connected with the Hot Springs matter any reason why a trial by jury should be withheld from any of those who may seek to reverse the findings of the commission. Of course I do not know and cannot undertake to give the reasons which influenced the Committee on Public Lands to omit in this bill that vital and essential feature of trial by jury which, in my judgment, should be incorporated in every law by which the rights of citizens are to be fixed and determined; and I will not therefore undertake any criticism of their action in this particular further than to remark that I do not believe it will meet public expectations or the demands of justice. Judges, *ex necessitate*, must in most cases be vested with the sole power of expounding the law, but the jury is the safer source from which to receive the facts.

In the absence of any stronger reason than appears upon the face of the bill, or that has been made known to me from any other source, I must insist that there shall be an amendment providing for the calling of a jury in cases where either party demands it, before I can give the measure my support. I would respectfully point out to the committee and to the House another objection which I regard as well worthy of consideration and which would alone, independent of all others, shape my own action in this matter. I do not find in the bill any provision authorizing an appeal from whatever judgment the district judge may in his discretion see proper to pronounce, so that his decision, whether right or wrong, whether honestly or corruptly made, must be final, so far as anything to the contrary appears upon the face of this bill. It has been intimated to me within the last few minutes, by a gentleman near me, that an appeal would follow if asked for from the decree of the district judge under existing laws, without any specific direction to that effect in the present bill. It is possible that this view may be correct, but I think it a matter of sufficient doubt to be put at rest by an explicit declaration. If an appeal would lie under this law without being provided for, I do not see why one could not be prosecuted under the act of 1877, as that, I should think, would be as much subject to the provisions of the general law as this one, and if this suggestion is correct, the passage of this bill in so far as it is designed to secure an appeal is unnecessary. If the claimants to the Hot Springs reservation are to be given the right of appeal from one tribunal, I can perceive no good reason why it should not be extended to the court of last resort, provided the amount involved would give that right under existing general laws.

These suggestions, Mr. Speaker, hurriedly given, occur to me as proper to be considered in the discussion of a measure so important as this one. I hope I shall not be understood as opposing the passage of this measure when amended in the particulars I have mentioned. In all its other features, I believe, it is unobjectionable, and I shall give it my most hearty support. I feel great interest in the future of Hot Springs, and am anxious for such legislation as will secure as far as may be the rights and interest of all the people there, and that will make it, what it ought to be and what nature has fitted it to be, the foremost health resort in the world. It ought to be, and will be if rightly managed, the Baden-Baden of this country, and dispense blessings and benefits to the afflicted which can be secured nowhere else on earth. I hope, therefore, that this bill will be most carefully considered, and that the House may be thoroughly advised of its future effect and operations before it is finally acted upon. There are many other views upon this important subject which I should be glad to present if there was more time allowed me in which to do so, and should an opportunity be presented in the future I may, with the indulgence of the House, speak further upon it.

Mr. THOMPSON, of Iowa. Will the gentleman from Tennessee permit me to ask him a question?

Mr. YOUNG, of Tennessee. Yes, sir.

Mr. THOMPSON, of Iowa. I would like to ask the gentleman if any of these lands were ever taxed by the State of Arkansas for State purposes?

Mr. YOUNG, of Tennessee. I am not able to answer the gentleman's question, although I presume some of the members from that State can give him the information he asks.

Mr. DUNN. In response to the gentleman from Iowa, I will state that they have not been taxed since the decision of the Court of Claims, but they were before, as I am informed.

Mr. YOUNG, of Tennessee. I am in favor of the bill, Mr. Speaker, with the exception of the provisions to which I have referred.

Mr. REED. I would like to ask the gentleman from Arkansas a question for information. I find in reading this report there were certificates for condemned buildings issued by the commission in 1879 to the amount of $74,696. By whom is that sum to be paid?

Mr. DUNN. By the Government, if paid at all. That matter is not included in this bill. It has been left out.

Mr. REED. I know nothing of this matter, but wish only to get information to guide myself in voting upon it. If the Government is to receive but $20,000 for this land, and has gone to work and laid out streets and made a city of it, and has gone to the expense of at least $74,000 and is to receive but $20,000, it seems to me there must be some mistake about this matter somewhere.

Mr. DUNN. The simple answer to that, Mr. Speaker, is that if the Government has taken wrongful and extraordinary proceeding to go and seize a town at great expense instead of allowing it to be entered quietly and inexpensively, why it is not the fault of this people, and they should not be taxed with the blunder on the part of the Government in doing toward that town what was never done to any other of the more than two hundred towns built up upon the public domain.

Mr. REED. But it seems that the Government allowed these people to prosecute their claims in the Court of Claims.

Mr. DUNN. To determine where the title was.

Mr. REED. And it was not till that was determined that this commission was established apparently at the request of the inhabitants. Certainly this ought to be at the expense of the people, not of the Government.

Mr. DUNN. It was not at the request of the inhabitants but against their protest. Those inhabitants ought to have been allowed to enter their lands. But the gentleman loses sight of one fact. I have already stated that nearly $40,000 of rents have already been covered into the Treasury.

Mr. YOUNG, of Tennessee. The Government has not expended money there.

Mr. DUNN. No, sir.

Mr. REED. Here is a list of claims amounting to $74,000 upon certificates issued in 1879; and I do not know how many there may be preceding 1879.

Mr. FINLEY. I desire to inquire of the gentleman from Arkansas whether the claims, the list of which I find in the report of the commission covering some one hundred and ninety-four blocks of land, are included in the provisions of the bill.

Mr. DUNN. The claims for right of entry for which awards have been made are included in the provisions of the bill, and the right of appeal is given to some to whom awards have not been made.

Mr. FINLEY. Let me explain the point to which I wish to direct

the attention of the gentleman. For instance, lot No. 10, block No. 126, is appraised by the commissioners at $1,700. Others were appraised at $1,000, and some at $1,200. The gentleman from Arkansas stated, as I understood, that the title to these lands was in those individuals, and that they had located the lands and built upon them.

Mr. DUNN. The title is not in the individuals, but in the Government.

Mr. FINLEY. My question is, does this include the value of the lands and of the improvements?

Mr. DUNN. These figures show what they thought to be the value of the lands without the improvements.

Mr. BAYNE. I desire to ask the gentleman from Arkansas a question.

Mr. DUNN. I will hear the gentleman.

Mr. BAYNE. What amount of lands lies at the foot of those mountains available for use?

Mr. DUNN. There are more than nine hundred acres reserved in the permanent reservation.

Mr. BAYNE. I speak of the lands at the foot of the mountains.

Mr. DUNN. That question I cannot answer, for I am not familiar with the topography of the lands as laid out by the commission.

Mr. BAYNE. Then the gentleman is unable to say that the nine hundred acres are not reserved from wholly mountainous lands.

Mr. DUNN. Not at all. The commissioners have reserved, they say, ample grounds and facilities to enable the Government to erect all sanitary buildings and establishments which it may see fit to erect. The first work they did was to lay off a reservation for the Government ample for its uses and purposes; and they awarded no lands within that reservation to any one. And this bill specially reserves all that reservation from contest on appeal. It is specially excepted by the provisions of the bill.

Mr. WARNER. I would like to ask the gentleman from Arkansas one question. Has this ground ever been paid for before?

Mr. DUNN. To whom?

Mr. WARNER. To anybody.

Mr. DUNN. The occupants have paid for all the lands they occupy to persons claiming the ownership. The Government has never been paid for them, except in the case of the Gaines entry, which was afterward canceled.

Mr. RYAN, of Kansas. Have the occupants paid taxes?

Mr. DUNN. Yes, sir. The inhabitants have paid taxes, as I am informed; to what extent I do not know.

Mr. RYAN, of Kansas. For how many years?

Mr. DUNN. Ever since they have bought from the original owners or claimants of the lands.

Mr. WHITE. I desire to ask the gentleman from Arkansas if I understand the effect of this bill correctly. As I understand it, it changes entirely the report of the commissioners appointed in pursuance of the act of 1877. The commissioners of the Hot Springs reservation, as I understand, reported that certain claimants were to have the lands on payment of from three to four hundred thousand dollars. Now, the practical effect of the passage of this bill, as I take it, will be in lieu of that amount reported by the commission to give up the lands for about $20,000.

Mr. DUNN. Yes; about $20,000.

Mr. WHITE. That is a large discrepancy, and I, for one, am not willing to vote for the passage of this bill until I know more about it. Therefore, I move that the House do now adjourn.

Mr. DUNN. Larger cities have been bought for less money than $20,000.

LEAVES OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. WILBER, for eight days, on account of important business; and

To Mr. HAZELTON, for ten days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate insisted upon its amendments to the amendments of the House of Representatives to the joint resolution (S. R. No. 19) to provide for the publication and distribution of a supplement to the Revised Statutes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WALLACE, Mr. KERNAN, and Mr. DAVIS of Illinois to be the conferees on the part of the Senate.

The message further announced that the Senate requested the House of Representatives to return to the Senate the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus.

The message further announced that the Senate had passed a bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment.

The message further announced that the Senate had passed the joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac.

ORDER OF BUSINESS.

The question being taken on Mr. WHITE'S motion that the House do now adjourn, there were—ayes 94, noes 46.

Mr. HATCH. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 16, not a sufficient number.

Mr. WEAVER. I call for tellers on the yeas and nays.

Tellers were not ordered; only ten members voting therefor, not one-fifth of a quorum.

So the yeas and nays were not ordered.

Mr. FINLEY. I call for tellers on the motion to adjourn.

Tellers were not ordered; only eleven members voting therefor, not one-fifth of a quorum.

So the motion to adjourn was agreed to; and accordingly (at three o'clock and fifty-eight minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ACKLEN: The petition of Guillaum B. Verret, for pay for property taken by United States troops during the late war—to the Committee on War Claims.

Also, the petitions of Robert Alexander and of Mitchell Alexander, of similar import—to the same committee.

By Mr. NELSON W. ALDRICH: The petition of Ex-Governor Henry Lippitt and 45 others, merchants, of Providence, Rhode Island, for the passage of an act forbidding the collection of compulsory pilotage fees in East River, New York—to the Committee on Commerce.

By Mr. ATHERTON: The petition of H. S. Shipps and 48 others, citizens of Licking County, and of John Crest and 135 others, citizens of Perry County, Ohio, for legislation to make the manufacturers and vendors of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petition of S. S. Alspach and 138 others, citizens of Thorn Township, Perry County, and of David H. Moore and 80 others, citizens of Licking County, Ohio, for legislation protecting the people from the oppressions of railroad companies and other transportation monopolies—to the Committee on Commerce.

Also, the petition of George Little and 36 others, honorably discharged soldiers and citizens of Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BAKER: The petition of Milton Nash and 50 others, late soldiers in the war to suppress the rebellion, of similar import—to the same committee.

Also, the petition of Rev. Mr. Osborn and 98 others, citizens of Elkhart County, Indiana, and Saint Joseph County, Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of John P. Madden and 67 others, citizens of Elkhart County, Indiana, and Saint Joseph County, Michigan, for legislation to regulate interstate commerce—to the Committee on Commerce.

By Mr. BENNETT: The petition of 35 citizens of Coddington County, Dakota, Union soldiers in the war of the rebellion, that they be paid the difference between the depreciated currency in which they were paid while in the service and gold—to the Committee on Military Affairs.

By Mr. BICKNELL: Papers relating to the claim of Philip Lester, for additional pay as an officer in the United States Army—to the same committee.

By Mr. BLAND: The petition of citizens of Phelps County, Missouri, for legislation to protect innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. BOYD: A paper relating to the pension claim of Orrin L. Shippee—to the Committee on Invalid Pensions.

By Mr. BRAGG: The petition of the Chamber of Commerce of Milwaukee, Wisconsin, against bridging Detroit River—to the Committee on Commerce.

Also, the petition of certain soldiers of Wisconsin, to be placed on a footing with the bondholders—to the Committee on Military Affairs.

By Mr. BREWER: The petition of William P. Glover, for a pension—to the Committee on Invalid Pensions.

By Mr. BRIGHAM: The petition of Henrietta Eyre, for a pension—to the same committee.

By Mr. BROWNE: The petition of 66 citizens and ex-soldiers of Indiana, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of Abram F. Farrar, for a pension—to the Committee on Invalid Pensions.

By Mr. CALKINS: The petition of John L. Oswald and George W. Bridgeman, in reference to the Hazelton pension bill—to the same committee.

Also, the petition of citizens of Indiana, for the improvement of the Kankakee River, and to connect the city of Chicago with New Orleans and Toledo by a continuous line of water communications—to the Committee on Commerce.

By Mr. CARPENTER: The petitions of citizens of Moulton, of citizens of Sheldon, and of citizens of Green County, Iowa, for the passage of a bill to pay soldiers in the late war of the rebellion the difference of value between gold and the greenbacks in which they were paid—to the Committee on Military Affairs.

By Mr. CLARDY: The petitions of citizens of Jefferson, Madison, Saint Francois, and Washington Counties, Missouri, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

Also, papers relating to the claim of Samuel A. Lowe for pay for work done for the Legislative Assembly of the late Territory of Kansas—to the Committee of Claims.

By Mr. COFFROTH: The petition of George Geller, W. H. Hill, and 47 other soldiers of Pennsylvania, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of John Ream, Henry Brant, and 47 other soldiers of Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of 254 citizens of Bedford County, Pennsylvania, that Henry Ickes be paid $1,500, being the value of his saw-mill destroyed by fire on the night of the 4th of June, 1863, by a gang of incendiaries who opposed enrollment, he being an enrolling officer in said county—to the Committee on War Claims.

By Mr. COLERICK: The petition of members of Five Points Grange No. 522, of Wells County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. CONGER: The petition of F. W. Templeton and 100 others, citizens of Sanilac County, Michigan, for the regulation of freights and the passage of laws to promote just and reasonable transportation charges—to the same committee.

Also, the petition of James Aldred and 100 others, citizens of Sanilac County, Michigan, of similar import—to the same committee.

Also, the petition of Palmer, Foster & Co. and 14 others, largely engaged in cooperage manufacture, against the change of duties on low-grade sugars—to the Committee of Ways and Means.

Also, memorial of the Merchants and Manufacturers' Exchange of Detroit, Michigan, for the passage of the Aldrich bill to facilitate interior transportation—to the Committee on Commerce.

By Mr. CRAPO: The petition of S. E. Hallett and 22 others, citizens of Chatham, Massachusetts, for the improvement of Scituate Harbor—to the same committee.

By Mr. DAVIDSON: The petition of citizens of Fernandina, Florida, for the abolition of compulsory pilotage—to the same committee.

By Mr. HORACE DAVIS: Memorial of citizens of San Francisco, asking for an equitable distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. JOSEPH J. DAVIS: The petition of W. C. Benson and others, for a post-route from Smithfield to Elevation, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. DE LA MATYR: The petition of W. F. Reasoner and 464 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

Also, the petitions of A. J. Huffman and 49 others and of A. Wilbur and 45 others, of similar import—to the same committee.

By Mr. DICKEY: The petition of Josiah Gough and 26 others, of Highland County, Ohio, for the passage of the Weaver bill—to the same committee.

Also, the petition of Daniel Kester and 119 others, of Clinton County, and of S. A. Patten and 39 others, of Brown County, Ohio, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of Daniel Kester and 112 others, citizens of Clinton County; of J. S. Thomas and 51 others, of Adams County; of S. A. Patten and 34 others, of Brown County; and of H. H. Jones and 65 others, of Brown County, Ohio, for the passage of a bill regulating interstate commerce—to the Committee on Commerce.

By Mr. DUNNELL: The petition of David Sill and 40 others, citizens of Minnesota, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. DWIGHT: Papers relating to the claim of the widow of Colonel Lyman M. Kellogg, for pay due her late husband as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. FERDON: The petition of citizens and soldiers, regarding pensions of those who have lost limbs—to the Committee on Invalid Pensions.

By Mr. FINLEY: Memorial of the heirs of Peter Grubb, asking pay for supplies furnished the United States during the revolutionary war—to the Committee on Revolutionary Pensions.

By Mr. FORD: A bill making appropriations for the repair, preservation, and completion of the harbor of Saint Joseph, Missouri, and the control of the Missouri River at that point—to the Committee on Commerce.

Also, the petition of Anselm Kelly and others, citizens of Andrew, Holt, Atchison, and DeKalb Counties, Missouri, for an amendment of the patent laws so as to make the manufacturer or vendor alone responsible for infringements—to the Committee on Patents.

By Mr. FRYE: The petition of T. J. Southard and others, of Richmond, Maine, for further distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. GARFIELD: The petition of soldiers and citizens of Ohio, that soldiers of the late war be paid the difference between the value of greenbacks and gold during their service—to the Committee on Military Affairs.

Also, the petition of L. H. Benedict and 39 others, citizens of Ohio, for legislation to protect innocent infringers of patents—to the Committee on Patents.

Also, the petition of L. H. Benedict and 35 others, and of citizens of Geauga County, Ohio, for relief in regard to railroad transportation in the United States—to the Committee on Commerce.

By Mr. GEDDES: The petitions of John Kinsey, Samuel Shull, and others, and of Simon A. Kinsey, W. H. Walton, and others, citizens of Tuscarawas County, Ohio, of similar import—to the same committee.

Also, the petitions of George Riker, William D. Everett, and others, and of A. Kinsey, J. L. Custer, and others, of Tuscarawas County, Ohio, for the amendment of the patent laws so as to make manufacturers and vendors alone responsible for any infringement—to the Committee on Patents.

Also, the petition of Thomas Young, of Ohio, for an amendment of the pension laws so as to give parents of deceased soldiers arrears of pension—to the Committee on Invalid Pensions.

By Mr. GILLETTE: The petition of A. Huff and 141 others, citizens of Kansas, for the construction of Government railroads to relieve the citizens from ruinous railroad freight charges now imposed upon them—to the Committee on Railways and Canals.

By Mr. GOODE: Papers relating to the claim of John S. Braxton to be reimbursed an amount advanced to cover alleged defalcations of his subordinates while collector of the port of Norfolk, Virginia—to the Committee of Claims.

By Mr. JOHN HAMMOND: The petition of John Wallace, for a pension—to the Committee on Invalid Pensions.

By Mr. HATCH: The petitions of 41 citizens of Putnam County, of 70 citizens of Marion County, of 79 citizens of Scotland County, of 473 citizens of Schuyler County, and of 163 citizens of Clark County, Missouri, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement of any patent, and to protect from penalty any person manufacturing for his own use any article previously patented, provided such manufacturer was not aware of the existence of such patent—to the Committee on Patents.

Also, resolutions of the Merchants' Exchange of Saint Louis, Missouri, favoring the passage of the Aldrich bill to amend the statutes in relation to the immediate transportation of dutiable goods—to the Committee of Ways and Means.

By Mr. HAYES: Resolutions of the Illinois State Board of Public Charities, in regard to pauper immigration—to the Committee on Foreign Affairs.

By Mr. HAWK: Resolutions of the Illinois State Board of Public Charities, of similar import—to the same committee.

By Mr. HENRY: The petition of 36 citizens and honorably discharged soldiers, of Greensborough, Maryland, and vicinity, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HILL: The petitions of W. A. Engle and 50 others, of William Hines and others, of G. R. Ivy and others, and of G. A. Bumpus and others, citizens of Williams County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also, the petitions of J. C. Estel and 50 others, of George K. Ivy and 75 others, and of William Hines and others, citizens of Williams County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, papers relating to the claim of John W. Le Barnes for pay for services rendered as assistant sergeant-at-arms of the House of Representatives during the Forty-second Congress—to the Committee of Claims.

By Mr. HOUSE: A bill making appropriation for the improvement of Duck River—to the Committee on Commerce.

Also, a bill making appropriation for the improvement of Cumberland River—to the same committee.

By Mr. HORR: The petition of W. E. Morris and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of George Smith and others, of Gratiot County, Michigan, for the passage of a bill regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Luther J. Dean and others, of Gratiot County, Michigan, for the amendment of the patent laws so as to protect the people—to the Committee on Patents.

Also, the petition of citizens of Michigan, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. HOSTETLER: The petition of the board of directors of the Union Agricultural Society of the counties of Park, Putnam, Clay, and Vigo, Indiana, for laws that will speedily stamp out the so-called cattle plague and other contagious diseases—to the Committee on Agriculture.

By Mr. HULL: The petition of citizens of Orange County, Florida, for an appropriation for the improvement of Wekiva River, Florida—to the Committee on Commerce.

By Mr. HUNTON: Memorial of citizens of Washington City, District of Columbia, that the union railroad shall not pass on E street, southwest, nor on any street north of P street, southwest, or Water street—to the Committee for the District of Columbia.

Also, papers relating to the claims of the States of Maryland and

Virginia for advances made to the United States by said States—to the Committee of Claims.

By Mr. HUTCHINS: A bill to provide for the survey and improvement of Bronx River, in the State of New York—to the Committee on Commerce.

Also, memorial of 233 citizens of West Farms, New York, for an appropriation of $25,000 for the improvement of Bronx River—to the same committee.

By Mr. KEIFER: The petition of Alvaro Smith, to be relieved of the charge of desertion—to the Committee on Military Affairs.

Also, the petition of Sarah E. Fergusson, for a pension—to the Committee on Invalid Pensions.

By Mr. KITCHIN: A bill for the improvement of Roanoke River—to the Committee on Commerce.

Also, a bill for the improvement of the Trent River, in North Carolina—to the same committee.

Also, a bill for the improvement of Ocracoke Inlet, North Carolina—to the same committee.

By Mr. LADD: The petition of citizens of Lincoln, Maine, that a pension be granted to G. G. Hutchinson—to the Committee on Invalid Pensions.

Also, the petition of soldiers of Maine, against the passage of Senate bill No. 496—to the same committee.

Also, the petition of citizens of Bangor, Maine, for a bankrupt law—to the Committee on the Judiciary.

Also, the petition of the Board of Trade and citizens of Bangor, Maine, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. LAPHAM: The petition of citizens of New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. LE FEVRE: The petition of Henry Meinken, for a pension—to the Committee on Invalid Pensions.

By Mr. MASON: The petition of Harrison H. Cole and 20 others, citizens of Oswego County, New York, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. McCOID: Papers relating to the claim of S. T. Marshall for beef-cattle furnished the Indian Department—to the Committee on Indian Affairs.

Also, papers relating to the claim of V. G. Austin for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of the authorities of the city of Keokuk, Iowa, concerning a public building in that city—to the Committee on Appropriations.

Also, the petition of soldiers of Iowa, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. McCOOK: The petition of George Hammond, for bounty—to the same committee.

Also, the petition of citizens of New York, for increase of pension for soldiers and sailors who lost a leg or arm in the war for the suppression of the rebellion—to the Committee on Invalid Pensions.

By Mr. McKENZIE: The petition of Elisha Baker, for pay due him in the settlement of his accounts as captain of Company F, Third Kentucky Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. McMAHON: The petition of William Williams, Peter Smith, Michael Donovan, and other soldiers in the late war, inmates of the Soldiers' Home, for the passage of a bill for the equalization of bounties—to the same committee.

By Mr. MONROE: The petition of George L. Dustin and other citizens of Summit County, Ohio, for an amendment to the patent laws—to the Committee on Patents.

By Mr. MORRISON: Memorial of the Chamber of Commerce of San Francisco, California, relative to the seizure and forfeiture of vessels—to the Committee on Commerce.

Also, memorial of the Saint Louis Merchants' Exchange, favoring the direct importation of foreign goods to inland cities—to the Committee of Ways and Means.

Also, memorial of the Illinois Board of Public Charities, against the importation of infirm paupers—to the Committee on Foreign Affairs.

Also, the petition of William Besley and other citizens of Illinois, for the improvement of Waukegan (Illinois) Harbor—to the Committee on Commerce.

By Mr. MURCH: The petition of Eppa Norris, a fireman for the House of Representatives, for pay for services rendered in the Forty-fifth Congress—to the Committee of Claims.

By Mr. ORTH: The petition of William C. Thomas, for additional pay for services rendered as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. PACHECO: A bill for the appropriation of $100,000 for the improvement of Port Harford, San Luis Obispo, California—to the Committee on Commerce.

By Mr. PHILIPS: Papers relating to the petition of certain soldiers of the Eighth Cavalry, Missouri State Militia, for the removal of the charge of desertion from their military record—to the Committee on Military Affairs.

Also, the petition of 800 citizens of the seventh congressional district of Missouri, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. PHISTER: The petition of E. M. Taylor and 31 others, citizens of Robertson County, Kentucky, for laws against monopolies and unjust discriminations in the transportation of freights and passengers—to the same committee.

Also, the petition of Jesse Markwell and 31 others, citizens of Fleming County, Kentucky, of similar import—to the same committee.

By Mr. PIERCE: The petition of citizens of Buffalo, New York, for the passage of the Reagan interstate-commerce bill—to the same committee.

By Mr. POEHLER: The petition of Jacob Klassner, jr., and 9 others, citizens of La Fayette, Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PRESCOTT: The petition of Helen M. Scholefield, for the payment to her of a balance claimed to be due her late husband, Major C. M. Scholefield, in the settlement of his accounts as an additional paymaster in the Army—to the Committee of Claims.

Also, the petition of Alexander Jolly, for pay for supplies furnished and services rendered the United States Army during the late war—to the Committee on War Claims.

By Mr. RICHMOND: The petition of William Hudson and 38 others, citizens of Wythe County, Virginia, for such laws as will prevent fluctuations and unjust discriminations in transportation charges by the several railroads and transportation companies in the United States—to the Committee on Commerce.

Also, the petition of William Hudson and 36 others, citizens of Wythe County, Virginia, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement, and to protect from penalty any person manufacturing for his own use any article previously patented, provided such manufacturer was not cognizant of the existence of the patent—to the Committee on Patents.

By Mr. ROTHWELL: The petitions of D. J. Shirley and 142 others, of Daviess County; of James S. Schofield and 94 others, of Mercer County; of Stephen Hager and 40 others, of Grundy County; of H. D. Graw and 80 others, of Linn County; of G. B. Hunt and 100 others, of Chariton County; of J. H. Newton and 43 others, of Randolph County, Missouri, for a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Andrew Long, J. C. Parnell, and 31 others, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. SCALES: Papers relating to the Indian depredation claims of J. H. Baker, of R. Vaughan, and of L. W. Vaughan—to the Committee on Indian Affairs.

By Mr. SPEER: The petition of J. M. Mauldin and other citizens of Gwinnett County, Georgia, for a post-route from Teagle's Store to Mauldin's Mills, Georgia—to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to the claim of Matthew White for pay for a horse lost in the Florida war—to the Committee of Claims.

Also, a paper relating to the claim of B. F. Chapman to be refunded moneys improperly collected from him by United States revenue officials—to the same committee.

By Mr. P. B. THOMPSON, JR.: The petition of William H. George, for pay for a horse lost in the late war—to the Committee on War Claims.

By Mr. AMOS TOWNSEND: The petition of soldiers and citizens of Ohio, in regard to the increase of pensions of those who lost limbs in the late war—to the Committee on Invalid Pensions.

By Mr. TUCKER: The petition of William D. Martin, to be refunded taxes improperly assessed and collected from him—to the Committee of Ways and Means.

By Mr. THOMAS TURNER: The petition of citizens of Kentucky, for appropriations for the improvement of the rivers of that State—to the Committee on Commerce.

By Mr. JONATHAN T. UPDEGRAFF: The petition of Oliver Taylor and others, citizens of Columbiana County, Ohio, against railroad monopolies—to the same committee.

Also, the petition of Oliver Taylor and others, citizens of Columbiana County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. UPSON: The petition of citizens of Texas, for the passage of a bill extending railroad facilities from San Antonio to the "Rio Grande and expressing a preference for the San Antonio and Mexican Border Railway" route—to the Committee on Railways and Canals.

Also, the petition of citizens of San Antonio, Texas, that Waco College, an institution for the instruction of colored teachers, preachers, and business men, without regard to their denomination, be included among the institutions to receive the undivided soldier bounty proposed to be distributed by Congress—to the Committee on Education and Labor.

By Mr. URNER: The petition of Joseph A. Hill, late major of the Sixth Maryland Volunteers, for arrears of pay—to the Committee on Military Affairs.

By Mr. WADDILL: The petition of James M. Phariss, to be refunded the amount paid by him for property bought at a sale of captured and abandoned property, which was afterward taken from him by a judgment of a court—to the Committee of Claims.

By Mr. WASHBURN: The petition of A. J. Parker and other citizens of Big Stone County, Minnesota, for the passage of a bill permitting proof of homestead and pre-emption entries to be made before any officer authorized to administer oaths in the county where the entry is located—to the Committee on Public Lands.

By Mr. WEAVER: The petitions of J. C. Bailey, of Idaho, and 26 others; of William Fulkerson, of Cedar Rapids, and 8 others; of A. B. Dennis and 19 others, of Cedar Rapids, Iowa; of N. Zimmer, of Batesville, and 67 others; of A. S. Allen and 15 others, of Fort Wayne, Indiana; of William Gibbons and 39 others, of Savannah, Illinois; of B. Griffin and 211 others, of Carrollton, Michigan; of Eli Johnson and 18 others, of Lorraine, Missouri; of Allison McAllister and 32 others, of Rockport, Maine; of M. L. Lord and 161 others, of Rochester, New York; of J. T. Moran, of Ashtabula County, and 12 others; of H. W. Diffendorfer and 53 others, of Zanesville, Ohio; of J. H. Miller and 502 others, of Pennsylvania; of Thomas Rambo, of Industry, and 19 others; of Jerome Storm, of Gettysburgh, and 64 others; and of Josiah Rittenhouse and 31 others, of Wornelsdorf, Pennsylvania, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of D. C. Cloud and 53 others, of Muscatine; of T. A. Hough and 46 others; and of D. W. Murphy and 96 others, of Jasper County, Iowa, for legislation regulating interstate commerce—to the Committee on Commerce.

Also, the petition of Eli Slagle, of Jasper County, Iowa, and 99 others, for laws to protect the people against the oppressions of patentees—to the Committee on Patents.

Also, the petition of J. Irvin, for the amendment of the Constitution so as to take away from the Senate and House the power to determine the qualification and election of members—to the Committee on the Judiciary.

By Mr. WELLS: Resolutions of the Saint Louis Merchants' Exchange, favoring the direct importation of foreign goods to inland cities—to the Committee of Ways and Means.

By Mr. WHITTHORNE: Memorial of L. A. H. Brown, J. L. Guest, and others, citizens of Tennessee, that pensions be granted soldiers of the Florida war—to the Committee on Invalid Pensions.

By Mr. WILLIS: Papers relating to the claim of Alexander Hoagland, for pay as internal-revenue detective—to the Committee of Claims.

By Mr. WALTER A. WOOD: The petition of Esther Ballard, for a pension—to the Committee on Revolutionary Pensions.

By Mr. WRIGHT: The petitions of Miles Roach and 35 others, citizens of Homer, Minnesota, and of Luke Finn and 187 others, citizens of Albion, New York, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. CASEY YOUNG: The petition of Anna M. Cogswell, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of bankers of Memphis, Tennessee, for the repeal of the bank tax—to the Committee on Banking and Currency.

By Mr. THOMAS L. YOUNG: Resolutions of the Legislature of Ohio, against bridging Detroit River—to the Committee on Commerce.

Also, the petition of the Cincinnati Board of Trade and Transportation, for an amendment of the laws relating to the election of President—to the Committee on the state of the law respecting ascertainment and declaration of result of election of President and Vice-President.

Also, resolutions of the St. Louis Merchants' Exchange, asking for the direct importation of foreign goods to inland cities—to the Committee of Ways and Means.

Also, resolutions of the Legislature of Ohio, that the provisions of the bill distributing certain soldiers' bounties be extended to Wilberforce University—to the Committee on Education and Labor.

Also, resolutions of the Legislature of Ohio, for the completion of certain improvements along the great lakes—to the Committee on Commerce.

IN SENATE.

TUESDAY, *February* 10, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the mayor and common council of the city of Milwaukee, Wisconsin, in favor of the repeal of the compulsory legal-tender power now given by law to the Treasury notes of the United States; which was referred to the Committee on Finance.

Mr. CONKLING. Mr. President, I present the memorial of the Chamber of Commerce of the State of New York in favor of increased appropriations for the fortifications in the harbor of New York. This memorial states the comparatively defenseless position of that harbor and affirms as the judgment of the Chamber of Commerce that the fortification appropriation bill lately passed by the House of Representatives is entirely inadequate for the purpose which the chief of ordnance had in view in asking $950,000 for expenditure during the next fiscal year. The memorial states that this sum is intended to be sufficient only to defray the cost of at most thirty-five comparatively small rifled guns, and that at this rate of annual expenditure it would take half a century to provide an effectual armament merely for the harbor of New York should the whole of the funds appropriated be applied to that purpose.

Having indicated sufficiently to denote the importance of this memorial, I ask its reference to the Committee on Military Affairs.

The VICE-PRESIDENT. The Committee on Appropriations.

Mr. CONKLING. I suggested that it go to the Committee on Military Affairs in the hope that that committee might bestow upon it some careful consideration and afterward make any report that committee might see fit to the Committee on Appropriations.

Mr. ALLISON. I will say to the Senator from New York that that subject is involved in the fortification bill now lying on the table and which will be taken up within a day or two, the Senate Committee on Appropriations having proposed an additional appropriation for the purpose indicated.

Mr. CONKLING. And therefore it was that I thought it might be wise to ask the Committee on Military Affairs to look at this memorial, in the hope that some suggestion of theirs might have weight with the Committee on Appropriations and with the Senate.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Military Affairs.

Mr. CONKLING. I present the resolution of the Chamber of Commerce of the State of New York, in reference to consular reports, which resolution is to the effect, among other things, that Congress should, in addition to the present annual volume of commercial relations, which is a standard work of great value, make provision for the weekly or monthly publication of consular reports and their distribution, at least to the leading commercial bodies of the United States. I submit to the Chair where this resolution should go. I suppose to the Committee on Printing as the object is to secure additional publication.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

Mr. CONKLING presented the petition of John L. Mason, of Brooklyn, New York, praying for an extension of his letters-patent for an improvement in a fruit-jar; which was referred to the Committee on Patents.

He also presented the petition of the Ithaca Farmers' Club, of Ithaca, New York, and the petition of J. M. Richmond and others, citizens of Buffalo, New York, praying for the enactment of a law to regulate interstate commerce, and to prevent unjust discriminations by common carriers; which were referred to the Committee on Commerce.

Mr. FARLEY. I present four petitions of citizens of San Francisco, California, who are claimants under the Geneva award, praying that Congress will pass a law for the distribution of the balance of that fund. As these petitions all relate to the same subject, in regard to which a bill has been reported, I move that the petitions lie upon the table.

The motion was agreed to.

Mr. SAUNDERS presented the petition of C. G. Sawyer and others, citizens of Holt County, Nebraska, praying for the passage of the bill (S. No. 773) making appropriations for a military wagon-road from Niobrara, in Knox County, Nebraska, via the military post recently located near the mouth of the Minnecadusa, to Fort Robinson, in that State; which was referred to the Committee on Military Affairs.

Mr. MAXEY presented the petition of A. Goldman and others, citizens of Victoria County, Texas, praying for an amendment of the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of R. C. Coleman and others, citizens of Texas, praying for the passage of a law regulating interstate commerce; which was referred to the Committee on Commerce.

Mr. BUTLER presented the petition of John E. Swearingen, James C. Swearingen, and 18 others, citizens residing in the valley of the Savannah River, praying for an appropriation by Congress for the improvement of that river; which was referred to the Committee on Commerce.

Mr. WITHERS presented the petition of Parker Bray and others, citizens of Massachusetts and soldiers of the late war, praying for an increase of their pensions; which was referred to the Committee on Pensions.

Mr. ALLISON presented the petition of Drake & Dayton and others, citizens of Iowa, praying for the enactment of a law to reduce the specific duty upon sheet-zinc from two and a quarter cents to one cent per pound; which was referred to the Committee on Finance.

He also presented the petition of Theophilus Fisk Mills, praying for an appropriation to compensate him for a plaster model of General John A. Rawlins; which was referred to the Committee on the Library.

Mr. VANCE presented a memorial of the Board of Trade of New Berne, North Carolina, in favor of an additional appropriation by Congress for the improvement of Trent River, in that State; which was referred to the Committee on Commerce.

Mr. WINDOM presented the petition of J. H. Williams and others, citizens of Winona County, Minnesota, praying for the passage of a law which will prevent fluctuations in freights and unjust discrim-

inations in transportation charges; which was referred to the Committee on Commerce.

He also presented the petition of J. H. Williams and others, citizens of Winona County, Minnesota, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of the Women's Christian Association of the District of Columbia, praying for an appropriation by Congress for the support of that institution; which was referred to the Committee on Appropriations.

Mr. HOAR presented the petition of W. B. Reynolds & Co. and others, citizens of Boston, Massachusetts, praying for the passage of a law to protect interstate commerce and to prevent unjust discriminations by common carriers; which was referred to the Committee on Commerce.

Mr. VOORHEES presented the petition of John R. Bossick and others, soldiers of the late war, praying for the passage of a law granting them the difference between the value of greenbacks and gold at the time of payment for their services; which was referred to the Committee on Finance.

Mr. PLUMB presented the petition of Edwin Gorton and others; the petition of J. F. Gillett and others; the petition of A. Seavay and others; the petition of Thomas E. Brown and others, all citizens of Harper County, Kansas, praying for the passage of the bill (H. R. No. 2326) for the relief of settlers upon the Osage trust and diminished reserved lands in Kansas and for other purposes; which were referred to the Committee on Public Lands.

He also presented the petition of W. A. Phillips and others, soldiers of the late war, praying for the passage of the bill (S. No. 5) to provide for the payment of claims for horses used in the service of the United States; which was referred to the Committee on Military Affairs.

Mr. THURMAN presented the petition of James Barr and others, citizens of Latham, Ohio, and soldiers in the late war, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. DAVIS, of West Virginia, presented additional papers in support of the application of the board of education of the district of Harper's Ferry, West Virginia; which were referred to the Committee on Public Buildings and Grounds, to accompany the bill (S. No. 583) to authorize and direct the Secretary of War to convey, by deed, to the board of education of the district of Harper's Ferry, West Virginia, a lot of ground, (No. 2 in block B,) with the buildings thereon, for the use of the common schools thereof.

REPORTS OF COMMITTEES.

Mr. KERNAN. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 939) to amend the law relative to the seizure and forfeiture of vessels for breach of the revenue laws, to report it without amendment. I send to the desk with the bill a memorial addressed to the committee. At an early day I shall ask that the bill be taken up.

The VICE-PRESIDENT. The bill will be placed upon the Calendar.

Mr. KERNAN, from the Committee on Finance, to whom was referred the petition of John H. Fralich, praying for relief on account of a forged signature on a draft to his order upon which the money was drawn by another, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 474) for the relief of William McGovern, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 98) to provide for the settlement of accounts with certain railway companies, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BAYARD. I am instructed by the Committee on Finance to report back the bill (S. No. 601) authorizing an allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation, and ask to be discharged from its further consideration, the same subject having been acted upon in a House bill.

The report was agreed to.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Christopher F. Lanbrick and 19 others, ex-Union soldiers and citizens of the State of Michigan, praying for the passage of a law granting full bounty to all soldiers discharged for diseases contracted in the line of duty on a surgeon's certificate of disability, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. No. 1085) to equalize homesteads, reported it with amendments.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred a letter from the Secretary of War transmitting reports of Captain William Mills and Lieutenant William J. Turner concerning work performed on the Mullan wagon-road, Montana Territory, reported a bill (S. No. 1256) to authorize the Secretary of War to improve and repair the Mullan wagon-road between Forts Missoula and Cœur d'Alene; which was read twice by its title.

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 490) in relation to certain fees allowed registers and receivers, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 316) for the relief of homestead settlers on the public lands, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 363) granting an increase of pension to James C. McCarty, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 181) restoring to the pension-roll the name of Mary Burr, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 957) granting a pension to Charles Reed, of Muscatine, Iowa, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BURNSIDE, from the Committee on Education and Labor, to whom was referred the bill (S. No. 133) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 217) to introduce moral and social science into the public schools of the District of Columbia, reported it without amendment.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (S. No. 1229) to authorize and direct the Commissioner of Agriculture to attend in person or by deputy the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make a full and complete report of the same, and for other purposes, reported it without amendment.

FITZ-JOHN PORTER.

Mr. BURNSIDE presented the views of a minority of the Committee on Military Affairs in the Fitz-John Porter case; which were received and ordered to be printed.

Mr. BURNSIDE. I also submit an amendment striking out all after the enacting clause of the bill of the majority of the committee and inserting what I send to the Chair.

The amendment was ordered to be printed.

INTERNATIONAL FISHERY EXHIBITION AT BERLIN.

Mr. EATON. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880, to report it without amendment, and I should like to have it now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. EATON. Mr. President, I would not ask to take this out of the ordinary run of business except for the reason that this exhibition is to be holden early in the month of April, and therefore no time is to be lost if the power proposed is to be given to the President. I hope there will be no objection to the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1257) for the relief of J. H. Alexander; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1258) making an appropriation to aid in the completion of the custom-house at New Orleans, Louisiana; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1259) to provide for the erection of a monument to the memory of Major-General the Baron De Kalb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1260) to facilitate the transaction of business in the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EATON. I beg leave to introduce a bill for the relief of Cyrus C. Clarke, late paymaster in the Army, and ask its reference to the Committee on the Judiciary, as a legal question is involved.

By unanimous consent, leave was granted to introduce a bill (S. No. 1261) for the relief of Cyrus C. Clark, late paymaster in the Army; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1262) appropriating money to

pay Fisk Mills for the plaster model of General Rawlins, from the face of the deceased; which was read twice by its title, and referred to the Committee on the Library.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1263) to regulate appointments and promotions in the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1264) granting a pension to Dorcas Herring; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES. I have been requested to introduce the following bill, and, although it asks an appropriation of money, I move that it be referred to the Committee on the Library, so as to have it considered there first.

By unanimous consent, leave was granted to introduce a bill (S. No. 1265) appropriating $10,000 for the purchase of Heine's collection of historical paintings on Japan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the petition of Charles L. Denman, late first lieutenant Regiment of Mounted Riflemen, United States Army, praying that he be restored to the Army and placed upon the retired list, with the accompanying papers, be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. ALLISON, it was

Ordered, That the papers in the case of William Shirley be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs.

Ordered, That the papers in the case of John Shirley be withdrawn from the files of the Senate and referred to the Committee on Indian Affairs.

REMAINS OF GENERAL SYKES.

Mr. BURNSIDE. I ask unanimous consent to introduce a bill without previous notice, and I ask for its present consideration.

By unanimous consent, leave was granted to introduce a bill (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to have the remains of the late Major-General George Sykes, United States Army, transported from Fort Brown, Texas, to West Point, New York; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated from any money now in the United States Treasury not otherwise appropriated, to carry this act into effect.

Mr. DAVIS, of West Virginia. Is that bill reported this morning?

The VICE-PRESIDENT. It is simply introduced.

Mr. BURNSIDE. I have just introduced the bill. We have news of the death of General Sykes, a very distinguished officer of the Army, at Fort Brown, Texas. He has left nothing to enable his comrades and friends to transport his body from that point to West Point. It was his desire and is the desire of his friends that he should be buried at the cemetery at West Point. There is no more proper time to pass the bill than this moment.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. McMILLAN. I hope the Senator from West Virginia will not interpose an objection.

Mr. DAVIS, of West Virginia. The other morning we passed an order that we should go to the Calendar regularly and consider all unobjected bills. I knew not what this bill was until I heard the latter part of it read. I think now that all bills ought to go to the Calendar; it is far better to do so, in order that each Senator can see what is to be taken up; and as we are considering the Calendar every day that is the best course. But as Senators seem anxious about this, I make no special objection.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. BURNSIDE. I would not introduce the bill at this time but for the circumstances.

Mr. INGALLS. Has this bill been before a committee?

The VICE-PRESIDENT. It has simply been introduced, not referred.

Mr. INGALLS. The practice is a very dangerous one to pass bills without a reference, without any explanation.

The VICE-PRESIDENT. Does the Senator object?

Mr. INGALLS. No, sir.

Mr. CONKLING. I do not wish to make any objection or opposition to this bill; but the form of presenting it is so unusual that I venture to suggest that the Senator having it in charge, or some other Senator, should make a statement to go on the record which will show that it is an exceptional case, to the end that hereafter when other officers may die it may not be supposed that this is a precedent for the same action in all such cases. No doubt there are distinguishing circumstances.

Mr. BURNSIDE. We have the news this morning by telegraph of the death of General Sykes, and I have a long telegram from his brother officers stating their wish in reference to the disposition of his body. Of my own knowledge this officer, who was a gallant soldier, who served during the Mexican war and during the late war, accumulated nothing from which this transportation can be paid. It was his desire that his body should be buried at West Point, and at Fort Brown there are no facilities for keeping the body for any great length of time, and it will have to be interred there unless arrangements can be made at once to transport his body to its final resting place, which he desired to be at West Point. I think it is a debt we owe.

Mr. HEREFORD. I call for the reading of the bill. We do not know what it is, or what the Senator is saying, on this side of the Chamber.

Mr. BURNSIDE. I introduced the bill this morning simply with a view to saving expense and time, not thinking that there would be any objection to the introduction or passage of it; but I am certainly not disposed to establish any bad precedent in the Senate, and if it is thought best that the bill should go to a committee, I will withdraw it. I introduced it as an expression of my own desire in the matter.

Several SENATORS. Refer it.

Mr. FERRY. I ask that the bill be reported.

The VICE-PRESIDENT. The bill will be again read.

The bill was again read.

The VICE-PRESIDENT. Does the Senator from Rhode Island withdraw the bill?

Mr. BURNSIDE. I am not disposed to withdraw the bill unless there is objection.

The VICE-PRESIDENT. The Chair hears no objection.

The bill was read three times, and passed.

Mr. EATON subsequently said: I desire to give notice that I will either this afternoon or to-morrow morning move a reconsideration of the vote passing the bill introduced this morning by the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. EDMUNDS. The Senator can enter the motion now, which will make it operative.

Mr. EATON. I enter the motion now.

AMENDMENT TO A BILL.

Mr. JONES, of Florida, submitted an amendment intended to be proposed by him to the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was ordered to be printed.

TITLES TO REAL ESTATE.

Mr. THURMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary is hereby instructed to inquire whether any, and, if any, what, legislation is necessary to enable owners of real estate in the District of Columbia to obtain decrees quieting their titles, and to report by bill or otherwise.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GORDON. Mr. President, the motion entered by the Senator from West Virginia [Mr. DAVIS] some days ago to reconsider the vote by which the Senate ordered a special committee on the subject of interoceanic communication has not been disposed of. It has been before the Senate for some time. I think we ought to settle that question. I move, therefore, that the Senate proceed to the consideration of the motion entered by the Senator from West Virginia.

The VICE-PRESIDENT. That would come under the head of "concurrent and other resolutions," which is now the order of business; and the question is, will the Senate reconsider the vote by which the resolution named by the Senator from Georgia was adopted?

Mr. EDMUNDS. Let us hear the resolution read for information.

The VICE-PRESIDENT. It will be read.

The Chief Clerk read the following resolution:

Resolved, That a committee of nine be appointed to take in consideration the subject of the construction of a canal to connect the Atlantic and Pacific Oceans; and that all papers, documents, and information relating to said subject be referred to said committee.

Be it further resolved, That said committee be authorized to confer and act concurrently with any similar committee of the House of Representatives; and that said committee be authorized to employ a clerk.

The VICE-PRESIDENT. This resolution was adopted by the Senate on the 29th day of January. The question is, will the Senate reconsider the vote by which it was agreed to?

Mr. DAVIS, of West Virginia. The motion was entered by myself several days ago, as the Senator from Georgia has said. By the request of the Senator from Georgia, it has lain on the table. I think twice or three times I intimated to the Senator that whenever he desired I would move to take it up. I had no thought of any other thing but the Senator naming it to myself and I know it was a slip or he would have done so; but it is due to myself to say that twice I stated to the Senator that whenever he desired it I would call up the resolution, and the delay has not been on my part.

Mr. GORDON. Mr. President, it is due to myself to say that I have been ready to proceed with the consideration of the resolution at any time since it was offered, and, as the Senator himself knows, I agreed to a postponement at the earnest solicitation of other Senators, who desired time to look into the question. I thought enough time had been granted, and the promise I made to give the Senator notice had escaped me. I did not think it of any consequence the Senator or myself should move to consider the question, especially as the Senator assured me of his readiness to discuss it at any time.

Mr. President, I do not wish to make a speech. I rise to discuss

briefly the motion now pending before the Senate to reconsider the vote by which the resolution was adopted.

On the second day of our session I introduced a resolution on the general subject of an interoceanic canal. We had then no committees in the Senate, and I moved its reference to the Committee on Commerce when that committee should be appointed, my object being to let it there lie until the House of Representatives should take some action upon the subject, which, I was advised by members interested in it, would be done at an early day. Unfortunately I was called away from Washington during most of the month of December. On my return I found that the House had appointed a select committee, as I had been advised would be done. I therefore brought in the resolution asking for a special committee to consider this question, and that it might act concurrently with such committee as had been appointed in the mean time by the House.

The purpose of introducing the resolution in reference to interoceanic communication at so early a day of the session was twofold: first, that we might give some assurance to the distinguished citizen from Nicaragua then in our midst and to the capitalists whom he represented, as well as to the Nicaraguan government, which felt a deep interest in the subject, that the United States would not be slow to protect any such enterprise which might be inaugurated on that isthmus. The other object I had in introducing it at so early a day was that we might call the attention of the country as well as of Europe to the fact that there were those in the American Senate who were ready to meet the issue which is forced upon us, and to meet it with an affirmative declaration on the part of the American Government that whenever, however, or by whomsoever a canal should be constructed across the American isthmus, the American Government would see to it that such control was not hostile to American interests. I do not know, sir, to what extent, if to any extent at all, that resolution and the principle which it embodied met or attracted the attention of foreign governments or of those who were moving in the contemplated enterprise; but I do know that the question was of so much interest abroad that the resolution was copied and commented upon by the press of Europe and in almost every language spoken upon the Continent.

When that resolution was introduced there were no committees of the Senate appointed. I therefore asked that it go to the Committee on Commerce when it should be appointed, my object being that it should there lie until some action should be taken by the House, which I knew to be in contemplation. During most of our session prior to the holiday recess I was compelled to be absent. Upon my return I found the House had appointed a special committee, and I was waited upon by its chairman and asked to move for a special committee of the Senate to sit concurrently with one which the House had appointed. Agreeing fully with the opinion that this subject merited, if any one that ever came before this body did, a committee specially constituted with reference to the momentous questions to be considered, I moved for such a committee. The motion was agreed to, and the Senator from West Virginia entered the motion now pending, for reconsideration. This, sir, is briefly the history of the resolution for a special committee, and the motives which have induced me to make it.

The motion of the Senator from West Virginia for reconsideration is based upon the ground of economy. He is a member of the Committee on Contingent Expenses, of which my colleague is chairman. No man, sir, is more averse than myself to the useless expenditure of the public money; but, sir, to oppose the investigation of such a subject by a committee specially selected to deal with it in all its varied and vast phases seems to me in the last degree untenable. What, sir, are we to be told that we must not investigate a subject of such importance to every interest in America and to the commerce of Christendom, by a committee of chosen men specially qualified to consider it, because it will require one clerk to keep the record? Is this Senate to say, in the face of three hundred and fifty years of inquiry and the expenditure of untold millions of the public money in search of a practicable route for such water-way, that we must not now gather together and digest this information and consider what the interests of America require because the investigation will entail upon the Government the hire of a clerk? Is that the position which the American Senate proposes to assume?

With the attention of the country riveted upon this subject with an intensity of interest rarely felt before in any which has come before Congress; with all Europe on tiptoe to see what this Government proposes in the premises; with the Suez Canal already an accomplished fact in spite of the opposition of so powerful a government as Great Britain; with the great French diplomat and financier who projected it now upon the American isthmus with no less than eight corps of practical engineers; with our own commerce stagnant, our bottoms decaying and their sails rotting from disuse; with our geographical position midway between Europe and Asia; with six hundred millions of people, more than three-fourths of the entire civilized population of the globe anxiously awaiting the breaking down of the narrow barrier to our trade and productions; with the wealth of the Indies ready to be emptied into the lap of America; with all these facts, prospects, or possibilities before us, we are to refuse to consider them because it would embarrass the Treasury with the cost of a clerk. But, sir, I forbear to consider such an objection any further.

The VICE-PRESIDENT. The morning hour has expired.

Mr. EATON. I hope this matter will be proceeded with.

The VICE-PRESIDENT. Is there unanimous consent that this matter be further considered?

Mr. EDMUNDS. Mr. President, I certainly have no disposition to prevent myself from hearing the very interesting remarks of the Senator from Georgia; but I have the impression that there are many aspects of this question which ought to be considered under the provisions of Rule 64. There are some parts of it that I should be glad to refer to, that I cannot with propriety without violating the rules of the Senate in a public discussion; and if it were agreeable to the Senator from Georgia I should be glad under Rule 64 to make the motion that that rule provides for, closing the doors in the discussion of this question.

Mr. GORDON. I have no objection to that; but I would say in explanation to the Senator that my remarks this morning will not embrace anything touching in any degree treaty stipulations, and I did not presume that there would be any general discussion upon these subjects. The only question before the Senate is whether we should have a select committee to investigate the subject. I was only proceeding to analyze and answer, as well as I might, the objections which had been urged to the appointment of such a committee.

Mr. EDMUNDS. Mr. President, the resolution itself might not perhaps fall within the proprieties of the sixty-fourth rule, although I rather think it would if as ordinarily in such cases it involves some reference to the aspects of the general subject; and some remarks that the Senator from Georgia has already made have opened to my mind a state of circumstances and considerations that I think ought to be discussed in the manner provided for by the sixty-fourth rule. At the same time, as the Senator is half through with his speech, if it is at all disagreeable to him I shall not make the motion that the sixty-fourth rule provides for.

The VICE-PRESIDENT. The question is, will the Senate at this time further consider this motion, the morning hour having expired?

Mr. EDMUNDS. I do not object to that.

The VICE-PRESIDENT. The Chair hears no objection. The Senator from Georgia will proceed.

Mr. GORDON. Mr. President——

Mr. THURMAN. I wish to say that while I certainly have no objection to that, I hope no vote will be taken on this matter to-day.

Mr. GORDON. There is no purpose to force a vote until the subject is discussed. I am anxious that it be fully discussed.

Mr. THURMAN. It is too large a subject to be disposed of without consideration.

Mr. GORDON. It may be urged, indeed has been urged, that this was a subject of such wide range, embracing not only the commercial interests of the country and of the world but the relations of this country to foreign nations, the subject of treaties and practicability of the different routes and plans, that we ought not to plunge into its discussion without deliberation. Sir, that is true; and the suggestion will meet with general assent. But, sir, does the appointment of a committee of the wisest and ablest men in this body for the express purpose of deliberation presuppose a want of deliberation? Is it to be said that because a Senator asks for a committee to consider a great subject that therefore it is the purpose of that Senator to prevent consideration? Why the very intricacy and importance and complications which invest this subject and the very necessity for thought and great deliberation are commanding reasons for the appointment of a committee specially adapted to its consideration and elucidation.

But it is further objected that if the waterway should be constructed, Great Britain with her vast preponderance of ships would receive nineteen-twentieths of the benefits which would accrue to the world's commerce. Sir, let that be granted for the sake of the argument, which I think I can demonstrate is not the truth; still the fact will remain, that a refusal to appoint an able committee would not prevent the great Frenchman, De Lesseps, from completing his negotiations in Central America and constructing the water-way. And are we to be told that we must not investigate because investigation might demonstrate the feasibility of the enterprise, and encourage its construction and thus contribute to English wealth more than to American? Will a vote to reconsider the resolution, and a refusal to investigate, change the plans of De Lesseps or deter him from action? Sir, the reverse of this proposition is true. But again, suppose the building of the canal is to inure more to the benefit of England than of United States, are we to improve our condition by leaving the construction and control of the interoceanic transit to foreign capital and foreign protection? Will our share of the profits be increased by withholding all American influence and all American supervision? Sir, the very statement of the proposition is its own refutation. We cannot prevent the construction of this canal even if it should be to our interest to do it, by a refusal to investigate the purposes of M. De Lesseps. We cannot increase our share of trade lying supinely on our backs while France and England reap the rewards of the enterprise. Nor can we protect America by refusing to assert the immemorial doctrine of this Government and of American protection to this American water-way.

Mr. EDMUNDS. Mr. President, I rise to a privileged motion under the sixty-fourth rule.

Mr. GORDON. Mr. President, I beg pardon, and accede to the proposition.

Mr. EDMUNDS. I move that the doors be closed.
Mr. ANTHONY. I second the motion.
Mr. GORDON. I will go on now, unless the Senate wishes to consider this question with closed doors. I think it is due to the subject to dispose of it, and regret that the country cannot witness the debate upon it.
Mr. EDMUNDS. I rise to a privileged motion under the sixty-fourth rule. I move that the doors be closed.
Mr. VOORHEES. I ask for the reading of the rule.
The VICE-PRESIDENT. The sixty-fourth rule will be read.
The Chief Clerk read as follows:

64. On a motion made, and seconded, to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the presiding officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed.

Mr. McDONALD. Mr. President, I ask for the regular order.
The VICE-PRESIDENT. That is the Senator from Indiana's right. The regular order is the unfinished business, being the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein and for other purposes.
Mr. GORDON. I did not hear the motion; but if there is any indisposition to hear the discussion, I will forbear.
The VICE-PRESIDENT. The Senator from Indiana has demanded the regular order, which has precedence.
Mr. DAVIS, of West Virginia. I ask the Senator from Indiana to give me one minute.
Mr. McDONALD. Very well.
Mr. DAVIS, of West Virginia. Mr. President, the Senator from Georgia has made two-thirds of his speech on one clerk.
Mr. EDMUNDS. Mr. President, what is the pending question?
The VICE-PRESIDENT. The pending question is the special order, but the Senator from Indiana yielded to the Senator from West Virginia.
Mr. EDMUNDS. I insist on the regular order.
The VICE-PRESIDENT. The regular order is insisted upon.
Mr. EDMUNDS. If the Senator from Georgia cannot be permitted to proceed either with closed doors or otherwise, I insist on the regular order.
The VICE-PRESIDENT. The regular order is called for.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
A bill (H. R. No. 4412) to regulate practice and suits brought to recover damages for infringement of patents; and
A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:
A bill (H. R. No. 325) for the erection of a public building at Danville, Virginia;
A bill (H. R. No. 3497) to provide for deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives;
A bill (S. No. 325) for the relief of Henry Page;
A bill (S. No. 578) granting an increase of pension to Samuel B. Davis;
A bill (S. No. 857) authorizing the conversion of national gold banks; and
A joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which had been reported from the Committee on Public Lands with amendments.
Mr. JONES, of Florida. I ask that the amendment I offered be reported.
The VICE-PRESIDENT. The committee's amendments will be first disposed of.
The first amendment reported by the Committee on Public Lands was, in section 2, line 15, after the word "same," to insert:

Provided, That the Secretary of the Treasury may, at his option, pay the said amounts allowed, or any part thereof, out of any moneys in the Treasury not otherwise appropriated.

Mr. EDMUNDS. I move that this bill be indefinitely postponed. That will dispose of the consideration of the amendments for the present.
The VICE-PRESIDENT. The Senator from Vermont moves that the consideration of this bill be indefinitely postponed.
Mr. McDONALD. On that I ask for the yeas and nays.
Mr. EDMUNDS. So do I.
The yeas and nays were ordered.

Mr. EDMUNDS. Now we will hear the report of the committee, Mr. President.
The VICE-PRESIDENT. The report will be read.
The Chief Clerk read the following report, submitted by Mr. PLUMB January 20, 1880:

The Government of the United States, in receiving the Western and Southern States into the Union, stipulated in their several acts of admission to pay them 5 per cent. upon the sales of the public lands situated therein. The consideration for the 5 per cent. so reserved is substantially the same in each of the enabling acts of said States; that is to say, Ohio and Indiana stipulate that the public lands therein shall remain exempt from all tax whatever for the term of five years from date of sale.
Iowa, in the compact, stipulates four things:
First. That she will not interfere with the primary disposal of the soil;
Second. Nor tax for any purpose the public lands;
Third. That the non-resident proprietors shall not be taxed more than the resident; and
Fourth. That lands granted for military services in the war of 1812 that may be located therein shall not be taxed for three years from date of patent.
Illinois—same as Ohio, and the third and fourth stipulations of the Iowa compact.
Alabama and Mississippi—same as Ohio, and embracing the second and third stipulations of Iowa.
Missouri—same as Ohio, and including that of Iowa.
Michigan and Arkansas—same as Iowa.
Florida—same as the first and second stipulations of Iowa.
Wisconsin, Minnesota, and Oregon—same as the three first stipulations of Iowa.
Nebraska and Nevada—same as the second and third stipulations of Iowa.
Kansas—the same as the first and second of Iowa.
Louisiana—the same as Ohio and Indiana.
These stipulations were proposed to the people of the several States by Congress as the condition of Union, for their "free acceptance or rejection," and if accepted were to be obligatory on both parties thereto. They were duly accepted by the States, which have, also, faithfully observed them.
The binding effect of these compacts is specifically recognized and set forth in an opinion rendered by Hon. B. F. Butler, then Attorney-General of the United States, dated March 31, 1836, in passing upon the legal effect of the act for the admission of Alabama into the Union, as follows:
"This proposition, having been accepted by the convention, became and is obligatory on the United States; that is to say, the faith of the nation is pledged to execute it literally, provided the Government of the United States possesses or acquires the ability to do so." (3 O. A. G., 56.)
Since the admission of the several States referred to, in many of them the entire public domain has been disposed of, and within the limits of the others but a small portion remains unsold. The methods of disposition have been various: For cash; in settlement of obligations of the Government to its soldiers, represented by military land warrants; in aid of railroads and canals, and other works of internal improvement; and under the homestead law. The States have as yet made no claim for compensation on account of the lands disposed of in the last two named methods; the Government has paid or is in the process of paying 5 per cent. upon the cash sales, but up to the present time has made no payment to any of the States upon entries of public lands with military land warrants, though demand has been made for the same.
The only ground known to your committee upon which this payment has been refused is that such disposition of the public domain was not "sales of the public lands" within the meaning of the enabling acts. The right of these States to the 5 per cent. upon military locations depends, in the opinion of your committee, largely upon the fact whether, as between the Government and the soldier, the lands disposed of formed a part of the consideration of his hire. Upon this point your committee have had little difficulty in arriving at the conclusion that such disposition did, in fact, enter into and become a part of the consideration for the enlistment and services of the soldiers to whom land warrants were issued. The acts of Congress for the benefit of the recruiting service of the United States at the opening of the revolutionary war are dated in August and September, 1776.
The Commonwealth of Virginia about the same time, (October, 1776,) for the purpose of raising her quota of men and meeting the exigencies of the coming war, also offered lands to her soldiers as part compensation for their military services. These lands thus offered by the Legislature of Virginia were afterward patented by Congress to her soldiers agreeably to the terms of cession made by Virginia to the Federal Government of the Northwestern Territory March 1, 1784.
The several military grants for the war of 1812 are dated December 24, 1811; January 11, 1812; February 6, 1812; December 12, 1812; January 24, 1814; January 27, 1814; February 10, 1814; April 18, 1814, and December 14, 1814.
Those of the Mexican war are dated February 11, 1847; March 3, 1847; September 28, 1858.
It is clear from the language of these grants that they were designed to effect a future object, and in no sense did they relate to a past subject. The time when and the circumstances under which they were passed indicate but too manifestly the aim in view, namely: to facilitate and encourage enlistments, that the requisite numerical force of the Army might be enlarged as rapidly as possible, in order to meet the pressing necessities of each of the impending wars.
At the time the resolution of September 16, 1776, was adopted Congress owned no land, but expected by conquest to become entitled to all the land which England had acquired by discovery. Anticipating, therefore, the acquisition of large landed possessions, and expecting to have more land than money, Congress, in order to fill up the rank and file of the Army, and to raise and complete a regularly organized military establishment, offered in advance, besides specified monthly wages in money, an additional consideration in land, not for past, but for services thereafter to be rendered. The colonial government of Virginia did the same thing, and her engagement to pay in land was afterward assumed and fulfilled by Congress, by setting apart for that purpose a section of country lying between the Little Miami and Scioto Rivers, in Ohio.
The military grants for the war of 1812 and the Mexican war are of the same character, enacted at or near the commencement of each, wholly prospective in their operation, and are their own best expositors; their meaning and purpose cannot be misinterpreted. In effect, they said to the party whose military prowess the Government so much needed at the time, "Enlist, and serve your country a given period, and you shall have as a reward therefor a quarter section of land in addition to your monthly pay." The land thus offered in advance of, and as an inducement to, the engagement formed as much a part of the contract of enlistment as did the money compensation. One cannot with any show of reason be designated a gratuity any more than the other; both alike constituted the consideration for which the services were to be rendered. It follows, therefore, that these grants of land for military service in the three great wars of this country are essentially in the nature of contracts; and as such become the foundation of the claim which the Western and Southern States now make for the 5 per cent. thereon, according to the terms of the compact contained in their several enabling acts; for, if they have the elements of a contract, it follows that the lands located thereunder are sales in legal contemplation, and not bounties in any just sense of that term. It involves no other or different principle than if one man should say to another, "Work for me twelve months and I will pay you at the rate of $15 per month and eighty acres of land for such service." Could he, in law, discharge his obligation

by making the money payment and withholding the land, upon the pretext of a bounty to be paid or not at his own pleasure?

That this is the proper construction of the military land warrant acts of 1847 is abundantly shown by the debate thereon at the time of their passage. When the act of February 11, 1847, came to the Senate from the House where it originated an amendment was proposed, giving, in addition to the monthly pay and allowances and the money bounty, a grant of land to the soldiers whose enlistment was then sought. The subject was debated at considerable length, and the result was the statute referred to. In the course of the debate Mr. Cameron, the mover of the original amendment, said: "He was desirous that those of our fellow-citizens who intended to join the Army might know what they had to expect. The soldier who fought the battles of his country was deserving of reward, and as this Government possessed abundance of lands he thought no better disposition could be made of a portion of them than in rewarding the bravery and patriotism of the soldiers."—*Congressional Globe*, second session, Twenty-ninth Congress, p. 171.

Mr. Allen, of Ohio, while objecting to the proposition as not sufficiently guarded and specific, expressed his assent to the principles involved. He said he "was one of those who believed that, as between the Government and the citizens, great liberality should be observed, more especially as regarded the uncultivated soil of this country. He knew of no better use that could be made of the public domain than to reward the brave and patriotic men who had volunteered to serve in this war."—*Ibid.*, p. 172.

Mr. Clayton said: "While graduation bills and pre-emption bills, and other projects for giving away and breaking up the public domain were in vogue, while the land was going, he preferred to see it given to the citizen soldiers and the regular soldiers of the United States Army. He preferred giving the lands to the soldiers as an inducement to fight the battles of the country rather than give them to the paupers of Europe."—*Ibid.*, p. 173.

Mr. Corwin said: "It was a proposition to grant to every soldier who actually served, and to the heirs of every soldier who died in service, an amount equal to $200, which should pass current in any land office for the purchase of land. Instead of paying them in advance, it was paying him at the end of his service this amount. * * * A soldier's service was the hardest that any patriot could be called upon to perform, and he thought that they were entitled to receive at the hands of the Government this much at least."—*Ibid.*

Mr. Badger said: "If we are to call upon American citizens to enlist in the Army for the prosecution of this indefinite war—to enlist not merely for a certain period, but during the existence of the war, * * * was it not important that they should throw out strong inducement to the people to peril their happiness, their persons, and their lives? He saw in this very circumstance strong reasons why this bill should not be passed without a direct 'pledge' of future bounty on the part of the Government to induce men, whether as volunteers or regular soldiers, to make these sacrifices. He desired that every man should see on the face of the law under which the Government required the sacrifice from him the bounty at which the country estimates his service."—*Ibid.* p. 178.

Mr. Butler said: "The great object of giving bounty lands to soldiers was to encourage enlistments."—*Ibid.*, p. 207.

Mr. Webster said: "The object was to obtain the services of the private soldier in the ranks of the Army and in the volunteer corps. * * * The precise point they aimed at was to fill the ranks of the regiments for the efficient defense of the country—the present urgent defense of the country. They asked, therefore, for something which would be an inducement to soldiers to enlist."—*Ibid.*

The land warrants issued in pursuance of the several acts named were certainly in the nature of evidences of indebtedness. The public lands were made available for meeting the demands of the General Government in the payment of its soldiery just as effectually by the warrant system as if the lands were first converted into money and the money used in liquidating these demands. Instead of patenting a specified tract of land to the soldier entitled thereto, the Government issued to him its written obligation, payable in the agreed quantity of land, to be selected from the whole body of the public domain. And these obligations, or "warrants" as they are called, were by law made assignable, and were subjected to sale and transfer. In this way they became a species of Government scrip, or currency, and persons desirous of purchasing could go into the market and buy the same, and with it secure title to tracts of the public lands whenever the same were subject to sale and entry.

Can it be considered less a case of sale that the purchaser, instead of paying for his land in greenbacks, does so with the Government's own paper obligations? The chief difference in the two descriptions of paper is that the first is available for purchasing all commodities indiscriminately, while the latter is limited to the purchase of land only. Suppose the United States had issued pecuniary obligations, *i. e.*, bonds, payable to bearer at a future day, or payable like greenbacks, whenever the Government should find itself able, but with the proviso that they should be receivable at par in payment for public lands—how would the case of lands paid for with such bonds differ from the present case? The bonds might have been issued like land warrants, for military service, or for any other consideration, or for no consideration. They might have been regarded by Congress strictly as a gratuity to parties thought to have for any reason deserved well of their country.

This would not affect the question whether lands entered and paid for with such bonds ought to be considered as sold. In either case the Government would have received for thus disposing of its lands its own valid outstanding obligations, for the fulfillment of which its faith was plighted, and the surrender of which by the holder would constitute an ample consideration, legal and equitable, for the conveyance. These considerations apply to the fullest extent to the case of entries of land by means of land warrants.

To your committee it seems that the true solution of the question whether or not land entered by the location of warrants should be considered as sold by the Government is to be found in the nature of the transaction at the time of the warrant location, and not in that of its issue.

No land is sold or disposed of in any way by the mere issue of a warrant. That conveys no title whatever to the holder of the warrant for any specific land. The warrant is a mere executory promise or contract, calling for a given quantity of land, to be selected from the body of the public lands. It is not until the specific tract is ascertained, segregated, and the warrant surrendered in exchange for a certificate of location for a particularly described tract or parcel of land, which is to ripen into a full legal title upon the issuance of a patent, that any land can be said to have been disposed of by the Government; but when the warrant is located, this, to all intents and purposes, is a sale.

The term "bounty," as applied to this kind of compensation for military services, seems to be inapt. It certainly is not used in its popular sense as importing a gratuity, because in the several acts of Congress granting lands to the soldiers in the three great wars of this country the "warrants" were not issued in consideration of past services, but must be fairly understood as a part of the stipulated compensation provided for by the law under which the enlistment was made for services thereafter to be performed.

This is made most manifest by the debate above quoted. The object is there stated explicitly as being to "encourage enlistments."

In the late war of the rebellion, in order to stimulate enlistments, a pecuniary "bounty"—that is, a gross sum in addition to the periodical pay—was offered by the Government instead of land warrants to all who should enlist in the service, and in many instances further "bounties" of the same kind were offered and paid by counties and cities in order to induce enlistments and fill up their respective quotas of men. Such offers, when accepted and acted upon, have, in repeated instances, been declared by the courts to be valid contracts and have been enforced accordingly.

It will not be contended, as the committee believe, that the agreement to pay the 5 per cent. on the sales of the public lands does not find a sufficient consideration in the stipulations of the several States not to interfere with the primary disposal of the soil; not to tax Government land; in some States not to tax lands which the Government might sell for five years; in other States not to tax for three years a class of lands in the hands of certain patentees; not to tax non-resident proprietors more than residents, &c.

The rights surrendered by the States were of great material consequence to them. The right of taxation inheres in the sovereign power of a State, and is extended over all subjects and descriptions of property within its jurisdiction. In the relinquishment of the right of taxation the States have lost a very large revenue, far in excess of the 5 per cent. upon all the public lands, whether the same be computed cash sales or upon lands disposed of in payment for military services, or both.

By disposing of the public lands in the manner named, the United States discharged an obligation which was of binding force upon all the States as component parts of the common confederacy. Aside from the legal liability of the Government to pay the percentage claimed to the States within whose limits the lands were purchased with military warrants, it may be suggested that it would be palpably inequitable that a few States should be called upon to contribute so largely in the discharge of the nation's indebtedness. But when it is considered that the General Government and the eighteen States claiming relief under the bill submitted for the consideration of your committee entered into a solemn compact, partaking of the mutuality of a legal contract; that the States, in order to secure the 5 per cent. on the disposal of the public lands, agreed to surrender rights indisputable and of great value to them if retained, and that in good faith this agreement has, in every respect, been faithfully kept on the part of the States, there seems to be no good and sufficient reason, in the judgment of the committee, why the United States should be relieved of its obligation to pay the claims which the States have presented for adjustment.

The payment by the General Government to the several States of 5 per cent. upon the cash sales made, during a period of over seventy years, would seem to be conclusive against the Government upon the question of consideration.

The bill under consideration proposes to capitalize the lands taken up by the location of military land warrants, at $1.25 per acre. This has been the minimum price of the Government lands ever since there was a public domain. The price fixed cannot, therefore, be considered unfair to the Government. It will also be noted that in the debate quoted upon the act of 1847, Mr. Corwin stated the value of the one hundred and sixty acres proposed to be offered as a consideration for enlistments at $200; the market value of the warrants issued under the act also tends to fix the value of the land.

Your committee has also been pressed to consider the obligations of the Government to the several States on account of lands granted for the purpose of aiding in the construction of railroads, and other works of internal improvement, and also for lands disposed of under the homestead law.

The grants for railroads and other internal improvements were in nearly or every instance made to the States direct for the use of the enterprise to be aided. In accepting these grants the States fairly waived the right to the 5 per cent. compensation upon such lands, and the grants were, besides, generally of great special benefit to the States to which the grants were made. Besides, no consideration except the one affecting the growth and general prosperity of the country passed to the General Government.

The lands disposed of under the homestead law stand upon a different footing. Their disposition in that particular manner was undertaken without the consent of the States, and while nominally a gift to the settlers, the fees exacted are such as result in a considerable profit to the Government over and above the costs of selling and patenting. As, however, the passage of the homestead law worked a radical and beneficent change in the public land system of the Government, and one much more beneficial to the States whose limits then embraced public lands than the one theretofore prevailing, the obligation against the Government on account of lands thus disposed of is not very strong if at all existing.

The committee, therefore, propose to so amend the bill as to exclude from consideration hereafter the question of compensation for these two classes of lands, and make the acceptance of the compensation provided for by this act a waiver of all claim on account of the disposition of lands for internal improvements and under the homestead law.

And with these amendments, the committee recommend the passage of the bill.

Mr. JONES, of Florida. I ask that the amendment I submitted to the bill be read.

The VICE-PRESIDENT. It may be read for information. The motion to postpone indefinitely cuts off amendments.

The Chief Clerk read the amendment intended to be proposed by Mr. JONES, of Florida, namely, at the end of the first section to add:

Provided further, That the Secretary of the Interior shall also ascertain the quantity of public lands entered and patented under the provisions of the homestead laws in the States of Alabama, Florida, Mississippi, Arkansas, and Louisiana, between the 21st day of June, 1866, and the 3d day of March, 1877, and all lands entered and patented under said laws shall be subject to the provisions of this act in the same manner as lands entered by the location of military scrip and land warrants in the States mentioned in the first section of this act.

Mr. McDONALD. That is simply read for information.

The VICE-PRESIDENT. It is read for information. The question is on the motion of the Senator from Vermont.

Mr. EDMUNDS. Mr. President, I rise to support this motion. Ostensibly on the face of the bill there are eighteen States whose treasuries are to be replenished out of the Treasury of the United States by this—shall I call it performance? And I had hoped therefore I should have the attention of the thirty-six Senators who presumptively, I suppose, by the originators of this bill are expected to lean favorably in that direction; and yet the thirty-six are wanting, Mr. President.

Before I begin the methodical discussion of this question, to which I have felt obliged to give some attention, I should be glad to know what the committee mean in their report when they say in the third line of it that—

> The Government of the United States, in receiving the Western and Southern States into the Union, stipulated in their several acts of admission to pay them 5 per cent. upon the sales of the public lands situated therein.

It unhappily is not according to the statute, except in a few instances in such case made and provided.

Mr. McDONALD. If the Senator will allow me, I will read the third clause of the fourth section of the enabling act in the case of Indiana.

Mr. EDMUNDS. Suppose you begin with Ohio, which was the first of these States admitted?

Mr. McDONALD. I prefer reading from this act. The Senator can read from the other if he desires.

Mr. EDMUNDS. Very well.

Mr. McDONALD. It reads:

Third. That 5 per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress from and after the 1st day of December next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State under the direction of Congress.

And I desire to read in that same connection this:

And provided always, That the five foregoing propositions, herein offered, are on the conditions that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the 1st day of December next, shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

Mr. EDMUNDS. Yet, Mr. President, the committee in their printed report say that the United States "stipulated in their several acts of admission"—by which of course we must understand they mean each one—"to pay them"—that is, to each State—"5 per cent. upon the sales of the public lands situated therein." Now my honorable friend, not the author of the report, but who has come in as a volunteer I suppose, because Indiana was always good in time of war for volunteers I am proud to say——

Mr. PADDOCK. He is the chairman of the committee.

Mr. EDMUNDS. Oh yes, but he did not report the bill. He says that the act which supports the allegation of the committee is the act providing for the State of Indiana. I might remark that the State of Indiana has not been supposed hitherto to compose "the Western and Southern States" together; it was only a certain part of the Western and Southern States; but that view of the matter I let pass. What did we agree to give to the State of Indiana? Five per cent. of the proceeds of the sales of the public lands within her borders? No, sir. The very clause that my honorable friend has read provides quite the contrary. It provides that 3 per cent.—to be sure that is only two-fifths off from the truth—that 3 per cent. of the proceeds of the sales of these public lands should, not be given or paid to the State of Indiana even then, but should be devoted to certain objects of general and public concern that affected all the people of the United States as well as the people of Indiana, by constructing certain internal improvements in that State, not the private property of the State to levy tolls upon, but public methods of passage, highways and canals, then the only means of intercommunication known, for the benefit of all the people of the United States.

Mr. President, it will be seen by the proof cited by my honorable friend from Indiana that the opening statement in this report of the committee exceeds by two-fifths the fact. The statement is that we agreed to pay to the State of Indiana, among others, 5 per cent. of the proceeds of the sales of public lands. The proof is read by the proponent of this last will and testament of the United States, the division of all that there is left, as I suppose, until they apply again, that only 3 per cent. was in any event to be disposed of in such manner as the Legislature of Indiana might direct.

Now, suppose we turn to another State; take Ohio which was the first of that great galaxy of States that has been added to the United States, after Kentucky and Vermont, that do not share in this beneficence, had been admitted—the State of Ohio the first out of the Northwest Territory. Let us see how true with respect to Ohio is this statement of the committee that we had promised to pay any per cent. of the sales of the public lands within her limits. Here is the clause; it is the third clause of the seventh section of the act of 1802 admitting that State:

Third. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the 30th day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic to the Ohio, to the said State and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass.

Does that provide that any sum of money, any per cent. whatever, shall be paid to the State of Ohio to go into her treasury? Of course not. It only provides that under the circumstances existing at that time, the Congress of the United States, representing its whole people, was willing to engage to devote 5 per cent. of the proceeds, net, of the sales of the public lands in that State, to certain works of internal improvements that should open a communication between her and the Atlantic seaboard. And yet the committee, through inadvertence I must suppose and as I believe, say that "the United States, in receiving the Western and Southern States into the Union, stipulated in their several acts of admission to pay *them* 5 per cent. upon the sales of the public lands situated therein."

I need not go through with the other sixteen of these eighteen States, or with any considerable number of them, to show the error into which the Committee on Public Lands has fallen in the very opening and fundamental statement of the proposition and principle upon which we are called on to tax the people of the United States to put into the treasuries of these States this money.

There is another thing preliminary to which I should like to call the attention of my honorable friend from Indiana who has charge of this bill. It is the statement on the second page at the foot of the second paragraph of the report, which says that the United States "up to the present time has made no payment to any of the States upon entries of public lands with military land warrants," which is true, so far, "though demand has been made for the same." I should be glad to be informed by the committee when, for the first time, any demand was made upon the United States for what is supposed to be this claim, or whatever it may be called, embraced in this report. The committee does not refer to the evidence in support of the allegation that demand has been made for 5 per cent. of the valuation of the lands of the United States located under military land warrants. I should like to see what it is that the committee refers to in proof of that proposition, and I wait for a reply.

Mr. PLUMB. Mr. President, I can say as of my own knowledge in reference to one particular State that demand has been made in behalf of the State of Kansas continuously, indeed ever since the admission of the State, by the agents of the State sent here for that purpose. I am also informed and believe that a like demand has been made on behalf of nearly all if not quite all the States interested. I speak from information on that point, and I have no doubt of the correctness of that information. Demand has been made at the Interior Department upon the Commissioner of the General Land Office. Possibly it did not bear an internal-revenue stamp and possibly may have lacked something of that formality which would delight the Senator from Vermont; but the fact of demand having been made and repeatedly insisted on, and in some cases recognized by legislative acts of some of the States, there can be no doubt of at all.

Mr. PADDOCK. The statement made by the Senator from Kansas in respect of his State is equally true in respect of mine. An agent was appointed by my State seven or eight years ago for the same purpose. An argument was prepared, written, and presented to the Interior Department on the subject, and since then he has continuously, so far as he could do so, pressed the claim of the State.

Mr. EDMUNDS. Mr. President, I was not seeking for information as to the appointment of agents to hunt up claims in favor of States. Many States have such agents; Vermont has one, I am almost ashamed to say; they are around in plentiful numbers, beyond all doubt. I am on the question, which is fairly stated in this report, whether a demand by a State has been made upon the Government of the United States for 5 per cent. of the value of lands located with military land warrants; and Senators say that they have oral information—we do not see the documents—that such is the fact. Now, sir, looking at this, as I thought it to be a duty, and seeing that statement in this report, I addressed a formal inquiry to the official source to know how the fact was, and that was to the Secretary of the Treasury, who pays these percentages after the accounts are settled, and I received this official reply:

TREASURY DEPARTMENT,
January 28, 1880.

SIR: In reply to your letter of the 27th instant, asking whether in the settlements hitherto made under the 5 per cent. clause in the bills admitting States into the Union any claim has been made for more than 5 per cent. on the lands actually sold, and if so, when and by what States, I have the honor to inform you that no claims for more than 5 per cent. of the net proceeds of the sales of the public lands within its limits appear to have been presented by any State either to this Department or to the General Land Office.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. GEORGE F. EDMUNDS,
United States Senate.

Mr. KIRKWOOD. Will the Senator yield to me for a moment?

Mr. EDMUNDS. With the greatest pleasure. I am merely seeking information.

Mr. KIRKWOOD. I can inform the Senator that in the year 1858, a good while ago now, I had the honer of holding a seat in the senate of the State of Iowa, and was upon the committee on Federal relations. This matter was referred to that committee, and a report was made by myself to the senate upon this identical question, and a memorial was passed by the Legislature of the State and the governor of the State was requested to visit Washington City on this identical business and endeavor to have from this Government the performance of the promise it had made to the State of Iowa when the State was admitted into the Union, the State of Iowa having in the mean time performed all the promises that she made as the consideration for that promise from the United States.

Mr. EDMUNDS. Now, Mr. President, if my honorable and respected friend from Iowa——

Mr. LOGAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. EDMUNDS. He will excuse me a moment. If my honorable and respected friend from Iowa will have the kindness before we finish the disposition of this bill to look up the documents which will show exactly what the Legislature of Iowa did, in black and white, so that we can see whether it referred to this precise and identical question of military land warrants, and then will look up and show us the official communication that the governor of his State made to the Government of the United States on the subject, I think I can

say to him without being misunderstood, as I should be glad to have him say to me in a similar case, it will be much more satisfactory in respect of seeing precisely what claim was made than my recollection of an oral communication or oral statement. My knowledge about this matter is only such as I have been able to obtain by applying to the official repositories of official communications on this subject between States and the General Government. I have read the official response. I do not know but that is all I can do about it.

Now, Mr. President, I will listen with great pleasure to my honorable friend from Illinois.

Mr. LOGAN. I was just going to say, in regard to States making a demand, that I do not know whether what might be called a formal demand has been made; but when a settlement was made by the Commissioner of the General Land Office, which was afterward referred to one of the Comptrollers of the Treasury in reference to these claims of the States, I, myself, at one time, authorized by the governor of the State of Illinois, went before the Commissioner of the General Land Office with an application to have him reopen the case of Illinois so that this matter might be adjudicated. It was afterward referred to a Comptroller, who, under a certain decision or rule of the Departments, held that the case was *res adjudicata* in that Department of the Government and could not be reopened; and hence, that the only remedy was to apply to Congress. That I know of my personal knowledge so far as the application of the State of Illinois is concerned.

Mr. EDMUNDS. Now, Mr. President, I must make the same reply to my honorable friend from Illinois that I did to my distinguished friend from Iowa, that if he will have the kindness to just get the papers in regard to that exact settlement that we may see precisely what were the questions presented, it will be a gratification to me, if to nobody else.

Mr. LOGAN. The Senator will understand me. I stated that there was a settlement made with some of the States of which Indiana was one; and the Senators from Indiana will remember the settlement in reference to 2 per cent. of this 5 per cent. My object was to reopen that settlement with Illinois for the purpose of having the claim adjudicated in reference to the land warrants; and it was decided that the case in reference to the claims of States on these questions was *res adjudicata* and could not be reopened.

Mr. EDMUNDS. Then, Mr. President, I understand my honorable friend from Illinois to mean that after all there is no paper on file in the General Land Office or in the Treasury which shows any claim on the part of the State of Illinois or any other State for 5 per cent. of the valuation at $1.25 an acre of lands located under military land warrants; but that on the 2 per cent. question, (which is quite a different one, I beg the very few Senators who care anything about these few millions of dollars that are to come out of the Treasury to remember,) from the beginning there have been efforts on the part of the States not only to get the 3 per cent. that was to be expended within their borders, but to get the 2 per cent. that was to be expended outside of their borders. That they have done "in season and out of season," and in some instances have succeeded, too; but that is quite apart from this business which, according to the best of my official information and to the best of my private belief, founded upon a search of Congressional Globes, records, and documents, which, of course, has been necessarily imperfect, has been born, not like that famous female so popular in Indiana, out of the foam of the sea, but has been born (like another famous female that is said to have been born out of the brain of Jupiter) out of the brain of the democratic—no, I will not say democratic, this has nothing to do with party—out of the brain of my distinguished friend from Indiana. That is what I should have said.

The inquiry I have made about when this thing was first thought of is not of very great importance, although of course it has its weight. If the claim had been made from the beginning and Congress after Congress had denied it, that ought to be a good answer. If it has never been thought of until very recently when the ingenious brain of State agents for collecting military claims in rummaging through and inventing all manner of good ideas for their clients is brought into play, that ought to lead us to hesitate a little before we dip into the Treasury to pay this, and it ought to lead us to hesitate for this reason, which I think cannot be too often impressed upon ourselves in respect of all transactions of this character: that the Senate of the United States and its House of Representatives are not a debtor or a wrong-doer to anybody. It is not against the Senate and the House of Representatives that any claims of this character, if they were made, were made twenty years ago as against a man whose duty it was to pay and it was denied; but the Senate and the House of Representatives, in just as large and just as independent and impartial a sense as may be said of the courts of justice of the United States or the several States, are a tribunal that has no other interest than that of doing impartial justice between the body of the people upon the one side and individual States and individual citizens upon the other. And so I say it is worthy of consideration when an impartial tribunal, existing always, is appealed to from year to year and does not see strength enough in a given case to furnish relief, that later members of the same tribunal, always existing, ought to be a little careful how they tax the people upon the other side to pay stale and newly invented claims. We are not in the attitude of a recusant debtor; we are in the attitude of impartial judges having no interest except that of doing right upon all subjects.

Now, let us see exactly where this present report leaves this business. The report itself concludes by showing the inconsistency of its own proposition. It proceeds in the first place to reason it out that the United States is bound, upon just principles of construction, in respect of these admission acts, to pay to the several States making this claim 5 per cent. of the value of the lands located under military bounty land warrants; that that is a debt upon a just construction of these statutes. What does it say next? It says that as a condition to the payment of this debt, due in justice and by law, these several States shall be estopped if they take the money to make any other claim for other lands disposed of under the homestead and land-grant acts. When are we to begin, Mr. President, the new era in our career of selling justice? Now? I hope not. If this committee is right in saying that by force of the compact with the State of Ohio, if you please, or any of these States or all of them they are entitled under a just construction of these acts of admission to 5 per cent. of the military lands, then why is it that we say "we will not give you that justice to which you are entitled unless you will agree to make no claim in respect of the disposition that we have made of other lands" which fall within precisely the same principle or which do not fall within precisely the same principle, no matter as to that? What sort of an attitude is that for the Congress of the United States to occupy? If these States are entitled by a just construction of these laws to this money, let us pay it to them. If they are not entitled by a just construction of these laws to this money, then I must suppose that the Senators from these States, as well as the Senators from other States, would not wish to have it and will not vote for the bill. Why then do you clog the payment of this debt, as you say it is, with this estoppel, as the committee call it and as the bill calls it, against their making a similar claim in respect to different lands?

Mr. President, I never could consent to a proposition of that kind. I agree that in cases where there is a dispute in respect of the quantum of a claim, where a man whose property has been taken for the public use says he is entitled to $5,000, that that is the value of his wood or his horses or his stores, and the executive agents of the United States say he is only entitled to $3,000, there you may with propriety say in some cases, though I should be pretty shy about that, but in general you may say with propriety "we will compose this matter and will give you $3,000 or $4,000, whatever the sum may be, provided you are willing to take it as a final settlement of this matter." But to say to a man who puts in a claim for a thousand cords of wood delivered in 1863 "we will pay you for the wood we had in 1863 provided you shall be estopped from claiming pay for any wood you delivered in 1864 or any horses that you delivered in 1862," would be rather rough treatment, as everybody would see.

I leave that, Mr. President, and I come to a consideration of these statutes. The Senate will have seen in the preliminary reference which has been made that the statute about Ohio has no application to this bill at all, because as to Ohio we never agreed to pay her, or into her treasury, or for the benefit of any internal improvements within her borders, any money at all. The United States did agree to expend 5 per cent. of the net proceeds of the sales of the public lands in her borders in works of internal improvement between Ohio and the waters falling into the Atlantic. That would hardly furnish ground for a claim as a matter of justice or of law for paying her 5 per cent. of the value of the military lands in that State. But let us come to a State where some money was to be paid over for expenditure within the State; take Louisiana, for instance, which I believe was the next State, chronologically, admitted into the Union. The act of the 8th of April, 1812, provided for the admission of Louisiana into the Union.

Mr. McDONALD. The act of February 20, 1811, is the one governing the case.

Mr. EDMUNDS. According to this volume of the statutes, on the 8th of April, 1812, Congress passed an act for the admission of the State of Louisiana into the Union.

Mr. McDONALD. The enabling act was passed on the 20th of February, 1811. I have the fifth section before me.

Mr. EDMUNDS. Here it is, volume 2 of the Statutes at Large, page 643:

SEC. 5. *And be it further enacted*, That 5 per cent. of the net proceeds of the sales of the lands of the United States, after the 1st day of January, shall be applied to laying out and constructing public roads and levees in the said State, as the Legislature thereof may direct.

That you will see, Mr. President, was not a proposition to pay to the treasury of the State of Louisiana any money at all, but it was an appropriation of a certain proportion of the public moneys of the United States for a certain object, and that object was to assist in the construction of public roads and levees in the State of Louisiana, to be applied as it respects the selection of the road and the levee and the circumstances under which it was to be done, in such manner as the Legislature of the State of Louisiana should direct. And that brings us to the question (aside from the fact that there was no provision to pay into the Treasury of the United States this percentage which I shall come to by and by,) what is the meaning of the term "sales," "proceeds of sales," "net proceeds of sales after deducting all expenses?"

What is a sale? The committee in their report say that a sale is anything that anybody gets or agrees to do for a consideration. That was not the general impression among law writers at the time and before and since these laws were passed; but perhaps the committee are correct about it. Let us see. Here is Bouvier's Law Dictionary which under the head of "sale" gives a very condensed but somewhat specific statement of what a sale is, and "sale" in law, I may add, is a term of art, so to speak; that is, it is a term that has a fixed and definite meaning, a precise definition.

The VICE-PRESIDENT. Will the Senator yield a moment?

Mr. EDMUNDS. I think I shall.

The VICE-PRESIDENT. The Chair asks gentlemen standing outside the bar to be seated and cease conversation, so that Senators who are interested in this bill may listen to the debate.

Mr. EDMUNDS. My only fear is, Mr. President, that I shall disturb the Senators and the strangers in some private conversation that they have. Of course the public business is of no account, and it would be a great misfortune to disturb anybody in his private affairs here!

Bouvier, in his Law Dictionary, volume 2, fourteenth edition, page 492, says:

> SALE. An agreement by which one of two contracting parties, called the seller, gives a thing and passes the title to it, in exchange for a certain price in current money, to the other party, who is called the buyer or purchaser, who, on his part, agrees to pay such price.

Citing Pardessus, Noy's Maxims, Sheppard's Touchstone, Kent, Pothier, and all that long list of law writers who, whatever else they may have disagreed about, never disagreed about what a sale was. Then it proceeds:

> This contract differs from a barter or exchange in this: that in the latter the price or consideration, instead of being paid in money, is paid in goods or merchandise susceptible of a valuation. 3 Salk., 157; 12 N. H., 390; 10 Vt., 457. It differs from accord and satisfaction, because in that contract the thing is given for the purpose of quieting a claim, and not for a price. An onerous gift, when the burden it imposes is the payment of a sum of money, is, when accepted, in the nature of a sale. When partition is made between two or more joint owners of a chattel, it would seem the contract is in the nature of a barter. See 11 Pick., Mass., 311.

Then it proceeds again:

> The price must *consist in a sum of money*—

That is the consideration; and the writer italicizes the words that I emphasize—

> The price must *consist in a sum of money* which the buyer agrees to pay to the seller; for if paid for in any other way the contract would be an exchange or barter, and not a sale, as before observed.

Thus it is quite obvious, from the well-known definition, that I should not have presumed to cite but for this extraordinary report of the committee as to what they consider a sale to be, that the language of the acts of Congress admitting these States, wherein 5 per cent. of the net proceeds of the sales—nothing else—of the public lands of the United States shall be devoted to certain objects, shows that Congress must have been understood to mean exactly what the term itself imports and was always known to import, and that is a disposition for money; and it is clear that Congress did not intend and cannot be construed to have intended to tie itself up that it would sell all of the public domain and preclude itself from disposing of just such part of it as public interests might require for the benefit of the general objects of the people of the United States, either as the consideration, if you please to call it that, for the services of its soldiers, or as donations to States for colleges and universities, or as homesteads to settlers, or for any other of the innumerable causes and instances for which and in which the public lands have been disposed of; but so far as a fund of net proceeds of money, the result of a sale, was concerned, Congress undertook in these acts of admission, sometimes in one way and sometimes in another, to devote it to objects that would be for the benefit of the settlers of these States and for the benefit of the citizens of other States as well, in respect of the expenditures for these objects of public intercommunication.

Now, to show that this law-dictionary man is not altogether wild, let me take the judgment of an Ohio judge, Judge McLean, whose character and learning I need not spend any time to comment upon, decided in the State of Ohio and where the very question arose as to what was the nature of a sale and purchase, because they are correlative terms, one upon the one side and one upon the other. In the case then before him it was claimed, on account of the statutes of the United States, that the Treasury Department could not get title to land by the levy of an execution or by the turning over by a debtor voluntarily of his estate to pay a debt that he owed to the United States, because the statutes forbid the purchase by any officer of the Government of the United States of any property without the express authority of Congress; and that was the point.

Judge McLean said, speaking of this case:

> The lands were taken, not as a purchase, but to secure the debt of the late receiver.—3 *McLean's Reports*, p. 367.

Admitting that the Secretary of the Treasury had no power whatever to purchase lands, but holding that the taking of land for a good consideration in the payment of a debt was not a purchase within the meaning of the statute, because the word "purchase" was the correlative, the counterpart of the word "sale," and that a sale was a trade by which one man sold for money property that he had and received from the purchaser the money he paid.

But, Mr. President, if it were open to any doubt, as it is not, what is the legal meaning of the term "sale" used in all these statutes, how much more is it fortified by the attending expressions in nearly every instance, I believe not in the case of Ohio where nothing was to be paid over to her under any circumstances? The fifth section of the Louisiana act says that 5 per cent. of the net proceeds of the sales of the lands of the United States after a certain date shall be applied to a certain purpose. What kind of meaning are you to give to the term "net proceeds?" The committee say in their report that consideration is the test; therefore they would read it in the case of Louisiana to fulfill our contract with her, that 5 per cent. of the net proceeds of the military bounty land locations, that is 5 per cent. of the consideration that we got for those lands, should be applied and paid into the treasury of this State, which by the way was never agreed to be done, but that is another matter. What was the consideration for the military land warrants, 5 per cent. of which is to be paid into the treasury of the State of Louisiana? Why, Mr. President, it was the service of the soldier; it was his one year, or two years, or three years of toil, of privation, of blood, of wounds and misery. That was the consideration that the United States received. They received—to state it shortly—so much of his life, which is above money and beyond price; and yet on the theory of this report, inasmuch as the consideration, which it says is the test, is the net proceeds, we must take 5 per cent. of the consideration that the soldier paid. I can see one of them right before me now; and we are to take out of my good friend the Senator from Kentucky [Mr. WILLIAMS] one-twentieth part—I wish we could—of the suffering and the toil and the danger that he experienced, and melt it up some way into money, and say "that is 5 per cent. of the net proceeds of his military services which is to be put into the treasury of the State of Louisiana."

Well, Mr. President, if it were not too serious a thing, we would say, like Mark Tapley, that that would be jolly. But the most admirable thing about it is, that in this age of progress and improvement and discovery, this alchemy that is to melt the blood and the suffering of the soldier fighting for his country into coin, to be turned into the Treasury as 5 per cent. of the net proceeds, has been reserved for this day and year of our Lord to be first discovered. It gives us hope of the future of the human race. In another half century undoubtedly we shall find something better; but I think we ought to be satisfied with our success in this method of turning blood into money.

But let us look a little further, Mr. President, about this business. It is obvious enough, as I have said, and the committee admit it by this style of reasoning, turning proceeds into consideration, (two terms and ideas that have no sort of relation to each other,) that if you take the face of these laws and their fair and legal import, these military bounty land warrants are not for lands that were sold by the United States; they are not for lands the net proceeds of which have come into the Treasury of the United States in any sense whatever. There would be an end of the claim unless it is a claim addressed to the beneficence of Congress, which of course is another thing; but the committee do not put it on that ground; the committee are altogether too high-spirited to be appealing for their great and prosperous States to any beneficence or gratitude of the rest of the people of the United States; they are appealing upon the law as they understand it, and upon that justice which is due under the law and for the law. And yet, as I have shown, and as no man can contradict either upon reason or authority, the law provides for the expenditure of 5 per cent. of the net proceeds of sale, and that sale is the disposition of property for money, and the term "net proceeds" is nonsense applied to any other construction than a transaction for money.

Now, let us look a little further. Taking the territory northwest of the Ohio, where do we get the right to give this 5 per cent. to any State at all for its benefit, which is the theory of this bill? This bill, Senators will bear in mind, is to pay into the treasury of the respective States for their private and municipal disposition in any way they please, these sums of money. Where do we get the right to dispose of the public lands for any such purpose as that? Let us see.

When the State of Virginia, with that patriotic self-sacrifice to the interests of the new and struggling American Union, gave the lands northwest of the Ohio to the Confederation, as it was then called, she took particular care to provide, as far as the clearest language could provide, that this property of hers should not be appropriated to the benefit of any particular State, but always and under all circumstances for the benefit of all alike. In the month of October, 1783, the Commonwealth of Virginia provided for turning over her property, this vast area, to the northwest of the Ohio River, to the confederated union, and let us see what she provided. After reciting the exigencies of the occasion and the condition of the common welfare of all the colonies or commonwealths, as they then called themselves, she provided for ceding "unto the United States in Congress assembled and for the benefits of said States," that is the United States, happily still the United States,—

> —all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia

charter, situate, lying, and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the 13th day of September last, that is to say—

Then it proceeds to state the conditions about forming States with sovereignty, and so on, and proceeds to say:

That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskies and Saint Vincent's were reduced, and to the officers and soldiers that have been since incorporated into the said regiment; to be laid off in one tract, the length of which not to exceed double the breadth—

And so forth, and so on. Further:

That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green River and Tennessee River, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.

Further, and now I come to the condition to which I wish to call the attention of Senators; what I have read is very material as you will presently see in another connection:

That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever.

Congress accepted the lands upon these terms; and now this bill provides that the very military land warrants that were issued to the officers and soldiers of the continental line and establishment in the war of the Revolution shall have a tax of 5 per cent. laid upon them against Virginia's interest in the money in the Treasury of the United States, shall be paid over to these States northwest of the Ohio, and that is asked in the name of law and justice! Just think of it! It is not lands of the soldiers of 1812 nor 1847 nor 1861 alone that are provided for; it is every military land warrant that has been issued since the existence of the United States of America. There is no limitation. The man who framed the bill had a large grasp of mind, and he proposes that the State of Virginia shall contribute, after she had given this property to the United States upon these terms, 5 per cent. of taxes upon her tax-burdened people in her Commonwealth to pay to these States, out of her own property, the proceeds as they call them, the value of the land that she had so generously and patriotically turned into the common fund for the benefit of all the States in proportion to the burdens for public benefit of the whole land that they had owned. And yet this report seems to think that it has made out that here is a legal, and a just debt as well, that is to be charged upon the Treasury of the United States. I have not been able to see it in that light.

Now, let us go a little further. What were these moneys to be expended for that were to be received from the sales of public lands? Were they to be paid into the treasuries of the States for their general benefit, to diminish taxation by that amount? Not at all. They were to be expended, either in the State or out of it, as a trust, for objects of general public welfare; and that is the sole ground upon which we could justify for a moment, in the light of this cession of the State of Virginia the provisions of this 5 per cent. at all, because if we had provided in the act admitting Ohio or any other of these States—I only speak of her because she comes first in point of time—that 5 per cent. of the proceeds of the sale of the public lands within the borders of that State as admitted should be paid into her treasury as a fund for her disposition according to her own free will, we should have violated the compact with the State of Virginia, and the trust and terms upon which we received the land. This provision, therefore, for the 5 per cent. of the net proceeds can only be maintained upon the ground that this 5 per cent. is to be a trust for the general benefit of all the people of the United States, and to be expended in those parts of the country where in the judgment of Congress in making these acts of admission it is most for the advantage of all that this proportion shall be expended in public roads, over which all the citizens of the United States may freely travel, in public canals, in the making of levees along rivers up and down which the commerce of half a continent shall float.

That, Mr. President, was the only ground, and is to this day, upon which the 5 per cent. can be justified at all. And yet what does this bill provide? It provides that there shall be taken out of the Treasury of the United States, the common fund of all the people, five or six or eight or ten million dollars,—the committee has not been kind enough to tell us how many,—and put into the treasuries of these States for their private and personal disposition, not for objects of public improvement for which the 5 per cent. of sales was reserved, not for objects of education for which in one or two of the States 3 per cent. was reserved, but the mere payment of a debt which shall diminish the next year's tax-lists of these States in exactly that proportion. Therefore on the theory of this committee that these military lands fall within the definition of the term "sales," their bill is altogether wrong and their report is altogether wrong, for if that theory be true then the 5 per cent. of the value of these military land warrants must be expended by Congress, in the State or out of it, for objects of internal improvement, levees, canals, &c., that will be for the common benefit of all the people.

But that is not proposed by the committee in this bill at all. It is that these States shall take this money just as they take any other debt that is due to them, in their municipal and corporate character.

Mr. KIRKWOOD. Under the same obligation as originally.

Mr. EDMUNDS. Not at all. Let us see what it says. The obligation that will rest on each of these States by this bill is the obligation that is in it, and not in some other bill.

Mr. KIRKWOOD. I take it that if any State under this bill receives its part of the proceeds of the sales of the public lands within it that has been improperly withheld from it, the obligation as to that which has been withheld will rest upon the State to expend it, just as the obligation rested upon it to expend that which it has received. Whether it is safe to trust these States as you have trusted them in regard to what has been received, or not, the Senator from Vermont and I might differ, but if this money has been improperly withheld and is now paid, the obligation to devote it to the purposes for which it was intended is precisely the same as was the obligation to expend what has been not withheld but received.

Mr. EDMUNDS. Mr. President, that would be very fine indeed if this money was received under the original acts; but the reason for this bill at all is the fact that these States cannot get this money under the original acts. Nobody understands the law as they seem to think they do; therefore the title of these States to this money is this act which we are called upon to pass, and no other; and hence their title will depend upon the construction of this act. Now what does it provide? It provides:

That the Secretary of the Interior be, and he is hereby, directed to ascertain the amount of public lands entered by the location of military scrip and land warrants in the States—

Naming eighteen, which as I said before covers the beginning of this great and free Commonwealth of the United States down to this day—

whose enabling acts of admission into the Union contain a stipulation for the payment of 5 per cent. on the sales of the public lands therein.

There is an assertion in the bill which I have already shown about the report of the committee does not appear to be true; but we will not mind that just now. So far it directs the Secretary of the Interior. What then?

And after making such investigation it shall be the duty of the Secretary of the Interior to certify the amount so found to the Secretary of the Treasury, and it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to such States—

A phrase that never existed before in one of these acts about the 5 per cent. of sales even, according to the best of my belief—perhaps I am mistaken, but certainly I do not remember any—

to pay to such States 5 per cent. on the amount of lands located by military scrip and land warrants, estimating said lands at the rate of $1.25 per acre.

Then follows a proviso which has not any bearing on this point, and that is all except that we are to incur a public debt in order to raise the money to pay these millions. Now, my friend from Iowa, whose candor and uprightness I have quite as high respect for as I have for my own, suggests—and it is the best possible suggestion that can be made; it exhausts all possible argument of ingenuity on that side—why is it not the presumption that the State of Iowa, for instance, will be bound to devote this money to the same purposes that she was bound to devote the original money to. That is his argument. She is bound to devote this money that she gets by this act to the purpose that this act provides it shall be devoted to, and what is that? Paying it into her treasury.

Mr. McDONALD. Mr. President——

Mr. EDMUNDS. The Senator will pardon me for just a minute; I am not quite ready for him now. Just wait a moment or two.

In the preceding acts providing for the three percents and two percents—some of them, not all—there is the express provision that these moneys shall be faithfully (I am quoting the word "faithfully") devoted by the State to these objects of internal improvement, roads and canals. Then there are others that require the State to keep an account as a trustee, and to report to the proper officers of the Government of the United States how the money has been spent. And when in the year 1850, Mr. Thomas H. Benton, for upward of thirty years a member of this body, undertook to have passed a bill—not this, nor anything like it, even his active and far-reaching brain had not discovered the secret of the gold that lay hidden in this mine—by which the United States was to pay over to the State of Missouri the 2 per cent. of the 5 mentioned in her act of admission, that he contended was to be spent in building roads to that State that confessedly never had been built, he found it necessary, differing from my honorable friend from Iowa as to the presumptions about what States can do, to provide in the bill by an amendment made by his own committee and which still stands in italics to this day in the records of the Senate, that the money thus given to the State of Missouri, the 2 per cent., shall be faithfully expended for the objects provided in the original provision, of building roads and canals within her borders for the general benefit of the people of the United States.

Mr. Benton perhaps overleaped the mark; he was too generous;

but he had not discovered the presumption that my ingenious and respected friend here has found on the spur of the occasion to get over this difficulty. Now I will hear my friend from Indiana.

Mr. McDONALD. I call the attention of the Senator from Vermont to the enabling act under which the State of Nebraska was formed. The twelfth section reads as follows:

That 5 per cent. of the proceeds of the sales of all public lands lying within said State, which have been or shall be sold by the United States prior or subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, shall be paid to the said State for the support of common schools.

Mr. EDMUNDS. I must modify my denial to that extent. The Senator has found an instance.

Mr. McDONALD. No. I will state that not only in this case but in several others following this the terms originally used were changed.

Mr. EDMUNDS. How many others are there following the State of Nebraska?

Mr. McDONALD. Nevada is one, Colorado is another.

Mr. EDMUNDS. Let us look at Nevada and then at Colorado which I believe winds up the song. The State of Nebraska, when she came in, had already got the benefit of the Pacific Railway grants and the benefit of grants to the various spreading branches of that line by the act of 1864. The condition of the land grants in that State as it related to internal improvements would be represented on a map much in the condition that a demonstrator of anatomy or a geologist would designate as an anastomosed anfractuosity; that, I have no doubt, is a phrase perfectly familiar to the Committee on Public Lands as it is to the rest of the Senate; that is to say, a net-work running into each other in every way of veins, spreading everywhere, having, like eternity, neither end nor beginning, but covering the whole surface of things.

Mr. PADDOCK. And yet there were but two grants, I will remind the Senator from Vermont, for two roads.

Mr. EDMUNDS. What of that? There was only one creation which was only half of what the Senator says, and yet the creation embraced everything. The only thing that astonishes me is that it should have been necessary that there should be two grants. I should have supposed one would have scooped up the whole concern.

Mr. PADDOCK. It simply became necessary, in order that the Senator from Vermont and his constituents should communicate with the citizens of the Pacific coast, that they should pass through the State of Nebraska.

Mr. EDMUNDS. That would be a great pleasure to us, only the people there are so hospitable that when we got to Nebraska we should not wish to go farther. [Laughter.]

Mr. PADDOCK. It is a question whether it might not have been better for us in the long run if the grants had not been made.

Mr. EDMUNDS. I do not know but that it would have been better for Nebraska if the grants had not been made at all. The power of monopolies in a State, the power of corporations that control Legislatures, that influence the administration of justice, that escape taxation, that grind commerce, is a serious question, whether for any State it is better that such monopolies should exist in it. That is true.

Mr. PADDOCK. I desire to state to the Senator that they do not escape taxation in my State. That is one State in which they do not escape taxation.

Mr. EDMUNDS. I am glad to know that, Mr. President. I wish they did not escape taxation in any State; I wish they did not escape legislative control in any State. But that is apart from my purpose. When we get up a railroad bill, we will consider that part of the subject. We are now on the question of how much of the consideration, that is to say the blood and bones of our soldiers, is to be turned into money by this bill and put into the treasuries of these States.

Mr. PADDOCK. I think the Senator will admit that Vermont and all the other States of the Union had as much interest in the construction of that road as Nebraska itself had.

Mr. EDMUNDS. I am not sure, if you come to a question of definition, as to exactly what you mean by "interest." It is not necessary to spend the time of the Senate, which I see is so eager to get on with this discussion, with that.

I go on again. Mr. President, I was saying, and I wish to repeat so that it may not be forgotten when the supporters of this bill do me the honor to reply if they find it necessary, that upon the theory of the bill itself, granting (which is contrary to the truth and the law) that these military lands were in any way the subject of these compacts, these States are not entitled to have this money paid into their treasuries, excepting possibly Nebraska for schools; I leave that out.

Mr. PLUMB. Will the Senator from Vermont permit me a moment?

Mr. EDMUNDS. Certainly.

Mr. PLUMB. I would call the attention of the Senator to the fifth subdivision of the third section of the act for the admission of Kansas:

Fifth. That 5 per cent. of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, or for other purposes as the Legislature shall direct.

Mr. EDMUNDS. What is the date of that?

Mr. PLUMB. The 29th day of January, 1861.

Mr. EDMUNDS. Five per cent. for the purpose of making public roads.

Mr. PLUMB. "Or for other purposes, as the Legislature shall direct."

Mr. EDMUNDS. Certainly. The Senator need not interrupt again; I can remember long enough to remember the words of that sentence "or for other purposes, as the Legislature shall direct." Now, will my learned friend tell me as a lawyer and as a judge, that that means that the State may omit taxation for one year and take that money to spend for ordinary State expenses, or will he say "for other purposes of the same character?" I know what he will say as a lawyer and a judge. He will say that that does not confer on the State unlimited authority to give it to him or to me.

Mr. PLUMB. I called the attention of the Senator from Vermont to this provision for the purpose of challenging his statement, as I understood it to be that no other State except the one he named was entitled to have the money paid to it.

Mr. EDMUNDS. No. I took it from the Senator from Indiana who spoke of Nebraska, and said that the following States, by which I understood him to mean those following in point of time, had different provisions.

Then, Mr. President, taking the great mass of these, because each one varies from the other a little almost in every instance; I have an exact abstract of them all here which I think I shall have printed; taking them all together, in every instance, in some form, except possibly in two or three of the last, these moneys, by whomsoever they were to be expended, were a trust fund to be expended for objects of general public welfare in the State or out of it that would be for the common and permanent benefit of the whole people of the United States. They were not to go into the treasuries of these States as their ordinary revenues go, but as trust moneys, if they went there at all, and in the earlier instances they were never to go there, but as trust moneys to be turned into the form of a canal which should last for an indefinite number of years, or a public highway that should last in the same way, or for levees that should maintain a river for the common commerce and interchange of communication of the whole people. And yet this bill does not make any such provision and does not intend to make any such provision, as I must presume from the tenor of the report and from the bill itself. The report was intended to demonstrate that the United States owed a debt, in the simple and ordinary sense of that term, to these respective States upon the construction of a statute that had never been discovered for a period of fifty years and upwards.

Now let us go a little further, Mr. President, if we may.

Mr. JONES, of Florida. Will the Senator from Vermont yield to me for a moment on that part of his argument?

Mr. EDMUNDS. Certainly.

Mr. JONES, of Florida. I would ask the Senator, if no provision had been made in any of the enabling acts of these States securing to the Government lands exemption from taxation, whether or not in his judgment the States would have had any claim against the General Government for taxes as the proprietor of these lands?

Mr. EDMUNDS. That is exactly the next point I was coming to in the observations I am making upon this question. I am of opinion myself—it does not bind anybody but me—that the property the United States had in these lands derived from the State of Virginia—there were other lands sold that came from Georgia, but we need not mind those now, this illustrates the whole thing—was a property in the same sense and of the same character as that which the Commonwealth of Virginia possessed, and that it would be no more within the competence of the respective States admitted into the Union to tax those lands while they remained the property of the United States, under the Constitution and under this act of cession, than it would be if this Capitol had been located, as it might have been without this ten-mile provision in the Constitution, in the city of any State, for the State to have taxed the Capitol or taxed the Senators who come here to attend the sessions of Congress. In other words, I hold that this public domain was entirely beyond the jurisdiction of State power for the purpose of taxation while it was the property and in the hands of the United States, in exactly the same sense and for exactly the same reason that the Supreme Court of the United States has decided that even under the stress of war it is not within the constitutional power of the United States to derive a revenue from the salary of a State officer. I think my honorable friend will agree with me.

Mr. JONES, of Florida. No, Mr. President, I cannot. I think I can see a very great distinction between the case of a public officer, or any agent properly required by the Federal Government in the discharge of its great powers and functions, and the case of land held by it as a proprietor. I know there has been a great deal of difference of opinion among able men on this subject, and I did not know what the opinion of the Senator from Vermont was, and therefore I thought I would ask him.

Mr. EDMUNDS. I hope I have stated my opinion with sufficient distinctness so that my friends understand it.

Mr. JONES, of Florida. Certainly.

Mr. EDMUNDS. Look at it a moment. Suppose in the time of the late unhappy civil war, or whatever we call it, the United States

wanting to borrow money very much had undertaken to tax the property of the respective States, their State-houses, their jails, their money on hand, is it possible that any human being who occupied a seat as a judge or any Senator would spend any time in thinking of it or would say that such a proposition could be maintained? And if it is clear that the United States cannot tax the property of the States which they hold in their sovereign character, is it possible that the States may tax the property of the United States that it holds in its sovereign character? I should think not.

But then the gentlemen in support of this bill will say "every act of admission seems to imply that the States may tax because there is a prohibition, a compact that they will not." Not by any means, Mr. President. No such implication is to be drawn from that provision. It was to secure, so that everybody would understand it alike, the constitutional right of the United States to dominion over these lands that that clause was inserted, just as you will see in the next clause that these States shall never tax the lands of citizens of other States higher than they do those of their own; and yet the Constitution is perfectly clear that they cannot do that because it says that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. It has always been the law, settled by the courts, agreed to by everybody, that a State cannot make discriminations of burdens between citizens of its own State holding similar property, and citizens of other States; and yet there is a provision of these compacts to that effect.

There was another, that the free navigation of the Mississippi River, in the States that bordered upon it when they were admitted, should never be interfered with. Suppose that had not been in those acts, would anybody stand up and maintain before 1860 and after 1865—I will leave out the space between which was abnormal—that any State bordering upon that magnificent river would have a right to impede by laws or regulations the free flow of commerce up and down it? I reckon not. If that river had been held at its mouth by an independent nation, I maintain upon principles of modern public law (and I do not mean by that the public law of this year or last year, but upon principles of civilized jurisprudence as regulating the public law between nations) that it would not be within the competence of France or Spain, if either held it at this day, to prevent its free navigation past the port of New Orleans. That I think is public law to-day, and it ought to be.

I say then this matter of "consideration," as it is called, does not help the case of this bill at all. Now I come to that which was a consideration, for so far there is no consideration at all. It only said what the law was before. Now I come to a thing that the States really gave up when they came in and that they were not obliged to give up, and that was the right to tax the lands in the hands of private owners, after they were sold, for the period of five years. The moment the United States parted with the title to the land and the patent was issued, the States could tax the lands, but it was agreed they would not. What consideration did they get for it? The Senators supporting this bill say they got the consideration of having 5 per cent. of the proceeds of the sales of these lands paid to them. I have shown that was not so agreed to be done; but no matter for that. I cannot go on, sir, with this noise; I must stop.

The VICE-PRESIDENT. The disturbance comes from gentlemen who are not members of the Senate.

Mr. EDMUNDS. I should of course have inferred that, Mr. President. Members of the Senate are supposed to know the rules. Strangers who come in in spite of the rules, of course are not bound to know what the rules are. I must put in that plea for the strangers.

Now we come to the five years' exemption from taxation. There was a consideration in one sense. What did the State get for it and what was the mutual understanding and the mutual convenience and the mutual benefit that was to be got? The United States gained the privilege of making a greater demand for the sale of her own lands, because the people who bought them from the United States would have them free of taxation for five years. What did the State get? The State by the same sign got the inducement to settlers to come into the State and buy these public lands and build up a State by rapid growth because they would be free from taxation for five years during which time the hardy pioneer might turn up the prairie or fell the forest and get in his crops and build his little log hut and become a citizen of the Commonwealth able to pay taxes and develop it to the extent that these great States have been developed. Is there any balance of advantage, any balance of injury to these States out of that? I want to ask my honorable friend from Iowa, whose opinion I almost always follow in all matters of legislation, if he thinks this five years' limitation, which did not exist in Iowa at all by the way——

Mr. McDONALD. I should like——

Mr. EDMUNDS. The Senator from Indiana will pardon me a moment. I have not quite finished. I was going to make a very handsome observation just there, and I should be sorry to lose it. [Laughter.] I wanted to ask my honorable friend from Iowa whether if this five years' limitation against taxation had existed in the State of Iowa, and thereby the emigration from the other States of the Union had been promoted, (and if it was not promoted, of course the limit of taxation would be of no advantage because the lands would not be sold,) so that the pioneers and the settlers and their wives and children, and their oxen and their wagons, had come in and turned up the prairies and raised wheat and corn and built houses and schools, he thinks it would have been injurious to the State of Iowa to hold out an inducement of that kind. I know what his answer would be. He would say no, just as in old States as well as in new ones, when we wish to enhance or stimulate the prosperity of our respective commonwealths we provide that, for three years or for five or whatever the time, special industries shall be exempt from taxation, the manufacture of iron, the opening of mines, the manufacture of cotton, anything that the private citizen will invest his capital in—which is labor as well as money, I beg everybody to believe in my opinion—all species of enterprise and industry that is to promote and build up the general welfare of the State, he is not getting a favor when the State says, "we will relieve you from otherwise contributing to the burden for a limited time," but he is making a fair compact upon equal terms, and he pays well for all the immunity that he gets.

Now, I will hear the Senator from Indiana.

Mr. McDONALD. I should like to ask the Senator from Vermont what benefit it was for instance to my State where the exemption did apply? Land companies purchased the land in blocks of twenty and thirty thousand acres, and held the land for five years without taxation, and after the issuance of these land warrants located them and held them also after they were sold, without taxation for five years. I ask what benefit that was to the State of Indiana, or how that aided in developing its resources?

Mr. EDMUNDS. Mr. President, I do not think it would do so; but I do not know much about the speculations in the State of Indiana or how they managed them there. I am speaking of the principle and the tenor of this compact between the United States and the State of Indiana and the other States. I am not speaking of the fact that under these laws or any other law it may happen that combinations of speculators and evil-minded men can get together and impede the prosperity of a State either by discouraging manufactures or by buying up large blocks of land and excluding immigration, although I have never heard, I confess, that in the State of Indiana all the land there was bought up, that her population did not increase in an enormous degree and with an almost unprecedented rapidity. The speculators may have been there; the blocks may have been made; but there was still ample room that was occupied by the settler who devoted his labor to the improvement of the soil and to the building up of the tremendous prosperity and the great welfare of that State. But, as I say, that is not the question. The question is the true intent and theory upon which these compacts between the United States and these States were made. If there were abuses under them, it was not the fault of the law, it was the fault of the circumstances under which the combinations were made.

Mr. McDONALD. I understood that the Senator was endeavoring to show that Iowa would have been benefited by this exemption by enabling settlers to come in and purchase lands, and be free from taxes for five years. I was merely endeavoring to illustrate by the practical results in my own State that that was not the way this compact had operated; but that, on the contrary, capitalists purchased the lands, held them for five years without expense, and when they were finally sold to the settlers to whom he referred they were sold at enhanced prices, and this made an inducement to persons who had capital to buy up lands in the western part of my State, which they could do, and hold them without expense for the term of five years before they were called upon to make any disposition of them. Thus they had five years for the advance of the price of the land before it was any burden to them to hold it at all.

Mr. EDMUNDS. Mr. President, I think I have seen not long since the comments of a court in the State of Indiana upon this taxation principle by Judge McLean, or else the judges of the State courts, I have forgotten the case. In a tax case where the question arose whether the particular land was within the protection of this compact or not the judges, citizens of Indiana, or of the bordering State of Ohio if it was in the circuit court held——

Mr. McDONALD. Citizens of the State of New York. I have the record of the case here.

Mr. EDMUNDS. I supposed Judge McLean was a citizen of the State of Ohio and not of the State of New York.

Mr. McDONALD. The parties to the suit I referred to.

Mr. EDMUNDS. I am not on that; I am on what the judge said about the theory of the five years' exemption. The court administering justice in the time of it among that people said that this statute of exemption was a statute of high public interest and import. I am not using his exact language but the substance of it, as I remember it, and that it was of the greatest possible benefit as well to the whole body of the commonwealth as to the particular person who sought to avail himself of the benefits of it. So it would appear from the tax cases in Indiana arising under this exemption that the speculators did not have their blocks waiting for five years and keeping out settlers so extensively as to prevent the State from getting the real benefit that the theory and provision of the act for her admission provided for, the furnishing inducements to settlers to go in and fill up the State to the greatness to which she has grown.

Mr. McDONALD. If the Senator from Vermont will permit me I will read him an extract from a bill filed in the circuit court of the United States for the district of Indiana by one of these non-resident holders to enforce by injunction this exemption from taxation for five years after the land had been entered, that, too, after the act of

Congress had been passed relieving our State from this disability, holding that the land having been entered before the act was passed they had the five years to run notwithstanding.

Mr. EDMUNDS. What is the name of that case? Is that the Holton case?

Mr. McDONALD. This is the Holton case. This is the bill. After stating his citizenship in the State of New York the complainant says:

Thereupon your orator complains and says that he was the owner in fee-simple, by purchase from the United States at their land office at Crawfordsville, of about 15,852 acres and forty-two one hundredths of an acre.

Which he said he entered in 1851, and that in 1852 the State of Indiana under the license as it was understood then granted by Congress, undertook to tax these lands, and he seeks an injunction which was granted by the Federal court. The *small* purchase was fifteen thousand acres, that was all, as a homestead.

Mr. EDMUNDS. There is so much more than fifteen thousand acres in the whole State of Indiana that I take it that would not be a very large exclusion of the settlers that actually came in. But if the Senator will just give a little attention to his own case, he will see that Holton had bought his land before the repealing act.

Mr. McDONALD. So I stated.

Mr. EDMUNDS. Yes.

Mr. McDONALD. I am not complaining of the decision, but I am simply showing that this benefit was not for the exclusive advantage of homestead settlers on forty acres or one hundred and sixty acres of land, or anything of that kind.

Mr. EDMUNDS. Certainly, there were not any homestead settlers at that time. The homestead acts came in long afterward. But if the Senator merely means to say that under the beneficent provisions of these acts of Congress as well for the States as for the settlers, some people would make profit who did not give proper consideration for it, like this fifteen-thousand-acre man, then I agree to it, because the millennium has not come, and everybody is not always found willing, except in the case of the Committee on Public Lands, to omit to avail himself of what he thinks the law may give him if he can make anything out of it. That I admit, and that is all there is to it.

Then we come back, without spending any more time on that, to the proposition that I started out with in this connection, that this provision for omitting taxation for five years, instead of being a consideration given by the State for the 5 per cent. on sales that was to be expended in a certain way, was quite, on the other hand, a wise and wholesome provision of public policy by the governing power of the country that had a right to admit the State or leave it a Territory, that in order to build up the State in the most rapid and stable way possible, immigrants should be induced to move in and settle by having this relief for that period.

Now, let us go a little further, Mr. President, although that partly relates to a subject that I have gone over and I refer to it lest I may have forgotten it before. In several of these acts there are words to show conclusively that both Congress and the States understood that the military bounty lands had no reference to this 5 per cent. subject at all. Why? Because in many of them—and I will have them read by and by before this debate gets through—in the very act of admission it is provided, first that the lands sold shall not be taxed for five years, and next that the military bounty lands shall not be taxed for three years; and then when you come to later admissions of States, there is no limitation of taxation of lands sold at all, but there is still preserved for the benefit of the soldier the provision that his military bounty land shall not be taxed for three years.

How is it possible for human ingenuity, under a statute which says that, to maintain that the military bounty land falls within the definition of the term "lands that are sold" when it speaks of the two classes of lands as entirely separate and distinct, the same act, one falling under one provision as to taxation and immunity, and the other under another, and when you come to the later States while the lands sold are not relieved from taxation for a day, still the 5 per cent. out of them is to be devoted to public uses, and the military bounty lands are to be free for three years or two as the case may be. I should be glad to hear my honorable friend from Indiana, when his time comes, explain to us how that comes, how Congress should have been so utterly incapable of understanding the use of language as to speak of these two kinds of lands in the same act and the same contract with these States, one of them to pay 5 per cent. of their proceeds for certain public benefits of the United States and of the citizens of the States and to be free from taxation for five years, other lands described in this bill not as lands sold but as military lands to be subject to taxation within three years, and then when the policy was reversed a few years later, the lands sold to be taxed at once and the military bounty lands to be taxed only at the expiration of three years—how Congress fell into such an amazing confusion and chaos of terms and provisions as that if the military lands fall within the fair meaning of the term "lands sold" as having net proceeds out of which was to be paid such and such sums of money.

Mr. ALLISON. Will not the Senator have one of those statutes read now?

Mr. EDMUNDS. Oh yes; I will with great satisfaction.

Mr. DAVIS, of Illinois. Will the Senator from Vermont yield for an adjournment?

Mr. EDMUNDS. Will the Senator wait a minute? I want to answer my honorable friend from Iowa first. Here is one; I will take the State of Illinois which comes to my mind as it always does with gratitude and respect when my honorable friend rises. The act was passed April 18, 1818:

Third. That 5 per cent. of the net proceeds of the lands lying within such State, and which shall be sold by Congress, from and after the 1st day of January, 1819, after deducting all expenses incident to the same, shall be reserved for the purposes following, namely: two-fifths to be disbursed, under the direction of Congress, in making roads leading to the State; the residue to be appropriated, by the Legislature of the State, for the encouragement of learning, of which one-sixth part shall be exclusively bestowed on a college or university.

Now I come to the exemption part:

Provided always, That the four foregoing propositions, herein offered, are on the conditions that the convention of the said State shall provide by an ordinance irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of January, 1819, shall remain exempt from any tax laid by order, or under any authority, of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the date of sale: *And further*—

In a separate clause—

And further, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt, as aforesaid, from all taxes, for the term of three years from and after the date of the patents respectively; and that all the lands belonging to the citizens of the United States, residing without the said State, shall never be taxed higher than lands belonging to persons residing therein.

There is one instance, and this is not the only one; there are plenty of them.

Mr. ALLISON. I have been unable to find but that one. I have not looked carefully.

Mr. EDMUNDS. I can supply my honorable friend with many.

Mr. ALLISON. I have not looked at all the statutes; but I find that the exemption in Iowa applies to the holders of military bounty land warrants, not under the war of 1812, but under all wars.

Mr. EDMUNDS. Certainly, under the Revolution as well; but the lands sold could be taxed immediately.

Mr. ALLISON. But it provided that the lands should be exempt in the hands of the patentees or their heirs.

Mr. EDMUNDS. Yes.

Mr. ALLISON. And after the act of admission these military bounty land warrants were made assignable, so that they could be transferred to bearer.

Mr. EDMUNDS. Yes.

Mr. ALLISON. And under that second act men could enter thousands and tens of thousands of acres under these military bounty land warrants, and still under that compact they were exempt from taxation.

Mr. EDMUNDS. The Senator is mistaken as to the last part of it, because they were only secured in Iowa in the hands of the soldier or his heirs.

Mr. ALLISON. But the statute said the patentees, and the patentees were the assignees of the soldiers or their heirs.

Mr. EDMUNDS. But my honorable friend must not forget that every court of the United States and of every State to which the question has been presented has held that the time for the running of this exemption begins the moment the man becomes entitled, takes his first step to get his land; that it is not the date of the patent from which the three years began to run but the date of his becoming entitled by taking the initial steps to obtain the land so that he has got an equity in it.

Mr. ALLISON. Undoubtedly.

Mr. EDMUNDS. Very well, then, the soldier taking the necessary steps by getting his land warrant, and entering it—I have forgotten what the detail is, and I should not encumber what I say with it if I remembered—has put the land in the category where the three years begin to run, and then if after three years or six years or ten years somebody buys up one hundred thousand acres with these warrants and can locate them all together he does not escape taxation a single moment. But I do not care whether he does or not; I am on the question of what is the true import and meaning of the contract between the United States and these States, for it is on that that this committee has reported, as a matter of law and justice under the law, that the people of the United States are to be taxed and their Treasury depleted to fill up the treasuries of these respective States. Now, I will yield.

Mr. DAVIS, of Illinois. The Senator from Vermont is undoubtedly fatigued, and I move that the Senate adjourn.

The VICE-PRESIDENT. Pending that motion the Chair will lay before the Senate for reference some bills from the House of Representatives.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4411) to establish an additional land district in the State of Kansas was read twice by its title, and referred to the Committee on Public Lands; and

The bill (H. R. No. 4412) to regulate practice and suits brought to recover damages for infringement of patents was read twice by its title, and referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The Senator from Illinois moves that the Senate adjourn.

Mr. COCKRELL. I hope the Senator will withdraw that for a motion to go into executive session.

Mr. DAVIS, of Illinois. I think the motion ought to be adhered to.

The motion was agreed to; and (at three o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 10, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The SPEAKER. The Journal of yesterday will now be read.

Mr. HAWK. I ask consent that the Clerk omit, in the reading of the Journal, that portion of it which embraces the list of bills and joint resolutions introduced yesterday during the morning hour.

The SPEAKER. That can hardly be done.

Mr. HAWK. It can be done by unanimous consent.

The SPEAKER. It might lead to a great deal of confusion if the Journal was not read.

Mr. HAWK. I think that has been done heretofore.

The SPEAKER. It has been done very late in the session.

Mr. HAWK. It has been suggested that it would save time this morning to omit the reading of that portion of the Journal, as it is not regarded of much importance by members.

The SPEAKER. The Chair thinks it is preferable to have the Journal read in full.

Mr. HAWK. Very well; I have no particular desire about it myself.

The SPEAKER. The Chair is very well aware of the object of the gentleman from Illinois, [Mr. HAWK,] which he understands is merely to save time.

Mr. HAWK. That is all.

The Journal of yesterday was then read and approved.

RETURN OF BILL TO SENATE.

The SPEAKER laid before the House the following message from the Senate:

IN SENATE OF THE UNITED STATES, *February* 9, 1880.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus.

The SPEAKER. It has been the uniform practice of the House to comply with such requests; and if there be no objection the Chair will direct the Clerk to return the bill as requested by the Senate.

There was no objection, and it was so ordered.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac.

WITHDRAWAL OF PAPERS.

Mr. DIBRELL, from the Committee on Military Affairs, to whom had been referred the request for leave to withdraw from the files of the House the compilation of data relating to the battle of Gettysburgh, Pennsylvania, reported that the committee had decided to grant the request.

The SPEAKER. There is no necessity for the committee to report their action to the House. A notification to the Clerk of the House of the action of the committee would seem to be all that is required.

J. H. DILLARD.

Mr. DIBRELL, by unanimous consent, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2806) for the relief of J. H. Dillard; which, with the accompanying report, was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

J. SCOTT PAYNE.

Mr. DIBRELL also, from the same committee, by unanimous consent, reported, as a substitute for House bill No. 312, for the relief of J. Scott Payne, Fifth United States Cavalry, a bill (H. R. No. 4413) with the same title; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENFORCEMENT OF INTERNAL-REVENUE LAWS IN GEORGIA.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, to which had been referred a resolution submitted by Mr. SPEER, calling for executive information, reported the same back with a substitute therefor.

The substitute was read, as follows:

Resolved, That the Secretary of the Treasury be requested to lay before this House all evidence on file in the Internal Revenue Office, and all papers, reports, letters, and other documentary evidence from official sources going to show the true state of affairs touching the enforcement of the internal-revenue laws in Northeast Georgia, and tending to explain the necessity for raiding expeditions of armed men at the instance of the internal-revenue bureau, and which may give information to the House of Representatives on this subject.

Mr. CONGER. I would like to ask when this matter was considered by the Committee of Ways and Means.

Mr. FERNANDO WOOD. It was informally considered by members of that committee, and I believe the gentleman from Michigan [Mr. CONGER] was one of them.

Mr. CONGER. My attention has never been called to this resolution.

Mr. FERNANDO WOOD. The names of the members of the committee authorizing me to make the report appear upon the report.

Mr. CONGER. That may be. I do not remember about this resolution. I object very much to the language of the resolution. The statement that officers of this Government who act under the sanction of law in the enforcement of the laws are engaged in "raiding expeditions" is another instance of the misuse of language.

Mr. FERNANDO WOOD. I cannot hear what the gentleman says.

Mr. CONGER. My point of objection was to the wording of the resolution.

Mr. FERNANDO WOOD. Let the gentleman suggest any change.

Mr. CONGER. My objection is to the wording of the resolution, which declares that officers of the Government discharging their duty under the law are engaged in "raiding expeditions."

Mr. FERNANDO WOOD. That is the alleged action of the officers. The resolution simply calls upon the Bureau of Internal Revenue to report such documents as may be upon file in reference to this matter.

Mr. CONGER. In reference to "raiding expeditions" by officers of the Government?

Mr. FERNANDO WOOD. That is a mere matter of phraseology. The gentleman may take exception to it if he thinks proper. These expeditions are generally known as "raiding expeditions," and there can certainly be no objection to the use of that language.

Mr. CONGER. I move to strike out the word "raiding."

Mr. GARFIELD. If the gentleman will allow me I think I can offer a somewhat broader amendment which will meet his approval. The language of the resolution at present is "tending to explain the necessity for raiding expeditions of armed men." I move to strike out the word "raiding expeditions" and insert "the employment."

Mr. CARLISLE. I think that is better.

Mr. FERNANDO WOOD. The gentleman from Georgia [Mr. SPEER] I understand desires to print some remarks on this subject.

The SPEAKER. Is there objection to allowing the gentleman from Georgia to print remarks?

Mr. GARFIELD. I have no objection to that request; but if anything should be published in criticism of officers of the Government, there ought to be opportunity to reply to it.

The SPEAKER. The gentleman from Ohio [Mr. GARFIELD] seems to object unless he has assurance that the remarks will contain no criticism on officers of the Government.

Mr. GARFIELD. No, I do not make that objection; but I say that if any remarks published should appear to call for reply, that right ought to be reserved.

The SPEAKER. It is usual where unanimous consent is given for the publication of remarks which are not delivered that they shall not be in any relation personal.

Mr. GARFIELD. I simply say that if any member should want to reply there ought to be opportunity.

Mr. SPEER. Of course there will be no objection to that.

[The remarks of Mr. SPEER will appear in the Appendix.]

The amendment of Mr. GARFIELD, to strike out "raiding expeditions" and insert "the employment," was agreed to.

The resolution, as amended, was adopted.

Mr. FERNANDO WOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. ELECTA L. BALDWIN.

Mr. OVERTON, by unanimous consent, introduced a bill (H. R. No. 4414) granting a pension to Mrs. Electa L. Baldwin, widow of Charles L. Baldwin, late of the Seventh Pennsylvania Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

M. M. HERR.

Mr. SMITH, of Pennsylvania. I ask unanimous consent that the joint resolution (H. R. No. 157) for the relief of M. M. Herr, which has been returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee of Accounts.

There being no objection, the joint resolution was referred accordingly, not to come back upon a motion to reconsider.

FRAUDULENT CLAIMS.

Mr. CARLISLE. I rise to make a privileged report. The Committee of Ways and Means, to whom was referred a resolution calling for information in regard to expenditures under laws relating to permanent annual appropriations, have directed me to report the same back and to move that the committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

The resolution was read, as follows:

Whereas the Secretary of the Treasury in his annual report for the year 1877, referring to the payment of claims against the Government, said: "Most of these claims are paid out of what are classed as permanent annual appropriations contained in section 3689, Revised Statutes, which do not come under the annual supervison of Congress. These appropriations, though declared to be annual, have been used for the payment of claims, however old, including nearly every case of fraudulent or exaggerated claims paid by this Department:" Therefore,

Resolved, That the Secretary of the Treasury be directed to report to this House what fraudulent claims have been paid by the Treasury Department from the appropriations authorized by section 3689, Revised Statutes, and what fraudulent claims, if any, have been paid from other appropriations since June 22, 1874, up to and including the date of his said annual report; the amount and date of each fraud-

ulent claim paid during the time above mentioned, specifying the appropriation from which paid, the nature of each claim, to whom paid, and what recommendations have been made or action taken or ordered by the Treasury Department to recover any money thus paid, with the date of such recommendations, action, or orders, and a statement of the result, if any, of such recommendations, actions, or orders in each case; and also to furnish this House with the evidence upon which said statement of fraud is predicated.

Mr. TOWNSHEND, of Illinois. I do not know the paternity of this resolution, but it seems to me to call for valuable information. Why should we not adopt it now, instead of sending it to another committee?

The SPEAKER. The Committee of Ways and Means recommends that the resolution be referred to the Committee on Appropriations.

Mr. TOWNSHEND, of Illinois. I do not know who introduced the resolution; but I suggest that it be adopted now.

The SPEAKER. It will come back at any rate in one week, under the rule.

Mr. CARLISLE. I suggest to the gentleman that the resolution in its present form is somewhat defective, and evidently requires amendment. If adopted at all, it should not be adopted in its present form. I think it ought to go to the Committee on Appropriations.

Mr. TOWNSHEND, of Illinois. I withdraw my suggestion.

The motion of Mr. CARLISLE was agreed to; and the resolution was accordingly referred to the Committee on Appropriations.

RELIEF OF COLORED EMIGRANTS.

Mr. CONGER. I am directed to report from the Committee of Ways and Means, for present consideration, the bill (H. R. No. 3288) for the relief of colored emigrants.

Mr. CLYMER. I reserve all points of order on the bill.

The bill was read, as follows:

Be it enacted, &c., That all clothing and other articles, being charitable contributions or the avails of charitable contributions, imported in good faith for the relief or aid of colored persons who may have emigrated from their homes to other States, and not for sale, and all such articles imported and now in bond, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That such articles shall be delivered only to State or municipal corporations, or to some society or institution established for charitable purposes: *And provided further*, That the importers or consignees of such articles shall give such security as the Secretary of the Treasury may prescribe for the payment of lawful duties on such articles, should any of them be sold or used contrary to the provisions and intent of this act. This act shall take effect from its passage.

The amendment reported by the committee was read, as follows:

Add to the bill the following: "and remaining in force until February 1, 1881."

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CUSTOMS DISTRICTS OF YORKTOWN AND RICHMOND.

Mr. BEALE. Mr. Speaker, I am directed by the Committee on Commerce to report back a bill (H. R. No. 4214) to amend and reenact sections 2552 and 2553 of the Revised Statutes, and to ask by unanimous consent that it be now considered and passed.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That paragraph 4 of section 2552 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "The district of Yorktown: To comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, and from the mouth of York River to Cappahoosic, in which Yorktown shall be the port of entry, and East River and Cumberland ports of delivery."

SEC. 2. And that paragraph 7 of section 2552 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "The district of Richmond: To comprise all the waters and shores of the James River, from its junction with the Appomattox River to the highest tide waters of the James River, and all the waters and shores of the York River from Cappahoosic to its head, and the waters and shores of the Pamunkey and Mattaponi Rivers, to the highest tide waters in said rivers, in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundreds, and to West Point, at the head of York River."

SEC. 3. And that paragraph 7 of section 2553 of the Revised Statutes be, and the same is hereby, amended so that it shall read: "In the district of Richmond, a collector and a surveyor, who shall reside at Richmond; a surveyor, who shall reside at Bermuda Hundreds; and a deputy collector, who shall reside at West Point."

Mr. BEALE. I ask for the reading of the report which accompanies the bill.

Mr. BLOUNT. I demand the regular order of business.

The SPEAKER. The demand for the regular order of business is in the nature of objection.

Mr. BEALE. Let me get this bill through first.

Mr. PAGE. The bill is subject to a point of order.

The SPEAKER. Objection being made, the report is not received.

ADMISSION TO THE FLOOR.

On motion of Mr. VAN VOORHIS, by unanimous consent, admission to the privileges of the floor for the remainder of this week was granted to Professor Theodore W. Dwight, late one of the judges of the New York commission of appeals.

The SPEAKER. At the request of Mr. KEIFER, the Chair asks unanimous consent for admission to the floor of the House for this day of Ex-Governor William Dennison, of Ohio, and ex-Postmaster-General of the United States.

The Chair is further requested to ask unanimous consent for admission to the floor of the House of William Bross, ex-lieutenant-governor of Illinois.

The Chair hears no objection to these several requests, and it is ordered accordingly.

NAVAL OBSERVATORY.

The SPEAKER. The Chair appoints as a member of the commission to locate and purchase a site for a naval observatory authorized by act approved February 4, 1880, Mr. MORSE, of Massachusetts.

ESTABLISHMENT OF TITLES IN HOT SPRINGS.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the unfinished business coming over from yesterday, a bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

Mr. CONGER. I rise to a point of order. I should like to have the question considered whether business which comes before the House by suspension of the rules for consideration, and under a motion which can only be made upon Monday, can come over to the next day as unfinished business, and whether, on the contrary, it does not go over until the same order of business is reached, which is upon Monday.

The SPEAKER. The Chair thinks it would have no status next Monday. The suspension of the rule was merely to bring the bill before the House for consideration, and thus its status in the House was determined. The Clerk will read Rule 56.

Mr. CONGER. The previous question was not seconded nor the main question ordered.

The SPEAKER. But the gentleman from Arkansas [Mr. DUNN] holds the floor, having given notice that at the end of one hour he would demand the previous question.

Mr. CONGER. As the unfinished business of Friday goes over to the following Friday, and as the unfinished business of Monday goes over to the following Monday, it seems to me that this is the unfinished business of Monday, and not unfinished business which comes over from yesterday to this morning.

The SPEAKER. The action of the House yesterday, by reason of a suspension of the rules, brought this bill before the House for consideration, and it was being considered under the operation of the majority rule. The Clerk will read the rule.

The Clerk read as follows:

RULE 56. The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

The SPEAKER. The Chair thinks it is a fair interpretation of that rule that it would bring over from yesterday's session what the House, under a suspension of the rules, determined then to consider.

Mr. CONGER. I raise the question——

The SPEAKER. The Chair is quite willing to hear the gentleman from Michigan. He has no tenacity of opinion on this point. To take it over until next Monday would seem to the Chair to bring it in conflict with another rule of the House, which states after the call of States and Territories for bills and joint resolutions for Monday shall have been concluded, then motions to suspend the rules will be in order.

Mr. CONGER. I have no particular opinion about it.

The SPEAKER. But the Chair desires to hear the gentleman.

Mr. CONGER. I have no particular opinion about it; but I raise the question in order that we may have a ruling upon it. I do not know there ever has been a ruling upon the particular point which I now raise for the decision of the Chair.

The SPEAKER. The Chair himself thinks it is an unusual question. He has no recollection of a similar question having been raised during his occupancy of the chair.

Mr. CONGER. There have been, I think, some cases in point—the Kelley resolution and others.

The SPEAKER. The Kelley resolution went over because the motion for the suspension of the rules was not finally determined. The House at the adjournment was acting upon the motion to suspend the rules. The subject went over to the following Monday, because the House had not fully acted upon the motion to suspend. The case to which the gentleman alludes, therefore, was quite different from the one now before the House.

Mr. CONGER. I thought the analogy would hold good in reference to the business of Monday as it does with the business of Friday or any other day set apart especially for the consideration of a particular business, and that the business of Monday, when unfinished at the hour of adjournment, would go over to the following Monday, as the unfinished business of Friday goes over to the following Friday, and the unfinished business of the District of Columbia day goes over to the next day set apart under the rules for the consideration of that business. In my judgment, the analogy is precisely the same in this case that it is in those other cases.

The SPEAKER. The gentleman from Michigan will recollect that

this bill is taken entirely out of the category of motions requiring a two-thirds vote, and that now the bill is before the House in such condition that only a majority vote is required for action in reference to it.

Mr. WHITE. It was the belief of members upon this side of the House who desired time to investigate this subject that it did not come up this morning as unfinished business, but went over to next Monday under the operation of the rule which has just been read for the information of the House. It is a measure *sui generis*, which has been brought before the House in a peculiar way. It seems to me it is like the case of a day assigned for the consideration of the report of a committee, and if the day is passed without action, it is ended, or it is to be taken up when the same class of business shall again be reached. Yesterday, before the adjournment, by reason of a suspension of the rules, the gentleman from Arkansas having made a motion which prevailed, this bill came before the House for consideration under that motion to suspend the rules, and of course this bill belongs to a peculiar class of business which under the rule should go over to the next day when the same class of business is in order.

The SPEAKER. The Chair thinks this business would have no status upon next Monday against a motion to suspend the rules by a two-thirds vote, which would vacate all the rules of the House, even the rule which gives it the position it now occupies.

Mr. WHITE. I am a young member, and I should like to have some precedent cited for this action.

Mr. GARFIELD. Let me suggest to the Chair that when the House is acting under a suspension of the rules, another suspension of the rules is not in order, and if the House had suspended the rules in reference to this question, it was estopped from any further motion to suspend the rules until this subject was disposed of.

The SPEAKER. It was under a suspension of the rules for a limited purpose.

Mr. GARFIELD. No; not limited.

The SPEAKER. It is now being debated, and there is no rule which authorizes debate on motions for suspension of the rules except for consideration.

Mr. GARFIELD. But there was no limitation in the motion suspending the rules.

I wish to say furthermore to the House, Mr. Speaker, that I do not antagonize this bill, but I wish to say I think it is a matter of justice all round we should have a little time more than we have had since last evening to look into a few facts in regard to this matter. I learned this morning that the Interior Department states that seventy-five thousand dollars' worth, or thereabout, of certificates have been issued by this commission, which have given vested rights to the individuals holding them.

Mr. DUNN. I will say to the gentleman——

Mr. GARFIELD. They are not referred to in the bill at all. I understand also that the Government will have expended not only the cost of the commission, but this seventy-five thousand dollars' worth of certificates, and whatever other expenses have been incurred, and if the bill as it is now before the House should pass, we will get back not more than $20,000. So there is an actual outlay and loss to the Government. These are suggestions——

The SPEAKER. The Chair will remind the gentleman that the question pending before the House is on the point of order raised by the gentleman from Michigan.

Mr. GARFIELD. On every account we ought to have time; and if the Speaker can find, according to what seems to me to be a fair construction, that this is a proceeding still under a suspension, it will take its place as an unexecuted order the first thing when we meet on Monday next, and no suspension of the rules can be had until that is completed. That will give us time and will wrong nobody; and I hope even if the Speaker does not feel at liberty to rule in that way, which I hope he will, the matter will be laid over until we have time to consider the provisions of the bill.

The SPEAKER. The Chair will say in reply that the suspension of the rules by a two-thirds vote, to bring this bill before the House for consideration, vacated every rule which interfered with its consideration in the House, and therefore established its status in the House. It now comes under the operation of Rule 56 as unfinished business. On next Monday, if it came over under a rule of the House as unfinished business, it would not have any status as against a motion to suspend the rules, including the rule which gave it a status under a majority vote as unfinished business.

Mr. GARFIELD. I desire to submit this inquiry to the Chair: Could I have made a motion to suspend the rules right after this order was made yesterday? Suppose that an hour or half an hour after the House had suspended the rules for the purpose of considering this bill I had moved to suspend the rules for some other purpose, would that motion have been entertained?

The SPEAKER. The gentleman would not have been recognized for that, because until in some way this bill was disposed of it was before the House under a suspension of the rules to consider. And the Chair stated yesterday if the motion for the previous question was voted down then a motion to commit would be in order, but the gentleman from Arkansas, [Mr. DUNN,] first had the right to test the sense of the House as to the passage of the bill by moving the previous question.

Mr. GARFIELD. I admit if the gentleman from Arkansas had got the previous question ordered yesterday on the bill it would have come up this morning as unfinished business.

The SPEAKER. The right to demand the previous question is under another rule.

Mr. GARFIELD. The previous question having been ordered would have carried it straight on under another rule, but as the previous question was not ordered and as the bill still stands as an unexecuted order of Monday it seems to me it must remain in Monday until it is executed.

Mr. FRYE. Does not the gentleman from Ohio [Mr. GARFIELD] make this error? The motion to suspend the rules on yesterday was to suspend them for only one purpose and that was to bring a certain bill before the House for consideration. Now, when two-thirds voted for it, that motion had completed itself and the bill was before the House for consideration; it makes no difference how it got there, being before the House for consideration.

Mr. GARFIELD. For consideration in the Monday House, not in the Tuesday House.

Mr. WHITE. Would it not be in order to move to make this a special order for consideration on a future day?

The SPEAKER. It would not until the gentleman from Arkansas [Mr. DUNN] has the opportunity to test the sense of the House on ordering the previous question.

Mr. WHITE. Would it not be in order to move to refer it to the Committee of the Whole?

The SPEAKER. It would not. The gentleman can move to lay it on the table. That motion and the motion to adjourn are the only motions which take precedence of the previous question.

Mr. REED. If the motion of the gentleman from Arkansas to suspend the rules yesterday has been exhausted, would it not be in order to move that the bill be considered in Committee of the Whole?

The SPEAKER. It would not. The rule which would require the consideration of such bills in Committee of the Whole was suspended. Except for such suspension it would go instantly to the Committee of the Whole if the point of order was made against it.

Mr. REED. Do I understand the suspension of all the rules in regard to this bill continues to-day?

The SPEAKER. The Chair does not so state. On the contrary, he states in effect otherwise?

Mr. REED. If it does not, why can I not under the rule move that the bill be referred to the Committee of the Whole?

The SPEAKER. The House has considered the bill, and it would at any rate be too late to make the point of order on it if allowable under the rules.

Mr. REED. Is it not in order to move that the House go into Committee of the Whole to consider this bill?

The SPEAKER. The bill is not in Committee of the Whole, and if the House so resolved it would not find the bill in Committee of the Whole.

Mr. WHITE. What we want is to get it there.

Mr. FRYE. Would it not be in order to move to recommit this bill to the Committee on Public Lands?

The SPEAKER. Not while the gentleman from Arkansas is on the floor demanding the previous question.

Mr. FRYE. I did not understand he was.

Mr. CONGER. I understand it would be in order to raise the question of priority of business. I raise that question that we may proceed with the morning hour.

The SPEAKER. Then the gentleman raises the question of consideration.

Mr. CONGER. I raise the question of consideration, and ask that the morning hour may now commence.

The SPEAKER. That of course is the object of the gentleman, but he cannot embrace it in his question of consideration. The gentleman raises the question of consideration, and the effect of it will be, if successful, to hold this bill as unfinished business every time when there is nothing of higher importance coming before the House.

Mr. CONGER. Yes, sir; I want the morning hour now.

Mr. DUNN. Does the Chair rule upon the point of order?

The SPEAKER. The Chair entertains the question of consideration raised by the gentleman from Michigan, [Mr. CONGER.]

Mr. DUNN. What is that question?

The SPEAKER. It is whether the House will now consider this bill. It is a question which the gentleman has a right to raise under Rule 41, which the Clerk will read.

The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless it is demanded by some member or is deemed necessary by the Speaker.

The SPEAKER. Should the gentleman from Michigan be successful in his proceeding, that would not displace this bill; it would merely keep it in position, to come up in its order at other times.

Mr. CONGER. It will give us further time for considering the provisions of the bill, which many of us desire.

Mr. BLOUNT. Will there be time for considering this bill when it shall come up again? When will it come up again?

The SPEAKER. Immediately after the reading of the Journal to-morrow; perhaps it may come up again to-day.

Mr. CONGER. Perhaps when it again comes up we may be willing to consider it.

Mr. BUCKNER. The House suspended the rules for the purpose of proceeding with the consideration of this bill. As I understand the ruling of the Chair, the bill comes over from yesterday as unfinished business, and the only question now is, whether the House will proceed with its consideration at this time.

The SPEAKER. The majority of the House can now determine whether they will proceed to consider this bill, coming over from yesterday as unfinished business. The question is, in the language of the rule, "Will the House now consider it;" that is, the bill now pending.

The question was taken; and upon a division there were—ayes 94, noes 81.

Before the result of the vote was announced,

Mr. WHITE called for tellers.

Tellers were ordered, there being 31 in the affirmative, more than one-fifth of a quorum; and Mr. DUNN and Mr. WHITE were appointed.

The House again divided; and the tellers reported that there were—ayes 105, noes 81.

Before the result of this vote was announced,

Mr. CONGER said: I desire the yeas and nays on this question. I make the demand for the yeas and nays only that we may have time to further examine this bill.

The yeas and nays were ordered, there being 45 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 125, nays 117, not voting 50; as follows:

YEAS—125.

Acklen,	Evins,	Martin, Edward L.	Singleton, O. R.
Aiken,	Felton,	McKenzie,	Slemons,
Armfield,	Finley,	McLane,	Smith, Hezekiah B.
Atkins,	Ford,	McMillin,	Smith, William E.
Beale,	Forney,	Mills,	Sparks,
Belford,	Geddes,	Money,	Steele,
Beltzhoover,	Gibson,	Morrison,	Stevenson,
Bicknell,	Godshalk,	Morse,	Talbott,
Blackburn,	Goode,	Muller,	Taylor,
Bliss,	Gunter,	Myers,	Thompson, P. B.
Blount,	Hammond, N. J.	New,	Tillman,
Bouck,	Harris, John T.	Nicholls,	Townshend, R. W.
Buckner,	Haskell,	O'Connor,	Tucker,
Cabell,	Hatch,	O'Reilly,	Turner, Oscar
Caldwell,	Henry,	Persons,	Turner, Thomas
Calkins,	Herbert,	Phelps,	Upson,
Clardy,	Herndon,	Philips,	Vance,
Clark, Alvah A.	Hill,	Phister,	Waddill,
Clark, John B.	House,	Poehler,	Washburn,
Cobb,	Hull,	Reagan,	Wellborn,
Coffroth,	Hunton,	Richardson, J. S.	Wells,
Converse,	Johnston,	Richmond,	Whiteaker,
Cook,	Kelley,	Robertson,	Whitthorne,
Cox,	Kenna,	Ross,	Williams, Thomas
Cravens,	King,	Rothwell,	Willis,
Culberson,	Kitchin,	Ryan, Thomas	Wise,
Davidson,	Knott,	Samford,	Wood, Fernando
Davis, Joseph J.	Ladd,	Sapp,	Wood, Walter A.
Davis, Lowndes H.	Le Fevre,	Scales,	Young, Casey.
Dibrell,	Lounsbery,	Shelley,	
Dunn,	Lowe,	Simonton,	
Ellis,	Manning,	Singleton, J. W.	

NAYS—117.

Aldrich, N. W.	Daggett,	James,	Russell, Daniel L.
Aldrich, William	Davis, George R.	Jones,	Russell, W. A.
Anderson,	Davis, Horace	Joyce,	Ryon, John W.
Atherton,	De La Matyr,	Ketcham,	Sawyer,
Bailey,	Deering,	Killinger,	Shallenberger,
Baker,	Dunnell,	Lapham,	Sherwin,
Ballou,	Dwight,	Lindsey,	Smith, A. Herr
Barber,	Einstein,	Marsh,	Starin,
Bayne,	Errett,	McCoid,	Thomas,
Bingham,	Farr,	McKinley,	Thompson, Wm. G.
Bowman,	Ferdon,	Mitchell,	Townsend, Amos
Boyd,	Field,	Monroe,	Tyler,
Brewer,	Fisher,	Morton,	Updegraff, J. T.
Briggs,	Forsythe,	Murch,	Updegraff, Thomas
Brigham,	Fort,	Neal,	Valentine,
Bright,	Frye,	Newberry,	Van Aernam,
Browne,	Garfield,	O'Neill,	Voorhis,
Burrows,	Gillette,	Orth,	Van Voorhis,
Butterworth,	Hammond, John	Osmer,	Wait,
Camp,	Harmer,	Overton,	Ward,
Cannon,	Hawk,	Pacheco,	Warner,
Carpenter,	Hawley,	Pierce,	Weaver,
Caswell,	Hayes,	Pound,	White,
Chalmers,	Heilman,	Prescott,	Williams, C. G.
Chittenden,	Henderson,	Price,	Willits,
Clymer,	Hiscock,	Reed,	Wilson,
Colerick,	Horr,	Rice,	Yocum.
Conger,	Hostetler,	Richardson, D. P.	
Cowgill,	Houk,	Robeson,	
Crapo,	Hubbell,	Robinson,	

NOT VOTING—50.

Bachman,	Elam,	Kimmel,	Norcross,
Barlow,	Ewing,	Klotz,	O'Brien,
Berry,	Frost,	Lewis,	Page,
Blake,	Hall,	Loring,	Speer,
Bland,	Harris, Benj. W.	Martin, Benj. F.	Springer,
Bragg,	Hazelton,	Martin, Joseph J.	Stephens,
Carlisle,	Henkle,	Mason,	Stone,
Claflin,	Hooker,	McCook,	Urner,
Covert,	Humphrey,	McGowan,	Wilber,
Crowley,	Hurd,	McMahon,	Wright,
Deuster,	Hutchins,	Miles,	Young, Thomas L.
Dick,	Jorgensen,	Miller,	
Dickey,	Keifer,	Muldrow,	

So the House decided to proceed with the consideration of the bill.

During the roll-call the following announcements were made:

Mr. BLAND. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN.

Mr. HERBERT. My colleague, Mr. LEWIS, is paired with the gentleman from Massachusetts, Mr. HARRIS.

Mr. WHITTHORNE. The gentleman from Louisiana, Mr. ELAM, who is detained from the House by sickness, is paired with the gentleman from Pennsylvania, Mr. DICK.

Mr. NORCROSS. I am paired with the gentleman from West Virginia, Mr. MARTIN.

The result of the vote was announced as above stated.

EXTRA FORCE IN HOUSE FOLDING-ROOM.

Mr. MCLANE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the superintendent of the folding-room of the House of Representatives be, and is hereby, authorized to employ such additional force as may be deemed necessary by the Committee of Accounts, to fold speeches and other public documents that are now accumulating or may hereafter accumulate in the folding-room; and that said additional force shall be paid out of the contingent fund of the House the same amount as the laborers are now paid in the folding-room.

ESTABLISHMENT OF TITLES IN HOT SPRINGS.

The House resumed the consideration of the bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes.

The SPEAKER. Yesterday fifteen minutes were occupied on each side in the discussion of this bill. In pursuance of the arrangement then made the same time will to-day be allowed to each of the respective sides.

Mr. DUNN. I yield five minutes to my colleague on the Committee on Public Lands, the gentleman from Ohio, [Mr. CONVERSE.]

Mr. CONVERSE. Mr. Speaker, I had the honor to introduce this bill, and if I can get the attention of the House for five minutes I will endeavor to explain its provisions. It contains but two principal propositions. The first is to authorize, not strictly an appeal, but a review in certain cases by the district court at Little Rock of the action of the commissioners in making their award of the right to enter lands at Hot Springs. The other proposition is to remit the assessments which have been made.

This bill has received the careful and earnest attention of the Committee on Public Lands. They occupied seven separate meetings with the bill, reading and discussing it sentence by sentence. Upon this thorough examination the bill has received the unanimous indorsement and recommendation of the committee. I mention these facts to show the care with which the bill has been prepared and examined.

The first proposition in the bill, which is called the right of appeal, provides simply for a review of the action of the board of commissioners at Hot Springs in cases of fraud, gross error, or mistake. Those are the only grounds upon which any question can be taken to the court from the decision of the commissioners.

Gentlemen are aware that under a former law a board of three men was appointed to assess the value of the lots at Hot Springs, and also to award the lands to the persons occupying them. In this bill we propose to allow the decision of the commissioners to be reviewed by a court of equity for fraud, gross error, or mistake in making their awards.

The object of thus limiting the right of review is to prevent litigation, except in cases where fraud, gross error, or mistake have intervened. It is said that there have been some mistakes; for instance that certain lands have been awarded to persons who did not petition for them; that, in other cases, persons who were entitled to lands, no one else claiming them, have been deprived of them—evidently by mistake. In some cases parties interested have charged fraud. There ought to be some means of correcting such errors, and that is the object of this provision of the bill.

The gentleman from Tennessee [Mr. YOUNG] says that there ought to be a jury trial. Why, sir, who ever heard of a jury trial in a court of equity, except when the chancellor may refer a question of fact to a jury in order to have his own conscience enlightened? Juries are unknown in courts of equity, with that exception. The bill is carefully guarded. It will not allow parties to go into court unless they can in the first instance make a *prima facie* case, as they would upon application for an injunction, showing affirmatively, by affidavits, that there has been either fraud, gross error, or mistake in the award which has been made. Can there be any objection to this wholesome provision of the bill? It is carefully guarded, and there probably will not be more than two or three dozen cases that will go before the court under this provision.

As a gentleman near me suggests, [Mr. TUCKER,] this proceeding will be conducted as all equity proceedings are; and if the chancellor desires to submit any question of fact to a jury, he will have power under this bill to do so, as he would in ordinary equity practice.

[Here the hammer fell.]

Several MEMBERS. Go on.

Mr. DUNN. I yield three minutes more to the gentleman.

Mr. CONVERSE. As to the other proposition, the question of remitting the assessment, the committee conceived that to be right for this reason: More than thirty years ago this very land was located by settlers for settlement, who paid the Government for it—not for all of it, but a portion. Certificates of entry were made, and upon

those certificates of entry these lands were parceled out and subdivided into small lots and sold to settlers and residents. For more than thirty years the lands have been bought and sold, and passed by inheritance from hand to hand. The original proprietors now hold but little of the lands. They have been built upon, and taxes paid upon them by innocent holders until two years ago, when it was ascertained that the lands belonged to the Government by reason of some act of reservation away back in 1832. These citizens are now called upon to pay a second time for the lands which they thought they owned, which had been bought and improved by them in good faith. Under the circumstances the committee concluded it was unconscionable on the part of the Government to ask an assessment to be made, and that these citizens, in paying for their lands a second time, should be compelled to pay for them their full present value.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. CONVERSE. Certainly.

Mr. SPRINGER. I see in this list of special assessments that some are assessed as high as $1,700——

Mr. CONVERSE. Please do not take up much of my time.

Mr. SPRINGER. I see that some in the list of assessments are rated as high as $1,700 while others are as low as forty and sixty dollars. Under this bill the parties would be allowed to pay at the rate of $10 an acre all the way through.

Mr. CONVERSE. I will come to that directly. Certainly that is so; and why should it not be so?

Mr. SPRINGER. Would that be an equal assessment, if some having a lot worth $1,700 should pay $10, while others assessed only forty or sixty dollars should also be required to pay $10 for their lots?

Mr. CONVERSE. Certainly; why not? They have already paid for that land.

Mr. SPRINGER. To whom have they paid?

Mr. CONVERSE. It is their own land. They paid to the men they bought of. Why does not my friend require assessments to be made on mines owned by the Government worth millions. Mining lands are sold for $5 an acre? Has the Government ever dealt with anybody in that way—by such a hard rule?

Mr. SPRINGER. They did not buy this land of the Government.

Mr. CONVERSE. They bought a part of it from the Government more than thirty years ago, and they built upon it and made improvements, built up a town there, and they are asked now to buy them over again.

And in addition to that, I desire to say this increased value is made partly from the fact they have built a city there.

Mr. BLOUNT rose.

Mr. CONVERSE. Let me go on in my own way, and I will shorten the time. I think I can meet all the objections of gentlemen.

In the first place, Mr. Speaker, it has always been the policy of the Government in reference to town sites to allow actual settlers to make entries at a merely nominal price, in no case requiring more than $10 an acre. As I said before, even in your mines, in which have been discovered millions of treasure, the Government only requires $5 an acre on entry as payment.

Mr. WARNER. Will my colleague allow me to interrupt him?

Mr. CONVERSE. I cannot yield just now. In more than two hundred towns which have been built upon the public domain in no instance has the Government asked over $10 an acre, and this bill provides only for the payment of $10 for every acre and fraction of an acre.

It is said there are large assessments made by the commission as damages to certain parties which have accrued in connection with improvements in that city; that the expenses of the commission are large, and that the Government ought not to be compelled to pay them; that the city ought to pay them. Why so? Let us look at it.

In the first place, the Government has reserved already nine hundred acres of that land, and this reservation was part of the work of that commission. In the second place, they laid out their streets themselves——

Mr. SPRINGER rose.

Mr. CONVERSE. Let me go on. In the third place, this commission has selected six hundred acres and divided them into town lots to be sold at public auction and which, it is believed, will bring at least $100,000 into the Treasury of the United States.

The SPEAKER. The gentleman's time has expired.

Mr. CONVERSE. I hope I may be allowed to proceed.

Mr. ROBESON. I move, Mr. Speaker, the gentleman be permitted to complete his statement.

Mr. TUCKER. By unanimous consent, let that be done, not to be taken out of the hour.

The SPEAKER. The Chair hears no objection to that arrangement, and the gentleman from Ohio will proceed.

Mr. CONVERSE. Now, Mr. Speaker, if the cost of these assessments and of the commission itself were too expensive, that is not the fault of the settlers and property-owners of that city. This Government undertakes to administer justice. It does not charge all the expenses against those in whose behalf it is administered. You do not charge to litigants the salaries of your judges and the cost of your courts, and neither ought you in reference to the expenses of this commission. It was judicial in part, sent there by the Government to adjust these difficulties, and it is only right the Government should pay the entire expense, whatever it may be. And as to the other assessments which have been made, the Government has already received from the settlers rents on the houses they themselves built, more than $38,000, and it is to-day in your Treasury. After the lands were adjudged to belong to the Government you sent your commissioner there, and he rented to these settlers their own houses, and the money received as rent from them is to-day in the Treasury—more than $38,000—and that will more than pay their proportion of these expenses.

As my friend near me suggests, the Government also leases the Arlington Hotel there for $1,000 a year. It is worth $5,000 or more.

In addition to that, under the law the healing waters of those springs are now being sold, and bring revenue day by day and week by week into the Treasury of the United States. And for all coming time, under this bill and preceding legislation they are to be sold and will be a source of revenue to the United States. That ought to pay of itself the expense of this commission, and these assessments sought to be charged upon those poor settlers, many being in infirm health, having located there and built their little houses on account of the healing waters, and who have once paid for their land and are now required to pay for it a second time.

Mr. WARNER. Will my colleague yield for a question?

Mr. CONVERSE. I will, for a question.

Mr. WARNER. I should like to know upon what principle of equity the Committee on the Public Lands recommend these lands shall be paid for at any price again, if it be true, as stated, that they have been once already paid for?

Mr. CONVERSE. They ought not to be paid for a second time, but in the hurry to settle this thing, and get rid of litigation, and to settle title, the settlers prefer to pay $10 an acre and end the whole business. That is in accordance with the general law governing town sites on the public domain.

Mr. Speaker, none except those who have had experience know the blighting curse which an unsettlement of land titles creates, whether it be in city, town, or country; and those people would rather pay $30,000 than be delayed in the settlement of the titles to their real estate.

Mr. HAYES. Let me ask the gentleman just this one question: Does it appear anywhere in the land records that any of these parties ever did pay the Government for these lands?

Mr. CONVERSE. It does not appear that these parties paid for them.

Mr. HAYES. But does it appear that any other parties from whom they acquired their rights paid the Government for these lands?

Mr. CONVERSE. Yes; the record shows that Gaines and others made entries and paid the Government for their lands, and upon the certificates issued to them by the Government they sold the lands to other parties year after year for nearly forty years.

Mr. ATHERTON. How long ago was that?

Mr. CONVERSE. Over thirty years.

Mr. HAYES. Does this cover the whole nine hundred acres?

Mr. CONVERSE. Not all; nine hundred are reserved. The Government now has it; and six hundred more acres have been divided into lots by the commission. It is proposed to sell them out at auction, which will bring in at least $100,000.

Mr. HAYES. The Government has reserved nine hundred acres. Is that in the market?

Mr. CONVERSE. It is not in the market; it has been permanently reserved——

Mr. HAYES. You say these people purchased it originally?

Mr. CONVERSE. By reason of a mistake in the administration of public affairs these people assuredly ought not to be set out in the cold and their property taken away from them after they have settled there, built their churches and school-houses, established their homes, reared their families——

Mr. HAYES. If that is the fault of the Government it is all right; but if not, and it is the fault of the individual, it is not all right.

Mr. BRIGHT. Will the gentleman from Ohio yield to me?

Mr. CONVERSE. For a question.

Mr. BRIGHT. I understand, Mr. Speaker, that the Supreme Court of the United States has decided there was no just and valid claim against the United States. Am I correct in that?

Mr. CONVERSE. That is correct in regard to the legal title.

Mr. BRIGHT. I understand there were five different claims to these different lands, some under old Spanish grants and some, as has been said, under grants from the United States on entry and settlement. Now, I would like to ask my honorable friend from Ohio under what law of the United States does any individual upon the Hot Springs reservation claim title?

Mr. CONVERSE. I will endeavor to answer my friend. No such claim is made by anybody; but the law of the last Congress provided these settlers should have their homes, and it provided a commission to set apart their homes to them. They did it not as a matter of strict law, because the Supreme Court found this very land had been reserved as far back as 1832; but the Government dealt with these people in that regard as it has dealt with all others—with generosity, with magnanimity——

Mr. BRIGHT. I wish simply to get at the facts.

Mr. CONVERSE. The Government is willing to give them titles to their homes.

Mr. BRIGHT. I merely wish to get at the facts, because as a member of the Committee on Private Land Claims during one session of Congress I had occasion to look into this matter.

I understand there was no law under which any claimant could set up title to these lands. I understand, furthermore, that these titles were submitted to the Interior Department for investigation and to the Attorney-General of the United States for investigation, and that all these titles had been decided against these different claimants.

Mr. CONVERSE. I will state to my friend from Tennessee, as I did before, that no settler has any legal title or has had any. The title was in the Government all the time. But the settlers thought they had the title; and the Government, with that generosity, that magnanimity which has always characterized it, was willing to give them the lands for merely nominal sums. That is the reason they are here.

Mr. BRIGHT. One more question. I will ask my honorable friend if these purchases were not made from individuals who pretended that they had title from the United States, and if they did not receive the money and not the United States?

Mr. CONVERSE. Certainly. I so stated. That is all so, but that does not change the question.

Mr. BRIGHT. Let me go a step further. Let me ask if the act of March 3, 1877, did not recognize the United States as the sole proprietor, and did it not direct that the possession of that property should be taken by the commissioners of the United States; that it should be laid out into lots, and that those occupants of those lots who had made improvements should have an appraisement as to the value of the improvements and as to the privilege of purchase. Is not that the whole of it, and has not the question been submitted through the commissioners to the United States by the parties themselves?

Mr. CONVERSE. Certainly, that is all so; and the commissioners have discharged their duty and have made these appraisements of the value of the land. But it would be unconscionable for the Government to take the value of the lands after these parties had built there, thinking they had a right. It is in accordance with the policy of the Government to deal with these parties as I have suggested; because, as I said to the gentleman from Illinois, [Mr. SPRINGER,] the Government, at $5 an acre, was selling to individuals mines that were worth millions of dollars. Who ever thought of appraising a mine according to the value of the metal that was in it and asking an individual to pay for it on that basis?

Mr. BRIGHT. Let me ask the gentleman another question, so that we may get at the facts of the case.

Mr. CONVERSE. If the gentleman will promise this is his last inquiry, I will yield for it.

Mr. BRIGHT. Very well, it shall be the last, unless something else is suggested with a view to getting at the truth of this matter. I understand that these individuals, under the act of March 3, 1877, have submitted their claims for the adjudication of that commission. They received that award. They were allowed twelve months to accept the provisions of that award. Now, after these individuals have accepted the award of the commission, I understand they come in here and seek the same privileges as they would have had if they had refused to accept the award.

Mr. CONVERSE. I will answer the gentleman. In the first place, the settlers have never accepted the award. That is the question that is now here before us. The award has been made by direction of the Government, and the assessment of the value has been made by reason of the action of the Government.

Mr. BRIGHT. Are they not barred under the act of March 3, 1877?

Mr. CONVERSE. No, sir. No man is barred when he calls upon the Congress of the United States or the Government of this Republic for that which is just or even that which is merciful. The door here is always open to the humblest citizen of the United States to obtain justice. Neither pleas in bar nor statutes of limitation avail here.

Mr. BRIGHT. Have these parties now the right to accept under the award unless there is an enabling act? Is this pretended to be an enabling act?

Mr. CONVERSE. Certainly they have the right; because the law passed a few days ago extends the time sixty days.

I have said all I desire to say and have occupied too much of the time of the House on this bill. But I desire to urge that this bill has been carefully prepared; it is a measure of justice; it is in accordance with the whole history and policy of our Government upon these questions, and I hope no gentleman will hesitate to vote for this bill.

Mr. REED. I desire to ask the gentleman from Ohio whether some portion of this amount of $74,600 for which certificates have been issued was not caused by enlargement of streets and improvements of property which it is now proposed shall be sold to the settlers at a low rate? And let me ask what his judgment is as to the equity of that as between the Government and the citizen?

Mr. CONVERSE. I will answer the gentleman's question.

Mr. REED. If the gentleman will answer the question as much in detail as he can I will be obliged.

Mr. CONVERSE. It is true equity would require that the settler should pay a portion of the expense. Our calculation is that the settlers should pay about one-third, and that the Government should pay the remaining two-thirds. But my friend must remember these settlers have already paid into the Treasury of the United States as rent over $38,000, and they now propose to pay $20,000 more, while their third of the expenses would be much less than that amount.

Mr. CONGER. I desire to ask the Chair what time remains for each side.

The SPEAKER. The gentleman from Ohio [Mr. CONVERSE] occupied five minutes. His time was extended five minutes more by the gentleman from Arkansas. At the end of the ten minutes the House gave unanimous consent that the gentleman from Ohio should proceed as long as he might desire. The result is that there are still five minutes remaining for the friends of the bill and fifteen minutes for the other side. The Chair recognizes the gentleman from Mississippi [Mr. CHALMERS] to speak against the bill.

Mr. CONGER. Is the gentleman from Mississippi [Mr. CHALMERS] to occupy the entire fifteen minutes?

The SPEAKER. The Chair does not know how much time he will occupy.

Mr. HAWLEY. Has not the gentleman from Arkansas [Mr. DUNN] charge of the bill?

The SPEAKER. He has; but the Chair has stated to the gentleman from Arkansas that the gentleman from Mississippi desired the floor to speak against the bill. The gentleman from Arkansas has not said how much of the fifteen minutes to be occupied in opposition to the bill is to be used by the gentleman from Mississippi.

Mr. CONGER. The usual custom is to allow the opponents of the bill to decide as to the division of time. Myself and others around me took measures to secure time for debate on this bill.

The SPEAKER. And the gentleman has had the co-operation of the gentleman from Mississippi [Mr. CHALMERS] to that end.

Mr. CONGER. I do not know that he has. The usual courtesy would require——

The SPEAKER. The Chair will give the gentleman from Michigan [Mr. CONGER] all the time that he can.

Mr. CONGER. Is it not the practice for the Chair to recognize those who make motions to obtain time for debate?

The SPEAKER. The Chair thinks the gentleman from Michigan [Mr. CONGER] was recognized yesterday to speak and did speak.

Mr. DUNN. I had agreed to yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.] As the Chair has recognized the gentleman from Mississippi, [Mr. CHALMERS,] I will yield first to him for five minutes, and then I will yield the next five minutes to the gentleman from Connecticut.

The SPEAKER. And to whom else will the gentleman yield?

Mr. DUNN. To any gentleman of the opposition who desires the floor. I will yield to the gentleman from Pennsylvania, [Mr. WHITE.]

The SPEAKER. The Chair will endeavor to act with strict impartiality.

Mr. CHALMERS. I do not understand this case as fully as I would like to do, and therefore I voted that we should have more time for its consideration.

I remember with great distinctness the controversy about the Hot Springs matter which was before the courts for many years. There were three claimants, Mr. Rector, General Gaines, and Mr. Hale, if I remember correctly; and if either one of those gentlemen had succeeded in his claim, every man who had bought land from the other two would have been turned out without any opportunity to obtain the lands which they now claim they should be allowed to take as a matter of equity.

In that litigation it was determined that neither of the three parties claiming were entitled to the land; that it belonged to the United States Government. As a matter of equity, as a matter of justice, the United States Government said to the holders of these lands: "Although this land has been reserved by the Government, although you have no right to enter upon it, although you are trespassers upon it, yet you may have an advantage over other people. A commission shall be established which shall assess the value of the land, and you will be permitted to purchase it at its assessed valuation, deducting therefrom," if I remember rightly, "the value of your improvements."

Now, when the assessment has been made; when this act of charity, if you choose to so term it, has been extended to these people, and the report of the commission comes before us for confirmation, these people say: "No; we do not want to take this land on the terms on which you offer it to us; we want now to be permitted to enter it at $10 per acre."

Now, by what right can these people make this claim? By no right, says the chairman of the Committee on Public Lands, [Mr. CONVERSE,] there is no right in the matter. But he says this is a great Government, and it ought not to make money out of these citizens. Grant that to be so.

But on the other hand these very people would not to-day be willing to allow the public to come in and bid against them for this land which has been set apart for them. If the public were allowed a fair opportunity they would give far more than the valuation which has been placed upon these lands by the United States commissioners. These people, then, have an advantage over the rest of the people of the United States.

Gentlemen say further that $38,000 has been taken out of the pockets of these people by way of rent for one year. Have they not been

receiving that same amount of benefit for years and years from the General Government? Have they not been taking these same rents, or making that amount of money, every year out of the people? If there is any one spot in the United States besides Niagara Falls where the inhabitants "live upon strangers," that spot is the Hot Springs in Arkansas. I have been there, and I know from experience.

These people have for years been deriving benefits equal to at least this amount of money, which they say was taken from them for one year only, from the people of the country. They have been living upon the people, upon the Government of the United States. But now, because the Government has stopped that for one year, they say that $38,000 has been taken out of their pockets by the Government of the United States.

At the termination of the suits which were instituted in the courts of the United States these people were very glad to have the first opportunity to purchase these lands, which Congress graciously offered them. They were very glad to have an advantage over outside purchasers, and to be allowed to buy the land at the assessed valuation.

They now come and tell us that that is all wrong; that they do not want the land at the assessed valuation; that they want it at $10 per acre. They want us to give them for $20,000 property that is worth over $400,000.

Gentlemen say there are some precedents for this course in other parts of the country. If there are such precedents, it is time they were being stopped. The committee in their report state that Leadville City stands in the same situation. If it does, then when Leadville City comes here, I shall vote against any such opportunity for the people there to obtain the property of the Government at less than its assessed value.

[Here the hammer fell.]

Mr. DUNN. I yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Speaker, some circumstances connected with this measure seem not a little discouraging. The chief question in controversy, having been carried to the Supreme Court of the United States, was decided in favor of the claim of the Government to this land. Congress appointed an able and honest commission to go to the Hot Springs for the purpose, as I supposed, of settling this controversy substantially. The printed report of the commission is before us—a very brief and business-like document; too brief, perhaps. I wish now they had given us more explanatory matter. There is, I understand, a large body of information on this subject in the Interior Department. But while we were supposing that we could rely on this report of gentlemen whom we sent there—one of them a former Senator, another a former member of this House, well known to us—there comes in on a Monday, under a suspension of the rules, a bill which proposes to upset the work done by this commission. Upon inquiry I do not find that a single member of the commission has been here for consultation with regard to this bill which proposes to set aside the report of the commissioners; nor can I find that there has been a single letter or document from them since their report, excepting a private letter to a member of this House, which certainly does not harmonize with the purposes of this bill; nor can I find that there has been inquiry made of the Interior Department, where, as I have said, a great body of information upon this subject is to be found. No communication from that Department has been presented here, and I understand unofficially that no inquiry has been made of that Department, although there is much information there.

Mr. DUNN. I will correct the gentleman by telling him that I hold in my hand a letter from the Interior Department on this subject.

Mr. HAWLEY. I have asked whether there was any such communication, and this is the first time I have heard that there was.

Mr. DUNN. If the gentleman desires it, I will send it to the Clerk's desk to be read.

Mr. HAWLEY. That can be done when I am through; I have but a few minutes. I understood this morning that no inquiry had been made of that Department.

I find further that if the report of the commissioners were carried out, we should have expended upon the expenses of the commission $27,500, and should pay to certain persons as damages for condemned buildings $74,600, making the cost to the Government, in round numbers, $102,000. I also find by the report that the commissioners have assessed upon the claimants to this land a not very extravagant sum, considering the many hundreds of acres of valuable land given to them—the sum of $250,000. Deducting from this the expenses, $102,000, there would be left an apparent profit to the Government of about $150,000. But this statement does not cover all our expenses. There are certain lands given for churches and schools.

Now, under this bill, while the expenses remain as I have stated—$74,600 damages for condemned buildings and $27,500 as expenses of the commission, making a total of $102,000—all the receipts we are to get are about $20,000, about $10 an acre for these lands, many parts of them extremely valuable; so that our net loss resulting from our outlay in benefiting these people by laying out a handsome city will be $82,000. Of course I state these figures roughly.

Now, I do not ask that the Government shall make any great profit out of this transaction; but I do think, considering the fact that these people have been in reality trespassers in law, that we ought to get out of the thing whole. As the minister said, we ought at least to have our hat back after passing it around for the collection. I do not ask anything but that Uncle Sam's hat shall be returned.

[Here the hammer fell.]

Mr. CRAVENS. I would like to correct the gentleman.

Mr. HAWLEY. The gentleman had better do it in his own time, as my time has expired.

Mr. CRAVENS. So far as condemned buildings are concerned, the Arlington Hotel and other buildings there are upon the permanent Hot Springs reservation, and amount in value to nearly one-half of the $74,000.

Mr. CONGER. That property rents for $1,000 a year I believe.

Mr. CRAVENS. That is the rent for an acre of ground. The buildings are not yet paid for. After they are paid for the Government may rent the buildings and grounds for more.

Mr. DUNN. I yield five minutes to the gentleman from Pennsylvania, [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I have but a brief word to say about this very important bill. The gentleman from Connecticut [Mr. HAWLEY] has correctly stated that the passage of this bill destroys entirely the effect of the report of the commission appointed in pursuance of the act of 1877. The Supreme Court of the United States, after solemn argument, adjudicated that the title of the land in question, now constituting the city of Hot Springs, was in the United States Government. There had been from time to time intruders upon the Government property, who possibly had erected valuable improvements. They did so at their own risk. There is no evidence before the House to indicate that there was any act of the Government or any of its officers to estop it from reasserting title to the *locus in quo*. That is the status. For the purpose of doing equity, acting generously to these people, Congress in 1877 passed an act authorizing the appointment of three commissioners. To adjudicate what? The title? No, that is already settled in the Government, but to adjudicate the right to purchase from the Government and the terms upon which that purchase should be made.

That duty has been performed. I hold in my hand, and I have not had the privilege of reading it in detail and as patiently as I should like, the report of that commission. What is it? The Hot Springs, as I gain from current conversation, is a flat between two mountains along which runs the Hot Springs Creek, on the one side the Hot Springs Mountain, and on the other West Mountain. One locality is the reservation where the Hot Springs water, the Bethesda, so to speak, of that country, comes out. On the other side is the improved part of the town. Now, in laying out the town and adjusting the line so as to have proper frontage, this commission laid out a street, as I understand it, and in laying out that street they had to condemn certain buildings, making valuation of them before condemnation and issuing certificates on that condemnation to the claimants or reputed owners of those buildings. The buildings that were condemned were put up for sale at auction and bought in. In one instance, $750 was the valuation put upon one residence, and it was put up at sale and bought in by its former owner by virtue of a common law which obtains among early settlers, no one bidding against him—bought in by that former owner for $5, no one bidding against him. He purchased that residence for $5, although at the time he had in his possession a certificate for $750, as the valuation by the commission on condemnation of the same property.

Now, sir, that is precisely the situation with which we are confronted. There were of these certificates one hundred and seventy-two, aggregating, as the gentleman from Connecticut has stated, $74,496.

Some one has stated that is left to the credit of the Government to be paid from time to time. So it is. But there is an equity against the Government in favor of these claimants which will be exceedingly difficult hereafter to resist. I find this commissioner's report states as follows:

> The commission deem it advisable to recommend that an appropriation be made to pay off the certificates issued for condemned buildings, or, in case this cannot be done, that they be made receivable at the land office at Little Rock in payment for lots to be sold in the Hot Springs reservation. It is obvious that these certificates for condemned buildings are promises, on the part of the Government, to pay the settlers for the losses caused by a total or partial destruction of their buildings of a highly equitable nature.

We are confronted, Mr. Speaker, with this situation of affairs. There are outstanding certificates which we shall have to pay.

The SPEAKER. The gentleman's time has expired. The gentleman from Minnesota [Mr. DUNNELL] desires to speak, but the time of the opposition to the bill, by agreement, having expired, the Chair thinks as unanimous consent was given to the friends of the bill to have additional time, the same privilege should be granted to those opposing it. About twelve minutes additional were allowed to the friends of the bill.

Mr. DUNN. I have no objection by unanimous consent to allowing the gentleman to go on for that time.

There was no objection, and it was ordered accordingly.

Mr. REED. Before the gentleman from Minnesota proceeds, I should like to have a little light and perhaps it would be as well to have the letter from the Interior Department read. It can be done by unanimous consent.

The SPEAKER. It will be read; but it seems to come out of the time of the friends of the bill.

Mr. REED. O, no! Mr. Speaker; let it be done by unanimous consent.

The SPEAKER. The Chair hears no objection, and the letter will be read by unanimous consent.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 20, 1880.

SIR: I am in receipt of your communication of this date, asking for information relative to certain towns located upon the public lands, the valuation and price of the tracts sold, the population of said towns, &c., for the use of a sub-committee of the House Committee on Public Lands.

In reply, I have the honor to state that the files and records of this office do not furnish data in any case showing the valuation of the land sold for municipal purposes, but the price of the land sold to town sites has been, except in a few instances, at the minimum rate of $1.25 per acre. The valuation of the improvements is generally given in each case.

The lands comprising the town site of Salt Lake City, Utah, embrace 5,730.45 acres, sold at $1.25 per acre, under a special act of Congress, approved July 1, 1870, now section 2390, Revised Statutes.

No entry has been made of the town of Leadville, Colorado.

The city of Denver, made entry May 6, 1865, of nine hundred and sixty acres, at minimum rate under act of May 28, 1864, (13 Statutes, 94.)

The towns of Virginia City and Gold Hill, in Nevada, were entered under what is known as the town-lot act of July 1, 1864, as amended by act of March 3, 1865. (Sections 2382 to 2386, R. S.) The lots were sold at a minimum of $10 per lot; the larger lots being increased in price, as provided in section 2385, Revised Statutes. One hundred and fifty-five entries have been made of lots in Virginia City, and two hundred and forty-four entries in Gold Hill. Besides, entries under said acts have been made of lots in the towns of Petaluma, California, Le Grand and Baker City, in Oregon. The town of Sparta, in Oregon, has applied to make entry under sections 2382 to 2386, but no entries have been made.

Since January 1, 1873, about one hundred and fifty towns upon the public lands have been patented, and in the time allotted it will be impossible to give the population of each town at date of entry, as requested by your letter, or to give such a detailed statement as would be satisfactory and desirable.

Section 2389, Revised Statutes, provides that towns of two hundred inhabitants may enter three hundred and twenty acres; two hundred to one thousand inhabitants, six hundred and forty acres; one thousand and over, twelve hundred and eighty acres, and for each one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

Lists of the towns patented, with the number of acres entered in each case, may be found on page 27, report of this office for 1874; page 46, report of 1875; page 52, report of 1876; page 96, report of 1877; and page 30, report of 1878, and from these lists the number of inhabitants in each town may be approximated. Valuable information relative to town sites may be obtained by reference to the report of 1870, page 224; report for 1871, page 34; report for 1872, page 21.

I transmit copies of the reports above mentioned, for the use of the committee in this matter.

Respectfully,

J. M. ARMSTRONG,
Acting Commissioner.

Hon. P. DUNN,
House of Representatives.

Mr. DUNNELL. Mr. Speaker, I only desire to call the attention of the House to one or two facts in connection with the history of this Hot Springs reservation. When this commission was created a few years ago, the argument, the great argument, and indeed the only argument used for its creation, was the settlement of all questions growing out of this reservation. The argument was, and the only argument, that we would thereby get rid of litigation.

Now, we created a commission at a large expense, a commission composed of honorable gentlemen, and no one has said anything to the contrary here upon this floor. They have gone on, they have taken into account the whole history of this case, and adjudicated it and rendered their report thereon.

The gentleman from Ohio says that this bill has been introduced to prevent litigation. He ought to have said that this bill has been introduced to beget litigation. If this bill be not passed litigation ceases, and every claimant gets his title, paying the amount which he confesses is not an exorbitant one. In other words not a single claimant who has been adjudged the possessor of or entitled to a single acre of this land comes here and confesses he is willing to give it up for the amounts set over against it.

Every settler desires to continue in possession. This bill proposes to open again the whole field to litigation; and, Mr. Speaker, I predict that if this bill passes we shall all have passed away from this House before we shall get through with legislation in reference to this Hot Springs matter.

We have now reached this point: On one side is a report which will give to the Government $220,000, the finding of an honorable commission, ending now and forever all litigation; and upon the other hand a bill opening up litigation which shall give to the Government $20,000. We are to surrender this award and open up litigation at the request of whom? Why, Mr. Speaker, in the closing words of the report which these gentlemen have submitted to the House they say that few, if any, will apply to the court for a rehearing. It is the very few, and not the many, who are creating all of this trouble. I understand, sir, one, two, three, or four out of the five or six hundred interested in this matter only are making complaint. We are here listening to the voice of a few, while the many are not being heard. Four-fifths of the parties interested have not been heard at all in this controversy. It is only the very few of those discontented parties who are asking for this legislation.

Now, Mr. Speaker, it seems to me a mere act of folly. There is no party in this thing, and there ought to be none. Congress passed a law creating this commission, and I voted for it. I am willing to stand by its finding. It is in the interest of good legislation here; it is in the interest of a good method of settling these disputes.

Mr. Speaker, I think that we shall do others great wrong if we refuse to the Treasury this money which has been adjudicated here to be due, and, worse than all, open up the litigation of these cases that may spring from the passage of this law.

There is another point which I desire to mention. The gentleman from Ohio says that the lands remaining to the Government will be worth at least $100,000. Now, I do not wish to accuse the gentleman of unfairness in debate; but I do say that there is not a line anywhere in the report of the committee itself, or the report of the Secretary of the Interior, or the report of this commission, that fixes any value whatever on these lands. These lands are represented as being mountainous and broken, and will not be worthy of settlement, and are to be sold at auction. I say the gentleman fixes the figures on the result of an exercise of his own imagination.

Mr. CONGER. I ask permission to make one or two more remarks on this question.

The SPEAKER. How much time does the gentleman want?

Mr. CONGER. Only two or three minutes.

The SPEAKER. If there be no objection the gentleman from Michigan will be allowed to proceed for five minutes.

There was no objection.

Mr. CONGER. Mr. Speaker, in addition to what has been already said, I desire to call the attention of the House to this—and the CONGRESSIONAL RECORD will sustain what I shall say, for I have it from the RECORD itself: It was proposed, when the commissioners decided in regard to the boundaries of the streets and the lots, and had laid out these lots, that they should be sold at public auction. That was the proposition, thinking those who had improvements upon them for which others would have to pay would thus be enabled to pay and secure their own property in the most advantageous way. The debates show that the occupants of the land desired this commission to make a valuation of these lands and not leave it to public auction or to any other mode of determining what they should pay than the decision of this commission; and the bill was so amended and so became a law.

The owners of these claims desired further that the decision of that commission should be final. The bill was so amended that the decision of the commission should be final and their award final. The law was prepared then with full acquiescence in the desire of all these owners of the lands. Congress yielded to their desires. It provided that the amount to be paid should be by a system of valuation instead of competition by public auction. It yielded further to the requests of these claimants. In order to settle all these disputes forever it placed in the bill the provision that the determination of these commissioners should be final.

I ask the House to see how fully the commission has complied with those original requests of the claimants. And now when all that has been fulfilled, when the titles are all settled, when each claimant knows exactly how much he will pay and have a good title forever, this bill, as the gentleman from Minnesota [Mr. DUNNELL] has stated, comes in, and, upon the *ex parte* showing of any person feeling himself aggrieved, if he can make his case strong enough, if he can write it out strong enough on his own side, opens a question of litigation with whomsoever he may contend. In my opinion, if this bill passes, we are passing a bill which will in the future reflect discredit upon every man who advocates it, which will reflect discredit upon this House, and which will be opposed by the claimants themselves who have secured the titles for their property at a given price. And I understand, Mr. Speaker, there are in the possession of the committee memorials from these claimants desiring that the report of that commission shall be by law and by the action of this Government enforced, and stating that they do not complain of the price fixed upon their lands.

I read in the report of the debates when this question was here before that the memorialists then stated that it was not the payment of one sum or of another sum that they cared about so long as the price was anything reasonable; but they did want their titles finally settled, so that they might know whether they were the owners of the lands upon which they had lived so long and improved so much. It is well for this House to understand that this bill unsettles, or may unsettle, every title of every claimant, provided there is an opposition claimant who has been heard before these commissioners. Such an opposition claimant can make out in writing for himself a petition, giving his own views of his rights. He can make out a *prima facie* case and then go into court; and no matter whether his claim is right or wrong, he may, in the crowded state of the business of our courts, continue this litigation from year to year for ten, or fifteen, or twenty years before the matter is settled.

It was that we might inquire into this, that we might have the report of that commission, that we might have at least before some committee the views of the gentlemen of that commission, that I desired the delay in settling this question; and I still hope this bill will not be passed until that opportunity has been obtained.

Mr. WRIGHT rose.

Mr. DUNN. I cannot yield more time.

Mr. WRIGHT. It is very little time that I wish to occupy. I am afraid the House does not understand the nature of this bill.

Mr. DUNN. I presume it is the first time in the history of legislation in this House that the argument has ever been urged against a bill pending before it that there might be litigation under the operation of that bill, and therefore it ought not to be passed. Is there not litigation under the operation of all the laws that were passed by

this Congress? Are your courts not provided for the purpose of litigating and adjudicating rights under the operation of these laws? And is this Congress to close the doors of the courts of justice against the people of the country and deny them an adjudication of their rights? Will such arguments be heard and entertained here by grave statesmen, by the gentlemen who are called upon to administer the affairs of a great government of forty millions of people? I say leave ajar the door that leads to the tribunal of justice and let the people go there and seek their remedy.

It has been alleged that this bill will bring discredit upon this House. How, and in what respect? If it be dishonorable to disallow a few adjudications of this commission, a mere quasi-judicial tribunal, then it would be discreditable. If it be dishonorable for the Government to be merciful to its own deluded and misguided people, then there would be discredit; but that would be a discredit which good men would rejoice in.

It is said here that there is but slight complaint about the award made by this commission and the assessments made by the commission. It is said that none are willing to give up their homes, but they all desire to keep them. Who in this land is willing to give up his home? That decision of that court came upon those people like a fire-bell in the night-time, and startled them in the imagined security of their homes. They were alarmed, and they grasped at anything. And when gentlemen say the act of 1877 was the demand of the people of Hot Springs they mistake.

These people were made to understand distinctly that they would not be permitted to enter their town sites under the public law, and that no bill could pass the Senate which did not put their claims into the hands of a receiver or a commission. Like drowning men grasping at straws they caught at anything that would allow them to remain under the roofs of their own houses. That is all there is of it.

The argument is now made that by the passage of this bill the Government will be left unremunerated for the amount of expenses it has incurred. That is not true. The Government has reserved nine hundred acres for the use of the people of the United States and five hundred and seventy other acres to be sold. It also owns the Arlington Hotel. It is fairly estimated, on good proof before your committee, that this will more than meet the expenditures of the Government. I now call the previous question.

Mr. CASWELL. Will the gentleman allow me to ask a question?

Mr. DUNN. I cannot yield further time.

Mr. CASWELL. I desire to inquire what provision there is in the bill for compensating those persons whose lots are within the reservation?

Mr. DUNN. None; that is left for the future.

Mr. CASWELL. Is not there great injustice in the bill, in that it virtually gives a part of the settlers the value of their lots and strips the rest of all their property in them?

Mr. DUNN. I cannot yield further.

Mr. WRIGHT. I ask the gentleman to give me five minutes.

Mr. DUNN. I have only one minute left.

Mr. WRIGHT. I ask the indulgence of the House.

The SPEAKER. The gentleman from Arkansas, [Mr. DUNN,] as a part of the House, declines, and it requires unanimous consent.

Mr. WRIGHT. I do not think there will be any objection.

Mr. DUNN. If time is reserved to me to move the previous question I will not object.

The SPEAKER. The gentleman from Pennsylvania [Mr. WRIGHT] asks for five minutes. Is there objection?

No objection was made.

Mr. WRIGHT. I paid a great deal of attention to this bill when it was under consideration before the Committee on Public Lands. We listened to arguments from those who had charge of the bill outside of the committee as well as arguments which were made in the committee-room by members of the committee. After a full and careful examination we came to the unanimous conclusion that the bill offered here is right and just and proper. So much for the action of the gentlemen who have had charge of the bill in the committee.

I do not regard this bill, if it shall become law, as one that will interfere with statutes of repose or quiet. I do not agree with gentlemen that the passage of this bill will open up the whole subject to litigation and controversy. You will find that this commission in its decision has given very general satisfaction in the cases that have been brought before it. But there were some few cases where it was alleged that fraud had been committed, not by the commissioners, but by outsiders. There being no appeal from the decision of the board of commissioners, there is no way to correct such fraud except by the passage of this bill. I desire to call the attention of the House to the language of the bill:

> A revision may be had in equity of the adjudications and award, of the right of entry of lots made by the commissioners, the correctness of which may be questioned on account of fraud, gross error, or mistake, &c.

That does not reach to the jurisdiction of all these matters. It does not give the court the right to pass upon all questions connected with these subjects. It only allows an appeal to the courts of the United States when it can be shown or ascertained that there has been "fraud, gross error, or mistake."

Mr. FINLEY. That will open up the whole subject.

Mr. WRIGHT. No, it will not, for this reason: before any person can lay the ground for a complaint he must appear before the judge of the district court, and must make it apparent to that judge that fraud, or gross error, or a mistake has been committed. Then he will obtain his order to the commissioners to grant an appeal from their decision.

Mr. FINLEY. That will leave it all open after that.

Mr. WRIGHT. It will be open only for certain reasons, such as gross fraud, &c. There is now no appeal from the decision of these commissioners; their decision is final.

Mr. DUNN. I now call the previous question.

Mr. TOWNSHEND, of Illinois. Before that is done, I desire to ask the gentleman a question.

Mr. DUNN. I cannot yield.

Many MEMBERS. Regular order!

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 89, noes 77.

Before the result of the vote was announced,

Mr. BURROWS called for tellers.

Tellers were ordered, there being 31 in the affirmative, (more than one-fifth of a quorum;) and Mr. DUNN and Mr. CONGER were appointed.

The House again divided; and the tellers reported there were—ayes 98, noes 72.

So the previous question was seconded.

The main question was then ordered.

Mr. DUNN moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. CONGER. On that question I call for the yeas and nays.

The yeas and nays were ordered, there being 51 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 125, nays 121, not voting 46; as follows:

YEAS—125.

Acklen,	Evins,	Lowe,	Simonton,
Aiken,	Ewing,	Manning,	Singleton, Jas. W.
Armfield,	Felton,	Martin, Joseph J.	Singleton, O. R.
Atkins,	Forney,	McKenzie,	Slemons,
Barlow,	Frost,	McLane,	Smith, Hezekiah B.
Beale,	Gibson,	McMillan,	Speer,
Beltzhoover,	Gillette,	Mills,	Steele,
Bicknell,	Goode,	Money,	Talbott,
Blackburn,	Gunter,	Muldrow,	Taylor,
Bliss,	Hammond, N. J.	Myers,	Thompson, P. B.
Blount,	Harris, John T.	New,	Tillman,
Buckner,	Haskell,	Nicholls,	Townshend, R. W.
Cabell,	Hatch,	O'Connor,	Tucker,
Caldwell,	Henry,	O'Reilly,	Turner, Oscar
Carlisle,	Herbert,	Persons,	Turner, Thomas
Chalmers,	Herndon,	Phelps,	Upson,
Clardy,	Hill,	Philips,	Vance,
Clark, John B.	Hooker,	Phister,	Waddill,
Clymer,	House,	Poehler,	Washburn,
Cobb,	Hull,	Reagan,	Wellborn,
Coffroth,	Hunton,	Reed,	Wells,
Converse,	Hurd,	Richardson, J. S.	Whiteaker,
Cox,	Johnston,	Richmond,	Whitthorne,
Cravens,	Jones,	Robertson,	Williams, Thomas
Culberson,	Kelley,	Ross,	Willis,
Davidson,	Kenna,	Rothwell,	Wise,
Davis, Joseph J.	King,	Ryan, Thomas	Wood, Fernando
Davis, Lowndes H.	Kitchin,	Samford,	Wright,
De La Matyr,	Knott,	Sapp,	Young, Casey.
Dibrell,	Ladd,	Sawyer,	
Dunn,	Le Fevre,	Scales,	
Ellis,	Lounsbery,	Shelley,	

NAYS—121.

Aldrich, N. W.	Davis, George R.	Joyce,	Ryon, John W.
Aldrich, William	Davis, Horace	Keifer,	Shallenberger,
Anderson,	Deering,	Killinger,	Sherwin,
Atherton,	Dunnell,	Klotz,	Smith, A. Herr
Bailey,	Dwight,	Lapham,	Springer,
Baker,	Einstein,	Lindsey,	Starin,
Ballou,	Errett,	Marsh,	Stevenson,
Barber,	Farr,	Mason,	Stone,
Bayne,	Ferdon,	McCoid,	Thomas,
Bingham,	Field,	McCook,	Thompson, W. G.
Bouck,	Fisher,	McGowan,	Townsend, Amos
Bragg,	Ford,	McKinley,	Tyler,
Brewer,	Forsythe,	Miller,	Updegraff, J. T.
Briggs,	Fort,	Mitchell,	Updegraff, Thomas
Brigham,	Frye,	Monroe,	Urner,
Bright,	Garfield,	Morton,	Valentine,
Browne,	Geddes,	Murch,	Van Aernam,
Burrows,	Godshalk,	Neal,	Voorhis,
Butterworth,	Hammond, John	Newberry,	Van Voorhis,
Calkins,	Harmer,	O'Neill,	Wait,
Camp,	Hawk,	Orth,	Ward,
Cannon,	Hawley,	Osmer,	Warner,
Carpenter,	Hayes,	Overton,	Weaver,
Caswell,	Heilman,	Pacheco,	White,
Chittenden,	Henderson,	Page,	Williams, Chas. G.
Clark, Alvah A.	Hiscock,	Pierce,	Willits,
Colerick,	Horr,	Pound,	Wilson,
Conger,	Hostetler,	Prescott,	Wood, Walter A.
Cowgill,	Houk,	Price,	
Crapo,	Hubbell,	Rice,	
Daggett,	James,	Richardson, D. P.	

NOT VOTING—46.

Bachman,	Dick,	Kimmel,	Robeson,
Belford,	Dickey,	Lewis,	Robinson,
Berry,	Elam,	Loring,	Russell, Daniel L.
Blake,	Finley,	Martin, Benj. F.	Russell, William A.
Bland,	Hall,	Martin, Edward L.	Smith, William E.
Bowman,	Harris, Benj. W.	McMahon,	Sparks,
Boyd,	Hazelton,	Miles,	Stephens,
Claflin,	Henkle,	Morrison,	Wilber,
Cook,	Humphrey,	Morse,	Yocum,
Covert,	Hutchins,	Muller,	Young, Thomas L.
Crowley,	Jorgensen,	Norcross,	
Deuster,	Ketcham,	O'Brien,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from New Jersey, Mr. BLAKE.

Mr. ROBINSON. I am paired with the gentleman from Georgia, Mr. COOK. If he were present, he would vote in the affirmative and I should vote in the negative.

The result of the vote was announced as above stated.

Mr. DUNN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

EXPORTATION OF TOBACCO, SNUFF, ETC.

Mr. JOHNSTON, by unanimous consent, introduced a bill (H. R. No. 4415) to amend section 3385, Revised Statutes of the United States, in relation to cancellation of export bonds on exportation of tobacco, snuff, and cigars; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

N. & G. TAYLOR COMPANY.

Mr. GARFIELD, by unanimous consent, reported from the Committee of Ways and Means, with a favorable recommendation, a bill (H. R. No. 4416) for the relief of N. & G. Taylor Company; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL AMNESTY.

Mr. BELTZHOOVER, by unanimous consent, introduced a bill (H. R. No. 4417) providing for general amnesty; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SURVEY OF MISSISSIPPI AND OTHER RIVERS.

Mr. POUND, by unanimous consent, submitted the following resolution; which was referred under the law to the Committee on Printing:

Resolved, That 5,000 extra copies of the report of the survey of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers, transmitted to this House by the Secretary of War on the 9th instant, together with the accompanying maps, be printed in document form; 3,500 of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 500 for the use of the War Department.

INTEROCEANIC CANAL.

Mr. KING. I ask unanimous consent to report from the Committee on the Interoceanic Canal a resolution for immediate consideration.

The Clerk read as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to communicate to this House copies of all correspondence in relation to the interoceanic canal which may have passed between this Government and foreign governments, also between this Government and its own representatives in other countries, and between this Government and individuals interested in or proposing to be interested in negotiations for the construction of such a canal; and that he communicate to this House what, if any, treaty obligations with other governments rest upon this Government.

Mr. DUNNELL. This resolution should go to a committee.

The SPEAKER. It comes from a committee, the Committee on the Interoceanic Canal.

Mr. CONGER. It is a mere request for executive information.

There being no objection, the resolution was considered and adopted.

ORDER OF BUSINESS.

Mr. BLOUNT. I call for the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. KNOTT. I move that the House do now adjourn.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina.

WITHDRAWAL OF PAPERS.

Mr. COX asked unanimous consent to withdraw from the files of the House papers in the case of Richard Atkinson, there having been no adverse report; which request was referred to the Committee of Claims.

COMPANY QUARTERS, FORT LEAVENWORTH.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting an estimate for company quarters at Fort Leavenworth, Kansas; which was referred to the Committee on Appropriations.

R. V. BELT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a request of Mr. R. V. Belt, chief clerk of claims branch of Quartermaster-General's Office, for an increase of compensation; which was referred to the Committee on Appropriations.

STANISLAUS JORDAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Ordnance-Sergeant Stanislaus Jordan, United States Army, to be placed on the retired list; which was referred to the Committee on Military Affairs.

SALES OF LANDS FOR DIRECT TAXES.

The SPEAKER. A letter from the Secretary of the Treasury in reply to the resolution of the House of January 16, 1880, calling for information as to the amount of money covered into the Treasury as the proceeds of sales of lands for direct taxes in the State of South Carolina, was referred to the Committee of Ways and Means; but upon further examination the Chair finds that it should have gone to the Committee of Claims. If there be no objection, the reference will be changed.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. KNOTT. Several gentlemen who desire to introduce bills, &c., by unanimous consent, have requested me to withdraw my motion to adjourn. I do so for that purpose.

Mr. FINLEY. Then I call for the regular order.

Mr. KNOTT. I renew my motion to adjourn.

Mr. TOWNSHEND, of Illinois. I rise to a privileged motion. I move that at half past four o'clock this afternoon the House take a recess till half past seven o'clock, for the purpose of proceeding with the consideration of the report of the Committee on Rules, and that to-morrow at two o'clock the House take a vote on that report.

The SPEAKER. If the House should vote down the motion to adjourn, the Chair will then decide whether under the rules he can entertain that motion.

The question being taken on the motion to adjourn, it was agreed to, there being—ayes 109, noes 47. And accordingly (at three o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BLAND: The petition of citizens of Saint James, Missouri, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. CALKINS: The petitions of citizens of Indiana, in relation to the improvement of Kankakee River—to the Committee on Commerce.

By Mr. CARPENTER: The petition of citizens, attorneys, of Emmet County, Iowa, that Emmet County may be left in the Des Moines district if the bill redistricting the State for judicial purposes should become a law—to the Committee on the Judiciary.

By Mr. CONVERSE: Two petitions of citizens of Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of Ohio, for legislation to regulate interstate commerce—to the Committee on Commerce.

By Mr. CRAPO: Papers relating to the pension claim of James O'Neil—to the Committee on Invalid Pensions.

By Mr. HORACE DAVIS: The petition of L. Davis, for a reduction of the tax on matches—to the Committee of Ways and Means.

By Mr. DIBRELL: The petition of J. D. Lowery, guardian of John L. Dearmond, for an increase and arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of John Moore, for arrears of pension—to the same committee.

Also, the petition of citizens of South Pittsburgh, Tennessee, for a liberal appropriation for the improvement of the Tennessee River—to the Committee on Commerce.

By Mr. DWIGHT: The petition of George H. Perry and 28 others, citizens of Tompkins County, New York, for the passage of a law preventing the oppressions imposed by transportation companies upon the farming interests of the country—to the same committee.

By Mr. FORD: Papers relating to the pension claims of Pernette Hendley and of William Lett—to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of residents of Ohio, in favor of woman suffrage—to the Committee on the Judiciary.

Also, the petition of Harvey D. Baker, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of W. W. Burns for pay for a number of Sibley tents furnished the United States—to the Committee of Claims.

By Mr. HASKELL: A paper relating to the pension claim of L. French Williams—to the Committee on Invalid Pensions.

Also, the petition of citizens of Memphis, Kansas, for the equalization of soldiers' bounties—to the Committee on Military Affairs.

Also, the petition of citizens of Cayville, Kansas, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of R. R. Field and 81 citizens of Carroll County, Illinois, for an amendment to the patent laws so as to make the manufacturer or vendor alone responsible for infringement—to the Committee on Patents.

Also, the petition of Hon. H. McClellan and 216 citizens of Jo Daviess County, Illinois, against any reduction of the tariff on metallic zinc, and for an increase of the tariff so as to place it upon an equality according to its importance and expensiveness with other metals—to the Committee of Ways and Means.

Also, the petition of R. R. Field and 81 others, citizens of Carroll County, Illinois, for such laws as will alleviate the oppressions imposed by transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HAZELTON: The petition of Thomas Elce and 46 citizens of Southwestern Wisconsin, against any reduction of the tariff on metallic zinc, and that the tariff may be increased so as to place it upon an equality according to its importance and expensiveness with other metals—to the Committee of Ways and Means.

By Mr. HUBBELL: Resolutions of the Chicago Board of Trade, asking Congress to appropriate money and bring to an early completion the improvements at Lime Kiln Crossing, in Detroit River, and the Saint Mary's Ship Canal—to the Committee on Commerce.

Also, resolutions of the Marquette Iron Ore Association, against bridging Detroit River and in favor of a tunnel under the same—to the same committee.

By Mr. LORING: The petition of citizens of the town of Rockport, Massachusetts, for a breakwater to protect the harbor at that place—to the same committee.

Also, the petition of Samuel Ormstead and others, citizens of Massachusetts, in favor of amending the Constitution to secure woman suffrage—to the Committee on the Judiciary.

Also, the petition of Pliny Davison, of Boston, Massachusetts, to be refunded bounty paid during the war to the United States—to the Committee of Claims.

By Mr. LOUNSBERY: The petition of C. D. Bruyn and 55 others, citizens of the fifteenth congressional district of New York, for the repeal of the legal-tender sections of the Revised Statutes as applicable to United States notes and Treasury notes—to the Committee on Banking and Currency.

By Mr. EDWARD L. MARTIN: The petition of S. P. Houston and others, citizens of Sussex County, Delaware, for the improvement of Lewes Creek, Delaware—to the Committee on Commerce.

By Mr. McGOWAN: The petition of C. E. McGee and 60 others, residents of Parma, Michigan, for an increase of the pension of Edward C. Gardner—to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of Dicy Fike, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. MILLER: The petition of Robert Siver and others, for the passage of a bill equalizing bounties—to the same committee.

By Mr. MURCH: Memorials of 196 citizens of the second congressional district of California; of 165 citizens of the second and 77 citizens of the first congressional district of Illinois; of 61 citizens and of 125 citizens of the third congressional district of Indiana; of 312 citizens and of 112 citizens of the fifth congressional district, and of 400 citizens of the fourth, fifth, and eighth congressional districts of Kentucky; of 40 citizens of the first congressional district of Louisiana; of 50 citizens of the fifth congressional district of Massachusetts; of the Cigar-makers Union, No. 23, North Springfield, Missouri; of 42 citizens of the first congressional district of New Jersey; of 86 citizens of the sixteenth congressional district and of 90 citizens of the twentieth congressional district of Ohio; of 106 citizens of the fourth, of 46 citizens of the thirteenth, of 200 citizens of the fourteenth, of 50 citizens of the twenty-fourth, and of 30 citizens of the twenty-fifth congressional district of Pennsylvania; of 1,100 citizens of the second and 136 citizens of the third congressional district of Virginia; and of 158 citizens of the third congressional district of West Virginia, for the enforcement of the national eight-hour law of June 25, 1868—to the Committee on Education and Labor.

By Mr. NORCROSS: The petition of Messrs. Hopgood & Smith, of Athol, Massachusetts, for an increase of the duty on match splints—to the Committee of Ways and Means.

By Mr. ORTH: The petition of John S. French, that Simon French be granted an honorable discharge from the Army—to the Committee on Military Affairs.

By Mr. OVERTON: The petition of Electa L. Baldwin, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the governor, auditor-general, and treasurer of Pennsylvania, relative to the bill (H. R. No. 2272) providing for the recomputation of accounts for money expended in the war of 1812 by the several States—to the Committee on War Claims.

By Mr. POEHLER: The petition of Jacob Brust and 19 other citizens of New Ulm, Minnesota, that a pension be granted to John Fenscke—to the Committee on Invalid Pensions.

Also, the petition of F. W. Seeley and 50 others, citizens of Lake City, Minnesota, against the passage of Senate bill No. 496, providing for the examination and adjudication of pension claims—to the same committee.

By Mr. REED: The petition of George Lambert and others, for the passage of the Mexican war pension bill—to the same committee.

By Mr. JOHN S. RICHARDSON: The petition of David Risley, for restitution of certain records of which he was deprived by a Government official, or indemnity for the same—to the Committee of Claims.

By Mr. THOMAS RYAN: The petition of Kansas soldiers, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. SAPP: Papers relating to the homestead claims of John R. Taggart and of Marzel Altman—to the Committee on Public Lands.

By Mr. JAMES W. SINGLETON: The petition of Catharine Chapman for a pension—to the Committee on Invalid Pensions.

By Mr. STEVENSON: Resolutions of the Illinois Board of Charities, relative to pauper immigration—to the Committee on Foreign Affairs.

By Mr. STONE: The petition of J. L. Fishell and 16 others, citizens of Ionia County, Michigan, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of J. L. Fishell and others, citizens of Ionia County, Michigan, for such laws as will alleviate the oppressions imposed upon the people by transportation monopolies—to the Committee on Commerce.

By Mr. WILLIAM G. THOMPSON: The petition of A. P. Alexander and 80 other soldiers, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of A. P. Alexander and 78 other soldiers, of Linn County, Iowa, for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of James J. Berryhill and 59 other ex-soldiers, for equalization of pay—to the same committee.

By Mr. OSCAR TURNER: The petition of Elizabeth H. Durall and others, of Trigg County, Kentucky, for an amendment to the Constitution securing the right of suffrage to women—to the Committee on the Judiciary.

Also, the petition of M. Weil, mayor of Paducah, Kentucky, and 75 others, for the improvement of the Tennessee River—to the Committee on Commerce.

Also, the petition of W. S. Duncan, of Milburn, Kentucky, and 25 others, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of D. Barnes and others, citizens of Graves County, and of W. H. Curd and other citizens, of Calloway County, Kentucky, for relief from railroad monopolies—to the Committee on Commerce.

Also, the petition of B. P. Mitchell and 31 others, of Trigg County, Kentucky, for the passage of the Reagan interstate-commerce bill—to the same committee.

Also, the petition of Benjamin R. Waller, for the correction of his muster—to the Committee on Military Affairs.

By Mr. THOMAS UPDEGRAFF: The petition of citizens of Delaware County, Iowa, for a law restricting the remedy for infringements of patents to actions against manufacturers and vendors—to the Committee on Patents.

Also, the petition of citizens of Delaware County, Iowa, for relief as against transportation monopolies—to the Committee on Commerce.

By Mr. WARNER: The petition of A. P. Frame and 40 others, citizens of Athens County, Ohio, for the regulation of interstate commerce—to the same committee.

Also, the petition of A. P. Frame and 40 others, citizens of Athens County, Ohio, for legislation protecting innocent purchasers of patents—to the Committee on Patents.

By Mr. WRIGHT: The petitions of A. F. George and 24 others, citizens of Maryland, and of A. McEachen and 300 others, citizens of Shawnee, Ohio, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of George S. Tappan, of Palmyra, Nebraska, and 101 others, that the legal-tender quality of the greenback may be preserved—to the Committee on Banking and Currency.

Also, the petition of John G. Grant and 27 others, soldiers of the late war, now citizens of Bradford County, Pennsylvania, for the passage of a law allowing them the difference between currency and gold in payment for their services—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *February* 11, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting a copy of a letter from the Post-Office Department, of the 30th ultimo, addressed to the Speaker of the House of Representatives, in regard to a deficiency in the appropriation for post-office envelopes for the current fiscal

year; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of January 7, a letter from the Chief of Engineers and a report of Major C. R. Suter, Corps of Engineers, in regard to the condition of the Missouri River between Omaha and Plattsmouth, Nebraska, and the probable expense of improving that river between the points named; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting letters from the commanding general of the Department of Missouri, the chief quartermaster of the military division of Missouri, the General of the Army, and the Acting Quartermaster-General, representing the necessity for the construction of permanent brick buildings for quarters for six companies at Fort Leavenworth, Kansas, and recommending an appropriation of $35,000 for that purpose; which were referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present a joint resolution of the Legislature of Massachusetts concerning the extirpation of the pleuro-pneumonia. I believe the usual courtesy of the Senate requires such resolutions to be read at the desk.

The VICE-PRESIDENT. The resolutions will be reported at length.

The resolutions were read, and referred to the Committee on Agriculture, as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and eighty.

Resolutions concerning the extirpation of pleuro-pneumonia in the several States of the Union.

Whereas the business of raising, transporting through the States, and shipping to foreign ports of cattle is already one of the most important industries of this country, and a source of wealth and profit to the citizens of all portions of the Union—to the agricultural States, to the States in which through lines of railroad run, and to the seaboard States, where commerce is greatly increased by the export of live stock and beef products; and whatever interferes with such demand in foreign market produces a direct and incalculable injury to every portion of the country; and

Whereas the disease known as pleuro-pneumonia, a most pestilent, contagious, and fatal disease, prevails at the present time among the neat stock in no less than five States on the Atlantic seaboard, menacing the entire Middle and Eastern States, and ultimately the unfenced stock-ranges of the South and West, where its extermination would be utterly impossible, thereby interfering with the exportation of cattle, and destroying one of our most valuable industries; and

Whereas the State authorities have not sufficient power to control the intercommunication between different States, and consequent spread of the disease, or may not be fully awake to the importance of its utter and entire extermination: and

Whereas the Commonwealth of Massachusetts, having in former years, expended many thousand dollars in extirpating this plague among the cattle in her own borders, whereby this disease within her territory was entirely extirminated: Therefore,

Resolved, That the Legislature of Massachusetts pray the Senate and House of Representatives in Congress assembled to devise such measures of law as regards quarantine, and transportation of cattle between the several States; and also grant such financial aid to the States where it now exists as in your wisdom may be deemed best calculated to eradicate in the present and prevent in the future this dangerous and threatening pestilence, and thereby avert a national calamity.

Resolved, That a copy of this memorial be transmitted by the secretary of this Commonwealth to each of our Senators and Representatives in Congress.

SENATE, *January* 27, 1880.

Passed.
Sent down for concurrence.

S. N. GIFFORD, *Clerk*.

HOUSE OF REPRESENTATIVES, *January* 30, 1880.

Concurred.

GEORGE A. MARDEN, *Clerk*.

SECRETARY'S DEPARTMENT,
Boston, February 9, 1880.

A true copy.
Attest:

HENRY B. PEIRCE,
Secretary of the Commonwealth.

Mr. HOAR. I also present the petition of Jeremiah Fisher, of West Boylston, Massachusetts, who reqnests, as this seems to be the felicitous moment when Congress is ready to do justice to the soldiers and sailors of the late war, that there may be an amendment made to the bill for the restoration of Fitz-John Porter to the Army list, with other valuable considerations, which shall provide for the increase of the pension of all soldiers and sailors who lost a leg or an arm in the United States service in the late war to $50 a month. I ask its reference to the Committee on Military Affairs.

The VICE-PRESIDENT. The bill on the subject-matter having been reported to the Senate by the Committee on Military Affairs, the Chair thinks the petition should lie on the table.

Mr. HOAR. I suppose, where the prayer of a petition is that a certain amendment may be made to a bill which introduces a distinct subject-matter and which requires the drafting of legislation, we may properly send the petition to the appropriate committee, even though the bill be not there.

The VICE-PRESIDENT. The petition will be referred to the Committee on Military Affairs.

Mr. WINDOM. I present the petition of Norman Shook and sundry other citizens of Pope County, Minnesota, earnestly praying Congress to enact such laws as will alleviate the oppressions imposed upon them by the transportation monopolies that now control the interstate commerce of the country; and they urge that Congress enact such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. WINDOM. I present the petition of James Hart and several others, citizens of the same county and State, representing that innocent users of patented articles are frequently threatened with prosecution as infringers, and that the existing patent laws are ineffectual to protect such parties from the threats of the patentees or owners of patents, or from the speculations of impostors; and they pray that Congress so amend the patent laws as to make the manufacturer or vendor alone responsible for infringements; and further to so amend them as to exempt from penalty any person manufacturing for his own use any article previously patented, provided such manufacturer was not cognizant of the existence of the letters-patent. I move the reference of the petition to the Committee on Patents.

The motion was agreed to.

Mr. KERNAN presented the petition of Jabez Matthews and others, citizens of New York, praying for an appropriation by Congress to pay the certificates issued by the State of New York to soldiers in the war of 1812 to reimburse them for money expended by them in purchasing arms and ammunition; which was referred to the Committee on Pensions.

He also presented the petition of William Colligan and others, survivors of the Mexican war, praying for the enactment of a law granting pensions to those who participated in the Mexican, Black Hawk, Creek, or Seminole wars; which was referred to the Committee on Pensions.

Mr. EATON presented the petition of John H. Babcock and others, citizens of New Haven, Connecticut, and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the memorial of Thomas H. Ward and others, citizens of New Haven, Connecticut, and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. PENDLETON presented the memorial of John Edgington and others, citizens of Ohio, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. JONES, of Florida, presented the petition of J. O'Neal and others, citizens of Pensacola, Florida, praying for an appropriation by Congress for the improvement of Pensacola Bay; which was referred to the Committee on Commerce.

Mr. BURNSIDE presented the petition of Stephen B. Reynolds and others, citizens of Rhode Island, praying for the passage of a law authorizing the removal of the light-house at Poplar Point, in Wickford Harbor, Narragansett Bay, to the rock known as "Old Gay," in that bay; which was referred to the Committee on Commerce.

Mr. MORRILL presented the petition of Peter F. Bacon and others, members of the American Missionary Industrial Association, praying that industrial schools for the education of mechanics may be established from the unclaimed bounty money due to colored soldiers; which was referred to the Committee on Education and Labor.

Mr. BECK presented the petition of John W. Gazaway and others, citizens of Lexington, Kentucky, praying that Wilberforce University be embraced in the distribution of the proceeds of the unclaimed bounty money of colored soldiers; which was referred to the Committee on Education and Labor.

Mr. GROOME presented the petition of R. H. Cameron and others, members of Wingate Post, No. 9, Grand Army of the Republic, department of Maryland, praying for the passage of a law granting a pension to Mrs. Sarah H. Alexander for services rendered by her son, Thomas Dilks, during the late war; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of H. G. Wright and others, and the petition of W. H. Newling and others, citizens of Brown County, Kansas; the petition of Samuel N. Johnson and others, and the petition of Richard Hartley and others, citizens of Doniphan County, Kansas, praying for the passage of a law authorizing the sale of the lands of the Iowas, Sacs, and Foxes in Kansas and Nebraska, and the removal of the Indians occupying the same to the Indian Territory; which were referred to the Committee on Indian Affairs.

He also presented the petition of Maxwell Carroll, of Paola, Kansas, praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred a resolution of the Legislature of Michigan relative to the abolition of polygamy in the United States, and petitions relating to the same subject, reported a bill (S. No. 1266) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes; which was read twice by its title.

Mr. COCKRELL, from the Committee on Claims, to whom was

referred the bill (S. No. 459) for the relief of Elizabeth B. Custer, reported adversely thereon and moved its indefinite postponement.

Mr. FERRY. I ask that the bill be not indefinitely postponed but that it be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRIS, from the Committee on Claims, to whom was referred the petition of Mrs. P. L. Ward, widow and executrix of William Ward, deceased, praying compensation for stores alleged to have been furnished and delivered to the Navy Department and the Quartermaster's Department by her late husband in the years 1860 and 1863, submitted a report thereon, accompanied by a bill (S. No. 1267) for the relief of P. L. Ward, widow and executrix of William Ward, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 2269) for the relief of Calvin Bronson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PRYOR, from the Committee on Claims, to whom was referred the petition of W. W. Busby and Eva V. Busby, of Shelby County, Tennessee, praying compensation for quartermaster and commissary stores taken for the use of the Army of the United States during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 522) to extend the provisions of section 4631, Title LVI, "Prize," of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money to all fleet-officers, reported it with amendments and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the petition of James Vance and William Vance, of San Antonio, Texas, praying compensation for the use and occupancy of their property by the United States military forces during the late war, submitted a report thereon, accompanied by a bill (S. No. 1268) for the relief of James Vance and William Vance.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 557) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (S. No. 768) for the reclamation of arid and waste lands, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the petition of John Beeson, praying the passage of a law granting him compensation for alleged services rendered citizens of the United States in protecting them from Indian hostilities and depredations in the State of Oregon, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 872) for the better organization of the district courts of the United States within the State of Louisiana, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SLATER, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 714) for the relief of William H. Barnhart, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 1269) for the erection of a public building at Denver, Colorado; which was read twice by its title.

Mr. LOGAN. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits, and to promote their civilization, to report it back and recommend its passage with sundry amendments. I ask that a letter from the Secretary of the Interior be printed as the report of the committee.

The VICE-PRESIDENT. The bill will be placed on the Calendar and the letter of the Secretary of the Interior be printed.

GEOLOGICAL AND GEOGRAPHICAL SURVEY OF THE TERRITORIES.

Mr. WHYTE. I ask the unanimous consent of the Senate to take up the concurrent resolution of the House of Representatives, the last one on the Calendar, for printing certain documents, which was objected to on Monday last by the Senator from Missouri, [Mr. COCKRELL.]

The resolution was read and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office, for the use of the Department of the Interior, 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories in quarto form, with necessary illustrations, uniform with the edition ordered by Congress.

HISTORY OF THE COTTON-WORM.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution for printing 10,000 additional copies of Bulletin No. 3 of the history of the cotton-worm, prepared by Professor Charles V. Riley, under the order of Congress, to report it with an amendment by way of substitute, and I ask for its present consideration.

The VICE-PRESIDENT. The proposed substitute will be reported.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause of the resolution and insert:

That there be printed 10,000 additional copies of Bulletin No. 3 of the United States entomological commission on the cotton-worm, 6,000 copies for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the Department of the Interior.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I am in favor of the resolution, but I am opposed to this mode of considering a resolution or bill when it is first reported. We have a daily Calendar; and as the Senator from Rhode Island is exceedingly good-natured I shall begin with his case, as I intend hereafter to object to the present consideration of all cases. I ask that the resolution go upon the Calendar, and that it be acted upon in the morning when we can see it in print.

Mr. ANTHONY. I call the attention of my friend from Missouri to the fact that resolutions for printing additional copies of documents are always considered immediately upon being reported, because the type is standing, and it is impossible for the office always to keep the type standing. If the resolution is postponed it may necessitate the expense of resetting the type.

Mr. COCKRELL. If the Senator from Rhode Island will in the interest of economy assure me that if this resolution is not passed to-day instead of to-morrow the type will be taken down, I will withdraw my objection; but it does not seem to me in a pamphlet of this size—I have examined it very carefully and consider it an important document—that the type will be taken down before to-morrow.

Mr. ANTHONY. The type will not be taken down before to-morrow; but then it may be impossible to react the resolution to-morrow. It will require a vote of the Senate to take it up to-morrow.

Mr. COCKRELL. There will be no objection to it I am assured, as there was none to-day to a similar resolution reported by the Senator from Maryland, [Mr. WHYTE,] which was formerly laid over on objection.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

BILLS INTRODUCED.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1270) for the relief of A. Griffith; which was was read twice by its title, and, with accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1279) to extend the powers of the Anglo-American Land and Claim Association and to promote colonization upon the public domain; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1271) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1272) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1273) declaratory of the meaning of the amendment to the bankrupt law approved June 22, 1874; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1274) to amend and re-enact sections 2552 and 2553 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1275) to establish a post-road in Missouri; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1276) for the relief of Charles B. Phillips; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1277) for the relief of Washington Ford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1278) for the relief of Lewis D. Allen, of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. TELLER, it was

Ordered, That the papers of Messrs. Field & Hill, concerning their claim for goods supplied for the use of the Indians at Los Pinos Agency, be referred to the Committee on Indian Affairs.

On motion of Mr. MAXEY, it was

Ordered, That the joint resolutions of the Chickasaw Nation introduced on the 13th day of December, 1878, be withdrawn from the files of the Senate and referred to the Committee on the Judiciary, in connection with Senate bill No. 967.

FITZ-JOHN PORTER.

Mr. RANDOLPH. I gave notice last week that at the close of the morning business to-day I should like to call up the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States Volunteers and colonel of the Army. As there is a considerable portion of the morning hour left, with the consent of the Senate that the bill be taken up, I shall proceed to make my remarks now, of which I gave notice.

The VICE-PRESIDENT. That requires unanimous consent, as what is known as the Anthony rule attaches at the close of the morning business. Is there objection to the suggestion of the Senator from New Jersey?

Mr. LOGAN. I did not hear the proposition.

Mr. RANDOLPH. I propose simply to proceed with my remarks on the bill for the relief of Fitz-John Porter, of which I gave notice about a week ago.

Mr. LOGAN. I understood that the bill would be taken up at a time when all would have an opportunity of discussing it.

Mr. RANDOLPH. I have no objection—indeed I would very much prefer, if it be the wish of the Senate, that the bill be taken up and proceeded with; but the Senator from Illinois will bear in mind that there is now before the Senate, as unfinished business, the bill which was under discussion last evening.

Mr. LOGAN. So I understand. I do not want the Senator to suppose that I mean any discourtesy to him, for I certainly do not, but I do desire when the bill is taken up that both sides may have ample opportunity to discuss it, and that the discussion may proceed along without being confined to the morning hour. I think such a course would be fair and proper. I have no disposition to delay the consideration of the bill for one moment. Whenever the Senate is ready to hear the discussion upon it, I am ready for the bill to be taken up and thoroughly discussed on both sides; but until that time I do hope the discussion will not proceed.

Mr. RANDOLPH. I could not have anticipated when I gave the notice a week ago that a bill of the character now pending before the Senate would have interrupted the progress of the bill after I should have submitted the remarks I proposed to submit upon it, but such happens to be the case. As I am prepared this morning to proceed with the remarks that I have to make in opening the case, I hope that the Senate will grant me the privilege of proceeding with what I have to say.

Mr. LOGAN. I suggest to the chairman of the Committee on Military Affairs that when the discussion proceeds the bill should be in such a condition that it will go over from day to day as the unfinished business. Then the discussion can proceed on both sides as the bill will stand on the Calendar as the business for the day, and that will be fair to both sides. I do not like to object to the Senator from New Jersey proceeding to-day, I do not want to do that, and therefore I desire that we may have an understanding so that there will be no friction in reference to the matter at all. All I desire in the world is to have the case fairly presented on both sides for the consideration of the Senate; but when it is presented in scraps, as a matter of course it is neither entertaining nor advantageous to the Senate. There is nothing in the case that we cannot discuss in a proper manner, and in the hearing of the Senate for their information if other Senators have not examined the subject as thoroughly as we have in the Military Committee.

Mr. RANDOLPH. Not at all.

Mr. LOGAN. Therefore I hope the Senate will agree that when the bill is taken up we shall proceed with its discussion, it being the unfinished business from day to day, and determine the question.

Mr. THURMAN. I believe this discussion is not in order, but it goes on by unanimous consent, and I beg leave to say one word. I ask the attention of my friend from Illinois to what I have to say.

This is a subject that requires a great deal of examination in order to understand it, as I am told by those who have examined it. I have not done so except in a very perfunctory way. I want to get all the light that I can upon it, and I do really think that it would facilitate the examination by Senators of this question if the Senator from New Jersey, the chairman of the Committee, were allowed to open the case, as our late friend from Massachusetts used to say. Then at any time when the Senator from Illinois desires to open it on his side in support of the views which he holds in the case I am sure the Senate will be willing to hear him. By pursuing such a course I really think we shall have more time to consider this question and understand it than if we were to take up the bill and go right straight on until we voted on it. I do not believe such a course would give us time to examine the very voluminous documents connected with the case, as I am told they are voluminous, and we should not understand it half as well as if the chairman of the Committee were to make his opening speech in favor of the report and then at any time when it suited the convenience of the Senator from Illinois he should ask the Senate to hear him in reply, and then if the bill were not taken up again for a week after that, or two weeks, it would be probably with a better understanding of it by all Senators. I hope the Senator from Illinois will not object to the Senator from New Jersey proceeding this morning.

Mr. LOGAN. I will state in the hearing of the Senator from Ohio my objection to his proposition. If the bill is not set down for the day it cannot be discussed as unfinished business. Suppose the Senator from New Jersey be allowed to proceed this morning. There is but half an hour of the morning hour remaining, when the bill would go over, and ten days would elapse probably before anybody else would be heard upon the bill on either side. As I said, in that case the information would come in scraps. It seems to me that it would be much better for all the debate to go together in the RECORD. I presume that all Senators will not care to stay and listen, as they generally do not, to a debate of this kind; but if they desire to read the debate it will all be together, so that all the information would be summed up together on both sides, and it would be much easier to examine the case and understand it.

So far as I am concerned I would say to the Senator that while I do not desire to detain the Senate at great length on any question, on this particular question I cannot get through the argument that I propose to make in the morning hour. I expect to examine this question from a legal stand-point; I expect to present to the Senate a great many authorities; and I desire for that purpose to have ample time in which to do it.

Therefore I would say to the chairman of the committee that if he will propose any day, I do not care what day, it is immaterial to me, when the Senate may take up this question and hear the debate, I shall certainly, so far as I am concerned, agree to any suggestion he makes as to the day, and then let us proceed with the discussion, but I must certainly interpose my objection to taking the bill up in this manner.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar under the rule.

Mr. RANDOLPH. Before this matter passes away, I ask that the bill be made the order for next Monday, immediately after the morning hour, if there be no objection to that.

The VICE-PRESIDENT. The Senator from New Jersey moves that this bill be made a special order for Monday next, immediately after the morning hour. Is there objection?

Mr. LOGAN. I have no objection. I certainly hope the Senate will agree to that.

Mr. DAVIS, of Illinois. We may wish to finish other business that may be pressing at that time.

Mr. KIRKWOOD. I should have no objection to the suggestion if the bill now under consideration as the unfinished business for to-day can be disposed of.

Mr. LOGAN. Of course.

Mr. RANDOLPH. That will be the understanding.

Mr. DAVIS, of Illinois. Or any other business that may be unfinished at that time.

The VICE-PRESIDENT. The unfinished business always overrides a special order. The Chair hears no objection, and the bill will be made a special order for that day.

INTEROCEANIC CANAL.

Mr. EATON. On the 4th of December I submitted a resolution calling for correspondence from the State Department respecting a ship-canal between North America and South America. I desire to call the resolution up for passage. I suppose there will be no objection to it.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the President of the United States be requested to transmit to the Senate copies of all correspondence between this Government and any foreign government since February, 1869, respecting a ship-canal across the Isthmus between North America and South America, together with copies of any *projét* of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative.

Mr. EATON. It has been suggested by Senators in front that the resolution be verbally amended by adding after the word "requested" "if not incompatible with the public interests."

The VICE-PRESIDENT. The resolution will be so modified.

The resolution was agreed to.

READJUSTMENT OF SALARIES OF POSTMASTERS.

The VICE-PRESIDENT. The Secretary will now proceed with the call of the Calendar, commencing at the point reached when it was last under consideration.

The first bill on the Calendar was the bill (S. No. 903) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866; which was considered as in Committee of the Whole. It directs the Postmaster-General to readjust the salaries of all postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made direct official application or sworn returns of receipts and business for readjustment of salary to the Post-

master-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such application or sworn returns of receipts and business was made.

Mr. BAILEY. A report accompanies the bill.

The VICE-PRESIDENT. Does the Senator desire it read?

Mr. DAVIS, of West Virginia. Yes, let it be read.

Mr. BAILEY. I suppose Senators would like to have it read.

The Chief Clerk read the following report, submitted by Mr. BAILEY December 18, 1879:

The Committee on Post-Offices and Post-Roads, to whom were referred the following bills, S. No. 44, S. No. 246, and S. No. 262, and also the memorial of Harvey Spalding, for the relief of certain postmasters and late postmasters in the States therein named, have had the same under consideration, and ask leave to make the following report:

The act of Congress passed June 22, 1854, directed the Postmaster-General to allow to deputy postmasters, in lieu of the compensation before allowed, commissions on the postage collected at their respective offices, at varying rates, according to the sums collected.

The act of July 1, 1864, instead of compensating them by commissions upon actual receipts, substituted a new system, by which the receipts for two years preceding an adjustment of salaries were to be regarded as the basis, and, fixing the date of the act as the initial point, directed that a readjustment should be made every two years thereafter. But in special cases the Postmaster-General was authorized to make readjustments as much oftener as he should deem expedient, with the proviso, however, that changes in any salaries should not take effect until the next quarter succeeding the order of the Postmaster-General directing the change.

The act of 12th June, 1866, amended the last-recited act by adding a direction that when the quarterly returns of any postmaster of the third, fourth, or fifth class should show that his salary was 10 per cent. less than it would have been on the basis of commissions under the act of 1854 the Postmaster-General should review and adjust the salary.

In executing the provisions of the act of July 1, 1864, so far as the regular biennial adjustments were concerned, it was the practice of the Post-Office Department, by an order issued from the office of the First Assistant Postmaster-General and addressed to all postmasters, to require from the latter a sworn statement of the revenues of their offices from the 1st of July to the 31st of December (inclusive) next preceding the date of the proposed readjustment.

Upon these sworn statements the salary to be assigned to each officer was estimated and fixed by an order bearing date June 1 of the current year, or one month prior to the date when the salary as adjusted was to take effect.

In case of special readjustments the Department rules required that the attention of the Postmaster-General should be called to the case by direct application.

Under the act of 1864, and also of 1866, letters of appointment were issued to newly-appointed postmasters whose compensation was necessarily fixed at an arbitrary sum, by which they were notified that the compensation was fixed at a certain sum until the amount of business to be transacted and their receipts could be ascertained. They were instructed "at the end of each quarter to make and forward to the Third Assistant Postmaster-General a statement under oath of the total value of postage-stamps canceled during the quarter and sold;" that "their salaries would be readjusted at the proper time by the Postmaster-General, on the basis of the amount of business done as shown by the quarterly statement above required."

In the period reaching from the year 1866 to the year 1872, when the whole system of compensation was modified, many new post-offices were established, and the rate of compensation was necessarily fixed not upon the basis of receipts, but arbitrarily; in the same period the business of other offices belonging to the "third," "fourth," and "fifth" classes was increased.

The Department, carrying out its practice and conforming to instructions given to the postmasters, did not readjust the salaries oftener than once in two years, except in cases to which its attention had been called by official letters, or by sworn returns made in accordance with its rules.

Postmasters generally, either through ignorance of the terms of the act of 1866, from inattention, from indifference, or because they were satisfied with the compensation they were receiving, did not generally make official application for a readjustment of salaries until the occurrence of the biennial period fixed by the act of 1864.

Their attention, or the attention of many of them, was at length called to their supposed right to increase of compensation by printed circular letters, scattered broadcast through the country by claim agents. Thereupon some who were in office, others who had resigned, or had been removed, either by letter written in person or through attorneys, made application for increase of salaries under the provisions of the act of 1866.

The Post-Office Department denied these claims, because—

First. The appropriations made by Congress for the expenses of the post-office service would not justify their payment.

Second. Because the applicants had not conformed to the rules and practice of the Department in making these claims.

Third. Because the recognition of these claims would be an encouragement to the prosecution by officers of the Government of stale claims and demands against it, not founded upon an expectation of payment at the time when services were rendered, but suggested by that large class of persons who earn a livelihood by investigating and vitalizing doubtful rights.

One or more actions were brought in the Court of Claims to compel payment of the sums alleged to be due. The causes at last reached the Supreme Court of the United States, and by that court it was decided that the judicial department of the Government could not revise the action of the Postmaster-General, nor inquire into the grounds or correctness of his decisions under the act of 1866; these were not subjects of judicial cognizance.

Some of these claimants now make application to Congress for relief, and ask that the merits of their respective claims shall be investigated and settled.

It appears from a communication addressed to this committee by the Postmaster-General that in two States of the Union, namely, Iowa and Kansas, the persons who claim arrears of compensation under the acts referred to number seven hundred and forty-six, and the sum total of their claims is $53,324. If only one-half the number of claimants shall appear from each of the other States, and only half this sum be claimed by them, the total number will be seventy-one hundred and ninety-two, and the sum $525,578.

Notwithstanding the magnitude of this claim, your committee are of opinion that the Government should pay the entire amount if justly and equitably due. Yet it should pay no more. They beg leave to submit that where services were rendered with no expectation of compensation, or, at all events, to the extent now demanded, and where public officers were derelict in the discharge of duty, or failed to conform to the reasonable directions of their superiors, and especially where they are prompted to make demands not "*sua sponte*," but by the instigation of other and interested persons, equity does not require a relaxation of the rules of law, settled by the highest judicial tribunal of the country.

But they also submit that such of these claimants as made direct and timely application to the Postmaster-General, or who complied with the orders of the Department by making sworn returns to the officers indicated, for readjustment of salaries, under the act of 1866, have a strong equity. This class was not only obedient to the law, and to the orders of their superior officers, but, by their action, have established that they looked to the act of Congress as a basis of a contract.

The committee therefore recommend the indefinite postponement of all the bills for special relief heretofore recited, and recommend the passage of the bill now submitted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPARTMENT OF AGRICULTURE.

The next bill on the Calendar was the bill (S. No. 966) to establish a department of agriculture and commerce.

Mr. DAVIS, of West Virginia. That bill, it is understood, is to be discussed at some future time.

The VICE-PRESIDENT. The bill goes over.

JOSIAH H. PILLSBURY.

The next bill on the Calendar was the bill (S. No. 762) for the relief of Josiah H. Pillsbury; which was considered as in Committe of the Whole. It requires the proper accounting officers of the Treasury to pay to the administrator of Josiah H. Pillsbury, deceased, late postmaster at Manhattan, Kansas, $323.95, of which he was robbed on the night of the 28th of June, 1877, and which he has accounted for to the Government, the robbery having occurred without neglect or other fault on the part of Pillsbury.

Mr. EDMUNDS. Let us hear the report.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. KIRKWOOD January 8:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 762) for the relief of Josiah H. Pillsbury, have considered the same, and report:

That said Pillsbury, on the 28th day of June, 1877, was, and yet is, postmaster at Manhattan, Riley County, Kansas; that on the night of that day the post-office at Manhattan was entered by burglars, the safe therein, in which were kept the moneys and stamps of the Post-Office Department and registered letters, was broken open and robbed of money-order funds, postal funds, and registered letters, containing money to the amount of about $476.96, which amount the postmaster has since made good to the Department.

The special agent sent by the Post-Office Department to investigate the matter reports, among other things, as follows:

"The post-office is kept in a frame building in the principal business street, and was entered by the robbers through a side window near the back part of the room, in which the office is kept. The safe used by the postmaster is one of Hall's patent combination four-tumbler locks, and weighs about seven hundred pounds, and was entered by means of a sledge-hammer weighing ten and three-quarter pounds. * * * Mr. Pillsbury, the postmaster, is considered by the citizens of Manhattan as a very worthy and careful postmaster, and I am satisfied that he took the same care of the Government property that he did of his own."

It also appears that the safe broken open and robbed was furnished by the postmaster at his own expense, and was such an one as the Government furnishes to second-class offices.

Mr. Pillsbury, immediately after the robbery, gave notice thereof to the proper officer of the Department, and promptly paid over the amount of money stolen.

The post-office at Manhattan is of the third class; the population of the town is about twelve hundred; and it contains two private banks, but no national bank.

In his report the special agent says:

"While Mr. Pillsbury took every precaution, under the circumstances, to secure the door and window of said post-office, yet I am of the opinion it was very unsafe to risk $500 in money and valuable letters, not knowing the value of contents, in a safe which was not burglar-proof, in a frame building which was not occupied by any one at night. Mr. Pillsbury being the custodian of public money and Government property, and being paid for the care of said money and property, did not show any desire to shirk the responsibility resting upon him, but paid the losses reported herein."

The same report shows that of the amount stolen $288.40 was money-order funds, $155 postal funds in money, and $35.55 contents of registered letters.

Your committee are of the opinion that, upon these facts, the postmaster should be reimbursed the amount of money-order funds and the amount contained in registered letters, and that he should not be reimbursed the amount of postal funds. They therefore recommend that the bill be passed.

The bill was reported to the Senate without amendment.

Mr. THURMAN. I do not rise to oppose this bill, because I know it to be not of the least use in the world. A good many years ago, when I was rather green in the Senate, I used to oppose the passage of these bills. I opposed them as a mere suspension or overriding of the law, which makes an officer of the Government liable for the safe custody of Government property and money in his hands. If he were not so liable by law there would be no necessity to come here with a bill for his relief. The law is perfectly clear that the officer does insure the safe custody of the money, and the compensation he receives is the insurance money that is paid to him for doing it; but it is no use to oppose these bills. After the fullest discussion years ago the Post-Office Committee carried everything before them, and they have done so ever since; and they have extended it to the subtreasurers, and relieved some man in New York from a liability of a hundred and some odd thousand dollars in one case there. It is no use to oppose them.

Therefore it is not for that purpose that I rise; but as I do not believe there is a single postmaster in all the United States whose post-office has been robbed in this way of any amount that made it worth while for him to come to Congress who has not obtained a bill for his relief, I beg leave most respectfully to suggest to the Post-Office Committee that they had better bring in a general bill at once, and let the Postmaster-General, when satisfied that there has been no fault on the part of the postmaster, be authorized to relieve him from liability. I do not see why in the world we should go on every session and have our time occupied with bills of this sort, except in certain

cases where we are to refund money to the man. I think he could be credited on the books of the Department in most cases if the Postmaster-General is satisfied he ought to be credited with it, without our having to take up these bills. I do not say that such a law ought to pass, but it would be a great deal better to pass it than to pass these bills as a mere matter of course whenever they are brought up.

Mr. EDMUNDS. Mr. President, it would be perhaps an improvement on the suggestion of the Senator from Ohio, with whom I have so often in old times tried to resist these bills without success, to say to the Post-Office Committee that instead of leaving it to the Postmaster-General they leave it to the postmaster who is robbed, if he is satisfied that there ought to be an adjustment of that kind, then it shall be made. [Laughter.] Now I call for the regular order.

The VICE-PRESIDENT. The regular order is the unfinished business.

Mr. FERRY. The Senator from Vermont will allow me?

Mr. EDMUNDS. Certainly.

Mr. FERRY. It is due to the facts in the case, and also to the Committee on Post-Offices and Post-Roads, that I should say in reply to the Senator from Ohio that if he had carefully observed the reading of the report in this case, he would have seen that all the funds in money that the postmaster held have been excluded from the relief granted by this bill. It is simply to reimburse him for registered packages over which the postmaster had no control except custody. He could not convert them into money. In all other cases except postage-stamps, which also could not be converted into money, the Post-Office Committee have adopted a rule following directly in the line of argument of the Senator from Ohio. Where property has been converted into money, in which case the postmaster can deposit that money and controls it entirely, the committee have ruled the applications out, but in the case of stamps or registered letters containing property which the postmaster cannot open and dispose of, the committee have always considered that relief may properly be granted. This is a case in point, and I think the Committee on Post-Offices and Post-Roads are hardly subject to the indirect implication of the Senator from Ohio.

Mr. THURMAN. Upon my word I cast no reflection on the Committee on Post-Offices and Post-Roads, for it has always had two-thirds or three-fourths of the Senate at its back; I should have been reflecting on the large majority of the Senate. I only rise to say that from the information which I just have for the first time as to the course now adopted by that committee, I shall not object to the bill. I am very glad to hear the principle on which they act.

The VICE-PRESIDENT. The unfinished business is the consideration of Senate bill No. 19.

Mr. INGALLS. Has not the morning hour been extended to half past one by the Anthony rule?

The VICE-PRESIDENT. The unfinished business of the Senate overrides that.

Mr. INGALLS. I think not during the morning hour.

The VICE-PRESIDENT. The morning hour has expired.

Mr. INGALLS. My understanding was that the morning hour had been extended by order of the Senate until half past one o'clock on each day by the adoption of the Anthony rule.

The VICE-PRESIDENT. The Chair rules that the unfinished business of the Senate overrides that order.

Mr. INGALLS. An extraordinary ruling.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes; and

A bill (H. R. No. 3288) for the relief of colored emigrants.

The message also, in compliance with the request of the Senate, returned the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus.

The message further announced that the House had passed the joint resolution (S. R. No. 75) to print the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 185) for the relief of Gibbes & Co., of Charleston, South Carolina; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange; and

An act (S. No. 317) for the relief of Captain J. B. Campbell.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. EDMUNDS. Mr. President——

The VICE-PRESIDENT. Will the Senator suspend until order is restored?

Mr. EDMUNDS. Certainly, and at the same time, Mr. President, after talking with some other Senators I wish to say what I intended to have said after the reading of the Journal this morning, that from this time forward to the end of this session I humbly and respectfully petition the Chair to direct the Sergeant-at-Arms to enforce the rules about the presence of strangers in this Chamber. It is not that I am not glad to see strangers, but it makes so much noise necessarily that it absolutely impedes business.

The VICE-PRESIDENT. The Chair desires to state, in justification of himself and the Sergeant-at-Arms, that he has given that direction daily, and that the Sergeant-at-Arms and his assistants have done their best to enforce the rule; but, despite all efforts, gentlemen are brought upon the floor of the Senate who are not entitled to admission.

Mr. EDMUNDS. Then, Mr. President, I want to take the earliest possible occasion to offer a resolution which shall provide the Sergeant-at-Arms with guns, swords, pistols, dirks, bayonets, and all other necessary implements of war to see if he cannot have the rules enforced.

When I left off yesterday, Mr. President, on this interesting and important bill which involves so much money to be paid from the Treasury, many millions, and which if the principle of it be adopted involves so many more millions, suggested on one point simply by the amendment proposed by my friend from Florida, [Mr. JONES,] I had endeavored to call the attention of the Senate to the fact that the lands northwest of the Ohio—and the same might be said of the others given by Georgia, &c., but I did not happen to have the book at hand to show it—were given in a solemn trust for the benefit of all the States of the Union equally, by the noble generosity of the State of Virginia, and that any payment out of the proceeds of these lands in any form or upon any valuation of them into the treasury of a particular State to be disposed of according to the will of that particular State and not for some object of general public benefit to all the people, would be a violation of that trust.

I had then endeavored to show that as it respected the State of Ohio, the first of the States admitted in the Northwest Territory, this bill provided for paying to her money that by the original compact of admission was never on any principle or under any circumstances to go to her hands at all, but it was money pledged by Congress to be expended in certain works of public improvement in the State and to it, in the methods and for the purposes provided.

I had endeavored to show, what I supposed to be clear law, and what, so far as I can understand the report of the Committee on Public Lands, does not appear to be disputed, that the legal construction in every one of these compacts, as they are called, embraced in the acts of admission of the term "net proceeds of the sales of public lands," does not include any valuation or other appropriate reference to lands that Congress from time to time, beginning with the Revolution and coming down to now, have devoted under the head of bounties to the patriotic citizens of the country who had entered its military service in time of peril.

I had also called the attention of the Senate to the universal circumstance in every one of the acts of admission of these States, that the 5 per cent., however broad the field of subjects that it covered, whether bounty lands or railway grants, or salt springs, or school lands, or homesteads, or as the acts say always, the net proceeds of the sales of public lands, was made a trust fund, (to state it in the strongest way that my friend from Indiana in charge of the bill would wish me to state it in favor of his side of the case) a trust fund, to be devoted sometimes by Congress, sometimes by the State, sometimes partly by one and partly by the other, but in every instance to some object specifically named that it was supposed would promote the general welfare of all the people of the United States. This bill simply provides that 5 per cent. of the valuation of these bounty lands shall be paid over to these respective States without any trust at all.

Then, Mr. President, I had commenced to call your attention to the argument in the report of this committee on the subject of consideration. The committee in its report says that there was a good consideration for the promise by the United States to devote 5 per cent. of the proceeds of the sales of these public lands to the objects named. I grant it; and if there were not a good consideration, the faith of Congress undoubtedly whether you can make out what in law would be called a consideration or not, is a faith that I for one am quite willing to carry out. The question, therefore, is not whether there was a consideration, but the question is what the United States promised for that consideration or for general considerations of public faith and public prosperity. Whatever the United States has promised, that we ought to do; what she has not promised we ought not to do unless it now appears that considerations of public welfare generally require us to deposit in the treasuries of these several States these sums of money to be ascertained in a certain way.

But the equity of the thing, as it is called, has been placed upon the ground that the States engaged not to tax the lands sold by the United States, and in other instances not to tax lands granted for

military bounties by the United States for a certain length of time, and that that was an onerous burden imposed upon the States by the compact, which gives these States in equity and justice a title to have the word "sale" stretched sufficiently to cover, as this bill does, revolutionary land warrants, bounty lands, bounty lands in all the Indian wars which are referred to in the various acts, the war of 1812, the Mexican war, and the war of the rebellion. Now let us see how that is.

As I stated yesterday, the judges of the courts of the States and of the United States in these States, in the time of it, many years ago, always upheld the provision of the compact forbidding taxation for a limited time, in opinions which persistently stated in administering justice there that it was an object of the highest interest to these new States to promote the rapid increase of their population and the development of their industries. It was therefore a wise policy on the part of the States to agree to that; and if that be so—and the States certainly ought to have been the judges of it—there would be no general equity that a tax should be laid upon all the lands given to soldiers as bounties, past, present, and to come, in order to pay something into the treasuries of these States. But when the States began to fill up rapidly and new enterprises made it seem pretty clear that this limitation was not necessary to encourage emigration to the new States, even this tax limit, on bills introduced by Senators and Representatives was repealed in 1847, and that repeal of the limitation upon the power of the States to tax the lands within five years as to sales and three years as to the bounties, referred to as bounties, was made to apply to all States admitted before the 24th of April, 1820; that is to say, down to and including the admission of the State of Missouri. Even then, in the discussion of that question, I have not been able to find that any Senator or Representative from any one of these States hinted or appeared to suspect that a wrong construction had been put upon this statute by the officers of the United States, or that justice or fair dealing required that the words "net proceeds of the sales" should be expanded to include military bounties. That had not been thought of.

Then every State admitted after the 24th of April, 1820, did not engage not to tax lands sold by the United States within any length of time, but every State admitted after that was left with the right to tax the lands sold by the United States at the moment of sale. There were several States after that which came into the Union, in whose acts of admission it was agreed that while the 5 per cent. of the proceeds of the sales of the lands should be devoted sometimes by Congress and sometimes by the State (which I need not go over again) to certain public uses for the benefit of all the people, nevertheless the bounty lands—a different thing as these States and Congress appeared to understand—should not be taxed for three years. This was declared as to the bounty lands, while the right to tax the sold lands by the same acts accrued at the moment of sale. That of course would fortify, if it needed any fortification, the proposition I advanced yesterday that under no possible construction of law or common sense can it be said that the word "sale" in the connection in which it is used in all these acts covers anything but a sale for cash, and that the "net proceeds" referred to money and not to the services of citizens of the United States who undertook to carry on its wars and to defend its honor.

I may mention merely in passing that long ago when Congress by act reduced the price at which originally the public lands were held, the question arose whether that was a violation of the compact in the admission of those States that were admitted at a time when the price fixed by law was greater than that to which Congress reduced it. The law officer of the Government, the Attorney-General of the United States, examined the subject and delivered an opinion to the President or the head of some Department—I do not remember which—an opinion that was acquiesced in by everybody, in which he said that even in that case it was no violation of the compact between the United States and these various States to reduce the price of the lands. Why? Because he said this provision for 5 per cent. of the proceeds was a provision to devote a certain part of the public revenue to certain uses that would specially benefit the people of these new States and generally benefited the people of all the other States by building works of public improvement generally and sometimes by assisting them to establish free universities of education, and therefore that these compacts could not be construed in any possible light as impairing in any degree the sovereign power of Congress over the disposition of the public lands. It was only a pledge that whatever revenue Congress should derive into its Treasury from the disposition of these lands by sale, one-twentieth of it should be devoted to these purposes. If that be so, is it not very clear that this claim is unfounded?

Mr. McDONALD. I ask the Senator to cite me to the opinion of the Attorney-General.

Mr. EDMUNDS. I cannot at this moment, but I will give it to the Senator in a little while. I think it is in print. Certainly there was one, and I will give the Senator a reference to it after a while.

The States in which these military bounty lands, as they were always called—not consideration lands, not payment lands, but bounty lands—are separately mentioned in some form or other in the acts of admission themselves, are Illinois, Missouri, Arkansas, Michigan, Iowa, five in all. After getting down to Iowa, they evidently stopped mentioning the military bounty lands for the simple reason that after that time there is no provision for exemption from taxation even of the bounty lands. As I have shown you, the exemption from taxation of the sold lands was repealed long before, but there still continued for a while a limitation and preservation of non-taxation for the bounty lands, and that was dropped at last, the last State to which it applied being, I think, Iowa.

Mr. THURMAN. If my friend will allow me, I want to get some light. When the provision in respect to the taxation of these lands was dropped, was anything substituted to the State? Was there not a 10 per cent. increase of some kind?

Mr. EDMUNDS. No, sir. The 10 per cent. increase was in 1841, I think.

Mr. THURMAN. Was the exemption of lands from taxation dropped before that?

Mr. EDMUNDS. No, it was dropped after that, in 1847, but it was made to affect States admitted before the 24th of April, 1820; but every State admitted after the 24th of April, 1820, never had any such limitation applied to it, so that it let the whole thing out. When I say it never had any such limitation applied to it, I mean the limitation of taxation on the sold lands because there was still a reservation of taxation in many of the States against bounty lands for three years.

Mr. JONES, of Florida. And the Government lands.

Mr. EDMUNDS. Yes, that exists in them all. The exception of the Government lands from taxation, I undertook to state yesterday, in my opinion was an exception which was not made a part of the compact to create a new right in the Government of the United States that it did not possess before, but to save all matter of dispute and misunderstanding respecting what the rights of the United States and the States were; and so that provision was in all the acts, and of course always must be, as I believe on principles that are of reciprocal benefit and reciprocal application as between the States and the United States for all time to come about their respective properties. I hope all the State-rights men will stick by me on that.

Now, Mr. President, I wish to open a new branch of this subject to such Senators as do me the honor to listen; and that is that all the benefits of the 5 per cent. provision being as I have shown trust benefits for public improvements that would benefit primarily the residents of the State, and secondarily the residents of all the other States, since that time and during this long period when this one course of construction of these acts has been held to and applied, equivalent benefits of the same kind have been granted by Congress to every one of these States, some more and some less it is true, but equivalent benefits to them all, exceeding by many, many fold the 5 per cent. that is now claimed on military bounty lands, and upon homestead lands as is claimed by the Senator from Florida, and by the same sign, the railroad lands and the ten thousand other objects for which these lands have been disposed of.

In the first place, this question of the public lands and the excess of benefits that the new States where they lay were getting from them in spite of the solemn provision in the cession of Virginia, and I believe also of Georgia—but I do not speak by the book as to what she gave—came to the attention of Congress in 1841, and then after full consideration a bill was passed which provided for distributing according to the original grant of Virginia the proceeds of the sales of the lands among all the States, to execute in its terms and in its spirit this munificent grant and trust that the noble State of Virginia, I may say the mother of the country as much as the mother of Presidents, in those days had bestowed. And then in the same act that provided for the distribution of the proceeds of the sales of the lands among all the States, it was provided that in addition to the 5 per cent. of the sales that had been provided for before, 10 per cent. more should be reserved from the sales before distribution should be made to all the stockholders in the partnership of the Union, and that 10 per cent. additional should be given to these several States for objects of internal improvements within their borders. It provided also, I beg Senators to understand, that each one of the new States should have five hundred thousand acres of land to be selected by herself out of the public domain. Then it provided after all that should be done, that the balance of the proceeds of the sales of the public lands, after paying all expenses, should be divided among the several States. Then it had a provision which some very astute person must have put in I suppose, that in case of war or any other great emergency this distribution of the proceeds of the balance of these sales among the States should stop; and so in a very few months the great public emergency that came was a new tariff act, and as a part of the compromise, or whatever it might be called to get that act through, this provision for dividing the balance among the several States was repealed; but it left the new States with their 10 per cent. for the time it had been going, and also (which is more important because the time was so short that the 10 per cent. would not amount to a great deal) it left unrepealed the five-hundred-thousand-acre provision for each one of the new States.

Now I beg to ask Senators who represent the States that are supposed to be benefited by this bill, and I ask them with the same freedom that I would ask any others because I am sure they will take a somewhat broader than a selfish view of this matter, if under such circumstances when there was then no claim that the Government was perverting the construction of these statutes by not giving over 5 per cent. of all that ought to be given over, or if there was, if Con-

gress not doing it said to these various States "now we will give you for these same general objects, internal improvements, &c., in your borders, five hundred thousand acres apiece," which would make at this dollar-and-a-quarter valuation $625,000 in cash; if each State takes it without any protest or limitation or reservation of the right now to get 5 per cent. on the military bounty lands or the railroad lands or the homestead lands, is it just, is it honorable, is it that kind of conduct which should exist between man and man and friend and friend, to lie by for fifteen or twenty years and take these enormous grants and then come back and say, "why here all this time there has been a misconstruction of the original contract of fifty years ago, and under that construction at the time you gave me five hundred thousand acres of land, at the time you gave me $625,000 in cash or more, I had a right to demand 5 per cent. of the military bounty land warrants that you have given to your soldiers in most instances as an act of gratitude for past services, in some it is true as an inducement to enlist, and now after I have pocketed so that you cannot get it back this half million acres of land I will come forward with this claim that I said nothing about then, and ask you to pay me that debt?" Why, Mr. President, it does seem to me that it only needs to put such a question to find its answer.

Besides that, you will find that from year to year and from time to time there were special grants to various of these States, perhaps to all of them,—but I am not now speaking of specific States, I am speaking of the whole subject in its general aspect—for special improvements, to Indiana for canals, to Mississippi for levees, to Alabama for the improvement of rivers, and so on. And then the acts which gave these lands from time to time required that they should be faithfully devoted to these objects, which made a trust, and the State could not give a good title until it showed that it had executed the trust. What happened next? Then came an act of Congress, undoubtedly agreeable to if not solicited by these States, which said that we would not mind that, but that all the titles which had been granted for either of these objects should convey a fee-simple to the States, so that they could make a perfect title and could lawfully dispose of the lands without any duty upon the part of anybody except the general duty of the State in its sovereign capacity to see to the application of the trust-money derived from the sales. Congress passed that; and yet when this enormous benefit to these States was obtained, no Senator or Representative rose in his place and said, "Now bear in mind when you are conferring all these benefits upon us at our suggestion, when you are making all these special grants for the objects named in our original act of admission, but which you are not bound to make—the same objects that you agreed to give 5 per cent. for you now give 50—bear in mind that we claim that the true construction of these original acts is that the 5 per cent. is to be cast upon all bounty lands and all other dispositions by the United States not for money." Not at all; they were silent; they took the benefit without disclosing that they had any claim lying back, of the same nature, which they proposed to enforce afterward.

Mr. President, I may say here, to avoid an implication, that I do not think any Senator or Representative failed to do his duty, because I do not think any Senator or Representative ever had it enter into his mind that under any possible construction of these compacts of admission could the sovereign power of disposition by the United States of its lands for other objects than sales for cash affect any equity or justice or law growing out of these existing compacts. They did not think the law meant that. They knew that the bounty lands were being disposed of. They were part and parcel of the representation in this Chamber and in the other when we disposed of them, and in many of the acts of admission, as I have stated, they are specifically referred to as not falling under the head of sales.

Then these very acts of admission provide for the reservation under special objects and with severe limitations of all the salt springs, a certain number to the State, and other salt springs were reserved to the United States. What came next? Wherever there was a salt spring, in a few years on somebody's application Congress released all that liability and duty, gave up the salt springs to the States. Wherever it turned out apparently that there were not any salt springs, then on the application of the States Congress gave them seventy-two sections—I think I am right in the number—of other lands in the place of a salt spring that did not exist that was reserved to the State in the act of admission.

And yet gentlemen seem to say that there is some overpowering equity and justice that we have not done freely, and nobly, and dutifully by these States in respect of this matter of the 5 per cent. of the proceeds of the public lands within their borders for these objects; but nobody said then, "there is still lying back a claim for 5 per cent. on everything that is disposed of that is not disposed of for cash."

Then we come to the swamp lands, which in many of these States are of enormous extent, and some of them, I have been told—not in connection with this affair, but some others—of such a character that it is absolutely impossible to drain them at all, not because of the water, but because of the want of water; that you may dig just as many ditches as you like, but there is no water to run in them; and which lands have been allotted to the States and selected by them as swamp lands and confirmed, on their application, by acts of Congress. There is in a report of the Commissioner of the General Land Office before me a statement of the number of acres of swamp lands which have been selected by these States, which it may be worth while to look at. In the report for 1878—that of 1879 is not yet in print—at page 167 is a condensed statement, No. 5, exhibiting the quantity of land patented to the several States under the acts of Congress approved, &c., giving a list of them.

Mr. COCKRELL. What is the Senator reading from now?

Mr. EDMUNDS. From the report of the Commissioner of the General Land Office for the year 1878, and it is embodied in the report of the Secretary of the Interior to Congress, House of Representatives, Forty-fifth Congress, third session, Executive Document No. 1, part 5. It there appears that since the date the grants began in 1849 to the State of Louisiana and going on to the 28th of September, 1850, and to March 12, 1860, and so on, that the total quantity patented to the several States amounts to 48,119,956.78 acres. There, leaving off the quarter of a dollar, are $48,000,000. Of course it may be said and justly that many of these lands are not worth a dollar an acre; they may be incapable of reclamation. That may be so; but of the public lands vast quantities of which we all know are among the finest lands in any of the States, those that are called swamp lands will raise the most rice, the most cotton, the most corn, the most everything that goes to the benefit of man and the prosperity of the commonwealth; and yet Congress, with this so-called liability to pay 5 per cent. on the disposition of these public lands not for cash that is embodied in the principle of this bill, has on application of these new States and by the votes of their representatives, and without reminding anybody that there was anything lying back about this business that would have to be paid for afterward, taken forty-eight million acres of the public lands into their own property and at their entire free disposition. Is there any ground in the light of such a circumstance to endeavor by some sort of construction that never has been successful for fifty years if it has ever been tried, and that I cannot learn has ever been definitively tried,—is it quite right after fifty years to say that any principle of justice or equity or breadth of construction calls upon the Congress of the United States to pay 5 per cent. into the treasuries of these States on account of this long misconstruction of the acts of admission? I have some confidence, great confidence, that when Senators from these States themselves that are supposed to be the beneficiaries of it come to examine this question, they will be free to say that there is no justification in insisting upon such a further application of the public funds of the United States.

Then, Mr. President, to say nothing of the special grants for roads, canals, &c., what have we granted to States for the benefit of railroads and for which we got a certain kind of consideration, quite as much as we did for the bounty lands that we disposed of, because in almost all of them we made a special arrangement about the transmission of the mails and public supplies? Let us see how much has been given to railroads and to the States for railroads.

But before I come to that I must correct what I have said about the swamp lands. I did not state correctly the quantity that the States had become entitled to. I only stated the quantity for which patents had actually issued. I now turn to the preceding page of the report to which I before referred and state the quantity which has been selected by the States and to which they are entitled, and that instead of being forty-eight millions is 68,533,755.25 acres, twenty million acres more than that for which patents had been actually issued at the date of this report, and I apologize to my friend from Indiana for having apparently misled him in the statement of a fact upon which I rely.

Now I come to the railroads. There has been conceded to the States for the benefit of railways and to the railways in the States authorized by the States to take them—I will leave out the Pacific Railroad to begin with, for that grant was said to be a national affair though many of its branches are within the States and I will take the railroad lines covering the States of Illinois, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Iowa, Michigan, Wisconsin, Minnesota, and Kansas. Of the Pacific States Oregon does not appear to be in this particular statement, which ought to be added. For these purposes the grants of land reach 34,125,446.44 acres. Add the Pacific railroads which are in a large part owing to their many spreading branches corporations in the States and in regard to which the States get the benefit of these dispositions, 9,017,981.7 acres. Then the grants for wagon roads are, Wisconsin, 302,930.36 acres; Michigan, 221,013.35; Oregon, 744,712.93. Thus there is a total, after deducting lands declared forfeited by Congress because the public works were not built, of 43,744,342.39 acres granted to the States, not to corporations. If I stated corporations before I stated wrong. This amount has been granted to States for the benefit of these roads.

Then there are rights of way granted to railway companies in the States and Territories, chartered by the States, too numerous for me to read here.

Next we come to the bounty lands which of course are not granted to the States, and I only put them in so that this statement of sums may all go together. Under the acts of 1847, 1850, 1852, and 1855 down to the 30th of June, 1878, the issues and locations of bounty land warrants had been: land warrants for 60,986,070 acres of land had been issued, and there had been located 58,357,090 acres of land. This near sixty-one million acres at a dollar and a quarter an acre would make about $75,000,000, and 5 per cent. of that, as anybody can see, is in round numbers about $4,000,000.

Mr. McDONALD. I can give the Senator the exact figures of the

land-warrant entries according to a statement furnished by the Commissioner of the General Land Office.

Mr. EDMUNDS. If the Senator will pardon me, I have the exact statement myself, furnished by the Commissioner of the General Land Office.

Mr. McDONALD. Perhaps this is more correct information.

Mr. EDMUNDS. The Senator can put it in his speech. I take the Commissioner's printed report for 1878.

Mr. McDONALD. This statement covers that year.

Mr. EDMUNDS. If they differ, I do not know which we shall follow. I am quoting the printed report for 1878, found in the document I have named, at the page I have stated, and that number of acres, at $1.25 an acre would produce, at 5 per cent., which is the operation of this bill, to be exact about it, the sum of $3,811,629.30, which is exactly the sum, according to this printed report, that is to be paid out of the Treasury of the United States or that we are to create a public debt for, for the benefit of the treasuries of these several States according to their respective locations.

Mr. CONKLING. Is that the amount this bill allows?

Mr. EDMUNDS. That is the amount that is covered by the land warrants located under the act of 1847 and subsequent acts. Besides, there are the revolutionary land warrants, the Virginia land warrants, the land warrants of the war of 1812 under statutes existing before the acts of 1847 and 1850 and 1852 and 1855, which were mere increases of the amount of military locations to other persons who did not come in under the former laws. I have endeavored to find, but I could not lay my hands upon it, some report that would show the total amount of land warrants that had been issued under laws prior to the act of 1847.

Mr. McDONALD. The Senator does not wish to be inaccurate, of course?

Mr. EDMUNDS. I am not inaccurate in the statement. I have merely stated that I have hunted for it and could not find it.

Mr. McDONALD. I have the statement of the Commissioner that from the commencement of the operations under the several acts to December, 1879, warrants for 63,170,764.74 acres have been issued.

Mr. EDMUNDS. Let us see what we have got here. With the permission of my honorable friend from Indiana, I will read the context of the paper he has handed me, so as to be sure, and see what the Commissioner does say:

GENERAL LAND OFFICE,
Washington, D. C., January 26, 1880.

Gov. R. P. LOWE,
Washington, D. C.:

SIR: In reply to your verbal inquiry relative to the quantity of land located with military bounty land warrants up to date in all the States, I have to inform you that the records of this office show an aggregate location from the commencement of the operations under the several acts to December, 1879, of 63,170,764.74 acres, distributed as follows.

And then he gives the distribution. I should like to know from the Senator, who perhaps can tell me, what the Commissioner means by the words "several acts?" You will see that in his official report all that he chooses to give Congress or the Secretary of the Interior, and it is so running back, is the operations under the acts of 1847, 1850, 1852, and 1855, up to a certain time, and there he makes the issue 60,986,070 acres, which was a year ago. Now, he makes it 63,170,764, which would only account for another year's locations possibly, and I should be glad to know definitely from somebody who wishes to convince the Senate that this bill ought to pass,—although to be sure if it rests on solid principles of justice the quantity of money taken from the Treasury has nothing to do with it; if it bankrupts the Treasury in the name of justice and honor we must strip ourselves and stop our own salaries and so forth in order to perform this high and solemn act of public duty; that is clear enough; but at the same time the sentimental part of it may be affected by its practical effect on the poor tax-payer who has to pay this money; and so I should be glad to know how much, under all the acts that preceded 1847, has been summed up by the issue of military land warrants. That does not appear from this statement. Perhaps it is included in it, but I should doubt it very much.

Mr. McDONALD. I understand that it covers all embraced in this bill.

Mr. EDMUNDS. Let me understand the Senator. Does he mean by that to say that it covers all the military bounty land warrants ever issued by the United States or under its authority?

Mr. McDONALD. All the military bounty land warrants that have been located within these States, issued by the Government at any time.

Mr. EDMUNDS. If that is correct, that being the Senator's opinion——

Mr. McDONALD. And all military scrip that has been issued for the payment of soldiers by the Government at any time and located within these States.

Mr. EDMUNDS. "Military scrip" is merely another name of saying military bounty land warrant; the scrip results in a land warrant; it all comes to the same thing. It is the bounty given to the soldier for the service which he has performed. If the Senator is right about that, then the amount of military scrip, as he calls it, of bounty lands, as I call them, that were given to the soldiers of the Revolution under the acts of Virginia and Georgia, and under the acts of the Continental Congress and under the acts of the Congress of the United States, and to the soldiers of the war of 1812 by acts previous to 1847, and in respect of all the Indian wars occurring between that time as well, I must say is amazingly small.

Mr. McDONALD. I have not said that it embraced any bounties granted by the State of Virginia when she owned the Northwest Territory, nor any State bounties of any kind; but I say that it embraces all, as I understand, issued by the United States, either in the form of military scrip or bounty land warrants that have been located within the States named in this bill.

Mr. EDMUNDS. That may be so, and it may not. The Senator so understands it, but he understands it so from this letter that I have read. I do not understand it so from this letter. The letter is much more difficult of construction than the act admitting the State of Indiana is, and it is a singular thing—undoubtedly it can be explained by the committee or by the Commissioner of the General Land Office—that we are given in none of these reports that I have been able to lay my hand upon, a statement of the military bounty land business and the military scrip business, except under the operation of acts of Congress beginning in 1847, which is a half a century after the origin of bounty land warrants and their location. How many acres of land that half century covers I do not know; but this bill covers all the military scrip and land warrants in these eighteen States under any authority whatever, because it says "to ascertain the amount of public lands entered by the location of military scrip and land warrants" in the States named. It does not limit it even to lands located under the authority of the United States and by its grace or bounty or debt, whatever you call it, but it is every land warrant and every piece of military scrip, whether it came from the original proprietor of these lands, the State of Virginia, or whether it came from the Congress of the United States in the half century that elapsed after that gift was made. So, Mr. President, we are in the dark as to how much is covered really by this bill, but what is covered by it certainly is about $4,000,000 at this present moment on operations arising since the year 1847.

Now I come to another point that I should be glad to have the attention of Senators to. I have shown, what is not capable I suppose of contradiction, that every particle of this 5 per cent., whatever it covered, was money to be devoted to certain public uses which would be for the benefit of the people of all the United States. Has the 5 per cent. that has been paid over to these States for these public uses been applied to these objects, or are these States themselves in default in respect of the execution of this trust? And if they have taken the 5 per cent. on sales and have not applied it in the way that the acts of admission required that they should, is there any grace or justice in their coming to the Treasury and saying "Give us more on other items?"

Mr. JONES, of Florida. Is there any information showing that the States have not appropriated this fund in the way prescribed by Congress? In the case of my State it was distinctly stipulated, I think, that the 5 per cent. should be appropriated for educational purposes, and I presume that it has been appropriated in that way.

Mr. EDMUNDS. That might be a good presumption in point of law, but it would be a very violent presumption in point of fact; and the Senator, with his keen knowledge of the difference between law and fact sometimes in presumptions, is very careful to state it the law way. My information is, derived in part from a perusal of public documents where attention has been called to the subject, that the States did not account for and apply this money as the compacts required; and debates in Congress and private information received from Senators lead me to state plainly and explicitly that I have good reason to believe and do believe that in a great many instances and in a great many ways the States which received the 3 per cent. or the 5 per cent., as the case may be, have not devoted it within the letter or the spirit of the compacts of their admission. I do not mean to say that these States have undertaken——

Mr. McDONALD rose.

Mr. EDMUNDS. The Senator will be good enough to wait a moment. He will excuse me until I finish this sentence. I do not mean to say that these States have undertaken to steal this money, but I say it is the natural course that might perhaps be expected to happen, that where money is paid over into the treasury of a State to be devoted to such objects of internal improvement as the Legislature should direct, which is about the substance of the language in some of the cases, the 3 per cent. that is to be paid, the 2 being to be spent by Congress, if it happened that the Legislature could not for ten or a dozen years find out exactly which turnpike or exactly which canal corporation should be benefited by having an aid out of this money, which would not be thought to be a very unjust and iniquitous performance, being simply non-action, by and by the thing is lost sight of, as things are in the Senate, as we know day after day and session after session, and it goes by, and the money goes into the common fund and the taxpayer gets the benefit of it. If we had an account stated by these claiming States, just as they would be obliged to do if they were a private party and came forward against the United States by a bill in equity to compel the further execution of this trust upon the principle that the 5 per cent. had not been computed on the whole subject that it ought to have been,—in such a bill the State would have been obliged to state that acting as a trustee and claiming more it had devoted the funds it had got to the objects named in the original foundation of the trust, and how, and

to render an account. If we had such an account from these States, we should be able to judge then how it was.

Now I will listen to my friend from Indiana.

Mr. McDONALD. I simply desire to state, as to the 3 per cent. of the 5 per cent. reserved to the State of Indiana to be devoted to constructing works of internal improvement, my State has expended over $15,000,000 in that way. If the Senator insists that this 3 per cent. when received should be put upon a particular turnpike by an act of the Legislature, that a specific appropriation should be made of it to build a turnpike from A to B, or a railroad, or to go into some particular canal, or to construct a lock or something of that kind, I can tell him that has never been done in my State, and I suppose not in any other State. But I again repeat that the State has raised and expended—using this money, as a matter of course, in common with other funds—an amount over $15,000,000 in constructing works of improvement within our State.

Mr. EDMUNDS. In the next place, Mr. President, supposing that the theory of original compact is right as claimed in this bill and that by a true construction, an equitable construction of the compact with these States, it was the duty of Congress to provide for computing 5 per cent. of the military bounty lands, for what objects was it to be? It was for objects of internal improvement or education, special trusts of some kind in every one of these States. As to 2 per cent. of it, in almost all the cases the internal improvements, &c., were not to be constructed in the State at all. If the Government fails to do its duty to provide this fund, what is the consequence? Does it follow from that that the State has a right to the money? By no means. Its right would be the specific performance of a particular trust that I repeat appears everywhere as a trust in favor of all the people of the United States and not the corporation that, in a technical sense exists within the boundaries of a State and constitutes the State. There is not a single dollar of this money on any theory that has ever been advanced on these acts, or can be, that belongs to the State of Indiana——

Mr. McDONALD. The Senator will remember that there was an act passed at the last session of Congress by the Senate enabling the States of Ohio, Indiana, and Illinois to bring suit for that 2 per cent. It did not pass into a law, for want of sufficient time, but the Senator will have an opportunity of discussing when that bill comes up the question he is upon now.

Mr. EDMUNDS. I propose to discuss now the question I am now upon. That is exactly the question in point.

Mr. McDONALD. If the Senator entertains the same opinion then that he does now, he will certainly give us that law and enable us to try in the highest court of the country our title to that fund.

Mr. EDMUNDS. I am very glad my honorable friend from Indiana feels encouraged that, as I am not for this bill, I shall be for some other. Very likely I shall. Whenever the Senator brings forward a bill that I think I ought to go for, I will do so with the greatest pleasure.

Now, after he has put in a little petition for the other little bill, as it might be called, the 2 per cent. bill, I will return to this and repeat so that nobody shall misunderstand it, that there is not a dollar of this 5 per cent. or 2 per cent. or 3 per cent. that by force of these original compacts belongs to any one of these States or ever did, because there is a specific and special trust declared as to the devotion of the money to public objects; and with what faith is it that the guardian of the Treasury of the United States, the tribunal, the Senate, that stands between the tax-payer and claimants impartial and just can say, even if it were true that this trust is not executed, that this money is to be paid over to the treasuries of these States as this bill provides? If there is any duty upon the Government of the United States, it is the duty to see to it that some further 5 per cent. on the bounty lands, which is now the entering wedge in this business, shall be applied to the objects named in the original compacts. And what were those? Two per cent., two-fifths of it in general,—some of the later acts were in other language, but generally two-fifths of it to be applied to objects of internal improvement in the State, and three-fifths of it to be applied to objects of internal improvement exterior to the State. Does that give the State a right to come here and say, "You have not executed this trust as you ought to have done; you have not furnished us the means of executing the trust as far as it was our duty to execute it; now do it." Do it how? "Do it by giving us without any trust stated in the bill anywhere, as a final settlement and estoppel as it is called, or as an accord and satisfaction, wiping out everything, so much solid money into our treasuries." Is that right? Is that in accordance with the compacts? No, Mr. President; and if this were a case between private persons, if it were ever so clear that 5 per cent. ought to be computed on these lands, an account taken would not require the 5 per cent. to be paid over to the claimant. It would either require a specific execution of the trust by the expenditure of 3 per cent. of it in those cases by Congress for objects outside of the State, or require it to be consolidated by showing how much damage the State had suffered in dollars from the non-execution of the trust. One of those two courses would have to be followed; but yet it is proposed by this committee's bill to absolutely take $4,000,000, to begin with, on this mere hang-nail on principle and pay it out of the Treasury of the United States and into the treasuries of these respective States.

I do not think it ought to be done, Mr. President, and I believe now I have said for the present about all that I need to say except this, which is another subject I should like to hear from my friend from Indiana upon in connection with this business: The acts of admission of these various States, some if not all of them, provide only for paying 5 per cent. upon future sales of the public lands. Now suppose bounty lands come within the head of sales, then it is future locations of bounty lands as standing in the place of sales on which the 5 per cent. should be computed. The bill of the committee provides that past locations long before these States were admitted, in many of the later ones involving very large amounts, shall all be summed up and paid into the treasury of the State. Is that right on the Senator's own principle? He says the contract is that he shall have 5 per cent. on future sales after a certain date named in the act of admission. When he comes to provide for performing that contract he says there shall not be any such limitation of time at all, but all that has been disposed of before the State was admitted shall be computed also. Well, that is about as right as the rest of it. Perhaps I am presenting a distinction which is not worth noticing in the general aspect of this affair; but there it is, and the only State I think that would be entitled on this bill to go backward is the State of Nebraska. There I think for the first time through the patriotic kindness of Congress—I will put it in that way—the language is "past and future sales." The word "past" crept in in some way so that we should not forget that there had been a past I suppose; but as to all the other States, I suspect it is not there. But the bill covers all.

Mr. President, these are the grounds upon which I am unable to support this bill, and they can be summed up, stated in the briefest possible way, thus:

First. The bounty lands were clearly not within the contract as proceeds of sales.

Second. They were in many of the acts distinguished by name from lands sold, which merely fortifies the preceding proposition.

Third. The greater part of the bounty lands were bestowed as an act of gratitude for military service, and therefore do not fall within the argument of the committee even that they were given as a consideration, just as money might have been, for the performance of the service in the future, upon which great stress is laid by these acts. Even the one of 1847, the bounty land act for the Mexican war, was passed only a few months before the end of the war, and after which it is doubtful if there were five hundred soldiers enlisted.

Fourth. Although bounty lands have existed from the first, the States and Congress have always until recently and, as far as I am advised, by any bill or definite step until this moment, construed the compact as not embracing them or acquiesced in such a construction if the question has ever been raised.

Fifth. If bounty lands are within these compacts, so are all grants of every kind except the merest possible donation of a gift to some poor widow as a mere act of grace and generosity. Clearly the Senator from Florida is right in his amendment if this bill is right at all. Clearly some other Senator would be right in seeking to include every railroad grant, no matter whether it was made to the State or not. The committee say it would be rather hard-commons for the State to take a railroad grant and then say it is entitled to 5 per cent. on it. I do not see it if this bill is right. I do not see why it does not cover the whole thing if it does anything.

Sixth. The 5 per cent. and the 3 and the 2, parts of the 5 per cent., as the case may be, were always expressly devoted to some purpose of general welfare to all the people of the United States, and a failure by the United States to apply all as agreed upon can give no right to any State to take this money to herself.

Seventh. The United States has given, and these States have received without setting up this claim, gifts, grants, and donations of land many times greater than 5 per cent. of all the bounty lands and all the other lands which were ever disposed of by the United States, and for the same general and specific objects named in the acts of admission in these respective States, and they have therefore no claim in justice or equity to more.

Eighth. The States, or many of them, it is understood, have not applied the moneys they have received to the objects required by the acts, and so have no right, even if the trust did exist, to demand a performance by the United States.

This is all I wish to say at present, sir.

Mr. McDONALD. Mr. President, the bill under consideration is not before the Senate for the first time. At the last Congress a bill embracing the same general features and covering the same general purposes was reported by the Committee on Public Lands and placed upon the Calendar and to a certain extent considered. The subject is one that has been very frequently before the Land Committees of both Houses of Congress. Certainly, since I have had the honor of a seat in this body, it has been a subject that has engaged the attention of the Committee on Public Lands at every session.

Mr. EDMUNDS. Will the Senator tell me the first bill he remembers on this subject?

Mr. McDONALD. The first bill that I remember on this subject was the one I have just referred to, reported by the Committee on Public Lands at the last Congress, reported by the then chairman, the late Senator from Illinois, Mr. Oglesby, but the subject was not a new one when that bill was framed.

The committee have given quite earnest attention to the subject

embraced in this bill, and have endeavored to arrive at what they believe to be right in the premises.

It surprised me yesterday to hear the Senator from Vermont question whether the States that are entitled to the benefits of this bill have ever made prior claims. I know that at least in one of the States involved in this question this has been a subject of frequent complaint. How far the complaints there have ever been made manifest here, I am unable to say, but mine being one of the States affected by the disabling provision in the ordinance in reference to the taxation of property, I know that there as long as that disqualification continued it was a subject of very general complaint. Being also one of the States in which large bodies of land were taken up by land-warrant entries, also claiming this exemption from taxation and securing it, if that complaint did not reach Washington City, it was certainly not because it was not intended to reach there. But Mr. President, in the report which the committee at this session have submitted in support of this bill, and which is substantially the report agreed to and submitted at the last Congress, the Senator from Vermont takes exception to the first statement contained in it, which is as follows:

The Government of the United States in receiving the Western and Southern States into the Union stipulated in their several acts of admission to pay them 5 per cent. upon the sales of the public lands situated therein.

He insists in the very outset that this declaration is not sustained by the laws and by the usage of the Government under those laws. I think I shall be able to show that this statement of the report is substantially correct. Whether it is critically correct, as the Senator has endeavored to show that it is not, I shall not stop to inquire. It will certainly be enough on a question of this kind if it shall be found that it is substantially true and substantially correct.

The enabling acts passed under which new States were admitted, beginning with the State of Ohio in 1802 and extending down to the admission of Missouri in 1820, as one of the conditions upon which this reservation of 5 per cent. rested, prohibited those States from taxing any of the lands sold until five years after entry. These States were admitted in the following order: Ohio in 1802, Indiana in 1816, Mississippi in 1817, Alabama March 2, 1819, and Missouri March 6, 1820, and these are the only States to which this particular restriction was applied.

There was, also, in the enabling acts for the admission of these States a division of this 5 per cent. With respect to Ohio and Indiana and Illinois 2 per cent. was reserved, to be expended in public improvements under the direction of Congress. The same reservation extended to the other three States as to the 2 per cent. With respect to the 3 per cent. Ohio and Indiana were required to expend that in public improvements, Illinois in encouraging education, Alabama and Mississippi in levee improvements, and Missouri in roads and canals.

The policy of the General Government with respect to the public lands within the new States that were organized, embracing the public domain, may be said to have been inaugurated by the enabling act under which the State of Ohio was admitted, and the purpose of favoring the new States with respect to these public lands was undoubtedly to put the State in a condition to begin to make this kind of improvements necessary for its development. The whole of the 5 per cent. was to be used in public improvements, a part of it by the State itself or under its direction, and the other under the direction of Congress, in the construction of a road or roads leading from the Atlantic seaboard to the State of Ohio, or through it. At that time the construction of the Cumberland road was in progress, and it was supposed then that it was to become a great thoroughfare of trade and travel. The improvements that have since displaced that kind of public highway for any such purpose as interstate commerce and trade had not been developed, and the best line of improvement it was supposed, so far as that country was concerned, was to construct a turnpike road, and the Cumberland road was projected to extend from Baltimore to the city of Jefferson in Missouri; and unquestionably the enabling act of the State of Ohio was more or less affected by that consideration in regard to the reservation of this percentage on the sales of public lands. The same influence, to a certain extent, undoubtedly affected the provisions under which the State of Indiana was admitted. It had less influence on the State of Illinois, because there 3 per cent. of the 5 the State was authorized to devote to educational purposes.

But almost immediately upon the passage of the act by which the State of Ohio was admitted into the Union the United States commenced a regular account with that State for 3 per cent. of the proceeds of the sales of the public lands, and paid over at stated periods to the State of Ohio that 3 per cent. in money. It is true the act did not declare that this money should be paid over or that it should be a payment to the State; but in execution of the law, almost from the very beginning, commencing with the year 1804 and extending down as long as there were public lands in the State of Ohio for sale, the 3 per cent. of the 5 was paid over regularly at stated periods in money to the State of Ohio, and the Government did not complain that the State of Ohio was not investing that money in improvements in the State. The object and purpose of it was to stimulate such improvements. Certainly it was not to be a distinct improvement fund separate from any other that the State might desire to invest or find it necessary to invest; but it was to aid to stimulate the State to enter upon improvements that should develop the resources of the country, and it went into that fund. And now to say that the State of Ohio has not disposed of this five or six hundred thousand dollars that have been paid to her from the time of her admission in 1802 down until the last of the lands were sold in that State, according to the terms of the grant because an account is not rendered here for it, when it is a well-known fact that not merely this sum but millions of money in addition have been used in the State of Ohio in accomplishing the very purpose for which this fund was to be devoted, will not do. I do not suppose it will be claimed that in order to administer this fund the State shall be compelled to show that the 3 per cent. thus received was specifically appropriated to some specific work. If it went into the funds of the treasury of the State and those funds were paid out by millions in constructing these very works, in developing the country, in doing precisely what the object and purpose of this provision was, then I say there has been a complete performance of it; and the Government has never stopped to question it, but has paid over from quarter to quarter as the money was received into the Treasury down to the last acre of lands sold on cash sales.

I might say precisely the same of the State of Indiana and of the State of Illinois; and so far as the use by the State of Illinois of the 3 per cent. fund in behalf of the common schools is concerned, the magnificent endowment of the common schools in that State does not rest upon the mere pittance that the State received from the General Government. It may have gone into it as one block of marble in the structure, but that is all. The people of the State of Illinois, by taxation and by other resources provided by her constitution and laws, built up that educational structure in which this has formed some part; but is the State of Illinois called upon now to point out the particular corner in that structure that this 3 per cent. has gone into?

And with respect to my own State, and I say it with pride, although she is one of the young sisters of the Union, her endowment of her public schools exceeds to-day that of any State in the Union in proportion to her population. And is that all resting upon the two or three hundred thousand dollars we have received from this 3 per cent.? Not at all, but it rests upon the liberality of our people in building up an educational structure there and endowing it so that there need be no one in the State of Indiana that is not educated.

But, Mr. President, the six States in which was reserved the right to apply 2 per cent. of this fund under the direction of Congress in the construction of public works and improvements have never derived any benefit from that. With regard to Alabama, Mississippi, and Missouri there was not even a pretense or an effort in that direction, and in 1832 the attempt to construct the great thoroughfare known as the National Road came to an untimely end. It had been built, it is true, through the States of Maryland, Virginia, and Pennsylvania; it had reached the Ohio River; it was partially constructed through the State of Ohio, a section here and there; through Indiana no part of it was completed; a few bridges were built, a large amount of money expended in making embankments preparatory to the final completion of it by placing upon it the macadamization, and left there a mud heap; and in Illinois it was the same way. In 1835 the Government of the United States ceded to the States of Virginia, Maryland, and Pennsylvania the completed line within their limits, and also authorized the States of Ohio, Indiana, and Illinois to take control of the line within their limits such as it was; but the completed line, that portion of it that had been built out of the public Treasury, was ceded or granted by the General Government to the States within whose limits it lay; and thus this whole national enterprise was broken up and any further pretense of carrying it into execution was utterly abandoned. I suppose that consideration had its operation upon the minds of those who were then in Congress when they passed the acts I shall cite, that have not been referred to by the Senator from Vermont, the first, the act of March 2, 1855, entitled "An act to settle certain accounts between the United States and the State of Alabama:"

That the Commissioner of the General Land Office be, and is hereby, required to state an account between the United States and the State of Alabama, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section of the act of March 2, 1819, for the admission of Alabama into the Union; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to the said State 5 per cent. thereon, as in case of other sales.

And in 1857 the following act, "An act to settle certain accounts between the United States and the State of Mississippi and other States:"

Be it enacted, &c., That the Commissioner of the General Land Office be, and is hereby, required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, on account of the public lands in said State, and upon the same principles of allowance and settlement as prescribed in the "act to settle certain accounts between the United States and the State of Alabama," approved March 2, 1855; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to the said State 5 per cent. thereon, as in case of other sales, estimating the lands at the value of $1.25 per acre.

SEC. 2. *And be it further enacted*, That the said Commissioner shall also state an account between the United States and each of the other States upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at $1.25 per acre.

An account was to be stated with all other States, and the other States thus referred to being in the same condition as Mississippi and

Alabama are the States of Ohio, Indiana, and Illinois. Thus in 1857 the Congress of the United States, in effect, declared that this 2 per cent. and the reservation of the right to appropriate it by Congress in works of improvement should no longer be followed as the policy of this Government, but that it should settle with the States and pay them 5 per cent. of the proceeds of public lands, and that in doing so it should reckon permanent Indian reservations as sales, and the price to be fixed was $1.25 per acre. The Government having in terms granted so much land to these particular tribes, for that is the language of the grants under which the reserves were made, these reservations were treated as sales.

So you will see that as early as 1857 the Government discovered the impracticability of Congress undertaking to act in conjunction with a State in disposing of this 5 per cent. fund for the purposes for which it was originally intended, and recognized the fact that the States themselves were the best administrators of the fund, that they were the proper authority to make application of it for the general benefit and common welfare of which we have heard so much from the Senator from Vermont. Therefore, from 1857 down to the present time, and beginning even back of that, but certainly from that time down to the present in every State which has been admitted into the Union, the 5 per cent. has been reserved to be paid over to the State, to be used for the purposes therein designated, but to be paid to the State. This obligation to pay the whole of the 5 per cent. over to the State was first embraced in the act by which the constitution of the State of Michigan was recognized, for it is known that the State of Michigan organized her constitution and State government, not by any specific enabling act, but claiming the right to do it under the terms of the ordinance of 1787, claiming that she possessed the right under that ordinance, that it required no previous enabling act by Congress. But when the State was recognized and admitted into the Union upon the constitution that she had formed under the authority as she conceived of the ordinance of 1787, then it was that Congress provided for the payment of the entire 5 per cent. over to the State, to be used it is true for these public purposes that have been spoken of, but the payment was to be made to the State.

Arkansas, it will be remembered, was admitted at the same time and by virtue almost of the same act by which the State of Michigan was admitted. Florida and Iowa came in together, and their enabling acts and the provisions and compacts between them and the Federal Government were of the same character.

From the time of the admission of the State of Michigan down to the present time there has never been in a single act any division of the fund, but each State has been allowed to use that fund for the purposes specified in it, for improvements if it was for improvements, or for common schools if it was for common schools, and there has never been any complaint on the part of the United States or anybody else that it has not been so used, and much more.

But the language of these enabling acts so far as this reservation is concerned is very much of the same character; it is 5 per cent. of the net proceeds of the sales of lands lying within the said Territory or State—the net proceeds of sales. Now this bill proposes—and that is all there is in it different from any other act that has ever been passed by Congress on this subject—to treat lands taken up by the location of land warrants issued to the soldiers of the United States, usually termed bounty warrants, as sales made by the Government.

Before taking up and discussing that question I wish to call the attention of the Senate for a moment to the language of the act under which the State of Indiana was admitted. After having set forth in five different specific provisions the terms and conditions under which the State of Indiana was to be admitted, it then goes on to say:

And provided always, That the five foregoing propositions, herein offered, are on the conditions that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the 1st day of December next, shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

This does not by express terms exempt the public lands from taxation while they remain public lands, but it does by implication, because they are not to be taxed until five years after they have been entered, so that it by implication embraces the clause that is expressly contained in the enabling acts of those States which have omitted this exemption of the taxation of private property. As appears by the act under which the State of Iowa was admitted she expressly stipulates that she will not tax the public lands, nor will she in any manner interfere with the right of disposal of the same by the General Government or the making of titles to them to any person who may acquire them from the General Government.

A proposition was raised yesterday by a question asked by the Senator from Florida of the Senator from Vermont as to whether the power existed in the State government to tax the public lands held by the General Government within the limits of the State. The distinguished Senator from Vermont gave it as his unqualified opinion that no such power existed, and yet he admitted that it was a question. It was thought to be a question of such moment as to be embraced in the compact between the States and the General Government when they came to ask for admission—in almost every instance it was a question whether the General Government could be the proprietary owner of lands within a State that was claimed to be sovereign and hold them there exempt from taxation by its mere sovereign will and power, not holding them there in sovereign right as sovereign, but simply as a proprietary owner. It was an important question, and one that Congress thought it necessary to put at rest by entering into a solemn compact with the States to be admitted that they should not attempt to exercise that power.

The State of Ohio was the first State formed out of the Northwestern Territory, and the same implied reservation was contained in the act under which she was admitted. The title of that act is "An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes;" and the constitution formed by the people of Ohio and presented to Congress for its acceptance, and under which it was admitted as a State, declared:

We, the people of the eastern division of the territory of United States northwest of the river Ohio, having the right of admission into the General Government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of 1787, and the law of Congress entitled "An act to enable the people of the eastern division of the territory of the United States northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes," in order to establish justice, promote the welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State by the name of the State of Ohio.

"Into a free and independent State by the name of the State of Ohio." When Congress on the one hand and the people of the eastern division of the Northwestern Territory on the other were engaged in these solemn negotiations, and when the State of Ohio was to be admitted as a free and independent State, it became a matter of very considerable concern, it seems to me, to determine what powers and what rights the Federal Government, the United States, that other government that divided sovereignty with the people of the State of Ohio, could have over the lands within the limits of the State of Ohio. Therefore, when these States, beginning with the State of Ohio and extending on through, solemnly gave up this contested question, settled this dispute in reference to the right to tax all property—for there is no higher right of sovereignty, no one more necessary to be preserved than the right of taxation—gave up the right to control in any manner or to interfere in any manner with the United States in the disposition of almost the whole territory out of which these States were formed, and gave up the right also to tax it, not merely while it was in the hands of the Federal Government and while it was held by it as a proprietary owner, but to still continue that exemption for five years from the time it was sold, it seems to me that the very fact that there was such a question and it was thus settled disposed of the whole controversy. Now, as to whether these compacts stood upon any sufficient ground or not——

Mr. JONES, of Florida. Will the Senator from Indiana, in that connection, allow me to read a short extract from Mr. Justice Woodbury?

Mr. McDONALD. Yes, sir.

Mr. JONES, of Florida. He says:

Where the United States own land situated within the limits of any particular States, and over which they have no cession of jurisdiction, for objects either special or general, little doubt exists that the rights and remedies in relation to it are usually such as apply to other landholders within the State.

Mr. McDONALD. I do not pretend on this occasion to undertake to settle that question. I say that the people of the several States that have been admitted into the Union under these compacts settled the question with the Federal Government by compact and agreement, and when they gave up this right the Government agreed that on the sales of these public lands, thus having the right to dispose of them unobstructed and untrammeled by State legislation, 5 per cent. should be devoted to the benefit of the people of the State. There is where the benefit was to go, to the people of the State. It is true that the improvements they were required to invest the money in, the educational institutions they were called upon to establish, might be participated in by the citizens of other States when they came to travel within those States, or if they should be domiciled there for the purpose of receiving the superior educational advantages held out to them, precisely as the people of the older States have always benefited by these new and young and growing States. It was no bad advice, an advice that has often been followed, that Horace Greeley gave to the young man who consulted him, "Go West, young man, and grow up with the country."

These Territories had to be peopled; the slow process of the mere increase of population within a particular settlement or community was not rapid enough; and if any section of this country derived any special benefit from these unoccupied public lands, from the wide field that was opened in the West for enterprise and energy, it has been our friends in the Eastern States; and it seems to me that it is not very just for them to undertake to tax us now because we desire to have the compact that we entered into fairly executed.

Mr. DAVIS, of West Virginia. With the consent of the Senator from Indiana, who gives way for the purpose, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty-two minutes spent in executive session the doors were reopened, and (at five o'clock and forty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 11, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

CLAIMS AGAINST THE UNITED STATES.

Mr. O'CONNOR, by unanimous consent, reported back, with amendments, from the Committee on Reform in the Civil Service, the bill (H. R. No. 1513) providing for the judicial ascertainment of claims against the United States; which, with the accompanying report, was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

PLEURO-PNEUMONIA.

Mr. ROBINSON, by unanimous consent, presented resolutions of the Legislature of Massachusetts, concerning the extirpation of pleuro-pneumonia; which were referred to the Committee on Agriculture, and ordered to be printed in the RECORD. They are as follows:

Whereas the business of raising, transporting through the States, and shipping to foreign ports of cattle is already one of the most important industries of this country, and a source of wealth and profit to the citizens of all portions of the Union, to the agricultural States, to the States in which through lines of railroad run, and to the seaboard States, where commerce is greatly increased by the export of live stock and beef products, and whatever interferes with such demand in foreign markets produces a direct and incalculable injury to every portion of the country; and

Whereas the disease known as pleuro-pneumonia, a most pestilent, contagious, and fatal disease, prevails at the present time among the neat stock in no less than five States on the Atlantic seaboard, menacing the entire Middle and Eastern States, and ultimately the unfenced stock-ranges of the South and West, where its extermination would be utterly impossible, thereby interfering with the exportation of cattle and destroying one of our most valuable industries; and

Whereas the State authorities have not sufficient power to control the intercommunication between different States, and consequent spread of the disease, or may not be fully awake to the importance of its utter and entire extermination; and

Whereas the Commonwealth of Massachusetts having in former years expended many thousands of dollars in extirpating this plague among the cattle in her own borders, whereby this disease within her territory was entirely exterminated: Therefore,

Resolved, That the Legislature of Massachusetts pray the Senate and House of Representatives in Congress assembled to devise such measures of law as regards quarantine and transportation of cattle between the several States, and also grant such financial aid to the States where it now exists, as in your wisdom may be deemed best calculated to eradicate in the present and prevent in the future this dangerous and threatening pestilence, and thereby avert a national calamity.

Resolved, That a copy of this memorial be transmitted by the Secretary of this Commonwealth to each of our Senators and Representatives in Congress.

SENATE, *January* 27, 1880.

Passed.
Sent down for concurrence.

S. N. GIFFORD, *Clerk*.

HOUSE OF REPRESENTATIVES, *January* 30, 1880.

Concurred.

GEO. A. MARDEN, *Clerk*.

SECRETARY'S DEPARTMENT,
Boston, February 9, 1880.

A true copy.
Attest:

HENRY B. PEIRCE,
Secretary of the Commonwealth.

OCEAN NATIONAL BANK OF NEW YORK.

Mr. BUCKNER. I ask unanimous consent that the evidence taken by the Committee on Banking and Currency in the investigation of the affairs of the Ocean National Bank of New York be printed for the use of that committee.

There being no objection, it was ordered accordingly.

GERMAN NATIONAL BANK OF CHICAGO.

Mr. PRICE, from the Committee on Banking and Currency, submitted the following report; which was read, and, on motion of Mr. PRICE, ordered to be printed and laid on the table:

The Committee on Banking and Currency, to whom the subject was referred, submitted the following report:

On the 4th day of June, 1879, the House adopted the following:

"*Resolved*, That the Committee on Banking and Currency be, and they are hereby, instructed and directed to investigate the affairs of the Ocean National Bank of New York and of the German National Bank of Chicago, and especially to inquire into the management of the assets of the respective receivers of said banks and the conduct of any officer of the Government touching the said receiverships, or the disposition of the assets of said banks, respectively, and for that purpose that the said committee, or any sub-committee it may appoint, shall have power to send for persons and papers, reduce the testimony of witnesses to writing, employ a clerk and stenographer, to sit during the recess of Congress at Chicago and New York, and report by bill or otherwise; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of said investigation."

In compliance with which resolution a sub-committee consisting of Mr. BUCKNER, (chairman,) Mr. LOUNSBERY, and Mr. PRICE visited Chicago on the 16th day of October, 1879.

Mr. Edmund Jessen appeared as attorney for the petitioners at whose instance the investigation was asked for. Mr. James M. Flower, the receiver of the German National Bank of Chicago, and Mr. Henry Greenebaum, who was the president of said bank before and at the time of the failure, were also present.

The committee remained in session for several days, examining witnesses in reference to all the matters complained of, and also in examining the books of the bank; in which examination of the books the committee were assisted by an expert accountant. The testimony of all the witnesses demonstrated very conclusively that great irregularity had been practiced in conducting the affairs of the bank, and that the manner of keeping the books had been of such a character as to make it very difficult for even an expert accountant to ascertain the nature of the transactions. These irregularities were so numerous and so great as to impress the minds of your committee with a suspicion that possibly they were intentional. The language of one of the witnesses, who was introduced as an expert bookkeeper, is, "I think they have been kept in a very loose manner; in making the examination we have found many entries of a blank character;" and again he says, "only a party familiar with the books could trace many of the entries;" and again he says, "as a rule the entries are of such a blind character that it is with great difficulty that anything can be traced to its true origin." Your committee also find that good assets were used, after the failure of the bank, to pay preferred creditors, which is clearly in violation of law.

So far as the acts of the Comptroller of the Currency and of the receiver are concerned, the letters put in evidence and the testimony of the witnesses on the stand indicate a disposition on the part of these officers to protect the rights of the stockholders and creditors of the bank. Possibly a little more vigilance and energy might have been exercised to good purpose, and in the opinion of your committee a fair construction of the law would have authorized and justified these officers in adopting more stringent measures toward the directors and managing officers of the bank; for the testimony discloses the fact that transfers were made on the books of the bank by which good assets were used to pay preferred creditors of the bank. Such transfers are clearly, under the law, not only voidable, but absolutely void.

At the time of the failure of the bank in December, 1877, its affairs, as appears from the testimony, were put into the hands of a managing committee consisting of Henry Greenebaum, the president, with the vice-president and cashier of the bank, and this committee had entire control of its affairs until December, 1878, and during all of this year, as appears from the testimony, Henry Greenebaum was really the managing man and controlled the assets of the bank, and it was during this time that the assets of the bank shrunk from what he said was 80 or 90 per cent. of its par value to nearly nothing. In one instance the testimony of Mr. Flower is that the bank lost $20,000 and that Henry Greenebaum got the money.

The overdrafts of the persons doing business with the bank were allowed to run up sometimes to nearly $100,000, for which there was no security, and in addition to this memorandums on slips of paper, made by Henry Greenebaum, amounting to $15,000, were counted as cash.

The whole secret of the trouble with the German National Bank of Chicago, as disclosed by the testimony, has arisen from the fact that the directors whose sworn duty it was to watch over and guard the interests of the stockholders and creditors of the bank have utterly failed to attend to their duty, but have allowed one or two men to manage its affairs and handle its funds as they saw proper; and if the creditors of a national bank have not now the right of action at common law, or in equity, against a board of directors who by wrong action or neglect of duty cause loss to shareholder or creditor, then the law should be so changed as to give that remedy.

As an evidence that there was gross negligence on the part of those whose sworn duty it was to see that the bank was conducted according to law, if indeed it did not amount to a criminal wrong, your committee call attention to the fact that on the 6th of December, 1877, the books of the bank did not show any overdrafts, while a balance-sheet or statement of the affairs of the bank on the same day showed an overdraft of $92,032.52.

The grounds for asking this investigation by Congress, as disclosed by the petition presented to the House, presupposed mismanagement if not criminal management of the affairs of the bank by some of its officers, as well as a charge of failure on the part of the Comptroller of the Currency to initiate a criminal prosecution of the alleged delinquents, and an indisposition on the part of the receiver to do his duty in the premises.

It appears that when application was made to the Comptroller, embodying the charges against officers of the bank, that he promptly referred the matter to the Solicitor of the Treasury, and that he, with the assent of the Attorney-General, directed the United States attorney for the northern district of Illinois to lay the matter before the grand jury; but at the time this order was made there was no grand jury in session, and shortly thereafter the attorney for the Government resigned his position and a successor had been appointed but a short time before the committee met at Chicago. No preliminary examination of the charges against the bank officers had been made nor had any arrests been made with a view to such preliminary examination. But your committee have learned that since the investigation these charges against the late president have been presented to the first grand jury impaneled after the order of the Solicitor of the Treasury was received, and that an indictment has been found and the officer thus indicted has been held to bail and his case will be ready for trial at the next term of the court.

Your committee reaffirm that the leading and principal cause of the failure of this bank is found in the fact that the directors utterly failed in their duty to watch over the affairs of the bank, and we recommend that the national bank act be so amended as to hold to a more strict accountability all directors, and also that the stockholders, whose business it is to elect directors, should in no case be relieved from personal responsibility to the creditors of their bank until they shall have paid, not only the amount of stock held by them, but also an additional sum equal to said stock.

JOSEPH CLYMER.

Mr. BRIGHT, by unanimous consent, reported back, with a favorable recommendation, from the Committee of Claims, the bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. J. GURLEY.

Mr. BRIGHT also, by unanimous consent, reported, from the same committee, a bill (H. R. No. 4418) for the relief of E. J. Gurley, of McLennan County, Texas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DIMICK BUTLER.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 4419) granting a pension to Dimick Butler, late private Company K, Thirteenth Michigan Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BEAUFORT C. LEE.

Mr. BURROWS also, by unanimous consent, submitted the following resolution; which was referred to the Committee of Claims:

Resolved, That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay to Beaufort C. Lee the sum of $150 for services rendered in the Doorkeeper's department from October 15, 1877, to December 31, 1877, the above sum to be paid out of the contingent fund of the House of Representatives.

TERM OF COURT AT LINCOLN, NEBRASKA.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 4420) to provide for the holding of terms of courts at Lincoln,

Nebraska, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EULOGIES ON THE LATE ZACHARIAH CHANDLER.

Mr. HAYES, from the Committee on Printing, reported back a joint resolution (H. R. No. 75) to print the eulogies delivered in the two Houses of Congress on the late Zachariah Chandler, with a recommendation that it do pass.

The joint resolution, which was read, provides that 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler be printed, 8,000 copies for the use of the House of Representatives and 4,000 copies for the use of the Senate, and the Secretary of the Treasury shall have printed the portrait of Mr. Chandler to accompany the same; and that for defraying the expense of procuring the said portrait the sum of $500 is appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON THE LATE RUSH CLARK.

Mr. HAYES also, from the same committee, reported back a joint resolution (H. R. No. 200) for printing the eulogies delivered in the House of Representatives upon Hon. Rush Clark, deceased, with a recommendation that it do pass.

The joint resolution, which was read, provides that 9,000 copies of the eulogies delivered in the two Houses of Congress upon the late Rush Clark be printed, 6,000 copies for the use of the House of Representatives and 3,000 copies for the use of the Senate, and the Secretary of the Treasury have printed the portrait of Mr. Clark to accompany the same; and for the defraying the expense of procuring the said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASCERTAINMENT OF VALUE OF FOREIGN COINS.

Mr. WARNER, from the Committee on Coinage, Weights, and Measures, reported back, as a substitute for House bill No. 3846, a bill (H. R. No. 4421) to amend section 3564 of the Revised Statutes; which was read a first and second time, ordered to be printed, and recommitted.

MONETARY COMMISSION REPORT.

Mr. WILSON, from the Committee on Printing, reported back adversely a resolution to print 5,000 extra copies of the United States Monetary Commission Report; which was laid upon the table, and the accompanying report ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. BLOUNT. I demand the regular order of business.

The SPEAKER. The regular order of business being demanded, the morning hour begins at twelve o'clock and thirty minutes. The unfinished business is the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875, on which the gentleman from Indiana [Mr. NEW] is entitled to the floor.

Mr. NEW. Mr. Speaker, I shall not occupy much time with my remarks, but I am so partial to the provisions of the bill now before the House that I am unwilling that its consideration should be concluded without saying something in favor of its passage. That there should be some change made in existing laws affecting the jurisdiction of the circuit courts of the United States is, I believe, conceded. What alterations can be wisely made is the question and inquiry with all who feel any considerable interest in the subject. I believe, Mr. Speaker, that this bill will be found to go very far toward remedying some of the more conspicuous evils and that there will be but little opposition to it when fully understood.

As we all know, the original jurisdiction of the Supreme Court of the United States, as also its power to receive appellate jurisdiction, is created by the Constitution; while the jurisdiction and judicial power of the inferior Federal courts do not come immediately from the Constitution, but are conferred by Congress by virtue of the authority given to Congress by the Constitution to ordain and establish courts inferior to the Supreme Court. It follows, therefore, that the extent, so to speak, of the appellate jurisdiction of the Supreme Court and the jurisdiction of the inferior Federal courts, whether original or acquired indirectly by removal from the State courts, is all defined and regulated by Congress. Congress must, by its laws, say how much of the judicial power not vested by the Constitution in the Supreme Court shall be exercised by the inferior Federal courts.

The principal acts of Congress affecting the jurisdiction of the circuit court of the United States, so far as the same are of interest or importance in connection with this bill, are the acts of September 24, 1789, July 27, 1866, March 2, 1867, section 640 of the Revised Statutes, and the act of March 3, 1875. I do not include or speak of the enlarged jurisdiction of the circuit court of the United States, resulting from the right to remove causes from the State courts, arising under the civil-rights and elective-franchise laws, or the removal of causes from the State courts in cases of prosecution against revenue officers of the United States and against officers and other persons acting under the registration laws, &c. These laws I shall not speak of, because they are in no wise affected by the bill under consideration.

The bill makes no change whatever in the criminal jurisdiction of the circuit court of the United States as it was under the act of 1789 and as it is now under the act of March 3, 1875.

Gentlemen are well informed, no doubt, as to the very great additional original civil jurisdiction conferred by the act of 1875 upon the circuit court of the United States. The civil jurisdiction of that court prior to the act of 1875, was original cognizance concurrent with the courts of the several States of all suits of a civil nature at common law or in equity, where the matter in dispute exceeded, exclusive of costs, the sum or value of $500, and the United States were plaintiffs or petitioners; or a suit in which an alien was a party, or where the suit was between a citizen of the State where the suit was brought and a citizen of another State. The five-hundred-dollar clause applied as well to suits in which the United States were plaintiffs or petitioners as to suits in which aliens or citizens of different States were parties.

But by the act of 1875 this original civil jurisdiction of the circuit court has been enlarged to the very limit of the power vested in Congress in that regard by the Constitution. Besides the jurisdiction already named, the act of 1875 extends the jurisdiction of the circuit court to all cases arising under the Constitution or laws of the United States, or treaties made, or which shall be made under their authority; also to all suits in which there shall be a controversy between citizens of the same State claiming lands under grants from different States; as also to suits where there is a controversy between citizens of a State and foreign states, citizens or subjects. And unlike the act of 1789, it does not require in suits between citizens of different States that one of the parties shall be a citizen of the State in which suit is brought. On the contrary, it permits a suit between citizens of different States to be brought in a circuit court of the United States in a State of which neither party is a citizen; and provision is made for the removal from the State courts to the circuit courts of the United States of all suits or controversies of which the latter courts have concurrent jurisdiction with the State courts; and the removal may be by either plaintiff or defendant.

It will be observed that under this bill, as by the act of 1875, the United States can sue in its own courts for any amount.

The first change proposed to be made by this bill in the act of 1875 is to require the sum or value of the matter in dispute to exceed, exclusive of interest and costs, the sum of $2,000 instead of $500 exclusive of costs. I believe this increase of the sum or value in dispute to be one of the best provisions in the bill. No good reason in my judgment can be urged against it. The increase from five hundred to two thousand dollars should be made for the same reason that caused the same Congress that passed the act of 1875 to pass another act at the same session, which provided that an appeal should not be had from the circuit to the Supreme Court, unless the amount involved exceeded $5,000. The minimum amount before that was $2,000.

The change from five hundred to two thousand dollars is not out of proportion to the growth of our population and wealth since 1789. Within the last two decades the history of the jurisdiction of the Federal courts has been one of constant and rapid growth; so much so that you hear from judges of all those courts the opinion expressed that the districts, circuits, and judicial force must be multiplied, and an intermediate appellate court created, unless something can be done to check the surging tide of litigation with which these courts are being overflowed.

Although our population has increased more perhaps than fifteen-fold since 1789, our wealth still more, and litigation in even greater proportion, yet the three circuits of 1789 have been added to by only six. It is true that the districts and district courts have been increased in a larger proportion. But those courts have had all they could do, the district judges doing largely circuit court duty in addition to holding their own courts. This has come from the overloaded condition of the circuit court dockets, and also from the strong desire on the part of the people and Congress not to enlarge the Federal judicial force beyond the strictest necessity.

It has also come from the fact that the large litigations of the country have been in the circuit courts of the United States, and the judges of those courts have had their time mostly occupied in the trial of those causes. I know that the number of cases on the circuit court dockets have been reduced by the repeal of the bankrupt law. But the actual work of the judges has not been lightened in anything like the same ratio, for as we all know most of the bankrupt work was done by the registers in bankruptcy.

If this bill becomes a law, it will be found very soon afterward that the very best results have followed its enactment. Our State courts will be able to dispose of the additional labor imposed upon

them, and even if after a time it should result in an increase of the State judicial force, the people would gladly consent, so burdened, harassed, and oppressed have they been by the inconvenience, delays, and increased expense incident to trials in the Federal courts. Worse than this, sir, the citizen often abandoning outright or surrendering a just demand or paying a fraudulent one rather than employ expensive counsel through long and vexatious litigation in a Federal court, frequently more than one hundred miles from his home, and among strangers. And here I may say that which will not be denied: the very best and highest order of legal ability can be found in all the State courts, not only on the bench but at the bar. The decisions of the highest courts in the States are gladly consulted and cited as authority by the judges of the Supreme Court of the United States. Law books, including reports both State and national, have so multiplied and are so cheap and easy of access, that you will scarcely find a county seat in the Union, where, with the industry that characterizes the American bench and bar, the law and latest authority cannot be produced on the trial of any cause.

I have already referred to the removal of causes from the State courts to the circuit court of the United States, as one of the sources of the enlargement of the jurisdiction of the latter court, and I would be glad, before finishing my remarks as to other features of the bill, to have the attention of the House while I speak more definitely now to that part of the bill which relates to the removal of suits from State courts.

As I have already said, the bill does not disturb existing laws as to the removal of causes from the State courts arising under laws relating to civil rights, the elective franchise, revenue officers, or other officers of the United States.

By the act of 1789 the right of removal was limited to defendants who were citizens of States other than those in which the suit was brought, and the petition for removal was required to be filed at the time of appearing to the suit. And this act was always construed by the Supreme Court to mean that there could be no removal unless all the plaintiffs were citizens of the State in which the suit was brought and all the defendants citizens of another State or States.

The act of 1866 amended that of 1789, so as to allow a non-resident defendant to remove the suit as to himself, even if there were other defendants in the suit who were citizens of the State in which the suit was brought, provided it was a suit instituted or prosecuted for the purpose of restraining or enjoining him; or if the suit was one in which there could be a final determination of the controversy so far as it concerned him, without the presence of the other defendants. By this act the petition for removal could be filed at any time before the trial or final hearing of the cause. And the plaintiffs were allowed to proceed without prejudice in the State courts against the other defendants.

The act of 1866 is probably still in force, for it does not seem to be in conflict with that part of the act of 1875, which says, that where there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the plaintiffs or defendants, actually interested in such controversy may remove such suit into the circuit court of the United States. In other words, if a case should arise such as is described and provided for by the act of 1866, but not within the letter of that part of the act of 1875 to which I have just referred, removal by a defendant could probably yet be had as to himself alone under the act of 1866, and if that right under the act of 1866 was not taken away by the act of 1875, it would seem to remain under this bill, although it will be observed that the bill now under consideration alters the language which I have quoted from the act of 1875 by dropping the word "plaintiffs."

The act of 1867 also limited the right of removal to actions between a citizen of a State where the suit was brought and a citizen of another State. But it made a radical change in one other respect. Before that the right of removal was restricted to the non-resident defendant upon the theory that the plaintiff having selected his forum should abide by it. The act, however, provided that a citizen of another State than that in which the suit was brought, whether plaintiff or defendant, might have a removal of the cause if he made affidavit that he had reason to believe and did believe that from prejudice or local influence he would not be able to obtain justice in such State court and filed his petition for removal on that ground at any time before the trial or final hearing of the suit.

The bill now under consideration contains a similar provision as to prejudice or local influence. It thus appears, Mr. Speaker, that prior to the act of 1875, with the exception of the removal allowed to either party on account of prejudice or local influence, under the act of 1867, the right of removal was limited to non-residents who were defendants in suits instituted by citizens of the States in which the suit was brought.

This brings me to speak more particularly of removal of causes from the State courts under the act of 1875. By it removal is coextensive with the civil jurisdiction of the circuit court, and the privilege is not limited in any instance to defendants, but exists in favor of plaintiffs as well. By this bill the plaintiff can in no case remove his suit except on account of prejudice or local influence as already explained. If the amendment of the gentleman from Texas [Mr. CULBERSON] shall be adopted, as I assume it will be and ought to be, then there may be removal by resident as well as non-resident defendants whenever it is made to appear from the application for removal that the defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States or treaty made by their authority.

The act of 1875 provides that the petition for removal can be filed before or at the term at which the cause can be first tried and before the trial, while this bill requires the petition to be filed at any time before the defendant is required by the laws of the State or the rule of the State court in which the suit is brought to answer or plead to the declaration or complaint of the plaintiff.

It is the unanimous judgment, I believe, of the Judiciary Committee that the privilege of removing a suit from the State to the Federal court ought to be, from every consideration of reason and fair play, allowed to the defendant only; and that whether it be the General Government, a corporation, a private citizen, or an alien, they having once as plaintiffs selected the forum, should be held to the choice made with the exception already stated. And such has been the judgment of Congress also, from the 24th of September, 1789, the date of the judiciary act, to March 3, 1875.

The departure from that rule allowed by the latter act, has been the most fruitful source that the ingenuity of the law-maker could devise, although not so intended, for the bringing of suits without merit, the delay of trials without good cause, and the oppression of the people.

For the first time since the foundation of the Government, the plaintiff, by the act of 1875, is permitted to bring his suit in the circuit court of the United States in a State of which neither he nor the defendant is a citizen. This bill requires that, in all controversies between citizens of different States, suits shall be brought only in the district of the residence of either the plaintiff or defendant, and this is precisely as it should be.

The act of 1875 provides that no circuit or district court of the United States shall have cognizance of any suit founded on contract in favor of an assignee unless the suit might have been prosecuted in such court to recover thereon if no assignment had been made, except suits on promissory notes negotiable by the law merchant and bills of exchange. This bill excepts only foreign bills of exchange, and the bill in that respect is like the act of 1789.

The evil that this modification is intended to and will remedy is so well understood, that I need not do more than call attention to the fact that hundreds of thousands of dollars of indebtedness, evidenced by promissory notes payable to order or bearer, and therefore negotiable by the law merchant, and which could not be sued on in the Federal courts by the payees if they were citizens of the same States with the makers, are transferred by indorsement, before maturity, to non-residents, who sue the makers in the Federal courts, well knowing that the defendants, however wronged, cheated, or defrauded in the making of the paper or contract sued on, will be less likely to defend in the Federal courts than in the State courts.

This bill further provides as follows:

That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation, at the time the cause of action accrued, may have been carrying on any business authorized by the law creating it, except in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State.

That is to say, in a case such as is here named the corporation would, for the purposes of that suit, be deemed to be a citizen of the State in which it had been carrying on business, and of which the defendant was a citizen. I cannot doubt but this provision will commend itself to all. Gentlemen will see that this is of the utmost importance to fair dealing and an impartial administration of justice. It will have the effect to make all kinds of corporations careful to contract fairly and squarely with the people. I say it will tend to the impartial administration of justice also, because the corporation, having found it to be the best policy to take no unconscionable advantage of the citizen in the beginning, will not regard it necessary to have unfair advantage upon the trial in order that it may secure a just finding or verdict, and the people thereafter having been dealt with honorably in the main by corporations, and having equal advantages in the forum of trial, will rapidly divest themselves of the bias and prejudice now so strong against corporations.

Mr. TOWNSHEND, of Illinois. Would it interrupt my friend if I were to ask him a question?

Mr. NEW. I would prefer not to be interrupted.

Mr. Speaker, I do not believe there can be any serious doubt as to the constitutionality of that part of the bill which I have just quoted. I know, sir, that the Supreme Court has held that a corporation was a citizen of the State that created it, and therefore within the clause of the Constitution which extends the judicial power of the Federal courts to controversies between citizens of different States. But it does not follow by any means that Congress may not constitutionally require a corporation organized under the laws of any State to sue in the State courts, under the circumstances named in that part of the bill which I have just read. With as much and more plausibility, reason, and force might it be said that that part of section 11 of the act of 1789 is uncon-

stitutional, which provided that no district or circuit court of the United States should have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless suit might have been prosecuted in such court to recover thereon if no assignment had been made. The purpose and effect of that restriction was to compel the assignee to sue the maker of the note in the State courts of the latter, unless the payee could have sued in the Federal courts. If the payee and maker were citizens of the same State, the latter could not be sued by the former in the Federal courts, and under the act of 1789 the assignee, although a citizen of another State, could not sue in the Federal courts if his indorsor or assignor could not. The fact that a suit between the assignee and the maker of the note was a suit "between a citizen of the State where the suit was brought and a citizen of another State," gave to the assignee no right that the payee did not have.

This illustration presents the constitutional question fairly; for in a suit against the maker of a note, the cause of action, amount to be recovered, and all else involved, so far as he was concerned, was precisely the same whether sued by the payee or the assignee. The only difference would be that if sued by the payee the suit would be by a citizen of his own State, and if sued by the assignee the suit would be by a citizen of another State.

The Supreme Court, in the case of Sheldon *et al. vs.* Sill, 8. Howard, page 441, held that portion of the act of 1789 to which I have referred, to be constitutional.

I quote from the opinion as follows:

The only question which it will be necessary to notice in this case is whether the circuit court had jurisdiction. Sill, the complainant below, a citizen of New York, filed his bill in the circuit court of the United States for Michigan against Sheldon, claiming to recover the amount of a bond and mortgage which had been assigned to him by Hastings, the president of the Bank of Michigan. Sheldon in his answer, among other things, pleaded that the bond and mortgage in controversy, having been originally given by a citizen of Michigan to another citizen of the same State, and the complainant being assignee of them, the circuit court had no jurisdiction. The eleventh section of the judiciary act, which defines the jurisdiction of the circuit courts, restrains them from taking "cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the contents, if no assignment had been made, except in cases of foreign bills of exchange." The third article of the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and, among others, it specifies "controversies between citizens of different States." It has been alleged that this restriction of the judiciary act with regard to assignees of choses in action is in conflict with this provision of the Constitution, and therefore void. It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress; but as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted and could not be defended with any show of reason; and if not, the latter would seem to follow as a necessary consequence; and it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all. The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction cannot be in conflict with the Constitution, unless it confers powers not enumerated therein. Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary. In the case of Turner *vs.* Bank of North America, 4 Dallas, 10, it was contended, as in this case, that, as it was a controversy between citizens of different States, the Constitution gave the plaintiff a right to sue in the circuit court, notwithstanding he was an assignee within the restriction of the eleventh section of the judiciary act. But the court said: "The political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress; and Congress is not bound to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant." This decision was made in 1799. Since that time the same doctrine has been frequently asserted by this court, as may be seen in McIntire *vs.* Wood, 7 Cranch, 506; Kendall *vs.* United States, 12 Peters, 616; Cary *vs.* Curtis, 3 Howard, 245.

I need not comment upon or further refer to the opinion just read from to show how exactly it meets in every respect the constitutional question of which I have been speaking.

I now wish to read from 3 Howard, page 245, one of the authorities referred to in the case from which I have read in 8 Howard:

Secondly, in the doctrine so often ruled in this court, that the judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government and to give to the former powers limited by its own discretion merely. It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they cannot go beyond the statute and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judicial power, the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority have been, and of right must be, the work of the Legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law.

I will now read from the case of Turner *vs.* Bank of North America, 4 Dallas, page 10:

A circuit court, however, is of limited jurisdiction, and has cognizance, not of cases generally, but only of a few specially circumstanced, amounting to a small proportion of the cases which an unlimited jurisdiction would embrace. And the fair presumption is not as with regard to a court of general jurisdiction, that a cause is within its jurisdiction unless the contrary appears, but rather that a cause is without its jurisdiction till the contrary appears.

During argument of this case Chase, Justice, interrupted counsel and said:

The notion has frequently been entertained that the Federal courts derived their judicial power immediately from the Constitution; but the political truth is, that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court we possess it, not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would perhaps be inexpedient to enlarge the jurisdiction of the Federal courts to every subject, in every form which the Constitution might warrant.

See also 2 Paine, 501.

The case of the Insurance Company *vs.* Morse, reported in 20 Wallace, page 445, which is sometimes cited as bearing on this question, is not at all in point.

A statute of the State of Wisconsin enacted, that any insurance company organized or incorporated under the laws of any other State should not do business in that State, unless such company would agree not to remove from the courts of that State to the Federal courts, suits to which it was a party. The insurance company so agreed, but afterward violated the agreement, and the Supreme Court held that both the statute and agreement were void. The State of Wisconsin undertook to contract with the insurance company that the latter should not take the benefit of a law of Congress which gave the company the right of removal. The Supreme Court liken it to a case of a citizen of New York entering into an agreement with the State of Wisconsin that in no event would he resort to the courts of that State or the Federal courts within it to protect his rights of property. They say that a man cannot barter away his life, or his freedom, or his substantial rights. That he cannot bind himself in advance by an agreement to forfeit his rights at all times and on all occasions whenever the case may be presented.

In the case referred to, the insurance company derived its right of removal from an act of Congress, and would have had no such privilege without it. Congress had the power to give or withhold it. It was not a right given by the Constitution, except in so far as Congress had the constitutional power to grant or deny it. That provision of the bill which I am now considering takes away a privilege now existing; but it must be remembered that the change is made by Congress, the power which granted the privilege in the first place.

The acts of 1789 and 1875 have both required that the amount in controversy should exceed $500 before the circuit court could have jurisdiction concurrent with the State courts, and yet it is not pretended that this is an unconstitutional limitation or restriction of the right of the citizen to sue in that court.

Section 640 is repealed by this bill. It is a part of the act of July 27, 1868, and reads as follows:

Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

If the amendment of the gentleman from Texas [Mr. CULBERSON] is adopted, corporations as well as natural persons, including national-banking associations, will have the right of removal from the State courts, if it be made to appear from the application for removal that the defense in whole or in part, depends upon a correct construction of some provision of the Constitution, or law of the United States or treaty made by their authority; provided, of course, that the sum or value in dispute exceeds $2,000 exclusive of interest and costs.

Section 640 should be repealed, therefore—first, because the present bill, with the amendment of the gentleman from Texas, will provide for removal by corporations, whether resident or non-resident, where the defense is of the kind named in that section; second, because that section permits removal by the plaintiff as well as defendant, and without regard to the amount in dispute, and therefore would be in conflict with this bill in that respect.

There can be no unfairness or hardship to corporations organized under the laws of the United States, in the repeal of section 640; for under section 709 of the Revised Statutes the Supreme Court of the United States may reverse, affirm, or modify, upon writ of error, the judgment or decree of the highest State court, without regard to the sum or value in dispute, where any right is involved under the Constitution, or laws, or treaties of the United States. That section is in the following words:

A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by

either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed.

The Supreme Court may reaffirm, reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

It certainly is as fair to corporations organized under the laws of the United States to be permitted to go from the highest State court to the Supreme Court of the United States, without regard to the sum or value in dispute, as to be prohibited from appealing from the circuit court of the United States to the Supreme Court, unless the amount involved exceeds $5,000.

I have attempted with the fewest and in the plainest words possible, to explain to the House the provisions of the bill under consideration, and to suggest some of the reasons which have operated upon my own mind and caused me to look upon the bill with great favor. I am not much given in my utterances to bitterness, and I have had no words of unkindness or denunciation for corporations or any other class of litigants. I assume that this body would not be largely influenced by anything of that kind, but that every member will prefer to record his vote in such way as may be advised by his own dispassionate judgment.

Mr. PHILIPS. In the very limited time allotted to me I shall not attempt to speak of the general provisions of this bill; and I should not have obtruded any remarks upon the House at so early a period after my entry into it but for the experience I have had under the administration of this law of 1875. Its general purpose has my unqualified sympathy, for it strikes at an evil in the administration of justice which no man not fresh from the practice of the law can fully appreciate. Step by step has the jurisdiction of the Federal courts been extended by positive statutory enactment and the construction of the judge on the bench, until these courts have in a large measure taken to themselves the control and trial of cases which in the opinion of the statesmen and jurists of the best epoch of the Republic belonged exclusively to the domestic courts of the States. "This ravenous expilation of the State" has been accomplished by an insidious process, silent in its operations, stealthy in its approach, and most dangerous in its tendency; for a more cunning and surreptitious method of taking from the citizen his self-government could scarcely be devised. A more effectual instrumentality of despoiling the weak and the timid, and oppressing the poor man, could scarcely suggest itself to the most selfish of governments. The practitioner who a few years ago brought and tried his causes in his home courts, with whose methods of procedure he and his clients were familiar, where he tried his causes before a jury of the vicinage, where the common law and the bill of rights gave him a right to be heard, to-day, in the pursuit of his causes, is dragged hundreds of miles from his home to try his cases before a jury who are strangers to him, where the litigant does not get the benefit of his good character, and, while often before judges who are most accomplished jurists and who administer the laws with impartiality, he too frequently finds himself before judges on the bench who, something like the heathen, are a law unto themselves.

Under the second section of the act of 1875 the United States circuit court of the district of Missouri has held, in effect, that a simple action of ejectment brought for the recovery of a tract of land in the State is transferable to the United States circuit court under the provision of that section which provides for the removal of causes arising under the Constitution and laws of the United States.

In that case the plaintiff claimed title to land under a patent; the defendant claimed title under a prior entry made with a land warrant issued under the act of 1847, providing for bounties to the soldiers engaged in the Mexican war. The suit in no manner involved the legality of the patent. It in no manner involved the validity of the act of 1847. But the defendant claimed simply that his being a prior entry under a valid claim, the plaintiff had notice of that prior entry and held the legal title as trustee for the defendant. It was therefore only sought to divest this legal title of the patentee, and to invest it in the owner of the equitable title. The motion to remand was refused on the ground that the cause of action arose under an act of the Congress of the United States.

Why, Mr. Speaker, under such a ruling as that, (and it has been made as I understand in other States,) every action of ejectment brought in the State of Missouri for the recovery of a foot of land would be transferable to the United States circuit court; for all her land came under the Louisiana purchase, and all the title to the land has come from or through the Government of the United States. I thought then, as I believe to-day, that this rule carried the act in question far beyond its reasonable construction and probably beyond the intendment of Congress itself.

It was never the purpose nor the desire of the framers of our federative system of Government, nor was it the purpose of those who passed the original judiciary act of 1780, to give to the Federal courts jurisdiction over causes unless the claim or defense brought under review some principle of the Constitution, some Federal statute, and the question of the right of recovery or the matter of defense depended upon the proper construction of that law.

Such was the holding of the Supreme Court in its early history; and the majority of the present Supreme Court are struggling to bring back the law to its original foundation. I beg for one moment to call the attention of the House to two or three decisions of the Supreme Court, for the purpose of showing that the amendment offered by the gentleman from Texas [Mr. CULBERSON] is no innovation upon the Constitution and in no manner interferes with the rightful jurisdiction of the United States circuit courts, but is in accord with the earlier and the later decisions of the Supreme Court. In the case of Cohens against Virginia, 6 Wheaton, decided by Chief-Justice Marshall, the following language is used:

A case may truly be said to arise under the Constitution or a law of the United States whenever its correct decision depends upon the construction of either. The title or right set up by a party may be defeated by one construction of the Constitution or law of the United States, or sustained by an opposite construction. In either of these cases the jurisdiction of the Federal court may rightfully attach.

In G. W. & W. Co. *vs.* Keyes, 6 Otto, a majority of the present Supreme Court say:

A cause cannot be removed from a State court simply because in the progress of the litigation it may become necessary to give a construction to the Constitution or a law of the United States. The decision of the case must depend upon that construction; the suit must in part, at least, arise out of a controversy between the parties in regard to the operation and effect of the Constitution or the law upon the facts involved.

So in a late case in 9th Otto, of Hartell *vs.* Tighlman. That was merely a case arising upon a common-law contract between the patentee and a third party. It was claimed that because the patent had issued under the patent laws of the United States, therefore the Federal court had jurisdiction to try the matter of contract between the parties, which in no manner involved the validity of the patent. Strange to say, a very respectable and large minority of the Supreme Court delivered a minority opinion in that case, holding that the United States circuit court should take jurisdiction over the case simply because the patent originally emanated from the Government.

Now, it may be said that there is no necessity for the amendment of the gentleman from Texas [Mr. CULBERSON] in view of these decisions of the Supreme Court. The answer to that is this: the *nisi* judge upon the bench after all is human. As such he loves power, and he loves that dignity which as he thinks adheres to enlarged jurisdiction; and where that jurisdiction, under a proper interpretation, is wanting, he too often secures it by the liberality of construction.

It may be said that the injured party has the right of appeal. He has not this right in some cases on account of the amount involved, but even if he had, Mr. Speaker, the moneyless, timid litigant ought not to be driven to the necessity of incurring the extraordinary and ruinous expense and delay of prosecuting his case to the Supreme Court of the land. It would amount practically to a denial of justice. This Congress as the law-making power of the land should send out its law with its own interpretation, with its just limitation and cure incorporated in the act itself, so that it may be a shield of protection to the citizen instead of a mere instrument for oppressing, and a snare for despoiling, harassing, and annoying him.

The bill and amendment under consideration hits the blot, and I trust we have the wisdom and courage to enact it into a law.

The only criticism to which, in my humble opinion, the amendment of the gentleman from Texas is justly subject, is that it does not go far enough in its safeguards. It provides that the defendant may have the right of removal by simply stating in his application and making affidavit to the fact that his cause of action arises under the Constitution or law of the United States, and in whole or part involves its proper construction. Now suppose, as the history of litigation under the act of 1875 shows has frequently been the case, and as will be the case in the future, the applicant falsely makes this statement for the purpose of obtaining delay and getting his cause transferred to the Federal court. The remedy should go one step further and provide that if, upon the trial of the cause in the court to which it is removed, it should be disclosed that in truth the defense or the right of recovery does not in fact depend upon the proper construction of the Constitution or law of the United States, the United States circuit court should *eo instanti* discontinue the trial of the cause and remand it to the State court, at the cost, of course, of the party who has improperly had it transferred. I send to the Clerk to be read, simply for information, an amendment which I propose to offer to the amendment of the gentleman from Texas at the proper time.

The Clerk read as follows:

Amend by adding after the word "authority," at the end of the first clause, the following:

And if after the removal of such cause it shall appear, on trial thereof, that the defense does not in fact so depend upon such construction, it shall be the duty of the court to discontinue the further trial thereof, and forthwith remand the cause at the cost of the defendant.

The SPEAKER. Is this amendment to be regarded as pending?

Mr. PHILIPS. I have simply had it read for information.

Mr. MCMILLIN. Mr. Speaker, I favor the bill now before the House, and the amendment thereto proposed by the gentleman from Texas, [Mr. CULBERSON.] Not only ought there to be legislation going as far as this bill proposes, but I favor also the bill introduced by Mr. TOWNSHEND, of Illinois, which has been favorably reported to the House.

The gentleman in charge of the bill has already explained fully the changes which its adoption will make in the law. I shall therefore not go into a detailed comment on the provisions of the bill, but

direct my remarks to the evils of the present law—*the encroachments of the United States courts* upon the judiciary of the States.

There are but few questions of more importance than the one we now have under consideration. It pertains to a speedy and impartial trial by a judicial tribunal near parties concerned. It involves the respective rights and powers of the General Government and of the States, and hence the dearest interests of the citizen.

From the organization of our Government it has been thought that two dangers threatened it. They might appropriately be compared to the centrifugal and centripetal forces in philosophy. One was the tendency of the States to separate and set up for themselves or form new alliances; the other, the tendency on the part of the General Government to usurp or absorb the authority of the States, thereby virtually obliterating their lines and converting the Government from one of limited to one of unlimited powers. Scylla on the one hand and Charybdis on the other never gave more just cause of alarm to the mariner than these have given the sages and patriots who founded and maintained our institutions. But one of these dangers is passed. The question of dissolving the Union of the States has been submitted to that tribunal from the decisions of which no appeal can be taken—to the arbitrament of war; but has the other peril—that of the destruction of our form of government by consolidation—ceased to exist? Unfortunately it has not. No million of men have marched forth to impede its progress and crush it. "No braying horn and screaming fife" have given notice that the march of the Federal Government against the reserved rights of the States was to be stopped; and no booming salute has announced to us that it is ended. On the contrary, the Government of the United States has gradually assumed authority which of right belongs to the States, until they are left the mere skeletons of what they were under the Constitution, and of what it was intended by those who framed that instrument they should be.

Of all the means employed by those who have either designedly or inadvertently participated in this attempted and partially successful wreck of the States and of their reserved rights, the most efficient have been the Federal judiciary and congressional legislation increasing its power and jurisdiction. And in saying this I mean no reflection upon the *integrity* of the individuals who compose the judicial department of our Government. I am glad to bear testimony to the fact that in many instances our Supreme Court has stood as a bulwark against passionate and inconsiderate legislation. The trouble arises in a great measure from congressional interference and from too great an increase of the jurisdiction of the inferior United States courts.

That the tendency of Federal legislation for the last fifteen years has been toward the concentration of too much power in the Federal judiciary and to an unwarranted interference with the judicial authority of the States no candid man acquainted with the history of the country will deny. I am glad to see that Representatives on both sides of this Chamber realize this fact. I was pleased to hear the gentleman from Maine, Mr. FRYE, when speaking on this subject say:

> I agree with the gentleman entirely in the view that in the past we have gone too far in extending the jurisdiction of the Federal courts and allowing the transfer of causes from the State courts. I think that the time has now come when we can and ought to correct this matter.

To remedy this evil the bill before us was introduced and has been recommended by the committee. It is not and cannot be made a sectional question. It is equally important to Maine and California, to Michigan and Louisiana.

PROPHECIES OF THOMAS JEFFERSON.

Before coming directly to the sections to be repealed let us examine what has been said by some of the founders of our Government, and see whether or not they thought there was danger in our situation. Among the signers of the Declaration of Independence was the man who wrote that great charter of liberty; who conceived our form of government and was chief of those who kept it up during the struggle for independence; who presided over the young Republic for eight years as Chief Magistrate; and who was spared to witness the operation of our system for half a century. Firm and honest in his convictions, he was not moved by passion nor terrified by peril. He saw the dangers ahead, and, like the faithful sentinel on the watch-tower, warned his people against them. My limited time will not permit me to produce all he has said on the subject, but I quote a few of his utterances.

Mr. Jefferson wrote to Judge Roan, March 9, 1821:

> The great object of my fear is the Federal judiciary. That body, like gravity, ever acting, with noiseless foot and unalarming advance, gaining ground step by step, and holding what it gains, is ingulfing insidiously the special governments into the jaws of that which feeds them. The recent recall to first principles, however, by Colonel Taylor, by yourself, and now by Alexander Smith, will, I hope, be heard and obeyed, and that a temporary check will be effected. Yet be not weary of well-doing. Let the eye of vigilance never be closed.—*Jefferson's Works*, volume 7, page 212.

On November 21, 1821, he wrote Nathaniel Macon:

> Our Government is now taking so steady a course as to show by what road it will pass to destruction, to wit, by consolidation first, and then corruption, its necessary consequence. The engine of consolidation will be the Federal judiciary; the two other branches the corrupting and corrupted instruments.

He wrote to Mr. Nicholas on the 11th of December, 1821, as follows:

> I fear, dear sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and single-handed in the present assaults on the Constitution. But its assaults are more sure and deadly as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect as your father and his did the alien and sedition laws, and preserve inviolate a Constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth.

Still later, on the 25th of March, 1825, after (to use Mr. Jefferson's own language) "chilling winters had rolled over *his* head and whitened every hair on it," he wrote to Mr. Edward Livingston:

> One single object, if your provision attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government. * * * They are practicing on the Constitution by inferences, analogies, and sophisms as they would on an ordinary law.
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> They do not seem aware that it is not even a constitution formed by a single authority and subject to a single superintendence and control, but that it is a compact of many independent powers, every single one of which claims an equal right to understand it and to require its observance. * * * This member of the Government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, *ad libitum*, by sapping and mining slily and without alarm the foundations of the Constitution can do what open force would not dare to attempt.

These are a few of the prophecies of the immortal Sage of Monticello touching the danger to our institutions from the Federal judiciary. They are the predictions of one whose "Declaration" has controlled the destiny of a hemisphere, turning the tide of the world from the darkness of despotism to the delights of freedom, and whose

> Fame on brightest pages,
> Penned by poets and by sages,
> Shall go sounding down the ages

As long as man loves to be free.

We would do well to pause and ponder his admonitions, and not pass by in silence and unheeded the warnings of the greatest political philosopher and prophet of all countries and all times.

Mr. Speaker, I have said that unwarranted encroachments have been made upon the State courts by Federal tribunals. We have only to look at the United States statutes and the judicial construction of them for painful proof of this fact. Let us first examine the law as to civil cases. By the judiciary act of 1789, Revised Statutes, section 639, sub-section 1, it is provided that—

> When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant filed in such State court at the time of entering his appearance in such State court.

It will be observed that before the cause could be removed under this act the party removing must be a *defendant*, must also be an *alien* or a *non-resident* of the State in which the cause is pending, and must make his application for removal *at the time of entering his appearance*. These requirements tended to restrict the jurisdiction of the Federal courts. But in 1866

CONGRESS LIFTED THE FLOOD-GATES,

and since that a tide of litigation sufficient to arouse the gravest apprehension has flowed continuously into the United States courts. By the act of 1866 aliens and citizens of other States than that in which the suit was brought are authorized to divide the suit under certain circumstances, removing a portion to the United States courts and leaving it as to part of the defendants in the State courts, a thing unheard of in former times, and an innovation which should never have been tolerated.

The next step taken to degrade the State courts was the act of 1869, which authorized *either* the *plaintiff* or the *defendant* to remove the cause, and *at any time* before final hearing. In other words, a party might select his court, and commence his suit therein, and after experimenting he might turn his back upon the forum of his choice, and upon his own petition have the cause removed to the United States courts, and there still further harass his victim, till, from exhaustion or want of means to defend his rights, he yielded the matter in controversy. What justice is there in allowing the party bringing a suit to abandon and fly from the forum of his choice? What justice in permitting him to vex his victim by requiring him to dance attendance on every court known to our complex system?

THE FEDERAL COURT TAKES JURISDICTION OF THE NAVIGABLE RIVERS.

What more? The Federal judiciary have not only had their jurisdiction extended over the lands of the United States, but over the waters also. In the earlier history of our Government the Federal court assumed jurisdiction over the waters only so far as tide-water extended. But in this, as in everything else, the jurisdiction of these courts has been enlarged till it extends now over all of our navigable rivers. It is true that thus far the courts have only *exercised* jurisdiction of civil causes on the water courses; but how long will it be, at their present rate, till they take jurisdiction of crimes committed there?

THE CIVIL RIGHTS BILL

was passed and jurisdiction given to the United States courts of causes arising under it, without any regard to whether the parties to the suit were citizens of the same or of different States, and without any limitation of time within which the application for transfer shall be made. By this legislation, for the first time in the history of this or, so far as I know, any other country, the complexion of the suitor determined the court that should administer justice to him, and we had established one court for one color, and a different tribunal for the other, when all the parties were citizens with equal rights and privileges under the Constitution.

THE FEDERAL COURT ASSUMES CONTROL OF GUARDIANS.

Mr. Speaker, this all-pervading Federal judiciary, by virtue of section 5486, assumes the right to go into our county courts under certain circumstances, take the ward's guardian therefrom, and carry him to the Federal court to be tried for not discharging the duties of his trust. The section is in these words:

If any guardian having the charge and custody of the pension of his ward shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he shall be punished by fine not exceeding $2,000, or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court.

Is any man deluded enough to suppose that the founders of the Republic ever anticipated that this authority would be claimed by the Government or yielded by the States? If because the money came from the Government as a pension, the Government may follow up and punish the custodian for embezzlement, why may it not for the same reason follow it for all purposes and control the ward, guardian, and fund to the exclusion of the county courts of the States? If this assumption of authority goes unchallenged, who can tell but that ere long we shall have the General Government, through its judiciary, directing where the ward shall live, how much shall be paid for support, supervising settlements, directing the investment of the fund, and determining who shall inherit upon the death of the ward?

REMOVAL OF CAUSES BY CORPORATIONS.

But, Mr. Speaker, as if not content while a vestige of exclusive jurisdiction remained to the States, Congress in its wild career went further and provided that corporations and individual members of corporations might remove their causes from the State to the Federal court. This change is made by section 640 of the Revised Statutes, which is as follows:

Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation organized under a law of the United States, or against any member thereof, as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, &c.

This is the law as to corporations organized under the laws of the United States.

As to corporations organized under the laws of any State, the courts have held that the residence of all of the persons owning or controlling the corporation within the State where the suit is instituted makes no difference. They are still entitled to the removal if the corporation was organized out of the State. Nor will the court hear evidence upon the question of residence of the individuals composing the corporation.

We have reached a point where the citizen is almost powerless in a litigated contest with an immense corporation, and yet we give foreign corporations, or those that are not wholly within a single State, an advantage over the resident citizen in the right to remove the cause to a distant court. Without the people, through their representatives, rise in their legal might and check them, I fear that the day is not far distant when individual property and constitutional liberty may both give way in the *unequal* contest. Let us take

RAILROAD CORPORATIONS

for an example. They are allowed the full protection of the law along their lines, as is the citizen, which is right. They even have the privilege of charging the resident on the line more per mile for carrying his freight than is charged for carrying freight the full length of the line. But when the citizen conceives himself aggrieved and sues he may find himself suddenly carried into the Federal court, to wait for years, and expend much in costs before he gets justice administered. Year after year the people pour out their treasures and build new roads, and year by year larger corporations swallow them up at reduced prices. They never die. If a small road ceases to exist under its charter name, it is only to begin a state of immortality as a branch of a large corporation. Daniel Webster and the Baltimore and Ohio Road were in Washington together. The great constitutional lawyer has been gathered to his fathers a quarter of a century, but the corporation which bore him to "the Monumental City" is yet in its infancy, and only strengthened by the years which have elapsed. When another century shall have passed, and the United States teem with two hundred millions of people, these roads will be more active and powerful than to-day by the increase of commerce from an increase of population.

Men may come and men may go,
But they flow on forever.

Where is the necessity for extending superior advantages to those so able to take care of themselves and so able to crush out the individual? Let favoritism for them cease. Let those who build or support corporations be placed on an equality before the law with them. Let corporations be subject to the judicial authority of the State where they do business. If there is no conflict between the citizen and the corporation, no injury can result from this course. If there is a conflict, let us give the people an equal chance in that conflict.

INSURANCE COMPANIES FREED FROM THEIR AGREEMENTS.

To illustrate the maternal care with which our Federal system hovers over and protects corporations, let us look to the decisions of the courts concerning them. An act was passed by the Legislature of Wisconsin in 1870 providing—

That any fire insurance company, association, or partnership, incorporated by or organized under the laws of any other State of the United States, desiring to transact any such business as aforesaid by any agent or agents in this State, shall first appoint an attorney in this State, on whom process of law can be served, containing an agreement that such company will not remove the suit for trial into the United States circuit court or Federal courts, and file in the office of the secretary of state a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney is substituted.

This statute being in force, the Home Insurance Company of New York, a corporation organized under the laws of the State of New York, established an agency in Wisconsin, complying with the requirements of the act quoted, and agreeing as follows:

And said company agrees that suits commenced in the State courts of Wisconsin shall not be removed by the acts of said company into the United States circuit or Federal courts.

The Supreme Court of the United States, in the case of the Insurance Company *vs.* Moss, 20 Wallace, 445, have held that notwithstanding this State statute, notwithstanding the solemn agreement of the corporation to the contrary, it may remove the suit to the United States court. The same has been held in the case of the Hartford Fire Insurance Company *vs.* Doyle, reported in 3 Central Law Journal, 41.

It is not my purpose to enter into any argument concerning the soundness of these decisions. It is sufficient for us to know that they stand. They are a barrier over which no State Legislature or State constitution can pass and take hold of corporations. The people, after years of patient, hopeful, but unavailing forbearance, cry out for relief. There is but one tribunal on earth which can give it to them, and that is the Congress of the United States. I hope that this, their only city of refuge, will not close its gates against them. They ask nothing more than to be placed on an equality before the courts with corporations, and nothing less should be accorded them.

Congress cannot, and should not attempt to, interfere with the rightful and constitutional jurisdiction of the Supreme Court. There are also some classes of cases which are properly triable in the inferior United States courts. But Congress may regulate the jurisdiction and practice of such inferior courts, and should do so to the extent of relieving us of the hardships which the present system entails.

CRIMINAL JURISDICTION OF THESE COURTS.

The evil does not stop with civil causes. Congress has, by various acts which I will not delay the House by reading, given the district and circuit courts of the United States jurisdiction to remove criminal causes thereto, which arise in the State courts against internal-revenue officers and their assistants for offenses committed by them against the State laws. The gentleman from Indiana, [Mr. ORTH,] in a speech delivered here on this subject, defends the right and propriety of the giving of this jurisdiction to the inferior courts of the United States, and says:

Such jurisdiction of both civil and criminal cases carries with it as an inseparable incident the laws of the State so far as applicable and necessary, from whose courts such transfer has been made.

I insist that this is not in harmony with the genius of our institutions; is not consistent with reason or sound policy, and is in direct conflict with the law as decided by the Supreme Court of the United States. In proof of this position I read from the case of the United States *vs.* Hudson and Goodwin, 7 Cranch Reports:

The powers of the General Government are made up of concessions from the several States. Whatever is not expressly given to the former the latter expressly reserve. The judicial power of the United States is a constituent part of these concessions. That power is to be exercised by courts organized for the purpose, and brought into existence by an effort of the legislative power of the Union. Of all the courts which the United States may under their general powers constitute, one only—*the Supreme Court*—possesses jurisdiction derived immediately from the Constitution, and of which the legislative power cannot deprive it. All other courts created by the General Government possess no jurisdiction but what is given them by the power which created them, and can be vested with none but what the power ceded to the General Government will authorize them to confer. * * * The legislative authority of the Union *must first make an act a crime, affix a punishment to it*, and declare the court that shall have jurisdiction of the offense. * * * Certain implied powers must necessarily result to our courts of justice from the nature of their institution, but jurisdiction of crimes against the State is not among these powers. * * * To fine for contempt, &c., * * * are powers which cannot be dispensed with in a court; but all exercise of criminal jurisdiction in common-law cases we are of opinion is not within their implied powers.

This case is cited and approved in the case of The United States *vs.* Cooledge *et al.*, 1 Wheaton, 415:

In the case of The United States *vs.* Burr, which arose in the circuit court of Virginia in 1807, the Chief-Justice of the United States declared that the laws of the several States could not be regarded as rules of decision in trials for offenses against the United States, because no man could be condemned or prosecuted in the Federal court on a statute law.—*First Kent's Commentaries*, section 334.

Further:

The great difficulty and danger is in leaving it to the courts to say what is an offense against the United States when the law has not sufficiently defined it. The safer course undoubtedly is to confine the jurisdiction in criminal cases to statute offenses duly defined and to cases within the express jurisdiction given by the Constitution.—*First Kent's Commentaries*, section 341.

Under these authorities the district and circuit courts of the United States cannot convict its officers after their causes are removed, Congress having never made their "act a crime" or "affixed a punishment to it." No such authority can result by *mere* implication. Life is not taken nor liberty destroyed in any such slip-shod way by implication and resultant criminal jurisdiction. And as these courts

have no power to punish, they become merely tribunals to turn loose those who are charged with high crimes.

I presume it is not the purpose of any one to go back and change the mode of disposing of cases which are founded upon difficulties that occurred fifteen or twenty years ago. But for offenses committed recently, in times of profound peace, every man should be amenable to the law he has violated and to the tribunal authorized to vindicate that law.

The gentleman from Indiana [Mr. ORTH] also says of a bill now before the House for the restriction of inferior Federal courts:

> But it goes further, and repeals all laws transferring criminal cases from the State to the Federal courts. That would be the effect of the law if passed.

The same position has been assumed by others who have spoken in opposition to this bill.

Mr. Speaker, no such consequence flows from the legislation proposed in this Congress. A complete, ay, the best, remedy for the transfer of all causes containing a Federal ingredient, or against parties on account of any act done as officers or representatives of the Government, is left. Section 709 of the Revised Statutes is not touched by the legislation, and provides for a transfer to the highest court in our Republic. I send it to the Clerk to be read, that members may see that we are not attempting any inroad upon constitutional rights nor to leave officers of the Government without an impartial hearing.

The Clerk read as follows:

> A final judgment or decree in any suit in the highest court of the State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States.
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> * * * * * * *
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> The Supreme Court may reaffirm, reverse, modify, or affirm the judgment or decree of such State court, &c.

CONSEQUENCES OF THESE CHANGES.

And what are the consequences of these changes in the forums of justice? The expense of litigation is increased enormously. The trouble of attending to it is more than doubled. By the process of dividing the suit already mentioned there are two suits where there should be but one, and they probably hundreds of miles apart, and possibly standing for trial on the same day. Strong corporations and wealthy individuals are able to attend and litigate in these courts, while the poor are not, and are virtually deprived of their legal "right to a speedy * * * trial," on account of the crowded state of the dockets and the impossibility of reaching the courts.

One of the charges our fathers made against the King of England in the Declaration of Independence was that of "transporting us beyond seas to be tried for pretended offenses." We had as well be tried "beyond seas" as beyond our county, if in both instances we are alike deprived of the power of obtaining justice. The world has heaped anathemas upon the tyrant who placed his laws so high they could not be read. How much more blamable was he for placing his laws out of sight than we are when we place our courts (through which alone the laws can be enforced) out of reach?

Again, by the present judicial system the citizen may be twice tried for the same offense—once by the State and once by the Government, where the same act is made criminal by the statutes of both. It is true that this grows out of our anomalous dual system of government. But that fact should restrain us from extending the jurisdiction of Federal courts further than is absolutely necessary.

If there was one feature of our judicial system in the States held more sacred by our forefathers than all others, it was that which secured to parties a trial before an impartial jury of the county or vicinage where the cause of action arose. So sedulous were they in the protection of this right that most of the States ingrafted it into their constitutions. It is virtually destroyed in the Federal courts. There the juries are taken from remote parts of the State or district, and had almost as well come from a different State, being total strangers to the parties and their surroundings.

I have already spoken of the great cost to litigants from the administration of justice in the Federal courts. But this is not all; they are immensely costly to the Government. Under democratic rule, before the changes of which I have spoken, the cost of these courts was only a few hundred thousand dollars a year. Now it is millions, and increasing yearly. Too true is it, as stated by Judge Dillon in his work on the Removal of Causes, that "the small tide of litigation that formerly flowed in Federal channels has swollen into a mighty stream." He might have added "and that stream threatens to deluge the country with cost and bear away the dearest privileges of the citizen."

There is another great evil which flows from our present judicial practices. Deputy marshals and their posses may go through the States armed, shooting, destroying property, driving off hogs and cattle of the citizens, beating and killing citizens, and when arrested and prosecuted by the State officials they are permitted to file their petitions in the United States district courts and remove their causes thereto, away from those who witnessed the offense and suffered by it. What more? The district attorney and the Attorney-General for the United States are instructed by the Government to appear and defend the criminal and try to turn him loose. The people of the United States thereby pay officials to defend those who violate law. Is this right? Is it an effort to terrify criminals, or does it tend to encourage crime? I refer to this not as an evil in which the constituents I have the honor to represent are alone interested; for happily for them they have now administering revenue laws in their midst resident officials who are more observant of their rights than non-residents were; but I mention it as a question which affects all of our people alike.

The tendency to centralization is so ably described in an article recently published by a distinguished citizen of Indiana that I quote his language on the subject:

CENTRALIZATION TENDENCIES.

> The centralizing tendency of our national legislation is dangerous for another reason, namely: It is creating discontent, and poisoning the affections of the people toward the Government, thus weakening the spirit of patriotism, upon which exists the ultimate hope of that Government for its just authority and long-continued existence. The humble citizen who, for some technical violation of law, is arrested and taken two hundred or three hundred miles to be tried in a United States court, and after much delay is, perhaps, mulcted in the trifling sum of $10, and finds that the expenses attending the same have amounted to several hundred more, very likely causing the loss of his home and the impoverishment of his family, is painfully impressed with the idea that injustice has been done him, and he becomes from that moment a disaffected member of society. He sees in such treatment a wrong that forever after rankles in his bosom, and causes him to look upon the Government as his oppressor and enemy rather than his protector and friend. In vain may you talk to him of the necessity of a strong government. In vain may you explain that her shield covers him as one of her children. In vain may you point to the insignia of her power and the evidence of her wealth and magnificence. In vain may you contrast the splendor of those granite temples which lavish folly is so rapidly multiplying all over the land for the dispensation of Federal justice, with the modest court-house of his home, for to him, what are they all but the domed and turreted mausoleums of expiring liberty.
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> Such courts are not the courts for the people. No matter how learned and impartial their judges may be; no matter how pure the ermine with which they are clothed; no matter how exalted the social position which they occupy, they are the creatures of encroaching power, and like the magnates of the Church of England are expected to "magnify their offices." Their rules are arbitrary and their predilections are in the line of absolutism. They live in the gilded sphere of power and luxurious splendor and their sympathies are not with the homely virtues of the masses. No system that takes the citizen a long distance from his home to be tried for general offenses can ever be satisfactory to a people imbued with a proper spirit of liberty.

These are words of warning from a man who is of the political party which has been most instrumental in passing these laws. Surely he cannot be accused of political bias. I have seen some of the citizens whom I have the honor to represent arrested and carried more than one hundred miles to be tried in a Federal court for a simple misdemeanor. I have seen them required to attend term after term when there was either no case ever made out against them, or so light a case that a mere nominal fine only could properly be imposed. But the poor unfortunates were not liberated till weeks of time and all the money they could get was spent. I have seen those dragged a long distance who were so poor they either had to walk or club together and go in wagons, camping out on the road at night. My object in speaking of these individual cases and their hardships is to show the importance of having justice administered near the parties interested. Why, the gentleman from Ohio told us of two cases in his State where parties had to expend in court costs $300 each in defending themselves against a simple misdemeanor where they were acquitted.

FINALLY IT SEIZES THE BALLOT-BOX.

Mr. Speaker, unfortunately the story of the aggressions of the Federal court, backed up by congressional legislation, does not end even here. There is a glorious privilege for which our fathers fought and died—a privilege "dearer * * * than light and life" to every freeman through whose veins Anglo-Saxon blood flows. It is the right of local self-government through an untrammeled ballot. Sacred as is this franchise—blood-bought though it was—it, too, has been seized by the Federal court and prostrated by the power which Jefferson predicted would be the destruction of our institutions. Section 2012 of the Revised Statutes, passed in 1871, provides for the appointment of supervisors of elections. By section 2017 they are required—

> To personally inspect, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and methods in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

Section 2021, also passed in 1871, provides for the appointment of special deputy marshals.

Section 2022 provides that—

> The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling-place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, *with or without process*, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States, &c.

Thus it will be seen that a deputy marshal appointed by a United States court is sent into States to control elections there. He is made the judge of the qualifications of voters and of their good or bad inten-

tions in voting. With no higher process than the policeman's club he may arrest and carry away from the ballot-box an American freeman about to engage in the exercise of the highest political privilege ever bestowed on man.

Can these things be and our liberties last? Can they continue and we be other than slaves? Unfortunately they cannot. They are the handwritings upon the wall which require neither a prophet nor the son of a prophet to interpret, and which tell us that our republican institutions are in danger.

"STRONG GOVERNMENT" THE PLEA.

Under what plea have all these wrongs been perpetrated? What excuse is given for this subversion of the grand system devised and bequeathed to us by the founders of the Republic? It is the same plea under which Napoleon I tore down the Republic and built up the Empire of France. It is the same excuse given by Napoleon III for destroying the liberties of his people and placing upon them monarchy. It is the same under which ambitious men and tyrants have worked from the downfall of the first republic to the establishment of the last despotism. "Necessity for a strong government." What is the necessity for a stronger government than we have? It is already, when cosidered in all its bearings, the most powerful upon which the sun shines. It resisted successfully, when much weaker than it is to-day, the greatest shock to which any free government was ever subjected—far greater than can menace it now. When our unfortunate civil war came and scattered the States of the Union, this mighty Republic was strong enough to gather them up, replace them in their orbits, and move on the brightest constellation in the firmament of nations. And all of this without the *post bellum* legislation which I have mentioned. This cry of "necessity for strong government" is only a subterfuge. It is the cloak under which are working those who are not content with our form of government. Let us meet it by constitutional methods, but firmly, as becomes men. Let us not, after the lightnings of heaven have yielded to our philosophy, permit the temptations of earth to seduce our patriotism.

The maelstrom on the coast of Norway is the most celebrated whirlpool of the world. Over an area of more than one hundred and twenty-five square miles the circling flood sweeps. It is known now to be very dangerous to navigation, and according to ancient mariners whatever came within the compass of this monster of nature—whether ship or shark, whether whale or whaler—was drawn into the vortex, hurled to the center, and dashed to destruction by the whirling flood.

When the student of history looks out on Time's broad ocean, he sees a political maelstrom more dire, more destructive, than that on Norway's stormy coast. It has circled since the first republic rose, and has wrecked and borne down all the free commonwealths of ancient times by drawing them to centralization, despotism, and ruin.

Its doom is like the Dead Sea air,
And nothing lives that enters there.

There may be seen the wrecks of Rome, of Greece. Strong as they were when they started toward centralized despotism, they were as powerless to resist as is the straw to resist the tornado which impels it. Had the proud Roman been asked whether his country's liberties would not be thrown away, he would have replied indignantly, "No; they are to be perpetual." Yet the pretorian guards, standing upon the ramparts of "the Eternal City," "with a loud voice proclaimed that the Roman world was to be disposed of to the best bidder by public auction," and it was done. Didius Julianus became the purchaser, and was thereby made emperor, and mankind were shocked to see the "mistress of the world" bought, paid for, and controlled by the money of one selfish, scheming, ambitious man. The Appian Way now no longer resounds with the shouts of victorious Roman freemen, and the soft-voiced Italian has sung his sad song in misery and chains in the "City of the Cæsars."

Had the Greek been asked how long his freedom would last, he would have replied with the same infatuation which seems to have seized us, "Forever!" And yet the matrons who raised up sons for the state, and sent them forth commanding them to "return bearing their shields or borne on them," have been succeeded by the groveling tenants of the harem, and slavish degenerate sons have succeeded free and noble sires all over the land of Leonidas and Lycurgus. Let us take warning by their sad fate, and not permit ourselves to be drifted into this focus of centralized despotism and destruction either by congressional mal-legislation or by judicial construction.

[Here the time expired and the hammer fell.]

Mr. ROBINSON. I will now yield the balance of the morning hour to the gentleman from Illinois, [Mr. BARBER.]

Mr. BARBER. Mr. Speaker, with the greatest deference to the distinguished gentlemen who compose the Judiciary Committee of this House and the several gentlemen who have spoken in favor of this bill, I am not by any means satisfied it ought to pass.

It is proposed to fix the minimum jurisdiction of the Federal courts of this country at the sum of $2,000. In other words, the citizen of New York who has loaned only $1,500 in the State of Iowa is to be denied the privilege which you will concede to his neighbor who has loaned the greater sum of $5,000. The citizen of New England who lays claim to forty acres of land in Texas, worth perhaps only $1,500, is to be denied the privilege to assert his rights in the United States courts, a right which you guarantee to the wealthy operator who perhaps claims an entire section worth $10,000.

To my mind, sir, this is a plain and manifest discrimination in favor of the rich man against the poor, one which I commend to the consideration of the distinguished gentleman from Iowa, [Mr. WEAVER,] whom I do not see in his seat, but who seems to have the welfare of the people in his peculiar care.

Great Heavens! has it come to this, that we are to see the United States courts converted into institutions for the mere benefit of the bloated bondholders of this country, and that, too, with the consent of our greenback friend from Iowa!

Do I sleep? Do I dream?
Do I wonder and doubt?
Are things what they seem,
Or is visions about?

[Laughter.]

But, sir, it is said we must change the law in regard to the jurisdiction upon promissory notes. A drover in Kansas City borrows money of his broker, say, $1,500. The broker wants to discount that paper in Chicago or New York; but you say to the bankers of Chicago and New York, "If you discount that paper, your remedy must be in the local courts of Missouri." I am not ready to say that to the great trade of the Southwest.

It is said you must confine actions in the United States courts to the actual residence of the defendant or the plaintiff. If I go to Texas and sue the distinguished chairman of the Committee on Commerce, I must go into his district. If he comes to Chicago and into my district I can sue him, but if I happen to meet him in Ohio or New York I cannot sue him. That is a solicitude for the defendant in my judgment unparalleled, even in these days of modern refinement.

Corporations must be turned over to the local courts. The Union Pacific and Texas Pacific, those two great lines which make up the highways around the globe—no national interest in them! The great channels of trade to six hundred millions of people in the under world! I should be glad to hear from the distinguished chairman of the Judiciary Committee on that question.

Mr. Speaker, for ninety years we have seen the flow of capital in this country from the East to the West. The accumulations of the older States have found ready investment with each advance of civilization, and this borrowed capital has had something to do with this wondrous wave of progress which has swept across this country like the swelling tide of the ocean since 1789. Need I tell this House of the countless loans scattered throughout the West and Southwest under the sum of $2,000! Do you want to serve a notice on the farmers and merchants and business men of the West and Southwest that these small loans cannot be renewed; that they must be paid at maturity? Do you want to tell the merchants of the West and Southwest that from the passage of this bill mercantile credits under the sum of $2,000 are to be obtained in the East with difficulty? This best guarantee of security to investments found in recourse to the national courts for nearly three-quarters of a century must be withdrawn, it is said, and the holders of private obligations in the North and East, of town bonds, municipal bonds and other corporate liabilities of every character under the sum of $2,000, must be remitted to the State courts for their rights! A dangerous proposition, Mr. Speaker, a bold proposition! Let not gentlemen deceive themselves as to the value of this security. Capital is timid; it demands security; it is never a wanderer whose return is unexpected and unhoped for. And Texas indorses this proposition, the great growing empire State of the Southwest, which invites capital and which invites immigration.

[Here the hammer fell.]

FORTIFICATIONS IN NEW YORK HARBOR.

Mr. MORTON. I ask unanimous consent, Mr. Speaker, to present the memorial of the Chamber of Commerce of the State of New York, for increased appropriation for the fortifications in New York Harbor.

There was no objection; and the memorial was received, referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

It is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

May it please your honorable bodies, it is respectfully represented by the Chamber of Commerce of the State of New York that New York Harbor is completely defenseless, in case of war, against iron-clad war ships of modern type, a single one of which might enter it with impunity and do incalculable injury to public and private property, besides inflicting a well-nigh paralyzing blow to the resources of the nation.

From five to six hundred rifled cannon are immediately required for existing fortifications in the harbor, mostly of larger caliber than any possessed by the United States, which cannot be provided by the Ordnance Department for lack of necessary appropriations for the purpose by Congress, although such have been urgently recommended by the Executive Government, in view of the utterly unprotected condition of our sea-coast.

The appropriation recommended by the House of Representatives in the "fortifications appropriation bill" lately passed by that branch of Congress is entirely inadequate for the purpose for which the Chief of Ordnance has asked $950,000 for expenditure during the next fiscal year. It is intended to be sufficient only to defray the cost of, at most, thirty-five comparatively small rifled guns, with which in case of need to defend our thousands of miles of sea-coast against metal-plated steamships, armed with cannon throwing projectiles of over a ton weight, with a range of nine miles.

At this rate of annual expenditure it would take half a century to provide an effectual armament merely for the harbor of New York, should the whole of the funds appropriated be applied to that purpose.

Great cannon are required, such as have been produced by Great Britain and

the European continental powers, and it would take years to provide all those needed for New York Harbor alone, if all the available gun-making machinery of the country and unlimited money were to be placed at the disposition of the Ordnance Department.

Great Britain, with the most powerful fleet in existence, has expended upon the defenses of nine of her harbors $35,000,000, and is still actively engaged in the work. She expends about $10,000,000 annually for new cannon.

Similar liberal expenditures for the like purpose are imperatively called for on the part of the United States, for until sufficient weapons of defense are provided the chief commercial ports of the nation are exposed to capture so soon as war is declared, and our Government thus deprived of most of its revenues which are derived from these sources; meanwhile our excessive weakness to resist attack is in itself sufficient to invite imposition and insult to the nation, and renders it powerless to resent injuries or extend protection to our countrymen at home or abroad.

For such reasons, and especially for the protection of the immense amount of national property of various kinds collected in New York City, and of the commerce and wealth from which so large an amount of the Federal revenues are drawn, independent of local considerations, it is pre-eminently important that this harbor shall be put in an efficient state of defense; and your memorialists therefore pray that an appropriation be made from the national Treasury of sums adequate to enable the Federal Government to provide, with all practicable expedition, such heavy rifled ordnance and other protecting weapons as are deemed necessary by the Bureau of Ordnance and Engineers.

And your memorialists will ever pray.

[SEAL.]

S. D. BABCOCK,
President.
GEORGE WILSON,
Secretary.

NEW YORK, *February* 5, 1880.

CONSULAR REPORTS.

Mr. MORTON, by unanimous consent, presented resolutions of the Chamber of Commerce of the State of New York in reference to consular reports; which were referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD.

They are as follows:

Whereas this chamber being in full sympathy with the movement inaugurated within the last few years by the Department of State for the extension of our foreign commerce through the medium of our consuls in the several countries; and

Whereas we believe the reports of our consuls showing the commerce, wants, and peculiarities of the world's markets, and the best manner of introducing and developing American trade therein, have been of the greatest assistance and importance to our producers, manufacturers, and exporters; and

Whereas the early publication of these reports would greatly enhance their value; much of their immediate practical usefulness being lost when they reach the public through the annual volumes of commercial relations with foreign countries, which is now the only official mode of giving them to the country:

Be it therefore resolved, That Congress be requested, in addition to the present annual volume of Commercial Relations, which is a standard work of great value, to make provision for the weekly and monthly publication of these consular reports, and their distribution to at least the leading commercial bodies of the United States.

Resolved, That a copy of this preamble and resolution be forwarded to the Senate and House of Representatives, with the respectful and earnest request that they shall give the same their immediate and favorable consideration.

A true copy.

Attest:

S. D. BABCOCK,
President.
GEORGE WILSON,
Secretary.

RATES OF ADVERTISING, DISTRICT OF COLUMBIA.

Mr. SINGLETON, of Mississippi. I rise to a privileged report. I am directed by the Committee on Printing to report back favorably a bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia.

The bill, which was read, provides that all advertising required by existing laws to be done in the District of Columbia by any of the departments of the Government shall be given to the three daily newspapers having the largest regular circulation, to be ascertained by the sworn statements of the publishers thereof; provided that the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected.

Section 2 repeals all laws or parts of laws inconsistent with the foregoing paragraph.

Mr. BUCKNER. I rise to a question of order, that this is not a privileged report. It proposes to change existing law.

The SPEAKER. The point of order is well taken, as the privilege of the Committee on Printing does not extend to this character of report, but relates only to the printing of executive documents.

Mr. SINGLETON, of Mississippi. I withdraw the report for the present.

RESERVOIRS AT THE SOURCES OF THE MISSISSIPPI, ETC.

Mr. SINGLETON, of Mississippi, from the Committee on Printing, to whom was referred under Rule 100 a map to accompany Executive Document No. 39, being the report of the Chief of Engineers of the United States Army upon reservoirs at the sources of the Mississippi, Saint Croix, Chippewa, and Wisconsin Rivers, reported the same back with the recommendation that the map be printed.

The motion was agreed to.

SURVEYS OF MISSISSIPPI RIVER AT HANNIBAL, MISSOURI.

Mr. HATCH, by unanimous consent, presented a letter from the Secretary of War, transmitting a report of surveys of the Mississippi River at Hannibal, Missouri, and memorial of the city council of said city of Hannibal, with accompanying reports, and moved that the same be printed and referred to the Committee on Commerce, to accompany the bill (H. R. No. 4359) making an appropriation for the improvement of the channel of the Mississippi River so as to restore and preserve the harbor of the city of Hannibal, in the State of Missouri.

The motion was agreed to.

MARIA A. ROUSSEAU.

Mr. LAPHAM, by unanimous consent, introduced a bill (H. R. No. 4422) granting an increase of pension by way of arrears to Maria A. Rousseau, widow of Brigadier-General Lovell H. Rousseau; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LIEN FOR SUPPLIES, ETC., TO VESSELS.

Mr. ALDRICH, of Rhode Island, by unanimous consent, introduced a bill (H. R. No. 4423) to give a lien for repairs made and supplies furnished vessels on the credit of such vessels in their home port; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAILWAY FROM SAULT STE. MARIE.

Mr. HUBBELL, by unanimous consent, presented the petition of Charles S. Barker, L. P. Tremp, and 520 others, asking Congress to appropriate sixteen sections per mile of United States lands to aid in the construction of a railway from Sault Ste. Marie to some point on the line of Marquette and Mackinaw Railroad; which was referred to the Committee on Railway and Canals.

Mr. HUBBELL. I ask unanimous consent to have the body of the petition printed in the CONGRESSIONAL RECORD.

There was no objection, and it was so ordered.

The petition is as follows:

To the honorable members of the Senate
and House of Representatives in Congress assembled:

Your petitioners would most respectfully represent that the lands belonging to the United States in the counties of Chippewa and Schoolcraft, in the upper peninsula of the State of Michigan, are now almost valueless, on account of their inaccessibility, through lack of railway facilities; are separated from the populous districts of Lower Michigan by the waters of Lakes Huron and Michigan; are almost entirely without wagon-roads or other means of communication except by water in summer; that their isolated position, the severity of the climate in winter, the sterility of the soil as hitherto regarded, combined with the shortness of the season necessary for the growth and maturity of grain, have prevented extensive settlement thereon.

The State of Michigan has, through the act of the Legislature, granted a subsidy of sixteen sections of land per mile to aid in the construction of a railway from the Straits of Mackinaw to the city of Marquette, on Lake Superior, thus appropriating all the State swamp lands in the counties of Chippewa and Schoolcraft, although the railway thus projected and aided is not intended to pass through and perhaps will not even touch the limits of the county of Chippewa. The area of the county of Chippewa is extensive—being half as large again as the State of Rhode Island—embracing the eastern end of the Upper Peninsula of Michigan, and containing within its limits, at the Falls of Sault Ste. Marie, the magnificent canal, with expensive and costly locks, which are now being enlarged and constructed under the supervision and at the expense of the United States. That no communication can be had with this national work during the season of winter, except with the most crude contrivances and during the most favorable weather. That a railway is an absolute necessity to connect this, the gateway of water communication to the new Northwest, with the older sections of the country, for its greater protection, situated as it is on our national frontier, and for easier access on account of a continual liability to injury and frequent need of repair. That a railway from the Falls of Sault Ste. Marie to some point on the Marquette and Mackinaw Railroad, now projected and soon to be constructed, which, with the connections proposed, will form a continuous line of railway across the peninsula to the present terminus of the Northern Pacific at Duluth—thus opening up the vast mineral resources of this region to still greater development. That the Falls of Sault Ste. Marie present to the manufacturer almost endless facilities for development in the grinding of wheat, soon to be produced in almost unlimited quantities in the new Northwest, or for other purposes of manufacturing for which such vast power may be required, providing ample railway facilities were afforded for daily shipment to the great markets of the country.

In view of these various considerations, our own remoteness and isolation without these modern means of communication, the worthlessness of the lands as they are now regarded, the necessity of communication in winter with your magnificent canal for still-closer supervision and repair, and a nearer connection with the seaboard which this projected railway will ultimately induce, your petitioners would most respectfully and earnestly request the passage of an act by your honorable body appropriating sixteen sections per mile of United States land situate in the counties of Chippewa and Schoolcraft, in the State of Michigan, to aid in the construction of a railway not exceeding seventy-five miles in length from the village of Sault Ste. Marie to some point on the line of the Marquette and Mackinaw Railroad near Manistee Lake, by which connection both of which roads would pass through the central portion of the upper peninsula, and would form an almost air line from the falls of Sault Ste. Marie to the city of Marquette, in the State of Michigan.

And your petitioners will ever pray.

BIBLES, ETC., IN CHINESE LANGUAGE.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 4424) to admit free of duty Bibles and other religious books in the Chinese language for gratuitous distribution by religious and missionary societies; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JUDICIAL POWERS IN TERRITORIES.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 4425) amending section 1907 of the Revised Statutes so as to confer appropriate judicial powers upon city recorders or police judges in certain Territories in the United States, and confirming certain acts of the Legislative Assemblies of such Territories relative thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MILEAGE OF JURORS AND WITNESSES IN TERRITORIES.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 4426) in relation to the mileage of jurors and witnesses in the several Territories of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET LEE.

Mr. KILLINGER, by unanimous consent, introduced a bill (H. R. No. 4427) granting a pension to Margaret Lee, widow of the late Colonel Arthur T. Lee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming consideration of the report of the Committee on Rules; and, pending that motion, I move that all debate on clause 21 of Rule XI now under consideration, and amendments thereto, be limited to ten minutes.

The motion to limit debate was agreed to.

Mr. BLACKBURN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

REVISION OF RULES.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. CARLISLE in the Chair,) and resumed consideration of the report of the Committee on Rules.

The CHAIRMAN. The pending question is upon the amendment proposed by the gentleman from Maine [Mr. FRYE] as a substitute for the amendment proposed by the gentleman from Mississippi [Mr. CHALMERS] to clause 21 of Rule XI. The Clerk will read the clause and the proposed amendments.

The clause and the proposed amendments were read.

The pending clause was as follows:

21. —— to the Committee on Levees and Improvements of the Mississippi River.

The blank in the clause, it was moved by Mr. CHALMERS, should be filled by the words:

To the improvement of the Mississippi River and its tributaries, and all surveys and estimates relating thereto.

For which Mr. FRYE had proposed as a substitute the words:

To the levees of the Mississippi River.

Mr. GIBSON. I had an amendment pending which I ask shall now be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana, and the Chair will determine if it is in order.

The Clerk read as follows:

In Rule X, line 24, strike out "levees and" and insert "and its tributaries;" so that it will read:

"On improvement of the Mississippi River and its tributaries, to consist of thirteen members."

The CHAIRMAN. The amendment which the gentleman from Louisiana [Mr. GIBSON] has sent up is to a rule which has been passed in the committee; but, according to the recollection of the Chair, the consideration of the amendment was postponed until the committee should reach clause 21 of Rule XI.

Mr. GIBSON. I have observed, Mr. Chairman, that many misapprehensions exist with regard to the origin, scope, and powers of this committee. I think I may remove them by briefly stating the history of this committee.

Since the acquisition of the Territory of Louisiana, which embraces seventeen States and Territories, the improvement of the Mississippi River has been a question before the Congress of the United States.

The rapid extension of our population into the valley of the Mississippi, the growth of its agricultural and commercial interests, and, within the last few years, the application of modern machinery and improved methods of agriculture, have developed the resources of the Mississippi Valley so that the people of that section demand that they shall receive consideration at the hands of the Congress of the United States.

The Government of the United States donated to the States along the Mississippi River all the public lands that were liable to overflow by that river, in order that the proceeds arising from the sales of those lands should be devoted to the purpose of improving the river. Since then, at every Congress, we have appointed special committee after special committee to take this matter into consideration. It was not, however, until the Forty-fourth Congress that, on my motion, a committee was authorized and appointed, to be one of the standing committees of this House, to take this subject into consideration and to bring it in some authoritative manner before the House of Representatives.

Within the last few years new ideas have been developed in regard to the treatment of the Mississippi River. The success of Captain J. B. Eads in constructing jetties at the mouth of that river has established beyond controversy the fact that as you confine the waters of this stream it deepens its channel. This is an important fact, and the people of that section of the country feel that it has been established by a scientific process that the levees and jetties were instruments of commerce. In the language of the engineers of the United States, in a communication addressed to the Chief of Engineers, the improvement of the navigation of the Mississippi River and the levees of the Mississippi River are inseparably connected as interdependent.

Hence it was that in the Forty-fifth Congress on my resolution this committee was constituted to a committee on the improvement of the Mississippi River. We now insist that the committee should also have jurisdiction of the tributaries of the Mississippi River. And how are we confronted? On the one hand the chairman of the Committe on Commerce [Mr. REAGAN] tells us that if we sever these commercial questions, if we divide the continent between two committees, we will defeat all appropriations for the improvement of our rivers and harbors. Upon what ground does that gentleman plant himself when he makes that statement? It is unmistakably on the ground that if you diminish the ability to log-roll in this House you will defeat the appropriations for the improvement of rivers and harbors.

On the other hand, the gentleman from Connecticut [Mr. HAWLEY] tells us that if we divide this subject between two committees and give the Committee on the Mississippi River jurisdiction over the subject of improving the Mississippi River and its tributaries we will increase the facility of log-rolling and bankrupt the Treasury of the United States. Hence you see the strange spectacle presented of those in favor of log-rolling and who want extravagant appropriations joining hands with gentlemen who declare themselves in favor of rigid economy in order to defeat the constitution of this committee. The friends of this committee are on the one hand not parsimonious economists, nor on the other hand are they in favor of a general system of log-rolling. They believe that the Mississippi River is entitled to consideration at the hands of this House; that its main tributaries are also entitled to fair treatment and justice from members of this House. We believe that if this question stands before the House on its merits it will receive the consideration to which it is entitled, and will secure the appropriations that a sense of justice and a sense of the proprieties of the case will require from the representatives of the people.

I request the members of this House to reflect upon the proposition enunciated the other day by the distinguished gentleman from Virginia, [Mr. JOHNSTON,] when he stated that you could not improve the main channel of the Mississippi River without taking into consideration the tributaries, and you could not improve the tributaries without at the same time——

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHISTER obtained the floor.

Mr. BAYNE. I ask unanimous consent that five minutes' more time be given for debate.

Mr. BLACKBURN. I make the point of order that it is not competent for the Committee of the Whole to extend the time for debate, when the House by its order has placed a limit upon debate.

Mr. BAYNE. I know the time has been limited, but it was understood that I was to have five minutes upon this question.

Mr. BLACKBURN. I am not a party to any such understanding. I do not desire to speak myself, but I do want to stop the talking and go to voting.

Mr. PHISTER. Am I entitled to the floor?

The CHAIRMAN. If the gentleman desires to speak against the pending amendment, he is entitled to the floor.

Mr. PHISTER. "Divide and conquer" is a motto of both military and political warfare. When the daring adventurer, Cortez, invaded Mexico his success in conquering that people was due more to his skill and energy in exciting and utilizing divisions among their chiefs and tribes than to the prowess of himself and his soldiers, great as it was. The schisms and internecine strifes of the inhabitants of Jerusalem caused that great city to fall before the arms of Titus. We read in Æsop's Fables of the contention between the different members of the human body as to their relative importance in maintaining its life and strength and what would have been the fatal result of such folly but for its cessation. In party contests, we know from history and observation that the aim of the competitors is to distract and divide the followers of rival leaders, and thus achieve an assured victory. We witness every day such efforts on the political chess-board.

Such being the philosophy of history and experience, I must be permitted respectfully to express my surprise at the amendment offered on Friday last by the honorable gentleman from Mississippi, [Mr. CHALMERS,] and the same amendment now offered by the honorable gentleman from Louisiana, [Mr. GIBSON.] It comes from, I believe, friends of river and harbor improvements, and I concede that it is prompted by good intentions. But in my humble judgment it is a mistaken, because an unwise policy. The object of the friends of river and harbor improvements should be to unite and concentrate their efforts, and not to divide. In legislation on this subject let the friends of the great Mississippi join with those on the ocean; let the lakes combine with the gulf, and the Susquehanna and the Delaware with the Ohio, and they will move with a majesty and power that will command the confidence and support of the people, and deserve and achieve success here in necessary, not unduly extravagant, appropriations. But let our counsels be distracted, let our efforts be divided, and they will be defeated, or their success will be uncertain and limited much below what is necessary.

The object of this amendment is to separate the Mississippi River and its tributaries from the balance of the country in legislation for their improvement. While it may apparently give importance to that river, will it not lead to a struggle between its friends and the friends of great improvements in other parts of the country? Will

there not thus be a likelihood of each pulling against the other instead of pulling together, and will not almost certain success be in this way turned into defeat? Reasoning from human nature and experience it seems to me that such will be the result of this amendment. *Fas est ab hoste doceri.* We have seen how readily and almost gratefully those opposed to a national system of river and harbor improvements have received this amendment. Let us take warning in time from this action on their part.

Further, the effect of this amendment will be, I fear, to excite and probably create rivalries between the Mississippi itself and its tributaries. And thus, in their divisions, all may fail. My distinguished friend from Virginia, General JOHNSTON, contemplated this matter in an engineering view. In that light it might be best to have the improvement of the Mississippi and its tributaries under one head. Can this not be under a reference to the Committee on Commerce, which is friendly, as well as if to a special committee on the Mississippi and its tributaries? And cannot, and will not, the surveying and engineering of their improvement be under one general management if the Committee on Commerce has charge of the subject?

It would probably be unjust to attribute this amendment to a desire to magnify the Mississippi at the expense of its tributaries. But may not the effect of it be, for the improvement of that great river, to obscure and belittle the improvement of its tributaries, as its channel receives and absorbs the waters of the Ohio and other confluents? In the natural world the great animals destroy and feed upon the smaller ones. The big fish swallow the little ones. And if the Mississippi is thus to diminish and dwarf the importance of its tributaries will they not combine against the monopoly? And in this struggle the great Father of Waters may unfortunately meet a fate not contemplated by its friends.

If this amendment is to pass, why not have a separate committee on the important harbor of New York, another separate committee on the lakes or for each of the great lakes, and so on, and thus have our counsels divided and our labors frittered away in detail?

No, gentlemen, the true policy is to stand together under one committee, to march together in union and harmony under one banner; and then, as has been shown in previous votes on the rules relative to this matter, we can prevail over any opposition. Division is weakness and may end in failure.

Representing, as I do, a district bordering one hundred and thirty miles on the Ohio, and on a greatly important tributary to it, navigable in and between three States for over one hundred miles, and running through a country abounding in timber, coal and mineral wealth, I can see no advantage in this amendment to useful work in improving those rivers, but probably much injury to them, and must therefore oppose it.

Let me not be misunderstood in another regard. I class myself as a friend to national river and harbor improvements; but am not in favor indiscriminately of such as are merely local in situation and importance. But wherever a river is a great channel of communication between different parts of the country or has great elements of wealth along its course and runs in or between several States so as to require a combined effort to improve it, there such union and combination can only be successfully achieved through the Federal Government. And in some instances harbors and rivers, though only in one State, may be of such vast importance to the whole country or great sections of it as to be of national significance. The improvement of such rivers and harbors is and should be a national work. And the great Calhoun meant to include the important navigable tributaries when he spoke of the Mississippi as a "great inland sea." Their waters supply it, and it should not pursue a policy that may militate against the importance and improvement of its sources.

[Here the hammer fell.]

The question being taken on the amendment offered by Mr. FRYE as a substitute for the amendment of Mr. CHALMERS, there were—ayes 93, noes 46.

Mr. GIBSON. I call for tellers.

Tellers were ordered; and Mr. GIBSON and Mr. FRYE were appointed.

Mr. DUNNELL. I am satisfied that the question before the committee is not well understood. Perhaps it ought to be stated again.

The CHAIRMAN. The Chair will cause to be read everything pertaining to the pending question. The Clerk will first read the pending clause.

The Clerk read as follows:

21. —— to the Committee on Levees and Improvements of the Mississippi River.

The CHAIRMAN. It will be observed that in the clause as reported by the Committee on Rules, the subject to be referred to this committee is left blank. The gentleman from Mississippi [Mr. CHALMERS] proposes to fill that blank by inserting what the Clerk will read.

The Clerk read as follows:

To the improvement of the Mississippi River and its tributaries, and all surveys and estimates relating thereto.

The CHAIRMAN. The gentleman from Maine [Mr. FRYE] proposes to insert as a substitute for the amendment of the gentleman from Mississippi the language which the Clerk will read.

The Clerk read as follows:

To the levees of the Mississippi River.

The CHAIRMAN. The question is now on the adoption of the substitute proposed by the gentleman from Maine.

Mr. ROBERTSON. Is it in order to offer a further amendment?

The CHAIRMAN. It is not in order now. The committee is dividing.

The committee divided; and the tellers reported—ayes 129, noes 41.

So the amendment of Mr. FRYE was agreed to.

Mr. GIBSON. I presume, Mr. Chairman, that my amendment now comes up?

The CHAIRMAN. The Chair understands that the amendment proposed by the gentleman from Louisiana is an amendment to line 24 of Rule X, to which the committee will return as soon as this matter is disposed of. The gentleman from Louisiana [Mr. ROBERTSON] desired, as the Chair understood, to offer a further amendment.

Mr. CHALMERS. The gentleman from Maryland [Mr. MCLANE] has an amendment to which I think the gentleman from Louisiana [Mr. ROBERTSON] will assent.

Mr. MCLANE. I ask for the reporting of the amendment as it now stands.

The Clerk read as follows:

Insert "to the levees of the Mississippi River;" so that the clause as amended will read: "To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River."

Mr. MCLANE. I move to amend by striking out the words "to the levees of the Mississippi River," and inserting in lieu thereof the words "the report of the Mississippi River commission." I desire to say a few words in explanation of this amendment.

The CHAIRMAN. The gentleman will remember that by order of the House all debate upon this clause is now closed.

Mr. PRICE. I make a point of order on the amendment of the gentleman from Maryland, that it is not in order to move to strike out what has just been inserted by a vote of the committee.

Mr. MCLANE. I move, then, to amend the amendment by adding the words "and the report of the Mississippi River commission."

The CHAIRMAN. The gentleman from Maryland misapprehends perhaps the situation of the question.

Mr. MCLANE. Will the Chair explain it?

The CHAIRMAN. The gentleman from Mississippi [Mr. CHALMERS] moved an amendment to insert certain words in the blank left by the Committee on Rules. The gentleman from Maine [Mr. FRYE] proposed a substitute for that amendment, which the Committee of the Whole has just adopted; so that the question is now upon the adoption of the amendment proposed by the gentleman from Mississippi as amended by the vote of the committee on motion of the gentleman from Maine.

Mr. MCLANE. Now I desire to inquire whether the substitute is not open to amendment.

The CHAIRMAN. The gentleman from Maryland now offers a substitute for the substitute which the Committee of the Whole has just adopted.

Mr. MCLANE. I suppose I need not offer it as a substitute, but may offer it as an amendment.

The CHAIRMAN. But it is in fact a proposed substitute for the substitute which the committee has just adopted.

Mr. CHALMERS. Not necessarily.

The CHAIRMAN. The gentleman from Maryland will please explain his motion.

Mr. MCLANE. I understand the case now to be that the words proposed by the gentleman from Maine have been adopted as a substitute for the words proposed by the gentleman from Mississippi. The latter words have now disappeared, and in lieu thereof stand the words proposed by the gentleman from Maine. Now I propose to amend the substitute as amended by the committee. I take it for granted that the substitute is open to amendment, and as I cannot move to strike out I move to add the words "and the report of the Mississippi River commission." This motion, I think, is strictly within parliamentary rule. In support of this amendment I wish to say a word.

The CHAIRMAN. The Chair did not understand the proposition of the gentleman from Maryland as he now states it. If he proposes now to add the words "and the report of the Mississippi River commission," the Chair will hold the motion to be in order. But that is not the amendment which was sent to the desk and read to the committee.

Mr. MCLANE. The amendment I have just stated is the one I desire to offer.

Mr. PRICE. I make the point that debate on the pending clause is closed.

The CHAIRMAN. Debate on this clause is closed by order of the House, and the Chair has no discretion in the matter.

Mr. GIBSON. I rise to a parliamentary inquiry. I had the honor to offer an amendment to line 11 or 12. The order of the committee was that this amendment was to be considered as pending when we should reach line 24. I would like to inquire whether that amendment is not now pending?

The CHAIRMAN. The Chair will state the situation as understood here at the desk. When Rule No. X as reported by the Committee on Rules was under consideration, the gentleman from Louisiana [Mr. GIBSON] proposed an amendment to line 24, and the gentleman from Mississippi, [Mr. CHALMERS,] according to the recollection of the Chair, also proposed an amendment to line 25, to increase the number of members of the committee. By unanimous consent, those two amendments were passed over until the committee reached

Rule No. XI, which is now under consideration, and should dispose of the clause as proposed by the committee. The Chair intended at all times, as soon as the committee disposed of clause 21, to return to lines 24 and 25 of Rule X, and dispose of the amendments proposed by the gentleman from Louisiana [Mr. GIBSON] and the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. REAGAN. What is the question before the House?

The CHAIRMAN. The amendment of the gentleman from Maryland, [Mr. MCLANE.]

Mr. REAGAN. I only rise to say——

The CHAIRMAN. Debate is not in order.

Mr. MCLANE. I withdraw my amendment.

Mr. REAGAN. Was the amendment to the amendment of the gentleman from Maine an amendment to it or a substitute for it?

The CHAIRMAN. A substitute for it, and the question remains of filling the blank of the amendment with the number of the committee.

Mr. REAGAN. I wish to understand it. An affirmative vote fills the blank by the word "levees."

The CHAIRMAN. It will, in the manner just adopted by the committee.

Mr. ROBERTSON. I rise to a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTSON. Is this the amendment offered by the gentleman from Maryland?

The CHAIRMAN. No; that amendment is withdrawn.

Mr. ROBERTSON. Then I renew it, to come in after the word "levees," and for the sole purpose that this committee shall have the right to take charge of the report of the commission they themselves created. [Cries of "Order!"]

The CHAIRMAN. Debate is not in order, and the question recurs on the amendment to insert the words "and the report of the Mississippi River commission."

Mr. ACKLEN. I should like to ask a parliamentary question. Has that report been made or is it a report yet to be made?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. ACKLEN. It is a question for information.

The CHAIRMAN. The Chair is not informed whether it is or not.

Mr. ACKLEN. I make this point, that if the amendment refers to a report yet to be made——

The CHAIRMAN. Debate is not in order.

Mr. ROBESON. I ask that the resolution creating the commission and defining its powers be read.

The CHAIRMAN. That is not in order.

Mr. ROBESON. I ask that the proceedings of the House which authorized the commission, whose report is now to be submitted to this committee, and which defines the power of that commission, be read by the Clerk.

The CHAIRMAN. That is a law passed by Congress which every gentleman can see, and its reading would be in the nature of debate, which is prohibited under the rules.

Mr. GIBSON. I hope the gentleman's request will be complied with.

Mr. ROBERTSON. I hope so too.

The CHAIRMAN. It cannot be complied with if objection be made.

Mr. ROBERTSON. I hope it will be complied with to show the gentleman from New Jersey——

The CHAIRMAN. Debate is not in order.

Mr. HAWLEY. It has got to go there anyhow.

Mr. ROBERTSON. If so, then all right. I demand a division of the committee on the amendment I have offered.

The committee divided; and there were—ayes 10, noes 66.

So the amendment to the amendment was rejected.

The question recurred on Mr. CHALMERS's amendment as amended, and it was adopted.

The CHAIRMAN. The Clerk will now return, under the order of the committee, to lines 24 and 25 of Rule X, so as to dispose of the amendments there pending. The amendment of the gentleman from Louisiana [Mr. GIBSON] will first be read.

The Clerk read as follows:

Rule X, line 24, amend by striking out "levees and" and insert "and its tributaries;" so it will read: "on improvement of the Mississippi River and its tributaries, to consist of eleven members."

The amendment was rejected.

The question next recurred on Mr. CHALMERS's amendment; which was read, as follows:

Strike out "eleven" and insert "thirteen;" so it will read, "on levees and improvement of the Mississippi River, to consist of thirteen members."

The amendment was rejected.

The CHAIRMAN. The Clerk will now return to Rule XI, clause 22.

The Clerk read as follows:

22. To education and labor: to the Committee on Education and Labor;
23. To the militia of the several States: to the Committee on the Militia;
24. To patents: to the Committee on Patents.

Mr. VANCE. I move to amend so it will read, "and that the Committee on Patents shall receive the estimates and report the appropriation bills for the support of the United States Patent Office."

Mr. Chairman, the Committee of the Whole have directed that the Committee on Agriculture, the Committee on Public Buildings and Grounds, and the Committee on Commerce shall have control of the appropriation bills for all matters pertaining to those different departments. I think it is equally important that the Committee on Patents should have control of, and report, appropriation bills for the support of the United States Patent Office.

It will be borne in mind, Mr. Chairman, that the country is not taxed to support the Patent Office of the United States. There is not a dollar of tax laid upon the people of this country for its maintenance or support. It is supported by the inventors of the country. The report of the Commissioner of Patents for the year 1879 shows that there were applications for patents amounting to 19,300; applications for design-patents, 697; for the reissue of patents, 639; for registration of trade-marks, 1,465; patents granted, (including reissues, designs, &c.,) 12,471; labels registered, 403.

The total receipts of the Patent Office for the year 1879 aggregate, according to this report of the Commissioner of Patents, $703,146.79. Of this amount there was expended for the Patent Office itself, $548,-651.47, showing an excess of receipts above the expenditures of $154,495.32.

Now, sir, I think it is a reasonable proposition, as the Patent Office is supported by the money paid into it by the inventors of the whole country, that the Committee on Patents should have exclusive jurisdiction and control of the legislation affecting this great interest. While it is admitted that the interests of agriculture are of great importance to the country, it cannot be denied that the development of the country, and the development to a large extent of agriculture itself, are greatly indebted to the success of our system of patents. The interests of agriculture in this country have been greatly enhanced by the development of the patent system. There is no one department of this Government which has done more for the material welfare and prosperity of the people than that. The million of bushels of grain, of corn, wheat, and every other kind of grain known to our agricultural interests have been added to and increased by the invention and successful operation of labor-saving machinery, fostered, as such inventions have been, by the patent laws of this country. I think it is true that the appropriations for the Patent Office for many years were reported by the Committee on Patents, and I see no reason why they should not continue to be reported by that committee.

At the present time it is very important that the Committee on Patents should have control of the appropriations, from the fact that I hold in my hand the report of the Commissioner of Patents which states that he has not under his control a sufficient force to do the work of the office, and it is alleged to be a fact, and I believe it to be true, that at this time the inventors of the country are compelled to wait a month before they can receive their patents after the application has been filed.

[Here the hammer fell.]

The committee divided; and there were—ayes 39, noes 82.

So the amendment was rejected.

Mr. NEWBERRY. I move to insert, after the word "patents," in this clause 24, the words "copyrights and trade-marks;" so that it will read, if adopted:

To patents, copyrights, and trade-marks: to the Committee on Patents.

I think, Mr. Chairman, that this amendment needs no extended remarks from me in support of it. It would seem to commend itself at once to the consideration of everybody that these are cognate subjects and should be referred to the same committee.

Mr. TUCKER. The Supreme Court has decided that trade-marks are unconstitutional.

Mr. NEWBERRY. But there are questions now pending with regard to these very things based upon the decision of the Supreme Court, which, if it is proper, should be referred to a committee, and there can be no more appropriate committee than the Committee on Patents.

Mr. HASKELL. Mr. Chairman, I do not see why we should adopt this amendment. As the gentleman from Virginia [Mr. TUCKER] says, the Government has no power to issue any trade-mark patents or license. The whole question of copyrights belongs exclusively to the Librarian of Congress.

Mr. CLYMER. To the Committee on the Library.

Mr. HASKELL. To the Committee on the Library, and that committee should have charge of the question of copyrights, if any committee is to be placed in charge of the subject. The Committee on Patents have nothing whatever to do with the Library, and there is no such thing as a copyright, while the Supreme Court has ruled out the trade-mark altogether. I do not see any reason why this committee should be encumbered with what does not belong to it, and with matters over which it can exercise no possible control.

Mr. FINLEY. I move to amend the amendment of the gentleman from Michigan by striking out the word "copyright."

The CHAIRMAN. The gentleman from Ohio [Mr. FINLEY] proposes to amend the amendment of the gentleman from Michigan [Mr. NEWBERRY] by striking out the word "copyrights."

Mr. CLYMER rose.

Mr. TOWNSHEND, of Illinois. I object to debate. The committee is dividing.

The CHAIRMAN. Debate is not in order.

The question being taken on Mr. FINLEY'S amendment to the amendment, there were ayes 14, noes not counted.

So the amendment to the amendment was not agreed to.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Michigan, [Mr. NEWBERRY.]

Mr. CLYMER. Upon that I can say a word. I move to strike out the last word. I wish the committee not to do a thing which I think they will regret. The whole subject of copyrights is by law committed to the Library.

Mr. HAWLEY. But we have a right to amend the law.

Mr. CLYMER. But not by a rule of this House.

Mr. TOWNSHEND, of Illinois. If a petition were sent in here relating to copyright, would it not be competent to refer it to the Committee on Patents?

Mr. CLYMER. It would, if such were the pleasure of the House. But that subject properly belongs to the Library, and is in the hands of the Committee on the Library. Why should it go to the Committee on Patents rather than to any other committee? If any gentleman can show any relation between the two subjects, I would be glad to hear him.

Mr. HAWLEY. These subjects come together in the Constitution, and are evidently in the contemplation of that instrument cognate subjects. We grant certain privileges to inventors and we grant certain privileges to authors. The two subjects go together.

I know that so far as registering a copyright is concerned, that is committed to the Librarian of Congress. You go to the Librarian, pay your fee, deposit two copies of your book, and get a certificate of copyright. But suppose it is thought necessary to have some new legislation concerning copyrights, the subject would have to go to some committee. And what would be more natural than that it should go to the Committee on Patents, a copyright being next door to a patent, one being a patent on a book and the other is a patent on a machine.

As to trade-marks it is quite proper that subject should go there also. The Supreme Court has decided that the trade-mark law is unconstitutional; but there remain on the statute-book some unrepealed laws on the subject, and in the Treasury there are large sums paid by our people on the supposition Congress was giving them some rights; and there may be petitions for a constitutional amendment in favor of trade-marks. Papers may come before us relating to trade-marks, although the law has been declared unconstitutional.

These are evidently cognate subjects. We have a Committee on Patents, and why those other matters should not be put under charge of the same committee I cannot understand.

Mr. NEWBERRY. By referring to the first paragraph of Rule XI it will be seen in what connection this amendment places the whole subject. It says:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

And if my amendment be adopted, it will read:

To patents, copyrights, and trade-marks: to the Committee on Patents.

It will not be contended for an instant that there cannot be legislation here, as has been suggested by the gentleman from Connecticut, with regard to trade-marks and also in regard to copyrights, although the Supreme Court may have declared the present law in regard to trade-marks unconstitutional.

The question being taken on Mr. NEWBERRY'S amendment, there were—ayes 69, noes 28.

So (further count not being called for) the amendment was adopted.

The Clerk resumed the reading of Rule XI, and read the following:

25. To the pensions of the civil war: to the Committee on Invalid Pensions;
26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;
27. To private and domestic claims and demands whatsoever, other than war claims against the United States: to the Committee of Claims.

Mr. NEWBERRY. Unless the Committee on the Revision of the Rules have some particular reason for retaining the word "whatsoever" in clause 27, I will move to strike it out. It adds nothing to the force of the paragraph, and it does not follow the phraseology of the other clauses. For instance, take clause 16:

To railways and canals other than Pacific railroads.

The word "whatsoever" is not inserted there. Again in clause 19:

To the public buildings and occupied or improved grounds of the United States.

You do not say "whatsoever." But in clause 27 it is said:

To private and domestic claims and demands whatsoever.

It seems to me the word "whatsoever" is redundant.

Mr. BLACKBURN. I am perfectly willing to have the word struck out provided we can come to a vote.

There being no objection, the word "whatsoever" was struck out.

The CHAIRMAN. The Chair would suggest that instead of "the Committee of Claims" the name of the committee should read "Committee on Claims."

Mr. BLACKBURN. That is a typographical error.

The CHAIRMAN. If there be no objection the correction will be made.

There was no objection.

The Clerk resumed the reading of the bill and read as follows:

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;
29. To private claims to lands: to the Committee on Private Land Claims;
30. To the District of Columbia: to the Committee for the District of Columbia.

Mr. BLACKBURN. I am directed by the committee to offer the amendment to clause 30 which I send to the desk.

The Clerk read as follows:

After the word "Columbia," in line 1, insert the words "other than appropriations therefor;" and strike out the word "for" and insert "on;" so that it will read:

"To the District of Columbia, other than appropriations therefor: to the Committee on the District of Columbia."

The amendment was agreed to.

The Clerk read as follows:

31. To the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;
32. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several departments, as follows:
33. In the Department of State: to the Committee on Expenditures in the State Department;
34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;
35. In the War Department: to the Committee on Expenditures in the War Department;
36. In the Navy Department: to the Committee on Expenditures in the Navy Department;
37. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;
38. In the Interior Department: to the Committee on Expenditures in the Interior Department;
39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;
40. To public buildings: to the Committee on Expenditures on the Public Buildings;
41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;
42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee of Accounts.

Mr. WHITE. I move to amend by adding to clause 42, just read, that which I send to the Clerk's desk.

The Clerk read as follows:

And such committee shall make no allowance on contracts or agreements for furnishing material or labor for the House, unless the contract or agreement therefor shall have been previously made and approved by the Clerk of the House.

Mr. WHITE. I offer that amendment merely to make this clause harmonious with the concluding provisions of clause 3 of Rule III, which provides, under the head of "duties of Clerk," that the Clerk shall "make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor, for the House of Representatives, in pursuance of law or order of the House." He is the ministerial officer of the House in that respect. The present rule of the House upon that subject, Rule 21, adopted January 30, 1846, is as follows:

All contracts, bargains, or agreements, relative to the furnishing any matter or thing, or for the performance of any labor, for the House of Representatives, shall be made with the Clerk, or approved by him, before any allowance shall be made therefor by the Committee of Accounts.

I think it was the intention of the Committee on Rules to retain in this revision that provision of the present rules. It has been inadvertently left out, I think, and I offer this amendment merely to make this clause harmonious with what has heretofore been adopted by the House.

Mr. HASKELL. I desire for one to object to this practice of amending the title of a bill by injecting into that title a mass of legislation. These clauses now under consideration are not descriptive of the powers and duties of committees, and it does not seem to me that this is the place to adopt an amendment directing what a committee shall do. I suggest that there is a proper place in these rules for that direction, and that place is not here. I shall vote against the amendment.

Mr. WHITE. The amendment which I have offered is exceedingly brief and merely preserves the existing rule which requires that all contracts for the furnishing of material, labor, &c., for this House shall be made by the Clerk of the House. My amendment merely indicates that the Committee on Accounts shall first require that that rule be followed before they pass any account. It is merely re-enacting what we have already ordered.

The question was taken upon the amendment of Mr. WHITE; and it was not agreed to upon a division—ayes 15, noes 56.

The Clerk read as follows:

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;
44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;
45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;
46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills; and said committee shall have leave to report at any time;

Mr. ROBINSON. I move to amend clause 46, just read, by striking out all after the word "bills," where it occurs the second time; that is, the words "and said committee shall have leave to report at any time."

Mr. FRYE. That is right.

Mr. ROBINSON These words are not necessary in this clause, because the direction is repeated in the next clause.

Mr. BLACKBURN. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read the following:

47. The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

Mr. CONVERSE. I move to add to clause 47, just read, that which I send to the Clerk's desk.

The Clerk read as follows:

Every report shall be in writing, and shall give the names of the members of the committee who concur in the recommendations thereof.

Mr. CONVERSE. I desire to say but one word in favor of that amendment. It appears to me to be in the interest of economy, and I think the effect will be to require of committees more careful examination of the subjects before them. It brings individual responsibility to bear upon the question of reports, and I hope the amendment will be adopted.

Mr. ROBINSON. It seems to me that the language of the amendment will not quite accomplish what is desired by the gentleman from Ohio, [Mr. CONVERSE.] If he adds that to clause 47 it will apply only to the committees named in that clause. I suppose the gentleman desires to have it apply to all the committees of the House.

Mr. CONVERSE. If it is deemed more advisable I will move to add it to Rule XI as a separate clause—as clause 48.

Mr. ROBINSON. It should be a separate clause.

Mr. LAPHAM. If it is added to clause 47 it will apply to the Committee on Enrolled Bills, named in that clause; and it could hardly be expected that all the members of that committee shall have their names appended to any report made from the committee.

Mr. MILLS. Before any additional clause is added to Rule XI I desire to move an amendment to clause 47, which amendment I send to the Clerk's desk.

The Clerk read as follows:

The Committees on Ways and Means, on Banking and Currency, and on Coinage, Weights, and Measures shall have leave to report at any time, and on motion of any member a majority of the House may fix a day for the consideration of any public bill reported by either of said committees, and the House may continue the consideration of such bill from day to day till disposed of.

Mr. MILLS. The proposition which I now offer is the present rule, word for word. It is the rule which was adopted at the commencement of our recent extra session. This Congress then determined that the Committee of Ways and Means, the Committee on Banking and Currency, and the Committee on Coinage, Weights, and Measures should not only have the privilege of reporting at any time, but also should have the privilege of calling upon the House to fix a day for the consideration of a bill so reported and to continue the consideration of such bill from day to day until disposed of. I do not care to repeat the arguments which I then made, or the argument which I made the other day, why this rule ought to be continued. I think the Committee on Banking and Currency and the Committee on Coinage, Weights, and Measures ought to continue as privileged committees of this House. It is for the House now to decide whether it will recede from the course taken at the commencement of this Congress in reference to this question.

Mr. DUNNELL. Rule XIII proposes that hereafter when committees report the bills reported shall go immediately to one of three calendars. Now, if we adopt Rule XIII we shall be under the necessity of keeping those calendars clear. We do not want a rule that will allow bills to be brought before the House from day to day without regard to those calendars. The adoption of the rule which the gentleman suggests will thoroughly defeat the consideration of measures which may go under Rule XIII to these three calendars.

Mr. FRYE. The reasons which prompted the adoption of the rule authorizing the two committees named by the gentleman from Texas to report at any time will, after these new rules are adopted, cease to exist, because those committees will be called as often as once a week at any rate. Now, the purpose of the Committee on Rules was to get rid of special orders piling themselves one upon another as the session progresses. As to general appropriation bills and measures coming from the Ways and Means Committee, the Committee on Rules have authorized me to offer an amendment, when the proper point is reached, giving the Committee of Ways and Means and the Committee on Appropriations the right to move at any time after the morning hour, not before the morning hour, to go into Committee of the Whole on the state of the Union for the consideration of particular appropriation bills or bills raising revenue. I think that the proposition of the gentleman from Texas is entirely unnecessary, and its adoption would interfere very decidedly with the general scheme and plan of this revision.

Mr. WARNER. Will not the reason which the gentleman from Maine has given in opposition to the amendment of the gentleman from Texas apply as well to the whole of clause 47, which proposes to give special privileges to certain committees?

Mr. FRYE. That is because there may arise exigencies in which it may be absolutely necessary for the committees named to report at any time; for instance, as to a bill for raising revenue. As to the general appropriation bills the gentleman himself has seen the exigency. In reference to the other committees named in clause 47, their duties relate to matters of importance to the House—matters of privilege, matters of printing, matters connected with the contingent fund.

The question being taken on the amendment of Mr. MILLS, it was not agreed to.

Mr. CONVERSE. I now offer the following, to come in as clause 48:

Every report shall be in writing, and shall give the names of the members of the committee who concur in the recommendation thereof.

I desire to state one suggestion in reply to the gentleman from New York, [Mr. LAPHAM.] My opinion is that this rule ought to apply to all committees, including the Committee on Enrolled Bills, because, as I am told, it has sometimes been charged that mistakes have been made in enrolling bills. Hence we ought to know what members of that committee have examined any bill reported and what members concur in the report, so that it may be known where the responsibility rests.

Mr. WHITE. Is it the purpose of this amendment to require that the members concurring in a report shall sign their names, or simply that their names shall be stated in the report?

Mr. CONVERSE. The object is that the report shall show the names of the members concurring in it.

Mr. WHITE. Why not require them to sign it?

Mr. CONVERSE. I have no objection to that; but it might cause more trouble than the provision I propose.

Mr. HASKELL. Mr. Chairman, I find myself compelled to oppose this amendment for various reasons. No committee of this House probably has a full attendance of all its members in the course of a month. It transacts its business when a quorum is present. A bill may be agreed to by all the members present or by all except one member. But some members are on two committees and must be absent from one. Now, this proposed rule would compel the member in charge of a bill to present his report to the committee, secure their approval, and then go through the Capitol or the city hunting the other members of the committee to ascertain their opinions on the merits of the bill and compelling men who have not listened to the report of the sub-committee and have not had time to examine the merits of the measure to commit themselves to a written report over their signatures for or against the bill.

Now, many a bill passes in my committee perhaps during my absence; a report is made to the committee, and the bill is approved unanimously by those present. Coming upon the floor of this House, I hear a report made from my committee; I notice the bringing forward of a bill in which I am interested, and which the committee has approved in my absence. I have not had time to examine it, but the debate on the floor developes reasons for or against the measure; and I take my position upon it in debate. Now, I do not desire to be obliged to scrutinize every little bill that passes in my committee, and to come to a deliberate conclusion upon it, to be published before this House.

Again, Mr. Chairman, the action of committees is designed to be confidential. You cannot secure the fair consideration of a bill if every man's position upon it is to be bruited abroad, and every lobbyist enabled to train his guns on perhaps a single offending member who disagrees with the majority supporting the bill. Under the operation of this amendment you subject this whole House to a cross-fire of every lobbyist that happens to be in the city.

Let the men who procure the passage of a report through the committee come upon this floor and defend it. Let those who have been compelled to absent themselves from the committee be allowed to listen to the debates on the bill, and to form their conclusions here, without being compelled to make a formal agreement or disagreement.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word. I favor this proposition. In my humble opinion it is just what the American Congress requires. If you look over the proceedings of other legislative bodies in the United States, you will find their report has appended to it the signatures of the gentlemen who concur in making it. It gives to these reports the test which we all know has more to do with the legislation of this body than any other feature of our organization, more of the character of deliberation. It gives them somewhat of the judicial character. The judges of every court in the country are recorded as concurring or refusing to concur in the judgment rendered.

The objection of my friend from Kansas [Mr. HASKELL] that it will subject gentlemen who do not seem to concur to a cross-fire of different lobbyists who come here to look after legislation, does not seem to me to be well taken.

Mr. HASKELL. Will the gentleman allow me to ask him a question?

Mr. WHITE. The same objection would be good in favor of every member of the committee.

Mr. HASKELL. Let me ask the gentleman a question.

Mr. WHITE. Certainly.

Mr. HASKELL. I wish to ask the gentleman from Pennsylvania whether during this session of Congress he is prepared now to sign the majority or minority report on every bill which was ordered to be reported by his committee? I ask him whether he is willing to do that now? I wish an answer.

Mr. WHITE. I am willing to answer. I am willing to sign all reports ordered to be made when I was present and in which I concurred.

Mr. HASKELL. But are you ready to sign every report from your committee during this session of Congress?

Mr. WHITE. It is a fair question and I will answer it fairly. I am willing to sign every bill and report passed by the committee when I was present and in which I concurred. As a member of the committee I should be willing to assume the responsibility of every report in which I concurred, and I should be a coward if I refused to do so.

Mr. HASKELL. Are you willing to sign every report made when you did not happen to be there?

Mr. WHITE. Not at all; and this does not contemplate any such thing. It affects only those who concur in the judgment of the committee that their names shall be recited in the report.

Mr. FRYE. I wish to ask the gentleman from Ohio one question. The report made by any committee is supposed to be, of course, the report of the majority, as the minority is only entitled to give its views. I concur in part of his proposition, and I ask him whether he would accept this as a substitute: "Every bill or resolution reported by any of said committees shall be accompanied by the reasons therefor in writing, which shall be printed?"

Mr. CONVERSE. That does not reach the point of my amendment. If I may be allowed one minute or two more, the object of this bill is that the House shall know what members of a committee concur in the recommendations which that committee makes. What is the object of having committees in the House? It is in order that those committees shall examine the question submitted to them and return to us their opinion and their judgment upon which we ought to and do act. Is it not we shall know whether a majority of the committee concur in the recommendation or not? Any action of the minority of that committee is or should be a report to this House. None but a majority of the entire committee should be allowed to return a report to this House recommending action on its part. This amendment will secure that point, and will disclose the names of the persons on the committee who concur in its recommendation; and all are not bound by the reasoning which may be offered in the report, but only the names of such as concur in the recommendations of the committee. That is all the amendment embraces.

Mr. WHITE, by unanimous consent, withdrew his formal amendment.

The committee divided; and there were—ayes 45, noes 80.

Mr. CONVERSE demanded tellers.

Tellers were ordered.

Mr. CONVERSE and Mr. HASKELL were appointed.

The committee again divided; and the tellers reported—ayes 41, noes 98.

So the amendment was rejected.

Mr. ROBINSON. I move to add the following as an additional clause:

48. No committee shall sit during the sitting of the House without special leave.

Mr. Chairman, I observe that has been omitted. It is the present rule, and it seems to me that it ought to be retained. I do not understand that there is any reason why it should be omitted. Unless some objection is made to it I do not see the necessity for discussing it.

Mr. BLACKBURN. If the gentleman will permit me he will remember that there is already a rule, the first clause of Rule VIII, which requires every member of the House to be in his seat, but if in the judgment of the House this is deemed essential, I shall not object.

Mr. ROBINSON. That is a very indefinite rule. We have had it here since 1794 and it will do no harm, for the proper transaction of the business of the House, to retain it.

Mr. BLACKBURN. I do not care about it.

The amendment was agreed to.

Mr. SHALLENBERGER. I desire to offer a substitute for the entire rule, and I wish to say a word before the Clerk proceeds to read the substitute, as this is a very important rule and as the substitute is lengthy. I desire to say that I have marked only those clauses which have been amended by the committee and proposed to be amended by this substitute. I do not think it necessary that the Clerk should read the clauses word for word where there was no proposition to amend. Hence I have marked just such clauses in this rule as have either been adopted by the deliberate action of the committee or which I propose to amend by this substitute.

Mr. SPRINGER. Without reading the entire substitute I suggest that the gentleman from Pennsylvania be permitted to explain the matter, as we understand it refers to the division of the powers of the committee and it is not necessary to read it at all, as it will take some time to do so.

Mr. MORRISON. Let it be read.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. To the election of members: to the Committee on Elections;

2. To the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations; and the several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make, and the committee in which the bill originated shall thereupon have charge of it and upon its passage: *Provided*, That each committee in presenting and debating an appropriation bill shall have equal time and equal privileges upon the floor with the Committee on Appropriations;

4. To judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. To banking and currency: to the Committee on Banking and Currency;

6. To coinage, weights, and measures: to the Committee on Coinage, Weights, and measures;

7. To commerce: to the Committee on Commerce; and the Committee on Commerce shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;

8. To agriculture: to the Committee on Agriculture;

9. To the relations of the United States with foreign nations: to the Committee on Foreign Affairs; and this committee shall report the consular and diplomatic appropriation bill for reference to the Committee on Appropriations;

10. To the military establishment and the public defense: to the Committee on Military Affairs; and this committee shall report the annual appropriation bills for the support of the Army and the Military Academy at West Point, for reference to the Committee on Appropriations;

11. To the naval establishment: to the Committee on Naval Affairs; and this committee shall report the annual appropriation bill for the support of the Navy, for reference to the Committee on Appropriations;

12. To the Post-Office and post-roads: to the Committee on the Post-Office and Post-Roads; and this committee shall report the annual appropriation bills for the service of the Post-Office Department, and for mail transportation by ocean steamers, for reference to the Committee on Appropriations;

13. To the lands of the United States: to the Committee on the Public Lands;

14. To the relations of the United States with the Indians and the Indian tribes: to the Committee on Indian Affairs; and this committee shall report the annual appropriations for expenses of the Indian Department, and for carrying out the treaties and obligations of the Government with the Indian tribes, for reference to the Committee on Appropriations;

15. To territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

16. To railways and canals other than Pacific railroads: to the Committee on Railways and Canals;

17. To the manufacturing industries: to the Committee on Manufactures;

18. To the mining interests: to the Committee on Mines and Mining;

19. To the public buildings and occupied or improved grounds of the United States: to the Committee on Public Buildings and Grounds; and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations;

20. To the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

21. To the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River;

22. To education and labor: to the Committee on Education and Labor;

23. To the militia of the several States: to the Committee on the Militia;

24. To patents, copyrights, and trade-marks: to the Committee on Patents;

25. To the pensions of the civil war: to the Committee on Invalid Pensions; and this committee shall report the annual appropriation bill for the payment of invalid and other pensions, for reference to the Committee on Appropriations;

26. To the pensions of all the wars of the United States other than the civil war: to the Committee on Pensions;

27. To private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

28. To claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

29. To private claims to lands: to the Committee on Private Land Claims;

30. To the District of Columbia: to the Committee on the District of Columbia; and this committee shall report all appropriations therefor, for reference to the Committee on Appropriations.

31. To the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws.

32. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows:

33. In the Department of State: to the Committee on Expenditures in the State Department;

34. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

35. In the War Department: to the Committee on Expenditures in the War Department;

36. In the Navy Department: to the Committee on Expenditures in the Navy Department;

37. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

38. In the Interior Department: to the Committee on Expenditures in the Interior Department;

39. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

40. To public buildings: to the Committee on Expenditures on the Public Buildings;

41. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

42. Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House: to the Committee on Accounts;

43. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;

44. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

45. All proposed legislation or order touching printing shall be referred to the Joint Committee on Printing on the part of the House;

46. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills;

47. The following named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

48. *No* committee shall sit during the sitting of the House without special leave.

Mr. BLACKBURN. As we have had at least two weeks' debate upon the very proposition involved in this substitute, and looking only to an expedition of the work in the Committee of the Whole, I will move now that the committee rise and go back into the House with the view of agreeing upon a limit that we will put upon the debate. Of course it will not interfere with the right of the gentleman from Pennsylvania.

The committee divided; and there were—ayes 102, noes 3.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union, to continue the consideration of the report of the Committee on Rules; and pending that motion I move that all debate be closed upon the substitute pending for Rule XI, and all amendments thereto, in ten minutes. At the suggestion of several members, I will say twenty minutes.

Mr. FINLEY. Then I will move an amendment, to strike out "twenty" and insert "ten."

Mr. ATKINS. I hope the gentleman from Kentucky [Mr. BLACKBURN] will adhere to his motion as he originally made it, limiting the debate to ten minutes.

Mr. BLACKBURN. Very well. I adhere to my original motion to limit debate to ten minutes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole on the State of the Union, (Mr. CARLISLE in the chair,) and resumed consideration of the report of the Committee on Rules.

The CHAIRMAN. By order of the House all debate on the pending substitute for Rule XI is limited to ten minutes. The Chair will divide that time equally between the friends and opponents of the substitute.

Mr. SHALLENBERGER. My purpose in offering this amendment as a substitute has been, if possible, to save this rule and all the rules from possible rejection as a whole. I fear that if this rule, as now amended, shall stand on a final yea-and-nay vote in the House, there will be danger that these rules shall be rejected entirely, as such a contingency has been more than suggested. I have carefully prepared this substitute so as to embody two or three distinct propositions not heretofore presented to the committee. I call the attention of the committee to clause 3, in which I provide that the time on the floor shall be divided between the committee reporting an appropriation bill and the Committee on Appropriations. I provide further and specifically that each committee reporting a general appropriation bill shall have the control of it on the floor; that it shall have the right to report at any time; that it shall have equal privileges in fact with the Committee on Appropriations, when presenting a general appropriation bill.

I allow the Committee on Public Buildings and Grounds no more right than I allow the Army Committee or Navy Committee and the committees which have in charge the other specific branches of the public service. I except from the operation of this substitute the Committee on Commerce. I allow that committee undivided control of its own bill because the judgment of the Committee of the Whole has settled that beyond a peradventure. We all see they will have it. We might as well accept the fact that the Committee of the Whole and the House by a two-thirds vote will give to that committee the undivided control of its own appropriations in all probability.

My purpose is to give the careful preparation and control of each appropriation bill other than the river and harbor bill to the several committees of this House, and yet to give to the Committee on Appropriations that general review which will give to the Committee of the Whole when it comes to act on these bills an intelligent, comprehensive, and well-matured report, not on the subject-matter originally referred to each committee, not on the distribution of an aggregate appropriation, but on the general expenditures of the Government—the comparison of all the bills and their relative importance as parts of those general expenditures of the Government.

I have formulated in this substitute what I conceive to be the safest and best possible distribution of the responsibilities and powers of this House; I deny with all the force I have the assertion made upon this floor by the distinguished Speaker of the House that the Appropriations Committee does not legislate on these important questions. I point him to the sundry civil bill of last year in which there were $2,000,000 appropriated for public buildings in this country which had not been previously authorized by law, and by right came under the jurisdiction of our committee. Every dollar of it was in violation of the limitation fixed by law. I ask that my committee shall have jurisdiction originally of a public building and shall limit the appropriations therefor. Why shall it not have jurisdiction of the estimates which extend that limitation hundreds of thousands of dollars? I say that this is the only complete system by and through which we give to each of the committees of this House independent and complete jurisdiction of its own matters, subject, however, to mature comparison and report from an impartial committee specially instructed for that purpose.

Mr. RANDALL, (the Speaker.) This substitute proposes to do in the aggregate what the Committee of the Whole in many particulars has already voted down. It goes further than has yet been suggested in the division of the duty which now belongs to the Appropriations Committee. It takes from the Committee on Appropriations the consular and diplomatic bill, which the Committee on Foreign Affairs has never yet asked for. It takes from the Committee on Appropriations the bill appropriating for the Military Academy at West Point, which has never yet been asked for by the Military Committee, so far as I know. It takes from the Committee on Appropriations the Army appropriation bill, a proposition which has already been voted down in the Committee of the Whole. It gives to the Committee on Naval Affairs the naval appropriation bill, which that committee has never yet asked for. It takes from the Committee on Appropriations the Post-Office appropriation bill—a proposition which has already been voted down in the Committee of the Whole. It takes from the Committee on Appropriations the Indian appropriation bill—a change which has not yet been asked for by the Indian Committee. It takes from the Committee on Appropriations all control over the appropriations for public buildings—a proposition which I regret has already been agreed to in Committee of the Whole. It omits, however, what the Committee of the Whole agreed to as to the agricultural appropriations. And it takes from the Committee on Appropriations the appropriations for the District of Columbia, which has never been asked for by the Committee on the District of Columbia. And with all this is coupled the provision in the third clause, as follows:

The several appropriation bills, when reported to the House by the committees in which they originate, shall be referred to the Committee on Appropriations to be reported back to the House after due consideration, with such recommendations as the general expenditures of the Government require them to make; and the committee in which the bill originated shall thereupon have charge of it and upon its passage: *Provided*, That each committee in presenting and debating an appropriation bill shall have equal time and equal privileges upon the floor with the Committee on Appropriations.

Thus the substitute takes the eight bills I mention from the Committee on Appropriations and gives their original preparation to the respective committees I have named, to go to the Committee on Appropriations for amendment and review.

Under the provisions of the third clause of this substitute, when the Committee on Appropriations report back to the House such appropriation bills, with such amendments as said committee deem wise, the control is taken from the Appropriations Committee so reporting them and the bills placed in care of the committees respectively which originated said several bills.

Mr. FRYE. Will the gentleman allow me to interrupt him for one moment; I want to add one other thing which that third clause takes. It takes the floor of the House for at least three months of the session and divides it equally between the Committee on Appropriations and each of the other committees reporting appropriation bills, and leaves all the rest of us, not on those committees, sitting here in our seats as monuments of spared mercy.

Mr. RANDALL, (the Speaker.) In my judgment this is the most objectionable proposition which has yet been introduced, and I believe further that if adopted it must lead not in the direction of retrenchment, but in the direction of increased expenditure. I trust the Committee of the Whole will hesitate before it will undertake to do in this wholesale manner proposed what it has heretofore refused to do when presented in a less objectionable way and in detail.

Mr. HOOKER. I move to amend the proposed substitute by striking out the words "for reference to the Committee on Appropriations" wherever the same occur. I would inquire if any further debate is in order?

The CHAIRMAN. The debate on this substitute and all amendments thereto was limited by order of the House to ten minutes, which time has expired.

The question was taken upon the amendment of Mr. HOOKER, and it was not agreed to; upon a division—ayes 23, noes not counted.

The question recurred on the substitute proposed by Mr. SHALLENBERGER for Rule XI as amended.

Mr. FRYE. That is a very important amendment, and we might as well have the vote taken by tellers at once.

Tellers were ordered, there being 47 in the affirmative, (more than one-fifth of a quorum;) and Mr. SHALLENBERGER and Mr. FRYE were appointed.

The committee divided; and the tellers reported that there were—ayes 61, noes 122.

So the substitute was not agreed to.

The Clerk read as follows:

RULE XII.

DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, namely: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Territories, and Mines and Mining; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.

RULE XIII.

CALENDARS.

1. There shall be three calendars of business reported from committees, namely: First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills,

and bills of a public character, directly or indirectly appropriating money or property;

Second. A House calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

Mr. DUNNELL. In order that I may ask a question I will move to strike out the third subdivision of clause 1 of Rule XIII.

Mr. BLACKBURN. In order that these matters may come in their regular order, I ask the gentleman from Minnesota [Mr. DUNNELL] to allow me to submit from the Committee on Rules an amendment which should come in before the one which I understand he proposes to offer. It is to clause 2 of Rule XIII, after the word "decided," in line 5, to insert the words "according to its character."

The CHAIRMAN. Clause 2 of Rule XIII has not yet been read.

Mr. BLACKBURN. I supposed that the clause had been read.

Mr. DUNNELL. I have proposed the amendment which I have indicated merely to enable me to ask the gentleman from Kentucky [Mr. BLACKBURN] if there be anything in the new rules relative to the call of committees for private bills. Committees are now called for private bills on Friday. Is that provision retained in the new rules?

Mr. BLACKBURN. I will state to the gentleman that if he will turn to Rule XXVI he will find this:

Friday in each week shall be set apart for the consideration of private business, unless otherwise determined by a majority of the House.

Mr. DUNNELL. But Rule XXIV says "on all days other than Mondays, as soon as the Journal is read and approved, there shall be a morning hour for reports from committees." I was led to infer from that that the Friday rule had been abolished.

Mr. BLACKBURN. Not at all. Upon the contrary, the very matter which the gentleman now refers to was considered by the Committee on Rules, and it was determined that both of these rules taken together could not be considered other than as continuing the present practice of the House which devotes Friday of each week exclusively to the consideration of private business, unless a majority of the House shall otherwise determine.

Mr. DUNNELL. Then am I not correct in this: that the committees are not to be called on Fridays for reports, but that a private bill may be reported any day, Tuesday, Wednesday, or Thursday, when the committee having charge of the subject shall be called for reports?

Mr. BLACKBURN. Certainly; the rule provides that there shall be a morning hour for reports from committees.

Mr. DUNNELL. That is what I desire to know; whether we get rid of the call of committees for private bills on Friday. I understand that we do.

Mr. RANDALL, (the Speaker.) You do not; the rule is not altered at all in that respect. It gives Fridays for the consideration of private business. There will be a morning hour on Friday for reports from committees, and those reports must be of a private nature. On all the other days except Monday there will be a morning hour for committees to make reports of a public character.

Mr. DUNNELL. I fail to see any necessity, then, for a distinction. If on every day of the week except Monday the committees are to be called for reports, and those reports are to go immediately to one of these three calendars without debate, I cannot understand why on Friday any more than on any other day committees should be called exclusively for private bills to go to the Private Calendar. Why not let all bills, whether public or private, come from committees as they are called upon all the days of the week and then reserve Friday for the consideration of private business?

Mr. RANDALL, (the Speaker.) The distinction proceeds upon this theory simply: that public business should be promoted in preference to private business.

Mr. DUNNELL. I do not think that under the rule we do that. We call the committees for reports. If I have a private bill from my committee, why may I not report it on Tuesday as well as on Friday? It will take no more time to report it on Tuesday, because it immediately goes to the Calendar.

Mr. RANDALL, (the Speaker.) That might not be objectionable if every committee was first called for private bills. If on any day the hour should not be consumed in reporting and sending instantly to the Calendar bills of a public character, then the committees might be called for private bills, though it should not be Friday. But four days should be given to public measures in preference to private measures, as has been done heretofore. That arrangement the Committee on Rules did not desire to interfere with in the least.

Mr. DUNNELL. Now, Mr. Chairman, perhaps I need not occupy the time of the committee longer; but if we are to adopt Rule XXIV, providing that all reports on being presented shall go immediately to the Calendar, I can see no reason why we should set apart Friday for receiving reports of a private nature. If committees are to be called for reports on every day of the week except Monday, according to Rule XXIV, then I cannot see what ruling could be made which would deny to a committee the right to report private bills whenever the committee may be called. I find nothing in this revision that says I may not as a member of a committee report a private bill on Tuesday, Wednesday, or Thursday.

Mr. BLACKBURN. There is nothing there that will prevent the gentleman from doing so.

Mr. DUNNELL. But now if I report a private bill on Wednesday, for instance, it is ruled out.

Mr. BLACKBURN. I do not so understand.

Mr. DUNNELL. Oh, yes.

Mr. FRYE. It is ruled out if the point is made.

Mr. DUNNELL. I understand that a private bill reported on any other day than Friday is at present ruled out if the point is made.

Mr. BLACKBURN. The gentleman from Minnesota, I am sure, does not want to be mistaken.

Mr. DUNNELL. No, sir.

Mr. BLACKBURN. But the gentleman is mistaken in this: under the present rules and practice of the House there is nothing to prevent any gentleman from reporting a private bill on Tuesday, Wednesday, or Thursday.

Mr. DUNNELL. Let me ask the gentleman whether the ruling of the Chair has not been invariably in the direction of excluding private reports on those days.

Mr. BLACKBURN. No, sir. The Speaker will answer for himself; but I take it that the ruling of the Chair has never gone farther in that direction than to give preference to public bills as against private bills; and this, I take it, will be the object of the House.

Mr. RANDALL, (the Speaker.) And on a Friday to give preference to private bills as against public bills.

Mr. FRYE. Let me call the attention of the gentleman from Minnesota to a single point. Hitherto under our rules every bill reported during the morning hour could be considered at once upon the report being made, unless it contained an appropriation of money. Now, it has been held, and properly held, that on days devoted to public business a report of a private nature could not be received and considered. But under these revised rules there is nothing to prevent a member from reporting a private bill on a public-bill day, there being then no consideration of it other than to send it at once to a calendar.

Mr. DUNNELL. There is a difference of opinion, then, among members of the Committee on Rules upon this point. The gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Kentucky [Mr. BLACKBURN] disagree, as I understand, with the gentleman from Maine, [Mr. FRYE.]

Mr. RANDALL, (the Speaker.) Under the existing rules a public bill cannot be reported on a Friday without the consent of the House. But on other days, during the morning hour, private bills as well as public bills are constantly reported from committees.

Mr. DUNNELL. If we adopt the threefold calendar as proposed in this revision and along with that adopt Rule XXIV, I insist that there should be no distinction made as to the character of bills to be reported by committees on different days of the week; for, as I understand, they are not to be considered at once, but are simply to be received and sent to the Calendar without debate.

Mr. BUCKNER. Mr. Chairman, I rise to a question of order. What is the question before the committee.

The CHAIRMAN. It is the motion of the gentleman from Minnesota [Mr. DUNNELL] to strike out the third subdivision of clause 1, Rule XIII.

Mr. DUNNELL. I withdraw that amendment.

Mr. CALKINS. I move at the end of the third clause to add the following.

The Clerk read as follows:

4. A calendar for pension cases and claims reported from the Committee on Pensions.

Mr. CALKINS. My purpose in offering this amendment is to disconnect this class of cases and claims from all other cases and claims reported from other committees, that they may be placed together upon the same calendar where we may see the exact position of each. And it is for another purpose: it is to take them out of the way of the public Calendar, which is often choked up by other business when pension cases could be reached and passed in a moment without loss of time to the House. In other words, it is to make a calendar of pension cases alone, so these cases may be considered unobstructed and speedily by the House. And inasmuch as the whole country has pledged these sufferers its support under all circumstances nothing can conduce to the consideration of these claims so much as a calendar upon which they shall stand alone. I ask in justice to this class of claimants they shall be put upon a calendar by themselves.

The committee divided; and there were—ayes 37, noes 85.

Mr. CALKINS. I do not like to take up the time of the House, but I want tellers on this question.

The CHAIRMAN. No quorum having voted the Chair will order tellers; and he appoints Mr. CALKINS and Mr. BLACKBURN.

The committee again divided; and the tellers reported—ayes 32, noes 86.

So the amendment was rejected.

Mr. MYERS. I move the committee rise.

The committee divided; and there were—ayes 59, noes 73.

So the committee refused to rise.

Mr. BAKER. I move to add the following:

4. A calendar for pension claims to which shall be referred all bills relating to pensions, which shall have priority in consideration over all other bills of a private nature.

I desire to say a word on that amendment, and I trust what I shall have to say will be conclusive. It seems to me as though one of the

most becoming things which can be done in this House by the representatives of the people would be to give priority in consideration to pension claims over all other private claims. There is no party in this country which is not pledged to the soldier, no party that has not affirmed that the claim which was due to the soldier who was wounded and bled in the Army and the widows and orphans of those killed—I say there is no party which has not proclaimed that class of claims should be preferred to all others which could be presented to the Government.

Now and here this House has an opportunity, so far as members of both parties are concerned, to give slight evidence by the action they take on this proposition of their belief and sincerity in the annual proclamations made in their party platforms.

Mr. FRYE. I simply desire to call the attention of the House to this. If any amendment of this kind is to be passed, it would be proper when we reach page 40, third paragraph, clause 6, which is as follows:

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

It is not proper here.

Mr. BAKER. Will the gentleman let me ask him a question? [Cries of "Vote!"]

Mr. BLACKBURN. I make the point of order the debate is exhausted.

The committee divided; and there were—ayes 43, noes 99.

So the amendment was disagreed to.

The Clerk read as follows:

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, namely: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided without debate, in the following order, namely: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

Mr. BLACKBURN. I am instructed by the Committee on Rules to move the following amendment: After the word "decided," in line 5, clause 2, Rule XIII, insert "according to its character."

The amendment was agreed to.

The Clerk read as follows:

RULE XIV.

OF DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and on being recognized may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak, and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon, and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this rule.

Mr. HAWLEY. I call the attention of the gentleman from Kentucky to the last line, "and the Sergeant-at-Arms is charged with the strict enforcement of this rule." He means this clause. By this new subdivision into rules and clauses, the word "rule" should be changed to "clause."

Mr. BLACKBURN. Yes, it is clause 7 which was intended to be referred to, and I will move to strike out the word "rule" and in lieu thereof to insert the word "clause."

The amendment was agreed to.

The Clerk read as follows:

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

Mr. BLACKBURN. By the direction of the Committee on Rules I offer the following amendment to the first clause:

After the word "House," insert the words "and entertained by the Speaker."

The amendment was agreed to.

The Clerk read as follows:

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lie on the table, for the previous question, (which motions shall be decided without debate,) to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. HAWLEY. I move to strike out in line 3 of clause 4 the word "lie," and in lieu thereof to insert "lay," so that it will read "to lay on the table." It is a grammatical error which has been in the rules for generations and has been allowed to remain in the revision. When a thing is "laid" on the table it lies there. The verbs that precede this one in the sentence are active verbs—"to adjourn," "to take a recess"—and they should be followed by the active verb "to lay on the table." Here we have it "to lie on the table" following "to adjourn," "to take," &c. It should be "lay" instead of "lie."

Mr. BLACKBURN. I do not care at all about this, but I wish to say to the gentleman I do not concur with him in his conclusion. There is not a rule which incorporates that word which has been in existence for a hundred years, which is not equally amenable to the the same criticism.

Mr. HAWLEY. I have looked at the matter carefully, and you cannot find a book in the Library of Congress which will justify the gentleman in the use of the word "lie" as it is reported.

The amendment was agreed to.

The Clerk read as follows:

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the Journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn; but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

Mr. FRYE. I am instructed by the committee to offer the following amendment, to be known as clause 9 of this rule:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

This is made necessary, Mr. Chairman, by the rule here which provides first for the reading of the Journal, then for the morning hour, then the unfinished business is to be proceeded with, then the motion to go to business on the Speaker's table, and finally the motion to go into Committee of the Whole. Now, it may become necessary on certain occasions, at the expiration of the morning hour, that a motion should be made to proceed at once with the consideration of an appropriation bill, or a bill raising revenue, and that is provided for in the amendment which, as I have stated before, I am instructed by the committee to offer.

The amendment was agreed to.

The Clerk read as follows:

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

Mr. BLACKBURN. I am directed by the Committee on Rules to offer an amendment to that clause of Rule XVII. It is to insert after the word "renewal," in the ninth line, the words "and second."

The amendment was agreed to.

Mr. BLACKBURN. I am also directed to offer the following amendment: in line 13 of this clause, to strike out the word "special" and insert in lieu thereof the word "select."

The amendment was agreed to.

Mr. BLACKBURN. I wish also to make a verbal amendment by

striking out the two words in line 11 "the final," and to insert instead thereof the word "its;" so it will read "on its passage" instead of "final passage."

The amendment was agreed to.

Mr. HASKELL. I desire to ask the gentleman from Kentucky [Mr. BLACKBURN] a question; but if it lead to debate at all I will give up the floor for a motion that the committee rise. Under this rule as reported by the Committee on Rules the previous question upon the engrossment and third reading of a bill only has its effect and remains in force down to the third reading of a bill.

Mr. BLACKBURN. That has always been so.

Mr. HASKELL. I know that has always been so. Now, a man comes upon the floor, reports his bill, moves the previous question, and brings the House to a vote. I desire to ask the gentleman from Kentucky, and through him the Committee on Rules, whether in their opinion they would not deem it wise to have the previous question once moved upon the engrossment and third reading go clear through to the passage, so that this loop-hole for entrapping the unwary shall not be left?

Mr. BLACKBURN. I do not; for the reason that after you have moved the previous question on a bill and any amendments pending, and that previous question shall have been in operation, and carried the bill to its engrossment and third reading, it may, and very often does, occur that the House finds there is some amendment, some discussion, some consideration which even the voting upon the bill under the operation of the previous question has demonstrated to be necessary, but there is no way of getting that amendment or that discussion unless you go back and reconsider the several stages through which the bill has gone, which would be very cumbersome. When the previous question on engrossment and third reading is exhausted, the Chair always recognizes the gentleman in charge of the measure to renew the demand for the previous question on the passage, and if then the House has not discovered any hasty legislation or any mistake that has been made, the previous question is again ordered, and carries the bill through to its passage.

Mr. HASKELL. I desire to ask another question.

Mr. BLACKBURN. If it be in the nature of debate I stand committed to move that the committee rise.

Mr. HASKELL. Then I desire to retain the floor to offer an amendment.

Mr. BLACKBURN. You shall have it. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole on the state of the Union had had under consideration the report of the Committee on Rules, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 903) to authorize and direct the Postmaster-General to readjust the salaries of certain postmasters according to the provision of section 8 of the act of June 12, 1866.

The message further announced that the Senate had passed, and requested the concurrence of the House in, a concurrent resolution to print for the use of the Interior Department 1,500 copies each of volumes 4 and 12, and 1,200 copies each of volumes 3, 8, and 13, of the final reports of the Geological and Geographical Surveys of the Territories, in quarto form, with the necessary illustrations, uniform with the edition ordered by Congress.

SURVEY OF CONNECTICUT RIVER.

Mr. PHELPS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish the House of Representatives with the report of General G. K. Warren, of the Engineer Department of the United States, on the survey of the Connecticut River below Hartford, in the State of Connecticut, made in November, 1879, with a view to the permanent improvement of the channel of said river, and also to furnish such maps and other papers as accompany said report.

CYRUS C. CLARK.

Mr. PHELPS also, by unanimous consent, introduced a bill (H. R. No. 4428) for the relief of Cyrus C. Clark, of Hartford, in the State of Connecticut, late a paymaster in the Army of the United States; which was read a first and second time, and referred to the Committee on the Judiciary.

NATIONAL FAIR GROUNDS ASSOCIATION.

Mr. BLACKBURN, by unanimous consent, introduced a bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association;" which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

COLLISION ON WATER.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 4430) to provide a commission for the examination of existing and proposed rules for preventing collision on the water, and for forming such rules as shall be in consonance with and in furtherance of the interests of international law; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. KING. I am instructed by the Committee on the Interoceanic Canal to report the resolution which I send to the desk and request its passage.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to furnish for the use of the Committee on the Interoceanic Canal such statistics as may be found in his Department on the following subjects:

First. The amount of shipping between the Atlantic and Pacific ports of the United States and the amount and kind of cargoes, and for the coasts of the Pacific Ocean.

Second. The entries and clearances at the port of San Francisco for the last fiscal year and amount of and kind of cargoes, and the places from and to which they are carried.

Third. The amount of transportation across the Isthmus, and generally its points of destination, and from which originally shipped.

Fourth. The average duration of voyages around the Horn between New York and San Francisco.

There being no objection, the resolution was agreed to.

LOUIS P. DI CESNOLA.

Mr. COX, by unanimous consent, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 1359) for the relief of Louis P. Di Cesnola, accompanied by a report in writing, and moved that the bill and report be printed and recommitted, not to come back on a motion to reconsider.

The motion was agreed to.

MEXICAN WAR PENSIONS.

Mr. COX also, by unanimous consent, presented the petition of Silas Casey and many other survivors of the Mexican war, praying for the passage of a bill granting pensions to the survivors of the Mexican war; which was referred to the Committee on Invalid Pensions.

Mr. COX. I ask unanimous consent that the petition be printed in the RECORD.

Mr. WHITE. I object.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

IMPROVEMENT OF SAINT CROIX RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, relative to the improvement of the Saint Croix River; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS TURNER, for one week; and

To Mr. MARTIN, of West Virginia, for five days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ERRETT asked unanimous consent for the withdrawal from the files of the House of papers in the case of Hester Yost, an applicant for a pension as the daughter of a soldier of the war of 1812, no adverse report; which request was referred to the Committee on Revolutionary Pensions.

Mr. MARTIN, of Delaware. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BOUCK: The petition of citizens of Fort Howard, Wisconsin, for the improvement of the harbor and channel at Green Bay, Wisconsin—to the Committee on Commerce.

By Mr. BRENTS: The petition of Louis Sohns, mayor, and councilmen of the city of Vancouver, Washington Territory, relative to city recorder of said city and his jurisdiction, and for legislation relative thereto—to the Committee on the Judiciary.

By Mr. BREWER: The petition of Caleb Thompson, John W. Dawson, and 98 others, citizens of Ingham County, Michigan, for laws to relieve the country from the imposition of transportation monopolies—to the Committee on Commerce.

Also, the petition of Caleb Thompson, John W. Dawson, and 98 others, citizens of Ingham County, Michigan, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. BUCKNER: The petition of citizens of Pike, Monroe, Saint Charles, Montgomery, and Audrain Counties, Missouri, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. JOSEPH G. CANNON: The petition of F. S. Gurnea and 15 others, soldiers of Pellsville, Clarence, and Rankin, Illinois, for additional pay—to the Committee on Military Affairs.

By Mr. CARPENTER: The petition of citizens of Plymouth, County, Iowa, for the passage of a law for the prevention of extortionate charges by railways—to the Committee on Commerce.

By Mr. CASWELL: The petition of A. A. Bull, and 24 others, citizens of Columbia County, Wisconsin, for a commission to inquire into the pernicious effects of the liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. ALVAH A. CLARK: The petition of John Allen, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. DEUSTER: Memorial of the mayor and common council of the city of Milwaukee, Wisconsin, for the repeal and abolition of the compulsory legal-tender power now given by law to the Treasury notes of the United States—to the Committee on Banking and Currency.

Also, the petition of the Chamber of Commerce of the city of Milwaukee, against bridging the Detroit River—to the Committee on Commerce.

By Mr. FORD: The petition of ex-soldiers and citizens of Caldwell County, Missouri, for legislation securing to them payment for their services while in the Army, being the difference between a depreciated currency and gold, the money of the bondholder—to the Committee on Military Affairs.

By Mr. FORSYTHE: The petition of citizens, soldiers of Clark County, Illinois, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of soldier citizens of Shelby County, Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. GILLETTE: The petition of James A. Baker, for a pension—to the same committee.

By Mr. HERBERT: The petition of Totum & Wilkinson and others, of Montgomery, Alabama, relating to interstate traffic in adulterated food—to the Committee on Manufactures.

By Mr. HILL: The petitions of J. Y. Gurwell and others, of William Martin and others, and of George Richardson and others, citizens of Defiance County, Ohio, for a change in the patent laws—to the Committee on Patents.

Also, the petitions of F. L. Forlon and others, of J. A. Hughes and 50 others, and of John Norway and others, citizens of Defiance County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. HOOKER: The petition of John Bass, administrator of W. C. Mosely, for pay for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. HOUK: The petitions of Alexander A. Shaver and of Solomon Young, for pensions—to the Committee on Invalid Pensions.

By Mr. JOHNSTON: Memorial of citizens of Richmond, Virginia, for the enactment of such penal statutes as may be necessary to suppress the interstate traffic in adulterated articles of food—to the Committee on Manufactures.

By Mr. KENNA: The petition of ex-Union soldiers of West Virginia, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. KILLINGER: The petitions of late soldiers of Milton, Pennsylvania, and of 75 soldiers of Dauphin County, Pennsylvania, for the passage of the Weaver soldier bill—to the same committee.

By Mr. KITCHIN: The petition of T. A. Green, president of the New Berne (North Carolina) Board of Trade, for an appropriation for the improvement of Trent River, North Carolina—to the Committee on Commerce.

By Mr. KLOTZ: Papers relating to the claim of Charles S. Keeler for pay as clerk at the United States arsenal, Charleston, South Carolina—to the Committee of Claims.

By Mr. LAPHAM: Papers relating to the claim of Howland Hemphill for pay for damages sustained by reason of the taking from his possession, by order of the Secretary of War, certain railroad cars, at Penn Yan, New York, in 1865—to the same committee.

By Mr. LE FEVRE: The petitions of Reuben Huffer and 55 others, of Darke County; of A. W. Robinson and 30 others, of Miami County; of D. L. Craft and 161 others, of Mercer County; and of William Bayliff and 24 others, of Auglaize County, Ohio, for the amendment of the patent laws so as to protect innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petitions of H. Puterbaugh and 53 others, of Darke County; of Isaac Freeman and 30 others, of Miami County; of John Horn and 24 others, of Auglaize County, Ohio; of John G. Oxen, J. V. Campbell, and 200 others; of W. C. Baker, J. B. Fridley, and 38 others; of Nelson Armantrout, William Davidson, and 199 others, for laws against transportation monopolies—to the Committee on Commerce.

By Mr. LINDSEY: Papers relating to the claim of H. B. Brown for pay for services as acting secretary of the legation at Rome, Italy—to the Committee of Claims.

By Mr. McCOOK: The petition of Edwin A. Terry and 368 others, honorably discharged soldiers, for an increase in the pensions of soldiers and sailors who have lost an arm or leg, and against the passage of the so-called Weaver soldier bill—to the Committee on Military Affairs.

By Mr. McKINLEY: The petition of Peter J. Palmer and 70 others, citizens of Stark County, Ohio, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of J. K. McDowell and 70 others, citizens of Stark County, Ohio, for the enactment of a law against unjust discrimination in freights and freight fluctuations—to the Committee on Commerce.

By Mr. MORSE: The petition of W. B. Reynolds & Co., J. F. Lamson, and others, of Boston, Massachusetts, for the early passage of the Reagan interstate-commerce bill—to the same committee.

Also, the petition of the Pacific Mills Company and others, manufacturers and merchants of Boston, Massachusetts, against the extension of the Brodie iron cotton-tie buckle patent—to the Committee on Patents.

By Mr. NEAL: The petition of J. M. May and 150 others, citizens of Ohio, that innocent persons using patents may be protected—to the same committee.

Also, the petition of J. M. May and 1,000 others, citizens of Ohio, for legislation against railroad monopolies in transportation—to the Committee on Commerce.

By Mr. O'CONNOR: Memorial of citizens of South Carolina, asking for the enactment of a penal statute against the use of deleterious compounds in the adulteration of food—to the Committee on Manufactures.

By Mr. O'NEILL: Memorial of citizens of Philadelphia, of similar import—to the same committee.

By Mr. ORTH: The petition of Elias Evans, to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. OSMER: The petitions of James R. Raymond and 14 others, of Fred. Chase and 15 others, and of C. L. Randall and 18 others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of David Wilson and 30 others, for the passage of a law regulating commerce by railways—to the Committee on Commerce.

By Mr. OTERO: The petition of Sidney P. Gambia, for additional pay for services rendered as postmaster at San Antonio, Texas—to the Committee of Claims.

By Mr. POEHLER: The petition of Andrew Keegan and 37 others, of Dakota County, Minnesota, for a change in the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of D. G. Harrington and 38 others, citizens of Dakota County, Minnesota, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. ROTHWELL: The petition of George Christy, H. C. Adams, J. H. Anderson, and 70 other Union soldiers in the late war of the rebellion, for the passage of a law to equalize their pay in coin value—to the Committee on Military Affairs.

By Mr. SAWYER: The petition of citizens of Clay and Cass Counties, Missouri, for the amendment of the patent laws—to the Committee on Patents.

By Mr. SHELLEY: The petition of C. W. Hooper, of Selma, Alabama, for the suppression of interstate traffic in adulterated food—to the Committee on Manufactures.

By Mr. JAMES W. SINGLETON: The petition of officers and soldiers of the Army and Navy of the United States residing in Illinois, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. STARIN: The petition of 54 ex-soldiers of Saratoga County, New York, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

Also, the petition of 62 ex-soldiers and sailors, of Brooklyn, New York, for increase of pensions to $50 per month for loss of leg or arm—to the Committee on Invalid Pensions.

Also, the petition of Washington A. Reardon, for a pension—to the same committee.

By Mr. STONE: The petition of Horace Hatch and 35 others, citizens of Iowa, for laws to alleviate the oppressions imposed upon the people by transportation monopolies—to the Committee on Commerce.

Also, the petition of Horace Hatch and 33 others, citizens of Iowa, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

By Mr. P. B. THOMPSON, JR.: Memorial of citizens of Lincoln County, Kentucky, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of J. H. Fish, to be refunded $73.45 improperly assessed and collected from him by United States revenue officials—to the Committee of Claims.

By Mr. AMOS TOWNSEND: The petition of citizens of Ohio, against the construction of a bridge across the Detroit River at Detroit—to the Committee on Commerce.

By Mr. TUCKER: Memorial of citizens of Lynchburgh, Virginia, for legislation to prevent the traffic in adulterated food—to the Committee on Manufactures.

By Mr. THOMAS TURNER: The petition of citizens of Kentucky, against the passage of the bill known as the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. TYLER: The petition of L. C. Kendall and 20 others, of Windsor, Vermont, for the amendment of the patent laws so that vendors and manufacturers only shall be liable for infringement—to the Committee on Patents.

By Mr. WADDILL: The petition of citizens of Barry, Barton, Dade, Green, Henry, Jasper, Lawrence, Newton, Saint Clair, Vernon,

and Webster Counties, Missouri, of similar import—to the same committee.

Also, the petition of ex-soldiers of Newton County, Missouri, for the passage of a bill paying Federal soldiers of the late war the difference between the value of greenbacks and gold at the time of their payment for services—to the Committee on Military Affairs.

By Mr. WARNER: The petitions of A. Finley and others, and of J. J. Stanbery and others, of Morgan County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of A. Finley and others, and of J. J. Stanbery and others, for the better regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of Peter Crow and 78 others, of Noble County, Ohio, of similar import—to the same committee.

Also, the petition of D. N. Brown and 30 others, of Noble County, Ohio, soldiers of the late war, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. WISE: The petition of 82 soldiers of the late war, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Pennsylvania, for the improvement of the Youghiogheny River—to the Committee on Commerce.

By Mr. WRIGHT: The petition of James A. Morrison and 35 others, citizens of Butler County, Pennsylvania, soldiers of the late war, for a law allowing them the difference between gold and the currency paid them for their services—to the Committee on Military Affairs.

Also, the petition of J. R. Forrest and 64 others, citizens of Winooski, Vermont, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

THURSDAY, *February* 12, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3288) for the relief of colored emigrants was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 4244) for the establishment of titles in Hot Springs, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

EDWARD BRADEN AND J. W. ANGUS.

The VICE-PRESIDENT laid before the Senate the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus, returned from the House of Representatives in pursuance of the request of the Senate.

Mr. ROLLINS. The Senator from Texas, [Mr. MAXEY,] not now in his seat, requested that this bill be returned, and I made the motion for its return. I should like to have the bill lie on the table until he comes into the Chamber.

The VICE-PRESIDENT. The bill will lie on the table subject to the call of the Senator from Texas or the Senator from New Hampshire.

Mr. ROLLINS. For the present.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report from Colonel J. N. Macomb, Corps of Engineers, upon an examination made in compliance with the river and harbor act of March 3, 1879, of the Delaware River, at Chester and Marcus Hook, Pennsylvania, to ascertain their adaptability for an ice harbor; which was referred to the Committee on Commerce, and ordered to be printed.

SENATOR FROM LOUISIANA.

The VICE-PRESIDENT. The Chair presents a memorial from several members of the Legislature of the State of Louisiana, in respect to the representation of that State in the Senate of the United States. It will be printed, and referred to the Committee on Privileges and Elections.

Mr. HAMLIN. A day or two since resolutions of the Legislature of that State in relation to this subject were presented, and they were printed in the RECORD. This is a statement of the minority of the Legislature, as I understand it, not agreeing with those resolutions, and having a direct bearing upon the question. I move, therefore, in order that we may all have the information, that it be printed in the RECORD and referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The Chair hears no objection to the suggestion of the Senator from Maine, and that order will be made.

The memorial is as follows:

To the honorable Vice-President of the United States:

The undersigned, your memorialists, republican members of the Legislature of Louisiana, being in a minority in said body wrongfully and in consequence of democratic frauds and irregularities at and during the late election, and therefore having been unable to prevent the passage of resolutions recently passed by said body hostile to the continuance of Hon. WILLLIAM P. KELLOGG in the seat adjudged him more than two years since as the duly elected Senator from Louisiana, take this the only method remaining to them of bringing to your attention and that of the Senate of the United States the frauds committed by our political enemies in this State.

Those perpetrated by them before and during the election of 1876 have been proven before a committee of your honorable body, of which Hon. T. O. Howe was chairman. Those committed at the election of 1878 were similarly proven before a Senate committee, of which Hon. H. M. TELLER was chairman. Such as affected the title of Senator KELLOGG were proven before the Senate Committee of Privileges and Elections at the time when the contest between him and H. M. Spofford for a seat was properly before that committee and the Senate. No further reference to the frauds alluded to appears to be necessary here. The Senate doubtless will take notice of the evidence, as it appears a part of the Senate records. It is proper that the history should be continued by us as it appertains to the election of 1879, in order that the Senate may understand why democrats have a majority of the members of the Louisiana Legislature, and why democrats were able recently to pass resolutions hostile to KELLOGG's title, untrue in fact and contrary to the wishes, knowledge, and belief of a great majority of the people of the State.

We will allude to parishes in their alphabetical order, and in comparison with the election of 1876, premising that it is nowhere pretended by any responsible authority that there has been in any of the parishes named any substantial or noticeable change in the political feelings or affiliations of any considerable number of their people, and that such changes as have occurred have commonly been desertions from the democratic party of men disgusted with that party's corruption, frauds, and bad faith, part of whom acted at the late election with the republicans, and many more refrained from any political action whatever.

In the parish of East Baton Rouge fraud and violence, fully described in the records of the Howe committee, suppressed in 1876 a republican majority of 1,200 and brought about an apparent majority of 600 for the democratic ticket. Methods of a similar and fraudulent character suppressed the republican majority at the late election, and gave the democratic ticket an apparent majority of 278.

The parish of West Baton Rouge gave S. B. Packard in 1876 908 votes, and a majority of 464. Fraudulent action on the part of the commissioners of election at two polling places reduced the vote of Taylor Beattie to 563, and his majority to 225.

The parish of Bienville gave Packard a vote of 226, and a democratic majority of 732. It is in evidence that this parish contains 1,690 voters, of whom 1,004 are white and 686 colored. At the late election there were returned 1,100 democratic votes without opposition. From which the fact appears without argument that the colored vote was totally suppressed.

The parish of Bossier cast in 1876 1,646 votes for Packard and 601 for F. T. Nicholls. In 1879 (the commissioners of election being exclusively democrats) the vote was made to appear 278 for Beattie and 1,531 for Wiltz, thus fraudulently extinguishing a majority of 1,045 for Packard and creating one of 1,253 for Wiltz. The parish contained in 1875 758 white and 2,180 colored voters. The election of 1876 would not only appear from these known proportion of votes by color and race to have been fair and free, but it appears that a larger percentage of white votes were cast for Nicholls than of colored for Packard. The introduction of the last figures render still more apparent and shameless the tremendous fraud of 1879. In the adjoining parish of Caddo, Packard received in 1876 2,630 votes and Nicholls 1,719. The parish contained 1,631 white votes and 3,832 colored. A comparison of these figures with the vote suggests the same reflection as in the case of Bossier. In 1879 all the commissioners were democratic, and it was made to appear that Beattie had received but 493 votes, while Wiltz was given 2,615. A majority of 911 for Packard, which was not disputed by the democratic managers of 1876, was utterly and fraudulently suppressed, and one was created for Wiltz, by democratic election officers, of 2,122. The very enormity of the fraud will carry conviction to every candid mind. Nor can any member of your body even suppose a similar change in the returns of county elections, separated by but thirty-seven months, as the result of anything but open and shameless fraud.

The parish of Concordia cast in 1876 366 votes for F. T. Nicholls and 2,461 for S. B. Packard, the latter thus having a majority of 2,095. It was known that said parish contained 3,057 voters, of whom 2,839 were colored and 218 white. The known number and proportion of voters compared with the return of election not disputed by any party were a sufficient testimony to the fairness, freedom, and fullness of the election of that year. In 1879 the commissioners of election were exclusively of the democratic party. The returns were made to show 1,024 votes as cast for Taylor Beattie and 1,269 for L. A. Wiltz. A majority of 2,095 for one political party thus becomes, under the manipulation of democratic officers of election, (following extensive political disturbances and outrages a year earlier,) a majority of 245 for the other party. The simple statement of these undisputed facts renders evidence of fraud almost unnecessary.

In 1875 the parish of De Soto contained 2,723 voters, of whom 1,087 were white and 1,635 were colored. An extensive scheme of violence, put in operation many months prior to the election of 1876 and continued until its close, resulted in a substantial suppression of the republican vote at five polling places and in an apparent democratic majority of above 600. The most rampant white-leaguer ought to have been satisfied with this result, but the managers of 1879 appear to have desired to improve upon the fraud. The returns of 1879, made by none but democrats, give Wiltz 918 votes, and Beattie 8! The facts stated are undisputed and are in themselves sufficient evidence that the 1,400 colored votes remaining in the parish (diminished to this number by the exodus) were either excluded from the boxes or not counted if cast. Your memorialists are informed that in fact the negroes were commonly warned to refrain from voting, and that such votes as were cast by them were not counted at all.

The astounding frauds by which more than two thousand republicans of East Feliciana were prevented from casting a single vote for their party ticket in 1876 are fully detailed in evidence now of record in the Senate. It is enough to say that the same system of frauds and intimidation, continued to the present date, excluded from the returns of 1879, nearly 2,000 republican votes in this parish, allowed to Beattie but 293 votes, and to his opponents a majority of 966. The same remarks apply to the parish of West Feliciana. This parish contains about 600 white and 2,000 colored voters, and these last are not less devoted than our colored voters usually are to the republican party. The vote was made to appear in December last to have been 1,339 for Wiltz and 147 for Beattie, while no honest man feels a doubt that had the voters of this parish been allowed to vote as they pleased, and had their votes been honestly counted afterward, Beattie's majority would have been not less than 1,200.

The vote of Franklin is about 1,300, of whom about 550 are white and 750 are colored. Enormous frauds in 1876 suppressed all of the republican vote but 101. In 1879, of even this small number 100 were cut off, and Beattie was permitted to receive but one vote! Of 1,300 voters in the parish, but 823 were reported at the polls, and we are asked by the commissioners of election to believe that 822 voted the democratic ticket. We are further asked to believe that nearly 500 republican voters who did not appear at the polls refrained from voting voluntarily. Our credulity is unequal to the strain.

The democratic commissioners of election in Jackson Parish ask us to believe that of the three hundred colored and white republicans in that parish not one either voted his party ticket or desired to do so. In this case also we are unequal to the demand made on us.

The parish of Lincoln contains 1,756 voters, of whom 699 are colored. In 1876 this parish cast 324 votes for S. B. Packard. It was charged and not denied that except for fraud and intimidation at the polls Packard would have received 300 more votes. In 1879 Wiltz received, if we are to believe commissioners of election,

(exclusively democratic,) 1,400 votes, and none were cast in opposition; that not one of seven hundred colored and white republicans of Lincoln Parish desired to cast a vote for Taylor Beattie; that not one of them did vote for the party candidate for governor surpasses belief, nor do we believe it.

In 1876 S. B. Packard received in the parish of Madison 2,573 votes, a majority of 2,273 over Nicholls. That the election was full, free, and fair was not disputed by anybody in the democratic party. In 1879 there was no pretense that the republicans of Madison were less devoted to their party, or less desirous of giving effective support to their party ticket than in 1876; yet returns exclusively made up by democrats pretend that Beattie received but 78 votes, while Wiltz received 2,320. An undisputed majority for Packard of 2,373 was changed into a pretended majority for Wiltz of 2,242. The 300 votes received by Nicholls in 1876 were swelled to 2,320 in 1879! That this change was effected solely by the fraudulent returns of democratic officers of election is unquestionable. That no less than twenty-five hundred men voted the republican ticket in December last within this parish is not denied. The fraud needs no proof beyond the bare statement of facts of record. Of the 3,663 voters residing in this parish in 1875 all but 400 were colored. Of the 400 white voters a considerable number were openly members of the republican party. The colored men were with few exceptions voters of the same party, and that the vote of 1876 was a fair expression of the popular will is fully proven by the thorough acquiescence of the democratic managers in the result. The method by which a result precisely opposite to the actual vote was made to appear upon the returns in both this parish and the parish of Concordia will be detailed in the remarks upon the election of December last in the parish of Tensas, which adjoins both and divides their territory.

Natchitoches Parish gave the republican ticket in 1876 an undisputed majority of nearly 400, and this was much reduced by violence and fraud affecting an extensive section of the parish. That the proper majority should have exceeded a thousand we have no doubt, but for the purposes of this argument we accept the vote of 1876 as a correct expression of the popular will. In 1879 the commissioners of election were democrats without exception. Republicans were denied representation among the officers of election in spite of express provisions of law and repeated applications for justice. The returns disclose that the refusal to allow republicans representation at the polls covered a purpose of fraud as flagrant as any in history. This parish contains 4,350 voters, of whom but 1,300, or thereabout, are white. More than three thousand men reside in that parish who have acted on all occasions with the republican party. If we are to believe the democratic officers of election nearly 2,500 voters of the parish of Natchitoches abstained from voting in December last, and more astounding still, all these who so abstained *were of one political party*. This we cannot believe and do not believe, nor do we believe that this statement will be actually accepted as true by any member of your body.

Tremendous frauds accompanied by atrocious violence suppressed the republican vote at all but two polls in Ouachita in 1876. In 1874, at a perfectly fair and free election, at which the democratic party cast its heaviest vote up to that date, the republicans had a majority admitted and undisputed of more than 950. The frauds and violence in evidence before the House committee changed this to a democratic majority (on paper) of 1,076. This would seem to have been sufficient to satisfy the flagitious ambition of the most reckless of political thugs and murderers, but does not appear to have been to the managers of the campaign of 1879. If we are to believe the returns of officers of election exclusively of the democratic party, Beattie received but 11 votes, while Wiltz had a majority of 1,965! In other words two thousand men who voted the republican ticket in 1868, 1870, 1872, and 1874, or in other words, until murder became the basis of democratic campaigns, cast but 11 votes, while one thousand democrats (the greatest number who ever voted in Ouachita in peaceful times) cast 1,976. No adjectives can add force to the simple statement of facts. The election of 1876 in the parish of Pointe Coupée was complicated with fraud and some violence in the northwestern portion of the parish, and these somewhat reduced the republican majority. The parish contained 3,300 voters, or thereabout, of whom 825 were white and 2,475 were colored. For the purposes of this argument the vote of 1876 is accepted as a fair expression of the popular voice. The vote stood democratic 1,096, republican 1,971, Packard's majority being therefore 875. The frauds and violence which affected but a portion of the parish in 1876 had been so extended in 1879 that the democratic vote rose to 1,364 and the republican vote fell to 907, and a republican majority of 875 was changed to a democratic one of 457. That there was any such change of political faith or affiliation as these returns would seem to import is not even suggested by any one. Here as elsewhere the fact appears in its full significance, that all the officers of election were democratic. We are asked here moreover to believe that in this parish more than 900 voters abstained from voting at an election which excited more than ordinary interest, that as in other cases named all so abstaining were of one political party, *and that the one having no official representation at the polls*. It is incredible.

The parish of Rapides gave Packard a majority of 100, even in the face of an admitted fraud of 300 votes at the Cotile box. In 1879 all the officers of election were democrats as usual. It can be proven that the republicans cast more than 1,500 votes in this parish for their full ticket. The returns are made to show but 899 with 1,941 for Wiltz, or 1,042 majority.

The parish of Red River contained in 1875 1,618 voters of whom but 475 were white. It had given republican majorities continuously, varying but little from 600. While it was the center of political disturbances and outrage (in the fourth congressional district) in 1874, it had nevertheless given even in that year a republican majority undisputed by any democrat. In 1876 the vote had been Nicholls 415, Packard 830. The vote had then, as in previous years, justified the classification of party votes with general reference to race and color; and that elections conducted under republican auspices were free and fair was made evident by the fact that the race generally voting the democratic ticket cast a larger percentage of ballots to total vote than did the race habitually voting the other way. The history and record of the parish justified the expectation that the parish would have given a republican majority two months since, the returning officers would have us believe that more than eleven hundred republicans cast not a single ballot and that every vote cast there was cast for L. A. Wiltz. They demand more than we can concede. Had the ballots been counted as cast the republicans would have had a majority in that parish for their entire ticket, nor will this fact be denied by any democrat of Red River not directly interested in the fraud.

The parish of Richland contains near 1,700 voters, of whom a little more than half are colored and republicans.

This is another parish where democratic officers of election would have us believe that not a single republican vote was cast and that more than 500 voters, all of one political faith, abstained from attendance at the polls. The parish of Saint Bernard contained, in 1875, 1,153 voters, 388 white and 765 colored. The vote of 1876, which was undisputed by any one, was 335 for Nicholls and 691 for Packard, the republican majority being, therefore, 356, and the percentage of vote to voting population being 89. It is not suggested by any one that the population of Saint Bernard has increased or that the proportion of the races has changed since 1875. Nevertheless it is made to appear from the returns of 1879, formulated exclusively by democrats, that Wiltz received 897 votes and Beattie 472; together, 1,369 ballots, or somewhat over 200 more than the whole voting population of the parish. When it became necessary to "count out" a republican (undoubtedly elected) senator from the district of which Saint Bernard forms a part, even the returns, of which the vote as above stated form a part, were disregarded. The respective senatorial candidates were Estopinal, whom the commissioners of election certified to have received in round numbers 800 votes, and Warmouth, whom they admitted to have received nearly 500 votes. The sheriff and returning officer falsified even these fraudulent returns to meet a political exigency, and returned 1,100 votes for Estopinal and 203 for Warmouth, thus changing the result in the senatorial district.

In the parish of Tensas there were at the election of 1876 4,744 voters, of whom 492 only were white; 486 persons voted at that election for Nicholls and 3,192 for Packard, the latter having, therefore, a majority of 2,706. That this was a full, fair, and free election was not disputed by any one. In 1878 for the first time this parish became the scene of political violence, then committed by residents thereof and by others from the neighboring parish of Catahoula in the interest of one J. F. King, a democratic candidate for Congress. This violence was continued in less degree during the past year, and, as usual, the commissioners of election in this parish were exclusively of the democratic party. The result of the election of 1879 can be mainly referred, without doubt, to a deliberate and predetermined fraud committed by these democratic officers of election. In five wards of this parish an accurate tally of the votes was kept by responsible and intelligent republicans during the entire day of election, and at these five polls (First, Second, Third, Fifth, and Sixth wards) Wiltz received a vote of 213, and Beattie received a vote of 2,028, or a majority of 1,815. This majority is known to have been swelled to one of more than 2,000 by the vote of the remaining precincts. The vote was nevertheless returned as having stood, Beattie 346, Wiltz 1,944, or a majority for the latter of 1,598. No democrats familiar with the fact even seriously pretend that these returns were in any sense a reflex of the vote as actually cast. There is abundant evidence that the republican candidates for governor, senator, and members of the house received each more than 2,000 majority in this parish. Nor is the fact denied by any member of the democratic party there, except those directly interested in the result of this enormous fraud.

The same means which we assert to have been used in the parish of Tensas we assert to have been used with similar effrontery, and with the same results, in the adjoining parishes of Madison and Concordia, and we could easily, and would certainly, establish the commission of the frauds charged in all these parishes by indisputable evidence were we permitted to do so.

It is conceded by all parties that the late election was fairly held, and that the returns thereof were fairly made, from parishes within the third congressional district and in some parishes adjacent thereto.

It is instructive to compare the relations between the vote for Packard and Beattie, respectively, in this section of the State, and the same votes as returned from the remainder of Louisiana. The parishes alluded to are seventeen, to wit, Ascension, Assumption, Calcasieu, Cameron, Iberia, Iberville, La Fayette, La Fourche, Plaquemines, Saint Charles, Saint James, Saint John, Saint Landry, Saint Martin, Saint Mary, Terre Bonne, and Vermillion. In this group of parishes Packard's vote was 24,564, and Beattie's was 22,431, showing a falling off of 2,133 votes.

Per contra, Nicholl's vote was 20,386, and Wiltz's vote was 17,181, showing a falling off of 3,205 votes. Packard's majority in this group of parishes was thus 4,178, while Beattie's was 5,250. Thus it appears that, while various causes operated to reduce the vote of both parties within this portion of the State by a considerable percentage, the republicans in this the only portion of Louisiana in which they were allowed a fair election cast nearly everywhere a full vote; in many districts made a positive increase, and in the group as a whole increased their majority over the democratic party more than 25 per cent.

These undisputed facts are in themselves evidence that wherever left free to do so the republican party of Louisiana has preserved its organization and enthusiasm; that its members have maintained their partisan relations unimpaired, and that with the disadvantages affecting a party out of power it has made everywhere relative and frequently positive gains upon the democratic party, re-enforced as that party has lately been with all the advantages obtainable from patronage and power.

We assume nothing in stating that there is no parish in Louisiana in which the party would have failed to exhibit similar organization, enthusiasm, devotion, and substantial prosperity had it been exempt from the oppression of revolutionary violence on the one hand and official fraud on the other.

Had the party been free from oppression and exempt from fraud throughout the State in December last, your memorialists would have been able to address you officially as the Legislature of Louisiana, and not as the powerless minority of that body, representing a hundred thousand practically disfranchised voters.

You are asked by men who occupy seats in the Legislature of Louisiana by no better title than such frauds as we have hereinbefore enumerated to act upon representations which they have the assurance to offer as the voice of the people of this State.

It is an indisputable fact that had the recent general election been fairly conducted, and the ballots cast thereat honestly counted, republican representatives would have been returned from the following-named parishes, &c., now misrepresented by democrats, to wit: Avoyelles, East Baton Rouge, Bossier, Caddo, Concordia, De Soto, East Feliciana, West Feliciana, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupée, Rapides, Red River, Saint Bernard, Tensas, and the seventh, fourteenth, and fifteenth representative districts of the parish of Orleans—thirty members in all.

There were returned republican members from Ascension, Assumption, West Baton Rouge, East Carroll, Iberia, Iberville, Jefferson, La Fourche, Plaquemines, Saint Charles, Saint James, Saint John, Saint Martin, Saint Mary, Terre Bonne, and the fourth representative district of Orleans—in all nineteen members.

Thus the republican membership in the present house of representatives of Louisiana should have been forty-nine, which is a majority of the entire body, and this notwithstanding that in reapportioning the State in 1877 and in 1879 the party in power fraudulently deprived the republican parish of Saint James of one representative to which it was entitled upon their own basis of apportionment, and equally in fraud gave an additional member to the democratic parish of Claiborne, to which its population gave it no claim.

It is not necessary to carry the details of fraud through the several senatorial districts into the present upper house. It is sufficient to say that that body, equally with the house of representatives, would have a republican majority had the late general election been other than an organized fraud in all but a small section of the State.

Your memorialists therefore address you in their rightful character as the representatives of the majority of the people of Louisiana, and with the emphasis which belongs to the utterance of half a million of citizens.

By men chosen by this majority as their representatives Hon. WILLIAM P. KELLOGG was duly elected United States Senator from this State for six years from March 4, 1877.

As many of your memorialists personally know, the said KELLOGG received every vote cast in the General Assembly of that date, and a quorum of the body participated in the election.

A minority of that General Assembly was then in revolt against the lawful government of the State, and associated with persons never elected, and some of whom had never claimed to have been elected, had at another place organized a pretended General Assembly.

When at a still later date the lawful assembly had ineffectually made a constitutional call for aid to suppress domestic violence, and had been itself disintegrated and overthrown by revolutionary forces and by the aid of external powers, on which it ought to have been able to confidently rely for its maintenance; and when the lawful government of the State had fallen before the blows of armed revolt, a general assembly, (so called,) destitute of every title not based upon fraud, maintained by force, assumed to elect to the seat in your body then recently vacated by Hon. J. R. West one Spofford.

That the revolutionary and unlawful body to which he owed his pretended election could convey him no title, we assert.

The records of your body contain moreover, as we are informed and believe, evidence that said Spofford secured the pretended election on which he bases his claims by bargain and sale.

In the election of W. P. KELLOGG to the seat occupied by him in your body, the State of Louisiana through her representatives had exercised her constitutional powers and had in that instance exhausted them.

Your memorialists are not informed that any charges affecting the propriety or legality of KELLOGG's election have been sustained by reasonable or credible proofs.

It is perhaps but logical that men whose occupation of a majority of seats in this Legislature is solely due to dishonest and undemocratic practices should submit a memorial in behalf of a senatorial claimant whose title is as barren as many of their own.

The act fairly consists with the local democratic system of fabricating official titles, at any cost of good faith and to the good fame of the Commonwealth, and of insisting upon their legitimacy by memorial by armed mobs or by any other method which may best serve the end in view. But the fact nevertheless remains that a majority of the voters in Louisiana, to whose party we belong and in whose name we esteem it to be our duty to pronounce, are represented in the seat wherein W. P. KELLOGG sits, and, were they represented as justly and properly in this Legislature as they were in that elected in 1876, would reaffirm by a majority no less than in 1877 their confidence in and the rightful claims of their elected Senator, W. P. KELLOGG.

They now, therefore, in the name of the State of Louisiana and in the most solemn manner, protest against any action upon the part of your body which shall destroy or impair the rights now possessed by WILLIAM P. KELLOGG as one of her constitutional representatives in the Senate of the United States.

And they moreover protest that any representations, resolutions, memorials in a contrary sense which may reach your body from any person or persons in the State of Louisiana are derogatory to the honor and rights of our people, and in no wise represent their will, which, as manifested by the General Assembly of 1877 in the election of W. P. KELLOGG, we adjure you to regard.

A due respect for the Senate of the United States, and for the rights of the people of Louisiana impel us to address you this solemn memorial and protest, and to subscribe ourselves,

With profound respect, your obedient servants,

HENRY DENNIS, Seventh senatorial district.
RICHARD SIMMS, Eighth senatorial district.
J. STEWART, Ninth senatorial district.
MAYER CAHEN, Senator ninth senatorial district.
A. F. RIARD, Senator eleventh senatorial district.
V. DICKERSON, St. James Parish.
H. HEIDENHEIM, of Orleans.
PIERRE LANDRY, Parish of Ascension.
L. ROCHE, Jefferson.
EDWARD WILLIAMS, Parish of Terre Bonne.
T. M. FRAZIER, La Fourche.
J. W. A. VERRET, Iberville.
ISHAM POLLARD, of Terre Bonne.
BIVIAN GARDNER, of Assumption Parish.
WM. J. YELL, Representative from East Carroll.
A. BULOW, Representative, Assumption.

The Honorable the VICE-PRESIDENT OF THE UNITED STATES,
United States Senate, Washington, D. C.

PETITIONS AND MEMORIALS.

Mr. ROLLINS. I present the petition of Natt Head, of Hooksett; Ossian Ray, United States attorney, and W. S. Ladd, of Lancaster, New Hampshire, praying that the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, be removed from that place to the city of Concord, where by reason of its location and railroad facilities people in the northern and western portions of the State can more easily attend the terms of that court; also a like petition from A. P. Carpenter, of Bath; Harry Bingham, of Littleton, and Jacob Littleton and others, of Lancaster, New Hampshire; a like petition from B. H. Corning and many other citizens of Lancaster, New Hampshire; a like petition from J. B. Burrows and other citizens of Plymouth, New Hampshire; a like petition from G. F. Putnam and other citizens of Haverhill, New Hampshire; a like petition from J. W. Patterson and other citizens of Hanover, New Hampshire; and a like petition from Luther D. Sawyer and other attorneys of Ossipee, New Hampshire. I move the reference of these petitions to the Committee on the Judiciary.

The motion was agreed to.

Mr. BUTLER presented the petition of C. A. Webb, J. G. McCarry, and 38 others; the petition of J. H. McGill, J. F. White, and 39 others; and the petition of A. J. Matthews, J. F. M. Doyle, and 38 others, citizens residing in the valley of the Savannah River, praying for an appropriation by Congress for the improvement of the navigation of that river; which were referred to the Committee on Commerce.

Mr. DAVIS, of Illinois, presented the petition of Charles Baldwin and others, citizens of Princeton, Illinois, praying for the passage of a law granting a pension to James W. Thompson, late private Company H, Forty-seventh Regiment Illinois Volunteers; which was referred to the Committee on Pensions.

Mr. HOAR presented the petition of J. M. McGregor and others, praying for an appropriation by Congress for the erection of a lighthouse on the point at the entrance of Little Traverse Harbor, Lake Michigan; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. JOHNSTON. The Committee on Agriculture, to whom was referred the memorial of Daniel Ruggles, of Fredericksburgh, Virginia, giving his views on the method of precipitating rain-fall, instruct me to report it back, and move that it be printed and recommitted to that committee.

The motion was agreed to.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, reported it with an amendment.

Mr. COKE, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 657) authorizing certain Cherokee reservees to institute and prosecute suits before the courts of the United States for claims on account of reservations of lands taken by them in States east of the Mississippi River under the treaties of 1817, 1819, and prior treaties between the United States and the Cherokees, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Claims; which was agreed to:

A bill (S. No. 1181) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri;

A bill (S. No. 1245) for the relief of E. W. Raymond;

A bill (S. No. 1221) for the relief of Tod Randall;

A bill (S. No. 1001) to authorize the auditing of certain unpaid accounts in the Indian Bureau;

A bill (S. No. 692) for the relief of Robert A. McMurray;

A bill (S. No. 439) for the relief of John S. Friend;

A bill (S. No. 352) for the relief of Frank D. Yates; and

A bill (S. No. 222) for the relief of John L. Williams, sole heir of Eleazer Williams, deceased.

Mr. COKE, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 346) to carry into effect the tenth article of the treaty with the Pottawatomie Indians of February 27, 1867, asked to be discharged from its further consideration and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the petition of William W. Dudley and others, asking for the construction of an elevator in the court-house building at Indianapolis, Indiana, reported a bill (S. No. 1280) for the purpose of erecting an elevator in the United States courts and Federal offices at Indianapolis, Indiana; which was read twice by its title.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of sixteenth and thirty-sixth sections found to be mineral lands, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 549) for the relief of Samuel I. Gustin, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the petition of Thomas H. Dunham, praying that cotton tarred cordage may be used by the Secretary of the Navy in the naval service, reported a bill (S. No. 1281) authorizing the Secretary of the Navy to introduce cotton cordage into the naval service of the United States; which was read twice by its title.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1083) to provide for the erection of a public building in the city of Denver, Colorado, to report it adversely, the committee having heretofore reported a bill embracing the same subject.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. MORRILL, from the Committee on Education and Labor, to whom the subject was referred, reported a bill (S. No. 1282) to incorporate the National Education Association; which was read twice by its title.

Mr. DAVIS, of West Virginia. The joint resolution (H. R. No. 120) to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives, was referred to the Committee on Appropriations. The committee find upon examination that under one of the last appropriation bills, the sundry civil bill or the deficiency bill, during the last session, these gentlemen were paid.

The committee therefore report back the bill adversely, and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. WALLACE, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of the fiscal year to expedite the settlement of pension applications, and for other purposes, reported it with amendments.

FEES OF OFFICERS OF COURTS.

Mr. DAVIS, of Illinois. The Committee on the Judiciary, to whom was referred a concurrent resolution of the House of Representatives providing for the appointment of a joint committee of three Senators and five Representatives to investigate the present system of salaries, fees, and emoluments allowed officers of United States courts, and to ascertain what abuses, if any, exist, have directed me to report that the Senate do not concur in the raising of the committee. A written report is presented which I ask may be printed.

The VICE-PRESIDENT. The resolution will be placed on the Calendar.

The report was ordered to be printed, and the resolution placed on the Calendar, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That a joint committee of three Senators and five Representatives be appointed to investigate

the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States, to ascertain whether any, and if any, what, abuses now exist or have existed or may take place thereunder, and to report by bill or otherwise. That said committee shall have power to employ a clerk and the services of a stenographer, send for persons and papers, to administer oaths, examine witnesses, and to report at any time.

DISTRICT REFORM SCHOOL.

Mr. HARRIS. The Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia, have instructed me to report it back without amendment, and with a recommendation that it pass. They also instruct me to ask for its present consideration, because it is absolutely necessary that it should pass at once, there being no fund out of which the boys at the Reform School can be supported for a single day.

Mr. COCKRELL. Let the joint resolution be read for information.

The Chief Clerk read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. I should like an explanation of the reason why there is any necessity for immediate consideration. This is a House joint resolution. What is the occasion which requires it to be considered to-day, and why will not to-morrow do?

Mr. HARRIS. The occasion is that there is no fund out of which the $2 a week for the support of the boys at the Reform School can be paid. They cannot be supported unless this joint resolution is passed to furnish the funds with which to support them.

Mr. COCKRELL. How long has the Reform School been in that condition?

Mr. HARRIS. The Senator from Iowa [Mr. ALLISON] can answer the Senator more satisfactorily than I can.

Mr. ALLISON. The facts are simply these: At the last Congress we appropriated $20,000 for the support of this reform school, and we also, as had been done in several other acts, revived the provisions of the thirteenth section of the act of 1876. The accounting officers of the Treasury decide, however, that a simple revival of that act will not authorize them to pay the $2 a week which has been paid for the support of these boys.

It was the intention of Congress and of the Appropriation Committee to appropriate the $20,000, and, in addition to that, to secure to the Reform School the $2 a week for each boy as provided by the law of 1876. The $20,000 was sufficient to maintain the school up to about the 8th or 9th of February. There is a law on the statute-book prohibiting the officers in the District of Columbia from expending one dollar in advance of an appropriation, and therefore boys who are sent daily to this school by the various courts of this District can have no fund out of which their subsistence can be paid. It is important that this joint resolution should pass at an early day, and it ought to pass to-day.

Mr. COCKRELL. When did the Treasury Department decide that they could not pay out the fund?

Mr. ALLISON. They decided it during the present fiscal year.

Mr. COCKRELL. Prior to the meeting of Congress?

Mr. ALLISON. Undoubtedly.

Mr. COCKRELL. Then it has been known to the officers here and the committee ever since the beginning of Congress that this would occur.

Mr. ALLISON. Undoubtedly; but the joint resolution makes an appropriation, and the custom is that appropriations shall come from the House of Representatives. There was a sufficient sum to maintain this school, as I said before, to about the 8th or 9th of February. The matter ran along in the House of Representatives until February 9, when the joint resolution was received here, the very day the appropriation was exhausted. That is the reason for hastening its consideration. I have no interest in it, and of course the Committee on the District of Columbia have no other interest in it than to maintain this reform school.

Mr. EDMUNDS. I should like to look at the joint resolution a little, Mr. President.

The VICE-PRESIDENT. The joint resolution goes over, under the objection of the Senator from Vermont.

Mr. ALLISON. I hope the Senator from Vermont will have time to examine this matter so that we may consider the joint resolution before we adjourn to-day. I think it is important that action be taken at once.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1283) to extend the time for the completion of the Texas and Pacific Railway; which was read twice by its title, and referred to the Committee on Railroads.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1284) explanatory of an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1285) for the endowment of the S. R. and R. M. Lowery Industrial Academy, in the State of Alabama, and to accept a donation of buildings and lands in aid of the same, and for other purposes; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1286) abolishing all duties on the importation of salt; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1287) for the relief of A. G. Chase; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1288) to authorize the President to restore D. M. Page to his former rank in the Army, and place him upon the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAVIS, of Illinois, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1289) granting a pension to James W. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1290) to incorporate the G Street Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1291) for the relief of Charles W. Denton; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SLATER, it was

Ordered, That all papers on the files of the Senate relating to the claim of Charles W. Denton be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. PLUMB, it was

Ordered, That the papers relating to the claim of James P. Warrell be taken from the files of the Senate and referred to the Committee on Military Affairs.

Mr. HARRIS. I propose the following order:

Ordered, That Mrs. Flora A. Darling be permitted to withdraw the papers in respect to her claim from the files of the Senate, there having been an adverse report upon said claim.

The VICE-PRESIDENT. That order will be made on the usual condition, subject to the rules.

Mr. EDMUNDS. I do not know whether the standing rules require copies in such cases to be left. If they do not, the order ought to be entered that she must leave copies.

The VICE-PRESIDENT. The rules do require it.

Mr. EDMUNDS. Then it is all right.

The order was agreed to.

PRINTING OF A REPORT.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That the report in the case of Stephen A. McCarty be printed for the use of the Committee on Naval Affairs.

IMPROVEMENT OF EXETER RIVER.

Mr. ROLLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate all reports relating to the improvement of the Exeter River below Exeter, New Hampshire, made in pursuance of act of Congress approved June 3, 1874.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. DAVIS, of West Virginia. I intended this morning, if the Senator from Georgia who sits nearest me [Mr. GORDON] had been in his seat, to call up the motion for the reconsideration of the resolution in regard to a select committee to consider the Isthmus canal question, but as that Senator is not in his seat of course I shall not ask the Senate to vote on the motion at this time. I wish to state, however, that I have always been ready to act upon the question, and the delay is not owing to a neglect upon the part of myself who moved the reconsideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880; and it was thereupon signed by the Vice-President.

JOSIAH H. PILLSBURY.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar, under the special rule, commencing at the point last reached.

The Senate resumed the consideration of the bill (S. No. 762) for the relief of Josiah H. Pillsbury.

Mr. COCKRELL. The report has been read, I understand.

The VICE-PRESIDENT. The report has been read.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the administrator of Josiah H. Pillsbury, deceased."

THOMAS LUCAS.

The next bill on the Calendar was the bill (S. No. 152) for the relief of Thomas Lucas; which was read.

Mr. EDMUNDS. Let us hear the report.

The VICE-PRESIDENT. There is no written report accompanying the bill.

Mr. EDMUNDS. Then let it go over.

The VICE-PRESIDENT. The bill is objected to, and the next bill on the Calendar will be reported.

HERMAN NETTERFIELD.

The next bill on the Calendar was the bill (S. No. 35) granting a pension to Herman Netterfield; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Herman Netterfield, late of Canby's Scouts.

The VICE-PRESIDENT. This bill is reported from the Committee on Pensions adversely.

Mr. COCKRELL. Let the bill be indefinitely postponed.

Mr. McMILLAN. The bill was placed upon the Calendar in order that the attention of the Senate might be called to it more particularly. Although there was an adverse report of the committee, I understand that the report was not unanimous. The report was submitted by the Senator from Iowa, [Mr. KIRKWOOD.] I see that the Senator is now in his seat, and I will leave the matter in his hands for the present.

Mr. KIRKWOOD. Has the report been read?

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report submitted by Mr. KIRKWOOD January 12, 1880:

The Committee on Pensions, to whom was referred the bill (S. No. 35) granting a pension to Herman Netterfield, have examined the same, and report:

Herman Netterfield was a member of a corps of mounted citizen scouts organized by First Lieutenant J. N. Earl, Company D, Fourth Wisconsin Volunteers, under orders of Major-General E. R. S. Canby, of which the following is a copy:

HEADQUARTERS MILITARY DIVISION OF WEST MISSISSIPPI,
Natchez, Mississippi, June 6, 1864.

SIR: The commanding general authorizes you to organize a corps of mounted citizen scouts for service in this division. They must be reliable men and specially fitted for this kind of service. They will be paid at rates ranging from $40 to $60 per month, according to the value of their services, and one ration each.

They will be organized into squads, and their services accepted on the special condition that they will be held subject to strict military discipline and all the rules and articles of war. Written engagements to that effect will be entered into with each man. Commanders of squads will be allowed increased pay in proportion to the importance of their commands. In cases where extra danger is incurred in the line of duty, or where specially valuable service is performed, extra compensation may be expected.

If you know of any soldiers who are fitted for this duty, they may be ordered to report to you at Natchez, Mississippi, when furloughs will be granted to them with the understanding that they are not to draw any pay from their companies while employed on this duty.

Very respectfully, your obedient servant,

C. T. CHRISTENSON,
Major, Assistant Adjutant-General.

First Lieutenant J. N. EARL,
Company D, Fourth Wisconsin Volunteers, Baton Rouge, Louisiana.

Netterfield became a member of this organization July 1, 1864, on wages of $60 per month, and continued in such service until May 10, 1865.

It is shown by the evidence of Charles W. Fenlason and William D. Kent, who were members of the same organization and who were present with Netterfield when the matters detailed by them occurred, that on or about October 3, 1864, near Natchez, Mississippi, while this company of scouts were on an expedition, and in the night-time, a charge was ordered and made on the enemy; that in the charge Netterfield was violently thrown from his horse and received a fracture of the elbow-joint of his right arm. It also appears that said injury has resulted in permanent injury and disability. Netterfield was not treated for his injury in any hospital, and Lieutenant Earl, the only commissioned officer of the scouts, is dead.

Netterfield applied for a pension, and his claim was rejected by the Commissioner "for the reason that the claimant was not serving with any military force of the United States at the time he incurred his disability, but was employed as a scout whose services were paid by the Quartermaster's Department as civil employé."

The committee concur with the Commissioner, and recommend that the bill be indefinitely postponed.

Mr. KIRKWOOD. This case brings squarely before the Senate for its determination the question whether or not pensions should be granted to any but regularly enlisted soldiers. This case and two from West Virginia present the question as clearly and as strongly, I think, as any that can be submitted to the Senate, and will to a large extent, I apprehend, determine the future action of the Pension Committee.

In justice to myself, having submitted this adverse report from the committee, I must say that it was understood in committee that the fact of my making the report should not conclude my action here, it being known that I myself was opposed to the action of the committee and would advocate the rejection of the report in the Senate.

Let us look at this case. That this man was rendering service strictly military in its character is beyond doubt. If Senators will look at the orders issued by Major-General Canby, under which the body of scouts was organized, they will see that the service to be rendered by these scouts, contemplated in the order, was military in its character; and that the injury received by the claimant here was such as soldiers are exposed to. The wound he received in making a charge upon the rebels. By reason of that wound he was disabled, and is unable to perform that labor which is necessary to his support.

It seems to me, looking at the question in its broad aspect, that this man was rendering to the Government the services of a soldier, although not technically an enlisted soldier; and as in that service of the country, for the country, he was disabled from performing the labor necessary to his support, it is the duty of the Government to pension him.

I do not know that anything I can add will make this case clearer to the understanding of the Senate than what I have said. If the same service had been rendered by an enlisted man and he had received the same injury while rendering the service, there would be no question that the enlisted man would be entitled to a pension. It may be dullness on my part, but I really cannot comprehend why when this man was rendering the same service to the Government that would have entitled an enlisted man to a pension, he should not, in the judgment of the Senate, also be entitled to a pension.

Mr. WITHERS. Mr. President, I think it proper to add a few words to what has been said by the Senator who reported this bill. This is one of a class of cases which under the law are not pensionable. The custom of this body has been, since I have been a member of it, not to grant pensions to classes of persons who are not pensionable under the law. It is true that in one or two instances, owing to the pertinacious and pathetic appeals of Senators who had an interest in some of those cases, the Senate has, within my recollection, granted pensions to persons not pensionable. There are half a dozen, or probably a dozen such cases now pending upon the rolls of the committee, and the object of bringing this case to the attention of the Senate was that the Senate might give an intelligible verdict upon the question whether they would extend the operations of the pension laws to a class of cases which under existing laws are not pensionable; because there is no valid reason why all persons belonging to this class who have received injury or been subjected to disabling disease while in service should not be pensioned just as well as this man.

It is the object and design of the Pension Committee, if this case receives the favorable action of the Senate, to move an amendment to the pension law so as to embrace all this class within its operations and give them the benefit of it, believing that it is an invidious distinction which is sought to be created in favor of a few individuals when others equally meritorious belonging to the same class are excluded from it. That is the whole of the case.

Mr. HEREFORD. Mr. President, I will state the ground on which this adverse report was made. The claim was rejected by the Commissioner of Pensions "for the reason that the claimant was not serving with any military force of the United States at the time he incurred his disability, but was employed as a scout whose services were paid by the Quartermaster's Department as civil employé."

The Assistant Adjutant-General, under whose order this person was enlisted and employed as a scout, in his letter to the officer, which was placed before the committee, states:

The commanding general authorizes you to organize a corps of mounted citizen scouts for service in this division. They must be reliable men, and specially fitted for this kind of service. * * * They will be organized into squads, and their services accepted on the special condition that they will be held subject to strict military discipline, and all the rules and articles of war.

That was the kind of service in which this scout was engaged. He was subject to all the rules and articles of war. Technically he was not a soldier but in fact he was a soldier, performing most important service. As the report goes on further to show, adverse though it be, in a charge made in the night-time this man was thrown from his horse and received a fracture of the elbow-joint of his right arm. "It also appears that said injury has resulted in permanent injury and disability." He received this injury while he was engaged in a charge under the orders of the officer in command, in the night-time, and was actually as much a soldier as any man from the commander down. I can see no good reason why if anybody is to receive a pension the scouts who were thus employed by the Government in the most dangerous part of the military service should not receive a pension as well as any others.

I doubt myself the propriety of passing any general law on this subject, and in that I do not agree with my friend from Virginia. I think that each one of these cases should rest specially upon its own intrinsic merit. Then, what is the reason why a pension should be refused in this case? The Commissioner of Pensions was justified in refusing this person a pension, because he was not entitled to a pension under the law. The Commissioner of Pensions could not allow him a pension because the law did not grant it; but Congress can allow him a pension. I can see no better case in which a pension should be allowed than a case where a man who was actually in the military service, scout though he may have been, in a charge ordered and made in the night-time, received an injury which has since become permanent.

I hope the Senate will grant this man a pension, as it has granted others, as it granted a pension a session or two ago to a teamster who lost his eyesight by exposure on a certain cold night and who is totally blind. This body in its sense of right and justice granted a pension to that poor blind man, yet he was no soldier nor was he even a scout; he was not engaged in the dangerous business that this man was engaged in, but the Senate in its wisdom and in its

sense of justice gave to him, as it should have done, a pension. I hope it will be the pleasure of this body to grant this man thus wounded a pension.

Mr. WITHERS. I desire simply to call attention to one fact, that the very order which was read by my friend from West Virginia repels the conclusion he draws, and it shows that this man was not in a military capacity, that he was a citizen. The order authorizes the employment of a force of "citizen scouts." They were not subjected to the privations of military life, nor indeed subject to all military orders, although it says they shall be, and they received $60 per month as pay and compensation, five times as much as that of a soldier. But at last the whole question comes to this, whether the Congress of the United States are willing to extend the provisions of the pension laws to classes of cases which are not pensionable under the existing laws; and whether they be scouts, teamsters, sutlers, clerks in the Adjutant-General's or Commissary's Department, or anything else, if the principle is to be adopted that if a man was connected with the Army in any way and received an injury or contracted a disease which disabled him, therefore he is entitled to a pension, I want Congress to pass a law for that purpose, and not compel the Committee on Pensions to be drawing invidious distinctions between cases indentical in every respect so far as regards the principle involved.

Mr. HEREFORD. I think that my friend the Senator from Virginia is mistaken when he says that this party and all these scouts were not subject to military discipline. The order itself says that they will be held subject to strict military discipline, and of the rules and articles of war. They were subject to every rule and article of war—to be tried by a court-martial, to be ordered wherever the officer in command should order them, whether by night or by day; and, furthermore, there is one significant thing in this very order which shows in what light the officer making the order viewed this business that these men were engaged in. Here is a part of the order:

Commanders of squads—

That is of the squads of scouts—

will be allowed increased pay in proportion to the importance of their commands.

The officer in command knew very well the danger of the errand on which these men were sent, and he said that according to that danger their pay should be increased. Yet the argument of the Senator is that such men when wounded should not have a pension. Why, the officer in command, according to the language of his very order, thinks their pay should be increased, and the order shows that they were under strict military discipline and subject to each and every one of the rules and articles of war. I hope, Mr. President, that a pension will be allowed this party.

Mr. CALL. Mr. President, I am a member of the Committee on Pensions, and I dissent entirely from the construction put by the committee upon the pension laws. I hope the Senate will pass this bill and not adopt the adverse report of the committee. I do not understand the pension laws in the same light in which the Pension Committee do, and I differ from the honorable chairman of the committee in his opinion that a man is not in military service because he is not regularly entered upon the muster-rolls of the Army. The military service of the country, according to the pension laws, in its spirit and purpose, includes all those who are in the Army in time of war. A man who is a volunteer, or who is under orders in the Army in any sense of the word, and who renders service involving personal danger and personal heroism is within the essence, spirit, and meaning of the law. With what propriety can a man who is dangerously wounded, as this scout was, (and there are many such cases coming before the Pension Committee,) be denied a pension, having rendered conspicuous service from honorable motives, from patriotic purposes, merely because he was not in the mere technical sense of the word mustered into the service upon the muster-roll? To take that ground is, in my mind, a complete denial of the purpose and object of the law.

The object of the pension law, I think beyond all doubt, is to establish a public policy to reward acts of personal sacrifice and devotion, to reward those who contribute their lives or their time and expose themselves to personal danger in the service of the country, and to encourage that species of heroism and that species of personal courage and devotion among the people of the country.

Now, sir, what objection can be made to granting a pension in this instance, to a man who accompanied the Army as a scout under military orders, an essential part of the military system, and who saved the command to which he was attached by a conspicuous exhibition of personal gallantry, resulting in his serious injury? I cannot conceive of a more odious interpretation of the law.

Neither do I concur in the opinion of the committee that the Pension Committee is appointed only to consider cases which are pensionable under existing laws. I think that the very object and spirit of that committee is to consider cases which are not pensionable under existing laws; because from some defect in the law, although the case may be within the reason and spirit and purpose of the law, it cannot be allowed by the executive authorities created under the law. There are a number of cases of that description coming entirely within the reason and within the spirit of the pension laws, which address themselves to my mind with great force as being entirely within the purpose and object of those laws and intended to be included within them.

I hope that the report of the committee will not be adopted and that the bill will pass.

Mr. LOGAN. Mr. President, I do not propose to detain the Senate at any length, but I must enter my dissent from the theory advanced by the Senators who advocate this bill. I differ from the Senator from Florida that the Government is under obligation to grant this pension, that the pension laws are merely made for the benefit of persons who may do service to the country. That is not the intention at all. The intention of the pension laws, as I understand, is to fulfill the contract made between the soldier and the Government that if he becomes disabled on account of wounds or disability while in the service in the performance of his duty he shall be put on the pension-roll. That is a part of the contract written in the law, and it is under that agreement by the Government with the soldier that he becomes entitled to a pension at all.

Now, on the theory that persons may be pensioned who are not mustered into the service, every teamster in the Army would be entitled to a pension, every man who aided or assisted in any way whatever by giving information, ascertaining facts, administering to the wants of the Army or the soldiers in any capacity whatever. It is perfectly clear that this man is not entitled to a pension under the theory of the pension laws, or under any theory that has ever been established in this Government by which a pension is given on account of disabilities. Let us read the contract with this party, which was a contract in writing. What is it?

The commanding general authorizes you to organize a corps of mounted citizen scouts for service in this division. They must be reliable men and specially fitted for this kind of service. They will be paid at rates ranging from $40 to $60 per month, according to the value of their services, and one ration each.

They will be organized into squads, and their services accepted on the special condition that they will be held subject to strict military discipline and all the rules and articles of war.

Following that, what is the language?

Written engagements to that effect will be entered into with each man.

These men entered into a written contract to perform certain service for the Government for which they were to receive a monthly payment running from $40 to $60. That was the contract. They took all the chances. Their agreement with the Government was that they were to do this for a certain amount per month, not that they were to have a pension if they should be wounded or become disabled.

Mr. INGALLS. Will the Senator inform me, as he is more familiar with this matter than I am, whether that contract can be terminated at the pleasure of the man making it at any time he pleases?

Mr. LOGAN. Certainly.

Mr. INGALLS. It can?

Mr. LOGAN. Most certainly. I presume there are numbers of persons here who are familiar with the system that is established in all armies in reference to scouts. Scouts are a kind of detectives, a kind of adventurers, a kind of men employed by armies to ascertain certain movements of the enemy. I have nothing to say about this man; he may be a perfect gentleman—I know not anything of his reputation—but I must say that the men who are generally employed as scouts, as we term them, are generally on both sides of the question. I guess there are plenty of men here who know that to be the fact.

Mr. McMILLAN. That remark will justify me in asking this question? Does the Senator think Mr. Netterfield a man of that character?

Mr. LOGAN. As I have said, I have not a word to say against this man, for I know nothing about him. He may be a man of the highest character, and may have been at the time; I do not say; but I do say that usually in war the men that go from one side to the other to get information and report it take information from one side to the other, and bring information from the other side to ours. That is generally what they do—we all know that—but officers in the Army are willing to take the chances; that is to say, they try to prevent the scouts from having all the information in reference to their own army from the fact that they are very sure they will give it to the other side. That is nearly always the case; but, as I said, I do not wish to apply these remarks to this case. I merely put my opposition to the bill upon the ground that a scout is a man who performs services under a contract with the Army officers for which he receives a certain stipulated sum per month, which may be increased according to the service that he performs. He may be rewarded in money to a large amount sometimes, for the service he performs, by the commanding officer; but at no time was it ever understood that a man performing these services should be entitled under the law or under the theory of this Government to a pension on account of disability received while in performance of that service.

Mr. McDONALD. I call for the regular order.

Mr. COCKRELL. I hope the Senator will not ask for the regular order until a resolution reported yesterday morning by the Senator from Rhode Island, [Mr. ANTHONY,] in regard to the publication of a pamphlet, and which was laid over at my suggestion, can be passed. I know there is no objection to it.

Mr. McMILLAN. I hope the Senate will dispose of this bill.

The VICE-PRESIDENT. The Senator from Indiana calls for the regular order, which he is entitled to do.

Mr. McMILLAN. Under the rule, was not the time for the Calendar extended until half past one?

The VICE-PRESIDENT. The Chair ruled that it was not as

against the unfinished business of the Senate, and still adheres to that ruling.

Mr. COCKRELL. Will the Senator from Indiana yield, that the resolution to which I referred may be taken up?

Mr. McDONALD. Very well.

HISTORY OF THE COTTON-WORM.

The Senate proceeded to consider the following resolution, reported yesterday by Mr. ANTHONY from the Committee on Printing, with an amendment:

Resolved by the Senate, (the House of Representatives concurring,) That 10,000 additional copies be printed of Bulletin No. 3 of the History of the Cotton-Worm, &c., prepared by Professor Charles V. Riley under the order of the Congress; 7,000 copies for the use of the House, and 3,000 for the use of the Senate.

The amendment of the Committee on Printing was to strike out all after the resolving clause and insert:

That there be printed 10,000 additional copies of Bulletin No. 3 of the United States entomological commission, on the cotton-worm; 6,000 copies for the use of the House, 3,000 for the use of the Senate, and 1,000 for the use of the Department of the Interior.

The amendment was agreed to.

The resolution, as amended, was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased, was read twice by its title, and referred to the Committee on Printing.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. PADDOCK. I present an amendment to the pending bill, to be read for information. It is an amendment which I reserved the right in committee to offer.

The VICE-PRESIDENT. The amendment will be read for information.

The Chief Clerk read the amendment; which was, after the word "scrip," in line 17, to strike out "and land warrants," and insert "land warrants and agricultural-college scrip when such scrip issued for the benefit of one State has been or may be located upon the public lands in another State."

The VICE-PRESIDENT. The pending motion does not permit amendments; but this amendment is read simply for information.

Mr. McDONALD. Mr. President, yesterday I endeavored to show that the United States had stipulated to pay the several States named in the bill 5 per cent. upon the sales of public lands situated within the limits of those States. I endeavored to show that the enabling acts substantially contained this provision, but that if there was any doubt upon that subject the subsequent acts of Congress relating to this question and the usage of the Government had entirely removed it. In the earlier acts for the admission of States, beginning with the State of Ohio and extending down to and including the State of Missouri, there had been a division of this fund provided for; one portion of it was to be applied within the State under the direction of the Legislature of the State, and another portion might be applied either in or without the State in such improvements as tended to the benefit of the State, under the direction of Congress; that of this portion, being 2 per cent. of the 5 per cent. reserved, the United States had never attempted to make any beneficial use for the State; that the only pretense there was that any such use had ever been sought to be made was in the abortive effort to construct the National Road—known in our legislation as the Cumberland road—that was to begin at tide-water in the State of Maryland and extend, as far as the located line was concerned, to the city of Jefferson in the State of Missouri; that this enterprise began about the time of the admission of the State of Ohio into the Union, and progressed to about the year 1832 or 1834, when the effort was entirely abandoned; that while the statesmen of that day, the ablest of this country, embracing such men as Mr. Clay, were struggling with the great question, as they regarded it, of interstate communication and were providing for the construction of a turnpike road, the energies of the people and the enterprise of the country outstripped them, and by the time they reached the Ohio River with this macadamized road, improved lines of transportation and travel had passed far beyond them, and as far as it was completed—portions of it through the State of Ohio were completed—and as I said yesterday a line of mud road was constructed through the State of Indiana and less than that through the State of Illinois; and in the years 1833 and 1835 the United States wholly abandoned this effort and ceded to the States of Pennsylvania, Maryland, and Virginia the completed parts of the road, and before a generation has passed away this magnificent scheme as it was thought in the beginning has almost passed out of the public mind. Railroads have scaled the Alleghany Mountains and they have scaled the Rocky Mountains; and he who now would talk about a great line of national thoroughfare like that of the National Road would be regarded as belonging to the family of Rip Van Winkle.

Congress seemed to take that same view of this question in the acts which I have already quoted relating to the States of Alabama and Mississippi, two of the States in which this division was provided for, and especially in the second section of the act relating to the State of Mississippi which especially obliterates this line of 2 per cent. and in effect charges the United States in account with the States with the entire 5 per cent. of the proceeds of the sales of the public lands and directs an account to be made in that way.

Mr. EDMUNDS. I wish to understand whether the Senator from Indiana means to say that Congress did not spend all of the 3 per cent. that it was to spend in making works of improvement toward the States or to them, and more, on the Cumberland road?

Mr. McDONALD. Much more; and I will ask the Senator from Vermont if there was any act of Congress ever passed—if there was I have not been able to find it—appropriating this 2 per cent. for any such purpose?

Mr. EDMUNDS. Here is what Mr. Benton, of Missouri, said on the 6th of February, 1851, about that——

Mr. McDONALD. I would rather the question should be answered, because I am not certain myself, and I ask it therefore for information. It is my opinion from the examination I have made that Congress never did specifically appropriate any part of the 3 per cent. for the construction of any work of improvement, the Cumberland road or any other. If the honorable Senator from Vermont has found such an act, I hope he will cite it.

Mr. EDMUNDS. In connection with this Cumberland road business and the 3 per cent., I wish merely to quote from the remarks of Mr. Clay and Mr. Benton in 1851 when the bill was up proposed by Mr. Benton to pay the State of Missouri 2 per cent. on the ground that all idea of ever expending it in getting that road to the State of Missouri had been abandoned. In that debate, Mr. Clay said this:

It will be seen that every cent of the 2 per cent. fund reserved in the compact between Missouri and the General Government has been expended, and a great deal more; that it was expended with the silent acquiescence at least of the State of Missouri, and with the positive votes of her Senators and Representatives during the passage of the various bills to which I shall have occasion to refer; that it was expended in the construction and continuation of the Cumberland road from Cumberland, in Maryland, to Vandalia, in Illinois; that it stopped in consequence of a collision which arose between the States of Missouri and Illinois, or rather, I believe, between the towns of Saint Louis and Alton, as to what should be the terminus of the road.

It will be seen in this exposition that between seven and eight hundred miles of the Cumberland road have been actually constructed, at a cost of nearly $6,000,000, and constructed upon a pledge of reimbursement to the Government of the United States of the amount expended from the 2 per cent. fund, derivable first from Ohio, then from Indiana, then from Illinois, and then from Missouri. It will be seen that the General Government is out of pocket to the amount of $4,500,000, and instead of being reimbursed the $5,800,000, she has only been reimbursed to the extent of about $1,230,000, or $1,300,000.—*Appendix to Congressional Globe*, Thirty-first Congress, second session, page 138.

Then he proceeds to cite the various acts to which the Senator has referred.

Mr. McDONALD. I do not see that that throws very much light on the discussion of to-day.

Mr. EDMUNDS. That is the fault of Mr. Clay; I cannot help it.

Mr. McDONALD. I understood it was from Mr. Benton.

Mr. EDMUNDS. I have read from the remarks of Mr. Clay. Mr. Benton followed, sustaining the same view of the facts.

Mr. McDONALD. Did Mr. Benton agree to that?

Mr. EDMUNDS. He agreed that far.

Mr. McDONALD. And yet he wanted the 2 per cent. for his State after agreeing to that?

Mr. EDMUNDS. Yes; he was very much like some Senators I know of now. The democratic Senate by a vote of two to one refused to let him have it.

Mr. McDONALD. I should like the Senator to read that part of Mr. Benton's statement in which he admitted that the 2 per cent. had been spent in that way and yet claimed it.

Mr. EDMUNDS. I will by and by. There is a good deal of Mr. Benton's doctrine that I should be glad to have the Senator adopt.

Mr. McDONALD. I suspect I live up to it as much as the Senator from Vermont.

Mr. EDMUNDS. Oh, no; you don't.

Mr. McDONALD. But however that may be with respect to the States of Indiana, Ohio, and Illinois, the State of Missouri has received her 2 per cent. by an act of Congress directly passed for that purpose. The States of Alabama and Mississippi received theirs. In the act, if you may so call it, for the relief of the State of Mississippi, the second section directed the same accounting to be made with the other States; and this was after the United States had ceded to the States of Maryland, Virginia, and Pennsylvania that portion of the line of the National Road within their limits and thus localized that great national work and made it the private property of those three States; and from that time until this the Federal Government has never in any way, so far as I know, made any suggestions that it proposed to make any other disposition or any disposition at all of the 2 per cent. fund. It therefore does not militate against the argument that I have been making when I say that the Government has treated this reservation as a reservation in favor of the States within whose limits the lands were situated, a reservation for their benefit on account of what they gave up on the other hand, for I say that this reservation was upon a good and sufficient consideration, and a very valuable one too.

The Senator from Vermont, with his distinguished ability, in dis-

cussing a question of that kind, undertook to show, the other day, that these reservations to the United States, these absolute promises in reference to the public domain within the limits of these States, were promises made for the benefit of these States and the people of these States, and that they were not burdens. So far as the State of Indiana is concerned, I have already read and desire again to call the attention of the Senate to what we agreed to:

That the five foregoing propositions—

Embracing among them this 5 per cent., and the other donations that have been so much spoken about—

That the five foregoing propositions, herein offered, are on the condition that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the 1st day of December next, shall be and remain exempt from any tax laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

That is what the State of Indiana stipulated to do, and the other six States—for there were seven in all including the State of Louisiana, which was not mentioned by me yesterday, because there was no division of her 5 per cent.—admitted down to and including the State of Missouri, each and all made these stipulations, and I say that each and all observed them not merely with reference to cash sales but to all sales, sales made upon land warrants and military scrip as well as sales for cash; and it is on that point now that I want to ask the attention of the Senate for a short time, and then I shall have said all that I desire to say in regard to this bill. I say that the sales herein exempted from taxation are the sales upon which we have the right to have 5 per cent.; the one is as broad as the other. Upon all the lands that we agreed there should be no taxes levied for five years from the date of entry we were entitled under the contract to 5 per cent.

Mr. THURMAN. Will my friend allow me to ask him, for he understands this bill much better than I do, whether that is the limit, whether the bill includes no lands but what the Government sold, and that were exempt from taxation?

Mr. McDONALD. No, sir; it embraces all lands, just as the bill states, that have been taken up by military scrip or land warrants, treating the lands so taken as land sold.

Mr. THURMAN. Does it include the lands that were set apart for the Virginia soldiers on the Continental establishment—that is, those belonging to the regular army of the Revolution?

Mr. McDONALD. For those where the Government exchanged military scrip, it unquestionably does.

Mr. THURMAN. Only those located with scrip, then?

Mr. McDONALD. It does not include, as a matter of course, what Virginia carved out of her own State for the soldiers of the revolutionary war, but it does include that class of those claims that were afterward recognized by Congress and exchanged.

Mr. THURMAN. For which Congress gave scrip?

Mr. McDONALD. Yes, gave scrip or permitted locations.

Mr. THURMAN. I want to understand the bill. Now, another question. There is a United States military district in Ohio, which was composed of bounty land granted by the Continental Congress to the soldiers of the United States on the Continental establishment. Does this bill include that?

Mr. McDONALD. I think it does not.

Mr. THURMAN. Does it include the military reservations in Illinois and Arkansas and Missouri?

Mr. McDONALD. Those that were taken up with military scrip it does, if the scrip was given to a party and he located it anywhere within that district.

Mr. THURMAN. That includes all the military locations made in those districts.

Mr. McDONALD. I apprehend that it does.

Mr. THURMAN. It includes the whole of the military tract.

Mr. DAVIS, of Illinois. I do not know whether the bill does that.

Mr. EDMUNDS. If you will read the bill, you will see very easily.

Mr. THURMAN. I want to understand the bill.

Mr. McDONALD. I will say to my friend from Ohio that the bill is not very lengthy and is not ambiguous, and was certainly not intended to be so.

Mr. THURMAN. I know it was not intended to be.

Mr. McDONALD. The theory of the bill is just the theory that I have been discussing, that what the Government has sold of these lands—the bill does not claim that she might not have donated them gratuitously, given them here and there where she pleased, but that what she sold, and therefore what she exempted from taxation in the Senator's State and in mine for the period of five years, she has agreed to give 5 per cent. of the proceeds of.

Mr. THURMAN. I am not controverting that; but——

Mr. McDONALD. If it does not include as much as the Senator from Ohio wants, he will have to amend it.

Mr. THURMAN. What I wanted to understand was whether it was intended to exclude these reservations that I have spoken of.

Mr. McDONALD. It was intended to exclude any lands disposed of otherwise than by sale—by what the committee understand to be a sale.

Mr. President, I do not think any one will controvert the proposition I have stated, that whatever was exempt from taxation for five years in the seven States I have named, whatever lands after being disposed of by the United States were exempt from taxation for five years were lands to which under the enabling acts this 5 per cent. attached. So far as my own State is concerned, we did not merely let it rest in this obligation that we had entered into with the United States, but we carried it out by placing upon our statute-books an exemption of taxation for all lands purchased within our State and patented by the United States for five years from the date of sale, and that included land-warrant entries as well as any others; and that statute remained until 1852, although in 1847 the limitation on the power of the States to tax these lands was removed by the act referred to by the distinguished Senator from Vermont yesterday. Our State exemption continued until the next period for the valuation and assessment of our real estate, which did not come until 1852. In 1852 a tax was assessed in the western counties of our State upon land entries, and in the circuit court of the United States for the district of Indiana a suit was instituted to enjoin the collection of those taxes in 1853 or 1854; and one claim, the claim of John Thompson, banker, of New York, who had located his land warrants in one county in our State, 17,260 acres of land, the tax upon which for the years 1852 and 1853 amounted to over $2,000, filed his bill in the circuit court of the United States against the officers of that county to perpetually enjoin the collection of that tax on the ground that five years had not elapsed from the date of entry, and that at the time the entry was made in 1851 our State had not repealed its law or provided under the act of Congress of 1847 for the taxation of these lands.

There can be no question in my mind, upon a fair examination of the several acts of the Congress under which military scrip and warrants were issued, that they constituted a payment to the soldier for military service; that they were included as such; not a mere gratuity given to the soldier in time of peace who was serving for his $14 or $16 a month, or whatever sum might be fixed by law, but as additional compensation for his privations and the dangers that he encountered in time of war. The act of 1811, providing for the enlistment of soldiers for the war of 1812, most expressly bears that interpretation and can bear no other. In the second volume of the Statutes at Large, at page 669, will be found this act:

That there be allowed and paid to each effective, able-bodied man recruited or re-enlisted for that service for the term of five years, unless sooner discharged, the sum of $16; but the payment of one-half of the said bounty shall be deferred until he shall be mustered and have joined the corps in which he is to serve; and whenever any non-commissioned officer or soldier shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment a certificate that he had faithfully performed his duty while in service, he shall moreover be allowed and paid, in addition to the aforesaid bounty, three months' pay and one hundred and sixty acres of land.

Three months' additional pay and one hundred and sixty acres of land. The bill of complaint to which I referred just now does not state that Thompson entered the land with land warrants, but that he was the purchaser. I have a statement of the Commissioner of the Land Office that the entry was by land warrants, and by nothing else.

Mr. EDMUNDS. Judge McLean in deciding a case in 1855 said it stood on the statute of Indiana and that statute having been passed before the party bought the land and having been repealed before the five years which the statute of Indiana gave him, it was a violation of the contract to tax it before. Judge McLean's language further is:

Here is a contract as express as words can make it. For aught that appears, the exemption was the motive to the purchase. And no one can say that the policy of the State in this respect is an unwise one. It is an object with every new State to increase its population, and this is done by exempting lands purchased from taxation for a greater or less period of time.

That was in the case to which the Senator has just referred.

Mr. McDONALD. I have not said that case was decided wrongly; on the contrary, I insist that it was decided rightly.

Mr. EDMUNDS. But you said it was decided on the ground of the act of Congress, as I understood.

Mr. McDONALD. No, sir; I said that we had our statute in force which we had not then repealed, a statute to carry into effect the compact which we had entered into with the United States at the time we were admitted into the Union. We did not stand upon the act of Congress. I do not know that Congress ever passed any act on the subject, except as it was placed in the compact between the State of Indiana at the time of the admission of the States. She then, one of the contracting parties in this case, treated this as a sale, and extended the exemption to it, an exemption quite onerous, too, for in this particular case this foreign landholder, this Mr. Thompson, banker, of New York, had located over seventeen thousand acres of land in a body in one of the new counties in our State, the tax upon which for two years, if it had been taxed like the lands of citizens alongside of it, would have amounted to over $2,000. Can it be said to be a benefit to that county that for its local expenses and to the State, so far as it had to look to that county for revenue, that they could only take that which could be levied upon lands that had been sold for five years? Thus it appears that the exemption from taxation for five years upon lands sold applied unquestionably to purchases made with land warrants. This man did not serve; he was no soldier; he purchased these land warrants in the market; they were assigned to him; they represented to him the right to purchase so much land, as if they had been land scrip, and he purchased with them, and that fact, I insist, is a strong circumstance in favor of the interpretation

of the act in regard to the reservation which we claim, that it is upon such lands as these, as well as upon cash entries, that we have a right to the 5 per cent. reservation.

Mr. EDMUNDS. If I may ask the Senator a question, how can he maintain that proposition as it respects those States where the exemption from taxation of bounty lands was confined to three years, and where the benefit of the exemption was confined to the soldier and his heirs and did not allow the assignee as in the case of this Indiana man as it is said, though the papers do not show that he was assignee, and that was the case the court decided?

Mr. McDONALD. But the Senator certainly knows he did not earn seventeen thousand acres of land warrants.

Mr. EDMUNDS. I am not on that point. He might have bought the seventeen thousand acres of land at public sale, and he says he purchased it.

Mr. McDONALD. But I have the statement from the Commissioner of the General Land Office that these were land-warrant entries. If that is not sufficient, I will send for the certificates.

Mr. EDMUNDS. Very well. That is not the point at all. The point is what Judge McLean decided. The Senator says that the plaintiff in this bill alleged that he purchased this land from the United States and paid a dollar and a quarter an acre for it, and that the State of Indiana when he purchased it had engaged that if he would do so they would not tax it for five years. Judge McLean decides that case and says if that is so the State must stand by its bargain; it was a good bargain for it to make.

But that was not the question I rose to ask; it was on the other point. The Senator says the military bounty land warrants fell within the class of sales because they are capable of assignment, and the man who buys them uses them to purchase land the same as he would cash. Now, how does that comport with the cases of those States named in this bill—I do not say they are all of them, but such as there are, and there are some where the very act of admission itself says——

Mr. McDONALD. There are three.

Mr. EDMUNDS. If there be but one it will do. How does it comport with the cases of the States where the act of admission itself says there shall be a five years' exemption on lands sold, and 5 per cent. paid, and that there shall be a three years' exemption on bounty lands, but that that exemption shall only operate in favor of the soldier himself or his heirs, and where a purchaser like this man Thompson does not have any standing at all as to exemption from taxation.

Mr. McDONALD. I remember well the very ingenious argument made by the Senator on that very point yesterday, and I shall not neglect it before I get through, and I think I shall be able to answer that question better in the course of my argument rather than to stop now.

Mr. EDMUNDS. It was on the very point the Senator was addressing himself to.

Mr. McDONALD. But I had not reached the point of answering the argument of the Senator in that regard, and I shall not turn aside to answer it now.

The whole argument of the Senator from Vermont is that the word "sales" used in that clause of the several acts where the 5 per cent. is reserved should be interpreted as if it read "cash sales." Unless he can establish that, as a matter of course he fails. Now, as showing that such was not the view that Congress has taken in former times, I wish to refer again to the acts in relation to the States of Mississippi and Alabama and especially to the concluding part of the first section of the act relating to the settlement with the State of Mississippi.

Mr. EDMUNDS. Give me the reference to the volume, please.

Mr. McDONALD. The act was approved March 3, 1857. I have not the volume here.

Mr. EDMUNDS. I did not know but that the Senator was reading it from the book.

Mr. McDONALD. No, sir; I am reading it from a brief.

Mr. EDMUNDS. The brief of the claimant.

Mr. McDONALD. I do not know that it is a brief of the claimant, but it is a brief which the Senator from Vermont can have if he desires it.

> And that he be required to include in said account the several reservations under the various treaties with the Chickasaw and the Choctaw Indians within the limits of Mississippi, and allow and pay to the said State 5 per cent. thereon, as in case of other sales, estimating the lands at the value of $1.25 per acre.

In this act Congress construed the grant that she herself had made within the limits of this State to the Indians in permanent reservations, granting them the fee of the land in consideration undoubtedly of what the Indian tribes stipulated on their part, being a grant made upon a consideration passing to the Government as a sale of the land thus disposed of to be treated as other sales, and required that she should account for the lands thus disposed of at the minimum price of $1.25 per acre; and then passing right on Congress further said:

> That the said Commissioner shall also state an account between the United States and each of the other States upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at $1.25 per acre.

Mr. EDMUNDS. If I do not interrupt the Senator?

Mr. McDONALD. Not at all.

Mr. EDMUNDS. He did not me on a similar occasion. I wish to ask if he does not know the fact that, when the State of Alabama, which began the operation and it was followed by the State of Mississippi, applied to have an allowance made on account of those Indian reservations, the officers of the Government, one after the other, to whom the question was submitted, continuously decided that the State had not a ghost of a claim under the provisions of the law; and then when Alabama came into Congress the gentleman from Alabama who in the last days of the session got it through explained it by saying that that was the state of the law, but that circumstances had changed and it would be a hardship to the State of Alabama to hold her up to that, and Congress ought to be generous and liberal about it and let her have something, and then Congress proceeded to do it.

Mr. McDONALD. I do not know what the accounting officers may have said or done in reference to the law as it then stood.

Mr. EDMUNDS. I will bring in their opinion before we are through.

Mr. McDONALD. I think it very likely they may have done just what the Senator says they did. I know that since that time they have said this second section did not apply to any State, because no State was specifically named. I apprehend there was a difference of opinion between the accounting officers and Congress when these acts in relation to Alabama and Mississippi were passed, or the acts would not have been passed. They were passed on account of that difference of opinion. I apprehend there is a difference of opinion now between the supporters of this bill, between the Committee on Public Lands of the Senate, who have reported this bill, and the present accounting officers in regard to the construction of these laws; for if there was not such a difference of opinion this bill would not be here. It is here because of that difference of opinion; and when it has passed the Senate and passed the House, as I believe it will, perhaps fifteen or twenty years from now, we may find other Senators as distinguished as my friend who will stand up and quote that difference of opinion to show that the law does not mean what it says it does.

Mr. EDMUNDS. It may be so. I hope I shall be here at that time, together with my friend. [Laughter.]

Mr. McDONALD. Now, Mr. President, I come to the question submitted by the Senator in regard to those enabling acts which seem to make a distinction between lands sold for cash and lands disposed of for some classes of land warrants. I believe that distinction began with the admission of Arkansas and Michigan. These were the first States that were received into the Union where the general exemption of taxation upon lands sold for five years was omitted, and I desire that fact to be borne in mind. Up to that time, including all the States admitted down to 1820, there was in the various acts this general provision in regard to exempting lands entered or sold from taxation for five years. Now, I want to ask the opponents of this bill if the general exemption did not exempt lands entered by land warrants, or did the Government intend to exempt for five years the lands purchased by cash and leave the land-warrant entries subject to taxation at once? I should like the Senator from Vermont to answer that question whether the general exemption exempting these lands from taxation for five years did not embrace land-warrant entries, though they are not named?

Mr. EDMUNDS. Does the Senator wish an answer now?

Mr. McDONALD. Yes, sir, I ask this question, whether the general exemption contained in the acts by which the first seven States were admitted into the Union in regard to taxation for five years did not exempt land-warrant entries, or were they subject to taxation at once upon entry?

Mr. EDMUNDS. That is my opinion.

Mr. McDONALD. That they were?

Mr. EDMUNDS. It is my opinion.

Mr. McDONALD. Then the Senator supposes that Congress took special care and providential oversight over the moneyed man who entered land, but as to the soldier who put down his warrant there it made his land subject to taxation from the hour he located it. I never heard such an opinion till to-day. Now, with that statement it is very clear, it seems to me, when it came to those States where this general exemption was omitted, why it was that Congress continued it as to a very limited class of lands that were yet lands sold, but that were to be designated as lands taken by land warrants for the purpose of designation. In the light of the fact that down to 1820 these States stipulated, and that stipulation covered all warrant entries as well, that lands sold—for that is the term used here—should be free from tax, the language being "that each and every tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax laid by order or under any authority of the State * * * for the term of five years from and after the day of sale," when Congress, in its increased liberality toward the new States that were coming forward for admission, saw proper to exempt them from that great burden of having blocks of land, fifteen thousand acres in a block and more, taken up by persons for speculation and held without taxation for five years; when Congress saw proper to take off this general exemption, accompanied it with this proviso, (and upon the proviso, and that alone, the Senator from Vermont has built up the whole theory of his argument,) that lands entered by soldiers' warrants should be exempt from taxation for three years. And in order to sustain himself in his argument he stands here admitting that Congress did the great injustice of origi-

nally leaving the soldiers to be taxed from the hour of their entries, while it exempted for five years in seven great States of the West the lands purchased by speculators.

Mr. President, I have said about all that I expect to say on this subject, and more than I intended. I believe this to be an honest bill; I believe it correctly interprets the compacts entered into between the States in which large public domains were situated and the Federal Government at the time of their admission. If I did not believe that I should be opposed to it, and I shall not stop to go over the argument that was suggested—not made—in regard to how much might be involved in this bill, because the honorable Senator himself said that if it was right, there could be no question about the amount, and I agree with him exactly there; and I say further, if it is wrong, there can be no question about amount, let it be great or small. Why should this claim be sought to be affected by that liberal course which Congress has heretofore pursued toward the Western States in granting public lands, not to cancel these obligations, but to stimulate improvements, to build up and develop the country, ay, and benefit the whole country, even the Green Mountains upon which the Senator from Vermont was brought up and grew to his present stature and size, and the descendants of the Green Mountain boys who have participated in the benefits that have resulted from the rapid development of this country so that there can be no such thing in this broad land of ours as starvation, because the means for bringing bread to every door from one section to the other if there should be a local failure here and there, has already been provided. I say I shall not stop to talk about whether it is right or proper for us to execute the obligations of these contracts because of grants the benefits of which have been participated in not by one section alone, not by where the money has been laid down, but by the whole country. I might as well expect the Mississippi River to carp at the waters that fall in at its headwaters because they do not fall immediately in at its navigable part. The stream has been broad together, and the beneficence of these bounties and these grants has manifested itself in a thousand ways, and therefore I leave them to defend themselves. As to the bill itself, I have no question about its being right in principle, and it is very doubtful, if I was to make a calculation, whether my State would be a winner or a loser. I have not stopped to inquire, and I shall not.

Mr. EDMUNDS. Has not the Senator a statement in the letter partly read yesterday?

Mr. McDONALD. Undoubtedly, but I say I shall not stop to make a calculation to see whether if we pay out this money we shall not have to pay more, in making up our quota of the common fund, than we should get from it. How that is I do not know, nor shall I stop to inquire.

Mr. THURMAN. Mr. President, I do not rise to discuss this bill, because I am not prepared to discuss it. I have not studied it enough to know how to vote upon it, and I hope it will not be pressed to a vote to-day. But there are one or two things that I want to say now.

In the first place I was a little surprised at the answer given by the chairman of the committee who reported this bill to my inquiry whether or not this bill would entitle Ohio to 5 per cent. upon the number of acres in what is called the Virginia military district and in the United States military district in that State. He answered me no. He said that it would include the cases where the United States had given scrip for Virginia military land warrants. That would be of no advantage to Ohio. I dare say that the Senator from Indiana will find out that upon every acre of land that has been entered with that scrip the States have already received their 5 per cent. I think he will find that scrip when received into the Land Office as payment has not been separated from money in accounting with the States for the 5 per cent. I think the evidence when produced will show that that is the fact; but at all events, whether that be so or not, what the Senator says that the 5 per cent. is to be counted upon entries made with scrip can be of no possible benefit to the State of Ohio, or very little, for very little if any of that scrip was located within that State.

Therefore the answer of the chairman of the committee is that that district known in Ohio as the Virginia military district, which embraces twenty-two counties—in whole or in part—not the whole of twenty-two, but perhaps ten or twelve entire counties, and ten in part and the greater part of them, too—is excluded from the operation of this bill. Ohio gets no benefit for that. So, too, in regard to that other district known as the United States military district, the State gets nothing for that. So in regard to that large territory the title to which was vested in the State of Connecticut, which was given by the Congress of the Revolution to the State of Connecticut for the relinquishment of her claim to a portion of the State of Pennsylvania, embracing the Wyoming Valley; all that is left out so far as Ohio is concerned, although it was a payment to Connecticut by the Continental Congress for relinquishing her claim to a portion of the State of Pennsylvania and in no sense a payment by the State of Pennsylvania.

Mr. McDONALD. The bill can be amended.

Mr. THURMAN. That is true; but when we come to the spirit of the thing, whether a proposition can be made to embrace it will be another thing. I am not opposing the bill now, but I want to call the attention of the Senate to how different is the report of the committee from the interpretation given by the chairman of its bill. What were these two military reservations in the State of Ohio? The first of which I have spoken of was the Virginia military reservation. That was a reservation of land between the Scioto and Little Miami Rivers to pay soldiers of the State of Virginia who served in the regular Army of the Revolution, or as it is called in all the acts, who served upon the Continental establishment. Virginia had two sets of troops in the Revolution. She had those that belonged to what we would now call the regular Army, but what they called the army on Continental establishment, and she had another set that were militia. She offered bounties to each of these classes of troops, and she reserved a certain portion of lands for the satisfaction of bounties to each; but none of her bounties to her militia were paid out of lands in the State of Ohio. They were paid out of lands in what is now the State of West Virginia, and what is now the State of Kentucky; but in the State of Ohio she reserved in her deed of cession, not the land itself, not the title to the land, but the right to have her bounties promised to her soldiers on the Continental establishment, that was, in the regular Army, paid out of the lands. They were promised to them by various acts during the revolutionary war and were earned by them; and Virginia issued warrants to her officers and soldiers according to their deserts and to their title under these acts of Virginia.

Then the United States military tract is a different thing. After the cession of this territory by Virginia to the Continental Congress, that Congress made a provision that certain soldiers who had served in the war of the Revolution and who were not provided for by Virginia, but were soldiers of States that had no lands to give them, should also receive land bounties; and a portion of what is now the State of Ohio was laid off to satisfy those bounties; that is, bounties to soldiers who had served in the revolutionary war on the Continental establishment, to wit, in the regular Army, but who came from States that had no land to give them.

Mr. McDONALD. I should like to ask the Senator from Ohio when that was done, before or after the admission of Ohio?

Mr. THURMAN. I would not like to answer positively, but my impression is that the United States military district, as it is called, was laid off before the admission of Ohio into the Union. That is my impression, but I will verify it before the vote is taken on this bill.

Here are these two cases, then, in which these two tracts of land were rewards to the soldiers who fought our revolutionary battles, the soldiers who were in the regular Army under the Continental Congress, and were set apart to them. If you speak of payment for military services, these were as clear cases of payment as you can imagine. But, says the Senator from Indiana, they are not provided for by this bill; Ohio shall have no benefit from taking out these large tracts of land and giving them to the men who fought the battles of the Revolution.

Mr. McDONALD. If the Senator from Ohio will permit me, I will state that they are not provided for in the act for her admission into the Union. That act says nothing about them.

Mr. THURMAN. That may be so or may not be so. I am not going to argue that question now. The feature to which I want to call the attention of the Senate is this: The report of the committee in this case is one thing, and the interpretation of the bill by the chairman of the committee is a wholly different thing, for the report goes upon the ground that the State of Ohio shall have the benefit at least of the Virginia military land district.

Mr. McDONALD. I will state to the Senator, as I said in answer to his question a short time ago, that there is a military land scrip which originated in an adjustment between the United States and the holders of Virginia certificates, that has not been disposed of. They were authorized to surrender them and get what was called land scrip, and some portion of that was located in the State of Ohio and perhaps some parts of it in the State of Indiana, and this all transpired after the admission of the State of Ohio into the Union.

Mr. THURMAN. I have already said that I think it will be found that all that scrip that was used was counted as money in settling with the States; but whether it be so or not, that is of very slight benefit to the State of Ohio, for by far the greater portion of the scrip was located in the Northwest; three-fourths of it, I venture to say, was located in the State of Iowa, and hence we find that Iowa is to get the benefit of nearly one-fourth, more than one-fifth, of the public debt to be created by this act if it be passed. It is a very fine State and needs the money, being very poor, I know, and it may be all right to give it to her, and I am not saying anything against it; but I do not see that you can take that scrip which was issued for Virginia land warrants that were locatable in the State of Ohio and add it to the amount of the public debt that is to go to the State of Iowa and then charge it to Ohio. That will not do.

Virginia issued these land warrants. They were located through a land office created by the State of Virginia, the head of which was called the principal surveyor of the Virginia military district. Entries were made; surveys were made by him or his deputies, and those surveys were returned, with the land warrants upon which the surveys were made, to the General Land Office, and patents issued by the Government of the United States. There were a number of such entries made in Kentucky, but the lands reserved in Kentucky were not sufficient for the purpose, and that accounts for the reservation made when Virginia made her cession to the United States. Not

one of the land warrants proper was ever located, except in Ohio and Kentucky.

After a while those land warrants took up all the good land in this reservation in Ohio. All the good land that had been in Kentucky and was subject to these warrants had been taken up long before, taken up in fact before the cession of Virginia of the Northwestern Territory. A great deal of the land that was supposed to be in Kentucky available for the purposes of these bounty land warrants, it was found was taken away by what was called Henderson's grant, so that there was not a sufficiency of land south of the Ohio River to satisfy these bounties, and that gave rise to this reservation in the State of Ohio called the Virginia military district. In the course of time all the good land in that district was taken up, but there were still a great many outstanding warrants. In fact, Virginia kept issuing them, and I do not know but that she may be issuing them to this day.

They came to Congress and said to Congress, "Here according to the true spirit of the deed by Virginia to the Continental Congress her soldiers were to have their bounties satisfied; the land set apart for them proves to be insufficient; all the good land is taken up, and yet here are warrants for hundreds of thousands of acres which we can find no good land to locate upon;" and therefore they said, "Give us scrip for them, and let us locate the scrip upon any of the public lands anywhere subject to entry." Various acts were passed one after another; the first one, I think, about 1830; and so they went on until at last Congress found that as long as Virginia issued scrip land warrants could be ground out, and finally Congress put an end to it and said, "We will not issue any more warrants," and that stopped the whole business; but at that time nearly all the public lands in the State of Ohio had already been entered, and this scrip went West, most of it, and an immense amount of it went to Iowa. But that is not material; that does not touch the question here.

This report goes on the theory that for the land warrants—not the scrip, but the land warrants, that were located in the Virginia military district, the State of Ohio is to have 5 per cent., counting the land thus located at a dollar and a quarter an acre. I need not read the report in full, but anybody who will read it will see that that is the case.

Mr. McDONALD. The Senator will allow me. A land warrant issued for military service was the payment of a debt from the Government to the soldier; and where entries of land were made with such land warrants the lands were purchased, and the Government sold the lands. That is all that the report says. It does not undertake to distinguish between one class of scrip and another. It simply goes on the theory, and the bill goes on the theory, that 5 per cent. shall be allowed to the States on all sales, counting an entry by a land warrant as a sale.

Mr. THURMAN. All I have to say is that the committee include the land warrants located in the Virginia military district of Ohio by the plain words which are used. The committee, on page 2, go on to give an account of the various warrants, and they say:

The Commonwealth of Virginia about the same time (October, 1776) for the purpose of raising her quota of men and meeting the exigencies of the coming war, also offered lands to her soldiers as part compensation for their military services.

Mr. McDONALD. If the Senator will study the report in the light of the bill he will see that that is simply referred to for the purpose of furnishing a history of the issuance of land warrants, to show how the warrants came to be put out and for what reason, whether put out by a State or by the General Government. The whole theory of the bill—and the purpose of the report is to illustrate that theory—is that whatever was sold after the admission of these States of the public lands within their limits was subject to the 5 per cent. reservation. That is all there is of it.

Mr. THURMAN. I cannot so understand it. If the Senator had not interrupted me, I was about to show, as I think I can any one who listens, that his interpretation of his own report will not do. He says the report is to be studied in connection with the bill. I thought the bill was to be studied in connection with the report, and that the report was a commentary upon the bill, an exposition an explanation of the bill. Now let me go back. The committee commence—

The only ground known to your committee upon which this payment—

That is the payment of the 5 per cent.—

has been refused is that such disposition of the public domain was not "sales of the public lands" within the meaning of the enabling acts. The right of these States to the 5 per cent. upon military locations depends, in the opinion of your committee, largely upon the fact whether, as between the Government and the soldier, the lands disposed of formed a part of the consideration of his hire. Upon this point your committee have had little difficulty in arriving at the conclusion that such disposition did, in fact, enter into and become a part of the consideration for the enlistment and services of the soldiers to whom land warrants were issued.

Then the committee proceed to give the instances:

The acts of Congress for the benefit of the recruiting service of the United States at the opening of the revolutionary war are dated in August and September, 1776.

Those are the very acts under which the soldiers got the lands in the United States military district in Ohio. Then—

The Commonwealth of Virginia about the same time, (October, 1776,) for the purpose of raising her quota of men and meeting the exigencies of the coming war, also offered lands to her soldiers as part compensation for their military services. These lands thus offered by the Legislature of Virginia were afterward patented by Congress to her soldiers agreeably to the terms of cession made by Virginia to the Federal Government of the Northwestern Territory March 1, 1784.

Now, every acre of that land here alluded to is in the Virginia military district in the State of Ohio. Then comes a recital of the military grants for the war of 1812; then the grants for the soldiers of the Mexican war. Then the committee go on to say:

It is clear from the language of these grants—

That is, all the grants which have been mentioned before, those made by the Continental Congress, those made by the State of Virginia, those made by the Congress of the United States for the war of 1812 and afterward for the Mexican war—

It is clear from the language of these grants that they were designed to effect a future object, and in no sense did they relate to a past subject. The time when and the circumstances under which they were passed indicate but too manifestly the aim in view, namely: to facilitate and encourage enlistments, that the requisite numerical force of the Army might be enlarged as rapidly as possible in order to meet the pressing necessities of each of the impending wars.

At the time the resolution of September 16, 1776, was adopted, Congress owned no land, but expected by conquest to become entitled to all the land which England had acquired by discovery. Anticipating, therefore, the acquisition of large landed possessions, and expecting to have more land than money, Congress, in order to fill up the rank and file of the Army, and to raise and complete a regularly-organized military establishment, offered in advance, besides specified monthly wages in money, an additional consideration in land, not for past but for services thereafter to be rendered. The colonial government of Virginia did the same thing, and her engagement to pay in land was afterward assumed and fulfilled by Congress by setting apart for that purpose a section of country lying between the Little Miami and Scioto Rivers, in Ohio.

The military grants for the war of 1812 and the Mexican war are of the same character, enacted at or near the commencement of each, wholly prospective in their operation, and are their own best expositors; their meaning and purpose cannot be misinterpreted. In effect they said to the party whose military prowess the Government so much needed at the time, "Enlist and serve your country a given period, and you shall have as a reward therefor a quarter section of land in addition to your monthly pay." The land thus offered in advance of, and as an inducement to, the engagement formed as much a part of the contract of enlistment as did the money compensation. One cannot with any show of reason be designated a gratuity any more than the other. Both alike constituted the consideration for which the services were to be rendered. It follows, therefore—

I beg attention to this—

It follows, therefore, that these grants of land for military service in the three great wars of this country—

The revolutionary war, the war of 1812, and the Mexican war—

are essentially in the nature of contracts, and as such become the foundation of the claim which the Western and Southern States now make for the 5 per cent. thereon.

Can any language be clearer than that? According to this report of this committee, Ohio is entitled as much to have 5 per cent. of the land of the Virginia military district and the United States military district as any State in this Union is upon any lands sold for money. That is what the report is. I do not say what is right, but that is what the report is.

Mr. McDONALD. All after the State of Ohio was admitted into the Union, you are right about.

Mr. THURMAN. That would give us a good big slice, but not as much as we should get if you went back.

Mr. KIRKWOOD. Were not those districts set apart in Ohio before Ohio was admitted?

Mr. THURMAN. Certainly, reserved in the cession by Virginia, not the title to the land, but the right to satisfy her bounty land warrants out of the land. The title passed to the United States and the land was granted by the United States in patents. The land was located in townships of four thousand acres generally, and located with warrants issued by the Continental Congress.

Mr. KIRKWOOD. Located after the admission of the State?

Mr. THURMAN. I cannot tell when the locations were made, but pretty early, and they embraced some of the finest counties in the State.

Mr. LOGAN. The Senator from Ohio will allow me to say that I read the report very carefully, and I think he misapprehends this language of the report. My understanding of the report is that the reference to Virginia and other States giving scrip or land warrants to soldiers is for the purpose of showing that there ran through all of them the idea that it was not a gift, but that it was a contract between the soldiers and the Government.

Mr. THURMAN. That is perfectly demonstrated; there is no doubt of that.

Mr. LOGAN. And that the statutes under which the land warrants were issued and were located in these States which were entitled to the 5 per cent. were merely following out the theory of the Government in employing troops in its defense, that a contract existed between them, that they were to have the bounty land as part of the compensation for their services. The committee merely give a history of the acts, commencing with the act of Virginia and the old acts of the Continental Congress, showing that that policy was carried through all the years, showing that the idea of consideration followed all the way through. That is my understanding of the report. Then after the States were admitted into the Union under the contract between them and the Government in the acts of admission, from that time forward the 5 per cent. attached under the claims that the States have made and applied to this land located with land warrants, no matter when issued. The attaching of the 5 per cent.

applies to the time of location, not to the time of the issue of the warrant or the scrip, but to the time of the location of the warrant or scrip.

Mr. McDONALD. On the ground that the land was sold for the warrant.

Mr. LOGAN. That is the meaning of the report. I understand that the time is not the time of issue, but the time of the location of the scrip or warrant after the States were admitted into the Union. That is the way I read the report.

Mr. McDONALD. So far as the State of Ohio is concerned, which is the only one this bill does not fully cover, this bill will apply to every acre of land which was taken up in the State of Ohio after the admission of the State into the Union under the enabling act with any sort of military scrip for which the Government received a consideration, and thus sold the land. If, however, it is not fully covered, let the Senator draw an amendment that does embrace it, and I will agree to it. I do not want to go beyond that. Whatever she is entitled to under the terms of her admission I will agree to at once as an amendment to the bill, because that is the purpose of the bill.

Mr. THURMAN. If I have accomplished that much for Ohio and I conclude to go in for the grab, I think I shall avail myself of the Senator's offer.

Mr. McDONALD. It is not a grab.

Mr. THURMAN. Well, I will take that word back.

Mr. McDONALD. I am proposing simply to do by the Senator's State just what I regard as even-handed justice under her contract of admission with reference to the 5 per cent. reservation on the sales of public lands. Whatever can be fairly proved to be a sale of lands within her limits embraced in her enabling act, and for which she has not received her 5 per cent., I am ready to have such an amendment put in as the Senator from Ohio will draw to secure it.

Mr. THURMAN. I am very much obliged to my friend for that, and I shall certainly, if I make up my mind to vote for the bill—and I do not know but that I shall come to that conclusion in the end; I cannot tell until I have looked further into it—propose such an amendment.

But, Mr. President, I want to say one thing more in respect to this report. There cannot be any mistake about this language, but I am willing to have the interpretation that is placed upon it, that land warrants located after the admission of Ohio into the Union, whether they were Virginia military land warrants or United States military land warrants, are to be counted in computing the 5 per cent. It would involve a considerable amount of work to find out how much that would be, but it would enhance Ohio's slice in this business very largely. It is very insignificant as the bill now stands. If these military districts are to be excluded the bill will give to Ohio the magnificent sum of $113,000, and she will have to pay of the debt thus created nearly $300,000. That would be a pretty bad financial operation on the part of the State of Ohio.

Mr. McDONALD. She may relinquish her interest.

Mr. THURMAN. She cannot relinquish her obligation to pay part of the public debt.

Mr. President, I did not intend to speak this long on the bill. I was only trying to find out what the bill meant, and I am not attacking the bill at all. I have heard it said—not in the Senate, but I think I saw it in a newspaper—that this was a bill to give gratuities to the rebel States, to create a public debt for the benefit of the rebel States. I want to say that if anybody has that idea he is under an immense mistake. For $1 that this bill will give to the States lately in rebellion it gives $14 to the States that were not in rebellion. It gives more to the State of Iowa twice over than to all the States that were in rebellion. That has nothing to do with this thing; but as that makeweight has been thrown in against the bill, and it has been represented as a grab by the confederate brigadiers, I want to say that of all the people of this country there are none whose interests would be subserved by this bill less than most of the States that were in the rebellion. There is not a single one of the Atlantic or Gulf States that would not be injured (in a pecuniary point of view I am speaking now) by the passage of this bill. So I wish it to be distinctly understood in the outset that if my friend from Indiana carries this bill—and whatever he carries the democracy has to bear the weight of in this country—it is not a confederate brigadier measure at all; it is an Iowa measure, it is a Minnesota measure, it is a Wisconsin measure, it is an Illinois measure, for those States get nearly the whole of it.

Mr. LOGAN. If the Senator will allow me right there, I desire to say that the bill has been before Congress and has been argued before committees prior to the time when this Senate became democratic, and it is a bill not pertaining to any section.

Mr. THURMAN. Certainly not.

Mr. LOGAN. But it is a bill to give equality to all the States that came in under the same agreement with the Government of the United States in reference to the public domain; that is all the bill is; and the man who does or would attempt on either side to make it a political measure would do very great injustice to himself as an honorable man.

Mr. THURMAN. I think so, too. I am glad the Senator has made that speech, and this year if I get on the stump, and somebody says, "you created so much public debt and gave it to the State of Arkansas," I will read my friend's speech at him and shut him up.

Mr. LOGAN. You are perfectly welcome; but you will not shut me up. [Laughter.]

Mr. THURMAN. No, I did not say shut you up; I could not do that, [laughter;] but shut the man up. I say the Senator is perfectly right.

Mr. LOGAN. I desire to say that I have always advocated this bill because I thought it was a just measure. That is what I intended to state.

Mr. THURMAN. I have no doubt about that; the Senator would not advocate it if he did not think it was a just measure. I do not know but that I shall vote for it when I get to understand it a little better; but I must first understand what the bill is, and if I have to offer amendments to it they will be to make it perfectly clear.

In the next place I say in all good faith and seriousness that if I become satisfied on reading these statutes (which I have not had time to do) and getting possession of the facts that the bill ought to pass, I shall certainly vote for it. If I think it ought not to pass, I shall certainly vote against it, whatever may be the effect on my own State.

Mr. HAMLIN. I wish to say that in the absence of the Senator from Louisiana, [Mr. KELLOGG,] who is not with us, I agreed with him to-day to pair my vote on all questions connected with this bill. If he were here, in all its phases he would vote for it and I against it.

Mr. ALLISON. I wish to ask the Senator from Ohio if he has examined this report and the statutes referred to sufficiently to make up an opinion in reference to the character of these bounty lands, so called, whether they were considerations given to soldiers for services as compensation or were regarded in law as mere gratuities?

Mr. THURMAN. They never were gratuities. On the contrary, the Continental Congress, before it owned one foot of land, promised these bounty lands, which were afterward located in what we called the United States military district in Ohio, and the State of Virginia, as early as 1776, to those who would enlist in what was called the Continental establishment—that is, the regular army of the Continental Congress—promised certain bounty lands in the State of Kentucky laid off between Green River and the Cumberland, I believe. They promised so much to a private, so much to a lieutenant, so much to a captain, so much to a major, so much to a lieutenant-colonel, so much to a colonel, so much to a general, and so on. These were promises made before the enlistment; they formed part of the consideration. The committee is entirely right about that. They were all just as much a part of the contract as the promise to pay so much money, and they were nearly all the value that many of those soldiers ever got, for the Continental money went away to nothing, so much so that a man whose name I will not mention, because it might seem like egotism, though of course I was not the man, told me that when he got his pay for services in the Virginia line on the Continental establishment at the end of the war in Continental money he took a whole year's pay that he received and bought with it one single bushel of salt, and had hard work to get that, and carried it on his shoulders sixty miles to his family.

Mr. SAULSBURY. Will the Senator from Ohio allow me to ask him, if by the act of the Continental Congress those lands were promised to the soldiers, whether, when the law was passed providing for the 5 per cent. on the sales of public lands within the limits of the States formed out of the public domain, those States did not take that promised 5 per cent. subject to the previous promise made to the soldiers of the lands for their services, and whether, therefore, there is any equity now arising in favor of those States, the lands having been located under the previous grant of the Continental Congress and of Virginia within the limits of Ohio, Indiana, and Illinois?

Mr. THURMAN. Illinois stands on a wholly different footing, for she was admitted before the promise was made. The promises there relate to the war of 1812, and so she might claim the 5 per cent. on that. So far as these lands in Ohio are concerned, I am not prepared to answer the question of the Senator from Delaware. I will say, however, to be perfectly frank, that until I read the learned and able report made by this committee I had always thought that we had no right to 5 per cent. of this money, but they have poured out the argument so strongly that I do not know how it is; I shall have to study the subject; it is not clear to my mind at all. I confess that before I read the report I supposed that we had no right to 5 per cent. of the Virginia military land or the United States military land, for the Government never sold a dollar of it for cash; that is very certain. Still I do not know but that is too narrow a view of it, and I do not know but that the committee is right. I am going to study it before I vote on this bill.

EXECUTIVE SESSION.

Mr. DAVIS, of Illinois. I think the Senate is tired of the discussion to-day. I move that the Senate go into executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. GARLAND. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 24; as follows:

YEAS—30.

Allison,	Butler,	Hill of Georgia,	Vance,
Anthony,	Call,	Ingalls,	Voorhees,
Bailey,	Cameron of Pa.,	Jones of Florida,	Whyte,
Beck,	Cameron of Wis.,	Kirkwood,	Williams,
Blaine,	Conkling,	McMillan,	Windom,
Blair,	Davis of W. Va.,	Pendleton,	Withers.
Bruce,	Edmunds,	Platt,	
Burnside,	Gordon,	Pryor,	

NAYS—24.

Coke,	Harris,	Maxey,	Rollins,
Dawes,	Hereford,	Morgan,	Saulsbury,
Eaton,	Hoar,	Morrill,	Saunders,
Ferry,	Jonas,	Plumb,	Slater,
Garland,	Kernan,	Randolph,	Walker,
Groome,	Logan,	Ransom,	Wallace.

ABSENT—22.

Baldwin,	Farley,	Jones of Nevada,	Sharon,
Bayard,	Grover,	Kellogg,	Teller,
Booth,	Hamlin,	Lamar,	Thurman,
Carpenter,	Hampton,	McDonald,	Vest.
Cockrell,	Hill of Colorado,	McPherson,	
Davis of Illinois,	Johnston,	Paddock,	

So the motion was agreed to.

BILLS INTRODUCED.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1292) to provide for the removal of the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, to the city of Concord; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1293) to provide for the erection of a public building at Asheville, North Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLAINE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1294) to enable the President to promote J. S. Payne, a captain in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1295) granting a pension to Lewis J. Blair; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WALLACE, it was

Ordered, That the petition and papers of Hannah S. Mackey, guardian of Margaret J. Yourison, be taken from the files of the Senate and referred to the Committee on Pensions.

HALIFAX FISHERIES COMMISSION.

Mr. BLAINE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be respectfully requested, if in his judgment not incompatible with the public interest, to communicate to the Senate any information in possession of the Government touching the alleged false statistics and fabricated testimony imposed upon the Halifax commission and used as the basis of their award in the matter of the fisheries.

Mr. WHYTE. I move that the Senate adjourn.

The motion was agreed to; and (at three o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 12, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

METRIC COINAGE.

Mr. STEPHENS. I ask leave at this time to present a report from the Committee on Coinage, Weights, and Measures.

The SPEAKER. The committee is authorized to report at any time under the present rule.

Mr. STEPHENS. I have been instructed by the committee to report back certain bills to go upon the Calendar, not to be considered at this time. There is a report in writing accompanying those bills; and I have been instructed by the committee to ask that 10,000 extra copies of that report be printed for the use of the House. That proposition of course will go to the Committee on Printing.

The SPEAKER. The gentleman will please send up the report with the accompanying bills.

Mr. STEPHENS. I am instructed by the Committee on Coinage, Weights, and Measures to report back House bill No. 410, to authorize a new metric gold coin for international use, to be known as the "stella;" House bill No. 411, to authorize the coinage of the goloid metric dollar, two dollars, and fractions of a dollar, and also the coinage of the metric gold double eagle, eagle, and half eagle, all of standard value; House bill No. 412, to authorize the mintage of ingots of metric gold alloy and of metric goloid alloy, its deposit in the Treasury, and issue of certificates therefor; House bill No. 1519, to authorize the making of ingots of fine gold and ingots of fine silver of the value of $100 each for exportation, manufactures, and other purposes; and House bill No. 1911, to authorize the coinage of silver dollars and fractions thereof of full standard value upon the metric system. I am instructed to move that these several bills be referred to the Committee of the Whole on the state of the Union, and that the report accompanying the same be printed, and that 10,000 extra copies of the report be printed for the use of the House.

The SPEAKER. The proposition for printing extra copies of the report will under the law be referred to the Committee on Printing.

Mr. STEPHENS. I desire to state to the House that this is a very full report upon the metric system.

Mr. ATKINS. Why is there any necessity for the printing of any extraordinary number of this report, more than usual?

The SPEAKER. The proposition to print will not now be acted upon, but under the rule will go to the Committee on Printing.

Mr. STEPHENS. There is an extraordinary demand for the report.

The bills were accordingly referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

UNITED STATES STANDARD WEIGHTS AND MEASURES.

Mr. STEPHENS. I am also instructed by the Committee on Coinage, Weights, and Measures to report back with a favorable recommendation a joint resolution which is very short and I think will meet with no objection.

Mr. CLYMER. I will reserve all points of order until the joint resolution is read.

The joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures was read, as follows:

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the Governor of each State in the Union for the use of any agricultural college in the States respectively which is maintained in part by State appropriations.

Mr. STEPHENS. I suppose there can be no objection to that joint resolution. From information which I have obtained since the committee authorized me to report this joint resolution, I desire to move to amend it by adding "and also one set of the same for the use of the Smithsonian Institution."

Mr. BLOUNT. I hope my colleague [Mr. STEPHENS] will allow us to have the regular order.

Mr. STEPHENS. What objection have you to this joint resolution?

Mr. BLOUNT. I have no objection to the joint resolution, but I desire that we shall have the regular order until we can get through with the rules.

Mr. PRICE. It will not take more than a moment to pass this.

Mr. BLOUNT. I know that; but there will be a dozen or more applications of the same kind. I hope my colleague will withdraw the measure.

Mr. STEPHENS. If there be no objection I trust the resolution will be passed.

Mr. TOWNSHEND, of Illinois. Why not let the bill go to the Committee of the Whole on the public Calendar? I reserve a point of order on the bill.

Mr. STEPHENS. I should not suppose there would be an objection.

Mr. TOWNSHEND, of Illinois. Why not let the resolution go to the public Calendar?

Mr. STEPHENS. Because I want it passed now.

The SPEAKER. The Committee on Coinage, Weights, and Measures, from which the gentleman from Georgia reports this measure, has the right to report at any time. The gentleman from Illinois now raises the point that this joint resolution will require an appropriation.

Mr. STEPHENS. If the gentleman insists on his point of order, let the resolution go to the Committee of the Whole.

Mr. TOWNSHEND, of Illinois. If I am the only one objecting, I withdraw my objection.

The amendment of Mr. STEPHENS was agreed to.

The joint resolution, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. STEPHENS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The title of this resolution should be amended by adding "and for other purposes." If there be no objection, that amendment will be made.

There was no objection.

UNITED STATES MONEY.

Mr. STEPHENS, from the Committee on Coinage, Weights, and Measures, reported back the memorial of William Wheeler Hubbell upon the subject of the coinage of silver, the issue of legal-tender notes, bimetallic coinage, and an increase of the volume of United States money; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

WYANDOTTE INDIANS.

Mr. BAKER, by unanimous consent, introduced a bill (H. R. No. 4431) making appropriations to indemnify the Wyandotte tribe of Indians; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

IMMIGRATION OF CHINESE.

Mr. WILLIS, from the Committee on Education and Labor, reported back, without amendment, a resolution; which was read, as follows:

Whereas, on the 25th day of February, 1878, a resolution was unanimously reported to the House of Representatives requesting the President of the United States to open correspondence immediately with the governments of China and Great Britain, with a view of securing a change or abrogation of all stipulations in existing treaties which permit the unlimited immigration of the Chinese to the United States: Therefore,

Be it resolved, That the President be requested, if not incompatible with the public interests, to inform this House what steps have been taken in the direction indicated by said resolution, and also to communicate any other information upon this subject as he may deem proper.

Mr. WILLIS. This resolution is reported from the committee unanimously.

The resolution was adopted.

Mr. WILLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair, at the request of the gentleman from Maine, [Mr. LADD,] asks consent that Hon. Edmund Wilson, of the Maine Legislature, be allowed the privilege of the floor during his stay in the city.

Mr. PAGE. Which legislature? [Laughter.]

The SPEAKER. The Chair is not informed on that subject.

There being no objection, the request was granted.

The SPEAKER. The Chair, on behalf of the gentleman from Maryland, [Mr. TALBOTT,] asks the same privilege for Colonel D. K. McIntire, State's attorney of Maryland.

There being no objection, the request was granted.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. BLOUNT. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-seven minutes after twelve o'clock. The unfinished business is the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of circuit courts of the United States and regulating the removal of causes from State courts, and for other purposes, approved March 3, 1875. The gentleman from Massachusetts [Mr. ROBINSON] is entitled to the floor.

Mr. PAGE. Mr. Speaker, is it proper at this time to raise the question of consideration on this bill?

The SPEAKER. The gentleman from Massachusetts has been recognized and is on the floor. If he yields for the purpose, the question might be raised.

Mr. PAGE. My object was to have the House take up at once the consideration of the rules.

The SPEAKER. That business is out of the morning hour.

Mr. PAGE. Cannot that question be raised?

The SPEAKER. The rules are in Committee of the Whole. The morning hour is now begun; and as the business of the morning hour has been entered upon, and a gentleman is on the floor upon the pending bill, it is too late to raise the question unless the gentleman yields.

Mr. ROBINSON. I do not yield, because I am not so authorized by the committee that I represent.

The SPEAKER. The gentleman from Massachusetts will proceed.

Mr. ROBINSON. Mr. Speaker, I hesitate somewhat to ask the attention of the House to-day to remarks upon this bill because it has been discussed by so many gentlemen that possibly the whole ground has been covered and all the objections to it have been stated or suggested by the gentlemen who have already addressed the House. I know that it is very difficult to secure the attention of this House when a debate has run for some days in the morning hour; but, Mr. Speaker, it becomes my duty to say some things different from the views uttered by gentlemen who have preceded me; and I could not, in justice to myself, be silent under such circumstances.

I agree, I say, at the outset, with many of the features of the proposed bill. I think it wise to turn back somewhat toward the legislation of 1789, founded on the constitutional provisions. I agree with many gentlemen there are provisions in the act of 1875 which are not called for at the present time; and I trust the future is far distant when the condition of the country will require their enforcement.

I shall not touch much at length on points which have been elaborated, and points in which I agree. I say at once that the right of removal of causes ought to be restricted as it is in this bill, mainly, to the defendant. I say that the plaintiff should not have, under ordinary circumstances, a right to elect his forum in a State, and afterward, when he finds defeat is hanging over him, at the last moment, to change his forum and take the United States court instead. It is wise to strike out that privilege for the plaintiff.

Again, I do not quite agree with the gentleman from Illinois [Mr. BARBER] who spoke yesterday in objection to the clause relating to promissory notes. If we enact the bill as it stands now, with that provision in it, we shall have returned to the law as it was before 1875, as it has been from 1789 down to 1875, and I agree that ought to be done. If we in ninety years of experience, under that legislation, found no practical difficulty, certainly I cannot see that in the experience of the last five years we have had justification for that departure from the old way.

I may as well say here that as this bill does not touch in general terms the powers given to the circuit courts in regard to patents, copyrights, civil rights, elective franchise, or criminal prosecutions, I dismiss those features without comment, having no desire to take up the time of the House unnecessarily. But there are two other features in the bill to which I cannot give my approval, for which I cannot vote. I shall speak of them in order. In the first place the clause raising the limit of jurisdiction from $500 to $2,000. That has not been commented on at length. The proposition is to change the law as it has been from 1789 to the present time. To this very day and hour the limit is $500. Up to this time, through all the excitements consequent upon the war, upon the conflict of interests involved in the varied industries and business of this country, we have gone on under that rule, and we have come out of the darkness into the light of prosperity and success, and are on the onward march. There is no demand, then, that we should go up from $500 to $2,000.

Gentlemen will understand that it will not affect the number of causes which will come into the Supreme Court of the United States, because that right is limited by another statute, which fixes the amount at $5,000. So with regard to the flow of business from the circuit court into the Supreme Court, it is utterly immaterial whether the amount fixed in the circuit court shall be $500 or $2,000, because neither one of itself gives the right of transfer to the Supreme Court. There can be no discussion about that.

And, on this question, what is the demand we should raise the limit from $500 to $2,000? What reason has been given for it in this debate? Said the gentleman from Texas [Mr. CULBERSON] who opened this debate, in speaking of the clause in regard to promissory notes:

The enlargement of the jurisdiction of those courts by the exception contained in the act of 1875 has operated to increase largely the business of the circuit and Supreme Courts of the United States, and no subject of litigation has contributed more to swell and overload the dockets of the courts than the jurisdiction over negotiable instruments held by assignees. This supply of business should be cut off and the holders of such evidences of debt remitted to the courts of the States, which now have concurrent jurisdiction.

And now mark these words, Mr. Speaker:

I do not think, Mr. Speaker, that if Congress had been devising a method by which to block up business in the circuit courts, to increase the burdens and expenses of litigation and at the same time prepare an easy mode by which the gravest frauds could be practiced upon the jurisdiction of the courts, it could have adopted a more successful one.

And I agree with him. And what is the logical conclusion of that? It is this plainly, that when you have taken away the right to go into the circuit court of the United States as the assignee of a chose in action, except foreign bills of exchange, you have then swept down that great mass of causes which have been accumulating in the circuit court. You have removed the great bulk, you have gone back to the condition of things in 1875. Gentlemen should not lose sight of this condition of things.

These causes have been very numerous, they have been burdensome to the country, and made so by the litigation in the United States courts, and I only dwell longer to say I heartily agree in the provision to strike that out of the law of 1875. And I say that when we have struck that out we have the relief that it is said we ought to have by striking it out. Strike it out, says the gentleman, because that provision has burdened the courts. I say strike it out and the burden drops from the courts.

Right here I will refer to the criticism made by the gentleman from Indiana [Mr. BAKER] a few days ago. I do not see him now in his seat. I do not wish to misrepresent him.

A MEMBER. He is present.

Mr. ROBINSON. I wish to say something in regard to his proposed amendment that the limit should be in some way more sharply defined. I have no objection that the language should be made so clear that no one can err. But while he states that he has known cases in which actions have been brought in the circuit court of the United States upon notes of the value of $20 I must take issue with him. I cannot of course contradict his statement or question what he states to this House, but under the provisions of the law I fail to see how it can be accomplished.

Mr. BAKER rose.

Mr. ROBINSON. The gentleman will later have time to explain it.

Mr. BAKER rose.

Mr. ROBINSON. Not in my time. I will not be unfair with you.

Mr. BAKER. I trust I shall have some time to make some observations on that subject.

Mr. ROBINSON. If there is any abuse of this provision, if it be found that a party has removed a cause to the circuit court when he has no right to have it there, the gentleman and all other gentlemen know that the statute provides that the circuit court shall remand that cause.

Mr. BAKER. I said nothing about removal. I was talking about the institution of the suit originally in the Federal courts under the claim of $500 damages where the real cause of action as it finally turned out amounted to only twenty or twenty-five dollars.

Mr. ROBINSON. The gentleman will find provisions to meet those difficulties in the statutes—provisions giving the court power to impose costs; yes, double costs, and even terms in addition to that upon a party who brings his case wrongfully in the circuit court of the United States.

Now, we have considered this one point thus far, how the business of the court will be diminished by the removal of this one provision from the act. Is there a demand we shall go further? Is there a demand that we shall have no United States courts that shall adjudicate upon the rights of parties, citizens of different States? I think not. Events are so fresh and so powerful in their instruction that it will not be found in this House that it has a standing here, that we are to dismiss the national power—dismiss the national courts and ignore their usefulness. We want to maintain them. We are here to-day with a Union more strongly cemented than ever before, and destined to be perpetual. That Union is not by the agreement of the States, but by the decree of the people of this great country, renewed, ratified, sanctified in the blood of the war. That is accomplished and with the United States court everywhere in this land I shall look in vain to find any gentleman rise and say he would banish them or shear them of their power. Nay, the lesson of the legislation in the last Congress and in this teaches us volumes as to the opinion of the people and the legislators here assembled. Why, in the Forty-fifth Congress we passed bills securing joint action, giving additional facilities in the United States courts, establishing new courts, making new districts, and divisions of districts—in how many States? Why, in Colorado, the District of Columbia, Florida, Indiana, Kansas, Michigan, Missouri, Nebraska, North Carolina, Ohio, and West Virginia. That in the Forty-fifth Congress, What is the record in the Forty-sixth? Gentlemen have only to consult the files of the House. Go to the Committee on the Judiciary and you will find there bills in the same direction for Ohio, Indiana, Louisiana, Iowa, Mississippi, Tennessee, Illinois, South Carolina, Texas, Kentucky, North Carolina, Missouri, New York, and Kansas. Does that legislation show that the people tire of the pressure of the national power and the authority of the Federal courts? While I would not divulge the secrets of the consultation of the committee-room, yet I feel that I may say to this House that in the discussions and testimony before us in regard to the establishment of a circuit court in a certain State in this Union it appeared that the people wanted the United States court there because they had more confidence in it than they had in their State courts. And I say further, so that the credit may go where it is due, that this was in one of the Southern States of this Union.

I like that evidence. That is very gratifying. With this legislation accomplished and proposed and with that feeling prevailing I receive any such expression as that with cordiality. Let us have then this recognition of the United States power, and let us see to it that we do not here strive to strip it of its authority.

I need not enlarge, perhaps, upon the value and the interest of the cases that range from $500 up to $2,000 as that was so well put by the gentleman from Illinois [Mr. BARBER] yesterday. Are we making a court bill that will only avail to persons who are worth $2,000? That is this bill. The people shall open the national courts; they shall pay for jurors and marshals and clerks and judges; they shall build court-houses here and there all over the broad land; you shall tax them for that burden; but this Congress undertakes to say that no man shall have the benefits of the judiciary of the United States—I speak in general terms—unless he has a cause of action that in value represents $2,000. From 1789 for ninety years down we have been satisfied to let the people go in and out our national courts of justice for the sum of $500. What wrong came to the people of this country from that?

Apply what I say now more particularly to natural persons, to individuals, and I think the force of the argument will be at once conceded. The other branch of the question I shall touch upon later. Take the loans of money that are made all over this country, and they are not alone from the East and the Middle States; they are made everywhere; transactions are growing up and multiplying every day that affect the entire community of the United States. Wrong, supremely wrong, is that man's view who thinks by this legislation he will only affect the State of Massachusetts, the State of Connecticut, the State of New York, and other of the old States of the East. Why, you gentlemen of the South will have transactions from $500 to $2,000, many of them, which you wish to have passed upon in the Federal courts of this country. You will be debarred whatever your cause of action. You gentlemen of the West, as I believe, in the vain dream to get some relief from what I think is a false delusion, are ready to throw down the benefits that you have under the provisions of the Constitution and the laws made in execution of the Constitution, and to cast the benefits of your trade and your commerce and your credit into oblivion, never to be regained.

There are, then, great questions involved in this bill. And I undertake to say, what is the experience of every man, that the individual who has only somewhere from $500 to $2,000 is a man who demands and should receive the protection of the United States courts quite as much as he who controls millions.

Mr. HAMMOND, of Georgia. Why limit it to $500?

Mr. ROBINSON. The gentleman asks me why I limit it to $500. I will reply by saying to him, why did our fathers limit it to $500? And I suppose that is the question he wants to ask me. There is no reason founded upon the Constitution. The Constitution says that the judicial power of the United States shall be vested in the Supreme Court and in such other inferior courts as Congress may establish. The Constitution further says that the judicial power shall extend to controversies between citizens of different States. That is the point here. When the founders of that Constitution, or many of them, met in the Congress of the United States, and when they gave us the act of 1789, for some reason, we know not why, they said it might be well to fix the limit at $500. There is nothing that I can find in the debates of the House of Representatives of that period that gives the reason; and there is nothing to be found in any report of the debates of the Senate, because the debates of the Senate were then had with closed doors and in secrecy.

Mr. HAMMOND, of Georgia. Would not your argument destroy all limit as to amount?

Mr. ROBINSON. No, sir. My argument is not that we should go from $500 down to $1, and the House of Representatives has misunderstood me if they thought I said so. What I say is this, that it is clearly within the constitutional power of Congress to provide that suits from $1 up between citizens of different States shall have cognizance in the Federal courts; and nobody will dispute that. From 1789 for ninety years the practice and experience of the country seemed to demonstrate the wisdom of the fathers in the legislation of 1789. I do not ask to go to the legitimate conclusion of distributing the power to the classes that have credits or demands of only a dollar. There is no stopping-place except in the discretion of Congress. This Congress has the discretion. I am not arguing the contrary, and gentlemen have not misunderstood me, I know. It is for us to say whether we think it wise and for the interest of the people that we should raise this limit from $500 to $2,000. That is what I am undertaking to meet. I say it is not wise; and if what I have said goes to sustain my assertion, I pass on, and leave it to other gentlemen to combat it. It is not that it is within the power of Congress merely, but that it is within its reasonable discretion as well, and I say no fact justifies the exercise of the discretion to give an enlarged limit.

Mr. WEAVER. Will the gentleman permit me to ask him a question?

Mr. ROBINSON. I do not like to yield, because my time is limited and I have a good deal more to say. I prefer that gentlemen should not take up my time.

Mr. WEAVER. I yielded to the gentleman when I had the floor, but I will not insist upon it.

Mr. ROBINSON. The gentleman was kind enough to yield to me, and I will now give one good turn for another, if his question is a short one.

Mr. WEAVER. Does not the gentleman see that at the time of the organization of the Government and the passage of the judiciary act of 1789, taking into consideration the population of the country and the relative amount of business, $500 was a proper limit and brought a limited number of suits into the courts, and that the rapid increase of population and increase of business since that time would overload the courts if the $500 limit was retained?

Mr. ROBINSON. That has been touched upon by the gentleman from Michigan, [Mr. WILLITS.] While perhaps it may be very easy for the gentleman to say that $2,000 now does not represent more than $500 represented some years ago——

Mr. WEAVER. I do not say that.

Mr. ROBINSON. In a certain sense that may be true. But I tell you that the man who has to-day but a thousand dollars, and wants his rights inquired into and determined, cares more about the $1,000 of his own than for the $1,000 that might have been in his grandfather's pocket. We must recollect that we are legislating for the people of to-day. Is it right and discreet that we should take away from the people of this country the privilege of going into the United States courts for the determination of suits involving sums between $500 and $2,000?

Mr. WEAVER. It is a necessity.

Mr. ROBINSON. I deny that it is a necessity, because when we have stricken out the provision in regard to promissory notes, the great bulk of causes will go out of the courts, as I have already argued. Again, we are multiplying United States courts and shall continue to do so as this country grows and prospers.

In regard to section 640 of the Revised Statutes, containing the provision in regard to corporations created by national laws, I will not dwell upon that at length, except to say that I can see no reason why a corporation created by authority of the United States should stand upon any better footing in this respect than any other corporation.

If a question arises under the Constitution or the laws of the United States, then that question should be interpreted and determined by the Supreme Court of the United States; and there are now many provisions of law for that purpose. I think that the amendment of the gentleman from Texas [Mr. CULBERSON] is substantially in the right direction; perhaps it is exactly so in terms.

If the limit is kept at $500, as applied to all parties litigant, I am very clear that section 640 of the Revised Statutes should be repealed, and I hope the House will take that position. If it is said that it will be exceedingly troublesome to try in the United States courts the suits of national corporations involving small amounts, such as the destruction of a few rods of fence or the loss or damage of some article of

property, then take away those cases and place those corporations on an equality with other suitors.

Right here it may be well for me to say that the criticism upon the action of the courts under the provision that allows an appeal to the Supreme Court when a question arises under the Constitution or the laws of the United States is not quite sound. Gentlemen will find by referring to 6 Otto, in the case cited yesterday by the gentleman from Missouri, [Mr. PHILIPS,] that the court says that only those questions can go to the Supreme Court which require the determination and construction of some provision of the Constitution of the United States or some law of the United States in order to arrive at a correct decision of the case. These corporations are not permitted to go there merely because they have been incorporated by authority of the United States.

I leave that branch of the subject, the question of the money limit, by asking gentlemen who hear me to consider for a moment that in this country the people are proportionately poor. Go into any State and you will find that the great mass of the people are utterly destitute of property. They pay a tax, if at all, upon the poll, and not upon property. If any of these persons shall accumulate the sum of $1,000 by dint of labor and saving, his right to that everywhere throughout this land should be secure.

I come now to the other provision of the bill, and in order that we may have it before the House I ask the Clerk to read that portion of the bill referring to corporations contained in the last clause of section 3.

The Clerk read as follows:

SEC. 3. That section 3 of said act be, and the same is hereby, amended so as to read as follows:

* * * * * * *

"That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State. Nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business, be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same States."

Mr. ROBINSON. I propose now to pass to the consideration of that feature of the bill which has just been read, and which is sometimes called the corporation clause of the bill. At the outset I must say that I cannot agree with some gentlemen who have stated that that is the great object to be accomplished. I cannot give that statement my assent and approval. Let us examine this question. In passing I want to say that the provision there does not save rights as to removal in pending suits or original actions. The gentleman in charge of the bill will, I presume, give proper consideration to this suggestion.

Again, it was not intended by the gentleman who offered this, as I understand, that corporations should be restricted as to suits for the enforcement of their rights under the patent or copyright laws. There can be no question that if this clause were adopted no corporation could go into the Federal court to enforce its rights under the patent or copyright laws, because this says "except as authorized by the provisions of this act," that is the act of 1875, which we are amending. Now the authority to go into the United States courts to enforce the patent and copyright laws is not found in the act of 1875, but in the Revised Statutes, section 629, clause 9.

Mr. NEW. That jurisdiction is exclusively in the circuit courts.

Mr. ROBINSON. Yes, sir; and we should not disturb it and for the reason that not only in the judgment of Congress heretofore but in the decisions of the Supreme Court there should prevail over this country one uniform line of decision and adjudication upon questions of this kind. I need not argue the matter. There are many cases in which corporations will become interested in patents and copyrights, and have rights under them.

Corporations have been held by the United States courts to be citizens of the States in which they are created. I need not read the decisions, because members of the House are familiar with this as a settled principle. In other words, to state it the other way, the court says that when a corporation comes into court the court will consider that cause as for or against the stockholders of that corporation, and for the purposes of jurisdiction they shall be conclusively presumed to be residents of the State in which the corporation was created. That is the position of the court. It has been the adjudication of the court from the earliest cases. I need not cite them. The same rule will apply to alien corporations; that is, corporations created in foreign countries—not only in foreign states, as we use the phrase.

The Constitution, in article 3, extends the judicial power to citizens of different States. Therefore, in its language and by the adjudication of the courts it extends its power to corporations, for they are citizens of the different States. Have they that right under the Constitution? It has been asserted, and is upheld by the Supreme Court, and of course it cannot be at the present time called in question.

If, then, the citizens of different States have this right in the United States courts—and when I say citizens, I use the term in view of the adjudications of the Supreme Court and include corporations—if the corporations of this country, then, have the same right as natural persons to go into the courts of the United States, is it within the power of Congress to take that right away from them? That is the question for our consideration. Can Congress deprive corporations of a right guaranteed to them by the Constitution as asserted and vindicated by the Supreme Court?

I wish to refer the House to an early case in 1 Wheaton, the case of Martin *vs.* Hunter, in which the court uses the following language:

Let this article be carefully weighed and considered. The language of this article throughout is manifestly designed to be mandatory upon the Legislature. Its obligatory force is so imperative that Congress could not, without a violation of its duty, have refused to carry it into operation. "The judicial power of the United States shall be vested" (not may be vested) "in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish." Could Congress have lawfully refused to create a Supreme Court, or vest in it constitutional jurisdiction?

* * * * * * *

The judicial power must therefore be vested in some court by Congress; and to suppose that it was not an obligation binding on them, but might, at their pleasure, be omitted or declined, is to suppose that, under the sanction of the Constitution, they might defeat the Constitution itself. A construction which would lead to such a result cannot be sound.

* * * * * * *

If, then, it is the duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language if imperative as to one part is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

Mr. TUCKER. From what does the gentleman read?

Mr. ROBINSON. From 1 Wheaton.

Mr. TUCKER. Whose opinion?

Mr. ROBINSON. The opinion of Judge Story; and if the gentleman wants other authority to the same effect he will find in the opinion of Chief-Justice Marshall, in Cohens *vs.* Virginia, 6 Wheaton, which I will not take time to read, a reiteration of the same doctrine.

I say, then, that those constitutional provisions give to the citizens of the different States their rights in the Federal courts. I say again it is not within the constitutional power of Congress to make discriminations as to citizens in this matter. It has been taken as settled that the corporations of the States for purposes of jurisdiction are citizens of the States in which they are created. If citizens, they have the rights of all other citizens; and Congress is bound to secure those rights by legislation.

Can you discriminate? Why, in the famous Dred Scott decision, the Supreme Court did discriminate, and said that a negro was not a citizen within the meaning of the Constitution, nor entitled to sue in the circuit court of the United States? The nation paused and held its breath, and never recovered itself until after the bloody strife of the war, when was put into the Constitution that guarantee that no such doctrine should ever be repeated in this country; and to-day it is impossible for any Supreme Court to make that discrimination again.

That, I believe, is the only discrimination against the citizen that was ever attempted. It took us years to correct it; it cost blood and treasure. That is well settled. I am discussing simply the question of jurisdiction, not any other provision of the Constitution.

Discriminate! Can this Congress, can you here? I think no one will claim it. Can you say here that the corporations, for instance, of the State of New York, created there and doing business there, shall not be citizens of New York, but shall be citizens of the various States wherever they may go and transact business? No, indeed. That is not within the power of this Congress. Can you say that I, a citizen of Massachusetts, shall not be a citizen of Massachusetts when I want to come to the United States court, but shall be a citizen of Louisiana, or it may be of Ohio, or it may be of Illinois? Certainly not. Can you say by your legislation that the State of Massachusetts, for instance, shall have no rights in the circuit court, that the citizens of Massachusetts shall have no rights in the circuit court? Why, not at all.

"Citizens," say the constitutions of the different States, and that, I am happy to say, includes the people of the State of Massachusetts. Then you will not attempt that. And so this bill does not limit and say that directly, but seeks to gain by indirection what it has not the courage and the power to do directly. That is what it tries to do. If gentlemen believe it is in the power of Congress to legislate citizenship out of the different individuals, whether natural or artificial, that is recognized under the Constitution, let them meet that question fairly.

If Congress can exclude the citizens of a locality, or the citizens of one color, or the citizens of one occupation, or the citizens of certain classes of wealth or industry, surely it can exclude any other citizens. If you can, in this bill and under our Constitution, declare that the citizens, or any portion of them, in this country, because they act in their corporate capacity, shall lose their rights in the Federal courts, it is but the next step to legislate that the man who is engaged in rolling iron, or in the manufacture of cotton or of woolen goods, or is a banker or "bloated bondholder," shall not have any rights in the Federal courts. There is no stop between them.

"Well, but this bill," it will be said, "does not declare that they shall not be citizens." And it may be said that this Congress certainly has the power to decline to exercise the whole of its jurisdiction; that the Supreme Court has recognized that as within the discretion and power of Congress. So the court has, but I ask you to observe that the court has never given any countenance, except in the case I have

referred to, that upon this matter of jurisdiction there may be any discrimination as to citizens. There may be a discrimination as to subject-matter, but not as to citizens.

The gentleman from Indiana [Mr. NEW] has cited Sheldon *vs.* Sill, 8 Howard, 441, and other cases, in justification, as he seems to believe, for the provision now under discussion. But all those cases are in point only to sustain the authority of Congress to exercise its discretion upon the subject-matter or amount in controversy, not to discriminate against any citizen. The distinction is very broad, and in recognition of it my argument is made. The opinions of courts have no binding force whatever, except upon the precise points in issue.

Corporations are citizens for all purposes under the Constitution and laws of the United States relating to the Federal courts, and as such have equal rights. It is not material in this consideration that they are declared not to be citizens under other clauses of the Constitution and for different purposes.

The SPEAKER *pro tempore*, (Mr. HARRIS, of Virginia, in the chair.) The gentleman's time has expired.

Mr. ROBINSON. I think not, Mr. Speaker; but that I am to take up the whole morning hour.

The SPEAKER *pro tempore*. The gentleman had twenty minutes yesterday and was entitled only to forty minutes this morning.

Mr. WILLITS. I hope by unanimous consent the gentleman will be permitted to proceed until he concludes his speech.

Mr. WAIT. I move that the gentleman be allowed to go on and finish his remarks.

Mr. ROBINSON. It will be agreeable, I think, to the gentleman from Kentucky who is to follow me, to begin to-morrow, rather than for the few minutes remaining of the morning hour.

Mr. TUCKER. I move that the gentleman be allowed to go on for the remainder of the morning hour.

Several MEMBERS. Go on; go on.

There was no objection, and it was ordered accordingly.

Mr. ROBINSON. Mr. Speaker, I am under obligation to the House for its courtesy, and I will not trespass on it. I was saying that this bill did not do its work directly, but sought to do it indirectly. What does this bill say? Not flatly and plainly, as some perhaps would have it, that these corporations shall forfeit their citizenship; but it says we will close the doors of the United States courts against this class of citizens. Is that any more manly? Is that any more honorable? Is that any more within the constitutional power of Congress? Shut your doors! We tore down the placard "no negroes here;" shall we now write over the vestibule "no corporations can be heard." Why, if you say the circuit court shall not consider the causes which may come from one class of citizens, you may go on to classify your litigation to suit the prevailing temper of Congress, and you may in this Congress provide the circuit court shall not hear a black man, and in the next place you may provide the black man may be heard but no gentleman from South Carolina shall be heard. I need not enlarge further. I have submitted the point with confidence in its soundness.

And I go further. Whether or not it is sound in law, it is eminently fair and wise in comity and statesmanship. Let us look at the status of this matter. What are corporations? Creations of States—local creatures born of the parent States. They have their home in the States of their creation, and they are hedged and bounded in their power by the territorial limits of the States creating them. Why, the gentleman from Iowa [Mr. WEAVER] wandered far when he said, the other day, in these words:

> Take for illustration a railroad corporation. It is organized, perhaps, under the law of Massachusetts. It stretches its iron arms westward until it reaches the Missouri River, passing through the great States of New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, and perhaps others. It enters these States, and by the right of eminent domain condemns the property of the citizen, proceeds to build and lay the foundation of a colossal fortune. It builds its road and occupies the territory, and proposes to occupy for all future time.

Why, Mr. Speaker, that is eloquence, but it is not law. I want to say, and the gentleman knows well, that no Massachusetts corporation can go into Iowa and exercise the right of eminent domain except with the authority of the great State of Iowa.

Mr. WEAVER. Let me make this remark. They do do it by indirection.

Mr. ROBINSON. I cannot yield.

Mr. WEAVER. It will not come out of your time, and the gentleman should not misrepresent me.

Mr. ROBINSON. It will come out of my time, as the morning hour has nearly expired.

No corporation, as we all know, can go outside of the limits of its State and enter another State, except by the authority of the State which it will enter, whatever may be its business. Eminent domain! Why, that is the high prerogative of the sovereignty of the State which holds the territory, and that State may, in its discretion, part with it or apportion it to such objects and purposes as commend themselves to its best judgment. So Legislatures give to great corporations organized for the public benefit, as the Legislatures believe, the right to take land. I need not defend railroad corporations; they have their defenders in this House. Gentlemen who have practiced at the bar for years as attorneys of corporations know that, sentiment aside, there are rights on one side as well as rights on the other. Railroad corporations! Why, you take the great lines across this country; take them as they come to this capital; take, for instance, the Philadelphia, Wilmington and Baltimore Railroad. Pennsylvania, Delaware, and Maryland all joined to give consolidation, force, and vigor to that corporation; and the State of Pennsylvania, by its supreme court, said in a case of that character that when the Legislatures of the different States had authorized a consolidation of that kind, it was not to be taken as an act of one State with the corporation alone, but was in the nature of a compact; and that the different States were bound to maintain that compact, not only with respect to the corporation but with respect to each other. You rejoice, some of you, in the great line that will take you to Chicago, if that will be effected by consolidation. The State of Iowa has but a single home corporation that crosses or runs within its border, I understand. And how came the great ones there? By the act of the Legislature of Iowa, by its consolidation statute, which said to the corporations approaching its borders, "Come, we want the convenience and the power and the facilities and value of your combined line."

It has been well said here that this country, however much some men may talk against the corporation power, cannot get along without associated capital. No individual alone can undertake these enterprises. No man would dare to risk his fortune in such great undertakings. The people, wherever they are, who have been living hundreds of miles out of the sound of the locomotive's shriek will always welcome the iron horse when he comes into their locality. Why, sir, in these discussions about United States courts, how ready gentlemen have been to tell us how many railroads they have running to this and that town, and how the people are benefited and the courts accommodated!

I pass on. Savings-banks and trust companies are organized in many of the States. They are authorized to loan their funds, many of them, outside of the borders of the State in which they exist. That is not so in Massachusetts, but it is so in many States. Are savings-banks rich corporations? They are the trust companies, the trust establishments of the poor people of the States. You examine their accounts, and you find them, from $1 up to $1,000, composed of the slow and painful earnings of the people in the shops and the mills or on the farms of the States that have fostered those institutions. Suppose they lend their funds in the West or the South; suppose they lend them in New York or elsewhere; I say they ought to have the rights of the citizens who have saved their money and intrusted them to the officers of those corporations. In nearly all cases the officers of those corporations serve without pay.

But there are foreign insurance companies; gentleman say, they are the trouble. Well, let us see. Is that real or is it fancied? How come the foreign insurance companies in any State? I mean the foreign insurance companies of this country, foreign as to the State in which they do business. Unless a State by express act or by implied recognition allows an insurance company to do business within its borders it has no right there—I mean a foreign insurance company. The States have regulated that. Ohio has its law; Indiana has its law; Wisconsin, Michigan, Massachusetts, New York, Connecticut, and nearly all the other States make provisions for those corporations to come. They provide that they shall come in and make certain deposits; that they shall have an agent upon whom process shall be served; they make such provisions as they choose, and the corporation must abide by those conditions, provided that they are not repugnant to the Constitution and laws of the United States. When the State of Wisconsin exacted from a foreign insurance company as a condition of its doing business in that State an agreement that it would not remove any cause to the circuit court of the United States the Supreme Court of the United States put its hand on that legislation and said, that is repugnant to the Constitution and laws of the United States and the company may remove its cause. I refer to 20 Wall., 445, Home Insurance Company *vs.* Morse. But when the same State of Wisconsin, as the next step, revoked the license of a foreign insurance company for a similar act and that question came to the Supreme Court of the United States, the court said, Wisconsin has the power to give license and she has the power to revoke it. I cite Doyle *vs.* Continental Insurance Company, 4 Otto, 535.

Other States, as Missouri, have attempted legislation perhaps more dangerous. Indiana has gone a step further. Less than a year ago, in March last, the State of Indiana passed a law in which it provided that if a foreign insurance company shall remove a cause from the State court into the Federal court under the United States Constitution and laws it shall forfeit its right to its real estate and to its liens and to its contracts, and that the contract, while not binding upon the individual unless he chooses to have it, shall be binding upon the corporation. That is Indiana legislation in this same line. The act is as follows:

> An act touching foreign corporations, and providing that certain acts thereof shall work forfeiture.
>
> [Approved March 15, 1879.]
>
> SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That every foreign corporation now doing or transacting, or that shall hereafter do or transact any business in this State, or acquire any right, title, interest in, or lien upon real estate in this State, that shall transfer or cause to be transferred from any court of this State to any court of the United States, save by regular course of appeal, after trial in the State courts, any action commenced by or against such corporation in any court of this State, by or against any citizen or resident thereof, or that shall commence in any court of the United States in this State on any contract made in this State, or liability accrued therein, any suit or action against any citizen or resident of the State of Indiana, shall thereby forfeit all right and au-

thority to do or transact business in this State, or hold real property or liens thereon, and all contracts between such corporations and citizens, or residents of this State, made after the passage of this act, shall be rendered void, as in favor of such corporation, but enforceable by such citizen at his election.

SEC. 2. The provisions of this act shall be, and the same are hereby, made conditions upon which such corporations may be authorized to do business in this State, or hold title to or liens on real estate therein.

SEC. 3. There being now no law of this State covering the provisions of this act, therefore an emergency exists, and the same shall be in force from and after its passage.

The Legislature of Indiana considered there was such a public emergency that they had that act by its terms take effect on its passage. The very instant the governor of the great State of Indiana wrote his sign-manual upon that act every corporation from another State doing business in Indiana was subject to that legislation. Is it constitutional? I think not. And is there any cause for wonder that any attempt to remit citizens of other States to the courts of Indiana controlled by the sentiments and policy expressed in such legislation is viewed with alarm?

I have only to say a word or two further and then I will close. I have said the States may exclude corporations. We all know that. And with such power in the States let their Legislatures exercise it as they may deem best. Surely Congress should not, by any policy that is unwise or unsound, attempt to impose conditions or restrictions that the States do not establish. Again, money may be loaned the towns and cities and counties throughout this country. And is it not fresh in your recollection that a good many of your towns and cities have seen fit to deny the obligation of loans made to them? And was it not best and right that the citizen of another State, natural or artificial, whether from the West, the South, or the East, should have the right to go into the United States court to try the question whether a certain county should pay its debts rather than go into the courts of that county? This bill says if you lend money to the town or city or county, and you are a non-resident of that State and a corporation, you shall seek your remedy against the town or city or county in its own court at the hands of its own people, who are to pay the taxes and take the law from the judges who sit on the bench elected by the votes of the people who pay the taxes, voted for generally by the defendants in the cases, and who expect to be elected next time, sometimes because they make this decision or the other that may suit the popular whim.

I will not apply that to the West only. In all parts of the country there occur times of excitement. You say that if a corporation shall go into a State to do business, let it abide by the law of the people where it seeks to do business. Yes, gentlemen, in times of peace and harmony and when there is no prejudice or excitement. But no State is always free from that. Massachusetts has had its periods of jealousy and prejudice; and there have been times in my recollection when some gentlemen of the South, if they belonged to incorporated companies, could not have gone to Massachusetts and submitted their cases to the State juries and obtained the judgments that they ought to have obtained on the law and the facts.

And in the West there have been granger laws and granger excitements that have led people to commit enormities in legislation and extravagances in practice; and in the South—why, sir, history is too full for me to particularize.

Capital is needed to restore the waste places of the South and to build up the undeveloped West; it must flow largely from the older States of the East and from foreign lands. But it will not be risked in the perils of sectional bitterness, narrow prejudices, or local indifference to integrity and honor.

I say, then, let us stand by the national courts; let us preserve their power. Let us take out of those courts the causes of litigation that have multiplied and burdened the court and weighed it down, so that it may transact its business. But let us stand upon the legislation which the country has prospered under, which it has approved by its ninety years of life. Let us give our Constitution that construction which the fathers gave it that we may indeed be not merely a community of States. Let us no more in practice talk of State rights as against the power of the Government or against the rights of the citizens of the nation. Let us have a national power, national rights; and let us have individual interests and rights recognized under the Constitution and the laws of this great Government.

I am under great obligations to the House for its kind attention.

APPROVAL OF BILLS.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced he had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 325) for the erection of a public building at Danville, Virginia;

An act (H. R. No. 2188) for the relief of Thomas Kearney;

An act (H. R. No. 3497) to provide for deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives;

A joint resolution (H. R. No. 93) for printing the American Ephemeris and Nautical Almanac; and

A joint resolution (H. R. No. 163) authorizing the Secretary of War to expend a sum of money heretofore appropriated for the erection of a storehouse and depot building at the city of Omaha, in the State of Nebraska.

ORDER OF BUSINESS.

Mr. BLACKBURN. Has the morning hour expired?

The SPEAKER *pro tempore*, (Mr. HARRIS, of Virginia.) It has.

Mr. BLACKBURN. Then I move that the House go into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. WELLS. I desire to report from the Committee on Appropriations a deficiency Indian appropriation bill for consideration at this time.

Mr. BLACKRURN. I would make no objection to it if it did not give rise to debate.

Mr. HAYES. I call for the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the question is on the motion of the gentleman from Kentucky [Mr. BLACKBURN] to go into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. WELLS. Then I ask to report this bill to be printed and recommitted.

Mr. BLACKBURN. I have no objection to that.

INDIAN DEFICIENCY APPROPRIATION BILL.

Mr. WELLS, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

REVISION OF THE RULES.

Mr. BLACKBURN. I now insist upon my motion to go into Committee of the Whole upon the report of the Committee on Rules.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CARLISLE in the chair.

The pending provision of the rules was the following:

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on the final passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or special committee; and a motion to lie upon the table shall be in order on the second and third reading of a bill.

Mr. HAWLEY. I wish to suggest merely a verbal correction in accordance with one which we have already made in a previous rule. It is in the last sentence of clause 1 of Rule XVII, to strike out the word "lie" and insert the word "lay;" so that it will read: "a motion to lay upon the table," &c.

Mr. BLACKBURN. I do not believe the amendment is proper or defensible in grammar. But I will say again to the gentleman from Connecticut [Mr. HAWLEY] that so long as he confines himself to such small amendments I have no objection; let him go on.

Mr. HAWLEY. I beg leave to say that I have allowed to pass unnoticed many expressions in the gentleman's report that are objectionable grammatically. I do not make this amendment in a captious spirit at all. If the gentleman had been an editor and a proof-reader as long as I have he would have got over any tenderness of feeling in regard to such correction. Twenty years ago I had a hide as thick as that of a rhinoceros on that subject. I could write as carefully as I pleased and put what I wrote into the hands of the best compositors, and the next day I would find errors in it.

I will call the gentleman's attention to this illustration: some years ago the University of Glasgow undertook to print an edition of some Greek classic, and day after day a page of the work was publicly posted on the university grounds, with a reward offered for the discovery of an error therein. After the edition had been published, and many pounds paid by way of rewards for errors, it was found that there was a gross error on the title-page.

I make these corrections in no spirit of captiousness, I repeat, but only in order that we may have as little bad English in the rules as possible—that we may avoid what has occurred heretofore, the reference to this identical error as one of the ridiculous vulgarisms in language that have occasionally crept into high places.

Mr. BLACKBURN. I am trying not to avoid the gentleman's amendments, for they are too small to be objectionable, but to avoid his speeches. I do not think he is correct as a matter of grammar. Such authorities as Cushing and others on parliamentary law for a hundred years past are at variance with him. But I am not disposed to cavil about or to stickle upon such things. I am not a proof-reader, and the gentleman may be correct in this little matter.

The amendment of Mr. HAWLEY was then agreed to.

The Clerk resumed the reading, and read as follows:

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XVIII.

RECONSIDERATION.

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

RULE XIX.

OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

RULE XXI.

ON BILLS.

1. Bills and joint resolutions introduced for reference and those reported by committees without such introduction shall be read a first time by their titles and printed, the second time in full, the third time by their titles, unless the reading in full shall be demanded by a member.

Mr. BLACKBURN. I offer the following as a substitute for the first clause of Rule XXI:

Every bill and joint resolution shall receive three readings before its passage, which shall be as follows: The first reading by title on its introduction for reference, or being an original bill on its report from a committee for commitment, or by unanimous consent for present action; the second reading in full; and the third reading by its title, unless the reading in full shall be demanded by a member.

Mr. FRYE. Does the gentleman offer this amendment by authority of the Committee on Rules?

Mr. BLACKBURN. The committee agreed to this, except possibly as to one point, upon which there was probably some dissent on the part of one member of the committee; that was in reference to the second reading of a bill being in full. I do not understand that there is any objection upon the part of any member of the committee to this amendment; and, if not, then it is offered by the authority and direction of the committee.

Mr. CANNON, of Illinois. I suppose the second reading in full under the proposed amendment can be dispensed with by unanimous consent.

Mr. BLACKBURN. Yes, sir.

Mr. CANNON, of Illinois. The amendment speaks of dispensing with the third reading by unanimous consent, but it does not speak of dispensing with the second reading by unanimous consent. This is the reason I made the inquiry.

Mr. BLACKBURN. I will say to the gentleman from Illinois that it is not the purpose of this rule to restrict the right of any member to demand the reading of any bill in full upon its passage after it shall have been engrossed. This simply waives the necessity of a demand for the full reading of the bill prior to its engrossment; and after its engrossment it will be in the power of any member to call for the reading of the bill in full.

The amendment was agreed to.

The Clerk read as follows:

2. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

Mr. WHITE. I move to amend by inserting after the clause just read the following, to come in as clause 3:

The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different departments of the Government and interest on the public debt. All other appropriations shall be made by bills containing only items of appropriation relating to the subject-matter of the bill.

Mr. Chairman, this is substantially the amendment which I offered during the consideration of the eleventh rule, when we had reached the clause defining the duties of the Appropriations Committee. At the suggestion of my colleague, the Speaker of the House, I withdrew it then to offer it at this time. This is the proper place, I apprehend, to offer it.

Mr. BLACKBURN. Does the gentleman from Pennsylvania offer this as a substitute for the third clause?

Mr. WHITE. No, sir; I offer this as an independent clause to come in ahead of the present third clause. If this amendment should prevail, it will be prudent to amend the present third clause by striking from it that portion which provides—

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, Mr. Chairman, this proposition clearly and distinctly raises before the House the issue, is it proper to put general legislation on appropriation bills? If this amendment prevails it will be hereafter impossible, certainly irregular, for the Committee on Appropriations to report in an appropriation bill any proposition for a change of existing laws. It will also be out of order for any amendment changing existing law to be received upon the consideration of an appropriation bill. In a word, it clearly and distinctly confines the Appropriations Committee and the appropriation bills of this House to the appropriation of public money to carry on the different departments of the Government. If this is made the rule it will be impossible to have a recurrence of such debates as we had during the extra session of the present Congress. I think the amendment meets the necessities of the hour. Its wisdom should commend it to the approval of all fair-minded men in this body.

There are no politics whatever in the amendment. Both parties in the past history of the Government have offended (if it is an offense) by proposing changes of existing law upon appropriation bills. All parties which have had at different times control of legislation have been alternately criticized for the practice of adding riders to appropriation bills. If this rule be now adopted it will be a new departure in a direction which I think the sentiment of the country demands. I call the attention of members from the different States to the fact that this amendment embodies, briefly and tersely expressed, provisions to be found in the recently adopted constitutions of many of the States. I think it is very similar to a provision in the new constitution of Illinois. It certainly is almost *in totidem verbis* the provision regulating appropriations as contained in the new constitution of Pennsylvania. This constitution met the approval of the popular will by a majority of some one hundred and fifty thousand votes. No feature of this constitution commended itself more to the people of our great State than this change of the manner of passing general appropriation bills. It is not necessary for me to argue what every gentleman is familiar with. This proposition clearly defines the issue between those who favor making appropriation bills the wager of battle for general and partisan legislation and those who oppose it. Let us see how it will end.

[Here the hammer fell.]

Mr. CONGER. Mr. Chairman, I rise to oppose this amendment. I oppose its insertion in the place where it is proposed to be inserted. When we reach the next paragraph I should be in favor of some provision of this kind. As I said on a former occasion, I desired when we should reach this subject to make some remarks in regard to the clause permitting legislation on appropriation bills. The whole history of Congress shows that no such power was ever claimed when a party had control of the three departments of the Government—the House, the Senate, and the executive—never.

My friend from Pennsylvania [Mr. WHITE] has referred to the provisions of many of the State constitutions. I wish to show how utterly inconsistent, under the leadership of our Speaker, (who is present, I believe,) have been the votes of all my southern friends in the adoption and enforcement of the provision now contained in our rules. Those who regard as of binding force the example of southern gentlemen in framing the constitution of the confederacy will bear in mind that that constitution contained a clause preventing legislation on appropriation bills. Those who adopted that constitution were uninfluenced by any desire to override any party or any people, uninfluenced by any desire to have an opportunity to slip in any legislation against the will of a portion of the House or against the will of the Senate or against the will of the President. I only refer to this because of the rebuke it carries with it to gentlemen who uphold the proposition now contained in our rules. The clause in the constitution of the confederacy to which I have referred was adopted as the solemn sentiment of gentlemen who now represent the South, and whom I from time to time in my innocent manner charge with carrying out so effectually the views of southern men in old times even up to the present.

Mr. ATKINS. There is one good thing, then, in the South.

Mr. CONGER. It is in direct opposition to the vote of every man in the South as to its expediency, as to its propriety, for when reporting their own constitution they adopted a provision prohibiting legislation on appropriation bills.

Mr. ATKINS. Circumstances alter cases.

Mr. CONGER. I say circumstances alter cases. This proposition never was made until it became necessary for the Speaker of this House to ask his southern friends from the late confederacy to change their entire views which they had embodied in a constitutional provision, change their entire course of action, and sustain him in a change of the rules, a change from that which had been the rule of this House, compelling his associates from the Confederate States service to violate their judgment as embodied in their own constitution——

Mr. RANDALL, (the Speaker.) Will the gentleman allow me a moment?

Mr. CONGER. After my five minutes are up. [Laughter.] I look upon that action of the Speaker of this House when he placed himself at the head of the whole confederate army in this House and compelled them to ignore the action of their wisest and best and follow in his lead—I say I look upon that as one of the greatest triumphs that a northern man ever gained over the confederate brigadier-generals of this House. [Laughter.] No member of this side of this House, sir, ever could have begun to influence these friends of the South so suddenly, so unitedly, so earnestly as to cast reproach, dis-

grace, and shame upon those of their friends, if not themselves, who had incorporated into the solemn instrument of organization of the southern confederacy a clause which prevented legislation even for the reduction of expenses upon their appropriation bills.

The CHAIRMAN. The gentleman's time has expired.

Mr. CONGER. Is my time quite up. [Laughter.]

The CHAIRMAN. It is.

Mr. CONGER. I have a word or two to say about the Speaker, but he knows my estimate of his power. [Laughter.]

Mr. RANDALL, (the Speaker.) The gentleman from Michigan is generally accurate and I wonder he is not so in reference to what he has just stated. I am not perhaps as familiar with the confederate constitution as he is; but, if I recollect aright, the constitution of the Confederate States contains no such clause as that which he alleges.

Mr. CONGER. I think it does.

Mr. RANDALL, (the Speaker.) I think not. The clause, as I recollect, in that constitution, gave to the president of the confederacy the right to veto any part of an appropriation bill.

A MEMBER. Any item.

Mr. RANDALL, (the Speaker.) Any item of an appropriation bill; but it did not restrict the confederate congress in any respect, as to what legislation should be placed upon appropriation bills. So that "noble army" he speaks of from the South as having battled for economy—and I join him in every commendation of their conduct—was not inconsistent when they assumed the position upon this floor in favor of legislation upon appropriation bills, in favor of retrenchment and reform. [Applause.]

Mr. CONGER. And if it should appear that was in the confederate constitution as I have stated it—I have it not here and I cannot refer to it—then the gentleman will agree he had the power to lead the whole army of southern men against their will.

Mr. RANDALL, (the Speaker.) I do not want to lead a better army than the army in the Forty-fourth Congress, first session, without regard to where they came from, which fought in defense of economy and reform. [Applause.]

Mr. CONGER. We all know that; we all know the pride with which the Speaker leads that army against the North and against the people.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I have no answer to make to that remark.

Mr. GOODE. I move to strike out the last word.

The CHAIRMAN. Inasmuch as this is a very important matter, unless some gentleman insists on it the Chair will not require these formal amendments to be made, and will endeavor to recognize gentlemen alternately—first, those for, and then those against—until such time as the committee sees proper to ask that the rules shall be strictly enforced.

Mr. GOODE. Mr. Chairman, we are not here now to make a constitution. Whatever may be in the constitution of the late Confederate States, I wish to call the attention of the gentleman from Michigan who has just spoken to the fact that the Constitution of the United States, under which we now live, provides that each House may determine the rules of its own proceeding for itself. And if the House of Representatives, in the adoption of its rules, shall determine that it is judicious and proper to ingraft general legislation upon an appropriation bill, then neither the Senate nor the President nor anybody else has the right to make any complaint or objection. It is a matter, sir, within the discretion of the House of Representatives, in which is vested the sole and exclusive power to originate money bills.

Now, Mr. Chairman, while I concede as a general proposition that it may be an unscientific method of legislation, yet I maintain that occasions may arise when the public liberties may be so seriously imperiled that the House of Representatives ought not to surrender this power and ought not to consent under any circumstances not to resort to its exercise. If bad and vicious legislation is fastened upon the statute-book which we are unable to repeal on account of the executive veto, then it is not only the right but in my judgment it is the duty of the House to stand and withhold the appropriations of money until——

Mr. ROBESON. Let me interrupt the gentleman for a mere question.

Mr. GOODE. We ought to withhold the money until we can obtain a redress of the grievances complained of.

Mr. ROBESON. I merely wish to ask the gentleman a single question in this connection.

Mr. GOODE. I have not time to yield to the gentleman.

Mr. ROBESON. I merely wish to ask the gentleman whether the House of Representatives have the right under any circumstances under the Constitution to usurp the rights of the Senate or of the Executive?

Mr. GOODE. No, sir; but under the Constitution the House may determine the rules of its own proceeding.

Mr. Chairman, there is no better teacher than experience. There is no safer criterion to judge of the future than by the past. And I ask any gentleman on this floor if we could ever have succeeded in incorporating the legislation which was incorporated in the appropriation bill during the first session of this Congress, to wit, that no money appropriated should be used for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force at the polls, if it had not been for the provisions of Rule 120? And does any man believe that we should have succeeded in forcing a repeal of those relics of war legislation—sections 801, 820, and 821 of the Revised Statutes, which practically excluded from the jury-box nearly all of the white people in eleven States of this Union, if it had not been for this same Rule 120? In my judgment, sir, that much-abused rule has not only been the means of enabling this Congress to save $30,000,000 of the people's money per annum in the expenditures of the Government, but it has been the bulwark behind which we have been able to keep the Army from the polls and to break down the barriers which excluded fair and impartial jurors from the jury-box. This is my judgment in regard to this rule, and I am not willing as a member of this House to have it repealed. It has enabled us to accomplish great and salutary measures of reform which entitle this House to the gratitude of the country; but we must not stop in the good work until we have secured the repeal of certain sections of the Revised Statutes which permit the presence of Federal marshals at the polls with power to interfere in the conduct of elections and arrest American citizens on suspicion with or without process of law.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, I must say that I am surprised to hear the language of the gentleman from Virginia, for no man knows better than he that the legislation to which he has alluded would have received general approval but for the forceful fashion in which it was tried to be put on in this House.

Mr. GOODE. We tried it time and again in separate bills.

Mr. REED. But I am sorry to see in the enumeration of the various benefits received from Rule 120 he has forgotten to enumerate that great benefit yet to accrue to the country from the actions which took place under that rule in the extra session, namely, the extirpation of the democratic party, which is to occur the next time the people of the United States have an opportunity to pass upon it. [Applause on the republican side.]

It gave the country a good opportunity to see what these gentlemen were so eager to do, and what they were disposed to do, and did do, when they had the power; and the result of the airing of the democratic party before the people of the United States is always of great interest and benefit to the country. Not only that, it is not only national but local. Wherever we can get a fair opportunity for a review of that collection of gentlemen, a good result has always followed for the country.

It seems to me bad this matter should be brought up and discussed upon such a basis. We are endeavoring to fix some rule for the government of the House, and we are endeavoring to do it upon principles which will hold not only for the present, but for all future time. I think if we have a mind to come to this question in a dispassionate and decent fashion we will be enabled to fix upon some rule, and that we shall be able to do it by a suitable amendment to this Rule 120. And when the time comes I purpose to offer an amendment to the third clause; of which I wish to give notice now to the House. It is to strike out from the third clause all after the word "order," in the sixth line, and insert the words "but it shall be in order to strike out any sum of money appropriated in a bill and insert a less sum."

That will give every opportunity for retrenchment and reform, and reduction of expenditures, and at the same time it will keep out these firebrands that prevent calm and dispassionate legislation. My objection to the proposition presented by the gentleman from Pennsylvania is, among other things, that it presents the idea that an appropriation is necessary in the general appropriations for the interest of the public debt; I believe that that is already provided for under our general appropriation laws.

Mr. SPEER. With the concurrence of the chairman of the Committee on Rules, I move that, as this is a very important subject, the committee rise for the purpose of extending the time for debate upon it.

Several MEMBERS. Oh, no.

Mr. BLACKBURN. I have no objection to that motion being made. I desire to say so far as the Committee on Rules is concerned it does not propose to put any limit on the debate on this rule to-day.

The CHAIRMAN. By a strict enforcement of the rule only five minutes would be allowed in favor of an amendment and five minutes against, but the debate can be extended by means of *pro forma* amendments.

Mr. GARFIELD. Allow me to suggest that for a time at least it seems to me it will facilitate the discussion of this matter if we could have the ten-minute rule instead of the five-minute rule prevail. That would allow a large number of gentlemen to speak, while five minutes is hardly enough in view of the importance of this question and the state of feeling upon it. I believe that if we should agree to adopt the ten-minute rule for to-day it would greatly facilitate the debate.

Mr. RANDALL, (the Speaker.) The House would have to do that, and in the House it could only be done by unanimous consent, for it vacates a rule.

Mr. GARFIELD. Could not unanimous consent be given without the committee rising?

Mr. BLACKBURN. It would require unanimous consent to be given in the House.

Mr. WARNER. In the present state of feeling this debate is likely to take about five hundred minutes, even if we proceed under the five-minute rule.

Mr. HAYES. Does the proposition of the gentleman from Ohio [Mr. GARFIELD] require unanimous consent?

The CHAIRMAN. As the proposition is to change the time allowed for debate, it would be necessary for the committee to rise, and in the House such an order could only be made by unanimous consent.

Mr. WHITE. It strikes me, Mr. Chairman, that the same thing could be accomplished by gentlemen rising and yielding their time to each other.

Mr. WARNER. From the indications, the debate will take three months under the five-minute rule.

Mr. SPEER. I desire now to offer the amendment of which I gave notice some days ago, as follows:

In Rule XXI, clause 3, strike out all after the word "except," and insert——

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the third clause of Rule XXI is not now under consideration. It has not been reached.

Mr. SPEER. I withdraw the amendment, then, until that clause is reached.

Mr. SPRINGER. When this question was before the committee for consideration a few days ago the gentleman from Ohio [Mr. GARFIELD] stated that Rule 120, permitting legislation on appropriation bills, was the rock upon which the democratic party had split. I do not know to what he referred, because the democratic party has not split upon anything. But is the placing of legislation upon appropriation bills unconstitutional or a departure from legislative precedents? Not at all. I want to call the attention of the House and of the country and of the honorable gentleman from Ohio to the fact that during the time when he occupied the responsible position of chairman of the Committee on Appropriations of this House in the Forty-second and Forty-third Congresses there were passed by Congress appropriation bills which contained, as I have computed them here, eighty-eight sections of new legislation upon such bills. You can scarcely find one appropriation bill reported to this House during the time the gentleman from Ohio was chairman of the Committee on Appropriations that did not have one or more sections upon it of general legislation. A gentleman near me suggests I should put the sections in my printed remarks. I would have to reproduce a large part of volumes 17 and 18 of the Statutes at Large of the United States in order to show the new legislation on appropriation bills reported and enacted while the honorable gentleman from Ohio was chairman of the Committee on Appropriations. It was during this time the practice to legislate upon the appropriation bills and many of the most important provisions of law enacted during the Congresses when the gentleman from Ohio occupied that position were placed upon those bills.

I call the attention of the committee to the following table of appropriation bills which passed during the Forty-second and Forty-third Congresses and to the sections thereof which contained new legislation:

New legislation on appropriation bills in the Forty-second and Forty-third Congresses, during which time Mr. Garfield was chairman of the Committee on Appropriations.

Department.	Date of acts.	Laws.		Number of sections.	Number of items of such legislation.
		Volume.	Page.		
Army	June 6, 1872	17	261	1, 2	2
Army	Mar. 3, 1873	17	545	1	1
Sundry civil	Mar. 3, 1873	17	530	1	1
Consular and diplomatic	May 22, 1872	17	143	1	1
Consular and diplomatic	Feb. 22, 1873	17	474	2, 3	2
Indian	May 29, 1872	17	189, 190	2, 4, 5, 7, 8	5
Indian	Feb. 14, 1873	17	462	2, 4, 5, 6, 7	5
Legislative, executive, and judicial	May 8, 1872	17	82, 83, 84, 85	2–13	12
Legislative, executive, and judicial	Mar. 3, 1873	17	508, 509	2, 4	2
Navy	Mar. 23, 1872	17	154	2	1
Navy	Mar. 3, 1873	17	556	1, 23	3
Post-Office	June 1, 1872	17	202	1, 6	6
Post-Office	Mar. 3, 1873	17	559	1	1
Army	June 16, 1874	18	75	2	1
Army	Mar. 3, 1875	18	455	2, 3	2
Sundry civil	June 23, 1874	18	230	4, 6	2
Sundry civil	Mar. 3, 1875	18	399, 400, 401	4, 5, 6, 7, 8, 9, 11, 12	8
Indian	June 22, 1874	18	176, 177, 178	3, 4, 6, 7, 9, 10, 12	7
Indian	Mar. 3, 1875	18	449, 450, 451	3, 4, 5, 6, 7, 8, 9, 10, 12	9
Legislative, executive, and judicial	June 20, 1874	18	109, 110, 111	2, 3, 4, 5	4
Post-Office	June 23, 1874	18	232, 233, 234	4, 5, 6, 7, 9, 11, 12, 13	8
Post-Office	Mar. 3, 1875	18	342, 343	2, 4, 5, 6, 7	5
Total					88

Mr. BLOUNT. I would like to ask the gentleman from Illinois if there was ever a time when such legislation was not put upon appropriation bills?

Mr. SPRINGER. There never was a time when such legislation was not put upon appropriation bills. And, so far as I am concerned, I assert here that it is a constitutional and righteous mode of legislation, and necessary in many cases; and that the propriety of such legislation is solely within the discretion of the House, and nobody outside of it, or inside of it, has the right to question our authority to legislate in any way we please.

If we give up this Rule 120 we give up one of the prerogatives of this House, secured to us by the Constitution, a prerogative which Mr. Madison believed was the greatest and most important to the representatives of the people which was embodied in our Constitution. I refer gentlemen to No. 58 of the Federalist, where Mr. Madison says:

The House of Representatives can not only refuse, but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that powerful instrument by which we behold, in the history of the British constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance, *and for carrying into effect every just and salutary measure.*

Mr. Madison, who has been appropriately styled the "Father of the Constitution," here informs us that the power of this House over the purse, the power of framing appropriation bills, is a complete weapon for securing "every just and salutary measure" of legislation. The amendment now under consideration would put it in the power of one member to defeat all legislation on appropriation bills, and to prevent any reduction of expenditures below what are now authorized by law, unless by a two-thirds vote on Mondays the rule could be suspended. We have no right to yield one of the most important powers of this House to the minority. I propose to adhere to Rule 120 as it is. No change is demanded by the people. As Representatives we have no right to surrender our trusts. We must exercise the functions of Representatives in the interest of the people who sent us here. We have the right to make our own rules and to legislate in any manner we may deem best. I deny that any harm has resulted to the people from the operation of Rule 120. I will not consent to its repeal. It is a salutary rule, strictly in accordance with the Constitution of the United States.

The right to legislate upon appropriation bills is one of the surest and most important bulwarks which we have for defending the rights and the liberties of the people. It was never discovered by the gentleman from Ohio [Mr. GARFIELD] that such was vicious legislation until Rule 120 was used by the majority of this House in the Forty-fourth Congress for securing a vast reduction of expenditures.

This rule has been used in the interest of the people to the extent of a reduction of public expenditures to the amount of $84,000,000 since the majority of this House passed under the control of members of the democratic party. We cannot surrender this power; we must not give it up. We must adhere to the rule as it is, for by it we have already saved many millions of dollars to the people, and if we adhere to it we will save millions more in the same way. Let us stand by this rule. It is the rule adopted by the democratic House of Representatives of the Forty-fourth Congress. We have adhered to it since that time; it has produced no bad results; but on the contrary it has secured many wise and salutary reforms and saved millions of dollars of the people's money.

[Here the hammer fell.]

Mr. WHITE. I rise to make a proposition.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. I desire to withdraw the amendment which I have offered to the second clause of Rule XXI, inasmuch as the gentleman from Georgia [Mr. SPEER] has given notice of his intention to offer an amendment to the next clause which will accomplish the same purpose. For that reason I withdraw my amendment.

Mr. GARFIELD. Allow me to suggest to gentlemen on the other side that we pass without further debate the second clause, so that we may proceed to consider clause 3 in this rule.

Mr. WHITE. I offered my amendment as a new clause, but withdraw it for the purpose of allowing the gentleman from Georgia [Mr. SPEER] to offer his amendment to the next clause.

The amendment of Mr. WHITE was accordingly withdrawn.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. SPEER. I move to amend the clause just read by striking out of the latter portion of it the words "except such as, being germane to the subject-matter of the bill shall retrench expenditures" and to insert in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

But it shall be in order to strike out any sum of money in an appropriation bill and to insert a less sum.

The latter portion of clause 3 as propo d to be amended was as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum.

Mr. SPEER. I think that amendment will accomplish the object which is sought to be attained by all of those who desire to see general legislation divorced from the general appropriation bills; and it will also accomplish fully the object of retrenching expenditures when necessary.

Mr. Chairman, in presenting the reasons why general legislation should be divorced from the unnatural union with the appropriation bills, I protest that I am not, in the slightest degree, influenced by partisan feeling. I take no interest in the inquiry who began to affix riders to the appropriation bills. I shall not remind the republican party of the vital legislation they have accomplished by these methods, nor is it necessary for me to occupy the attention of the House in defending the motives of my democratic brethren, their patriotism, or the purity of their purposes in the uses they have made of the same resources.

Sir, if it is possible, at any time, to rise above the sordid considerations of party, it should be in the discussion of rules for the permanent guidance and control of the business of legislation by this House. Mr. Chairman, all men of all parties, it seems to me, must agree that the practice of attaching positive laws on other subjects or on any subject to the money bills of this House is a practice which finds no legitimate parentage in the Constitution of this Government, and is fraught with mischief which at any time and when least expected may become irreparable. To abolish the practice would be a stride in the advancement of political science which would excite the interest and the admiration of every intelligent patriot in this country.

In the discussion of questions like this we are to some extent remitted to the discussion of elementary principles. The three coordinate departments of our Government are supported by the appropriation bills of the House of Representatives. Have gentlemen considered what the failure of these bills means? I do not mean a temporary failure; I do not mean a failure which can be cured by an extra session of Congress, or which can be tided over by the credit of the Government; but I mean a refusal on the part of the people's Representatives to grant the money necessary to sustain the Government. Sir, it means anarchy; it means the paralysis of every department of this Government; it means the repudiation of the national debt; it means the destruction of the judiciary; it means the abdication of the Executive; it means the dispersal of Congress. Whenever the Representatives of the people permanently and continuously refuse to vote the people's money to sustain the people's Government red-handed revolution or the iron grasp of despotism will seize upon and ravage the unprotected heritage of freemen.

Mr. ATKINS. Has any party ever done that?

Mr. SPEER. I decline to yield to the gentleman. I am not discussing this with regard to party now. It may be very easily demonstrated that the practice of riders on the appropriation bills may at any time eventuate in the refusal of the supplies. If there is one national characteristic of the American people which is strong and intense, it is a strong and intense party spirit. If this characteristic finds unbounded expression and demonstration anywhere, I say with profound deference to this imposing presence it is in the House of Representatives. Now, sir, let us do what it is not very difficult to do. Let us suppose that the two great parties of this House are divided on what they conceive to be a vital political question. Let us suppose that the measure in which this vital political difference presents itself is in a rider on the Post-Office appropriation bill. Let us suppose that the party which is in a majority in this House is in a minority in the Senate; or that the occupant of the presidential chair belongs to the minority school, the Post-Office bill for the support of the post-routes and post-offices and mail carriers of the great and complicated and beneficent postal system of the United States passes the House with the rider attached.

[Here the hammer fell.]

The CHAIRMAN. The five minutes' time to which the gentleman is entitled has expired.

Mr. HAYES. I will take the floor and yield my time to the gentleman from Georgia, [Mr. SPEER].

The CHAIRMAN. That will be done if there be no objection.

Mr. COFFROTH. I object. [Cries of "Oh, no!" "Oh, no!" from different parts of the House.]

The CHAIRMAN. Does the gentleman withdraw his objection?

Mr. COFFROTH. I do not.

Mr. HAYES. I hope the gentleman will withdraw his objection. It has been the custom here in discussing questions to allow that to be done.

Mr. COFFROTH. This discussion must stop at some time, and I propose to stand by the rule.

Mr. GARFIELD. Let somebody else speak in opposition to the amendment, and then the gentleman from Georgia can move an amendment to the amendment and speak on that.

Mr. MCMAHON. I do not see how that arrangement can be made under the rules.

The CHAIRMAN. The Chair, of course, in recognizing gentlemen will endeavor to conform to the rules.

Mr. BLOUNT. I appeal to the gentleman from Pennsylvania [Mr. COFFROTH] to withdraw his objection to my colleague's proceeding. There is nothing unusual in it; it has occurred in every session of every Congress.

Mr. SPEER. If the gentleman cannot bear to hear my argument, he can make his objection.

The CHAIRMAN. The Chair understands that the objection is not withdrawn.

Mr. SPEER subsequently obtained the floor, and concluded as follows:

When interrupted I was giving a hypothetical case of the effect of a rider of political legislation on the Post-Office appropriation bill. The Senate refuses to concur. On a committee of conference, both the Senate and the House decline to recede from their positions. Neither party desires to strike down the postal system. The political rider is the rock on which they split. They are conscientious, and they will not surrender their convictions. They are firm, and they will not abate a jot or tittle of their just demands. The closing hour of the session approaches. The session expires. Not a dollar is voted for the maintenance of that system which to-day is one of the greatest agencies of civilization on the earth, without which no modern nation can preserve its decency, and whose destruction will carry confusion and misery and distress into the home of every American citizen. Sir, it is the political rider that has done the work. Sir, is this contingency impossible? Is the picture fancifully drawn? What man among you is there who can lay his hand on his heart and, with the history of this country in his memory, say that the conjuncture which I have foreboded is either impossible or improbable?

Mr. Chairman, to place a measure of general legislation on an appropriation bill which must of necessity be passed deprives the Representative of all opportunity of criticism or of independent action with regard to that measure. How is it possible in the closing hours of a session for the Representative to make his notions of right and wrong effective, when if he votes against the general legislation he must of necessity vote against the entire appropriation? He must vote for the bill, or he may defeat the appropriation. He surrenders, may be, his judgment and his conscience, and votes for the bill with the rider attached. Or he votes against it, and is liable to have his motives misconstrued, and not improbably will incur the disapproval of others when perhaps he least deserves it. But, sir, it is not alone the independence of the Representative to which this practice is inimical, but it is aimed likewise, whether intentionally or not it matters not, at the independence of the other branch of Congress and at the independence of the Executive.

Sir, the most admirable feature of our most admirable system is the complete independence of its co-ordinate branches. It was said by Hamilton, in the Federalist, along with his honest, zealous, luminous, and masterly advocacy of the Constitution, "that no political truth is of greater value, or stamped with the authority of more enlightened patrons of liberty, than that the legislative, executive, and judicial departments ought to be separate and distinct, and that if this Constitution was justly chargeable with a mixture of these powers no further argument would be necessary to inspire a universal reprobation of the system."

Montesquieu, before the day of Hamilton, in his oracular treatise on this subject, had declared "there can be no liberty where the legislative and executive powers are united in the same person or body of magistrates, or if the power of judging be not separated from the legislative and executive powers."

Now, sir, does not the political rider destroy this independence? Is it not intended as a threat to the Senate and to the Executive? Does it not impliedly declare that the money shall not be forthcoming to sustain the Government unless the Senate and the Executive will accede to the demands of the House of Representatives? We have, within the past decade, been regaled with a great deal of eloquence in the discussion of measures of this character on the subject of parliamentary heroism. What does parliamentary heroism in this connection mean? It means, sir, to refuse to vote the money unless the Senate or the Executive shall conclude to coincide with the House of Representatives.

Now, sir, is not this an illegitimate exercise of our prerogative? Has not the Senate the same constitutional right to pronounce upon the merits of a measure that we have? Has not the President, with the power of the veto, functions just as important toward the enactment of law as Congress itself? And yet, though it is our imperative duty to sustain all the departments, when we send the Senate and the President an appropriation bill, with the proviso attached, it means that we will consent to support the Government, provided you, the Senate, or you, the President, will consent to agree with our proviso. This is usurpation. This is the aggrandizement of senatorial prerogatives and the veto power in the House of Representatives. But, sir, there is another most insidious effect which this species of legislation may have upon the independence of the executive and judicial departments of the Government. I am discussing this question abstractly; I am speaking impersonally. I mean the facility it gives to Congress to withhold the salaries of the officers of these departments beyond the period of payment fixed by the Constitution. It is useless for gentlemen of an optimistic turn of mind to deny the proposition that the control over a man's salary is very likely to be a control over his will. Human nature is pretty much the same thing it always has been. We have advanced but very little toward that state of perfectibility which was imagined by Plato while dreaming in the gardens of the academy. It was for this reason that the Constitution wisely provides that the President shall receive for his services a salary which

shall be paid at stated intervals, and shall neither be increased nor diminished during his term of office. In similar terms, it provides that the judges of the supreme and inferior courts shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office. The Constitution seeks to deprive Congress of the power of discretionary action with regard to the salaries of these officials.

Sir, I again cite the authority of Hamilton, whose splendid exposition of the Constitution cannot be too frequently or too carefully consulted by those who desire to place a patriotic and rightful interpretation upon that instrument. It is in the Federalist, in the seventy-third number, that he declares "the Legislature, with a discretionary power over the salary and emoluments of the Chief Magistrate, would render him as obsequious to their will as they might think proper to make him. They might in most cases either reduce him by famine or tempt him by largesses to surrender at discretion his judgment to their inclinations. There are men," he continues, "who could neither be distressed nor won into a sacrifice of their duty, but this stern virtue is the growth of few soils, and in the main it will be found that a power over a man's support is a power over his will. It is not competent for Congress to weaken the fortitude of the President by operating upon his necessities, nor corrupt his integrity by appealing to his avarice."

Sir, the same reasoning applies with equal force to the injurious effect on the independence of the judiciary, which a discretion to delay and refuse the salaries of the judges would occasion. But it will be contended that the political rider on the appropriation bill will not diminish the constitutional salaries of these officials. Sir, it will directly diminish such salaries. At best it postpones the payment. This deprives the President or the judge of the use and interest of his money, which is to diminish the salary. It does more. It violates that provision of the Constitution which declares that the salaries shall be paid at stated times. That is to say times which are to be fixed by law. To illustrate: the statutes now declare that the salary of the President shall be paid monthly. This was the law when he was inaugurated, and cannot lawfully and rightfully be changed so as to affect his salary during his term of office. In other words, he has an undeniable, vested right to monthly payments.

Now, sir, I ask what difference does it make to the rights of the President whether you postpone the payment of his salary until his term of office expires, or whether, because of a political rider on the appropriation bill about which you disagree, you do not vote the money to pay his salary until his term of office expires. To him the effect is the same. He is deprived of his money. The Constitution which sought to deny to the Legislature any control over the emoluments of the Chief Magistrate during his term of office is disregarded and nullified; and, dependent upon your caprice for a support, to recall the language of Hamilton, "you may reduce him by famine or tempt him by largesses to surrender his judgment to your inclinations." Sir, is it safe? Is it wise? Is it patriotic? Is it indicative of permanency and durability in our institutions when constitutional and fundamental distinctions are obliterated upon the merest pretext of the exigency of the moment, upon the most insufficient reason of party necessity?

Sir, gentlemen are fond of citing British precedents for the practice of refusing the supplies as a legitimate parliamentary resort. I should be delighted to hear the distinguished parliamentarians who so earnestly and zealously contend for the rider on the appropriation bills point out the analogy between the refusal of the British Parliament to vote a gratuity to a French sovereign to carry on one of his wars and the refusal of the American Congress to pay the men who have devoted the best years of their lives to the public service the compensation for their meritorious services. The cases are entirely dissimilar. When in British history, save in times of actual revolution, did this "parliamentary heroism" refuse to maintain every department of the government, from the chief-justice of the realm to the light-keeper on Eddystone Reef? The waves of party feeling have run as high in Great Britain as in America. They have submerged the lives and the reputations of the most illustrious patriots. They have dashed with all the fury which the whirlwind of passion could impart against the granitic foundation of that unwritten constitution. But, sir, the government was maintained in all of its usual functions; and though the eloquence of Pitt and Fox had lashed the public mind into a frenzy of sympathy, though the death grapple of Brougham and Canning made the world hold its breath, the British public were secure; they were confident; they did not question that their institutions would survive the struggle.

Sir, children yet unborn will pronounce blessings upon the Forty-sixth Congress of these United States, if by your wisdom you relieve the public mind from the possibility of apprehension that your institutions may be destroyed, your Government paralyzed, your departments disorganized, your armies disbanded, your fleets scattered like the Spanish armada, by withholding, from the excess of party spirit, the power to deprive this great Government of its usual, its legitimate, its necessary support. Sir, if gentlemen suppose that in this discussion of an abstract and yet a most practical question I have any allusion to the action of any party, they entirely mistake the scope of my remarks. I do not mean to say that any rider on any appropriation bill would have occasioned the consequences which I have depicted, but these are consequences which may ensue at any time, and this in itself is sufficient argument that the practice is to be deprecated, must be abandoned. Will it require any particular degree of fortitude or patriotism for gentlemen to support the reform which I advocate? I know that it will place it out of the power of the majority to repeal at present certain measures of political legislation which I most heartily desire should be blotted from the statute-book, but the good to be attained is worthy of that sacrifice.

Let us divorce general legislation from the appropriation bills. Let us enter up a decree of perpetual divorcement, and we will have given to the republican party, to the people, to history, and to the world a signal instance of what the Representatives of the American people are willing to do and to suffer in the cause of that free Government which was conveyed to them in title deeds indented with the good swords of their revolutionary sires. Sir, when the Continental Army, with unparalleled devotion to country and to liberty, had fought out the great battle of revolution which gave liberty to a continent and the hope of freedom to the world, in the hour of their final triumph insidious efforts were made to induce them to misuse the strength which had crowned their sacrificial struggles with victory. The poison worked rapidly, and the agitation of the troops was alarming. Washington, apprised of the designs of the mischievous advisers, appeared in a meeting of the general and field officers, and conjured them to adhere to the line of moderate counsels and patriotic duty.

By thus determining and thus acting—

Said he—

you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of your enemies, who are compelled to resort from open force to secret artifice; you will give one more signal proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings, and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind, "had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

Sir, under changed conditions this House may profit by the timely admonitions of Washington. The peace of the country, the regular discharge of all the functions of the Government, the confidence of our commercial and industrial interests, the quiet of the public mind, and above all, the supreme necessity of maintaining the Government, are so far superior to the importance of any mere party victory that reason will not brook hesitation, and patriotism but obeys the dictates of reason.

Sir, as no man can question the consistency of my opinions upon this subject, so no man should doubt the sincerity of my convictions or the patriotism of my motives. Sir, I reiterate that the political rider on the appropriation bill imports that the money to maintain this Government may be refused at any moment. Refuse the supplies, and your Government will be first palsied, then paralyzed; refuse the supplies, and the mariner, as he approaches your shores, will look in vain for the welcome ray of the light-house to warn him from hidden dangers or to direct him to the secure harbor and the placid roadstead; refuse the supplies, and thousands of families of innocent women and children who depend for their support on the good faith of the Government will suffer from hunger and penury; refuse the supplies, and in the absence of the gallant defenders of our border the vile peons and fierce banditti of Mexico will sweep across the frontier, and devastation and robbery, rapine and murder will mark the places once the happy homes of your citizens. Leave the Indian frontier unprotected, give unrestrained license to the cruel tribes of merciless and revengeful savages, even now with difficulty restrained by the mailed hand of the Government, and picture, if you can, the shapes of terror and despair which will sit for household gods upon the hearths of the people of your western borders. Refuse the supplies, and you shake the credit of the Government at home and abroad; you humiliate the American people; you shake the confidence of the world in the stability of our institutions; and instead of a secure, and peaceful, and prosperous country of refuge for the toiling subjects of despotism and victims of tyranny in the Old World, you will afford the spectacle of a decaying republic, a government torn by great and ambitious factions, and where power has usurped the prerogative of the law.

Sir, I do not arrogate to myself any love of country superior to those with whom I am associated. I am sure it is the proudest delight of the American citizen to dwell upon the marvelous future which it requires no prophetic eye to see is the inheritance of this great Union of States. There is but one danger ahead of us, and that is that we may be induced to take some departure from the Constitution. As long as we hold to this rock we are safe. There is no wave of popular commotion strong enough to sweep us down. Let us hold to the Constitution; let us support the Government; then, esteeming country superior to party; then on the plane of a common humanity, a common destiny, a common brotherhood, a common country, oblivious of the past, let us labor to protect the liberties, to increase the happiness of the Union, and to augment the prosperity of that goodly heritage with which Divine Providence has blessed the American people.

Mr. HAWLEY. Mr. Chairman, I shall try to continue this discussion in the good temper manifested by my friend from Georgia. I speak now utterly without regard to partisan views, and my argument will be chiefly historical.

Attention was called during the debates of the extra session last

summer to the existing rule of the British House of Lords which prevents "tacking," as the phrase there is, to appropriation or "supply" bills in the House of Commons, the express purpose of that rule being to protect the House of Lords in the exercise of its independent judgment. This question has not been without discussion and consideration in this country outside of this House, and long before either of the present political parties had in view any partisan purpose in connection with this question. I have collated references to the constitutions of all the States of the Union, and I will briefly refer to them.

Alabama in her constitution of 1865 provided that "each law shall embrace but one subject, which shall be described in the title." The constitution adopted by the same State in 1875 contains this provision:

Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes.

The constitution of Arkansas adopted in 1868 provided that—

No act shall embrace more than one subject, and that shall be embraced in its title.

The constitution of the same State adopted in 1874 provides—

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

The constitution of California adopted in 1849 (I have not the last one) declares—

Every law enacted by the Legislature shall embrace but one object.

Colorado in her constitution adopted in 1876 has provided—

No bill, except general appropriation bills, shall be passed containing but one subject, which shall be clearly expressed in its title.

And any such act is made void as to so much as is not expressed in its title.

The constitution of Connecticut, which was adopted in 1818, contains nothing on this subject.

Delaware by constitution adopted in 1831 provides that—

All bills for raising revenue shall originate in the house of representatives; * * * nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

Several of the State constitutions contain provisions of this character, which are equivalent to a prohibition of legislation on appropriation bills, because in the olden time many of the States did not, as some do not now, pass annual appropriation bills, but had standing laws under which the annual expenditures were made.

Florida in her Constitution of 1868 has declared—

Each law enacted in the Legislature shall embrace but one subject, and matters properly connected therewith, which subject shall be briefly expressed in the title.

The constitution of Georgia, adopted in 1865, contains the following:

Nor shall any law or ordinance be passed which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

The constitution of the same State, adopted in 1868, contains the same provision. The constitution of Illinois, adopted in 1870, provides:

No act hereafter passed shall embrace more than one subject, and that expressed in the title.

And an act is made void as to so much as is not expressed in the title. Indiana in her constitution of 1851 has declared:

Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title.

Any provision in violation of this is declared void.

The constitution of Iowa, adopted in 1857, contains the same provision as that I have just read from the constitution of Indiana. Kansas in her constitution of 1855 (and substantially in the constitutions of 1857, 1858, and 1859) provides:

Every act shall contain but one subject, which shall be clearly expressed in its title.

Kentucky, by her constitution of 1799, provides that revenue bills shall originate in the house, but the senate may amend, not introducing new matter not relating to raising revenue. Her constitution adopted in 1850 contains a similar provision.

A clause of the same kind is to be found in the constitutions of Louisiana, as adopted in 1812, 1845, 1852, and 1868. As to the last constitution of Louisiana I have no information. A similar provision is found in the constitution of Maine, adopted in 1820.

Now I call the attention of members, and especially of my friends from Maryland, to the constitution of that State adopted in 1776—a very good year. The section on this subject is a very strong one, giving the reason why legislation should not be contained in "money bills;" namely:

That the senate may be at full and perfect liberty to exercise their judgment in passing laws, and that they may not be compelled by the house of delegates either to reject a money bill which the emergency of affairs may require or to assent to some other act of legislation, in their conscience and judgment injurious to the public welfare, &c.

The house of delegates is forbidden to blend with bills to raise or apply money any matter not immediately relating thereto and necessary therefor.

The constitution of the same State adopted in 1851 declares:

Every law enacted by the Legislature shall embrace but one subject, and that shall be described in the title.

The constitutions of the same State adopted in 1864 and 1867 contain a similar provision.

Massachusetts retains her old constitution of 1780, which contains nothing directly on this subject, except the provision that money bills shall originate in the house and the senate may amend such bills.

The constitution of Michigan adopted in 1835 does not touch this subject; that of 1850 provides that:

No law shall embrace more than one subject, which shall be expressed in the title.

The constitution of Minnesota, adopted in 1857, and the constitutions of Mississippi, adopted in 1817, 1832, and 1868, contain no provisions on this subject. Missouri, in her constitution of 1865, has declared—

No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title.

It is provided that anything further than this shall be void. And a constitutional provision of 1875 is to the same effect.

Nebraska, by a constitutional provision adopted in 1866, and again in 1875, provided that—

No bill shall contain more than one subject, which shall be clearly expressed in the title.

The constitution of Nevada, adopted in 1864, contains the following:

Each law enacted by the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title.

New Hampshire, having no constitution of later date than 1792, has no provision on this subject.

I come now to the constitution of New Jersey, adopted in 1844, before these contests had begun. Hear this provision from the constitution of New Jersey:

To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one subject, and that shall be expressed in the title.

I next read from the constitution of New York, adopted in 1846:

No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title.

But although New York has no direct provision on this subject as to general legislation, her constitution allows the governor to veto one or more items in an appropriation bill, while approving other portions of the bill, thus enabling the executive to escape the compulsion of "tacking."

The constitution of North Carolina adopted in 1876 contains no provision on this subject. Ohio, in her constitution of 1851, has declared—

No bill shall contain more than one subject, which shall be clearly expressed in its title.

Oregon, in her constitution of 1857, has provided—

Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title.

Pennsylvania, by constitutional provision adopted in 1873, has declared—

No law shall be passed except by bill; and no bill shall be so altered or amended on its passage through either House as to change its original purpose.

No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title.

And furthermore, the governor shall have "power to disapprove of any item or items of any bill making appropriations of money making distinct items," the items so disapproved to be subject to the limitations prescribed for other bills vetoed.

Rhode Island, whose constitution was adopted in 1841, has no provision on this subject.

The constitutions adopted by South Carolina in 1865 and 1868 respectively contain the following:

Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

The constitution of Tennessee adopted in 1870 provides—

No bill shall become a law which embraces more than one subject, that subject to be embraced in the title.

Texas, by constitutions adopted respectively in 1866, 1868, and 1876, gives the governor power to veto separate items of appropriation bills while approving others, and he is allowed twenty days after the adjournment of the Legislature to decide upon approval or disapproval and make proclamation thereof. The constitution of 1876 also provides:

No bill (except general appropriation bills which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title.

And so much as is not thus expressed is to be void. I consider the constitutional provisions of Texas and Pennsylvania the best on the subject to be found in the Union, and they completely protect the several branches of their government from the tyranny of legislation in money bills.

The constitution of Vermont, adopted in 1793, contains nothing on this subject. Virginia, in her constitutions of 1850, 1864, and 1870, respectively, has provided that—

No law shall embrace more than one object, which shall be expressed in its title.

The constitution of West Virginia, adopted in 1861-'63, corresponds on this subject with that of old Virginia. The constitution of 1872 declares that—

No act hereafter passed shall embrace more than one object, and that shall be embraced in its title.

Anything further is declared to be void.

Wisconsin, by her constitution of 1848, provides merely that private or local bills shall contain one subject.

By this review it will be seen that the constitutions of twenty-five States imperatively forbid that bills shall embrace more than one subject. Some of them give emphatic reasons, such as republicans have urged here in debate. In some cases the provisions are minute and careful, and in some the governor is permitted to veto items or parts of appropriation bills while approving the remainder. Five constitutions, ranging between 1779 and 1780 and 1831, assert the same principle and aim at the same effect by giving the initiative in revenue bills to the lower house and forbidding the upper house to add any foreign matter. These may properly be included, so that we have thirty of the thirty-eight State constitutions, ranging in their years of birth from 1776 to 1876, under federal, democratic, whig, republican, and other party auspices, North and South, East and West, before, during, and since the rebellion, which give solemn and deliberate judgment against that oppressive and revolutionary combination of "money" or "supply" or "appropriation" bills with general legislation which the democratic party is seeking to maintain in the face of the wisest precedents in the history of modern parliamentary government.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I perfectly agree with my friend from Connecticut [Mr. HAWLEY] that we ought if possible to guard our appropriation bills against these extraneous matters. I know that all at once, on the other side of the House, since they are in a minority, there is an impulse to cut off all "riders" from appropriation bills. I applaud the diligence of the gentleman from Connecticut in making this collation of authorities. I made the same point at the extra session of this Congress, as will be found by reference to my speech of April 17, 1879; but I made one important reservation. While I would not encourage a loose construction of Rule 120, while I would not pile upon appropriation bills whole codes of legislation, I would nevertheless, under a fair ruling of the Speaker, use that rule for retrenchment. I would not, if I could help it, use it for other purposes except this: I would resort to "riders" for the purpose of repealing laws which had been enacted in the form of "riders." This is what I said at the extra session—to repeal a mischievous law by legislation upon an appropriation bill is by no means a similar case with its enactment. I would use this power in a negative way to strike down vicious legislation.

Rule 120 has served a noble purpose. It enabled the Committee on Appropriations in the first session of the Forty-fourth Congress to cut down the estimates from $65,000,465.77 to $40,430,172—a saving of $25,000,000. The House also under this rule made a reduction of nearly $26,000,000 upon the estimates, and a reduction of nearly $25,000,000 upon the appropriations of the year before. Thus at the lowest calculation we saved that Congress about $40,000,000 as claimed by the Speaker of this House and other gentlemen, basing their calculation upon tabular statements. Even on the other side of the House it was confessed—notably by the present governor of Ohio, Mr. Foster—that by this rule we had saved in our legislation during the Forty-fourth Congress $21,000,000 per annum.

Why did not gentlemen on the other side commence their saving after the war? Ten years after the war they had the opportunity had they followed democratic precedent to have saved over $200,000,000, and yet the gentleman from Maine [Mr. REED] talks about airing the democratic party. He says the country is all the better when it is aired. Why, Mr. Chairman, if airing the extravagance of the republican side of the House does it any harm we will keep on airing it. The people like economy. If we could have saved over $200,000,000 under this rule, let us stand by the rule, giving it a proper interpretation. If the gentleman wants to go before the people with such an exhibit, let him go.

He says with the hilarity which becomes such prophecies, when we go to the people we will be beaten. I do not know about that. I never crow until I am over or out of the woods. It would not be wise for the gentleman to talk about what will be the future. One thing is sure, however, and that is that out of the black mud of radical abomination there did arise economy, there did arise the lily of democracy. [Applause.]

Mr. SPEER. I will withdraw my amendment for the present and yield to the amendment of the gentleman from Alabama.

Mr. LOWE. I offer the following amendment as a proviso to the third paragraph, and ask that it be reported to the House.

The Clerk read as follows:

Provided, however, That no provision or amendment of a partisan character shall be in order.

Mr. LOWE. The rule, Mr. Chairman, under consideration, is fair on its face; it retrenches expenditures and favors economy. But, sir, the power it confers on the committee "to change existing law" is of a doubtful, if not dangerous character. It was used during the extra session, may I not say abused, to intrude politics into the appropriation bills; and to needlessly alarm and agitate the country. We all remember, indeed, sir, we can never forget, what a gust of passion arose in the House and swept over the nation. I am sure that none of us are willing to invite a recurrence of such scenes. I thought then as I think now—reflection confirms my opinion—that political riders on bills essential to the Government are unwise in practice, revolutionary in tendency, and contrary to the spirit and genius of the Constitution. They call in question the veto power, and attack the executive department. The President's right to veto a bill is, of course, as absolute as the right of Congress to pass it. It is an express grant of power. But Congress denies, in effect, this right when we force the Executive to exercise it with peril to his conscience or to his administration; when we place him in a dilemma, with the alternative to yield his political convictions or to stop the Government. In other words, sir, we virtually deny his right to veto.

The departments, Mr. Chairman, are co-ordinate branches of the Government, and under the organic law each is, of course, absolutely independent of the others. "This," in the language of Mr. Calhoun, "is the beautiful and profound system established by the Constitution." I speak, sir, as a democrat—a federalist. The whole current of authority sustains me. The preservation of the rights of the States, which are but the reserve powers of the people, has always been a cardinal doctrine of the democratic party. But not more so—not older in point of time, nor more sanctioned by reason and authority—than the doctrine of the limitations of the departments; the freedom of each from the others and the restriction of all to their exact duties under the Constitution. Indeed, sir, the rights of the States and the autonomy of the departments are connected as interdependent, constitutional questions. Under that system, fairly enforced, I am not afraid of the power of the Executive. Aside from other considerations, impeachment is an all-sufficient check upon him.

If danger shall threaten our institutions, it will not develop itself, I think, in that Department. The great Carolinian to whom I have already referred, in his luminous and exhaustive argument in favor of the veto power, enlarges upon its "conservative character" and "salutary, restraining influence;" upon its tendency to "soften sectional feeling and party spirit," and to bring out "a more full and perfect response from the voice of the people." Indeed, sir, Mr. Calhoun did not distrust, but rather sought to magnify the veto power. And this is true also of Mr. Jefferson. Although jealous and distrustful of all government, he had but little apprehension from "the one-man power" in this country. He feared at first the Federal judiciary, "the sappers and miners of the Constitution;" but subsequently, later in life, he expressed the gravest fears from "the turbulence and aggressions of the legislative department." This also was Mr. Madison's opinion, and shared to a large extent by Mr. Hamilton, Judge Marshall, and the earlier writers on our Government; and I may add that this is also the recent view of the venerable and illustrious author of "The War Between the States." I regret, sir, that my own humble observation and limited experience leads me to the same conclusion.

If danger ever assails our institutions from within the system, I fear it is more likely to come, and more dangerous when it does come, not from the veto, but from an oligarchy in Congress led away by party passion and inflamed with the lust of party power. We hold the discretionary authority, necessarily indefinite, to enforce express grants by "appropriate legislation." Nothing is more liable to perversion and abuse. And moreover, sir, we must consider that almost every encroachment by Congress tends to facilitate and open the way to aggressions from the other departments; increasing, for instance, the patronage of the Executive and enlarging the jurisdiction of the courts. I think, therefore, in view of these and other considerations, that the veto power imposed by the Constitution as a check on Congress is a wise and wholesome restraint. It should be preserved in all its constitutional vigor. The Executive himself is more liable to lose than to gain by its exercise; more likely, in the nature of things, to relinquish than to acquire power.

Mr. Chairman, I hold in my hand a valuable relic, preserved in the Library of the House, an original copy of the confederate constitution. This document—the wisdom of the South after eighty years' experience in the old Government—is a strong and pertinent authority to the point under present discussion. It enlarges the veto power. It gives the President the right to "approve any appropriation and to disapprove any other appropriation in the same bill." It embodies in an express provision the canon of parliamentary law we now seek to enforce. This certainly is good democratic authority, or used to be, for one side of this House; and must also commend itself to the republicans here as an advanced position of hostility to "coercing the Executive," or to "starving the Government." It obviates, in the outset, every possibility of conflict between the two departments. The House, moreover, has not forgotten that President Grant in his annual message in 1873 advised an amendment to the Federal Constitution very similar to the provision I have quoted from that of the confederacy. It seems that having captured that constitution in war he was wise enough to utilize it in peace.

Indeed, sir, his language and purpose seem to go as far if not farther in the line of executive power than was contemplated by the South. He recommends that the President be authorized to "approve so much of any measure of Congress as his judgment might dictate, without approving the whole;" not appropriations alone, but "any measure of Congress." And why not? It would allow the Executive, by his own veto, without the need of this rule, to protect himself and party, and would to that extent be an additional check upon Congress.

This, Mr. Chairman, has, of late years, been the general drift of public sentiment throughout the country. Identical provisions, or provisions very much to the same effect, may be found in all the

recently revised State constitutions—in those of Alabama, Arkansas, Illinois, Texas, Georgia, Louisiana, Maryland, Missouri, Nebraska, Ohio, Oregon, Pennsylvania, Virginia, and West Virginia; and also in the legislative enactments and parliamentary rules of a majority of the States. They are all designed, sir, and wisely designed, to preserve the executive from usurpations by the Legislature.

It may be remembered, sir, that during the extra session I moved to strike the rider from the Army appropriation bill, because I thought then, as I think now, that it was an encroachment by Congress upon the Executive. I sought in vain to save the House and the country from the evil results that have since accrued in the defeat of the democratic party and the triumph of the united North over the solid South on sectional and sentimental issues. I never doubted the honest but rather small economies of this rule. I never questioned the thrifty motives of the majority. I think I fully appreciated their position. In fact, sir, we were very well agreed on measures, but differed as to means. I opposed the so-called "army at the polls"—an imaginary, fictitious evil—and also "political oaths" and "partisan juries;" but neither then nor now, sir, would I seek to enforce my opposition by doubtful and absurdly inadequate methods.

To be candid, sir, we all know that the extra session was, at bottom, a party fight for power—a struggle for position in 1880 between a Congress of one party and an Executive of the other. The issues have passed away as if they had never been, coming and going at the instance of a few men in this House. But it may be well, in the calmness of this moment, to inquire what interest the people, the country at large, had in that struggle. If I am not greatly mistaken they had this interest, from first to last, whether of one side or the other, to keep each department within the prescribed limits of the Constitution and laws. The mere contest for party power seems over, but, sir, that paramount and abiding interest remains. That is the only concern I feel in the result of this debate and in the final action of the House.

Mr. Chairman, it is objected that my proviso gives whoever may be Speaker the right to judge what constitutes a "partisan amendment." I am aware of the apparent force of this objection. The power to decide is discretionary, and therefore indefinite; but I am reluctant to believe that any one chosen to the high position of Speaker would basely stultify himself before the House and the country. It will, of course, be a matter of personal judgment and conscience. But in the light of this contemporaneous debate, no honest mind could well doubt as to what is meant by an "amendment of a partisan character." But if by possibility any doubt should arise, we would not be remediless; we would have a remedy in an appeal to the House. And that remedy, under the circumstances, would be absolute and conclusive; for if the members voting on the appeal should actually divide on the lines of party, that fact of itself would ascertain the truth, vindicate the minority, and sustain the subsequent veto of the Executive.

But, sir, I am not wedded to my own proposition. I would gladly abandon it for something better. I should prefer to retain the economic features of the rule with my amendment as a proviso against perversion and abuse. But, if necessary to enforce the general views I have expressed, I will vote for the amendment of the gentleman from Pennsylvania, [Mr. CLYMER,] or for the amendment of the gentleman from Georgia, [Mr. SPEER,] and act outright with those who oppose all general legislation on these bills. I believe a majority of the committee desire to settle this vexed question now, as far as the rules can settle it. An amendment to the Constitution such as that adopted by the confederacy, or as that recommended by President Grant, would no doubt be the most efficient remedy; but in the absence of such provision I favor the next best thing that can be done by the House. I trust both sides will come to some agreement to abandon the vicious and dangerous practices which of late years, under both parties, have grown out of this rule, and to return to the normal and legitimate methods of legislation.

Mr. McLANE. Mr. Chairman, I rise to oppose the amendment and support the original rule. I am very much struck with the fact that all the opposition to this rule, although it develops the charge of partisanship against those who advocate it, I am struck by the fact—I say, that the whole spirit of the opposition to the rule is a partisan spirit. The rule itself is the rule of this House under the Constitution of the United States, and it might with perfect propriety allow all legislation on appropriation bills, so far as the Senate is concerned, and so far as the Executive is concerned. The Senate now do permit legislation on appropriation bills and nobody has ever contended that the rules of the two bodies ought to be uniform; or that we had any right to complain that the Senate permitted original legislation on appropriation bills, provided we of the House enjoyed our right to originate the title. This right to originate is our only constitutional right; that once settled, each House is left to its own discretion as to how it shall regulate itself in the details of legislation.

The truth is that all that can be said against the rule is against the administration of the rule. It is the abuse of the rule and not the rule itself; and gentlemen who now oppose the rule have throughout the whole history of this country, so far as its political organization is concerned, set the example of excessive abuse of the rule. The gentlemen on the other side of the House have for twenty years given the very construction to the rule which they now oppose. It is the abuse of the rule, and the abuse of the rule as developed by the republican party for the last twenty years, to which all criticism and reproach and all opposition should be directed. By the rule it is intended to have a sure rule for conservative legislation. The rule itself confines legislation to the objects authorized by law. It is, therefore, in its essence exactly what gentlemen on that side of the House say it ought to be. In so far as it has been extended beyond objects authorized by law, it confers a power to reduce expenditures authorized by law. There is nothing in the rule which justifies new legislation or increased expenditure. The gentleman from Georgia, [Mr. SPEER,] who was interrupted in his speech, had developed it just enough to make the point that this rule admits of riders to appropriation bills. It admits of no such thing. It is the abuse of the rule through which you reach riders; and those who encourage the gentleman from Georgia in his opposition are those who have most abused it and yet declaim against it. The rule itself confines legislation to objects authorized by law, and then confers upon this House the right to reduce all expenditures already authorized by law.

That the rule has been abused is an open secret; and I say, without fear of contradiction, that the abuse of this rule since it was made a rule has been all the time, until the Forty-fourth Congress, under the control of the other side of the House. We have had no opportunity to abuse it, and there is no necessity for any democrat to feel himself embarrassed by an allegation that he has abused this rule. The democratic party have not had power in this House for twenty years nearly prior to the Forty-fourth Congress. When the latter part of this rule was adopted they obtained power in that Congress, when this rule was modified and used to retrench expenditures.

In so far as it has been loosely construed by the democratic House, we have but followed the acknowledged established precedent of gentlemen on the other side of this House when the whole Government was controlled by the republican party. And it seems to me out of all reason that gentlemen should place their opposition upon an allegation so totally unfounded in fact as that which is alleged that these "riders" to appropriation bills are part of the policy of the democratic party. It will be well to adhere to the original rule, as modified in the Forty-fourth Congress, and to the policy of retrenchment and reform then inaugurated.

[Here the hammer fell.]

Mr. SPEER. I move as a substitute for the amendment of the gentleman from Alabama [Mr. LOWE] the following:

After the word "order," next to the last line, insert the words: "but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum."

Mr. SPEER took the floor and concluded his speech. [See page 854.]

Mr. BLOUNT. Mr. Chairman, my colleague [Mr. SPEER] unfortunately confines himself to a single illustration of the use of this rule, and bases his entire argument on that single condition of facts. The question is whether there shall be any change of this rule, and whether or not you shall legislate on an appropriation bill at all. That is the question. Gentlemen may attempt to devise language with great ingenuity, but when they come to put it into practice it will be found at last it is but the simple question whether we can legislate on appropriation bills.

My colleague suggests in his amendment we may legislate to reduce the amount. Suppose that be adopted, and you provide for reduction on appropriation bills of the compensation of postmasters, reducing the amount appropriated for their salaries? Suppose you reduce the amount to be paid to railroad companies? Suppose you provide for reduction in any branch of the public service? Now, will any gentleman undertake to say that this Government is not bound by the amount of compensation which the law prescribes, and not the amount voted in the appropriation bill? The result of such a course, in providing not for a change of the law, but simply as my colleague proposes for reducing the amount appropriated would create only a deficiency of appropriation which would have to be supplied afterward. The party whose compensation was reduced would come here and say, "Your law prescribes I shall have a certain salary for the discharge of the duties of the office which I hold, and you have not in the appropriation bill provided enough to pay that salary." That is the attitude in which we would be placed by the adoption of the amendment of my colleague; and if we should reduce the appropriations without changing the law, we should be constantly asked to pay claims for the balance of the amount due under the law.

Gentlemen on the other side suggest we should provide there should be no partisan legislation allowed on appropriation bills. What is partisan legislation? Has it any technical signification? How do we understand there is a party issue upon any proposition? That is to be developed hereafter when it is brought before the House for action. Differences cannot occur until the question has been presented.

Gentlemen may resort to all the ingenuity of which they are capable, and yet they come back at last to whether or not we shall legislate on appropriation bills. Let us see what we find there. My colleague from Georgia has supposed a case full of dire disaster as he thinks. The gentleman from Maine [Mr. REED] said the extra session, brought about by the unwisdom of the democratic party, was the result of just such legislation. Now, if the country condemns our action what better conservative force does he want. So far as my colleague's fears are concerned, I undertake to say the time will never come when this Government will perish by the failure to pass appropriation bills. No gentleman here believes it.

My colleague gave an instance from the post-office service. Let

me state to him that postmasters of this country, some of them, under an honest administration of the law, were getting salaries of $200. By a dishonest construction of that law, and by a false return and fraudulent sale of postage-stamps, those salaries were in some instances run up to three or four thousand dollars instead of what the law prescribed. There had been no legislation on it. When we came to consider the wants of the Government service we inserted legislation which saved on that item alone from eight hundred to nine hundred thousand dollars. And so in reference to railroads. In the Forty-fourth Congress we saved over a million of dollars in compensation to railroads. In the Forty-fifth Congress we saved still further by reducing the pay of railroads for transportation of mails to the extent of a half million of dollars by legislation, under this rule, on appropriation bills. Such items have been running for years and years through the appropriation bills, and I undertake to say that there has not been less than $100,000,000 saved to the people of this country by this kind of legislation. I hope this House, therefore, will not deny to itself the power that every preceding House of Representatives has possessed since the foundation of the Government. For one, I am willing to trust the representatives of the people.

[Here the hammer fell.]

Mr. TOWNSHEND, of Illinois. I move that the committee rise for the purpose of obtaining an order from the House to close debate upon this clause.

Mr. GARFIELD. Let us take a vote now.

Mr. TOWNSHEND, of Illinois. If the committee will agree to vote now I will withdraw my motion.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] is on the floor. After he has spoken the Chair will decide that further debate will not be in order.

Mr. HOOKER. Can the Chair decide that until an order is given by the House to close debate?

The CHAIRMAN. The Chair can decide that there cannot be further debate until a vote has been taken upon some one of the amendments.

Mr. TOWNSHEND, of Illinois. I withdraw the motion that the committee rise.

Mr. MILLS. I shall vote most cheerfully for the substitute offered by the gentleman from Georgia, [Mr. SPEER.] I voted in the Forty-fourth Congress, when the party on this side of the House came first into power, for the amendment to the rule which it is now sought to repeal. I have seen some beneficial results from that rule, and I have seen some injurious results from it. I will not now stop to draw a comparison between the good and the bad and sum up the balance of accounts. If it has been a good amendment to the rule, I think it has served out the period of its usefulness, and ought to be repealed.

I have two or three strong objections to that rule. Under the decisions of the Chair anything that is at all akin to the question before the House on an appropriation bill, if it reduces expenditure one farthing, is legitimate to be offered as an amendment. Now, I do not object to the power or privilege which this rule gives to the House of reducing an appropriation, for that is granted in the amendment of the gentleman from Georgia. But the part of the rule that I think is injurious to good legislation is that which authorizes the bringing in of every possible subject and placing it upon appropriation bills. It gives the Committee on Appropriations full sweep over the whole laws of the United States. It breaks down every barrier. It authorizes that committee to dictate every issue that is presented to the people of the United States. It matters not, sir, what may be the public opinion of the United States on any question; it is the party leaders of this House who have the bringing before the House the appropriation bills, and if they desire to thwart that public opinion, they have but to array their party upon this floor upon the question they may choose to make the issue and sound the bugle, and then the party is irrevocably committed to it.

Gentlemen speak of the great victories of retrenchment under this rule, but they fail to tell us where taxation upon the people has been reduced, and that is the very soul of retrenchment. I ask gentlemen to tell me where a farthing of taxation has been reduced under the influence of this rule. The people have been complaining of an unjust system of taxation ever since we have had control of this Government; and our party, when it went into the canvass in 1876, arraigned a system of collecting the customs revenue as one that took from the pockets of the laboring people of this country five dollars for every one that it carried into the Treasury. But gentlemen committed to that doctrine cannot point to one single solitary bill proposing to reduce that taxation which has been brought before the House with any hope of obtaining its passage.

It has been found that upon this single question of retrenchment of expenditures we have a united party, and hence it becomes necessary to save this one plank upon which a united party may stand. At the same time, the section from which I come is to be paraded before the people of the United States every time an appropriation bill is presented to this House, and blows must be dealt upon the heads of the people of that section in connection with the various measures proposed upon appropriation bills. If victory results from this, it is not for their benefit; but if defeat come, every friend withdraws from them, and all the blows fall solitary and alone upon their heads.

[Here the hammer fell.]

Mr. HOOKER rose.

Mr. HAYES. I desire to make a privileged motion. If we are not to get a vote at this time, I move that the committee rise for the purpose of obtaining an order from the House to close debate.

Mr. HOOKER. Can the gentleman make that motion while I am on the floor?

The CHAIRMAN. He cannot while the gentleman from Mississippi is on the floor.

Mr. GARFIELD. Is not debate exhausted on the pending amendments?

The CHAIRMAN. Debate has been exhausted upon the amendment offered by the gentleman from Alabama, [Mr. LOWE,] and also upon the substitute proposed by the gentleman from Georgia, [Mr. SPEER.] But the gentleman from Mississippi [Mr. HOOKER] has been recognized to move to strike out the last word of the substitute. Upon that amendment there may be two speeches, one in support of the amendment and one in reply.

Mr. GARFIELD. Is not that an amendment in the third degree?

Mr. HOOKER. It is not, according to the construction of the rule that has governed the committee heretofore.

The CHAIRMAN. The gentleman from Mississippi moves to amend the substitute—treating the substitute as an independent proposition. His amendment, therefore, is not an amendment in the third degree. The gentleman from Mississippi is entitled to the floor and will proceed.

Mr. HOOKER. In answer to what has fallen from the gentleman from Georgia [Mr. SPEER] in support of the substitute he has offered, and in answer to what has fallen from my friend from Texas, let me say that I think the committee had better possess itself of the rule which has been reported to the House and ascertain in what respect the substitute proposes to change it. I will not weary the committee by reading it. But I will state that the rule as now reported was adopted on the motion of a gentleman from Indiana who stood upon this floor as probably one of the soundest and most practical legislators that ever served the country on either side of this House—I allude to Mr. Holman, of Indiana. He was the author of this amendment as it now stands in the rules as they now are, and as it stands in the rules now reported by this committee. The object and purpose of it was to restrict the abuse which had been made by the republican party of the power to place riders upon appropriation bills; and this amendment offered by Mr. Holman and ingrafted upon the rules of the House in the Forty-fourth Congress, and now reported by the Committee on Rules, requires three conditions before there can be a change of law upon appropriation bills.

There must be three things: primarily there must be a proposition to change existing law; next, the subject-matter must be germane to the bill under consideration; and, thirdly, it must look to the reduction of expenditures. Therefore under the rule as it now exists, and under the rule as reported by the Committee on Rules, so far from the power of the Appropriations Committee being enlarged by the amendment to the rules offered by Mr. Holman, it was restricted and cut down and limited and restrained. That amendment had not for its function or its purpose the enlargement of the power of the Committee on Appropriations. It limited the power from what it had been when the republican party had control, when the power existed of offering any and every proposition by way of amendment. It limited it to the extent that it required the proposition to be germane to the subject-matter of the bill and to limit expenditures. To that extent only could any proposition be attached to an appropriation bill changing existing law.

But I am opposed to a change of the rule for a higher consideration than that. It has sometimes been asserted that the power of the House of Representatives as established by our Constitution was not analogous to the power of the English House of Commons over the subject of granting money. I deny that that is a true construction of the power of this House under the Constitution of this country. I would be sorry to vote for any measure or any proposition which should look to the stripping of this House of the right and the power to say that which, under the Constitution, this department of the Government alone can say: when and how and where and under what circumstances money shall be taken from the public Treasury. Any proposition which looks to a reduction of the power of this House, to a restraining of the power of the House, to a limiting of the power of the House over the question of granting the public money, ought never to be adopted by the House whatever party may be in power.

I oppose this amendment and favor the rule as it now stands, because that rule does give to the House the power to say that existing law may be changed by an amendment offered to an appropriation bill, if that amendment be germane to the subject-matter of the bill and tends also to the reduction of expenditures.

This House, under the Constitution and the laws, alone has the power to originate money bills. It is said by gentlemen arguing this question that this House would have the right to put a veto on the action of the Senate and a veto on the Executive. Sir, I admit that is so; and I say with the author quoted by a gentleman on the other side, the great Calhoun, when interpreting this question, that this exercise of the veto power by the one House over the other, and by the Executive over both, only serves to strike another chord in the popular voice, and to bring it out in more full and perfect harmony.

[Here the hammer fell.]

Mr. WHITTHORNE. I will detain the committee but a moment or two only. I am in favor of the proposed modification of this rule. I believe it is demanded by the present interests of the country and much more by its future interests. Let us, for a moment, look at this question without regarding it as a partisan question. What is the object of all rules? It is to secure the intelligent and prompt dispatch of the public business to be brought before a legislative body. What is the necessity for committees of the House? It is to so divide the labors of that body that its work may be brought in before the House in an intelligent shape, as the result of the labors of those committees.

Now, if all the business of the House is to be subject to and controlled by one committee, what necessity is there for dividing that work among the several committees? If the Committee on Appropriations is to determine the character of the legislation to be presented to this House, then why organize committees upon any other subject than that of appropriations?

It is said that this proposition, if adopted, will deny to the representatives of the people the right to withhold appropriations. I ask, is it necessary to have a rider on an appropriation bill in order to get me to withhold my assent from it? If the Army is used to oppress the people of the United States, is it necessary that I should affix a political or legislative rider to the Army appropriation bill? Sir, it is my duty under the Constitution, if I believe the appropriations for the maintenance of the Army are being used illegally, tyrannically, and corruptly, to refuse to vote for the regular Army appropriation bill when it is offered to me for my assent or dissent. A rider on such a bill, therefore, is not necessary.

A word or two now as to this question of riders upon appropriation bills. The experience of every State Legislature is that corruptions of the grossest and basest character make their way into the legislation of the country through the means of appropriation bills and omnibus bills. It is by means of riders that omnibus bills are created, and it is by omnibus bills that more than half of the Legislatures of the States of this country have been corrupted.

In the interest of my country and in the interest of my party, I beg gentlemen to look far into the future, and consider if, when you give to the Appropriations Committee the power to put legislative riders upon appropriation bills, considering the immense growth of individual and corporate interests of this country, it will be long before the corporations of the country through your Appropriations Committee will control and direct the legislative bodies of this country into a ruinous course which will eventually change the character of our institutions.

Let us stand by the old traditions of the legislative fathers of our country. Let us stand by the experience of our State Legislatures in the different States, where constitutions have been amended so as to prevent riders on appropriation bills and to prevent omnibus bills. Sir, let us give each of our legislative bodies and their committees their proper functions.

[Here the hammer fell.]

The question being taken on the *pro forma* amendment of Mr. HOOKER, it was not agreed to.

Mr. GARFIELD. As an amendment to the substitute of the gentleman from Georgia, I offer the following:

But it shall be in order to strike out any sum of money appropriated in a bill and insert a less sum.

I offer this to test the sense of the Committee of the Whole. I offer it, I trust, with no other interest in view than the good of this House, the good of my party, not as a minority, but the good of my party if it should be in the majority—the good, as I believe, of any party whether in the minority or in the majority; for, in my view, it is the interest of every party that we should seal up, so far as we can, the fountain of the bitter waters of strife, and put ourselves in the line of plain, fair, business work, while at the same time we protect the Committee on Appropriations against the assaults which it is liable to receive from all quarters unless some such protection is given to it. I ask a vote on the amendment.

Mr. BLOUNT. I wish to ask the gentleman a question. Would not the effect of his amendment be just this: if the salary, for instance, of a cabinet officer should be reduced on an appropriation bill, without any change of the existing law, would there not simply be a deficiency as to the balance of salary for which we would be bound afterward to appropriate?

Mr. GARFIELD. If a majority of the House and the Senate reduced the appropriation for salary in any appropriation bill, the same majority could go to work and in a separate law make that change operative by legalizing in the form of independent legislation what the judgment of Congress had declared in an appropriation bill.

My own belief is that the officers of this Government ought to be safe for more than twelve months against sudden and unexpected assaults upon their salaries by means of the annual appropriation bills. To change the salaries of public officers, there ought to be required a little more notice than the simple, accidental change of an appropriation in one of the annual appropriation bills.

In conclusion, I will simply say that this amendment saves what the Speaker of this House has said was the main object of the present rule, the reduction of expenditures. Everything else is excluded. It enables us to reduce expenses, but it does not enable us to make the Appropriations Committee the Moab, the wash-pot of the country, in which all the linen of the House is to be tumbled. To prevent this is the object of my amendment, and I believe that if adopted it will execute itself.

Mr. TUCKER. As I understand the amendment of the gentleman from Ohio, it will authorize in any appropriation bill the insertion of a less sum than the amount authorized by law——

Mr. GARFIELD. Yes, sir.

Mr. TUCKER. But will it authorize the striking out of the whole sum?

Mr. GARFIELD. In striking out you may put in anything you please. You can strike out $5,000, for instance, and insert zero.

[Here the hammer fell.]

Mr. MCMAHON. Mr. Chairman, I had thought that the whole object of referring an appropriation bill to the Committee of the Whole House was to enable that committee to increase or diminish the amount of appropriations. It seems to me, therefore, a very novel proposition that we shall confer upon the Committee of the Whole the right to diminish the amounts proposed to be appropriated. I understand that the act of appropriation lies in the breast of the Committee of the Whole or of the House; that how much shall be appropriated is always an open question, and does not involve any question of legislation. I understand very well that if in an annual appropriation bill we appropriate, for example, $3,500 as salary for an officer who under the law is entitled to $5,000, unless we expressly say "this appropriation shall be in full for salary for the coming fiscal year," a deficiency is created, and a claim against the Government might be enforced in the Court of Claims. A more insidious proposition in the interest of the office-holders of this country was never presented in the House of Representatives than the proposition now pending.

And I say to my young friend from Georgia [Mr. SPEER] that when he starts a new proposition here in the legislation of this House, it ought to make him shake in his boots when he finds the whole republican party ready to stand sponsor in this new baptism. [Laughter.]

Mr. SPEER. I may be young, but I trust I am of the number of those whose follies cease with their youth. [Laughter and applause.]

Mr. MCMAHON. A very good answer, Mr. Chairman; but the trouble is that the whole of the party on the other side of the House applaud the gentleman's present position; and I say that when the republicans of this House unanimously support a proposition offered by a democrat, that man ought to consider, "What have I done to draw down upon me the unanimous applause of the other side of this House?" [Laughter.]

Now, Mr. Chairman, as a member of the Appropriations Committee I want to disavow all desire for the right on the part of that committee to put one word of legislation upon an appropriation bill. But I do want to reserve to the people's representatives in the Committee of the Whole House the right to retrench the expenditures of this Government upon a proper occasion. I do not care that the Committee on Appropriations shall have the power to report one particle of general legislation to this House. I do not want that power. I do not want to be abused for such legislation. I think the Committee on Appropriations has been misled into putting into bills general legislation. But when a democrat comes before this House and says to this Committee of the Whole House, this representative body I see before me here, we shall have no right when we are legislating and passing appropriation bills to say, when we want to, that we shall retrench expenditures, to say that, sir, is for the democratic party to furl at once the flag of retrenchment and reform. It is giving up all we have claimed before the people. It is giving up the standard we raised when we went before the people. And when my young friend considers that view of it, let me say to him, he himself gives up the cause of the party in the next presidential fight. If we strike it out we confess to the people of this country we cannot make the fight in the interest of economy any more.

Now, I want to say to that side of the House their unanimity on a question like this surprises me. I can only accept it as one of those late confessions which always comes to the republican party when it is out of power. When it was in power it was one of the worst which ever had control of this Government. [Laughter on the republican side of the House.] I hope this will not come out of my time.

Mr. ANDERSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. I wish to inquire of the gentleman from Ohio whether in applying the party lash he is acting as a member of the Committee on Appropriations or as a member of the democratic party, or both? When he is exercising the party lash on that side of the House let me suggest that he has no right to whip us on this side.

Mr. MCMAHON. There comes the old appeal—the party lash! the Appropriations Committee! I think the lash must have struck the gentleman himself, as he is the first one to cry out. [Laughter.]

Mr. ANDERSON. Not much.

Mr. MCMAHON. My honored friend from the State of Ohio, when a member of the Committee on Appropriations, never stopped at putting any political legislation on any appropriation bill. Now we have contracted and narrowed the rule. We say any legislation that goes on an appropriation bill must be germane to the subject under consideration.

Mr. GARFIELD. The gentleman will allow me——

Mr. MCMAHON. In one moment. Secondly, that it shall retrench

expenditures. Is not that a good rule? Do you want, gentlemen on the other side of the House, to go to the country and say that is not a good rule? [Cries of "Yes!" "Yes!" on the republican side of the House.] All right, then, put yourself upon the record; but I say to gentlemen on this side of the House, it is not our record and should not be. It is our pride that such is not our record. We know it is your record. We know when you had possession of the Government you spent every dollar you could spend, and you will spend it again when you get possession of this House.

[Here the hammer fell.]

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Ohio [Mr. GARFIELD] to the amendment of the gentleman from Georgia, [Mr. SPEER.]

Mr. TUCKER. I ask the gentleman from Ohio to modify his amendment as I have suggested.

Mr. GARFIELD. I have no objection to saying "or" instead of "and."

The CHAIRMAN. The gentleman can modify his amendment as he pleases.

Mr. TUCKER. That involves striking out or reducing.

Mr. GARFIELD. I will modify my amendment in that way.

Mr. TUCKER. Then it will be in order to strike out any sum of money appropriated in a bill or to insert a less sum.

Mr. RANDALL, (the Speaker.) I wish to state the effect of this. There is a law upon the statute-book directing the appropriation of so much money for a particular subject. You propose in the amendment just read to allow it to be reduced in the appropriation bill.

Mr. GARFIELD. Certainly.

Mr. RANDALL, (the Speaker.) Which is in conflict with the law. Now, if you do that, you should go a step further and give the power to legislate on that appropriation bill to change existing law to the extent of that reduction.

Mr. GARFIELD. I do.

Mr. RANDALL, (the Speaker.) You place the House by your amendment in the attitude of refusing to appropriate as much money as the law authorizes. Then we will have claims for the balance which the law prescribes over the amount appropriated.

Mr. BURROWS. I make the point of order that debate is exhausted.

The CHAIRMAN. Debate is exhausted.

The question recurred on Mr. GARFIELD'S amendment to the amendment.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The House divided; and the tellers reported—ayes 121, noes 121.

Mr. YOUNG, of Tennessee. I vote "no."

The CHAIRMAN. On this question the tellers report 121 in the affirmative and 122 in the negative. The amendment is rejected. [Applause on the democratic side.]

Mr. GARFIELD. Now, we will try the amendment of the gentleman from Georgia.

A MEMBER. Oh, no; there are several others yet to come.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the following; in which concurrence was requested:

Concurrent resolution to print 10,000 additional copies of Bulletin No. 3 of the United States entomological commission, for the use of the Senate and House of Representatives, on the cotton-worm; and

A bill (S. No. 762) for the relief of the administrator of Josiah H. Pillsbury.

REVISION OF THE RULES.

The committee resumed its session.

Mr. HOOKER. Mr. Chairman, I rise to a parliamentary inquiry. Is not the House now brought to a direct vote upon the substitute offered by the gentleman from Georgia, the amendment of the gentleman from Ohio having been voted down?

The CHAIRMAN. The amendment of the gentleman from Ohio having been rejected, it is now in order to offer further amendments.

Mr. HASKELL. I desire to offer an amendment, and my amendment to this substitute is the third clause of this rule as amended by the words I send to the Clerk's desk.

The Clerk read as follows:

Amend the substitute so as to read, after the word "as" in the sixth line, "shall receive a two-thirds vote of the House or Committee of the Whole and."

Mr. HASKELL. Now, the operation of this amendment if adopted will be simply this: It leaves the operation of the rule as it is, giving full power to this House to change existing law in appropriation bills if the amendments are germane and if they tend to retrench expenditures, but it provides that that amendment must be first submitted to the House or the committee and a two-thirds vote secured for its passage. Then it can be attached to the appropriation bill.

This leaves it to the power of the House to control extravagant expenditures. It leaves it to the power of the House in a great exigency to change the existing law on an appropriation bill and simply compels the entire absence of anything like political legislation from the fact that a political amendment could not receive the necessary two-thirds vote. It may be suggested here that we have the motion to suspend the rules, but you cannot do that; for you cannot get the floor to make the motion to suspend the rules for your amendment, however much you may want it if it changes existing law.

Under the operation of this amendment the power of this House is retained, and it simply compels the proposed "rider" or amendment to pass the scrutiny of two-thirds of the House or of the Committee of the Whole. If it does that, it is a just and wise bill. If it does that, it is no coercion of the Executive to sign it, because it has been indicated by the vote here that there is a sufficient power in the House to constitutionally override the President's objection. That simple amendment disposes of your political riders, and leaves the majority of the House to pass a really economical subject by simple, wise legislative methods.

I believe if our friends on the other side will adopt this they will find themselves curtailed in no wise economy, but the only result of it will be to remove political legislation from appropriation bills.

Mr. HOOKER. I hope the amendment will be voted down.

The amendment to the amendment was rejected.

Mr. WARNER. I desire to offer as an amendment to the amendment of the gentleman from Georgia the following.

The Clerk read as follows:

Except that it shall be in order to reduce expenditures provided for by existing laws and covered by the bill, and to that end only to change the law.

Mr. GARFIELD. Change one word and I think we can harmonize. Change the word "expenditures" to "amounts of money."

Mr. BLACKBURN. Oh, no!

Mr. STEVENSON and others. Let the amendment be again read.

Mr. GARFIELD. Do not have it as a means to take in all legislation upon it.

The amendment to the amendment was again read.

Mr. REED. That is worse and more of it.

Mr. RANDALL, (the Speaker.) The amendment had better be read in connection with the other portions of the paragraph.

The CHAIRMAN. The Clerk will report the third clause as it would read if amended by the adoption of the amendment of the gentleman from Ohio, [Mr. WARNER.]

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce expenditures provided for by existing law and covered by the bill, and to that end only to change the law.

Mr. GARFIELD. If the gentleman from Ohio wishes to speak on his amendment I desire to say a word in reply. If he does not desire to speak, I wish now to make a remark.

Mr. WARNER. I wish to say but a few words. I cannot myself, Mr. Chairman, consent to any measure which will deprive this House of its control over appropriations. It has cost the people of the Anglo-Saxon race too much to secure to themselves that control, and I for one shall never give a vote knowingly to take away or abridge that right. On the other hand, I concede that to make use of a threat to withhold appropriations from legitimate objects for the purpose of coercing the Senate or a co-ordinate branch of the Government to give assent to a particular measure is inconsistent with our theory of government and wholly unjustifiable. [Applause on the republican side.]

It is a bad precedent set by the republican party, and ought not to be followed. The people of this country do not derive their powers nor their rights nor their liberties from king or president. They are themselves the source of power, and it is in my opinion belittling that power, if not a virtual surrender of this great primary principle of government, to talk about compelling from a President "a redress of grievances." The redress of grievances, as well as the correction of all wrongs, lies with the people themselves.

My object in offering this amendment, therefore, is to save to this House, save to the representatives of the people where that power belongs, absolute control over the question of taxation and the appropriation of money. That is a power that should be carefully preserved to this House to use at any and all times as it may deem best. But at the same time, while we are adopting rules, I would prevent the incorporation of general legislation on appropriation bills. The Appropriations Committee is not charged with the duty of originating and bringing before the House legislative measures. Its duty is to look to appropriations.

The amendment I propose gives to this committee the right and makes it in order in the House to propose to reduce in appropriation bills expenditures required under existing law, and to that extent to change the law, but to go no further than that in the direction of legislation. I think that is as it should be. The amendment offered by the gentleman from Georgia [Mr. SPEER] permits the reduction of expenditures, but not a change in the law. That would leave open the question of a deficiency. This amendment removes all doubt and makes clear, I think, the extent to which legislation can be ingrafted on appropriation bills. I hope the amendment will be adopted.

Mr. GARFIELD rose.

Mr. REAGAN. I desire to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio, [Mr. GARFIELD.]

Mr. REAGAN. I thought I had obtained the floor.

The CHAIRMAN. The gentleman from Ohio is a member of the Committee on Rules, and in accordance with the practice heretofore has been recognized by the Chair.

Mr. GARFIELD. I am very sure no gentleman here on either side of the House would be willing to deceive any of his associates by a form of words or to do anything in the nature of coming it over another by a trick of speech. That I am sure nobody wants to do.

The only objection that was raised, as I understood, by the Speaker to the amendment that I offered was that it only allowed the reduction of amounts; but it might be it left a deficiency; that it did not change the law as to the reduced amounts. In so far that statement of the case was right. And here as I understand it we are offered an amendment with the intent just to cover that case. Now I am willing to vote for an amendment that covers just that case, namely to say that it shall be in order to reduce the amounts of money required by law and to that extent to change existing law. If this amendment does that I will vote for it; but my friend has got in the word "expendifures" instead of "amounts of money" as I think it should be.

Mr. WARNER. Are not amounts of money to be expended expenditures?

Mr. GARFIELD. Yes; but an expenditure is not always an amount of money. The gentleman proposes the words—

Except that it shall be in order to reduce expenditures provided for by existing law.

Now I will offer a bill to abolish the present courts of the United States and establish a new judicial system and in that I will provide that the new courts shall cost $10 less than the old. Have I not introduced a bill that will reduce the judicial expenditures?

Mr. WARNER. I will accept the gentleman's suggestion and make it "amounts of expenditure."

Mr. GARFIELD. "Amounts of money" is the proper phrase. Let the gentleman and let the House say it shall be in order to change existing law so far as to reduce the actual amounts of money.

Mr. WARNER. I will accept that amendment.

Mr. GARFIELD. If the gentleman will strike out the word "expenditures" and insert "amounts of money provided for by existing law," then I will vote for his amendment.

Mr. WARNER. I will accept that amendment.

Mr. SPEER. I will accept the amendment of the gentleman from Ohio [Mr. WARNER] in lieu of my amendment.

Mr. REAGAN. I rise to offer an amendment to the amendment.

Mr. SPEER. I withdraw my acceptance of the amendment of the gentleman from Ohio.

The CHAIRMAN. Since the gentleman from Georgia withdraws his acceptance of the amendment no further amendment is in order. The question is upon the adoption of the amendment proposed by the gentleman from Ohio, [Mr. WARNER,] as modified, as a substitute for the amendment proposed by the gentleman from Georgia [Mr. SPEER] to the amendment offered by the gentleman from Alabama, [Mr. LOWE.]

The Clerk will read the amendment of the gentleman from Ohio as now modified.

The Clerk read as follows:

Strike out all after the word "except" and insert:
That it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that end only to change the law.

The CHAIRMAN. It has been suggested that the word "extent" be inserted instead of the word "end."

Mr. WARNER. Who makes that suggestion?

The CHAIRMAN. It has been made by several gentlemen.

Mr. WARNER. I see no objection to that. Let the Clerk make that change.

Mr. BAKER. I would like to hear the amendment as it now stands.

The amendment, as modified, was again read.

Mr. WARNER. I ask consent to add the words "on an appropriation bill."

Mr. ROBESON. I would like the gentleman to insert two or three words, so that it will read "to change the effect of existing law."

Mr. WARNER. I would like to know of the gentleman if changing a law is not changing its effect? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. WARNER] as modified.

Mr. WARNER. I ask for tellers.

The CHAIRMAN. If there be no objection tellers will be ordered.

There was no objection; and the Chair appointed Mr. BLACKBURN and Mr. WARNER to act as tellers.

The committee divided; and the tellers reported that there were—ayes 124, noes 79.

So the substitute moved by Mr. WARNER for the amendment moved by Mr. SPEER was adopted.

Mr. BLACKBURN. I give notice that I shall call for the yeas and nays in the House.

The CHAIRMAN. The question is on the amendment as amended.

Mr. WARNER. My amendment has been agreed to?

The CHAIRMAN. The particular amendment of the gentleman from Ohio [Mr. WARNER] has been agreed to.

Mr. ROBESON. But that amendment has not yet been adopted as a part of the rules.

Mr. BLACKBURN. I move that the committee now rise.

The motion was agreed to upon a division—ayes 114, noes 34.

So the committee rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the proposed revision of the rules reported from the Committee on Rules and had come to no resolution thereon.

Mr. BLACKBURN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of ex-soldiers and sailors of the United States, residents of Doniphan County, Kansas, for the passage of a law giving to them the amount of the difference between the value of gold and greenbacks at the time of their payment—to the Committee on Military Affairs.

By Mr. ARMFIELD: The petition of citizens of Winston, North Carolina, for the erection of a Federal court-house in that city—to the Committee on Public Buildings and Grounds.

By Mr. BARBER: The petition of John Harris, Thomas D. Whitmore, and others, of Lake County, Illinois, for revision of the patent laws—to the Committee on Patents.

Also, the petition of Nathaniel Vose and others, of Lake County, Illinois, for just transportation laws—to the Committee on Commerce.

By Mr. BELTZHOOVER: The petition of 240 soldiers, of York County, Pennsylvania, against the passage of Bentley's sixty-district pension bill—to the Committee on Invalid Pensions.

By Mr. BLACKBURN: The petition of citizens of Scott County, Kentucky, relative to rates of transportation, &c.—to the Committee on Commerce.

Also, the petitions of citizens of Henry County, Kentucky, and of other citizens of Kentucky, of similar import—to the same committee.

By Mr. CALDWELL: The petitions of M. M. Sloss, W. F. Whitesides, and others, and of E. B. Head and J. D. Stuart and others, citizens of Kentucky, for legislation regulating charges for freight and passengers on railroads—to the same committee.

By Mr. COX: The petition of district superintendents of the Life-Saving Service, that their salaries may be increased and made to compare with the salaries of supervising inspectors of steamboats and others whose duties and responsibilities are of less magnitude and of far less importance—to the same committee.

By Mr. CRAVENS: Memorial of Charles F. Pensel & Co. and other firms of Little Rock, Arkansas, for the enactment of a law prohibiting interstate traffic in adulterated merchandise—to the Committee on Manufactures.

By Mr. HORACE DAVIS: The petition of William Alvord, president of the Bank of California, for the repeal of the law which imposes a tax on bank deposits—to the Committee on Banking and Currency.

By Mr. ERRETT: The petition of wholesale grocers of Pittsburgh, Pennsylvania, against the adulteration of food and for legislation to prevent it—to the Committee on Manufactures.

By Mr. EWING: The petition of ex-soldiers of Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, three petitions of citizens of Ohio, for the revision of the patent laws—to the Committee on Patents.

Also, four petitions of citizens of Ohio, for legislation regulating interstate commerce—to the Committee on Commerce.

By Mr. FRYE: The petition of the Portland and Ogdensburgh Railroad Company, of Maine, for a reduction of the duty on steel rails—to the Committee of Ways and Means.

By Mr. GEDDES: The petition of Edward Burson, George A. Irwin, and others, of Knox County, Ohio, for the amendment of the patent laws so as to make the manufacturer or vendor only responsible for infringement—to the Committee on Patents.

Also, the petitions of Esli J. Lazier, Jacob Miller, and others, citizens of Holmes County, Ohio, for laws to alleviate the oppressions of transportation monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

Also, the petition of Edward Burson, George A. Irwin, and others, of Knox County, Ohio, of similar import—to the same committee.

By Mr. HILL: The petitions of Charles Bourn and others, of James M. Hough and 100 others, and of Stephen Eldredge and 100 others, citizens of Fulton County, Ohio, for the passage of a law regulating freights on railroads—to the same committee.

Also, the petitions of James M. Hough and 100 others, of G. P. Campbell and others, of Henry Eldridge and others, citizens of Fulton County, Ohio, for a change in the patent laws—to the Committee on Patents.

By Mr. HOSTETLER: The petition of John Calvert, for pay for expenses incurred and for the care of his son William P. Calvert, who became insane while a United States soldier—to the Committee on Military Affairs.

By Mr. JONES: The petition of I. N. Sawyer and others, of Galveston, Texas, for the abolition of compulsory pilotage—to the Committee on Commerce.

By Mr. KEIFER: The petition of Horace N. Taylor and 73 others, soldiers of the late war, of New Carlisle and vicinity, Clark County,

Ohio, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of W. H. Glatfelter and 43 others, and of E. J. Williamson and 28 others, citizens of Greene County, Ohio, for the enactment of laws for the alleviation of oppressions imposed by transportation monopolies that control interstate commerce—to the Committee on Commerce.

Also, the petitions of E. J. Williamson and 36 others, of W. H. Glatfelter and 41 others, citizens of Greene County, Ohio, for an amendment of the patent laws so as to make the manufacturer and vendor of patented articles alone responsible for infringements, and to protect from penalty any person manufacturing for his own use any previously patented article, if he is not cognizant of the existence of letters-patent which he may have infringed—to the Committee on Patents.

By Mr. LE FEVRE: The petitions of C. Gierhart and 22 others, of Auglaize County, Ohio, and of L. T. Lewis and 30 others, of Mercer County, Ohio, of similar import—to the same committee.

Also, the petition of C. Gierhart and 22 others, of Auglaize County, Ohio, and of L. T. Lewis and 30 others, of Mercer County, Ohio, for relief against transportation monopolies—to the Committee on Commerce.

By Mr. EDWARD L. MARTIN: The petitions of G. W. Morsey and others, and of W. L. Blanchard and others, citizens of the State of Delaware, for legislation regulating interstate commerce—to the same committee.

By Mr. McCOID: The petition of Arabella Coddington, for a pension—to the Committee on Invalid Pensions.

By Mr. McGOWAN: The petition of F. H. Fisher, C. E. Swain, and 104 others, citizens of Branch County, Michigan, for a law to regulate freights and unjust discriminations by transportation companies—to the Committee on Commerce.

Also, the petition of F. H. Fisher, C. E. Swain, and 104 others, of Branch County, Michigan, that the patent laws may be so amended that the manufacturer or vendor alone shall be held responsible for infringement—to the Committee on Patents.

By Mr. McKENZIE: The petition of citizens of McLean County, Kentucky, for the passage of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. MILLER: The petition of George E. Herrick and others, for a change in the patent laws—to the Committee on Patents.

By Mr. MONROE: The petition of J. R. Halcomb and 33 others, citizens of York, Medina County, Ohio, for the passage of an act regulating railway transportation between the States—to the Committee on Commerce.

By Mr. MULLER: The petition of Sarah Parish, for arrears of pension as the widow of a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. POEHLER: The petition of John S. Dunbar and 56 others, citizens of Rice County, Minnesota, for the passage of a law to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of Simon Taylor and 56 others, citizens of Rice County, Minnesota, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

By Mr. STARIN: The petitions of 35 citizens and of 8 citizens and ex-soldiers of Montgomery County, New York, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. P. B. THOMPSON, JR.: The petition of W. G. Collier, to be refunded certain moneys improperly collected from him by United States revenue officials—to the Committee of Claims.

Also, the petition of citizens of Madison County, Kentucky, for the improvement of Kentucky River—to the Committee on Commerce.

Also, the petition of Nathaniel Warford, for back pay as a soldier of the late war—to the Committee on Military Affairs.

By Mr. TYLER: The petition of L. C. Kendall and 20 others, citizens of Windsor County, Vermont, for the enactment of laws regulating interstate commerce—to the Committee on Commerce.

By Mr. JONATHAN T. UPDEGRAFF: The petition of William Bundy and others, citizens of Belmont County, Ohio, against railroad monopolies—to the same committee.

By Mr. WAIT: The petition of Sidney Chappell and others, citizens of Connecticut, for a change in the existing pilot laws—to the same committee.

By Mr. WELLS: A paper relating to the pension claim of John Tobin—to the Committee on Invalid Pensions.

By Mr. WILLITS: The petition of E. A. Jordan and 34 others, of Lenawee County, Michigan, for legislation for relief against transportation companies—to the Committee on Commerce.

Also, the petition of E. A. Jordan and 34 others, citizens of Lenawee County, Michigan, for legislation for the relief of innocent purchasers and users of patented articles—to the Committee on Patents.

By Mr. WRIGHT: The petitions of Louis A. Reese and 30 others, citizens of Ladore, Kansas; of T. M. Blakely and 29 others, citizens of Omaha, Nebraska; and of Philip O'Neill and 42 others, citizens of Luzerne County, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. CASEY YOUNG: The petition of Francis Quyano, of New York, on the subject of yellow fever—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 13, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. FORNEY. I am directed by the Committee on Appropriations, to whom was referred the bill of the House (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, together with the Senate amendments thereto, to report the same back to the House with a recommendation that the amendments of the Senate be not concurred in.

The question was taken; and the amendments of the Senate were not concurred in.

Mr. FORNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN DEFICIENCY APPROPRIATIONS.

Mr. WELLS. I am directed by the Committee on Appropriations to report back with a favorable recommendation the bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880, and to recommend that the same be considered at this time. It is important that the bill should be passed at an early day. It is a very short bill, and I ask that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the urgently necessary additional expenses of certain Indian tribes, namely:

For care and support of the Pawnee Indians, in the Indian Territory, $15,000;

For care and support of the Shoshone Indians, in Wyoming Territory, $15,000;

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservation set apart for their use and occupation, $80,000;

For subsistence and civilization of Nez Percés of Joseph's Band, in the Indian Territory, $10,000;

For advertising, at rates not exceeding regular commercial rates, telegraphing, inspection, and all other expenses connected with contracts and purchases for the Indian service, $15,000.

NOTE.—Total amount recommended by this bill, $135,000.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. PRICE. I desire to ask the gentleman from Missouri [Mr. WELLS] whether the appropriation recommended for the Arapahoes, Cheyennes, and other Indians has anything to do with the annuities which are due those tribes?

Mr. WELLS. Not at all. It is an appropriation to supply them with provisions.

Mr. WARNER. Does this bill come from the Committee on Indian Affairs?

The SPEAKER. It comes from the Committee on Appropriations.

Mr. WELLS. I will state to the House that the seemingly large appropriation of $80,000 for the Arapahoes, Cheyennes, Apaches, and other Indians is necessary for this reason: We have advices from the agent of those Indians, but two days ago, that there was not meat enough to last beyond the 1st of next month; that at that time the supply of beef would give out, and that the supply of flour, meal, and coffee would run out by the 15th of next month. This amount of $80,000 is required to supply these Indians until the 1st day of July next. There are ninety-seven hundred of these Indians. The deficiency in the supplies has been caused by the drought in that section of the country cutting off their crops during the past year.

In regard to the other deficiencies reported in this bill, they are made necessary by the same reason, from the drought in the country, and the Indians not being able to sustain themselves in any way. I have a communication from the Secretary of the Interior, as well as one from the Commissioner of Indian Affairs, which I will ask to have read by the Clerk as they will explain these matters more clearly than I can do.

Mr. PRICE. Will the gentleman allow me to ask him a question?

Mr. WELLS. Certainly.

Mr. PRICE. I wish to know whether these appropriations are a part of the annuities due to the Cheyennes and Arapahoes?

Mr. WELLS. I think there are no annuities due them; they are not treaty Indians.

Mr. PRICE. I know that there are annuities due the Cheyennes and Arapahoes. What I want to know is whether this appropriation is a part of those annuities?

Mr. WELLS. This appropriation is to supply these Indians with beef, flour, meal, &c.

Mr. PRICE. Not to be considered a part of their annuities.

Mr. WELLS. Not to supply them with clothing, &c.

Mr. BLOUNT. I would inquire of my colleague on the committee

[Mr. WELLS] whether it is not true that this appropriation is necessary on account of the poor crops on the reservation where these Indians are located?

Mr. WELLS. I have just stated that.

Mr. BLOUNT. And the fear is that unless this appropriation be made and supplies furnished these Indians they will go off their reservation?

Mr. WELLS. The fear of the Department is that if this appropriation is not made at once the Indians will go off their reservation and go on the war-path and do a great deal of harm. I ask that the communications be read which I have sent to the Clerk's desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1879.

SIR: A report from the Commissioner of Indian Affairs, presenting for the consideration and action of Congress an estimate for deficiency appropriation to provide for the support and subsistence of certain bands and tribes of Indians therein named, has been this day transmitted to the Speaker House of Representatives with a recommendation for early and favorable action thereon; and as it is considered by the Department of the utmost importance that no delay should result from any neglect on its part to afford all information requisite to a full understanding of the necessities of the case, copies of the report of the Commissioner, dated the 4th instant, together with the inclosures noted therein, are herewith inclosed for the information of your committee.

Very respectfully, your obedient servant,

C. SCHURZ, *Secretary.*

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 4, 1879.

SIR: I have the honor to invite your attention to the following facts regarding the necessity for additional funds to support certain Indians during the remainder of the current fiscal year:

Early in the present fiscal year it became evident that the supplies purchased for the Cheyenne and Arapahoe, and Kiowa, Comanche, and Wichita agencies would become exhausted before the 1st of July next, and as the quantities contracted for were limited by the amount of funds at the disposal of the office, orders were issued to the agents in charge of the agencies named to reduce the issue of rations to their Indians to such an extent as would insure a limited supply to the end of the fiscal year.

In reply to these orders the agent at the Kiowa, Comanche, and Wichita agency reported that he would endeavor to comply with the directions of the office and make the supply of beef last as long as possible. Agent Miles, of the Cheyenne and Arapahoe agency, under date of September 15th, telegraphed that the "issues have only been made to meet unquestionable demands, and which I believe had the sanction of the Department. The full authorized ration or its equivalent in beef is actually necessary. Have carefully investigated the present condition of Indians and the probable effect that would result from enforcing such an order at this time, and am satisfied that it would drive many of the Indians from the agency and reservation in search of game, and unquestionably bring them into trouble on the border. To comply with the order will reduce the beef ration below two pounds gross, which will not sustain life. Crops a failure, and we cannot find labor for many."

On the 19th September Agent Miles wrote to the office, stating that he had carefully investigated the real condition of the Indians by visiting their camps, and was fully satisfied that no reduction in the beef ration could with propriety or safety be made; that to reduce the ration as directed would bring the issue below two pounds gross, which would not prevent hunger and suffering; that in former years the Indians were successful in hunting, and the meat thus obtained furnished them with subsistence while away from the agency, and the collection of robes enabled them to supplement rations to a considerable extent while at the agency, but at present no reliance could be placed in hunting; that the early spring opened very hopeful for Indian farmers, but the extremely dry weather had cut the crops so short as to afford but little relief, &c. He further states that the Indians had no desire to leave the reservation in search of food, but at the same time they assured him that such steps would be necessary if the ration was reduced. Little Chief informed him that if the ration was cut down, the Government would be the first to break promises made to him and his party, which would relieve him from any promises which he and his party may have made.

Under these circumstances I felt that the experiment of reducing the ration referred to would be a dangerous one, although compelled by the inadequate amount of funds at the disposal of the office to limit the issues, in order to keep within the sum appropriated by Congress for the support of these Indians, and therefore decided to await instructions from you, knowing that you were to meet the said agents at Muscogee on or about the 1st of October, and feeling sure that they would consult you in regard to the matter. As anticipated, on September 30 I received your telegram to the effect that "the reduction of rations at Cheyenne and Arapahoe and the Kiowa, Comanche, and Wichita agencies seems, from all I hear, a very dangerous measure at the present time. I suggest as the best policy to issue full rations, and then depend upon Congress for supplying deficiency on account of failure of crops throughout the Indian Territory. In consequence of the universal drought, I request to this your particular attention." In compliance with these instructions the agents were immediately notified that the orders reducing the rations were suspended until further directions.

The supplies already contracted for, and for the payment of which only sufficient funds are at the disposal of the office, will last until about the 15th of March next, thus leaving about three and one-half months of the fiscal year for which there is no provision to support the Indians in question, who number about ninety-seven hundred persons. To supply these persons with sufficient beef, and probably additional flour, for the period named will require an appropriation of $80,000.

Additional funds for the support of the Shoshones and Bannocks in Wyoming are also needed. The same reasons which governed the action of the office in the case of the Cheyennes and Arapahoes and the Apaches, Kiowas, Comanches, and Wichitas existed in the case of the Shoshones and Bannocks.

At about the time of the reduction of the ration for the first-named Indians Agent Patten, of the Shoshone agency, was directed to reduce the issue to his Indians, but subsequently he was authorized to resume the issue of full rations. In this case it will require at least $15,000 to supply the needs of the last-named Indians for the remainder of the current fiscal year.

An appropriation of $15,000 is required to properly care for and support the Pawnee Indians in the Indian Territory up to the 1st of July next. Owing to the extreme drought in the Indian Territory the crops of these Indians were almost entirely destroyed, and, as a consequence, the demand for rations has been such as to necessitate the issue of greatly increased quantities of supplies.

For the same reasons $10,000 is required to support the Nez Percés of Joseph's Band during the remainder of the current fiscal year. Besides, these Indians have only recently been located upon their new reservation, and the expenditures on their behalf in providing them with implements, seed, houses, agency buildings, and other things necessary to their permanent settlement, make it necessary that additional funds be provided for their support to the 1st of July next.

By the present system of purchasing goods and supplies, &c., required for the Indian service large sums are annually saved to the Government and the Indians. Nearly all of the goods, &c., required are bought in the East, thereby saving the enormous profits on merchandise sold on the frontier, the only additional expense attending which is the cost of purchase, inspection, &c.

The fund provided by Congress for this purpose is entirely inadequate, and an additional sum of $15,000 therefor will be required during the current fiscal year.

In accordance with the foregoing, I have the honor to inclose herewith an estimate of appropriation required for the purposes herein named, as follows:

For the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas	$80,000
For the Shoshones and Bannocks	15,000
For the Pawnees	15,000
For the Nez Percés, (Joseph's Band)	10,000
For telegraphing and purchase of Indian supplies	15,000

I also transmit duplicate copies of letters and telegrams, from Agents Miles, Patten, and Hunt upon the subject of the reduction of issues to their Indians; also extract copy of telegram from yourself upon the same subject, and respectfully request that the matter herein referred to be laid before Congress, with your favorable recommendation for the early action of that body in the premises.

Very respectfully,

E. A. HAYT, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

Mr. TOWNSHEND, of Illinois. I reserve all points of order on this bill until I hear the reasons for its being considered now.

The SPEAKER. The House has been considering the bill for some time.

Mr. BLOUNT. I would like to know what are the points that the gentleman reserves.

The SPEAKER. The Chair presumes that the point of order the gentleman would desire to reserve, and which would have been good if made in time, is that the bill makes an appropriation and should receive its first consideration in Committee of the Whole.

Mr. TOWNSHEND, of Illinois. That is the very point of order I desire to make.

Mr. BLOUNT. The gentleman ought to have made it some time ago.

Mr. TOWNSHEND, of Illinois. I was not in the House when the bill was first presented.

Mr. BLOUNT. The gentleman cannot on that account ask the House to go back.

The SPEAKER. The point of order would have been good if made in time.

Mr. WELLS. I move the previous question.

Mr. HOOKER. I hope the gentleman from Missouri will yield for a question. I observe that the bill reported by the gentleman contains an appropriation of $10,000 for the civilization of the Nez Percé tribe of Indians. Now, it so chanced that I accompanied a joint committee of the Senate and House who in 1878 made a visit to that tribe. We found there had been great mortality among them in consequence of their removal from the northern region of country, in which they had been raised and to which they had been accustomed, to the Indian Territory; and they were then making great complaint in consequence of their removal and the mortality which had followed. The same thing was true of the Modoc tribe who occupied a portion of the Indian Territory contiguous to the Nez Percés. I think that this bill ought to provide for the removal of both the Nez Percés and the Modocs from the Indian Territory, if they desire it, to the region of country in which they were raised and to which they are habituated, where the Government now controls large portions of the public domain which can at this time be assigned to these Indians, but which at a later date it will probably be impossible for the Government to utilize in this way, as the land may at any time be taken up as other lands of the Government are. I think that so far from attempting to coerce the settlement of these Indians our true policy should be to allow them to remain in that region of country to which they have been habituated and to which they are so anxious to return.

Mr. WELLS. I will state, Mr. Speaker, that the $10,000 appropriated by this bill for the Joseph band is for the purpose of supporting them for the remainder of this fiscal year. Their crops the last year have been a total failure, and without this appropriation they will suffer for want of food. A portion of this appropriation will be used for completing the quarters which have been erected for them to live in. As to the removal of this band, I think that matter should be left to future legislation. I now ask the previous question.

The previous question was seconded.

Mr. CONGER. I ask that the bill be again read.

The Clerk read the bill again.

Mr. HOOKER. I desire to know whether the gentleman from Missouri [Mr. WELLS] will not consent that this bill shall go to the Committee of the Whole, in order that such amendments as gentlemen may desire may be offered.

The SPEAKER. The previous question has been demanded, and the House has seconded the demand. The question is, Shall the main question be now put?

Mr. WELLS. I will state to the gentleman from Mississippi [Mr. HOOKER] that it is very important this bill should pass at an early day. The advice we have from the Indian agents is that the supply of beef for these Indians will run out this month, and unless provision of this kind be made for them they will soon be on the war-path. This appropriation should have been passed some time ago.

Mr. SCALES. This bill takes us somewhat by surprise; and before

action is had on it we ought to know how these deficiencies have arisen.

Mr. WELLS. Not only is the beef of these Indians exhausted, but according to our information their meal and flour will soon be entirely gone.

Mr. SCALES. I think the House should fully understand the reasons for the passage of a bill of this kind.

Mr. WELLS. Communications from the Secretary of the Interior and the Commissioner of Indian Affairs have been read, detailing the necessity for the prompt passage of this bill.

Mr. TOWNSHEND, of Illinois. Has the committee ascertained whether the reasons set forth in those communications are sound?

Mr. WELLS. Yes, sir. The Committee on Appropriations are fully satisfied on this subject, which they have had before them since December last.

The main question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

Mr. WELLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADMISSION TO THE FLOOR.

The SPEAKER. At the request of Mr. DAVIS, of Illinois, the Chair asks consent that Mr. Sylvester Artley, State senator of Illinois, be allowed the privilege of the floor for to-day.

Mr. DUNNELL. I object. We have carried this thing to such a length that the Speaker has been compelled to call attention to the fact.

Subsequently Mr. DUNNELL withdrew his objection, and Mr. Artley, by unanimous consent, was allowed the privilege of the floor.

The SPEAKER. At the request of Mr. PERSONS the Chair asks by unanimous consent that the privilege of the floor for to-day be accorded to Colonel Avery, of Georgia.

There was no objection, and it was ordered accordingly.

PORT HURON AND NORTHWESTERN RAILWAY COMPANY.

Mr. CONGER, by unanimous consent, introduced a joint resolution (H. R. No. 210) to authorize the Secretary of War to sell or lease to the Port Huron and Northwestern Railway Company a portion of the Fort Gratiot military reserve, and to authorize the city of Port Huron to grant to said railway company the right of way through Pine Grove Park; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

S. R. AND R. M. LOWERY INDUSTRIAL ACADEMY.

Mr. BREWER, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4433) for the endowment of the S. R. and R. M. Lowery Industrial Academy, in the State of Alabama, and to accept a donation of buildings and lands in aid of the same, and for other purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. FRYE, by unanimous consent, from the Committee on Interoceanic Canal, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interest, to furnish this House with all information and correspondence touching an interoceanic canal now in the possession of his Department and not hitherto publishsd.

INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. COVERT. I am directed by the Committee on Agriculture to report back a bill (H. R. No. 3982) to authorize and direct the Commissioner of Agriculture to attend, in person or by deputy, the international sheep and wool show to be held in the Centennial buildings, Fairmount Park, Philadelphia, in September, A. D. 1880, and to make full and complete report of the same, and for other purposes, with amendments.

The SPEAKER. The bill and amendments will be read, when the Chair will ask for objection.

The bill and amendments were read.

Mr. BEALE. I call for the regular order of business.

The SPEAKER. That is in the nature of an objection, and the report cannot be received.

Mr. KELLEY. I hope the gentleman from Virginia will not insist upon his objection.

Mr. COVERT. Mr. Chairman, this bill makes absolutely no appropriation. It simply provides for the Government recognition of the first international exhibition of this character ever held in this country. It does not ask for a dollar of money.

Mr. BEALE. I insist upon my objection.

MORNING HOUR.

The SPEAKER. The morning hour now begins at twenty minutes to one o'clock, and the call of committees for reports of bills of a private nature, this being Friday, rests with the Committee on War Claims.

MRS. MARTHA BRIDGES.

Mr. BRAGG, from the Committee on War Claims, reported back, as a substitute for House bill No. 399, a bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia; which was read a first and second time.

The bill was read.

Mr. BRAGG. I ask for the consideration of this bill at this time.

Mr. DUNNELL. That is subject to a point of order, as it makes an appropriation, and it had better go to the Committee of the Whole House on the Private Calendar.

Mr. BRAGG. If the House will give me permission for just one moment, I think the point of order will be withdrawn.

Mr. DUNNELL. Objection has been made, and it should go to the Committee of the Whole House on the Private Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG also, from the Committee on War Claims, reported back adversely the following cases; which were laid upon the table, and the accompanying reports ordered to be printed:

Petition of Hiram W. Love;

A bill (H. R. No. 1633) for the relief of Walter D. Plowden;

A bill (H. R. No. 491) for the relief of George F. Brott;

The petition of J. W. Burbridge and Robert M. Montgomery; and

The petition of Joseph H. Maddox.

CHANGE OF REFERENCE.

Mr. BRAGG also, from the same committee, moved that that committee be discharged from the further consideration of the following cases, and that the same be referred to the Committee on Military Affairs; and it was agreed to:

A bill (H. R. No. 3414) for the relief of Alfred H. Lowe, late first lieutenant Twenty-seventh Regiment Illinois Volunteers;

A bill (H. R. No. 855) for the relief of Charles Valier;

A bill (H. R. No. 2916) explanatory of an act directing the Second Auditor to settle the pay and bounty account of John Ammahaie or Ammahe, passed June 30, 1876;

A bill (H. R. No. 3144) for the relief of Hiram A. Benefield;

A petition for the relief of George A. Wilson, of Peoria, Illinois; and

A petition for the relief of Richard Oulahan, One hundred and sixty-ninth Regiment New York Volunteers.

PAYMENT OF CLAIMS.

Mr. BRAGG also, from the same committee, reported a bill (H. R. No. 4435) making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof; which was ordered to be printed, and recommitted.

ADVERSE REPORTS.

Mr. FERDON, from the same committee, made adverse reports in the following cases; which were laid upon the table, and the reports ordered to be printed:

The claim of Wiley J. Davis, of Henderson County, Tennessee;

The claim of W. W. R. Elliott, Henderson County, Tennessee, for quartermaster stores, &c.;

The claim of John O. Graves for quartermaster stores;

The claim of Elizabeth P. Dyer, Fayette County, Tennessee; and

The claim of Rosetta Freel, Shelby County, Tennessee.

Mr. CARPENTER, from the same committee, made adverse reports in the following cases; which were laid upon the table, and the adverse reports ordered to be printed:

The petition of Carson R. Dalton, of Memphis, Tennessee;

A petition for the relief of Emmarilla J. Carr, of Memphis, Tennessee;

The petition of Juliet Campbell, administratrix, of Lee County, Arkansas;

A petition for the relief of Robert H. Cleere, of Collierville, Tennessee;

The petition of Henry C. Dallis, of Memphis, Tennessee;

The petition of Alfred H. Darden, of Moscow, Tennessee;

The petition of Mrs. Martha C. Cole, of Germantown, Shelby County, Tennessee;

The petition of Benjamin Coleman, of Memphis, Tennessee;

A petition for the relief of Ann E. Connell, executrix of the estate of Hiram D. Connell, deceased, of Memphis, Tennessee; and

The petition of Paul A. Cicalla, Memphis, Tennessee.

Mr. ATHERTON, from the same committee, made adverse reports in the following cases; which were laid upon the table, and the adverse reports ordered to be printed:

The petition of Adolphus Mueller, hospital steward in the Third Regiment Missouri Volunteer Infantry;

The petition of George C. Arrington, of Greene County, Alabama;

The petition of Harriet J. Carey, of Clinton, Hinds County, Mississippi; and

The petition of Elizabeth J. Hampton, of Little Rock, Arkansas.

WILLIAM E. GERE.

Mr. ATHERTON also, from the same committee, reported a bill (H. R. No. 4436) for the relief of William E. Gere; which was read a first and second time, referred to the Committee of the Whole on the Pri-

vate Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TYLER, from the same committee, reported back, with adverse recommendations, the following petitions; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The petition of Indiana E. Hughes, administratrix of John P. Hughes, of Shelby County, Tennessee;

The petition of John W. Willett, of Denmark, Madison County, Tennessee, for property taken by the United States Army during the war;

The claim of David H. Hildebrand, of Shelby County, Tennessee, for horses and mules;

The petition of Silas Knox, of New Madrid, Missouri, for property taken by the Army during the war;

The petition of James M. McRea, of Jackson, Madison County, Tennessee, for property taken by the Army during the war; and

The petition of Fannie T. Hunt, of Shelby County, Tennessee.

Mr. BAYNE, from the same committee, reported back, with adverse recommendations, the following petitions; and the same were laid upon the table, and the accompanying reports ordered to be printed:

The petition of Philip R. Jones, of Saint Francis County, Arkansas;

The petition of Willam K. Verbeke, asking compensation for money expended in enlisting volunteers, &c., during the late war;

The petition of James M. Swearengin, executor, of Tunica County, Mississippi, for quartermaster and commissary stores taken by the United States Army during the late war;

The petition of Ann M. Meehon, of Vicksburgh, Mississippi;

The petition of W. S. Jennings, of Little Rock, Arkansas, for compensation for quartermaster and subsistence stores taken by the United States Army during the late war;

The petition of Mrs. Amanda Daily, for payment for property taken by the United States Army in the State of Arkansas;

The petition of Thomas A. Moore, of Osceola, Arkansas, for compensation for cotton seized by the United States Government;

The petition of Miles W. Vansickle;

The petition of David Robbins, Hot Springs County, Arkansas; and

The petition of Emily Leland, of Warren County, Mississippi.

Mr. ROBERTSON, from the same committee, reported back, with an adverse recommendation, the petition of Mrs. Anna M. Cogswell, of Memphis, Tennessee; and the same was laid upon the table, and the accompanying report ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. ROBERTSON also, from the same committee, reported back, with a favorable recommendation, the request of Mr. CALDWELL for leave to withdraw from the files of the House papers in the cases of Messrs. Allard & Crozier, of Paducah, Kentucky, and W. H. Slack, of Paducah, Kentucky, no adverse report having been made; and the request of Mr. THOMPSON, of Kentucky, for leave to withdraw from the files of the House the papers in the case of Joseph A. Briggs, there being no adverse report thereon.

Mr. CONGER. Is that a report authorizing the withdrawing of the papers?

The SPEAKER. It is. These were requests made by members, and were referred to the Committee on War Claims. The Chair has been more strict recently with reference to requests of this nature because of some confusion lately as to proper custody of such papers.

Mr. CONGER. I only wish to know the fact whether this is a report from the committee recommending that the requests for leave to withdraw the papers be granted?

The SPEAKER. It is.

Mr. CONGER. Does this provide for keeping copies?

The SPEAKER. The rule will be read.

The Clerk read as follows:

All motions to withdraw papers from the files of the House shall be referred to the committee which last considered the case, who shall report without delay whether or not copies shall be left on file; but original papers shall not be withdrawn in any case where an adverse report has been made; and whenever the report is adverse the same shall be in writing, and ordered to be printed.

The SPEAKER. The report from the committee says nothing as to the leaving of copies.

Mr. CONGER. Is anything said about whether or not there was an adverse report?

The SPEAKER. The Chair is advised that there were no adverse reports in these cases. But the Chair agrees with the gentleman from Michigan that copies in all cases ought to be kept, and suggests that the report be amended to that effect. The Chair desires to call the attention of committees to the existence of this Rule 164, and in reporting as to the withdrawal of papers they will be kind enough to conform to the exact terms of the rule.

Mr. CONGER. Will the originals be kept here?

The SPEAKER. If an adverse report has been made the rule requires the originals shall be kept.

Mr. CONGER. Allowing the papers to be taken away *en masse* allows papers belonging to the Departments to be taken away. In that way the proofs which the Government might rely upon to defeat a wrong claim have gone out of their possession.

The SPEAKER. No officer of this House has any authority under any rule to give up any Government papers.

Mr. CONGER. No; but the files themselves are to be given up, and that includes all documents that relate to the subject.

The SPEAKER. Only papers presented by claimants can be given up. Any officer of this House who would give up papers belonging to the Government would commit an act in violation of an existing order of the House.

Mr. CONGER. I think there is some looseness about this matter of withdrawal of papers.

The SPEAKER. In order to prevent any such "looseness," as the gentleman terms it, the Chair has recently directed a change in the mode of procedure, by having all requests for the withdrawal of papers referred to the appropriate committees, so that the House can act with due diligence.

Mr. CONGER. I know that I have in one or two cases looked for papers on the files and could not find them.

The SPEAKER. And the Chair would further advise members of the House that under the new rule recommended by the Committee on Rules special provision in this regard has been made. The gentleman from Louisiana [Mr. ROBERTSON] amends the report as suggested by the gentleman from Michigan, [Mr. CONGER.] If no further objection be made the report will be agreed to.

The report was agreed to.

ADVERSE REPORTS.

Mr. RUSSELL, of North Carolina, from the same committee, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

The claim of James Moffitt, of Nashville, Tennessee;

The petition of Benjamin F. Wallace, of Poplar Grove, Arkansas, for compensation for quartermaster and commissary supplies taken by the United States Army during the late war; and

The claim of A. C. Wellborn, administrator of the estate of Daniel T. Wellborn, of Phillips County, Arkansas.

Mr. SIMONTON, from the same committee, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

The petition of Charles Burke, administrator of Elizabeth Burke, of Memphis, Tennessee; and

The petition of Rossannah H. Black, of Hardiman County, Tennessee, for compensation for supplies.

Mr. BRAGG. I move to reconsider the various votes taken upon reports made this morning from the Committee on War Claims; and I also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PIERRE JOSEPH MAES.

Mr. GUNTER, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 1916, a bill (H. R. No. 4437) for the relief of the heirs and legal representatives of Pierre Joseph Maes; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

BRUCE'S ISLAND.

Mr. NORCROSS, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 936) relinquishing the right of the United States to an island therein named; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT JAMES MISSION, WASHINGTON TERRITORY.

Mr. STEVENSON, from the same committee, reported back without amendment the bill (H. R. No. 3278) for the relief of the mission of St. James, in Washington Territory; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM REDUS.

Mr. POEHLER, from the Committee on Indian Affairs, reported a bill (H. R. No. 4438) for the relief of William Redus; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY WARREN.

Mr. HASKELL, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1047) for the relief of Henry Warren; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. HASKELL. I am directed by the Committee on Indian Affairs to report back with amendments the bill (H. R. No. 356) to provide for the sale of certain New York Indian lands in Kansas. If it is in order, I will ask that the bill be considered at this time.

The SPEAKER. The bill will be read, after which the Chair will decide upon the propriety of its being considered at this time.

The bill was read, as follows:

Be it enacted, &c., That those persons being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be

and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than the appraised value of the said tracts, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled "An act to provide for the sale of certain New York Indian lands in Kansas," payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts respectively from date of entry at 6 per cent. per annum; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for, and to be paid to, said Indians respectively to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within three years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale in the usual manner, at not less than the appraised value, notice of said sale to be given by public advertisement of not less than thirty days, and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments reported from the committee were as follows:

In section 1, strike out the words "the appraised value of the said tracts, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas,'" and insert in lieu thereof the words "$3 per acre;" so that it will read: "at not less than $3 per acre, payment to be made in three annual installments," &c.

Near the close of section 1, strike out the word "three" and insert the word "five;" so that it will read: "at any time within five years of the passage of this act."

In section 2, strike out the words "the appraised value" and insert the words "$3 per acre;" so that it will read: "at not less than $3 per acre," &c.

Mr. BLOUNT. Should not that bill go to the Committee of the Whole on the Private Calendar?

Mr. CONGER. I make the point that it is a public bill.

Mr. FINLEY. Then it should go to the Committee of the Whole on the Public Calendar.

Mr. CONGER. It is a general law, relating to the entire subject of these New York Indian lands.

Mr. SCALES. I hope that my colleague on the Committee on Indian Affairs [Mr. HASKELL] will permit this bill to go to the Calendar. I was granted permission by the Committee on Indian Affairs to bring in a minority report, but I have not yet had an opportunity to prepare it.

Mr. HASKELL. If the point of order is withdrawn that this is not a private bill, I will have no objection to its going to the Committee of the Whole on the Private Calendar.

Mr. CONGER. I think it is a public bill.

The SPEAKER. The Clerk will read from the Digest upon that point.

The Clerk read as follows:

To be a private bill, it must not be general in its enactments, but for the particular interest or benefit of a person or persons.

Mr. CONGER. This bill in some respects is for the general benefit of the United States.

Mr. HASKELL. This bill proposes to dispose of some twenty-eight different parcels of Indian land, and is in my judgment properly a private bill, if the intendment of the rule is regarded. In any event, as the chairman of our committee [Mr. SCALES] disagrees with the majority of the committee, and desires to submit a minority report, for the purpose of obtaining a fair consideration of the bill, I am willing that it shall go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair thinks the bill is for the benefit of the persons mentioned in the first section, those persons being "heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians."

Mr. CONGER. If the Chair will look further along in the bill he will see that the lands not entered are to be restored to the public lands for entry by citizens of the United States. The bill also provides for covering funds into the Treasury.

Mr. HASKELL. In trust for the Indians.

Mr. CONGER. But it provides that all lands which can be got away from these Indians shall be given to settlers in Kansas. That certainly is general legislation. The Chair will see that under the terms of the original law the Indians were to have three hundred and twenty acres, but under the provisions of this bill they are limited to one hundred and sixty.

Mr. HASKELL. The gentleman utterly misapprehends the entire scope of this bill. In 1873 a bill was passed for the disposition of these lands. There are no Indians there; there have been none for years. No Indian is upon that land or is to go there. The object of the bill is simply to provide, as has already been once provided by Congress, for the sale of lands abandoned by the Indians years ago. The bill will thus settle a difficulty of twenty years' standing in regard to the title of a little tract of land. It is a private bill, because it applies only to a few persons upon a few specific local subdivisions of land in a single county of a particular State.

Mr. BLOUNT. Is not the gentleman now proposing to withdraw the bill?

Mr. HASKELL. I propose that the bill go to the Committee of the Whole on the Private Calendar, if the House will allow me that privilege. I desire to take no advantage of anybody. The bill itself is as righteous as anything in the world can be; and this House will undoubtedly pass it when the facts are thoroughly understood.

The SPEAKER. Will the gentleman from Michigan [Mr. CONGER] be kind enough to specify again the provisions of the bill on which he bases his point?

Mr. CONGER. I call the attention of the Chair to the fact that the bill provides that all such lands as are not disposed of under the first section shall be classed with lands belonging to the Government, subject to entry and sale. This is a general provision. Whatever else the bill may contain as to private claims, it certainly provides in regard to the general disposition of lands by sale.

Mr. HASKELL. These lands are occupied; there are none open to public sale.

Mr. CONGER. The provision to which I have referred is certainly as clearly a provision of general law as any provision can be.

The SPEAKER. The principal purpose of the bill seems to be for the benefit of private individuals—a class of persons enumerated in the first clause of the bill; but in case of their failure to accept or take advantage of the first section, the second section makes a provision which the Chair agrees with the gentleman from Michigan in thinking is general in its scope. The bill in its operation might in the end be general in its effects, if the individuals mentioned do not take advantage of the first clause. But it seems to the Chair an immaterial question as to which calendar the bill may go to, for it is as likely to be reached on one calendar as the other.

Mr. HASKELL. I ask the gentleman from Michigan to withdraw his point, and let the bill go to the Private Calendar. As the Chair has suggested, it can make no material difference to the gentleman to which calendar the bill may go to. I do not think the gentleman ought to deny me the right to make this report this morning.

The SPEAKER. The gentleman from Michigan has not denied to the gentleman from Kansas any right.

Mr. CONGER. If the gentleman has any right, I cannot prevent him from exercising it.

Mr. HASKELL. I ask that the bill may go to the Private Calendar.

The SPEAKER. Does the gentleman from Michigan insist that the bill go to the public Calendar.

Mr. CONGER. Well, sir, I have such a recollection of what I thought to be schemes by which these lands were to be taken away from the Indians that I thought it best to have the bill sent to the Committee of the Whole on the public Calendar. But provided the bill goes to the Committee of the Whole, I do not care to which Calendar it goes.

The SPEAKER. The gentleman from Michigan withdraws his point; and the bill will be referred to the Committee of the Whole on the Private Calendar.

MONUMENT TO GENERAL FRANCIS P. BLAIR.

Mr. SPARKS, from the Committee on Military Affairs, reported back, with amendments, the bill (H. R. No. 2422) authorizing the donation of twelve condemned bronze cannon to aid in the erection of a monument to the memory of General Francis P. Blair; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. SPARKS also, from the same committee, reported back bills of the following titles; when the committee was discharged from the further consideration of the same, and they were referred to the Committee on War Claims:

A bill (H. R. No. 2559) to reimburse the State of Pennsylvania for moneys paid by said State for losses sustained by citizens thereof during the war of the rebellion, and to pay to said State the balance of the claims of citizens thereof for such losses as are now on file in the office of the auditor-general of said State; and

A bill (H. R. No. 3816) for the relief of James William Butler.

SERGEANT P. P. POWELL, SIXTH REGIMENT UNITED STATES CAVALRY.

Mr. JOHNSTON, from the same committee, reported back, as a substitute for House bill No. 1487, a bill (H. R. No. 4439) to remove the disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry; which was read a first and second time.

Mr. JOHNSTON. I ask, Mr. Speaker, by unanimous consent that this bill be put upon its passage at this time.

The bill, which was read, recites in its preamble that Sergeant P. P. Powell, Sixth Regiment United States Cavalry, has served faithfully as a private soldier and non-commissioned officer in the Army of the United States since October 27, 1875; and that he is debarred from all hope of promotion by the provisions of section 1218 of the Revised Statutes; and then it provides that his disabilities under said section be removed.

Mr. CONGER. Is there a petition accompanying this?

Mr. JOHNSTON. I ask that the report be read.

The report was read, as follows:

The Committee on Military Affairs, to which was referred the bill authorizing the appointment of P. P. Powell an officer in the United States Army, after due consideration, makes the following report:

P. P. Powell is now a soldier in the Sixth Regiment United States Cavalry. He has served faithfully four years on the frontier in such a manner as to win the

favorable opinion of his officers, in consequence of which he has had such advancement as those officers could give him. He has also been recommended by them for a commission. He has passed the required examination creditably. The service in the confederate army, which disqualifies him for a commission in that of the United States, was performed in his boyhood, between his sixteenth and eighteenth years. The late Secretary of War says in a letter herewith "that should the young gentleman's appointment be authorized by Congress, he should unhesitatingly recommend it." The committee recommends that the bill be passed.

Mr. WHITE. Mr. Speaker, there can be no possible objection to the passage of this bill. It is not a sweeping relief from the disabilities of section 1218 of the Revised Statutes, but is individual to this case. I think this soldier merits this act of kindness from the American Congress.

Mr. McCOOK. Mr. Speaker, I wish to supplement what the gentleman from Pennsylvania has said by calling attention to this fact in connection with this young man: When he was a mere youth, sixteen years of age, he served for two years in the confederate army. Nearly five years ago he enlisted in the Army of the United States, and since that time has served as a private soldier and non-commissioned officer to the entire approval of all his officers. He does not ask a bill from this Congress to appoint him to the position of a lieutenant in the Army of the United States, but simply comes here asking that these disabilities shall be removed under this section, so he shall not be debarred of all hope or right of promotion.

And I say, Mr. Speaker, and I am considerable of a republican, if you will pardon the statement, that a man who has possibly risked his life several times in four or five years in the Army of the United States ought not to be debarred of the right of promotion when under the law he can sit in the House of Representatives or become President of the United States.

Mr. CONGER. I made no objection to the passage of this bill, but merely asked whether any petition accompanied it. I desire to say in addition to what has already been said that when a man goes into the military service of the United States and for years shows his devotion to his country, and comes here and asks for the removal of his disabilities, I shall be among the first to vote in favor of the proposition.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERSE REPORTS.

Mr. BROWNE, from the Committee on Military Affairs, reported back adversely in the following cases; which were laid upon the table and the accompanying reports ordered to be printed:

A bill (H. R. No. 908) for the relief of Parmenas Taylor Turnley, late captain and assistant quartermaster, United States Army;

A bill (H. R. No. 907) for the relief of Herman J. Korff, late lieutenant-colonel of the Tenth Regiment of Ohio Volunteer Infantry; and

A bill (H. R. No. 2240) for the relief of Richard M. Rucker.

Mr. BROWNE moved to reconsider the vote by which these cases were laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CARLILE BOYD.

Mr. LE FEVRE, from the Committee on Military Affairs, reported back favorably a bill (H. R. No. 3477) for the relief of Carlile Boyd; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID W. STOCKSTILL.

Mr. LE FEVRE also, from the same committee, reported back favorably a bill (H. R. No. 554) for the relief of David W. Stockstill, of Sidney, Ohio; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS S. BRIDGES.

Mr. SMITH, of Georgia, from the same committee, reported back adversely a bill (S. No. 229) for the relief of Thomas S. Bridges; which was laid upon the table, and the adverse report ordered to be printed.

J. E. LABATT, JR.

Mr. UPSON, from the same committee, moved that that committee be discharged from the further consideration of the bill (H. R. No. 2709) for the relief of J. E. Labatt, jr., and that the same be referred to the Committee of Claims.

The motion was agreed to.

Mr. BRIGHT. Mr. Speaker, I make the point of order that the morning hour has expired.

The SPEAKER. The morning hour has expired.

GOVERNMENT BRIDGE, ROCK ISLAND.

Mr. PRICE, by unanimous consent, presented the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be instructed to inform this House whether any railroad company other than the Chicago, Rock Island and Pacific Railroad Company has made application for the right to use the Government bridge over the Mississippi River at Rock Island for the crossing of its cars; and also whether any money has been paid to the Government by any railroad company other than the Chicago, Rock Island and Pacific Railroad Company for the use of said Government bridge in crossing cars from the State of Illinois to the State of Iowa, or from the State of Iowa to the State of Illinois; and also whether, under the law making appropriations for, and authorizing the construction of, said bridge, any railroad company other than the Chicago, Rock Island and Pacific Railroad Company has the legal right to use said bridge in any manner, by its own employés or otherwise, without the consent of the proper officer of the Government, and by paying such compensation to the Government and in such manner as said officer may direct; and whether, under the act of Congress authorizing and providing for the construction of said bridge, the said Chicago, Rock Island and Pacific Railroad Company has the right to use said bridge for crossing cars other than their own without paying to the Government just compensation therefor.

MARY E. MORGAN.

Mr. THOMPSON, of Iowa, by unanimous consent, introduced a bill (H. R. No. 4440) granting a pension to Mary E. Morgan, widow of Nathan Morgan, deceased, late a private in Company I, Fortieth Regiment Iowa Volunteers; which was referred to the Committee on Invalid Pensions.

JAMES E. MONTELL.

Mr. KELLEY, by unanimous consent, from the Committee of Ways and Means, reported back favorably a bill (H. R. No. 2844) for the relief of James E. Montell, of Baltimore, Maryland; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

NEW YORK COTTON EXCHANGE.

Mr. MORTON. I ask unanimous consent to present, by request of the New York Cotton Exchange, a report or memorial of the New York Cotton Exchange in reference to the census, which I ask may be printed in the RECORD.

Mr. TOWNSHEND, of Illinois. Why cannot that go through the petition-box?

Mr. MORTON. It is very short; and as it treats of a matter of considerable importance, I hope there will be no objection to its being printed in the RECORD.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

This memorial respectfully represents that the National Cotton Exchange at its last meeting, in the city of New York, appointed the undersigned a committee to memorialize your honorable bodies to amend the census laws in such manner that the Superintendent of the Census may be authorized to publish, in advance of the official publication, the acreage and production of cotton in each county and State.

Your memorialists would respectfully represent that this information is of vast importance to the entire cotton trade, as it will give a reliable basis on which to estimate the yield of cotton from year to year, prevent violent fluctuations in price, and thereby save millions of dollars to the producer and manufacturer.

T. K. IRWIN,
Mobile, Alabama.
J. H. JOHNSTON,
Savannah, Georgia.
HENRY HENTZ,
New York.
J. L. SLOSS,
Saint Louis, Missouri.
WM. A. GWYN,
New Orleans, Louisiana.

MOBILE, *January* 12, 1880.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. RYAN, of Kansas, for ten days; and

To Mr. WAIT, for one week, on account of important business.

JOINT RESOLUTION SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 75) to print the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler; when the Speaker signed the same.

LIGHT-HOUSE, STURGEON BAY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the establishment of a light-house at the entrance of Sturgeon Bay, Wisconsin; which was referred to the Committee on Appropriations.

GOVERNMENT BUILDING CORNER OF SEVENTEENTH AND F STREETS.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending certain improvements be authorized to be made to Government building corner of Seventeenth and F streets, Washington, District of Columbia; which was referred to the Committee on Appropriations.

CHANNEL AT PERTH AMBOY, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting correspondence showing the advantage to be derived from the improvement of the channel at Perth Amboy, New Jersey.

BUILDINGS AT FORT OMAHA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to buildings at Fort Omaha, and transmitting an estimate of additional amount required; which was referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. BRIGHT. I now demand the regular order.

The SPEAKER. The regular order is a special order which has been set for consideration to-day by order of the House.

Mr. FERNANDO WOOD. I rise to a privileged motion. I move when the House adjourns to-day it be to meet on Monday next.

Mr. BRIGHT. I ask the gentleman from New York to withdraw his motion, or allow me to offer an amendment providing that the House shall meet to-morrow and have a special session for debate only. There are several gentlemen who desire an opportunity for debate.

Mr. FERNANDO WOOD. If unanimous consent is given for the purpose asked by the gentleman from Tennessee, I will withdraw my motion.

Mr. BRIGHT. I now ask unanimous consent that to-morrow's session shall be held for debate only, no business of any sort to be transacted.

The SPEAKER. Is there objection to the motion of the gentleman from Tennessee?

Mr. TOWNSHEND, of Illinois. On what subject?

Mr. BRIGHT. On anything you want.

The SPEAKER. The motion of the gentleman from Tennessee is that the session of the House shall be held to-morrow for debate only. Is there objection?

There being no objection, it was ordered accordingly.

The SPEAKER. The special order for to-day is the consideration of bill (H. R. No. 3764) for the relief of General Fitz-John Porter.

Mr. FINLEY. Mr. Speaker——

Mr. BRIGHT. Pending the consideration of the special order, I move that the House resolve itself into the Committee of the Whole on the Private Calendar. This is a privileged day under the rule for that purpose.

Mr. SPARKS. The special order for to-day is a private bill.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. FINLEY. I rise to inquire whether we should not take up the consideration of the rules to-morrow in order to get through with them as rapidly as possible, instead of appointing a day for general debate.

The SPEAKER. That is another question. The Chair desired to know of the gentleman from Ohio if it was his purpose to object to the motion of the gentleman from Tennessee, which requires unanimous consent, that to-morrow's session shall be for debate only. The Chair did not understand the gentleman as objecting; but if it was his purpose to do so, the Chair will take note of it.

Mr. WRIGHT. Debate on what?

The SPEAKER. On any subject. But the gentleman from Ohio, [Mr. FINLEY,] the Chair understood, states he rose to object to that arrangement.

Mr. BRIGHT. I hope the gentleman will not insist on his objection. And I submit that the Chair had proceeded to other business.

The SPEAKER. Yes; but the Chair is always willing to go back when a gentleman states that he rose for the purpose of objecting.

Mr. FINLEY. I withdraw the objection.

The SPEAKER. The Chair hears no further objection.

Mr. COX. I move to reconsider the vote by which it has been ordered that the session of to-morrow shall be for debate only; and I also move to lay the motion to reconsider on the table.

Mr. CONGER. Can that be a subject for a motion? Has not this been done by unanimous consent?

The SPEAKER. Unanimous consent was given to the gentleman from Tennessee to make the motion, and the motion seemed to be unanimously agreed to; whereupon the gentleman from New York moves to reconsider the vote and to lay the motion to reconsider on the table; so that hereafter in to-day's session no change of that order can be made by the House.

The motion to lay the motion to reconsider on the table was agreed to.

EMANUEL KLAUSER.

On motion of Mr. FORSYTHE, by unanimous consent, the bill (S. No. 368) for the relief of Emanuel Klauser, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

EQUESTRIAN STATUE OF GENERAL WINFIELD SCOTT.

Mr. CLYMER. I desire, by direction of the Committee on Appropriations, to report back the bill (H. R. No. 4286) to pay Henry K. Brown for the construction of an equestrian statue of General Winfield Scott in the city of Washington, and to move that it be referred to the Committee on the Library.

There being no objection, the Committee on Appropriations was discharged from the further consideration of the bill, and it was referred to the Committee on the Library.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The regular order is the special order assigned for to-day after the morning hour, being the bill for the relief of General Fitz-John Porter.

Mr. BRIGHT. I raise the question of consideration.

Mr. SPARKS. The gentleman from Tennessee, as I understand, antagonizes this special order by the motion to go into Committee of the Whole for the consideration of bills on the Private Calendar.

The SPEAKER. He now raises the question of consideration against the special order, and does not press the motion to go into committee.

Mr. COX. Which motion is put first?

The SPEAKER. The question of consideration has first to be put. The other motion mentioned would not be in order until the House determines not to consider the special order.

Mr. SPARKS. I suggest to the gentleman from Tennessee that this is a private bill. His object, therefore, is attained by going to the consideration of this bill, which is the special order for to-day.

Mr. BRIGHT. The usual course in relation to these matters, as I understand, is that all the private claims stand upon the same footing. One occupies no higher position in law or under the rules of the House than another. The usual course is to go to the Private Calendar, where this bill will share the same privileges as all the others. For that reason I raised the question of consideration.

Mr. SPARKS. The only answer to that is, this House has, of its own volition, made this a special order. I am not insisting that this has claims over other bills, but the House by its order has made it special, and as it is a private bill I submit to the gentleman from Tennessee that antagonizing it is hardly fair.

Mr. BRIGHT. I do not suppose it is unfair to do anything under the rules of the House; and I have not yet obtained any knowledge of the fact, if it be a fact, that the claim of General Fitz-John Porter stands upon a higher footing, in a legal point of view, than other claims that are before this House for consideration. Therefore, in behalf of the multitude, I raise the question of consideration against the individual.

Mr. O'CONNOR. I think if the order making the case of General Fitz-John Porter a special order for to-day is insisted upon, it would be equivalent to slamming the door of Congress in the face of every private bill.

The SPEAKER. That is in the nature of an argument.

Mr. O'CONNOR. I would state this: This case would consume a vast amount of time.

The SPEAKER. The Chair has allowed some latitude of debate, although, in fact, the question is not debatable.

Mr. BUCKNER. What was the order made by the House?

The SPEAKER. The bill was made a special order for to-day by a vote of the House. The question of consideration is raised by the gentleman from Tennessee. It is for the House to determine whether they will now consider the special order or not. A majority controls.

Mr. FINLEY. Does the gentleman from Tennessee move that the House resolve itself into Committee of the Whole?

The SPEAKER. That motion is not before the House, nor would the Chair entertain such motion at this time.

Mr. COX. I understand the gentleman from Tennessee raises the question of consideration.

The SPEAKER. Objection being made, debate is not in order.

Mr. COX. I desired to ask a question, not to debate.

The SPEAKER. If it be a parliamentary inquiry, the Chair will hear it.

Mr. COX. I want to ask the Speaker whether the Senate is not now considering a similar bill.

The SPEAKER. That is not a parliamentary inquiry.

Mr. SPARKS. I will answer it, however, by stating the Senate is not.

Mr. SIMONTON. I desire to make a parliamentary inquiry. If the House refuses now to consider the special order, will it be a special order next private bill day?

The SPEAKER. That is a proper and a very pertinent question. The Chair, however, does not desire to decide in advance, nor until he has examined the record, whether this bill, if the House now refuses to consider it, will go over until next Friday. It would certainly come up either on next Friday or on next Tuesday; if on the latter day, subject to other orders of a similar character. The Chair is not fixed in judgment whether this is fixed for Friday as belonging to the class of private bills which are only considered on that day, or whether the order of the House was of a general character and the special order applies "from day to day until disposed of."

Mr. GARFIELD. Let the order be read.

The SPEAKER. It will be again read.

Mr. KENNA. Before that is done I wish to ask a parliamentary question in that connection.

The SPEAKER. The Chair will hear the gentleman.

Mr. KENNA. My question is this: If the order making this bill a special order for to-day should be construed to be general in its terms, so as to make it a special order for days other than Friday, would not other special orders made at a date anterior to this, and continuing from day to day, supersede this special order?

The SPEAKER. The Chair does not at this time desire to decide when this bill will come up again should the House now refuse to proceed to its consideration. The Chair, however, will decide that should the House now refuse to consider this bill it will not lose its special character.

Mr. HOOKER. That will depend upon the character of the order which was made by the House. I ask that that order be read.

The SPEAKER. It has been once read; it will be read again.

The Clerk read as follows:

Mr. SPARKS, by unanimous consent, from the Committee on Military Affairs, to which was referred the message of the President in relation to General Fitz-John Porter, reported a bill (H. R. No. 3764) for the relief of General Fitz-John Porter, &c., accompanied by a report (No. 129) in writing thereon; which said bill was read twice.

Mr. MCCOOK, by unanimous consent, presented the views of the minority of said committee.

Ordered, That said bill be made the special order for Friday, February 13th proximo, after the morning hour, and from day to day until disposed of; and that said bill and accompanying report, together with the views of the minority, be printed.

Mr. SPARKS. What is the date of that order?

The CLERK. January 21, 1880.

Mr. SPARKS. The House will now perceive that this order was made more than half a month ago.

A MEMBER. Nearly a month.

Mr. KENNA. I desire to have one point understood in connection with the suggestion of the Chair that the taking up of this matter now may operate to give it place for consideration from day to day until disposed of, even on other days than Friday. My point is that there are other special orders of prior date to this order, which are continuing orders, and which must supersede this order on other days than Fridays.

The SPEAKER. The Chair thinks that if considered on other days than Friday the priority of date of special orders would control.

Mr. KENNA. That is all I desire.

Mr. CLYMER. Would it not be a question of consideration between two special orders?

The SPEAKER. The question of consideration could be raised, and the majority of the House would decide that question as to which special order preference in consideration should be given.

Mr. COX. Would the Fitz-John Porter case come up as unfinished business the next time the House shall meet after to-day?

The SPEAKER. It would not, because it has not yet been entered upon.

Mr. COX. Suppose it shall come up to-day and not be finished, and go over until Saturday or Monday, would it not then be unfinished business and in order?

The SPEAKER. The Chair does not propose to decide points of order until they actually come before the House. The point of order indicated by the gentleman from New York [Mr. COX] is not now before the House.

Mr. TOWNSHEND, of Illinois. Let us have the regular order.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. My point of order is this: ordinarily under the rules the motion of the gentleman from Tennessee [Mr. BRIGHT] would take precedence to-day. But a certain bill having been made a special order for this day, does not that supersede whatever under the rules would ordinarily be in order at this time? There being a specific matter made by the House a special order for consideration at this particular time, does not that supersede the motion of the gentleman from Tennessee?

Mr. GARFIELD. We have not been able to hear the point of order made by the gentleman from Mississippi, [Mr. HOOKER.] I would like to understand it.

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] will state his point of order again.

Mr. HOOKER. To-day is private bill day. On a day prior to this the House ordered that a particular bill should be a special order for to-day. My point of order is, that under that special order the bill supersedes whatever business would under the rules come up in regular order to-day. The special order cannot be antagonized by the motion of the gentleman from Tennessee to go into Committee of the Whole on the Private Calendar.

The SPEAKER. The motion to go into Committee of the Whole on the Private Calendar is not before the House.

Mr. HOOKER. I understood the gentleman from Tennessee to make that motion.

The SPEAKER. The gentleman mentioned such motion, but did not press it. The Chair understands the question of consideration to be raised by the gentleman from Tennessee, [Mr. BRIGHT.] The practice and the rule of the House is that any member may raise the question of consideration. But the laying aside temporarily of a special order, on a question of consideration, does not deprive it of any privileges accorded to it by the House. The Clerk will read Rule 41.

The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put unless it is demanded by some member.

The SPEAKER. It is demanded in this case and at this time.

Mr. SPARKS. In making this the special order for to-day it was not the intention to antagonize any other bills. This was fixed as a special order perhaps twenty days ago, thus giving a long time in advance of its consideration for members to examine the bill. It is a private bill, but the order is that the special consideration of that private bill shall be had to-day, and from day to day until disposed of; not from Friday to Friday, but from day to day.

Mr. COX. Will the gentleman allow me——

Mr. SPARKS. This bill was fixed as a special order twenty days ago. I do not want to antagonize any other bill, but this bill has been fixed for to-day; why not consider it?

Mr. COX. The gentleman will allow me to suggest that when bills of a private nature are fixed for a Friday and are unfinished on that day, then by the ruling of the Speaker as made heretofore they go over as unfinished business until the next Friday, and do not come up on any other day of the week.

Mr. SPARKS. I do not so understand.

Mr. COX. It has been so ruled.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] raises the question of consideration, which the Chair entertains under Rule 41. The question is, Will the House consider the special order fixed for to-day?

The question being taken, there were—ayes 67, noes 98.

Mr. SPARKS called for tellers.

Tellers were ordered; and Mr. SPARKS and Mr. BRIGHT were appointed.

The House divided; and the tellers reported ayes 41, noes not counted.

So the House refused to consider the special order.

Mr. MCCOOK. Will the Chair be kind enough to state in what position this bill is now left?

The SPEAKER. The House has refused to consider it at this time, but it is not stripped of its special-order character to be considered from day to day.

Mr. MCCOOK. At what time can it be brought up?

The SPEAKER. The Chair is not prepared at this time to decide whether the bill will go over until next Friday, or whether, being fixed as a special order from day to day, it will come up on any other day than Friday. When that question arises, the Chair will be prepared to decide the point.

Mr. CONGER. Can the bill come up next Monday?

The SPEAKER. It cannot; because after the morning hour of Monday motions to suspend the rules will be in order until two o'clock, at which time the floor will be under the control of the Committee for the District of Columbia, next Monday being the third Monday of the month.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole to proceed with the consideration of business on the Private Calendar.

Mr. CONGER. Is this "objection day?"

The SPEAKER. It is not; it is consideration day.

The motion of Mr. BRIGHT was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. KEIFER in the chair,) and proceeded to the consideration of business on the Private Calendar.

CHARLES CLINTON.

The CHAIRMAN. The first business in order is the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant Treasurer at New Orleans. This bill having been recommitted to the Committee of the Whole on Friday last, it now resumes its place on the Calendar.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, out of any money in the Treasury not otherwise appropriated, the sum of $5,850, being the amount of public money stolen from his office on the 1st day of May, 1871, and refunded by him to the Government of the United States.

An amendment reported from the Committee of Ways and Means was to add the following:

Provided, That before said money shall be paid the Secretary of the Treasury shall be satisfied, after inquiry and investigation into all the facts, that said sum of money was actually stolen, and that the loss of the same was not the result of any neglect or want of reasonable diligence on the part of said officer.

The pending question was upon the following amendment offered by Mr. MORRISON:

Add to the bill the following:

Provided, That before such money shall be paid, the Secretary of the Treasury shall be satisfied, after inquiry and investigation into all the facts, that said sum of money was actually stolen, and that the loss of the same was not the result of any neglect or want of reasonable diligence on the part of such officer.

Mr. FINLEY. I ask that the report be read.

The report was read, as follows:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 1542) for the relief of Charles Clinton, beg leave to report:

That a similar bill was unanimously reported from the committee at the third session of the Forty-fifth Congress, but was not reached for consideration in the House. The report then made states the facts connected with this claim so clearly and succinctly that we prefer to adopt it rather than prepare a new statement. It is as follows:

That they have given full consideration to the bill providing for the relief of Charles Clinton, late assistant United States treasurer at New Orleans, Louisiana, and of all the facts connected therewith.

It appears from the information furnished from the Treasury Department, that on the morning of the 1st of May, 1871, the sum of $5,850 was stolen from the office of the assistant treasurer at New Orleans by some party unknown, and that immediately thereafter the amount was refunded by the assistant treasurer to the Government.

It appears from the testimony submitted to the committee that a thorough examination of all the facts and into the business of the office of the assistant treasurer by the special agents of the Treasury exonerated the cashier and employés of the office in New Orleans and the assistant treasurer himself from all fault or blame.

It is made to appear that, in addition to the usual duties of the assistant treasurer, he was required by the Secretary of the Treasury to take charge of all the internal-revenue stamps to be sold throughout the Southwest, and to sell the same from his office, without being allowed any increase of force, although the assistant treasurer frequently applied for authority to employ a clerk to take special charge of this business, and informed the Secretary that without an increase of the employés he could not conduct the office satisfactorily.

The Secretary replied that no appropriation had been made for this purpose, and that therefore the request of the assistant treasurer could not be complied with.

It appears that while the cashier was engaged for a moment in attending to the duties of his office away from the counter, on which were several packages of money lying, some thief fished up one of them by reaching over the barrier in front of the counter and immediately disappeared.

There is no suspicion, or grounds of suspicion, against the assistant treasurer, or his cashier, or the employés of the office.

It appears that the assistant treasurer was a zealous and careful officer, and that the cashier was also diligent and faithful. Large sums of money passed through this office, and every dollar was faithfully accounted for. There was never at any time any complaint.

It is also made to appear by the testimony before your committee that the assistant treasurer exercised due diligence and watchful care over the appointments and over the actions of his subordinates.

The proof absolutely excludes any presumption of fraud or misconduct on the part of the assistant treasurer or his subordinates, or any privity or knowledge on the part of the assistant treasurer whatever.

Your committee therefore recommend the passage of the accompanying bill.

Mr. GIBSON. Mr. Chairman, if I can have the attention of the committee for a few moments I desire to say but a word in advocacy of the bill reported by the gentleman from Kentucky, [Mr. CARLISLE.] The report just read shows that the bill has been twice considered in two different Congresses by the Committee of Ways and Means, and that in each there was a unanimous report in its favor from that committee.

This is the first time since I have been a member of this House that I have risen to advocate a private claim of any character whatever. The gentleman in whose behalf this claim is presented does not belong to my political party. He is, however, a constituent of mine. I feel, therefore, that if I could make any discrimination whatever with regard to a claim here, it would be in favor of a citizen not of the same political party with myself; for, sir, I should distrust myself, I should feel, perhaps, that I might be actuated by personal or political bias, if I made myself in any sense the champion of a claim held by a democrat.

Mr. Chairman, what are the facts in this case? The evidence shows that at times money, amounting to as much as $17,000,000, was in the keeping of this officer, and that at no time while he held the office was there less than $5,400,000 in his charge. The salary of this officer for the performance of a trust involving such vast responsibility is the small sum of $4,500.

More than this: while in the discharge of the duties of this office this assistant treasurer was notified that he must take charge of the sales of all the internal-revenue stamps for the whole Southwest. The sales of these stamps exceeded the sum of $200,000 a week. It was a new, an unusual, an extraordinary duty not connected by law, by precedent, or by custom with the duty of this officer as assistant treasurer. He protested against this duty being imposed upon him. He notified the Treasury Department that he had not a sufficient force of employés in his office to discharge the additional duties thus placed upon him.

After he had assumed this trust, in addition to his regular duty, which already involved the receipt and disbursement of millions of dollars, it was discovered that the small sum of $5,800 was missing. An investigation was had. The officers of the Treasury exonerated him from all fault. His employés were also exonerated.

Why, sir, only the other day—the last time this committee had the Private Calendar under consideration—in a case where the evidence showed that the cashier had stolen the money, this House voted to relieve his superior officer, who was held to be blameless. All the precedents we have had before us have been cases where the subordinate has been found guilty of misconduct in his office. You have in such cases relieved the superior officer upon the ground that if he were himself faithful, if he were himself guilty of no negligence, you would not visit upon him the misconduct or negligence of his subordinates.

In this case, Mr. Chairman, there has been no negligence either on the part of the superior officer or on the part of the subordinate, none whatever. The Committee of Ways and Means has declared twice to this House its solemn judgment upon the testimony before it that this is a case where relief ought to be granted on the part of the Government. I repeat, sir, there has been no confession of any defalcation on the part of either one of these officers. All the testimony concurs in proving nobody in that office was guilty of any negligence, but on the contrary that there was due diligence exercised by this officer and his subordinates.

What a spectacle it is for gentlemen in this House, in view of the precedents which are thick upon our books, in view of our action at the last session of this Committee of the Whole House, now to insist upon holding a public officer for the discharge, not of his legitimate duties, but for the discharge of extraordinary duties imposed upon him by the Secretary of the Treasury, when no fault is shown either upon his part or that of his subordinates.

It is pretended by some that the railing around this office was not sufficiently high to prevent anybody getting over it, and therefore if anybody did get over it the assistant treasurer himself was responsible. This railing, sir, was identical with that in all the banks of New Orleans. It was the usual, customary, proper railing found in all banking establishments of that city.

It is said by others that he should have been present at the counter all the time. How is it possible, when these vast sums of money were intrusted to his keeping with only a single cashier, that he and the cashier both could be at this counter all the time? Any gentleman who has practical acquaintance with the business at that time in that city must know how utterly impossible it could be for this officer to be at all times at the counter in this office.

This was the first officer of the Federal Government in that Department in the city of New Orleans who had not retired from this office as a delinquent. All his predecessors, as the official reports prove, had been delinquents from the close of the war.

These are the facts in the case. I cannot appreciate the zeal which has led some gentlemen here to pick out this case and make an example of it when they have so cheerfully voted for other and weaker cases.

I also dissent from the doctrine laid down here that officers of the Government intrusted with Government money are liable, at all events, to be classed as insurers with innkeepers and common carriers. That doctrine cannot be maintained in law or reason. The true doctrine was laid down by Lord Holt, who has done more perhaps to establish the British constitution than any other single man who ever lived. He performed the same work for the British government that John Marshall has done for the Government of the United States. He laid down the true doctrine in the case of Coggs *vs.* Bernard. It was further exemplified by the brilliant genius of Sir William Jones. It is still further shown in those principles of bailment, which will live as long as the English language, by Mr. Justice Story.

This officer was a bailee for hire and under bonds for due diligence in the performance of his duty. The opposite doctrine would be monstrous.

Will you tell me the Secretary of the Treasury, or any officer holding vast sums belonging to the people of this country in his possession and under his responsibility, is bound as an insurer, as innkeeper, or as common carrier? Sir, such a doctrine is repulsive to every man who really and seriously considers the liabilities and responsibilities of life. We could get no man to accept office under this Government if he were liable at all events for every dollar which belonged to the Government or passed through the Department over which he presided.

The opposite is the true doctrine, and it is found laid down by Moses himself; gentlemen will find it in the fifteenth verse of Exodus. It is laid down by Chancellor Kent that a postmaster could not be held liable for any deficiency in his office; that he was liable only for due diligence in the discharge of his duty.

Mr. Chairman, I say if the representatives of the people shall find men holding official trust, men charged with the administration of the great departments of the Government, always upholding the principles of honor, always discharging their obligations with diligence and good faith, we shall have cause of congratulation indeed.

Mr. STONE. Mr. Chairman, I do not rise to detain the committee at any length in regard to this matter. I simply desire that the letter of the special agent, which has heretofore been read and printed in the RECORD when we considered this matter before, shall now be read. I think that letter will show that this officer was not in the discharge of due diligence as has been claimed by gentlemen on this floor.

The Clerk read as follows:

OFFICE SPECIAL AGENT UNITED STATES TREASURY DEPARTMENT,
New Orleans, May 8, 1871.

SIR: I have the honor to submit the following report relative to the recent robbery at the office of the United States assistant treasurer in the city of New Orleans.

On the morning of the 2d instant I was informed that on the previous day the sum of $5,850 had been stolen from that office by some party unknown. Having no instructions, special or general, to investigate into matters connected with the sub-treasury, I immediately telegraphed to the Department that the above stated sum of money was said to have been stolen from the sub-treasury, and at the same time asked for instruction in the premises.

The Department, on 3d instant, instructed me by telegram in the following words: "Investigate robbery, being careful not to derange efforts of Clinton, who has employed detectives."

I have closely questioned each one of the employés in the sub-treasury, and have consulted with Detective Smith, who was employed by Mr. Clinton to discover and arrest the guilty party.

I find that between the hours of two and three p. m., on 1st instant, the sum of $27,000 (perhaps a little over that amount) lay on the counter close by the desk of Mr. Shute, the cashier. This sum of money was in several packages of various amounts, and among which was one package of $5,850.

There are two apartments or rooms in this establishment, one room being occupied by the bookkeepers and the assistant treasurer, and the other being the office where the funds are received and paid out. The latter room is occupied by Mr. Shute, cashier and paying teller; John L. Henderson, the reciving teller; and John H. Aufdemorte, a porter who is employed in counting currency at a table in the rear of Mr. Shute's desk, and nearly opposite the window through which he pays out the funds. The counter is nearly four feet high; on the other side of the counter there is a protection about three feet high, the lower part of this protection being common panes of glass and the upper part a slight wooden railing. These panes of glass were not shaded or darkened; consequently, any person standing outside of the counter could see everything that lay on the counter inside of said protection. The counter projects about eight inches outside of this protection, so that

an outsider could very easily stand up on this projection by holding on to the top railing, and when in that position could, if the officials inside were absent for a moment, or if their backs were turned toward the counter, very easily, with a pointed cane, extract a package of money almost in an instant.

For a short time between the hours of two and three p. m. on 1st instant the cashier and receiving teller were together in the cashier's vault. While they were there there was no person in the front office except Aufdemorte, the porter, who was engaged at a table counting currency, and having his back toward the counter. At this time the $27,000 was lying on the counter, and among which was the package of $5,850 in currency.

Aufdemorte states that while the cashier and receiving teller were in the vault he heard a slight rustle or creaking noise outside the counter; that he did not look around to ascertain what caused this noise, as he supposed it was the creaking of the foot-board on which persons waiting outside of the cashier's window stand. He also states that at that time there was but one person outside the counter.

Soon after three o'clock Mr. Shute, on verifying his cash accounts for the day, found his cash short $5,850 currency. He recollected that a package of that amount was laying on his counter when he went to the vault, and he found this same package missing.

Mr. Shute informs me that when he discovered the loss he examined the outside of the counter, and that on the projection (which I have already described) he found some sand which appeared to be the foot-print of some person who had stood upon this projection.

This foot-print was right opposite where the money lay on the counter.

Detective Smith was immediately sent for and intrusted with the investigation of the case.

I have consulted with Smith. He and I agree in the opinion that the money was stolen over the counter at the time the cashier and teller were in the vault and the office in the sole possession of the porter, who was busy counting currency, and who had his back to the counter.

It will be seen that under the circumstances, with the money exposed to the full view of outsiders through an unshaded glass, with the aid afforded by the outside projection of the counter, no person in the office except a porter, whose back was turned, a very favorable opportunity was afforded to any expert thief to abstract a package of money from the counter.

Thus far Detective Smith has failed to find any clew to the robbery, and he entertains no hopes of success.

I have no suspicion against Aufdemorte, the porter. I inquired closely into his movements after the robbery was discovered, and I find nothing to excite any suspicion.

I am, very respectfully, your obedient servant,

T. J. KINSELLA,
Special Agent.

Hon. GEO. S. BOUTWELL,
Secretary of the Treasury, Washington, D. C.

Mr. PRICE. Mr. Chairman, two weeks ago when this matter was up for consideration I stated that I desired to make no factious opposition to it. I now reiterate that statement. My principal object in opposing the payment of this money is this: I need not say to gentlemen on this floor that for all the years of the past it has become the custom for a man after he has obtained an office and become a defaulter to come to Congress and ask for relief, and almost invariably that relief has been granted.

Now, I know not what other gentlemen may think in reference to this matter, but for myself I am clearly and decidedly of the opinion that a man who accepts a trust or office under the Government ought to be held to a strict accountability for the funds placed in his hands. He takes the office with notice, and his bond is for the assurance of the faithful discharge of the duties to be performed by him in that connection. If this is to continue in the future as in the past, it will be understood that all that is necessary is, in the first place, for a man to obtain an office; in the next place, to be very certain to draw his salary, and in the third and last place, finding that he is unable to account for funds which have been placed in his hands, he need only come to Congress and say that he has been diligent, faithful, indefatigable, and all that in the discharge of his duties, but that somebody, somehow, at some time, and he is unable to tell exactly how, took away some of that money, and Congress, ever ready, I am sorry to say—ever ready to vote away money belonging to other people, will relieve the party, and the Government loses the money.

We higgle here over $2 a month, $4 a month, or $8 a month to the men who stood in the front rank of battle and saved the life of this nation; but five, ten, fifteen, or twenty thousand dollars can be voted away almost without a division of this House. I submit to gentlemen if we are acting the part of good guardians of the public funds when we do such things?

Now, my friend from Louisiana [Mr. GIBSON] has quoted to the committee authorities all the way back to Kent, Story, Marshall, and even as far back as to Moses—an array of distinguished authorities that I would not dare, sir, to interpose my feeble voice against if it were not for just one thing. My friend winds up all of his quotations and references of authorities, coming down through all the ages from Moses, every one of them, and I call his attention to the fact "that due diligence had been exercised."

Now, Mr. Chairman, upon this question of due diligence I claim this whole matter hinges. If you show me that this gentleman who now seeks relief, or any other person who was under his control, has exercised due diligence in caring for the funds of the Government which were placed in his possession and under his control, I will be the very last man to raise my voice against granting the relief.

Mr. CARLISLE. Will the gentleman permit me to ask him a question in this connection?

Mr. PRICE. Yes, sir.

Mr. CARLISLE. I just wish the gentleman to designate to the committee the particular point in which he claims that this official failed to exercise due diligence. I do not speak of the subordinates or other parties who may have been connected with the office, but of the officer himself.

Mr. PRICE. Yes, sir; I will endeavor to answer the gentleman, and if I am not able to make it clear, then I will fail in all that I have to say in reference to this subject.

The testimony, and that is the only thing that I base my opinion on, for I know nothing of this case except what the testimony discloses, but the facts set forth in that report to which we listened and which it is thought is to clear this officer of culpable negligence in the discharge of his duties—the testimony shall answer the gentleman and be authority for what I have to say. I base my judgment and my action in this matter entirely on that report. Now what does that report say? It says—and I want to have the attention of the gentleman who asked me the question—there were three or more packages of money—and I wish gentlemen of the committee to pay particular attention to this, for it is in my judgment the point here—there were three packages of money, unopened packages, lying upon the counter, and among them was one containing $5,850, and that the gentleman who had that money in charge and whose business it was to guard it was away from that counter upon which $27,000 of money was lying there in these three packages. The gentleman whose business, whose sworn duty it was to care for it, ay as vigilantly as the three-headed dog guards the gate of the infernal regions, was away.

A MEMBER. The dog Cerberus, or, as the classical pronunciation would now have it, "Kerberus."

Mr. PRICE. Well, Cerberus or "Kerberus," whichever you please; anybody can understand what a three-headed dog means, but "Kerberus" may not be understood by every person.

Now, for a time the man whose business it was to guard that money was away.

Mr. CARLISLE. That was not this officer.

Mr. PRICE. I am stating that the party whose business it was to guard this money was away. Now, the point was made that the fence was so high that the person who took the money could not get over it. Suppose I admit that. Then I suppose as a necessary consequence the man who took the money did not get over the fence, but was over the fence and was one of those inside.

Mr. GIBSON. Will the gentleman permit me to interrupt him? I have no doubt his object is to get at the facts.

Mr. PRICE. Certainly.

Mr. GIBSON. Will the gentleman show me by what part of the testimony it was established the fence was so high that no man could get over it?

Mr. PRICE. That evidence is in the report which was read when the matter was under discussion here formerly. The report sets forth this state of facts: that the railing around there was of a certain height, and that the officer in charge had raised it four feet higher in order to "make assurance double sure;" and that was used as an argument to show that the officer had used due diligence.

Now, in the same connection the report discloses this other fact: There was another man, an employé of the establishment, sitting within a few feet of this money; and somehow, intentionally or otherwise, he sat with his back to the money. Now, on the hypothesis that somebody came in and climbed up on the outside of the railing, and with the assistance of a hook or in any other way secured the money, it is singular that this man, sitting within a few feet, did not discover it; but it is argued by those who propose to pay the money that that could not be done. If so, then some employé of the office must have taken the money, and that makes it worse.

I wish to call attention to another point. This package of $5,850 was lying there with other packages, amounting to $27,000 in all. But this officer never discovered he had lost a package till after three o'clock, when he began to make up his cash for that night. I need not say to gentlemen of the intelligence of those who sit before me that if these had been open packages and the money had been lying there loose it might have been very easy for somebody to extract a portion of the money without the discovery of the loss being made by this officer till he made up his cash; but when he goes back to the counter, if he had had his eyes open at all would he not have observed that one package was gone and only two left, and would he not want to know where that package had gone? Yet he never discovered that the money had been taken until he came to make up his cash, as the report discloses.

The gentleman from Louisiana quotes from the Bible to prove his position and thereby establish the point that the Government ought to lose this $5,850.

I have sent for this good old book [holding up the Bible] because if I thought my friend from Louisiana was really supported in what he contends for by this book, I would abandon all opposition to the bill. But I want to read what I find in the fourteenth and fifteenth verses of the twenty-second chapter of Exodus, to which the gentleman from Louisana refers:

> And if a man borrow—

This man did not borrow anything; that I know. The other man borrowed it without leave; for the owner was not there—

> And if a man borrow aught of his neighbour, and it be hurt, or die, the owner thereof being not with it, he shall surely make it good.

The owner of this money was the Government of the United States. The owner of this money did not happen to be there, and we ask that this man shall make it good.

Mr. GIBSON. But the officer in this case did not borrow the money.

Mr. PRICE. I did not say he borrowed it.

Mr. GIBSON. Let me quote the following verse.

Mr. PRICE. I have quoted only one verse of Scripture; two will not hurt this House.

Mr. GIBSON. It is said in the following verse:

If it be a hired thing, it came for his hire.

That is, he is not to return it.

Mr. PRICE. There follows the case if the owner had been with it:

But if the owner thereof be with it, he shall not make it good.

But the owner of this money was not with it. To the law and to the testimony: I refer the gentleman from Louisiana to his own witness.

Mr. GIBSON. Will the gentleman permit me——

Mr. PRICE. I cannot yield further. But let me say I have not heard so many quotations from the Scriptures in a money speech in a long time. In this case the quotation is a good one, but it makes not for the gentleman from Louisiana but against him.

Now, it appears that this gentleman who lost this money is a republican, and it may be said I must be a hard-hearted man to vote against a republican; but really it never occurred to me that a man's politics had anything to do with his duty or his faithfulness in office. A man holding a public trust should be faithful whether he belongs to one party or to another. All public officers should be held to strict accountability, whether they belong to the republican party, or the democratic party, or that other party.

Several MEMBERS. What other party?

Mr. PRICE. The whole point in this matter is simply this: If this gentleman exercised due diligence, if he was sufficiently careful, if he was sufficiently watchful, then he ought to be relieved; if he was not sufficiently careful, if he was not sufficiently watchful, he ought not to be relieved.

If any gentleman can bring himself to believe that a man with $27,000 in three unopened packages lying upon the counter, it being his business to watch and care for that money, losing one of those packages and not discovering it until after three o'clock, when he comes to count up his cash, has used due diligence and care in regard to that money, then he may believe that this man ought to be relieved. But I do not think that any man here who in his private capacity had an employé in his service, which employé lost $5,800 in that way, would believe that he had used proper care. At least he would be apt to say to himself that the employé had not exercised due diligence, proper care, and sufficient watchfulness in guarding the treasure left at his disposition and under his control.

Now, my friend says that this man, whose business it was to take care of this money, turned his back to it only for a moment. For a moment? Why, sir, he did not discover the loss for more than an hour. And the Philadelphia case which is sought to be made a parallel case to this, and which is pleaded as a precedent for the passage of this bill, is as different and wide apart from this as are the poles. In the Philadelphia case the man abstracted half an eagle, or a whole eagle, or a quarter of an eagle, again and again and again, and there was no way to discover it. If he had stolen a box of coin, then you would have a parallel case; but he did not steal a box. And when it was first suggested to the man whose business it was to care for that money that there was a loss, he had every box carefully weighed and found out that $800 of the money had been taken. He paid the money, and turned the man off. Now, was any man turned off in this New Orleans affair? Not one. The same men who lost the money were continued there; and that is another evidence that there was not due care and diligence exercised in guarding these funds of the United States.

Mr. GIBSON. Will the gentleman allow me to ask him a question?

Mr. PRICE. Certainly.

Mr. GIBSON. Do you hold that this officer is to be held to strict accountability where the evidence shows that his subordinate was guilty of the wrong or where the evidence shows that the subordinate stole the money? Now in the Philadelphia case, if the gentleman will allow me to allude to it, it was shown by the testimony that the subordinate officer did actually steal the money while in the office. But in the New Orleans case it is shown by the testimony that the subordinate as well as the principal was free from all blame.

Mr. PRICE. The difference is simply this——

Mr. GIBSON. And I am astonished to find that the gentleman himself, who voted for the Philadelphia case, now opposes the bill in the New Orleans case.

Mr. PRICE. In the Philadelphia case they found the man who took the money and turned him off. In the New Orleans case they have not found the man who took the money.

Mr. GIBSON. They cannot find him.

Mr. PRICE. No; because it was a ring there; and, so far as the record shows, there were partners in the affair. Now, due diligence on the part of the officer in charge of the money would have required him, when he went into the vault, to have taken the money with him; if otherwise he would be obliged to leave it unguarded.

Mr. GIBSON. The gentleman knows that there were $17,000,000 there.

Mr. PRICE. No; there were not $17,000,000 on that counter, nor were there $17,000,000 there at any one time, nor the half of it, nor the quarter of it. There were only $27,000 on the counter, in three unopened packages, as I have stated, and as it is stated in the report which seeks to exonerate this man.

This man should have taken this money with him into the safe rather than to have left it there on the counter unguarded. It was more than an hour before he discovered the loss. I hold that due diligence would have required him to have kept that money under his eye all the time. The plea made that he had other duties to perform does not count at all in this case. If he had merely lost some revenue-stamps that argument might be used. But he did not lose revenue-stamps; he simply lost a package of money containing $5,800, and did not know his loss until more than an hour after the package was taken, although it had been left on the counter in full view of everybody in the office. He did not discover the loss until after three o'clock, when he came to make up his cash account.

Now, I contend that there has not been due diligence exercised in this case. We should say when we put a man in office that we will hold him to a strict accountability for the faithful discharge of his duties; and then if he fails he, and not the people of the country, should suffer the loss.

Mr. CARLISLE. It is not my purpose to enter again into the discussion of this matter; but I desire to say a few words only in response to the gentleman from Iowa, [Mr. PRICE.]

I asked my friend to designate to the committee any single particular in which this officer, who seeks relief under the present bill, had been personally negligent. I understood the gentleman to reply in substance that he would show a want of care on the part of that officer personally, or he would abandon his opposition to this bill. Now, I submit to the members of the committee who have listened to the gentleman throughout his argument that he has not specified a single particular in which this officer has been personally guilty of negligence.

Mr. PRICE. Will the gentleman allow me a moment?

Mr. CARLISLE. Certainly.

Mr. PRICE. Did I not say that he went off and left the money lying there with no one to watch it, and that he did not discover the loss until an hour afterward, when he came to count up his cash after three o'clock?

Mr. CARLISLE. The gentleman is talking all the time about the cashier in the sub-treasury, and not about the assistant treasurer, who seeks relief.

Mr. PRICE. And whose servant was the cashier?

Mr. CARLISLE. The cashier was appointed by the Treasury Department at Washington.

Mr. PRICE. So was this other man in Philadelphia.

Mr. CARLISLE. Certainly; and you voted to relieve the officer in that case.

Mr. PRICE. The cases are not similar at all.

Mr. CARLISLE. The Philadelphia case is a much worse one than this, as I will show before I get through.

Now, it was a physical impossibility for the assistant treasurer of the United States at New Orleans to be all the time with this money. It was a physical impossibility for him to watch at every moment of the day and night each package of money in that office. It was therefore absolutely necessary to the discharge of the duties of his position that he should have subordinates, and that he should intrust his business in a great measure to them. Every gentleman will admit this. Accordingly, we find that this assistant treasurer had his subordinates, consisting of a cashier, some clerks, and a porter. It was the cashier who, by virtue of his office, had special charge of the money, and who, at the time this money was stolen, had turned his back for a moment to attend to additional duties which had been imposed upon the office by the regulations of the Treasury Department.

Now, I submit to my friend from Iowa that there is a vast difference between this case and the Philadelphia case, which was acted upon favorably by the House a week or so ago. I submit to my friend that even if it be conceded for the sake of the argument that there was gross negligence on the part of this cashier and of the other subordinates in the office at the time this money was stolen, still there is a vast difference between this case and the Philadelphia case; and the difference is all in favor of the present bill, for in the Philadelphia case the subordinates, according to the evidence, were not simply guilty of negligence, but were guilty of downright theft.

Mr. PRICE. Somebody must have stolen this money.

Mr. CARLISLE. Somebody did steal it; but I say to my friend that even if we concede that some of these subordinate officers in the office at New Orleans actually stole this money, of which there is no evidence, then we have a case like the one from Philadelphia, in which the gentleman from Iowa voted to relieve the officer.

In the present instance somebody stole the money, of course; but the simple question is, was it stolen, either by a subordinate in the office or by some persons outside of the office, by reason of any negligence or want of care upon the part of the assistant treasurer personally? Until my friend from Iowa can show to the satisfaction of the committee that it was lost by reason of some personal negligence or wrong upon the part of the assistant treasurer himself, it seems to me he still leaves this case a much stronger one than that in which he voted to relieve the officer.

Mr. REED. Did the committee make any inquiry as to whether this leaving of packages of money in this manner in this place was a custom at that office?

Mr. CARLISLE. They did not.

Mr. REED. So that no information can be afforded us as to whether this was a custom known to the assistant treasurer?

Mr. CARLISLE. No evidence upon the subject was before the committee.

Mr. GIBSON. I will state that it was the custom at this office to receive and pay out over the counter large sums of money, and that on account of the small number of employés in the office it was absolutely impossible for any one of those employés to keep that money constantly under his eye.

Mr. CARLISLE. I was just about to state the facts appearing before the committee. It appeared before the committee that these three packages of money, amounting in the aggregate to some $27,000, had just been brought into the office from the bank by the porter and laid down on the counter. Now, the committee supposed that it was not negligence in these gentlemen in charge of the office to fail to put this money immediately away in the safe. We assume that the practice prevailing in ordinary banking institutions would be likely to prevail in an office of this character—that packages of money would be brought in by the porter and laid down, for the purpose probably of being inspected by the officers having charge of the money, and that in a reasonable time the money would be put away in the vault. We all know, moreover, that it is the custom in all banking institutions to keep upon the counter quite a considerable amount of money for constant use.

Mr. PRICE. Let me correct the gentleman. No bank keeps its money upon the counter in such a way that it can be reached by an outsider.

Mr. CARLISLE. I thought it had been shown to the satisfaction even of the gentleman from Iowa that this money was not within the reach of an outsider unless he employed some artificial means to reach it. The thief was compelled to climb up upon the railing which had been constructed there, and by reaching over with a hook, or some similar instrument, take the package. This package of money was not even lying at or near the open place through which the persons doing business with the office were in the habit of transacting their business, but was off some distance at one side. This is all I desire to say.

Mr. GIBSON. I wish to say in reply to the gentleman from Iowa [Mr. PRICE] that a few days after this money was stolen $50,000 was taken from the Canal Bank in New Orleans, in the same manner, by some person jumping upon the outer railing and reaching over with a hook or something of that kind. In this way some $50,000 was abstracted from that bank, one of the best and most powerful banking institutions in New Orleans.

Mr. FINLEY. Mr. Chairman, I do not intend to take up any time in debating this question. By examination of the RECORD of January 16, I find this whole question was fully discussed in the Committee of the Whole House, and that, after full and free discussion on the motion to lay the bill aside to be reported to the House with the recommendation that it do pass, the ayes were 62 and the noes 72. Therefore this bill was unfavorably reported to the House from this very committee.

The CHAIRMAN. The Chair thinks that is an error. It was not unfavorably reported.

Mr. FINLEY. I understand the motion was made in the Committee of the Whole House, and I so find it in the RECORD:

> The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?
> The question being taken, it was decided in the negative—ayes 62, noes 72.

It certainly was not a favorable recommendation; but, on the contrary, the committee when it divided were against agreeing to the bill. How the bill has been returned back to the Committee of the Whole House I cannot understand. I only make this remark that, as the bill has already been fully discussed, I hope, by unanimous consent, we shall have no further discussion, but that the matter shall now be disposed of.

Mr. REAGAN. Mr. Chairman, the question of diligence has been raised in this discussion. I stated on a former occasion the general objections I have to this bill. I desire to add to what I have heretofore said a word or two on the subject whether this officer has exercised such diligence in the performance of his duty as to exonerate him from blame.

The best thing that could be said for him, applying the law of bailment, is that he was a bailee for hire. A bailee for hire is bound to full diligence, I believe many of the law writers say utmost diligence. Was there such diligence in this case—was there ordinary diligence in this case, not to speak of utmost diligence such as the law would apply to a bailee for hire, but was there ordinary diligence? The special officer who examined this subject has reported as follows:

> I find that between the hours of two and three p. m., on 1st instant, the sum of $27,000 (perhaps a little over that amount) lay on the counter close by the desk of Mr. Shute, the cashier. This sum of money was in several packages of various amounts, and among which was one package of $5,850.
> There are two apartments or rooms in this establishment, one room being occupied by the bookkeepers and the assistant treasurer, and the other being the office where the funds are received and paid out. The latter room is occupied by Mr. Shute, cashier and paying teller; John L. Henderson, the receiving teller; and John H. Aufdemorte, a porter who is employed in counting currency at a table in the rear of Mr. Shute's desk, and nearly opposite the window through which he pays out the funds. The counter is nearly four feet high; on the other side of the counter there is a protection about three feet high, the lower part of this protection being common panes of glass and the upper part a slight wooden railing. These panes of glass were not shaded or darkened; consequently, any person standing outside of the counter could see everything that lay on the counter inside of said protection. The counter projects about eight inches outside of this protection, so that an outsider could very easily stand up on this projection by holding on to the top railing, and when in that position could, if the officials inside were absent for a moment, or if their backs were turned toward the counter, very easily, with a pointed cane, extract a package of money almost in an instant.
> For a short time between the hours of two and three p. m. on the 1st instant the cashier and receiving teller were together in the cashier's vault. While they were there there was no person in the front office except Aufdemorte, the porter, who was engaged at a table counting currency, and having his back toward the counter. At this time the $27,000 was lying on the counter, and among which was the package of $5,850 in currency.
> Aufdemorte states that while the cashier and receiving teller were in the vault he heard a slight rustle or creaking noise outside the counter; that he did not look around to ascertain what caused this noise, as he supposed it was the creaking of the foot board on which persons waiting outside of the cashier's window stand. He also states that at that time there was but one person outside the counter.
> Soon after three o'clock Mr. Shute, on verifying his cash accounts for the day, found his cash short $5,850 currency. He recollected that a package of that amount was laying on his counter when he went to the vault, and he found this same package missing.

That money, it seems, had recently been brought in by the porter. He does not inform us how he come to know of that particular package or the amount of money in it. I have no special point to make on that, however. The point I have to make is this: He who handles money for himself or for another is liable to take reasonable care that it shall not be exposed to theft.

Here was a public counter in a public office where people were free to resort. The money was laid down upon that counter, and the two responsible officers retired to their vault, leaving it on this counter, liable to be stolen, as the sequel seems to show, if that be the true theory, with none but a porter in the room where it was, and he engaged in other business, with his back turned to the money, not even turning around when he heard the "creaking" which he speaks of in his testimony. Is that diligence? Could it be supposed that any man transacting business for himself would have so acted and so exposed his own money?

But it does not seem it was ascertained the money was there. They do not tell us who took the money from this counter to the teller's room. They do not explain how it was that it was not discovered when the money was taken from the counter. This package of $5,850 was not missed until the teller came to make up his cash account. There is nothing in this case to exclude the idea that one of the officers within the bank may have taken that money. Of course I do not pretend to assert they did or did not, but I say, from the testimony before us, there is nothing to exclude the idea that some person within the bank took this money. And the very carelessness referred to by the report makes it an unpleasant case against the officers.

I thought, Mr. Chairman, I would say this much on the subject of diligence, and that there is not made out here, in my judgment, what seems to be a case appealing to Congress for relief.

Mr. BUTTERWORTH. A single word, Mr. Chairman. Our friend from Iowa [Mr. PRICE] deprecates the citation of Moses as an authority on the question of money.

Mr. PRICE. Not at all; it is the best authority in the world.

Mr. BUTTERWORTH. I understood the gentleman to say it was the first time he had heard Moses cited as an authority on the money question——

Mr. PRICE. In this House.

Mr. BUTTERWORTH. If that suggestion had come from my friends in the center I should not have been surprised. I remember that Moses is an admirable authority touching the character of money; for he said, "Let all your payments be made according to or after the shekel of the sanctuary," which was a coin, and for a thousand years and more was of unvarying value. They never had a greenback during that entire period. [Laughter.]

Mr. WEAVER. Will the gentleman allow me to interrupt him?

Mr. BUTTERWORTH. Certainly.

Mr. WEAVER. We indorse Moses. Moses in the second chapter of Genesis said that the gold of Havilah is good. He puts it in the lowest degree of comparison. He foresaw by his prophetic wisdom that even national-bank money was better and that greenbacks were the best. [Laughter.]

Mr. BUTTERWORTH. I do not recall anything in Moses which sustains the gentleman's assertion, except that "gold was good." On the contrary, as I have said, his injunction was let all thy payments or estimations be "after the shekel of the sanctuary," which was an unvarying coin measure of value for more than a thousand years.

Now, one word touching this bill, Mr. Chairman. It is easy to be wise after the fact. How often good reasons occur to us for not doing a thing, or for doing a thing, after the fact has occurred. It occurs to my friend from Iowa that two feet additional on the railing providing for protecting the money that was stolen would have been a wise thing, yet it is probable that would not have occurred to him, but for the fact this money was stolen.

Mr. PRICE. My friend misunderstands me. I do not propose to build that fence any higher. It is high enough already. [Laughter.]

Mr. BUTTERWORTH. I simply wish to say, so far as my observation extends, in all the banks it is customary for the cashiers and those handling money to have packages near them, behind the rail-

ing—it may not be so in Iowa. [To Mr. PRICE.] Do not get up! [Laughter.] It may not be so in Iowa.

Mr. PRICE. Nor is it so in Ohio. You cannot find a bank anywhere in the United States of America where the cashier keeps his money so it can be taken by any outsider.

Mr. BUTTERWORTH. Mr. Chairman, I protest the gentleman is not a competent witness, for he speaks of what he has not seen nor yet heard. In Cincinnati and in banks in other places in Ohio it is common to have money by the side of the teller and behind a wicket-work of some kind, not so high but an outsider might place his foot on the side of the counter and reach over with some prepared hook and take up a package.

Mr. PRICE. Another question.

Mr. BUTTERWORTH. Certainly.

Mr. PRICE. Do you know of any bank in Ohio—it is not there, and you cannot—do you know of one bank in Ohio where the paying-teller keeps any considerable quantity of money, as much as a thousand dollars, so an outsider can reach it? Give me the name of the bank.

Mr. BUTTERWORTH. I have stated already just that thing.

Mr. PRICE. Give me the name of that bank.

Mr. BUTTERWORTH. Half a dozen.

Mr. PRICE. Only one. [Laughter.]

Mr. BUTTERWORTH. Mr. Chairman, I am unable to suggest a bank in Cincinnati in which with the appliances I have mentioned money may not be taken by an expert thief.

Mr. PRICE. That is not the question. Name me a bank where the paying teller leaves his money where an outsider can reach it.

Mr. BUTTERWORTH. I have stated that is the case in a great many banks, and probably in every bank in Iowa except the one of which my astute friend is president. [Laughter.]

Mr. PRICE. I do not happen to be the president of any bank.

A MEMBER. He is a director.

Mr. BUTTERWORTH. He is a director, then. I suppose he resigned his presidency when he became a candidate for Congress. [Laughter.]

Mr. PRICE. No, sir.

Mr. BUTTERWORTH. Of this man in New Orleans I know nothing, except that he has sustained a loss. The nation ought not to be unjust to any one of its citizens. It is easy, as I have said, to be wise after the fact. When the gentleman who seeks relief under this bill left the room in which the stolen money was he had no reason to suppose that any man could get into that bank and remove that package without attracting the attention of the porter, who sat near, and yet it was possible, and did occur. We can easily see how the taking of this money might have been prevented by precautionary methods now suggested, but that is to be wise after the fact.

Mr. PRICE. Was there due diligence?

Mr. BUTTERWORTH. Possibly not due diligence according to the gentleman's understanding of that term. *That* diligence would render the abstraction of money from a bank *absolutely impossible.* I know that bankers are generally very prudent, careful men; and I know in two instances in my own State money has been taken from a bank under circumstances similar to those atttending the taking of this money from the sub-treasury at New Orleans.

One other word, and I am done. Of course, as contrivances are being daily made by bankers and others having charge of money to defeat the operations of thieves, thieves on their part are as constantly maturing plans to defeat the contrivances of bankers to prevent theft. They are as ingenious as honest men, and are constantly devising means by which they may be enabled to steal money from bankers notwithstanding the contrivances daily used to baffle them.

The argument of my friend from Kentucky [Mr. CARLISLE] shows very clearly that this man in no event ought to be held liable. He is not charged with negligence; he has exercised that diligence which is ordinary with bankers and that notwithstanding his duties were doubled by Congress or by the order of the Secretary of the Treasury. He used all the means which are ordinarily adopted under such circumstances to protect the public Treasury. But notwithstanding this diligence the money was stolen, not in an ordinary way, but by some thief coming in, probably wearing rubber shoes and climbing up by the railing and reaching over with a hook prepared for the purpose.

I deny that a great nation has a right to do wrong to any of its citizens. The gentleman from Iowa suggests that these appointees of the Government are paid salaries which put them on the footing of insurers. I deny it. The cashier of his own bank, if he is fit for his position, is probably paid as good a salary as this assistant treasurer at New Orleans.

Mr. PRICE. He is not; and he is satisfied with his salary.

Mr. BUTTERWORTH. Well, if that cashier exercises such diligence as this assistant treasurer exercised, and if, notwithstanding, a loss occurred, I do not think my friend would exact from him the payment of that loss; and notwithstanding what has been said about these gentlemen being insurers, I do not think a great nation should exact of them what my friend in front of me would not exact from his employé. I do not believe that that gentleman dealing with an employé who had served faithfully and well, as I believe this cashier has served the public, would exact a reparation on the part of his employé where money had been lost under such circumstances as are shown in this case. Certainly I know of no instance where that has been done. Within a very short period two losses have been sustained by banks in my own city, and I know the idea of holding the cashier to account for the loss has never been entertained by any of those institutions. Therefore, because I consider it an act of simple justice to this man, I support this bill.

Mr. MCMILLIN. Will the gentleman from Louisiana [Mr. GIBSON] permit me to ask him a question? There has been some question how this bill has come back before the Committee of the Whole after having been voted down once. Will the gentleman tell us how that has happened?

Mr. GIBSON. The Committee of the Whole, as the record will show, did not order the bill to be laid aside to be reported with a favorable recommendation, and it was reported to the House unfavorably. When the bill came up in the House the gentleman from Kentucky, [Mr. CARLISLE,] who was the author of the report, advocated it before the House. The House adjourned just as I got the floor. On Friday last it was held by the gentleman who occupied the chair that the bill was not out of the Committee of the Whole, and that it must go back into the Committee of the Whole. So far as that question is concerned, it is a matter of indifference. The bill is here. It is properly before us, and it is for the members of the Committee of the Whole according to their sense of justice to give the relief demanded, or to deny it. I call for a vote.

Mr. MCMILLIN. Mr. Chairman, in order to test the question, I make the point of order that this bill is not regularly in the Committee of the Whole.

The CHAIRMAN. The Chair overrules the point of order.

Mr. MCMILLIN. It has been voted down once, and the proceeding instituted afterward occurred one or two weeks after that was done.

The CHAIRMAN. I understand that the Speaker ruled that the bill was improperly reported to the House and the House restored it to the Calendar. The point of order is overruled.

Mr. FINLEY. In order that the same difficulty may not occur again, if it is necessary I will make the motion that the bill be reported adversely. As I understand, the motion was made in Committee of the Whole that the bill be laid aside to be reported favorably to the House. That motion was not agreed to. When it came up in the House the Speaker decided that inasmuch as the committee had not directed the bill to be reported adversely it had not left the committee. Am I not correct?

Mr. GIBSON. I call for a vote.

Mr. LAPHAM. When this bill was before under consideration, I voted in support of it as I then understood it. Before voting again upon it I desire to ask the gentleman in charge of this bill for information on one or two points. I first desire to inquire whether the applicant for relief in this case has paid to the Government the money which was lost, or whether he asks that he be allowed this amount in the settlement of his accounts?

Mr. CARLISLE. He has paid it to the Government.

Mr. LAPHAM. And now asks to be reimbursed?

Mr. GIBSON. Yes.

Mr. LAPHAM. The other point upon which I desire information is, whether this officer was present in person in charge of the office on the day this money was lost, or whether the cashier was the person in charge?

Mr. GIBSON. The evidence shows that this officer, as well as the cashier, was present in the office.

The CHAIRMAN. The first question before the committee is upon the amendment offered by the gentleman from Illinois, [Mr. MORRISON,] which the Clerk will now read.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That before said money shall be paid the Secretary of the Treasury shall be satisfied, after inquiry and investigation into all the facts, that said sum of money was actually stolen and that the loss of the same was not the result of any neglect or want of reasonable diligence on the part of said officers."

Mr. GIBSON. I have no objection to that.

The question was taken upon agreeing to the amendment; and upon a division there were—ayes 50, noes 57.

No further count being called for, the amendment was not agreed to.

The CHAIRMAN. The question now recurs upon the motion of the gentleman from Louisiana [Mr. GIBSON] that this bill be laid aside, to be reported favorably to the House.

The question was taken; and the motion was agreed to upon a division—ayes 90, noes 62.

So the bill was laid aside, to be reported favorably to the House.

L. MADISON DAY.

The next business on the Private Calendar was the bill (H. R. No. 2798) for the relief of L. Madison Day; reported from the Committee of Claims by Mr. O'CONNOR.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,400 to L. Madison Day, of Louisiana, that being the amount of purchase-money received by the United States from said Day for a parcel of land in the city of New Orleans, condemned as the property of Judah P. Benjamin, the title to which was invalid and defective.

Mr. WHITE. Let the report be read.

Mr. O'CONNOR. It fell to my lot, as a member of the Committee

of Claims, to make the report the reading of which is now called for. That report covers twenty closely printed pages.

Mr. WHITE. Well, we want to hear it.

Mr. BRIGHT. It is evident that the Committee of the Whole will hardly be able to conclude the consideration of this case to-day. There are bills in the House, reported from the Committee of the Whole on the Private Calendar, which are yet undisposed of. In order that the House may take action on those bills, I will move that the committee now rise.

The question was taken upon the motion of Mr. BRIGHT; and upon a division there were—ayes 68, noes 4.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. KEIFER reported that the Committee of the Whole had had under consideration the business on the Private Calendar, and had directed him to report back to the House the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans, Louisiana, without amendment and with a recommendation that the same be passed.

The SPEAKER. The bill now reported from the Committee of the Whole on the Private Calendar will take its place in the House after the bills heretofore favorably reported from that committee.

REFUNDING TOBACCO TAX.

The first of the bills heretofore reported favorably from the Committee of the Whole on the Private Calendar and undisposed of was the bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco.

The SPEAKER. Upon the engrossment and third reading of this bill the previous question was demanded by the gentleman from Virginia [Mr. TUCKER] which demand was undetermined at the close of the session of the House on Friday last. The question is now upon seconding the demand for the previous question.

The question was taken; and upon a division there were—ayes 94, noes 24.

Mr. WHITE. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Virginia, Mr. TUCKER, and the gentleman from Pennsylvania, Mr. WHITE.

Many MEMBERS. Withdraw the point of order.

Mr. WHITE. I will withdraw the point of order that no quorum has voted.

No further count being called for, the previous question was seconded.

The main question was then ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. CONGER. On that I call for the yeas and nays.

The yeas and nays were ordered; there being upon a division—ayes 33, noes 127; more than one-fifth in the affirmative.

Mr. PAGE. I move that the House now adjourn.

The motion to adjourn was not agreed to, upon a division—ayes 46, noes not counted.

The SPEAKER. The question now recurs upon the passage of the bill, the title of which has been read, and upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 150, nays 39, not voting 103; as follows:

YEAS—150.

Acklen,	Dunn,	Kelley,	Russell, W. A.
Aldrich, N. W.	Dunnell,	Kenna,	Samford,
Anderson,	Einstein,	Kimmel,	Sawyer,
Armfield,	Ellis,	King,	Scales,
Atkins,	Evins,	Kitchin,	Shelley,
Ballou,	Felton,	Le Fevre,	Sherwin,
Barlow,	Ferdon,	Lewis,	Singleton, J. W.
Beale,	Field,	Lindsey,	Singleton, O. R.
Bicknell,	Finley,	Lowe,	Smith, Hezekiah B.
Blackburn,	Fisher,	Mason,	Smith, William E.
Blount,	Ford,	McMahon,	Speer,
Bowman,	Forney,	McMillin,	Steele,
Briggs,	Fort,	Miles,	Stevenson,
Bright,	Frye,	Miller,	Talbott,
Buckner,	Geddes,	Mitchell,	Tillman,
Butterworth,	Gibson,	Monroe,	Townsend, Amos
Cabell,	Gillette,	Morrison,	Townshend, R. W.
Caldwell,	Goode,	Morse,	Tucker,
Calkins,	Hall,	Morton,	Turner, Oscar
Camp,	Hammond, N. J.	Murch,	Updegraff, J. T.
Carlisle,	Harris, John T.	Neal,	Upson,
Carpenter,	Haskell,	Nicholls,	Vance,
Chittenden,	Hatch,	Norcross,	Voorhis,
Claflin,	Hawk,	O'Connor,	Waddill,
Clardy,	Hawley,	O'Neill,	Ward,
Clark, John B.	Henderson,	O'Reilly,	Weaver,
Cobb,	Herndon,	Overton,	Wellborn,
Coffroth,	Hill,	Persons,	Wells,
Colerick,	Hiscock,	Phelps,	Whitthorne,
Cook,	Hooker,	Philips,	Williams, Thomas
Cowgill,	Hostetler,	Phister,	Willis,
Crapo,	Houk,	Reagan,	Willits,
Cravens,	House,	Rice,	Wilson,
Davis, Horace	Hull,	Richardson, D. P.	Wise,
Davis, Joseph J.	Hunton,	Richardson, J. S.	Wright,
Davis, Lowndes H.	Hurd,	Richmond,	Yocum.
Dibrell,	Johnston,	Robertson,	
Dickey,	Joyce,	Robinson,	

NAYS—39.

Aldrich, William	Dwight,	Osmer,	Starin,
Atherton,	Farr,	Pacheco,	Thomas,
Bayne,	Godshalk,	Page,	Thompson, W. G.
Bragg,	Hammond, John	Pierce,	Updegraff, Thomas
Burrows,	Hazelton,	Pound,	Valentine,
Cannon,	James,	Price,	Van Aernam,
Clark, Alvah A.	Jones,	Reed,	Warner,
Conger,	Keifer,	Shallenberger,	White,
Covert,	Marsh,	Simonton,	Whiteaker.
Davis, George R.	McCoid,	Smith, A. Herr	

NOT VOTING—103.

Aiken,	De La Matyr,	Knott,	Ross,
Bachman,	Deering,	Ladd,	Rothwell,
Bailey,	Deuster,	Lapham,	Russell, Daniel L.
Baker,	Dick,	Loring,	Ryan, Thomas
Barber,	Elam,	Lounsbery,	Ryon, John W.
Belford,	Errett,	Manning,	Sapp,
Beltzhoover,	Ewing,	Martin, Benj. F.	Slemons,
Berry,	Forsythe,	Martin, Edward L.	Sparks,
Bingham,	Frost,	Martin, Joseph J.	Springer,
Blake,	Garfield,	McCook,	Stephens,
Bland,	Gunter,	McGowan,	Stone,
Bliss,	Harmer,	McKenzie,	Taylor,
Bouck,	Harris, Benj. W.	McKinley,	Thompson, P. B.
Boyd,	Hayes,	McLane,	Turner, Thomas
Brewer,	Heilman,	Mills,	Tyler,
Brigham,	Henkle,	Money,	Urner,
Browne,	Henry,	Muldrow,	Van Voorhis,
Caswell,	Herbert,	Muller,	Wait,
Chalmers,	Horr,	Myers,	Washburn,
Clymer,	Hubbell,	New,	Wilber,
Converse,	Humphrey,	Newberry,	Williams, C. G.
Cox,	Hutchins,	O'Brien,	Wood, Fernando
Crowley,	Jorgensen,	Orth,	Wood, Walter A.
Culberson,	Ketcham,	Poehler,	Young, Casey
Daggett,	Killinger,	Prescott,	Young, Thomas L.
Davidson,	Klotz,	Robeson,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. CULBERSON. I am paired with the gentleman from Pennsylvania, Mr. FISHER.

Mr. MYERS. I am paired with the gentleman from Ohio, Mr. GARFIELD. If he were present, I should vote "no."

Mr. COFFROTH. My colleague from Pennsylvania, Mr. RYON, is paired with my colleague, Mr. HARMER. My colleague, Mr. BACHMAN, is paired with the gentleman from New Jersey, Mr. BLAKE.

Mr. LEWIS. My colleague, Mr. HERBERT, is detained from the House by sickness.

Mr. MCKENZIE. I am paired with the gentleman from Iowa, Mr. SAPP.

Mr. SIMONTON. My colleague, Mr. TAYLOR, is paired with the gentleman from New Jersey, Mr. BRIGHAM.

Mr. BOUCK. I am paired with the gentleman from Ohio, Mr. MCKINLEY. If he were present, I should vote "no."

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with the gentleman from New York, Mr. VAN VOORHIS.

Mr. MULLER. I am paired with the gentleman from Connecticut, Mr. WAIT. If he were present, I should vote in the affirmative.

Mr. TOWNSHEND, of Illinois. The gentleman from Ohio, Mr. EWING, is paired with the gentleman from Pennsylvania, Mr. BINGHAM.

Mr. LAPHAM. I am paired with the gentleman from Kentucky, Mr. KNOTT.

Mr. PAGE. My colleague, Mr. BERRY, is paired with the gentleman from Kansas, Mr. RYAN.

Mr. HAWLEY. The gentleman from New Jersey, Mr. ROBESON, is paired with the gentleman from Illinois, Mr. SPRINGER.

Mr. TALBOTT. My colleague, Mr. URNER, who is detained from the House by sickness, is paired with my colleague, Mr. MCLANE.

Mr. CARPENTER. The gentleman from Michigan, Mr. BREWER, is paired with the gentleman from Florida, Mr. DAVIDSON. The gentleman from Michigan, Mr. MCGOWAN, is paired with the gentleman from Kentucky, Mr. THOMAS TURNER.

Mr. ALDRICH, of Illinois. My colleague, Mr. BOYD, is paired with the gentleman from Maryland, Mr. HENRY.

The result of the vote was announced as above stated.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWIN M. HART.

Mr. MULLER, by unanimous consent, introduced a bill (H. R. No. 4441) for the relief of Edwin M. Hart; which was read a first and second time, and referred to the Committee on Naval Affairs.

JOHN GRIMSTON.

Mr. MULLER also, by unanimous consent, introduced a bill (H. R. No. 4442) to retire from active service Ordnance-Sergeant John Grimston; which was read a first and second time, and referred to the Committee on Military Affairs.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCOOK, for five days, on account of important business;

To Mr. SMITH, of Pennsylvania, until Wednesday next, on account of important business;

To Mr. BARLOW, indefinitely, from Monday next, on account of important business; and

To Mr. GODSHALK, until Thursday next, on account of important business.

LIBRARY-ROOM, NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy, requesting an appropriation for the new library-room for the Navy Department, in the new State, War, and Navy Department building; which was referred to the Committee on Appropriations.

SIMEON CRANE.

Mr. PHISTER. I ask unanimous consent that the bill (S. No. 335) granting a pension to Simeon Crane be taken from the Speaker's table and referred to the Committee on Invalid Pensions.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Invalid Pensions, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. SMITH, of Pennsylvania. I ask leave to make a report from the Committee of Accounts, concerning one of the employés of the House.

Mr. COOK. I move that the House adjourn.

Mr. CONGER. I hope the gentleman from Pennsylvania will be permitted to submit this report, as he is about to leave the city.

The question being taken on the motion of Mr. COOK, it was agreed to, there being—ayes 76, noes 54; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BARLOW: The petition of citizens of La Moille County, Vermont, for the suppression of polygamy in Utah—to the Committee on the Judiciary.

Also, the petition of citizens of Grand Isle, Vermont, for legislation regulating railway transportation—to the Committee on Commerce.

Also, the petition of citizens of Grand Isle, Vermont, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BLACKBURN: The petition of Culven Sanders, for pay for use of premises and for property destroyed by United States troops during the late war—to the Committee on War Claims.

By Mr. BRAGG: The petition of citizens and soldiers of the State of New York, to be placed on the same footing as the bondholders—to the Committee on Military Affairs.

Also, the petition of 210 citizens of Wisconsin, for a bill restricting railroad monopolies—to the Committee on Commerce.

By Mr. BRENTS: The petition of William H. Dodge, that the Commissioner of the General Land Office be directed to issue to him the patents to certain lands in Washington Territory—to the Committee on Public Lands.

By Mr. BREWER: The petition of L. H. Ives and others, citizens of Ingham County, Michigan, for a law to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. CALKINS: The petition of citizens of Newton County, Indiana, for a water route connecting Lake Michigan, the Illinois River, and Wabash Canal, through Indiana—to the Committee on Commerce.

Also, the petition of citizens of Indiana, for the establishment of a post-route from Goodland to Julian, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. CARLISLE: Memorial of citizens of Boone County, Kentucky, asking for a change in the patent laws—to the Committee on Patents.

Also, memorial of citizens of Campbell County, Kentucky, asking for the passage of a law to prevent unjust discriminations in freight charges—to the Committee on Commerce.

Also, memorial of members of the Kentucky Legislature, asking for the passage of a bill to increase the efficiency of the Marine Hospital Service—to the same committee.

By Mr. CARPENTER: The petition of citizens of Clay County, Iowa, that Clay County may be left in the central division if the State should be redistricted for judicial purposes—to the Committee on the Judiciary.

Also, the petition of citizens of Palo Alto County, Iowa, that in case the judicial districts are readjusted Palo Alto County be attached to the Des Moines or central division—to the same committee.

By Mr. CASWELL: The petition of James H. Cook and 46 others, soldiers of the late war, of Columbia County, Wisconsin, for the passage of a law equalizing soldiers bounties—to the Committee on Military Affairs.

By Mr. COFFROTH: The petition of Rev. H. H. Leamy, pastor of Baptist church; Rev. W. A. Rankin, pastor of Presbyterian church; Rev. W. T. Wilson, pastor of Methodist Episcopal church; Rev. William Houpt, pastor of Evangelical Lutheran church; Rev. H. S. Getz, rector of Episcopal church; Hon. Charles W. Stone, lieutenant-governor of Pennsylvania; Hon. L. D. Wetmore, and 149 others, citizens of Pennsylvania, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of E. Harvey, grand councilor, and Samuel Nelson, grand secretary of the Royal Templars of Temperance of Pennsylvania, of similar import—to the same committee.

By Mr. CRAPO: The petition of Joseph B. Macy and 62 others, of Nantucket, Massachusetts, for the establishment of life-saving stations on Tucanuck Island and at the chord of the bay, Nantucket, Massachusetts—to the Committee on Commerce.

By Mr. LOWNDES H. DAVIS: Five petitions of citizens of Missouri, for the regulation of interstate railway transportation charges—to the same committee.

By Mr. DUNN: The petition of citizens of Arkansas, for the improvement of White River—to the same committee.

By Mr. FINLEY: Two petitions of citizens of Morrow County, Ohio, that the patent laws be so amended as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, six petitions of citizens of Morrow County, Ohio, for relief from transportation monopolies—to the Committee on Commerce.

By Mr. GARFIELD: The petition of Charles F. Beall and 60 others, soldiers of West Milton, Ohio, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. GOODE: Memorial of citizens of Norfolk, Virginia, for the enactment of penal statutes to suppress interstate traffic in adulterated merchandise—to the Committee on Agriculture.

By Mr. HASKELL: The petition of citizens of Thayer, Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Kansas, for the retention of the greenback as it is; for the continuance of the coinage of silver, and for the passage of the Weaver soldier bill—to the Committee on Banking and Currency.

By Mr. HENKLE: Papers relating to the claim of Peter Gallagher for pay for work done on the Treasury extension—to the Committee of Claims.

By Mr. HOUSE: Memorial of the Tobacco Board of Trade of Nashville, Tennessee, showing how the tobacco trade of the United States is injured by the manner in which the governments of France, Spain, Italy, and Austria purchase tobacco in this country, through *regies* and contractors, and for such legislation as will open the markets of the governments named to citizens of the United States—to the Committee on Foreign Affairs.

By Mr. HUNTON: The petition of Charles B. Shirley, that he be paid $2,063.88 for services rendered the House of Representatives, which sum has heretofore been allowed by the Committee of Accounts—to the Committee of Accounts.

By Mr. KEIFER: The petitions of William S. Dallas and 35 others, and of Edward P. Jennings and 45 others, citizens of Champaign County, Ohio, for the enactment of laws for the alleviation of oppressions imposed by transportation monopolies that control interstate commerce—to the Committee on Commerce.

By Mr. LAPHAM: Resolutions of the Farmers' Alliance of the counties of Ontario, Seneca, and Yates, New York, asking that the head of the Bureau of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. MITCHELL: The petition of soldiers and citizens of Coudersport, Potter County, Pennsylvania, against the passage of Senate bill No. 496, relating to the method of settling pension claims—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of 72 soldiers of Ohio, that the pay of soldiers who served in the Union Army be made up to gold values—to the Committee on Military Affairs.

By Mr. MORRISON: The petition of E. A. Gere, of Summerfield, Illinois, for $50 per month pension for all soldiers and sailors who have lost a leg or arm, to be secured by amendment to the bill for the relief of Fitz-John Porter—to the same committee.

By Mr. MORTON: Memorial of J. M. Sutherland and 247 others, for the increase of pensions of all soldiers and sailors who lost a leg or an arm in the service during the war of 1861 to 1865 to $50 per month—to the Committee on Invalid Pensions.

By Mr. MULLER: The petition of Eliza Mittnacht, for a pension—to the same committee.

By Mr. MURCH: The petition of William L. Potter and 27 others, citizens of Carmi, Pratt County, Kansas, for the passage of the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of E. C. Arey and 18 others, citizens of Winterport, Maine, for the passage of a law abolishing compulsory pilotage entering New York Harbor via Hell Gate—to the Committee on Commerce.

By Mr. NEAL: The petitions of George O. Wiseman and 48 others, and of J. L. Wiseman and 42 others, citizens of Ohio, against railroad monopolies in transportation—to the same committee.

By Mr. PHELPS: The petitions of Harmon Ellis and others, of Hamden, and of William A. Hunt and others, of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PRICE: The petition of citizens of Davenport, Iowa, for the improvement of Rock Island Rapids, in the Mississippi River—to the Committee on Commerce.

By Mr. REAGAN: The petition of 55 firms and persons of New York

City, for the passage of a bill to regulate interstate commerce and to prevent unjust discriminations by common carriers—to the same committee.

By Mr. WRIGHT: The petition of 125 citizens of Bath, Pennsylvania, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 14, 1880.

The House met at 12 o'clock m. Prayer by Rev. SAMUEL DOMER.

The SPEAKER. The reading of the Journal of yesterday will be omitted this morning, and will be read with the Journal of to-day on Monday next.

Mr. BRIGHT. I move the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of general debate.

FINANCIAL POLICY OF THE COUNTRY.

Mr. BRIGHT. Mr. Chairman, I should have been content not to have troubled this body with any further remarks on the subject of the finances of the country and that the country should have had an interval of rest for the purpose of review and reflection; but inasmuch as the President of the United States, the Secretary of the Treasury, and the Comptroller of the Currency have recommended to Congress certain fundamental changes in the financial policy of the country, I am constrained to believe that it amounts to the force of an administration recommendation; and inasmuch as there is an undercurrent running through the committees of this House that may roll up at any time and culminate in a financial tempest, I deem it my duty as well as privilege to beg the indulgence of the House to some remarks on this much vexed question. I propose, if possible, to dig beneath the surface soil of the question, and, if possible, to get at the true foundation of the financial policy which has been pursued by the country, and to bring it up in brief review, point out its errors, and suggest some probable or possible reforms.

In the first place, Mr. Chairman, it is my opinion that the initial blunder of the financial policy of the Government was in funding what was called the floating debt of the United States, which was to a very large extent issued as the circulating medium of the country. In order to support this proposition it will be necessary to glance at a few facts. First, I would state there are two modes known to the nations of the earth for funding their public debt, one according to the civil mode and the other according to the common-law mode, the civil-law mode being to fund according to the commercial or actual value of the credit paper of the Government, and the common-law mode to fund according to the face value of the paper. The Government of the United States in the funding of its recent debt saw proper to adopt the common-law mode and in the adoption of that I beg leave to call the attention of this committee to a few facts, to see the result of the policy which was inaugurated.

The public debt, which consisted principally in currency, in August, 1865, amounted to $2,750,000,000. About $2,200,000,000 were funded in interest-bearing bonds. According to the statistics the actual or commercial value of this floating paper was only about $1,100,000,000. The consequence was that there was a profit of $1,100,000,000 to the holders of this paper, and a consequent loss of the same amount to the tax-payers of this country. Not only that, but upon the actual value it enabled the holders of the bonds to realize about 15 per cent. per annum upon the actual value funded in bonds. In addition to that the bonds were placed in sanctuary beyond the power of taxation, and in addition to that they became non-producing, not producing a single blade of grass, with no active property except that of the eating cancer, consuming the body upon which it was fastened. Not only that, but it withdrew the circulation, which was a factor which might and ought to have been combined with the labor of the country. And last, but not least, it inaugurated a war between capital and labor in this country which will outlast the Peloponnesian war of old. It is the opening chapter of our financial disaster.

If the country had been satisfied to have adopted the civil-law mode, which, in the language of Justinian, "*Valor monetæ considerandus ac inspiciendus est a tempore contractus, non a tempore solutionis,*" we would have saved $1,100,000,000 to the people, and we would have avoided the calamities which have followed close upon the heels of this initial blunder.

The American policy was to fund according to the civil mode. After the revolutionary war this country had two hundred and fifty millions of continental money and the States had over two hundred millions of State currency, making together over $450,000,000. The aggregate statistical value of all the property of the thirteen Colonies was about two hundred millions of money; so it appeared the face value of the debt amounted to more than twice as much as all the property in the United States or in the Colonies. The Government had coined its credit. It had its actual value and it had its face value. They determined to adopt the civil-law mode of funding, and did adopt it, and funded the debt at the rate of one to a hundred of Continental money, it having depreciated to the extent of five hundred to one, adopting one hundred to one as the approximate value of currency in its use among the people.

To have funded the revolutionary debt according to the common-law rule would have enslaved the country forever, and would have defeated the very object of the Revolution.

They not only funded it according to that rule, but they appointed commissioners of the sinking fund, composed of the Vice-President of the United States, the Attorney-General of the United States, the Chief-Justice of the United States, and the Secretary of the Treasury of the United States, who should receive such fund as might be set apart by the Government, and go into the market to purchase such of the Government bonds as might be offered on the market. They did so, and the 3 per cent. thirty-year bonds of the United States were purchased principally by the commission of the sinking fund at from sixty to sixty-five cents on the dollar. Not that the credit of the Government had depreciated, but on commercial principles $50 in money at 6 per cent. interest would be worth $100 at 3 per cent. interest running thirty years to maturity. So, by adopting that policy, the Government was enabled in 1835 not only to wipe out that debt, but also the debt which had been contracted, growing up out of the war of 1812-'14.

Now, Mr. Chairman, I submit that we are no wiser, nor are we any better, nor are we any more gifted or endowed with integrity than our forefathers were. They enacted that, with a view of settling this debt upon equitable principles—not according to its face value, but upon equitable principles—they adopted the policy which was inaugurated, and which proved successful.

Now let us take a step in advance. Indeed there was no necessity for funding this debt at all. And why do I say so? Because there were $1,820,922,200 used as currency by the people of the United States. It had been paid out, was in the hands of the people, received by the people as currency, and the Government had power of disposing of the currency; or, in other words, of paying the debt without going through the ruinous process of funding it. How might it have been disposed of? It might have been absorbed in taxation and carried to the destruction account of the Government, and left alone enough for the circulation of the people and to support and float the business interests of the country.

Now, some have made the point that this was not used as money, but that it was purely a debt. I call attention to the fact that Chief-Justice Chase admitted that it was used as currency—as money. I call attention to the fact that the author of what was called the funding of greenback policy admitted that all of this floating paper debt of the United States was used as a currency by the people and by the Government. I call the attention of this House to a short extract from the advance sheets of Mr. Spaulding's history of legal-tender money, on page 11. He says:

> After the surrender of the rebel armies to General Grant and General Sherman the volunteer army was mustered out of service and had to be paid in full. Secretary McCulloch obtained the means to pay them *chiefly* by the issue of 7.30 notes. The amount required for that purpose was very large, and the amount of these notes *outstanding* in October, 1865, was $830,000,000.

The currency was then abundant, and could have been absorbed in taxation—the debt could have been paid by the people. In 1865-'66 the internal revenue of the Government amounted to $309,226,000, and if that policy had been pursued the public debt of the country would not have been felt. It would have been absorbed readily and left a remainder in use sufficient for all the necessities of the business interests of the country. This balance of the floating debt used as currency would not have been felt by the industries of the country more than the foam upon the sea, and with no greater burden. Our country would have been relieved from the burden of this public debt and the enormous burdens which it has imposed upon every class of people. And here begins the Iliad of our woes. Let me now call the attention of this House to some of the fruits of this funding system. The public debt of the United States on the 31st of August, 1865, was $2,846,021,742. On the 1st of July, 1879, it was $2,349,567,482. The reduction of the public debt in fourteen years amounted to $496,454,260. At that rate of progress, Mr. Chairman, it will take eighty years to pay off this burden, this debt, which was fastened upon the country. Since the 31st August, 1865, to May 1, 1879, this Government has collected $5,184,000,000 directly from the people. In the same time it has expended $5,226,000,000. At that rate it would take $48,000,000,000 to be collected out of the people to yield revenue enough to pay the expenses of the Government and to extinguish the public debt. In addition to that, they have already collected out of the people $2,075,505,640, which have been appropriated for the payment of the public debt.

Is all this nothing? To pile and fasten such a debt upon the country! Is all this nothing? To render such a tribute to posterity as evidence of the financial wisdom of their forefathers!

But, I do not stop there. Another startling fact is presented to the country. This debt has not only been created. It is not held by the people but it has been concentrated into the hands of a few individuals. It has given birth to what is known as a money oligarchy who hold in fact a mortgage upon the industries and the property of this

country, and which will reap the harvest and enjoy the fruit of the sweat of the nation's labor for generations to come.

I take leave to call the attention of the House to what a distinguished statesman, not now living, said upon this subject. On the 5th of March, 1867, in an interview with Charles G. Halpine, Andrew Johnson said:

> But what do we find? The aristocracy based on $3,000,000,000 of slaves south of Mason and Dixon's line has disappeared; but an aristocracy based on over $2,500,000,000 of national securities has arisen in the Northern States to assume that political control which the consolidation of the great financial with political interests formerly gave to the slave oligarchy of the late rebel States.
>
> The aristocracy based on negro property disappears at the southern end of the line, but only to reappear in an oligarchy of bonds and national securities in the States which suppressed the rebellion. We all read history, and is it not certain that of all aristocracies that of mere wealth is the most odious, rapacious, and tyrannical? It goes for the last dollar the poor and helpless have got; and with such a vast machine as this Government under its control, that dollar will be fetched. It is an aristocracy which can see in the people only a prey for extortion. * * *
>
> To an aristocracy existing on the annual interest of a national debt the people are only of value in proportion to the docility and power of patiently bleeding golden blood under the tax-gatherer's thumb-screws.

So said Andrew Johnson, that here was the uprising and growth of this money oligarchy, which history has shown will if necessary support the worst form of despotism; for, in order to guarantee the benefits of the securities which are held, it is willing to immolate any constitutional form of government; to prostitute any legislation; to corrupt and overturn the judiciary of the country; to tax the people to support armies to hold them in subjection to the power which will pander to its rapacity.

Mr. McCulloch, in the days—I will not say before his corruption, but when he seemed to take a rational view of this question, speaking of the national debt, in 1868 said:

> A national debt must ever be a severe strain upon republican institutions, and ours should not be subject to it one day longer than necessary.

But, Mr. Chairman, another of the fruits of this funding system was the contraction of the currency when it was most needed. The public and private debts of the United States at that time amounted to $10,000,000,000, and the amount of currency, national and State, on the 31st of August amounted to $2,192,395,627, and now it amounts to $683,862,418. That is the statistical amount. The actual amount in circulation, as I have shown by other figures, is only about two hundred and fifty millions of currency. So as a result this contraction took the currency from the labor of the country, reduced the price of property 75 per cent., doubled the burden of our debts, blasted our prosperity upon land and upon sea, and, through the calamities it produced, bred a financial epidemic which swept away a hundred thousand bankrupts, impoverished the people, drove States to the very verge of repudiation, and has well-nigh delivered the country, bound hand and foot, over to the imperial sway of bonds, banks, and monopolies.

In support of this statement I need only to call the attention of this body and the attention of the country to the testimony of General Grant and Mr. Sherman. General Grant, in one of his messages, said that a too rapid contraction of the currency would ruin the debtor class of the country. And Mr. Sherman, in a speech in the Senate of the United States, portions of which I will read in another connection, depicted in glowing terms the terrible financial calamities which would light upon the country. These predictions were prophetic. These calamities have become monumental in the country, as I will show.

And is all this nothing, Mr. Chairman? A power has been created in the country, an active power for mischief to the institutions and to the prosperity of this country. Here was a money oligarchy, as I have said. Why does it see proper and think it necessary to interpose its power and have the Constitution of the United States changed or amended so that the public debt should not be called in question?

They intended to lay the foundation of their power deep, and have it imbedded and indurated in the Constitution of the United States beyond the power of change by the people, except by reforming the Constitution, certainly beyond the power of Congress to disturb it. They were doing this for the preservation of their ill-gotten gain; they were only throwing up the bulwarks around them to protect them and maintain their power.

And was all this nothing? These were the demonstrations which that power gave at the outset. But it does not stop there. It caused the passage of the act of 1869. There was no popular clamor for this act of 1869, but it had been passed through Congress and presented to Andrew Johnson for approval and he put it into his pocket. He saw the design of the power, and this was called his pocket veto. The first act that was approved by President Grant was the same act of 1869, the act to strengthen, as it was called, the public credit. It was an act to bullionize the debt of the United States and to give a value of five hundred millions to the unfortunate creditors, these poor fellows that lay like Lazarus at the gates of the rich man to pick up the crumbs that fell from the Government table; an act to raise the securities from eighty cents in the dollar to $1.20 in the dollar!

And was all this nothing? Where are the people to come in for one crumb of favor in all this policy? These bonds were payable in legal-tender notes, as admitted by contemporaneous construction; and Senator THURMAN attempted to exempt the 5-20 bonds from the operation of this credit act of 1869, but it was voted down in the Senate. The people, poor sheep, did not know how closely they were being clipped, but they felt the cold winds of adversity chilling them as an iceberg through this policy of their Government, and still they could not unravel the mystery that was shrouding it.

Let us go a step further. They caused the act of 1871, known as the funding act, to be passed. And why are they now piling Pelion upon Ossa? Had they not your credit act of 1869? Can they not be contented? Is there no bound nor bottom to the rapacity of this power? No; you are not content that these bonds shall be paid in the lawful money of the United States and to have a pledge that it should not be repudiated, but you wish it to be paid in coin at its then standard value, actually to put fetters upon the Congress of the United States, actually to restrain their power to regulate value of the coin of the country. But Congress must fix and bind itself to maintain a coin standard for them. Why is it you are ever jealous of any remnant of power that may remain either in the Constitution or in the legislative department of the country or with the people? Do you intend to eradicate it, to take it up by the roots, and to plant your own standard deep in its place? Do you want your debt paid in the standard coin, 371¼ grains of pure and 412½ grains of standard silver and 25.8 grains of gold to the dollar? You do not wish it in denominational value in tale, but in weight; your public debt has almost outweighed your mountains of gold and silver, and you intend that it shall be weighed out to you, and not taled out to you. You are taking examples from the practices of the kings in the olden times, that were increasing their tribute or avoiding the payment of their debts by the alteration of their currency. We have heard and read of these tricks of the kings. We are told that Heliogabalus changed the year to fourteen months in order to require a greater tribute from the Gauls. After the Norman conquest a pound sterling was changed to one-third of its original value in silver; the house of Stuart, in Scotland, reduced it to one-twentieth of its former value. And is it nothing that we have a power here that can intervene and put fetters upon Congress, prevent the regulation of the value of the currency, and dictate to them the scales in which their debts shall be weighed and paid to them?

No danger from a power of that description? Let us go a little further and we will see the moccasin tracks of this giant as he walks his beats around this congressional hall. Germany demonetized her silver, and the holders of bonds in Europe and America took alarm from the act. Without going into the recital of the history, the silver bill was smuggled through this House, changed the whole face of the contract, demonetized the silver dollar, contracted the currency, depreciated the value of property, and depreciated the value of our silver bullion itself, deprived the States of the right to make it a legal tender, and lopped off one of the financial arms of the States. And was all this nothing, that they could point their ordnance at any objectional point of legislation and have it disappear just as though it had been by a blast from the mouth of a cannon? And where is it that they have made a demonstration either upon the Constitution or upon the laws of the United States or upon the rights of the people that they have not accomplished it and fixed it in the laws of this country?

Our people did not understand it. As was said by one of a former day, they had their eyes open but like somnambulists they did not see the precipice over which they were to take a wild leap. Ah! they did not stop to take counsel of the statistics of coin, and probably not three of those that voted for the bill stopped to look into the question when they took a step which was to work such revolution in the condition of the currency. I will read here from a most excellent work, that of Mr. Wharton on coins. He says:

> Demonetization tended "to increase the value of gold, as well as to diminish the value of silver, meant that millions who had sown should not reap and that many should reap who had not sown; while, in the main, in the western world profit to the creditors at the expense of the debtors; profit in Europe at the expense of the United States; profit to specie paying at the expense of the non-specie paying nations."

And was all this nothing? Now, if those who had practiced that fraud upon the country had examined the coin statistics of the world, as they appear in a table which I have made up from Mr. Wharton's work, they would have seen that the following are the facts:

Total stock in the hands of man: Gold, $5,000,000,000; silver, $7,500,000,000.

Total used as money by man: Gold, $3,600,000,000; silver, $3,200,000,000.

Annual destruction and loss: Gold, $20,000,000; silver, $30,000,000.

Annual product: Gold, $95,000,000: silver, $75,000,000.

Net annual gain: Gold, $75,000,000; silver, $45,000,000.

Annual consumption in arts—repairing loss of existing coin, and plate, &c.: Gold, $15,000,000; silver, $15,000,000.

Net annual supply to be devoted to use as money: Gold, $60,000,000; silver, $30,000,000.

Present annual addition of new coin to the total stock of money: Gold, 1⅔ per cent.; silver, 1 per cent.

The demonetization of silver would lessen the existing stock of metallic money 25 per cent. in the Christian nations. Twenty-five per cent.—that was the premium that would be and was achieved by those who sought to obtain the alteration of the silver laws of the United States—only 25 per cent. added to the value of the debt! And was that nothing?

Who had it to pay? Why, it was in the nature of an excise that

had to be taken off the production of the country. Was there nothing to be apprehended from such a power? The people could do only one thing; they could not repair the loss entirely, but whenever there was an apocalypse of the fraud the rebuke came rolling like thunder from the heavens, shaking this nation and demanding of the Congress of the United States a repeal of the law. It was repealed, and stands repealed to-day, the veto of the President of the United States to the contrary.

The people had the poor privilege left of protesting against the rapacious legislation which was plundering them of their labor and their property. But that was not all. Here was the act of January 14, 1875. What was the effect of that? It was intended to destroy the legal-tender currency of the United States, and to abandon the field of currency to the national banks. It submitted the issue whether Congress or corporations shall furnish the currency. It opened up a war between Treasury notes and bank notes. There is no conflict, Mr. Chairman, between the Treasury notes of the United States and gold and silver. They are all issued by the same Government. They have always traveled abreast, and in the main have always been applied to the same uses. There has always been perfect harmony and interchangeability between them whenever they have been placed upon the same footing.

But the intention was to destroy the Treasury note. This act of 1875 was only another of the advance positions of the same power toward the accomplishment of its policy. It was long premeditated. Secretary McCulloch, in his report of 1866, pages 16 and 17, said that the notes should be withdrawn from circulation and that the furnishing of what paper currency might be required be left to corporations. There was the issue tendered. They had been acting upon it all the time.

But the act provides for redemption, not for resumption, as has been pretended. I so argued in a speech January 25, 1875, while that bill was pending in the Senate of the United States. Senator EDMUNDS, a few days ago, stated that he voted for the bill because it was intended to redeem and retire the legal-tender notes of the United States. I call attention to his remarks:

Mr. EDMUNDS. May I ask the Senator if in his mind there is any doubt at all as to what the construction of that act was?

Mr. BAYARD. I was unable to say what its construction was. I thought it was a double-faced juggle intended to catch the votes of contractionists in one direction and of inflationists in the other.

* * * * * * *

Mr. EDMUNDS. My apology for interrupting my honorable friend, to all of whose very interesting and satisfactory speech I am sorry I have not been able to listen on account of an engagement elsewhere, is that I thought it right it should appear in that connection that I voted for the act of 1875, because, on a careful examination, it was to my mind perfectly clear, no matter what the present Secretary of the Treasury chose to think about it or chose not to say about it, but on the bill itself that I was voting for, it was perfectly clear that the redemption that that act provided for, both before the 1st of January, 1879, and afterward, was a redemption which took out in point of law from existence all United States notes that should come in in the methods provided by that act. And I am inclined to think that if my honorable friend would now examine the statute, he would not have any doubt upon it at all. Of course the act of 1878 reverses all that, and that made the act of 1878 necessary to those who wished to inflate.

So that there could be no mistake as to the real object of that law. It was one of the flank movements upon the Treasury note of the United States. There are others which I will point out before my time expires. The policy was to fund greenbacks into bonds—grand speculation!

Now let us see what there was in this retirement of the greenback. There were $382,000,000 of greenbacks, which at 6 per cent. per annum would yield $22,000,000. In ten years the holders of these bonds would derive as interest $220,000,000. But it was a part of the policy to abandon the field of currency to the national banks. According to statistics the annual dividends of these institutions (not their profits, about which I will speak in another connection) amounted to about 10 per cent. per annum, which would give them another $220,000,000 in ten years, making $440,000,000 for the poor starvling banks! Oh, how they need the protecting shield of a fostering, paternal Government, these national banks! The banks would clip the fleece upon the one side and the bondholders the coupons upon the other; so that there was but little opportunity of escape by the people when the bondholders and the banks had them pinioned between two horns, with no possible chance of escape.

This is but a part of the triumphal march of their policy. See the progress! The Treasury notes have been reduced from $450,000,000 to $346,000,000. Was all this nothing? Was it nothing that the currency of the country was to be displaced, the people deprived of it? Was it nothing that "black Fridays" should again and again appall the land?

But the people called a halt to this mad scheme of contraction. Discontent began to bubble like the fires of the volcano. Cities were in flames at the hands of infuriated mobs. The crepitations of the volcano of popular discontent were heard, threatening to throw the fiery lava to extend with its blighting fury over the land. You were required to call a halt. The further retirement of the greenbacks was suspended in May, 1878. Upon that measure there were 177 yeas, 35 nays—speaking almost a universal condemnation of the policy which had been inaugurated. Of those 177 who voted for the measure, 103 were democrats; and only seven democrats voted against it. In the Senate there were 41 yeas to 18 nays; twenty-three democrats voting for the measure and eight democrats against it, making only fifteen democrats in the House and the Senate who were opposed to the suspension of the legal-tender act of 1875. So we have one overwhelming condemnation and rebuke of this policy.

But, Mr. Chairman, this is not all. The war is now renewed in a different form. We cannot be mistaken about the indications. Skillful generals generally march under a blind when they wish to accomplish their strategy, and so it is now. They have opened a war upon the legal-tender quality of the currency of the United States. We have some great statesmen who get up on their stilts and with the gravity of Solomon state it is unconstitutional, and others that it is in the way of the prosperity of the country. Well, now, I shall not elaborate the constitutionality of this subject, but will give a synopsis, which I submit to the consideration of any of the objectors in relation to it. I say that it has been held to be constitutional by Congress in various acts and by the courts in repeated cases; that it has been held to be constitutional by both parties; that it has been held to be constitutional by the majority of the State courts of the United States; that it has been repeatedly held to be constitutional by the Supreme Court of the United States; that it has been acquiesced in by the people of the United States and they have adopted it as their money of account, and that the madman who would rush against this question with such an array of authority against him must be struck with an unaccountable presumption.

Now, let us look a little in detail at the question. Here is the legislative action of February 25, 1862, July 11, 1862, and March 3, 1863, all declaring it lawful money and legal tender. February 4, 1868, when contraction was going on too rapidly, another act was passed to prevent the further contraction of the currency, and stopped it at $382,000,000. Why was that if it were unconstitutional when the zephyrs of peace were blowing upon the land? Not only so, February 17, 1876, Mr. Kasson offered a resolution in this House which is in the following language:

Resolved, That the constitutional authority of Congress to coin money and regulate the value thereof, and of foreign coins, does not include the authority to issue the paper of the Government as money, and in the judgment of this House the Constitution nowhere confers on Congress the power to issue in time of peace promises or obligations of the Government as legal tender in payment of debts.

Yeas 97, nays 146. The democrats who voted for it were 10; those who voted nay were 133, denying the affirmative power of the resolution and affirming the opposite—that the legal-tenders in time of peace were constitutional, and that the authority and the power were found in the Constitution. Therefore it is calling upon the members of this House to stultify and degrade themselves and their convictions to change their votes now upon this subject. Not only so, but in 1878 there was a joint resolution passed here—that is of recent date, after ample time for reflection—to suspend the further retirements of these notes which were said to be unconstitutional. This joint resolution was passed by a decided majority, which I will not trouble the House by reading.

Up to the time of the decision of the Supreme Court of the United States in the case of Knox against Lee, 12 Wallace, 457, there were fifteen State courts which had affirmed the constitutionality of it independent of the Supreme Court of the United States. I have six cases from the Supreme Court of the United States, Knox against Lee, 12 Wallace, 457; Tribilcox against Wilson, 12 Wallace, 687; Dooley against Smith, 13 Wallace, 604; Bigler against Waller, 14 Wallace, 297; R. R. Company against Johnson, 15 Wallace, 195; Brorderic against McGraw, 15 Wallace, 639—all affirming the constitutionality of it. Chief-Justice Chase himself, in Hepburn against Griswold, stated the constitutionality of it had never been called in question except as to its retrospective effect.

And then by submission of the people to this and the contemporaneous construction of other courts bring to its relief a general principle of law which has the force of law itself. The mere fact there is a concurrence is an argument in favor of the proposition which is concurred in by the different courts.

But in addition to that I have the authority of great statesmen of the country. Mr. Madison affirms the constitutionality of the question even in time of peace. I will not read all the extract, but it is from his seventh annual message. Among other things, he says:

It may be necessary to ascertain the terms upon which the notes of the Government, no longer required as instruments of credit, shall be issued upon motives of general policy as a common medium of circulation.

Thomas Jefferson said:

Bank currency must be suppressed and the circulation restored to the "Federal Government, to which it belongs."

General Jackson, in 1829, said:

I submit to the wisdom of the Legislature whether a national one [currency] founded upon the credit of the Government and its resources might not be devised which would obviate all constitutional difficulties and at the same time secure all advantages to the Government and country that were expected to result from the present bank, [United States Bank.]

Mr. Calhoun said:

Believing that there might be a *sound and safe paper currency founded on the credit of the Government exclusively*, I was ever desirous that those who are responsible and have the power should have availed themselves of the opportunity.

All the foregoing authorities of legislators, jurists, and statesmen concur in the fact that the power to declare what shall be money and to regulate its value is lodged in the Congress of the United States. The Supreme Court of the United States holds that it is a political right vested in Congress, and that the right may be deduced from a

group of all the powers in the Constitution. The Court says in the case of Knox *vs.* Lee, 12 Wal. R.:

And here it is to be observed it is not indispensable to the existence of any power claimed for the Federal Government that it can be specified in the words of the Constitution or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined, or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred.

All the authorities agree that all political rights vested by the Constitution in Congress are not subject to review by the judiciary. If the power be conceded to Congress to attach a partial tender to Treasury notes, there is no other power to prevent Congress from making them a full legal tender. Congress has attached a large legal-tender quality to national-bank notes. Section 5182 of the Revised Statutes of the United States provides:

And the same shall be received at *par* in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and *other debts and demands* owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

And by section 5196 they are compelled to receive at par the notes of other national banks in payment of their debts. Yet, with these numerous legal-tender qualities attached to national-bank notes, the Supreme Court of the United States, in the case of Veazie Bank *vs.* Fenno, 8 Wall. R., held the national banks to be constitutional.

In the face of all this the banks, the syndicates, and bondholders are drawing their lines of circumvallation around the supreme judiciary, and expect soon to receive its capitulation and to take undisputed possession of this fortress of the American Constitution and bulwark of liberty.

But time will not permit me to pursue the constitutional question any further. I advance now to the consideration of the wisdom and policy of destroying the legal-tender quality of the Treasury notes. If this should be done the following would be some of the consequences:

First. They would cease to be *lawful money*.

Second. They could not be used in the compulsory payment of private debts and executions.

Third. The national banks would refuse to receive them on deposit.

Fourth. Depreciation would follow with a change of our money of acccount, and a change of all values and contracts.

Fifth. Wall street would revive and prepare for a raid on the gold in the Treasury.

Sixth. Resumption, the boast of the Secretary of the Treasury, like the hollow cone of dust blown up by the whirlwind, would dissolve in the air.

But it has been argued that to retain the legal-tender quality as to all Government dues except custom duties would secure them against depreciation. This could not be done in the face of the opposition of two thousand and twenty national banks, besides an army of brokers. The old United States Bank refused to receive on deposit the Treasury notes of the United States, though they were receivable for all Government dues, and they were depreciated from 15 to 25 per cent. The United States Bank broke down many of the State banks in the same way. The power of this old bank is described by Mr. Benton as next to omnipotent. It derived support from its debtors by the terror which it inspired; it throttled the State banks, corrupted the ballot, fought its way through both Houses of Congress and up to the Executive Mansion, where it perished before the veto of Jackson.

Hence, it will appear that the legal-tender quality is the only prop which will sustain the Treasury note as long as the national banks are in existence. The national banks are struggling to occupy the whole field of currency without a rival. Hence, the Treasury note would be decried and probably depreciated by their implacable hostility.

I call to my support the testimony of one who claims to be the greatest product of American financiers. On 13th February, 1862, Secretary Sherman spoke in support of the first legal-tender bill:

If you strike out this tender clause you do it with the knowledge that these notes will fall dead upon the money market of the world; that they will be refused, as they are now refused, by the banks; that they will be a subordinate, disgraced currency that will not pass from hand to hand; that they will have no legal sanction; that any man, whether a Jew broker or any other of the numerous kinds of brokers described by the Senator from Massachusetts, may decline to receive them, and thus discredit the operations of the Government.—*Congressional Globe*, part 1, second session, Thirty-seventh Congress, page 789.

Then, if it is the intention of the Government to maintain the circulation of the Treasury note at par it would be unwise and impolitic to destroy its legal-tender quality. Those who advocate the destruction of the legal-tender clause of the Treasury note are, perhaps, incautiously preparing to land on the side of the national banks. It is strange that they do not lift a finger against them.

Permit me now to call the attention of this body to some of the features and operations of the national banks, and the country will see the cause of their excessive zeal to secure financial supremacy.

First. I call attention to the expense of the privilege conferred on them by the Government. The Government pays them interest on their bonds to secure circulation. At the same time the Government lends them 90 per cent. of the bonds in currency, with the privilege of dealing in bills of exchange, discounting and shaving notes, of receiving private and public deposits; at the same time makes them a legal tender for all debts due to or from the Government except customs, forcing their circulation on all civil officers of the Government, on the Army, on the Navy, and on pensioners; at the same time taxing State banks of issue out of existence to give them immunity from competition.

Let us now see something of the profits—not dividends—of these splendid privileges:

Dividends, earnings, and surplus of the national banks, from 1870 *to* 1879—*Spofford Almanac*, 1880—*condensed from the report of the Comptroller of the Currency, December*, 1879.

Year ending Sept. 1—	No. of banks.	Capital.	Surplus.	Total dividends.	Total net earnings.	Ratio of dividend to capital.
1870	1,601	$425,317,104	$91,630,620	$42,559,438	$55,810,819	10.12
1871	1,693	445,999,264	98,286,591	44,330,429	54,558,473	10.14
1872	1,852	465,676,023	105,181,942	46,687,115	58,075,439	10.19
1873	1,955	488,100,951	118,113,848	49,649,090	65,048,478	10.31
1874	1,971	489,938,284	128,364,039	48,459,305	59,580,931	9.90
1875	2,047	497,864,833	134,123,649	49,068,601	57,936,224	9.89
1876	2,081	500,482,271	132,251,078	47,375,410	43,638,152	9.42
1877	2,072	486,324,860	124,349,254	43,921,085	34,866,990	8.93
1878	2,047	470,231,896	118,687,134	36,941,613	30,605,589	7.80
1879	2,048	455,132,056	115,149,357	34,942,921	31,557,880	7.60
Total net earnings, ten years					491,167,946	
Annual average net earnings					49,167,294	

I deduce the following facts from the above table and from the report of the Comptroller of the Currency:

Average annual net profits of national banks for 10 years	$49,167,294
Aggregate net profits, at same rate, for 16 years	786,176,110
Taxes paid by banks to United States in last 16 years, (Comptroller's report, 1879)	92,754,791
Taxes paid to States for 16 years	133,000,000
Estimated current expenses for 16 years, 2 per cent	144,000,000
Gross profits for 16 years	1,155,930,901
Average annual expense and profit for 16 years	78,540,000

All of this enormous amount has been collected from the people. After paying all taxes and expenses the banks have received a net annual profit of nearly $50,000,000. If the United States legal-tender notes were out of the way, and they had the absolute control of the currency, the net profits would reach beyond $100,000,000, and their gross profits would go beyond $150,000,000 per annum. So it appears that the exactions and burdens of the banks upon the country are equal to the expenses of the Government before the war. For these privileges the banks pay 1 per cent. per annum on circulation, ½ per cent. on deposits, and ¼ per cent. on capital stock beyond the amount invested in United States bonds. And they are now asking Congress to repeal the laws which impose these taxes. This would in effect give them annually about $7,000,000, the average amount of annual tax which they could still collect out of the people, but stop it in their vaults.

Again, if the banks should be permitted to issue all the currency, it would be most disastrous to the country. The concentration of capital would enable them to bring the commerce of the country to their feet. Scarcely a car-load of wheat could be purchased and shipped from Saint Louis to New York without a draft on a bank.

The power of contraction and expansion would give them the control of all the values of productions and property. By contracting their currency they could force a credit system on the country and the concomitant evils of high interest, usury, extortion, mortgages, distress sales, bankruptcy, and beggary.

Again, their political influence is of the most dangerous character, as proven in the history of the old United States Bank. Though they were chartered to have only a financial relation to the people and the Government, yet they have not scrupled to enter the political field. In a speech which I delivered in Congress June 14, 1876, I adduced the proof they were at that time assessed $1 on the $1,000 of their circulation "as a fund to secure legislation in their interests." By associations, syndicates, and combinations at home and abroad; by their facilities to communicate by telegraph, and large resources in money, they appear to be endowed with financial ubiquity, and may bring within the spell of their influence the ballot, the bench, the legislature, political conventions, and even Congress. They have aspired to make and unmake Presidents of the United States.

Again, national banks have always been condemned and opposed by the democratic party. The following extract from my speech June 14, 1876, gives a summary of the history of democratic opposition to national banks:

The demonstration is complete that opposition to national banks for forty-four years has been a vital and cardinal principle of the democratic party. It is proved by the veto of the United States Bank act by Jackson in 1832; by the indorsement of his veto on his re-election by the people; by five democratic national conventions; by the democratic vote against the national-bank bills in 1863 and 1864; by the democratic vote to authorize States to tax Government securities and obligations held by the national banks; by the democratic vote on the McNeeley resolution of January 17, 1870, to wind up the national banks; by their vote against the Sherman bill of July 7, 1870, to increase the national-bank issues; by their vote on the Randall resolution proposing to substitute legal-tender notes for national-bank notes; by their vote on the Morgan substitute on the same day to wind up the national banks and to make legal-tenders receivable for all taxes, customs, and

other debts due to the United States, and by their unanimous vote against the resumption act of January 14, 1875, which proposed to supersede the legal-tender notes of the United States.

Now, it is just as well established that the democratic party as a party has been the advocate of Treasury notes as that they have been opposed to the national-bank system.

Now, to the record, to see whether I am right or wrong. The act of Congress of 1814 authorized their issue and it was approved by Madison. The act of October 12, 1837, authorized the issue of ten millions, making them receivable in payment of all duties, taxes, debts due to the United States. The act of May 21, 1838, made them reissuable. The act of March 12, 1839, authorized the issue of the remainder of the notes which had not been issued. The act of March 31, 1840, extended the time of issue twelve months and made them reissuable. The act of February 15, 1841, authorized the issue of five millions additional. The act of January 31, 1842, authorized five millions to be issued in place of others redeemed. The act of April 15, 1842, authorized the reissue of any that had been taken up. The act of July 22, 1846, authorized the issue of ten millions additional. That was during the Mexican war. The act of August 6, 1846, (and now I want the attention of every Representative in this House if I can get it,) provides—

"That on the 1st day of January, 1847, and *thereafter*, all duties, taxes, sales of public lands, debts, and sums of money accruing or becoming due to the United States, and also all sums due for postages, or otherwise, to the General Post-Office Department, shall be paid in gold and silver coin only, or in Treasury notes, issued under the authority of the United States."—9 *United States Statutes at Large*, page 64.

So you find the democratic party so far as that was concerned put the Treasury notes upon a par with gold and silver, and gave the legislative equation to gold and silver and Treasury notes, and there it permitted it to remain until disturbed by other legislation.

The act of January 28, 1847, authorized the issue of twenty-three millions additional, receivable in like manner for all taxes.

The act of December 23, 1857, authorized the issue of $20,000,000 additional, receivable in like manner. The act of March 3, 1859, authorized the issue and reissue of notes, extended to July 1, 1860.

So we find that Treasury notes were issued by every democratic administration; and after the inauguration of the civil war they were issued by both parties as indispensable to move the armies and float the navies. And, as the language was used by the Supreme Court of the United States, there was not gold enough to have answered the purposes of the Government for three months, and the nation from necessity had to coin its credit. So we find that they were not only used in time of war, but they were used in time of peace; twenty-three years of peace during these five successive democratic administrations with the broad seal of the legislation of the country stamped upon them. And now let me make the inquiry here: When, since the foundation of the Government, was there a more safe, uniform currency than from the time of the issuing of these Treasury notes during these democratic administrations?

The fact cannot be longer concealed that the issue is now sharply made whether the Government in the exercise of its sovereign power shall issue its currency or whether it will delegate the power to bank corporations. In a few years the charters of the national banks will expire, and they are now waging war to destroy or depreciate the legal-tender notes to furnish an argument of necessity to recharter their corporations. Time will soon furnish a test who are in favor of gold, silver, and the cheapest and best currency of the country; whether it shall have its primary issue by the Government, without comparative cost, or whether it shall have a secondary issue by corporations at a cost to the country of from one hundred and fifty millions to two hundred millions per annum.

It will soon be seen when positions are taken who are standing on the platforms of Jefferson, Madison, and Jackson. It will soon be seen whether the hard-money howl which has resounded through the land does not chime in with the refrain of the national banks. We will soon see who are apostates from the faith of the fathers.

I now pass on to the consideration of another financial blunder of the "first magnitude"—resumption of specie payments, so called. Every enlightened financier admits and all history proves that disaster is inseparable from forced resumption; that is, resumption by compulsion of law. General Grant said in his first annual message that it "would bring bankruptcy and ruin to thousands." Secretary Sherman in the Senate, on the 27th January, 1869, said:

> It is not possible to take this voyage without the sorest distress to every person except a capitalist out of debt or a salaried officer or an annuitant; it is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster.

And yet he helped to drag the country through the fires of Tophet to get to what he calls resumption.

When he used the language in the Senate no doubt the frightful picture of English resumption was before his eyes. He saw that a set of ignorant financial jugglers, stock-jobbers, and dabblers in political economy had taken possession of the British Parliament and turned loose their resumption policy, which swept over the land like a wave of fire.

I will call the attention of the House and the country to the history of the passage of the English resumption act and its disastrous consequences. I read an extract or two from Doubleday's Financial, Monetary, and Statistical History of England, (London, 1847,) page 238 *et infra*:

> The currency bill of 1819 was passed at the instance of a committee among the members of whom were included all the parliamentary dabblers of political economy of any name or talent, and of whom Peel was chairman.
>
> Horner, the chairman of the bullion committee of 1810, was dead, but in his stead they had Ricardo, a rich Jew stock-jobber, who having made an immense fortune by the worst species of stock-gambling had also contrived to obtain a reputation by the publication of some books on political economy, ingenious in argument, but, in many points, of very questionable soundness, and frequently substituting an elaborate superficiality for wisdom and depth of reflection. Backed by the authority of this rich and arrogant man, the economists obtained on this occasion an almost entire command of the House of Commons. The ministry were led into the snare, with open eyes indeed, but, like somnambulists with eyes of which "the sense is shut." They selected a young man of their own body, Mr. Peel, to bring the bill for the restoration of cash payments before the House of Commons, and hence the bill, much to his detriment, has borne his name. It is only justice to say that to Mr. Peel, now Sir Robert Peel, the obloquy of this greatest blunder that ever legislature committed ought not to be given. He was but the mouth-piece and the ignorant mouth-piece of an ignorant and blundering House of Commons led by the nose by a self-conceited and shallow junta of theorists.

In another connection the same author described the effects of this act.

> The distress, ruin, and bankruptcy which now took place were universal, affecting both the great interests of land and trade, but among the landlords whose estates were burdened by mortgages, jointures, settlements, legacies, &c., the effects were the most marked and out of the ordinary course. In hundreds of cases, from the tremendous reduction in the price of land which now took place, the estates barely sold for as much as would pay off the mortgages, and hence the owners were stripped of all and made beggars.

The country fell a prey to "a combination of usurers" whom Lord Chatham characterized as "*the cannibals of Change Alley.*"

So it will be seen that under the blighting curse of English resumption the property relations of the kingdom were shattered to pieces and these were gathered up and reconstructed into a *property class and labor class.* The property of the country was concentrated into the hands of one-fifth of the former owners. The consequences of the folly live in England to-day and perhaps will live for generations to come.

Capital rests upon the labor of England and Ireland with the absorbent powers of a mighty sponge. In proof of this I call attention to an extract from a letter addressed to myself from London, England, May 12, 1879, by Warwick Martin, an American citizen, a gentleman of fine intelligence and a profound thinker:

> The distance from Liverpool to London is two hundred and forty miles, being from one end of England to the other. We made the trip by rail in five hours, more than forty miles per hour, on the best railroad I ever saw.
>
> The country between Liverpool and London is the most beautiful I ever beheld. As far as the eye could reach, on both sides of the road, splendid farms present themselves, all in a state of high cultivation. They are cut up into small fields all fenced with hedges, and those not in grain are covered with grass, already green, upon which fat cattle and sheep were feeding.
>
> Had I seen such a country as this in the United States it would have proved the population prosperous, rich, and happy, so far as surrounding circumstances could make them happy. But this is far from being true of the people who occupy this land. They do not own one foot of these millions of acres, which their toil has from generation to generation cultivated, beautified, and enriched.
>
> All the land between Liverpool and London, I am informed, belongs to six men, who have inherited it from their ancestors. It is rented to these toilers at five pounds per acre per annum—more than would purchase that quantity of the best land already under cultivation in the Western and Southern States of America. If the five pounds a year are promptly paid, and the land is well taken care of, the lease is continued from year to year, from father to son. If the seasons are favorable and the crops good, these toilers are able to pay the rent, and to make a scanty living besides; but if the crops are poor, and they fail to pay the rent, they are turned out of house and home, and compelled to beg or starve. These people have no power to rise above their condition; as was the father so is the son, from generation to generation.

So some would imitate the example of English folly and hail the permanent establishment of an aristocracy of wealth and the enslavement of labor.

The far-reaching consequences of American funding, contraction of currency, forced resumption, and refunding may be felt like a moral curse to distant generations.

But let us inquire a few moments into this so-called experimental resumption and the stability of its foundation. As a general fact it may be stated that it was not brought about by the measures which were projected for its accomplishment; but it was brought about by the concurrence of causes excluded from the original calculation.

The following may be enumerated as the leading causes which have brought us to our present condition of resumption:

First. By remonetizing the silver dollar and compelling its coinage, now amounting to above $50,000,000.

Second. By Germany demonetizing her silver, and the Latin Union suspending the coinage of silver, so that we can keep our silver at home by the limit of the foreign demand.

Third. By the large productions of our fields and forests and the demand for them in foreign markets, enabling us to introduce foreign coin through our commerce, which may be set down to the bounty of Providence and not to the impious claim of the Secretary of the Treasury.

Fourth. By selling bonds to the amount of $95,000,000, and by hoarding $46,000,000 which ought to have been applied to the sinking fund—the two items costing the country in interest about $7,000,000 annually.

Fifth. By redeeming and destroying $33,318,984 under the act of 1875, so that it could not be presented for redemption.

Sixth. By the temporary forbearance of the banks, the clearing-house, and bond syndicates to move upon the coin in the Treasury—only deferring the raid until they can dispatch jobs which they have on hand.

Seventh. By the large amount of legal-tender notes kept out of circulation by requirement of law and commercial necessity, to wit, $108,820,099 held in the Treasury as deposit and redemption funds; $69,196,696 held as reserves by national banks; and $100,000,000 estimated amount held by State and savings banks for the payment of deposits—making together $278,016,795. This amount deducted from whole amount of legal-tender notes, would leave less than $70,000,000 in circulation, and make it so scarce that it cannot be spared from circulation.

Eighth. By receiving legal-tender notes for custom duties in violation of law, which was a begging of the question and an aban-

donment of the policy which prohibited the receipt of legal-tender notes for customs. The receipt of legal-tender notes for customs was all that was necessary to bring them up to par with coin. This was the theory of the democratic party, and for which they had voted over and over again. Their policy has been to enlarge and not diminish the legal-tender quality of the Treasury note. In a speech in this House, June 14, 1876, I used the following language:

I have stated that the Government has depreciated the Treasury note. It only remains for the Government to re-enact the law of 1846, making the revenues of the Government collectible in gold and silver or Treasury notes, and it will come to its equation. Such a measure will fall like a bursting bomb into Wall street, and will blow up all their gambling-shops, and the currency will be relieved from its fluctuations as compared with gold and silver. Othello's occupation will be gone.

But let the country be not deceived. Our flush of prosperity is not the fruit of the Secretary's resumption scheme, but it was produced despite his policy and partly by agencies in contravention of his policy. His policy did not add a blade of grass to the productions of the country nor lighten the burden of its debt a single dollar. But we are indebted for whatever increase there is in our prosperity to the arrest of the destruction of the legal-tender notes in 1878; to the increase of $50,000,000 in silver dollars; to unlocking the Treasury and releasing $10,000,000 which was held as an idle fund for the redemption of fractional currency and paying it for arrears of pensions; to a wholesome reduction in the expenditures of the Government; and above all to the bounty of Heaven which gave increase to the earth and poured foreign wealth into our lap.

Again, I say let not the country be deceived with the Secretary's resumption scheme. To bring the legal tender to par with coin in the use does not necessarily make it convertible into coin. The whole resumption scheme is partial, discriminating, and unjust. All sums under $50 are not convertible anywhere, and a large majority of the people in the United States deal in sums under $50. Why is this, except it be, as the Secretary said on one occasion, that "gold is the money of the rich?"

Again, it is convertible in sums over $50 at the sub-treasury in the city of New York. In all our extent of country from lake to gulf and from ocean to ocean the golden beams of the financial sun shine but upon one acre by legal requirement. Every dunderhead in the land knows that the loss of time and expense in transporting treasury notes to New York and packing the coin back across a continent would amount to a premium on coin of from 3 to 5 per cent. This shows that it is impracticable and unjust. The whole scheme looks like the Government had collected and placed its redemption coin in New York, at an expense of about $7,000,000 per annum to the people, for the exclusive benefit of the money-dealers of that favored city. This statement demonstrates the fact that the finances of the country are not on a specie basis, but, on the contrary, are resting almost exclusively on a *fiduciary basis*, or on the faith of the Government and the banks. The national-bank notes rest upon the faith of the Government bonds, and the bonds rest upon the faith of the people. The legal-tender notes have rested and now mainly rest on the faith of the people, and not on the coin in the Treasury. Nearly all the financial systems of Europe rest on a fiduciary basis to a greater or less extent. Seventy-five million dollars of the notes of the Bank of England rest alone on the faith of the Government and not on the coin in the bank. While I am the friend of coin and would not limit its circulation among the people, the fact is that it has a wonderful faculty of sliding from the vaults of banks which profess to bank on a specie basis just at the time when financial trials come. The fault is not in the coin, but in want of it.

Again, let me warn the country that the Secretary's resumption scheme, partial, impracticable, and unjust as it is, has but little stability in it. It exists only by the sufferance of the Secretary himself, of the banks, and the bond syndicates. Let the syndicate be released from their obligation of forbearance and be dissolved and a new combination be formed to reach the coin in the Treasury, the first push they make at the Secretary they will put him in the ditch. The national, State, and savings banks can place $200,000,000 in legal-tender notes in the city of New York, which would easily overbear the Secretary's coin in the Treasury. Or if the Secretary should refuse to receive tender notes for custom duties, it would put them to a discount and cause a rush upon the coin in the Treasury. A discount of ¼ of 1 per cent. would be fatal to him. But I will call him as a witness against himself. In his examination before the Committee of Banking and Currency of the House of Representatives in the Forty-fifth Congress, the following question was asked and answer given on this point:

Mr. EWING. Of course if there is an established difference of 1 per cent. or ¼ of 1 per cent. between gold and greenbacks, the Treasury would be broken pretty quick?

Secretary SHERMAN. Yes, sir, or a quarter of 1 per cent.; there is no doubt about that.

When the funding projects are disposed of the calculating money-schemers will be after the gold in the Treasury, and there is but one thing that can protect the Secretary, and that is to make the greenback a full legal tender, equal in use with gold and silver coins. The Government was unable to pay on presentation the sixty millions United States demand notes, and they immediately depreciated in the market. In 1862 they were made a full legal tender with coin and receivable for custom duties and they at once sprung to par and held their place with gold.

The House will pardon a glance at a few of the Secretary's inconsistencies. He claims the glory of his forced resumption; yet he denounced its incalculable evils. He opposed making legal-tender notes receivable for custom duties; yet he receives them for customs. He opposed the remonetization of the silver dollar; yet he boasts its accumulation in the Treasury as an auxiliary to resumption. He and his friends claim that his policy brought prosperity to the country; yet he forgets that the heavens dropped fatness on the land. He claims that he brought greenbacks up to par with gold; yet he recommends to Congress that their tender quality in the payment of private debts should be stricken out, so that it would cease to be lawful money. And after his work of funding, contraction, forced resumption, and consequent financial ruin of one hundred thousand of good business men and the forging of financial fetters for an enslaved posterity, yet he now finds that the people do not want his hoarded coin and prefer the greenbacks in their business transactions. After blundering through a long financial experience he is brought to the knowledge of the fact that greenbacks used for all purposes as coin need no redemption.

The House will further indulge me for a few reflections on the refunding performance of the Secretary of the Treasury. That the amount refunded was great none will deny; but that it was brought about by the masterly skill of the Secretary I do deny. The key to all this funding magic was in the fact that all the bonds issued prior to the refunding act of 1870 and 1871 were payable on a day *fixed*, beyond which they ceased to bear interest; and another fact, the principal was payable in lawful money—greenbacks, if you please. The acts of 1870 and 1871 authorized the refunding of these bonds in others payable in coin, at its "then standard value," at a lower rate of interest, in ten, fifteen, and thirty years, at the pleasure of the Government; but the interest would continue to run until the Government gave notice that it would pay the principal. The original bonds would soon fall due when the interest would stop and the Government would not be able to pay the principal; and the bondholder was eager to accept the new bonds which were payable in coin and would bear interest perpetually, like the British debt, until the Government was ready to pay it.

The outstanding bonded debt not refunded amounts to $782,071,700, which falls due in 1880 and 1881, when the interest will cease as to part. Of this amount, $104,654,050 may be refunded under the act of 1870. There is yet no provision for refunding the balance, $677,417,650. The bondholders will struggle for a long coin bond at 4 per cent., others will advocate 3½ per cent., and others a 3 per cent. bond. This balance of the bonded debt, if refunded at all, ought not to be refunded at a higher rate of interest than 3 per cent.

First. Because the outstanding bonds, in part, by their terms, are payable in lawful money or legal-tender Treasury notes, and the Government might justly so pay them and save all the interest as one act of justice to the tax-burdened people. The bondholders expected the principal to be paid in notes at any time after five years. In support of this I will call attention to an extract from Simon Newcomb's Financial Policy, written in 1865, giving the contemporaneous construction of the true intent of the bonds:

How is the principal of the *funded* public debt, the five-twenties, for example, to be paid? * * * By the letter and the spirit of the legal-tender act the bonds can be redeemed in notes at any time after five years. We tacitly repudiated all obligation to pay any portion of the principal of the public debt in coin, and lenders took us at our word by giving us no more for them than for bonds payable in paper. This was perfectly natural, because it was not to be supposed that we would deal any better by the public creditors than we were bound to by the terms of the contract.

Then if the Government may pay them in notes not bearing interest, the holders would have no just cause to complain at receiving a 3 per cent. bond.

Second. I would say that it would be reasonable and liberal in the Government to fund in a 3 per cent. bond, because it has already paid in gold as much as the original value of the debt and 6 per cent. interest upon it, and it does not lie in the mouth of the bondholder to stickle about interest when he has already received the full equitable consideration of his debt. If Congress will provide for funding at 3 per cent. the bonds will soon be funded. Our 4 per cent. bonds are now at a premium from 6 to 8 per cent. in England and the United States.

Third. The bonds ought to be funded at a low rate of interest, because it would be iniquitous and unjust to continue a high rate of interest which sends the bonds above par and thus encourages capital to retire from the industries of the country and become an insatiate cormorant to prey upon the fruits of human industry.

Fourth. The bonds ought to be funded at 3 per cent., because it is practicable. We funded a large part of our revolutionary debt at 3 per cent., and England has funded a large part of her debt in 3 per cent. annuities.

Fifth. Because a national debt is a public curse and a severe strain on our republican institutions and it ought to be paid as rapidly as possible, and the less we pay in interest the more we will be able to pay in extinguishing the principal.

But time will not permit me to enlarge further on this subject and I will close my protracted remarks by suggesting a few remedies for our financial evils.

First. The national banks should be gradually wound up and tender Treasury notes should be substituted in the place of the bank

notes—which would save probably $50,000,000 per annum to the country and give the country riddance from these cumbrous and oppressive establisments.

As the national-bank notes are retired tender notes might be issued in their place. The tender notes can be put into circulation by paying the expenses and debts of the Government as they were put out in the first instance—or the Government might justly use them in paying the 5-20 bonds. A redundant circulation of tender notes can always be remedied by absorbing the surplus in taxation.

Second. The free coinage of standard silver should be restored and all our mints worked to their full capacity.

Third. Restore the income tax so that capital shall bear its portion of the burdens of government, and apply this tax to the payment of the public debt.

Fourth. Make the Treasury notes a full legal tender for all debts public and private, except the contract provides for the payment of coin.

Fifth. As a matter of duty and self-defense, within constitutional bounds, let the Government assume the control of monopolies so that they shall not outgrow and defy the Government.

Sixth. Put the Government on rigid economy in its expenditures and cleanse the channels of our civil service.

But if we shall leave the country in the stifling folds of a contracted currency; if we shall look unmoved upon the country devoured by usury and extortion; if we shall view with indifference the fruits of the earth pouring into the craving void of the syndicate; if we bid God-speed to the Shylocks to march to wealth and power over the causeway of down-trodden labor; if we stand idly by and see chains forged to bind the producing class that they may be plundered by the non-producing class; if we shall listen to the advocates of aggrandizement of power, of low wages and high taxes, and bayonets at the polls, then, indeed, we may expect to hear the wail of national calamity; then, indeed, we may expect a Cæsar from the gestation of the times, and soon see the country parceled out among rapacious proconsuls.

Let the people be not deceived with the delusive assurances of prosperity. The vampires are only fanning you into slumber that they may suck your blood. The great battle of right and freedom must be fought by the people themselves. Let their voice arise from the ballot in appalling thunder to rebuke the misrule of the land. Then we may hope to see our prostrate country remount to the level of its former prosperity and grandeur.

RETIREMENT OF GREENBACK NOTES.

Mr. DE LA MATYR. Mr. Chairman, the President, in his message to Congress, presented at the opening of this session, recommended the retirement of the greenback currency yet in circulation.

This is a proposition to surrender the entire control of issuing and regulating the volume of the currency to national-banking associations.

It opens the whole subject of finance. It is an expression of the conflict which is just beginning to rage between the money power and the producers of wealth. In my judgment we are amid the incipient throes of one of the great revolutions in human affairs. Oppressed people are rousing to throw off burdens which have accumulated until they can be endured no longer. From the day that Nimrod attempted to crush a multitude of individuals into an arbitrary mold that his will might sway them all until the present the genius of oppression has persistently sought to rule mankind. No sooner has one form of his sway been broken than he has assumed another.

He now rules through the concentration of wealth. The tyranny wielded by the "money power" is the most relentless, crushing, and hopeless under which men ever groaned. Its diabolical rule is far wider than that of any of the great world monarchies. Its grinding sway is universal. It knows no mercy and feels no pity. The screws of its press have been turned until human life can be compressed but little more. The people of Europe are groaning and travailing in pain together beneath this crushing tyranny. The suppressed curses of nihilism, internationalism, communism, anti-rentism, &c., presage an earthquake. The mad endeavor to smother these cries of distress, desperation, and vengeance by multiplying police forces and enlarging standing armies, and dogging the steps of the suffering with spies, and crowding to suffocation prisons, will serve only to make the day of retribution the more dreadful. Such is the present aspect of affairs in Europe and countries subject to the money-kings of Europe.

The same state of oppression is being fastened upon this country, and the revolt of American freemen from its incipient movements against their liberties is sought to be smothered by sneers, ridicule, bribery, intimidation, purely partisan judicial decisions, a subsidized press, perverted pulpits, a prejudiced religious press, and the whole power of the administration of the National Government, with its multiplied office-holders, aided by more than two thousand moneyed corporations.

An irrepressible conflict has commenced between the money power of the world and American freemen. That conflict will not end until the money power is broken and routed. They who think otherwise have very much to learn of the temper of our people.

The uprising of the producers of wealth in our country against the wholesale robbery which has impoverished them for the last decade is not a spasm. It is not a periodical rush for the power and pelf of office such as characterize partisan political warfare. It is the beginning of a revolution. It is the inception of an epoch in the world's advance. It is pregnant with results of good to mankind which will distinguish it as the crowning achievement of liberty. In this revolution the toiling masses have asserted and will maintain the divine right of every toiler to the results of his labor against the blasphemous assumption of a few families, distinguished by greed of gain, to all the products of labor save a bare subsistence grudgingly left to the millions who do the producing. Let us give attention to the facts which make this revolution a necessity and which gauge its magnitude.

The ability to produce from nature means for the necessities, comforts, and culture of mankind has been increased very many fold within the present century. This marvelous increase of the power of production has resulted principally from three causes. First, discovery of the latent provisions laid up by an all-provident foresight on the part of the Infinite Father. Among recent discoveries of stores of nature from which industry may draw are coal, rubber, petroleum, the mines of the West and of Australia, and measureless fields of iron. Then the application of machinery and the harnessing of the occult forces of nature to industry have multiplied the power of production full fifty-fold *per capita*. Once more, the facilities for distributing the products of labor by means of railroads and steamboats have increased the ability to subordinate nature to man's behest.

It is perfectly safe to affirm that these and other causes of less moment originated mostly within fifty years have increased the power of civilized peoples to produce wealth one hundred fold *per capita*. We have a right to expect that the masses of producers should enjoy the immense benefits of this increased power of production. Want should be banished from civilized nations. At least all who labor should have, not only the necessities of life, but comforts, and even luxuries, and there should be no need of drudgery. There ought to be no need that any should devote more than eight hours per day to physical toil.

Now, the fact is that producers work on an average as many hours and as hard as they did fifty years ago. It is also a marvelous fact that, take the whole civilized world together, the toiling masses share no more of the products of their labor than they did fifty years ago.

British writers assure us that the peasants of India, numbering one hundred and ninety millions, are reduced to a condition of poverty utterly hopeless. They tell us that the drain of interest and taxes has been so great that it has only left a bare subsistence to the producer, forbidding him to replenish fully the wastes of the years, until he has reached absolute destitution. If a single crop fails, famine with its nameless horrors must follow. The people with good crops are just above starvation.

The condition of the peasantry of Ireland is fresh in our thought. Every breeze across the Atlantic is burdened with the famine wails of men, women, and children.

The toiling masses of England and Scotland and of the Continent are scarcely above those of India and Ireland. Everywhere across the waters poverty and squalor and misery curse the masses as never before.

Where have results of the exhaustive toil of those millions gone? A portion has gone to support governments with their vast armies which are the agents of the money-kings, to keep the people submissive to their crushing exactions, but more has gone directly to minister to the luxury of those money-kings and their voluptuous courts. The direct support of the money-loaners of Europe costs far more than they allow to go to governments and armies. The drain of interest is more exhaustive than that of taxes, and taxes are largely collected to pay interest. The drain directly and indirectly from the products of labor by the Rothschilds is appalling. That house has gathered billions. One of the brothers has expended millions on his barn. The stall of a favorite horse cost a fabulous sum. That barn is a palace worthy comparison with the gorgeous residences of the moguls of India. Every dollar wasted on it was produced by the toil of laborers who are doomed to drudge all their waking hours and subsist on the meanest food and cover their nakedness with rags, and leave their children to grow without care, joy, or education. This money power is like Victor Hugo's devil-fish; it reaches forth its horrid arms, boneless, soulless—ever multiplying, ever extending—wrapping all industries and sucking the life-blood from them through interest. The terrible monster, more dreadful than the dragon of the Apocalypse, has drawn into his embrace of death the toiling millions on the other side of oceans.

I affirm that this concentration of the products of labor is the great curse of the world. It is the gigantic force of evil which prevents the lifting of mankind to a higher plane of manhood. It is the great hinderance to the success of the gospel of Christ; compared with it all other forms and combinations of sin are as the small dust of the balances.

The one supreme purpose of human life in probation is to unfold a strong, symmetrical, pure, and beautiful manhood, and thus train for high service in the immediate presence of the Creator in an endless life. The Gospel is solely devoted to that grand purpose. It has no other aim. It seeks and saves lost men. It does not condemn, but saves. It ignores the petty distinctions of human life, and regards man only in

those high endowments which distinguish him as man. It seeks to lift into refinement, high culture, broad education, and spirituality the entire race.

It is as anxious to educate and refine the poorest as the richest, the slave as the prince. In its estimation the children of squalid beggars are as dear as the offspring of the wealthy. It recognizes the awful fact that in the most unfortunate—doomed from infancy to be made brutal by surroundings of squalor, misery, and vice, a trinity always combined—are wrapped all the measureless possibilities of a human destiny. The great disparity in physical conditions between a few and the many, the bottomless gulf between the multitudinous poor and the small class of the rich caused by the centralization of wealth, constitutes the mighty barrier to its success. It curses both the poor and the rich; it blights manhood both ways; it antagonizes the gospel on both wings and along the whole line; it dooms the toiling millions to undue physical drudgery: inadequate food, clothing, and shelter; deprives them of access to mental, social, and spiritual helps and leaves them slaves to animal wants and superstitions which are the lowest forms of spiritual activities.

Let us dwell a moment on the disabilities which poverty imposes. First, it necessitates drudgery. The vital forces are all expended in a struggle for physical subsistence, leaving no inspiration to mental, social, or spiritual activity. When the life of a family is a perpetual struggle to sustain physical existence neither parents nor children can devote time to reading or to thought which reading inspires. Go into the factories of the East or visit the laborers of Europe or India and you will find all, even young children, drudging from dawn till evening. If a family is permitted to eat their meals together they are too weary to converse, especially on any theme requiring exertion. When the exhaustive toil of the day is over they are all too tired for any social festivity, and they sink into their stupid slumber without those sweet ministries of love that should make the evening of every day a scene of refining, joy-inspiring heart communion to every household. Drudgery so exhausts vital force as to chill the affections and sour the tempers and cause cross words and low quarrels amid which millions of children, with their sensitive, blossoming natures, are forced to take in the scenery which must form the furniture of their temples—not made with hands—forever. Childhood has been cruelly treated, shamefully abused, dwarfed and deformed by the effects of squalid poverty in its parentage. This state, while it does not inspire any upward force, does gender and intensify all low passions and low appetites and fiendish tempers, causing misery and vice. It deprives thousands, yea millions, of a claim to any spot of earth as their own. Impoverished families are not permitted to feel that there is one place where they are sheltered from all intrusion, one hallowed temple sacred to their lives and worship, from which no landlord can eject them, into which no tyrant may enter to make his exactions. They are deprived of all the divine ministries, the freeman's inspirations, the unspeakable joys which are embodied in that word home. The enshrinement of the families of mankind in homes would advance the race Godward more than a thousand years.

By the aid of the occult forces of nature harnessed to industrial enterprises a few years' labor would create homes for every household if labor's results could be equally distributed. The world is now producing enough to furnish all with comforts and gradually with ministries to culture. With the help of machinery it is not necessary for any to toil all waking hours. All might have rest and leisure for study and enjoyment. But because of this unequal distribution of wealth the vast majority are deprived of comfort, culture, rest, study, and joy. This abnormal state does not bless even the few. It curses the comparatively small class into whose hands the wealth goes. Jesus knew what was in man. He made no mistake in stating the philosophy of human life. He spoke the sad truth when he said, "It is easier for a camel to go through a needle's eye than for a rich man to enter the kingdom of God." The undue accumulation of wealth has a powerful, almost irresistible tendency to make men sordid, selfish, and sensual. Look on the inner scenes of Vanderbilt's home. Behold his sons and daughters exhibiting to the world the private vices of their dead father, who has accumulated for them one hundred millions. The view is disgusting to nausea.

Riches, unless used by their possessors to bless the poor, are an unmitigated curse. They do not minister to the development of the hardihood and beauty of character, the development of which is the sole purpose of life. For these reasons and many others which are obvious, I affirm that the concentrations of wealth as now exhibited in the world's condition is the monster evil against which all regenerating forces should be arrayed. It is evil and only evil, and that continually. It presents not one redeeming feature.

Now I ask, has not human society a right to protect itself from this evil by legislation and executive and judicial forces? Ought not government to be arrayed against it? Is it not the grand purpose of governments to protect peoples from evil? Is it not possible to protect society from this monster of iniquity? Those who support it declare that it is impossible to prevent it. They tell us that if a *pro rata* distribution of the wealth of the world were effected ten years would suffice to drain it to the centers as now. They believe that this tendency to apoplexy is normal and cannot be prevented, and society must remain in the diseased state of a fevered brain and chilled extremities.

We acknowledge a strong tendency to this condition resultant from the disordered condition of human nature under the power of sin. We affirm that the tendency calls for the strongest and most persistent remedies of which the Government is capable. Yet we charge that the governments of the civilized nations are all devoted to intensifying this abnormal and ruinous tendency.

The money-loaners rule the governments. They control legislation and rulers obey their behests. They have absolute dictation in the world's finances, and by a regular system of inflations and contractions of the volume of the medium of the people's exchange they manage to rob them of the results of their labor. They do this mainly by means of the specie basis, which they so control as to regulate the volume of the people's currency.

No one will question that the Rothschilds and other money-kings rule Europe. The superiority of their power to monarchs and legislatures is notorious. It is by their rule that Europe is in the condition to which we have alluded. That condition of hopeless poverty on the part of the masses and luxurious licentiousness on the part of a few threatens to deluge Europe and India in blood. It has become intolerable and society gives ominous signs of revolt.

The matter in which we are immediately interested is the fact that the monster evil which has pushed the Old World to the border of a horrible revolution is being fastened upon us. The devil-fish which has embraced Europe and is sucking its life has risen out of the sea of the civil war and is fast wrapping our industries and liberties in its horrible and fatal arms. Within twenty years the money power has gained absolute control of our Government, and is wielding it to absorb our wealth and make of us a nation of serfs and lords. I affirm that the financial policy which has been foisted upon our people, in its every element, has been dictated by the money-loaners through a few republican leaders. Not one measure of that policy has been asked for or desired by the people, but every one has been demanded by the money-loaners in the sole interest of their class. The exceptions to the legal-tender power of the greenbacks, the change of the contracts in favor of the bondholders, the demonetization of silver, the refunding of the national debt, the national-banking scheme, the change of the paper fractional currency into silver at the enormous cost of fifty millions of bonded debt fastened on the people for thirty years, draining from them 5 per cent. interest, the forced resumption, and the settled purpose to destroy all the currency issued by the Government and leave the people solely in the power of the banking corporations, constitute that policy. It is well known that each one of these measures was dictated by the money power, and not one of them desired or asked for by the people.

There is one other measure to which I wish to call special attention. All will remember that in 1873 there was a panic. At the close of the war we had about two billions of currency. Near one billion was interest-bearing legal-tender and other notes. They were pushed into wide circulation by being paid to the Army and used in buying supplies. They were abnormal currency, and not likely to remain in active circulation for obvious reasons. Most of these notes were of short duration, and by 1873 they were withdrawn from the channels of business. That vast system of industry on which our people were launched, largely by the inspiration of the volume of currency swelled by these notes, felt the immense drain and began to falter. The *fiasco* of Jay Gould and the demand for currency to move the crops, added to that drain, caused the crash of 1873.

The President suggested to Congress some measure of relief. Mr. Morton, who had more brains than is left to republican leadership now, pushed through a measure. The people backed him by a loud, emphatic demand. Both Houses passed the measure by large majorities and it went to the President's table. Never was the voice of the people more unanimous and emphatic in the demand for any measure at the hand of their own government—their servants intrusted with their interests. Mr. Grant had solemnly promised them that he would execute their will and not his own when he took from their generous hands the highest place and honor in their gift. But Belmont and other bankers forbade him to execute the will of the people. They ordered him to veto that measure for the people's relief and let the business ruin go on, that they might continue their process of spoliation, and Mr. Grant obeyed his masters, and they rewarded him by a gorgeous reception at the courts of the old world which those masters rule. Finding him so pliant a tool, they now propose to place him again at the head of the Government, that in case the people revolt from their service he with his iron will may crush them, and they have been exhibiting him to the people in a brilliant pageant to inspire them with the feeble sentiment of hero worship that they may be induced to vote for their choice. The spectacle has been one of amazement and deep humiliation. I have greatly overestimated the people of this country if the second, sober thought does not cause a revolution of popular sentiment which will thwart the bold purpose.

This policy, dictated by the money loaners and foisted on the nation by a few politicians at the head of the party in power, has resulted in concentrating in the hands of those who dictated it the wealth of this country. It has pushed us far on toward the intolerable condition to which a like policy has crushed the old world. It has bankrupted the men who put their money and their talents into productive and commercial enterprise. It has sequestered a very large number of freeholds, leaving a majority of our people with no property interest in the stability of our form of Government.

It has burdened the property accumulated and the productive power of the people with a debt which through its drain of interest will absorb it all.

It has doomed large numbers of toilers to hopeless poverty and taken from them the inspirations and means to rise in manhood. It has filled our land with tramps and our cities with crimes and our prisons with victims. It has driven hundreds from life through the power of suicide. It has crowded backward the work of the gospel and all the agencies of a higher civilization. It has so impoverished and pushed down the masses that universal suffrage is beginning to assume a threatening form. The authors of the policy and its results are beginning to manifest alarm; but instead of repenting and retracing their ruinous course they are preparing to organize a centralized force to take the place of the moral sentiment of the whole people, to which the founders of the Government trusted its power. It is clear that no Government can rest safely and permanently on the hearts of a people the vast majority of whom have no property interests in its stability. It will degenerate into anarchy, the miseries of which will drive to the arms of a centralized power.

The great questions which we face are, Shall our form of government go under or shall this money power be dethroned? One or the other is inevitable. If the money power prevail and establish itself permanently, then we shall have a dictator backed by a standing army, and the wide, deep gulf between those who produce the wealth and those who consume it will be made bridgeless, and the masses will be doomed to remain in a low condition of manhood, and the small aristocratic class, who will luxuriate in the wealth created by the drudgery of the ignorant multitude, will sink into the emasculated, feverish, diseased manhood which luxury and dissipation produce. To prevent such a catastrophe to all the interests embodied in our national life is the task imposed upon us; and this movement is inspired to do it. It is one of the most sublime movements of the ages. It cannot be suppressed by sneers nor hindered by being ignored. *It is a movement by the people.*

Our oppressors congratulate themselves that the people are without leadership. They quiet their fears with the idea that the people are incapable of acting for themselves and must be led by self-appointed guardians, as Mr. BLAINE leads the republicans of Maine and Mr. CONKLING leads those of New York. It is well known that the party blindly follows those noted leaders in their respective States. I once saw such leadership graphically illustrated. I was crossing the plains from Kansas City to Denver. While the train was thundering along amid the solitude I noticed a small herd of buffaloes feeding not far from the track about two miles ahead. When they heard the train they looked up wildly a moment, and then their leader started to run away from the peril, followed in single file by the herd. He put his nose very near the ground, and each follower did the same. As the train gained rapidly on the fleeing animals, the leader stopped suddenly, and with nostrils distended and his eyes flashing, gazed at the hissing, thundering monster, and every buffalo did just as the leader did. Then, frightened to madness, the leader dropped his head and made more frantic efforts to outrun the steam-driven train, and each buffalo did just so.

In like manner the present republican voters follow leadership. Where Messrs. BLAINE, CONKLING, Sherman, and GARFIELD lead they follow, though their leaders grow rich and they themselves grow poor. In this grand movement the people are not following leadership. It has not been inspired and is not being pushed by self-appointed leaders. It is of, and from, and by the people themselves, and in due time they will choose from among themselves men to be intrusted with the management of their affairs. Geology teaches us that the mountains which pierce the clouds and gather in their capacious bosoms the dews and rains, sending them forth in streams to replenish the slopes and valleys, are the upheavings of the granite. Revolutions in the bowels of the earth have heaved the gigantic elevations. So the people, when roused to revolution by oppression, or by any force which imperils their liberties, lift from themselves leaders who serve them instead of fleecing them, as the present republican leaders are doing.

In the last revolution through which we passed the people thus elected Abraham Lincoln. He was selected out of their ranks. He had developed a stalwart manhood by toil. He lacked the polish which much contact with polite society gives. He could not bow with the ease or kiss his hand to the ladies with the grace that Mr. CONKLING does, yet he possessed the elements of leadership in a degree never surpassed. I once saw him in a brilliant assembly gathered to do him honor. His awkwardness was conspicuous. He seemed at unrest. Happening to stand for a time where I could study his face, it made an impression on my spirit that I shall retain with all its original vividness through life. There was more in its expression than I ever saw in a countenance before or since. I said to myself, "Godlike man though you are, you are not fitted to shine in a parlor. You stand full six feet four inches under the heaviest load ever carried by mortal, and you walk firmly with it." Such are the leaders that the people select in times of their extremity.

In accomplishing the task of relieving themselves from the crushing power of this despotism the people must wrest from the money power the administration of the Government.

That will be a difficult achievement. It is in full possession of every department of the Government. It has controlled perfectly each republican Administration. Presidents and cabinets have obeyed its behests absolutely. The present Administration has recently expressed obsequious devotions to its interests. The President, Secretary of the Treasury, and Comptroller of the Currency have advocated in their reports to Congress the entire surrender of the people's currency to the unchecked control of money loaners, that they may inflate or contract it at their pleasure. Their recommendations would have been embodied in law by Congress ere this, but for the fact that the election of next fall would be affected by it.

The Administration is backed by nearly one hundred thousand office-holders who live off the taxes the people pay.

Office-holders constitute a large army who work with desperate energy, inspired by fear of being returned to private life. This army drains from the public Treasury money sufficient to equip and sustain it in the field. It is supported by a much larger host of money loaners, with more than two thousand perfect and efficient organizations, which command every election precinct in the nation.

These banking associations can furnish money without limit out of the wealth they have accumulated by their privilege of furnishing the people's currency and draining out of the products of their labor a double interest; and they are inspired to do their utmost to hold the control of the Government by the fact that their special subsidy depends upon it.

Back of this bank power is the money power of Europe. The money loaning interest of the world is arrayed actively against us in this great struggle. We have its whole mighty force to meet on our battle-field, and upon us rests the grave responsibility of fighting the decisive battle in the world's conflict with this relentless despotism. Its leaders in Europe are wise enough to know that our success will presage their downfall.

Then, again, we have the press arrayed with them. The press is very largely controlled by money, and they have the money to control it. The leaders of the people and their purposes are misrepresented without the slightest regard to truth. They not only wield the tremendous force of the periodical press, but are subordinating our standard literature. They have changed the definition of money in Webster's Dictionary and mutilated Wayland's Political Economy to suit their purpose.

Very reluctantly and sadly I add that the religious press and the pulpit are largely on the side of the absorbers of the products of other men's labors. As an illustration I cite you to Maine. The pulpits of Maine, by command of Mr. BLAINE, were closed to me, although I never desecrated a pulpit by a political partisan harangue in my life. Yet those pulpits were made to ring out BLAINE's behests in his recent struggle for the State government in a manner that would have disgraced a political arena.

Worse still, the unblushing contradictory decisions of the supreme court of Maine to aid partisan success assures us that the judiciary is warped, to say the least.

Still further, the great railroad, land, and other huge monopolies, with their power to control the votes of their employés, tenants, and dependents, are against us. But for the control of votes by intimidation of dependent laborers and tenants in Maine, the State would have gone against the money power by many thousand votes. I am not speaking at random. I was there through the canvass and know whereof I affirm.

This brief statement shows that we are engaged in no holiday parade. There is stern work before us; to accomplish it we must combine all who are oppressed with the noble few who though not suffering themselves have hearts to feel for those who do suffer. Comparatively small differences must be ignored. We must "mark those who cause divisions and from such turn away." All who seek to make this revolution serve merely their individual ambitions must be summarily dismissed from leadership.

We must organize and drill our forces, and move against this gigantic power with the majesty, the resistless might, and relentless purpose of the people whose united voice is the fiat of God.

The ballot is our weapon. We will not resort to any destructive enginery, but we will have the ballot, and all efforts to take that from us or to deprive us of its effectiveness must be met with a spirit that will make our enemies fear to again seek to wrest from us its sacred right as in many places they did in the last elections. We must demand—and make good that demand—a fair election. This will require nerve and sleepless vigilance. Our foes have no scruples whatever. Their purpose to hold power at any hazard is relentless. There is no question that the republican party is now in power by fraud in counting votes. It is notorious that the greenback vote was not fully counted in the last election. We will assert and maintain our rights in this matter at any cost and all hazard. The only possible way to avert a bloody revolution is to hold the power of the ballot. Let the people be assured that that sacred right is gone and it will be impossible to prevent them from use of brute force, which may Heaven prevent. If the money power attempts to execute the purpose avowed by the millionaire, Senator SHARON, published in a late number of the Nevada Chronicle, in answer to questions by a reporter as to the republican candidate for President, then the people will give them blood to their heart's content. He says:

General Grant will be nominated without doubt, if he will accept it. We need a strong central government—the wealth of the country demands it; without capital and the capitalist our Government would not be worth a fig. The capital of

the country demands protection. Its rights are as sacred as the rights of the paupers who are continually prating about the encroachments of capital and against centralization. We have tried Grant, and know him to be the man for the place above all others. He has nerve. As President he would be Commander-in-Chief of the Army and Navy, and when the communistic tramps of the country raised mobs to tear up railroad tracks and to sack cities on the sham cry of "bread or blood," he would not hesitate one instant to turn grape and canister loose upon them. The wealth of the country has to bear the burdens of government and should control it. The people are becoming educated up to this theory rapidly, and the sooner this theory is recognized in the Constitution and laws the better it will be for the people.

Without bloodshed, and rivers of it, there will be no political change of administration; the moneyed interests of the country, for self-preservation, must sustain the republican party. Democratic success would be bankruptcy to them. To avert bloodshed a strong central government should be established as soon as possible.

When we gain control of the Government we shall not engage in any of the wild, fanatical schemes which the press and orators of the money power have charged that we meditate.

Their representation of a bill I presented to Congress in the extra session is a fair specimen of their utter untruthfulness. In the first place it was not my bill, and I could not legitimately be held responsible for it at all. I presented it for another man at his request, a practice very common. It proposed that it should be made lawful to issue one billion of full legal-tender paper money, with the distinct understanding that it should take the place of the national-bank currency. It provided for the actual issuing of less than three hundred millions, and it would have required at least five years to have pushed that amount into circulation on Mr. Chiles's plan. That was charged by the whole republican press and all their speakers as an awful scheme of inflation so utterly wild as to prove its author a lunatic or idiot.

The national-bank scheme, which is the pet institution of the republican party, makes it lawful for the national banking corporations to issue one billion eight hundred millions, or up to within 10 per cent. of the bonded debt of the nation. Mr. Chiles proposed to allow the Government to issue currency, as the interests of the people might demand, up to the amount of one billion. The republican party have by law given favored corporations power to issue one billion eight hundred millions as may suit their interests. *Which is the wild insane scheme of inflation?* Again, there was the most extravagant abuse of Mr. Chiles's plan, because it proposed to loan money to corporations. He did propose to loan about two hundred millions to corporations to construct internal improvements. That part of his plan I did not indorse, and so stated in Congress and through the press. But I was amazed that the republican press and orators went into spasms about it. In their scheme of issuing our currency they have arranged to loan national-banking associations one billion eight hundred millions, and they have already loaned them near four hundred millions. Mr. Chiles would loan money on a plan that would pay into the people's Treasury 3 per cent. interest; the republican plan pays out of the Treasury from 4 to 6 per cent. interest in gold. His plan would loan money to secure the creation of wealth and employ idle laborers, giving them opportunity to support their families; the republican plan loans money to enable non-producers to drain from producers the results of their toil, that with their families they may riot in wealth.

Then, again, there was unstinted sneering about Mr. Chiles's plan of internal improvements. They were stigmatized as "De La Matyr canals." I was not a little surprised at the contemptible ignorance on the part of republican editors and orators manifest in their tirade of cheap wit and far-fetched sarcasm. Mr. Chiles only proposed to execute what one of the ablest republican committees ever appointed by the Senate, on which were John Sherman and ROSCOE CONKLING, unanimously recommended as of great importance. I recommend to the study of said editors and orators the Senate committee's report on transportation routes to the seaboard, presented in 1872. It is one of the ablest and most important reports ever presented to Congress. I have neither time nor heart to follow the lying tirades against us. I will proceed to state what the reformers propose to do, as I understand it, and I am familiar with their purposes. We propose to so revolutionize the work of civil government in all its departments as to make it serve all the people, and not privileged classes, bringing it back to the purpose of its original framers. So far as possible we propose to have the Government aid an equitable distribution of the products of labor, instead of suffering it to continue to exert all the force of its tremendous influence in aid of the vicious natural tendency to the absorption of those products in a few hands which have not been soiled by producing labor. In short, we propose to array the whole power of Government in the effort to secure to each toiler the legitimate results of his labor.

In this work we mean first to stop the absorption of lands by those who do not cultivate them, and by graded taxations to make decidedly unprofitable the holding of large tracts of the soil by corporations or individuals, on the same line that the State banks were gotten rid of—seeking in every legitimate way the division of the lands as freeholds among those who actually cultivate them. On this all-important matter we are all united and determined.

In the same line we shall seek to aid in the multiplying of freeholds in towns and cities. In all legitimate governmental ways we shall seek to multiply homes owned by the people, giving as many voters as possible a property interest in the stability of our institutions. We regard this a far better plan than to use grape and canister, as republican leaders propose. Such a change will be a revolution. Now the whole power of government favors absorption by individuals and corporations of the lands, and town and city residences, making the producers tenants at will of landlords, which is the blighting curse on poor Ireland.

Secondly, we shall take from a favored class, created and subsidized by the Government, the power to issue and control the volume of the people's currency, and restore that tremendous power to the people acting together in their Government. We take no stock in the republican theory that the people are incapable of self-government in this most important of all their interests. We repudiate with emphasis Mr. Hayes's idea that moneyed corporations will furnish a more stable currency than the people's Government.

That power which regulates the volume of a people's currency has very large control of all their interests. The money-loaners have always managed that matter for us, and inflation and contraction have made a circuit once in a decade, causing successive financial crises, which have robbed the producers of wealth of the results of their toil, causing disaster to productive enterprise and untold misery to the people.

With this history before us, we prefer to trust the representatives of the people to gauge the volume of their currency, rather than a class who have every temptation to make it fluctuate. We do not believe it possible to elect a Congress and executive officers such fools or knaves as to make a currency as unstable as ours has always been under the management of money-loaners.

We propose to base the currency on the authority of the people's government, which is the only stable basis—a foundation which will stand while the Government endures. We object to the specie basis, because it is so unstable and unreliable. It always fails when tested. For instance: When war came we had to place our currency on the authority of law, because specie utterly failed us. It has always failed in emergencies which have tried it. It answers only in perfect calm. It cannot endure a storm. We mean to have a basis which bankers have no power to remove at their pleasure; one that will stand when the severest test comes, and one on which we can build an abiding volume preventing ruinous fluctuations.

The whole specie of the world would not afford a basis broad enough to rest the world's currency upon. The vesting of three dollars of money on one of specie is a supreme farce which exhibits its contemptible ridiculousness every time it is tested, and yet this is the fiction which hard-money men declare the acme of wisdom so clear that to dissent from it is evidence of lunacy or idiocy.

Aside from an inadequate amount even if the whole were used, it has the following elements of change: Uncertainty of productions, amounts converted into other uses, and, most of all, it is subject to the manipulation of money-gamblers. No intelligent financier will question the fact that the money-houses of Europe can, at pleasure, withdraw any portions of the specie of our country, and thus lessen our volume and precipitate a contraction of the currency and the unsettling of all prices of property and labor. I would greatly prefer to trust Congress to regulate our currency rather than to commit so vital a matter to the absolute control of European financiers.

We propose that the volume of currency shall be sufficient to inspire and sustain the maximum of our productive power. To determine what that volume should be will require much study. That is the most difficult question in the whole matter of finance. To it will be given thorough research and the best thought of our statesmen. No wild hurried inflation is thought of. All statements to that effect are simply false.

We propose to push into circulation the needed amount, first, by absorbing in it, as fast as possible in compliance with the plighted faith of the Government, the public debt; second, by replacing with it all bank-notes now afloat. On these points all are agreed. In my judgment another desirable mode is to employ idle laborers on much-needed internal improvements. That course would gradually put the money directly into the hands of the producing classes. The Hon. HENDRICK B. WRIGHT, of Pennsylvania, proposes to loan on small interest to homesteaders an amount. His plan has many advocates.

There is no difficulty in legitimately pushing into circulation a sufficient volume of currency. When a sufficient volume is reached, we propose to make it as stable as possible by law, either statutory or constitutional.

We propose that whatever the material of which money is made, its legal-tender value for all dues, public and private, shall be the same. The dollar, whether gold, silver, or paper, shall have the same debt-paying power. Then there will be no need of hoarding specie in the Treasury at an expense of interest paid specie-gamblers.

If the balance of trade should turn against us, we can use bullion in exchange as we do now, and shall have more to use when not required to hoard millions in the Treasury to meet the fiction that the people cannot trust themselves.

Such is a rough sketch of the purposes of the party I have the honor to represent in part. We challenge for them most thorough and exhaustive criticism and discussion.

EQUALIZATION OF BOUNTIES.

Mr. FINLEY. Mr. Chairman, I propose to occupy the time extended to me by the gentleman from Indiana [Mr. DE LA MATYR] in discussing the provisions of a bill which I had the honor to introduce on the

2d of June last, now pending before the Committee on Invalid Pensions, to which it was referred, in the following words:

A bill to provide for the equalization of bounty to the soldiers of the Army of the United States during the war of the rebellion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every soldier who enlisted in the Army of the United States after the 12th day of April, 1861, and before the 15th day of July, 1865, and who has been honorably discharged, and the widow, children, or parents, in the order named, of any such soldier who died in the service of the United States, or of disease or wounds contracted while in the service and in the line of duty, shall be paid bounty at the rate of eight and one-third dollars per month for the time between the date of his enlistment and the date of his death in the service, or the date of his discharge: *Provided*, That all sums paid as bounty under any act of Congress shall be deducted from the amounts to which the soldiers who received the same would be entitled under this act: *And provided further*, That no soldier who received any State, county, or local bounty, or who received pay for acting as a substitute for another, shall receive additional bounty under this act, unless the bounty to which he would be entitled under this act shall exceed the amount of such local bounty or such pay, and in such case he shall receive only such excess.

SEC. 2. That the reception, examination, and settlement of all claims under this act shall be regulated by the provisions of sections 15 and 16 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867," approved July 28, 1866.

In the Forty-fifth Congress I introduced a bill of the same tenor as that now before the Committee on Pensions, but it was not reported by the committee. I hope at some time during this Congress to obtain action upon it.

The object of this bill, Mr. Chairman, as its title indicates, is to equalize the bounties of all the soldiers who served during the recent war. Now, I think the Government has, in dealing with the soldiers, extended to them generally great liberality in the payment of pensions, and yet it may not be known, or fully understood, that a very large number of soldiers who enlisted in the Army in the early part of the war and who served their country faithfully and well never obtained one dollar of bounty.

As a general principle, under the statutes of the United States all soldiers who enlisted for three months, nine months, and for twelve months received no bounty whatever, and a large number of soldiers who enlisted for a period of three years, but served a less period than two years, received none. One hundred and seventy-five thousand soldiers of that class who enlisted for three years, but served for a less period than two, never received a dollar of bounty.

Now, I find, from a statement received from the Treasury Department, this to be the case: Of those who received $100 bounty the number is 467,098; of those who received bounty amounting to $150 there were 30,950; of those who received $200 bounty there were 1,126,388; of those who received $300 there were 150,000; of those who received $400 bounty, 158,507; while 641,665 soldiers never received a dollar of bounty. Why was this? The Government, by three or four bounty laws, established the principle of paying soldiers bounty at the rate of $100 per annum; that is, if a soldier served for one year his bounty amounted to $100; if two years, $200, and $50 for six months, and so on, which amounts to an average of eight and one-third dollars a month if paid for the time they actually served. But it turned out in many cases after long service actually rendered by the soldier, by reason of wounds received or disease contracted in the line of duty, he was discharged before the expiration of the term of enlistment, and, as the law was construed, he could not receive a dollar of bounty because he did not serve out his full term.

For instance: if a soldier served five months out of six, or any fraction of a period short of the full term of enlistment, and was discharged, although it was by reason of disability arising from wounds received in battle or from disease contracted in the performance of his duty, as the law was construed, he received no bounty whatever. If he enlisted for two years and was permanently disabled after serving one year and eleven months, or any other portion of the time less than two years, and was discharged, although his discharge was because of such disability, he received no bounty. This state of facts, as I said before, applies to no less a number than one hundred and seventy-five thousand of our gallant soldiers.

From a statement of the Second Comptroller, which I have here, I find that of the number of men who responded to the first call of the President, April 15, 1861, for seventy-five thousand men to serve three months, there were 93,326 who received no bounty. Of the number who responded to the second call of the President, May 3, 1861, for six months' service, 2,715 received no bounty; under the call of July 22, for twelve months' service, 9,056 men received no bounty. Again, under the call of June, 1862, 15,007 men who enlisted received no bounty; under the call of August 4, 1862, 87,588 men enlisted and received no bounty.

All these men were deprived of bounty because no provision of law was ever made to pay bounties to soldiers who enlisted for three, six, nine months, or a year.

There is another class of soldiers who were debarred from receiving the full bounty which in equity they should have received under the law, as I believe. Under the act of July, 1864, which provided for three years' enlistment, soldiers were to be paid one-third of their bounty at the date of enlistment, one-third when they had served one-half of their term of enlistment, and the remainder of the bounty at the end of the period of service for which they were enlisted.

Under the call of the President, pursuant to that act, the call of July 18, 1864, for five hundred thousand men, there were 272,463 soldiers enlisted, and under the call of December 19, 1864, for three hundred thousand men there were 194,635 soldiers enlisted for three years. But those soldiers were all discharged by reason of the termination of the war before the end of three years; and the Government only paid them, or the greater portion of them, one installment of bounty, the other two installments being refused because the soldiers had not served out their full term. The soldier's contract with the Government was that he was to serve for the period of three years, and he was to receive his $300 bounty as a reward for that service; but the Government mustered the soldier out of the service before the close of his term, and he was not paid the full amount of his bounty because he was mustered out before his term expired. The statement furnished by the Comptroller shows the average amount of bounty paid under the law of July, 1864, was $100. In this case the soldier performed his contract with the Government as fully as he was permitted to do. It was the fault of the Government in mustering him out and not his own that he did not serve out his full term.

Without giving my views as to whether under these circumstances the Government was not morally bound to pay the full amount, I have no hesitation in saying that the soldier should be paid bounty at the rate of $100 a year for every day he served under that contract of enlistment. My bill, if it becomes a law, will pay him for the time he actually served.

So, Mr. Chairman, owing to defects in the law, over six hundred and forty-one thousand soldiers who served during the war for various periods from three to six, nine, and twelve months, never received one dollar of bounty, while other soldiers who enlisted at a later period during the war received, some $300, some $400 bounty besides large local bounties that were paid them. Now, the bill which I have had the honor to introduce, and which I hope at some time to bring before the House, provides for equalizing the bounties of all the soldiers, to pay each soldier at the rate of eight and one-third dollars per month for the time he actually served the Government, deducting from the amount whatever bounty he has heretofore received.

There is another class of soldiers that I want to call attention to before I leave that branch of the subject—soldiers who enlisted and served their country faithfully and received no bounty. I read from page 2040 of the CONGRESSIONAL RECORD of March 2, 1875, from the remarks of Mr. LOGAN. He says:

I can give several instances. Here is one: I quote from the speech of Mr. Gunckel of his State, a very honorable gentleman, who makes these statements:

"Some soldiers of the Thirty-ninth Ohio state their case thus: They enlisted for the term of three years under the President's proclamation of May 3, 1861, before the 22d day of July, 1861; but by the failure of the officer to correctly date their enlistment and of the United States mustering officer to muster them into the service before August 6, 1861, they have received, and under existing laws, as construed by the Treasury Department, can receive, no bounty."

* * * * * * *

Again Mr. Gunckel said:

"Soldiers from Missouri, Kentucky, Ohio, Indiana, Iowa, and West Virginia, who enlisted for six or nine months, or any period less than one year, were excluded on a decision by the War Department that they were not volunteers but militia."

Again:

Here is another case:

"Some of the enlisted men of the Fourth Iowa Regiment complain that they were enrolled prior to July 22, 1861, but on account of being ordered beyond the limits of the State of Iowa were not regularly mustered into United States service until subsequent to August 6, 1861, and so deprived of bounty."

* * * * * * *

I could give the Senator from Ohio another instance. Here is a Senator [Mr. Spencer] who was in command of a regiment. They served under me a small portion of the time. That regiment was raised in Alabama. While we were stationed in Northern Alabama, we recruited a regiment of cavalry, called the First Alabama Cavalry, and the Senator from Alabama was the colonel commanding that regiment. They served through the war, served as faithfully as any soldiers ever did serve, and they were denied bounty because they were recruited in a rebel State. That is another decision of the War Department.

* * * * * * *

Let me give you another case. Suppose a man enlisted for three years. He served out within one day of his first year, which would entitle him to $100 bounty. On that day he is killed in battle; his wife and his children get no bounty, although he is killed. Why? If he had lived his wife and children would have got a bounty; but they are not entitled to any bounty because he was killed just one day before his enlistment expired; and there are thousands of cases of that kind. If a man, within a week of the expiration of his time, was taken to the hospital, and the surgeon mustered him out of service because he had an incurable disease or wound, that man would get no bounty, although he was wounded and mustered out of the service on account of his wounds. Why? Because his wounds caused him to be mustered out of the service.

I received a letter a few days ago from a soldier in my own town, and his case is but a sample of many others. It is as follows:

BUCYRUS, OHIO, *February 6*, 1880.

DEAR SIR: I wanted to have a talk with you before you left about my bounty money, but did not have a chance to do so. I inclose you the answer from the Department. There is a mistake somewhere—you know well that my discharge papers were lost; and when I enlisted in 1861 it was for three years, if not sooner discharged. When I, with four of my comrades, got to Washington, we were put in the Twenty-ninth New York Regiment, which was a two-years regiment. Some of the others that went with us from Ohio were put into the Eighth New York Regiment, which was a three-years regiment, and they received their full bounty; but when we were discharged we received nothing. The paymaster in New York City told us we should receive all that was due us, but I never got anything. Now, my friend, what do you think of this? Is there not some way for me to find out why I cannot be paid what is justly due me?

Yours truly,

F. HUFNAGLE.

Hon. E. B. FINLEY.

Accompanying that letter is a letter from the Treasury Department, dated December 13, 1879, as follows:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
Washington, D. C., December 13, 1879.

SIR: Having been enrolled in Company D, Twenty-ninth New York Volunteers, for the unexpired term of the regiment, which was less than two years, you are not entitled to bounty under any existing law. Your claim is therefore disallowed. Your discharge certificate is not on file.

Respectfully,

E. B. FRENCH, *Auditor.*

FREDERICK HUFNAGLE,
Bucyrus, Crawford County, Ohio.

I am in daily receipt of letters from soldiers from all parts of the country, complaining that justice has not been done them. For instance, a soldier from Trenton, New Jersey, writes me as follows:

Allow me to call your attention to a class of soldiers who have been thus far debarred from receiving any bounties whatever. I refer to soldiers who enlisted for two years, in 1861; served from six months to twenty-three months, and then accepted promotion. My own case is an example. I enlisted in Company K, Twenty-third Regiment New York Volunteers, at Elmira, New York, on the 16th of April, 1861, for two years. The pay at that time was $11 a month. I served as a private until February 20, 1862, when I was promoted to first lieutenant Company I, One hundred and third New York Volunteers, then organizing in Elmira, and was even refused transportation from Washington home, on the plea that I was discharged for promotion. There are hundreds of similar cases, and I think you will agree with me that if any soldiers deserve bounties it is those who sprang to arms at the first call of our martyred President for seventy-five thousand men to protect our national capital. These were the soldiers who enlisted from patriotism and not for a bounty of from $300 to $1,200.

Another soldier from Louisville, Kentucky, writes:

I enlisted in the United States Army September 25, 1860, to serve for the period of five years, but was discharged on surgeon's certificate of disability December 9, 1864. Notwithstanding I served more than three years, engaged in numerous battles, as my discharge shows, I have not nor am I entitled to receive any bounty.

A soldier from Saint Louis, Missouri, writes:

I enlisted in July, 1859; was in Texas when General Twiggs surrendered all the Government property and soldiers in the department. My regiment, the Second Cavalry, did not surrender, but immediately sailed for New York. I continued in active service until July 29, 1864, and was honorably discharged. I then enlisted in the Navy, and served until the end of the war. I have never received any bounty of any kind whatever for services up to July, 1864.

Others write that they served as musicians, and therefore got no bounty. Sailors who enlisted the first years of the war write that they got no bounty, and so on. Thousands of those who were first to respond to their country's call, and who endured the trials and hardships of the early campaigns, received nothing in the way of bounty, while the soldiers who enlisted near the close of the war were paid large Government and local bounties.

Now, Mr. Chairman, I find from the report that I have here before me that there were over six hundred thousand soldiers in the Army who served as these men did, who supposed that under the contract they had made with their Government they were to receive a bounty, but got none because they happened to be so unfortunate as to be enlisted at a time when bounties were not allowed by law in regiments enlisted for three, six, and nine months' service, or for one year's service, or for two years' service, or who, having enlisted for three years, were discharged before serving two years—some of them for disability, some of them for wounds received while in the service of their country—because under the law it was necessary that they should serve their full term. Now, is there any good reason, Mr. Chairman, why the Government should not equalize the pay of all these soldiers? Is there any good reason why a man who served twenty-four months shall receive $200 bounty and a man who served twenty-three months shall receive none? Is there any justice in it? Is there any equity in it? We can afford to do justice to the soldiers. They served faithfully, they served well, they served under a contract with the Government by which they had the right to expect a bounty, and it is a debt we owe them, which we ought to pay.

Under the bill that I have introduced we equalize the bounties of the soldiers by giving to each one eight and one-third dollars per month for the time he actually served. There can be no injustice in that. Each soldier will then have been served alike, and each one will receive that which is justly due him.

Mr. DAVIS, of North Carolina. What will it cost?

Mr. FINLEY. The gentleman asks me what the cost will be. Although I was about to pursue another line of argument I will reply to his question. On the 9th of this month I addressed a letter to the honorable Secretary of the Treasury, asking for an estimate of the probable expenditure under my bill, a copy of which I inclosed to him. In reply I received the following letter:

TREASURY DEPARTMENT, *February* 9, 1880.

SIR: Referring to your letter of the 3d instant to the Second Auditor of the Treasury, in which you ask for an estimate of the probable amount that the Government will be required to pay under the provisions of a bill to provide for the payment of additional bounty (H. R. No. 2087, Forty-sixth Congress, first session) in the event of its becoming a law, I have the honor to state that it is impracticable to determine how many persons would become entitled to additional bounty under the provisions of any general law, or to form an approximate estimate as to how many of those entitled to it would prefer their claims, hence any estimate on the subject can be regarded as little better than hypothetical. A careful examination, however, of the whole question of equalization of bounties was made in 1874 by the Second Auditor and Second Comptroller, the result of which was embodied in a report to the Secretary of the Treasury, of which a copy is inclosed. It will be seen that the Comptroller was of opinion that to satisfy claims arising under the provisions of a bill introduced at that time (H. R. No. 1910, Forty-first Congress, second session) would require an expenditure of over a hundred million dollars, and would necessitate the investigation and settlement of about fifteen hundred thousand claims, requiring the labor of two hundred and fifty additional clerks in the office of the Second Auditor, and a corresponding increase in his office for a period of four years, to prepare for adjudication and payment of the cases arising under that law.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. E. B. FINLEY,
House of Representatives.

With that letter was transmitted an estimate made under a bill somewhat similar to mine, not exactly the same, introduced into the House, I think, by Mr. Gunckel, of Ohio. The estimate was made February 15, 1874, at which time the bill of Mr. Gunckel was being discussed in the Senate. According to that estimate it would take something over $100,000,000 to carry out the provisions of the bill.

In looking over that estimate I am satisfied that it will not cost $100,000,000, nor the half of it; nor do I believe it will cost more than $20,000,000, and I will state my reasons for that belief. The estimate transmitted to me by the Secretary of the Treasury was made on the basis of the entire enlistments during the war, amounting to 2,574,608 men. Now, it seems to me that that is not a proper mode of arriving at the cost of equalizing bounties. More than one-third of that number enlisted for a second time, and therefore are counted twice.

Under the first call of the President, for three-months men, nearly one hundred thousand responded, and if they afterward re-enlisted they are counted twice. Under the second call, for six-months men, there were enlisted three thousand who if they re-enlisted are counted the second time. Under the third call, of nine-months men, there were 87,588, who are counted the second time if they re-enlisted, which many of them no doubt did. Under the call of July 22, 1861, for twelve-months men, there were nine thousand and fifty-six who are counted twice on the same principle—that is to say, a great number of these men re-enlisted, and in making this estimate the three, six, nine, and twelve months men are counted twice.

When that bill was under discussion in the Senate very close estimates were made by distinguished members of that body; and also when it was under discussion in the House estimates were made by members who arrived at different conclusions from those arrived at by the officers of the Government.

For instance, Mr. Gunckel, the author of the bill, made a very careful estimate, and announced that it would require $29,728,000 to carry out the provisions of the bill. General Schenck at the same time estimated that it would require $30,000,000; Mr. Krebs estimated it at $20,000,000, and General LOGAN made an estimate of $20,712,552.42. It will be observed that General LOGAN figured it down very closely.

It will not do to take the entire enlistment of the war as a basis on which to calculate; besides all the re-enlistments which should not be counted there should be deducted deserters, bounty-jumpers, soldiers dishonorably discharged, minors discharged, and substitutes, who are not entitled to a bounty. Then a considerable percentage is allowable for soldiers who died in the service and since, leaving no surviving relative entitled to bounty under this or other acts of Congress. A large percentage is allowable for soldiers or their heirs who, from inattention or other causes, would never apply for balance of bounty; with a great number the balance due would be so small that it would not be called for. Again, the clause in my bill providing that local bounties shall be deducted will, in my opinion, make a difference of perhaps several million dollars. This local-bounty clause was not in the bill of 1875, and if General Schenck, General LOGAN, Mr. Gunckel, and the other gentlemen I have named were justified in making the estimates they then made, I think I am reasonably within bounds in estimating the cost at $20,000,000. But, Mr. Chairman, suppose it does cost the full amount estimated by the Treasury Department; if we owe it, if it is a just debt, why should we not pay it? The question of cost should not be considered if the obligation to pay is conceded. Does any gentleman doubt our obligation in that regard?

The Government set out to reward her soldiers for their services rendered during the war, on the principle of paying a bounty of $100 for each year of service. For want of proper legislation on the subject, about one-fourth of all the soldiers who enlisted received no part of this bounty. Another class, through technicalities in the construction of the law, got a mere moiety of their just bounty, while the others were paid in full. Now, is it not right and proper that a law should be enacted by which all soldiers will be treated alike? I believe the obligation on the part of the Government to equalize and pay to the soldier the bounty due him is just as binding as any other war debt. In fact, it is a part of the war debt of the Government as much as the 5-20 or 10-40 bonds were. Our obligations to the soldier who gave his personal services to the Government are surely as great as to the capitalist who assisted with his money. The latter class has, to put it mildly, been royally paid for the use of his capital. Every dollar he gave to the Government has returned to him with an increase in interest and the enhanced value of his investment. Not so the soldier! He received but a pittance for the services he rendered his country and the hardships endured. Thousands who served their country faithfully for the small sum of $13 per month have been doomed to poverty on account of that service. Thousands drag out a miserable existence on account of wounds received or disease contracted in the service, who—owing to inability to make the necessary proof under the technical rules adopted by the Departments—do not draw a pension. While we are being magnanimous in our generosity to the bondholder, let us at least be just to the soldier.

We appropriate millions annually for improvement of rivers and harbors, millions in the construction of Government buildings, millions in the payment of interest on Government bonds, millions in the payment of a multitude of salaried officers, many of whom are as unnecessary as the fifth-wheel of a wagon. We make these appropriations annually without demur or protest, but when a proposition is made to appropriate a few millions out of the Treasury for the payment of bounties to soldiers, a debt that should have been paid long ago, gentlemen shrug their shoulders and get alarmed for fear *it will cost too much*. The obligation to equalize the bounty of soldiers rests upon the Government in the nature of a debt. We owe it. Let us pay it whether it costs little or much. For the past fifteen years soldiers have continued to petition Congress for legislation of this kind. At each session the petition-box is filled, yet thus far their prayers have been in vain. On three different occasions bills similar to this passed the House, but failed to pass the Senate. At one session both Houses agreed to a bill like this, but it failed to become a law because President Grant neglected and refused to approve it. It remains to this Congress to render to these soldiers the justice which has so long been denied them. Will we do it?

Mr. LAPHAM addressed the committee. [His remarks will be found in the Appendix.]

NATIONAL FINANCES.

Mr. HAYES. Mr. Chairman, the question pertaining to our national finances is a question which has occupied more of the thought of our people during the past few years than any other one question. It has occupied column after column in our daily and weekly papers, has filled page after page in our magazines, has crowded itself into our pulpits and institutions of learning, has been extensively discussed in the legislative halls of both State and nation, and has formed the chief topic of conversation among the people all over the country. As must always be expected in discussing a question so profound and intricate as this, many theories have been put forth of the most vague and unsound nature, and much has been said which was utterly void of all reason or sense. Every individual who had an idea on this subject which he thought important has stepped to the front and uttered it, hoping that it would prove to be just what was needed to settle all our financial difficulties and start our nation forward upon a career of unheard-of prosperity. In this profusion of ideas, while there has been much of nonsense and mere theory, there has also been much of good, sound, practical sense. Discussion on this question, as it does on all questions, has accomplished much good. It has exploded many false theories, shown the rottenness of many seemingly sound ideas, and brought to light much that is reliable and true. Such a deep interest in any question is always a good sign. It shows that the people are in earnest, and gives us a sufficient guarantee that, although we may for a time be surrounded with difficulties, yet in the end these difficulties will be removed, and we shall discover the solid rock upon which we can build with safety. When a people grapple with any great question, as our people have grappled with this, there is good reason for encouragement, for in the end light is sure to come, and the safest and best way will be discovered.

Mr. Chairman, what I have to say on this occasion I shall say not because I have any pet theory in regard to our finances which I wish to advocate, or because I desire any change in our financial affairs, but because I want the American Congress to take its hands off from the financial question, cease all agitation in regard to it, and let it remain undisturbed for one session at least. After years of discussion and change in legislation we have secured a financial system with which the people are abundantly satisfied. Bringing experience to our aid, we have taken the system which we established during the war, and have gradually changed, amended, and completed it until at last we have a system which, if not absolutely perfect, is sufficiently so for all practical purposes. Whatever unprincipled politicians, demagogues, and would-be financiers may think of this system, one thing is certain, the people have sufficient confidence in it to ask us, their representatives, to let it alone for the present, just as it now is, and to cease at once all our attempts to disturb or change it. The people understand what is for their interest much better than we do. They have tried this financial system, and by their own experience have demonstrated that it is most admirably adapted to their wants both as individuals and as a nation. In all their financial transactions, in meeting the demands of trade and inspiring confidence in every department of business and commercial life, they find it abundantly satisfactory. Hence they do not want it disturbed. They want no more congressional agitation and tinkering at present in regard to it. They have suffered sufficiently from this sort of thing during the past few years to lead them to be exceedingly apprehensive whenever any new financial legislation is proposed in Congress. They know that most of the legislation on this subject for the past decade has been productive of evil and only evil, and they now demand that the financial question be let alone as the only sure way to avoid additional evils. They realize, what Congress ought to realize, that it is the worst thing imaginable for the country to keep up this constant agitation of the financial question on this floor. What the good of the people demands, not only to-day, but for all time, is something fixed, reliable, and permanent in financial matters. There is nothing so detrimental to both our manufacturing, commercial, business, laboring, and all other interests as frequent changes in financial legislation. The great cause of our serious financial troubles during the past few years was the constant tinkering with the currency. If Congress had let the financial question entirely alone, after it had passed the act for strengthening the public credit in 1869, except to provide for free banking and for funding our bonded debt into bonds bearing a lower rate of interest, we should have been spared much of the hardship and suffering we have experienced since then. The fact is, we had no genuine prosperity in the country while the financial question was the all-absorbing question in politics and in Congress, and we can never expect to have any prosperity which is lasting until that question is settled and placed where politics and Congress cannot disturb it. To have prosperity, we must have confidence among the people and make capital feel secure. It is idle to talk of lasting prosperity without these, and these will never be brought about so long as Congress keeps agitating the financial question. Capital is naturally timid; it does not like to take risks. When it reaches out to help forward any enterprise, it must have some guarantee that it will be safe to make the venture. No man of sense or business ability will put his money into any kind of business so long as he has reason to fear that the financial system of the country may be changed every time Congress meets. Capital would take fright and the good times that have come to us would be speedily driven away if this Congress should enact into law one-tenth part of the many crazy financial schemes that gentlemen on this floor have proposed. What the people want, and what every business interest in the country demands, is a financial system that cannot be revolutionized every year, and that is not liable to change with every change of the party in power. Stability and permanency in financial matters are necessary to prosperity, and it rests with Congress to determine whether or not we shall have them.

But, Mr. Chairman, while most of us feel that stability and permanency in our financial system are desirable, there are certain men, both in and out of Congress, who are ever clamoring for change. These men are not at all satisfied with the present order of things. They imagine that all the financial wisdom of the country is centered in their brains, and so fully persuaded are they that they have mastered the financial problem and have discovered all the newest and best ideas in regard to it that they persist in thrusting their peculiar views upon Congress and the public, at all times and under all circumstances, regardless of consequences.

One man wants a single gold standard, and demands not only that the Government stop the coinage of silver but retire the silver coin already issued. Another says let us continue the double standard and provide at once for the free coinage of silver. Another asks us to wipe out the greenback currency and give to the national banks alone the right to furnish all the paper money of the country. Another is willing to let the greenbacks remain in circulation, but wants them stripped of their legal-tender quality. Another demands that the national banks, national-bank notes and all, be blotted out, and that greenbacks be the only paper money of the country. And so it goes. Every man who has an idea on the subject of finance makes it a sort of hobby, and demands that Congress embody it into some measure and enact it into law. But the people want no such nonsense in regard to financial matters. They demand that these financial agitators be put down, and that Congress turn a deaf ear to all their unwise schemes. Whatever these would-be financiers may think of the matter or desire, the people of the country have faith in our financial system as it is. When we reached specie resumption on the 1st of January, 1879, we all thought that agitation of the financial question was at an end. Thinking thus, confidence was everywhere restored. Men of all classes and in all departments of business felt that at last we had gotten down to the solid rock whereon we could stand firmly and build with safety. With this feeling of confidence capital at once pushed out and engaged in new enterprises, business revived, our manufacturing establishments started up, labor was given employment, and good times once again came back to us. All this has continued, until to-day we behold prosperity in every portion of our land. Restored confidence brought good times, and why should we now go to work and destroy this confidence and drive good times from us by useless, unwise, and untimely agitation of and interference with the financial question?

Having said this much, Mr. Chairman, in regard to the folly of interfering in any way with our financial matters, I wish now to say a few words in regard to some of the financial theories which have been pressed upon our attention by gentlemen upon this floor.

The gentleman from New York, [Mr. CHITTENDEN,] in a speech which he delivered in this House on the 20th of January last, took occasion to denounce our greenback currency and to demand that Congress make provision at once for its retirement and destruction. The following sentence will show how the gentleman regards this currency:

> Mr. Speaker, I respectfully but earnestly ask the attention of the House for fifteen or twenty minutes, while I try to show that our legal-tender currency in times of peace is a popular snare, a political device, in a bad sense, of vast scope, tending to corrupt and destroy individual honesty and public integrity, which are the mainspring of good government.

The gentleman then goes on to argue that it is a "crime against the Constitution and common sense" to keep the greenbacks in circulation as we have been doing since the close of the war. But, sir,

how is it a "crime against the Constitution?" Who is to decide whether it be a "crime against the Constitution" or not? Is it the gentleman from New York or is it a power higher and more potent than he? I have great respect for that gentleman, but I beg leave to say to him that this question is not to be decided by any one individual, but by the people as represented either in Congress or the Supreme Court. The people govern this nation. They make laws through their chosen representatives and enforce them through the President whom their votes put in office; consequently they are sovereign. What they under the Constitution decree shall be, is law; and what they decree shall not be, is not law. Now, sir, during the war the people decreed that it was absolutely necessary, in order to save the life of the nation, that they should issue legal-tender non-interest-bearing notes. They said that this was the only way out of the unheard-of difficulties which then hedged us in. They claimed that such an act would be constitutional on the ground of absolute necessity in time of war.

The first act providing for the issue of such notes was signed by President Lincoln on the 25th day of February, 1862, and other acts followed, as occasion required, until over $400,000,000 of these notes were issued. Now, sir, not only did Congress regard the act authorizing the issue of these notes as constitutional, but the Supreme Court of the United States has decided that it was constitutional, both Congress and the court basing its constitutionality upon the same ground, namely, absolute necessity in time of war. In view of these facts of history, I ask what power was it that was called upon to decide when the necessity existed which made the issuing of these notes constitutional? I answer that it was the law-making power. It was the people, through their representatives in Congress; and they alone. If, then, Congress had the exclusive right to decide when the necessity for issuing these notes arose, has it not the right to decide how long that necessity exists and when it ceases to exist? There is certainly no other power that has this right, and if Congress decides that the good of the people demands that these notes be continued in circulation, why should any individual object to its being done? I am aware that the Supreme Court has the power to decide that the legal-tender notes are an unconstitutional currency in time of peace, and when the time comes, such may be its decision. But until that court does decide against these notes, why should we talk about retiring them?

But the gentleman from New York goes on to denounce the Government for not calling in the legal-tender notes, paying them off, and destroying them. He says we can easily pay off these notes with our surplus coin. But, suppose that we can do this, would such a policy be wise? I say not. These notes are out. They are redeemable in coin upon presentation in sums of $50 at the sub-treasury in New York City, and thus have a fixed and constant value. The people are satisfied with them, and would it be wise under such circumstances to retire them? He says these notes represent a debt that we owe. I admit it, but if the holders of these notes do not want them paid why should any one else worry himself about it? Our present greenback currency represents about $346,000,000 of debt on which we pay no interest. Now, sir, if we have a surplus of coin in the Treasury would it not be the part of wisdom to take it and buy up our outstanding bonds which bear interest, instead of using it to buy up greenbacks which bear no interest? I ask the gentleman if the former plan would not be more peculiarly in the interest of the tax-payers of the country and show much better business sense than the latter? The gentleman is a shrewd business man. If he had two notes of $1,000 each outstanding, payable on demand, the one bearing interest and the other not, and if the parties holding these notes were not only willing to let them run but were anxious that they should run, which of them would he take up, provided he was prepared to take up but one of them? Why, sir, both he and every other business man, if he had any common sense whatever, would take up the note bearing interest. And shall not the people act with like good sense? We are not able at present to pay our entire indebtedness. Each year, however, we can pay a small portion of it, and I say that it is not only good business sense but is in the highest and best interest of the people that that small portion should consist of the interest-bearing debt of the nation in preference to that which bears no interest.

But, sir, the gentleman from New York appears in a new *rôle* in this speech to which I have referred. Hitherto it has been thought on this floor that he spoke only for the gold men of the East. Now, however, he comes forward and claims to speak for the farmers of the West. His words on this point are as follows:

> It is no better than a proposition to inflate and corrupt the currency to the prejudice of the cotton-growers, cattle-growers, and corn-producers of the South and West. The jeers of my friends at banks and bondholders do not touch me! I neither own national-bank stock nor Government bonds. I have no business now but farming. I speak as a producer of wheat and corn in Illinois and Iowa, and I speak earnestly, because I know that unless the laws of gravitation are to be abolished, that presently, or whenever the currents of foreign exchange are reversed, I in common with all farmers will have no coin but the short-weight silver dollars which have already become a great inconvenience to Congressmen. The gentleman from Illinois and the gentleman from Iowa may, with the other gentleman from Iowa and his cohorts, compel me and all western farmers to receive the short-weight dollar for our products, but they cannot compel the New York merchants who buy and ship our products to take their pay in anything but a full-weight gold dollar. I believe the farmer entitled to the same good money that the New York merchant gets. I tell farmers everywhere that the cry "let well enough alone" means exactly the opposite. It means gold for New York and silver or irredeemable paper for the South and West.

Now, sir, I wish to say to the gentleman from New York that he is wholly ignorant of the wants and wishes of the farmers of the West if he is to be judged by the language employed in the speech from which I have quoted. I can tell him that if he were to go among the farmers of the West and talk to them as he talks to us in this speech they would tell him that he did not know what he was talking about. These men are satisfied with both the silver dollar and the greenback note which the gentleman sneers at so contemptuously. They have never had a currency that suited them so well as the greenback currency, and if they are being cheated in receiving either that currency or the silver dollar in exchange for the products of their farms they have not yet discovered it, although, I imagine, if such were the case, they would discover it about as quickly as the gentleman from New York.

The gentleman endeavors to make us believe that the farmers of the West do not have "the same good money that the New York merchants get." But, sir, I cannot think that he believes any such stuff as this. He knows as well as any other man that the western farmer gets just as good money as the New York merchant or anybody else. Is he not aware that our legal-tender notes are redeemable in coin and that all of our money stands upon the same equal footing any and everywhere throughout the country? Our greenback currency has been in circulation for eighteen years, and during all that time it has been the medium of exchange in almost all of the financial transactions of our people. Prices everywhere have become adjusted to it, and when the farmer of the West sells a horse, a cow, or a load of corn, and takes his pay in greenbacks, he receives just as much in purchasing power as if he had been paid in gold. The gentleman knows this as well as I do, and I am greatly surprised that he should attempt to create an impression directly the reverse of this by the speech from which I have quoted.

But the gentleman takes occasion to criticise quite severely the financial policy advocated by several gentlemen upon this floor, of letting well-enough alone. But I wish to tell him that this is not the policy of any one man or any particular set of men. It is the policy advocated by the people, who are tired of constant tinkering with financial matters. It is the people who demand that the financial question be let alone, and that demand it is the duty of the Representatives upon this floor to heed. The people are nearer right in regard to this matter than the gentleman from New York. On all such questions as this financial question there are apt to be extremists. On this question there are the extreme gold men who would have nothing but gold as a legal tender, and there are the extreme paper-money men who would have no money but paper in the form of greenbacks or Treasury notes. Now, there is a healthy medium between these two extremes, and that medium the people have discovered and favor. They say: "Let us have not gold alone, but gold and silver both; and not greenbacks alone, but greenbacks and national-bank notes." Having tried all these various kinds of money they say to both the extreme gold men and the extreme paper-money men, "We are content with our money as it is now, and we ask you to let it alone for the present at least."

But, Mr. Chairman, another gentleman from New York [Mr. LOUNSBERY] comes forward with a proposition quite as startling and dangerous as that of his colleague to which I have just referred. That gentleman proposes not to take the life of the greenbacks, but to deprive them of their legal-tender quality—not to retire them, but to degrade them by stripping them of their crowning excellence. Now, sir, for one I regard this proposition as far more unwise and dangerous than the proposition to retire the greenbacks altogether. Indeed, there is some little show of sense in the latter proposition, but the former is utterly devoid of every semblance or shadow of sense. In fact, it is not even good common nonsense, and why any man who claims to know anything about the financial question, or about the needs and wants of our people in their business and commercial relations, should advocate such a proposition as this, is something that I cannot understand. Why, sir, we labored for years to make the greenback a safe and reliable medium of exchange. We sought in every possible manner to dignify it, and to clothe it with such attributes as would give it a value equal to gold. We passed the resumption act, and thus made it redeemable in coin of either gold or silver. As a result of all this we have seen the greenback, during the past fifteen months, going up and down through every portion of the land doing its work as well as gold would do it, and in every respect maintaining a position of perfect equality with that coin. To-day it is practically a legal tender for all debts, both public and private, the Government receiving it for customs duties and paying it out for both the interest and principal of our bonded debt. And now, sir, after all the long and severe struggle we have had to bring the greenback up to an equality with gold, it is now proposed to turn around and strike it down again. For one I am decidedly opposed to any such proceeding. My idea is not only to keep the greenback in circulation, but to make it as good as we possibly can make it and then hold it there. There is nothing in the future more certain than this, that the business of this country which is transacted with money at all will be almost wholly transacted with some kind of paper money. The people have tried the greenback, and have found it to be just what they want. It is much more convenient than coin, and so long as it is a legal tender and redeemable in coin it is just as safe and reliable. Having such a paper currency as this, why should we seek to degrade it by striking from it its legal-

tender quality? Since we have placed it upon the same platform where it stands side by side with gold, and equal to it in every important respect, why not keep it there?

But the gentleman says it would be in the interest of labor, business, manufacturing, commerce, and every other interest of the country to take from the greenback its legal-tender quality. How, I would like to know, will such an act produce such a result? The gentleman does not propose to retire this currency. He expects that it will continue in circulation and that the people all over the country will use it largely in their financial transactions. This being so, how can it be in the interest of any kind of business to degrade it? Will it give capital any more confidence and lead it to invest in new and more extensive enterprises? Will it give any fresh impetus to business or encouragement to manufacturing? Will it make the various industries of the country more secure, or better in any particular the condition of the laboring man? If it will, then I fail to see how. On the contrary, I believe that all of these various interests will be better subserved by preserving the legal-tender quality of the greenback as it now is. As I said before, this currency, together with the national-bank notes, will be largely used among our people, for some years at least, in all their financial transactions. People everywhere will take it for what is due them and pay it out for what they owe. It will be the practical measure of value of everything that is bought or sold in all parts of the country. It will enter into the every-day business life of our citizens everywhere, and will prove to them either a blessing or a curse according as it has a constant or a fluctuating value. This being so, our aim should be to make this currency as nearly perfect as possible. It will not do to take from it its legal-tender quality or to degrade it in any other way. In saying this I do not speak for myself merely, but for the people of the whole country, who, with almost a unanimous voice, demand that Congress let the greenback alone as it now is, with all its legal-tender qualities undisturbed.

And now, Mr. Chairman, I wish to notice another financial proposition, advanced by the gentleman from Illinois, [Mr. TOWNSHEND.] In a speech which he delivered in this House on the 21st of last January that gentleman takes strong and decided ground in favor of wiping out the national-banking system of the country and doing away with the national-bank circulation. This proposition he advocates not merely because he as an individual favors it, but because opposition to national banks has always been a cardinal principle of his party. Having proclaimed his hostility to the national banks, he proceeds to "briefly set forth the reasons of his opposition to any permanent national-banking system in this country." He claims to know all about the national-banking system, and hence feels competent to point out all its defects in a masterly manner, for he says:

> I was for several years engaged in national banking, and I have had opportunity to understand the internal machinery of the system and its effect upon the interests of the people.

This shows, sir, that the gentleman has had great opportunities and ought to have been greatly profited by them. Yet I fear that these opportunities have all been lost upon him, and that he is but little wiser now than he was before these opportunities came to him. Indeed, I am surprised that a gentleman who has had such great experience as a practical banker should be able to give no stronger reasons than he gives in support of the proposition which he advocates. I am surprised that he displays such a very limited knowledge of our national-banking system after having so long and carefully studied its workings and its effect upon the interests of the people. Indeed, sir, judging from his speech, one would naturally conclude that he had never been inside of a national bank or ever taken a look at its "internal machinery." Like all other opponents of the national-banking system, he is wonderfully free with statements and assertions which are remarkable only for their lack of correctness. The great point which he makes against the national banks, and which leads him to seek their overthrow, is the immense sum which they cost the people. He claims that by wiping out the national banks we could "save the people of this country over $14,000,000 that come every year out of the pockets of the tax-payers." In support of this assertion he speaks as follows:

> I have already said that the national-bank circulation costs the people of this country over $14,000,000 per year, and I challenge contradiction of that assertion. * * * The amount of the bonds held at that time (November 1, 1879) by the Treasury for bank circulation was $363,802,400. The Treasury Department pays to the national banks every year on these bonds $17,215,640 for interest. * * * Deduct from the $17,215,640 which the national banks receive every year from the tax-payers the $3,198,833 which they pay into the Treasury on their circulation, and that will leave $14,019,000, which goes into the pockets of national-bank stockholders as part of the profit they receive on their circulation.

Let us now look at these statements and see if they are in accordance with the facts. The gentleman is advocating the destruction of the national-bank system on the ground of its immense cost to the people, and places that cost at over $14,000,000 per year. Now, I make the assertion that this system not only does not cost the people $14,000,000 per year, but does not cost them a single penny. But this point I will discuss further on. What I wish to do here is to follow out the gentleman's method of figuring and see if he is correct in his conclusions. For the better accomplishment of my object I will admit for the time being that the national-banking system is a matter of expense to the people, but even with this admission, I propose to show, by comparing what the people pay to the banks with what the banks pay to the people, that the gentleman does not get within gunshot of the actual facts. The gentleman's speech, whether he intended it or not, has a tendency to deceive. He says truly that the people pay to the banks as interest on their bonds, each year, the sum of $17,215,640, but when he comes to state what the banks pay the people, he puts the sum at only $3,198,833. But, sir, this sum is but a very small portion of the amount which the banks pay the people. The sum which he gives is merely what they pay as a tax of 1 per cent. on their circulation. But in addition to that they pay a national tax of one-half of 1 per cent. upon the average amount of their deposits, and a like tax upon their capital in excess of the amount invested in United States bonds. During the year ending November 1, 1879, according to the Comptroller of the Currency, these taxes were as follows: On circulation, $3,009,647; on deposits, $3,309,668; and on surplus capital, $401,920—making a grand total of $6,721,236. Besides these national taxes, these banks pay State, county, and municipal taxes, which for the last seven years have largely exceeded the national taxes, and which for the year 1878 amounted to $8,056,533. I give the amount for 1878 because I have not been able to get the amount for 1879. Below I give a table, showing the amount of these taxes, both national and State, for each year since 1865:

Years.	Capital stock.	Amount of taxes.			Ratio of tax to capital.		
		United States.	State.	Total.	United States.	State.	Total.
					Per ct.	*Per ct.*	*Per ct.*
1866	$410,593,435	$7,949,451	$8,069,938	$16,019,389	1.9	2.0	3.9
1867	422,804,666	9,525,607	8,813,127	18,338,734	2.2	2.1	4.3
1868	420,143,491	9,465,652	8,757,656	18,223,308	2.2	2.1	4.3
1869	429,619,860	10,081,244	7,297,096	17,378,340	2.4	1.7	4.1
1870	428,314,041	10,190,682	7,465,675	17,656,357	2.4	1.7	4.1
1871	451,994,133	10,649,895	7,860,078	18,509,973	2.4	1.7	4.1
1872	472,956,958	6,703,910	8,343,772	15,047,682	1.4	1.8	3.2
1873	488,778,418	7,004,646	8,499,748	15,504,394	1.4	1.8	3.2
1874	493,751,679	7,256,083	9,620,326	16,876,409	1.5	2.0	3.5
1875	503,687,911	7,317,531	10,058,122	17,375,653	1.5	2.0	3.5
1876	501,788,079	7,076,087	9,701,732	16,777,819	1.4	2.0	3.4
1877	485,250,694	6,902,573	8,829,304	15,731,877	1.4	1.9	3.3
1878	471,064,238	6,727,232	8,056,533	14,783,765	1.4	1.7	3.1
Totals		106,850,593	111,373,107	218,223,700			

I have already stated, Mr. Chairman, that the amount of interest paid by the Government (or the people) to the national banks for the past year was $17,215,640. Now, if we subtract from this amount the amount of taxes, national and State, which the banks pay the people, taking the year 1878, we have left the sum of $2,431,875. That is, the national banks only cost the people $2,431,875 per year, instead of $14,000,000, as the gentleman from Illinois would have us believe, even if we figure according to the gentleman's own method, by striking a balance between what the banks receive from the people and what they pay to the people. Now, sir, does it not seem a little strange that a person who "was for several years engaged in national banking," and had such a fine "opportunity to understand the internal machinery of the system," should figure so wildly as this? For some purpose, I cannot conceive what, unless it be to make a good showing for his side of the question, he holds out the idea that the national-banking system costs the people six times as much per year as it actually does cost them, thus endeavoring to bring the system into disrepute by misleading the people in regard to it.

Again, the gentleman says:

> The legislation needed by the people to-day is that which will lighten the burden of taxation, which has for so long been crushing the energies and hopes of the tax-payers.

I most heartily agree with the sentiment here expressed, and I will labor as earnestly and faithfully as the gentleman himself to secure such legislation. But, sir, I wish to say to him that he is not going to lighten the burdens of the people by destroying the national-banking system. I claim that we add to these burdens whenever we destroy a national bank, and lighten them whenever we organize a national bank. This may seem like a very strange statement to my colleague and others on this floor who may sympathize with him in his views of our national-banking system; but I will endeavor to make my assertion so plain that a wayfaring man, though a fool, need not fail to comprehend it. Suppose each of five men in any town owns $20,000 in 4 per cent. Government bonds. Now, just so long as these men keep these bonds locked up in their own private coffers they draw interest on them regularly every three months, but pay nothing in return; that is, they receive from the people each year as interest on their bonds the sum of $4,000, but do not pay to the people a single penny in the shape of taxes. Now, it is to the interest of the people, if they can, to get something out of these men in return for the $4,000 paid them each year. How can this be done? If these bonds which they hold can be brought, in some way or other, into the channel of taxation, the object is secured. Suppose, then, that these five men are induced to go to work and organize a national bank. They put their capital stock at $100,000, take their bonds and send them to Washington, where they are deposited with the United States Treasurer, receive $90,000 in national-bank notes, and then launch out in

the national-banking business. As soon as this is done the whole aspect of the case changes. The people now begin to get something in return for the $4,000 which they pay out each year. The bonds, which were not taxable before, are now brought within the channel of taxation, where, like all other kinds of property, they pay their due proportion of taxes. Let us see what these taxes amount to each year.

In the first place, the stockholders of this new bank pay to the people a tax of 1 per cent. on their circulation, ¼ of 1 per cent. on the average amount of their deposits, and a like amount upon their capital in excess of the amount invested in United States bonds. Besides these taxes their capital stock, which is based upon their bonds in the hands of the United States Treasurer, is taxed for all State, county, and municipal purposes, just the same as any other kind of property. Now, all these various kinds of taxes, both State and national, taking all the national banks of the country together, show an average during the past ten years of over 3½ per cent. on their capital stock. Now, 3½ per cent. on the capital stock of this new bank amounts to $3,500. That is, this new bank pays taxes each year in various forms to the amount of $3,500. From this we see that so long as these bonds were locked up in the coffers of their owners their owners drew from the people each year $4,000 and did not pay back to the people a single penny. Now, however, when these bonds are made the basis of a national-bank organization, their owners draw from the people their $4,000 as before, but at the same time they turn around and pay back to the people $3,500 in the shape of taxes. That is, by organizing this national bank the taxes of the people are lessened $3,500, and we actually reduce the interest on this one hundred thousand dollars' worth of bonds from 4 to ¼ of 1 per cent.

In view of these facts I ask the gentleman from Illinois or any other gentleman on this floor if there is not a saving to the people every time a national bank is organized? By making them the basis of national-bank organizations, do we not bring our bonds, which are otherwise not taxable, into the channel of taxation, where they are virtually taxed just the same as any other kind of property is taxed? The gentleman objects to the national banks because it costs the people so much to sustain them. He says their circulation alone costs over $14,000,000, and on account of this heavy cost he would wipe out the whole system. But the gentleman puts the case in the wrong way. The national banks do not cost the people a single penny, as I have said before. On the contrary, they are a saving to the people. During the year 1878 they saved the people $14,783,765, which the people would have been obliged to pay in taxes had not the banks been in existence. From the year 1866 to 1878, inclusive, as will be seen in the table already given, the national banks have paid to the people in taxes, State and national, the immense sum of $218,223,700, which has lessened the taxation of the people by that amount. Does any one doubt or deny this? Suppose that there never had been a national bank organized, what would have been the result? The bonds which are to-day the basis of the two thousand and fifty national-bank organizations of the country would have been in the hands of the individual owners, where they would have drawn interest just as they do now, but would not have paid a penny of tax. Now, the whole amount paid to the banks as interest on their bonds deposited with the United States Treasurer to secure circulation since the national-banking system went into operation, according to a statement of the Comptroller of the Currency, is as follows:

Year.	Interest.	Year.	Interest.
1864	$4,917,687 00	1873	$21,220,954 50
1865	16,573,197 00	1874	20,730,904 00
1866	19,948,062 00	1875	19,662,502 72
1867	19,545,789 00	1876	17,873,054 00
1868	19,626,495 50	1877	17,588,000 50
1869	19,625,511 50	1878	17,696,093 25
1870	19,610,605 50	1879	17,225,755 75
1871	20,165,750 50		
1872	20,981,476 00	Total	292,991,838 72

Now, sir, in order to make more clear what I desire to say, I will only consider the amount of interest paid to the banks from 1866 to 1878, inclusive, as I did in estimating the amount of taxes paid by the banks. Taking from the $292,991,838.72 above the amount paid for 1864, 1865, and 1879, and we have left as the amount paid from 1866 to 1878 the sum of $254,275,199. That is, if there had been no national banks the people would have been obliged to pay this sum while receiving nothing in return. As it is, however, with these bonds as the basis of national-bank organizations, while the people have paid as interest the sum of $254,275,199, the banks paid back to the people in taxes the sum of $218,223,700. These figures show that, instead of the national banks costing the people $14,000,000 per year, they not only have not cost them a penny, but they have paid into the hands of the people in taxes the sum of $218,223,700, which the people would have been obliged to pay themselves if there had been no national banks. There has been much said during the past few years about taxing Government bonds. Here, then, is the way to do it: Make them the basis of national-bank organizations and they are taxed at once, and that, too, at a rate higher than any other class of property is taxed.

But, Mr. Speaker, I wish to go a step further in this matter. The interest on our bonded debt at present is $83,773,778 per year. Now, suppose we could make all the bonds representing this debt the basis of national-bank organizations, what would be the result? The total bonded debt amounts to about $1,782,967,650. This sum if the bonds representing it were made the basis of national-bank organizations would be the amount of their capital stock. Now, I have already shown that the national banks pay a tax of 3½ per cent. on their capital stock. Three and one-half per cent. of $1,782,967,650 amounts to $62,403,867. That is, while these national banks would draw from the people the present interest on the bonds, which amounts to $83,773,778, they would pay back to the people in taxes $62,403,867. The interest on our bonded debt would thus be reduced from $83,773,778 to a little over $21,000,000.

Now, I ask if there would be no saving to the people in all this? Is it not plain that if we could make all of our bonds the basis of national-bank organizations these organizations would help the people greatly in bearing "the burden of taxation, which," my colleague says, "has for so long been crushing the energies and hopes of the tax-payers?" Indeed, if what I have said is true, and I cannot see how it can be otherwise, nothing can be more evident than this: that so long as we have a bond outstanding, it is to the interest of the people, the tax-payers, to make that bond the basis of a national-bank organization. In this way we lessen the interest on the bond by the amount of taxes which the bank pays. If the bond bears 6 per cent. we reduce it to 2½; if it bears 5 per cent. we reduce it to 1½, while if it bears 4 per cent. we reduce it to ¼ of 1 per cent. In view of these facts, I say that not only does the national-banking system not cost the people anything, but by paying such a large amount of taxes it helps the people wonderfully in bearing the burden of taxation which rests so heavily upon them.

But there is one more thing which I wish to say on this subject. We must have some kind of banks in this country for the accommodation of the people. The national banks are by far the best banks we have ever had, and so long as we can make them profitable to the people in helping them to bear their burden of taxation I am in favor of maintaining them. There is certainly no wisdom in striking them down because some demagogue or ignoramus steps forward and denounces them. I stand by our present national-banking system, not because I have any particular interest in it more than any other citizen has, but because I believe it to be in the interest of the tax-payers of the country to maintain it.

But while I say this, I wish to say further that I shall be perfectly willing to give up this system just so soon as we can get anything better and more fully in the interest of the people. In saying this, I believe I utter the sentiment of every true republican in the land. When the republicans established the national-banking system, we thought it a vast improvement upon the old democratic system of State banks. Subsequent experience has convinced every intelligent man that we were correct. We found something that was an improvement upon what we then had, and we adopted it. In doing this, our party gave evidence of its progressive spirit. In adopting the national-banking system, as in everything else, it showed a willingness to take the best thing that was offered. It has always been ready to discard the old when it could get anything better in its stead, and it will favor doing away with national banks just so soon as something safer and more reliable presents itself. The trouble thus far has been that nothing better has been suggested. The democracy, for the past dozen years, have been engaged in making a bitter and uncompromising war upon the national banks. They have used their best endeavors to bring them into disrepute among the people. They have advocated their overthrow both in their newspapers, on the stump, and in the halls of legislation. But they have not succeeded in breaking them down, simply because they have offered nothing better in their stead, and they never will succeed in breaking them down until they do offer us something better. If, while they advocate striking down the national-banking system, they will present us with an improved system, we republicans will be as ready as they can be to have it adopted. But until they do this or until some one else does it, we shall do our best to maintain the system we now have.

But there is one more proposition, Mr. Chairman, to which I desire to call attention, and that is the proposition of the gentleman from Iowa [Mr. WEAVER] to authorize the Secretary of the Treasury to issue $500,000,000 of United States notes in addition to those already in circulation. This proposition I do not intend to discuss, as it is too palpably absurd and nonsensical to need any discussion. I refer to it simply as one of the many measures brought forward in this House whose tendency is to disturb our financial affairs and thus interfere with the business and industrial enterprises in every part of the land. It is a measure that no one expects will ever succeed, as no party in power will ever be found which has so little sense or so little regard for the good of the country as to allow such a measure to become a law.

Having said thus much, Mr. Chairman, I desire in conclusion to repeat what I have already said, that our financial system as it now is is abundantly satisfactory to our people, and both wisdom, statesmanship, and the public good demand that we do not at the present time interfere with it. We have money enough to meet all the demands of trade, and that money is as good, safe, reliable, and con-

stant in its value as money can possibly be made. According to the Comptroller of the Currency, the circulating medium of the country on the 1st of last November was as follows:

Treasury notes outstanding	$346,681,016
National-bank notes outstanding	337,181,418
Gold in the Treasury, less certificates held by the banks	157,960,193
Silver in the Treasury	50,078,620
Coin in the banks, (October 2)	42,173,731
Estimated amount of coin held by the people	231,478,515
Total	1,165,553,493

If we estimate our population at fifty millions, this gives us over $23 to every man, woman, and child in the country, which ought to be amply sufficient for all our needs. With this amount of money all as good as gold, and with all our financial matters in most admirable shape, I for one am opposed to any change during the present session of Congress. I came to Congress last December resolved to do all I could to prevent any disturbance at this session in regard to either our financial matters or our tariff. I looked the ground all over before I left home, and I came to the conclusion that every interest of the people all over the land demanded that both the tariff and the finances be let alone. Since I have been here I have become more fully convinced than ever that this conclusion was correct. Disturbance in these matters at this session means mischief and only mischief. We have a gold and a silver coin, each equal in value with the other and both doing their work equally well, and I say let it alone. We have a greenback currency, redeemable in coin and equal in purchasing power to either gold or silver, and I say let that alone. We have a national-bank currency, redeemable in greenbacks and as good as gold or silver anywhere in the country, and I say let that alone. We have a national-bank system which is a vast improvement upon anything we have ever yet had in that line, which is far better than anything ever yet suggested by any one, and which lightens the heavy burden of taxation resting upon the people by the snug little sum of $14,783,765 per year, and I say let that alone. There will doubtless come a time within the next few years when some change in our financial legislation will be necessary. That time may be at our next session or during the Congress which succeeds this, but it is not now. Let gentlemen on this floor recognize this fact and not attempt any change during the present session.

Mr. BALLOU was recognized by the Chair, and yielded five minutes to Mr. CHITTENDEN.

Mr. HAYES. I believe I have some time remaining yet.

The CHAIRMAN. The gentleman has until twelve minutes past three o'clock.

Mr. HAYES. I will reserve the remainder of my time until the gentleman from Rhode Island [Mr. BALLOU] and my colleague [Mr. HAWK] have spoken.

Mr. CHITTENDEN. I desire to say a single word to the gentleman from Illinois [Mr. HAYES] about my character as a farmer. In that he has touched me where I am tender. In my thirteenth year I yoked a pair of steers and plowed an honest acre one morning before breakfast. And among all his constituents he will find few boys weighing as little as I weighed at that time who have better established their character as farmers.

I was perfectly sincere in what I said as to farmers both in Illinois and Iowa in the short speech which I made here the other day. And let me tell the gentleman now, in respect to the currency, that what I said is as true as the law of gravitation. I do not say that I am as a farmer or that any farmer of Illinois or Iowa is suffering at this particular moment on account of the dishonest silver dollar. What I said was that as sure as the laws of gravitation are irreversible just so sure will the tides of foreign exchange turn; and when they turn the Illinois farmer will have nothing left but his paper dollar redeemable in a depreciated, short-weight silver dollar, while the New York merchant who buys that farmer's wheat and sells it abroad will, with equal certainty, receive for it the full-weight gold dollar. That is a truth which I affirm is as irreversible as the law of gravitation.

And my friend from Illinois [Mr. HAYES] who speaks so learnedly of farmers will find that he waked up a man on that subject who possibly understands the plow as well as he does. Just as sure as the earth continues to revolve round the sun, when the tides of exchange turn, his farmer friends will call for "the policy of the gentleman from New York," which alone will give them the same good money which the New York merchant gets for the products of their farms shipped abroad.

Now if my friend from Rhode Island [Mr. BALLOU] will give me another minute I will comment generally upon the speech of the gentleman from Illinois, [Mr. HAYES.] There is, as it strikes me, everything in it which has appeared in this House on this subject of currency. It is a complete exhibition of confusion, errors, and—I will not say demagogism, but I insist that there is no class of currency-tinkers in this House who cannot find in that speech a basis of support for their peculiar views.

The gentleman is eloquent for national banks, and he is equally so for the legal-tenders. Why, sir, the national-bank currency and the legal-tender currency can no more be united together on principle than can the gentleman drive an elephant and a mule securely together in his family carriage on Pennsylvania avenue; not a bit more. He must have all mule or all elephant. [Laughter.]

The gentleman who occupies this chair [pointing to the seat of Mr. WEAVER] can make his argument for the issue of $500,000,000 of legal-tenders absolutely unanswerable upon the grounds which the gentleman from Illinois [Mr. HAYES] has set forth in his speech.

I wish to say with all seriousness that if the legal-tender note in time of peace is constitutional, there is, in my judgment, no other currency for this country. I have thought and said so for two years. I think it very evident that Congress will never determine this question adversely to legal tender. The Supreme Court of the United States must adjudicate it; and if they determine that legal-tender paper money can be issued in time of peace—that fiat money is good money—then I say that the gentlemen who proposed to reconstruct from the national Treasury the levees of the Mississippi River will come here and ask for and get $500,000,000, more or less, for that purpose; the gentleman from Iowa [Mr. WEAVER] will get his $500,000,000 for the soldiers; and other gentlemen and parties coming here will get what they require for their various purposes. You can no more safely employ as a permanent system national-bank currency and legal-tender currency at the same time, the volume of the latter subject always to the whims of Congress, than you can harness a lie with a truth and make them work together for the benefit of mankind!

Mr. HAYES. Mr. Chairman, in reply to the gentleman's last remark all I have to say is this: that we have had national-bank notes and greenbacks working together for the last fifteen years and more; and notwithstanding the assertion of the gentleman that we cannot make them work together, they not only have worked together, but have proved an eminent success. They stand together side by side to-day, each being equal in value to gold or silver—to the best gold or silver we ever issued from the Mint. Now, I put the long history of these fifteen years in regard to these two kinds of paper money in opposition to the assertion of the gentleman from New York; and I appeal to the people all over the land who have used them to say whether or not they can be made to work together. If experience and the facts of history amount to anything as testimony, the gentleman is altogether in the wrong.

Mr. CHITTENDEN. One word only. Our financial system for the last fifteen years has been altogether abnormal. The people are not to be kept in an abnormal position forever with reference to their currency. They have tolerated fiat money mixed with good money during the war and in the interval which has led us to resumption; but we must some time or other come down to sound principles on this subject, or we are to be a nation of fiat repudiators—a disgrace to mankind.

I say [addressing Mr. HAYES] that when you have established the doctrine of one part of your speech, you have established the substance of all that the repudiators ask for. You have established the proposition of the gentleman from Iowa, [Mr. WEAVER;] you have established the main thing advocated by the party which that gentleman represents, namely, the glory of legal-tender money. And when you make an argument for the national-bank currency you make an argument for the extermination of the other form of currency. No speech has been made in this House in my hearing that so illustrates the confusion of thought and tongue in the Congress of the United States on the currency question as that speech of yours. [Laughter and applause.]

Mr. HAYES. I do not know, Mr. Chairman, that the gentleman intends to misrepresent me at all. But if he had listened carefully to what I said, he would understand that I advocate the ideas embraced in my speech, not as a permanent thing but as the best thing for the present time. I said let our finances alone during this session of Congress. Good times have come to us. The people have relied upon Congress not to disturb our finances; at least they have hoped such would be the policy. They have gone forward and invested their money in new enterprises, and as the result, prosperity has sprung up in every portion of the land. Now, as I reiterated half a dozen times in my speech, it is the policy of wisdom and good government for the representatives of the people not to disturb this prosperity by any tinkering with the finances during this session of Congress. When the gentleman gets up and talks about "confusion of ideas" he must understand that the main burden of my speech is to show that it is in the interest of the people to let the finances alone for this session of Congress; and that is as far as I go. Here are the words I use, "There will doubtless come a time within the next few years when some change in our financial legislation will be necessary. That time may be at our next session or during the Congress which succeeds this, but it is not now." The gentleman will observe that I talk only of the present needs of the country in my speech and of what it is best for Congress to do and not to do at the present time. If it will gratify him, however, I will go a step further and say that so long as our present financial system with our gold, silver, greenbacks, and national-bank notes continues to work as admirably as it has done and is doing to-day and to give as good satisfaction to our people, I am not in favor of disturbing it. This is my platform and I propose to stand on it both here and elsewhere.

When the gentleman talks about his having yoked a couple of steers together at the age of thirteen and plowed an acre of land before breakfast, he may say what is true; but that does not give him any more right to speak on this financial question in favor of the people of the West than it does myself.

Mr. CHITTENDEN. Did I claim that it did?

Mr. HAYES. I understood that the gentleman so claimed. He

said he had the right to speak for the farmers of the West, and gave as a reason the fact that at the age of thirteen he had done so and so on a farm. Now, Mr. Chairman, if the gentleman makes that fact the ground of his right to speak for the farmers of the West, I can discount him by several years. I want the gentleman to understand that I was born and reared on a farm; that I drove a yoke of cattle at an earlier age than thirteen years; that I plowed and harrowed and did many other kinds of work on a farm at the age of ten or twelve years. I want him to understand, moreover, that I live among the farmers of the West; that I come in contact with them every day when I am at home; and that I know something of their wants and needs. I can tell him, also, that this honest, hard-working, and intelligent class of our citizens are satisfied with our financial system as it is, and do not want it overthrown in order that a new system may be built up to suit the money-kings of Wall street, whose peculiar ideas are advocated so earnestly on this floor by the gentleman from New York.

THE CURRENCY QUESTION—NATIONAL BANKS.

Mr. BALLOU. Mr. Chairman, the currency question seems to be the topic for discussion to-day, and, as briefly and clearly as I can, I wish to state my reasons for believing that legal-tender paper money is both unconstitutional and unnecessary in time of peace, and that the issue of national-bank notes under our present free-banking system is the safest, cheapest, and best circulating medium for the Government and the people.

LEGAL-TENDER PAPER MONEY UNCONSTITUTIONAL.

Any interpretation of the Constitution which gives the Government of the United States the right to make paper currency a legal tender, or that can justify such an act except to meet the exigencies of war or for self-preservation, seems upon its face to be strange and unreasonable, when the Constitution expressly declares that "no State shall make anything but gold and silver coin a tender in payment of debts," and that "Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures." Certainly paper cannot be coined, and it will be difficult to make it money and regulate the value thereof by weight or measure; and it does not seem probable that the framers of the Constitution should expressly prohibit the States from making anything but gold and silver legal tender and then authorize the Government, composed of all the States, to nullify this constitutional prohibition by making paper a legal tender by every State.

War may sometimes make it necessary to adopt measures for temporary purposes not authorized by the Constitution, which should cease when the exigency shall have passed; and if it is ever wise for the Government to issue a paper currency of any kind in time of peace, which may well be questioned, it certainly cannot be that which is irredeemable, and which could have no limit to its issue except such as partisan Congresses might give it; and which would therefore be fraught with the greatest danger to the credit of the nation and the business of the people, and be a constant temptation to use the power of the Government to make money for personal, sectional, and party ends. If redeemed on demand, there is no necessity of making any other currency a legal tender than that which the Constitution expressly recognizes, as paper would then always represent and be convertible into coin—a privilege seldom used when made easy, as coin in large amounts is only wanted when difficult to obtain and made valuable by irredeemable paper. So much, therefore, of the act which makes paper currency of the United States a legal tender, being unnecessary for business transactions and undoubtedly unconstitutional, can and ought to be repealed; not that the Government currency must necessarily be retired from circulation at once, or any faster or further than the interests of the people may seem to require, but that whatever currency the Government does issue in time of peace should at least be in harmony with the Constitution.

But with a paper currency redeemable in coin as a circulating medium of exchange in all financial transactions, what kind is safest, cheapest, and best for the people and the Government; that issued by the individual States, the United States, or the national banks? This is the question for us to solve, and the importance of a correct solution, with its practical workings for the benefit of the country, perhaps cannot be overestimated.

THE NECESSITY FOR BANKS.

Banks of some kind, either State, national, or private, for the investment and loan of capital, and for the temporary deposit and withdrawal of such funds as the commercial world recognizes as a medium of exchange, are not only a great convenience but a necessity in every community where trade and commerce make an important part of the business.

Until February 25, 1863, when national banks were first organized, the banks chartered by the several States were the only institutions authorized to issue a paper currency, which was done oftentimes to an unlimited amount and without much real capital behind to redeem it, causing frequent failures of these banks in all sections of the country, and preventing even the strongest of them from having anything more than a local reputation, making the exchange of currency from State to State, both for the traveler and for all commercial transactions, a burdensome and an annoying tax.

There is, probably, not less than four thousand millions of exchange issued annually upon New York alone by the Western and Southern States; to which add the amounts drawn on the East and what the banks in the commercial cities and States draw on each other, with the rate of exchange, varying as it did in 1859 and 1860, when the State banks alone were in operation, from ¼ to 1½ per cent., and we shall get some idea of the burden which a local or State currency imposes, as well as the benefits of that which is homogeneous and national, fully secured, redeemable in coin, and exempt from any discount on account of locality, because of equal value in every State in the Union.

To those who remember the old system of bank issues under State authority, with the different degrees of security under different State requirements, and the "wild-cat banks," with no security at all, the numberless counterfeits, because each bank had a different engraving, often varying in style and quality, leaving no way to detect the false from the true beyond the locality of the bank; the difficulty of passing the genuine even, without heavy exchange, where not known, and the certain loss to the note-holder on the failure of the bank, and compare this with our present national system, almost without counterfeits, of uniform issues, and of equal value and perfect security for all in every State, and the advantages are so great and so apparent and its practical workings have proved so beneficial that no argument need be offered in its favor. The only question, then, is whether this national currency shall all be issued directly by and from the Government or principally, if not altogether, through our national banks. Which is safest, cheapest, and best?

GAINS AND LOSSES ON GOVERNMENT ISSUES.

If the Government issues all the currency and destroys the national banks, it will get the benefit of the circulation which they now have of about $325,000,000, the interest on which, at 4 per cent., the present price of the bonds to be held for its security, would be thirteen millions annually; but the Government would then have a trial of its credit to redeem this circulation and to find a new market for more than $350,000,000 of its bonds which the banks have purchased and deposited with it to secure and redeem their notes, which might prevent a further issue of the 4 per cent. bonds and the saving of many millions of dollars by substituting them for more of the five and six percents, so successfully accomplished heretofore, at one-fourth to one-third less rate of interest.

The Government would also lose the income from the tax which the national banks now pay on their circulation of over three millions, and if deposits should be included of about $7,000,000 annually, and be obliged to keep on hand at least one hundred million more of coin in order to be able to redeem this circulation at all times, the interest on which, at 6 per cent., if it could be obtained for that, would be six millions more. It would also have to pay the expenses of redeeming the notes, now paid by the banks, which would probably exceed a million dollars, so that in the interests of economy it would be no advantage to the Government to destroy the national-bank circulation and issue its own, as under almost any circumstances the expense to the Government by the issue and redemption of the currency, with the unremunerative coin it must keep for that purpose, and the income it would lose which is now paid to it by the national banks, would be more than any interest it could save on the circulation. And if the bonds of the national banks, thus thrown on the market, should stop the sale of the four percents at par, which would naturally follow from such an increase, and thus prevent the Government from reducing its rate of interest on its indebtedness, an additional loss would be incurred, so that the substitution of Treasury notes for national-bank currency would be an absolute expense to the Government, while under the present system the national banks furnish an annual income to the Government of several millions of dollars, which, from their organization to July 1, 1879, has amounted to a total of $92,754,791, of which $42,785,464 was for circulation alone, while the whole expense of the Government during the same period has been only $4,732,731, being a net gain on the circulation of $38,052,733, and including the tax on capital and deposits the national banks have paid to the Government over all expenses it has incurred for them the sum of $88,022,060. Surely, those institutions that pay into the public Treasury such an amount in clear profits cannot be robbers of the people.

Shall they all be destroyed and this source of income blotted out, with all the advantages which they confer in their varied relations to the business of the country? Far wiser, better, and more economical would it be for the Government and the people to re-enact the original law for the issue of legal-tender notes by making them convertible into an interest-paying bond, or gradually retiring them from circulation as fast as national-bank currency shall increase, which would not contract the circulation, but would free the Government from the business of banking altogether instead of making it a great banking institution by issuing all the currency.

DIFFICULTY OF SUBSTITUTING LEGAL TENDERS FOR NATIONAL-BANK NOTES.

Another practical difficulty not easily overcome would probably occur in endeavoring to substitute legal-tenders for national-bank notes, for it is not easy to see in what way the Government would get the money it might issue into the hands of the people and receive security therefor except so far as it pays its own indebtedness, for it cannot be expected to take the place of the national banks in loaning money on individual securities and thus get its notes into circu-

lation. Or if it should call in its own interest-bearing bonds and substitute Treasury notes for them it would simply change the character of its liability without paying its debt, and as so much currency could not be constantly and legitimately kept in circulation it would have to be redeemed or repudiated, and no man of honor would propose the latter alternative. Redemption therefore is absolutely necessary, the expense of which, with the great amount of coin the Government would have to retain to be in readiness to meet any emergency, insure the permanency of resumption, and maintain its present credit, would more than balance any interest saved by substituting demand notes without interest, subject to constant redemption, for 4 per cent. bonds payable at the option of the Government.

The Government, it is true, can keep a certain amount of its notes in circulation by paying its liabilities, for it is always incurring debt, but if, as has been suggested, five hundred or a thousand millions of Treasury notes should be issued forthwith for the benefit of the business of the country, in what way shall this money be made a circulating medium? To whom shall it be given, and for what shall it be given, and what will the Government have as an equivalent for this currency which will guarantee its redemption?

Or if so much money can be paid out by the Government legitimately in addition to our present circulation how is it to benefit business, or in what way can it be profitably employed? To be expended where it cannot be utilized is simply waste. Our great need has been not more money, but to know how to use what we had. There has probably been no time in the history of the country when more capital has been idle or the rates of interest lower than during the last three years. Why, then, this constant cry for more when what we have is not used? The present national banks are entitled by their capital to $68,000,000 more than they have called for, which would indicate that the demand is not very pressing for more money for legitimate business or that the profit is not very great on the circulation.

NOT MORE MONEY, BUT CONFIDENCE NEEDED.

What we have most needed during the last few years to restore business to its healthy condition, and which resumption has now accomplished, was the restoration of that confidence which had been destroyed by the constant attempt of theoretical but impracticable politicians to change in some way the currency of the country, and thus unsettling its value, under the delusive idea that the national banks were reaping a great profit out of a circulation which properly belonged to the Government, and that if its notes were made a legal tender and interchangeable with bonds there would be no need of redemption. But gold was the standard by which all currency was valued before as well as since resumption, and any currency not redeemable at par in gold will be constantly fluctuating in value, so that no man will dare invest in any business beyond his immediate necessities, with an irredeemable currency as the basis of his transactions.

The Government is responsible, and its credit depends upon its ability and readiness to redeem all the notes it issues in the standard money of the commercial world, and though the property of the country may seem to be a sufficient guarantee of its ability, we must not forget that its only means of meeting its liabilities is by taxing the people, and the increase of its obligations increases their burden.

If not to be redeemed, it does not matter how much is issued, nor to whom it is given, for if it is worth anything all expenses could be paid from its own issues, and all the debts of the Government could be paid by the paper-maker and the use of the printing-press without taxing the people at all.

THE LABORING CLASS INJURED BY CHEAP MONEY.

If anybody can be benefited by such a currency it must be the wealthy, who are generally the debtor class, and who may thus pay their debts by cheating their creditors with cheap paper called money, that the few may be benefited at the expense of the many, the employer at the expense of the employed; for the creditor class exceeds the debtor class in number more than ten to one. Of the eight millions of laborers in this country receiving monthly wages there is always due them, from less than one million employers, at least $100,000,000; and the twenty-five hundred thousand depositors in our savings-banks have all their funds loaned to less than two hundred thousand borrowers; and though they are the debtor class, they are also the moneyed class, who have been able to give satisfactory security for their loans. Must the currency be depreciated that the two hundred thousand may be helped, while the twenty-five hundred thousand suffer; that the few with much property may be benefited at the expense of those who have little or none; that the employer may cheat his help and the borrower his creditor by paying them their honest dues in a cheap and deceptive paper note called money? All this pretense of helping the laborer by an irredeemable currency is a sham and a swindle, and whoever else may be benefited, the laborer who earns his daily bread by daily toil is sure to suffer.

But the absurdity of this, for a time, somewhat popular and delusive theory of a legal irredeemable currency is becoming apparent to all, and the note of the Government, like the note of the individual, will be valued in the future by its purchasing power of real property, and its redemption in the coin which the commercial world recognizes as money.

ARE NATIONAL BANKS MONOPOLIES?

It is claimed, however, as a reason against the national-bank circulation, that these associations are monopolies, owned by the wealthy and fostered by the Government as a class, at the expense of the masses, obtaining great profits for themselves which rightfully belong to the people, and that the whole system ought to be abolished. Yet national banking is really so free that any five respectable individuals in the land who can control $50,000 can organize a bank and have all the benefits of this monopoly, and if the business is really as lucrative as supposed there will probably be enough to engage in it to bring its profits by natural competition on a par with other kinds of business, for most men will invest their means where there is supposed safety and the greatest profits.

The fact is that there is no business more free for the people to invest in than national banking, and there is none with greater risks, for as its business consists in loaning its capital to others, instead of keeping and using it, its success depends upon theirs, and the failure in others is sure to bring loss to the banks, which, during the last four years, has been over $85,000,000.

WHO OWN THE NATIONAL BANKS?

Again, instead of the banks being owned by the rich, more than one-half of the stockholders do not own to exceed $1,000, and a large fraction of the whole number are women. Comparatively few of the wealthy are large stockholders in national banks, so that of the more than two hundred thousand in all, there are less than eight hundred, including the various institutions who invest for the many, who exceed $50,000, and less than eleven thousand who exceed $10,000. Our wealthy business men have their wealth in their business and are the debtor class to the banks, always borrowing from them, while the employés of the wealthy are the creditor class, whose surplus earnings are either deposited for safety and profit in some savings institution or invested in the purchase of national-bank stock, and thus a large majority of these reputed aristocratic bank-stock holders and capitalists are really the laboring class and persons of quite moderate means.

Why, sir, in six of the national banks nearest my own home, in an active business community, and which are a fair sample of those outside the large cities, having an aggregate capital and surplus of $1,200,000, there are six hundred and thirty-eight stockholders, and two hundred and eighty-nine of them are women, in all averaging less than $1,900 of capital and surplus to each, and a large majority of them do not exceed $1,000; and yet these are the ones who are designated as the bloated capitalists—the Shylocks—cheating the laborer and oppressing and grinding the poor!

And yet it is proposed that these men and women thus denounced, who have saved and invested a few hundred dollars from their daily toil, and whose only income consists in the dividend they may draw on their little investment and their pay for daily labor, should receive whatever they may be nominally entitled to in an irredeemable currency, with the idea that the stamp upon its face can fix its value, as though we could change tares into wheat by a label, or by stamping a gold eagle a hundred dollars would make it worth more than ten—as though the value of what we pay may be increased by a stamp to meet the requirements of any promised obligation. The delusion consists in supposing that money, which the commercial world recognizes as an equivalent for all kinds of property, can be made as easily and in the same way as promises.

It is an easy matter for the government or an individual to make a note, but quite another thing to pay it in its promised value. It costs no more to write or stamp a note for $10,000 than for ten with a promise to pay; but it will require a vast deal more of time and labor to pay the one rather than the other in what the world means by money. The laborer needs his pay not in promises but in money the purchasing power of which shall be an equivalent for his toil, and the most cunningly devised scheme to cheat and defraud him of his honest earnings is this attempt to substitute stamped paper, to be redeemed only by new issues of the same kind, under the delusive idea that this is money instead of that real honest money everywhere recognized, and which is as stable in value the world over as the pound and the yard are of weight and measure, because it costs as much of time and labor to obtain it as do any of the articles of like value which are necessary for the sustenance and comfort of human life; and this is gold, or such paper as can be turned into gold at the will of the holder.

PROFITS AND DRAWBACKS OF NATIONAL BANKS.

The enormous profits of national banks, too, is as imaginary as the bloated financial condition of the stockholders, for the average earnings of the banks on capital and surplus during the last four years has been less than 6 per cent. per annum, and during the last two years less than 5½ per cent., and dividends which have exceeded that have been drawn from the surplus, while during the year 1876 there were two hundred and thirty-five banks that made no dividends, which number has been increased in 1879 to three hundred and four, and the average number during the last four years of banks which have failed to make dividends has been two hundred and ninety-two.

There are so many drawbacks to the double interest which banks are supposed to receive on their capital invested in bonds and the circulation received for them that the seeming profit almost becomes a loss in the final settlement. First, by the reserve which banks are

required to retain of 15 to 25 per cent. on deposits, and which the exigencies of business will keep to nearly double that amount, and by the last report of the Comptroller of the Currency exceeded the requirement by more than $44,000,000. Then the taxes on deposits, circulation, and capital, the stamps on checks, and the expenses of examination and the transportation and redemption of notes, to which should be added the excess of valuation of bank stock over other personal property, for State and municipal taxation, because of its public recorded value, while other personal property escapes, having no public record, all of which drawbacks must be deducted from the gross income to obtain the net gain.

TAXES AND RATE OF INTEREST.

The amount paid the Government by the national banks in 1878 was $6,727,232, and the State and municipal taxes were $8,056,533, making a total of $14,783,765, and by the last report of the Comptroller of the Currency it appears that the average of national and State taxes paid by the national banks annually during the last thirteen years has been $16,786,438, nearly four millions more than the interest on all the bank circulation at the bond rate of 4 per cent.

The bank currency was, however, a source of some profit when the interest on the bonds was 6 per cent., payable in gold, which, before resumption, could be sold at a premium, and banks were thus generally enabled to obtain the required surplus and make dividends; yet three hundred and seven have gone into voluntary liquidation, believing that the premium on the bonds deposited as security for redemption was worth more than the circulation of the notes, and the national-banking capital has diminished during the last four years $45,100,000. But with the 4 per cent. bonds for the security of the circulation and with the present taxes the national-bank currency will be more a matter of convenience than of profit to the banks, and the small but exceedingly annoying stamp-tax on checks, and the unjust tax on deposits, being on what they owe and not on what they own, if not soon repealed, or at least reduced, will probably drive many of them into liquidation without any special legislation to that end; for the tax on deposits, through the process of collections and credits, will average more than three times the real original amount, as every note, draft, or bill of exchange discounted and deposited in one bank and forwarded through others for collection to various sections of the country is credited to deposit account by each, and a tax paid to the Government on the same piece of paper collected by all.

It must also be borne in mind that in addition to the taxes paid to the Government by the national banks the capital stock is also subject to municipal and State taxes to its full amount, notwithstanding it may all be invested in Government bonds which are exempt from taxation when held by others.

This excessive taxation also necessarily increases the rate of interest, as banks are compelled, if they continue to exist, to charge such interest as will enable them to realize profits equal to other kinds of business, which is always competitive in relation to net gains, and this especially affects the rural and farming districts where money is mostly borrowed on bond and mortgage of other institutions for long time, but seldom less than the higher range of bank rates, thus indirectly bringing the heaviest burden on those least able to bear it, while in the cities where loans are made by banks mostly on short commercial or indorsed paper the rates would vary by the demand and supply, so that a reduction of the tax on the banks will be the greatest relief to those who need it most, by reducing the general rate of interest to those whose homes and farms are mortgaged.

NATIONAL BANKS SECURE PERMANENCY OF RESUMPTION AND MEET BUSINESS DEMANDS.

Yet for another reason it is important that the national banks should be sustained and their circulation continued, not only because most economical for the people and the Government, but because the circulation by them is the surest and easiest, if not the only way, in which the permanency of specie resumption and the public credit of the Government can be maintained. The superior ability the national banks possess over the Government to do this will be seen by comparing the available means of each for redeeming all demand notes promptly with coin.

The liabilities of the Government for its demand notes and fractional currency are in round numbers $362,000,000, and all that it has of available means to redeem this is $150,000,000 of coin and bullion, leaving a deficit of $212,000,000, while the liabilities of the national banks for deposits and circulating notes are $1,050,000,000, to meet which they have assets of United States bonds and of coin and legal-tender notes amounting to $580,000,000, and loans and debts due them based upon the real property of the people of more than $1,000,000,000, showing a surplus over all liabilities of at least $530,000,000, or $150 of assets to every $100 of liabilities, while the Government has but about $42 of assets for each $100 of its liabilities, and has no way to get the balance except by the slow process of taxation.

Resumption can be maintained, too, by the national banks much easier and on a smaller specie basis than the Government can possibly do it should they be abolished. No contingency would be likely to occur which would produce a run on the banks for redemption that could not be promptly met. Their notes being distributed throughout the country there could be no sudden and unexpected demand, as the notes of no one bank could be easily gathered in amounts large enough to prevent prompt redemption, and the amount of coin necessary to enable them to meet all demands would be much less proportionately than the Government would require should it issue all the circulation; for its notes would all be subject to redemption at once, wherever or by whomsoever held, and the least increase in coin value either from legitimate or speculative causes, would make it necessary for the Government to hold a large amount of unremunerative coin constantly on hand to be ready to meet any emergency, maintain its credit, and retain the confidence of the people. If the Government can therefore maintain specie payments with its own issue of eight hundred to a thousand millions of dollars, which may well be doubted, it will be at an expense greater than any interest that would accrue to it by substituting its own for national-bank notes.

ELASTICITY OF NATIONAL-BANK CURRENCY TO BUSINESS DEMANDS.

The elasticity, too, of the free national-bank system in expanding or contracting its issues as the demands of business might require, without change in the security of its notes, is another great advantage over Government circulation which must be regulated with a fixed amount by law and necessarily limited to the means of redemption, or be constantly fluctuating in value. And as the demands of trade might seem to require more or less circulation than the amount issued, perpetual legislation would be necessary to meet the real or fancied wants of sections or parties, and thus constantly changing the value of that which more than anything else should be uniform and stable for the business health and prosperity of a commercial people.

CONCLUSION.

The inevitable conclusion then must be, that while national banking is free there can be no monopoly; that with specie resumption there can be no fluctuation of values; that with a deposit of 10 per cent. of the bonds of the Government in excess of the circulation received for its security and redemption, with the responsibility of the stockholders in national banks for the par value of their stock in addition to the stock itself, there can be no loss under any circumstances to the note-holder; that the national banks not only pay all their expenses but are a source of income to the Government to the amount of several millions of dollars annually; that they are owned principally by the industrious classes and persons of moderate means, whether merchants, mechanics, or laborers, rather than by the wealthy, and are especial helpers to the business of all classes, not only as places for investments and loans, but also as the best medium of exchange for all financial transactions in all sections of the country.

I therefore answer the question propounded at the commencement of my remarks, that in my judgment the national banks, as at present organized, free for all, with a circulation redeemable in coin and secured by the Government, making the notes of every bank of equal value with each other and with coin throughout the country, constitute the safest, cheapest, and best currency and circulating medium for the financial transactions of the Government and people. *Safest*, because twice the amount of its own stock is held in addition to the Government bonds for the security of its notes, and the general distribution of these notes prevents such sudden demands for redemption as would endanger specie payments. *Cheapest*, because of the expense of issuing and redeeming Government notes, and the large amount of unremunerative coin which must be held for that purpose, and the loss of the income from the national banks would be more than the interest on their circulation; and *best*, because the national banks will adapt their business to the wants and needs of the community where located better than the Government can, and will command the confidence of the people more than State institutions or private bankers; and I doubt not that with the removal of some unjust taxes now existing, and the repeal of the unconstitutional legal-tender act, the circulation of national-bank notes would gradually be increased to an amount sufficient to meet all legitimate business demands, and perhaps without much special legislation eventually supersede Government issues and all other paper currency, because safest, and cheapest, and best.

COMMERCIAL RECIPROCITY.

Mr. JOYCE. Mr. Chairman, since I have been a member of this House numerous propositions have been presented here looking to the appointment of a joint commission to arrange and agree upon the terms of a treaty for commercial reciprocity between this Government and the Dominion of Canada.

One of these propositions, in the form of a joint resolution, was introduced by the gentleman from Louisiana [Mr. GIBSON] during the last session, and is now pending before this House. That resolution reads as follows:

Joint resolution authorizing the appointment of commissioners to ascertain on what terms a mutually beneficial treaty of commerce with Canada can be arranged.

Resolved, &c., That the President of the United States be, and is hereby, authorized to appoint three commissioners, by and with the advice and consent of the Senate, to confer with other commissioners duly authorized by the government of the Dominion of Canada, or whenever it shall appear to be the wish of that government to appoint such commissioners, and to investigate and ascertain on what basis a treaty of reciprocal trade for the mutual benefit of the people of the United States and the Dominion of Canada can be negotiated.

While no effort has been made by the friends of this policy to provoke discussion or to bring the House to a vote upon it, yet on several occasions gentlemen have seen fit to travel out of their way in debate upon other subjects to eulogize and advocate it, and have seemed to delight in heaping terms of reproach and censure upon those who are

so unfortunate as to differ with them as to the constitutionality and expediency of such a policy.

Not sympathizing with those gentlemen in their efforts to build up and extend Canadian and British industries at the expense of our own, I shall avail myself of the present opportunity (so kindly given me by the House) to examine this subject somewhat at length, and shall endeavor to convince those who do me the honor to listen to my argument that, practically, commercial reciprocity is a delusion and a snare, and that instead of adopting it as an element in our commercial policy we should discard and ignore it as destructive of our industrial interests and ruinous to our national prosperity. I think I shall be able to show that notwithstanding this policy is simple and plausible in appearance, although it may be covered with the specious and attractive garb of equality and fairness, and hidden under a multitude of mutual promises and benefits, yet it is full of deception, of dangerous tendency; that it is a subject of vast importance to this country, and that the reasons for its being urged and the object sought to be accomplished by it ought to be thoroughly understood, not only by Congress but by the people, before any action is taken upon it with a view to its final consummation.

While it is a question seriously affecting the manufacturing and industrial interests of the whole country, in which every State in the Union is deeply concerned, yet the agricultural and manufacturing classes of the northern border States will be, perhaps, more directly and injuriously affected than any of the others by this unwise and pernicious policy which gentlemen are attempting to force upon the people in this blind and clandestine manner.

Sir, this is not the first time since the abrogation of the unequal and unjust treaty of 1854 that this fell spirit of "free trade" has manifested itself in this direction; but, fortunately for the country, it has always been met and stifled before it had attained dangerous proportions or fastened its poisonous fangs upon our sensitive and struggling industries.

Ever on the alert and keenly alive to whatever threatens the advancement and success of the agricultural, manufacturing, and commercial interests of this country, the people of Vermont have repeatedly, through their Legislature and in public assemblies and conventions, entered their solemn protest against the renewal of any reciprocity treaty with the Dominion of Canada; and the republican convention in my congressional district, in August, 1874, expressed the same determined opposition by unanimously adopting the following resolution:

Resolved, That believing that the renewal of the reciprocity treaty would prove seriously detrimental to the agricultural interests and the laboring classes of our State, we are opposed to its renewal in any form.

From this, sir, the House will see that in opposing this or any other scheme of reciprocity I not only act in strict accordance with my own convictions and judgment of what is right, but in exact harmony with the wishes and desires of the people I represent.

In discussing the proposition now under consideration, in order to uncover and expose the whole scheme, and place the matter in a clear light before this House and the country, I shall first call attention to the meaning, scope, and novelty of a commercial reciprocity treaty; second, inquire whether the President and Senate have the constitutional power to bind the Government by entering into such a treaty; third, review and examine the history of such treaties to which our Government has been a party; fourth, inquire as to the causes which led to the treaty of 1854 with the Dominion of Canada; fifth, show the injurious effects of that treaty upon the producers, manufacturers, and laborers of this country; sixth, demonstrate the fact that the duties we collect upon imports from Canada do not enhance the price of the article to the consumer here as claimed by the advocates of reciprocity; seventh, give the reasons why the United States cannot afford to enter into such a treaty with Canada; eighth, show why the Canadians desire this so-called commerical reciprocity with the United States; ninth, inquire as to the policy of granting special favors, and whether such an arrangement as is proposed would in any manner conflict with our commerical obligations to other nations.

AS TO THE MEANING, SCOPE, AND NOVELTY OF A COMMERCIAL RECIPROCITY TREATY.

The right of a State to negotiate and contract public treaties with other nations is an essential and necessary incident to its sovereignty, and the form and manner in which it is accomplished, and the person or department in which the power is vested, must always be determined by its own constitution or fundamental and organic law.

An ordinary treaty is defined to be an agreement, league, or contract between two or more independent states or nations, embracing foreign objects beyond the reach of legislation, and requiring the solemn assent of both governments.

A reciprocity treaty is a compact between nations which is designed to regulate the conditions of reciprocal trade, define and secure the imperfect rights and duties of commercial intercourse, and confer upon each country equal rights and privileges respecting the customs and charges upon all articles of import.

This is what, in theory and as it appears upon paper, such a treaty is designed to accomplish, but practically a commercial reciprocity treaty between this country and the Dominion of Canada means that we must in all our dealings with the people of that province adopt the theory of free trade, throw wide open the doors of our markets to their productions and manufactures, and reduce the price of labor upon our farms, in our mills, factories, and quarries, to the Canada-English standard. Such a result would necessarily follow from the fact that any treaty which should "admit articles of Canadian production and manufacture into this country free of duty" would be "an unpleasant approximation to a repeal of our tariff on the same articles of British production and manufacture."

It is a principle which underlies all national progress and prosperity that "the first and paramount duty of every government is to its own people." This principle is recognized and this duty acknowledged by every civilized nation on the face of the earth in the restrictions which are imposed in the shape of customs duties upon the imported productions of other nations. Such restrictions are intended to place our own people in a position of equality "with the producers of other countries" in respect to the price of the labor and materials which enter into such importations.

This policy of reciprocal commercial relations with foreign governments, which is merely an offshoot of the dogma of free trade, is not only especially obnoxious and offensive to the laboring and producing classes of this country at the present time, "but it is also comparatively modern and novel, having, therefore, neither *merit* nor *age* to recommend it to our favorable consideration."

As was well said by Senator MORRILL, of my State, in an able and exhaustive speech upon the Hawaiian treaty, delivered in the Senate of the United States in March, 1875:

Such a treaty as a reciprocity treaty was unknown at the time the Constitution was formed, and to-day there is not one existing in the world between any nations here or elsewhere. It is wholly a new and modern invention.

Now, sir, whatever may be the ostensible reasons given for such a treaty by those who negotiated it, or its advocates and supporters, I here affirm, without fear of successful contradiction, that the ultimate object sought to be obtained is open ports and free trade. This fact makes it doubly necessary for us to exercise the utmost care and circumspection when this subject is presented, in order that we may the more successfully guard against deception on the one hand and ward off the dangers of such an unfortunate consummation on the other.

I submit, then, sir, whether it is advisable, in the light of our experience under the treaty of 1854, ever again to take such a new and dangerous departure, and, if it is, whether it is good policy, in view of the present condition of our revenues, resulting from recent legislation, the present state of our industrial interests, and the late heroic struggles of our producers and manufacturers to outride the financial storm of 1873, to take it at the present time.

Can we, sir, who are especially charged for the time being with the protection and preservation of the rights and interests of the people, and who will be called upon by our constituents to give an account to them for every word uttered and every vote given in this Hall, afford to inaugurate a system and enter upon a line of policy, the only effect of which will be to create and build up an aristocracy of wealth, to increase the riches of the opulent and add to the miseries of the poor, to crush labor and honest industry, to enable the importer and speculator to live in luxury and splendor, to build up the city at the expense of the country, and to "fertilize the rich man's fields by the sweat of the poor man's brow?"

If Canada was an independent power and the favored-nation clause was out of the way, it is barely possible that a treaty might be framed which would be beneficial and equitable to both parties; but as long as the position of Canada is that of a colony or appendage to Great Britain it is absolutely impossible, as was clearly and fully demonstrated by the operation of the treaty of 1854, and any attempt upon our part to renew it would be the extremest folly, and would result, as that did, in building up the prosperity of the people of Canada and Great Britain at the expense of our own.

HAVE THE PRESIDENT AND THE SENATE THE CONSTITUTIONAL POWER TO BIND THE GOVERNMENT BY ENTERING INTO SUCH A TREATY?

The Constitution of the United States provides that the Congress shall have power to lay and collect taxes, duties, imposts, excises, and to regulate commerce with foreign nations, while it prohibits the States from doing it, and requires that all bills for raising revenue shall originate in the House of Representatives.

It also provides that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and that all treaties made under the authority of the United States shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

The power to raise revenue by means of levying and collecting taxes and duties upon foreign imports is thus explicitly given to Congress by express grant of the Constitution, but the policy contended for by the advocates of reciprocity would take away this power and tie up the hands of Congress during the existence of the treaty.

It would most effectually deprive Congress of the power to tax such articles as were covered by the treaty, and would, for the time, suspend the power of Congress, granted by the Constitution, to impose duties on foreign imports.

Such a policy, it seems to me, would be both unconstitutional and impolitic. Customs duties are the main source of our revenue, and they should be kept clear from all entangling alliances and ready for immediate use in any and every emergency.

While the policy of our Government is, and has always been, to

cultivate a spirit of honorable peace with all nations, yet in times of great trouble we may be driven into war. "In such an untoward event," as was said by Senator MORRILL in the speech already referred to, "the whole resources of the country should be kept untrammeled, ready to be unleashed for instant use, and no part of them should be placed beyond our reach." In such a crisis "the power to originate revenue bills becomes imperative and indispensable to the preservation of the national life."

Again, the power to regulate commerce is given by the Constitution to Congress, and not to the President and Senate. This power is exercised by Congress by "the passage of general laws applicable to all the world alike, but under the guise of reciprocity the treaty-making power undertakes to regulate commerce by a special bargain which grants favors to one nation that are denied everywhere else."

A reciprocity treaty assumes to, and would if entered into as proposed, regulate our commerce, work a complete change in our tariff system of raising revenue on imports from foreign nations, entirely ignore and annul the power of Congress over the subject, and openly and palpably violate both the letter and spirit of the Constitution.

The sound reasons upon which the wise provisions of the Constitution to which I have referred are based must be apparent to every intelligent man, and the advantages which the Government has derived from them are plainly demonstrated in the past history of our country.

From the organization of the Government down to the present time but one solitary instance of a reciprocity treaty between this Government and any foreign power has occurred, and that was abrogated by our Government the moment the people by the terms of it possessed the power.

This question was settled years ago, in the Senate of the United States, in the case of the proposed German Zollverein.

In 1837 Mr. Wheaton, our minister to Berlin, under specific instructions from Mr. Forsyth, then Secretary of State, in order to procure a reduction of the duties on tobacco, in the interest of our fellow-citizens in the South, negotiated a reciprocity treaty with the German states called the Zollverein. That treaty not only involved the dangerous and unconstitutional principle which I am now combating, but it granted important and valuable privileges to the Prussian government, with the smallest and most insignificant advantages in return.

At the session of Congress in 1844–'45 that treaty came up for confirmation, and the Senate Committee on Foreign Affairs, after a full discussion and consideration of the subject, decided to reject it, and in their report, drawn up by Mr. Choate, set forth the constitutional objections to such a treaty in the following clear and forcible language:

> The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice in respect of the department of Government by which duties on imports shall be imposed.
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> The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either *ex directo* and by its own vigor, or it engages the faith of the nation and the faith of the Legislature through which the nation acts to make the change. In either aspect it is the President and Senate, who, by the instrumentality of negotiation, repeal or materially vary regulations of commerce and laws of revenue which Congress had ordained.
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> More than this: the executive department, by the same instrumentality of negotiation, places it beyond the power of Congress to exceed the stipulated maximum of impost duties during the existence of the treaty, whatever exigency may intervene to require it.
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> In the judgment of the committee the Legislature is the department of Government by which commerce should be regulated and laws of revenue passed.
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> The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other; and the committee believe that the general rule of our system is, indisputably, that the control of trade and the function of taxing belong without abridgment or participation to Congress. They infer this from the language of the Constitution, from the nature and principles of our Government, from the theory of republican liberty itself, from the unvaried practice evidencing the universal belief of all, in all periods, and of all parties and opinions.
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> They think, too, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the executive department of the Government.
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> To follow, not to lead; to fulfill, not to ordain, the law; to carry into effect, by negotiation and compact with foreign governments, the legislative will, when it has been announced, upon the great subjects of trade and revenue, not to interpose with controlling influence, not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

In further support of the position I have taken I may be permitted to refer to what was so ably said by Mr. MORRILL, of my own State, upon the same subject:

> The Constitution of the United States gives to Congress the whole power to regulate commerce with foreign nations. There is no residuum of power left to be exercised elsewhere. It is as exclusively belonging to Congress as any other of the provisions in the whole chapter, or as the power to "provide and maintain a navy," or "to establish post-offices and post-roads," or "to raise and support armies." What would be said of a treaty which should be made providing for a reciprocity in establishing post-roads; we to build one and Canada another? What of a treaty providing for doubling the number of our naval vessels or for reducing them one-half? What of a treaty that should reciprocally require a larger or smaller standing army? * * * Congress regulates commerce only by the passage of general laws applicable to all the world alike, but here, under the guise of reciprocity, the treaty-making power undertakes to regulate commerce by a special bargain which grants favors to one kingdom that are denied everywhere else. How far and how long the Senate will advise the Executive to travel in this direction time will disclose, but to whatever extent it may go it will to that extent be a suspension of the legislative power of the nation.
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> Of what value to the House of Representatives will be the power to originate revenue bills if the treaty-making power should step by step leave nothing upon which such bills can operate? Will it be said that a treaty is not a "bill," and therefore is not inhibited? That would be merely a petty subterfuge. This is one of the popular privileges of the people—to tax or not to tax, when and how they please—confided to the sole guardianship of the House, and the House as long as it maintains its own self-respect must stand as a sentinel to resist attempts to exclude them from their full participation in the joint power of regulating commerce and especially to resist any diminution of their exclusive power to initiate all revenue measures—never intended to be initiated otherwise than by bills. The Constitution speaks in the imperative mood: they *shall originate in the House of Representatives.*
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> If reciprocity treaties are to become the settled policy of the country, then farewell to all stability in our revenue laws. The Executive will agitate these questions as well as Congress. We shall be subject to all the changes which foreign powers may successfully urge upon whoever may happen to be an able and influential Secretary of State. Our own interests will have to be bartered for the interests of foreigners and reciprocal compromises will be the order of the day.
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> This is a privilege of the people older than Hampden, and a privilege made prominent in our Constitution; but reciprocity treaties would abridge and curtail this fundamental privilege of the Representatives of the people. In all of our history duties on imports have been our chief source of revenue, except in extraordinary exigencies our sole reliance; and if tariffs by a treaty can be established, modified, or repealed, or fixed and made unchangeable for a generation, they can be so fixed forever, and the power of the House to originate revenue bills would be practically reduced to a mere shadow. If *dutiable* articles can be made free, the same power can make *free* articles dutiable. One of the dearest principles of republican government, cherished as a bulwark of liberty, should not thus be fatally undermined. The power belongs not to one House only, but to every House of Representatives in perpetuity, to the present and also to the future; and the treaty-making power should not attempt to take it away by usurpation or by absorption. Though the present House should give its consent to such a treaty, it could not even bind itself, and far less any succeeding House. The power lives in the Constitution, far above the reach of any suicidal assault, and can neither be abdicated by the House nor subverted by any other branch of the Government, but must remain forever as potential as any other vital part of the Constitution.

Hon. JAMES G. BLAINE, in a letter to his constituents, I think during the congressional canvass of 1874, is reported to have added his emphatic protest against this mongrel free-trade policy in the following characteristic language:

> Against the whole policy of adjusting revenue questions by the treaty-making power I desire to enter, on behalf of my constituents, an emphatic protest. The Constitution gives to the House of Representatives the sole and exclusive right to originate bills of revenue, and this great power should be kept where it can be controlled by the direct vote of the people every two years. It may very well be that sundry articles of Canadian product should be admitted free or with diminished duty; it may be well, also, that Canada would find it advantageous to admit certain articles from us free of duty. Let each country decide the question for itself independently, and avoid the "log-rolling" feature of a treaty in which it will inevitably happen that certain interests will be sacrificed in order that others may be promoted. Let us simply place Canada on the same basis with foreign countries, taxing her products or admitting them free according to our own judgment of the interests of our revenue and the pursuits and needs of our people, always bearing in mind that in governmental as in family matters "charity begins at home," and that "he who provideth not for those of his own home is worse than an infidel."

The late Judge Collamer, of my State, one of the ablest constitutional lawyers of his day, in a speech upon this subject, in the Senate of the United States, once said:

> I am utterly opposed to the regulating the duties on imports by a treaty in any case whatever. I think it at war with the theory of our Government.

The Legislature of my State, after a very thorough investigation and careful consideration of the whole subject, declared its judgment in the following resolution:

> That it is the duty of Congress to oppose the consummation of any treaty relating to reciprocity in trade with the Dominion of Canada, and to insist that the subject of our trade and commercial intercourse with Canada, as well as with other foreign countries, is not a proper matter of treaty stipulation, but belongs to Congress and should be wisely regulated by a judicious tariff.

This House has also given its emphatic assent to the doctrine for which I contend at the present session by the passage of the following resolution, introduced by Judge KELLEY, by a vote of 175 to 62:

> *Resolved*, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7 of article 1 of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives.

The Washington Post, of this city, in commenting upon the resolution and its passage by the House, makes the following sound and forcible remarks, which I beg leave to quote:

> Judge KELLEY is clearly right, and the House and country will sustain him in the declaration that the executive department has no constitutional authority to make treaties changing duties on imports. The Constitution puts the public purse into the hands of the popular branch of Congress, and that instrument declares in explicit terms that "all bills for raising revenue shall originate in the House of Representatives." A large proportion of our revenues comes from duties on imports. Calculations as to the probable yield of this and other sources are made, and the annual appropriations are gauged accordingly. This is the work of the House, and has been so regarded since the Government was created. We borrowed this plan from England, where dear experience had taught the people the necessity of keeping the power of taxation in control of the Commons. If we concede that the executive department—a President and a Senate in executive session—can remove the duty from a single article, they can do the same with all our imports. If they can add one cent to the duty on any article they can add millions, or make the tariff prohibitory. The principle is embodied in the fact, not in the amount. Concede this claim, and the public purse is taken from the popular branch and given into the keeping of an authority not directly responsible to the people. Concede this, and you declare that the constitutional provision above quoted is the merest nonsense. Why should bills for raising revenue originate in the House if they may be annulled by the treaty-making power? Any treaty that undertakes to deal with the tariff is a direct and positive invasion of the highest prerogative of the House, and as such is an invasion of the rights of the people, whose only direct representatives compose the House.

The laws relating to the commercial policy and the revenues of the

Government require constant alterations, increasing the duty upon one article and diminishing it upon another, and changing articles from the free to the duty list, and others from that to the free list. If these laws are found at any time to be bad or defective, they can be amended or repealed; but if these subjects are taken from the jurisdiction of the law-making power and regulated entirely by treaty, Congress loses its power, becomes perfectly impotent, and no change can be effected, whatever the emergency, while the treaty is in force. By such a policy the customs and revenues of the country, as well as the constitutional rights and privileges of the House of Representatives, may be put by the treaty-making power beyond the possible reach and control of any subsequent Congress.

If a reciprocity treaty can be made with Canada, as now proposed, they can be made with all other nations, and then all power to originate revenue bills by the House of Representatives will be absorbed, and the only duty left for Congress with reference to this matter will be to regulate excise duties and levy direct taxes upon the people. If you can do what is now proposed to be done by treaty, then every act and thing relating to our foreign intercourse can be done in the same way, and the House of Representatives may as well be abolished.

Sir, if at any time it is deemed proper or expedient to enter into any reciprocal commercial arrangements with the Dominion of Canada, or with any other foreign power, let it be done in the usual way, by a law of Congress, and not by a palpable violation of the Constitution and the forcing of powers upon the President and Senate which are not claimed by them and which are not granted by that instrument.

But, sir, I fear I have already wearied the House in the discussion of this point, for it seems to me that it can hardly require either discussion or argument to satisfy an intelligent man that trade, agriculture, and manufactures are pre-eminently the subjects for legislative supervision and control, and not for diplomatic intrigue and treaty stipulations.

Now, sir, in further elucidation of the doctrines I contend for and as bearing upon this point, let us next inquire into

THE MANNER IN WHICH TREATIES ARE NEGOTIATED AND MADE.

One of the strongest arguments, and one which may be urged with great reason and force, against the policy and expediency of reciprocity treaties is the manner in which they are negotiated and finally consummated. It has been truly said that the very highest art of the diplomat is secrecy; consequently the people are always kept in profound ignorance of all the terms and negotiations respecting a foreign treaty or compact. When it is agreed upon by the agents of the Government, it is taken up, discussed, and considered, and either confirmed or rejected in a secret session of the Senate. The people have no opportunity to discuss and examine the merits of it or the reasons upon which it is founded, and oftentimes the first knowledge they have of it is when the Executive makes proclamation of its final ratification, and that it has, upon the subjects embraced in it, become the supreme law of the land.

It seems to me that the plain principles of prudence and common sense, as well as the provisions of the Constitution, imperatively demand that questions of such magnitude and vast importance should not be considered and settled in secret, or by any power less than the whole executive and legislative authority of the Government. It seems to me that a question which involves the revenues of the Government and the prosperity of all our industrial interests should be presented to the people and their Representatives, and examined and discussed in Committee of the Whole House, where every word and clause can be carefully considered and thoroughly criticised, where amendments can be offered, and where the wants and interests of the people of every section of the country can be ascertained and crystallized into law.

Now, sir, let us consider, in this connection,

THE HISTORY OF ATTEMPTED RECIPROCITY TREATIES TO WHICH OUR GOVERNMENT HAS BEEN A PARTY.

Fortunately for the credit of the statesmanship of this country the history of our diplomacy furnishes but few instances where attempts even have been made to draw us into these entangling alliances; and the utter failure which has always attended such efforts saves us in the present crisis from being overwhelmed and crushed by the weight and power of bad precedent and evil example.

In 1803, under Mr. Jefferson, our Government negotiated with the First Consul of France for the purchase of Louisiana, and in the treaty of cession from France to the United States, in order to avoid war and to adjust and settle large demands which France claimed to hold against us, "we agreed to permit French and Spanish vessels, loaded only with the products and manufactures of said countries, to trade in all the ceded ports of that territory for twelve years, in the same manner as our own vessels, and also agreed that no other nation should enjoy the same privileges." This certainly cannot be claimed as a precedent for the legislation now asked for, as it will be seen on a moment's reflection that in this case there was no reciprocity, as France granted no special rights to us, either under her revenue laws or in any other manner, for the privileges granted to her; but it was simply the payment of a debt, or the settlement of a doubtful claim which France pretended to hold against us, to avoid a threatened war which we had every reason to believe would come upon us unless the matter was amicably adjusted in this way.

The first real attempt at reciprocity by our Government was in 1837, when Mr. Wheaton negotiated the Zollverein treaty with Prussia already referred to. In that treaty it was proposed for the small consideration of a slight reduction of the duty on American tobacco, and an agreement that the duties on rice, cotton, and lard should not be increased, to grant Prussia a large reduction of duties on some five hundred different articles, provided they were the growth or production of the German principalities.

That treaty was palpably unequal and unjust to our Government, and would, if it had been carried into effect, have cut off nearly the entire revenue arising from our trade with that great and flourishing nation.

Now, sir, although it was defeated and repudiated by the people of this country, yet that attempted treaty stands out in the history of our diplomacy as an admonition and warning, and reveals the dangers into which we may be plunged if we listen to the wailings of impostors or suffer ourselves to be led away by the appeals of British agents or the sophistry of free-traders from New York and Louisiana, who are now attempting to force this unwise and dangerous legislation upon the country.

Since the time that treaty was negotiated the spirit of commercial enterprise and the inevitable laws of trade have compelled the German states to reduce the duty on our tobacco and place our cotton upon the free list, thus enabling us to reap all the benefits sought to be secured to us by that treaty without being obliged to bear any of the burdens which it imposed.

As I have already remarked, during the whole history of our Government there have been but few attempts made to negotiate reciprocity compacts with foreign nations, and those that have been made have generally miscarried so that the only treaty of the kind which has ever been fully consummated and gone into operation was the treaty with Canada in 1854, which died a violent death at the hands of the people at the end of twelve years, that being the very first moment it came into their power.

Vigorous and determined efforts have been made by ambitious and designing men from time to time to thrust this curse upon the country, but they have all with that single exception been repudiated by the people and rejected by the Senate. And the bitter experience of our people, and especially the farmers and wool-growers of my State, under the Canada treaty during the twelve years it was in existence, was not such as to make them very anxious to repeat the experiment.

Let us now inquire, Mr. Chairman,

WHAT LED TO THE TREATY OF 1854.

When the treaty of 1854 was entered into its design and purpose was not alone commercial reciprocity, but its authors and advocates fondly hoped that it would prove the gateway to annexation; but the cold-blooded malignity manifested by the people of Canada during the dark days of our civil war dissipated all such golden anticipations, and convinced the people of the United States that a sordid love of gain and desire for filthy lucre were the motives which actuated them and not a solicitude for our welfare or a wish to aid us in paying the taxes and bearing the burdens of our Government. When the roar of the terrible conflict shook the Republic from center to circumference, when the loyal men of the North were grappling with treason on the battle-fields of the South and the whole land was red with the blaze of war, the people of Canada, in warm sympathy with the rebellion, in envious hatred of the Union and our Government and anxious for our humiliation and dismemberment, mocked at our fears, laughed at our calamities, cheered and encouraged our enemies, harbored and cherished a gang of hell-born desperadoes and assassins, and sent them forth to burn our cities, destroy our property, murder our citizens, and spread contagion and disease among our people.

As was eloquently said by the distinguished gentleman from Pennsylvania [Mr. KELLEY] when speaking of Canada, "she has been the asylum of our foes in war, and the base of illicit operations against our revenue system in time of peace."

While I am moved by no spirit of malice or revenge toward the people of Canada in my opposition to this measure, and while I can consent, perhaps, that they may be forgiven, yet I believe there is no law, human or divine, which demands that we should forget their barbarous and inhuman conduct, or the fact that they succored and protected the cowardly murderers of our people and the base and infamous assassins whose career of crime and wickedness finds no parallel in the darkest and bloodiest annals of the world's history.

While we are willing, in our great magnanimity, to live on terms of peace and friendship with them, and condescend even to traffic with them, we do most earnestly protest against the adoption of any line of policy which shall give them commercial advantages over our own people, or entering into any treaty or compact with them which shall grant privileges to them not enjoyed by other nations. We are willing they should live and prosper, but not at our expense or by our partial generosity.

We will next inquire as to

THE INJURIOUS EFFECTS OF THE TREATY OF 1854 WITH CANADA UPON THE LABORERS, PRODUCERS, AND MANUFACTURERS OF THIS COUNTRY, AND ESPECIALLY UPON THOSE OF MY OWN STATE, AND THE REASONS WHY WE SHOULD NOT REPEAT IT.

In the first place, sir, I maintain that no fair commercial reciprocity treaty, which shall be just and equal in its operation, can now be made between this Government and the Dominion of Canada.

The present situation, circumstances, and the condition of the two countries are such as to render it not only impracticable, but absolutely impossible.

The comparative high rates of interest which our people, who possess but small capitals, are compelled to pay on loans, without which they are unable to carry on their business; the almost unprecedented taxes to which they are subjected; the higher revenue and customs duties they are forced to pay on nearly every article they export or consume; the enormous public debts, municipal, State, and national, incurred in putting down the rebellion, and which now cripple and paralyze the business and industries of the country; and the far worse curse of a democratic Congress continually tinkering with the currency and threatening free trade, all combine to unsettle trade, frighten capital, increase the cost of production, and greatly augment the burdens of the laborer, producer, and manufacturer; while in Canada interest is low, taxes are light, revenue duties merely nominal, and labor cheap in consequence of which, under such a treaty, they would be enabled to do as they did under the treaty of 1854, glut our markets with Canadian and British productions and manufactures and defy competition.

Sir, this proposition can be made no plainer by argument or illustration.

It is simply absurd and preposterous for any man to contend for a moment that our people can now enter into a free exchange of agricultural productions and manufactures with the people of Canada on any basis of justice or equality. And this proposition is made perfectly apparent and manifest by the fact that manufacturers are many of them moving their works and machinery from the States to Canada, in order to escape the taxation imposed here and to avail themselves of cheap wages and cheap materials found there.

Every consideration, therefore, of prudence and self-preservation protests against it, while there is no principle or policy of national comity or individual ethics which demands the sacrifice we are now asked to make.

It was said by a distinguished statesman, when speaking of this subject, that "the utmost stretch of the Divine command is to love our neighbor as ourselves, and I can certainly see nothing in personal duty or public policy which should lead us to prefer our Canadian neighbors to our own people."

The people of Canada have always shown a good degree of cunning and shrewdness, and some little statesmanship, in their persistent efforts to create and foster this spirit of reciprocity in certain sections of our country. And while they are always sure to provide themselves with the lion's share, they manage to so disguise their real purpose and intent as to deceive the simple and confiding.

The fact that the treaty of 1854 was abrogated by a notice given by this Government at the earliest possible moment at which it could be done under the terms of it would seem to furnish the very strongest presumptive evidence that could reasonably be required by any man of its damaging and injurious effects upon the business and industries of the country; but fortunately more testimony is at hand, so that we are not obliged to rely on inferences or presumptions.

Mr. BLAINE, in the letter from which I have before quoted, speaking of the effects of that treaty, and the efforts of the Canadian authorities to negotiate a new one, says:

> It is well known that the authorities of Canada are trying to negotiate with our Government for a reciprocity treaty, which, like its illustrious predecessor and namesake, maintains the reciprocity all on one side.
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> The treaty of that name which was terminated in 1867 was cruelly oppressive to the people of this country, and inflicted upon our Government during the eleven years of its existence the loss of millions of dollars.
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> It presented the very singular anomaly of giving to the Canadians the control in our own markets of certain leading articles on terms far more favorable than our own people had ever enjoyed.

The late Senator Foot, of my State, once said, in speaking of that treaty:

> The very title of the treaty was a misnomer. There was nothing reciprocal about it; it produced no reciprocity of benefits between the two governments. It was beneficial to one only of the contracting parties and injurious to the other. Such were the practical results of its operation.

Senator Farwell, of Maine, said:

> It seems to me to be a treaty made expressly and for no other purpose than to promote the industries of Canada to the injury of the industries of the United States.

The New York Times, in an able article upon the effect of the treaty upon the agricultural and manufacturing interests of this country, about the time notice was given of its abrogation by our Government, said:

> There never was a more perfect misnomer than the designation of this agreement as a treaty of reciprocity. It never has secured a reciprocity worthy of the name. From the beginning the benefit was chiefly on one side, and by provincial management since it has now become almost completely so. By its original terms it admitted nearly all the productions of Canada into the United States free of duty, and gave them free transit abroad, while our manufactured articles introduced into Canada have, from the outset, been subjected to import duties; and within the last few years these duties have been doubled on many of the most important articles, so that now there is a virtual prohibition.
>
> That prohibition is extended just so far as it can operate to build up the *manufacturing interests* of Canada. Where it cannot so operate it gives place to a system of duties expressly designed to produce as much revenue as possible, whereby internal improvements can be sustained which shall divert the carrying trade of the Northwestern States as much as possible from our own great thoroughfares. The treaty has been equally one-sided in its operations in respect to agricultural products. We have opened the way for Canada to the grain markets of the world and enabled her to compete, on equal terms, with our own farmers. Without that license on our part she would have been utterly unable to maintain any such competition. This agricultural reciprocity is therefore an immense advantage to Canada, but to us an unqualified injury. As in manufacturing and agricultural interests, so in commercial.

Mr. Chairman, I do not intend to weary the patience of the House with long tables of statistics and minute mathematical calculations, but the figures showing the state and condition of our trade with Canada during the time of the existence of the treaty of 1854 are far more eloquent and convincing than any language I can utter in opposition to the renewal of such a scheme.

In 1850, only about three years before that treaty went into operation, our exports to Canada amounted in round numbers to $9,500,000, and our imports from Canada to $5,600,000; while in 1864, the last year of the treaty, our exports to Canada amounted to $29,356,572, and our imports from that country the same year to $54,714,383. In 1859 we exported to Canada certain manufactured articles valued at $4,185,516, while in 1863 we exported of the same articles only $1,510,-862. In 1854, the year the treaty took effect and went into operation, the imports from Canada to the United States, composed of the manufactures and productions of Canada, amounted only to the sum of $19,383,455, while in 1866, the year the treaty was abrogated, they amounted to $39,582,505. And the manufactures and productions of foreign countries imported into this country from Canada amounted in 1854 to $8,927,560, but in 1866, under the operation of the treaty, they had increased to the enormous sum of $54,714,383. While the amount exported from the United States to Canada, of both domestic and foreign manufacture and production, was in 1854 $24,566,860, in 1866 it had only increased to $28,994,814.

Thus we see that during the time the treaty was in operation Canada increased her exports to this country from $28,311,015 up to $94,296,888, while our exports to Canada increased only about $4,-427,954. In other words, while we during those twelve years gave Canada a free market for her products to the amount of $240,000,000, she only gave us a free market for our products to the amount of $124,000,000.

Under that treaty the quantity of grain exchanged between the two countries was nearly equal, while in 1874, after the treaty was abrogated, the balance in our favor was over $13,000,000.

The exports of fish from Canada to the United States nearly doubled during the existence of that treaty, "while our tonnage engaged in the cod fisheries in 1854, amounting to 102,194 tons, had dwindled, at the close of 1866, down to 42,796 tons, or a loss of over one-half, uncompensated for by any considerable improvement in the distant mackerel fisheries." "From this low state, in consequence of harassing and perpetual annoyances, equal in olden time to provocations of actual war, our fishermen have not even yet been able to recover." "When the treaty began the balance of trade was eight millions annually in our favor, and at the end the balance to be paid in specie was thirty millions in one year against us. That was a reciprocity which cannot be dwelt upon with composure, or that we can afford to have repeated."

Again, sir, during the eleven or twelve years that the treaty of 1854 was in operation we received the products of Canada, which came in free by the terms of that compact, amounting to the enormous sum of $178,500,184, while the people of Canada received only to the amount of $118,853,972 of ours.

During the same time dutiable articles, the product of the United States, were exported to Canada from this country to the amount of $83,347,019, while the dutiable articles sent here by the people of Canada amounted to only $7,750,482.

Now, sir, if we examine this subject as relating to the revenues of the Government we shall find that Canada was equally fortunate in reaping the benefits while we bore the burdens. During the existence of that treaty we paid customs duties to Canada amounting to $16,802,968, while we received from her during that time only $930,447.

If no treaty had existed we should have collected of her during that twelve years, of customs duties, $16,373,880, and she would have collected of us only $2,650,890. From this calculation it appears that during the time of its existence that treaty released from the payment of customs duties a total sum of $42,333,257 in value more of Canadian goods than it did of American, and that it also enabled Canada to escape the payment of $13,772,990, being the balance between $16,373,880 and $2,650,890, in customs duties to us which she would have been compelled to pay if no such treaty had existed.

Now, sir, what can gentlemen say in favor of a treaty which has had the effect upon our exports, imports, and revenues which these figures clearly and conclusively show?

Prior to that treaty the trade with the provinces had always been in our favor, and as population on each side of the line had increased this trade had also increased, and always to our advantage.

But the treaty went into operation, population and business continued to increase as rapidly as before, but all at once the whole trade changed, and instead of exporting $3 and importing $1, we were importing from that country, for the first time in our history, more than we exported to it.

The population of Canada is probably less than one-fifteenth that of the United States, yet with her low taxes and cheap labor she raises more cattle, and horses, and sheep, and wheat, and barley, and oats, and potatoes, and butter, in proportion to her population than we do, which enables her people to undersell us in our own markets and save a fair margin for profits.

Again, sir, owing to the reasons I have already stated, the people of Canada can now raise wool and all other products, including those of the dairy, much cheaper than we can. So that the consequences of such a treaty would be to admit into our markets free of duty all the products of their fields, forests, and mines, with barely one or two exceptions, and thus exclude from the benefits of our protective tariff the farmers and producers of the United States, wound the agricultural interests of the country, and at the same time rob us of twenty millions or more of revenue annually.

The policy of this Government has always been to protect by a wise and judicious tariff our own producers and manufacturers. This has secured us prosperity and given us our present high rank among the nations of the earth.

To enter into such a treaty as is proposed would be to abandon this wholesome doctrine of our fathers, give away our revenue, open our ports to free trade, drive our own people from our markets, and build up the interests of Canada at the expense of our own laborers and producers.

Another thing, sir: the very moment such a treaty is consummated as gentlemen are now seeking to curse us with, as was said by Senator MORRILL, the Dominion Parliament will put Great Britain on an equality with the United States in regard to duties upon its imports. Free trade in American manufactures of iron, steel, lead, cotton, and wool means also the free admission of British products coming under these heads. The natural result of such an arrangement would be to make Canada the port of entry to the United States, by which British manufactures to the amount of millions of dollars would, in more or less modified form, find their way without payment of duty into this country.

The effect of such a treaty would be to crowd into our markets an avalanche of all kinds of articles made of Russian, Swedish, and English iron and steel, boots and shoes made from foreign leather, slate from Nova Scotia and Wales, and monuments and ornaments of all kinds manufactured from Italian marble, which, by means of their cheap labor and open ports, they would be able to sell in our markets at prices which would practically deprive our own people of all fair and just competition.

Not only this, but if we should continue to collect duties on iron and wool from other nations, and Canada should continue to admit them free, she would be able to sell in our markets all goods composed of these two articles cheaper than we could by any possibility afford them, and the only relief from such an evil would be the infliction of a greater by entering into like compacts with all other nations with whom we have commercial relations, which of course would destroy all our revenues and compel us to resort to direct taxation. If, sir, the men who are now exerting all their energies and directing all their efforts to creating an external trade, building up foreign markets, and increasing our carrying trade, would bestow some thought upon the subjects of production, manufactures, and our own markets at home, they would, I think, meet with far better success, and if they did not receive so many flattering encomiums from the free-traders of Great Britain and France they would deserve and receive the approbation and gratitude of their own people.

If by wise and judicious legislation we build up our own manufactures, increase the productive power and capacity of our own country, and create and enlarge our home markets for the consumption of our own products, foreign trade and the demands of foreign markets will inevitably keep pace with our domestic growth and prosperity, and will require neither aid nor anxiety from us.

It is claimed and argued with great persistency and an apparent show of plausibility that our manufacturers would be vastly benefited and reap great advantages from a reciprocal trade with Canada for the reason that, as Canada is a manufacturing country, under the influence and operation of free commercial intercourse it would become a great market for our manufactures.

If there was a reasonable prospect of accomplishing such a result it might be advisable to repeat the experiment of 1854, but I am confident that the slightest examination of the subject will at once explode this theory and show the utter fallacy of such a claim.

It must be admitted by the most ardent and enthusiastic admirers and supporters of this reciprocity theory that, owing to the close and intimate political connections between Canada and Great Britain, Canada can never by any arrangement admit any article from the United States free of duty without being obliged to give Great Britain the privilege of importing the same article upon precisely the same terms.

The result, therefore, would be, that instead of our manufacturers having a monopoly of trade in the Canadian markets they would be compelled to compete with the cheap labor, cheap capital, and low taxes of England and Canada combined, not only in the markets of the Provinces but also in our own, which would be thrown open to free trade by this specious and one-sided arrangement which gentlemen persist in misnaming reciprocity.

It is also urged by the advocates of this system that a commercial treaty with Canada which would enable us to purchase of them all raw materials free of duty would increase our trade and build up our commerce. In my judgment, no such result could possibly follow.

By such an arrangement, instead of increasing our trade it would simply be a diversion of it from our own producers, from customers who now buy most of their wares of us, to those who would be the most unlikely to buy anything of us in return. It would be only buying so much more in one place and so much less in another.

If the people of Connecticut should, under a reciprocity treaty, go to Canada and purchase a million bushels of potatoes, that would be no increase of trade, because they would in consequence of that purchase buy one million bushels less in New Hampshire and Vermont, and the people of those two States would therefore have so much less money to pay for manufactured articles to the people of Connecticut or some other State.

Since the treaty of 1854 was abrogated the markets of New York and the Atlantic States have demanded thirty-two million bushels of wheat annually, which has been furnished by our western farmers, but which before that came from Canada.

So it would be with respect to all other products of which our people have a surplus for the market. If Massachusetts and New York should purchase their lumber and butter and cheese and wool and potatoes and hay from Canada, it would not increase the general trade and business of the country, but only cut off the market for that amount of produce from Vermont, New Hampshire, and Maine.

As has been well said by an intelligent writer upon this subject, "by buying of Canadians rather than of our own people timber and agricultural produce we diminish by so much the wealth and population of this country, and by so much lessen the trade we now have with the home producers of those articles."

Again, the home producers spend all the money they receive from the sale of their produce with us, while the people of Canada, no matter how much we purchase of them, would buy of England, because they can manufacture most articles cheaper than we can, and can therefore undersell us.

There is another matter of considerable importance which should not be lost sight of, but be considered in this discussion as having a bearing upon this subject, and that is the fact that Canada has great natural advantages as a manufacturing country in the shape of superior water-powers, cheap labor and materials, and low taxes.

Adopt this policy of so-called reciprocity, and manufacturing establishments, spurred up by the prospect of an equal chance in our vast and increasing markets, would start up all over Canada. Capital and skilled labor would flow in from England, France, and Germany, by the aid of which they would be enabled not only to supply their own markets but ours also with articles cheaper than we could possibly produce or manufacture them.

The same injury to manufacturers would follow if wool and woolen goods were included in your reciprocity scheme. They would be smuggled through Canada in quantities sufficient to control our markets, and we should in effect be granting to Great Britain the same privileges of free trade in respect to those articles that are given to Canada, thereby diminishing our foreign trade and greatly reducing our revenue.

In short, sir, in any view I have been able to take of this matter, and I have endeavored to look at it candidly and with an earnest desire to arrive at the truth, I am thoroughly convinced that any arrangement of so-called commercial reciprocity which we could possibly make with Canada would prove an advantage to her and a decided injury to us.

Now, sir, in addition to all this, what assurances have you that Canada would not as soon as she had secured the advantages of this proposed treaty do as she did under the old one, increase the duty on every article you import to her markets except those made free by the terms of the treaty, and in this way not only rob you of your revenue but compel you to pay back to her in extra duties all she may lose on the few articles she permits you to send to her markets free of customs dues.

I now desire briefly to call the attention of the House to the effect of such a treaty upon the agricultural and manufacturing interests of my own State, which I believe will fully and clearly explain why the people of Vermont feel so deeply interested in this subject, and why on all occasions they so earnestly oppose all schemes of this kind.

In doing this I beg leave to refer to a report made by the committee on manufactures to the Legislature of Vermont in 1874, while this same project was pending before Congress in the form of a proposed treaty. I quote from that report because the objections to this scheme and the reasons why it should not be adopted are set forth by the able chairman (Dr. Guild) in a much clearer and more forcible manner than I could hope to do it.

In that report the committee say:

It will be observed, by a careful examination of the proposed treaty, that the articles therein mentioned enter, either wholly or in part, into a very large proportion of the manufactures now carried on in this State. The free exchange, therefore, of such articles between the respective countries under the treaty would necessarily bring the items specified in direct competition with our home productions.

The problem for your committee to discuss is, therefore, whether the branches of manufacture now carried on in this State can be carried on at so much lower rates in Canada as to seriously injure this great and paramount home interest.

The first important point that presents itself is the relative price of labor in the two countries. Labor enters into the production of all manufactures in a greater or lesser degree. In some branches it is the leading and almost the only item of expense. Taking the marble and slate interests as an example, the immense capital required to carry them on is almost entirely absorbed by labor. The items of machinery and buildings are, comparatively, of trifling importance. In other branches it enters in a somewhat lesser degree, but is ever a question of such magnitude as to deserve the most careful consideration.

It is an unquestioned fact that skilled labor in Canada is much cheaper than with us, averaging, according to the best information that your committee can obtain, at least 33⅓ per cent. less than in the States. On the borders the percentage is somewhat less, but in the interior it exceeds that figure. With the more common grades of labor the percentage is a little lower, but the fact is apparent that Can-

adian manufacturers can obtain their labor at one-third less in amount than the rates paid in the States for the same grade of work.

Machinery used for manufacturing purposes is largely an element of absorption of capital in many of our important manufacturing enterprises. Our cotton and woolen mills expend much of their capital in providing expensive but necessary machinery. Our Canadian brethren can obtain such machinery from Great Britain free of duty, which will place it at much lower rates to them than we can possibly obtain it.

Material for manufacturing purposes which we now import from Great Britain under a heavy duty can be obtained in the Dominion of Canada from the same source practically free of duty. This directly discriminates on all imported material for manufacturing purposes in favor of Canada to an amount varying in proportion to the amount of duty paid thereon.

They have, then, in Canada the advantage of cheap labor, cheap machinery, and cheap material for manufacturing purposes; to which, if we add the item of cheap lumber, which so largely enters into a great variety of manufactures, it places this great interest of the State of Vermont at such a disadvantage as to practically close the doors of a large proportion of our now flourishing manufacturing establishments.

By way of illustration of the preceding argument we will take the article of Nova Scotia slate, which now pays a duty of 35 per cent.

Labor is one of the largest elements of capital required in the production of slate, and yet labor is so much cheaper in the Canadian provinces that the duty of 35 per cent. but barely excludes its importation now.

If we remove that duty and free its importation of all restrictions it would utterly destroy that important branch of home industry in which so large an amount of capital is now invested and which gives employment to a large, intelligent, and thrifty class of population.

So, in the manufacture of leather in all its varieties, the Canadians could import their hides from England or South America, if they chose, free of duty, while their vast hemlock forests furnish a cheap and practically inexhaustible supply of bark which, in connection with the reduced price of skilled labor, would give them an advantage that no tannery in the State could long contend against.

Every article into the composition of which iron and steel largely enter and on which we pay so heavy a duty, such as axes, hoes, plows, shovels, &c., could be produced in Canada, with their present arrangement with Great Britain, at so low a rate as to render their production unprofitable here; or they could even be manufactured in Birmingham or Sheffield, ground and tempered there, and receiving a few final touches before they crossed our northern border, come in as articles of Canadian manufacture, in competition with articles which, if imported direct, would be subject to heavy duty.

In the manufacture of woolen goods, the matter was deemed of so much importance by the National Association of Wool Manufacturers that, at their annual convention, held in New York, the executive committee presented the following resolution, which was unanimously adopted:

"*Resolved*, That the National Association of Wool Manufacturers reaffirm the resolution in relation to the proposed reciprocity treaty with Canada, passed by the government of the association on the 25th of June, it being more and more manifest to the association that the proposed treaty would be prejudicial to the wool industry of the country."

The resolutions referred to, which were adopted in June, hold that the promise of reciprocal advantages from the free exchange of certain manufactures is a delusion; that the free exchange of manufactured products would end in the suppression of our own production; that the American farmer cannot compete with the Canadian in the production of the kind of wool which forms the specialty of Canada; that the admission of Canadian wool free of duty would arrest the now rapidly increasing development of the most promising branches of American sheep-husbandry, namely, that of producing at the same time mutton and combing or worsted wool; that this branch of sheep-husbandry, which had hardly an existence here at the time of the repeal of the former reciprocity treaty, received an impulse from the protective tariff which gives promise of an abundant domestic production; and that the offered boon of free Canadian wools would be dearly gained at the certain cost of the loss of our own production of combing wools and the danger of the revision of a tariff satisfactory to both branches of the woolen industry.

There are many other branches of manufacture which occur to your committee which the ratification of the proposed treaty would similarly affect, some of them perhaps in a lesser degree than those referred to; but, in every branch which they have investigated, the effect would be unfavorable, with the single exception of patented and proprietary articles.

We have thus far discussed this question only in its connection with the Dominion of Canada and the relations of the same with Great Britain, but there is nothing in the proposed treaty prohibiting Canada opening her ports free to the world, and extending her facilities for buying free material for manufacturing purposes to every quarter of the globe—a proceeding which would require us to follow in her wake and make our ports free, or disastrously close many of our manufacturing establishments.

Your committee have therefore come to the conclusion, after a careful survey of the whole ground, that the ratification of the proposed reciprocity treaty would have an unfavorable effect upon the manufacturing interests of the State generally, ruining many of its most flourishing manufacturing establishments and crippling the remainder to such an extent as to render them wholly unprofitable.

Now, sir, the reasons and arguments presented in that report are as potent and conclusive against the measures now proposed as they were in 1874 against the unjust and unequal treaty then sought to be forced upon us, and, as it seems to me, are perfectly decisive of the whole question under consideration, and should lead every friend of American industry and enterprise to vote against it.

In my district, sir, there are millions of dollars invested and thousands of men employed in the quarrying and manufacture of marble and slate. Under the present tariff the producers can barely stand in our markets against foreign competition, and the consummation of this reciprocity scheme or a single shilling's reduction of the tariff upon these articles would close up every quarry, shut up every mill and shop, and throw thousands of men now engaged in their production out of employment.

As the representative on this floor of the men who own and operate those quarries and mills, and the men who are dependent upon the wages they earn in them to support themselves and their families, as well as on behalf of the farmers and manufacturers of my State, I desire to enter my earnest protest against taking the first step in this ruinous policy.

I propose now to show that

THE DUTIES UPON IMPORTS FROM CANADA INTO THIS COUNTRY DO NOT ENHANCE THE PRICE TO THE CONSUMER, AS CLAIMED BY THE ADVOCATES OF RECIPROCITY.

In support of this proposition I do not propose to weary the patience of the House with any arguments of my own, but simply to present the opinions and testimony of men whose official positions under the Government and whose observation and experience in the revenue service on the Canadian frontier entitle them to consideration and credit.

In writing to the Treasury Department in regard to the abrogation of the old treaty of 1854, the collector of customs at Plattsburgh, New York, under date of June 8, 1868, wrote:

I submit the following statement as an illustration applicable very generally to all importations made into this district. The past spring large quantities of potatoes have been imported into this district, and *the duty of 25 cents per bushel, gold, paid by the Canadian seller or exporter*, as the sale has generally been perfected on the United States side of the boundary lines, duties paid. The American speculators buying at such prices as to successfully compete with sellers in the Boston market, does the consumer of the imported potatoes pay the duty to the United States when he purchases the potatoes at the same price that another pays for the American product? If the Canadian cannot export his goods at a profit, or the speculator cannot buy in the foreign market and pay the duty at a price that he can sell at in the American market at a profit, he does not purchase. *The same can be said in relation to grain, and in fact of nearly all importations into this district.*

The collector at Cleveland, Ohio, under date of October 20, 1868, wrote:

The chief articles of importation at this port are lumber and barley. The lumber market here is entirely controlled by the Saginaw market, and Canadian markets do not in the least influence us. The Canada market, to a great extent, is controlled by American markets, and the result is that the Canadian producer has to conform his prices to our market figures here; *this virtually makes the Canadian pay the duties on foreign merchandise imported here*, as he is compelled to sell his goods so as to enable the importer to pay the duties, and still not overshoot the American market. As the demand in Canada is not equal to the production the producer is compelled to look to a foreign market for sale of his merchandise, and for this reason he must necessarily regulate his prices by that market to sell. The purchaser, in buying, always makes allowance for the duties, and the Canadian, in his sales, deducts the amount, and *thus in reality pays duty himself.*

The collector at Oswego, New York, has this to say upon the subject, under date of July 23, 1868:

The effect of the abrogation of the reciprocity treaty, in my opinion, has been the addition of several millions of dollars to the United States revenue at the expense of our Canadian friends.

There never appeared to me to be any true reciprocity in it, but rather the payment of a very large sum to them for something that was of very little benefit to us. As it now is, *the import duty is paid by the Canada producer or manufacturer, and not by the American consumer.* Any reduction in the rate of duties on importations from Canada would benefit them just as much, and would not lower the market value here.

The collector at Buffalo, New York, makes the following statement, under date of December 18, 1868:

The termination of the treaty of reciprocity between the United States and the Canadian Provinces, and the subsequent imposition of duties under the tariff enactments on articles of importation, has been a source of large revenue to the United States Government, *the burden of which has been borne by the foreign producer or manufacturer;* and any abatement or reduction of duties would, of course, redound to the advantage of such producer or manufacturer, and would not tend to reduce the value of the articles imported into this market.

These are the concurrent opinions of four collectors at the leading offices where the revenues were then and are now collected on the northern frontier. They are the statements of men who are brought into daily contact with the realities of the case, who know whereof they affirm, and whose testimony should be allowed to have controlling weight in the determination of this question. They are the utterances of men who could have had no possible motive to deceive or misrepresent, and who daily saw the practical working of our revenue system as affected by our protective tariff.

In addition to this I desire to call attention to the statement of W. Martin Jones, United States consul at Clifton, who, under date of December 28, 1868, wrote to the Treasury Department as follows:

The amount of exports, with the exception of lumber, from the provinces to the United States can have little effect upon the markets in the latter country, and the result is that *the duty paid on such exports is borne wholly by the producers*, who in receiving the benefits of the markets of the country *are thereby compelled to bear a portion of the burden contributing to the support of its institutions.*

Who does not know that grain is no higher now under protection than it was from 1854 to 1866 under free trade?

The Canadian farmer who brings his wheat or any other production across the line to our market is obliged to sell it at the same price charged by our people or he cannot sell it at all, because it is our crop that controls the market price and not his. And if you compare the prices of clothing, agricultural implements, and manufactures of iron, cotton, and wool to-day with those paid for the same articles in 1857, you will find that they have been reduced at least one-half.

The cause of this reduction is manifest and plain. The protection of our domestic industries by legislation since 1861 has built up our manufactures, diversified the employments of our people, raised the price of labor, created a home market for the surplus products of the farmer, saved the cost of transportation by bringing the producer and consumer nearer together, and, until the panic of 1873, provoked and fostered a healthy competition in every branch and avenue of business.

Let me now invite the attention of the House to some few of

THE REASONS WHY THE UNITED STATES CANNOT AFFORD TO ENTER INTO A COMMERCIAL RECIPROCITY TREATY WITH THE DOMINION OF CANADA.

The Government of the United States has always acted upon the theory that the agricultural interests of this country are at least equal in importance to those of every other industry; consequently the products of the soil have been "as zealously protected against undue foreign importations as those of the factory," the shop, the quarry, and the mill.

The following is the tariff of duties now levied by our Government upon importations of agricultural products:

Animals, 20 per cent.; bacon, 2 cents per pound; barley, 15 cents per bushel; beans, 10 per cent.; beef, 1 cent per pound; butter, 4 cents per pound; cheese, 4 cents per pound; corn, 10 cents per bushel; corn-meal, 10 per cent.; fruit, green, 10 per cent.; hops, 5 cents per pound; lard, 2 cents per pound; linseed, 20 cents per bushel; mutton, 20 per cent.; milk, 10 per cent.; oatmeal, ½ cent per pound; oats, 20 per cent.; pease, 10 cents per bushel; pease, for seed, 20 per cent.; pork, 1 cent per pound; potatoes, 15 cents per bushel; poultry, 10 per cent.; rice, cleaned, 2½ cents per pound; rice, uncleaned, 2 cents per pound; rye, 15 cents per bushel; rye flour, 10 per cent.; sausages, 35 per cent.; tallow, 1 cent per pound; tomatoes, 10 per cent.; tow, of hemp or flax, $10 per ton; vegetables, not otherwise provided for, 10 per cent.; wheat, 20 cents per bushel; wool, 25 to 50 per cent.; yarns, 20 to 40 per cent.

Under these duties foreign importations are regulated, our farmers are protected, and agricultural products are largely increased each year in this country.

One of the most prominent reasons why we cannot afford to adopt this so-called reciprocity policy in our commercial relations with Canada is because agriculture is the chief industry of that country, and consequently she always has an excess of nearly every farm product, such as pork, beef, butter, cheese, wool, wheat, corn, rye, barley, oats, pease, and lumber, of which we not only raise sufficient for our own consumption, except perhaps lumber, but have a large surplus for the foreign market.

The effect of reciprocity, such as we are threatened with, would be to throw all this excess of Canadian products upon our markets free, the result of which would be to reduce the price of our labor and impose additional burdens upon our own people for the benefit of foreigners. It would be in effect to release the people of Canada from the payment of twenty millions of revenue annually on their productions and manufactures and tax our own people that amount to make it up; and at a time when we have not that amount of revenue to spare, and when our people are in no mood or condition to be afflicted with direct taxation.

Adopt this policy of free trade and thirty million bushels of wheat will flow into the United States annually from Canada, which is now furnished by western farmers, and the money for which is now retained at home.

Four-sevenths of the articles which Canada exports to the United States are those of a perishable or bulky nature which could not be sent to a distant market, but are consumed here at home, while we export to Canada staple articles, for which there is always a foreign demand or a foreign market, of which Canada, under such a treaty, would get the advantage.

On account of the nearness of Canada to New York, Boston, and Albany, the farmers of the West and South would be practically driven out of those markets by Canadian producers as to all products of which they had a surplus.

The fact is, the geographical position of Canada and the lines of transportation are such that her people can reach the markets of our Eastern and Middle States with many of the productions which would be likely to be covered by such a treaty quicker and cheaper than can be done by our own producers.

Again, the people of Canada produce more wool in proportion to their population than we do, and more than they can consume. They, therefore, require a foreign market for the surplus, while we must manufacture all we raise, or forever abandon sheep husbandry.

On a careful examination of this subject I find that the people of Canada have a surplus of nearly all farm products, and so do we. How, then, could Canada under a reciprocity treaty furnish our farmers a market for their surplus products when her people have a surplus of the same articles, which they are anxious to dispose of.

Many of our agricultural products are admitted into Canada free now under their tariff laws, and can with safety always be so long as they themselves raise more than they consume and have a surplus to sell, and which they can afford to sell cheaper than we can.

Under such a reciprocity treaty, therefore, our exports to Canada would be limited mainly to manufactures, in which field we should meet the cheap labor, cheap raw materials, and exemption from taxation of the producers of Great Britain and Canada combined.

If we could manufacture cheaper than they could we might win, but if we could not we should surely lose.

It will hardly be contended either that this so-called Canadian reciprocity would be beneficial to the people of the South, as most of the staple products of those States which would be likely to be admitted into Canada free under such a treaty are, under the Canadian tariff laws, admitted free now, and from the nature of the products are not likely to be changed.

And as to manufactures the same reasons may be urged, that "they would be chiefly of the same class with those now springing up all through the Southern States, and would therefore seriously interfere with new and profitable branches of industry of the highest merit, which ought not to encounter, and could not safely, any such discouragements" or opposition.

We had already shown that the North, the East, and the West have nothing to gain by reciprocity, and now it appears that the South cannot be benefited by it while Canada admits free of duty hemp, cotton, tobacco unmanufactured, rosin, tar, and turpentine, which compose nearly every article, except sugar, which the people of that section have to export.

The truth is the time has not yet come when we can compete in many kinds of manufactures with cheap money, cheap labor, and a people comparatively free from taxation.

Senator MORRILL put this matter in its true light when he said:

We cannot at present afford to produce horses, cattle, and sheep, wheat, pease, oats, butter, and potatoes at the bottom prices of Canadian markets; nor can we at present venture to accept of the unrestricted competition to which we are invited, even in the manufactures of iron, wood, wool, cotton, and leather, with neighbors where all the labor and most of the raw materials are to be had at far less cost than in the United States, and with neighbors, too, as exempt from taxation as they are from many of the costly improvements and institutions demanded by the people of a large republic and by an enterprising and enlightened age.

Our markets are sustained by forty-two millions of people, beyond all question the largest consumers *per capita* in the world, and the Canadian markets are sustained by less than four millions of people, loosely strung across a broad continent in an elongated and disjointed belt scarcely more than fifty miles wide, and like our own frontiersmen of early times having limited wants and no luxurious habits. Their markets are few and relatively inferior, offering no advantages to us, while our markets are so many, extensive, and accessible, that they may be always reckoned for nearly all commodities at least 25 per cent. better than those across the border. According to the report of J. N. Larned in 1871, made in compliance with a resolution of Congress, the difference is much greater. From numerous details as to the prices of provisions, groceries, &c., he gives the following results:

Mean ratio of prices in Ontario to prices in New York, 1 to 1.58.
Mean ratio of prices in New Brunswick to prices in Maine, 1 to 1.42.
Mean ratio of prices in the city of Quebec to prices in New York, 1 to 1.43.

The same authority gives the results as to wages of mechanics and farm-laborers, as follows:

Mean ratio of wages in Ontario to wages in New York, 1 to 1.65.
Mean ratio of wages in New Brunswick to wages in Maine, 1 to 1.78.
Mean ratio of wages in the city of Quebec to wages in New York, 1 to 2.38.

It is claimed by the friends of reciprocity that we need the Canadian routes of transportation to get our products and manufactures to market, and that therefore we should be willing to make some sacrifice in order to obtain them.

Why, sir, we are not dependent upon Canada or any other power on earth for transportation routes. We have ample facilities within our own borders to enable us to reach tide-water; and, besides, reciprocity or no reciprocity, Canada would be glad to have us build a canal twenty-nine and one-half miles long from Caughnawaga to Saint Johns, which would give us a complete water line from Chicago to the Atlantic.

The truth is, sir, Canada needs our railroads and lakes more than we do her railroads and canals, because this is the only way she has to the ocean on the East; consequently this is a matter which will regulate itself without any sacrifice on our part to bring it about.

Sir, I would be glad to have the House take notice of another fact in connection with this matter, and that is that the people of this country are not urging this measure upon Congress.

It is not the laborer, the producer, or the manufacturer who comes here and makes this unjust and unreasonable request. No, sir, but it is the emissaries of Great Britain and Canada, the merchants and importers of New York, Boston, and New Orleans, and other large seaports, together with the owners and managers of great lines of transportation who expect to be benefited by it, and are seeking by this means to promote their own interests and add to their already princely fortunes at the expense and ruin of the men who are now, in the honest simplicity of their hearts, earning "their bread by the sweat of their brows" and, in the interest of national prosperity, of humanity, and civilization, developing the resources and enlarging and increasing the productive power and capacity of our country.

Let us next inquire

WHY THE CANADIANS WANT RECIPROCITY.

It will hardly be necessary for me to take up the time of the House in giving the reasons why the people of Canada desire this so-called commercial reciprocity with the United States, because they must be quite evident from what I have already said, and may also be found in the utterances of their leading statesmen and the public press of the Dominion.

The editor of the Ontario Reformer, in a late issue of that paper, says:

Canada, so situated (with reciprocity) that *she will have all the advantages of being a State in the American Union, and all the advantages of British connection, without any of the disadvantages of either country*, will be in a most happy position. *Enjoying free access to the two best markets in the world, without any of their burdens to bear*, will make Canada about the best country to emigrate to on the face of the earth.

Hon. Malcom Cameron, in the Toronto Globe, thus grows jubilant over the prospect of another reciprocity; he says:

The best and greatest commercial blessing that heaven could send. It means $5 on a cow, $25 on a horse, $2 on a hog, twenty-five cents on a turkey, twelve cents on a chicken, $2 on a ton of hay, fifteen cents on barley, and twenty-five cents on wheat. *It means the opening of the largest and best ship-building business that Canada ever saw*, and the resurrection of old Quebec. It means building schooners and barges at every port on Lakes Erie and Ontario, and good wages for ships and sailors; the highest price for everything the (Dominion) farmer sells, and the lowest price for all of the goods he buys.

The prime minister of the Dominion, Hon. A. McKenzie, said in a late speech upon this subject:

I am more convinced now than ever that in the port of Quebec must eventually center the whole commerce of the country. Not merely has Quebec the convenient situation and the vast area necessary for the accommodation of all our own transport, but also for that of the long tier on the Northern United States, which stretch along our border. We are now making great efforts to extend the commercial advantages we possess by the renewal of the reciprocity treaty with our neighbor. While it is of course impossible that all can gain every advantage they each desire in the matter, I am perfectly satisfied that Quebec will reap enormous advantages over all other places under the proposed measure, which will no doubt greatly extend our trade relations on both sides of the line.

But this, sir, I apprehend is sufficient on this point, and I will pass on to consider

THE POLICY OF GRANTING SPECIAL FAVORS, AND WHETHER SUCH AN ARRANGEMENT AS IS PROPOSED WOULD IN ANY MANNER CONFLICT WITH OUR COMMERCIAL OBLIGATIONS TO OTHER NATIONS.

The policy of granting special commercial favors to one nation which we do not to another, if constitutional, is one of very doubtful expediency, and should not be adopted or resorted to except under peculiar circumstances and when it can be done without exciting the jealousy or anger of other nations.

It has, therefore, always been, as it always should be, the almost universal rule and policy among civilized nations to grant "equal favors to all nations with whom they have commerial intercourse." Any other policy would lead to jealousy and troublesome and dangerous complications.

The divine command, which has been defined to be "a constant and perpetual disposition to render to every man his due," is no more imperative and binding than the great law of self-preservation, which applies in all its force to nations as well as to individuals.

Our Government has been preserved and our progress secured by a strict and rigid adherence to this golden rule.

Our policy has been to deal honestly and fairly with all nations; treat them all alike, and demand of them the same rights and privileges which we have been willing to concede on our part. In this way we have been able to promote our own advancement and prosperity, and avoid all troublesome and embarrassing complications and "entangling alliances" with other nations.

With the blazing light of our past history and the grand experience of a century to illuminate our path, it is to me beyond comprehension that sensible, patriotic men can be induced to forsake the beaten path of peace and safety, which we have followed for a century, for a road which must inevitably lead to war, humiliation, and national dishonor.

A wise statesman has said that—

Secret treaties or partial treaties find little favor, and whatever is granted to one party is practically open at once to all others willing to accept of like terms. If England negotiates a treaty with China it is at once duplicated with the United States. If the United States make a treaty with Japan, equal favors are promptly obtained by England and other nations. It is even reckoned, if not discreditable, somewhat beneath the dignity of independent nations to grasp at any exclusive privileges by means of treaties, and a sure mark of imbecility for any nation to grant them.

Such favors as promote national interests, enlightened by the liberal policy of the age, are made by general statute laws, not upon the application of suppliants, and are applied universally; but such favors as cannot be open to so wide an application are entirely withheld from any narrower or more exclusive field of operations. Once these favors, secret and precious, were the bribes of offensive and defensive alliances, but such alliances have proved odious, if not unprofitable, to all mankind. Once they were terms extended or withheld by victors to or from the vanquished. But now it must be either a nation conscious of its weakness and desirous of leaning upon a stronger and more opulent power for support, or one sadly lacking spirit to stand toward all the world in the attitude of erect and broad independence, which can stoop even to those exceptional arrangements called reciprocity treaties, although they are in point of fact only reciprocal in words, and never reciprocal in effects.

The language of Washington in his Farewell Address is to the same effect, and will bear repeating. Hear it:

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give trade a stable course, to define the rights of our merchants, to enable the Government to support them) conventional rules of intercourse the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another, that it must pay with a portion of its independence for whatever it may accept under that character, that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

The inquiry as to whether such a treaty would conflict with our commercial obligations with other nations is one of great and commanding importance in this discussion, because if the conclusion of such a compact with the Dominion of Canada would conflict with our present engagements with other nations we ought not to and must not enter into it, however advantageous it may be to us and however much it may be desired by a portion of our people.

This, therefore, is a branch of the subject which invites thought and discussion, and which invokes the most serious and candid consideration in its investigation and settlement.

It will only be necessary, sir, to refer to some few of our existing treaties with leading foreign nations to satisfy the most incredulous that a compact of commercial reciprocity such as was concluded with the Hawaiian Islands, and such as it is now proposed to negotiate with the Dominion of Canada, would compel us by force of the terms of our treaties to extend the same privileges to other nations which we grant to Canada and the Sandwich Islands.

The stipulation in our treaties to which I refer is known among diplomatists as the "favored nation clause," by the terms of which the Government of the United States and the nations with whom it has entered into these treaties have bound themselves that—

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party freely, when it is freely granted to such other nation, or on yielding the compensation, when the grant is conditional.

This stipulation has been incorporated into nearly all of our treaties now in force, and the solemn obligation it imposes to deal fairly and impartially with all nations, and to grant the same favors to all that we do to any one, rests upon us to-day and a strict observance of it will hereafter be demanded of us by France, Austria, Prussia, Russia, Portugal, Brazil, Denmark, Peru, Italy, Belgium, China, Bolivia, Chili, Hanover, Sardinia, Colombia, Central America, Algiers, Ecuador, Guatemala, Morocco, the Swiss Confederation, Honduras, New Granada, the Hanseatic Republics, Hayti, Venezuela, the Argentine Republic, Costa Rica, Liberia, and the Two Sicilies.

Now, sir, what is to be the effect of such a treaty as gentlemen are now trying to force upon us, upon our commercial relations with these countries, from whom we are now receiving annually millions of revenue?

It seems to me, sir, that there can be but one answer to this question, and that is, that we shall be bound to admit into our ports free of duty every article from those countries, under the "favored nation clause," which we admit from Hawaii and Canada under these so-called reciprocity treaties with them, and that the articles embraced in the free lists of those two powers will, when fully completed, cover a very large and important portion of our commerce with the nations I have named.

With this fact conceded or proved, it requires no argument to demonstrate the dangerous and ruinous consequences of the policy now sought to be inaugurated, by which this House is to be stripped of its constitutional function of laying duties, the Government deprived of a large share of its revenue, and our people subjected to all the annoyances and troubles arising from the angry feelings of slighted and jealous nations.

As was truthfully and eloquently said by the distinguished gentleman from Virginia [Mr. TUCKER] in the discussion upon the Hawaiian treaty:

We are now asked to sanction a treaty which takes money out of an almost bankrupt Treasury to feed with bounty aliens across the sea. And how are we to make up the difference? Either by increasing the burdens of our own people, or by continuing the burdens which we desire to lift from their shoulders.

A large portion of the money required to carry on our Government has always been realized from duties laid upon foreign imports, but once adopt this proposed system of so-called reciprocity and two-thirds of the revenue arising from that source would be at once cut off without any corresponding advantages to us, and we should be obliged to raise the money by direct taxation upon the people.

If we are prepared to commit the Government to such a scheme, let us vote for this measure; but if we desire to stand by the old landmarks and avoid all the dangers to which such a system would subject us, let us not be flattered and deceived by the wiles of British agents, the honeyed words of French emissaries, nor the intended threats embodied in the late Canadian tariff, but let us join hands and crush this evil in the bud, protect and save the toiling millions of our country, and deserve the thanks and blessings of posterity.

What I have said respecting the proposed reciprocity treaty with the Dominion of Canada will apply with even greater force to the proposed reciprocal commercial arrangements with France. For some time past agents of the French government, aided by certain importing interests in this country, have been earnestly at work to secure the abrogation of American duties on articles manufactured in that country.

This effort on the part of France to establish free trade with the United States is so clearly and fully explained, and the selfish reasons for it so strongly stated by Gurth, in a recent letter to the Irish World, that I beg leave to quote what he says upon that subject as expressive of my own views and as a conclusive answer to the proposed scheme:

The transition from the import to the export trade has alarmed French capitalists. Two years ago the French senate adopted a resolution providing for the appointment of a commission to investigate "the causes to which may be attributed the sufferings of commerce and industry, and to suggest remedies." The general tenor of the evidence submitted showed that alarm was felt at the rapidly increasing industries of the United States, which were entering into competition with their own manufacturers. To avert it, or in a measure modify it, a determined effort is being made to secure a special treaty on a free-trade basis, whereby French manufacturers may more readily compete with our home industries.

From 1873 to 1878 there has been an enormous decrease in importations from France. During those five years the imports of manufactures of iron and steel decreased from $59,000,000 to $9,000,000. The decrease in importations of manufactures of silk during the same period was over $10,000,000; of wool, $26,000,000; of cotton, over $16,000,000; manufactures of tin, glass, leather, and wood, over $20,000,000; sugar and molasses, nearly $13,000,000; raw wool, $12,000,000; and so I might enumerate a variety of other articles. It is therefore easy to see why French manufacturers desire a general reduction in our tariff. It is also easy to see why our large merchants engaged in the carrying trade should also desire it, and why they should keep men in Congress to protect their interests.

Delegates sent out by English manufacturers to visit manufacturing districts in France report as a reason why French workmen can work for less than the English is because the consumption by the English workman of bacon and ham, cheese, butter, eggs, potatoes, spirits, wines, and tea has increased largely *per capita* since 1860. For instance, they computed the change as follows: Bacon and ham, from 1.27 pounds in 1860 to 8.26 pounds in 1875; eggs, from 5.83 to 22.62; tea, from 2.67 to 4.44. The moral to be drawn from this is that the manufacturer begrudges an increased habit of consuming good food because it prevented competition with France—the French trade being of more importance than workingmen's stomachs!

Wages in France are exceedingly low. The recent consular report says: "In Bordeaux agricultural laborers are paid from forty-five to sixty cents per diem, without board. In other districts labor ranges from sixty to ninety cents, and," it is added, "skilled labor commands but little, if any, higher than unskilled labor does." Another consul writes: "The nearest statistical information that I can arrive at gives the average daily wages in France at forty-five cents, and the amount of the annual revenue of the typical French family, composed of father, mother, and five children, one of which is old enough to work, at $180."

The hours of labor in France are twelve hours per day, or seventy-two hours per week, and yet the cutlers and forgers at Thiers receive only from fifty to fifty-five cents per day. British manufacturers are restricted by law to fifty-six hours per week. Nine hours per day is the general rule, and the interesting facts brought out regarding the Englishman's ability to consume more food bears out the argument that every reduction in the hours of labor elevates the workman, increases his wants and social standing, and consequently his wages, which necessarily rise with his wants.

To the condition of the French workman some of our law-makers would bring us in their anxiety to increase the profits of those engaged in foreign commerce. To build up our commercial marine is the great desideratum before which all other considerations sink into insignificance. Low wages, squalid living, comfortless homes, scattered families, wives and minor children doomed to profitless labor, as well as no markets at home for our farmers, is not a pleasing picture to look on, but this is the feast to which we are invited.

CONCLUSION.

In conclusion, then, Mr. Chairman, I desire, in the name of the people of my own State, who are almost exclusively engaged in agriculture and manufactures, and in the name of the laboring, producing, and manufacturing millions of our whole country, to enter my earnest protest against the adoption of this policy, and entreat the House to stifle this insidious evil in its inception. The facts and figures I have presented prove to the satisfaction of every unbiased mind that this unjust and pernicious doctrine ought not to become the settled policy of this Government.

The enemies of peace and sound commercial policy, during the Forty-fourth Congress, under the guise of a great national necessity, intensified by a few brilliant flashes of sentimental patriotism and the strong persuasion of a few interested sugar-planters, broke through the strong bulwark of a successful experience and the settled course of action of our Government for nearly a century, and gained an important victory for their favorite doctrine. Amid the dust and smoke raised by the cry of annexation, manifest destiny, and a promised millennium, the champions of the Hawaiian treaty blinded and deceived the unwary and unsuspecting, and succeeded in planting the pernicious seeds of free trade in soil supposed to be congenial, and at a time and place, as they then hoped, propitious for a bountiful harvest.

No sooner is this compact secured in the West than an attempt is made to extend the same policy in another direction, so that articles which cannot be conveniently shipped by Great Britain free of duty to this country by way of the Sandwich Islands can come in through the Province of Canada on the same generous terms. I appeal to you, Mr. Chairman, and to this House to say if it is not time, when these woes follow so fast "that one doth step upon the other's heels," for the friends of protection and American industry to muster their forces and make one grand effort to stay this tide which threatens our laborers, producers, and manufacturers with destruction and our whole country with bankruptcy and ruin.

I have thus endeavored, Mr. Chairman, briefly and clearly as I could to bring to the attention of the House and the country some of the reasons which have controlled my own judgment in coming to the conclusion I have, and that is, not only to vote against such a scheme, but, in the present condition of our country, to oppose what is popularly known as commercial reciprocity and free trade in all forms and under all circumstances. And having, as I honestly believe, performed my duty to my constituents and my country, I now, in perfect confidence of a sure victory over what I conceive to be a serious error and grievous wrong, leave the decision of the question to the good sense, the honest judgment, and the sound discretion of the members of this House.

NATIONAL BANKS.

Mr. MYERS. Mr. Chairman, I hold in my hand a copy of to-day's New York Tribune, from which I desire to extract the following paragraph:

When Congressman Chittenden draws his pay, with its 10 per cent. of silver, he leaves it in the Treasury as a deposit. A Washington letter says that he has several hundred dollars there, and that he intends to let it accumulate until the pile is as big as a wheelbarrow load, when he declares that he will wheel it into the House of Representatives to show what a nuisance silver money is.

Now, I suggest that the gentleman from New York [Mr. CHITTENDEN] should introduce that yoke of oxen to which he has referred, if it has not gone to the butcher's shambles, to pull that load in here, together with the elephant and the mule of which to-day he gave us such a vivid description. [Laughter].

But, sir, after witnessing the highly dramatic scene upon this floor this morning of the irrepressible conflict between the two distinguished gentlemen on the other side of this Chamber, I desire to call the attention of the House and of the country to the subject of national banks. I regard it as one of grave importance, one deeply affecting the integrity of the Government and the rights of every citizen, however humble he may be.

Before proceeding with my remarks I ask the Clerk to read a bill which I had the honor to present early in the session for the consideration of this House.

The Clerk read as follows:

Mr. MYERS, by unanimous consent, introduced the following bill:

A bill to retire national-bank circulation and to substitute therefor United States Treasury notes.

Be it enacted, &c., That from and after the passage of this act, all notes of national banks which may be received by the Treasury Department, or by any officer thereof, shall be retained and forwarded to the Secretary of the Treasury at Washington, who shall retain the same, and shall not pay them out again for any purpose whatever; but shall assort them, and whenever the notes of any one bank shall be received to the amount of $1,000, it shall be the duty of the Secretary of the Treasury to immediately notify the officers of such bank and require them to come forward and lift the bonds of the United States pledged for the redemption of said notes, to an amount equal to the said national-bank notes so held, which notes, so redeemed, shall be immediately canceled and destroyed by the Secretary, in accordance with the provision of existing laws.

SEC. 2. It shall be the duty of the Secretary of the Treasury, whenever the notes of any national bank to the amount of $1,000 or more shall be canceled and destroyed under the provisions of this act, to cause to be printed and made ready for use an amount of Treasury notes, under the form provided in the law of 1862 and subsequent acts authorizing the issue of Treasury notes, exactly equal to the amount of national-bank notes so canceled and destroyed; which said Treasury notes shall be issued and paid out for any and all demands against the Government of the United States, as fast as may be by law authorized and permitted, and when so issued they shall be held and esteemed a legal-tender for all purposes not otherwise previously provided or forbidden by law.

SEC. 3. It shall be the duty of the Secretary of the Treasury, whenever the amount of Treasury notes issued, as provided for in the foregoing section, shall accumulate to the amount of $100,000, to expend the same in the purchase of any of the interest-bearing bonds of the United States in the mode and under the form provided by existing laws.

SEC. 4. The Secretary of the Treasury is hereby prohibited, from and after the passage of this act, from receiving on deposit any bonds of the United States as a pledge or security for any further issue of national-bank notes to circulate as currency or money.

SEC. 5. All laws or parts of laws not consistent with this act, or in conflict with it, are hereby repealed.

Mr. MYERS. Mr. Chairman, if the sentiment of the American people is united in favor of any one proposition more than another, it is that of opposition to monopolies and chartered corporations, upon which exclusive privileges are conferred, enabling them, under the immunities afforded them, to defy public sentiment and to perpetrate and perpetuate outrages upon the people from which there is no escape. That these monopolies have sprung up within the last sixteen years, hydra-headed, all over the land, and have been fostered by acts of Congress, which have been lavished upon them on all occasions with the most liberal but inconsiderate hand, must be patent to all. But if any there be so obtuse of vision as to fail to see it, they have but to turn their ears in the direction of the public voice to discern the wide-mouthed curses and deep damnations uttered by indignant freemen.

Among these favored and petted corporations, perhaps none in the history of American politics have ever received such favors, privileges, and powers as the national banks; and while it ought not to be a matter of surprise that the disgusted and indignant people now call for their demolition, by the repeal of their charters, the wonder should rather be that they have so long borne with patient endurance an iniquity so grievous; but a high regard for law is so ingrafted on the minds of our people that, rather than violate vested rights, they have with unexampled fortitude borne the most onerous and unrighteous burdens. That the national banks, having their birth in an hour of trying emergencies, when every power of the National Government was exercised to its fullest extent to save the life of the nation, should have received at the hands of the Government extraordinary powers and privileges, ought not to be a matter of surprise. It was not a time for cool deliberation and careful analysis of measures and laws; for the highest of all laws, that of self-preservation, was pressing upon the constant attention of those at the helm of state; nor do I mean now to assail the wisdom and, above all, the patriotism of those who aided in fastening upon us this pernicious system of banking. It had its origin in the necessities of state; but its mission having been fulfilled, its race should now be ended.

And now, in a time of profound peace, when prosperity and plenty prevail throughout the land, we should address ourselves to the work of curing the evils inflicted upon us by the dire necessities of war, and to amend or repeal such laws as were enacted under the pressure of the circumstances I have named. I do not propose to invade or violate the rights guaranteed to these banks by their charters; and, in the bill now before us, I have been careful, I think, to keep within the law, and have confined myself to the single effort to have their circulation exchanged for that of Treasury notes. This, I believe, we have a right to do; nor can it be claimed as an act of hostility or one not justified by their charters.

The whole object and intent of this bill is to restore to the National Government the exclusive right to coin, make, or ordain its own money—a right which the people alone hold in their capacity as sovereigns, and which they may at any time exercise through their representatives in Congress. This right, which is inherent in the people as sovereigns, not having been conferred by them upon any other body, as found in the Constitution of the United States, is retained by the people, and may be exercised by them at any time to make, ordain, or establish money of such material, substance, or quality as they in their wisdom may choose. That every government possesses powers of sovereignty I presume none will deny.

In England it is vested in a king or queen; in Germany and Russia, an emperor. In the two former the sovereign power is partially divided with representative bodies called parliaments. But in the United States all sovereign power not expressly conferred by the Constitution on the Federal Government is vested in the people; and its exercise, when not prohibited by that instrument, cannot be trammeled or prevented by fictions of law or technical theories of abstruse statesmanship, nor silenced by the clamor of political tyros, who for selfish or partisan purposes seek to defeat the sovereign will of the people under the specious cry of "unconstitutional." But the people's representatives, acting not under the authority of the Constitution (for I believe that instrument confers no such power) but in the name of their sovereignty, have delegated this power of making money to the national banks on certain conditions contained in their charters.

And it is very certain that if Congress had not itself the power of making money, it could not confer such a power on the national banks. But this unlimited power always in the hands of the people—and, I trust in God, always to remain there—may, it is said, be abused by leading to such inflation of the circulating medium as to destroy all proportion between intrinsic and fictitious values. To all such carpers and fault-finders I have to say that I believe that in ten, twenty, or fifty years from now there will be Representatives occupying these seats who will be as careful to guard the honor and credit of the Government and as watchful of the interests of their constituents and of the people as we are. I am not of those who believe that all the wisdom, patriotism, and honesty left in this world is now confined within the narrow walls of this Capitol, nor can I believe that when the little handful of us assembled here shall have ceased to exist all these great human attributes will have fled the world.

Let us act well and faithfully our part and fulfill as best we may the duties of the present hour, leaving to those who follow us to meet the demands of the unknown future, never doubting that their duties will be performed with vigilance, wisdom, and patriotism equal if not superior to our own. That any Congress will ever assemble here so ignorant, besotted, or corrupt as to run riot with the credit and honor of the country, and forget so far their high calling as to pursue a course of such madness in the excessive inflation of the money issue of the country as to endanger alike the credit of the Government and prove the utter destruction of healthy business, involving in one common ruin their families, neighbors, and friends, I can never believe; but if I am mistaken it will only prove that self-government is a myth and the destruction of republican institutions is at hand. But, sir, I look to the future with the brightest hopes and most cheerful confidence; and if we now fully discharge our own duties with fidelity and some degree of wisdom we may anticipate, in the happiness conferred on our constituents and people, a rich reward for our labors, leaving the future to take care of itself, as we have taken care of ourselves.

But this sovereign power of the people should be at all times retained in the hands of their immediate representatives, and never under any circumstances donated or delegated to any bank, corporation, or individual, but should be kept under the control of the people, so that if abuses creep in or errors be committed the remedy may be readily applied; and I cannot conceive the possibility of either, with the remedy in our hands. If the people cannot trust themselves they surely gain nothing by trusting to a favored few the exercise of a power so potent for good or evil; and, above all, experience has shown that incorporated banks have been the most mischievous and dangerous instruments, both in our political and business relations, which have gained a footing in our system of government.

Mr. Jefferson, in a letter to John W. Epps, of June 24, 1813, says:

And so the nation may continue to issue its bills as far as its wants require and the limits of its circulation will admit. Those limits are understood to extend with us at present to $200,000,000. But this, the only resource which the Government could command with certainty, the States have unfortunately fooled away, nay, completely alienated to swindlers and sharpers, under the cover of private banks, say too, as an additional evil, that the disposal funds of individuals to this great amount have thus been withdrawn from improvement and useful enterprise, and employed in the useless, usurious, and demoralizing practices of bank directors and their accomplices.

In a letter of December 7, of the same year, he says:

Bank paper must be suppressed and the circulating medium restored to the nation to whom it belongs. It is the only fund upon which they can rely for favors; it is the only source which can never fail them, and it is an abundant one for every necessary purpose. Treasury notes bottomed on taxes, bearing or not bearing interest, as may be found necessary, thrown into circulation will take the place of so much gold and silver, which last, when crowded, will find an efflux into other countries and thus keep the quantum of medium at its salutary level. Let banks continue if they please, but let them discount for cash alone or for Treasury notes.

Mr. Madison, in his message to Congress, December 15, 1815, says:

It is, however, essential to every modification of the finances that the benefits of a uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange it devolves on the wisdom of Congress to provide a substitute which shall equally enjoy the confidence and accommodate the wants of the citizens throughout the Union. If the operations of the State banks cannot produce this result the probable co-operation of a national bank will merit consideration, and if neither of these expedients be deemed effectual, it may be necessary to ascertain the terms upon which the notes of the Government shall be issued, upon motives of general policy as a common medium.

In his message of December, 1817, he says:

But for the interests of the community at large as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description.

President Jackson, in his veto message, July 10, 1832, says:

If they (Congress) have other power to regulate the currency it was careful to be exercised by themselves and not to be transferred to a corporation.

Again he says, in 1833:

In this point of the case the question is distinctly presented whether the people of the United States are to govern through representatives chosen by their unbiased suffrage, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all offices in the country from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore and supported by the usual means.

Mr. Calhoun, in a speech delivered in the United States Senate in 1837, said:

It is, then, my impression that in the present condition of the world a paper currency in some form is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount. No one can doubt that the Government credit is better than that of any bank; more reliable, more safe. Why should it mix up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands, while it shall be considered safe in the hands of eight hundred private institutions scattered all over the country, and which have no other object but their own private profit, to increase which they extend their business to the most dangerous extremes? And why should the community be compelled to give 6 per cent. discount for the Government credit, blended with that of the bank, when the superior credit of the Government could be furnished separately without discount, to the mutual advantage of the Government and the community? But whatever may be the amount that can be circulated, I hold it clear that to that amount it would be as stable in value as gold and silver itself, provided the Government be bound to receive it exclusively with those metals in all its dues, and that it be left perfectly optional with those who have claims on the Government to receive it or not. We are told the form I suggest is but a repetition of the "old Continental money," a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of Government credit. The assertion is not true. There is not the least analogy between them. The one is a promise to pay when there was no revenue, and the other a promise to receive in the dues of the Government when there is abundant revenue. We are told that there is no instance of Government paper that did not depreciate. In reply, I affirm that there is none assuming that form I propose that will depreciate. Whenever a paper receivable in dues of Government had anything like a fair trial it has succeeded. Bank paper is cheap to those who make it, but dear, very dear to those who use it, fully as much as gold and silver. It is the little cost of its manufacture and the dear rates at which it is furnished to the community which gives the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit, by the splendid palaces which we see under the name of banking houses, and the vast fortunes which have been accumulated in this branch of business; all of which must ultimately be derived from the productive powers of the community, and of course adds so much to the cost of production. On the other hand, the credit of the Government while it would greatly facilitate its financial operations, would cost nothing or next to nothing, both to it and to the people, and of course would add nothing to the cost of production, which would give to every branch of industry, agriculture, commerce, and manufactures, as far as circultaion might extend, great advantage both at home and abroad.

Sir, I undertake to affirm positively and without the least fear that I can be answered—what heretofore I have but suggested—that a paper issued by the Government with the simple promise to receive in all dues, leaving its creditors to take it or gold and silver, at their option, would, to the extent to which it would circulate, form a perfect paper circulation which could not be abused by the Government, that would be as steady and uniform as the metals themselves.

I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I will be able to do more—to prove that it is within the constitutional power of Congress to use such a paper in the management of its finances, according to the most rigid rule of construing the Constitution, and that those at least who think that Congress can authorize the notes of private corporations to be received in the public dues are estopped from denying its right to receive its own paper.

Mr. Benton, in a speech in the Senate in 1838, said:

The Government ought not to delegate this power if it could. It is too great a power to be trusted to any banking company whatever or to any authority but the highest and most responsible which was known to our form of government.

The Government itself ceases to be independent; it ceases to be safe when the national currency is at the will of a company. The Government can undertake no great enterprise, neither of war nor peace, without the consent or co-operation of that company. It cannot count its revenue for six months ahead without referring to the action of that company—its friendship or its enmity, its concurrence or opposition—to see how far that company will permit money to be scarce or to be plenty; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interest or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy, to put up and put down prices, to make and break fortunes, to bring the whole community upon its knees to the Neptunes who preside over the flux and reflux of paper. All property is at their mercy. The price of real estate, of every growing crop, of every staple article in the market, is at their command. Stocks are their playthings, their theater, on which they gamble daily with as little secrecy and as little morality and far more mischief to fortunes than common gamblers carry in their operations.

To the opinions of these illustrious statesmen I would like to add those of Benjamin Franklin, Gallatin, Hamilton, Campbell, and a host of others, but time forbids. But those quoted established beyond doubt, not only the power of the National Government to ordain and issue a currency of a uniform value throughout the whole country, and equal to all demands of its extended and increasing commerce and industries, but condemn, in the most absolute and unqualified manner, the policy of farming out or otherwise transferring this vast power to national banks or other corporations or individuals.

Let gentlemen but refer to the history of banks and the banking institutions of this country, including national, State, private, and free banks, and they will find a legalized system of fraud, robbery, and general corruption unequaled by any other institutions on the face of the globe. The contemplation of the frauds practiced upon the people under the free-banking laws of Michigan, Indiana, and Illinois, and the Brandon and other banks chartered by the State of Mississippi, to which we might add a multitude in other States, affords a picture so sickening in its details that but few have the courage to encounter the task of searching into the mysteries of the rotten, reeking, stinking mass. It is no wonder that the stern old hero, Jackson, thundered his anathemas against such villainy, and that Benton should spit out his bitterest invectives, while the more calm and philosophic Calhoun should point out the remedy for the horrible malady. Nor can we expect better results from the present system of national banks. A glance at them for the past seventeen years will convince any fair-minded, unbiased man that they are worse than barnacles fastened on the tax-ridden producers of this

country. The fact is, that during the first sixteen years of their existence they made a profit of 25 per cent. per annum on their capital stock, which averaged annually $400,000,000. To state it in the aggregate, $400,000,000 produced a net profit in sixteen years of $1,600,000,000. This is no fancy sketch or idle picture, but is evidenced by the sworn reports of the officers of those institutions, as reported and compiled in the statistics prepared by Mr. Spofford, the Librarian of Congress.

Are such profits as these legitimate? I say, no! They are simply robbery, legalized robbery, from the perpetuation of which the people of this country demand relief.

But, sir, from mercenary motives some defenders of what they are pleased to term the "best banking system the world ever saw" will ask, "Are not the holders of the notes of these banks secure?" I answer, yes; but are they better secured than are the holders of the Government Treasury notes, commonly called greenbacks—the currency that was good enough to carry on the war and suppress the rebellion—the currency that was good enough to purchase the Government bonds upon which interest in gold is paid? Are not these notes now good enough to carry on the business of the country and pay off these identical bonds? If not, why not? The facts are, we already hear the plaintive cry from every portion of the land of the mischievous influence and interference in political contests of these national banks; and even on this floor it is believed their potent influence has had its effect. The zeal with which the interests of these chartered monopolies have been advocated in this House has not passed without comment by the country; and the number of gentlemen directly interested in them who occupy seats in this Chamber have been carefully noted by the people who have been less fortunate in finding such high positions of honor and trust.

The considerations I have suggested should admonish us of the stern necessity of withholding from all corporations a power which should never be exercised except by those directly responsible to the people, and whose conduct is at all times within the reach of their revision and restraint. The country must have but one money, and though the material of that money may be of gold, silver, nickel, copper, or paper, it must all be issued directly by the National Government. This is what the people are now clamoring for and what they intend to have; and they also mean to have it in quantity sufficient to answer fully all the wants of wholesome trade; and whether this amount shall be measured by population or the standard of value is not material. If we take the former we find an estimated value of between forty and fifty thousand millions of dollars, or, if equally divided, about $1,000 *per capita* to every man, woman, and child, while the entire money of the country, gold, silver, and paper, all told, would, if equally divided, give but $15 to each. This disparity calls loudly for a remedy at our hands; and in deciding so important a question it may be profitable to consult the experience of other nations, and foremost among these we find France the most prosperous and wealthy, with less of pauperism and of wretchedness than any other country on the globe, having a circulation of nearly $60 *per capita;* England, with $27 *per capita;* Germany, with $33 *per capita;* while we, with nearly as much national wealth as either, and resources greater than all together, have a circulation of only $15 *per capita.*

If that stern old patriot, Andrew Jackson, who denounced, with such fierce defiance, as a monster of corruption and iniquity the old national bank, were living to-day, what language would he find sufficient to express his horror of a whole brood of national banks, such as are now flourishing and fattening on the toil and sweat of the American people—fostered and pampered by acts of the people's representatives, some of whom now bid us keep silent, or to speak with bated breath, lest the sovereign people should learn something of the manner in which their demands are baffled, or altogether set at defiance, under the hypocritical pretense that the interests of party will be jeopardized? Or if Thomas Jefferson, the great apostle of American democracy, who warned his countrymen against the danger of intrusting "to a multitude of banks scattered all over the country," whose managers he denounced as "swindlers and shavers," the control of the currency of the country, which he said should remain in and be exercised by the National Government alone, could cast off the cerements of death and behold this host of blood-sucking institutions, unequaled in rapacity since the days of the pestiferous and destructive cloud of locusts in the sorely afflicted land of Egypt, he would no doubt cry, with Simeon of old, "Lord, let now thy servant depart in peace, for I have seen the suffering of my people."

But, sir, I cannot persuade myself to believe that the interests of any party desiring success can ever be endangered by a full and free discussion of questions in which the welfare and prosperity, nay, I believe even the vital interests of the whole people, are so deeply involved. And gentlemen will, if I mistake not, sooner or later learn that the voice of an intelligent people cannot be hushed at the mere diction of men who assume to be their leaders; nor can responsibility be evaded by a sham and a fraud. And if the boldness of my humble words give offense to any one here, I can only say to such that I am but fulfilling a solemn pledge I made to those who sent me here, and whose servant and mouth-piece I am, that I would spare no exertion to procure the passage of a bill such as we now have under consideration to substitute notes of the national Treasury, commonly called greenbacks, for the notes of the national banks, and then restore to the National Government the exclusive right and duty of furnishing to the country a uniform currency resting on the sole responsibility of the nation. And I also positively know that many other gentlemen now before me hold their seats on this floor under similar pledges; and whatever may be their determination, or whatever their course, I shall not deviate from the line of duty which I believe honor and good faith require of me. Sir, I have not yet been long enough in public life to learn the cunning ways which may be deemed necessary for the accomplished politician; but in the school of homespun, country life, aided by the stern teachings of some army experience, I have become imbued with the belief that frank, open honesty is the best policy, and that no man will ever prosper who turns traitor to his God or to his country. Well has the great English scholar and writer, Bulwer, exclaimed: "What a coward a man becomes when he has lost his honor!" And if I should return to my constituents with the brand of "false to my pledge" engraved upon my forehead, I shall indeed feel that I have lost my honor, and deserve the loathsome name of coward.

I want gentlemen to have an opportunity of showing to the people and to the country what confidence may be reposed in the pledges of those seeking their trust and suffrages. And I hope the record in this case, when the yeas and nays are called, will present an exhibit of which none will be ashamed. "By their works shall ye know them." Then let them by their works prove their fidelity to those who have confided in them.

Mr. WISE addressed the committee on the subject of the Department of Agriculture. [His remarks will appear in the Appendix.]

Mr. SHALLENBERGER moved the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HENDERSON having taken the chair as Speaker *pro tempore,* Mr. COVERT reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and had come to no resolution thereon.

And then, on motion of Mr. SHALLENBERGER, (at four o'clock and five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of citizens of Tennessee, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BRAGG: Memorial of the board of aldermen of the city of Manitowoc, Wisconsin, for an appropriation of $20,000 to dredge Manitowoc Harbor—to the Committee on Commerce.

By Mr. DAVIS: The petition of George R. Williams and Littleton Bradley, for pay for property destroyed by confederate cruisers—to the Committee on the Judiciary.

By Mr. FINLEY: The petition of 169 citizens of Seneca County, Ohio, for legislation against transportation monopolies—to the Committee on Commerce.

Also, the petition of 164 citizens of Seneca County, Ohio, for legislation protecting users of patents—to the Committee on Patents.

By Mr. FORSYTHE: The petition of E. Hull and 116 others, citizens of Moultrie County, Illinois, for the passage of a law to protect innocent purchasers of patented articles—to the same committee.

Also, the petition of H. Y. Kellar and 125 others, citizens of Moultrie County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. HERNDON: Papers relating to the claim of William C. Edmonston for pay for services as internal-revenue gauger in the first district of Alabama—to the Committee of Ways and Means.

By Mr. LINDSEY: The petition of Captain Elbridge G. Savage, for increase of pension—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Leonard Bacon and others, of New Haven, Connecticut, for the enactment of a law giving the President of the United States hereafter elected and his successors a suitable retiring pension for life—to the Committee on the Judiciary.

By Mr. POUND: The petition of V. B. Johnson and 14 others, ex-soldiers of Chippewa County, Wisconsin, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, memorial of the board of aldermen of the city of Manitowoc, Wisconsin, for an appropriation of $20,000 to dredge Manitowoc Harbor—to the Committee on Commerce.

By Mr. SLEMONS: Report of Major C. R. Suter, Corps of Engineers, in relation to the survey of Arkansas River, near Pine Bluff, Arkansas—to the same committee.

By Mr. STEVENSON: The petition of citizens of McLean County, Illinois, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of citizens of McLean County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. STONE: The petition of J. Farrer and 18 others, citizens of Ionia County, Michigan, late Union soldiers, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. TUCKER: The petition of William J. Spencer, for a post-

route from Buckingham Court-house, via Spencer's Mills, to Rose Bower, Buckingham County, Virginia—to the Committee on the Post-Office and Post-Roads.

By Mr. JONATHAN T. UPDEGRAFF: The petition of J. H. Neptune and others, citizens of Belmont, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. WARNER: The petition of Jasper N. Davis and 91 others, citizens of Athens County, Ohio, of similar import—to the same committee.

Also, the petition of Jasper N. Davis and 99 others, of Athens County, Ohio, for the better regulation of interstate commerce—to the Committee on Commerce.

By Mr. FERNANDO WOOD: The petition of New York merchants, for a national bankrupt law—to the Committee on the Judiciary.

IN SENATE.

MONDAY, *February* 16, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

LUCIUS Q. C. LAMAR, a Senator from the State of Mississippi, appeared in his seat to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco;

A bill (H. R. No. 4439) to remove the political disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry;

A bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 75) to print the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler, and it was thereupon signed by the Vice-President.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report from Major C. R. Suter, Corps of Engineers, submitting a plan and estimates for the improvement of the Missouri River in the vicinity of Brownville, Nebraska; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, recommending an appropriation of $96,754.36 for the construction of quarters for officers at Omaha, Nebraska; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers and a report of Major William E. Merrill, Corps of Engineers, of an examination made in compliance with the river and harbor act of March 3, 1879, of the mouth of the Little Kanawha River, West Virginia, to ascertain the adaptability of that locality for an ice-harbor; which was referred to the Committee on Commerce, and ordered to be printed.

DISTRICT STREET RAILROADS.

The VICE-PRESIDENT laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in compliance with a resolution of the Senate, of the 9th instant, a statement in detail of the general and special taxes assessed against the several street-railroad corporations of the District of Columbia due and unpaid on January 1, 1880; which, with the accompanying papers, was ordered to lie on the table and be printed.

INVITATION TO NORFOLK, VIRGINIA.

The VICE-PRESIDENT laid before the Senate the following communication; which was read, and ordered to lie on the table:

NORFOLK AND PORTSMOUTH MEXICAN VETERAN ASSOCIATION.
(ORGANIZED 1873.)
NORFOLK, VIRGINIA, *February* 12, 1880.

HONORABLE SIR: In accordance with resolution, I am directed by the Veteran Mexican Association of this city to respectfully extend an invitation to yourself, and through you to the honorable members of the body over which you preside, to be present at the ceremonies to be held in this city on the 23d instant in honor of Washington's birthday, the anniversary of the battle of Buena Vista, and the occasion of the national convention of the survivors of the Mexican war.

Respectfully and truly yours,

JAS. F. MILLIGAN,
Norfolk and Portsmouth Mexican Veteran Association.

Hon. W. A. WHEELER,
Vice-President, Washington, D. C.

EDWARD BRADEN AND J. W. ANGUS.

Mr. MAXEY. Mr. President, before the regular morning business proceeds, I rise with a view of asking for the withdrawal of the motion to reconsider the vote by which Senate bill No. 56 was passed. I see the Senator from New Hampshire [Mr. ROLLINS] is in his seat. I will state that the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus was returned from the House at the request of the Senate on a motion filed by the Senator from New Hampshire [Mr. ROLLINS] to reconsider the vote by which the bill was passed. That motion was not filed for the purpose of reopening the case upon its merits at all, but simply with a view of determining whether or not the reference was sufficient for the Court of Claims to reach the equitable claim of the claimants, an examination of the law——

Mr. CONKLING. Will the Senator allow me to ask him, would it not be agreeable to him to allow us to dispose of the morning business first?

Mr. MAXEY. This will only take about two minutes. My object is to have the motion withdrawn.

Mr. CONKLING. I beg the Senator's pardon.

Mr. MAXEY. An examination of the law conferring jurisdictional powers on the Court of Claims has satisfied me that where a claim is referred by Congress, whatever may be the nature of that claim, whether it be on the law side or equity side of the jurisdiction of the court, the reference itself confers upon the court jurisdiction to investigate the case. I have had no great experience with the Court of Claims, and not being well acquainted with its powers I desired only to examine that point. I am satisfied the reference would confer upon the court complete power to examine into the claim, whether it be legal or equitable.

The VICE-PRESIDENT. The Senator from Texas asks leave to withdraw the motion to reconsider the vote by which the bill (S. No. 56) for the relief of Edward Braden and J. W. Angus was passed.

Mr. MAXEY. The motion was entered by the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. ROLLINS. I entered the motion to reconsider, and I desire to withdraw the motion.

Mr. CONKLING. I rise not to make objection to the withdrawal of this motion; but, after what the Senator from Texas has said, as I know it is sometimes argued in courts that the debates in the two Houses ought to exert some influence upon questions of jurisdiction and construction, I rise only to say that I do not wish for one to be bound in any way by the view of the jurisdiction of the court which any Senator may take. Although I tried to hear every word that the Senator from Texas said, some of his words escaped me; and I simply take occasion to say that I suppose the bill will go, as other such resolutions of reference do, appealing to such jurisdiction of the Court of Claims as that court has by law. Doubtless the Senator means that, and nothing more.

Mr. MAXEY. What I said was, I think, in substance, that the reference itself by Congress to the Court of Claims gave to the court the power to investigate a claim according to the merits of the claim, whether it be a legal or an equitable claim; that whatever it is necessary to do to investigate the claim, the reference carries that power. That is my view.

Mr. CONKLING. And the point of my observation is only that the withdrawal of this motion and the consent of the Senate to its withdrawal, is not equivalent to any expression of opinion whatever but that the jurisdiction of the court is to be left upon the statutes as they stand; that is all.

The VICE-PRESIDENT. Is there objection to the withdrawal of the motion to reconsider? The Chair hears none. The motion is withdrawn, and the bill will be transmitted to the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. CONKLING. I present a petition signed by the officers of the Board of Trade of Oswego, New York, praying for the passage of the bill called the Reagan bill. Accompanying the petition is also a paper, being a report of committees of the New England Shoe and Leather Association, the Boston Merchants' Association, and the Boston Grocers' Association, which seems to be a part of the petition. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I present also a memorial signed by a large number of citizens of New York who were soldiers, who remonstrate, for reasons which they assign, against the passage of the bill pending in the Senate, creating, as they express it, sixty pension districts and sixty pension courts. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING. I also present the petition of Hiram D. Wood and others, soldiers for the Union in the late war, remonstrating against the passage of the same bill. I move its reference also to the Committee on Pensions.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting the memorial of Captain R. H. Jackson and R. T. Frank, First Artillery, remonstrating against the passage of the bill (S. No. 1008) for the relief of William A. Winder, and the bill (S. No. 390) to authorize the President to restore Dunbar R. Ransom to his former rank in the Army, attention being respectfully invited to the remarks of the General of the Army indorsed thereon.

Mr. HOAR. If the remarks of the General of the Army are very brief, I wish they might be read. If they are of any considerable length, I would not desire it.

The VICE-PRESIDENT. The indorsement will be read.

The Chief Clerk read as follows:

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 7, 1880.

Respectfully submitted to the honorable Secretary of War; approved and recommended that he transmit this petition to the proper committee of Congress.

Captain Winder resigned his commission in 1866, and Captain Ransom was dismissed after a fair trial in 1872. To restore these as captains and thus cut off from promotion good officers, faithful and true all the time, would be manifestly unjust.

W. T. SHERMAN, *General.*

The memorial was referred to the Committee on Military Affairs, and ordered to be printed.

The VICE-PRESIDENT presented the petition of the Colored Men's Protective Union of Savannah, Georgia, praying for the passage of a law authorizing the payment of the balances due depositors in the Freedman's Savings and Trust Company after the assets in the hands of the present commissioners have been properly distributed; which was referred to the Select Committee on the Freedman's Savings and Trust Company.

Mr. THURMAN presented the petition of Eusebia B. Meeks and others, citizens of Miami County, Ohio, praying for an amendment to the Constitution of the United States granting to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. JOHNSTON presented the petition of Orra Langhorne, of Lynchburgh, Virginia, and the petition of Mrs. Jeannie N. Bramhall and Mrs. R. H. Nicholas, of Abingdon, Washington County, Virginia, praying for an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. MORGAN. I present the memorial of William P. Adair, assistant principal chief, John L. Adair, chairman, R. M. Wolf and R. Bunch, Cherokee delegation; P. Porter, D. M. Hodge, Creek delegation; P. P. Pitchlynn, Choctaw delegation; J. M. Bryan, Old Settler, Cherokee commissioner; Charles Blue Jacket and Charles Tucker, Shawnee representatives, memorializing Congress against the passage of an act providing for the establishment of a United States territorial government over the Indian country. Inasmuch as this memorial seems to set out, at least in outline, the case of these various tribes of Indians, in opposition to the proposed legislation which is now pending in the Senate or before its committee, I ask that it be printed, and referred to the Committee on Indian Affairs.

Mr. GARLAND. The proposition to which the memorial is directed is now before the Committee on Territories, and I suppose it should go to that committee.

Mr. MORGAN. Very well; let it take that reference.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Territories, and printed.

Mr. WITHERS. I present the petition of Davenport Morris and 16 other leading merchants, of Richmond, Virginia, praying for legislation on the part of Congress to protect the public against the use of deleterious compounds in the adulteration of foods. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. GARLAND. I present the petition of William Roland and others, merchants of Little Rock, Arkansas, of like character to that presented by the Senator from Virginia, [Mr. WITHERS.] I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. HILL, of Georgia. I present, by request, the petition of Mary E. Willman and others, citizens of Burke County, Georgia, praying for an amendment to the Constitution granting to women the right to vote. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. RANDOLPH presented the petition of Samuel C. Reeves and others, and the petition of Albert McKim and others, citizens of Burlington, New Jersey, praying for the passage of a law for the equalization of bounties; which were referred to the Committee on Military Affairs.

He also presented the memorial of T. H. Hennesey and other inmates of the Soldiers' Home at Hampton, Virginia, and the memorial of R. G. Bloomingdale and others, citizens of New Jersey, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

Mr. EATON presented the petition of Anna M. Middlebrook and others, citizens of Bridgeport, Fairfield County, Connecticut, praying for an amendment to the Constitution granting to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. PLUMB presented the petition of Emily J. Briggs, and the petition of Anna C. Wait, of Lincoln Centre, Lincoln County, Kansas, praying for an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. SAUNDERS presented the petition of the county officers of Knox County, Nebraska, praying for the removal of the Santee Indians from their present reserve; which was referred to the Committee on Indian Affairs.

Mr. ROLLINS presented the petition of B. L. Cilley and others, citizens of Exeter, Rockingham County, New Hampshire, praying for an appropriation of $35,000 for the purpose of deepening the channel of Exeter River from Great Bay to Exeter, in that State; which was referred to the Committee on Commerce.

Mr. HAMLIN. I present the petition of Charles Perkins, who represents that he purchased at one time for his own use certain internal-revenue stamps for deeds and other legal instruments; that on the repeal of the law they were left upon his hands; that they were mislaid and could not be found at the time within which they should have been returned by law, and he asks for relief in that regard. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HAMLIN presented the petition of Lucy A. Snow and others, citizens of Knox County, Maine, praying for a sixteenth article of amendment to the Constitution extending the right of suffrage to all citizens without any distinction founded on sex; which was referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of Samuel Gould and others, citizens of Massachusetts, who suffered damage by the acts of the so-called confederate cruisers, praying for such legislation as will insure a prompt distribution among the claimants of the proceeds of the Geneva award; which was ordered to lie on the table.

He also presented the petition of J. H. Walker and others, citizens of Somerset, Bristol County, Massachusetts, praying for a sixteenth amendment to the Constitution insuring the exercise of the right of suffrage without regard to sex; which was referred to the Committee on the Judiciary.

He also presented the petition of S. Hopkins Emery, minister of Cedar street chapel, Taunton, Massachusetts, representing a meeting of citizens of Taunton, praying for the appointment of a commission of inquiry concerning the manufacture, sale, and use of alcoholic drinks; which was referred to the Committee on Finance.

Mr. VANCE presented the petition of P. L. Bridgers & Co. and others, merchants of Wilmington, North Carolina, praying for the passage of a law for the punishment of parties engaged in the use of deleterious compounds in the adulteration of food; which was referred to the Committee on Finance.

Mr. CARPENTER presented the memorial of the mayor and common council of Milwaukee, Wisconsin, in favor of the repeal and abolition of the compulsory legal-tender power of the Treasury notes of the United States; which was ordered to lie on the table.

Mr. FERRY presented the petition of Elizabeth Chase and others, and the petition of Miss S. P. Abell and others, of Uniontown, District of Columbia, praying for an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

He also presented the petition of D. P. Dobbins and others, superintendents of life-saving stations in the States of Michigan and New York, praying for the passage of a law granting them an increase of salary; which was referred to the Committee on Appropriations.

He also presented the petition of Stephen Rossman and 94 others, citizens of Montcalm County, Michigan, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of Stephen Rossman and 94 others, citizens of Montcalm County, Michigan, praying for the enactment of a law to prevent unjust discriminations in transportation charges; which was referred to the Committee on Commerce.

Mr. MORRILL. I present the memorial of A. A. Niles and numerous Union soldiers of Lamoille County, Vermont, who served in the war of the rebellion, protesting against the passage of the sixty-surgeon bill, so called, now pending in Congress. They represent that it would be a great hardship as well as injustice to them if the bill should pass. I move the reference of the memorial to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, presented the petition of William Hill and others, citizens of Washington, District of Columbia, praying for the passage of a law authorizing the extension of the improvements recently made on Madison street, in that city; which was referred to the Committee on the District of Columbia.

Mr. BALDWIN presented the petition of Carrie C. Giesman and others, citizens of Manistee, Manistee County, Michigan; and the petition of Elizabeth G. Smith and others, citizens of Plymouth, Wayne County, Michigan, praying an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. INGALLS presented the petition of E. Barton and others, citizens of Kansas, and soldiers in the late war, praying for the passage of a law paying to soldiers the difference between the value of greenbacks and gold at the time of payment for their services; which was referred to the Committee on Finance.

Mr. INGALLS. I present the petition of C. L. Koon and a large number of other citizens of Rush and other counties in the western portion of Kansas, praying for an extension of time to pre-emption settlers on the homestead lands subject to grasshopper incursions. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. FARLEY presented a joint resolution of the Legislature of California, in favor of an appropriation for the completion of the United States iron-clad Monadnock, now in course of construction at Vallejo, for the protection of the Pacific coast; which was referred to the Committee on Naval Affairs.

He also presented the petition of J. B. Morse and others, citizens of Calpella, Mendocino County, California, praying for an amendment to the Constitution granting to women the right to vote; which was referred to the Committee on the Judiciary.

Mr. WALLACE presented the petition of G. McGilbert and others, citizens of Franklin County, Pennsylvania, and soldiers in the late war, praying for the passage of a law for the equalization of bounties, a change in the invalid pension laws, and also for a land warrant of one hundred and sixty acres to each; which was referred to the Committee on Pensions.

He also presented the petition of Georgie E. Stratton, widow of Civil Engineer Franklin A. Stratton, late of the United States Navy, praying Congress by suitable legislation to fix the official status of her late husband at the time of his death, so that she may receive the benefit of the provisions of the pension laws; which was referred to the Committee on Pensions.

He also presented the petition of Mary Byrnes and others, citizens of Philadelphia, Pennsylvania, praying Congress to adopt measures for so amending the Constitution as to prohibit the several States from disfranchising United States citizens on account of sex; which was referred to the Committee on the Judiciary.

Mr. McDONALD presented the petition of Emma D. Hardy and others, citizens of Newton County, Indiana; the petition of Amelia L. Brown and others, citizens of Center, Benton County, Indiana, and the petition of Mrs. R. A. Pool and others, citizens of Hebron, Porter County, Indiana, praying for an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Jeannie N. Bramhall and Mrs. R. H. Nicholas, citizens of Abingdon, Washington County, Virginia; the petition of Orra Langhorne, a citizen of Lynchburgh, Virginia; and the petition of Clarina P. H. Nichols, of Calpella, Mendocino County, California, praying for the removal of their political disabilities, and that they may be invested with all the political rights pertaining to citizenship, all State constitutions or statute laws to the contrary notwithstanding; which were referred to the Committee on the Judiciary.

He also presented the petition of Anna C. Wait, and the petition of Emily J. Biggs, citizens of Lincoln Centre, Lincoln County, Kansas, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

He also presented the petition of Angelina C. Rogers, of Indianapolis, Indiana; the petition of Jennie Howe, the petition of Lucia S. Holliday, the petition of Nannie T. Brown, the petition of Rebecca N. Fry, the petition of Charlotte McFarland, the petition of Netta D. Frazee, the petition of Mrs. E. I. Moffatt, the petition of Emily Birchard, the petition of Charlotte O'Neal, the petition of Hetty A. Morrison, the petition of Catherine Fedrow, the petition of Matilda Caskey, the petition of Mrs. Mary Ferree, the petition of Sarah Okey, the petition of Mrs. Charlotte F. Robson, the petition of Ann F. Whelan, the petition of Fannie M. Farquhar, the petition of Louisa S. McDougall, the petition of Lillian J. McDougall, the petition of Harriet B. Hall, and the petition of Lavinia S. McCarty, all of Indianapolis, Indiana; the petition of Cornelia S. Rollins, the petition of Delilah C. Reed, the petition of Jenny C. McKinney, and the petition of Louisa A. Weiser, all of Decorah, Iowa; the petition of Lucy A. Snowe, of Rockland, Knox County, Maine; the petition of Mrs. A. Fisens, the petition of Mary A. Callman, the petition of Agnes A. Sells, the petition of Eliza J. Hawkins, the petition of Emily Pinney, the petition of Nancy Hawkins, the petition of Mercy Murry, the petition of Mrs. Mary A. Potts, and the petition of Mrs. Kate M. Patterson, all of Indianapolis, Indiana; the petition of Ada M. Hughes, of Decorah, Iowa; the petition of Mary Sinker, and the petition of Margaret Everson, of Indianapolis, Indiana, praying for the removal of their political disabilities; which were referred to the Committee on the Judiciary.

He also presented the petition of Mary S. Armstrong and others, citizens of Kokomo, Howard County, Indiana; the petition of Mary S. Ward and others, citizens of Jefferson, Newton County, Indiana, and the petition of Lydia E. F. Richmond and others, citizens of Kokomo, Howard County, Indiana, praying an amendment to the Constitution by which women will be allowed to vote; which were referred to the Committee on the Judiciary.

Mr. ALLISON presented the petition of Jenny C. McKinney, the petition of Delilah C. Reed, the petition of Ada M. Hughes, the petition of Louisa A. Weiser, and the petition of Cornelia S. Rollins, all of Decorah, Iowa, praying the removal of their political disabilities; which were referred to the Committee on the Judiciary.

Mr. ALLISON. I notice one or two petitions in reference to the abolition of the legal-tender quality of greenbacks have been referred to the Committee on Finance. That subject has already been reported upon by the Committee on Finance, and such petitions should lie upon the table.

The VICE-PRESIDENT. The petitions referred to will lie upon the table.

Mr. COCKRELL presented the petition of E. W. Dawson, William Ronemons, and others, citizens of Warrensburgh, Johnson County, Missouri, praying for the passage of the Reagan interstate-commerce bill; which was referred to the Committee on Commerce.

He also presented the petition of Eliza B. Buckley and others, citizens of Saint Louis, Missouri, and the petition of Eunice A. Ashby and others, citizens of Knox County, Missouri, praying an amendment to the Constitution granting to women the right to vote; which were referred to the Committee on the Judiciary.

Mr. GROOME presented the petition of William T. P. Turpin and 16 others, members of the State senate of Maryland, praying for the passage of an act authorizing the President to nominate William C. Spencer, late captain, for reinstatement in the Army; which was referred to the Committee on Military Affairs.

He also presented the petition of H. McCullough and 72 others, members of the house of delegates of Maryland, praying for the passage of an act authorizing the President to nominate William C. Spencer, late captain, for reinstatement in the Army; which was referred to the Committee on Military Affairs.

Mr. McMILLAN presented the memorial of the Chamber of Commerce of Duluth, Minnesota, remonstrating against the erection of a bridge across the Detroit River at Detroit, Michigan; which was referred to the Committee on Commerce.

Mr. VOORHEES presented the petition of Susan Elston Wallace, the petition of Rachel Swann, M. D., the petition of Bettie E. Cox, the petition of Libbie Murry, the petition of Maria M. Finch, the petition of Mina Merrill, the petition of Catherine Merrill, the petition of Laura W. McFarland, the petition of H. C. Blair, the petition of Harriet Hoyt, the petition of Julia M. Moores, the petition of Catherine Fletcher, the petition of Jane M. Ketcham, the petition of Ellen Smith, the petition of Mrs. S. A. Norris, the petition of Louisa B. McKibben, the petition of Annie B. Campbell, the petition of Melissa Fedrow, the petition of Adelia Foudray, and the petition of Emma Murray, all of Indianapolis, Indiana, praying for an amendment to the Constitution granting women the right to vote; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GARLAND. The Committee on the Judiciary have instructed me to report back the bill (S. No. 331) for the relief of L. A. Morris and recommend its indefinite postponement in view of the fact that there were no facts or information furnished, and after diligent search the committee were unable to get any.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 280) for the relief of Anna Gregory, widow of Charles N. Gregory, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. THURMAN. I am also instructed by the same committee, to whom was referred the bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent, to report it back and to say to the Senate that it is not a proper subject-matter for the consideration of the Judiciary Committee, but should go to the Committee on Patents. I therefore move that the Committee on the Judiciary be discharged from its further consideration, and that the bill be referred to the Committee on Patents.

The motion was agreed to.

Mr. THURMAN. I am instructed by the Committee on the Judiciary to report back a resolution of the Legislature of Missouri, in favor of an amendment to the Constitution so as to prevent the Federal courts from exercising or assuming jurisdiction in causes wherein any county or other subdivision of a State is or shall be a party, and to say that the resolution of the Legislature is not in the nature of a memorial to Congress or to the Senate, but is simply a resolution of instruction to her Senators and a request to her Representatives. Therefore the committee ask to be discharged from its further consideration and that the resolution lie on the table.

The report was agreed to.

Mr. ALLISON. The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 3992) for the relief of Cyrus B. Ingham, of the Territory of Dakota, Harvey Bryant and Guilford A. Wood, of Kansas, and Richard Parker, of Minnesota, have instructed me to report it back and to ask that the committee be discharged from its further consideration. It is not a matter relating to private lands. It ought, perhaps, to go to the Committee on Public Lands.

The VICE-PRESIDENT. The Committee on Private Land Claims will be discharged from its further consideration, and the bill referred to the Committee on Public Lands.

Mr. ALLISON. The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 2359) for the relief of William D. Oyler, have instructed me to report it back, and ask to be discharged from its further consideration. This is not a private land claim, but I think it ought to go to the Committee on Public Lands.

The VICE-PRESIDENT. That change of reference will be made.

Mr. FARLEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 1020) for the relief of B. F. Rockefellow, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 983) for the relief of Horace A. W. Tabor, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. No. 899) granting a pension to William O. Morgan, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 637) granting an increase of pension to Lucien Kilbourn, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of George Nichols and others, praying that arrears of pension be granted to Mrs. Fanny Newcome, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. No. 2518) for the relief of Nelson Lyon and Jeremiah S. James, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the Committee on Pensions, to whom was referred the petition of citizens of Iowa, praying that a pension may be granted to Walter S. Handley, late a private of Company H, First Iowa Cavalry, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of John Davison, asking for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 848) granting a pension to Frederick R. Bruner, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 985) granting a pension to Mrs. Mary Leggett, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLATT. The Committee on Pensions also instruct me to report in the matter of the petition of Jabez Matthews and others, of New York, praying for an appropriation to pay the certificates issued by the State of New York to soldiers in the war of 1812, that it does not come within the province of the Committee on Pensions; and to ask that they be discharged from its further consideration, and that the petition be referred to the Committee on Military Affairs.

The report was agreed to.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1148) to amend an act entitled "An act authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia, to redeem certain funded indebtedness of said District," approved June 10, 1879, reported it with amendments.

Mr. SLATER, from the Committee on Patents, to whom was referred the bill (S. No. 981) to authorize the Commissioner of Patents to hear and determine the application of Herman Miller for the extension of his patents, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (S. No. 1072) granting a pension to Arthur W. Irving, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 235) granting an increase of pension to Egbert Olcott, reported it without amendment and submitted a report thereon; which was ordered to be printed.

BILLS RECOMMITTED.

Mr. GARLAND. I am directed by the Committee on the Judiciary to move that the bill (S. No. 1266) to amend section 5352 of the Revised Statutes of the United State, in reference to bigamy, and for other purposes, be recommitted to the Committee on the Judiciary.

The motion was agreed to.

Mr. TELLER. The bill (S. No. 983) for the relief of Horace A. W. Tabor and the bill (S. No. 1020) for the relief of B. F. Rockefellow were reported adversely from the Committee on Post-Offices and Post-Roads this morning and postponed indefinitely. I move that the vote postponing them indefinitely be reconsidered, and that the bills be recommitted to that committee, as there is some additional evidence to go before the committee.

The VICE-PRESIDENT. Is there objection to reconsidering the vote by which the bills were postponed indefinitely? The Chair hears none. The bills will be recommitted to the Committee on Post-Offices and Post-Roads.

BILLS INTRODUCED.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1296) for the relief of William P. Hogarty; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1297) to pension all soldiers of the Black Hawk war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1298) for the relief of the Ponca tribe of Indians; which was read twice by its title, and referred to the Select Committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1299) for the relief of Francis S. Davidson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1300) for the relief of Lowell A. Chamberlin, first lieutenant First Artillery, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Florida, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1301) for the relief of William P. Moran; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. KIRKWOOD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1302) for the relief of John Devore; which was read twice by its title, and, with accompanying papers, referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1303) making an appropriation for the compensation of collectors of customs acting as superintendents of light-houses, &c., for the fiscal years ended June 30, 1875, 1876, 1877, and 1878; which was read twice by its title, and referred to the Committee on Claims.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1304) granting a pension to Michael McGrayel; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1305) granting a pension to Mrs. Emma Schell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1306) for the relief of Henry Starr; which was read twice by its title, and, with the accompanying papers, ferred to the Committee on Military Affairs.

Mr. BALDWIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1307) granting a pension to L. C. French; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1308) to amend section 4400 of the Revised Statutes, relating to steamboat inspection and license; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1309) to provide for the appointment of official stenographers for the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1310) for the relief of Julius Martin; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1311) for the relief of Edward Byrne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1312) to establish post-roads in Colorado and Utah; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1313) to enable Indians to become citizens of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1314) for the relief of Chester A. Arthur, collector of the port of New York; which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance.

Mr. CONKLING. If the Chair will pardon me a moment, here are papers, being a full statement of this case, comprising the correspondence with the Treasury Department. It is a matter about which there is no doubt, I believe. I move that these papers go with the bill to the Committee on Finance.

The motion was agreed to.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1315) making an appropriation for the erection of a light-house and fog-bell on Old Gay Rock, Wickford Har-

bor, Narraganset Bay; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1316) making an appropriation for the erection of a light-house and fog-bell on Whale Rock, at the entrance of Narraganset Bay; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1317) for the relief of John P. Moore; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1318) granting a pension to Seymour Colby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 79) directing the Secretary of the Treasury to adjust and settle the accounts between the United States and the State of Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HILL, of Colorado, it was

Ordered, That the papers of Andrew White be withdrawn from the files of the Secretary's office and referred to the Committee on Public Lands.

HARBOR OF GRAND HAVEN, MICHIGAN.

Mr. BALDWIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate any supplemental report in his Department relating to the condition and improvement of the harbor at Grand Haven, Michigan, with such views of its importance and necessity and recommendations respecting the same, as may be deemed advisable by the Department.

COMMITTEE ON RIGHTS OF WOMEN CITIZENS.

Mr. McDONALD (by request) submitted the following resolution for consideration:

Resolved, That a committee of nine Senators be appointed by the Senate, whose duty it shall be to receive, consider, and report upon all petitions, memorials, resolutions, and bills relating to the rights of women citizens of the United States, said committee to be called the Committee on the Rights of Women Citizens.

THE CALENDAR.

Mr. ANTHONY. I offer an amendment to the rule or order of proceeding after the expiration of the morning hour, which I ask to have action upon at this time.

The VICE-PRESIDENT. The Senator from Rhode Island submits an amendment to what is known as the Anthony rule, which will be reported.

The CHIEF CLERK. It is proposed to add at the end of the resolution previously adopted:

And this order shall commence immediately after the call for concurrent and other resolutions; and shall take precedence of the unfinished business and other special orders.

Mr. ALLISON. Until when?

The VICE-PRESIDENT. Is there objection?

Mr. ALLISON. I object until I can understand the proposed rule.

Mr. ANTHONY. It is merely an amendment to the order of business under which we are proceeding after the expiration of the morning business, and which by the decision of the Chair, very properly rendered, is displaced by the unfinished business, thus cutting off the Calendar from consideration for the half hour after one o'clock. This amendment is merely designed to give the Calendar precedence for that half hour, until half past one o'clock, which is the only time when the Calendar has any chance to be considered.

Mr. ALLISON. I objected for the reason that I did not understand the purport of the amendment proposed. I do not object to extending the morning hour for half an hour after one o'clock, if that is the only effect of it.

Mr. ANTHONY. That is the effect of it.

Mr. DAVIS, of West Virginia. Let the resolution go over and be printed.

Mr. DAVIS, of Illinois. I hope the Senator from West Virginia will withdraw his objection. I think if he will consider a moment he will see that there cannot be any objection to the proposition.

Mr. DAVIS, of West Virginia. Very well.

The VICE-PRESIDENT. Is there objection to the proposed amendment of the Anthony rule? The Chair hears none, and it is agreed to.

RETIRED ARMY OFFICERS.

Mr. ROLLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate of the United States the names of all officers of the Army retired from active service since the passage of the act of June 18, 1878, stating the date of retirement; the age, services, and rank of each officer so retired; and the number of officers retired at their own request over sixty-two years of age, since such retirement has been authorized.

REMAINS OF GENERAL SYKES.

Mr. MAXEY. I beg to call the attention of the Senator from Connecticut [Mr. EATON] for a moment to the bill (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York, which passed the Senate on Tuesday last. A motion to reconsider the vote by which the bill passed was entered by the Senator from Connecticut. I beg to say to the Senate that this is a special and exceptional case. The remains have been kept on ice to the present hour, and there is a boat there upon which they can be sent to West Point. As was stated by the Senator from Rhode Island, [Mr. BURNSIDE,] who knew him personally, General Sykes left no money to pay the expense of removal. The officers on the frontier are not "bloated bondholders," they are men of limited means. His last request on his death-bed was that his remains should be buried at West Point. I therefore hope the Senator from Connecticut will withdraw his motion to reconsider; and I appeal to him so to do.

Mr. EATON. After the passage of the bill the other day, it was suggested to me by half a dozen of my friends here that the matter ought to be further considered for the purpose of getting information upon it—perhaps the very information which the Senator from Texas has now given the Senate—and then the bill might be passed as a special case. I would not myself vote for it for the purpose of making a precedent for future action. Therefore it was that I desired to have the vote reconsidered by which the bill was passed. Perhaps the vote had better be reconsidered, and then let the bill be referred to some committee, and let them look into the matter and report as speedily as possible.

Mr. MAXEY. I will state to the Senator from Connecticut that the information I have is by telegraph, communicated to me this morning by the Representative of that district. General Sykes was a good officer, and this is one of those things which, if it be not done now, cannot be done at all.

Mr. EATON. I do not know why it could not be done to-morrow or the day after.

Mr. MAXEY. Because his remains are not yet interred. They are there awaiting shipment. They never have been interred. He died but a few days ago, and his remains have been kept on ice with a view of sending them to West Point for interment there. That is the reason for immediate action, and that reason cannot last.

Mr. BURNSIDE. Will the Senator from Texas allow me to say that I have telegraphic information to the effect that the steamer sails from Brazos to-morrow, the 17th, and it is very necessary, if the body is to be transported at all, that it should go on that steamer.

Mr. MAXEY. Yes; the steamer leaves to-morrow for New York.

Mr. EATON. I have not any serious objection to withdrawing the motion which I entered to reconsider, but I desire to say for myself, in my place here, that I shall not regard this action as a precedent for the future at all, and I hope the Senate will not.

The VICE-PRESIDENT. The Senator from Connecticut withdraws the motion to reconsider. Does the Senate assent?

Mr. THURMAN. Before that question is put, I should like to know of some one who is better informed on this subject than I am, whether there are any precedents for an order or bill of this kind? I confess my entire ignorance upon the subject. I should like to know whether this has ever been done before?

Mr. BURNSIDE. Not to my knowledge. I was under the impression when I introduced the bill that there were precedents for it, and I gave instructions to have the matter looked up, but I have not yet had a report from the young man who was to hunt it up for me. I am quite sure that the remains of officers of the Army have been transported at public expense to West Point to be buried in the cemetery there, but I cannot state it with absolute authority. I do not think it would be a very great hardship to establish a precedent of this kind, so that when a graduate of the Military Academy dies in the service on the frontier and expresses on his death-bed a desire to be buried in the cemetery at West Point, he shall have his body transported there at public expense, if he leaves no means to transport it. I do not think the precedent would be a dangerous one. It certainly would not be an expensive one, because the number of graduates is very limited. If a man after long service, after having attained the highest rank that can be attained in the Union Army, dies, as I said before, at a distant post on the frontier, and expresses a desire that his body should be sent to West Point for burial, I do not think it would be a great hardship on the Government or a very bad precedent to establish to grant his request.

Mr. THURMAN. There is no question about the great merit of General Sykes. Everybody who was acquainted with him during the late civil war knows how very meritorious and able an officer he was. The only trouble there is in my mind is where we are to draw the line. Almost every officer that could be named——

Mr. BURNSIDE. I will state to the Senator from Ohio that General Scott's body was transported at the public expense. To be sure, his was an exceptional case; he was the commanding general and a hero of more wars than one. I do not pretend to say that *this* is a parallel case, but General Scott's body was not only transported to West Point by the authority of Congress at public expense, but escorted by a committee of Congress. I do not mean, however, to cite that to the Senator from Ohio as a precedent.

Mr. THURMAN. I am not objecting to this measure, as I did not object when the bill was passed the other day; but we go very largely into this matter of burying people. We take the body of every deceased member of Congress home and bury it at the public expense, and it is not a small expense either. If that practice is to be extended

to the officers of the Army, it will be extremely difficult to draw a line between a gallant general and a gallant lieutenant.

Mr. EATON. Or a gallant private.

Mr. THURMAN. Or a gallant private.

Mr. BURNSIDE. In all matters, not only in military but in civil life, distinction gives certain rights, and it is very proper that it should be so. Men try to become distinguished because of the privileges that distinction gives them. It is my opinion that in nine-tenths of the cases that is the incentive to persons to become public men and to attain the highest position in either a civil or military capacity; and when men have attained it by hard work and labor they ought to be treated with consideration not only while living but after they are dead.

Mr. THURMAN. I do not object to the Senator from Connecticut withdrawing his motion, but I must say with him that I do not think this ought to establish a precedent.

The VICE-PRESIDENT. The Chair hears no objection, and the motion to reconsider is withdrawn.

Mr. COCKRELL. I simply desire to say that I am opposed to this bill as a precedent. I do not think it is right, and I do not think that the ground assigned by the Senator from Rhode Island is tenable, that only the bodies of those officers who have been educated at the public expense at West Point should be transported to West Point for burial. There is General Miles, and there are hundreds of others who rose to rank from civil life, who are just as much entitled to the bounty and consideration of the Government as those who have graduated at the public expense at West Point.

This is an exceedingly dangerous precedent. If this is allowed in one case it ought to be allowed in all. There are to-day the bodies of a thousand gallant soldiers, captains and lieutenants, now in the Territories and in the far West, and if this body is to be transported at public expense to West Point or any other place the same justice should be meted out to them, and their bodies should be taken up and transported to their families.

Mr. MAXEY. I have only to say, in reply to the Senator from Missouri, that if General Miles or any other gallant and meritorious officer were to make a dying request to have his remains taken to West Point and buried there I would vote for it just as readily as I do for the removal of the remains of George Sykes. General Sykes requested that; and I vote for it not because he was a graduate of West Point but to fulfill the dying request of a man with whom I served in the Mexican war and whom I regard as a gallant and meritorious man. For that reason it is that I vote for this bill, and most cheerfully.

Mr. BURNSIDE. What the Senator from Texas has said has anticipated to a great extent what I would have said myself. In the case of any officer, whether a graduate of West Point or not, if he made a dying request to be buried at his place of nativity or his place of residence or any other place which was dear to him from the associations of life, no matter what college he graduated at, I would vote for the removal of his remains.

Mr. McDONALD. I believe the motion to reconsider has been withdrawn.

The VICE-PRESIDENT. It has been.

Mr. McDONALD. Therefore it is not before the Senate any longer.

The VICE-PRESIDENT. It is not.

Mr. McDONALD. I ask for the regular order.

The VICE-PRESIDENT. That has been superseded this morning by the passage of the amendment to what is known as the Anthony rule. The unfinished business will not come up till half past one o'clock.

Mr. BURNSIDE. Do I understand that the bill in regard to General Sykes's remains has passed?

The VICE-PRESIDENT. The bill has passed the Senate, and it will be sent to the House of Representatives.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. DAVIS, of West Virginia, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. WINDOM, Mr. WITHERS, and Mr. BLAINE.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 2797) for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco—to the Committee on Finance.

The bill (H. R. No. 4439) to remove the political disabilities of Sergeant P. P. Powell, Sixth Regiment United States Cavalry—to the Committee on Military Affairs.

The bill (H. R. No. 4432) making additional appropriations for the support of certain Indian tribes for the year ending June 30, 1880—to the Committee on Appropriations.

The joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States, for the use of agricultural colleges, one set of standard weights and measures, and for other purposes—to the Committee on Finance.

HERMAN NETTERFIELD.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

The first bill on the Calendar was the bill (S. No. 35) granting a pension to Herman Netterfield, the consideration of which was resumed as in Committee of the Whole.

Mr. McMILLAN. Mr. President, the report of the Committee on Pensions in this case is adverse to the passage of the bill; but the committee divide in their opinion as to the merits of the case. When this case was called on the last consideration of the Calendar, the Senator from Iowa [Mr. KIRKWOOD] and the Senator from Florida, [Mr. CALL,] members of the Committee on Pensions, expressed their views dissenting from the report of the committee; and the remarks of those Senators on that occasion seemed to me sufficient to satisfy the Senate that the bill ought to pass, and that the pension provided for by the bill should be allowed to Netterfield, who is the claimant.

It appears that Netterfield was a scout connected with a company organized under an order of General Canby and under the immediate command of Lieutenant Earle. The instructions under which this company of scouts was organized are contained in a communication from the Department, which was before the Committee on Pensions. The character of the organization will appear in these instructions. I will read an extract from the instructions directed to Lieutenant Earle, commanding this squad:

SIR: I am directed by the major-general commanding to state that in addition to the authority granted in the letter under which your scouts were organized the following instructions are given you:

First. Your operations will not be limited to any particular section of the country, but at all times you will assist the general operations of the Army by deceiving the enemy, interrupting his couriers, carrying off detached parties, breaking up his mail communications, &c. You will endeavor to gain all possible information of the country, the general condition of the inhabitants, the roads, by-ways, bridle-paths, &c., the condition in reference to trade and agriculture outside the lines, the resources of the country as regards food for men, horses, securing guides, sending spies, reconnoitering fords, passages, defiles, and positions; gain all possible information in regard to position and number of the enemy, their relative amount of infantry, cavalry, and artillery, the strength of their fortifications, caliber of their guns, positions of their magazines and storehouses, strength and position of their guards and picket-lines, preparations to stop fires, &c.

These instructions show the character of the services which these persons were to perform, and a letter incorporated in the report of the committee shows that this company of scouts were to be organized into squads, and their services accepted on the special condition that "they will be held subject to strict military discipline and to the rules and articles of war."

It has been objected to the allowance of this pension that these scouts were not in the Army of the United States. It is true they were not technically a portion of the Army. If they had been, there would be no necessity whatever for any special act allowing a pension to one of them injured in the service in the line of his duty; but the difficulty is merely that there was no technical connection between this squad of scouts and the Army. The services performed by these men were of a military character; the services were the most dangerous that could be performed by any person connected with the military service. They were under the command of an officer of the Army, and they were under all the rules and regulations and subject to all the discipline of the Army of the United States.

Under these circumstances, if the particular case presented is a meritorious one, it appeals to the Senate of the United States and to the Congress of the United States to bring the particular case within the operation of the pension laws. There is always some reason why a pension cannot be allowed under existing laws where a special act is introduced for the purpose, either because the injury was suffered by a person not technically connected with the Army, or because, if connected with the Army, he is unable to prove that the injury was received in the line of duty.

Under such a state of facts as is presented here, the committee themselves assenting that the case is a meritorious one if it were within the law, not dissenting upon that point, I can only add that my own personal knowledge of the applicant in this case concurs with the conclusion at which the committee have arrived upon that point, because this gentleman is a resident of my own State, and I know that his disability is a serious one. The fact being that it was incurred under these circumstances, because from the report of the Secretary of War it appears that this man was detailed not only upon general service of this dangerous character but upon a special service of more dangerous character than would be inferred perhaps from the general instructions which I have read, I appeal to the Senate to pass this bill; and I suggest that the mere fact that this party was not an enlisted man should not be permitted to prevent the Government from extending to him the bounty which, if he had been an enlisted man, would have been assured to him.

Mr. WITHERS. Mr. President, I have no interest whatever in this matter except as connected with the interests of the Government. This bill proposes to pension a man who does not belong to the class of men who are pensionable by the existing law. There is nothing

that I know of in his case that makes it so exceptional that the Senate should depart from the custom which it has usually observed in voting to pension a man who is not pensionable under the law, and thereby extending the operation and benefit of the pension law to that class.

If it be the desire of the Senate to make pensionable a class of persons who under the existing laws are not pensionable, I humbly submit that it would be in the interest of justice and equity to extend the provisions of the general law to that extent, and not to select one or two or three cases in which Senators may take a personal and deep interest and pass laws giving to these parties the benefit of the pension-roll which others of the same class equally meritorious are excluded from. We have passed, I admit, one or two or possibly more acts granting pensions to persons of this class. I remember we passed one for a teamster at the earnest solicitation of my friend from West Virginia, and I submit that there is neither justice nor equity in selecting a few individual cases and giving them the benefit of the pension laws from which all others of the same class are excluded.

I will also state in this connection that there are now pending before the Pension Committee of the Senate probably a dozen bills in which the same principle is involved—bills for clerks, for teamsters, for civil employés of the Government—and the Committee on Pensions in considering this matter determined to explain the whole case to the Senate when this particular bill was put on the Calendar, in order that the Senate may vote understandingly in the matter, and in order that they may know that thereby a precedent will be established which will control the action of the Committee on Pensions on all similar applications, because we cannot consent to make one or two or three individuals beneficiaries under the pension acts when large numbers of the same class are excluded.

This Netterfield may have rendered important service. I do not deny it. I only say that he is not pensionable under existing law; that he was a civil employé of the Government, receiving probably three or four times as much as an enlisted man; that it was a voluntary contract which he entered into with the commander of the Army, from which——

Mr. McMILLAN. Allow me to say that while he may be termed a civil employé, yet his whole duty was military duty connected with the Army in the field, and the most dangerous and exposed service that a soldier of the United States could render in behalf of his Government. I merely wish to have that explanation go with the term "civil employé."

Mr. WITHERS. The fact stated by the Senator from Minnesota does not at all alter the statement which I made. He was a civil employé of the Government; he was not in the military service of the Government, although the duties which he performed were of a military character. It is true by the provisions of the contract or the regulations quoted by my friend he was subjected to all the rules and articles of war; but what were those rules and articles? They were not the rules and articles of war which a soldier is subjected to, but they were such rules and articles of war as were applicable to that class to which he belonged, the civil employés of the Government. That was all.

But, sir, I do not wish to protract the time nor prevent a vote. I merely want the Senate of the United States to vote with a full knowledge and understanding that by their decision upon this question they will control and decide the future policy of the Committee of the Senate on Pensions upon this class of cases.

Mr. LOGAN. Mr. President, I do not presume that the Committee on Pensions require any aid from anybody else to explain a bill coming from that committee, but I desire to answer one suggestion made by my friend from Minnesota. I certainly would be very glad if I could support a bill that he desired passed, for the benefit of one of his constituents; but in this particular case I cannot. The suggestion which I desired to reply to was that this man was subject to the rules and articles of war; that he was in the military service.

Mr. McMILLAN. Not technically.

Mr. LOGAN. I do not mean that the Senator said "technically," but the argument was that he was to all intents and purposes in the service of the Government under military rule. According to that theory, if the Senate of the United States should pass a bill of this kind appropriating money to pension a man performing the duties this person performed, you would be required to pension every teamster employed by the Quartermaster's Department. Teamsters, too, are subject to the rules and articles of war and so is every man employed in the service of the Government who is within the jurisdiction of the Army and performing service for the Government in connection with the Army. All such persons are subject to these rules and have to be for the benefit and discipline of the service.

Now, let me give an illustration. We had a great many steamboats employed in the service of the United States for the transportation of supplies up and down rivers. The captains of these boats and their whole crews were employed in the service of the Government and paid sometimes by the Government on the Government rolls. Where a boat was taken and impressed into the service of the United States, as it was called, the commanding officer would put some man in command of the vessel if the captain refused to serve, and he and all his crew would be subjected to the rules and orders of the commanding officer.

On the same principle on which this scout should be placed on the pension-roll, all men serving the Government in the transportation service or doing the work performed by scouts or by any other civilians connected with the Army, and who are subject to the rules and articles of war, would be pensionable. As I said in this case before, the service of a scout is a peculiar service, and I admit that it is dangerous service; for sometimes when they are arrested as spies the punishment of scouts is very severe. There is no question about that. But they make a written contract with the commanding officer to perform certain duties for a certain stipulated sum, and they know the service they are to perform and they take the risk. No such idea as pension ever occurs to them when the contract is made. The laws for pensioning persons for service to this Government apply to soldiers and apply to persons in the Navy enlisted for the purpose of doing battle for the country, and not to men employed for the purpose of discovering facts. There is a broad distinction. It is a part of the contract made with the soldier or an officer of the Army that if injured or disabled while in the line of his duty he shall receive from the Government this pittance during his life, not as a remuneration at all—for there can be no remuneration for the loss of limb or for permanent disability—but to aid him as much as the Government can on account of the fact that he has received his disability while performing his duty to the Government in its service. It does not apply to citizens, and it never was intended that it should, nor should it ever; for if so every citizen might in time of war connect himself—no matter in how remote a degree—with the Army in the performance of some service, and he would be a pensioner if he received a disability from sickness or otherwise. Take the carrying of the mails, for instance. We had our post-offices established in the Army and our mail messengers during the last war; and it is always so. They are not enlisted men, but they perform duties pertaining to the Army. They, too, might come and claim a pension if disabled in the performance of their duty.

I make this statement to the Senate because I do not want to see this precedent established, for if it is established there will be innumerable claims of this kind.

Mr. McMILLAN. Mr. President, I know very little about——

Mr. COCKRELL. Mr. President, I must call for the enforcement of the Calendar order.

Mr. McMILLAN. I should like to know what rule the Senator desires enforced. I am not aware of what the rule is.

Mr. COCKRELL. Each Senator can speak but once on any given question while we are considering the Calendar under the present order.

Mr. CONKLING. I am inclined to think the Senator from Missouri himself was out of order. I see it is more than half after one. He had no right to be addressing the Chair as within the morning hour, when it had expired.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair had not observed that the hour of half past one had arrived. It is the duty of the Chair to announce that the morning hour has expired.

Mr. McMILLAN. Then I will ask the unanimous consent of the Senate to act upon this bill.

The PRESIDING OFFICER. Is there unanimous consent?

Mr. ALLISON. It will come up to-morrow; let it go over.

Mr. McMILLAN. Well, I withdraw the request.

The PRESIDING OFFICER. The regular order is the unfinished business, being Senate bill No. 19.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the act (S. No. 857) authorizing the conversion of national gold banks, and this day the act (S. No. 578) granting an increase of pension to Samuel B. Davis.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed the bill (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

Mr. THURMAN. I wish to inquire if the amendments offered by the Committee on Public Lands have been acted on?

The PRESIDING OFFICER. None of them.

Mr. THURMAN. Then I wish to give notice of an amendment I will offer as soon as those amendments are acted on.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill. Until that question is decided neither the amendments proposed by the committee nor any amendments suggested by the Senator from Ohio will be in order.

Mr. THURMAN. A bill can always be amended before a vote is put on indefinite postponement, for the amendments may take away all the merits of the motion. I think that is good law. I think while it is common to take the question on the amendments of the committee first, yet as all their amendments in this case are to the second sec-

tion, an amendment to the first section would now be in order; and if there is no objection I will offer it now.

Mr. McDONALD. The motion is to indefinitely postpone, which cuts off amendments under the rules.

Mr. THURMAN. I do not agree to that law.

Mr. CONKLING. I call the attention of the Chair to Rule 43. Certainly no amendment is in order now.

The PRESIDING OFFICER. The Chair will order the Secretary to read Rule 43.

The Chief Clerk read as follows:

When a question is pending, no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that, when the Senate adjourn, it shall be to a day certain,
To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend;
which several motions shall have precedence in the order in which they stand arranged.

Mr. CONKLING. "To amend" is the very last motion.

The PRESIDING OFFICER. The question is on the motion to indefinitely postpone the bill under consideration, upon which motion the yeas and nays have been ordered.

Mr. RANDOLPH. Mr. President, it will be recollected that a special order was made for to-day to consider the case of Fitz-John Porter. Under the rules of the Senate the case necessarily lies over, the unfinished business having precedence. I desire to say that according to the terms of the arrangement made on Wednesday last I shall consider, unless there is objection on the part of the Senate, that immediately upon the present order being finished the order in the case that would have come up to-day will then take its regular course.

The PRESIDING OFFICER. The Chair thinks that will be the business next in order.

Mr. ALLISON. Mr. President, as has already been stated in the debate, the State of Iowa is the largest beneficiary underthe provisions of this bill. For that reason, as well as for some others, which I may state hereafter, I deem it wise to give some of the reasons which will influence me in the vote I shall give for this bill.

In expressing the opinion, Mr. President, that I shall vote for this bill, I do not mean to say that I may not vote for amendments which may be offered, or that I may not myself offer one or two amendments. I only mean to say that I am in favor of the general scope and purpose of the bill. I am in favor of it because I believe that it is a just measure. So far as the State which I in part represent is concerned, we ask nothing by grace or favor. If we are not fairly entitled to the sum which this bill allots to us we do not ask it from the Senate.

Mr. EDMUNDS. By "fairly" do you mean "lawfully?"

Mr. ALLISON. I mean fairly and lawfully, by a fair construction of the several statutes upon which this bill is based.

The Senator from Vermont in his remarks upon this bill objected to it because it was a donation to the several States without limit as to what could be done with the proceeds of the 5 per cent. on land-warrant locations treated as sales. So far as Iowa is concerned, that criticism upon the bill has no bearing or effect, because by the compact made between the State of Iowa and the Government of the United States, when Iowa was admitted as a State into the Union, it was expressly stipulated and provided that the 5 per cent. of the proceeds of the sales of public lands should be devoted and set apart for the use of the common schools of our State, and the first constitution of the State of Iowa, the constitution under which the State was admitted into the Union, by the tenth article provides that this fund, whenever it shall be paid to the State, shall be sacredly set apart for the use of the common schools of our State. That is repeated and recapitulated in the revised constitution of 1857, which I will not take time now to read. Thus every dollar of this fund, by force of the passage of this bill, goes into the treasury of the State of Iowa, and by the constitution of that State every dollar of the fund is sacredly set apart for the use of the common schools. How small a sum it is, I need not call the attention of the Senate to.

Mr. EDMUNDS. How much is it really?

Mr. ALLISON. It is probably from seven to eight hundred thousand dollars. When I speak of it as a small sum, I mean small in comparison with the amount that the State of Iowa, by taxation, imposed by her laws every year, devotes to educational purposes in that State. I have before me the report of the Commissioner of Education of the United States for 1877, in which I find extracts from the reports of our own State school superintendent showing that Iowa devotes annually to the public schools the sum of $5,000,000, and has done so for several years. I speak only in round numbers, not giving exact figures.

Mr. EDMUNDS. May I ask what is the rate of taxation for schools in Iowa?

Mr. ALLISON. I cannot state definitely, but more than three-fourths of the sum which I have named, $5,000,000, comes out of the pockets of the people of the State of Iowa for common-school purposes. This fund, if granted to the State of Iowa, becomes a perpetual fund the principal of which cannot be used; only the interest of it can be used by the constitution of our State; it is only the interest of this fund that can be annually devoted to school purposes in our State. Assuming the amount at $800,000, the interest provided here being 3.65 per cent., the interest upon this fund will amount annually to only $29,200. What is that to the five hundred thousand boys and girls in Iowa? It is but six cents per annum for each of the youths of the State of Iowa to be reduced in ten years from now to three or four cents each per annum; and yet it is said here that this is for the benefit of the State of Iowa, and that we are standing here claiming the beneficence of this Government, because we ask that under these statutes there shall be awarded to us the pittance of five or six cents per annum to each of the boys and girls in our State, sacredly set apart for that purpose by the act of admission into the Union, and also by the fundamental law of our State, as I have already stated.

One objection made by the Senator from Vermont to this claim is that it is a stale claim, and I believe he read in his remarks a statement from the Secretary of the Treasury to the effect that no claim had been made for this fund, and he dignified it as hoary with age, being "fifty years old," and brought forward recently for the first time. I find on examination that in 1858 the State of Iowa, through its governor, made application for this fund to the then Secretary of the Interior, Jacob Thompson; and I find in Lester's Land Laws the reply of Jacob Thompson to the governor of the State of Iowa with reference to it; and to show you how carefully Mr. Thompson must have considered this subject, let me read what he says:

That act appropriates—

Alluding to the act of admission—

That act appropriates 5 per cent. of *the net proceeds of sales* of all public lands for making public roads and canals within the State.

When by the act of admission and the assent of Congress afterward more clearly expressed the 5 per cent. was devoted sacredly to common schools in the State; yet, in this reply he states that it wa devoted for the purposes of public improvements, roads, and canals.

Mr. EDMUNDS. What page of Lester's Land Laws?

Mr. ALLISON. Lester's Land Laws, page 690. This letter of the Secretary of the Interior is dated September 20, 1858, and is addressed to the then governor of Iowa.

Mr. EDMUNDS. Will you please read it in full. It is rather short, I think.

Mr. ALLISON. I have no objection. If the Senator desires it I will read it, of course.

DEPARTMENT OF THE INTERIOR,
September 20, 1858.

In reply to your letter of the 7th instant in relation to the application for an allowance of 5 per cent., claimed to be due the State of Iowa on military land warrant locations, I have the honor to state that, in my opinion, the act of 1847 to which you refer, is a bounty land act, and that no distinction can properly be made between locations made under it and those made under other bounty land laws. The location of warrants issued under the act of 1847 is not considered as constituting a sale of the public lands as contemplated by the act admitting Iowa into the Union. That act appropriates 5 per cent. of the *net proceeds of sales* of all public lands for making public roads and canals within the State. There being *no net proceeds* accruing from locations by military land warrants, the allowance of 5 per cent.on such locations cannot be regarded as having been appropriated or provided for by law.

J. THOMPSON, *Secretary.*

Governor R. P. LOWE, Iowa.

Of course I have not examined and do not care to go into the question of what other States may have done with reference to these bounty land warrants in the Interior Department. I take it for granted that they have been as vigilant as they ought to have been in reference to that question.

Perhaps I ought to say here that this was practically a new question even as late as 1858. Under the original laws passed in reference to bounty lands, special and specific lands were set apart for these bounties; and from 1830, when the Government undertook the issuance of scrip on account of revolutionary bounty lands, that scrip was always received as cash at the land offices, and was always counted as cash in the settlements with the different States; and therefore it is that the State of Ohio, on account of the 5 per cent., has received in one way and another nearly $600,000, and has still a claim for the remaining 2 per cent., amounting to nearly $400,000 more.

Mr. EDMUNDS. If I do not interrupt my honorable friend, may I ask whether I understand him to say that Ohio has still a claim that he believes to be valid, or only that it makes a claim?

Mr. ALLISON. Of course the Senator is very well aware of the claim that Ohio makes for the remaining 2 per cent., Ohio having already received 3 per cent. of the 5 per cent. provided for by the original act or compact of admission.

Mr. EDMUNDS. But the Senator was liable to be construed hereafter when his remarks are read, as declaring that in his judgment Ohio had a just claim for what is called the 2 per cent., and I was merely trying to find out what he meant.

Mr. ALLISON. I am not arguing that question now.

Mr. EDMUNDS. Then you express no opinion on that?

Mr. ALLISON. Not at this particular moment.

Mr. EDMUNDS. Exactly.

Mr. ALLISON. I was merely endeavoring to show at this moment that this is a new question with reference to the construction of bounty land warrant laws; that under the bounty land laws of 1812 and under the revolutionary bounty land acts specific lands were set

apart for the purpose of satisfying those warrants. The act of May 6, 1812, setting apart six million acres to satisfy the bounty land warrants of 1812, took special care to fix the Territories within whose limits those bounty lands should be set apart.

Mr. EDMUNDS. What difference did that make?

Mr. ALLISON. It made this difference, that Ohio was then a State in the Union and Ohio took good care to see that these bounty land warrants were pushed over beyond the limits of the State of Ohio and beyond the limits of the State of Indiana into the then Territories of Michigan, Illinois, and Louisiana, and only four years afterward another law was passed providing that the Territory of Michigan should be exempted from the provisions of that law of 1812, and that these bounty land warrants should be pushed over again upon the Territory of Missouri, north of the Missouri River, and upon the Territory of Illinois. I only cite the several bounty land acts of 1812 and 1830 for the purpose of showing that specific provision had been made for them, and it was not until after the Mexican war began and the bounty lands provided for by the laws of 1847 and 1848 and subsequent acts came to be issued, that this question at all became an important one.

As I said before, so careful were the men who then were conducting the affairs of this Government with regard to bounty lands that although they had originally set apart in the Territory of Michigan two million acres to satisfy bounty land warrants, in 1816, four years after the original act passed, they pushed those bounty land warrants beyond the Territory of Michigan and located them in the Territories of Illinois and Missouri. So that all these claims, or nearly all, whatever they are or whatever may be their nature, arise out of laws passed after 1847.

It is claimed, Mr. President, because the words "net proceeds of sales" are used, that the lands located with warrants do not fairly come within the word "sales," and the Senator from Vermont expended a great deal of ingenuity and a great deal of argument to show what was meant or intended to be meant by the words "net proceeds of the sales of the public lands." Now in relation to what should be the fair construction of these words I do not think we ought to be called upon to refer to Bouvier's Dictionary, or Pothier on Contracts, or even to our own Story, but we should take into account the general scope and intent of these acts, and the purposes of the men who passed the various acts respecting bounty lands, as well as the men who gave these pledges and promises to the new States that might come into the Union after the promises were made.

Mr. EDMUNDS. I rise to ask a question to see if I understand my friend from Iowa. I understand him to mean that in construing the words "net proceeds of the sales of the public lands" we are not to be guided by the principles usually adopted in jurisprudence for the construction of statutes, but are to look to what we think the members from the various States may have thought it might include. Is that what he means?

Mr. ALLISON. No, sir; not at all.

Mr. EDMUNDS. Then do I understand my honorable friend to mean only in what he has said, that we are to construe the language of these statutes, this compact as he calls it, just as a court would?

Mr. ALLISON. If I understand this question correctly, we are to construe these statutes under the compact, with reference to and having in view the contemporaneous construction given by the same men in other laws of Congress, and the construction given to these statutes or compacts directly or inferentially or circumstantially by subsequent acts of Congress.

Mr. EDMUNDS. I must congratulate my honorable friend for having beaten Martin Van Buren in stating a thing so that nobody can understand it this time. [Laughter.]

Mr. ALLISON. I thank my friend for the compliment. I will endeavor to more specifically state what I mean in this general statement, and perhaps then some of the Senators may be able to comprehend what I mean.

These land warrants are analogous to scrip issued by the Government——

Mr. EDMUNDS. Well, how do you prove that?

Mr. ALLISON. I prove it, first, from the fact that the scrip issued under the act of 1830 and subsequent acts of Congress, running down, I believe, to 1858, was issued first by the Secretary of the Treasury and afterward by the Secretary of the Interior in lieu of land warrants issued by the State of Virginia in payment of the sums which she had promised to pay her soldiers, either of the State of Virginia or on the continental establishment prior to 1783. It was by law provided that when the governor of the State of Virginia should certify to the Secretary of the Treasury that a certain person or the heirs of a certain person were entitled to land warrants or to locate land, the Secretary of the Treasury should issue scrip covering the number of acres of land, and that that scrip should be receivable in payment of public lands.

Mr. EDMUNDS. Exactly.

Mr. ALLISON. Exactly; receivable in payment of public lands. Now, the only possible difference is a difference of technical construction of the words "receivable" and "located."

Mr. EDMUNDS. That is the only difference.

Mr. ALLISON. Yes, sir. I know that my reasoning will amuse my friend from Vermont very much.

Mr. EDMUNDS. It does.

Mr. ALLISON. But that is the only difference. The land warrants were to be located on certain lands; the scrip was receivable in payment for public lands or the same lands; but after 1852 the land warrant was made as essentially scrip as was the Virginia military scrip under the revolutionary war, because by the act of 1852 every land warrant was made transferable and assignable, was deliverable as a promissory note to bearer after one assignment had been made. The warrants were perfectly negotiable, and they were liable to be laid upon any public land in the United States subject to private entry at any land office. Therefore they were in essence and in substance exactly what the military scrip was which had been issued first in 1830, and issued under subsequent acts away down to 1858, I believe, and every one of these scrip entries was counted as a sale, the proceeds of which formed a part of the 5 per cent. fund from 1830 to this day.

Mr. EDMUNDS. Every one of the land warrants?

Mr. ALLISON. Every one of these several certificates of scrip.

Mr. EDMUNDS. Scrip, yes; but does the Senator mean to say that any land warrant was ever regarded as part of the fund on which to compute the 5 per cent.?

Mr. ALLISON. I have read to the Senator from Vermont the decision of the Secretary of the Interior declining to consider land warrants as part of the computation of the 5 per cent.

Mr. EDMUNDS. I wanted to understand exactly what the Senator meant. He said "every one of these," and the last he was speaking of were warrants.

Mr. ALLISON. I might say further that after 1852 these land warrants were of a higher character of security than the scrip itself, because they were locatable at any land office where lands were subject to private entry, and the scrip was only locatable or receivable at the places where the public lands had first been offered at public sale. Thus by reasonable and fair intendment these land warrants were of a higher character than the scrip which was received as cash. And not only that, but the land warrants were received as money by an express statute which I wish to read in the hearing of Senators. I shall read from the ninth volume of the Statutes at Large, page 332, "an act in relation to military land warrants."

Mr. EDMUNDS. What year is that?

Mr. ALLISON. The year 1848. This statute seems to have followed closely upon the bounty land acts of 1847 and 1848, relating to bounty lands granted to the soldiers of the Mexican War. It seems to have been intended for the purpose of facilitating the operations of those soldiers who had these bounty land warrants. I will read this statute:

That any non-commissioned officer, musician, or private, or his widow or heirs, who shall receive and hold in his own right a land warrant issued by the Government of the United States for military service, may locate the same in *on* legal subdivision on any public land subject to private entry, taking said land—

Mark the language: "taking said land"—

at the price at which the same is subject to private entry, and reckoning the warrant at $1.25 per acre for the number of acres therein contained, and paying the balance, if any, in money; but no claim shall exist on the Government to pay for any balance on said warrant in money.

Therefore bounty land warrants after 1848 were taken as substitutes for money in the location of any land upon any subdivision. I, having an eighty-acre land warrant, desiring to enter one hundred and sixty acres, could put that land warrant in, as I could put gold and silver in, at $1.25 an acre, and pay the balance in money.

Mr. KIRKWOOD. Would it interrupt my colleague if I should make a suggestion to him?

Mr. ALLISON. No, sir, it would not interrupt me.

Mr. KIRKWOOD. I have a very distinct recollection that during the time in which these land warrants were so extensively used in Iowa they had a quotable value in the money market in New York, and were quoted as regularly as the bonds of the United States are quoted to-day.

Mr. DAVIS, of Illinois. In Saint Louis, too.

Mr. KIRKWOOD. My colleague will remember that fact.

Mr. ALLISON. I will come to that in a moment. I have called attention to this statute to show that the warrants were treated as money, and this is not the only statute which treats them as money. I must call the attention of the Senate again to the statute making the land warrants assignable, for the purpose of showing that the men of 1852 regarded them as evidences of debts due to the soldiers of the Republic for the battles which they had fought upon the plains of Mexico. What is its language? I shall not read the whole of it.

Mr. EDMUNDS. What volume is that?

Mr. ALLISON. I now quote from the Statutes at Large, volume 10, page 3.

Mr. EDMUNDS. What year?

Mr. ALLISON. Eighteen hundred and fifty-two. I shall only read the proviso:

Provided, That any person entitled to pre-emption right to any land shall be entitled to use any such land warrant in payment for the same at the rate of $1.25 per acre for the quantity of land therein specified.

A pre-emptor who had gone upon the public lands under the act of 1841 could take one of these land warrants, after the passage of this act of 1852, and locate it upon his pre-empted land as so much money, counting it at a dollar and a quarter an acre. There is a construction with reference to what these land warrants were to be used for, and how they were to be used as substitutes for money. Not only

that, but this statute provides another thing. I now read another proviso, to which I beg to call the attention of the Senator from Vermont, for a fair construction of these laws.

Provided, further, That when said warrant shall be located on lands which are subject to entry at a greater minimum than $1.25 per acre, the locator of said warrants shall pay to the United States in cash the difference between the value of such warrants at $1.25 per acre and the tract of land located on.

That is to say, if lands valued at $2.50 an acre should be located with these land warrants, the purchaser or locator could take a land warrant and use it at $1.25 per acre, and he must add to it whatever sum was necessary to complete his location.

Mr. EDMUNDS. Yes, that is exactly what he has to do. In the previous act which authorized the land warrant counting acres to count dollar and a quarter acres the minimum price acres, and he could enter his land upon that computation, the Senator omitted to read the last clause of it. The former act, the last part of which my friend did not read, said that the act should not authorize any balance to be paid to such person in money; so that the first act the Senator cites explicitly shows that a land warrant is not money and that the case is not a sale nor even a part of it. Now the Senator comes to this act, which is still more strongly against him, if he will pardon me for saying it, which says in terms that these do not fall under the head of sales at all.

Mr. ALLISON. Mr. President, I do not wish to get into a controversy with the Senator about any matter of fact, but I read the whole of the other statute, as the reporter will find when he comes to copy from the book I shall hand him.

Mr. EDMUNDS. The land-warrant act on page 332?

Mr. ALLISON. The act described on page 332, and it does not change one iota of the argument I am making. That act simply provided that the Government should not be bound to pay back to the locator of a warrant any money, but that for all intents and purposes his land warrant should be used and treated as money in payment for any of the public lands to which he might desire to attach his location.

Mr. EDMUNDS. I wish to correct a misapprehension my friend from Iowa seemed to have, that I had imputed to him omitting to read this last clause, as I thought he did omit to read it, for any purpose of not letting the Senate understand it. I want to disclaim any such intention as that.

Mr. ALLISON. Certainly.

Mr. EDMUNDS. But I did not hear the Senator read it. The last clause, which caught my attention as I looked it over afterward, is:

But no claim shall exist on the Government to pay for any balance on said warrant in money.

Very likely the Senator is correct in saying that he read it, but all I wished to say was that I disavow on the spot any implication that the Senator had failed to read it for a purpose.

Mr. ALLISON. Of course the Senator did not impute to me any improper intention or purpose.

Now, then, the proviso from which I have just quoted indicates that land warrants could be used as money for double minimum lands—lands that were valued at $2.50 an acre—and could be counted as money, and were so counted. But that is not all with reference to this statute and the reasonable construction that should be put upon it. By the second section of this statute it is provided:

That the registers and receivers of the land offices shall hereafter be severally authorized to charge and receive for their services in locating all military bounty land warrants issued since the 11th day of February, 1847, the same compensation or percentage to which they are entitled by law for sales of the public lands for cash.

If the Senator's construction of what "sales" means be true, why was it considered important to put in here "sales for cash?" Why was it important to distinguish by law sales for land warrants and sales for cash, because that statute clearly does make a distinction? The Senator from Vermont insists that locations by military bounty land warrants are not sales. This statute says they are sales, and they are to be computed as though they had been sales for cash instead of sales for military land warrants. I think there is no possible escape from this construction of this statute.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. EDMUNDS. The law before that authorized the receiver to have a certain percentage on his sales and did not say "sales for cash," as I think the Senator will find a sale and a sale for cash being understood to mean exactly the same thing. If I am right, therefore, in supposing that the law regarding the compensation of receivers of public moneys applied to all sales without using the word "cash" or any other term of addition or qualification or description, then if an entry with a bounty-land warrant was a sale, it did not need that law to give him the compensation on it.

Mr. ALLISON. Well, Mr. President, that is a question that it is not necessary for me to answer.

Mr. EDMUNDS. I think it is according to your argument.

Mr. ALLISON. I am only undertaking to show what contemporaneous legislation meant to have us understand the effect or import of land warrants was; that was all. And here they say that sales by means of land warrants shall be computed and counted by registers and receivers as though they had been sales for cash. It never entered the minds of the men who framed this statute that the location of a military bounty land warrant was not a sale; they had not reached that point of dialectics in 1852.

Mr. EDMUNDS. That was the very point to which my question was directed which my friend is unwilling to answer.

Mr. ALLISON. Now, I want to call attention to another authority on this subject. I read from Lester's Land Laws again the opinion of a distinguished citizen of the State of Michigan, who was then Secretary of the Interior, giving the construction to this very statute to which I have undertaken to give a construction, to see whether he agrees with the Senator from Vermont. I read from Lester's Land Laws, volume 1, page 616, a letter signed by Robert McClelland, Secretary of the Interior, addressed to the Commissioner of the General Land Office. The date is May 21, 1856; it was after the passage of the act of 1852, to which I have just called attention:

I am of the opinion that the act of March 22, 1852—

The act which I have quoted—

was merely designed to declare that military bounty land warrants and all legal and valid locations thereof, "*then authorized by law*," should be assignable, and that the proviso in said law, in relation to pre-emptions, authorizing a pre-emptor to make use of such warrant, owned by him, "in payment for his pre-emption, at the rate of $1.25 per acre," &c., was intended only to make such land warrant in his hands equivalent to so much cash, and not to make it technically a "location," assignable under the previous provisions of said act, and against the positive provisions of the act of 1841, which prohibited any assignment of his right of pre-emption.

Mr. McClelland understood that this language meant to give the person holding a land warrant the authority to use that land warrant as so much cash. Of course that was not the primary question here involved in this letter. I will not permit the Senator from Vermont to divert me from Mr. McClelland's construction of the statute by saying that that was not the question raised. I know perfectly well it was not the question raised. The question raised here was whether that statute so modified the pre-emption law of 1841 as to enable a pre-emptor to assign his pre-emption claim. He says it does not so authorize; that it only meant to modify the pre-emption law sufficiently to authorize him to use land warrants as so much money, and he incidentally gives the construction to the proviso which I have given.

Mr. President, I have gone over these statutes for the purpose of showing that the people who were contemporaneous with the passage of the several bounty bills understood that land warrants were to be used *pro tanto* as money in the location of public lands, that they were so used, and as my colleague has said they had a quotable market value in New York and in the great cities of this country, as much as United States bonds have, or as much as greenbacks have, or any other currency of our country. They were as much currency for the purposes indicated by these laws as any currency that could be used. They were located in quantities upon the public lands, and used as money and as substitutes for money and in lieu of money.

But then I submit to Senators that we are not to construe these laws as we construe criminal statutes; we are not to construe them with that care and nicety that we would construe criminal statutes, nor are we to complain because Mr. Jacob Thompson refused to count these land warrants in the computation of the 5 per cent. due the several States. He was a mere executive officer. These statutes, I agree, are ambiguous, to say the least of it, and therefore it was the duty of an executive officer of the Government when money was required to be paid from the Treasury to examine the statutes with care, and if there was any doubt or ambiguity in them, to submit the question to Congress as Mr. Jacob Thompson undoubtedly intended to do in 1858, and he did it after his own State of Mississippi had received the full 5 per cent. which the law had given to her under the compact made when she was admitted into the Union as some of the other States had already received it.

Mr. EDMUNDS. She did not get it on any bounty lands.

Mr. ALLISON. But she got it on what was worse. The State of Mississippi was entitled to and did receive the 5 per cent. on all the Indian reservations in that State, although not one acre of those reservations had been sold.

Mr. EDMUNDS. That is perfectly true because Congress by an independent act chose to give it to her.

Mr. ALLISON. That is what I am endeavoring to show.

Mr. EDMUNDS. It was a begging performance that was successful.

Mr. ALLISON. I am showing the general scope and intent and purpose of these various acts. Here was a large amount of land in the State of Mississippi and in the State of Alabama set apart as Indian reservations, and Congress in fairly construing these laws, or compacts if you please so to call them, with the new States admitted into the Union passed this act. The Senator said it was a begging statute. How does he know?

Mr. EDMUNDS. I know by the debate and by the language of the statute.

Mr. ALLISON. I am quoting these statutes for the purpose of showing that these compacts were construed liberally by the men who made them from time to time with the new States that came into the Union, and they were construed so liberally as that Indian reservations not sold at all were computed and included at the rate of $1.25 per acre.

Mr. EDMUNDS. The Senator is mistaken, I think, with great respect to him, (and he ought to be a little careful in his statements of fact,) in speaking of the Mississippi act as an act construing the compact of admission. If the Senator will look at the act itself and the

small debate that was had about it, he will see that there was no attempt on the part of the Mississippi claimants, according to the best of my recollection, to hold that it was within any just construction of the act of admission; but the argument was that the State had expected to get more and it was supposed the Indian titles would all be extinguished—that was the expectation—and that they would get cash. That had all turned to be a mistake and had fallen through; and therefore Congress was appealed to to be kind and generous to them and give them this money, and Congress said it would.

Mr. ALLISON. Of course I do not mean to say that Congress, at the time the act was passed, construed the law so as to give Mississippi this percentage on the reservations. I only quote the act for the purpose of showing that Congress has uniformly in its dealings with the new States construed these statutes liberally and not technically, as though they were trying a criminal.

Mr. EDMUNDS. I say it is no construction at all.

Mr. ALLISON. Now, Mr. President, as I said in the beginning, these claims (because if they are not claims they have no business here) arise chiefly out of statutes that were passed after 1847. I believe, although I have not examined the bill with that care which enables me to express a positive opinion upon it, that ninety-nine one-hundredths of the proceeds under this bill will be found to arise out of statutes that were passed after 1847. So far as I am concerned, I should be willing to make it wholly apply to the policy that was adopted by Congress in 1847 and subsequent years.

These statutes run over a series of years, from 1847 to 1858. They include first the soldiers of the Mexican war; then they include the soldiers and their heirs of the war of 1812 and the revolutionary war, taking in almost every imaginable case. I will enumerate specifically these statutes. They were of 1847, 1848, 1850, 1852, 1854, 1855, and finally 1858—a series of statutes intended to compensate the soldiers of the Republic for services that they had rendered, first, in establishing our Government; secondly, in the war of 1812; and, thirdly, in the war with Mexico; and also for services in all the Indian wars intervening, from 1790 down.

I call attention to these statutes and to the fact that Iowa seems to have a larger proportion of this sum than any other State. That is due to the fact that Iowa was admitted into the Union in 1846, before the beginning of the Mexican war. And now, lest I forget it hereafter, I want to call the attention of the Senator from Vermont, who quoted the act of admission providing that for three years the bounty lands should be exempt from taxation in the State of Iowa under the war of 1812. It is true that exemption was made, but it was made in favor of those who might have these bounty lands or bounty land warrants.

Mr. EDMUNDS. Not under the war of 1812 alone, I think. It was of universal application.

Mr. ALLISON. The language is "under the late war," and being in 1846 I take it it was the war of 1812.

Mr. EDMUNDS. Will the Senator be kind enough to read the language?

Mr. ALLISON. The language was "under the late war." Will the Senator from Indiana read the language, as he has the book before him? My recollection is that it is "under the late war."

Mr. McDONALD. The Senator is correct about that. The language is as follows:

Provided, That the five foregoing propositions herein offered are on the condition that the Legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively.

This is the act of March 3, 1845.

Mr. EDMUNDS. It is "during the late war," whatever that may mean, but "which may hereafter be granted."

Mr. McDONALD. It applies to land warrants granted for services rendered "during the late war."

Mr. ALLISON. "During the late war;" that meant the warrants which had already been granted for the war of 1812, or warrants that might thereafter be granted for services during that war. Now, the public policy involved in that exemption was simply this: By the act of 1816 and by subsequent acts of Congress a portion of the land warrants that had been authorized for services in the war of 1812 were to be located in the then Territory of Missouri, north of the Missouri River, which comprehended what was involved in that act as a part of the State of Iowa.

Mr. EDMUNDS. The Senator will pardon me. If I do not annoy him by interruptions——

Mr. ALLISON. Not at all, because I only want to get at the facts.

Mr. EDMUNDS. The Senator will pardon me if I suggest to him that I did not refer to the provision as affecting any question as to which war it was, or what the extent of it was, but for the purpose of calling his attention to the distinction that the statute admitting Iowa itself made between lands sold and bounty lands.

Mr. ALLISON. I know the purpose for which the Senator called attention to it, and I have referred to that law for a wholly different purpose; for the purpose of showing that at that time there were but few military land warrants, and that the Mexican war soon followed, the acts first giving lands to the soldiers who enlisted for service in that war, and finally, in 1850, 1852, and 1854, spreading a net-work of land warrants covering every war that had taken place in the United States since 1790.

Mr. President, could it have been contemplated, and if it was so contemplated, is it a fair and just interpretation now to give to these statutes, that, after assuring to Iowa for public schools, setting apart a sacred fund of 5 per cent., Congress, in the exercise of its sovereign power over bounty land warrants, meant to place these warrants in such condition as that Iowa was to be covered over with them, and by this wholly defeat the compact made with her? She had fifty-five thousand square miles of land when she was admitted into the Union. She had a right to suppose, and her people had a right to suppose, that here would be a fund that could be used for the education of her children for all time to come; and so careful was she of that fund that she provided that the principal of it should never be touched or disturbed, but that it should be held sacred forever, and that only the interest should be so applied. And by a subsequent provision in the constitution of our State, adopted in 1857, it is provided that any fund from any source whatever relating to public schools that shall be lost shall be counted as a part of the debt of the State, and the State shall pay into the school fund 6 per cent. per annum upon that account.

But now let us look a little further into this business. The Senator from Vermont gathered an argument of considerable proportions from the fact that in some way or other we had in receiving the Northwest Territory made such a contract or compact with the old State of Virginia as to preclude us now from paying any portion of the proceeds of this land to the new States of the Union. He, inadvertently of course, forgot to mention that of the thirteen new States of the Northwest and Southwest, only five were carved out of the Northwest Territory; that the State of Louisiana, the State of Arkansas, the State of Missouri, the State of Iowa, the State of Minnesota, the State of Nebraska, the State of Colorado, and the State of Kansas are all States that came to us from the Louisiana purchase of 1803, and had no connection whatever with the ordinance by which Virginia ceded to the United States a portion of her territory. So whatever argument there is with reference to the Northwest Territory, it seems to me cannot apply to this great number of States, the majority of the States benefited by this bill, who came into the Union under the Louisiana purchase, and not under the cession from Virginia.

Mr. EDMUNDS. Perhaps you will be willing to strike out the five States you refer to from this bill, and try the others on this bill.

Mr. ALLISON. No; I am merely stating that the Senator, through inadvertence, led us to believe the other day that all the States benefited by this bill were included in the Northwest Territory.

Mr. EDMUNDS. I did not say that.

Mr. ALLISON. I know the Senator did not say that, but he made no exception, although there are nine States which do not come in under that, whatever may be the argument in reference to the Northwest Territory. But I submit to the Senator that even that argument comes too late, because over and over again we have dealt with the lands in the Northwest Territory without reference to that ordinance so far as the question of the distribution of the proceeds of sales is concerned. The act of 1841—I only state for the purpose of showing what Congress then thought of our obligations to the State of Virginia—provided that 10 per cent. of all the proceeds of public lands thereafter sold should go to certain specified States, most of them, I believe all of them, although I am not quite clear about that, nearly all of them States within the Northwest Territory.

Mr. EDMUNDS. If there are only five now, there could not have been ten then.

Mr. ALLISON. Not ten States; 10 per cent. in addition to the 5 per cent.

Mr. EDMUNDS. If the Senator will allow me I may inform him on that point that the 10 per cent. was given to every one of the newly admitted States that had lands within their borders, and the balance was to be divided among all the people of the United States evenly, and each of these States was to have five hundred thousand acres besides. They took the land and then repealed the provision for giving the rest of the money to all the States.

Mr. ALLISON. Mr. President, that is hardly a fair statement, I submit to the Senator from Vermont, of what was done by the act of 1841. That act of 1841, it is true, provided that 10 per cent. should be given to certain specified States and that the remainder of the proceeds of the public lands should be paid over to all the States and all the Territories in proportion to their population. It provided also that five hundred thousand acres of land should be granted to each new State, and provided right in the same statute that it might be abrogated, first, by a positive provision of law; secondly, by a foreign war; and thirdly, by a modification of the tariff whereby the tariff should be increased beyond 20 per cent. So it was perfectly understood at the time that subsequent legislation might take away the provision for distribution, and it was not only so understood, but in 1848 a special act was passed on the subject with reference to the limitations and exceptions.

Mr. EDMUNDS. Precisely. If my honorable friend will pardon me, the act of 1841 provided for a final disposition of the public lands and their proceeds by giving 10 per cent. to the States that had any in them, in addition to the five, by giving to each one of these States that had any lands in them five hundred thousand acres of land in lieu of what they had before, by giving the rest of the money, the proceeds of the sales, to all the States alike, in other words for the general benefit. Then it provided that that act should be suspended whenever there was a foreign war and that it should be held up whenever Congress made a modification of the tariff that increased the duties byond 30 per cent. or whatever it was. They did make a modification of the tariff, not having a foreign war handy just at that time, which suspended the act. Then it was discovered that in order to keep the lands it was necessary that it should be declared by an act afterward that only the later sections of that act after section 6 I believe should be suspended and all the first sections—or whichever way it was—finally Congress declared that half of the act should be suspended, the half that gave anything to the old States, and that part of it which gave lands to the new States was to still go on notwithstanding the tariff. That is a correct statement I believe.

Mr. ALLISON. That is a partial statement also. The object of the statute of 1848 was to keep in force the pre-emption law of 1841, and nothing more nor less, and, therefore, it provided that the suspension should only apply to the first four sections of the act of 1841.

Mr. EDMUNDS. Was it necessary in order to keep the pre-emption law in force, that each new State should have five hundred thousand acres of land that could not be pre-empted?

Mr. ALLISON. I suppose not.

Mr. EDMUNDS. I should think not.

Mr. ALLISON. That was the object of the suspension, namely, to preserve the pre-emption laws. So much for that.

The Senator from Vermont took great care to go into all the question of our public lands and by implication he repeats this morning that inasmuch as we had five hundred thousand acres of land granted to us for educational purposes therefore we are not entitled to what the law gives us or what we believe, by a fair construction of these laws taking them all together, we are entitled to on account of the sales of the public lands. This leads me as it did him to examine to some extent the public policy of this Government with respect to our public lands.

It will be seen by a reference to the ancient statutes that it was the policy of the Government during the early years of our history to carefully preserve the public lands, and that policy gradually became relaxed, first, by means of bounties to soldiers; secondly, by means of grants for educational purposes, as in 1841, and finally the flood-gates were opened in 1850, and the first precedent was made for lands to be granted for purposes of internal improvement with reference to the railways, there having before that time been grants of land for purposes of building canals and roads, &c. In 1850 a "new departure" was made in the policy of this Government with reference to the public lands, having no regard to new States or Territories, having no regard to the local benefits that a State or a Territory would derive from these grants, any more than the Congress of the United States have regard for the local benefits that are to be made by reason of a tariff of a cent and a half a pound on steel, if you please, or upon any other article that is manufactured in one of these States and cannot be manufactured in another—no more regard to this question which we are considering now than the blowing out of the rocks of Hell Gate has to it.

Mr. President, what was this policy? It was that the States having public lands should be especially developed by means of railways and railway construction, and the whole country thereby be enabled to increase its commerce, internal and external, by increase of production. It was provided, in order that the Government should lose nothing, that the alternate sections should have a double minimum price, namely, $2.50 per acre, and that thereby the Government would reimburse itself for the lands granted to railways or to States for railway purposes. That policy, begun in 1850, was pursued and continued until a very recent date, which I will not trouble the Senate to consider.

Mr. EDMUNDS. May I ask the Senator a question right there?

Mr. ALLISON. I yield to the Senator.

Mr. EDMUNDS. About this double minimum business which is always amusing when it is brought forward in this way, I ask the Senator if he really means to say that the double minimum limitation in these railway grants had for its primary object to keep the Government from losing anything; or was it always the astute performance of the railway man who wanted the land, in order that the Government should not undersell him, and that he should get $2.50 an acre for his grant?

Mr. ALLISON. I have no insinuation to make about the astute performance of any railway grant or any railway man engaged in such a grant. I mean to say that the primary object of the Government was to secure double minimum price for all lands within a certain number of miles of the railway, and that double minimum has always been received, and thus paid for the land granted to the railway. Of course it was a sound measure of policy, because the land within six miles of the railway would be enhanced in value by reason of the grant and the construction of the railway. So of the swamp lands. That was entirely a different question. That was a question having its origin, I believe, in the State of Mississippi, because in the Southwestern States these lands, for years and years, had been open to sale at the minimum price of a dollar and a quarter an acre; they were not sold at a dollar and a quarter an acre; the price was finally reduced to twelve and a half cents an acre, and they were not then sold. This was true of many of the lands in the State of Mississippi and other Southern States; and Congress, in the exercise of a sound public judgment, in my belief, provided that these lands should be donated to the States, whose duty it would be to reclaim them, and when reclaimed and sold the proceeds should be applied to purposes of levees, drainage, &c. Therefore these lands were granted absolutely to the States upon an entirely different principle and having no connection whatever with the military bounty land warrants; and yet, because a large number of acres were eventually taken out for this purpose, that is brought in here as a make-weight against this bill, and we are told that thirty, forty, or fifty million acres were so granted. So of all the other purposes, they have no relation whatever to this bill.

But, Mr. President, the Senator from Vermont who argues against this bill seems to argue as though there were some sacred right to these lands in the hands of the Government of the United States which could not be infringed upon. I think if we are to go into this question it might be proper to go a step further and inquire how it is that the United States itself has this sacred right to this soil. If we were to do that we should find that the five Northwestern States were granted by the State of Virginia for little or no consideration whatever to the Union; we should find that the Louisiana purchase only cost us $12,000,000; and yet from the Louisiana purchase and from the Northwest Territory we have carved out thirteen or fourteen States of this Union, comprising I do not know how many hundreds of millions of acres of land. The old States of the Union had their lands set apart to them. The Government of the United States never undertook to interfere with the lands in any of the older States of the Union. She did call upon North Carolina and Virginia to make cessions in the interest of the whole Union, and those two States did make large cessions, as did the State of Georgia, of portions of their territory, and made partially without consideration and made really, I believe in some instances, without any consideration, or, if any consideration, a very small one. So if there are any equities in this matter, these equities do not belong to the Government of the United States wholly, because the lands acquired by the Government of the United States were acquired for small sums of money, or for no money at all, or by reason of Indian cessions of different reservations or lands supposed to be held by a possessory title by the Indians in the Western States.

But there is another question which it is worth while for us to consider, and which I regret to say I have not been able to find full statistics about, and that is, what are the real equities in this case? The Senator from Vermont says that we are taking this money out of the Treasury, and that we are taxing the American people to pay this money. Are we? Is that a fair statement to be made when we are considering the question of the 5 per cent. of net proceeds? Mr. President, I have before me a statement taken from the records of the Commissioner of the General Land Office, showing that there has been paid into the Treasury in all since 1850, since these bounty land laws were passed, since these great acts and grants, $81,418,441 for the sales of public lands. Eighty-one million dollars in thirty years have been paid into the Treasury and contributed by the people in these new States to the Treasury of the United States. That is in addition to all the soldiers of Vermont and all the soldiers of New England and all the soldiers of Pennsylvania and Virginia who received bounty lands by virtue of their services in the revolutionary war and the wars of 1812 and 1847. So that, if this bill shall pass, it does not give us 5 per cent. upon the money that has actually been paid into the Treasury of the United States in the last thirty years. I submit, then, that it is no burden on the Treasury; and if we are called to do this by a fair construction of these several grants it does not lie in the pathway of the older States of this Union to say that we shall not have this money because it comes out of the tax-payers of the whole country. We have, as we believe, a fair title to this money by virtue of the articles of compact made with us, and, so believing, there is an ample fund out of which it can be paid without drawing upon the Treasury of the United States for a single dollar, except in form, as the proceeds of the public lands would pay the whole of it in two years.

Therefore, Mr. President, although I have not stated all I meant to say upon this question, I have gone over a few of what I consider the salient points and facts which entitle us at the hands of the Congress of the United States to receive what you promised to give us in the several compacts by which we were admitted into the Union upon an equality with all the States.

It has been intimated by the Senator from Ohio that there may be opposition to the bill because a portion of the money goes to the Southern States. For myself, and I speak for myself alone, I regret exceedingly that a larger per cent. is not found to be due to the States in the South, who I think above all other States require the aid and service of the General Government in helping them in the education of the colored people of the South. Therefore, whatever that is, I am willing it should be given freely, and I shall be glad if they could be able to find their title clear to more than is involved in this bill. And I believe that it is no waste of the public money, no waste of the

proceeds of the sales of public lands, to have them applied, as these statutes intended they should be applied, to the education of the youth of our country, whether they be North, South, East, or West.

Mr. President, after having given a careful study to this question, as careful a study as I could give it within the last four or five days, I have come to the conclusion that as a matter of law and of justice we are entitled to the passage of this bill. We claim it on no other ground. We claim that we are entitled to it under the construction made by these statutes from time to time by the Congress of the United States, and we are not to be debarred from it from the simple fact that an executive officer of the Government in the careful exercise of the powers granted to him has seen fit to decide against us, and remitted the whole question to Congress, and because Congress for several years has failed to give these compacts the construction which they are fairly entitled to, as I have endeavored to show.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the motion of the Senator from Vermont, that this bill be indefinitely postponed. Is the Senate ready for the question?

Mr. KIRKWOOD. Mr. President, I think one or two Senators desire to address the Senate on this subject before the vote is taken. One of the Senators from Florida [Mr. JONES] I think has a desire of that kind, and I think I, myself, should like to say a few words on the subject before the vote is taken. I move, therefore, not with a desire of having the floor to-morrow morning, which I think the Senator from Florida desires to have, that the Senate proceed to the consideration of executive business.

Mr. THURMAN. I have an amendment that I intend to offer to the bill under consideration. It is not in order to offer it now, but I submit it and ask that it lie on the table and be printed.

Mr. ALLISON. I ask that it be read for information.

The PRESIDING OFFICER. The amendment will be read for information.

The CHIEF CLERK. It is proposed to insert in line 9, section 1, immediately before the word "whose," the words:

Including Virginia military and United States military land warrants located in the State of Ohio after her admission into the Union.

The amendment was ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York; and it was thereupon signed by the Vice-President.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session, the doors were reopened and (at three o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 16, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journals of Friday and Saturday were read.

CORRECTION OF THE JOURNAL.

Mr. BARBER. I desire to make a correction of the Journal. I am represented as having voted in favor of House bill No. 2797, for the relief of certain citizens of Lynchburgh, Virginia, and refunding to them taxes improperly collected from them on manufactured tobacco. I was not present at the time, being paired with the gentleman from Ohio, [Mr. EWING,] and did not vote.

The SPEAKER. The correction will be made accordingly.

ORDER OF BUSINESS.

The SPEAKER. The morning hour will begin at twenty-one minutes past twelve o'clock. This being Monday, the first business in order during the morning hour is the call of States and Territories for the introduction on leave of bills and joint resolutions for reference to their appropriate committees. During this call memorials and resolutions of State and territorial Legislatures are in order, and also resolutions calling for executive information, for reference to appropriate committees.

Mr. ATKINS. Mr. Speaker, I move by unanimous consent that the call for bills and joint resolutions be proceeded with until all the States and Territories have been called.

Mr. WEAVER. I object.

BENJAMIN JONES.

Mr. LADD introduced a bill (H. R. No. 4443) granting a pension to Benjamin Jones; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DENNIS B. MUNSEY.

Mr. LINDSEY introduced a bill (H. R. No. 4444) granting a pension to Dennis B. Munsey, of Wiscasset, Maine, late captain of the afterguard, United States flag-ship Hartford; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HORACE S. PIKE.

Mr. FARR introduced a bill (H. R. No. 4445) granting a pension to Horace S. Pike; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MOSES FULLINGTON.

Mr. JOYCE introduced a bill (H. R. No. 4446) granting a pension to Moses Fullington, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

APPRAISEMENT OF MACHINERY.

Mr. FIELD introduced a bill (H. R. No. 4447) to authorize the examination and appraisement of machinery at the place where it is erected; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

WILLIAM B. FRANKLIN.

Mr. HAWLEY introduced a joint resolution (H. R. No. 211) appointing William B. Franklin, of Connecticut, a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

PETER M. HALWICH.

Mr. LOUNSBERY introduced a bill (H. R. No. 4448) for the relief of Peter M. Halwich, for difference of pay as first lieutenant and that of second lieutenant while serving as second lieutenant; which was read a first and second time, and referred to the Committee on Military Affairs.

CHARLES R. PRATT.

Mr. PRESCOTT introduced a bill (H. R. No. 4449) granting a pension to Charles R. Pratt, late private of Company H, Eleventh Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHANGE OF NAME OF STEAM-TUG.

Mr. CHITTENDEN introduced a bill (H. R. No. 4450) to change the name of the steam-tug Charlotte and Isabella to Maud; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MONUMENT AT SCHUYLERSVILLE, NEW YORK.

Mr. STARIN introduced a bill (H. R. No. 4451) for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MATTHEW HARRINGTON.

Mr. LAPHAM introduced a bill (H. R. No. 4452) granting a pension to Matthew Harrington, late a sergeant in Company B, First New York Dragoons; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES PARHALL.

Mr. LAPHAM also introduced a bill (H. R. No. 4453) granting a pension to Charles Parhall, late a private in Company B of the Thirty-sixth Regiment of Wisconsin Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SECTION 5498 OF THE REVISED STATUTES.

Mr. LAPHAM also introduced a bill (H. R. No. 4454) explaining section 5498 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALLIE SPENCE.

Mr. BAILEY introduced a bill (H. R. No. 4455) for the relief of Sallie Spence; which was read a first and second time, and referred to the Committee on War Claims.

AMENDMENT OF REVISED STATUTES.

Mr. VAN AERNAM introduced a bill (H. R. No. 4456) to amend section 4693 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M. CASSETY.

Mr. VAN AERNAM also introduced a bill (H. R. No. 4457) for the relief of James M. Cassety, of Fredonia, New York; which was read a first and second time, and referred to the Committee of Claims.

PROTECTION TO THE HARBOR OF OGDENSBURGH.

Mr. JAMES introduced a bill (H. R. No. 4458) to provide for a pile protection to the harbor of Ogdensburgh, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SETH L. FORD.

Mr. PIERCE introduced a bill (H. R. No. 4459) to place the name of Seth L. Ford on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PAST & M'CORD.

Mr. BRIGHAM introduced a bill (H. R. No. 4460) for the relief of Past & McCord; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Commerce.

FOREST W. M'ELROY.

Mr. BELTZHOOVER introduced a bill (H. R. No. 4461) granting a pension to Forest W. McElroy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN WILLIAM E. MILLER.

Mr. BELTZHOOVER also introduced a joint resolution (H. R. No. 212) appointing Captain William E. Miller, of Pennsylvania, a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, and referred to the Committee on Military Affairs.

TORRENCE DELOZIER.

Mr. COFFROTH introduced a bill (H. R. No. 4462) for the relief of Torrence Delozier for carrying the mails of the United States on route No. 2942, from Carrolltown to Fallen Timber, Pennsylvania; which was read a first and second time, and referred to the Committee of Claims.

JOHN B. BETTS.

Mr. COFFROTH also introduced a bill (H. R. No. 4463) to remove the charge of desertion from the military record of John B. Betts, late a private in Company B, Twelfth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN LEE.

Mr. COFFROTH also introduced a bill (H. R. No. 4464) for the relief of John Lee; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE DIEHL.

Mr. COFFROTH also introduced a bill (H. R. No. 4465) for the relief of George Diehl; which was read a first and second time, and referred to the Committee on Military Affairs.

JOSEPH BENNET.

Mr. COFFROTH also introduced a bill (H. R. No. 4466) granting a pension to Joseph Bennet; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS LITTLE.

Mr. COFFROTH also introduced a bill (H. R. No. 4467) granting an increase of pension to Francis Little; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GOVERNMENT FOR DISTRICT OF COLUMBIA.

Mr. KELLEY introduced a bill (H. R. No. 4468) establishing a government for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

GEORGE L. COVERT.

Mr. OVERTON introduced a bill (H. R. No. 4469) granting a pension to George L. Covert, of Bradford County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PROTECTION OF POSTMASTERS.

Mr. BINGHAM (by request) introduced a bill (H. R. No. 4470) for the relief and protection of postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NATHAN P. HORMELL.

Mr. WISE introduced a bill (H. R. No. 4471) granting a pension to Nathan P. Hormell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MAJOR WILLIAM A. WEST.

Mr. WISE also introduced a bill (H. R. No. 4472) granting a pension to Major William A. West; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. CATHERINE LOSE.

Mr. WISE also introduced a bill (H. R. No. 4473) granting a pension to Mrs. Catherine Lose; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY J. GOSLEE.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 4474) granting a pension to Mary J. Goslee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY F. LOVEAIRE.

Mr. HENKLE introduced a bill (H. R. No. 4475) for the relief of Henry F. Loveaire, late second assistant engineer in the United States naval service; which was read a first and second time, and referred to the Committee on Naval Affairs.

JANE E. SLAMM.

Mr. TALBOTT introduced a bill (H. R. No. 4476) granting a pension to Jane E. Slamm, widow of Levi D. Slamm, deceased, late a paymaster in the United States Navy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TOBACCO FOR UNITED STATES NAVY.

Mr. JOHNSTON introduced a bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LIGHT-HOUSE AT BOUSH'S BLUFF, VIRGINIA.

Mr. GOODE introduced a bill (H. R. No. 4478) to provide for the erection of a light-house at or near Boush's Bluff, in Norfolk County, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REBECCA SEARS.

Mr. JORGENSEN introduced a bill (H. R. No. 4479) for the relief of Rebecca Sears, administratrix of James W. Sears, deceased; which was read a first and second time, and referred to the Committee on War Claims.

REVOLUTIONARY ARMY UNPAID CLAIMS.

Mr. HUNTON introduced a bill (H. R. No. 4480) to provide for the settlement of the unpaid claims of those officers of the line of the revolutionary army who served to the close of the war of independence, and so returned on the books of the Treasury; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE M. BARNARD.

Mr. HUNTON also introduced a bill (H. R. No. 4481) for the relief of Caroline M. Barnard, legal heir of Colonel A. C. W. Fanning, deceased, United States Army; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

RETURN OF COTTON TAX.

Mr. RICHARDSON, of South Carolina, introduced a bill (H. R. No. 4482) to return to the producers the cotton tax collected by the Government, which has been declared by the Supreme Court of the United States to have been illegally collected; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHARLESTON NECK SHIP-CANAL.

Mr. O'CONNOR introduced a bill (H. R. No. 4483) to authorize the Secretary of War to cause a survey to be made of a ship-canal across Charleston Neck, connecting the waters of the Ashley and Cooper Rivers, which empty into Charleston Harbor; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SULLIVAN'S ISLAND, CHARLESTON HARBOR.

Mr. O'CONNOR also introduced a bill (H. R. No. 4484) making an appropriation for the placing of a jetty or jetties to save Sullivan's Island from the washings of the sea and for the protection of Charleston Harbor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HAMILTON SLAWSON.

Mr. O'CONNOR also introduced a bill (H. R. No. 4485) for the relief of the heirs of Hamilton Slawson, jr.; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM B. HALL.

Mr. BLOUNT introduced a bill (H. R. No. 4486) to remove the political disabilities of William B. Hall, of Georgia; which was read a first and second time, and referred to the Committee on the Judiciary.

CANOOCHEE RIVER, GEORGIA.

Mr. NICHOLLS introduced a bill (H. R. No. 4487) to appropriate $5,000 for the survey of the Canoochee River in the State of Georgia, with a view to the improvement of the navigation of said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COTTON MACHINERY FREE OF DUTY.

Mr. PERSONS introduced a bill (H. R. No. 4488) to admit machinery for manufacturing cotton fabrics free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HOMESTEAD ENTRIES.

Mr. HERBERT introduced a bill (H. R. No. 4489) to repeal the act of March 3, 1879, providing for publication in newspapers of notice before making final proof in homestead entries; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN GILBERT.

Mr. HERBERT also introduced a bill (H. R. No. 4490) to grant a pension to John Gilbert, a soldier in the Mexican war; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

FAIR GROUNDS AND BLADENSBURGH RAILROAD COMPANY.

Mr. SAMFORD (by request) introduced a bill (H. R. No. 4491) to incorporate the Sixth Street, Fair Grounds and Bladensburgh Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DISTRICT OF COLUMBIA BONDS.

Mr. SAMFORD (by request) also introduced a bill (H. R. No. 4492) to provide for the issue and exchange of registered bonds of the District of Columbia for coupon bonds of said District; which was read

a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

DISTRIBUTION OF CONGRESSIONAL RECORDS.

Mr. MANNING introduced a joint resolution (H. R. No. 213) regarding the printing and distribution of CONGRESSIONAL RECORDS to certain libraries; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SUNFLOWER PACKET COMPANY.

Mr. CHALMERS introduced a bill (H. R. No. 4493) for the relief of Sherman H. Parisot, George W. Bookout, George H. Smith, L. A. Campbell and George W. Faison, doing business under the name of The Sunflower Packet Company; which was read a first and second time, and referred to the Committee of Claims.

WYANDOT MISSION, OHIO.

Mr. FINLEY introduced a joint resolution (H. R. No. 214) relative to the erection of a monument at the Wyandot Mission, Upper Sandusky, Ohio; which was read a first and second time, and referred to the Committee on the Library.

SARAH A. FURGUSSON.

Mr. KEIFER introduced a bill (H. R. No. 4494) for the relief of Sarah A. Furgusson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INVALID PENSIONS.

Mr. KEIFER also introduced a bill (H. R. No. 4495) granting pensions to certain Union soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4496) to amend pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. PARRIS.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4497) granting a pension to George W. Parris; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HUGH H. M'GOWAN.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4498) granting a pension to Hugh H. McGowan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LOUIS GROVERMAN.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4499) granting a pension to Louis Groverman; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN A. MORRIS.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4500) granting a pension to John A. Morris; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES W. M'BRIDE.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4501) granting a pension to James W. McBride; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY MEINKEN.

Mr. LE FEVRE introduced a bill (H. R. No. 4502) granting a pension to Henry Meinken; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DOLLY BLAZER AND OTHERS.

Mr. NEAL introduced a bill (H. R. No. 4503) granting a pension to Dolly Blazer and the minor children of Richard Blazer, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN MARIETTA.

Mr. McMAHON introduced a bill (H. R. No. 4504) granting a pension to John Marietta; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DAVID SMITH.

Mr. McMAHON also introduced a bill (H. R. No. 4505) granting a pension to David Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACKSON S. BRADLEY.

Mr. McKENZIE introduced a bill (H. R. No. 4506) for the benefit of Jackson S. Bradley, of Hancock County, Kentucky; which was read a first and second time, and referred to the Committee on Military Affairs.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS introduced a bill (H. R. No. 4507) to abolish all tolls at the Louisville and Portland Canal; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MRS. LENA BENSINGER.

Mr. WILLIS also introduced a bill (H. R. No. 4508) for the relief of Mrs. Lena Bensinger, Louisville, Kentucky; which was read a first and second time, and referred to the Committee of Claims.

EXPORTATION OF TOBACCO.

Mr. HOUSE introduced a joint resolution (H. R. No. 215) requesting the President to open negotiations with certain foreign governments relative to the importation of tobacco into their dominions; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN SCUDGINGTON.

Mr. TAYLOR introduced a bill (H. R. No. 4509) to remove the charge of desertion now borne on the roll against John Scudgington; which was read a first and second time, and referred to the Committee on Military Affairs.

ROBERT KERSEY.

Mr. TAYLOR also introduced a bill (H. R. No. 4510) granting a pension to Robert Kersey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH GRIGSLEY.

Mr. TAYLOR also introduced a bill (H. R. No. 4511) granting a pension to Joseph Grigsley; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENDERSON LADY.

Mr. TAYLOR also introduced a bill (H. R. No. 4512) granting a pension to Henderson Lady; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FIRST BAPTIST CHURCH, CHATTANOOGA, TENNESSEE.

Mr. DIBRELL introduced a bill (H. R. No. 4513) for the relief of the First Baptist church in Chattanooga, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSHUA M. COPE.

Mr. DIBRELL also introduced a bill (H. R. No. 4514) for the relief of Joshua M. Cope; which was read a first and second time, and referred to the Committee of Claims.

ROBERT PHIFER.

Mr. HOUK introduced a bill (H. R. No. 4515) granting a pension to Robert Phifer, of Loudon County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JANE DAGLEY.

Mr. HOUK also introduced a bill (H. R. No. 4516) granting a pension to Jane Dagley, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

T. R. HAGGART.

Mr. HOUK also introduced a bill (H. R. No. 4517) granting an increase of pension to T. R. Haggart, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EDWARD ELLIS.

Mr. HOUK also introduced a bill (H. R. No. 4518) for the relief of Edward Ellis, of Knox County, Tennessee; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims.

FIELDING NEWPORT.

Mr. HOUK also introduced a bill (H. R. No. 4519) granting a pension to Fielding Newport, of Scott County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES A. DAVIS.

Mr. HOUK also introduced a bill (H. R. No. 4520) granting a pension to James A. Davis, of Blount County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN F. PHOTON.

Mr. HOUK also introduced a bill (H. R. No. 4521) for the relief of John F. Photon, of Jefferson County, Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

JAMES M'CONKEY.

Mr. HOUK also introduced a bill (H. R. No. 4522) for the relief of James McConkey, of Monroe County, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

JOHN M'CARROLL.

Mr. HOUK also introduced a bill (H. R. No. 4523) granting a pension to John McCarroll, of Loudon County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid pensions.

RUPERT G. HILL.

Mr. HOUK also introduced a bill (H. R. No. 4524) for the relief of Rupert G. Hill, lieutenant Fortieth New York Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JULIA MORAN.

Mr. COLERICK introduced a bill (H. R. No. 4525) for the relief of Julia Moran; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES MAHONEY.

Mr. COLERICK also introduced a bill (H. R. No. 4526) granting a pension to James Mahoney, of Mount Etna, Huntington County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LONA S. FITZGERALD AND EVA M. FITZGERALD.

Mr. DE LA MATYR introduced a bill (H. R. No. 4527) granting a pension to Lona S. Fitzgerald and Eva M. Fitzgerald; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CONVICT LABOR.

Mr. BAKER introduced a bill (H. R. No. 4528) to amend section 1351 of the Revised Statutes, to prohibit the employment of convicts in the manufacture of such articles as may be brought into competition with the products of the skilled labor of the country; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

FRANCIS MATTHEWS.

Mr. BAKER also introduced a bill (H. R. No. 4529) granting an increase of pension to Francis Matthews; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WESLEY W. LANE.

Mr. BAKER also introduced a bill (H. R. No. 4530) granting a pension to Wesley W. Lane; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL GIBBONS.

Mr. BAKER also introduced a bill (H. R. No. 4531) for the relief of Samuel Gibbons; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN H. KILLGORE AND OTHERS.

Mr. MYERS introduced a bill (H. R. No. 4532) for the relief of John H. Killgore, George W. Johnson, and Owen Johnson, late members of the Fortieth Regiment Indiana Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MEDICINAL DRUGS FREE.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 4533) to repeal the duty on medicinal agents and drugs, and to place the same on the free list; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

HENRY CLEGG.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 4534) granting a pension to Henry Clegg; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PHILIP SHULL.

Mr. MARSH (by request) introduced a bill (H. R. No. 4535) granting a pension to Philip Shull, Happer's Mills, Henderson County, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM R. ROGERS.

Mr. HENDERSON introduced a bill (H. R. No. 4536) granting a pension to William R. Rogers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DUTY ON IRON AND STEEL.

Mr. HENDERSON also introduced a bill (H. R. No. 4537) to amend existing customs and, to reduce the duty on iron and steels; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CHARLES SEGO.

Mr. BUCKNER (by request) introduced a bill (H. R. No. 4538) granting a pension to Charles Sego, of Saint Charles County, Missouri; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS M. APPLEBY.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 4539) granting a pension to Francis M. Appleby; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INDIAN TREATIES.

Mr. WADDILL introduced a bill (H. R. No. 4540) to carry out the stipulations of certain Indian treaties; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SARAH COX.

Mr. SAWYER introduced a bill (H. R. No. 4541) for the relief of Sarah Cox, widow of James Cox, private in First Regiment Missouri Volunteers, in Mexican war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MISSOURI MILITARY CLAIMS.

Mr. SAWYER also introduced a bill (H. R. No. 4542) providing for the appointment of commissioners to ascertain what just claims for military services performed by officers and privates of the military forces of the State of Missouri in the suppression of the rebellion, in concert with the authorities of the United States, and subject to their orders, still remain unpaid and not assumed by said State, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOWELL A. CHAMBERLIN.

Mr. FROST introduced a bill (H. R. No. 4543) for the relief of Lowell A. Chamberlin, first lieutenant First Artillery, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

MARSHALS AND SUPERVISORS AT THE POLLS.

Mr. FROST also introduced a bill (H. R. No. 4544) to repeal sections 2 to 17, inclusive, of the act of February 28, 1871, relative to the use of marshals and supervisors at the polls, and that portion of the act of June 10, 1872, relating to the same; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE S. FRAMEL.

Mr. GUNTER introduced a bill (H. R. No. 4545) for the relief of George S. Framel; which was read a first and second time, and referred to the Committee on Military Affairs.

J. H. ALEXANDER.

Mr. GUNTER also introduced a bill (H. R. No. 4546) for the relief of J. H. Alexander; which was read a first and second time, and referred to the Committee of Claims.

ENOS JOHNSON.

Mr. STONE introduced a bill (H. R. No. 4547) for the relief of Enos Johnson; which was read a first and second time, and referred to the Committee on Public Lands.

FREDERICK BARBER.

Mr. HUBBELL introduced a bill (H. R. No. 4548) granting a pension to Frederick Barber; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAULT STE. MARIE AND MARQUETTE RAILROAD.

Mr. HUBBELL also introduced a bill (H. R. No. 4549) to aid in the construction of the Sault Ste. Marie and Marquette Railroad; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

MARIA B. LEMMON.

Mr. WILLITS introduced a bill (H. R. No. 4550) for the relief of Maria B. Lemmon, widow of John C. Lemmon, formerly colonel of the Tenth New York Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

ACCOUNTS BETWEEN THE UNITED STATES AND FLORIDA.

Mr. DAVIDSON introduced a joint resolution (H. R. No. 216) directing the Secretary of the Interior to adjust and settle the accounts between the United States and the State of Florida; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDAN.

Mr. UPSON introduced a bill (H. R. No. 4551) for the relief of John Mellifont and Ellen Riordan; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM SCHUCHARDT.

Mr. UPSON also introduced a bill (H. R. No. 4552) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico; which was read a first and second time, and referred to the Committee on Foreign Affairs.

WILLIAM J. BUDD.

Mr. WELLBORN introduced a bill (H. R. No. 4553) for the relief of William J. Budd; which was read a first and second time, and referred to the Committee on Military Affairs.

AMENDMENT OF HOMESTEAD LAWS.

Mr. CARPENTER introduced a bill (H. R. No. 4554) to amend the homestead laws of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

NANCY J. STEVENS.

Mr. CARPENTER also introduced a bill (H. R. No. 4555) for the relief of Nancy J. Stevens; which was read a first and second time, and referred to the Committee on Indian Affairs.

JOHN W. MEENACH.

Mr. WEAVER introduced a bill (H. R. No. 4556) for the relief of John W. Meenach, on account of damages sustained by destruction of property made necessary in resisting John Morgan's raid; which was read a first and second time, and referred to the Committee on War Claims.

JOHN BANNISTER.

Mr. BOUCK introduced a bill (H. R. No. 4557) for the relief of John Bannister, late first lieutenant Twenty-fourth New York Cavalry, Army of the United States; which was read a first and second time, and referred to the Committee on Military Affairs.

RENT OF UNITED STATES LAND OFFICE.

Mr. PAGE introduced a bill (H. R. No. 4558) to authorize the Secretary of the Interior to make allowance for rent of United States land office; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 3408 OF REVISED STATUTES.

Mr. PAGE also introduced a bill (H. R. No. 4559) to repeal certain provisions in section 3408 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COMMERCIAL INTERESTS OF PACIFIC COAST.

Mr. PAGE also presented a joint resolution of the Legislature of the State of California, relative to the protection of the commercial interests of the Pacific coast; which was referred to the Committee on Appropriations.

MINNESOTA SHARPSHOOTERS.

Mr. DUNNELL introduced a bill (H. R. No. 4560) for the relief of Company Q, Minnesota United States Sharpshooters; which was read a first and second time, and referred to the Committee on Military Affairs.

MEANING OF WORD "ORPHAN."

Mr. WHITEAKER introduced a bill (H. R. No. 4561) to declare the meaning of the word "orphan;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JUDGE IN DISTRICT OF WEST VIRGINIA.

Mr. WILSON introduced a joint resolution (H. R. No. 217) to increase the salary of the judge of the United States district court for the district of West Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES A. CLAYPOOL.

Mr. KENNA introduced a bill (H. R. No. 4562) for the relief of Charles A. Claypool; which was read a first and second time, and referred to the Committee on War Claims.

NANCY M. M'GRAW.

Mr. KENNA also introduced a bill (H. R. No. 4563) for the relief of Mrs. Nancy M. McGraw; which was read a first and second time, and referred to the Committee on War Claims.

NORTHERN KANSAS RAILROAD.

Mr. VALENTINE introduced a bill (H. R. No. 4464) explanatory of an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WEAVER. I call for the regular order.

The SPEAKER. The morning hour has expired.

Mr. COFFROTH. I am directed by the Committee on Invalid Pensions to move to suspend the rules and pass the resolution which I send to the Clerk's desk.

Mr. MAGINNIS. I ask consent to introduce a bill for reference.

Mr. GIBSON. I was not present when my State was called, and I ask consent to introduce a bill for reference.

The SPEAKER. That has been objected to by the gentleman from Iowa, [Mr. WEAVER,] who calls for the regular order.

Mr. WEAVER. How long will it take for gentlemen to introduce their bills.

The SPEAKER. The Chair is unable to answer; it might take five minutes, it might take longer.

Mr. WEAVER. Then I call for the regular order.

The SPEAKER. The regular order being called for, motions to suspend the rules are now in order, this being Monday, and the Chair recognizes the gentleman from Pennsylvania, [Mr. COFFROTH.]

Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER. I send to the Clerk's desk and ask that he read an extract I have marked in the RECORD of the proceedings of Monday last.

The Clerk read as follows:

The SPEAKER. The right of recognition is with the Chair, under the rules and under the practice. During the last and the present session the Chair has laid down for himself as a rule which would govern him in all cases, that where a member claiming the floor for a motion to suspend the rules states that he does so under instructions from a committee, the Chair will recognize him in preference to any individual member. The Chair thinks it not only just but in the direction of promoting legislation that a committee in their collective capacity should have the right of recognition in preference to an individual member.

Mr. WEAVER. The inquiry I wish to make of the Chair is this: whether it is competent for the Chair to make a rule, whether that is not legitimately and exclusively within the province of the House? The Chair says that "during the last and the present session the Chair has laid down for himself as a rule which would govern him in all cases"—the Chair has made a rule which would govern him in all future time. That rule seems to have been made at the first appearance of the third party in this House. Now, I ask the Chair whether it is competent for the Speaker to make a rule of this House which is not sanctioned by the House?

The SPEAKER. The Chair will, in answer to the gentleman, state that immediately upon a disposition being made manifest in this House on all sides at the last session of Congress, against the practice theretofore in force of a list being kept by the Chair of those desiring to move a suspension of the rules, the Chair then determined that he would adhere to the rule as stated by him and as exemplified in the report from the Committee on Rules made by the gentleman from Ohio, [Mr. GARFIELD.] That rule is that the duty of recognizing members for such purpose devolved upon the Chair; it was a responsibility which belonged to the Chair, and therefore in case of a contest for recognition by the Chair for such purpose between two or more members the Chair would thereafter always recognize first the member who declared that he made the motion to suspend the rules by instruction of the committee to which he belonged, in preference to an individual member who had no committee at his back.

There is an easy remedy for the gentleman and for the House. If the House is not satisfied with that judgment of the Chair, the members of the House can overrule him; or if the House is not satisfied with the recognition which the Chair makes of committeemen in preference to individual members, it can always have a remedy by voting down the motions made by those committeemen to suspend the rules, until individuals are reached. The Chair is willing to obey the House in every respect.

Mr. WEAVER. One other remark, if the Chair pleases. As a matter of course I understand that the House has that power; but I also understand that the House would be very reluctant to do a thing of that kind. I only wish to reiterate my objection to the ruling of the Chair on the ground that it practically cuts off individual members from recognition.

The SPEAKER. In the opinion of the Chair it does no such thing. If the House desires to reach any proposition in the hands of an individual member there is a straight road to it. So far as the gentleman's allusion to the appearance of a third party in this House is concerned, the Chair desires to state that he will adhere to the rule without regard to any and all parties.

Mr. CONGER. May I ask the Chair whether on the recognition of any member to submit a resolution to suspend the rules the question of consideration could be raised in a parliamentary way?

The SPEAKER. It could not be, because the proposition is to suspend all the rules, the rule in regard to raising the question of consideration inclusive.

Mr. CONGER. Is there any way in which the House can determine what subject it will consider on Monday?

The SPEAKER. The motion is to suspend the rules, to suspend every one that interferes with the proposition presented to the House for action.

Mr. WEAVER. Will the Chair permit me further to remark——

The SPEAKER. The Chair will state to the gentleman from Iowa that he is really wasting time that might be used in an effort to reach his proposition.

Mr. WEAVER. I thought it was in the interest of fairness and prompt legislation, however.

The SPEAKER. All right; the Chair will hear the gentleman. He only made the suggestion to the gentleman in all kindness.

Mr. WEAVER. The suggestion I wish to make is this: that the right of an individual member to move a suspension of the rules on Monday was, in my judgment, designed in its very origin to prevent the domination of committees over the House. The ruling of the Chair, I submit, saps the very reason of Rule 145.

The SPEAKER. The Chair recollects a rule of the House, enacted prior to the Forty-fourth Congress, whereby a member could not obtain a vote on a motion to suspend the rules unless the motion was seconded by a majority vote. When the Forty-fourth Congress came in that rule was promptly repealed, so as to give the right to move a suspension of the rules and to call the yeas and nays thereon without first requiring a second. The rules therefore are in this Congress as in the Forty-fourth more liberal to the individual member than during the Forty-third Congress.

Mr. WEAVER. The rules are liberal enough.

EVENING SESSION FOR PENSION BILLS.

Mr. COFFROTH. By the unanimous instruction of the Committee on Invalid Pensions, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Wednesday evening February 18 and Wednesday evening February 25, 1880, be set apart to be devoted exclusively to receiving reports from the Committee on Invalid Pensions, and for consideration and action on pension bills in their order pending in the Committee of the Whole on the Private Calendar; no other business to be transacted.

Mr. BUCKNER. I move that the House adjourn.

Mr. STEVENSON. I suggest to the gentleman from Pennsylvania [Mr. COFFROTH] that the hour of half past seven be named in the resolution for the meeting of the House on the evenings mentioned.

Mr. COFFROTH. Very well.

The SPEAKER (having put the question on the motion of Mr. BUCKNER) said: The noes appear to prevail.

Mr. BUCKNER. I call for the yeas and nays.

The yeas and nays were ordered; there being—ayes 39, noes 75.

The question was taken; and there were—yeas 11, nays 216, not voting 65; as follows:

YEAS—11.

Acklen,	Culberson,	Hooker,	Samford,
Blount,	Davis, Lowndes H.	Page,	Shelley.
Buckner,	Herndon,	Reagan,	

NAYS—216.

Aldrich, N. W.	Davis, George R.	Ketcham,	Russell, W. A.
Aldrich, William	De La Matyr,	King,	Sapp,
Anderson,	Deering,	Ladd,	Sawyer,
Armfield,	Deuster,	Lapham,	Scales,
Atherton,	Dibrell,	Le Fevre,	Shallenberger,
Atkins,	Dickey,	Lewis,	Sherwin,
Bailey,	Dunn,	Lounsbery,	Simonton,
Baker,	Dunnell,	Lowe,	Singleton, J. W.
Ballou,	Einstein,	Manning,	Singleton, O. R.
Barber,	Ellis,	Marsh,	Slemons,
Bayne,	Errett,	Martin, Benj. F.	Smith, Hezekiah B.
Beale,	Evins,	Martin, Edward L.	Smith, William E.
Belford,	Farr,	Martin, Joseph J.	Sparks,
Berry,	Felton,	Mason,	Speer,
Bicknell,	Ferdon,	McCoid,	Starin,
Bingham,	Field,	McGowan,	Steele,
Blackburn,	Finley,	McKenzie,	Stevenson,
Bland,	Forney,	McKinley,	Stone,
Bliss,	Forsythe,	McMahon,	Taylor,
Bouck,	Fort,	McMillin,	Thomas,
Bowman,	Frost,	Miles,	Thompson, P. B.,
Boyd,	Frye,	Miller,	Thompson, W. G.,
Bragg,	Garfield,	Mitchell,	Tillman,
Brewer,	Geddes,	Monroe,	Townsend, Amos
Briggs,	Gillette,	Morrison,	Townshend, R. W.
Brigham,	Goode,	Morse,	Tucker,
Browne,	Gunter,	Morton,	Turner, Oscar
Burrows,	Hall,	Murch,	Tyler,
Cabell,	Hammond, N. J.	Myers,	Updegraff, J. T.
Caldwell,	Harris, John T.	Neal,	Updegraff, Thomas
Calkins,	Haskell,	New,	Upson,
Cannon,	Hatch,	Nicholls,	Van Aernam,
Carlisle,	Hawk,	Norcross,	Vance,
Carpenter,	Hawley,	O'Connor,	Van Voorhis,
Caswell,	Hayes,	O'Reilly,	Waddill,
Chalmers,	Heilman,	Orth,	Warner,
Chittenden,	Henderson,	Osmer,	Washburn,
Claflin,	Henkle,	Overton,	Weaver,
Clardy,	Herbert,	Pacheco,	Wellborn,
Clark, Alvah A.	Hill,	Persons,	Wells,
Clark, John B.	Hiscock,	Phelps,	White,
Clymer,	Horr,	Philips,	Whiteaker,
Cobb,	Hostetler,	Phister,	Whitthorne,
Coffroth,	Houk,	Pierce,	Williams, C. G.
Colerick,	House,	Pound,	Williams, Thomas
Conger,	Hull,	Prescott,	Willis,
Converse,	Hunton,	Price,	Willits,
Cook,	Hurd,	Rice,	Wilson,
Cowgill,	James,	Richardson, D. P.	Wise,
Crapo,	Jones,	Richardson, J. S.	Wood, Fernando
Cravens,	Jorgensen,	Richmond,	Wright,
Crowley,	Keifer,	Robertson,	Yocum,
Daggett,	Kelley,	Robinson,	Young, Casey
Davidson,	Kenna,	Rothwell,	Young, Thomas L.

NOT VOTING—65.

Aiken,	Ford,	Knott,	Ryan, Thomas
Bachman,	Gibson,	Lindsey,	Ryon, John W.
Barlow,	Godshalk,	Loring,	Smith, A. Herr
Beltzhoover,	Hammond, John,	McCook,	Springer,
Blake,	Harmer,	McLane,	Stephens,
Bright,	Harris, Benj. W.	Mills,	Talbott,
Butterworth,	Hazelton,	Money,	Turner, Thomas
Camp,	Henry,	Muldrow,	Urner,
Covert,	Hubbell,	Muller,	Valentine.
Cox,	Humphrey,	Newberry,	Voorhis,
Davis, Horace,	Hutchins,	O'Brien,	Wait,
Davis, Joseph J.	Johnston,	O'Neill,	Ward,
Dick,	Joyce,	Poehler,	Wilber,
Dwight,	Killinger,	Reed,	Wood, Walter A.
Elam,	Kimmel,	Robeson,	
Ewing,	Kitchin,	Ross,	
Fisher,	Klotz,	Russell, Daniel L.	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT. My colleague, Mr. MONEY, is absent on account of sickness.

Mr. PRICE. The gentleman from Mississippi, Mr. MONEY, and the gentleman from Vermont, Mr. JOYCE, are paired.

Mr. WRIGHT. I am paired with my colleague from Pennsylvania, Mr. SMITH, upon all political questions. I make this announcement to show that he is absent.

Mr. COFFROTH. My colleague from Pennsylvania, Mr. RYON, is paired with my colleague, Mr. HARMER; and my colleague, Mr. BACHMAN, with the gentleman from New Jersey, Mr. BLAKE. Both Mr. RYON and Mr. BACHMAN would vote "no."

Mr. McLANE. I am paired with my colleague, Mr. URNER, who is absent from the House on account of indisposition.

Mr. ROBINSON. The gentleman from Connecticut, Mr. WAIT, is paired with the gentleman from New York, Mr. MULLER.

Mr. SCALES. My colleague from North Carolina, Mr. DAVIS, is paired with the gentleman from Pennsylvania, Mr. GODSHALK.

Mr. DAVIS, of California. I am paired with the gentleman from Maryland, Mr. KIMMEL.

Mr. COVERT. I am paired with the gentleman from Nebraska, Mr. VALENTINE.

Mr. WHITE. My colleague, Mr. O'NEILL, is paired on all political and financial questions with the gentleman from West Virginia, Mr. KENNA.

The result of the vote was announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a joint resolution (H. R. No. 170) concerning an international fishery exhibition to be held in Berlin, Germany, in April, 1880.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the return, for concurrence of the House, of a bill (S. No. 56) for the relief of Edward Braden and J. W. Angus.

It further announced that the Senate insisted on its amendments disagreed to by the House to a bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed Mr. WINDOM, Mr. WITHERS, and Mr. BLAINE, the managers of said conference on its part.

It further announced the passage of a bill (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York; in which concurrence was requested.

REMAINS OF GENERAL SYKES.

Mr. BRAGG. I ask, Mr. Speaker, by unanimous consent to take from the Speaker's table the bill just brought over from the Senate (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York.

The body of General Sykes is lying at Brownsville, where he died a few days since, awaiting action of Congress to provide means for transporting it to West Point for burial.

Mr. HUNTON. Although the hour has arrived for the consideration of the business of the District of Columbia, if there be no objection I will yield for the purpose of having this bill passed.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to have the remains of the late Major-General George Sykes, United States Army, transported from Fort Brown, Texas, to West Point, New York; and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated from any money now in the United States Treasury not otherwise appropriated, to carry this act into effect.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT BUSINESS.

The SPEAKER. The hour of two o'clock having arrived, the House proceeds, under the rules, to consider the business coming from the Committee for the District of Columbia. The first question in order is on the unfinished business coming over from the last District day.

Mr. HUNTON. Before proceeding to the unfinished business I hope the House will consent to the disposition of some plain matters.

Mr. COFFROTH. I object.

UNION DEPOT, WASHINGTON.

The SPEAKER. The unfinished business coming over from the last District day is a bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to designate a proper site for a union railroad depot in the city of Washington, and for other purposes, reported from the Committee for the District of Columbia by the gentleman from Delaware [Mr. MARTIN] with amendments.

The bill, which was read, authorizes the commissioners of the District of Columbia to designate a suitable site for a union railroad depot for all the railroad companies whose tracks enter or terminate in said city, at some central point, having just reference to the convenience of access by said companies and the people, sojourners, and visitors of said city, and to all the public interests involved, and report their doings in the premises to the next Congress, on the first day of the first session thereof, with a bill containing such further provisions as they may deem best calculated to give effect to the purpose of requiring all said railroads to use said depot in common, and vacate all other depots, and remove all tracks not necessary for such use.

The amendments were read, as follows:

First. Section 1, line 10, after the word "premises," strike out to and including the word "thereof," in line 11, and insert the following:

"To Congress within thirty days after the passage of this act."

Second. Page 2, at the end of line 15, insert as follows:

"*Provided*, That such union depot shall be provided by such railroads free of expense to the Government of the United States or the District of Columbia."

Mr. HUNTON. The previous question was demanded on the engrossment and third reading of that bill.

Mr. DUNNELL. I was not aware the previous question had been seconded.

Mr. HUNTON. The bill was debated, when the previous question was demanded by the gentleman from Delaware.

The SPEAKER. The previous question was demanded but not seconded.

Mr. CONGER. Will the previous question operate on the bill and amendments?

The SPEAKER. It will.

Mr. HAWLEY. I rise to make an inquiry for the purpose of information.

Mr. HUNTON. I will hear it.

Mr. HAWLEY. This bill says "designate a proper site." If it had said "recommend" I could understand it better; but it says "designate a site." I suppose the purpose of the bill is merely to have some recommendation of opinion from the commissioners of the District; but this bill looks too much like the final establishment of a depot. I am not ready, I do not know enough to commit myself to that.

Mr. HUNTON. I will say to the gentleman from Connecticut there is no desire on the part of the committee or any member of it to commit this House to any proposition the commissioners may report. All we ask from the commissioners is such information as they may obtain in regard to the establishment of a union depot upon some proper site in this city.

Mr. HAWLEY. The latter part states what the railroads shall do.

Mr. HUNTON. I have no objection to substitute "recommend" for the word "designate."

Mr. HAWLEY. That will suit me better.

Mr. ATKINS. Recommend to whom?

Mr. HUNTON. To this Congress.

The SPEAKER. If there is no objection, the modification suggested will be agreed to by unanimous consent.

There was no objection, and it was ordered accordingly.

Mr. GARFIELD. I ask the gentleman if it is the purpose of this bill to require the removal to a little further distance from the center of the capital the place where all the railroads shall have their depots?

Mr. HUNTON. I will answer the gentleman. There is a great want felt in the city of Washington for a union depot where all the people going out of the city shall congregate and leave by whatever road they please. Besides, it is believed by a great many people in the city of Washington the present depots are inconveniently and improperly located, and the object of this bill is to bring all the facts in connection with it before the House, so when those facts are in possession of the House we may take such action as may be deemed best.

Mr. GARFIELD. I am glad, Mr. Speaker, this proposition is before the House. I think it is a want long felt in the city that instead of having depots scattered in various parts of the city they should all be in one place. And I wish to say in this connection I have always felt—I did at the time the law was passed, and I feel it more strongly every time I see the site of the depots here—that it is a great incongruity to have one railroad depot right under the eaves of the Capitol, or one corner of it here, and another with its track coming right through one of the most beautiful parks, through grounds that ought to be open as a continuous public park from La Fayette Square to the Capitol. The sooner we have removed these depots from such positions to a more convenient central location the better it will be for all concerned.

Now, if this bill looks in that direction I shall give it my hearty support.

Mr. TALBOTT. I should like to ask the gentleman from Ohio how it was these depots got where they now are?

The SPEAKER. Does the gentleman from Virginia yield?

Mr. HUNTON. I cannot yield to debate, but I will yield to any question.

Mr. DUNNELL. The gentleman from Virginia yielded to the gentleman from Ohio, who injected a speech in favor of the bill.

Mr. HUNTON. I could not help that.

Mr. DUNNELL. I wish to ask the gentleman a question.

Mr. HUNTON. I will answer any question, but I do not wish to listen to a speech.

Mr. DUNNELL. I wish to ask whether it is supposed the passage of this bill can do otherwise than lead to a very large expense, amounting to many thousands of dollars, to be paid in part by the United States? For what purpose is this bill introduced if it be not to bring about just such a result? Does the gentleman suppose these railroads can be driven into one union depot without involving immense expense?

Mr. HUNTON. I will answer the gentleman. The bill provides upon its face that there shall not be one dollar of expense either to the Government or the District.

Mr. DUNNELL. Not so far as this report goes.

Mr. HUNTON. Very well.

Mr. DUNNELL. But suppose they make a report and we accept it, does not that pave the way to subsequent legislation, compelling us to grant right of way, and involving other expenses?

Mr. HUNTON. This bill leaves that question as open as it is to-day, and if the House chooses to adopt the report which may be made it can do so.

Mr. DUNNELL. One word more. I insist the city of Washington——

Mr. HUNTON. I do not yield for any insisting.

Mr. CONGER. Then let us have a vote on the previous question and vote it down.

Mr. CLYMER. Is it not a fact that in the grant authorizing these railroads to come within the limits of this city power was specially reserved to the Government at any time to cause the removal of these depots?

Mr. HUNTON. Yes; the power was reserved to alter, amend, or repeal.

Mr. REAGAN. Let it be understood, however, that the removal of these depots will involve the payment for the property vacated.

Mr. TALBOTT. I wish to ask another question. Does not this involve the cession of more territory?

Mr. HUNTON. Not one dollar.

Mr. BLOUNT. I insist that this is all irregular. If the gentleman has demanded the previous question and declines to allow any further debate, it seems to me we ought to be brought to a vote.

The SPEAKER. The pending question is on the demand for the previous question.

The House divided; and there were—ayes 61, noes 37.

Mr. REAGAN. No quorum has voted.

The SPEAKER. The Chair orders tellers and appoints Mr. HUNTON and Mr. CONGER.

The House again divided; and the tellers reported—ayes 95, noes 56.

So the previous question was seconded.

The main question was ordered to be now put.

Mr. HUNTON moved to reconsider the vote by which the main question was ordered to be put; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendments reported from the committee were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HUNTON demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. CONGER demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 104, nays 91, not voting 97; as follows:

YEAS—104.

Aldrich, N. W.	Davis, Horace	Keifer,	Prescott,
Aldrich, William	De La Matyr,	Ketcham,	Rice,
Anderson,	Dunn,	Kitchin,	Russell, William A.
Armfield,	Einstein,	Le Fevre,	Samford,
Atkins,	Farr,	Manning,	Shelley,
Ballou,	Ferdon,	Martin, Edward L.	Sherwin,
Bayne,	Field,	Mason,	Simonton,
Beale,	Forney,	McGowan,	Singleton, J. W.
Belford,	Fort,	McKenzie,	Slemons,
Bicknell,	Garfield,	McMahon,	Stone,
Bingham,	Geddes,	Miller,	Thompson, P. B.
Blackburn,	Gibson,	Mills,	Townshend, R. W.
Bland,	Goode,	Mitchell,	Tucker,
Brewer,	Gunter,	Monroe,	Tyler,
Browne,	Hatch,	Morrison,	Upson,
Buckner,	Hayes,	Morton,	Vance,
Cannon,	Hazelton,	Myers,	Van Voorhis,
Carpenter,	Henderson,	Neal,	Warner,
Chittenden,	Herbert,	New,	Wellborn,
Clardy,	Herndon,	Newberry,	Whiteaker,
Clymer,	Hiscock,	Nicholls,	Whitthorne,
Crapo,	Hooker,	Norcross,	Williams, Thomas
Cravens,	Houk,	O'Reilly,	Willis,
Crowley,	Hull,	Orth,	Wood, Fernando
Daggett,	Hunton,	Phister,	Young, Casey
Davidson,	Johnston,	Pierce,	Young, Thomas L.

NAYS—91.

Acklen,	Deering,	Lowe,	Singleton, O. R.
Atherton,	Denster,	Marsh,	Smith, Hezekiah B.
Baker,	Dibrell,	Martin, Benj. F.	Sparks,
Blount,	Dickey,	Martin, Joseph J.	Speer,
Bouck,	Dunnell,	McCoid,	Steele,
Bowman,	Ellis,	McKinley,	Stevenson,
Briggs,	Evins,	McMillin,	Talbott,
Brigham,	Felton,	Osmer,	Taylor,
Butterworth,	Finley,	Overton,	Thompson, Wm. G.
Caldwell,	Forsythe,	Persons,	Tillman,
Chalmers,	Frye,	Phelps,	Townsend, Amos
Clark, Alvah A.	Gillette,	Philips,	Turner, Oscar
Clark, John B.	Hall,	Price,	Updegraff, J. T.
Cobb,	Hammond, N. J.	Reagan,	Van Aernam,
Coffroth,	Haskell,	Reed,	Voorhis,
Colerick,	Hawk,	Richardson, D. P.	Waddill,
Conger,	Hawley,	Richardson, J. S.	Washburn,
Converse,	Heilman,	Richmond,	Weaver,
Cook,	Hill,	Robinson,	Wells,
Cowgill,	Hostetler,	Sapp,	Wilson,
Culberson,	House,	Sawyer,	Wise,
Davis, George R.	Kelley,	Scales,	Yocum.
Davis, Lowndes H.	Ladd,	Shallenberger,	

NOT VOTING—97.

Aiken,	Beltzhoover,	Bragg,	Camp,
Bachman,	Berry,	Bright,	Carlisle,
Bailey,	Blake,	Burrows,	Caswell,
Barber,	Bliss,	Cabell,	Claflin,
Barlow,	Boyd,	Calkins,	Covert,

Cox,	Hurd,	Money,	Smith, William E.
Davis, Joseph J.	Hutchins,	Morse,	Springer,
Dick,	James,	Muldrow,	Starin,
Dwight,	Jones,	Muller,	Stephens,
Elam,	Jorgensen,	Murch,	Thomas,
Errett,	Joyce,	O'Brien,	Turner, Thomas
Ewing,	Kenna,	O'Connor,	Updegraff, Thomas
Fisher,	Killinger,	O'Neill,	Urner,
Ford,	Kimmel,	Pacheco,	Valentine,
Frost,	King,	Page,	Wait,
Godshalk,	Klotz,	Poehler,	Ward,
Hammond, John	Knott,	Pound,	White,
Harmer,	Lapham,	Robertson,	Wilber,
Harris, Benj. W.	Lewis,	Robeson,	Williams, C. G.
Harris, John T.	Lindsey,	Ross,	Willits,
Henkle,	Loring,	Rothwell,	Wood, Walter A.
Henry,	Lounsbery,	Russell, Daniel L.	Wright.
Horr,	McCook,	Ryan, Thomas	
Hubbell,	McLane,	Ryon, John W.	
Humphrey,	Miles,	Smith, A. Herr	

So the bill was passed.

During the call of the roll the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. DAVIS, is paired with Mr. GODSHALK, of Pennsylvania.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. CABELL. I am paired with Mr. FISHER, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. Mr. EWING, of Ohio, is paired with Mr. BINGHAM, of Pennsylvania.

Mr. LOUNSBERY. I am paired with my colleague from New York, Mr. MCCOOK.

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania. If he were present, I should vote "no."

Mr. COBB. I am paired with my colleague from Indiana, Mr. CALKINS, who is absent on important business. If present, he would on this question have voted "no," and I have voted "no."

Mr. PRICE. Mr. MONEY, of Mississippi, and Mr. JOYCE, of Vermont, are paired.

Mr. SHALLENBERGER. Mr. URNER, of Maryland, is absent on account of sickness.

Mr. BARBER. I am paired with Mr. EWING, of Ohio.

Mr. DAVIS, of California. I am paired with Mr. KIMMEL, of Maryland, on political questions. This not being a political question, I vote "ay."

Mr. ALDRICH, of Illinois. My colleague, Mr. BOYD, is paired with Mr. HENRY, of Maryland.

Mr. ROBINSON. Mr. MULLER, of New York, and Mr. WAIT, of Connecticut, are paired.

Mr. KENNA. I am paired with Mr. O'NEILL, of Pennsylvania. If Mr. O'NEILL were present, I should vote "no."

The result of the vote was then announced as above recorded.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York.

NATIONAL FAIR GROUNDS ASSOCIATION.

Mr. HUNTON, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 4429) to amend the act entitled "An act to incorporate the National Fair Grounds Association."

The bill was read, as follows:

Be it enacted, &c., That the board of directors of said association shall consist of eight members, to be elected and hold their office as hereinafter provided.

SEC. 2. That within thirty days after the passage of this act the stockholders of said association shall be assembled in general meeting, and shall elect three additional members of the board of directors, who shall hold their office until the second Monday in January, 1881, and until their successors are elected.

SEC. 3. On the second Monday in January, 1881, and annually thereafter, the stockholders of said association shall be convened in general meeting, and shall elect a board of eight directors, four of whom shall be chosen from the members of the board of directors of the previous year, all of whom shall hold their office for one year, and until their successors are elected; four of whom shall constitute a quorum, and all shall be stockholders of the association.

SEC. 4. At the meetings of the stockholders to elect the board of directors each stockholder shall be entitled to one vote for each share of stock owned by him and registered on the transfer books of the association; stockholders may vote by proxy, and the authority must be in writing signed by the stockholder.

SEC. 5. The name of said corporation shall hereafter be "The National Fair Association."

Mr. HUNTON. The object of this bill is to amend the charter of the National Fair Grounds Association in only two particulars. It changes the name, and increases the directors from five to eight.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRAINT FOR DISTRICT TAXES.

Mr. HUNTON also, from the Committee for the District of Columbia, reported a bill (H. R. No. 4565) to amend the fifth section of the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the fifth section of the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," be, and the same is hereby, amended so that in addition to the power therein conferred to sell real estate charged with the payment of any tax, the collector may, and it shall be his duty to, distrain sufficient goods and chattels of the owner of such real estate, if such can be found within said District, to pay the taxes remaining due on said real estate under the provisions of said act or any other law, together with all penalties, costs, and interest, and sell the same and pay said taxes, penalties, costs, and interests, in the same manner as is now provided for in the seventh section of said act.

Mr. HUNTON. I desire to say only a word in explanation of this bill. According to the law of this District as it now stands, the collector of taxes upon real estate cannot levy upon personal property for those taxes, and has to look to the real estate alone for taxes upon real estate. The result of this law is that where a person does not choose to pay his taxes upon real estate he is not liable to have his personal property levied upon for them; and the real estate is sold, and under the decisions of the courts in the District tax titles are worthless. The commissioners, therefore, are unable to collect taxes on real estate unless parties choose to pay them. According to the provisions of this bill, where a person has personal property on which distress may be made it may be distrained for taxes against his real estate as well as for taxes against his personal property. I believe the law as provided in this bill is such as prevails in almost all the States.

Mr. BLOUNT. May I ask the gentleman from Virginia a question?

Mr. HUNTON. I will hear it with pleasure.

Mr. BLOUNT. Ought not the bill to go further and provide for the emergency created by the decisions that the tax titles are worthless?

Mr. HUNTON. In reply to the gentleman's question I beg to say we have a bill which meets that difficulty. This bill does not relate to that.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL PRACTICE IN THE DISTRICT OF COLUMBIA.

Mr. HEILMAN, from the Committee for the District of Columbia, reported a bill (H. R. No. 4566) to regulate the practice of the judicial courts of the District of Columbia, and for other purposes; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That the District of Columbia shall be permitted to commence all suits in all the courts of the District of Columbia without making the deposit for costs, as is required of other parties, and may prosecute all appeals, writs of error, certiorari, and have supersedeases without giving bail.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEILMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION OF CLERK OF DISTRICT OF COLUMBIA COMMITTEE.

Mr. MILLER, from the Committee for the District of Columbia, reported the following resolution:

Resolved, That the compensation of the clerk of the Committee for the District of Columbia shall hereafter be the same as that paid to the clerk of the Committee of Claims.

Mr. BLOUNT. I desire to reserve all points of order on that resolution until I can hear some explanation of it.

Mr. MILLER. I desire to say but a single word, for I believe when the question is understood by the members of this House they will concede the justice of this resolution. It provides that the compensation of the clerk of the Committee for the District of Columbia shall be the same as that of the clerk of the Committee of Claims. The compensation of the clerk of the Committee on Appropriations is $2,500 a year; of the clerk of the Committee of Ways and Means the same; and the compensation of the clerks of the Committee of Claims, the Committee on War Claims, the Committee on Public Lands, and the Committee on Invalid Pensions is $2,000 a year each. There is no clerk of a committee of this House who has more onerous duties to perform than has the clerk for the District of Columbia Committee. Everything pertaining to this District is referred to that committee, and the committee, either as a whole or as sub-committees, is in session every day and nearly every night.

The committee have unanimously recommended that this resolution be adopted. It is believed to be just in every respect, and we ask for its adoption.

Mr. BLOUNT. I make the point of order that this resolution will require an additional expenditure, and should be first considered in Committee of the Whole. It ought to go to the Committee of Accounts anyway.

The SPEAKER *pro tempore*, (Mr. CLYMER.) The Chair sustains the point of order, and the resolution will accordingly go to the Committee of the Whole.

INCREASE OF METROPOLITAN POLICE FORCE.

Mr. HENKLE, from the Committee for the District of Columbia, reported a bill (H. R. No. 4567) to provide for the increase of the Metropolitan police force of the District of Columbia; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized and empowered to appoint one additional inspector of police at a salary not exceeding $150 per month; one clerk at a salary not exceeding $100 per month, and as many additional privates or patrolmen, not exceeding one hundred, at salaries not exceeding $60 per month each, as may be necessary from time to time to preserve the peace and good order of the District of Columbia. And in the appointment of privates or patrolmen hereafter the said commissioners shall not be required to appoint only persons who have served in the Army and Navy of the United States and have received an honorable discharge therefrom.

SEC. 2. This act shall take effect from and after its passage.

Mr. BLOUNT. I raise the point of order on that bill that it involves an increased expenditure of the public money, and should receive its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the bill will be referred to the Committee of the Whole on the state of the Union, and be printed.

PROTECTION OF POTOMAC FISHERIES.

Mr. SAMFORD, from the Committee for the District of Columbia, reported a bill (H. R. No. 4568) for the protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted, &c., That it shall not be lawful to fish with fyke-net, pound-net, stake-net, weir, float-net, gill-net, haul-seine, or any other contrivance, stationary or floating, in the waters of the Potomac River within the District of Columbia after the 30th day of May in any year.

SEC. 2. That during the fishing season, namely, from the 1st day of January to the 30th day of May in every year, there shall be observed in each week a closed season, beginning at sundown on Saturday evening and ending at midnight on Sunday night, during which time it shall be unlawful to lay out any haul-seine or float-net, or to fish the same; and all stake-nets and the leaders of all hedges or pounds, fyke-nets and weirs, shall be lifted clear of the water so as to allow unobstructed passage to the fish: *Provided*, That in the case of weirs it will be sufficient to remove a section of the hedging next the pound or pen not less that twelve feet in length.

SEC. 3. That it shall be unlawful for any person to take in any other manner than by angling or with the out-line any fish of the species known as black bass or salmon.

SEC. 4. That it shall be unlawful for any person to have in possession or expose for sale in the District of Columbia, after the 30th day of May in any year, fish of the shad or herring species, fresh, under a penalty of $5 for every fish so exposed or found in possession.

SEC. 5. That any person who shall offend against any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the police court or other court of the District shall be fined not less than ten nor more than one hundred dollars for each offense, and shall forfeit to the District his nets, boats, and other apparatus, which shall be sold, and the proceeds of such sales and all fines accruing under this act shall be paid into the Treasury; and therefrom to the informer in each case where conviction ensues shall be paid the sum of $10: *Provided*, That nothing in this act shall be construed to prohibit angling or fishing with an out-line, or to prevent the Commissioner of Fish and Fisheries, or his agents, from taking from the waters named, in any manner desired, fish of any kind for scientific purposes or for the purposes of propagation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAMFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOTTERY SCHEMES IN DISTRICT OF COLUMBIA.

Mr. NEAL, from the Committee for the District of Columbia, reported back, with an amendment, the bill (H. R. No. 4000) to prohibit the publication of lottery schemes in the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever writes, prints, or publishes in any way in the District of Columbia an account of any lottery or scheme of chance of any kind or description, by whatsoever name, style, or title the same may be denominated or known, stating when or where the same is to be drawn, or the prizes therein, or any of them, or the price of a ticket, or showing therein where any ticket may be obtained, or in any way giving publicity to such lottery or scheme of chance, or giving any other information concerning the same, shall, on conviction thereof, be liable to a fine not exceeding $100.

SEC. 2. That whoever vends, sells, or barters, or in any way disposes in the District of Columbia of any ticket, order, or device of any kind, for or representing any number of shares, or any interest in any lottery, "policy," or scheme of chance of any kind or description, by whatever name, style, or title the same may be denominated, whether located or to be drawn, paid, or carried out within or without this District, shall, on conviction thereof, be liable to a fine not exceeding $500, or be imprisoned not more than six months, or both.

SEC. 3. That whoever publicly or privately, in the District of Columbia, as owner or agent, establishes, opens, or sets on foot, carries on, promotes, makes, draws, or acts as "backer" or "vendor" for or on account of, or in any way concerned in, any lottery, policy, or scheme of chance of any kind or description, by whatever name, style, or title the same may be denominated or known, whether located or to be drawn, paid, or carried on within or without this District, or by any of the means aforesaid exposes or sets to sale anything of value, shall, on conviction thereof, be liable to a fine not exceeding $500, and to be imprisoned not more than six months.

SEC. 4. It is hereby made the duty of the attorney of the District of Columbia to lay before the grand jury of the District, at each session of the same, any and all newspapers printed, published, or circulated in the District, and other written or printed advertisements or notices which in any manner violate any of the provisions of this act, upon which the said grand jury may find such bills of indictment as may be justified; and upon indictment found to prosecute the same to final judgment; or said district attorney may proceed, by information in the police court, against any violators of this act.

SEC. 5. That section 1174 of the act entitled "An act to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the 1st day of December, A. D. 1873," approved June 22, 1874, be, and the same is hereby, repealed.

The amendment reported by the committee was read, as follows:

In line 4 of the fourth section, after the word "printed," insert the word "or;" and after the word "published" strike out the words "or circulated."

Mr. NEAL. I call the previous question on the bill and amendments.

Mr. CANNON, of Illinois. Before the gentleman presses the demand for the previous question I would like to ask him a question. As a basis of the question, I will read from the first three lines of the bill:

That whoever writes, prints, or publishes in any way in the District of Columbia an account of any lottery or scheme of chance of any kind or description.

I suppose the object of the committee in asking the passage of this bill is to prevent the publication of these lottery advertisements in the District, or in papers of the District. But will not the word "publish" prevent news agents or others from circulating or distributing within the District papers that may be in fact printed in New York or Chicago or anywhere else outside the District? Has not the word "publish" a technical meaning—that is, "to give out?"

Mr. NEAL. In answer to the question of the gentleman from Illinois, I will state that the word "published," as I understand, would not in fact apply to newspapers actually published in other cities and circulated here. I will state the object of inserting in the bill the word "published." If the bill contained merely the word "printed," the actual printing might not be done in this District, but parties might go to Baltimore or other places outside the District to have their papers printed, and then issue them in this city as the place of publication.

Mr. REAGAN. I am afraid the gentleman from Ohio [Mr. NEAL] is mistaken as to the effect of this language. As the gentleman from Illinois [Mr. CANNON] has suggested, the word "publish" in criminal law means, as I understand, more than the mere manual work of publication; it would apply to anybody who puts a paper in circulation; and under this bill, as I understand, any newsboy or newsdealer who may sell in this District papers published elsewhere containing these advertisements would be liable to indictment.

Mr. NEAL. It seems to me that the objection made to this phraseology is not well taken. In order to obviate the very objection which is made here, the committee authorized me to report an amendment striking out the word "circulated" which was contained in the bill as introduced, the object being that the bill should affect only papers printed or published in the city of Washington. The word "printed" has a technical meaning, the effect of which would be that the work must be done in this District; but the word "published" has a more general meaning and would include papers printed in Baltimore, but actually issued or published in Washington. For instance, one of the Sunday newspapers of Washington might in fact be printed in Baltimore, and if this bill contained only the word "printed" the publication of lottery advertisements in such a paper could not be punished. In that way the law would be evaded. The object of inserting the word "published," as well as "printed," is to prevent any evasion of this kind.

This bill is almost an exact transcript of the law of Ohio upon this subject. In that State the matter has been thoroughly discussed; and I have never heard of a news agent or other person being indicted for the circulation of newspapers published outside of the State. The law is construed as applying only to newspapers printed or published within the State. If this word "published" be struck out, we might as well let the bill drop; because if it should become necessary for the furtherance of lottery schemes the papers advertising them might be printed in Baltimore or elsewhere, while actually issued or published in the city of Washington.

Mr. CANNON, of Illinois. I am in sympathy with the object of this bill as I understand it—to prohibit the printing of lottery advertisements. But it is a fact that in many papers published in different parts of the country, which come to subscribers within this District or are sold by news agents, these advertisements are found. This bill, if the word "published" be retained, will, I am quite sure, prohibit a news agent in Washington from circulating a daily or weekly paper printed, for instance, in Louisville, provided that paper contains a lottery advertisement. The news agent circulating or distributing such a paper would be liable to indictment.

I think I am not mistaken in my recollection as to the scope of the word "published" in this connection; and hence I called attention to

that language. I apprehend that the bill could be so amended as to accomplish just what is desired and still not trap the innocent or unwary who may be engaged in good faith in the dissemination of newspapers in the District.

Mr. BLOUNT. I will ask the gentleman from Illinois whether an amendment providing that this act shall not be construed to apply to papers published outside of the District of Columbia would not remove the difficulty suggested.

Mr. CANNON, of Illinois. I suppose it would.

Mr. BLOUNT. I presume the gentleman from Ohio, [Mr. NEAL,] from the view he entertains of his own bill, would not object to such an amendment.

Mr. CANNON, of Illinois. My attention was only called to this point as the bill was read at the desk. I do not intimate any positive opinion, and would not do so without examining the bill more attentively.

Mr. KELLEY. I would like to suggest to the gentleman from Illinois, in reference to the dilemma he proposes of the circulation of pernicious lottery advertisements by publishers elsewhere and of their patronage in the District of Columbia, that if we are to prohibit the local papers from advertising lotteries—and I think we are right in doing it—I do not see why we should give immunity to those who publish them elsewhere and come here and hawk them through the streets and keep them for sale on news-stands.

Mr. BLOUNT. That is the construction of the bill as it is understood by the gentleman from Ohio.

Mr. KELLEY. Then all that lottery men would have to do would be to set up their presses a hundred yards beyond the District and flood it with their advertisements?

Mr. HAYES. How could you prohibit the circulation in this District of papers published in Chicago?

Mr. KELLEY. I do not say prohibit them. I say make it an offense to publish such matter here, and then it would be for publishers of papers elsewhere to determine whether it would be more profitable to them to insert lottery advertisements or to sell their papers in the District where such publications are prohibited.

Mr. HARRIS, of Virginia. I think all efforts on this subject do more harm than good. I see no reason why the papers of this District should be discriminated against whatever by having papers circulating here with lottery advertisements in them, as will inevitably be the case. It will only lead to confusion. There is no reason why the papers of the District should not furnish advertisements as well as papers outside of it. I shall vote against the bill.

Mr. SAMFORD. I ask my colleague on the committee, because he knows I opposed this bill in committee, whether or not he has considered the point that this bill does violate the first amendment to the Constitution, which prevents Congress from passing any law abridging the freedom of the press? What is his answer to that question?

Mr. NEAL. It may be a safe answer for me to say that almost every State in the Union has a law of a similar character on its statute-book.

Mr. SAMFORD. It does not prevent the States passing such a law, but it does prevent Congress passing any such law.

Mr. NEAL. Another answer is, that while Congress cannot pass any law abridging the freedom of the press, it can pass a law abridging its license. This is in no sense a violation of the freedom of the press, but it is to prevent a license which ought to be allowed nowhere.

Mr. SAMFORD. My recollection is that in State constitutions, where almost the identical words are used that we have here in the Constitution of the United States, there is an addition that there shall be no law abridging the freedom of the press, but the press shall be liable for the abuse thereof. But you do not find such words in this Constitution. It says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

Mr. NEAL. The Congress of the United States has not hesitated to make a law punishing polygamy, which is regarded by our Mormon friends as a religious worship. Congress has passed a law punishing that as a crime. Now, if we can punish that species of religion as a crime we can certainly punish this license on the part of the press as a crime.

Mr. CANNON, of Illinois. The same as libel or slander.

Mr. NEAL. Yes, sir; the same as libel or slander. We have a right to punish anything which infringes good morals or good government.

Mr. BLOUNT. I should like to ask the gentleman from Ohio whether the effort he has made will not be a failure when the bill permits the same matter to be printed elsewhere and circulated in this District?

Mr. NEAL. It is enough for me to say I stand here to-day doing my duty as I understand it toward the District of Columbia. I do not know we can prohibit the circulation of papers printed outside of the District, but we can prevent the evil which is done here. The papers of this District are to-day the medium through which persons receive notice where they can buy lottery tickets. Any one can tell who will take the trouble to look at the papers, daily and Sunday, which are printed in this District that they publish advertisements giving information where tickets can be purchased for lotteries in Louisiana and Kentucky. They have something like two columns of advertisements showing who had drawn prizes in these lotteries. They are the means of debauching the people, and not the papers published outside of the District.

Mr. BLOUNT. I am not complaining of the action of the committee. I have no doubt the gentleman is right, but my question is whether, when the committee has gone this far, it ought not to have gone further.

Mr. NEAL. Perhaps the committee ought to have done so.

The SPEAKER *pro tempore*. The question recurs on seconding the demand for the previous question.

The House divided; and there were—ayes 46, noes 21.

Mr. ATKINS. I call for the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays cannot be ordered on seconding the demand for the previous question.

Mr. STEVENSON. On account of the confusion in the Hall it is impossible to know exactly what the bill is. I ask that it be again read.

The SPEAKER *pro tempore*. That cannot be done except by unanimous consent, as the House is now dividing.

Objection was made.

The SPEAKER *pro tempore*. As no quorum has voted, the Chair orders tellers, and appoints Mr. SINGLETON, of Illinois, and Mr. NEAL.

The House again divided; and the tellers reported—ayes 45, noes 31.

The SPEAKER *pro tempore*. Is the point that no quorum has voted waived?

Mr. SINGLETON, of Illinois. Yes; we propose to have the yeas and nays on the passage of the bill.

So the previous question was seconded.

The main question was then ordered to be put.

The SPEAKER *pro tempore*. The question first recurs on the amendment reported from the committee.

The amendment was again read.

The amendment was adopted, and then the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. REAGAN. I ask the gentleman from Ohio to yield to me for a moment.

Mr. NEAL. For a question.

Mr. REAGAN. This bill provides that whoever writes, prints, or publishes in any way in the District of Columbia on account of any lottery or scheme of chance of any kind or description, by whatsoever name, style, or title the same may be denominated or known, stating when or where the same is to be drawn, &c., shall be liable to the penalties here provided. Any man who sells a paper in this city containing such advertisements is undoubtedly, as I understand the law, liable to indictment. And all papers containing such advertisements cannot be sold unless the party vending them lays himself open to these penalties.

Mr. NEAL. I do not yield to a speech.

Mr. SAMFORD. I desire to say a single word. I voted against the bill in the committee, and I did it on what seemed to me to be constitutional grounds. The provision of the Constitution is that Congress shall pass no law abridging the freedom of the press. The analogy which the gentleman alluded to awhile ago in answer to my question, which question he has never yet answered, in reference to the passage of a law prohibiting polygamy is not well directed at all. Neither is his remark that Legislatures have the right to pass laws to punish libel and slander well taken, because those are common-law offenses. Here the only power Congress has pertaining to this matter is in the first amendment to the Constitution of the United States, and that amendment says that Congress shall pass no law respecting its abridgment.

Mr. SINGLETON, of Illinois. I demand the yeas and nays on the passage of the bill.

Mr. NEAL. I demand the previous question on the passage of the bill.

Mr. SINGLETON, of Illinois. I believe I have the floor.

The SPEAKER *pro tempore*. The Chair is bound to recognize the gentleman having charge of the bill.

Mr. SINGLETON, of Illinois. But I demanded the yeas and nays on the passage of the bill.

The SPEAKER *pro tempore*. The demand for the previous question does not cut out the gentleman's demand for the yeas and nays; if the previous question is seconded and the main question is ordered to be put, the gentleman's demand for the yeas and nays will be put to the House.

Mr. SINGLETON, of Illinois. Is it in order to recommit this bill?

The SPEAKER *pro tempore*. Not pending a demand for the previous question.

Mr. SINGLETON, of Illinois. Then I move that the House adjourn.

The House divided; and there were—ayes 46, noes 63.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question recurs on seconding the demand for the previous question on the passage of the bill.

Mr. CANNON, of Illinois. I wish to make a privileged motion. I think this bill should be amended, and therefore I move it be recommitted.

The SPEAKER *pro tempore*. That is not in order at this stage of the business.

Mr. CANNON, of Illinois. I understand it is in order at any time before the bill is passed.

The SPEAKER *pro tempore*. Not pending the demand for the previous question.

Mr. CANNON, of Illinois. When will a motion to recommit be in order?

The SPEAKER *pro tempore*. When the previous question is not operating.

Mr. TALBOTT. Will a motion to lay the bill upon the table be in order?

The SPEAKER *pro tempore*. It will.

Mr. TALBOTT. Then I make that motion.

The House divided; and there were—ayes 65, noes 72.

So the House refused to lay the bill on the table.

Mr. FINLEY. I move that the House adjourn.

The House divided; and there were—ayes 57, noes 78.

Mr. FINLEY. I demand the yeas and nays.

The yeas and nays were not ordered, only 23 voting in favor thereof.

The SPEAKER *pro tempore*. The question now recurs on seconding the demand for the previous question.

Mr. FINLEY. But when I moved an adjournment, the pending motion was that the bill be laid on the table.

The SPEAKER *pro tempore*. The House divided on that motion, and the vote was announced, and the House refused to lay the bill on the table. The pending question now is on seconding the demand for the previous question on the passage of the bill.

The House divided; and there were—ayes 77, noes 50.

So the previous question was seconded.

Mr. HARRIS, of Virginia. I demand the yeas and nays on ordering the main question to be put.

The yeas and nays were ordered.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the bill be again read.

Objection was made.

The SPEAKER *pro tempore*. The yeas and nays have been ordered, and the Clerk will proceed to call the roll.

The Clerk proceeded to call the roll, and called the first name thereon.

Mr. SINGLETON, of Illinois. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The motion of the gentleman comes too late, the first name on the roll having been called.

Mr. TALBOTT. I rise to make a parliamentary inquiry. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The roll-call cannot be interrupted.

The Clerk resumed the call of the roll, which, being concluded, resulted—yeas 100, nays 84, not voting 108; as follows:

YEAS—100.

Aldrich, N.W.	Deering,	Jones,	Price,
Aldrich, William	Dunnell,	Kelley,	Rice,
Bailey,	Einstein,	Ketcham,	Richardson, D. P.
Ballou,	Farr,	Lapham,	Robinson,
Bayne,	Ferdon,	Lindsey,	Russell, W. A.
Bicknell,	Field,	Marsh,	Sapp,
Blount,	Forsythe,	Martin, Benj. F.	Shallenberger,
Brewer,	Fort,	Martin, Edward L.	Simonton,
Briggs,	Frye,	Mason,	Singleton, J. W.
Brigham,	Geddes,	McKinley,	Stevenson,
Burrows,	Gillette,	Miles,	Stone,
Butterworth,	Hall,	Miller,	Thomas,
Calkins,	Hammond, John	Mitchell,	Thompson, Wm. G.
Carpenter,	Haskell,	Monroe,	Townsend, Amos
Chittenden,	Hawk,	Murch,	Updegraff, J. T.
Claflin,	Hawley,	Neal,	Updegraff, Thomas
Clymer,	Hayes,	New,	Van Aernam,
Cobb,	Hazelton,	Newberry,	Van Voorhis,
Coffroth,	Henderson,	Norcross,	Warner,
Conger,	Henkle,	Orth,	Washburn,
Cowgill,	Hiscock,	Osmer,	Weaver,
Crowley,	Horr,	Overton,	White,
Davis, George R.	Houk,	Phelps,	Williams, C. G.
Davis, Horace	Hunton,	Pound,	Willits,
De La Matyr,	James,	Prescott,	Wright.

NAYS—84.

Armfield,	Evins,	Manning,	Slemons,
Atkins,	Felton,	McKenzie,	Smith, Hezekiah B.
Baker,	Finley,	McMahon,	Sparks,
Beale,	Forney,	McMillin,	Steele,
Bouck,	Goode,	Morrison,	Talbott,
Buckner,	Hammond, N. J.	Myers,	Taylor,
Caldwell,	Harris, John T.	Nicholls,	Thompson, P. B.
Cannon,	Hatch,	O'Connor,	Tillman,
Carlisle,	Herbert,	O'Reilly,	Townshend, R. W.
Chalmers,	Herndon,	Philips,	Tucker,
Clark, Alvah A.	Hill,	Phister,	Turner, Oscar
Clark, John B.	Hostetler,	Poehler,	Upson,
Colerick,	House,	Reagan,	Vance,
Converse,	Hull,	Richmond,	Waddill,
Cook,	Johnston,	Robertson,	Wellborn,
Cravens,	Kenna,	Rothwell,	Whiteaker,
Culberson,	King,	Samford,	Whitthorne,
Davidson,	Kitchin,	Sawyer,	Williams, Thomas
Davis, Lowndes H.	Le Fevre,	Scales,	Willis,
Dunn,	Lewis,	Shelley,	Wise,
Ellis,	Lowe,	Singleton, O. R.	Yocum.

NOT VOTING—108.

Acklen,	Barber,	Bingham,	Bowman,
Aiken,	Barlow,	Blackburn,	Boyd,
Anderson,	Belford,	Blake,	Bragg,
Atherton,	Beltzhoover,	Bland,	Bright,
Bachman,	Berry,	Bliss,	Browne,
Cabell,	Godshalk,	McCoid,	Ryon, John W.
Camp,	Gunter,	McCook,	Sherwin,
Caswell,	Harmer,	McGowan,	Smith, A. Herr
Clardy,	Harris, Benj. W.	McLane,	Smith, William E.
Covert,	Heilman,	Mills,	Speer,
Cox,	Henry,	Money,	Springer,
Crapo,	Hooker,	Morse,	Starin,
Daggett,	Hubbell,	Morton,	Stephens,
Davis, Joseph J.	Humphrey,	Muldrow,	Turner, Thomas
Deuster,	Hurd,	Muller,	Tyler,
Dibrell,	Hutchins,	O'Brien,	Urner,
Dick,	Jorgensen,	O'Neill,	Valentine,
Dickey,	Joyce,	Pacheco,	Voorhis,
Dwight,	Keifer,	Page,	Wait,
Elam,	Killinger,	Persons,	Ward,
Errett,	Kimmel,	Pierce,	Wells,
Ewing,	Klotz,	Reed,	Wilber,
Fisher,	Knott,	Richardson, J. S.	Wilson,
Ford,	Ladd,	Robeson,	Wood, Fernando
Frost,	Loring,	Ross,	Wood, Walter A.
Garfield,	Lounsbery,	Russell, Daniel L.	Young, Casey
Gibson,	Martin, Joseph J.	Ryan, Thomas	Young, Thomas L.

So the main question was ordered.

During the call of the roll the following announcements were made:

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York.

Mr. SCALES. My colleague from North Carolina, Mr. DAVIS, is paired with Mr. GODSHALK, of Pennsylvania.

Mr. COVERT. I am paired with Mr. VALENTINE, of Nebraska.

Mr. CLARK, of New Jersey. My colleagues, Mr. ROSS and Mr. BLAKE, are paired.

Mr. TALBOTT. My colleague from Maryland, Mr. MCLANE, is paired with my colleague, Mr. URNER.

Mr. ROBERTSON. My colleague from Louisiana, Mr. ELAM, is absent on account of sickness. He is paired with Mr. DICK, of Pennsylvania.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. BLAKE, of New Jersey. My colleagues, Mr. RYON and Mr. HARMER, are paired.

Mr. CABELL. I am paired with Mr. FISHER, of Pennsylvania. If he were present, I should vote "no."

Mr. DIBRELL. I am paired with the gentleman from Kansas, Mr. ANDERSON. If he were present, I should vote "no."

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania. My colleague from South Carolina, Mr. RICHARDSON, is paired with Mr. RICHARDSON, of New York.

Mr. ROBINSON. Mr. WAIT, of Connecticut, is paired with Mr. MULLER, of New York.

Mr. CANNON, of Illinois. My colleague, Mr. BOYD, is paired with Mr. HENRY, of Maryland.

Mr. PRICE. Mr. MONEY, of Mississippi, and Mr. JOYCE, of Vermont, are paired.

Mr. DAVIS, of California. I am paired with Mr. KIMMEL, of Maryland. As this is not a political question, I vote "ay."

Mr. WHITE. My colleague from Pennsylvania, Mr. O'NEILL, is paired with Mr. KENNA, of West Virginia.

Mr. BARBER. I am paired with Mr. EWING, of Ohio. If he were present, I should vote "ay."

Mr. STONE. Mr. STARIN, of New York, is paired with Mr. GUNTER, of Arkansas.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. SINGLETON, of Illinois, (who had voted "no.") I change my vote. I vote "ay."

Mr. HAWLEY. Mr. ROBESON, of New Jersey, is paired with Mr. SPRINGER, of Illinois.

The result of the vote was then announced as above recorded.

Mr. NEAL. I move to reconsider the vote by which the main question was ordered; and I also move that the motion to reconsider be laid on the table.

Mr. SINGLETON, of Illinois. I call for the yeas and nays upon the latter motion.

Mr. BLOUNT. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 94, noes 48.

LEAVES OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS, of North Carolina, for four days, on account of important business; and

To Mr. JOYCE, for three weeks, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. SINGLETON, of Mississippi, asked unanimous consent to withdraw from the files of the House the papers in the case of George C. Harper; which request was referred to the Committee on War Claims.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Edward Hanley, for a pension—to the Committee on Invalid Pensions.

By Mr. ANDERSON: The petition of C. F. Morse, and other citizens of Kansas, for the enactment of a law enabling farmers and merchants to borrow money from the United States Government on real-estate security at 1 per cent. per annum—to the Committee on Banking and Currency.

Also, the petition of S. A. Hill, and other citizens, ex-soldiers of Kansas, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petition of citizens of Atchison County, Kansas, for the passage of laws preventing unjust discriminations in railroad rates—to the Committee on Commerce.

By Mr. ATHERTON: The petition of William Scott and 32 others, citizens of Licking County, Ohio, of similar import—to the same committee.

Also, the petition of J. Anderson and 30 others, of Licking County, Ohio, for legislation protecting the innocent purchasers of patented articles from suit for infringement—to the Committee on Patents.

By Mr. BERRY: The petition of citizens of California, that the Klamath River Indian reservation, in California, be abolished and the lands thereof restored to the public domain—to the Committee on Public Lands.

By Mr. BINGHAM: Papers relating to the claim of Edward M. Davis for pay for alleged damage to his land while occupied and used as a military camp—to the Committee of Claims.

By Mr. BLOUNT: The petition of citizens of Macon, Georgia, for legislation to prevent interstate traffic in adulterated food—to the Committee on Manufactures.

By Mr. BOUCK: The petition of John Bannister, for additional pay for services rendered as a United States Army officer—to the Committee on Military Affairs.

Also, resolutions of the Chamber of Commerce of Milwaukee, Wisconsin, favoring congressional action regulating interstate commerce—to the Committee on Commerce.

By Mr. BOWMAN: The petition of officers and students of Abbott Academy and of officers and students of Phillips Academy, Andover, Massachusetts, that the Ute Indians of Colorado be fully protected in their natural and their treaty rights, and that they may not be forced in any way to sell or leave their reservation—to the Committee on Indian Affairs.

Also, the petition of James P. Magee and others, for a survey of Malden River, Massachusetts—to the Committee on Commerce.

By Mr. BOYD: The petition of Joseph Mayo and 62 others, citizens of Peoria County, Illinois, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of Joseph Mayo and 60 others, citizens of Peoria County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. BRAGG: Memorial of certain Indians of the Six Nations, formerly living in New York, for the recognition of certain rights with which they were vested under treaties with the United States Government—to the Committee on Indian Affairs.

By Mr. BREWER: The petition of Anne Darling, Sarah E. Dart, and others, citizens of Lansing, Michigan, for the amendment of the Constitution of the United States so as to secure woman suffrage—to the Committee on the Judiciary.

Also, the petition of John Barton, for a pension—to the Committee on Invalid Pensions.

By Mr. BROWNE: Papers relating to the petition of Warren L. Fish for an extension of a patent on lamps—to the Committee on Patents.

By Mr. BURROWS: The petition of citizens of Van Buren and Cass Counties, Michigan, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petitions of citizens of Cass and Van Buren Counties, Michigan, for a law to protect the people from the hardships imposed by the patent laws—to the Committee on Patents.

By Mr. CALDWELL: The petition of J. T. Rives, S. M. Flowers and 78 others, soldiers of the civil war, of Butler County, Kentucky, for legislation equalizing bounties—to the Committee on Military Affairs.

By Mr. CARLISLE: The petition of citizens of Grant County, Kentucky, for the passage of a law to prevent unjust discrimination in freight charges—to the Committee on Commerce.

Also, the petition of citizens of Kenton County, Kentucky, of similar import—to the same committee.

By Mr. CARPENTER: The petition of 3,000 citizens of Webster, Humboldt, Hamilton, Boone, Polk, and Dallas Counties, Iowa, for the passage of the bill to quiet title of settlers on Des Moines River lands in Iowa—to the Committee on Public Lands.

Also, the petition of attorneys of Dickinson County, Iowa, that that county be left in the central division of the State should the State be redistricted for circuit court purposes, without making Sioux City a place for holding said court—to the Committee on the Judiciary.

By Mr. CHITTENDEN: The petition of citizens of New York, for honest vinegar—to the Committee of Ways and Means.

By Mr. JOHN B. CLARK, JR.: The petition of citizens of Howard, Calloway, Carroll, and Osage Counties, Missouri, that the patent laws be amended so as to make the manufacturer or vendor of patented articles alone responsible for infringements—to the Committee on Patents.

By Mr. COFFROTH: The petition of Julia A. Chambers, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. COLERICK: Papers relating to the bounty claim of Julia Moran—to the Committee on Military Affairs.

Also, the petition of A. G. Lewis and 22 others, of Bryant, Indiana, for the passage of the bill for the equalization of bounties—to the same committee.

By Mr. CONVERSE: The petitions of John Deitz and 59 others; of W. H. Osborn and 26 others; of J. J. Tussing and 116 others, and of S. B. Gantz and 29 others, citizens of Franklin County; and of A. J. Smith and 15 others, and of Ralph Smith and 16 others, citizens of Delaware County, Ohio, for the enactment of laws to prevent discriminations and fluctuations in railroad freights—to the Committee on Commerce.

By Mr. HORACE DAVIS: Resolutions of the Legislature of California, favoring the completion of the iron-clad Monadnock—to the Committee on Naval Affairs.

Also, the petition of Clarina J. H. Nicholls, Mrs. J. B. Leonard, and other citizens of Mendocino County, California, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. GEORGE R. DAVIS: A paper relating to the pension claim of the widow of Captain John Mitchell—to the Committee on Invalid Pensions.

By Mr. DE LA MATYR: The petition of W. T. Auer and 65 others, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead bill—to the Committee on Public Lands.

Also, the petition of Morgan Ware and 118 others, that the pay of Union soldiers and sailors be made equal to specie at the time they were paid—to the Committee on Military Affairs.

Also, papers relating to the claim of Rebecca C. Reich—to the Committee on Invalid Pensions.

By Mr. DIBRELL: The petition of Eliza E. Weir, to be restored to the pension-roll—to the same committee.

Also, the petition of John Scraggs and others, of Grundy County, Tennessee, for a post-route from Altamont to Pelham, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. DICKEY: The petitions of Samuel Michael and 13 others and of Peter Fox and 13 others, of Highland County, and of J. P. Shannon and 154 others, of Brown County, Ohio, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petitions of Lucien J. Fenton and 134 others, of Adams County, Ohio; of G. H. Diehl and 24 others, of Highland County, and of L. H. Williams and 70 others, of Browne County, Ohio, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

Also, the petition of J. E. Huggins and 34 others, of Browne County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of John W. Dewitt and 30 others, of Highland County, Ohio, for the passage of the Weaver bill—to the Committee on Military Affairs.

By Mr. DUNN: A bill for the improvement of White River, in the State of Arkansas, from its mouth to Jacksonport, at the junction of White and Black Rivers—to the Committee on Commerce.

Also, a bill for the improvement of the Upper White River from Jacksonport at the junction of White and Black Rivers, in the State of Arkansas, to Batesville—to the same committee.

Also, a bill for the improvement of the navigation of the Black River, in the State of Arkansas, from its junction with the White River at Jacksonport to Poplar Bluff, Missouri—to the same committee.

Also, a bill for the improvement of the navigation of the Saint Francois River, in the State of Arkansas, from its mouth to Lester's Landing, in said State—to the same committee.

By Mr. DUNNELL: The petition of Charles D. Meredith and 20 others, and of W. D. Harden and 40 others, ex-soldiers of Minnesota, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. DWIGHT: The petition of the Ithica (New York) Farmers' Club, for the passage of the Reagan bill with an amendment—to the Committee on Commerce.

By Mr. ELLIS: Papers relating to the claim of J. H. Sypher for salary as member of the Forty-first Congress from the State of Louisiana—to the Committee of Elections.

Also, the petition of citizens of New Orleans, Louisiana, depositors in the late Freedman's Savings-Bank, for relief for the thousands of colored people throughout the South who lost their earnings deposited in said bank—to the Committee of Ways and Means.

Also, memorial of the Cotton Exchange of New Orleans, Louisiana, relative to the suppression of commercial statistics by the Treasury Department—to the Committee on Commerce.

Also, the petition of citizens of New Orleans, Louisiana, in regard to Straight University—to the Committee on Education and Labor.

By Mr. FARR: The petition of Mary A. Powers Filley, Margaret A. Nelson, and others, citizens of Grafton County, New Hampshire, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. FERDON: Papers relating to the petition of A. B. Goodall, postmaster at Port Jarvis, New York, to be relieved from accounting

for United States funds stolen from the post-office at said place by burglars—to the Committee of Claims.

Also, the petition of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. FIELD: The petition of Samuel Gould and 58 other persons and corporations of Boston, Massachusetts, for the distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. FINLEY: The petition of 75 citizens of Upper Sandusky, Ohio, for an appropriation to preserve the old Wyandot Mission—to the Committee on the Library.

Also, the petition of citizens of Seneca County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. FORSYTHE: The petition of Thomas H. Crowder and 33 others, citizens of Moultrie County, Illinois, for a law to protect innocent purchasers of patented articles—to the same committee.

Also, the petition of J. B. McNair and 39 others, soldiers and citizens of Illinois, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petiton of Thomas H. Crowder and 33 others, citizens of Moultrie County, Illinois, for the passage of a law regulating interstate commerce—to the Committee on Commerce.

By Mr. FORT: The petition of J. W. Jerome and others, citizens of Illinois, against the passage of the bill (H. R. No. 2823) for the repeal of the duty on jute butts—to the Committee of Ways and Means.

By Mr. FROST: The petition of citizens of Missouri, for a change in existing patent laws—to the Committee on Patents.

Also, the petition of soldiers of Missouri, for the passage of a bill for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of merchants and importers of the city of Saint Louis, Missouri, for the passage of the bill for the immediate transportation of dutiable goods, introduced by Mr. ALDRICH—to the Committee of Ways and Means.

By Mr. GEDDES: The petition of William K. Oberlin, John Fulton, and other citizens of Richland County, Ohio, for the amendment of the patent laws so as to make the manufacturer or vendor of patented articles alone responsible for infringement—to the Committee on Patents.

Also, the petition of William K. Oberlin, John Fulton, and other citizens of Richland County, Ohio, for a law to alleviate the oppressions of monopolies that now control the interstate commerce of the country—to the Committee on Commerce.

By Mr. JOHN HAMMOND: The petition of citizens of New York, for an appropriation for the improvement of Lake Champlain—to the same committee.

By Mr. HASKELL: The petition of Mrs. L. M. Hay, for relief on account of the killing of her husband while in the United States service—to the Committee of Claims.

By Mr. HENDERSON: The petition of P. Kellogg, that a bounty of $400 may be granted him—to the Committee on Military Affairs.

Also, the petition of Edward Weinman and 60 others, soldiers of Illinois, for the equalization of bounties—to the same committee.

By Mr. HILL: The petition of Captain P. H. Mooney and 107 other citizens, soldiers of Paulding County, Ohio, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of J. A. Boyd and others, citizens of Paulding County, Illinois, for a change in the patent laws—to the Committee on Patents.

Also, the petition of T. H. B. Columbia and 301 others, citizens of Paulding and Defiance Counties, Ohio, for the passage of a law regulating railroad freight charges—to the Committee on Commerce.

By Mr. HOUK: The petition of David Kilts, for restoration to the pension-roll—to the Committee on Invalid Pensions.

Also, the petition of ex-Federal soldiers residing in East Tennessee, for the passage of a bill to equalize bounties—to the Committee on Military Affairs.

By Mr. HUBBELL: The petition of William F. Lewis, George C. Meyer, and 20 others, citizens of Oceana County, Michigan, for such amendment of the patent laws as will make vendors and manufacturers of patented articles alone responsible for infringements—to the Committee on Patents.

Also, the petition of William F. Lewis and others, citizens of Oceana County, Michigan, for legislation to prevent fluctuations in freight charges and unjust discriminations by transportation companies—to the Committee on Commerce.

Also, the petition of George Stone and 51 others, masters and vessel-owners, for an appropriation for a harbor of refuge at Grand Marias, Lake Superior, Michigan—to the same committee.

By Mr. HURD: The petitions of Andrew Fellers and others, of Wood County, Ohio, and of S. S. Carter, C. E. Brailey, Robert Blaine, and others, of Fulton County, Ohio, for the passage of the interstate-commerce bill—to the same committee.

Also, the petitions of S. S. Carter and others, of Robert Blaine and others, of Fulton County, Ohio; and of Andrew Fellers and others, of Wood County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. JONES: The petition of citizens of Brazoria and Johnson Counties, Texas, for an appropriation for a harbor of refuge and naval station at the mouth of Brazos River—to the Committee on Commerce.

By Mr. JOYCE: The petition of Hon. G. W. Hendee, that a pension be granted Moses Fullington, a soldier of the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. KETCHAM: The petition of C. E. C. Holmes, late sergeant Company E, Sixth Maryland Volunteers, for an honorable discharge from the United States service—to the Committee on Military Affairs.

By Mr. LAPHAM: The petition of citizens of New York, that a pension be granted to Matthew Herrington—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: The petition of Eusebia B. Meeks, Lizzie Reed, and others, citizens of Troy, Ohio, for an amendment to the Constitution securing woman suffrage—to the Committee on the Judiciary.

By Mr. LOUNSBERY: A paper relating to the claim of Peter M. Halwich for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. McMAHON: The petition of Anthony Halpin, for a pension—to the Committee on Invalid Pensions.

Also, the petition of George W. Kneisley & Co. and 22 wholesale and retail grocers of Dayton, Ohio, for relief from adulteration in foods, &c.—to the Committee on Manufactures.

Also, the petition of S. Silver and others, of Butler County, Ohio, for the protection of innocent purchasers of patented articles—to the Committee on Patents.

Also, the petitions of Samuel Silver and others, and of D. P. Nelson and others, citizens of Butler County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. MILES: the petition of Anna M. Middlebrook, M. D., Minnie E. M. Prindle, and others, citizens of Fairfield, Connecticut, for an amendment to the Constitution of the United States securing women suffrage—to the Committee on the Judiciary.

By Mr. MILLER: The petition of A. P. Sigourney and others, of New York, for a law regulating railroad freight charges—to the Committee on Commerce.

Also, the petition of A. P. Sigourney and others, of New York, for the amendment of the patent laws—to the Committee on Patents.

By Mr. MONROE: The petition of H. Emrich and 38 others, citizens of Erie County, Ohio, of similar import—to the same committee.

Also, the petition of Maria L. Camp, Birchett and Jacob A. Camp, heirs of the late John G. Camp, of Sandusky, Ohio, for the passage of a bill directing the accounting officers of the Treasury to reopen his accounts as United States marshal of the middle district of Florida, and to allow him certain charges—to the Committee on the Judiciary.

Also, the petition of Isaac Hausberger and 188 others, citizens of Summit County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of E. H. Wilcox, C. C. Keech, and 84 others, citizens of Erie County, Ohio, and of Isaac Hausberger and 201 others, citizens of Summit County, Ohio, for the passage of a law to regulate commerce between the States—to the Committee on Commerce.

By Mr. MORTON: Memorial of the commissioners of emigration of the State of New York, urging speedy legislation by Congress for the protection of arriving immigrants and the care of such of them as become sick and disabled—to the Committee on Foreign Affairs.

By Mr. NEAL: The petition of Dolly Blazer, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Edward Deletombe and others, citizens of Gallipolis, Ohio, that a pension be granted Dolly Blazer—to the same committee.

By Mr. NEWBERRY: The petition of 250 of the leading merchants and manufacturers of Detroit, Michigan, for the passage of the bill allowing foreign imported goods to be carried to, and duties thereon paid at, the port of Detroit—to the Committee of Ways and Means.

By Mr. NICHOLLS: The petition of Colonel B. W. Frabel, in relation to the improvement of the Altamaha River, Georgia—to the Committee on Commerce.

By Mr. O'CONNOR: Resolutions of a convention of colored citizens held in Chatham County, Georgia, indorsing the bill to return to the freedmen of the South their savings deposited with the Freedman's Savings and Trust Company, and asking for its passage by Congress—to the Committee of Ways and Means.

By Mr. ORTH: The petition of George W. Johnson, for the removal of the charge of desertion against him—to the Committee on Military Affairs.

Also, the petitions of Mary S. Armstrong, Jennie Brandon, and others, citizens of Kokomo; of Amelia L. Brown, Gertrude M. Peck, and others, citizens of Benton County, and of Lydia E. F. Richardson, Nancy Jackson, Flora Boggs, and others, citizens of Kokomo, Indiana, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. PERSONS: The petition of citizens of Columbus, Georgia, for legislation to prevent interstate traffic in adulterated food—to the Committee on Manufactures.

By Mr. PHELPS: The petition of P. Hanson and others, of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

By Mr. PHISTER: The petition of J. B. Lennox and 67 others, citzens of Bracken County, Kentucky, for the enactment of laws against monopolies and unjust discrimination as to the transportation of freights and passsengers—to the Committee on Commerce.

By Mr. POEHLER: The petition of William Henry and 300 others, citizens of Scott, Sibley, Le Seur, and Carver Counties, Minnesota, for an appropriation for the improvement of the Minnesota River at Belle Plaine—to the same committee.

By Mr. POUND: The petition of C. E. Fleming, S. M. Wilmot, and others, citizens of Portage County, Wisconsin, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

Also, the petition of J. D. Kast, W. N. Rogers, and 151 others, citizens of Shawano County, Wisconsin, for the improvement of Wolf River, Wisconsin—to the Committee on Commerce.

By Mr. REAGAN: The petition of Belair Grange, No. 1245, of Dearborn County, Indiana, for the passage of the Reagan bill to regulate interstate commerce—to the same committee.

Also, the petition of the board of health of Galveston, Texas, for the establishment of a quarantine station near that city—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. RICHMOND: The petition of H. S. Trant and 84 others, citizens of Roanoke County, Virginia, for the enactment of such laws as will prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

By Mr. ROTHWELL: The petition of O. C. Denslow, William C. Green, and 41 other Union soldiers of Sullivan County, Missouri, in the late war of the rebellion, to equalize their pay in coin value—to the Committee on Military Affairs.

By Mr. WILLIAM A. RUSSELL: The petition of S. Lovell & Son and others, against compulsory pilotage at Hell Gate—to the Committee on Commerce.

By Mr. SAWYER: The petition of Jacob Powell and others, citizens of Jackson County, Missouri, for the passage of a judicious interstate commerce bill—to the same committee.

Also, the petition of M. P. Bennett and others, citizens of Jackson County, Missouri, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of George W. Gates and others, citizens of Jackson County, Missouri, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. SIMONTON: A bill appropriating $25,000 for the improvement of the Obion River in Tennessee—to the same committee.

Also, a bill appropriating $25,000 for the improvement of the Forked Deer River in Tennessee—to the same committee.

By Mr. WILLIAM E. SMITH: The petition of citizens of Georgia, for the establishment of a post-route from Blakely, via Bluffton, to Cuthbert, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. SPARKS: The petition of citizens of Flora, Illinois, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. STONE: The petition of George Pray and 156 others, citizens of Ionia County, Michigan, that Congress relieve the people from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petition of 95 citizens of Ionia County, Michigan, for the amendment of the patent laws so as to protect innocent users of patented articles—to the Committee on Patents.

By Mr. TAYLOR: The petition of citizens of Tennessee, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of Thomas Chester, for restoration to the pension-roll and for arrears of pension—to the same committee.

By Mr. WILLIAM G. THOMPSON: The petition of T. J. Fryer and 1,000 others, citizens of Northwestern Iowa, for the passage of a bill to quiet titles of settlers of Des Moines River lands in Iowa—to the Committee on Public Lands.

By Mr. TYLER: The petition of Lydin Johnson, for payment of a claim arising from a seizure of smuggled goods by her late husband, S. Johnson, during the war of 1812—to the Committee of Claims.

By Mr. VANCE: The petition of employés of the model-room, United States Patent Office, for the restoration of their original salaries—to the Committee on Appropriations.

By Mr. WARNER: Memorial of General Herman Haupt, relating to the improvement of the Ohio River—to the Committee on Commerce.

By Mr. WASHBURN: Papers relating to the claim of C. C. D. Williams, for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

Also, memorial of the Saint Paul (Minnesota) Chamber of Commerce, in behalf of an appropriation for the people of Ireland—to the Committee on Foreign Affairs.

Also, the petition of the merchants and importers of Saint Paul, Minnesota, for the passage of the bill for immediate transportation of dutiable goods—to the Committee of Ways and Means.

Also, memorial of the Saint Paul (Minnesota) Chamber of Commerce, for a reduction of the duty on steel and iron rails—to the same committee.

Also, the petition of August Mitchell and others, citizens of Wright County, and of N. Small and others, citizens of Anoka County, Minnesota, for the amendment of the patent laws—to the Committee on Patents.

Also, the petitions of N. Small and others, citizens of Anoka County, and of Alfred Stuart and others, citizens of Wright County, Minnesota, for a law restricting railway extortions and discriminations—to the Committee on Commerce.

By Mr. WEAVER: The petitions of J. T. Reed and 32 others, of Palmyra, Nebraska; of Erastus D. Adams and 28 others, of Middlesex, New York; of John D. Blake and 12 others, of New Hampton, New Hampshire; of B. W. Ritter and 68 others, of Maples, Indiana; of Samuel Burket and 9 others, of Fremont, Ohio; of J. M. Williams and 25 others, of Columbiana, Ohio; of A. J. Hamilton and 53 others, of Williamsburgh, Kansas; of William Collins and 471 others, of Montgomery County, Ohio, and of Samuel Robbins and 151 others, of Aurora, Nebraska, for the passage of the Weaver soldier bill—to the Committee on Military Affairs.

Also, the petitions of Jeremiah Lynch and 50 others, and of John Dickinson and 53 others, of Fremont, Ohio, for the passage of the Wright homestead bill—to the Committee on Public Lands.

Also, the petition of A. F. Woodward, of Jasper County, Iowa, and 38 others, for relief from the oppressions of transportation monopolies—to the Committee on Commerce.

Also, the petition of A. F. Woodward, of Jasper County, Iowa, and 37 others, to be relieved from the oppressions of patentees—to the Committee on Patents.

By Mr. WELLS: The petitions of citizens of Saint Charles, Johnson, Dunklin, Butler, Ray, Audrain, La Fayette, Jefferson, Andrew, Adair, Cape Girardeau, Henry, Clay, Livingston, and Saint Louis Counties, Missouri, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. WHITEAKER: Resolutions of the Board of Trade of Portland, Oregon, that the barracks at Vancouver be repaired—to the Committee on Military Affairs.

Also, the petition of Abigail Scott Dunniway, Julia A. Johnson, and others, citizens of Portland, Oregon, for an amendment to the Constitution of the United States securing woman suffrage—to the Committee on the Judiciary.

By Mr. CHARLES G. WILLIAMS: The petition of Henry Griswold and 110 others, citizens of Rock County, Wisconsin, that the patent laws be so amended that manufacturers and vendors be alone responsible for infringement of patents—to the Committee on Patents.

Also, the petition of Henry Griswold and 116 others, citizens of Rock County, Wisconsin, for legislation to prevent fluctuations in freights and unjust discriminations in transportation charges—to the Committee on Commerce.

Also, the petition of Henry W. Wright and 61 others, veteran soldiers of Racine County, Wisconsin, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. WISE: The petition of 57 soldiers of the late war, of Greene County, Pennsylvania, for the passage of the Weaver soldier bill—to the same committee.

Also, the petition of 65 soldiers of Pennsylvania, of similar import—to the same committee.

By Mr. FERNANDO WOOD: Memorial of persons interested in using chrome iron ore and bichromate of potash, for the removal of duties upon them—to the Committee of Ways and Means.

Also, the petition of William Sturges, manager of the Springfield, Effingham and S. C. Railroad, for a reduction of the duty on steel rails—to the same committee.

By Mr. WRIGHT. The petitions of Joseph Watson and 72 others, citizens of Whitesides, Marion County, Tennessee, and of M. J. O'Neill and 118 others, citizens of San Francisco, California, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of E. D. Powell and 97 others, soldiers of the late war and citizens of Mercer County, Pennsylvania, for the passage of a law allowing them the difference between gold and currency which they received for their military services—to the Committee on Military Affairs.

IN SENATE.

TUESDAY, *February* 17, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the 12th instant, a letter from the Chief of Engineers relative to the improvement of the Exeter River, New Hampshire; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a telegram from General O. O. Howard, commanding the Department of the Columbia, recommending certain modifications of the law relating to traveling allowances of officers and enlisted men; which was referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF FOR SUFFERERS IN IRELAND.

Mr. McMILLAN. I present the memorial of the Chamber of Commerce of Saint Paul, Minnesota, and ask that it be read. It relates to the suffering of the people of Ireland, which is a matter that I desire to call to the attention of the Senate.

The memorial was read, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of Saint Paul, State of Minnesota, respectfully represents that the condition of the people of Ireland appeals to all Christendom not only for individual but Government aid to save thousands from the starvation which threatens them, and that such aid be afforded without delay. Your memorialists, therefore, pray that a liberal appropriation be made from the national Treasury to be applied to the relief of the sufferers, and that a joint resolution be passed by your honorable body authorizing the President of the United States to employ a public steamship of adequate size and capacity to receive and transport to Ireland the contributions of the charitably disposed among our citizens, as was done on a former like occasion, your memorialists being firmly convinced that such a vessel would speedily be filled to its utmost capacity with donations of food from every part of our common country, for the purpose indicated. Your memorialists are satisfied that they represent in this memorial not only the business community of Saint Paul but the wishes of all the people of the State of Minnesota, without exception.

And your memorialists will ever pray, &c.

Adopted by a unanimous vote of the chamber, February 9, 1880.

HENRY H. SIBLEY,
President.

Mr. McMILLAN. My own State has been so prosperous during the past year, and our country has been so highly favored, that I regard it as a privilege to be permitted thus to express the sympathy of the people of the State which I have the honor in part to represent for the suffering people of Ireland. I ask that the memorial be referred to the Committee on Appropriations.

Mr. EDMUNDS. In connection with the reference, I should like to make a suggestion for which I am indebted, as I am for a great many other good things, to my friend from Rhode Island [Mr. ANTHONY] who sits by me, that sending the contributions in a naval vessel is probably the most expensive method that could be adopted. A naval vessel is usually so constructed that it is the least convenient of any means of transporting a considerable quantity of supplies. Therefore, I take the liberty of calling the attention of the Committee on Appropriations to the propriety, instead of providing for a naval vessel if they should think favorably of the project at all, of authorizing the Secretary of the Navy to hire a suitable vessel and transport the supplies of citizens, which would be cheaper and would effectuate the purpose a great deal better, in my opinion, fortified as it is by that of the Senator from Rhode Island.

Mr. DAVIS, of West Virginia. As the Committee on Appropriations may have to act upon the proposition, I should like to inquire of the Senator from Vermont, who has had great experience, whether this proposition meets his approbation, and whether he thinks this is a subject that Congress can appropriate for in the way asked?

Mr. McMILLAN. I do not desire to yield the floor for the purpose of permitting any discussion, as I have further memorials to present.

Mr. EDMUNDS. Yes, but the memorial my honorable friend has presented is now pending; it is not disposed of. It cannot be disposed of without a vote of this body, and this body cannot take a vote until it hears any debate that is offered upon the subject.

Mr. McMILLAN. If the Senator from Vermont desires to express his views upon the subject, I am entirely willing that he should do so.

Mr. EDMUNDS. I have no doubt of that. I shall not take my honorable friend's time more than half a minute, but it is due to the Senator from West Virginia that I should reply to him, as he has put a direct question to me. I should say, as at present advised, that I should most cheerfully vote for paying the expense by employing a vessel as the best way of carrying the supplies that citizens may contribute, as I have no doubt they would in great quantities if they could get transportation to Ireland, and in the speediest way. If the Senator will report a provision of that kind appropriating money to pay the expense and authorizing the Secretary of the Treasury or anybody else that he thinks fit to take the necessary steps, as at present advised I shall most cheerfully vote for it.

Mr. McMILLAN. I hope the Committee on Appropriations will bear these suggestions in mind, and that speedy action may follow.

Mr. THURMAN. I want to say a word in the same line with the observation made by the Senator from Vermont in regard to the kind of vessel to be employed, if a vessel is to be sent by the United States. The experience that we had in transporting articles to the Paris exposition proved, as will be seen by the report of the commission when that report shall be printed, that of all the expensive ways that can be conceived of transporting freight the use of a public vessel is the most expensive to the United States. The employment of our public vessels in the transportation of freight to the Paris exposition cost I do not know exactly how much, but my impression is more than double what it would have cost to have sent the freight by the ordinary means of transportation by merchant vessels, and the articles forwarded were delayed very much more than they would have been if they had been sent in the ordinary way, or by the charter of a vessel.

The same thing will be found, I believe, to have been the case when on a former occasion the United States sent a public vessel, freighted with breadstuffs, to Ireland, in the famine that then existed.

I hope, therefore, if it shall be deemed advisable to send a vessel, that our Government will charter a vessel, and not tear one of our public ships all to pieces, which is a ship not at all suited for freight purposes, but will authorize the Government to charter a suitable vessel, which could be in Ireland long before you could change one of our public vessels so as to make it fit for carrying freight.

Mr. WITHERS. In this connection, before further action is taken, I would call attention to a fact I observed in the newspapers the other day, where one of the largest milling firms in Richmond, Virginia, had offered a contribution of several hundred barrels of flour for the object of Irish relief, at a rate very much below their wholesale rates, and transportation was also offered to be furnished very much below the regular rates to Ireland by existing steam lines, and the committee on Irish relief in Richmond declined the contribution on the ground that they were advised that money was more desirable than flour or other food, and therefore they respectfully declined to accept the contribution which was tendered. If that be the policy which controls the committees who are in charge of the relief fund for Ireland, I think the whole of this proposed relief may prove unnecessary.

Mr. EDMUNDS. But that probably is not the policy which controls all the committees. It may control some, but I think the hungry people would prefer bread to money, if it can be given to them.

Mr. WITHERS. I merely made the suggestion upon a statement of that fact.

Mr. WHYTE. I very much fear that that branch of the relief committee to which the Senator from Virginia refers belongs to the political side of the question.

Mr. WITHERS. So far from it, they are distinctly arrayed in antagonism to any political movement.

Mr. WHYTE. I observe that there are two classes of contributions going into the relief funds from this country—one for the purpose of keeping up the agitation in regard to the system of land tenure that prevails in Ireland, to which a very large amount of money has been dedicated, and the other for the relief of the famishing in the west of Ireland.

I approve entirely of the proposition presented by the Senator from Minnesota to provide a ship for the purpose of conveying such provisions as may be gathered together to relieve these suffering people. I differ with my honorable friend the Senator from Ohio in supposing that there would be any difficulty about our furnishing one of the naval vessels to carry the provisions abroad. The Senator says that the vessel would have to be torn to pieces. If we believe all that we hear about the Navy, the danger is that most of the vessels will fall to pieces. I think that there are plenty of vessels in the United States lying up at the present time belonging to the Navy which could be utilized; and there are plenty of officers of the Navy, probably in Washington, or somewhere thereabouts, who could be utilized also in taking command of these vessels and earning their salaries, if not in fighting the battles of the country, in carrying the provisions which the people with full heart in this country are sending to the suffering people abroad.

That was the method adopted in 1847. We sent two vessels, according to my recollection, under the direction of the Secretary of the Navy; and I would suggest that the proper mode to adopt now is to direct by a joint resolution the Secretary of the Navy to order one or two vessels to be put at the disposal of some proper persons, as was done in 1847, to convey the provisions to the other side of the water. I remember it was a matter of pride to all of us in this country who were engaged at that time in gathering money and in gathering provisions for the suffering people on the other side of the water, many of us having relatives there—it was a matter of pride almost as great as we had when our armies were triumphant, that these provisions were carried by our own vessels of war as messengers of peace, with the flag of the nation floating over that which was bringing to many a homestead peace and happiness and comfort.

I trust, Mr. President, that the memorial may be sent to the Committee on Naval Affairs, where it will be nursed, I am sure, most tenderly, and I hope something will come from that committee for the benefit of these famishing people.

Mr. DAVIS, of West Virginia. I heartily concur with the Senator from Maryland, who is a member of the Committee on Naval Affairs, and if agreeable to the Senator who presented the memorial I hope it will go to the Committee on Naval Affairs, or to the Committee on Foreign Relations, instead of to the Committee on Appropriations. I hope that such a reference will be agreeable to the Senator from Minnesota.

Mr. McMILLAN. So far as I am advised, the reference heretofore made of similar communications has been to the Committee on Appropriations. So far as the memorialists are concerned, all they desire is that an opportunity be given to our people of having conveyed to the suffering people of Ireland the provisions which they wish to send them. I trust the Committee on Appropriations will take charge of the memorial and report a resolution without delay.

The VICE-PRESIDENT. The question is, Shall the memorial be referred to the Committee on Appropriations?

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented the petition of the Chamber of Commerce of Saint Paul, Minnesota, praying for a reduction of the tariff

on steel and iron rails; which was referred to the Committee on Finance.

Mr. THURMAN presented the petition of H. Miner and 75 others, citizens of Lucas County, Ohio, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

He also presented the petition of F. R. Warren and others, citizens of Lucas County, Ohio, praying for the enactment of a law to prevent fluctuations in freights and unjust discrimination in transportation charges; which was referred to the Committee on Commerce.

Mr. WALLACE presented the memorial of G. B. Roberts, vice-president of the Pennsylvania Railroad Company, representing seventeen hundred and eighty-two miles of railroad; the memorial of F. B. Gowen, president of the Philadelphia and Reading Railroad Company, representing eight hundred and sixty-nine miles of railroad; the memorial of E. C. Knight, president of the Central Railroad Company of New Jersey and of the Delaware and Bound Brook Railroad Company, representing five hundred and ninety-two miles of railroad; the memorial of F. A. Comly, president of the North Pennsylvania Railroad Company, representing eighty-eight miles of railroad; and the memorial of William A. Ingham, president of the East Broad Top Railroad Company, representing thirty miles of railroad, remonstrating against the reduction of the duty on steel rails from $28 to $10 a ton; which were referred to the Committee on Finance.

Mr. JOHNSTON presented the memorial of John S. Barbour, president of the Washington City, Virginia Midland and Great Southern Railroad Company, representing three hundred and sixty miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

Mr. EATON presented the memorial of G. St. J. Sheffield, vice-president of the New Haven and Northampton Railroad Company, representing one hundred and nine miles, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

Mr. EDMUNDS presented the petition of S. P. Cheney and others, citizens of Dorset, Vermont, praying for the passage of a law granting a pension to Elizabeth Gray, widow of Paddock Gray, a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of J. Gregory Smith and others, citizens of Vermont, and the petition of M. H. Buckham, president of the Vermont University, praying for an appropriation by Congress for the erection of a monument at Yorktown, Virginia, to commemorate the surrender of Lord Cornwallis; which were referred to the Committee on the Library.

Mr. EDMUNDS. I present the memorial of Gilson & Woodfin and sundry other citizens engaged in the business of quarrying marble in the State of Vermont, remonstrating against the extension of a patent known as the Wardwell patent for stone-channeling machines; which matter is now pending before the Committee on Patents of this body. I move the reference of the petition to the Committee on Patents.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the memorial of A. J. Cassatt, vice-president of the Northern Central, Baltimore and Potomac, and Alexandria and Fredericksburgh Railroad Companies, representing four hundred and forty-four miles of railroad; and the memorial of James Callery, president of the Pittsburgh and Western Railroad Company, representing forty-seven miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which were referred to the Committee on Finance.

Mr. WILLIAMS presented the petition of Annie L. Quinby and others, citizens of Campbell County, Kentucky, praying for an amendment to the Constitution of the United States granting to women the right to vote; which was referred to the Committee on the Judiciary.

He also presented the petition of William Snowden and others, citizens of Kentucky, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of J. J. Stephens and others, citizens of Boone County, Kentucky, praying for an amendment to the patent laws so as to make the manufacturer and vendor alone responsible for infringements; which was referred to the Committee on Patents.

Mr. SAULSBURY. I hold in my hand a petition addressed to my colleague and myself, but evidently intended for the Senate of the United States, which I ask may be received. It is signed by W. H. Scribner and others, merchants and business men of Milford, Delaware, and prays for an appropriation of $30,000 for the improvement of the Mispillion River in that State. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. KERNAN presented the memorial of Le G. B. Cannon, director of the Delaware and Hudson Canal Company, representing six hundred and sixty-five miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

Mr. BAYARD presented the memorial of Isaac Hinckley, president of the Philadelphia, Wilmington and Baltimore Railroad Company, representing two hundred and seven miles of railroad, remonstrating against the reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

Mr. RANDOLPH presented the petition of John Holmes and others, citizens of New Jersey, praying for the passage of a law by Congress to enable the owners of a vessel to hail it from the place nearest their residence and the customs district in which such vessel may be owned; which was referred to the Committee on Commerce.

Mr. PENDLETON presented the petition of William H. Remington and 79 others, citizens of Meigs County, Ohio, praying for an amendment to the Constitution prohibiting any person holding the office of President or Vice-President of the United States for more than one term, and providing that the election hereafter shall be by a direct vote of the people; which was referred to the select committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the United States.

Mr. DAVIS, of Illinois, presented the petition of Henry W. Lyons and others, the petition of Isaac F. Quimby and others, the petition of G. M. Wiggin and others, the petition of C. W. Willey and others, the petition of James W. Dutton and others, the petition of George B. Glover and others, the petition of Nathan P. Bennett and others, the petition of Charles Henry Bean and others, the petition of George W. House and others, the petition of Ephraim W. Wiley and others, and the petition of Elliot King and others, all soldiers of the late war, and citizens of Maine, praying for the passage of a law granting to soldiers the difference between the value of greenbacks and gold at the time of payment for their services; which were referred to the Committee on Finance.

Mr. VEST presented the memorial of A. G. Lloyd Leroy and others, citizens of Missouri and Kansas, and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the petition of the mayor and common council of Saint Charles, Missouri, praying for an appropriation by Congress for the improvement of the Missouri River at that city; which was referred to the Committee on Commerce.

Mr. JONAS presented the petition of the Union Soldiers' Association of New Orleans, Louisiana, praying that the seat occupied in the Senate by WILLIAM PITT KELLOGG be declared vacant; which was referred to the Committee on Privileges and Elections.

Mr. BALDWIN presented the petition of A. Dodge and 80 others, licensed officers of steam-vessels, praying for an amendment of section 4458 of the Revised Statutes, providing for the payment of a fee for every first certificate granted to each master, chief engineer, and first-class pilot; which was referred to the Committee on Commerce.

He also presented the petition of E. R. Emmons and 210 others, citizens of Michigan, praying for the passage of a bill granting a pension of $8 per month to the survivors of the Mexican war; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented the memorial of Alexander Mitchell, president of the Chicago, Milwaukee and Saint Paul Railroad Company, representing fifteen hundred and twelve miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

He also presented additional evidence in the case of Richard Johnson; which was referred to the Committee on Claims to accompany the bill (S. No. 1009) for the relief of Richard Johnson.

Mr. WHYTE. I present the petition of James Hooper, of Baltimore, Maryland, praying compensation out of the unexpended balance of the Geneva award for the destruction of the bark General Berry. I move its reference to the Committee on the Judiciary.

The VICE-PRESIDENT. That subject is before the Senate, a bill having been reported by the Committee on the Judiciary. The petition will lie upon the table.

Mr. WHYTE. I prefer that it should go to the Committee on the Judiciary.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

Mr. HOAR presented the petition of the Massachusetts Woman's Suffrage Association, praying for the passage of a law creating a tribunal for the settlement of disputed questions arising in the count of the electoral vote; which was referred to the select committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the United States.

He also presented the memorial of the United States Board of Trade in favor of the passage of a law providing for the metric system of coinage of gold and silver as bimetallic money; which was referred to the Committee on Finance.

Mr. VOORHEES presented the memorial of J. S. Harrold and others, citizens of Indiana and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3047) to authorize the commissioners of the Dis-

trict of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes;

A bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association;"

A bill (H. R. No. 4465) to amend the fifth section of the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878," and for other purposes;

A bill (H. R. No. 4566) to regulate the practice of the judicial courts of the District of Columbia, and for other purposes; and

A bill (H. R. No. 4568) for protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1075) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, reported it without amendment and submitted a report thereon; which was ordered to be printed.

Mr. MORRILL. I am directed by the Committee on Finance to report back the bill (H. R. No. 3559) for the relief of L. H. Hershfield & Brother without amendment and to recommend its passage. I ask to have it reprinted, as there is a typographical error, to which I call the attention of the Secretary. A name is printed in the text "Russell B. Hamson," which should be "Russell H. Harrison."

The VICE-PRESIDENT. The text will be corrected in the reprint.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 111) for the relief of the city of Macon, Georgia, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred a letter from the Secretary of War recommending appropriate legislation to enable the War Department to make the labor of military prisoners available for the support of the military prison at Leavenworth, Kansas, reported a bill (S. No. 1319) authorizing the Secretary of War to expend the profits growing out of the manufacture of articles at the military prison at Leavenworth, Kansas, for the improvement of facilities for manufacture at said prison; which was read twice by its title.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 613) for the relief of Jacob D. Jones, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 1160) to provide for celebrating the one hundredth anniversary of the treaty of peace and the recognition of American Independence, by holding an international exhibition of arts, manufactures, and the products of the soil and mine, in the city of New York, in the State of New York, in the year 1883, reported it with amendments.

Mr. HARRIS, from the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, to whom was referred the joint resolution (S. R. No. 73) authorizing the President of the United States to call an international sanitary conference to meet at Washington, District of Columbia, reported it without amendment.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 2326) for the relief of settlers upon the Osage trust and diminished-reserve lands, in Kansas, and for other purposes, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RANDOLPH. The petition of Gallus Kirchner, of North Vernon, Indiana, praying compensation for stone used in the arsenal building at Indianapolis, Indiana, was referred to the Committee on Military Affairs, with various papers. In reporting back the bill (S. No. 757) for the relief of Gallus Kirchner these papers were overlooked. I am instructed by the Committee on Military Affairs now to report back the petition and accompanying papers, and ask to be relieved from the case, as in the original instance, and that they be referred to the Committee on Claims.

The VICE-PRESIDENT. That change of reference will be made.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 944) for the relief of John Grierson, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. JONES, of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 1247) to amend sections 2262 and 2301 of the Revised Statutes of the United States, in relation to the settler's affidavit in pre-emption and commuted homestead entries, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (S. No. 1180) granting a pension to Elizabeth Wolf, widow of John F. Wolf, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WHYTE. I am instructed by the Committee on Printing, to which was referred the joint resolution (S. R. No. 76) directing that ten thousand copies of the Medical and Surgical History of the War of the Rebellion be printed, to report it unfavorably, and to ask that the committee be discharged from its further consideration. I call the attention of the Senator from Florida [Mr. CALL] who introduced the joint resolution to know whether he desires to offer any opposition to its indefinite postponement.

Mr. CALL. I should be glad if there could be some suspension of action until it should be ascertained what is to be done with the joint resolution.

The VICE-PRESIDENT. The joint resolution will go over under the rule, if the Senator desires it.

Mr. CALL. I ask that it be placed on the Calendar.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar with the adverse report of the committee.

PRODUCTION OF PRIVATE PAPERS.

Mr. SAULSBURY. During the investigation of certain matters referred to the Committee on Privileges and Elections, a question arose as to what extent the process of the committee could be used to compel the production of telegrams before the committee, and the committee adopted certain resolutions which they have instructed me to report to the Senate.

The VICE-PRESIDENT The resolutions will be read.

The resolutions were read, as follows:

Resolved, That the telegraphic messages and the copies or records of the same in the possession of telegraph companies, their officers or servants, are not privileged by law from production and examination on proper process before a committee authorized to send for persons and papers.

Resolved second, That the order for the production of such documents ought to be so regulated by a sound discretion as to protect the privacy of communications not relating to the matter under investigation, and especially that the authority making such order ought first to be satisfied that the message sought is, if obtained, likely to be material to the pending investigation, and the order ought as far as practicable to describe with reasonable certainty the particular message or record.

The VICE-PRESIDENT. What action does the Senator from Delaware desire?

Mr. EDMUNDS. Let the resolutions be printed and lie on the table.

The VICE-PRESIDENT. They will be printed and laid on the table.

Mr. HOAR. I do not understand that these resolutions are reported as resolutions to be adopted by the Senate. They are reported simply as the resolutions which have governed the action of the committee in a matter that has attracted public attention, for the information of the Senate and for the information of the public. I suppose, therefore, they should be printed and laid on the table, and not be placed on the Calendar. There is no action to be taken, I understand.

The VICE-PRESIDENT. The resolutions will lie upon the table.

KANSAS SENATORIAL INVESTIGATION.

Mr. SAULSBURY. I am instructed by the Committee on Privileges and Elections to submit a report.

The report was read, as follows:

The Committee on Privileges and Elections, to whom were referred memorials relating to the election of Hon. JOHN J. INGALLS, a Senator from the State of Kansas, by the Legislature of that State, have had the same under consideration, and submit the following report:

The committee, under the authority of a resolution adopted by the Senate, appointed a sub-committee of its members, with instructions to investigate the charges and statements contained in said memorials. In discharge of the duty assigned them the members of the sub-committee met during the recess of the Senate, in the city of Topeka, in said State, and examined a large number of witnesses, whose testimony, together with the testimony of witnesses examined before the whole committee during the present session, is herewith submitted to the Senate.

The views entertained by the committee render it unnecessary to refer more particularly to the testimony, which will be found to sustain the conclusions of the committee expressed in the following resolution:

Resolved, That the testimony taken by the committee proves that bribery and other corrupt means were employed by persons favoring the election of Hon. JOHN J. INGALLS to the Senate to obtain for him the votes of members of the Legislature of Kansas in the senatorial election in that State. But it is not proved by the testimony that enough votes were secured by such means to determine the result of the election in his favor, nor is it shown that Senator INGALLS authorized acts of bribery to secure his election.

Mr. CAMERON, of Wisconsin. I ask leave to submit the views of the minority of the Committee on Privileges and Elections in writing.

The VICE-PRESIDENT. The views of the minority will be reported.

Mr. SAULSBURY. Before the reading of the minority report, I ask that the testimony be printed and the committee discharged from the further consideration of the memorials.

Mr. CONKLING. Let us hear the minority report read. We may want to take order about that.

The VICE-PRESIDENT. The minority views will be read.

The Chief Clerk read as follows:

The undersigned, a minority of the Committee on Privileges and Elections, who were directed to investigate certain statements and charges touching the recent election of a Senator in the State of Kansas, respectfully submit our views as follows:

We concur in part of the report. We exonerate Mr. INGALLS from any complicity with improper practices. We also find that the result of the election was not accomplished by such practices. We think that, when the report goes further and finds that persons favoring Mr. INGALLS's election were guilty of such practices, it should in justice state what was clearly and unquestionably proved, that such means were employed in opposition to his election.

ANGUS CAMERON.
JOHN A. LOGAN.
GEORGE F. HOAR.

The VICE-PRESIDENT. The Senator from Delaware, [Mr. SAULSBURY,] from the Committee on Privileges and Elections, asks that the testimony taken in the case be printed and that the committee be discharged. Is there objection? The Chair hears none. It is so ordered.

BILLS INTRODUCED.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1320) for the construction of a building for the use of the United States at Toledo, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1321) to incorporate the Municipal Gas Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McMILLAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1322) for the relief of Thomas J. League; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1323) granting a pension to Phineas Gano; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1324) for the relief of James Hooper; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1325) for the relief of Joseph C. Irwin; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1326) to provide for improving the Missouri River at Saint Charles, Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1327) granting permission for the erection of certain statuary upon the buttresses in front of the sub-treasury building in the city of New York; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1328) for the relief of G. E. W. Sharretts; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1329) for the relief of O. P. Wiggins; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1330) for the relief of Newton Knight and others, citizens of Mississippi, therein named; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to equip and furnish a vessel for the purpose of conveying contributions to the suffering in Ireland; which was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 1027) to provide for the establishing of terms of court in the district of Colorado; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TELLER. I submit an amendment intended to be proposed to the bill (S. No. 1269) for the erection of a public building at Denver, Colorado, which was reported from the Committee on Public Buildings and Grounds. I move that the amendment be printed and laid on the table.

The motion was agreed to.

FITZ-JOHN PORTER.

Mr. RANDOLPH. I beg to submit an amendment which I propose to offer to the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of United States volunteers and colonel of the Army. I ask that the amendment be printed and placed upon our tables.

Mr. EDMUNDS. I should like to hear the amendment read now, Mr. President.

The VICE-PRESIDENT. The amendment will be reported at length.

The proposed amendment was read, being to make the bill read:

Whereas a board of Army officers was convened by order of the President by special orders numbered 78, dated headquarters of the Army, Washington, April 12, 1878, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President, and said board reported that they had made a very thorough examination of all the evidence presented, and bearing in any manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity, and without doubt in their own minds, with the reasons for their conclusions, that, in their opinion, justice required such action as might be necessary to restore Major-General Fitz-John Porter to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President did heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Be it enacted, &c., That the President is hereby authorized to nominate, and by and with the advice and consent of the Senate to appoint, Fitz-John Porter a colonel of infantry in the Army of the United States, his commission to bear date January 21, 1863, with the pay and emoluments of that rank from that date, until he shall be retired according to law, or as hereinafter provided.

SEC. 2. That at any time after the granting of such commission it shall be lawful for the President to place said Fitz-John Porter upon the retired list of the Army, with the pay of a retired colonel of infantry.

The proposed amendment was ordered to be printed.

MONUMENTS OF REVOLUTIONARY EVENTS.

Mr. BURNSIDE. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate copies of all acts of Congress and the Continental Congress, touching monuments intended to commemorate revolutionary events.

Mr. EDMUNDS. How much would that cost?

Mr. BURNSIDE. About $25, I suppose, at a rough guess.

Mr. COCKRELL. I move to amend the resolution by adding after the words "Continental Congress," "and the Congress of the Confederation."

Mr. EDMUNDS. Which confederation?

Mr. COCKRELL. There has been but one Confederation in this country which ruled the country. "The confederacy" was not "the Confederation."

Mr. EDMUNDS. But if you refer to the old affair, that was the Continental Congress. Mr. President, I rather think the resolution had better go over.

The VICE-PRESIDENT. The resolution goes over.

Mr. EDMUNDS. I believe every one of the acts and resolutions of the Continental Congress as well as of the Congress of the United States since, is already in print, and any clerk of a committee could hunt up all of them in a very short time. It is rather taxing the Secretary of State, with his small force, perhaps a little too much to get together these acts if they are already in print. Therefore I should like to have the resolution go over.

Mr. BURNSIDE. I only desire immediate action because there is a case referred to me which I desire to report to the Committee on Military Affairs next Thursday. If I remember aright there are about half a dozen of these acts, a very small number.

Mr. EDMUNDS. I think the resolution had better go over.

The VICE-PRESIDENT. Objection being made the resolution goes over.

Mr. HAMLIN. I wish to say one word before the resolution goes over. I want to say to the Senate that the force at the State Department is extremely limited. I know that committees of this body are waiting for official papers, without which they are unable to act, and the Secretary informs one committee that certain papers shall be forthcoming at the earliest possible moment which his limited supply of clerks will allow.

Mr. BURNSIDE. I withdraw the resolution.

The VICE-PRESIDENT. The resolution is withdrawn. The morning hour has expired.

DISTRICT STREET RAILROADS.

Mr. EDMUNDS. I was in hopes I should get an opportunity during the morning hour, (not having been in yesterday when the letter of the commissioners of the District of Columbia in answer to a resolution of the Senate about the taxes of street railways came in,) to move that that letter and the accompanying papers be referred to the Committee on the District of Columbia, with certain instructions; and I ask unanimous consent to make that motion now.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. EDMUNDS. I move that the letter and the accompanying papers be referred to the Committee on the District of Columbia with instructions to inquire and report whether any, and if so what, officer has neglected any lawful duty in the matter, (by which I mean to endeavor to find out how it happens that $100,000 of taxes are not collected and paid into the treasury of the District, whether it is the fault of some officer, or whether it is the fault of the law,) and whether there is any legal obstacle to the collection of said taxes, and whether any further legislation on the subject is necessary.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the report of the commissioners of the District of Columbia, submitted on the 16th instant, relating to taxes of certain street railroads in Washington and Georgetown, be, with the accompanying papers, referred to the Committee on the District of Columbia, with instructions to inquire and report whether any, and if so what, officer has neglected any lawful duty in the matter, and whether there is any legal obstacle to the collection of said taxes, and whether any further legislation on the subject is necessary.

Mr. HARRIS. While I quite concur with him in desiring that the communication and accompanying papers may be referred to the Committee on the District of Columbia, I desire to inform the Senator from Vermont and the Senate that that committee is now engaged in investigating the exact question to which he refers, and I hope at no distant day to be able to make a report upon it.

Mr. EDMUNDS. I hope my honorable friend did not suppose that my motion implied any censure upon or fault with the Committee on the District of Columbia.

Mr. HARRIS. Of course not.

Mr. EDMUNDS. But I desired by it to call their especial attention, to make it their special duty, to find out how it is that while ordinary people pay into the Treasury their taxes in this District, which are somewhat heavy, these corporations which exist by the privilege and grants of favor of Congress, manage in one way or another not to do it, and whether it is through the fault of the District officers who do not enforce the collection of the taxes, or whether there is some legal difficulty in the way, or what the matter is.

The VICE-PRESIDENT. The Chair hears no objection to the resolution, and it is agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. No. 1255) making appropriation for the removal of the remains of the late Major-General George Sykes, United States Army, from Fort Brown, Texas, to West Point, New York; and the joint resolution (S. R. No. 75) to print the eulogies delivered in the two Houses of Congress upon the late Zachariah Chandler.

ORDER OF BUSINESS.

Mr. ALLISON. I ask unanimous consent, as the morning hour has passed away, to take up the joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia. It will take but a moment.

Mr. GORDON. Will my friend from Iowa allow me, before he takes up the joint resolution, to simply make a statement? After conference with the Senator from West Virginia, [Mr. DAVIS,] I find that it is agreeable to him, as it is to me, that his motion to reconsider the vote by which the resolution to raise a special committee on the interoceanic canal was adopted shall be considered at some hour to-morrow; and if the Senate will agree to it, I suggest that at two o'clock to-morrow, if it shall be deemed advisable to close the doors, it be done, and the consideration of that subject be proceeded with.

The VICE-PRESIDENT. Is there unanimous consent?

Mr. ALLISON. I have no objection to it, providing that in the mean time the bill now under consideration, relating to military bounty land warrants, shall have been disposed of. I shall object to it until that is done.

The VICE-PRESIDENT. Objection is made.

Mr. McMILLAN. The regular order, I believe, is the consideration of the cases upon the Calendar.

The VICE-PRESIDENT. It is; but the Senator from Iowa has asked unanimous consent that the Senate consider at this time House joint resolution No. 203.

Mr. ALLISON. It will only take a moment.

The VICE-PRESIDENT. The joint resolution will be reported and objections called for.

Mr. GORDON. What has become of my request?

The VICE-PRESIDENT. The Senator from Iowa objected to the arrangement, and unanimous consent is necessary.

Mr. ALLISON. I do not wish to interfere with the Senator from Georgia.

Mr. GORDON. I understand the Senator from Iowa. I do not want to interfere with any arrangements in reference to his own bill nor do I want to interfere with any discussion of the land bill; but I simply made the suggestion to the Senate, as the question ought to be disposed of, that it would be well enough to agree upon some hour to consider the motion made by the Senator from West Virginia.

Mr. ALLISON. Very well; I withdraw any objection that I made. I think we shall have no trouble about the matter.

Mr. GORDON. Then am I to understand that the Senate gives unanimous consent to take up the question to which I have referred at two o'clock to-morrow?

The VICE-PRESIDENT. The Chair will inquire.

Mr. LOGAN. Mr. President, I do not mean any discourtesy by interposing an objection, but I shall insist upon the regular order, after we pass to the order of the day, until that is completed. I shall then insist on the order following, which is a case from the Military Committee that has been postponed from time to time and which has precedence of anything else, until that is disposed of. I shall insist on that.

Mr. CONKLING. Mr. President, I suggest to the Senator from Georgia and the Senator from West Virginia that a motion to reconsider is a privileged motion and may be called up at any time, and they, therefore, virtually gain nothing by an agreement to take it up at a particular time.

Mr. GORDON. I will say to the Senator from New York that what I said was more in the nature of a notice to the Senate that I would ask it to proceed with this matter to-morrow. I did not put it in the form of a motion.

Mr. CONKLING. Either Senator can call up the motion at any time, and, then, if it be the pleasure of the Senate to proceed with it, they get all the advantage from it.

Mr. GORDON. Very well; that is perfectly satisfactory to me.

The VICE-PRESIDENT. The Secretary will report the bill called for by the Senator from Iowa.

Mr. WITHERS. I call for the regular order of business, which is proceeding with the Calendar.

Mr. ALLISON. This will only take a moment.

Mr. WITHERS. But if we yield in one case, we shall have to do so in another. The only proper way is to proceed with the regular order, the Calendar.

Mr. ALLISON. Then I desire to give notice that immediately at half past one o'clock I shall ask unanimous consent of the Senate to take up this bill.

The VICE-PRESIDENT. Before the call of the Calendar is proceeded with, the Chair will take this opportunity to lay before the Senate some bills from the House of Representatives for the purpose of reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 3047) to authorize the commissioners of the District of Columbia to recommend a proper site for a union railroad depot in the city of Washington, and for other purposes;

A bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association;"

A bill (H. R. No. 4465) to amend the fifth section of the act entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878," and for other purposes; and

A bill (H. R. No. 4568) for protection of the Potomac fisheries in the District of Columbia, and for the preservation of shad and herring in the Potomac River.

The bill (H. R. No. 4566) to regulate the practice of the judicial courts of the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL CLERKS FOR PENSION CASES.

Mr. WALLACE. I move to take up the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

The VICE-PRESIDENT. The Senator from Virginia [Mr. WITHERS] has called for the regular order.

Mr. WITHERS. This bill has been reported from the Committee on Appropriations, and it is always considered proper to give preference to the bills of that committee.

The VICE-PRESIDENT. The Senator from Pennsylvania asks the Senate to take up at this time a bill, which will be read.

The Chief Clerk read the bill.

Mr. KIRKWOOD. Does that take precedence of the unfinished business of yesterday?

The VICE-PRESIDENT. It does by unanimous consent take precedence of everything.

Mr. WALLACE. I trust the Senator from Iowa will not interfere with the bill to employ additional clerks in the Pension Bureau to expedite pension cases.

Mr. KIRKWOOD. There is a matter not especially concerning me that comes over as unfinished business from yesterday morning; it concerns the Senator from Minnesota [Mr. McMILLAN] much more nearly than it does me.

Mr. WALLACE. Senators are all repeatedly asking information from the Pension Bureau, and there are not enough clerks there to give them the informations they need. This is a House bill which has been before the Appropriation Committee for nearly two weeks now. We want it passed now in order that the Bureau may have the necessary force to perform the work needed.

Mr. KIRKWOOD. I will not object.

The VICE-PRESIDENT. Is there unanimous consent?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment reported by the committee was, in line 3, to strike out beginning with the word "that" down to and including the word "dollars," in line 11, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of $100 per month each, for service in the Pension Department, and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding $13,900.

And in lieu thereof to insert:

That there be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be available during the current fiscal year, the sum of $36,000 for the employment of additional clerks in the Pension Office, but the salaries of said clerks shall not exceed the sum of $100 per month; also, for rent of additional office-room for the Pension Office, the sum of $4,900, and for contingent expenses of the office $9,000, making, in all, $49,900.

Mr. WALLACE. I am instructed by the Committee on Appropriations to move to strike out "thirty-six" and insert "forty-eight" in the amount in line 14, and then in line 21 to strike out "forty-nine" and insert "sixty-one," so as to correspond in the sum total.

The purpose of this amendment is to give to the Pension Bureau enough money to perform the work that is required of it. The amount of $36,000 was fixed upon the basis of a *pro rata* of four months and a half in place of six months, a month and a half of the six months contemplated in the original bill having expired; but upon consultation with the head of the Department it is found that it is necessary to make the sum $48,000 in place of $36,000, and to make the $49,900 $61,900.

Mr. BECK. Mr. President, I rise to oppose the proposed amendment. I will endeavor to state as briefly as I can what I desire to say in opposition to it. I oppose it more because of the means adopted to obtain it, and because of what I regard as a want of sincerity, not to say a violation of law, on the part of the Secretary of the Interior and his subordinates in this matter, than I do because of the amount of money involved.

The Senate will observe, first, that Congress made an appropriation for the current fiscal year for the Pension Office for the services of three hundred and seventy-nine persons—twenty-six clerks of class 4; fifty-two of class 3; eighty-four of class 2; one hundred and forty-seven of class 1; 30 copyists; and messengers, laborers, and watchmen, requiring $490,850 to pay those clerks and others on the permanent roll of the Pension Office for the year, at the rate of compensation fixed by law. I believe that was all the Department asked for; and Congress, under its clear authority, indeed in accordance with its positive duty, designated how many clerks there should be of each class, and how much should be paid to all, fixing the sum to be paid by the year for their year's work, as permanent officials of the Government. Because of the arrears of pensions law of the last Congress we gave them $48,700 more to employ temporary clerks during the current fiscal year. The law provides, in section 3678 of the Revised Statutes, that—

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

A permanent force of clerks to be maintained till changed by Congress is one of the objects settled by Congress.

Section 3679 is that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Yet, in the face of these laws and of the appropriations thus made, a letter has been sent us by Mr. Bentley, the Commissioner of Pensions, which shows that he, by order of the Secretary of the Interior, has added a number of clerks to the permanent roll of the Pension Office, as I think in plain violation of law, and has created or arranged for a deficiency, if these men are continued to the end of the year, of $26,156.43 on the permanent roll, and he is so using the temporary fund of $48,700 given to him as to make a deficiency of $14,073, provided the temporary clerks are kept employed as he proposes until the end of the fiscal year.

It will be observed, too, by looking at the bill that all these facts were kept concealed from the committee of the Senate, and I think of the two Houses. It seems so because the House of Representatives was induced to pass a bill in these words:

That the Secretary of the Interior be, and he is hereby, authorized to employ eighty additional clerks from or after the 1st day of January to the 30th day of June, A. D. 1880, at a salary of $100 per month each, for service in the Pension Department, and that he be, and he is hereby, authorized to rent available room and purchase furniture for the use of said additional clerks, at a cost not exceeding $13,900.

Mr. PADDOCK. I should like to inquire of the Senator from Kentucky by whom these facts were kept concealed. If they were kept concealed they were kept concealed by somebody, some officer of the Government.

Mr. BECK. The Commissioner of Pensions was before the committee on Appropriations of the Senate, and failed to state them to that committee, of which I am a member, when seeking before us the passage of the House bill.

Mr. PADDOCK. Was he interrogated in regard to those particular facts?

Mr. BECK. Mr. President, I assume that it is the duty of any executive officer of this Government, when he comes before the committees of Congress, to tell what he wants, to state what he has done with the money they have given him. If he makes the impression on us that he is seeking to employ additional clerks, when in fact they are already in his service and he is seeking to cover up a deficiency, he is not doing his duty to himself or to the committees before whom he appears when he withholds such facts. He admits that $41,000 of deficiency exists now, or will certainly exist, and is provided for to exist at the end of the fiscal year with the force now employed before this bill passes, continued in their places. I deny the right of any officer of this Government to create a deficiency when the law is clear that he is required to conform to the statute making appropriations for the service in his charge.

But I desire before I go further to have the Commissioner's letter read, and then to say a few words about it. I ask the Secretary to read the letter which I send to the desk.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 16, 1880.

SIR: I have the honor respectfully to invite your attention to H. R. bill No. 3258, and to the amendment recommended by the Committee on Appropriations in the Senate, and to the following statement of facts relating thereto:

There was appropriated for salaries in the Pension Office for the current year $490,850, regular appropriation. The act of March 3, 1879, provided for temporary clerks, rental, &c., $52,200, of which $48,700 was available for the salaries of clerks until June 30, 1880. The regular appropriation has been drawn upon monthly, as shown by the annexed table, "A," from July 1, 1879, to February 1, 1880. The amounts set down for the months of February to June, inclusive, are the estimates which will be required monthly to continue the present force on the regular roll to June 30.

The annexed table "B," from April 1, 1879, to February 1, 1880, shows the monthly expenditure from the fund for temporary clerks, and from February to June, 1880, inclusive. The amounts set down are estimates of the amounts which will be required each month during the balance of the year to continue the temporary clerks now on the roll.

It will be observed that there will be a deficiency in the regular appropriation of $26,156.43, and in the temporary appropriation of $14,372.43, a total of $40,528.86.

If the bill should pass the Senate as amended, it will operate to reduce the force of this office for the balance of the year below its present strength, when in fact it should be increased even more than the bill as it passed the House would do. The estimates for the bill as it passed the House of Representatives were presented to the House Committee on Invalid Pensions early in December, with the hope that Congress would make the appropriation before the holidays, so as to enable the Secretary of the Interior to increase the force on the 1st of January. This estimate did not specify the history of the expenditures, but measured the additional appropriation asked for by naming a specified number of clerks (eighty) of class 1, supposing the appropriation to be available from January 1.

It was in accordance with this estimate that the bill was reported to the House of Representatives before the holiday recess. The pressure upon the office had been so great that the regular roll had been slightly overtaxed during the first six months of the year, and the temporary fund had been drawn very low. With the assembling of Congress the work had greatly increased, and therefore the early call for the additional appropriation; and it was with the view of relieving the office as much as possible during the presence of Congress that the Secretary of the Interior *appointed twenty additional clerks upon the regular roll early in January*, trusting to the passage of the bill making the additional appropriation to enable them to be continued to the end of the year. The increase in the expenditure on account of the regular appropriation, for the month of January, over the preceding months, is chargeable to these additional appointments, and to the transfer of a few clerks from the temporary roll to the regular roll.

It is hoped that this explanation of the history of the two appropriations, taken in connection with the extraordinary demand upon the office, will induce Congress to make the appropriation according to the original estimate, and grant the sum of $48,000 instead of $36,000, as proposed in the amendment of the Committee on Appropriations, for the purpose of employing additional clerks. This will enable the Secretary of the Interior to continue all of the present force through the year and make quite a material addition thereto.

I have the honor to be,
Very respectfully, yours,

J. A. BENTLEY,
Commissioner of Pensions.

Hon. R. E. WITHERS,
Chairman Committee on Pensions, United States Senate.

TABLE A.—*Regular roll, fiscal year ending June 30, 1880.*

Appropriations for salaries		$490,850 00
Disbursements:		
1879—July	$41,687 18	
August	42,080 83	
September	40,829 27	
October	41,996 70	
November	40,780 95	
December	42,270 16	
1880—January	45,160 84	
February	42,672 50	
March	45,597 50	
April	44,134 70	
May	45,661 10	
June	44,134 70	
		517,006 43
Leaving a deficiency of		26,156 43

Seven clerks class 1, eleven clerks at $1,000, two copyists $900, forty temporary at $720, and one laborer $660.

TABLE B.—*Arrears roll.*

Appropriations for salaries		$48,700 00
Credit by refundment		299 40
		48,999 40
1879—April	$14 50	
May	1,204 56	
June	4,051 79	
July	5,722 29	
August	4,943 63	
September	5,019 18	
October	5,651 50	
November	5,134 20	
December	5,125 34	
1880—January	4,189 44	
February	4,037 00	
March	4,314 00	
April	4,173 50	
May	4,318 00	
June	4,173 59	
		62,072 43
Leaving a deficiency of		14,073 03

Mr. BECK. Mr. President, the letter just read shows several things which I think are in violation of law. I refer to it for the purpose of seeing whether I cannot aid somewhat in requiring the executive officers of the Government to comply with the law, and if they need additional force have them come to Congress and ask for it, instead of creating or fixing for deficiencies, and then saying that Congress had not supplied them with the proper force.

Mr. TELLER. I should like to ask the Senator a question. Is there any deficiency now? I understand not.

Mr. BECK. Let me make my statement. If the Secretary was to close the Pension Office to-day, he has not yet expended all that we gave him for the year; but that is exactly what the Departments always do when they seek to violate the law. They know the office has to be kept open; they know that if they expend all the money in the first nine months of the fiscal year they can say, "You must give me so much more or I will close the office." That is the favorite way of creating a deficiency. It is to prevent that condition of things from being produced in the Pension Office that I am protesting against their conduct.

Mr. TELLER. Mr. President——

Mr. BECK. Let me answer the question. The law provides for and furnishes the Commissioner of Pensions with so many clerks,

twenty-six clerks of class 4 at $1,800 a year; fifty-two at $1,600 a year; eighty-four at $1,400 a year; one hundred and forty-seven at $1,200 a year; and thirty copyists at $900 a year. That law means that he shall keep those people employed during the whole of the year keeping the office constantly open and that he shall not employ enough persons in the first six months to expend all the money and either close the bureau or say "I will close it and stop all business because you have created a deficiency." We have told him the number he shall employ, the prices he shall pay them, and that they shall be kept on the permanent roll as part of the regular force of that office; and yet, in spite of that, the Secretary of the Interior ordered the Commissioner to put twenty more men on the permanent roll and thereby put it out of his power, without creating a deficiency, to keep the clerks employed with the money that Congress gave them to the end of the year, and then clamors for a deficiency appropriation. That has been done over and over again, not only in this Department but in several others, until the committees of both Houses have protested against it and demanded reforms and obedience to law, and we ought to demand it here and now. We ought, in justice to ourselves and as a lesson to executive officers, reject every bill that seeks to force upon us what is called a deficiency when it is produced by a violation of law by the Departments creating it. The Commissioner says that if the number they have at work there now on the regular roll are kept to the end of the year at the regular prices, there will be a deficiency of $26,156 on the regular roll. I ask again who creates that deficiency? The answer is obvious. The Secretary and his Commissioner. How do they do it? By placing clerks on that (so called) "overtaxed" roll. Can any Senator tell what an "overtaxed roll" means?

Mr. PADDOCK. Mr. President, I call for the regular order.

The VICE-PRESIDENT. The morning hour has expired.

Mr. BECK. I move to extend it for half an hour. I shall be done in five minutes. I move to postpone the regular order for the purpose of considering this bill.

The VICE-PRESIDENT. The Senator from Kentucky moves that the unfinished business and all other orders be postponed.

Mr. ALLISON. For the purpose only of passing this bill.

The VICE-PRESIDENT. For the pu. pose of passing this bill.

Mr. PADDOCK. I do not object.

The motion was agreed to.

Mr. BECK. Mr. President, the statement of the Commissioner to us is that the increase in the expenditure on account of the regular appropriation for the month of January and every preceding month is chargeable to the fact that these additional clerks were placed there by the Secretary. Let me read what he says:

> And it was with the view of relieving the office as much as possible during the presence of Congress that the Secretary of the Interior appointed twenty additional clerks upon the regular roll early in January, trusting to the passage of the bill making the additional appropriation to enable them to be continued to the end of the year.

I deny the right of the Secretary to make any appointments upon the regular roll, or to place these people there without the consent of Congress. We are the law-making power, not the Secretary or his Commissioner. I admit that the Secretary of the Interior has this power: that during the session of Congress extra clerks may be employed by any Department, only however during the session of Congress when it is necessary to answer communications made. These persons were not appointed because Congress was in session. Neither the Secretary in his appointments nor the Commissioner in his letter indicates that that was the fact; and if they had been so appointed they could not be appointed on the regular roll, but should have been appointed as extra clerks who were to receive compensation for the time actually and necessarily employed not exceeding $3 a day for copying, or $4 a day for other service. Therefore they do not come within that class of employés. They could not assume that Congress would be in session until the 1st day of July. But on the appointment of these men on the regular roll they were not employed as extra clerks, to be paid as extra clerks, upon any exigencies that the presence of Congress might require. I admit that in regard to the $48,700 allowed for temporary clerks he had a right to make appointments just as he liked, and he could have exhausted the whole fund in the first six months if he thought it best, because that was temporary and discretionary; but the increase of the regular force was made in plain violation of law. I see no excuse for it, and do not propose to indorse it.

By the act of August 15, 1876, section 3, we authorized the head of any Department when in his judgment "the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk," to "diminish the number of clerks of the higher grade, and increase the number of the clerks of the lower grade, within the limit of the total appropriation for such clerical service." I understand he claims that is all he has done; but it is obviously not the fact. If he had only done that and had kept within the appropriation made by Congress, the $490,850 would have paid for all the employés during the year, no matter how he changed the classification. Instead of that, his own statement shows that he is creating a deficiency of $26,000 on the permanent roll for the year. So that neither under the head of extra clerks nor under the head of change of classification is he authorized to put people upon the permanent roll of that office, and employ them without law for it, and without appropriation previously made for their payment.

If Senators will look at the estimates of deficiencies for the year sent to us from the Secretary of the Treasury, who calls upon all the Departments for the deficiencies they may have on pages 12, 13 and 14, of that book of estimates of deficiencies, it seems he called on the Secretary of the Interior for the deficiencies he might have to send in, and not one word is said about a deficiency in the Pension Office, although this estimate of deficiencies is dated January 14, 1880. There are deficiencies set forth as existing in the Land Office; there are deficiencies in other branches of the Interior Department, but not one word is said about a deficiency in the Pension Office, and Congress has never allowed the Pension Office to suffer when it was fairly asked to give it necessary clerks.

But when a bill is sent to us as this was under pretense that they were seeking to employ eighty additional clerks—to facilitate and expedite the business of the office—from the 1st day of January to the 1st day of July, leading Congress to believe it was adding that much to the clerical force of the Department, when it turns out that $40,000 will be required of that $48,000 to pay the force the Secretary had already illegally placed there before the passage of this bill, then it is a concealment of important facts that is not justifiable.

Did not the House when it said he could employ eighty extra clerks mean that he should employ eighty he did not have? Then our committee changed the phraseology and instead of saying "eighty additional clerks" and appropriating the amount of money needed for that number of additional clerks at salaries not to exceed $100 a month, and changed it at the suggestion of the Commissioner of Pensions himself, because he intimated to us that he would employ people at $900, a lower rate, instead of making them all clerks of class 1. Did he not, I repeat, deceive us, if he had in fact all or nearly all these people in his employ at the time he was asking us to pass this bill? Now he writes a letter saying that he has already enough people in his employ to absorb $41,000 of the $48,000. When we said to him in committee, "you only wanted eighty clerks of class 1 from the 1st day of January to the 1st day of July—it is the 15th of February; before you get the bill passed nearly two months will have passed; we will make it $36,000, so that you can employ the same number for the balance of the year," it was never intimated to us that there was a deficiency to be provided for or made up. It turns out that the $36,000 we agreed to give him is insufficient for the force now in the office, and he had to write and tell us the truth about it at last: the money asked for is not to employ additional clerks, it is not to employ the clerks we are apparently authorizing him to employ, but it is to pay those he already has, and who have been illegally placed on the permanent roll which was fixed by Congress, and which no Secretary can lawfully change, to pay those he had already put there.

I oppose this bill mainly for that reason. I do not desire to cripple the Pension Office, but I insist that Congress shall require absolute verity, and want of concealment, and fair dealing from all its executive officers; and wherever they violate the law, I do not care under what pretext they do it, they shall at least come and tell Congress of the necessity which impelled them to do it, and not pretend that they are going to employ additional clerks with the money that we are asked to give them when they have in fact employed them before the law is passed. When we cut down the amount demanded, as we ought to have done, by the proportion required from the 1st of January to the middle of February, we find that we leave him with a $5,000 deficiency without employing a single person; and he has to come and tell us the truth, which proves to be that he is not going to employ more, but that he needs the money to keep those he already has.

I will vote anything in reason to the executive officers if they come and tell us frankly what they are doing and have done and their reasons. We have had too much of such concealment. When the Secretary of the Navy, for example, comes and tells the committee, as he does, "You gave me so much money, but it is a failure; I tried to do this; I want more money," we give it to him. If any executive officer will come and tell us the truth, and the reason he gives is good, we treat him liberally; but when he comes and says he is going to employ an additional force, when in fact he is going to cover up a deficiency illegally made, then I resist it until we get the facts from him, and shall require him at least to agree to quit such practices in the future.

Mr. TELLER. I want to ask the Senator from Kentucky whether, if this bill is not passed, the Commissioner will not be compelled to discharge these clerks, or otherwise create a deficiency? He admits there is no deficiency now, but he anticipates a deficiency. Is not that the condition of things, that he must either discharge them or create a deficiency?

Mr. BECK. I said in the beginning, and I repeat now, that unless money is provided, the Commissioner will have to discharge before the end of the year some of the clerks he now has, or have a deficiency of $40,000. But that is not what I complain of. It is that he undertook in violation of law to create a deficiency, and then undertook equally in violation of good faith to induce us to believe that he had not created a deficiency, and asked us to give him money to employ more clerks, when in fact he wanted it to cover up a deficiency for those he already had.

These are the grounds on which I complain of the action of the Department. As I said, I will vote any reasonable amount of money to carry on the Pension Office, but I want it put upon the true grounds. While I admit that during the session of Congress there is great labor imposed on the Commissioner, while I admit that the

Commissioner is a very able man and a very industrious man—and I call upon him perhaps as much as any other Senator does—neither he nor his chief, I care not how honest or how great reformers they may be, shall induce me as a committeeman to vote them money upon grounds that are not absolutely true. I will require them to set forth all the facts. If they have committed a mistake let them come to Congress and tell us of it. We cannot deal with executive officers upon any other ground. We cannot permit them to get possession of the money of this people without telling Congress the exact facts as to why they want it, and if they have overdrawn the appropriation they should come and say so, and give us the reasons, and if the reasons are good we will stand by them, but they must not conceal the facts.

I know that during the session of Congress there are a great many calls on the Pension Office and that the Secretary has a right to employ extra clerks during the session of Congress. If the Secretary had simply done that, I would not have complained; but he did not do it. He has placed men on the permanent roll, not men to be paid $3 a day in some cases and $4 a day in others, as extra clerks, but he has placed twenty additional on the regular permanent roll before this bill passed the House, and in violation of the act of Congress, and if this bill passes there is only about $8,000 left to employ extra clerks instead of $48,000. They have, I repeat, employed enough up to this time to take $41,000 of the $48,000 he now asks. This was done some time ago, and it has been done, as the Commissioner says, by direction of the Secretary of the Interior.

I care nothing whether the amount is $36,000 or $48,000; I favor whatever is necessary for the public service. Let them have that, but let it be given in a frank and legal way. I felt it my duty, without reflecting on the action of the committee in regard to their action, to give the reasons I have for objecting to this course of proceeding, hoping it may tend to prevent a repetition of such things hereafter and may tend to make executive officers more careful how they violate the law.

Mr. WALLACE. Mr. President, the House of Representatives appropriated in this bill $48,000 for eighty additional clerks, in accordance with the request of the Commissioner of Pensions made through the Secretary of the Interior in December, 1879. The bill in that form came to the Senate and went to the Committee on Appropriations. The $48,000 having been appropriated for the service from the 1st of January to the end of the fiscal year, six months, and a month and a half having elapsed before we received it, it was deemed necessary by that committee only to appropriate the *pro rata* sum needed to complete the work intended to be completed by the $48,000 appropriated by the House of Representatives. Hence we reduced the amount from $48,000 to $36,000 in the bill as reported. The Commissioner of Pensions ascertaining that this deduction had been made, complained and sent us a letter which I send to the Secretary and ask to have read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 17, 1880.

SIR: In compliance with your verbal request for certain information in relation to the expenditure of the salary fund of this office during the current year, I have the honor to hand you herewith a table showing the number of persons of all grades who were borne upon the pay-roll on the 31st of January, both regular appropriation and temporary, the total number being five hundred and nine. A column of the same sheet shows the number of each grade appropriated for in the regular appropriation, a total of three hundred and seventy-six.

The employment of clerks in excess of the number, by grades, specified in the act making the appropriations is authorized by section 3 of the act making appropriations for the legislative, executive, and judicial expenditures of the Government for the year ending June 30, 1877, and for other purposes, approved August 15, 1876. The expenditure of a larger portion of the appropriation during one portion of the year than the average appropriation for that period appears to be justified by the exigencies of the service.

I am, very respectfully, yours,

J. A. BENTLEY,
Commissioner of Pensions.

Hon. WILLIAM A. WALLACE,
United States Senator.

Statement of the number and classification of employés in the Pension Office for whom regular appropriations are made.

	Salary.	Number.	Allowed by law.
Commissioner	$3,600	1	1
Deputy Commissioner	2,400	1	1
Medical referee	2,250	1	1
Chief clerk	2,000	1	1
GRADE.			
Class 4	1,800	25	26
Class 3	1,600	50	52
Class 2	1,400	81	84
Class 1	1,200	112	147
One thousand dollars	1,000	40	10
Copyists	900	116	30
Temporary clerks	720	40	.....
Messengers	840	9	1
Assistant messengers	720	15	12
Watchmen	720	5	2
Laborers	660	12	8
Total	.....	509	376

Mr. WALLACE. This statement shows that there have been changes made in the grade of clerks. Thus there are more nine-hundred-dollar clerks than are allowed by the act of appropriation; there are more twelve-hundred-dollar clerks than are allowed by the act of appropriation. The higher-class clerks have been lessened in number, and the lower-priced clerks have been increased quite largely. This the Secretary of the Interior has the right to do under the act of 1876, which gives him discretionary authority, thus:

SEC. 3. That whenever, in the judgment of the head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service.

The whole restriction that is put on the Secretary of the Interior is that he shall keep within the limit of the total appropriation. Up to this time he has kept within the limit of the total appropriation for this fiscal year. If the argument of the Senator from Kentucky be sound, then it follows that there must be an equal average expenditure each month for the employment of clerks in the Pension Bureau out of the amount appropriated for the whole year. The Revised Statutes provide that during the session of Congress the Secretary of the Interior or the head of any other Department shall have the right to employ extra clerks because of the additional amount of labor placed upon that Department during that period. The plain theory, and in my view the just interpretation, of the statute is that the head of a Department may increase the number of clerks for any given month if the exigencies of the service require it, under the sole limitation that he shall not expend more for that fiscal year than is actually appropriated.

Thus the whole thing comes simply back to this: whether the Interior Department, having an appropriation of $490,000 for the current fiscal year, of which four and one-half months are yet to run, may be permitted to apply monthly to the payment of clerks on the regular roll more than a *pro rata* share or average proportion of what the whole appropriation would be monthly during the entire year. That is all that has been done. True, if the amount applied for this month, or for the month of January, to the payment of clerks upon the roll be continued to the end of the fiscal year, there will be a deficiency, and the Commissioner of Pensions gives the amount that the deficiency will be. He shows this in two tables, which are appended to his letter of the 16th of February, which I trust will be printed with that letter, and the responsibility is on him to see that for the remainder of this fiscal year he keeps down to the sum actually appropriated. If he does so, no deficiency can exist; but to effect this he will be compelled to discharge many clerks. This I do not want, nor do I believe the country does.

Mr. President, the work in that Department must go on. It is stated to me as a fact, by the Commissioner of Pensions, that the total calls from congressional sources for information during the fiscal year ending June 30, 1876, were about eight thousand; that the total calls for information from Congress during the fiscal year ending June 30, 1879, were over sixteen thousand; and for this year, owing to the large increase of demands on them by the arrears of pensions law, it will be very much increased over the year 1879. So, then, there really is no reason for this complaint. There has been no deficiency to this time, and the employment of twenty additional clerks and placing them upon the regular roll, it seems to me, is in accord with the act of 1876, and with the provision of the Revised Statutes that gives authority to employ extra clerks. Certainly this service must be carried forward, and I am anxious to do what I can do to aid in giving the information that Congress is requiring from the Pension Department, and to prepare to pay pensions just as rapidly as we can pass upon them. Indeed I think it is our duty to give all the necessary force to carry forward this work just as rapidly as we possibly can. If we owe this debt it ought to be paid just as soon as we can settle each case. It is poor economy to say that we will not give that Department the clerks needed to adjust the accounts, to determine the facts and settle and pay the debt that we admit we owe to the pensioners of the Republic.

Mr. KIRKWOOD. Mr. President, I desire to say a few words on this subject as it is one upon which I have had some means of becoming informed by my service upon the Committee on Pensions of this body.

The Senator from Kentucky makes the charge, as I understand him, that the Secretary of the Interior and the Commissioner of Pensions, one or both, have either concealed the truth or told what was not true. That is a serious charge to make, and it ought to stand upon very sure ground when made. I find that this bill, House bill No. 3258, was introduced in the House on the 7th day of January of the current year if the bill I have gives the date correctly.

Mr. WALLACE. That is correct.

Mr. KIRKWOOD. That bill itself provides for the employment of eighty clerks from the 1st day of January, seven days before the introduction of the bill. It came from the Committee on Invalid Pensions of the House. Is it possible that they introduced a bill to authorize the employment of eighty clerks necessary seven days before the introduction of the bill that was to provide for their payment, without knowing that any of them had been employed already? Is it not more probable that the committee itself had been consulted by the Secretary of the Interior and the Commissioner of Pensions and had been advised with by them in regard to this matter and that upon their statements to him that such a bill as this surely

would pass these twenty clerks were employed? However, the question of veracity is not between me——

Mr. DAVIS, of West Virginia. Does the Senator wish the committee on the other side to speak for both Houses?

Mr. KIRKWOOD. Oh, no; but I understood the Senator from Kentucky to say that the Secretary of the Interior and the Commissioner of Pensions had concealed from the proper committees of both Houses the facts necessary to be understood.

Mr. BECK. I know nothing about the committees of the other House; I spoke of the information furnished the Committee on Appropriations of the Senate, of which I am a member.

Mr. KIRKWOOD. I do not want to take the trial of the veracity of these gentlemen on myself at all; but if I am not widely mistaken the Committee on Pensions of this body were fully advised of what had been done, and if I am not mistaken also, the public were fully advised of what had been done by newspaper publications. I know that I had the knowledge personally of the appointment of these twenty clerks. The chairman of the Committee on Pensions can say whether the information was before the committee or not. I do not know as to that. I think it was published in the newspapers that it had been done. I know the introduction of this bill was commented upon in the newspapers, and I think the fact was stated that under the full belief derived from information had from the Pension Committee of the House that the bill would at least pass the House, twenty additional clerks had already been employed. I may be in error about that, but I think I am not.

Mr. WITHERS. I will state, as the chairman of the Committee on Pensions, that to my knowledge no official information was given to the committee as such as to the fact, although it was within the knowledge of nearly all the members of the committee.

Mr. KIRKWOOD. Sometimes a thing known unofficially is about as well known as a thing that is known officially. The main object of my rising, however, was to go a little further than this.

Economy is a good thing when well used; but it may become gross extravagance and do gross injustice. That economy which cripples the public service in any of its branches or in all of its branches; that economy which prevents the work of the public from being well done when it should be done and as it should be done, is not true economy, in my judgment.

Now, the condition of the Commissioner of Pensions is a hard one. There are pending in his office to-day over two hundred thousand unsettled claims, and a large number of them have gathered there since the passage of what we call the arrears bill. There is scarcely a member of either House of Congress that is not receiving daily from his constituents many letters complaining in the most bitter terms of the inefficiency of the Pension Bureau and of the unreasonable delay in the settlement of claims before it.

Clerks in the Pension Bureau can do just as we can. The day is only twenty-four hours long to them as it is to us. They can work during the time assigned to them to work as we can; they cannot lengthen the twenty-four hours or do more work in the twenty-four hours than they can; and they are utterly unable within the time assigned them to do the work that is required to be done there. One reason is this: I am compelled to go to that office frequently, carrying letters from my constituents in regard to their claims. I never have been there when I have not found other members of Congress from one House or the other on the same business that I was. We had a statement the other day—I am betraying no confidence in stating it, because it has been printed—the Commissioner of Pensions stated before the Pension Committee of the Senate that from ten to twenty clerks of those he has in his office were kept steadily employed in answering the letters sent to him by members of Congress and the inquiries put by members of Congress; and the Senator from Colorado [Mr. TELLER] says we have to wait two or three weeks for the answers before we get them. Now, I say it is hard, it is cruel, it is unjust to a public officer, whom I take pleasure here in stating I believe to be competent and faithful and capable, to allow him to occupy the position he does and permit the opinion to prevail as it does extensively throughout our country that the reason of the delay in sifting these claims is inefficiency in that office and not the absence of labor enough to do it.

It seems to me that if the Committee on Appropriations had been as industrious in obtaining information on this subject as the Committee on Pensions have been, they would not have cause to complain that they did not know anything about the employment of these twenty men. The Senator from Pennsylvania has differed with the Senator from Kentucky, the Senator from Pennsylvania believing that the law has not been violated. I hope that the Senator from Pennsylvania is right, and that the Senator from Kentucky is mistaken. At all events, Mr. President, the Pension Office needs these clerks. My own belief is that it needs many more. I am strongly inclined to believe that a change of the system in that department from the present system would be better than the employment of these additional clerks; but that is a matter now pending before the Pension Committee of this body upon which they have not reached a conclusion. But I do say that any delay in passing this bill, and giving to that office a degree of force that will enable it within some reasonable time to reach an adjustment of the claims now pending before it, is unjust to the soldiers and unjust to the officer who has charge of the bureau.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment offered by the Senator from Pennsylvania [Mr. WALLACE] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

Mr. BECK. I now move to strike out of the amendment as amended the words from the close of line 17 down to line 19, which read thus:

> Also, for rent of additional office-room for the Pension Office, the sum of $4,900.

That, if adopted, will involve a change of the footing. The Commissioner has shown us by the letter he sent yesterday that it will require $41,000 to pay the clerks he already has and who are now, I assume, supplied with ample room; they are so far as I know. He has therefore only $7,000 remaining out of the $48,000 he asks us to give him with which to employ additional clerks. Taking $41,000 from the $48,000 leaves $7,000; and at $1,200 apiece that would not provide for much more than five men. To give him $4,900 to rent rooms from now till the 1st of July for five men, seems to me rather extravagant, not to say ridiculously absurd. If he has room for all the rest of the three hundred and seventy-nine he will find a place for these five in the rooms he now has. Our committee agreed to give him the $4,900 to rent additional rooms only because he made us believe that he needed eighty more men, intended to employ them, and needed room for them. Now, when it is developed that he is not going to employ more clerks, but is going to use $41,000 of the $48,000 now about to be given to pay those he already has, that part of the bill ought to be stricken out.

Besides, Congress has over and over again required great strictness in the renting of buildings, and insisted that we should know just what building was going to be rented, and what price was going to be paid, and the time the rent was to run before it allowed any of the Departments to go to rent buildings. This unlimited right to rent as the Commissioner likes, to pay this much money as he pleases, when there are no additional clerks to be employed, seems to me to be unnecessary and palpably wrong. I suppose the law has been violated in this regard also, and the facts concealed.

Mr. WITHERS. My friend from Kentucky is a little in error in some of his conclusions. Because an additional number of clerks has already been employed, it does not therefore follow that the whole number authorized by this bill have been thus employed. In point of fact, and according to the statements which have been laid before the Senate, thirty-three additional clerks in all have been employed when the bill contemplates the employment of eighty additional clerks. Therefore it may well be that additional room will be required to accommodate the eighty clerks provided for, in fact, or the forty-seven in excess of those now employed.

With regard to the point raised as to the necessity of this appropriation being given, and the location of rooms proposed to be rented for the use of any Department of the Government, I will state that full information on that point was laid before the Appropriations Committee at the time that this bill was pending for consideration by that committee, and the statement of the locality and of the amount required was then made known to the committee when this bill was under consideration. Therefore, I think the objections of my friend from Kentucky are not tenable, and that inasmuch as these additional rooms will be required in order to accommodate the clerical force for which this bill provides, the Senate ought to vote the amount.

Mr. BECK. I desire to say only one word to prove what I before said. The Commissioner, in his letter of February 16, says:

> The regular appropriation has been drawn upon, monthly, as shown by the annexed table, "A," from July 1, 1879, to February 1, 1880. The amounts set down for the months of February to June, inclusive, are the estimates which will be required monthly to continue the present force on the regular roll to June 30.
>
> The annexed table, "B," from April 1, 1879, to February 1, 1880, shows the monthly expenditure from the fund for temporary clerks, and from February to June, 1880, inclusive, the amounts set down are estimates of the amounts which will be required each month during the balance of the year to continue the temporary clerks now on the roll.

And these two tables foot up $26,156.43 and $14,073.03, respectively, making nearly $41,000 out of the $48,000 necessary to pay the clerks now on the roll; and if he has made any other statement showing that he will have an additional number of clerks to those now on the roll it must be a statement varying in fact from this.

Mr. WALLACE. On the subject of the number of clerks for whom rooms are to be rented, the statement furnished by the Commissioner of Pensions is very clear. The number authorized by the appropriation statute for the year 1880 is three hundred and seventy-six. The number actually employed is five hundred and nine. Under the authority given to the Secretary of the Interior to grade the classes of clerks, they have thus increased the number of clerks in the Department one hundred and thirty-three over the number actually given by the statute appropriating the $490,000. In class 1 one hundred and forty-seven clerks were appropriated for. There are actually employed but one hundred and twelve. In the class of thousand-dollar clerks there were ten appropriated for; there are actually employed forty. For copyists there were appropriated for but thirty; there are actually employed one hundred and sixteen, or eighty-six copyists more than were appropriated for. Now, these eighty-six people must have room to write; they must have tables upon which to write. Thus we see that the power given to the Secretary of the Interior to grade the force increases the number of clerks, and neces-

sarily increases the necessity for rooms, which must be rented and the rent paid for.

Mr. TELLER. I should like to inquire of the Senator from Pennsylvania if this is asked for by the Commissioner? Does he claim that it is necessary?

Mr. WALLACE. He does.

Mr. TELLER. I shall vote for it.

Mr. DAVIS, of West Virginia. I wish to ask my colleague on the committee, who has charge of this bill, whether or not the buildings are now rented and if it will require this amount of $4,900 for the balance of the year, and if part of it is not due? That fact will affect my action.

Mr. WALLACE. My information is, although I have it not officially from the Commissioner, that rooms on Twelfth street, adjoining the Pension building, have been occupied recently in view of the increase of clerks. They are now occupied, but were not occupied at the beginning of the fiscal year. The necessities of the service have compelled the Commissioner of Pensions thus to add to the accommodations for locating a number of clerks. He cannot put one hundred and sixteen clerks in the same space that he could put thirty. Hence the exigencies of the service compelled him to go forward and get additional rooms, and I, for one, am willing to sustain him in it.

Mr. BECK. Mr. President, one word more. We have a distinct statute of the United States prohibiting any Department of the Government from contracting any rent, imposing any obligation on the Government for rent, without a specific appropriation by Congress after all the facts have been made known to us. That is part of the law of the land. Here is just another of the things that I complain of: that executive officers, under what they regard as public necessity, violate the statutes of the United States, and in the face of the law rent and occupy, or put us in a position where we are compelled to pay for, buildings that they are forbidden to rent; and then when they come to get the bills passed they do not even condescend to tell that they have done it, or that they want the money for that purpose, but pretend that they are going to employ eighty more clerks, when they have them now, and fail to tell us, "we have occupied property in violation of law," when they want the money to apply it for that purpose. What I desire, and what I am making this struggle for, is to require the truth to be told, and the whole truth, to the committees of this House and of the other, and that no executive officer, no matter how high he may be, shall take money from us under one pretext to be used for another purpose, or fail to tell us exactly what he has done. If he has done wrong, let him say so; and if he has done right, let us say so. I will go as far to condone anything that an executive officer may do when the necessities of the service required it as any man in this House; but I will not sustain an executive officer who, in defiance of law and by withholding facts, does certain things and then gets money for one purpose and applies it to another.

Mr. DAVIS, of West Virginia. The Senator from Kentucky, my colleague on the committee, has well stated many objections to the manner in which the information came to the Committee on Appropriations. I agree with him to a considerable extent. My impression is that the Commissioner, as far as he went, told the truth, and was willing, as I thought, to give what information the committee might desire and want. He stopped short, however, of telling the whole facts; or at least all the facts as they appear now were not told in the committee. To that extent I agree with the Senator from Kentucky. I think the Commissioner ought to have told us the whole truth. As far as he went, I must say he appeared to be frank, and seemed to give a good reason why the committee should allow the additional clerks. I have been favorably impressed with the Commissioner in his efforts to do his duty. I think he is an improvement on any Commissioner of Pensions that has been in office since I have been in Washington—a decided improvement; and I regret very much that the Commissioner did not go further and tell us all that was connected with this bill.

Mr. WITHERS. Allow me to interrupt the Senator just there. I think it due to the Commissioner of Pensions in that connection to say that he was under the impression that this information was given to the Committee on Appropriations, because he stated so in a conversation with me. I called his attention to the fact that this increase, the employment of these additional clerks, was not known to the Committee on Appropriations when the bill was under consideration. He seemed surprised, and said he was under the impression that he gave them that information. I indicated that he had not, and he expressed his regret; and it was in consequence of that information that the last communication was written, so that the Committee on Appropriations might be possessed of all the information on the subject.

Mr. DAVIS, of West Virginia. I think I have endeavored at least to treat the Commissioner of Pensions fairly, and I have no disposition to do otherwise. It appears to be a fact, however, that as far as the original bill as it came to us from the House was concerned, the Commissioner had little or nothing to do with it, for the amendments which our committee have added to it to a very great extent were suggested by the Commissioner himself. So I may say to my friend from Iowa that it must have been that the bill was considered, so far as the House considered it, without the aid of the Commissioner of Pensions. He could hardly have suggested the bill as it came from the House, for he said, as I now recollect, that it would not suit the purposes of the office.

Now, as to the rent question. My colleague on the committee, the Senator from Pennsylvania, who has charge of the bill and who has more information than I have myself upon it, says he thinks this item of appropriation necessary. That being so, I shall join him in voting the amount specified here. But it does appear a large amount for the balance of this year to pay $4,900 for rent for the few additional clerks this bill will give. There is something mysterious about that. But as the Commissioner thinks, and as the Senator from Pennsylvania, who has the bill in charge, believes from his information that it is required, I shall vote for it.

Mr. SAULSBURY. Mr. President, I do not know anything about the necessities of the Pension Bureau for increased clerical force. I find here a bill which authorizes the Departments of this Government an additional increase of clerks, amounting to about one hundred and forty-eight. I am fully aware of the fact that the bill granting arrears of pensions a year ago has thrown additional duty on the Commissioner of Pensions; but it looks to me to be a very extravagant expenditure when in one year we add to two Departments of this Government one hundred and forty-eight new clerks. I am under the impression that if the matter were left to be determined by the men who pay the taxes, there would not be such a necessity for enlarged clerical force. I am not inclined to vote for the bill on the information I have. I did not vote for the arrears of pension bill. I did not help to increase the burdens of the Commissioner of Pensions, and I do not feel disposed to vote out of the Treasury of the United States large sums of money to pay for such an additional force of clerks, and I shall therefore record my vote against this bill.

Mr. VOORHEES. Mr. President, I have not had time or opportunity to examine closely this bill. I only know, therefore, that the bill proposes to give assistance to the Commissioner of Pensions. No man in this Government needs it so much, not merely on his own account, but because of that meritorious class in whose behalf he transacts public business. I apprehend there is not a Senator in this body nor a member of the other House but what knows this fact to be as I state it. I do not want to use strong language, but I cannot characterize the manner in which we are compelling the Pension Bureau to be conducted as less than an outrage upon those whom we pretend at least to believe the most meritorious people living under this Government. Every Senator who hears me knows that to be true, because every Senator is overloaded in his daily mail by applications to look after claims delayed from one, two, three, four, and sometimes five years in that bureau; and I have not once, but a hundred times, I presume, talked with the Commissioner on this subject, and his answer is just and truthful that he has not one-half the working force that is necessary to keep this business up even; and I know that to be true.

There is a false spirit of economy as well as a true spirit that can actuate public men. It is a false spirit of economy to save the clerks' hire, and leave people who have a right to have their business transacted promptly here to complain and die without the relief which they ought to have. I, for one, stand ready here to vote enough of clerical force in the Pension Bureau and in the office of the Surgeon-General so that each citizen of the United States, especially those who have been hurt and wounded in its defense, need not wait in penury and despair often from month to month and year to year and at last die without their claims being granted, simply because we do not give the office the necessary force to get up with the business.

The Land Office is largely in the same condition.

Whenever a proposition is made to increase the clerical force we commence talking about economy. I believe in economy as much as any man; but there are subjects on which I desire Senators to remember that it is proper to spend money and spend it freely; and surely one is to see that the business of the country is properly transacted and that no citizen shall have just cause of complaint that his Government passes him by. That is my notion about economy and I have but one complaint about this bill: it does not go far enough. It does not give enough of force and does not give force of the kind that is required, I fear. There needs a clerical talent in that bureau that can sift evidence and try a case on the proof—talent that can command far better wages in other places than this Government is disposed to give. The Pension Bureau is an immense concern in this Government; it involves a large burden, it is true, but one that I do not hear the people complaining of supporting, and the sooner we realize that we must get the business up that is now behind there the sooner we shall properly discharge our duty.

Mr. BECK. Mr. President, I desire to say, so that it may go on the record, that the Senator from Indiana has no sort of right to charge the Committee on Appropriations with any niggardliness or want of disposition to do what is right toward the Pension Bureau; and the debate which we have had, as far as I have participated in it at least, has not been on the score of any economy to keep pensioners from getting their proper rights. It has been based on the ground that the Secretary of the Interior and the Commissioner of Pensions were withholding facts from the committee that the committee ought to have been informed of, and were employing men on the rolls in violation of law, and that no executive officer had a right to do it.

Mr. VOORHEES. I fully concur with the Senator, and I did not

understand myself to be criticising anything the Senator from Kentucky had said.

Mr. BECK. Then I beg pardon.

Mr. VOORHEES. I did not so understand him at all.

Mr. DAVIS, of West Virginia. The Senator from Indiana is aware that so far as my knowledge goes neither the Commissioner of Pensions nor the Secretary of the Interior has asked in a single instance additional force where it has not been given by Congress. I speak so far as my knowledge goes.

Mr. EDMUNDS. Why, Mr. President, I think it has been a matter of notoriety in this Chamber for at least four years, ever since the pensions were increased and a new class of people were brought in, if not before, that after repeated applications in the way of messages and communications to increase the force in the Interior Department in order to get off these just claims rapidly, we struggled year after year and without any success that was at all commensurate with the necessity of the case to get it done, and it has always dragged, through the reluctance of some body for some reason, undoubtedly the best, and here it is dragging still.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. FERRY. If the chairman of the Committee on Appropriations will allow me I desire to express my surprise at the remark which has just fallen from his lips, that Congress has always been ready to grant all in the way of clerical force that has been asked for by the Commissioner of Pensions.

Mr. DAVIS, of West Virginia. Is not that so?

Mr. FERRY. I get my information directly from the Commissioner. Forced to his presence by numerous letters such as those to which the Senator from Indiana has referred, to ask the reasons why applications had not been considered by that bureau, the reply always is, "I have not force enough to discharge the duties with which I am charged;" and then I have asked him, "Why not apply to Congress for additional force?" and his response has been, "I did apply, and Congress has treated me negatively on that request."

Mr. DAVIS, of West Virginia. I think the Senator is doing the Commissioner of Pensions injustice. I think the Senator is mistaken, and so is the Senator from Vermont; and my opinion is that neither of those Senators can show a single written application to Congress asking for additional clerks in the Pension Office, that has not been granted. I speak now of this end of the Capitol. At any rate when I say that I do not know of a single instance where the Committee on Appropriations has declined to increase the force when asked to do so through the proper channel. Some outside persons may have asked improperly or talked about it; but I do not think either of the Senators can to-day show us a written communication or an estimate from the Interior Department asking additional clerks in the Pension Office that has not been answered favorably; and in this very bill it is so; they get all they ask.

Mr. EDMUNDS. Mr. President, the Senator from West Virginia, with his characteristic skill as a fencer in debate, has put so many qualifications and ifs and contingencies and limitations to his last statement, that I am not absolutely certain that he could be convicted before a travers jury of being incorrect. First he speaks of an increase of the force in the Pension Office.

Mr. DAVIS, of West Virginia. Certainly. Are we not talking of the Pension Office? What other office are we talking of?

Mr. EDMUNDS. We are talking about the Pension Office, but we are talking about something else as well, if the Senator will listen to me a moment. The Pension Office, according to my recollection, or the Department of the Interior through which it speaks, informed us three or four years ago when the party of reform and all the other things that belong to that name got into power in one branch or the other of Congress, by one means or another, that the stumbling-block in the way of getting along with pensions was the fact that the information from the War Department respecting the medical history and the military history of each claimant (which I submit to the honorable Senator from West Virginia sometimes exists in the cases of claimants for pensions) was not forthcoming, that applications for reports respecting the medical history and the military history of claimants for pensions would be sent to the War Office and it would be months, and I think in some instances it was eighteen months before they were answered. Then inquiry was made at the War Department what that meant. They said it meant "Congress has cut down our force so that we do all we can and we cannot do more." Then there was a struggle to increase the force to a point commensurate with the necessity of the situation. That struggle failed. I do not mean to say that it failed totally, but where one hundred were wanted ten were granted, for instance. I only state it that broadly to illustrate the fact that Congress did not choose to do anything like what it was represented ought to be done; and I am very sure I am right about that.

Now, I do not mean to admit by any means that the Pension Office itself was not reported to be in need of additional force; but so long as the force there found itself unable to get on with business because what had gone through its office was waiting for further information, could not be answered, then an increase of force in the Pension Office would do no good, for the reason that it was blocked up at the other end of the line, to use a railway expression.

I am sure that my honorable friend from West Virginia, if he will look back the last four years at the letters and communications of the Secretary of the Interior and the Commissioner of Pensions and of the Secretary of War and the Surgeon-General, will find that if I have made a mistake in any way, I have made a mistake in understating the situation.

Mr. FERRY. I desire to repeat, so far as applies to the Pension Office, what I said before, that I am surprised at the statement made by the chairman of the Committee on Appropriations, and I restate here my experience in my relations to the Commissioner of Pensions. I have made complaint to him, pressed by numerous letters of the class referred to by the Senator from Indiana, of which every Senator has like experience—and I listened with a great deal of interest in that regard to what that Senator said, because it was a recital of my own experience—I have made personal application, and the reply has been, "I have not force enough here to meet the demands upon this office." My response then has been, "Why do you not ask for more force?" And I have been told by the Commissioner, "I have asked, and it is denied me."

I have always been willing to bow to the majority of this body and of Congress, claiming my privilege to protest against the spirit of economy, so called, which has prevailed so much of late, and I confess it is not a just spirit, in my judgment. Against my protest and against my own vote I have bowed to the decree of the majority, and was unwilling to say a word when the Senator from Indiana was speaking in regard to the pressure upon him; but when the chairman of the Committee on Appropriations of this body states in the hearing of the Senate that every application for additional force has been granted by this body, I must express my surprise, and I must say that that statement does not accord with the expressions of the Commissioner to me as a member of this body.

I wish to verify what has been said by the Senator from Indiana that I have been pressed by applicants who had waited year after year for their rights at that office. I have letters now pending before that office, and the only reason why they are not answered is because there is not clerical force enough to properly discharge its duties. When I am thus pressed upon the one side by just claimants on the Government, and upon the other by an executive officer who is hampered, tied by the economy of those in the majority here, I am compelled to express again for the third time my surprise at what has been dropped by the Senator from West Virginia.

Mr. WALLACE. Mr. President, whatever may be said of the past, in the present the Committee on Appropriations desire to give all that the Pension Commissioner asks. Certainly no bill has come from his hands and no request has ever come from his mouth since the 4th of March, 1879, that has not been complied with in word and letter. If previous to that time there was a deduction from the old force of any of these Departments it was with the consent and assent of the committees of this body. I need say no more. It is not necessary to go into any discussion of the question as to what occurred in regard to the reduction of force in the Executive Departments. Everybody on this floor must admit, and I have no doubt will admit, that there was a necessity for a reduction of a great deal of the forces in many of the Executive Departments. Differing politically, both Houses concurred in those reductions and the appropriation bills passed with those reductions, and the country approved them. Now there comes a necessity for an additional force on an urgent public necessity in one branch of the service. Both sides, it seems to me, ought to acquiesce in giving all that is required in this regard. For my part, I have stated twice already that I am ready to do it. I will vote all the clerical force that is needed in this department to expedite the settlement of these claims at the earliest practicable moment. We have recognized this indebtedness, we ought to settle and pay the men to whom we are indebted. It seems to me that is what this bill intends to do, and why we should be lugged into a discussion as to what has occurred in the past is, I confess, more than I can make out.

Mr. FERRY. I should like to ask the Senator from Pennsylvania if the remedy for the past would not be prompt favorable action now to the demand of the Commissioner?

Mr. WALLACE. Certainly, and I am attempting to advocate it, and have been ever since I got the floor to advocate the passage of this bill giving him all he asks.

Mr. DAVIS, of West Virginia. Now I should like to ask the Senator from Michigan if anything that the Pension Office has asked has not been complied with by this Congress?

Mr. FERRY. I am not aware of that fact which has been stated by the chairman of the Committee on Appropriations. He ought to speak by authority on that. I have questioned it by what I have said. I have stated my personal experience and the statements of the Commissioner of Pensions to me. Now the Senator from West Virginia, the chairman of the committee who have this matter in charge, states that Congress has granted all that the Commissioner has officially asked. I leave the statement thus.

Mr. DAVIS, of West Virginia. Oh, no, Mr. President; I asked the Senator himself whether that was not the fact. I did not state it to be so at this time. I asked the Senator whether it was not the fact that this bill does grant all that has been asked so far as we are advised in this end of the Capitol. I, of course, know nothing of the other end of the Capitol, and it is not necessary to know for this purpose. The Commissioner was before the Committee on Appropriations and I believe that the committee agreed to all he asked in every particular. That is my recollection.

Mr. FERRY. That may be the fact so far as the present application of the Commissioner is concerned. My statement was broad; it was that the Commissioner had applied to Congress for increase of clerical force, (and I speak now in the hearing of the Senators present, and I think I state their own experience, their personal experience with this office;) that the Commissioner has been tied by some one here in this body, at least by Congress, and this body composing a portion of it. Now, I say the Senator from West Virginia, as chairman of the committee, states that Congress has granted all that the Commissioner has asked. It is not my observation of the fact. The Senator states it; I do not dispute it; but I still hold the position I have taken that the Commissioner has applied to Congress for additional force, which has been denied him.

Mr. BECK. Mr. President, we have certainly given the Commissioner by this bill all that he asked. He gets his $48,000, which he said would furnish him with all the help he would want from the 1st day of January to the 1st day of July. We have given him as much from the 17th day of February to the 1st day of July as he said would do him from the 1st day of January to that time. Therefore, he cannot complain of it.

But I have moved to strike out, beginning in line 17 of the amendment, the words:

Also, for rent of additional office-room for the Pension Office, the sum of $4,900.

I desire to ask the Senator from Michigan whether, in the face of the law, the Commissioner of Pensions has a right to rent buildings and incur liabilities, and ask us to allow him the sum of $4,900 for that purpose from now until the 1st day of July? We have given the Commissioner of Pensions all the money for clerical force that he desired. He now asks, in addition to that clerical force, the sum of $4,900 for the rent of additional office room for the Pension Office from now until the 1st day of July. He shows by his letter furnished to the committee that $41,000 out of the $48,000 that he asks is necessary to pay his present force from now until the 1st day of July, leaving only $7,000 to pay the additional clerks. There is a statute providing that no building shall be rented until an appropriation is first made by Congress, but I cannot place my hands upon it at this moment.

Mr. ALLISON. May I ask the Senator from Kentucky if the Commissioner stated that the building had been rented?

Mr. BECK. They are now occupying a building; so says the chairman of the committee. A building is now being occupied, and I should like to know by what authority the Commissioner is occupying a building for which no appropriation has been made by Congress, and whether we are obliged to sustain all that he does in that regard.

Mr. FERRY. If that is a question which the Senator from Kentucky puts to me——

Mr. BECK. It is.

Mr. FERRY. I will state that I am not the custodian of the duties of the Commissioner of Pensions. I stand by the statement of the chairman of the Committee on Appropriations, of which committee the Senator from Kentucky is a distinguished member. I am willing to abide by the recommendation of the Commissioner when from the lips of the chairman of the committee, the Senator from West Virginia, it is stated here upon the floor of the Senate that he is the best Commissioner who has held that office in the knowledge of that Senator. If that be the indorsement made by the chairman of the Committee on Appropriations, certainly I am willing to accede to the request of the Commissioner, being satisfied that he would not ask, in violation of law, any appropriation from Congress.

The point to which I addressed my remarks was the clerical force, not the particular matter of rent, which is another question. I referred to the clerical force which is now deficient, and it has been so stated by the Commissioner. Upon that point I spoke; no other.

Mr. BECK. Then I have only one other word to say. I am not attacking the Commissioner's want of capacity nor his want of vigilance. I do not desire to be understood as standing before the Senate and attacking him in that regard. I have had communication after communication with him and have found him an extremely attentive, vigilant, and active officer; but when he violates the law I protest against it. I think very often the best executive officers are the men who most frequently violate the law. I think I see some of them now who from the very fact that they have determined to carry out purposes they think right, go on without waiting for Congress, without waiting for us to give them authority, and it is against that sort of action that I am protesting.

I am not complaining that the Commissioner of Pensions is deficient; I am not complaining that he is not doing his duty; but I am complaining that he and his superior officer, the Secretary of the Interior, are renting buildings in violation of law; that they are putting clerks on the permanent roll in violation of law, and are concealing the facts from us, instead of coming and telling us what they have done and stating the exigencies that required it. They are seeking to run the expenditures of that Department, instead of Congress managing it. That is the protest I am making against them, and I have had to make it over and over again against other Departments of this Government.

I said a little while ago that I believed the present Secretary of the Navy was the only executive officer of the Government who has always complied with the law, or who when he could not comply with it has come and told us that he has failed. He is the only executive officer of the Government who is allowed by the committees of both Houses to draw his own bills, just because he would confess when he was wrong and tell us of the mistakes that he had made. If the other executive officers of the Government will come and confess that they have made mistakes, or if they will say that the exigencies of the Government required this, that, and the other thing, that they believed it should have been done, and ask us to make it right, I believe the committees of this body, and of the other House as well, would make it right every time; but when they violate the law and ask us to employ eighty additional clerks, and give three or four thousand dollars to rent buildings which they pretend they are going to employ and to rent afterward when they have done it beforehand, then I protest against that sort of indirection and that sort of usurpation.

Mr. LOGAN. Will the Senator allow me to ask him a question?

Mr. BECK. Yes, sir.

Mr. LOGAN. I believe the Senator stated that he thought the Secretary of the Navy was the only one who when he failed to comply with the law came forward and confessed the fact.

Mr. BECK. I believe so; as far as I know.

Mr. LOGAN. I desire to know, then, if the objection to this bill is not because Congress is not made the confessional for all the officers of the Government?

Mr. BECK. The objection I am making to this bill is because the Secretary of the Interior and the Commissioner of Pensions are violating the law and defying Congress, and concealing the facts from Congress. If they violate the law and show that an exigency required it to be done, and come and tell us why they did this, that, and the other thing, which there was no law for, and hope we will approve their act because of its necessity, then I would sanction it for the reason I gave. But when they violate the law and conceal the fact from us, and ask us to give them money for one purpose to be applied to another, then I protest against it.

Mr. FERRY and Mr. LOGAN rose.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. LOGAN. My speech will be very short. I think we have been highly edified by the discussion so far. All seem to be willing that this bill should pass. There are certain objections to that which has been done or has not been done; but as far as this bill is concerned, I hear no serious objection to it, nor has any been made by any Senator. Hence all the speech I desire to make is, let us vote and pass the bill.

Mr. FERRY. I share with the Senator from Illinois in what he has said. I have not occupied the attention of the Senate much upon this question nor upon other questions. At the same time I cannot allow the remarks which have been made to pass without calling attention to them. The Senator from Kentucky has just made the broad declaration that there is but one executive officer of this Government who has not violated the law in the execution of the duties of his Department. I think I so understood him.

Mr. LOGAN. That has nothing to do with this bill.

Mr. BECK. I think I said that, and perhaps it was too broad; but he is the only one that I know of who came before the committee when he did wrong and told it, and asked us to confirm his action. Going through the Departments, I know the Secretary of the Treasury has violated the law over and over again. I think the Senator from Michigan will agree with me that the Secretary of the Treasury has violated the law in doing what I think ought to be done. Receiving greenbacks for customs dues was a plain, palpable violation of the law. I think the Postmaster-General and his subordinates, in increasing the star service by thousands and hundreds of thousands of dollars, have violated the law over and over again; but they never confessed it. I might go over the different Departments and show where executive officers have violated the law.

Mr. DAVIS, of West Virginia. That the Secretary of the Interior acted without authority is shown by this bill.

Mr. BECK. In this bill of course it is shown that the Secretary of the Interior has violated the law by putting these clerks on the permanent roll and by renting buildings without an appropriation from Congress.

I mean to say only this: all I ask of an executive officer is to do the best he can and tell why he does it, to come and tell Congress the truth about the matter, and I will go as far as any man in this body to maintain all the Executive Departments of this Government in all their usefulness; but I will not vote them money when the executive officers will not come and tell the truth about its expenditure.

Mr. FERRY. I do not concur with the Senator from Kentucky in the broad declaration he has made reflecting, not offensively particularly, but still reflecting, upon the discharge of the duties of the several executive officers of the Government. I want to put a question to the Senator, as a member of the Committee on Appropriations, charged with the appropriation of money in order to carry out the measures of Congress in the administration of the Government. Is it just that we should drive the executive officers of this Government to indirect action to accomplish what we ought to grant directly? In other words, ought we to place them in the discharge of their public duties where they are exposed to the reflection just made by the Senator, who is a member of the Committee on Appropriations?

Mr. BECK. If we do so, it is their business to appeal to Congress and the country, and not to violate the law.

Mr. FERRY. Have they not appealed, and appealed in vain? There is the point that I make.

Mr. BECK. I think they have not appealed in vain.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky to the amendment of the committee.

Mr. EDMUNDS. Let it be reported.

The CHIEF CLERK. In line 17, after the word "month," in the amendment of the Committee on Appropriations, it is proposed to strike out the words:

Also, for rent of additional office-room for the Pension Office, the sum of $4,900.

Mr. EDMUNDS. I should like to have the Senator in charge of the bill state precisely what room this is that is to be rented? What is the need of it? I make the inquiry for the reason that we have had some rather unpleasant experience about the hiring of buildings in this city for the use of the Government.

Mr. WALLACE. I can only give the information that the Commissioner of Pensions gives to us, that he wants these rooms for the occupation of the clerks whom we give him the money to employ.

Mr. EDMUNDS. Where are the rooms?

Mr. WALLACE. My information is not directly from him, but I understand that several rooms adjoining the Pension Office building, used before as a pension agency, have been occupied for a month or two by the clerks who were added by grading the classes. That is the information I have upon the subject; I have nothing further.

Mr. EDMUNDS. Then, if I understand the Senator, his information is that the bureau has not undertaken in defiance of law to hire rooms in advance, but has only looked around and made contingent arrangements in view of having the authority of Congress?

Mr. WALLACE. No, I think the bureau have obtained rooms that were formerly occupied. Whether occupied under the authority of law by the Pension Bureau and temporarily vacated or not I am unable to say, but they occupy rooms formerly occupied by a pension agency, for the purposes required under the arrears of pension act, and for the clerks that were added by the gradation in the Interior Department before. That is the way I understand the matter to be. In addition to that, the Commissioner requires more room for the clerks who are to be added under this bill.

Mr. EDMUNDS. I do not doubt at all that for this additional force some additional room may be required; but I agree with the Senator from Kentucky that if the bureau has, without authority of law, and against the law, (which, I believe, is pretty strict on the subject of hiring buildings in this city and elsewhere,) undertaken to hire buildings in advance, trusting for an appropriation, it is a business that ought to be condemned in every way that we can, consistently with doing justice to these poor, crippled claimants in that regard. But I shall go upon the supposition, in the absence of specific information, that this is exactly what it purports to be, a provision for the future hiring of apartments, which the bill authorizes, and not a confirmation of any illegal act, if any has been done hitherto upon the subject. I can hardly suppose it possible that any has been done, but the remark of the Senator from Pennsylvania seems to lead rather to an implication that the Department of the Interior, like some other Departments a few years ago, is a little loose in respect of obeying the statute when it thinks that the public interest in its judgment makes it proper to disobey the statute. You cannot carry on a government in that way, in my belief.

Mr. WALLACE. I do not wish the Senator from Vermont to understand me as saying that I know definitely that the Pension Bureau or the Department of the Interior has rented and occupied buildings without authority of law. My impression is that they occupy these rooms under an occupation had originally by authority of law for other purposes, but I think the need for additional room is so plain that the necessity of this appropriation ought to be clear.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the committee.

The amendment to the amendment was rejected.

The amendment of the Committee on Appropriations, as amended, was agreed to.

The next amendment of the Committee on Appropriations was, in line 32, after the word "pensions," to insert:

And the sum of $32,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the use of the War Department for said purposes, which shall be available immediately for the purposes of the current fiscal year.

So as to make the clause read:

That the Secretary of War be, and he is hereby, authorized to appoint seventy additional clerks, forty for the office of the Surgeon-General, at a salary of $83.33⅓ per month each, and thirty clerks for the office of the Adjutant-General, at a salary of $100 per month each, and purchase furniture for the use of said clerks in the office of the Surgeon-General, at a cost not exceeding $1,000; and that said clerks shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions, and the sum of $32,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the use of the War Department for said purposes, which shall be available immediately for the purposes of the current fiscal year.

The amendment was agreed to.

The next amendment was to strike out lines 38 to 44, inclusive, in the following words:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act, to wit: $61,900 for the use of the Pension Department, and $39,000 for the use of the War Department; total, $100,900.

And in lieu thereof to insert:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,800 for the employment of twelve additional clerks in the office of the Second Auditor of the Treasury, at a salary not exceeding $100 per month, for the remainder of this current fiscal year, to be available immediately, which clerks shall be employed exclusively in matters relating to pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. EDMUNDS. I call, first, for the regular order, to keep the 5 per cent. bill, which I am so much for, on its feet; and, second, having called for the regular order, I move that the Senate proceed to the consideration of executive business, if it is agreeable.

Mr. ALLISON. I hope the Senator will not insist on that motion at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I hope we shall not do that; and especially do I hope——

The PRESIDING OFFICER. The motion is not debatable, as the Senator is aware.

Mr. ALLISON. I am aware of that fact, but I wish to call the attention of the Senator from Vermont to the importance of passing a little joint resolution which we had under consideration a few days ago, relating to the boys at the District Reform School.

Mr. EDMUNDS. If there can be unanimous consent to take up the Reform School joint resolution, not to displace the regular order, I shall withdraw my motion long enough for that purpose; but then I shall renew the motion, because I feel it to be a duty. The Senate can vote it down if it does not want an executive session.

Mr. McDONALD. I call for the regular order.

The PRESIDING OFFICER. The regular order, being Senate bill No. 19, is before the Senate.

Mr. PADDOCK. If the regular order is before the Senate, I have some observations to submit.

Mr. EDMUNDS. Then I do not withdraw my motion for an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. May I inquire whether in case that motion prevails I shall be entitled to the floor upon the regular order when it shall be next reached?

The PRESIDING OFFICER. The Chair will recognize the Senator at the proper time.

Mr. McDONALD. I desire to say that I shall ask that the bill now the regular order be finally disposed of during the session to-morrow; and with that understanding I shall give way to the motion for an executive session.

Mr. JONES, of Florida. When the Senator from Indiana speaks of disposing of this bill to-morrow, do I understand him to mean that it shall be disposed of so far as the present motion is concerned to indefinitely postpone it?

Mr. McDONALD. Yes, and the entire bill, if possible.

Mr. JONES, of Florida. I would say to my friend from Indiana that I do not think that would be a wise thing to do, nor can we do it. There are a good many gentlemen who wish to express their views upon the bill, and there are others who are being enlightened by the debate as it has proceeded; and if it were extended a week longer we should get still more information. I for one am not in favor of settling this matter to-morrow. There are certain questions behind it that require some thought. So far as I am concerned, I only desire to explain my amendment to the bill and give expression to my views touching the general policy of the country with regard to the system of disposing of our public lands. There are some matters in this bill upon which I should like to inform myself that I have not been able to get information upon; one, in particular, is the amount of land warrants outstanding at the time the various States came into the Union. There is nothing in the published statements that I have seen to show when the land warrants were issued, and I for one should like to ascertain, if it can be ascertained, how many land warrants were outstanding setting apart portions of the public domain when each of these States came into the Union.

DISTRICT REFORM SCHOOL.

Mr. ALLISON. I ask that House joint resolution No. 203 be taken up and disposed of. It will only take a few moments.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia.

Mr. HARRIS. There are two amendments suggested, I believe, by the honorable Senator from Vermont, to which I see no objection, except that they are amendments and make it necessary for the joint resolution to go back to the House of Representatives. My judgment is that the amendments only make a little more plain exactly what is the effect and meaning of the resolution without them; but if the Senator from Vermont sees proper, in view of these facts, to offer the amendments, I shall offer no objection whatever to them.

Mr. EDMUNDS. I feel it to be a duty to offer the amendments, first, because I think they are necessary, and, second, because I do not agree to the policy in a government that has two independent legislative bodies, that either one of them should omit to make a bill right, in a matter of substance at least, simply because it required the assent of the other. I think we are more liable to commit errors ninety-nine times in a hundred than to confer benefits by that course. I therefore move in the eleventh line of the print, after the word "week," to insert "from the 1st day of July, 1879," so as to limit the payment of this $2 a week from that time forward; and I make that motion for the reason that the $2 a week has already been paid to the trustees down to that time, and that I understand is satisfactory to my honorable friend from Tennessee.

The amendment was agreed to.

Mr. EDMUNDS. The other amendment is not one of my suggestion, but was, as I am informed, thought to be necessary by the officers of the Treasury in order to keep the accounts correct between the United States and the District of Columbia, and that is to strike out all after the fourteenth line, and insert:

For the present fiscal year, one-half of said expense to be paid by the United States and one-half by the District of Columbia, as provided by the act of Congress approved June 11, 1878, providing a permanent form of government for said District.

So as to make the resolution read:

That to enable the commissioners of the District of Columbia to carry into effect the act approved March 3, 1879, which continues in force the thirteenth section of the "Act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia," approved May 3, 1876, they be, and are hereby, authorized and directed to pay to the board of trustees of said Reform School of the District of Columbia the $2 per week, from the 1st day of July, 1879, for each boy committed thereto, as provided by said thirteenth section of the act of May 3, 1876, aforesaid, and the necessary appropriation therefor is hereby made for the present fiscal year, one-half of said expense to be paid by the United States, and one-half by the District of Columbia, as provided by the act of Congress approved June 11, 1878, providing a permanent form of government for said District.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. Now I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifteen minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 17, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair is requested to ask that Judge Gilbert, one of the justices of the supreme court of the State of New York, be allowed the privileges of the floor during the remainder of this week; also, that the same privilege be granted to Hon. F. C. Stockbridge, of Michigan.

There was no objection.

SAN JOAQUIN RIVER.

Mr. PAGE, by unanimous consent, presented the following petition, numerously signed; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

To the Congress of the United States:

We, your petitioners, respectfully represent that the San Joaquin River is the natural outlet to the counties of San Joaquin, Stanislaus, Merced, Mariposa, Tuolumne, Calaveras, and Fresno, embracing an area of 9,360,000 acres, more than half of which is arable land; now containing a population of about ninety thousand, shipping annually about five hundred thousand tons of grain, and receiving all that is necessary to supply a thriving agricultural and manufacturing community, including large importations of lumber. In consequence of natural and artificial obstructions the navigation of the San Joaquin River is both difficult and dangerous. We therefore petition your honorable body to make an appropriation of not less than $200,000 for the purpose of removing said obstructions.

WEST POINT, VIRGINIA, A PORT OF ENTRY.

Mr. BEALE. I have been instructed by the Committee on Commerce to report back to the House for immediate consideration the bill (H. R. No. 4214) to amend and re-enact sections 2552 and 2553 of the Revised Statutes. The bill was read a few mornings since and printed in the RECORD, and I ask that the report be now read. It is simply a bill to make a port of entry in the Richmond district of Virginia.

Mr. CONGER. The subject-matter of the bill should be stated in the title.

The SPEAKER. The Chair understands that this is a bill to make a port of entry at West Point, in the Richmond district of Virginia.

Mr. CONGER. It should be so stated in the title. Let the bill be read.

The bill was read.

Mr. COVERT. I object.

The SPEAKER. Objection being made, the bill is not before the House.

ORDER OF BUSINESS.

Mr. BLACKBURN. I now call for the regular order.

The SPEAKER. The Chair has been notified that there are several gentlemen who desire to introduce bills for reference only.

Mr. BLACKBURN. I have no objection to that.

GRAND HAVEN, MICHIGAN.

Mr. STONE. I ask consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the House of Representatives any supplemental report in his Department relative to the condition and improvement of the harbor at Grand Haven, Michigan, with such views of its importance and necessity, and recommendations respecting the same, as may be deemed advisable by the Department.

Mr. CLYMER. I object to the consideration of that resolution at this time. Let it be referred to the Committee on Commerce.

The resolution was accordingly referred to the Committee on Commerce.

LEWIS I. PUTNAM.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 4569) for the relief of Lewis I. Putnam, of Corunna, Michigan; which was read a first and second time, and referred to the Committee on Military Affairs.

GRAND GULF, MISSISSIPPI.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R. No. 4570) for the prevention of the destruction of the harbor of the town of Grand Gulf, in the county of Claiborne, in the State of Mississippi, by the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMPENSATION OF OFFICERS OF UNITED STATES COURTS.

Mr. YOUNG, of Ohio, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved by the House of Representatives, That a committee of five Representatives be appointed to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States, to ascertain whether any, and if any, what, abuses now exist, or have existed, or may take place thereunder, and to report by bill or otherwise; that said committee have power to employ a clerk and the services of a stenographer, send for persons and papers, to administer oaths, to examine witnesses, and to report at any time; and the expense of said committee shall be paid on vouchers approved by the chairman.

ORDER OF BUSINESS.

Mr. BENNETT. The Territories were not called at all yesterday for the introduction of bills and joint resolutions. I now ask unanimous consent that the call of States and Territories be completed this morning.

Mr. BLOUNT. I object.

Mr. McLANE. I ask consent to report a bill from the Committee on the Pacific Railroad.

Mr. BELFORD. I object.

Mr. BLACKBURN. I now call for the regular order.

The SPEAKER. The regular order is the unfinished business of yesterday coming over under the operation of the previous question.

Mr. GIBSON. I ask consent to introduce a bill for reference only.

Mr. BLACKBURN. I am willing to yield for the introduction of bills merely.

Mr. CLARK, of New Jersey. I insist upon the regular order.

LOTTERIES IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The unfinished business of yesterday, coming over under the operation of the previous question, is the bill reported from the Committee for the District of Columbia (H. R. No. 4000) to prohibit the publication of lottery schemes in the District of Columbia, and for other purposes. The pending motion is that of the gentleman from Ohio, [Mr. NEAL,] to lay on the table the motion to reconsider the vote by which the main question was ordered upon the passage of the bill.

Mr. SINGLETON, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. At the adjournment yesterday, as I understand, there was a motion made to reconsider the vote by which the main question was ordered, and a motion to lay the motion to reconsider on the table. Upon the motion to lay upon the table I called for the yeas and nays. What I desire to ask of the Chair is

whether, should the House refuse to lay the motion to reconsider on the table, and should then vote to reconsider the ordering of the main question, will that bring the bill before the House for amendment and further discussion?

The SPEAKER. The Chair will answer the gentleman. The motion of the gentleman from Ohio [Mr. NEAL] is to lay on the table the motion to reconsider. Should the House refuse to lay the motion to reconsider on the table, then the next vote would be upon the motion to reconsider the vote by which the main question was ordered. Should that vote be reconsidered, then the bill would be stripped of the operation of the previous question.

Mr. SINGLETON, of Illinois. Then I hope, Mr. Speaker, the motion to lay upon the table will be negatived.

The SPEAKER. The question is on ordering the yeas and nays.

Mr. NEAL. There appears to be some misapprehension as to what the exact question is upon which the yeas and nays are demanded.

The SPEAKER. The pending motion is to lay upon the table the motion to reconsider the vote by which the main question was ordered.

Mr. SINGLETON, of Illinois. And I hope those who are opposed to this bill will rise and give us the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 110, nays 116, not voting 66; as follows:

YEAS—110.

Aldrich, N. W.	Errett,	Lapham,	Reed,
Aldrich, William	Farr,	Lindsey,	Rice,
Anderson,	Ferdon,	Loring,	Richardson, D. P.
Bailey,	Field,	Marsh,	Robeson,
Baker,	Ford,	Martin, Joseph J.	Robinson,
Ballou,	Forsythe,	Mason,	Russell, W. A.
Bayne,	Frye,	McCoid,	Shallenberger,
Bicknell,	Garfield,	McKinley,	Sherwin,
Blount,	Geddes,	Miles,	Simonton,
Boyd,	Gillette,	Miller,	Starin,
Brewer,	Hall,	Mitchell,	Stevenson,
Briggs,	Hammond, John	Monroe,	Stone,
Browne,	Haskell,	Morse,	Thomas,
Burrows,	Hawk,	Neal,	Thompson, W. G.
Calkins,	Hawley,	New,	Tyler,
Carpenter,	Hayes,	Newberry,	Updegraff, J. T.
Caswell,	Heilman,	Norcross,	Updegraff, Thomas
Chittenden,	Henderson,	O'Neill,	Valentine,
Claflin,	Henkle,	Orth,	Van Aernam,
Conger,	Houk,	Osmer,	Ward,
Cowgill,	Hubbell,	Overton,	Washburn,
Crapo,	Hunton,	Pacheco,	Weaver,
Davis, George R.	James,	Page,	White,
Davis, Horace	Jones,	Phelps,	Williams, C. G.
De La Matyr,	Keifer,	Pierce,	Willits,
Deering,	Kelley,	Pound,	Young, Thomas L.
Dunnell,	Ketcham,	Prescott,	
Einstein,	Killinger,	Price,	

NAYS—116.

Acklen,	Deuster,	Knott,	Singleton, J. W.
Aiken,	Dibrell,	Ladd,	Singleton, O. R.
Armfield,	Dickey,	Le Fevre,	Slemons,
Atkins,	Dunn,	Lowe,	Smith, Hezekiah B.
Bachman,	Ellis,	Manning,	Sparks,
Beale,	Evins,	Martin, Benj. F.	Speer,
Belford,	Felton,	McKenzie,	Steele,
Berry,	Finley,	McMahon,	Stephens,
Blackburn,	Forney,	McMillin,	Talbott,
Bouck,	Frost,	Mills,	Taylor,
Bragg,	Gibson,	Morrison,	Thompson, P. B.
Bright,	Goode,	Muldrow,	Tillman,
Buckner,	Gunter,	Myers,	Townshend, R. W.
Caldwell,	Hammond, N. J.	Nicholls,	Tucker,
Cannon,	Harris, John T.	O'Connor,	Turner, Oscar
Carlisle,	Hatch,	O'Reilly,	Upson,
Chalmers,	Herbert,	Persons,	Vance,
Clardy,	Herndon,	Philips,	Waddill,
Clark, Alvah A.	Hill,	Phister,	Wellborn,
Clark, John B.	Hooker,	Poehler,	Wells,
Clymer,	Hostetler,	Reagan,	Whiteaker,
Cobb,	House,	Richardson, J. S.	Whitthorne,
Converse,	Hull,	Richmond,	Williams, Thomas
Cook,	Johnston,	Robertson,	Willis,
Cravens,	Kenna,	Rothwell,	Wilson,
Culberson,	Kimmel,	Samford,	Wise,
Daggett,	King,	Sawyer,	Wood, Fernando
Davidson,	Kitchin,	Scales,	Yocum,
Davis, Lowndes H.	Klotz,	Shelley,	Young, Casey.

NOT VOTING—66.

Atherton,	Crowley,	Hutchins,	Ryon, John W.
Barber,	Davis, Joseph J.	Jorgensen,	Sapp,
Barlow,	Dick,	Joyce,	Smith, A. Herr
Beltzhoover,	Dwight,	Lewis,	Smith, William E.
Bingham,	Elam,	Lounsbery,	Springer,
Blake,	Ewing,	Martin, Edward L.	Townsend, Amos
Bland,	Fisher,	McCook,	Turner, Thomas
Bliss,	Fort,	McGowan,	Urner,
Bowman,	Godshalk,	McLane,	Van Voorhis,
Brigham,	Harmer,	Money,	Voorhis,
Butterworth,	Harris, Benj. W.	Morton,	Wait,
Cabell,	Hazelton,	Muller,	Warner,
Camp,	Henry,	Murch,	Wilber,
Coffroth,	Hiscock,	O'Brien,	Wood, Walter A.
Colerick,	Horr,	Ross,	Wright.
Covert,	Humphrey,	Russell, Daniel L.	
Cox,	Hurd,	Ryan, Thomas	

So the House refused to lay upon the table the motion to reconsider the vote by which the main question was ordered.

During the roll-call the following announcements were made:

Mr. LOUNSBERY. I am paired with my colleague, Mr. McCOOK.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York.

Mr. SCALES. My colleague, Mr. DAVIS, is paired with Mr. GODSHALK, of Pennsylvania.

Mr. CABELL. I am paired with Mr. FISHER, of Pennsylvania. If he were here, I should vote in the negative.

Mr. McLANE. I am paired with my colleague, Mr. URNER, who is detained from the House by illness.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts. If he were present, I should vote "no."

Mr. ROBINSON. Mr. MULLER, of New York, is paired with Mr. WAIT, of Connecticut.

Mr. BARBER. I am paired with Mr. EWING, of Ohio. If he were present, I should vote in the affirmative.

Mr. McGOWAN. I am paired with Mr. THOMAS TURNER, of Kentucky.

Mr. PRICE. Mr. JOYCE, of Vermont, is paired with Mr. MONEY, of Mississippi.

Mr. MORTON. I am paired with my colleague, Mr. COX.

Mr. KING. My colleague, Mr. ELAM, who is absent on account of sickness, is paired with Mr. DICK, of Pennsylvania.

Mr. SPARKS. Mr. EWING, of Ohio, is paired with Mr. BLAKE, of New Jersey.

Mr. COVERT. I am paired with the gentleman from Kansas, Mr. ANDERSON.

Mr. TALBOTT. My colleague, Mr. HENRY, is paired with Mr. BOYD.

On motion of Mr. SINGLETON, of Illinois, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on ordering the main question.

Mr. KNOTT. Is it in order, Mr. Speaker, to move to lay this bill upon the table?

The SPEAKER. It is.

Mr. KNOTT. Then I make that motion.

Mr. NEAL. I demand the yeas and nays on that motion.

Mr. CONGER. Let the bill be read before that is done.

The bill was again read.

Mr. BLOUNT. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I desire to know when it will be in order to move to recommit this bill to the committee, in the event that the motion to lay on the table is not sustained by the House?

The SPEAKER. The Chair thinks, from the information he has of the status of the bill, that it will be in order on the next District day. This bill has been divested of the previous question, and if the regular order had been called the Chair would have recognized the demand, and the bill would have gone over.

Mr. ALDRICH, of Rhode Island. I make that point.

The SPEAKER. It is too late, as the motion to lay upon the table has been made and the yeas and nays demanded upon that.

Mr. CONGER. The question was not put.

The SPEAKER. Yes; the yeas and nays were called by the order of the gentleman from Ohio.

Mr. CONGER. That was on the motion to reconsider.

The SPEAKER. The gentleman is mistaken. Without objection, the Chair entertained the motion to lay the bill on the table.

Mr. NEAL. And I demanded the yeas and nays on that motion.

The SPEAKER. And the gentleman from Ohio rose and demanded the yeas and nays on that motion. The gentleman from Michigan himself then demanded the reading of the bill, which was in the nature of further consideration.

Mr. ALDRICH, of Rhode Island. I made the point at the only opportunity I had.

The SPEAKER. It is now too late. The pending question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 104, nays 119, not voting 69; as follows:

YEAS—104.

Acklen,	Davis, Lowndes H.	Hull,	Philips,
Aiken,	Deuster,	Johnston,	Phister,
Armfield,	Dibrell,	Kenna,	Poehler,
Atkins,	Dickey,	Killinger,	Reagan,
Bachman,	Dunn,	King,	Richardson, J. S.
Beale,	Ellis,	Kitchin,	Richmond,
Belford,	Evins,	Klotz,	Rothwell,
Berry,	Felton,	Knott,	Samford,
Blackburn,	Finley,	Ladd,	Sawyer,
Bouck,	Forney,	Lowe,	Scales,
Caldwell,	Frost,	Manning,	Shelley,
Carlisle,	Gibson,	Martin, Benj. F.	Singleton, J. W.
Chalmers,	Goode,	McKenzie,	Singleton, O. R.
Clardy,	Hammond, N. J.	McMahon,	Slemons,
Clark, Alvah A.	Harris, John T.	Mills,	Smith, Hezekiah B.
Clark, John B.	Hatch,	Morrison,	Sparks,
Cobb,	Herbert,	Muldrow,	Speer,
Colerick,	Herndon,	Myers,	Steele,
Cook,	Hill,	Nicholls,	Stephens,
Cravens,	Hooker,	O'Connor,	Talbott,
Culberson,	Hostetler,	O'Reilly,	Taylor,
Davidson,	House,	Persons,	Thompson, P. B.

Tillman,	Vance,	Whiteaker,	Wilson,
Tucker,	Waddill,	Whitthorne,	Wood, Fernando
Turner, Oscar	Wellborn,	Williams, Thomas	Yocum,
Upson,	Wells,	Willis,	Young, Casey.

NAYS—119.

Aldrich, N. W.	De La Matyr,	Lindsey,	Richardson, D. P.
Aldrich, William	Deering,	Loring,	Robertson,
Anderson,	Dunnell,	Marsh,	Robeson,
Bailey,	Einstein,	Martin, Joseph J.	Robinson,
Baker,	Errett,	Mason,	Russell, William A.
Ballou,	Farr,	McCoid,	Sapp,
Bayne,	Ferdon,	McKinley,	Shallenberger,
Beltzhoover,	Field,	McMillin,	Sherwin,
Bicknell,	Forsythe,	Miles,	Simonton,
Bingham,	Frye,	Miller,	Starin,
Blount,	Garfield,	Mitchell,	Stevenson,
Bowman,	Geddes,	Monroe,	Stone,
Brewer,	Gillette,	Morse,	Thomas,
Briggs,	Hall,	Neal,	Thompson, Wm. G.
Browne,	Hammond, John	New,	Townsend, Amos
Burrows,	Hawk,	Newberry,	Townshend, R. W.
Butterworth,	Hawley,	Norcross,	Updegraff, J. T.
Calkins,	Hayes,	O'Neill,	Updegraff, Thomas
Cannon,	Hellman,	Orth,	Valentine,
Carpenter,	Henderson,	Osmer,	Van Aernam,
Caswell,	Horr,	Overton,	Van Voorhis,
Chittenden,	Houk,	Pacheco,	Ward,
Clymer,	Hunton,	Page,	Washburn,
Conger,	James,	Phelps,	Weaver,
Converse,	Jones,	Pierce,	White,
Cowgill,	Keifer,	Pound,	Williams, C. G.
Crapo,	Kelley,	Prescott,	Willits,
Daggett,	Ketcham,	Price,	Wright,
Davis, George R.	Kimmel,	Reed,	Young, Thomas L.
Davis, Horace	Lapham,	Rice,	

NOT VOTING—69.

Atherton,	Davis, Joseph J.	Humphrey,	Russell, Daniel L.
Barber,	Dick,	Hurd,	Ryan, Thomas
Barlow,	Dwight,	Hutchins,	Ryon, John W.
Blake,	Elam,	Jorgensen,	Smith, A. Herr
Bland,	Ewing,	Joyce,	Smith, William E.
Bliss,	Fisher,	Le Fevre,	Springer,
Boyd,	Ford,	Lewis,	Turner, Thomas
Bragg,	Fort,	Lounsbery,	Tyler,
Brigham,	Godshalk,	Martin, Edward L.	Urner,
Bright,	Gunter,	McCook,	Voorhis,
Buckner,	Harmer,	McGowan,	Wait,
Cabell,	Harris, Benj. W.	McLane,	Warner,
Camp,	Haskell,	Money,	Wilber,
Claflin,	Hazelton,	Morton,	Wise,
Coffroth,	Henkle,	Muller,	Wood, Walter A.
Covert,	Henry,	Murch,	
Cox,	Hiscock,	O'Brien,	
Crowley,	Hubbell,	Ross,	

So the House refused to lay the bill on the table.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York.

Mr. SCALES. My colleague, Mr. DAVIS, is paired with Mr. GODSHALK, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. EWING, of Ohio, is paired with Mr. BINGHAM.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts. If he were present, I should vote "ay."

Mr. BARBER. I am paired with Mr. EWING, of Ohio. If he were here, I should vote "no."

Mr. PRICE. Mr. JOYCE is paired with Mr. MONEY.

Mr. COVERT. I am paired with the gentleman from Kansas, Mr. ANDERSON.

On motion of Mr. TOWNSEND, of Ohio, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BLOUNT. I make the point of order that this bill should go over to next District day, and call for the regular order.

REMOVAL OF CAUSES FROM STATE COURTS.

The SPEAKER. The regular order is called for, and the bill goes over to the next District day.

The morning hour begins at thirty minutes past one o'clock, and the House resumes the consideration of the bill reported from the Committee on the Judiciary, being the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and regulating the removal of causes from State courts, and for other purposes, approved March 3, 1875. The gentleman from Kentucky, [Mr. KNOTT,] the chairman of the Committee on the Judiciary, has the floor.

Mr. KNOTT. Mr. Speaker, I agree with the gentleman who occupied the last morning hour, that in the present advanced state of civilization corporations are sometimes not only convenient but necessary, especially in the prosecution of enterprises requiring the employment of very large capital, yet it seems to me that if there is anything in our social or political condition which should challenge the serious consideration of American statesmen of all parties it is the extraordinary multiplication and enormous aggrandizement of such institutions in this country. Look around you, sir! You find them on every hand, organized for every conceivable purpose that cupidity or caprice can suggest. Turn which way we will, we are confronted by these ideal entities, these incorporeal, intangible faculties, these viewless, bloodless, soulless beings whom an omnipotent God never created, and for whom there is no provision in the plan of salvation. [Laughter.]

Every avenue of active enterprise is crowded with them. Whether on the land or on the sea, in the mine or the manufactory, we find them arraying the merciless arm of consolidated capital against the overmatched and overtaxed tissues of individual energy and unorganized labor.

They have even invaded the sanctuary and made merchandise of the priceless comforts of religion. The rage for corporate privileges has become so prevalent that the Young Men's Christian Association can scarcely hold a prayer meeting without an act of Congress or a charter from a State Legislature authorizing them "to sue and be sued, plead and be impleaded." [Laughter.]

Instead of the old-fashioned, plain-spoken herald of the cross, proclaiming to a sin-stricken world the gospel condition, "Except ye repent ye shall all likewise perish," we find some sleek, psalm-singing sybarite, who "has stolen the livery of heaven to serve the devil in," employed at a salary of twenty-five or thirty thousand dollars a year, to soothe the somnolent stockholders of an incorporated church with assurances that there is no hell.

To illustrate the magnitude as well as the power of some of these artificial persons, sir, I might mention more than one whose business is coextensive with our entire country, and whose active agencies are to be found in almost every city, town, and village from the Bay of Fundy to the Golden Gate, and from the mouth of the Mississippi to "the Zenith City of the unsalted seas." Or, if that would not suffice, I could instance twelve others, commanding the energies of an army of employés more than five times as large as the entire military force of the United States, and controlling an aggregate capital of over $3,000,000,000.

One of these corporate yet incorporeal monsters, like an enormous octopus, has stretched its omniverous tentacles into eleven States of this Union, and controls to-day over six thousand miles of railway, and more than four hundred million dollars' worth of property, besides a traffic exceeding the entire foreign commerce of the United States, while the magnitude of its financial operations is second alone to those of the Government itself.

I am perfectly aware, however, sir, that Congress has no power to prevent the several States from multiplying such institutions at pleasure. There is no check upon their fecundity in that regard but the prudence of their own people. Their Legislatures may continue to spawn them in shoals until they outnumber the frogs and lice that swarmed upon Egypt in the days of Pharaoh, yet Congress has no authority to strangle a single one of the pestilent brood.

Nay, more, sir, they may continue to gorge themselves with the voracity of the horse-leech upon the hard-won fruits of human toil; they may even turn, like the hell-hounds described by Milton in his interview between Satan, Sin, and Death at the gate of Pandemonium, and batten upon the lascivious wombs which gave them birth; they may raven upon the States which created them until, like the living but loathsome carcass of the tyrant Sylla, they are literally devoured by the vermin bred from their own putrescence; yet we have no authority here to disturb a single one of these parasites upon the body-politic in the exerise of any faculty with which it was endowed by the act of its creation.

But, sir, there is one thing we can do, which we ought to do, and which it is proposed to, at least partially, accomplish by the passage of the bill under consideration. We can deprive them of the extraordinary privileges which have been conferred upon them by judge-made law in utter defiance of the limitations of the Constitution.

It is well understood by every one, sir, lawyer and layman, that all controversies between citizens of the same State, not arising under the Constitution or laws of the United States or treaties made under their authority, nor involving the title to land claimed under grants from different States, are wisely left to be determined in their domestic forums where justice can be speedily and economically administered according to the laws of their domicile. While this is true, there is perhaps not a State in this Union in which, either under the comity of nations or by special license, there are not hordes of foreign corporations engaged in the daily transaction of business, involving from a few hundreds to as many millions of dollars, and all of them as completely protected by the laws of the States in which such business is transacted as their own citizens are or can be; and why the adjustment of their rights and liabilities arising under those laws should not be committed exclusively to the tribunals of the States of whose generous sufferance they voluntarily avail themselves for their own emolument is something that no just mind can determine. Yet, sir, if one of those corporations should have a cause of action against a citizen arising out of a transaction under the laws of his own State, and within its limits, and where a perfect remedy may be had, it can choose its own forum. It may proceed against him in his home tribunals, or drag him off to a circuit court of the United States either in his own State, or in any other State in which he may be found, where the costs of the proceedings will probably exceed the original demand, even if the unlucky defendant should be fortunate enough to secure the attendance of his witnesses at all. On the other hand, should a citizen sue one of these corporations in a State court upon any demand however just, or however urgent his necessities may be for its speedy adjustment, the defendant may upon the merest pretext have the cause removed into the circuit court of the United

States, perhaps hundreds of miles away, where the docket is probably already crowded, and where he must either abandon his suit altogether, compromise at a ruinous sacrifice, or have his right determined at an enormous expense and after the most harassing and frequently disastrous delays.

A number of the States have endeavored to correct this most unjust and oppressive evil, by prescribing it as a condition upon which foreign corporations shall be permitted to carry on business within their limits that all controversies with their own citizens growing out of such business shall be determined by their own courts, but in vain; for the Supreme Court of the United States, after having repeatedly decided that a State has a perfect right to exclude a foreign corporation from its limits altogether, has declared that such a condition upon its admission is void for repugnance to the Constitution.

But this is not all, sir. There are constant and growing complaints that in some localities the circuit courts of the United States are literally overrun with business; that their dockets have been crowded for years, while causes are rapidly accumulating upon them, resulting in ruinous delays and enormous expense to the Government, as well as to suitors and litigants. Take, for instance, the State of Iowa, where on the 1st day of July last there were pending upon the dockets of the circuit and district courts of the United States nine hundred and fifty-eight civil causes—a greater number, perhaps, in proportion to population than in any other State in the Union. I recently asked an intelligent lawyer from that State how he accounted for this anomalous condition of affairs.

Why, sir—

Said he—

Iowa is gridironed with railroads under the control and management of foreign corporations; and besides, there is an active and extensive business done in that State by foreign insurance companies and other corporations, and in a large majority of instances suits between those corporations and private citizens are either instituted originally in the circuit court of the United States or carried into that court by removal from the courts of the State.

I have had no means of verifying this explanation by an actual inspection of the docket, but it seems to be entirely rational, and is doubtless true of other States where a similar condition of affairs appears to exist.

Mr. THOMPSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. KNOTT. Yes, sir.

Mr. THOMPSON, of Iowa. Did your informant at the same time tell you that over seven hundred of those cases were brought for violation of drive-well patent claims, a swindling operation, and that no such condition of the docket ever existed before?

Mr. KNOTT. No, sir. I have given the only explanation I have.

Mr. THOMPSON, of Iowa. That is the fact.

Mr. KNOTT. But, sir, a more striking illustration of the evil of opening the doors of the Federal judiciary to this class of suitors and litigants could not be found anywhere than in the present condition of the business before the Supreme Court. That court is nearly three years behind its docket, and the Attorney-General informs us that up to the 20th of November last a thousand and ninety new cases had been placed upon that of the current term. Of these about one-fifth are causes in which the United States are interested, and as to the remainder, I am prepared to say from a personal inspection of the calendar that nearly one-half of them are those in which corporations of various kinds are parties, plaintiff or defendant.

How many of these involve controversies arising under the Constitution or laws of the United States, or treaties made under their authority, or the title to lands claimed under grants from different States, I am unable to say, but I presume there are very few, if any. I undertake to say, however, sir, that if the cognizance of controversies to which corporations are parties were placed back precisely where the framers of the Constitution left it, the business before the Supreme Court would be diminished fully one-third, if not one-half, while that in some of the circuit courts would be reduced in a still greater proportion. In some instances perhaps as much as three-fourths, or four-fifths.

But, sir, I favor a restriction of the jurisdiction assumed by the Federal courts in such cases for other and graver reasons than these. I favor it upon broader grounds than any contemplated in this bill. I favor it because in my judgment it is utterly impossible for any court of the United States to take cognizance of any cause to which a corporation is a party without usurping authority nowhere conferred upon them in the Constitution, unless such cause arises under the Constitution or laws of the United States, or treaties made under their authority, or is within their admiralty or maritime jurisdiction.

I am fully aware of the nature of the ground upon which I stand, and I have not taken it without mature deliberation. I know that the courts of the United States, circuit and Supreme, have held the contrary doctrine for over seventy years, yet I do not hesitate to say that in attempting to justify their assumption of jurisdiction in such cases "they have not only contravened all the known definitions and adjudications with respect to the nature of corporations, but they have repudiated the doctrines of the civilians as to the import of the term subject or citizen, and repealed at the same time that restriction in the Constitution which limited their jurisdiction to controversies between citizens of different States."

In saying this, sir, I can not be impeached of any want of a proper respect for the Federal judiciary in any of its branches, for I but repeat the exact language of one of the ablest jurists and purest patriots that ever adorned the supreme bench of our country. Nor do I affect any of that servile deference to judicial opinion which would shield it from legitimate criticism here or elsewhere. I have precisely the same respect for the judiciary that I have for any other department of a great government designed to protect the interests of a free people under the limitations of a written constitution; but I know of no obligation that requires me, either as a citizen or as a Representative, to speak of its rulings

In a bondman's key,
With bated breath and a whispering humbleness,

especially when the dictates of common sense satisfy me that they are consistent with neither reason nor law.

Yes, sir; I know full well that the Federal courts have so long and so frequently entertained jurisdiction of such cases, and that, too, in utter violation of what to my mind is one of the plainest limitations in the Constitution, that any further protest in that quarter against the exercise of such usurped authority would be met, as it has heretofore been met, with the iron maxim *stare decisis;* a rule which sanctifies absurdity by practice, and authorizes the repetition of error in defiance of law; and for that very reason I, for one, have sought in the provisions of this bill at least a partial correction of the evil.

The claim to that jurisdiction is predicated upon the clause in the second section of the third article in the Constitution, which extends the judicial power of the United States to controversies between citizens of different States, and was first judicially affirmed in the case of The United States Bank against Deveaux and Robinson, (reported in 5 Cranch, page 61,) a case in which a corporation composed of citizens of Pennsylvania had sued certain citizens of Georgia in the circuit court of the United States for the district of the latter State.

The circuit court seems to have taken a plain, common-sense view of the language of the Constitution. It supposed that when the framers of that instrument used the word citizen, they fully understood the signification of that term as it had been defined by all writers upon legal or political science who had preceded them and that they intended it to convey the idea of a living, sentient human being, begotten, conceived, and born according to the ordinary course of nature and having a natural and inalienable right to the protection of the sovereignty to which its allegiance was due, and not a mere emanation of the legislative brain, a mere legal entity with neither body nor soul, created for certain specific purposes enumerated in the charter of its existence, and therefore very properly, as I think, refused to entertain jurisdiction of the case. On a writ of error, however, the Supreme Court reversed the judgment of the court below, and inaugurated a series of adjudications involving as much ingenious judicial legerdemain by way of sustaining a usurped authority as can be found in any like number of decisions since the dawn of civil judicature among men—a series of decisions, sir, so inconsistent with each other, with other doctrines declared by the same court, and with long-settled principles in legal science that they must remain a puzzle to the student of jurisprudence until Gabriel shall blow his final trump.

Chief-Justice Marshall, who delivered the opinion of the court affirming the jurisdiction of the Federal courts in this case, distinctly held that it did not result from the fact that the bank had been chartered by an act of Congress, upon the principle that the case was one arising under the law of the United States, and admitted, moreover, that the mere legal entity known as a corporation aggregate was not and could not be a citizen; but in order to evade the logical result of that admission, which, in view of the plain common-sense meaning of the Constitution, would have been to put the case at once and forever beyond the cognizance of the Federal judiciary, he resorted to a most daring and unheard of piece of judicial necromancy, by which he temporarily dissolved the corporation, and remanded its aggregated elements back to their original individuality in order that they might in that capacity avail themselves of a privilege which they could not enjoy in their corporate relations. He not only ignored all the long-settled doctrines in relation to the nature, rights, and liabilities of bodies-corporate, but the very existence of the corporation itself. He shut his eyes to the character of the litigant actually before the court, and assumed to determine the rights of individuals who, as such, were total strangers to the record. He pushed the real plaintiff aside, and declared, substantially, that it was not really the Bank of the United States, not a corporation, who was suing, but the several, distinct, tangible, natural persons who composed it; that those persons were citizens of the State of Pennsylvania, and as such had a right to sue the citizens of another State in the Federal courts. Upon this anomalous ground, and this alone, he sustained the jurisdiction.

But in doing so, sir, he either forgot or intentionally ignored a number of important principles which had been settled for centuries. He seems to have totally forgotten the fact that for all the purposes contemplated in its charter a corporation is as complete a person in law as any of its corporators; that it is just as distinct in respect of its rights and liabilities from each of its members as its members are from each other; that it may contract with and sue, or be sued by, any or all of them; and that in making the singular declaration that a suit by a corporation was the suit of the individual corporators, he was simply asserting the legal absurdity that a man may sue or be sued by himself.

The truth is, sir, that one of the main inducements to the formation of corporations is that the individual corporators are responsible neither in person nor fortune for the acts or delinquencies of the artificial being of which they are the constituent members; yet if it be true, as asserted by the court in this case, that a suit by or against a corporation is nothing more nor less than a suit by or against a number of natural persons suing or defending under a common name, it should follow as a legal consequence that each of those persons should be individually answerable for its results.

But the court, in announcing this remarkable decision, seems to have forgotten also that the right to sue and the liability of being sued are but incidents to the capacity to make contracts, hold property, or to do other acts the performance or omission of which may become the subject-matter of controversies cognizable by courts of justice; and if the right of a corporation to sue in a Federal court is simply the right guaranteed by the Constitution to its members as citizens, then for the very same reason it may be said that a corporation may do anything contemplated in its charter merely in virtue and by right of the citizenship of its corporators, irrespective of the place of its incorporation or the locality of the transaction, and the ultimate logic from the premises would be, that, no matter for what purpose it may have been organized, or by what State it may have been chartered, it would have a perfect right to invade the limits of every other State in the Union, and carry on its business there, in competition with their citizens, in violation of their established policy, and in defiance of their statute laws; for it is distinctly provided in the second section of the fourth article of the Constitution that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

This is a conclusion, sir, which no stretch of ingenuity can evade and no amount of sophistry conceal, if the doctrine laid down in this case of Deveaux be conceded as correct. Yet the Supreme Court, in a uniform series of decisions from the case of the Bank of Augusta against Earle in 1839 (reported in 13 Peters, page 519) down, has decided, over and over again, that corporations have no extra-territorial powers; that they cannot claim the rights of their stockholders as citizens of one State to make contracts or carry on business in any other State; but that the legal exercise of their faculties beyond the limits of the sovereignty creating them is the result of a mere comity among the States, dependent upon their own local policy and revocable by them at pleasure.

It is true, sir, that the court in a comparatively recent case made, in my judgment, a radical and dangerous departure from this doctrine, so consonant with reason, so irrefragable in principle, and so obviously essential to the autonomy of the several States. And I must say that it is a matter of profound amazement as well as regret that after having asserted this salutary doctrine so frequently and emphatically the court should so suddenly forget the rule *stare decisis*, and declare, as it did in the case of the Pensacola Telegraph Company, (reported in 6 Otto,) that it is not only competent for Congress, under the pretext of regulating commerce between the States, to authorize a corporation created by the laws of one State to invade the territory of another and carry on business within its limits in defiance of its own statutes, but that in so doing it may annul any exclusive grant of the same privilege to its own citizens, or similar corporations of its own creation.

But what is stranger still, sir, is the fact that the opinion in the case to which I have just alluded could have been penned by the same hand which wrote the following brief but vigorous passage in the dissenting opinion in the case of the Insurance Company against Morse, in 20 Wallace:

> A State has the right to exclude foreign insurance companies from the transaction of business within its jurisdiction. Such is the settled law of this court. The right to impose conditions upon their admission follows as a necessary consequence from the right to exclude them altogether.

I thank God, Mr. Speaker, that there was at least one member of the court who had sufficient perspicacity to anticipate the terrible results to which the hideous doctrine announced in the Pensacola Telegraph case must ultimately lead, and courage enough to enter a manly and patriotic protest against it. I would not wantonly disparage either the ability or the integrity of any of his learned associates, for they are all gentlemen for whom I entertain the highest personal respect; but I will say, sir, that had he not already inscribed his name among the very highest on the list of distinguished jurists who have illustrated the annals of American jurisprudence, his dissent from the opinion of the court in this case alone ought to secure for Mr. Justice Field an imperishable monument in the affectionate admiration of an intelligent and liberty-loving people.

But, sir, to return to the case of Deveaux. I have never conversed with an intelligent member of the bar who had carefully considered the doctrine there laid down who hesitated to pronounce it totally indefensible upon any correct principle of legal reason. Yet the fallacy in that case, glaring as it is, pales into utter insignificance when compared with the lengths to which the court has subsequently gone in asserting a jurisdiction which the Constitution under no rational interpretation ever conferred upon the Federal judiciary. I will not pause here to elaborate upon the manifest inconsistency between the positions assumed in that case and the reasoning as well as the doctrine laid down in Osborn against the Bank of the United States, 9 Wheaton, but will briefly call attention to the case of the Bank of the United States against the Planters' Bank of Georgia, decided during the same term and reported in the same volume.

In that case, sir, the court found itself confronted by difficulties which it did not seem to anticipate when the case of Deveaux was decided, difficulties which even its magic power of temporarily dissolving a corporation in order to hold on to a usurped jurisdiction was insufficient to solve. It found it necessary to exhibit a still more startling and extraordinary power, derived from some other source than the Constitution, and to strip one of the States of this Union of the habiliments of sovereignty and place it on a level with a private citizen. And it proceeded to exercise that power without the slightest hesitation or compunction, as I shall show.

It appeared, upon a plea to the jurisdiction in this case, that the Planters' Bank was a corporation, of which the State of Georgia and certain individuals who were citizens of the same State, with some of the stockholders in the United States Bank, were members; and we would naturally suppose that when the Chief-Justice came to resolve it back into its original elements, in order that Federal jurisdiction might attach to its ultimate atoms, as he did in the case of Deveaux, he would have exclaimed at once: "There can be no Federal jurisdiction here. It would be ridiculous to say that the State of Georgia can be a citizen, and especially a citizen of herself, and to allow this action to be prosecuted against her as a State would be in flat contravention of the eleventh amendment to the Constitution, which expressly provides that 'the judicial power of the United States shall not extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign state.'"

Mr. Justice Johnson in fact took precisely that ground in his dissenting opinion. Said he:

> The case of Deveaux forms, I suppose, one of the canons of this court. On no other ground can that decision be law than that the individual corporators were the real parties plaintiff. The same principle applied to the corporation defendant will make the individual corporators here the real defendants to this suit. If, then, the real plaintiff and the real defendants are so related in personal character as to preclude this court from taking jurisdiction, I see no ground on which we can sustain it, unless we reverse the decision in Deveaux's case. So also with regard to the State of Georgia. An original suit against that State could not be maintained. Yet if an original suit against a corporation be an original suit against each corporator, I cannot see wherein this case differs from that of a direct suit against the State.

The cruelty of this satire upon the opinion of the court is enhanced by the dissenting justice's cool disclaimer of any responsibility for its former decision, which had so unexpectedly proved a stumbling-block in its way. But it seems, sir, that his associates had determined that the United States Bank—that highly favored though illegitimate offspring of a rape upon the Constitution—should be permitted to sue any person in the Federal courts who was capable of being sued at all, without regard to citizenship, residency, or any other qualification whatever. They therefore proceeded to ignore the doctrine of the Deveaux case, and to dispose of the eleventh amendment and the sovereignty of Georgia in a few brief and summary sentences.

Chief-Justice Marshall, speaking for the court, said:

> The suit is against a corporation and the judgment is to be satisfied by the property of the corporation, not by that of the corporators. The State does not, by becoming a corporator, identify itself with the corporation. The Planters' Bank of Georgia is not the State of Georgia, although the State holds an interest in it.

Nothing could be more correct or more succinctly stated than this, sir, but how differently itsounds from the language of the court in the case of Deveaux penned by the same illustrious hand. There is no intimation here of a power in the court to work a temporary dissolution of the legal entity in order to operate directly upon its constituent elements, but a plain recognition of the familiar doctrine, that a corporation is a distinct being; that it has an individuality of its own; that it exercises its own rights, and must answer its own liabilities independently of the character of its members. But let us read a little farther:

> It is, we think, a sound principle that when a government becomes a partner in a trading company it divests itself, so far as concerns the transactions of that company, of its sovereign character and takes that of a private citizen. * * * The State of Georgia, by giving the bank the capacity to sue and be sued, voluntarily strips itself of its sovereign character so far as respects the transactions of the bank and waives all the privileges of that character.

The recklessness of such language as this, sir, considering the exalted reputation of the person who uttered it and the court which sanctioned it, is utterly appalling. I forbear to enlarge upon it. The loose confounding of corporations with mere partnerships, as well as the flippant assertion that the sovereignty of a State is something that can be laid aside at the whim of its Legislature, carries all the commentary it is entitled to upon its face. How much easier the solution of the point would have been, and how much more consistent with his fame as an illustrious jurist, had Chief-Justice Marshall adhered to the plain, simple principle, which had been familiar to the student of jurisprudence for centuries, that the capacity of a corporation to sue or be sued in no sense depends upon the personality of its corporators, but solely upon the law which gives it existence.

Mr. Justice Daniel, long afterward, animadverting upon the doctrine asserted in the case of Deveaux, remarked that it "presented a striking instance of the error into which the strongest minds may be led whenever they shall depart from the plain, common-sense acceptation of terms, or from well-ascertained truths, for the attainment of conclusions which the subtlest ingenuity is incompetent to sustain;"

and in view of the remarkable language used by the court, as well as the no less remarkable conclusion reached in the case of the Planters' Bank of Georgia, he might have as justly exclaimed, "How easy it is for even the most distinguished judge to lose sight of the beacon-lights of truth and the landmarks of law amid the murky mists of political prejudice!"

The doctrine in the case of Deveaux having been thus repudiated and disowned by its own author, it was hardly to be expected that the world would ever hear of it again; yet, singular as it may seem, in the very next case in which the question of jurisdiction was raised—I mean the case of the Commercial and Railroad Bank of Vicksburgh against Slocomb, 14 Peters' Reports, 63—we find it resurrected, reaffirmed, and relied on as a controlling authority, without the slightest reference whatever to the decision by which it had been virtually overruled. And thus the matter stood for four years until the case of the Louisville, Cincinnati and Charleston Railroad Company against Letson came to be considered, when the court found itself entangled in such a mesh-work of difficulties that it not only felt compelled to confess that the doctrine laid down in the cases of Deveaux and Slocomb was totally irreconcilable with that which had been acted upon in the case of the Planters' Bank of Georgia, but to assume a more preposterous position if possible than had been taken in either.

In this case Letson, a citizen of New York, had instituted an action in the circuit court of the United States for the district of South Carolina, against the railroad company, a corporation chartered by the Legislature of the latter State. A plea to the jurisdiction disclosed the fact that while some of the corporators were citizens of South Carolina, others of them were citizens of North Carolina, and, moreover, that the State of South Carolina, the Bank of Charleston, and the Charleston Insurance and Trust Company were also members of the corporation, and that each of these corporations was composed of members some of whom were citizens of the State of New York.

Now, upon this state of fact, sir, it was obvious that the jurisdiction of the Federal courts could not be maintained upon the doctrine laid down in the case of Deveaux, and reaffirmed in that of Slocomb, for several reasons. First, because upon the principle asserted in those cases some of the real parties defendant were citizens of the same State with the plaintiff, for which reason alone the court had refused to entertain jurisdiction in Slocomb's case; second, because several of the defendants, being citizens and residents of North Carolina, could not be sued in the district of South Carolina unless found therein; and, third, because upon the same principle the suit was in fact one directly against one of the United States by a citizen of another State and expressly prohibited by the eleventh amendment to the Constitution.

And it was equally manifest, sir, that jurisdiction could not be maintained upon the principle affirmed in the case of the Planters' Bank of Georgia, whether that principle was correct or not, because the defendant was not a corporation chartered by an act of Congress, and there could be no pretense that the case arose under the Constitution or laws of the United States or any treaty made under their authority. But the court was not to be persuaded to relax its grip upon the case by any such reasons as these, although it had furnished them out of its own mouth. It had already asserted its power to dissolve a corporation in order to get at its individual members in defiance of both reason and authority; but now it determined to exercise its potential magic in an opposite direction. Having exhibited its skill in destroying it concluded to try its genius in creating. It therefore assumed to clothe the corporation before it with faculties never dreamed of in its charter. It breathed upon the mere legal entity and it instantly became a living citizen. Ay, sir, a citizen! No longer a mere aggregation of citizens suing and being sued under an artificial name, but a real, live, independent citizen, though whether native born or naturalized or of what sex, color, or descent, the world must unfortunately remain forever in total ignorance.

It may have occurred to the court, sir, for aught I know, that if it was true, as had been held in the cases of Deveaux and Slocomb, that a suit against a corporation was simply a suit against the individuals composing it, then upon the plainest principles of common justice each of the corporators should be served with process and have a fair chance to be heard in his own defense. Or the court may have concluded upon reflection that it might be somewhat difficult in such a proceeding to eliminate the rights and interests of each individual member from those of the aggregate body, or to distinguish them from those of their fellow-corporators. But one thing is certain, it expressed the deepest regret that it had embarrassed itself with the doctrine announced in those cases, and determined to cut its way heroically through the toils in which it had thus thoughtlessly entangled itself. It accordingly declared through Mr. Justice Wayne, who delivered the opinion in this case—

> A corporation created by a State, to perform its functions under the authority of that State, and only suable there, though it may have members out of the State, seems to us to be a person—though an artificial one—inhabiting and belonging to that State, and therefore is entitled, for the purpose of suing and being sued, to be deemed a citizen of that State.

I say it in no spirit of wanton disrespect, Mr. Speaker; but it seems to me, sir, that when the court reached its "therefore" it was hopelessly lost in the fog. The logic of this language reduced to its simplest terms is this: "A corporation is constructively an inhabitant of the State by which it is created, and under whose authority it performs its functions; therefore it is a citizen of that State." The sophistry employed in the Deveaux case was, to say the least of it, ingenious and plausible; but this, sir, is mere drivel.

In the first place, mere inhabitancy or residence does not and cannot confer citizenship on any person. If it did, every unnaturalized foreigner residing in a State would be *ipso facto* a citizen, and our naturalization laws an idle and unnecessary piece of lumber on our statute-books. In the second place, the general capacity of a corporation to sue and be sued depends neither upon the personality of its members nor the particular locality which may be constructively termed its residence, but is derived, as I have said, solely from the law which gives it existence; and, in the third place, inhabitancy or residence is neither sufficient nor necessary to give jurisdiction to a Federal court in a civil cause. As the law now stands, an alien or a citizen of New York may sue a citizen of Kentucky in the circuit court of the United States for the district of Oregon, if the defendant can be found within the territorial jurisdiction of that court, although neither of them may be an inhabitant or resident of that district.

In a word, sir, where a mere personal qualification is essential to the jurisdiction of the Federal courts in any case the Constitution prescribes actual citizenship or actual alienage, and that qualification must exist independent of any volition or assumed power of creation in the court. The Federal judiciary has no more constitutional authority to create a citizen by mere construction in order to obtain or hold jurisdiction of a given case than it has to transform a citizen into an alien for the same purpose.

In fact, Mr. Speaker, the logic of the Supreme Court in relation to this subject seems to be completely wrong end foremost. It assumes the capacity of a corporation to sue and be sued in the Federal courts, and from that deduces the conclusion that it must of necessity be a citizen; whereas the capacity to sue and be sued in the Federal courts results from citizenship, and not citizenship from that capacity. I repeat, sir, that if the reasoning of the court means anything at all it is simply this: a corporation ought to have the capacity to sue and be sued in the courts of the United States, and therefore it has that capacity; none but citizens or aliens can have that capacity; a corporation has it, therefore a corporation is a citizen. But why not pronounce it an alien as well? As an alien it would answer every purpose of jurisdiction as conveniently as it could as a citizen, and more so, for as an alien it could sue a citizen of the same State by which it was chartered and under whose authority it performs its functions.

But let us see, sir, how this singular hypothesis of the Supreme Court squares with some of the most ordinary and universally recognized rights and duties of citizenship. If a corporation is a citizen of the State which created it, it is, by virtue of that character, a citizen of the United States also. If, therefore, it has been in existence twenty-five years, and an inhabitant of the State by which it was created, as the court says it is, it may be elected to Congress; or, if it has been chartered for thirty years, it may be chosen by the State Legislature as a United States Senator; or, without regard to the date of its incorporation, it may be appointed an elector of President and Vice-President; and if the court had only gone one step further and construed it to be "a natural-born citizen," it might in time aspire to either of those exalted offices, or be commissioned as General of the Army, or sent as minister plenipotentiary and embassador extraordinary to some foreign court. [Laughter.] Unfortunately, however, for the aspirations of these new-fangled citizens, Sir Edward Coke, more than a hundred years before our Government was dreamed of, suggested a little difficulty in their way which, under our Constitution, is perhaps insuperable. They cannot "take the oath," either "iron-clad" or "modified." [Great laughter.]

According to the same distinguished authority, however, they enjoy certain immunities which their less fortunate fellow-citizens cannot claim, and which may in some measure compensate for their incapacity to hold office. He says they cannot commit treason, felony, or other crime, nor suffer a traitor's or a felon's punishment. They are not liable to corporeal penalties and cannot be committed to prison, for their existence being ideal no man can arrest them, nor can they be tied up to the whipping-post, and having no souls to save they are totally unconcerned about the doctrines of Plymouth Church or the "mistakes of Moses." [Laughter.]

But, sir, there is nothing in all this that can be so construed as to excuse a corporation from the performance of military duty, and as they enjoy so many advantages over their fellow-citizens in other respects they should certainly be required to take their chances in the tented field and "on the terrible ridge of battle." In fact I am inclined to think, sir, that in many particulars an army of corporations would prove a decided success. Being incorporeal it would have no need of camp equipage, quartermaster's, commissary's, or medical stores, so the Government could not only save millions upon millions of dollars on that account, but dispense with the innumerable host of staff officers with which the service is now infested. [Laughter.] Being invisible, our soldiers could steal upon the enemy unawares and "smite him hip and thigh" without so much as being seen. [Renewed laughter.] Being intangible it would be impossible for any of them to be wounded, so we would have no medical and surgical histories to print at an enormous expense, and no floods of invalid pension bills crowding the Private Calendar. [Laughter.] Having no

bowels they could not suffer from camp diarrhœa; and being immortal they could not be killed in battle, or if they could be it would make no difference to them as they have no souls to be damned in any event. [Great laughter.] How they would behave or what execution they might do in an actual fight I am unable to say, but there is one thing of which I have no doubt whatever, and that is, give them half a chance and they would be pretty certain to get away with the bulk of the enemy's supplies. [Laughter.]

It may be objected, however, sir, that I am not treating the opinion of the court fairly. It may be said that it only goes to the extent of declaring a corporation "a citizen for the purposes of suing and being sued." That is true, sir; but I respectfully submit that such a qualification of the citizenship with which it assumes to endow a mere ideal being is more obnoxious to criticism than if it had gone the full length of declaring a corporation a citizen for every purpose whatever. I submit, sir, such a thing as a quasi citizen is a nondescript utterly unknown to any system of political science ever taught among men. We have read the ancient myths of the satyr and the centaur, half man and half beast, but the enlightened intelligence of mankind has for centuries laughed at them as the crude figments of a benighted imagination. We have heard, too, of the Mississippi flatboatman who claimed to be half horse and half alligator, with a heavy cross of snapping-turtle, [great laughter,] yet nobody ever regarded it as anything more than the boast of a braggadocio inspired by bad whisky. But what are we to think of such a mongrel monster as this which seems to have exhaled from the judicial brain in the case of Letson?—half corporation and half citizen!

> Deformed, unfinished, sent before its time
> Into this breathing world, scarce half made up!

But, sir, if a citizen for one purpose why not for another? If a citizen for the purposes of suing and being sued, why not a citizen for the purposes of buying, selling, and holding property, or doing anything else contemplated in the charter? And if a citizen for all these purposes, why has it not a perfect right under the clause in the Constitution to which I referred awhile ago to perform its functions any where in any State, whether such State is willing to it or not?

Facilis desensus Averni.

The steps from one to another of these positions are easy and natural. If one of them is sound in principle, or consistent with common sense, the others are equally so. But whether sound or unsound, reasonable or unreasonable, a court whose assumed powers transcend those of Omnipotence itself, a court which can create a citizen out of nothing, can easily endow it with all the immunities guaranteed in the Constitution to those whom the Deity created out of the dust of the earth. It can readily put in practice its *dictum* in this case of Letson, "that to all intents and purposes for the objects of their incorporation these artificial persons are capable of being treated as a citizen as much as a natural person."

When this is done, sir, when the wealthy, powerful, and ambitious corporations of the more populous States are permitted as a matter of constitutional right to invade the limits of any other State for the purpose of carrying on their functions in defiance of its laws, as has already been done, though upon a different ground, in the case of the Western Union Telegraph Company against the Pensacola Telegraph Company, to which I alluded awhile ago, there is no telling where the mischief will end. As was truly said by one of the most distinguished judges that ever sat on the supreme bench of my own State:

> The apparent reciprocity of power would prove to be a delusion. The competition for extra-territorial advantages would but aggrandize the stronger to the disparagement of the weaker States. Resistance and retaliation would lead to conflict and confusion, and the weaker States must either submit to have their policy controlled, their business monopolized, their domestic institutions reduced to insignificance, or the peace and harmony of the States broken up and destroyed.

[Here the hammer fell.]

[Cries of "Go on!" "Go on!"]

Mr. KNOTT. As I am somewhat fatigued, I would prefer to proceed to-morrow. [Cries of "All right!" "All right!"]

Mr. ROBINSON. I understand the gentleman from Kentucky would prefer going on to-morrow instead of completing his remarks to-day. I therefore call for the regular order.

REVISION OF THE RULES.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole for the further consideration of the report of the Committee on Rules.

Mr. ATKINS. Before that motion is put I wish to ask the gentleman from Kentucky how much longer he supposes the Committee of the Whole will be engaged in the consideration of this report?

Mr. BLACKBURN. It is impossible for me to answer that question; but I will say I see no reason why this report should not be finally disposed of by to-morrow evening. And in order to hasten action on it, pending the motion that the House resolve itself into Committee of the Whole, I move that all further debate on clause 3, Rule XXI, which is now under consideration, be limited to twenty minutes.

Mr. GARFIELD. That is right.

Mr. ROBINSON. Will that cover all amendments to be offered hereafter?

Mr. BLACKBURN. All amendments to this clause, clause 3 of Rule XXI.

Mr. PAGE. I hope the gentleman will limit the motion to the amendments now before the committee.

Mr. BLACKBURN. I cannot agree to that. Unless we put some limit to the debate it will be simply interminable. We have had six weeks' debate on this report. I am sure the Committee on Rules have taken up no time unnecessarily, but it seems to me a six weeks' debate is enough. I propose there shall be twenty minutes more upon this one clause of this rule and all amendments pending thereto.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The clause under consideration of the Committee of the Whole is clause 3 of Rule XXI, and the pending question is on the amendment of the gentleman from Georgia [Mr. SPEER] as amended by the adoption of the substitute offered by the gentleman from Ohio, [Mr. WARNER.]

Mr. WHITE. Let the pending amendment be read.

The Clerk read Mr. SPEER's amendment, as follows:

> Strike out all after the word "order," in line 6 of clause 3, and insert "but it shall be in order to strike out any sum of money in an appropriation bill and insert a less sum."

And Mr. WARNER's substitute therefor, adopted by the Committee of the Whole, as follows:

> Except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

So that the clause, if amended by the adoption of Mr. WARNER's substitute, would read:

> 3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except that it shall be in order to reduce the amounts of money provided for by existing law and covered by the bill, and to that extent only to change the law.

Mr. FINLEY. As I understand, the substitute offered by the gentleman from Ohio [Mr. WARNER] has been adopted by the Committee.

The CHAIRMAN. It has been agreed to as a substitute for the amendment proposed by the gentleman from Georgia; but the question still remains will the committee agree to this as a substitute for that part of the report.

Mr. SPEER. I wish to say that I hope the substitute will be adopted.

The CHAIRMAN. The question is not debatable. The question is on the adoption of the amendment as amended.

Mr. PAGE. I desire to enter my protest——

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. PAGE. I move to strike out the last word.

Mr. BLACKBURN. Any debate now will be under the operation of the order limiting debate.

The CHAIRMAN. By order of the House all debate on this paragraph and any amendments thereto is limited to twenty minutes.

Mr. PAGE. I desire to offer my protest against the adoption of the amendment of the gentleman from Ohio [Mr. WARNER] which has been adopted as a substitute for the amendment of the gentleman from Georgia, [Mr. SPEER.] In my judgment the rule if adopted in that form will be worse than the twenty-first rule as it now stands. I believe that under the operation of this rule, should it be adopted, it would be in order to strike out the appropriation for the Army of the United States or to reduce it to a certain amount, and thereby the law might be changed to correspond with such reduction.

Now, it has been decided by the gentleman who at present occupies the chair that unless a proposition showed upon its face that it did reduce expenditures it was not in order upon an appropriation bill.

It was decided by a former Speaker of this House, Hon. Mr. Kerr, of Indiana, that unless a provision reported in an appropriation bill, or presented as an amendment thereto, should show upon its face a reduction of expenditures, it was not in order upon an appropriation bill. The pending proposition, upon which the committee is now called to vote, if adopted, would make it absolute that an amendment reducing the amount of money provided for by law would be in order, and the law could be so amended as to correspond with that reduced amount of money appropriated. That would render certain what has been ruled by but one presiding officer, the gentleman from Kentucky [Mr. BLACKBURN] who now has charge of the report of the Committee on Rules. He is the only chairman of the Committee of the Whole of this House, so far as I know, who has decided contrary to three prior decisions by occupants of the chair.

The first of those decisions was made by the Speaker of this House on an amendment to a bill proposing to transfer the control of the Indian Bureau from the Interior Department to the War Department. That matter was thoroughly discussed in this House, and upon a point of order Hon. M. C. Kerr ruled the proposition out of order. In the Forty-fourth Congress the gentleman from Illinois, [Mr. SPRINGER,] while acting as chairman of the Committee of the Whole,

ruled out a similar proposition on the appropriation bill; and the gentleman from Illinois, Mr. Eden, ruled on a proposition submitted by my colleague at that time, Mr. Wigginton, to abolish the offices of surveyors-general in the States and Territories, that the amendment was not in order, as it did not show upon its face that it would work a retrenchment of expenditures. And the present occupant of the Chair, the gentleman from Kentucky, [Mr. CARLISLE,] in the Forty-fourth Congress made a similar ruling.

But in the last Congress the gentleman from Kentucky [Mr. BLACKBURN] reversed these rulings and did admit a proposition that provided for the abolition of the offices of surveyors-general in the different States and Territories, and which would have worked a thorough change in existing laws in reference to the public lands. That proposition was offered as an amendment to an appropriation bill, and the gentleman from Kentucky [Mr. BLACKBURN] ruled it in order.

With that exception it has been universally held under the present rule that no amendment of that kind was in order. Under the proposed change, now pending before the Committee of the Whole, the amendment, if adopted, will make absolute the rule that an amount of money provided by existing law may be changed to a less sum, and to that extent the law may be changed so as to conform to the reduced sum of money appropriated.

I am opposed to that, and I hope the Committee of the Whole will vote down the proposition of the gentleman from Georgia, [Mr. SPEER,] as amended by the adoption of the substitute offered by the gentleman from Ohio, [Mr. WARNER.] I infinitely prefer the present rule, with a fair construction of the rule, such as we have had on different occasions., I believe the minority of this House will be safer with the rules as they now stand than they would be with the amendment proposed by the gentleman from Ohio, [Mr. WARNER,] and therefore I hope that the amendment will be voted down.

Mr. BLACKBURN. I do not think the record will bear out the statement made by the gentleman from California, [Mr. PAGE,] who seems, instead of rising to discuss the amendment or the clause pending, to be actuated rather by a desire to indulge in a piece of criticism upon some ruling that I may chance to have made while occupying the chair. I do not believe the record will bear out the construction the gentleman gives to that ruling; I do not believe any such singularity of ruling will appear.

I certainly do not mean to reflect upon any ruling which may have been made by the Speaker of this House, by the present occupant of the chair, or by the gentleman from Illinois, [Mr. SPRINGER,] as they have been referred to. I simply desire to say that if at any time in the past I have made a ruling, or shall at any time in the future be fortunate enough to make one, which incurs the criticism of the parliamentarian from California, it will only strengthen my conviction of having been right in that ruling.

The question was taken upon the amendment of Mr. SPEER, as amended by the adoption of the substitute offered by Mr. WARNER; and upon a division there were—ayes 32, noes 80.

No further count being called for, the amendment, as amended, was not agreed to.

Mr. PRICE. Is an amendment now in order?

The CHAIRMAN. The Chair will hear the amendment and then decide.

Mr. PRICE. I move to add to clause 3 of Rule II that which I send to the Clerk's desk.

The Clerk read as follows:

Which retrenchment shall not be by inference, but shall in express terms specify on its face the amount of money to be saved by the amendment.

The CHAIRMAN. That amendment would be in order as a substitute for the amendment proposed by the gentleman from Alabama, [Mr. LOWE,] which is now pending. The Clerk will read the amendment proposed by the gentleman from Alabama.

The Clerk read the amendment of Mr. LOWE, which was to add to clause 3 the following:

Provided, however, That no provision or amendment of a partisan character shall be in order.

The CHAIRMAN. The amendment of the gentleman from Iowa [Mr. PRICE] would be in order as a substitute for the amendment of the gentleman from Alabama, [Mr. LOWE.]

Mr. PRICE. I will move it as a substitute for that amendment, and ask that the Clerk read the third clause as it will be if the amendment which I have offered shall be adopted.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures, which retrenchment shall not be by inference, but shall in express terms specify on its face the amount of money to be saved by the amendment.

Mr. PRICE. The only object I have in offering that amendment is this: in the discussions upon this very point, whether the amendment was germane and whether it did retrench expenditures, the occupants of the chair at different times have decided differently. On the one side it would be alleged that such an amendment would decrease expenditures; and on the other side it would be affirmed that the amendment would not reduce expenditures.

My object in offering this amendment is simply to fix the matter definitely so far as this point is concerned, so that in every case and under all circumstances an amendment, to come within the rule, shall specify on its face, not by inference but in express terms, that expenditures are reduced and shall state the amount of the reduction.

Mr. FRYE. I wish to say but a single word. It was generally understood that the Committee on Rules were to meet for the consideration of this question, and that very likely they might agree upon something to take the place of these very amendments which have been proposed. I simply wish to say that the committee met last night, and adjourned at eleven o'clock without agreeing upon anything to take the place of Rule XXI; and they cannot agree.

Now, as only twenty minutes are allowed for debate, I desire to say that hereafter when there will be no opportunity for discussion, an amendment may be offered providing in effect that nothing shall be in order as an amendment on an appropriation bill unless it shall have been reported by a committee of this House. Now, I warn gentlemen of the House that this would be infinitely worse than the rule as it stands at present, because under that rule without any amendment we have only fifteen men who can set their busy brains at work to invent some sort of a political "rider" to put on an appropriation bill. But if such an amendment as I have indicated be adopted, authorizing every committee of this House to report amendments and providing that these amendments shall be in order, you simply declare that not fifteen merely, but every committeeman on the democratic side of this House, so long as the democratic party are in the majority here, may set his busy brain at work getting up some sort of "riders" for appropriation bills. If such a proposition is made, I trust it will be promptly voted down.

Mr. SPEER. I desire to offer an amendment.

The CHAIRMAN. No amendment would be in order at present, as two amendments are pending.

Mr. GARFIELD. I wish to say a single word on the pending amendment in reply to the gentleman from Iowa, [Mr. PRICE.] The object of that gentleman is manifestly good; but the language of his amendment makes it of no consequence whatever as an effective machine for preventing "riders." Under such a provision I can offer an amendment to the Army appropriation bill reorganizing the Army of the United States throughout, and can say in words as a part of my amendment that the clause thus added shall reduce the cost of supporting the Army $1,000. I can say in the amendment, "for the purpose of reducing the cost of supporting the Army $1,000, which is hereby done, the following shall be a part of the law." Thus my amendment reorganizing the whole Army or any other department of the service complies technically with the terms of the rule.

Now, in my judgment, we are in an attitude where one of three results must happen: either the rule must stand as now, with all its bad consequences; or the amendment of the gentleman from Georgia, [Mr. SPEER,] which mitigates largely the evil of the existing rule, will be adopted; or some middle proposition, like that of my colleague, [Mr. WARNER,] will be adopted, which, contrary to the opinion of my friend from California, [Mr. PAGE,] does, as I think, largely cut down the power of "riders," although not as much as many of us desire. I hope that under the present circumstances we shall get one good, fair chance to vote off altogether that clause of the rule which allows any change of existing law on an appropriation bill. That is the fair, plain, clear reparation of all difficulty. If we cannot do that, then the proposition of the gentleman from Georgia is the next best thing, and I hope we shall stick by it.

Mr. BLOUNT. It is the same thing.

Mr. SPEER. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SPEER. What is the condition of the amendment I submitted?

The CHAIRMAN. It has been disposed of by the Committee of the Whole.

Mr. SPEER. So I understood, and therefore I desired to offer another amendment.

Mr. HURD. Mr. Chairman, I had not intended to take any part in this discussion until the amendment was proposed by my colleague [Mr. WARNER] to the proposition of the gentleman from Georgia, [Mr. SPEER.] The propositions, both of my colleague and the gentleman from Georgia, are full of danger. To ascertain the danger we must understand the legal situation upon which these propositions operate. This House is not now engaged in legislation, but in determining the rules which shall govern the proceedings incident to legislation. In doing this the House can undoubtedly regulate the methods to be pursued in the exercise of the other powers conferred upon it in the Constitution, but it cannot impair or destroy those powers.

The House originates appropriation bills or bills of revenue. The propositions of my colleague and of the gentleman from Georgia operate upon them. They declare, in substance, that no general nor political legislation shall be attached to appropriation bills.

This would do if both Houses could originate bills of revenue; but the Constitution expressly declares that this power shall be exercised by the House of Representatives only. What does this mean? History incontestably demonstrates that this provision was inserted in the Constitution to give to the immediate representatives of the people the control of appropriations, to enable them to restrain executive authority, to secure redress of grievances, and to bring about the

adoption of salutary measures of legislation. It was designed to authorize the House to say to the President that unless there was redress of the grievances of which it complained in a particular Department of the executive branch of the Government there should be no appropriation for such Department.

Such has been the use of a similar provision in the English constitution. For such uses has it been employed, I venture to say, by every House of Representatives of the Congress since the adoption of the Federal Constitution. Without such power resulting to the House, the language of the Constitution in this respect is meaningless. But such uses are impossible if general legislation be prohibited upon appropriation bills. The executive authority might approve the appropriation bill and veto the general legislation which contained the redress of grievances if they were presented to him separately. This, indeed, would always be the case when there was a dispute between the executive and legislative branches of government.

To adopt, therefore, the amendments of my colleague and the gentleman from Georgia is to surrender the power the Constitution gives, to abdicate the authority the House possesses to originate bills of revenue exclusively, and this, too, with the unlimited power of amendment of the House bills in the Senate. The propositions, therefore, not only destroy the power of the House to secure redress of grievances through appropriations, but practically make it an exclusive power of the Senate. All this I admit may be done by a constitutional amendment only, as has been already done by the many States to which the gentleman from Connecticut [Mr. HAWLEY] referred the other day. I deny that this result can be accomplished by the adoption of a mere rule, intended only for the regulation of the proceedings of the House.

But even if the power to redress grievances through appropriation bills might be taken away by a rule, it seems to me it would be unmanly in any House, under any circumstances, at any time, to so surrender it. It would be a confession that the majority was afraid to legislate, an admission of its own inability to meet questions as they arise, and a proclamation of its own inefficiency. It would be a voluntary binding of its own hands. It would be shrinking from the responsibilities of legislation which each member assumes when he accepts the certificate of his election and the majority assumes when it organizes the House.

But how utterly inexcusable it would be for the House of Representatives in this Congress in the present exigency to surrender this power! In the extra session we entered into a contest which we knew would be protracted. The power we assailed was entrenched behind past legislation and present executive authority. We knew that we could not win in a day. Thus far in the contest we have learned the value of our power to control the purse. Through it, and through it only, we have won impartial juries and shorn the Army of much of its dangerous power. And now in the midst of the conflict it is proposed to abandon the power which has given us the partial victory. Astounding proposition! Surrender of the colors in the face of the foe, abandonment of the vantage-ground in the heat of the fight, these are offenses rarely excused in military warfare. They are absolutely without justification here when we are engaged in a contest for the liberties of the people, when their voices are temporarily silent except as we utter them, and when we have their colors in our hands at our own solicitation.

For one, I insist that the democratic majority of this House shall stand impregnably upon the Constitution; that it shall exercise every power that instrument has conferred for the people; and that least of all and last of all shall it abate one jot or tittle of its authority over the purse until every vestige of military power shall have disappeared from the peaceful States of this Union. [Applause.]

[Here the hammer fell.]

Mr. WARNER obtained the floor.

The CHAIRMAN. The Chair will remind the gentleman from Ohio [Mr. WARNER] that of the twenty minutes allowed by the House for debate on this proposition only two minutes remain.

Mr. WARNER. I regret that I have not more time; I hope my time may be extended.

I wish to say, Mr. Chairman, that I repudiate as undemocratic the doctrine that this House may rightly withhold appropriations from legitimate objects, necessary to the support of the Government, as a means of coercing the Senate or the executive branch of the Government.

Mr. FINLEY. I wish to ask the gentleman how he voted at the extra session on riders on appropriations. Did he not vote in favor of putting them on?

Mr. WARNER. I would vote again to reduce or, if need be, to shut off entirely an appropriation from a specific object for which I thought the appropriation ought to be reduced or stopped altogether, and to that end to change the law. That is a right this House clearly has, and I am the last member that would surrender that right. But to stop appropriations from objects about which there is no contention, as a means to compel compliance with some measure about which the majority of this House and the Senate or the Executive may differ, is quite a different proposition. Individual members may have so held and voted at the extra session, but the democratic party held to no such doctrine. It refused to take that position, and for one I will not be committed to it now.

The doctrine that we are to look to the Executive for a redress of grievances is utterly foreign to our system of Government. It was the old doctrine five hundred years ago or a hundred years ago that all powers of government were inborn in the king; and consequently when our forefathers got King John in a tight place they compelled him to give up some of his rights and vest them in the people, or rather, in certain great barons. In England it is true the people have said to the king time and again, "We will not let you have money; we will not levy taxes or give you revenues unless you will surrender to us some of the powers of government inherited by divine right, at least unless you will yield to us some privileges or secure to us some liberties." And this is consistent with the theory of the divine right of kings. But how utterly different our theory of government? With us government derives all its powers from the consent of the governed.

The President of the United States never possessed power not derived from the people, and I do not propose, myself, to recognize any other doctrine. All power in this country originates with the people. The Executive has no power, any more than this House has, except that which the people have given to him, and it is absurd to talk about compelling a redress of our grievances from that official. The people redress their own grievances in this country; and the President is as much responsible to the people as is the House of Representatives or Congress.

[Here the hammer fell.]

Mr. SPEER. I desire to offer the following as a substitute for the amendment of the gentleman from Alabama [Mr. LOWE] as sought to be amended by the gentleman from Iowa, [Mr. PRICE:]

But it shall be in order to strike out an amount of money appropriated in a bill and insert a less amount.

Mr. BLOUNT. I submit that this proposition is substantially the same thing that we have already voted on.

Mr. SPEER. It differs from the amendment heretofore offered.

Mr. BLOUNT. I submit that it is substantially the same.

Mr. GARFIELD. It is not identical.

Mr. BLOUNT. It is substantially so.

Mr. SPEER. The phraseology is different.

Mr. BLOUNT. But the idea is the same.

The CHAIRMAN. According to the present recollection of the Chair, this is the identical amendment proposed by the gentleman from Ohio and rejected in the committee when this question was last up.

Mr. GARFIELD. The Chair is mistaken. I said "sum of money." This is "amount of money," and markedly different.

Mr. TOWNSHEND, of Illinois. It is a difference without a distinction.

The CHAIRMAN. Will the gentleman from Ohio state that in his opinion this means anything different from the one he offered?

Mr. GARFIELD. That is for the House to judge. One is different; it is not identical, and that is what the rule turns on.

Mr. BLOUNT. I submit it to the Chair, and I do not think the Chair will have any difficulty in deciding it.

The CHAIRMAN. The Chair dislikes to pass upon the mere definition or significations of words when the committee is equally competent to do so. But it seems to the Chair this is identical——

Mr. GARFIELD. The rule is very clear that an identical proposition that has been voted down cannot be offered; but nothing is more common here in practice in the House than to strike out an unimportant word or make an unimportant change, and then it is in order.

Mr. BLACKBURN. Where does the gentleman find the word "identical" inserted in the rule?

Mr. GARFIELD. What is that?

Mr. BLACKBURN. I ask the gentleman from Ohio where he finds in any rule it must be identically the same proposition?

Mr. GARFIELD. I say the rule is so.

Mr. BLACKBURN. And I say there is no such word in the rule.

Mr. GARFIELD. A proposition consists of words, and if the words are the same it is the same proposition.

Mr. BLACKBURN. There is no such thing in the rules.

Mr. GARFIELD. And if it is not the same proposition it is in order.

Mr. REED. A proposition may be sometimes decided by the conclusion to which it would arrive if carried out. Now, if the proposition on the other side is carried out to its conclusion——

Mr. TOWNSHEND, of Illinois. I object to this debate if it is not in order, and it is not in order, in my judgment, as we have already closed debate.

The CHAIRMAN. The Chair desires to hear gentlemen on this question of order.

Mr. REED. If the proposition on the other side is carried out to its legitimate conclusion it would make the Chairman the interpreter of the meaning of amendments, and that assuredly cannot be the object of any rule of this House. If the language is different, it is for the House to determine whether the meaning is the same or not, not for the Chairman. I submit there is no other rule consistent with proper deliberation on the part of an assembly like this.

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACKBURN. Has the Chair ruled on the point of order raised by the gentleman from Georgia?

The CHAIRMAN. The Chair has intimated what his impression is, but has not made a final decision. The gentleman from Georgia,

who offered the amendment, desires to be heard on it, and the Chair will hear him.

Mr. SPEER. It seems to me there is a difference in the amendment I offer from the one disposed of by the committee. The one which was disposed of is this: "But shall be in order to strike out any sum of money in an appropriation bill and insert a less sum." That was "sum of money in an appropriation bill." This is, "But it shall be in order to strike out an amount of money appropriated in a bill."

The CHAIRMAN. What is the difference between "a sum of money" and an "amount of money?"

Mr. SPEER. Of course, it is the same thing, but it is not the same proposition.

Mr. BLACKBURN. Precisely the same.

Mr. SPEER. I submit it is for the House to say whether it is the same proposition.

The CHAIRMAN. Of course it is for the House or the committee, as the case may be, in every instance to revise the ruling of the Chair.

Mr. GARFIELD. Will the Chair let me make a suggestion as to a very decided matter of substance of difference in these two propositions?

The CHAIRMAN. The Chair would like to hear the gentleman.

Mr. RANDALL, (the Speaker.) If the gentleman is to debate the proposition, I should like to have a minute.

Mr. GARFIELD. I am not going to debate the merits at all. One of these propositions relates to an appropriation bill as such, namely, any one of the twelve regular bills, and the other relates to any appropriation in any bill. One of them, therefore, applies to all bills, whatever their character, containing an appropriation, and the other is confined to the twelve appropriation bills. If the Chair will observe, they are substantially different propositions as well——

Mr. ATKINS. There are more than twelve appropriation bills. Sometimes we have half a dozen deficiency bills, and those are appropriation bills also.

Mr. BLACKBURN. I rise to a parliamentary inquiry. What effect had the order of the House limiting all debate upon the third clause of this twenty-first rule and all amendments thereto to twenty minutes?

The CHAIRMAN. That relates to debate on the merits; but the Chair will hear discussion on the point of order. The Chair has listened to this discussion, as he is reluctant to take upon himself the authority of depriving the committee of the right to pass upon amendments; but the Chair is wholly unable to perceive any difference whatever between the words "amount of money" and "sum of money" in this connection. And as to the last point made by the gentleman from Ohio, this rule which is under consideration relates to general appropriation bills and to none other; and if this amendment were ingrafted, it would still refer only to general appropriation bills. The Chair decides that the point of order is well taken, and hopes that any gentleman who excepts to the ruling will take an appeal from the decision of the Chair to the committee.

Mr. GARFIELD. With the utmost respect to the presiding officer I appeal from that decision.

The CHAIRMAN. The gentleman from Ohio takes an appeal from the decision of the Chair, and the question before the committee is, Shall the decision of the Chair stand as the judgment of the committee? The Chair would prefer to have a division of the House on this question.

Mr. GARFIELD. Very well; I demand tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. BLACKBURN were appointed.

The House divided; and the tellers reported—ayes 129, noes 100.

So the decision of the Chair was sustained.

Mr. SPEER. I move the following amendment.

The Clerk read as follows:

But it shall be in order to strike out an amount of money appropriated in any bill for any purpose, passed or pending, and insert a less amount.

Mr. BLACKBURN. I make the same point of order on that amendment.

Mr. BLOUNT. And besides it is not germane.

Mr. BLACKBURN. It is not germane. It is substantially the same proposition.

Mr. BLOUNT. That does not relate to appropriation bills.

Mr. SPEER. It does not allude to appropriation bills. It alludes to any bill before the House making appropriations.

The CHAIRMAN. Debate is not in order.

Mr. SPEER. This does not refer to appropriation bills only.

Mr. RANDALL, (the Speaker.) Then it is not germane.

Mr. SPEER. But it refers to any bill before the House appropriating money. I offer that substitute now, and I think it is in order. It is substantially different from the amendment disposed of by the committee.

Mr. BLACKBURN. I will not go on extending the time of discussion at all. I will put the gentleman from Georgia on his candor, and ask him whether it is not substantially the same amendment disposed of by this Committee of the Whole once, and ruled out of order by the chairman a second time, and the action of the Chair in that matter sustained by the committee?

In the first place, the point of order is made against the amendment of the gentleman because it is not germane to the subject that is embraced in this clause of the rule. In the second place, the point of order is made it is not in order because it is (and no one will undertake to deny it) substantially and identically the amendment which has been once already disposed of by this committee, and a second time offered and ruled out by the Chair, and that ruling sustained by a very decided majority of the committee.

Mr. REED. Mr. Chairman, I think it is a very fair index of the confusion of mind prevailing on this subject that the gentleman from Kentucky should speak of a "substantially identical amendment." I congratulate the House on having decided that striking out a word and inserting another is not an amendment, but I certainly hope they will not go to the extent of saying that striking out a half a dozen words and inserting others is not an amendment.

Mr. BLACKBURN. I do not see anything in that to reply to. [Laughter.]

Mr. HASKELL. The gentleman from Kentucky says it is substantially the same amendment as the other, but there is no such language in the rule which compels the chairman to rule out another amendment which is substantially the same.

Mr. BLACKBURN. I do not wish to compel the chairman to do anything.

Mr. HASKELL. But I desire to call the attention of the gentleman from Kentucky to this fact, that it has been the practice from time immemorial when a sum of money, say, for instance, $10,000, is named in a bill, for a gentleman to rise and move to amend it by making it $9,999.99½. There never was a legislative body on earth or a parliamentary law promulgated by any man which would not compel the recognition of that proposition as an amendment which would be in order, and yet it is substantially the same thing.

Now, here is an amendment differing in the construction of it even Here is an amendment using entirely different words, and by what rule of parliamentary law is the Speaker of this House or the chairman of this committee to make himself a dictionary for the House? Does the rule say that it shall be substantially the same in order to rule it out? It says practically it shall not be the original one. Here is an amendment with five new words in it. Who is to judge of the interpretation of those words? Who is to be the dictionary for the House of Representatives? Is it the Speaker or the chairman of the Committee of the Whole that is to determine the difference in the legal effect of the words employed in an amendment?

I ask the gentleman from Kentucky if the statement I have made is not true, that where the sum of $100 occurs in a bill, and $99.99 is moved as an amendment, such an amendment is constantly entertained? The gentleman has only to let his mind run back over his long legislative experience to call up dozens of instances where these slight and immaterial amendments have been ruled to be in order.

Mr. BLACKBURN. I do not see half a cent's difference between these two. [Laughter.]

Mr. FRYE. I desire to say but a word. I call the attention of the Chair to the proposition made by the gentleman from Kentucky. That gentleman says this is almost the identical amendment offered before. He says it ought not to be allowed; first, because it is not germane to the subject-matter; and, second, because it is identically the same amendment. Now, nobody claims that the other amendment was not germane. The gentleman objected to it, but did not use the word "germane" at all in reference to it. The Chair recognized the other amendment as germane. The gentleman from Kentucky knows the other amendment was germane. And yet he has discovered such a difference between that amendment and this, which he says are identical, that this amendment is not germane.

Mr. BLACKBURN. I do not intend to enter into any dispute with my colleagues on the Committee on Rules. The gentleman from Maine knows very well that he is straying away from the fold in what he is doing now. But I wish to ask, does he not know the other amendment did not apply to all bills but simply to appropriation bills?

Mr. FRYE. Yes; and therefore it is not the same amendment.

Mr. BLACKBURN. Does the gentleman not know that this amendment in being made to apply to all bills is not germane to the clause on which it is sought to ingraft it? I put the gentleman on his candor, and ask him if he was in the chair would he not rule this amendment out of order as not being germane to the pending clause?

Mr. FRYE. What I would do if in the chair I do not know.

Mr. BLACKBURN. I do.

Mr. FRYE. But I do know this, that if I was chairman of the committee from whose fold I am wandering, I would not insist, first, that the amendment is not in order, because it is the identical amendment offered before; and, second, that it is not germane because it is not the identical amendment.

Mr. BLACKBURN. I do not propose to argue the matter any further. I simply mean, in one sentence, to restate the objection I made in submitting the point of order. The amendment offered by the gentleman from Georgia [Mr. SPEER] is amenable to the criticism passed upon it in that it is not germane to this clause of the rule; and, in the second place, it is amenable to the criticism passed upon it for the reason that any part of it that is germane, or that could possibly be admitted as germane as an amendment to this clause of this rule, has already been passed upon not once but twice by the committee.

Mr. GARFIELD. I desire to say a single word, in the first place, on the question of germaneness raised by my friend from Kentucky. What is this rule we are acting upon to which he says the amendment is not germane? It is Rule XXI, entitled "On bills"—bills before

the House of Representatives for action. The first and second clauses of this rule treat of certain features of bills. The third section is as to appropriation bills. The term "general appropriation bill" is used. But with a House of Representatives so addicted to retrenchment as this, if they object to applying the restrictions of this rule to any bills that have appropriations in them just because they are not general appropriation bills, they are making an exceedingly fine sight, in order to rule out this amendment on the point of germaneness.

In the next place, as to the identity of these propositions, the distinguished chairman of the committee seems to have ruled, and the gentlemen on the other side seem to have supported his ruling, that this House has no business to be consulted on a matter of style. I had supposed that, even if I approved the substance of a proposition, I had a right to rise and amend it in regard to its style or to suggest something about the grammar, something about rhetoric, something about words of many syllables or words of few syllables; and my friend from Georgia has now introduced a proposition that has at least five words different from the words of the other amendment. It may be with him a matter of style. I shall be sorry if Georgia cannot be permitted to have a voice on the floor of this House on a matter of style. This is one of the State rights I will defend. I have sometimes myself moved to strike out the last word, and I have known half a dozen other gentlemen move to strike out the same last word, and we have known that proposition to be voted on; but all at once an appeal is made to party discipline to prevent us from even correcting the style of an amendment. I think my distinguished friend in the chair will, on reflection, not rule that a change so important as that of five whole words is one which the gentleman from Georgia has not a right in his place as a member of the House to offer in the form of an amendment; and if we are acting on appropriations, then let us act on all appropriations, whether they be in any one of the twelve appropriation bills or any one of the two thousand other bills that appropriate money.

Mr. BLACKBURN. Will the gentleman allow me——

Mr. GARFIELD. Certainly. I am always ready to allow the gentleman almost anything he wants.

Mr. BLACKBURN. In order to make the gentleman's defense of the amendment now pending absolute and complete, will he allow me to read what he himself, as a member of the Committee on Rules, has very recently said in a unanimous report made accompanying this proposed revision of the rules?

Mr. GARFIELD. I think I remember it.

Mr. BLACKBURN. I will read it, with the gentleman's permission.

Mr. GARFIELD. I think it will be very good reading.

Mr. BLACKBURN. Here it is:

Under the present rule "a bill or resolution pending before the House" may be moved as an amendment to a pending proposition, if germane, by simply changing a word or two in no sense important or material, thereby accomplishing indirectly what the rules prohibit doing directly, a species of parliamentary legerdemain that certainly ought not to be countenanced or permitted by a rule.

[Great laughter and applause.]

Mr. GARFIELD. That is very good; but in the pending amendment there is a change of five words, which is more than "parliamentary legerdemain."

Mr. ROBESON. Will the gentleman from Kentucky [Mr. BLACKBURN] allow me a moment?

Mr. BLACKBURN. Certainly I will.

Mr. ROBESON. Are we not now acting under the rule which you say in your report permits that very thing?

Mr. BLACKBURN. We are.

Mr. ROBESON. Then is not this the same as that which the gentleman admits is in order under the present rule?

Mr. BLACKBURN. By no means, for it is not a word or two; but, according to the statement of the gentleman from Georgia [Mr. SPEER] offering the amendment, it is either five or six words.

Mr. ROBESON. Will the gentleman permit me a minute?

Mr. BLACKBURN. Certainly.

Mr. ROBESON. I desire only to ask the gentleman whether that is not the fault which the Committee on Rules finds with the present rules, and whether it is not conclusive that we have the right to make such an amendment as the rules now stand under which we are acting?

Mr. BLACKBURN. That would be the risk under the present rules, but not to the extent that this amendment goes.

The CHAIRMAN. The Chair thinks there is not very much difficulty about this question. The third clause of Rule XXI, as reported by the Committee on Rules, relates as it now stands to general appropriation bills alone. The amendments which have been offered heretofore, the one voted upon by the committee as well as the one which the Chair ruled out of order, did not propose to change the rule in that respect. But the amendment now sent up proposes to extend this provision to all bills which may appropriate money, and therefore in the opinion of the Chair it is quite different from the one heretofore offered and voted down, as well as the one offered and ruled out by the Chair.

Nor does the Chair think that he can rule this amendment out of order upon the ground that it is not germane to the particular clause under consideration. It is for the Committee of the Whole to say in what part of the reported revision of the rules it will insert any particular provision. The Chair can only rule a proposition out of order when in his opinion it is not germane to any part of the report of the Committee on Rules, or to any part of the subject-matter before the Committee of the Whole. The Chair therefore overrules the point of order and admits the amendment.

Mr. RANDALL, (the Speaker.) Is any debate allowable on this amendment?

The CHAIRMAN. The twenty minutes' time allowed by the House for debate on this clause and amendments thereto has expired.

Mr. RANDALL, (the Speaker.) I would like to have said a word. I wanted to say if I may be allowed to do so—— [Cries of "No!" "No!" on the republican side, and laughter.]

The CHAIRMAN. The amendment proposed by the gentleman from Georgia [Mr. SPEER] will be read.

The Clerk read as follows:

But it shall be in order to strike out an amount of money appropriated in any bill, for any purpose past or pending, and insert a less sum.

Mr. WARNER. I rise to make a parliamentary inquiry. Not having given particular attention—— [Cries of "Vote!" "Vote!"]

Mr. WARNER. I want to make a parliamentary inquiry, and I propose to make it.

The CHAIRMAN. Debate is not in order. [Renewed cries of "Vote!" "Vote!"]

Mr. WARNER. I do not propose to debate; I desire to inquire if an amendment to the amendment is in order?

The CHAIRMAN. Not at this time. The amendment proposed by the gentleman from Georgia [Mr. SPEER] is a substitute for the one proposed by the gentleman from Iowa, [Mr. PRICE.]

Mr. REED. Does that propose to strike out all of the third clause after the word "order?"

The CHAIRMAN. The proposition is to strike out all after the word "order," where it occurs in the last sentence of the third clause of Rule XXI, and insert what has been read by the Clerk. The question is upon the amendment of the gentleman from Georgia.

Mr. GARFIELD. Let us have tellers; we might as well have them first as last.

The CHAIRMAN. If there be no objection tellers will be ordered.

There was no objection, and Mr. SPEER and Mr. BLACKBURN were appointed as tellers.

The committee divided; and the tellers reported that there were—yeas 120, noes 121.

So the amendment of Mr. SPEER was not agreed to.

[Applause on the democratic side.]

Mr. ROBESON. I send to the desk an amendment which I desire to offer as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE.]

The Clerk read as follows:

Strike out all after the word "order," in the next to the last line of the third clause of the twenty-first rule; so that the last sentence of the clause will read:

"Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order."

The CHAIRMAN. This is an amendment to the text, not to the substitute now pending. It can be considered after the pending questions are disposed of.

Mr. ROBESON. I desire to offer it whenever it may be in order.

Mr. WHITE. I offer the following as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE:]

Strike out all after the word "order" and insert:

The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the different departments of the Government.

The CHAIRMAN was about to put the question on the amendment of Mr. WHITE, when

Mr. WHITE called for tellers.

Tellers were ordered; and Mr. WHITE and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 112, noes 117.

So the amendment of Mr. WHITE was not agreed to.

Mr. BAKER. I offer the following as a substitute for the amendment of the gentleman from Iowa, [Mr. PRICE:]

Strike out all after the word "order" and insert the following:

And that it shall not be in order to insert in any appropriation bill any provision changing existing law, except in reducing the amount of money to be appropriated.

Mr. BLOUNT. I submit that substantially this amendment has been voted on.

The CHAIRMAN. The Chair thinks that this is a different proposition in some respects from any amendment yet voted on.

Mr. STEPHENS. I call for tellers on agreeing to the amendment.

Tellers were ordered; and Mr. BAKER and Mr. BLACKBURN were appointed.

The committee divided; and the tellers reported—ayes 111, noes 120.

So the amendment of Mr. BAKER was not agreed to.

Mr. UPDEGRAFF, of Ohio. I move that the committee rise.

Mr. BLACKBURN. I ask what amendments are now pending?

The CHAIRMAN. The two pending amendments are that of the gentleman from Alabama [Mr. LOWE] and the substitute therefor offered by the gentleman from Iowa, [Mr. PRICE.]

Mr. BLACKBURN. We evidently cannot to-day get through the amendments which gentlemen desire to offer to this clause; so the committee may as well rise.

The motion of Mr. UPDEGRAFF, of Ohio, was agreed to, there being—ayes 135, noes 20.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CARLISLE reported that the Committee of the Whole had had under consideration the revision of the rules, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, joint resolution and bill of the following titles:

Joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia; and

An act (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YOCUM, for four days, on account of sickness in his family.

INTERNATIONAL POLAR CONGRESS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed:

To the House of Representatives of the United States:

In compliance with the resolution of the House of Representatives of the 5th instant, calling for any information which I may have received of the proceedings of the International Polar Congress convened in Hamburg, Germany, October 1, 1879, I transmit herewith a report from the Secretary of State on the subject.

R. B. HAYES.

WASHINGTON, *February* 16, 1880.

ORDER OF BUSINESS.

Mr. MARTIN, of Delaware. I move that the House adjourn.

Mr. MITCHELL. I ask unanimous consent to have taken from the Speaker's table, for present action, the bill (S. No. 631) donating six condemned cannon and cannon-balls to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes.

Mr. MARTIN, of Delaware. I call for the regular order.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: The petitions of citizens of Saint Clair County, Michigan, and of citizens of Anderson County, South Carolina, for legislation for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petitions of citizens of Anderson County, South Carolina, and of citizens of Saint Clair County, Michigan, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BAYNE: The petitions of H. L. Morrison, mayor of Ashtabula, Ohio, and others, citizens of Ohio and Pennsylvania; and of the New York and Cleveland Gas-coal Company; John Scott and 53 other associations, firms, and individuals of Pittsburgh, Pennsylvania, for an appropriation of $50,000 for extending the piers of Ashtabula Harbor as recommended by the United States engineer in charge—to the Committee on Commerce.

By Mr. BEALE: Memorial of colored soldiers of Northampton County, Virginia, for the passage of the equalization bounty bill—to the Committee on Military Affairs.

By Mr. BRENTS: The petition of citizens of Colville, Washington Territory, for a military telegraph line between Pomeroy and Fort Colville, in said Territory—to the Committee on Appropriations.

By Mr. BREWER: The petition of Lewis J. Putnam, for pay as an officer in the United States Army—to the Committee on Military Affairs.

Also, the petition of George A. Clarkson, Orin D. Stephens, and 18 other ex-soldiers, of Milford, Michigan, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. BRIGHAM: Papers relating to the pension claim of Sophia Ohlenschlager—to the same committee.

By Mr. BURROWS: The petitions of citizens of Lawrence and Van Buren Counties, Michigan, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Van Buren County, Michigan, for the amendment of the patent laws—to the Committee on Patents.

By Mr. CRAVENS: The petition of J. H. Huckleberry, to be relieved from paying an amount in default as mail contractor—to the Committee on the Post-Office and Post-Roads.

By Mr. HORACE DAVIS: Three petitions of citizens of California, for the abolition of the duty on printing-type—to the Committee of Ways and Means.

By Mr. DEUSTER: The petition of Ball & Goodrich, A. Dahlman & Co., and 11 other business firms of Milwaukee, Wisconsin, for legislation to prevent the traffic in adulterated food—to the Committee on Manufactures.

By Mr. DICKEY: The petition of C. Woodmansee and 81 others, of Clinton County, Ohio, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of H. W. McFadden and 54 others, of Clinton County, Ohio, for a revision of the patent laws—to the Committee on Patents.

By Mr. DUNNELL: The petitions of Alexander Mitchell, president Chicago, Milwaukee and Saint Paul Railroad Company; of Albert Keep, president Chicago and Northwestern Railroad Company; of A. B. Stone, president Saint Louis, Keokuk and Northwestern Railroad Company, and of E. F. Hatfield, jr., president Green Bay and Minnesota Railroad Company, against a reduction of the duty on steel rails from $28 to $10 a ton, as proposed in House bill No. 3234—to the Committee of Ways and Means.

By Mr. FELTON: The petition of John Landow, that the southern claims commission be authorized to give his disallowed war claim a rehearing—to the Committee on War Claims.

By Mr. GARFIELD: The petitions of James Callery, president Pittsburgh and Western Railroad Company; of M. E. Ingalls, president Indianapolis, Cincinnati and La Fayette, and Cincinnati, La Fayette and Chicago Railroad Companies; and of J. N. McCullough, vice-president Pennsylvania Company, and Pittsburgh, Cincinnati and Saint Louis Railroad Company, against a reduction of the duty on steel rails from $28 to $10 a ton as proposed in House bill No. 3234—to the Committee of Ways and Means.

Also, the petition of 46 soldiers of Hocking County, Ohio, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. GILLETTE: The petition of Charles Stuart and 32 others, citizens of Jackson County, Iowa, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

By Mr. HASKELL: The petition of J. N. Sweeny and others, of Galena, Kansas, for the passage of the Weaver bill—to the Committee on Military Affairs.

Also, the petition of J. U. Gasaway and other citizens of Miami County, Kansas, that Congress regulate freights and fares on railroads and protect interstate commerce—to the Committee on Commerce.

By Mr. HERNDON: The petition of Thomas L. Harrison, of Mobile, Alabama, for the removal of his disabilities under the fourteenth amendment of the Constitution—to the Committee on the Judiciary,

By Mr. HUBBELL: The petition of Carrie C. Grisman, Ella Briggs, and other citizens of Manistee, Michigan, for an amendment to the Constitution of the United States securing woman suffrage—to the same committee.

By Mr. KELLEY: The petitions of R. A. Packer, general superintendent Pennsylvania and New York Canal and Railroad Company; of G. B. Roberts, vice-president Pennsylvania Railroad Company; of Henry Wood, president Philadelphia and Baltimore Central Railroad Company; of E. C. Knight, president Central Railroad of New Jersey, and Delaware and Bound Brook Railroad Company; of F. B. Gowen, president Philadelphia and Reading Railroad Company, and of F. A. Comly, president North Pennsylvania Railroad Company, against a reduction of the duty on steel rails from $28 to $10 a ton as proposed in House bill No. 3234—to the Committee of Ways and Means.

By Mr. KILLINGER: The petition of Dr. W. J. Haas, for pay for medical attendance and medical stores furnished United States soldiers during the late war—to the Committee on War Claims.

By Mr. LAPHAM: The petition of Matthew Herington, for a pension—to the Committee on Invalid Pensions.

By Mr. McCOID: The petition of citizens of Henry County, Iowa, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Henry County, Iowa, for the amendment of the patent laws—to the Committee on Patents.

By Mr. McGOWAN: The petition of Frederick H. De Pue and 80 others, of Branch County, Michigan, against a change of the laws for the examination of pensions—to the Committee on Invalid Pensions.

By Mr. McKINLEY: The petition of Thomas Vaughan and 100 others, citizens of Stark County, Ohio, for the amendment of the patent laws so as to protect innocent purchasers and users—to the Committee on Patents.

Also, the petition of Thomas Van Horn and 220 others, citizens of Stark County, Ohio, for the enactment of a law to provide against freight discriminations and prevent fluctuations in freight charges—to the Committee on Commerce.

By Mr. McLANE: The petition of James Hooper, that he be paid out of the Geneva award fund for a vessel destroyed by the confederate cruiser Florida during the late war—to the Committee on the Judiciary.

By Mr. MONROE: The petition of W. H. Pearce, publisher of the Oberlin News, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. MORRISON: The petition of T. B. Blackstone, president Chicago and Alton Railroad Company, against a reduction of the duty on steel rails from $28 to $10 a ton as proposed in House bill No. 3234—to the same committee.

By Mr. MORTON: Memorial of Arnold, Constable & Co., of New

York, and others, for the passage of national bankrupt law—to the Committee on the Judiciary.

By Mr. MURCH: The petition of George W. McIntyre and 40 others, citizens of Vinalhaven, Maine, against the passage of Senate bill No. 496, as unjust to the pensioners of the late war—to the Committee on Invalid Pensions.

By Mr. OVERTON: The petition of John Piollet and 21 others, citizens of Bradford County, Pennsylvania, for the passage of a bill to regulate commerce between the States—to the Committee on Commerce.

Also, the petition of L. J. Culver and 21 others, citizens of Bradford County, Pennsylvania, that the patent laws be so amended that manufacturers and vendors be alone responsible for the infringement of patents—to the Committee on Patents.

Also, the petition of E. G. Owen and 20 others, citizens of Bradford County, Pennsylvania, for the passage of a bill creating a department of agriculture, as reported by the Committee on Agriculture—to the Committee on Agriculture.

By Mr. PHELPS: The petition of G. St. J. Sheffield, vice-president New Haven and Northampton Railroad Company, against a reduction of the duty on steel rails from $28 to $10 a ton, as proposed in House bill No. 3234—to the Committee of Ways and Means.

Also, the petition of George C. Church, of Pittsfield, Massachusetts, and others, for the abolition of duties on chrome iron ore and bichromate of potash—to the same committee.

By Mr. REED: The petition of Benjamin F. Wells and others, of Wells, Maine, for a life-saving station at Wells Beach—to the Committee on Commerce.

By Mr. SPEER: The petition of citizens of Dawson County, Georgia, for a post-route from Amicolola, via Juno and Bethel Camp Ground, to Dawsonville, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. STONE: The petitions of Lewis Nash and 20 others, of L. L. McPherson and 20 others, and of D. O. Shear and 162 others, citizens of Kent County, Michigan, for such laws as will relieve the people from the oppressions imposed upon them by transportation monopolies—to the Committee on Commerce.

Also, the petitions of L. L. McPherson and others, of D. O. Shear and 162 others, and of Lewis Nash and 18 others, citizens of Kent County, Michigan, for the amendment of the patent laws, so as to protect innocent users of patented articles—to the Committee on Patents.

By Mr. WILLIAM G. THOMPSON: The petition of William Coop and 25 soldiers of Iowa, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. J. T. UPDEGRAFF: The petition of James A. Sheppard and 210 others, citizens of Belmont County, Ohio, against railroad monopolies—to the Committee on Commerce.

By Mr. VALENTINE: The petition of honorably discharged soldiers engaged in the late war for the Union, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of stock-raisers in Nebraska, relative to the passage of laws concerning diseases among domestic animals—to the Committee on Agriculture.

By Mr. WARNER: The petition of George R. Gear and 12 others, citizens of Marietta, Ohio, that the necessary steps be taken to prevent white settlers from encroaching upon the lands of the Indian Territory, and to secure to the Indians the rights guaranteed to them on the faith of the nation—to the Committee on Indian Affairs.

By Mr. CHARLES G. WILLIAMS: The petition of O. B. Ford and 231 others, citizens of Janesville, Wisconsin, for the establishment of a reservoir at Lake Horicon, in said State, to supply water to the Mississippi River—to the Committee on Commerce.

By Mr. WILLITS: The petition of H. C. Packard and 28 others, citizens of Washtenaw County, Michigan, for legislation for the relief of innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petition of H. C. Packard and 28 others, citizens of Washtenaw County, Michigan, for legislation for relief against transportation monopolies—to the Committee on Commerce.

By Mr. WRIGHT: The petition of Perry Engle and 117 others, citizens of Newton, Iowa, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

Also, the petition of Henry Brown and 155 others, soldiers and sailors of the late war, of Snyder County, Pennsylvania, for the passage of a law allowing them the difference between the value of gold and greenbacks for their services—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *February* 18, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a message of the President of the United States, transmitting, in compliance with a resolution of the Senate of the 19th of January, a report from the Secretary of State upon the American-Spanish claims commission; which was ordered to lie upon the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the Senate of the 22nd of January, in relation to furnishing Indian supplies, a communication from the acting Commissioner of Indian Affairs, together with copies of all replies received from members of the board of Indian commissioners; which, on motion of Mr. TELLER, was ordered to lie upon the table and be printed.

GENEVA AWARD—FITZ-JOHN PORTER.

Mr. THURMAN. I desire to give notice that on Monday next, at the end of the morning hour, I shall move to postpone all prior orders and proceed to the consideration of the bill (S. No. 1194) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unappropriated moneys of the Geneva award.

Mr. RANDOLPH. I desire to say to my friend from Ohio that I have already given way in several instances for the consideration of other bills, having given notice myself that I would ask the Senate to take up the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army. The understanding was had between the Senator from Indiana [Mr. MCDONALD] having in charge the pending special order and myself—and I think it was the understanding of the Senate—that immediately following the disposition of the pending bill—the 5 per cent. bill—the case of General Porter should come up. That has been the expression had in various ways when the Porter bill has come before the Senate; and I desire now to give notice that immediately after the present bill is disposed of I shall attempt at least to press the case of General Porter.

Mr. THURMAN. At the request of the Senator from Massachusetts, [Mr. HOAR,] who is compelled to be absent next Monday, and who wishes to address the Senate on the Geneva award bill when it is next taken up, I will change my notice, and give notice that I shall move on Tuesday next, at the morning hour, to take up that bill.

Mr. RANDOLPH. Before we proceed to the Calendar, can it not be understood that the Geneva award bill shall follow the Porter bill, which I have particularly in charge? Would that arrangement be satisfactory to the Senator from Ohio?

Mr. THURMAN. I cannot make that agreement. The Geneva award bill has been put in my charge. It involves large interests, very large interests indeed. The Committee on the Judiciary, without any just reason, however, have been complained of that they did not push this matter as fast as it ought to be pushed; and we are overwhelmed with letters now from people who think they are entitled to some of this money, all sorts and conditions of people, urging us to proceed with the bill. Let the decision of the Senate be had upon this subject, whether in favor of this bill or some other measure; let there be a decision. It is, I must say, in my judgment something very nearly approaching a disgrace to this Government that this money has not been distributed long before this day. Under these circumstances, with this pressure upon me, it is a duty I owe to the committee whose organ I am, and also to the public, to insist that the bill shall be taken up at that time. If the Senate should not think so, if it should prefer to proceed with something else, of course such will be the vote of the Senate.

Mr. RANDOLPH. There is a special order which is to follow the bill that is now under consideration as the unfinished business of the Senate. The Senator from Ohio does not recognize that fact. I have given notice from day to day and from time to time, that immediately upon the completion of the unfinished business, I shall ask for the consideration of the case of General Porter. I admit the importance of the Geneva award bill, but I can say to the Senator from Ohio that notwithstanding the magnitude of the interests involved in the Geneva award, in my estimation, the case that I am urging the Senate to consider involves something more than money. It involves, in my judgment, the honor of the Government.

Mr. HOAR. I understand the notice of the Senator from Ohio relates to Tuesday. Has not the Senator from New Jersey all of this week and next Monday for the consideration of the Fitz-John Porter case?

Mr. RANDOLPH. If the unfinished business can be disposed of, I should be very glad to have the Fitz-John Porter case considered within that time. Day after day, for the last ten days the promise has been given that General Porter's case should come up, but for one reason or another, and I need not detain the Senate by stating what those reasons are, the case has not been reached, and now I am threatened, so to speak—not to use a discourteous expression—by my friend from Ohio with an order by which the Porter bill will be still longer delayed.

Mr. LOGAN. I desire, representing a very small portion of the Committee on Military Affairs on this question, to say that so far as the Geneva award bill is concerned of course it is important; but I may say the same in reference to every question before the Senate. I cannot see the distinction Senators make between certain classes of cases. The Senate has agreed twice by unanimous consent to take up the bill mentioned by the chairman of the Military Committee so soon as the question should be decided which is now the unfinished business of the Senate; and I say to the Senator from Ohio that when the case of General Porter is decided I for one will support him in attempting to bring the Geneva award bill before the Senate, and having that matter also decided at an early day.

PETITIONS AND MEMORIALS.

Mr. THURMAN presented the memorial of J. N. McCullough, vice-president of the Pennsylvania Company, and of the Pittsburgh, Cincinnati and Saint Louis Railroad Company, representing thirty-seven hundred and thirty-six miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 per ton, as proposed in House bill No. 3234; which was referred to the Committee on Finance.

Mr. RANDOLPH presented the memorial of E. F. Hatfield, jr., secretary and treasurer of the Sussex Railroad Company, representing thirty-four miles of railroad, and the memorial of Charles Hartshorne, president of the Lehigh Valley Railroad Company, representing three hundred and three miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 per ton; which were referred to the Committee on Finance.

Mr. KERNAN. I present the petition of J. O. Driscoll, a soldier in the Eighty-eighth Regiment New York Volunteers, praying that he be granted a pension of the grade of captain. The petition is accompanied by papers showing that he was commissioned a captain and commanded his company in action, but was conditionally mustered in as a second lieutenant in order to act as a recruiting officer. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WINDOM presented the memorial of E. F. Hatfield, jr., president of the Green Bay and Minnesota Railroad Company, representing two hundred and forty-four miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton, as proposed in House bill No. 3234; which was referred to the Committee on Finance.

Mr. ROLLINS presented the petition of Judge E. L. Cushing and others, citizens of Cheshire County, New Hampshire; the petition of Ira Colby and others, citizens of Sullivan County, New Hampshire; the petition of Levi W. Barton and others, citizens of Sullivan County, New Hampshire; the petition of Judge George A. Bingham and others, citizens of Grafton County, New Hampshire, and the petition of Thomas J. Whipple and others, citizens of Belknap County, New Hampshire, praying for the removal of the United States circuit and district courts from Exeter to Concord in that State; which were referred to the Committee on the Judiciary.

Mr. FERRY presented the petition of J. P. Dobbins and others, superintendents of life-saving stations in the States of Michigan and New York, praying for an increase of salary; which was referred to the Committee on Commerce.

He also presented the petition of M. W. Fairfield and others, citizens of the third congressional district of Michigan, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BLAIR presented the petition of Mary A. Powers Filley and others, of Grafton County, New Hampshire, praying for an amendment to the Constitution granting to women the right to vote; which was referred to the Committee on the Judiciary.

He also presented the petition of George A. Douglas and others, members of the Grand Lodge of Good Templars of Montana, representing six hundred members, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

He also presented the petition of the Grand Council of the Royal Templars of Temperance of Pennsylvania, representing several thousand families of that Commonwealth, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic and for restrictive legislation upon the subject; which was referred to the Committee on Finance.

He also presented a petition, signed by the pastors of the First Baptist church, of the First Presbyterian church, of the Methodist Episcopal church, the rector of the Episcopal church, and of the Evangelical church, the lieutenant-governor of the State of Pennsylvania, and by one of the presiding judges of the courts, and by citizens of Warren County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Finance.

Mr. BLAIR. I take this occasion to earnestly commend these numerous petitions to the attention of the Committee on Finance of the Senate.

Mr. CAMERON, of Pennsylvania, presented the petition of Dilworth & Brothers, citizens of Pittsburgh, Pennsylvania, praying Congress to take such measures as will prohibit the use of deleterious compounds in the adulteration of food; which was referred to the Committee on Finance.

Mr. McMILLAN. I have in my hand a protest against the construction of a bridge across the Detroit River at the city of Detroit, signed by a large number of the owners of vessels navigating that stream and the lakes on our northern boundary; persons who reside in Canada. As I am advised, the petition is not one to be presented to the Senate; but as the petitioners are engaged in the navigation of those great lakes and the river to be affected by the construction of the bridge, and are interested in their commerce, I desire to call the attention of the Committee on Commerce to the fact that the citizens of Canada as well as of our own country are largely interested in the commerce to be affected by that bridge, and are opposed to its construction.

Mr. HILL, of Georgia. I am requested to present to the Senate resolutions adopted by a convention of colored citizens held in the city of Savannah, county of Chatham, State of Georgia, concerning the Freedman's Bank. The memorialists especially desired that the resolutions which they adopted at that convention should be read in the Senate. I request that the preamble and resolutions be read, and, with the proceedings of the convention, referred to the Select Committee on the Freedman's Savings and Trust Company.

The preamble and resolutions were read, and referred to the Select Committee on the Freedman's Savings and Trust Company, as follows:

Whereas a large number of the colored people of this and other counties deposited money in the Freedman's Bank, and lost their money by the failure of said bank, and are now in a destitute condition; and

Whereas the colored people, in placing or depositing their money in said bank, did so under the impression that said bank was not only chartered by the Government, but was actually owned by the Government, and that their deposits were guaranteed by the good faith of the nation; and

Whereas they have awakened to the sad reality that by mismanagement or misconduct of the parties in charge their hard earnings have been almost swept away from them; and

Whereas they have been informed through the papers, and more particularly from a letter received by Abraham Burke, of this city, from Hon. M. P. O'CONNOR, of Charleston, South Carolina, Representative from that State in the present Congress, that the said Mr. O'CONNOR had offered a bill in the House of Representatives, the provisions of which is for the Government to take the assets and assume the liabilities of the said bank: Therefore,

Be it resolved, That we, the colored people of the county of Chatham and State of Georgia, in convention assembled, do most heartily indorse the action of Hon. M. P. O'CONNOR, of South Carolina, and assure that gentleman that his name shall at all times be cherished with the deepest devotion and affection by the freedmen of the South.

Resolved further, That we do most earnestly and respectfully ask the Senators and Representatives in Congress to pass the said bill, which will be doing justice to the poor freedman and at the same time bring to many hearth-stones happiness and plenty where there is now only desolation and want.

Resolved further, That in order that these resolutions may reach the Senators and Representatives of Congress, the secretaries of this convention are instructed to furnish a copy to Hon. M. P. O'CONNOR and also to the Senators and Representatives of the State of Georgia, respectfully asking them to have it read in the Senate and House of Representatives.

Mr. HARRIS presented the petition of Francis E. Stewart, of Davidson County, Tennessee, administratrix of the estate of Michael S. Stewart, deceased, praying compensation for cord-wood sold and delivered to quartermasters of the United States Army by her late husband; which was referred to the Committee on Claims.

Mr. MORGAN presented a memorial of citizens of Philadelphia, praying for the substitution of United States legal-tender Treasury notes for notes of national banks, and remonstrating against any law impairing the quality or reducing the quantity of United States Treasury legal-tender notes; which was ordered to lie on the table.

Mr. PENDLETON presented the petition of C. M. Schwarz, vice-president of the Mississippi Valley Cane-Growers' Association, and others, citizens of Illinois; the petition of A. J. Berry, sr., and others, citizens of Collinsville, Alabama; the petition of John A. Richards and others, citizens of Lenawee County, Michigan; the petition of Valentine Hamman and others, citizens of Indiana; the petition of Thomas Scantlin & Sons and others, citizens of Evansville, Indiana; the petition of R. Parker and others, citizens of Jasper County, Indiana; the petition of Ralph Collins and others, citizens of Indiana; the petition of Richard Webster and others, citizens of Chatham County, North Carolina; the petition of R. F. Jones and others, citizens of Clinton, Kentucky; the petition of John F. Ball and others, citizens of Meridian, Mississippi; the petition of C. H. Dyer and others, citizens of Chattanooga, Tennessee; the petition of Charles Wilkerson and others, citizens of Texas; the petition of W. L. Bright and others, citizens of Arkansas and Texas; the petition of W. B. Foster and others, citizens of Hope, Arkansas; the petition of B. F. Atkinson and others, citizens of Fort Smith, Arkansas; the petition of O. A. Campbell and others, citizens of Eagle City, Minnesota; the petition of John Sickler and others, citizens of Fairmount, Minnesota; the petition of Isaac Crisman and others, citizens of Iowa County, Iowa; the petition of M. P. Wells and others, citizens of Ohio, and the petition of J. J. Wayt and others, citizens of Bainbridge, Nebraska, praying for the passage of a bill for the relief of Daniel M. Cook; which were referred to the Committee on Patents.

Mr. BOOTH presented a joint resolution of the Legislature of California in favor of an appropriation by Congress for the completion of the iron-clad Monadnock; which was referred to the Committee on Naval Affairs, and ordered to be printed in the RECORD.

The resolution is as follows:

Assembly joint resolution No. 2, relative to the protection of the commercial interests of the Pacific Coast.

Whereas, owing to the great extent of the Pacific coast, the distance from the seat of Government, and great exposure of our commerce in case of war, and the inability of the Government at the present time in such emergency to supply us with proper protection on account of an insufficiency in the number of its war vessels, and as the great, important harbors of the Atlantic coast are amply provided with iron-clads and floating batteries: Therefore,

Be it resolved by the assembly, (the senate concurring,) That our Senators and Congressmen are hereby requested to use their utmost endeavors to obtain an appropriation by Congress for the completion of the United States iron-clad Monadnock, now in course of construction at Vallejo.

Resolved, That the governor be requested to transmit a copy of this resolution to each of our Senators and Congressmen.

J. F. COWDERY,
Speaker of the Assembly.
JNO. MANSFIELD,
President of the Senate.

Mr. LOGAN presented the petition of Joseph Perkins and others, citizens of Illinois, and soldiers during the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of Erastus Scales and other soldiers, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

He also presented the petition of W. H. Grinnell and others, citizens of Illinois, praying for a commission of investigation into the cause and treatment of disease in domestic animals; which was referred to the Committee on Agriculture.

Mr. LOGAN. I present resolutions of the Union Veteran Club of Chicago in reference to a bill that is before Congress, which I ask to have read at length.

The resolutions were read, and referred to the Committee on Finance, as follows:

Resolved by the Union Veteran Club, of Chicago, an organization numbering about one thousand men, who served in the Union Army during the late war, That we deem it unwise and inexpedient to pass the bill now pending in Congress known as the "Weaver bill," for the reason that in our judgment it will tend to disturb the business interests of the country.

Resolved, That we hereby request the Representatives in Congress from this State to vote against the passage of this bill, and that the corresponding secretary send a copy of these resolutions to Senators LOGAN and DAVIS, and to Representatives ALDRICH, DAVIS, and BARBER.

The foregoing is a true copy of resolutions adopted by a unanimous vote of the Chicago Union Veteran Club, at a regular meeting held February 9, 1880.

J. S. CURTISS,
Recording Secretary Chicago Union Veteran Club.

Mr. WHYTE. I present certain resolutions of the Corn and Flour Exchange of the City of Baltimore, which although addressed to me personally, are really intended to be laid before the Senate, urging the passage of the bill now pending in the House of Representatives for the establishment of a marine hospital in or near the city of Baltimore. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. WHYTE presented a memorial of John E. Bowman, Isaac N. James, and other citizens of Washington County, Maryland, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

He also presented the memorial of Henry Wood, president of the Philadelphia and Baltimore Central Railroad Company, representing fifty-seven miles of railroad, remonstrating against a reduction of the duty on steel rails from $28 to $10 a ton; which was referred to the Committee on Finance.

Mr. WHYTE. I also present the memorial of A. H. Henderson and others, late employés of the Baltimore City post-office, complaining of certain grievances, and asking the redress of the same. From the character of the memorial I think it ought to go to the Committee on Civil Service and Retrenchment, and I move that reference.

The motion was agreed to.

Mr. CARPENTER presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to complete the breakwater and harbor at the entrance to the harbor of refuge in Sturgeon Bay, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD.

The memorial is as follows:

Memorial to Congress for an appropriation to complete the breakwater and harbor at the entrance to the harbors of refuge in Sturgeon Bay, Wisconsin.

To the Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the Sturgeon Bay and Lake Michigan Ship-Canal is nearly completed, its final completion being contemplated during the year 1880.

That the United States Government began the building of a breakwater at the entrance to said canal in 1873, the estimated cost of which was $180,000, and of which sum there remains unappropriated $70,000.

That the safety of the entire shipping and commercial interests tributary to the western shore of Lake Michigan, between Manitowoc and Bailey's Harbor, a distance of eighty miles of coast, is entirely unprotected, and requires an early completion of said breakwater and harbor in order to render it available on completion of said canal.

Your memorialists therefore respectfully ask Congress to appropriate the remainder of said estimate at the present session of Congress, so that the work already commenced may be completed at an early day.

Resolved, That his excellency the governor be requested to transmit certified copies of this memorial to each of the Representatives in Congress from the State of Wisconsin.

J. M. BINGHAM,
President of the Senate.
ALEX. A. ARNOLD,
Speaker of the Assembly.

Mr. CONKLING. I present the petition of Elizabeth Vernon Henry of the State of New York, who is, I may say, the daughter of one of the most eminent men and lawyers of his time, praying for a pension by reason of the death of a brother in the naval service. I move its reference to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 87) for the relief of John J. Key and W. G. M. Davis, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 509) to amend the practice of the courts of the United States in suits against municipal corporations by abolishing the use of writs of mandamus in certain cases, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. FERRY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 397) for the relief of certain naval officers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 553) for the relief of Elisha Bass, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. CARPENTER, from the Committee on the Judiciary, to whom was referred the bill (S. No. 999) to provide for the appointment of official stenographers for the circuit and district courts of the United States, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of 35 attorneys of Jackson County, Michigan, praying for the passage of Senate bill No. 999, providing for the appointment of stenographers in the United States courts, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. No. 1309) to provide for the appointment of official stenographers for the courts of the United States, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of members of the bar practicing in the United States courts in the southern and eastern districts of New York, praying for the employment of stenographers in the United States courts, reported adversely thereon, and the committee were discharged from the further consideration of the petition.

Mr. MAXEY, from the Committee on Military Affairs, who were instructed by a resolution of the Senate to inquire into the expediency and propriety of such legislation as may be necessary to establish a retired list of non-commissioned officers of the United States Army for a certain class named in the resolution, reported a bill (S. No. 1331) to authorize a retired list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward; which was read twice by its title.

Mr. THURMAN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 735) extending the jurisdiction of the circuit courts of the United States, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PRYOR, from the Committee on Claims, to whom was referred the bill (S. No. 1059) for the relief of George D. C. Hibbs, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 850) to provide a commission for the adjudication of damages to the Norwegian bark Atlantic by collision with the United States steam sloop of war Vandalia and for payment of any award made by said commission, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred a joint resolution of the Legislature of the State of Michigan, expressing opposition to the enactment of any law limiting the jurisdiction of the courts of the United States in proceedings against municipal corporations of any State by the citizens of another State, to report it back, with the request that the committee be discharged from its further consideration. It is merely a protest against action, and being possessed of the views of the Legislature, the committee desire to get the memorial off its calendar.

The report was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 476) for the relief of Thomas M. Simmons, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 616) to promote the efficiency of the Navy, reported it with an amendment.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 539) in relation to gifts, devises, and bequests to the United States, and the bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis, reported adversely thereon, and the bills were postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland, reported it without amendment.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1033) to authorize the President to detail an officer of the Navy or the Marine Corps to perform the duties of solicitor and judge-advocate-general, &c., and to fix the rank and pay of such officer, reported it with amendments.

Mr. GROOME, from the Committee on Claims, to whom was referred the bill (S. No. 374) for the relief of James A. Heard, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 281) for the relief of Emma G. Nelson, executrix, and Aaron H. Nelson, executor, of the estate of W. F. Nelson, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HEREFORD, from the Committee on Claims, to whom was referred the petition of Arthur Connell, of Houston, Texas, praying payment of rents received by the United States from his property in the city of Memphis and appropriated for public use, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

RELIEF FOR SUFFERERS IN IRELAND.

Mr. JONES, of Florida. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. No. 80) authorizing the Secretary of the Navy to equip and furnish a vessel for the purpose of conveying contributions to the suffering in Ireland, to report it with an amendment in the nature of a substitute, and I ask for its present consideration.

The VICE-PRESIDENT. The joint resolution will be reported for information.

The Chief Clerk read the joint resolution.

The VICE-PRESIDENT. The Senator from Florida asks the Senate to consider the joint resolution at this time. Is there objection?

Mr. EDMUNDS. I should like to hear the proposed amendment read, to see whether the joint resolution ought to be considered now.

The VICE-PRESIDENT. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out all after the resolving clause of the joint resolution, and in lieu thereof to insert:

That the Secretary of the Navy be, and he is hereby, authorized to employ any ship or vessel belonging to the Navy of the United States best adapted for such service, for the purpose of transporting to the famishing poor of Ireland such contributions as may be made for their relief, or to charter and employ, under the authority of the United States, a suitable American ship or vessel for the same purpose. Any sum of money which may be necessary to carry out the object of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CONKLING. Is this reported by a committee?

The VICE-PRESIDENT. It is reported from the Committee on Naval Affairs. The Chair hears no objection, and the joint resolution is before the Senate as in Committee of the Whole. The question is upon agreeing to the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland."

EULOGIES UPON REPRESENTATIVE CLARK.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark, deceased, to report it without amendment and recommend its passage, and also to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FERRY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1332) to aid in the construction of the Sault Ste. Marie and Marquette Railroad; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MCDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1333) granting an increase of pension by way of arrears to Maria A. Rousseau; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALLACE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1334) for the relief of Charles H. Frank; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1335) to amend section 2261, chapter 4, title 32, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 81) to make the 23d of February, 1880, a legal holiday in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 82) authorizing the Secretary of State to purchase the manuscript of a revised edition of the Consular Regulations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Appropriations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers in the matter of the claim of Francis E. Stewart be taken from the files of the Senate and referred to the Committee on Claims, there having been an adverse report, subsequent to which an additional petition, with additional evidence, has been presented.

On motion of Mr. FERRY, it was

Ordered, That the papers in the matter of the claim of Rector and Russell to the Hot Springs reservation be taken from the files of the Senate and referred to the Committee on Private Land Claims.

DISTRICT POLICE FORCE.

Mr. BLAIR submitted the following resolution; which was read:

Whereas by section 354 of the Revised Statutes relating to the District of Columbia, it is provided that "no person shall be appointed as policeman or watchman in said District who has not served in the Army or Navy of the United States and received an honorable discharge;" and

Whereas it is alleged that said statute has been and is now being violated, and that persons are now serving by appointment as such policemen and watchmen who never served in the Army or Navy of the United States: Therefore,

Resolved, That the commissioners of the District of Columbia be directed to furnish for the use of the Senate a full and specific statement of the name, age, place of nativity, and date of appointment of each policeman and watchman belonging to the police force of this District; also of the service of each in the Army or Navy of the United States, and whether honorably discharged therefrom; also whether any other, and, if so, what other, military or naval service has been performed by each person on the police force, and whether any person has been at any time within two years last past appointed who has not served in the Army or Navy, and, if so, the reasons for such violation of law and the names of all persons so appointed.

Mr. BLAIR. I ask for immediate action upon the resolution.

The VICE-PRESIDENT. Is there objection?

Mr. THURMAN. I object.

Mr. WHYTE. Let it lie over.

The VICE-PRESIDENT. The resolution goes over under the rule.

Mr. EDMUNDS. I ask that it be printed.

The VICE-PRESIDENT. The resolution will be printed.

PUBLIC LANDS IN MICHIGAN.

Mr. FERRY. I ask for the adoption of the following resolution:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to furnish to the Senate the amount in gross of the unsold public lands in the counties of Chippewa and Schoolcraft, in the State of Michigan, and also to state how long such lands have been in market.

Mr. EDMUNDS. What is the object of that?

Mr. FERRY. To advise the Senate of the number of acres of unsold public lands in the two counties named.

Mr. EDMUNDS. What have we to do with that?

Mr. FERRY. I introduced a bill by request this morning, which was referred to the Committee on Railroads. The object of the resolution is to furnish the Committee on Railroads information bearing upon the subject.

The resolution was agreed to.

EULOGIES ON SENATOR HOUSTON.

Mr. MORGAN. I ask unanimous consent of the Senate, on Thursday of next week, at the hour of one o'clock, to allow resolutions to be considered commemorative of my late colleague, GEORGE S. HOUSTON.

The VICE-PRESIDENT. After the morning hour?

Mr. MORGAN. After the morning hour.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and unanimous consent is granted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska; in which it requested the concurrence of the Senate.

HERMAN NETTERFIELD.

The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar under the standing order.

The first bill on the Calendar was the bill (S. No. 35) granting a pension to Herman Netterfield.

The VICE-PRESIDENT. The question is, Shall the bill be indefinitely postponed?

Mr. WITHERS. There is an adverse report upon that bill. For two days its consideration has consumed all the morning hour. I object to its further consideration in order that it may get out of the way of other bills on the Calendar.

Mr. EDMUNDS. It is a private claim, just as much entitled to be heard as any other, and I think we ought to dispose of it. I move that the Senate proceed to its consideration, which I believe is within the rule that we have hitherto acted upon, by which the Senate has set an hour and a half aside for the Calendar, but I am not sure about that, as I have not read the last order.

The VICE-PRESIDENT. The motion of the Senator from Vermont is clearly in order, that the pending or any other order be set aside for the purpose of considering this bill. The question is, Will the Senate consider the bill?

Mr. ANTHONY. I hope that the little time that is given to the Calendar of unobjected cases will not be interfered with by this bill. Let it take its chance on the Calendar of objected cases, and let us go on with the unobjected cases upon the Calendar.

Mr. McMILLAN. The fact that this bill has led to some discussion certainly should not prevent the Senate from acting upon it now, when the matter has been discussed and when it will occupy but a short time in further consideration. I think the time consumed will be very brief. I hope the Senator from Virginia will withdraw his objection to the consideration of the bill.

Mr. WITHERS. I have no objection in the world to a vote being taken on the bill; but it has consumed all the time required to be devoted to the Calendar on two days, and I presume it will do the same thing to-day if now considered; and as there is an adverse report in the case, and as heretofore an adverse report has been considered equivalent to an objection, while the motion of the Senator from Vermont is clearly in order, if the Senate choose to take the bill up, I must object to its present consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill.

Mr. EDMUNDS. . I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. I can see no reason why objection should be interposed to this case after it has come so near a conclusion. I can see no greater reason for taking up any other case on the Calendar.

Mr. WITHERS. The Anthony rule simply provides for taking up and considering unobjected cases, and I want to proceed under it; that is all.

The question being taken by yeas and nays, resulted—yeas 25, nays 36; as follows:

YEAS—25.

Allison,	Carpenter,	Jonas,	Saunders,
Blair,	Dawes,	Kirkwood,	Sharon,
Booth,	Edmunds,	McMillan,	Teller,
Burnside,	Ferry,	Maxey,	Windom.
Call,	Hamlin,	Morrill,	
Cameron of Pa.,	Hereford,	Paddock,	
Cameron of Wis.,	Hill of Colorado,	Rollins,	

NAYS—36.

Anthony,	Davis of W. Va.,	Kernan,	Slater,
Bailey,	Eaton,	Lamar,	Thurman,
Bayard,	Garland,	McDonald,	Vance,
Beck,	Gordon,	McPherson,	Vest,
Butler,	Groome,	Morgan,	Walker,
Cockrell,	Hampton,	Platt,	Wallace,
Coke,	Harris,	Plumb,	Whyte,
Conkling,	Ingalls,	Pryor,	Williams
Davis of Illinois,	Johnston,	Saulsbury,	Withers.

ABSENT—15.

Baldwin,	Grover,	Jones of Nevada,	Randolph,
Blaine,	Hill of Georgia,	Kellogg,	Ransom,
Bruce,	Hoar,	Logan,	Voorhees.
Farley,	Jones of Florida,	Pendleton,	

So the motion was not agreed to.

WICKLIFFE COOPER.

The VICE-PRESIDENT. The Secretary will report the next business on the Calendar.

The next business on the Calendar was the joint resolution (S. R. No. 8) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel United States Army; which was considered as in Committee of the Whole. It authorizes the Secretary of War to correct so much of the record of the War Department as states that the late Major Wickliffe Cooper, Seventh Cavalry, committed suicide on the 8th of June, 1867, and to substitute therefor the words, "died by hands of person or persons unknown."

Mr. EDMUNDS. Let us hear the report.

The Chief Clerk read the following report, submitted by Mr. RANDOLPH January 12, 1880:

The Committee on Military Affairs, to whom was referred the resolution (S. R. No. 8) "correcting the military record of Wickliffe Cooper, deceased, late major of Seventh Cavalry, brevet colonel United States Army," have had the same under consideration, and submit the following report:

The Committee on Military Affairs of the United States Senate, Forty-fifth Congress, third session, after an investigation of the facts relating to the case, reported as follows:

"The Committee on Military Affairs, to whom was referred Senate resolution No. 65, 'correcting the military record of Wickliffe Cooper, deceased, late major of Seventh Cavalry, brevet colonel United States Army,' report:

"This is a bill which directs that so much of the military record of this officer which shows he committed suicide on June 8, 1867, be corrected so as to show that he 'died by hands of person or persons unknown.' The record shows that this officer was found dead in his tent, on Medicine Lake Creek, near Fort McPherson, Nebraska, on or about the 8th of June, 1867, and it was supposed he committed suicide while in a fit of delirium tremens. His widow applied to Congress for a special pension, which was first reported adversely by the Senate Committee on Pensions, upon the ground that a pension under such circumstances was unwarranted by the letter and spirit of the pension laws. This adverse action was based upon the record of the War Department, and was reported January 14, 1875, second session, Forty-third Congress.

"On February 12, 1875, same session, the Committee on Pensions, having considered additional evidence, reversed their former decision and reported favorably upon the pension bill, (H. R. No. 3713,) upon the ground, as the committee say, 'that the allegation of the manner in which Major Cooper came to his death is unfounded. The habits of his life, the location of the wound of which he died, and all the attendant circumstances are inconsistent with the theory of suicide.' The record shows that the bill pensioning the widow of this officer thereupon became a law, approved March 3, 1875, (see chapter 241, page 658, volume 18, part 3, Forty-third Congress, second session, 1873-'75.) The following are the two reports of the Committee on Pensions alluded to:

"'[S. Report No. 522, Forty-third Congress, second session.]

"'Mr. INGALLS submitted the following report, to accompany bill H. R. No. 3713:

"'The Committee on Pensions, to whom was referred the bill (H. R. No. 3713) granting a pension to Sarah S. Cooper, submit the following report:

"'The petitioner, Sarah S. Cooper, is the widow of Wickliffe Cooper. When the late rebellion broke out her husband entered the United States service as a private, in 1861; was soon made lieutenant; afterward promoted to the colonelcy of the Fourth Regiment Kentucky Veteran Cavalry, in which capacity he served till the close of the war in 1865.

"'Colonel Cooper was a brave and gallant officer, a good soldier, prompt and faithful to duty, and rendered his country important service during the late war. His commanding officers speak his praise in the highest terms. He was afterward made brevet colonel in the regular Army on account of his meritorious services.

"'In 1866 Colonel Cooper was appointed major of the Seventh United States Cavalry, in which position he served with his regiment on the western frontier till June 8, 1867, when he perished by his own hand. The evidence from the War Department shows that he committed suicide by shooting himself through the head with a revolver, while in a fit of delirium tremens, on the evening of the 8th of June, 1867, while encamped on Medicine Lake Creek, about fifty miles southeast of Fort McPherson, Nebraska Territory.

"'The committee, believing that under no interpretation of the pension laws can this be brought either within their letter or their spirit, recommend the indefinite postponement of the bill.

"'[S. Report No. 653, Forty-third Congress, second session.]

"'Mr. INGALLS submitted the following report, to accompany bill H. R. No. 3713:

"'The Committee on Pensions, to whom was referred the bill H. R. No. 3713, having had the same under consideration, submit the following report:

"'Upon the 14th of January, 1875, this bill was reported adversely and indefinitely postponed. On the 21st of the same month this action was reconsidered by a vote of the Senate, and the bill recommitted for further action.

"'The claim was rejected upon the ground that Major Cooper died from the effects of a wound inflicted by his own hand during an attack of delirium tremens.

"'Additional evidence has been submitted; and, upon a review of all the testimony, the committee have reached the conclusion that the allegation of the manner in which Major Cooper came to his death is unfounded. The habits of his life, the location of the wound of which he died, and all the attendant circumstances are inconsistent with the theory of suicide.

"'Without presenting in detail the entire evidence, the committee reverse their previous action, and recommend, unanimously, that the bill do pass.'

"Inasmuch as a committee of the Senate has already examined all the facts involved in this case, and reported that this officer did not commit suicide, as stated in his military record, your committee can see no objection to the passage of this joint resolution. It only removes what is considered a stigma, and takes away a load of grief naturally entailed upon his widow and family.

"Your committee therefore recommend passage of the joint resolution."

Your committee adopt this report and recommend the passage of the joint resolution.

Mr. ANTHONY. Is it not within the power of the Secretary of War to amend an erroneous record?

Mr. EDMUNDS. It is.

Mr. RANDOLPH. That is not the construction which is placed upon the law by the Military Committee.

Mr. ANTHONY. I have known a case where an erroneous record was amended at the War Department as to the cause of an officer's death. It was some time ago.

Mr. BECK. I will say that I applied to the War Department to have it done some time ago, and they thought they had not the power, and hence the application is made in this form.

Mr. RANDOLPH. The present Secretary of War, and I think his predecessor, have decided that no such power, under their construction of the law, is lodged with that Department; and therefore the resolution is proposed.

Mr. EDMUNDS. I think I am in favor of the passage of this joint resolution, but I do not wish to have the Senate seem to adopt the notion that it is not within the power of the War Department under existing law to amend and correct an error that it is satisfied exists in its records in the military history of any officer or soldier, for I have recently had occasion to examine the law and it is perfectly clear to me that they have that power and that they exercise it when they are satisfied they ought to do so.

It may be that in a case of death merely the law does not extend to it. As to desertion (which was the special point that was called to my attention) the law is perfectly clear that they have that power. I have no doubt it is broad enough for this case; but it may be that the evidence which the Committee on Pensions accumulated is not evidence in the War Department, and therefore I shall cheerfully join in the passage of this resolution although I do not want it to be understood at the War Department that we think in point of law they have no power to make a correction of this kind when they are satisfied on the proof that it ought to be made.

Mr. WILLIAMS. I wish simply to say in regard to this matter that I had a petition sent to me for the purpose of getting legislation with a view to correcting an Army record which I sent to the Adjutant-General, and he replied that if I would furnish the proof of the circumstances stated in the petition the record would be amended. I got the proof and sent it to him and he had the correction made. I know, therefore, it is the practice to make such corrections. The record was amended in the important particular of striking out "desertion," which was recorded against a soldier. The individual was reported as a deserter; and on proof being furnished to the Adjutant-General that he was not, the correction was under the law made by him. That was no longer ago than one day last week.

Mr. CONKLING. It seems to me the only possible justification for passing this resolution is the absence of power to do the thing the resolution proposes. Reflect one moment upon the consequences of the opposite view. Suppose it to be true that the Department has power by general law to make corrections of this sort, and admitting

that and proceeding upon that idea we pass a resolution of this kind in a particular case, the Senate must see that it allows every claimant to resort twice over, first to the Department and then to Congress, and Congress consisting of two Houses it gives him virtually three tribunals. He may come to the Senate, take the chances of its committee, go to the House, take the chances of its committee, or go to the War Department. Certainly that should not be.

This should not be a matter of accident or favoritism. On the contrary records should be reformed, purged, corrected, verified, whatever the thing required may be, according to the merits and truth of the matter. Therefore to say that the Department has power to do this, but that we will proceed in this case to direct it to be done, is to exonerate practically the Department from the only accountability that you can ever get; that is, by imposing responsibility. I am entirely opposed to the resolution if it be presented or excused in that view. I will vote for it only upon its being shown that there is no such power now.

Mr. BECK. I will only say to the Senator from New York that I applied to the War Department twice and they assured me that they had not the power, and that the case must come to Congress, and on their assurance that they had no power to make the correction this resolution was introduced.

Mr. CONKLING. In reply to the Senator from Kentucky, I make two remarks: First, my understanding is not the understanding of the Department as to the law. My understanding is that they have power, and I remind the Senator that we can scarcely proceed upon what somebody at the War Department has said the statutes mean. We should have rather to go upon the statutes themselves, I think.

Again: The Senator appeals to his experience; I give him mine. It has a good many times behooved me, in compliance with requests, to transmit papers to the War Department making requests involving a correction of the record, and it never has been stated to me by any representative of the War Department that they had not the power. Refusals are frequent, but never that I can remember put upon that ground.

I think, Mr. President, I will venture to move that this resolution be recommitted to the Committee on Military Affairs in order that that committee may ascertain and report, not what somebody at the War Department has said, not what some clerk has said who has prepared a letter for the Secretary to sign as to what he thinks the law is, but what in reality the law is on this subject to the end that applications of this sort may not go entirely by favor, but may rest upon some substantial basis.

Mr. BECK. I would prefer that that should be done, because I have no official authority on the point, and if the thing can be done at the War Department I would as soon have it done in that way as in any other. If they have not the power, then I hope the committee will report a bill giving them the power.

The VICE-PRESIDENT. The question is on the motion to recommit the joint resolution to the Committee on Military Affairs.

Mr. McDONALD. I should like very much to vote for this joint resolution, but I do not see that we have facts enough before us to justify us in saying that the record as it stands at the War Department is not correct. I shall vote for the motion to recommit, and shall be very glad if the thing proposed can be secured so as to correct the record, whenever I am satisfied that the facts on which the record was made were erroneous, and that the truth is different.

Mr. RANDOLPH. I have no objection to the recommittal of the joint resolution; indeed I prefer it should be done after this debate; but I would say for the Military Committee that they have been in the habit to a greater or less extent of concurring in the opinion of the War Department as to the laws affecting that Department. It seems, however, to be the opinion of the other side of the Chamber that there is law sufficient to-day for all the purposes desired by the passage of this joint resolution. I hope therefore it will be recommitted to the committee.

The motion to recommit was agreed to.

WILLIAM ENGLISH.

The next bill on the Calendar was the bill (S. No. 332) authorizing the appointment of William English to a second lieutenancy in the Army; which was considered as in Committee of the Whole.

Mr. EDMUNDS. Let us have the report, Mr. President.

The Chief Clerk read the following report, submitted by Mr. RANDOLPH January 12, 1880:

The Committee on Military Affairs, to whom was referred the bill (S. No. 332) "authorizing the appointment of William English to a second lieutenancy in the Army," have had the same under consideration, and submit the following report:

The facts in this case were called to the attention of Congress by the Secretary of War in a letter dated War Department, Washington City, December 12, 1878, upon which the Committee on Military Affairs of the Senate made the following report, which is adopted by your committee:

"The Committee on Military Affairs, to whom was referrred the letter from the Secretary of War, recommending such legislation as will authorize the President to appoint William English, late a cadet at the Military Academy, a second lieutenant in the Army, have had the same under consideration, and submit the following report:

"The Secretary of War submits to Congress, in his letter addressed to the President of the Senate, that Cadet English was appointed to and entered the Military Academy in June, 1875, remaining there a year, when he was found deficient in mathematics, and discharged in June, 1876. The Secretary states, however, that Cadet English's failure occurred through no fault of his own, but was owing to absence from the academy on account of domestic afflictions, which caused him to fall behind his class; also, that about the time of his discharge he received the unanimous recommendation of the members of his class that he be appointed in the Army before their graduation.

"It further appears, according to the letter of the Secretary, that in consideration of the fact, and in view of the long and faithful services of Cadet English's father, the late Lieutenant-Colonel T. C. English, Second Infantry, who served for more than twenty-four years as a commissioned officer in the Army, the President, on January 3, 1877, directed his appointment in the Army, which would have been made but for the fact that the law which forbids the appointment of a discharged cadet to the Army before the graduation of his class prevented it. Another legal obstacle since intervening by act of June 18, 1878, made it impossible for Cadet English to be appointed to a second lieutenancy until the graduating class and the non-commissioned officers eligible thereto were provided for. It becomes necessary, therefore, to permit this appointment, that an enabling act be passed.

"In view of the recommendations of the honorable Secretary of War, and the further fact that the President desires to make this appointment in recognition of the faithful services for a long period of the late Lieutenant-Colonel English, Second Infantry, (the father of Cadet English,) together with the statement of the Secretary that the failure of young English to pass the examination in mathematics occurred through no fault of his own, but was owing to domestic affliction which caused his absence, and that the members of his class magnanimously waived their rights in his behalf, your committee report the accompanying bill and recommend its passage."

Your committee recommend the passage of the bill.

Mr. ALLISON. The bill ought to be amended by striking out all relating to how he shall be assigned to duty. Let that question be left to the Army officers. I move to strike out after the words "United States," in line 6, the words:

And that said William English shall be assigned to such arm of the service in the same manner as if he had been graduated at the Military Academy, and as graduated cadets are assigned.

Mr. RANDOLPH. How will the bill read if amended?

The Chief Clerk read the bill as it would stand if amended, as follows:

Whereas the Secretary of War, in an official communication to Congress, dated December 12, 1878, recommends the passage of an act enabling the President to nominate William English, late a cadet at the Military Academy at West Point, to a second lieutenancy in the Army, which enabling act is made necessary by reason of existing laws which inhibit said nomination; and

Whereas it appears from the said communication of the Secretary of War that the President desires, in view of the circumstances of the case, to make such nomination: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to nominate, and by and with the advice and consent of the Senate appoint, William English, late a cadet at the Military Academy, a second lieutenant in the Army of the United States. And all laws or parts of laws conflicting herewith are hereby suspended, and suspended only for the purposes of this act: *Provided*, That the said William English shall receive pay and take rank only from the date of his appointment by authority of this act.

Mr. RANDOLPH. That will do.

The amendment was agreed to.

Mr. EDMUNDS. I cannot understand in reading the report that was on my desk how the Secretary omitted a part of it. The letter of the Secretary of War which is embodied in the report was not read by the Secretary.

Mr. RANDOLPH. I think I can explain that, if the Secretary cannot. A paper presented by the Military Committee purporting to be the report in this case was placed in the hands of the Secretary of the Senate by mistake, and immediately thereafter the proper report was placed on the table. I suppose that the report that was read by the Secretary just now is the one which came from the committee. It will be ascertained by comparison of the two that they differ in this respect only, that the report just read omits the letter of the Secretary of War, which is a mere repetition of the report itself. There is no essential fact omitted.

Mr. EDMUNDS. This is a pretty serious precedent, though it may be entirely right. I should like to know in what class this young gentleman was when he left the Military Academy.

Mr. RANDOLPH. The report states, I think.

Mr. EDMUNDS. Let us see.

Cadet English was appointed to and entered the Military Academy in June, 1875, remaining there a year, when he was found deficient in mathematics, and discharged in June, 1876.

So that he was only at the end of his freshman year, to use the college expression, and under the law he would have had three years more to go through, if I am right in my supposition of what the law was then. This may be the most meritorious case in the world; but it is a pretty serious step by law, in view of the organization of the Academy and the security of the Army, to say that a young gentleman who was dismissed at the end of his first year and not having had the three years of training and teaching and learning and possibility of failure on his own account, shall be put into the Army just the same as if he had graduated, because he was dismissed the first year on account of severe domestic affliction, with which of course we all sympathize. That, if I correctly understand it, is this report, that this young gentleman during the course of his first year had the sorrow and misfortune to be involved in serious domestic calamities that obliged him to neglect his studies—and I use the word "neglect" in no sense of criticism; but it obliged him to leave the Academy (that is the short of it) for a good reason, one not in the least dishonorable to him or to his capacity; but he did leave it. What would have happened to him in the three years that followed, nobody can tell. Of course it is a thing that it is perfectly impossible to solve.

Now, the question is whether Congress, however much we may sympathize with his misfortune, is going to establish the precedent of providing for an appointment in the Army as an officer of a young gentleman who has not gone through the Academy and who has not

served in the ranks from which he might be promoted in certain cases. That appears to be the question, one entirely impersonal to this young gentleman whom I never heard of before and who, I have no doubt, is a perfectly worthy young gentleman. It seems to me it is a pretty serious step.

Mr. RANDOLPH. I think the Senator from Vermont misapprehends the consequences of the passage of this bill. It authorizes the President to appoint Mr. English to a second lieutenancy—just that and nothing more. Bills of a similar character giving the President the right to make similar appointments as to men who have never been in the Military Academy are frequently passed here. There are cases of appointment from civil life. This bill becomes necessary because this young gentleman served a year or thereabouts in the Military Academy, and under the existing law the President has no power to appoint him to a second lieutenancy because of his service for that year in the Military Academy and his failure under the circumstances that are indicated there. I hope there will be no objection to the bill as it stands.

Mr. ALLISON. I wish to suggest a further modification, to insert the words "of infantry," in line 6, after the word "lieutenant."

Mr. MAXEY. The law provides that the cadets should be assigned to the Army according to their examination at West Point. They go into the engineers or the artillery, according to their grade in their class. The purpose of the bill as originally drawn was to give this young man, who has to pass an examination before an Army board, the right to go where his examinations would entitle him to go. In the Military Academy one going into the cavalry has such an examination as one going into the infantry; and the assignment is made to infantry or cavalry according as it is thought the young man is better qualified for the infantry or the cavalry. If the amendment is made at all as proposed by the Senator from Iowa, which I think it ought not to be, it ought to be "of infantry or cavalry."

The VICE-PRESIDENT. The morning hour has expired, and the Senate proceeds to the consideration of its unfinished business, being Senate bill No. 19.

MILITARY WARRANT LAND LOCATIONS.

The Senate resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. PADDOCK. Mr. President, the Senator from Vermont at the commencement of his remarks upon this question observed that so far as he had been able to ascertain no State had yet made a demand upon the Government for an adjustment of its 5 per cent. claim on the basis named in the bill under consideration. In answer to this I undertook to say for the State I have the honor to represent in part here that there had been a demand by that State, and that the same had been continuously made for several years. To this statement by myself in support of a similar one made by the Senator from Kansas for his State, the Senator from Vermont replied rather curtly, I thought, that "the appointment of agents to hunt up claims in favor of States" was not the information he was seeking, and therefore, of course, our statements were to him valueless. I am speaking here particularly for my own State, its compact, its claim thereunder, and its demand, as represented in this bill and the accompanying report, which are antagonized by the Senator from Vermont with some vehemence, and with his usual ability, and as I have been challenged by him to produce the record of my State as to its connection with this matter of its claim I shall first of all respond to such invitation. If there shall appear to have been a formal assertion of its claim by the State of Nebraska and a demand based thereupon for such an adjustment thereof as this bill requires, I shall have answered all that the Senator from Vermont disputed so far as my State is concerned, except his argument against the committee's interpretation of the contract itself under which the claim arises. Seven years ago when the State of Nebraska was only six years of age, the Legislature thereof took formal action in regard to this and kindred claims; and here it is in substance. I read from the statutes of Nebraska the essential part of an act approved February 8, 1873, relating to the particular subject in controversy here. It is as follows:

> That the governor be, and he hereby is, authorized and empowered to appoint an agent or agents in behalf of this State to prosecute to final decision before Congress or in the courts the claim of this State for the 5 per cent. due to the same from the United States upon the land of this State disposed of by Indian reservations and by the location of land warrants and land scrip, issued for military service in the wars of the United States, and for agricultural college scrip, &c.

In pursuance of this statute the then governor of the State appointed an agent who, in the name and on behalf of the State, called personally upon the Secretary of the Interior and the Commissioner of the General Land Office and invited their attention to the several subjects embraced in that act. As to the claim for 5 per cent. from the disposition of the Indian reservations taken from the body of the public lands within the limits of the State, upon the basis of $1.25 per acre, the same as if they had been sold to individuals by the Government, he made an extended argument before the Commissioner of the General Land Office which was printed and filed in the Department. The case was afterward referred to the Solicitor of that Department, who wrote an elaborate opinion thereupon recommending the adjustment of the claim as made up and presented, which opinion is on file in the Interior Department bearing date June 15, 1874. As nothing could be done with the other claims named in the statute under which his authority was derived, *i. e.*, that embraced in the bill now before us, and that for the swamp-lands indemnity, &c., without further legislation, he sought that, and to my personal knowledge since the commencement of the Forty-fourth Congress the State of Nebraska, either in one House or the other and most of the time in both, has been diligent when the opportunity was presented to press these claims upon the proper committees.

So much for the demand of the State. And now I come to consider the compact between my State and the Federal Government under which the claim arises for the adjustment of which, in common with the claims of a similar character for other States, we seek this legislation; for in this brief discussion I shall chiefly consider this question from the central stand-point furnished by my own State.

Within the limits of the State of Nebraska there are seventy-five thousand square miles of territory—almost fifty million acres—nearly all of which is arable land. Twenty-five years ago Nebraska was altogether uninhabited except by Indians. In 1855 the pioneer began to take possession of that magnificent region. It was then valueless to the country. Out of the soil of that vast area nothing whatever was produced by cultivation to sustain human life. There was no church, nor school-house, nor cultivated field; no civilization, no commerce, no tax-payer. This was the condition of things when the work of development commenced. Neither the pioneer nor the Government alone without the aid of the other could have made any progress toward the wonderful results that have since been reached there. The Federal authority gave to Nebraska its territorial government, and the pioneer settlers furnished the intelligence and the muscle to utilize the resources that nature had so lavishly dispensed to that region.

And now let us see what the people of that State have accomplished "as partners in the concern," speaking after the manner of my friend from Vermont. From nothing whatever in 1854 Nebraska has grown to a population of five hundred thousand, with an assessed valuation of fully $100,000,000, and that, too, without assessing the vast estate of the Federal Government therein. With six hundred churches and three thousand school-houses, with a surplus from the agriculture of the past year over the requirements for home consumption of at least fifty million bushels of wheat and corn, more than five hundred thousand hogs, and three hundred thousand beeves, to say nothing of the other products of lesser importance sent out for distribution to the consumers of States less favored in these respects. Moreover, while Vermont paid for the fiscal year ending June 30, 1879, only $50,159.59 in internal-revenue taxes for the support of the Federal Government, Nebraska paid for the same year $876,309.81, more than seventeen times as much as Vermont in a single year. Since Nebraska was admitted as a State in 1866–'67 it has paid more than $4,000,000 internal-revenue taxes. And while Vermont during the past five years has paid less than $300,000, Nebraska has paid during the same period about $3,000,000. Beside these immense contributions to assist in feeding the people of the whole country, and these large sums to support the Federal Government and aid in reducing the principal and paying the interest upon the national debt, we have duly observed all our obligations under our contract with the Federal Government as to the public domain. We have refrained, exactly as we agreed, from levying any tax thereupon, whereas if there had been no contract of this nature which the United States has, to say the least of it, always thought it best to make for its own protection against the sovereign right of the free and independent State to determine for itself, the proper objects of taxation within its own jurisdiction and the vast estate of the nation within our limits could have been taxed for the support of the local government, for the augmentation of the school fund, and for the internal improvements necessary for the development of the State exactly as if it had belonged to an individual and on the same basis as the property of others has been taxed for these very purposes; even if we had not received from the Federal Government the endowments in speaking of which the Senator from Vermont became so overwhelmingly eloquent, we would now be in better circumstances as to our educational fund, our internal improvements, and our general assets than we are to-day by reason of these Federal aids.

Mr. MORRILL. If the Senator from Nebraska will allow me——

Mr. PADDOCK. I should prefer that the Senator would wait until I am through.

Mr. MORRILL. I merely want to say to the Senator on one single point that if he is correct in his argument the city of New York pays more taxes than the other forty-five million people of the United States.

Mr. PADDOCK. I have no controversy with the city of New York. It is with the Senator from Vermont, the senior Senator, [Mr. EDMUNDS,] who has arraigned us in regard to this beneficence.

Mr. MORRILL. So far as the contributions of the State of Nebraska and the State of Vermont are concerned, if the people of Nebraska consume more whisky than the people of Vermont, they pay more internal taxes; if they do not, they do not.

Mr. PADDOCK. Nebraska consumes no more whisky than Vermont, but Nebraska produces that which makes whisky and that which feeds the people, and that upon which the taxes are laid that yield the revenue which supports the Government, which pays the

national debt, which enables the Government to reduce its interest and to pay its interest. Those are the points.

But as I have said, if we had not received these endowments at all, and could have taxed all the Federal Government land, we should be in a better situation in a financial point of view; our balance-sheet would show better.

Furthermore, we insist if this forbearance as to taxation, altogether proper as it is, had not been exercised toward the Federal Government, that in bearing the heat and burden of a quarter of a century in converting a waste place into a great and prosperous State, whose civilization is of the highest type—a State that now contributes, through the industry and enterprise of its people each year so much to the wealth of the whole country, so much for the support of the Government itself, and so much to enhance the value of the remainder of the public domain, we would have a sufficient set-off for all the beneficences which are made to figure so largely against us and against the equitable accounting proposed by this bill.

Indeed, it is a proper question to submit to the political economist whether the Government and people of the United States would not have made a fair trade with the settlers of Nebraska at the outset if they had contracted to surrender their entire interest in the public lands in that State upon condition that the results already reached could then have been assured—not to speak of the immeasurably greater ones that are in the womb of the future—results in which every citizen of the United States, wherever he may be, has an interest.

Therefore, considering our contract—in the full knowledge of the benefits and advantages that have accrued therefrom to the whole country—we do not think that our interest in the public lands within the limits of the State, as such interest is defined in the bill before us, is a dollar more than we may justly and properly insist upon. The Senator from Vermont argued that the original idea of this payment of 5 per cent. on the net proceeds of the sales of public lands, under the rule that now obtains, was to produce a fund for the construction of turnpikes and other public improvements for the benefit of all the States, as well as for the advantage of the particular State to which the payment was to be made.

But I believe it is true beyond question that in each compact so made from the beginning the proper theory has been that the Federal Government received its *quid pro quo* through the concessions made by each State on its admission as to certain rights, jurisdictions, and privileges, concerning which from the commencement there has always been much doubt and uncertainty. In all these the essential requirements have been that the State should not interfere with the primary disposal of the soil; that the estate of the United States therein should not be taxed at all; in some of the earlier compacts that five and in others that three years' exemption from taxation for lands sold by the Government to individuals should be conceded by the States contracted with, and in nearly all cases that non-resident proprietors—speculators—should not be taxed higher than resident. The requirement as to the application of the fund thus arising for each State was, as I think, in every case inspired by what was the ruling idea of the time in the State with which the compact was to be made. As to Indiana and the others admitted before the commencement of the railroad era, so to speak—in what may properly be designated the canal and turnpike era—when the States of the interior were struggling to secure the best possible facilities then known and at command for the shipment of their products to the seaboard, naturally all were in accord, and each one, by the expression of its own wish and by its direct request, inspired the formulation of its particular compact, so that this common direction happened to be given to all the earlier-admitted States. Beyond this I think there was no idea, no method pressing upon the State from without to compel a different application of the fund than that which was agreeable to and desirable for the State itself, without reference to the wishes or the interests of any other of the States. This is clearly shown by the character of the enabling acts of the States more recently admitted.

Take my own State for illustration. Popular sentiment there demanded that the fund for the support of common schools should be increased, strengthened, and protected in every possible way, so that the schools might become free to all and as nearly as possible a burden to none. This sentiment forced itself upon the attention of Congress and demanded at its hands that the 5 per cent. fund should by our enabling act be required to be thus applied, and so it was done. I doubt if any one in Congress who voted for or against that enabling act stopped to even inquire of himself what interest his own State could possibly have in the disposition of the 5 per cent. fund for Nebraska other than to give it that direction which the best interests of that particular State seemed to demand.

But the Senator from Vermont sought to make a case against my State particularly, I thought, of special benefits conferred so excessive as to make our claim for the more liberal accounting contemplated by this bill appear to be most extraordinary. He spoke of railroad grants to the State, multitudinous in number and vast in extent. I shall not attempt to pronounce the scientific terms employed by him in his figure of speech to illustrate how great a beneficence this has been. Even my distinguished friend, learned as he is, was a little troubled in their pronunciation. Now, in answer to all this, I desire simply to say that my State, as a State, never received any grant whatever for the construction of any railroad. Not one single acre beyond the five hundred thousand acres that went to all the States under the act of 1841 for internal improvements was ever granted to Nebraska to use in aid of the construction of a railroad. Congress did make a grant of lands to the Union Pacific Railroad Company, which company Congress itself incorporated. No man living in my State had any pecuniary interest in it. Nineteen-twentieths of its original proprietorship were in New England, a large block of it is there still, and none of it is in my State.

This company finally located the road so that it was constructed through Nebraska. The company did this because the line through Nebraska was the shortest one to the Pacific, and not for the purpose of conferring any special benefits upon the State of Nebraska. A grant was also made to the Burlington and Missouri Railroad Company, a company composed almost entirely of New England people, which constructed under its grant about one hundred and eighty-five miles of road in Nebraska. Still another company, known originally as the Kansas and Northern, now denominated the Saint Joseph and Western Railroad, under a grant made to the State of Kansas direct, extended its road a short distance into our State. If these grants had been made to the State of Nebraska it is possible that a better disposition would have been made of some of them. But it is due to truth to say that one of these companies, the Union Pacific, has built in Nebraska of roads tributary to its main line, without aid from the national or State governments, nearly as many miles as the entire length of its main line in that State, while the Burlington and Missouri has constructed and now operates more than four hundred miles in addition to that for which its grant was made. Finally, of the sixteen hundred miles of railroad in Nebraska less than one-half (eight hundred miles) were constructed by land-grant aid.

But even if these grants had been made direct to us for the purpose of constructing that part of the Pacific line within the limits of Nebraska, it could not truthfully be said that it was intended as a special beneficence to my State. The interests of Nebraska were not thought of in connection with that great national undertaking. And, as I said the other day in answer to a remark made by the Senator from Vermont, it is a question whether it would not have been better for us in the long run if those two grants had not been carved out of the lands in our State. But be that as it may, I acknowledge no specially intended benefit to my State from those grants. Every State and section of the Union was directly interested in the construction of those roads, and it was upon that theory and that only that the grants were made. I shall not, therefore, permit the Senator from Vermont to charge them up specially to the account of our State because, forsooth, topographical and other considerations brought them that way in making the long-prayed-for railroad connection between the Atlantic and the Pacific.

The Senator from Vermont undertook to charge to the special account of the newer States the liberal policies now obtaining in respect to the disposition of the public lands. In the words of our distinguished friend, the senior Senator from Ohio, "this won't do." Every intelligent citizen of the United States long since became convinced that the best interests of the whole country demand that the public lands shall be disposed of to the actual settler who will cultivate the same and thus contribute his share to the gross products of the whole country, or plant and cultivate forests upon the nude plains of the West, the influence of which upon our climate, our agriculture, and the general health cannot be overestimated, provided the results of the industrious efforts of the settler in this direction shall prove to be equal to the promise that now encourages him. This policy has come to be adopted by the Government and accepted by everybody everywhere as a better one than the original rule of selling the public lands in vast tracts to non-resident speculators, which was a virtual exclusion of the poor man from the overcrowded districts of the Eastern States from the public lands, upon which now, if he have pluck and energy and industry, he may go and make a home for himself and his children. In all this New York and Vermont and every other State of the East and South has a common interest with Nebraska and Kansas and the others of the great West. Therefore, I repeat, there has been nothing done in the way of beneficent legislation to aid in placing the poor man in possession of the public lands in the newer States for occupancy and cultivation of the same, and nothing in the endowments of new States in order that there may be extended to him wherever he may be the advantages of education, or through public improvements to afford him the facilities for sending the products of his farm to the central markets of the country, that has not been for the common good of all in the East as in the West, and I insist that the Senator from Vermont shall not charge all these things to our account as a proper set-off to the demand made in this bill for an equitable adjustment of the claim therein presented.

But the Senator from Vermont argues that the exchange of the public lands for military warrants or scrip is not a sale thereof, but is in the nature of a "barter" transaction. Undoubtedly the very learned definition of the term "sale" given by that Senator is correct. Nevertheless usage—older than the oldest Senator in this Chamber—has placed the land warrant in such close relationship with money—indeed it has so long stood for, represented, been treated in these special transactions as money—that admitting the theory of the Senator that the term "sale" means a disposition of a thing by the seller to the purchaser thereof for money to be correct, as it certainly

is in a technical sense, yet if we observe this definition no less carefully than it has been observed during the past twenty years in this country, we must yet concede that the disposition of the public lands for land warrants or land scrip may properly and safely be denominated "sales" under the definition thereof given by our distinguished friend from Vermont, than whom no one here or anywhere is more able, more honorable, or more anxious to be just.

Always in our history, accordingly as the country was prosperous or depressed and there was an active or inactive demand for lands for use agriculturally, warrants have possessed a special money value or purchasing power recognized in the money market exactly as the greenback so long as it was irredeemable, had a general purchasing power regulated by the demand for its use according to the volume of legitimate business in which it could be profitably employed. Both were evidences of indebtedness. One represented so much service rendered the Government by an individual who imperiled his life for its defense, and was redeemable in land; the other represented so much material furnished or so much labor performed or service rendered by somebody, and was redeemable, not presently as was the land warrant, but at some future time which could not be definitely named, when the Government should be able to redeem it in the technical money of the Constitution. Now suppose that the exact money of the Constitution wherewith to redeem the greenback could not ultimately be obtained because of great business depression, or perhaps absolute bankruptcy, and the holder thereof should be compelled to take from the Government public lands in liquidation thereof, would this final result render the innumerable transactions in which it had been theretofore used as money barter transactions? Suppose Congress had given to the land warrant, which was the obligation of the Government to pay so much land, a general legal-tender capacity to the extent of $1.25 for each acre of land it called for, would it not have possessed even a better money character than the greenback itself, for the reason that it would have been *presently* redeemable in something that had an inherent value almost or quite equal to the nominal value of the warrant itself? Other certificates of indebtedness of different kinds were issued during the late war which did not possess the legal-tender capacity, were not presently redeemable in anything, and yet would any one say that if the Government, as it undoubtedly many times did, had received these certificates in payment for the public lands, that such transactions were not "sales?" And yet they were in a technical sense very little nearer to what we understand to be the true money of the Constitution than is the land warrant.

Now it is a matter of fact that land warrants and land scrip have always been held and been treated by the banks of the country as cash items—cash in hand. Custom has made them money in a special sense. The land warrant had for many years a daily quoted cash value exactly as the certificates of indebtedness of one kind and another during the war, and afterward had their quoted cash value when deposited in the strong-boxes of the money-changers.

And to-day land warrants are no more open to the objection that they are not money for the special use to which they are put than the certificates of indebtedness were for the general use to which for a long time they were put. Indeed they are treated as money by the Government itself in these very transactions in which they are specially used. A one-hundred-and-sixty-acre land warrant will buy just as much land as the exact sum of money demanded by the Government in such sale if the purchaser requires the land, has the money, and does not possess the land warrant. It is of the same value to the Government as $200 in money, because it is the promise of the Government that it will receive it in payment for the same amount of land that it could and would under the law sell for $200 in cash if there was no warrant. And to this extent it is a special legal tender.

Moreover, in the States where the exemption from taxation followed the land for three or five years, as the case may have been, after the Government had parted with its title to the individual, the fact that the rule of exemption obtained and was recognized by the Government the same whether the lands were sold for warrants or for cash, is a recognition by it of the principle from which it ought not to be permitted to depart when it is making up the other side of the balance-sheet.

But the principle is perhaps more clearly recognized in the law as it now stands, and the practice of the Department thereunder at the present time in respect to one class of warrants. The act of September 28, 1850, volume 9, Statutes at Large, at page 520, provides that warrants shall be located upon the public lands subject to sale at private entry. The act of August 31, 1852, Statutes at Large, volume 10, at page 143, provides that military scrip issued in lieu of Virginia military warrants shall be received in payment for public lands at the rate of $1.25 per acre. Upon the latter, which in every essential respect are the same as the former, issued originally by the United States, the 5 per cent. is paid. Their value to the owner is just the same. The obligation in regard to them as to the amount and kind of land to be given for them is the same. In all particulars both classes of obligations are treated alike except in this, that because the term "located upon the public lands" is used in the act of 1850, in defining their use, and the words "payment for public lands" is employed in the act of 1852 in the same connection, therefore the lands disposed of under the latter are treated as cash sales, upon which the 5 per cent. is actually paid, while upon the former it is not paid.

Now, this is the thinnest possible distinction without a difference, and it ought, in justice to the States named in this bill, to be removed. It is a legal absurdity. But the executive officers of the Government must observe the distinction. Numerous other acts in support of the theory that warrants have been treated as money in their relation to these public land transactions have been cited by other Senators, notably by the Senator from Iowa, [Mr. ALLISON,] and I need not call attention to them. For these reasons, and many others that have been given here, or might be given, I am most emphatically in favor of this bill.

In conclusion, permit me to say to you, Senators from Eastern States, you will make no mistake in allowing questions like this to be adjusted on the broadest and most liberal principles of interstate comity. This bill if passed will involve no increased taxation to anybody. Indeed, my State alone will pay the whole sum required by this bill in four years in its Federal taxes, if you will so direct the use thereof. We feed you and you clothe us. Your supplies will be none the dearer, nor more difficult to obtain, and our apparel no more expensive because of increased import duties if this bill shall become a law. Moreover, by this enactment you will have disposed of a question that long hath vexed us all.

Mr. KERNAN. Mr. President, I do not think this bill ought to pass, and I shall very briefly indicate some of the reasons for my opinion.

The bill directs the Secretary of the Interior to ascertain the quantity of public lands entered by the location of military scrip and land warrants in the States of Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Arkansas, Louisiana, Alabama, Mississippi, Florida, Oregon, Nevada, and Colorado. He is to ascertain the entire quantity of all public lands in these States ever granted for military services; and the bill then directs that there shall be paid to these States respectively 5 per cent. of the value of the land estimated at $1.25 per acre. This is to be paid by the Secretary of the Treasury in cash, or he is to issue United States obligations bearing interest with which to pay it.

Mr. President, the quantity of land which has been granted for military services is very large. Land has been granted to soldiers who have served in every war carried on by the United States to and including the Mexican war. It has mostly been granted not in pursuance of any promise by the Government to induce them to enlist or volunteer, but as a gratuity for the patriotic services of the soldiers and sailors. As bearing upon some of the arguments urged by the supporters of this bill, arguments that we really granted this land in payment of an obligation contracted with the soldiers, and that therefore it should be treated as a sale of the lands, I ask the Secretary to read sections 2425 to 2428, inclusive, of the Revised Statutes. Those sections will show whether it is not true that a very large portion of all the land granted was a donation to soldiers and sailors in recognition of their patriotism and services, and not payment or fulfillment of a previous obligation or promise on the part of the United States. I ask the Clerk to read sections 2425 to 2428.

The Chief Clerk read as follows:

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year 1790, and prior to the 3d day of March, 1855, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the 3d day of March, 1855, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

SEC. 2427. The following class of persons are included as beneficiaries under section 2425, without regard to the length of service rendered,

First. Any of the classes of persons mentioned in section 2426 who have been actually engaged in any battle in any of the wars in which this country has been engaged since 1790, and prior to March 3, 1855.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, 1814.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South,

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of 1812.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section 2425, leaving a widow, or, if no widow, a minor child, such widow or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the 3d day of March, 1855.

Mr. KERNAN. Now, Mr. President, it will be observed that a very large number of these beneficiaries were never promised any land at

all. The Government wisely and properly from the beginning has been accustomed from time to time to grant a portion of the public lands to our soldiers and sailors as an honorable gratuity for their services. It was not granted in payment of any debt or legal obligation of the United States. The soldiers had served without any such inducement from the Government.

I am informed, and I believe it is true, that more than 90 per cent. of all the lands taken under military scrip and land warrants was not given in fulfillment of any promise or contract by the United States with the soldier to induce him to serve. This bounty extended to the wagon-masters and the chaplains, and to all who served as soldiers even for a few days. It was properly given to them by the Government as a gratuity over and above their stipulated pay in recognition of honorable and patriotic service.

I believe that such a policy is a wise one, and that it was right and proper thus to recognize the services of our citizen soldiers and sailors; but, sir, to argue that when we granted this land to them we were paying them a legal debt or any debt which the Government had incurred by contract or previous promise, I think is erroneous.

I have said this because it is claimed that the States named in this bill come here to enforce a contract with the Government by which the United States agrees to pay to these States respectively 5 per cent. of the value of the lands granted to the soldiers and sailors and which were situate within these States respectively. What is the language out of which they say this contract springs? In the enabling acts which permitted the several States named in the bill to come into the Union, Congress declared that the United States would pay to the States respectively 5 per cent. on the net proceeds of the sales of the public lands in the State. The argument is, that when the United States granted some of that land as a gratuity to the soldiers for patriotic services, long or short, when there was no pledge in advance of the services to give lands in addition to the pay the soldiers got, such a donation was a sale of the public lands within the meaning of the enabling statutes. I should like to ask my friends to take the language, "5 per cent. on the net proceeds of the sales of the public lands," and tell us what were the "net proceeds." How will you estimate the net proceeds on a bounty land warrant giving a soldier one hundred and sixty acres of land?

Mr. JONES, of Florida Will the Senator from New York permit me to ask him a question?

Mr. KERNAN. In one second I will yield. I only allude to this in order to call attention to what the parties to the contract, the United States and the State, at the time understood to be a sale on which the States were to have 5 per cent. Now I will hear the Senator from Florida.

Mr. JONES, of Florida. I wish to ask the Senator what he understands to be the measure of the obligation entered into by the Government of the Union with the respective States. In other words, does the Senator think that after having stipulated to pay to the States 5 per cent. of the net proceeds of the sales of the public lands the Government of the Union would be at liberty to make any other disposition of those lands so as to prevent the payment of the 5 per cent.?

Mr. KERNAN. I will answer my friend, who is a good lawyer. If the language meant, as is contended, that the United States was a trustee in equity to sell the lands for the benefit of the State the United States were bound to sell every acre and pay the State 5 per cent. of the proceeds; but on the contrary I insist this language means what I argue it means, both parties so understanding it, that where we sold these lands in the ordinary way we would pay the State 5 per cent. on the net proceeds which we received for them. I say that was the understanding of the parties to the contract, and I say so because at the time these enabling acts were passed it was a well-known fact that the United States was in the practice of selling for money a portion and of donating for various public purposes a large portion of these public lands. When they gave away the lands for a public purpose it was for the benefit, or supposed to be for the benefit, of all the people of the United States, the new States as well as the old. I think the makers of these laws understood the contract to be that when we sold the lands, and the money came into the Treasury, we would pay over 5 per cent. of the net proceeds to the States; but where we donated lands for the building of a canal for the public good or as a reward for the patriotism of the soldiers or for other public purpose, we were not to pay any percentage on account of the land to the States.

Mr. JONES, of Florida. I wish to ask one more question, for I am seeking light myself on this subject.

Mr. KERNAN. I have no feeling about the matter except to state my view, and I will answer any question that I can.

Mr. JONES, of Florida. There were enough land warrants issued to cover up all the public lands in some of the States, had they all been located in any one State. I put the question to the Senator, if all the bounty land warrants which were issued to soldiers for military service had been located in the State of my friend from Iowa, under the authority of Congress, and if there had been no lands left in that State to sell, whether in the face of the stipulation entered into between the United States and Iowa in 1846, when she was admitted into the Union, that State would have had any claim for compensation on the General Government on account of that contract?

Mr. KERNAN. I will answer the Senator. After Iowa was admitted her representatives were here. If the Government had been selling the public lands for money elsewhere and giving all the lands away in that State to the soldiers, it would have raised a claim against the United States that the Government was not dealing justly; but nevertheless that would not be a sale of the public lands in Iowa within the meaning of these statutes, in my judgment.

Mr. LOGAN. Mr. President——

Mr. KERNAN. Please let me get through. You Senators are familiar with these land laws, and I only want to state my view briefly.

Mr. LOGAN. I merely desire to call the Senator's attention to a fact, but I will wait until he gets through.

Mr. KERNAN. The Senator may call my attention to any fact, if that is his only purpose.

Mr. LOGAN. I desire to ask the Senator how he construes the act of Congress passed in 1855, and the subsequent act passed in 1857, in reference to the States of Alabama and Mississippi, in which it is provided that a settlement shall be made between the Government and those States in reference to the 5 per cent. we are now discussing, and that all reservations within those States, naming certain Indian tribes, shall be accounted for according to the number of acres in those reservations, at $1.25 per acre, in the settlement of this 5 per cent. claim. I merely ask how the Senator construes those laws.

Mr. KERNAN. I have not read those statutes, and will give no opinion upon them.

Mr. LOGAN. If the Senator will allow me, I will read them.

Mr. KERNAN. I prefer not. The Senator from Alabama, [Mr. PRYOR,] who intends addressing the Senate, will no doubt refer to those statutes. I have not looked at them.

Mr. LOGAN. I will state the idea to which I wanted to draw the Senator's attention.

Mr. KERNAN. If the Senator will allow me to proceed briefly with my statement it will be better.

Mr. LOGAN. I beg the Senator's pardon, but I merely wished to state the construction of the law.

Mr. KERNAN. I want Senators sitting here to place themselves in the situation of those who passed these enabling acts and those who accepted them. They were all familiar with the fact that the Government was accustomed to donate the public lands for various purposes, giving them largely as a reward for the patriotism of soldiers and sailors. There is no language in these statutes which imported that the Government bound itself not to continue to donate portions of the land to our soldiers; and there being these two modes of disposing of them, the one by sale for money—the ordinary way—the other by donation, my judgment is that both parties understood that we were to pay the 5 per cent. on the net proceeds of the public lands sold in the ordinary way for money, and that we were not to take out of the Treasury and pay to the States 5 per cent. on the value of the public lands that were given for a canal or a railroad, much less on the lands which were donated to the soldiers of the Republic. I may be in error, but such is my firm conviction.

I am confirmed in this view by the information which I get, that for a very long time, and down to a comparatively recent period, these new States, having their representatives here who joined in the action which was had by Congress as to donating these lands to soldiers and to other parties for public purposes, made no objection to these donations and no claim that we ought to pay them 5 per cent., or any other per cent., on the value of the lands which were entered with military bounty warrants, or which were donated for other public purposes to corporations or to parties. It was read in our hearing yesterday that as late as 1858, on such a claim being made by one of these States, the Secretary of the Interior answered that the Department did not understand that lands located with bounty land warrants were sales within the meaning of these acts of Congress. If the States coming in understood this, surely a claim would have been made earlier; they would have made the claim to the United States, "You are a trustee for us to the amount of 5 per cent. of the value of these lands; you must either sell them and give us 5 per cent. of the net proceeds, or if you give them away, like any other trustee, you must pay us the same as though you sold them at their market value."

The language of the statutes is significant. It is not that the United States shall pay 5 per cent. on the land in the States disposed of by the Federal Government, but they shall pay to the States respectively 5 per cent. of the net proceeds of lands sold. The language is so quoted in the very bill before us, "5 per cent. on the sales of public lands," and I do not think it would be construed to import the contract now contended for by any court of law or equity. We have gone on year after year from the time the first new State was admitted until now, selling land and paying over to the States 5 per cent. of the net proceeds from year to year of the lands sold only, and no claim was made by the States and no recognition by the United States that there was any right at all to have anything on account of lands that were donated to soldiers for their patriotic services and for other public purposes. We have this practical construction of what the contract was and is.

I deny that there was any such contract as is now claimed. I deny it on the fair construction of the language used. I deny it on the interpretation of the language practically by both parties making the compact for years. I deny it on the ground that for years we have gone on paying them 5 per cent. of the net proceeds and there was no claim that land warrant locations should be included, and the first time it was made, in 1858, it was disputed by the United States. If

this be not so, the United States is equally bound to pay the 5 per cent. to these States on land that was granted for any public purpose.

Therefore, Mr. President, while I would deal liberally and generously with these States, while I would be particular not to violate the public faith with any one of the States, it seems to me that no disinterested party who will examine the language of these statutes and the practical interpretation given to them by both parties for years will think for one moment that the United States is bound in law or equity to pay these States the money now claimed. No one will understand that the United States are bound by a contract to pay the States named 5 per cent. on the land that was donated as a gratuity to the soldiers of all the wars from the revolutionary war down to the present time.

I do not believe that all the Senators from the States named in this bill will vote for it. I do not think that they will feel that they should call upon the United States Treasury for 5 per cent. upon the value at ten shillings an acre of the lands granted to the soldiers who defended us all. It was the common mode of recognizing, over and above their mere pay, their honorable service; it was the practice which was known to exist when the statutes were passed, and it never was regarded by any one as a sale of the public lands. They were always called bounty lands. The soldiers did not buy them, and the Government did not sell the lands to the soldiers. The lands were donated by the old States and the new to show their gratitude to the soldiers.

But if there is to be a bill in equity filed by the States against the United States at this late day to enforce this alleged contract and to charge us with this 5 per cent., I think the account ought to be stated on both sides. How much of the public lands have been donated since they were admitted to the very States named in the bill? I called at the General Land Office and made a verbal inquiry on the 12th, when this bill was first being discussed, and I asked the Department to give me, if they could with substantial accuracy, the quantity of land granted by the Federal Government to the States named in the bill under consideration, and here is the answer:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 12, 1880.

SIR: In response to your personal request of this date I have the honor to hand you herewith a statement of the amount of public lands granted by Congress to the States of Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Arkansas, Louisiana, Alabama, Mississippi, Florida, Oregon, Nevada, and Colorado for the purposes named.

The amounts given under the respective grants are not claimed to be officially correct, but they approximate as nearly thereto as the short time allowed for their compilation would admit of.

Hon. FRANCIS KERNAN,
United States Senate.

And the quantity given here as granted by the Federal Government to the States named in the bill since they came into the Union is 164,059,498.37 acres.

Mr. JONES, of Florida. Will the Senator state what that quantity of land would be worth?

Mr. KERNAN. Estimating it at ten shillings an acre it would be worth about $200,000,000.

Mr. JONES, of Florida. Will the Senator state what the amount of a one-cent tax per acre upon the whole public domain of the United States lying within the same States would be?

Mr. KERNAN. I have not calculated it and cannot state. But this is a statement of the grants for various purposes to the new States named in this bill. Under the agricultural college act it was 1,785,646 acres.

Mr. KIRKWOOD. Did not New York get her share of that?

Mr. McDONALD. The agricultural college grants were made to all the States.

Mr. KERNAN. This is a statement of the grants of land to the States named in the bill.

Mr. McDONALD. The agricultural college scrip went to all the States, and New York got her portion.

Mr. KERNAN. There was no land granted to New York when Ohio came in.

Mr. McDONALD. But there was scrip granted to New York for agricultural college purposes, and located in the western country.

Mr. KERNAN. Every State got that, but these new States got far above that and beyond it. That constitutes 1,785,646 of the 164,059,498 acres granted to the States named in this bill. Then there were granted to deaf and dumb asylums in the States named in this bill 44,971 acres. There were grants to these States for schools and universities 62,301,398 acres, the grants to these States for seats of governments and public buildings 197,952 acres; approved for wagon-roads in these States 1,271,656 acres; approved in aid of railroads, not including grants to corporations, 34,292,397 acres. These were grants to the States named in the bill to aid in building railroads in those States.

Mr. JONES, of Florida. Every alternate section.

Mr. KERNAN. I do not know what it was.

Mr. ALLISON. That was the only way land was granted for railroads.

Mr. KERNAN. Then the swamp selections amount to 46,780,913 acres; there have been granted for internal improvements in these States 12,403,054 acres; approved for ship and other canals 4,424,073 acres; approved for salt springs 557,436.18 acres.

There is the quantity of land granted to these States by the United States since they were admitted to the Union. The Federal Government has very properly been liberal, and granted to these States lands to aid them in building canals and railroads, and for other public purposes.

Now do not misunderstand me. I am not complaining; I am not saying it was not right to do all this; I would vote for it myself probably. I am only stating it as part of the history to show how the Government has dealt with the lands in these particular States; to show that the United States donated to these new States very largely the public lands situated in them, instead of selling them and paying to these States only 5 per cent. of the proceeds.

Mr. McDONALD. This bill does not count what was given away for school purposes, &c.

Mr. KERNAN. I understand that, but I will ask my friend from Indiana if we were trustees to sell the lands and give the States 5 per cent. of the money, and we chose to give them to some company that was building a road in the State or to give them to the State to use in building that road, were not both parties to the compact parties to that grant?

Mr. McDONALD. I do not say we were trustees to sell the land for the benefit of the States in which the lands were located; but I do say that those States entered into a compact with the United States by which the States gave up the right of control over these lands, and the right of taxation and sale, in consideration of their receiving this percentage on the sales. As to my own State, among other things we gave up the right to tax these lands for five years after entry, and to that extent the land-warrant entries were embraced as well as everything else.

Mr. KERNAN. I do not think that will tend to convince any one that when your contract, made with full knowledge of the mode of dealing with the public lands by the Federal Government, said that the Government would give you 5 per cent. of the net proceeds of the sales of the lands in your State, we are bound to give a percentage on the value of the lands we donated to the soldiers and sailors who had served in the Army of the Union. I do not think it is a fair construction of this contract to claim that the United States were bound to sell every acre of the land owned by these States, and that they could not use any of it for public purposes. The argument of the friends of this bill goes to this extent.

Mr. McDONALD. I should like to ask the Senator from New York if the same clause of exemption from taxation for five years on sales of lands embraced entries made by land warrants, are we not entitled to the 5 per cent. on those sales as much as on the cash sales? We stipulated not to tax these lands for five years after the day of sale.

Mr. KERNAN. How much of the public land did the Government donate to your State in the very bill admitting your State—how many sections for particular purposes?

Mr. McDONALD. But we stipulated that after sale they should remain free from taxation for five years. The term "sale" is used in the enabling act, in reference to which we have the right to call for the 5 per cent.; and the same clause which requires us not to tax these lands for five years has been held to exempt from taxation lands entered by warrants. Now, I say that where this exemption applied, the withholding of the right of taxation to that same class of lands, our right to the 5 per cent. attaches.

Mr. KERNAN. Will my friend answer why did not some of the citizens of the States who came in under these acts, who saw this going on, suggest years and years ago that we owed them a percentage on account of the entry of bounty lands?

Mr. McDONALD. It has been so suggested, I think.

Mr. PADDOCK. For twenty years.

Mr. KERNAN. In 1858, when the claim was suggested, it was disputed and denied.

Mr. McDONALD. The Senator must remember that before 1850 a very small amount of land was entered with land warrants. It is since that period that this question has become important, not before. In 1858 the Senator himself says that the claim was made, and by the accounting officers was rejected.

Mr. KERNAN. But there was no proposition then, or till quite recently, to have laws enacted by Congress for the payment of this claim, the validity of which the officers of the United States then denied.

Mr. McDONALD. In 1857 there was an act passed which it is claimed the accounting officers from that day to this have disregarded.

Mr. PRYOR. Mr. President, this bill now under discussion seems to me to be objectionable, both as regards the Government and the State of Alabama, in this: it seeks to establish an indebtedness of about $4,000,000, as has been estimated, as due from the Government of the United States to the States named in the bill, not in equal but in different amounts, as will appear from the records of the Department of the Interior showing the number of acres of land in the several and respective States mentioned in the bill upon which military scrip and land warrants have been located, and to be estimated as the bill requires at the rate of $1.25 per acre, and this to be done, in my opinion, upon very doubtful grounds at best, if any. This bill, if passed, exposes the Government hereafter to like demands. That is to say, for all lands donated or appropriated heretofore, or to be hereafter donated or appropriated to railroads, canals, homesteads, and to whatsoever they have been or may be donated or appropriated,

if they have been or shall be the lands known as the public domain, culminating in enormous sums and ending in disaster to the whole country, Federal and State.

The clause in the latter part of the last section of the bill, which provides that the receipt on the part of the States of the benefits secured in the bill shall operate as an estoppel for all such claims, is an admission that such claims could and might be made against the Government, and is suggestive of the same. And the provision that the States shall be concluded from making the claims is likewise an admission of the enormity of the amount of and for which the Government might, could, or should be made liable. And if this bill becomes a law a precedent will be established for similar claims and allowances, for it will be observed that the advocates of this bill have relied greatly upon the previous legislation of Congress as regards the subject-matter of this bill for and as a recognition of the rights they assert under this bill, and if it becomes a law it can and will be urged and claimed that this is a legislative ascertainment of this character of claims. The provision of estoppel in the bill, in my opinion, would not operate successfully, so as to prevent other applications for other and further pay and allowances, for the reason that the passage of this bill would establish the right and justice of the claim, the principle, and it could and would doubtless be urged, and Congress most likely would be asked to relieve them of the strictly legal effects of the estoppel, and that right and justice should prevail, and not exclude those rightfully entitled under the shelter of an estoppel forced upon them to secure a part of their rights, and it is not extravagant to say it is more than likely Congress would yield, and in thus yielding would let in the flood.

The first section of the bill is inconsistent and in conflict with the second section and the proviso of the second section in this: the first section makes the claims payable out of money not otherwise appropriated in the Treasury, and by the second section certificates of indebtedness running twenty years are to be paid, or given in payment of the specified claims; and the proviso leaves it to the option of the Secretary of the Treasury to pay in money or certificates. Not only this, but it leaves it to the discretion, to the option, of the Secretary of the Treasury to pay said amounts in whole or in part, without specifying in the event that he could not pay all to each, whether in case of the payment of part he should prorate the payments equally between these several and different States holding said certificates of indebtedness.

The bill not only establishes a debt against the United States to the amount mentioned, and with such amounts as may be added to this bill by amendments or other bills hereafter, but an interest-bearing debt at the rate of 3.65 per cent. per annum, payable semi-annually, when the safety and policy of the Government should be to reduce its debt, especially its interest-bearing debt, and lessen the taxes on the people.

This bill is, and will prove to be, likewise, in my opinion, unprofitable to the State of Alabama in this: the amount taken out of the Treasury to pay the claims set up in this bill will have to be replenished by the States, which means taxes on the people of all the States in proportion of their taxable subjects, whether direct or indirect. And upon a fair investigation of what Alabama gets, and what it will have to pay back in the shape of taxes to replenish the Treasury, under the operations of this bill, the latter will amount to more than Alabama's proportion under the provisions of the bill. The amount Alabama would get as the bill now stands, from the best estimates, is about $70,000 in twenty-year certificates, with the right to draw semi-annually interest at the rate of 3.65 per cent. per annum, the principal, $70,000, at the end of twenty years. And under the law governing this fund as regards Alabama it is strictly a *trust fund*—a fund to be applied alone to works of internal improvement within the State, such as railroads and canals; for, by the act of Congress of 1841, amending the act of 1819, the whole 5 per cent. is to be applied within the State, and specifically required to be used for roads within the State, and cannot be used or applied to any other purpose, and the State of Alabama, by the acts aforesaid, is pledged to such application. Now, the *corpus* of this claim ($70,000)—and more so when only the interest can be obtained until the expiration of the twenty years, when the certificates absolutely become due and payable—is and will be too small to accomplish anything of value or importance in the way of internal improvement in the State to which alone it can be applied. This being true, it would likely be and become a bone of contention, and the cause of great expense to the State charged with management, control, and disposition of it. The cost of legislation which would likely occur as between the various roads being constructed and contemplated, as well as the claims of roads already built—claiming the same under previous legislation—would be greater in my opinion than the sum it would get under this bill.

The long silence on the part of Alabama as to this claim admonishes me that it either did not know of its existence or did not believe it was entitled to it, especially when it is fair to presume that its representatives in Congress voted for the very laws that disposed of the lands, upon the disposition of which 5 per cent. of the proceeds, rated at $1.25 per acre, are claimed in this bill, and which laws are now urged as authorizing the claims. Why, sir, it would seem to me if these laws are used as *evidence to bind the United States*, they should likewise *bind morally*, if not legally, the *States whose representatives voted for them*. Alabama has been the recipient of valuable land grants and appropriations to works of internal improvement within her territory. And now to turn around and claim this exceedingly doubtful pay, and deal with the family of States as strangers upon a debtor and creditor account basis, is inconsistent with the relation that one State bears to the others and to the Federal Government, which latter is but the creature of their own creation. It is the duty of the General Government to help, aid, assist, and respect the *authors of its existence;* and on the other hand it is the highest *interest and duty of the States* to abstain from all demands the effect of which is to involve the United States and to press an already burdened Treasury.

Therefore, Mr. President, for these and other reasons, I do not favor the passage of this bill. The States needing assistance had much better do as they have heretofore done: come here and make known their wants; and they will, as heretofore, not go away empty; ask as before, and they will receive; knock as before, and it will be opened unto them if the Government is able.

Mr. GORDON. Mr. President, I move that the Senate proceed to the consideration of the motion entered by the Senator from West Virginia [Mr. DAVIS] to reconsider the vote by which the Senate adopted the resolution for a special committee on the interoceanic canal.

Mr. JONES, of Florida. With the permission of the Senator from Georgia I would say that nearly two days ago the floor was taken for me on this question.

Mr. GORDON. I shall be very glad to yield to my friend if he will renew the motion I have just made when he closes.

Mr. JONES, of Florida. I cannot promise that.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Senator from Georgia will have to move to postpone the present and all prior orders for the purpose indicated.

Mr. GORDON. I understand this to be a privileged question.

Mr. McDONALD. I do not understand it to be a privileged question to ask the Senate now to consider the motion to reconsider while there is an unfinished order before the Senate. While I should like very much to accommodate my friend, the Senator from Georgia, by having that motion considered, I think that this special order should continue to engage the attention of the Senate until it is disposed of. There are other questions and other matters that are pressing very earnestly upon the attention of the Senate which are delayed by the pendency of this special order. I had greatly hoped we might dispose of it to-day, and I think possibly we may take some of the important votes to-day yet; but I feel compelled to object to the proposition of the Senator from Georgia, and unless a majority of the Senate otherwise direct, I shall certainly have to object to the consideration of any other business than this, unless that business shall be decided to be a privileged matter.

Mr. HARRIS. I desire to make a report from a committee. ["No objection."] I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. No. 81) to make the 23d of February, 1880, a legal holiday in the District of Columbia, to report it back without recommendation. The Senator from Rhode Island [Mr. BURNSIDE] introduced it.

Mr. BURNSIDE. Inasmuch as it will take but a moment to consider that, I beg to ask its immediate consideration. The object of the resolution is to make Monday next a legal holiday in this District, inasmuch as the 22d of February comes on Sunday. That is now the law in most of the States. I have introduced the resolution to make it so in the District of Columbia for this year only, so that a law making it so for all future time, if Congress chooses, can hereafter be passed. I desire now the immediate consideration of the joint resolution.

Mr. JONES, of Florida. I think it better that the question before the Senate should be disposed of.

Mr. BURNSIDE. I did not know this would cause any discussion. The time is at hand when action should be taken on it. It is a short resolution, and can be reported readily.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. KIRKWOOD. We had better go on with the regular order.

Mr. SAULSBURY. I think the resolution should go over.

The PRESIDING OFFICER. Objection is made, and the joint resolution will go on the Calendar.

Mr. DAVIS, of West Virginia. The Senator from Georgia has intimated that he desires to call up the resolution which had passed the Senate some weeks ago, and a motion to reconsider which was entered by myself. I should be as glad to have that disposed of as the Senator from Georgia would be; but I do not think it is, as the Senator has stated, a privileged question over the matter now before us. My own thought is that it will have to take its chances. A majority of the Senate can decide when to consider it. It is not a privileged question.

Mr. GORDON. My friend will allow me to say that I did not understand the pending bill was a special order when I made that point. I am informed by the Senator from Indiana that the bill now pending is a special order. I was not aware of that when I made the suggestion.

Mr. DAVIS, of West Virginia. The Senate undoubtedly can make any order it sees proper, or take up any question by a majority vote;

so there is no need of a question on that point; but I believe that the bill now pending ought to be disposed of, and I suggest to the Senator from Georgia whether we cannot fix some time on which the motion to reconsider his resolution may be acted on. I consider that it is due to the Senator, and due to the country, that action should be taken; the only question is, when? I am ready, and have been ready from the day the motion was entered to the present hour, to consider it, and so has the Senator from Georgia been, I understand; but it has not been disposed of from the fact that there has been a special order pending nearly ever since, and neither the Senator from Georgia nor myself could well call up the resolution. Now, if the Senator from Georgia will name any particular time, and the Senate will agree to make it a special order, it will be very agreeable to me.

Mr. GORDON. I am perfectly willing to say that this matter can go over so far as my wishes are concerned, to be taken up at the end of the discussion of the present bill, whenever it shall be disposed of, which I hope will be during the day.

Mr. JONES, of Florida. Mr. President——

Mr. ALLISON. I ask the Senator from Florida to yield one moment. I desire to call the attention of the Senate in connection with what the Senator from Alabama [Mr. PRYOR] has just said, to the fact that in 1855 Alabama secured the passage of a law, to be found in the tenth volume of the Statutes, page 630, by which Alabama received her 5 per cent. not only upon lands already sold but including also Indian reservations belonging to the Chickasaw, Choctaw, and Creek Indians, so that whatever may be said with reference to the other States the State of Alabama has been reasonably diligent in securing what she conceived to be her rights in this regard.

Mr. JONES, of Florida, and Mr. MORGAN rose.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. JONES, of Florida. I have the floor.

Mr. MORGAN. If the Senator from Florida desires to proceed with his remarks I shall not interpose now.

Mr. JONES, of Florida. Does the Senator wish to address the Senate?

Mr. MORGAN. Merely to reply to the Senator from Iowa; but I shall not ask to do so now.

Mr. JONES, of Florida. Mr. President, the interest of this question has been sufficiently manifested by the very many able speeches we have listened to since it has been before the Senate. I said yesterday that I intended to make a few observations in explanation of an amendment now lying upon the table which I propose to offer to this bill. That amendment is founded, as I think, in a spirit of equity. We are not sitting here as a great court of law to measure the nice legal obligations of the Government of the Union to the governments of the States. We are not invested with any judicial power. Whatever we do here, we do it in the exercise of a great legislative authority to deal broadly with questions, not as a court of law deals with them, not as a court of equity deals with them, but as the sovereign authority of the United States can alone deal with them, not hampered down by any little technical interpretations of a statute, but to do substantial justice if the case presented requires that justice shall be done.

Much has been said by the Senator from New York [Mr. KERNAN] on the technical meaning of the word "sales." I am not here to pass upon that in my character as a lawyer; I am not here to say exactly whether the location of bounty land warrants, and the appropriation of the public domain under them, amount to what he would as a lawyer or a judge sitting on the bench call a technical sale. The question is larger and broader than that. It is whether or not the Government of the Union has dealt fairly with these States in disposing in this way of land from the sale of which she had solemnly stipulated she would pay to these communities 5 per cent.

Take the case of the five land States of the South to which my amendment peculiarly applies, and nobody will pretend to say, no man can say, that the location of homestead settlements upon those lands amounted to a sale; and yet is any man so lost to justice, to right, to equity, to every consideration that ought to move the exercise of an impartial mind, as to hold that when those lands were all withdrawn from the market in 1866 and tied up for ten years, so that not one of those States could get a single dollar from the sale of an acre of them, that was a thing to be tolerated and upheld? Suppose the same thing had been done just after these States were admitted into the Union. Take the case of my own State: she was admitted into the Union in 1846, and in her enabling act it was distinctly stipulated that in consideration of the abandonment on her part of the right to tax the public property of the United States lying within her jurisdiction she was to receive 5 per cent. of the net proceeds of the sales of the public lands then lying within her jurisdictional limits. Now, suppose that a year after the admission of the State the Federal Government, in direct violation of that compact, went to work and by a law passed here withdrew all those lands from market, and, while enjoying the benefit of the contract so far as the State could make it, had said, "We will dispose of these lands in a way that no lawyer can call a sale, so that you will not have any claim upon us for our 5 per cent.," and if that State came before the Congress of the United States to ask for that 5 per cent., in equity would she be met with the objection on the part of the distinguished representatives of the other States here that there had been no sale? Is that the kind of ethics that is to prevail here? Is that the way in which a great sovereign power is to fulfill its engagements? Because you cannot make out a sale in each particular case after one party has rendered it impossible for a sale to take place she is to have no claim at all!

There is a principle involved here. It does not matter whether these lands were sold within the technical definition of "sales" or not. The question is whether there is any equity to treat them for the purposes of relief as sales, and to say to the States, "We agreed to pay your 5 per cent. of the net proceeds of the sales of the lands; but we found in the exercise of our wisdom that it was necessary for us to make other dispositions of them, but at the same time we are ready to account to you as for a sale." Suppose the United States had reserved all the lands for some grand public purpose, so that we could not sell them; the interests of the Union required that they should be set apart for some national object compatible with the interests, the honor, or the welfare of the nation, and the State should come to the Government, would you not say to her, "You are entitled to 5 per cent. of the sales of these lands; the exigencies of the Government required that we should not sell them." Will any man say that the State in that case would have no claim, not to the bounty, for it was not bounty, but for that "pound of flesh" which the Government of the Union had distinctly promised to the government of the State?

The Senator from New York in his very candid argument awhile ago went on to say that there ought to be a general adjustment in order that we might be able to strike a balance, a bill in equity ought to be filed, so that upon the one side it might be seen what these States had already received from the General Government before they were permitted to make any further claim. He followed up the argument that the Senator from Vermont [Mr. EDMUNDS] made in his place the other day, that the public domain of the United States which had been given to the respective States of the Union for public purposes was so much lost to the general interest of the country. Is it possible that that narrow view of statesmanship is to prevail here? What man can say that the millions of acres of land given to the States of the West, the land States, have not contributed toward the wealth, the prosperity, the grandeur, and the happiness of the people of the whole Union? From whence do you draw your taxes? From whence do you derive those vast resources of government which go to swell your national strength? Is it from the barren soil untilled, uncultivated, unpeopled; or is it not from the living energy, the flesh and blood of the vast mass of population which you have settled there under your bounty and your liberality, and through whose ability and exertion the great temple of power on this continent has been built up?

Do you tell me that if these concessions had not been made at all, the Government of the Union, on the principle of the argument, would be richer than it is, that it would have millions of acres of land valued at a dollar and a quarter an acre? That is the hankering idea which is dragged into this debate to tear down what argument is presented in behalf of the States. But will any man say in his place in the Senate to-day that if every foot of land which was donated to the States of the West and the States of the South were now in possession of the Government untilled and unpeopled, it would contribute toward the wealth of the Union one iota what it now does toward the general prosperity of the whole people?

We hear it said "we gave you lands to build railroads and canals." So you did. But what were those railroads and canals used for? Well did Mr. Webster say in one of his fine arguments in his place in the Senate years ago, in advocating the improvement of the falls at the head of the Ohio River, that in voting for it he felt that he was serving Massachusetts as much as he was Kentucky or Ohio. He felt that every steamboat which navigated the Mississippi River laden with precious cargoes of manufactured goods from New England was benefiting his people just as much as the people of the immediate locality in whose presence and in whose State the improvement had been made.

No, Mr. President, it is a mistaken idea that the States within whose limits there is to be found no public land have never been benefited by these donations of the public domain to the States within which the public domain is located. I have heard of narrow ideas with respect to State rights; but this is about as narrow a view of that subject as has ever been taken; and unless there is some calculating power at the seat of Government which can trace the mysterious operations of commerce and the reciprocal benefits resulting from the interchange of the products of agriculture for the articles of the manufacturing region and to show how much has been done by public improvements in facilitating the interchanges between all the sections of this country, the advantages going here and going there from them, we shall never be able to see how much wealth, how much good has resulted from the improvements in consideration of which these bounties or these grants were made.

One would have supposed from the argument of the Senator from Vermont and the argument of the Senator from New York that a railroad in Indiana, or in any other State, whose construction was aided by a grant of public land never carried a pound of freight which was purchased in the great city of the latter Senator's State. Where would New York be to-day, I ask him, if it were not for these great public avenues and thoroughfares which have been made and

created in other States by the aid of public bounties and public grants? He would be hemmed in within the limits of a little provincial city doing a system of local trading that never would have redounded to the building up of such a city as he has now within his State. There is nothing in that argument, Mr. President.

Those grants of land which were made by the General Government to the States in consideration of the construction of canals and railroads did not go into the treasury of those States, did not go to lighten the burdens of their tax-payer one iota, were not appropriated to pay any public officer or to diminish in the least any of the expenses of local government. They went, it is true, to facilitate, as I said awhile ago, the exchange of the vast productions of this people and to enable the country to grow rich by that system, which it has done. If any man were to take the time to look into the vast amount of our internal exchanges going on every day, sweeping first in one direction and then another, over railroads which have been built by grants of land and by public bounty, he would be astonished at the magnitude of that commerce and to see how insignificant the foreign commerce of the land is when compared with it. Figures would hardly present it in an intelligent shape, sweeping from the West to the East and from the East to the West over a perfected system of public works created by the enterprise, by the bounty, and by the energy of this great people. And am I to be told in the Senate of the United States that any aid which is usually given by a grant of land either from the State or the General Government has no tendency to enrich this people and to enrich the Government itself, which is nothing beyond the people?

Mr. President, it has been said that the States surrendered nothing. I contend that they have surrendered a great deal; and as far as I am informed, in every case they have stood by their contract. For those grants of land which were made by the General Government to them to aid in the construction of canals and railways, they have fulfilled all the conditions of those grants, and the public of the United States and the Government itself are the beneficiaries. There is no offset to come in there, then, according to the argument of the Senator from New York, because the States have fulfilled their agreement. They dedicated those public works to the uses of the public. They built them so that the goods of my friend's constituents could be transported over them and sold to advantage in the western market, and that New York might become, as it has, the great shipping port of America to transport the millions of bushels of wheat which annually find an outlet in her great harbor. She has had her advantages, grand and inestimable, from those local works even in the States of my friends from Iowa and Nebraska who sit before me; and I believe that if the account could be taken New York and the Eastern States in reality would be found to have derived more advantage from these very local works in the West than the States themselves within whose borders they were constructed.

Therefore I say there is no foundation for this claim of set-off. The States received these lands coupled with a trust that they should devote them to the construction of public highways, roads, railways, and canals for the general public of the Union, and they have fulfilled their obligation; but when it comes to the other part of the compact, that is a different thing. The Government of the Union, especially in the case of the States of Iowa and Florida, distinctly agreed that in consideration of the relinquishment of the power of State taxation over the public lands within their limits she would give to them 5 per cent. of the net proceeds of the sales of the public lands within those States. I am not now to be entrammeled with any difficulties growing out of the other questions. Those grants that were made in consideration of the construction of the works were one thing. The grant which was made in consideration of the relinquishment of the power of taxation over the rest of the public domain is another and a very different thing.

Sir, this is not entirely a new question in the Senate of the United States, and I am glad to be able to find on record the opinion of a great New England statesman to show the injustice that has ever been done to the land States by the States that did not have any public lands within their borders. One of the first utterances of Mr. Sumner in this body was on that subject. He went into the question of the power of taxation; he admitted it as an existing power, and he said here in his place that had the States not given it up the Government of the United States would have been called upon as a great landed proprietor to pay to them a reasonable tax per annum on every foot of the public domain within their limits. He estimated a reasonable tax at one cent per acre per annum, taking into account what had been paid by other land-owners, and he summed up in his speech a vast debt against the Government of the Union, which up to this time has never been discharged in equity and will not be discharged even if all that is claimed for by this bill shall be paid. Take the public domain of the United States to-day, distributed as it is among five land States in the South and I do not know how many in the West, and see what a vast amount of property this Government owns within the limits of those Commonwealths; estimate its value for the last fifty years. It has been determined that notwithstanding the frequent sales of land the vast majority of the public domain remains twenty-five years in the possession of the Government before being sold. The estimate was made by Mr. Sumner up to 1849, and he shows in his speech, which I have before me, that up to that period at least, notwithstanding all the grants made for schools, for asylums, for various public objects, there was a debt according to his estimate of over $100,000,000 due from the Government of the United States to the States of the Union within whose limits the public lands lay.

Nobody ever questioned the right of the Government to enjoy exemption from taxation with respect to all the great agencies of government. Everything appertaining to its sovereign functions is exempt, and no lawyer in this country since the decision in the celebrated case of McCulloch *vs.* Maryland ever contended that any Federal agency whatever could be taxed by the States. But even in that case, or in one that arose shortly after and grew out of it, the Supreme Court of the United States decided that while the Bank of the United States as an agency of the Government of the Union, necessary to administer its fiscal affairs, could not be taxed by the State of Maryland, the real estate owned by the same bank was liable to taxation, because it was no part of the sovereign agency necessary to carry out the great functions and affairs of government.

Dock-yards, arsenals, all the means necessary to carry on the Government, are exempt; but I contend that in principle and in right the Government had no right to hold a foot of land as an ordinary proprietor within the limits of any State of this Union without paying taxes for it to the government which was called upon to protect it the same as the property of all other people. It was benefited by the roads, by the school-houses, by every description of improvement which was created by taxes levied upon the people of the local communities, while the people in the non-landholding States were never called upon to contribute toward any such improvements that went to the benefit of the General Government.

I am a little wearied, and I ask the Chief Clerk to read what Mr. Sumner said in 1852 on this subject, the passages which I have marked.

The Chief Clerk read as follows:

According to this estimate 289,761,954 acres proclaimed for sale have been absolutely free from taxation during the space of twenty-five years, and yet during this whole period have, without the ordinary consideration therefor, enjoyed the protection of the State, with the advantages and increased value from highways, bridges, and school-houses, all of which are supported by the adjoining proprietors under the laws of the State without assistance of any kind from the United States.

Such is the extent of this immunity. But in order to determine its precise value it is necessary to advance a step further and ascertain one other element; that is, the average annual tax on land in these States; for instance, on the land of other non-residents. There are no official documents within my knowledge by which this can be determined. But after inquiry of gentlemen, themselves landholders in these States, I have thought it might be placed, without chance of contradiction, at one cent an acre. Probably it is rather two, or even three, cents; but, desiring to keep within bounds, I call it merely one cent an acre. The annual tax on 289,761,954 acres, at the rate of one cent an acre, would be $2,897,619; and the sum total of this tax for twenty-five years would amount to $72,490,475, being the apparent value of this immunity from taxation already enjoyed by the United States; or, if we call the annual tax two cents an acre instead of one cent, we have the enormous sum of $144,980,950, of which the United States may now be regarded as trustees in equity for the benefit of the land States.

But against this large sum I may be reminded of reservations and grants by the nation to the different States in question. These, however, when examined, do not materially interfere with the result. From the official retrns of the Land Office in 1848, (Executive Document, Thirtieth Congress, second session, H. R. No. 18,) we learn the precise extent of these reservations and grants down to that period. Here is the exhibit:

		Acres.
Common schools		10,807,958
Universities		823,950
Seats of government		50,860
Salines		422,325
Deaf and dumb asylums		45,440
Internal improvements	By act September 4, 1841	4,169,439
	Roads, rivers, and canals	4,305,034
		20,625,006

This is all. In the whole aggregate, only a little more than twenty million acres have been granted to these States. The value of this sum total, if deducted from the estimated value of the franchise enjoyed by the nation, will still leave a very large balance to the credit of the land States. Estimating the land at $1.25 an acre, all the reservations and grants will amount to no more than $25,788,257. Deducting this sum from $72,490,475, and we have $46,702,218 to be entered to the credit of the land States; or, if we place the tax at two cents an acre, more than double this sum.

This result leaves the nation so largely in debt to the land States that it becomes of small importance to scan closely the character of these grants and reservations in order to determine whether in large part they have not been already satisfied by specific considerations on the part of the States. But the stress that, in the course of this debate, has been laid upon this bounty, leads me to go further. It appears, from an examination of the acts of Congress by which the land States were admitted into the Union, that a large portion of these reservations and grants was made on the express condition that the lands sold by the United States, under the jurisdiction of the States, *should remain exempt from any State tax for the space of five years after the sale.* This condition is particularly applicable to the appropriations for common schools, universities, seats of government, and salines, amounting to 12,105,093 acres. It is also particularly applicable to another item, not mentioned before, which is known as the 5 per cent. fund, from the proceeds of the public lands, for the benefit of roads and canals, amounting in the whole to $5,242,069. These appropriations being made on specific considerations, faithfully performed by the States down to this day, may properly be excluded from our calculations. And this is a response to the Senator from Kentucky, [Mr. Underwood,] who dwelt so energetically on these appropriations, without seeming to be aware of the conditions on which they were granted.

That I may make this more intelligible, let me refer to the act for the admission of Indiana. After setting forth the five reservations and grants already mentioned, it proceeds:

"*And provided always*, That the five foregoing provisions herein offered are on the condition that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States from and after the 1st day of December next shall be and remain exempt from any tax laid by order of any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale."

This clause does not stand by itself in the acts admitting the more recent States, but is mixed with other conditions. I will not believe, however, that any dis-

crimination can be made between particular land States, on the ground of a difference in their conditions which may properly be attributed to accidental circumstances. The provision just quoted is found substantially in the acts for the admission of Ohio, Missouri, Illinois, and Arkansas. So far as these States are concerned, it is a complete consideration, in the nature of satisfaction, for the reservations and grants enjoyed by them. It also helps to illustrate the value of the *permanent immunity* from taxation belonging to the United States, by exhibiting the concessions made by the United States to assure this franchise to certain moderate quantities of land during the brief space of five years only.

After the constant charges of squandering the public lands and of partiality to the land States, I think all will be astonished at the small amount to be entered on the debtor side in the great account between the States and the National Government. This consists of grants for internal improvements, in the whole reaching to only 8,474,473 acres, which, at $1.25 an acre, will be $10,593,091. If this sum be deducted from the estimated value of the immunity from taxation already enjoyed by the United States, we shall still have *upward of* $60,000,000 *surrendered by the land States to the nation;* or, if we call the annual tax two cents an acre, more than double this sum.

In these estimates I have grouped together all the land States. But, taking separate States, we shall find the same proportionate result. For instance, there is Ohio, with 16,770,984 acres proclaimed for sale down to January 1, 1849. Adopting the basis already employed, and assuming that these lands continued in the possession of the United States after being surveyed and proclaimed an average period of twenty-five years, and that the land tax was one cent an acre, we have $4,192,725 as the value of the immunity from taxation already enjoyed by the United States in Ohio. From this may be deducted the value of 1,181,134 acres, being grants to this State for internal improvements, at $1.25 per acre, equal to $1,476,367, leaving upward of two millions—nearly three millions—yielded by this State to the nation.

Take another State, Missouri. It appears that down to January, 1849, 39,685,609 acres had been proclaimed for sale in this State. Assuming again the basis already employed, and we have $9,908,900 as the value of the immunity from taxation already enjoyed by the United States in Missouri. From this may be deducted the value of 500,000 acres, granted to this State for internal improvements, which, at $1.25 an acre, will amount to $625,000, leaving upward of $9,000,000 thus yielded by this State to the nation.

I might in this way proceed with all the land States individually; but enough has been done to repel the charges against them, and to elucidate their *peculiar equity* in the premises. On the one side they have received little—very little—from the nation; while on the other side the nation, by strong considerations of equity, is largely indebted to them. This obligation of itself constitutes an equitable fund, to which the land States may properly resort for assistance in their works of internal improvement, and Congress will show an indifference to the reasonable demands of these States should it fail to deal with them munificently, in some sort, according to the simple measure of advantage which the nation has already so largely enjoyed at their hands.

Against these clear and well-supported merits of the land States the old States can present small claims to consideration. They have waived no right of taxation over lands within their acknowledged jurisdiction; they have made no valuable concessions; they have yielded up no costly franchise. It remains, then, that, with candor and justice, they should recognize the superior—I will not say exclusive—claims of the States within whose borders and under the protection of whose laws the national domain is found.—*Sumner's Speeches*, edition of 1856, pages 24-30.

Mr. JONES, of Florida. It will be seen from this extract that, according to the very frank admission of Mr. Sumner, who was in his day, as we all know, a man of great power and weight in this body, a worthy representative of New England, up to 1849, after striking the account in the most equitable manner possible, and recognizing as he did this right of taxation which was relinquished by the State, there would have been in its absence a demand in equity against this Government for more than $100,000,000. But in case the States deliberately gave up that right, and gave it up in consideration that the Government of the United States would devote the public domain lying within their limits to sale so that they should get 5 per cent. of the net proceeds, it was never thought that after this relinquishment of the sovereign power of taxation by the local communities, which was admitted to exist by the most impartial jurists in the land, then the Government of the Union would go to work and by indirection dispose of these lands in a way which gave the States no legal claim to the amount stipulated to be paid them, no legal claim, as the Senator from New York would express it. There were here all the elements of a fair and honorable contract; there were parties capable of contracting, there was a subject-matter, and there was a valid consideration, bringing it within the alphabet of Blackstone, to say nothing of those high moral considerations that are supposed to operate upon governments outside of all the little technicalities of law which are intended only for individuals. But, even testing it by the strict legal standard, there were all the elements of a contract with these States, and there it is. I am not quarreling because the Government thought proper to devote these lands in any other manner from that in which she said she would dispose of them. Not at all. I recognize the presence always of great exigencies and necessities to control the policy of a great government like this, and when it is necessary, in order to enable her to discharge the high duties of her position, she has to break away from contracts solemnly entered into in order to do it. Then surely she cannot complain if the parties who feel themselves aggrieved should come here and claim some recompense for the violation.

Suppose it became necessary in the fulfillment of some treaty stipulation that a large part of the land in the State of Ohio or some other State should be ceded to a foreign power for the benefit of the people of the whole Union, after it was agreed that the Government should sell that land and pay to the State 5 per cent. upon it, would anybody hold that because of such a necessity as that, imposed upon the United States by an unforeseen emergency, she could rid herself of the obligation entered into with the State to whom she had agreed to pay a stipulated sum to be derived from the sale of that very territory? In the case of the States affected by my amendment the lands, as we all know, were withdrawn from market arbitrarily in 1866, so that not one foot of the public domain within the five States of Alabama, Florida, Louisiana, Mississippi, and Arkansas could be disposed of except under the provisions of the homestead law for the period of ten years. There was the obligation of the Government remaining on the statute-book trampled under foot, in which she had engaged to pay to those States, as she had in the case of the States of the West, 5 per cent. of the net proceeds of the sales of these very lands.

But it has been said there was no sale. When a contracting party by the exercise of his own volition and his own power places himself in an attitude to render impossible the performance of his contract, what, I ask you, would be his plea in a court of law founded upon such a ground as that? What would be said to the ordinary individual who came into court to set up a failure to comply with his engagement which was brought about by his own voluntary and self-imposed disregard of the contract? Would the court listen to him? Even in the case of supervening accident, and even in the case sometimes of Divine interposition, the party is not exonerated. The act of God will not do it; the act of man cannot do it. No sales! If there were not any sales why did you change the law? It was done without the consent of the States. Admit that a public emergency demanded it, does that exonerate you from the obligation of making compensation for the violated contract?

Mr. President, I said awhile ago that this subject was one that demanded a broader view than had been taken of it by some gentlemen who have participated in this debate. The subject of the disposal of the public lands cannot be dealt with upon the principle of an ordinary huckster keeping a running account of a little grocery store's operations. That idea prevailed for a long time on the other side of the water; and if there was anything more than another that contributed to the building up of this great country and making it what it is, it was the breaking down of those narrow, feudal ideas that existed in the mother country and in the countries of Europe for generations, previous to the settlement of this land. I think it is due to the celebrated political philosopher, Mr. Burke, who first made war upon this little, narrow system by which it was argued that every foot of land owned by the government was evidence of so much wealth instead of poverty, that I should refer to his utterances. Speaking on this subject in his place in Parliament, when the narrow views I complain of were entertained by the law-makers there with reference to this very country, he uttered this language, which is a text for any argument that can be made on the subject.

> Lands sell at the current rate, and nothing can sell for more. But be the price what it may, a great object is always answered whenever any property is transferred from hands which are not fit for that property to those that are. The buyer and the seller must naturally profit by such a bargain; and, what rarely happens in matters of revenue, the relief of the subject will go hand in hand with the profit of the exchequer.
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> * * * The revenue to be derived from the sale of the forest lands will not be so considerable as many may have imagined, and I conceive it would be unwise to screw it up to the utmost, or even to suffer bidders to enhance according to their eagerness the purchase of objects wherein the expense of that purchase may weaken the capital to be employed in their cultivation.
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> * * * The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and population of the kingdom; events infinitely more advantageous to the revenues of the Crown than the rents of the best landed estate which it can hold.
>
> * * * It is thus I would dispose of the unprofitable landed estates of the Crown—*throw them into the mass of private property*—by which they will come, through the course of circulation and through the political secretions of the state, into well-regulated revenue. * * * Thus would fall an expensive agency, with all the influence which attends it.

Mr. President, everything that has been done by the General Government in pursuance of a liberal policy toward the States in land matters has been vindicated by experience; and the truth of Mr. Burke's principle has been shown. Hence, I say the Government of the United States has nothing to complain of because of what she gave. She is reaping to-day the full fruition of her bounty in an enhanced population, in a prosperous and contented people appreciating and loving the grand system of liberty under which they exist.

Mr. President, I have already trespassed so long upon the Senate, and so much longer than I intended, that I hope the Senate will pardon me, and I will now take my seat.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the indefinite postponement of the bill.

Mr. KIRKWOOD. Mr. President, if no other Senator desires to address the Senate upon this question, and the Senate would prefer to take a vote upon the motion of the Senator from Vermont now, I will abstain from saying anything, and I possibly may find an opportunity to speak in the future. If no other Senator, however, desires to speak I can, I think, in the short time left of this day's session, say all that I care to submit. If the Senate will indulge me for fifteen or twenty minutes, I will say my say now.

I wish to confirm in the strongest manner that I can the remark made by my colleague [Mr. ALLISON] the other day when he addressed the Senate, that so far as the State of Iowa is concerned she does not come here asking alms. Her Senators here do not support this bill because they think it gives to her that to which she is not entitled, but solely and only because her people believe, her Senators believe that in plain, naked good faith she is entitled to every dollar, to every penny of the money that will go to her in case this bill shall become a law. I believe myself that her claim to this money is just as strong, is just as well grounded, is just as honest as is the claim of any man in all our land who holds a bond against this Government. I hold that it would be quite as unjust, quite as unfair, quite as unmanly to repudiate the one debt as the other.

It has been said that we did not make our demand soon enough. I did not know but that the Senator from Vermont might require us to have taken a notary public along with us and protested the Government of the United States on the day after it failed to pay over the 5 per cent. on the first thousand acres. We are not in the habit of looking at questions of this kind in that way where I live. After a period of some five years, during which from one-third to one-half of the land entered in Iowa was taken up by bounty land warrants, in 1858 the State of Iowa, seeing what was being done and how she was suffering wrong, did move in this matter, sent her governor here to inquire at the proper office of the Government why it was that this contract between her and the United States was not fulfilled. He was told that the officers of the United States did not understand the contract as we did. We got that information in the fall of 1858 or the beginning of 1859. Soon after that what is sometimes called "the late unpleasantness" occurred. The attention of the people of Iowa, however it might have been elsewhere, was taken up with other matters than money making for a number of years. We did not see fit to press our claim against the Government of the United States when it was struggling for its existence, and we did not see fit to present our claim against the United States until after the struggle was over and the finances of the country got into a condition when it could do that which we deemed to be justice to us. Then we came and asked it, and then we were told that we were too late.

I have not had time, my other engagements having prevented, to look into the various statutes affecting other States that are concerned in this bill. My colleague has done that to some extent, and I propose to leave that to what he has said and to what others have said upon that question. But I propose to examine some other matters.

It is said that if this bill be passed giving us now the 5 per cent. upon the value of the lands entered by military land warrants at a dollar and a quarter an acre we shall come in after awhile and ask 5 per cent. on the amount donated to the State for railroad purposes and school purposes and various other purposes. We hold it to be a sufficient answer to say that by the terms of the law we agreed not to do that thing, because by the terms of the law as it will be if it passes we do agree that we shall do no such thing. I do not think the people of Iowa could find any man in their State to take the very honorable position of a Senator on this floor from that State who would in the face of that stipulation ask to have that thing done.

But look at the matter in another sense. Senators say we have received lands for railroad purposes. True, we have. The Senator from Vermont in speaking of Nebraska the other day seemed to consider that in granting those lands to railroads the Government of the United States had been excessively liberal to the people of Iowa and the people of Nebraska. Did the Government of the United States lose a penny by the grant? She gave away alternate sections and doubled the price of the remaining sections. Just as many dollars went into her Treasury as if she had not made the grant and had sold the lands at the original price of one dollar and a quarter an acre. We have received our 5 per cent. upon all that land, both that retained by the Government and that given to the railroads, and we do not ask it twice over.

Congress granted land for educational purposes for the benefit of Iowa. The Senator from Vermont does not himself claim it to have been for the exclusive benefit of Iowa, but it was for the benefit of the whole country. In receiving that grant we have received certainly our share of the benefits. It is rather a far-fetched argument, I think, to make a proposition of this kind in the face of the plain stipulations of the law that we are considering and in the face of the considerations that I have named.

Let us look now at this matter in the light of a contract. The Senator from New York has spoken upon this subject somewhat closely and pointedly. It is a contract. The Government of the United States agreed to do something, and the government of the State of Iowa, for instance, agreed to do another thing. It is not claimed that Iowa did not do what she agreed to do. The two parties having made these stipulations, thereby a contract was entered into. I will assume, then, because it has not been denied, that Iowa has done all she agreed to do by the terms of the contract. Has the United States done the same? The Senator from New York, and, as I understand him, also the Senator from Vermont, claim that although it was agreed as one part of the promise made by the United States that she should pay to the State of Iowa 5 per cent. upon the proceeds of the land sold, that did not deprive the Government of the power of disposing of the lands otherwise than by sale, and for any purpose to which she might choose to devote them, and further, that when she thus chose to do something else with the lands than sell them for money, the State of Iowa had no claim upon them. In broad terms, that would amount to saying that when the State of Iowa bargained with the United States, that State expected to receive something from the sale of public lands, the 5 per cent., but it was left in the power of the Government of the United States to say whether the State should receive anything or not. If the Government of the United States can, by devoting the lands to certain purposes, deprive the State of Iowa of 5 per cent. upon one-third of them, or one-half of them, or three-fourths of them, the United States can just as well deprive the State of the 5 per cent. upon the whole of them by devoting the whole of them to some other purpose, and not selling any of them for money.

Do you suppose that was the bargain as understood by the people of Iowa, and as they had the right to understand it? I do not claim that the Government could not dispose of the lands otherwise than by selling them; but I do claim that when she agreed that Iowa should have 5 per cent. of the proceeds of the sales of these lands she encumbered all of them, and that when she devoted any of them to any other purpose than a public sale for money, we have her good faith pledged that 5 per cent. upon the value of that land shall go into the treasury of the State for the purposes named in the original contract between the State and the United States. When that contract was made Iowa had an interest in every acre of public land in the State. The United States held the title with the trust attached, and although the Government might devote it to any purpose it pleased just as much as before the contract was made, it did it with the understanding and contract that it should pay to the State of Iowa as much of the proceeds as if it sold the land for money.

It has been said—the Senator from Florida has spoken to that point as fully as it need be spoken to—that really the United States took nothing by her part of the contract; that although the State agreed not to tax for its use the public lands in the State, yet there was no need of that stipulation because the State could not have done it anyhow; and so perhaps with other stipulations of the contract contained in the acts of admission. The United States did not so understand it. It was at least a mooted question whether the State could tax or not; and the abandonment of a mooted claim, the settlement of a mooted question, is in itself a consideration as good as any other consideration can be for a promise that is intended to be kept faithfully and manfully.

The great bulk of the lands entered by land warrants in Iowa were entered by what were called Mexican land warrants. A large portion of those warrants were issued as bounties, not for services rendered but to be rendered. The United States wanted soldiers to enter the army warring with Mexico. She said to them, "If you will volunteer to serve the United States during this war we will give to each one of you one hundred and sixty acres of land." Instead of saying, "We will give you a bonus, or a bounty, of $100 in money, or $200 in money," the United States said, "We will give you a bounty, or a bonus, of one hundred and sixty acres of land." They contracted with the soldiers to do that thing. The soldiers went forward and entered into the Army and rendered the service, the country derived the benefit of it, and now it is said that that grant of lands was not a sale!

Let me illustrate my idea upon this subject, especially with reference to warrants that were issued for past services. The question whether or not we shall equalize the bounties given to the soldiers of the last war has been pressed upon the attention of Congress and will be pressed again. A bill equalizing their bounties passed Congress some years ago, I do not remember how long, but failed of the President's approval because, as I have understood, the then Secretary of the Treasury believed that the condition of the Treasury was such that it could not stand the strain that would be brought upon it if that bill became a law. But the question is here again, and will continue to be here. Many of the soldiers of the Union Army during the late war would prefer to-day to take a land warrant instead of a money bounty. Suppose that in view of the present condition of the Treasury it should be thought best instead of paying, as the proposition now is, a money bounty, that there should be given to them a land bounty, and in that way their claim against the United States should be settled without taking money out of the Treasury of the United States, would Senators claim that because Congress saw fit to retain the many millions of dollars that an equalizing bounty law would take out of the Treasury and to pay in land instead of money, therefore an undue share of that payment should fall upon the States in which public lands are yet to be entered?

We gave bounty land to our soldiers. Nineteen-twentieths of the value of that land comes out of the common fund, is paid by the people of the old States and paid by the people of the new States alike, but the other twentieth, the 5 per cent., it is proposed shall be paid by the State only in which the lands may be located by virtue of those warrants. It is thrift in the old States to have their honorable debts to the soldiers paid in this way, to have the new States pay their share of the nineteen-twentieths of it and to pay the other twentieth wholly. Whether it is as fair as it is thrifty, I must be allowed to doubt.

My remarks are very desultory, and must be so, as I speak hurriedly and wish to be as brief as possible. I must recur for a few moments to what has been said about the benefits conferred upon the new States by the land grants, those for railroads especially. They have been benefited unquestionably, and the country has been benefited as well as they. Before these grants were made to Iowa we had a population of less than two hundred thousand people. That was in 1856. We have to-day, I apprehend, a population of a million and a half. The building of railroads has done much to bring that population to us; but has the country derived no corresponding benefit from it? The Senator from New York spoke with a good deal of feeling upon this subject, and was replied to very well by the Senator from Florida. What would New York be to-day if it were not for the Northwestern States? She stands to-day at the great gateway of our commerce, and she tolls all that passes through her, I am afraid with both hands sometimes. Because she has had that oppor-

tunity, because from the great Northwest there has been this immense outflow and inflow to supply her wants, she has grown rich, and like many another who has grown rich, she mistakes the cause of her wealth; she thinks she has created it herself.

The building up of the western country has done more for the welfare of the nation than perhaps any other policy of our Government since it has had a policy. The fact that those States are settled States to-day instead of being largely a wilderness, and their productions of grain and provisions that we send abroad, with the cotton and tobacco raised in the Southern States, have enabled this Government to do what otherwise it could not have done. They have furnished hundreds of millions of dollars to swell the balance of trade and make it in our favor instead of against us. They have made resumption possible; they have made the payment of our national debt possible. That is what they have done; and having done that, I do not think the fact that those States have grown under this wise and liberal policy of our Government should be thrown in our teeth when we stand here to-day asking for nothing but naked and simple justice for the people from whom we come.

I understood the Senator from Vermont the other day to argue, and to read authority to show, that it must not only be a sale, but a sale for money, to entitle the States to any share of the proceeds. Let me illustrate how that would work, Mr. President. We have in our State, as in most of the new States, gentlemen who follow the business of land agents; that is, they undertake to find for men who wish to buy land a person who wishes to sell, and for persons who wish to sell land they undertake to find purchasers, receiving a compensation for their services. When a farmer desires to sell his farm he goes to one of these agents. He ordinarily makes a contract providing that the agent shall get a certain percentage of the proceeds of the sale, in case a sale shall be effected. The agent advertises the land largely, giving a description of it, and seeks to find a purchaser. Some man sees one of these advertisements, reads the description given of the land, and thinks it would suit him for a farm; and a correspondence commences between him and the agent. The result is that after a while the proposed purchaser and the person wishing to sell come together, and they make an agreement. Let me suppose that the value of the farm held by the seller was $5,000. The person proposing to buy agrees to pay that sum, but the man selling desires to go West, into Colorado, and engage in the cattle business, and instead of taking his $5,000 in money he takes two hundred yearlings at $20 apiece, making $4,000, and ten horses at $100 each, the whole making $5,000. He has other property, the sale of which will make money enough to take him to Colorado, and he has this stock to start him in the cattle business. The trade is consummated, the deed is made, the farm is turned over, the cattle and horses are turned over, and the man is about to start West with his outfit, when the agent comes to him and says, "Look here, you have not settled with me yet for the sale of that land." The man pulls out his written contract with the agent and finds that it reads that the agent, in case a sale should be effected, is to get 5 per cent. of the proceeds of the sale; and, says he, "I have seen the Senator from Vermont, who is one of the ablest lawyers in this country, and he tells me that this was a mere barter, a mere exchange; that it was no sale, because it was not done for money, and I am not compelled to pay you a cent." That may be good law, but I doubt it. If the man who sold his farm could defeat the honest claim of the agent upon that ground, he might among us be held to be a very sharp man, but I am strongly inclined to think that it would be held that he was slightly dishonest. If the Government of the United States received value, or what she chose to consider as value, for these lands, she herself being the judge whether that which she received was value or not, it does not lie in her mouth to say that it was not a sale, and that because it was not a sale she will not pay to these States what she agreed to pay when she did sell.

I do not know, Mr. President, that I can make any more plain than I have tried to do my idea in regard to this matter. I have looked upon it as the true construction of a fair, square contract between parties who meant to deal fairly and squarely with each other. I have not looked upon it as a contract between persons who were seeking to find some quibble by which either one or the other might evade the performance of that which it was intended by both should be done. Hoping and believing as I do that the Congress of the United States will look at it in that light, I shall relieve the Senate from any further remarks.

The PRESIDING OFFICER. The question is on the indefinite postponement of the bill.

Mr. EDMUNDS. I should like to say a few words, if it is entirely agreeable to my friend from Iowa.

Mr. FERRY. Does the Senator desire to go on now?

Mr. EDMUNDS. I do not care; I have something to say.

Mr. FERRY. I move that the Senate proceed to the consideration of executive business.

Mr. McDONALD. I do not desire to oppose the motion for an executive session, but I wish to call the attention of the Senate again to the fact that the measure now before it ought to be disposed of to-morrow. With the understanding that it shall be disposed of to-morrow I shall not oppose the motion.

Mr. DAVIS, of Illinois. Perhaps general consent will be given to an agreement to take the vote to-morrow.

Mr. McDONALD. I suggest, if the bill goes over now, under the motion to go into executive session, that it go over with the understanding that it is to be disposed of to-morrow.

Mr. EDMUNDS. I do not wish to have any understanding, because I have found that in cases where we have had such an understanding it turned out to be inconvenient. I have not the slightest disposition to delay a vote on this question, and do not expect myself to occupy more than half an hour or three-quarters of an hour, in replying, chiefly in self-defense, because I have pretty much made up my mind that it is the Senator from Vermont and not this bill that is at present under the teeth of the harrow, (to use the expression of the Senator from Iowa,) of that great and growing State. But I object to understandings upon the fundamental ground that they turn out to be erroneous. If the Senate wants to sit the bill out, it can, and, as far as I am concerned, I beg to say to my friend from Indiana that I am, and shall be quite ready to do so. I am willing to go on for an hour longer to-day if the Senator insists upon it.

Mr. McDONALD. I do not insist upon the Senator going on to-day.

Mr. EDMUNDS. I certainly agree with the Senator from Indiana that this matter should not be delayed, and it shall be disposed of as far as I can help to dispose of it; but my only objection to an understanding is that I have found by experience that it is not a good practice.

Mr. SAULSBURY. I desire to withdraw an objection which I made to the present consideration of a joint resolution introduced by the Senator from Rhode Island [Mr. BURNSIDE] this morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan [Mr. FERRY] that the Senate proceed to the consideration of executive business.

The motion was agreed to.

Mr. BURNSIDE. While the galleries are being cleared, as the Senator from Delaware has withdrawn his objection to the present consideration of the joint resolution (S. R. No. 81) to make the 23d of February, 1880, a legal holiday in the District of Columbia, I ask unanimous consent to have it considered now.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. BOOTH. I object.

The PRESIDING OFFICER. One objection carries the joint resolution over. The Chair will take this opportunity to present a bill from the House of Representatives for reference.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska, was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and fifty minutes spent in executive session the doors were reopened, and (at six o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 18, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

SOLDIERS' REUNION, CENTRAL CITY, NEBRASKA.

Mr. VALENTINE, by unanimous consent, introduced a joint resolution (H. R. No. 218) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Central City, Nebraska; which was read a first and second time.

The joint resolution, which was read, authorizes the Secretary of War to send from some convenient Government arsenal, to be used at the soldiers' reunion at Central City, Nebraska, to be held on September 18, 1880, four pieces of artillery and such tents, muskets, and blank cartridges as can be conveniently spared, said cannon, tents, muskets, &c., to be returned after the holding of said reunion meeting in as like good condition as when received, provided that all transportation of said articles to and from the place of the reunion and the arsenal shall be without expense to the Government.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLIVER VAN BILLIARD.

Mr. CLARK, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 4571) granting a pension to Oliver Van Billiard, of Anthony, Hunterdon County, New Jersey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

VERIFICATION OF NATIONAL-BANK RETURNS.

Mr. PRICE, by unanimous consent, introduced a bill (H. R. No. 4572) defining the verification of returns of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPAIRS POST-OFFICE BUILDING, LOUISVILLE, KENTUCKY.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. No. 4573) making appropriations for the alteration and repairs of the post-office and custom-house at Louisville, Kentucky; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CHAMBERS & BROWN.

Mr. WILLIS also, by unanimous consent, introduced a bill (H. R. No. 4574) for the relief of Chambers & Brown, Louisville, Kentucky; which was read a first and second time, and referred to the Committee of Ways and Means.

FORT RANDALL MILITARY RESERVATION.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 4575) abolishing all that portion of the military reservation of Fort Randall, Territory of Dakota, lying east and north of the Missouri River; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

TERMS OF UNITED STATES COURTS, FORT WAYNE, INDIANA.

On motion of Mr. NEW, by unanimous consent, from the Committee on the Judiciary, the Committee of the Whole on the state of the Union was discharged from the further consideration of a bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878; and the same was recommitted to the Committee on the Judiciary.

PUBLIC LANDS, WYOMING TERRITORY.

Mr. DOWNEY, by unanimous consent, presented a memorial and joint resolution of the Legislative Assembly of the Territory of Wyoming to the Congress of the United States, praying suitable legislation in reference to public lands in Wyoming Territory, so as to enable the several water-courses to be made available for agriculture; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD.

The memorial and joint resolution are as follows:

To the honorable the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Wyoming, respectfully represent that the public lands in Wyoming are largely of a class unsuited to the successful prosecution of agricultural pursuits, but are peculiarly adapted to all pastoral purposes. In consequence of this fact large portions of the Territory have already been occupied by persons engaged in stock-raising in its various branches, in which business a considerable amount of capital has been invested, yielding the most ample returns upon the investments. The very profitable nature of the stock-raising business is constantly adding new accessions of capital to that industry, so that in a brief period the entire Territory will be occupied by those engaged in that pursuit.

Your memorialists would further respectfully represent that the laws of the United States in relation to the disposition of the public lands are wholly unsuited to the requirements of a country such as this, and need such reasonable modification and amendments as will adapt them to the circumstances which are peculiar to our location and situation.

The arid character of the soil and climate in this region of country render it indispensably necessary that all occupants of the public lands should have legal right of free access and approach to the water-courses of the country.

The uplands and "divides," situated at a distance from the streams, are covered with a luxuriant growth of rich and nutritious grasses, but are comparatively worthless for any of the purposes of use and occupation unless the occupants can obtain some legal right to pass over adjacent lands to the water-courses. The lands along the streams are being rapidly occupied and inclosed under present laws, whereby all access thereto is prevented. All this results in giving to those who have been fortunate to obtain prior rights to the lands along the streams a monopoly of the use of the uplands and "divides," without the necessity of purchasing the same, and prevents that complete occupation of the country which is essential to its best and most successful development. The present state of affairs retards the growth of the Territory by effectually excluding settlement from the larger part of the public domain, and renders it impossible for the United States to make any disposition of the greater part of its lands in this Territory. The evil here adverted to grows in magnitude in proportion as the lands adjacent to the water-courses are occupied and inclosed under the present land policy of the Government; and such occupancy and inclosure are daily becoming more extensive, so that it is but a question of very short time, if a prompt remedy be not afforded by Congress, when the whole Territory will be in the virtual possession and use of those few persons who have title to the small fractions of the lands along the streams.

Your memorialists believe that Congress, in its control over the public domain and the disposition thereof, has ample power to provide a remedy for the grievance which thus grows under the operation of existing laws, and that this power ought now to be exercised before vested rights have accrued.

We believe that the water-courses of the country ought to be controlled by proper legislation; that they can be made available for the common and equal benefit, so far as possible, of all persons who may choose to occupy and improve any part of the public domain; and that legislation which would secure such benefit to all alike would be to the mutual advantage of the United States and of the Territory of Wyoming, that such legislation would result in a large increase of our population and in the highest development of the resources and capacities of this region of country at an early day.

Your memorialists therefore most respectfully and humbly pray your honorable bodies that the subject herein presented may receive your early and respectful consideration and attention, and that such legislation as is herein suggested may be adopted at an early day; and as in duty bound, your memorialists will ever pray.

Be it resolved by the council of the Legislative Assembly of Wyoming Territory, (the house of representatives concurring,) That the accompanying joint memorial be forwarded to Hon. S. W. DOWNEY, our Delegate in Congress, and that he be requested to cause the same to be presented to the honorable Senate and House of Representatives of the United States for their consideration and action.

H. L. MYRICK,
Speaker of the House.
H. GARBANATI,
President of the Council.

SECRETARY'S OFFICE, TERRITORY OF WYOMING.

I, A. Worth Spates, hereby certify that accompanying memorial (No. 14) is a true copy of original on file in this office.

In witness whereof I hereunto affix my hand and the great seal of Wyoming this 12th day of February, 1880.

[SEAL.]

A. WORTH SPATES,
Secretary of Territory.

TERRITORIAL SUPREME COURTS.

Mr. DOWNEY also, by unanimous consent, presented memorial and joint resolution of the Legislative Assembly of the Territory of Wyoming to the Congress of the United States in reference to the courts of the Territories; which were referred to the Committee on the Judiciary, and ordered to be printed in the RECORD.

The memorial and joint resolution are as follows:

To the honorable the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Wyoming, would most respectfully call the attention of Congress to the present imperfect system of determining cases on appeal from the district court of the Territory. Our supreme courts are composed of the three district judges of the Territory; and in the event of an appeal the judge from whose decision the appeal is taken is permitted and required to sit as a member of the appellate court on the same case. Should the other two judges disagree the decision rendered below will be affirmed unless the judge from whom the appeal was taken should overrule his own decision, which seldom occurs, thus practically depriving the appellant from a fair and impartial hearing in the supreme court.

Your memorialists would therefore most respectfully pray of your honorable body to provide for the organization of an appellate court upon some different basis, and would most respectfully suggest that our supreme court might be composed of United States circuit judges, having jurisdiction of all cases appealed from the district courts of all the Territories, to hold their sessions at some central locality to be designated by Congress or the chief-justices of the various Territories, or all the justices of the Territories might compose the supreme court, or Congress might devise some better method than any herein suggested to obviate the difficulty herein mentioned, and as in duty bound your memorialists will ever pray.

Resolved by the council and house of representatives of the Territory of Wyoming, That an authenticated copy of this memorial be forwarded to Hon. STEPHEN W. DOWNEY, Delegate in Congress from the Territory of Wyoming, who is hereby respectfully requested to lay the same before the honorable Senate and House of Representatives.

H. GARBANATI,
President of Council.
H. L. MYRICK,
Speaker of the House.

SECRETARY'S OFFICE, TERRITORY OF WYOMING,
Cheyenne, February 12, 1880.

I, A. Worth Spates, hereby certify this to be a correct copy of the original, which is on file in this office.

In witness whereof I hereunto affix my hand and the great seal of Wyoming this 12th day of February, 1880.

[SEAL.]

A. WORTH SPATES,
Secretary of Territory.

DEFICIENCY IN PAY OF MEMBERS OF LEGISLATIVE ASSEMBLY.

Mr. DOWNEY also, by unanimous consent, presented memorial and joint resolution of the Legislative Assembly of Wyoming Territory to the Congress of the United States, praying that a deficiency of $3,360 due to members of said Legislative Assembly be appropriated; which were referred to the Committee on Appropriations, and ordered to be printed.

SETTLERS IN VALLEY OF LITTLE WIND RIVER.

Mr. DOWNEY also, by unanimous consent, presented joint resolution and memorial of the Legislative Assembly of the Territory of Wyoming, praying Congress to provide for a board of arbitration to take the evidence in reference to the claims of certain settlers in the valley of the Little Wind River, in said Territory; which were referred to the Committee on Public Lands, and ordered to be printed.

SAMUEL PAXTON.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. No. 4576) for the relief of Samuel Paxton, of Warren County, Ohio; which was read a first and second time, and referred to the Committee of Claims.

ALFRED H. BROOKS.

Mr. BUTTERWORTH also, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4577) for the relief of Alfred H. Brooks, of the State of New Jersey; which was read a first and second time, and referred to the Committee on the Judiciary.

CATHERINE GREYBIG.

Mr. BUTTERWORTH also, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4578) granting a pension to Catherine Greybig; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTAIN A. C. GIRARD AND MAJOR DAVID H. BROTHERTON.

Mr. MAGINNIS, by unanimous consent, introduced a bill (H. R. No. 4579) for the relief of Captain A. C. Girard, assistant surgeon, and Major David H. Brotherton, United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN P. MOORE.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. No. 4580) for the relief of John P. Moore; which was read a first and second time, and referred to the Committee on War Claims.

BULLION CLUB OF NEW YORK.

Mr. WARNER, from the Committee on Coinage, Weights, and Measures, reported adversely on the petition of the Bullion Club of New York praying to have the circulation of notes of a smaller denomination than $20 prohibited; and it was ordered to be inserted in the RECORD and printed, and recommitted, not to be brought back by a motion to reconsider.

The petition is as follows:

To the House of Representatives of the Congress of the United States:

Your petitioners, the Bullion Club, an association representing so vital an industrial interest of the country as its production of the money metals, would respectfully but urgently represent to your honorable body that under the present monetary system there is not, and cannot be, a general practical use of specie money in the country such as was contemplated by the framers of the Constitution of the United States. Under our present system, wholly reversing the practice of such commercial nations as Great Britain, France, and Germany, who are not producers of the money metals, we, who are the chief producers of gold and silver in the world, virtually coin all the gold we produce, together with that which we import, into pieces of the denomination of $20, wholly unsuited for the currency purposes of the people, and forcing the vast retail transactions of our country to be carried on necessarily in paper money (in part not legal tender, the national-bank notes, and the other part of disputed legal-tendership) of the denomination of ones, twos, fives, and ten-dollar bills. Therefore, your petitioners would respectfully urge upon your honorable body the necessity for restricting from further circulation all emissions of paper money below the denomination of $20, with such a coinage of gold and silver hereafter at the several mints of the United States that in lieu of the withdrawn five and ten dollar bills a gold coinage of these denominations, with quarter eagles, may get into circulation and silver money take the place recognized for it in the Constitution. The time, as your petitioners believe, is propitious for wise legislation on this subject. In addition to the large amount of gold and silver in the country on the 1st of January last, when resumption took place, we have since produced nearly $80,000,000 of gold and silver, and have imported from Europe about the same amount. This sum of bullion has so far not been utilized in our currency, but lies, under our system, necessarily inert in the Treasury vaults, in banks, and in private safe-deposit companies. We do not wish to express any opinion touching the desirability of expanding or contracting the paper currency of the country, nor have we any issue to make as to the wisdom or policy of retaining the legal-tender power of the so-called greenbacks, but if it is possible to induce the national banks to hold their reserves in coin instead of in Treasury notes, and in addition to withdraw the small bills, we hope that Congress, in its wisdom, will so legislate, and thus give our people an opportunity to have a specie currency, for which the mines of the country are annually supplying an abundance of the money metals.

And your petitioners will ever pray.

D. G. CROLY, *Secretary.*

The report is as follows:

The Committee on Coinage, Weights, and Measures, to which was referred the petition of the Bullion Club of New York, respectfully reports, as follows:

The Bullion Club represents that "under the present monetary system there is not and cannot be a general, practical use of specie money in the country," and asks to have the issue of paper money below the denominations of $20 prohibited.

The committee concedes that when the channels of circulation in any country are filled by a volume of paper large enough to sustain, of itself, prices at the level of prices in other countries, metallic money will not go into circulation, but will be drained to countries where it is demanded for currency. Hence under a system like ours which permits the issue of paper money of all denominations by banks, with no other restrictions on the amount issued but such as security of final payment in Government legal-tender paper may impose, metallic money cannot be expected permanently to be held in circulation. For it is believed to be a primary law of currency that a larger volume of paper money cannot be kept in any country, convertible into coin, or even permanently at par with metallic money, than that country would have as its distributive share of the world's supply of the metals, if it had no paper. It is equally true that when the paper money of a country constitutes a volume as large as that country would naturally have of coin if there were no paper, coin will cease to circulate.

If denominations of paper money below $20 were prohibited in the United States, coin would undoubtedly flow into channels now filled with the smaller denominations of paper.

But other questions arise when the proposition comes up to abolish paper money of small denominations.

The greater convenience of paper money over coin is one of the principal reasons for the use of paper at all, and it will hardly be claimed that there is no convenience in paper of denominations below $20. That there is often great convenience in having one and two dollar notes, to say nothing of fives and tens, can hardly be questioned.

Even fractional paper currency in small quantity has been found very convenient.

There are three ways by which paper currency can be regulated so as both to maintain its equivalency with metallic money and permit at the same time the concurrent circulation of coin, and consequently its permanent retention in the country:

First. By limiting the issue of denominations of paper money, as proposed in the petition, to $20 and over. In this case coin, if unrestricted, will come in to take the place of the smaller paper currency.

Second. By a due limitation of the total volume of paper, leaving the denominations to be determined by the conveniences of trade.

Suppose, for instance, that in the course of its international trade a country would possess, at a given time, as its proportion of the world's money supply, say $800,000,000. Then if the total quantity of paper be strictly limited within that volume, or say to five, six, or seven hundred millions, coin would flow into the various channels as needed to supplement the paper circulation. In that case paper and coin together would circulate and vary as a purely metallic currency would vary; that is, with the course of the exchanges or the tide of international trade. The metals in that case, in response to trade oscillations, would flow to or from a country in settlement of balances, the same as if the whole internal circulation were coin.

Third. By the establishment of a purely metallic currency with true paper representatives, dollar for dollar, which might then be of all denominations which convenience required; that is, let gold and silver coin and gold and silver bullion be made the foundation of as much paper and of such denominations as might be demanded. Of such paper, which being the actual representative of and title to the metals, there could never be inflation; nor could there be violent contraction if there were no restrictions, as there should never be, placed upon the use of the metals.

Of these methods of dealing with the currency to make way for the use of the metals, in the opinion of the committee, a combination of the second and third methods, with, perhaps, some limitation on the quantity of smaller denominations, would best subserve the ends of a currency; that is, restrict absolutely the volume of paper not representing the metals to some amount as far within the limits of such volume of metallic money as would probably exist if there were no paper as circumstances would justify, leaving additions to be made by gold and silver coin, or certificates representing the metals, to any extent that our trade and commerce may call for. Of course it is essential to this as to any other automatic system that the metals shall be left absolutely to self-regulation and that the coinage and the deposit of bullion should be open and free to all.

Without due restriction and regulation of the volume of paper the committee deems it idle to expect to secure a permanent metallic currency or to see any considerable part of our circulation become even temporarily metallic.

The promise to pay on demand, however secure the promise ultimately may be made by the deposit of bonds, is not such a regulation of volume and consequently of the value of a currency as is necessary to maintain sure convertibility or even its permanent equivalency with the metals. This, it is believed, is not only the teachings of science, but has been confirmed over and over by the experience of the world.

The committee, therefore, while concurring in the main purpose of your petitioners, recommends, however, instead of prohibiting denominations of paper below $20, that the volume of paper money, which is now nearly $700,000,000, be limited at least to its present volume by prohibiting any additional issues of paper founded in credit only; and it further recommends that the metals alone shall hereafter be relied upon for needed increase in the volume, with provision for bullion certificates, with automatic regulations through free coinage and deposit of the metals.

Your committee therefore recommends that the petition be laid on the table.

M. M. HERR.

Mr. SMITH, of Pennsylvania, from the Committee of Accounts, reported back amendments of the Senate to joint resolution (H. R. No. 157) for the relief of M. M. Herr, with the recommendation that they be concurred in.

The amendments of the Senate were read, as follows:

After line 5 insert "That the following sum be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for salaries of officers of the Senate, namely

"For salaries of three messengers, under Senate resolution of December 11, 1879, for the fiscal year 1880, $2,355.65."

Amend the title so as to read: "Joint resolution for the relief of M. M. Herr, and to pay three messengers of the Senate."

The amendments of the Senate were concurred in.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL ALADICE.

Mr. DE LA MATYR, by unanimous consent, introduced a bill (H. R. No. 4581) granting an increase of pension to Samuel Aladice; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY E. DANE.

Mr. DE LA MATYR also, by unanimous consent, introduced a bill (H. R. No. 4582) granting a pension to Mary E. Dane; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CENTENNIAL COMMISSION.

Mr. SINGLETON, of Mississippi, by unanimous consent, from the Committee on Printing, reported back adversely the joint resolution (H. R. No. 109) authorizing the printing of additional copies of the reports of the centennial commission; which was laid on the table, and the accompanying report ordered to be printed in the RECORD.

The report is as follows:

To the honorable the House of Representatives of the United States of America:

Your committee, to whom was referred the joint resolution (H. R. No. 109) providing for the publication of an edition of forty thousand additional copies of the reports of the centennial commission, having had the same under consideration, beg leave respectfully to make the following report:

At the last session of Congress this committee made a report to your honorable body, in pursuance of which a resolution was passed authorizing an edition of five thousand copies of the work now under consideration. This was represented at the time to be a number sufficient to supply all legitimate demands. The resolution proposed at present would entail an expense upon the Government of $142,843.31. In view of the vast expense and the fact that public libraries and other repositories of public documents are already supplied, your committee think the publication should not be made. To say that there is a demand for the work among certain classes, can have no particular weight, in that a gratis distribution of any well-bound set of books, no matter what their contents may be, will always find hosts of people anxious to avail themselves of the opportunity to fill the empty shelves of their libraries at the public expense.

Your committee therefore report back the resolution adversely, and move that the same be laid upon the table; and that the committee be discharged from the further consideration thereof.

SALLIE KANSAS SMELZER.

Mr. FORNEY, by unanimous consent, introduced a bill (H. R. No. 4583) granting a pension to Sallie Kansas Smelzer, senior child of Adam C. Smelzer, late captain of independent scouts; which was read a first and second time, and referred to the Committee on Invalid Pensions.

LEO KARPELES.

Mr. ROBINSON, by unanimous consent, introduced a bill (H. R. No. 4584) for the relief of Leo Karpeles; which was read a first and second time, and referred to the Committee on Military Affairs.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. ALDRICH, of Illinois, by unanimous consent, presented the petition of the merchants and importers of the city of Chicago, for

the passage of the bill (H. R. No. 870) for immediate transportation of dutiable goods; which was referred to the Committee of Ways and Means, and the body of the petition ordered to be printed in the RECORD.

The body of the petition is as follows:

A petition to the House of Representatives and the Senate of the United States.

We, the undersigned importers and merchants of the city of Chicago, do hereby petition your honorable bodies to give speedy consideration to the bills introduced by Hon. WILLIAM ALDRICH and Hon. JOHN A. LOGAN, for the amendment of the statutes in relation to the immediate transportation of dutiable merchandise.

The said bills are alike, and are as follows:

FORTY-SIXTH CONGRESS, First session. } H. R. No. 870.

A bill to amend the statutes in relation to immediate transportation of dutiable goods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any merchandise imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland, (in Maine,) Chicago, Port Huron, Detroit, New Orleans, Cleveland, Toledo, and San Francisco shall appear, by the manifest of the importing vessel, to be consigned to and destined for either of the ports specified in the sixth section of this act, the collector at the port of arrival shall take said merchandise into his custody and immediately forward the same to such port of destination.

SEC. 2. The collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination. Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the manifest; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

SEC. 3. Such merchandise shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted to receive and transport any such merchandise, they shall become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law, and such security as the Secretary of the Treasury shall require.

SEC. 4. Merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary, and at the expense of the companies respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

SEC. 5. Merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination.

SEC. 6. The privilege of immediate transportation shall extend to the ports of New York and Buffalo, in New York; Boston, in Massachusetts; Providence, in Rhode Island; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, in Maryland; Norfolk, in Virginia; Charleston, in South Carolina; Savannah, in Georgia; New Orleans, in Louisiana; Portland, in Maine; Chicago, in Illinois; Detroit, in Michigan; Saint Louis, in Missouri; Saint Paul, in Minnesota; Cincinnati, Cleveland, and Toledo, in Ohio; Milwaukee, in Wisconsin; Louisville, in Kentucky; San Francisco, in California; Portland, in Oregon; Memphis, in Tennessee; and Mobile, in Alabama; Port Huron, in Michigan; and Evansville, in Indiana.

SEC. 7. That sections 2990, 2991, 2992, 2993, 2994, 2995, 2996, and 2997 be, and the same are hereby, repealed.

Your petitioners request this because they are anxious to enjoy that freedom in the transaction of their foreign trade which they believe to be their constitutional right. Your petitioners represent that onerous bonds and restrictions are at present laid upon their foreign trade which prevent its development to such an extent that only a very small portion of the foreign goods used and sold by us are imported into the port of Chicago.

Your petitioners believe that the transaction of business under the provisions of the bills hereinbefore referred to would be attended with perfect safety to the revenue, nay further that it would afford additional guarantee for the proper collection of duties, as your petitioners believe that the growth of the interior ports if they were allowed equal privileges with the seaboard ports would be so great that the present comparative concentration of customs business would be broken up, and standards of comparison instituted which would render fraud impracticable, and hence assure the revenue sounder and safer protection than it now has.

DUTY ON BARLEY MALT.

Mr. MORTON, by unanimous consent, introduced a bill (H. R. No. 4585) fixing the rate of duty on barley malt at twenty-five cents per bushel; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ELIZABETH MARIA DOULL.

Mr. MORTON also, by unanimous consent, introduced a bill (H. R. No. 4586) granting a pension to Elizabeth Maria Doull; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARGARET T. RYAN.

Mr. O'REILLY, by unanimous consent, introduced a bill (H. R. No. 4587) for the relief of Margaret T. Ryan, late widow of George F. Cole; which was read a first and second time, and referred to the Committee on Military Affairs.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair is requested by the gentleman from West Virginia [Mr. WILSON] to ask that the privileges of the floor be allowed to Judge John J. Jacksen and Hon. Robert Simpson, of West Virginia.

There was no objection.

RAILROAD FROM MISSOURI RIVER TO PACIFIC OCEAN.

Mr. MCLANE, by unanimous consent, from the Committee on the Pacific Railroad, reported a bill (H. R. No. 4588) to alter and amend an act of Congress entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Pacific Railroad, not to come back on a motion to reconsider.

VOTE ON DISTRICT LOTTERY BILL.

Mr. SMITH, of Pennsylvania. On pages 30 and 31 of this morning's RECORD I am recorded as not voting on the call of the yeas and nays on the District lottery bill. I wish to state that I was absent by leave of the House, and was paired with my colleague, Mr. WRIGHT. That fact was inadvertently not announced.

VESSELS OF UNITED STATES.

Mr. CRAPO, by unanimous consent, introduced a bill (H. R. No. 4589) to provide for vessels of the United States hailing from places where they are owned or built; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE OF UNITED STATES PROPERTY IN DISTRICT OF COLUMBIA.

Mr. NEAL, by unanimous consent, (and by request,) introduced a bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

SHEER-BOOMS AT STRAIGHT SLOUGH.

Mr. DUNNELL introduced a bill (H. R. No. 4591) to authorize the Mississippi River Logging Company to construct and operate sheer-booms at or near Straight Slough; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING IN DETROIT.

Mr. COOK. I rise to make a privileged report from the Committee on Public Buildings and Grounds. I am instructed by that committee to report back the resolution I send to the desk, which was referred to the committee on the motion of Mr. NEWBERRY, of Michigan, and to ask its adoption.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to inform this House—

1. As to the size of the lot of land in the city of Detroit and State of Michigan on which the building known as the custom-house and post-office is located.

2. The size of the building now erected thereon and the date of its erection and cost of the same, together with the number, situation, and size of the rooms occupied respectively by the Post-Office, the Treasury Department, the Department of Justice, and any and all other officers in said building.

3. The amount of available room on said lot for the erection of an addition to said building, and its availability for use as to light and convenience after erection, and his opinion as to the propriety and economy of the erection of said addition, in view of the want of room for the use of the present occupants of said building, and the numerous other rooms and buildings in the city of Detroit now rented for the use of the United States.

4. The number of rented rooms and buildings and amount of rent paid for the same by the Treasury and other Departments of the Government in said city.

5. The comparative amount of business done in the said building by the several Government officers therein for the year after said building was first occupied and the year 1878 or 1879.

The resolution was adopted.

HON. J. H. ACKLEN.

Mr. COX. I am instructed by the Committee on Foreign Affairs to present their unanimous report in the matter of Hon. Mr. ACKLEN, and to ask that the committee be discharged from the further consideration of the subject, and that the report and testimony be printed.

Mr. ACKLEN. I ask that the report be read. I also ask of the gentleman from New York the privilege to revise the statements made, before the testimony is printed; which request I made of the committee.

Mr. COX. I will submit the request to the committee. I am not now authorized as the organ of the committee to agree to it.

The SPEAKER. The report will be read.

The report was read, as follows:

Report of the Committee on Foreign Affairs on the resolution adopted January 30, 1880, on motion of Hon. J. H. ACKLEN.

The Committee on Foreign Affairs, under instruction of the House, by the resolution adopted on motion of Mr. ACKLEN, January 30, 1880, unanimously submit the following report.

The resolution referred to is as follows:

"*Resolved*, That the Committee on Foreign Affairs be, and they are hereby, requested to examine into the truth or falsity of the statement read by Mr. ACKLEN from the Detroit Post and Tribune and report back to the House."

The following extract from the RECORD of January 31 contains the proceedings in the House in connection with the adoption of the above resolution:

"PERSONAL EXPLANATION.

"Mr. ACKLEN. I rise to a question of privilege.

"The SPEAKER. The gentleman will state it.

"Mr. ACKLEN. I dislike to occupy the valuable time of this House in a matter of personal interest, but my attention has been called to an article in the New York Herald and also in the Detroit Post and Tribune——

"The SPEAKER. Do those articles affect the gentleman in his representative capacity?

"Mr. ACKLEN. They do.

"The SPEAKER. The gentleman will proceed.

"Mr. ACKLEN. They are so grossly untrue and such a vile attack upon me, not only as a gentleman but as a Representative, that a proper sense of justice to my constituents as well as to myself forces me to speak that my silence may not be,

misconstrued. I quote the following from the Detroit Post and Tribune of January 26:

"'On the 13th of January, taking advantage of a moment when no other member of the Committee on Foreign Affairs was present, ACKLEN rose in the House and declared, as appears in the official report of the proceedings of Congress:

"'"Mr. ACKLEN. I ask unanimous consent that the report of the Committee on Foreign Affairs in relation to the claims of certain citizens against the government of Nicaragua be referred to the Committee of the Whole and ordered to be printed.

"'"There being no objection, it was ordered accordingly."'

"'The alleged report thus handed in by ACKLEN was received, duly printed, and laid upon the desks of members. Some days afterward the members of the Committee on Foreign Relations were astonished at seeing these proceedings in the CONGRESSIONAL RECORD. The chairman asked ACKLEN what it meant and received an unsatisfactory reply. Accordingly he called the committee together and summoned ACKLEN before them, when it appeared that neither the committee nor the chairman had ever made, nor authorized, nor read the report which ACKLEN had palmed off on the House as the report of the committee; and, further, the committee would not agree to any such report. ACKLEN was then informed that he must withdraw that report and apologize to the House, or vigorous proceedings would be instituted to expel him in disgrace.'

"The article then proceeds to say that I apologized to the House and withdrew the report, but that this was done 'in a quiet way, and at such a moment as to attract the least attention. But those who understood it explained to the other members, and a hot feeling of indignation has been growing ever since.'

"I need hardly say, Mr. Speaker, that this is perhaps one of the most willful and malicious perversions of fact on record.

"On Monday, January 19, my colleague, Mr. KING, who had lately returned from Louisiana, called my attention to the article in the CONGRESSIONAL RECORD, quoted in the extract which I have read, and also to a report, No. 86, second session Forty-sixth Congress, which bore his name. I informed him at once that there was evidently a mistake, as I had never made any such request of the House nor offered any such report as coming from his committee; that I had requested to have a report made by me in the Forty-fifth Congress, with manuscript attached, (Report No. 96, Forty-fifth Congress, second session,) printed, as it referred to a matter already on the public Calendar, and that I would gladly ask that the report bearing his name be withdrawn and make a statement to relieve him from any embarrassment in the case. Now, what was it I said on January 13? On this point I submit the following letter from the chief reporter of this House:

"'HOUSE OF REPRESENTATIVES,
"'*Washington, D. C., January* 30, 1880.

"'DEAR SIR: In accordance with your request, the reporter on duty at the time you made your statement to the House, January 13, has examined his notes, and the following is an exact transcript of them:

"'"Mr. ACKLEN. I ask that a report be printed in a couple of cases already on the public Calendar.

"'"So ordered."'

"'Very respectfully, yours,
"'J. J. MCELHONE.

"'Hon. J. H. ACKLEN.'"

"How was it, then, that my old report of the Forty-fifth Congress, with the manuscript attached, which I requested to be printed to accompany a matter already on the public Calendar, came to be printed as Mr. KING'S report? Why, simply in this way—but first I desire to here submit the following letter from the journal clerk of the House:

"'WASHINGTON, D. C., *January* 30, 1880.

"'DEAR SIR: In reply to your inquiry as to my recollection of the circumstances attending your request on January 13, to have a report printed, I can merely say that I remember the confusion in the House was so great at that time that I could not understand at the desk what it was you desired, and left it and came up the aisle near your desk to ascertain. I was much hurried, and the confusion was very great, but I recollect your stating something about a matter on the public Calendar, though I could not hear very distinctly. I judged that you wanted to make a report to go on the Calendar. Mr. KING'S name was in pencil-mark on the outside of the wrapper, and this naturally led me to suppose that the request was to print a paper in connection with some case on the public Calendar, or else to reprint your report of the previous Congress, which on examination of the papers I found to be incorporated therein.

"'Very respectfully, yours,
"'HENRY H. SMITH,
"'*Journal Clerk.*

"'Hon. J. H. ACKLEN.'

"Now, in the Forty-fifth Congress I was a member of the Committee on Foreign Affairs and had referred to me the petitions of Woolsey Teller and Eliza Livingston. On these I made a report, (No. 96, Forty-fifth Congress, third session,) which simply recommended the passage of the following resolution:

"'*Resolved*, That the President be, and he is hereby, requested to take such steps as in his opinion may not be incompatible with the public interests to secure an early settlement and adjustment of the claims of Woolsey Teller and Eliza Livingston, citizens of the United States, and other citizens thereof, against the government of Nicaragua, by an international arbitration or otherwise.'

"This report, however, contains all the facts and papers, and numbers ten printed pages.

"During the latter part of the Forty-fifth Congress I was so seriously unwell that I did not attend the sessions of the House, and my report was therefore not acted upon. The Senate in the mean time, acting upon the suggestions of the Secretary of State, appointed Hons. HAMLIN, CONKLING, KIRKWOOD, EATON, and MORGAN a committee on the part of the Senate to examine the papers on file in the Department of State in all claims of our citizens against the government of Nicaragua.

"Following then in the footsteps of the Senate, on Wednesday, April 23, 1879, in the morning hour, after the call of committees for reports, (see page 742, RECORD, first session Forty-sixth Congress,) I introduced in substance, on the part of the House, the same resolution which had passed the Senate. Finding that my resolution was likely to stick in the morning hour without action, as this stage in our legislative proceedings is seldom reached, I, on May 5, 1879, sent a copy of this resolution and accompanying papers to the Committee on Foreign Affairs through the petition-box. (See page 1069, RECORD, first session Forty-sixth Congress.) By doing this I had two chances of reaching it for action: one in the morning hour; the other when the committee might report it to the House. The Committee on Foreign Affairs referred the matter to Mr. KING, and I gave him my old report, together with a manuscript statement of the action of the Senate. On June 30, just before the adjournment of the extra session, this resolution, which was pending in the morning hour, was by unanimous consent (see pages 2440 and 2441, RECORD, first session Forty-sixth Congress) placed on the public Calendar, where it now stands. (See Calendar of the Committee of the Whole House on the state of the Union.) It here appears as follows:

"'*June* 30—Mr. ACKLEN:

"'*Resolved*, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State, and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer; and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee.'

"Having it now on the public Calendar, where it might be reached any day, I naturally lost all interest in the same matter before the Committee on Foreign Affairs. I therefore asked my colleague, Mr. KING, to return **me** the report and manuscript which I had given him, because it can be readily seen I might have use for them any day. Finding that my old report had been pretty well exhausted—it was my first congressional report and I scattered them extensively—I concluded to have it reprinted together with the manuscript statement of the Senate's action. This action is of frequent occurrence in both Houses, so I therefore made the request on January 13, 1880, as stated in the letter of the chief reporter of the House, and not as it appears in the RECORD.

"Thus, Mr. Speaker, through an error for which I am in no wise responsible or to blame, have I been made the object of bitter, unjust, and scurrilous newspaper abuse. These articles have been spread the length and breadth of the land, and therefore, after consulting with members of the Committee on Foreign Affairs, among whom I am proud to number personal friends, I offer the following, ask its passage and reference to that committee, that my exoneration may be as full as the attack has been foul:

"'*Resolved*, That the Committee on Foreign Affairs be, and they are hereby, requested to examine into the truth or falsity of the statement read by Mr. ACKLEN from the Detroit Post and Tribune, and report back to this House.'

"Mr. WILSON. As a member of the Committee on Foreign Affairs, I desire to make one remark. The gentleman from Louisiana [Mr. ACKLEN] has never been summoned before the committee by its order. What may have occurred between him and the chairman of the committee I do not know. The first intimation the Committee on Foreign Affairs had of this subject, so far as I know, was that a member of the committee, General KING, of Louisiana, communicated to the committee the fact that a report had been made by Mr. ACKLEN. General KING held that this report had done him injustice; that it placed the Committee on Foreign Affairs in a very improper light before the House, and that some explanation was necessary. Thereupon General KING produced a statement which he said Mr. ACKLEN would make upon the floor of the House, if acceptable to the committee, and that if acceptable to the committee it would be acceptable to him. The statement was read by Mr. KING, and subsequently communicated by Mr. ACKLEN to the House.

"I think it proper to say this much in justice to the gentleman who has just taken his seat, and also in justice to General KING, my colleague on the Committee on Foreign Affairs, who is not now on the floor.

"Mr. ACKLEN. There can be no possible objection to the resolution.

"Mr. GARFIELD. Reserving my right to object, I ask that it be again read.

"The SPEAKER. The gentleman from Louisiana has risen to a question of privilege in reference to a matter which the Chair thinks does affect him in his representative capacity.

"Mr. GARFIELD. The gentleman may have a right to raise the question of privilege; but the question whether the House will adopt the resolution he submits is another thing. I would like to hear the resolution.

"The SPEAKER. The resolution will be again read.

"The Clerk again read the resolution.

"Mr. GARFIELD. If the Committee on Foreign Affairs do not object to this I do not.

"The resolution was adopted.

"Mr. ACKLEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

"The latter motion was agreed to."

It will be observed that while Mr. ACKLEN in his remarks refers to an article in the New York Herald, as well as to the one quoted from the Detroit Post and Tribune, the resolution confines the committee to an inquiry into the truth or falsity of the statements contained in the article quoted from the last-named paper. Since the hearing before the committee was closed Mr. ACKLEN has requested the committee to inquire into and report as to his motives in the action in the House, which was the subject of criticism in the above article. The committee do not feel justified in so doing under the terms of the resolution, nor are they willing to assume the task. They have to deal with the facts only. With Mr. ACKLEN'S motives they have nothing to do. In this construction of the resolution its mover originally concurred.

In his opening remarks before the committee Mr. ACKLEN said:

"Mr. Chairman, there are two counts in this resolution and in the accompanying statement. The first is as to whether on the 13th of January, 'taking advantage of a moment when no member of the Committee on Foreign Affairs was present, Mr. ACKLEN rose in his seat in the House and declared as follows: "I ask unanimous consent that the report of the Committee on Foreign Affairs in relation to the claims of certain citizens against the government of Nicaragua be referred to the Committee of the Whole and ordered to be printed."' That is one of the two questions upon which the committee has to pass. The other is as to whether I was called before the committee and forced to withdraw the report and apologize to the House by their order."

The committee do not limit the scope of their inquiry quite so narrowly as above stated by Mr. ACKLEN, but they have nothing to do with statements made in regard to Mr. ACKLEN'S conduct in this matter in the New York Herald, or in any other paper than the Post and Tribune, or with criticisms made upon his conduct elsewhere, or with the motives of that conduct, or with the recommendation of any action to be taken by the House. They propose to examine faithfully into the truth or falsity of the statements made in the one article referred to in the resolution under which they are acting, and having made their report in that regard they consider their duty ended.

The committee have heard fully all the testimony which has been offered to them, and did not close the hearing until Mr. ACKLEN had stated that he had nothing further to introduce by way of testimony or argument.

The testimony before the committee upon the subject of inquiry is partly from the RECORD itself and partly from other sources. In the RECORD of January 14, of the preceding day in the House, appears the following:

"CLAIM AGAINST NICARAGUA.

"Mr. ACKLEN. I ask unanimous consent that the report of the Committee on Foreign Affairs in relation to the claims of certain citizens against the government of Nicaragua be referred to the Committee of the Whole and ordered to be printed."

Just previous to this entry appears the following:

"Mr. ACKLEN. My colleague, Mr. KING, is paired with the gentleman from New York, Mr. HAMMOND."

From these entries it appears that on the 13th of last January, Mr. ACKLEN, not being a member of the Committee on Foreign Affairs, in the absence of his colleague, Mr. KING, which absence was known to him, introduced a paper purporting to be a report of the Committee on Foreign Affairs by Mr. KING, which

was printed at Mr. ACKLEN's request. A copy of this alleged report is appended hereto.

In the RECORD of January 21, of the preceding day in the House, the following appears:

"WITHDRAWAL OF REPORT.

"Mr. ACKLEN. On January the 13th instant, during the absence of my colleague, Mr. KING, I asked unanimous consent of the House to have printed a manuscript designated Report No. 86, House of Representatives, Forty-sixth Congress, second session, which I had myself prepared and placed in his hands, and which he had subsequently returned to me at my request. I ask that it be withdrawn, as it was submitted by me without authority from Mr. KING or from the Committee on Foreign Affairs, it having taken no action on the matter. This was done through a mistake of mine.

"The SPEAKER. If there be no objection, the request will be granted.

"There was no objection."

From this entry it appears that on the 20th of January Mr. ACKLEN withdrew the alleged report introduced by him January 13, and stated that he had himself prepared that report and submitted it without authority from Mr. KING or from the Committee on Foreign Affairs, which had taken no action on the matter. This, he claims, was done through a mistake of his. These extracts from the RECORDS of January 14 and 21, with Mr. ACKLEN's remarks quoted above from the RECORD of January 31, comprise all that is to be found in the RECORD on the subject.

It further appears by testimony from other sources that Mr. ACKLEN was a member of the Committee on Foreign Affairs in the Forty-fifth Congress, and as such made a report relating to certain Nicaragua claims, being House Report No. 96 of the Forty-fifth Congress, and the same appended to and made a part of the above alleged report; that in the extra session of the Forty-sixth Congress, April 23, he introduced in the House a resolution relating to the same claims, as follows:

"*Resolved*, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer; and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee."

which was referred to the Committee on Foreign Affairs; that he was repeatedly before the committee in support of said resolution, and persistently and earnestly solicited a favorable report upon it from the whole committee and from individual members. The committee did not consider the resolution favorably, and Mr. ACKLEN was informed by his colleague, Mr. KING, that the action of the committee would probably be adverse to his wishes.

During the extra session Mr. ACKLEN had prepared a paper in the form of a report, being, with the exception hereafter to be noted, precisely the same as the new matter in the alleged report introduced by him January 13, and had handed it to Mr. KING, desiring its adoption by Mr. KING and the committee. This paper remained in Mr. KING's possession until after he had informed Mr. ACKLEN of the adverse sentiment of his committee on the subject, and until after the beginning of the regular session in December, when Mr. ACKLEN procured its return from Mr. KING to himself. From that time until he introduced it, January 13, he had the sole charge of it. The original manuscript was produced before the committee. It consists of two half-sheets of foolscap paper, (linen,) each written on both sides, and of a copy of the resolution printed on the second and third pages of the alleged report written on another sheet of similar paper. In the last sentence of the last paragraph but one before the closing resolution, after the words, "a delay in having said committee appointed," the words, "until the regular session" were originally written, but were erased before its introduction by Mr. ACKLEN. This would indicate a revision of the manuscript after the extra session.

At the bottom of the fourth page of the manuscript, on space originally left blank, a printed copy of resolution on the subject of the claims referred to has been pasted. Mr. ACKLEN stated that he pasted this printed copy upon the manuscript after its return from Mr. KING during the present session. When Mr. ACKLEN presented the alleged report January 13, Mr. Brown, the official stenographer then on duty, made the following memorandum:

"Mr. ACKLEN. I ask that a report be printed in a couple of cases already on the Public Calendar. So ordered."

Mr. ACKLEN sent the paper or papers to the desk by a page. The recollection of Mr. Brown and of Mr. Smith, the journal clerk, differs as to what was sent. Mr. Brown thinks there was nothing but manuscript, while Mr. Smith thinks the printed report from the Forty-fifth Congress was inclosed in the manuscript. This difference is not important. All is inclosed in a wrapper which was destroyed in the process of printing, on which was written in pencil the name "Mr. KING," not, however, by Mr. KING.

The unusual circumstance of the presentation of a report by a member not of the committee from which it purported to emanate attracted attention at the desk. Mr. Brown spoke of it to Mr. Smith, and Mr. Smith to the Speaker. Mr. Smith called the Speaker's attention to the fact that Mr. ACKLEN wanted to print a report from a committee of which he was not a member. And, *for that reason* he went to Mr. ACKLEN's desk *with the paper in his hand*. His testimony as to the conversation between himself and Mr. ACKLEN is somewhat indefinite and differs in slight particulars in his various statements of it—but is to the effect that he "understood Mr. ACKLEN to want the report to go on the Calendar, where his resolution was." Mr. Smith is doubtful whether Mr. ACKLEN said that he wished the report printed or reprinted—but is confident that he used one or the other expression.

As Mr. Smith is uncertain just what passed between him and Mr. ACKLEN at this moment, the committee must refer to the circumstances which are known to have happened at the time.

Mr. Smith's attention was excited by the unusual circumstances that Mr. ACKLEN wished to print a report from a committee of which he was not a member. He spoke to the Speaker about it. He said to the Speaker "that it appeared a very singular way of proceeding." With the irregular paper in his hand, to satisfy himself in regard to this "singular proceeding," he went at the moment to Mr. ACKLEN, and directly after the conversation with him the paper was filed as a report from the Committee on Foreign Affairs, made by Mr. KING, and the corresponding entry made in the Journal and the RECORD.

Mr. Smith states that it was his own impression, and that of other clerks at the desk, that Mr. ACKLEN desired to present the report for his colleague Mr. KING, in his absence. From these circumstances it is plain that this vigilant and experienced official, intent upon understanding this unusual proceeding, and applying to Mr. ACKLEN, at the moment for information in regard to it, received from him no explanation contrary to what appeared upon the face of the paper which he held in his hand, and to the entries which were immediately made in regard to it. The entry in the Journal was read the next morning in the House, and was uncorrected.

It remained as printed in both Journal and RECORD, without notice or correction, until January 16.

When Mr. KING returned, January 16, he was informed that Mr. ACKLEN had introduced a report during his absence purporting to come from him [Mr. KING] as a report from the Committee on Foreign Affairs. Mr. KING at once sent for the report and having procured it went with it in his hand to Mr. ACKLEN's desk. There is a slight discrepancy between Mr. KING's statement of the conversation which ensued and some of Mr. ACKLEN's versions of it, but the committee find that Mr. KING showed Mr. ACKLEN the copy of the report and asked him what it meant. Mr. ACKLEN replied that he "supposed that Mr. KING had consented to the report." Mr. King said: "You could have thought no such thing." Mr. ACKLEN then replied, "I do not think I used the language in the RECORD, and there must be some mistake about it." He professed himself willing to do anything that would vindicate Mr. KING and the committee. Mr. KING then wrote a statement for Mr. ACKLEN to make in the House, which Mr. ACKLEN agreed to make. Mr. KING afterward consulted the chairman and other members of his committee, and on the next day the full committee at a regular session. The result of his consultation was a slight modification of the statement which he had previously prepared into the form in which it appears in the RECORD of January 21, as made by Mr. ACKLEN. Mr. ACKLEN made a statement in the House before Mr. KING came in with this statement which he subsequently withdrew, as unsatisfactory to Mr. KING, and substituted for it the statement prepared for him by Mr. KING and which appeared in the RECORD.

Mr. ACKLEN, in the statement made by him in the House January 20, says that what he had done was by a mistake of his own. In his remarks in the House and before the committee he claims in explanation of the above circumstances that he had got his resolution on the public Calendar; that he had lost his interest in the proceedings in regard to it in the Committee on Foreign Affairs; that he obtained the papers which he had given to Mr. KING, and asked to have them printed that he might have new copies of his old report, the first edition of which had been pretty well exhausted, with the manuscript "as addenda," because it contained a statement of the Senate's action upon a resolution identical or nearly so with his own; that he had forgotten that this manuscript purported to be a report from the Committee on Foreign Affairs, or that his colleague's name appeared upon it; and that in his conversation with Mr. KING upon his return, intimating his belief that Mr. KING had approved the report, he was referring to his own report made in the Forty-fifth Congress, while Mr. KING had in mind the one made in the Forty-sixth Congress, a copy of which he then held in his hand. He also claims that he could have had no possible motive for imposing a false report upon the House; that the report was a public one, which could not have remained concealed, and the discovery of which would occasion him disgrace and injure the very claims whose interest he sought to promote.

But the committee consider that they have nothing to do with motives—they are only to inquire into the truth or falsity of the statements contained in the newspaper article referred to in the resolution under which they are acting. They therefore respectfully report:

That on the 13th of January Mr. ACKLEN, not being a member of the Committee on Foreign Affairs, presented a paper purporting to be a report from the Committee on Foreign Affairs submitted by Mr. KING, a member of that committee, relating to the claims of certain citizens against the government of Nicaragua, which paper was printed at his request as such report.

That this paper was not a report of the Committee on Foreign Affairs, and had never been adopted or favorably considered by that committee.

That this was done in the absence of Mr. KING, whose absence was known to Mr. ACKLEN, and was without the knowledge or consent, direct or indirect, of Mr. KING, or of any member of the Committee on Foreign Affairs.

That this alleged report, as presented, consisted of four pages of manuscript, with a printed copy of a resolution pasted on the bottom of the fourth page, and the printed report made by Mr. ACKLEN to the Forty-fifth Congress on the same claims.

That the manuscript was in the form of a report from the Committee on Foreign Affairs of this Congress, and recommended the speedy passage of the resolution reported at its close.

That this manuscript was not contained in Mr. ACKLEN's original report.

That this manuscript was in the handwriting of Mr. ACKLEN's clerk, and was copied by him from a draught made by Mr. ACKLEN during the extra session of the present Congress.

That the manuscript so prepared by Mr. ACKLEN was handed to Mr. KING by Mr. ACKLEN during the extra session, with the desire that he should adopt it, and procure its passage through the Committee on Foreign Affairs.

That the committee did not adopt this as their report or consider favorably its subject-matter, and that it was returned to Mr. ACKLEN by Mr. KING during the present session, early in December, at Mr. ACKLEN'S request, with the information that the committee were probably adverse to it.

That Mr. ACKLEN subsequently examined it, and pasted upon it the printed copy of the resolution, instead of the manuscript copy he had given to Mr. KING, and introduced it so changed in the House, as above stated, January 13.

That Mr. ACKLEN, inquired of, at the time, by the journal clerk of the House, failed to convey to him any other impression than that he had introduced a report from the Committee on Foreign Affairs, for Mr. KING, then absent.

That it was Mr. KING, and not the chairman of the committee, who asked Mr. ACKLEN what the introduction of the report meant, and received an unsatisfactory reply. There was no conversation whatever between the chairman of the committee and Mr. ACKLEN on the subject.

Mr. ACKLEN was not "summoned before the committee," nor did he appear before it prior to his withdrawal of the report, nor so far as known to the committee was he informed that "he must withdraw the report and apologize to the House or vigorous proceedings would be instituted to expel him in disgrace;" that the entries made in the Journal and the RECORD, made under that impression, remained uncorrected until January 20, when Mr. ACKLEN withdrew the report at the request of Mr. KING, in manner and form as above stated.

All of which is respectfully submitted, and the committee ask to be discharged from further action under the resolution.

House of Representatives, Forty-sixth Congress, second session.—Report No. 86.

WOOLSEY TELLER AND ELIZA LIVINGSTON.

JANUARY 13, 1880.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KING, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, to whom were referred the memorials of Woolsey Teller, of San Francisco and of Eliza Livingston, of La Union, Salvador, together with the resolution adopted unanimously by this committee in the Forty-fifth Congress, under the report made on said cases by Mr. ACKLEN, then a member of this committee, report as follows:

Your committee, after a careful examination of the facts in said cases, find that they are fully set forth in the report made by Mr. ACKLEN, hereto appended and made a part hereof.

Your committee find, further, that the following resolution passed the Senate of the United States on the 27th of May, 1878:

"*Resolved*, That the President be, and is hereby, requested to communicate to

the Senate, if to do so, in his opinion, be compatible with the public interests, any correspondence, not heretofore communicated, between this Government and that of Nicaragua relative to the claims against the latter of John G. Kendrick and other citizens of the United States for personal injuries on October 19, 1855, at Virgin Bay, in the territory of Nicaragua, alleged to have been inflicted by soldiers acting under the authority or by the permission of that government, and whether any, and, if any, what, steps ought to be taken by this Government to effect the adjustment of said claims, with a statement of the nature and amount thereof, and the names of the persons on whose behalf they have been severally preferred."

In answer thereto, the President, on December 9, 1878, replying through Hon. William M. Evarts, the Secretary of State, transmitted the correspondence had with the government of Nicaragua relative to claims of citizens of the United States against said government, and reply to the specific inquiry as to "what steps, if any, should be taken by this Government to effect an adjustment of said claims," replied, "*that the most obviously practical method would be to submit them to the examination and decision of an impartial commission.*"

Acting upon the suggestion made by the President through the Secretary of State, your committee find that the Senate of the United States, on —— passed a resolution appointing the Messrs. HAMLIN, CONKLING, KIRKWOOD, EATON, and MORGAN as a committee on the part of the Senate to examine the papers on file in the Department of State, and hear any additional testimony that the claimants might desire to present.

Your committee find, further, that about the same time this committee, acting upon the report presented by Hon. Mr. ACKLEN, and likewise upon the suggestions from the President, through the Secretary of State, above referred to and quoted, unanimously authorized Mr. ACKLEN to report to the House the following resolution, which, in substance, is the same as that which passed the Senate:

"*Resolved*, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to investigate all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State, and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the Government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer, and the necessary expenses of said committee shall be paid out of the contingent fund of the House, on the vouchers of the chairman of said committee."

Owing to the sudden and serious illness of Mr. ACKLEN, this, however, was not done, and the whole matter fell through by limitation with the expiration of the Forty-fifth Congress.

After a careful examination of all the facts connected with the said claims, your committee are fully convinced that the House Committee on Foreign Affairs should report said resolution to the House and recommend its passage, at as early a date as possible, and for the following reasons:

The testimony contained in the papers now on file in the Department of State, and that in addition to be presented, will require much time and attention for careful investigation, and this could hardly be done during the regular sessions of Congress, when members of this House labor under a pressure of business attendant thereon; whereas during the recess, the cases having been distributed among the members to be appointed, would receive that careful examination which their nature demands. As it would, furthermore, be unadvisable, if not impossible, for Congress to take definite steps to secure their satisfaction by the Government of Nicaragua until all should have been examined and reported upon, a delay in having said committee appointed would, for the reasons already given, almost certainly result in a failure to have them considered during the Forty-sixth Congress.

For these and other reasons, which must be apparent without their enumeration, your committee report back the resolution passed by this committee in the Forty-fifth Congress, and recommend its speedy passage:

"*Resolved*, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer; and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee."

[Forty-fifth Congress, third session.—House Report No. 96.]

Mr. ACKLEN, from the Committee on Foreign Affairs, submitted the following report:

The Committee on Foreign Affairs, to whom were referred the memorials of Woolsey Teller, of San Francisco, and of Eliza Livingston, of La Union, Salvador, praying redress for loss of property and injuries sustained by said Woolsey Teller and by the deceased husband of said Eliza Livingston from the government of Nicaragua, report as follows:

These two cases, covered as they are by like principles of international law and presenting facts strongly analogous, your committee have decided to embrace in one report.

The facts in the first of these cases, namely, that of Woolsey Teller, of San Francisco, as they appear from the papers in the possession of your committee, are as follows:

Woolsey Teller, an American citizen, was a merchant in Granada at the time that town was attacked on October 12, 1856, by the allied forces of San Salvador and Guatemala, the recognized soldiers of the Nicaraguan government. These troops took possession of his store, which they barricaded and used as a stockade, from which they kept up a fire upon the Americans in the plaza of the town, until driven out by the forces under General Walker from Masaya.

While occupying these premises they destroyed, and on their retreat carried away, merchandise which said Teller estimates to have been worth $5,000. He was also severely wounded in the right hand.

The foregoing facts are sustained by the affidavits of John H. Wheeler, at that time resident minister of the United States to the Republic of Nicaragua; Arthur Callaghan, of Philadelphia, at that time surgeon to the troops under General William Walker; William Keily, of Detroit, Michigan, at that time residing in Granada; Francis P. Anderson, of Nicaragua, a colonel in the army of that republic; and also by the affidavit of John M. Griffin, of Nicaragua, a captain in the army of that republic. These affidavits also go to show that said Teller was a non-combatant, and at the date of the attack quietly pursuing his business of merchant.

The amount of damages claimed by said Teller is:

For loss of property	$5,000
For wounds to his person	10,000
Consequential damages	15,000
Total	30,000

The evidence submitted goes to show that the injuries sustained, both to person and property, were wanton and unnecessary.

The facts in the case of Eliza Livingston, as they appear from the papers submitted, are as follows:

Dr. Joseph W. Livingston, deceased, (the husband of said Eliza, both American citizens, and residents of Cherry Valley, State of New York,) was in 1856, and for some years previous thereto, residing and practicing his profession as a physician in Leon, Nicaragua. He was also engaged in the importation of drugs and other merchandise. On May 3, 1856, he left the port of Realejo for New York, in company with and as attending physician to Edmund Randolph, who it appears was connected with Walker's government. He returned on the 6th of July of the same year. The country was then in a state of revolution, so he procured passes from General William Walker; and being assured of his personal safety, left on July 23, and proceeded to Leon, his place of residence, where he arrived July 26. There he was arrested and imprisoned until July 30 when he was informed that unless he made application for a passport to leave the state his confinement would continue. Securing a passport, he proceeded to Chinendaga, where he was again detained by military orders until August 19, at which date he was conducted, with his family, to the frontier and released.

These facts are sustained by the statement of Livingston and by letters from H. S. Sanford, of New York, of William W. Campbell, of Cherry Valley, New York, and of John Derhon, of Raelejo. They further show that Livingston was a man of respectability and generally esteemed. Eight letters in Spanish from the Nicaraguan secretaries of state, war, and finance, and other public and high officials are also presented, showing his standing in Nicaragua, but which your committee deem it unnecessary to quote. No specific damages in money are set forth; but several thousand dollars are alleged to have been lost by a forced sale of property, besides his practice as physician, and hardships endured by his family as well as himself in his forced exile.

Your committee in an examination of these cases is forced into a consideration of the relationships existing at that time between the governments of Nicaragua and the United States.

Avoiding unnecessary detail, it is yet deemed requisite to state, to a full understanding of these international relationships, that William Walker and his followers, in the interest of a certain revolutionary faction of Nicaragua, took possession of the capital of that republic on October 14, 1855, and had established a provisional government under the presidency of Don Patricio Rivas, but which did not take shape as a political organization claiming to rule the state until December 1 of that year. An armed resistance was still continued, however, by the opposing faction, styling themselves legitimists, in which they were assisted by the neighboring states, and notably by Costa Rica. At this time a corporation known as the Accessory Transit Company, which had been formed for the purpose of keeping open the line of communication from the Gulf to the Pacific Ocean by the way of the Nicaraguan route, was being managed, it is alleged, in the interests of the revolutionary faction under Walker, and under cover of a legitimate business was evading the neutrality laws then existing between the United States and the government of Nicaragua, and transporting arms and men to swell the revolutionary forces. These acts created great hostility on the part of the legitimists, and culminated in the attack on the steamer San Carlos by the fort of San Carlos on October 18, and the massacre at Virgin Bay on April 7, 1856, in both of which American citizens lost their lives.

An interruption of the diplomatic relations between the two governments was caused by the hasty recognition of the Walker faction by the then resident minister of the United States, John H. Wheeler. These were not restored until Mirabeau B. Lamar was accredited as the minister of the United States to Nicaragua, *vice* Wheeler.

Claims arising from the Virgin Bay massacre and other causes growing out of the intestine struggles between the different states of Central America were presented by the United States Government through their minister, but further complications arose by the declaration of war between Costa Rica and Nicaragua, which ended in the final overthrow of Walker's provisional government.

A claims convention was arranged with Costa Rica on July 26, 1860, by which all claims between that government and the United States were satisfactorily adjusted. In the case of Nicaragua, however, when steps had been taken looking to the establishment of a like commission, another question arose.

This government set up counter-claims against the United States for the bombardment and burning of San Juan del Norte, or Greytown, by Captain Hollins, and for a violation of the neutrality laws in permitting the departure of William Walker and his followers from the States, and for furnishing or permitting him to be furnished with supplies and munitions of war from their ports, and they insisted, and your committee think *justly*, that these counter-claims against the United States should be entertained, examined, and passed upon by any commission to be established.

The comity of nations, as well as our own national honor, requires that in a consideration of claims and counter-claims the same justice should be meted out to Nicaragua that we demanded and exacted of England in the Geneva award.

Your committee are of the opinion that these cases give rise to some questions of international law analogous to those considered in the Washington treaty between England and the United States, and, with a full appreciation of the importance attaching to the issues raised by these cases, your committee offer the following resolution and recommend the passage of the same:

"*Resolved*, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the Government of Nicaragua for indemnity for lives of relatives taken, wounds, and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer, and the necessary expenses of said committee shall be paid out of the contingent fund of the House, on the vouchers of the chairman of said committee."

"SAN FRANCISCO, *August* 10, 1878.

"SIR: In the year 1857 I lodged in the Department of State, Washington, a claim for $15,000 against the Republic of Nicaragua, for wounds received and spoliation

of property, which claim was well authenticated by the testimony of creditable persons who were cognizant of its merits. I have the acknowledgment of the Department that it has been received and filed. I have subsequently received letters from the Secretary of State that my claim should receive proper attention, but up to the present time, and after a lapse of over twenty years, my Government has not taken any effective steps to bring the government of Nicaragua to a recognition of my demand, and thereby reimburse me, in a measure, for the damages to my person and property.

"The subject has been discussed by the different ministers accredited to Nicaragua, and latterly by Hon. George Williamson, who told me in April the subject of claims has been diplomatically exhausted, and that, consequently, nothing remains but for our Government to bring that of Nicaragua to a just settlement; but, sir, there is a hitch somewhere that has prevented our Government from proceeding further than a diplomatic correspondence; a something that causes it to recoil from bringing the question to a direct issue.

"Nicaragua has put in a counter-claim against the Government of the United States for the bombardment and burning of San Juan del Norte, or Greytown, and for a violation of the neutrality laws in permitting the departure of Walker from this country, and the furnishing of and dispatch of supplies from our ports, to enable him and his followers to levy war upon her government and people, claiming that by so doing our Government has placed itself in the same category of wrong-doing that the English did in permitting the fitting out of the Alabama to wage war upon our commerce.

"I have recently been told by good authority that this counter-claim is the obstacle in the way of demanding a settlement from Nicaragua, as, if the question should be left to an arbitration, which, perhaps, in equity our Government could not refuse to accept, the unbiased judgment of such a court would condemn our Government to recognize a principle which she obliged the English government to recognize.

"In the case of an arbitration, as in the case of the Geneva court, I think equity would be meted to both parties, and the sufferings of American citizens for outrages perpetrated on them in Nicaragua, before and during the Walker war, could be in a measure relieved.

"Many and heavy are the claims justly made against Nicaragua, as an examination of them will demonstrate. Some of them have been standing over twenty-five years, others over twenty years. Some are for murders of innocent and defenseless American citizens while seeking protection under the folds of their country's flag, others for imprisonment, wounds, and spoliations, and although I cannot state the amount, even approximately, it is large, covering millions of dollars.

"In view of the apparent or real abandonment on the part of the executive branch of the Government of the interests of her citizens who have laid their claims before it and have asked its interposition, I appeal to you, sir, and pray you, as a Representative of the nation, to take the initiatory and necessary steps to call for the papers relative to these claims, and, when furnished, to take such further action as will bring the question to a final settlement.

"If these claims be just, as they undoubtedly are, Nicaragua should be obliged to pay them; if it be found that our Government has committed a wrong, equity, honor, and the comity of nations should be held sacred by us, and we do to others that which we have demanded should be done to us.

"I have no doubt, now that a quarter of a century has elapsed and the passions and the issues that swayed men's minds at the time Greytown was burned have been modified by time, if that question were examined by an impartial jury, they would find that an officer of our Government had proceeded in a manner that will not bear the scrutiny of the impartial historian and just legislator. Much the same may be said of the advent and permanency of Walker for two years in Nicaragua. I was in that country at the time and know the influences that were working to extend the area of the 'peculiar institution' into all of the five Central American republics, and fear our Government winked at many violations of the neutrality laws, when they could have been prevented, thereby laying itself open to the charges made by Nicaragua.

"I have the honor to be, sir, your most obedient servant,

"WOOLSEY TELLER.

"Hon. HORACE DAVIS, *Present.*"

"LA UNION, SALVADOR, *November* 14, 1878.

"SIR: I beg to present the following memorial to your honorable body, asking such redress as it may in its judgment, upon a review of the papers and facts, consider I am entitled:

"In 1856 my late husband, Dr. Joseph W. Livingston, a native of New York, was living in Leon, Nicaragua, where he had resided for several years previous, engaged in the practice of his profession. He was also engaged in the importation of drugs and other merchandise, and was so successful that in the practice of his profession alone his income amounted to over $4,000 and was steadily increasing. In the spring of 1856 he went to New York to purchase supplies, and having bought over $6,000, principally in drugs, returned to Nicaragua the last of July. Upon reaching Leon, on July 26, 1855, was arrested by an armed force and thrown into prison by order of the government of Nicaragua. At the time of his arrest was searched and everything taken from him, (none of which were returned,) consisting of private papers of very great value to him. Neither Dr. Livingston nor his friends could ascertain any reason as to the cause of his arrest and imprisonment further than it was a military necessity. After being in jail for several days he was sentenced to be shot without trial or investigation, which sentence, in all probability, would have been carried out but for the earnest and forcible protest presented by our minister, Hon. John H. Wheeler. Dr. Livingston was kept in prison in Leon four days longer, only allowed to see his family in presence of the guard and upon giving the assurance they would speak in the Spanish language and in a loud tone. At the expiration of six days he, with his family, were removed to Chinendaga. While in Chinendaga an attempt was made to assassinate him, which would have been successful but for the interference of friends.

"On the 19th of August he was released (after being in prison twenty-five days) through the influence of our minister, Hon. John H. Wheeler, and General Belloes, the commander of the Salvador troops, but banished the country, being conducted to the frontier by an armed escort. He and his family were turned loose in a section of country entirely uninhabited, where it was impossible to obtain either food or shelter, exposed to the intense heat of the tropical sun by day and the incessant rains by night, it being the rainy season. For four days we were thus exposed with our eight young and helpless children, the oldest being not over nine years of age. As our dwelling had been plundered when we were removed to Chanandaga, we were not able to bring the common necessities of life with us, even if we had been permitted to do so. By this arbitrary arrest and imprisonment and banishment my husband's business and professional prospects were blasted, his home broken up, his goods and household furniture stolen or destroyed, and himself and family forced into exile among strangers, to begin the world anew. That the action of the Nicaraguan government was as unprovoked as it was outrageous and tyrannical is clearly stated in the letter of Hon. John H. Wheeler to Dr. Livingston, dated August 21, 1858, in which he states the real reasons of his (Dr. Livingston's) arrest was owing to his being a citizen of the United States.

"By evidence on file in the Department of State, Washington, it is proven that Dr. Livingston, from his first arrival in Nicaragua, held himself entirely aloof from the domestic politics of the republic, never directly or indirectly interesting himself in them. As an American citizen and the widow of Dr. Livingston, in behalf of myself and orphan children, I appeal to your honorable body for redress and indemnity. Argument has been exhausted. This claim was presented to the Department of State by Dr. Livingston during his life-time, (in 1857.) Our minister, Hon. George Williamson, has corresponded for five years with the government of Nicaragua upon this subject, using every argument which could possibly be brought forward, all of which without avail, as his letters to our Government will show.

"The government of Nicaragua do not deny the fact of my husband's arrest, imprisonment, and banishment; on the contrary, acknowledge all the facts in the case, but refuse to render satisfaction. The question is not now one of an individual, but has become national in its character. (All through Central America are scattered citizens of the United States, who are engaged in various occupations.)

"Instances have occurred in which American citizens claimed to be English subjects so as to obtain even temporary protection. While our representatives may be ever so willing to extend protection to their countrymen, they are not able to do it, owing to their not being sustained by the Government, of which fact the petty republics are well aware. If our Government has concluded not to demand redress in a case like that I have the honor to present, and to extend protection to its citizens who come to this country to engage in business with a view of increasing the commerce of the United States, at the same time to improve their own fortunes, the sooner publicity is given to that fact the better.

"In conclusion, I respectfully ask you to send for the papers on file in the United States legation, Guatemala, and the Department of State, Washington, especially the letters written to the Secretary of State by Hon. George Williamson, United States minister for Central America.

"I have the honor to be, very respectfully, your obedient servant,

"ELIZA LIVINGSTON.

"Hon. SAMUEL J. RANDALL,
"*Speaker House of Representatives, Washington, D. C.*"

"*Mr. Palmer to Mr. Cass.*

"WASHINGTON, *December* 7, 1858.

"SIR: I have the honor of inclosing to you herewith the original protest of Woolsey Teller, of New York, a native citizen of the United States, accompanied with sundry depositions attesting the loss of property as well as personal injuries inflicted on him by the military forces of Nicaragua and Gautemala, at Granada, on the 12th October, 1856, amounting as set forth in the said documents to $15,000, for which he claims compensation from the government of Nicaragua, together with the further sum of $15,000 for consequential damages; making in the whole the sum of $30,000, and for the recovery whereof I beg to solicit the effective intervention of the Government of the United States.

"I have, &c.

"AARON H. PALMER,
"*Attorney for W. Teller.*"

"*Protest of W. Teller.*

"CONSULATE UNITED STATES AMERICA,
"*Port San Juan del Sud, January* 9, 1857.

"By this public instrument of declaration and protest, be it known unto all men whom it may concern, that on this day and date personally appeared before me, the undersigned consul of the United States of America, Mr. Woolsey Teller, citizen of the United States, who being sworn, according to law, doth depose and say:

"'That on the 12th day of October, 1856, at one and a half o'clock in the afternoon, the city of Granada was attacked by the allied forces of Guatemala and San Salvador, which attack was continued until nine or ten o'clock the following day, during which time the soldiers of said allies took possession of my dwelling-house and store, from which they kept up a heavy firing on the Americans in the plaza, after having barricaded the front doors of my store with trunks and packages of merchandise, and remaining in the house until they were driven out by the arrival of the forces under General Walker from Masaya.

"'During the time they were in my house they destroyed and carried away property belonging to me amounting to $5,000, thereby entirely breaking up my business, besides severely wounding me in the right hand and entirely depriving me thereby from the use of it. For the outrage committed upon my person, I am compelled to appear before the consul at this place and enter this my most solemn protest against the governments of Guatemala and San Salvador, and claim for personal damages the sum of $10,000; also, for the loss above mentioned.

"'WOOLSEY TELLER.'

"In witness whereof I hereunto place my hand and seal of this consulate this 9th January, 1857.

[SEAL.]

"J. PRIEST,
"*United States Consul.*"

"*Woolsey Teller, of New York.*

"Claim against the Government of Nicaragua for spoliation and destruction of his merchandise, property, and household furniture, and for wounds and personal injuries inflicted on him by Nicaraguan and Guatemalan forces on the 12th October, 1856, at Granada, in consequence whereof his mercantile establishment at that place was completely broken up, compelling him to leave the country and return to New York.

The amount of claim as set forth in the annexed document is	$15,000
And he claims for consequential damages the further sum of	15,000
Making in the whole the sum of	30,000

"WASHINGTON, *December* 7, 1858.

"W. TELLER."

"I do hereby certify that I was residing in the city of Granada, discharging the duties of the minister resident of the United States near the Republic of Nicaragua, and was well acquainted with W. Teller, esq., an American citizen, who was engaged in merchandising in Granada. He was in no way connected with the army or government, but was diligently pursuing his business as a merchant; and while thus engaged the forces of the Guatemala government made an attack on said city on the 12th day of October last, in which the house of Mr. Teller was attacked and plundered of everything valuable, and he was severely wounded in the hand by said forces of Guatemala.

"A more unobtrusive or industrious man than Mr. Teller did not live in Granada, or one more respected, or one who suffered more severely or innocently from the barbarities of Guatemala troops.

"Given under my hand this 8th August, 1857.

"JNO. H. WHEELER.

"WASHINGTON CITY,
"*District of Columbia:*

"This day appeared before me John H. Wheeler and made oath that the contents of the foregoing are true.

"Witness my hand this 7th of August, 1857, at the city of Washington, D. C.

"JAMES H. CAUSTEN,
"*Notary Public.*"

"UNITED STATES OF AMERICA,
"*City, County, and State of New York, ss:*

"Arthur Callaghan, of the city of Philadelphia, State of Pennsylvania, physician and surgeon, being duly sworn, deposes and says:

"That he was at Masaya, in Nicaragua, on the 13th day of October last, and on that day, in the morning, marched with the forces under General William Walker to Granada for the relief of the residents of the town. After our arrival at Granada the forces under Walker were engaged with the Guatemalan forces who had attacked the city of Granada on the day before, and the allies were driven from the town. That after the battle deponent, in pursuance of his duty as surgeon, went about among the wounded and sick, and among the wounded saw Woolsey Teller, a citizen of the United States, who was and had been doing business as a merchant at Granada. That said Woolsey Teller's house and store were greatly damaged and his property destroyed and the premises rifled; that said Teller was in one of the rooms of his house disabled by a wound caused by a musket-shot through the wrist of the right hand, which wound had been received on the evening of the 12th October. That the wound was and is of such a nature as to almost wholly deprive said Teller of the use of his right hand for life.

"A. CALLAGHAN, M. D.,
"*Late Surgeon Nicaraguan Army.*

"Subscribed and sworn to before me this 13th day of July, 1857.
[SEAL.] "MONTGOMERY GIBBS,
"*Notary Public.*"

"UNITED STATES OF AMERICA,
"*City, County, and State of New York, ss:*

"William Keily, of Detroit, Michigan, being duly sworn, says:

"That on the 12th day of October, 1856, deponent was at Granada, in Nicaragua, and witnessed the attack of the allied troops upon that town on said 12th day of October; that said attack was made upon the town at about one or two o'clock in the afternoon, and was entirely unexpected, and the citizens were entirely unprepared for any attack; that the allied troops came suddenly into the town and commenced an indiscriminate attack upon persons and property, and deponent heard said troops crying out 'Death to all Americans.' That deponent knows Woolsey Teller, and knew him at Granada at the time spoken of; that said Teller was a citizen of the United States, doing business as a merchant at Granada; that, during the attack above referred to, said Teller's house and store were attacked and taken possession of by the allied troops, and plundered by the troops; that after the fight was over deponent went into said Teller's house and saw that such goods and property as were left were nearly destroyed, and left in such condition as to be of little or no value; that deponent saw said Teller in one of the rooms of his house on the day after the fight, disabled by a musket-wound in the right wrist, which wound was of such character as, in my opinion, to render his right hand nearly useless for life.

"WM. KEILY.

"Subscribed and sworn to before me this 13th day of July, 1857.
[SEAL.] "MONTGOMERY GIBBS.
"*Notary Public.*"

"CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

"Francis P. Anderson, of Nicaragua, being duly sworn, says:

"That he is a colonel in the army of the Republic of Nicaragua; that he knows Woolsey Teller, and has known him since December, 1855; that in the month of October, 1856, said Teller was engaged in the mercantile business at Granada, in said republic, and was in no way connected with the army or government of said republic, but was quietly pursuing his business in said city of Granada; that on or about the 12th day of October, 1856, the army of the independent state of Guatemala entered said city of Granada, and, without any provocation, attacked the persons then resident in said town, including American citizens then in Granada, murdering a number of said citizens, and destroying the residence and store of said Teller, and destroyed, injured, and carried away a large quantity of the goods of said Teller then in said store, and wounded said Teller in the right hand by a musket-ball, and thereby completely destroyed and broke up the business of said Teller.

"FRANCIS P. ANDERSON.

"Subscribed and sworn to before me the 29th day of July, 1857.
"Given under my hand and official seal.
[SEAL.] GORDON L. FORD,
"*Notary Public in and for said State of New York.*"

"CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

"John M. Griffin, of Nicaragua, being duly sworn, says:

"That he is a captain in the army of the Republic of Nicaragua; that he knows Woolsey Teller, and has known him since February, 1856; that in the month of October, 1856, said Teller was engaged in the mercantile business at Granada, in said republic, and was in no way connected with the army or government of said republic, but was quietly pursuing said mercantile business in said city of Granada; that on or about the 12th of October, 1856, the army of the independent state of Guatemala entered said city of Granada and, without any provocation, attacked the persons then resident in said city, including American citizens, murdering a number of said citizens and destroying the residence and store of said Teller, and destroyed, injured, and carried away a large quantity of the goods of said Teller then in said store, and wounded said Teller in the right hand by a musket-ball, and thereby completely destroyed and broke up the business of said Teller.

"JOHN M. GRIFFIN.

"Subscribed and sworn to before me the 29th day of July, 1857.
"Given under my hand and official seal.
[SEAL.] "GORDON L. FORD,
"*Notary Public in and for the said State of New York.*"

"No. 2.

"*Mr. Teller to Mr. Cass.*

"NEW YORK, *October* 17, 1859.

"SIR: I herewith inclose my power of attorney in favor of Aaron H. Palmer, esq., of Washington, having reference to my claim against the government of Nicaragua, and filed in the Department of State in December last, which I beg you will have the goodness to place on file with said claim.

"I am, sir, &c.,

"W. TELLER.

"*Power of attorney.*

"Whereas Woolsey Teller, of the city of New York, merchant, hath, on the 7th day of December, 1858, filed in the Department of State his certain claim on the government of Nicaragua, Central America, for spoliation and destruction of his merchandise, property, and household furniture, as well as for wounds and personal injuries inflicted on him by Nicaraguan and Guatemalan forces on the 12th day of October, 1856, at Granada, as by reference to the papers and documents filed with his said claim will more fully appear; and hath solicited the intervention and good offices of the Government of the United States with the said government of Nicaragua, in order to enforce the payment of the said claim:

"Now, therefore, know all men by these presents, that I, the said Woolsey Teller, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, Aaron Haight, Palmer, of the city of Washington, my true and lawful attorney for me, and in my name and stead, to present the said claim and recover the whole amount thereof, to wit, $15,000, that may be finally allowed, awarded, and paid by said government of Nicaragua, or out of such indemnity as shall or may be exacted from said government on account thereof by the United States, with full power of substitution and revocation; and, further, to do, execute, and perform every act, matter, and thing whatsoever requisite and necessary to be done in the premises as fully and amply to all intents and purposes as I might or could do being personally present.

"And I do hereby ratify and confirm all and whatsoever the said Aaron Haight Palmer, my said attorney and agent, his duly appointed substitute or substitutes, shall lawfully do, or cause to be done, in and about the premises by virtue hereof.

"In witness wherof I have hereunto set my hand and seal this 15th day of October, 1859.

"W. TELLER. [SEAL.]

"Sealed and delivered in the presence of—
"L. LEONCE CONDERT.

"STATE OF NEW YORK,
"*City and County of New York, ss:*

"On this 15th day of October, 1859, before the undersigned, notaries public for the State of New York, duly commissioned and sworn, came Woolsey Teller, known to said notaries to be the person described in, and who executed, the foregoing power of attorney, and the said Woolsey Teller acknowledged that he executed the same.

[SEAL.] "L. LEONCE CONDERT,
"*Notary Public, New York.*
[SEAL.] "JOHN FOWLER, JR.,
"*Notary Public, New York.*"

"No. 3.

"*Mr. Livingston to Mr. Cass.*

"NEW YORK, *August* 20, 1858.

"SIR: I beg leave to submit to you the following statement of outrages upon my rights as an American citizen and upon my property at the hands of the government of Nicaragua, by arbitrary imprisonment and exile and sacrifice of my property.

"My family residence is Cherry Valley, in this State. I have temporarily resided in Nicaragua, in the practice of my profession as a physician. On the 3d of May, 1856, I left the port of Realejo for New York, in company with Mr. Randolph, as his physician, with an engagement to accompany him to this city in that capacity. At the time of our leaving the country was in peace, but on my return on the 6th of July I found it in a revolution. I immediately made application to General Walker for a passport to proceed to the city of Leon, the place of my residence, which was granted. On the 23d of July a gentleman by the name of Green came from Leon, on his way to Granada, and informed me that the roads were perfectly safe, and also that Don Sebastian Salines, secretary of state, had requested him to state to me, in case I had arrived in the state, to come on immediately, and to assure me that I could do so with perfect safety. I accordingly went on to Leon, where I arrived on the 26th of the same month. Before arriving, at three miles from Leon, I was arrested by a guard of soldiers and dragged to prison, without any cause being assigned, except that I was an American citizen. I was shut up in prison, in close confinement, until the 30th of the same month, when I was informed by the government that unless I made application for a passport to leave the state they would keep me in prison during the war. I was thus forced to make application for a passport, which was granted, and I was compelled to leave the same day for San Salvador. On my arrival at Chinendaga I found that the general and chief of the forces at Leon had ordered the military authorities not to allow me to proceed. I immediately informed the government of the fact. On the following day the commander of the post received orders to carry out this arbitrary exile. This was repeated three times before I could finally get away from where I was in constant fear of my life. My house was surrounded by a guard of twenty men, and I narrowly escaped assassination by them at midnight, undertaken by order of the commander-in-chief. I have never compromised my nationality during my residence in that country. The only motive assigned for my imprisonment was the fact that I was an American citizen, and consequently supposed to be friendly to the cause of General Walker and his party. The being obliged to leave the State in so summary a manner has been cause of great loss to me. I have lost over $4,000 in cash, besides the entire ruin of my business there. I had made arrangements for the purchase of a sugar and cattle estate previous to my leaving for New York, and made preparations to carry on sugar-planting on a large scale. All was destroyed by my imprisonment and banishment from the State. I transmit herewith letters to the authorities and others in San Salvador from the highest officials in Nicaragua, and from the government itself, showing the consideration I enjoyed there, and that there could be no just cause for this outrage upon my rights as an American citizen and the destruction of my property. I present these facts to you, praying for such action as may secure me just indemnity from the Nicaraguan government.

"Hon. John H. Wheeler (the United States minister at Nicaragua) is cognizant of these facts, and could substantiate them, he having entered a protest against the threat made to have me shot.

"I am, &c.,

"J. W. LIVINGSTON."

"*Mr. Sanford to Mr. Cass.*

"BREVOORT HOUSE,
"*New York, August* 20, 1858.

"DEAR SIR: I am well acquainted with Dr. J. W. Livingston, who has shown to me the accompanying letter to you. He is a gentlemen of high respectability, upon whose word I would place implicit reliance. He is universally known and respected in Central America, and there are few Americans who have met him there who cannot bear testimony to his worth and to attention and kind service at his hand. His case is a very hard one, and I commend it to your favorable consideration.

"Very respectfully, &c.,

"H. S. SANFORD."

"*Mr. Campbell to Mr. Cass.*

"CHERRY VALLEY,
"*August* 23, 1858.

"SIR: I am informed by Dr. Joseph Livingston that he has preferred a claim against the government of Nicaragua for loss of property and illegal imprisonment, and that such claim is made through our Government.

"I have known Dr. Livingston from his boyhood, and entertain toward him a near relationship, my wife being his sister. I had previously spoken with him on the subject of his claim, and believing it to be a good one, am rejoiced that it is now put in the way of a rigorous prosecution.

"Dr. Livingston was United States consul at Leon, and the seizure of his property and the imprisonment of his person were without color of law, and were not warranted by any circumstances even of suspicion.

"I need hardly add that Dr. Livingston belongs to the old family of that name on the Hudson, and is the lineal descendant of those who served the country well and honorably in the days that are past.

"Possessing the spirit of his ancestors, he does not feel disposed to submit tamely to outrages upon his property and his person. Commending the case to the favorable consideration of the Government,

"I am, very respectfully and truly, yours,

"WILLIAM W. CAMPBELL."

"No. 4.

"*Mr. Derhon to Mr. Cass.*

"REALEJO, *April* 30, 1859.

"SIR: I am requested by Dr. Joseph W. Livingston, a citizen of the United States, now residing at La Union, San Salvador, to make a written statement of the circumstances of his imprisonment and subsequent expulsion from the state of Nicaragua in the year 1856.

"At the request of members of the Walker-Rivas government, Dr. Livingston left Leon for the United States as the professional adviser of one Edmund Randolph, who had entered into some engagement with the government by which they considered it necessary said Randolph should be promptly in New York. From the state of his health, it was deemed impossible for him to make the journey without the attendance of a medical man. During the absence of Dr. Livingston the revolution against Walker broke out, the news of which Dr. L. met at Fort Castillo on his return. After a delay at Granada of some days, occasioned by want of conveyance, and I believe some difficulty in obtaining a passport to pass Walker's lines, he arrived in Leon on the evening of the 25th of July. Before having communication with any person, he reported himself to the government, was immediately thrown into prison, kept in close confinement for a week, and then sent from Leon under armed guard and kept a further time in confinement at Chinendaga, and then expelled the state. No specific charge was brought against him, and of course he had no trial. This imprisonment was made in direct violation to decrees just previously published, granting amnesty and protection to all persons reporting themselves to the government from Walker's camp. During Dr. Livingston's confinement he was neither provided by the government with bedding nor with subsistence.

"By this act of the authorities of Nicaragua, Dr. Livingston was unable to make an advantageous sale of his household furniture, to collect his debts, and arrange and close up a business of eight years' standing. He was driven to seek a new residence at an inclement season of the year, by which his family became sick, and he lost a year of business in consequence. I should think, from these causes, his actual losses could not have been less than $3,000, and more likely to reach $4,000.

"I have, &c.,

"JOHN DERHON."

Mr. COX. I now yield to the gentleman from Louisiana, [Mr. ACKLEN.]

Mr. ACKLEN. I ask that the communications which I send to the Clerk's desk be read and printed in the RECORD.

The SPEAKER. They will be printed in the RECORD, if read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 14, 1880.

DEAR SIR: Should the sub-committee deem the resolution referred to the Committee on Foreign Affairs restrictive in its character, I beg that, in justice to me, they will so inform me in time for me to have it enlarged by the House, so that every fact in the case may be reported on. Otherwise the only question which affects my character, namely, the "intention," may not be fully brought out.

Very respectfully,

J. H. A.

Hon. W. W. RICE,
Chairman Sub-Committee.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 17, 1880.

To the honorable chairman and members of the Committee on Foreign Affairs:

I respectfully state to the Committee on Foreign Affairs that I addressed to the sub-committee a letter requesting them to notify me whether, in their opinion, the resolution offered by me in the House and referred to your committee touching my conduct in the matters therein referred to authorized them, in ascertaining and reporting their views of the facts, also to report whether my conduct was corrupt or otherwise, and in the event they regarded the resolution as limited so to notify me, in order that I might have it so enlarged as to bring the whole matter, conduct, *motive*, and *intention*, fully and fairly before the House. I now make similar request of the full committee. That I committed a mistake I have already admitted to the House and the country. Without knowing what the views of the committee are as to the facts, I submit in great earnestness that their views as to what the facts are, if ascertained and reported with an absolute denial of all inquiry as to whether my conduct was corrupt or innocent, might by implication carry with them such a construction as an investigation of my intentions, motives, and objects I feel every assurance would make impossible.

Respectfully, &c.,

J. H. ACKLEN.

Mr. COX. The House will observe the terms of the resolution which Mr. ACKLEN himself offered and which the House adopted. Under that resolution the Committee on Foreign Affairs had no authority to go beyond the simple inquiry of fact as to the truth or falsehood of the statements made by one newspaper, the Detroit Post and Tribune. We had no authority to enlarge the scope of our inquiry. The gentleman himself might have made it larger when he offered the resolution. We have limited ourselves to the resolution directing an inquiry as to the truth or falsehood of the charge contained in the Detroit paper. We had no right to go beyond that in a matter of reputation and character. It would have been a very indelicate matter at best to have inquired into it, and certainly an outrage to have done so without the authority of the House.

I now renew my motion that the report be laid upon the table and printed, and that the Committee on Foreign Affairs be discharged from the further consideration of this subject.

Mr. FROST. I desire to move a substitute for that motion.

Mr. COX. I will hear it read.

The Clerk read as follows:

Resolved, That the report of the Committee on Foreign Affairs in the case of Hon. J. H. ACKLEN be recommitted to said committee with instructions to report what action, if any, the House should take thereon.

Mr. COX. I am authorized by the Committee on Foreign Affairs to resist any such motion. Under the best state of circumstances it would be very obnoxious to throw this investigation into that committee. We have enough to do in considering other matters. There should be a special committee on this subject. The Committee on Foreign Affairs are already somewhat embarrassed by their previous connection with this matter, in the House and in the newspapers; and I ask my friend not to insist upon his resolution.

Mr. FROST. I offered this amendment not being aware of the fact that the Committee on Foreign Affairs would object particularly to it. If, however, it be deemed advisable to refer this subject either to a special committee or to one of the other standing committees of the House, I have no objection.

My object in offering the resolution was to save the House from what I consider an embarrassing position. Certain facts have been reported to the House—have been read to the House. I scarcely conceive, however, that any gentleman present here would feel able to pass upon those facts in their present condition, at least not until they shall have been printed so that we may be enabled to take them fully into consideration. But after they shall have been considered and brought to our consideration in that form, I think it only proper that they should come accompanied by some recommendation to the House.

This matter is a very serious one—one upon which gentlemen may differ largely in their conclusions; having reached positive conclusions as to the facts, they may differ as to the proper action which should be taken. I think, therefore, that some committee should report what course we should pursue; what action this House ought to take upon a matter which touches so nearly its dignity and its honor.

Mr. COX. I would suggest to my friend from Missouri that my motion includes the printing of this report and the accompanying testimony. This is a question of privilege, and after the House shall have read at their leisure the report and the accompanying testimony, the gentleman from Missouri [Mr. FROST] can offer his resolution. I hope he will withdraw it for the present, and let the Committee on Foreign Affairs be discharged from the further consideration of this subject.

Mr. RICE. I desire to say but a single word. This resolution, adopted by the House and referred to the Committee on Foreign Affairs, was drawn by Mr. ACKLEN, and its phraseology is such as he chose to adopt. When the Committee on Foreign Affairs held its first meeting to hear any testimony which might be offered upon the subject of the resolution, Mr. ACKLEN stated, as is set forth in the report, that the resolution confined the committee to but two points. One of those was whether, as stated in the Detroit Tribune and Post, that gentleman arose in his place in this House on a certain day and presented a report purporting to come from the Committee on Foreign Affairs. The other point was whether he had been obliged—I do not use the exact language, but the substance of it—whether he had been obliged by the Committee on Foreign Affairs to withdraw that report and apologize to the House under the threat that otherwise proceedings should be instituted against him looking to his expulsion.

Considering the phraseology of the resolution, the construction put upon it by its framer coincided with the opinion of the Committee on Foreign Affairs—that they were authorized under it to do nothing more than to inquire into the facts referred to in the article published in the Detroit Tribune and Post.

Into those facts the committee have inquired. Their report on those facts is as full as they can make it. It was proper, perhaps, that the Committee on Foreign Affairs should inquire into these statements, because the facts were somewhat peculiarly within their information or knowledge; but I submit, Mr. Speaker, that it is not proper to impose upon this committee, to the exclusion of their other pressing business, the duty of investigating the motives which prompted the facts in regard to which they have reported. That duty should not be imposed upon the Committee on Foreign Affairs. They have completed their duty under the resolution; not only that, but they have done fully all that the house could have expected the committee would do. I submit, therefore, that this House should now discharge the committee as moved by the chairman at their unanimous request. If, then, the gentleman from Missouri desires to press the matter, it will be proper for him to move the appointment of a special committee which shall recommend further action to the House. I trust that the motion of the chairman of the committee will be adopted, and that the committee will now be discharged from the further consideration of this subject.

Mr. FROST. I believe that I can modify my proposition so as to meet the approval of all parties by providing that a sub-committee, instead of the Committee on Foreign Affairs, shall undertake the duty named in my motion, which will then be a proper substitute for the proposition of the gentleman from New York, as the Committee on Foreign Affairs will thereby be discharged.

Mr. MCLANE. Mr. Speaker, I have listened with some attention to the remarks of the gentleman from New York, [Mr. COX,] the chairman of the Committee on Foreign Affairs, and the gentleman from Massachusetts, [Mr. RICE,] a member of that committee. If I understand their views they object to having that committee charged

with an investigation into the character of an honorable gentleman on this floor. Now, that is not the motion of the gentleman from Missouri [Mr. FROST] at all; and I submit to the chairman of the Committee on Foreign Affairs that it is his duty instead of opposing to support the motion of the gentleman from Missouri. No further investigation is necessary under the resolution of the gentleman from Missouri. There is no occasion for a select committee. There is no occasion for any further investigation by the Committee on Foreign Affairs. The motion of the gentleman from Missouri is that the report be recommitted, with instructions to the committee to report upon the facts their opinion as to what action is proper for this House to take.

I submit, Mr. Speaker, that no select committee and no other committee of this House is so proper to perform this duty as the Committee on Foreign Affairs. The allegation made against the honorable gentleman from Louisiana is that he presented to the House a paper purporting to be a report from the Committee on Foreign Affairs, but which was not in fact a report from that committee. The Committee on Foreign Affairs have reported substantially that that is true. They report that Mr. ACKLEN did in fact present such a report. Now, the motion of the gentleman from Missouri is a perfectly proper one, because it relieves individual members of the House from the very delicate duty of formulating a judgment upon those facts. It instructs the Committee on Foreign Affairs—the committee that has made this investigation—to submit what action is proper to be taken by the House.

Does this House want these facts investigated by another committee? Is it seemly, is it respectful to the Committee on Foreign Affairs, that another committee should investigate these facts? Whether the resolution directing the inquiry was large and broad or narrow and confined is not material if the resolution enabled the Committee on Foreign Affairs to make the report which they have made to-day. There is no necessity for any further investigation by that or by any other committee. The gentleman from Missouri moves that the report be recommitted, with instructions that the Committee on Foreign Affairs shall report what action the House ought to take. No doubt the gentleman from Louisiana would himself make just such a motion, or propose, perhaps, a select committee to formulate some action for this House.

Now, it seems to me that in matters so delicate as this, touching the character, the motives, the good faith of a member of this House, the inquiry should be confined to the simplest possible issue. It is enough for us if the particular offense charged is investigated. If upon that investigation the committee making it think that no action is necessary, they ought to say so. Those who have made the inquiry ought to take that responsibility, and not throw us into that wide field. If, on the other hand, it be their opinion that there ought to be some action taken by the House, then they ought to recommend what action. This, in my judgment, is the duty of that committee. The question is not whether they like it or not. We all know well that no man on this floor can like such a duty. It is not the Committee on Foreign Affairs alone that would revolt from the performance of that duty, if at liberty to revolt. The Committee on Foreign Affairs having had this subject in hand, having made the investigation, having their opinion formed, I submit to the honorable chairman of the committee that he ought not to shrink from the full performance of his duty.

Mr. COX. I have never shrunk from the full performance of my duty even on matters as to which I did not like the duty imposed on me. I will say to my friend from Maryland [Mr. MCLANE] that the delicacy pertaining to this matter in connection with the Committee on Foreign Affairs arises from the very nature of the charge made in the newspapers, the offense charged being an attempt to palm off as a report of the Committee on Foreign Affairs a paper which was not such a report. The matter, therefore, in its initiation concerns the Committee on Foreign Affairs; it concerns particularly one of the members of that committee, the gentleman from Louisiana, [Mr. KING.] It was indelicate on the part of the House to have sent this matter to the Committee on Foreign Affairs. I was not in my seat when the matter was referred to us, or I should have resisted the reference.

Now, if the honorable gentleman from Maryland, after having all the facts here collated and arranged, as I think, faithfully and truthfully, deems it proper to propose any action, let him not shrink from that action. It is not for the Committee on Foreign Affairs to suggest to that gentleman or to the House what action it may be proper for the House to take. The facts are spread before the House for its judgment. If any member thinks it proper to offer any resolution, why should he not do so? I suggest to this House that the testimony be printed; the report be printed; that members have a chance therefore to read it, to ponder it carefully; and if then further action is to be taken, let it be sent to a committee which will be more indifferent perhaps than the Committee on Foreign Affairs, or at least which might have an opportunity of reviewing it more impartially than the Committee on Foreign Affairs could as to its final conclusion. We have given you the facts, why do you shrink from applying any remedy?

Mr. DUNNELL. While the report was being read, Mr. Speaker, I think every member of the House must have felt that the report, while it——

Mr. MCLANE. The gentleman from New York yielded the floor to me.

The SPEAKER. The Chair did not so understand it, and has recognized the gentleman from Minnesota.

Mr. DUNNELL. It was not so understood that the gentleman from New York yielded to the gentleman from Maryland.

Now, Mr. Speaker, while the report shows the industry of the Committee on Foreign Affairs, it does not terminate with any positive opinion or recommendation upon which we are to act. I fail to see why the chairman of this committee or the gentleman from Massachusetts, [Mr. RICE,] speaking for the committee, why this committee shall avoid the completion of this work. I think both sides of the House were favorably impressed with the fairness of the resolution offered by the gentleman from Missouri. Certain things have been said, and a gentleman of this House has asked for an investigation. If he has erred in restricting the Committee on Foreign Affairs in the extent of that investigation it is before us, it is now before the country, the House has proceeded thus far in an investigation which it has ordered, and it is now the duty of the House to carry on that investigation, so that the gentleman from Louisiana may either be exonerated or properly censured by this House.

That committee, Mr. Speaker, cannot do this work half so well as the Committee on Foreign Affairs. If it is delicate for that committee it would be delicate for any other committee. There is no reason why that committee should avoid this work because it is a delicate thing. The committee understand all the facts in the case; they know more about this case than any sub-committee or any special committee can know; they have gone over the ground; and then, why should we make some other committee go over the same ground, or make a special committee go over the same ground?

Mr. Speaker, I insist that the resolution of the gentleman from Missouri ought to be the expression of this House.

Mr. WHITTHORNE. Mr. Speaker, I shall vote for the motion made by the gentleman from New York, [Mr. COX.] I think the Committee on Foreign Affairs ought to be, at present at least, discharged from the further consideration of any question connected with this matter. And I do so simply upon the ground——

Mr. KIMMEL. Mr. Speaker, there is so much confusion in the House that the gentleman from Tennessee cannot be heard in this part of the Hall.

The SPEAKER. It is the fault of the members themselves. Members will resume their seats and preserve order.

Mr. WHITTHORNE. The gentleman from Louisiana has intimated to the Committee on Foreign Affairs, through the letters read this morning, that he has something which will show on his part no willful disrespect to the House and no intention to commit any willful wrong, and he is therefore entitled in that view to be heard by another committee, the Committee on Foreign Affairs having declined. The committee seem to have regarded their limit of authority as circumscribed by direction of the House. They claim to have discharged the duty imposed on them. They have reported the facts. Now, sir, taking the two in connection, there lies behind it for some reason I do not know, nor can I tell, a question of extreme delicacy. The chairman has said that; he has said that the Committee on Foreign Affairs does not want to be further charged with the responsibility and duty connected with any further investigation of this subject.

Mr. COX. Does not my friend from Tennessee understand the reason for that delicacy on the part of the Committee on Foreign Affairs? It is not general; but it is because the committee were involved in this matter—because one of the committee was more or less involved. I am sure the gentleman must understand that.

Mr. WHITTHORNE. I take that, and agree with you in the motive of delicacy which induced you to ask the House to discharge you from the further consideration of the subject; but now I think it is proper and consistent with the dignity of the House that this report and the proof taken by the committee shall be first printed, understood by the House, and then, if the House feel it is wrong in any regard, before they shall proceed either in passion or prejudice to one side or the other, that they shall have the motives of the gentleman from Louisiana inquired into. Sir, I cannot find it in my heart, standing as he does here a young man on the threshold of his representative career, to refuse him when he asks me to judge of the motives of his conduct. I will do it, but he must understand if his motives are corrupt he must expect the severest judgment of the House; but if he has committed a wrong, simply an unintentional wrong, let the administration of a rebuke by this House be sufficient punishment. But in the present attitude of the question I do not think, in the face of his own request and in the face of the request of the chairman of the Committee on Foreign Affairs, that we can do any more, in simple justice and charity, than to meet the request of the chairman of the Committee on Foreign Affairs.

Mr. WILSON. Mr. Speaker, it is made your duty to appoint a Committee on Foreign Affairs, the jurisdiction of which committee, by Rule No. 90, shall be to take into consideration all matters which concern the relations of the United States with foreign nations, and which shall be referred to them by the House, and to report their opinion on the same.

It will not be claimed by any gentleman here that the investigation upon which that committee have made this report came within the jurisdiction prescribed by the rule I have just read. It would

have been improper to refer this question to that committee except that the paper ordered to be printed by this House at the instance of the gentleman from Louisiana [Mr. ACKLEN] had, as shown by the record, received the sanction of the committee, and had been prepared by one of its members, General KING. To this extent and for this reason it was, perhaps, not improper that the reference should be made to it.

Gentlemen have complained that the report just read did not discuss fully the motives that prompted Mr. ACKLEN in what he did. I beg gentlemen to observe that there was a single inquiry referred to that committee, and that was to inquire into the truth or falsity of the charges alleged against Mr. ACKLEN in one of the newspapers of the country. It was not proper to inquire into any other or extraneous matter. The committee was restricted by the special pleading contained in the resolution itself—a simple question of fact. They performed their duty fairly, impartially, and honestly. They desired to avoid exciting any prejudice against Mr. ACKLEN, or to whitewash him. The gentleman from Minnesota [Mr. DUNNELL] insisted that the Committee on Foreign Affairs is more familiar with all the facts in the case than any other committee, and hence the resolution and report should be recommitted to them. I beg to say to the gentleman that the testimony accompanying the report and the report place in the possession of this House all the facts which came to the knowledge of the Committee on Foreign Affairs touching the inquiry propounded by the resolution. Any special committee that may be raised, or any one of the standing committees, or the House itself, has all the facts before it that were before the Committee on Foreign Affairs. That committee, by a unanimous vote, instructed its chairman to resist any proposition to remit this question back to it.

There is another point I desire to make, and I am sure I violate no rule of propriety in making it. It is this: one of the members of the committee, General KING, by the published report appears to be the author of it, and this is, as can be seen, doing him injustice. Now, if the Committee on Foreign Affairs had been charged with the duty of ascertaining what was the motive of Mr. ACKLEN, General KING, as a member of that committee, would not only be placed in a position to protest against any authority for making the report or printing it, but he would be one of the judges whose duty it would be to ascertain and report the motive that prompted the act. This would be a delicate position in which to place any member of this House.

I hope, Mr. Speaker, the report may be laid upon the table and ordered to be printed, and that the Committee on Foreign Affairs will never again be called upon to make any other report in this matter.

Mr. FINLEY. Mr. Speaker, I desire to offer the following as an amendment to the resolution offered by the gentleman from Missouri:

The Clerk read as follows:

That said committee inquire and report whether the action of Mr. ACKLEN in the premises was the result of corrupt or improper motives, or arose through mistake or misunderstanding on his part.

Mr. THOMPSON, of Iowa. Mr. Speaker, I am in favor of the report of the Committee on Foreign Affairs. The resolution just offered I consider outside and not authorized as any inquiry the committee can make. If it is true, as admitted on all hands, the committee has acted honestly, has reported fairly, fully, and frankly all the facts connected with this transaction, I submit it to the House as a proposition, if they report upon the corrupt motives or it was an honest purpose of Mr. ACKLEN in making this report, whether in voting on that proposition you would be bound by it, when you have all the facts in your possession, reported fairly and fully, when Mr. ACKLEN had at the last moment reported he had no further facts to offer. Whether they found it was done through ignorance, and not done through any corrupt motive, the House is in possession of all the facts, and we are to judge of the motives, and no other persons can take our place. Nobody else can enter into our minds and judge for us. That responsibility is left with me and every other member of the House, and we cannot shrink from that responsibility. I believe the position and argument taken by the gentleman from New York [Mr. COX] is unanswerable on that point: that all the facts are here; that we are to deal with them and pass our verdict upon them.

Mr. HENDERSON. Mr. Speaker, I want to make a single remark. It occurs to me, if any in this House have cause to complain of the action of the gentleman from Louisiana, it is the members of the Committee on Foreign Affairs themselves. And if, after they have investigated the facts relating to it, they are satisfied to let the matter drop there, then I think it would be the part of wisdom on the part of this body to allow it to be done.

Mr. RICE. I suppose, Mr. Speaker, that if there is to be further investigation into this matter, it is the desire of every member of this House that the investigation be conducted in the fairest and most impartial manner. But to constitute the Committee on Foreign Affairs a tribunal to pass upon this question seems to me would give rise to a suspicion that the examination might not be so conducted.

The chairman of the committee has referred to the question of delicacy on the part of the committee. Let me elaborate that point. General KING is a member of that committee. It is said that there is strong feeling between him and Mr. ACKLEN on the subject.

How improper, then, would it be that General KING and his colleagues should be the committee to try Mr. ACKLEN. It is further the fact that some of the testimony comes from the members of this committee. How can they properly pass upon testimony emanating from themselves? I trust that all members of the House will see, therefore, it is proper if this investigation is to be continued that it should be by a new and entirely impartial committee, not to be influenced by any personal considerations such as those to which I have referred and not to be called upon to pass upon testimony emanating from any of their own number.

Mr. DUNNELL. I desire to ask the gentleman a question. Is he willing to admit that the report already made is an unfair one because of the composition of the Committee on Foreign Affairs?

Mr. RICE. If the gentleman will read that report he will find that it takes the facts from the record and from undisputed testimony. There is not a single fact stated there which was disputed by Mr. ACKLEN. The only question is what shall be done consequent upon this statement of undisputed facts. If it should come to consider that point, the committee will be called upon to act in a judicial capacity, rather than as heretofore merely to gather up and report to the House that in regard to which there is no dispute.

Mr. BLOUNT. I do not see how the House is to escape from the recommendation of the Committee on Foreign Affairs. The chairman of that committee and the gentleman from Massachusetts, [Mr. RICE,] who likewise is on that committee, announced to this House the fact that there is a member of the committee who stands almost in the attitude of prosecutor toward the gentleman from Louisiana.

Mr. KING. I deny that.

Mr. BLOUNT. Mr. Speaker, I do not desire to make the slightest reflection upon the gentleman from Louisiana, [Mr. KING,] but I understand from these several gentlemen that the gentleman from Louisiana has a great deal of feeling in the matter.

Mr. KING. I deny that, Mr. Speaker.

Mr. BLOUNT. The gentleman from Louisiana has not the floor at present. I have no objection to his being heard hereafter. The testimony itself discloses the fact that that gentleman felt indignant and presented to his colleague the paper which has been brought before the House.

Mr. KING. Mr. Speaker——

Mr. BLOUNT. I have the floor and object to being interrupted. The whole circumstances in regard to the action of the gentleman from Louisiana [Mr. KING] toward his colleague in this matter are familiar to the House, and I shall not recall them. They are enough to satisfy us that whether or not he had any of the feeling of a prosecutor about it, his relation to the subject may naturally bias his feeling in an investigation of the conduct of his colleague.

And no matter how the gentleman from Louisiana [Mr. KING] may feel toward his colleague, the Committee on Foreign Affairs have repeatedly, through several of their members, stated that they felt it was an indelicate thing, on account of the fact of Mr. KING being on that committee, that they should be required to pursue this investigation any further. A simple suggestion that with reference to this matter the committee stands in a delicate position, a simple suggestion that by possibility there may not be an absolutely just investigation of Mr. ACKLEN'S conduct, is enough to induce this House to say at once they will not require that committee to act further. At any rate it is enough for me, and I shall not consent by my vote to its being done.

What, then, Mr. Speaker, shall we do? The gentleman from New York asks that this report shall be printed. What then? It is in the power of every gentleman in this House to take that record and investigate it for himself; and it is in the power of any member on this floor to rise to a question of privilege after having examined these facts, and to submit a resolution requiring further investigation; and if the gentleman from Louisiana [Mr. ACKLEN] has been guilty of conduct unbecoming a member of this House, to have that examined, and to give this House the opportunity hereafter to vindicate itself in such a manner as it may see fit. But, for the present, it seems to me that the recommendation of the Committee on Foreign Affairs is sufficient, and I trust it will be sufficient. The gentleman who seeks now to offer this substitute will have an opportunity to bring it up hereafter. Any other member of this House will have that opportunity, and can bring it up when every member of this House shall have examined the testimony and be the better prepared for intelligent action. I hope the motion submitted by the chairman of the Committee on Foreign Affairs will be agreed to.

Mr. KING. I desire to say that I fully agree to the proposition of the chairman of the Committee on Foreign Affairs. I have had no desire from the first that that committee should sit as an investigating committee on this matter. It is well known to the members of that committee that I resisted the proposition of the member from Louisiana [Mr. ACKLEN] asking that the Committee on Foreign Affairs should examine his case, and urged, if it should be done at all, that it should be done by a select committee. This examination was not invited by the Committee on Foreign Affairs. The whole matter had been disposed of when Mr. ACKLEN himself reopened it and insisted that the examination should be made by the Foreign Affairs Committee. I have had no personal feeling in the matter beyond that I realized that my name and the committee's authority had been misused in this House. That was corrected without my rising upon this floor, and I have never appeared before upon this floor on this subject. I cannot see why any one should infer that I have personal feelings in the matter. I certainly have none; and in dealing with a constitu-

tional question I trust I shall always rise above a sense of mere personal consideration.

I do not wish this matter to be recommitted to the Committee on Foreign Affairs. I have heretofore abstained from expressing any wish one way or the other, and the chairman of the committee will sustain me when I say I did not vote upon this report. It was understood that this should be my course from the beginning. This matter cannot with my consent be made now to degenerate into a mere personal issue between Hon. Mr. ACKLEN and myself. All controversy was closed between us by his statement, made to the House on the 21st ultimo, in which he declared he had used my name without my authority.

Mr. COX. I now yield to the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. BRIGHT. Mr. Speaker, I understand the position of the case as it is before the House at this time to be that the Committee on Foreign Affairs have made a report which they say is exhaustive of the power which was committed to them, that power being simply derived from a resolution directing them to make an inquiry into certain stated facts.

They have responded to the resolution of inquiry adopted by the House. They say they have denuded themselves of the obligations imposed upon them by the resolution of inquiry, and they now ask to be discharged from the further consideration of the matter.

Inasmuch as they have put a restricted construction upon that resolution, and inasmuch as they have responded to it in that way, as the case now stands before the House, it is not in a situation to refer the same back to the Committee on Foreign Affairs under the same resolution with the same restriction upon the committee, because that committee has exhausted the power conferred upon it by that resolution. I think if that be the view of the committee it ought to be discharged from the further consideration of this matter. It ought not to be recommitted to them.

If there is to be further action by a committee upon this subject, I would suggest to the gentleman from Missouri [Mr. FROST] the propriety of the appointment of a special committee with enlarged powers of inquiry into the whole matter that may be submitted to it. I understand that the report which has been made does not touch the animus of the gentleman from Louisiana, [Mr. ACKLEN,] but it responds simply to naked facts in their restricted character. If there is to be a further prosecution of the matter by this House, if there is to be any punitive dispensation administered to the gentleman from Louisiana, if his character as a Representative and as a man is put in issue here, let him have the fullest and amplest field allowed him for an exhausting investigation of everything involved in the matter.

The House is in no condition to enter upon the consideration of the merits of this controversy. There has been no punitive recommendation made by the Committee on Foreign Affairs. If there is to be any, let the subject go to a select committee to be appointed by the Speaker of the House, so that the Committee on Foreign Affairs may be relieved from the delicate situation in which they represent themselves to be. Such a course will cast no imputation upon the members who compose the Committee on Foreign Affairs, but will relieve them from the delicacy of the task of sitting in judgment upon the question of an invasion of the rights of that committee and of the rights of the House.

Inasmuch as the members of that committee feel a delicacy upon the subject, and I think propriety sustains them in that feeling, they ought to be relieved, and impartial men, who have not felt the heat of the controversy which has been engendered, but who will take up the matter coolly and calmly, should be selected to consider all the facts, and to report upon them as gentlemen who will have no feeling and no personal object whatever to accomplish. I therefore would suggest as an amendment to the resolution of the gentleman from Missouri, [Mr. FROST,] that the subject be referred to a select committee, and that the Committee on Foreign Affairs be discharged from its further consideration.

Mr. COX. I will now yield to the gentleman from Connecticut, [Mr. HAWLEY.]

The SPEAKER. The Chair thinks there is ten minutes' time remaining.

Mr. COX. I will yield to the gentleman for two minutes.

Mr. HAWLEY. I have listened with attention to the reading of the report in this case, and to what has been said by gentlemen who have preceded me. I think there is justice in the claim that it would be best not to recommit this subject to the Committee on Foreign Affairs.

I can appreciate the delicacy which those gentlemen feel in the matter. That committee is in a measure a party to the controversy or to the difficulty. It seems to me but fair that this subject, if recommitted at all, should be put in the hands of a special committee or of another standing committee of the House.

It also seems to me but fair that if the gentleman from Louisiana [Mr. ACKLEN] has any further evidence or argument to submit, or makes claim that he has any, he shall be heard. Nobody desires to bar anything which he may wish to present. We are not bound absolutely by the rules of a court, and we ought not to be.

Therefore if I have the right to offer a substitute—I do not know precisely how many resolutions or amendments are pending—I will offer as a substitute for the pending motions and amendments that which I send to the Clerk's desk.

The SPEAKER. The proposed substitute will be read.

Mr. FROST. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FROST. There is now pending a substitute and amendment thereto.

The SPEAKER. The gentleman's proposition is an amendment, and there is an amendment to that proposition pending. The gentleman from Connecticut [Mr. HAWLEY] offers his as a substitute for the original motion, as the Chair understands.

Mr. FROST. I offered mine as a substitute for the motion of the gentleman from New York, [Mr. COX.]

The SPEAKER. The Chair would suggest that the gentleman from Connecticut [Mr. HAWLEY] had better move his as an amendment to the original motion.

Mr. FROST. But there is now an amendment pending to the substitute which I offered.

The SPEAKER. There is no amendment pending to the original motion.

Mr. FROST. No, not to the original motion.

The SPEAKER. If the gentleman's amendment is a substitute for the original motion, then the gentleman from Connecticut [Mr. HAWLEY] can move to amend that original proposition.

Mr. HAWLEY. I move as an amendment to the original proposition that which I have sent to the Clerk's desk.

The Clerk read as follows:

That the report and evidence presented by the Committee on Foreign Affairs in the case of Hon. Mr. ACKLEN be referred to the Committee on the Judiciary, which committee is hereby authorized to make further inquiry if it shall appear to be essential to a just judgment, and is instructed to report what action, if any, is required on the part of the House.

The SPEAKER. The question will first be upon the amendment just read to the original motion.

Mr. GARFIELD. A single word, if the gentleman from New York [Mr. COX] will allow me.

Mr. COX. I will yield to the gentleman for a moment.

Mr. GARFIELD. I concur in the amendment offered by the gentleman from Connecticut [Mr. HAWLEY] and for this reason: Primarily the great question presented here is a question of the constitutional rights of this House over its records. The charge against the gentleman is for an invasion of the privileges of the House in reference to its proceedings; and of course that is a charge of a very grave character.

It also respects of course the rights of the Committee on Foreign Affairs. In one sense they are the party alleged to be injured; and in a special sense one of their members is the alleged injured party. On the other hand the witnesses, the necessary witnesses, are first the member of the Committee on Foreign Affairs whose name is concerned in the paper presented, and next the whole committee, as to the transactions of the committee which are alleged to have been interfered with. They have properly told us the original facts, as they could tell them better than anybody else; they have stated to us, according to the order of the House, the facts that they find. They have said nothing, however, about the question of motive, which is of course essential to a just judgment.

Now, the question arises as to our constitutional privilege which appears to have been interfered with and as to the motive of that interference. To aid us in determining this question it seems to me proper that another committee not concerned in this matter at all, either as witnesses or as parties, should take it up; and in my judgment the Law Committee of the House is the fitting committee. If we authorize a select committee we put upon the Speaker what would be just now a very disagreeable and a very difficult duty. If we refer this question to a standing committee already appointed no one has any right to object. The committee named by the gentleman from Connecticut has been created for general law purposes. It is unconnected with this case. It is in a condition to act without bias. We ought on all accounts to do, first, justice to the privileges of the House and the integrity of our records; second, justice to the individual. I believe that the motion of the gentleman from Connecticut will do both.

Mr. COX demanded the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Connecticut, [Mr. HAWLEY,] which will be read.

The Clerk read as follows:

Amend the motion of Mr. COX by adding:
That the report and evidence presented by the Committee on Foreign Affairs in the case of the Hon. Mr. ACKLEN be referred to the Committee on the Judiciary, which committee is hereby authorized to make further inquiry, if it shall appear to be essential to a just judgment; and is instructed to report what action, if any, is required on the part of the House.

The amendment of Mr. HAWLEY was agreed to; there being—ayes 161, noes 22.

Mr. FROST. I withdraw the substitute which I offered.

The SPEAKER. The withdrawal of the substitute carries with it the amendment proposed by the gentleman from Ohio, [Mr. FINLEY.] The question recurs on the motion of the gentleman from New York, [Mr. COX,] which, as amended, provides that the report and testimony be printed, the Committee on Foreign Affairs discharged from the further consideration of the subject, and that the report and testimony be referred to the Committee on the Judiciary as proposed in

the motion of the gentleman from Connecticut, which the House has already adopted.

The motion of Mr. COX, as amended, was adopted.

Mr. COX moved to reconsider the vote by which the motion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUNDING THE NATIONAL DEBT.

Mr. FERNANDO WOOD, from the Committee of Ways and Means, reported, as a substitute for House bill No. 3306, a bill (H. R. No. 4592) to facilitate the refunding of the national debt; which was read a first and second time, and ordered to be printed.

The bill was read, as follows:

A bill to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding $500,000,000, which shall bear interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of $200,000,000 bearing interest at the rate of 3½ per cent. per annum redeemable, at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than $40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt.

SEC. 2. That the Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange at not less than par any of the bonds or notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum, and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or notes issued, but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

SEC. 3. Authority to issue bonds and notes to the amount necessary to carry out the provisions of this act is hereby granted.

SEC. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit is hereby amended so as to continue and limit the amount of certificates to be issued to $50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at 3½ per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of $50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds, the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of $50,000,000, until the aggregate amount of the bonds authorized by this act and of the said certificates combined then outstanding shall equal the amount of bonds hereby authorized. It shall be unlawful for any person or persons to form combinations by which to procure said certificates of deposit authorized under this act, for purposes of sale to others, or for acting as agents of others, and any person so offending shall be liable, on conviction, to be fined $1,000 or imprisoned not to exceed one year. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of the certificates and bonds authorized to be issued shall not exceed ¼ of 1 per cent.: *Provided*, That said certificates shall not be sold or converted at less than par.

SEC. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation.

SEC. 6. This act shall be known as "The funding act of 1880," and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. FERNANDO WOOD. On behalf of the Committee of Ways and Means, I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That House bill No. 3306, reported back by the Committee of Ways Means with a substitute, be committed to the Committee of the Whole House on the state of the Union, and made a special order immediately after the morning hour on the first Tuesday in March, and from day to day until disposed of, to the exclusion of all existing orders, but not to interfere with the appropriation bills.

The resolution was adopted.

Mr. FERNANDO WOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. CARLISLE submitted a request for leave to withdraw from the files of the Committee for the District of Columbia the memorial of citizens of the District asking for the passage of a law to enforce the satisfaction of judgments, there having been no adverse report; which request was referred to the Committee for the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DE LA MATYR for ten days, on account of business.

ADMISSION TO THE FLOOR.

The SPEAKER. The Chair on behalf of the gentleman from West Virginia [Mr. MARTIN] asks unanimous consent that Mr. John C. Hervey, a citizen of Wheeling, West Virginia, be allowed the privilege of the floor during to-day.

There being no objection, the request was granted.

ORDER OF BUSINESS.

The SPEAKER. The Chair asks unanimous consent to lay before the House for reference certain executive communications.

There was no objection.

DIES AND MOLDS FOR COUNTERFEITING COIN.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, recommending legislation for the punishment of persons making or having in possession dies or molds for manufacturing counterfeit coin; which was referred to the Committee on the Judiciary.

POSTAGE FOR INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimates of appropriations required for postage for that Department; which was referred to the Committee on Appropriations.

IMPROVEMENT OF FLUSHING BAY, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the improvement of Flushing Bay, New York; which was referred to the Committee on Commerce.

IMPROVEMENT OF ANACOSTIA RIVER, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, relative to the necessity for the improvement of the Anacostia River in front of the Washington navy-yard and the approaches thereto from Giesborough Point; which was referred to the Committee on Commerce.

FREEDMAN'S SAVINGS-BANK.

The SPEAKER also laid before the House a resolution of the Colored Men's Protective Union, of Savannah, Georgia, relative to the Freedman's Savings-Bank; which was referred to the Committee of Ways and Means.

LEAVENWORTH MILITARY PRISON.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an increase of the estimate of appropriation for the support of the Leavenworth military prison; which was referred to the Committee on Appropriations.

TRAVEL AND ALLOWANCES, UNITED STATES ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to travel and allowances of officers and enlisted men in the United States Army; which was referred to the Committee on Military Affairs.

SURVEY OF THE CONNECTICUT RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of survey of the Connecticut River below Hartford; which was referred to the Committee on Commerce, and ordered to be printed.

MODE OF PURCHASING TOBACCO.

Mr. THOMAS, by unanimous consent, presented a memorial of the Cairo Tobacco Board of Trade and many citizens, touching the present mode of purchasing tobacco by the agents of certain foreign governments; which was referred to the Committee of Ways and Means, and ordered to be printed in the RECORD.

It is as follows:

CAIRO, ILLINOIS, *February* 12, 1880.

To the honorable Senate and House of Representatives in Congress assembled, at Washington, District of Columbia:

The undersigned, your petitioners, officers and members of the Tobacco Board of Cairo, Illinois, and others interested in the purchase and sale of leaf-tobacco, would respectfully represent to your honorable body that a great injury and manifest injustice is being done to one of the largest agricultural interests in this country, and to every one interested in the purchase or sale of one of our great staples, produced in thirteen different States of this Union, and would humbly ask that such action be taken in the premises by your honorable body as may bring relief.

Your petitioners would show to your honorable body that from the article of leaf-tobacco the Government of the United States derives an annual revenue of about $41,000,000, which will serve to call your attention to the extent of its production in the States and the magnitude of the interests involved in its culture, sale, purchase, and manufacture. Your petitioners would respectfully represent to your honorable body that this immense interest is greatly injured and producers and dealers largely damaged by the legislation and commercial usage of certain foreign governments, from which your petitioners, for themselves and thousands of others, as dealers, and the hosts who are engaged in thirteen different States in this Union in the product of this great staple, pray relief.

Your petitioners would represent to your honorable body that in the countries of France, Spain, Italy, and Austria, in Europe, the importation and sale of this great staple of our country is made a government monopoly, and that in no other way than through this government monopoly is tobacco allowed to be imported into their dominions, and this to the great detriment of the thousands in this country interested as producers of or dealers therein, by depriving them of competition in the sale thereof.

France imports about $6,000,000 worth of leaf-tobacco per annum, upon which a profit of about $40,000,000 is realized, or about one-third of her entire revenue; and this is but an illustration of what is done in Spain, Italy, and Austria. Your petitioners recognize the fact that these great governments have not only the right to derive revenue from leaf-tobacco within their respective dominions, but also to provide the manner in which said revenue shall be raised; but your petitioners respectfully but earnestly protest that they have not the right to raise said revenue in such manner as to result in the great detriment and unparalleled injury of the thousands engaged in the production of this great staple to a large

extent in thirteen different States of this Union, and to a limited extent in twenty or more other States of the Union, and the immense numbers interested as dealers in the same throughout the length and breadth of this land, by creating a close monopoly within their dominions, thereby excluding that healthy competition to which, by the laws of commerce, we are entitled, and which our interests demand.

Your petitioners would further represent to your honorable body that other countries in Europe, not to mention our own Government, derive immense revenue from leaf-tobacco, perhaps as great or greater than that of the four great powers named, but the same is raised in such manner (by taxation) as not to interfere with its importation into those dominions by any and all persons who may desire to engage therein, thus constituting what is termed open markets. We may cite in this connection the case of England, where the tax levied upon leaf-tobacco is about eighty-five cents per pound, and perhaps a greater revenue is raised than in France, Spain, Italy, or Austria, but hers is an "open" market, into which any person, native or foreign, may import; hence we are not deprived of that healthy competition so much to be desired in the sale of this and all other products of the country.

Your petitioners would further represent to your honorable body that these four great governments purchase in the United States every year an average of not less than twenty-five million pounds of leaf-tobacco each, making an aggregate of one hundred million or over, and these large purchases are made through agents called "regies," in such manner as to lower the value not only of the tobacco purchased for these governments, but the entire stock or products of the country, and to place it in the power of two or three men to fix the price of tobacco on all the markets of this country, and through our markets (the original source of supply) control the markets of the world. This your petitioners humbly protest is too great power over this immense interest to be placed in the hands of two or three men whose pecuniary interest demands the lowest price attainable.

Your petitioners would further represent to your honorable body that the purchases made by these agents or regies for their respective governments are made by advertising for contracts to furnish the quantities of tobacco required by their respective governments within a specified time.

These contracts are let to the lowest bidder; often one person secures the contract to furnish two or more of these governments, thus cutting off competition on these large amounts of tobacco by reducing the number of persons interested in these contracts, and placing it in the power of two or three contractors, by collusion or combination, to manipulate the prices on leaf-tobacco at all times, in such manner as may suit their own private interests. Your petitioners would further state that this large amount of leaf-tobacco before mentioned—over one hundred million pounds—as sold to these governments through the aforementioned agents or regies and contractors, must necessarily be sold to these governments, there being no other market or demand for the same. But if these monopolies are removed and these several countries made open markets to which all may ship who desire to do so, their respective governments may by taxation secure as great revenue as at present, and at the same time our people may have one hundred men buying their produce for importation to each one of the countries, where now they have but one. Your petitioners would further state that no other product of this or any other country, so far as they have been able to learn, is thus discriminated against. Your petitioners respectfully request, and earnestly demand, that as the markets of these United States are open to all citizens of the habitable globe, into which they may import any or all of their products, so in like manner, and upon like terms, these four great governments above named be required to open their markets to our tobacco, do away with their monopolies, and abate the great injury and damage being done our agricultural and commercial interests.

The facts and premises considered, your petitioners humbly pray that your honorable body will take cognizance of the grievance, and that such action may be had by your honorable body as may bring the greatest and most speedy relief to your petitioners and to the immense interest above referred to.

And as in duty bound your petitioners will ever pray.

J. M. Phillips, president Tobacco Board of Trade; M. B. Riggins, W. M. Coffee, H. M. Bassinger, John Freeman, vice-presidents; W. M. Williams, secretary; R. H. Cunningham, I. H. McKinney, W. M. Powell, S. B. Penn, R. R. Wakefield, J. E. Henderson, Harve Hook, Robert Hinkle, Charles Hinkle, W. G. Scott, J. H. Moore, Jesse Hinkle, J. K. Williamson, George Snook, J. C. Smith, N. B. Thistlewood.

ADMISSION TO THE FLOOR.

On motion of Mr. GIBSON, by unanimous consent, General P. G. T. Beauregard, inspector-general of the State of Louisiana, was admitted to the privileges of the floor.

IMPORTED SUGAR.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 4593) to secure the more uniform collection of duties on imported sugar; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COMPLETION OF CUSTOM-HOUSE, NEW ORLEANS.

Mr. GIBSON also, by unanimous consent, introduced a bill (H. R. No. 4594) making an appropriation of $150,000 for the completion of the custom-house, New Orleans, Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CORA A. SLOCUMB, AND OTHERS.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 4595) for the relief of Cora A. Slocumb, Ira A. Richardson, and Caroline A. Urquhart; which was read a first and second time, and referred to the Committee on War Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the joint resolution (H. R. No. 200) for printing the eulogies delivered in the Senate and House of Representatives upon Hon. Rush Clark.

It further announced the passage of a joint resolution (S. No. 80) authorizing the Secretary of the Navy to transport contributions for the relief of the suffering poor of Ireland; in which concurrence was requested.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. BURROWS. I demand the regular order of business.

The SPEAKER. The regular order of business being demanded, the morning hour now begins at twenty minutes past two o'clock p. m., and the House resumes the consideration of the bill reported from the Committee on the Judiciary, being the bill (H. R. No. 4219) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875. The gentleman from Kentucky [Mr. KNOTT] is speaking by unanimous consent to complete his remarks, which is construed to be for one hour.

Mr. KNOTT. Mr. Speaker, in the remarks which I had the honor to submit on yesterday in relation to the bill under discussion I dwelt at some length upon the doctrine announced by the Supreme Court in Letson's case, because it has furnished the ground and constituted the canon upon which the Federal courts have claimed jurisdiction in causes to which corporations have been parties from that time to the present, and which under the rule *stare decisis* they will probably continue to exercise until restrained by congressional action; although I am free to say, sir, that if it were an original question, I do not believe there are three judges of our present Supreme Court who would decide that any court of the United States could constitutionally claim any such authority, except in cases arising under the Constitution, laws, or treaties of the United States, or within their admiralty or maritime jurisdiction. On the contrary, I think I am warranted in the belief that they would sincerely rejoice to be relieved entirely of a class of cases entailed upon them by the erroneous rulings of their predecessors, and involving at least four-fifths of the most difficult and perplexing labor they are called upon to perform.

The bill before us, however, sir, falls far short of such a desirable consummation. For one I would be glad if it went much further than it does. I would rejoice if it went to the extent of placing the jurisdiction of the Federal courts in all cases in which corporations are involved back upon its true constitutional basis. It does not go to that extent, however, and is not in any way inconsistent with the principle upon which the courts of the United States now claim to exercise such jurisdiction. It merely proposes, in that particular, that where a corporation shall see proper, either under the comity of nations or by special license, to carry on its business in other States than that by which it shall have been created, it shall, so far as the adjustment of its controversies with the citizens of those States is concerned, be placed precisely on the same footing as that occupied by citizens of the same State with respect to each other.

And, sir, if I had not heard the speeches of the gentleman from Illinois [Mr. BARBER] and my esteemed friend and colleague from Massachusetts, [Mr. ROBINSON,] I would have said that no reasonably fair-minded man could urge any possible objection whatever to such a proposition; for I do not believe that there is a solitary gentleman on this floor who would so far stultify his own constituency, or so far disparage the ability or integrity of his own State tribunals, as to insinuate that they lack either the capacity or the disposition to administer even-handed justice even in a case in which a foreign corporation might be a party; and certainly there can be nothing unjust or unfair in requiring a corporation to submit its rights to the arbitrament of the same tribunals to which the citizens with whom it transacts its business are obliged to resort in controversies between themselves, especially when unnecessary expense may be thus avoided, delays obviated, and other hardships prevented.

The gentleman from Illinois, however, made a special exception of the Pacific railroad companies, and earnestly appealed to me in his speech for an opinion as to the propriety of turning them over to the local tribunals of the States through which their lines of road extend. But why they should be singled out from all the other corporations in the United States I confess I am somewhat at a loss to understand; but possibly the gentleman's nervous solicitude for the welfare of those feeble and unprotected institutions may be accounted for upon the hypothesis that they have been too grossly neglected by the Government already.

It is true they have received through the munificence of Congressional bounty enough of the public domain to make an empire three or four times as large as the magnificent State which the gentleman so ably represents; it is true they have been the recipients of a loan of over $60,000,000, upon which the tax-payers of this country have been paying the interest for years; it is true they are permitted to charge the most exorbitant rates of fare and freight, and to make the most unjust and despotic discriminations among connecting lines; and it may be true, as the gentleman says, that they are the great channels of trade for six hundred millions of people—though I hardly think they are myself; but how can such pitiful benefactions and petty privileges as these compensate for the horrible atrocity of allowing these defenseless creatures to be sued in a State court? God forbid that such an outrage should be seriously contemplated by an American Congress! No, sir. If through the negligence of their employés an unfortunate citizen should be maimed for life, or his wife and children mangled to death, or the dwelling burned from over their heads, and he should dare to seek redress for the injuries thus inflicted upon him, let him be dragged hundreds of miles away to a Federal court, where he cannot procure the attendance of his witnesses, where he will be ruined by expense and harassed by delays until he is compelled to compromise his suit or abandon it in despair.

But I think, sir, that the gentleman was unduly excited when he expressed the opinion that the bill in its other aspects "is a manifest discrimination in favor of the rich man and against the poor." I can hardly believe, Mr. Speaker, that there is any great number of poor men in this country who are languishing for the luxury of being sued in the Federal courts, and I know as a general rule they are not those

who seek redress of their grievances in those tribunals. There are not many of them money-lenders or "money-sharks," and their business transactions do not usually extend beyond the borders of their own States or involve controversies that they are unwilling to have settled in the State courts. At any rate, I think if the gentleman will look the matter over in a calm and dispassionate frame of mind he will be satisfied that there is no reason to apprehend an immediate insurrection among the poorer classes on account of any exclusive privileges secured to the bloated bondholder by any provision in this bill.

Now, sir, as to the constitutionality of the limitation here proposed upon the jurisdiction of the circuit courts in cases to which corporations are parties, I had supposed that no gentleman who had given the subject even a cursory examination could entertain a rational doubt. It was, therefore, with mingled feelings of surprise and regret that I listened to the remarks of my learned colleague from Massachusetts upon that feature of the bill; for I not only esteem him as one of the most candid and conscientious gentlemen I ever met, but consider him one of the ablest and most accurate lawyers on this floor, or within my entire acquaintance, and I am satisfied that if he will review his position upon this question he will be convinced of the errors into which I think he has inadvertently fallen.

He will find, I think, sir, that he has made a total misapplication of the cases of Martin *vs.* Hunter, (1 Wheaton,) and Cohen *vs.* Virginia, (6 Wheaton,) and that the principle there determined has no relevancy whatever to the question under consideration. The jurisdiction of circuit courts or other inferior tribunals was not involved in either of them, directly or remotely; nor was the power of Congress to limit the jurisdiction of any inferior court it might ordain or establish legitimately before the court or necessary to be considered at all. The court, therefore, could not have decided and did not undertake to determine any such question in either of those cases. The question in both was whether the twenty-fifth section of the judiciary act of 1798, which purported to authorize the Supreme Court of the United States to exercise appellate jurisdiction by writ of error to the highest courts of law and equity in the several States in certain cases and under the circumstances therein specified, was within the constitutional powers of the Congress by which it was enacted. It was not whether Congress, even in that instance, had gone, or was obliged to go, to the utmost limit of its constitutional authority, but whether it had the power to go as far as it had gone. The remarks of Judge Story which the gentleman quoted as sustaining his view of the question under discussion were therefore mere *obiter dicta*, and no more entitled to be considered as authority, here or elsewhere, than the opinion of the gentleman himself, and in my estimation not half so much so.

Nor does it seem to me, sir, that my learned friend was much more fortunate in his citation of the case of the Insurance Company *vs.* Morse, (20 Wallace, 445.) The question in that case was not what Congress could or could not constitutionally do, but whether an agreement entered into by a corporation in pursuance of an act of a State Legislature could oust the circuit courts of the United States of a jurisdiction which Congress had conferred upon them; and if the gentleman will re-examine the text of that decision he will find no intimation in it anywhere that Congress has not the authority to limit the jurisdiction of any inferior tribunal it is authorized to establish, in any manner or to any extent whatever, either as to person or subject-matter. On the contrary, he will find that, after quoting the clause of the Constitution extending the judicial power of the United States to controversies between citizens of different States, the court proceeds to say:

> The jurisdiction of the Federal courts under this clause of the Constitution depends upon and is regulated by the laws of the United States. State Legislatures cannot confer jurisdiction upon Federal courts, nor can it limit or restrict the authority given by Congress in pursuance of the Constitution.

He will thus see, sir, that Congress confers upon the courts of its own creation especially the authority by which they act, and without which in any given case they could do nothing; and it follows as an inevitable consequence that Congress may withhold so much of the power which it has the constitutional authority to confer upon the courts as it may see proper. The power of withholding is indeed but the necessary correlative of the power of conferring, and both are but the natural and inseparable incidents of the power to create.

If this is not true, sir, it must follow that whenever Congress creates an inferior court it is *eo instanti* invested with the whole judicial power of the United States, except so much thereof as is conferred exclusively upon the Supreme Court by the Constitution, a principle which no Department has ever dreamed of asserting from the date of its organization to the present moment. On the contrary, they have uniformly recognized and acted upon the principle that, while the Constitution has defined the limits of the judicial power of the United States, it has nowhere prescribed how much of it shall be exercised by their inferior courts, and consequently that Congress has the power to place what restrictions it may see proper upon the tribunals which it alone has the power to create.

The power to thus limit the jurisdiction of the courts established by it was clearly recognized by the first Congress which assembled under the Constitution in the passage of the judiciary act of 1789, and by President Washington, who approved it. The provisions of that act not only limited the jurisdiction of the circuit courts as to the amount necessary to be involved, but withheld from them a vast range of cases which might have been brought constitutionally within their cognizance, and the Supreme Court has invariably held that those courts could not exercise jurisdiction in any case unless such authority had been expressly conferred by act of Congress, and that, too, in cases arising directly under the laws of the United States, notwithstanding the Constitution distinctly provides that the judicial power shall extend to all such cases.

Take, for example, sir, the proceeding by mandamus, which might have been constitutionally extended to a vast variety of cases arising under the Constitution, laws, and treaties of the United States, or controversies between citizens of different States, but which, by the terms of the judiciary act, was confined exclusively, so far as the circuit courts were concerned, to certain cases in which it was necessary to the exercise of their other jurisdiction. Under this state of the law the case of McIntire against Wood came before the Supreme Court upon a division of opinion from the circuit court for the district of Ohio on a motion for a mandamus to compel the register of the land office at Marietta to grant the plaintiff final certificates of purchase of certain lands to which he supposed himself entitled under the laws of the United States; and in that case (7 Cranch, 506) the Supreme Court—Chief-Justice Marshall and Judge Story both sitting—declared, without a dissenting voice, that the circuit court had no authority to issue the writ.

The court said:

> Independent of the particular objections which this case presents from its involving a question of freehold, we are of opinion that the power of the circuit courts to issue the writ of mandamus is confined exclusively to those cases in which it may be necessary to the exercise of their jurisdiction. Had the eleventh section of the judiciary act covered the whole ground of the Constitution, there would be much reason for exercising this power in many cases wherein some ministerial act is necessary to the completion of an individual right arising under laws of the United States, and the fourteenth section of the same act would sanction the issuing of the writ for such a purpose. But although the judicial power of the United States extends to cases arising under the laws of the United States, the Legislature have not thought proper to delegate the exercise of that power to its circuit courts except in certain specified cases. When questions arise under those laws in the State courts, and the party who claims a right or privilege under them is unsuccessful, an appeal is given to the supreme court, and this provision the Legislature has thought sufficient at present for all the political purposes intended to be answered by the clause of the Constitution which relates to this subject.

But again, sir, the eleventh section of the judiciary act of 1789, defining the jurisdiction of circuit courts, expressly restrains them from taking cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee unless a suit might have been prosecuted in such court to recover the contents if no assignment had been made, except in cases of foreign bills of exchange. This limitation the gentleman from Massachusetts admits to be constitutional, and is anxious, as I understand him, to see it reinstated in the law. But, sir, in making that admission, it seems to me he has completely answered his entire argument on this point.

The constitutionality of this clause was directly attacked in the case of Turner *vs.* The Bank of North America, (4 Dallas, 10,) and that, too, upon the identical ground taken by the gentleman in opposition to the provision now under discussion. It was contended in that case that as the controversy was one between citizens of different States the Constitution gave the plaintiff the right to sue in the circuit court of the United States, notwithstanding he was an assignee and within the restriction prescribed in the eleventh section of the judiciary act. In other words, that the restriction was unconstitutional and void because it took away the right of citizens to sue in the Federal courts in certain cases, which right had been guaranteed to them by the Constitution itself. The court, however, through Chief-Justice Ellsworth, who was the author of the judiciary act, unanimously held the clause to be strictly consonant with the Constitution. It will not do for the gentleman to say that this case is not in point, for as I have said the precise question he makes here was there brought directly before the court and had to be determined; and the presentation of such an argument seems to have excited as much astonishment in the mind of the court then as its resurrection here creates in my own. When it was urged by Mr. Rawle in that case Chief-Justice Ellsworth was led to exclaim from the bench with some show of impatience:

> How far is it meant to carry this argument? Will it be affirmed that in every case to which the judicial power of the United States extends the Federal courts may exercise a jurisdiction without the intervention of the Legislature to distribute and regulate the power?

And Mr. Justice Chase also immediately responded:

> The notion has frequently been entertained that the Federal courts derive their judicial power directly from the Constitution, but the political truth is that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this court, we possess it—not otherwise; and if Congress has not given the power to us or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject, in every form which the Constitution might warrant.

But, sir, the constitutionality of this same restriction was again brought directly in question before the Supreme Court in 1839 in the case of Sheldon *vs.* Sill, (8 Howard, 448,) and the same objection which the gentleman makes to this bill reargued with great earnestness and force, but the court, speaking through Mr. Justice Grier, answered it fully, as follows:

> The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and, among others, it specifies "controversies between citizens of different States."
>
> It has been alleged that this restriction of the judiciary act with regard to as-

signees of choses in action is in conflict with this provision of the Constitution, and therefore void.

It must be admitted that if the Constitution had ordained and established the inferior courts, and distributed to them their respective powers, they could not be restricted or divested by Congress. But as it has made no such distribution, one or two consequences must result, either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also, that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

I think, Mr. Speaker, that these cases ought to be taken as a sufficient answer to the argument of my learned friend from Massachusetts, as well as to the *dicta* of Judge Story upon which it was based. In fact, the gentleman seems to be laboring under a total and, to my mind, an unaccountable misapprehension of the principle involved in the provision to which he appears to be so vehemently opposed. It makes no discrimination between citizens of different States, nor among citizens of the same State, but relates exclusively to circumstances entirely within the volition of the parties which may be affected by it. No man need come within its purview unless by his own choice. The principle upon which it proceeds is in fact identical in every particular with that involved in the provision of the eleventh section of the old judiciary act which the gentleman so cordially approves and desires to see revived.

In that case Congress said in effect to every citizen of every State in the Union, if you become the owner by assignment of a promissory note or other chose in action, except a foreign bill of exchange, you shall take precisely the place of your assignor; if he could not have sued in the Federal courts upon that obligation before assignment, neither shall you, although you may be a citizen of a different State from that of the obligor or payer.

In this it says to the same citizens, whether of Kentucky or Massachusetts or elsewhere in the Union, without regard to age, sex, nationality, color, or previous condition of servitude, if you are a member of a body-corporate, and that body shall see proper to go beyond the limits of the State which created it, and carry on its business within the limits of another sovereignty, it shall, so long as that condition exists, be regarded by the courts of the United States precisely as a citizen of that sovereignty in all controversies between itself and the citizens of the State of whose comity or license it may thus avail itself for its own profit and aggrandizement.

There is the whole matter, sir. There is nothing either sectional or partisan in it or in any other feature of the bill. It endangers the citizenship of no one on any account or for any reason whatever. It imperils the dignity or welfare of no State. It is no impeachment of the integrity of the Federal judiciary in any of its branches. It is no encroachment upon any of the powers of the General Government. It does not even seek to overrule the doctrine of the Supreme Court in relation to the citizenship of a corporation, nor take away the assumed jurisdiction of the Federal courts in cases where such institutions sue or are sued by a citizen of a State in which they are not engaged in the business authorized by their charters. It has been over and over again recognized by the highest tribunal known to our laws as in strict conformity to the Constitution, and is intended to relieve the courts of the United States, as well as the suitors and litigants before them, of many unnecessary and frequently intolerable hardships.

I trust, therefore, sir, that the bill with the amendment offered by my valued friend from Texas [Mr. CULBERSON] will be passed, and I trust my friend from Massachusetts will pardon me if I repeat that I was surprised at his argument, which I am satisfied was not considered with the accuracy and care for which he is so justly distinguished, and will permit me to add that I especially regret his allusion to the case of Scott against Sanford. Not that I have now or ever had any particular feeling in relation to it one way or another, but because it happily belongs to the *débris* of the past, and it was impossible for me to conceive how it could have any relevancy to the matter under discussion. For that reason I do not care to discuss that case here, but my friend will permit me to suggest that in my judgment it simply shows an honest difference of opinion between himself and the majority of the court by which it was decided. He thinks that Dred Scott was a citizen, and that the court made an unjust discrimination against him. They thought that under the law as it then stood he was not and could not be. Which opinion is correct it is at this time fortunately immaterial to inquire. Two-thirds of each House of Congress, and the Legislatures of three-fourths of the States, possibly suspected that the court was right after all, and therefore passed the fourteenth amendment to the Constitution in order that the question might be settled forever.

I regret moreover, sir, that my friend dwelt with so much fervor upon the possible hardships which might result to savings-banks and such corporations as might be the holders of the bonds issued by the municipalities in the Western States should this provision of the bill become a law, for a moment's reflection would have satisfied him that the evils which seemed to give him so much concern could but rarely if ever occur. Savings-banks as a general rule, I believe, lend their money over their own counters, and if one of them ever had a branch doing business in any other State than the one by which it was chartered, I never heard of it. And the same is true of the corporations which deal in the municipal obligations of other States; but if either of these classes of corporations should see proper to place themselves within the purview of this bill with a full knowledge of its effects, I see no reason why they should complain or why an exception should be made in their favor. If they do not, this provision in the law would not change their present rights or liabilities a particle.

In conclusion, sir, I feel constrained to acknowledge my profoundest thanks to the House for its patient and courteous attention to the remarks I have had the honor to submit.

Mr. HURD. Mr. Speaker, this bill has been discussed at so much length that I do not propose to detain the House long now. The bill, as is well understood by all members who have paid attention to the discussion, proposes to change the law as to the removal of causes from State courts to the circuit courts of the United States. These changes are fourfold. First, it is proposed that no causes shall be removed unless the amount involved in them equals or exceeds the sum of $2,000; secondly, that under no circumstances shall the plaintiff in the action in the State courts remove the cause; thirdly, that neither shall the defendant, excepting before he has entered his appearance; and, fourthly, that foreign corporations shall be regarded as citizens of the State in which the action may be brought. The effect of the latter proposition is to exclude private corporations created under the authority of one State from maintaining action or being sued in another State in which they do business as foreign corporations.

The first and second propositions—that neither the plaintiff nor the defendant, after issue joined, shall have the right to remove the cause—seem to meet with general approval; and this, Mr. Speaker, upon the very manifest ground that when the jurisdiction of the State court has been voluntarily invoked by the party he shall remain there until that jurisdiction has been exhausted.

To the other two provisions one objection has been made by the gentleman from Massachusetts [Mr. ROBINSON] to which I desire to call the attention of the House. Both of them are inserted in the bill in the exercise of what is believed to be a power possessed by Congress to distribute jurisdiction in the creation of Federal courts.

The gentleman objects because he says where Federal courts have been created, the rights of the parties described in the judicial article of the Constitution to sue and be sued in them become vested, so that there can be no divesting of such rights by act of Congress, no discrimination in favor of or against a class of citizens. In other words, that the whole judicial power, except that of the Supreme Court, of the Constitution is vested in every tribunal of the United States which is created for judicial purposes. It seems to me that this is the conclusion to which the gentleman's proposition leads.

Mr. Speaker, it has been settled, so far as legislative construction can settle it, from 1798, that Congress in creating the courts can determine the citizens or classes who may go into them. In the first act upon this subject it was provided that citizens who had suits involving a less sum than $500 could not remove them from the State courts into the United States court. It was provided that citizens who were assignees of choses at action in certain cases could not remove their causes, and that the right of removal could not be exercised except in a case where the suit was brought by an alien or a citizen of the State in which the court was held against the citizen of another State.

As has been said by the chairman of the Judiciary Committee in his able discussion of this subject, the power of Congress to pass such a law has been brought on several occasions to the attention of the Supreme Court of the United States, and in those instances in which the power was doubted or denied that tribunal held that it was properly exercised.

But, in the second place, let us look to the Constitution itself. In the dictum which the gentleman quotes from the case in 1 Wheaton it would seem that the power to create courts of the United States inferior to the Supreme Court was vested in the Congress by the provision of the judiciary section. That is not true, Mr. Speaker. It is conferred upon Congress by the provision of the Constitution which relates to legislative power, and there, in section 8, article 1, it is declared that the Congress shall have power to constitute tribunals inferior to the Supreme Court. The power to constitute these tribunals, therefore, is a legislative one, to be exercised as any other, in the discretion of Congress. In this view Congress may determine who shall be the parties with the right to sue and be sued in these inferior tribunals, what classes of citizens may be permitted to use them, and in every way regulate and decide the methods of procedure in them.

In the third place, the judiciary clause itself, to which the gentleman refers, it seems to me, clearly indicates that the whole discretion over this question is in the Congress of the United States. The first part of section 2 of article 3 of the Constitution says:

The judicial power shall extend to *all* cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.

In the latter clause of the same section it is provided:

To controversies to which the United States shall be a party;—to controversies between two or more States;—between citizens of the same State, &c.

The point to which I wish to call the attention of the House particularly in this connection is this: that the judicial power, in the first part of this section, is said to extend to *all cases* in law and equity

arising under the Constitution; but when it comes to the latter part of the section, it provides that the judicial power shall extend to "*controversies*" between citizens of the different States. In the first part it is to *all cases*, so that when the courts are created the jurisdiction in "all cases" must be conferred. But in the second part it is to "controversies"—not *all* controversies. What controversies? Such, manifestly, as the Congress of the United States may declare the tribunal it creates shall take jurisdiction of.

I answer, therefore, the argument of the gentleman from Massachusetts by saying that, in the first place, the legislative construction from the beginning of the Government has declared that Congress has the power to make these discriminations, and exclude such classes of citizens as it may determine ought to be excluded from the inferior courts it creates. Secondly, the power to establish these tribunals, inferior to the Supreme Court, is a legislative power, created by that article of the constitution which confers authority upon Congress, and that the power, therefore, is in Congress to be exercised legislatively in its discretion; and that persons, or corporations, or classes of citizens, may be excluded from such tribunals as it may provide. Thirdly, the judicial article itself makes distinction between the judicial power extending to all cases arising under the Constitution of the United States and to controversies existing between citizens of different States. In the one case the whole field of jurisdiction is covered; in the other, only such part of it as the legislation of Congress sees fit to occupy.

Mr. Speaker, this bill does not go far enough for me. I would gladly return to the old judiciary act of 1798. I would gladly change the law so as to prevent the removal of many causes to the circuit court which will still be taken from the State courts under the provisions of this bill. But I see there is immediate necessity for action.

The people all through the United States are complaining because they are dragged from the State courts by this power of removal to the United States courts at great expense. The Supreme Court of the United States is complaining because it cannot dispose of the causes upon the docket. The judges are now more than three years behind. And both these facts amount in very many cases to the practical denial of justice to suitors and litigants. In order, therefore, to remedy the pressing evils I am willing to abate very much of my demands in this direction; and I consent to this bill in its present form that these parties who complain so much may find at once, though only in part, the relief they have the right to demand from Congress.

Mr. HERBERT addressed the House. Before he had finished his remarks, [which will be found in full on page 1010,]

Mr. HAYES said: Has not the morning hour expired?

The SPEAKER. It has.

Mr. HAYES. Then I call for the regular order.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the report of the Committee on Rules.

LEAVES OF ABSENCE.

Pending the motion that the House resolve itself into Committee of the Whole,

By unanimous consent, leave of absence was granted as follows:

To Mr. CHITTENDEN, for four days from February 18; and

To Mr. CLARK, of New Jersey, for three days.

DISTRICT REFORM SCHOOL.

Mr. HUNTON. I ask unanimous consent to take from the Speaker's table the joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia, with amendments by the Senate.

There being no objection, the resolution (H. R. No. 203) was taken from the Speaker's table, and the amendments of the Senate were read, as follows:

In line 9, after the word "week," insert "from and after the 1st day of July, 1879."

Strike out all after the word "made," in line 12, and insert:

"For the present fiscal year, one-half of said expense to be paid by the United States and one-half by the District of Columbia, as provided by the act of Congress approved June 11, 1878, providing a permanent form of government for said District."

So as to make the resolution read:

"That to enable the commissioners of the District of Columbia to carry into effect the act approved March 3, 1879, which continues in force the thirteenth section of the act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia, approved May 3, 1876, they be, and are hereby, authorized and directed to pay to the board of trustees of said Reform School of the District of Columbia the $2 per week from and after the 1st day of July, 1879, for each boy committed thereto, as provided by said thirteenth section of the act of May 3, 1876, aforesaid, and the necessary appropriation therefor is hereby made for the present fiscal year, one-half of said expense to be paid by the United States and one-half by the District of Columbia, as provided by the act of Congress approved June 11, 1878, providing a permanent form of government for said District."

Mr. HUNTON. I move that the House concur in the Senate amendments.

The motion was agreed to; and the amendments of the Senate were concurred in.

Mr. HUNTON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. FORNEY. I move that the House agree to the conference asked for by the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes.

The motion was agreed to.

The SPEAKER. The Chair appoints as the conferees on the part of the House Mr. FORNEY of Alabama, Mr. BLOUNT of Georgia, and Mr. CANNON of Illinois.

ADDITIONAL CLERKS FOR PENSION CASES.

Mr. COFFROTH. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 3258) authorizing the Secretary of the Interior and Secretary of War to employ additional clerks for the balance of this fiscal year to expedite the settlement of pension applications, and for other purposes, with amendments by the Senate.

Mr. REAGAN. If that leads to debate I shall object. I desire that we shall go on with the report of the Committee on Rules.

Mr. BLOUNT. I object to it any way.

Mr. COFFROTH. I understand that the gentleman from Texas [Mr. REAGAN] does not insist on his objection.

Mr. REAGAN. I withdraw it.

The SPEAKER. The gentleman from Georgia objects.

Mr. BLOUNT. I do so unconditionally.

SURVEY IN CRAWFORD COUNTY, WISCONSIN.

Mr. HAZELTON, by unanimous consent, introduced a bill (H. R. No. 4596) authorizing the survey of parts of certain townships in Crawford County, Wisconsin, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOOKER. I move that the House do now adjourn.

Mr. REAGAN. Oh, no.

The question being taken on the motion to adjourn, there were—ayes 84, noes 65.

Mr. SPARKS. I call for tellers.

Tellers were ordered; and Mr. BLACKBURN and Mr. SPARKS were appointed.

The House again divided; and the tellers reported that there were—ayes 91, noes 46.

Before the result of this vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered, there being 40 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 112, nays 96, not voting 84; as follows:

YEAS—112.

Acklen,	Field,	McCoid,	Scales,
Armfield,	Forney,	McKenzie,	Shelley,
Bingham,	Garfield,	McLane,	Simonton,
Blackburn,	Gunter,	McMahon,	Slemons,
Blount,	Hammond, N. J.	McMillin,	Smith, A. Herr
Bouck,	Harris, John T.	Miles,	Smith, William E.
Briggs,	Haskell,	Mitchell,	Speer,
Brigham,	Hawley,	Morrison,	Starin,
Browne,	Hayes,	Muldrow,	Steele,
Butterworth,	Hazelton,	Myers,	Stephens,
Cabell,	Henderson,	Neal,	Talbott,
Calkins,	Herbert,	New,	Taylor,
Carlisle,	Hill,	Newberry,	Thomas,
Clark, Alvah A.	Hooker,	Nicholls,	Thompson, P. B.
Clark, John B.	Hubbell,	O'Connor,	Thompson, W. G.
Converse,	Hull,	O'Reilly,	Tillman,
Cook,	Johnston,	Pacheco,	Tucker,
Covert,	Ketcham,	Persons,	Updegraff, J. T.
Cowgill,	Killinger,	Philips,	Vance,
Cox,	King,	Phister,	Waddill,
Culberson,	Kitchin,	Poehler,	Ward,
Davis, Lowndes H.	Klotz,	Pound,	Warner,
Dibrell,	Lewis,	Richmond,	Wellborn,
Dickey,	Loring,	Robertson,	Wells,
Dunn,	Manning,	Robeson,	Whiteaker,
Einstein,	Martin, Benj. F.	Ryon, John W.	Williams, C. G.
Evins,	Martin, Joseph J.	Samford,	Williams, Thomas
Felton,	Mason,	Sawyer,	Wilson.

NAYS—96.

Aiken,	Davis, George R.	Keifer,	Russell, Daniel L.
Aldrich, N. W.	Davis, Horace,	Kenna,	Russell, W. A.
Aldrich, William	Deering,	Lapham,	Shallenberger,
Atkins,	De La Matyr,	Le Fevre,	Sherwin,
Baker,	Dunnell,	Lindsey,	Smith, Hezekiah B.
Ballou,	Ellis,	Lowe,	Sparks,
Barber,	Farr,	Marsh,	Springer,
Beale,	Finley,	McKinley,	Stevenson,
Bicknell,	Fort,	Miller,	Stone,
Brewer,	Frye,	Monroe,	Townsend, Amos
Bright,	Geddes,	Morton,	Townshend, R. W.
Buckner,	Gillette,	Murch,	Turner, Oscar
Burrows,	Hammond, John	Norcross,	Updegraff, Thomas
Caldwell,	Harris, Benj. W.	Osmer,	Upson,
Cannon,	Hatch,	Page,	Valentine,
Carpenter,	Hawk,	Phelps,	Van Aernam,
Chalmers,	Heilman,	Prescott,	Washburn,
Claflin,	Horr,	Price,	Weaver,
Cobb,	Hostetler,	Reagan,	White,
Coffroth,	House,	Reed,	Whitthorne,
Colerick,	Hunton,	Richardson, D. P.	Willis,
Conger,	Hurd,	Richardson, J. S.	Willits,
Crapo,	Hutchins,	Robinson,	Wright,
Cravens,	Jones,	Rothwell,	Young, Thomas L.

NOT VOTING—84.

Anderson,	Daggett,	Herndon,	Orth,
Atherton,	Davidson,	Hiscock,	Overton,
Bachman,	Davis, Joseph J.	Houk,	Pierce,
Bailey,	Deuster,	Humphrey,	Rice,
Barlow,	Dick,	James,	Ross,
Bayne,	Dwight,	Jorgensen,	Ryan, Thomas
Belford,	Elam,	Joyce,	Sapp,
Beltzhoover,	Errett,	Kelley,	Singleton, J. W.
Berry,	Ewing,	Kimmel,	Singleton, O. R.
Blake,	Ferdon,	Knott,	Turner, Thomas
Bland,	Fisher,	Ladd,	Tyler,
Bliss,	Ford,	Lounsbery,	Urner,
Bowman,	Forsythe,	Martin, Edward L.	Voorhis,
Boyd,	Frost,	McCook,	Van Voorhis,
Bragg,	Gibson,	McGowan,	Wait,
Camp,	Godshalk,	Mills,	Wilber,
Caswell,	Goode,	Money,	Wise,
Chittenden,	Hall,	Morse,	Wood, Fernando
Clardy,	Harmer,	Muller,	Wood, Walter A.
Clymer,	Henkle,	O'Brien,	Yocum,
Crowley,	Henry,	O'Neill,	Young, Casey.

So the motion to adjourn was agreed to.

During the roll-call the following announcements were made:

Mr. CLARK, of New Jersey. My colleague, Mr. Ross, is paired with Mr. FISHER, of Pennsylvania.

Mr. DAVIS, of North Carolina. I am paired with Mr. GOLDSHALK. If he were here, I should vote "no." I do not know how he would vote.

Mr. COFFROTH. My colleagues, Mr. RYON and Mr. HARMER, are paired.

Mr. CALDWELL. My colleague, Mr. KNOTT, is paired with Mr. O'NEILL, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. EWING, of Ohio, is paired with Mr. RYAN, of Kansas.

Mr. ELLIS. My colleague, Mr. ELAM, is absent because of illness, and is paired with Mr. DICK, of Pennsylvania.

Mr. ROBINSON. I desire to announce that Mr. WAIT, of Connecticut, is paired with Mr. MULLER, of New York.

Mr. CRAPO. I am paired with Mr. CLYMER, of Pennsylvania.

Mr. BAYNE. I am paired with Mr. MARTIN, of Delaware.

Mr. MONEY. I am paired with Mr. JOYCE, of Vermont.

Mr. RICE. I am paired with Mr. HERNDON, of Alabama.

The result of the vote was then announced as above stated; and accordingly (at three o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petition of William G. Williams, late major One hundred and twenty-sixth Ohio Volunteer Infantry, and other ex-soldiers of Perry County, Ohio, against the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BAKER: The petition of Jacob Newman and 102 others, soldiers of La Grange County, Indiana, who served in the war for the suppression of the rebellion, for a law equalizing bounties—to the Committee on Military Affairs.

By Mr. CALDWELL: A bill to establish a post-route from Scottsville, Allen County, Kentucky, to Red Boiling Spring, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. CASWELL: The petition of E. D. Horten and 128 others, citizens of Wisconsin, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

By Mr. CONGER: The petition of Horace Perkins and 20 others, of Michigan and New York, engaged in the cooperage business, for the passage of the so-called Robbins bill—to the Committee of Ways and Means.

By Mr. JOSEPH J. DAVIS: The petition of J. G. Barklay, J. H. Exam, and others, of Battleborough, North Carolina, for the passage of the bill to regulate interstate commerce—to the Committee on Commerce.

By Mr. DICKEY: The petitions of George Syford and 133 others, of Clinton County, and of Frank Devore and 79 others, of Brown County, Ohio, for the passage of the interstate-commerce bill—to the same committee.

By Mr. ELLIS: The petition of citizens of Louisiana, Mississippi, and Florida, in relation to Grant's Pass—to the same committee.

By Mr. FARR: The petition of Samuel Martindale and 12 others, citizens of Sullivan County, New Hampshire, for the passage of the Reagan interstate-commerce bill—to the same committee.

By Mr. FINLEY: The petition of 20 soldiers of the Fourth and Fifth Tennessee Cavalry Regiments, for the passage of a bill equalizing bounties—to the Committee on Military Affairs.

Also, the petition of 38 soldiers, of Carrollton, Ohio, for the passage of the Weaver soldier bill—to the same committee.

By Mr. FORNEY: The petition of Sallie Kansas Smelzer, for a pension—to the Committee on Invalid Pensions.

By Mr. FORT: The petition of Alfred Fowler and others, citizens of Illinois, for legislation to prevent the transportation of cattle which are infected with contagious disease—to the Committee on Agriculture

By Mr. GARFIELD: The petition of 300 citizens of Mahoning and Columbiana Counties, Ohio, for the passage of a law to regulate interstate commerce—to the Committee on Commerce.

Also, papers relating to the claim of George A. Lemert for pay for a horse lost while in the Army—to the Committee on Military Affairs.

By Mr. GEDDES: The petition of Simon Poland, William Shafer, and others, citizens of Richland County, Ohio, for a law to relieve the people from the oppressions of monopolies that control the interstate commerce of the country—to the Committee on Commerce.

By Mr. HALL: The petition of William H. Sise and 65 others, citizens of Portsmouth, New Hampshire, for the removal of Gangway Rock, Portsmouth Harbor—to the same committee.

By Mr. BENJAMIN W. HARRIS: The petition of H. W. Church and 40 others, merchants of Taunton, Massachusetts, for the abolition of the system of compulsory pilotage—to the same committee.

By Mr. HERNDON: The petition of citizens of Mobile, Alabama, for the opening of the channel between Mississippi Sound and Mobile Bay, for the passage of steamers and other vessels plying between New Orleans, Mobile, and Pensacola—to the same committee.

By Mr. HOOKER: The petition of citizens of Mississippi, Louisiana, and Alabama, of similar import—to the same committee.

By Mr. HURD: The petition of Fuller, Childs & Co. and others, of Toledo, Ohio, in reference to the immediate transfer of dutiable goods—to the Committee of Ways and Means.

By Mr. JOHNSTON: The petition of Mrs. Catharine Bryant Arnold, for an increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Alexander Cameron & Co., to be refunded certain moneys collected from them improperly as a tax—to the Committee of Ways and Means.

By Mr. JONES: Two petitions of citizens of Matagorda County, Texas, for an appropriation for a naval station and harbor of refuge at the mouth of Brazos River, Texas—to the same committee.

By Mr. KIMMEL: Memorials of the mayor, city council, State board of health, commissioner of health, presidents of steamship and steamboat lines, and prominent commercial firms; of masters and owners of vessels; of the collector and all government officials of the city of Baltimore, Maryland; and of certain seamen, urging the passage of a bill for the construction of a United States Marine Hospital at Baltimore, Maryland—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Corn and Flour Exchange and of the Board of Trade, of Baltimore, Maryland, of similar import—to the same committee.

Also, resolutions of the Board of Trade of Baltimore, Maryland, urging the passage of a permanent bankrupt law—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Baltimore, Maryland, urging the repeal of the legal-tender power now given by law to the Treasury notes of the United States—to the Committee on Banking and Currency.

By Mr. LAPHAM: Resolutions of the New York Produce Exchange, against the present system of compulsory pilotage as against registered vessels—to the Committee on Commerce.

By Mr. McGOWAN: The petition of J. K. O'Hara, A. Cunningham, and 262 other residents of Calhoun County, Michigan, for such laws as will relieve the people from the oppressions imposed by transportation monopolies—to the same committee.

By Mr. McMAHON: The petition of Joseph B. Sitley, David Downing, John Clancy, Charles Darrington, William Joyce, James Patten, and about 1,400 other disabled Union soldiers, inmates of the National Home at Dayton, Ohio, that Congress pass the resolution appointing General McClellan, General Palmer, General Donohoe, and Major Fulton, managers of said home—to the Committee on Military Affairs.

Also, the petition of G. M. Magie and others, citizens of Butler County, Ohio, for the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, the petition of James Boyer, Darius Ross, and others, citizens of Butler County, Ohio, for the passage of the Reagan interstate-commerce bill—to the same committee.

Also, the petitions of James Boyer and others and of G. W. Magie and others, citizens of Butler County, Ohio, for protection to innocent users of patented articles—to the Committee on Patents.

By Mr. MONROE: A paper relating to the pension claim of William Kepler—to the Committee on Invalid Pensions.

By Mr. MORRISON: Memorial of the New York Produce Exchange, asking for pilotage reform—to the Committee on Commerce.

By Mr. NEWBERRY: The petition of O. S. Straight and others, farmers of Wayne County, Michigan, for legislation to protect them from oppressive suits by owners of patent-rights—to the Committee on Patents.

Also, the petition of Elizabeth G. Smith, Nett Bradner, and others, citizens of Wayne County, Michigan, for an amendment to the Constitution securing woman suffrage—to the Committee on the Judiciary.

Also, the petition of O. S. Straight and others, farmers of Wayne County, Michigan, for the regulation of railroad freight rates—to the Committee on Commerce.

By Mr. O'BRIEN: The petition of Margaret Barrett, for a pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Memorial of a large number of citizens of Phil-

adelphia, Pennsylvania, for the early enactment of a just national bankrupt law—to the Committee on the Judiciary.

By Mr. ORTH: The petition of Hiram Russell, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. PHELPS: The petitions of David W. Smith and others, of New Haven, Connecticut; of F. W. Sweetman and others, of Bradford, Connecticut, and of Anna O'Hara, of New Haven, Connecticut, for the passage of the Weaver soldier bill—to the same committee.

By Mr. PHILIPS: The petition of Sally Bonney, for compensation for services and losses of her father, Captain Jethro Bonney, during the war of 1812—to the Committee on Revolutionary Pensions.

By Mr. PIERCE: The petition of 60 citizens of Erie County, New York, for the passage of the bill to equalize bounties—to the Committee on Military Affairs.

By Mr. DAVID P. RICHARDSON: The petition of William R. Burdick and others, citizens of Allegany County, New York, that the proceedings of Congress may be published and sent to every family in the United States—to the Committee on Printing.

Also, the petition of C. K. Mason and others, to be relieved from railroad monopolies—to the Committee on Commerce.

Also, the petition of C. K. Mason and others, for the amendment of the patent laws—to the Committee on Patents.

Also, the petition of George L. Smith and others, citizens of Steuben County, New York, that national-bank currency may be retired, and that the bonds held by national banks may be canceled—to the Committee on Banking and Currency.

Also, the petition of John Sutherland and others, citizens of Steuben County, New York, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

By Mr. SPRINGER: The petition of Richards & Co., publishers Democrat, Taylorville, Illinois, for a reduction of the duty on printing-paper—to the Committee of Ways and Means.

By Mr. A. HERR SMITH: The petition of Henry Mullen, for additional pay as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. HEZEKIAH B. SMITH: The petition of William Parry, of Burlington, New Jersey, and 16 others, that business circulars be sent through the mails at newspaper rates—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: The petition of H. E. Williamson and 45 others, citizens of Illinois, late soldiers in the United States Volunteer Army, for the passage of a law equalizing bounties—to the Committee on Military Affairs.

By Mr. TUCKER: The petition of citizens of Botetourt County, Virginia, for relief from burdens on interstate commerce imposed by railroad companies—to the Committee on Commerce.

By Mr. J. T. UPDEGRAFF: The petition of Henry Bowers and others, citizens of Columbiana County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. VALENTINE: The petition of soldiers who served in the Union Army during the war of the rebellion, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. WARD: The petition of 100 soldiers of Coatesville, Pennsylvania, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Pomona Grange, No. 3, West Chester, Chester County, Pennsylvania, for the establishment of a department of agriculture with a cabinet officer at its head—to the Committee on Agriculture.

Also, the petition of 500 citizens of Chester County, Pennsylvania, for the protection of persons innocently using patents without authority—to the Committee on Patents.

By Mr. WARNER: The petition of L. Finley and others, of Morgan County, Ohio, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of L. Finley and others, of Morgan County, Ohio, for a change in the patent laws—to the Committee on Patents.

By Mr. WASHBURN: The petition of Joseph Kronenberg and others, citizens of Stearns County, Minnesota, for the passage of a law restricting railway exactions and discriminations—to the Committee on Commerce.

Also, the petition of the Duluth Chamber of Commerce, against the construction of a bridge across Detroit River—to the same committee.

Also, resolutions of the Minnesota Editorial Association, asking for the repeal or modification of the duty on paper—to the Committee of Ways and Means.

Also, the petition of G. A. Rinker and others, of Stearns County, Minnesota, for the amendment of the patent laws—to the Committee on Patents.

By Mr. WEAVER: The petition of E. A. Stearns and 35 others, citizens of Worcester, Massachusetts, for the passage of the soldier bill restoring ex-Union soldiers to an equality with holders of Government bonds—to the Committee on Military Affairs.

By Mr. WILLIS: The petition of citizens of Louisville, Kentucky, that the claims of Wilberforce University be recognized in any distribution of the fund known as the unclaimed colored bounty fund—to the Committee on Education and Labor.

Also, the petition of Hon. Luke P. Blackburn, governor of Kentucky, and of members of the Legislature of that State, for the passage of the bill to increase the efficiency of the marine hospital service—to the Committee on Commerce.

Also, the petition of merchants and importers of Louisville, Kentucky, for the passage of the bill for immediate transportation of dutiable goods, introduced by Mr. ALDRICH—to the Committee of Ways and Means.

By Mr. WILLITS: The petition of Willard Richards and 93 others, citizens of Hillsdale County, Michigan, for legislation for the relief of innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petition of Willard Richards and 90 others, citizens of Hillsdale County, Michigan, for legislation for relief against transportation monopolies—to the Committee on Commerce.

By Mr. FERNANDO WOOD: The petitions of Samuel Sloan, president Delaware, Lackawana and Western Railroad Company; of E. F. Hatfield, jr., secretary and treasurer Sussex Railroad Company; of Le G. B. Cannon, director Delaware and Hudson Canal Company; of Charles Hartshorne, president Lehigh Valley Railroad Company; of Robert H. Sayre, president Pennsylvania and New York Canal and Railroad Company; of William A. Ingham, president East Broad Top Railroad Company, and of T. C. Platt, president Southern Central Railroad of New York, against a reduction of the duty on steel rails from $28 to $10 a ton as proposed in House bill No. 2234—to the Committee of Ways and Means.

By Mr. WRIGHT: The petition of Charles L. Seukow and 60 others, citizens of Charlestown, Massachusetts, for the passage of the bill (H. R. No. 269) known as the Wright supplement to the homestead act—to the Committee on Public Lands.

IN SENATE.

THURSDAY, *February* 19, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, communicating, in answer to a resolution of the 22d ultimo, information concerning land-grant railroad companies that have not performed the conditions of their grants.

Mr. EDMUNDS. That subject, by order of the Senate, is now under consideration by the Committee on the Judiciary. I do not see the chairman of the committee here. I think the communication should go to that committee, and be printed.

The VICE-PRESIDENT. It will be printed and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. EATON presented the petition of J. B. Hardenbergh, of North Canaan, Connecticut, and Alfred P. Grint, of Hartford, Connecticut, praying for the passage of a law placing straw pulp and other chemicals used in the manufacture of paper on the free list, and to reduce the duty on printing paper; which was referred to the Committee on Finance.

Mr. EATON. I have received in my official capacity a resolution of the Chamber of Commerce of the State of New York in reference to the Japanese indemnity fund. I beg that it may be received and referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. The memorial will be received and so referred.

Mr. FERRY presented a resolution of the board of directors of the Chicago Board of Trade, in favor of an appropriation by Congress for the completion of the Saint Mary's Falls Canal and the deepening of the Detroit River at the Lime Kiln crossing in that State; which was referred to the Committee on Commerce.

The VICE-PRESIDENT presented the memorial of John M. Hughes and others, citizens of Missouri and soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. WHYTE presented resolutions of the Board of Trade of the city of Baltimore, urging the passage of a law for the prevention of the adulteration of food; which were referred to the Committee on Finance.

He also presented a resolution of the Board of Trade of the city of Baltimore, in favor of the passage of the bill of the House of Representatives in regard to the establishment of a marine hospital in or near Baltimore City; which was referred to the Committee on Commerce.

He also presented a resolution of the Board of Trade of the city of Baltimore, favoring the passage of a law creating a commission to consider the proper form of a bankrupt law to be presented for the deliberation of Congress; which was referred to the Committee on the Judiciary.

Mr. KERNAN presented the memorial of Tabbri & Chauncey and others, citizens of New York, remonstrating against the passage of the bill for the further distribution of the Geneva award, and favoring an amendment thereof providing for payment of war-premium claims and those for vessels and cargoes uninsured against war risks; which was ordered to lie upon the table.

Mr. COKE presented a petition of citizens of Williamson, Texas,

and a petition of citizens of Milam, Texas, praying such an amendment of the patent laws as will protect innocent users of patented articles from prosecution as infringers; which were referred to the Committee on Patents.

He also presented a petition of citizens of Williamson, Texas, and a petition of citizens of Milam, Texas, praying for such legislation as will prevent fluctuations in freights and unjust discriminations in charges for transportation; which were referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, in which it is recited that the Reagan bill (H. R. No. 1028) now before the House of Representatives is as a whole just and reasonable, and, with amendments looking to the protection of small shippers and shippers by lines of transportation running in part through foreign countries and providing for the appointment of three commissioners, that bill will best answer the requirements of the commerce of the country. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. INGALLS presented the petition of Philo B. Cady and others, citizens of Kansas and Pennsylvania and soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented the memorial of A. B. Stone, president of the Saint Louis, Keokuk and Northwestern Railroad Company, representing one hundred and thirty-five miles of railroad, remonstrating against a reduction of the duty on steel rails; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of citizens of Emporia, Kansas, soldiers in the late war, praying that they may be paid the difference between the value of gold and greenbacks at the time they were paid as such soldiers; which was referred to the Committee on Finance.

Mr. TELLER presented resolutions of a convention of citizens of Colorado, praying an appropriation of $5,000 for the State Agricultural College of Colorado for the erection of buildings and the purchase of suitable machinery for a small sugar refinery; which were referred to the Committee on Agriculture.

Mr. GROOME presented the petition of A. W. Evans, major Third Cavalry, United States Army, praying for the passage of an act authorizing the President to nominate and, by and with the advice of the Senate, recommission the petitioner a major of cavalry of date December 20, 1866, instead of his present date of May 10, 1867; which was referred to the Committee on Military Affairs.

Mr. CONKLING presented the petition of Arnold, Constable & Co. and other leading firms of New York, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of Henry D. Payne and others, citizens of New York and soldiers and sailors of the volunteer forces of the United States, praying for the passage of a law providing for the equalization of bounties; which was referred to the Committee on Pensions.

Mr. CONKLING. I present also a petition signed by Henry D. Payne and a large number of other citizens who were soldiers and sailors for the Union in the last war, remonstrating strongly against the passage of the bill proposing to create sixty pension districts with examinations to take place in those respective districts. I move its reference to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 16) for the relief of Albert Towle, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 259) for the relief of Reuben H. Plass, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 232) to provide for the purchase of a suitable site, and the erection thereon of a public building, in the city of Jacksonville, Florida, reported it with an amendment.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 1336) for the establishment of a land office in the Territory of Montana, reported it without amendment.

Mr. GROOME, from the Committee on Post-Offices and Post-Roads, to whom were referred the bill (S. No. 285) for the relief of Charles Collins, and the bill (S. No. 689) for the relief of Charles Collins, submitted a report thereon, accompanied by a bill (S. No. 1346) for the relief of Charles Collins.

The bill (S. No. 1346) was read twice by its title, and the report was ordered to be printed.

HAYDEN'S ATLAS OF COLORADO.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the following concurrent resolution, reported adversely thereon; and it was postponed indefinitely:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; 2,000 copies of which shall be for the use of the House of Representatives, and 1,000 copies for the use of the Senate.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1336) for the relief of John Reed; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1337) to provide additional school accommodations in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1338) for the relief of Houston L. Taylor, late register of the Wichita land office; which was read twice by its title, and, with the accompanying memorial, referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1339) concerning details from the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1340) for the relief of Charles E. Gunn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SLATER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1341) to declare the meaning of the word "orphan;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1342) for the relief of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1343) to authorize the Postmaster-General to make settlement with postmasters for loss of money-order funds, postage-stamps, stamped envelopes, postal cards, and registered letters lost or stolen without fault of postmasters, their employés or deputies; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1344) for the relief of Dr. Joseph L. McWilliams; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1345) making provision for erecting a public building at Greenville, South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO A BILL.

Mr. BURNSIDE submitted an amendment intended to be proposed by him to the joint resolution (S. R. No. 81) to make the 23d of February, 1880, a legal holiday in the District of Columbia; which was ordered to lie on the table and be printed.

DEPARTMENT EMPLOYÉS.

Mr. DAVIS, of West Virginia, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the heads of the Executive Departments who have not already submitted such report be directed to make to Congress at as early a date as practicable the annual report required by section 194, title 4, of the Revised Statutes, which reads as follows:

"SEC. 194. The head of each Department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his Department and the offices thereof; stating the time that each clerk or other person was actually employed, and the sums paid to each; also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business."

DISTRICT POLICE FORCE.

Mr. BLAIR. I should like to call up the resolution introduced by me yesterday calling for certain information from the commissioners of the District of Columbia, which went over under the rules.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. BLAIR on the 18th instant:

Whereas by section 354 of the Revised Statutes, relating to the District of Columbia, it is provided that no person shall be appointed as policeman or watchman in said District who has not served in the Army or Navy of the United States and received an honorable discharge; and

Whereas it is alleged that said statute has been and is now being violated, and that persons are now serving by appointment as such policemen and watchmen who never served in the Army or Navy of the United States: Therefore,

Resolved, That the commissioners of the District of Columbia be directed to furnish for the use of the Senate a full and specific statement of the name, age, place of nativity, and date of appointment of each policeman and watchman belonging to the police force of this District; also, of the service of each in the Army or Navy of the United States, and whether honorably discharged therefrom; also, whether any other, and, if so, what other, military or naval service has been performed by each person on the police force, and whether any person has been at any time within two years last past appointed who has not served in the Army or Navy, and, if so, the reasons for such violation of law and the names of all persons so appointed.

Mr. WHYTE. Does it require a majority vote to take up this resolution for present consideration?

The VICE-PRESIDENT. It does not. The resolution comes up of right, under the rule, having been introduced yesterday.

Mr. WHYTE. I move its reference to the Committee on the District of Columbia.

Mr. BLAIR. Before the question is taken upon that motion I should like to say to the Senate that this is a simple resolution calling for information which will be of as much advantage to the Senate at large as to the Committee on the District of Columbia. The law at present provides—and it has been the law since the year 1867—that the policemen and watchmen appointed in the District of Columbia shall be men who have served in the Army or Navy of the United States, and who have been honorably discharged therefrom. The terms of the law are imperative, not allowing of any discretionary action whatever on the part of the commissioners who administer the law.

It is alleged by various responsible persons who have made their allegations known to me, that this law is being and has been for a considerable time violated. By the resolution it is simply sought to ascertain the fact whether the law is being violated, and, if so, the causes of such violation. It is a call for information; and I cannot conceive that any public purpose will be promoted by sending a resolution of this kind to a committee for consideration. When the information shall have been received, its reference to the Committee on the District of Columbia may be very appropriate, but the information may be of such a character that no occasion whatever will arise for the consideration of the subject-matter by a committee. Its reference as now proposed can result in nothing but simply delay.

Mr. CONKLING. I feel moved to add one word to what has been said so properly, as I think, by the Senator from New Hampshire. Not only is this a mere call for information, but it is a call addressed to the commissioners themselves, committing it to them to say what they have done. That is a very kindly and harmless call. If it was to inquire of somebody else touching something which might reflect upon them, there might possibly be a reason for saying that it should undergo the scrutiny of a committee beforehand; but the proposition is simply to ask of these gentlemen themselves what is the condition of things in this regard.

I cannot think of any motive for referring the resolution to a committee, unless the object is to stifle the inquiry. I think it has never been the habit of the majority of the Senate, of whatever complexion that majority might be, since I have had the honor to serve here, to refuse information upon the call of a member of the minority. I know nothing about the facts myself. If it be untrue that the commissioners have violated the statutes, certainly they ought to be allowed to say so. If, on the contrary, that be true, then for other reasons the inquiry is proper.

Having myself disclaimed all knowledge on this subject, feeling no interest in it of any special character, I submit to the Senate that it will hardly do to refuse to allow an inquiry to be addressed to officers themselves inviting them to make answer. If that be not an appropriate species of inquiry, I do not know what would be deemed appropriate.

Mr. BLAIR. I should like to read the section of the law referred to in the resolution. Section 354 of the statutes relating to the District of Columbia provides that—

> No person shall be appointed to office, or hold office in the police force, who cannot read and write the English language, or who is not a citizen of the United States, or who shall ever have been indicted and convicted of crime; and no person shall be appointed as policeman or watchman who has not served in the Army or Navy of the United States and received an honorable discharge.

It is alleged that this statute has been violated by the commissioners in their administration, and for the Senate to take a step which looks like stifling the inquiry would involve us, as it seems to me, by implication, in a participation in such violation of the law, if it exists. It seems to me that the commissioners, called upon in this way to give us the information which may entirely exonerate them, ought not themselves to be subjected to such a delay as might result from the reference of the resolution to a committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland to refer the resolution to the Committee on the District of Columbia.

The motion was not agreed to.

The VICE-PRESIDENT. The question is, Will the Senate agree to the resolution?

The resolution was agreed to.

COMMITTEE ON INTEROCEANIC CANAL.

Mr. GORDON. I move that the Senate proceed to the consideration of the motion entered by the Senator from West Virginia [Mr. DAVIS] to reconsider the vote by which the resolution creating a special committee on the interoceanic canal was passed.

Mr. ANTHONY. I think we had better go on with the Calendar and postpone the consideration of that motion until half past one o'clock. The Calendar has no chance whatever in the Senate, unless in the brief time allowed between the close of the morning business and half past one o'clock.

Mr. GORDON. The trouble about it is that at half past one o'clock the unfinished business of yesterday takes precedence.

Mr. ANTHONY. The Senator who has charge of that will doubtless give way for the motion of the Senator from West Virginia to be considered. I think we had better go on with the Calendar.

Mr. LOGAN. I see that the Senator who has charge of the bill, which is the unfinished business, is not in his seat, and I venture to say for him that the friends of that bill will not give way to any other business until its consideration is concluded; so that this matter had better proceed now.

Mr. ANTHONY. I appeal to Senators to stand by the Calendar. We have an order that gives us from half an hour to an hour every morning for the Calendar, and it is the only chance the Calendar has.

The VICE-PRESIDENT. The question is on the motion of the Senator from Georgia to proceed to the consideration of the motion to reconsider the vote by which the resolution referred to was passed.

The motion was agreed to, there being on a division—ayes 26, noes 13.

The VICE-PRESIDENT. The Senator from Georgia is entitled to the floor.

Mr. GORDON. I yield to the Senator from West Virginia, who will make some remarks upon the subject.

Mr. DAVIS, of West Virginia. I entered the motion to reconsider the vote by which the resolution was passed for several reasons; first, because the resolution had passed as I believed without the general knowledge of the Senate. It was passed during the morning hour, having been read simply from the desk, and very few of the Senators were aware of the importance of the resolution.

The resolution provides, as will be seen, for the employment of a clerk. I believe the Senator from Georgia is the only Senator who has referred in any way to that as being the cause of the objection urged by me to the resolution. He certainly was mistaken in that statement. I had no thought at that time of the expense to be incurred by the employment of a clerk, but my idea in a general way was that the resolution would lead to a very large expenditure in the end. It will be noticed that in the close of my remarks I suggested to the Senator from Georgia whether a standing committee could not take the subject into consideration, as in the end it would cost the country a great deal.

We have several rules by which this resolution ought to have had more than one reading or a fuller consideration. For instance, if it had provided for the payment of a clerk, the resolution would have been sent to the Committee on the Contingent Expenses of the Senate, and it would have been read three times, in which case the attention of the Senate would have been called to the resolution fully.

But those are minor considerations in connection with the main subject. My impression was then and is now that we have committees enough, and that the matter should be referred to some standing committee—to the Committee on Commerce, for instance—of which the Senator from Georgia is chairman, and to whom the joint resolution introduced by that Senator was referred, and where it has remained for over sixty days. I do not know what action has been taken on that resolution by the committee, but my idea was then that the committee which had the subject under consideration ought to continue with it. It certainly is a proper subject for the consideration of that committee, which is composed of Senators from all parts of the country. The Senator from Georgia is chairman of that committee, and the other members are Mr. RANSOM, Mr. RANDOLPH, Mr. HEREFORD, Mr. COKE, Mr. CONKLING, Mr. MCMILLAN, Mr. JONES of Nevada, and Mr. BALDWIN. That committee is composed of representatives from all sections of the country; the eastern and western parts of the country as well as the Pacific slope are represented on it; and I saw no good reason why the reference should be changed from the committee that then had the subject under consideration. If the reference should be changed and if a new committee were to take hold of the subject, I was of the opinion, and am yet, that the Committee on Foreign Relations is the proper committee. It is a question in my mind that belongs to that committee probably more than to any other committee in the Senate. Questions are now before the country and probably before the Departments relating to this subject that necessarily belong to the Committee on Foreign Relations. In fact, this subject cannot be discussed properly on its merits without closing the doors. I believed then as I do now, that it is a subject that had better remain with the Committee on Commerce, which has it already in charge; or if a change of reference is to take place, it ought to go to the Committee on Foreign Relations. I hope my friend from Georgia will consent to that course. I see nothing special to be accomplished by raising a new committee.

I will say, as the question of a clerk was referred to by the Senator from Georgia, not by myself, for I had no thought of the expense of the employment of a clerk at the time, that the clerk is only the beginning of the expense. In my judgment, if a special committee is raised, and perhaps otherwise, a hundred thousand dollars would not be too much to put down as the expense that would be incurred. Therefore I think we ought to go slowly; that we ought to be cautious, and take time and look into the matter very carefully before we move.

The original joint resolution introduced by the Senator from Georgia, I believe, calls upon the United States to protect any foreign or home company to the full extent of the power of this Government. I think that is the purport of the original resolution. I have it not before me, but the Senator from Georgia will correct me if I am wrong. If this Government were to make any such declaration as that it would be almost equivalent to a war at once.

Mr. EATON. Let the resolution be reported, so that there may be no mistake about it.

The VICE-PRESIDENT. The resolution introduced by the Senator from Georgia will be reported.

The Chief Clerk read as follows:

> *Resolved*, That a committee of nine be appointed to take in consideration the subject of the construction of a canal to connect the Atlantic and Pacific Oceans; and

that all papers, documents, and information relating to said subject be referred to said committee.

Be it further resolved, That said committee be authorized to confer and act concurrently with any similar committee of the House of Representatives; and that said committee be authorized to employ a clerk.

Mr. DAVIS, of West Virginia. That is not the resolution to which the Senator from Connecticut referred. He referred to the original resolution, the joint resolution, introduced, I think, on the second day of the present session by the Senator from Georgia and referred to the Committee on Commerce.

Mr. GORDON. If the Senator from West Virginia will allow me to interrupt him a moment, I think I can aid the Senate in arriving at a wise conclusion of this matter. Let me make one or two statements. I agree with him most fully that this is a subject of too much importance to be precipitated upon the consideration of the Senate without due deliberation; that it is a question upon which we must go slowly and carefully; that it should be considered by the ablest of committees. So far we are in accord; but the reasons which the Senator assigns for opposition to a select committee are such as ought to control his vote for such committee. For these reasons among others I have asked for a committee of the ablest, most experienced, and most prudent members of this body to take into consideration this whole subject, and after the fullest investigation report to the Senate. Deliberation is the very essence of the proposition for a special committee, and the Senator's assumption that those who favor a select committee are for precipitating action is altogether without support in the language of purpose of the resolution. Certainly the Senator will not pretend that there is anything in the resolution itself which involves the idea of undue haste or want of deliberation. The reverse is true. The committee is asked for the purpose of deliberation.

The purpose of the resolution was not to advance any private views I might entertain, or any views that I have publicly expressed; but to have duly considered whatever views any Senator entertained by a committee composed of the most experienced Senators.

As to the suggestion that the subject should be considered by the committee of which I have the honor to be chairman, or by the Committee on Foreign Relations, I have only to say that none of the standing committees, with their routine business, can give that direct, continuous, and exclusive attention which is necessary in considering a subject so vast, and embracing so varied and complicated issues as this may involve. As the Senator from West Virginia [Mr. DAVIS] and the Senator from Connecticut [Mr. EATON] have referred to my original resolution upon the general subject, it may be proper for me here to remark that so far am I from seeking to impress the committee, should it be appointed, with my own views upon the subject, I shall probably ask to be excused from service upon it. The Senator from Connecticut, [Mr. EATON,] who is the chairman of the Committee on Foreign Relations, has already introduced a resolution upon this subject, and one branch of the question is before that committee. I had the honor to introduce a joint resolution, which was referred to the committee of which I am chairman, and that committee therefore has had charge of another branch of the question.

The proposition seems to me of great force, certainly sustained by common sense, that it would be better to organize a committee composed of members of these various committees in order that this subject might be considered in all its parts, and as one, not two or three subjects.

But I am detaining the Senate, Mr. President. I simply wanted to give briefly the reasons which moved me to ask for this committee.

Mr. DAVIS, of West Virginia. Mr. President, the Senator from Connecticut asked for the reading of the joint resolution offered by the Senator from Georgia. I send it to the desk.

The Chief Clerk read as follows:

Forty-sixth Congress, second session.—S. R. No. 48.

In the Senate of the United States, December 2, 1879, Mr. GORDON asked, and by unanimous consent obtained, leave to bring in the following bill; which was read twice, and referred to the Committee on Commerce:

Joint resolution for the management of the construction of the Nicaragua Interoceanic Canal.

Whereas the project for the construction of an interoceanic canal in Nicaragua is recognized as a necessity for the prosperity of the commerce of the world, and the development of the maritime and commercial interests of the United States; and

Whereas such an enterprise must of necessity be considered as of international utility under the protection of the Government of the United States: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States pledges to accord full and entire protection to the company to which shall be granted the concession by the government of Nicaragua for the construction of said interoceanic canal, and will secure to said company the peaceful enjoyment of the rights conceded by such grant.

Mr. DAVIS, of West Virginia. Mr. President, in the hope that there will be a vote taken soon, I shall be very brief. The resolution just read shows that very early in the session the Senator from Georgia called the attention of the Senate and the country to the subject now pending. I take it that in his resolution the Senator from Georgia expressed his feelings and meaning. It will be noticed that the Senator asks this country to protect any company, any stock company or any other company, foreign, or home, or mixed, and pledges this Government to give full protection to that company on soil that now belongs to another power, not to us. However, that is a matter which I will not discuss for fear that I may get outside of the immediate question.

The Senator speaks of the importance of an able committee, a committee which can give proper attention to the consideration of the resolution offered by himself, as well as resolutions offered by others. I had thought, and I believe yet, that the committee of which the Senator from Georgia is chairman is a committee made up of Senators able to consider any subject, not only the question of this proposed canal, but any subject that might come before it.

Mr. GORDON. I beg that the Senator will do me the justice to say that nothing in my remarks certainly could be construed into a reflection on my own committee; certainly I would claim for it equal ability with any committee here. I made my objection to the consideration of the question by it on the ground that no committee which was charged with the regular routine duties of the Senate could consider this subject consecutively as it ought to be considered.

Mr. DAVIS, of West Virginia. Then the Senator admits that the committee that now has the matter in charge is fully competent and able; and therefore I want it to stay there. I think that is the place for it. The Senator says now that no committee that has regular routine business to attend to is able to take up this subject and do justice to it.

Mr. GORDON. Exactly.

Mr. DAVIS, of West Virginia. The Senator is aware as well as I am that there is not a Senator here but belongs to one or more committees, sometimes to three or four. Take what Senators you will they belong to regular committees, and if they do full duty to this subject when placed on a special committee their attention will have to be taken from their regular committees and given to this new committee.

We have now thirty-four standing committees, of which four are joint. We have eleven special committees. Certainly among these forty-five committees of the Senate one can be found suitable to take this subject into consideration, and I think the proper committee has it now, and I hope the Senate will allow it to remain where it is. I believe it is best for the subject, best for the country, that it should be there. Certainly the present committee has had the subject before it for nearly ninety days, and has been considering it I suppose, for the Senator tells us it is a subject that he has given great thought to; it is a subject which ought to have immediate attention. If that be so, as I have no doubt it is, then it has already had between sixty and ninety days' consideration from the committee of which the Senator from Georgia is the distinguished chairman, and I think the Senate had better let it remain where it is. I hope that course will be pursued.

Desiring a vote, I will forego any further remarks.

Mr. SAULSBURY. I do not rise to discuss the merits of the question that may be involved in this resolution, but the immediate point is whether or not there shall be an additional committee on this special subject, so that a proper consideration may hereafter be given to it. The resolution was passed hurriedly; it had not attracted the attention of Senators; but it was passed upon here without our knowing, many of us, what the subject-matter was that we were voting on. I think, therefore, it had better be reconsidered, so that we can then determine whether we will take action in reference to this resolution or not. I shall vote for the reconsideration of the vote by which the resolution of the Senator from Georgia was passed.

Mr. GARLAND. Mr. President, the subject-matter of this resolution involves, in the first place, some very grave legal propositions, which could very appropriately be referred to the Committee on the Judiciary. It involves some considerations in regard to our foreign relations which could very appropriately be referred to the Committee on Foreign Relations. It involves a number of commercial considerations which could very appropriately go to the Committee on Commerce, where one resolution has already been referred.

The theory of special committees in the Senate, if I understand it properly, is based upon the idea, first, that there is no existing committee that can take jurisdiction appropriately of the subject-matter, or secondly, if there is a committee that can appropriately take jurisdiction, that it has not time to consider it. It is very plain on the face of this proposition that there are three committees that could appropriately take jurisdiction of the subject-matter. Then the question is, Have they the time to do so? Certainly the Committee on Foreign Relations is not overburdened with work; in fact, comparatively speaking, its work is small at this session of Congress, and I believe that is the appropriate committee to receive and consider this subject.

The Committee on Commerce has, I presume, a pretty fair share of work, but it certainly has not work sufficient to withdraw its attention entirely from this subject, or to deprive it of a full share of attention.

We have grown in the Senate, if I may so express myself, into an abuse of this business of special committees. We have now, as the Senator from West Virginia has said, some forty-odd committees. Half a dozen of those committees have little or nothing to do. You can scarcely get up a bill or resolution that does not contain some matter that could be referred possibly to some two or three different committees.

The committees of the Senate have grown wondrous fast. Originally they were but few, but owing to the exigencies of the business and the increase of the questions that come before the Senate the committees have necessarily multiplied; but in this great multiplication, I think, we have somewhat overdone the work. Here, there

being three committees that could appropriately consider this matter, as appears on the very face of the resolution, I very reluctantly oppose the view entertained by the Senator from Georgia, and will vote for the proposition now pending before the Senate to reconsider its adoption.

Mr. EATON. Mr. President, early in the session, perhaps on the third day, foreseeing that this great question would come before the Senate, I had the honor of introducing a resolution calling for important information from the Department of State that referred to this very subject-matter. I supposed then, as a matter of course, that this great subject would be sent to the committee of which I have the honor to be chairman. I supposed, in my innocence and simplicity, that it belonged to that committee, and therefore it was that I early introduced a resolution for obtaining information upon it.

I do not know, sir, that I ought to say that the Committee on Foreign Relations desire this work, but I ought to say this, that the Committee on Foreign Relations believe that this matter should come before them. That is their judgment, and why? The very base, the very thing that underlies this whole subject consists in what may be its foreign complications. I do not go into any discussion of that subject here, for it might require closed doors if I went at length into the matter. Second, as has just been suggested by my honorable friend from Arkansas, there are matters there that require the investigation of a judicial committee of this body. Now permit me to say as the organ of the Committee on Foreign Relations that that committee has in its list of members two of the most distinguished members of the Judiciary Committee [Mr. CONKLING and Mr. CARPENTER,] to say nothing of the Senator from Georgia, [Mr. HILL,] and the Senator from Ohio, [Mr. PENDLETON,] and the Senator from Maine, [Mr. HAMLIN,] and the Senator from Iowa, [Mr. KIRKWOOD,] who are likewise eminent lawyers and members of the Committee on Foreign Relations. And, sir, when you come to speak of the great commercial interests involved here, then permit me to say that you have on that committee gentlemen who fairly represent the great commercial interests of the country.

So I say briefly that I believe the Committee on Foreign Relations ought to have in its hands this great overshadowing question, and I undertake to say that that committee has time enough to investigate this matter, large as it may be.

Mr. DAVIS, of West Virginia. I hope the Senate will reconsider the vote and then the resolution can be disposed of as is thought best. The resolution as it now stands is imperfect. It provides for a clerk, and yet does not provide for his payment, so that a new resolution would have to be introduced even for the payment of the clerk. It needs amendment in that particular.

Mr. GORDON. The resolution can be amended.

Mr. DAVIS, of West Virginia. Not after it is passed. I admit that if it is reconsidered it can be amended; the Senator from Georgia is right in that, if that is what he means; and I hope he will vote for the reconsideration because then he can amend his resolution.

Mr. GORDON. Mr. President, in answer to the Senator from Connecticut it might be urged with equal propriety that the Committee on Commerce could as appropriately consider this subject as the Committee on Foreign Relations. I am aware that there are various branches of the subject. It might be urged that one branch of it should go to the Committee on Foreign Relations, one to Commerce, and one to the Judiciary; but the Senate will perceive that to divide such a subject into three questions with three committees investigating it would be equivalent to postponing its consideration for the remainder of the session. Possibly that ought to be done. I do not think so; but the object of inquiry is whether anything ought to be done, and if so what position this country should assume in reference to this grave matter.

Mr. BURNSIDE. Mr. President, in the latter part of the last session of Congress I introduced a general resolution touching the Monroe doctrine, and asked that it be referred to the Committee on Foreign Relations. It was so referred. Very soon after the assembling of this session I gave my views on the subject, and from that time I have felt that it was of the utmost importance that the subject should receive the attention of Congress, but I have waited patiently the action of the Committee on Foreign Relations. I have heard of no action by that committee, but I learn from its chairman that they have not taken action because they have not received necessary papers from the State Department. So it must be assumed that the delay is no fault of that committee.

Now, I shall vote for the special committee proposed by the Senator from Georgia, because of the importance of the subject, and because I believe that something will be done by a special committee in the way of enunciating again a doctrine which the people of this country are wedded to: that there shall be no interference with American affairs on the Isthmus by any foreign power or by any foreign company under the protection of any foreign power. I vote for this in the hope that that question will be met by a special committee, and met more speedily than it can be by the Committee on Foreign Relations.

The VICE-PRESIDENT. The question is on the motion to reconsider.

The motion was agreed to, there being on a division—ayes 29, noes 25.

The VICE-PRESIDENT. The question recurs on agreeing to the resolution.

Mr. CONKLING. What is the resolution?

The VICE-PRESIDENT. It will be read for information.

The Chief Clerk read as follows:

Resolved, That a committee of nine be appointed to take in consideration the subject of the construction of a canal to connect the Atlantic and Pacific Oceans; and that all papers, documents, and information relating to said subject be referred to said committee.

Be it further resolved, That said committee be authorized to confer and act concurrently with any similar committee of the House of Representatives; and that said committee be authorized to employ a clerk.

Mr. CONKLING. Mr. President, a disposition, had I that disposition, to participate in this investigation, or a dread, if I had a dread, of the labor or responsibility involved in doing it, would be in my case exactly evenly divided between the two standing committees of which mention has been made, inasmuch as I have the honor to be a member in a very subordinate degree, of the Committee on Foreign Relations and also of the Committee on Commerce. So looking at this matter in any possible relation it can have to me or to any labor that I may be called upon to perform, of course it cannot be a matter of the slightest preference whether it goes to one committee or to the other. I feel moved, however, to express the opinion that as between the Committee on Commerce and the Committee on Foreign Relations, this matter should go to the latter committee, and I agree entirely with what has been said by other Senators that one branch of it, as it is called, should not be left with one committee and another branch with another committee. Indeed I think I should deny that this is a subject consisting of different branches in the sense in which I understand that suggestion to have been made. It is an entirety. It is an important matter. It involves, as most important matters do, considerations of different kinds; it involves economic questions, questions of commerce; it involves practical questions, questions of engineering, the feasibility of a certain *projet*, its advantages compared with another. It involves also, as the Senator from Connecticut has not too emphatically stated, our relations with foreign governments; and not only so, but the position we shall undertake to maintain as matter of public law, as matter of public principle held by us as one of the nations of the earth. But that does not make it to my comprehension a subject of different branches in that sense which implies that these branches are separable from each other so as to constitute substantive topics of investigation and of action; far from it.

The most customary bill we have, one providing for a private claim if you please, involves a question of law, a question of constitutional law, a question of fact, and besides some question which appeals especially to the knowledge which business men and experts have. That then is a matter of different branches, and you might say that one branch of it ought to go to the Judiciary Committee, and another branch ought to go to the Military or Naval Committee, and another branch ought to go to the Committee on Claims. That is not so, Mr. President. It is, I submit, impracticable, unreal, and a refinement, I will not say upon sophistry, but a refinement upon fact.

This subject which we are considering, larger in proportions, greater in duration, than the average subject coming before us, falls, I humbly submit, within the category to which I have referred it; to be dealt with intelligently it should be dealt with by some one committee, and not be distributed about in fragments or supposed fragments among several committees. I agree entirely, to return to the suggestion with which I began, that as between the Committee on Commerce and the Committee on Foreign Relations it belongs more appropriately to the latter committee, and my judgment is that to that committee, as contradistinguished from any other, even a special committee, it had better go.

The Senator from Arkansas [Mr. GARLAND] said that to which I agree touching special committees; but he omitted to say a thing which it seems to me answered the suggestion made by the Senator from Georgia, [Mr. GORDON.] That Senator commented very naturally upon the fact that the standing committees of the Senate are more or less engrossed with what I believe he called routine business. Yes, they are; but let me inquire, suppose the Senator from Georgia himself, in place of being at the head of the Committee on Commerce if that committee were to consider this subject, is put at the head of a special committee, are there any more hours in the twenty-four? Is he relieved of any other duty? Has he any more time in his character as chairman of a special committee to devote to this subject than he would have to devote to it as chairman of the Committee on Commerce? Not at all. Take the other members of the Committee on Commerce, is not what I have said of the chairman true of them? And going beyond the Committee on Commerce, some members of the Senate must compose this special committee. Is it true that a special committee on such a subject would be composed of members of the Senate selected because they had been omitted, as far as such Senators could be, from other committees? That would be very odd. Senators have been put, I think, upon the Committee on Foreign Relations with some reference to their supposed fitness and capability for service upon that committee, and so upon the other committees. In going over the Senate, thus all members of the Senate are upon committees; and although you may find a Senator who is upon one more committee than another Senator, or possibly upon two more committees than another Senator, nevertheless the general fact remains that, resorting as you must for the constituents of a special committee to the seventy-six Senators, you take

over again the very men who are already allotted upon the standing committees and you give them no more time, and you do not alter at all the fact that they are all more or less encumbered by requisitions upon their time. So I do not see the force of the suggestion made by the Senator from Georgia. I should see its force if there were nine Senators here not members of any standing committees, nine Senators uncharged substantially with committee duties and who were willing to devote themselves as members of a special committee to this subject. Then it could be said urgently and conclusively "You get the benefit of nine fresh men undistracted and unwearied by their duty upon other committees." Not so now.

Then, as the Senator from Arkansas suggested, if I am right in what I have said, the sole remaining inquiry is whether there is no standing committee adapted to this subject; or to state the inquiry in other words, whether it is necessary to create a committee in order to have one to which this subject may appropriately go? Can that be said? The contrary has been said, as I understand, by the very Senators who have voted in favor of a special committee, because they have said that not only is there one committee, but more than one; they have named at least two that would be appropriate to this purpose.

As I said, Mr. President, I have no possible interest of my own; desiring to avoid labor on this subject I have none; wishing, if I did, to participate in this investigation, I have none between these two committees; but I believe that the usage of the Senate, its practice in analogous cases, and the suggestions of prudence and convenience would indicate that the Committee on Foreign Relations should take charge of this matter unless that committee is in point of fact unsuited or incompetent to do it. I do not think that is the case; on the contrary I think the whole committee, with only one exception, is made up of Senators very well adapted to it; but if the reverse were true, that would be a reason for withdrawing a subject of this kind from that committee. Unless that be true I can think of no reason, and therefore I shall vote against this resolution, if that be the form in which the vote is to be taken, and I should vote with great pleasure for a motion which I venture to suggest to my honorable friend from Connecticut would come most appropriately from him,—a motion in the nature of an amendment which would carry to the Committee on Foreign Relations all the various resolutions and bills relating to this one subject.

If the Senator from Connecticut will move as an amendment that the bill introduced by the Senator from Georgia, which went originally *pro forma* to the Committee on Commerce, and all other bills and resolutions touching this subject shall be committed to the Committee on Foreign Relations, that I suggest to him will enable those of us who agree with him to give intelligent expression to our wish by our vote; and if hereafter it turns out that it is necessary to clothe the Committee on Foreign Relations with any powers additional to those which all committees have, be it power to send for persons and papers, be it power to do any particular thing, I presume there will be no such thing, in addition to those powers customary with committees, then the committee upon ascertaining that, through its chairman, can come to the Senate, and ask for such enlargement of its powers as it may be disposed, and the Senate will give or withhold, as upon presentation of the case may seem wise.

All that is needed now to execute the purpose stated by the Senator from Connecticut by a single vote is for him to move that all of these bills and resolutions—if there are enough of them to say "all," both of them if there are but two—be committed to the Committee on Foreign Relations, and I hope he will make that motion, and for one I shall vote for it with great pleasure.

Mr. GORDON. Mr. President——

Mr. EATON. My friend will pardon me.

Mr. GORDON. I only want to say one word.

Mr. EATON. I wish to make one suggestion to my friend from New York.

Mr. GORDON. I yield.

Mr. EATON. I had thought of the very motion to which the Senator from New York gave utterance, but it struck me then and, with great deference to him, it does still, that this being a resolution to raise a special committee for a certain purpose, I ought not to move that the resolution be referred to the Committee on Foreign Relations.

Mr. CONKLING. Will my honorable friend pardon me? I do not propose that he shall make any such motion. This is a resolution declaring that a special committee shall be raised for a certain purpose. I propose to the Senator that as an amendment in the nature of a substitute he move that that subject be committed to the Committee on Foreign Relations, and unless the modesty of the honorable Senator stands in the way, I cannot see any objection he can have to that—not a motion to refer this resolution to the Committee on Foreign Relations, but to commit the subject to which the resolution refers, and all the papers relating to that subject, to that committee.

Mr. EATON. My own impression still is that the better way is to determine the question upon this resolution. If the Senate determine that a special committee shall be raised, so be it. If they determine that it shall not be raised, then, it strikes me, at another time it would be proper to move that all matters connected with the interoceanic canal *projet* be referred to the Committee on Foreign Relations.

Mr. CONKLING. If the honorable Senator wants to be economic of the subject, and make it cover several days, I agree with him there; that course would enable us to enjoy it for another day; but if the object is by one single vote to ascertain the wish of the Senate, I submit to him with a good deal of confidence that the ordinary way is this: The Senate have reconsidered this resolution by a very pronounced vote; and the ordinary way is just to move straight and direct that the subject go to the Committee on Foreign Relations. If that vote carries, that is the end of the whole thing; if it does not, then other alternatives can be presented.

Mr. EATON. Very well, Mr. President, I will accept the suggestion and at the proper time make the motion; but my friend from Delaware desires now to be heard. After that I will make the motion.

Mr. BAYARD. Mr. President, I doubt very much whether if at this time, or at any former period of the history of this country——

The VICE-PRESIDENT. The Chair desires to call the attention of the Senator from Delaware to the fact that the morning hour, as extended, has expired, and the unfinished business now comes up.

Mr. GORDON. I think we can get a vote directly. I hope the Senator from Delaware will be allowed to proceed.

The VICE-PRESIDENT. Is there unanimous consent that this resolution be further considered? The Chair hears no objection.

Mr. BAYARD. I was about to say, Mr. President, that I did not think any question in our history had filled the minds of the American people with graver interest than that which has been under discussion; not of course the comparatively trivial matter whether the subject shall be committed for the purpose of examination to one or the other of the standing committees of the body, or whether a special committee shall be raised; but I mean that this body will only reflect the almost unanimous spirit of the American people when it exhibits a very deep interest in the subject-matter to which this resolution relates. It is to be approached very deliberately; it is to be considered with gravity. No attention that can be paid to it is superfluous; if it shall be deemed a better method of consideration that a special committee, no matter what may be its numbers, shall be raised for the purpose, it had better be done.

Now, sir, it is plain, without entering at all upon the merits of the question, that this subject has two branches. I will not say which of the two is the more important. The one is the political branch, touching international politics; the other is the commercial branch, touching our share in the world's trade which the work proposed is so profoundly to affect. If we treat it as a commercial question, it naturally would go to the committee constituted by this body to consider commercial questions. If we are to consider it as an international question, it is to go to that committee of the body appointed to consider questions of that character. But it is a question in which these two features are indissolubly blended. They cannot be separated in their consideration. Hand in hand they must go together, and together must they be considered.

Now, sir, it pleased the Senate—with what premonition I know not, for I was not consulted; upon the basis of what preliminaries I know not—it pleased the Senate some days ago to raise a special committee, that is to say, to pass a resolution authorizing the creation of a special committee to whom the whole of this great subject should be committed, for the purpose of preliminary examination, for the purpose of laying sure foundations over which this people are to walk, upon which this Government is to stand in its relation to the subject; and it seemed to me that there never was a question demanding a special committee more justly than the one referred to in the present resolution.

It was no reflection, it could be no reflection for a gentleman who happened to be the chairman of one of these committees, that of Commerce, [Mr. GORDON,] to move that his committee should be relieved from the consideration of this vast subject. None could be intended as to the Committee on Foreign Relations, of which my distinguished friend from Connecticut so worthily fills the post of chairman, because over and over again in the history of our legislation, when engaged in the midst of general business, subjects embracing peculiar and important matters have been committed to special committees. Thus we have had special committees upon the great subject of Pacific railroads. Beside that, there was the Committee on Transportation, differing as to name, agreeing entirely in the subject-matter; and so I could go on to illustrate this subject over and over again by my own experience in this body.

I can understand well that gentlemen charged with the arduous duties of both the Committee on Commerce and the Committee on Foreign Relations may prefer a special committee; indeed, I believe some gentlemen already are members of each of these committees, and to no more worthy hands could this subject be submitted; but when already there has been what I term this due mark of respect to a great subject enacted by the Senate in its vote a few days ago, showing that they were responding to this widespread and profound feeling of the American people that this subject should be considered by their representatives with all the gravity and care its importance demands, I for one was not willing, nor am I now, by withdrawing this special committee, in any degree to have it supposed that there is a lessening of interest in the subject, or that there can be a difference of opinion between Americans on this great subject. I trust, sir, there will be none. I trust, upon a subject so profoundly interesting to us as a nation as this, that there will be none, but that all the

light and all the information shall be gathered in from every quarter to enable us, as the representatives of this people and of this union of republics, to deal with the great question that underlies all this—a question of continental control and power. Important as the commercial question is, the more important one of geographical relations and power arises.

I hope, therefore, this special committee, once authorized by a vote of the body, may not now have its existence put an end to.

Mr. McDONALD. Mr. President, I disliked to interrupt the Senator from Delaware at the time the Chair announced that the regular order was properly before the Senate, but as he has concluded his remarks I call for the unfinished business.

The VICE-PRESIDENT. The Chair announced that the time for the consideration of the unfinished business had arrived, and put the question to the Senate, and the Senate directed that this matter should be further heard.

Mr. McDONALD. At the time that announcement was made the Senator from Delaware was occupying the attention of the Senate, and I did not wish to interrupt him by an objection then.

The VICE-PRESIDENT. The Chair will put the question to the Senate if desired, Shall this resolution be further considered at this time?

The question was decided in the negative.

The VICE-PRESIDENT. The unfinished business is Senate bill No. 19.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 3015) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1881, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. FORNEY, of Alabama, Mr. J. H. BLOUNT, of Georgia, and Mr. J. G. CANNON, of Illinois, managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following joint resolutions:

A joint resolution (H. R. No. 203) making appropriations for the Reform School of the District of Columbia; and

A joint resolution (H. R. No. 157) for the relief of M. M. Herr.

RESUMPTION AND FUNDING.

Mr. WHYTE. I ask permission to make at this time some reports from the Committee on Printing.

The VICE-PRESIDENT. The Chair will receive the reports if there be no objection.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following resolution, reported adversely thereon, and it was postponed indefinitely:

Resolved, That 5,000 extra copies be printed of Executive Document No. 9, Forty-sixth Congress, being letter from Secretary of Treasury, transmitting letters and documents pertaining to resumption and funding; 2,000 copies for the use of the Senate, and 3,000 copies for the use of the House.

NORTH AMERICAN ETHNOLOGY.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following concurrent resolution, reported adversely thereon, and it was postponed indefinitely:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office 5,000 copies each of volumes 4 and 5 Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 2,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 2,000 for distribution by the Smithsonian Institution.

DOCUMENTS FOR MEMBERS OF THE PRESS.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following resolution, reported adversely thereon, and it was postponed indefinitely:

Resolved, That the superintendent of the Senate document-room be directed to furnish each member of the press whose name appears in the Congressional Directory as the duly authorized representative of a daily newspaper with one copy of every bill, resolution, and document printed for the use of the Senate.

MILITARY WARRANT LAND LOCATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, the pending question being on the motion of Mr. EDMUNDS to postpone the bill indefinitely.

Mr. MORRILL. Mr. President, having reached the conclusion that this bill ought not to pass, I shall very briefly give some of the reasons which have brought me to this conclusion. In the first place, it is a stale claim. Had it been a good one, with so many interested parties, it should have been pressed from the outset by Senators whose memory I will not impeach by charging them with a neglect of their obvious duty. I do not believe the Senators from eighteen States have neglected any duty. In the second place, it is, in my judgment, against the interests of the States to set the dangerous example of pressing vast claims here resting upon so feeble pretensions. If States could appear here with plausible arguments to prove that the Garden of Eden was sold and not given to our first parents, and claim 5 per cent. on the sale, would it not encourage the presentment of many other even more baseless claims? Instead of this, ought not the States to insist upon the most rigid scrutiny of all claims presented, and, by meting out exact justice to all, maintain that economy which is appropriate to our form of government and most acceptable to the people? The success of this questionable measure would be sure to encourage a brood of claims here already too large.

The reading of this bill will show by the short and difficult curves it makes, not only the crooked, rough, and impracticable road it is sought to travel, but also the ingenuity displayed in tunneling and overcoming mountains. The original law upon which this bill claims to be founded—so far as the State of Iowa, the chief claimant, is concerned—is a bill supplementary to the admission of the State which provides a fund for certain purposes to be made up from "5 per cent. of the net proceeds of the sale of lands within said State, which shall be hereafter sold by Congress." The first section of this bill carefully skips all around these words and seeks to ascertain "the amount of public lands entered by the location of military scrip and land warrants" in the several States—wholly a different matter, and in large part a whole generation after the facts. It is not confined to the sale of land, nor to their net proceeds, but gropes about after what may have been located through donations or grants of the Government. To a plain understanding the case has not even a colorable foundation to rest upon, and would be thrown out as it appears to me in any court within five minutes after the attorneys ceased talking—unless my friends the Senators from Iowa happened to be the last talkers. There can be no valid claim except for lands actually sold, and no one pretends that the States have not had all that, but it is not on any sale, it is not on any net proceeds that the bill is based. What kind of a figure would all these claims cut—eighteen of them yoked together—in the Court of Claims? I much doubt if many of the States would reckon their share of sufficient value to risk a retainer to any good lawyer to pursue it. The amount to be secured to several of the States, if the bill should pass, will hardly amount to a sum greater than they will be required to contribute to the revenues of the country.

The question naturally arises, were any pledges ever made by the Government that all the public lands should be sold and sold at the fixed and unalterable price of $1.25 per acre? If no such pledges were ever given, directly or indirectly—as surely none were given—then the Government has done nothing it had not a perfect right to do; that is, to convert the lands to public uses, to sell for any price, one cent per acre if it should choose to do so, or to donate them for any beneficial purposes to the States, the public, to corporations, or to private citizens, without price. The liberality and generosity of the Government has not been hampered in any direction, and it cannot be subjected to a penalty of 5 per cent. upon its bounties, nor upon homesteads without money and without price given to its war-worn veterans or to any other of its citizens. Nor can the charities of the Government be pursued for a 5 per cent. State tax upon the aid to build railroads begged from the Government by States represented as unable otherwise to furnish means for their construction, although, the alternate sections having been sold at double price, the States have actually received just as much as they would had all the lands been sold. And yet this is the complexion to which it all comes at last: that the power of the Government to make a donation of public lands, for either national or State uses, shall be subject to the condition of a 5 per cent. donation to certain States from the Treasury of the United States at the same time! The Government of the United States is the sole proprietor of the public lands—not merely of ninety-five one-hundredths—and can dispose of them by gift and give a good title to the same without being forced to placate States by an additional gift of money.

Curiously enough it is provided in the second section of this bill that certificates of indebtedness may be used in payment for the amounts allowed which are to run twenty years with interest at 3.65 per cent. per annum. These claims come down to us from "the good old days when Adam delved and Eve spun," and if they are really due, the claimants have already, wittingly or unwittingly, waited much too long. The United States ought not to withhold the moneys of such needy creditors. Why, then, should any suspicion of the validity be thrown upon claims, though they have slept soundly so long, by making the terms of payment apparently so easy? We are only required to give our note. It is true, perhaps, that the authors of the bill have not consulted easy payment so far as they might have done, for they might have demanded silver dollars at once, which we all know the Treasury is most anxious to unload.

Mr. McDONALD. I would suggest to the Senator from Vermont, that under the bill as it is drawn the Secretary of the Treasury may pay in silver dollars, for he is to pay the amount out of any money in the Treasury not otherwise appropriated.

Mr. MORRILL. I know there is an alternative put in as an amendment; but the other marches in front, and I suppose is to take the lead. An offer of long credit is usually suggestive of some abatement, or, in the language of horse-dealers, if I may be pardoned, some *outs*, in the value of the consideration. In this case, the lands not having been sold, it is all *outs*. The framers of the bill are somewhat too willing to trust.

The theory of this bill is that when the Government should part

with any lands they must be sold and must bring exactly and have brought $1.25 per acre, but the facts will not support the theory. Millions of acres were parted with which were not sold, and even the recipients of military scrip and land warrants when they put them on the market generally obtained no more than at the rate of fifty or sixty cents per acre instead of $1.25. The assumption of the latter sum as a basis of computation of the 5 per cent. is entirely unwarranted and the whole idea of a percentage on military scrip or land warrants is as much a mathematical impossibility as would be a percentage on bravery or patriotism.

But the most wonderful part of this bill is to be found, like the postscript of a lady's *billet-doux*, in a final proviso, where, if Congress will only pass this bill, it is to be an estoppel of all claims of any State for 5 per cent. "on account of any lands granted to such State, corporation, or person or persons for the purposes of internal improvements, or to aid in the construction of railroads or canals, or for any other purpose whatsoever, or on account of any lands which have been, or may hereafter be, entered under the homestead laws of the United States." If we will give them our coat they are solemnly to be estopped from claiming our cloak also. But if they have the right in law or equity why should they make a bargain not to strip us of the whole? The United States will pay all claims justly due, and it has no idea, I trust, of being tempted to pay one claim by a condition that another, just as honest and not a whit less so, shall be abandoned, or at least postponed, to a more convenient season of another generation.

How will Senators in the interested States justify themselves to their constituents for the abandonment of the long list of land grants differing in no essential principle from those embraced in the bill upon which 5 per cent. is now sought? It may be, perhaps, successfully done by representing all that was sought as extremely doubtful, and that it was needful to appear munificent in the abandonment of what many thought very preposterous items in the account. Unquestionably they will try to make it appear that they have managed the interest of their States in an honest as well as very thrifty manner. But suppose some of the States should not think so and refuse their acceptance. Then it will be found that we have established a precedent for the whole batch of these strictly analogous claims. We have offered to pay two of them, and an adherence to the same principle will require us to pay all. The absolution promised here may not prove to be a receipt for all demands. It is unfortunate for the success of this bill that its true scope and character is so badly exposed by the recital in the final proviso which I have already referred to. The claims proposed to be estopped are logically entitled to as much consideration as the disposal of military scrip or land warrants, but the absurdity of a 5 per cent. claim by a State upon donations made to the same State is a little more conspicuous, and 5 per cent. on homesteads given to those who have become citizens and tax-payers of the States was evidently too deep a dive into the Treasury for even the authors of this bill to venture upon.

Whatever Senators may feel inclined to do in behalf of a claim which seems to me so utterly unsupported by the plain reading of the letter and spirit of the laws upon which it is attempted to found it, I can hardly believe any Senator so serious in its advocacy, unless in the heat of his own argument he has convinced himself, that he would personally and in his own behalf think of presenting it to any court or even to Congress with any expectation of finding any favor.

Mr. MCMILLAN. Mr. President, I had not intended to make any remarks upon the passage of this bill until this morning. The remarks of the Senator from Vermont who has just addressed the Senate [Mr. MORRILL] seems to me to have presented this matter in a very mistaken light; and I shall merely address myself to one or two of the prominent points which suggest themselves to me at this time.

There are several States interested and the interests of which are involved in this bill. As I am more familiar with the laws pertaining to the admission of my own State, I shall in the course of my remarks confine myself more particularly to the provisions of the law in the enabling act providing for the adoption of a constitution by the State of Minnesota.

The Senator from Vermont who has just taken his seat started with the announcement that this is a stale claim. Mr. President, that is a very incorrect term to apply under any circumstances to the claim of a State in this Union. This is not a claim by a private individual against the United States. This is not a matter of any private nature or benefit. It is a matter of a public character entirely. No private interests are here involved. It is a case where several of the States of the Union present for congressional consideration questions which involve the public policy of this country, and which involve their rights as members of the United States of America. No claim can become stale which a sovereign State is entitled to as against the Government of the United States. No claim by a State can become stale as between it and the Government of the United States. With regard to such matters these are sovereignties, and the term "stale" never applies to any rights to which they are entitled.

Now, Mr. President, what is the grant upon which these States say they are entitled to certain sums of money from the Government of the United States? The act "to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission into the Union on an equal footing with the original States" contains certain propositions submitted by the General Government and embodied in this act of Congress, stated in the fifth section of the act the title of which I have read. The first paragraph of the section is as follows:

SEC. 5. *And be it further enacted*, That the following be, and the same are hereby, offered to the said convention of the people of Minnesota—

That is, the convention to be called for the adoption of a constitution—

for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States and upon the said State of Minnesota.

Then follow four paragraphs with reference, one to school lands, another to lands for a university; the third to lands for public buildings; the fourth, to salt springs; and the fifth, is as follows:

Fifth. That 5 per cent. of the net proceeds of sales of all public lands lying within the said State, which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the Legislature shall direct: *Provided*, The foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

This, it will be observed, is a compact between the General Government and the State of Minnesota. The State is required by this provision to denude herself of her sovereignty to the extent embraced in the terms of this proposition. So that it is no mere private contract, as a contract between individuals would be; it is a compact between two sovereignties, and whatever is a fair general construction of that compact is the only one which can be given in this case.

Now, the provision is that the State shall be entitled to receive from the General Government "5 per cent. of the net proceeds of sales of all public lands lying within the said State, which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same." The sole question then is, whether or not the entry of land within our State by a land warrant issued by the General Government can be construed to be a sale either in law or in equity. If it can, then the State is entitled to the 3 per cent. of the net proceeds of such sale.

The Senator from Vermont declares that the same principle would apply to lands granted for railroad purposes or for any public improvement. In that lies the fallacy of the Senator's position. Those grants are not sales. They cannot be construed to be sales. They are donations by the General Government in the exercise of her sovereign policy, and are not sales in any sense of the term, and are not so regarded and cannot be so regarded; but with reference to the entry of lands by military land warrants, the case is wholly different. By section 2414 of the Revised Statutes it is provided:

All warrants for military bounty lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than $1.25 per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at $1.25 per acre and the tract of land located on. But where such tract is rated at $1.25 per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

The public lands of the United States are divided into certain subdivisions, forty, eighty, and one hundred and sixty acres each, and fractions of those subdivisions termed lots. When those lands are offered for public sale under direction of the proper officer of the Government and remain unsold, they are then the subject of private entry; that is, any individual may enter any subdivision of those lands by paying the price fixed upon them by law, $1.25 per acre, outside, of course, of railroad limits.

These bounty land warrants were issued by the Government as a bounty in reward of military service performed by soldiers of the United States. They are a bounty as between the Government and the soldier. By the operations of law having been made assignable and transferable, the owner of the warrant may either use it by locating the warrant upon land or he may dispose of it for cash. It is not a gift of the land. The Government gave no land when she issued bounty land warrants. She did not give, nor did she enter into any contract with the holder of a warrant that he should have, any specific land. It is merely a promise or a contract issued by the Government and put in the hands of the soldier, which was her bounty to him for the military service he had rendered. The possessors of those warrants not desiring to locate the warrants themselves disposed of them for cash, so that the warrants were quoted in the financial markets at certain cash prices. Their sale was as common as any other article of trade or any other valuable security; they were quoted in all the reports of the money markets; their price was well fixed and defined, not at so low a price as the Senator mentioned as a rule. The warrants issued for forty acres, for eighty acres, for one hundred and sixty acres, would be of different value, but their value was well-defined, and there was a cash price for them, and the warrants located were not

located by the soldiers to whom they were issued as a rule, but they were purchased throughout all parts of the country, and the lands that were subject to private entry were purchased by the holders of the warrants and paid for by them instead of with cash.

Why, Mr. President, the very fact that where a fraction of a governmental subdivision amounted to more than would be paid by the face of a warrant the balance was required in cash illustrates the fact that the payment by warrant was payment of part of the price of the sale of the land. If the warrant did not pay the full price the balance had to be paid in cash. There certainly was a sale; surely the Government sold such pieces of land; and can the mere fact that in some cases the amount of lands entered coincided with the number of acres specified in the warrant which was authorized to purchase the land under the act of Congress change the nature of the transaction? It seems to me the proposition is self-evident that under this provision of the law the purchase was made at the land office, and the mere delivery of the warrant to the land officer was a payment of the price of the land, a payment authorized by the General Government, and the price of the warrant was fixed by the Government itself at the rate of one dollar and a quarter for every acre specified in the warrant.

Then take another illustration to show that this transaction of an entry by warrant of lands subject to private entry was a sale. Under the policy of the Government the citizen had a right to make actual settlement upon any subdivision of the public lands, and by complying with the provisions of the pre-emption law he became entitled to secure from the Government a patent for the land upon which he had settled. Actual occupancy must characterize his settlement; he must remain upon the land; and the only right secured by that settlement is a right of what? A right of pre-emption; that is, the right of buying the land prior to any other person. Then, with this right of pre-emption secured by his settlement, he had a right to pay for that land either in cash or by the terms of the act of Congress with a land warrant covering the number of acres which he claimed in his settlement. Is not that a payment? Does the law not characterize the transaction as a buying and as a selling in the very nature of the terms themselves? And vast bodies of our public lands were settled upon by pre-emptors, and their pre-emptions were paid for by the delivery of these land warrants to the agents of the Government at the land offices throughout the country, and these were lands which were not even subject to private purchase or sale, because the pre-emption laws were intended to secure actual settlement upon the public lands of the country and were adopted as a part of the policy of the country for filling up these Western States and securing an actual cultivation and improvement of the soil by the occupants.

Then, Mr. President, it seems to me, by the very terms used, that the party by his settlement having a prior right of purchase, and being permitted by the law to pay the purchase price by a land warrant delivered to the agents of the Government at a price fixed by the Government, the law makes the warrant the equivalent of cash and the Government declares that she receives it as the price of the land sold by the Government to the settler.

Now, Mr. President, there never has been any unnecessary delay upon the part of the States in presenting this view of the question to the General Government. It has been insisted by the States that that was the true character of the transaction and that under this law they were entitled to 5 per cent. of the proceeds or value of lands thus entered; but the Government by its officers decided adversely to that position, and the States have presented their claims to Congress time and again, but Congress has not taken action, and now we have arrived at that stage of the proceeding when we are called upon to do so.

Very much has been said here about the generosity of the Government in regard to the lands given to the different States in the West. I have no complaint whatever to make against the General Government in regard to her policy in dealing with the States of the West. It has been generous; it has been worthy of a government like ours. It has been a characteristic of a national policy of which I am proud. It has resulted in the building up of an empire in the western part of our country that the older States are proud of as are the new States. And, sir, this policy has been as much for the benefit of our friends in the older States as it has been for our own. Who are we in the West, I should like to know? We are the sons of the people of New England, the sons of the people of the Middle States, the sons of the people of the Southern States, and we intend to keep them all together; no sectional distinction is to be tolerated as between the West and the East. So far as the people of the State which I have the honor in part to represent are concerned, they indulge in no sectional feelings toward any part of this country. We look with as much favor and regard to the East, and we regard the rights of other States as carefully and sacredly as we do our own, and so far as we are concerned no sectional spirit will ever be indulged there. What benefits us benefits the States of the country throughout the whole nation.

I trust, Mr. President, that this matter as to the claim made here will not be regarded, as it seems to have been in some instances, as a claim which has been hunted up from ancient records, or which has not been anticipated ever since the transaction occurred. We have always believed that this amount of money was due to these States, and for that reason we are here asking the General Government to do what we believe she has promised in her acts of Congress and her compacts with the States.

Mr. SAUNDERS. Mr. President, I did not intend saying anything upon this bill after having heard the subject so well handled by the Senators who have represented my sentiments, which are entirely in favor of the bill, and I would not now say a word if it were not that the people whom I have the honor, in part, to represent are interested in the question and believe that injustice has been done them. Hence I think it is but right that I should explain the reasons that they would give if called upon and were permitted to speak for themselves.

It will be recollected, Mr. President, that the course pursued by the Government toward the settlers on the public lands began first by requiring the money to be paid in hand for the land. Afterward it became more and more liberal toward the people. It granted them the right of pre-emption, and gave them by that right a credit, at first I believe of twelve months, and required the money to be paid at the end of the time agreed upon. Congress also passed a homestead law, and in other ways gave the people encouragement to settle upon the public lands.

But as I promised to be brief I will confine myself on this part of the subject to the pre-emption law, which in its operation was a time contract with the purchaser, giving him twelve months' time in which to pay for his land. Now, at the end of this time the purchaser could take his choice, to pay in cash or to pay in a land warrant. Now, if he paid for his land in cash, then there would be no question about it, the State would be entitled to her 5 per cent. on the sale; but if he paid in a warrant, the State, according to the doctrine advanced by the opposition to this bill, must lose the per cent. Now, mark it, this contract was for so much cash, say for a quarter section or one hundred and sixty acres, $200; but a land warrant calling for one hundred and sixty acres was just as good for the purposes of paying this debt as the $200 in cash. Now, to my mind there is no justice in this. In other words, the General Government owes it to a State to be as just and as faithful in its dealings with it as it would require in return.

The legislation on the subject of gifts to the States has been various, and in every instance I believe in which an enabling act has been passed for any new State or for any Territory to become a State, this 5 per cent. clause has been inserted in some shape. The clause varies according to the condition of the State, or of the people, who occupy that State, showing that it was not put in by any accident, nor was it done because of the form having been in some other bill and transferred to the new bill, but it seems to have been one of those questions that had been as thoroughly canvassed as any other connected with the subject under consideration at the time, which was, providing for the admission of a new State.

At the beginning, in the case of Ohio for instance, Congress gave one-twentieth, as they called it, which is the same thing, reserving, of course, 95 per cent. to be distributed among the other States, but the new State should have one-twentieth of the proceeds, 2 per cent. of which was to be expended, under the direction of Congress, in connecting the navigable waters entering the Atlantic Ocean, with the Ohio River, thus showing that it was the intention of Congress to encourage the settlement of the new country, to encourage people to go there and to build up that country. That was the object, and I presume has been the object in every bill of this character that has been passed.

I shall confine myself, however, as I said, to what my own people want and what they require, because this subject has been so fully canvassed and discussed that I do not deem it necessary for me to add any lengthy remarks to what has already been said, and so well said, by the Senators who have preceded me; so I shall content myself with simply a brief allusion to the effects of the present law in my own State, and follow the example, in this particular, which has been set by the Senator who has just left the floor, [Mr. McMILLAN.] The operation of the law, I have no doubt, is the same in his State as it is in mine.

The 5 per cent. fund was not given to be used for the same purpose in all the States. It was given to Ohio partly to make roads connecting it with the eastern part of the country. In Indiana and Illinois the same clause was put in, but it was for roads and canals, and they were to use three-fifths of it under the direction of the Legislatures of the States. In Alabama, two-fifths were to be appropriated for roads and canals and the improvement of the navigation of the rivers. That is what I suppose suited the people of that State, and they asked for it and obtained it. In Illinois two-fifths was for roads leading to the State, to be expended under the direction of Congress, and the residue was to be used in the encouragement of learning, one-sixth of which should be exclusively bestowed on a college or university. In Iowa it was given for common schools, in Minnesota for roads and internal improvements. In Nevada, where there was a different kind of country, it was for improving roads and constructing ditches and canals, and effecting a general system of irrigation of the agricultural lands in the State, evidently, as I have said, looking to the interests and particular needs of the people and encouraging the people in settling and in building up these new States. In Kansas and in Nebraska it was given for common schools; in Colorado for making internal improvements in the State, but not to include the homestead or other reserved lands. If there had been any interest on the part of Congress to curtail this thing or to settle this difficult question that we have up now, why was it not put in that enabling act which so recently passed Congress? Not one word is there said in relation to

warrants, but they do say it shall not include homesteads or other reserved lands.

But, as I said, I shall confine myself mainly to my own State. What were the gifts to be bestowed upon her? And here let me remark that those gifts seem to be somewhat in the nature of a marriage outfit. It seems there was a union proposed to these Territories saying, "Now, if you will come and make one of the States of this Union, if you will stop the expenses that we are now at in maintaining your government as a Territory, set yourselves up and become an independent State, we will give you certain things." Among the rest the United States usually gave in the earlier days the sixteenth section in each township for schools, and now they give the sixteenth and thirty-sixth sections. Ever since the days when the Kansas enabling act was passed, I believe the sixteenth and thirty-sixth sections have been given for common-school purposes. They gave six sections of land for each salt spring, to the number of twelve. In most of the new States they gave, I believe, twenty sections for public buildings at the State capital. In many of the States they gave a certain amount for a university or college. In addition to that they gave them the 5 per cent., as I have said, to some for one purpose and to some for another. In my own State they gave it to assist in building up common schools, whereby we should be enabled to educate free of charge all the youth of the State, which is a cherished object among my people this day, and it will soon be secured.

These were the gifts that we were to have, conditioned, as we have learned of the Senator who has just yielded the floor, for the same condition applies to my State as his, that an article should be entered into which should go to show that they would irrevocably allow the matter to stand in the hands of Congress to manage the primary disposal of the soil. To agree that that should not be interfered with, was one of the main things required of the State when she entered into the Union.

Now, I want to show the gifts that they have bestowed upon our State other than this 5 per cent. I would ask any Senator here if he would consider that it would be fair and honorable treatment to our State, under this contract, to deprive us of the land that we received for public buildings, for salt springs, for a penitentiary, and for the other purposes of the contract? There were five provisions, alluding, first, to the school lands; second, to the salt springs; third, to the public buildings; fourth, to the building of a penitentiary; fifth, to the 5 per cent. fund. I ask if it would have been fair treatment to our State to have deprived us by any means whatever of these values that go to set up our State, to enable us, in other words, to commence business as a State by constructing our public buildings, improving our salt springs, &c.? I do not think there is a Senator who would say that that would be fair treatment; and yet it would be just as fair as now by any species of legislation to deprive us of our rights to the money after the land has been sold by the Government. I know it is admitted that we are entitled to 5 per cent. on the actual sales for cash; but the question now comes, and it is the only question that we have to settle here, whether this disposition of the lands was not in the nature of a sale, whether it was not a purchase on the part of the individual as much when bought and paid for in warrants as if it had been paid for in cash; if so, then why are we not entitled to the 5 per cent. when warrants are laid upon the land?

I will venture the assertion here that nineteen-twentieths of all land that was entered by land warrants in my State, which amounts to over two million acres, would have been sold at the same time and to the same parties for cash if it had not been for these warrants being obtained at a little less than $1.25 an acre. It required $200 to buy one hundred and sixty acres if you paid cash. A warrant was just enough less to induce a man to put his money in a warrant, and save a few dollars and then buy the land with the warrant. I happened to know a good deal about this at the time. I know, as was said by my colleague yesterday, that warrants were so well fixed in their values in our country, and I suppose in every other State or Territory, that they were counted as so many dollars by bankers and other dealers, because, if you could get a warrant at, say, $185 or thereabouts, it was just as good as so many dollars of gold to the holder. It cost $4 of office fees to locate a land warrant of one hundred and sixty acres; it cost nothing if you bought the land for cash; so that a warrant at $196 was just the same as paying cash. It had to be less than that if the purchaser made anything on the transaction. The average price of a warrant, I think, in my State was about $185, or a little above that, so that about $10 on each one hundred and sixty acres of land was saved to the man who wished to enter one hundred and sixty acres by purchasing a warrant instead of paying the cash. As I said, nineteen-twentieths of the land would have been entered at the time with the cash if the warrants had not been issued, or if they had not been able to purchase them at a discount.

Then comes the question, was this taken from us rightfully when we had it in our own hands? Was it rightfully or wrongfully taken? I hold that this question is one that there ought not to be any doubt upon in our minds. It is either just or unjust; it is right or it is wrong. If it is right, then the States ought to have it, whether the amount is little or much. If it is not right, the measure ought not to receive the vote of a single Senator. That is my idea upon the question. Still we sometimes honestly differ about what is right and what is wrong, and this case I suppose is no exception to the rule.

I repeat that warrants were used in the place of cash and answered the purposes of cash, and that the cash would have been paid if the warrants had not been put in. The only question, then, is whether these warrants were a gift to the soldier or whether they paid the debt that we owed to the soldier. I hold that the soldiers are as a general thing the poorest-paid people on the earth for the work they perform. They risk their lives and their all for the honor and integrity of our country. We give them the small pittance of twelve or fourteen or sixteen dollars a month, and when their work is done, dare we call it a gift, treating them as paupers or beggars at our gate, asking us to donate this land to them as a gift, or do we not rather say, "We have not paid you sufficiently, and we will now pay you a reasonable price in some other way?"

Was not this considered as a payment to the soldiers? If I were called upon to vote for a measure of that kind to-day, I should consider that the soldier had earned it and that it was his by right, and that I was not giving him, as was termed by one Senator, a "gratuity," or that I was not, as was said by another, "bartering" away the property of the nation. No, sir, I think we gave this land to the soldier to fit him out with a home. We said to him: "Here is a land warrant for one hundred and sixty acres of land; go and get you a home in the new countries and settle upon it." Some of them said: "We cannot settle upon it; we cannot afford to go there." We then made the warrants assignable, and said: "If it does not suit you to go, you can sell it for money."

I do not know what the warrants sold for. The Senator from Vermont said they sold for fifty or sixty cents. That may have applied to the agricultural scrip which was thrown on the market in quantities that covered millions of acres, but it did not apply, in my country at any rate, to the land warrants which were given to the soldiers. Mr. President, the people of the older States are not losing anything by voting this claim for the benefit of the new States. Here is a return that the people in the States where they had no public lands received. They have taken of our lands for agricultural purposes I do not know how much—eight or ten million acres, perhaps. The State of New York alone was entitled, under the law that authorized the issuance of agricultural scrip to the States for the purposes of building up and maintaining their agricultural schools, to over one million acres of land.

Mr. PADDOCK. One million and fifty thousand acres.

Mr. SAUNDERS. My colleague says, to be more exact, that it was a million and fifty thousand acres of land. I did not figure it up, but I knew it was about that amount. These lands were thus taken; but we are not asking in this bill for any return for them. One million acres of land in my own State have been taken up by the people of other States with this scrip. We got but ninety thousand acres; we had but three representatives—thirty thousand acres being allowed to each Representative and Senator. The State of my friend from Vermont, who is opposing this bill so strenuously, got a great deal more of this land than we did. These States have received their share and more than their share, so that they are not the sufferers, and should not be found in opposition to this bill.

Then, again, according to the argument made by the Senator from Vermont a few moments ago, lands have been granted for railroad purposes, applying the benefits of the grant to my own State. It was the people of the United States who asked to have the Union Pacific Road and its branches constructed. They wanted the road, but did not care whether Nebraska got a foot of road. They wanted a road to the Pacific Ocean, and in building that road they had to pass through some of our States and Territories. In doing that the land grant reached into my own State, but did the Government suffer thereby? It immediately put its lands up to a double price when it sold them, and gave only half the quantity of land to a man who was an actual settler, so that there was no loss to the Government. On the contrary, it settled up that country, and has helped to build up the business that is adding so much to the wealth of the Eastern States and to the whole country. My colleague showed yesterday that we are paying seventeen times the amount of internal revenue that the State of Vermont pays to the Government, and we are taking out less than she takes out; in other words, it takes more to run that State, or to pay its government expenses, than it takes to run Nebraska. I am only trying to answer in part the argument made by the Senator from that State. I have no desire to make any attack upon his State or upon any other State. I do not care how well they may be off. Whatever is just they should do; whatever is unjust they should not do. I hold that they have got more out of this than we have in our own State, and, consequently, I say that there is no harm to be done to them, and, on the contrary, that we have a right to this fund.

There were a million acres of land lost to us in another way—land that was taken up by speculators using this agricultural scrip. If that land should be open to-day for settlement we should probably have one hundred thousand more actual settlers in our country than we have. But we have not complained of this. We only ask that justice should be done us in this matter, a matter of actual dollars and cents; a matter of value which the Government received, acknowledged, and considered to be of value, to be equal to dollars and cents deposited in the Treasury.

Therefore we have just grounds for all that we are asking in this matter. It is a mere pittance compared with what some of the other States have received, but still it is our right as we believe. We

believe that we are entitled to it, justly and properly entitled to it, and, thus believing, I stand ready to advocate the bill and to vote for its passage.

Mr. MORGAN. Mr. President, the Committee on Public Lands in reporting this bill have included the State of Alabama among those that are supposed to be the beneficiaries of the measure. I do not know that this was done at the instance of any one from my State; but the committee in looking over the whole field probably saw that they could not include a portion of the States controlled by similar legislation without including them all. I would very much prefer that this measure should not now be considered. I would prefer, if the honorable Senator from Vermont who is not now in his seat [Mr. EDMUNDS] would consent, that the bill should go over until the next session of this Congress, in order that the people of Alabama and their Legislature, which meets in November, should have an opportunity of looking into the question and examining and deciding for themselves whether or not their material interests would be promoted by the passage of the bill; for I take it for granted that there is not much expectation in the Senate that this bill will receive any votes unless it may be from Senators whose States would be benefited by the operation of the proposed law.

There seems to be in the Senate, so far as I can ascertain from expressions already made before us, a division of opinion between the old States and the new States on this question, the old States insisting that they have received nothing more than they were actually entitled to receive from the Federal Government, and the new States insisting that they have not received so much as they were entitled to receive either in equity or by the contract or compact under which they were admitted into the Union.

Alabama has received her percentage upon about twenty millions of money that have been realized from the sale of lands within her own territory. More than half the public domain of Alabama has been sold for money and the money paid into the Treasury of the United States, and upon that half Alabama has received 5 per cent. As I cast the account at this time, the balance stands against her, and under the operations of this bill it would remain against her from henceforth. It would be a losing business, in other words, if the State of Alabama would accept the provisions of this bill as it has been brought in from the Committee on Public Lands. It would also be a losing business in the event the bill should be amended as suggested by the Senator from Florida, [Mr. JONES.] Of course in looking for my own State at a question of this kind, that fact striking my attention leads me to scrutinize the principles of this bill more thoroughly perhaps than I otherwise might be disposed to do. I think I am in a position almost as impartial and indifferent upon this question as any other Senator upon this floor. The difference in the amount, as I estimate it, would be about this: If we should include within the amount to be computed under this bill the homestead entries which have been made since 1866 in the State of Alabama the sum of money that we would receive under the bill would run up to about $82,000. Estimating the whole amount that the Government of the United States would be required to pay for all the lands included in the homestead entries and taken up by military bounty land warrants at $5,000,000, our quota of the debt would be $100,000, and we should stand in need of $20,000 more to make our account balance. But then Alabama is not a very large State in respect of population. We have about a million of people there now, and of course the burdens of taxation, which must be resorted to for the purpose of making up this $5,000,000, would fall more heavily upon States that have larger populations and more wealth. Therefore I believe that I am in a condition to view this question about as impartially as almost any other Senator upon this floor. My interests are almost equally balanced.

I do not intend to go over the whole field of debate. I do not intend to discuss the peculiarities of the respective compacts entered into by the States with the United States. I take my own State as presenting in the history of the legislation in this respect about as full and complete a case as can be presented for the application of all the doctrines and principles that have been relied upon on either side in the discussion before the Senate. I shall therefore refer historically to the legislation in reference to the State of Alabama which belongs to this subject, and also to some part of the legislation of Alabama, so that we may see what has been the conduct of the General Government toward the State, and in what spirit that conduct has been received and acted upon by the State of Alabama, because I feel bound by the conduct of my State as expressed in resolutions and in enactments of the General Assembly.

In 1819, when provision was made for admitting Alabama into the Union, the following was stipulated as one of the terms of her admission:

> Third. That 5 per cent. of the net proceeds of the lands lying within the said Territory, and which shall be sold by Congress, from and after the 1st day of September, in the year 1819, after deducting all expenses incident to the same, shall be reserved for making public roads, canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the said State, under the direction of the Legislature thereof, and two-fifths to the making of a road or roads leading to the said State, under the direction of Congress.

I would here remark that one reason why I would very much prefer that this discussion should be adjourned until next December is the fact that a cause is pending in the Supreme Court of the United States, in which I happen to represent one of the parties, in which this third clause of the sixth section of this act is under consideration, and if the Supreme Court should find itself possessed of the proper jurisdiction to decide, it will decide some of the questions, and the most important questions that have been raised in this debate.

The next act on the subject which is worthy of attention was passed on the 22d of May, 1822, in the third section of which act it is provided:

> That the Secretary of the Treasury shall, from time to time, and whenever the quarterly accounts of public moneys of the several land offices in the State of Alabama shall be settled, pay 3 per cent. of the net proceeds of the sales of the lands of the United States lying within the State of Alabama, which since the 1st day of September, in the year 1819, have been, or hereafter may be, sold by the United States, after deducting all expenses incident to the same, to such person or persons as may or shall be authorized by the Legislature of the said State of Alabama to receive the same.

Congress there provided that the State of Alabama might appoint an agent, an individual to receive this money. The State of Alabama afterward provided by statute that the governor might appoint such an agent, and, so far as I am advised, all of that statutory arrangement on the part of both governments still exists.

Mr. President, I refer to this matter for the purpose of suggesting to the Senate the consideration of this proposition: Whatever question has been argued here and whatever question shall be argued here upon the existing state of the law is a question of a judicial nature, to be decided properly by a court. I confess that I have a strong and firm objection to the decision by the Congress of the United States of any questions relating to the payment of the debts of the Government to individuals or to States which can properly and legitimately be made the subject of judicial ascertainment. I believe in relegating to the judicial tribunals of this country the decision of all questions that properly belong to them. Perhaps it is because I have not a sufficiently broad view of the law, or perhaps not a sufficiently definite or distinct view of the law; but I cannot see why the State of Alabama could not under this statute send an agent to Washington City and move for a writ of mandamus in the supreme court of the District of Columbia against the Commissioner of the General Land Office to compel him to state an account between that State and the United States Government so as to include 5 per cent. upon the value of all lands entered therein upon military land warrants, if the law authorizes us to have that money. I remember that in the decision of Marbury *vs.* Madison a doctrine quite equivalent to the proposition that I now state was affirmed by the Supreme Court of the United States. I do believe that if the State of Alabama thought she was entitled to have the computation of this 5 per cent. made upon that amount in value of land which had been taken up by military land warrants an open remedy exists in her behalf in the supreme court of the District of Columbia, and I believe that that agent could come as an individual and prosecute his writ of mandamus. But suppose I may be mistaken in that. Suppose there should be some mystery of executive power which would fence off the writ of mandamus, so that it would not lie against the Commissioner of the General Land Office in the enforcement of a matter of right of this character, it would be very easy for Congress to empower that court to entertain jurisdiction of the subject, and then we should be relieved of this endeavor on the part of Congress, not merely to create laws and to create debts and obligations under laws, but afterward to sit in judgment under those laws and to enforce our judgment through our decrees here—a matter which I think legitimately belongs to the judicial department of this Government.

The legislation in Congress on this subject which followed after that which I have mentioned related to the inclusion within the meaning of this act of admission of certain Chickasaw land grants, and after that of certain reservations in favor of the Creek Indians. It is not necessary for me, in order to make apparent the proposition for which I contend, to read those enactments. Congress as late as 1836 made provision in reference to the computation of the 5 per cent. upon those lands which had been reserved by treaty with the Chickasaw, and I believe the Choctaw, and I know with the Creek Indians.

Those reservations were given by the treaty of March, 1832, as I remember, to the heads of families of the Creek Nation. They took their lands out of the public domain by selection, by reservation; and they were permitted to sell them at private sale with the consent and approbation of the proper officer of the Land Office. It was contended on the part of the State of Alabama that these lands should be included in the computation of the 5 per cent. That was a disputed proposition. Alabama did not see proper to go to law about it. She came to Congress for relief, and she got it. Now, what was the nature of that relief? Alabama conceded, by making the application, that she would not get it under the law as it stood, but that morally or equitably she was entitled to it; or that she was entitled to it as a part of that general public policy by which the Government of the United States tried to build up her population, as the Government also tried to build up the population of all the new States. So Alabama came to Congress and made this request, and Congress granted it. I do not understand that this act of Congress was a construction of the act of 1819, providing for her admission into the Union. I regard it as an amendment of that act. True, it was not necessary that the State of Alabama should formally accept it, because it was an amendment made in her favor; it was for her benefit, and her acceptance was presumed. I think that that act and the act in regard to the Chickasaw reservation, and,

indeed, all the acts of Congress passed since these original acts of admission, or compact as it is called here, were mere amendments of the original compact. I regard this bill which has been reported by the Committee on Public Lands to the Senate as a mere amendment of all these compacts in one mass. In other words, unless Congress shall enact some law in addition to those which exist upon the statute-book, the right will not exist. This bill does not have reference to the remedy alone. If it had reference to the remedy, it would instruct the Commissioner to compute the 5 per cent. upon all those lands which have been taken up by all appropriations in the nature of sales, of whatever kind or character, and would not go on to define what were sales under the different and various compacts entered into on the admission of these States into the Union.

Mr. PLUMB. Will the Senator from Alabama allow me to ask him a question there?

Mr. MORGAN. Yes, sir.

Mr. PLUMB. Suppose that Congress, by legislation, had provided that the bonds of the United States should be receivable for public lands, and suppose they had been so received, would not further legislation be required in order to authorize the Commissioner of the General Land Office or the proper authority to pay the 5 per cent. upon the sales made in that way?

Mr. MORGAN. Unquestionably so; but what would be the nature of an act which made provision that they should be so received? That would be an amendment of existing law; it would be a new law, not a law declaratory of a right existing under an old one. My proposition is that all the acts in regard to all the States which enlarge the operation of the original compacts made with them are in the nature of amendments to the original law. They increase and enlarge a right which was not covered or fully defined by the original proposition.

In 1841 the Congress of the United States, dealing with the 2 per cent. portion of the 5 per cent. funds which had been granted in 1819 to the State of Alabama, authorized the payment of that money into the hands of the treasurer of the State for the purpose of being applied to certain specified works of public improvement, to wit: the connection by road (it did not say railroad, but I suppose that is what was contemplated) of the eastern and western borders of that State, commencing at a point opposite to Columbus, in Georgia, and the other end to touch the Mississippi boundary wherever the Legislature might see proper to locate it. The other part of the provision was to connect the navigable waters of the Tennessee River with the navigable waters of the Alabama River. That was the particular purpose to which the 2 per cent. fund was to be applied when the Congress of the United States consented that it would release its own control over it and place it entirely in the control of the Legislature of Alabama.

I wish to remark here, in reference to the application of that fund, that the waters of the Tennessee River and of the Mobile Bay have been already connected by works of internal improvement, which have been the recipient of the 2 per cent. fund, and also of the 3 per cent. fund; and so in like manner the other part of the purpose of this grant has been entirely completed. If there be a trust resting upon the Congress of the United States limiting the expenditure of that money to the purpose of making these lines of communication, that trust is executed, and the State of Alabama could not have a legitimate right to that money unless, in addition to providing one line of communication across the State from east to west, and from north to south, crossing each other at right angles as they do, it should claim now that it had a right to build two or more lines of communication from these very points across the entire bosom of the State and to its opposing borders.

Under the terms of this grant as it was originally made, and as it has been amended by acts of Congress and accepted and acted upon by the Legislature of Alabama, the money which we would derive under this bill, if we should get any at all, and the money that we will hereafter derive from the 5 per cent. fund, would be expended in Alabama merely for the purpose of building up corporations, already powerful, that have completed their lines of railways. Alabama stands in the attitude of a *cestui que trust*, who has received from this fund all the benefit that was designed to be conferred upon her under the provisions of the original enactment. That is to say, she is connected across all of her borders by lines of railway communication with the assistance of this fund, and then she is connected with all the outer world by similar lines.

Mr. ALLISON. Would I disturb my friend if I should ask him a question?

Mr. MORGAN. Not at all.

Mr. ALLISON. I should like to ask the Senator what the State of Alabama did with the 5 per cent. fund granted to her under the act of 1855? Did that fund go to this general purpose for improvement of which the Senator speaks?

Mr. MORGAN. The Senator means the 10 per cent. fund?

Mr. ALLISON. No; I mean the 5 per cent. fund under the act of 1855 whereby all the Indian reservations were included.

Mr. MORGAN. That was expended, as I understand, in the improvements to which I have alluded. That all went together; and a part of the 10 per cent. fund that the State of Alabama received, which was called the distribution of the proceeds of the sales of the public lands, was applied to her foreign debt.

Looking at this question as a Senator from the State of Alabama, I do not see how the people of that State are to be at all benefited by any increase of the 5 per cent. fund, because as well by their legislation as by acts of Congress, and by the compact of admission itself, this fund is held in trust for particular purposes, and these trusts, as I have remarked, have been really and substantially executed. If we had the privilege of bestowing it upon our school fund I can see where it would be of some advantage to us, provided the amount of money we should receive would be greater than that we had to pay; but I regard all of this 5 per cent. fund, at least in reference to the future operation of this proposed law, as a mere tax upon the people of my State.

What we need in Alabama more than anything else is population. We want our vacant lands occupied and cultivated. Instead of having a million of people in Alabama we are easily able to accommodate three or four millions; and a great proportion of that population would have the advantage of entirely fresh and virgin soils for cultivation. We need population far more than we need the assistance of measures like this. When our people are required, as they should be required, to pay at least the amount of money into the Treasury of the United States which they would get under the 5 per cent. law in order to take up the public lands, how are they advantaged if they have to pay more for their lands than the 5 per cent. would amount to when lands are estimated at a dollar and a quarter per acre? It would be only a tax upon the people of Alabama for the purpose of raising a fund to assist railroad corporations which are not needy in building up new lines of communication between the north and the south and the east and the west of that State. In all the future operations of this 5 per cent. law upon the State of Alabama it is a mere tax upon those who shall occupy the unoccupied lands; those who shall enter lands or buy lands from the Government of the United States. It is merely for the purpose of raising a fund to hand over to men who do not need it, and who in return would not be expected to render any essential public service to the people of that State.

Now, I come to another feature of the legislation of Congress in reference to the public lands in the State of Alabama, which is referred to in the amendment of the Senator from Florida. In 1866, after we had passed through the war and when we had some hope and certainly great need for an increase of the population of the State, the Congress of the United States withdrew all the lands in that State from the operation of every public land law except the homestead law. It prevented all entries of land at any price whatsoever; it prevented the sales of public lands, and confined the people of that State to the single right of occupying homesteads by actual settlement upon the public lands, in accordance with the provisions of the acts of Congress upon that subject. We regarded that as a hardship. While this law was thus bearing down upon five of the Southern States the remaining States of the Union that had public lands within their borders were permitted to enjoy the benefit of all the acts of Congress in reference to location of military land warrants and in reference to public sales. Pre-emption rights, and whatever rights the Government had granted theretofore, the citizens of the other States were permitted to enjoy the benefit of; but we were shut out. The purpose of this legislation was, of course, entirely obvious. The purpose was to enable the negro population to acquire homes without expense. Some of them did so; and some of the poorer classes of white people did so; but it was such a restriction upon the sale of public lands, such a barrier and burden to the immigration of people into our State, as that the State lost very considerably by it in the increase of its population and its resources and wealth. That is a just matter of complaint on our part; and if this bill is passed it should include a provision to entitle us to the 5 per cent. upon all the homestead entries that were made during this ten years of time when the other rights of entry were suspended and denied to us by the act of Congress. But the bill as reported from the committee, instead of giving us the benefit of the 5 per cent. upon the lands taken up under the homestead entries during this period of suspension, absolutely denies it to us, and we have now no right whatever according to the provisions of this bill to receive any compensation upon those lands which we were prohibited from buying, and which were therefore handed over to men for nothing, you may say, except the fees and expenses of paying for patents for the land at the land offices. These lands were handed over to them without cost and without price. If this is a bill to settle the equities between the different States of the Union, if it is a bill which goes upon the high ground that there has been some inequitable arrangement in regard to the disposition of the public lands and the 5 per cent. due thereupon, let it be converted into a bill to reach all the evils which have arisen in the course of the administration of the public land laws in the States, and let full and entire justice be done.

But, Mr. President, while I believe that it is as much our right to have 5 per cent. computed upon the lands taken up by homestead entry as it is the right of others to have 5 per cent. computed upon lands taken up by military bounty land warrants, I do not believe that it was within the contemplation of the law-makers at the time of the admission of these different States into the Union and the making of these different compacts that a computation should be made upon anything else than upon the sales of land for money. We hear of trusts in this debate. What kind of trusts? Trusts not attaching to lands, but trusts attaching to money. The lawyers of this body

cannot fail to see the distinction which thrusts itself upon their attention, I think, between a trust attaching to the land of the United States in these various States that have been admitted into the Union, and a trust that attaches to the money when realized by a sale of the lands. The difference, to my mind, is entirely obvious that no State of the American Union, none of these States when they were admitted into the Union came into this body of States with any right or privilege attaching in their behalf in the nature of a trust upon the lands included in their borders. On the contrary, the Congress of the United States could not have encumbered the lands with such a trust as that, because the Constitution requires that Congress shall freely dispose of the public domain.

The Constitution does not permit the States and Congress to dispose of the public domain; it is not to be done by a joint arrangement between them, but the sole and entire power of disposition is vested in the Congress of the United States under the Constitution. If the Congress should undertake to embarrass its right of disposition, if this Congress, for instance, should undertake to embarrass the power of a succeeding Congress in the disposition of the public lands by creating a trust upon the whole body of the lands for specific purposes in favor of a State or of individuals, I think that this Congress would fail to execute its purpose because of the unconstitutionality of such an endeavor. The reason is that Congress could never have created a trust of that kind in favor of these particular States without having deprived itself of the power with which the Constitution invests it to make an absolute final disposition of the public lands, and that, too, in accordance with its own discretion.

It seems to me that the language of these different compacts, as they are called, is quite forcible enough to impress upon an ordinary mind, at least, without any need of illustration or argument, that it was the intention of Congress in the passage of these laws to retain to itself the entire discretionary power of disposing of these lands and to secure to the States the right to 5 per cent. upon the money when it should be realized. Whatever there may be in the nature of a trust connected with this whole subject attaches upon the money and not upon the land. The grantor of this trust (and I assume that the Government of the United States is the grantor, as I hall presently show) reserved to itself the absolute power of disposition in any way it saw proper—the power to dispose of it by gift or by sale—the power to dispose of it at a dollar and a quarter an acre or at twelve and a half cents an acre, or in any way that it saw proper.

Mr. EDMUNDS. The absolute power to dispose of it.

Mr. ALLISON. On the point to which the Senator from Alabama is now speaking, I should like to call his attention to a proviso in the first section of the act of 1841.

Mr. MORGAN. Please to read it; I have not got it before me.

Mr. ALLISON. I was trying to find it. It is the act distributing the proceeds of the sales of the public lands.

Mr. MORGAN. Oh, yes; I think I have that.

Mr. ALLISON. That act expressly reserves the right of the United States to make such disposition of the public lands as it shall see proper thereafter, with reference to price, &c., but no such reservation is found in any of these compacts of admission. Therefore it seems that the men who passed the act of 1841 did think it necessary to make such a reservation in order that the United States might exercise the power of which the Senator is now speaking.

Mr. MORGAN. Law-makers, of course, who have any respect for the Constitution of the country, in drafting acts of Congress are always cautious in their expressions to reserve to each department of the Government all of its constitutional authority. Those who framed these original compacts, perhaps, were not as much influenced by a feeling of caution as those who framed the law to which the Senator has called my attention. Therefore, in the act distributing the proceeds of the sales of public lands there was perhaps an undue caution used, but that admission by that Congress does not prove at all that the Congress of the United States had ever surrendered to the States or to anybody else the absolute power of disposal of the public domain, because Congress could never have made that surrender without a violation of its constitutional duty.

Mr. ALLISON. I shall not trouble the Senator to read the act I referred to. It is found on page 454 of the volume, and is an express reservation of the right to make such disposition of the public lands as Congress in its judgment may see proper to exercise.

Mr. MORGAN. I regard those reservations as being merely cautionary, as being intended to exclude any argument or conclusion to the contrary, but they add nothing at all to the strength of the proposition that Congress has the power under the Constitution to make an absolute disposal of the public lands; and that phraseology includes whatsoever disposal Congress may see proper to make in the exercise of its right of eminent domain for the purposes legitimately connected with the disposal of the public lands.

Mr. ALLISON. I do not wish to disturb the Senator, but is it not a disposal within the meaning of the Constitution to say to a State coming into the Union that if you come into the Union on certain conditions which we impose you shall have 5 per cent. of the proceeds of the land in that State?

Mr. EDMUNDS. It did not say "the proceeds of the land."

Mr. MORGAN. That is unquestionably a disposal of 5 per cent. of the proceeds of the sales of these public lands whenever these moneys accrue from the sales, but it is not a disposal of the land, neither is it a mortgage upon it, neither is it an incumbrance upon it, nor is it a shadow even upon the title of the United States. The title of the United States remains absolutely as perfect after it has granted to a State the right of 5 per cent. upon the proceeds of such land as it chooses to sell as it was before such a provision was made.

I wish to say something of the legislation of my own State on this subject, more with a view of my justification before my own constituency than before the Senate of the United States. We have had a traditional policy in Alabama upon the subject of the public lands, and it has always been directly in keeping and abreast with what I conceive to be the wise and excellent policy of the Government of the United States in their disposal, particularly when that policy has looked toward the furnishing to the people at the lowest possible price homes for settlement in the newer parts of our territory. It will be remembered that very early, even, indeed, before the adoption of the Constitution of the United States, the older States that held vast domains lying to the northwest, Virginia for instance, yielded up their lands virtually to the Government of the United States by an act of cession with certain restrictions and qualifications therein expressed, having for the purpose of the cession, as they expressed it, the payment of the public debt, the payment of expenses of the revolutionary war, and also the encouragement of the building up of new States and also the furnishing population from the older States migrating to the West convenient and desirable homes. In the grant made by Virginia, of the Northwestern Territory, and in the grant made by Georgia of the territory running west to the Mississippi River, an express stipulation was imposed that the territory should be divided up into States and should be admitted into the Union when each Territory had, I believe, 60,000 population. The idea was at that time to spread our borders to the West, to encourage our people to go to the West to take up homes and to open up the vast and rich domain which since that time has produced before the world, as I think, the most marvelous change from a wilderness to a cultivated, bright, and beautiful country, that has existed in any country in all the annals of history.

I will read a memorial of the General Assembly of the State of Alabama to the Congress of the United States which was passed by the General Assembly and approved on the 16th of January, 1844, relating to this subject:

The senate and house of representatives of the State of Alabama, in General Assembly convened, respectfully request the Congress of the United States to graduate and reduce the prices of the public lands within the State of Alabama which have been long in market and remain unsold, with a view of getting clear of the expense of the land-office system and making those lands private property.

There are some nineteen millions of acres of public lands within the State, which have been in market, some for ten, some for twenty, and some for thirty years; and notwithstanding the several periods of a rise and fall of prices of products, and the great rise of lands and speculation in them, and notwithstanding our citizens have been seized with the spirit of speculation, and have traversed all of the West and Southwestern States in quest of public lands, yet so worthless have been the barrens and mountains of Alabama, that but few tracts have been entered of this great waste. Congress has often been requested to graduate the prices according to the periods of time they have been in market, and has hitherto refused to grant this most reasonable request. If ten cents per acre had been obtained for them twenty years ago, it would have been a great benefit both to the State and General Government. The one would have had the value of the property, and have been free from the expense of attending to it, while the other would have had citizens. As it is, Congress owns waste, valueless lands, and Alabama has an uninhabited desert instead of tax-paying inhabitants. Why should Congress longer attempt to force up the prices of deserts and mountains, which, although surrounded by inhabitants from fifty to two hundred years, are yet not worth twenty cents per acre, and in many cases not half that sum? What reason is there to conclude that similar lands are worth more money in Alabama, where there are fewer inhabitants, more recently settled, and the country less healthy? Your memorialists request that Congress may reduce the prices of said lands according to the periods of time that the several districts may have been in the market, and securing rights of pre-emption to occupants for limited periods of time at each stage of reduction.

And be it resolved, That the governor transmit a copy of the foregoing memorial to the Senators and Representatives in Congress.

This memorial was repeated in substance by the Legislature of Alabama at successive sessions. The Congress of the United States yielding to these requests, coming not merely from Alabama but from elsewhere, reduced the price of lands so that those that had been in the market for thirty years or more might be obtained by entry at twelve and one-half cents per acre. I desire to ask the friends of this bill a question. If a trust was put upon the lands in Alabama at the time of her admission into the Union whereby she should receive 5 per cent. of the proceeds of the sales of the lands, and if the lands at that time were in the market at $1.25 per acre, the sum assumed in this bill as the basis on which the calculation must be made throughout the whole period covered by the bill, why was it that the Congress of the United States had the power to break the trust, to take from it its most essential value by reducing the lands from $1.25 down to twelve and one-half cents? If it was a trust for any purpose at all, as is assumed in this bill, it was a trust at $1.25 an acre and not at twelve and one-half cents an acre. Now, I take just the opposite view of it. I think there is more than one trust connected with this matter, and I shall presently read from a decision of the Supreme Court of the United States which I think fully defines the nature of this trust. But the great trust, the trust which is the overpowering and overmastering part of this whole programme of the disposition of the public lands is the trust for the building up of these new States, for their admission into the Union, for filling them up with population, for the reduction of the price of the public lands so that the people might enjoy homesteads therein, and thereby increase the general prosperity of the entire land. That was the master trust

that was involved in that system of legislation, and in providing the fund of 5 per cent. which might be taken out of the land sales and devoted to particular works of internal improvement.

Alabama was extremely chary and cautious about the receipt of the proceeds of the sales of the public lands. Her statesmen did not believe in the constitutionality of that law; but other States received the money, and after a while Alabama gave her consent to receive it. In the third section of the act of February 4, 1846, in receiving the money, she declares:

That in receiving the portion of the fund now allotted to Alabama from the act of distribution already passed by the Congress of the United States, Alabama does not thereby sanction that policy, but still disapproves it, and is opposed to any like legislation in future.

This is legislation not precisely like that, but very much like it. This seems to me to be more nearly a parallel case with the distribution of the proceeds of the sales of public lands than any other in the history of American legislation. The principles are almost identical in both cases, except that it is claimed in the case presented in the bill now before the Senate that there is a compact, a contract, an agreement, or a covenant, by which the United States Government is compelled to pay this 5 per cent. or otherwise to forfeit its duty to the State.

But I go to the point of this discussion. There is some misunderstanding I think in the Senate in reference to the state of the law in the United States upon the subject of the title that the States have and that the United States have in the public lands. A case was brought from my own State, the case of Pollard's lessee *vs.* Hagan, which it seems to me disposes of that question and entirely overturns the theory which was advanced, as I understood, yesterday by the Senator from Florida [Mr. JONES] upon the authority of Mr. Sumner, of Massachusetts, that public lands within the States would have been liable to taxation but for the concessions which were made in the acts of admission by the States, whereby they agreed that they would not tax them until five years after they had been sold by the General Government. The case to which I refer was an action of ejectment brought by the plaintiffs in error, Pollard and others, against the defendants in error, John Hagan and others, in the circuit court of Mobile County, for the purpose of recovering a piece of land that had been granted by an act of Congress, followed by a patent, which land at the time of the admission of the State of Alabama into the Union was covered by the waters of the Mobile Bay when at high tide, but afterward by accretions of alluvium and by the work of man these lands were drained off and became dry. The Government of the United States considering that it had a title to the lands, under the provisions of an act of Congress, gave a patent for this land to John Pollard and others, and then a question arose between the State and the Government as to who had the right to that parcel of land. It was in the discussion of that question that the doctrines to which I now refer came prominently forward and were settled by the Supreme Court; because what is stated here as a part of the doctrine of the law upon the subject to which I refer is considered by the Supreme Court as being entirely necessary to a decision of the cause. I will read only part of this decision. It is too long to detain the Senate with reading the entire opinion:

Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we shall have occasion to refer in the course of this investigation.

The counsel for the plaintiffs insisted, in argument, that * * * by the compact between the United States and Alabama, on her admission into the Union, it was agreed that the people of Alabama forever disclaimed all right or title to the waste or unappropriated lands lying within the State, and that the same should remain at the sole disposal of the United States, and that all the navigable waters within the State should forever remain public highways, and free to the citizens of that State and the United States without any tax, duty, or impost, or toll therefor, imposed by that State. That by these articles of the compact the land under the navigable waters, and the public domain above high water, were alike reserved to the United States, and alike subject to be sold by them, and to give any other construction to these compacts would be to yield up to Alabama and the other new States all the public lands within their limits.

We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.

All that part of Alabama which lies between the thirty-first and thirty-fifth degrees of north latitude was ceded by the State of Georgia to the United States by deed bearing date the 24th day of April, 1802, which is substantially, in all its principles and stipulations, like the deed of cession executed by Virginia to the United States on the 1st day of March, 1784, by which she ceded to the United States the territory northwest of the Ohio River. Both of these deeds of cession stipulated that all the lands within the territory ceded, and not reserved or appropriated to other purposes, should be considered as a common fund for the use and benefit of all the United States, to be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatever.

There is the deed of cession and there is the first trust that is created, and that trust comported precisely with the powers Congress exercises over the public domain. It was a trust for the use and benefit of all the United States, to be faithfully and *bona fide* disposed of for that purpose and for no other purpose whatever. There might be some doubt about the constitutionality of the 5 per cent. law upon that proposition; it never has been questioned, I believe, but it seems to me almost a wonder that some astute attorney-general has not denied the right of the States to this 5 per cent., notwithstanding it was included in the compacts of their admission, because of the fact that the deed of cession by which the Government of the United States gained its title created in favor of all the people of the United States one peculiar trust and no other, created one trust and shut out all idea and contemplation of any other; but I do not take that as a position of law. I use that as an argument to emphasize what appears afterward in this opinion:

And the statute passed by Virginia, authorizing her delegates to execute this deed, and which is recited in it, authorizes them, in behalf of the State, by a proper deed to convey to the United States, for the benefit of said States, all the right, title, and claim, as well of soil as jurisdiction, upon condition—

Here is the condition annexed to the trust—

upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit, and that the States so formed shall be republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States.

That was the purpose of the grant, that States might be formed, and a condition was annexed to the grant which the United States not only engaged that it would comply with, but has complied with in the erection of these new States within this territory, not exactly according to these prescribed boundaries, but somewhat larger.

And the delegates conclude the deed thus: "Now know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia before recited, and in the name, and for and on behalf of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of said States, Virginia inclusive, all right, title, and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act."

The act by which Georgia ceded the territory now covered by the States of Mississippi and Alabama, in consideration of something more than a million of dollars paid by the Government of the United States to Georgia, followed precisely the terms of the act of Virginia. The one was adopted before the adoption of the present Constitution and the other afterward, and that, the Supreme Court say, is the only difference between them.

Thus it appears—

The court continues—

that the stipulations, trusts, and conditions are substantially the same in both of these deeds of cession, and the acts of Congress, and of the State Legislatures in relation thereto, are founded in the same reasons of policy and interest, with this exception, however—the cession made by Virginia was before the adoption of the Constitution of the United States, and that of Georgia afterward. Taking the legislative acts of the United States, and the States of Virginia and Georgia, and their deeds of cession to the United States, and giving to each separately, and to all jointly, a fair interpretation, we must come to the conclusion that it was the intention of the parties to invest the United States with the eminent domain of the country ceded, both national and municipal, for the purposes of temporary government—

I desire the Senate to give its attention to that proposition, that it was the intention of the contracting parties, as expressed in the deed and expressed in the legislation of Congress and also in the legislation of the respective States, "to invest the United States with the eminent domain of the country ceded, both national and municipal, *for the purposes of temporary government*"—

and to hold it in trust for the performance of the stipulations and conditions expressed in the deeds of cession and the legislative acts connected with them.

Whatever trust might have been created after that time which derogates from this original trust created by the deed of cession was, to say the least of it, a trust created in bad faith to the other States of the American Union, if it was not unconstitutional.

The court say further:

To a correct understanding of the rights, powers, and duties of the parties to these contracts, it is necessary to enter into a more minute examination of the rights of eminent domain, and the right to the public lands. When the United States accepted the cession of the territory they took upon themselves the trust to hold the municipal eminent domain for the new States, and to invest them with it to the same extent, in all respects, that it was held by the States ceding the territories.

The right which belongs to the society or to the sovereign, of disposing, in case of necessity, and for the public safety, of all the wealth contained in the state, is called the eminent domain. It is evident that this right is, in certain cases, necessary to him who governs, and is, consequently, a part of the empire or sovereign power. (Vat. Law of Nations, section 244.) This definition shows that the eminent domain, although a sovereign power, does not include all sovereign power, and this explains the sense in which it is used in this opinion. The compact made between the United States and the State of Georgia was sanctioned by the Constitution of the United States, by the third section of the fourth article of which it is declared that "new States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress."

When Alabama was admitted into the Union on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States according to the terms of the agreement but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.